



REPUBLIC OF KENYA



**In re Baby AN (Adoption Cause E123 of 2025)
[2025] KEHC 17580 (KLR) (Family) (27 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 17580 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E123 OF 2025
PM NYAUNDI, J
NOVEMBER 27, 2025
IN THE MATTER OF THE CHILDREN ACT, 2022
AND
IN THE MATTER OF BABY AN**

IN THE MATTER OF

SOG 1ST APPLICANT

MNG 2ND APPLICANT

JUDGMENT

1. Vide Originating Summons, dated 5th May, 2025 the Applicants herein seek the following orders, That:-
 - i. They be authorized to adopt Baby AN a minor who is to be known as ANO and the Registrar general be directed to enter this adoption into the register of Adoptions.
 - ii. MW be appointed as the legal guardian of the minor who shall be presumed to have been born in Kenya.
2. The Applicants are both Kenyan Citizens residing in Nairobi County. They are married. The 1st Applicant is a Plumber while the 2nd Applicant is a businesswoman. They have the means to provide for the needs of the child. The Applicants have always had the desire to expand their family. They do not have child of their own for reasons beyond them.
3. They have had custody of the minor for four years. The Child is aged 5 years and 9 months. 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 AN the minor herein is presumed to be born on 17th November, 2019 at Kimuka Village in Ngong as annexed birth certificate serial numberXXXXXXXX. It is said that the child was abandoned by her mother at the same area where she was rescued by a Good Samaritan. A report was made at Ngong Police Station vide OB No. 13/1/12/2019. Subsequently, the child was temporally placed at Mahali Pa Maisha Infant Rescue Centre. On 9th July 2020, the child was formally committed to the same facility through the Children’s Court in Ngong vide Care and Protection Case Number 7/2020. Efforts to trace the mother and relatives were futile as per Police final letter dated 24th June, 2020.
5. That Applicants approached Change Trust, they were taken through an Explanatory Memorandum they signed Certificate of Acknowledgment. Thereafter, Change Trust through their committee sitting held on 24th August 2019, 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 00381 and placed with the Applicants on 12th August, 2020.
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. Report dated 3rd November, 2025 from Assistant Director Children Services recommended the Adoption. Another favourable report dated 3rd July 2025 recommends the Adoption Proceedings.
7. The proposed Legal Guardian, MWG testified in Court that the 2nd Applicant is her daughter and the 1st Applicant is her brother in-law. She understands what the role entails in the event circumstances demand, she will take on full parental responsibility.

Determination

8. 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.
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 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.

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, SOG and MNG are hereby allowed to adopt Baby AN.
- b. Henceforth, the child shall be known as AN.
- c. She is presumed to be a citizen of Kenya by birth.
- d. Her date of birth shall be 17th October, 2019 At Kimuka, Ngong
- e. MWG 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. NYAUNDI

JUDGE

In the presence of:

Fardosa Court Assistant

Ms. Ambaka for Applicants

