



**In re Adoption of the Child PWW (Adoption Cause E068 of 2025)
[2025] KEHC 11021 (KLR) (Family) (25 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 11021 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

ADOPTION CAUSE E068 OF 2025

PM NYAUNDI, J

JULY 25, 2025

IN THE MATTER OF THE CHILDREN ACT CAP 586 LAW OF KENYA SECTION 154 (1), (2)

AND

IN THE MATTER OF ADOPTION OF THE CHILD PWW

IN THE MATTER OF

PWG APPLICANT

JUDGMENT

1. Vide Originating Summons, dated 11th March, 2025 the Applicant herein seeks the following orders, that:-
 - i. She be authorized to adopt the child baby PWW.
 - ii. Upon the making of the adoption orders the said child be known as PWW.
 - iii. The Registrar General do make the appropriate entry of PWW in the adoptive children's register.
 - iv. The Child PWW be presumed to be a Kenyan Citizen born in Kenya.
2. That on 3rd July 2025, the Originating Summons was amended to include prayer for appointment of PKM and EGG as Legal Guardians.
3. The Applicant is a single Kenyan Citizen residing in Riruta. She is in gainful employment whereby she is a Psychologist by profession. The Applicant has means to provide for the child. She does not have biological children. She has had custody since 16th August, 2024. The minor is 3 years old. The



- Applicant 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.
4. The minor herein (Baby PW) presumed to have been born on 22nd June, 2022 at Ortum Mission Hospital. It is said that the child was abandoned right after the birth by her mother who was mentally challenged. The matter was reported to Ortum Police Station Vide OB Number 05/11/08/2022. That on 26th August 2022, the baby was temporarily placed at New Life Children Home for care and protection.
 5. Thereafter, the child was formally committed at New life home trust pursuant to Court order issued by Children’s Court at Kapenguria on 29th August 2022, under P&C Case Number 001 of 2022. That the final police letter dated 24th April 2024, confirmed that none of the relative has come to the office asking the whereabouts of the child and efforts to trace her kin bore no fruit.
 6. The Applicant approached the Buckner Kenya Adoption Services for assistance, she was taken through an Explanatory Memorandum she duly signed the Certificate of Acknowledgment. The said certificate dated 25th July, 2023. Subsequently, Buckner Kenya Adoption Services, through their committee sitting on 6th October, 2023 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 freeing certificate Serial Number 0781.
 7. The Report from Buckner Kenya Adoption Services 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. Children’s Officer, Beth Kauna filed a positive report dated 30th June 2025, through her visit she noted a strong bond have developed between the child and the Applicant. The baby is in good health, the Applicant is socially, emotionally and financially able to take care of the child. The Applicant has met all legal requirements for local adoption as stipulated in the *Children Act* 2022. The Applicant is clear of any criminal claim as evidenced by police clearance certificate number PCC-R7TBKO3E. Ms. Kauna recommends the adoption process.
 8. Guardian Ad litem, SWG, presented report dated 30th June, 2025 in which during her visit, she observed the child was in good health, happy, well cared for and has bonded well with the Applicant. The Applicant’s family has been supportive in adoption process since they have become part of the child’s life by holding a welcome party and other family functions. The child has a loving home thus recommending the adoption process.
 9. Proposed Legal Guardians (PKM AND EGG) testified in Court that the Applicant is their sister and sister in-law. They are married and lives in Kandara, Murang’a County. They consented to be the legal guardians for the minor. They understand the legal implications and they will assume full parental responsibilities in the event the Applicant is unable to discharge her responsibilities.
 10. The Court observed the minor and noted that she was comfortable with the Applicant.

Determination

11. 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.
12. 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.
13. 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 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.
14. 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.”
15. 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, PWG is hereby allowed to adopt BABY PWW.
 - b. Henceforth, the child shall be known as PWW.
 - c. Her date of birth shall be 22ND JUNE, 2022.
 - d. She is presumed to be a Citizen of Kenya by birth.
 - e. PKM and EGG are hereby appointed as Legal Guardians of the child.
 - f. The Registrar General to enter this order in the Adoption Children Register.
 - g. The Registrar General is authorised 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 25TH DAY OF JULY, 2025.



P. M. NYAUNDI

JUDGE

In the presence of:

PWG in person

Fardosa Court Assistant

