



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.107 OF 2014 (O.S.)

IN THE MATTER OF THE CHILDREN ACT

AND

IN THE MATTER OF BABY J.H. AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

G J A V

AND

N C P U

JUDGMENT

1. The applicants G J A V and N C P U are married couple who are Dutch citizens. They applied to adopt Baby J.H. in their originating summons dated 7th April 2014.
2. Baby J.H. was found abandoned in Huruma Location in Nairobi and taken to the area Chief who got him admitted to Good Samaritan Children's Home. The child was transferred to New Life House Trust on 15th February 2013, and on 5th March 2013 a report was made to Pangani Police Station. On 21st June 2013 the Children's Court at Nairobi committed the child to New Life Home Trust for protection and care. On 10th January 2014 he was placed with the applicants for mandatory bonding. He has since been in their continuous care and control. Police have confirmed that no one has come to claim the child.
3. Baby J.H. was freed for adoption by Little Angels Network Adoption Society on 4th December 2013, and Certificate No. ***[Particulars withheld]*** issued.
4. The Little Angels Network, the Director of Children Services and the guardian *ad litem*, E M A have each assessed the applicants and issued a report recommending that they be allowed to adopt the child. This is because the applicants have the financial and emotional capability and capacity to take care and bring up the child. The child himself appears, from the reports, to have bonded well with them and he considers them to be his parents.
5. Stichting Afrika, Netherlands was appointed by the National Adoption Committee to conduct this international adoption. It confirmed that an adoption order granted in Kenya will be respected and recognised in the Netherlands. A letter from the Dutch Ministry of Justice dated 19th December 2013 indicated that the child will be allowed to enter and reside permanently in the Netherlands.

Stichting Afrika has undertaken to conduct post adoption assessments for the applicants and the child for three years once the applicants go back to Netherlands.

6. The court is of the opinion that it is in the best interests of the child if he is adopted by the applicants. They will be able to bring him up in a home and family environment and develop him into a useful member of the society. They will assume all rights and duties of the biological parents of the child, once they adopt him. The applicants shall treat him as if he was born of 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 the child shall have the right to inherit their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
7. I am satisfied that all the legal requirements for international adoption under **section 162** of the **Children Act** have been met. Consequently, I make the following orders:-
 - a. that the applicants G J A V and N C V P U are hereby allowed to adopt Baby J.H. who shall henceforth be known as J H F V, and whose date of birth shall be 15th January 2012;
 - b. that the child shall be presumed Kenyan by birth as she was found abandoned in Huruma in Nairobi within Kenya;
 - c. that B D S and E E P U are appointed the legal guardians of the child in the event of death or incapacity of the applicants before he is of full age and fully self-reliant;
 - d. that the child shall be issued with a passport under the **Citizen and Immigration Act**, if it becomes necessary;
 - e. that the Registrar General shall enter this adoption into the Adoptions Register; and
 - f. that the guardian *ad litem* is hereby discharged.

SIGNED at NAIROBI this 23rd July 2014.

A.O. MUCHELULE

JUDGE

DELIVERED at NAIROBI this 25th July 2014.

W. MUSYOKA

JUDGE