



**In re JB (Child) (Adoption Cause E016 of 2025)
[2025] KEHC 17860 (KLR) (27 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 17860 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
ADOPTION CAUSE E016 OF 2025
EN MAINA, J
NOVEMBER 27, 2025**

IN THE MATTER OF

FNK 1ST APPLICANT

DWK 2ND APPLICANT

***(IN THE MATTER OF THE CHILDREN ACT, 2022 AND IN THE MATTER OF JOSPHAT
BARAKA (CHILD) AND IN THE MATTER OF APPLICATION FOR ADOPTION BY)***

JUDGMENT

1. The subject in these proceedings is a male child now seven years old, (estimated to have been born on 10th October, 2018). He was found abandoned on 17th October, 2018 along Particulars withheld Road in Makongeni, Thika sub-County. The child was rescued by a well-wisher, J F W M aka J F W M of mobile Phone No. 072XXXXXX09/07XXXXXXX3 who made a report of the child's abandonment at the Makongeni Police Station vide OB 14/17/10/2018. The child was taken to Thika Level V Hospital for medical attention vide a medical report dated 17th October 2018.
2. Subsequently, upon discharge from Thika Level V Hospital, the Children's Court in Thika committed the child to the Happy Life Children's Home (a partnering home with CWSK) for care and protection vide Care and Protection Case No. 190 of 2018 on 13th November 2018.
3. Comprehensive investigations were conducted in regard to this matter to trace the child's family by both the police and the CWSK as confirmed by police letters from Makongeni Police Station dated 8th May 2019 and 11th December 2020 which indicated that no one had claimed the abandoned child and their efforts to trace the child's kin turned futile. The Child Welfare Society of Kenya (CWSK) engaged both social investigations and media tracing as well as contacting the Good Samaritan who rescued the child who reported that nobody had come forth to claim or inquire about the child. The publishing was done in the local dailies as per media publications in The People Daily of 12th March 2021, 30th April 2021, 4th May 2021 and 16th July 2021 but despite all these efforts the child remained unclaimed.



4. In a meeting held on 23rd April 2021 the case Committee of Child Welfare Society of Kenya (CWSK) declared the child free for adoption and issued a Certificate No.1093 to that effect. The child was placed in the care of the Applicants Mr. F N K and Mrs D W K on 13th August 2021. The child has bonded well with the Applicants.
5. The Applicants herein F N K and D W K made a joint adoption application to the Child Welfare Society of Kenya (CWSK) with an intention of being ratified for placement with a child with a view of eventually adopting the child. A home assessment visit was conducted on 20th December 2022 to establish the suitability of the applicants to adopt baby Josphat Baraka. The Applicants were subsequently placed with the child herein Baby Josphat Baraka by Child welfare Society of Kenya (CWSK) on 13th August 2021. The Applicants have been fostering the child since then.
6. The Applicants are residents of Kitengela within Kajiado County. They are a couple having been married under customary law in the year 2011 and thereafter solemnized their marriage. The Applicants do not have any biological child of their own. They live in their own one bedroomed house with all amenities provided and the environment is conducive for a growing child. The male Applicant is a civil servant working with the Kenya Forest Service while the female Applicant is self - employed operating her own business therefore they are stable financially as they have an income from both employment and the business.
7. The Applicants extended family are supportive of the adoption and they have welcomed and embraced the child and they relate well with him.
8. The following reports have been duly filed in regard to the adoption:-
 - a. Report of the Guardian Ad Litem.
 - b. Reports from the Child Welfare Society of Kenya (CWSK) Society declaring the child free for adoption and also Recommending the adoption.
 - c. Report of the Directorate of Children's Services County Children recommending the adoption.
 - d. Affidavit of W M K & to act as the Legal Guardian.
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 13th August 2021 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 I B N.
 3. The child's date of birth shall be 10TH October, 2018.
 4. That W M K 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 27TH DAY OF NOVEMBER, 2025.

E. N. MAINA

JUDGE

