



In re Application for Adoption of Baby QBI aka Unknown Male Child (Adoption Cause E226 of 2025) [2025] KEHC 18906 (KLR) (Children's) (18 December 2025) (Judgment)

Neutral citation: [2025] KEHC 18906 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CHILDREN'S
ADOPTION CAUSE E226 OF 2025
CJ KENDAGOR, J
DECEMBER 18, 2025
IN THE MATTER OF THE CHILDREN'S ACT NO. 29 OF 2022
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION
OF BABY QBI AKA UNKNOWN MALE CHILD**

IN THE MATTER OF

**PNT 1ST APPLICANT
MNN 2ND APPLICANT**

JUDGMENT

1. Before this Court is the application dated 15th August, 2025. The Applicants PNT and MNN are seeking to be authorized to adopt Baby QBI hereinafter referred to as (“the child”) and upon adoption, the child is to be known as JTN. The Applicants have proposed JMM be appointed as the child’s legal guardian upon granting of the adoption orders.
2. The Applicants are Kenyan citizens as evidenced by their Kenyan National Identity Cards. The Applicants are married, as evidenced by their certificate of marriage serial number 528472. The female Applicant is in formal employment while the male Applicant is in business and they have presented their statement of means. Her health status is good as is evidenced by her medical report and with no any previous criminal record as is evidenced by her Certificate of Good Conduct issued by the Directorate of Criminal Investigations. They have indicated that they would like to legalize their relationship between the child through adoption to enable the child become a complete member of the family.
3. The report from the Ministry of Gender, Culture and Children’s Services (Nairobi County) dated 13th November, 2025 indicates that the child is male and 8 years 5 months old having been born



approximately on 23rd August 2017. The child was found abandoned at a kiosk and rescued by one Sophis Mbae, a good samaritan. The matter was reported to Kayole police station vide OB number 40/24/8/2017 and later committed to Imani Children's home for temporary care and shelter by the sub-county children's officer. The child was declared free for adoption on 18th December, 2024 by Buckner Kenya vide freeing Certificate Serial Number 08XX.

4. JMM the proposed legal guardian is the Applicant's nephew. The Applicants appointed the guardian because he understands their family dynamic well and the guardians gave her consent.
5. There is consistent message for PNT and MNN to adopt the child. They would like to legalize the relationship between the child through adoption to enable the child become a complete member of the family, to bond more as family and to enlarge their family.
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's Services (Nairobi County), the report from Buckner Kenya Adoption Society, the *guardian ad litem*, the proposed legal guardian and the



letters of recommendations from friends, family and the church indicate that the child will be well taken care of in the care and custody of the adoptive parents.

9. I find that this adoption gives the child a chance to have better life and education in a loving and stable home with the adoptive parents.
10. In the circumstances, I allow the originating summons dated 15th August, 2025 and make the following orders:
 - a. The Applicants PNT and MNN are authorized to adopt the child known as Baby QBI.
 - b. Upon adoption, the child shall be known as JTN.
 - c. JMM is appointed as legal guardian of the child.
 - d. The Registrar General is directed to make the relevant entries in the Adopted Children's Register in respect of the child.
 - e. The Registrar of births and deaths is directed to issue a birth certificate in respect of the child's new name.
11. 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.

Ms. Muhanda, Advocate for the Applicant.

