



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KISII**

**ADOPTION CAUSE NO. 1 OF 2017**

**IN THE MATTER OF AN APPLICATION FOR THE ADOPTION BY C M O AND M S M**

**IN THE MATTER OF ADOPTION OF GBO (A CHILD)**

**BETWEEN**

**C M O AND M S M.....APPLICANTS**

**JUDGMENT**

1. The applicants herein CMO and MSM seek court's authorization to adopt baby GBO and that upon making the adoption order, the child be known as CMM. They also pray that W.O. be appointed the legal guardian of the child.
2. The applicants are husband and wife respectively having married under Kisii Customary Law in 1985 as shown in an affidavit of marriage dated 19<sup>th</sup> December 2011 that was produced as PExhibit 2 during the hearing.
3. The baby herein was abandoned by his biological parents whose identity remain unknown, and was placed before Springs of Life Children's Home through the court's committal order granted on 30<sup>th</sup> April 2014 by the Senior Resident Magistrates Court at Butere in Juvenile case No. 42 of 2014. A letter from the police dated 4<sup>th</sup> November 2014 stated that no one had presented himself to claim the child and thereafter a certificate No. [Particulars Withheld] declaring the child free for adoption was issued.
4. I have perused a report dated 6<sup>th</sup> February 2015 filed in this court by the Little Angels Network in which the Adoption Committee communicated its satisfaction that the child is available for adoption.
5. A pre-placement report filed in court on 2<sup>nd</sup> October 2016 confirms that the applicants are duly married since 1985, that they suffer no chronic illness and have received the support of their immediate and extended family members in this adoption process. The applicants have no criminal records, and have both attended pre-adoption counseling. The applicants are mature, responsible and are emotionally and financially capable of providing for the child. The said report shows that the applicants are suitable adoptive parents and recommends the adoption. The child was committed to the applicants for care and custody in November 2014 and he has lived with them to date.
6. At hearing of the case, the 1<sup>st</sup> applicant testified that he was an employee of the [Particulars Withheld] based in Southern Sudan while the 2<sup>nd</sup> applicant was a [Particulars Withheld] in Magena area within Kisii County. He produced a copy for his payslip, marriage affidavit and his area chief's letter as Exhibits 1, 3

and 4 respectively among other exhibits.

7. The 2<sup>nd</sup> applicant was also present in court at the hearing together with the baby in question and this court observed that the child was comfortable and happy in the company of his new parents.

8. The 1<sup>st</sup> applicant prayed for an adoption order so as to enable him process the child's birth certificate which is a crucial registration document. This is a local adoption and I am satisfied that the applicants have fulfilled all the legal requirements attendant to the adoption of a child.

9. I therefore allow the adoption application. The applicants CMO and MSM are hereby allowed to adopt GBO and he shall henceforth be known as CMM. I direct the Registrar general to enter this order in the adoption register.

10. The child was born in Kenya and is therefore a Kenyan by birth. He is entitled to all the rights that accrue to Kenyan citizens under the Kenyan Constitution 2010 and the Kenya Citizenship and Immigration Act. I hereby discharge the guardian *ad litem*.

11. It is so ordered.

**Dated, signed and delivered in open court 13<sup>th</sup> day of December, 2017.**

**HON. W. A. OKWANY**

**JUDGE**

**In the presence of:**

- Miss Kerubo. for the Applicant

- Omwoyo court clerk