



REPUBLIC OF KENYA



KENYA LAW
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**In re G (Minor) (Adoption Cause E092 of 2025)
[2025] KEHC 12253 (KLR) (Family) (29 August 2025) (Judgment)**

Neutral citation: [2025] KEHC 12253 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

ADOPTION CAUSE E092 OF 2025

H NAMISI, J

AUGUST 29, 2025

IN THE MATTER OF ADOPTION OF BABY G

IN THE MATTER OF

HWC APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 7 April 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 Gabriel, a minor who is to be known as E.A.C and the Registrar General be directed to enter this adoption into the Register of Adoptions;
 - ii. That MWC be appointed as the legal guardian of the minor who shall be presumed to have been born in Kenya.

The Child

2. The child (male) is presumed to have been born on 1 July 2021. On 3 July 2021, the child was found abandoned in Kilimani, Nairobi County and rescued by a good Samaritan. The matter was reported to the Kibra Police Station vide OB No. 09/03/07/2021. The child was placed at Nairobi Children Rescue Centre for care and safety.
2. The child was committed to Mogra Rescue Centre by the Nairobi Children’s Court on 4 April 2022 under Protection and Care file No. EXXX of 2022. He remained at the home unclaimed. The child then placed under the Applicant’s foster care on 18 October 2024 for the mandatory bonding period prior to adoption.



2. The child was declared free for adoption by the KKPI Adoption Society on 25 September 2024 and Certificate No. 0XXX was issued, pursuant to section 187(2)(a) of the *Children Act*.
2. During the hearing, the Court had the opportunity to see the child. He is about 4 years old. He appeared happy and excited, and spoke well. He is enrolled in school, in kindergarten.

The Applicant

6. The Applicant is a Kenyan citizen, residing along Kiambu Road, Nairobi. She is employed, working at the [name withheld] High Commission. The Applicant is single, aged 45 years, and has no other children.
6. The Applicant stated that she professes Christian faith and has no criminal records. Her motivation to adopt stems from her love for family and her desire to be a mother.
6. 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

12. I have considered the Summons, the evidence on record, as well as the various reports filed.
12. The duty of this Court is to analyse the material before it to determine whether the Applicant is a suitable adoptive parent. The Applicant stated that she is a committed Christian and intends to raise the child in a Christian development to ensure full spiritual development.
12. The Applicant presented copies of bank statements, title deeds, Police Clearance Certificate 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 letter of consent from M.W.C agreeing to be appointed as the legal guardian of the child in the event that anything untoward happens to the Applicant. The proposed legal guardian is a sister to the Applicant. The proposed legal guardian confirmed that she completely understands her role and what is expected of her.
12. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

Analysis and Determination

12. 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 just a few days after birth. The child is, therefore, a citizen of Kenya by birth.
12. 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;



- a. 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;
 - a. Conserve and promote the welfare of the child; and
 - a. Secure for the child such guidance and correction as is necessary for the welfare of the child, and in the public interest.
12. I have considered the Reports filed by the Adoption Agency dated 24 September 2024, the Guardian *ad Litem* dated 17 June 2025, and the Director of Children Services dated 24 June 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.
12. 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.
12. Accordingly, I allow the Summons and make the following orders:
 - i. The Applicant, H.W.C, is hereby authorised to adopt the child currently identified as Baby G, who will henceforth be renamed E.A.C;
 - ii. The child is declared to be a citizen of Kenya, born on 1 July 2021 in Nairobi County and entitled to all the rights and privileges under *The Constitution* of Kenya and all other laws;
 - iii. M.W.C is appointed as the legal Guardian 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

