



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**In re PB (A Child) (Adoption Cause E007 of 2025)
[2026] KEHC 1220 (KLR) (27 January 2026) (Judgment)**

Neutral citation: [2026] KEHC 1220 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT EMBU

ADOPTION CAUSE E007 OF 2025

RM MWONGO, J

JANUARY 27, 2026

IN THE MATTER OF THE CHILDREN ACT CAP. 141 OF THE LAWS OF KENYA

IN THE MATTER OF THE ADOPTION OF BABY PB (A CHILD)

IN THE MATTER OF

DWK APPLICANT

JUDGMENT

The Application

1. Through an originating summons dated 9th September, 2025, the applicant seeks the following orders from this court:
 1. That the applicant be authorized to adopt Baby PB, a minor who is to be known as DM and the Registrar General be directed to enter this adoption into the Registrar of Adoptions;
 2. That BKK be appointed as the legal guardian of the child.

The Applicant's Background

2. According to the statement in support of the originating summons, the applicant has opted to adopt the child because she is unable to have biological children. She lives in Embu County where she works as a teacher. The child was placed under her care on 30th May 2023 for fostering with a possibility of adoption. She declared that she has never been convicted on any of the offences named under the *Children Act*, neither has she received money or any promise to compel her to adopt the child. The applicant understands her obligations as an adoptive parent and she is confident that she can give the child a decent life upon adoption.



Background of the Child

3. The child was abandoned outside the home of one MW in Mbeere South subcounty. The abandonment was reported at Gachoka Police Station through OB. No. 13/08/09/2022 and the child was escorted to Embu Level 5 Hospital for medical check-up. The child was then temporarily placed at St. Angela Embu Children’s Home on 09th September 2022. On 26th October 2022, the Mbeere South Children Officer applied to the court that the child be committed to the named children’s home for care. Through a court order, the child was placed under such care. The applicant stated that the minor has fully bonded with her and her family who also approve of the adoption. It was her statement that she understands her obligations as an adoptive parent and she is committed to putting the interests of the child first.

Guardian Ad Litem

4. The application for adoption was accompanied by a Chamber summons dated 9th September 2025 seeking that DWM be appointed as Guardian ad litem. The application was allowed through an order of the court issued on 13th October 2025 and DWM was appointed Guardian ad litem in accordance with section 188(1) of the *Children Act*. The court also ordered that the Secretary of the Children’s Services do file a report and the appointed Guardian ad litem file her report.

Report by the Guardian ad litem

5. In accordance with section 188(2)(b) of the *Children Act*, the Guardian ad litem filed in court a confidential report dated 30th October 2025. In it, she confirmed her understanding of the case and highly recommended the applicant as an adoptive parent to the child. She stated that the child was placed under the applicant’s care where he has been living peacefully. That his needs are well provided for and the child has bonded well with the applicant.

Report by the Secretary, Children Services

6. Section 184(4) of the *Children Act* requires that the Office of the Secretary of Children Services shall monitor and submit reports to the courts on the wellbeing of a child who is subject to adoption proceedings. In compliance with this provision, a report dated 22nd October 2025 was filed by the Children’s Officer, delegated by the Secretary. The report detailed the applicant’s background and family life. Upon conducting a home visit, the Children’s Officer established that the applicant lives in an owned permanent building with 2 spacious bedrooms. The house is serviced with the necessary amenities. The applicant has several income-earning investments including rental houses. She is also employed and so her income is sufficient to supply for the needs of the child. The applicant understands her obligations and responsibilities as an adoptive parent. The Secretary recommended the applicant highly as an adoptive parent who is fit to give a permanent home to the child.

Suitability of the applicant for adoption

7. Section 186(1) and (2) of the *Children Act* provides for persons who may adopt a child, as follows:

- “(1) The Court may make an adoption order on application by—
 - (a) a sole applicant; or
 - (b) two spouses jointly.
- (2) The Court shall not make an adoption order in any case unless—



- (a) the applicant has attained the age of twenty-five years, but is not above the age of sixty-five years; and
- (b) the applicant, or both of the applicants in a joint application, is more than twenty-one years older than the child.”

8. The applicant fulfills the conditions set in these provisions since she is a sole applicant who is within the allowable age bracket and is 25 years older than the child. She is also a Kenyan citizen; therefore, it is a local adoption.

Best interests of the child

9. A child’s best interests are of paramount importance in every matter concerning the child. This is the dictate of Article 53(2) of *the Constitution*. Section 4(2) of the *Children Act* also elevates the best interest of the child and provides:

“Despite subsection (1), a provision in another legislation on children matters may prevail if it offers a greater benefit in law to a child.”

Report of the Child Adoption Society

10. Section 185(2) of the *Children Act* requires that an application for adoption be supported by a report of a duly registered adoption society. In this case, KKPI Adoption Society filed a report detailing the history and circumstances of the child. When the child was found abandoned, efforts were made to trace the child’s family but none of the efforts bore fruit. The Society prepared the necessary documentation and declared the child free for adoption in accordance with section 184(1)(a) of the *Children Act*, 2022 in the absence of adoption regulations under the *Children Act*, 2022. It issued a Certificate of Declaring a child Free for Adoption No.0970 dated 29th March, 2023.

Conclusion and Disposition

11. The documentation presented in court regarding the adoption of the child qualifies her for adoption by the applicant. The applicant also meets the legal requirements essential to enable her to adopt the child.
12. Having also seen the child’s interaction with the applicant, this court’s view is that it is in the best interest of the child that he be adopted by the applicant.
13. Accordingly, the prayers sought are granted as follows:
 1. This adoption is deemed to be a local adoption;
 1. The applicant be and is hereby authorized to adopt Baby PB;
 2. Hence forth, Baby PB shall be known as DM;
 3. The Registrar General shall make the appropriate entry regarding the adoption of DM in the Adopted Children’s Register;
 4. The Registrar shall issue to the applicant with a certified copy of the entry pursuant to Order 4 herein in the Adopted Children Register, upon payment of the prescribed fee;
 5. The child DM is presumed to be a Kenyan citizen born in Kenya;



6. The Director Immigration Services is hereby ordered to issue a Kenyan passport in the name of DM;
7. The Guardian ad litem is hereby discharged; and
8. BKK is hereby appointed Legal guardian of the child DM.
1. Orders accordingly.

DELIVERED ELECTRONICALLY, DATED AND SIGNED AT EMBU HIGH COURT THIS 4TH DAY OF FEBRUARY, 2026, PURSUANT TO NOTICE ISSUED ON 27TH JANUARY, 2026 AS TO ELECTRONIC DELIVERY.

R. MWONGO

JUDGE

