



**In re Abandoned Baby GK (Adoption Cause E057 of 2025)
[2025] KEHC 8901 (KLR) (Family) (20 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8901 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E057 OF 2025
PM NYAUNDI, J
JUNE 20, 2025**

IN THE MATTER OF

**JGN 1ST APPLICANT
RWK 2ND APPLICANT**

JUDGMENT

1. Vide Originating Summons, dated 11th March, 2025 the Applicants herein seek the following orders, that:-
 - i. They be authorized to adopt Abandoned Baby GK minor herein.
 - ii. Upon Adoption, the child to be known as GNG.
 - iii. The Registrar General be ordered to make appropriate entries in the Adopted Children's Register in respect of GNG.
 - iv. The Court be pleased to appoint Lucy Wanja Kamiti as the legal guardian of Baby GNG upon granting of the adoption orders.
 - v. GNG be considered a Kenyan Citizen.
 - vi. The Court be pleased to make any further orders it deem necessary.
2. The Applicants are both Kenyan Citizens residing in Nairobi and Nyahururu County. They got married on 20th February 2018 at Deliverance Church NHR Nyahururu- Laikipia County. 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 for 9 months. 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. Abandoned Baby GK (minor herein) is presumed to have been born on 2nd September 2023, as per the attached birth notification. The baby was found abandoned at the gate of Isiolo Catholic Church on 6th September, 2023. Thereafter, the matter was reported at Isiolo Police Station Vide OB No. 24/6/9/2023. Later the child was taken to Isiolo County Teaching and Referral Hospital for medical checkup. Pursuant to Court Order issued by the Children’s Court at Isiolo on 19th October, 2023 the child was committed to Neema House Infant Rescue Centre, Nanyuki through Care and Protection Case Number E005 of 2023. Final police letter dated 19th September, 2024 indicates that their efforts to trace the child’s relatives bore no fruits prompting the child to be placed under the foster care of the Applicants on 18th October, 2024 pending adoption.
5. Kenya Children’s Home Adoption Society, through their committee sitting on 18th September 2024, stated that they were satisfied that the child is available for adoption and that would be in the child’s best interest therefore declared the child free for adoption vide certificate serial Number 1022.
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. Assistant Director Children Services Officer Winfred Ikinya filed a report dated 15th May 2025, through her visit she observed a strong bond have developed between the child and the Applicants. The Applicants have provided a conducive environment where the child continuous to grow and develop They are financially stable. The Applicants are clear of any criminal claim as evidenced by police clearance certificates numbers PCC-PKSWYJLGD and PCC-6QSG4RWGD 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, HELLEN SIROTE MUTA, submitted a report dated 27th March 2025, in which during her visit, she observed the child is well taken care of by the Applicants, well bonded with Applicants, the child appearing to be happy, healthy, thus the child integrated well with the Applicants. Thus Ms. Sirote recommended the adoption.
8. Proposed Legal Guardian (Lucy Wanja Kamiti) testified in Court that she is a niece to 1st Applicant. She consented to the proceedings and also understands what the role entails in the event circumstances demand, she will assume full parental responsibility.

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’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. 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, Joseph Gachihi Ngigi And Rose Wanjiru Karanja are hereby allowed to adopt Abandoned Baby GK.
 - b. Henceforth, the child shall be known as GNG.
 - c. His date of birth shall be 2nd September, 2023 at Isiolo County.
 - d. He is presumed to be a Citizen of Kenya by birth.
 - e. Lucy Wanja Kamiti 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 and issue the child with requisite certificate.
 - h. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 20TH DAY OF JUNE, 2025.

P.M.NYAUNDI

JUDGE

In the presence of:

No appearance by parties



