



## A US based couple who 'abandoned' two-year-old son in Kisii ordered to fly back and take him back to the US.

By CH Reporter

A US based estranged couple who left their two-year-old son in Kenya when they came for vacation in January have been ordered to come to Kenya and take the minor back to the US.

Senior resident magistrate M.W. Kibe has directed both parents to travel back to Kenya within the next 30 days and take the child who is a US citizen back home. In the case, the father had filed a case in court seeking child custody claiming he didn't know where the child was and his wife had also travelled back to the US without their son.

Interestingly, both parties claimed that they didn't know where their son's passport was the document they used to travel to Kenya.



*Milimani Law Court*

This led the court to order them to travel back to Kenya and get new passport for the son then take him back to the US. "Both parents shall present themselves at the American Embassy for purposes of processing travel documents passports for the minor whose whereabouts remain unknown and need to be replaced," the order reads.

The court also ordered them parties to also ensure that the issue of the missing passport and travel documents of the child is reported to the police.

The father had already written a letter to the DCI through lawyer Danstan Omari seeking investigations into the lost passport and whereabouts of his son in Kisii.

"The parties shall make arrangements to travel to Kenya by October 4 for purposes of replacing the minor's travel documents in default the child shall then travel with the parent physically present in the country," the magistrate ordered. The case will be mentioned on October 4 for further directions.

In his case, the father who says he lives in North Carolina has asked for legal custody of his son who he claims is being hidden from him by his wife and mother-in-law.

He says they got married in 2019 and separated in February this year, and before that they were staying in the US with their child until January 1 when they came to Kenya for vacation.

He claims that the trip to Kenya was his wife's idea saying it would help them get guidance in resolving their marital issues and she had allegedly agreed to rescue their marriage by getting help from her family.

However, he says things turned for the worst when his wife decided to take the child to their home to allegedly visit but that was the last time, he was able to access his son.

He claims that when he decided to go visit his in-laws to see his son and wife, her family refused and were very hostile towards him. He has accused his estranged wife of being violent on him and also irresponsible in taking care of their son thus he got injuries. He claims that he was later told that the Kenyan visit was only a way to separate him from his son. He claims that their issues started way before their son was born and efforts to resolve them have always been futile. He even extended his vacation for two weeks in order to see his son but he was not able to which forced him to leave for the US because of work obligations.

He says that the child never returned to the US and he was later told that the boy was spotted somewhere in a church with an unknown person in Kisii.

He says their son has been accustomed to living with and being taken care of by his parents in the US thus the forced change unilaterally by the mother is reckless and not in the best interest of the child. However, in response the wife has denied the allegations accusing him of hiding their son's travel documents. She says that her husband had secretly planned to go back to the US without her and their child leaving them at her parents' home in Kisii.

According to court documents, since she did not have the child's travel documents he was left behind but she had planned to come back and take him to the US.

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