



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO 84 OF 2003**

**IN THE MATTER OF THE CHILDREN ACT (No 8 of 2001)**

**AND**

**IN THE MATTER OF MARY ALIAS HEIDI WANGAI – INFANT**

**JUDGEMENT**

On 14th August 2003 Stephen Oluoch Achapa and Rachel Akinyi

Oluoch (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 Mary Alias Heidi Wangai(hereinafter called “the Infant”).

On 24th October 2003 Joyce Oganda was duly appointed as guardian and litem of the said Infant. When the said application for adoption came for hearing on 5th March 2004 the said guardian ad litem together with Linnet Ouna an Adoption Officer with Child Welfare Society of Kenya and Mrs J.N. Ndungu the Chief Children’s Officer Children’s Department duly presented their respective reports on both the Applicants and the Infant.

The said Infant comes to this court through the said guardian as an abandoned child. She was found abandoned in an open ground on 6th June 1998 , taken to Thomas Barnado House in Nairobi and thereafter admitted on 11th June 1998 to the New Life Home, a child rescue center. She was placed with the Applicants for foster care on 6th July 1999. The Infant has remained under the good care of the said Applicants since then.

The Applicants are man and wife and are both Kenyan citizens by birth. 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 have previous also successfully been granted adoption rights in respect of another child. 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 a registered adoption society as provided under the said Act.

I have duly considered all the aforesaid reports together with the representations made and the pleadings filed herein. I am convinced that the adoption sought by the Applicants shall be in the best interest of the said Infant. In pursuance of the said application I further dispense with the production of necessary statutory consent as provided under section 159(1) (a) (i) (c) 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 Louisa Awino Oluoch henceforth and direct the Registrar-General to make appropriate entries in the adopted children register accordingly.

DATED DELIVERD AND SIGNED at Nairobi this 19th day of March  
2004.

**P. J. KAMAU**

**AG. JUDGE**