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Bill No. 3

Children (Amendment) Bill

2015

THE CHILDREN (AMENDMENT) BILL, 2015.

MEMORANDUM

1. Principals of the Bill.

The object of this Bill is to amend the Children Act, Cap. 59 to enhance the protection of children; to provide for guardianship of children; inter country adoption; prohibit corporal punishment and other related matters.

2. Gaps in the existing law.

The Children Act as the law governing care, protection and maintenance of children has gaps and implementation challenges. The law does not support the attainment of the overall objective of the State to promote and protect the rights of the child as obligated under various treaties and covenants. Children are still being subjected to all forms exploitation including but not limited to corporal punishment, child labour and neglect. The law does not explicitly provide for guardianship. So, inter-country guardianship orders have been abused by applicants. The law does not provide for revocation of adoption orders or options of care available to a child in the event of revocation of an adoption order.

3. Remedies.

The purpose of this Bill therefore is to align the provisions of the Children Act with the existing laws that relate to care and protection of children, provide for fair trial of child offenders, enhance the rights and safety of children, regulate adoption and guardianship of children.

4. Provisions of the Bill.

Clause 1- seeks to amend the interpretation section of the principal Act and introduces new definitions namely; alternative care and continuum of care.

Clause 2- seeks to amend section 3 by substituting the guiding principle with welfare principle and incorporating provisions of the first schedule to section 3 of the principal Act.

Clause 3- seeks to replace section 4 to incorporate other rights of a child to the existing ones under the law, these include registration at birth, right to access basic needs of life, privacy, legal representation in court, access to information and freedom of expression and provides a penalty to a person who contravenes the clause.

Clause 4 - seeks to amend section 7 as well as provide for a penalty to offenders who engage children in harmful customary and cultural practices.

Clause 5- seeks to amend section 8 by restricting the age of employment of a child and broadly defining the meaning of harmful employment.

Clause 6- seeks to amend section 16 of the principal Act by inserting a new clause to exclude the press and the public from the proceedings before the court for reasons of morality and protection of the child.

Clause 7 – inserts anew part in the Act to provide for guardianship, the part makes provision for children who are legible for guardianship and persons who may be appointed guardians under the law, their duties, the rights of a child under guardianship, revocation of guardianship, conditions for grant of inter-country guardianship and functions of the court in guardianship proceedings.

Clause 8- seeks to amend section 45 of the principal Act is amended by substituting for thirty six months the words twelve months of fosterage in order to align the section with the provisions of section 46.

Clause 9- seeks to amend section 46 of the principal Act by reducing the period of fosterage of a child from thirty six months to twelve months; the clause also creates additional restrictions under which a foreigner can be granted an adoption order at the inter-country adoption level.

Clause 10- seeks to insert new section 46A to provide for strict guidelines under which a child can be adopted.

Clause 11- seeks to provide for grounds under which an adoption order can be granted and rescinded.

Clause 12- seeks to amend section 56 by inserting a new section which provides for the minister's approval for establishing foster homes. The clause provides that the Minister shall consult with district officials and the local council before approval of a foster home. The clause also creates an offence for a person or company which establishes a home without approval.

Clause 13- seeks to insert a new Part VIIIA, sections 66A and 66B which establish national and district inter-sectoral committees on alternative care with membership from ministry representatives, health professionals, the Police and non-governmental organisations.

Clause 14- seeks to amend section 73 of the principal Act by inserting a new section 73A to regulate interim custody a child pending grant of full custody to an applicant, where a child is likely to suffer or is suffering significant harm under present custody.

Clause 15- seeks to amend section 91(5) as well as reduce the duration in which a child offender should be remanded in custody from six months to three months.

Clause 16- seeks to amend section 92 by deleting subsections 92(4) (ii), 92(iii) and 92 (iv) of the principal Act which provides that a local council court may order a child to compensate or retribute a complainant.

Clause 17- seeks to amend sections 94(1) (e) by providing for a person who at the time of conviction is above the age of 18 to serve the sentence in an adult prison.

