



**In re Baby MM alias MAO (Child) (Adoption Cause 1 of 2023)
[2023] KEHC 23219 (KLR) (5 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23219 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
ADOPTION CAUSE 1 OF 2023
DO OGEMBO, J
OCTOBER 5, 2023
IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001
AND
IN THE MATTER OF APPLICATION BY SAT
AND
IN THE MATTER OF ADOPTION OF BABY MM
ALIAS MAO (CHILD)**

RULING

- 1 The applicants SAT, has moved this court by way of an originating summons dated March 14, 2022. The same is brought under various provisions of the *Children Act* including sections 154, 156(1), 157(1), 158(1)(a), 4(a), 159(4)(6)(7)(8)(a), 160(1)(2)(4), 162, 163, 164(1) and 170.
- 2 At this stage of the trial, substantive orders that the applicant seeks are:
 - i. That the applicant be authorized to adopt Baby MM alias MAO.
 - ii. That the Baby MM be henceforth formally known as MAO.
- 3 The application is supported by a statement of the applicant basically stating among other facts, that the applicant wishes to adopt the subject baby, born on or about March 1, 2019 at Bukhungu within Kakamega County. That though the child was born to ML and JL, according to customs of the community, a child born of such a relationship could not be brought up by any member of the community. That the said parents have signed consent surrendering the child for placement in a children's name for adoption and have since consented to the child being adopted by the applicants in line with section 158(4)(a) of the *Children's Act*. That the child has since been declared fit for adoption by the case committee of the Little Angels Network.
- 4 The applicant is a Kenya, resident in Holo, Kisumu County and a single mother one PA. That she has appointed MAO and GOO as the legal guardians of the child in the event of her death. That she is



physically and emotionally fit and healthy and competent to parent and take care of the child. Finally, that she has no adverse interests to those of the child.

5 To assist in determining this application, this court ordered for and obtained a report of the Children's Officer.

6 The report dated May 3, 2023 was duly filed herein on July 10, 2023. I have duly considered the same. It confirms the averments made by the applicant in the statement of the applicant dated March 14, 2022. In summary, the report recommends that the applicant is fit and suitable to adopt the subject minor and further that the proposed guardians are fit and suitable persons to be appointed as legal guardians of the subject, having met eligibility criteria defined in National Alternative Care Policy Guidelines, 2014.

7 I have considered the above and I am convinced that the application of the applicant dated March 14, 2022 has merit. I allow the same and grant orders 3 and 4 as prayed. I shall make no orders as to costs of this application.

Dated, signed and Delivered at Siaya this 5th Day of October, 2023

D.O. OGEMBO

JUDGE

PARA 5.

10.2023

Court:

Ruling read out in Open court in the absence of Advocate for Applicant.

D.O. OGEMBO

JUDGE

PARA 5.

10.2023

Court:

File ordered closed.

D.O. OGEMBO

JUDGE

PARA 5.

10.2023

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