



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERICHO
ADOPTION CAUSE NO.10 OF 2015
IN THE MATTER OF THE CHILDREN ACT (ACT NO.8 OF 2001)
AND
IN THE MATTER OF BABY B alias B K
(A CHILD)
M C C.....APPLICANT
E R.....APPLICANT

JUDGMENT

1. By their application dated 19th November 2015, the applicants, M C C and E R, seek orders that they be authorized to adopt the male child currently identified and known as B *alias* B K.
2. The applicants are husband and wife now aged 43 and 46 years respectively, having been born in 1974 and 1969 respectively. They were married initially under Kipsigis customary law in 1997 then formalized their marriage on 8th January 2014 at the County Commissioner's office.
3. The child in respect of whom this cause relates is B *alias* B K. According to the report from the Kenya Children's Homes Adoption Society, his date of birth is presumed to be 20th February 2012. He was found abandoned in Nairobi on 24th July 2012. He was committed to the care of the Thomas Barnado Home by the Senior Resident Magistrate, Children's Court, Nairobi through Care and Protection Case No. 417 of 2012. He was declared free for adoption pursuant to the provisions of section 156 (1) of the Children Act 2001 by the Kenya Children's Homes Adoption Society on 14th August 2013.
4. Pursuant to orders issued by this court on 2nd December 2016, the Director of Children's Services, through the Sub-County Children's Office, Kericho, paid a home visit to the applicants on 12th January 2017, filed a report dated 16th January 2017 with respect to the suitability of the applicants to adopt the child. In his report, the Children's Officer notes that the applicants are fit to adopt the child, who has bonded well with them.
5. The Guardian *ad litem*, L C M, who was appointed on 2nd December 2016, also filed a report with respect to the suitability of the applicants to adopt the child. In her undated report filed in court on 24th March 2017, she notes that she has visited the applicants in their home and observed that they have taken good care of the child. She further observes that the child is in good health, and has bonded well with the applicants.

6. I have considered the application before me and the various documents and reports filed with respect to the applicants' application to adopt the child. The reports are favourable and recommend that the applicants be authorized to adopt the child.

7. I am satisfied that it is in the best interests of the child to grant the orders sought and allow the applicants to adopt the male child known as B. The child shall be renamed B K. He is presumed to be a citizen of Kenya by birth and his date of birth shall be 20th February 2012.

8. A K R and C M are hereby appointed the legal guardian of the child should any misfortune befall the applicants.

9. I direct the Registrar General to enter this order in the Adoption Register and the Registrar of births to issue a birth certificate in respect of the child.

10. The guardian ad litem is hereby discharged.

Dated, Delivered and Signed at Kericho this 5th day of May 2017.

MUMBI NGUGI

JUDGE