Clause 18-amends section 99(3) and reduces the remand period of a child before grant of bail from a period of 6 months to 3 months and the period of remand to run from the time the child first appears in court rather than when the child takes a plea.

Clause 19-seeks to amend section 100 by providing for the making of an appropriate order against a child in the same court where a child is tried other than remission of a child to the family and children court for appropriate orders.

Clause 20- seeks to amend section 104 of the principal Act by providing for making of an appropriate order against a child by the High Court where an offence is proved against a child in the High Court.

Clause 21-seeks to insert new section 109A prohibiting corporal punishment.

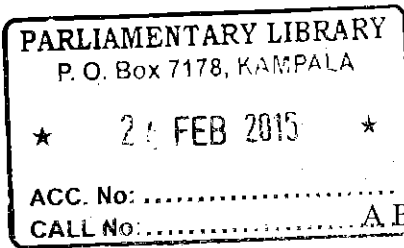
Clause 22- seeks to repeal the First Schedule to the principal Act.

Clause 23- seeks to insert the Third Schedule in the principal Act.

MARY KAROORO OKURUT (MP),
Minister of Gender, Labour and Social Development.

THE CHILDREN (AMENDMENT) BILL, 2015.**ARRANGEMENT OF CLAUSES***Clause*

1. Amendment of section 1 of the principal Act.
2. Replacement of section 3 of the principal Act.
3. Replacement of section 4 of the principal Act.
4. Replacement of section 7 of the principal Act.
5. Replacement of section 8 of the principal Act.
6. Amendment of section 16 of the principal Act.
7. Insertion of Part VIA.
8. Amendment of section 45 of the principal Act.
9. Amendment of section 46 of the principal Act.
10. Insertion of section 46A.
11. Insertion of section 51 A.
12. Replacement of section 56 of the principal Act.
13. Insertion of Part VIIIA.
14. Insertion of section 73A.
15. Amendment of section 91 of the principal Act.
16. Amendment of section 92 of principal Act.
17. Amendment of section 94 of the principal Act.
18. Amendment of section 99 of the principal Act.
19. Amendment of section 100 of the principal Act.
20. Amend of section 104 of the principal Act.
21. Insertion of section 109A.
22. Repeal of First Schedule to the principal Act.
23. Insertion of Third Schedule.



ENTITLED

THE CHILDREN (AMENDMENT) ACT, 2015.

An Act to amend the Children Act, Cap. 59; to enhance the protection of children; to provide for guardianship of children; to strengthen the conditions for inter country adoption; to prohibit corporal punishment; and to provide for related matters.

BE IT ENACTED by Parliament as follows:

1. Amendment of the Children Act.

The Children Act, in this Act referred to as the principal Act, is amended in section 1—

- (a) by inserting immediately before paragraph (a) the following—

“(aa) “alternative care” means formal care options availed to a child without parental care;”;

- (b) by inserting immediately after paragraph (e) the following—

“(ea) “continuum of care” means support to a child ranging from family reunification to kinship and community care;”.

2. Replacement of section 3 of the principal Act.

The principal Act is amended by substituting for section 3 the following new section—

“3. Welfare and guiding principles.

(1) The welfare principles and the children’s rights set out in this section shall be the guiding principles in making a decision relating to a child.

(2) The welfare of the child shall be of paramount consideration whenever the State, a court, a local authority or any person determines any question with respect to—

- (a) the upbringing of a child;
- (b) the administration of a child’s property; or
- (c) the application of any income arising from administration of a child’s property.

(3) A court or any person determining a matter relating to a child shall have regard to the general principle that any delay in determining the matter is prejudicial to the welfare of the child.

(4) In determining any question under subsection (2), the court or any person shall have regard to—

- (a) the ascertainable wishes and feelings of the child concerned considered in the light of his or her age and understanding;
- (b) the child’s physical, emotional and educational needs;
- (c) the likely effects of any changes in the child’s circumstances;

- (d) the child's age, sex, background and any other circumstances relevant in the matter;
- (e) any harm that the child has suffered or is at the risk of suffering;
- (f) where relevant, the capacity of the child's parents, guardians or others involved in the care of the child in meeting his or her needs."

