

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISUMU

ADOPTION CAUSE NO.1 OF 2018

IN THE MATTER OF THE CHILDREN ACT, 2001

IN THE MATTER OF APPLICATION BY R.O.O AND P.G.A...APPLICANTS

AND

IN THE MATTER OF BABY M.J.O alias C.G.G.....CHILD

J U D G M E N T

1. The applicant **R.O.O** and **P.G.A** who are business persons are a couple married in 1994. They have a biological female child who is 17 years old. They have applied to this court to be allowed to adopt Baby **M.J.O alias C.G.G(the child)**. The child who is about 5 years and 9 months old was found abandoned at Migosi in Kisumu on 25.12.11 and has been in continuous custody of the applicants since then.

2. Prior to the hearing of the adoption, Little Angels Network, an adoption society, prepared a report which was filed in court on 5.3.18. They also issued a certificate declaring the child free for adoption. The certificate is dated 29th September, 2017. The Department of Children's Services, Kisumu East, prepared a report which was filed in court on 19th March, 2018. The *guardian ad litem*, C.G.G, swore an affidavit which was filed in court on 1st February, 2018. The reports and the affidavit are favourable and recommend the proposed adoption.

3. I have evaluated the facts of this adoption. The Applicants, a couple wishes to adopt the male child. Applicants have one biological child over whom they are willingly exercising parental responsibility. On that ground, the adoption is justified and is in the best interests of the child.

4. It is evident that the applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents of the child was dispensed with since the child's biological parents are unknown. This court is satisfied that the applicants are qualified and able to take care of the child. The home visits by the *guardian ad litem*, the Adoption Society and the Children Officers established that the applicants have the financial and emotional capability to provide for the upkeep and education of the child. The applicants have had custody of the child for over 5 years and the child has bonded well with the family. The child considers the applicants as his parents.

5. This court formed the opinion that it would be in the best interest of the child to be adopted by the applicants. I allow the application for adoption. The applicant, **R.O.O** and **P.G.A** are hereby allowed to adopt Baby **M.J.O**. He shall henceforth be known as baby **C.G.G**. The *guardian ad litem* C.G.G, brother of the female applicant and his wife **F.A.O** shall be the legal guardians of the child should such eventuality arise. I direct the Registrar General to enter this order in the adoption register. It is so ordered.

DATED, DELIVERED AND SIGNED ON THIS 25th DAY OF May, 2018

T.W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Felix

Applicants - Mr. Bagada