



**In re BE (Baby) (Adoption Cause E001 of 2025)
[2025] KEHC 16059 (KLR) (7 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 16059 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MALINDI
ADOPTION CAUSE E001 OF 2025
M THANDE, J
NOVEMBER 7, 2025
IN THE MATTER OF THE CHILDREN'S ACT
AND
IN THE MATTER OF BABY BE
AND
AN APPLICATION FOR ORDERS OF ADOPTION OF BABY BE**

IN THE MATTER OF

**IMN 1ST APPLICANT
MWS 2ND APPLICANT**

JUDGMENT

1. By their undated Originating Summons, the Applicants IMN and his wife MWS seek to adopt a child known as BE.
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 16.2.24 found the Applicants fit to adopt a child of their preferred age and sex.
3. The reports on record indicate that the child is estimated to have been born on 6.10.23. It is reported that the child was found abandoned on 12.10.23, at Eden Park area, Kisaju, Isinya by one Daniel Katei Melonyei holder of national identity card number xxxxxxxx. The matter was reported at Isinya Police Station vide Occurrence Book Number x/12/10/2023. The child was admitted at the Mahali Pa Maisha Infant Rescue Centre, Kitengela for care and protection. The child was subsequently formally committed to the same Centre for a period of 1 year by the Children's Court at Ngong, vide Protection and Care Case Number E059 of 2023. The child was on 19.4.24 declared free for adoption by Buckner Kenya Adoption Services vide certificate serial no. 0800. In a final letter dated 16.4.24, Isinya Police



Station indicated that since the child was reported abandoned on 12.10.23, no one had come forward to claim her.

4. The child was placed with the Applicants on 5.5.24 for mandatory bonding period prior to adoption. There is on record, a duly signed foster care agreement to that effect.
5. By an order of this Court of 8.5.25, BKC 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.
6. 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 8.7.25. On her part, BKC filed her report dated 20.6.25. All these reports are positive and recommend the proposed adoption.
7. It is noted that the child has been in continuous care and control of the Applicants for a period of about 1½ 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.
8. 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 ALM.
9. The Applicants have nominated EBK and his wife CKS to be the legal guardians of the child, in the event of the Applicants dying or becoming incapacitated before the child is of full age. Their consent dated 6.3.25 is on record.
10. 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 she 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 IMN holder of national identity card number xxxxxxxx and his wife MWS holder of national identity card number xxxxxxxx are hereby allowed to adopt BE who shall henceforth be known as ALM.
 - b. The child's date of birth is hereby declared to be 6.10.23.
 - 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. EBK and his wife CKS are hereby appointed the legal guardians of the child, in the event of the Applicants dying or becoming incapacitated before the child is of full age.
 - f. The appointment of BKC, the guardian *ad litem* now stands expired.

DATED, SIGNED AND DELIVERED AT MALINDI THIS 7TH DAY OF NOVEMBER 2025

.....



M. THANDE
JUDGE

