



**In re MA (Baby) (Adoption Cause E016 of 2024)
[2025] KEHC 8383 (KLR) (13 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8383 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E016 OF 2024
A MSHILA, J
JUNE 13, 2025
IN THE MATTER OF THE CHILDREN'S ACT
AND
IN THE MATTER OF BABY M.A. D.W.W**

IN THE MATTER OF

DWW APPLICANT

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the 14th March, 2024 and is premised under the provisions of Sections 183, 184 and 185 of the Children's Act 2022; The Applicant seeks the following Orders;
 - a. That the Applicant D.W.W. be authorized to legally adopt M.A.;
 - b. That upon the making the adoption orders the said child will be known as M.W.
 - c. The Registrar of Births and Deaths do make the appropriate entry of M.W. in the Adopted Children's Register.
 - d. That M.W. be presumed to be a Kenyan citizen by birth;
 - e. That DAO be appointed as GuardianAdLitemof Baby M.A.
2. The application was supported by an Affidavit made by the Applicant; The Guardian Ad Litem DAO was appointed on the 27TH February, 2025; This Court directed the Director of Children's Services and the Guardian Ad Litem to carry out a home visit to do investigations and to file their Reports.
3. After visiting and interrogating the Applicant the Limuru Sub-County Children's Service Officer and the Guardian Ad Litem filed their respective Reports on the Applicant's suitability to adopt M.A. the



reports were duly filed in court on 5/05/2025 and 30/04/2025; both reports are highly favourable to the Applicant and recommend her suitability as an adoptive parent.

4. The child M.A. who is male is presumed to have been born on 15/10/2015; he was abandoned when he was about a day old at Umoja Rubber Area by the roadside along the Kilifi – Malindi Road and was wrapped up in rags; the case of abandonment was reported by a Good Samaritan at Mtwapa Police Station vide OB No.XXXX/2015; M.A. was admitted on 30th October, 2015 to Life Spring Children’s Centre for temporary shelter, care and protection whilst awaiting committal; under the Protection And Care Case No.60 of 2016 the Children’s Court sitting at Kilifi Law Courts M.A. was formally committed vide Order issued on 22/12/2016 to the aforesaid institution for protection and care; On the 12/04/2024 he was declared free for adoption under Section 194 of the Children’s Act 2022 and a Certificate Serial Number 0754 was issued by Buckner Kenya Adoption Services.
5. After reading and taking into consideration the contents of these Reports this court was satisfied that all the legal requirements had been adhered to notably; the Applicant is a Kenyan citizen and is a single lady; at the time of filing this application the prospective adoptive parent D.W.W. was aged 51 years and therefore her age falls within the prescribed legal parameters; D.W.W. is employed by KEMRI as a Medical Researcher and has produced into court copies of her Pay Slip and Bank Statements to prove her financial capability to support M.A when she assumes responsibility for his upbringing.
6. The Certificate of Good Conduct is current and valid and this court is satisfied that there are no adverse circumstances discernible from the Applicants’ family or any individual characteristics or lifestyle that would be detrimental to the baby;
7. It is noted that this is was a case of abandonment and efforts by the police to trace his biological parents bore no fruits as no one came forward to claim the child; this court has accordingly dispensed with the consents of the biological parents; This Court takes note that the consent of the proposed Legal Guardian has also been duly filed.
8. For the reasons stated above this Court is satisfied that the Applicant has fulfilled all the pre-requisites for adoption orders and she is found to be a suitable person to adopt M.A. and the Court is further satisfied that the order for adoption will be in the best interest of the child and he appeared in Court with the prospective parent and this Court took note of his pleasant and happy demeanor;
9. For the reasons stated above this court is satisfied that the Applicant has fulfilled all the pre-requisites for adoption orders and is found to be a suitable person to adopt M.A. and it is further satisfied that the order for adoption will be in the best interest of the child.

Findings & Determination

10. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
11. The Applicant D.W.W. be and are hereby authorized to adopt M.A. he shall be known as M.A.
12. The Registrar General be and is hereby directed to enter this adoption order of M.A. in the Adopted Children’s Register; the Registrar Births and Deaths be and is hereby directed to issue a Certificate of Birth in the name M.A. and the child’s date of birth shall be declared as 15/10/2015 in Majengo Kilifi County.
13. The Guardian Ad Litem DOO is hereby discharged and BMW be and is hereby appointed to stand in as next of kin and legal guardian to M.A. until the child attains the age of majority of eighteen (18) years.
Orders Accordingly.



DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 13th DAY OF JUNE, 2025.

HON. A. MSHILA

JUDGE

In the presence of;

Sanja – Court Assistant

Miss Kimenyi – for the Applicant

