



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO.104 OF 2013 (OS)**

**AND**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY A R alias A T (minor)**

**JUDGEMENT**

The applicants, E B B and M L, are a married couple of Norwegian origin. They have brought an Originating Summons dated 9<sup>th</sup> May 2013 seeking permission to adopt Baby A R alias A T (minor).

Baby A R alias A T(minor), the subject of these adoption proceedings, was born to R M (minor) on 20<sup>th</sup> September 2011. He was conceived following a rape incident perpetrated by rogues who attacked her at her place of work. He was given up by his mother for adoption to the Little Angels Network adoption agency on the grounds that she could not afford to raise him as she was unmarried and had another child. The child was admitted to the New Life Home Trust, where he was later committed by the Children's Court, from where he was placed with the applicants on 8<sup>th</sup> February 2013. There is sufficient documentation which supports this background prepared by and filed in court by the Little Angels Network adoption society. The Little Angels Network adoption society freed the child for adoption by their certificate dated 15<sup>th</sup> August 2012.

To facilitate the adoption the applicant has been assessed by Little Angels Network, the guardian *ad litem*, C W M-O and the Director of Children's Services. The two have compiled and filed their reports in court dated 15<sup>th</sup> May 2013, 17<sup>th</sup> June 2013 and 10<sup>th</sup> June 2013, respectively. There is also an international adoption home study report by the City of Oslo, Urban District of Grunerlokka, Child Welfare Service, dated 14<sup>th</sup> March 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. I note that the applicants have a biological child of their own.

This proposed adoption has been approved by the Regional Office for Children, Youth and Family Affairs, Eastern Norway, Norway. The certificate of approval is dated 4<sup>th</sup> June 2012. According to the Inoradopt document dated 22<sup>nd</sup> June 2012 states that a Kenyan adoption would be recognised in Norway and the child given resident status. This confirmed by the Norwegian Directorate for Children, Youth and Family Affairs, by their document dated 22<sup>nd</sup> June 2012, to the effect that a child adopted by Norwegian citizens becomes a Norwegian national upon attaining the age of eighteen. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, which has issued a certificate dated 11<sup>th</sup> December 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 have been met. The court allows the applicants' application to adopt the child. The applicants, E B B and M L, are hereby allowed to adopt the child, Baby A R alias A T(minor), who shall be hereafter known as O T B(minor). S L of (particulars withheld), Norway 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.

**SIGNED DATED and DELIVERED** in open court this **15th** day of **August, 2013.**

**W.M. MUSYOKA**

**JUDGE**