



**In re CB (The Child) (Adoption Cause E020 of 2025)  
[2025] KEHC 7469 (KLR) (Family) (29 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 7469 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E020 OF 2025  
PM NYAUNDI, J  
MAY 29, 2025**

**IN THE MATTER OF**

**JKN ..... 1<sup>ST</sup> APPLICANT**

**HWK ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. Vide Originating Summons, dated 16th December, 2024 the Applicants herein seek the following orders, That:-
  - i. They be allowed to adopt the child; Caleb Brown who is presumed to be a Kenyan Citizen, born in Kayole II County Hospital, Nairobi County on the 29<sup>th</sup> day of October, 2022.
  - ii. Upon adoption, the child be known as EMK.
  - iii. HNK of Kenyan National Identity Card Number 21XXXX be appointed as the legal guardian of the child; Caleb Brown.
  - iv. The Registrar General be directed to enter this adoption into the Register of Adoptions and a subsequent Birth Certificate do issue by the Registrar of Births and Deaths.
  - v. The Director of Immigration be authorized to issue the child hereinafter known as EMK with a Kenyan Passport.
2. The Applicants are Kenyan Citizens by birth residing in Thome Nairobi County. They got married under Civil Law later solemnized their marriage on 5<sup>th</sup> August, 2006 as per annexed copy of marriage certificate serial number 35XXXX. They are in gainful employment. The 1<sup>st</sup> Applicant works in the Financial Sector at Credit Bank while the 2<sup>nd</sup> Applicant works as a Legal Clerk at Coulson & Harney Advocates. They have sufficient family income to enable them take good care of the child. They have another child that they adopted by name Nathaniel aged 8 years and 6 months.



3. They have had custody since 28<sup>th</sup> December, 2022. The child is 2 years 7 months old. They both understand the legal implications of the adoption order, they are aware that the child will have full rights as would a biological child and the order is not reversible.
4. The minor herein (CB) is presumed to have been born on 29<sup>th</sup> October, 2022 at Kayole II County Hospital as evidenced by a birth notification serial number 28XXXXX to FAL. The Social Worker informed the Child Welfare Society Embakasi Branch about the child as the child's mother did not want to keep the child. The child was admitted to Mama Lucy Hospital for treatment and upon discharge the mother took the child to Child Welfare Offices where she offered the child accompanied by her letter reiterating that she was not in position to keep the child. As a result of this, it prompted the child to be placed at Mama Ngina Children Home for care and protection. On 9<sup>th</sup> November, 2022 the child's mother signed a Certificate of acknowledgement after being taken through the explanatory memorandum as well as her affidavit of consent dated 2<sup>nd</sup> September, 2023 respectively.
5. Thereafter, the child was formally committed to Mama Ngina Children's Home pursuant to Court order issued by the Children's Court sitting at Nairobi on 22<sup>nd</sup> February 2023, Vide Care and Protection Case Number E 011 of 2023. The child remained at the facility and was declared free for adoption on 17<sup>th</sup> October, 2023 vide Certificate Serial Number 1XXXX. On 28<sup>th</sup> December 2023, the child was placed with the Applicants for mandatory bonding.
6. 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 Applicants to adopt the child. Winfred Ikinya, the Assistant Director Children Services submitted a favourable report dated 23<sup>rd</sup> April 2025, during her visit she observed a child who has bonded well with the Applicants as well as their older child. She also noted that the child is healthy, well fed and clothed. The Applicants are clear of any criminal claim as evidenced by police clearance certificates numbers PCC-PKSXXXX and PCC-EGXXXX respectively. They are financially stable and are mentally stable. Having met all the legal requirements for local adoption as stipulated in the Children Act 2022, Ms. Ikinya recommends the adoption process.
7. HNN, Guardian Ad Litem, presented report dated 17<sup>th</sup> April, 2025 in which during her visit, she observed the child created a strong bond with the Applicants therefore, recommending the Applicants to adopt the child since it is in the child's best interests.
8. HNM proposed Legal Guardian testified in Court that 2<sup>nd</sup> Applicant is her sister and 1<sup>st</sup> Applicant is his brother in-law. She is a Director/Insurance Broker. She consented to be the legal guardian for the minor. She understands the legal implications and she will assume full parental responsibility in the event the Applicants are unable to discharge their responsibilities.
9. The minor was also in Court and it was observed that he hugged both parents showing he recognized them as his parents.

### **Determination**

10. 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.
11. 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.
12. 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. 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. The Court observed that the child was comfortable with the Applicants. This Court has satisfied itself that the Applicants are qualified and able to take care of the child. All the necessary Reports and consents required for this Adoption have been filed.
13. 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.”
14. 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 Applicants, JKN and HWK are hereby allowed to adopt CB (the Child).
  - b. Henceforth, the child shall be known as Emmanuel Munyambu Keige.
  - c. His date of birth shall be 29<sup>th</sup> October, 2022 At Kayole Ii County Hospital, Nairobi County.
  - d. He is presumed to be a Citizen of Kenya by birth.
  - e. Hannah Njoki Munyambu is hereby appointed as Legal Guardian of the child.
  - f. The Director Immigration is authorised to issue the child with a Kenyan Passport.
  - g. The Registrar General to enter this order in the Adoption Children Register and subsequently issue a certificate in respect of the minor as required.
  - h. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 29<sup>TH</sup> DAY OF MAY, 2025.\*\*

**P.M NYAUNDI**

**JUDGE**

In the presence of:



No appearance by Parties

Fardosa Court Assistant

