



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO
ADOPTION CAUSE NO. 2 OF 2019
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001

AND

IN THE MATTER OF THE APPLICATION FOR AN ORDER OF ADOPTION
IN THE MATTER OF ADOPTION OF BABY SD alias KD alias BK (CHILD)
ER.....1ST APPLICANT
MCC.....2ND APPLICANT

JUDGMENT

1. The applicants herein ER and MCC (hereafter referred to as the 1st and 2nd Applicants respectively) filed this Originating Summons (OS) dated 10/5/2018 seeking the following orders:-
 - (i) **THAT** LCM of Post Office Box Number xxx KERICHO in the Republic of Kenya be appointed as Guardian *Ad Litem* of the child SD alias KD alias BK.
 - (ii) **THAT** the Director, Children's Services Department investigates the Applicants' fitness or otherwise and files a report thereof.
 - (iii) **THAT** the Applicants; ER and MCC be authorized to adopt the male child currently identified and known as BABY SD alias KD alias BK.
 - (iv) **THAT** AKR and MC both of Office Box Number xxx, KERICHO be appointed Legal Guardians to take care of the interests of the minor should any misfortune befall the Applicants.
 - (v) **THAT** the child be renamed BK.
 - (vi) **THAT** the child be declared a Kenya Citizen.
 - (vii) **THAT** the Registrar General does make appropriate entries in the Adopted Children's Register.
 - (viii) **THAT** the Court does issue such further orders and directions as are in the interest of Justice
2. The 1st Applicant is aged 52 years and he is a farmer with an income of Kshs. 30, 000.
3. The 2nd Applicant is the wife of the 1st Applicant. She is aged 47 years and she is a farmer.
4. The two Applicants live at Kipsotet in their own home.
5. The Applicants have no biological child but they have an adopted son whom they adopted vide Adoption Cause No. xxx of 2015 in 2017.
6. The child was found abandoned at Nakuru by a good Samaritan who reported the matter to Nakuru Police Station vide occurrence book

number xx/20/8/2016 and the police confirmed by letter dated 6/9/2016.

7. The child was admitted to African Baby Centre on 20th August, 2016.

8. On 22/8/2016, the child was presented before the Children's Court at Nakuru and a committal order made formally committing the child to African Gospel Church Baby Care vide Protection and Care Case No. xxx of 2016 for a period of three (3) years.

9. The police efforts to trace the biological parents of the child bore no fruit and the child was declared free for adoption vide Certificate No. [Particulars Withheld] issued by the case committee of Little Angels Network on 26/5/2017.

10. The child was released to the Applicants on 31/1/2018 and he has bonded well with them.

11. The Ainamoi Sub County Children Officer visited the Applicants and filed a report dated 30/12/2019.

12. The Guardian *Ad Litem* also filed a report dated 29/6/2021.

13. Both reports are favourable and they recommend the adoption of the child by the Applicants.

14. I have considered the Originating Summons filed herein together with the Reports in respect of the adoption of the child.

15. I find that both Applicants meet the threshold for adoption of the child.

16. I find that it is in the best interest of the child that the Originating Summons be allowed.

17. I accordingly allow the Originating Summons dated 10/5/2018 in the following terms;

(i) **THAT** the Applicants be and are hereby authorized to adopt the child.

(ii) **THAT** the child will henceforth be named BK.

(iii) **THAT** the consent of the biological parents is dispensed with since the child was found abandoned.

(iv) **THAT** the Registrar General be and is hereby directed to enter appropriate entries in the Adopted Children's Register.

(v) **THAT** the child be declared a Kenyan Citizen.

(vi) **THAT** AKR and MC be and are hereby appointed Legal Guardians of the child in case of incapacity by the Applicants before the child attains the age of maturity.

(vii) **THAT** the Guardian *Ad Litem* be and is hereby discharged.

DELIVERED, SIGNED AND DATED AT KERICHO THIS 9TH DAY OF JULY 2021.

A. N. ONGERI

JUDGE