



IN THE MATTER OF: CONSENT TO ACT AS GUARDIAN AD LITEM.

AND

AN APPLICATION FOR AN DOPTION

ORDER IN RESPECT OF THE INFANTS:

MSA

MALE - AGED 15 YEARS &

MSA

FEMALE - AGED 11 YEARS.

AND

IN THE MATTER OF: RKG

APPLICANT.

R U L I N G

The applicant RKG came to court by way of Originating Summons seeking an order to adopt the children known as MSA A MALE AGED 15 YEARS and MSA a female aged 11 years. The application is brought under section 3 of the Adoption Rules and is supported by an affidavit sworn on 25th July 2000 as well as a statement by the applicant of same date and a consent by the mother ZAA. Their father SAA passed away on 2.2.2000 and FAA was appointed their guardian ad litem.

The applicant an American citizen is an Assistant Professor of Anthoropology engaged as a Lecturer by the Illinois Wesleyan University. For the past 13 years she has lived both in the United States as well as Lamu within Lamu District, in Kenya with the family of the two children and during those stays developed a very close relationship with the children and the family as a whole. She is 35 years and still single and has no intention of marrying at the moment and although she professes the Christian faith while the children are Muslims, this has not been a barrier in their relationship. She has undertaken that the children if so adopted by her shall retain their original names and faith. The court did invite the mother and the children to court and confirmed what the applicant had stated. I have further read the report on the adoption filed by the Guardian ad litem to the effect that all the adults blood relations of the children had been informed of the interested adoption and non had raised any objection or expressed their wish to adopt them instead.

The court is aware that in making an order of this nature it should not loose sight of the main issue, that is the welfare of the children. The applicant is in gainful employment and is financially stable. She has lived with the children and their family for periods long enough to establish a close relationship in the last 13 years. The court is satisfied that the applicant is a person of acceptable standing in society and capable of taking care of the children.

In the circumstances I shall grant the order of Adoption of the children MSA and MSA to [particulars withheld], United States of America. That is the order of the court.

Dated and delivered this 28th August, 01 at Mombasa.

P.M. TUTUI

COMMISSIONER OF ASSIZE

Delivered in the presence of Mr. Mabeya holding brief for Abdalla.

P.M. TUTUI

COMMISSIONER OF ASSIZE