

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO 33 OF 2004

IN THE MATTER OF THE CHILDREN ACT

AND

IN THE MATTER OF RICK OCHIENG – INFANT

JUDGMENT

On 5th February 2004 Timothy Faerber Andrews and Theresa Myers Andrews (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 Rick Ochieng (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 23rd July 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 Infant.

According to the evidence adduced during the hearing, the said Infant was found abandoned in Kisumu Town on 25th October 2001 and taken to Central Police Station in Kisumu. On 26th October 2001 the Resident Magistrate Winam in Juv. Case No 112 of 2001 committed the said Infant to the New Life Home in Kisumu for protection and care. On 10th October 2003 the said Home decided to have the said Infant fostered by the Applicants and has since then been under their continuous care and attention.

The said Infant is said to have been born on 22nd February 2001 and since the said date of abandonment, is reported not to have been claimed by any person.

The Applicants are man and wife and are both citizens of United States of America, 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 Infant. The said reports indicate that the said Infant has bonded well with the Applicants who have demonstrated excellent parental responsibility toward the Infant, by virtue of also being biological parents to a 9 years old son, Joseph. 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 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 the said Applicants fully comprehend and understand their responsibilities as adoptive parents. 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 Richard Ochieng Andrews henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

DATED DELIVERED AND SIGNED at Nairobi this 17th day of September 2004.

P. J. KAMAU

AG. JUDGE