



REPUBLIC OF KENYA



**In re DH aka MW (Child) (Adoption Cause E200 of 2025)
[2025] KEHC 14850 (KLR) (Family) (23 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 14850 (KLR)

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

ADOPTION CAUSE E200 OF 2025

PM NYAUNDI, J

OCTOBER 23, 2025

IN THE MATTER OF

RWK APPLICANT

JUDGMENT

1. Vide Originating Summons, dated 21st July, 2025 the Applicant herein seeks the following orders, THAT:-
 - i. She be authorized to adopt Baby DH aka Baby MW a minor who is to be known as DWK
 - ii. The Registrar General be directed to enter this adoption into the Register of Adoptions.
 - iii. PWK be appointed as the legal guardian of the child.
 - iv. The Child be presumed to have been born in Kenya.
2. This is a single application where the Applicant is a Kenyan Citizen residing in Nairobi County. The Applicant has never been married however she is blessed with two (2) a biological Children. She is a business lady working as a [particulars withheld] at Young Traders Tigoni Limited and Kinuthia Holdings Limited hence able to take good care of the child. The Applicant has had custody of the minor since November, 2024. The minor is 2 years old. Her desire to adopt is that she feels the need to give back to the society, sees this as an opportunity to offer love and stability to a child in need and to enrich her own family. Ruth 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. The child herein (Baby DH aka Baby MW) a male child is presumed to have been born on 2nd August, 2023 at Dagoretti Sub-County Hospital in Mutuini. It is said that the child was abandoned in the hospital by his mother. Thereafter, the matter was reported to Mutuini Police Station vide OB XXX/2023. That on 8th August 2023, the child was temporary placed at Hope House Babies.



Subsequently, the child was committed to the aforesaid Home pursuant to Court Order issued by the Children’s Court sitting at Nairobi Vide P&C File No. XXXX/2024. Consequently, the child remained at the Institution unclaimed and final letters from the Police dated 3rd December 2024, confirmed that efforts to trace the mother or any relatives had been futile.

4. The Applicant felt the urge to adopt the child and approached KKPI Adoption Society. She was interviewed by the said Adoption Society, taken through Explanatory Memorandum to which she consented and signed the Certificate of Acknowledgment dated 17th January, 2024.
5. Further, KKPI 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 0980.
6. All the Statutory Reports filed, approved the application since it is in the best interest of the child. MS. Nyaranga Odundo, Children Officer submitted a report dated 5th September, 2025 which was countersigned by Nancy Waswa on 30th September, 2025. During her visit, a strong bond between the Applicant, other children and the child was observed. The Applicant has provided a safe conducive environment for the child. She asserted that the Applicant is mentally and socially sound, she is clear of any criminal claims as evidenced by police clearance certificate number PCC-PPXXXX. The Applicant has met all the legal requirements for adoption as stipulated in the Children Act 2022. The Applicant has recommended PWK as legal guardian therefore recommending the adoption proceedings as it will be in the best interest of the child.
7. A report submitted on 4th September, 2025 from Guardian Ad Litem, SM averred that the child has fully bonded well with the Applicant, the Applicant is emotional, financial, psychological preparedness to take care of the child. The Applicant has established a warm, stable and nurturing home environment for the child thus recommending the adoption process.
8. Proposed Legal Guardian PWK (Applicant’s brother) testified in Court that he is a businessman, married and blessed with three children residing in Kitisuru Road. He consented to be the legal guardian for the minor. It’s his disposition that he understands the legal implications as he will assume full parental responsibilities in the event the Applicant is unable to discharge her responsibilities.
9. The Court also interviewed the minor and it was observed that he was very interactive and recognized both Applicant and her brother.

Determination

10. 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.
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 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 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 21st July, 2025 as follows; -
- a. That the Applicant, RWK is hereby allowed to adopt Baby DH aka Baby MW.
 - b. That the child shall henceforth be called DWK
 - c. That he is presumed to be a Citizen of Kenya by birth.
 - d. That his date of birth shall be 2ndAugust,2023, in Nairobi County.
 - e. That PWK 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 23RD DAY OF OCTOBER, 2025.

P. M. NYAUNDI

JUDGE

In the presence of:

Fardosa Court Assistant

Ms. Wairimu for Applicant RWK

