



REPUBLIC OF KENYA



**In re EW alias SC alias EC (Minor) (Adoption Cause 2 of 2012)
[2023] KEHC 1477 (KLR) (23 February 2023) (Judgment)**

Neutral citation: [2023] KEHC 1477 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
ADOPTION CAUSE 2 OF 2012
AN ONGERI, J
FEBRUARY 23, 2023**

IN THE MATTER OF

SCM APPLICANT

JUDGMENT

1. The Applicant in this case S C M (hereafter referred to as the Applicant only) filed this Originating Summons (O S) dated February 17, 2020 seeking the following orders;
 - i. That the Applicant of ID N [particulars withheld] be authorized to adopt the female child currently identified and known as child E. W alias S. C alias E. C.
 - ii. That E. K. C of ID NO. [particulars withheld] of post office Box Number XXXX KERICHO and who is the son of R. C. B the Applicant's brother, be appointed guardians to take care of the interests of the minor should any misfortune befall the Applicant.
 - iii. That the child be renamed E. C.
 - iv. That the child be declared a Kenyan citizen.
 - v. That the Registrar General does make appropriate entries in the adopted Children's Register.
 - vi. That the Registrar of Births and Deaths be directed to issue a Birth Certificate for the minor.
 - vii. That the court does issue such further orders and directions as are in the interest of justice.
2. The Originating Summons is supported by the Affidavit of the Applicant dated February 17, 2020.
3. The Applicant is now aged 69 years old. At the time she started staying with the subject in 2011 she was 57 years old.
4. The Applicant is a Kenyan citizen who has a home at Ngororga village. She has a business which earns her Kshs 3,000/= per day which translates to Kshs 90,000/= per month. She also owns a cow for subsistence.



5. The child was found abandoned at Rift Valley Provincial Hospital after being deserted by her biological mother.
6. The child was born on September 29, 2007 to one Scholastica Chebet who ran away after the child was born leaving the child at the Rift Valley Provincial General Hospital.
7. The matter was reported to the police who gave a letter dated October 4, 2007 and the child was committed to St. Ann Baby and Children's home.
8. The police looked for the biological mother of the child to no avail and issued a second letter dated April 15, 2008.
9. The child was released to the Applicant on April 12, 2011 and she has been with the Applicant since that time.
10. The Children's officer, Kericho County wrote a report dated February 9, 2023 recommending the adoption.
11. The Guardian Ad Litem also wrote a report dated February 2, 2023 also recommending the adoption.
12. I have considered the Originating Summons dated February 17, 2020 together with the documents attached thereto.
13. I find that although the Applicant is now aged 69 years old, she started living with the child when she was 57 years old in the year 2011.
14. I find that it is in the best interest of the child that this adoption be allowed although it has taken so many years to be prosecuted.
15. The reports filed herein are favorable and I find that the Applicant has met the threshold for adoption of the child.
16. I accordingly allow the originating summons dated February 17, 2020 in the following terms;
 - i. That the Applicant be and is hereby authorized to adopt the child.
 - ii. That the child shall henceforth be known as E. C.
 - iii. That her date of birth is September 29, 2007.
 - iv. That E. K. C be appointed legal guardian to take care of the child in case of death or incapacity of the Applicant before the subject attains the age of majority.
 - v. That the Guardian Ad Litem be and is hereby discharged.
 - vi. That the Registrar General registers this adoption in the Adopted Children Register and issues the child with a birth certificate.

Orders to issue accordingly.

DELIVERED, DATED AND SIGNED AT KERICHO THIS 23RD DAY OF FEBRUARY, 2023.

A. N. ONGERI

JUDGE

