



**In re FA alias FA alias F (The Child) (Adoption Cause E290 of 2024)  
[2025] KEHC 9976 (KLR) (Family) (10 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 9976 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E290 OF 2024  
PM NYAUNDI, J  
JULY 10, 2025**

**IN THE MATTER OF**

**JGK ..... 1<sup>ST</sup> APPLICANT**

**FWW ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. Vide Exparte Originating Summons, dated 13<sup>th</sup> December, 2024 the Applicant herein seeks the following orders, that:-
  - i. The child be presumed to be a Kenyan Citizen by birth.
  - ii. The Director of Immigration be authorized to issue the child with a Kenyan Passport.
  - iii. The Applicants be authorized to adopt the child to be known as NFG.
  - iv. GMW be appointed as the legal guardian 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.
  - v. The Registrar general do make an entry of this adoption in the adopted children Register.
  - vi. The Court be pleased to make any further orders it deem necessary.
2. This is a joint application. The Applicants are legally married and they have been living together as per the annexed Marriage Certificate Serial Number XXXXXX. They both run a family business in Nairobi hence financial stable to take good care of the child. They do not have biological children.
3. The Applicant are motivated to adopt stems from their desire to serve humanity where the child will become part of them and will give him identity, care and protection. They understand the legal implications of the adoption order as they are aware that the child will have full rights as would a biological child and the order is not reversible.



4. BABY FA ALIAS FA ALIAS F (minor herein) is presumed to have been born on 16<sup>th</sup> October, 2023. He was found abandoned on 27<sup>th</sup> October 2023, alongside his twin brother Baby EE Alias E Alias E by a good Samaritan at Kwambira – Nakuru stage in Limuru Sub-County. A report was made at Limuru Town Police Station vide OB Number 32/27/10/2023. That on 1<sup>st</sup> November 2023, Children’s Court sitting in Limuru committed the child to Limuru Children’s Home Vide P&C File No. E 040 of 2023. Later, Limuru Town Police Station investigates and issued a final letter dated 24<sup>th</sup> June 2024, confirming that efforts to trace the mother and relatives were futile.
5. That Applicant approached Kenya Children’s Home with intention to adopt the child. They were taken through the explanatory memorandum and they dully signed Certificate of Acknowledgement. Consequently, Committee sitting on 17<sup>th</sup> July 2024, prepared a declaration report and issued a Certificate declaring the child free for adoption vide Freeing Certificate Serial Number 1002. Thereafter, the minor was placed with the Applicant for the mandatory bonding on 23<sup>rd</sup> August, 2024.
6. Kenya Children’s Homes submitted report in respect of the proposed adoption of the child by the Applicants recommending that this Court allows the Applicants to adopt the child.
7. The Principal Children’s Officer Ms. Harriet Kihara submitted a favourable report dated 5<sup>th</sup> June, 2025 in which she observed bond between the Applicants and the minor, the Applicant are socially stable to take good care of the child. The Applicants are clear of any criminal claim as evidenced by Certificates of Good Conduct annexed PCC-9QTLPPDQ and PCC-7ATMPWPL. The Officer averred that the Applicant has met the legal requirements for Local adoption as stipulated by the *Children Act* 2022 thus recommended the adoption process.
8. MKK (Guardian Ad litem) also prepared a positive report dated 30<sup>th</sup> May, 2025 recommending the Applicants to adopt the child.
9. The Applicant’s sister (GMW) was appointed to be the Legal Guardian in the event the Applicants are unable to discharge their responsibilities as she will assume full parental responsibility according to adoption orders.

### **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. It is also evident that the Applicants are adopting the twin brother of the child herein in Adoption E 289 of 2024 . 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 Applicant is qualified and able to take care of the child. All the necessary Reports and consents signed by Applicant 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, JGK and FWW are hereby allowed to adopt Baby Fa Alias Fa Alias F.
  - b. Henceforth, the child shall be known as NFG .
  - c. His date of birth shall be 16<sup>TH</sup> OCTOBER, 2023 at LIMURU
  - d. He is presumed to be a Citizen of Kenya by birth.
  - e. GMW is 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 a Birth Certificate in respect of the child.
  - 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 10<sup>TH</sup> DAY OF JULY, 2025.**

**P. M. NYAUNDI**

**JUDGE**

In the presence of:

Ms. Walubengo for Applicant

Fardosa Court Assistant

