



REPUBLIC OF KENYA



KENYA LAW
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**In re Adoption of Baby Abandoned Child alias RM alias Abandoned Unkown Child (Minor)
(Adoption Cause E028 of 2025) [2025] KEHC 5340 (KLR) (Family) (29 April 2025) (Judgment)**

Neutral citation: [2025] KEHC 5340 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E028 OF 2025
CJ KENDAGOR, J
APRIL 29, 2025
IN THE MATTER OF ADOPTION OF BABY ABANDONED CHILD
ALIAS RM ALIAS ABANDONED UNKOWN CHILD (MINOR)**

IN THE MATTER OF

BWN APPLICANT

JUDGMENT

1. Before Court is the Originating Summons dated 3rd February, 2025 in which the Applicant seeks the following orders;
 1. That the child be presumed to be a Kenyan citizen by birth.
 2. That the Director of Immigration be authorized to issue the child with a Kenyan passport.
 3. That the Applicant, BWM, be authorized to adopt the child to be known as JI.
 4. That PNN and MMN be appointed as joint Legal Guardians of the child in the event of the death or incapacity of the Applicant before the child is of full age and fully self-reliant
 5. That the Registrar General do make an entry of this adoption in the Adopted Children Register.
 6. That the Court be pleased to make any further orders it deem necessary.
2. The Summons is supported by the Applicant's statement sworn on the same date. The matter was discussed through oral evidence on the online platform.
3. The minor was found abandoned at Borah's farm on the outskirts of Rumuruti town on 7th September, 2018. A good Samaritan rescued him. The matter was reported to the local chief and later to the



OCS Rumuruti Police Station via OB No 17/7/9/18. Later, the child was committed to [Particulars Withheld] Nyeri on 8th September, 2018. The Nyahururu Children’s Court finally committed her to New Life Home Trust in Nyeri. Little Network Adoption Society issued a certificate to declare him free for adoption on 24th July, 2019.

4. The Applicant is a Kenyan citizen by birth residing in Nairobi County. She is a psychologist, divorced and has two biological children named IAM and ANM. She lives in a two-bedroom house in [Particulars Withheld], Nairobi, with her two children, the subject herein, and a house help. Her biological children are aged 9 and 8 years. She also has a biological daughter who is 11 years old. She produced her pay slip from her employer, indicating that she is financially capable and fully willing to assume the responsibility of bringing up the minor She also provided M-Pesa statements and her medical record, which shows that she is in good health.
5. The Applicant was investigated by Little Angels Network and found to be suitable as an adoptive parent. A copy of the Social Inquiry and Home Study Report was attached.
6. Both the report by the Guardian *ad Litem* and the County Children’s Coordinator were duly filed. They are quite favourable to the Applicants and highly recommend the adoption.
7. The minor has been under the care and protection of the Applicant since 13th September, 2019. Both the Guardian *ad Litem* and the County Children’s Coordinator report that the child has bonded very well with the Applicant.
8. The Applicant wishes to have PNN and MMN as the minor’s Legal Guardians. Both of them appeared before me and confirmed that they had consented to this appointment.
9. The Applicant, the Guardian *ad Litem* and the Legal Guardians appeared before me and satisfactorily answered questions posed by the Court.
10. The primary consideration in an adoption application is whether the Applicant has fulfilled all the prerequisites to be granted the adoption orders. These are mainly found in Sections 158 and 163 of the *Children Act*. I have now carefully read all the documents filed in the case. I have confirmed that all the reports and consents needed are on file. The minor is free for adoption, and Life Angels Network, an authorized adoption society, has issued a Certificate to that effect. The biological parents are certifiably unknown, and their consent is hereby waived. The consents of the proposed guardians and the Applicant are on record.
11. In addition, I have read the report filed by the County Coordinator of Children Services as well as the reports by the Guardian *ad Litem* and the Adoption Society. All reports unanimously indicate that granting the Adoption Orders would be in the minor’s best interests. I am also satisfied that the Applicant understands the consequences and significance of Adoption Orders. Finally, I am satisfied that granting the Adoption Orders is in the minor’s best interests.
12. Consequently, I allow the Originating Summons and grant the following orders;
 - i. The Applicant is hereby authorized to adopt RM alias Abandoned BABY alias Abandoned Unknown Child and the child shall be known as JI henceforth.
 - ii. The Child JI is presumed to be a Kenyan Citizen by birth and is thus entitled to all associated rights.
 - iii. The Registrar-General is hereby directed to make the appropriate entries in the adopted children’s register with respect to the Child, JI.



- iv. PNN and MMN are hereby appointed Legal Guardians to the Child.
- v. That the Guardian *ad Litem* is discharged.
- vi. No orders as to costs.

13. It is so ordered.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS
ONLINE PLATFORM ON THIS 29TH DAY OF APRIL, 2025.**

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Ms Nelima Walubengo, Advocate for the Applicant

