



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 51 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY F alias ABANDONED BABY (MINOR)

JUDGEMENT

The applicants, B H A I and M A G D B, are a married Belgian couple. They have brought an Originating Summons dated 7th March 2013 seeking permission to adopt Baby F(minor).

Baby A alias M N M (minor), the subject of these adoption proceedings, is an abandoned male child. He was abandoned at the (withheld). A report of the abandonment was made at the Muthaiga Police Station and efforts to trace the parents were not fruitful. The Children's Court later committed him to the Missionaries of Charity Home, Nairobi, from where he was placed with the applicants on 10th December 2012. There is sufficient documentation which supports this background prepared by and filed in court on 14th March 2013 by the Little Angels Network adoption society dated 24th October 2012. The Little Angels Network adoption society freed the child for adoption by their certificate dated 24th October 2012.

To facilitate the adoption the applicant has been assessed by, Little Angels Network adoption society, the guardian *ad litem*, P.A.A and the Director of Children's Services. All these agencies have compiled and filed their reports in court dated 24th October 2012, 22nd April 2013 and 25th April 2013, respectively. There is also an international adoption home study report by the Public Prosecutor's Office, Ghent, Belgium, dated 27th July 2011. 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.

This proposed adoption has been approved by East-Flanders District Juvenile Court and the Flemish Central Authority for Intercountry Adoptions, in accordance with the Belgian law. The approvals is dated 28th July 2011 and 2nd July 2012. The Federal Public Service, by their undertaking dated 14th August 2012, confirms that an adoption order of a Kenyan court would be recognised in Belgium and the child so adopted given resident status. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, which has issued a certificate dated 17th October 2012.

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.

I am satisfied that all the legal requirements have been met. The court allows the applicants' application to adopt the child. The applicants, B H A I and M A G D B, are hereby allowed to adopt the child, Baby F (minor), who shall be hereafter known as F O I. K C L H is hereby appointed the legal guardian of the child should misfortune befall the applicants. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 5th DAY OF July,2013.

W. MUSYOKA

JUDGE