



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO 128 OF 2004**

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

**IN THE MATTER OF THE CHILDREN ACT**

**AND**

**IN THE MATTER OF BABY KA – INFANT**

**JUDGMENT**

On 14th June 2004 J S C and TBC (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 K A (Hereinafter called “the Infant”). On 2nd July 2004 S A was duly appointed as guardian ad litem of the said Infant. When the said application for adoption came for hearing on 16th and 30th July 2004 the said guardian ad litem together with Linnet Ouna 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. She was abandoned at birth on 27th September 2003 at Kakamega Provincial General Hospital Kakamega District by her biological mother known as JA , and subsequently admitted to New Life Home, Kisumu on 16th October 2003. The said Infant was thereafter admitted to New Life Home Trust Nairobi on 18th October 2003 for further care and protection. The said Infant was subsequently placed from the said Home with the Applicants for foster care on 13th March 2004. The Infant has remained under the good care of the said Applicants since then. The District Children’s Officer, Kakamega District, has duly confirmed that since the said date of abandonment nobody has come forward to claim the said Infant.

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 5 year marriage not, out of choice, begotten biological children, but are otherwise both physically and medically fit. They are, according to the said reports, desirous of adopting the said Infant alongside her twin brother Baby KM (Adoption Cause 129/2004) 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 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 KAC henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

DATED DELIVERED AND SIGNED at Nairobi this 22nd day of October,2004.

**P. J. KAMAU**

**AG. JUDGE**