

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 113 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY G O (MINOR)

JUDGEMENT

The applicants, M O F and M H F, are a married couple of Swedish origin. They have brought an Originating Summons dated 10th May 2013 seeking permission to adopt Baby G O (minor).

Baby G O (minor), the subject of these adoption proceedings, is presumed to have been born on 8th February 2011. He was found abandoned at [particulars withheld] Estate, Kakamega town, by E O, who reported the matter at the Kakamega Police Station. The child was thereafter admitted at the Rehema PEFA Children's Home, where he remained until he was placed with the applicants on 15th February 2013. There is sufficient documentation which supports this background prepared by the Little Angels Network adoption society dated 9th May 2012 and filed in court on 7th June 2013. The Little Angels Network adoption society freed the child for adoption by their certificate dated 9th May 2012.

To facilitate the adoption the applicant has been assessed by the Little Angels Network adoption society, the Director of Children's Services and the guardian *ad litem*, H A M. These three have compiled and filed their reports in court. The reports of the Little Angels Network adoption society and the Director of Children's Services are dated 6th June 2013 and 24th July 2013, respectively. The report of the guardian *ad litem* is dated 23rd July 2013 and was filed in court on 26th July 2013. There is also an international adoption home study report by the Social Welfare Committee for Gothenburg, Sweden, dated 10th May 2012. 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 Gothenburg, Sweden, in accordance with the Swedish law. The certificate of consent is dated 10th According to the Swedish Migration Board letter dated 11th August 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 automatically acquires Swedish citizenship. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, which has issued a certificate dated 11th December 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. 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, M O F and M H F, are hereby allowed to adopt the child, Baby G O (minor), who shall be hereafter known as A G F (minor). E and L B of (particulars withheld), 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.

SIGNED DATED and **DELIVERED** in open court this **15th** day of **August, 2013**.

W.M. MUSYOKA

JUDGE