



**In re Baby P (Child) (Adoption Cause E008 of 2025)
[2025] KEHC 9233 (KLR) (26 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 9233 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
ADOPTION CAUSE E008 OF 2025
EN MAINA, J
JUNE 26, 2025
IN THE MATTER OF THE CHILDREN ACT, 2022
AND
IN THE MATTER OF BABY P (CHILD)
AND
IN THE MATTER OF APPLICATION FOR ADOPTION BY**

IN THE MATTER OF

**JKP 1ST APPLICANT
CKW 2ND APPLICANT**

JUDGMENT

1. The child in these proceedings is a boy now aged three (3) years old (estimated to be born on 27th June 2022). He was found abandoned at the gate of Indian Bazar Kiambu by a good samaritan on 27th February, 2023. With him there was a photograph of a man and a letter that had details stating that he is the father of the child as well as a telephone Number 0710XXXX37 that was purportedly to be his. The matter was reported to Kiambu Police Station on the same day as evidenced by a copy of the initial letter dated 27th February, 2023. An OB No. 60/27/2/2023 was issued.
2. A referral was made by Kiambu Sub-County Children Officer. Efforts to contact the purportedly father's telephone number turned futile. The child was taken to Medilink Medical Clinic for medical check-ups and later admitted to Morning Star Children's Home as an abandoned child for care and protection.
3. Subsequently, the Children's Court in Kiambu committed the child to the Morning Star Children's Home as a child in need of care and protection, *vide* Care and Protection Case No. E009 of 2023.



4. The child was never claimed as confirmed by the final police letter from Kiambu Police Station dated 7th March 2024 which indicated that no one went to the station to claim for the abandoned child and their efforts to trace the child's parents/kindred turned futile. Also the Kenya Children's Home personnel contacted the alleged minor's father on Telephone No. 0710XXXX37 but the mobile number subscriber reported that he does not know the story and he did not want anything to do with the matter.
5. In a meeting held on 18th September 2024 the case Committee of the Kenya Children's Homes Adoption Society declared the child free for adoption and issued a certificate 1020 to that effect.
6. The Applicants herein Joseph Kioko Peter and Catherine Kakuvi Wambua had approached the Kenya Children's Homes Adoption Society on 24th January 2023 with an intention of being ratified for placement with a male child aged below five years with a view of eventually adopting the child. Home assessment visits were carried out by the officers of Adoption Society at their residence in Machakos. The Adoption Society in their Case Committee sitting on 19th April, 2023 approved them as suitable potential adoptive parents. They were subsequently placed with the child herein Baby Patrick from Morning Star Children's Home on 31st October 2024. The Applicants have been fostering the child since then.
7. The Applicants are residents of Mumbuni in Machakos County. They are a couple having been married on the year 2003 at AIC Mumbuni Church as per the certificate of marriage No.47----6. The Applicants lives in their own house standing on their ancestral land with supply of water and electricity. They are both self-employed owning a retail business, operating rentals as well as engaging in farming therefore they are stable financially as they have an income from both their businesses as well as farming. The Applicants have one adult biological daughter RMK born on 11th September 2004.
8. The following reports have been duly filed in regard to the adoption.-
 - a. Report of the Guardian Ad Litem.
 - b. Reports from the Kenya Children's Home Adoption Society declaring the child free for adoption and also recommending the adoption.
 - c. Report of the Directorate of Children's Services – Sub County Children Services – Machakos Town also Recommending the adoption.
 - d. Affidavit & Consent of JNP & MK to act as the Legal Guardians.
 - e. Consent of RMK (the Applicants biological daughter
9. 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 31st October 2024 and they have bonded well and the Guardian ad litem highly recommends them as adoptive parents.
10. 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 have met all the conditions of an adopter as set out in the *Act*.
11. Accordingly, the application is allowed and orders are granted as follows: -
 1. That the Applicants be and are hereby allowed to adopt the child and an adoption order shall issue.



2. That the child shall now be known as Patrick Ngumbau Kioko.
3. The child's date of birth shall be 27th June 2022.
4. That JNP & MK are hereby appointed as the Legal Guardians of the child.
5. That the Guardian Ad Litem is hereby discharged
6. That this adoption order shall be lodged with the Registrar General and the Registrar General is hereby directed to enter the adoption in the Adopted Children Register.

It is so ordered.

JUDGMENT DATED, SIGNED AND DELIVERED VIRTUALLY ON THIS 26TH DAY OF JUNE, 2025.

E. N. MAINA

JUDGE

In the presence of:

No attendance by the Applicants

Geoffrey - Court Assistant

