



REPUBLIC OF KENYA



**In re Baby SJ (Adoption Cause E272 of 2025)
[2026] KEHC 2280 (KLR) (Family) (27 February 2026) (Judgment)**

Neutral citation: [2026] KEHC 2280 (KLR)

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

FAMILY

ADOPTION CAUSE E272 OF 2025

PM NYAUNDI, J

FEBRUARY 27, 2026

IN THE MATTER OF THE CHILDREN ACT, 2022

AND

IN THE MATTER OF BABY SJ

IN THE MATTER OF

RMM APPLICANT

JUDGMENT

1. Vide Originating Summons, dated 2nd October 2025, the Applicant herein seeks the following orders, that:-
 - i. She be authorized to adopt BABY SJ, a child who is to be known as LM and the Registrar General be directed to enter this adoption into the Register of Adoptions.
 - ii. AN be appointed as the Legal Guardian of the child.
 - iii. The child be presumed to be born on the 2nd of October, 2022 at RSCH, Ruiru in the Republic of Kenya.
2. The Applicant is a single Kenyan Citizen residing in Nairobi County. She is a business woman where she sells curios; she has the means to provide for the child. She does not have a child of her own. Her desire to adopt the child is driven by the fact that she loves children and want to provide a home for a less fortunate child where he can grow in and feel loved. She has had custody for 11 months and 2 weeks. The minor is 3 years old. The Applicant 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.



3. BABY SJ (Male minor herein) is presumed to have been born on 2nd October, 2022. His biological mother notified the hospital about her intentions to give the child out for adoption because she was not able to take care of the baby financially and was not mentally ready due to the circumstances that occurred during the pregnancy. The minor's mother was taken through the process of giving up the child, she understood and agreed to and signed a consent form. That on 4th October 2022, the minor was temporarily placed under the care of New Life Home Trust. On 1st November 2022, the Children's Court sitting in Ruiru committed the minor to the same Facility Vide Committal Order P& C No. E 017 of 2022. Further, New Life Home Trust reports that during the minor's stay in the home, confirmed that no one has ever claimed the minor.
4. That upon the Applicant's decision to adopt, she approached Change Trust Adoption Society, the assessment was made, she was taken through Explanatory Memorandum. Thereafter, Change Trust Adoption Society through their committee sitting on 10th November, 2024 considered the circumstances of Baby Johari and that they had assessed the Applicant and found her suitable adoptive parent and further that the adoption would be in the child's best interest therefore declared the child free for adoption vide freeing certificate Serial Number 00723 as pursuant to Section 156 (1).
5. All Statutory reports 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. Another positive Report from Children Officer, Beth Kauna dated 2nd February 2026, observed that the child has bonded well with the Applicant and her other extended family, the Applicant is socially, emotionally and financially able to take care of the child. The Applicant has met all legal requirements for local adoption as stipulated in the Children Act 2022. The Applicant is clear of any criminal claim as evidenced by police clearance certificate number PCC-50T76DAY therefore, recommending the adoption process.
6. Guardian Ad litem, NMM, presented a report dated 16th October 2025, in which during her visit, she observed the child has adapted well to the family set up environment, well fed, happy, well cared for and has bonded well with the Applicant as well as the Applicant's extended relatives. The child has a loving home thus recommending the adoption process.
7. Proposed Legal Guardian AN is the Applicant's sister. She consented to be the legal guardian for the minor. She understands the legal implications and she will assume full parental responsibilities in the event the Applicant is unable to discharge her responsibilities.

Determination

8. 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.
9. 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 & Banjul Charter all amplify on the best interests of the child.
10. 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 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. The consent of the biological parents of the child was dispensed with since the child’s mother willingly gave the child out for adoption by signing the consent form purporting the adoption proceedings. 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.
11. 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.”
12. 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, RMM is hereby allowed to adopt BABY SJ.
 - b. Henceforth, the minor shall be known as LM.
 - c. His date of birth shall be 2ND OCTOBER, 2022 at RSCH, Ruiru.
 - d. He is presumed to be a Citizen of Kenya by birth.
 - e. AN 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 is authorised to issue the child with 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 27TH DAY OF FEBRUARY, 2026.

P. M. NYAUNDI

JUDGE

In the presence of:

Fardosa Court Assistant

Ms. Kemunto for Applicant

