



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Adoption Cause 8 of 2013**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY A.K**

**JUDGEMENT**

The applicants, S.E.R and S.R, are of German and Swedish citizens, respectively, and Swedish residents. They are married couple. They have been together since 1989 and formalised the union in 2006. Their Originating Summons is dated 22<sup>nd</sup> January 2013 and it seeks, among other orders, permission to adopt a baby called Baby A.K.

The subject of these proceedings, Baby A.K, is an abandoned male child. His date of birth is unknown but is estimated to be 8<sup>th</sup> August 2010 to parents who are not known. He was abandoned by unknown persons at the hospital's paediatric ward in the (Name withheld) Hospital on 20<sup>th</sup> December 2012. A report of the abandonment was made at the (Name withheld) Police Station and he was admitted the same day at the (Name withheld) House. The police records indicate that their efforts to trace his parents were not fruitful. The Children's Court later committed him to the (Name withheld) House for care and protection, from where he was placed with the applicants on 2<sup>nd</sup> October 2012. This background is given in a report prepared by the Kenya Children's Homes Adoption Society dated 15<sup>th</sup> January 2013. The report was filed in court on 30<sup>th</sup> January 2013 There is also a certificate dated 17<sup>th</sup> July 2012 filed in court by the Kenya Children's Homes Adoption Society declaring the child for adoption.

The applicants have been assessed by the guardian *ad litem*, L.K, and the Director of Children's Services. These three have compiled and filed their reports in court, dated 14<sup>th</sup> March 2013 and 3<sup>rd</sup> April 2013, respectively. There is also an international adoption home study report by the Almhult, Ljungby and Markaryd Joint Municipal Committee of Sweden dated 28<sup>th</sup> August 2010. All these reports are favourable and recommend the proposed adoption. The applicants have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with the applicants and considers them to be her parents. I also note that the couple an adopted daughter from Ethiopia.

This proposed adoption has been approved by the Social Welfare Committee of the Municipality of Almhult in accordance with the Swedish law. The certificate of consent is dated 27<sup>th</sup> September 2010. According to the Swedish Intercountry Adoptions Authority document dated 27<sup>th</sup> November 2008 an adoption, such as this which is done in conformity with the 1993 Hague Convention, is recognised by the Swedish law and a child so adopted acquires Swedish citizenship. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, which has issued a certificate dated 15<sup>th</sup> August 2012.

In the opinion of this court it would be in the interests of the child that the child is adopted by the applicants. The applicants will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family. Consequently, the applicants shall assume all parental rights

and duties of the biological parents in respect of the adopted child; they shall treat the adopted child as if he was born to them. The applicants have been made aware that once the adoption order is made 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 or other changes in the child.

I am satisfied that all the legal requirements have been met. The court allows the applicants' application to adopt the child. The applicants, S.E.R and S.R, are hereby allowed to adopt the child, Baby A.K, who shall be hereafter known as A.E.K.R. S.M and E.S are hereby appointed the legal guardians of the child should misfortune befall the applicants. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

**DATED, SIGNED and DELIVERED at NAIROBI this 10th DAY OF May, 2013.**

**W. M. MUSYOKA**

**JUDGE**