

UGANDA / JUDGMENT

In Re: Kawuki & 2 Ors (Infants) (Adoption Cause No. 3 of 2005) [2005] UGHC 63 (17 January 2005)

[2005] UGHC 63

COURT

High Court of Uganda

CASE / FILE NUMBER

Adoption Cause No. 3 of 2005

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\par }{\b\fs24\insrsid8396824\charrsid13792672 IN THE HIGH COURT OF UGANDA AT KAMPALA

\par AD}{\b\fs24\insrsid9840871\charrsid13792672 O}{\b\fs24\insrsid8396824\charrsid13792672
PTION CAUSE NO. 3 OF 2005

\par IN THE MATTER OF THE CHILDREN\quote S ACT, CAP 59,

\par VOLUME 111, LAWS OF UGANDA.

\par AND

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\par IN THE MATTER OF A PETITION BY

\par ELVANSON ROVINCER NANTONGO }{\b\fs24\insrsid9840871\charrsid13792672 GENTRY TO}
{\b\fs24\insrsid8396824\charrsid13792672 ADOPT THE INFANTS

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\par BEFORE: }{\b\fs24\ul\insrsid8396824\charrsid13792672 REMMY KASULE, AG.}
{\b\fs24\ul\insrsid14187984\charrsid13792672 }{\b\fs24\ul\insrsid8396824\charrsid13792672 JUD}
{\b\fs24\ul\insrsid16647990\charrsid13792672 G}

\b\fs24\ul\insrsid8396824\charrsid13792672 E}{\b\fs24\insrsid8396824\charrsid13792672

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\pararsid13792672 {\b\fs24\ul\insrsid14187984\charrsid13792672 RULING

\par

\par

The Petitioner, ELVANSON ROVINCER NANTONGO, petitions this court to adopt

the three infants by the names of:

PAUL JAMES NOAH KAWUKI

JACKSON JONAH J

JUMBA and

RITAH CAROLINE NAKANJAKO.

The Petitioner, aged 34, was born in Masaka-Uganda, but is now an American citizen by

, and is married to Mr. Jason Gregor y Gentry, aged 53, also an American citizen.

The Petitioner and her husband have their home at Number 2 Regency Court, Little Rock, AR 72209. Arkansas, USA.

The Petitioner is a university graduate with a Bachelor of Science degree in

a doctoral degree in Pharmacy at the University of Arkansas for medical science, USA. Prior to joining this university, the Petitioner served in the US Army and Navy from 1995 to 1999. She has no children of her own. Before this court, the Petitioner appeared mature, and responsible.

\par

\par The Petitioner's husband, Mr. Gentry, graduated from Hotsprings High School, Arkansas in 1970, and then joined the US Navy for 12 years. After discharge from the Navy in 1984, he began working for the US Military Commission in Germany. He has now retired from Government service and works part-time at Wal-Mart, USA. He has, in writing, consented to his wife, the Petitioner, adopting the three infants.

\par

\par Evidence has been furnished to court that the Petitioner and her husband, jointly and severally, earn enough monthly income, out of which support can be given to the three infants.

\par

\par Grace Adoptions, a state licensed child placement agency in Arkansas, USA, after a thorough investigation, have in a written report to this court, approved and recommended the Petitioner and her husband, as having both met the requirements necessary for adoption of the three infants. The adoption order, if made, would be the accepted in Arkansas, USA.

\par

\par The Petitioner is a paternal aunt to the three infants, being a sister to their natural father, one Jackson Wasswa Tamale, late of Masaka, Uganda, now deceased.

\par

\par The said father of the infants died on 9}{\fs24\super\insrsid10491093\charrsid13792672 th}{\fs24\insrsid10491093\charrsid13792672 January 2001, in Masaka \endash Uganda after a}{\fs24\insrsid16647990\charrsid13792672 }{

\fs24\insrsid10491093\charrsid13792672 long illness. All along since 1993 w}{\fs24\insrsid16647990\charrsid13792672 hen the said infants\quote father}{\fs24\insrsid10491093\charrsid13792672

become sick, the three infants have been under the care, support and fostering of the Petitioner who has been doing so directly and al}{\fs24\insrsid2042645\charrsid13792672

so through her mother, grand mother to the infants, Ruth Namyalo Nalongo, with whom the infants have been staying in Nyendo, Masaka, Uganda.

\par

\par The Masaka District Probation and Social Welfare officer confirms in his report to court the Petitioner }{\fs24\insrsid16647990\charrsid13792672 is }{\fs24\insrsid2042645\charrsid13792672

supporting and fostering the infants and recommends the Petitioner to adopt the infants.

\par

\par On 20}{\fs24\super\insrsid2042645\charrsid13792672 th}{\fs24\insrsid2042645\charrsid13792672 May 2003, the Chief Magistrate\quote s Court, Masaka, appointed the Petitioner to have permanent custody of the three infants. The Masaka Chief Magistrate}{

\fs24\insrsid16647990\charrsid13792672 \quote s Court order to that effect has been}{\fs24\insrsid2042645\charrsid13792672 furnished to this court.

\par

\par The three infants, the subject of this petition, are citizens of Uganda.

