



REPUBLIC OF KENYA



**In re LA (Minor) (Adoption Cause E002 of 2023)
[2024] KEHC 15351 (KLR) (4 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15351 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
ADOPTION CAUSE E002 OF 2023
JK SERGON, J
DECEMBER 4, 2024
IN THE MATTER OF THE ADOPTION OF L.A. (MINOR)
IN THE MATTER OF AN APPLICATION FOR ADOPTION**

IN THE MATTER OF

PCB APPLICANT

RULING

1. Before the court is the amended originating summons dated 10th June, 2024 by which the applicant seeks the following orders;
 - i. Spent
 - ii. Spent
 - iii. That the Applicant; P.C.B be authorized to adopt the child currently identified and known as L.A (minor).
 - iv. That M.K. and C.C. both of Post Office Box No XXX, Kedowa, be appointed as legal guardians to take care of the interests of the minor should any misfortune befall the Applicants.
 - v. That the Registrar General does make appropriate entries in the Adopted Children’s Register.
 - vi. That the child be renamed as S.K.B
 - vii. That the child be declared a Kenyan citizen.
 - viii. That the court does issue such further orders and directions in the interest of the child.
2. The application was supported by an affidavit sworn by P.C.B the Applicant herein and a statement in support of the application for an adoption order by the Applicant.



3. The Applicant avers that she was not married or blessed with any child.
4. The Applicant avers that sometime in 2021, she visited AGC Ngata Children Home with the intention to adopt a child and she was referred to Angel Center by the same institution and after considering the minors at the Center, she decided to foster the said minor.
5. The Applicant avers that executed a foster care agreement form and that she received the child on 12th January, 2023 and that the said child has been under her care and custody since that date. The Applicant avers that she is desirous of legally adopting the said child.
6. The Applicant avers that she is a small scale farmer in Kedowa within Kericho County and that she resides in Bustani Village, Kimasian Location, Kipkelion East and has a semi permanent house on a one acre piece of land known as Kericho/Londiani/Joubert/Kedowa Block II (Kamasian) 244 that was bequeathed to her and therefore possesses sufficient economic means to take care of the material needs of a growing child.
7. The Applicants deponed that she is physically and emotionally fit and healthy to adopt and to take care of the said child.
8. The Applicant deponed that Angel Center, the registered adoption society has given consent for the child to be adopted by the Applicant. The Applicant attached a copy of the certificate of exit from the said Center.
9. The Applicant deponed that her brother and his wife have consented to be the legal guardians of the child should any misfortune befall the Applicant before the child attains the age of majority. The Applicant attached a copy of the written consent.
10. The Department of Children Services prepared a report dated 25th October, 2024 which was produced in court recommending the adoption.
11. I have considered the amended originating summons filed herein dated 10th June, 2024 and the statement in support of the adoption and the adoption bundle 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.
12. In deciding upon any matter involving a child, courts are enjoined 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;”
13. I hereby allow the amended originating summons dated 10th June, 2024 in the following terms;
 - i. That the applicant herein be and is hereby authorized to adopt the child.
 - ii. That M.C and C.C 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 S.K.B
 - 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 AT KERICHO THIS 4TH DAY OF DECEMBER, 2024.

J.K. SERGON

JUDGE

In the presence of:

C/Assistant – Langat

Miss Jausiku for the Applicant

