



REPUBLIC OF KENYA



**In re Baby AR (Adoption Cause E211 of 2025)  
[2025] KEHC 17578 (KLR) (Family) (27 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 17578 (KLR)

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

**ADOPTION CAUSE E211 OF 2025**

**PM NYAUNDI, J**

**NOVEMBER 27, 2025**

**IN THE MATTER OF**

**MRJ ..... 1<sup>ST</sup> APPLICANT**

**RAO ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. Vide Originating Summons, dated 28<sup>th</sup> July, 2025 the Applicants herein seek the following orders, That:-
  - i. They be authorized to adopt Baby AR a minor who is to be known as KR and the Registrar General be directed to enter this adoption into the Register of Adoptions.
  - ii. JWM be appointed as the legal guardian of the child.
  - iii. The child be presumed to have been born in Kenya.
2. This is a joint account. The Applicants are both Kenyan Citizens residing in Nairobi County. They are married couple having solemnized their Civil Marriage on 17th February, 2023. The 1<sup>st</sup> Applicant is an IT Administrator in Judiciary while the 2<sup>nd</sup> Applicant is a Supply Chain Officer in H. Young. 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. However, the 1<sup>st</sup> Applicant has a teenage daughter aged 10 years, she has consented to the adoption proceedings.
3. They have had custody of the minor since April 21, 2025. The Child is aged 1 year and 10 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 AR the minor herein is presumed to be born on 10th December, 2023. The child was found abandoned by the roadside along Lily Academy area of Kizito within Mwhiko by a Good Samaritan



on 15th December, 2023. A report was made at Mwhoko Police Station vide OB No. 18/15/12/2023. Thereafter, the child was temporally placed at Happy Life Children's Home. That on 27th November 2024, the child was formally committed to the same facility through the Children's Court in Ruiru vide Care and Protection Case Number E 021/2024. That on 11th March 2025, Police submitted their final letter stating that no one had come forward to claim the minor.

5. That Applicants approached Kenya Children's Homes (KCH), they were taken through an Explanatory Memorandum they signed Certificate of Acknowledgment. Later KCH through their committee sitting, 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 1063 and placed with the Applicants on 21st April, 2025.
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 21st October, 2025 from Assistant Director Children Services recommended the Adoption. Another positive report dated 7th October, 2025 recommends the Adoption Proceedings.
7. The proposed Legal Guardian, JWM testified in Court that 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, MRJ and RAO are hereby allowed to adopt Baby AR.
- b. Henceforth, the child shall be known as KR.
- c. He is presumed to be a citizen of Kenya by birth.
- d. His date of birth shall be 10<sup>TH</sup> December, 2023 In Nairobi
- e. JWM 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 27<sup>TH</sup> DAY OF NOVEMBER, 2025.**

**P. NYAUNDI**

**JUDGE**

In the presence of:

Fardosa Court Assistant

MRJ and RAO Applicants in person

