



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

ADOPTION CAUSE NO.3 OF 2013

IN THE MATTER OF J W ALIAS M K (A CHILD)

AND

IN THE MATTER OF APPLICATION FOR ADOPTION OF J W alias M K

E C.....APPLICANT

JUDGMENT

1. By her application dated 19th April 2013, the applicant, E C, applied to be authorized to adopt the child currently identified and known as J W alias M K.
2. The applicant is a sole female applicant, 47 years of age. She is a widow and has a biological daughter, E C, who was born in 1988. She works as a farmer in [particulars withheld], Nandi County.
3. The child the subject of these proceedings is the male child currently identified and known as J W alias M K. He was presumably born on 5th February 2010 and was abandoned at Subukia stage in Nakuru town on 6th February 2010. He was rescued and taken to Nakuru Provincial General Hospital for temporary custody.
4. The matter was reported at the Nakuru Police Station and entered in the Occurrence Book as OB Number 92/6/2/10. He was later referred to the Africa Gospel Church Baby Centre Ngata for care and protection on 8th February 2010. The child was committed to the home on 15th February 2010 through Protection and Care Case Number 179 of 2010.
5. By its letter dated 14th September 2010, the Nakuru Police Station confirmed that no one had come forward to claim the child, and all efforts to trace his parents had not borne any fruit. He was declared free for adoption on 9th August 2011 by the Kenya Children's Homes Adoption Society and a Freeing Certificate No. [particulars withheld] issued in compliance with section 156 (1) of the Children Act.
6. On 1st December 2017, this court appointed P K Guardian *ad Litem* in respect of the child. It also directed the Children Officer, Kericho, to liaise with the Children Officer, Nandi County, where the applicant had moved to from [particulars withheld] in Kericho, to investigate and file a report on the fitness or otherwise of the applicant to adopt the child.
7. By his report dated 12th April 2018, the Guardian *ad Litem* notes that the applicant is an upright person of good character who has been taking care of her children well. He has observed that the child has bonded well with the family and other children in the area with whom he fits well. He recommends that the applicant be allowed to adopt him.
8. The Sub-county Children Officer, Kericho East/Soin Sigowet/Ainamoi Sub-county, filed a report dated 12th April 2018. He notes that the applicant had been living in [particulars withheld] within Kericho before she bought a shamba in [particulars withheld] in Nandi County. The Sub-county Children Officer had visited her home in Nandi East sub-county, [particulars withheld] Location in Nandi County on 6th April 2018. He noted that she lives on her one acre piece of land with her brother's daughter, C C, and the child in this cause. She rears two dairy cows and plants food crops.
9. The Children's Officer further noted that the child is going to school at [particulars withheld] Primary School where he is in class one, and his school report form indicated he was doing well. His observation was that the child had bonded well with the applicant and was well taken care of and he recommends that the applicant be allowed to adopt him.
10. I have considered the application and the documents filed in support, as well as the reports of the Guardian *ad Litem* and the Children's Officer.

11. I note that though the applicant is a sole female applicant, she has a biological child of her own. Further, there is no indication that there was anyone else willing to adopt the child.

12. The applicant has her own piece of land on which she lives with her niece and the child. She has been described as a person of good character and the child has bonded well with her. From the report of the Children's Officer, it appears that she is a person of modest means, but she has been able to take care of the child since he was placed in her care 7 years ago. I am therefore satisfied that she has the means to take care of the child and it is in his best interests that she be allowed to adopt him.

13. Accordingly, I hereby authorise the applicant, E C, to adopt the child, J W *alias* M K. The child is declared a citizen of Kenya and his date of birth shall be 5th February 2010. He shall be renamed M K.

14. The Registrar General is directed to make the appropriate entries in the Adopted Children Register, and the Registrar of Births and Deaths is directed to issue a birth certificate in respect of the child.

15. I appoint J C and E C, the son-in-law and daughter of the applicant respectively, the legal guardians of the child should any misfortune befall the applicant.

16. The Guardian *ad Litem* is hereby discharged.

17. It is so ordered.

Dated, Delivered and Signed at Kericho this 8th day of June 2018.

MUMBI NGUGI

JUDGE