



**In re Application for Adoption of Baby JM (Adoption Cause E224 of 2024)  
[2025] KEHC 17577 (KLR) (Family) (28 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 17577 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E224 OF 2024  
PM NYAUNDI, J  
NOVEMBER 28, 2025  
IN THE MATTER OF THE CHILDREN ACT, 2022  
AND  
IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY JM  
  
IN THE MATTER OF  
JWT ..... APPLICANT**

**JUDGMENT**

1. Vide Originating Summons, dated 7th July, 2025 the Applicant herein seeks the following orders, that:-
  - i. Be authorized to adopt Baby JM a minor who is to be known as MK and the Registrar General be directed to enter this adoption into the register of Adoptions.
  - ii. ENN be appointed as the Legal Guardian of the minor who shall be presumed to have been born in Kenya.
2. The Applicant is a Kenyan Single woman residing in Nairobi County. She is a businesswoman and is capable of taking good care of the minor. She does not have a child on her own. The minor is 6 years old. The Applicant has had the minor for 2 years. She understands the implications of the adoption order, she is aware that the child will have full rights as would a biological child and the order is not reversible.
3. Baby JM (minor herein) is a male child presumed to have been born on 1<sup>st</sup> December, 2016. The minor was found abandoned along Kiambu Road. A report was made at Kasarani Police Station and recorded Vide OB No. xx/23/12/2016. The child was temporarily placed at Mogra Children’s Home for care and protection. Thereafter, on 8th March 2023, the child was committed to the same facility pursuant to Court Order issued by Children’s Court at Nairobi Vide Care and Protection Case Number E 311/2017. That Police issued final letter stating that the whereabouts of the relatives bore no fruits.



4. That upon the Applicant decision to adopt the minor, she approached KKPI Adoption Society where the interview was carried out, she was taken through Explanatory Memorandum to which she consented and signed a Certificate of Acknowledgment dated 30th September, 2022. Consequently, KKPI Adoption Society, through their committee sitting on 29<sup>th</sup> March 2023, affirmed that they were satisfied that the child is available for adoption and that would be in the child's best interest therefore declared the child free for adoption vide Freeing certificate serial Number 1000. Subsequently, the child was placed under the care of the Applicant on 29<sup>th</sup> January 2024, for bonding pending adoption.
5. All the Statutory Reports that have been filed in respect of the proposed adoption of the child by the Applicant have recommended that this Court allows the Applicant to adopt the child. Children's Officer Beth Kauna, submitted a favourable report dated 12<sup>th</sup> November, 2025 in which during her visit she observed a strong bond have developed between the Applicant and the child, the Applicant has embraced the child as her own and determined to give her the best. The Applicant is financially stable. The Applicant is clear of any criminal claim as evidenced by police clearance certificate. The Applicant having met all legal requirements for local adoption as stipulated in the *Children Act* 2022, the Officer recommended the adoption. Guardian Ad Litem, PAMELA MAYIKUBA SHIKHULE, presented report dated 24<sup>th</sup> October 2025, in which during her visit, she observed that the child has adapted well to the family set up environment, bonded well with the Applicant as well as extended family therefore recommending the adoption.
6. ENN proposed Legal Guardian testified in Court that the Applicant is her cousin. She is married and blessed with 3 biological children. She consented to be legal guardian and understands what the role entails in the event circumstances demand, she will assume full parental responsibilities.
7. The minor was also interviewed by Court and noted the that he acknowledged the Applicant as his mother.

## 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 & Banjul Charter on the Rights & Welfare of the Child all amplify on the best interests of the child.



10. 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. The Court observed that the child was comfortable with the Applicant. 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.

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. I am thus inclined to allow the Application in the best interest of the child. This will provide the child with a home as opposed to being in the Children’s home and therefore allow the Originating Summons 21<sup>st</sup> June, 2025 as follows that; -

- a. The Applicant, JWT is hereby allowed to adopt Baby JM.
- b. Henceforth, the child shall be known as MK.
- c. His date of birth shall be 2nd December, 2016.
- d. He is presumed to be a Citizen of Kenya by birth.
- e. ENN 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 requisite 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 28<sup>TH</sup> DAY OF NOVEMBER, 2025.**

**P.M. NYAUNDI**

**JUDGE**

In the presence of:

Fardosa Court Assistant

Ambuka for Applicant