3. Replacement of section 4 of the principal Act.

The principal Act is amended by substituting for section 4 the following new section—

"4. Rights of a child.

(1) A child shall have a right to—

- (a) live and be cared for by his or her parents or guardians;
- (b) express his or her view, belief or opinion on any matter that affects his or her wellbeing; where capable;
- (c) be treated without discrimination;
- (d) access information which a parent, guardian or other authority deems critical to the wellbeing of the child;
- (e) privacy;
- (f) registration after birth;
- (g) legal representation;
- (h) inherit property according to the law;
- (i) safety;
- (j) access to basic social services;
- (k) basic education;
- (l) medical treatment;

- (m) leisure which is not morally harmful;
- (n) participate in sports and positive cultural and artistic activities;
- (o) social amenities or other resources available in any situation of armed conflict or natural or man-made disasters; and have a right to exercise.

(2) In addition to the rights in subsection (1), a child shall have the rights set out in the United Nations Convention on the Rights of the Child and the Organisation for African Unity Charter on the Rights and Welfare of the African Child with appropriate modifications to suit the circumstances in Uganda that are not specifically mentioned in this Act.

(3) Notwithstanding subsection (1)(a), where a competent authority determines, in accordance with the applicable laws and procedures, that it is in the best interest of the child to separate the child from his or her parents, the best substitute care available shall be provided for the child.

(4) A person who fails to respect any right of a child under section (1) or section (2) commits an offence and is liable, on conviction, to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

(5) A person who witnesses or is aware of an abuse against a child shall, as soon as possible, report the matter to the police or to any authority responsible for child welfare.

(6) A person who fails to comply with subsection (5) commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both."

4. Replacement of section 7 of the principal Act.

The principal Act is amended by substituting for section 7 the following new section—

“7. Harmful customary or cultural practices.

(1) A child shall not be exposed to a customary or cultural practice which is harmful to his or her health, wellbeing, education or social-economic development.

(2) For the purposes of this section, “harmful customary or cultural practice” means any activity that is mentally, physically, socially or morally harmful to a child and includes an activity that interferes with a child’s education and social development.

(3) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred and sixty four currency points or imprisonment not exceeding seven years or both.”

5. Replacement of section 8 of the principal Act.

The principal Act is amended by substituting for section 8 the following new section—

“8. Harmful or hazardous employment.

(1) A child shall not be employed or engaged in an activity that may be harmful or hazardous to his or her health, or to his or her physical, mental, spiritual, moral or social development.

(2) The minimum age of employment of a child is 16 years.

(3) For the purpose of this section, “harmful or hazardous employment” includes work which exposes a child to physical, psychological or sexual abuse; working underground, underwater, working at dangerous heights or in confined spaces, working with dangerous machinery, equipment and tools, or manual handling or transport of heavy loads, working with chemicals and dangerous substances, working under extreme temperatures, high level of noise, or working for long hours”.

6. Amendment of section 16 of the principal Act.

Section 16 of the principal Act is amended by inserting immediately after subsection (2) the following—

“(3) Where the court is hearing a matter involving a child, the court shall exercise its discretion to exclude the press and the public from the proceedings before the court for reasons of morality and protection of the child.”

7. Insertion of new Part VIA in the principal Act.

The Principal Act is amended by inserting immediately after section 43 the following new part—

“PART VIA—GUARDIANSHIP.

43A. Application of this Part.

(1) This Part applies to the guardianship of children in Uganda by—

- (a) a person who is not a citizen of Uganda; and
- (b) a citizen of Uganda who is not resident in Uganda.

(2) This Part does not apply to customary guardianship.

(3) For the purposes of this section, “customary guardianship” means parental responsibility over a child by a Ugandan domiciled in Uganda in accordance with the customs, culture or traditions of the respective community.

43B. Guardianship.

(1) An application for guardianship of a child may be made by a person above the age of eighteen years.

