



REPUBLIC OF KENYA



KENYA LAW
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**In re CN aka CK (Baby) (Adoption Cause E201 of 2025)
[2025] KEHC 17415 (KLR) (Family) (28 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 17415 (KLR)

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

FAMILY

ADOPTION CAUSE E201 OF 2025

PM NYAUNDI, J

NOVEMBER 28, 2025

IN THE MATTER OF BABY CASSIDY NKAISERI AKA

CASSIDY KAMAU

IN THE MATTER OF

LMK APPLICANT

JUDGMENT

1. Vide Originating Summons dated 18th July, 2025 the Applicant herein seeks the following orders, THAT:-
 - i. She be authorized to adopt the child BABY C N AKA C K a minor who is to be known as EMMANUEL HANY GACHAI MUMBI and the Registrar General be directed to enter this adoption into the register of Adoptions.
 - ii. C W N be appointed as the legal guardian of the minor who shall be presumed to have been born in Kenya.
2. The Applicant is a single Kenyan Citizen in Ruiru. She is a Secretary by profession while working with Parliamentary Service Commission hence financial stable to take good care of the child. She has her biological child aged 25 years old, who is aware of the adoption proceedings. The Applicant have the desire to expand her family, to serve humanity where the child will become part of them and will give the child identity, care and protection. She understands 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 10 years old. She has had custody of the minor since February, 2025.
3. The minor herein BABY C N AKA C K a male child presumed to have been born on 20th January, 2016. The minor was found abandoned by a Good Samaritan on the streets of Tom Mboya on 18th January, 2017. The matter was reported to Kamukunji Police Station Vide O.B No. 108 18 01 2017.



That on 20th January 2017, the child was temporarily admitted at Mogra Rescue Centre for care and protection. Consequently, Senior Resident Magistrate's Court sitting in Nairobi committed the child to the same facility Vide P&C File No. E 514 of 2017. That on 3rd June, 2021 Kamukunji 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.

4. It was in that regards, that Applicant approached KKPI Adoption Society with intention to adopt the child. She was taken through the explanatory memorandum and dully signed Certificate of Acknowledgement dated 26th June, 2023. Therefore, Committee sitting discussed the Applicant 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 1001 dated 29th September, 2021.
5. Sub-County Children Officer – Ruiru, submitted a report dated 11th November 2025, in respect of the proposed adoption of the child by the Applicant. She observed bond between the Applicant and the minor, the Applicant is socially stable to take good care of the child. The Applicant is clear of any criminal claim as evidenced by Certificate of Good Conduct annexed PCC-YLT5KE3M. The Officer averred that the Applicant has met the legal requirements for Local adoption as stipulated by the *akn ke act 2001 & Children Act 2022* thus recommended the adoption process.
6. Guardian Ad litem Pamela Mayikuba Shikhule, filed a favourable report dated 22nd September, 2025 recommending the Applicant to adopt the child.
7. C W N Applicant's sister stated in Court that she is married with 2 children, she consented to be appointed as Legal Guardian in the event the Applicant is unable to discharge her responsibilities as she will assume full parental responsibilities according to adoption orders.
8. The Court interviewed the minor and it was evident that he understood the adoption proceedings, a strong bond between the minor, Applicants and his brother was observed.

Determination

9. 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 *akn ke act 2001 & 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.
10. This Court is alive to the jurisdiction of the High Court vide Article 165 Constitution of Kenya 2010 and Section 183(1) *akn ke act 2001 & Children Act 2022*. The Court is conscious of the law; Article 53 Constitution of Kenya 2010, Section 8 of *akn ke act 2001 & 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.

11. 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. 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 for this Adoption have been filed. The consents of the biological parents of the child have been dispensed with since the child was abandoned.

12. Article 14 (4) of *akn ke act 2010 constitution 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.”

13. 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 Applicant, Lydia Mumbi Kagumba is hereby allowed to adopt BABY C N AKA C K.
- b. Henceforth, the child shall be known as Emmanuel Hany Gachai Mumbi .
- c. His date of birth shall be 20TH JANUARY, 2016.
- d. He is presumed to be a Citizen of Kenya by birth.
- e. C W N 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 28TH DAY OF NOVEMBER 2025.

P. M. NYAUNDI

JUDGE

In the presence of:

Fardosa Court Assistant

Ambaka for Applicant

Adoption Cause NO. E 201 OF 2025 Page 3

