

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

Adoption Case 73 of 2008 (O.S)

IN THE MATTER OF BABY CK

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY

MPJH AND AMC

JUDGMENT

The applicants **MPJH & AMC** are a married Dutch couple. They have in this proceedings applied for legal authority to adopt two children, Baby CK and Baby GW who themselves are twin sisters. The material presented to me by Mr. Mwendo representing the applicants, shows that they were married in 2000 and that they have not been able to get a child of their own biologically. There is a report showing that the second applicant is unable biologically to get children hence the reason to wish to adopt.

I have further examined other facts used in support of their case. They jointly received a sufficient monthly income upon which they live adequately and without want. They have produced documents confirming that their government has authorized them to adopt a child or more from outside Holland. This appears to have been done after investigating their medical, financial, criminal and other life records were examined.

Here in Kenya the applicants applied and were authorized to adopt children from Kenya by the National Adoption Committee of Kenya. They were also investigated by the Little Angels Network which is a local adoption society of repute as well as the Director of Children Services of the Government of Kenya. Finally the applicants were also observed by this court's appointed Guardian ad litem. All these agents and institutions have filed their reports confirm that the applicants are fit and suitable persons to adopt the two babies.

On the other hand, the two babies were born were born in Kiambu District Hospital in 2004 but abandoned by their biological mother who cannot now be traced by the police. The latter have filed their certificate to that end. The two children were then committed to a children's home where they stayed until they were given to some persons for fostering. Unfortunately such first attempt failed and the two children were surrendered back to the Children's home. It was thereafter that that were introduced to the applicants herein who took them for fostering. There is evidence that it was not easy for the children to bond with the applicant's at first but later due to the applicant's patience and tender treatment of the children, bonding improved until now when it is termed excellent.

I have carefully considered the material upon which this application is based including the various reports. I am satisfied and persuaded that the applicants are fit and suitable persons to be allowed to adopt the two children. I have considered the best interest and welfare of the two children and find that it lies in my authorizing their adoption by the applicants herein. The children will have parents who would

show love to them and bring them up in security and future assurance. They are in those circumstances assured of getting proper education in their new country Holland. The alternative is to leave them at the children's home, a comparatively poor prospective alternative.

For the above reasons, I dispense with parental consent and will authorize adoption by the applicants in the following orders:-

ORDERS

1. The applicant **MPJH & AMC** are hereby forthwith authorized to adopt baby CK and Baby GW whose names respectively now change to be CZLH and GWJH.
2. The Registrar General is hereby directed to enter these adoptions in the Register of Adoptions.
3. The Principal Immigration Officer is requested to assist the applicants herein to exit the Republic of Kenya together with their adopted children herein. Mentioned
4. This Judgment and orders apply mutatis mutandis to Adoption Cause No. 74 of 2008 and they should be inserted herein.

Dated and delivered at Nairobi this 19th day of September, 2008.

D.A. ONYANCHA

JUDGE