



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re JW (Child) (Adoption Cause E009 of 2023)  
[2023] KEHC 21982 (KLR) (25 August 2023) (Judgment)**

Neutral citation: [2023] KEHC 21982 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
ADOPTION CAUSE E009 OF 2023**

**A MSHILA, J**

**AUGUST 25, 2023**

**IN THE MATTER OF**

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

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

**JUDGMENT**

1. The application is brought by way of an Originating Summons and is dated February 24, 2023 and is premised under the provisions of Sections 183, 184, 185, 186, 188 and 193 and all other enabling provisions of the [Children's Act 2022](#). The Applicants seek the following Orders;
  - a. That Hellen Waithera Mucheru be appointed as guardian *ad litem* of Jecinta Wanjiru;
  - b. That the Applicants Stephen Njoroge Kanyoni And Salome Nduta Ngaruiya be authorized to legally adopt Jecinta Wanjiru who will be known as Jecinta Wanjiru;
  - a. Flora Njeri Ngaruiya be appointed as next of kin and legal guardian to Jecinta Wanjiru;
  - b. The Registrar General do make the appropriate entry of Jecinta Wanjiru in the Adopted Children's Register.
2. The application was supported by a joint statement and Affidavit made by the Applicants; The Guardian *Ad Litem* Hellen Waithera Mucheru was appointed on March 15, 2023; This court directed the Director of Children's Services and the Guardian *Ad Litem* to conduct a home visit and do investigations and to file their Reports on the suitability of the Applicants.
3. After visiting and interrogating the Applicants the Nairobi County Children's Office and the Guardian *Ad Litem* filed their respective Reports on the Applicants suitability to adopt Jecinta Wanjiru; the reports were duly filed in court and are dated April 25, 2023 and May 4, 2023 respectively; both reports are highly favourable to the Applicants and recommend their suitability as adoptive parents.



4. The child Jecinta Wanjiru who is female was born on December 19, 2007; her biological parents are John Kamau Ngaruiya and Joyce Gathoni Gitau who are casual labourers and claim to be financially incapable of providing for the child's basic needs thereby rendering her to be a child in need of care and protection; John Kamau Ngaruiya is a younger brother of the second Applicant and together with his wife have offered up the child for kinship adoption by the child's aunt and uncle; both parents have signed the Certificate of Acknowledgement and Consent dated January 16, 2023. After reading and taking into consideration the contents of these Reports this court was satisfied that all the legal requirements had been adhered to notably; Jecinta Wanjiru was declared free for adoption under Section 156(1) of the Children's Act and on January 31, 2023 a Certificate Serial Number 002317 issued by the Little Angels Network; the Applicants are Kenyan citizens and they solemnized their marriage on June 30, 2007 at Pelham, New Hampshire as evidenced by the copy of the attached Certificate of Marriage Serial No 1140355; at the time of filing this application the prospective adoptive parents one Stephen Njoroge Kanyoni was aged 73 years whereas Mercy Gathoni Njiri was aged 61 years and this court has taken note that the age of the first Applicant does not fall within the prescribed legal parameters; The Applicants have one biological child of their own who is aged 38 years and he has consented to the adoption in writing; both Applicants are farmers and also carry on business and have produced into court copies of Bank Statements to prove their financial capability to support Jecinta Wanjiru when they assume responsibility of her upbringing.
5. The Certificate of Good Conduct is current and valid and this court is satisfied that there are no adverse circumstances discernible from the families of the Applicants or any individual characteristics or lifestyle that would be detrimental to the child;
6. It is noted that the consent of the proposed Legal Guardian has been duly filed.
7. Despite the one shortfall being the age of Stephen Njoroge Kanyoni this court has noted that the child has lived with the Applicants since the year 2018 and as reported in the Guardian ad Litem report that despite his age the Applicant has through the years developed a very healthy relationship with the child; Jecinta Wanjiru being a child over 14 years as required by law has acknowledged and consented in writing to the adoption; the child appeared online and the court had the opportunity to interrogate her and took note of her pleasant and happy demeanor; also upon perusal of her report cards the court took cognizance that her performance in school was exceptionally good which connotes stability;
8. For the reasons stated above this court is satisfied that the Applicants have fulfilled all the pre-requisites for adoption orders and are found to be suitable persons to adopt Jecinta Wanjiru and it is satisfied that the order for adoption will be in the best interest of the child.

### **Findings & Determination**

9. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
10. The Applicants are hereby authorized to adopt Jecinta Wanjiru she shall be known as Jecinta Wanjiru.
11. The Registrar General is hereby directed to enter this adoption order of Jecinta Wanjiru in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name Jecinta Wanjiru.
12. The Guardian Ad Litem Hellen Waithera Mucheru is hereby discharged and Flora Njeri Ngaruiya be and is hereby appointed to stand in as next of kin and legal guardian to Jecinta Wanjiru until the minor attains the age of majority of eighteen (18) years.



13. The child Jecinta Wanjiru shall not to be taken out of the courts jurisdiction without leave of this court.  
Orders Accordingly.

**DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 25<sup>TH</sup> DAY OF AUGUST, 2023.**

**HON.A. MSHILA**

**JUDGE**

In the presence of;

Mwenda – Court Assistant

Wamuyu – for Applicants

