



**In re JW (Adoption Cause E079 of 2025)
[2026] KEHC 675 (KLR) (Family) (30 January 2026) (Judgment)**

Neutral citation: [2026] KEHC 675 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E079 OF 2025
H NAMISI, J
JANUARY 30, 2026**

IN THE MATTER OF

NANK APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 21 March 2025, Statement in support of the Application for an Adoption Order and Affidavit in support of the Application, seeking the following orders:
 - i. Spent;
 - ii. Spent;
 - iii. An Order do issue the Applicant, Nancy Amy Nyokabi Kibe, be authorised to legally adopt the child, Johanna Wambui;
 - iv. An order do issue that upon adoption of Johanna Wambui, she be known as Oprah Wambui Kibe;
 - v. An order to issue to the Registrar General to make an entry of Oprah Wambui Kibe in the Adopted Children's Register;
 - vi. An order that the child be presumed to be a Kenyan citizen accruing all rights of immigration of a Kenyan citizen;
 - a. Director of Immigration Service do issue a passport to the child Oprah Wambui Kibe upon application
 - vii. Agnes Tunyina of Passport A0014 be appointed as the legal guardian of the child, Oprah Wambui Kibe;



viii. Costs be in the cause.

The Applicant

2. The Applicant is a female adult of Kenyan nationality, Identity Card Number 9365. She was 60 years old at the time of filing this Application. The Applicant resides in Lavington, Nairobi County. She is single and has no biological children. The Applicant desires to have children, hence this adoption Application. The Applicant is the 5th born in a family of 6 siblings. Despite the demise of 3 siblings and the residence of two abroad, the social inquiry report by the Director of Children Services (DCS) confirms that the Applicant maintains a robust familial support system, with her siblings expressing support for this adoption.
3. The Applicant is a seasoned businesswoman in the real estate sector. Her professional trajectory is distinguished; she holds qualifications in Fashion and Merchandising from Evelyn College of Design and The American College in London, followed by studies in Fashion and Marketing in Atlanta, USA and a postgraduate Diploma in Business Management from the London School of Management.
4. The financial evidence tendered includes Bank Statements and property ownership documents. Specifically, the Applicant owns 45 acres of land in Nanyuki and recently disposed of 5 acres in Kitengela, indicating substantial asset liquidity. Her income is steady, derived from her real estate ventures, which the DCS Report affirms is sufficient to cater for the child's needs, including high-cost education at Riara Primary School.
5. The Applicant underwent a medical examination, in which she was given a clean bill of health. A Police Clearance Certificate dated 20 January 2025 confirms that the Applicant has no criminal record, satisfying the moral suitability requirement under the *Children Act*.

The Child

6. The child is a female estimated to have been born on 16 February 2014. She is currently 11 years old. Her history is a poignant narrative of abandonment followed by state intervention.
7. On 1 January 2017, the child was found abandoned in the Nairobi Central Business District. She was rescued by a Good Samaritan and taken to Kamukunji Police Station, where the incident was recorded vide OB Number 52/02/01/2017. At the time of rescue, she was estimated to be approximately 3 years old.
8. The Police, in conjunction with the Children's Department, made diligent efforts to trace the child's biological parents. These efforts were fruitless. On 2 January 2017, the child was committed to Moigra Soul Winner Rescue Centre for care and protection. The Kamukunji Police Station issued a final letter on 22 January 2022, confirming that no person had claimed the child in the 5 years following her abandonment.
9. Pursuant to statutory requirements, the KKPI Adoption Society convened a case committee meeting. On 26 July 2023, the Committee declared the child free for adoption, issuing Certificate No. 0907. This declaration was based on the conclusive finding that the child was abandoned and that no biological family could be traced, thereby rendering her eligible for adoption under section 185 of the *Children Act*.
10. The child was placed under the care and control of the Applicant on 23 August 2023. This placement marked the commencement of the statutory bonding period. By the time of the hearing in October



2025, the child had been in the continuous care of the Applicant for over 2 years, far exceeding the mandatory 3-month period prescribed in law.

11. The evidence presented by the DCS and the Guardian ad litem indicates that a profound parent-child has developed. The child refers to the Applicant as ‘mom’ and has integrated seamlessly into the household, which includes another child being adopted by the Applicant. The child attends Riara School, is in Grade 4 and participates in extra curricular activities at Parklands Sports Club.

The Adoption Application

12. I have considered the Summons, the evidence on record, as well as the various reports filed.
13. 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.
14. The Applicant presented copies of bank statements, Police Clearance Certificate as well as recommendations from friends and family, all pursuant to the provisions of The Children (Adoption) Regulations, 2020. These demonstrate that the Applicant is financially, socially, physically and mentally fit to adopt the child.
15. Additionally, pursuant to section 186 of the *Children Act*, the Applicant provided letter of consent from Agnes Tunyina 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 confirmed that she completely understands her role and what is expected of her.
16. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

Analysis and Determination

17. 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 Kiambu County just a few days after birth. The child is, therefore, a citizen of Kenya by birth.
18. 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.
19. I have considered the Reports filed by the Adoption Agency (undated), the Guardian ad Litem dated 16 July 2025, and the Director of Children Services dated 10 July 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 her the opportunity to grow up like every other child.
 20. 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.
 21. Accordingly, I allow the Summons and make the following orders:
 - i. The Applicant, N.A.N.K, is hereby authorised to adopt the child currently identified as Johanna Wambui, who will henceforth be named O. W. K;
 - 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. Agnes Tunyina 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 Director of Immigration is directed to issue the child with a Kenyan passport.

DATED AND DELIVERED AT NAIROBI THIS 30 DAY OF JANUARY 2026

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

For Applicant: Ms Saad h/b Wambu Kabage

Court Assistant: Lucy Mwangi

