

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.76 OF 2004

**IN THE MATTER OF BABY JKTHE INFANT
AND
DM.....1ST APPLICANT
& CKM.....2ND APPLICANT**

JUDGMENT

In this case, the 1st and 2nd Applicant, DM and CKM have applied to be authorized to adopt the Infant herein, a male child and born on 30th August, 2003 at the Kenyatta National Hospital. The child was born premature to a 17 year old mother who immediately absconded from the hospital abandoning the baby at the hospital.

The child was then referred to the Provincial Children's Officer for home placement and the child was eventually housed at the Abandoned Baby Centre until he was placed under the foster care of the Applicants. Both the Applicants are Kenyans but live and work in the United States of America with the World Bank and the International Monetary Fund. They have been married to each other in a monogamous union for the last 9 years. Their suitability as adoptive parents has duly been evaluated by the Director of Children's Services and the Guardian Act Litem whose reports recommend the order of adoption. The child has also been declared free for adoption by the Child Welfare Society as provided for under Section 156 of the Children Act 2001.

The Applicants have no biological children of their own but are desirous of completing their family through adoption. According to the reports filed herein. The Applicants are responsible people who have remained committed to each other despite their inability to get their own biological children. Their failure to have biological children is due to medical complications. They have financial ability to provide for the child. Their families, parents and friends have supported the idea of this adoption and they have been giving the applicants tremendous encouragement. This is a commendable attitude and gives an indication that the child has been accepted as a member of the Applicants family. I have carefully evaluated all the pleadings filed herein, the statement of the Applicants, the supporting documents and the statutory reports filed herein.

I am satisfied that the proposed order of adoption will promote the best interest of the Infant whose other alternative would be to remain at the home of abandoned children. The child will now have a comfortable home and a secured future under the loving care and guidance of the Applicants. I have also considered all the matters provided for under part XII of the Children's Act 2001. The Applicants have duly complied with all the conditions set out therein.

Accordingly I grant the order sought and the Applicants are authorized to adopt Baby JK to be henceforth known as EKM.

It is so ordered.

Judgment read and signed on 27th April 2004 at 9.00 a.m.

MARTHA KOOME

JUDGE