



**In re ML (Child) (Adoption Cause E036 of 2024)
[2025] KEHC 9091 (KLR) (26 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 9091 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
ADOPTION CAUSE E036 OF 2024**

EN MAINA, J

JUNE 26, 2025

IN THE MATTER OF THE CHILDREN ACT, 2022

AND

IN THE MATTER OF ML (CHILD)

AND

IN THE MATTER OF

RMM 1ST APPLICANT

MMM 2ND APPLICANT

JUDGMENT

1. The child in these proceedings is a male child now aged Two and a half (2½) years old (estimated to be born on 1st December, 2023). He was found abandoned at Mlolongo near the bridge. One Millicent Mutuku (a village elder) of Tel No XXXXXXXXXXXX was called and she rescued the child. On 2nd December 2023, Millicent Mutuku together with the area Assistant Chief reported the matter to Mlolongo Police Station. An OB No 29/02/12/2023 was issued. The child was admitted at Mahali Pa Maisha Rescue Centre on the same day 2nd December, 2023.
2. Subsequently, the Children’s Court in Mavoko committed the child to the Mahali Pa Maisha Infant Rescue Centre for care and protection vide Care and Protection Case No E053 of 2023 on 18th December 2023 and the committal was renewed on 3rd April 2024.
3. The child was never claimed as confirmed by the final police letter from Mlolongo Police Station dated 18th June 2024 which indicated that no one had claimed the abandoned child and their efforts to trace the child’s kin turned futile. Also the Mahali Pa Maisha Infant Rescue Centre reported that during the period the child had stayed in the institution no relative had ever turned up to claim the child and



neither have they ever received any information from the police regarding any claimants. The child remained in the care of Mahali Pa Maisha Infant Rescue Centre until 26th June 2024 when he was placed in the care of the Applicants Mr. RMM and Mrs MMN. The child has bonded well with the Applicants.

4. In a meeting held on 21st June 2024 the case Committee of Buckner Kenya Adoption Services declared the child free for adoption and issued a certificate 0804 to that effect.
5. The Applicants herein RMM and MMN made a joint adoption application to Buckner Kenya Adoption Services on 15th April 2024 with an intention of being ratified for placement with a male child aged below one year with a view of eventually adopting the child. This is their 2nd adoption application as they successfully completed the 1st adoption application of baby Woki Muteti and the Adoption Orders granted on 23rd May 2023. Home assessment visits were carried out as well as pre-adoption counselling and training by the officers of the Adoption Society. The Buckner Kenya Adoption Services in their Case Committee sitting on 24th May 2024 approved them as suitable potential adoptive parents. They were subsequently placed with the child herein Baby Michael Levi from Mahali Pa Maisha Infant Rescue Centre on 27th June 2024. The Applicants have been fostering the child since then.
6. The Applicants are residents of Transview Estate Athi River within Machakos County. They are a couple having been married in the year 2007 under the African Christian marriage. The Applicants do not have any biological children but have one (1) adopted son, Woki Muteti born on 20th March 2021 (who they successfully completed adoption process and adoption orders were granted on 23rd May 2023). They live in a 3 bedroomed house with water and electricity and the environment is conducive for a growing child. The male Applicant is self-employed working as an Interior Designer while the female Applicant works with UN –Habitat therefore they are stable financially as they have an income from both their businesses as well as employment.
7. The Applicants extended family are supportive of the adoption and they have appointed VM (a sister to the male applicant) as the Legal Guardian to the child.
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 – Athi River Sub-County also recommending the adoption.
 - d. Affidavit & Consent of VKM & to act as the Legal Guardians.
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 26th June 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 Kata Muteti.
3. The child's date of birth shall be 1st December 2023.
4. That VKM be and is hereby appointed as the Legal Guardian 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:

Mr. Muia for the Applicants

Geoffrey - Court Assistant

