



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 72 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY S J (MINOR)

JUDGEMENT

The applicants, J B A C and S M C, are a married couple of Swedish origin. They have brought an Originating Summons dated 2nd April 2013 seeking permission to adopt Baby S J(minor).

Baby S J(minor), the subject of these adoption proceedings, is an abandoned child. He was found abandoned in Nakuru, and a report of the fact reported at the Nakuru Police Station on 26th July 2011. It is presumed that he was born on 7th July 2011. He was committed by the Children's Court to the New Life Home Trust, from where he was placed with the applicants on 28th December 2012. There is sufficient documentation which supports this background prepared by and filed in court by the Little Angels Network adoption society on 4th July 2012. The Little Angels Network 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 Little Angels Network adoption society, the Director of Children's Services and the guardian *ad litem*, C W K. 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 16th April 2013 and 7th June 2013, respectively. The report of the guardian *ad litem*, C W K is 2nd May 2013. There is also an international adoption home study report by the National Board of Health and Welfare, Social Welfare Committee in Sweden dated 28th April 2011. 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 Hoglandet, Sweden, in accordance with the Swedish law. The certificate of consent is dated 6th November 2011 According to the Swedish Migration Board, Migrationsverket, document dated 8th November 2011 an adoption such as this one which is recognised by the Swedish authorities will entitle the child so adopted to resident status. This is confirmed by the Adoptions Centrum, Sweden; that a Kenyan adoption would be recognised in Sweden and the children given Swedish residency status. The proposed adoption has also received local

approval through the National Adoption Committee of Kenya, which has issued a certificate dated 18th 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. 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, J B A C and S M C, are hereby allowed to adopt the child, Baby S J (minor), who shall be hereafter known as W S J C (minor). C E D L and A J L, 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 **8th** day of **August, 2013**.

W.M. MUSYOKA

JUDGE