



**In re Adoption of Baby NB (Adoption Cause E218 of 2023)
[2026] KEHC 82 (KLR) (Family) (16 January 2026) (Judgment)**

Neutral citation: [2026] KEHC 82 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E218 OF 2023
H NAMISI, J
JANUARY 16, 2026
IN THE MATTER OF ADOPTION OF BABY NB**

IN THE MATTER OF

ANM APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 8 August 2025, Statement in support of the Application for an Adoption Order and Affidavit in support of the Application, seeking the following orders:
 - i. That the Applicant herein be authorised to adopt the child NB and the child be henceforth called NMM;
 - ii. That the child be presumed to be a Kenyan citizen having been found in Kenya at the time of birth;
 - iii. That the Registrar-General do make the appropriate entries in the Adopted Children's Register in respect of the minor and further the Registrar of Births and Deaths do issue a Birth Certificate in respect thereof;
 - iv. That the Guardian ad litem Ms PKS be discharged and FWM be appointed as the legal guardian of the minor herein in the event that the Applicant herein is in any way incapacitated or in any way unable to discharge her parental obligations;
 - v. That the court does issue such other orders as may be necessary for the best interest of the child;



The Applicant

2. The Applicant is a Kenyan citizen born in February 1978, making her 47 years old at the time of making this Application. The Applicant is single and has never been married. She resides in Dagoretti South, Nairobi County. The Applicant has been unable to have biological children, thus motivating her to adopt.
3. The Applicant is a private chef and engages in the sale of clothes. The Court has reviewed the financial documents presented, including M-pesa statements and bank records. These documents evince a consistent flow of funds. While the Applicant may not be described as wealthy, the law does not require affluence, it requires the capability to maintain a child. The Applicant has successfully fostered the child since December 2024, providing all of his material needs including food, clothing, medical care, without any reported deprivation. This practical demonstration of financial stewardship carries significant weight.
4. The report by the Guardian ad Litem, PS, dated 7 October 2025, and the Director of Children Services (DCS) report dated 16 October 2025, both paint a positive picture of the Applicant. She is described as a responsible, God-fearing and hardworking lady. The home environment was inspected and found to be well lit, ventilated and clean, and organized to create a safe space for the toddler. Furthermore, the Applicant has a support system. Her sister, FWM, who lives nearby, has sworn an affidavit to act as the legal guardian. This mitigates the risks often associated with single-parent households by ensuring there is a backup caregiver.

The Child

5. According to the letter from the Officer Commanding Station Kabete Police Station dated 17 January 2024, the child was discovered on 11 December 2023. The child was found abandoned near Dagoretti High School in the Waithaka area of Nairobi County. A good Samaritan found the baby at approximately 6am. The infant was covered only in a piece of blanket and the umbilical cord was freshly tied with a peg. The forensic detail suggests that the child was a neonate, likely born just hours before discovery, placing his date of birth on or about 11 December 2023.
6. The matter was reported to Matini Police Post vide OB Number 03/11/12/2023 and subsequently to Kabete Police Station vide OB No. 54/11/12/2023. The swift action of the finder and the Police ensured the child's survival. He was taken to Waithaka Dispensary for medical attention and vaccination, where he was stabilized. Following this, the Dagoretti Sub-County Children's Officer facilitated the Child's admission to New Life Home Trust for temporary care and protection on the same day.
7. The legal process for the child's protection was formalized through the Children's Court at Milimani in Protection and Care Case No. E359 of 2024. A Committal Order was issued on 14 June 2024, authorizing the institution to keep the child pending further orders.
8. A final Police letter dated 21 August 2024 confirms that despite investigations, no person has come forward to claim the child. Consequently, the Kenya Children's Homes Adoption Society Case Committee, in its sitting of 20 November 2024, declared the child free for adoption and issued Certificate Serial No. 1027, pursuant to Section 156(1) of the *Children Act*.
9. The child was placed in the actual care and control of the Applicant on 20 December 2024. This placement fulfills the statutory requirement under Section 184 of the Act for the child to be in the continuous care of the applicant for at least 3 months preceding the application. The bonding



assessment is favorable. The Guardian ad Litem observed that the child is happy, healthy and comfortable with the applicant. The DCS Report notes that the applicant has bonded well with the child, they enjoy a mother-son relationship.

The Adoption Application

12. I have considered the Summons, the evidence on record, as well as the various reports filed.
12. The duty of this Court is to analyse the material before it to determine whether the Applicant is a suitable adoptive parent. The Applicant stated that she is a committed Christian and intends to raise the child in a Christian development to ensure full spiritual development.
12. Additionally, pursuant to section 186 of the *Children Act*, the Applicant provided letter of consent from FWM agreeing to be appointed as the legal guardian of the child in the event that anything untoward happens to the Applicant. The proposed legal guardian is a long-term friend to the Applicant. The proposed legal guardian confirmed that she completely understands her role and what is expected of her.
12. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

Analysis and Determination

12. Article 14(4) of *The Constitution* provides that 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. The child herein was found abandoned in Nairobi County just hours after birth. The child is, therefore, a citizen of Kenya by birth.
12. In deciding any matter involving a child, the Court is obligated to give priority to the best interests of the child. Section 8 of the *Children Act* provides:
 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies–
 - a. The best interests of the child shall be the primary consideration;
 - a. The best interests of the child shall include, but shall not be limited to the considerations set out in the First Schedule;
 2. All judicial and administrative institutions, and all persons acting in the name of such institutions, when exercising any powers conferred under this Act or any other written law, shall treat the interests of the child as the first and paramount consideration to the extent that this is consistent with adopting a course of action calculated to:-
 - a. Safeguard and promote the rights and welfare of the child;
 - a. Conserve and promote the welfare of the child; and
 - a. Secure for the child such guidance and correction as is necessary for the welfare of the child, and in the public interest.
12. I have considered the Reports filed by the Adoption Agency, the Guardian ad Litem, and the Director of Children Services, all of which were positive and recommended the adoption. Bearing in mind that this child had been abandoned and faced an unknown future, it is my view that the adoption serves the best interests of the child. Not only will the adoption give the child a sense of belonging, but it will also give him the opportunity to grow up like every other child.



12. Pursuant to section 187(1)(a) of the Act, I hereby dispense with the consent of the biological parents since the child was found abandoned.
12. Accordingly, I allow the Summons and make the following orders:
- i. The Applicant, A.N.M, is hereby authorised to adopt the child currently identified as Baby NB, who will henceforth be named N.M.M;
 - ii. The child is declared to be a citizen of Kenya, entitled to all the rights and privileges under *The Constitution* of Kenya and all other laws;
 - iii. FWM is appointed as the legal Guardian of the child;
 - iv. The Guardian ad Litem is hereby discharged;
 - v. The Registrar-General is directed to make the appropriate entries in the Adopted Children's Register;
 - vi. The Registrar of Births and Deaths is directed to issue the child with a Certificate of Birth.

DATED AND DELIVERED AT NAIROBI THIS 16 DAY OF JANUARY 2026

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

For Applicant: N/A

Court Assistant: Lucy Mwangi

