



**In re HB (Baby) (Adoption Cause E111 of 2025)  
[2025] KEHC 16007 (KLR) (Family) (7 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 16007 (KLR)

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

**ADOPTION CAUSE E111 OF 2025**

**PM NYAUNDI, J**

**NOVEMBER 7, 2025**

**IN THE MATTER OF**

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

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

**JUDGMENT**

1. Vide Originating Summons, dated 22nd April, 2025 the Applicants herein seeks the following orders, That:-
  - i. They be authorized to adopt Baby HB a minor who is to be known as BVWK and the Registrar General be directed to enter this adoption into the register of Adoptions.
  - ii. EKM be appointed as the Legal Guardian of the minor who shall be presumed to have been born in Kenya
2. The Applicants are Kenyan Citizen residing in Utawala, Nairobi County. They are legally married as per the annexed Marriage Certificate Serial Number 15XXXX. The 1<sup>st</sup> Applicant is a Police by profession serving as a Commissioner of Police in Nairobi County, while the 2<sup>nd</sup> Applicant is a Pastor at Cornerstone Inter Community Church in Nairobi County. They are financially stable to take good care of the child. They have not been blessed with children of their own for reasons beyond their control.
3. The Applicants have desire to adopt the child in order to expand their family as well as aspiring to offer the minor a loving, caring home. 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 baby is ten (10) years old. The Applicants have had the custody of the minor for 3 years.



4. Baby HB (minor herein) a female child is presumed to have been born on 24<sup>th</sup> October 2018. She was found by a Good Samaritan on 15<sup>th</sup> October 2018 at a roadside in Riruta within Dagoretti Sub-County. A report was made at Riruta Police Station vide OB No. 47/15/10/2018. The child was placed for temporary to Nairobi Children's Rescue Centre (NCRC). That on 30<sup>th</sup> January 2019, Children's Court sitting in Nairobi committed the child to Mogra Rescue Centre Vide P&C File No. E 578 of 2018. Subsequently, a final letter dated 24<sup>th</sup> October, 2018 from Riruta Police Station confirming that efforts to trace the mother and relatives bear no fruits thus declaring the minor free for adoption.
5. That Applicants approached KKPI Adoption Society with intention to adopt the child. They were taken through the explanatory memorandum and they dully signed Certificate of Acknowledgement dated 22<sup>nd</sup> January, 2019. Consequently, Committee sitting on 29<sup>th</sup> July 2021, prepared a declaration report and issued a Certificate declaring the child free for adoption vide Freeing Certificate Serial Number 0965 on 29<sup>th</sup> June, 2022. Thereafter, the minor was placed with the Applicant for the mandatory bonding.
6. KKPI Adoption Society submitted report in respect of the proposed adoption of the child by the Applicants recommending that this Court allows the Applicants to adopt the child.
7. The Principal Children's Officer Ms. Harriet Kihara submitted a positive report dated 22<sup>nd</sup> July, 2025 in which she observed a strong bond between the Applicants and the minor, the Applicants are socially and economically stable to take good care of the child. The Applicants are clear of any criminal claim as evidenced by Certificates of Good Conduct annexed. The Officer averred that the Applicants have met the legal requirements for Local adoption as stipulated by the *Children Act* 2022 thus recommended the adoption process.
8. PMS (Guardian Ad litem) also prepared a positive report dated 7<sup>th</sup> July, 2025 in which through her visit she observed that the minor has fully bonded well with the Applicants as well as extended family and taken care of thus recommending the Applicants to adopt the child.
9. The 1<sup>st</sup> Applicant's brother (EKM) is a businessman residing in Nyandarua. He consented to be a Legal Guardian in the event the Applicants are unable to discharge their responsibilities as he will assume full parental responsibility according to adoption orders.
10. The Court interviewed the minor and it was observed a strong bond between the Minor and the Applicants as well as the minor recognizing the Applicants as her parents.

### **Determination**

11. After carefully assessing the records herein, the Court is 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.
12. 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 & African Charter on the Rights & Welfare of the Child all amplify on the best interests of the child.
13. 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. The love the Applicants have for the children is unconditional as it is evident that the Applicants are also adopting another issue in Adoption E 112 of 2025 . 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 Applicant is 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.
14. 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.”
15. 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, DKM and ANK are hereby allowed to adopt Baby HB.
  - b. Henceforth, the child shall be known as BVWK.
  - c. Her date of birth shall be 24th October 2014.
  - d. She is presumed to be a Citizen of Kenya by birth.
  - e. EKM 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 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

Ms. Ambaka for Applicant

