



**In re SN (A Twin Minor) (Adoption Cause E297 of 2024)
[2025] KEHC 10879 (KLR) (Family) (19 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 10879 (KLR)

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

FAMILY

ADOPTION CAUSE E297 OF 2024

CJ KENDAGOR, J

JUNE 19, 2025

IN THE MATTER OF THE CHILDREN ACT 2022

AND

THE CHILDREN (ADOPTION) REGULATIONS OF 2005 (REV. 2016)

AND

IN THE MATTER OF BABY SN (A TWIN MINOR)

IN THE MATTER OF

MNK APPLICANT

JUDGMENT

1. Before this Court is an amended Originating Summons dated 28th March, 2025. The Applicant MNK is seeking to be authorized to adopt Baby SN, the minor hereinafter referred to as (“the Child”) and upon adoption, the Child to be known as SZ. HWK be appointed as the Child’s legal guardian upon granting of the adoption orders
2. The Applicant is a single lady who holds dual citizenship, being a Kenyan citizen, as evidenced by a copy of her Kenyan National Identity Card, and also a USA citizen. The minor’s biological mother is the Applicant’s niece, and she has given her consent to the adoption through an affidavit of consent to the adoption of a Child dated 19th November, 2024. The whereabouts of the biological father are unknown. The Applicant has two adult biological Children who have given their consents to the adoption dated 30th October, 2024 and 1st November, 2024 respectively.
3. The applicant is employed as a Registered Nurse and owns rental properties that contribute to her financial stability. She has provided copies of her bank statements to demonstrate her capability to



support the Child. Additionally, her health status is good, as confirmed by medical reports, and there is no evidence of any previous criminal records.

4. The applicant has made a voluntary decision to adopt the minor. She stated that she believes that every Child deserves to be raised in a stable family environment filled with unconditional love. She wants to legalize her relationship with the Child through kinship adoption so that the Child can become a full member of her family.
5. The applicant has been providing dedicated care for the Child and his twin since their mother was just three months pregnant, demonstrating a deep commitment and nurturing presence throughout the journey. The evidence presented in court clearly demonstrates that the applicant intervened to rescue the mother while she was pregnant and contemplating terminating the pregnancy. Furthermore, it is unequivocal that the Child's mother has formally placed the Child up for adoption. The Child is a twin to J.C., a minor (See Adoption Cause E298 of 2024). The applicant also has strong recommendations from her referees.
6. HWK, the proposed Legal guardian, is MNK's daughter. HWK told the Court that she understands her role as a legal guardian and is ready to discharge it should it reach a point where she needs to assume the responsibility. The Child has also given her consent dated 31st October, 2024.
7. 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 22nd April, 2025 indicates that the Child is 17 years old having been born on 5th April, 2008. She is Kenyan, who was given out for adoption by her biological mother. Her biological father remains unknown. The Child was declared free for adoption on 20th November, 2024 by Kenya Children's Home Adoption Society vide freeing certificate number 1037.
8. 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.
9. 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 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.
10. 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 Kenya Children's Home Adoption Society, the guardian ad litem and the proposed legal guardian indicate that the Child is well known to the adoptive parent and that she will be well taken care of in her care and custody.
 11. The evidence shows a strong bond and a commitment from the Applicant to continue caring for the Child and her twin as they grow. I am satisfied that the Applicant has a genuine desire to adopt the Child. She is a suitable adoptive parent.
 12. I find that this adoption gives the Child a chance at a better life and education in a loving and stable home with the adoptive parent. I do not doubt that the Child has bonded and relates well with the Applicant.
 13. 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 MNK is hereby authorized to adopt the Child known as baby SN.
 - b. Upon adoption, the Child shall be known as SZ.
 - c. HWK is hereby appointed as the legal guardian of the Child.
 - d. The Adoption Certificate be issued in respect of the minor with a name change from SN to SZ.
 - e. The guardian ad litem is hereby discharged.
 14. It is so ordered.

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

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Advocate: Ms. Dulo

