



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 165 of 2012

IN THE MATTER OF THE CHILDRENS ACT

AND

IN THE MATTER OF BABY M AN B

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

**BY
A H S**

JUDGEMENT

The Applicant, **A H S**, who hails from Sweden is a single Applicant. She has, 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 M A B**.

I have duly perused her application and the documents and reports furnished on the court including the approval contained in the letter dated 26/4/2011 given to her on 12th April 2011 by The National Adoption Committee and the reports by the guardian *ad litem* and the Little Angels Network Adoption Society. They are positive.

I have also duly perused the documents on the Applicant's Home Study including her criminal record and her financial circumstances.

I am satisfied that the child has been freed for adoption as evidenced by the certificate Serial No[....] issued on 2nd February 2011 by Little Angels Adoption Society. I observe that the child was abandoned along the roadside in [particulars withheld] Kenya 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 Applicant does 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 Applicant as required by the proviso to Section 157 (1) of the Children Act.

- (iii) that the applicant has complied with Section 158 (4) of the Children Act.
- (iv) that the Applicant has satisfied Section 158 (3) of the Children Act.
- (v) that the Applicant is of the requisite age and has 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 Applicant has been recommended as a person who is suitable to adopt a foreign child.
- (viii) that the Applicant has no criminal record and has the wherewithal required to bring up and educate the child.
- (ix) that the Applicant is of good character and appears to have the skills necessary to raise the child and inculcate good values in the child.
- (x) that the child is in good health as is the Applicant.
- (xi) that the proposed adoption is in the best interest of the child.
- (xii) that I am satisfied that there are special circumstances as required by Section 158 (2) of the Children Act that justify the adoption of the male child by the applicant who is female.

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

1. The Applicant, namely, **A H Sis** authorized to adopt the child currently identified and known as **BABY M A, B.**
2. The consents of the biological parents of the child, **BABY M A, B,** are hereby dispensed with.
3. The child shall henceforth be known as **E A M S.**
4. The Legal Guardians of the child are **P J C & S L S** who are the twin sister and brother-in-law to the applicant.
5. The date of birth of the child is [particulars withheld] and his place of birth is Kenya.
6. The Registrar General shall make an entry of this adoption in the Adopted Children Register.
7. The Applicant 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 **E A M S** now vest in and shall be exercisable by and enforceable against the Applicant as the adopting parent as if the child were her biological child and the child, to all intents and purposes, now stands to the adopting parent as a biological child and the adopting parent shall henceforth be the lawful 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 Applicant

Mr. Kugwa – Court Clerk