



**In re GW aka GWN (Minor) (Adoption Cause E030 of 2025)
[2026] KEHC 1554 (KLR) (13 February 2026) (Judgment)**

Neutral citation: [2026] KEHC 1554 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
ADOPTION CAUSE E030 OF 2025
JM NANG'EA, J
FEBRUARY 13, 2026
IN THE MATTER OF ADOPTION OF BABY GW AKA GWN (MINOR)**

IN THE MATTER OF

**EMN 1ST APPLICANT
LWM 2ND APPLICANT**

JUDGMENT

1. Vide Originating Summons dated 06/10/2025 expressed to be brought pursuant to sections 157 and 160 of the [Children Act](#) as well as all other enabling provisions of law, the Applicants pray for orders as hereunder;
 1. Spent.
 2. Spent.
 3. That consent of the Minor's biological father to the proposed adoption be allowed.
 4. That the Applicants be authorized to adopt BABY GW and the child be named as proposed.
 5. That the subject minor be presumed to be a Kenyan citizen.
 6. That the Registrar-General does make an appropriate entry in the Adoptive Children's Register in respect of the Minor.
 7. That the court does issue any other appropriate orders.
 8. That the costs of the Application be in the Cause.
2. The Application is supported by the Applicants' joint affidavit evidence in which they express their desire to adopt GW AKA GWN (herein after referred as "the Minor"), a child aged about 12 years or thereabouts. The Minor's biological father is said to be unable to provide for her needs and has



- consented to her adopt. The Minor was thereafter declared free for adoption and handed to the Applicants who have been having her custody. The Applicants who are adults say they are capable of taking care of the Minor.
3. The 1st Applicant gave oral evidence in court reiterating the affidavit evidence. The appointed Guardian Ad Litem (PMN) also testified and corroborated the Applicants' evidence as to their suitability to adopt the subject child. He also stated that he voluntarily offered his service in the capacity stated.. The witness filed a report in this regard dated 27th November 2025.
 4. The court also interviewed the Minor. She expressed happiness at being adopted by the Applicants, adding that the 2nd Applicant is even her close relative. She stated that she was going on well with schooling with the assistance of the Applicants.
 5. Kenya Children's Homes, an Adoption Society, also filed a report dated 25th November 2025 positively appraising the Applicants.
 6. The Nakuru North Sub County Children's Officer (Alex Chacha) does not object to the Application and approves the Applicants as suitable to adopt the Minor. He filed his report dated 26th November 2025.
 7. Having perused the reports and evidence in respect of the application, the court's duty is to determine if the applicant is fit to adopt the subject. Article 53 (2) of *the Constitution* provides that the child's best interests are the paramount consideration in every aspect concerning the child's welfare. This legal position is reiterated in Section 8 (1) of the Children's Act 2022 which provides that:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be the primary consideration.”
 8. This principle is underscored in Article (2) of the Geneva Declaration of the Rights of the Child (1924) as well as in Article 3 of the United Nations Convention on the Rights of the Child. The Kenyan courts in many cases including in *Re B (Baby [2018] eKLR* have given effect to this important principle by restating that the law is intended to protect and promote the welfare of children by according them stable family units under which to grow. Indeed Article 45(1) of *the Constitution* declares as follows:

“The family is the natural and fundamental unit in society and the necessary basis of social order, and shall enjoy the recognition and protection of the State.”
 9. Section 186 of *Children Act* provides inter alia that a sole applicant aged between 25 and 60 years and more than 21 years older than the child qualifies for an adoption order.
 10. The subject child no doubt requires parental care and guidance as well as provision of basic rights like shelter and clothing. I am satisfied that the Applicants have the requisite qualities and capacities to guarantee the child's welfare. They therefore meet the requirements of the law and I will allow them to adopt the Minor.
 11. The following orders accordingly issue;-
 - a. The Applicants are hereby authorized to adopt the Minor.
 - b. The Registrar -General is directed to enter this adoption order in the Adopted Children's Register and issue a Certificate to that effect.



- c. That the appointment of the Guardian *Ad Litem* (PMN) is revoked and TWK is appointed as the Legal Guardian of the Minor pursuant to Section 195 (1) of the [Children Act](#).
- d. That the Minor will now be known as Grace Wanjiru *aka* Grace Wanjiru Ndung'u as proposed by the Applicants.

J. M. NANG'EA, JUDGE.

JUDGEMENT DELIVERED VIRTUALLY THIS 13TH DAY OF FEBRUARY, 2026 IN THE PRESENCE OF:

The Applicants' Advocate, Ms Kairu.

The Applicants, Absent.

Court Assistant (Jeniffer)

J. M. NANG'EA, JUDGE.

