

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 118 OF 2015

BABY J M ALIAS BABY M.....THE CHILD

K A N.....1ST APPLICANT

AND

A E N.....2ND APPLICANT

JUDGMENT

1. The Applicants **K A N and A E N** are seeking to be authorized to adopt Baby **J M Alias Baby M** hereinafter referred to as the child.

2. The 1st applicants are from Sweden Mr. AA K N is 38 years old. A E N is 38 years. A is a systems administrator for the municipality of Vanersborg while Mrs. N is a trained childcare worker and has worked in preschools in the municipality of Vanersborg. She has since changed her job to join her sister who manufactures circuit boxes in her company. A and A planned to have children when they started their relationship but this did not come to be because of fertility problems. They therefore opted for adoption in order to make their family complete. The applicants got married on 27th October 2007 in a Swedish church. The couple made their application to adopt the child through Children Above All Adoptions Society an Adoption Agency in Sweden which is registered by Kenya National adoption Committee to work with Kenya Children's Homes Adoption Society Kenya in making inter-country adoption arrangements. They were approved by the Kenya National Adoption Committee sitting of 18th November 2014 as suitable adoptive parents.

3. **Baby J M** is presumed to be born on [particulars withheld] 2013 and was abandoned the same day. He was abandoned near [particulars withheld] hospital Nakuru. He was found by an unnamed Good Samaritan and took him to Nakuru police station on the 4th August 2013 and it was recorded in occurrence book (OB) number [particulars withheld] . The baby was referred to Rift valley Provincial Hospital due to an umbilical infection and was admitted. He was discharged on 15th August 2013. The Medical social worker sought placement of the child at Haven of Hope Baby Centre for care and protection and he was admitted to this home on 15th August 2013. Baby J was committed to Haven of Hope baby center on 22nd August 2013 for a period of three years vide protection and case number [particulars withheld] for six months. The Nakuru police station issued a second police letter stating that they have not been able to trace the mother or anyone who has come to claim the baby. The child was freed by the Kenya Children's Homes Adoption Society Case Committee on its sitting of 18th June 2015 and a freeing certificate Serial No. [particulars withheld] issued pursuant to section 156 (1) of the Children's Act 2001.

4. The applicants have the approval from the Social Welfare Committee, based in Sweden granting them permission to receive a child abroad in their home with a view to adoption. They were also approved by the adoption committee in Kenya vide the letter dated 20/11/2014. The said committee found them suitable prospective adoptive parents as per the children (adoption) regulation 2005 and approval certificate for an individual foreign adoption application was issued to the applicants on the 20th of January 2015. In a letter dated 11th February 2009, the embassy of Sweden confirms that Sweden

recognizes Kenyans adoptions. The letter further states that adoptions performed in accordance the Hague convention are automatically valid in Sweden.

5. After a careful assessment of the reports filed herein by the adoption agency and the guardian ad litem on the 18th May 2015 and 8th September 2015 respectively, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. The court is satisfied that the applicants are qualified and able to take care of the child. The applicants have the financial and emotional capability to provide for the upkeep and education of the child. I allow the application for adoption. The applicants **K A N and A E N** are hereby allowed to adopt **J M** alias Baby **M**. The Child shall be known as **J M N** . **The applicant's brother Mr. A J and his wife M J** shall be the legal guardians of the child should such any eventuality arise. 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 to the rights and benefits of a Kenyan Citizen. I hereby discharge the guardian ad litem. It is so ordered.

Dated signed and delivered this **3rd** day of December **2015**

R. E .OUGO

JUDGE

In the presence of;

.....**For the Applicants**

Charity

Court Clerk