



REPUBLIC OF KENYA



**In re Baby MB (Adoption Cause E046 of 2025)
[2025] KEHC 11022 (KLR) (Family) (25 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 11022 (KLR)

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

FAMILY

ADOPTION CAUSE E046 OF 2025

PM NYAUNDI, J

JULY 25, 2025

IN THE MATTER OF THE CHILDREN ACT, 2022

AND

IN THE MATTER OF BABY MB

IN THE MATTER OF

MGG APPLICANT

JUDGMENT

1. Vide Originating Summons, dated 28th February, 2025 the Applicant herein seeks the following orders, That:-
 - i. She be authorized to adopt BABY BM, a minor who is to be known as JBGG and the Registrar General be directed to enter this adoption into the Register of Adoptions.
 - ii. DM and EG be appointed as the Legal Guardians of the child.
 - iii. The child be presumed to be born in Kenya.
2. The Applicant is a single Kenyan Citizen residing in Kiambu County. She is in gainful employment whereby she is a banker by profession. The Applicant has means to provide for the child. She does not have biological children. She has had custody since November, 2024. The minor is 18 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.
3. The minor herein (BABY BM) is presumed to have been born on 18th October, 2023. The child was found abandoned by a Good Samaritan who together with neighbours reported the matter of abandonment to Naari Police Post *vide* OB Number 03/19/10/2023. That the child was taken at



Naari Sub-County Hospital and was found to be in a stable condition. Consequently, the baby was temporarily placed at Neema House Infant Rescue Centre for care and protection.

4. Later, the child was formally committed at the same facility pursuant to Court order issued by Children's Court at Meru on 24th October 2019, under P&C Case Number E 007 of 2024. That the final police letter dated 23rd October 2024, confirmed that nobody had raised an issue or concerns regarding the child efforts to trace his kin bore no fruit.
5. The Applicant approached the Buckner Kenya Adoption Services, she was taken through an Explanatory Memorandum she signed the consent and was issued with Certificate of Acknowledgment. Subsequently, Buckner Kenya Adoption Services, through their committee sitting on 5th August, 2024 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 0813.
6. 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. Mary Atati, Assistant Director Children's Services, submitted a positive report dated 23rd June 2025, through her visit noted a strong bond have developed between the child and the Applicant. The child is well fed. The Applicant has met all legal requirements for local adoption as stipulated in the *Children Act* 2022. She is socially, emotionally and financially stable. The Applicant is clear of any criminal claim as evidenced by police clearance certificate number PCC-W8TPKZV5. Ms. Atati recommends the adoption process.
7. Guardian Ad litem, FWW, presented report dated 20th 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. She recommends the adoption process since the child will get a chance to grow up in a warm comfortable and conducive family set up therefore recommending the Adoption.
8. Proposed Legal Guardians (DMG AND EGM) testified in Court that the Applicant is their sister and sister-in-law. They are married and lives in Lower Kabete. 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.
9. The Court observed the minor and noted that he was comfortable with the Applicant.

Determination

10. 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.
11. 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.
12. 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.
13. 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, MGG is hereby allowed to adopt Baby BM.
 - b. Henceforth, the child shall be known as JBGG.
 - c. His date of birth shall be 18th October, 2023.
 - d. He is presumed to be a Citizen of Kenya by birth.
 - e. DMG AND EGM 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 authorized 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:

Ms. Adhiambo holding brief Mr. Moranga for Applicant



