



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**In re J & K (Infants) (Adoption Cause 32 & 108 of 2003  
(Consolidated)) [2004] KEHC 2481 (KLR) (14 May 2004) (Judgment)**

*In Re: J & K (Infants)[2004] eKLR*

Neutral citation: [2004] KEHC 2481 (KLR)

**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE 32 & 108 OF 2003 (CONSOLIDATED)**

**MK KOOME, J**

**MAY 14, 2004**

**JUDGMENT**

1. The applicant in both adoption causes Nos 108 of 2003 and Adoption Cause No. 32 of 2003 is JAAO. There are two infants known as J and K respectfully. The child known as J was born on 26th August 1998 in Nairobi. The child was abandoned and was committed to the Rescue Dada Centre through a committal order of the children's court made on 21st February 2001 in Protection Cause No. 26 of 2001. The child was placed under the foster care of the applicant from 12th April 2001 and has been in her continuous care and control of the applicant.
2. An evaluation regarding the suitability of the applicant as an adoptive parent has been carried out by the Child Welfare Society and the guardian ad litem. The applicant is a single female Kenyan, a lawyer by profession aged 44 years. She has a steady employment with the [Particulars Withheld] High Commission for Refugees. She has no biological children of her own but has played a key role in bringing up her own siblings. She strongly believes that one does not have to have biological children to enjoy parenting as the same joy can be experienced by providing a home to a needy child.
3. This is a positive attitude and according to the report, the larger members of the Applicant's family have accepted both infants.
4. The other infant in this matter is K who was born approximately the same time on 21st February 1998. She was also committed through a protection order to the Rescue Dada Centre. The applicant accepted both infants on the same day 12th April 2001 and they have been under her continuous care and control. The applicant has taken good care of both children, they are attending school next to her compound. The applicant has a comfortable home suitable for the children and adequate resources to provide for the two children's education and all their needs. The two children are well looked after and well adjusted. They have bonded well with the applicant and her family the only family that they know since both were abandoned.
5. I have given due consideration to both applications that are consolidated in this judgment. I have read the report by the Guardian Ad Litem, the declaration by the Child Welfare Society, freeing the children



for adoption, and all the matters that I should take into consideration under part XII of the Children's Act 2001. I am satisfied that the applicant has met all the conditions set out therein.

6. I am also satisfied that the order of adoption shall promote the best interests of the infants. These children were abandoned and therefore the consent of their biological parents could not be obtained. The consent is therefore dispensed with.

7. Accordingly I grant the applicant the prayers sought and authorize her to adopt

(1) The infant called J who shall henceforth be known as POO

(2) The infant called K who shall henceforth be known as DJA

It is so ordered.

**JUDGMENT DELIVERED AND SIGNED ON 14TH MAY 2004.**

**MARTHA KOOME**

**JUDGE**

