



**In re A (Child) (Adoption Cause E190 of 2025)
[2026] KEHC 1549 (KLR) (Family) (13 February 2026) (Judgment)**

Neutral citation: [2026] KEHC 1549 (KLR)

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

FAMILY

ADOPTION CAUSE E190 OF 2025

PM NYAUNDI, J

FEBRUARY 13, 2026

IN THE MATTER OF THE CHILDREN ACT 2022

AND

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY A

IN THE MATTER OF

JM 1ST APPLICANT

IWN 2ND APPLICANT

JUDGMENT

1. Vide Exparte Originating Summons, dated 2nd July, 2025 the Applicants herein seeks the following orders, that:-
 - i. They be authorized to adopt BABY A and the child be called AWM after adoption.
 - ii. JNK - ID 2XXXXXX8 be and is hereby appointed the Legal Guardian of the child in the event a misfortune befalls the Applicants rendering them unavailable or incapable of taking care of the child.
 - iii. The Registrar – General be and is hereby ordered to make the appropriate entries in the Adopted Children’s Register in respect of AWM.
 - iv. The child was born in Kenya, of Kenyan parents and is therefore a Kenyan by birth and is entitled to a Kenyan Passport.
2. This is a joint application by the Applicants who are Kenyan Citizen residing in Thika, Kiambu County. They are legally married and they have been living together as per the annexed Marriage



Certificate Serial Number 1XXXX9. The 1st Applicant is a Senior Compliance Officer with the Public Procurement Oversight Authority while the 2nd Applicant is a Prevention Officer with EACC hence financial stable to take good care of the child. They do have one biological child by the name Kennedy Maina who is 23 years and he has consented to the Adoption Proceedings (He was present in Court and confirmed he consents). The Applicants' motivation to adopt stems from their desire to serve humanity where the child will become part of them and will give him identity, care and protection. They understand the legal implications of the adoption order as they are aware that the child will have full rights as would a biological child and the order is not reversible. They have had custody of the child for 4½ years. The child is 7 years old.

3. BABY A (a female minor herein) is presumed to have been born on 18th August 2017, to Magdalene Njeri Kimani at Kimkan Hospital in Murang'a County. She was abandoned by her biological mother at the hospital on 23rd August, 2017 at around 6 pm. A report was made at Murang'a Police Station Vide OB Number 22 of 24/08/2017. On the same day, the child was referred to Child Welfare Society of Kenya for temporary care and protection. Thereafter, Children's Court sitting in Murang'a committed the child to the same Children's Home Vide C&P File No. 30 of 2017. That on 18th June, 2021 a police letter confirmed that efforts to trace the mother and relatives were futile.
4. That after the Applicants made decision to adopt, they approached Child Welfare Society of Kenya Adoption Society. They were taken through an explanatory memorandum and their duly signed Certificate of Acknowledgement were obtained. Subsequently, the adoption society Committee, prepared a declaration report and issued a Certificate declaring the child free for adoption vide Freeing Certificate Serial Number 1104 with accordance with Section 193 (1) (a) of the Children Act, 2022. Thereafter, the minor was placed with the Applicants for the mandatory bonding on 29th July, 2021.
5. Child Welfare Society of Kenya Adoption Society submitted report in respect of the proposed adoption of the child by the Applicants recommending that this Court allows the Applicants to adopt the child. A favourable report dated 6th November, 2025 by Emmanuel Mbae Sub County Children's Officer, Juja states that it was observed that there is a strong bond between the Applicants, their son and the minor, the Applicants are socially stable to take good care of the child. The Applicants are clear of any criminal claim as evidenced by Certificates of Good Conduct annexed PCC-YLT9VERP and PCC-JRSG6DARS. The Officer averred that the Applicants has met the legal requirements for Local adoption as stipulated by the Children Act 2022 thus recommended the adoption process. Another report dated 2nd September, 2025 from Guardian Ad litem recommending the Applicants to adopt the child.
6. The Guardian Ad Litem, vide report dated 2nd September 2025 recommends the adoption
7. JNK a relative to the Applicants consented to be appointed Legal Guardian in the event the Applicants are unable to discharge their responsibilities as she will assume full parental responsibility according to adoption orders.
8. The Court also interviewed the minor and it was evident that the minor recognized the Applicants as his parents.

Determination

9. After carefully assessing the records herein, I am satisfied that the Applicants have 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.
10. 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.
11. 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 Applicants are qualified and able to take care of the child. All the necessary Reports and consents signed by Applicants for this Adoption have been filed. The consent of the biological parents of the child was dispensed with since the child was abandoned at birth. The Court observed that the child was comfortable with the Applicants.
12. 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.”
13. 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 Applicants, JM and IWN are hereby allowed to adopt BABY A.
 - b. Henceforth, the child shall be known as AWM.
 - c. Her date of birth shall be 18TH August 2017 at KimKam Hospital, Kiharu Muranga County.
 - d. She is presumed to be a Citizen of Kenya by birth.
 - e. JNK 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 to issue a Birth Certificate in respect of the child.
 - 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 13TH DAY OF FEBRUARY, 2026.

P. M. NYAUNDI

JUDGE

In the presence of:

Fardosa Court Assistant

Ogutu for Applicants

