

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 59 OF 2003

IN THE MATTER OF THE CHILDREN ACT (NUMBER 8 OF 2001)

IN THE MATTER OF BABY WAIRIMU – INFANT

JUDGMENT

On 16th January 2003 Sarah Wairimu Kinyanjui and Peter Wahinya Kinyanjui (hereinafter called “ the Applicants”) filed an application in this Court by way of Originating Summons seeking inter-alia for orders to adopt an Infant child known as Baby Wairimu (hereinafter called “the Infant”).

On 17th October 2003 Harun Kahiu Mukiri was duly appointed as guardian ad litem of the said Infant. When the said application for adoption came for hearing on 5th December 2003 and 6th February 2004 the said guardian ad litem in the said capacity together with the Children’s Department and Child Welfare Society of Kenya presented the requisite reports in respect of both the said Infant and the Applicants.

The said Infant was born on 26th May 2002 to the Applicant’s only daughter who passed away on 30th October 2002, barely five months after birth. Beatrice Wanja Kinyanjui the said mother of the Infant was a student at Shanzu Teachers College and at the time of her death she had returned to the said college leaving the then two weeks old Infant with the Applicants for care and protection. The Applicants have therefore since birth raised the said Infant like their own blood child. It is pleaded that in the circumstances, the said Applicants are best placed to adopt the said Infant particularly because the putative father of the Infant is not known.

The Applicants are man and wife and are both Kenya citizens by birth. According to the comprehensive reports filed and presented in this court by the guardian ad litem, the Child Welfare Society of Kenya and the Children’s Department, the said Applicants are fit and proper persons capable of adopting and providing due parental care and attention to the said Infant. They are extremely well learned couple with sound financial base. Moreover they are the natural grandparents of the Infant whom they both desire to clothe with stronger family identity. The said Applicants have been living together as man and wife since 1982 in a monogamous union. In accordance with the said reports the Applicants have duly complied with the applicable provisions of the Children Act (Act No.8 of 2001). The said Infant also duly qualifies for adoption having been assessed and declared free for adoption by the Child Welfare Society of Kenya, a registered adoption society, as provided under the said Act.

I have duly considered all the aforesaid reports together with the pleadings filed herein. I have heard the presentation made by the said guardian and the counsel for the Applicants. I am therefore satisfied that the adoption sought by the Applicants shall be in the best interests of the said Infant. In pursuance of the said application, I dispense with the production of necessary statutory consent to the making of an adoption order as provided under section 159 (1)(a) (i) (c) of the said Act.

I accordingly order that the said Infant be and is hereby adopted by the said Applicants. I further order that the said Infant be renamed Beatrice Wairimu Kinyanjui henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

DATED DELIVERED and SIGNED at Nairobi this 27th day of February 2004.

P. J. KAMAU

AG. JUDGE

