



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 17 OF 2016

IN THE MATTER OF APPLICATION FOR ADOPTION ON BABY F C a.k.a F M

R N K..... APPLICANT

JUDGMENT

The Application is brought by way of Originating Summons and is dated 20th July, 2016. The Applicant **R N K** through her advocates, Nyagaka S. M. & Company Advocates seek the following orders:

1. Spent
2. Spent
3. **THAT** the Applicant be authorized to adopt **F C** a.k.a. **F M**, a minor.
4. **THAT** the Registrar General do make appropriate entries in the adopted Children's register in respect of the minor, **F C** a.k.a. **F M**.
5. **THAT** the Court do issue such other orders as may be necessary in the best interest of the minor.

The Applicant is single. She is a business lady specializing in [particulars withheld]. She resides in [particulars withheld]. The Applicant had a relationship in 2011 over a short period where she suffered an ectopic pregnancy which was taken care of medically. Since then the Applicant lost interest in marriage. The Applicant's medical record reveals that she is in good health. She desires to adopt baby **F C** a.k.a. **F M** as she wants to have someone to closely associate with and also give **F C** a.k.a. **F M** an opportunity to belong to a family.

Baby **F C** a.k.a. **F M** was presumably born on 15th November, 2012. She was abandoned on 31st December 2012 in a farm belonging to Mrs. Eunice Chesang Rotich at Binyiny Village in Kipkelion District, Kericho County. Mrs. Rotich rescued the child and took her to Kericho Police Station where the matter was reported vide OB No. 49/31/12/12. She returned home with the baby and later on 4th January, 2013 returned her to the police station when she was put under temporary custody of Kericho District Hospital vide I.P. No. 0296/98. The hospital sought a vacancy through the Kericho District Children's Officer at Mogogosiek Baby Home for care and protection. On 31st January, 2013 Baby **F C** a.k.a. **F M** was committed to AIC Mogogosiek Baby Home [Mathew Baby Home] at the Kericho Children's Court vide Protection and Care Case Number 18 of 2013 for a period of three years. The home has ensured that Baby **FC** a.k.a. **FM**'s immunization schedule has been followed as per the Kenya Expanded Programme on Immunization guidelines. Baby **FC** a.k.a. **FM** is in good health and has normal growth. She was also found to be HIV negative.

Vide a letter dated 16th September, 2013 the Kenya Police Service through the OCS Kericho asserted that no one had gone to claim baby **FC** a.k.a. **FM**.

The Applicant was taken through the adoption process and its implications by the Kenya Children's Homes Adoption Society of which she consented. The society assessed her suitability to adopt or otherwise through a home visit and a subsequent interview at her [particulars withheld] residence on 30th August, 2012. She was placed with the minor herein Baby **FC** a.k.a. **FM** on 21st August, 2014 after successful bonding.

The Kenya Children's Home Case Committee in its sitting on 16th July, 2014 declared the Baby **FC** a.k.a. **FM** free for adoption and a Certificate of Declaring a Child Free for Adoption dated the same day was issued.

On the 11th April, 2017 the Court directed that the County Coordinator in the Children's Office, Children Department In the Ministry of Labour Social Security and Services to conduct investigations as to the suitability of the Applicant to adopt baby **FC** a.k.a. **FM**. On the same date, **M W W** of identity card number [...] was appointed as *Guardian ad litem* of the minor.

A home visit to the Applicant's place at Muchorwe was made on 7th June, 2017 by the Children's Department where an interview on the Applicant was conducted. Mr. Koech Chris K, the Sub-County Children's Services Officer, Kuresoi Sub-County filed a favourable report dated 9th June, 2017 on the Applicant's fitness to adopt baby **FC a.k.a. FM**.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to, this court is satisfied that the applicant is a suitable person to adopt Baby **FC a.k.a. FM** and that she is also financially stable and has the means to provide and care for her. I consequently allow the application and proceed to make the following orders;

1. THAT the Applicant be and is authorized to adopt **F C a.k.a. F M**, a minor.

2. THAT the Registrar General do make appropriate entries in the adopted Children's register in respect of the minor, **F C a.k.a. F M**.

3. THAT the costs be in the cause.

Dated and Signed at Kisii this 22nd day of May, 2018.

A. K. NDUNG'U

JUDGE