

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

ADOPTION CAUSE NO. 14 OF 2018

IN THE MATTER OF ADOPTION OF BN alias BE alias BNE alias BNO.....CHILD

AND

IN THE MATTER OF APPLICATION BY LOW AND SEN.....APPLICANTS

J U D G M E N T

1. The applicants **LOW** and **SEN** an engineer and a doctor respectively, are a couple married in 2014. They have two biological children of their own. They have applied to this court to be allowed to adopt **BN alias BE alias BNE alias BNO (the child)**. The child who is 11 years is the biological child of the 2nd applicant **SEN**. The child has lived and been taken care of by the applicants since they got married in 2014.

2. Prior to the hearing of the adoption, LITTLE ANGELS NETWORK, an Adoption Society, prepared a report dated 13th April, 2018 which was filed in court on 25th July, 2018 declaring the child available for adoption. The Society also issued a certificate dated 13th April, 2018 declaring the child free for adoption. The 1st guardian **DOW** is step-brother to the 1st applicant and the 2nd guardian is the wife to the 1st guardian and they have sworn an affidavit filed on 25th July, 2018 declaring that the applicants are suitable adoptive parents. The Children's Department, Sub-County Children's Office Kisumu East District prepared a report dated 19th November, 2018 which was filed in court on 22nd November, 2018 in support of the adoption. The reports and the affidavits on record are favourable and recommend the proposed adoption.

3. I have evaluated the facts of this adoption. The Applicants, a couple, wish to adopt the female child. Applicants have two biological children of their own. 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 applicants have fulfilled all the legal requirements relating to the adoption of *the child*. The consent of the biological mother of the child was given on 7th March, 2018. This court is satisfied that the applicants are qualified and able to take care of *the child*.

5. The home visits by the guardians, 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 2nd applicant has had custody of the child since birth and both applicants have had custody of the child since they got married in 2014. I saw *the child* in court and she has bonded well with the 1st applicant and considers him as her daddy.

6. 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 **LOW** and **SEN** are hereby allowed to adopt **BN alias BE alias BNE alias BNO (the child)**. The child shall henceforth be known as **BNO**. The guardians **DOW** and **RBBO** 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 20TH DAY OF DECEMBER 2018

T.W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Felix

Applicants - Mr. Onyango

For the applicants - Present