



**In re Unknown Abandoned Baby Girl alias AB (Adoption Cause E193 of 2025)
[2025] KEHC 15367 (KLR) (Family) (30 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 15367 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E193 OF 2025
CJ KENDAGOR, J
OCTOBER 30, 2025
IN THE MATTER OF THE CHILDREN'S ACT, 2022
AND
IN THE MATTER OF UNKNOWN ABANDONED BABY GIRL ALIAS AB
IN THE MATTER OF
MKM APPLICANT**

JUDGMENT

1. Before this Court is an Originating Summons dated 11th July, 2025. The Applicant MKM is seeking to be authorized to adopt baby AB hereinafter referred to as (“the Child”) and upon adoption, the Child is to be known as ABM. The Applicant has nominated JKM and JMM to be appointed as the Child’s legal guardians upon the granting of the adoption orders.
2. The Applicant is a Kenyan citizen, as shown by a copy of her Kenyan National Identity Card. She works as an instructor at Victory Community Development Centre (VICODEC), demonstrating her financial ability and capacity to support the Child, as evidenced by copies of her bank statement and payslips, and she owns assets in her name. Her health status is good, as evidenced by the medical report, and she has no prior criminal record, as confirmed by her Certificate of Good Conduct issued by the Directorate of Criminal Investigations. She has expressed that her desire to adopt a Child is motivated by her love for children and her wish to become a mother, offering a home to a less fortunate Child where they can grow up feeling loved. The Child has been in her custody since 14th December, 2024.
3. JK and JMM are the proposed legal guardians. JK, MKM’s sister, told the Court that she and her husband, JMM, have agreed to serve as the legal guardians. They also informed the Court that they are aware of the adoption proceedings and accept the responsibility.



4. The Child participated in the online hearing, appearing healthy and was cheerful.
5. The report from the Ministry of Gender, Culture and Children's Services, State Department for Children's Services (Nairobi County), dated 20th August, 2025, states that the Child is 2 years and 8 months old, presumed to have been born on 23rd November 2022. She was found abandoned on 19th December, 2022 at Ponya Hospital and was reported to the hospital owner, who then informed Kasarani Mwiki Police Station. No parent or guardian has claimed the Child since then. The Child was declared free for adoption on 3rd October, 2024 by Buckner Kenya Adoption Services, with freeing certificate number XXXX.
6. The Child is presumed to be a Kenyan citizen by birth.
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 she will be well taken care of in her care and custody.



9. I am persuaded that the Applicant possesses a genuine desire to adopt the Child. Her qualities and demeanour illustrate that she is well-suited to be an adoptive parent.
10. I believe this adoption offers the Child a chance for a brighter future and a secure home under the care of the Applicant. I have no doubt that a strong bond has developed between the Child and 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 MKM is hereby authorized to adopt the abandoned baby girl alias AB.
 - b. Upon adoption, the Child shall be known as ABM.
 - c. JKM and JMM 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.
 - e. The Child is presumed to be born on the 23rd November, 2022 at Githurai in Nairobi County in the Republic of Kenya.
 - f. 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 30TH DAY OF OCTOBER, 2025**

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Advocate: Ms. Kemunto

