

REPUBLIC OF KENYA

HIGH COURT AT NAIROBI (NAIROBI LAW COURTS)

ADOPTION CAUSE 9 OF 2013

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY H.M (MINOR)

JUDGEMENT

The applicants, C.P and A.P, are a married couple from Italy. They have brought an Originating Summons dated 24th January 2013 seeking leave to adopt Baby H.M.

Baby H.M, the subject of these adoption proceedings, was abandoned with a Good Samaritan by a woman who claimed to her mother. The matter was reported at the Kabete Police Station, who in turn referred the matter to the local children's officer, who in turn placed the child for care and custody with the Nest Children's Home. He was later committed by the local children's court to the said institution for care and protection, and from where he was placed with the applicants on 23rd October 2012 for adoption purposes. There is sufficient documentation which supports this background, prepared by and filed in court on 11th April 2013 by the KKPI adoption society and contained in a report dated 29th January 2013. The KKPI adoption society has freed the child for adoption and there is a certificate filed in court dated 22nd October 2012.

To facilitate the adoption the applicant has been assessed by the guardian *ad litem*, C.A.M, and the Director of Children's Services, who have compiled their reports both dated 29th April 2013, have filed them in court. There is also a social enquiry conducted by the National Public Welfare Services Association, Prefecture of Florence, dated 16th January 2012. 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 considers them to be her parents.

This proposed adoption has been approved by the Children's Court in Taranto in accordance with the Italian law. The suitability decree to international adoption is dated 6th October 2011. I have also seen the confirmation from the Associazione Nazionale Pubbliche Assistenze, an Italian based foreign adoption society, dated 13th March 2012 that a Kenyan adoption order would be received and recognised by the Italy and a child so adopted will gain resident status. The Associazione Nazionale Pubbliche Assistenze 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. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, which has issued a certificate dated 15th August 2012.

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.

I am satisfied that all the legal requirements have been met. The court allows the applicants' application to adopt the child. The applicants, C.P and A.P, are hereby allowed to adopt the child, Baby H.M, who shall be hereafter known as H.M. E.P is hereby appointed the legal guardian of the child should misfortune befall the applicants. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 17th DAY OF May, 2013.

W. MUSYOKA

JUDGE