(2) The application for guardianship shall be made to the High Court.

(3) The application for guardianship shall be by petition in **Form 1** set out in the **Third Schedule**.

(4) The application shall be accompanied by a report of the probation and social welfare officer to help determine whether the guardianship order will be for the welfare and best interests of the child and shall cover the following—

- (a) the child's relationships with—
 - (i) the prospective guardian;
 - (ii) other members of the prospective guardian's family where applicable;
 - (iii) any other person who is not a parent of the child who may have rights or obligations in regard to the child under any order of the court or agreement or under customary law or otherwise;
- (b) the medical record and current state of health of the child;
- (c) the educational standard of the child with details of schools attended;
- (d) the views and wishes of the child if ascertainable;
- (e) the nature and type of the residential home or homes lived in by the child;
- (f) the character of the guardian; including any criminal proceedings taken against the guardian and the officer's opinion as to whether that should prevent the guardianship;
- (g) a summary of the involvement of the secretary for children's affairs of the local council committee in the matter if any; and
- (h) a recommendation to the court of the course of action in regard to the application for guardianship.

*Pre-requisites for guardianship.***43C. Conditions for guardianship.**

(1) The court shall, before making a guardianship order, satisfy itself that—

- (a) there is no known relative or next of kin of the child;
- (b) where a relative or next of kin is known, that the relative or next of kin is unwilling to take parental responsibility of the child and the relative or next of kin has given consent to the application for guardianship;
- (c) all alternative care options available to a child have been exhausted;
- (d) the child is suffering or likely to suffer significant harm under the present custody;
- (e) consideration has been given to the wishes of the child, having regard to the age and understanding of the child, where, in the view of the court the child is able to understand the guardianship proceedings; and
- (f) where the child is fourteen years of age or above, his or her consent to the guardianship has been obtained, unless it is impossible for the child to express his or her consent;
- (g) the applicant has continuously stayed in Uganda for at least one year;
- (h) the applicant does not have a criminal record;
- (i) the applicant has a recommendation concerning his or her suitability as a guardian from the probation and welfare office or other competent authority in the applicant's country of origin;

- (j) the applicant's country of origin will respect and recognize the guardianship order if granted; and
- (k) the applicant has not made, given or agreed to make any payment or other reward in consideration of the guardianship.

(2) The court may dispense with the consent required under subsection (1) (b) if it is satisfied that the person whose consent is required has abandoned, or deserted the child, cannot be found or is incapable of giving consent or, being a person responsible for the maintenance of the child, has persistently neglected or refused to contribute to the support of the child.

(3) The court may, in addition to the report of the probation and welfare officer, require a local authority, or any other person to make a report in respect of the guardianship application.

43D. Guardianship order

(1) The court may, if it is satisfied that the applicant has fulfilled the conditions for guardianship, make an order for the guardianship of the child.

(2) A guardianship order shall not be made authorising more than one person as a guardian of a child, except where the application is jointly made by spouses.

(3) A guardianship order shall state that the order shall not be used in any adoption proceedings relating to the child.

(4) The court may, in a guardianship order, impose any conditions that the court considers necessary.

43E. Effect and duration of a guardianship order.

(1) A guardianship order shall vest parental responsibility of the child in the guardian.

(2) A guardianship order shall remain in force until the child in relation to whom it is issued attains the age of eighteen years.

(3) A guardianship order shall cease to apply where the guardian dies or becomes of unsound mind.

43F. Registration of guardianship orders.

(1) A person to whom a guardianship order is granted shall, within seven days after the date of the order, register the order with the Ministry responsible for children's welfare and, shall submit a copy of the order to the National Council for Children.

(2) The registration shall be in **Form 2** set out in the **Third Schedule**.

(3) A person who fails to register the guardianship order in accordance with subsection (1) commits an offence and is liable, on conviction to a fine not exceeding twenty four currency points.

43G. Reports by guardian.

