



**In re Baby LH (Child) (Adoption Cause E019 of 2024)
[2025] KEHC 2097 (KLR) (5 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 2097 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
ADOPTION CAUSE E019 OF 2024
MW MUIGAI, J
FEBRUARY 5, 2025
IN THE MATTER OF CHILDREN ACT 2022
AND
IN THE MATTER OF BABY LH (CHILD)**

IN THE MATTER OF

**SOO 1ST APPLICANT
ABM 2ND APPLICANT**

JUDGMENT

1. The Applicants herein, SOO– ID. Number 1018XXXX and ABM- ID. Number 549XXXXXX(“the Applicants”) sought by their application to be allowed by this Court to adopt LH (Child) (hereafter “the child”).
2. Vide Originating Summons application dated 1/8/2024, the Applicants sought among other orders; that SOO and ABM be allowed to adopt the child identified as LH and be namedLHO and particulars be entered in the adopted children’s Register accordingly. The date and place of birth to be 15th May 2012 in Tausa, Taita- Taveta County.That the Registrar General shall make in the adopted children’s Register an entry recording the adoption in accordance with the particulars set out in the schedule attached hereto.
3. The Exparte Application sought MS GWK to be appointed as the Guardian Ad Litem in this case; that the Director of Children’s Department to investigate the case and file a Report. MS GWK ID NO 1321XXXX was appointed as the Guardian Ad Litem on 25/09/2024.
4. The minor herein (L) the subject of the present adoption proceedings is estimated to have been born on 15th May 2012. He was born to the late MJ who unfortunately passed on, on 22nd March 2015.



5. The Applicants are the child's cousins as the late MJ was 2nd Applicant's Aunt and single parent to the child, L.
6. The following documents were from the Applicants Minor LH and Applicants
 1. Photograph of the Applicants and minor and 2 adopted children.
 2. Certificate of Marriage of Applicants No 330XXX
 3. Applicants letter dated 7/9/2023 for adoption of baby girl and Kinship adoption of Minor L
 4. Copies of Identity Card of 1st Applicant SOO ID 2207XXXX, 2nd Applicant ABM ID 2188XXXX
 5. Letter dated 4/11/2020 from Nairobi Chapel Syokimau
 6. Payslip of 2nd Applicant & Bank Statements of both Applicants
 7. Registration of 1st Applicant's Business
 8. Copy of Title Deed Mavoko Municipality Block 62/13
7. The Guardian Ad Litem, MS GWK who was appointed by this Court on 25/9/2024, filed the Statutory Report dated 18/11/2024 in which she visited the Applicants home in Lower Mungiki Road, Syokimau, Machakos County and found Applicants Minor L 12 years old and other children.
8. The Minor seemed to have adjusted well in the family and she observed interaction among the children and they shared a strong bond. The child was/is well taken care of and adjusted well to the new surroundings. The Guardian Ad Litem was of the opinion that the proposed adoption of the child by the Applicants would be in the best interest of the child was in favor of the adoption.
9. Buckner Kenya Adoption Society/Services prepared and filed in Court a favorable Report dated 18/11/2024 in respect of the proposed adoption of the child by the Applicants.
10. The Report contains the Applicants family background, education and occupation background. On 20/11/2024, Ms Mary Kamiri Programme Manager from the Agency appeared in Court in support of these Adoption proceedings.
11. The Report confirmed the Kinship adoption of the Minor L by Applicants, 2nd Applicant being maternal cousin, niece to his late mother MwanaHamisi Jiji Hamisi (died on 22/3/2025)
12. Buckner Kenya Adoption Society/Services filed Certificate of Death No 029XXXX of Minor's biological mother, MJ Hamisi and Birth Certificate of LH No 413XXXX. The minor was declared Free for Adoption vide Certificate Serial No 0729.
13. Relevant interview was conducting with an aim of assessing the suitability to adopt in accordance with Section 184 of the Children's Act 2022. The Applicants registered their marriage on 17/7/2028 vide Certificate of Marriage Serial No 330XXX.
14. The Applicants are residents of Lower Mungiki Road, Syokimau, Machakos County Nyeri. They reside a 4 bedroom furnished home with an office, carpentry and welding section and gardening. The Applicants have not been blessed with biological children.
15. The prospective adoptive father works as Sales Manager and now does Consultancy while the prospective Adoptive mother is Sales Manager. The Attached Financial Statements confirm reasonable combined income to comfortably sustain the family. The Applicants are socially stable, morally



