



**In re Baby W (Adoption Cause E148 of 2025)
[2025] KEHC 14106 (KLR) (Family) (2 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 14106 (KLR)

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

FAMILY

ADOPTION CAUSE E148 OF 2025

PM NYAUNDI, J

OCTOBER 2, 2025

IN THE MATTER OF THE CHILDREN ACT, 2022

AND

IN THE MATTER OF BABY W

IN THE MATTER OF

GWG APPLICANT

JUDGMENT

1. Vide Originating Summons, dated 27th May, 2025 the Applicant herein seeks the following orders, That:-
 - i. She be authorized to adopt Baby W, a minor who is to be known as MWN.
 - ii. The Registrar General be directed to enter this adoption into the Register of Adoptions.
 - iii. NN be appointed as the Legal Guardian of the child.
 - iv. The child be presumed to be born in Nairobi County in the Republic of Kenya.
2. The Applicant is a single Kenyan Citizen residing in Nairobi County. She was married to her late husband in the year 1989 and were blessed with two sons aged 32 and 13 years respectively. G is a business woman. She has the means to provide for the child. Her desire to adopt the child is driven by the fact that she loves children and want to provide a home for a less fortunate child where she can grow in and feel loved. She has had custody for 7 months. The minor is 3 years old. The Applicant understands the implications of the adoption order, she is aware that the child will have full rights as would a biological child and the order is not reversible.



3. Baby W (minor herein) is presumed to have been born on 1st March, 2023. The baby was found abandoned within Park Road by a good Samaritan who made the report to Pangani Police Station Vide Case Number OB No. XXXX/2023. Subsequently, the minor was temporarily placed to Nairobi Rescue Center for care and protection. That on 29th November, 2023, the Children's Court sitting in Nairobi committed the minor to the same Facility Vide Committal Order P& C No. E XXX of 2023. However, final police report dated 9th September, 2024 confirmed that no one has ever claimed the minor.
4. That upon the Applicant's decision to adopt, she approached the Change Trust Adoption Society, the assessment was made, she was taken through Explanatory Memorandum and she signed certificate of Acknowledgment dated 24th August, 2021. Thereafter, Change Trust Adoption Society through their committee sitting on 11th October, 2024 considered the circumstances of Baby W and that they had assessed the Applicant and found her suitable adoptive parent and further that the adoption would be in the child's best interest therefore declared the child free for adoption vide freeing certificate Serial Number 00XXX pursuant to Section 156 (1).
5. All Statutory reports filed in respect of the proposed adoption of the child by the Applicant has recommended that this Court allows the Applicant to adopt the child. Another positive Report from Children Officer, Beth Kauna dated 29th July, 2025 through her visit she observed that the child has bonded well with the Applicant and her other family, the Applicant is socially, emotionally and financially able to take care of the child. The Applicant has met all legal requirements for local adoption as stipulated in the Children Act 2022. The Applicant is clear of any criminal claim as evidenced by police clearance certificate number PCC-XXXX therefore, recommending the adoption process.
6. Guardian Ad litem, JWT, presented undated report in which during her visit, she observed the child has adapted well to the family set up environment, well fed, happy, well cared for and has bonded well with the Applicant. The child has a loving home thus recommending the adoption process.
7. Proposed Legal Guardian NN is the Applicant's son. He testified in Court that he is a chef and lives in Kilimani. He is not married and has no children. He consented to be the legal guardian for the minor. He understands the legal implications and he will assume full parental responsibilities in the event the Applicant is unable to discharge her responsibilities.
8. The minor was present in Court and the Court satisfied itself that the minor was familiar with the applicant and referred to her as Mum.

Determination

9. 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.
10. 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* all amplify on the best interests of the child.
11. 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. 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 was abandoned at birth. This Court has satisfied itself that the Applicant is qualified and able to take care of the child. All the necessary Reports and consents required for this Adoption have been filed.
12. 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. This Court is therefore of the opinion that this Adoption would be in the best interest of the child and allows the application with Order that;
 - a. The Applicant, GWG is hereby allowed to adopt Baby W.
 - b. Henceforth, the minor shall be known as MWN.
 - c. Her date of birth shall be 1st March, 2023 in Nairobi County.
 - d. She is presumed to be a Citizen of Kenya by birth.
 - e. NN 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 is authorised to issue the child with Birth Certificate.
 - 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 2ND DAY OF OCTOBER, 2025.

P. M. NYAUNDI

HIGH COURT JUDGE

In the presence of:

Court Assistant – Fardosa



Kemunto for Applicant

