



**In re Baby ME alias Male Infant aka Abandoned Baby Boy (Adoption Cause E001 of 2024) [2025] KEHC 8842 (KLR) (29 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 8842 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAROK  
ADOPTION CAUSE E001 OF 2024  
CM KARIUKI, J  
MAY 29, 2025**

**IN THE MATTER OF BABY ME, ALIAS MALE INFANT, AKA ABANDONED BABY BOY**

**IN THE MATTER OF**

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

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

**JUDGMENT**

1. The Court is moved via originating summons dated 11/10/2024, supported by an affidavit and the statement of the Applicant's jointly ment in support of the application for an adoption order, both dated 11/10/2024.
2. The applicants, KOM and NSJ have testified in support of their pleadings and their contents.
3. Witness PW 3 PGR, who consented as AM's legal guardian and social worker, supported their testimonies. The guardian, Adhthem pastor VO, also supported the couple through his testimony.
4. The Court has perused the Children's Officer report dated 8/4/2025, which recommended adoption as the couple passed the test of evaluation as to the suitability of adopting baby M. The baby was also declared free for adoption as there is no legal barrier to adoption here.
5. The couple/Applicants, both teachers by profession, have meticulously prepared for this responsibility. Aged 39 and 37, with an average income of Kshs.200,000/= and 150,000/= per month, respectively, they have provided their respective documents to evidence their financial capability and ability to provide for the child. Their health status is good, as evidenced by medical reports, and they do not have any previous criminal records, as evidenced by their Certificates of Good Conduct issued by the Directorate of Criminal Investigations.
6. They have indicated that currently, they do not have any biological child, and they desire to adopt the child. During the Court interview assessing their suitability for this important role, both PGR and



her husband expressed a thorough understanding of the responsibilities involved in serving as legal guardians. They emphasized their commitment to serve as legal guardians. They reassured the Court of their readiness to undertake this responsibility with dedication and integrity, ensuring that M's best interests will always be their top priority should anything happen to the Applicants that might prevent them from fulfilling their role as adoptive parents.

7. 4. The Ministry of Labour and Social Protection State Department of Social Protection – Directorate of Children's Services (Nairobi County) report dated 28th October 2022 indicates that the child was committed to Mahali Pa Maisha Children's Home for care and protection. He is Kenyan, whose biological parents remain unknown, having been abandoned and rescued by a good Samaritan, MH His biological parents remain untraceable. The child was declared free for adoption on 4th March 2024 by Buckner Kenya Adoption Services vide freeing certificate number xxxxx.
8. The child, Baby ME, 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. This connection to our nation is an important factor in his adoption.
9. In light of the best interests of the child principle provided for under Article 53 (2) of the Constitution of Kenya, 2010, this Court must prioritize the child's best interests in making decisions touching on him. This is not just a legal requirement, but a moral imperative. Article 53 of the Constitution, 2010 states that a child's best interests are of paramount importance in every matter concerning the child.
10.
  - b. Sections 8 (1), (2) and (3) of the Children's Act No. 29 of 2022 provides as follows;
11. 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;
12. The best interests of the child shall include, but shall not be limited to, the considerations set out in the First Schedule.
13. 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 as guidance and correction as necessary for the child's welfare and in the public interest.
14. In any matters affecting a child, the child shall be accorded an opportunity to express their opinion. That opinion shall be taken into account in appropriate cases, having regard to the child's age and degree of maturity.
15.
  - 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:



- I. The age, maturity, stage of development, gender, background, and any other relevant characteristics of the child.
  - II. Distinct special needs (if any) arising from chronic ailment or disability.
  - III. 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.
  - IV. The preference of the child, if old enough, to express a meaningful preferences. The duration and adequacy of the child's current living arrangements and the desirability of maintaining continuity.
  - V. The stability of any proposed living arrangements for the child.
  - VI. The motivation of the parties involved and their capacities to give the child love, affection, and guidance.
  - VII. The child's adjustment to the child's present home, school, and community.
  - VIII. 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.
  - IX. The capacity of each parent and/ or guardian (s) to cooperate or to learn to cooperate in child care.
  - X. Methods for assisting parental and/ or guardian cooperation and resolving disputes and each parent's/ guardian's willingness to use those methods.
  - XI. The effect on the child if one parent/ guardian has sole authority over the child's upbringing.
  - XII. 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.
  - XIII. 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.
  - XIV. Where the child is under one year of age, whether the child is being breastfed.
  - XV. 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](#).
16. Where a person is 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 for a juvenile offense, for which, if the person had been an adult at the time of the offense, the person would have been convicted of a felony.
  17. Any other factor which may have a direct or indirect effect on the physical and psychological well-being of the child.
  18. 7. The reports Department of Children's Services (Kajiado North sub-County) recommended that, in the best interest of the child, he be duly placed in Alternative Family Care on 3.10.2023 for 3 years



to the Mahali Pa Maisha, which did happen. Additionally, the report from Buckner Kenya Adoption Services of 4.9.2024 indicates that the Applicants are loving and capable caregivers who will ensure that the child is well taken care of in their custody.

19. 8. I am satisfied that the Applicants have a genuine desire to adopt the child. They have demonstrated their commitment through their active involvement in the adoption process and their understanding of the responsibilities that come with parenthood. Their background reflects a nurturing environment, making them suitable adoptive parents.
20. 9. This adoption offers the child a significant opportunity for a brighter future, providing not only access to quality education but also the emotional support and stability that are vital for healthy development. The adoptive parents have created a warm and loving home that will foster the child's growth and well-being, ensuring that the child thrives in a secure and encouraging atmosphere. 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:
  - I. The Applicant is authorized to adopt baby ME, who is to be known as SMM.
  - II. The Registrar General is hereby directed to enter this adoption into the register of adoptions.
  - III. N, MC, and Gati PR are appointed as legal guardians of the child.
  - IV. The child is presumed to be born in Ongata Rongai Kajiado County.

**THE JUDGMENT DELIVERED IS DATED AND SIGNED ON 29TH MAY 2025.**

**JUSTICE CHARLES KARIUKI**

**JUDGE**

