



**In re Baby HW alias Unknown Baby Girl (Adoption Cause E033 of 2025)
[2025] KEHC 8720 (KLR) (Family) (5 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8720 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E033 OF 2025
CJ KENDAGOR, J
JUNE 5, 2025
IN THE MATTER OF BABY HW ALIAS UNKNOWN BABY GIRL
AND**

**IN THE MATTER OF
GWK APPLICANT**

JUDGMENT

1. Before this Court is the application dated 7th February, 2025. The Applicant, GWK, is seeking to be authorized to adopt Baby HW alias UBG, hereinafter referred to as the child, and upon adoption, the child is to be known as MNK. The Applicant has nominated AWK to be appointed as the child's legal guardian upon the granting of the adoption orders.
2. The Applicant is a Kenyan citizen as demonstrated by her Kenyan National Identity Card. According to the children's officer's report, the Applicant is an accountant gainfully employed in Kenya. She has a son, lives in her own home with adequate utilities, and is near social amenities. Her health status is good, as evidenced by her medical reports, and she does not have any previous criminal records, as confirmed by her Police Clearance Certificate issued by the Directorate of Criminal Investigations. The Applicant desires to have another child and to expand her family. Her references have vouched for her character and suitability as an adoptive parent. The Applicant hopes to experience motherhood and provide the child with a good life.
3. The inquiry report from the Ministry of Labour and Social Protection - Directorate of Children's Services (Nairobi County) dated 4th May, 2025 indicates that the child is female. On 16th November, 2021, a child was found abandoned in the Mathare 4A area and rescued by a good Samaritan who took her for a medical check-up before reporting the matter to Muthaiga Police Station. The child



was placed at Mogra Soul Winner Rescue Centre. She was later declared free for adoption by KKPI Adoption Society on 30th November 2023, as per Freeing Certificate Serial Number 0921.

4. Pending hearing of the application before this Court, EWK was appointed as Guardian Ad Litem of the child. She provided a recommendation in a letter dated 19th April, 2025, stating that the Applicant was a suitable family fit for the child.
5. AWK, the proposed legal guardian for the child, is the Applicant's sister. She has demonstrated her financial stability and provided compelling evidence of her sense of responsibility. During her Court examination on 9th May, 2025, AWK articulated her deep commitment to taking on this vital role and affirmed her dedication to ensuring the child's well-being and security if called upon to undertake that responsibility.
6. 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 her.
 - 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.
7. The report from the Ministry of Labour and Social Protection, specifically the State Department of Social Protection - Directorate of Children's Services (Nairobi County), along with insights from the KKPI Adoption Society and the guardian ad litem, strongly suggests that the child will receive exceptional care and nurturing in the custody of the adoptive parent. This evaluation underscores the



adoptive parent's capacity to provide a supportive and loving environment for the child's growth and development.

8. I believe that this adoption opens the door for the child to experience a brighter future, filled with opportunities for growth and education. It offers the chance to thrive in a nurturing and stable environment under the loving care of the adoptive parent, who will provide the support and guidance needed to flourish in life.
9. In the circumstances, I allow the originating summons dated 7th February, 2025 and make the following orders:
 - a. The Applicant GWK is authorized to adopt the child known as Baby HW alias UBG.
 - b. The child will henceforth be known as MNK.
 - c. AWK is appointed as legal guardian of the child.
 - d. The Registrar General is directed to make the relevant entries in the Adopted Children's Register in respect of the child.
 - e. The Registrar of births and deaths is directed to issue a birth certificate in respect of the child's new name.

It is so ordered.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS
ONLINE PLATFORM ON THIS 5TH DAY OF JUNE, 2025.**

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**C. KENDAGOR
JUDGE**

In the presence of:

Court Assistant: Beryl.

