



REPUBLIC OF KENYA



**In re Baby PG aka GN (Adoption Cause E193 of 2024)
[2025] KEHC 4805 (KLR) (Family) (28 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 4805 (KLR)

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

FAMILY

ADOPTION CAUSE E193 OF 2024

PM NYAUNDI, J

MARCH 28, 2025

IN THE MATTER OF THE ADOPTION OF BABY PG A.K.A GN

BY

JUDGMENT

1. *Vide* Originating Summons dated 4th September, 2024 by ZMK (1st Applicant) and FNM (2nd Applicant) the Applicants seek the following orders; -
 - i. That they be allowed to adopt the child identified as Baby PG a.k.a Baby GN.
 - ii. Henceforth, the child be renamed as NWM.
 - iii. That the child's date and place of birth be declared to be 24th June, 2023 in Nairobi County.
 - iv. That the child be presumed to be a Kenyan Citizen by birth; and consequently, be entitled to all the rights and benefits in respect thereof.
 - v. That GKM and PPJ be appointed as Legal Guardians of the child
 - vi. That the Registrar-General be directed to make the appropriate entries in the Adopted Children's Register and issue a Certificate to that effect.
 - vii. That the relevant department under the Civil Registration Services be directed to issue a post-adoption Certificate of Birth in respect of the child.
 - viii. That the Directorate of Immigration Services be directed to issue a Passport to the child.
 - ix. That the guardian ad litem be discharged.
 - x. That this Court do issue such further orders as are in the interest of justice.
2. The Applicants are Kenyan Citizen, husband and wife having celebrated their marriage through Meru Customary Marriage in 2010 and subsequently registered their union at the Registrar's Office on 22nd



- October, 2019 as evidenced by a Certificate of Customary Marriage Serial No. xxx. Their union was not blessed with any children due to reasons beyond their control.
3. The 1st Applicant has 3 Children born out of another relationship with TNH; CK aged 18 years (who consented to the adoption proceedings letter dated 2nd May 2023, AM aged 9 years and GC aged 1 year. TN has given her consent to the proposed adoption as annexed letter dated 2nd May, 2023. The 1st Applicant with N were blessed with 3 children
 4. The 1st Applicant is employed by Safaricom Company and works as a customer care provider while the 2nd Applicant is a teacher by profession.
 5. The two now wish to adopt the minor herein. They have lived with the minor for 9 months. The minor is 1 year, 7 months old. The Applicants asserted that they have the financial means to provide for the child. They understand that an adoption order is irreversible, they will assume full parental responsibilities and they are aware that the child will have full rights as would a biological child.
 6. The child who is the subject of the present adoption proceedings is presumed to be born on 24th June, 2023. On 28th June 2023, BO a Good Samaritan found the child abandoned by the roadside at Dam View area in Nairobi County. A report on the incident was made to Kabete Police Station and was recorded *Vide* OB No. 27/xx/07/2xxx and initial Police letter written the same day. On the same day, the Sub County Children's Officer was informed of the incident and referred the police to take the child to House of Charity Children's Home where the child was placed temporarily awaiting committal.
 7. The Magistrate Children's Court sitting at Nairobi, in accordance with *Children Act*, 2022 committed the child to the home on 7th July, 2023 *Vide* P&C No. E 33x of xxx.
 8. According to correspondence from relevant authorities and final Police letter dated 15th January 2024, no one has come forward to claim the child since she was rescued. Thus, this Court dispenses with the consent of the child's biological parents to the proposed adoption of the child by the Applicants.
 9. The child was declared free for adoption on 16th February, 2024 by the Case Committee of Buckner Agency Certificate Freeing No. 07xx. The child was placed in the Applicants custody on 23rd April, 2024 for mandatory bonding prior to adoption. She has since then been in the continuous custody and care of the Applicants.
 10. GKM and PPJ are the proposed Legal Guardians of the minor. They are married. G is a sister to F who is the 2nd Applicant. At the hearing they confirmed they consent to being appointed as Legal Guardians.
 11. Pursuant to Section 156(1) of the *Children Act*, before this matter came up for hearing, Buckner Kenya Adoption Services, prepared and filed in Court a favourable report in respect of the proposed adoption of the child by both Applicants. Another report dated 6th January, 2025 in respect of the proposed adoption of the child by the Applicants was prepared by the DK, Children's Officer and this report was similarly in favour of the proposed adoption as she stated that the Applicants are financially stable, medically and physically fit to take care of the child.
 12. Her observations were that the child bonded very well with the prospective parents. Subsequently, the Applicants have met the requirements for a local adoption and the child is available for adoption, she recommends adoption. The guardian ad litem, DO, also filed the statutory report dated 29th January, 2025 in which she observed that the Applicants genuinely love and care for the child. She also observed that the child acknowledges them as dad and mum therefore proposed adoption of the child by the



Applicants, would be in the best interests of the child. It was also evidence in Court via online platform where the same relevant authorities consented to the adoption proceedings.

13. The Applicants are of good health and financially capable of taking care of the child as per attached Bank Statements from NCBA Bank and Co-operative Bank as well as their respective updated Statements and Title Deed in respect of parcel of land in Tharaka. They have no criminal record as evidenced by Police Clearance certificates of the first Applicant and second Applicant of Serial Numbers PCC-J5Txxxx and PCC-LLTKxxxx respectively.
14. All the Statutory Reports that have been filed in respect of the proposed adoption of the child by the Applicants have recommended that this Court allows the joint Applicants to adopt the child. This Court has evaluated the facts of this adoption.
15. This is a Local Adoption. It is evident that the Applicants have fulfilled all the legal requirements relative to the adoption of the child. The consent of the biological parents of the child was dispensed with since the child was abandoned at birth. This Court has satisfied itself that the Applicants are qualified and able to take care of the child.
16. The home visits by the guardian ad litem, the adoption society and the Director of the Children's Services established that the Applicants have the financial and emotional capability to provide for the upkeep and education of the child. The proposed legal guardian attended Court and confirmed that she has given her consent to act as Legal Guardian.
17. The child considers the Applicants to be her parents.

Determination

12. After carefully assessing the records herein, I am 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.
13. 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.
14. 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. All the necessary Reports and consents required for this Adoption have been filed.



15. 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.”

16. 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, ZMK and FNM are hereby allowed to adopt Baby PG a.k.a BABY GN.
- b. Henceforth, the child shall be known as NWM.
- c. Her date of birth shall be 24th June, 2023.
- d. She is presumed to be a citizen of Kenya by birth.
- e. GKM and PPJ are hereby appointed as Legal Guardians of the child.
- f. The Director Immigration is authorised to issue the child with a Kenyan Passport.
- g. The Director Civil Registration Services to issue the child with a post-adoption Certificate of Birth.
- h. The Registrar General to enter this order in the Adoption Children Register.
- i. The guardian *ad litem* is hereby discharged.

It is so ordered.

SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 28TH DAY OF MARCH, 2025.

P. NYAUNDI

JUDGE

In the presence of:

Kanja Court Assistant

