



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KIAMBU**

**ADOPTION CASE NO 24 OF 2017**

**IN THE MATTER OF ADOPTION OF L. A. aka L. A. MINOR**

**BY**

**D.H.M.....1<sup>ST</sup> APPLICANT**

**A.W.H.....2<sup>ND</sup> APPLICANT**

**J U D G M E N T**

1. The Applicants herein are **DHM.** (aged 57 years) and **AWH.** (aged 54 years). They have been married since 1988 and are Kenyan nationals. They have four adult children, three sons and a daughter. The applicants wish to adopt **LA** aka **LA**, a female minor currently aged about 15 years. The Applicants profess the Christian faith and are gainfully employed as pastor and lecturer, respectively. Their gross income is about KShs.380,000/= per month and they own several parcels of land. They reside at [particulars withheld] estate, Muthaiga North.

2. According to the material on record, the Subject herein was born in 2004. The Subject was found abandoned on 11<sup>th</sup> June 2004 at the age of 3 months within a Kangemi area. Her alleged father **JMJ.** failed to respond to summonses by the area chief, Kangemi and eventually she was admitted into Happy Life Children's Home in January 2005. The matter was reported to Kasarani Police Station vide OB No. 26 of 2<sup>nd</sup> September, 2014.

3. In March 2006 the subject was committed to the Happy Life Childrens Home in **Protection and Care Case No. 42 of 2006** at Milimani Children's Court, Nairobi. Neither the alleged father nor the subject's mother came forward to claim her. The Subject was declared free for adoption on 14<sup>th</sup> November 2006 vide certificate **No.[XXX]** issued by **Buckner Kenya Adoption Services.** After 11 years at the children's home, the Subject was placed in the care of the Applicants under a foster care agreement dated 21<sup>st</sup> November, 2016. Since then, she has remained under the care of the Applicants.

4. Reports were filed by the adoption society and by the children officer and the Guardian *ad litem*. These reports confirm the Applicants' emotional and financial capacity to care for and to provide for the upkeep and education of the Subject. The adoption is recommended in all the reports especially because the Subject has bonded well with her new family and the fact that the Applicants are in a stable relationship.

5. According to the guardian *ad litem*, the Subject has developed a good relationship with her prospective siblings, majority of whom no longer live with the Applicants, being adults. On record are duly signed consents by the Applicants' children. The children officer's report indicates that the family members interviewed were in support of the adoption. The motivation for the adoption is altruistic; the Applicants have a love for under privileged children and in this case, desire to give the Subject a home and family.

6. The court is obligated in considering the adoption application to uphold the best interests of the child (see Article 53(2) of the Constitution and Section 4(3) of the children Act. The Applicants herein in my view fulfil the requirements for a local adoption under the Children Act,

having proved their capacity prior to adoption, to care for and show love to the Subject. The Applicants are financially secure, socially integrated and are in a strong marital relationship.

7. The court is satisfied that it is in the best interest of the Subject to grant the adoption order sought in this matter. Prayers 1 - 6 of the originating summons filed on 20<sup>th</sup> December 2017 are allowed.

**DELIVERED AND SIGNED AT KIAMBU THIS 23<sup>RD</sup> DAY OF MAY 2019**

**C. MEOLI**

**JUDGE**

**In the presence of:**

Mr. Muriuki holding brief for Miss Kimenyi for Applicant

Court Assistant - Kevin