



**In re Baby MM (Child) (Adoption Cause E017 of 2024)
[2025] KEHC 3989 (KLR) (27 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 3989 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
ADOPTION CAUSE E017 OF 2024
EN MAINA, J
MARCH 27, 2025
IN THE MATTER OF THE CHILDREN ACT, 2022
AND
IN THE MATTER OF BABY MM (CHILD)
IN THE MATTER OF APPLICATION FOR ADOPTION BY**

IN THE MATTER OF

AMM 1ST APPLICANT

EAZ 2ND APPLICANT

JUDGMENT

1. The child in these proceedings, a boy now aged about three and a half (3½) years, was estimated to have been born on 17th July, 2021 vide Certificate of Birth serial No. 6563XXX. The child was found abandoned on 24th July, 2021 at the roadside along Kyumbi, Makutano Area. The child was rescued by two Good Samaritans namely Onesmus Ndambuki Nyamai a driver of the County government of Machakos and Mary Mutua nurse of Machakos Hospital respectively.
2. The incident was reported to the Kyumbi Police station and the child take to Machakos Level 5 Hospital whereby the child was admitted at the New born unit for further medical attention.
3. On 30th July, 2021 the child, was committed to the Nest Children’s Home for a period of 1 year by the Children’s Court at Machakos P7C No.E036 of 2021. Subsequently, on 2nd September, 2021 the child was placed in the custody of the Applicants who had expressed willingness to adopt a child. The child was never claimed.
4. The Applicants herein are a couple having married on 6th September, 2008 and hold a Certificate of Marriage No.600XXX.



5. The Applicants are both gainfully self-employed and currently have no biological children of their own.
6. The following Reports have been duly filed in regard to the adoption. -
 - a. Report of the Guardian Ad Litem.
 - b. Report of the Little Angels Network Adoption Society declaring the child free for adoption. The report also is in favour of an adoption order being made.
 - c. Report of the Directorate of Children's Services – County Coordinator Children Services – Machakos
 - d. Consent of BMN and EOO to act as the Legal Guardians.
7. All the reports filed recommend this adoption which is a local adoption and is family based.
8. The child has been under the continuous care of the Applicants since 2nd September, 2021 and they have bonded well. The Applicants come highly recommended as adoptive parents for the child.
9. Having carefully considered all the material before me, I am satisfied that this application is fully compliant with part XIV of the *Children Act*. I am also satisfied that the adoption is in the best interest of the child. The Applicants fully understand the implications of an adoption order and have already assumed their responsibilities. They met all the conditions for adopters as set out in the Act.
10. Accordingly, In the application for adoption is allowed and orders are granted as follows:-
 1. That the Applicants are allowed to adopt the child and an adoption order be and is hereby issued.
 2. That BMN and EOO are hereby appointed as the Legal Guardians of the child.
 3. That the child shall now be known as ATM and the date of birth of the child shall be 17th July, 2021.
 4. That the Guardian Ad Litem is hereby discharged.
 5. That the adoption order shall be lodged with the Registrar.
 6. That the Registrar is hereby directed to enter the adoption in the Adopted 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:

Mr. Muia for the Applicants

No attendance by the Applicants

Wambua - Court Assistant

