



**In re FH aka IWM (Baby) (Adoption Cause E276 of 2025)
[2025] KEHC 18926 (KLR) (17 December 2025) (Judgment)**

Neutral citation: [2025] KEHC 18926 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

ADOPTION CAUSE E276 OF 2025

CJ KENDAGOR, J

DECEMBER 17, 2025

IN THE MATTER OF THE CHILDREN’S ACT NO. 29 OF 2022

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY FH AKA IWM

IN THE MATTER OF

GKM 1ST APPLICANT

MNK 2ND APPLICANT

JUDGMENT

1. Before this Court is an Originating Summons dated 29th September, 2025. The Applicants GKM and MNK are seeking to be authorized to adopt baby FH, hereinafter referred to as (“the child”). JMM be appointed as the child’s legal guardian upon the granting of the adoption orders.
2. The Applicants are a married couple who have previously adopted a child, KNK, now aged 9. They are Kenyan citizens, as evidenced by their national identity cards. The male Applicant works as an engineer and businessman, while the female Applicant is a procurement specialist and entrepreneur. Their financial capacity to care for the child is demonstrated through their financial statements and evidence of assets in their names. Medical reports show that they are in good health and Certificates of Good Conduct issued by the Directorate of Criminal Investigations confirm that they have no criminal record. They state that their motivation for adoption arises from their desire to raise more children, provide a home for a needy child and offer their first adopted child a sibling. The child has been under their care and custody since 19th May, 2024.
3. JMM, the proposed legal guardian, is MNK’s sister. She informed the Court that she understands the duties associated with legal guardianship and is willing to assume the responsibility. The child, who appeared before the Court via the online platform, was observed to be happy and in good health.



4. A report dated 19th November, 2025 from the State Department for Children’s Services (Nairobi County) indicates that the child is 3 years and 8 months old, having been born on 27th March, 2022. He is a Kenyan boy who was abandoned by his mother at the Newborn Unit of Kenyatta National Hospital and the incident was reported at the KNH Police Post. The child has not been claimed since then. He was declared free for adoption on 14th December, 2022 by KKPI Adoption Society vide freeing certificate No. 339.
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 (Nairobi County), KKPI Adoption Society, the guardian ad litem and the proposed legal guardian confirm that the child is familiar to the Applicants and will be adequately cared for under their custody.
 8. I am satisfied that the Applicants have genuine desire to adopt the child. They are suitable as the adoptive parents.



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 parents. I do not doubt that the child has bonded with 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, GKM and MNK are hereby authorized to adopt baby FH aka IWM.
 - b. Upon adoption, the child shall be known as ELK.
 - c. The consent of the biological parents of the child is hereby dispensed with since the child was abandoned.
 - d. JMM is hereby appointed as the legal guardian of the child.
 - e. The Registrar General is hereby directed to make the appropriate entries in the Adopted Children's Register in respect of baby ELK.
 - f. 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 17TH DAY OF DECEMBER, 2025.

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl Anindo

Ms. Chebet, Advocate holding for Kinyanjui, Advocate for Applicant

