



**In re EJ aka PJW (Child) (Adoption Cause E160 of 2025)  
[2025] KEHC 13732 (KLR) (Family) (18 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 13732 (KLR)

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

**ADOPTION CAUSE E160 OF 2025**

**CJ KENDAGOR, J**

**SEPTEMBER 18, 2025**

**IN THE MATTER OF**

**LWK ..... APPLICANT**

**JUDGMENT**

1. Before this Court is an Originating Summons dated 12<sup>th</sup> June, 2025. The Applicant, LWK is seeking to be authorized to adopt baby EJ, hereinafter referred to as (“the child”) and upon adoption, the child is to be known as PJW. AWK be appointed as the child’s legal guardian upon granting of the adoption orders.
2. The Applicant is a single lady and she does not have any biological child but has adopted another child, MJK, vide a Court order dated 11<sup>th</sup> May, 2023. She is a Kenyan citizen, as evidenced by a copy of her Kenyan National Identity card. She is an accountant by profession, working with the national treasury, and has assets in her name; hence, her financial capability and ability to provide for the child are evident in her financial documents. Her health status is good, as evidenced by the medical report, and she does not have any previous criminal records, as evidenced by her Certificate of Good Conduct issued by the Directorate of Criminal Investigations. She has indicated her desire to adopt a child and grow her family, provide a home and better opportunities for the adopted child. The child has been in her custody since 5<sup>th</sup> February, 2025.
3. AWK, who is the proposed Legal guardian, is LWK’s sister. She told the Court that she understands her role and is ready to undertake that responsibility as the legal guardian. The Court examined the child, and she appeared happy and healthy.
4. The report from the Ministry of Gender, Culture and Social Protection State Department for Children’s Services (Nairobi County) dated 21<sup>st</sup> July, 2025, indicates that the child is 9 years and 10 months old, having been born on 1<sup>st</sup> September, 2015. She is Kenyan who was abandoned by her mother, JN, at Rongai Police Station after she reported that she was not able to care for the



child. The mother did not return to follow up on the child and did not sign any documents offering her for adoption, thus the presumption that the child is abandoned. Her whereabouts could not be established; it was noted that she did not have a mobile phone number. The child was declared free for adoption on 22<sup>nd</sup> January, 2025 by the Kenya Children's Homes Adoption Society, vide freeing certificate number 1044.

5. 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.
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 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.
7. The report from the Ministry of Gender, Culture and Social Protection State Department for Children's Services (Nairobi County), the report from the Kenya Children's Homes Adoption Society, the guardian ad litem and the proposed legal guardian indicate that the child is well known to the adoptive parent and that she will be well taken care of in her care and custody.
  8. I am satisfied that the Applicant has a genuine desire to adopt the child. She is suitable as an adoptive parent.



9. 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 parent. I do not doubt that the child has bonded with the Applicant.
10. 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 Applicant LWK is hereby authorized to adopt baby EJ.
  - b. Upon adoption, the child shall be known as PJW.
  - c. AWK is hereby appointed as a legal guardian of the child.
  - d. The child's date of birth is hereby declared to be 1<sup>st</sup> September 2015, and her place of birth is declared to be Ongata Rongai, Kajiado County.
  - e. The child is hereby declared to be a Kenyan citizen.
  - f. The consent of the biological parents of the child is hereby dispensed with since the child was abandoned.
  - g. The Registrar General is hereby directed to make appropriate entries in the Adopted Children's Register.
  - h. The Office of Immigration is hereby directed to issue the child with a Kenyan Passport reflecting the Applicant's details
  - i. The guardian ad litem is hereby discharged.
11. It is so ordered.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS  
ONLINE PLATFORM ON THIS 18<sup>TH</sup> SEPTEMBER, 2025**

.....

**C. KENDAGOR  
JUDGE**

In the presence of:

Court Assistant: Beryl

