



REPUBLIC OF KENYA



**In re Unknown Baby Girl alias Baby FA alias ME (Adoption Cause
E022 of 2025) [2025] KEHC 10957 (KLR) (Family) (25 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 10957 (KLR)

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

ADOPTION CAUSE E022 OF 2025

PM NYAUNDI, J

JULY 25, 2025

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

AND

**IN THE MATTER OF ADOPTION APPLICATION
OF UNKNOWN BABY GIRL ALIAS BABY FA ALIAS**

ME

IN THE MATTER OF

EKN 1ST APPLICANT

GWG 2ND APPLICANT

JUDGMENT

1. Vide Originating Summons, dated 27th January, 2025 the Applicants herein seek the following orders, that:-
 - i. They be authorized to adopt Unknown Baby Girl alias Baby FA alias ME.
 - ii. The consent of the biological parents of Unknown Baby Girl alias Baby FA alias ME be dispensed with as the child was abandoned by the alleged biological mother.
 - iii. Upon making of the adoption orders the said child be known as NMNK.
 - iv. The Court be pleased to appoint PWG & Robert MM as the Legal Guardians of NMNK upon granting of the adoption order.
 - v. The Registrar of Births do make the appropriate entry of NMNK I the adoptive children's register.



- vi. The child NMNK be presumed to be a Kenyan Citizen born in Kenya.
2. The Applicants are Kenyan Citizen residing in Nairobi County. They solemnized their marriage on 9th December, 2017 as per annexed marriage certificate serial number xxxxx. They are in gainful employment. They have sufficient family income to enable them take good care of the child. They do not have biological children. They have had custody 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.
3. The minor herein (Unknown Baby Girl alias Baby FA alias ME) is presumed to have been born on 19th December, 2023. The Baby was found abandoned inside a house at Kariobangi. The Baby was then admitted at Machakos Level 5 Hospital and discharged on 28th December, 2023. Later the matter was reported at Machakos Police Station Vide OB No.xx/19/12/2023. On 28th December 2023, the child was placed at Mahali Pa Maisha for care and protection services.
4. Consequently, the child was formally committed at the same facility pursuant to Court order issued by the Children’s Court at Machakos on 28th December, 2023 vide P&C File Number E 056/2023. That on 21st June 2014, the police issued a final report stating that effort to trace the child’s relatives bore not fruit.
5. The Applicants approached the Buckner Kenya Adoption Services on 10th April, 2024. They were taken through an Explanatory Memorandum and duly signed the Certificate of Acknowledgment. Thereafter, Buckner Kenya Adoption Services, through their committee sitting on 24th May, 2024 confirmed that they had assessed the Applicants and found them suitable adoptive parents 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 xxxx.
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. Beth Kauna, Children’s Officer filed a report dated 18th May 2025, through her visit she noted a strong bond have developed between the child; the Applicants and the child was in good health. The Applicants have met all legal requirements for local adoption as stipulated in the *Children Act 2022*. The child looks well taken care of, healthy and comfortable under the care of the Applicants. The home is conducive for the child to grow in. They are socially, mentally and financially stable. The Applicants are clear of any criminal claim as evidenced by police clearance certificates number PCC-QASDLPPDM and PCC-A6SJRQBER. The Officer recommended the adoption process.
7. BMK, Guardian Ad Litem, presented report dated 9th May, 2025 in which during her visit, she observed that the child is well fed, the home is stable, secure and filled with warmth providing a nurturing environment for the child continued growth and development hence highly recommending Applicants to adopt the child since it is in the child’s best interests.
8. Proposed Legal Guardians (PWG AND RMM) testified in Court that the Applicants are they sister and brother in law. They are married and have four (4) biological children. Consequently, 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 Applicants are unable to discharge their responsibilities.
9. The Court interviewed the child and observed that the minor recognizes the Applicants as her parents and as well as fully bonded with the Applicants.



Determination

10. 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.
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 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.
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 allow the application and orders as follows that;
- a. The Applicants, EKN and GWG are hereby allowed to adopt Unknown Baby Girl alias Baby FA alias ME
 - b. Henceforth, the child shall be known as NMNK.
 - c. She is presumed to be a Citizen of Kenya by birth.
 - d. Her date of birth shall be 19TH December, 2023.
 - e. PWG AND RMM are 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 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:

No appearance by parties

Fardosa Court Assistant

