



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KERICHO**  
**ADOPTION CAUSE NO.7A OF 2016**  
**IN THE MATTER OF THE CHILDREN ACT (ACT NO.8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY J M *alias* M K (CHILD)**

**JUDGMENT**

1. By her application by way of originating summons dated 15<sup>th</sup> August 2016, the applicant, S C N seeks to be authorized to adopt the male child currently known as J M *alias* M K.
2. The applicant is 45 years of age, having been born on 7<sup>th</sup> May 1972. She is a casual worker at [particulars withheld] Estate. She has a biological child, L C L, who was born on 10<sup>th</sup> January 1995. L is married and a mother of two children.
3. The applicant owns 1 ½ acres of land at Longisa where she farms and does zero grazing. She resides in a two roomed permanent house provided by her employer at [particulars withheld] estate within the [particulars withheld] tea estate.
4. The child the subject of this application is a male child currently known as J M. He was presumably born on 20<sup>th</sup> August 2007 as evidenced by a copy of a birth certificate entry number [particulars withheld]. According to the report from the Kenya Children's Homes Adoption Society, he was found abandoned at [particulars withheld] Village on 25<sup>th</sup> December 2010 at around 6.30 a.m. He was taken to the police station and later to the hospital as he had bruises all over, then was placed in the temporary custody of the person who had found him. The matter was reported at the Mumias Police Station and recorded in the Occurrence Book as no. [particulars withheld].
5. The child was later placed at Mumias Kids Centre on 29<sup>th</sup> December 2010. He was committed to the Mumias Kids Centre on 21<sup>st</sup> December 2011 under **Protection and Care Case No.25 of 2011**. The biological parents of the child never came forward to claim him, and he was freed for adoption on 16<sup>th</sup> June 2015 by the Kenya Children's Homes Adoption Society and a freeing certificate serial no. [particulars withheld] issued in accordance with section 156 (1) of the children Act, 2001.
6. On 27<sup>th</sup> January 2017, K B H was appointed Guardian *ad Litem* in respect of the child by the court. The Director, Children's Services, was also directed to investigate and file a report with respect to the fitness or otherwise of the applicant to adopt the child.
7. The Guardian *ad Litem* has filed a report with respect to the child dated 14<sup>th</sup> July 2017. In the said report, he observes that the applicant is a hardworking and principled person, and has the financial

capability to take care of the child. He notes further that she has accorded him the same treatment as she has accorded her biological child, L C L. Since the child was abandoned, the Guardian *ad Litem* is of the view that it is in the child's best interests that the applicant is allowed to adopt him.

8. The sub-county children officer, Kericho East, Kericho West and Soin/Sigonet observes in his report dated 9<sup>th</sup> May 2017 that the applicant has the means to take care of the child. She is employed by [particulars withheld] Tea and resides within the tea estate. She owns a piece of land measuring 1.5 acres on which she has her homestead and grows tea and other subsistence crops.

9. The sub-county children's officer further notes that the applicant has a biological daughter, who is an adult and married. The children officer visited the applicant and the child at home and noted that the child was getting on well with the applicant and her grandchildren, the children from her biological daughter.

10. I have considered the application before me and the documents in support, as well as the reports from the Guardian *ad Litem* and the sub-county children officer. While the applicant is a sole female applicant seeking to adopt a male child, I am satisfied that there are special circumstances that would permit the issuance of the orders in her favour.

11. This is in accordance with the guidelines issued by the National Adoption Committee pursuant to section 155 (2) (a) of the Children Act 2001 on 13<sup>th</sup> January 2010. The applicant is eligible under category 1 of the guidelines in respect of sole female applicants. She has another biological child and is the only person willing to adopt the child.

12. Accordingly, I hereby authorize the applicant, S C N, to adopt the male child currently identified and known as J M. The child shall be known as M K and is hereby declared a citizen of Kenya.

13. The Registrar General is directed to make the appropriate entries in the adopted Children's Register. The Registrar of births and Deaths shall issue a birth certificate in respect of the child.

14. P K K and J C K, the brother and sister-in-law of the applicant are hereby appointed the legal guardians of the child should any misfortune befall the applicant.

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

16. It is so ordered.

**Dated, Delivered and Signed at Kericho this 22<sup>nd</sup> day of September 2017.**

**MUMBI NGUGI**

**JUDGE**