



**In re Baby EK alias JF (Child) (Adoption Cause E005 of 2025)
[2026] KEHC 3394 (KLR) (12 March 2026) (Judgment)**

Neutral citation: [2026] KEHC 3394 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
ADOPTION CAUSE E005 OF 2025
JK SERGON, J
MARCH 12, 2026
IN THE MATTER OF THE CHILDREN ACT (ACT NO. 29 OF 2022)
AND
IN THE MATTER OF BABY EK
ALIAS JF(CHILD)**

IN THE MATTER OF

**PKL 1ST APPLICANT
BCL 2ND APPLICANT**

JUDGMENT

1. The Applicants, PKL and BCL, by an Originating Summons dated 9TH July 2025 and filed on even date, seek orders to adopt a male child currently identified and known as EK alias JF(hereinafter "the child"). The application is brought under Sections 185, 187(1)(a)(i), 188 and 195 of the *Children Act*, No. 29 of 2022.
2. The child, originally named JF, is a male child. From the evidence on record, the child was born on 19th July 2022. He is now approximately 4 years old.
3. On 27th November 2022, the child was found abandoned near the Muhoroni Sugar Company (MUSCO) forest by herd boys. The matter was reported at Kipsitet Police Station and recorded as OB No. 14/27/11/2022. The child was rescued by two good Samaritans, Alfred Kipyegon Bett and Victor Tenai, and taken to Kericho County Referral Hospital on 28th November 2022.
3. Upon admission to the hospital, the child was diagnosed with Amitraz poisoning and aspiration pneumonia. He was treated and discharged on 19th December 2022 in stable condition. No relatives came forward to claim him.



4. Following his discharge, the child was admitted to the Africa Gospel Church Baby Center, Nakuru, on 19th December 2022 as Admission No. 20/22. A Placement Plan dated 5th January 2023 explicitly stated that the child would be offered for adoption if no relatives were traced. No relatives have ever come forward.
5. Through the Change Trust Adoption Society, the child was declared free for adoption, and a Freeing Certificate (Certificate No. 007764) was duly issued.
6. The 1st Applicant, PKL, is a Kenyan citizen aged 60 years (ID No. 9724088). He is a retired Church Minister of the Africa Gospel Church and a farmer. He resides in Kapkisiara, Bureti Sub-County, Kericho County.
7. The 2nd Applicant, BCL, is a Kenyan citizen aged 50 years (ID No. 1XXXXXX50). She is a farmer and a housewife. She is also actively involved in church activities, managing the Sunday school at Africa Gospel Church Kapkisiara.
8. The Applicants were lawfully married on 9th September 2001 under Christian rites. Their marriage is stable and has subsisted for over 24 years.
9. Importantly, this is the Applicants' second adoption. They previously adopted a son, EK (born 2014), who is now 12 years old and living with them. The court has been presented with evidence that E is well-adjusted and thriving, attending Shiners Hill Academy alongside the subject child.
10. The Applicants have no biological children of their own. Their motivation for adoption is to expand their family and provide a loving home to a child in need. Their extended family is supportive of this application.
11. The Applicants are in good health, as confirmed by medical reports from Kericho County Referral Hospital dated 10th March 2022. They have no criminal record, as evidenced by Certificates of Good Conduct, Male Applicant: PCC-DETW5PKA; Female Applicant: PCC-ERTZRPB8, both dated 15th March 2022.
12. The Applicants reside on a 3-acre parcel of land known as L.R NO. KERICHO/NYAMANGA/XX in [Name Withheld], Kapkisiara Location. The property is their own, inherited by the 1st Applicant from his parents.
13. The land is productively utilized; 1 acre under tea, half an acre under Napier grass, half an acre under maize and other subsistence crops, and the remainder under eucalyptus trees. The family maintains a zero-grazing unit with two pedigree cows and keeps poultry.
14. The family home is a two-bedroom house constructed of iron sheets and mud walls. During the home visits conducted by both the Adoption Society and the Children's Officer, the home was found to be clean, well-arranged, and conducive for raising children.
15. The Applicants' total household monthly income is approximately KES 15,000, derived from tea farming and the sale of farm produce. Their expenses are modest, utilities KES 3,500, travel KES 2,000, and they have no liabilities. While the income is modest, this court is satisfied, based on the assessments of the Adoption Society and the Children's Officer, that the Applicants have the means and capacity to adequately provide for the child's needs.
16. The Change Trust Adoption Society conducted a thorough Social Inquiry and Home Study Report. The assessment process began with an initial interview on 13th November 2021, followed by a joint interview and home visit on 21st April 2022.



