

IN THE HIGH COURT OF KENYA AT NAIROBI

H.C. ADOPTION CAUSE NO. 11 OF 2002

IN THE MATTER OF EBT (INFANT)

RULING

The applicants who are 54 and 60 years old were married on 13th June, 1998. Their own children are also settled in their own life. At present they are in Kenya on work permits working with African Inland Mission. Their work permits expires on July 2003 but their contract with above Mission upto 2005.

While they are in Kenya they have taken over to look after the present infant now called EBT. The infant was abandoned at Moi Referral Hospital and was placed with New Life Home. She is under care of the Applicants since May, 2001. The financial back-ground and other social factors in respect of the applicants seem to be appropriate so far as this court shall have to consider.

The only impediment is their age. I also notice that the said factor weighed heavily on the report of the Chief Children's Officer Mrs Ndung'u. She has also observed that the infant does not much relate to the 2nd Applicant Ruth Helen Yousey. It is rightly put that while in Kenya they shall have not much problem in rearing the young girl with the aid of house-help. What happens when they leave in 2003 when the infant would be barely 3 ½ years old? It is true that the applicants are keen and well meaning in their wishes to adopt the infant.

However their well intention is not the only factor for this court to consider.

It is stated that due to their age they have appointed legal guardians both in Kenya as well as in U.S.A. However, I do not have much of their details. I know as a couple at this age, they want to share out their love and care to young children. But it takes more than that to enable me to consider the application judiciously.

I must focus that the welfare of the child is to be utmost in my consideration.

I shall therefore make the orders that the application be reconsidered after the applicants have given me further facts on the future plans in respect of the infant.

Dated and delivered at Nairobi this 27th day of June, 2002.

**K. H. RAWAL **

J U D G E.