\par The first infant, PAUL JAMES NOAH KAWUKI, a male, is aged 12 years and 7 months. Her mother, Robinah Najje}{\fs24\insrsid16647990\charrsid13792672 e}{\fs24\insrsid2042645\charrsid13792672 ro is also dead.

\par

\par The second infant, JACKSON JONAH JJUMBA is also male. He is aged 11 years. His mother Edith Ssanyu Namubiru Sempa is also dead.

\par

\par The third infant, Ritah Caroline Nakanjako is female. Her age is 10 years and 5 months. Her mother Caroline Nabukeera Mulindwa is dead too.}{\fs24\insrsid11950528\charrsid13792672 Each of the infants is currently schooling in primary in Masaka

— Uganda. None of the infants owns any real property in Uganda, or any where else.

¶

¶ In court each of the three infants appeared healthy and intelligent and knew the Petitioner very well as the aunt who {fs24\insrsid16647990\charrsid13792672 has been providing for them all {fs24\insrsid11950528\charrsid13792672

along. The three appeared to love her very much; each one regarding her as his/her parent.

¶

¶ Each infant appeared to appreciate that an adoption order means that the Petitioner is to be his/her parent. Each of the infants appeared to {fs24\insrsid16647990\charrsid13792672 ap} {fs24\insrsid11950528\charrsid13792672 prove this.

¶

¶ Counsel for the Petitioner submitted that the Petitioner {fs24\insrsid4666876\charrsid13792672 had} {fs24\insrsid16647990\charrsid13792672 satisfied court that she {fs24\insrsid11950528\charrsid13792672 was a {fs24\insrsid3112574\charrsid13792672

fit and proper person to be appointed to adopt the {fs24\insrsid15012927\charrsid13792672 infants and that she had complied with all the {fs24\insrsid3112574\charrsid13792672 requirements of the law. Not to appoint her {

{fs24\insrsid15012927\charrsid13792672 would} {fs24\insrsid3112574\charrsid13792672 cause jeopardy to the infants.

¶

¶ Having considered the submissions of Counsel for the Petitioner as well as the pleadings in support of {fs24\insrsid15012927\charrsid13792672 the {fs24\insrsid3112574\charrsid13792672 petition} {fs24\insrsid15012927\charrsid13792672 ;{

{fs24\insrsid3112574\charrsid13792672 and having seen and observed the Petitioner and the infants in court, this court is satisfied that all the statutory requirements set by the Ch{fs24\insrsid15012927\charrsid13792672 ildren\quote

s Act have been met} {fs24\insrsid3112574\charrsid13792672 by the Petitioner.

¶

¶ {fs24\insrsid3766537\charrsid13792672

In an adoption petition, like in all other cases, where the court makes decisions affecting children, the ensuring of the welfare; and the observance of the rights of the children to be affected by the decision to be made, are the paramou

nt considerations the court has to consider, over any others. See section 3 of the Children's Act and SCCA No. 22/1994: In Re

M (an infant) (unreported).

The court, taking into consideration the above principle of law, is satisfied that the petitioner is a fit and proper person to be appointed to adopt the three infants, given the fact that she

has been supporting the said infants for a very long period, is closely related to them, and has on her own, or together with her

consenting husband, sufficient means economic and otherwise, to provide for the infants as her own children.

The court is further satisfied, on the evidence availed, that the Petitioner, granted the adoption order,

will ensure the welfare and protection of rights of the each of the

infants. Not to issue the said order in her favour will most likely result in placing the said infants into serious jeopardy as to their welfare; which the

court must not do. See High Court, Kampala, Adoption cause Number 31 of 2004. In the matter of PAULA Robertson and Cynthia June Robertson – an infant (unreported).

Accordingly, the petitioner Elvanson Rovincer Nantongo- Gentry, is granted an adoption order for the adoption of the infants: PAUL JAMES NOAH KAWUKI, JACKSON JONAH JJUMBA and RITAH CAROLINE NAKANJAKO.

\par The Adoption order shall be registered with the office of Registrar General, Ministry of Jus}
{\fs24\insrsid7495943\charrsid13792672

tice and Constitutional Affairs, and with the Consular Department in the Ministry of Foreign
Affairs of the Government of the Republic of Uganda.}{\fs24\insrsid72020\charrsid13792672

\par It is so ordered.

\par }{\fs24\insrsid9840871\charrsid13792672

\par

\par Remmy Kasule

\par }{\b\fs24\insrsid9840871\charrsid13792672 Ag. Judge

\par }{\fs24\insrsid9840871\charrsid13792672 14}{\fs24\super\insrsid9840871\charrsid13792672 th}
{\fs24\insrsid9840871\charrsid13792672 May 2005.

\par

\par

\par Full ruling delivered in court on the 17}{\fs24\super\insrsid9840871\charrsid13792672 th}
{\fs24\insrsid9840871\charrsid13792672 day of January 2005 at 2.30 p.m.

\par

\par

\par Remmy Kasule

\par }{\b\fs24\insrsid9840871\charrsid13792672 Ag. Judge.

\par }{\fs24\insrsid9840871\charrsid13792672 17}{\fs24\super\insrsid9840871\charrsid13792672 th}
{\fs24\insrsid9840871\charrsid13792672 January 2005 at 2.30 p.m.

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Prepared on 14 October 2026 · Esheria