



**In re Application for Orders Adoption JWM (Adoption Cause E013 of 2025) [2025] KEHC 18092 (KLR) (25 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 18092 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
ADOPTION CAUSE E013 OF 2025  
G MUTAI, J  
NOVEMBER 25, 2025  
IN THE MATTER OF THE CHILDREN ACT, 2022  
AND  
IN THE MATTER OF JWM  
AND  
IN THE MATTER OF AN APPLICATION FOR ORDERS ADOPTION  
OF JWM BYMMW & JWN (THE JOINT APPLICANTS)**

**BETWEEN**

**MMW ..... 1<sup>ST</sup> APPLICANT  
JWN ..... 2<sup>ND</sup> APPLICANT**

**AND**

**LITTLE ANGELS NETWORK ..... RESPONDENT**

**JUDGMENT**

1. The applicants are MMW and JWN. They hold Kenya national identity card numbers 238XXXX and 244XXXX, respectively. They are married, having wed on 12<sup>th</sup> January 2018 at the Attorney General’s Office. The couple has no biological children together. However, Ms JWN has a son, CNS, from a previous relationship. C is 16 years old.
2. The joint applicants are residents of [Particulars Withheld] in Kilifi County, within the Republic of Kenya. They have lived at the said place for over 5 years and intend to continue doing so. They are both teachers. According to the documents that were filed, the joint applicants are financially stable, physically and emotionally fit, and have no criminal record.



3. The Little Angels Network assessed the joint applicants. In the preplacement report, they were found to be suitable adoptive parents. They propose, if the adoption application is allowed, to have RNN and BAO appointed as the legal guardians of the prospective adoptive child, so that if anything happens to them, the child's best interest would be safeguarded.
4. The joint applicants deposed, in the joint affidavit, that the adoption application enjoyed the support of the family members. Ms. J's son, C, was also supportive of the proposed adoption and said as much when his views were sought by this Court.
5. Regarding the proposed adoptive child, her name is JWM. She was born on 13<sup>th</sup> July 2022. Her mother is MPJ. It is stated that upon the birth of JWM, Ms MPJ handed over the child to the joint applicants. When interviewed, Ms. J stated that she had 4 other children, was unemployed, and lacked the capacity to raise another child. She expressed a desire to have her child raised by well-wishers so that the child could have a better future, which she was unable to provide.
6. The children's Court at Tononoka granted the joint applicants guardianship on 15<sup>th</sup> September 2022. The child has been with the joint applicants since 17<sup>th</sup> August 2022.
7. Ms J was counseled extensively on her proposal to give up her child for adoption. Having been counseled, she gave her consent and offered the child for adoption. There is a written consent and affidavit she swore to, by which she gave up her child for adoption. The consent is dated 12<sup>th</sup> February 2025, while the affidavit was sworn on 13<sup>th</sup> February 2025.
8. Being desirous of adoption, Baby JWM, the joint applicants, filed the Originating Summons dated 28<sup>th</sup> August 2025. They seek the following orders: -
  1. Pursuant to Article 14(4) of *the Constitution* of Kenya 2010, and Part II, Section 7(1) of the *Children Act*, 2022, this honourable court be pleased to declare the child JWM, a Kenyan citizen by birth;
  2. Pursuant to the provisions of section 187 of the *Children Act*, 2022, this honourable Court be pleased to dispense with the requirements of the consent to the adoption as required by the provisions of section 186 of the *Children Act*, 2022;
  3. The applicants, MMW and JWM, be authorized to adopt JWM;
  4. Upon the making of the adoption order, the child to be known as JWM;
  5. Upon the making of the adoption order, RNN and BAO be appointed as the legal guardians of the child as provided for by the provisions of section 188 of the *Children Act*, 2022;
  6. Upon the making of the adoption order, the Registrar General do make an entry in the Adopted Children Registrar recording the adoption and the estimated date of birth of the child as 13<sup>th</sup> July 2022 as provided for by section 201 of the *Children Act*, 2022; and
  7. The costs of the application be costs in the cause.
9. The joint applicants produced, among other documents, the birth certificate of the child, a report by the Directorate of Children Services, the ruling of the Children's Court, and an assessment report by the Little Angels Network et al. I have carefully considered the documents.
10. This Court appointed AKM as the guardian ad litem on 7<sup>th</sup> October 2025, having been persuaded that she was qualified to be one. On the said date, the Court issued other orders, including one directing



the Directorate of Children Services to conduct a social enquiry and to prepare and file the requisite report. The matter was slated for hearing on 10<sup>th</sup> November 2025.

