

THE CHILDREN ACT.

Statutory Instrument 59—1.

The Children (Adoption of Children) Rules.

Arrangement of Rules

Rule

1. Citation.
2. Interpretation.
3. Application by petition.
4. Application of Civil Procedure Rules.
5. Persons to be served.
6. Mode of service.
7. Verification by affidavit.
8. Form of consent.
9. Age of child.
10. Reports.
11. Response to petition.
12. Fixing of hearing.
13. Form of hearing.
14. Secrecy.
15. No copies of orders to be served on others.
16. Costs.
17. Forms.
18. Transfer between courts.

Schedule

Schedule

Forms

THE CHILDREN ACT.

Statutory Instrument 59—1.

The Children (Adoption of Children) Rules.
(Under section 49(1) of the Act.)

1. Citation.

These Rules may be cited as the Children (Adoption of Children) Rules.

2. Interpretation.

In these Rules, unless the context otherwise requires—

- (a) “Act” means the Children Act;
- (b) “child” means the child proposed for adoption;
- (c) “court” means the High Court or chief magistrate’s court in which a petition for adoption is lodged;
- (d) “guardian ad litem” means the person appointed by the court to represent the child;
- (e) “judge” means any judge of the High Court;
- (f) “petitioner” means the person or persons applying for an adoption order;
- (g) “registrar” means the chief registrar of the High Court and includes an acting registrar and a deputy registrar and a district registrar; and
- (h) “sworn statement” means an affidavit or equivalent document sworn in a jurisdiction outside Uganda.

3. Application by petition.

(1) When the petitioner or petitioners and the child are all Uganda citizens, the application for an adoption order shall be made by petition to the chief magistrate’s court, in Form A in the Schedule to these Rules.

(2) When a petitioner or the child is a non-Uganda citizen, the application for an adoption order shall be made to the High Court in Form B in the Schedule to these Rules.

(3) The petitioner or petitioners shall present the petition ex parte in person or by advocate to a judge or chief magistrate sitting in chambers; and the judge or the chief magistrate shall give such directions as to service, appointment of a guardian ad litem, any further consents as may be required and otherwise as may be necessary.

(4) The probation and social welfare officer under whose supervision the child has been fostered by the petitioner or petitioners shall—

- (a) be present at the ex parte hearing; and
- (b) shall attend all subsequent proceedings, as directed by the court, in order to advise the court.

4. Application of Civil Procedure Rules.

The Civil Procedure Rules and practice shall apply to adoption matters as far as is practicable.

5. Persons to be served.

- (1) The petition shall be served on—
 - (a) the parent or parents of the child, if any; or if none
 - (b) the guardian or guardians of the child; or if none
 - (c) the person or persons having the actual custody of the child; or if none
 - (d) the person or persons liable to contribute to the support of the child; and
 - (e) the child, if of the age of fourteen years or above.

(2) The judge or chief magistrate may dispense with the service on any of those persons listed in subrule (1) of this rule and may order the petition to be served on any other person or persons.

6. Mode of service.

(1) Every petition, notice or document shall, unless the judge or chief magistrate otherwise directs, be served by an officer of the court, by delivering or tendering a copy of it signed by the registrar or the chief magistrate and sealed with the seal of the court to the person to be served.

(2) The service of every petition shall be verified by affidavit, unless the judge or chief magistrate otherwise directs.

7. Verification by affidavit.

The statements contained in the petition shall be verified by an affidavit to which shall be annexed certificates and other documents proper for proving the allegations in the petition.

8. Form of consent.

(1) A consent required by the Act shall be given in Form C in the Schedule to these Rules, except that a consent required by the Act from a child over the age of fourteen years shall be given in Form D in the Schedule.

(2) All consents shall be sworn before a commissioner for oaths and shall be submitted together with the affidavit of verification with the petition or accompanied by a separate affidavit of verification.

9. Age of child.

(1) The age of the child shall be proved to the satisfaction of the court which may admit documentary or other evidence to determine the age.

(2) A certified copy of an entry in a births register book issued in Uganda by a registrar appointed under the Births and Deaths Registration Act in respect of the child shall be prima facie evidence of the facts contained in it.

(3) The court may itself inquire into the age of the child and may make an order for the medical examination of the child in Form E in the Schedule to these Rules, in accordance with section 107 of the Act.

