



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 284 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY ABANDONED CHILD alias J M [minor],

JUDGEMENT

1. The applicants, G A and T M G, are of Danish origin. The contracted marriage under Danish law and reside in Denmark. They have brought an Originating Summons dated 19th November 2013 seeking permission to adopt Baby Abandoned Baby alias J M [minor],.
2. Baby Abandoned Baby alias J M [minor],, the subject of these adoption proceedings, was found abandoned within the Mirriams area of Kitengela on 12th September 2012. A report was made at the Kitengela Police Station on the same day. He was committed by the children's court to the Mahali Pa Maisha Children's Home. It is from here that he was placed with the applicants on 17th August 2013, after the police were unable to trace his parents or relatives. It is estimated that the child was born on 12th April 2012.
3. There is sufficient documentation which supports this background prepared by and filed in court by the Kenya Children's Homes adoption society dated 14th December 2013 and filed in court on the same date. Kenya Children's Homes adoption society freed the child for adoption by their certificate dated 17th April 2013.
4. To facilitate the adoption the applicant has been assessed by the guardian *ad litem*, B A O, and the Director of Children's Services. The two have compiled and filed their reports in court dated 10th February 2014 and 7th February 2014, respectively. There is also an international adoption home study report by the State Administration for Central Jutland, Denmark, dated 19th January 2013.
5. All these reports are favourable and recommend the proposed adoption. The applicants have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with the applicants and considers them to be his parents. I note that the applicants have previously adopted another child from Kenya.
6. This proposed adoption has been approved by the State Administration for Central Jutland. The

decision of the Joint Adoption Council is dated 12th December 2012. According to the Ankestyrelsen document dated January 2013, it is stated that a Kenyan adoption would be recognised immediately in Denmark and that the Danish Embassy in Nairobi will be authorised by the Danish authorities to issue the child with a Danish passport upon presentation of the adoption order. The child would at the same time obtain Danish citizenship.

7. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, which has issued a certificate dated 13th June 2013.
8. In the opinion of this court it would be in the interests of the child that the child is adopted by the applicants. The applicants will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family. Consequently, the applicants shall assume all parental rights and duties of the biological parents in respect of the adopted child; they shall treat the adopted child as if he was born to them. The applicants 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 the child shall have the right to inherit their property. The applicants cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
9. I am satisfied that all the legal requirements for an international adoption have been met, and consequently I will make the following orders:
 - a. That the applicants, J G A and T M G A, are hereby allowed to adopt the child, Baby Abandoned Baby alias J M, who shall be hereafter known as J M G A;
 - b. That J S L B S are hereby appointed the legal guardians of the child should misfortune befall the applicants;
 - c. That the Registrar-General is directed to enter this adoption order in the adoption register;
 - d. That as the child was found abandoned Kitengela within Kenya and he shall be presumed to be Kenyan by birth by virtue of the provisions of the Kenya Citizenship and Immigration Act; and
 - e. That he guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 8th DAY OF April, 2014.

W MUSYOKA

JUDGE

In the presence of Mr. Mwenda advocate for the applicants.