



REPUBLIC OF KENYA



**In re Baby PA (Adoption Cause E054 of 2021)  
[2025] KEHC 10467 (KLR) (Family) (18 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 10467 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E054 OF 2021**

**PM NYAUNDI, J**

**JULY 18, 2025**

**IN THE MATTER OF THE CHILDREN ACT, 2022**

**AND**

**IN THE MATTER OF BABY P.A.**

**IN THE MATTER OF**

**LNN ..... APPLICANT**

**JUDGMENT**

1. Vide Amended Originating Summons, dated 18th November, 2024 the Applicant herein seeks the following orders, That:-
  - i. She be authorized to adopt Baby P.A. a minor who is to be known as L.N.N and the Registrar General be directed to enter this adoption into the Register of Adoptions.
  - ii. J.W.N. be appointed as the legal guardian of the child.
  - iii. The child be presumed to have been born in Kenya
2. The Applicant is a Kenyan Single woman residing in Kahawa Sukari, Nairobi County. She is a retired civil servant. She has sufficient family income and finances to enable her take good care of the child. She does not have a child of her own for reasons beyond her control. She had earlier adopted girl child L.K.N. who is 9 years old. Her desire to adopt the minor is driven by the fact that she has always desired to have children of her own. She has had custody of the minor since 2019. The minor is 10 years old. She understands the implications of the adoption order, she is understands that the child will have full rights as would a biological child and the order is not reversible.
3. Baby P.A. [minor herein] is presumed to have been born on 11<sup>th</sup> November, 2016. That on 11<sup>th</sup> May 2017, the biological mother of the child requested a Good Samaritan to hold the baby as she relieves



herself and the child's mother did not return. The Good Samaritan reported at Kamukunji Police Station and recorded Vide OB No. xx/11/5/2017. Thereafter, the child was admitted to Mogra Rescue Center. Later, the Kamukunji Sub County Children's Officer wrote a letter to Court requesting the Court to place the child to Mogra Rescue Center. On 4<sup>th</sup> October, 2017 the child was committed to the same facility pursuant to Court Order issued by the Children's Court sitting in Nairobi Vide Care and Protection Case Number xxx of 2017. That on 13<sup>th</sup> February 2019, Kamukunji police issued a final letter stating that the whereabouts of the parents are not known.

4. That upon the Applicant decision to adopt the minor, she approached KKPI Adoption Society where she interviewed by the Adoption Society where she was taken through Explanatory Memorandum to which she consented and signed the Certificate of Acknowledgment.
5. KKPI- Adoption Society, through their committee sitting on 30<sup>th</sup> April 2024, affirmed that they were satisfied that the child is available for adoption and that it would be in the child's best interest, they therefore declared the child free for adoption vide Freeing certificate serial Number xxx. Subsequently, the child was placed under the care of the Applicant on 5<sup>th</sup> August 2020 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 Applicants to adopt the child. Jacqueline Wambua, Adoption Officer from KKPI Adoption Society submitted a favourable report dated 14<sup>th</sup> March, 2025 recommending the Applicant to adopt the child. Another positive report from MS. Damaris Kobonah, Assistant Director Children Service, stating that during her visit she observed a strong bond have developed between the Applicant, child and the Applicant has embraced the child as her own and determined to give her the best. The Applicant is financially stable. The Applicant is clear of any criminal claim as evidenced by police clearance certificate number [particulars withheld]. The Applicant has also another child who has bonded well with the child herein. 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*, Cynthia Muhonja, presented report dated 20<sup>th</sup> February 2025, in which during her visit, she observed that the child has adapted well to the family set up environment, bonded well the Applicant and the other child, the Applicant is happy to be a parent and is capable of raising the child therefore, recommended the adoption.
8. J.W.N., proposed Legal Guardian testified in Court that the Applicant is her sister. She is a single lady with one child. She consented to be legal guardian and understands what the role entails and that in the event circumstances demand, she will assume full parental responsibility.
9. The minor was also interviewed by Court and it was noted the minor was very jovial and recognizes the Applicant as his mother. He also stated that he has a sister called L.

### 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, L.N.N is hereby allowed to adopt Baby P.A.
  - b. Henceforth, the child shall be known as L.N.N.
  - c. His date of birth shall be 11<sup>th</sup> November, 2016.
  - d. He is presumed to be a Citizen of Kenya by birth.
  - e. J.W.N. is hereby appointed as Legal Guardian of the child.
  - f. The Registrar General to enter this order in the Adoption Children Register and issue the child with a requisite certificate.
  - g. The Director Immigration is authorised to issue the child with a Kenyan Passport.
  - h. The guardian *ad litem* is hereby discharged.
- It is so ordered.

**SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 18<sup>TH</sup> DAY OF JULY, 2025.**

**P. M. NYAUNDI**

**JUDGE**



In the presence of:

No appearance by Parties

Fardosa Court Assistant

