



**In re Application for Adoption of Baby GNW (Adoption Cause E275 of 2025)
[2025] KEHC 19057 (KLR) (Family) (18 December 2025) (Judgment)**

Neutral citation: [2025] KEHC 19057 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E275 OF 2025
CJ KENDAGOR, J
DECEMBER 18, 2025
IN THE MATTER OF THE CHILDREN ACT, (ACT NO. 29 OF 2022)
AND
IN THE MATTER OF APPLICATION FOR ADOPTION OF BABY GNW**

IN THE MATTER OF

JEO 1ST APPLICANT

SRO 2ND APPLICANT

JUDGMENT

1. Before this Court is an ex parte Originating Summons dated 25th September, 2025. The Applicants JEO and SRO are seeking to be authorized to adopt baby GNW, hereinafter referred to as the child, and upon adoption, the child is to be known as BOE. MAO and AAR are to be appointed as the child’s co-legal guardians upon the granting of the adoption orders.
2. The Applicants are a married couple who solemnized their marriage on 31st October, 2003 at the Office of the Attorney General, as confirmed by their marriage certificate. They have no biological children together. Both are Kenyan citizens as is evidenced by their national identity cards. JEO works as a consultant and businessman, while SRO serves as a Programme Officer at the [Particulars Withheld] Commission. Their financial statements and assets demonstrate their financial ability to care for the child. Medical reports confirm that they are in good health, and Certificates of Good Conduct issued by the Directorate of Criminal Investigations indicate that they have no criminal history. They express that their motivation to adopt arises from their love for children and desire to raise one while offering a needy child a stable family. They have lived with and bonded with the child for 11 months, having had custody of him since 24th December, 2024, and have positive recommendations from long-standing friends of over 10 years.



3. MAO and AAR have been proposed as legal guardians. MAO is the elder sister of SRO, while AAR is her friend and colleague. They informed the Court that they understand the responsibilities attached to legal guardianship and have given their consent. During the proceedings, the child was observed in Court and appeared to be happy and in good health.
4. The report filed by the State Department for Children’s Services on 17th November, 2025 states that the child is 2 years and 8 months old, having been born on 12th March, 2023. He is a Kenyan boy who was abandoned by his mother, EWN, at the home of her friend, JWK. He was later rescued by PN, an officer at Kiangai Health Centre, after members of the public alerted him upon hearing the infant crying. The incident was reported at Kiangai Police Station. Although the mother subsequently contacted the health facility where the child received care and undertook to return for him, she never did. The child was thereafter declared free for adoption on 4th September, 2024 by Little Angels Network Adoption Society and issued freeing certificate number 002XXXX.
5. The child qualifies as a Kenyan citizen under Article 14 (1) of the Constitution, which stipulates that a person acquires citizenship by birth if, at the time of birth, either parent is a Kenyan citizen, regardless of the place of birth.
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(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.



7. Reports from the State Department for Children's Services, Little Angels Network Adoption Society, the guardian ad litem and the proposed legal guardian confirm that the child is well acquainted with the Applicants and will receive proper care under their custody.
8. I am satisfied that the Applicants have a genuine desire to adopt the child. They are suitable as adoptive parents.
9. In my assessment, the adoption will afford the child an opportunity to grow in a loving, stable home and to access better life prospects, including education. I am satisfied that a strong bond has already developed between the child and the Applicants.
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 Applicants, JEO and SRO are hereby authorized to adopt baby GNW.
 - b. Upon adoption, the minor shall be known as BOE.
 - c. The child's date and place of birth are hereby declared to be 12th March 2023 at Kiangai Health Centre, Kirinyaga County.
 - d. MAO and AAR are hereby appointed as the legal guardians of the minor.
 - e. The Registrar General is hereby directed to make the appropriate entries in the Adopted Children's Register and issue a Certificate to that effect.
 - f. The child is presumed to be a Kenyan citizen by birth, and consequently is entitled to all the rights and benefits in respect thereof.
 - g. The relevant department under the Civil Registration Services is hereby directed to issue a post-adoption Certificate of Birth in respect of the child.
 - h. The Directorate of Immigration Services is hereby directed to issue a passport to the child.
 - i. 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 18TH DAY OF DECEMBER, 2025.

C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Ms. Kaimenyi, Advocate for Applicants

