



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO.13 OF 2018**

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

**IN THE MATTER OF BABY H N ALIAS H C (CHILD)**

**RCK.....APPLICANT**

**RULING**

1. Before me is an Originating Summons filed under section 157, 159 (1) (a) (i), 160 and 164 of the Children Act No.8 of 2001. Prayer 1 and prayer 2 have been spent. The prayer that are for my decision now are as follows;

1) (Spent)

2) (Spent)

3) That the applicant RCK be authorized to adopt the female child currently identified and know as BABY HN alias HC (CHILD)

4) That BKK (ID No.\*\*\*\*\*\*) and MCK (ID No.\*\*\*\*\*\*) both of post office Box Number [particulars withheld] KERICHO, and who are the applicant's brother in law and sister inlaw respectively be appointed guardians to take care of the interests of the minor should any misfortune befall the applicant.

5) That the child be rename HC

6) That the child be declared a Kenyan citizen.

7) That the Registrar General does make appropriate entries in the Adopted Children's Register.

8) That the court do direct the Registrar of Births and Deaths to issue a certificate of birth to the child.

2. The Director of Children Services through the Kericho sub-county Children Officer Mr. Daniel Kiba filed a report on the suitability of the applicant to adopt the child dated 21<sup>st</sup> May 2019, in which it was recommended that the court grants the adoption orders sought. Mr. Kiba also presented the report in court and said that his assessment was that good bonding had been achieved between the child and the applicant, and that the child was now in standard 5. The report was that the applicant was fit to adopt.

3. The guardian ad litem Solomon Langat gave oral presentation in court and after filed his written report. He stated that he knew the applicant for 20 years, and had visited the home severally and found that the child and applicant related very well and had bonded and the child called the applicant mum. Also the child was coping very well in the environment including the church, school and community, and that the applicant was able to take care of the child. He was also of the view that the application be allowed, and the adoption be granted.

4. Having considered the application, the documents and reports filed and testimonies tendered in court before me, and having seen both the applicant and the child in court, I am of the view that the adoption of the child is in the best interests of the child as envisaged under the Constitution and the Children Act. It will give the child, who is otherwise an abandoned child an opportunity to grow up in a family with the support and guidance of a parent. It will also give the adoptive parent (the applicant) an opportunity to fulfill her parental desires of raising a family of her own.

5. I thus allow the application and grant prayer's 3, 4, 5, 6, 7 and 8 herein, and order as follows –

**1. The applicant RCK be and is hereby authorized to adopt the female child currently identified and known as BABY HN alias HC (CHILD).**

2. That BKK (ID No.\*\*\*\*\*) and MCK (ID No.\*\*\*\*\* ) both of post office Box Number [xxxx] KERICHO and who are the applicant brother in law 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. That the child be renamed HC.

4. That the child be and is hereby declared a Kenyan Citizen.

5. That the Registrar General is hereby directed to make appropriate entries in the Adopted Children's Register.

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

Dated and delivered at Kericho this 25th October 2019.

GEORGE DULU

JUDGE