

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

ADOPTION CAUSE NO. 5 OF 2017

ADOPTION UNDER SECTION 154 OF THE CHILDREN'S ACT 2001

AND

IN THE MATTER OF ADOPTION OF BABIES V G S 10 YEARS & J M S 7 YEARS

E K G AND S S G ADVOCATE.....APPLICANTS

JUDGMENT

1. This judgment is in respect to an application dated 19th September 2017 brought under **Section 154 and 158 of the Children Act 2001** in which the applicant seeks orders that:

- 1. That SG and YOG of P.O. Box **** Kisii be appointed to act as the Guardian Ad litem in this suit.**
- 2. That the applicants especially the 2nd applicant foster father be allowed and authorized to adopt babies V G S 10 years & JMS 7 years.**
- 3. That upon making the adoption orders the infants be known by the same names as listed in paragraph (2) above.**
- 4. That consent required under Section 159 of the Children's Act 2001 be dispensed with.**

2. The application is supported by joint statement of the applicants in support of the application for adoption in which they state that they wish to adopt the two minors VGS and JMS aged 10 and 7 years respectively. They further state that the 1st applicant is the biological mother of the 2 children while the 2nd applicant is her husband that they got married under Abagusii Customary Law. They attached their marriage certificate to the application. The infants are Kenyans and the 2nd applicant is not related to them.

3. At the hearing of the application, the 1st applicant testified that she was the biological mother of the infants while their biological father had abandoned them. She added that she got married to the 2nd applicant in February 2016 and therefore they desired to change the names of the children, upon adoption, to VG and MG respectively.

4. She also proposed that her sister in law S G and her husband Y O G be appointed guardians ad litem in this case.

5. I have considered the application dated 19th September 2017 together with the statement in support thereof and the further affidavit dated 23rd October 2017. I am satisfied that the said application is merited having been made by the minors biological mother and her lawfully wedded husband. I therefore grant the orders sought in the said application as prayed.

Dated, signed and delivered in open court 7th day of March, 2018.

HON. W. A. OKWANY

JUDGE

In the presence of:

- Mr. Sagwe for the Applicant

- Omwoyo court clerk