

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 81 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY J R ALIAS BABY DAL (MINOR)

JUDGEMENT

The applicants, R P J K and J L J K - L , are a married couple of Dutch origin. They have brought an Originating Summons dated 15th April 2013 seeking permission to adopt Baby B.A alias J R.

Baby J.R, the subject of these adoption proceedings, is an abandoned female child. She is estimated to have been born on (*particulars withheld*). She was abandoned by her mother at (*particulars withheld*). A report was made to the Kisumu Police Station and efforts to trace the parents were not fruitful. The Children's Court committed her to the New Life Home Trust from where she was placed with the applicants on 12th January 2013. There is sufficient documentation which supports this background prepared by and filed in court on 19th April 2013 by the Little Angels Network dated 12th October 2011. The Little Angels Network freed the child for adoption by their certificate dated 12th October 2011.

To facilitate the adoption the applicant has been assessed by the Director of Children Services and the guardian *ad litem* appointed by the court, H.W.M, who have compiled and filed a reports in court dated 12th June 2012 and 31st June 2013, respectively. There is also an international adoption home study report by the Ministry of Safety and Justice, Child Welfare Council, Gelderlaw Region, Arnhem, The Netherlands, dated 28th December 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 the State Secretary of Security and Justice in accordance with the Dutch law. There is a certificate of permission is dated 13th January 2012. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, which has issued a certificate dated 18th November 2012.

The applicants have also identified persons who would step in and act as legal guardians in the event of misfortune, such as death or incapacity, befalling both of them prior to the child reaching the age of majority. The proposed legal guardians, R J A R and I M Co Ra - K, have executed the requisite letter of consent, which are attached to this Summons, dated 11th June 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, R P J K and J L J K - L are hereby allowed to adopt the child, Baby J.R, who shall be hereafter known as J.R.K. R.J.A.R and Mrs. I.M.C shall be the legal guardians 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.

W. MUSYOKA

JUDGE

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