



REPUBLIC OF KENYA



KENYA LAW
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**In re Baby EP (Adoption Cause E003 of 2024)
[2025] KEHC 5933 (KLR) (9 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 5933 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MALINDI
ADOPTION CAUSE E003 OF 2024**

M THANDE, J

MAY 9, 2025

IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2001)

AND

IN THE MATTER OF BABY EP

AND

AN APPLICATION FOR ORDERS OF ADOPTION OF BABY EP

JUDGMENT

1. By the Originating Summons dated 2.4.24, the Applicants CTOM and his wife EKO seek to adopt a child known as EP.
2. Towards this end, the Applicants were assessed by Buckner Kenya Adoption Services, a registered adoption society and taken through the adoption process and its implications. The society's case committee sitting on 29.3.23 found the Applicants fit to adopt a child of their preferred age and sex. The child was placed with the applicants on 18.5.23 for mandatory bonding period prior to adoption. There is on record, a duly signed foster care agreement to that effect.
3. The reports on record indicate that the child is estimated to have been born on 3.6.22. It is reported that the child was found abandoned on 4.6.22, at the gate of Cherry Brierly Children's Home by one MAO holder of national Identity card number 2xxxx and SOA. The matter was reported at Kogony Police Station vide Occurrence Book Number 12/06/06/2022. The child was admitted at the New Life Home, Kisumu for care and protection. The child was subsequently formally committed to the same Home for a period of 3 years by Maseno Children's Court vide Protection and Care Case Number E006 of 2022. The child was on 28.2.23 declared free for adoption by Buckner Kenya Adoption Services vide certificate serial no. 0615. In a final letter dated 19.1.23, Kogony Police Station indicated that since the child was abandoned, no one had come forward to claim him.



4. By an order of this Court of 12.3.25, JA was appointed as guardian ad litem for the child pending the hearing and determination of the adoption application, in accordance with Section 188 of the *Children Act*.
5. Reports in respect of the assessment of the Applicants have been filed as required. The report of Buckner Kenya Adoption Services which arranged the adoption of the child is on record. Winifred Kambua Kaluku, Kilifi County Coordinator Children Services filed her report dated 9.4.25. On her part, Jackline Andesha filed her report dated 11.4.25. All these reports are positive and recommend the proposed adoption.
6. It is noted that the child has been in continuous care and control of the Applicants for a period of about 2 years which is more than the statutory 3 months' period required under Section 185(2)(a) of the Act. The Applicants are not below the age of 25 years, nor are they older than 65 years. Both are more than 21 years older than the child. Section 186(2)(b) of the Act has thus been complied with.
7. The Applicants confirmed that they have been made aware of the consequences of an adoption order as well as the rights of an adopted child. They shall assume all parental rights and duties of the biological parents in respect of the child. I am satisfied that the Applicants fully understand that the adoption order is final and binding during the lifetime of the child and cannot under any circumstances give up the child. Further that the child shall also have the right to inherit the Applicants' property. From the aforesaid reports the Court is further satisfied that the Applicants have the financial resources, social and emotional capability to bring up the child. The Applicants propose that upon the making of the adoption order, the child be known as ECM.
8. The Applicants have nominated OAIM to be the legal guardian of the child, in the event of the Applicants dying or becoming incapacitated before the child is of full age. His consent is on record.
9. Having taken into account the foregoing factors, this Court has formed the opinion that it would be in the best interests of the child that he be adopted by the Applicants. The Court is further satisfied that all the legal requirements for a local adoption have been met and makes the following orders:
 - a. The Applicants CTOM holder of national identity card number 2xxxx and his wife EKO holder of national identity card number 2xxxxx are hereby allowed to adopt EP who shall henceforth be known as ECM.
 - b. The child's date of birth is hereby declared to be 3.6.22.
 - c. The child is hereby declared to be a Kenyan citizen by birth.
 - d. I direct the Registrar General to enter this order in the Adoption Register.
 - e. OAIM is hereby appointed the legal guardian of the child, in the event of the Applicants dying or becoming incapacitated before the child is of full age.
 - f. The appointment of Jackline Andesha, the guardian ad litem now stands expired.

DATED, SIGNED AND DELIVERED AT MALINDI THIS 9TH DAY OF MAY 2025

M. THANDE
JUDGE

