



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

ADOPTION CAUSE NO. 11 OF 2016

IN THE MATTER OF CHILDREN ACT (ACT NO.8 OF 2001)

IN THE MATTER OF BABY ES *alias* BB *alias* RK (CHILD)

PKS.....1ST APPLICANT

RCS.....2ND APPLICANT

JUDGMENT

1. By their application dated 24th November 2016, The applicants, PKS and RCS seek to be authorized to adopt the male child currently identified and known as ES alias BB alias RK.
2. The applicants are husband and wife born in 1962 and 1971 and therefore aged 57 and 48 years respectively. They were married on 7th December 2002 under the provisions of the African Christian Marriage and Divorce Act at the [Particulars withheld] SDA Church in Kericho. The applicants are both farmers. They own a parcel of land at [particulars withheld] measuring 2.2 acres where they practice farming.
3. The child the subject of these proceedings is ES alias BB alias RK. He is presumed to have been born on 21st June 2014. According to a letter from the Nakuru Police Station dated 28th January 2015, the child was found abandoned at Kabarnet Farm and the incident was recorded vide Occurrence Book No. [...]. He was placed under the care of the African Gospel Church Baby Care Centre on 17th July 2014. He was committed to the care and custody of the home on 23rd October 2014 by the Children's Court in Nakuru in Protection and Care Case Number 501 of 2014.
4. The child was declared free for adoption on 11th February 2015 and a freeing certificate serial no. [...] issued. He was placed with the applicants on 5th June 2015.
5. Pursuant to orders issued on 27th July 2017, JKR was appointed Guardian *ad Litem* in respect of the child. The Guardian *ad Litem* notes in his report filed in court on 16th May 2018 that the applicants are taking good care of the child who is healthy and very happy. He recommends that the applicants be allowed to adopt him.
6. The Sub- County Children Officer, Kericho East, West and Soin/Sigomet also filed a report dated 30th November 2018 in respect of the applicants. He notes that the applicants, who are both farmers and run a small business, are capable of taking care of the child. A home visit revealed that they have a semi-permanent home and a farm, and they have the financial means from farming to take care of the child. He recommends that they be allowed to adopt him.
7. I have considered the application before me and the documents and affidavits filed in support. I have also considered the reports by the Guardian *ad Litem* and the Sub-county Children Officer, Kericho. I note that all the reports recommend that the applicants should be authorised to adopt the child as such adoption would be in his best interests.
8. I have also considered the circumstances of the child and the fact that he was abandoned. The documents placed before me indicate that no-one ever came forward to claim him after he was found at Kabarnet farm.
9. I have noted the financial situation of the applicants. While they are of modest means and earn their living from farming, I am satisfied that they are able and eager to take care of and bring up the child within a family setting that would otherwise not be available to him.
10. I am therefore satisfied that it would be in the best interests of the child to allow the applicants to adopt him. Accordingly, I hereby authorise the applicants, PKS and RCS to adopt the child currently identified and known as ES alias BB alias RK.

11. The child shall be renamed RK and is declared a citizen of Kenya. His date of birth shall be 21st June 2014.

12. I direct the Registrar General to make the appropriate entries in the Adopted Children's Register and the Registrar of Births to issue a birth certificate of the child.

13. I appoint HKK and BCK as the children's legal guardian should any misfortune befall the applicants.

14. The Guardian *ad Litem* is hereby discharged.

Dated, Delivered and Signed at Kericho this 27th day of February 2019.

MUMBI NGUGI

JUDGE