



**In re MM (Baby) (Adoption Cause E147 of 2025)
[2025] KEHC 14030 (KLR) (Family) (2 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 14030 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E147 OF 2025
PM NYAUNDI, J
OCTOBER 2, 2025**

IN THE MATTER OF

PMK APPLICANT

JUDGMENT

1. Vide Originating Summons, dated 27th May, 2025 and further Amended in Court on 31st July, 2025. The Applicant herein seeks the following orders, that:-
 - i. The Applicant be authorized to adopt Baby MM, a minor who is to be known as NM and the Registrar General be directed to enter this adoption into the Register of Adoptions.
 - ii. AWK and VKW be appointed as the Legal guardians of the child.
 - iii. The child be presumed to be born in ICTRH, Isiolo County in the Republic of Kenya.
2. This is a single application where a Kenyan Female Applicant is adopting a male child. The Applicant resides in Nairobi County. She is in gainful employment and is able to take good care of the child. She is a dental surgeon. She was once marriage but the union was nullified on 31st March, 2022 as per attached copy of Decree Absolute.
3. She has had custody of the minor since December, 2024. The minor is 1 year, 8 months old. The Applicant does not have other children. She states that 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 he can grow in and feel loved. She affirmed that she 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.
4. Baby MM (child herein) is presumed to have been born on 17th October, 2023. The baby was found abandoned near the fence of [Particulars Withheld] Primary School in Chechelesi Village by a good Samaritan who reported the matter to Isiolo Police Station Vide OB No. 63/17/10/2023. Thereafter,



the Police referred the child to Isiolo Teaching and Referral Hospital for medical checkup and later the child was placed to Neema House Infant Rescue Centre for care and protection. on 3rd November, 2023, Children’s Court sitting in Isiolo committed the child to the same Institution Vide P&C File No. E006 of 2023. That on 7th November, 2024 Isiolo Police Post issued a final letter indicating that nobody had claimed the child.

5. That on 7th March, 2024 the Applicant made a decision to adopt and approached the Buckner Kenya Adoption Services. She was taken through relevant interview, home assessment was carried out as well as the pre-placement counselling. Further, Buckner Kenya Adoption Services Case Committee meeting held on 8th November, 2024 was satisfied that the Applicant meets the legal threshold and social parameters for adoption thus declaring the child free for adoption vide Free Certificate Serial Number xxx.
6. On 16th July 2025, Dickson Masindano County Director at Buckner Kenya Adoption Services asserted that the child remained unclaimed for more than six months and was placed with the Applicant for care and control therefore recommending the adoption since it is in the best child interest of the child. A report dated 24th July, 2025 submitted by Harriet Kihara, Principal Children’s Officer stated that the Applicant bonded well with the child, Applicant is socially and economically able to take care of the child. It is also noted that the Applicant is clear of any criminal claim as evidenced by police clearance certificate number PCC-xxx. The Applicant has fulfilled legal requirements as per the provisions of *Children Act*, 2022 thus recommending the adoption proceedings as it will be in the best interest of the child.
7. A report submitted on 26th June, 2025 from Guardian Ad Litem, VWK averred that the child has fully bonded well with the Applicant, the child is well fed and taken care off and the Applicant is happy to be a parent therefore recommending the adoption process.
8. AWK and VKW (Proposed Legal Guardians). They testified in Court that they are Applicant’s sister and brother in law. They reside in Kampala, Uganda. They consented to be legal guardians for the child herein and that they understand the legal implications as they will assume full parental responsibilities in the event the Applicant is unable to discharge her responsibilities.

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 on the Rights & Welfare of the Child 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 is a single Female adopting a male child and she has fulfilled all the legal requirements of a Local Adoption as required under Section 193 of the Children’s Act, 2022. The consent of the biological parents of the child was dispensed with since the child was abandoned at birth.
12. I have not seen any impediment to the Applicant as she is 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 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 27th May, 2025 as follows; -
 - a. That PMK the Applicant, is hereby allowed to adopt Baby MM.
 - b. That the child shall henceforth be called NM.
 - c. That his date of birth shall be 17th October, 2023 at ICTRH, in Isiolo County.
 - d. That he is presumed to be a Citizen of Kenya by birth.
 - e. That AWK and VKW 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 2ND DAY OF OCTOBER, 2025.

M. NYAUNDI

HIGH COURT JUDGE

In the presence of:

Court Assistant – Fardosa

Ms. Kemunto for Applicant

