



IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.88 OF 2014 (O.S.)

IN THE MATTER OF THE CHILDREN'S ACT

AND

IN THE MATTER OF BABY F.M AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

M C Z

JUDGMENT

1. The applicant M C Z is an Italian citizen who is a resident in Kenya and works with the United Nations Environmental Programme in Nairobi. She filed this originating summons seeking to adopt Baby F.M.
2. Baby F.M.'s estimated date of birth is 10th October 2011. She was on 15th January 2013 found abandoned in Eastleigh area in Nairobi. She was taken to Good Samaritan Children's Home by the members of public who rescued her. She was transferred to New Life Home Trust on 15th February 2013. Good Samaritan Children's Home made a report to Pangani Police Station on 5th March 2013. On 21st June 2013 the Children's Court in Nairobi committed the child into the care of New Life Home Trust for a period of three years. This was on the basis that it was in need of care and protection. She was on 5th December 2013 placed with the applicant for mandatory bonding period prior to adoption. The applicant has since been in continuous care and control of the child. The child has been unclaimed since.
3. The child was declared free for adoption on 4th December 2013 by Little Angels Network Adoption Society vide certificate No. *[particulars withheld]*.
4. The applicant has been assessed by Little Angels Network Adoption Society, the Director of Children Services and the guardian *ad litem*, M G. Each of these filed a favourable report recommending the adoption. The reports indicate that the applicant has the necessary financial and emotional capability and ability to take care of the child. The child herself appears to have bonded well with the applicant whom she considers to be her mother.
5. The Italian Embassy has confirmed that according to Italian law, a foreign minor who is adopted by Italian citizen automatically acquires Italian citizenship in all cases in which adoption is pronounced in Italy. The Embassy has confirmed in its letter dated 24th September 2012 that the adoption will be recognised in Italy and the child will be given citizenship.

6. In the opinion of the court, it would be in the best interests of the child that she is adopted by the applicant who will be able to provide it with a home and a family in which to grow as a useful member of society. Consequently, the applicant shall assume all parental rights and duties of the biological mother for the child and treat it as if she was born to her. The applicant has 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 rights to inherit her property. The applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
7. Being satisfied that all the legal requirements for this adoption have been met, I make the following orders:-
 - a. that M C Z is hereby allowed to adopt the child Baby F.M., who shall from now be known as F S Z;
 - b. that the child, having been found abandoned in Eastleigh in Nairobi, shall be presumed a Kenyan citizen and shall be issued with a passport in accordance with the Citizen and Immigration Act;
 - c. that E Z and M T are hereby appointed legal guardians of the child in the event that the applicant is dead or incapacitated;
 - d. that the Registrar General shall enter this adoption in the Adoptions Register; and
 - e. that the guardian *ad litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 18th July 2014

A.O. MUCHELULE

JUDGE