



**REPUBLIC OF KENYA**

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

**Adoption Cause 51 of 2006**

**IN THE MATTER OF ADOPTION OF LLL – (AN INFANT)**

**JUDGMENT**

The Applicants herein are presently residents of Kenya by virtue of entry permit No. *[particulars withheld]* issued on 31<sup>st</sup> December, 2004.

The 1<sup>st</sup> Applicant works as Project Director with M/s Global Concern Incorporation a Non-Governmental Organization duly registered in Republic of Kenya and 2<sup>nd</sup> Applicant is resident of Kenya as a dependant of 1<sup>st</sup> Applicant.

The Applicants were married on 2<sup>nd</sup> September, 1995. During the year 2003 the 2<sup>nd</sup> Applicant miscarried and the couple then decided to adopt a child from Kenya. Their marriage certificate is duly produced before the court. They are Christians by religion. The Applicants were born on 18<sup>th</sup> November, 1963 and 16<sup>th</sup> June, 1967 respectively. They have been cleared by Federal Bureau of Investigation of U.S.A. from any criminal records (RRW 30). They both are certified of being in sound health physically and mentally by Dr. G. Tesfaledet (RRW 22 and 23).

As per all reports filed by relevant authorities namely Adoption Society as well as Children Department their physical, mental and financial abilities to look after the welfare of the child are checked and positively recorded.

Furthermore their moral character has been amply certified by Menchville Baptist Church of Newport News, Virginia where 1<sup>st</sup> Applicant has a home of his parents.

I am more fortified by a letter of Bethany Christian Service a licensed International Adoption Agency in Michigan which has validated the proposed adoption and which can offer the post-adoption supervision.

North Carolina Department of Health and Human Services, Division of Social Services has by a letter of 19<sup>th</sup> October 2005 confirmed that North Carolina Adoption statutes recognize final adoption decrees from the other countries or jurisdictions and afford those foreign born children equal rights and privileges as children born or legally adopted in the said state. The 1<sup>st</sup> Applicant is a resident of State of North Carolina as per information given to me.

They have also provided a confirmed letter of employment from Aid Sudan Foundation with effect from 15<sup>th</sup> January, 2007 when their work permit expires (RRW 34).

I have observed during appearances before me the demeanours of the Applicants who had always appeared with the child. I could see their bonding with him and emotional attachment built in them concerning the child. They have accepted the child as their own and seemed to be anxious on the outcome of these proceedings.

According to the Applicants their wider families are eagerly awaiting to accept the child into their fold. They have given several e-mails from their close families. This is so far as the Applicants are concerned.

The child herein was found abandoned in Oldonyira Division of Isiolo District and taken to Isiolo Police Station on 20<sup>th</sup> July, 2005. From there the child was referred to Child Welfare Society which in turn applied for a committal order through the District Children's Officer.

The Applicants heard about the position of the child and entered into Agreement of foster parent with Child Welfare Society on 31<sup>st</sup> August 2005 and since then the child is under their care and custody. From the photographs shown of the child, when he was taken in, and of his growth till now, it definitely shows that the child is well tended.

The child is freed for adoption by a certificate dated 24<sup>th</sup> May, 2006 issued by Kenya Christian Homes, a registered Adoption Society under the Children Act, 2000 which has also filed its report.

The Children Department and Guardian ad litem have made their observations in their respective reports. All of them have recommended the adoption of the child.

The Applicants, in the premises of what is stated hereinabove, have satisfied the legal requirements under Section 158 of the Children Act.

But this court has gone beyond by satisfying itself that the Applicants have love and concern for the child.

They have also consented and undertaken that their Life Insurance Policy shall be assigned to the child. A copy of the policy is on record. **I order accordingly.**

**The upshot of all the above is that the Applicants are authorized to adopt LLL as he was named earlier. I further direct that his name shall henceforth be JRW and his birth date be recorded as 12<sup>th</sup> July, 2005.**

I thus direct the Registrar General to make appropriate entries in the Register.

Dated and Signed at Nairobi this 13<sup>th</sup> day of October, 2006.

**K.H. RAWAL**

**JUDGE**

**13.10.06**