



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**  
**Adoption Cause 69 of 2006**

**IN THE MATTER OF BABY HR.....THE INFANT**

**AND**

**OLB.....1<sup>ST</sup> APPLICANT**

**MDT.....2<sup>ND</sup> APPLICANT**

**JUDGMENT**

By originating summons filed in court on 25.5.2006, the applicants OLB and MdT, as prayed the court to adopt HR.

Prior to the hearing of the application for adoption, the court appointed Pamela Josephine Iganzi, a “Guardian ad Litem” for the child during the adoption proceedings. She subsequently filed a report which I considered on the day of the adoption.

A home study report was filed by the Little Angels registered Adoption Society, who also issued a Certificate Declaring the child free for adoption.

The report of the “**Guardian ad Litem**” is very detailed about the history of how the 2 applicants met, where they worked before coming to Kenya. The report also talks about their first adopted child, whom the fostered in DRC Congo at the age of 11 months old; and adopted her subsequently.

The couple started fostering Baby HR on 28.10.2005. He too like their first adopted child had been abandoned by the biological mother at Kenyatta National Hospital from where he was transferred to the New Life home from where the applicants identified him and took him home for fostering.

An investigation report was prepared by the office of the Director of Children’s Services and filed in court on 27<sup>th</sup> April, 2007. It gives the family, educational and professional history of both applicants. Part of the investigations involved a visit or visits to the house where the applicants live with the child. The facts and circumstances of that their visits are reflected in the report, as well as the recommendations to support the applicants’ application for adoption.

On the day of the hearing of the adoption application, I had opportunity to interview both applicants separately. They both admitted that the arrival of their first child, adopted in Congo DRC changed their lives greatly, and further, that fostering this second child helped them to bond, and now they considered themselves a family as their 1<sup>st</sup> daughter now has a brother.

The applicants, though residents in Kenya, are not Kenyan citizens, and will obviously go back to their country at the end of their contracts, and or jobs, as the case may be. However, the report prepared by the Director of Children’s Services does show that a letter from the embassy of Belgium state that, “**adoptions from outside Belgium are recognized in Belgium only when the proper adoption procedure in the sending country (in this case Kenya) are followed**”.

Upon the issuance of an adoption order in this case, the adoptive parents will have to apply for recognition of the order directly to the Belgium Central Authority.

I have read and considered the reports filed on behalf of the applicants and the child they have been fostering for a considerable period of time. I did interview both applicants in court and I was satisfied that they love the child and want to adopt him, not just as a brother to their daughter, but because they both love him and want to be parents to him.

The applicants seem to have given up having their own biological children purely out of choice i.e. they delayed having children because for a long time they worked in conflict areas, and by the time they arrived in Kenya, the second applicant felt **“too old”**, to start having children, so they decided to adopt children. I think that was a perfectly logical decision, as far as they are concerned. They created a good impression on me of a couple who love their children and have provided a home for them.

I am satisfied that this adoption would be in the best interest of the child, and I proceed to make an order authorizing OLB and MDT to adopt HR, whom from today encephorth will be know by the name, **“ARMMDT”**.

I direct the Registrar of Births to issue the child an adoption certificate in the above names. Further, the Registrar is also directed to enter the child’s names in the Adopted Children’s Register.

Dated at Nairobi this 20<sup>th</sup> day of July 2007.

**JOYCE ALUOCH**

**JUDGE**