



**In re BNK (Baby) (Adoption Cause E021 of 2024)  
[2026] KEHC 466 (KLR) (26 January 2026) (Judgment)**

Neutral citation: [2026] KEHC 466 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
ADOPTION CAUSE E021 OF 2024  
PN GICHOHI, J  
JANUARY 26, 2026  
IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY BNK**

**IN THE MATTER OF**

**CKT ..... 1<sup>ST</sup> APPLICANT**

**LCK ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The Applicants herein has moved this Court by an Originating Summons dated 2<sup>nd</sup> May, 2024 under Sections 183, 184 (1), 185 (1), 186 (1) (b) 2 (b), (8) (a), 188 (1), 191, 192 (b), 193, 194, 195 (1) and 2001 of the *Children Act* No. 29 of 2022, seeking for the following Orders: -
  1. That JCK be appointed as Guardian ad Litem for Baby BNK during the hearing of these adoption Proceedings.
  2. That the Director of Children Services in the Ministry of Home Affairs be directed to conduct investigations as to the suitability of the Applicants to adopt Baby BNK and submit the report to court.
  3. That the consent of the biological parents of Baby BNK be dispensed with since the child was abandoned so soon after birth.
  4. That the Applicant be authorized to adopt Baby BNK and child be known as Brilliant Chebet Turgut henceforth.
  5. The Registrar General do make the appropriate entries in the Adopted children Register in respect of Brilliant Chebet Turgut.
  6. The court does issue such orders as may be necessary in the best interest of the Child.
  7. That the costs be in the cause.



2. In support of that application is a statement jointly sworn by the Applicants herein on 7<sup>th</sup> May 2024 annexing several documents. They state that from the information they received from Buckner Kenya Adoption Services who had investigated the history of the child, the child is presumed to have been born on 4<sup>th</sup> August 2022. She was found abandoned Kampi Shetani Area outside the gate of Olenguruone Seventh Day Adventist Church in Kuresio South Nakuru County.
3. The child was rescued on 5<sup>th</sup> August 2022 by a good Samaritan named NCK. Subsequently, the child was taken for medical examination at Keringet Hospital and later to Olenguruone Sub- County Hospital. On 6<sup>th</sup> August 2022, the matter was then reported at Olenguruone Police Station Vide OB No. XX/2022.
4. Later on, that is on 8<sup>th</sup> September 2022, the Children Officer Kuresoi referred the case to AGC center for safe custody of the child. The Child was committed by the Children’s Court Molo vide Case No. EO29 of 2022.
5. In Justification for their quest to adopt the child, the Applicants state that they are Kenyans, married and practicing Christians at African Inland Church. They have been caring and in control of the child for Six (6) Months since 8<sup>th</sup> December 2022.
6. They state are capable of assuming parental financial responsibilities of this child and are physically and emotionally fit. They have not been blessed with a child of their own due to medical reasons but they have adopted a male child named Cephas Kipkoech Kiprotich.
7. Further, they state that they have been investigated and found fit to be adoptive parents and further, that there is no objection to them adopting the child.
8. At directions stage of this matter, counsel acknowledged the omission to move the court by Chamber Summons and Originating Summons but in the interest of justice, this Court allowed the prayer in regard to the appointment of the guardian ad Litem for the child and indeed appointed JCK in that capacity.
9. Further, this Court directed the Director of Children Services in the Ministry of Home Affairs to avail a report in regard to this Adoption. That report was availed.
10. The two Applicants attended Court for hearing and availed both the subject herein and the earlier adopted child. They adopted their statements; the documents annexed thereto and urged the court to allow their application.
11. In support of the application, the guardian ad Litem stated that she had been performing her role. She explained that she had known the Applicants for 10 years. They are her neighbors and she has known them well.
12. JKN appeared with his wife and explained that they have their own children. He is a biological brother to the 1<sup>st</sup> Applicant. He urged the court to appoint him as legal guardian confirming that he understands his role in the matter.

### **Determination**

13. This court has considered this application together with the Supporting Affidavit, the reports and documents filed, all the evidence adduced in support thereto, and the provisions of law in regard to this application.



14. There is no doubt that the child herein was found abandoned soon after her birth within Nakuru County. The process of rescue and reporting was smooth culminating to the Committal Order of this child.
15. The parents are unknown and neither them nor any of the relatives have come forward to claim her. There is no one to give consent to her adoption and therefore, the consent is dispensed with.
16. This Court is satisfied that the child is a Kenyan, and therefore declares her as a Kenyan citizen by birth.
17. Regarding suitability of the Applicants, the documents availed are clear. The Applicants and the child are within range provided under Section 184 of the *Children Act*. The Applicants financial capacity is evident and they have a home. All the reports in regard to this adoption are favorable. The child is free for adoption.
18. The Applicants have no criminal record and have adopted another child who this Court has had an opportunity to see and note the bonding between the Applicants and the two children including the subject herein.
19. The detailed reports herein show suitability of the Applicants to adopt this child and therefore recommend this adoption. In the circumstances then, this Court is satisfied that the application is merited and serves the best interests of this child.
20. In conclusion, the following orders are issued: -
  1. The consent of the biological parents Baby Blessings Nemaio Kuyo is dispensed with.
  2. Clement Kiprotich Turgut and Lilian Chepkorir Kirui are hereby authorized to adopt the child Blessings Nemaio Kuyo.
  3. The child shall henceforth be known as Brilliant Chebet Turgut.
  4. The Registrar General do make the appropriate entries in the Adopted children Register in respect of Brilliant Chebet Turgut.
  5. The guardian ad litem JCK is hereby discharged.
  6. JKN is hereby appointed as legal guardian of Brilliant Chebet Turgut.
  7. The costs herein be borne by the Applicants.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS 26<sup>TH</sup> DAY OF JANUARY , 2026.**

**PATRICIA GICHOHI**

**JUDGE**

In the presence of:

N/A for the Applicants and Counsel

Erickson , Court Assistant