(1) A guardian shall—

- (a) submit an annual progress report to the probation and social welfare officer and to the Ugandan Diplomatic Mission in the country of residence of the guardian, detailing the welfare of the child, the adaptation of the child to his or her new environment and any changes in the guardian's status of living.
- (b) submit any change of address to the probation and social welfare officer, and to the Ugandan Diplomatic Mission in the country of residence of the guardian if any where the guardian changes physical address.

(2) The probation and social welfare officer shall transmit the reports in sub section (1) to the court that issued the guardianship order and to the Ministry responsible for children's welfare in Uganda.

43H. Revocation of guardianship order.

(1) A probation and welfare officer or a relative of a child under guardianship may apply to court for the revocation a guardianship order.

(2) The court may revoke a guardianship order where—

- (a) the court is satisfied that the guardianship order was obtained by fraud or misrepresentation;
- (b) the guardian has not complied with the conditions issued by the court in respect of the child or the guardianship order;
- (c) the guardian has neglected his or her parental responsibility over the child.

(3) Where the court revokes a guardianship order, the court shall place the child under alternative care in consultation with the Ministry responsible for children's welfare.

43I. Appeals.

A person aggrieved by a decision of the High Court may appeal to the Court of Appeal.”

8. Amendment of section 45 of the principal Act.

Section 45 of the principal Act is amended in subsection (4) by substituting for “thirty six months” the words “twenty four months”.

9. Amendment of section 46 of the principal Act.

Section 46 of the principal Act is amended—

- (a) in subsection 1(b) by substituting for “thirty six months” the words “twenty four months”;
- (b) by inserting immediately after subsection (3) the following new subsection—

“(4) The court may, in exceptional circumstances, waive any of the requirements specified in subsection (1) except for the requirements in paragraph, (c), (d) and (e).”

10. Insertion of new sections 46A.

The principal Act is amended by inserting immediately after section 46 the following new section—

“46A.Children eligible for inter-country adoption.

A child is eligible for inter-country adoption where—

- (a) the child is orphaned;
- (b) the child does not have a guardian;
- (c) the child has no known parents or relatives; or
- (d) the child is a destitute.”

11. Insertion of new section 51A.

The principal Act is amended by inserting immediately after section 51 the following new section—

“51A. Revocation of an adoption order.

(1) A probation and social welfare officer or a relative of a child under adoption may apply to court for revocation of the adoption order.

(2) The applicant shall, within fourteen days after the date of the application, serve the application on—

- (a) the adoptive parent of the child;
- (b) the biological parents or guardian of the child if any;
- (c) the Ministry responsible for children's welfare;
- (d) the person who consented to the adoption;
- (e) the probation and social welfare officer, where the application is made by a relative of the child.

(3) The court may revoke an adoption order where—

- (a) the court is satisfied that the adoption order was obtained by fraud or misrepresentation;
- (b) the adoptive parent has not complied with the conditions issued by the court in respect of the child or the adoption; or
- (c) the adoptive parent has neglected his or her parental responsibility for the child.

(4) Where the court revokes an adoption order, the court shall, subject to subsection (5), place the child under alternative care and make any other order that the court considers necessary.

(5) The court may pending the placement of the child under alternative care under sub section (4) make an interim custody order.

(6) A person aggrieved by an order made by the court under this section may appeal to the High Court where the adoption order is granted by the chief magistrate's court or to the Court of Appeal where the adoption order is granted by the High Court.

12. Replacement of section 56 of the principal Act.

For section 56 of the principal Act there is substituted the following—

“56. Minister to approve homes.

(1) A Government or non-governmental home set up for the purposes of caring for children shall be approved by the Minister as fit for that purpose.

(2) The Minister shall approve homes under subsection (1) in consultation with the relevant district officials in charge of children’s welfare.

(3) A person who establishes or runs a home without the approval of the Minister commits an offence and is liable, on conviction, to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

(4) Where the offence under subsection (3) is committed by a body corporate and it is proved that the offence is committed with the consent or connivance of, or is attributable to negligence on the part of a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he or she is liable to the penalty prescribed under subsection (3).”

