



**REPUBLIC OF KENYA**

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

**Adoption Cause 18 of 2013**

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO 18 OF 2013 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY T.J.H**

**JUDGEMENT**

The applicants, M.R and A.U.S.R, are a married German couple. Their Originating Summons is dated 1<sup>st</sup> February 2013 and it seeks permission to adopt a child called T.Y.H. Baby T.Y.H is an abandoned male child. His date of birth is unknown but is estimated to be 10<sup>th</sup> September 2011. He was born to parents who are not known. He was founded abandoned at the junction of (Name withheld) Road and of the road that enters (Name withheld) Estate in Nairobi on 11<sup>th</sup> September 2011. A report was made to the District Commissioner's office at Kamukunji and efforts to trace the parents were not fruitful. The Children's Court committed him to the (Name withheld) Children's Home, from where he was placed with the applicants on 1<sup>st</sup> November 2012. There is documentation supporting this background prepared by and filed in court on 8<sup>th</sup> February 2013 by the Kenya Children's Homes Adoption Society dated 6<sup>th</sup> February 2013. There is also a certificate dated 18<sup>th</sup> September 2012 filed in court by the Kenya Children's Homes Adoption Society declaring the child for adoption.

The applicant has been assessed by the Kenya Children's Homes Adoption Society, the guardian *ad litem*,

E.A.N, and the Director of Children's Services. These three have compiled and filed their reports in court. There is also an international adoption home study report by Eltern fur Afrika e. V., a German international adoption agency, dated 23<sup>rd</sup> January 2012. 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. This proposed adoption has been approved by the District Administration of Constance in accordance with German law. The certificate of consent is dated 24<sup>th</sup> January 2012. According to the notarised undertaking by Eltern fur Afrika e. V. filed in this matter, a Kenyan adoption order will be respected and recognised in German and the child will be entitled to residency status. The proposed adoption also received local approval on 15<sup>th</sup> August 2012 through the National Adoption Committee of Kenya, and there is a letter conveying the said approval dated 21<sup>st</sup> August 2012. 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. I am satisfied that all the legal requirements for an international adoption have been met. I will allow the applicants' Originating Summons dated 1<sup>st</sup> February 2013. The applicants, M.R and A.U.S.R, are hereby allowed to adopt the child, Baby T.Y.H, who shall be hereafter known as T.J.H.R. M.A.M and M.G.R.M Mohr shall be the legal guardians of the child should misfortune befall the applicants. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

**DATED, SIGNED and DELIVERED at NAIROBI this 29th DAY OF April, 2013.**

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