



REPUBLIC OF KENYA



**In re JB aka Abandoned Child Baby R (Baby) (Adoption Cause E237 of 2024)
[2025] KEHC 8335 (KLR) (Family) (13 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8335 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E237 OF 2024
PM NYAUNDI, J
JUNE 13, 2025
IN THE MATTER OF THE CHILDREN ACT, 2022
IN THE MATTER OF BABY JK AKA ABANDONED CHILD BABY R**

IN THE MATTER OF

ECWK APPLICANT

JUDGMENT

1. *Vide* Originating Summons, dated 11th October, 2024 the Applicant herein seeks the following orders, that:-
 - i. She be authorized to adopt Baby JB aka Abandoned Child Baby R a minor who is to be known as BLK and the Registrar General be directed to enter this adoption into the Register of Adoptions.
 - ii. JMK and VMW be appointed as the Legal Guardians of the child.
 - iii. The child be presumed to be born in Kisumu County in the Republic of Kenya.
2. The Applicant is a Kenyan Single woman residing in Ruai. She was previously married to HMG on 17th November, 2001 but the marriage was dissolved on the 4th April 2006. The Applicant is an Administrator Manager with [Particulars Withheld]. She has sufficient family income and finances to enable her take good care of the child. She does not have biological children.
3. She has had custody of the minor since 30th May 2024. The minor is 2 years 4 months old. She understands the implications of the adoption order and is aware that the child will have full rights as would a biological child and the adoption order is not reversible.
4. BABY JB aka Abandoned Child Baby R (minor herein) is presumed to have been born on 8th February 2023 in Kisumu County Referral Hospital to R Atieno. The child was found abandoned at the same



facility. The matter was reported at Kisumu Central Police Station Vide OB No. 51/16/2/2023 by Kisumu Medical Staff. Thereafter, the child was placed at New Life Home Trust-Kisumu for care and protection. On 30th March, 2023 the child was committed to the same facility pursuant to Court Order issued by the Children's Court sitting in Kisumu through Care and Protection Case Number E 033 of 2023. That on 2nd October 2023, the police issued a final letter stating that the whereabouts of the parents bore no fruits.

5. Buckner Kenya Adoption Services, through their committee sitting on 30th April 2024, affirmed 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 Freeing certificate serial Number 07XXXXX3. Subsequently, the child was placed under the care of the Applicant on 30th May 2024 for bonding pending adoption.
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 Applicant to adopt the child. On 13th May 2025, Assistant Director Children Service Mary Atati submitted a positive report, during her visit she observed that a strong bond has developed between the child and the Applicant and the Applicant has embraced the child as her own and determined to give him the best. The Applicant is financially stable. The Applicant is clear of any criminal claim as evidenced by police clearance certificate number PCC-YLXXXXP. The Applicant 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, TWM, presented report dated 27th February 2025, in which she documented that during her visit, she observed that the child has adapted well to the family set up environment, bonded well with the Applicant, the Applicant is happy to be a parent and is capable of raising the child therefore, recommended the adoption.
8. Proposed Legal Guardians (JMK and VMW) testified in Court that they are related to the applicant. They both have consented to act as legal guardians. They both understand that if the applicant is incapacitated they will assume full parental responsibility over the minor. The minor was also interviewed by Court and noted the minor was very jovial, was familiar with the applicant and at ease with her. He demonstrated recognition by hugging 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-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. The Court observed that the child was comfortable with the Applicant. 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.
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 Applicant, ECWK is hereby allowed to adopt Baby JB aka Abandoned Child Baby R.
 - b. Henceforth, the child shall be known as BLK.
 - c. His date of birth shall be 8th February, 2023 in Kisumu County.
 - d. He is presumed to be a Citizen of Kenya by birth.
 - e. JMK and VMW 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.
 - h. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 13TH DAY OF JUNE, 2025.

P. M. NYAUNDI

JUDGE

In the presence of:

Ms. Kemunto for Applicant

Fardosa Court Assistant