11. On 10<sup>th</sup> November 2025, the matter was heard. I will give a summary of the witnesses' testimony below.
12. The first witness was Winfred Kambua Kaluku. She is the County Coordinator of Children's Services in Kilifi County. Ms Kaluku testified that her office conducted a social enquiry by visiting the joint applicants on 5<sup>th</sup> November 2025. She met the 2<sup>nd</sup> applicant and the child. She observed that they had bonded well. She spoke with the 1<sup>st</sup> applicant via video call as he is an expatriate teacher based in Seychelles. He, too, has bonded with the child. Ms. Kaluku testified that the joint applicants met all the requirements. Ms Kaluku recommended adoption, stating that it was in the child's best interests. She produced the report that she had filed.
13. The next witness was Ms JoyMiriam Muhia. Ms Muhia is a social worker with the Little Angels Network. She testified that the child was declared as being free for adoption on 2<sup>nd</sup> April 2025. The certificate stating that the child is free for adoption has serial number 002XXXX. She too recommended the adoption.
14. Mr MMW was the third witness. He is the 1<sup>st</sup> applicant. Mr. W is a teacher in Seychelles. Mr. W stated that they wanted to adopt because they wanted a sibling for their son. He is aware of what adoption entails and is ready to take up all the responsibilities.
15. Ms JWN also testified as the fourth witness. She, too, was aware of the consequences of adoption. Like her husband, she expressed her readiness to adopt the child.
16. The fifth witness was the guardian ad litem. Ms AKM testified that she visited the joint applicants on 12<sup>th</sup> October 2025. She assessed them and wrote a report, which she thereafter filed.
17. The Court had the opportunity to interview Master CNS. He expressed his consent to the adoption.
18. I have considered the application herein, materials in support thereof, and the evidence presented by various witnesses. The issues to be determined are: whether the baby is available for adoption, whether the applicants are suitable to adopt the child, and, most importantly, whether the adoption is in the child's best interests.
19. As already stated, the baby herein was born on 13<sup>th</sup> July 2022. Her mother, Ms MPJ, gave her up for adoption as soon as the child was born. She signed a consent to the adoption. Ms J also deposed to an affidavit to that effect.
20. Regarding the baby's nationality, she is the daughter of a Kenyan citizen. She was born within the Republic of Kenya. *The Constitution* in Article 14(4) thereof recognises that a child who is less than 8 years of age, and whose nationality and parents are not known, is presumed to be a Kenyan citizen by birth. Given the foregoing facts and the provision I have referred to, the child herein is a Kenyan citizen by birth.
21. In terms of age, the child is above 6 weeks and below 18 years, which provision falls within the age bracket of any adoptive baby pursuant to Section 184 (1)(b) of the *Children Act*, 2022. Furthermore, Section 185 of the said Act recognizes any child who is a resident in Kenya, whether born in Kenya or not, as eligible for adoption. I have no doubt the child is fit for adoption.
22. Concerning the applicants' suitability, they are Kenyan citizens aged 42 and 41 years respectively, which places them within the age bracket of not less than 25 years or more than 65 years for an adoptive parent in compliance with Section 186 of the *Children Act*, 2022. The applicants, who are teachers, have been described as financially stable. They have been described as caring, loving C individuals with



no criminal record. Since the placement of the minor into their custody, the child has fully bonded with them. They also understand the consequences of adoption and that it is permanent. They appreciate the role of a parent and state that they will treat the child as if she were their biological child.

23. Consequently, I do not doubt that they meet the requirements to adopt the child. I am guided by the case of the court stated that:-

In re GW (Baby) [2021] KEHC 1220 (KLR), where

“The Court finds that it is in the best interests of the child to make the adoption order; that the Applicants are suitable, qualified and able adoptive parents who understand the nature of the adoption process and agree to give effect to the child’s ensuing rights; and that the child and the Applicants have bonded well as a family together with the Applicants’ own biological children, and the Applicants’ extended family and friends support the adoption.”

24. On the question of whether the adoption is in the best interests of the child, I am guided by Article 53(2) of *the Constitution* and Section 8(1) and (2) of The Children’s Act 2022, which underscores the best interests of a child as the primary consideration before making any decision concerning a baby.

25. The child herein was given up for adoption by the mother. She needs necessities like food, shelter, education, and clothing. She has fully integrated with the applicants. It is clearly in the child’s best interests that this adoption application be allowed. I am guided by the case In re AA (Child) [2021] KEHC 9294 (KLR) where the court stated that:-

“Article 53 (2) of *the Constitution* emphasizes that the best interest of the child is paramount. The child will have a family and a home if the orders are granted. The applicants are willing and ready to give parental guidance and a loving home and family to the child.”

26. In my view, the application has merit. Consequently, I allow the Originating Summons and issue the following orders: -

- a. JWM is hereby declared a Kenyan citizen by birth;
- b. The joint applicants are authorized to adopt JWM, who shall henceforth be known as JWM;
- c. RNN and BAO are hereby appointed the legal guardians of the minor and entrusted with the responsibility of taking care of JWM, in the event that the joint applicants die or are otherwise permanently unable to take care of her before she attains the age of majority;
- d. The Registrar General is hereby ordered to make an entry recording the adoption order herein and the date of birth of JWM as being 13<sup>th</sup> July 2022, in the Adopted Children Register as provided for by Section 201 of the *Children Act, 2022*; and
- e. The guardian-ad-litem, AKM, is hereby discharged;

27. I make no orders regarding costs as this is a non-contentious adoption matter.

28. Orders accordingly.

**DATED AND SIGNED IN MOMBASA, THIS 25<sup>TH</sup> DAY OF NOVEMBER 2025. DELIVERED VIRTUALLY THROUGH MICROSOFT TEAMS.**

**GREGORY MUTAI**

**JUDGE**



In the presence of:-

Ms Ngugi, for the Joint Applicants; and

Arthur – Court Assistant.

