



**In re Adoption of GNO (Minor) (Adoption Cause E114 of 2025)
[2025] KEHC 6125 (KLR) (Family) (13 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 6125 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

ADOPTION CAUSE E114 OF 2025

CJ KENDAGOR, J

MAY 13, 2025

IN THE MATTER OF THE CHILDREN ACT

AND

**IN THE MATTER OF AN APPLICATION FOR
THE KINSHIP ADOPTION OF GNO (MINOR)**

IN THE MATTER OF

AMS 1ST APPLICANT

EWV 2ND APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons application dated 17th April, 2025. The Applicants AMS and EWW are seeking to be authorized to adopt baby GNO, hereinafter referred to as (“the Child”) and upon adoption, the Child is to be known as GAW.
2. The Child GNO is Kenyan by birth and was born to IOO (father) and MNS (mother), as evidenced by the Birth Certificate produced in Court.
3. The Applicants are a married couple as evidenced by their marriage certificate and Kenyan citizens as evidenced by copies of their Kenyan National Identity Cards and together, they have one daughter.
4. The 1st Applicant is the Child’s maternal aunt, making the Child her niece. The Child’s mother passed away, as confirmed by her death certificate and the Chief’s letter. The whereabouts of the Child’s father are unknown. According to statements made in court, the Child’s extended family has not heard from him in the last seven years.



5. The Applicants expressed that the Child, who has been living with them since she was a toddler, has been under their custody and care. They are eager to formally adopt her so that she can become a full and officially recognized member of their family.
6. The Child is currently attending school and is thriving academically and socially. The Applicants indicated that the Child is currently required to register with the National Education Management Information System, as highlighted in the accompanying Certificate of Urgency to the Originating Summons Application.
7. Additionally, the report by the guardian ad litem indicates that the family's home environment is nurturing and supportive and that the Child's physical, emotional, and educational needs are being effectively met. The Applicants stated that they are committed to providing her with a loving and stable home permanently.
8. The proposed legal guardian is the Child's maternal grandmother, who is also the mother of the 1st Applicant. She stated that the Child was under her care after the mother passed on at Childbirth and thereafter under the care of the Applicants. She conveyed that the extended family fully supports the adoption, highlighting a collective desire to have a stable environment for the Child.
9. The 1st and 2nd Applicants have submitted their bank statements and pay slips to the Court, respectively, demonstrating their financial capability and ability to provide for the Child. The Applicants' health statuses are good, as evidenced by their medical reports.
10. The Report submitted by the Ministry of Labour and Social Protection, specifically from the State Department of Social Security and Protection - Department of Children's Services in Nairobi County, dated 9th May 2025, presents a positive assessment and recommends the adoption. It offers a comprehensive evaluation, highlighting the favourable conditions and supportive framework in place.
11. The Child was declared free for adoption on 11th April 2025 by Change Trust, a licensed adoption agency, via Freeing Certificate Serial Number 00802.
12. The Child is a Kenyan citizen by virtue of Article 14 (1) which provides that a person is a citizen by birth if on the day of the person's birth, whether or not the person is born in Kenya, either the mother or father of the person is a citizen.
13. In light of the best interests of the Child principle provided for under Article 53 (2) of *the Constitution* of Kenya, 2010, Sections 8 (1), (2) and (3) of the Children's *Act No. 29 of 2022* and the 1st Schedule of the Children's *Act No. 29 of 2022*, this Court has an obligation to prioritize the Child's best interests in making decisions touching on him.
 - a. Article 53 of *the Constitution*, 2010 states that a Child's best interests are of paramount importance in every matter concerning the Child.
 - b. Sections 8 (1), (2) and (3) of the Children's *Act No. 29 of 2022* provides as follows;
 1. In all actions concerning Children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies:
 - a. The best interests of the Child shall be the primary consideration;
 - b. The best interests of the Child shall include, but shall not be limited to the considerations set out in the 1st Schedule.



2. All judicial and administrative institutions, and all persons acting in the name of such institutions, when exercising any powers conferred under this Act or any other written law, shall treat the interests of the Child as the 1st and paramount consideration to the extent that this is consistent with adopting a course of action calculated to: -
 - a. safeguard and promote the rights and welfare of the Child;
 - b. conserve and promote the welfare of the Child; and
 - c. secure for the Child such guidance and correction as is necessary for the welfare of the Child, and in public interest.
 3. In any matters affecting a Child, the Child shall be accorded an opportunity to express their opinion, and that opinion shall be taken into account in appropriate cases, having regard to the Child's age and degree of maturity.
- c. The 1st Schedule as provided for under Section 8 (1) of the Children's [*Act No. 29 of 2022*](#) provides best interests considerations to be as follows:
1. The age, maturity, stage of development, gender, background and any other relevant characteristics of the Child.
 2. Distinct special needs (if any) arising from chronic ailment or disability.
 3. The relationship of the Child with the Child's parent(s) and/or guardian(s) and any other persons who may significantly affect the Child's welfare.
 4. The preference of the Child, if old enough to express a meaningful preference.
 5. The duration and adequacy of the Child's current living arrangements and the desirability of maintaining continuity.
 6. The stability of any proposed living arrangements for the Child.
 7. The motivation of the parties involved and their capacities to give the Child love, affection and guidance.
 8. The Child's adjustment to the Child's present home, school and community.
 9. The capacity of each parent or guardian to allow and encourage frequent and continuing contact between the Child and the other parent and/or guardian(s), including physical access.
 10. The capacity of each parent and/or guardian(s) to co-operate or to learn to co-operate in Child care.
 11. Methods for assisting parental and/or guardian cooperation and resolving disputes and each parent's/guardian's willingness to use those methods.
 12. The effect of the Child if one parent/guardian has sole authority over the Child's upbringing.
 13. The existence of domestic abuse between the parents/guardian(s), in the past or currently, and how that abuse affects the emotional stability and physical safety of the Child.



14. The existence of any history of Child abuse by a parent and/or guardian (s); or anyone residing in the same dwelling as the Child.
 15. Where the Child is under one year of age, whether the Child is being breast - fed.
 16. The existence of a parent's(s) or guardian's(s) conviction for a sex offense or a sexually violent offense under the [Sexual Offences Act](#).
 17. Where there is a person residing with a parent or guardian, whether that person; -
 - a. Has been convicted of a crime under this Act, the [Sexual Offences Act](#), the [Penal Code](#) or any other legislation.
 - b. Has been adjudicated of a juvenile offence which, if the person had been an adult at the time of the offence, the person would have been convicted of a felony.
 18. Any other factor which may have a direct or indirect effect on the physical and psychological well -being of the Child.
14. I am satisfied that the Applicants' intention behind this adoption is motivated by a sincere commitment to provide the Child with a nurturing and stable family environment. The evidence placed before the Court shows that the Applicants are fully prepared to welcome her into their family and support her overall development and well-being.
 15. After careful consideration, I am confident that this adoption will serve the Child's best interests, fostering her growth in a loving and supportive family.
 16. In the circumstances, I allow the originating summons dated 17th April, 2025 and make the following orders:
 - a. The Applicants herein AMS and EWW are authorized to adopt the Child known as baby GNO.
 - b. The Child shall hereinafter be known as GAW.
 - c. The Registrar of Births and Deaths is directed to issue a new birth certificate in the new name.
 - d. The Registrar General is hereby directed to make the appropriate entries in the Adopted Children's Register.
 17. It is so ordered.

DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 13TH DAY OF MAY, 2025

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

