



**In re JA alias AJN (Child) (Adoption Cause E002 of 2025)  
[2025] KEHC 14804 (KLR) (16 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 14804 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERUGOYA  
ADOPTION CAUSE E002 OF 2025  
EM MURIITHI, J  
OCTOBER 16, 2025  
IN THE MATTER OF ADOPTION BABY JA ALIAS AJN (CHILD)**

**IN THE MATTER OF**

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

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

**JUDGMENT**

1. This is an application by Amended Originating Summons dated 5<sup>th</sup> March 2025 and Amended on 15<sup>th</sup> July 2025 for the adoption of Baby JA , female child aged 2 years 7 months at the time of judgment (DOB 10<sup>th</sup> May 2023).
2. The applicants MMM (50) and BMM (48) are spouses who, as businesspeople, are shown to be able to provide for the child and they understand the permanent nature of an adoption process as well as its consequences that the child becomes their child for all purposes with all the rights accruing to a child including inheritances of their property as a biological child. They have lived with the child for almost two years, since 29/11/2023 the time of the hearing. They pledged to continue to care for the child along with their other children to bring them up in accordance with Christian teaching.
3. The subject, a female child is presumed to have been born on 10<sup>th</sup> May 2023, was found abandoned by her mother besides a river at Mlolongo Phase 3 in XXXX Town by a good Samaritan (CN ID. No. 3595xxxx; Mobile phone 076838xxxx), and upon rescue a report made at Mlolongo police station OB/12/11/05/2023. The child was admitted at Mahali pa Maisha Infant Rescue Centre on 11/5/2023 and subsequently formally committed by Children Court Mavoko on 18/5/2023 in Mavoko Care and Protection Case NO. E021 of 2023 on 6/10/2023.
4. On 14/11/2023, Mlolongo Police Station confirmed by a final letter indicating that the child had not been claimed by anybody following the first report dated 11/5/2023.



5. The child was on 12/6/2024 declared free for adoption by the Case Committee of the Change Trust Adoption Society, Ngong road, Nairobi.
6. By Report dated 25/7/2025, the Sub-County Children Officer, Kirinyaga Central Ms. Angeline N. Macheru recommends the adoption of the said Baby JA alias AJN by the applicants, presenting the case as follows:

“ [T]he application before the Court meets the legal requirements as indicated in *Children Act* 2022, sections 185 and 186. The potential parents have further exhibited their abilities to look after not only 1 but 4 children including the subject, who are not biologically theirs. They have offered love, care and protection to them. From previous records, home visit, interviews, general observations and assessment, it’s in the best interest of the subject of the subject to remain with the potential adoptive parents. I therefore recommend baby Adriel Juana alias Adriel Nyawira to be adopted by MMM i and BMM .”

7. The Report of the Guardians ad Litem dated 5/3/2025 and presented with the application by JKM and JWK , respectively elder brother and sister in law of the 1<sup>st</sup> applicant and spouses for 30 years with three big children (two adult) of their own, recommends the adoption as being in the best interest of the child, and point out that –

“ 8. We are of the considered opinion that the proposed adoption will be in the best interest of the child for the reasons that:

- a. The child was abandoned by her mother at Mlolongo Phase 3, Mavoko.
- b. The child was placed in the applicants’ care when [s]he was 6 months old and has established an emotional bond with the applicant at the earliest stage in life.
- c. The applicants have shown willingness to take charge of the child and to provide her with necessary love and care and [are] capable of doing so.
- d. There are no adverse circumstances discernible with the applicant’s family, individual character or lifestyle that would be detrimental to the child.”

8. The Court also examined the two guardians ad litem before the Court on 24/6/2025, with the 2<sup>nd</sup> Guardian ad litem, sister in law of the 1<sup>st</sup> applicant, testifying on oath that:

“ I have been with the applicants during the whole time they have been placed with the child. We discussed the matter even before they took the child under their care. It has been 1 ½ years.

They are taking good care of the child. They are patient. They care for their children. They are hardworking business people. They are peace makers when people disagree.”

9. The proposed Legal Guardian, Ms. Purity Nyawira Githinji, 36, a niece of the 1<sup>st</sup> applicant, has given consent for her appointment dated 22/7/2025 and upon examination before the Court, demonstrated that she understands and accepts the role and duties of a legal guardian in the event of disability or death of the applicants making them unable to provide for the welfare of the child.
10. The statutory consents have been waived in view of the circumstances of the case, where the child was abandoned by the mother at a riverside at Kyumbi, Mlolongo Machakos County immediately after his birth.



11. Counsel for the applicants, Mrs. Wahome, in brief oral submissions before the Court highlighting the facts of the case and urged the Court to approve the adoption in the best interest of the child.
12. The Court examine the subject child on 24/6/2025 and observed as follows:

“Court:  
The Court examines the child:  
The Court notes that the child about 2 years and 1 month is well-groomed, pleasant, prays and is able to communicate in Kiswahili and to draw on her book . She is led by the 2<sup>nd</sup> Applicant to the Bench being initially uncomfortable with approaching unfamiliar surroundings of the Court. She appears to have bonded well with the 2<sup>nd</sup> applicant.”
13. The Court considers that it is in the best interests that the child gets a home with loving parents who have demonstrated willingness and ability to love, care and protect her in a family setting over the period of her placement with them from 29/11/2023. The Legal guardian is approved and the guardians ad litem shall be discharged in accordance with the law. The Court was impressed by the family support that the applicants’ proposed adoption received from the two guardians ad litem and the legal guardian, all close relatives of the applicants but all who the Court observed to be sincere in their testimony before the Court.

#### **Orders**

14. Accordingly, for the reasons set out above, the Court makes the following Orders:
  1. Pursuant to section 187 (1) (a) and (2) (a) of the *Children Act*, the consent of the biological parents of BABY JA ALIAS AJN is dispensed with since the child was abandoned shortly after birth.
  2. The Applicants MMM and BMM are authorized to adopt BABY JA ALIAS AJN a minor.
  3. The child shall be known as AJN and the Registrar General is directed to enter this adoption into the Register of Adoptions.
  4. The Court appoints PNG as the Legal Guardian of AJN the child subject of these proceedings for purposes of section 195(1) of the *Children Act*.
  5. The Court directs the Registrar General to make the appropriate entries in the Adopted Children Register in respect of BABY JA now known as AJN pursuant to section 201 (1) of the *Children Act*.
  6. The Court orders that the child BABY JA now known as AJN shall be considered a Kenyan Citizen in terms of Article 14 (4) of *the Constitution* of Kenya.
  7. The Guardians Ad Litem JKM and JWJ discharged in terms of section 188 (4) of the *Children Act*.

Orders accordingly.

**DATED AND DELIVERED THIS 16<sup>TH</sup> DAY OF OCTOBER 2025.**

**EDWARD M. MURIITHI**

**JUDGE**

**APPEARANCES:**

