



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.233 OF 2014

IN THE MATTER OF THE CHILDREN ACT (CAP 141)

AND

IN THE MATTER OF CHILD J.C.M. AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

M L L AND M C L

JUDGMENT

1. The applicants M L L and M C L are Swedish nationals who have been married since 2008. On 7th October 2014 they filed this application seeking to adopt child J.C.M. They wish to adopt the child due to their involuntary childlessness.
2. Child J.C.M. was abandoned at 21 months old by the mother at Kaptembwo estate in Nakuru County. He was rescued by a good samaritan after 3 days and taken to Nakuru Police Station on 25th November 2012. The incident was recorded at the Police Station vide O.B. No. 44/25/11/2012. The child was committed to Haven of Hope Baby Centre for three years by the Children's Court at Nakuru on 31st November 2012 vide Protection and Care Case No. 1006 of 2012. It was later placed with the applicants for mandatory foster period. It is presumed that the child was born on 25th February 2011.
3. On 9th October 2013 the child was declared free for adoption by the Little Angels Network under **Section 156(1)** of the **Children Act**.
4. The Director of Children Services and the guardian *ad-litem* M M have each prepared and presented a report recommending the proposed adoption. The reports show that the applicants have the financial, social and emotional capability to take care of the child. The reports also show that they have bonded well with the child.
5. Under **section 162** of the **Children Act**, the applicants got favourable assessment from the Social Welfare Committee, Families Section at Lomma dated 11th May 2012 and Certificate of Consent from the Municipal Social Welfare Committee Hoglandets Familjeratt dated 17th October 2013. They were cleared to adopt a foreign child. Both applicants' record from the Swedish National Police Board dated 20th June 2013 show that they have no criminal records. Both were examined and found to be medically fit. Locally, the applicants were approved by the Adoption Committee sitting on 25th February 2014. Certificate Serial Number **[particulars withheld]** was issued. They were found to be suitable adoptive parents by the Little Angels Network.

6. The Court is of the opinion that it would be in the best interest of the child to be adopted by the applicants. They will be able to provide a home and family environment for him to grow in and develop as a useful member of society. The applicants will assume all parental rights and obligations of the biological parents of the child. Once the adoption order is issued, it shall be final and binding during the lifetime of the child who shall have the right to inherit their property. They cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

7. Being satisfied that all the requirements of international adoption have been fulfilled, I allow the application and make the following orders:-

(a) M L L and M C L shall adopt child J.C.M. who shall hereinafter be called M C L L;

(b) A C H and B G H shall be the legal guardians of the child in case of the incapacity or inability of the applicants;

(c) the child is presumed to be a Kenyan citizen having been found abandoned at Kaptembwo estate in Nakuru County;

(d) the Principal Immigration Officer is ordered to issue a passport to the child;

(e) the Registrar General is directed to enter this adoption in the Adoptions Register; and

(f) the guardian *ad-litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 30th January 2015

A.O. MUCHELULE

JUDGE