

REPUBLIC OF KENYA

IN THE MATTER OF THE CHILDREN ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY JOSHUA alias JOSHUA WAITHERA –

INFANT

J U D G M E N T

On 18th February 2004 Charles David Porter and Tahnya Renee Porter (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 Baby Joshua alias Joshua Waitthera (hereinafter called “the Infant”). On 19th March 2004 LaVonne Alice (Bonnie) Ness was duly appointed as guardian ad litem of the said Infant. When the said application for adoption came for hearing on 2nd July 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. He is said to have been born on 13th August 2003 at Marie Stopes Clinic Eastleigh in Nairobi and abandoned by his mother on the same day. After reporting to the police, at Pangani Police Station, the said Infant was referred to Seeds in His Garden Children’s Home, in Garden Estate Nairobi via a Children’s Court Order made on 3rd October 2003 under Protection and Care Case No 161 of 2003. He was subsequently placed with the Applicants for foster care on 8th December 2003 by the said Home. The said Infant has remained under the good care of the said Applicants since then.

The Applicants are man and wife and are both citizens of the United States of America. 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 said Applicants are Christian Missionaries. The said Applicants have not in their marriage yet been blessed with a biological child, and hence the desire to adopt. 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 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. I am satisfied that there has been no delay in processing and formalizing this adoption. In pursuance of the said application and the evidence adduced herein I further dispense with the production of the prescribed necessary statutory consent as provided under section 159(1) (a) (i) (c) of the aforesaid Act. I hereby therefore order that the said Infant be renamed Joshua David Porter henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

DATED DELIVERED AND SIGNED at Nairobi this 16th day of July 2004.

P. J. KAMAU

AG. JUDGE