

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

Misc Adoption Cause 7 of 2005

**IN THE MATTER OF J M S (A CHILD)
A N D
IN THE MATTER OF AN APPLICATION BY HBD-G
AND WAB TO BE APPOINTED AS GUARDIAN
AND BE AUTHORISED TO ADOPT A CHILD**

R U L I N G

WAB and HBG are a Swiss couple aged 57 and 58 years respectively who live at Ukunda in mainland South. They have one adult son who runs a motor vehicle garage at Ukunda and lives with them. They have applied to be allowed to adopt JMS (the child) a male child aged about 10 months. The biological parents of the child MSM and MMK are a poor young couple living at Jerori in Shimba Hills. They have another child aged about four years who, according to the Mombasa District Children's Officer is malnourished. Apart from giving their written consent they appeared before me and I explained to them the effect of the adoption and sought their views once again. They confirmed that they understand that once the adoption order is made the child will be taken away from them permanently. They are poor and are not able to properly take care of their other child and yet they are expecting another one whom they had not planned for.

The applicants on the other hand are pensioners and are engaged in some farming activities at Ukunda. Their biological adult son appeared before me with them and confirmed that he has no objection to having a young adopted brother. The Applicants have been living with the child for over five months now and are fond of him. The child does not know her biological parents.

Having taken all these factors into account and the fact that the Children's Officer has also recommended the adoption, I am satisfied that it is in the interest of the child that the Applicants are authorised to adopt him.

Accordingly I allow this application and order that the Applicants, WAB and HBG are hereby authorised to adopt the child, JMS to be henceforth known as JWB. I direct the Registrar of Births and Deaths to issue the child with a birth certificate in his new names of JWB. I also direct that the Registrar General do make a note of this adoption in the Adoption Children's Register.

DATED and Delivered this 19th day of May 2005.

D.K. MARAGA
JUDGE