



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

**Adoption Cause 131 of 2006**

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

**AND**

**K M M .....1<sup>ST</sup> APPLICANT**

**D M.....2<sup>ND</sup> APPLICANT**

**JUDGMENT**

The two applicants herein, KMM and DM, applied to adopt Baby SK.

Prior to the hearing of the application for adoption, the court appointed Dr. Faith Njoki Karanja, as a “Guardian ad Litem” who prepared a comprehensive report dated 9<sup>th</sup> February 2007. It gives details of when, how and by who the baby was found and how he came to be named SK. The report also gives details of the applicants.

The report also shows that the “Guardian ad Litem”, has been visiting the family at their house during the period of fostering.

The Director of Children’s Services conducted some investigations on the applicants and filed a report on 10.4.2007, which gives their backgrounds including their families back home in Germany, their educational background including their profession, their marriage and the fact that they have not been able to have children of their own, due to medical complications on the part of the first applicant, but the two accepted this fact with time.

The report gives the results of the investigations carried out on the child. This appears on page 6.

The Director also confirms through investigations that the applicants have the financial capability to care for this child, and further that they will provide for this child the right to inherit whatever assets they are working and acquiring.

The report further confirms that this child will not undergo another adoption in Germany when the applicants return to live there, because the documents from the Central Federal International Adoptions, the adoptions conducted in Kenya are recongnized by the German Law, upon receipt of the adoption documents from Kenya which would be set to Berlin, through the German Embassy here in Nairobi. Once this is done the adopted child would be guaranteed German citizenship in accordance with the German citizenship Law.

This is good and positive information relevant to the child herein.

In the court during the hearing, I interviewed both applicants.

K, the first applicant stated that he has developed a “**close relationship**” with the child, and “**loves him**” very much as they are now “**a family**”, who have already begun to save for the future of their child.

The second applicant D did take “**maternity leave**” from her job for 41 weeks when they started fostering S in April 2006. He was then very young, having been born on 31<sup>st</sup> November 2005.

D confirmed that having S in their family has been “**a good thing**” as they have bonded well.

From the various reports filed, and the oral evidence recorded from both applicants, I am satisfied that the applicants love this child and have become parents to him. They want to bring him up and care for him always that is why they have invested for him.

Sam has found loving “**parents**” and a good and steady home, especially considering that he was abandoned at birth by his biological mother. Because of this, I hereby make an order dispensing with the consent of the said biological mother.

The applicants have complied with all the legal requirements, besides the love and care they have shown to S. I therefore make an order authorizing K M M and D M, to adopt S K, who from today henceforth will be known as **S M M**.

I direct the Registrar of births to enter the name of S M M in the Register for adopted children, and subsequently issue him with an adoption certificate.

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

**JOYCE ALUOCH**

**JUDGE**