



**In re MK aka JC (Child) (Adoption Cause 4 of 2015)
[2023] KEHC 22378 (KLR) (21 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22378 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
ADOPTION CAUSE 4 OF 2015
JK SERGON, J
SEPTEMBER 21, 2023**

IN THE MATTER OF

**PKN 1ST APPLICANT
FCN 2ND APPLICANT**

RULING

1. Before the court is the originating summons dated June 17, 2015 by which the applicant seeks the following orders;
 - i. Spent
 - ii. Spent
 - iii. That the Applicants; PKN and FCN be authorized to adopt the male child currently identified and known as MK (child).
 - iv. That LKM and BCM both of Post Office Box No xxx, be appointed guardians to take care of the interests of the minor should any misfortune befall the Applicants.
 - v. That the child be declared a Kenyan citizen.
 - vi. That the Registrar General does make appropriate entries in the Adopted Children’s Register.
 - vii. That the court does issue such further orders and directions as are in the interest of justice.
2. The application was supported by an affidavit sworn by PKN the Co-Applicant herein on behalf of his wife FCN and a statement in support of the application for an adoption order by both Applicants
3. The Applicants solemnized their marriage on August 25, 1998 but were not blessed with any children.
4. The Applicants are desirous of adopting one child, a boy. The Applicants do not have any relationship with the child herein.



5. The Applicants own a piece of land in Bomet County, they are both business owners and farmers, they therefore are possessed of sufficient economic means to take care of the child.
6. The Applicants in support of their application for adoption filed certificates of good conduct, they have no criminal record.
7. The Applicants deponed That they are physically and mentally fit to adopt, they do not suffer from any ailments That may hamper parenting of the child and filed medical reports in support of their application.
8. The Applicant applied for adoption on February 5, 2014 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 August 25, 2014 the child was committed to their care by Mxxx AIC Baby Home, upon approval by the Kenya Children’s Homes.
9. The Applicants 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.
10. The child was born on July 13, 2012, he was abandoned at Kericho District Hospital immediately after birth by his mother one JC who absconded from hospital, according to the hospital management the mother had indicated That she was a school girl but no further details had been taken on her family background. The matter was reported at Kericho Police Station by the hospital management on July 24, 2012 and recorded vide Occurrence Book No xxxx but no police letter was issued.
11. The hospital sought a vacancy through Kericho District Children's Officer at Mxxx Baby Home for care and protection, the baby was subsequently discharged from Kericho District Hospital on August 3, 2012 and admitted to Mxxx Baby Home as a child in need of care and protection.
12. The child was subsequently committed to Mxxx AIC Baby Home for care and protection for a period of three (3) years by Children’s Court in Kericho on August 3, 2012 vide P&C Case No xxxx of 2012.
13. The Police issued a final letter dated September 16, 2013 and confirmed That the parents of the child could not be traced.
14. The child was declared free for adoption on July 16, 2014 vide Certificate Serial No issued by the Kenya Children's Home Adoption Society.
15. The Guardian Ad Litem filed a report dated January 31, 2020 and the Department of Children Services prepared a report dated November 17, 2016 which was produced in court on October 25, 2019 recommending the adoption.
16. I have considered the originating summons filed herein dated June 17, 2015, the affidavit, statement in support of the adoption and the adoption bundle filed in support of the application for adoption. I find That the applicants are suitable persons to take charge of the child and safeguard his interests and That the adoption herein will serve the best interest of the child.
17. 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;'

18. I hereby allow the originating summons dated June 17, 2015 in the following terms;

- i. That the applicants herein be and are hereby authorized to adopt the child.
- ii. That LKM and BCM 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 Applicants.
- iii. That the Guardian Ad Litem be and is hereby discharged.
- iv. That the child shall henceforth be called TK
- 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. Orders to issue accordingly.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 21ST DAY OF SEPTEMBER, 2023.

J.K. SERGON

JUDGE

