



**REPUBLIC OF KENYA**  
**IN THE HIGH OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**Adoption Cause 86 of 2012**  
**IN THE MATTER OF BABY N.N**  
**JUDGEMENT**

1. Before me is an application for an adoption order, dated 7<sup>th</sup> May 2012, brought under **Sections 154, 156,(1), 158(1) (a), 4(e), 159 (1), (7) 160, 163(1), 164 and 170** of the **Children’s Act, 2001 (Act No.8 of 2001)** and **Section 22** of the **Interpretation and General Provisions Act (Chapter 2 of the Laws of Kenya)**. **Section 162 of the Children’s Act also applies to this application.**

2. The applicants herein **N.J.E.H** (1<sup>st</sup> applicant) and **E.K.M.H** (the 2<sup>nd</sup> applicant), a married couple, of **[ADDRESS]** have moved the court, praying that they be authorized to adopt and rename a baby boy presently identified and known as **B.N.N** who, for the purposes of this ruling shall, where necessary, be referred to either as “**B.N**”, the “**minor**” or the “**child**”. Both applicants are Swedish Nationals and were in court for the hearing of this application.

3. The 1<sup>st</sup> applicant is aged 40 years old, while the 2<sup>nd</sup> applicant is 37. The applicants were married on 6<sup>th</sup> December 2003. The adoptive parents are gainfully employed in Sweden where they currently reside. They also own a two bed roomed house. The family professes the Christian faith and are members of the Lutheran Church in Sweden. Theirs is a monogamous marital union, strengthened by adversity and which they are committed to preserve. They share common values and have respect for a harmonious family life and social wellbeing. The applicants have proposed to give the minor their surname once an adoption order is obtained from this court, with authority to rename him as proposed. The applicants have filed the requisite statements and affidavits in support of the application, bearing all the supporting documents as required by the law. These include financial/income statements and a home study report which highly recommends the applicants as adoptive parent.

4. On 11<sup>th</sup> May 2012, on the applicants’ application, **D.A.O** of P.O. Box [...] Nairobi was appointed the Guardian ad Litem for the purposes of this adoption. She has filed a report dated 14<sup>th</sup> June, 2012, primarily stating that **B.N** has bonded well with the adoptive parents, is happily settled in their care and is well taken care of. She also vouches for the adoptive parents’ suitability and capability to bring up the child well and to provide for him in a manner that will guarantee not only the necessary day to day care and attention but also the best upbringing for the adopted minor, **B.N**.

5. In the unlikely event that they become incapacitated or die, before the child attains the age of majority, the adopting parents have appointed **L.M.M.N** to be the legal guardians of the adopted child. The two have consented so to act. The Guardian ad Litem recommends that the applicants be granted the authority to adopt the infant and that the court grants, also, the incidental prayers sought in this application to complete the process.

6. 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 Swedish Government, through its Social Welfare Committee to adopt a Foreign Child, as well as the approval by the Kenyan Adoption Committee of the Directorate of Children's Services.

7. At the hearing of the application, it was submitted that **B.N** was born on 9<sup>th</sup> July 2010 and abandoned at the Madaraka area near Strathmore University, Nairobi. The matter was reported to the police at Kilimani police station vide OB NO: 60/10/07/2010. He was taken to Kenyatta National Hospital where he stayed until 15<sup>th</sup> September 2010 when he was discharged to the New Life Home Trust Nairobi. He was committed to the said home pursuant to a committal order issued by the Children's Court, Nairobi, on 8<sup>th</sup> December, 2010. The court has been shown the committal order dated 8<sup>th</sup> December, 2010.

8. The Kilimani police having formally informed the children's Department that no claim had been made with them over the infant as at 28<sup>th</sup> March 2011, **B.N** was certified free for adoption under a Certificate of Declaration to that effect issued by the Little Angles Network, an accredited adoption society, on 30<sup>th</sup> March 2011. He was thereafter released and placed under the foster care of the applicants on 6<sup>th</sup> February, 2012 under a Care Agreement entered between them and New Life Home Trust, annexed as annexure "**R**" to the applicants' affidavit in support of the Originating Summons. The minor has been under their care and custody since.

9. The requisite studies and investigations have been carried out in regard to the applicants' suitability to adopt the infant and reports therefore duly filed. The report by the Director of Children's services, ordered by this court on 11<sup>th</sup> May, 2012 and was filed on 11<sup>th</sup> June, 2012, recommending the adoption and the renaming of **B.N** 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 infant.

10. In considering this application, I have perused the reports filed by the Guardian ad Litem and the Director of Children's Services, Little Angel's Network and thoroughly examined all the documentation filed in support thereof including the consent (Home study) report by the Swedish Social Welfare Committee dated 3<sup>rd</sup> January 2011. I have also seen copies of their medical certificates and certificates of good conduct. Their suitability having been carefully assessed and positive recommendations filed by credible persons, I am satisfied that the applicants do possess the requisite legal capacity to adopt the minor, and that they do understand the entire adoption process, and its future implications for themselves as a family and in particular, the need to provide the best for the adopted child all his life. I find them to be financially able, medically and morally fit to adopt **B.N**. They have undertaken and bound themselves to bring him up in a stable, healthy, happy and secure environment.

11. Considering the above, I have no hesitation in allowing the application, being satisfied that the proposed adoption is in the best interests of **B.N**. Accordingly, the Originating Summons is hereby allowed and orders granted in terms of prayer 1, 3 and 4 thereof. The applicants shall ensure that the undertaking by the Adoptions Centrium abides with the terms of its undertaking of 8<sup>th</sup> June, 2011, and in particular to ensure the filing of annual progress reports on the child with the Little Angels Network Adoption Society for the first 3 years of this adoption.

**DATED, SIGNED and DELIVERED at NAIROBI this 31<sup>st</sup> DAY OF July, 2012.**

**M.G. MUGO**

**JUDGE**

In the presence of :

**for the applicants.**