



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**ADOPTION CAUSE NO. 1 OF 2014 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY J Alias J R A [Minor]**

**JUDGEMENT**

1. The applicants, M T M and M-P K, are a married Finnish couple. They have brought an Originating Summons dated 6<sup>th</sup> January 2014 seeking permission to adopt Baby J alias J R A.
2. Baby J alias J R A [*minor*], the subject of these adoption proceedings, was born at the Kenyatta National Hospital on 5<sup>th</sup> August 2012. Her mother died a day after that, that is to say on 6<sup>th</sup> August 2012. The incident, both the delivery of the baby and the death of the mother, were reported at the Kenyatta Police Post. The body of the mother was not claimed from the hospital and was handed over to the Nairobi City Council for disposal. The child was admitted to the Limuru Children Centre Baby Home, from where she was placed with the applicants on 2<sup>nd</sup> October 2013.
3. There is sufficient documentation which supports this background prepared by and filed in court on 23<sup>rd</sup> January 2014 by the Kenya Children's Homes adoption society. The Kenya Children's Homes freed the child for adoption by their certificate dated 18<sup>th</sup> June 2013.
4. To facilitate the adoption the applicant has been assessed by the guardian *ad litem*, Pamela Otieno Ondicho, and the Director of Children's Services, both of who have compiled and filed their reports in court dated 24<sup>th</sup> February 2014 and 17<sup>th</sup> February 2014, respectively. There is also an international adoption home study report by the Save the Children, Finland, dated 5<sup>th</sup> March 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 also note that the applicants had previously adopted a child from Kenya, who has thrived under their care.
6. This proposed adoption has been permitted by the Finnish Adoption Board in accordance with the

Finnish law. The permission for adoption is contained in decision dated 11<sup>th</sup> April 2013. The adoption would be recognised in Finland and the children given Finnish citizenship. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, which has issued a certificate dated 24<sup>th</sup> July 2013.

7. 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.
8. I am satisfied that all the legal requirements for an international adoption have been met. The court allows the applicants' application to adopt the child and makes the following orders:
  - a. That The applicants, M T M and M -P K , are hereby allowed to adopt the child, Baby J alias J R A , who shall be hereafter known as J A M ;
  - b. that J V K and M E K -K are hereby appointed legal guardians of the child should misfortune befall the applicants;
  - c. That as the child was found abandoned in Kenya she shall be presumed to be Kenyan by birth under the Kenya Citizenship and Immigration Act;
  - d. That the Principal Immigration Officer is hereby directed to issue the said child with a Kenyan passport;
  - e. That The Registrar-General is directed to enter this adoption order in the adoption register; and
  - f. The guardian *ad litem* is hereby discharged.

**DATED, SIGNED and DELIVERED at NAIROBI this 8<sup>th</sup> DAY of April, 2014.**

**W MUSYOKA**

**JUDGE**

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