



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KERICHO**

**ADOPTION CAUSE NO.5 OF 2017**

**IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY CBN alias BN (A CHILD)**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**

**CCN.....APPLICANT**

**JUDGMENT**

1. The Applicant herein CCN (hereafter referred to as the Applicant) filed the originating summons (OS) dated 29/3/2017 seeking to be authorized to adopt baby CBN alias BN (hereafter referred to as the child).
2. The Applicant is an Adult single female Kenyan aged 53 years currently teaching at [Particulars withheld] primary school.
3. The Applicant is a widow having lost her husband on 29/1/1997. She earns a salary of Kshs.30,000 per month.
4. The Applicant has no biological child since her husband died before they got children.
5. The Applicant is in good health and lives in a three bedroomed semi-permanent house.
6. The child was born on 20/7/2015 to one SA who was a minor aged 17 years.
7. The child was given up for adoption by the biological mother who was an orphan and who got pregnant with a stranger after a rape incident.
8. The biological parent signed the certificate of acknowledgment dated 7/5/2015 in the presence of her guardian AWO.
9. The child was committed to the Springs of Life Children's Home vide Kakamega Children's Case No. 322 of 2015.
10. The child was declared free for adoption on 14/11/2015.
11. The child was placed under the care of the Applicant on 25/10/2016 she has bonded well.
12. The following Reports were filed in respect of the child;
  - (i) The Children Department Report dated 27/2/2018.
  - (ii) The Guardian Ad Litem Report dated 17/11/2021.
13. I have considered the OS filed herein dated 29/3/2017 together with the Reports filed in respect of this O S.
14. I find that the Reports are favourable. I also find that the Applicant meets the threshold for adoption of the child.

15. The Applicant and the child have bonded well and it is in the best interest of the child that the Applicant be authorized to adopt the child.

16. In *RE DG (CHILD) [2021] eKLR* the Court holding that adoption was in the best interest of the child observed as follows:

*“The subject child has been living with the Applicant in her home in Thika since May 2019 since she was only ten (10) months old. The child has obviously bonded with the Applicant and her family. Both the Report of the Guardian ad Litem and the Children’s Officer indicate that upon visiting the home, they noted that the child had been fully accepted and integrated into the family. The child was found to be healthy and happy. This is quite evident from the photographs annexed to the Guardian ad Litem’s report...”*

*This is a child whose biological mother was unwilling and/or unable to care for her. She has now found a home with the Applicant. In my view this adoption serves the best interests of the child....”*

17. I allow the OS dated 29/3/2017 in the following terms.

(i) **THAT** the Applicant be and are hereby authorized to adopt the child.

(ii) **THAT** the child shall be named BN.

(iii) **THAT** the child be declared a Kenyan Citizen.

(iv) **THAT** the Registrar General be and is hereby directed to enter the details of the child in the Adopted Children’s Register and to issue a birth certificate.

(v) **THAT KCD** be and is hereby appointed Legal Guardian of the child in case of incapacity of the Applicant before the child attains the age of maturity.

(vii) **THAT** the Guardian *Ad Litem* be and is hereby discharged.

**DELIVERED, SIGNED AND DATED AT KERICHO THIS 17TH DAY OF NOVEMBER 2021.**

**A. N. ONGERI**

**JUDGE**