(4) A certificate signed by a medical officer as to the age of the child shall be evidence of that age.

10. Reports.

(1) The court shall require the probation and social welfare officer to prepare a report for the court to help determine whether the adoption order will be for the welfare and best interests of the child.

(2) Reports under subrule (1) of this rule shall cover the period of the fostering and shall include the following, among other matters—

- (a) the child's relationships with—
 - (i) the foster parent or parents and details of any guidance or correction required;
 - (ii) other members of the foster family;
 - (iii) neighbours and other persons outside the child's foster family; and
 - (iv) any other person who is not a parent of the child who may have rights or obligations 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 and the foster family;
- (c) the educational standard of the child with details of schools attended and progress made during the fostering;
- (d) the views and wishes of the child if ascertainable;
- (e) the nature and type of the residential home or homes lived in during the fostering;
- (f) the past, current and likely future economic status of the foster family;
- (g) the character of the foster family including any criminal proceedings taken against members of that family during the fostering and the officer's opinion as to whether that should prevent the adoption;
- (h) a summary of the involvement of the probation and social welfare officer during the fostering, and the assessment of the discharge of their duties by the foster parents, during the statutory period, and the verification of the statements made by the applicant in the adoption application concerning the character of the applicant and the position of his or her country of origin relating to the adoption;
- (i) a summary of the involvement of the secretary for children's affairs of the local council committee (if any); and
- (j) a recommendation to the court of the course or courses of action most likely to advance the best interests and welfare of the child.

11. Response to petition.

The guardian ad litem or the persons whose consent is required by the Act may file an affidavit in response to the petition.

12. Fixing of hearing

When all documents have been filed and served to the satisfaction of the court, the court shall fix a date for a hearing and give notice to all parties in Form F set out in the Schedule to these Rules.

13. Form of hearing.

The judge or chief magistrate shall sit in camera and shall not interpose any other matters during the hearing of the adoption proceedings.

14. Secrecy.

All documents filed in the court shall be confidential, and shall be kept secret by the registrar or chief magistrate.

15. No copies of orders to be served on others.

No copy or duplicate of any order made by the judge or chief magistrate shall be given to or served upon any person other than the petitioner, the probation and social welfare officer and the Registrar General, unless the judge or chief magistrate otherwise directs.

16. Costs.

(1) The judge or chief magistrate may make such orders as to costs as he or she shall think fit.

(2) The judge or chief magistrate may direct that all the costs of a petition, including any fee in connection with the reports under rule 10(2) of these Rules, shall be borne and paid by the petitioner.

17. Forms.

(1) The forms in the Schedule to these Rules, with such variations as shall in the circumstances of each case be necessary, shall be used in applications under the Act.

(2) In particular, where two petitioners one of whom is not a citizen of Uganda wish to adopt a Uganda child, Forms A and B in the Schedule to these Regulations may be adapted for the purposes of that adoption.

(3) For the purpose of registration of adoptions under section 54 of the Act, the registrar of births and deaths shall continue to use the adopted children register established by section 13 of the Adoption of Children Act, with necessary modifications to bring it into conformity with Form H in the Schedule to these Rules.

18. Transfer between courts.

The judge or chief magistrate may order a petition to be transferred to the appropriate court if the petition has been lodged in error and may make such order as to costs as he or she shall think fit.

Schedule.

rules 3(1), 17(2).

Forms.

Republic of Uganda

Form A.

Petition for Adoption of Child.

(All parties Uganda citizens.)

The Children Act.

In the Chief Magistrate's Court at _____

In the matter of the Children Act and in the matter of

_____ (name of child)

of _____ Village _____ Subcounty

_____ District

The petition of _____ (petitioner) of
_____ (address) (and
_____ (his/her spouse), of the same address) states as follows—

1. The petitioner(s) is (are) desirous of adopting the child
_____ under the provisions of the Children Act.

2. The petitioner(s) is (are) resident at _____ Village
_____ Subcounty _____ District of Uganda, and is (are)
citizen(s) of Uganda.

3. The petitioner _____ is unmarried (was
married) to the co-petitioner _____ (his/her spouse/former spouse), at
_____ (address) on the _____ (day) _____ (month)
_____ (year).

