



**In re Baby B (Adoption Cause E001 of 2023)
[2026] KEHC 1904 (KLR) (20 February 2026) (Judgment)**

Neutral citation: [2026] KEHC 1904 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MALINDI
ADOPTION CAUSE E001 OF 2023
M THANDE, J
FEBRUARY 20, 2026
AN APPLICATION FOR ORDERS OF ADOPTION OF BABY B**

IN THE MATTER OF

JKT APPLICANT

JUDGMENT

1. CCT and her husband JKT filed an Originating Summons dated 18.1.23 seeking to adopt a child known as Baby B. Towards this end, the Applicants were assessed by the Child Welfare Society of Kenya (CWSK), and taken through the adoption process and its implications and found fit to adopt a child. The child was placed with the applicants for mandatory bonding period prior to adoption on 11.11.13. There is a duly signed foster care agreement on record to that effect.
2. However, CCT died on 9.7.23 before the conclusion of the proceedings herein. Given that the child had been placed with the Applicant and his late wife on 11.11.13, and had become part of the family, JKT, the Applicant chose to proceed with the adoption process to conclusion. He was reassessed by CWSK and was on 11.11.24, found suitable to adopt the child.
3. The record shows that the child was born on 26.4.13 to LAO and EO at St. Jude’s Medical Centre, Nairobi. The child’s parents are cousins and their relationship could not be approved or endorsed by their respective families. As a result of this, the child’s parents approached the CWSK, seeking to offer the child for adoption. They were counselled on the legal implications and taken through the explanatory memorandum for offering the child up for adoption. They both signed the legal consent on 8.7.13 completely relinquishing their rights and responsibilities as the child’s biological parents.
4. In compliance with Section 184 of the *Children Act*, CWSK by its certificate serial number 0XXXX5 declared the child free for adoption on 14.7.13.
5. PMK was on 3.3.25 appointed 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. The Applicant has gone through the requisite assessments, and reports in respect thereof have been duly filed. For the Director of Children Services, a report dated 16.2.26 by Winfred Kambua Kaluku, Kilifi County Coordinator, Children's Services was filed. On her part, PMK the guardian ad litem, filed her report dated 24.3.25. All these reports are favourable and recommend the adoption of the child by the Applicant in the best interests of the child.
7. It is noted that the child has been in continuous care and control of the Applicant for a period of about 13 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 he older than 65 years. He is more than 21 years older than the child. Section 186(2) of the Act has thus been complied with.
8. The Applicant has been made aware of the consequences of an adoption order as well as the rights of an adopted child. He shall continue exercising all parental rights and discharging all duties of the biological parents in respect of the child. I am satisfied that he fully understands that the adoption order is final and binding during the lifetime of the child and that the child shall have the right to inherit his property. The Applicant also understands that he cannot under any circumstances give up the child. The Applicant has demonstrated that he has the psychological and emotional capacity as well as the material resources to raise the child in a loving home environment. The Applicant proposes to name the child ETK
9. The Applicant has nominated JKK to be the legal guardian of the child, in the event of the Applicant dying or becoming incapacitated before the child is of full age. Her consent dated 18.1.23 is on record.
10. After a careful assessment of the reports filed herein this Court has formed the opinion that it would be in the best interest of the child to 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 as prayed in the Originating Summons herein:
 - a. The Applicant JKT, holder of national identity card number 06XXXX59 is hereby allowed to adopt Baby B, who shall henceforth be known as ETK.
 - b. I direct the Registrar General to enter this order in the Adoption Register.
 - c. JKK holder of national identity card number 13XXXX06 is hereby appointed the legal guardian of the child, in the event the Applicant dies or becomes incapacitated before the child is of full age.
 - d. The appointment of PMK, the guardian ad litem now stands expired.

DATED, SIGNED AND DELIVERED AT MALINDI THIS 20TH DAY OF FEBRUARY 2026

M. THANDE

JUDGE

