



**In re Z alias LG (Infant) (Adoption Cause E223 of 2025)
[2025] KEHC 17438 (KLR) (Family) (28 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 17438 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E223 OF 2025
PM NYAUNDI, J
NOVEMBER 28, 2025
IN THE MATTER OF THE CHILDREN ACT, 2022
AND
IN THE MATTER OF BABY Z ALIAS LG**

IN THE MATTER OF

**RMM 1ST APPLICANT
MMS 2ND APPLICANT**

JUDGMENT

1. Vide Originating Summons, dated 4th August, 2025 the Applicants herein seek the following orders, that:-
 - i. They be authorized to adopt Baby Z Alias LG an infant who is to be known as NMM and the Registrar General be directed to enter this adoption into the Register of Adoptions.
 - ii. BWK and FWK be appointed as the legal guardians of the minor who shall be presumed to have been born in Kenya.
2. This is a joint account. The Applicants are both Kenyan Citizens residing in Machakos County. They are married couple having solemnized their Civil Marriage on 22nd February, 2024 as per annexed copy of marriage certificate no. 18XXXX. They are both in business hence capable to provide for the needs of the child. They have not been blessed with biological children prompting them to have desire to adopt the minor as they have always desire to expand their family while aspiring to offer a child a loving and caring home.



3. They have had custody of the minor for 8 months. The Child is aged 2 years. That they both understand the implications of the adoption order, they are aware that the child will have full rights as would a biological child and the order is not reversible.
4. Baby Z Alias LG the minor herein is presumed to be born on 17th October, 2023. The child was offered for adoption by her biological mother VNN. The mother claimed to be mentally and financially unstable to raise the child. Consequently, a Social Inquiry Form executed by the minor's mother and her explanatory memorandum as well as Certificate of Acknowledgment duly signed were obtained. Thereafter, the child was temporally placed at House of Charity Children Home on 10th September, 2024. That on 5th March 2025, the child was formally committed to the same facility through the Children's Court in Kikuyu vide Care and Protection Case Number E 003/2025.
5. That Applicants approached Change Trust Adoption Society, they were taken through an Explanatory Memorandum they signed Certificate of Acknowledgment. Later the Adoption Society through their committee sitting, confirmed that they had assessed the Applicants and found them suitable adoptive parents and further that the adoption would be in the child's best interest therefore declared the child free for adoption vide freeing certificate Serial Number 008XXXXX dated 25th March, 2025 and placed with the Applicants on 25th April, 2025.
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 Applicant to adopt the child. A Report dated 10th November, 2025 from Sub-County Children Officer recommended the Adoption Proceedings. Another Report dated 7th November, 2025 from Pauline Mwigali recommends the Adoption process.
7. The proposed Legal Guardians, BWK AND FWK testified in Court they are married couples residing in Makindu. They are related with the Applicants in terms of affinity. That they understand what the role entails in the event circumstances demand, they will take on full parental responsibility.

Determination

8. Section 186 of the *Children Act*, 2022 provides that 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.
9. 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.



10. 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. It is evident that the Applicants have fulfilled all the legal requirements relative to the adoption of the child. The consent of the biological parents of the child was dispensed with since the minor’s biological mother offered the child for Adoption. This Court has satisfied itself that the Applicants are qualified and able to take care of the child. All the necessary Reports and consents required for this Adoption have been filed.
11. 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.”
12. 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, RMM and MMS are hereby allowed to adopt Baby Z Alias LG.
 - b. Henceforth, the child shall be known as NMM.
 - c. She is presumed to be a citizen of Kenya by birth.
 - d. Her date of birth shall be 17TH October, 2023.
 - e. BWK And FWK 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 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 28TH DAY OF NOVEMBER, 2025.

P. M. NYAUNDI

JUDGE

In the presence of:

Fardosa Court Assistant

Ambaka for Applicant

