



**In re RA aka MII (Baby) (Adoption Cause E172 of 2025)
[2025] KEHC 14514 (KLR) (Family) (16 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 14514 (KLR)

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

FAMILY

ADOPTION CAUSE E172 OF 2025

PM NYAUNDI, J

OCTOBER 16, 2025

IN THE MATTER OF THE CHILDREN ACT, 2022

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY RA AKA MII

IN THE MATTER OF

MR. MNI 1ST APPLICANT

ALK 2ND APPLICANT

JUDGMENT

1. Vide Originating Summons, dated 27th June, 2025 the Applicants herein seek the following orders, that:-
 - i. They be authorized to adopt the child currently known as BABY RA AKA MII.
 - ii. If the adoption order is granted the said child is therefore known as MII.
 - iii. The child's date of birth be declared to be 30th May, 2024 and her place of birth to be declared to be Kiambu County.
 - iv. The consent of the biological parents of the child be and is hereby dispensed with since the child was abandoned.
 - v. MJM may be appointed the legal guardian of the child in the event of death of the Applicants or incapacity of the Applicants, rendering them un-available or incapable of taking care of the child.
 - vi. The Registrar General be directed to make the appropriate entries in the Adopted Children's Register.



2. That the Applicants are Kenyan Citizen residing in Nairobi County. They are married as per the annexed marriage certificate No. 2XXX65. They both do business hence able to take good care of the child. The Applicants have had custody of the minor for 6 months. Their desire to adopt is that they have not been blessed with biological children also they want to offer a family and a home to a needy child. However, the 1st Applicant has a teenager daughter 12 years of age who he co-parent. 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.
3. BABY RA, AKA MII (child herein) a female child is presumed to have been born on 30th May, 2024 according to annexed birth certificate number 03622411307. The baby was found abandoned at the compound of Mr. JMN in [Particulars withheld] Area of Kiambu County. Thereafter, the matter was reported to Maguguini Police Post and later Ngolida Police Station vide OB 08/05/06/2024 and. However, the child was temporary placed at Macheo Children's Home. That following a report from Thika Sub-County Children's Office, the child was committed to the aforesaid Home pursuant to Court Order issued by the Chief Magistrate Children's Court sitting at Thika Vide P&C File No. MCP&CCO/E105/2024 518 of 2018 on 5th June, 2024. Consequently, the child remained at the Institution unclaimed and final letters from the Police confirmed that that there has been no claimant of the child and therefore declared free for adoption.
4. The Applicants felt the urge to adopt the child and approached KCH Adoption Society. They were interviewed by the said Adoption Society, taken through Explanatory Memorandum to which they consented and signed the Certificate of Acknowledgment dated 25th September, 2024.
5. Later, KCH Adoption Society Case Committee meeting analyzed the case and they were satisfied that the Applicants meets the legal and social parameters for adoption thus declaring the child free for adoption vide Free Certificate Serial Number 1xx8.
6. All the Statutory Reports filed, approved the application since it is in the best interest of the child. MS. Winfred IkinyA, Assistant Director Children Services submitted a report dated 11th August, 2025. Through her observation, the Applicants have provided a safe conducive environment for the child, a strong bond between the Applicants and the child was observed. She affirmed that the Applicants are mentally and socially sound, they are clear of any criminal claims as evidenced by police clearance certificates number PCC-WWSGRWM7L and PCC-L5SBYQMLB. The Applicants have recommended they sister MJM to be a legal guardian thus recommending the adoption proceedings as it will be in the best interest of the child.
7. A report submitted on 8th September, 2025 from Guardian Ad Litem, MS. SA averred that the child has fully bonded well with the Applicants, child is in good health. The Applicants had adequate financial, social preparedness and emotional stable to take good care of the child therefore recommending the adoption process.
8. Proposed Legal Guardian MJM testified in Court that she is sister to 2nd Applicant as well as sister in law to the 1st Applicant. She is an Office Assistant at Universal Services and resides in Nairobi County. She consented to be the legal guardian for the minor. It's her disposition that she understands the legal implications as she will assume full parental responsibilities in the event the Applicants are unable to discharge their responsibilities.
9. The Court also interviewed the minor and it was observed that she was comfortable with both Applicants and recognized them as Dad and Mom.



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 & Banjul Charter on the Rights & Welfare of the Child all amplify on the best interests of the child. The consents of the biological parents of the child have been dispensed with since the child was abandoned.
12. I have not seen any impediment to the Applicants as they are not disqualified by dint of Section 186 (1) (a). 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.”
13. I am thus inclined to allow the Application as it is in the best interests of the child. This will provide the child with a home as opposed to being in the Children's home and I therefore allow the Originating Summons dated 27th June, 2025 as follows; -
- a. That the Applicants, MR. MNI AND ALK are hereby allowed to adopt BABY RA AKA MII.
 - b. That the child shall henceforth be called MII.
 - c. That she is presumed to be a Citizen of Kenya by birth.
 - d. That her date of birth shall be 30TH MAY, 2024, in KIAMBU COUNTY.
 - e. That MJM is hereby appointed as Legal Guardian 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 16TH DAY OF OCTOBER, 2025.

P. M. NYAUNDI

JUDGE

In the presence of:

Fardosa Court Assistant

Mrs. Owiti for Applicant

