



**In re Adoption of VMO (A Child) (Adoption Cause E005 of 2025)
[2025] KEHC 17714 (KLR) (26 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 17714 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT EMBU
ADOPTION CAUSE E005 OF 2025
RM MWONGO, J
NOVEMBER 26, 2025**

**IN THE MATTER OF THE CHILDREN ACT CAP. 141 OF THE LAWS OF KENYA
IN THE MATTER OF THE ADOPTION OF V.M.O. (A CHILD**

IN THE MATTER OF

NIN APPLICANT

JUDGMENT

1. By an originating summons dated 20th May 2025, the applicant seeks the following orders from this court:
 1. That she be authorized to adopt VMO, child;
 2. That consent of the child’s biological parents be dispensed with as the child was abandoned;
 3. That the written consent of the child who is above ten (10) years old be dispensed with as per the discretion of the Honourable Court;
 4. That upon making an order of adoption, the child be known as VMM;
 5. That the Registrar General do make the appropriate entry of this adoption in the Adopted Children’s Register;
 6. That the child be presumed to be a citizen of Kenya; and
 7. That GMI be appointed as the legal guardian of the child.

The Applicant’s Background

2. According to the statement in support of the originating summons, the applicant is a widow aged 64 years old. She retired from civil service where she worked for 30 years, and is now a farmer and a businessperson. Having inherited her husband’s estate, she stated that she is well able to provide for



the child financially. She lives in a favorable place for the child's upbringing. She is a Christian and has never had biological children of her own.

3. Following the child's abandonment, he was rescued and lived with a well-wisher until he was placed in her care in 2020. She is interested in adopting the 11-year-old child as her son given that she is already fostering him. She stated that she has the means and income to enable her to raise the child and provide for all his needs, now and in the future. She declared that she has never been convicted of any of the offences named under the *Children Act*, neither has she received money or any promise to compel her to adopt the child.
4. The applicant understands her obligations as an adoptive parent and she is confident that she can give the child a decent life upon adoption.

Background of the child

5. The child was abandoned by his mother, and his father is at large, but is a suspected criminal. His mother's whereabouts are unknown to date as she abandoned the child when he was one year old. According to the available records, the Child's step-grandfather left him in a thicket where he was rescued by a good Samaritan who presented him to the authorities. This good Samaritan had fostered the child between 2011 to 2016, and when she sought that the child be reintegrated with his family, the endeavor was met with hostility and the family threatened to kill him.
6. In the circumstances and for the best interest of the child, he was taken up by Child Transformation Project-Kenya for care and protection in 2016 following a court order. In 2022, the child was placed under the foster care of the applicant where he has lived to date.

Guardian Ad Litem

7. The application for adoption was accompanied by a Chamber summons of even date seeking that JMN be appointed as Guardian ad litem. The application was allowed through an order of the court issued on 15th July, 2025 and JMN was thus appointed Guardian ad litem in accordance with section 188(1) of the *Children Act*. The court also ordered that both the Secretary of the Children's Services and the appointed Guardian ad litem do file their reports on the child.

Report by the Guardian ad litem

8. In accordance with section 188(2)(b) of the *Children Act*, the Guardian ad litem filed a confidential report dated 01st October 2025 in court. In it, she confirmed her understanding of the case and highly recommended the applicant as an adoptive parent to the child. She personally knows the applicant and had interacted with her and the child over a long period of time.
9. She reported that the applicant and her late husband have always provided the necessary support for the child since he was placed under their care. That since the child was placed with the applicant, nobody has come out to lay claim to the child. According to the report, the child is well settled at the applicant's home and he is comfortable. He is attending school and is currently in Grade 8. She supported the application and wished that the child be adopted by the applicant so that he can permanently settle.

Report by the Secretary, Children Services

10. Section 184(4) of the *Children Act* requires that the Office of the Secretary of Children Services shall monitor and submit reports to the court on the wellbeing of a child who is subject to adoption proceedings. In compliance with this provision, a report dated 29th September 2025 was filed. The report stated that the applicant is financially stable and following a home visit, it was established that



she lives in a safe and comfortable home which is conducive for raising the child. The report also details that the applicant understands her obligations as an adoptive parent according to the [Children Act](#). The child has bonded well with the applicant. The applicant is committed to providing for the best interest of the child.

Suitability of the applicant for adoption

11. Section 186(1) and (2) of the [Children Act](#) provides for the persons who may adopt a child, as follows:

- “(1) The Court may make an adoption order on application by—
- (a) a sole applicant; or
 - (b) two spouses jointly.
- (2) The Court shall not make an adoption order in any case unless—
- (a) the applicant has attained the age of twenty-five years, but is not above the age of sixty-five years; and
 - (b) the applicant, or both of the applicants in a joint application, is more than twenty-one years older than the child.”

12. The applicant fulfills the conditions set in these provisions since she is a sole applicant who is within the allowable age bracket and is 25 years older than the child. She is also a Kenyan citizen; therefore, this is a local adoption.

Best interest of the child

13. A child’s best interests are of paramount importance in every matter concerning the child. This is the dictate of Article 53(2) of [the Constitution](#). Section 4(2) of the [Children Act](#) also elevates the best interest of the child and provides:

“Despite subsection (1), a provision in another legislation on children matters may prevail if it offers a greater benefit in law to a child.”

Report of the Child Adoption Society

14. Section 185(2) of the [Children Act](#) requires that an application for adoption be supported by a report of a duly registered adoption society. In this case, an adoption program officer at KKPI Adoption Society filed a detailed affidavit in support of the adoption. The affidavit was accompanied by documentation provided by Child Transformation Project-Kenya.

15. The officer deposed that her organization reached out to the child’s family for written consent to release the child for adoption but they distanced themselves from the matter and urged the organization to do what was best for the child. KKPI prepared the necessary documentation declaring the Child free for Adoption as required under S.184(1) (a) of the [Children Act](#) and in the absence of Adoption Regulations under the Children’s Act, 2022.

Conclusions and Disposition

16. The documentation presented in court regarding the adoption of the child qualifies his adoption by the applicant. The applicant also meets the legal requirements necessary to enable her to adopt the child.

17. In this court’s view, it is in the best interest of the child that he be adopted by the applicant.



18. Accordingly, therefore, the prayers sought in the summons are granted in the following terms:

1. This adoption is deemed to be a local adoption;
 1. The applicant be and is hereby authorized to adopt VMO;
 2. Henceforth, VMO shall be known as VMM;
 3. The Registrar General shall make the appropriate entry regarding the adoption of VMM in the Adopted Children's Register;
 4. The Registrar shall issue to the applicant a certified copy of the entry pursuant to Order 4 herein in the Adopted Children Register, upon payment of the prescribed fee;
 5. The child VMM is presumed to be a Kenyan citizen born in Kenya;
 6. The Guardian ad litem is hereby discharged; and
 7. GMI is hereby appointed Legal guardian of the child VMM.

19. Orders accordingly.

DELIVERED, DATED AND SIGNED AT EMBU HIGH COURT THIS 26TH DAY OF NOVEMBER, 2025.

R. MWONGO

JUDGE

Delivered in the presence of:

Margaret Njoroge for Applicant

Nancy Irima – Applicant

Jane Muthoni – Guardian Ad-Litem

Francis Munyao - Court Assistant

