



REPUBLIC OF KENYA



KENYA LAW
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**In re EA (Minor) (Adoption Cause E146 of 2025)
[2025] KEHC 18925 (KLR) (Family) (18 December 2025) (Judgment)**

Neutral citation: [2025] KEHC 18925 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E146 OF 2025
CJ KENDAGOR, J
DECEMBER 18, 2025
IN THE MATTER OF THE CHILDREN'S ACT NO. 29 OF 2022
IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY EA (MINOR)**

**IN THE MATTER OF
KMK APPLICANT**

JUDGMENT

1. Before this Court is an Originating Summons dated 22nd May, 2025. The Applicant KMK is seeking to be authorized to adopt Baby EA hereinafter referred to as (“the child”) and upon adoption, the child is to be known as EMK. JMK be appointed as the child’s legal guardian upon granting of the adoption orders.
2. The Applicant is a single Kenyan woman, as demonstrated by her national identity card. She has two biological children, KMN born on 27th August, 2001 and GMKN born on 21st November, 2006, from a previous marriage. She operates a wedding and events business under the name Kui Limited and her bank statements and evidence of assets confirm her financial ability to cater for the child’s needs. Medical reports show she is in good health and a Certificate of Good Conduct issued by the Directorate of Criminal Investigations confirms she has no criminal record.
3. The Applicant explains that she has desired to adopt since 2012 so as to transform a child’s life and provide a nurturing home. She further expresses her intention to assume parental responsibility for the child, just as she has done for her two now-adult biological children and to offer him security and belonging as a legal member of her family. The child has been in her care since 13th December, 2015.
4. The child provided his consent to the adoption both in writing and verbally during a home visit on 15th September, 2025. He also informed the Court that he understands the adoption proceedings and willingly agrees to them. The Applicant’s two biological children, KMN and GMKN who are both



adults, equally consented in writing through letters dated 10th September, 2025 and verbally during the same home visit.

5. JMK, the proposed legal guardian, is the Applicant's elder brother. He has voluntarily consented to take up the guardianship role and informed the Court that he understands the associated responsibilities and is prepared to discharge them.
6. A report dated 6th October, 2025 from the State Department for Children's Services (Nairobi County) states that the child is 13 years old, having been born on 20th April, 2012. He is a Kenyan child whose mother, JWM, offered him for adoption through a consent affidavit dated 28th July, 2014. The guardian, FWN, a cousin of the biological mother, also gave consent vide an affidavit dated 21st July, 2014, explaining that the mother was unable to care for him. The child was declared free for adoption on 24th September, 2014 by KKPI Adoption Agency vide freeing certificate No. 428.
7. The child qualifies as a Kenyan citizen pursuant to Article 14 (1) of *the Constitution*, which grants citizenship by birth where either parent is a Kenyan citizen at the time of birth, irrespective of place of 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. Reports from the State Department for Children's Services (Nairobi County), KKPI Adoption Society, the guardian ad litem and the proposed legal guardian confirm that the child is familiar to the Applicant and will receive appropriate care under her custody.
10. I am satisfied that the Applicant has genuine desire to adopt the child. She is suitable as an adoptive parent.
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 parent. I do not doubt that the child has bonded well with the Applicant.
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 Applicant KMK is hereby authorized to adopt the child known as baby EA.
 - b. Upon adoption, the child shall be known as EMK.
 - c. The Registrar General shall enter the adoption into the Adopted Children register.
 - d. The Director of Immigration is authorised to issue the child with a Kenyan passport.
 - e. JMK is hereby appointed as the legal guardian of the child.
 - f. The child is presumed to be a Kenyan citizen by birth.
 - g. 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 18TH DAY OF DECEMBER, 2025.**

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

