



**In re Adoption of Baby G (Adoption Cause E061 of 2025)
[2025] KEHC 12242 (KLR) (Family) (29 August 2025) (Judgment)**

Neutral citation: [2025] KEHC 12242 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E061 OF 2025
H NAMISI, J
AUGUST 29, 2025
IN THE MATTER OF ADOPTION OF BABY G**

IN THE MATTER OF

RMK APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 7 March 2025, Statement in support of the Application for an Adoption Order and Affidavit in support of the Application, seeking the following orders:
 - i. That the Applicant be authorised to adopt Baby G, a minor who is to be known as GLM and the Registrar General be directed to enter this adoption into the Register of Adoptions;
 - ii. That NMK and MNK be appointed as the legal guardians of the child who shall be presumed to have been born in Kenya.

The Child

2. On 21 August 2022, the child (male) was found abandoned at Kangemi, Nairobi County. The matter was reported to the Kabete Police Station vide OB No. xx/21/08/2022. The child was placed at Nairobi Rescue Centre for care and safety.
3. The child was committed to Nairobi Rescue Centre by the Nairobi Children’s Court on 8 March 2024 under Protection and Care file No. E138 of 2024. He remained at the home unclaimed until 26 March 2024 when he was placed with the Applicant herein for the mandatory bonding period prior to adoption. He has been in the Applicant’s care since. He is currently aged 3 years, 2 months.
4. The child was declared free for adoption by the Change Trust Adoption Society on 26 June 2024 and Certificate No. xxxxx was issued, pursuant to section 187(2)(a) of the [Children Act](#).



5. During the hearing, the Court had the opportunity to see the child. He appeared healthy albeit suffering from a flu, well groomed and very comfortable with the Applicant. He was able to express his likes and dislikes and stated that he liked living with the Applicant.

The Applicant

6. The Applicant is a Kenyan citizen, residing in Ngara, Nairobi County. She is employed by the Ministry of Health as a Public Health Officer. The Applicant is widowed, her husband having passed away in January 2024. Their union was not blessed with any children.
7. The Applicant stated that she professes Christian faith and has no criminal records. Her motivation to adopt stems from her desire to raise a family.
8. The Applicant confirmed that she is financially capable of taking care of the child. The Applicant also confirmed that she understands the implications of an Adoption Order and that the same is not reversible.

The Adoption Application

9. I have considered the Summons, the evidence on record, as well as the various reports filed.
10. The duty of this Court is to analyse the material before it to determine whether the Applicants are suitable adoptive parents. The Applicant stated that she is a committed Christian and intends to raise the child in a Christian development to ensure full spiritual development.
11. The Applicant presented copies of payslips, log book, bank statements, Police Clearance Certificates as well as recommendations from friends and family, all pursuant to the provisions of The Children (Adoption) Regulations, 2020. These demonstrate that the Applicant is financially, socially, physically and mentally fit to adopt the child.
12. Additionally, pursuant to section 186 of the *Children Act*, the Applicant provided letters of consent NMK and MNK from agreeing to be appointed as the legal guardians of the child in the event that anything untoward happens to the Applicant. NMK is a brother to the Applicant, married to MNK. The proposed legal guardians confirmed that they completely understand their role and what is expected of them.
13. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

Analysis and Determination

14. Article 14(4) of *The Constitution* provides that a child found in Kenya who is, or appears to be, less than eight years of age, and whose nationality and parents are not known, is presumed to be a citizen by birth. The child herein was found abandoned in Nairobi County. From the documents presented to the Court, it is unclear when the child was born. However, by virtue of Article 14(4), the child is a citizen of Kenya by birth.
15. In deciding any matter involving a child, the Court is obligated to give priority to the best interests of the child. Section 8 of the *Children Act* provides:
 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies—
 - a. The best interests of the child shall be the primary consideration;



- b. The best interests of the child shall include, but shall not be limited to the considerations set out in the First Schedule;
 2. All judicial and administrative institutions, and all persons acting in the name of such institutions, when exercising any powers conferred under this Act or any other written law, shall treat the interests of the child as the first and paramount consideration to the extent that this is consistent with adopting a course of action calculated to:-
 - a. Safeguard and promote the rights and welfare of the child;
 - b. Conserve and promote the welfare of the child; and
 - c. Secure for the child such guidance and correction as is necessary for the welfare of the child, and in the public interest.
16. I have considered the Reports filed by the Adoption Agency dated 15 March 2025, the Guardian ad Litem dated 27 June 2025, and the Director of Children Services dated 1 July 2025, all of which were positive and recommended the adoption. Bearing in mind that this child had been abandoned and faced an unknown future, it is my view that the adoption serves the best interests of the child. Not only will the adoption give the child a sense of belonging, but it will also give him the opportunity to grow up like every other child.
17. Pursuant to section 187(1)(a) of the Act, I hereby dispense with the consent of the biological parents since the child was found abandoned.
18. Accordingly, I allow the Summons and make the following orders:
 - i. The Applicant, RMK, is hereby authorised to adopt the child currently identified as Baby G, who will henceforth be renamed GLM;
 - ii. The child is declared to be a citizen of Kenya entitled to all the rights and privileges under *The Constitution* of Kenya and all other laws;
 - iii. NMK. and MNK are appointed as the legal Guardians of the child;
 - iv. The Guardian ad Litem is hereby discharged;
 - v. The Registrar-General is directed to make the appropriate entries in the Adopted Children's Register;

DATED AND DELIVERED AT NAIROBI THIS 29 DAY OF AUGUST 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

Applicant: Ms. Ambaka

Court Assistant: Lucy Mwangi

