



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 160 OF 2015 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY V W
BY
J F M AND F N M (APPLICANTS)

JUDGMENT

1. The Applicants J F M and F N M, are American citizens of Kenyan origin and are in a monogamous marriage which was solemnized at the Registrar's office, Nairobi on 12th October 2004. They have three children of their own. They wish to adopt the child known as V W a minor of female sex. They indicate that J F M is an Operation Manager with [Particulars Withheld] while F N M is a nurse at [Particulars Withheld] Healthcare Management. They reside in Kilimani, [Particulars Withheld] Avenue, Nairobi and are both Christians.
2. According to the child's paternal aunt J W, V and her sister C W K are daughters of the late S K N and P N M. The Applicants have been supporting the two children in paying school fees and other necessities. Their aunt confirms that she has been taking care of V and her elder sister with assistance from the Applicants, and opines that V is better off under the care and control of the Applicants.
3. The child was declared free for adoption on 20th November 2013 by the Little Angels Network Adoption Society vide certificate No. [Particulars Withheld] . The Kenya National Adoption Committee in a meeting held on 18th November, 2014 approved the application for adoption. The certificate of approval is dated 20th January 2015.
4. The U.S. Citizenship and Immigration Services, Children and Integration, the Division of Family Affairs, National Social Appeals Board, Central Authority in U.S.A, in accordance with the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption all confirmed that the Applicants have been approved by the U.S. authorities. According to a Communique from the said office dated 24th September, 2013 and annexed to the Originating Summons, a Kenyan adoption would be recognised immediately in U.S.A. and the U.S. Embassy in Nairobi will have authority to issue the child with a U.S. passport upon presentation of the adoption order. The child will at the same time obtain U.S. citizenship.
5. The Adoption Society, guardian ad litem and the Director of Children's Services have all made home visits and established that the Applicants are financially and emotionally capable of providing for the up keep and education of the child.

6. The Director of Children’s Services filed a report dated 17th July 2015 recommending the adoption for reasons that the adoption is within an extended family where the Applicants are proposing to adopt the male Applicant’s niece. That the child relates well with the Applicants and she therefore stands to gain from the opportunities provided by becoming the daughter of the Applicants as opposed to living all her life with the Aunt who says that she is overburdened and can no longer take care of the child because she has her own children to care for. The guardian ad litem, M/s. Ruth Mukami Njenga also filed a report that was favourable and recommended the adoption of the child by the Applicants.

7. The child was in court during the hearing and appeared to have bonded well with the Applicants. She was jovial and clearly considered the Applicants as her parents. C W, V’s only sibling, J W, the paternal aunt to the child and two of the Applicants’ biological daughters supported the adoption.

8. After a careful assessment of the reports filed herein and from the observation of the interaction of the Applicants and the child during the hearing, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. In the premise I allow the prayers sought in the Originating Summons dated 19th June 2015 and order as follows:
 - i. The Applicants, J F M and F N M are hereby allowed to adopt baby **V W** who shall henceforth be known as **V W K**.

 - ii. Her date of birth is 23rd October 2007. She is presumed to have been born in Kenya and the place of birth is Githurai.

 - iii. Mr. A O E and Mrs. J A O (Applicants’ close friends), are hereby appointed legal guardian of the child in the event that the Applicants die or are incapacitated by ill-health.

 - iv. I direct the Registrar General to enter this order in the Adoption Register.

 - v. The guardian ad litem is hereby discharged.

 - vi. That the Director of Immigration is hereby authorised to issue the child with a Kenyan passport.

It is so ordered.

SIGNED DATED and DELIVERED in open court this **9th day of October 2015**.

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L. A. ACHODE

JUDGE

In the presence ofAdvocate for the Petitioner

In the presence ofAdvocate for the Respondent