



REPUBLIC OF KENYA



KENYA LAW
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In re Abandoned Baby Girl alias Abandoned New Born Child alias Baby D alias DG (Adoption Cause E189 of 2025) [2025] KEHC 17579 (KLR) (Family) (27 November 2025) (Judgment)

Neutral citation: [2025] KEHC 17579 (KLR)

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

ADOPTION CAUSE E189 OF 2025

PM NYAUNDI, J

NOVEMBER 27, 2025

IN THE MATTER OF

KOM 1ST APPLICANT

JDA 2ND APPLICANT

JUDGMENT

1. Vide Originating Summons, dated 15th April, 2025 the Applicants herein seek the following orders, That:-
 - i. Spent
 - ii. Spent
 - iii. They be authorized to adopt Abandoned Baby Girl Alias Abandoned New Born Child Alias Baby D Alias D G a minor who is to be known as L A H M.
 - iv. The child be presumed a Kenyan Citizen by birth.
 - v. The child's date of birth be 9th October, 2023 and the place of birth be Kangemi Health Centre, Nairobi.
 - vi. The Registrar General be directed to enter the adaption in the Adopted Children Register.
 - vii. The Director Immigration be authorized to issue the child with a Kenyan Passport.
 - viii. M S O K AND C A O be appointed the legal guardian of the child in the event of the death or incapacity of the Applicants before the child is of age or independent.
 - ix. The Court be pleased to make any further orders it deems necessary.



2. The Applicants are both Kenyan Citizens residing in Nairobi County. They are married and have availed copy of marriage certificate serial Number 235939. They are both in gainful employment. Both are Advocates of the High Court of Kenya by profession. They have the means to provide for the needs of the child. They have 3 other children (9, 7, 1 years.) and they are aware and consented that the Applicants are adopting the child.
3. They have had custody of the minor since 29th November, 2024. The Child is aged 2 years and 1 month. 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. The minor was present in Court and the Court observed that he has bonded well with the Applicants referring to them as mum and dad.
5. Abandoned Baby Girl Alias Abandoned New Born Child Alias Baby D Alias D G the minor herein is presumed to be born on 9th October, 2023 as per annexed birth notification serial number 3764513. It is said that the child was abandoned by her mother at Kangemi Health Centre. A report was made at Kangemi Police Station vide OB No. 19/11/10/2023. Thereafter, the child was temporally placed at House of Charity Children's Home for care and protection. That on 1st November 2023, the Senior Resident Magistrate at Nairobi Children's Court issued an Order committing the child to the same facility through Care and Protection Case Number MCP &CCO/E546 of 2023. Kangemi Police Station issued a final letter confirming that efforts to trace the mother were futile.
6. That Applicants approached the Little Angels Network, they were taken through an Explanatory Memorandum they signed Certificate of Acknowledgment. Subsequently, Little Angels Network through their committee sitting held on 7th November 2024, 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 002506 and placed with the Applicants.
7. 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. The Guardian Ad Litem, C A O, presented report dated 8th October 2025, in which she recommended the adoption. The Principal Children's Officer, Harriet Kihara also submitted report dated 23rd September, 2025 and after visiting and interviewing the Applicants and the minor, recommend the adoption.
8. The proposed Legal Guardians, K O M and S A both testified in Court that they had been friends with the Applicants for a long time. They understand what the role entails in the event circumstances demand, they will take on full parental responsibility.

Determination

9. After carefully assessing the records herein, I am 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.
10. 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.
11. The Court has evaluated the facts of this Local Adoption from the Reports filed. 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 child was abandoned at birth. 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.
12. 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.”
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 Applicants, K O M and J D A are hereby allowed to adopt Abandoned Baby Girl Alias Abandoned New Born Child Alias Baby D ALIAS D G
 - b. Henceforth, the child shall be known as L ABBY H M.
 - c. She is presumed to be a citizen of Kenya by birth.
 - d. Her date of birth shall be 9th October, 2023 at Kangemi Health Centre.
 - e. M S O K and S A 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 27TH DAY OF NOVEMBER, 2025.

P. M NYAUNDI

JUDGE

In the presence of:

Fardosa Court Assistant



Mwalo for Petitioner in person

