



**In re Baby RM (Adoption Cause E235 of 2024)  
[2025] KEHC 3662 (KLR) (Family) (24 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 3662 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E235 OF 2024**

**HK CHEMITEI, J**

**MARCH 24, 2025**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY RM**

**IN THE MATTER OF**

**GNN ..... APPLICANT**

**JUDGMENT**

1. Before this Court is the originating summons dated 22<sup>nd</sup> October, 2024. The Applicant GNN 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 RJN. DKN was appointed as the child's legal guardian upon granting of the adoption orders.
2. The Applicant is single and a Kenyan as is evidenced by a copy of her national identity card. GNN is employed and gets alternative income from consultancies. Their financial capability and ability to provide for the child is evidenced by her payslip, bank statement and life assurance policy. Her health status is good as is evidenced by her medical report. She has no criminal record as is evidenced by her police clearance certificate issued by the Directorate of Criminal Investigations. She has indicated that she is motivated to adopt the child to ensure that her cousin gets all parental love, care and protection from her.
3. The report from the Ministry of Labour and Social Protection State Department of Social Security and Protection Department of Children's Services – Nairobi County dated 19<sup>th</sup> November, 2024 indicates that the child is male and 9 years old having been born on 9<sup>th</sup> September, 2015. His biological mother died from post-partum depression. The child was declared free for adoption on 11<sup>th</sup> October, 2024 by Buckner Kenya Adoption Services *vide* freeing Certificate Serial Number 0807.
4. There is consistent message that there is the urge for GNN to adopt the child to ensure that her cousin gets all parental love, care and protection from her.



5. 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.
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 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.
7. The report from the Ministry of Labour and Social Protection State Department of Social Security and Protection Department of Children's Services – Nairobi County, the report from Buckner Kenya Adoption Services, the guardian ad litem and the proposed legal guardian indicate that the child will be well taken care of in the care and custody of the adoptive parent.
  8. I find that this adoption gives the child a chance a stable family and the adoptive parents a chance at having a child of their own.
  9. In the circumstances, I allow the amended originating summons dated 22<sup>nd</sup> October, 2024 and make the following orders:
    - a. The Applicant GNN is authorized to adopt the child known as Baby RM.
    - b. Upon adoption, the child shall be known as RJN.



- 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. DKN is appointed as the legal guardian of the child.
- 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.
- g. AK is discharged as guardian ad litem.

**DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 24<sup>TH</sup> DAY OF MARCH 2025.**

**H K CHEMITEI**

**JUDGE**

