



In re Adoption of Baby MB alias Abandoned Baby (Minor) (Adoption Cause E008 of 2024) [2025] KEHC 11829 (KLR) (8 August 2025) (Judgment)

Neutral citation: [2025] KEHC 11829 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
ADOPTION CAUSE E008 OF 2024
MA ODERO, J
AUGUST 8, 2025**

IN THE MATTER OF ADOPTION OF BABY MB ALIAS ABANDONED BABY (MINOR)

IN THE MATTER OF

TKW APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 15th March 2024 by which the Applicant TWW seeks the following orders:-
 - “ 1. That the applicant herein TWW of Kenya National Identity Card number XXXXXXXXX be authorized to adopt the male child known as Baby MB alias Abandoned Baby;
 2. That upon adoption the child be known as MTW.
 3. That Baby MB alias Abandoned Baby be declared a Kenyan Citizen by birth and is entitled to all the rights and benefits under *the Constitution* of Kenya and all applicable laws;
 4. That the Honourable Court be pleased to appoint AMW of Kenya National Identity Card numbers XXXXXXXXX as the guardian of the child.
 5. That the Registrar General do enter the adoption in the Adopted Children’s Register.
 6. That the costs of this Summons be in the cause.”
2. The application was supported by the affidavit of even date sworn by the Applicant. The matter was canvassed by way of Oral evidence in chambers.



3. The Applicant is a Kenyan citizen and a single mother of a teenage son. She told the court that having been raised in a very large family of twelve (12) siblings, she wishes to adopt a child in order to expand her family. That she is also motivated by the desire to provide a needy child with a good home.
4. The Applicant told the court that she fully understands the legal implications of an adoption order. She undertakes to accord to the child all rights due to a biological child.

Analysis and Determination

5. I have considered this application for adoption, the evidence adduced in support thereof as well as the various reports filed in court.
6. The prerequisites for adoption are set out in Section 184 (1) (a) and (b) of the Children's Act 2022 as follows:-
 - “(1) A person shall not commence any arrangement for the adoption of a child unless:-
 - a. The council, in accordance with the rules, has declared the child free for adoption.
 - b. The child has attained the age of six weeks.”
7. The subject child is a boy child who is believed to have been born on or about 3rd December 2020. As such the subject child is now aged five and half (5½) years old and is well above the six (6) week age limit provided for in law.
8. Buckner Kenya Adoption Services which is a registered adoption agency have annexed to the Summons a copy of their certificate serial number 06xx dated 13th December 2022 declaring the child Free for Adoption. (Annexure 'TKW 6'). Accordingly I am satisfied that the legal pre-requisites for an adoption order have been met.
9. The duty of this court is to review the evidence and material before it to determine whether the Applicant is a suitable adoptive parent.
10. The Applicant is a Kenyan Citizen. She has annexed to the Summons a copy of her national Identity Card (Annexure 'TKW 1') She is a single woman who was once in a customary marriage for seven (7) years but later separated with her spouse.
11. The Applicant has one child a son born in the year 2009 whose birth certificate appears as Annexure 'TKW 2'. The Applicant told the court that she wishes to adopt a child in order to expand her family and out of her desire to provide a needy child with a home.
12. The Applicant is a trained counselling Psychologist and is currently employed as a student counsellor at the [name withheld] in Nyeri County. She has annexed a proof of her employment copies of her appointment letter dated 9th June 2021. (Annexure 'TKW 9') as well as copies of her payslip.
13. Thus the Applicant is in stable employment and has a steady source of income. She has also annexed copies of her bank statements for an account she holds at Co-operative Bank Thika Branch. All in all I am satisfied that the Applicant is financially stable and is in a position to provide for the physical needs of the child.



14. The Applicant is committed Catholic Christian and intends to raise the child in the Christian faith. Annexed to the Summons is a letter of Recommendation dated 1st September 2021 written by Father (Dr) Vincent Wambugu Head of Chaplaincy at the [name withheld].
15. The Applicant has annexed her medical reports which show that she is in good health both physically and mentally. She has also annexed a copy of the clearance certificate issued to her by the Directorate of Criminal Investigations proving that she does not have a criminal record.
16. The Applicant told the court that her son fully supports her intention to adopt the child and that he has been actively involved in this adoption process. The Applicants son RK did testify before the court. He confirmed that he has accepted the child as his younger brother and gave his consent to the adoption.
17. The Applicant has appointed her sister as the legal guardian for the child. The proposed legal guardian AMW has signed a letter of consent dated 21st October 2021 confirming her willingness to be appointed as legal guardian.
18. Based on the above I am satisfied that the applicant is a suitable adoptive parent.
19. The subject child is a boy-child who is believed to have been born on 3rd December 2020. He was found abandoned at Solio Ranch, Koroini Stage in Nyeri County. A good Samaritan rescued the child and reported the abandonment at Mweiga Police Station vide OB Number 18 of 3rd December 2021. Thereafter the Nyeri Childrens Court committed the child to Neema House Infant Rescue Centre in Nanyuki for care and Protection. On 22nd December 2022, the child was placed into the custody of the Applicant under a Foster Care arrangement.
20. 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.”
21. The subject child was found abandoned aged approximately one (1) year old in Nyeri County within the Republic of Kenya. I therefore declare the child to be a Kenyan citizen by birth.
22. Efforts by police to trace the biological mother of the child have borne no fruit. To date no person has come forward to claim the child. A final police letter dated 9th December 2022 from Mweiga Police Station is annexed to the Summons.
23. Given the fact of her abandonment, there exists no known person from whom consent for this adoption can be sought and/or obtained. I therefore waive the requirement for consent in line with Section 187(1) of the *Children Act*.
24. In deciding upon any matter involving a child, courts are obliged to give priority to the ‘best interests’ of the said child. Section 8(1) of the *Children Act* 2022 provides that:-
 - “(8) In all actions concerning children, whether undertaken by public or
(1) private social welfare institutions, courts of law, administrative authorities or legislative bodies.
 - a. The best interests of the child shall be the priority consideration
.” [Own emphasis]



25. This is a child who was abandoned at birth. His biological mother was obviously unable and/or unwilling to care for the child. He faced an uncertain future living in childrens homes/institutions. This adoption provides the child with the opportunity to be raised in a loving and stable home environment.
26. I was able to see the child in my chambers. He was a lively boisterous and curious little boy who looked healthy and well cared for. The child identified the Applicant as his mother. The child has lived with the Applicant and her family since he was two (2) years old. He has undoubtedly bonded with the Applicant and this is the only family he knows.
27. The childrens officer conducted a Home Visit on 15th July 2025. The Applicant resides in a spacious four bed-roomed house in Kiahuria Waiteithie Ward. The house is well fenced and secure with ample space and facilities for a growing child.
28. I have considered the reports filed by the Adoption Agency, the Director Childrens Services and Guardian *Ad Litem*. All three reports were favourable and all recommended the adoption.
29. From my analysis it is clear that this adoption does serve the best interests of this child. I therefore allow this application and make the following orders:-
 1. The Applicant TWW is authorized to adopt the child known as Baby MB alias Abandoned Baby.
 2. Upon adoption the child will be known as MTW.
 3. The child is declared to be a Kenyan Citizen by birth and is entitled to all the rights and benefits thereto.
 4. AMW is appointed as the legal guardian for the child.
 5. The Registrar-General is directed to make the relevant entry in the Adopted Childrens Register.
 6. No orders on costs.

DATED IN NYERI THIS 8TH DAY OF AUGUST, 2025.

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MAUREEN A. ODERO

JUDGE

