



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 126 OF 2014 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY V N

JUDGEMENT

1. The applicants, S L N and M L N, are of Danish origin. They contracted marriage under Danish law in 2009 and reside in Denmark. They have brought an Originating Summons dated 7th May 2014 seeking permission to adopt Baby V N.
2. Baby V N, the subject of these adoption proceedings, was born at the Thika District Hospital on 15th November 2010 to a known mother who abandoned the child at the hospital. A report of the matter was made at the Thika Police Station. He was committed by the children's court to the Karibu Centre for care and protection. It is from here that he was placed with the applicants on 7th February 2014, after the police were unable to trace his parents or relatives.
3. There is sufficient documentation which supports this background, prepared by and filed in court by the Kenya Children's Homes adoption society on 15th May 2014. The Kenya Children's Homes adoption society freed the child for adoption by their certificate dated 20th November 2013.
4. To facilitate the adoption the applicant has been assessed by the Kenya Children's Homes, the guardian *ad litem*, A N, and the Director of Children's Services. The three have compiled and filed their reports in court. The report by the Kenya Children's Homes dated 14th May 2014 and that by the Director of Children's Services is dated 10th July 2014. The report by the guardian *ad litem* is undated. There is also an international adoption home study report by the State Administration for Zealand, dated 20th 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.

6. This proposed adoption was approved by the State Administration for Zealand in a sitting held on 25th February 2013. The decision of the Joint Adoption Council is dated 20th March 2013. According to the Ankestyrelsen document dated April 2013, it is stated that a Kenyan adoption would be recognised immediately in Denmark and that the Danish Embassy in Nairobi will be authorised by the Danish authorities to issue the child with a Danish passport upon presentation of the adoption order. The child would at the same time obtain Danish citizenship.
7. The proposed adoption also received local approval through the National Adoption Committee of Kenya, the approval was granted at a sitting held on 25th September 2013. That approval was conveyed to the Kenya Children's Homes by a letter dated 16th October 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, S L N and M L N, are hereby allowed to adopt the child, Baby V N, who shall be hereafter known as M V N L-N;
 - b. That S H H and T C B R are hereby appointed the legal guardians 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 was born within Kenya to a known Kenyan mother, he shall be presumed to be Kenyan by birth by virtue of the provisions of the Kenya Citizenship and Immigration Act, the Director of Immigration Services is hereby directed to issue the child with a Kenyan passport and
 - e. That the guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 26th DAY OF September 2014.

W MUSYOKA

JUDGE

In the presence of Mr. Kamenchu advocate for the applicant.