

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

Adoption Cause 40 of 2008

IN THE MATTER OF ADOPTION OF J C (CHILD)

OF INFANT ACT CAP. 143

CKO & BJPO APPLICANTS

JUDGMENT

The applicants **CKO & BJPO** are U.S. citizens. By this application they seek an order of this court for authority to adopt a child called J C. They are married couple since 29.5.99 who have no child of their own. The 1st applicant is about 50 years old while his wife is about 46 years old. They have been resident in Kenya since December, 2007.

From the document in this file record, the applicant's joint income per month is about U.S \$7000. They have no criminal record and they both have steady employment.

Mr. Rautta Adhiambo representing the applicant made a serious effort to convince the court that under the U.S Child Citizen Act of 2000 a child born outside the United States of America citizens atomically become an American citizen or in the minimum an American Resident whether by naturalization or birth or by registration. He convincingly argued that a child adopted by American citizen outside United States falls within the meaning and definition of "**The Child**" within the said Act. I understood Mr. Rautta Adhiambo to be saying that Baby JC is authorized to be adopted by the applicants who are U.S citizens, she will be assured of the U.S citizenship.

The courts attention was drawn to understanding filed herein by an adoption agency of the United States named as Adoption Link. The latter undertakes to undertake and carry out the post adoption supervisions of baby J for a period of three years. The said agency also filed recommending reports in respect of the applicants after investigating them.

I have considered three report filed locally by the Director of Children's Services, the Little Angels Network an adoption Society and finally the court appointed Guardian ad Litem. These three agencies independently visited the applicants at different unrelated, times to investigate the applicant's suitability to adopt the child. All their report confirms that the relationship between the child and the applicants including the bonding between them, is excellent. Their reports confirm that the baby is confident and happy. The three agencies recommended that the best interest of the child lies in this court granting the authorities to the applicants to adopt the child.

Having carefully considered those reports and in view of the fact this court greatest duty is consider and protects the child's best interest, it is the view of this court that is persuaded successfully to grant the authority to the applicants to adopt the child.

The converse would be to deny the authority in which cause the child would be due to be returned to a Children's home where conditions would not obviously compare with those being offered by the applicants.

In the circumstances this court will make the following orders.

ORDERS

1. **CKO & BJPO** are hereby authorized to adopt Baby J C forthwith, and the baby's name will hereafter be known as J R O.
2. The Registrar-General is hereby directed to enter this adoption in the Register of Adoptions forthwith.
3. The Principal Immigration Officer is hereby directed to assist the said **CKO & BJPO** and child JRCO to exit the Republic of Kenya whenever necessity will arise.

Dated and delivered at Nairobi this 25th day of July, 2008

D.A. ONYANCHA

JUDGE