



REPUBLIC OF KENYA



**In re Application for Adoption of IJ (Child) (Adoption Cause E277 of 2025)
[2026] KEHC 1464 (KLR) (Family) (13 February 2026) (Judgment)**

Neutral citation: [2026] KEHC 1464 (KLR)

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

FAMILY

ADOPTION CAUSE E277 OF 2025

PM NYAUNDI, J

FEBRUARY 13, 2026

IN THE MATTER OF THE CHILDREN'S ACT, 2022

AND

IN THE MATTER OF IJ

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

AND

IN THE MATTER OF

MNWM APPLICANT

JUDGMENT

1. Vide application filed by the Applicant on October 28th July, 2025 seeking the following orders:-
 - a. That she be authorized to adopt IJ and that the said child be known as EMW.
 - b. That the child having been found abandoned at Ruiru in Kiambu County, be presumed to be a Kenyan Citizen born on 15th January 2023, in Kiambu County.
 - c. That LMN of Post Office Box Number 10154 Nairobi be appointed Legal Guardian to the child in the event misfortune befalls the Applicant.
 - d. That the consent of the biological parents be dispensed with.
 - e. That the Registrar General makes the appropriate entries into the Adopted Children Register.
2. The Applicant is a single Kenyan Citizen residing in Kiambu County. She is a Care Assistant working in Dublin, Ireland. She has the means to provide for the child. She has had custody of the child since



- 14th November, 2024. The child is 2 years, 10 months old. She fully understands the implications of an adoption order. She has no biological children of her own hence her desire to adopt.
3. IJ (the Child herein) is a male Child presumed to have been born on 15th January, 2023. He was found abandoned at the roadside in Wataalam Ruiru on 22nd April, 2023 by a Good Samaritan. The child was rescued and the matter was reported to Ruiru Police Station and recorded vide OB No. 3/222/4/2023. Subsequently, the Child was placed temporarily at Happy Life Children's Home as a Child in need of Care and Protection. That Ruiru Police Station confirmed by their letter dated 23rd July, 2024 that nobody went to claim the Child and that attempts to trace the parents or other family members of the Child were fruitless. The child was later committed to the said Home by the Principal Magistrate's Court in Ruiru on 14th June, 2023 Vide Care and Protection file MCP&CCO/E018/2023.
 4. That the Applicant approached KKPI Adoption Society, she was taken through an explanatory memorandum and dully signed forms. Consequently the child was declared free for adoption by the case committee on 31st July, 2024 vide freeing Certificate Serial No. 0960. The child was placed with the Applicant on 14th November, 2024.
 5. All the Statutory Reports that have been filed in respect of the proposed adoption of the child by the Applicant has recommended that this Court allows the Applicant to adopt the child. Sub County Children's Officer Kiambaa Sub County, submitted a report dated 24th November 2025, she confirmed that the Child and the Applicant has bonded well, Applicant is socially and financially capable of raising the Child. It also confirmed that the Applicant had a clean bill of health and that she had no criminal record as evidenced by copy of her certificate of good conduct and medical records attached.
 6. LMN consented to be the Legal Guardian in the event the Applicant is unable to discharge her responsibilities as she will assume full parental responsibility according to adoption orders.
 7. The Court interviewed the minor and it was evidenced that he was comfortable with surroundings.

Determination

8. The Court has evaluated the facts of this local adoption from the Reports filed. It is evident that the Applicant has fulfilled all the legal requirements of a local adoption as required under Section 184 of the [Children's Act, 2022](#). All the necessary Reports and consents required 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. This Court has satisfied itself that the Applicant is qualified and able to take care of the child. The home visits conducted by the *guardian ad litem* and the representative of the Department of the Children's Services established that the Applicant has the financial and emotional capability to provide for the upkeep, care and education of the Child and that the Child has bonded well with the Applicant.
9. 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.”
10. This court is therefore of the opinion that this Adoption would be in the best interest of the child and allows the Applicants' application that;
 - a. The Applicant, MNWM is hereby allowed to adopt Baby IM.
 - b. Henceforth, the child shall be known as EMW.



- c. His date of birth shall be 15TH January, 2023 In Kiambu County
- d. He is presumed to be a citizen of Kenya by birth.
- e. LMN 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 be authorised to issue the child with Birth Certificate.
- h. The Director Immigration be 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

HIGH COURT JUDGE

In the presence of:

Fardosa Court Assistant.

Njugi for Applicant.

