



**In re Application for Adoption of JN (Adoption Cause E304 of 2024)
[2025] KEHC 17795 (KLR) (Family) (27 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 17795 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E304 OF 2024
CJ KENDAGOR, J
NOVEMBER 27, 2025
IN THE MATTER OF AN APPLICATION FOR ADOPTION OF JN**

IN THE MATTER OF

SNK APPLICANT

JUDGMENT

1. Before this Court is the application dated 22nd February 2025 and amended on 3rd October 2025. The Applicant SNK is seeking to be authorized to adopt JNG, hereinafter referred to as (“the child”). The Applicant has proposed that AMN be appointed as the child’s legal guardian upon the granting of the adoption orders.
2. The Applicant is a married man with three children. He is a Kenyan citizen, as evidenced by a copy of his Kenyan National Identity Card. SNK is a Registered Nurse who lives and works in the USA, hence his financial capability and ability to provide for the child, as evidenced by copies of his bank statements. His health status is good, as evidenced by the medical report and he does not have any previous criminal records as evidenced by his Certificate of Good Conduct issued by the Directorate of Criminal Investigations. He has indicated his desire to adopt the child is one borne from the unity that he shared with the child’s late father and the love they share for the family. Further, he together with his wife, desire to have a big family and has chosen to do so through adoption to give the child a stable and happy home. He told the Court that he has discussed the adoption with his family and that they have consented. He further stated that the child should be able to join him with his family in the USA after his form four.
3. The child who was examined in Court during the hearing told the Court that he is 16 years old, that he understands the proceedings before the Court, and that he has not been forced but that he agrees voluntarily. The biological mother of the child told the Court that she understands the proceedings and that the Applicant, SNK, is well known to her for over 16 years, that he is a cousin to her late



husband, and that she has given her consent. She further told the Court that the applicant and the child will consider relocation and that she has relinquished her parental rights.

4. AMN, who is the proposed legal guardian, is SNK's cousin. He told the Court that he understands his role and is ready to undertake that responsibility as the legal guardian.
5. The report from the Ministry of Gender, Culture and Children Services, State Department for Children Welfare and Services, Directorate of Children's Services, Kiambu County dated 5th October, 2025, indicates that the child was born on 7th March, 2008. He is Kenyan, who was offered for adoption by his biological mother, who gave her consent by stating the same in court. The child has been living with the Applicant when he is in Kenya and has been paying his school fees since he lost his biological father. He has had the care and control of the child for more than three months since the death of his father. The child was declared free for adoption on 28th August, 2024 by KKPI Adoption Society vide Freeing Certificate Number XXXX.
6. 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.
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 Services, State Department for Children Welfare and Services, Directorate of Children's Services, Kiambu County, the report from KKPI Adoption Society, the *guardian ad litem* and the proposed legal guardian indicate that the child is well known to the adoptive parent and that he will be well taken care of in their care and custody.
9. I am satisfied that the Applicant has a genuine desire to adopt the child. He 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 parents. 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 SNK is hereby authorized to adopt the child known as JN.
 - b. The Director of Immigration is hereby authorized to issue the child with a Kenyan Passport.
 - c. AMN is hereby appointed as the child's legal guardian.
 - d. The Registrar General do make an entry of the adoption in the Adopted Children Register.
 - e. 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 27TH NOVEMBER, 2025.

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Mr. Gachomo, Advocate for Applicant

