

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

ADOPTION CAUSE NO.16 OF 2018

IN THE MATTER OF ADOPTION OF BABY R G alias N alias T M Y.....CHILD

AND

IN THE MATTER OF APPLICATION BY D Y J AND S M M.....APPLICANTS

J U D G M E N T

1. The applicants **D Y J** and **S M M** are a general manager and housewife respectively, a couple married in 2007. They have no biological children of their own. They have applied to this court to be allowed to adopt Baby **R G alias N alias T M Y (the child)**. The child who is 1 year and 3 months old was born on 5th July, 2017 and was given up by the biological mother for adoption on 6th June, 2017.
2. Prior to the hearing of the adoption, Kenya Children's Homes, an Adoption Society, prepared a report dated 15th May, 2018 which was filed in court on 27th September, 2018. The Society also issued a certificate dated 18th October, 2017 declaring the child free for adoption. The *guardian ad litem* and the Children's Department, Sub-County Children's Office Kisumu District prepared reports which were filed in court on 27th September, 2018 and 8th October, 2018 respectively, in support of the adoption. The *guardian ad litem*, L N O also swore an affidavit on 6th July, 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 no biological child. 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 6th June, 2017. 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 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 7th November, 2017 which is a period of 11 months. I saw *the child* in court and she appears to have bonded well with the applicants.
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 **D Y J** and **S M M** are hereby allowed to adopt **R G alias N alias T M Y (the child)**. The child shall henceforth be known as **T M Y**. The *guardian ad litem*, L N O 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 11th DAY OF October, 2018

T.W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Felix

Applicant - Present