



REPUBLIC OF KENYA



**In re Abandoned Baby alias Baby EP alias EH alias Baby EK (The Child) (Adoption Cause E013 of 2025) [2025] KEHC 8485 (KLR) (Family) (13 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8485 (KLR)

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**  
**FAMILY**  
**ADOPTION CAUSE E013 OF 2025**  
**PM NYAUNDI, J**  
**JUNE 13, 2025**  
**IN THE MATTER OF THE CHILDRENS ACT 2022**  
**AND**  
**IN THE MATTER OF ABANDONED BABY ALIAS**  
**BABY EP ALIAS EH ALIAS BABY EK....THE CHILD**

**IN THE MATTER OF**

**MKG ..... APPLICANT**

**JUDGMENT**

1. Vide Originating Summons, dated 21<sup>st</sup> January, 2025 the Applicant seeks the following orders, that:-
  - i. Spent
  - ii. Spent
  - iii. Be allowed to adopt the Baby alias Baby EP alias EH alias Baby EK to be known as KGK.
  - iv. The child be presumed a Kenyan Citizen by birth.
  - v. The child's date of birth be 7<sup>th</sup> March, 2023 and the place of birth be Nairobi.
  - vi. The Registrar General be directed to enter the adoption in the Adopted Children Register.
  - vii. The Director Immigration be authorized to issue the child with a Kenyan passport.
  - viii. MGMK, be appointed the legal guardian of the child in the event of the death or incapacity of the Applicant before the child is of age of independent.
  - ix. The Court be pleased to make any further orders it deems necessary.



2. MKG (Applicant herein) is a single Kenyan Citizen residing in Lavington, Nairobi County. She has never been married and has no child of her own. She is an Economist by profession practicing as Private Consultant. She has had custody of the child since August, 2024. The child is 2 years old. She has the means to provide for the needs of the child. She understands the legal 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.
3. Baby alias Baby EP alias EH alias Baby EK is about 2 years old presumed to have been born prematurely on 7<sup>th</sup> March 2023, at Mbagathi Hospital to one EK and as a result the child was admitted to the New Born Unit of the same hospital. The child's mother absconded from the hospital after being accused of stealing a phone. The matter was reported to Kenyatta Police Post Vide OB Number 14/08/05/2023. Children's office The minor was placed at Hope House Babies Home. Subsequently, Children's Court sitting in Nairobi committed the child to the Hope House Babies Home vide MCP&CCO/E264/2023. According to final Police letter dated 21<sup>st</sup> June 2024, efforts to trace his family and relatives borne no fruits and no one had come forward to claim the child.
4. Thereafter, Change Trust Adoption Society had a committee sitting on 26<sup>th</sup> June, 2024 and confirmed that they had assessed the Applicant and found her suitable adoptive parent and further that the adoption would be in the child's best interest therefore declared the child free for adoption vide certificate serial Number 00685 and on 1<sup>st</sup> August, 2024 the minor was placed with the Applicant for care and fostering pending adoption.
5. That on 20<sup>th</sup> February 2025, HM was appointed as the child's guardian ad litem, by this Court and further directing the guardian ad litem and the Director of Children's Services to investigate and file their respective reports within 45 days.
6. All the Statutory Reports that have been filed in respect of the proposed adoption of the child by the Applicant has recommended that this Court allows the Applicant to adopt the child. Nyaranga Odundo, Children's Officer submitted a report dated 25<sup>th</sup> March, 2025 where he asserted that the Applicant and the child have a familial bond he observed the minor referring to the Applicant as "Maito". Further the Applicant has met all the legal requirements for local adoption as provided in the *Children Act*, 2022. The Applicant is mentally and physically healthy as well as devoid of any criminal records as per annexed Police Clearance Certificates Number PCC-EGXXXXMYJN. The environment was found to be conducive for the growth and development of the child. The Applicant is financially stable thus recommending the Applicant to adopt the child. Consequently, a positive report was also submitted by HM, Guardian Ad Litem, in which through his visit he observed that the Applicant loves and cares for the child. Again the Applicant's extended family members have bonded fully with the child hence recommending the adoption of the child as it would be in the best interest of the child.
7. The proposed Legal Guardian MGMK testified in Court. that she is an entrepreneur in Agriculture in manufacturing Sectors. The Applicant is her Aunt. She consented to the adoption process. She understands what the role entails in the event circumstances demand, they will take on full parental responsibility.
8. The Court interviewed the minor who was in Court and noted that the minor bonded well with the Applicant.



## Determination

9. 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.
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 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. 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. It is also evident that the Applicant has adopted another child in Adoption E 014 Of 2025 Baby alias Baby EP alias EH alias Baby EK
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.”
14. 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 MKG is hereby allowed to adopt Baby alias Baby EP alias EH alias Baby EK (Minor).
  - b. Henceforth, the child shall be known as KGK.
  - c. His date of birth shall be 7<sup>TH</sup>MARCH, 2023 at Nairobi County.
  - d. He is presumed to be a Citizen of Kenya by birth.
  - e. MGMK is hereby appointed as Legal Guardian of the child.
  - f. The Registrar General to enter this order in the Adoption Children Register.



- g. The Registrar General is hereby directed to issue the child with Birth Certificate.
- h. The Director Immigration is authorised to issue the child with a Kenyan Passport.
- i. The guardian ad litem is hereby discharged.

It is so ordered.

**SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 13<sup>TH</sup> DAY OF JUNE, 2025.**

**P. M. NYAUNDI**

**JUDGE**

In the presence of:

Muthoni holding brief for Ms. Kiguatha for Applicants

Fardosa Court Assistant

