

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 225 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 H.

BY F.J.B. & E.H.J.V.B.

JUDGEMENT

The applicants, F J B and Elizabeth N. H J V B, are husband and wife of Dutch nationality. Baby H the subject of these adoption proceedings, was abandoned on the day he was born. A report was made to the police, he was rescued, referred to the Tigoni District Hospital and subsequently to the In His Image Children's Home, Limuru. He was subsequently committed to the New Life Home Trust, where he remained until his foster period with the applicants.

In the Originating Summons filed in this matter the applicants have expressed their desire to adopt the child. To facilitate this adoption, they have been evaluated by the child welfare council of the Netherlands, who have approved the adoption. They have also obtained the necessary consent for an inter-country adoption. There is supporting documentation to show that the applicants are in good health and are persons of good conduct.

This proposed international adoption has been approved by the Kenya National Adoption Committee which has issued a certificate to that effect. Locally, they have been assessed by the Little Angels Network and the Director of Children 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*. The three reports are favorable and recommend the proposed adoption.

The applicants are a married couple who have expressed a wish to adopt a 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 had 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, J P V & T T J M L have consented to act as the legal guardians of the child.

It is the opinion of this court that it would be in the best interests of the child that he be adopted by the applicant. The applicants shall provide a home and a family for him to grow up in. The applicants will be required to sign an undertaking that they shall assume all parental rights and duties over the adopted child, that they shall treat the child as if he was born to them in their marriage, that they are made aware that an adoption order is final for the rest of the life of the child, that the child shall have a right to inherit their property and that an adoption order cannot be recanted.

I allow the Originating Summons dated 22nd October 2012. I allow the applicants, F.J.B. and E.H.J.V.B. to adopt Baby Hosea alias C H, who shall hereafter be called C H B. I direct the Registrar-General to enter this adoption into the Register 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.