



REPUBLIC OF KENYA



KENYA LAW
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**In re EA (Baby) (Adoption Cause E271 of 2025)
[2026] KEHC 2310 (KLR) (Family) (27 February 2026) (Judgment)**

Neutral citation: [2026] KEHC 2310 (KLR)

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

ADOPTION CAUSE E271 OF 2025

PM NYAUNDI, J

FEBRUARY 27, 2026

IN THE MATTER OF

POO 1ST APPLICANT
BKM 2ND APPLICANT

JUDGMENT

1. Vide Originating Summons, dated 2nd October, 2025 the Applicants herein seeks the following orders, that:-
 - i. They be authorized to adopt Baby EA. A child who is to be known as RandY MMO and the Registrar General be directed to enter this adoption into the Register of Adoptions.
 - ii. DTM and JRN be appointed as the Legal Guardians of the child.
 - iii. The child be presumed to be born on the 22nd June, 2020 at Kiambu L 5 Hosp, in Kiambu in the Republic of Kenya.
2. This is a Joint Application by the Applicants. The Applicants are Kenyan Citizen residing in Syokimau, Machakos County. They are legally married as per the annexed Marriage Certificate Serial Number XXXXX. The 1st Applicant is a Military Officer while the 2nd Applicant is a Nutritionist hence financially able to take good care of the child. Together they are blessed with three biological children one boy and two girls.
3. The Applicants asserted that the minor was placed with their sister (NNM) who died on 21st March, 2023 as per the annexed copy of death certificate. It is said that soon after placement by the said adoption agency, the adoptive mother passed on and the child was left with the Applicants having been proposed as the legal guardians. Consequently, they decided to care for the minor to preserve their sister's desire to have a baby. Their desire is to nurture the minor, give him a sense of identity



and belonging. 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. The baby is five years old. The Applicants have had the custody of the minor for 2 years and 10 months.

4. Baby EA (minor herein) a male child is presumed to have been born on 22nd June 2020 at Kiambu L 5 Hosp to RA. However, the minor's mother had a mental challenge (bipolar) which deteriorated after giving birth and was referred to Mathare Teaching and Referral Hospital for treatment. It's their statement that several attempts were made to reach out to the mother's kins as well as the minor's father, which bore no fruits. The child was then placed temporarily at NBU on IP/No XXXX as well as Angel Centre for Abandoned Children. That on 10th June 2021, Children's Court sitting in Kiambu committed the child to the same facility Vide P&C File No. E 005 of 2021. No one has come forward to claim the minor and thus the minor was declared free for adoption.
5. That Applicants were interviewed by the said Adoption Society, taken through the explanatory memorandum and they duly signed Certificate of Acknowledgement. Consequently, Committee sitting on 2nd July 2025, prepared a declaration report and issued a Certificate declaring the child free for adoption vide Freeing Certificate Serial Number XXXX on 19th July, 2022. Thereafter, the minor was placed with the Applicant for the mandatory bonding.
6. Change Trust 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. Assistant Director Children Services submitted a report dated 9th February, 2026 in which she observed a strong bond between the Applicants and the minor, the Applicants are socially and economically stable to take good care of the child. The Applicants are clear of any criminal claim as evidenced by Certificates of Good Conduct annexed. The Officer averred that the Applicants have met the legal requirements for Local adoption as stipulated by the *Children Act* 2022 thus recommended the adoption process.
7. Report dated 16th October 2025, prepared by CKCC (Guardian Ad litem) in which through his visit he observed that the minor has fully bonded well with the Applicants as well as extended family and taken care of, the home environment is spacious enough to accommodate the entire family thus recommending the Applicants to adopt the child.
8. DTM and JRN relatives to the Applicants consented to be a Legal Guardians of the minor; in the event the Applicants are unable to discharge their responsibilities as they will assume full parental responsibility according to adoption orders.
9. The Court interviewed the minor and it was observed a strong bond between the Minor and the Applicants as well as recognizing the Applicants as his parents.

Determination

10. After carefully assessing the records herein, the Court is 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.
- 11. 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.
- 12. 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 love the Applicants have for the children is unconditional as it is evident that the Applicants are adopting the child to preserve thier sister's desire as well as to nurture the minor by giving him sense of identity, belonging and to expand thier family. 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 at birth.
- 13. 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.”
- 14. This Court is therefore of the opinion that this Adoption would be in the best interest of the child and allows the application with Ordersthat;
 - a. The Applicants, POO and BKM are hereby allowed to adopt BabyEA.
 - b. Henceforth, the child shall be known as RandY MMO.
 - c. His date of birth shall be 22nd June, 2020 at Kiambu L 5 Hosp In Kiambu.
 - d. He is presumed to be a Citizen of Kenya by birth.
 - e. DTM and JRN 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 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 27TH DAY OF FEBRUARY, 2026.



P. M. NYAUNDI

JUDGE

In the presence of:

Fardosa Court Assistant

Kemunto for Applicant

