



REPUBLIC OF KENYA



**In re Baby LA alias EK (Adoption Cause 5 of 2019)
[2023] KEHC 18229 (KLR) (30 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 18229 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
ADOPTION CAUSE 5 OF 2019
JK SERGON, J
MAY 30, 2023**

IN THE MATTER OF

**RKR 1ST APPLICANT
AC 2ND APPLICANT**

RULING

1. Before the court is the originating summons dated July 2, 2019 by which the applicants seek the following orders;
 - (i) Spent
 - (ii) Spent
 - (iii) That the Applicants; RKR and AC be authorized to adopt the male child currently identified and known as LU alias EK.
 - (IV) That DKR and ECR the brother and sister-in-law of RKR respectively both of Post Office Box No xxx, Kericho be appointed guardians to take care of the interests of the minor should any misfortune befall the Applicants.
 - (v) That the child be renamed EK.
 - (vi) That the child be declared a Kenyan citizen.
 - (vii) That the Registrar General does make appropriate entries in the Adopted Children's Register.
 - {viii) that the court does issue such orders and directions as are in the interest of justice.



2. The application is supported by an affidavit sworn by RKR a co-applicant and on behalf of AC and statement in support of the application for an adoption order of even date sworn by both Applicants.
3. The Applicants got married in 1994 under Kipsigis Customary Law and solemnized their marriage on March 23, 2018 under the Marriage Act, 2014 and have remained legally married to date.
4. The Applicants have not been blessed with any issue within their union and as such are desirous of adopting one child, a boy.
5. The Applicants are both farmers with a stable monthly income of Kshs 20,000/=, therefore, they have the financial means and capability to take care of the child.
6. The Applicants in support of their application for adoption filed certificates of good conduct, they have no criminal record.
7. The Applicants deponed that they do not have any ailments that would hamper parenting of the child herein and filed medical reports in support of their application.
8. The Applicants applied for adoption on May 30, 2018 through the Kenya Children's Homes, an Adoption Society incorporated under the Children Act, pursuant to the said application, child placement was considered and approved by the Adoption Society and subsequently vide a care and placement agreement dated July 9, 2018 the child was committed to their care by the African Gospel Church Baby Center upon approval by the Kenya Children's Homes. The Applicants took physical custody of the child and assumed parental responsibility to the date of this instant application. The Applicants abided by the terms and conditions of the care agreement.
9. The child was found abandoned at Legio Maria African Church on June 19, 2017 at around 4:00 PM. The child was found abandoned in the priest's living quarters at the church by a good samaritan named of ID No She took custody of child and reported the matter at Teachers Police Post vide OB No
10. The child was subsequently committed Africa Gospel Church Baby Centre for care and protection for a period of three (3) years by Nakuru Children's Court on June 21, 2017 vide P & C Case No of 2017.
11. The good Samaritan stayed with the child since the rescue until he was released to the custody of Africa Gospel Church Baby Centre on June 21, 2017. The child was found to be in good health and the home ensured that the child's immunization schedule was followed as per the Kenya Expanded Program Guidelines on Immunization.
12. The Police issued a final letter dated January 23, 2018 and confirmed that the parents of the child could not be traced.
13. The child was declared free for adoption on March 21, 2018 vide Certificate Serial No XXXX issued by Kenya Children's Home Adoption Society.
14. The Guardian Ad Litem filed a Report dated July 22, 2019 and recommended the Adoption and the Children Officer's Report dated August 23, 2022 also recommended the adoption.
15. I have considered the originating summons filed herein dated July 2, 2019 and the supporting documents filed in support of the application for adoption. I find that the applicants are suitable persons to take charge of the child and safeguard his interests and that the adoption herein will serve the best interest of the child.



16. In deciding upon any matter involving a child, courts are obliged to give priority to the best interests of the said child, section 8 (1) of the Children Act No 29 of 2022 provides as follows;

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies—

(a) the best interests of the child shall be the primary consideration;”

17. I hereby allow the originating summons dated July 2, 2019 in the following terms;

- (i) That the applicants herein be and are hereby authorized to adopt the child.
- (ii) That D.K.R and E.C.R be and are hereby appointed the Legal Guardians of the child to take care of the interests of the minor should any misfortune befall the Applicants.
- (iii) That the Guardian Ad Litem be and is hereby discharged.
- (iv) That the child shall henceforth be called E.K.
- (v) That the child is hereby declared a Kenyan citizen.
- (vi) That the Registrar General be and is hereby directed to register this adoption order or decision in the Adopted Children’s Register. Orders to issue accordingly.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 30TH DAY OF MAY, 2023.

.....

J.K. SERGON

JUDGE

In the presence of:

C/Assistant - Rutoh

No Appearance for the Applicant

