



**In re KA alias BA alias Abandoned Baby Girl (The Child) (Adoption Cause E281 of 2025) [2026] KEHC 4552 (KLR) (Family) (9 April 2026) (Judgment)**

Neutral citation: [2026] KEHC 4552 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E281 OF 2025**

**HK CHEMITEI, J**

**APRIL 9, 2026**

**IN THE MATTER OF ADOPTION OF KA ALIAS  
BA ALIAS ABANDONED BABY GIRL (THE CHILD)**

**IN THE MATTER OF**

**SKW ..... 1<sup>ST</sup> APPLICANT**

**CWN ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. Before this Court is the application dated 1<sup>st</sup> October, 2025. The Applicants SKW and CWN are seeking to be authorized to adopt Baby KA aka BA aka ABG hereinafter referred to as the child and upon adoption, the child is to be known as MNK.
2. That AN (AN) and CN (CN) to be appointed as the child’s legal guardians upon granting of the adoption orders.
3. The Applicants are married and are Kenyan citizens as is evidenced by copies of their Kenyan National Identity Cards. SKW is a management consultant and CWN is a farmer. Their financial capability and ability to provide for the child is evidenced by their financial documents.
4. Their health status is good as is evidenced by their medical reports and they do not have any previous criminal records as is evidenced by their Certificates of Conduct issued by the Directorate of Criminal Investigations. They have indicated that their motivation to adopt is that after being blessed with one biological child, they are eager to grow their family through adoption. At first, they aimed to adopt two children but were advised to take it one step at a time. Having successfully completed their first adoption in Adoption Cause No. EXX of 2021, they are now ready to move forward with a second adoption, fulfilling their earlier promise to help a child in need. They also express that they are



financially secure and are excited to provide a loving home and opportunities for a child who requires support.

5. The report from the Ministry of Gender, Culture and Children Services State Department for Children Services (Nairobi County) dated 26<sup>th</sup> November, 2025 indicates that the child is female and 2 years 2 months old. She is Kenyan who was found abandoned at Bondeni Area of Ongata Rongai on 8<sup>th</sup> October, 2023. The child was declared free for adoption on 29<sup>th</sup> September, 2024 by Change Trust vide freeing Certificate Serial Number XXXX after which she was placed with the Applicants on 1<sup>st</sup> May, 2024 and has been under her care and control since then.
6. There is consistent message that there is the urge for the Applicants to conduct the adoption process so as to grow their family through adoption and provide a loving home and opportunities for a child who requires support.
7. 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.
8. 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 her.
  - 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.



9. The report from the Ministry of Gender, Culture and Children Services State Department for Children Services (Nairobi County), the report from Change Trust, the guardian ad litem and the proposed legal guardians indicate that the child is well known to the adoptive parents and that she will be well taken care of in their care and custody.
10. I find that this adoption gives SKW and CWN a chance at acquiring parental rights and responsibility over the child.
11. In the circumstances, I allow the originating summons dated 1<sup>st</sup> October, 2025 and make the following orders:
  - a. The Applicants SKW and CWN are authorized to adopt the child known as Baby KA *aka* BA *aka* ABG.
  - b. Upon adoption, the child shall be known as MNK.
  - (c) The child is declared to be a Kenyan citizen by birth and is entitled to all rights and benefits under *the Constitution* of Kenya, 2010 and all applicable laws.
  - (d) AN and CN are appointed as legal guardian of the child and Bonny Ngabirawo is hereby discharged as guardian ad litem.
  - (e) The Registrar General is directed to make the relevant entries in the Adopted Children's Register in respect of the child.
  - (f) The Registrar of births and deaths is directed to issue a birth certificate in respect of the child's new name.

It is so ordered.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 9<sup>TH</sup> DAY OF APRIL 2026.**

**H K CHEMITEI  
JUDGE**

