



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re D (Child) (Adoption Cause E011 of 2025)  
[2025] KEHC 18893 (KLR) (18 December 2025) (Judgment)**

Neutral citation: [2025] KEHC 18893 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MACHAKOS  
ADOPTION CAUSE E011 OF 2025**

**EN MAINA, J**

**DECEMBER 18, 2025**

**IN THE MATTER OF**

**TMM ..... APPLICANT**

**JUDGMENT**

1. The subject in these proceedings is a female child now seven years old, (estimated to have been born on 1<sup>st</sup> January 2018). She was found abandoned on 9<sup>th</sup> February 2018 at Highrise Estate, Nairobi County. As per the attached police letter dated 10<sup>th</sup> February, 2018 the child was found abandoned at the said estate; Block J, 2<sup>nd</sup> Floor outside House No.25 belonging to one Titus Melli of Phone No.0707373045. The child was rescued by a well-wisher, Elom Hillary of mobile Phone No. 0723383076 residing on the 3<sup>rd</sup> floor of the same block J. The well-wisher enquired from Titus Melli (the occupant of House No.25) about the child as well as a lady from the first floor of the same building but both claimed not to know the child or how the child got there. Elom Hillary then took the child to Highrise police post where the matter was booked vide OB.11/09/02/2018. The child at the time was approximately one month. On 10<sup>th</sup> February 2018 the child was taken to the Child Welfare Society of Kenya (CWSK) Mama Ngina Kenyatta Temporary place of safety for care and protection.
2. Subsequently, on 21<sup>st</sup> August 2019, through the County Director of Children Services, the Children's Court in Nairobi committed the child to the Child Welfare Society of Kenya (CWSK) Mama Ngina Kenyatta Temporary place of safety for care and protection vide Care and Protection Case No 1065 of 2019.
3. Comprehensive investigations were conducted to trace the child's family by both the police and the CWSK as confirmed by police letters from Makongeni Police Station dated 4<sup>th</sup> September, 2019. The letter indicates that no one claimed the abandoned child and their efforts to trace the child's kin bore no fruits. The Child Welfare Society of Kenya (CWSK) engaged both social workers and the media tracing and also tried to contact the well-wisher through the contacts provided but the calls were not going through. Titus Melli (the occupant of the house where the child was rescued was not in his house at the time of tracing and even the neighbours reported that they did not know whether Titus Melli



still lived there. The social worker contacted him later but he reported that no one had ever gone there to claim the baby and he did not have any information on the mother or anyone related to the baby. Further tracing was done through the media in three publications in the Sunday Nation Newspapers of 24<sup>th</sup> June 2018, 29<sup>th</sup> July 2018 and 28<sup>th</sup> October 2018 but despite all these efforts the child remained unclaimed.

4. In a meeting held on 3<sup>rd</sup> December 2019, the case Committee of Child Welfare Society of Kenya (CWSK) declared the child free for adoption and issued a Certificate No.1156 to that effect. The child was placed in the care of the Applicant Teresia Mbithe Mumo on 3<sup>rd</sup> June 2021. The child has bonded well with the Applicant.
5. The Applicant herein Teresia Mbithe Mumo made a sole application to the Child Welfare Society of Kenya (CWSK) for placement with a child with a view of eventually adopting the child. An interview and assessment for her suitability as an adopter was conducted on 30<sup>th</sup> November 2024. The child known as baby Damaris was subsequently placed in the care of the Applicant by Child welfare Society of Kenya on 3<sup>rd</sup> June 2021. The Applicant has been fostering the child since then and it is reported that they have bonded well.
6. The Applicant is a resident of Manza village in Machakos County. She is single and has never been married. The Applicant does not have any biological child of her own. She is desirous to have an opportunity to become a parent as well as help a needy child. She lives in her own three bedroomed permanent house with all amenities provided and the environment is conducive for a growing child. The Applicant is self-employed; running her own business in Machakos Town therefore she is stable financially.
7. The Applicant's extended family are supportive of the adoption and are happy about it and her sister Agnes Nduku has agreed to act as the legal guardian of the child.
8. The following reports have been duly filed in regard to the adoption.-
  - a. Report of the Guardian Ad Litem.
  - b. Reports from the Child Welfare Society of Kenya (CWSK) Society declaring the child free for adoption and also Recommending the adoption.
  - c. Report of the Directorate of Children's Services Sub - County Children Services – Machakos County also recommending the adoption.
  - d. Affidavit of ANM to act as the Legal Guardian.
9. All the reports recommend this adoption, which is family based and local. The child has been under the continuous care of the Applicant since 3<sup>rd</sup> June 2021 and they have bonded well and the Guardian ad litem highly recommends her as an adopter.
10. Having carefully considered all the material before me, I am satisfied that the application meets the conditions of part XIV of the [Children Act](#) and is in the best interest of the child. The Applicant fully understands the implications of an order of adoption and has already assumed her responsibilities towards the child. She has also met all the conditions of an adopter as set out in the Act.
11. Accordingly, the application is allowed and orders are granted as follows: -
  1. That the Applicant Teresia Mbithe Mumo be and is hereby allowed to adopt the child and an adoption order shall issue.
  2. That the child shall now be known as JM.



3. The child's date of birth shall be 10<sup>th</sup> January 2018.
4. That ANM be and is hereby appointed as the Legal Guardian of the child.
5. That the Guardian Ad Litem is hereby discharged.
6. That this adoption order shall be lodged with the Registrar General and the Registrar General is hereby directed to enter the adoption in the Adopted Children Register.

It is so ordered.

**JUDGMENT DATED, SIGNED AND DELIVERED VIRTUALLY ON THIS 18<sup>TH</sup> DAY OF DECEMBER , 2025.**

**E. N. MAINA**

**JUDGE**

In The Presence Of:

No appearance for the parties

Geoffrey – Court Assistant/Interpreter

