

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
ADOPTION CAUSE NO 24 OF 2005

[In The Matter Of Adongping Flavia Okot and Alobo Mercy Okot (Minors) The Petition Of
Joyce Achiro (Maternal Aunt Of The Said Minors)]

1st June 2006

BEFORE: HON. MR. JUSTICE ELDAD MWANGUSYA:

RULING:

This ruling is in respect of an application by JOYCE ACHIRO for adoption of ADONGPINY FLAVIA OKOT and ALOBO MERCY both minors aged 14 and 13 years respectively.

The applicant was represented by Mr. Okecha Michael, an advocate of this court. The applicant attended the hearing of the application. She is a British citizen of Ugandan origin. She is an aunt of the two minors. She has been looking after them since they lost both their parents.

The two infants the subject of this petition are both citizens of Uganda. Adongpiny attends school at Our Lady of Good Council, Gayaza while ALOBO is a schoolgirl at Nagulu Katala Primary School, Kampala. The petitioner has fostered both children under the supervision of the probation and welfare officer, Nakawa Division Kampala. The report of the probation officer, one Ejidra O. George was attached to the application. In the report the Probation Officer recommends adoption of the two minors by the applicant to ensure continuity in their maintainance and protection of their rights.

After perusing the pleadings in this application and after listening to the submissions of counsel for applicant I find that all the statutory requirements, conditions and restrictions contained in sections 45 and 46 of the children's Act (Cap 59) have been met.

In the result, therefore, the petitioner, namely JOYCE ACHIRO is granted an Adoption order in respect of the children, ADONGPINY FLAVIA OKOT and ALOBO MERCY. She will register each of the Adoption orders with the Registrar General in the Ministry of Justice and Constitutional Affairs. They shall also register each Adoption order with the ministry of Foreign Affairs of the Republic of Uganda.

Eldad Mwangusya

JUDGE

5/7/2005

Court:

Ruling signed and delivered in open court.

Eldad Mwangusya

JUDGE

1/7/2005

Mr. Okecha:

The order applied for is for adoption and not guardianship. I pray for review of the order.

Court:

The order for guardianship was given in error. It will be reviewed and the one of Adoption given instead. The order for adoption will be delivered on 5/7/2005.

Eldad Mwangusya

JUDGE

1/7/2005

5/7/2005

Mr. Michael Okecha for applicant.

Ms. Mariam Nakibuka court clerk.

Court:

Ruling signed and delivered in open court.

Eldad Mwangusya

JUDGE

5/7/2005

Order:

The guardianship order issued by the this court on 1/7/2005 is hereby cancelled. It was given in r\error.

Eldad Mwangusya

JUDGE

5/7/2005

RECORD OF PROCEEDINGS:

22/6/2005

Mr. Okecha Michael for the applicant who is in court.

Both infants, namely Adongpiny Flavia Okot and Alobo Mercy Okot are in court.

Ms. Nakibuka Mariam court clerk.

Adongpiny Flavia Okot:

I am aged 14 years. I was born on 30/5/1991. I am studying at our Lady of Good Counsel, Gayaza. I am in senior 4. I joined primary 1 in 1995 at Zana Parents school and completed P.L.E. at Naguru Katali Primary School.

Alobo Mercy:

I am aged 13. I was born on 9/5/1992. I am in Naguru Katale Primary School. I am in primary 7. I don't remember when I joined primary 1. I have repeated class twice. I repeated primary 2 and primary 5.

Mr. Okecha:

This petition is brought under S.46 of children statute, 1996. The petitioner is a British citizen and resident in U.K. She owns property in Uganda. She is a social worker working in U.K. She is 38 years of age. She was born in Gulu District. The petitioner is a maternal aunt of the minors.

Attached to this petition is a recommendation of the Probation and welfare officer.

The petitioner is mother of three children, two daughters and a son. She is not married. The minors have not been subject of a petition for adoption before.

The petitioner has fostered the children under the supervision of the probation and welfare officer since they lost their mother and father. The death certificates of their parents are attached. We pray that adoption order be made with the necessary directions of this court.

Court:

Ruling to be delivered on 28/6/2005 at 9.00 a.m.

Eldad Mwangusya

JUDGE

22/6/2006

28/6/2005

Mr. Okecha Michael for the applicant.

Ms. Nakibuka Mariam court clerk.

Court:

This application is a for a ruling to be delivered on 1/7/2006 at 9.00 a.m.

Eldad Mwangusya

JUDGE

28/6/2005

1/7/2005

Mr. Okecha Michael for the applicant.

Ms. Nakibuka Mariam court clerk.

Order:

Mr. Michael Okecha, counsel for the applicant together with the applicant and two minors, namely, Adongpiny Flavia Okot and Alobo Mercy Okot appeared before this court on 22/6/2005. The minors are aged 14 years and 13 years respectively. ADONGPINY is a school girl at Our Lady of Good Counsel, Gayaza while ALOBO is a school girl at Naguru Katale Primary School. The applicant is their maternal aunt. She has been looking after them since they lost both their parents. According to a report from the Probation Officer Nakawa Division the applicant is recommended for this Adoption order in order to maintain the care and subsistence already being given to the children.

After I have studied this application together with the accompanying affidavit of the applicant. I have also taken into account the report of the probation officer and submissions of Mr. Okecha, counsel for the applicant. I am satisfied that the welfare of these two children will best be served if the guardianship order prayed is granted. That is the paramount consideration.

In the circumstances, therefore a guardianship order in respect of both minors will be issued in favour of JOYCE ACHIRO. Both children shall remain citizens of Uganda though their legal guardian may take them anywhere tithing or outside Uganda. For the purpose of travel both children are to be issued with Uganda passports.

Eldad Mwangusya

JUDGE

1/7/2006