



REPUBLIC OF KENYA



KENYA LAW
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**In re KN (Minor) (Adoption Cause E189 of 2024)
[2025] KEHC 10404 (KLR) (Family) (18 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 10404 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E189 OF 2024
PM NYAUNDI, J
JULY 18, 2025
IN THE MATTER OF THE CHILDREN ACT NO. 29 OF 2022
IN THE MATTER OF BABY KN (MINOR)**

IN THE MATTER OF

**KMM 1ST APPLICANT
CKN 2ND APPLICANT**

JUDGMENT

1. Vide Originating Summons, dated 30th August 2024, the Applicants herein seek the following orders, That:-
 - i. Spent
 - ii. They be authorized to adopt Baby KN, a minor.
 - iii. The records at the Registrar of Births and Deaths be rectified and the minor herein be issued with a Birth Certificate in the name of KANM.
 - iv. The Registrar General be ordered to make appropriate entries in the Adopted Children's Register in respect of KANM.
 - v. KANM is a Kenyan Citizen by birth and be issued with a Kenya Passport.
2. The Applicants are both Kenyan Citizens. They got married on 18th August 2007 at St James Pendezeke, Kaloleni. The Applicants are in gainful employment. They have sufficient family income, finances and assets to enable them take good care of the child. They do not have biological children.



3. They have had custody of the minor for 2 years. The minor is 2 years 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 KN (minor herein) is presumed to have been born on 8th December 2022, at Kiambu Level 5 Hospital to one Pauline Awinja Masinde. The minor herein has a twin brother Baby Caleb Juma. However, the minor's mother notified the hospital her wish to give out the child for adoption. Later the process for adoption was explained to the minor's mother who signed acknowledged documents. The matter was referred to Change Trust Adoption Society by Children's Officer Ruiru. Thereafter, the child was placed at New Life Home Trust, Nairobi and committed to the same facility by the Children's Court sitting at Ruiru Vide Care and Protection Case Number E0XX of 2023.
5. Change Trust Adoption Society, through their committee sitting on 30th March 2023, asserted that they were satisfied that the child is available for adoption and that would be in the child's best interest therefore declared the child free for and issued certificate dated 30th March, 2023 adoption vide freeing certificate serial Number XXXX. Subsequently the child was placed with the Applicants on 27th October, 2023 after signing a care agreement form.
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. The Children Officer, MS. DK, submitted a report dated 9th May 2025, during her visit, she observed a child who has bonded well with the Applicants. She averred that the Applicants are financially secure to take good care of the child. They are socially and mentally stable. The Applicants are clear of any criminal claim as evidenced by police clearance certificates numbers. Having met all the legal requirements for Local adoption as stipulated in the [Children Act](#) 2022, Ms. Kobonah recommends the adoption process.
7. The Guardian Ad Litem, DMM, presented undated report in which during her visit, she observed the child has adapted well to the family set up environment, bonded well with the Applicants thus recommended the adoption.
8. Proposed Legal Guardians SN was in Court and testified that she is a teacher by profession and she lives in Mombasa. She further averred that the 2nd Applicant is her sister. She understands what the role entails in the event circumstances demand, she will assume full parental responsibility.
9. The minor was also interviewed by Court and it was evident that she bonded well 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 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’s mother consented to give out the child for adoption. The Court observed that the child was comfortable with the Applicants. It is also noted that the Applicants are adopting another child in Adoption Cause No. E 190 of 2024. 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 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, KMM and CKN are hereby allowed to adopt Baby KN.
 - b. Henceforth, the child shall be known as KANM.
 - c. Her date of birth shall be 8th December, 2022 at Kiambu Level Hospital, Kiambu County.
 - d. She is presumed to be a Citizen of Kenya by birth.
 - e. SN is hereby appointed as Legal Guardian of the child.
 - f. The Director Immigration is authorised to issue the child with a Kenyan Passport.
 - g. The Registrar General to enter this order in the Adoption Children Register and issue the child with the requisite certificate
 - h. 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. NYAUNDI

JUDGE

In the presence of:

No appearance by Parties



