



**In re RJK (Subject) (Adoption Cause E198 of 2025)
[2025] KEHC 13179 (KLR) (Family) (25 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 13179 (KLR)

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

FAMILY

ADOPTION CAUSE E198 OF 2025

HK CHEMITEI, J

SEPTEMBER 25, 2025

IN THE MATTER OF RJK (SUBJECT)

AND

IN THE MATTER OF

BLW 1ST APPLICANT

AJK 2ND APPLICANT

JUDGMENT

1. Before this Court is the originating summons dated 15th July, 2025. The Applicants BLW (BLW) and AJK(AJK) are seeking to be authorized to adopt RJK (RJK) hereinafter referred to as the child and upon adoption, the child is to be known as RJK (RJK).
2. That PJK be appointed as the child’s legal guardian upon granting of the adoption orders.
3. The Applicants are married and Kenyan citizens as is evidenced by copies of their certificate of marriage and national identity cards. BLW is employed and AJK is a business person. Their financial capability and ability to provide for the child is evidenced by BLW’s payslip. Their health status is good as is evidenced by their medical reports.
4. They have no criminal record as is evidenced by their police clearance certificates issued by the Directorate of Criminal Investigations. They have indicated that they are motivated to adopt the child to enable BLW to get documentation that will give him permanent legal responsibility over his spouse’s child which will also enable the child that he has taken up responsibility over benefit from his employer and also fit as any other child in the family.
5. The report from the Ministry of Gender, Culture and Children Services State Department for Children Services Office of the Principal Secretary – Nairobi County dated 8th August, 2025 indicates



that the child is female and 15 old having been born on 13th January, 2010. Her father passed away on 13th April, 2021 from respiratory failure. She was left in the care of AJK with the assistance of BLW and his wife.

6. Later, AJK and BLW got married to secure the future of the children from both sides. The child was declared free for adoption on 11th July, 2025 by KKPI Adoption Society vide freeing Certificate Serial Number 0977.
7. There is consistent message that there is the urge for BLW and AJK to adopt the child. They love the child and they desire to provide a life changing opportunity for her in the US.
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 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.
10. The report from the Ministry of Gender, Culture and Children Services State Department for Children Services Office of the Principal Secretary – Nairobi County, the report from KKPI Adoption Society, the guardian ad litem and the proposed legal guardian indicate that the child will be well taken care of in the care and custody of the adoptive parents.
11. I find that this adoption gives the child a chance a stable family and better life opportunities in the US.
12. In the circumstances, I allow the originating summons dated 15th July, 2025 and make the following orders:-
 - a) The Applicants BLW and AJK are authorized to adopt the child known as RJK.
 - b) Upon adoption, the child shall be known as RJK.
 - c) The child is declared to be a Kenyan citizen by birth and is entitled to all rights and benefits under the Constitution of Kenya, 2010 and all applicable laws.
 - d) PJK is appointed as the legal guardian of the child and HOO is hereby discharged as guardian ad litem.
 - e) The Registrar General is directed to make the relevant entries in the Adopted Children's Register in respect of the child.
 - f) 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 SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 25TH DAY OF SEPTEMBER 2025.

H. K. CHEMITEI

JUDGE

