



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

**Adoption Cause 197 of 2004**

**IN THE MATTER OF ADOPTION OF AO- INFANT**

**JGN and GNN ..... APPLICANT**

**JUDGEMENT**

This cause for adoption was filed on 13<sup>th</sup> October, 2004 but due to non-compliance of procedural laws, the same was eventually heard by me on 27<sup>th</sup> October, 2006.

First of all I shall deal with the prayer of dispensation of the consent of the biological mother of the Infant. She had given out the infant to the Children Officer, Vihiga on 4<sup>th</sup> day of his birth on 19<sup>th</sup> October, 2002. The reasons were that he was sired out of wedlock and by a very close relative and hence was a '*taboo*' child. The Children Officer in turn then placed the child with New Life Home. The mother since handing over of the child has disappeared and her whereabouts are unknown. She has also not come back to the authorities to reclaim the infant. New Life Home's representative has sworn an affidavit on 23<sup>rd</sup> October, 2006 to that effect.

I shall thus presume that the mother has abandoned the infant disclaiming all her rights over him.

In the premises I allow prayer No.3 made in Amended Application dated 26<sup>th</sup> October, 2006 and dispense with the consent of the mother under Section 159(1) as of the Children Act, 2001.

Coming to the credence of the Applicants to adopt the infant, I have perused their averments made in their statements and the reports from the Adoption Society and the Children's Department.

They are married since 31<sup>st</sup> December, 1983 and have no issue of their own. They are employed as the Bursar with University of Nairobi and a Secondary School teacher respectively. They are African Kenyans by origin, so is the child. I have been seeing them before me with the child since June, 2006 and have found them pleasant and caring. The infant is rightly and closely bonded with them.

The Infant is under their care since Foster agreement entered by them with New Life Home on 14<sup>th</sup> August, 2003. The Infant is healthy and intelligent and also does have conversation with me as a confident child.

The reports from Children Department, The Adoption Society and Guardian ad litem are very positive and recommend the adoption of the infant who is also freed for adoption by certificate dated 27<sup>th</sup>

September, 2005 from Child Welfare Society an Adoption Society under the Act.

I can unhesitantly state in this case, that the order of the adoption shall be in the interest of the infant.

I therefore order that the Applicants JGN and GNN be allowed to adopt the infant AO who shall henceforth be known as SNN. His birth date shall be 19<sup>th</sup> October, 2002.

I further direct the Registrar to make appropriate entries in this respect in the Adoption Register.

Dated and signed at Nairobi this 3<sup>rd</sup> day of November, 2006.

**K.H. RAWAL**

**JUDGE**

**3.11.06**