

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 9 OF 2004

In the matter of Adoption of infants Act Cap. 143

BABY SMN (INFANT)

JUDGMENT

The Applicants KV and NTV have applied for an Order authorizing them to adopt the infant herein. Both Applicants are married to each other in a monogamous union and they have been so married since 15/6/96. Both of them are nationals of Sweden, they lived in Kenya in the year 2000 and 2001. They have adopted another child as per the certificate and order made by this court on 7/12/01. The Applicants live and work in Singapore.

In support of their Application for adoption, they have attached a copy of an Investigative report about their suitability as adoptive parents in their home in Singapore. The couple are desirous of adopting another child from Kenya who has a shared culture and origin with their first child.

All the reports indicate that the couple are stable family, they are committed to the welfare of their first adopted child, they chose adoption not because of problems of infertility but out of their love to share and provide a home and love to abandoned children who are in greater need.

According to one of the referees who wrote an independent report about the suitability of the Applicant a Mrs KF in a letter dated 13/6/03 I quote

“N and K have often been asked by friends, why they choose to adopt when they could have children of their own. Their answer is that they are in no hurry to bring another child into the world. When there are already so many that need a loving home”.

This evaluation in my humble view illustrate that the Applicants are committed to providing the infant not only with a home but also promoting her best interest.

The infant was abandoned immediately after birth on 30/5/03 at the Thika General Hospital. After about 3 months the child was placed under the care of New Life Home through a court order. She was eventually placed under the foster care

of the Applicants on 30th September 2003. The Applicant

traveled to Kenya for purposes of this matter, she has been living with the child for the last 3 months. The Director of New Life home has duly given the consent of the home and the Child Welfare Society has filed a certificate fleeing the infant for adoption .They have also carried out a home study and interviewed the Applicants and their report recommend the proposed Adoption. I have considered this Application against the provisions of the Childrens' Act, 2001. The Applicants country of residence will respect the order of Adoption, this is evidenced by the case of earlier Adoption whereby that child has already been issued with the Swedish passport. The Applicants have appointed legal guardians who have duly filed their consents. Accordingly I am satisfied that the Applicants have met all the conditions set out in the Act especially the International Adoptions. I therefore grant the prayers in Application. The Applicants are authorized to Adopt Baby SMN who shall hence forth be known as SVMV

Orders accordingly.

Judgment read and signed on 21st January 2004.

M. KOOME

JUDGE