13. Insertion of new Part VIIIA in the principal Act.

The principal Act is amended by inserting the following part immediately after section 66—

“PART VIIIA—INTER-SECTORAL COMMITTEES ON ALTERNATIVE CARE.

66A. National Inter-Sectoral Committee on Alternative Care.

(1) There is established a National Inter-Sectoral Committee on Alternative Care which shall comprise—

- (a) the Commissioner in charge of children’s affairs in the Ministry responsible for children’s welfare;

- (b) a representative of the National Council for Children;
- (c) a representative of the Police;
- (d) a senior health professional;
- (e) a representative of a Non-Governmental Organization involved in children's matters; and
- (g) a representative of the ministry responsible for Justice.

(2) The members of the committee shall be appointed by the Minister.

(3) The Minister may make regulations for the operation of the National Inter-Sectoral Committee on Alternative Care.

66B. District Inter-Sectoral Committee on Alternative Care.

(1) There is established an Inter-Sectoral Committee on Alternative Care in every district under the supervision of the National Inter-Sectoral Committee on Alternative Care.

(2) The District Inter- Sectoral Committee on Alternative Care shall consist of the following members appointed by the Minister—

- (a) a senior district representative;
- (b) a district probation and welfare officer;
- (c) a secretary for children's affairs at the district;
- (d) a representative of the police;
- (e) a senior health professional; and
- (f) a representative of a non-governmental organization in the district, involved in children's matters.

(2) The Minister may make regulations for the operation of the District Inter-Sectoral Committee on Alternative Care.”

14. Insertion of new section 73A in the principal Act.

The principal Act is amended by inserting immediately after section 73 the following new section—

“73A. Interim custody order.

(1) A probation and social welfare officer, mother, father or guardian of a child may apply to the family and children court for an interim custody order pending the determination of custody of the child.

(2) The application for interim custody shall be supported by an affidavit of the applicant.

(3) The court may issue an interim custody order, where the court is satisfied that—

- (a) the child is suffering, or is likely to suffer harm if the order for interim custody is not made; or
- (b) it is in the best interests of the child.

(4) An interim custody order may, where appropriate, contain directions, prohibitions or awards.”

15. Amendment of section 91 of the principal Act.

Section 91 of the principal Act is amended—

- (a) in subsection (5)(a) by substituting for “six months” the words “three months”; and
- (b) in subsection (5) (b) by substituting for “ three months” the words “forty five days.”

16. Amendment of section 92 of principal Act.

Section 92 of the principal Act is amended in subsection (4) by repealing paragraphs (ii), (iii) and (iv).

17. Amendment of section 94 of the principal Act.

Section 94 of the principal Act is amended—

- (a) by repealing subsection (1) (e);
- (b) by inserting immediately after subsection (6) the following—

“(6a) A person who has attained the age of eighteen at the time of sentencing shall serve the sentence in an adult prison.”

18. Amendment of section 99 of the principal Act.

Section 99 of the principal Act is amended—

- (a) in subsection (2), by substituting for “after the child’s plea has been taken” the words “from the date the child is first produced in court”;
- (b) in subsection (3) by substituting for “six months”, the words “three months”;
- (c) in subsection (4) by substituting for “after the child’s plea has been taken” the words “from the date the child is first produced in court”.

19. Amendment of section 100 of the principal Act.

Section 100 of the principal Act is amended by substituting for subsection (3) the following new sub section—

“(3) Where a child is tried alone or jointly with an adult in a court superior to a family and children court and the offence is proved against the child, the court shall make an appropriate order in accordance with this Act without remitting the case to the family and children court.”

20. Amendment of section 104 of the principal Act.

Section 104 of the principal Act is amended—

- (a) by substituting for subsection (2) the following new subsection—

“(2) Where a child is tried jointly with an adult in the High Court, the High Court shall make an appropriate order under this Act against the child where the offence is proved against the child.”;

- (b) by inserting immediately after subsection(3) the following—

“(4) For avoidance of doubt, a child shall not be sentenced to death.”

