



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 74 OF 2014

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF

M.O.....THE CHILD

AND

B-G E.....1ST APPLICANT

A M E.....2ND APPLICANT

JUDGMENT

1. The applicants B-G E and A M E, are a married couple from Sweden. They filed the originating summons dated 20th February 2014 seeking to adopt a Kenyan male child M.O. They have previously adopted another male child in Kenya.
2. Child M.O. was born on 8th December 2009 out of incestuous relationship between M.O.N and J.O.O. It was offered up for adoption by these parents. It was admitted to PEFA REHEMA Children's Home following a court order. It was placed under the custody of the applicants on 2nd December 2013 for compulsory foster care. The consent of the biological parents of the child to have the child adopted was obtained on 4th July 2013.
3. Little Angels Network and Adoption Society issued a certificate declaring the child free for adoption on 31st July 2013. The certificate was issued pursuant to **section 156(1)** of the **Children's Act**. The Director of Children's Services has given a report indicating that the applicants meet the requirement for international adoption under **section 162** of the Act. The applicants have proved during the mandatory fostering period under **section 157** of the Act that they are capable of taking on the responsibility of the adoptive parents successfully. They also meet the social parameters considered important to their taking on parental responsibilities and custody of the child as would be conferred by an adoption order.

4. The National Adoption Committee sitting on 21st August 2013 approved the applicants to adopt the child and issued a certificate.
5. A positive home study of the Adoptions Centrum Adoption Society – Sweden found the applicants suitable to adopt the child. The foreign agency has been approved by the Adoption Committee in Kenya. The Adoption Centrum has also undertaken to conduct post adoption assessment for the applicants once they go back to Sweden for a period of three years. The requirements of **section 162** of the Act have thus been met.
6. Lastly, the *guardian ad litem* has filed a report to say that the applicants and the child have bonded well, are happy and now live together in joy. The child has also bonded well with the applicant's son. The child is learning English and Swedish.
7. I am of the opinion that it would be in the best interests of the child to be adopted by the applicants who shall provide a home and a family for it to grow up and develop. The applicants will be required to undertake that they will assume all parental rights and duties over the child. They are made aware that the adoption order shall be final and binding throughout the life of the child. The child shall have the right to inherit their property. The applicants cannot give up the child owing to any subsequent or unforeseen behaviour or other thing. They further undertake to accord their citizenship to the child.
8. I hereby allow the applicants to adopt the child M.O. His name shall henceforth be M A E. I appoint P-O A and A B A to be the legal guardians of the child in the event of death or incapacity of the applicants before he is of full age and fully self-reliant. The Registrar General is directed to enter the adoption order in the Adoption Register. The Immigration Officer is hereby directed to issue the child with a Kenyan passport. The *guardian ad litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 20th June 2014.

A.O. MUCHELULE

JUDGE