

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 125 OF 2014

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY D T G - MINOR

T G W.....1ST APPLICANT

M K W.....2ND APPLICANT

J U D G M E N T

The applicants, T G W and M K W, are husband and wife. They were married on 6th March 2005. The 1st applicant is an Ethiopian national while the 2nd applicant is an American national. The 1st applicant is a missionary under the *[particulars withheld]* Christian Church while the 2nd applicant works for *[particulars withheld]* Worldwide Kenya. They have been residents in Kenya for over ten (10) years. The applicants wish to adopt a child. They have therefore made this application as foreign residents in Kenya. This is under the Rule that allows foreigners who have been in Kenya for a period of more than three (3) years to adopt a child as such. They have applied to this court to adopt baby D T G (the child). The child was born on 20th September 2000 to 1st applicant before he was married to the 2nd applicant. Her biological mother passed on due to child birth related complications. The adoption proceedings are meant to formalize the relationship between the child and the 2nd applicant. Due to the fact that the adoption order issued by this court will have citizenship implications for the child, the applicants have obtained a letter from the Office of the U.S. Citizenship and Immigration Services under the U.S. Department of Homeland Security confirming that should this court issue an adoption order, the child will be accorded the citizenship of the 2nd applicant. The letter is dated 25th February 2014.

Prior to the hearing of the adoption, the Adoption Society, Little Angels Network, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 26th February 2014. The Director of Children's Services prepared a report which is on record. The guardian ad litem, N J K, prepared a report which has been filed in court. All the reports are favourable and recommend that the court allows the applicants to adopt the child. I have evaluated the facts of this adoption. This is an adoption by foreign residents in Kenya. It is evident that the applicants have fulfilled all the legal requirements pertaining to the adoption of the child. This is an adoption within the family. The adoption sought is meant to formalize the relationship between the child and the 2nd applicant. All requisite consents have been obtained. This court is satisfied that the applicants are qualified and able to take care of the child. The home visits by the guardian ad litem, the Adoption Society and the Director of the Children Services established that the applicants have the financial and emotional capability to provide for the upkeep and education of the child. This court observed the applicants with the child in court. It was evident that in the period that the applicants have had the custody of the child, the child has bonded well with them. The child considers the 2nd applicant her mother.

This court formed the opinion that it would be in the best interest of the child to be adopted by the applicants. I allow the applicants' application for adoption. The applicants, T G W and M K W, are hereby allowed to adopt Baby D T G. The child shall retain her name. G S M and C M M, family friends of the applicants shall be the legal guardians of the child should such eventuality arise. I direct the Registrar General to enter this order in the adoption register. I hereby discharge the guardian ad litem. I

is so ordered.

DATED AT NAIROBI THIS 7TH DAY OF NOVEMBER, 2014

M. MUIGAI

JUDGE