



**In re AA aka JNK (Baby) (Adoption Cause E176 of 2024)  
[2025] KEHC 6325 (KLR) (Family) (15 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 6325 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E176 OF 2024  
PM NYAUNDI, J  
MAY 15, 2025**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY AA AKA JNK**

**IN THE MATTER OF**

**LKM ..... 1<sup>ST</sup> APPLICANT**

**FMK ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. Vide Originating Summons, dated 20th August, 2024 the Applicants herein seek the following orders, that:-
  - i. They be authorized to adopt the child currently known as Baby AA.
  - ii. If the adoption order is granted the said child is thereafter known as JNK.
  - iii. The child's date of birth be declared to be 24<sup>th</sup> July, 2022 and her place of birth to be declared to be Limuru, Kiambu County.
  - iv. The consent of the biological parents of the child be and is hereby dispensed since she was abandoned.
  - v. MDM & GNM may be appointed the Legal Guardians of the child in the event of death of the Applicants or incapacity of the Applicants, rendering them unavailable or incapable of taking care of the child.
  - vi. The Registrar General be directed to make the appropriate entries in the Adopted Children's Register.
  - vii. The child be declared a Kenyan Citizen.



2. The Applicants are both Kenyan Citizens residing in Ongata Rongai Kajiado County. They are married as per the annexed copy of marriage certificate serial Number 77171. They are both business people. They have sufficient family income, finances and assets to enable them take good care of the child. They do not have biological children.
3. They have had custody of the minor since 13<sup>th</sup> April, 2024. The minor is 2 years and 7 months old. They both understand the implications of the adoption order, they are aware that the child will have full rights as would a biological child and the order is not reversible.
4. BABY AA (minor herein) is presumed to have been born on 24<sup>th</sup> July, 2022. The baby was found abandoned on 27<sup>th</sup> July, 2022 in [particulars withheld] Village of Limuru Sub-County along the fence of Ithe wa Boni. The area Assistant Chief Mr. Migwi rescued the child and investigations regarding the whereabouts of the parents bore no fruits prompting the child to be temporarily placed at Limuru Baby Centre. Thereafter, a report was made at Limuru Town Police Station vide OB Number 30/27/07/2022. Subsequently, the child was formally committed at Limuru Baby Centre pursuant to Court Order issued by the Children's Court at Limuru Children's Court on 28<sup>th</sup> February 2023, through *Care and Protection Case Number E023 of 2022*. After their investigations the OCS Limuru Town Police Station issued a final letter dated 27<sup>th</sup> February, 2023 confirming that efforts to trace the mother were futile.
5. Kenya Children's Homes Adoption Society's, through their committee sitting on 19<sup>th</sup> April, 2023 confirmed that they had assessed the Applicants and found them suitable adoptive parents having met the legal requirements therefore declared the child free for adoption vide certificate serial Number 898.
6. All the Statutory Reports that have been filed in respect of the proposed adoption of the child by the Applicants have recommended that this Court allows the Applicants to adopt the child. The Children's Officer Mary Atati submitted a report dated 19<sup>th</sup> February 2025, through her visiting she noted a strong bond have developed between the child and the Applicants. There was sufficient provision in terms of basic needs thus indicating the ability of the Applicants to care for the child. They are financially stable. The Applicants are clear of any criminal claim as evidenced by police clearance certificates numbers PCC-6QSXXX45 and PCC-V6SXXXXAK respectively. The Applicants having met all legal requirements for local adoption as stipulated in the *Children Act* 2022, the Officer recommended the adoption.
7. The Guardian Ad Litem, MS. EM, presented report dated 22<sup>nd</sup> January 2024, in which during her visit, she observed the child appearing to be happy, healthy, friendly and quite at home with the Applicants and the extended family thus the child integrated well with the Applicants. Therefore, the Children Officer believed that the adoption of the minor by the Applicants is in the best interests of the child thus recommended the adoption.
8. DI AND GNM (Proposed Legal Guardians) were in Court and testified that 1<sup>st</sup> Applicant is the brother to David Mwangi. They understand what the role entails in the event circumstances demand, they will assume full parental responsibility. They do have a son who is 22 years old.

### **Determination**

9. After carefully assessing the records herein, I am satisfied that the Applicants have 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.
10. 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.
11. The Court has evaluated the facts of this Local Adoption from the Reports filed. It is evident that the Applicants have fulfilled all the legal requirements of a Local Adoption as required under Section 193 of the *Children Act*, 2022. The guiding principle remains in the best interests of the child pursuant to Section 8 and 194 (1) (c) of the *Children Act* Cap 141 of the Laws of Kenya. The consent of the biological parents of the child was dispensed with since the child was abandoned at birth. The Court observed that the child was comfortable with the Applicants. This Court has satisfied itself that the Applicants are qualified and able to take care of the child. All the necessary Reports and consents required for this Adoption have been filed.
12. 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 Applicants, LKM and FMK are hereby allowed to adopt Baby AA alias JNK.
  - b. Henceforth, the child shall be known as JNK.
  - c. Her date of birth shall be 24<sup>th</sup> JULY, 2022 at Limuru, Kiambu County.
  - d. She is presumed to be a Citizen of Kenya by birth.
  - e. DM and GNM are hereby appointed as Legal Guardians 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 and issue a certificate
  - h. The guardian ad litem is hereby discharged.

It is so ordered.



**SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 15<sup>TH</sup> DAY OF MAY, 2025.**

**P. NYAUNDI**

**JUDGE**

In the presence of:

Fardosa Court Assistant

Ms. Nyanjuru for Applicant

