



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERICHO
ADOPTION CAUSE NO.7 OF 2015
IN THE MATTER OF THE CHILDREN ACT 2001 (ACT NO.8 OF 2010)

AND

IN THE MATTER OF MINOR H K *alias* N J (CHILD)

S K T.....1ST APPLICANT

J C T.....2ND APPLICANT

JUDGMENT

1. The applicants, S K T and J C T, are husband and wife. They have filed the application dated 1st October 2015 in which they seek to be allowed to adopt the male child currently identified and known as H K *alias* N J.
2. The first applicant is 51 years of age having been born on 16th May 1965. The second applicant was born in 1970 and is 47 years of age. The applicants cohabited between 1987 and 1990 when they married under Kipsigis customary law. They thereafter solemnized their marriage at the [particulars withheld] African Gospel Church (AGC) on 17th December 1994. The first applicant works as a salesman while the second applicant is a business woman. They have two biological children, both daughters, one born in 1989 and the other in 1991.
3. The minor the subject of this application is H K *alias* N J. He was presumed to have been born on 3rd December 2013. He was abandoned at [particulars withheld] estate in Government quarters in Kericho on 26th April 2014. He was referred to the care of the Africa Gospel Church Baby Centre Nakuru where he was admitted on 3rd July 2014. He was committed to the care of the Africa Gospel Church Baby Centre Nakuru by the Kericho Children's Court on 2nd July 2014 through Care and Protection Case No. 68 of 2014. He was freed for adoption by the Kenya Children's Homes Adoption Society on 11th February 2015 and a freeing certificate issued in accordance with section 156(1) of the Children Act.
4. The child was placed in the care and custody of the applicants on 4th March 2015.
5. Mr. P K K was appointed Guardian *ad litem* in respect of the child on 6th September 2016. In his report filed in court on 24th March 2017, the Guardian *ad litem* observes that the child has been taken care of and has been seamlessly co-opted into the family of the applicants. He has bonded well with his family, including the biological children of the applicants, is in good health, and all his basic needs have been met. The Guardian *ad Litem* observes that it is in the best interest of the child that the applicants are granted the orders that they seek.

6. The Director of Children's Services was directed to file a report on the suitability of the applicants to adopt the child. A report was filed by the District Children's Office, Bomet, dated 17th November 2016. The report indicates that a home visit was made to the applicants' home on 2nd November 2016. The Children's Officer notes that the applicants live in their own home on 2.5 acres of land, and have an additional 4 acres in Narok. The first applicant is employed as a salesman, and the applicants also have a shop where they sell spare parts. The Children's Officer notes that the child is living happily with the applicants, and recommends that they be allowed to adopt him.

7. From the reports of the Guardian *ad Litem* and the Children's Officer, it appears that the applicants are financially and socially able to take care of the child, who was observed to be happy and relating well with the applicants and their biological children.

8. Having considered the application, the documents in support, and the reports of the Guardian *ad litem* and the Children's Officer, Bomet, I am satisfied that it is in the best interests of the child to grant the orders sought.

9. Accordingly, I hereby allow the applicants to adopt the child, Hope K *alias* N J as prayed. The child shall be renamed N K.

10. R C and M C C are hereby appointed the legal guardians of the child should any misfortune befall the applicants.

11. I direct the Registrar General to make the appropriate entries in the Adopted Children's register and to issue a birth certificate in respect of the child.

12. The Guardian *ad litem* is hereby discharged.

13. It is so ordered.

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

MUMBI NGUGI

JUDGE