



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 16 of 2013

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY A W alias J

JUDGEMENT

The applicants, D W T and J L T, are Canadian citizens. Their Originating Summons dated 4th February 2013 seeks the leave of the court to adopt Baby A W.

The child the subject of these adoption proceedings, Baby A W, was born on 21st August 2010 to M W. His father is unknown. The biological mother of the child abandoned her at the PCEA Hospital Kikuyu. The matter was reported at the Kikuyu Police Station and the child was released to the Angel Centre for Abandoned Children. The child was later committed to the same institution by the Kiambu Children's Court on 9th May 2012. It was from his institution that she was placed with the applicants on 30th October 2012. The KKPI Adoption Society freed the child for adoption by their certificate dated 31st October 2012.

To facilitate the adoption the applicant has been assessed by the KKPI Adoption Society, the guardian *ad litem*, R.A, and the Director of Children's Services. All three have compiled and filed their reports in court dated 5th February 2013, 4th April 2013 and 22nd April 2013, respectively. There is also an international adoption home study report by the Choices Adoption & Counselling of Victoria, British Columbia dated 23rd June 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. Details of their employment and financial backgrounds have been displayed in the papers attached to the application. There are also documents from the authorities in British Columbia which show that the applicants are persons of good conduct. The child appears to have bonded well with the applicants and considers them to be her parents.

This proposed adoption has been approved by the Provincial Director of Adoption of British Columbia in accordance with Canadian law. Their letter of approval is dated 6th March 2012. The Sunrise Services Society has confirmed that a Kenyan adoption would be recognised in Canada and the child the subject of the adoption would be received in Canada and granted resident status. The proposed adoption received local approval through the National Adoption Committee of Kenya on 18th July 2012, a formal approval certificate dated 15th August 2012 was issued accordingly.

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 child shall have the right to inherit their property. The applicants cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

The child in question is an abandoned child. Her biological mother has abandoned her, and her other close relatives have not been traced to date. The applicants have been with this child since 30th October 2012. The reports on record indicate that bonding has taken place. It is the considered opinion of this court that this adoption will be in the best interests of the abandoned male child. The applicants have demonstrated that they would be worthy parents to him.

I have carefully gone through all the materials presented before me in this application and I am satisfied that all the legal requirements for an international adoption have been met. I consequently make the following orders;

- 1) That the Originating Summons dated 4th February 2013 is allowed;
- 2) That the applicants, D W T and J L T, are hereby allowed to adopt the child, Baby A W, who shall be hereafter known as Z J T;
- 3) That D W M and K A M of N[...], British Columbia, Canada, are appointed the legal guardians of the child should misfortune befall the applicants;
- 4) That the Registrar-General is hereby directed to enter this adoption order in the adoption register; and
- 5) That the guardian *ad litem*, R.A, is hereby discharged from her duties as such.

DATED, SIGNED and DELIVERED at NAIROBI this 10th DAY OF May, 2013.

W. M. MUSYOKA

JUDGE