

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 112 OF 2003

IN THE MATTER OF THE CHILDREN ACT (NUMBER 8 OF 2001)

AND

IN THE MATTER OF JM -AN INFANT

R U L I N G

On 31st October 2003 GA and IAA (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 JM hereinafter called “the Infant”).

On 7th November, 2003 SVO Childrens’s Home was duly appointed as guardian ad litem of the said Infant. When the said application came for hearing on 5th December 2003 the said guardian ad litem together with Susan Achieng’, an adoption officer with the Child Welfare Society of Kenya, presented the requisite reports in respect of both the said Infant and the Applicants.

The said Infant is presented in this court through the said guardian as an abandoned child. He was said to have been found abandoned on 13th June 1999 along Timau/Meru Road. The said infant was immediately referred for further care and custody to M M Z Children’s Home. The said infant remained in the said Home until 22nd May 2003 when he went into foster care of the Applicants. The Infant has since then remained in continuous good care of the said Applicants.

The Applicants are man and wife and are both of Italian nationality but resident in Kenya. According to the said comprehensive reports filed in this court by both the guardian ad litem and the Child Welfare Society of Kenya, 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 been living as man and wife since the date of their marriage on 1st February 2003 and are yet to be blessed with a blood 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 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 have heard the presentations made by the said guardian. I am therefore satisfied 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 said act.

I accordingly order that he said Infant be and is hereby adopted by the said applicants. I further order that the said Infant be renamed JM A henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

DATED and DELIVERED at Nairobi this 10th day of December 2003.

P. J. KAMAU

AG. JUDGE

