



**In re New Born alias GG (Adoption Cause E039 of 2025)
[2025] KEHC 16070 (KLR) (Family) (7 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 16070 (KLR)

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

ADOPTION CAUSE E039 OF 2025

PM NYAUNDI, J

NOVEMBER 7, 2025

IN THE MATTER OF

IMK 1ST APPLICANT

CWN 2ND APPLICANT

JUDGMENT

1. Vide Exparte Originating Summons, dated 7th February, 2025 the Applicants herein seeks the following orders, that:-
 - i. They be authorized to adopt the child currently identified as Abandoned New Born alias GG
 - ii. Henceforth, the child be renamed MKM.
 - iii. The child's date of birth be declared to be 1st February, 2023 and his place of birth be declared to be Narok County.
 - iv. The child be presumed to be a Kenyan Citizen by birth and as a consequence, be entitled to the rights and benefits of a Kenyan Citizen, including being issued with a Kenyan Passport whenever desired.
 - v. Consent of the biological parents/guardians be dispensed with.
 - vi. The guardian ad litem be discharged and AWK and NWK be appointed as Legal Guardians of the child, in the event that the Applicants herein are incapacitated or in any way unable to discharge their parental obligations.
 - vii. The Registrar General be directed to make the appropriate entries in the Adopted Children's Register.
 - viii. This Court do issue such further orders as are in the interest of justice.



2. The Applicants are Kenyan Citizen residing in Nairobi County. They are legally married as per the annexed Marriage Certificate Serial Number xxxxxx. The 1st Applicant is a Teacher by profession at [Particulars withheld] SDA Church in Nairobi County while the 2nd Applicant is a Secretary by profession at [Particulars withheld] SDA School hence financial capability to take care good care of the child. They have not been blessed with issues of their own.
3. The Applicants motivation to adopt stems from their love and desire to have a child who they shall raise, inherit from them and bring a difference in a child's life. 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 2 years old. The Applicants have had the custody of the minor since May 14th 2024.
4. Abandoned New Born alias GG (Minor herein) a male child is presumed to have been born on 1st February, 2023. The minor was abandoned by his biological mother and found behind Simba Hotel Total Area. The child was readmitted back to the Narok County Referral Hospital for medical attention. A report was made at Narok Police Station vide OB No. xx/10/02/2023. That on 6th March 2023, the child was temporarily placed for at Nest Children's Home pending Police investigations and family tracing. On 6th March 2023, Senior Resident Magistrate sitting in Narok Court committed the child to the same facility Vide P&C File No. E030 of 2023. Subsequently, a final letter dated 1st December 2023, from Narok Police Station confirmed that efforts to trace the parent had been futile and on one had ever claimed the child thus purporting the minor to be declared free for adoption.
5. That Applicants approached Little Angels Network Adoption Society with intention to adopt the child. They were taken through the explanatory memorandum and they dully signed Certificate of Acknowledgement dated 21st September, 2023. Consequently, Committee sitting on 10th November 2023, prepared a declaration report and issued a Certificate declaring the child free for adoption vide Freeing Certificate Serial Number 002449 on 8th March, 2024. Thereafter, the minor was placed with the Applicant for the mandatory bonding on 14th May, 2024.
6. Little Angels Network Adoption Society 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. Assistant Director, Children's Officer Ms. Mary Atati submitted a positive report dated 13th August, 2025 in which she observed a strong bond between the Applicants and the minor, they have provided a conducive environment for the child to grow physically, socially and emotionally 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-ERTL6JB and PCC-9QT8YRMK. 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. DKM (Guardian Ad litem) also prepared a report dated 14th August, 2025 in which she observed that the minor has fully bonded with the Applicants as well as extended family and taken care of thus recommending the Applicants to adopt the child.
9. The Applicants' relatives (AWK AND NWK) are married couple residing in Kirinyaga. They are business people. They consented to be a Legal Guardians in the event the Applicants are unable to discharge their responsibilities as they 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 his 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 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, IMK and CWN are hereby allowed to adopt Abandoned New Born alias GG.
 - b. Henceforth, the child shall be known as MKM.
 - c. His date of birth shall be 1st February, 2023 at Narok County.
 - d. He is presumed to be a Citizen of Kenya by birth.



- e. AWK AND NWK 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 7TH DAY OF NOVEMBER, 2025.

P.M. NYAUNDI

JUDGE

In the presence of:

Fardosa Court Assistant

Ms. Mbuvi for Applicants

