



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Adoption Case 127 & 128 of 2005

A S & VA.....APPLICANTS

Versus

G.....MINOR

CONSOLIDATED WITH
ADOPTION CAUSE NO. 128 OF 2005

A S & V A.....APPLICANTS

Versus

A.....MINOR

CONSOLIDATED JUDGMENT

The Applicants in the Adoption Causes Nos. 127 of 2005 and 128 of 2005 are the same. During the hearing of the final orders of Adoption the two Causes were consolidated.

The Applicants are married to each other and they have been so married since October 1992. Both Applicants are Christians by Faith. They are gainfully employed, the 1st Applicant is a Researcher at Sassari University in Italy and the 2nd Applicant works as an Ophthalmologist. They have the financial and social stability to provide and bring up the two minor children.

The Applicants' suitability as Adoptive Parents was undertaken by the Juvenile Court of Sassari in Italy and they were declared by the decision of the said Court that was issued on October 2001 as suitable to adopt one or two children of less than 5 years.

Both Applicants are Italian Nationals and they have one biological child of their own, a girl child born on 1st April 1999. However, due to biological problems they could not get more children and they desired to bring up a large family and thus adoption was the only option for attaining their desired dream of sharing their family and happiness with other children who are less fortunate.

Both children were abandoned immediately after birth. The first child baby G, a boy child born on 19th

March 2003 was abandoned at the Kakamega District Hospital's Out Patient Department on 1st March 2004. The baby stayed in the Ward for sometime while undergoing treatment until the 12th April 2005 when he was committed by the Bungoma Children's Court to the Kanduyi Children Home vide the Committal Order Number 3of 2005. The Minor was committed to the Applicants for fostering on 28/4/05.

Baby A was abandoned at Prestige Medical Care Centre by her mother who absconded from the hospital after birth. The matter was reported to the Central Police Station on 31/6/04 and the child was placed for care and protection at the Hope Home where she remained until 28/4/05 when she was placed under the Foster care of the Applicants.

Both Children have bonded very well with the Applicants and their daughter.

The Applicants have had the continuous care and custody of the two children from 28th April 2005 to date.

The Applicants have been subjected to a further evaluation by the office of the Director of Children's Services. The reports that were filed herein are favourable and recommend the proposed adoption as it will promote the best interest of the minor children. The Applicants are said to have given the matter considerable thought and they fully understand the consequences of an order of adoption. They have the financial ability to provide for the two children. They are enthusiastic to share their life, love and resources with the less fortunate. They are ready to continuously support the children not only materially but morally and socially and to address all the challenges the children may encounter in the course of their growth especially based on their race and culture.

The report by the Guardian Ad Litem is similarly favourable and recommends the Applicants as suitable parents.

I have also considered the report filed by the Child Welfare Society who carried out extensive investigations on the whereabouts of the parents of the minors.

According to the reports filed that are supported by police reports, since the children were abandoned, the whereabouts of their respective parents has remained unknown and no one has turned up to claim them and thus they were declared free for adoption under Section 156 (1) of the Children Act 2001. Similarly, the consent of their natural parents could not be obtained.

I have given very careful consideration to these applications, the supporting documents as well as all the reports by the Juvenile Court of Sassari, the report by the Director of Children's Services, the report by the Guardian Ad Litem and the declaration by the Child Welfare Society.

I am satisfied that the Applicants have fulfilled all the conditions set out under the Children's Act 2001 especially Part XII on International Adoption.

I am also satisfied that the orders sought will promote the best interest of the two minors who stand to gain parental care and a home.

Accordingly, I hereby allow the adoption as sought and the Applicants are hereby authorized to adopt Baby G who shall henceforth be known as **G A G** and Baby A who shall henceforth be known as **A A**.

The Applicants shall be under the post placement care and supervision of the two children by the Social Services Department of the City of Alghero Province of Sassari for a period of one (1) year and the Children's report be filed after six months with the Director of Children's Services, the Adoption Committee for the said period.

It is so ordered.

Judgment read and signed on 9th December 2005.

MARTH KOOME

JUDGE