



REPUBLIC OF KENYA

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

Adoption Cause 87 of 2006 (O.S)

IN THE MATTER OF BABY SW.....THE INFANT

AND

PKK.....1ST APPLICANT

WKK.....2ND APPLICANT

JUDGMENT

By Originating summons filed in court on 14th June, 2006, PKK and WWK, prayed for an order to adopt SW, a child, and further, that the Registrar General be directed to enter her name in the Register for adopted children's register.

Prior to the hearing of the application for adoption, the court appointed JWK, "**Guardian ad Litem**" to the child during the adoption process. The said guardian filed a report on 19th April 2007. It gives details about the applicants and their family circumstances including the period they have been fostering the child.

The Director of Children's Services also filed an investigating report giving details of both applicant's family backgrounds as well as their educational, professional and employment details.

The couple have their own biological child a son, in 1997, but have been unable to have any more children due to medical reasons so they decided to adopt a daughter to be a sister to their son.

I interviewed both applicants briefly in court, and from this, I learnt that the couple visited "**The Nest Home Charitable Trust**", about 3 or 4 times, before they identified SW.

WKK, the second applicant described the child as "**big and beautiful**", and she liked her the very first time she saw her. The couple started taking the child out whenever they went for a visit, and in this way, they bonded with the child and the last time they were returning her to the orphanage after an outing, she cried and did not want to remain behind. It is at that point that the officials of the home allowed them to start the process of fostering, which they have done to date.

The two applicants confirmed that the child fitted in their home very well and they feel happy with her, though she is not their biological child. Again, they are aware of the fact that she was abandoned at birth on the road side, by her biological mother, and was subsequently committed to the Nest Home Charitable Trust; vide a court order from the Children's court in Kiambu.

This fact has not bothered the applicants who love SW and have accepted her into the family.

From the evidence I have considered, I am satisfied that the adoption herein is good for Baby SW, and will be in her best interest.

A certificate was issued by the Kenya Christian Homes, "**freeing the child SW for adoption**". In view of this, I proceed to dispense with the consent of her biological mother who abandoned her at birth.

As I am satisfied that SW has found a suitable home in which to grow up with a family who love her, I hereby grant an order, authorizing PKK and WWK, to adopt SW who from today henceforth will be known as **SWK**.

I direct the Registrar of Birth to enter SWK name in the adopted Children Register, and issue her with an adoption certificate.

Dated at Nairobi this 20th day of July 2007.

JOYCE ALUOCH

JUDGE