



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Adoption Cause 45 of 2013**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY D alias B**

**JUDGEMENT**

The applicants, M.B and C.M, are a married couple from Italy. They have brought an Originating Summons dated 1<sup>st</sup> March 2013 seeking leave to adopt Baby D alias B.

Baby D alias B, the subject of these adoption proceedings, is an abandoned child. He was presumably born on 1<sup>st</sup> February 2011. His parents are unknown. He was found abandoned near a bus stage in Eldoret. He was at the age of about ten months. A report was made at the Eldoret Police Station. He was initially examined medically at the Moi Referral Hospital, Eldoret, before being admitted to the Thomas Barnados Home, where the child was eventually committed by the Children's Court, and from where he was placed with the applicants on 29<sup>th</sup> November 2012 for adoption purposes. There is sufficient documentation which supports this background, prepared by and filed in court on 7<sup>th</sup> March 2013 by the Kenya Children's Home adoption society and contained in a report dated 6<sup>th</sup> March 2013. He was freed for adoption by Kenya Children's Home and there is a certificate filed in court dated 10<sup>th</sup> July 2012.

To facilitate the adoption the applicant has been assessed by the guardian *ad litem*, L.K and the Director of Children's Services, who have compiled and filed their reports in court dated 2<sup>nd</sup> April 2013 and 22<sup>nd</sup> April 2013, respectively. There is also an international adoption home study reports by various persons and agencies in Italy. All these reports are favourable and recommend the proposed adoption. 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.

This proposed adoption has been approved by the Children's Court of Naples in accordance with the Italian. The suitability decree to international adoption is dated 25<sup>th</sup> May 2011. the Amici del Bambini has confirmed through a letter dated 22<sup>nd</sup> February 2012 that a Kenyan adoption order would be received and recognised by the Italy and a child so adopted will gain resident status. Amici del Bambini 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. The proposed adoption has also received local approval through the National Adoption Committee of Kenya, which has issued a certificate dated 19<sup>th</sup> September 2012.

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.

I am satisfied that all the legal requirements have been met. The court allows the applicants' application to adopt the child. The applicants, M.B and C.M, are hereby allowed to adopt the child, Baby D alias B, who shall be hereafter known as B.C.R.B. A.d.M and M.M are hereby appointed the legal guardians of the child should misfortune befall the applicants. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

**DATED, SIGNED and DELIVERED at NAIROBI this 10th DAY OF May, 2013.**

**W. M. MUSYOKA**

**JUDGE**