



REPUBLIC OF KENYA



**In re JH (Baby) (Adoption Cause E222 of 2025)
[2025] KEHC 17419 (KLR) (Family) (27 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 17419 (KLR)

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

FAMILY

ADOPTION CAUSE E222 OF 2025

PM NYAUNDI, J

NOVEMBER 27, 2025

IN THE MATTER OF BABY JULIUS HENRY

IN THE MATTER OF

DWN 1ST APPLICANT

NMM 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 J H a minor who is to be known as T M W and the Registrar general be directed to enter this adoption into the register of Adoptions.
 - ii. E M W be appointed as the legal guardian of the minor who shall be presumed to have been born in Kenya.
2. The Applicants are Kenyan Citizens residing in Nairobi County. They are married couples having solemnized their marriage on 9th July 2025 as per the annexed marriage certificate serial number 2037 2025. They are in gainful employment. The 1st Applicant is a Businessman in Nairobi County while the 2nd Applicant is an Assistant Administrator at the United Nations Peace Keeping Operations Department hence financial stable to take good care of the child. They have the desire to expand their family as well as to offer the child a loving and care home.
3. They have had custody since 2022. The minor is 6 years old. They do not have other children. 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 J H minor herein presumed to have been born on 18th March, 2019. He was found abandoned by a Patrol Officers on 8th April, 2019 along Kumasi Road off Kirinyaga Road. The matter was reported at Kamkunji Police Station Vide OB Number 32 8 4 2019. Thereafter, the child was temporarily placed to Mogra Rescue Centre for care and protection. Thereafter, the child was formally committed at the same facility pursuant to Court order issued by the Resident Magistrate Children’s Court at Nairobi on 16th July 2021, vide Protection and Care File Number E 305 of 2021. That police issued a final letter dated 3rd June, 2021 stating that the efforts to trace the child’s relatives bore no fruit.
5. The Applicants approached the KKPI Adoption Society, they were taken through an Explanatory Memorandum they signed Certificate of Acknowledgment dated 7th March, 2019. Subsequently, KKPI Adoption Society, through their committee sitting held on 21st July 2021, 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 793 and placed with the Applicants.
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 Applicants to adopt the child. Nyaranga Odundo, Children’s Officer filed a report dated 5th November 2025, through his visit he noted that the Applicants have met all legal requirements for local adoption as stipulated in the *akn ke act 2001 & Children Act 2022*, they are socially, mentally and financially stable, they are clear of any criminal claim as evidenced police clearance certificates number PCC-6QSLYMNRM and PCC-AAAHJLY9 respectively. The home environment was found to be conducive for the growth and development of the child thus Officer recommending the adoption process. Consequently, Patriciah Ndunge Maleve, Guardian Ad Litem, presented report dated 24th October, 2025 in which during her home visit, she observed that the home is stable, secure and filled with warmth providing a nurturing environment for the child continued growth and development. Additional, the Applicants are capable, loving, and well prepared to raise the child hence highly recommending Applicants to adopt the child since it is in the child’s best interests.
7. Proposed Legal Guardian (Emma Muthoni W) a business lady residing in Nairobi County, testified in Court that she is a long-term friend of the Applicants and she has consented to the adoption proceedings. Further, she understands the legal implications and she will assume full parental responsibilities in the event the Applicants are unable to discharge their responsibilities.
8. The Court interviewed the minor and it was observed that he acknowledged the Applicants as his parents and also averred that he has a sister by name Tamia.

Determination

9. 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 *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. The Court has evaluated the facts of this Local Adoption from the Reports filed. 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. The consent of the biological parents of the child was dispensed with since the child was abandoned at birth. This Court has satisfied itself that the Applicant is qualified and able to take care of the child. All the necessary Reports and consents required for this Adoption have been filed. They desire to expand their family as well as to offer the child a loving and care home cannot be disregarded as they have adopted another child in Adoption Cause No. E 221 of 2025.
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 allow the application and orders as follows that;
 - a. The Applicants,D W A and N M D are hereby allowed to adopt BABY J H.
 - b. Henceforth, the child shall be known as T M W.
 - c. He is presumed to be a Citizen of Kenya by birth.
 - d. His date of birth shall be 18TH March, 2019 In Nairobi
 - e. E M W 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 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 27TH DAY OF NOVEMBER, 2025.

P. M. NYAUNDI

JUDGE

In the presence of;-



Fardosa Court Asisstant
Ambaka for Applicants