4. The petitioner _____ is by occupation a
_____, 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)).

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

7. 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.

8. The child _____ is—
- (a) of the _____ sex;
 - (b) unmarried;
 - (c) a child of _____ (father) of _____ Village _____ Subcounty _____ District and of _____ (mother) of _____ Village _____ Subcounty _____ District;
 - (d) a citizen of Uganda _____;
 - (e) _____ years of age, having been born at _____ on the _____ (day) _____ (month) _____ (year);
 - (f) resident at _____;
 - (g) now in the actual custody of _____ (name) of _____ Village _____ Subcounty _____ District;
 - (h) under the guardianship of _____ (name) of _____ Village _____ Subcounty _____ District;
 - (i) entitled to the following property _____

9. The following persons are liable to contribute to the support of the child—
- (a) _____ of _____ Village _____ Subcounty _____ District;
 - (b) _____ of _____ Village _____ Subcounty _____ District.

10. The petitioner(s) _____ and _____ annexes (annex) the following consents required under the Children Act—

Name of person consenting	Relationship with child	Date of consent
_____	_____	_____
_____	_____	_____

11. The child _____ has not been the subject of an adoption order or of an application or petition for an adoption order except that (state order and application or petition, if any).

12. 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 adoption of the child _____.

13. The child _____ has been fostered by the petitioner(s) since the the _____ (day) _____ (month) _____ (year), under the supervision of _____, a probation and social welfare officer, whose report is attached to this petition.

14. It is proposed that the costs of this petition shall be paid by _____.

The petitioner(s) prays (pray)—

- (a) that an order for the adoption of the child _____ by the petitioner(s) be made under the Children Act with all necessary directions;
- (b) that the costs 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)

Republic of Uganda

Form B.

Petition for Adoption of Child.
(Party non-Uganda citizen.)
The Children Act.

In the High Court of Uganda

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

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 adopting the 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 unmarried (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 a _____, 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.)

6. 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 _____ is—
(a) of the _____ sex;

- (b) unmarried;
- (c) a child of _____ (father) of _____ Village _____ Subcounty _____ District and _____ of _____ (mother) of _____ Village _____ Subcounty _____ District;
- (d) a citizen of _____;
- (e) _____ years of age, having been born at _____ the _____ (day) _____ (month) _____ (year);
- (f) resident at _____ Village _____ Subcounty _____ District;
- (g) now in the actual custody of _____ of _____ Village or (L.C.V.) _____ Subcounty _____ Town or _____ District;
- (h) under the guardianship of _____ of _____ Village or (L.C.V.) _____ Subcounty 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;
- (c) others _____.

12. The petitioner(s) _____ and _____ annexes (annex) the following consent(s) marked No. _____, required under the Children Act.

Name of person consenting	Relationship with child	Date of consent
_____	_____	_____
_____	_____	_____
_____	_____	_____

13. The child has not been the subject of an adoption order or of an application or petition for an adoption 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 adoption of the child, _____.

15. The child, _____, has been fostered by the petitioner(s) since the _____ (day) _____ (month) _____ (year) under the supervision of _____, a probation and social welfare officer, whose report is attached to this petition.

16. The petitioner(s) affirms (affirm) that an adoption 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 adoption of the child, _____, by the petitioner(s) be made under the Children Act 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)

Republic of Uganda

Form C.
Consent to Adoption.
The Children Act.

(Title as in petition)

In the _____ Court of _____
Cause No. _____ of _____
_____, Petitioner(s)

Whereas the petitioner(s) has (have) petitioned or intend(s) to petition the court for an adoption order in respect of the child, _____, I, _____ (name) of _____ (address) _____, being the mother/father/other person with rights or obligations in respect of the child (specify) or spouse of the petitioner, consent to the adoption of the child by the petitioner(s) and acknowledge that an adoption order will vest all parental rights and obligations in respect of the child in the petitioner(s).

Signed _____

The contents of this form were read to _____
and explained to him/her, and I established that he/she understood them
before signing this form before me—

Commissioner for Oaths

Dated this _____ day of _____, 20 ____

Republic of Uganda

Form D.
Consent to Adoption.
The Children Act.

