

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MACHAKOS
ADOPTION CAUSE NO E013 OF 2025

**IN THE MATTER OF THE CHILDREN ACT,
CAP 141 OF THE LAWS OF KENYA**

AND

**IN THE MATTER OF ADOPTION OF BABY AMIR JAYDEN
KAGOH ALIAS AMIR JYDEN KAGOH**

MICHAEL NJOROGE WANJOHI.....1ST
APPLICANT

GLADYS NJERI WERU2ND
APPLICANT

JUDGMENT

1. The applicant lodged in this court an originating summons dated 24th April, 2025 seeking the following orders:
 - i. That the requirements of section 186(8)a of the Children Act 2022 be waived as provided for by section 187(1) of the Act.
 - ii. Spent
 - iii. That the applicant be authorized to adopt the child, currently identified as Baby Amir Jayden Kagoh and the baby be known as Amir Jayden Wanjohi

- iv. That the Edward Njenga Weru and Serah Mumbua Mwangangi be appointed as Legal Guardian of the child
 - v. Spent
 - vi. That the Registrar General be directed to make in the adopted children's register an entry recording the adoption in accordance with the particulars.
2. The application is premised on the following grounds; the applicants are married to each other and are both desirous of adopting; that they are the foster parents of the child having received him from the Nest Home; that it is in the best interest of the child who will benefit from their love and belonging within a family unit.
 3. Further the applicants states that they were approved as adoptive parent by the Little Angels Network (a duly registered and approved adoption society under the Department of Children Services) Case committee sitting of 6th December 2023. Further that by a committee meeting held on 12th April 2024 the child was found available for adoption and that it would be in the child's best interest that he be adopted.
 4. The application is further supported by the Applicant's joint statement dated 24th April 2024, in which the applicants states that they are Kenyan citizens and of sound mind. The first applicant is 51 years of age. He stated that they jointly filed the application for adoption as husband and wife. That they have agreed to adoption since they do not have a biological child of their own.

That the child has brought them a lot of joy by filling the gap that has been existing and he wished he would have done it earlier.

5. The second applicant is 48 years of age. She stated that she is motivated to adopt a child due to her love and desire to parent a child. She states that she has bonded with the child for a period of one year three months and the period has been enjoyable and amazing. She urges that it is in the best interest of the child that the adoption order be granted in their favour as this will be beneficial to all parties.
6. The applicants stated that they have met all the legal prerequisites set out for adopting a child. They further relied upon their affidavit in support of the application for adoption order and statement in support of application for an adoption order.
7. From the statement, the applicants are engaged in formal employment and have the financial means and capability to take up financial responsibility and provide for the child copies of their payslips were provided in support. Moreover, the applicants do not suffer from any ailment and are both physically and emotionally fit to provide parental guidance to the child. As per the police clearance certificate provided the applicants have nil criminal record, have never been charged with nor convicted of a criminal offence referred to in the Third Schedule of the Children's Act.

8. The applicant proposes to have Edward Njenga Weru and Serah Mumbua Mwangangi appointed as Legal Guardian of the child, in the event she is incapacitated or in any way becomes unable to discharge parental obligations before the child is of the age of majority
9. The child is of male sex presumably born on or about 25th April 2023. He was found abandoned outside Temple of Worship Church within Mwiki along ACK road, Nairobi County and rescued by two good Samaritans. The police were notified and matter reported under Mwiki Police Station vide OB No 56/05/05/2023. The child was admitted at Nairobi Children Rescue Centre and later referred to and committed to The Nest Children's Home for care and protection through the Children's Court at Nairobi Protection and Care Case No MCP&CCO/E341 of 2023.
10. In accordance with section 156(1) of the Children Act, the Little Angles Network, a registered Adoption Agency declared the child free for adoption and issued a Certificate Serial No 002462 dated 12th April 2024 declaring the child free for adoption. This certificate was submitted to the court by an officer of the Agency together with a report dated 6th December 2023 verifying that the applicant was taken through an interview, a home assessment and pre-placement counselling and found fit to adopt. The report also stated that the legal requirements for adoption to have been fully met and that the adoption would be in the child's best interest.

Additionally, the officer confirmed that the child was placed in the applicant's care and she has had the custody of the child since 6th November 2024. The child's current name is Amir Jayden Wanjohi.

11. The Children Department, through the Sub-County Children Officer, Embakasi South testified before court. He reiterated the contents of his report dated 7th January 2026 filed in court. The officer makes the following observations; that the child is happy, jovial and well kempt by the applicants; the child is engaged and occupied in a positive way and that the applicants have bonded well with the child and take good care of the child. The report recommends that the applicants to be issued with adoption orders so as to continue staying with the child since they have bonded well and the child is happy jovial and safe under the care and control of the applicants.

12. The guardian ad litem besides testifying in court, also filed a report dated 18th December 2025 stating that both applicants are Christians and are upbringing the child with Christian values; that the applicant have been good parents to the child and are doing a good job in taking care of him. The guardian ad litem further stated that the applicants have bonded well with the baby and have support from both the immediate and extended family. He concluded by recommending that they be granted the adoptive orders as it is best for both the applicants and the baby.

