



**In re Baby MD (Child) (Adoption Cause E026 of 2024)
[2025] KEHC 3921 (KLR) (27 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 3921 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
ADOPTION CAUSE E026 OF 2024
EN MAINA, J
MARCH 27, 2025
IN THE MATTER OF THE CHILDREN ACT, 2022
AND
IN THE MATTER OF BABY MD (CHILD)
AND
IN THE MATTER OF APPLICATION FOR ADOPTION BY:**

IN THE MATTER OF

**JGM 1ST APPLICANT
GMG 2ND APPLICANT**

JUDGMENT

1. The child in these proceedings is a boy now aged about three and a half (3½) years. He was born at Kiambu Level 5 Hospital on 16th September, 2021 to one MN. The child’s mother had earlier visited the Child Welfare Society of Kenya offices on 7th May, 2021 with the intention of offering her child up for adoption. On 13th October, 2021 the child was placed at Child Welfare Society of Kenya, Mama Ngina Kenyatta Temporary Place of Safety and later committed at the said home for temporary care and protection. On 8th December, 2021 the child’s mother, MN, visited Child Welfare Society of Kenya offices and duly gave her consent for the child to be adopted.
2. The child remained under the care of the Child Welfare Society of Kenya, Mama Ngina Kenyatta Temporary Place of Safety until 27th May, 2022 when he was placed with the prospective adoptive parents for foster care.
3. The Applicants herein are spouses having married under the African Christian Marriage on 9th November, 2013 and hold a Certificate of Marriage No 74XX9.



4. The Applicants are both gainfully self-employed and currently do not have biological children of their own.
5. 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.
 - d. Affidavit of the proposed Legal Guardian RGM.
6. All the reports filed recommend this adoption which is a local adoption and family based. The child has been under the continuous care of the Applicants since 27th May, 2022 and they come highly recommended as adoptive parents for the child.
7. Having carefully considered all the material before me, I am satisfied that the adoption complies with 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.
8. 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 Claudio Silvester Mutugi and his date of birth shall be 16th September, 2021.
 3. That RGM is hereby appointed as the Legal Guardian of the child.
 4. That the Guardian *Ad Litem* is hereby discharged.
 5. That the adoption order shall be lodged with the Registrar and the Registrar is hereby directed to enter the adoption in the Adoption Children 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:

JGM 1st Applicant

GMG – 2nd Applicant

Court Assistant – Wambua

