



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 294 OF 2014**

**IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001**

**AND**

**IN THE MATTER OF CHILD P.R alias BABY P.**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY H S AND J S**

**JUDGMENT**

1. The applicants H S and J S are a married couple who are Norwegian Citizens. They filed this originating summons dated 9<sup>th</sup> January 2015 seeking to be allowed to adopt baby P.R. alias Baby P. for reasons that they had not been able to get a biological child of their own.
2. Baby P.R. was found abandoned at Kiambu District Hospital. He was approximately one day old. The matter was reported at Kiambu Police Station and booked as O.B. NO. 57/04/06/2013. He was released to Mogra Rescue Centre to which he was later committed by the Chief Magistrate's Court at Kiambu on 29<sup>th</sup> July 2013 vide **Care and Protection Case No. 47 of 2013**. On 12<sup>th</sup> September 2014, the child was placed with the applicants for mandatory bonding, and has since been under their care and control. The police have confirmed that no one has come forth to claim the child and their effort to trace its parents have not been successful.
3. Baby P.R. was declared free for adoption on 15<sup>th</sup> August, 2014 by Little Angels Network, an adoption society, by Certificate No. **[particulars withheld]**. The Little Angles Network, the Director of Children Services and the guardian *ad litem* M N G have each assessed the applicants and issued reports recommending that they be allowed to adopt the child as they have demonstrated financial and emotional capability to care for the child. From the home visits conducted the child was observed to have bonded well with the applicants.
4. InorAdopt-Norway, a foreign adoption agency approved by the Adoption Committee in Kenya, has confirmed that an adoption order granted in Kenya will be respected and recognized in Norway. Further, it has undertaken to conduct post adoption assessments for the applicants and the child for a period of three years once the applicants go back to Norway. A home study by the City of Oslo through InorAdopt found the applicants suitable to adopt a foreign child. A letter from the Norwegian Directorate for Children, Youth and Family affairs dated 15<sup>th</sup> January 2013 confirms that children whose adoption are mediated by InorAdopt for adoption from Kenya to

Norway acquire Norwegian Citizenship when the adoption is effected and valid in Kenya.

5. This Court is of the opinion that it is in the best interests of the child to be adopted by the applicants as they have demonstrated the ability to provide a conducive family environment to enable the child grow and develop. The applicants shall assume all parental rights and duties of the biological parents of the child, once adopted. They shall treat the child as if he was born to them. They have been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child and that it shall have the right to inherit their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behavior or other changes in the child.
6. This Court is satisfied that the applicants have met the requirements for international adoption under **section 162** of the **Children Act**. The following orders shall issue:-
  - a. the applicants H S and J S are hereby allowed to adopt baby P.R alias Baby P. who shall henceforth be known as B S;
  - b. the child's date of birth shall be 3<sup>rd</sup> June 2013, and shall be presumed Kenyan by birth having been abandoned at Kiambu District Hospital within Kenya;
  - c. R S E and E E are hereby appointed the legal guardians of the child should anything happen to the applicants before the child is of age;
  - d. the Registrar General is directed to enter this adoption in the Adoptions Register;
  - e. the Director of Immigration Services is hereby ordered to issue B S with a Kenyan Passport; and
  - f. the guardian *ad litem* is hereby discharged.

**DATED at NAIROBI this 13<sup>th</sup> day of March 2015.**

**A.O. MUCHELULE**

**JUDGE**