



In re Adoption of an Abandoned Baby Boy aka MJ (Adoption Cause E194 of 2025) [2025] KEHC 15447 (KLR) (Family) (30 October 2025) (Judgment)

Neutral citation: [2025] KEHC 15447 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E194 OF 2025
CJ KENDAGOR, J
OCTOBER 30, 2025
IN THE MATTER OF THE CHILDREN ACT, 2022
AND
IN THE MATTER OF THE ADOPTION OF AN ABANDONED BABY BOY AKA MJ**

IN THE MATTER OF

KMW 1ST APPLICANT

GMK 2ND APPLICANT

JUDGMENT

1. Before this Court is an Originating Summons dated 11th July, 2025. The Applicants KMW and GMK are seeking to be authorized to adopt Baby MJ hereinafter referred to as (“the child”) and upon adoption, the child is to be known as JKMM. The applicants have proposed that DWK be appointed as the child’s legal guardian upon the granting of the adoption orders.
2. The Applicants are a married couple who got married on 9th November, 2013 at Victory Faith International Ministries, as evidenced by a copy of the marriage certificate. They are Kenyan citizens, as evidenced by copies of their National Identity Cards. KMW is a pastor at KC Chapel, while GMK works with a Microfinance Bank; hence, their financial capability and ability to provide for the child are demonstrated by their statement of means and assets in KMW’s name. Their health status is good, as evidenced by the medical reports and they do not have any previous criminal records as evidenced by their Certificates of Good Conduct issued by the Directorate of Criminal Investigations.
3. They have expressed their desire to become parents and to nurture a child through adoption, motivated by their Christian faith and the wish to expand their family. They aim to grow as parents while providing a needy child with love, security, and a home. The child has been in their custody since 23rd



November, 2024. They have received positive recommendations from their family, friends, and the church.

4. DWK, who is the proposed Legal guardian, is GMK's older sister, and she told the Court that she understands the role of a legal guardian and its implications.
5. The child was present at the online hearing and appeared healthy and happy.
6. The report from the Ministry of Gender, Culture and Children's Services, State Department for Children's Services (Nairobi County) dated 17th September, 2025, indicates that the child is 1 year 5 months old, having been presumed to have been born on 5th April, 2024. He is a Kenyan who was found abandoned by an unknown lady at Manyatta Court in Valley Area of Kitengela on 8th April, 2024, and reported to Kitengela Police Station. Efforts to trace the child's kin have remained fruitless, and no one has claimed the child since then. The child was declared free for adoption on 12th November, 2024, by Buckner Kenya Adoption Services vide freeing certificate number 0824.
7. The child is presumed to be a Kenyan citizen by birth.
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 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.



9. 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 guardian indicate that the child is well known to the adoptive parents and that he will be well taken care of in their care and custody.
10. I am satisfied that the Applicants have a genuine desire to adopt the child. They are suitable as adoptive parents.
11. 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 parents. I do not doubt that the child has bonded with the Applicants.
12. 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 Applicants, KMW and GMK are hereby authorized to adopt Baby MJ.
 - b. Upon adoption, the child shall be known as JKMM.
 - c. DWK is hereby appointed as the legal guardian 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 5th April, 2024, at Kitengela New Valley, Kajiado County in the Republic of Kenya.
 - f. The *guardian ad litem* is hereby discharged.
13. 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

