



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISUMU**

**ADOPTION CAUSE NO. 15 OF 2018**

**IN THE MATTER OF ADOPTION OF JPA alias JPA alias JPO alias BJA O.....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 and also a child born by the 2nd applicant before she married the 1st applicant. They have applied to this court to be allowed to adopt **JPA alias JPA alias JPO alias BJA O (the child)**. The child who is 13 years is daughter to **LAW** who is sister to **LOW**, sister to the 1st applicant. The child has lived and been taken care of by the applicants since her father died in 2008.

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 **D O W** 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 three biological children. 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 29th January, 2018. This court is satisfied that the applicants are qualified and able to take care of *the child*. 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 applicants have had custody of the child since 2008 when he father died which is a period of 10 years. I saw *the child* in court and she expressed her desire to continue staying with the applicants and their three children who were present in court with whom she had well bonded.

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 **LOW** and **SEN** are hereby allowed to adopt **JPA alias JPA alias JPO alias BJA O (the child)**. The child shall henceforth be known as **BJAO**. 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