

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

ADOPTION CAUSE NO.8 OF 2016

IN THE MATTER OF APPLICATION BY L O N AND C A C.....APPLICANTS

AND

IN THE MATTER OF BABY T Z A.....CHILD

J U D G M E N T

The applicants are **L O N** who is a teacher and **C A C** a clinical officer. The Applicant has never been married. The applicants are blessed with two biological children, **T L** 9 years and **J H** 6 years. They have applied to this court to be allowed to adopt baby **T Z A** (the child). The child who is about 2 years old was born at an unknown date and was found abandoned in Ogembo Township on 31.5.15. The child's age was assessed and a certificate of birth giving her date of birth as 23rd May 2015 was issued. The child was committed by court to the legal custody of New Life Home Trust on 8.5.15. The child was taken in by the applicant in on 27th June 2016 and they have had continuous custody of the child.

Prior to the hearing of the adoption, the adoption society, Little Angels Network, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 17th June 2016. The Director of Children's Services prepared a report which is on record. The guardian ad litem, **N O**, prepared a report which has been filed in court. All the reports are favourable and recommend the proposed adoption. I have evaluated the facts of this adoption. The Applicants, a couple wish to adopt the female child.

In the present case, the applicants have two biological children over whom they are willingly exercising parental responsibility. On that ground, the adoption is justified and is in the best interests of the child.

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 Director of the Children Services established that the applicants have the financial and emotional capability to provide for the upkeep and education of the child. This court observed that the relationship of the applicants and their biological children with the child in court. It was evident that in the period that the applicants have had the custody of the child, the child has bonded well with the family. The child considers the applicants as her parents.

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, **L O N** and **C A C** are hereby allowed to adopt Baby **T Z A**. She shall henceforth be known as baby **T Z A O**. I direct the Registrar General to enter this order in the adoption register. I hereby discharge the guardian ad litem. It is so ordered.

DATED AND DELIVERED ON THIS 27th DAY OF July 2017

T.W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Felix

Applicants - Mr. Onyango.