



REPUBLIC OF KENYA

IN THE HIGH COURT AT KERICHO

ADOPTION CAUSE NO.6 OF 2015

IN THE MATTER OF CHILDREN ACT (ACT NO.8 OF 2001)

AND

IN THE MATTER OF MINOR L *alias* J K *alias* M K L (CHILD)

P C L.....1ST APPLICANT

J C L.....2ND APPLICANT

JUDGMENT

1. By their application dated 17th August 2015, the applicants, P C L and J C L, seek orders that they be authorized to adopt the male child currently identified and known as L *alias* J K *alias* J K L.
2. The applicants are husband and wife, now aged 63 and 57 respectively. They were married under Kipsigis customary law in 1976 and solemnised their marriage under the provisions of the Marriage Act on 28th February 2014. The first applicant is a retired [particulars withheld] who now engages in [particulars withheld] in Kaproret, [particulars withheld] village, Kericho, while the second applicant is a housewife and farmer.
3. The child in respect of whom these adoption proceedings relate is known as L *alias* J K *alias* J K L. According to the report from the Kenya Christian Homes Adoption Society, the child was born on 1st February 2005. He was found abandoned at the Kenyatta National Hospital's X-ray Department and was admitted at the hospital on the same day. A report was made to the Kenyatta National Hospital Police Post vide O.B. Number 10th November 2005.
4. The child remained at the hospital until he was referred to the Missionaries of Charity Home in Huruma, Nairobi. He was committed to the home by the Resident Magistrate's Court under Care and Protection Case Number 348 of 2007 on 3rd May 2006. According to a letter from the Kenyatta National Hospital Police Postdated 24th January 2007, no-one has ever gone to claim the child since the report was made to the police post in August 2005. The child was freed for adoption by the Kenya Children's Homes Adoption Society on 17th September 2008 in accordance with the provisions of section 156 (1) of the Children Act, 2001. He was placed with the applicants on 18th December 2014.
5. K R K was appointed Guardian *ad Litem* of the child pursuant to orders made by this Court on 25th September 2015. He has filed a report with regard to the suitability of the applicants to adopt the child which was filed in court on 8th September 2016.

6. In addition, pursuant to orders issued by this court on 25th September 2015, the Bureti Sub-county Children's Officer prepared and filed a report dated 24th August 2016 with respect to the suitability of the applicants to adopt the child.

7. I have read and considered the reports filed by the Guardian *ad Litem* and the Children's Officer. The report of the Children's Officer is particularly detailed with respect to the situation of the applicants, their family relationships and financial standing, and their ability to care for the child if authorized to adopt him.

8. I note from the said reports that the applicants have been married for the last 40 years, initially under Kipsigis customary law and in 2014, solemnized their marriage under statute. They have two adult daughters but are desirous of adopting a male child. They have had custody of the child since he was placed in their care in January 2014.

9. From the reports and the various affidavits filed in support of the application, it is apparent that the applicants are socially and financially able to take care of the child. They have bonded well with the child who has been accepted by the rest of the family, including the adult daughters of the applicants, the second of whom is living at home with them.

10. Having considered the application and the reports and affidavits in support thereof, and taking into account the circumstances of the case, it is my view that the best interests of the child dictate that the orders sought be granted.

11. I therefore authorize the applicants, P C L and J C L to adopt the child, currently known as L *alias* J K *alias* J K L. The child shall be renamed M K, and shall be presumed to be a citizen of Kenya. His date of birth shall be 1st February 2005 and his place of birth Nairobi.

12. I direct that the Registrar General makes appropriate entries in the Adoption Register with respect to the adoption of the child, and that the Registrar of Births and Deaths issues a birth certificate to the child.

12. I further appoint C C and B K L, who are the sister in law and brother of the first applicant, as the Guardians to take care of the interests of the child should any misfortune befall the applicants.

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

14. It is so ordered.

Dated, Delivered and Signed at Kericho this 11th day of November 2016.

MUMBI NGUGI

JUDGE