



IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF B.N – CHILD

P.C.....1ST APPLICANT
A.T.....2ND APPLICANT

J U D G M E N T

1. The Applicants herein by an originating summons dated 8th June 2010, seek orders under Sections 154, 156(1), 157(1), 158(1)(a) and 4(a), 159(4), (6), (7) and 8(a), 160(1), (2) and (4), 162, 163, 164(1) and 170 of the Children’s Act, No.8 of 2001 as well as Section 24 of the Interpretation and General Provisions Act, Cap.2, Laws of Kenya that one, A.N, be appointed Guardian ad litem and that the Director – Children’s Services Department, should file a report on the Applicants’ fitness to adopt the child before any adoption order can be made.
2. I note that a Guardian ad litem was indeed appointed on 18th March 2011 by Maraga J. and the report by the Director of the Children’s Department in the Ministry of Gender, Children and Social Development was filed on 24th May 2011. I am now required, upon hearing the Advocate for the Applicants to determine whether they should be granted orders to adopt the child, subject of these proceedings.
3. I have had occasion to read the following documents;
 - (i) An Affidavit sworn on 8th March 2011 by the 1st Applicant.
 - (ii) A Statement of Facts dated 8th March 2011 by the Applicants, jointly.
4. A summary of the contents of both documents is that the 1st Applicant was born on 19th September 1971 and the 2nd Applicant was born on 28th November 1974, both in Italy and both are Italian Nationals.
5. Further, that the child was born on 19th January 2009 to unknown parents as he was found abandoned at Utalii Drift, on Thika Road and was later taken to Saint Barnado House for care and protection.
6. Apart from the two documents cited above, I have also read A Decree of Suitability for International Adoption issued by the Children’s Court of Rome and the Applicants are said to be fit adoptive parents. The Kenya National Adoption Committee has also deliberated on their application for adoption of a Kenyan child and by a Certificate dated 19th October 2010, the necessary approval was granted.
7. The Kenya Children’s Homes by a report dated 9th March 2011 has also declared that the child is free for adoption pursuant to Section 156(1) of the Children’s Act.
8. Having heard Miss Kimenyi for the Applicants, and having reviewed all matters on record, I find that;
 - (i) The applicants have received the relevant approvals from the relevant authorities in Italy to undertake the adoption.
 - (ii) The child in this case is under the age of eighteen (18) years and is subject to Kenya’s Adoption Laws and Procedures.
 - (iii) The child’s best interests would be served if the Applicants, who have shown financial stability are allowed to take him into their care, custody and protection.
9. Further, Section 162 of the Children’s Act clothes the court with discretion to make an international adoption order if it is satisfied that the conditions set out therein have been met and I have said the Applicants herein have done so.
10. In the event, I will order as follows;

- (i) The Applicants, P.C and A.T are authorized by this court to adopt the child now known as B.N and he shall henceforth be known as B.P.
- (ii) The Registrar General is hereby directed to enter this order in the Adoption Register.
- (iii) The Guardian ad Litem is hereby discharged of any responsibilities over the child.
- (iv) I shall make no order as to costs.
11. Orders accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 24th DAY OF JUNE, 2011

I. LENAOLA

JUDGE

CORAM:

I. LENAOLA – JUDGE

David – Court Clerk

Miss Kimenyi for Applicants

ORDER

Judgment duly delivered.

I. LENAOLA

JUDGE