



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**ADOPTION CAUSE NO.47 OF 2011**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY A – MINOR**

**K. J.V.L .....1<sup>ST</sup> APPLICANT**  
**L.U.E.D.L.....2<sup>ND</sup> APPLICANT**

**J U D G M E N T**

1. The Summons dated 21<sup>st</sup> March 2011 seeks orders under Sections 154, 156, 158(1)(a) and 4(e), 159(1) and 7, 160 164, and 170 of the Children’s Act, No.8 of 2001 as well as Section 22 of the Interpretation and General provisions Act, Cap.2, Laws of Kenya that inter-alia one, B.A.O appointed guardian ad Litem and that the Director – Children’s Department, do file a report on the Applicants’ suitability or otherwise, to adopt the child, Baby A.
2. I note that a guardian ad Litem was indeed appointed on 1<sup>st</sup> April 2011 by Maraga J. and the report by the Director of the Children’s Department in the Ministry of Gender, Children and Social Development was filed on 23<sup>rd</sup> May 2011 and I am now required to determine whether the Applicants should be granted orders to adopt the child, subject of these proceedings.
3. I have read the record in the matter and I have taken into account submissions made and by the following documents;
  - (i) An Affidavit sworn on 21<sup>st</sup> March 2011 by the Applicants jointly (together with annexures thereto).
  - (ii) A Statement of Facts dated the same day by the applicants.
4. From a concise reading of all the documents annexed to the Affidavit in above case for the Applicants is that they were born on 11<sup>th</sup> May 1968 and 21<sup>st</sup> December 1968 respectively and are Swedish Nationals who live and work for gain in Stockholm, Sweden.
5. Further, that the child was born on or around 5<sup>th</sup> March 2010 to unknown parents as she was found abandoned at a lift within Kenyatta National Hospital, Nairobi. To date her parents remain unknown.
6. In support of their Application, the Applicants have also produced the following documents;
  - (i) A decision of the Stockholm City Court in its Case No.A13161-07 in which they were allowed to adopt P.N.P (originally from Viet Nam).

- (ii) Certificate of consent of the Swedish Social Welfare Committee, dated 2<sup>nd</sup> August 2010 granting consent to receive a child domiciled abroad for purposes of adoption.
- (iii) Minutes of the meeting held on 29<sup>th</sup> December 2009 by the Sodermalm District Council consenting to the adoption under Cap.6, Section 12 of the Social Services Act of Sweden.
- (iv) The Swedish Inter-Country Adoptions Authority document dated 27<sup>th</sup> November 2008 addressed to the competent Authority in Kenya setting out the law as regards the citizenship status of adopted children in Sweden.
- (v) Letters of References from B.N and A.V confirming the suitability of the Applicants as adoptive parents.
- (vi) Approval Certificate for adoption dated 19<sup>th</sup> October 2010 issued by the National Adoption Committee of Kenya.
- (vii) A certificate dated 9<sup>th</sup> November 2010 from the Kenya Children's Home Adoption Society under Section 156(i) of the Children's Act indicating that the child is free for adoption.
- (viii) A report dated 31<sup>st</sup> March 2011 from the Kenya Children's Homes indicating that the Applicants were fit as adoptive parents.

7. With all the above facts before me, I am satisfied that the applicants have met the criteria set for international adoption and for clarity the Applicants have met the following conditions;

- (i) They have received the relevant approvals from the relevant authorities in Sweden and Kenya.
- (ii) The child in this case is under the age of eighteen (18) years having been born on around 5<sup>th</sup> march 2010.
- (iii) The child's best interests would be served if the adoption order is granted as the Applicants have fend and take care of the child in Sweden.
- (iv) R.E.A and E.C.E.A will be the legal guardians in the event that any misfortune should befall the applicants.

8. With that factual background, I should only restate the law as regards the issue at hand before granting the orders sought. Section 162 of the Children's Act clothes the court with discretion to make an international adoption order if it is satisfied that the conditions set out therein have been met and I have said the Applicants herein have done so.

9. In conclusion, I will order as follows;

- (i) K.J.V.L and L.U.E.D.L are authorized by this court to adopt Baby Angel and the child shall henceforth be known as E. a. I. L.
- (ii) R.E.A and E.C.E.A are hereby appointed the Legal guardians of the child should misfortune befall the Applicants.
- (iii) The Registrar General is hereby directed to enter this order in the Adoption Register.
- (iv) The guardian ad Litem is hereby discharged of any responsibilities over the child.
- (v) I shall make no order as to costs.

10. Orders accordingly.

**DELIVERED, DATED AND SIGNED AT NAIROBI THIS 20<sup>TH</sup> DAY OF AUGUST, 2011**

**I. LENAOLA  
JUDGE**

