



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

ADOPTION CAUSE NO. 6 OF 2017

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

AND

IN THE MATTER OF BABY J V *alias* B B *alias* S C (CHILD)

JUDGMENT

1. The applicants, N K Nand F C seek, by their application dated 6th July 2017, to be authorized to adopt the child currently identified and known as J V *alias* B B *alias* S C.
2. The applicants are husband and wife. The 1st applicant, N K N, is a clerical/payroll officer with [particulars withheld]. The 2nd applicant, F C, is a general worker at [particulars withheld]. The applicants are aged 39 and 37 years respectively. They were married on 19th December 2010 at [particulars withheld] Church, Kaplong, within Sotik. They had three biological children, two of whom are deceased. They own a parcel of land of approximately 1.25 acres and have a combined monthly income of approximately Kshs.40,000/-.
3. The child the subject of this application is a female child currently identified and known as **Baby J V *alias* B B *alias* S C**. The child was presumed born on 17th December 2014. She was found abandoned at Baruti area in Nakuru. The incident was reported at the Nakuru Police Station and recorded as OB No. [particulars withheld]. She was admitted at the Nakuru Provincial General Hospital on 27th December 2014 and discharged on 5th January 2015 to the care of the AGC Baby Centre. She was committed to the care of the Africa Gospel Church Baby Centre by the Children's Court in Molo on 14th January 2014 through Protection and Care Case [particulars withheld].
4. According to a letter dated 2nd September 2015 from Nakuru Police Station, no-one has ever gone to claim the child. She was therefore declared free for adoption by the Kenya Children's Homes Adoption Society on 13th October 2015 and a certificate serial No. [particulars withheld] issued by Change Trust in accordance with section 156 (1) of the Children Act. The child was placed with the applicants on 21st November 2016.
5. On 22nd September 2017, N L was appointed Guardian *ad Litem* in respect of the child. The Director, Children's Services, was also directed to investigate and file a report with regard to the fitness or otherwise of the applicants to adopt the child.
6. I have considered the report of the Guardian *ad Litem* dated 12th November 2017. The Guardian *ad Litem* notes that he has visited the applicants and the child several times at their home at Sinat village, and that the child has fitted well with the entire family.
7. I have also considered the report of the Sotik Sub-county Children's Officer, Sotik Sub-county. He observes that the applicants live in a permanent house on 1.2 acres of land, and are both in formal employment. They also carry on farming on their parcels of land. They have a biological son, who is 18 years old and is in boarding school. He has been informed and has accepted his parent's decision to adopt a child. The children officer recommends that the applicants be authorized to adopt the child.
8. Having read the application, the affidavits and documents in support, I am satisfied that it is in the best interests of the child that the applicants should be authorized to adopt her. The applicants are 39 and 37 years old respectively and are therefore over 21 years older than the child. They are married, have a stable marriage and have one biological child. They are in formal employment and have their own home. They are also committed Christians. They therefore are socially and economically suitable and capable of taking care of the child. From the material before me, the child was abandoned a few days after birth, and no one has since gone to claim her.
9. Accordingly, I hereby authorize the applicants, N K N and F C to adopt the child known as **J V *alias* B B *alias* S C**. The child shall be renamed **S C**. Her date of birth shall be 27th December 2014 and she is declared a citizen of Kenya.
10. The Registrar General is directed to make the appropriate entries in the Adopted Children's Register, and the Registrar of Births and Deaths to issue a birth certificate in respect of the child.

11. I appoint P R and N S, the paternal uncle and aunt of the 1st applicant, who are below 65 years of age and 21 years older than the child, being aged 39 and 36 years respectively as the guardians of the child should any misfortune befall the applicants.

12. The guardian ad litem is hereby discharged.

13. It is so ordered.

Dated Delivered and Signed at Kericho this 16th February, 2018.

MUMBI NGUGI

JUDGE