

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO 57 OF 2002

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

AND

IN THE MATTER OF MARY NEHEMA – INFANT

JUDGMENT

On 29th October 2002 Ian David Moore and Eugene Angele Moore (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 Mary Nehema (hereinafter called “the Infant”)

On 28th November 2003 Anne Marie Nyamu was duly appointed as guardian ad litem of the said Infant. When the said application for adoption came for hearing on 5th December 2003 the said guardian ad litem together with Susan Achieng Otuoma the Adoption Officer with Child Welfare Society of Kenya 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 found abandoned at Kibera Line Saba on 26th June 2002, taken to Kenyatta National Hospital and thereafter admitted on 19th July 2002 to the Nairobi Children’s Home, a child rescue center. On 22nd July 2002 the Infant was admitted to Hope House Babies Home, a home run by African Growth Ministries until she was then placed with the Applicants for foster care. The infant has remained under the good care of the said Applicant since October 2002.

The Applicants are man and wife and are respectively of British and Cameroonian nationality but 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 said Applicants have previously also successfully been granted adoption rights in respect of another 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 Infant also duly qualifies for adoption having been assessed and declared free for adoption by a registered adoption society as provided under the said Act.

I have duly considered all the aforesaid reports together with 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 I 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 Serena Ananda Moore henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children register accordingly.

DATE and DELIVERED at Nairobi this 19th day of December 2003.

P.J. KAMAU

AG. JUDGE