



REPUBLIC OF KENYA



**In re RC (Minor) (Adoption Cause E024 of 2025)
[2025] KEHC 13350 (KLR) (Family) (26 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 13350 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E024 OF 2025
PM NYAUNDI, J
SEPTEMBER 26, 2025
IN THE MATTER OF THE CHILDREN ACT, 2022
IN THE MATTER OF AN APPLICATION FOR THE
ADOPTION OF BABY RC BY BMK (APPLICANT)**

JUDGMENT

1. Vide Originating Summons, dated 29th January, 2025 the Applicant herein seeks the following orders, That:-
 - i. The Applicant BMK be authorized to adopt Baby RC. The child will be named RC after adoption.
 - ii. JMK – ID 2094xxxx and AMM - ID 2915xxxxbe and are hereby appointed the Legal Guardians of the child if a misfortune befalls the Applicant rendering them unavailable or incapable of taking care of the child.
 - iii. The Registrar – General be and is hereby ordered to make the appropriate entries in the Adopted Children’s Register regarding RC after adoption.
 - iv. The child was born in Kenya, of Kenya parents and is therefore a Kenyan by birth and is entitled to a Kenyan Passport.
2. This is a single application where a Kenyan Male Applicant is adopting a male child. The Applicant resides in Nairobi County. He is in gainful employment to take good care of the child. He is a Civil Servant working at Ministry of Tourism and Wildlife.
3. He has had custody of the minor since 24th March, 2024. The minor is 7 years old. The Applicant does not have other children. He further states that he is a product of companion since he was supported and he would therefore wish to support children that are needy hence adopting the minor. He also affirmed that the minor motivates him to work hard and to marry and settle down. He has also consulted his family members and appointed some to be legal guardians. He understands the implications of the



adoption order, he is aware that the child will have full rights as would a biological child and the order is not reversible.

4. Baby RC (child herein) is presumed to have been born on 10th January, 2018. The baby was found abandoned at the hospital on the day of discharge by his biological mother, Mary Ngendo at Ruiru Sub-County Hospital. Thereafter, a report was made at Ruiru Police Station vide OB Number 29/12/1/2018. However, the child was formally placed to New Life Home Trust. On 20th March 2019, the child was committed to the aforesaid Home pursuant to Court Order issued by the Resident Magistrate Children's Court sitting at Nairobi *Vide* P&C File No. 518 of 2018. Consequently, the child was finally committed to Kings Kids Village and final letters from the Police and those from Little Angel's Network and Kings Kids have since confirmed that there has been no claimant of the baby and therefore declared free for adoption.
5. The Applicant felt the urge to adopt the child and approached the Little Angels Network so that he legalizing the relationship between him and the child. He was interviewed by the Adoption Society where he was taken through Explanatory Memorandum to which he consented and signed the Certificate of Acknowledgment which is dated 7th March, 2022.
6. Further, Little Angels Network Case Committee meeting held on 8th June, 2022 was satisfied that the Applicant meets the legal and social parameters for adoption. However, the committee deferred the application on the grounds as stated in their application. Subsequently the Applicant fulfilled the requirements that were outlined by the committee and it was at that juncture that the sitting committee through its Addendum Report considered the Applicant's application and was satisfied that the Applicant meets the legal threshold for adoption thus declaring the child free for adoption vide Free Certificate Serial Number 002284
7. Joshua Wambua Social Worker at Little Angels Network assessed the Applicant as per report dated 7th July, 2022. He stated that at the time they approved the application, the now repealed Act was still in force since it allowed a sole male Applicant to adopt a male child thus recommending the adoption since it is in the best child interest of the child therefore feeing the child for adoption process.ms. Winfred Ikinya, Assistant Director Children Services submitted a report dated 23rd June, 2025. She averred that the Applicant is financially stable, medically and physically fit to take care of the child. She further averred that the Applicant is clear of any criminal claim as evidenced by police clearance certificate number PCC-L5SRL4G4. He is financially stable and are mentally stable thus recommending the adoption proceedings as it will be in the best interest of the child.
8. A report submitted on 24th May, 2025 from Guardian Ad Litem, Catherine Wambui Kinyua asserted that the child has fully bonded well with the Applicant. The Applicant wanted to have his home for a child to love and nurture. The Applicant's extended family supports the Adoption proceedings and have a very strong bond towards the Child herein. The child is currently living with his niece PN and the Applicant. Ms. Kinyua further asserted that the Applicant has shown parental commitment and willingness to give the child a permanent, safe and loving home therefore recommending the adoption process.
9. Proposed Legal Guardians JMK and AMM (married couple) testified in Court that they are Applicant's brother and brother in law. They reside in Machakos County in Yatta. They are farmers. They consented to be the legal guardians for the minor. It's their disposition that they understand the legal implications as they will assume full parental responsibilities in the event the Applicant is unable to discharge his responsibilities.
10. The Court also interviewed the minor and it was observed that he recognizes the Applicant as his Dad.



Determination

11. 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.
12. 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 & Banjul Charter on the Rights & Welfare of the Child all amplify on the best interests of the child.
13. The Court has evaluated the facts of this Local Adoption from the Reports filed. It is evident that the Applicant is a single male adopting a male child and he has fulfilled all the legal requirements of a Local Adoption as required under Section 193 of the Children's Act, 2022.
14. I have not seen any impediment to the Applicant as he is not disqualified by dint of Section 186 (1) (a). It's evident that the Applicant stays with the minor together with the Applicant's niece who helps the minor in day to day activities. It is also noted that the Applicant has an intention to marry and settle down. 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.”
15. I am thus inclined to allow the Applicant in the best interest of the child. This will provide the child with a home as opposed to being in the Children's home and therefore allow the Originating Summons 29th January, 2025 as follows; -
- a. That the Applicant, BMK is hereby allowed to adopt Baby RC.
 - b. That the child shall henceforth be called RC.
 - c. That his date of birth shall be 10TH January, 2018 at Ruiru Sub-county Hospital In Kiambu County.
 - d. That he is presumed to be a Citizen of Kenya by birth.



- e. That JMK and AMM are hereby appointed as Legal Guardians of the child.
- f. That the Registrar General to enter this order in the Adoption Children Register.
- g. That the Registrar General do issue the child with requisite Birth Certificate.
- h. That the Director Immigration is authorised to issue the child with a Kenyan Passport.
- i. That the guardian *ad litem* is hereby discharged.

It is so ordered.

SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 26TH DAY OF SEPTEMBER, 2025.

M. NYAUNDI

JUDGE

In the presence of:

Fardosa Court Assistant

Ms. Oongo holding brief Mr. Ogutu for Applicant

