



REPUBLIC OF KENYA



**In re MH aka MNN (Baby) (Adoption Cause E009 of 2024)  
[2025] KEHC 16037 (KLR) (7 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 16037 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MALINDI  
ADOPTION CAUSE E009 OF 2024  
M THANDE, J  
NOVEMBER 7, 2025  
IN THE MATTER OF BABY MH AKA MNN  
AND  
AN APPLICATION FOR ORDERS OF ADOPTION OF MH AKA MNN**

**JUDGMENT**

1. By her Originating Summons dated 16.10.24, the Applicants EKK seeks to adopt a child known as MH aka MNN.
2. Towards this end, the Applicant was 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 17.8.18 found the Applicant fit to adopt a child of their preferred age and sex.
3. The reports on record indicate that the child was born on 9.10.18 to one MNN at Thika Level 5 Hospital. Being premature, she was placed in an incubator at the New Born Unit. Her mother however abandoned her on 13.10.18. The matter was reported at Thika Police Station on 24.1.19 vide Occurrence Book Number xx/24/01/2019. The Children's Court at Thika, vide Protection and Care Case Number 17 of 2019 formally committed the child to Hope House Babies Home Centre until further orders of the court. The child was on 11.10.19 declared free for adoption by KKPI Adoption Society vide certificate serial no. 745. In a final letter dated 20.8.19, Thika Police Station indicated that since the child was reported abandoned, no one had come forward to claim her.
4. The child was placed with the Applicant on 10.10.19 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 11.2.25, RKN 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 29.5.25. On her part, RKN filed her report dated 3.4.25. 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 Applicant for a period of about 6 years which is more than the statutory 3 months' period required under Section 185(2)(a) of the Act. The Applicant is not below the age of 25 years, nor is she older than 65 years. She is more than 21 years older than the child. Section 186(2)(b) of the Act has thus been complied with.
8. The Applicant confirmed that she has been made aware of the consequences of an adoption order as well as the rights of an adopted child. She shall assume all parental rights and duties of a biological parent in respect of the child. I am satisfied that the Applicant fully understands that the adoption order is final and binding during the lifetime of the child and that she cannot under any circumstances give up the child. Further, that the child shall also have the right to inherit the Applicant's property. From the aforesaid reports the Court is further satisfied that the Applicant has the financial resources, social and emotional capability to bring up the child.
9. The Applicant proposes that upon the making of the adoption order, the child be known as BMK.
10. The Applicant has nominated ABC and his wife SMD to be the legal guardians of the child, in the event of the Applicant dying or becoming incapacitated before the child is of full age. Their consent dated 16.10.24 is on record.
11. 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 Applicant. The Court is further satisfied that all the legal requirements for a local adoption have been met and makes the following orders:
  - a. The Applicant EKK holder of national identity card number xxxxxxxx is hereby allowed to adopt MH aka MNN who shall henceforth be known as BMK.
  - b. The child is hereby declared to be a Kenyan citizen by birth.
  - c. I direct the Registrar General to enter this order in the Adoption Register.
  - d. ABC and his wife SMD 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.
  - e. The appointment of RKN, the guardian ad litem now stands expired.

**DATED, SIGNED AND DELIVERED AT MALINDI THIS 7<sup>TH</sup> DAY OF NOVEMBER 2025**

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**M. THANDE**

**JUDGE**

