



**REPUBLIC OF KENYA**

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

**Adoption Cause 38 of 2013**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY G.A (MINOR)**

**JUDGEMENT**

The applicants, N.A.K and J.A.M.K, are citizens of Sweden. They are a married couple. They have brought an Originating Summons dated 22<sup>nd</sup> February 2013 asking for leave to adopt Baby G.A.

The subject of these adoption proceedings, Baby G.A, is female. She was found abandoned at a farm in the Thogoto area of Kiambu County. She was rescued by C.W, a Good Samaritan, who reported the matter at the Kikuyu Police Station. She was taken to the ABC Home at Dagoretti for care and protection. Police records indicate that efforts to trace the parents of the child were fruitless. The Children's Court formally committed her to the ABC Home, from where she was placed with the applicants on 23<sup>rd</sup> November 2012. The Kenya Children's Homes adoption agency has prepared a detailed background report on the circumstances of the subject child. The report is dated 25<sup>th</sup> February 2013 and was filed in court. The adoption society freed the child for adoption on 24<sup>th</sup> October 2012.

To facilitate the adoption the applicant has been assessed by the guardian *ad litem*, A.N and the Director of Children's Services. The two have compiled and filed their reports in court. The Director of Children's Services' report is dated 2<sup>nd</sup> April 2013, while that of the guardian *ad litem* is undated. There is also an international adoption home study report by the Social Welfare Administration of Halmstad, Sweden, dated 8<sup>th</sup> February 2012. 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.

This proposed adoption has been approved by the Halmstad Social Welfare Committee in Sweden. The certificate of consent is dated 9<sup>th</sup> March 2012. According to the Act on Swedish Citizenship, section 3, valid foreign adoptions by Swedish citizens conforming to The Hague Convention lead to grant Swedish citizenship. According to the Swedish Intercountry Adoptions Authority, their document is dated 27<sup>th</sup> November 2008; a foreign adoption which accords with the Hague Convention entitles the adopted child to Swedish residency. There is also a confirmation to that effect by the Embassy of Sweden in Nairobi, by its letter of 11<sup>th</sup> February 2009. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, conveyed by a letter dated 22<sup>nd</sup> June 2012 and a certificate dated 18<sup>th</sup> July 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, N.A.K and J.A.M.K, are hereby allowed to adopt the child, Baby G.A, who shall be hereafter known as S.G.A.A.K. M.E.H and D.A.K 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**