

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA AT KAMPALA**  
**FAMILY CAUSE NO. 217 OF 2010**  
**IN THE MATTER OF AMANI WESLEY (INFANT)**  
**AND**  
**IN THE MATTER OF AN APPLICATION TO BE APPOINTED LEGAL**  
**GUARDIANS OF**  
**AMANI WESLEY BY WALKER STEVEN RICHARD AND WALKER WENDY**  
**KATRINA.**  
**BEFORE: HON. MR JUSTICE B.KAINAMURA.**

*Application-Notice of motion-legal guardianship-article 139(1) of the constitution-section 14 of the judicature act,sections 2,3,4,5 and 6 of the children's act-Order 59 and 52 rules 1 and 3 of the civil procedure rules.*

**RULING**

This is an application for Legal guardianship under Section 33 of the Judicature Act cap. 13, Sections 98 of the Civil Procedure Act Cap.71 and Section 3 of The Children Act cap. 59.

The application is by Notice of Motion and seeks for Orders that:-

- a) WALKER STEVEN RICHARD AND WALKER WENDY KATRINA be appointed Legal guardians of AMANI WESLEY.
- b) The applicants be allowed to immigrate with the infant to the USA where they reside so as to fulfill their parental responsibilities.
- c) Costs of this application be provided for.

The application is based on the grounds that;

1. The child is in need of proper care and protection.

2. The applicants are ready and willing to provide the child with a loving home and family.
3. The applicants are responsible persons working for gain and capable of catering for the child's needs.
4. It is in the best interests of the child that the applicants be granted legal guardianship over him.
5. It is fair, just and equitable that this application be allowed.

The application is supported by the affidavits of the applicants, the affidavit of Keibanda Kenneth, the Medical Social Worker at Jinja hospital, that of Opio Ouma, the probation officer of Jinja District and that of Amy Blevins, the Foster coordinator at Amani Baby Cottage, all which are on court record and attest to the following facts;

The child –AMANI WESLEY, was abandoned at Jinja hospital by an unidentified young lady on the 12<sup>th</sup> August 2009. The matter was brought to the attention of the medical social worker at the hospital who then reported the case to the probation and social welfare officer of Jinja District. The probation officer tried to trace for the parents of the child but failed. He then applied for a temporary placement of the child under the care of Amani Baby Cottage. Amani Baby Cottage later took out a care Order in respect of the child on the 27<sup>th</sup> August 2010 vide Care Order No. 172 of 2010, by which the child was formally committed to the care of Amani Baby Cottage. In an effort to trace the parents of the child, Amani baby Cottage placed an advert in the Daily Monitor Newspaper of February 4<sup>th</sup>, 2010 but to-date no one has turned up to claim the child. The probation officer in his affidavit recommends granting applicants the guardianship order in respect of the child.

The applicants are adult American Citizens of sound mind resident at 1442 Lombardy Avenue, Delhi, California 95315, CA, USA. The applicants got married on November 25<sup>th</sup>, 1989. The applicants got to know the plight of the child from Amy Blevins, the Foster Coordinator at Amani Baby Cottage and they offered to provide him with a good home and family.

The Criminal clearance Report about the applicants indicates that the applicants have never been convicted of any offence.

The Home Study Report recommends the applicants as suitable adoptive parents and states;

“Steve and Wendy are highly resourceful individuals who have the physical, mental and financial abilities to deal with medical, emotional and health needs as they may occur in their children’s future.”

I am satisfied that the applicants on the facts available to me are suitable legal guardian of the child.

I am satisfied that it is in the infant’s best interest to grant the application and accordingly, the application by **WALKER STEVEN RICHARD AND WALKER WENDY KATRINA** to be appointed Legal guardian of **AMANI WESLEY** is granted.

The appointed legal guardians are permitted to immigrate with the child to the United States of America in order to fulfill their obligations as legal guardians.

The applicants are ordered to submit a report on the state and welfare of the child to the Registrar Family Division of the High Court of Uganda at Kampala every six months until the child is 18 years old or until directed otherwise.

The applicants will pay the costs of this application.

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**B. KAINAMURA**

**JUDGE**

**14.01.2011**