



**In re NM (Child) (Adoption Cause E001 of 2024)
[2025] KEHC 9543 (KLR) (26 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 9543 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
ADOPTION CAUSE E001 OF 2024
AN ONGERI, J
JUNE 26, 2025
IN THE MATTER OF: THE CHILDREN ACT, 2022
AND IN THE MATTER OF: BABY NM (THE CHILD)
IN THE MATTER OF: AN APPLICATION FOR ORDERS
OF ADOPTION OF BABY NM BY JMM AND
FDM – THE JOINT APPLICANTS**

BETWEEN

JMM 1ST APPLICANT

FDM 2ND APPLICANT

AND

LITTLE ANGELS NETWORK RESPONDENT

JUDGMENT

1. The two Applicants JMM and FDM filed this Originating Summons (OS) dated 29th October 2024 seeking the following orders:-
 - i. Pursuant to Article 14(4) of the Constitution of Kenya, 2010 and Part II, Section 7(1) of the Children Act, 2022, this Honourable Court be pleased to declare the child Baby NM a Kenyan citizen by birth.
 - ii. Pursuant to the provisions of Section 187 of the Children Act, 2022, this Honourable Court be pleased to dispense with the requirements of the Consent to the adoption as required by the Provisions of Section 186 of the Children Act, 2022.
 - iii. The Applicants JMM and FDM be authorized to adopt Baby NM.



- iv. Upon the making of this adoption order, the child to be known as NMM.
 - v. Upon the making of the adoption order, MMI and CSM be appointed Legal Guardians of the Child as provided for by the Provisions of Section 188 of the *Children Act*, 2022.
 - vi. Upon the making of the adoption order, the Registrar General do make an entry recording the adoption and the estimated date of birth of the child as 9th August 2019 in the Adopted Children Register as provided for by Section 201 of the *Children Act*, 2022.
 - vii. The costs of this application be costs in the cause.
2. The hearing proceeded by viva voce evidence. The Applicants gave evidence together with the Children's Officer and the Guardian Ad Litem.
 3. The 1st Applicant in the OS is a Kenyan adult aged 53 years. The 2nd Applicant is his legally married wife aged 50 years.
 4. The Applicants do not have a biological child.
 5. They are farmers and business partners at Lughangonyi.
 6. The two Applicants are healthy with no medical history.
 7. The Children's Officer gave a report dated 31st March 2025 in which he gave details of the investigations he did in this case.
 8. The Children Officer recommended the adoption.
 9. The Guardian Ad Litem also gave a report dated 10th February 2025.
 10. The child was found abandoned on 9th August 2019 in an incomplete house at Kibarani and he was rescued by a good Samaritan by name Benson Ombiti.
 11. The child was rescued and taken to a private hospital within Kibarani.
 12. The matter was reported to the area Chief's Office at Kibarani who notified the Jomvu Children Officer.
 13. The matter was later reported to Mikindani Police Station where the report was captured in OB Number 27/09/XX/2019.
 14. On 9th August 2019, Mikindani Police Station issued an OB extract booked on OB No. 27/09/XX/2019.
 15. The police issued a letter referring the matter to Mikindani Children Officer.
 16. The child was admitted to Baby Life Rescue Centre on 9th August 2019.
 17. The child was officially admitted to the Baby Life rescue centre vide Care and Protection number 390 of 2019.
 18. On 30th January 2020, they wrote a second letter confirming that investigations had been mounted and the parents of the subject were not traced.
 19. The child was thereafter available for adoption.
 20. I have considered the OS filed herein together with the reports filed by the parties.



- 21. I find that the Applicants qualify to adopt the subject.
- 22. They are economically stable and physically fit and they meet the threshold for adopting the child.
- 23. I find that it is in the best interest of the child that the adoption be allowed.
- 24. I allow the OS dated 29th October 2024 in the following terms:-
 - i. That JMM and FDM be allowed to adopt baby N.
 - ii. That his name shall be NMM.
 - iii. That the Registrar General is directed to enter the name of the child in the Adopted Children Register and to issue him with a birth certificate.
 - iv. That the Guardian Ad Litem be discharged upon issuance of this adoption order.
 - v. That MMI and CSM be and are hereby appointed the legal guardians of the child in the event of any incapacity by the Applicants before the child attains the age of majority.

DATED, SIGNED AND DELIVERED THIS 26TH DAY OF JUNE, 2025 VIRTUALLY VIA MT AT VOI HIGH COURT.

ASENATH ONGERI

JUDGE

In the presence of:-

Court Assistant: Millicent

.....for Applicants

.....for Respondent

