



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 191 of 2012

IN THE MATTER OF THE CHILDRENS ACT

AND

IN THE MATTER OF BABY A W alias S W

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY R.V.V.D.E AND A.J

JUDGEMENT

The Applicants, **R.V.V.D.E** and **A.J** who hail from Netherlands 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 W alias S W**.

I have duly perused the application and the documents and reports furnished on the court including the approvals given to each of them on 21st March 2012 by The National Adoption Committee and the reports by the guardian *and litem* and Little Angels Network Adoption Society. They are positive.

I have also duly perused the Applicants' Home Study reports and documents 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 7th March 2012 by the Little Angels Network Adoption Society. I observe that the child was abandoned in [particulars withheld], Nyeri County, and that efforts to trace the biological parents were fruitless. Accordingly, I dispense with the consents of the biological parents.

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 Netherlands 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 enhance the skills necessary to raise the child and inculcate good values in him.
- (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, **R.V.D AND A.J** are authorized to adopt the child currently identified and known as **BABY A Walias S W**.
2. The consents of the biological parent of the child, **BABY A Walias S W**, are hereby dispensed with.
3. The child shall henceforth be known as **S W V D E**.
4. The Legal Guardians of the child are **D.V.D.E AND D.V.D.V.K** who are brother and sister of the male Applicant.
5. The date of birth of the child is [particulars withheld] and his place of birth is [particulars withheld], 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 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 **S W V D E** 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 23rd day of November 2012.

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

COUNSEL APPEARING

Mr. J. Mwenda Advocate for the Applicants

Mr. Kugwa – Court Clerk