13. From the record before court, the minor is an abandoned child who has been declared free for adoption by a registered adoption agency; the bonding process between the applicants has taken place successfully; the applicants enjoys the support of both their family members; the minor has fitted well in the family and appears happy and contented; the applicants' both have the means and resources required to give the minor a good and quality life; the applicants' are Christian and who are already raising the minor in accordance with the Christian values and that it is in the best interest of the minor since he will have a family he will grow up in as opposed to growing up in a care institution.
14. I have considered the summons, the affidavits in support together with the annexures thereof as well as the evidence on record to determine if the applicant is a suitable adoptive parent.
15. Section 181 (1) of the Children's Act, 2022 provide that-"Any child who is resident within Kenya may be adopted whether or not the child is a Kenyan citizen, or was or was not born in Kenya."
16. The applicant is a Kenyan citizen and the child is above six (6) weeks and below 18 years which is the requisite age bracket for a child to qualify for adoption (see Section 184 (1) of the Children's Act).
17. The applicants have been assessed and evaluated by various stake holders and found suitable to adopt having met all the prerequisite for adoption. This include, that

they are financially stable, physically, mentally, morally, socially and emotionally fit. They have no criminal record and understands and appreciate the consequences of adoption. She also has support from her family and the bonding process was confirmed to have taken on well. The Children Services office in their report dated 7th January 2026 recommended that the applicant be allowed to adopt the minor. This position was also reiterated by the officer from the Little Angels Network Adoption Society through their report dated 12th April 2024 and filed in court on 26th January 2026 as well as the guardian ad litem who also filed report dated 18th December 2025 stating that the adoptive parent is are happy to be parents and are capable of raising the child.

18. In the circumstances, I do find that the applicants have met the necessary legal requirements and is fit to adopt the baby.
19. The Applicants proposed Edward Njenga Weru and Serah Mumbua Mwangangi be appointed as Legal Guardian of the child.
20. The said legal guardians are a brother and sister in law to the 2nd the applicant. They signed a consent as well as an affidavit of witness all dated 24th April 2025. The proposed legal guardians also testified and informed court that they are aware of the roles and obligations that come with appointment of a legal guardian and that they have not been coerced and are all willingly to take up the role and responsibilities.

21. Article 14 (4) of The Constitution provides as follows:

A child found in Kenya who is, or appears to be, less than 8 years of age, and whose nationality and parents are not known, is presumed to be a citizen by birth.

22. The child was found abandoned within the Republic of Kenya one year after he was born. I, therefore, declare that the child is a citizen of Kenya by birth.

23. From the records and evidence presented before this court all efforts by the police to trace the child's parents/relatives have borne no fruit. Vide a letter dated 13th March 2023, Mwiki Police Station confirmed that despite efforts they have been unsuccessful in locating any potential family member or guardian and no one had come forth to claim the baby. Therefore, there exists no known person from whom consent for this adoption can be sought and/or obtained. I, therefore, waive this requirement in line with section 185 (4)(b) of the Children Act.

24. The main factor for consideration before making any decision affecting affairs of a child is the child's best interest. This principle is articulately covered under Article 53(2) of the Constitution and Section 4(2) and (b) of the Children's Act. Article 53(2) provides: A child's best interests are of paramount importance in every matter concerning the child.

25. In accordance with Section 8 of the Children Act, the court is required to take into account the best interest of

the child in all matters concerning their welfare. In this case, the child was abandoned days after birth and subsequently faced an uncertain and potentially unstable future in a children's home or similar care institutions. The proposed adoption presents a significant opportunity for the child to grow up in a stable loving and supportive family environment. This is not only beneficial for the child's emotional and psychological development but also in line with the recommendation made by the Children Officer who emphasized the importance of such an environment for the child's well being.

26. I have carefully considered the Reports submitted by the Adoption Agency, the Guardian ad Litem, the Director of Children Services. All these reports were positive and recommended the adoption. Additionally, I had the opportunity to personally observe the child in the presences of the applicant. The child was at ease and interacted comfortably with the applicants. It is my view therefore that the applicants are capable of nurturing and providing a home where the child's needs will be well met.

27. The upshot of the above is that the Originating Summon dated 6th December 2024 is hereby allowed in the following terms;

- (i) That the Applicants Michael Njoroge Wanjohi and Gladys Njeri Weru be allowed to adopt the child currently identified as Baby Amir Jayden Kagoh

- (ii) Upon adoption, the child shall be renamed as Amir Jayden Wanjohi ;
- (iii) The child is declared to be a Kenyan citizen by birth, entitled to all the rights and privileges under the Constitution of Kenya and all applicable laws;
- (iv) Edward Njenga Weru and Serah Mumbua Mwangangi are appointed as Legal Guardian of the child,
- (v) The Guardian *ad Litem* is hereby discharged;
- (vi) That the Registrar-General is directed to make the appropriate entries in the Adopted Children's Register

Dated, signed and delivered at Machakos this 12th day of March 2026

RHODA RUTTO
JUDGE

In the presence of;

.....Applicants

Selina Court Assistant