



REPUBLIC OF KENYA



**In re A aka AN (Minor) (Adoption Cause E181 of 2024)  
[2025] KEHC 3669 (KLR) (Family) (17 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 3669 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E181 OF 2024  
PM NYAUNDI, J  
MARCH 17, 2025  
IN THE MATTER OF THE CHILDREN'S ACT NO. 29 OF  
2022  
IN THE MATTER OF ADOPTION OF BABY A AKA  
AN (MINOR)  
IN THE MATTER OF THE APPLICATION BY GNT (APPLICANT)**

**JUDGMENT**

1. Vide Originating Summons, dated 29th August, 2024 the Applicant herein seeks the following orders, That:-
  - i. She be authorized to adopt Baby A alias AN.
  - ii. The child to be known as AN.
  - iii. The child to be considered a Kenyan Citizen.
  - iv. The child's date of birth be declared to be 15<sup>th</sup> December, 2019 and her place of birth to be declared to be Ponya Medical Centre.
  - v. The consent of the biological parents of the child be and is hereby dispensed with since the child was abandoned.
  - vi. BNT may be appointed as the Legal Guardian of the child in the event of death of the Applicant or incapacity, rendering her unavailable or incapable of taking care of the child.
  - vii. The Registrar General be directed to enter this adoption into the register of Adoptions.
2. The Applicant is a single Kenyan Citizen residing in Nyahururu, Nyeri County. She is a teacher by profession.



3. The child has been in Applicant's custody for 1 year 4 months. The child is 5 years 2 months old. The Applicant has the means to provide for the needs of the child. She understands the implications of the adoption order, she is aware that the child will have full rights as would a biological child and the order is not reversible. She does not have a biological child of her own. The minor was present in Court and the Court observed that she has bonded well with the Applicant referring to her as mum.
4. Baby A (Child herein) who is the subject of the present adoption proceedings is presumed to be 5 years old having been born on 15<sup>th</sup> December, 2019. The child was born to one SNW who then approached KKPI Adoption Society with the intention of offering the child for adoption. The reason that she is offering the minor for adoption, was the child was born out of wedlock and her husband would not raise the child up. Further, she signed all the necessary paper work, consented through Kenya for Kenyans Peace Initiative and the child was placed at Happy Life Children Hope pending her formal committal and adoption.
5. The child was committed by Nairobi Children Court through Care and Protection Case Number E 73 of 2020 and placed under the foster care of the Applicant on 8<sup>th</sup> November, 2023 pending adoption.
6. The child was declared free for adoption by KKPI Adoption Society on 27<sup>th</sup> October, 2021 as per annexed Certificate, bearing serial number 911. Subsequently, the Applicant was found to be a suitable adoptive parent having met the legal requirements.
7. All the Statutory Reports that have been filed in respect of the proposed adoption of the child by the Applicant have recommended that this Court allows the Applicant to adopt the child. A report dated 5<sup>th</sup> February, 2025 filed by Guardian *ad litem*, HOO stated that the child adapted well to the family set up environment, bonded well with the Applicant, was well fed and taken care of as well as relating well with the adoptive parent hence he recommended the adoption.
8. The Director of Children Services also submitted report dated 3<sup>rd</sup> February, 2025 in the report, the officer stated that the child bonded well with the Applicant. The minor having freed by the adoption society.
9. The Applicant proposes her sister BT to be appointed legal guardian, the Officer reiterated that adoption was the best option to protect and promote the best interest of the minor herein and thus recommend the adoption. Consequently, since the time of reporting and the issuing of the letter dated 30<sup>th</sup> October, 2023, the biological mother never changed her mind regarding the adoption matter. Thus the recommendation is the child be adopted.
10. The Applicant is of good health and financially capable of taking care of the child. She has no criminal record as evidenced by Police Clearance Certificate Serial Numbers PCC-YLXXXQ8 dated 10<sup>th</sup> August, 2020.
11. The proposed Legal Guardian, BT was in Court and she stated that the Applicant is her sister. She understands what the role entails in the event circumstances demand, she will take on full parental responsibility.

### **Determination**

12. After carefully assessing the records herein, I am satisfied that the Applicant has fulfilled all the legal requirements relating to the Child's adoption. Section 186 of the [Children Act](#), 2022 provides. The Court may make an adoption order on application by-
  - (1) (a) Sole applicant; or



- (b) Two spouses jointly.
  - (2) The court shall not make an adoption order in any case unless-
    - i. the applicant has attained the age of twenty-five years, but is not above the age of sixty-five years; and
    - ii. The applicant, or both of the applicants in a joint application, is more than twenty-one years older than the child.
  - (3) The restrictions in subsection (2) shall not apply in any case where a sole applicant or one of the joint applicants is the mother, father, or relative of the child.
13. This Court is alive to the jurisdiction of the High Court vide Article 165 Constitution of Kenya 2010 and Section 183(1) Children Act 2022. The Court is conscious of the law; Article 53 Constitution of Kenya 2010, Section 8 of Children Act 2022 and the UN Convention on the Rights of the Child & African Charter on the Rights & Welfare of the Child all amplify on the best interests of the child.
14. The Court has evaluated the facts of this Local Adoption from the Reports filed. It is evident that the Applicant has fulfilled all the legal requirements of a Local Adoption as required under Section 193 of the Children's Act, 2022. The guiding principle remains in the best interests of the child pursuant to Section 8 and 194 (1) (c) of the Children's Act Cap 141 of the Laws of Kenya. It is evident that the Applicant has fulfilled all the legal requirements relative to the adoption of the child. The consent of the biological parents of the child was dispensed with since the child was abandoned at birth. This Court has satisfied itself that the Applicant is qualified and able to take care of the child. All the necessary Reports and consents required for this Adoption have been filed.
15. Article 14 (4) of the Constitution of Kenya 2010 provides that: -
- “(4) 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.”
13. This Court is therefore of the opinion that this Adoption would be in the best interest of the child and allows the application with orders that;
- a. The Applicant, GNT is hereby allowed to adopt Baby A.
  - b. Henceforth, the child shall be known as AN.
  - c. Her date of birth shall be 15<sup>TH</sup> December, 2019 at Ponya Medical Centre.
  - d. She is presumed to be a citizen of Kenya by birth.
  - e. BT is hereby appointed as Legal Guardian of the child.
  - f. The Director Immigration is authorised to issue the child with a Kenyan Passport.
  - g. The Registrar General to enter this order in the Adoption Children Register.
  - h. The guardian *ad litem* is hereby discharged.

It is so ordered.

**SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 17th . DAY OF MARCH, 2025.**

**NYAUNDI**



## **JUDGE**

In the presence of:

Fardosa Court Assistant

Wamukore for Applicant

