



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re MW (Infant) (Adoption Cause 136 of 2003)  
[2004] KEHC 2467 (KLR) (7 January 2004) (Judgment)**

*In Re: M. W. (An Infant)[2004] eKLR*

Neutral citation: [2004] KEHC 2467 (KLR)

**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**ADOPTION CAUSE 136 OF 2003**

**MK KOOME, J**

**JANUARY 7, 2004**

**IN THE MATTER OF ADOPTION OF INFANT ACT CAP 143**

**AND**

**IN THE MATTER OF MW – AN INFANT**

**JUDGMENT**

1. The applicants in this Adoption Cause BPW and PGW have sought for an order authorizing them to adopt the infant herein. The infant is a female child born on 18th November 2002. The infant was born in Ethiopia and was found abandoned in the streets of Addis Ababa. She was placed under the care of the Missionaries of Charity Orphanage by the Ethiopian police on 20th November 2002. The infant was subsequently placed under the care and control of the applicants on 17th January 2003. The applicants immediately organized for an adoption and an order of adoption was duly issued by the Federal First Instance Court in Addis Ababa on 24th January 2003.
2. The evaluation report regarding the suitability of the applicants as adoptive parents was carried out as per the report by the Director of Children's Services dated 28th November 2002. The applicants are married to each other in a monogamous union. They have been so married since 31st August 1996. The report confirms that the applicants are stable and happy. The 1st applicant is an International Civil Servant working with the World Food Programme while the second applicant is an independent consultant. They earn a comfortable income that is capable of providing and securing the future of the infant.
3. I have carefully read the evaluation report compiled by the Director of Children, the declaration by the Child Welfare Society and the report by the Guardian Ad Litem. All the reports recommend the applicants as suitable parents. In addition to the reports, the applicants were granted an Order of Adoption in Ethiopia by the Federal First Instance Court, but due to the fact that Ethiopia is not a member of the Commonwealth and hence the order from the Ethiopian Court is not recognized by



the British Government. That is why the applicants have re applied for an adoption order under the Kenyan Law.

4. I have considered all the material presented before me and all the matters provided for under part XII of the Children's Act 2001 and I am satisfied that the adoption order will be in the best interest of the minor child. The child will have an opportunity to grow up in a family under the care and guidance of the applicants who fully understand their obligations.
5. Accordingly I hereby grant the orders sought and authorize the applicants to adopt MW.

It is so ordered.

**JUDGMENT READ AND SIGNED ON 1ST JULY 2004**

**MARTHA KOOME**

**JUDGE**

