



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)

Adoption Cause 126 of 2009

IN THE MATTER OF BABY F.M..... THE CHILD

AND

L.D.F..... 1ST APPLICANT

H.M. R.F..... 2ND APPLICANT

J U D G M E N T

Before me is an amended Originating Summons dated 27th October, 2009 filed by M/s Musyimi & Company advocates for the applicants named as **L.D.F** and **H.M.F**. It is an application under the Children Act (No. 8 of 2001) for the adoption of a child named as **BABY F.M**. Prayers 1 and 2 of the Originating Summons have been spent. The remaining prayers are as follows-

1. (spent)
2. (spent)
3. *That the applicants be authorized to adopt BABY F.M to be known as F.S.M.F.*
4. *THAT the court be pleased to make any further order it deems necessary.*

The application was filed with a **STATEMENT** of the applicants signed by them on

9th September, 2009. The said **STATEMENT** gives the facts and circumstances under which the applicants want to adopt the child. It also gives details of the approvals given in respect of the applicants and their financial and other abilities. Also filed were affidavits in support of the application.

On 30th October, 2009 the court appointed a guardian ad litem by the name of **T.M.L**. The guardian ad litem, the Director of Children Services and the adoption society – Little Angels Network filed their reports. The adoption society, Little Angels Network also filed a certificate declaring the child as free for adoption.

On the hearing date counsel for the applicant's Mrs Kiguatha addressed me. The guardian ad litem addressed me. The representative of the Little Angels Network **STEVE OMBOK** and the representative of the Director of Children Services **EDWIN NJUGA** also addressed me.

I have considered the application, documents filed as well as the reports filed and the verbal submissions made before me. This is an

international adoption. Both applicants are Swedish National. They are married as husband and wife. They have been approved in their home country with favourable reports made on them, which were filed. They were approved by the National Adoption Committee in Kenya as suitable to adopt. They have the financial and moral capability to adopt the child. They have of their own volition opted to adopt this child.

From the facts placed before me, the child was born on 27th July, 2008. He was found abandoned at Kiambu. A report was made to the police. No one so far has come to claim the child. The child was placed with the applicants from Rehema PEFA home on 8th June, 2009. All the reports filed and submissions made before me are in favour of granting the adoption.

On my part, having considered all the facts and evidence placed before me, I am of the view that the adoption will be in the best interests of the child. It will give the child an opportunity to grow up in a family, with care, love and guidance – seeing that he is an abandoned child. I will grant the adoption.

Consequently, and for the above reasons, I order as follows-

1. ***The applicants herein are hereby authorized to adopt BABY F.M who will on this adoption be known as F.S.M F.***
2. ***The consent of the biological parents is hereby dispensed with.***
3. ***I direct the Registrar General to enter this adoption in the adopted children register in the prescribed manner.***

It is so ordered.

Dated and delivered at Nairobi this 26th day of February, 2010.

George Dulu
Judge.

In the presence of-

Mrs. Kiguatha for applicants

David Mutisya Court
Clerk.