



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO. 33 OF 2015 (O.S.)
AND
IN THE MATTER OF CHILDREN'S ACT, NO. 8 OF 2001
AND
IN THE MATTER OF BABY L A
A N.....1ST APPLICANT
AND
E O.....2ND APPLICANT
JUDGMENT

1. The applicants, A N and E O are of Italian citizenship and are in a monogamous marriage which was solemnized at the Registrar of Marriages, Cappanori in Italy on 2nd July, 2000. They have no child of their own. They have brought an Originating Summons dated 5th February, 2015 seeking permission to adopt baby L A, an infant of male sex. A N is a Factory worker with *[particulars withheld]*, while E O is a Secretary cum Receptionist with *[particulars withheld]* S.r.I. They reside in Riara Road, Nairobi and are both Christians of the Catholic Church.

2. The child who is the subject of this adoption proceedings, according to a letter Ref. C/ORG/5/22/VOL.II/37/2012 dated 10th April 2012 from the Officer in charge Thika Police Station, was abandoned within *[particulars withheld]* village at birth. Another letter dated the same day from District Children Officer, Thika shows that the baby was rescued by one N N W, a resident at *[particulars withheld]* Estate, who reported the matter to Thika Police Station and an entry was made to that effect vide OB 45/10/04/2012.

3. On 10th October, 2012 the child was officially committed to Children Karibuni Organization by the Senior Principal Magistrate Court Thika, vide P&C Case No. 184/2012. A letter dated 20th October, 2011 from Thika Police Station confirms that the biological parents of the child were not traced nor did anyone come forward to claim the child.

4. The child was declared free for adoption on 27th August, 2014 by the Kenyans to Kenyans Peace Initiative Adoption Society vide certificate No.*[particulars withheld]*. He was released into the custody

of the Applicants for mandatory foster care pending adoption in 4th November 2014. Since then he has been in the continuous custody and care of the Applicants. Prior to the hearing of the adoption application, Kenyans to Kenyans Peace Initiative, Adoption Society prepared and filed a report in court.

5. The Adoption Society, guardian ad litem and the Director of Children's Services have all made home visits and established that the Applicants are financially and emotionally capable of providing for the up keep and education of the child. The Director of Children's Services filed a report dated 5th March 2015 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants, as opposed to living all his life in an institution. The guardian ad litem, M/s. M N G also filed a report that was favourable and recommended the adoption of the child by the Applicants.

6. This proposed adoption was approved by the ANPAS (Associazione Nazionale Pubbliche Assistenze), Inter-country Adoption Commission, Presidency of the Council of Ministers (the Italian Central Authority on Adoption). According to the letter from the said Authority which is annexed to the Originating Summons stated that the child will be issued with an entry visa after the Inter-country Adoption Commission grants the entry and Permanent Residency Permit on request from the Database of ANPAS.

7. The proposed adoption also received local approval from the KKPI Adoption Society and from the Adoption Committee sitting on 20th May, 2014 vide approval certificate No. *[particulars withheld]*.

8. From the foregoing I am satisfied that all the legal requirements for an international adoption have been met, and consequently I make the following orders:

- a. That the Applicants, A N and E O, are hereby allowed to adopt the child, Baby L A, who shall be hereinafter known as L N;
- b. His date of birth shall be presumed to be 10th April, 2012. He is presumed to have been born in Kenya and the place of birth shall be Thika.
- c. That Annunziata Di Riccio (female Applicant's mother) is hereby appointed the legal guardian of the child should the Applicants die or become permanently incapacitated before the child attains the age of majority.
- d. That the Registrar-General is directed to enter this adoption order in the Adoption Register;
- e. That the Director of Immigration is hereby authorised to issue the child with a Kenyan passport.

The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED and **DELIVERED** in open court this **17th day of April 2015**.

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L. A. ACHODE

JUDGE