

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

Adoption Cause 158 of 2007

IN THE MATTER OF. THE CHILDREN'S ACT

VERSUS

IN THE MATTER OF. S. (A CHILD)

J U D G M E N T

The applicant, LMD an American citizen, seeks an order to adopt Baby S in Adoption Cause Number 158 of 2008 and Baby S in Adoption Cause Number 159 of 2008. This court consolidated the two causes because the two children were born of one mother and on the same date. The children were found abandoned at 4th Street, Eastleigh in Nairobi, Kenya. A report was made to the Pangani Police Station and they were eventually given to Mama Ngina Children's' Home on 16th June 2006 for foster care and control. The children who are of Somali origin are suspected to have been born of a Somali refugee. No claim by anybody has ever been filed. The Child Welfare Society finally declared the children free for adoption on 7th November, 2007 under reference Number CWSK/AD/REG/572/07. The children were given to the applicant on 7th November 2006 for foster care and have since been in her custody.

The Applicant on the other hand is 44 years old and a senior United States of America Embassy employee in charge of C.I.S Department which deals in immigration affairs. She earns a good salary per month and is still unmarried. She comes in contact with Somali refugees who wish to be given entry to United States of America. Through such contact she appears to have become well informed of Somali citizens including the Somali problems and culture. It is not surprising therefore that when she made up her mind to seek children for adoption she ended in going in for Somali children.

Three investigative reports from the Child Welfare Society, the Guardian ad litem and the Director of Children Services were filed in this application for the purpose of supporting this application. I have perused them and they have as well been interpreted to me. The each respectively recommend that the applicant be authorized to adopt the two children as it is in the children's' interest to do so.

The court indeed takes into account the fact that the children are not being claimed by anybody. They are twins and it makes sense that they should be kept together to enable them grow up together. It is unlikely that there would be one applicant who would wish to adopt them together due to financial implications but the applicant is willing and indeed has sought to adopt them together.

I also take into account the fact that the Applicant's financial base is excellent and the bonding between the Applicant and the babies is said to be excellent. The applicant assures the court that the children are assured of United States of America citizenship if the adoption order is granted. The court is also assured that an adoption order made by Kenya Courts is recognized in United States of America.

Having taken into account all these factors and other positive recommendations in the material before me and also believing that it will be in the best interest of the two children to be adopted by the applicant, the court will allow this application as prayed; The following orders commend themselves to the court: -

ORDERS

1. The Applicant, LMD is hereby forthwith allowed to adopt Baby S and Baby S who in future will be called MHD and FLD, respectively.
2. The Registrar-General is hereby directed to enter these adoptions in the Register of Adoptions.
3. The Principal Immigration Officer is hereby directed to assist LMD and her two adopted children, MHD and FLD, to leave the Republic of Kenya if and when that becomes necessary.

Dated and delivered at Nairobi this 2nd day of May, 2008.

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D A ONYANCHA

JUDGE