



**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 72 OF 2014 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY M. I.**

**JUDGEMENT**

1. The applicants, O A and H E, are a married couple of Norwegian nationality. They have brought an Originating Summons dated 26<sup>th</sup> February 2014 seeking permission to adopt Baby M I.
2. Baby M. I., the subject of these adoption proceedings, was found abandoned at Lugaga Location of Vihiga County on 23<sup>rd</sup> August 2010. He was about a week old, and it was presumed that he was born on 17<sup>th</sup> August 2010. The matter of his abandonment was reported at the Vihiga Police Station and efforts to trace his parents and other relatives were fruitless. The Children's Court committed her to the Rang'ala Children's Home for care and protection, from where he was placed with the applicants on 14<sup>th</sup> August 2013. There is sufficient documentation which supports this background prepared by and filed in court by the Little Angels Network adoption society. The Little Angels Network adoption society freed the child for adoption by their certificate dated 4<sup>th</sup> September 2013.
3. To facilitate the adoption the applicant has been assessed by the Little Angels Network, the guardian *ad litem*, R M N and the Director of Children's Services. The three have compiled and filed their reports in court dated 24<sup>th</sup> February 2014, 7<sup>th</sup> May 2014 and 5<sup>th</sup> May 2014, respectively. There is also an international adoption home study report by the Oslo Municipality Office for Children and Family Affairs, dated 23<sup>rd</sup> November 2012. All these reports are favourable and recommend the proposed adoption. The applicants have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with the applicants and considers them to be his parents. I note that the applicants have two biological children of their own.
4. This proposed adoption has been approved by the Regional Office for Children, Youth and Family Affairs, Eastern Norway. The certificate of approval is dated 10<sup>th</sup> December 2012. According to the Inoradopt, the Norwegian agency arranging this adoption, a Kenyan adoption would be recognised in Norway and the child given resident status. The proposed adoption has also received

local approval through the National Adoption Committee of Kenya, which has issued a certificate dated 18<sup>th</sup> September 2013.

5. In the opinion of this court it would be in the interests of the child that the child is adopted by the applicants. The applicants will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family. Consequently, the applicants shall assume all parental rights and duties of the biological parents in respect of the adopted child; they shall treat the adopted child as if he was born to them. The applicants have been made aware that once the adoption order is made it shall be final and binding during the lifetime of the child and that the applicants cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
6. I am satisfied that all the legal requirements for an international adoption have been met. Consequently the court makes the following final orders:-
  - a. That the applicants, O A and H E, are hereby allowed to adopt the child, Baby M I, who shall be hereafter known as N I A E;
  - b. That as the child was found abandoned in Vihiga County within Kenya, he shall be presumed to Kenyan by birth. He is entitled to all the rights that accrue to Kenyan citizens under the Constitution of Kenya and the Kenya Citizenship and Immigration Act. the Principal Immigration Officer is hereby directed to issue the said child with a Kenyan passport;
  - c. That G M and A S M are hereby appointed the legal guardians of the child should misfortune befall the applicants;
  - d. That the Registrar-General is directed to enter this adoption order in the adoption register; and
  - e. That the guardian *ad litem* is hereby discharged.

**DATED, SIGNED and DELIVERED at NAIROBI this 4th DAY OF July 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Miss. Kimenyi advocate for the applicants**