



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KERICHO**  
**ADOPTION CAUSE NO.4 OF 2016**  
**IN THE MATTER OF THE CHILDREN ACT (ACT NO.8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY C C alias CC alias SC(CHILD)**  
**CB M.....APPLICANT**

**JUDGMENT**

1. By their application dated 10<sup>th</sup> February 2016 brought by way of originating summons, CBM and her husband, R C M (now deceased), sought authority to adopt the child known as CC *alias* CC.
2. The applicants were husband and wife and were found suitable to adopt the child by the Kenya Children's Homes Adoption Society. The child was placed in their care and custody in June 2015.
3. In her affidavit sworn on 18<sup>th</sup> May 2016, CBM, now the sole applicant, deposes that on 28<sup>th</sup> March 2016, her husband passed away. Pursuant to orders made by this court on 8<sup>th</sup> June 2016, she was allowed to proceed with the application as a sole applicant.
4. The applicant is 38 years old. She resides at [particulars withheld] in Bomet County. She runs a [particulars withheld] business and [particulars withheld] from which she garners a monthly income of kshs.50,000.
5. The child the subject of this application is CC *alias* CC. Her date of birth is presumed to be 15<sup>th</sup> September 2010. She was found abandoned near a river on 2<sup>nd</sup> February 2011 and taken to Kapkatet District Hospital by a good Samaritan. She was admitted to the hospital for one week as she was found to be suffering from pneumonia. She was placed at the AIC Mogogosiek Baby Home on 31<sup>st</sup> March 2011.
6. The matter was reported to the police at Sotik Police Station vide O.B No.[particulars withheld]. She was committed to the Mogogosiek Baby Home on 14<sup>th</sup> November 2013 pursuant to orders made in Sotik Children's Court Case No.40 of 2013. According to the Sotik Police Station, no one has gone to claim the child since she was found abandoned. The child was declared free for adoption by the Kenya Children's Home Adoption Society on 20<sup>th</sup> May 2015 in accordance with section 156 (1) of the Children Act.
7. On 19<sup>th</sup> July 2016, PKK was appointed Guardian *ad Litem* in respect of the child. He has filed a report dated 27<sup>th</sup> January 2017 with respect to the suitability of the applicant to adopt the child. He indicates that he had visited the child and the applicant prior to the demise of the 1<sup>st</sup> applicant and had noted that

she had bonded well with the applicants since she was placed in their care in June 2015. She was, at the time of his report, a class two pupil at [particulars withheld] Academy in Bomet County. She is in good health and happy with the applicant in their home at [particulars withheld] area of Bomet County. He states that it is in the best interests of the child that the applicant is allowed to adopt her.

8. On 19<sup>th</sup> July 2016, the Director, Children Services, was directed to investigate and file a report on the suitability of the applicant to adopt the child. In the report dated 21<sup>st</sup> September 2016, the District Children Officer, Bomet, notes that the applicant resides on her own land measuring 6.4 acres where she grows tea and keeps cows. She also runs a small business and is an M-pesa agent. The children officer recommends that the applicant be authorized to adopt the child.

9. I have considered the application and the reports filed with respect to the suitability of the applicant to adopt the child. I note that she has her own home on a 6.4 acre piece of land in which she grows tea and keeps 4 cows. She also runs a small business. She therefore has the financial means to take care of the child.

10. I have further noted that the child, who was abandoned by her biological parent(s), has bonded well with the applicant and is in good health. She is also doing well in school and is happy. She is now 7 years old and has been in the care and custody of the applicant since June 2015.

11. I am satisfied that it is in the best interests of the child to allow the applicant to adopt the child, and I accordingly grant orders that the applicant, CBM, be and is hereby authorized to adopt the child, CC *alias* CC. The child is declared a citizen of Kenya and her date of birth is 15<sup>th</sup> September 2010. She shall be renamed SC.

12. JKM and ECM are appointed guardians of the child should any misfortune befall the applicants.

13. The Registrar General is directed to make the appropriate entries in the adopted Children's Register and to issue a birth certificate in respect of the child.

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

15. It is so ordered.

**Dated, Delivered and Signed at Kericho this 14<sup>th</sup> day of July 2017.**

**MUMBI NGUGI**

**JUDGE**