



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**ADOPTION CAUSE NO. 116 OF 2014 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY G N alias M N**

**JUDGEMENT**

1. The applicants, F P and E L, are a married couple from Italy. They have brought an Originating Summons dated 29<sup>th</sup> April 2014 seeking leave to adopt a Kenyan child called Baby G N N alias M N.
2. Baby G N N alias M N, the subject of these adoption proceedings, was born at the Nyeri Provincial Hospital on 5<sup>th</sup> November 2011 and was abandoned by his mother the same day at the hospital. The matter was reported at the Nyeri Police Station on 7<sup>th</sup> November 2011. The subject child was admitted at the Nest Children's Home for care and protection, and later transferred to the Hope House Babies Centre, where he was later committed by the local Children's Court. It is from the institution that he was placed with the applicants on 28<sup>th</sup> January 2014 for adoption purposes. His parents have not been traced to date.
3. There is sufficient documentation which supports this background, prepared by and filed in court on 5<sup>th</sup> May 2014 by the Kenya Children's Homes adoption society and contained in a report dated 3<sup>rd</sup> October 2013. The Kenya Children's Homes freed the child for adoption purposes and there is a certificate to that effect filed in court dated 3<sup>rd</sup> October 2013.
4. To facilitate the adoption the applicant has been assessed by the Kenya Children's Homes, the guardian *ad litem*, L K, and the Director of Children's Services, who have compiled and filed their reports in court. The report of the Director of Children's Services is dated 24<sup>th</sup> June 2014, while that of the guardian *ad litem* is undated. The report by the Kenya Children's Homes is dated 2<sup>nd</sup> May 2014. There is also a psycho-social report by the Local Health Authority of Collegno and Pinerolo, dated 9<sup>th</sup> September 2010. All these reports are favourable and recommend the proposed adoption.

5. The applicants have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child also appears to have bonded well with the applicants and considers them to be his parents.
6. This proposed adoption has been approved by the Children's Court of Piedmont and Valle D'Aosta in accordance with the Italian law. The court issued a decree to international adoption dated 19<sup>th</sup> January 2011. The proposed adoption also received the approval of the National Adoption Committee of Kenya on 9<sup>th</sup> July 2013, confirmed by a certificate dated 18<sup>th</sup> September 2013.
7. I have also seen the confirmation from the Amici dei Bambini, an Italian based foreign adoption society, dated 5<sup>th</sup> March 2012, to the effect that a Kenyan adoption order would be received and recognised in Italy and a child so adopted will gain resident status. The Amici dei Bambini has also given the assurance that it would ensure that the child will be protected in the event that something happened to the adoptive parents.
8. 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.
9. I am satisfied that all the legal requirements for an international adoption have been met. The applicants, F P and E L, are hereby allowed to adopt the child, Baby G N N alias M N, who shall be hereafter known as M P. T P and B B are hereby appointed the legal guardians of the child in the event of misfortune befalling the applicants. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.
10. The child is hereby declared to be Kenyan by birth having been born to a known Kenyan mother who abandoned her in a hospital, and therefore she is entitled to all the rights that accrue to Kenyan citizens under the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act.

**DATED, SIGNED and DELIVERED at NAIROBI this 14<sup>th</sup> DAY OF August, 2014.**

**W. MUSYOKA**

**JUDGE**

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