



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 203 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY BLESSING alias STELLA

JUDGEMENT

1. The applicants, Bruno Aspesani and Chiara Agnese Ranchi, are a married couple from Italy. They have brought an Originating Summons dated 10th September 2013 seeking leave to adopt Baby Blessing alias Stella.
2. Baby Blessing alias Stella, the subject of these adoption proceedings, was found abandoned in a coffee plantation in Kiambu County on 27th May 2012. A report of the matter was made at the Kiambu Police Station the same day. The child was thereafter admitted at the Kiambu Hospital till 1st August 2012. She was transferred to the Happy Life Children's Home for care and protection where he was later committed by the children's court. She was placed with the applicants on 9th June 2013 for adoption purposes.
3. There is sufficient documentation which supports this background, prepared by and filed in court on 26th September 2013 by the KKPI Adoption Society and contained in a report dated 10 September 2013.
4. The KKPI Adoption Society has freed the child for adoption purposes and there is an undated declaration to that effect filed in court on 26th September 2013.
5. To facilitate the adoption the applicant has been assessed by the guardian *ad litem*, Caroline Matsalia, and the Director of Children's Services, who have compiled their reports dated 18th November 2013 and 18th November 2013, respectively, and have filed them in court. There is also a psycho-social report by the District Area of Saronno dated 13th April 2007. All these reports are favourable and recommend the proposed adoption.

6. 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 his parents.
7. This proposed adoption has been approved by the Children's Court in Milan in accordance with the Italian law. The court issued a decree dated 18th December 2007. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, which has issued a certificate dated 20th March 2013.
8. I have also seen the confirmation from the Associazione Nazionale Pubbliche Assistenze, an Italian based foreign adoption society, dated 23rd May 2012 that a Kenyan adoption order would be received and recognised in 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.
9. 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.
10. I am satisfied that all the legal requirements for an international adoption have been met. The applicants, Bruno Aspesani and Chiara Agnese Ranchi, are hereby allowed to adopt the child, Baby Blessing alias Stella, who shall be hereafter known as Stella Aspesani. Galazzi Antonella is hereby appointed the legal guardian 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.
11. The child was found abandoned at Kiambu within Kenya, she shall therefore be presumed to be Kenyan by birth. She shall be entitled to all the rights that Kenyan citizens enjoy under the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act.

DATED, SIGNED and DELIVERED at NAIROBI this 19th DAY OF December, 2013.

W. M. MUSYOKA

JUDGE