



**In re JW (Child) (Adoption Cause E084 of 2025)
[2025] KEHC 17874 (KLR) (Family) (27 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 17874 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E084 OF 2025
CJ KENDAGOR, J
NOVEMBER 27, 2025
IN THE MATTER OF THE CHILDREN ACT 2022
AND
IN THE MATTER OF ADOPTION OF BABY JW**

**IN THE MATTER OF
RNN APPLICANT**

JUDGMENT

1. Before this Court is an Originating Summons dated 5th February, 2025. The Applicant RNN is seeking to be authorized to adopt baby JW, hereinafter referred to as (“the child”). The Applicant has proposed that NNK be appointed as the child’s legal guardian upon the granting of the adoption orders.
2. The Applicant is a single lady, she is a Kenyan citizen, as is evidenced by a copy of her Kenyan National Identity card. She works as a businesswoman, doing transport business, hence her financial capability and ability to provide for the child, as evidenced by her financial statements. 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. She has indicated her desire to adopt a child is driven by the fact that she has always wanted to have a big family, that she had her first daughter in 2016, but has not been able to grow her family further, and has chosen to go through adoption as a way to expand her family and provide a home to the child in this matter. The child has been in her custody since 8th December, 2023. She has positive recommendation from her church and family members.
3. NNK, who is the proposed Legal guardian, is RNN’s friend. She told the Court that she understands the role of a legal guardian and that she is ready to take up the role. The Court was able to observe and examine the child who was presented on the online platform, she appeared happy and healthy.



4. The report from the Ministry of Gender, Culture and Children's Services, State Department for Children's Services (Nairobi County) dated 22nd September, 2025, indicates that the child is 3 years old, having been presumed to have been born on 24th April, 2022. She is a Kenyan female child who was found abandoned at Destiny area within Gatongora Ward in Gikumani Location within Ruiru Sub County on 24th April, 2022 by an unnamed good samaritan. The matter was reported at Gatongora Police Station. The child's parents remain unknown, and no one has come forward to claim the child since then. The child was declared free for adoption on 6th December, 2023, by KKPI Adoption Society vide freeing certificate number 882.
5. 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.
6. 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
17.
 - (s) conviction for a sex offense or a sexually violent offense under the [*Sexual Offences Act*](#).
18. 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.
19. Any other factor which may have a direct or indirect effect on the physical and psychological well -being of the child.



7. The report from the Ministry of Gender, Culture and Children's Services, State Department for Children's Services (Nairobi 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 she will be well taken care of in her care and custody.
8. I am satisfied that the Applicant has a genuine desire to adopt the child. She is suitable as an adoptive parent.
9. 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.
10. 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 RNN be and is hereby authorized to adopt baby girl known as baby JW.
 - b. NNK is hereby appointed as the legal guardian of the child.
 - c. The guardian ad litem is hereby discharged.
11. It is so ordered.

DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 27TH DAY OF NOVEMBER, 2025.

.....

C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Mr. Omuyoma, Advocate for the Applicant

