



REPUBLIC OF KENYA



**In re PK (Child) (Adoption Cause E002 of 2024)
[2024] KEHC 11239 (KLR) (27 September 2024) (Judgment)**

Neutral citation: [2024] KEHC 11239 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KITALE
ADOPTION CAUSE E002 OF 2024**

AC MRIMA, J

SEPTEMBER 27, 2024

IN THE MATTER OF: PROCEEDINGS ON ADOPTION OF A CHILD [P.K.]

-BY-

1. JTK

2. TNK.....APPLICANTS

JUDGMENT

1. By way of an Originating Summons dated 10th March, 2024 brought under the provisions of Sections 154, 156, 157, 158, 159, 160, 163, 164 and 170 of the Children’s Act, the Applicants herein sought the following orders: -
 1. That MG, K(ID No.2253XXXX) and FKK(ID No.2437XXXX) be appointed guardian ad litem in this issue.
 2. That the Director of Children’s Service be directed to compile the requisite report on the Applicant’s fitness to adopt the infant, PK, under the *Children Act*.
 3. That the Applicants be authorized to adopt baby PK infant.
2. The Applicants are a couple and are desirous of adopting baby P.K., the subject herein.
3. According to the Report dated 20th June 2024 filed in this matter by the Endebes Sub-County Children Officer, the subject minor was born on 22nd February 2022. That, on 8th May 2022 the baby was found abandoned along Kandongu-Mutihi Road next to Kiamachiri Police Station. The matter was reported to the said Police Station vide OB No. 31/08/05/2022. The case was then referred to Kirinyaga Central Sub-County Children’s Office.
4. On 16th May 2022, the minor was taken to Kerugoya Law Courts under P&C No. E005 of 2022 and was committed to New Life Children’s Home in Nyeri. After a frantic search of the minor’s relations in vain, the Police formally informed the Kirinyaga Central Sub-County Children’s Office of the unavailability of the minor’s lineage and that the minor was not stolen.



5. The minor was thereafter declared free for adoption by the Kenya Children's Homes Adoption Society's Case Committee on its sitting of 15th February 2023 and a Declaration Certificate Serial No. 890 issued pursuant to the provisions of the *Children Act*.
6. On application for adoption by the Applicants sometimes in December 2021, the minor was eventually handed over to the Applicants by the Children's Home on 14th April 2023. Mr. MGK and Mrs. FK were appointed as the joint Guardians ad Litem.
7. In their application to this Court, the Applicants deposed their preparedness and willingness to adopt the minor whom they have been living with for over a year. They filed Police Clearance Forms confirming that they are law-abiding citizens with no criminal records. The Applicants are also devoted Christians.
8. This Court examined the 1st Applicant herein, JTK and as well as the 1st Guardian one MGK on their suitability as the Applicant and Guardian respectively.
9. This Court has also carefully perused all the documents filed in this matter. This Court, hereby agrees with the Report by the Children Officer that the Applicants have all along been acting in the best interests of the Child. Further, the Applicants are people of means.
10. In the end, this Court in being guided by the constitutional obligation under Article 53(2) that a child's best interests are of paramount importance in every matter concerning the child, given the nature of evidence tendered and in regard to the law generally, it is satisfied of the following issues in this matter: -
 - i. That it is in the child's best interests that it be adopted.
 - ii. That, the Child is free for adoption.
 - iii. That, the Applicants are suitable persons to adopt the child.
 - iv. That, there are two persons willing to be the Guardians of the child in the event the Applicants die or become incapacitated before the child attains the age of eighteen years.
 - v. All the legal requirements towards the adoption of the child by the Applicants have been met.
11. Deriving from the foregoing, this Court hereby makes the following final orders: -
 - a. An Adoption Order be and is hereby issued under Section 183 of the *Children Act* vesting the parental rights and responsibilities relating to the child, PK, in the joint Applicants herein, JTK and TNK.
 - b. Mr. MGK and Mrs. FK are hereby appointed as the joint Guardians of the child in the event the Applicants die or become incapacitated before the child attains the age of eighteen years.
 - c. This file is marked as closed.

Orders accordingly.

DELIVERED, DATED AND SIGNED AT KITALE THIS 27TH DAY OF SEPTEMBER, 2024.

A. C. MRIMA

JUDGE

Judgment virtually delivered in the presence of:

No appearance for Mr. D. M. Wanyama, Counsel for the Applicants.



Duke – Court Assistant.

