

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
ADOPTION CAUSE NO. 66 OF 2001

IN THE MATTER OF ADOPTION OF INFANTS ACT CAP. 143

L W AND AW (INFANT)

R U L I N G

Prior to the hearing of the adoption application, one Ann Marie Pruitt was appointed “a guardian ad litem” to the infants to be adopted. Subsequently the application for adoption was made by JLL and GLL

The two had filed a statement in support of the application for adoption. It is dated 7th June, 2001, it has 28 paragraphs which are self explanatory.

The applicants wished to adopt two infants baby LW and BAW records show that both infants were taken to New Life Home from Kenyatta National Hospital, where one was abandoned by the mother in the hospital after birth, but one was taken to the hospital after having been abandoned at Kawangware village, in the outskirts of Nairobi City. Because of these circumstances, I will dispense with the consent of the

natural parents of these infants because their identity is not known.

Both applicants addressed the court briefly and confirmed that they do not have children of their own. They took possession and custody of the 2 infants on 10th May, 2000 and 10th November, 2000 respectively. The 3 month statutory period of fostering under the Adoption Act had therefore been fulfilled.

The applicants are American citizens. They are both teachers and have been living in this country since July, 1999, and have received a new contract which runs upto the year 2004. They will therefore continue to live in this country.

Both applicants assured the court that they love the infants and have made provisions for them in terms of investments for the future. Further they stated that the matter of these children being black is not an issue because “they just wanted to give these children a home”.

They are aware of the fact that these infants could be discriminated against when they go back to the USA. For this reason they intend to talk to them and train them about this at an early age. Again they will have to be careful whilst selecting where to live in the USA, so as to protect the infants.

Glenda, the second applicant told court that she is currently giving the children her full attention and has had to stop work for the time being. She did not consider this a problem because they can live on her husband’s income and if they experience a short fall they can fall back on the income they have in the USA.

The applicant’s counsel appealed to the court to allow the 2 children to be adopted by the applicants who have already given them a home to grow up in.

Again Miss Gitau requested the court to authorize the adoption, though the applicants are of a different race from the infants. She argued that the adoption would be in the best interests of the infants who have already found a home of a couple who love them and want to care for them throughout their lives.

A report was prepared by the Children’s officer, Mrs. Ng’aru, who visited the home of the applicants where they live with the infants. Her report which is dated 25th July, 2001 is very detailed. She

recommended adoption.

I have read through the statement prepared by the applicants, the report of the “guardian ad litem”, filed after appointment, and the oral evidence given by the applicants. From all this I came to the conclusion that the best interest of these infants would be best served if I authorized this adoption.

I therefore make an order allowing the applicants to adopt the infants who from now on will be known as **KWL and AJL**

Dated at Nairobi this 24th day of January, 2002.

JOYCE ALUOCH

HIGH COURT JUDGE