

**THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
FAMILY CAUSE NO: 204 OF 2010**

IN THE MATTER OF MUGUME REAGAN (CHILD)

AND

**IN THE MATTER OF BAN APPLICATION BY MICHAEL PATTON RICE AND
CASSANDRA LYN RICE FOR APPOINTMENT AS THE LEGAL GUARDIANS
OF MUGUME REAGAN (11 YEARS)**

RULING

BEFORE: HON: MR.JUSTICE B. KAINAMURA

This is an application by Notice of Motion under Section 98 of the Civil Procedure Act, Order 48 rules 1 and 2 of the Civil Procedure Rules, Articles 139 (1), 34 (1) and (2) of the Constitution, Sections 14, 33, 35 and 39 of the Judicature Act and Sections 3,4, 5 and 6 of the Children's Act for orders that ;

- a) Michael Patton Rice and Cassandra Lyn Rice be appointed Legal Guardianship of Mugume Reagan(Child)
- b) The applicants be allowed to travel out of Uganda with the Child
- c) Costs of the application be provided for.

The grounds for the application are contained in the affidavit of Segawa Bocso the administrator of Ms Music Life Skills and Destitute Alleviation, Namirimu Betty, the biological mother of the child, Karungi Harriet, the paternal aunt of the child, Patrick Bukenya the Probation and Welfare officer Makindye Division and Statutory declaration of the applicants but briefly as follows :-

1. The child's mother is not in position to provide for and ensure the wellbeing of the child.
2. The child's mother consents to the application as it is for the benefit of the child.

3. The Child had become a street child and resorted to street life for survival.
4. The child is currently under temporary placement at the request of his mother
5. The applicants who are to provide the child with medical care, education and up keep and other necessities of life have been providing for him basic needs, education and up keep.
6. It is in best interests of the child that the applicants be appointed Legal guardians.

The child was born on 25th January 1999 to Namirimu Betty and Kwesiga Harrison. The child's mother got very ill (bed ridden) for close to 3years and she had no reliable source of income which led the child to resort to street life in Kampala for survival. The father of the child, Kwesiga Harrison had separated with the mother of the child and abandoned them.

According to the affidavit of Bosco Segawa (on court file), on 5th April 2006, he found the child Mugume Reagan on the street at Kiganda zone, Katwe 2 parish where he was staying and eating from. He provided shelter for the child and started supporting him through the Organization M/s Music Life Skills and Destitute Alleviation where he is a Director. He was able to trace the mother of the child when she returned who agreed that the child should remain under his care as she had failed to provide for him which led him to resort to street life.

In February 2010, the 1st applicant who is also one of the sponsors of Ms Music Life Skills and Destitute Alleviation got to know about the plight of child while on a trip to Uganda and decided to start providing for the child's basic needs and education. The child is currently studying at Silver spoon Primary School in Primary five. The applicants now wish to be appointed legal guardians of the child. The mother, the father and the paternal aunt of the child have given their unqualified consent to the application.

The applicants are both America citizens. They got married on 27th September 1993 in Clark County Nevada USA. They have two biological Children both daughters aged 16 years and 14 years. The applicants are both self employed managing three

Organizations:-

Gym cats Gymnastics, which teaches gymnastics to children, Inversion Entertainment which provides acrobatic shows and Project Mosaic which is an NGO that works with disadvantaged children. They have been subject of an international Adoptive home study report by Adoption Choices, an Adoption Agency of Nevada. The study (on Court file) found that they had no history of child abuse, domestic violence, or substance abuse. State and Federal Criminal checks conducted revealed no record of arrest or Conviction. Their marriage has been found to be stable, very happy and has the following strong points:- They are best friends, they trust each other, are Loyal and work through tough times together. They are financially stable with a Gross Annual Income of above Us \$ 500,000 (United States Dollars Five hundred thousand) and asset base of Us \$ 1,000,000 (United States Dollars one million). Each has a life Insurance Policy of \$ 250,000 (United States Dollars two hundred and fifty thousand) and a full medical coverage for all family members which will include the child when taken on.

The study evaluates the applicants as:-

“They appear to have financial, emotional and foundational stability necessary to raise both boys”

I am satisfied that the applicants on the facts available to me are suitable Legal guardians of the Child

I am satisfied that it is in the infants best interests to grant this application and accordingly, the application by Michael Patton Rice and Cassandra Lyn Rice to be appointed Legal Guardians of Mugume Reagan is granted .

The appointed Legal guardians are permitted to travel out of Uganda with the child in order to fulfill their obligations as Legal guardians.

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

The applicants will pay the costs of the application

B. KAINAMURA

JUDGE

12.11.2010