



**In re Adoption of RM (Minor) (Adoption Cause E229 of 2025)  
[2025] KEHC 19060 (KLR) (Family) (17 December 2025) (Judgment)**

Neutral citation: [2025] KEHC 19060 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E229 OF 2025**

**CJ KENDAGOR, J**

**DECEMBER 17, 2025**

**IN THE MATTER OF**

**ENM ..... APPLICANT**

**JUDGMENT**

1. Before this Court is an Originating Summons dated 11<sup>th</sup> August, 2025. The Applicant is seeking to be authorized to adopt Baby RM, hereinafter referred to as (“the child”) and upon adoption, the child is to be known as RMN. FWN is to be appointed as the child’s legal guardian upon granting of the adoption orders.
2. The Applicant was married to EMW, and the marriage produced two children: AWM, who died on 20<sup>th</sup> June, 2023 and AWM, the biological mother of the minor, who passed away on 25<sup>th</sup> May, 2025. Although the couple have lived separately since 2004, they are not divorced. The Applicant is a Kenyan citizen, as demonstrated by her national identity card. She is employed as a marketer at Sprint Brand Connections Ltd, and her financial statements together with evidence of assets confirm her ability to meet the child’s needs. Medical reports show that she is in good health and a Certificate of Good Conduct from the Directorate of Criminal Investigations confirms that she has no criminal record. She explains that her motivation to adopt arises from being the child’s only close relative and her wish to ensure the child’s welfare now that he is an orphan. She further expresses her intention to provide the child with a family, love, belonging and identity. The child’s grandfather, who has cared for the minor following the mother’s death, has consented to the adoption through a letter dated 12<sup>th</sup> July, 2025. The biological father’s whereabouts remain unknown to the family.
3. The Applicant states that she has been providing for the minor since his mother’s death, meeting his needs through the grandfather and has embraced him as her own child. She therefore seeks to formalize the relationship to enable the minor to grow in a normal and stable family environment under her continued care.



4. FWN, who is the proposed Legal guardian, is related to the Applicant by being her niece and has voluntarily consented to being the legal guardian. She told the Court that she understands her role and is ready to undertake that responsibility as the legal guardian, the role that she voluntarily consented to.
5. A report dated 17<sup>th</sup> November, 2025 from the State Department for Children’s Services (Nairobi County) reflects that the child is a Kenyan aged 4 years and 11 months, having been born on 26<sup>th</sup> December, 2020. This is a kinship adoption, as the Applicant is the child’s grandmother. The child was declared free for adoption on 16<sup>th</sup> July, 2025 by Kenya Children’s Home Adoption Society vide freeing certificate No. 10XXX.
6. 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.
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 1<sup>st</sup> 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. Reports from the State Department for Children's Services (Nairobi County), Kenya Children's Homes Adoption Society, the guardian ad litem and the proposed legal guardian confirm that the child is familiar to the Applicant and will receive proper care under her custody.



9. I am satisfied that the Applicant has a genuine desire to adopt the child. She is suitable as an adoptive parent.
10. 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.
11. 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 ENM is hereby authorized to adopt the child known as baby RM.
  - b. Upon adoption, the child shall be known as RMN.
  - c. The Registrar General do make appropriate entries in the Adopted Children's Register in respect of RMN.
  - d. FWN is hereby appointed as the legal guardian of the minor.
  - e. The child is presumed to be a Kenyan citizen.
  - f. The guardian ad litem is hereby discharged.
12. It is so ordered.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 17<sup>TH</sup> DAY OF DECEMBER, 2025.**

.....

**C. KENDAGOR**

**JUDGE**

In the presence of:

Court Assistant: Beryl

Ms. Gicheha, Advocate for Applicant

