



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Adoption Cause 251 of 2012**

**IN THE MATTER OF BABY C.M. (MINOR)**

**JUDGEMENT**

E.J.W.E. and P.E.B. have come to court by way of Originating Summons dated 12th November 2012 for permission to adopt Baby C.M.

The child the subject of these proceedings was found abandoned in Buuri District of Meru County on 20th October 2010. His date of birth is unknown, but estimated as 2nd August 2010. He was taken to hospital and a report of his case made at the Meru Police Station. He was subsequently committed by court to the [particulars withheld] and later the [particulars withheld]. No one had claimed him before he was placed with the applicants for adoption.

The applicants are of Dutch nationality. They are married since 2007 and have been together since 2005. Several documents have been submitted in support of the application. These include:

1. Their passports to show their Dutch identity.
2. Their employment records
3. Permission for adoption of two foreign children, from the Ministry of Safety and Justice dated 6th February 2012.
4. Undertaking by Foundation Africa/Stichting Africa dated 17th March 2011 confirming that this court's adoption order will be respected and recognised in the Netherlands.
5. Their certificates of good conduct from the relevant Dutch authorities dated 23rd January 2012 and 30th January 2012.
6. The proposed legal guardians letters of consent dated 20th January 2012 and 27th January 2012.
7. Approval for individual foreign adoption dated 16th May 2012.
8. Certificate declaring the child to be free for adoption.
9. Report/recommendation of the guardian ad litem F.G.M., dated 31st December 2012.
10. Report/recommendation of the Director of Children's Services dated 14th January 2013.

I have perused and reviewed the documents filed in this matter to support the applicants case. I find that the applicants have fulfilled the requirements of the Children's Act relating to adoptions. The documentation favours the adoption. All the reports filed by the relevant agencies have recommended the adoption.

I am satisfied that the child has bonded well with the applicants who have established that they have the financial and emotional ability and capacity to take care of the child. It is my opinion that it would be in the best interests of the child that he be adopted by the applicants. It is important for the applicants to understand:

- (a) That they shall assume parental rights and duties of the biological parents in respect of the child.
- (b) That they shall treat the child as if he was born to them in their marriage.
- (c) That the adoption order shall be final once made and shall be binding on them during the lifetime of the child.
- (d) That the child shall have a right to inherit their property.
- (e) That the adoption order cannot be recanted.
- (f) That they shall not give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

I allow the Originating Summons dated 12th November 2012. E.J.W.E. and P.E.B. are hereby permitted to adopt Baby C.M. The child shall henceforth be called C.M.E. S.J.S. and S.S. shall be the legal guardians of the child should misfortune befall the applicants. I direct the Direct-Registrar to enter this adoption order in the Adoption Register. The guardian *ad litem* is hereby discharged.

**W. Musyoka**  
**Judge**

**DATED, SIGNED and DELIVERED at NAIROBI this 15<sup>th</sup> DAY OF FEBRUARY, 2013.**