

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO 58 OF 2004**

IN THE MATTER OF THE CHILDREN ACT (No 8 of 2001)

AND

IN THE MATTER OF BABY ROGER GATURA alias VERONICA

GATURA – INFANT

JUDGMENT

On 2nd March 2004 Ryan Lee Sensenig and Donna Shenk Sensenig (Hereinafer 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 Baby Roger Gatura alias Veronica Gatura (Hereinafter called “the Infant”).

On 26th March 2004 Joyce Kimemia was duly appointed as guardian ad litem of the said Infant. When the said application for adoption came for hearing on 25th June and 16th July 2004 the said guardian ad litem together with Alphaxard Chabari an Adoption Officer with Child Welfare Society of Kenya and J.N. Ndungu (Mrs) a Chief Children’s Officer with the Children’s Department duly 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. He was abandoned at birth at Gatura Health Centre in Thika District on 5th July 2003 the presumed date of his birth, and thereafter admitted to Thika District Hospital. On 4th August 2003 the Resident Magistrate Children’s Court Thika in P & C Case No. 34 of 2003 ordered that the said Infant be received by the New Life Home Nairobi, a child rescue centre, for care and protection pending fostering. The said Infant was subsequently placed from the said Home with the Applicants for foster care on 29th September 2003. The Infant has remained under the good care of the said Applicants since then.

The Applicants are man and wife and are citizens of the United States of America, but are both 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. The Applicants have in their near 10 years marriage not begotten biological children due to medical problems, but are otherwise both physically and medically fit. They are, according to the said reports, desirous of adopting the said Infant with whom they have well bonded. 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 been assessed and declared free for adoption by the 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 interests of the said Infant. In pursuance of the said application and circumstances of this matter, 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 Isaac Maliki Sensenig henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

DATED DELIVERED AND SIGNED at Nairobi this 30th day of July 2004.

P. J. KAMAU

AG. JUDGE