



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KERICHO**  
**ADOPTION CAUSE NO.1 OF 2016**  
**IN THE MATTER OF THE CHILDREN ACT (ACT NO.8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY M M *alias* MM *alias* M K (CHILD)**  
**C C S.....APPLICANT**

**JUDGMENT**

1. The applicant, CCS is a teacher by profession. She is 56 years old, having been born in 1961. She teaches at [particulars withheld] Primary School. She is single and has a fourteen year old daughter.
2. By her application dated 12<sup>th</sup> January 2016, she prays to be authorized to adopt the male child currently identified and known as MM *alias* MM *alias* MK.
3. The child was presumably born on 6<sup>th</sup> January 2012. He was found abandoned at [particulars withheld] village within Nabongo Location of Mumias District on 20<sup>th</sup> February 2012. He was placed under the custody of the good Samaritan who found him, one S N, in whose kitchen he was found abandoned. Efforts to trace his parents were unsuccessful.
4. The matter was reported at Mumias Police Station and recorded vide Occurrence Book Number [particulars withheld]. He was later placed at the Mumias Kids Centre as a child in need of care and protection. He was committed to the Mumias Kids Centre by the Children's Court in Mumias on 9<sup>th</sup> January 2013 in Protection and Care Case Number 4 of 2013. He was declared free for adoption by the Kenya Children's Homes Adoption Society on 16<sup>th</sup> June 2015 in accordance with section 156 (1) of the Children Act.
5. Pursuant to orders issued on 2<sup>nd</sup> December 2016, J K M was appointed Guardian *ad Litem* in respect of the child. The Director, Children's Services, was also directed to investigate and file a report with regard to the fitness or otherwise of the applicant to adopt the child.
6. I have considered the application and the various affidavits and annexures fled in support. I have also considered the report of the Guardian *ad Litem* dated 27<sup>th</sup> February 2017 and that of the Sub-County Children Officer, Nandi East District/South/Tinderet filed in court on 9<sup>th</sup> March 2017.
7. What emerges from the reports is that the applicant is eminently suitable to adopt the child. She has

been a primary school teacher since 1987 and is industrious and principled. She has a biological child, a daughter aged fourteen. She has her own home on 2.9 acres of land in [particulars withheld] Village of Chemamal Location.

8. The applicant has treated the child as she treats her own biological daughter. He was observed to be happy, healthy and active. The applicant's biological child, M C, born in 2003, is reported to be happy at having a brother and has signed a consent to that effect.

9. I note that the applicant is a sole female applicant seeking to adopt a male child, which ordinarily is not permissible under the provisions of the Children Act. However, pursuant to guidelines issued by the National Adoption Committee on 13<sup>th</sup> January 2010, she can be allowed to adopt a male child as she has another (biological) child, and there is no one else who has come forward to adopt the child.

10. In the circumstances, I am satisfied that it is in the best interests of the child, M M *alias* M M *alias* M K, to allow his adoption by the applicant. The child shall be known as M K. He is declared a citizen of Kenya and his date of birth is 6<sup>th</sup> January 2012.

11. The Registrar General shall make the appropriate entries in the Adopted Children's Register, and shall issue a birth certificate in respect of the child.

12. J K L, the applicant's nephew, and his wife, C J, are hereby appointed legal guardians of the child should any misfortune befall the applicant.

13. The guardian *ad Litem* is hereby discharged.

14. It is so ordered.

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

**MUMBI NGUGI**

**JUDGE**