



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 301 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY I M

JUDGEMENT

1. The applicants, A G B and S E B, are citizens of Sweden. They are a married couple. They have brought an Originating Summons dated 4th December 2013 asking for leave to adopt Baby I M.
2. The subject of these adoption proceedings, Baby I M, is male. He was born on 27th July 2010 at the Maragwa District Hospital to R W and M C W. His biological mother absconded and abandoned him at the hospital the following day. A report of the matter of abandonment was made at the Maragua Police Station. He was released to the Karibu Children's Centre for care and protection. Police records indicate that efforts to trace the parents of the child were fruitless. The Children's Court formally committed her to the Karibu Children's Centre, from where he was placed with the applicants on 2nd September, 2013.
3. The Little Angles Network adoption agency has prepared a detailed background report on the circumstances of the subject child. The report is dated 17th July 2013 and was filed in court on 11th December 2013. The adoption society freed the child for adoption on 17th July 2013.
4. To facilitate the adoption the applicant has been assessed by the guardian *ad litem*, C W. M-O and the Director of Children's Services. The two have compiled and filed their reports in court. The Director of Children's Services' report is dated 4th April 2014, while that of the guardian *ad litem* is dated 24th February 2014. There is also an international adoption home study report by the Social Welfare Committee of the Orebro Commune, Sweden, dated 29th October 2012.
5. 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 previously adopted a child from Lesotho, who appears to have

prospered under their care.

6. This proposed adoption has been approved by the Orebro Social Welfare Committee in Sweden. The certificate of consent is dated 23rd January 2013. According to the Swedish Intercountry Adoptions Authority, their document is dated 27th November 2008; a foreign adoption which accords with the Hague Convention entitles the adopted child to Swedish residency and subsequently citizenship. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, conveyed by a certificate dated 21st August 2013.
7. In the opinion of this court it would be in the best interests of the child that he 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.
8. I am satisfied that all the legal requirements for an international adoption have been met. The court therefore makes the following final orders:-

(a) that the applicants, A G B and S E B, are hereby allowed to adopt the child, Baby I M, who shall be hereafter known as O M B;

(b) B E S and A H B are hereby appointed the legal guardians of the child should misfortune befall the applicants;

(c) The Registrar-General is directed to enter this adoption order in the adoption register;

(d) that the guardian *ad litem* is hereby discharged; and

(e) that as child was found abandoned in Maragua, Murang'a County, in the Republic of Kenya, he shall be presumed to be Kenyan by birth in accordance with the provisions of the Kenya Citizenship and Immigration Act and shall be accorded all the rights and privileges of a Kenyan citizen, including being issued with a Kenyan passport.

DATED, SIGNED and DELIVERED at NAIROBI this 26th DAY OF May, 2014.

W. MUSYOKA

JUDGE

In the presence of Mr. Muangungo advocate for the applicants.