



**In re BK (Baby) (Adoption Cause E287 of 2024)
[2025] KEHC 9706 (KLR) (Family) (26 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 9706 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E287 OF 2024
SN RIECHI, J
JUNE 26, 2025**

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY BK

IN THE MATTER OF

ENK 1ST APPLICANT

JNM 2ND APPLICANT

JUDGMENT

1. The Applicants, ENK and JNM are in a monogamous marriage. The applicants’ marriage was solemnized on 12th May 2007 at Full Gospel of Kenya Church in Munyu, Naivasha as evidenced by a copy of their Marriage Certificate serial number 26XX55 attached to the application.
2. The male applicant ENK is a Kenyan citizen aged 58 years old having been born in 1967 as evidenced by a copy of his national identification card number 93XXX36 attached to the summons. The female applicant JNM is a Kenyan citizen aged 51 Years old having been born in 1974 as evidenced by a copy of her national identification card number 134XXX14 attached to the application.
3. The male applicant ENK is a Farmer. The female applicant JNM is also a Farmer. The applicants reside at Munyu within Naivasha Sub-County. They both profess Christian Faith.
4. The applicants union is not blessed with a child of their own and therefore the applicants wish to adopt a male child known as Baby BK aged 8 Years old through an originating summons dated 16th December 2024.
5. The evidence before this court indicates that the minor was found abandoned at a thicket next to the road at Kakanjuni, Konjora Sub Location on 7th March, 2017 at 0700hrs. The child was rescued by a good Samaritan namely Onesmus Mwaringa of ID No. 215XXX05. The matter was reported at Kilifi Police station on 7th March 2017. The matter was booked vide O.B. No. 19/7/03/2017 20/23/05/2019



- as evidenced by a copy of the initial police letter bearing the above OB Number attached to the application.
6. From the pleadings, the child was placed temporarily At Kikamabala ResCUE Center awaiting outcome of police investigation. After one month, the child was discharged and placed at Lifespring Children Home.
 7. The applicants stated that on 30th March, 2017 the child was committed at Life Springs Children's Home through Children's Court at Kilifi under Care and Protection Number 13 of 2017 with recommendation from Kilifi Sub-County Children's office as evidenced by committal order attached to the application.
 8. From the evidence on record this court finds that in a letter dated 10th July 2022, Kilifi Police Station indicated that they had conducted investigations on the matter and that they had not been able to trace the child's parents and kin and neither had they received a claim for the child as evidenced by a copy of the final police letter attached to the application.
 9. The applicants stated that they have no previous criminal record and no pending criminal prosecution as evidenced by their respective police clearance certificates attached to the application.
 10. The applicants are both physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of their Medical reports attached to the application.
 11. The applicants are financially stable and they are therefore able to provide fully for the child's need as evidenced by copies of their financial documents attached to the application.
 12. The child was placed under foster care of the applicants on 14th July 2023 as evidenced by a copy of Foster Care Agreement attached to the summons.
 13. Prior to the hearing of the adoption application, Buckner Kenya Adoption Services prepared and filed a report dated 7th February 2025 recommending the adoption . They also issued a Certificate Serial No.0XX7 declaring the child free for adoption pursuant to section 156 (1) of the Children's Act as evidenced by the copies of a report and certificate declaring a child free for Adoption attached to the application.
 14. The guardian ad litem Ms. MWK filed a report dated 27th February, 2025 which was favourable and recommended the adoption of the child by the Applicants.
 15. Ms. Everline Njeri Njoroge, Children Officer from the Children's Service Office Naivasha conducted home visits and established that the applicants are financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 5th May 2025. The report is positive and recommended the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants and that the Applicants have fulfilled the statutory requirements.
 16. Mr. BNK and Ms. GNN consented to be appointed as legal guardians for the child and signed their letters of consent attached to the application.
 17. This is a local adoption and from the record the Applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the child's biological parents whereabouts is unknown.



18. The child was in court during the virtual hearing and testified as follows;

“I am 8 years old. My happy birthday is in January 28th. I am a pupil at [particulars withheld] Primary School in Grade....”

The child appeared to have bonded well with the Applicant.

19. I have examined the evidence herein against the best interest of the child as required in Article 53 (2) of the Constitution and Section 8 of the Children’s Act,2022. I do find that it is in the best interest of the child to be adopted by the Applicants. I therefore allow the prayers sought in the originating Summons dated 16th December 2024 and Order as follows:

- i. The Applicants ENK and JNM are hereby authorized to adopt Baby BK who shall henceforth be known as GKN.
- ii. The child is presumed to have been born in Kakanjuni, Kilifi County in the Republic of Kenya in accordance with Article 14(4) of the Constitution.
- iii. Mr. BNK and Ms.GNN are hereby appointed the legal guardians of the child.
- iv. The Registrar General is directed to enter this Order in the Register of Adopted Children.
- v. The guardian ad litem is hereby discharged.

DELIVERED AND DATED AT NAIROBI THIS 26TH DAY OF JUNE 2025

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S. N. RIECHI

JUDGE

