



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

Adoption Cause 170 & 171 of 2007

JUDGMENT

The above referred two causes were directed to be consolidated by the court.

I heard both the causes together and thus am also making a combined judgment in respect of both these causes.

The two children LM and MM are given up by their father and families for Adoption by the two Applicants, who are now citizens of U.S.A. being Kenyans by origin. The two children were born respectively on 25th July, 1991 and 22nd August, 1993 and as they were above the ages of 14 years, they have given their consent for the adoption by their own volition.

The Applicants are, by now 45 and 43 years of age and they have two daughters of 10 and 4 years studying in U.S.A. and the Applicants do not intend to have any more of their own biological children.

The 1st Applicant is the younger brother to the two children's father who is a widower and retrenched Kenya Railway employee. After the death of his wife, he is unable to look after the two children.

Thus the Applicants are in nutshell, the paternal uncle and aunt of the two children. They both are working, the 1st Applicant at present working night shifts with Comcast company monitoring cable lines to detect and preempt any technical problems while the 2nd Applicant works as a Human Resource Representative.

They have enclosed their Bank statements and Income Tax Reports. They have filed Adoption Home Study from Lutheran Social Services of Illinois as well as Illinois Department of Children and Family Services has also given approval for the Applicants to adopt the minors born abroad by a letter dated 13th March, 2007 from its interlocutory Adoption Co-coordinator, addressed to Orphan Officer, Citizenship and Immigration Officer, Chicago. The Director of Children Services, Kenya has also found the applicants suitable prospective adoptive parents. The Applicants on direction of the court have filed an applications 1 - 797 C, and 1 – 600 A for their Biometrics and have been found to be suitable for looking after and bringing in foreign orphans in the country (Affidavit sworn on 11th July, 2008).

In his further affidavit, the Applicants have confirmed that they have thus finalized all immigration and legal requirements to enable the two children to enter the U.S.A.

In this case, even though the applicants are relatives to the children before me, they are citizens of U.S.A. and would be taking the children out of the country and thus I had to satisfy myself that after the court makes orders of the adoption for the children, the children shall be legal entrants and prospective permanent residents of U.S.A., the country receiving them.

The court in asking those details could have given some anxiety to the Applicants, the two minors and family members, but this court is bound to follow the law and primarily to see the welfare of the two children.

The reports from the Director of Children Services as well as from the Adoption Society do not show any adverse aspect against the suitability and capability of the applicants to adopt the two children.

The guardian ad litem has also recommended the adoption.

The Adoption Society has also declared the children free for adoption.

In the premises, I do order that the Applicants be allowed to adopt.

1. LM henceforth to be known as LMM– whose birth date is 1991 and,
2. MM henceforth be known as MMM whose birth date is 1993.

The above order be entered into Adoption Register.

I also discharge the guardian ad litem.

Dated, signed and delivered at Nairobi this 22nd day of July, 2008.

K.H. RAWAL

JUDGE

22.7.08