



**In re Baby ZT alias Abandoned New Born Baby Boy alias Abandoned
alias Unknown African Male (Minor) (Adoption Cause E027 of 2025)
[2025] KEHC 5379 (KLR) (Family) (29 April 2025) (Judgment)**

Neutral citation: [2025] KEHC 5379 (KLR)

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

FAMILY

ADOPTION CAUSE E027 OF 2025

CJ KENDAGOR, J

APRIL 29, 2025

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF
BABY ZT ALIAS ABANDONED NEW BORN BABY BOY ALIAS
ABANDONED ALIAS UNKNOWN AFRICAN MALE (MINOR)**

IN THE MATTER OF

FKL APPLICANT

JUDGMENT

1. Before this Court is the application dated 6th February, 2025. The Applicant FKL, is seeking to be authorized to adopt Baby ZT alias Abandoned New Born Baby Boy Alias Abandoned Alias Unknown African Male hereinafter referred to as (“the Child”) and upon adoption, the Child is to be known as HM. DML and PNN be appointed as the Child’s legal guardians upon granting of the adoption orders.
2. The Applicant is a Kenyan citizen, as evidenced by a copy of her Kenyan National Identity Card. She is employed as the School Administrator at F.J.S [particulars withheld]; hence, a copy of her bank statement demonstrates her financial capability and ability to provide for the Child. Her health status is good, as supported by medical reports, and she does not have any previous criminal records, as verified by her Certificate of Good Conduct issued by the Directorate of Criminal Investigations.
3. DML and PNN are the proposed legal guardians. DML is FKL’s sister, and PNN is FKL’s brother-in-law. They informed the Court that they understand their role and are ready to undertake that responsibility as the legal guardians.
4. The report from the Ministry of Labour and Social Protection State Department of Social Security and Protection–Directorate of Children’s Services (Nairobi County), dated 25th March, 2025, indicates that the Child is 1 year and 2 months old. He is Kenyan and was found abandoned outside the gate



of Otto Hoffman Children's Home in the Gatitu area by well-wishers; his biological parents remain untraceable. The Child was declared free for adoption on 18th September, 2024 by Kenya Children's Home Adoption Society via freeing certificate number 1017.

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 Act No. 29 of 2022 and the 1st Schedule of the Children 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 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 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–Directorate of Children's Services (Nairobi County), the report from the Kenya Children's Home Adoption Society, the guardian ad litem and the proposed legal guardians indicate that the applicant has bonded well with the Child, enjoy being together and the Child shows attachment to the Applicant. The reports show that the Child will be well taken care of in the care and custody of the adoptive parent.
 8. I am confident that the Applicant sincerely yearns to provide a nurturing home for the Child through adoption. This decision not only offers the Child the opportunity for a brighter future but also ensures access to a quality education within a loving and stable environment fostered by the adoptive parent. It



is evident that a deep emotional bond has developed between the Child and the Applicant, reinforcing the mutual connection that is so vital for a successful adoption.

9. Based on the foregoing, I am satisfied that this adoption serves the Child's best interests. As such, I do allow the application dated 6th February, 2025 and make the following orders:
- a. The Applicant FKL is hereby authorized to adopt the Child known as ZT and the Child shall henceforth be known as HM.
 - b. The Child is presumed to be a Kenyan citizen by birth and is thus entitled to all associated rights.
 - c. The Director of Immigration is hereby authorized to issue the Child with a Kenyan Passport.
 - d. DML and PNN are hereby appointed as joint legal guardians of the Child.
 - e. The Registrar General is directed to make an entry of the adoption in the Adopted Children's Register.
 - f. The guardian ad litem is hereby discharged.

10. It is so ordered.

DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 29TH DAY OF APRIL, 2025.

.....

C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Advocate: Ms Nelima Walubengo for Applicant

