



REPUBLIC OF KENYA

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

Adoption Cause 70 of 2007

IN THE MATTER OF THE CHILDREN ACT 2001

AND

IN THE MATTER OF Y N W

J U D G M E N T

The Applicant herein, NW, seeks an authority to adopt Baby YNW. The former is of Swiss nationality and works in [Particulars withheld]. She is 44 years old and she has one biological child. She is not married. Investigations by the Director of Children Services indicate that she has no criminal record and there is a certificate of good conduct vouchsafing her good character.

The material in support of this application show that the Applicant had already adopted Baby YN under Ethiopian law and has a decree to that effect issued by the Ethiopian Federal Democratic Court dated 10th March 2006. Details show that the Applicant who at the time resided in Kenya hired an Attorney in Addis Ababa who went through the adoption process and secured the baby for the Applicant. The latter then went there and collected the child to Kenya where she resides and has lived with them to present time.

It would, however appear that because the Applicant was not present personally to conduct the application for adoption in Addis Ababa, the Swiss Embassy and government was not comfortable to recognize the adoption in Ethiopia. This was the reason given by the Applicant why she decided to adopt the baby under Kenyan law since she resides here in Kenya.

The applicant has by the reports filed in support of this application been shown to have a good financial and social background. She bonds excellently with Baby YN who from the reports excellently fits in the applicant's family. The Director of Children Services has recommended that the Applicant is a fit and proper person to adopt Baby YN who in any case is her baby by the Ethiopian Law Adoption. The Guardian ad Litem as well recommends the adoption. So does the Child Welfare Society which is the local adoption society.

I have considered the circumstances of this case. I am persuaded that nothing good would come from refusing this application. Baby YN who originally was born in Ethiopia, knows no one else for a relative let alone a parent. She was handed over to an Ethiopian Children's home a day or two after birth. Her

natural mother died within the week of the child's birth. He was eventually adopted by the Applicant and brought to Kenya by the Applicant. If I refuse this application, where will he go?

In my view it is in the best interest of Baby YN to be adopted by the applicant. The latter has given him not only a home and a certain future but love and affection. It observed the bond between the Applicant and Baby YN is assured of Swiss citizenship. I am also informed from the said documents that arrangements are in place to have a legal guardian appointed to take care of the Baby if there is death or incapacity on the part of the applicant.

Under the above circumstances I will grant this application in the following orders: -

ORDERS

1. The applicant NW, is hereby authorized to forthwith adopt Baby YNW whose future name will be YW.
2. The Registrar-General is directed to enter this adoption in the Register of Adoptions.
3. The Principal Immigration Officer is hereby directed to assist NW and her adopted Baby YW to leave Kenya if and when necessary.

Dated and delivered at Nairobi this 16th day of May, 2008.

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D A ONYANCHA

JUDGE