



**In re adoption of Baby IO alias JK (Adoption Cause 3 of 2019)  
[2023] KEHC 22377 (KLR) (21 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22377 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
ADOPTION CAUSE 3 OF 2019  
JK SERGON, J  
SEPTEMBER 21, 2023  
IN THE MATTER OF THE ADOPTION OF BABY I.O. ALIAS J.K. (CHILD)  
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY  
J.C.S.....APPLICANT**

**RULING**

1. Before the court is the originating summons dated May 10, 2019 by which the applicant seek the following orders;
  - i. Spent
  - ii. Spent
  - iii. That the Applicant; J.C.S be authorized to adopt the male child currently identified and known as baby I.O alias J.K.
  - iv. That K.G and N.K.E, the brother and sister-in-law respectively, both of Post Office Box No. xxx, Kipkelion be appointed guardians to take care of the interests of the minor should any misfortune befall the Applicant.
  - v. That the child be renamed J.K.
  - 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 May 10, 2019 sworn by J.C.S 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 44 years of age and has not been blessed with any issue of her own and as such she is desirous of adopting a child.



4. The Applicant owns a piece of land in Kericho County measuring approximately 25 feet by 100 feet and owns a shop at Kipkelion town making a monthly income of approximately Kshs 30,000/=, therefore, she has the financial means and capability to take care of the child.
5. The Applicant in support of her application for adoption filed certificates of good conduct, they have no criminal record.
6. The Applicant deponed that she does not have any ailments that would hamper parenting of the child herein and filed medical report in support of their application.
7. The Applicant applied for adoption on June 15, 2018 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 September 17, 2018 the child was committed to her care by the African Gospel Church Baby Center upon approval by the Kenya Children’s Homes. The Applicant took physical custody of the child and assumed parental responsibility to the date of this instant application. The Applicants abided by the terms and conditions of the care agreement.
8. The child was rescued by members of public immediately after being born by a mentally incapacitated woman and was taken to Nakuru police station. The matter was reported at the said police station and booked on Occurrence Book No.XXXX.
9. The child was subsequently admitted to Africa Gospel Church Baby Centre-Nakuru on August 24, 2015 and on Septe15<sup>th</sup> September, 2015 the child was presented before the Children’s Court Nakuru and was committed to care and protection of Africa Gospel Church Baby Center for a period of three (3) years vide Nakuru Children’s Court P. & C. Case No. XXXXof 2015.
10. The Police issued a final letter dated September 9, 2016 indicating that investigations were carried out and the efforts to trace the child’s relatives were not successful.
11. The child was declared free for adoption on November 25, 2016 vide Certificate Serial No XXXX issued by the Case Committee of Little Angels Network.
12. The Guardian Ad Litem filed a Report dated October 28, 2019 and recommended the Adoption and the Children Officer’s Report filed on August 14, 2029 also recommended the adoption.
13. I have considered the originating summons filed herein dated May 10, 2019 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 May 10, 2019 in the following terms;
  - i. That the applicant herein be and is hereby authorized to adopt the child.



- ii. That K.G and N.K.E 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 J.K.
- 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. Orders to issue accordingly.

**DATED, SIGNED AND DELIVERED VIRTUALLY THIS 21<sup>ST</sup> DAY OF SEPTEMBER, 2023.**

.....

**J.K. SERGON**

**JUDGE**

**In the presence of:**

C/Assistant - Rutoh

