



**In re baby TN (Minor) (Adoption Cause E192 of 2024)  
[2025] KEHC 4806 (KLR) (Family) (28 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 4806 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E192 OF 2024  
PM NYAUNDI, J  
MARCH 28, 2025**

**IN THE MATTER OF**

**ENG ..... APPLICANT**

**JUDGMENT**

1. Vide Originating Summons, dated 4<sup>th</sup> September, 2024 the Applicant herein seeks the following orders, That:-
  - i. She be authorized to adopt Baby Timothy Nchore
  - ii. The child to be known as George Githiri Githire
  - iii. The Registrar General be directed to enter this adoption into the register of Adoptions.
  - iv. Nancy Wairimu Githiri and Robert Nganga Kimanibe appointed as the Legal Guardians of the child.
  - v. The child be presumed to have been born in Kenya.
2. The Applicant is a single Kenyan Citizen residing in USA Maryland. She is a Nurse by profession as per her PP No. A 334xxx. The Applicant contracted a Civil Marriage to Justice Goldstraw in 2008 and out of their union, they have a 5 year-old daughter. However, they separated in 2023.
3. The Applicant has been providing for the child since they were connected. She had travel to Kenya to visit the child in December, 2024. Her wish is to expand her family since she has the means to provide for the needs of the child. Further, she is in Maryland with her daughter and she intends to take the minor to the USA. The Applicant further stated that she understands the implications of the adoption order as she is aware that the child will have full rights as would a biological child and the order is not reversible. The minor was present in Court. He is 4 years old. The Court observed that she has bonded well with the Applicant.



4. Baby TN, who is the subject of the present adoption proceedings is presumed to be 3 years old having been born on 29<sup>th</sup> May, 2021. The child was found abandoned by a Good Samaritan along Baraka Mowlem within Dandora. A report on the incident was made to Dandora Police Station on 27<sup>th</sup> May, 2021 and was recorded Vide OB No. 23/xx/5/xxxx. The matter was then reported by Police to the Nairobi Children's Court in Nairobi.
5. That on 7<sup>th</sup> January 2022, the Milimani Children's Court sitting at Nairobi in accordance with Section 119 of the *Children Act* 2022, committed the child to Imani Children's Home Vide P&C No. E xxx/xxxx. Subsequently, on 1<sup>st</sup> June 2023 the child was placed in the custody of the Applicant for mandatory bonding prior to adoption. He has since then been in the continuous custody and care of the Applicant. According to correspondence from relevant authorities and final Police letter dated 12<sup>th</sup> April 2023, no one has come forward to claim the child since he was rescued. A report to that effect has been filed in Court. Thus, this Court dispenses with the consent of the child's biological parents to the proposed adoption of the child by the Applicant.
6. Accordingly, KKPI Adoption Society, issued a certificate declaring the child free for adoption pursuant to Section 156(1) of the *Children Act* 2022. The said freeing Certificate is Serial No. 925 and the same is dated 26<sup>th</sup> April, 2023. Moreover, the Applicant was found to be a suitable adoptive parent having met the legal requirements.
7. The Statutory Report from KKPI Adoption Society dated 19<sup>th</sup> February, 2025 is favourable, recommending this Court to allow Applicant adopt the child. A report dated 16<sup>th</sup> January, 2025 filed by Guardian Ad Litem, SM stated that Applicant feels that she is capable of raising another child since she loves children and is financially capable. The child adapted well to the family set up environment as the Applicant has another child from her previous marriage. They bonded well with the Applicant's child JN and the child was well fed and taken care of hence he recommended the adoption.
8. The Director of Children Services also submitted report dated 19<sup>th</sup> December, 2024 in the report, the officer stated that the child bonded well with the Applicant and the larger family. Since the child was abandoned and all the efforts to trace his family were futile.
9. The proposed Legal Guardians NWG and her husband RNK are Sister and Brother in law to the applicant. They understand the legal implications of being a legal guardian and welcome it.
10. The Applicant is of good health and financially capable of taking care of the child. She has no criminal record as evidenced by Police Clearance Certificate.
11. The minor was present in Court and although did not open up to interview it was evident that he recognizes the applicant as his mother.

### **Determination**

12. After carefully assessing the records herein, I am satisfied that the Applicant has 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. Takes note of the relevant 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 Applicant has fulfilled all the legal requirements of a Local Adoption as required under Section 193 of the Children’s Act, 2022. 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. It is evident that the Applicant has 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 Applicant is qualified and able to take care of the child. 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.”
13. This Court is therefore of the opinion that this Adoption would be in the best interest of the child and allows the application with orders that;
- a. The Applicant, ENG is hereby allowed to adopt BABY TN.
  - b. Henceforth, the child shall be known as GGG.
  - c. His date of birth shall be 29<sup>th</sup> May, 2021.
  - d. He is presumed to be a citizen of Kenya by birth.
  - e. NWG and RNK are hereby appointed as Legal Guardians of the child.
  - f. The Director Civil Registration Services to issue the child with a post-adoption Certificate of Birth.
  - g. The Director Immigration is authorised to issue the child with a Kenyan Passport.
  - 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

