



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 226 OF 2014 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY S

JUDGEMENT

1. The applicants, Z A and G S, are a married couple from Italy. They have brought an Originating Summons dated 2nd October 2014 seeking leave to adopt a Kenyan child called Baby S.
2. Baby S, the subject of these adoption proceedings, was abandoned by his birth mother with a causal acquaintance of hers on 12th September 2013. The matter was reported at the Kilimani Police Station on 19th September 2013. The subject child was admitted at the Thomas Barnados House for care and protection, where he was later committed by the Nairobi Children's Court. It is from the institution that he was placed with the applicants on 1st July 2014 for adoption purposes. His parents have not been traced to date. It is estimated that he was born on 20th December 2011.
3. There is sufficient documentation which supports this background, prepared by and filed in court on 8th October 2014 by the Kenya Children's Homes adoption society and contained in a report dated 8th October 2014. The Kenya Children's Homes freed the child for adoption purposes and there is a certificate to that effect filed in court dated 21st May 2014.
4. To facilitate the adoption the applicant has been assessed by the Kenya Children's Homes, the guardian *ad litem*, P O, 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 5th November 2014, while that of the guardian *ad litem* is dated 17th November 2014. The report by the Kenya Children's Homes is dated 8th October 2014. There is also a psycho-social report by the psycho-social team of the Amici dei Bambini, dated 4th April 2013. 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 Palermo in accordance with the Italian law. The court issued a decree to international adoption dated 4th February 2013. The proposed adoption also received the approval of the National Adoption Committee of Kenya on 25th September 2013, confirmed by a certificate dated 29th April 2014.
7. I have also seen the confirmation from the Amici dei Bambini, an Italian based foreign adoption society, dated 8th April 2013, 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, Z A and G S, are hereby allowed to adopt the child, Baby S, who shall be hereafter known as S Z. V G and I C 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 him, and therefore he 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 19th DAY OF December 2014.

W. MUSYOKA

JUDGE

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