

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY F.M.

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY A.K.C.K.

JUDGMENT

In her Originating Summons dated 11th July 2011 and brought under **Sections 154, 156, 158(1)(a), (4)(e), 159(1), (7), 160, 163(1), 164 and 170** of the **Children's Act 2001** as well as **Section 22** of the **Interpretation and General Provisions Act** (Cap 2 of the Laws of Kenya) **A.K.C.** (the Applicant) of Sweden seeks the authority of this court to adopt baby **F.M.** the Child).

The Child who was born on [date withheld] was found abandoned at Mbagathi Hospital in July 2010. The matter was reported to Kenyatta Police Post and recorded in OB No. 10/19/7/10 and the Child was admitted to Thomas Barnados House on 27th July 2010. Upon the application of the Children's Officer Nairobi in Child Care and Protection Case No. 348 of 2010, on 6th October 2010 the Children's Court committed the Child to the said Thomas Barnados House.

Pursuant to the Foster Agreement dated 8th April 2011 the Child was committed to the care and custody of the Applicant and has since bonded very well with her.

The Applicant is Swedish Nationals of European descent who resides Sweden. She was born in August 1965. She has been divorced since April 2006 and has a child she adopted from Vietnam. She has been assessed and found to be emotionally, morally and financially fit to adopt the Child. She is a Christian and has no criminal record. She is a (*particulars withheld*) She has been assessed and found fit to adopt the Child. The Swedish Inter-Country Adoptions Authority has accorded the Applicant authority to adopt the Child from outside Sweden and the Swedish Migration Board has confirmed that upon the adoption the Child will automatically be accorded Swedish nationality. The Swedish Friends of Children International Adoption Society has undertaken inter alia to regularly visit the Applicants home and report on the Child's progress. H.B. and L.M.B.C. both of Sweden have given their written consent to be appointed guardians of the Child.

On 27th July 2010 Kenyatta Police Post confirmed that the Child's biological mother has not been traced and nobody has claimed it. On 16th Marcy 2011 the Adoption Committee vide Minute No. 07/02/11 (Serial No.[...]) approved the adoption of the Child by the Applicants.

Taking all these factors into account I am satisfied that the Applicants are fit to adopt the Child and it is in the Child's interest that this application be allowed. In the circumstances A.K.C. is hereby authorized to adopt Baby F.M. henceforth to be known as E.F.K.B. The said H.B. and L.M.B.C are hereby appointed guardian of the Child until he attains the majority age. I direct the Registrar General to make an appropriate entry of this adoption in the Adopted Children's Register.

DATED and delivered this 10th day of August 2011.

D.K. MARAGA
JUDGE