



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

Adoption Cause 192 of 2005

IN THE MATTER OF BABY I W N.....THE INFANT

AND

S C R.....1ST APPLICANT

K L R.....2ND APPLICANT

JUDGMENT

SCR and KLR, applied to adopt Baby IWN. They also prayed for the appointment of a “Guardian ad Litem”, when the court appointed on 22nd September, 2006.

The said “Guardian ad Litem”, prepared a comprehensive report which I considered on the day of the hearing of the application for adoption.

A perusal of the report shows that the “Guardian ad Litem” made several visits to the home of the applicants, where they are fostering Baby.

The report gives the background history including the educational and professional background of the applicants, their capability to adopt the Baby, their marriage, parental experience, their health, racial issues etc etc. The report also gives the history of the Baby in question.

The Director of Children’s Services prepared an investigative report on the applicants and the Baby. This comes out clearly in the report which also gives the background of how the applicants met, and when they got married and how their marriage is.

The report also shows that though resident in Kenya for several years, the applicants have their home in Melbourne, Australia and will eventually return to their home, which means that the Baby will relocate with them.

This issue was addressed by the report of the Director of Children’s Services which refers to a letter from the Australian High Commission Nairobi, dated 8th September 2006 stating that should adoption process be completed in Kenya by Australian citizen who has been continuously working or getting education outside Australia for more than 12 months, there would be no need for such a child to go through another formality for the purpose of legalizing the adoption after the child has arrived in Australia. The letter stated further that the child would have the same rights to apply for a visa and citizenship to enter and live in Australia permanently as a child adopted under the Intercountry Adoption program once citizenship is granted, the child would have the same rights as those of Australian citizen who are born in Australia.

A home study report was compiled by the Little Angels Network who also issued a certificate declaring the child free for adoption. I interviewed both applicants in court. S the 1st applicant is happy with the child S (to be named L) provided for in his will. He describes her as “**forthright**”. That she is part of the family and is deeply loved.

K says S (to be named L) is like their biological child and she loves her dearly. She described her as very active and the two have developed a strong bond. The couple have a son named S, born in the year 2000. He is said to relate to L (S) very well and they have a good relationship.

I have in the court file statements to the effect that the applicants have been investigated locally by security personnel and found to be of good character.

From the reports filed and my interview of the applicants, I am satisfied that they love the child and have bonded well during the period of fostering. They are ready to become parents to the child.

It was unfortunate that I did not meet their biological son S but I believe the evidence by the applicants that he loves L as a sister and the 2 have bonded. I am further satisfied that the applicants have the financial resources to look after the 2 children, S and L.

From the evidence on record, I am satisfied that the adoption herein would be in the best interest of this child who, though abandoned at birth, has found parents who love her and have given her a steady home.

I therefore make an order authorizing SCR and KLR to adopt S M alias IW. This child from today henceforth will be known as **LKWR**.

I also direct the Registrar of Births to enter the name of LKWR, in the adopted Children's register, and thereafter issue her with an adoption certificate.

Dated at Nairobi this 20th day of July, 2007

JOYCE ALUOCH

JUDGE