



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 121 OF 2014

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF

J.W.....THE CHILD

AND

M R.....1ST APPLICANT

M C M.....2ND APPLICANT

JUDGMENT

1. The applicants M R and M C M are Italian nationals. They are a married couple who seek to adopt Baby J.W. alias N. Their originating summons is dated 5th May 2014 and was brought under the **Children Act, 2001**.
2. The child was presumably born on 3rd February 2012. She was found abandoned by the mother in a guest room in a lodging in Maili Sita location on 3rd April 2012. The matter was reported at Bahati Police Station. The child was placed at Kadesh Ber Nea Children's Home in Nakuru through the Children's Department vide the Nakuru Children's Court on 18th April 2012. The child has not been claimed and police investigations have not revealed its parents.
3. The child was freed for adoption by the Kenya Children's Homes Adoption Society and a freeing certificate No. **[Particulars withheld]** pursuant to **section 156(1)** of the **Act**.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Home Adoption Society, the Director of Children Services and the guardian *ad litem* A N, each of whom has filed a report. The reports are favourable and recommend the proposed adoption. The applicants are shown to have the financial and emotional capability and capacity to take care of the child.
5. The applicants received the child for mandatory placement period prior to adoption from the

Home vide foster care requirement form dated 2nd February 2014. They have had continuous care and control of the child since then. The child is reported to be healthy and well taken care of and has bonded well with the family which has an adopted boy child from Kenya. This boy was adopted on 18th November 2011 and has since received an Italian passport.

6. The Court is of the opinion that it would be in the best interests of the child that he is adopted by the applicants, who shall be able to provide a home and a family in which it can grow and develop. The applicants shall assume all the rights and duties of the biological parents of the child; and they shall treat the child as if it was born of them. The applicants have been made aware that once the adoption order is issued 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.

7. I am satisfied that the requirements for the international adoption under **section 162** of the **Children Act** have been met, and therefore I make the following orders:-

- (a) that the applicants M R and M C M are hereby allowed to adopt Baby J.W. alias N, who shall hereinafter be known as J R;
- (b) that the child shall be presumed Kenyan by birth as she was found abandoned in Nakuru within Kenya;
- (c) that the consent of the biological parents of the child is dispensed with;
- (d) that A D G and A M C of Italy are appointed legal guardians of the child in the event the adopters die or become permanently incapacitated before the child attains full age;
- (e) that the Principal Immigration Officer is directed to issue the passport to the child when required to do so;
- (f) that the Registrar General shall make the appropriate entries into the Adopted Children's Register; and
- (g) that the guardian ad litem is hereby discharged.

DATED and DELIVERED at NAIROBI this 11th July 2014.

A.O. MUCHELULE

JUDGE