



**In re IM (Baby) (Adoption Cause E143 of 2025)  
[2025] KEHC 13816 (KLR) (Family) (18 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 13816 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E143 OF 2025**

**CJ KENDAGOR, J**

**SEPTEMBER 18, 2025**

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

**AND**

**IN THE MATTER OF BABY IM**

**AND**

**IN THE MATTER OF AN APPLICATION FOR KINSHIP ADOPTION BY;**

**IN THE MATTER OF**

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

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

**JUDGMENT**

1. Before this Court is the application dated 27<sup>th</sup> May, 2025. The Applicants ML and JWM are seeking to be authorized to adopt baby IM, hereinafter referred to as (“the child”) and upon adoption, the child is to be known as IML. AMN and MGM as well as SL and LJS De L be appointed as the child’s legal guardians upon granting of the adoption orders.
2. The Applicants are a married couple who got married on 7<sup>th</sup> May, 2019 as evidenced by a copy of the marriage certificate. The 1<sup>st</sup> Applicant is a German citizen while the 2<sup>nd</sup> Applicant is a Kenyan citizen as evidenced by copies of their Identity Documents. The 2<sup>nd</sup> Applicant is the child’s biological mother and she has given her voluntary written consent to the joint adoption so that she can raise the child together with the 1<sup>st</sup> Applicant in a unified family. The child’s biological father has not been in the child’s life since conception and efforts to trace him have not borne fruits. The Applicants have jointly participated in meeting the child’s needs over the past six years and they now wish to formalize their parental roles through adoption.



3. The 1<sup>st</sup> Applicant is a Senior Project Manager at Thost Project Management International Company while the 2<sup>nd</sup> Applicant is a stay-at-home mum. They have financial means and they also have investments in form of land hence their financial capability and ability to provide for the child as evidenced by copies of financial statements and title deeds documents. Their health status is good as evidenced by their medical reports and they do not have any previous criminal records as evidenced by the 1<sup>st</sup> Applicant's enhanced certificate of conduct and 2<sup>nd</sup> Applicant's certificate of good conduct issued by the Republic of Germany and the Directorate of Criminal Investigations respectively.
4. The report from the Ministry of Gender, Culture and Children Services State Department for Children Services, Directorate of Children's Services (Nairobi County) dated 14<sup>th</sup> July, 2025 indicates that the child is 13 years old having been born on 27<sup>th</sup> February 2012. The child was declared free for adoption on 2<sup>nd</sup> April, 2025 by Little Angels Network vide freeing Certificate Serial Number 002548.
5. AMN and MGM who are the 2<sup>nd</sup> Applicant's nephew and niece-in-law are the first set of the proposed legal guardians. SL and LJS De L who are the 1<sup>st</sup> Applicant's brother and sister-in-law are the second set of the proposed legal guardians. They have voluntarily consented to be the minor's legal guardians and they gave their consents dated 3<sup>rd</sup> December, 2024 and 19<sup>th</sup> February, 2025 respectively. The child who was present in court has also given his consent dated 5<sup>th</sup> March, 2025.
6. The Applicants have indicated that they would like to legalize the relationship with the child through kinship adoption as a married couple as they desire that the child be legally recognized as the son of the adoptive father so that he can fully exercise his parental responsibility and that the child may acquire the male applicant's name and access to benefits extended to him by his employer such as medical cover and education and also for the child to have a sense of belonging within the family. The Applicants have positive recommendations from their close friends.
7. 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.
8. 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 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.
9. The report from the Ministry of Gender, Culture and Children Services State Department for Children Services, Directorate of Children's Services (Nairobi County), the report from Little Angels Network, 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.
10. I am satisfied that this adoption serves the child's best interests.
11. In the circumstances, I allow the originating summons dated 27<sup>th</sup> May, 2025 and make the following orders:
- a. The Applicants ML and JWM are authorized to adopt the child known as IM.
  - b. Upon adoption, the child shall be known as IML.
  - c. The child's date and place of birth is hereby declared to be 27<sup>th</sup> February 2012 at Umoja in Nairobi County.
  - d. The child is presumed to be a Kenyan citizen by birth and consequently be entitled to all the rights and benefits in respect thereof.
  - e. AMN and MGM together with SL and LJS De L are appointed as the legal guardians of the child.
  - f. The Registrar General do make the appropriate entries in the Adopted Children's Register and issue a Certificate to that effect.
  - g. The relevant department under the Civil Registration Services do issue a post-adoption Certificate of birth in respect of the child.
  - h. The Directorate of Immigration Services do issue a passport to the child.
  - i. 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 18<sup>TH</sup> DAY OF SEPTEMBER, 2025**

.....

**C. KENDAGOR**

**JUDGE**



In the presence of:

Court Assistant: Beryl

