



**In re Adoption Baby NKW (Adoption Cause E001 of 2025)
[2025] KEHC 13414 (KLR) (30 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 13414 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERUGOYA
ADOPTION CAUSE E001 OF 2025
EM MURIITHI, J
SEPTEMBER 30, 2025
IN THE MATTER OF ADOPTION BABY NKW**

IN THE MATTER OF

KM 1ST APPLICANT

ENM 2ND APPLICANT

JUDGMENT

1. This is an application by Originating Summons dated 23/1/2025 for the adoption of Baby NKW, male child aged 2year 3 months at the time (DOB 7th November 2022).
2. The applicants KM (38) and ENM (40) are spouses who, as farmer and hotelier respectively, are shown to be able to provide for the child and they understand the permanent nature of an adoption process as well as it consequences that the child becomes their child with all the rights accruing to a child including inheritances of their property as their biological child. The have lived with the child for one year since 5/4/2024 the time of the hearing.
3. The subject, a male child is presumed to have been born on 7th November 2022, was abandoned by his mother at Nyeri Referral Hospital on 12th December 2022, and a report made at Nyeri police station OB/44/12/12/2022, and upon discharge from the hospital the child was admitted at New Life Home Trust, Nyeri on 15th December 2022 by Nyeri Children Court Protection and Care case (P&C) No. 170 of 2022.
4. On 17/9/2023 and 17/1/2024, Nyeri Police Station confirmed by a second letter and third letter indicating that the child had not been claimed by anybody following the first letter dated 16/1/2024 by the area Assistant Chief MW indicating that nobody had claimed child since the mater was reported at her office.
5. The child was on 20/2/2024 declared free for adoption by the Case Committee of the Buckner Adoption Services, Nairobi, and later placed with the applicants on 5/4/2024.



6. By Report dated 13/6/2024, the Sub-County Children Officer, Kirinyaga east has no objection to the adoption of the said Baby NKW alias CDM by the applicants, pointing out that “the child is comfortable around the home and in a very good relationship with adoptive parents. The Prospective adoptive parents want the child to be part of their family now and in the future. They promise to give good parenting, health care, education and their inheritance to this child. Their wish is also to be helped to acquire a birth certificate for him in order to assist in enrolling him to SHA. They say that they stayed with the minor for about one year and they have bonded well with the minor who has identified them as father and mother.”
7. The Report of the Guardian ad Litem JNK dated 18/4/2025 recommends the adoption as being in the best interest of the child, recommending that “based on my home visit and observations, I confidently and wholeheartedly recommend that the applicants be allowed to adopt the child. They love the child as their own. They are also eager to provide the child with the best opportunities and nurture his potential. It is evident that the bond they share is sincere and their dedication to the child’s well being is unwavering.”
8. The proposed Legal Guardians, spouses EMM, 47, and AWM, 25, respectively brother and sister in law of the 2nd Applicant, understand and accept the role and duties of a legal guardian in the event of disability or death of the applicants making them unable to provide for the welfare of the child.
9. The statutory consents have been waived in view of the circumstances of the case, where the child was abandoned by the mother at Nyeri referral Hospital, a few days after his birth.
10. Counsel for the applicants, Ms. Kimenyi, in oral submissions before the Court highlighting the facts of the case and urged the Court to approve the adoption.
11. The Court has seen the subject child and observed as follows:

Court:

The Court examines the child:

He is well groomed and happy, inquisitive and adventurous seeking to explore the Judge’s bench, the computer and the surrounding. He recognises the second applicant as Mum and the 1st applicant as Baba. He is well trained and the child appears to be in good stead with the applicants.”
12. The Court considers that it is in the best interests that the child gets a home with loving parents who have demonstrated willingness and ability to love, care and protect him over the period of his placement with them on 5/4/2024. The Legal guardians are approved and the guardian ad litem shall be discharged in accordance with the law,

Orders

13. Accordingly, for the reasons set out above, the Court makes the following orders:
 1. Pursuant to section 187 (1) (a) and (2) (a) of the *Children Act*, the consent of the biological parents of Baby NKW is dispensed with since the child was abandoned shortly after birth.
 2. The Applicants KM and ENM are authorized to adopt Baby NKW, a minor.
 3. The child shall be known as AWMK and the Registrar General is directed to enter this adoption into the Register of Adoptions.



4. The court appoints EMM and AWM as the Legal Guardians of AWMK, the child subject of these proceedings for purposes of section 195(1) of the *Children Act*.
5. The Court directs the Registrar General to make the appropriate entries in the Adopted Children Register in respect of Baby NKW now known as AWMK pursuant to section 201 (1) of the *Children Act*.
6. The Court orders that the child Baby NKW now known as AWMK shall be considered a Kenyan Citizen in terms of Article 14 (4) of *the Constitution* of Kenya.
7. The Guardian Ad Litem JNK is discharged in terms of section 188 (4) of the *Children Act*.

Orders accordingly.

DATED AND DELIVERED THIS 30TH DAY OF SEPTEMBER 2025.

EDWARD M. MURIITHI

JUDGE

Appearances:

Ms. Kimenyi for the Applicants.