(Title as in petition)

In the _____ Court of _____
Cause No. _____ of _____
_____ Petitioner(s)

Whereas the petitioner(s) has (have) petitioned or intend(s) to petition the court for an adoption order in respect of me, I _____ of _____ (address), being the subject of the petition, consent to my adoption by the petitioner(s) and acknowledge that an adoption order will vest all parental rights and obligations in respect of me in the petitioner(s).

Signed _____, Child

The contents of this form were read to the child, _____, and explained to him/her, and I established that he/she understood them before signing this form before me.

Commissioner for Oaths

Dated this _____ day of _____, 20 _____

Republic of Uganda

Form E.
Order for Medical Examination of Child.
The Children Act.

(Title as in petition)

In the _____ Court of _____
Cause No. _____ of _____
_____, Petitioner

To: Child, and _____, his/her guardian ad litem

Whereas the judge of the High Court/chief magistrate of _____ has made an order for your medical examination, you are by this Order summoned to appear before the court in person accompanied by your guardian ad litem on the _____ day of _____, 20 ____, at _____ o'clock in the forenoon/afternoon and thereafter to appear at the time and place to be appointed for medical examination as to your age or such other examination as may be specified by the court.

Registrar/Chief Magistrate

Republic of Uganda

Form F.
Notice of Hearing.
The Children Act.

(Title as in petition)

To _____ of _____

Take notice that a petition has been presented in the above matter praying that an order be made for the adoption of the above-named, a child, by _____ of _____ and _____ of _____ and that _____ of _____ has been appointed guardian ad litem to the child and that the petition will be heard by the court at _____ on the _____ day of _____, 20____, at _____ o'clock in the _____ noon.

Registrar/Chief Magistrate

Republic of Uganda

Form G.
Form of Adoption Order.
The Children Act.

(Title as in petition)

In the _____ Court of _____
Cause No. _____ of _____
_____, Petitioner

On reading the petition of _____ (and _____), and the affidavits of _____ and _____ and the exhibits annexed to them (refer to the affidavits filed in the cause and the exhibits annexed to them), and on hearing _____ (and any other person), and the evidence of (state the names and addresses of the witnesses examined orally)—

- (a) _____
- (b) _____
- (c) _____

and the court being satisfied that the declarations contained in the petition are true, and being also satisfied with the undertaking _____ (petitioner) and _____ (co-petitioner) as to the care and protection and other provisions to be made for the child _____ and being further satisfied that for the benefit of the child that he/she could be adopted by _____ (petitioner) and _____ (co-petitioner) and that all the requirements of the Children Act have been complied with:

It is ordered that _____ (petitioner) (and _____ (co-petitioner) be authorised to adopt the child.

And it is ordered that the parties to these proceedings other than _____ (co-petitioner) recover their costs against _____ (petitioner) and _____ (co-petitioner), the costs to be taxed by the registrar/chief magistrate, and it is ordered that _____ (petitioner) and _____ (co-petitioner) pay the amount of the costs when taxed to the registrar/chief magistrate of this court within fourteen days after the date of the certificate of taxation.

And it is directed that the registrar of births and deaths shall make an entry recording this adoption in the adopted children register in the form set out in Form H.

And the court having satisfied itself that the child _____ was born the _____ day of _____ (month) _____ (year) and is the same child to whom an entry numbered _____ and made on the _____ day of _____ (month) _____ (year), in the register of births for the registration district of _____, relates.

And it is further directed that the registrar of births and deaths shall cause the birth entry or entries to be marked with the word “adopted” and shall include the above date of birth in the entry recording the adoption as provided in Form H.

Dated this _____ day of _____, 20 ____

At _____

Judge

Chief Magistrate

Magistrate

Republic of Uganda

Form H.
Adoption of Children.
The Children Act

No. of entry	Date of entry	Full name of adopted child (enter name as stated in adoption order)	Sex of adopted child (enter sex as stated in adoption order)	Full name and address and occupation of adopter or adopters (enter name, address and occupation as stated in adoption order)	Date and country of birth of child	Date of adoption order and description of court by which made (entry to be made as appearing in the adoption order)	Signature of officer appointed by Attorney General to attest the entry

History: S.I. 52/1997; S.I. 135/1968.

Cross References

Adoption of Children Act, 1964 Revision, Cap. 216.

Births and Deaths Registration Act, Cap. 309.

Civil Procedure Rules, S.I. 71-1