



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
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**In re AT alias AM (Child) (Adoption Cause 4 of 2018)
[2023] KEHC 20879 (KLR) (19 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20879 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
ADOPTION CAUSE 4 OF 2018
JK SERGON, J
JULY 19, 2023
IN THE MATTER OF THE ADOPTION OF BABY A.T ALIAS
BABY A.M (CHILD)**

IN THE MATTER OF

BC APPLICANT

RULING

1. Before the court is the originating summons dated August 10, 2018 by which the applicant seeks the following orders;
 - i. Spent
 - ii. Spent
 - iii. That the Applicant BC be authorized to adopt the male child currently identified and known as Baby AT alias Baby AM (Child).
 - iv. That GK and JC both of Post Office Box No xxx, LITEIN, and who are the Applicant's neighbours be appointed guardians to take care of the interests of the minor should any misfortune befall the Applicants.
 - v. That the child be renamed AK.
 - vi. That the child be declared a Kenyan citizen.
 - vii. That the Registrar General does make appropriate entries in the Adopted Children's Register.
 - viii. That the court do direct the Registrar of Births and Deaths to issue a certificate of birth to the child.



2. The application was supported by an affidavit sworn by BC the Applicant herein and a statement in support of the application for an adoption order by the Applicant.
3. The Applicant is a female sole applicant, desirous of adopting one child, a boy. The Applicant does not have any relationship with the child herein.
4. The Applicant is a farmer and is the registered owner of a [Particulars Withheld] business in [particulars Withheld] market annexed and marked "BC2" is a copy of the single business permit. The Applicant generates a monthly income of Kshs 15,000/= from farming and her other businesses, she therefore has the financial means and capability to take care of the child.
5. The Applicant in support of her application for adoption filed a certificate of good conduct, she has no criminal record.
6. The Applicant deponed that she is physically and mentally fit to adopt, she does not suffer from any ailments that may hamper parenting of the child and filed a medical report in support of her application.
7. The Applicant applied for adoption on November 24, 2016 through the Kenya Children's Homes, an Adoption Society incorporated under the *Children Act*, pursuant to the said application, child placement was considered and approved by the Adoption Society and subsequently *vide a care and placement agreement* dated December 21, 2017 the child was committed to her care by the African Gospel Church Baby Center, upon approval by the Kenya Children's Homes.
8. The Applicant took physical custody of the child and assumed parental responsibility to the date of this instant application. The Applicant abided by the terms and conditions of the care agreement.
9. The child was born on December 19, 2014 and subsequently abandoned at Nakuru Provincial General Hospital after the mother absconded from hospital, the alleged mother was a 15 year old who claimed to be an orphan, that she was defiled and did not want to keep the child after birth. The matter was reported and booked by Nakuru Police Station *vide Occurrence Book NO.*
10. On December 23, 2014 Nakuru Provincial General Hospital wrote to African Gospel Church Baby Center requesting the home to offer care and protection to the child, the child was subsequently discharged from Nakuru Provincial General Hospital and admitted to the African Gospel Church Baby Center with the admission form indicating that the family details of the child were unknown,
11. The child was subsequently committed to Africa Gospel Church Baby Centre for care and protection for a period of three (3) years by Children's Court in Molo on January 14, 2015 *vide P&C Case No of 2015.*
12. The Police issued a final letter dated September 2, 2015 and confirmed that the parents of the child could not be traced.
13. The child was declared free for adoption on November 25, 2016 *vide Certificate Serial No.xxxx* issued by the Little Angels Network.
14. The Guardian Ad Litem filed a letter dated December 30, 2019 and the Department of Children Services filed a report dated February 17, 2020 and recommended the adoption.
15. I have considered the originating summons filed herein dated August 10, 2018, the affidavit, the adoption bundle annexed and marked as "BC1" filed in support of the application for adoption. I find that the applicant is a suitable person to take charge of the child and safeguard his interests and that the adoption herein will serve the best interest of the child.



16. In deciding upon any matter involving a child, courts are obliged to give priority to the best interests of the said child, section 8 (1) of the [Children Act](#) No 29 of 2022 provides as follows;

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies—

(a) the best interests of the child shall be the primary consideration;”

17. I hereby allow the originating summons dated August 10, 2018 in the following terms;

- i. That the applicant herein be and is hereby authorized to adopt the child.
- ii. That GK and JC be and are hereby appointed the Legal Guardians of the child to take care of the interests of the minor should any misfortune befall the Applicant.
- iii. That the Guardian Ad Litem be and is hereby discharged.
- iv. That the child shall henceforth be called AK.
- v. That the child is hereby declared a Kenyan citizen.
- vi. That the Registrar General be and is hereby directed to register this adoption in the Adopted Children’s Register.
- vii. That the Registrar of Births and Deaths be and is hereby directed to issue a certificate of birth to the child.

DATED, SIGNED AND DELIVERED THIS 19TH DAY OF JULY, 2023.

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J.K. SERGON

JUDGE

In the presence of:

C/A Rutto

Miss Sang holding brief for Koech for Applicant

