

REPUBLIC OF KENYA

HIGH COURT AT NAIROBI (NAIROBI LAW COURTS)

ADOPTION CAUSE NO. 48 OF 2013

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY P.N alias P (MINOR)

JUDGEMENT

The applicants, MH and KHM, are a married couple from Germany. They have brought an Originating Summons dated 5th March 2013 seeking leave to adopt Baby P.N alias P.

Baby PN alias P, the subject of these adoption proceedings, is an abandoned child. He was abandoned by his birth mother at the (Particulars withheld) District Hospital on 19th February 2011 shortly after birth. The matter was reported at the (Particulars withheld) Police Station. He was later handed over to the authorities who referred him to (Particulars withheld) Children Home for care and protection. The children's court committed the child formally to the institution. It was from here that she was placed with the applicants for the mandatory foster period on 29th November 2012. His father is unknown, and to date no one has come forward to claim him. KKPI Adoption Society freed the child for adoption by its certificate dated 31st October 2012.

To facilitate the adoption the applicant has been assessed by the guardian *ad litem*, G W K and the Director of Children's Services, who have compiled their reports dated 29th April 2013 and 30th April 2013, and filed them in court. KKPI Adoption Society has also filed a report dated 8th March 2013. There is also an international adoption home study report by the Help a child e. v, of Koblenz, Germany, dated 29th September 2011. 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 Help a child e. v in accordance with the German law. The certificate of suitability to international adoption is dated 22nd September 2011. I have also seen the confirmation from the Help a child e. v dated 13th March 2012 that a Kenyan adoption order would be received and recognised by Germany and a child so adopted will gain resident status. The Help a child e. v has also given the assurance that it would ensure that the child will be protected in the event that something happened to the adoptive parents. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, which has issued a certificate dated 21st 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. The court allows the applicants' application to adopt the child. The applicants, MH and KHM, are hereby allowed to adopt the child, Baby PN alias P, who shall be hereafter known as PH. PB is hereby appointed the legal guardian 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 17th DAY OF May, 2013.

W. MUSYOKA

JUDGE