

REPUBLIC OF KENYA

High Court at Nairobi (Milimani Commercial Courts)

Adoption Cause 213 of 2012

IN THE MATTER OF AN APPLICATION FOR ADOPTION BABY D. alias V.M.

BY B.D.E. & K.S.E.E.

JUDGEMENT

The applicants, B.D.E. and K.S.E.E., are husband and wife. They are Swedish citizens. Baby D alias V.M., the subject of these adoption proceedings, was abandoned by his birth mother at [particulars withheld.] The matter of his abandonment was reported at the Thika Police Station and later the child was referred to [particulars withheld] for care and protection. He was committed there by the Resident Magistrates Children's Court sitting in Nairobi until his foster period with the applicants. The [particulars withheld] home has consented to the proposed adoption.

In the Originating Summons before me the applicants have expressed an interest to formally and legally adopt the child. To facilitate the adoption, the applicants have been evaluated by the Kenya Children Homes Adoption Society, who have approved the adoption. They have also obtained consent/approval for an inter-country adoption. The Children Above All Adoption Society of Sweden did a home study of the applicants and found them to be suitable for adoption purposes. The applicants are persons of good conduct owing to the certificate of good conduct issued by the Swedish police.

The proposed international adoption has been approved by the Kenya National Adoption Committee, which has issued a certificate to that effect. Locally, the applicants have been assessed by the Kenya Children Homes Adoption Society and by the Director of Children Services. Both have filed reports on the suitability of the applicants for the purposes of the adoption. There is also a report of the guardian *ad litem*. The three reports are favourable and recommend the proposed adoption.

The applicants are a married couple who have expressed a wish to adopt a male 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 anything untoward happening to the applicants, R.L. and S.L. have consented to acting as the legal guardians to the child.

It is the opinion of the court that it would be in the best interests of the child that the child be adopted by the applicants. They shall provide a home for him and a family to grow up in. The applicants will be required to sign an undertaking that they shall assure all parenting rights and duties of the biological parents in respect of the adopted child, that they shall treat the adopted child as if he was born to them in their marriage, that they have been made aware that once the adoption order is issued, it shall be final and binding during the life time of the child, 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 behavior or other changes in the child.

I allow the Originating Summons dated 5th October 2012. I allow the applicants, B.D.E and K.S.E.E. to adopt baby D alias V.M., who shall hereafter be called S.D.E. I direct the Registrar-General to enter this adoption in the Register of Adoption. The guardian *ad Litem* is hereby discharged.

W.M. MUSYOKA

JUDGE

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