

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

ADOPTION CAUSE NO.1 OF 2013

IN THE MATTER OF BABY S ALIAS M C (MINOR)

L C L.....APPLICANT

JUDGMENT

1. The applicant, L C L, a female adult, has filled the application dated 14th February, 2013 filed by way of originating summons in which she seeks to be authorized to adopt the child, S *alias* M C. The applicant is a widow aged 40 years. Her husband, to whom she was married in 2002 under Kipsigis customary law, passed away on 2nd July, 2005. They had no children by the time the applicant's husband passed away.

2. The applicant is a farmer by occupation and owns a two acre piece of land which she inherited from her deceased husband. She states that she grows tea on the said farm and that she sells other farm produce such as bananas.

3. The child the subject of these proceedings is S *alias* M C. Her presumed date of birth is 4th October, 2011. According to the Declaration Report from the Kenya Christian Homes Adoption Society, she was found abandoned at [particulars withheld] on 4th October, 2011 by good Samaritans. She was taken to Embakasi Police Station and placement was sought for her at the Thomas Barnado House. The child was committed to the Thomas Barnado House on 27th February, 2012 vide Care and Protection Case No. 24 of 2012. She was declared free for adoption by the Kenya Children's Home Adoption Society on 8th May, 2012 in accordance with the provisions of section 156(1) of the Children Act.

4. Pursuant to orders issued by this court on 23rd September, 2013 the Director of Children's Services, through the District Children's Officer, Bureti, filed a report with respect to the suitability of the applicant to adopt the child. She notes that the applicant is economically and socially stable and can take care of the child should she be authorized to adopt her. A home visit was paid to the applicant and the child by a children's officer on 4th December, 2014 and it was noted that the child has bonded well with the applicant in the period of two years that she had been with the applicant, having been placed with her on 29th May, 2012. Her recommendation is that the applicant should be authorized to adopt the child.

5. The Guardian *ad litem*, H C C, appointed on 23rd September, 2013, has also filed a report dated 1st May, 2015. She states that she has known the applicant for a period in excess of 10 years. She has visited the applicant since she was given custody of the child on 29th May, 2012 has noted that the applicant and the child have bonded well, and that the child is in good health. She also recommends that the applicant be authorized to adopt the child.

6. I have considered the application before me and the various documents and reports filed with respect to the applicant's application to adopt the child. All the reports are favourable to the applicant and recommend that she be authorized to adopt the child. I note that this is a local adoption, and the applicant being female and the child sought to be adopted a girl child, there is no reason to prevent the grant of the orders sought.

7. In the circumstances, I am satisfied that it would be in the best interest of the child to be adopted by the applicant. I therefore grant the applicant authority to adopt the child, S *alias* M C, the said child to be known as M C. Her date of birth shall be 4th October, 2011 and her place of birth Nairobi. She is presumed to be a citizen of Kenya by birth. The applicant's brother-in-law, P M, shall be the legal

guardian of the child should such eventuality arise.

8. I direct the Registrar General to enter this order in the Adoption Register. The guardian ad litem is hereby discharged.

Dated, Delivered and Signed at Kericho this 28th day of October 2016.

MUMBI NGUGI

JUDGE