



**In re Baby N (Adoption Cause E002 of 2024)
[2025] KEHC 14670 (KLR) (14 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 14670 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
ADOPTION CAUSE E002 OF 2024
CW GITHUA, J
OCTOBER 14, 2025**

**IN THE MATTER OF THE CHILDREN ACT NO.29 OF 2022
AND
IN THE MATTER OF BABY N
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**

IN THE MATTER OF

**DKK 1ST APPLICANT
MMK 2ND APPLICANT**

JUDGMENT

1. The applicants approached this court through an Originating Summons dated 24th September 2024 principally seeking that they be allowed to adopt Baby N; that upon grant of the adoption order, the Registrar-General be directed to make appropriate entries in the Adopted Children’s Register and lastly, that M.W.K. be appointed as the minor’s legal guardian.
2. The pleadings show that the applicants are a couple aged 50 and 44 years respectively. They reside in [Particulars Withheld village, Kandara Sub- County in Murang’a County. The applicants deposed that they have been living together as husband and wife since the year 2009 when they got married under the Kikuyu customary law.
3. From the material placed before me, it is clear that Baby N was born on 29th October 2016 and is currently a pupil in Grade 4 at [Particulars Withheld] Primary School. He was found abandoned and taken to Pefa Rehema Children’s Home. He was placed under the Applicant’s foster care by the Child Welfare Society of Kenya (CWSK) on 22nd March 2018.



4. The court record shows that on 29th November 2024, the court appointed RWK as the child’s guardian ad Litem. The record also reveals that the Director of Children’s Services, Murang’a County made a home visit and undertook social inquiries with a view to determining the suitability of the applicants to adopt Baby N as their child. The findings made by the County Director of Children Services after the home visit and social inquiries are contained in the report filed in court on 24th April 2025.
5. A perusal of the aforesaid report confirms that the applicants are a couple who earn their living from farming and other economic activities. In addition to their farming activities, the 1st applicant worked part time as a mechanic while the 2nd Applicant runs a tailoring business. The report also confirmed that Baby N was placed under the care of the applicants when he was six months old and since then, he has lived happily with them.
6. During the hearing, both applicants, the guardian ad Litem and the child testified. The applicants expressed their desire to adopt the minor as they had not been blessed with a biological child of their own and they wanted to experience the joy of parenthood through adoption.
7. The applicants further testified that they were ready and willing to raise the minor as their own child and provide him with everything he needed to grow into a responsible, God fearing and successful citizen. The 1st applicant confirmed that he had both the will and ability to finance the minor’s education to the highest level possible and that he was happy to make him his heir.
8. The guardian ad litem in her evidence supported the applicants’ prayer for the minor’s adoption confirming that the applicants loved him as their son and they were capable of giving him a good foundation for a bright future.
9. Having carefully considered the summons and the evidence presented before me, I find that it is not contested that the applicants have had continuous custody, care and control of Baby N since he was six months old to date. The child is now 9 years old and is a pupil in Grade 4 at a local primary school. The applicants claim that they have been raising the child as their own and were capable of providing him with a stable home and an opportunity to exploit his potential has been confirmed by the evidence of the guardian ad litem and the report filed by the County Director of Children Services.
10. Upon being interviewed by the court, the child expressed his wish to continue living with the applicants who he described as his father and mother.
11. From my evaluation of the evidence on record, I find that the applicants have satisfied all the requirements for local adoption set out in the provisions of the *Children Act* of 2022.
I also find that the applicants have demonstrated that they have the means and desire to take on the challenges of parental responsibility over Baby N and to provide him with a conducive environment for growth and personal development.
12. Article 53 (2) of *the Constitution* expressly provides that when considering any decision involving a child, the child’s best interest must be given priority. It provides as follows;

“ A child’s best interest are of paramount importance in every matter concerning a child.”
13. The above constitutional principle has been entrenched in the Convention on the Rights of the Child at Article 3 (1) which provision is replicated in Section 8 (1) of the *Children Act* No. 29 of 2022. Section 8 (1) provides that;

“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.

Section 8 (2) proceeds to require that;

“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 the public interest.”

14. Applying the above principles to the instant case, I have no doubt in my mind that it will be in the best interest of Baby N to be adopted by the applicants. They are the only parents the child has known for about 9 years and separating him from them at this stage in his life will definitely have catastrophic consequences on all aspects of his current and future life.

Allowing the application in my view is the only way that the child’s rights, best interest and welfare can be safeguarded and promoted.

15. In view of the foregoing, I find merit in the originating summons dated 24th September 2024 and it is hereby allowed on the following terms;
- (i) The applicants are jointly allowed to adopt Baby N who shall henceforth be known as SKK.
 - (ii) The Registrar-General is directed to enter this adoption in the Adopted Children Register.
 - (iii) MWK is appointed as the child’s legal guardian in the event of the death or incapacity of the applicants before the child attains the age of majority and is self-reliant.
 - (iv) The guardian ad Litem is hereby discharged.

DATED, SIGNED AND DELIVERED AT MURANG’A THIS 14TH DAY OF OCTOBER, 2025.

HON. C. W. GITHUA

JUDGE

In the presence of:

Both Applicants

Ms. Susan Waiganjo, Court Assistant

