

KENYA / JUDGMENT

# In re JM (Baby) [2026] KEHC 12370 (KLR)

**[2026] KEHC 12370 (KLR)****COURT**

High Court

**BEFORE**

JWW Mong'are

**CASE / FILE NUMBER**

Adoption Cause E033 of 2025

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In re JM (Baby) (Adoption Cause E033 of 2025) [2026] KEHC 12370 (KLR) (31 July 2026) (Judgment)

Neutral citation:

**[2026] KEHC 12370 (KLR)**

Republic of Kenya

In the High Court at Machakos

Adoption Cause E033 of 2025

JWW Mong'are, J

July 31, 2026

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY T.K.M

AND J.M.K.

## Judgment

1.What is before this Honourable Court for determination is Applicant's undated Originating Summons and it seeks the following orders;1.That the Applicants, T.K.M and J.M.K be authorized to adopt the Child identified as Baby J. M2.That the child be renamed E. M. K3.That the child be presumed to be a Kenyan Citizen by birth and as a consequence, be entitled to the rights and benefits of a Kenyan Citizen, including being issued with a Kenyan Passport whenever desired.4.That consent of the biological parents/guardians be dispensed with.5.That the guardian ad litem be discharged, and A. M. M be appointed as legal guardian of the Child, in the event that the Applicants herein is incapacitated or in any way unable to discharge their parental obligations.6.That the Registrar General be directed to make the appropriate entries in the Adopted Children's Register.7.That this Court do issue such further orders as are in the interest of justice.

2.The Applicants are a Kenyan married couple having solemnised their marriage under the Civil Marriage Act (CAP 151- Laws of Kenya) on 3/9/2005 in a church wedding at AIC Musingini, marriage certificate no. 38xxx8. They reside at Musingini in Masinga Sub County, Machakos County. T.K.M is a Teacher while J.M.K is a Pastor and a business woman. Jointly, they have a decent income hence have the means to provide for the child. They have had a custody of the child for 5 years. The child is 10 years having been born on xx/xx/2015. The applicants fully understand the implications of an adoption order. They do not have any other biological children.

3.J. M is a male Child who was born on xx/xx/2015 to D.N at Moi Teaching and Referral Hospital Eldoret. The mother absconded abandoning the child at the post natal ward on xx/xx/2015 during visiting hours forcing the child to be admitted in the new born unit until xx/xx/2025 when he was placed at Child Welfare Society of Kenya for temporary case. The matter was reported at Naibei police station vide OB no. xx/xx/11/201. Efforts to search for the mother did not bear any fruit therefore the child was committed to care of the society vide CM's court at Eldoret. On 22nd May, 2017 Naibei police station issued a letter indicating that efforts to trace the mother didn't bear any fruit. The child was then declared free for adoption by Child Welfare Society of Kenya under certificate serial no.1217. He was placed with the applicants on 26/7/2021 while aged 6 years. The child has been in their continuous care for the last 5 years.

4.That the child was placed in the care of T. K M and J. M. K. on 26/7/2021 where he has continued to enjoy the parental love, care and good nurturing accorded to him by the applicants. The applicants were taken through the relevant interviews, home assessment was done and a certificate of acknowledgment was duly signed, thereafter the case committee approved their application and declared the applicants fit to adopt the child.

5.The Reports filed in respect of the proposed adoption of the child by the Applicants recommends that this Court allows the Applicants to adopt the child. A report dated 15th July, 2026 by County Coordinator of Children Services confirmed that the child and the Applicants have bonded well and they are socially and financially capable of raising the Child. It also confirmed that the Applicants have a clean bill of health and that they have no criminal records as evidenced by annexed copies of their Certificates of Good Conduct thus recommended the adoption process as in line with principles of best interests of the child. Another report by Child Welfare Society of Kenya also recommended adoption of the child.

## Determination

6.The Court has evaluated the facts of this local adoption from the Reports filed. It is evident that the Applicants have fulfilled all the legal requirements of a local adoption as required under Section 184 of the Children's Act, 2022. This Court has satisfied itself that the Applicants are qualified and able to take care of the child. The home visits conducted by the representative of the Department of the Children's Services established that the Applicants have the financial and emotional capability to provide for the upkeep, care and education of the Child and that the Child has bonded well with the Applicants. It is also evident that the Applicants have support from their

family. The guiding principle remains in the best interests of the child pursuant to Section 8 and 194 (1) (c) of the Children's Act Cap 141 of the Laws of Kenya. All the necessary Reports and consents signed by Applicants for this Adoption have been filed.

7. Article 14 (4) of the Constitution of Kenya 2010 provides that: -“(4)A child found in Kenya who is, or appears to be less than eight years of age and whose nationality and parents are not known, is presumed to be a citizen by Birth.”

8. This court is therefore of the opinion that this Adoption would be in the best interest of the child and allows the Applicants' application that; a. The Applicants, T. K. M and J. M. K are hereby allowed to adopt Baby J. M. b. Henceforth, the child shall be known as E. M. Kc. His date of birth shall be 26/10/2015. d. He is presumed to be a citizen of Kenya by birth. e. A. M. M. is hereby appointed as legal guardian of the child. f. The Registrar General to enter this order in the Adoption Children's Register. g. The Registrar General is authorised to issue the child with Birth Certificate. h. The Director - Immigration Services is authorised to issue the child with a Kenyan Passport when necessary. i. The guardian ad litem is hereby discharged forthwith. It is so ordered.

DATED SIGNED AND DELIVERED AT MACHAKOS THIS 31ST DAY OF JULY, 2026 J.W.W.  
MONGARE JUDGE In the Presence of; Applicants T.K.M.J.M.K Baby J.M

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