

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

IN THE MATTER OF THE ADOPTION OF A.H.CCHILD

ADOPTION NO. 4 OF 2013

A.H.C CHILD

AND

N.P.C 1ST APPLICANT

D.N.C 2ND APPLICANT

R U L I N G

The applicants herein are seeking an adoption order in relation to one **A.H.C.** The applicants are a couple and the person to be adopted in their relative. The child is above 18 years old but still in school. The applicants are Kenyans and reside in Kenya but the child to be adopted originally resided in India. The applicants have annexed an adoption agreement lawfully executed in India between the applicants and the child's parents. The child himself has signed a consent allowing the adoption to be made. Counsel for the applicants relied on the provisions of **sections 28, 157 and 158** of the Children Act No. 8 of 2001.

The child to be adopted is above 18 years and this is outside the definition of a child under **section 2** of the said Act. However it is clear that the child is still in school and needs support from the applicants. **Section 28** of the Act indicates that the court can extend parental responsibility if it is satisfied that even after the child's 18th birthday the child still needs parental support. The child seems not to know any other person in Kenya other than the applicants. The child still needs the applicants' support in the sense that they have to pay his school fees and provide for his upkeep. **Section 157** of the Act allows adoption orders to be made with or not the child is a Kenyan citizen or was or was not born in Kenya. I do find that in the circumstances of this application it will be the interest of the justice that an adoption order be made so that the interest of the child can be taken care of. The application dated 20.4.2013 is hereby granted. An adoption order shall issue in favour of the applicants.

DATED AT KAKAMEGA THIS 28TH DAY OF JUNE 2013

SAID J. CHITEMBWE

J U D G E