



**REPUBLIC OF KENYA**

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

**(CORAM: CHERERE-J)**

**ADOPTION CAUSE NO. 10 OF 2019**

**IN THE MATTER OF ADOPTION OF BABY R.K ALIAS RZF.....CHILD**

**AND**

**IN THE MATTER OF APPLICATION BY MAO.....APPLICANT**

**J U D G M E N T**

1. The applicant **MAO** is a medical doctor with Kenya Medical Research Institute. She has applied to this court to be allowed to adopt Baby **RK alias RZF (the child)**. The child who is 9 months and two weeks' old was born out of an incestuous relationship and willingly given up for adoption by its mother who is a minor.

2. Prior to the hearing of the adoption, Little Angels Network, an Adoption Society, prepared a report which was filed in court on 05<sup>th</sup> November, 2019. The Society also issued a certificate declaring the child free for adoption. The certificate is dated 26<sup>th</sup> February, 2019. The Children's Department, County Children's Coordinator, Kisumu County, prepared a report which was filed in court on 04<sup>th</sup> November, 2019 in support of the adoption. The guardian ad litem, IW, swore an affidavit on 26<sup>th</sup> August, 2019 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, who is a single female wishes to adopt the female child. Applicant has never been married and does not have a biological 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 mother of the child and the child's maternal grandmother were given on 20<sup>th</sup> February, 2019 and 25<sup>th</sup> February, 2019 respectively.

5. The home visits by 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 child has been in continuous custody of the Applicant since 28<sup>th</sup> February, 2019. I saw the child in court and I noticed that she had well bonded with the Applicant. The Applicant has a good job and is in a position to provide both material and emotional support to the child.

6. 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, **MAO** is hereby allowed to adopt Baby **RK alias RZF (the child)**. The child shall henceforth be known as **RZF**. FOW and VW who are the Applicant's brother and sister in law respectively shall be the legal guardians 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 07TH DAY OF NOVEMBER, 2019**

**T.W. CHERERE**

**JUDGE**

**Read in open court in the presence of-**

Court Assistant - Okodoi

For the Applicant - Ms.Onyango