



**In re Baby KI alias MK (Child) (Adoption Cause 9 of 2018)
[2023] KEHC 21230 (KLR) (19 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21230 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
ADOPTION CAUSE 9 OF 2018
JK SERGON, J
JULY 19, 2023
IN THE MATTER OF THE ADOPTION OF BABY K.I. ALIAS M.K. (CHILD)
IN THE MATTER OF AN APPLICATION**

IN THE MATTER OF

RCC APPLICANT

RULING

1. Before the court is the originating summons dated September 27, 2018 by which the applicants seek the following orders;
 - i. Spent
 - ii. Spent
 - iii. That the Applicant; RCC be authorized to adopt the male child currently identified and known as baby KI alias MK.
 - iv. That CDC and PC both of Post Office Box No xxx, [particulars withheld] be appointed guardians to take care of the interests of the minor should any misfortune befall the Applicant.
 - v. That the child be renamed MK
 - 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 does issue such orders and directions as are in the interest of justice.



2. The application is supported by an affidavit dated September 27, 2018 sworn by RCC the applicant herein and statement in support of the application for an adoption order of even date sworn by the Applicant
3. The Applicant is 57 years of age and has been blessed with one issue of her own who is age 34 years and she has been unable to get others as such she is desirous of adopting a child.
4. The Applicant owns a piece of land in [particulars withheld] of Kericho County measuring approximately 3.3 acres where she practices farming, that she is a teacher at Ngesumin primary school having been employed in the year 2014 and she makes an average monthly income of Kshs 30,000/=inclusive of all businesses and income from farm produce hence she has the financial means and capability to take care of the child
5. The Applicant in support of her application for adoption filed certificate of good conduct, she has no criminal record.
6. The Applicant deponed that she does not have any ailments that would hamper her parenting of the child herein, that she is currently physically and emotionally fit and filed a medical report in support of her application.
7. The Applicant applied for adoption on June 19, 2013 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 12th November, 2014 the child was committed to her care by the Imani Childrens Home, upon approval by the Kenya Children's Homes. Subsequently, the Applicant took physical custody of the child and assumed parental responsibility to the date of this instant application. The Applicant has faithfully abided by the terms and conditions of the care agreement.
8. The child was presumably born on January 4, 2008 and was left by his mother namely xxx to a lady called xxx within corner mbaya area in Kayole on February 1, 2008 on allegations that the mother was going to look for food for the child. The said good Samaritan waited in vain for the baby's mother to come but it was not to be, she reported the matter at Kayole Police Station on February 4, 2008 vide OB No xxx.
9. The Kayole Police station officers referred the baby to Imani Children's home for care and protection since his mother's whereabouts remained unknown, the child was admitted at the Imani home on February 4, 2008 and on August 15, 2014, the child was committed to the care of the Imani Children's Home through the Children's court at Nairobi vide care and protection number . The child was found to be in good health and the home ensured that the child's immunization schedule was followed as per the Kenya Expanded Program Guidelines on Immunization and his HIV test results was negative.
10. The Police issued a final letter dated September 27, 2011` and confirmed that the parents of the child could not be traced and the Imani Children's Home investigation to also trace the child's mother or relatives were futile as the minor stayed in the institution for over 7 years.
11. The child was declared free for adoption by the Buckner Kenya Adoption Services Case Committee on its sitting of July 13, 2015 vide a Freeing Certificate Serial No xxx issued pursuant to section 156 (1) of the Children Act, 2001.
12. The *guardian ad litem* filed a Report dated July 22, 2019 and recommended the Adoption and the Children Officer's Report dated August 15, 2019 also recommended the adoption.



13. I have considered the originating summons filed herein dated 27th September, 2018 and the supporting documents 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.
14. 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;”
15. I hereby allow the originating summons dated September 27, 2018 in the following terms;
- i. That the applicant herein be and is hereby authorized to adopt the child.
 - ii. That CDC and PC 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 MK
 - v. That the child is hereby declared a Kenyan citizen.
 - vi. That the Registrar General be and is hereby directed to register this adoption order or decision in the Adopted Children’s Register.

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

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J.K. SERGON

JUDGE

