



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**ADOPTION CAUSE NO.106 OF 2014 (O.S.)**  
**IN THE MATTER OF THE CHILDREN ACT**  
**AND**  
**IN THE MATTER OF BABY E.A. 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 are married couple who are Dutch citizens. They have applied to adopt Baby E.A. Their application by way of Originating Summons is dated 7<sup>th</sup> April 2014.
2. Baby E.A. was found abandoned in Huruma Location in Nairobi and taken to the area Chief who got her admitted to Good Samaritan Children's Home. The child was transferred to New Life House Trust on 15<sup>th</sup> February 2013, and on 5<sup>th</sup> March 2013 a report was made to Pangani Police Station. On 21<sup>st</sup> June 2013 the Children's Court at Nairobi committed the child to New Life Home Trust for protection and care. On 10<sup>th</sup> January 2014 she was placed with the applicants for mandatory bonding. She has since been in their continuous care and control. Police have confirmed that no one has come to claim the child.
3. Baby E.A. was freed for adoption by Little Angels Network, an adoption society, by its Certificate No. **[Particulars withheld]** issued on 4<sup>th</sup> December 2013.
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 to recommend that they be allowed to adopt the child. This is because the applicants have the financial and emotional capability and capacity to take care of the child. The child herself appears to have bonded well with them and she considers them to be her parents.
5. Stichting Afrika, Netherlands is an adoption agency appointed to conduct international adoptions by the National Adoption Committee. It has 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 19<sup>th</sup> December 2013 indicates that the child will be authorised 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 opines that it is in the best interests of the child to be adopted by the applicants. The applicants will be able to provide a home and family in which the child will 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 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 G J A V and N C V P U are hereby allowed to adopt Baby E.A who shall henceforth be known as E A E V;
- b. that the child's date of birth shall be 14<sup>th</sup> November 2009, and shall be presumed Kenyan by birth as she was found abandoned in Huruma in Nairobi within Kenya;
- c. that E E P U and her husband B D S are appointed the legal guardians of the child in the event of death or incapacity of the applicants before she 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**