

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 124 of 2011

IN THE MATTER OF BABY C.A.N.

RULING

1. In the course of writing the judgement in this adoption the court has noted that the applicants have proposed that the parents of the 2nd applicant be appointed the legal guardians of the child.

2. The court is concerned that in all probabilities, the said guardians or one of them may well be over 65 years of age, given that the 2nd applicant is 39 years old.

3. In view of the provisions of **Section 158(c)** which prohibits the adoption of a child by persons(s) aged over 65, I would be hesitant to appoint the said persons as the legal guardians of the child herein.

4. I direct that the applicants do propose suitable and qualified persons for appointment as the legal guardians. Pending that, the judgement in this adoption is deferred.

DATED, SIGNED and DELIVERED at NAIROBI this 19th DAY OF October, 2012.

**M.G. MUGO
JUDGE**

In the presence of :

Mr. Ambani for the applicant.