

IN THE MATTER OF BABY A.M.M.

J.A.M.S &

A.P.SAPPLICANT
S

J U D G M E N T

J.A.M. STEEVES and A.P. both of Nairobi (the Applicants) have, vide their Originating Summons dated 6th June 2011 and brought under Sections **154; 156(1); 157(1); 158(1)&(4)(e); 159(1)(a)(i),(4), (6)&(7); 160(1),(2),(3)&(4); 161; 162; 163; 164(1)** and **170** of the **Children Act, Cap 2** of the **Laws of Kenya**, applied to adopt A.M.M. a child of female sex born in May 2009 (the Child).

The Child was given up for adoption by her biological mother E.W.G. since she is single and unable to take care of her. After being given up the child was committed to the Hope House Babies Home for care and protection. On 14th December 2009 the Nairobi Children’s Court in Care and Protection Case No. 335 of 2009 committed the Child to the said Hope House Babies Home for care and protection.

The Applicants, a married couple of the Christian Faith, are Canadian Nationals born in 1971 and 1972 respectively. They got married in October 1998 and have two biological children, M.M.G.S. born on [date withheld] , B.S.A.S. born on [Date withheld] and one adopted child, P.H.S. born on [date withheld] .

The Applicants have the financial ability to take care and educate the Child. They are a Counselor Canadian High Commission and Home Maker respectively here in Nairobi. They have both been examined and found to be physically and emotionally fit and healthy to parent the Child. They have been investigated by Brigadier General R. Kibochi of International Peace Support Training Centre and Daniel Hardy of Little Berry Villas Nairobi and found to be fit adoptive parents and have been authorized by the Ministry of Children and Youth Services of the Canadian State of Ontario to adopt a child from outside Canada. Pursuant to that authorization, the Ministry of Children & Youth Services of Ontario Canada has confirmed that upon adoption the Child will be treated like a natural child of the Applicants and accorded all the rights and privileges of natural children.

The Applicants have also been investigated by the Director of Children’s Services and Child Welfare Society of Kenya, an authorized Adoption Agency and both have recommended them to adopt the Child.

Taking all these factors into account and having considered the submissions by counsel for the Applicants as well as the fact that the Applicants have had the custody of the Child since 28TH February 2011 and has bonded very well with the Applicants as well as their children, I am satisfied that the Applicants are morally and financially fit to adopt the Child. I am also satisfied that it is in the best interest of the Child that this application be allowed. The Child having been abandoned and efforts to trace his parents or relatives having been futile, parental consent is hereby dispensed with. Consequently I allow this application and order that **J.A.M.S** and **A.P.S** are hereby authorized to adopt the Child, **A.M.M** henceforth to be known as **I.M.E.S. M.E.N** is hereby appointed legal guardian of the Child until she attains the majority age. I direct the Registrar General to make an appropriate entry of this adoption into the Adopted Children’s Register.

Given under any hand and the Seal of this court this 22nd of July 2011.

D. K. MARAGA
JUDGE

HIGH COURT OF KENYA