



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Adoption Cause 254 of 2012**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY E.W (MINOR)**

**JUDGEMENT**

The applicants, O.R.C. and L.J.C., are a married couple of Swedish origin. They have brought an Originating Summons dated 14<sup>th</sup> November 2012 seeking permission to adopt Baby E.W.

Baby E.W., the subject of these adoption proceedings, is an abandoned male child. He was born at [information withheld] on 18<sup>th</sup> October 2010 to a mother whose name was given as J.E.O. He was subsequently abandoned at the hospital by the mother. A report was made to the Kitengela Police Station and efforts to trace the mother thereafter were fruitless. The Children's Court later committed him to the [information withheld], from where he was placed with the applicants on 12<sup>th</sup> August 2012. There is sufficient documentation which supports this prepared by and filed in court by The Kenya Children's Homes adoption society. The Little Angels Network adoption society freed the child for adoption by their certificate dated 15<sup>th</sup> June 2011.

To facilitate the adoption the applicant has been assessed by the Kenya Children's Homes adoption society, the Director of Children's Services and the guardian *ad litem*, P.O.O. These three have compiled and filed their reports in court dated 15<sup>th</sup> November 2012, 6<sup>th</sup> December 2012 and 21<sup>st</sup> January 2013, respectively. There is also an international adoption home study report by the Social Services Committee of the Municipality of Kungälv in Sweden. 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.

This proposed adoption has been approved by the Social Welfare Committee of the Municipality of Kungälv in accordance with the Swedish law. The certificate of consent is dated 26<sup>th</sup> January 2012. According to the Swedish Intercountry Adoptions Authority document dated 27<sup>th</sup> November 2008 an adoption, such as this which is done in conformity with the 1993 Hague Convention, is recognised by the Swedish law and a child so adopted acquires Swedish citizenship. This is confirmed by the Children Above All-Adoptions, Sweden; that a Kenyan adoption would be recognised in Sweden and the children given Swedish citizenship. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, which has issued a certificate dated 12<sup>th</sup> June 2012.

In the opinion of this court it would be in the interests of the child that the child 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 by Children Above All-Adoptions, Sweden 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.

I am satisfied that all the legal requirements have been met. The court allows the applicants' application to adopt the child. The applicants, O.R.C. and L.J.C., are hereby allowed to adopt the child, Baby E.W., who shall be hereafter known as W.O.E.C. K.B.N.P. and J.E.K.F. shall be the legal guardians of the child should misfortune befall the applicants. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

**DATED, SIGNED and DELIVERED at NAIROBI this 8<sup>th</sup> DAY OF MARCH, 2013.**

**W.M. MUSYOKA**

**JUDGE**