

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO. 35 OF 2004

**IN THE MATTER OF BABY E.N.....
.....THE INFANT**

AND

**S.K.N. AND R.N.K.....THE
APPLICANTS**

JUDGEMENT

The Applicants in this Adoption cause have sought for an order authorizing them to adopt the infant, a male child born on 7th November, 2002. The child was found abandoned at the Kakamega District Hospital Out-Patient Department on 15th December, 2002. The child was subsequently placed for care and protection at the New Life Home Kisumu through the Kakamega District Children's Office. The child was placed under the foster care of the Applicants on 28th August 2003 and he has remained in their continued care and control.

According to the report by the Child Welfare Society, which carried out, an in depth investigation covering even the child's medical history, they have declared the child free for adoption. Accordingly, I am satisfied that the child was abandoned, the parents or guardian's consent could not be obtained and I accordingly dispense with their consent.

The applicants are married to each under a monogamous union and they have been so married since 4th March, 1979. An evaluation report regarding the suitability of the Applicants as adoptive parents has been carried out by the Director of Children's Services, the Guardian Ad Litem and they all recommended the Applicants as suitable parents.

The 1st Applicant is a businessman, having worked before as a Police Officer and as a Marketing Executive, while the 2nd Applicant has worked since 1977 with the Post Office as an A.P.M. at the City Square. They command a modest income, which is an average middle class income. They have a owner occupied house in an up- market housing estate, which they intend to share with the infant. The Applicants are mature, they being 55 years and 47 years old respectively. Their marriage of about 25 years can be said to be stable having struck to each other, the fact that they could not get biological children not withstanding.

I am satisfied that their decision to adopt a child and to complete their family was well thought out. The child is well looked after and has bonded very well with the Applicants. After careful evaluation of all the material that was placed before me and after consideration of the provisions of part XII of the Children Act 2001, I am satisfied that the Applicants have fulfilled the requirements set out therein. I am therefore satisfied that the order of adoption sought will promote the best interest of the infant.

The Applicants understand the legal and social implications of an order of adoption and therefore the child shall get an opportunity to grow up under the loving care and protection of the Applicants and a security of a home. This is a better environment for the child to grow in than the home for abandoned children.

Accordingly, I grant the orders sought to S.K.N and R.K.N. to adopt baby E.N. who shall henceforth be

known as E.N.K.

It is so ordered

Judgement read and signed on 21st January, 2005

MARTHA KOOME

JUDGE