

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO 58 OF 2003

IN THE MATTER OF THE CHILDREN ACT

AND

IN THE MATTER OF RK – INFANT

J U D G E M E N T

On 18th June 2003 JKM and DWK(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 RK (hereinafter called “the Infant”).

On 3rd October 2003 Elizabeth Mbithi was duly appointed as guardian and litem of the said Infant. When the said application for adoption came for hearing on 12th March 2004 the said guardian ad litem together with Janet Wesonga a Children’s Officer with the Children’s Department duly presented their respective reports on both the Applicant and the Infant.

The said Infant comes to this court through the said guardian as an abandoned child. He is said to have been born on 22nd June 2002 and found abandoned in an open ground on 23rd June 2002 within Zimmerman Estate Nairobi, taken to GGCH in Nairobi and thereafter admitted on 20th February 2003 to TBHsequently placed with the Applicants for foster care on 25th February 2003 by the said House. The Infant has remained under the good care of the said Applicants since then.

The Applicants are man and wife and are both Kenyan citizens by birth. According to the reports filed, the said Applicants are fit and proper persons capable of adopting and providing due parental care and attention to the said Infant. Thirteen years into their marriage, the said Applicants have not yet been blessed with a biological child. 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 previously been assessed and declared free for adoption by 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 representations made and the pleadings filed herein. I am convinced that the adoption sought by the Applicants shall be in the best interest of the said Infant. In pursuance of the said Application I further dispense with the production of necessary statutory consent as provided under section 159(1) (a) (i) (c) of the aforesaid 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 GMK direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

DATED DELIVERED AND SIGNED at Nairobi this 26th day of March

2004.

P. J. KAMAU

AG. JUDGE