



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI (NAIROBI LAW COURTS)**

**Adoption Cause 75 of 2008**

**IN THE MATTER OF THE CHILDREN ACT (CHAPTER 586 OF THE LAWS OF KENYA)**

**AND**

**IN THE MATTER OF G.W (CHILD)**

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

Before me is an Originating Summons dated 30<sup>th</sup> June, 2008. It was filed under sections 154, 156, 157 and 158 of the Children Act. The prayers now pending are 3, 4, 5 & 6 of the Originating Summons, as follows-

1. *(spent)*
2. *(spent)*
3. *The applicants be authorized to adopt the child currently identified and known as G.W.*
4. *The child be renamed G.W.G.*
5. *The Registrar General makes the appropriate entry in the Adopted Children Register.*
6. *This court do issue further orders as are in the interests of justice.*

The application was filed by M/s Ramitta & Company advocates for the applicants **D.L.G** and **S.K.G.**

The applicants are American Citizens who are resident and working in Kenya. They are and working in Kenya. They are married and have biological children and an adopted child. This is therefore a second child whom they want to adopt.

The child is a girl child. The mother **J.W.N** is married to one **G.N.W.** However, the child was born in a previous relationship between the mother and another person. The mother and step father are casual labourers, who earn appropriately Kshs.300/= per day when work is available. The biological mother gave consent to the adoption of the child who suffers from a skin medical condition that requires treatment. She does not have the financial means to provide the treatment for the skin condition.

Documents and reports were filed. I also received oral submissions from counsel for the applicants, the guardian ad litem, the representative of the Adoption Society, and the representative of the Director of Children Services. They all recommend the adoption.

The applicants have satisfied the requirements in Kenya for adoption by the applicants who are resident in Kenya. There is consent of the biological mother to the adoption.

All the reports filed recommend the adoption. In my view the child is assured of citizenship rights. The adoption will be in the best interests of the child. Though the applicants counsel has asked in submissions that the Kenya Adoption Committee to issue a certificate advising that the Hague Rules have been complied with, I will not grant such an order. Firstly, the Adoption Committee is not a party these proceedings. Secondly, there is no legal obligation which I have been referred to which obliges the Adoption Society to issue such a certificate.

Consequently, and for the above reasons I order as follows-

**1. The applicants be and are hereby authorized to**

***Adopt the child currently identified as G.W to be renamed G.W.G.***

**2. I direct the Registrar General to make the**

***Appropriate entries on this adoption in the Adopted Children Registrar.***

It is so ordered.

Dated and delivered at Nairobi this 27<sup>th</sup> day of November,

2009.

**George Dulu**

**Judge.**