

**THE REPUBLIC OF UGANDA**

**IN THE HIGH COURT OF UGANDA HOLDEN AT KAMPALA**

**FAMILY DIVISION**

HCT-00-FD-FC-0052-2009

IN THE MATTER OF SOPHIA RUTH CHAPMAN

AND

IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER BY KENNETH  
BLAIR CHAPMAN AND LYNN JANISH CHAPMAN

**BEFORE: THE HONOURABLE MR. JUSTICE FMS EGONDA-NTENDE**

**RULING**

1. In this petition the petitioners are seeking an adoption order in their favour in respect of an infant, Sophia Ruth Chapman. The petitioners who are spouses were appointed legal guardians of the infant by this court on 30<sup>th</sup> September 2005. Since then to date the petitioners have been 'foster parents' to the infant. The infant was estimated to be 5 months at the time she joined the petitioners' family.
2. The infant was found abandoned in Nsambya, Kampala. A staff member of International Hospital Kampala recovered her from the road side and took her to the hospital. Her parents are unknown. Advertisement in the local press revealed no information about her parents.
3. The Petitioners are United States citizens living in Uganda. The first Petitioner has been living here since 1980. He works at Mengo Hospital as a Dentist. The second petitioner came to Uganda in 2002. She is doing missionary work with Life Ministries. The petitioners married on 13<sup>th</sup> December 1997 in Florida USA. This application is supported by the report of the Probation and Social Welfare Officer, Makindye, Kampala.
4. I have studied the petition and supporting affidavits in this case. It is clear that the petitioners appear to fulfil all the conditions laid down for adoption in Section 46 of

the Children Act. The petitioners have stayed in Uganda for more than 3 years. They have fostered the infant for a period of over 36 months. They have no criminal record here in Uganda. Given the length of stay of the Petitioner in this country (28 years) it is sufficient in my view to search Ugandan Criminal Records.

5. Again given the length of stay in Uganda for the Petitioner No.1 it is sufficient, in my view, that the probation and social welfare report be obtained from Uganda rather than his country of origin. The petitioners have also satisfied this court that their country of origin will respect and recognise an adoption order issued by this court.
6. Non-citizens may be granted adoption orders in respect of Ugandan children only in exceptional circumstances. This is a young infant hardly 5 years old who has been living with the petitioners since September 2005. The petitioners have since then taken loving care and attention of the child. I am not aware of any offer from citizens who would wish to take care of this infant. The fact that she is already in foster care of the petitioners and has been so for the last 4 years coupled with the absence of an alternative home for her home amounts to exceptional circumstances in my view to allow this application.
7. Secondly it can only be in the best interests of this child that she suffers no disruption from the family life she is now used to. It is important that she continues to receive from the petitioners the loving care and attention that every child deserves. For those reasons I allow this application. The petitioners are authorised to adopt the child, Sophia Ruth Chapman.
8. The Registrar of Births and Deaths is directed to make an entry recording this adoption in the adopted children register in the statutory form.

Signed, dated and delivered at Kampala this 10<sup>th</sup> day of June 2009

FMS Egonda-Ntende  
Judge