



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

Adoption Cause No. 107 Of 2013 (Os)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER Of Baby J M (Minor)

JUDGEMENT

The applicants, B O A and L W A, are a married couple from Sweden. They have brought an Originating Summons dated 10th May 2013 seeking permission to adopt Baby J M (minor).

Baby J M (minor), the subject of these adoption proceedings, was born to S N M on 28th December 2008 at the (withheld) Hospital. The name of the father of the child is not reflected in the birth certificate. His mother was working as a house help to the second applicant's mother. The child's mother gave him up for adoption by the applicants citing lack of capacity to raise him. She has since signed two consents indicating that she had given up the child to the applicants without any conditions. The child has been with the applicants since the first consent was signed on 29th September 2011. There is sufficient documentation which supports this prepared by and filed in court by the Kenya Children's Homes adoption society on 31st May 2013. The Kenya Children's Homes adoption society freed the child for adoption by their certificate dated 3rd July 2012.

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*, A K. These three have compiled and filed their reports in court. The reports of the Kenya Children's Homes adoption society and the Director of Children's Services are dated 29th May 2013 and 10th June 2013, respectively. The report of the guardian *ad litem*, A K is undated but was filed in court on 13th June 2013. There is also an international adoption home study report by the Social Welfare Committee for (withheld) 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 for (withheld), Sweden, in

accordance with the Swedish law. The certificate of consent is dated 12th August 2011 According to the Swedish Inter country Adoptions Authority document dated 27th 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 27th March 2013.

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, B O A and L W A, are hereby allowed to adopt the child, Baby J M, who shall be hereafter known as M W A(minor). B O A and M C B, of H 21A 61432 Soderkopina, Sweden, are hereby appointed 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 12th DAY OF July, 2013.

W.M. MUSYOKA

JUDGE