



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Succession Cause 253 of 2012

IN THE MATTER OF BABY M. K. alias D-(MINOR)

JUDGEMENT

The applicants J.P and L.M.P, are Swedish. They are husband and wife who seek to adopt a Kenyan child. Their Originating Summons is dated 14th November 2012.

The child the subject of these proceedings, Baby M.K. alias D was born on 16th November 2010 at Kenyatta National Hospital to parents known as M.K and J.N. He was subsequently abandoned at the hospital by the mother, and efforts to trace either of the parents thereafter did not bear fruit. There is documentation on record to that effect. He was later committed by the court to the Hope House Babies Home, from where he was subsequently placed with the applicants.

I have perused and reviewed the documents filed in this matter to support the applicants case. The applicants have fulfilled the requirements of the Children's Act relating to adoptions. The documentation herein favours the adoption.

Internationally, the applicants has obtained the following:

- (1) A home study report by the Legal Affairs Office Göteborg dated [particulars withheld].
- (2) A certificate of consent from the Municipal Social Welfare Committee Familjerattsbyran Göteborg dated [particulars withheld] permitting him to adopt a foreign child.
- (3) Records of the application from the Swedish National Police Board dated [particulars withheld] to show that the applicants do not have criminal records.
- (4) Medical reports from Swedish doctors showing:
 - (a) That the applicants are medically fit and healthy.
 - (b) That the female applicant is incapable of having children of her own.
- (5) Guardianship consents dated 18th March 2012 by J. S.P and H. M. P. to act as legal guardians of the child in the event of misfortune befalling the applicants.
- (6) The Swedish Inter Country Authority undertaking dated [particulars withheld] that an adoption

order made by this court will be recognised by the Swedish authorities.

Locally, the applicants have obtained the following:

- (I) Approval of the Kenya Adoption Committee dated [particulars withheld].
- (II) Recommendation by the Kenya Children's Homes in a report dated [particulars withheld].
- (III) A certificate freeing the child for adoption dated [particulars withheld] from the Kenya Children's Home Adoption Society.
- (IV) Recommendation by the guardian ad litem, P.O.O dated 21st January 2013.
- (V) Recommendation by the Director of Children's Services dated [particulars withheld].

All the reports filed by the relevant agencies have recommended this adoption. The child appears to have bonded well with the applicants. The applicants have established that they have the financial and emotional capability and capacity to take care of the child. The court has formed the opinion that it would be in the best interests of the child to be adopted by the applicants. The applicants have been adequately prepared. They are aware that they shall assume parental responsibilities and rights of the biological parents in respect of the child. They are also aware that they shall treat the adopted child as if he was born to them in marriage. They are also aware that an adoption order is final and cannot be recanted.

I allow the applicants application dated 16th November 2010. The applicants, J.P and L.M.P, are hereby permitted to adopt M.K alias D, who shall henceforth be known as W.D.J. P. J.S.P and H.P shall be the legal guardians of the child should misfortune befall the applicants. The Registrar – General is hereby directed to enter this adoption order in the Adoption Registrar. This adoption order in the Adoption Register. The guardian ad litem is hereby discharged. It is so ordered.

W. Musyoka
Judge

DATED, SIGNED and DELIVERED at NAIROBI this 15th DAY OF FEBRUARY, 2013.