

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

ADOPTION CAUSE NO 09 OF 2018

IN THE MATTER OF ADOPTION OF BABY K alias S A alias R C P.....CHILD

AND

IN THE MATTER OF APPLICATION BY D O O AND P N A.....APPLICANTS

J U D G M E N T

1. The applicant **D O O** and **P N A** who are teachers are a couple married in 2008. They have no biological children of their own. They have applied to this court to be allowed to adopt Baby **K alias S A alias R C P (the child)**. The child who is 3 old was found abandoned in Kisumu on 16th October, 2015 and has been in continuous custody of the applicants since 25th November, 2016.

2. Prior to the hearing of the adoption, Little Angels Network, an Adoption Society, prepared a report which was filed in court on 26th April 2018. The Society also issued a certificate declaring the child free for adoption. The certificate is dated 25th November, 2016. The Children's Department, Seme Sub-County in Kisumu County, prepared a report which was filed in court on 9th July, 2018 in support of the adoption. The *guardian ad litem*, M A O, swore an affidavit which was filed in court on 19th April, 2018 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 Applicants, a couple wishes to adopt the female child. Applicants have no biological child. 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 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 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 for 23 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 applicant, **D O O** and **P N A** are hereby allowed to adopt **K alias S A alias R C P (the child)**. The child shall henceforth be known as baby R C P. The *guardian ad litem* *guardian ad litem*, M A 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 4th DAY OF October 2018

T.W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Felix

Applicants - Present

For the applicants - Mr Bagada