



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

Adoption Cause 62 of 2007

X K aka E B W.....PLAINTIFF

VERSUS

MR & MRS S M W.....DEFENDANT

JUDGMENT

The Applicants in this application seeking authority to adopt are SMW and his wife NWM. They are both Kenyans. They earn a monthly sum of about 38,000/- both as employees and from rentals of houses. They have never been lucky to get a child of their own. This is their first application for adoption.

The child applied to be adopted is called XK. He was born about 7 years ago by a schoolgirl whose pregnancy originated from a cousin in Western Province in Luhyia land. It is still a taboo for a cousin to father a child, with a cousin woman. This having happened in this case, it had become necessary to send away the child to the nearest Children's Home. In this case the child was sent to New Life Home at Kisumu but later transferred to New Life Nairobi. There is where the Applicants first contacted the child.

There are three reports made about the issue of adoption of the child after investigations. They include: -

- (a) The Director of Children Services.
- (b) The Guardian ad litem
- (c) The little Angels Network.

I have examined the reports. They all recommend that the child be adopted by the applicants who in any case have fostered the child for about six years. The child presently knows them as the only parents she has and may not even know that she was given for adoption. The parents, from the reports love and care about the child. They have no any other child. It is my view therefore that they value him sufficiently to wish to adopt him.

It is my further view that if I refuse to authorize the intended adoption, the result would be to have the child returned to a Children's Home. That would not be in the best interest of the child. The Applicants on the other hand have offered the child a sure home and prospects for an education and other social amenities commensurate with their standard of living.

For the above reasons I will allow this application in the following orders: -

ORDERS

1. The applicants SMW and NWM are hereby authorized to forthwith adopt Baby XK whose name will be EBW.
2. The Registrar-General is hereby directed to enter this adoption in his Register of Adoptions.

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

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D A ONYANCHA

JUDGE