

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISUMU

ADOPTION CAUSE NO. 07 OF 2017

IN THE MATTER OF ADOPTION OF BABY K M A.....CHILD

AND

IN THE MATTER OF APPLICATION BY G O.....APPLICANT

J U D G M E N T

1. The applicant G O is a single 30 year old lady and works as a Qualitative Researcher with [Particulars Withheld]. She has one male biological child who is about 7 years old. She has applied to this court to be allowed to adopt Baby **K M A (the child)**. The child who is about 3 years old was found abandoned within Kisii County on 131st August, 2015 and has been in continuous custody of the applicant since 28th October, 2016.

2. Prior to the hearing of the adoption, Little Angels Network, an Adoption Society, prepared a report which was filed in court on 23rd November, 2016. The Society also issued a certificate dated 25th November, 2016 declaring the child free for adoption. The Children's Department, Sub-County Children's Office Kisumu District and the *guardian ad litem* prepared reports which were filed in court on 22nd May, 2018 and 29th June, 2018 respectively, in support of the adoption. The *guardian ad litem*, B A O also swore an affidavit which was filed in court on 8th September, 2017 in support of the adoption. The reports and the affidavit are favourable and recommend the proposed adoption.

3. I have evaluated the facts of this adoption. The Applicant, a single mother of one male child wishes to adopt the female child. Applicant is employed and is able to provide for the needs of the child. Various reports support the adoption and on that ground, the adoption is justified and is in the best interests of *the child*.

4. It is evident that the applicant has 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 applicant is 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 applicant has the financial and emotional capability to provide for the upkeep and education of the child. The applicant has had custody of *the child* for 23 months. I saw the child in court and she appears to have bonded well with the applicant.

5. 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, **G O** is hereby allowed to adopt **K M A (the child)**. The child shall henceforth be known as **K M A1**. The *guardian ad litem* *guardian ad litem*, B A O 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 AND SIGNED AT KISUMU THIS 11th DAY OF October 2018

T.W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Felix

Applicant - Mugambi/Mr Rogo

For the applicant - N/A