

**IN THE HIGH COURT OF TANZANIA
DAR ES SALAAM DISTRICT REGISTRY
AT DAR ES SALAAM**

MISC. CIVIL CASE NO. 700 OF 2015

**IN THE MATTER OF THE LAW OF THE CHILD ACT,
CAP. 13 R.E, 2002**

AND

**IN THE MATTER OF ADOPTION OF DANNY BARAKA STAR OF
P.O.BOX 31,726 MBEZI BEACH, DAR ES SALAAM**

AND

**IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER
BY BENJAMIN LEWIS COOK AND MARY VIRGINIA COOK OF
P.O. BOX 31,726 MBEZI BEACH, DAR ES SALAAM**

RULING

FELESHI, J.:

The Petitioners **Benjamin Lewis Cook And Mary Virginia Cook** have filed an application for **ADOPTION** of a child named **Danny Baraka Star** under sections 74(4) (a) & (b) of part VI of the Law of the Child Act, [CAP. 13 R.E, 2002], Rules 7(3) (b), 7(6) & 11 of the Adoption of a Child Rules, 2011 and section 95 of the Civil Procedure Code, [CAP. 33 R.E, 2002]. The application is supported by a joint affidavit of the Petitioners and Consent to the adoption order dated 02/12/2015 by **Stephen K. Gumbo** who is an Acting Commissioner for Social Welfare Dar es Salaam in the United Republic of Tanzania.

A Social Welfare Officer, the appointed *guardian ad litem* one **Alphonsa A. Shirima** filed her report (Exh.P1) in support of a grant of the adoption order. The Consent in support of the Adoption Order by the

Acting Commissioner for Social Welfare recommended the Petitioners to be responsible adoptive parents and not just caretakers adding that the Petitioners do understand the nature and obligations of an **Adoption Order**.

Besides, according to the report by the Social Welfare Officer, the petitioners have sufficient means of income to take care of the child and that the grant of the Order is in the best interest **Of Danny Baraka Star**. The petitioners who are husband and wife respectively, are teachers by profession and are paid salaries at USD 15,000 and USD 800 respectively which is substantively sufficient to cater for the child's welfare including good education, accommodation, travelling etc.

This Court has also gone through the petitioners' joint affidavit and the pleadings in respect of the adoption of the child **Danny Baraka Star** and the Report of the Social Welfare Officer one **Alphonsa A. Shirima** who was appointed *guardian ad litem*, as earlier stated, all to the effect that petitioners are capable of supporting the infant.

Besides, the petitioners prayed the resulting name of the child to be **Daniel Baraka Cook**. As foster parents they have been taking good care of the child and have demonstrated their good parenthood as they have been living with the adoptive child since 21st day of April, 2015 to date whereas physical observations made by the Court towards the Petitioners and the respondent child revealed that the child is so much used to both Petitioners.

Furthermore, it is on record that, the Petitioners have been providing the child with all the basic needs in life and other expenses including, food, shelter, clothes, health care and parental love and

general care to the child. Besides, it is clear to this Court that, the fostering parents have the desire and are capable of meeting the child's future wellbeing. It is pertinent to note that, the child has never been a subject of any adoption before.

In the premises, having considered the welfare and security of the child to be of utmost importance, this Court is satisfied that the Petitioners have demonstrated and passed the test stipulated under of sections 55, 56, 57 and 59 of the Law of the Child Act (supra).

As such, this Petition is granted in terms of section 54(2) of the Law of the Child Act (supra) in favour of the petitioners **Benjamin Lewis Cook and Mary Virginia Cook**.

ORDER

The Petitioners **Benjamin Lewis Cook** and **MARY Virginia Cook** are granted Order to adopt **Danny Baraka Star** whose name will change to that of **Daniel Baraka Cook**.

It is further directed that, the Registrar General of Births shall make an entry recording this adoption in the **ADOPTED CHILDREN REGISTER** in the appropriate form pursuant to the provision of section 69 of the Law of the Child Act (supra).

Likewise, the Registrar General of Births shall enter the name of **Daniel Baraka Cook** in the Register of Births to be marked with the word "**ADOPTED**" as per section 70(4) of the Law of the Child Act (supra). Finally, this Court orders costs of this Petition to be borne by the Petitioners.

Order accordingly.

**E. M. FELESHI
JUDGE
16/12/2015**

Ruling delivered in this 16th day of December, 2015 in presence of Ms Brook, Advocate for Petitioners and Mr. Benjamin Lewis Cook but in the absence of Ms. Mary Virginia Cook.

**E.M. FELESHI
JUDGE
16/12/2015**