



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 186 OF 2014 (O.S.)

AND

IN THE MATTER OF CHILDREN'S ACT, No. 8 of 2001

AND

IN THE MATTER OF BABY A.M.

B E L S1ST APPLICANT

AND

K U S2ND APPLICANT

JUDGMENT

1. The applicants, B E L S and K U S are of Swedish origin and in a monogamous marriage which was solemnized at the Registrar of Marriages, Uppsala City Hall on 16th January 2000. They have no child of their own. They have brought a Chamber Summons dated 25th July 2014 seeking permission to adopt the baby A M, an infant of male sex. He was presumed to have been born on 20th November 2012. B E L S is a Systems Developer with *[particulars withheld]* University, while K U S is a Senior Analyst with *[particulars withheld]*. They reside in Sunne, Sweden and profess the Christian faith.
2. The child was abandoned by unknown person on 8th January 2013 at Eve Petrol Station, Ngurubani. He was rescued by two good Samaritans one A K N and his wife E G.
3. The matter was reported to Wanguru Police Station and booked vide Occurrence Book No. 17/7/12/2012. He was later released to New Life Home Trust, Nyeri and later transferred to New Life Home Trust, Nairobi on 17th May 2013. He was committed by the Nairobi Children's Court through case No. 72 of 2012 to the custody of the said Children's Home on 20th December 2012 pending formal adoption proceedings.
4. The child was released into the custody of the Applicants for mandatory foster care pending adoption, pursuant to a foster care agreement signed on 25th April 2014. Since then the child has been in the continuous custody and care of the Applicants.
5. Prior to the hearing of the adoption application, New Life Home Trust, Nairobi, an adoption Society prepared and filed a report in court. A certificate dated 4th December 2013 declaring the child free for adoption was issued by Little Angels Network. The Director of Children's Services also filed a

report dated 3rd September 2014 as did the guardian ad litem, M/s. F D A O. Both reports were favourable and recommended the adoption of the child by the Applicants.

6. According to the letter dated 11th August 2008 from the Swedish Migration Board, a Kenyan adoption would be recognised in Sweden and further, adoptions performed in accordance with the Hague Convention are automatically valid in Sweden.

7. From the foregoing I am satisfied that all the legal requirements for an international adoption have been met, and consequently I will make the following orders:

- a) That the Applicants, B E L S and K U S, are hereby allowed to adopt the child, Baby A M, who shall be hereinafter known as **A O L S**;
- b) That E K M L and O M L are hereby appointed the legal guardians of the child should misfortune befall the applicants;
- c) That the Registrar-General is directed to enter this adoption order in the Adoption Register;
- d) That the child is presumed to be Kenyan by birth.
- e) That the Director of Immigration is hereby authorised to issue the child with a Kenyan passport.

It is so ordered.

SIGNED DATED and DELIVERED in open court this **31st day of October 2014.**

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L. A. ACHODE

JUDGE