



**In re Baby MJ (Minor) (Adoption Cause E097 of 2025)  
[2025] KEHC 10877 (KLR) (Family) (10 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 10877 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E097 OF 2025**

**CJ KENDAGOR, J**

**JULY 10, 2025**

**IN THE MATTER OF THE CHILDREN ACT (ACT NO. 29 OF 2022)**

**AND**

**IN THE MATTER OF BABY MJ (MINOR)**

**IN THE MATTER OF**

**MNN ..... 1<sup>ST</sup> APPLICANT**

**JWG ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. Before this Court is an Originating Summons dated 9<sup>th</sup> April, 2025. The Applicants MNN & JWG are seeking to be authorized to adopt Baby MJ hereinafter referred to as (“the Child”) and upon adoption, the Child is to be known as MMMN. The Applicant has nominated KMN and RWM to be appointed as the Child’s legal guardians upon granting of the adoption orders.
2. The Applicants are a married couple and Kenyan Citizens, as demonstrated by copies of their Kenyan National Identity Cards. Together, they have two biological Children. MNN is a Businessman, and JWG is an Accountant; they possess assets in their names, indicating their financial capacity and ability to support the Child. Their health status is good, as evidenced by medical reports, and they have no previous criminal records, as shown by their Certificates of Good Conduct issued by the Directorate of Criminal Investigations.
3. They have expressed that they previously discussed adoption and mutually agreed that their third Child would join their family through this process. Their intention is to provide love, a sense of identity, security, stability, and belonging to a needy Child, just as they would for any biological Child. The Child has been in their custody since 25<sup>th</sup> November, 2024, and they have indicated that the baby has been well accepted and has formed a strong bond with their biological Children.



4. KMN and RWM, a married couple, are proposed as the legal guardians. KMN is JWG's first cousin. They informed the Court that they understand their responsibilities and are prepared to take on this role in the event that the Applicants are incapacitated or in any way unable to discharge their parental obligations.
5. The Report from the Ministry of Labour and Social Protection State Department of Social Protection and Senior Citizens - Directorate of Children's Services (Nairobi County) dated 27<sup>th</sup> May, 2025 indicates that the Child is 1 year and 6 months old, having been presumed to have been born on 4<sup>th</sup> November, 2023. The Child was found abandoned beside the road leading to Soweto in Kamuthi Estate and was rescued by a passer-by, a man who was passing through, and taken to the Maziwa Police Post. The efforts to trace the baby's parents or guardians were unsuccessful, and no one has come forward to claim the Child. The Child was declared free for adoption on 7<sup>th</sup> November, 2024 by Little Angels Network vide freeing certificate number 00XXXXX10.
6. The child is presumed to be Kenyan Citizen by birth, as he was found in Kenya during his rescue.
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



Little Angels Network, 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.

9. I am satisfied that the Applicants have a genuine desire to adopt the Child. They are suitable as adoptive parents.
10. 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 with the Applicants.
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, MNN and JWG, are hereby authorized to adopt the Child known as Baby MJ.
  - b. Upon adoption, the Child shall be known as MMMN.
  - c. The Child is presumed to be a Kenyan Citizen by birth and is entitled to all associated rights.
  - d. The child's date of birth is hereby declared to be 4th November 2023, and his place of birth is declared to be Nairobi County.
  - e. KMN and RWM are hereby appointed as legal guardians of the Child.
  - f. The Registrar General do make the appropriate entries in the Adopted Children's Register in respect of the minor.
  - g. The guardian *ad litem* is hereby discharged.
12. It is so ordered.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS  
ONLINE ON THIS 10<sup>TH</sup> DAY OF JULY, 2025**

.....

**C. KENDAGOR  
JUDGE**

In the presence of:

Court Assistant: Beryl

