



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

ADOPTION CAUSE NO.2 OF 2015

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

AND

IN THE MATTER OF F J alias C K (CHILD)

J K K1 & N C S.....APPLICANTS

JUDGMENT

1. The applicants, J K K1 and N C S are husband and wife now aged 47 and 45 years respectively. In their application dated 27th March, 2015, they seek orders to authorize them to adopt the male child known as F J *alias* C K. The applicants are both primary school teachers employed by the Teachers Service Commission.
2. In its report freeing the child for adoption, the Kenya Children's Homes Adoption Society states that the child was presumably born on 6th February, 2013. He was found abandoned at [particulars withheld] area in Nakuru on 6th March, 2013 and taken to Nakuru Police Station where it was recorded under OB Number [particulars withheld]. The child was admitted to the Africa Gospel Church Baby Centre on 6th March, 2013. He was committed to the Africa Gospel Church Baby Centre as a child in need of care and protection by the Children's Court in Nakuru on 22nd November, 2013 in Case Number 518 of 2013. This is after efforts by police to trace the relatives of the child proved futile as the letter from the Nakuru Police Station dated 25th September, 2013 indicates: The child was declared free for adoption by the Kenya Children's Homes Adoption Society on 12th March, 2014 and a freeing certificate issued pursuant to the provisions of section 156 (1) of the Children Act, 2001.
3. The applicants are husband and wife who solemnized their marriage in 1995 but state they have not been blessed with children hence their wish to adopt.
4. Mr. C K A B was appointed by this Court on 3rd July, 2015 as Guardian *Ad Litem* and consented to so act in respect of the child. Orders were also made on 3rd July, 2015 for the Guardian *Ad Litem* and the Director, Children's Services, to file reports with respect to the suitability of the applicants to adopt the child.
5. In his report filed in court on 6th September, 2016, the Guardian *ad Litem*, C K A B, stated that he has known the applicants for a period of over 10 years and they are his neighbours in Kipkelion within Kericho County. He stated that he had visited them at home often since they took the child and observed

that they have taken good care of the child. He further states that the child is in good health and has bonded well with the family, is happy with his family and is fluent in their language, Kipsigis. He expresses the view that the child is in good hands under the applicants, and the applicants are fit to adopt the child.

6. The Sub-county Children's Officer, Kericho Sub-county, filed a report dated 20th August, 2015. He states in the report that he visited the home of the applicants on 19th August, 2015 and met the applicants and the child. He noted that the child is well socialized and speaks the local dialect despite the short period of barely one and a half years that he has been with the applicants. He noted that the child has bonded well with the applicants, and the applicants were therefore fit to adopt the child.

7. The Court notes that the applicants, both of whom are primary school teachers, have bonded well with the child, with whom they appeared before the court on 6th September, 2016. They have had custody of the child since he was placed in their custody on 31st March, 2014. The reports from the *Guardian Ad Litem* and the Children's Officer indicate that the applicants have bonded well with the child and that he is happy and healthy under their care.

8. I have considered the application and the affidavits filed in support of the applicants' application to adopt the child. I have also considered the reports filed with respect to the suitability of the applicants as adoptive parents. I note that the applicants are a married couple, and have the means to support and take care of the child, who has bonded well with them I am therefore satisfied that the best interests of the child F J *alias* C K, lie in the Court granting the orders for his adoption.

9. Consequently, the Court hereby grants orders authorizing the applicants J K K1 and N C S to adopt the child, F J *alias* C K.

10. The child shall be known as C K and his date of birth shall be 6th February, 2013. He is presumed to be a Kenyan citizen by birth. J K K2 and C N the brother and sister in law of the 1st applicant shall be the legal guardians of the child should any misfortune befall the applicants.

11. The Registrar General shall make appropriate entries in the Adopted Children's Register and the Registrar of Births and Deaths shall issue a birth certificate in respect of the child.

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

13. It is so ordered.

Dated, signed and delivered at Kericho this 28th day of October 2016.

MUMBI NGUGI

JUDGE