

**THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
FAMILY CAUSE NO. 237 OF 2010
IN THE MATTER OF RAMONA WHYAT STEPHENS (INFANT)
AND
IN THE MATTER OF AN APPLICATION TO BE APPOINTED LEGAL
GUARDIANS OF**

RAMONA WHYAT STEPHENS BY CAROLYN TANNER AND ELIOT STEPHENS.

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 14 of the Judicature Act cap. 13, Sections 98 of the Civil Procedure Act Cap.71 and Order 52 r.1 &2 of the Civil Procedure rules SI 71-1.

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

a)

CAROLYN TANNER and ELIOT STEPHENS be appointed Legal guardians of **RAMONA WHYAT STEPHENS**.

b) The applicants be allowed to take the child into their own home at plot 6B Malcom X Drive Kololo, Kampala- Uganda and be allowed to travel in and out of Uganda with the child during their wardship.

c) Costs of this application be provided for.

The application is based on the grounds that;

1.

The child was abandoned by its mother at Nsambya East, Gogonya II and was rescued by a gate keeper in the area.

2. The child being in need of care and protection was committed to Loving Hearts Babies Home.

3. The applicants are ready and willing to provide the child with a loving home and a healthy family environment.

4. It is in the best interests of the child that the applicants be granted legal guardianship over her.

The application is supported by the affidavits of the applicants and a letter from the local authorities and the Report of the probation and welfare officer of Makindye Division, all which are on court record and attest to the following facts;

The child –RAMONA WHYAT STEPHENS, now aged about 6 months was found abandoned at Nsambya East, Gogonya II on 3rd August 2010 by an unknown person. The child was picked up by a gate keeper who took her to the local council officials. The Council officials then reported the matter to the police from where the child was referred to Loving Hearts Babies Home. It was at this Babies’ Home that the applicants identified the child and picked interest in fostering her with the intention of adoption.

The applicants took out a care order by which the child was formally committed to their care on the 14th October 2010 vide Care Order No. 177 of 2010. Efforts to trace for the child’s parents or relatives were made vide a newspaper advert in Bukedde of August 20th, 2010 but none came up to claim the child. The probation officer of Makindye Division recommends that the applicants are suitable for appointment as legal guardians of the child.

The applicants are adults of sound mind and they got married on 31st December 2008 at Simcoe, Ontario, Canada. Carolyn Tanner is a Canadian Citizen while Stephens Tanner is an Australian Citizen. Carolyn Tanner is currently employed in Uganda and both applicants are residing at plot 6B Malcom X Drive Kololo, Kampala- Uganda. The applicants have no biological child. The applicants’ total annual income is about \$ 190,000. The criminal clearance reports indicate that the applicants have no criminal records. The applicants are free from any communicable diseases, physical, mental or any impairment that may affect the child.

The Home Study Report recommends the applicants as suitable adoptive parents and states that; “Carolyn and Eliot appear to be a mature, stable and caring couple. They appear to have both the emotional and financial resources to provide a fostered child with a secure and loving family. I therefore highly recommend the placement of one child...”

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 **CAROLYN TANNER and ELIOT STEPHENS** to be appointed Legal guardians of **RAMONA WHYAT STEPHENS** is granted.

The appointed legal guardians are permitted to take the child into their own home at plot 6B Malcom X Drive Kololo, Kampala- Uganda and to travel in and out of Uganda with the child during their wardship 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