- upright, they fellowship at Nairobi Chapel, Syokimau Branch and have attached clean Certificates of Good Conduct.
16. The Applicants motivation towards adoption is to be able to exercise their parental responsibility and grow their family. The Applicants have been taking care of the child since she was placed under their care and have proved to be capable and willing to take care of this child.
 17. The Applicants have no major health concern as per the medical Reports attached. The Applicants extended family are in support of these Adoption process. The Adoption Agency recommended the Adoption.
 18. The Applicants appointed AM ID 2816XXXX & MA ID 2990XXXX as Legal Guardian of the child in case of any eventuality. They both filed Affidavit of Consent.
 19. The Director of Children's Services filed their report dated 22/10/2024 in respect of the proposed adoption of the child by the Applicants. Ms Emily Kimanzi the Machakos Sub-County Children's Officer appeared in Court on 18/11/2024. She told the Court that the Applicants have been living with the Minor over the years since his mother's death and she was single parent and since then bonding has been done.
 20. Similarly, the Report indicated that the Applicants were married on 17/7/2018. According to the Applicants after getting married they conceived but they lost the pregnancy and this is the only time they got pregnant. The Applicants motivation to adopt is a desire to be parents and to own their own child to share their lives and resources with a needy child. The Applicants extended family accepted the minor as part of the family.
 21. The Applicants live in their own apartment building within Syokimau Town. The house is supplied with all the necessary amenities. The child has settled and bonded well. The Applicants have engaged in 2nd Adoption and the 3 children have bonded well.
 22. The Applicants reside on a piece of land they own and have a 4 bedroomed mansion. They own a flat at Makadara 2 vehicles and own another Plot.
 23. The Applicants decided to adopt Minor LH a so that they find fulfilment as parents. The Minor reintegrated well into the family. He is well adjusted and goes to school at St Bakhita School in Class 6. The Report was/is in favour of the adoption as it is in the best interest of the child and she will grow in a family as opposed to a Care Institution.
 24. All the Statutory Reports filed in respect of the proposed adoption of the child by the Applicants recommended that this Court allows the adoption of the child. This Court has evaluated the facts of this adoption. This is a local adoption. It is evident that the Applicants fulfilled all the legal requirements in relation to the adoption of the child.
 25. The home visits by the Guardian ad litem, the Adoption Society Representative and the Director of the Children's Services established that the Applicant is financially and socially stable and has emotional capability to provide for the upkeep and education of the child and give parental care.
 26. This Court observed the Applicants with the child in Court and it was evident that in the period that the Applicant have had the custody of the child, the child has bonded well. The child considers the Applicants to be his parents.

Disposition

1. On the basis of a careful examination of the documents presented before this Court as well as the observations made therein, being a kinship adoption, this Court has formed the opinion



that it would be in the best interest of the child to be adopted by the Applicant. Hence, this Court allows the Applicant's application.

2. The Applicants, SOO and ABM are hereby allowed to adopt Baby LH.
3. Henceforth, the child shall be known as LHO
4. The child's date of birth is 15/05/2012 and the place of birth shall be Tausa, Taita Taveta Kenya
5. The child is a Kenyan Citizen by birth and entitled to all rights of a Kenyan citizen.
6. AM ID 2816XXXX & MA ID 2990XXXX shall be the Legal Guardian of the child should such eventuality arise.
7. This Court directs the Registrar General to duly enter this order in the Adoption Register.
8. That the Directorate of Children Services to carry out supervision on the said adoption and file a report on the ongoing safety/security of the child within one year of the Adoption in the best interests of the child under Section 8 of Children's Act 2022.
9. The Guardian ad litem is hereby discharged.

It is so ordered.

JUDGMENT DELIVERED SIGNED & DATED IN OPEN COURT AT MACHAKOS THIS 5TH FEBRUARY 2025, (PHYSICAL/VIRTUAL CONFERENCE).

M. W. MUIGAI

JUDGE