17. The report describes the Applicants as "stable, reliable, loving and supportive" and notes that they "enjoy a harmonious and normal marital relationship." Their successful adoption of EK was viewed as a positive indicator of their parenting capacity.
18. The Case Committee of Change Trust, sitting on 22nd April 2022, formally approved the Applicants as suitable to adopt a male child. The report was compiled by Agatha Ntumba, Program Officer, and verified by Muteru Njambi, Managing Trustee.
19. Pursuant to this court's order of 22nd October 2025, CNK was appointed as Guardian Ad Litem. She filed her report dated 20th February 2026. She is a counselor at Chemosot Health Center and has known the Applicants for over 20 years. She visited the family and observed the child on multiple occasions.
20. Her key observations are as follows; The child was placed with the Applicants in July 2024 and has bonded exceptionally well with the family. There is a "seamless co-option of the minor as the child of the applicants and one cannot tell that he is an adopted child." The child is in good health and all his basic needs are provided for.
 - The child has grown "very fond of their parents."
21. The Guardian Ad Litem concluded that the child is in good hands and unequivocally recommended that the adoption orders be granted.
22. The Director of Children's Services, Kericho County, filed a report dated 10th February 2026, authored by GRACE KIPKECH, County Children's Officer.
23. The report confirms a home visit conducted on 29th January 2026. The officer observed that the child is cheerful, well-dressed, and has sufficient clothing for all occasions, including school uniforms and civilian clothes.
24. Crucially, the officer visited Shiners Hill Academy, Kapkisiara, where the child attends Baby Class. The head teacher, Mr. Kennedy Langat, and the class teacher, Rose Waridi, "applauded the parents for their good parental care." School fees are paid on time.
25. The report makes the following significant observation;
 - “ The child knows the applicants as his parents and calls them 'dad' and 'mum' .”
26. The Children's Officer recommended that the Applicants be granted an adoption certificate and that the child's name be changed to SEK for ease of future identification and registration.
27. Having considered the entire record, the following issues arise for determination;
 - (a) Whether the child is available for adoption;
 - (b) Whether the Applicants are qualified and suitable to adopt the child;
 - (c) Whether the adoption is in the best interests of the child.
28. Section 185 of the *Children Act*, 2022 provides for children who may be available for adoption. The child in this matter was abandoned on 27th November 2022. Despite due diligence by the police and children's officers, no relatives have ever come forward to claim him.
29. The child was formally declared free for adoption by the Change Trust Adoption Society, a registered adoption society, and a Freeing Certificate was issued. This satisfies the requirements of Section 187(1)(a)(i) of the Act. I am satisfied that the child is legally available for adoption.



30. Section 186 of the *Children Act* sets out the qualifications for adoptive parents. The Applicants are Kenyan citizens, aged 60 and 50 years respectively, and are thus within the permissible age bracket. They have been married for over three years, as required by the law.
31. The Applicants have no criminal record, are in good health, and have the financial means to support the child. Their home environment is stable and conducive to raising a child.
32. Of particular significance is the fact that the Applicants have successfully adopted before. Their son, EK, is a testament to their ability to provide a loving and nurturing home. This prior experience weighs heavily in their favor.
33. The Adoption Society, the Guardian Ad Litem, and the Children's Officer have all independently assessed the Applicants and found them to be suitable. I concur with those assessments.
34. Section 8 of the *Children Act, 2022* mandates that in all actions concerning a child, the best interests of the child shall be the primary consideration. This principle is the lodestar of this court's determination.
35. The child was abandoned in a forest, suffering from poisoning. He has known nothing but institutional care until he was placed with the Applicants in July 2024. Since that placement, he has thrived.
36. The evidence before me is overwhelming. The child is enrolled in school and performing well. He is described as "cheerful" by the Children's Officer. He calls the Applicants "dad" and "mum." He has bonded with his adoptive brother, E. His health is good, and his material needs are met. The extended family is supportive.
37. To deny this adoption would be to deprive this child of the only family he has ever truly known. It would be contrary to every principle of child welfare. The proposed change of name to SEK is reasonable and will facilitate the child's integration into the family and community.
38. For the reasons set out above, I find that this adoption application is meritorious and ought to be allowed. Accordingly, Judgment is entered in favour of the Applicants giving rise to issuance of the following Orders:-
 - (a) The Applicants, PKL and BCL, are hereby authorized to adopt the child currently known as EK alias JF.
 - (b) Upon adoption, the child shall be known as SEK.
 - (c) The child is hereby declared to be a Kenyan citizen by virtue of the adoption.
 - (d) PKK (ID No. 1XXXXXX48) and JT (ID No. 2XXXXXX95) are hereby appointed as the legal guardians of the child, jointly and severally, to assume parental responsibility in the event of any misfortune befalling the Applicants.
 - (e) The Registrar General is hereby directed to make appropriate entries in the Adopted Children's Register and to issue a certificate of adoption accordingly.
 - (f) The Guardian Ad Litem, CNK, is hereby discharged from her duties.

It is so ordered.

DELIVERED, SIGNED AND DATED AT KERICHO THIS 12TH DAY OF MARCH, 2026.

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J.K. SERGON



JUDGE

In the Presence of:-

C/Assistant – Rutoh

Kipkorir for the Applicant

