

IN THE HIGH COURT OF KENYA AT NAIROBI

Adoption Cause 88 of 2005

IN THE MATTER OF ADOPTION OF CHILDREN UNDER THE CHILDREN ACT, NO. 8 OF 2001 (P. A. A. G. A.) (CHILD)

JUDGMENT

The petitioners, K.O.M. and P.J., applied to adopt P.A.A.G.G a 16 years old orphan boy. The boy is related to the 2nd applicant PJ in that he is her nephew.

Before the application for adoption could be heard, I first dealt with the matter of appointment of “**a guardian ad litem**”.

I proceeded to appoint one MN, the child’s grandmother who has been caring for him since his parents died.

Upon appointment, M filed a report supporting the application for adoption, and declaring that she has no interest adverse to those of the child. She also confirmed that the child was living with the applicants in Kenya, and their relationship was “cordial”.

Maria was satisfied that the applicants have sufficient means to look after the child, as well as their other children. She prayed the court to grant the applicants an order to adopt the child P.

As required by Law the Child Welfare Society conducted a home study, then prepared a report declaring the child P free for adoption on 19th July, 2005. An investigation report was prepared on behalf of the applicants by the Office of the Director, Children’s Services, of the Office of the Vice-President and Ministry for Home Affairs. They recommended the application for adoption as they were satisfied that it was in the best interest of the child P.

Their report noted that the applicants are no strangers to the child because they have some relationship with the child as I have already stated.

I considered the application filed by the applicants, the affidavit in support, the report by the “**guardian ad litem**”, the report of investigation by the Department of Children, aforesaid and the oral answers given by both applicants during the brief interview, in court by me.

From all this I came to the conclusion that the applicants are committed to the child P and want to be parents to him. Secondly, the applicant’s who have already adopted two of P’s sisters, have a desire to let the 3 children grow up in their family, alongside their own children. They are providing an alternative home to P and his 2 sisters. This is a big commitment financially and otherwise, but I am convinced that it is a responsibility they are prepared for, and also willing to take. This is commendable because they already have 7 children including P’s 2 sisters.

The second applicant PJ also prayed the court to allow her to adopt P jointly with her husband, the 1st applicant. She wants to give P an opportunity of “a life-time”.

Having considered all relevant factors in this application, I came to the conclusion that the adoption herein, would be in the best interest of P. It would give him an opportunity first to join his 2 sisters and grow up with them in a home. This will provide continuity in his life. Again P will have a chance to continue with his education as the applicant’s have undertaken to ensure this.

I therefore authorize the 2 applicants, K.O.M and P.J.M to adopt the child herein, whose names will remain **“P.A.A.G.G”**. I direct the Registrar of Births to issue a birth certificate to the child, in the above names. The applicants as the new parents of P are at liberty to remove him from the jurisdiction of this court, and live with him in the USA, where they are currently residing.

Dated at Nairobi this 5th August, 2005.

JOYCE ALUOCH

JUDGE