



REPUBLIC OF KENYA



**In re RR (Baby) (Adoption Cause E248 of 2025)
[2026] KEHC 541 (KLR) (Family) (23 January 2026) (Judgment)**

Neutral citation: [2026] KEHC 541 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

ADOPTION CAUSE E248 OF 2025

PM NYAUNDI, J

JANUARY 23, 2026

IN THE MATTER OF THE CHILDREN ACT, 2022

AND

IN THE MATTER OF BABY RR

IN THE MATTER OF

RWK APPLICANT

JUDGMENT

1. Vide Originating Summons, filed on 2nd September, 2025 the Applicant herein seeks the following orders, That:-
 - i. The she be authorized to adopt Baby RR a minor who is to be known as AWS and the Registrar General be directed to enter this adoption into the Register of Adoptions.
 - ii. The SNW be appointed as the Legal Guardian of the child.
 - iii. The child be presumed to be born in Kenya.
2. The Applicant is a Kenyan Citizen residing in Nairobi County. She is single. She is in gainful employment and able to take good care of the child as she is a Development Worker at Habitat for Humanity International. The Applicant does not have biological children.
3. Her motivation to adopt the minor is due to the fact that she loves children and would like to be a parent and to provide a loving home to a child and grow a family.



4. She has had custody of the minor from 30th April, 2025. The minor is turning 3 years old. She understands the implications of the adoption order, she is aware that the child will have full rights as would a biological child and the order is not reversible.
5. BABY RR (child herein) is presumed to have been born on 1st March 2024. The baby was found abandoned by a Good Samaritan in a trash bin in Ruiru Gatongora area. The child was referred to Thika Level 5 Hospital for medical checkup. Thereafter, a report was made at Gatongora Police Station vide OB Number 09/11/03/2024. Later, the child was formally committed to New Life Home Trust for care and protection pursuant to Court Order issued by the Principal Magistrate Court sitting at Ruiru on 12th July, 2024 Vide P&C File No. E015 of 2024. The final police letter dated 13th March, 2025 confirmed that efforts to trace the parents were futile and thus instructed the home to seek any legal actions for the best interest of the child.
6. It is the Applicant's disposition that she felt the urge to adopt and made an application to Buckner Kenya Adoption Services seeking to adopt the child herein. She was taken through Explanatory Memorandum to which she consented and signed the Certificate of Acknowledgment.
7. Subsequently, the Case Committee meeting held on 3rd April 2025, being satisfied that the child is available for adoption and that adoption would be in the child's best interest declared the child free for adoption vide Free Certificate Serial Number 0854.
8. All the Statutory Reports that have been filed in respect of the proposed adoption of the child by the Applicant recommend that this Court allows the Applicant to adopt the child. A report dated 13th November, 2025 from Children Officer asserted that the Applicant is financially stable, medically and physically fit to take care of the child thus recommending the adoption process. Another report dated 18th November, 2025 from Guardian Ad Litem, affirmed that the child has fully bonded well with the Applicant. The child will get benefits from the Applicant as it will offer an opportunity of growing up in a stable family and in conducive environment therefore recommending the Adoption.
9. Proposed Legal Guardian SNW testified in Court that she is a very close friend with the Applicant for they grew up together, therefore consented to be the legal guardian for the minor. She affirmed that she understand the legal implications as she will assume full parental responsibilities in the event the Applicant is unable to discharge her responsibilities.
10. The Court also interviewed the minor and it was observed that she is very close to the Applicant. The Applicant's immediate and extended family members support the Adoption Proceedings.

Determination

11. After carefully assessing the records herein, I am satisfied that the Applicant has fulfilled all the legal requirements relating to the Child's adoption. Section 186 of the *Children Act*, 2022 provides. The Court may make an adoption order on application by-
 - (1)
 - (a) Sole applicant; or
 - (b) Two spouses jointly.
 - (2) The court shall not make an adoption order in any case unless-
 - i. the applicant has attained the age of twenty-five years, but is not above the age of sixty-five years; and



- ii. The applicant, or both of the applicants in a joint application, is more than twenty-one years older than the child.
 - (3) The restrictions in subsection (2) shall not apply in any case where a sole applicant or one of the joint applicants is the mother, father, or relative of the child.
12. This Court is alive to the jurisdiction of the High Court vide Article 165 Constitution of Kenya 2010 and Section 183(1) *Children Act* 2022. The Court is conscious of the law; Article 53 Constitution of Kenya 2010, Section 8 of *Children Act* 2022 and the UN Convention on the Rights of the Child & African Charter on the Rights & Welfare of the Child all amplify on the best interests of the child.
13. The Court has evaluated the facts of this Local Adoption from the Reports filed. It is evident that the Applicants have fulfilled all the legal requirements of a Local Adoption as required under Section 193 of the Children’s Act, 2022. The guiding principle remains in the best interests of the child pursuant to Section 8 and 194 (1) (c) of the Children’s Act Cap 141 of the Laws of Kenya. This Court has satisfied itself that the Applicant is qualified and able to take care of the child. All the necessary Reports and consents required for this Adoption have been filed. Article 14 (4) of *the Constitution* of Kenya 2010 provides that: -

“(4)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.”
14. This Court is therefore of the opinion that this Adoption would be in the best interest of the child and allows the application with Orders that;
 - a. The Applicant, RWK is hereby allowed to adopt Baby RR
 - b. Henceforth the child will be called AWS.
 - c. Her date of birth shall be 1ST March, 2024 At Ruiru
 - d. She is presumed to be a Citizen of Kenya by birth.
 - e. SNW is hereby appointed as Legal Guardian of the child.
 - f. The Registrar General to enter this order in the Adoption Children Register.
 - g. The Registrar General do issue the child with requisite Birth Certificate.
 - h. The Director Immigration is authorised to issue the child with a Kenyan Passport.
 - i. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 23rd DAY OF JANUARY, 2026.

P. M. NYAUNDI

JUDGE

In the presence of:

Fardosa Court Assistant.

Ms. Adhiambo holding brief for Morang’a for Applicant.

