



**In re NB (The Child) (Adoption Cause E069 of 2025)
[2025] KEHC 10334 (KLR) (Family) (18 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 10334 (KLR)

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

FAMILY

ADOPTION CAUSE E069 OF 2025

PM NYAUNDI, J

JULY 18, 2025

IN THE MATTER OF THE CHILDREN ACT, 2022

IN THE MATTER OF

BABY NB.....THE CHILD

IN THE MATTER OF

AMM 1ST APPLICANT

ANW 2ND APPLICANT

JUDGMENT

1. Vide Originating Summons, dated 14th March, 2025 the Applicants herein seek the following orders, That:-
 - i. The Applicants be authorized to adopt Baby NB.
 - ii. Upon adoption, the child be known as TNM.
 - iii. DNW and JKW of P.O BOX XXXX-02100, Nakuru be appointed as the legal guardians of the child in the event of the death or incapacity of the Applicants before the child is of full age and fully self-reliant.
 - iv. The Registrar General be directed to enter this adoption into the register of adoptions.
 - v. The child be presumed to be a Kenyan Citizen by birth and be accorded all rights of immigration that accrue to Kenyan Citizens.
 - vi. The Director of Immigration Services do issue the child TNM a Kenyan Passport upon application.



- vii. The Court be pleased to make any further orders it deems necessary.
2. This is a joint application where the Applicants are Kenyan Citizens residing in Nairobi County. They are legally married and they have been living together as per the annexed Marriage Certificate Serial Number XXXXXX. Both Applicants are in gainful employment to take good care of the child. They do have one biological child by name JT.
 3. They have had custody of the minor for 1 year and 25 days. The minor is 2 years, 6 months old. 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.
 4. Baby NB (child herein) is presumed to have been born on 6th December, 2022. The Baby was found abandoned by a Good Samaritan on 6th December, 2022 in a pit latrine at Entasereka KAG Church. Thereafter, a report was made at Entasereka Police Station vide OB Number 07/06/12/2022. The child was formally committed to Olmalaika Children's Home in Narok West Sub-County for care and protection pursuant to Court Order issued by the Resident Magistrate Children's Court sitting at Narok on 10th November, 2023 Vide P&C File No. E081 of 2023. Later, Entasereka Police Station investigated and issued a final letter dated 18th April 2024, confirming that efforts to trace the parents were futile. Thereafter, the child remained in Entasereka Children's Home per the annexed copy of admission form.
 5. The Applicants felt the urge to adopt the child and approached the Little Angels Network to formalise the relationship between them and the child. They were interviewed by the Adoption Society where they were taken through Explanatory Memorandum to which they consented and signed the Certificate of Acknowledgment.
 6. Further the Case Committee meeting held on 17th May, 2024 was satisfied that the child is available for adoption and that adoption would be in the child's best interest thus declared the child free for adoption vide Free Certificate Serial Number XXXXX.
 7. All the Statutory Reports that have been filed in respect of the proposed adoption of the child by the Applicants recommend that this Court allows the Applicants to adopt the child.
 8. Joshua Wambua Social Worker at Little Angels Network filed a favourable report dated 17th May, 2024 freeing the Baby for adoption hence recommending the adoption process.
 9. Ms. Winfred Ikinya, Assistant Director Children Services submitted a report dated 23rd June, 2025. She asserted that the child has bonded well with the Applicants. The Applicants are financially stable, medically and physically fit to take care of the child. She further asserted that the Applicants are clear of any criminal claim as evidenced by police clearance certificates numbers PCC-7ATY68PJ and PCC-R7T7EPKK. They are financially stable and are mentally stable.
 10. A report dated 23rd June, 2025 from Guardian Ad Litem, JNM affirmed that the child has integrated well with the Applicants and brother. The child will get benefits from the Applicants as it will offer an opportunity of growing up in a stable family and in conducive environment therefore recommending the Adoption.
 11. The proposed Legal Guardians DNW and JKW testified in Court that the Applicants are their long term friends for past 15 years. They are husband and wife residing in Nairobi County. They attend same church with the Applicants. They consented to be the legal guardians for the minor. It is their disposition that they understand the legal implications as they will assume full parental responsibility in the event the Applicants are unable to discharge their responsibilities.



12. The Court also interviewed the minor and it was observed that he recognizes the Applicants as his parents.

Determination

13. 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.
14. 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.
15. 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. 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. 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.”
16. 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 Applicants, AMM AND ANW are hereby allowed to adopt Baby NB (hereinafter the child).
 - b. Henceforth be called TNM.
 - c. The child's date and place of birth shall be 6TH December, 2022 At Narok County.
 - d. The Child is presumed to be a Citizen of Kenya by birth.



- e DNW and JKW 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 do issue the child with requisite 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 18TH DAY OF JULY, 2025.

P. M. NYAUNDI

JUDGE

In the presence of:

Njenga for Applicants

Fardosa Court Assistant

