



**In re PMK aka PM (Minor) (Adoption Cause E034 of 2025)  
[2025] KEHC 10878 (KLR) (Family) (19 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 10878 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E034 OF 2025  
CJ KENDAGOR, J  
JUNE 19, 2025  
IN THE MATTER OF THE CHILDREN ACT 2022  
AND  
IN THE MATTER OF PMK AKA BABY EK AKA PM (MINOR)**

**IN THE MATTER OF**

**EWN ..... APPLICANT**

**JUDGMENT**

1. Before this Court is the Originating Summons dated 29<sup>th</sup> January, 2025. The Applicant EWN is seeking to be authorized to adopt Baby PMK aka baby EK aka PM hereinafter referred to as (“the child”), and that upon adoption, the child is to be known as ENW. The Applicant has nominated EWN to be appointed as the child’s legal guardian upon granting of the adoption orders.
2. The applicant is a female Kenyan citizen, as shown by a copy of her Kenyan National Identity Card. She is a civil servant currently employed at the Ministry of Agriculture, which demonstrates her financial stability and ability to support the child, as shown by her bank statements and payslips. Additionally, she engages in farming at her ancestral home to supplement her income and owns several assets. Her health is good, as confirmed by medical reports, and she has no prior criminal record, indicated by her Certificate of Good Conduct from the Directorate of Criminal Investigations.
3. She has expressed her intention to adopt the child; being single, she has chosen to expand her family through adoption. The child has been in her custody since 26th January 2024.
4. EWN, the proposed legal guardian, is the applicant’s sister. She clearly stated to the court that she fully understands her role and is prepared to accept this responsibility. Furthermore, she confirmed that she has discussed the situation with her husband, and they have decisively agreed to move forward with the appointment as legal guardian.



5. The Report from the Ministry of Labour and Social Protection State Department for Social Protection and Senior Citizens Affairs – Directorate of Children’s Services (Nairobi County) dated 6<sup>th</sup> May, 2025 indicates that the child is 3 years and 8 months old, having been born on 24<sup>th</sup> August, 2021. He is Kenyan, who was found abandoned by his mother at Pumwani National and Referral Hospital immediately after delivery, and his mother remains untraceable to date. The child was declared free for adoption on 20<sup>th</sup> December, 2023 by KKPI Adoption Society *vide* freeing certificate number xxxx.
6. 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.
7. 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 1<sup>st</sup> 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 First 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 first 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 First 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 cooperate or to learn to cooperate 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.
8. The report from the Ministry of Labour and Social Protection State Department for Social Protection and Senior Citizens Affairs –Directorate of Children's Services (Nairobi County), the report from the KKPI Adoption Society, the guardian ad litem indicate that the child is well known to the adoptive parent and that he will be well taken care of in her care and custody.
  9. After careful consideration of the evidence presented, I am satisfied that the Applicant possesses a genuine desire to provide a loving home for the child through adoption. Her background and



commitment to parenting demonstrate that she is not only suitable but also capable as an adoptive parent.

10. I find that this adoption represents a significant opportunity for the child, potentially leading to an improved quality of life, access to education, and the nurturing support one would expect from a loving and stable home environment with the Applicant. Furthermore, it is clear to me that a strong emotional bond has developed between the child and the Applicant, which suggests a deep connection that will be crucial for the child's well-being and development.
11. Based on the foregoing, I am satisfied that this adoption serves the child's best interests. As such, I do allow this application and make the following orders:
  - a. The Applicant EWN is hereby authorized to adopt the child known as baby PMK aka baby EK aka PM.
  - b. Upon adoption, the child shall be known as ENW.
  - c. EWN is hereby appointed as legal guardian of the child.
  - d. The Registrar General is hereby directed to enter this adoption in the Register of Adoptions.
  - e. The guardian ad litem is hereby discharged.
12. It is so ordered.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 19<sup>TH</sup> DAY OF JUNE, 2025.**

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**C. KENDAGOR**  
**JUDGE**

In the presence of:

Court Assistant: Beryl

Advocate: Ms. Wangechi

