



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 2 OF 2014 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY P H
JUDGEMENT

1. The applicants, F V and S G D B, are a married couple from Italy, but resident in the Netherlands. They have filed the Originating Summons dated 8th January 2014 seeking the court's permission to adopt the Kenyan female child known for the purpose of these proceedings as Baby P H[*minor*].
2. Baby P H [*minor*], the subject of these adoption proceedings, was found abandoned at Jamia Mosque, Nakuru on 24th July 2012. A report of the abandonment was made at the Nakuru Central Police Station. The parents of the child were not traced by the police and eventually the child was committed to the Hope Baby Centre Home, from where she was placed with the applicants on 7th October, 2011. It is presumed that she was born on 13th June 2011.
3. This adoption process is being arranged by the Little Angles Network, who freed the child for adoption on 21st August, 2013 and issued a certificate of even date to that effect.
4. To facilitate the adoption the applicants have been assessed by the guardian *ad litem*, M M, and by the Director of the Children's Services. These two have compiled and filed their reports in court dated 8th January, 2014 and 27th January 2014, respectively. There is also an international home study report done by the Ministry of Safety and Justice, Child Welfare Council, Noord-Holland Region, Haarlem Office, the Netherlands, dated 31st May 2012.
5. 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 she considers them to be her parents. I note that the applicants have no biological children of their own.
6. The proposed adoption has been permitted by the State Secretary of Security and Justice of Netherlands. The permit is dated 12th June 2012. There is confirmation by Foundation Africa, a Netherlands-based adoption agency, that the government of the Netherlands will recognise the

adoption decree pronounced by this court. The confirmation is contained in a document dated 1st November 2011. There is also confirmation from the Consulate General of the Italian Embassy at Amsterdam, the Netherlands, that the Italian government is aware of the proposed adoption and will recognise it so long as there is a valid court decree allowing the adoption. The Kenyan National Adoption Committee approved the proposed adoption on 13th June, 2013, and has issued a certificate dated 24th July 2013.

7. 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 will be required to execute an undertaking that they 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.
8. I am satisfied that all the legal requirements for an international adoption have been met, and I hereby make the following orders:-
 - a. That the applicants, F V and S G D B, are hereby allowed to adopt the child, Baby P H [*minor*], whose name shall hereafter be S H V [*minor*];
 - b. That as the child was found abandoned within Kenya it shall be presumed that she is Kenyan by birth, entitled to all the rights that accrue to Kenyan citizens by virtue of the provisions of the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act. The Principal Immigration Officer is hereby directed to issue the child with a Kenyan passport;
 - c. That I hereby appoint A M and A B as legal guardians of the child should anything untoward happen to the applicants;
 - d. That the Registrar-General is directed to enter this adoption order in the adoption register; and
 - e. The guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 11th DAY OF April, 2014.

W. MUSYOKA

JUDGE

In the presence of Mr. Mwenda for Mr.Ogotu advocate for the applicants.