



**In re Adoption of Baby AP (Minor) (Adoption Cause E008 of 2025)
[2026] KEHC 330 (KLR) (21 January 2026) (Judgment)**

Neutral citation: [2026] KEHC 330 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT EMBU
ADOPTION CAUSE E008 OF 2025
RM MWONGO, J
JANUARY 21, 2026**

**IN THE MATTER OF THE CHILDREN ACT CAP. 141 OF THE LAWS OF KENYA
IN THE MATTER OF THE ADOPTION OF BABY A.P. (MINOR)**

IN THE MATTER OF

**SMN 1ST APPLICANT
TGK 2ND APPLICANT**

JUDGMENT

The Application

1. By an originating summons dated 17th September 2025, the applicants seek the following orders from this court:
 1. That the Applicants be authorized to adopt the child currently identified and known as Baby AP (Minor);
 2. That the child be renamed as LNM;
 3. That the child be presumed to be a Kenyan Citizen by Birth;
 4. That the child's date of birth be declared to be 15th January 2023 (subsequently amended to 15th September, 2022) and his place of birth be declared to be Embu County;
 5. That the Guardian Ad Litem be discharged and MNK be appointed as the child's Legal Guardian in the event that the Applicants herein are incapacitated or in any way unable to discharge their parental obligations.
 6. That the Registrar General be directed to make the appropriate entries in the Adopted Children Register and issue a Certificate to that effect; and



7. That this court do issue such further orders as are in the interest of justice.

The Applicants' Background

2. The 1st and 2nd applicants are 65 and 56-year-old husband and wife who profess Christian faith. They stated that they have the financial means to take care to of the child if an adoption order is made. They live and work as business persons in Ruiru and they are interested in adopting the child. They stated that they are in good health and they have never been convicted of any criminal offence. They understand what it means to adopt the minor and the obligations that come with that responsibility.

Background of the child

3. The minor was found abandoned on 21st July 2023 at Blue Valley area in Embu and the matter was reported at Embu Police Station. The child was then placed under the care of St. Angela Children's Home, as the police tried to trace the child's parents. This effort did not bear any fruit and so the child was declared free for adoption.

Guardian Ad Litem

4. The application for adoption was accompanied by a Chamber summons application of even date, seeking that MNK be appointed as Guardian ad litem. The application was allowed through an order of the court issued on 09th October 2025. Consequently, MNK was appointed Guardian ad litem in accordance with section 188(1) of the *Children Act*. The court also ordered that reports be filed, respectively, by the Secretary of Children's services the appointed Guardian ad litem.

Report by the Guardian ad litem

5. In accordance with section 188(2)(b) of the *Children Act*, the Guardian ad litem filed a confidential report dated 28th October 2025 in court. In it, she confirmed her understanding of the case and highly recommended the applicants as adoptive parents to the child. She stated that she has known the applicants for more than 15 years and has visited them at home on many occasions. She attested to the applicants' financial capability to care for the child comfortably. In her assessment, she was satisfied that they understand their role and obligations as adoptive parents to the child.

Report by the Secretary, Children Services

6. Section 184(4) of the *Children Act* requires that the Office of the Secretary of Children Services shall monitor and submit reports to the court on the wellbeing of a child who is subject to adoption proceedings. In compliance with this provision, and in absence of the establishment of the said office, the Director of Children Services files a report, a practice accepted by the Court. Consequently, the Director filed a report dated 06th July 2025. The report stated that the applicants are financially stable and, following a home visit, it was established that they live in a safe and comfortable home which is conducive for raising the child. The applicants have 2 other adopted children who are also minors. They have several assets in their names and they are developing them further.
7. They live with the child who had already been placed under their care, and the child spends her time with the 2nd applicant who works near home. The report notes that the child and the applicants have bonded well and the adoption is supported by the families of both applicants.



Suitability of the applicant for adoption

8. Section 186(1) and (2) of the *Children Act* provides for persons who may adopt a child, as follows:

- “(1) The Court may make an adoption order on application by—
- (a) a sole applicant; or
 - (b) two spouses jointly.
- (2) The Court shall not make an adoption order in any case unless—
- (a) the applicant has attained the age of twenty-five years, but is not above the age of sixty-five years; and
 - (b) the applicant, or both of the applicants in a joint application, is more than twenty-one years older than the child.”

9. The applicants fulfill the conditions set out in these provisions since they are within the allowable age bracket and are 25 years older than the child. They are also Kenyan citizens, and therefore, this is a local adoption.

Best interest of the child

10. A child’s best interests are of paramount importance in every matter concerning the child. This is the dictate of Article 53(2) of *the Constitution*. Section 4(2) of the *Children Act* also elevates the best interest of the child and provides:

“Despite subsection (1), a provision in another legislation on children matters may prevail if it offers a greater benefit in law to a child.”

Report of the Child Adoption Society

11. Section 185(2) of the *Children Act* requires that an application for adoption be supported by a report of a duly registered adoption society. In this case, KKPI Adoption Society filed a report detailing the circumstances and history of the child from the time she was rescued by a Good Samaritan to the time of the current proceedings. Since the child was abandoned, efforts were made to try and trace the child’s family, but none of the efforts bore fruit.

12. The society, KKPI, prepared the necessary documentation and declared the child free for adoption in accordance with section 184(1)(a) of the *Children Act* in the absence of adoption regulations under the *Children Act*, 2022.

Conclusion and Disposition

13. The documentation presented in court regarding the adoption of the child, qualifies her for adoption by the applicants. The applicants also meet the legal requirements necessary to enable them to adopt the child.

14. In this court’s view, it is in the best interest of the child that she be adopted by the applicants.

15. Accordingly, therefore, the prayers sought herein are granted as follows:

1. This adoption is deemed to be a local adoption;



2. The applicants be and are hereby authorized to adopt Baby AP;
3. Henceforth, Baby AP shall be known as LNM;
4. The Registrar General shall make the appropriate entry regarding the adoption of LNM in the Adopted Children's Register;
5. The Registrar shall issue to the applicants a certified copy of the entry pursuant to Order 4 herein, in the Adopted Children Register, upon payment of the prescribed fee;
6. The child LNM is presumed to be a Kenyan citizen born in Kenya on

15th September, 2022 in Embu County;

7. The Guardian ad litem is hereby discharged; and
8. MNK is hereby appointed as the Legal guardian of the child LNM.
 1. Orders accordingly.

DELIVERED, DATED AND SIGNED AT EMBU HIGH COURT THIS 21ST DAY OF JANUARY, 2026.

R. MWONGO

JUDGE

Delivered in the presence of:

Fatuma for Applicants

S.M Njeru –

Theresa – Applicants

Guardian Ad Litem – Joseph Wambugu

Monica Njeri – Guardian

Baby Perpetual

Francis Munyao - Court Assistant

