



**In re Baby AH (Child) (Adoption Cause E032 of 2024)
[2025] KEHC 3988 (KLR) (27 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 3988 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
ADOPTION CAUSE E032 OF 2024
EN MAINA, J
MARCH 27, 2025**

IN THE MATTER OF

**AMM 1ST APPLICANT
LMM 2ND APPLICANT**

JUDGMENT

1. The child in these proceedings, a boy now aged approximately Eleven (11) years, was found abandoned in Karen – Hardy Road near [particulars withheld], Nairobi County on 17th June, 2015. The child was rescued by two good samaritans namely LO of Telephone No. 072XXXX and DM of Telephone No. 071XXXX.
2. The good samaritans reported the matter at Hardy Police Station vide OB No. 35/16/6/2015. At the time of the rescue the child was approximately 1½ years old. The police officers sought a temporary place of safety for the child at the Child Welfare Society of Kenya Mama Ngina Kenyatta TPS.
3. The Child Welfare Society of Kenya’s (CWSK) efforts to trace the child’s kin through social investigations and the media tracing turned futile.
4. Subsequently, the County Director of Children’s Services Nairobi applied for a committal order for the child through the Makadara Law Courts and the child was committed to the Child Welfare Society of Kenya Mama Ngina Kenyatta TPS for three (3) years vide Committal Order P&C No. 125 of 2015 dated 19th August, 2015. Subsequently, on 2nd November, 2016 the child was placed in the custody of the Applicants who had expressed willingness to adopt a child.
5. The child has never been claimed.
6. The child was declared free for adoption on 27th June, 2016 vide Certificate of Declaring a Child Free for Adoption Serial No. 1XXXX.



7. The Applicants herein AMM and LMM are a couple having married under Kamba Customary Law in 2010 and later solemnized their marriage at St. Lukes Kaseve Catholic Church in 2021(see Certificate of Marriage Serial No.47XXXX). They are residents of [particulars withheld] village in Machakos County where they have constructed their own family home.
8. The Applicants are both gainfully self-employed and currently have no biological children of their own as the one they had passed away.
9. The following reports have been duly filed in regard to the adoption.-
 - a. Report of the Guardian Ad Litem
 - b. Report of the Child Welfare Society of Kenya declaring the child free for adoption and also recommending the adoption.
 - c. Report of the Directorate of Children’s Services – County Coordinator Children Services – Machakos County.
 - d. Consent of PMM to act as the Legal Guardian.
10. All the reports recommend this adoption which is a family based and local adoption. The child has been under the continuous care of the Applicants since 1st November, 2016 and they have bonded well and Guardian ad litem highly recommends them as adoptive parents for the child.
11. Having carefully considered all the material before me, I am satisfied that the adoption meets the conditions of part XIV of the *Children Act* and is in the best interest of the child. The Applicants fully understand the implications of an order of adoption and have already assumed their responsibilities. They met all the conditions for adopters set out in the Act.
12. Accordingly, the application is allowed and orders are granted as follows: -
 1. That the Applicants are allowed to adopt the child and an adoption order shall issue.
 2. That the child shall now be known as AMM and the child’s date of birth shall be approximately 20th January, 2014
 3. That PMM is hereby appointed as the Legal Guardian of the child.
 4. That the Guardian Ad Litem is hereby discharged
 5. That this adoption order shall be lodged with the Registrar and the Registrar is hereby directed to enter the adoption in the Children Adoption Register.

It is so ordered.

JUDGMENT DATED, SIGNED AND DELIVERED VIRTUALLY ON THIS 27TH DAY OF MARCH, 2025.

E. N. MAINA

JUDGE

In the presence of:

No appearance for the parties

Court Assistant – Wambua

