



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO 63 OF 2004**

**IN THE MATTER OF THE CHILDREN ACT (NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY FDP -INFANT**

**JUDGEMENT**

On 15th March 2004 MJP and NBP (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 FDP hereinafter called “the Infant”).

On 26th March 2004 Susan Achieng was duly appointed as guardian ad litem of the said Infant. When the said application for adoption came for hearing on 28th May 2004 the said guardian ad litem together with J.N. Ndungu (Mrs) a Chief Children’s Officer with the Children’s Department and Linnet Ouna an Adoption Officer with the Child Welfare Society of Kenya presented their respective reports on both the Applicants and the Infant.

The said Infant comes to this court through the said guardian as an abandoned child. She is said to have been born on 20th May 2003 and found by a Good Samaritan abandoned at St. Patrick Church in Thika on 10th June 2003. After reporting to the police, the said Infant was referred and admitted in Thika District Hospital wherefrom she was then admitted on 4th August 2003 to New Life Home Trust in Nairobi by the order of the Thika Resident Magistrate’s Court. She was subsequently placed with the Applicants for foster care on 8th December 2003 by the said Home. The Infant has remained under the good care of the said Applicants since then.

The Applicants are man and wife and are both American citizens by birth but resident in Kenya. 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. Nearly six years into their marriage, the said Applicant 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). They have further demonstrated expected positive attributes of any good parent by developing a well bonded relationship with the Infant. 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 and the evidence adduced herein 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 IZP henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

DATED DELIVERED AND SIGNED at Nairobi this 18th day of June 2004.

**P. J. KAMAU**

**AG. JUDGE**