

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)

Adoption Cause 115 of 2006

IN THE MATTER OF ADOPTION OF SW (INFANT)

JNK AND AWN..... APPLICANTS

JUDGEMENT

The child in this cause was found abandoned on 29th October, 2002 at the door of a Samaritan at Kayole Estate, Nairobi. She was taken to Kenyatta National Hospital as per advice of the Children Department.

The child's relatives could not be traced and she was later referred to Thomas Barnardo Home for further care on 8th December, 2003 as an abandoned child. She was committed to the said Home by the Children Court on 19th, June, 2004.

On the same day, she was released under care of the applicants and since then she has been living with them. All relevant documents as regards the child are annexed to the Report dated 19th October, 2006 of Kenya Christian Homes, an adoption Society. The child is similarly declared free for adoption by the said society. She said report has also enclosed all documents relating to medical, social and economical background of the Applicants.

The Applicants are married and are Christians. They are 41 and 40 years of age and have earlier adopted a male child under the order of this court of 24th January, 2003. By this adoption, they intend to complete their family. They, of course, have no biological children.

I have perused the detailed report from the Adoption Society, and I am really impressed with diligence with which the report is prepared. The Society unhesitatingly recommend the order of adoption.

So does the Director of Children Services by his report dated 13th April, 2007. The applicants are devoted Christians, and their marital life has been fine except the lack of biological children which they want to fill by the two adoptions. The child has been welcomed by the elder adopted child.

The Applicants as per the record of the case are well suited to adopt the child.

I was however, not impressed by the report of the Guardian Ad-litem, which depicts more the background of the applicants rather than her own observation as to the relationship of the minor with the family and vice-versa. She has not even mentioned of any visit to the home. However, her inability to provide an appropriate report shall not be a hindrance to the order of adoption at this stage.

I have also observed the child with the applicants during hearing of this cause and I did note that the child is totally confident and happy in their presence and even in the atmosphere of the court room.

I thus allow the Originating Summons dated 16th July, 2006 and order that the Applicants **JNK & AWN** be allowed to adopt the infant **SW** who shall be known hereinafter as **GWN** and her birth date shall be recorded as **December, 2002**.

I discharge the Guardian ad-litem.

Dated and signed at Nairobi this 7th March,2008.

K.H. RAWAL

JUDGE

7.3.08