21. Insertion of new section 109A.

The principal Act is amended by inserting immediately after section 109 the following new section—

“109A. Prohibition of corporal punishment.

(1) A person shall not subject a child to any form of corporal punishment.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction to a fine not exceeding twenty four currency points or to imprisonment not exceeding one year or both.

(3) Upon application by the child or any other person, the court convicting the person under subsection (2), may order the person to pay the medical expenses incurred by the child where the child receives medical treatment as a result of the corporal punishment.”

22. Repeal of First Schedule to the principal Act.

The principal Act is amended by repealing the First Schedule.

23. Insertion of Third Schedule to the principal Act.

The principal Act is amended by inserting immediately after the Second Schedule the following Schedule—

“Third Schedule

Form 1

Section 43B (3)

THE REPUBLIC OF UGANDA
THE CHILDREN ACT, CAP 59
PETITION FOR GUARDIANSHIP
IN THE HIGH COURT OF UGANDA

In the matter of the Children Act and in the matter of _____
(name of child) of _____ Village of
_____ Sub county.

The petition of _____ (petitioner)
of _____ (address
in Uganda and address in foreign country),(and _____
(co-petitioner) his/her spouse, of the same address) states as follows—

1. The petitioner(s) is (are) desirous of obtaining legal guardianship of the child (name of child) _____ under the provisions of the Children Act.
2. The petitioner _____ of _____ (L.C. I zone) _____ (town) _____ Uganda is a citizen of _____ (foreign country), who first arrived in Uganda on the _____ (day) _____ (month) _____ (year) and has stayed in Uganda at the following address(es)

Address L.C. I From To

The co-petitioner _____ of _____ Uganda is a citizen of _____ who first arrived in Uganda on _____ and has stayed in Uganda at the following address (es)

Address From To

3. The petitioner _____ is married (was married) to the co-petitioner _____, (at _____ on the _____ (day) _____ (month) _____ (year) (which marriage is supported by evidence annexed)).
4. The petitioner _____ is by occupation _____, and the co-petitioner _____ is by occupation a _____.
5. The petitioner _____ is _____ years of age (date of birth _____ (day) _____ (month) _____ (year)), and the co-petitioner _____ is _____ years of age (date of birth _____ (day) _____ (month) _____ (year), these dates supported by evidence of birth annexed.)

The petitioner _____ is related to the child _____ as follows _____ (and the co-petitioner _____ is related to the child _____ as follows) (or, the petitioner(s) _____ and _____ is not (are not, nor is either of them) related to the child.

7. The petitioner _____ annexes a certificate marked _____ that he/she does not have a criminal record from _____ (country of origin) and affirms that he/she does not have a criminal record in Uganda or any other country.

The co-petitioner _____ annexes a certificate marked _____ that he/she does not have a criminal record from _____ (country of origin) and affirms that he/she does not have a criminal record in Uganda or any other country.

8. The petitioner _____ attaches a recommendation concerning his/her suitability to adopt a child from _____ (*recommender*) of _____ the probation and welfare office/other authority (*specify*) in _____ country of origin of petitioner _____.

The co-petitioner _____ attaches a recommendation concerning his/her suitability to adopt a child from _____ (*recommender*) of _____ the probation and welfare office/other authority (*specify*) in _____ country of origin of co-petitioner _____.

9. The petitioner(s) has (have) resident with him/her (them) the following persons, namely, _____ (*son*), aged _____ years, _____ (*daughter*), aged _____ years, and (*others*) _____

10. The child (*name of the child*) _____ is—

- (a) of the _____ sex;
- (b) a child of _____ (*father*) of _____ Village _____ Sub county _____ District and of _____ (*mother*) of _____ Village _____ Sub county _____ District;
- (c) a citizen of _____;
- (d) _____ years of age, having been born at _____ the _____ (*day*) _____ (*month*) _____ (*year*);
- (e) resident at _____ Village _____ Sub county _____ District;
- (f) now in the actual custody of _____ of _____ Village or (L.C.V.) _____ Sub county _____ Town or _____ District;

(g) under the guardianship of _____ of _____
 Village or (L.C.V.) _____ Sub county or Town
 _____ District;(i) entitled to the following
 property _____

11. The following persons are liable to contribute to the support of the child—

(a) _____ of _____ Village _____
 Subcounty _____ District;

(b) _____ of _____ Village
 _____ Subcounty _____ District;

12. The petitioner(s) _____ and _____ annexes
 (*annex*) the following consent(s) marked no. _____,
 required under the Children Act. (*Name of person consenting ,
 relationship with the child, date of consent*).

