



**In re Baby SG (Adoption Cause E185 of 2025)
[2025] KEHC 14241 (KLR) (Family) (9 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 14241 (KLR)

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

FAMILY

ADOPTION CAUSE E185 OF 2025

CJ KENDAGOR, J

OCTOBER 9, 2025

IN THE MATTER OF THE CHILDREN'S ACT, 2022

AND

IN THE MATTER OF BABY SG

IN THE MATTER OF

RWK APPLICANT

JUDGMENT

1. Before this Court is an Originating Summons dated 10th July, 2025. The Applicant RWK is seeking to be authorized to adopt baby SG, hereinafter referred to as (“the child”) and upon adoption, the child is to be known as JSAK. PKK and MWK are proposed as the child’s legal guardians upon the granting of the adoption orders.
2. The Applicant is a single lady and has one adopted child, JPK, born on 2nd March, 2022 and adopted in E224/2023. She is a Kenyan citizen, as evidenced by a copy of her Kenyan National Identity card, and also holds citizenship of the United States of America, as evidenced by her American Passport. She is an HR Consultant and Finance Expert by profession, currently employed by [Particulars Withheld] East Africa as the Global Payroll Service Delivery Manager for the Middle East and Africa. This evidence demonstrates her financial capability and ability to provide for the child, as evidenced by copies of her financial statements and investments. 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.
3. The Applicant is desirous of expanding her family and has expressed her love for children. She stated that she is driven by her faith and compassion and wishes to adopt another child, building upon her



previous successful adoption of a daughter. The child has been in her custody since 6th April, 2025 and she expressed her commitment and readiness to nurture and support a child's growth.

4. PKK and MWK, who are the proposed legal guardians, are husband and wife and RWK's friends. They are also the legal guardians in E224/2023, and they told the Court that they have consented to the appointment as legal guardians and understand the implications of the adoption order.
5. The report from the Ministry of Gender, Culture and Children's Services, State Department for Children's Services (Nairobi County) dated 1st September, 2025, indicates that the child is 1 year 1 month old, having been presumed to have been born on 29th July, 2024. He was abandoned by his mother at the side of the road around Cabbanas area along Mombasa road, aged approximately one day on 30th July, 2024 by a good Samaritan who found an unknown lady holding a new-born baby whom she dropped in a green basin she was carrying and on enquiry, the mother reported that she had two other children at home and did not want another one. The good Samaritan picked up the infant and proceeded to her home at KMC Athi River with the intention of keeping him, as she did not have one, but later proceeded to report the matter at the Athi River Police Station. After the rescue, the police have not been able to establish who the child's parents are, and no one has claimed the child since then. The child was declared free for adoption on 11th March, 2025, by Buckner Kenya Adoption Services vide freeing certificate number 0858.
6. The child is presumed to be Kenyan citizen by birth having been found in Kenya at the time of 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 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 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 Gender, Culture and Children's Services, State Department for Children's Services (Nairobi County), the report from Buckner Kenya Adoption Services, the guardian ad litem and the proposed legal guardians indicate that the child is well known to the adoptive parent and that he will be well taken care of in her care and custody.
 9. I am satisfied that the Applicant has a genuine desire to adopt the child. She is suitable as an adoptive parent.
 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 parent. I do not doubt that the child has bonded with the Applicant.
 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 Applicant RWK is hereby authorized to adopt the child known as SG.
 - b. Upon adoption, the child shall be known as JSAK.
 - c. PKK and MWK are hereby appointed as the legal guardians of the child.
 - d. The Registrar General is hereby directed to enter this adoption into the Register of Adoptions, and a subsequent birth certificate is to be issued by the Registrar of births and deaths.
 - e. The child is presumed to be a Citizen of Kenya by birth.
 - f. The Director of Immigration is hereby directed to issue the minor a Kenyan Passport.
 - g. 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 THIS 9TH DAY OF OCTOBER, 2025.

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Advocate: Ms. Ambaka

