



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO
ADOPTION CAUSE NO.12 OF 2018
IN THE MATTER OF THE CHILDREN ACT 2001 (ACT NO.8 OF 2001)
AND
IN THE MATTER OF BABY EM *alias* BO *alias* BK (CHILD)
CJ.....APPLICANT

RULING

1. Before me is an Originating Summons brought by CK a single female applicant for the adoption of BABY EM *alias* BO *alias* BK (Child) dated 27th September 2018.
2. The prayers that presently require this court's decision are prayers 3 to 8.
3. I have perused and considered the report of the Children Officer Kericho East sub-county which recommends the adoption of the child by the applicant. I have also seen and considered the report of the guardian ad litem JKK in which it is stated that the applicant is a suitable person to adopt the child, and that parent and child bonding herein has been satisfactory.
4. This is an application for adoption of a male child by a single female applicant. In this regard section 158 (2) of the Children Act No.8 of 2001 provides as follows –

158(2) An adoption order shall not be made in favour of the following persons unless the court is satisfied that there are special circumstances that justify the making of an adoption order –

 - a) a sole male applicant in respect of a female child.
 - b) a sole female applicant in respect of a male child
 - c) an applicant or joint applicants who has or both have attained the age of sixty five years.
 - d) a sole foreign female applicant
5. I note from the report of the Children Officer that the applicant lives in the community of her family of origin, and has not moved away to live on her own, and is a farmer. She thus lives in a known extended family set up.
6. In those circumstances, I am of the view that the interests of the male child will be protected by the presence of the members of the family of origin of the applicant.
7. In my view therefore since the child will live in an extended family set up, allowing the adoption herein will be in line with the imperatives of upholding the best interests of the child under Article 53 (2) of the Constitution of Kenya 2010, as the child will be able to live under the protection and guidance of a parent, within a family setting.
8. I thus allow the application and order as follows:-

1. The applicant CJ be and is hereby authorized to adopt the male child currently identified and known as EM *alias* BO *alias* BK.

2. JKR (ID NO.[...]) and MCR (ID NO.[...]) both of post office Number [...] Chesinende, and who are the applicant's brother and sister in law respectively be and are hereby appointed guardians to take care of the interests of the minor should any misfortune befall the applicant.

3. The child be and is hereby renamed BK.

4. The child is hereby declared a Kenyan Citizen.

5. I order the Registrar General to make appropriate entries in the Adopted Children's Register.

6. The Registrar of Births and Deaths is hereby ordered to issue a certificate of birth to the child.

Dated this 28th day of April 2020.

George Dulu

JUDGE

Delivered through video conferencing in the presence of Mr. Langat court assistant, Mr. Musyoka ICT officer, Mr. Mwita for the applicant.