



**In re TN aka AK (Baby) (Adoption Cause E014 of 2022)  
[2023] KEHC 1128 (KLR) (23 February 2023) (Judgment)**

Neutral citation: [2023] KEHC 1128 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
ADOPTION CAUSE E014 OF 2022  
MM KASANGO, J  
FEBRUARY 23, 2023  
IN THE MATTER OF THE CHILDREN ACT  
APPLICATION FOR ADOPTION OF BABY T.N. AKA A.K**

**IN THE MATTER OF**

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

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

**JUDGMENT**

1. CMK and EMM husband wife, filed a joint application seeking to be authorised to adopt baby TN aka AK The applicants are Kenyan nationals. They were married in December, 2005. They do not have an issue from their union.
2. The baby is a male presumed to have been born on November 13, 2019. The baby was abandoned by his birth mother at Machakos Level V Hospital. The abandonment was reported at Machakos Police Station under OB No 31/18/12/2019. The Machakos Children’s Court by Protection and Care Case No 162 of 2019 committed the baby to Mahali pa Maisha Children’s Home. The baby’s mother was untraceable because she had given the hospital false details of her residence. Police by letter dated June 26, 2020 stated no one had come forward to claim the baby. Bucker Kenya Adoption Society declared the baby free for adoption by Certificate No 453 dated February 5, 2021. The baby has been under the care and custody of the applicants since July 6, 2021 to date.
3. The applicants have had continuous care of the baby in excess of 3 months and accordingly, have met the requirements of section 185(2)(a) of the [Children Act, 2022](#) (hereafter the Act). They also have produced a report of Buckner Kenya Adoption Services, a registered adoption. The child is eligible for adoption having been abandoned by his mother at the hospital: See section of the [Act](#). The applicants are within the permitted age bracket for adoption of a child: See section 186(2)(b). Both applicants are of fair health. They do not have the means to cater for the needs of the baby.



4. In my view, considering the recommendation for this adoption by the registered adoption society by the guardian ad litem and by the Kiambaa Sub-county Children's officer, I am of the view the adoption hereof is in the best interest of the child.

**Disposition**

5. The judgment of the court therefore is:-
- a. The applicants are hereby authorised to adopt Baby EMM. who shall henceforth be known as HKM.
  - b. PNM and MWK. are hereby appointed legal guardians of the baby in the event of death or incapacity of the applicant before the full age of the baby.
  - c. The *guardian ad litem* is hereby discharged.
  - d. The baby's date and place of birth are declared to be November 13, 2019 in Nairobi County.
  - e. The Registrar General is hereby directed to enter this adoption into the Adopted Children's Register.
  - f. The baby is presumed to be a Kenyan citizen.
  - g. The consent to this adoption of the baby's biological parent/s is hereby dispensed .

**JUDGMENT DATED AND DELIVERED AT KIAMBU THIS 23<sup>RD</sup> DAY OF FEBRUARY, 2023.**

**MARY KASANGO**

**JUDGE**

**In the presence of**

**Coram:**

Court Assistant : Mourice

Applicants:-

For Applicants:- Ms Mbuvi

**JUDGMENT DELIVERED VIRTUALLY.**

**MARY KASANGO**

**JUDGE**

