



**In re Adoption of Bay NAB (Adoption Cause E174 of 2025)
[2026] KEHC 83 (KLR) (Family) (16 January 2026) (Judgment)**

Neutral citation: [2026] KEHC 83 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E174 OF 2025
H NAMISI, J
JANUARY 16, 2026
IN THE MATTER OF ADOPTION OF BABY NAB**

IN THE MATTER OF

JMM APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 27 June 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 be and is hereby authorised to adopt the child currently known as Baby NAB;
 - ii. That if the said adoption order is granted, the said child is thereafter known as NBM;
 - iii. That the child's date of birth be declared to be 31 December 2023 and his place of birth be declared to be Thingithu, Laikipia County;
 - iv. That the child be considered as a Kenyan citizen;
 - v. That the consent of the biological parents of the child be and is hereby dispensed with since the child was found abandoned;
 - vi. That FMM may be appointed the legal guardian of the child in the event of death of the Applicant or incapacity of the Applicant, rendering her unavailable or incapable of taking care of the child;
 - vii. That the Registrar General be directed to make the appropriate entries in the Adopted Children's Register



The Applicant

2. The Applicant is an adult of Kenyan nationality, born in 1973. She is currently 52 years old. The Applicant is single and has never been married. She resides in South B, Nairobi County.
3. The Applicant is a career professional with a robust employment history. She serves as the Business Development Manager for [Particulars Withheld], a position of significant responsibility and remuneration. The annexed financial documents, including payslips and bank statements, corroborate her sworn statement on financial sufficiency. The Director of Children Services (DCS) report categorizes her as financially stable.
4. The Applicant's motivation for the adoption is a longstanding desire to raise a child, rooted in love and emotional maturity, rather than merely a remedy for loneliness or societal pressure. According to the Guardian ad litem, the Applicant has proactively equipped her home with child-appropriate facilities, including toys, educational materials and medical cover.
5. Further, the Applicant has integrated the child into her extended family. Her sister, FMM, has deposed an Affidavit agreeing to serve as a legal guardian, ensuring contingency planning for the child's future.
6. The references provided have vouched for the Applicant's maternal disposition, citing her history of caring for her siblings' children as evidence of her nurturing capabilities. Perhaps the most crucial factual finding is the status of the relationship between the Applicant and the child. Since the placement on 29 January 2025, the child has been in the continuous care of the Applicant. The Guardian ad litem noted a strong emotional bond, with the child displaying comfort, trust and security in the Applicant's presence.

The Child

7. The history of the child (male) is rooted in the distressing circumstance of abandonment. According to the documents filed herein, the child was discovered on the night of 31 December 2023 in Thingithu area, Laikipia County. The child was rescued and the matter reported to the Nanyuki Police Station vide OB Number XX/XX/12/2023. The Police facilitated the infant's transfer to Nanyuki Teaching and Referral Hospital for urgent medical assessment.
8. Following discharge, the child was admitted to Neema House Infant Rescue Centre for care and protection. The administrative placement was ratified judicially on 23 January 2023 by the Children's Court at Nanyuki in Protection & Care Case No. E001 of 2024, which issued a committal order.
9. For over a year, the child remained at the home while efforts were made to trace his biological family. The Police, in a final letter dated 8 January 2025, confirmed the futility of the efforts, stating that nobody had claimed him. On 22 January 2025, the Case Committee of the Kenya Children's Homes Adoption Society issued Certificate No 1045, formally declaring the child free for adoption in accordance with section 184 of the *Children Act*.

The Adoption Application

10. I have considered the Summons, the evidence on record, as well as the various reports filed.
11. 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. 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 Laikipia County soon after birth. The child is, therefore, a citizen of Kenya by birth.
13. 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;
 - b. 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;
 - b. Conserve and promote the welfare of the child; and
 - c. Secure for the child such guidance and correction as is necessary for the welfare of the child, and in the public interest.
14. I have considered the Reports filed by the Adoption Agency dated 30 July 2025, the Guardian ad Litem dated 8 September 2025, and the Director of Children Services dated 12 August 2025, 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.
15. 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.
16. Accordingly, I allow the Summons and make the following orders:
 - i. The Applicant, J.M.M, is hereby authorised to adopt the child currently identified as Baby NAB, who will henceforth be named N.B.M;
 - ii. The child is declared to be a citizen of Kenya, born on 31 December 2023 in Laikipia County, entitled to all the rights and privileges under the Constitution of Kenya and all other laws;
 - iii. FMM 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;

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: Ms. Owiti

Court Assistant: Lucy Mwangi

