

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO.103 OF 2001
AND
IN THE MATTER OF GEORGE WAMBUGU (AN INFANT

RULING

The applicant George Wambugu Mbogo, has made an application jointly with his wife Vanessa Marie Mbogo to adopt the infant George Wambugu, who is a son of his younger sister Gladys Njuki Mbogo, who has given her consent to this adoption.

Gladys has a total of 4 children, the infant included. She is not married and not formally employed. Her affidavit shows that she is not able to look after her 4 children.

The infant is named after the applicant in the traditional way. The applicant was present in Kenya lastly in 1998. In the intervening period he has kept touch with the infant. He sends money for his education and money for upkeep. The infant is now in Standard 3. The applicant has made provisions for the infant. He has registered him with homewood back in Illinois where he lives in the USA. He has identified a school for the infant.

The applicant has a good income. He has properties both in the USA and Kenya, and he intends to develop the Kenyan property next year and assign it to Wambugu the infant. The applicant has promised that he will help the infant to integrate in his family and in the USA generally.

The applicant says that he has a five bedroomed house and one room has been reserved for the infant when he arrives in the USA.

I have read the affidavit of the mother of the infant and I have seen her consent. I am prepared to accept her consent to the adoption. Further, I have read the statement of the applicant and his further affidavit. I have also interviewed him. I am satisfied that he is committed to making the infant his son, together with his wife Vanessa whom I have not seen. Also, I have not seen their 3 daughters apart from their photographs but I believe the applicant when he says that the girls know about the infant from pictures, and are looking forward to receiving him.

Though the provisions of Section 4(5) of the Adoption Act have not been complied with strictly in that the infant has not been continuously in the custody of the applicant, I am satisfied that there is sufficient reason to enable me to exercise my discretion and authorize the adoption – the reasons being the relationship of the infant and the applicant, the financial support given by the applicant to the infant and the love and willingness as expressed by the applicant to make a difference in the infant's life. For these reasons, I now authorize the applicant George Wambugu Mbogo, jointly with his wife Vanessa Marie Mbogo to adopt the infant George Wambugu, I also authorise the applicant to remove the infant out of the jurisdiction of this court and to take him to Illinois in the USA.

Dated at Nairobi this 25th October, 2001.

JOYCE ALUOCH

HIGH COURT JUDGE