



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**ADOPTION CAUSE NO.90 OF 2014**  
**IN THE MATTER OF THE CHILDREN ACT**  
**AND**  
**IN THE MATTER OF BABY P.M.M. AND**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**  
**A B K**  
**AND**  
**L B K**

**JUDGMENT**

1. The applicants A B K and L B K are Danish nationals and a couple who seek to adopt Baby P.M.M.
2. Baby P.M.M. was found abandoned at Muturi along Kambiri - Ileho road in Kakamega County. He was taken to PEFA Rehema Children's Home for care and protection. On 1<sup>st</sup> October 2012 the matter was reported to Kakamega Police Station and to the District Children's Office. The child was legally committed to the Home on 7<sup>th</sup> June 2013 vide an order of the Chief Magistrate's Court at Kakamega. The applicants received the child for mandatory foster care period from the Home vide agreement dated 24<sup>th</sup> December 2013. They have had continuous care and control of the child since then. Police have confirmed that the child has not been claimed.
3. The child was freed for adoption by Little Angels Network vide Certificate No. *[particulars withheld]* dated 31<sup>st</sup> July 2013.
4. The Little Angels Network, the guardian *ad litem* J M and the Director of Children Services each assessed the applicants and filed a report to recommend the adoption. The reports show that the applicants have the financial and emotional capability and capacity to take care of the child. The child was observed to be healthy, happy and active, and has bonded well with the applicants and their four year old biological son.
5. An undertaking by DanAdopt Denmark confirms that an adoption order granted in Kenya will be respected and recognised in Denmark. DanAdopt is an adoption agency approved to conduct international adoptions by Kenya's Adoption Committee. The agency provided a positive home study on

the applicants. A letter from the Danish National Social Appeals Board dated 28<sup>th</sup> December 2012 confirmed that children that are mediated by DanAdopt for adoption from Kenya to Denmark acquire Danish citizenship when the adoption is effected and is valid in Kenya. DanAdopt has undertaken to conduct post adoption assessments for the applicants and the child for a period of three years once they go back to Denmark.

6. It is the opinion of the court that the best interests of the child will be served if it is adopted by the applicants, who will be able to provide a home and family in which to grow and develop. The applicants shall assume all parental rights 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 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. Being satisfied that all the legal requirements for international adoption under **section 162** of the **Children Act** have been met, I make the following orders:-

- a. that the applicants A B K and L B K are hereby allowed to adopt Baby P.M.M. who shall henceforth be known as P M B K;
- b. that the child's date of birth shall be 30<sup>th</sup> September 2012, and shall be presumed Kenyan by birth as he was found abandoned in Kakamega County in Kenya;
- c. that I G and M G 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 23<sup>rd</sup> July 2014.**

**A.O. MUCHELULE**

**JUDGE**

**DELIVERED at NAIROBI this 25<sup>th</sup> July 2014.**

**W. MUSYOKA**

**JUDGE**