13. The child has not been the subject of a guardianship order or of an
 application or petition for a guardianship order (except that) (*state
 order and application or petition, if any*).

14. The petitioner(s) has not (have not nor has either of them) received or
 agreed to receive and no person has made or given or agreed to make
 or give to the petitioner(s) (or either of them) any payment or reward
 in consideration of the guardianship of the child, _____.

15. The petitioner(s) undertake(s) that—

(a) He/she/they shall care for (name of child) _____

 _____ as though he/she were my/our own child.

(b) He/she/they shall bring him/her up in accordance with the
 _____ religion.

- (c) He/she/they shall look after his/her health and allow him/her to be medically examined as required by the district probation and social welfare office.
- (d) He/she/they shall allow an officer of the district probation and social welfare office or representative of the ministry to visit my/our home and to see the child at any time.
- (e) He/she/they shall inform the district probation and social welfare office immediately if the child is ill, or is missing, or is involved in an accident, or is in any kind of trouble.
- (f) He/she/they shall inform the district and social welfare office immediately if he/she plans to change residence and address.
- (g) He/she/they understand(s) that an officer of the district probation and social welfare has the right to remove the child from my/our home in certain circumstances.

16. The petitioner(s) affirm(s) that a guardianship order made by this honourable court will be respected and recognised by _____ the country of origin of petitioner _____ (and _____ the country of origin of petitioner _____), and produces (produce) a sworn statement annexed marked _____ to that effect.

17. It is proposed that the costs of this petition shall be paid by the petitioner(s) _____ and _____

The petitioner(s) prays (pray)—

- (a) that an order for the guardianship of the child, _____, by the petitioner(s) be made under the Children Act, Cap.59 with all necessary directions;
- (b) that the cost of this petition be provided for as above-mentioned or otherwise as the court may direct; and
- (c) that such further or other order be made as the nature of the case may require.

Signed _____, Petitioner

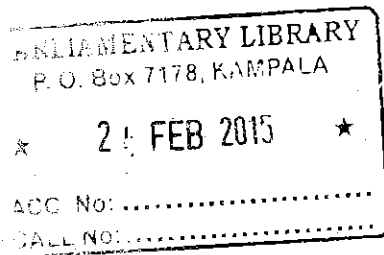
Witnessed _____ (name)

_____ (occupation), of _____ (address)

Signed _____, Petitioner

Witnessed _____ (name)

_____ (occupation), of _____ (address)



Form 2

Section 43F

THE REPUBLIC OF UGANDA

THE CHILDREN ACT, CAP 59.

GUARDIANSHIP REGISTER

Name of child (*surname first*) _____

Date of birth _____ Age _____ Sex _____

Religion _____

District of origin _____

Names of Guardians _____

	<i>Guardians' home address</i>	<i>Change of address</i>
Village/street		
Parish/County		
Region/State		
Country		

Name of biological father _____ living/deceased/unknown

Name of biological mother _____ living/deceased/unknown

	<i>Biological father</i>	<i>Biological mother</i>
Name		
Village		
Parish		
Sub county		
County		

Details of child's brothers, sisters if any.

<i>Name</i>	<i>Address</i>

Where was the child living prior to this Guardianship placement? (give names and address of care givers or institution).

Case history of the child and his/her family _____

Details of medical history, including immunization _____

(Attach a copy of the child's immunization card)

Details of education

School(current) _____ class _____

Name of District Probation & Welfare Officer _____

Address _____

District Probation & Welfare Officer's Signature

Date: _____

Guardian."

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