

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO 202 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF ABANDONED BABY B alias BABY D

JUDGEMENT

1. The applicants, H F and C S F, are a German married couple. Their Originating Summons is dated 10th September, 2013 seeks permission to adopt a called Abandoned child B alias B D.
2. Abandoned Baby B alias Baby D was found abandoned at Zimmerman estate in Nairobi. A report was made at the local Administration Police camp and a further report was made at the Kasarani Police Station. The child was referred to the Happy Life Children's Home for care and protection, and the Children's Court later formally committed the child to the said institution. The child was placed with the applicants on 9th June 2013.
3. There is documentation supporting this background prepared by and filed in court on 26th September 2013 by the KKPI Adoption Society, which is arranging this adoption, dated 24th September 2013. There is also a certificate dated 10th September 2013 filed in court by the KKPI Adoption Society declaring the child free for adoption.
4. The applicant has been assessed by the guardian *ad litem*, D M N, and the Director of Children's Services. These two have compiled and filed their reports in court dated 4th November 2013 and 18th November 2013, respectively. There is also an international adoption home study report by HELP a child e. V., a German international adoption agency, dated 19th November 2011.
5. 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 her parents.
6. This proposed adoption has been approved by the District Committee of the District of Ramstadt-Dieburg in accordance with the German law. The certificate of legal eligibility to adopt is dated 11th October 2012. According to the undertaking by HELP a child e. V. filed in this matter, notarised on 24th September 2011 a Kenyan adoption order will be respected and recognised in Germany and the adopted child will be entitled to residency status. The proposed adoption has also received local approval on 7th February 2013 through the National Adoption Committee of Kenya, and there is a certificate of the said approval dated 24th April 2013.
7. 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.

8. I am satisfied that all the legal requirements for an international adoption have been met. I will allow the applicants' Originating Summons dated 1st February 2013. The applicants, H F and C S F, are hereby allowed to adopt the child, Abandoned Baby B alias B D, who shall be hereafter known as D L F. A R and C E are appointed 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.
9. The child in issue was found abandoned within Nairobi and he shall therefore be presumed to be Kenyan by birth in accord with the Kenya Citizenship and Immigration Act.

DATED, SIGNED and DELIVERED at NAIROBI this 17th DAY OF December, 2013.

W.M. MUSYOKA

JUDGE