



**In re Application for Adoption of Baby AHW (Adoption Cause E250 of 2025)
[2025] KEHC 19058 (KLR) (Family) (17 December 2025) (Judgment)**

Neutral citation: [2025] KEHC 19058 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E250 OF 2025
CJ KENDAGOR, J
DECEMBER 17, 2025
IN THE MATTER OF THE CHILDREN ACT NO. 29 OF 2022
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY AHW**

IN THE MATTER OF

DMK 1ST APPLICANT

VWN 2ND APPLICANT

JUDGMENT

1. Before this Court is an Originating Summons dated 11th September, 2025. The Applicants DMK and VWN are seeking to be authorized to adopt baby AHW hereinafter referred to as (“the child”) and upon adoption, the child is to be known as EJM. The Applicants have proposed RWN to be appointed as the child’s legal guardian upon the granting of the adoption orders.
2. The Applicants are a married couple who tied the knot on 28th April, 2007, as evidenced by their Marriage Certificate. Both are Kenyan citizens, as shown by copies of their National Identity Cards. DMK is a businessman who operates a hotel, and VWN is a businesswoman who operates a boutique. Their financial capability to provide for a child is supported by copies of their financial statements.
3. Both Applicants are in good health, as indicated by their medical reports, and they have no previous criminal records, confirmed by Certificates of Good Conduct issued by the Directorate of Criminal Investigations. Their desire to adopt a child stems from their wish to become parents, expand their family, and offer a loving and nurturing home to a child. The couple has had the child in their custody since 17th July, 2024. Furthermore, their immediate family members have consented to the adoption.



4. RWN, who is the proposed Legal guardian, is VWN's sister. She told the Court that she is aware of the adoption proceedings before the court and understands the role of a legal guardian, and that she consents to the appointment.
5. The child who was examined in Court exuded good health and happiness.
6. The Report from the Ministry of Gender, Culture and Children Services, State Department for Children Services, Nairobi County, dated 12th November, 2025, indicates that the child is female, aged 2 years 2 months old, having been presumed to have been born on 3rd August, 2023. She is a Kenyan who was found abandoned at the Mlango Kubwa area in Pangani and taken to Pangani Police Station, where the matter was reported. Investigations to trace the child's parents have remained fruitless, and the child remains unclaimed. The child was declared free for adoption on 12th November, 2025, by Buckner Kenya Adoption Services, vide Freeing Certificate Number XXXX.
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 Services, State Department for Children Services, 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 she 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, DMK and VWN, are hereby authorized to adopt baby AHW
 - b. Upon adoption, the minor shall be known as EJM.
 - c. RWN is hereby appointed as the legal guardian of the minor.
 - d. The minor is presumed to have been born in Kenya.
 - e. The Registrar General is hereby directed to enter this adoption into the Register of Adoptions.
 - 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 17TH DAY OF DECEMBER, 2025.

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl.

No appearance for parties.

