



In re Baby NB aka Abandoned Male Child (Minor) (Adoption Cause E131 of 2025) [2025] KEHC 11235 (KLR) (Family) (24 July 2025) (Judgment)

Neutral citation: [2025] KEHC 11235 (KLR)

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

FAMILY

ADOPTION CAUSE E131 OF 2025

CJ KENDAGOR, J

JULY 24, 2025

IN THE MATTER OF THE CHILDREN ACT, 2022

AND

IN THE MATTER OF BABY NB AKA ABANDONED MALE CHILD (MINOR)

IN THE MATTER OF

JNN 1ST APPLICANT

JWN 2ND APPLICANT

JUDGMENT

1. Before this Court is an Originating Summons dated 16th May, 2025. The Applicants JNN and JWN are seeking to be authorized to adopt Baby NB aka abandoned male child hereinafter referred to as (“the child”), and upon adoption, the child is to be known as SMN. The Applicants have nominated JCM and WWG to be appointed as the child’s legal guardians upon granting of the adoption orders.
2. 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.
3. JNN is an electrical technician, and JWN is a business lady. They have filed copies of their financial statements in court, showing their financial capability and ability to provide for the child. They do not have any previous criminal records, as evidenced by their Certificates of Good Conduct issued by the Directorate of Criminal Investigations.
4. They have expressed that they have always loved children and wished to have a family of their own. They also shared their desire to help a child who has not been fortunate enough to have a family, believing the child would greatly benefit from and be positively influenced by having a present, loving, and complete family. They already have one adopted child. The child in this case has been in their



custody since 8th November, 2024. They have indicated that they understand the adoption process and its legal implications.

5. JCM and WWG, the proposed legal guardians, informed the Court that they understand their responsibilities, which they have voluntarily accepted, and are prepared to undertake that role as the legal guardians.
6. The report from the Ministry of Labour and Social Protection, State Department of Social Security, and Protection Department of Children's Services (Nairobi County) dated 4th June, 2025, indicates that the child is 2 years old, having been presumed to have been born on 7th April, 2023. He is presumed to be a Kenyan, as he was found abandoned on 7th May, 2023, near a bridge in Ngomongo area, Gikingi Sub-Location in Nyandarua West, by a good Samaritan who rescued him and took him to Nyahururu Police Station. Nobody has ever gone to claim the child. The child was declared free for adoption on 29th May, 2024 by KKPI Adoption Agency vide freeing certificate number 922.
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 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.
8. The report from the Ministry of Labour and Social Protection, State Department of Social Security and Protection, Department of Children's Services (Nairobi County), the report from the KKPI



Adoption Society, the guardian ad litem, and the proposed legal guardians all indicate that the child is well known to the adoptive parents and that he will be well cared for in their care and custody.

9. I am confident that the Applicants possess a sincere desire to welcome the child into their lives as adoptive parents. Their commitment demonstrates that they are suited for this important role.
10. I recognize that this adoption offers the child a remarkable opportunity for a brighter future, filled with nurturing care and quality education in a loving and stable environment provided by the adoptive parents. It is evident that a bond has developed between the child and the Applicants; this bond will support the child's growth and happiness.
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 Applicants JNN and JWN are hereby authorized to adopt the child known as baby NB, aka abandoned male child.
 - b. Upon adoption, the child shall be known as SMN.
 - c. The Registrar General to enter the adoption into the Register of Adoptions.
 - d. The child is presumed to be a Kenyan Citizen by birth.
 - e. The Registrar of Births and Deaths to issue the child a Birth Certificate with the new name.
 - f. JCM and WWG are hereby appointed as the legal guardians of the child.
 - g. 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 24TH DAY OF JULY, 2025.

.....

C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Advocate: Ms. Muhanda

