

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

ADOPTION CAUSE NO.10 OF 2018

IN THE MATTER OF THE CHILDREN ACT, 2001

IN THE MATTER OF APPLICATION BY T.O.O AND J.A.N.....APPLICANTS

AND

IN THE MATTER OF BABY R.G alias R.Z alias R.Z.O.....CHILD

J U D G M E N T

1. The applicant **T.O.O** and **J.A.N**, a bursar and a social worker, respectively are a couple married in 1994. They have not been blessed with a biological child. They have applied to this court to be allowed to adopt Baby **R.G alias R.Z alias R.Z.O (the child)**. The child who is about 2 years old was found abandoned in Migori Township within Migori County on 6th August, 2016 and has been in continuous custody and care of the applicants since 26th May, 2017.

2. Prior to the hearing of the adoption, Little Angels Network, an Adoption Society, prepared a report which was filed in court on 26.4.18. They also issued a certificate declaring the child free for adoption. The certificate is dated 26.5.18. The Children's Department, Sub-County Children's Office, Kisumu District filed a report dated 18.6.18. The guardian **J.O.O** swore an affidavit which was filed in court on 24.4.18. 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 no biological child. They have been in continuous custody and care of the child since 26th May, 2017. I saw the couple and the child in court and noticed that they have bonded well. 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, 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 1 year and 2 months and the child has bonded well with them. 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 applicants, **T.O.O** and **J.A.N**, are hereby allowed to adopt Baby **R.G alias R.Z alias R.Z.O**. He shall henceforth be known as baby **R Z O**.

The guardian **J.O.O** who is brother of the male applicant shall be the legal guardian of the child should any 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 31st DAY OF July 2018

T.W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Felix

Applicants - Mr. Kowinoh h/b for Mr. Onyango