



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO.237 OF 2013
IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY T N *alias* BABY GIRL
(INFAMY)**

R A T.....1ST APPLICANT

AND

E C T.....2ND APPLICANT

JUDGMENT

1. The applicants R A T and E C T are seeking to be authorized to adopt baby T N alias baby girl hereinafter referred to as the child. They also seek that upon making the adoption the child be called E T N T. They also seek that E S F and J P M be appointed the legal Guardian of the child.
2. The applicants are citizens of Switzerland born on 12th July 2976 and 10th January 1975 respectively. The couple got married on 4th August 2010 into a monogamous, heterosexual marriage. The 1st applicant is a researcher working with **[particulars withheld]** Institute and the **[particulars withheld]** in Uppsala University while the 2nd applicant is a Researcher Coordinator with **[particulars withheld]** at the **[particulars withheld]**, Uppsala University.
3. The child is estimated to have been born on 1st March 2013 and was reportedly abandoned and rescued by good Samaritans who reported the same to Gisambai Administration Police Post. The baby was admitted at Springs Life children home in Bukura for protection and care on 16th May 2014. She was discharged from the home on 14th July 2014 into the care of the applicants. The child was declared free for adoption on 26th March 2014 .A certificate declaring the child free for adoption No. **[particulars withheld]** was issued. The report from the adoption agency was filed on the 17th October 2014.
4. There is an undertaking from Adoptions Centrum, Sweden that confirms that an adoption granted in Kenya will be respected and recognized in Sweden and also a letter from the Swedish Migration Board dated 11/08/2011 which confirms that children that are mediated by Adoptions Centrum for adoption in Kenya to Sweden acquire Swedish citizenship when the adoption is effected and valid in Kenya.

5. Section 162 (c) of the Children Act of Kenya provides that any applicant in a foreign adoption must “*have been authorized and recommended as persons who are suitable (including being morally fit and financially capable) to adopt a foreign child by a competent government authority or court of competent jurisdiction in the country immediately after the making of the adoption order.*”

The applicants have attached a report from the Adoptions Centrum and have also been cleared by the Swedish National Police Board. Locally they have been approved to adopt in Kenya by the Adoption Committee established as per the Adoption Regulations in 2005. The applicants therefore meet the requirements set out under section 162 of the Children’s Act 2001 and have proved that during the mandatory bonding period under section 157 of the said Act they are capable of taking the responsibilities of adoptive parents.

6. The applicants have met the necessary pre-requisites to adopt the child as prescribed in the Children Act 2001. The reports are favorable and recommend that the applicants are suitable to adopt and that they be allowed to adopt. The report from the Director of Children’s services was filed on 29th January 2015. Investigations reveal that the child has bonded well with the applicant. The child was observed to be happy and is well adjusted to his home.

7. It is evident that the applicants have fulfilled all the legal requirements relating to the adoption of the child. This court is satisfied that the applicants are qualified and able to take care of the child. It is evident that the applicants are financially stable and capable to provide for the upkeep and education of the child.

8. This court finds that it would be in the best interest of the child to be adopted by the applicants. I allow the application for adoption. The Applicants **R A T** and **E C T** are hereby allowed to adopt **T N** alias Baby Girl who shall be called **E N T. E S F** and **J P M** shall be the legal Guardians of the child should misfortune befall the applicants. I direct the Registrar General to enter this order in the adoption register. The child was born in Kenya and is therefore a Kenyan by birth and is entitled all the rights that accrue to Kenyan citizens under the Kenya Constitution 2010 and the Kenya citizenship and Immigration Act. I hereby discharge the Guardian ad litem. It is so order.

Signed, dated and delivered this **6th** Day of **March** 2015.

R. E. OUGO

JUDGE

In the presence of:

.....**Applicants**

.....**Court Clerk**