

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO 31 OF 2004

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

AND

IN THE MATTER OF LW – MINOR

JUDGEMENT

On 2nd February 2004 MH and CH (hereinafter called the “Applicants”) filed an application in this court by way of Originating Summons seeking inter-alia for orders to adopt a minor child known as LWi(hereinafter called “the Minor”).

On 19th March 2004 Jane Kala Stoecklin was duly appointed as guardian ad litem of the said Minor. When the said application for adoption came for hearing on 18th June 2004 the said guardian ad litem together with J.N. Ndungu a Chief Children’s Officer with the Children’s Department and Linnet Ouna an Adoption Officer with the Child Welfare Society of Kenya duly presented their respective reports on both the Applicants and the Minor.

According to the evidence adduced during the hearing, the said Minor was left without sufficient care when her biological mother collapsed and died in advanced pregnancy with another child. The latter child was saved and offered for adoption while the Minor was left under the care of her father which care turned out to be inadequate. The said father eventually on 12th June 2000 handed over the said Minor to the particulars withheld. On 19th July 2001 the said Minor was duly formally committed by the Children’s Court in P & C Cause No 233 of 2001 to the said Home for protection and care. On 12th September 2003 the said Home decided to have the said Minor fostered by the Applicants and has since then been under their continuous care and attention.

The said Minor is said to have been born on 2nd May 1997. The father of the Minor namely Robert Davis Owen did under oath on 22nd April 2004 consent to the adoption of the said Minor.

The Applicants are man and wife and are both of Swiss Nationality but resident in Kenya. According to the reports filed, and evidence tendered the said Applicants are fit and proper persons capable of adopting and providing due parental care and attention to the said Minor. Fourteen years into their marriage, the said Applicants 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). The said Minor 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 Minor. I am satisfied that the biological father of the said Minor has duly consented to the adoption as provided under section 158(4)(a) of the aforesaid Act. I am also satisfied that the said Applicants fully comprehend and understand their responsibilities as adoptive parents.

I accordingly order that the said Minor be and is hereby adopted by the said Applicants. I further order that the said Minor be renamed LW H henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

DATED DELIVERED AND SIGNED at Nairobi this 8th day of July 2004.

P. J. KAMAU

AG. JUDGE