



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

Adoption Cause 165 of 2009

IN THE MATTER OF THE CHILDRENS ACT NO. 8 OF 2001)

AND

IN THE MATTER OF BABY J.H

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY

C.P AND A.P

J U D G M E N T

Before me is an Originating Summons dated 18th November, 2009 filed by M/s Muriungi & Company advocates for the applicants named as **P.C** and **E.P**. It is an application filed under section 154, 156, 158 (1) (a), (4) (e), 159(1), (7), 160, 163(1), 164 and 170 of the Children Act 2001. It is an application for the adoption of **BABY J.H**.

The application was filed with a **STATEMENT IN SUPPORT OF APPLICATION FOR ADOPTION ORDER**. Several documents relating to the applicants and the child were filed with the application.

The applicants are a married couple, and are Italian nationals. They were approved by the National Adoption Committee in Kenya on 18th March, 2009, since this is an international adoption.

The child is an abandoned child who was found at Vihiga District Hospital in February, 2008. Efforts to trace the biological parents have not been successful. The police in Mbale have confirmed in writing that the child has not been claimed. The child was declared free for adoption.

On the 27th November, 2009, the court appointed a guardian ad litem **B.W.O**. The guardian ad litem filed her report on 15th January, 2010, while the Director of Children Services filed his report on 15th December, 2009.

On the hearing date, counsel for the applicants Mr. Mwenda addressed me. The guardian ad litem also addressed the court. The representative of the Director of Children Services Ms. Viola Yugo also addressed me, as well as Ms. Aveline Karuku from Little Angels Network, the adoption society.

I have considered the application, documents filed, the reports filed, as well as the submissions made before me. All reports filed recommend that the court do grant the adoption order. On my part, having considered all the facts and evidence placed before me, I am of the view that the proposed adoption is in the best interests of the child. I find that the applicants are fit and capable of bringing up the child. They have met the legal and social requirements for the adoption. The adoption is in the best interests of the child as it will give this otherwise abandoned child an opportunity to grow up in a family with love, care and guidance. I will therefore allow the application.

Consequently, and for the above reasons, I order as follows-

1. The applicants P.C and A.P be and are hereby authorized to adopt baby J.H an infant and the said infant will on this adoption be known as J.H.C.

2. E.P of Crispiano 10. Via Taranto is appointed guardian of the child in the event the adopters die or become permanently incapacitated before the child attains full age.

3. The consent of the biological parents of the child is hereby dispensed with.

4. I direct the Registrar General to make the appropriate entries of this adoption in the adopted children register.

It is so ordered.

Dated and delivered at Nairobi this 19th day of February, 2010.

George Dulu

Judge.

- **In the presence of**

- Mr. Mwenda for the applicants

David Mutisya court clerk