



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 91 OF 2014 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF T O M, CHILD**

**JUDGEMENT**

1. The applicants, C F R and K R R, are of Danish origin. They contracted marriage under Danish law and reside in Denmark. They have brought an Originating Summons dated 21<sup>st</sup> March 2014 seeking permission to adopt T O M, a child.
2. T O M, the subject of these adoption proceedings, was born on 5<sup>th</sup> December in Butere, Kakamega County, out of an incestuous relationship. The mother of the child was then aged 16 while the father was aged 24. The child was given up for adoption. His parents signed the necessary papers consenting to the adoption of the child. The child was subsequently committed to the PEFA Children's Home, from where he was placed with the applicants on 4<sup>th</sup> July 2013.
3. There is sufficient documentation which supports this background prepared by and filed in court by the Little Angel Network adoption society dated 31<sup>st</sup> July 2013 and filed in court on 28<sup>th</sup> March 2014. Little Angels Network adoption society freed the child for adoption by their certificate dated 31<sup>st</sup> July 2013.
4. To facilitate the adoption the applicant has been assessed by the Little Angel Network, the guardian *ad litem*, B A O, and the Director of Children's Services. The three have compiled and filed their reports in court dated 26<sup>th</sup> March 2014, 20<sup>th</sup> June 2014 and 10<sup>th</sup> July 2014, respectively. There is also an international adoption home study report by the Regional State Administration for Southern Denmark, dated 24<sup>th</sup> January 2012.
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.
6. This proposed adoption has been approved by the Regional State Administration for Southern

Denmark. The decision of the Joint Adoption Council is dated 17<sup>th</sup> January 2012. The National Social Appeals Board, Division of Family Affairs has confirmed that a Kenyan adoption would be recognised immediately in Denmark and 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 18<sup>th</sup> September 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, C F R and K R R, are hereby allowed to adopt the child, T O M, who shall be hereafter known as T O R.
  - b. That I R L is hereby appointed the legal guardian 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 herein is hereby declared Kenyan by birth by virtue of the provisions of the Kenya Citizenship and Immigration Act; and
  - e. That the guardian *ad litem* is hereby discharged.

**DATED, SIGNED and DELIVERED at NAIROBI this 14<sup>th</sup> DAY OF August, 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Ms. Musyoka advocate for the applicants.**