



**In re BA aka IJC (Baby) (Adoption Cause E173 of 2025)  
[2025] KEHC 16071 (KLR) (Family) (7 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 16071 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E173 OF 2025  
PM NYAUNDI, J  
NOVEMBER 7, 2025  
N THE MATTER OF THE CHILDREN ACT, 2022  
AND  
IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY BA AKA IJC  
IN THE MATTER OF  
MS JJC ..... APPLICANT**

**JUDGMENT**

1. Vide Originating Summons, dated 21<sup>st</sup> June, 2025 the Applicant herein seeks the following orders, that:-
  - i. She be authorized to adopt the child currently known as baby BA AKA IJC.
  - ii. If granted order is granted the said child is thereafter known as IJC.
  - iii. The child's date of birth be declared to be 1<sup>st</sup> February, 2024 and her place of birth to be declared to be in Gataka, Kajiado County.
  - iv. The child be considered as a Kenyan Citizen.
  - v. The consent of the biological parents of the child be and is hereby dispensed with since the child was found abandoned.
  - vi. GS and SC may be appointed the legal guardians of the child in the event of death of the Applicant or incapacity of the Applicant, rendering her un-available or incapable of taking care of the child.



- vii. The Registrar General be directed to make the appropriate entries in the Adopted Children's Register.
2. The Applicant is a Kenyan Single woman residing in Langata, Nairobi County. The Applicant is a Human Resource Manager by profession currently working with Tourism Fund. Applicant is financially capable of taking good care of the minor as she has a well-established professional with a permanent employment as a source of continuous income as well as farming investment to supplement her income. She does not have a child on her own. Her desire to adopt the minor is driven by the fact that she has passion for children, she wants to help a needy child by offering love, a sense of identity and belonging as well as to grow her family. The minor is 1 year 7 months old. The Applicant has had the minor for 6 months. 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.
  3. baby BA AKA IJC (minor herein) is a female child presumed to have been born on 1<sup>st</sup> February, 2024. The minor was found abandoned by a Good Samaritan. A report was made at Ongata Rongai Police Station and recorded Vide OB No. 10/22/2024. On 5<sup>th</sup> February 2024, the child was temporarily placed at New Life Mission Samaritan Children's Home. Consequently, the child was committed to the same facility pursuant to Court Order issued by Ngong Law Courts sitting Vide Care and Protection Case Number E27/2024 on 16<sup>th</sup> September, 2024. That on 14<sup>th</sup> March 2024, Police issued final letter stating that the whereabouts of the parents bore no fruits thus declaring child free for adoption.
  4. That upon the Applicant decision to adopt the minor, she approached KCH Adoption Society where the interview was carried out, she was taken through Explanatory Memorandum to which she consented and signed the Certificate of Acknowledgment.
  5. KCH Adoption Society, through their committee sitting on 19<sup>th</sup> March 2025, asserted that they were satisfied that the child is available for adoption and that would be in the child's best interest therefore declared the child free for adoption vide Freeing certificate serial Number 1070. Subsequently, the child was placed under the care of the Applicant on 15<sup>th</sup> April 2025, for bonding pending adoption.
  6. All the Statutory Reports that have been filed in respect of the proposed adoption of the child by the Applicants have recommended that this Court allows the Applicants to adopt the child. MARY ATATI, Assistant Director Children Service, submitted a favourable report dated 8<sup>th</sup> August, 2025 in which during her visit she observed a strong bond have developed between the Applicant and the child, the Applicant has embraced the child as her own and determined to give her the best. The Applicant is financially stable. The Applicant is clear of any criminal claim as evidenced by police clearance certificate number PCC-PKSWNQBLV. The Applicant having met all legal requirements for local adoption as stipulated in the Children Act 2022, the Officer recommended the adoption.
  7. The Guardian Ad Litem, MS.SA, presented report dated 8<sup>th</sup> September 2025, in which during her visit, she observed that the child has adapted well to the family set up environment, bonded well with the Applicant, the Applicant is capable of raising the child and this adoption will promote the child's physical, emotional, moral and psychological support as it will be of the best interests of the child therefore, recommending the adoption.
  8. GS and SC, proposed Legal Guardians testified in Court that the Applicant is her sister as well as sister in law. They are married couple blessed with 3 biological children. They consented to be legal guardians and understands what the role entails in the event circumstances demand, they will assume full parental responsibilities.



9. The minor was also interviewed by Court and noted the minor was very jovial and exhibits familiarity with the Applicant.

### **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.
12. 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. The Court observed that the child was comfortable with the Applicant. 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.
13. 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.”
14. 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 21<sup>st</sup> June, 2025 as follows that; -
- a. The Applicant, MS. JJC is hereby allowed to adopt Baby BA AKA IJC .
  - b. Henceforth, the child shall be known as IJC.
  - c. Her date of birth shall be 1<sup>st</sup> February, 2024 In Gataka, Kajiado County.



- d. She is presumed to be a Citizen of Kenya by birth.
- e. GS and SC are hereby appointed as Legal Guardians of the child.
- f. The Registrar General to enter this order in the Adoption Children Register.
- g. The Registrar General do issue the child with requisite 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 7<sup>TH</sup> DAY OF NOVEMBER, 2025.**

**P.M. NYAUNDI**

**JUDGE**

In the presence of:

Fardosa Court Assistant

Ms. Owiti for Applicant

