



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO 59 OF 2004**

**IN THE MATTER OF THE CHILDREN ACT (NO 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY JODIE EFFIE SUBIRA – INFANT**

**JUDGEMENT**

On 15th April 2004 Ryan Lee Sensenig and Donna Shenk Sensenig(hereinafter called “the Applicants”) filed an application in this court by way of Originating Summons seeking inter-alia for orders to adopt an infant child known as Jodie Effie Subira(hereinafter called “the Infant”).

On 23rd April 2004 Susan Achieng was duly appointed as guardian ad litem of the said Infant. When the said application for adoption came for hearing on 25th June and 16th July 2004 the said guardian ad litem together with Alphaxard Chabari an Adoption Officer with Child Welfare Society of Kenya and J.N. Ndungu(Mrs) a Chief Children’s Officer with the Children’s Department duly presented their respective reports on both the Applicants and the Infant.

The said Infant comes to this court having been born on 2nd July 2003 out of a prohibited relationship within the Luyah Community. The parents [www.kenyalawreports.or.ke](http://www.kenyalawreports.or.ke) of the Infant, who were also minors at the time of birth, happen to be members of the same clan, a taboo within the Luyha Community. Immediately after birth the grandparents of the said Infant formally consented to the adoption of the said Infant through the offices of the Assistant Chief, Bugina Sub-Location Vihiga District, and District Children’s Officer Vihiga District. The said Infant was on 11th July 2003 admitted at the New Life Home Trust Kisumu on the authority of the said District Children’s Officer and subsequently on 12th July 2003 transferred to the New Life Home Nairobi for medical treatment and commencement of fostering and adoption proceedings.

The said Infant was on 1st November 2003 fostered by the Applicants and has since remained in their good care and attention.

The Applicants are man and wife and are both citizens of United States of America, but resident in Kenya. According to the reports filed, the said Applicants are fit and proper persons capable of adopting and providing due parental care and attention to the said Infant. The said Applicants are by reason of medical complications unable to have their own biological children, and hence the desire to adopt. They have, according to the said filed reports bonded well with the Infant. In accordance with the said reports, the Applicants have duly complied with the applicable provisions of the Children Act (Act No 8 of 2001). The said Infant also duly qualifies for adoption having been assessed and declared free for adoption by the Child Welfare Society of Kenya, a registered adoption society as provided under the said Act. The said registered adoption society has duly affirmed the authenticity of the consents to adoption that were granted as aforesaid.

I have duly considered all the aforesaid reports together with the pleadings filed herein. I am convinced that the adoption sought by the Applicants shall be in the best interests of the said Infant. In pursuance of the said application and the necessary statutory consent on record as provided under section 158(4) (b) of the aforesaid Act, I accordingly order that the said Infant be and is hereby adopted by the said Applicants. I further order that the said Infant be renamed Mara Akeyla Sensenig henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

**DATED DELIVERED AND SIGNED AT NAIROBI this 30th day of July, 2004.**

**P. J. KAMAU**

**AG. JUDGE**