

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

(CORAM: CHERERE-J)

ADOPTION CAUSE NO. 3 OF 2019

IN THE MATTER OF ADOPTION OF BABY BAA alias OBK alias WGDM.....CHILD

AND

IN THE MATTER OF APPLICATION BY NM.....APPLICANT

RULING

1. The applicant **NM** is a medical doctor by profession who is self-employed in Kisumu.
2. The Applicant has applied to this court to be allowed to adopt Baby **BAA alias OBK alias WGDM (the child)**. The child who is 2 ½ years was born on 09th May, 2017 out of an incestuous relationship between a 16-year-old girl and a 17-year-old boy and was willingly given up for adoption by its mother who is a minor.
3. Prior to the hearing of the adoption, Little Angels Network, an Adoption Society, prepared a report dated 03rd November, 2017 which was filed in court on 06th August, 2019. The Society also issued a certificate is dated 03rd November, 2017 declaring the child free for adoption.
4. The Children's Department, County Children's Coordinator, Kisumu County, prepared a report dated 16th October, 2019 which was filed in court on 25th November, 2019 in support of the adoption.
5. The guardian, KWR, who is in a relationship with the Applicant's on 10th April, 2019 swore an affidavit in support of the adoption.
6. I have evaluated the facts of this adoption. The Applicant has been in continuous custody of the child since 30th October, 2017. I had a chance to see the Applicant relate with the child and I came to a conclusion that the Baby has found a loving home in the family of the Applicant.
7. It is evident that the Applicant has fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological mother of the child was granted by her affidavit sworn on 04th June, 2019. The biological mother's maternal grandmother and the child's paternal grandmother by their affidavits sworn on 18th June, 2019 support the adoption.
8. The home visits by the Adoption Society and the Children Officers from the Children's Department, County Children's Coordinator, Kisumu County established that the Applicant has the financial and emotional capability to provide for the upkeep and education of the child.
9. This court formed the opinion that it would be in the best interest of the child to be adopted by the Applicant. I allow the application for adoption. The Applicant **NM** is hereby allowed to adopt Baby **RBA alias OBK alias WGDM (the child)**. The child shall henceforth be known as **WGDM**. I direct the Registrar General to enter this order in the adoption register. It is so ordered.

DATED AND SIGNED AT KISUMU THIS 21ST DAY OF NOVEMBER 2019

T.W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Amondi/Okodoi

For the Applicant - Mr. Maua hb for Mr. Onyango