



REPUBLIC OF KENYA

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

Adoption Cause 68 of 2007

BM & TS..... APPLICANTS

VERSUS

BABY SF..... INFANT

J U D G M E N T

The Applicants BM and TS are husband and wife who reside and have resided in Kenya for the last four years. The 1st Applicant, BM is a medical Doctor, employed by Clinton Foundation in Nairobi and is Belgian. His wife TS is a programme Manager with UNICEF Somalia but based in Nairobi. It is averred that they are unable to bear a child due to some medical problem. They have applied to accordingly adopt Baby SE who is about two years old.

There is evidence that the Applicant's financial or economic background is sound. The two earn about US\$13000 a month. They have no criminal record both from their own countries and here in Kenya. There is evidence from their two embassies in Kenya that a child adopted by their countries citizens in Kenya will eventually get their citizenship subject procedures for application being followed.

The record about Baby SE is a little sad. She was found abandoned in an abandoned building at ... in ... two years ago. She ended up at New Life Home Nairobi. Water a Committal Order under Nairobi Children's Court Protection and Care case Number 207 of 2006 was made on 15th November 2006.

The Applicants got the physical custody of the child on 27th November, 2006. They have lived with hr since their police tried to trace the relatives of the child but no one has ever come forward to claim the child. The Little Angels Network reviewed this case and had on 7th March 2007 to declare the child available for adoption.

There is evidence that since the child was handed over to the applicants she has lived well. She recognizes the applicants as her parents. Bonding between the child and the applicants is said to be excellent. They offer her the prospect of social and economic security as well as life needs including love and parenthood. There is assurance that when the Applicants return to their home with Baby SE, the latter is almost certain to be granted their nationality and become one of their own.

I, therefore ask myself whether I will ignore all these prospects for Baby SE and refuse this application. I have carefully considered these facts and come to the conclusion that the best interest for Baby SE. SE would persuade and enjoin me to grant this adoption. That will be so in the following orders: -

ORDERS

1. The Applicants BM and TS are here jointly authorized to forthwith adopt Baby SE who will hereafter will be known as SMM.
2. The Registrar-General is directed to enter this order in his Register of Adoptions.
3. The Principal Immigration Officer shall assist the Applicants BM and TS to exit from Kenya with their adopted child SMM when that will be necessary.

Dated and delivered at Nairobi this 23rd day of May 2008.

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D A ONYANCHA

JUDGE