



IN THE MATTER OF AN APPLICATION FOR ADOPTION OF B.J alias BABY J

BY
R.P.M.V.D.H AND R.J.W.H

JUDGEMENT

Mrs R.P.M.V.D.H and Mr. R.J.W.H are man and wife. They have applied to this court for authority to adopt the child known as B.J alias baby J. The High Court has jurisdiction under Section 154 (1) of the Children Act No.8 of 2001 to make an adoption order authorizing the Applicants to adopt the child if the Applicants satisfy the court that they have complied with the provisions of the Children Act No.8 of 2001.

The child sought to be adopted by the Applicant is male aged just under 2 years. He was found abandoned in 2010 in the maternity unit of Kakamega Provincial General Hospital. Kakamega Police Station O.B. NO.90/15/04/10 is said to contain the data relating to abandonment of the child who was committed to the New Life Home Trust in Kisumu on 21st May 2005 and subsequently was placed in the care of the Applicants on 12th August 2011 following the execution of a care Agreement. The child was healthy and is said to have bonded well with the Applicants.

Little Angels Network declared the child free for adoption in their certificate No. [...] dated February 2011. The biological parents of the child have not been traced and no one has made any claim.

The Applicants are Dutch and profess Christian faith. They are both aged 31 years. Both are in gainful employment and in receipt of decent income. The female Applicant is a (*particulars withheld*) while the male Applicant is (*particulars withheld*). They have been residing in (*particulars withheld*) in Kenya while bonding with the child. Following evaluation by the Ministry of Gender Children and Social Development in Kenya,

Approval Certificate for an Individual Foreign Adoption Application from the Kenya National Adoption Committee dated 27.7.2011 was duly issued to them following a meeting of Kenya National Adoption Committee held on 11.5.2011.

I have perused the report filed by the Guardian ad litem, H.A.M dated 19.1.2012 as well as the reports by the Director of Children's Services and Little Angels Network Adoption Society dated 6.2.2012 and 2.2.2011 respectively. I have also observed that the Applicants are in possession of Certificates of Good Conduct from the Dutch State Secretary of Security and Justice in Netherlands and that an Adoption Order made in Kenya will be recognized in the Netherlands and that the child, once adopted shall gain resident status in Netherlands. Mr A.R.d.G and Mrs J.V.d.H of [...], The Netherlands have consented to be the legal guardians of the child.

I have also observed that the reasons giving rise to the adoption relate to the couple's inability to get a biological child of their own due to medical reasons on the part of the male Applicant. I am satisfied that the authority sought by the Applicants may be given as the provisions of Children Act and in particular Sections 156, 157, 158, 159 and 160 have been complied with. Accordingly, I allow the application and grant the Applicants authority to adopt the child and make the following orders.

1. The Applicants, **Mrs R.P.M.V.D.H** and **Mr R.J.W.H** are hereby authorized to adopt **Baby B.J alias BABY J**
2. The consents of the biological parents of the child are hereby dispensed with.
3. The said child shall henceforth be known as **J.J.N.H**
4. The date of birth of the child, **J.J.N.H** is August 2011 and his place of birth is Kakamega Provincial General Hospital, Maternity Unit.
5. The Legal Guardians of the child are **Mr A.R.d.G** and **Mrs.J.V.d.H** of [...], The Netherlands.
6. The Registrar General is hereby directed to enter this adoption in the Register of Adoptions.
7. The Applicants shall, for a period of three years beginning January 2013, furnish a report each year to this court through Email address www.judiciary.go.ke addressed to Deputy Registrar, Family Division of the

High Court at Milimani Nairobi with a copy to the Director of Children Department, Ministry of Gender, Children and Social Department, Jogoo House No.“A”, P. O. Box 46205, NAIROBI.

Email:children@homeaffairs.go.ke.; Telefax Nairobi 248827.

8. For the avoidance of doubt, the rights and duties of the natural parents of the child are hereby extinguished and all the parental rights, duties, obligations and liabilities of the child now vest in and shall be exercisable by and enforceable against the Applicants as the adopting parents as if the child were born in wedlock to the adopting parents and the child, to all intents and purposes, now stands to the adopting parents as a child born in wedlock and both adopting parents shall henceforth be the lawful father and mother of the child.

Dated at Milimani Law Courts, Nairobi, this 7th day Of March 2012.

G.B.M. KARIUKI, SC

JUDGE

COUNSEL APPEARING

Ms. R. W. Mbanya, of R. W. Mbanya & Co. Advocates, for the Applicants

Mr. Kugwa, Court Clerk