



**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**ADOPTION CAUSE NO. 89 OF 2011**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY M.H**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY M.B. AND F.B.J.**

**JUDGMENT**

In their Originating Summons dated 20<sup>th</sup> June 2011 and brought under **Sections 154, 156, 158(1)(a), (4) (e), 159(1), (7), 160, 163(1), 164 and 170** of the **Children's Act 2001** as well as Section 22 of the Interpretation and General Provisions Act (Cap 2 of the Laws of Kenya) **M.B. and F.J.M** (the Applicants) both of The Netherlands seek the authority of this court to adopt baby **BABY M.H.** ( the Child).

The Child was born on [DATE WITHHELD] was found abandoned at Nairobi. The matter was reported to Pangani Police Station and recorded in OB No. 52/21/7/2010 and the Child was committed to New life Home Trust – Nairobi. Upon the application of the Children's Officer Nairobi in Child Care and Protection Case No. 452 of 2010, on 8<sup>th</sup> December 2010 the Children's Court committed the Child to the said New Life Home Trust.

Pursuant to the Foster Agreement dated 18<sup>th</sup> March 2011 the Child was committed to the care and custody of the Applicants and has since bonded very well with them.

The Applicants are Dutch Nationals of European descent who reside The Netherlands. The first Applicant was born on 21<sup>st</sup> January 1991 while the second Applicant was born on 31<sup>st</sup> May 1983. They were married on 12<sup>th</sup> September 2003 but have no biological child. They have been assessed and found to be emotionally, morally and financially fit to adopt the Child. They are both Christians and have no criminal record. First Applicant is an account manager while the second Applicant is a secretary with They have been assessed by the Stitching Africa Adoption Society and found fit to adopt the Child. The Central Authority on Inter-Country Adoption of the Ministry of Justice in the Government of The Netherlands has authorized them to adopt the Child and confirmed that upon the adoption the Child will automatically be accorded Dutch nationality. A.J.D.R. and E.B.V.R. have given their written consent to be appointed guardians of the Child.

Pangani Police Station has confirmed that the Child's biological mother has not been traced and nobody has claimed it. On 8<sup>th</sup> December 2010 the Adoption Committee vide Minute No. 07/11/10 (Serial No. [...]) approved the adoption of the Child by the Applicants.

Taking all these factors into account I am satisfied that the Applicants are fit to adopt the Child and it is in the Child's interest that this application be allowed. In the circumstances **M.B. AND F. J.B.** are hereby authorized to adopt Baby M.H. henceforth to be known as **M.H.T.** . The said A.J.B.D. and E.V.B.R. are hereby appointed guardians of the Child until he attains the majority age. I direct the Registrar General to make an appropriate of this adoption in the Adopted Children's Register.

**DATED and delivered this 10<sup>th</sup> August 2011.**

**D.K. MARAGA**

**JUDGE**