



**In re Application for Adoption of Baby AHW (Adoption Cause E251 of 2025)
[2025] KEHC 19056 (KLR) (Family) (17 December 2025) (Judgment)**

Neutral citation: [2025] KEHC 19056 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E251 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
RKG APPLICANT**

JUDGMENT

1. Before this Court is an Originating Summons dated 11th September 2025. The Applicant RKG is seeking to be authorized to adopt baby D, hereinafter referred to as (“the child”) and upon adoption, the child is to be known as VM. The Applicant has proposed EKM for appointment as the child’s legal guardian upon the granting of the adoption orders.
2. The Applicant is a single lady and has one biological child of her own from a previous relationship, by the name BG. She has also adopted two children. She is a Kenyan citizen as evidenced by her copy of the National Identity Card. RKG is employed as an HR Practitioner at the Parliament of Kenya; a copy of her payslip evidences her financial capacity and ability to provide for the child. Her health status is good, as evidenced by the medical report, and she has no prior criminal record, as evidenced by her Certificate of Good Conduct issued by the Directorate of Criminal Investigations. She has indicated that her desire to adopt the child is to expand her family and to provide a home for a needy child. She has also stated that her desire to have a son led her to pursue adoption. The child has been in her custody since 19th March, 2024. Her immediate family and close friends are aware of the adoption and have supported her.



3. EKM, who is the proposed Legal guardian, is RKG's sister, and she told the court that she understands the proceedings before the court and gave her consent dated 11th September, 2025. She also told the court that she understands the responsibility of the legal guardian and that she accepts it.
4. The child who was examined in court appeared healthy and happy, and could identify the applicant as his mother.
5. The report from the Ministry of Gender, Culture and Children Services, State Department for Children Services, Nairobi County, dated 10th November, 2025, indicates that the child is 3 years 10 months old, having been presumed to have been born on 28th December, 2021. He was abandoned in the hands of one MG at Korogocho Health Centre who reported the matter at Korogocho Police Station. Efforts to trace the child's parents have remained fruitless, and nobody has come forth to claim the child. The child was declared free for adoption on 27th September, 2023, by KKPI Adoption Society, vide freeing certificate number 1002.
6. The child is presumed to be Kenyan citizen by 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 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 Services, State Department for Children Services, the report from KKPI Adoption Society, the guardian ad litem and the proposed legal guardian indicate that the child is well known to the adoptive parent and that he will be well taken care of in her care and 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 with the Applicant and the other children in the family.
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, RKG, is hereby authorized to adopt baby D.
 - b. Upon adoption, the minor shall be known as VM.
 - c. EKM 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.
12. 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.

