



**In re Baby SK (Adoption Cause E269 of 2025)  
[2026] KEHC 2279 (KLR) (Family) (27 February 2026) (Judgment)**

Neutral citation: [2026] KEHC 2279 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E269 OF 2025**

**PM NYAUNDI, J**

**FEBRUARY 27, 2026**

**IN THE MATTER OF BABY SK**

**IN THE MATTER OF**

**JKW ..... 1<sup>ST</sup> APPLICANT**

**GNWK ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. Vide application filed by the Applicants on October 2<sup>nd</sup> October, 2025 seeking the following orders That:-
  - a. They be authorized to adopt Baby SK, a child who is to be known as SPWK and the Registrar General be directed to enter this adoption into the Register of Adoptions.
  - b. AGM and VNW be appointed as the Legal Guardians of the child.
  - c. The child be presumed to be born on the 14th July, 2018 in Nakuru County in the Republic of Kenya.
2. These are married couple residing in Nairobi County. Both are farmers hence the means to provide for the child. They have had custody of the child since April, 2025. The child is 7 years old. They fully understand the implications of an adoption order. They have no biological children of their own hence their desire to adopt.
3. Baby SK (the Child herein) is a male Child presumed to have been born on 14th July, 2018. The child was abandoned by his biological mother and found on 25th August 2019, in a bush in Nakuru Town, he was in the company of his brother DK (the Child in Adoption Cause No. E 270 of 2025). The matter was reported to Railway Police Station Nakuru and recorded vide O.B No.XXX/2019. That on 3rd February 2021, the child was committed to Kings Kids Village Children's Home through the



Children Court at Nakuru Vide Care and Protection File P&C NO. 406/2019. In Addition, Railway Police Station confirmed by their letter dated 30<sup>th</sup> April 2024, that nobody had claimed the child since he was abandoned. The search for his parents has been futile.

4. Further, the Applicants approached Change Trust Adoption Society, they were taken through an explanatory memorandum and dully signed forms. Consequently, the child was declared free for adoption by the case committee on 12<sup>th</sup> May 2023, vide freeing Certificate Serial No. 00749. The child was placed with the Applicant on 29<sup>th</sup> November, 2024.
5. The Reports filed in respect of the proposed adoption of the child by the Applicants has recommended that this Court allows the Applicants to adopt the child. A report dated 14th January, 2026 from Children Coordinator Machakos County, confirmed that the Child and the Applicants has bonded well, they are socially and financially capable of raising the Child. It also confirmed that the Applicants had a clean bill of health and that they had no criminal record as evidenced by copy of their certificates of good conduct attached.
6. The Guardian Ad Litem, ECWK in her report dated 5th February, 2026 also recommends the adoption.
7. Proposed Legal Guardians AGM VNW Applicants' relatives consented to be appointed the Legal Guardians of the Child; in the event the Applicants are unable to discharge their responsibilities as they will assume full parental responsibilities according to adoption orders.
8. The Court interviewed the minor and it was evident that he recognized the Applicants as his parents. Further he recognized that he was in Court for Adoption proceedings which he consented to.

### **Determination**

9. 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 184 of the Children's Act, 2022. This Court has satisfied itself that the Applicants are 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 Applicants have 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 Applicants. The love the Applicants have for the children is unconditional as it is evident that the Applicants are also adopting minor's brother in Adoption E 270 of 2025. Their desire is driven by the fact that they love children and want to expand their family and give a child a family and an environment where he can grow in and feel loved. 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 consents of the biological parents of the child have been dispensed with since the child was abandoned.
10. 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.”
11. 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 Applicants, John Kuria Waithaka And Gladys Nyokabi Wahome Kuria are hereby allowed to adopt Baby SK.
- b. Henceforth, the child shall be known as SPWK.
- c. His date of birth shall be 14<sup>TH</sup> July, 2018 in Nakuru County
- d. He is presumed to be a citizen of Kenya by birth.
- e. AGM And VNW are hereby appointed as legal guardians 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 27<sup>TH</sup> DAY OF FEBRUARY, 2026.**

**P. M NYAUNDI**

**HIGH COURT JUDGE**

In the presence of:

Fardosa Court Assistant

No Appearance by parties

