



**In re AGOG (Minor) (Adoption Cause E076 of 2025)
[2025] KEHC 11041 (KLR) (Family) (17 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 11041 (KLR)

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

FAMILY

ADOPTION CAUSE E076 OF 2025

CJ KENDAGOR, J

JULY 17, 2025

IN THE MATTER OF THE CHILDREN ACT 2022

AND

IN THE MATTER OF AGOG (MINOR)

IN THE MATTER OF

CBO 1ST APPLICANT

VKK 2ND APPLICANT

JUDGMENT

1. Before this Court is an Originating Summons dated 21st March, 2025 and amended on 20th May, 2025. The Applicants CBO and VKK are seeking to be authorized to adopt Baby AGOG hereinafter referred to as (“the child”) and upon adoption, the child is to be known as AGOG. VJO and RKO 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 and together, they have two children. The 1st Applicant is the brother to the minor’s biological father, one GGO. The child’s mother JKN is deceased as evidenced by her death certificate. CBO is a support worker currently working with [Particulars withheld] in New Zealand while VKK is a Registered Nurse currently working at [Particulars withheld] Public Hospital in New Zealand from which they draw their income and hence their financial capability and ability to provide for the child and they also have assets. Their health status is good as evidenced by their medical reports and they do not have any previous criminal records as evidenced by their Certificates of Good Conduct issued by the Directorate of Criminal Investigations.
3. The Applicants have been providing for the child’s living expenses and school fees since the death of his mother. They have expressed their desire to be legally recognised as the child’s parents, a role they have



fulfilled with love and commitment for the past year. Granting them this legal status would offer the child a stronger sense of identity and increased opportunities in life. Additionally, they aim to support their brother while ensuring the child receives social and emotional support, as well as a secure future within the family.

4. The child's biological father, GGO, expressed his intent to place his son for adoption with his brother and sister-in-law. He conveyed that this was a carefully considered decision. He signed a formal consent document dated 3rd January, 2025, which clearly outlined his willingness to relinquish parental rights to the Applicants. GGO stated that the adoption would provide the child with the stability he believed was best for his future.
5. The child has clearly demonstrated an understanding of the Court proceedings and has willingly expressed agreement with the process.
6. VJO and RKO, the proposed legal guardians, are related to the Applicants as their son and daughter-in-law, respectively. They have willingly consented to take on the role of legal guardians. In Court, they expressed that they understand their responsibilities and are prepared to fulfil that role.
7. 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 13th June, 2025 indicates that the child is 8 years and 3 months old having been born on 2nd March, 2017. He is a Kenyan who is being given out by his father for adoption through consent offering child for adoption dated 3rd January, 2025. This is a kinship adoption where the child herein is being adopted by his uncle together with his wife. The child was declared free for adoption on 26th February, 2025 by KKPI Adoption Agency *vide* freeing certificate number 0934.
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 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 guardian indicate that the child is well known to the adoptive parents and that he will be well taken care of in their care and custody.
11. I am satisfied that the Applicants have a genuine desire to adopt the child. They are suitable as adoptive parents.
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 parents. I do not doubt that the child has bonded well with the Applicants.
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 Applicants CBO and VKK are hereby authorized to adopt the child known as baby AGOG.
 - b. Upon adoption, the child shall retain his name as AGOG.
 - c. The Registrar General shall enter the adoption into the Register of Adoptions.
 - d. VJO and RKO are hereby appointed as the legal guardians of the minor.
 - e. The child is presumed to have been born in Kenya.
 - f. 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 17TH DAY OF JULY, 2025

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Ms. Wairimu, Advocate for the Applicants

