



## **IN THE MATTER OF AN APPLICATION FOR ADOPTION OF R a.k.a. P.M**

### **JUDGEMENT**

The Applicants, J.T.Y. and L.C.Y both Swedish Nationals of have applied in their application dated 6<sup>th</sup> October 2011 for authority to adopt a child known as R a.k.a. P.M. The male Applicant is aged 37 years and the female is aged 34 years. They are both Caucasians. They came to Kenya in June 2011 and the child was placed in their care on 6<sup>th</sup> July 2011.

The Child's biological mother, one J.W, absconded after the birth of the child in 2009 at Kiambu District Hospital, a fact recorded on the O.B. No.27/07/06/09 at Kiambu Police Station.

The child was committed on 2/10/2009 to Love a Child Home in Nyeri by the Children's Court at Karatina in P & C Case No.46 of 2009. On 21<sup>st</sup> July 2010, the child was declared free for adoption by Little Angels Network, a registered Adoption Society as evidenced by the Certificate Serial No.[...] dated 21.7.2010.

Various reports have been filed on evaluation of the Applicants as adopting parents. I have perused them. They are positive. The motivation of the Applicants to adopt arises from their inability to get biological children of their own. The Director of Children's Services in Kenya has recommended the proposed adoption as has Little Angels Network, a registered Adoption Society of Kenya.

The Applicants are Christians. They are married to each other. They are in employment in Sweden and have reasonable income and have undertaken to give the child education and to impart in him Christian values. They have no criminal record. They seem to understand from their affidavits the role of

parenthood and the responsibility attendant thereto. They have received consent to adopt from their country's Social Welfare Committee of Goteborg Municipality. They seem to understand that the child will have all the rights a child born in wedlock has including the right to inherit. Being Caucasian, the Applicants who hail from a predominantly Caucasian Community in Gothenburg in Sweden will have to deal with the likely incidents of racism. In the unfortunate event that they become incapable of continuing to shoulder their responsibility as parents, they have secured legal guardians in the persons of K.E and M.A.F of Sweden.

After duly perusing the various reports, documents in support of the application, I am satisfied that the provisions of the Children Act. No.8 of 2001 have been complied with and that the Adoption will be in the best interest of the child's Welfare. Accordingly, I allow the application and make the following orders:-

1. I hereby authorize the Applicants, **J.T.Y** and **L.C.Y** to adopt the child known as **R a.k.a. P.M.**
2. I direct that henceforth the said child shall bear and be known and described by the name of **P.R.Y.**
3. The date of birth of **P.R.Y** is 2009 and his place of birth is Kiambu District Hospital, Kenya.
4. I direct that the Registrar General shall make an entry of this Adoption in the Adopted Children Register in the prescribed form.
5. The legal guardians of the child are **K.E.F** and **M.A.F** of Sweden.
6. The Applicants shall once every year for a period of three years file a report of the child's progress with the Deputy Registrar of the Family Division of this court on [www.judiciary.go.ke](http://www.judiciary.go.ke) or Post Box Number 30041 – 00100, NAIROBI, with a copy to the Director of Children Department, Ministry of Gender, Children and Social Department, Jogoo House No.“A”, P. O. Box 46205, NAIROBI. Email:children@homeaffairs.go.ke.; Telefax Nairobi 248827.
7. For the avoidance of doubt, the rights and duties of the natural parents of the child are hereby extinguished and all the parental rights, duties, obligations and liabilities of the child now vest in and shall be exercisable by and enforceable against the Applicants as the adopting parents as if the child were born in wedlock to the adopters and the child, to all intents and

purposes, now stands to the adopting parents as a child born in wedlock and both adopting parents shall henceforth be the lawful father and mother of the child.

**Dated at Milimani Law Courts, Nairobi, this 16<sup>th</sup> day of February 2011.**

**G.B.M. KARIUKI SC  
JUDGE**

**COUNSEL APPEARING**

*Miss V. S. Kimenyi of Rautta & Co. Advocates for the Applicants*

*Mr. Kugwa - Court Clerk*