



**In re GA (The Child) (Adoption Cause E181 of 2025)  
[2025] KEHC 16008 (KLR) (Family) (7 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 16008 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E181 OF 2025**

**PM NYAUNDI, J**

**NOVEMBER 7, 2025**

**IN THE MATTER OF THE CHILDREN ACT NO. 29 OF 2022**

**IN THE MATTER OF GA (THE CHILD)**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**

**DMM AND VWM**

**IN THE MATTER OF**

**DMM ..... 1<sup>ST</sup> APPLICANT**

**VWM ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. Vide Originating Summons dated 17<sup>th</sup> June, 2025 the Applicants herein seeks the following orders, THAT:-
  - i. They be authorized to adopt the child GA who is a Kenyan Citizen, presumed to have been born on the 5<sup>th</sup> March, 2024.
  - ii. Upon adoption, the child be known as YMM.
  - iii. MWM and CMK of Kenyan National Identity Cards Number 200XXX and 118XXX be appointed as legal guardian of the child BABY GA.
  - iv. The Registrar General be directed to enter this adoption into the Register of Adoptions and a subsequent Birth Certificate do issue by the Registrar of Births and Deaths.



2. This is a joint application where Applicants are Kenyan Citizen. They are legally married as per the annexed Marriage Certificate Serial Number 27XXX and they have been living together in Athi River Machakos County. D is a Human Resource by profession while V is an Accountant by profession. Moreover, the Applicants are the founders of God is [Particulars Withheld] based in Doha, Qatar hence financial stable to take good care of the child. They do have one (1) adopted child who is 3 years of age.
3. The Applicants are motivated to adopt by their desire to serve humanity where the child will become part of them and will give the child identity, care and protection. They understand the legal implications of the adoption order as they are aware that the child will have full rights as would a biological child and the order is not reversible. The minor is 1 year and ½ old. They have had custody of the minor since 11<sup>th</sup> April, 2025.
4. BABY GA (minor herein) is presumed to have been born on 5<sup>th</sup> March, 2025. The minor was found abandoned on the same day by a Good Samaritan at Firestone Area in Ngarariga Location, Limuru. The minor was taken to Tigoni Hospital, admitted at Level IV and the matter was reported to Tigoni Police Station vide OB No. 39/XX/XX/XXXX. That on 19<sup>th</sup> March 2024, after the child discharged from the hospital she was temporary placed at Limuru Children Home. Consequently, on 20<sup>th</sup> March 2024, Senior Principal Magistrate's Court sitting in Limuru committed the child to the same facility Vide P&C File No. E 025 of 2024. That on 5<sup>th</sup> January 2023 Tigoni Police Station issued a final letter confirming that efforts to trace the mother and relatives were futile rendering the minor in need of an alternative family.
5. It was in that regards, that Applicants approached Kenya Children's Home Adoption Society (KCH) with intention to adopt the child. They were taken through the explanatory memorandum and they dully signed Certificate of Acknowledgement. Consequently, Committee sitting on 22<sup>nd</sup> January 2025, discussed the Applicants at length and being second time to adopt, they prepared a declaration report and issued a Certificate declaring the child free for adoption vide Freeing Certificate Serial Number XXX dated 19<sup>th</sup> March, 2025. Thereafter, the minor was placed with the Applicants for the mandatory bonding on 11<sup>th</sup> April, 2025.
6. Kenya Children's Homes submitted report dated 29<sup>th</sup> July 2025, in respect of the proposed adoption of the child by the Applicants recommending that this Court allows the Applicants to adopt the child. Ms. Winfred Ikinya, Assistant Director Children Services submitted a favourable report dated 27<sup>th</sup> August 2025 in which she observed bond between the Applicants and the minor, the Applicants are socially stable to take good care of the child. The Applicants are clear of any criminal claim as evidenced by Certificates of Good Conduct annexed PCC-JRSMNKRAB and PCC-NNS4PMK7N. The Officer asserted that the Applicants have met the legal requirements for Local adoption as stipulated by the Children Act 2022 thus recommended the adoption process.
7. Mr. RMG (Guardian Ad litem) also prepared a positive report dated 16<sup>th</sup> September, 2025 recommending the Applicants to adopt the child.
8. The Applicants' relatives (CMK AND MWM) were appointed to be the Legal Guardians in the event the Applicants are unable to discharge their responsibilities as they will assume full parental responsibilities according to adoption orders.
9. The Court interviewed the minor and it was evident that there was a strong bond between the minor and the Applicants.



## 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.
12. The Court has evaluated the facts of this Local Adoption from the Reports filed. It is evident that the Applicants have fulfilled all the legal requirements of a Local Adoption as required under Section 193 of the Children's Act, 2022. It is also evident that the Applicants have another adopted child vide Adoption orders issued on 18th April, 2024 in the Adoption Cause No. E138 of 2023 since their desire is to expand their family as well as provide a home and parents to a needy child. 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. This Court has satisfied itself that the Applicants are qualified and able to take care of the child. All the necessary Reports and consents signed by Applicants for this Adoption have been filed. The consents of the biological parents of the child have been dispensed with since the child was abandoned.
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. This Court is therefore of the opinion that this Adoption would be in the best interest of the child and allows the application with orders that;
- a. The Applicants, DMM and VWM are hereby allowed to adopt BABY GA.
  - b. Henceforth, the child shall be known as YMM.
  - c. Her date of birth shall be 5<sup>TH</sup> MARCH, 2024.
  - d. She is presumed to be a Citizen of Kenya by birth.



- e. CMK and MWM 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 to issue a Birth Certificate in respect of the child.
- 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

Mr. Wamae holding brief for Ms. Githogori for Applicant

