



REPUBLIC OF KENYA



KENYA LAW
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**In re Baby Boy alias MA (Child) (Adoption Cause E247 of 2025)
[2026] KEHC 3693 (KLR) (Family) (19 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 3693 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E247 OF 2025
PM NYAUNDI, J
MARCH 19, 2026
IN THE MATTER OF
ABANDONED BABY BOY ALIAS MA.....THE CHILD**

IN THE MATTER OF

**WKM 1ST APPLICANT
HWK 2ND APPLICANT**

RULING

1. Vide Originating Summons dated 29th August, 2025, the Applicants seek the following orders That:-
 - a. Spent
 - b. Spent
 - c. They be authorized to adopt Abandoned BABY BOY AMA to be known as MJMK.
 - d. The child be presumed a Kenyan Citizen by birth.
 - e. The child's date of birth be 11th June, 2023 and the place of birth be Ongata Rongai, Kajiado.
 - f. The Registrar General be directed to enter the adoption in the Adopted Children Register.
 - g. The Director Immigration be authorized to issue the child with a Kenyan passport.
 - h. JKC and JWK be appointed the legal guardians of the child in the event of the death or incapacity of the Applicants before the child is of age or independent.
 - i. The Court be pleased to make any further orders it deems necessary.



2. The Applicants are Kenyan citizens, a married couple residing in Kiambu County. The 1st Applicant is a businessman, while the 2nd Applicant is a Health Worker by profession, with means to provide for the child. They have had custody of the child since April, 2024. The child is 2 years, 8 months old. They fully understand the implications of an adoption order. They have been blessed with one adopted daughter.
3. Abandoned Baby Boy AMA (the Child herein) is a male Child presumed to have been born on 11th June, 2023 in Kajiado County. The child was found abandoned by a Good Samaritan at Kware, Ongata Rongai Location. A report was made to Ongata Rongai Police Station Vide O.B No.68/20/09/2023. That on 20th September 2023, the child was temporary placed at Mahali Pa Maisha Infant Rescue Centre for care and protections. On 25th March, 2023, police issued their final letter indicating that efforts to trace the relatives of the subject were fruitless. Later the child was formally committed to the same facility through the Children Court at Ngong Vide C&P File No. E 342/2023.
4. The Applicants approached Change Trust Adoption Society, and they were taken through an explanatory memorandum and duly signed forms. Consequently, the child was declared free for adoption by the case committee sitting on 1st March 2024, vide freeing Certificate Serial No. 00766.
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 18th November 2025, from Ruiru Sub-County Children Officer, confirmed that the proceedings herein is the family's second adoption. She averred that the child and the Applicants have bonded well, they are socially and financially capable of raising the Child. She further averred that their firstborn daughter has embraced her role as an older sibling and expresses happiness in having a brother. 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. The Applicants have met the Local Adoptions requirements as per the Children's Act, 2022 and Sections which stipulate the principles, safeguards and best interest of the child, thus recommending the Adoption. The Guardian Ad Litem, Andre Kariithi in his report dated 2nd October, 2025 also recommends the adoption.
6. Proposed Legal Guardians JKC AND JWK Applicants' relatives consented to be appointed the Legal Guardians of the Child; in the event the Applicants are unable to discharge their responsibilities they will assume full parental responsibility over the minor.
7. The Court interviewed the Applicant's daughter, Princess Njeri, who is 11 years old. She was aware that she was in court for adoption proceedings, she stated that, she was happy to have a brother. The Court also interviewed the minor, and it was evident that there was a strong bond between the Applicants, the sibling, and the minor, as the minor was vibrant and engaged with the Applicants and the sibling.

Determination

8. 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 first child was adopted in July, 2015 as per the Children's Officer report. 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. 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 on birth.

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 Applicants, WKM AND HWK are hereby allowed to adopt Abandoned Baby Boy AMA.
- b. Henceforth, the child shall be known as MJMK.
- c. His date of birth shall be 11TH June, 2023 In Ongata Rongai, Kajiado County.
- d. He is presumed to be a citizen of Kenya by birth.
- e. JKC AND JWK 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 a Birth Certificate to the child.
- h. The Director of Immigration is authorised to issue a Kenyan Passport to the child.
- i. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED, DATED, AND DELIVERED IN VIRTUAL COURT THIS 19TH DAY OF MARCH, 2026.

NYAUNDI

HIGH COURT JUDGE

In the presence of:

Ng’alamoi Court Assistant

No appearance by parties

