

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 207 of 2012

IN THE MATTER OF THE CHILDREN'S ACT

(ACT NO. 8 OF 2001)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BABY N. V. (MINOR)

BY S. K. & M.K.G.

JUDGEMENT

The applicants, S.K & M.K.G, are husband and wife. They are Dutch nationality. N.V, the subject of these adoption proceedings is an abandoned child, having been left at the Kakamega Hospital. Matter of her abandonment was reported at the Kakamega Police Station and thereafter the child was moved to the PEFA Rehema Children's Home in Bukura, where she was committed by the Kakamega Children's Court, and she remained there until her foster period with the applicants. This background is well documented in the papers filed in this cause.

In the Originating Summons before me, the applicants have expressed a desire to formally adopt the child. To facilitate the adoption, the applicants have been evaluated by the Child Welfare Council of the Netherlands, who approved that the applicants could adopt one or two children. They have also obtained consent for an inter-country adoption. The Foundation Africa/Stitching Africa, which is helping the applicants with the adoption process has confirmed that an adoption decree issued by this court will be recognized in the Netherlands. There is also supporting documentation to show that the applicants are in fairly good health. The applicants are persons of good conduct according to the certificates issued by the relevant authorities in the Netherlands.

This proposed international adoption has been approved by Kenya National Adoption Committee, which has issued a certificate to that effect. Locally, the applicants have been assessed by the Little Angles Network, an Adoption Society and by the Director of Children's Services. Both have filed reports on the suitability of the applicants for the purpose of the adoption. There is also a report of the guardian *ad litem*, C.W.M-O. The three reports are favourable and recommend the proposed adoption. The applicants are a married couple who have expressed a wish to adopt a female child. I am satisfied that they have the financial and emotional capacity to take care of the child. It is evident from the reports that the child has bonded well with the applicants. All the relevant agencies have recommended the adoption. This court is satisfied that all the legal requirements for an international adoption have been met.

In the event of something untoward happening to the applicants, J.K and F.T have consented to acting as the legal guardians of the child. It is the opinion of this court that it would be in the interests of the child that she be adopted by the applicants. The applicants shall provide a home and a family for the child to grow up in, and therefore become a useful member of the society. The applicants will be required to sign an undertaking that they 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 she was born to them in their marriage; they have been made aware that once the adoption order is issued, it shall be final and binding during the lifetime of the child that they shall adopt; that the child shall have the right to inherit their property; that an adoption order cannot be recanted, and further, 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 28th September 2012. I allow the applicants S.K and M.K-G to adopt Baby N.V. That her name shall hereafter be N.V.N.K. I direct the Registrar-General to enter this

adoption into the Registrar of Adoptions. The guardian *ad litem* is hereby discharged.

W.M. MUSYOKA
JUDGE

DATED, SIGNED and DELIVERED at NAIROBI this 8th DAY OF FEBRUARY, 2013.