

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 130 OF 2003

IN THE MATTER OF ADOPTION OF INFANTS ACT CAP 143
BN

JUDGMENT

In this application that is brought under Section 154 and 160 of the Children Act, the applicant RD has sought for an order authorizing her to adopt the infant herein. RD is also an applicant in adoption cause No. 129/2003 whereby the infant in that application is the sister of the infant herein. Both infants are orphans following the death of their parents. The infant herein was born on 18th October 1994.

The applicant is related to the child and this is an adoption within the family. The infants father PO is the applicant's brother. He passed away on 2nd February 1999. The infant had lost her mother earlier in 1996. Since the death of both parents the infants have been under the foster care of the applicant.

The suitability of the applicant as an adoptive parent was carried out by the Guardian Ad Litem and the Child Welfare Society of Kenya. Both reports are favourable to the applicant and recommend an adoption. The applicant is a senior manager working with the Central Bank of Kenya. She has a steady income and own a comfortable home where she has been living with the infant as well as her biological daughter. The infant when adopted shall also be entitled to a medical scheme and other benefits from the applicant's employer.

The infant has bonded very well with the applicant's daughter and they are in the same school.

I have given due consideration to all the material presented to me in respect of this matter, the efforts made by the applicant to adopt the brothers children is commendable. The infants have been accepted by their own family and they have been guaranteed a home, education, loving care and guidance by their own aunt. I am satisfied that the order sought herein shall promote the best interest and welfare of the infant. Both infants who are orphaned shall continue to live together and to further their bondage as sisters and within their own family.

Accordingly I allow the application and the applicant is authorized to adopt BN.

It is so ordered.

Judgment read and signed on 26th March 2003.

MARTHA KOOME

JUDGE