



**In re UO alias CK (Baby) (Adoption Cause E005 of 2022)
[2023] KEHC 23980 (KLR) (25 October 2023) (Judgment)**

Neutral citation: [2023] KEHC 23980 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NANYUKI
ADOPTION CAUSE E005 OF 2022
AK NDUNG’U, J
OCTOBER 25, 2023
IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER
AND
IN THE MATTER OF BABY UO ALIAS CK**

**IN THE MATTER OF
RNM APPLICANT**

JUDGMENT

1. The Applicant herein, RNM has applied by originating summons dated September 17, 2022 for an adoption order in respect to the Child known as Baby UO alias CK Other consequential orders are also sought, including the order that if the adoption order sought is granted, the Child be henceforth known as CK.
2. The Applicant is a single woman and a Kenyan citizen living in Kenya. The Applicant has three (3) biological children and one adopted child.
3. The Child sought to be adopted was given up for adoption. The material placed before this court shows that the child was born out of incestuous relationship. The mother of the child was a minor aged 17 years old and was in form one. The father of the child was said to be a ‘dad’, though not biological to the mother of the child, that he was 33 years old and he ran away after the birth of the child herein since the police were looking for him. The child was considered as a taboo to the community. After the mother of the child went back to school, the child was left under the care of her grandmother who had to quit her job but she wanted to go back to work. The chief’s letter attached also indicated that the families were extremely poor.
4. Upon request of one F O B, the biological father of the mother to the child vide a letter dated February 4, 2019, and the letter by the mother of the child dated February 9, 2019, the child was admitted to



Rehema PEFA Home on 15/02/2019. Thereafter, the child was formally committed to that Center vide Butere Children Court Protection and Care Case No. 11 of 2021 on February 17, 2021.

5. The Child was thereafter placed under the care, protection and custody of the Applicant on July 26, 2020 and has been in her continuous and unbroken care, protection and custody up to the present. The child was declared free for adoption by a certificate dated November 12, 2021.
6. Upon perusal of all the material placed before the court, I am satisfied that all legal requirements for the adoption order sought have been met. This include a consent from the guardian of the mother to the child one F O B vide an affidavit dated December 17, 2021 filed in court on March 31, 2023 in line with section 186(8) of the [Children Act](#) which states that;

“Section 186(8) Subject to the provisions of this section, an application for an adoption order in respect of a child shall be accompanied by written consents of the following persons—

- a. a parent or guardian of the child, or any person who is liable by virtue of any order or agreement to contribute to the maintenance of the child;”

7. I have also read all the necessary reports filed herein, including-
 - i. The *guardian ad litem* consent dated March 20, 2023
 - ii. The KKPI Adoption Society, report filed on March 21, 2023.
 - iii. The Directorate of Children Services report, Laikipia County, dated March 27, 2023.

All these reports are favourable to the adoption order sought.

8. I have considered the personal circumstances of the Applicant, including her current occupation, income and social standing. From the material placed before this court, the Applicant has no history of any medical complications that can hinder her from giving the Child quality upbringing. She is described by the adoption Society as caring and loving, socially, morally and spiritually upright. The Children Officer also described her as socially, financially and emotionally stable adult whose care, love and attachment to the child is not in doubt. The attached criminal citation search shows that the Applicant has no past criminal record.
9. The Children Officer was satisfied that the general environment in which the child lives was conducive for his upbringing and based on their findings and observations, the Children officer recommended that the Applicant be allowed to adopt the child.
10. I am persuaded that the Applicant not only has the will to adopt the child as her own biological child, but she has also demonstrated that she has the means to provide him with shelter, clothing, food, education and, most importantly, the parental care and protection that he needs and deserves. I have no doubt at all that she has provided and will continue to provide to the Child a conducive home for wholesome upbringing.
11. Finally, I am satisfied that the Applicant is financially and materially capable of giving a good and proper upbringing to the Child, and is already providing him with a conducive and loving home along with her biological children and the adopted child. The adoption order sought is in the best interest of the welfare of the Child. Though she is single, she no doubt has the wherewithal to properly bring up her five children and educate them. She has already provided them a good home.
12. I will in the circumstances grant the adoption order sought. The Applicant be and is hereby authorized to adopt Baby UO alias C K who shall henceforth be known as CK. The Child having been born in



Kenya, is obviously a Kenyan citizen. The Child's birth day shall be December 25, 2018 as per the notification of birth attached to the application. The Registrar-General is hereby directed to enter this adoption order in the Adopted Children Register. The *guardian ad litem* is hereby discharged and MW is hereby appointed as the legal guardian of the Child. It is so ordered.

DATED SIGNED AND DELIVERED AT NANYUKI THIS 25TH DAY OF OCTOBER 2023.

A.K. NDUNG'U

JUDGE

