

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT UGANDA

FAMILY CAUSE NO: 213 OF 2010

IN THE MATTER OF SAMUEL HODGKINS (INFANT)

AND

IN THE MATTER OF AN APPLICATION FOR GUARDIANSHIP

ORDER OF SAMUEL HODGKINS BY CASEY GARRET McCALL

AND MILD NICOLE JOHNSON McCALL.

BEFORE: HON. MR JUSTICE B. KAINAMURA

RULING

This is an application for Legal guardianship under Article 139(1) of Constitution, Sections 14, 33 and 39 of the Judicature Act and Section 3 of the Children's Act

The application is by Notice of Motion for orders that:-

- a)** Casey Garret McCall and Mildred Nicole Johnson McCall be appointed Legal guardians of Samuel Hodgkins.
- b)** The infant be allowed to immigrate to USA to live with the applicants
- c)** Costs of the application be provided for.

The grounds of the application are Contained in the Statutory Declaration of the applicants, the affidavit of William Edema the administrator of Welcome Home Mission Africa, Musobya Edith the owner of the hotel where the infant was abandoned, Corporal Lokinimoi Peter the officer attached to Child and Family Protection Unit, Jinja Central Police Station and Opio Ouma the Senior Probation Officer Jinja but are stated briefly as follows:-

1. The infant was abandoned by his father at Musobya Edith's hotel.
2. Efforts to trace his parents or relatives have proved futile.
3. The applicants wish to provide the infant with a home, parental love and care.
4. The application is for the Welfare and benefit of the infant.

The child was abandoned at Musobya Edith's Hotel on the 1st Jan, 2010 by his father. The hotel owner then reported the matter to the Child and Family Protection Unit, Jinja Central Police station. The officer in charge of the unit referred the child to Welcome Home Ministries Africa in a letter dated 2nd Jan, 2010, for care and protection.

On 15th May, 2010, Welcome Home Ministries Africa took out a care order committing the child Samuel Hodgkins in the care of the home. The whereabouts of the infant's parents are unknown. An advert was placed in the New Vision Newspaper of Monday, September 13, 2010 in an effort to trace the child's parents but no one has come up to claim the child.

The applicants are both American Citizens resident in Lexington Kentucky USA. Casey is 28 years old and Mildred is 22 years old. They got married On July 1st 2006 in Frankfort Kentucky. They have three biological children – Joshua 3years old, Lillian 2years old and Samuel 1 year old. Casey is employed by Ashland Avenue Baptist Church as Director of student Ministries while Mildred stays at home looking after the children. The applicants have been subject of an International Home study

report by Adoption Assistance Inc of Danville Kentucky. The report notes that both Casey and Mildred are well adjusted who are able to give and receive love appropriately.

The report concludes with the following recommendation:-

“Casey and Nike McCall love children and are anxious to parent more children. They believe in adoption and feel privileged to have the opportunity to adopt. Casey and Nike McCall are financially secure, mentally and emotionally stable, mature and committed to providing a loving home to a child in need”

From the information on court file, the Kentucky State Police has found no criminal record relating to either Casey or Mildred McCall and according to the report by Adoption Assistance Inc. no listing of child abuse, sexual abuse , substance abuse and domestic violence has been found since the two applicants attained majority age. Casey McCall earns a total annual salary of slightly under Us \$ 50,000 per annum, both have a life insurance totaling 42,000 which puts them (taking into consideration their expenditure) in a position to provide for their family with standard of living of a middle class family

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 infants best interests to grant the application and accordingly the application by Casey Garret McCall and Mildred Nicole Johnson McCall to be appointed Legal guardians of Samuel Hodgkins is granted

The appointed Legal guardians are permitted to immigrate with the child to the United States 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 Kampala every six months until the child is 18 years old or until directed otherwise

The applicants will pay the costs of the application.

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B. KAINAMURA

JUDGE

18.11.2010