



**In re Adoption of Baby MM alias Baby LM (Adoption Cause E205 of 2024)  
[2025] KEHC 9784 (KLR) (Family) (26 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 9784 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**FAMILY**

**ADOPTION CAUSE E205 OF 2024**

**SN RIECHI, J**

**JUNE 26, 2025**

**IN THE MATTER OF AN APPLICATION FOR  
THE ADOPTION OF BABY MM ALIAS BABY LM**

**IN THE MATTER OF**

**CNN ..... 1<sup>ST</sup> APPLICANT**

**TKA ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The Applicants, CNN and TKA are in a monogamous marriage. The applicants’ marriage was solemnized on 22<sup>nd</sup> November 1999 at the Office of Registrar of Marriage as evidenced by a copy of their Marriage Certificate serial number 17XX53 attached to the application.
2. The male applicant CNN is a Kenyan citizen aged 52 years old having been born in 1973 as evidenced by a copy of his national identification card number 12XXX37 attached to the summons. The female applicant TKA is a Kenyan citizen aged 38 Years old having been born on 18.03.1987 as evidenced by a copy of her national identification card number 26XXX57 attached to the application.
3. The male applicant CNN is a Businessman currently self employed. The female applicant TKA is a Businesslady currently self employed. The applicants reside at [particulars withheld] Estate Maralal Town.. They both profess Christian Faith.
4. The applicants union is not blessed with a biological child of their own and therefore the applicants wish to adopt a male child known as Baby MM aged 5 ½ Years old through an originating summons dated 23<sup>rd</sup> September 2024.
5. The evidence before the court indicates that the minor was born on 8<sup>th</sup> January,2020 as evidenced by a copy his birth certificate entry number 0271XXX412 attached to the application. The child



was born at Kenyatta National Hospital to biological mother M aged 28 years old of phone number 0737XXX823 and DS whose age is unknown of phone number 0710XXX111.

6. From the pleadings, the child's mother after delivery was admitted in ward Good For Birth for treatment. However on 13<sup>th</sup> January 2020, she absconded the hospital leaving the child behind. The child was transferred to the New Born Unit for accommodation.
7. The evidence on record indicates the child's father was later identified and it is reported that D visited the child once at the hospital after the mother abandoned and since then he has never shown up. The hospital reported that efforts to contact the parents had been in vain.
8. From the evidence on record, this court finds that the matter was reported at Kenyatta Police Post where the case was recorded and booked *vide* Occurrence Book Number 10/26/05/2020 as evidenced by police initial letter attached to the application.
9. The evidence on record shows that on 27<sup>th</sup> May 2020, Medical Social Worker at Kenyatta National Hospital wrote a letter addressed to Nairobi County Children's Office. The letter confirmed the child's abandonment and referred the case to the Children's Office for home placement.
10. On 27<sup>th</sup> May 2020, Children's Officer at Nairobi Children's Court issued a letter addressed to New Life Home Trust. The letter confirmed the child's abandonment and requested the home to offer the child care and protection pending formal committal by the court since the child had remained unclaimed at the hospital.
11. The evidence in court indicates that on 29<sup>th</sup> May 2020, Kenyatta National Hospital wrote a home placement report In Patient number 205XX99. The report confirmed the child's abandonment by his mother at the hospital and stated that the child was released to New Life Home Trust for home placement. The child was admitted to New Life Home Trust on 29<sup>th</sup> May 2020.
12. From the pleadings, this court finds that On 9<sup>th</sup> June 2020, Kenyatta Police Post issued the Initial Police letter booked *vide* Occurrence Book number 10/26/05/2020 addressed to New Life Home Trust. The letter confirmed the child's abandonment and stated that since the day the matter was reported at the police station, investigations were conducted. However, efforts to trace the mother or any relative were fruitless and nobody had come to claim the child. Therefore, requesting the home to take appropriate action for the best interest of the child as per law.
13. On 22<sup>nd</sup> October 2020, Westlands Sub-County Children's Office wrote a report addressed to the Resident Magistrate at Nairobi Children's Court. The report confirmed the child's abandonment and recommended the child be committed to New Life Home Trust for a period of three (3) years pending investigations. On 2<sup>nd</sup> December 2020, the Resident Magistrate Children's Court Nairobi committed the child to New Life Home Trust *vide* care and protection number 299 of 2020 for a period of three (3) years as evidenced by a committal order attached to the application.
14. From the evidence on record, this court finds that On 12<sup>th</sup> January 2021, New Life Home Trust wrote a letter addressed to Kenyatta Police Post. The letter requested the Police Post for a final police letter in respect of the child as well as the findings of the whereabouts of the mother and if any claimants for the child had presented themselves.
15. On 19<sup>th</sup> January 2021, Kenyatta Police Post issued a final police letter addressed to New Life Home Trust. The letter stated that since the day the matter was reported at the Police Post, investigations were conducted and efforts to trace the child's mother or any family relative were fruitless and nobody had ever come forward to the station to claim the child. Therefore, requested the home to take any appropriate action for the best interest of the child as per the law.



16. The applicants stated that they have no previous criminal record and no pending criminal prosecution as evidenced by their respective police clearance certificates attached to the application.
17. The applicants are both physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of their Medical reports attached to the application.
18. The applicants are financially stable and they are therefore able to provide fully for the child's need as evidenced by copies of their financial documents attached to the application.
19. Prior to the hearing of the adoption application, Little Angels Network prepared and filed a report dated 5<sup>th</sup> May 2023 recommending the adoption . They also issued a Certificate Serial No.....declaring the child free for adoption pursuant to section 156 (1) of the Children's Act as evidenced by the copies of a report and certificate declaring a child free for Adoption attached to the application.
20. The guardian ad litem Ms.Catherine Wambui Kinyua filed a report dated 21<sup>st</sup> September, 2024 which was favourable and recommended the adoption of the child by the Applicants.
21. Ms.Mary Atati,the Assistant Director Children's Services conducted home visits and established that the applicants are financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 26<sup>th</sup> February 2025. The report is positive and recommended the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants and that the Applicants have fulfilled the statutory requirements.
22. Mr. JBN and LKM consented to be appointed as legal guardians for the child and signed their letters of consent attached to the application.
23. This is a local adoption and from the record the Applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the child's biological parents whereabouts is unknown. The child was in court during the virtual hearing and appeared to have bonded well with the Applicant.
24. I have examined the evidence herein against the best interest of the child as required in Article 53 (2) of the Constitution and Section 8 of the Children's Act,2022. I do find that it is in the best interest of the child to be adopted by the Applicants. I therefore allow the prayers sought in the originating Summons dated 23<sup>rd</sup> September 2024 and Order as follows:
  - i. The CNN and TKA are hereby authorized to adopt BABY MM ALIAS BABY LM who shall henceforth be known as SO.
  - ii. The child is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution.
  - iii. Mr. JBN and LKM are hereby appointed the legal guardians of the child.
  - iv. The Registrar General is directed to enter this Order in the Register of Adopted Children.
  - v. The guardian ad litem is hereby discharged.

**DELIVERED AT NAIROBI THIS 26<sup>TH</sup> DAY OF JUNE 2025**

.....

**S. N. RIECHI**

**JUDGE**

