



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 120 OF 2014**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF**

**G.P.....THE CHILD**

**AND**

**C E G.....1<sup>ST</sup> APPLICANT**

**K E G.....2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The applicants C E G and K E G are a married couple who are Sweden nationals. On 5<sup>th</sup> May 2014 they filed this originating summons seeking to adopt Baby G.P.
2. Baby G.P. is a male child who was abandoned by its mother at [particulars withheld] in Nakuru County. The matter was reported at Nakuru Police Station on 10<sup>th</sup> January 2013. The parents of the child were not traced. He was on 10<sup>th</sup> January 2012 referred to African Gospel Church Baby Centre by the Children's Court. From there he was on 3<sup>rd</sup> February 2014 placed with the applicants for mandatory foster period. It is presumed that he was born on 10<sup>th</sup> August 2012.
3. On 15<sup>th</sup> November 2013, the child was declared free for adoption by the Kenya Children's Home Adoption Society who issued a certificate to that effect.
4. The Director of Children Services prepared a report which was filed on 25<sup>th</sup> June 2014, and so did the guardian *ad litem* A N on 24<sup>th</sup> June 2014. Both reports are favourable and recommend the proposed adoption. They show that the applicants have the financial and emotional capability and capacity to take care of the child. The reports also show that the child has bonded well with the applicants. I note that the applicants have a 3 years and 3 months adopted child, a girl, who got a Swedish passport. The couple was otherwise unable to have biological children due to infertility.
5. The Children Above All Adoption Society of Sweden found the applicants suitable to adopt a foreign child. The foreign agency has been approved by Kenya National Adoption Committee (K.N.A.C.) and has a current approval. Children Above All has also undertaken to conduct post adoption assessments for the applicants and the child after the applicants go back to Sweden. The Social Welfare Committee of Bromma granted the applicants permission on 16<sup>th</sup> May 2013 to adopt one foreign child. On 19<sup>th</sup> April 2013 the Swedish National Police Board showed that the applicants have no criminal record. Sweden has confirmed that an adoption order granted in Kenya will be respected and recognised in Sweden. Locally, the K.N.A.C. has approved the

applicants to adopt in Kenya.

6. In the opinion of this court, it would be in the best interest of the child for it to be adopted by the applicants. The applicants will be able to provide a home and a family environment for the child to grow in and develop as a useful member of society. The applicants will execute an undertaking that they will assume all parental rights and duties of the biological parents in the report of the adoption child. They shall treat the child as if he was born to them. They have been made aware that once the adoption order is issued, it shall be final and binding during the lifetime of the child and that the child shall have the right to inherit their property. The applicants cannot give up the child owing to any subsequent unforeseen behaviour and other changes in the child.
7. Being satisfied that all the requirements for international adoption under **section 162** of the Children Act, 2001, I allow the applicants C E G and K E G to adopt the child Baby G.P. His name shall hereinafter be called W G P G. I appoint K-J G and E M G as guardians of the child should anything happen to the applicants. The Registrar General is directed to enter this adoption order in the Adoptions Register. The child is presumed to be a Kenyan citizen born in Nakuru County. The Principal Immigration Officer is ordered to issue passport to the child when required to do so. The guardian *ad litem* is hereby discharged.

**DATED and DELIVERED at NAIROBI this 11<sup>th</sup> July 2014.**

**A.O. MUCHELULE**

**JUDGE**