



**REPUBLIC OF KENYA**

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

**Adoption Cause 163 of 2012**

**IN THE MATTER OF THE CHILDRENS ACT, CAP 141**

**AND**

**IN THE MATTER OF BABY A A alias A R**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY P O**

**K AND M K K**

**JUDGEMENT**

The Applicants, **P O K** and **M K K**, who hail from Finland are man and wife. They have, pursuant to Section 154 (1) of the Children Act, Cap 141, of the laws of Kenya, sought the authority of this court to adopt the child known as **BABY A A alias A R**

I have duly perused the application and the documents and reports furnished on the court including the approvals given to each of them on 21/03/2012 by the National Adoption Committee and the reports by the guardian *and litem* and the Kenya Children's Home Adoption Society. They are positive.

I have also duly perused the documents on the Applicants' Home Study reports and their circumstances as well as their criminal records.

I am satisfied that the child has been freed for adoption as evidenced by the certificate Serial No.[.....] issued on 9<sup>th</sup> June 2011 by the Kenya Children's Home Adoption Society. I observe that the child's mother passed away immediately after the birth of the child at [particulars withheld] and that the biological father of the child could not be traced.

I am also satisfied

- (i) that the Applicants do legally qualify to adopt the child under the provisions of the Children Act, Cap 141.
- (ii) that the child has been in the continuous care and control of the Applicants as required by the proviso to Section 157 (1) of the Children Act.
- (iii) that the applicants have furnished written consents pursuant to Section 158 (4) (e) of the Children Act.
- (iv) that the Applicants have satisfied Section 158 (3) of the Children Act.

- (v) that the Applicants are of the requisite ages and have complied with section 158 (1) of the Children Act.
- (vi) that Finland will respect and recognize this Court's adoption Order and will grant resident status to the child as required by Section 162 (b) of the Children Act.
- (vii) that as required by Section 162 (c) of the Children Act, the Applicants have been recommended as persons who are suitable to adopt a foreign child.
- (viii) that the Applicants have no criminal record and have the wherewithal required to bring up and educate the child.
- (ix) that the Applicants are of good character and continue to acquire skills necessary to raise and inculcate good values in the child.
- (x) that the child is in good health as are the Applicants.
- (xi) that the proposed adoption is in the best interest of the child.

As the adoption is in the best interest of the welfare of the child, **I grant the Applicants authority to adopt the child.** Accordingly, I make the following orders:-

1. The Applicants, namely, **P O K** and **M K K** are authorized to adopt the child currently identified and known as **BABY A A alias A R.**
2. The consents of the biological parents of the child, **BABY A A alias A R,** are hereby dispensed with.
3. The child shall henceforth be known as **A L R K.**
4. The Legal Guardians of the child are **J M H AND N K H** who are the brother and sister-in- law to the 2<sup>nd</sup> Applicant.
5. The date of birth of the child is [particulars withheld] and his place of birth is [aprticulars withheld] Hospital, Kenya.
6. The Registrar General shall make an entry of this adoption in the Adopted Children Register.
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](http://www.judiciary.go.ke) addressed to the Deputy Registrar, Family Division of the High Court at Milimani Law Courts Nairobi with a copy to the Director of the Department of Children's Services, Ministry of Gender, Children and Social Development, Jogoo House No. "A" P.O. Box 46205, NAIROBI, Email:childfen@homeaffairs.go.ke; telefax Nairobi 248827 indicating the progress the child has made.
8. For the avoidance of doubt, the rights and duties of the biological parents of the child are hereby extinguished and all the parental rights, duties, obligations and liabilities of the child **A L R K** 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 to all intents and purposes, the child 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 23<sup>rd</sup> day of November 2012.**

**G.B.M. KARIUKI, SC  
JUDGE**

**COUNSEL APPEARING**

*Mr. J. Mwenda, Advocate for the Applicants*

*Mr. Kugwa – Court Clerk*