



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 123 OF 2015 (OS)
IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001
AND
IN THE MATTER OF BABY K.R.
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY
K E R
AND
C D R
JUDGMENT

1. The applicants K E R and C D R are a married couple who are Swedish citizens. They filed Originating Summons dated 12th May 2015 seeking to be allowed to adopt Baby K.R.

2. Baby K.R whose date of birth is indicated as 7th August 2012 was found abandoned on 7th April 2013 at Marula forest by a herdsman grazing his cattle. The baby was rescued and taken to Gilgil Police station where the recovery was recorded under O.B No.13/7/04/2013. The Officer in Charge at Gilgil Police station referred the case to the Gilgil Children's Officer who sought for placement at Africa Gospel Church Baby Centre to which the baby was admitted on the same day. The child was formally committed to the said centre on 22nd November 2013 by the Children's Court at Nakuru vide Care and Protection case number 517 of 2013. The child was declared free for adoption by the Kenya Children's Homes Adoption Society on 12th February 2014 and certificate No. 1045 issued pursuant to **section 156(1)** of the **Children Act of 2001**. On 9th February 2015 the child was placed with the applicants for mandatory foster care prior to adoption. He has been under the applicants care since then. The police have confirmed that no one has come forth to claim the child and efforts to trace the child's relatives have been futile.

3. The Kenya Children's Home Adoption Society and the guardian *ad litem* Beatrice Atieno Oriedi have each assessed the applicants and issued a report to recommend that they be allowed to adopt the child. They are reported to be a close knit family who enjoy the support of their family, as well as being

financially, emotionally and sociably capable of taking care of the child. The child is also reported to have bonded well with the applicants. This court in its ruling dated 15th July 2015 dispensed with the requirement for the report by the Director of Children's Services for reasons stated therein.

4. Further to the above stated reports, the applicants have obtained necessary clearances from their home country of Sweden. The Social Welfare Committee of Sweden gave the applicants its consent to receiving a child domiciled abroad with the purpose of adoption following their home study report dated 03/02/2014. The Kungsholmen District Authority Family Affairs Unit found the applicants to be fit adoptive parents following a home study report and were authorised to receive a child from another country for adoption. Further to this, the National Adoption Committee sitting on 18th November 2014 found the applicants to be suitable prospective adoptive parents and approved them to adopt one child aged 12 months and above at the time of placement. Approval certificate Serial No.000561 to that effect was issued.

5. This court is of the opinion that the child's best interests will be served by this adoption as the applicants will be able to provide a home and a family in which the child will grow and develop. The applicants shall assume all the parental rights and duties of the child's natural parents and shall treat the child as if he was born to them. The adoption order shall be final and binding during the child's lifetime, and the child shall have the right to inherit their property. The applicants shall not give up the child owing to any subsequent unforeseen behavioural or other changes in the child.

6. Having been satisfied that all the legal requirements for international adoption under **section 162** of the **Children Act** have been met, I make the following orders:-

- a. the applicants K E R and C D R are hereby allowed to adopt baby K.R. who shall henceforth be known as E R R;
- b. the child's date of birth shall be 7th August 2012, and shall be presumed Kenyan by birth having been found abandoned in Marula forest in Gilgil within Kenya;
- c. C N G R and V L S B are hereby appointed legal guardians of the child in the event of death or incapacity of the applicants before he is of full age and fully self-reliant;
- d. the Registrar General is directed to enter this adoption in the Adoptions Register;
- e. the Director of Immigration Services is hereby ordered to issue E R R with a Kenyan Passport; and
- f. the guardian *ad litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 15th October 2015.

A.O. MUCHELULE

JUDGE