



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT ELDORET

ADOPTION CAUSE NO. 1B OF 2004

IN THE MATTER OF THE CHILDREN'S ACT

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER

AND

IN THE MATTER OF HW (CHILD)

A N D

CAT
KKT..... APPLICANTS

PROCEEDINGS

24.3.2004

Coram:

Dulu.J

Chemitei – Court Clerk

Ngigi for applicants

Ngigi: I pray for a date when the applicants and consenting guardian can attend court for the adoption case to proceed.

Court: Hearing date to be taken in the registry which can give a priority hearing date.

Dulu. J. 24.3.2004

24.3.2004

In the Civil Registry

Ngigi for applicants – present

Order: Application under certificate of urgency dated 22nd March 2004 is listed for hearing on 29th April 2004 before court No.2 Hearing notice to issue.

Signed For: Deputy Registrar

29.4.2004

Coram:

Dulu.J.

Chemitei – Court Clerk

Ngigi for applicants

Margaret Wambui (guardian) – present

Mr. Ngigi Guardian and JM are sister and brother of the biological mother of the subject (infant). The mother passed away in 2000. From affidavit of JM the infant was born in 1994. The mother was a single parent.

The applicants have also sworn affidavits in support of their application. They have also sworn further affidavits and exhibited the preparations they have made to receive the infant. They have annexed their means and information on their occupation. They work in the State of Missouri. The prospective parents are people of means with great potential. I pray that you find them suitable adopting parents for the destitute minor, as their own.

The process has been explained to the guardian. She has filed declaration and consent. She understands the consequences of adoption, and that the infant will become a citizen of the United States of America

Court: Ruling on 27th May 2004.

RULING

This is a matter that was brought by way of Originating Summons dated 8th March 2004. It seeks for orders that Margaret Wambui Wanja be appointed guardian ad litem in the cause and that the applicants be authorized to adopt HW who is a child. The applicants are stated to be CT and KKT of address 2335 Fairway Highridge Missouri 63049.

I have perused the documents filed in the application. Both the applicants are Americans and there is authority for them to adopt a foreign child from the Department of Justice filed on 21st April 2004. The mother of the child who was born on 7th April 1994 died the year 2000.

The guardian Wambui Wanja, a sister of the biological mother of the child, has consented to the adoption of the child by a consent dated 8th March 2004. There is a report dated 24th February 2004 by Janet Galaske a social worker in the United States of America positively recommending the adoption. The applicants also have means.

I would have granted this application, save for the fact that I have never seen the applicants or seen copies of their birth certificates or any official information on their ages to satisfy myself as to their age.

The law (section 158 of the Children's Act 2001) requires that the applicants should not be above

sixty five years of age. I have seen a copy of the marriage certificate and other documents, but unfortunately the ages are only mentioned in some of the reports. That mere mention of the ages to me is not adequate.

I am therefore not making a ruling in this matter until I am provided with satisfactory information on the ages of the applicants.

Dated and delivered at Eldoret this 27th Day of May 2004

George Dulu

Judge

27.5.2004

Coram:

Dulu .J.

Kassachuon – Court Clerk

Obutu for Ngigi for Applicants

Ruling read in open court in the presence of:

George Dulu.J.

27.5.2004

Obutu: I ask for copy of the ruling

Court: Applicants to be provided with certified copy of the ruling.

28.5.2004

Coram:

Dulu .J.

Kassachuon – Court Clerk

Ngigi Mbugua for Applicants

Court: On 27th May 2004 I declined to grant the orders for adoption of child HW by CTand KKT satisfied to the ages of the applicants. I have today seen certified copies of their birth certificates, which have been filed in court. CT was born on 24th march 1961 and KKP (T) was born on 7th June 1970.

I therefore grant the orders of adoption as requested.

Dated and delivered at Eldoret this **28th** Day of **May** 2004

Signed

George Dulu

Judge

(I certify this a true copy of the original)

DEPUTY REGISTRAR