

IN THE HIGH COURT OF KENYA AT NAIROBI

IN THE MATTER OF THE CHILDREN'S ACT

AND RULING

The applicants herein **K.H.M** (1st applicant) and **K.A.U** (the 2nd applicant), a married couple, of **SWEDEN** have moved the court, praying that they be authorized to adopt and rename a Baby Boy presently identified and known as **BABY P2 ALIAS M** who, for the purposes of this ruling shall, where appropriate, be referred to either as **“Baby M”** or **“the child” “the infant”**. Both applicants are *Swedish* Nationals and were in court for the hearing of this application.

On 9th December 2011, on the applicants' application, **S.M.M** of P.O. Box[...]Nairobi was appointed the Guardian ad Litem for the purposes of this adoption. She has filed a report dated 22nd February 2012, primarily stating that **Baby M** has bonded well with the adoptive family, is happily settled in their care and is well taken care of. He also vouches for the adoptive parents' capability to bring up **Baby M** to provide for him in a manner that will guarantee him a happy, secure and stable homely life.

The applicants have furnished the court with all the documentation necessary to support the exparte Originating Summons as required under the relevant adoption laws and rules. They have produced, inter alia the requisite approval of the relevant Swedish authorities to adopt a Foreign Child, as well as the approval by the Kenyan Adoption Committee of the Directorate of Children's Services. At the hearing of the

application, it was proved that **Baby M** was found abandoned by his biological mother at *Thika Level 5 District Hospital at Postnatal ward* in February 2010 the matter was reported to the police officers at Thika Police Station on the same day vide the OB No: 63/23/2/10. The child was placed at the Happy Life Children's Home on *31st March 2010*. Efforts to trace the infant's parents proved futile.

The requisite studies and investigations have been carried out in regard to the applicants' suitability to adopt the infant and reports duly filed. The report by the Children's Officer, ordered by this court on *9th December 2011* and was filed on *9th February 2012*, recommending the adoption and renaming of **Baby M** by the applicants, who, according to the Director of Children's Services have proved that they are financially and socially capable of permanently fulfilling parental responsibilities over the minor.

Considering the above, I have no hesitation in allowing the application, being satisfied that the proposed adoption is in the best interests of **Baby M**.

Accordingly, the Originating Summons dated *21st November 2011* is hereby allowed and orders granted in terms of prayers 3 thereof, with the consent of the biological parents of the child being dispensed with. The applicants will co-operate with the Swedish adoption agency, children Above-All and to ensure compliance with its undertaking to file annual reports on the child with the Kenya Children's Home for 3 years effective from the date of the child's arrival in Sweden.

M.G. MUGO

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