



**REPUBLIC OF KENYA**

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

**Adoption Cause 126 of 2012**

**IN THE MATTER OF B.R alias LM**

**AND**

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

**HPR AND SMR**

**JUDGEMENT**

The Applicants, **HPR** and **SMR**, 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 **R aka LM**.

I have duly perused their application and the documents and reports furnished on the court including the approvals given to each of them on 22/02/2012 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 financial position of the applicants and their criminal records.

I am satisfied that the child has been freed for adoption as evidenced by the certificate Serial No. [particulars withheld] issued on 28.7.2011 by the Kenya Children's Home Adoption Society. I observe that the child was abandoned at Kenyatta National Hospital 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 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 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 age 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 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, **HPR** and **SMR** are authorized to adopt the child currently identified and known as **LM**
2. The consents of the biological parents of the child, **LM**, are hereby dispensed with.
3. The child shall henceforth be known as **RNHR**
4. The Legal Guardians of the child are **JTK** and **JFMH** who are Applicant's brother and his fiancée.
5. The date of birth of the child is 24<sup>th</sup> October 2010 and his place of birth is Kenyatta National Hospital.
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 Nairobi with a copy of 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 **RNHR** 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 7<sup>th</sup> day of November 2012.**

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

**COUNSEL APPEARING**

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

***Mr. Kugwa – Court Clerk***