

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

AT DAR ES SALAAM

MISC. CIVIL CASE NO. 388 OF 2020

**IN THE MATTER OF THE LAW OF THE CHILD ACT, 2009
IN THE MATTER OF "V" A CHILD, RESIDENT OF UBUNGO,
UBUNGO DISTRICT, DAR ES SALAAM**

AND

**IN THE MATTER OF AN APPLICATION FOR AN ADOPTION
ORDER BY "DLM" and "JKM" OF SINZA DAR ES SALAAM
TANZANIA..... PETITIONERS**

Date of Last Order: 4/11/2021

Date of Ruling: 3/12/2021

RULING

N.R. MWASEBA, J.

The petitioners, **MR. DLM** and **MRS. JKM** (Names not disclosed to hide identity) have brought this application for adoption order of a child "**V**" (name withheld to hide identity) under the provisions of the law of child Act, Cap. 13 R.E 2019. Their application is accompanied by an affidavit of **MR. DLM** and **MRS. JKM** and the consent for adoption order

deponed by Dr Naftali B. Ng'ondi, Commission for social welfare, Dodoma.

The petitioners who are husband and wife are aged 48 years and 47 years respectively. Both are Tanzanian citizens by birth. The petitioners are not related to the said child so they have followed all the adoption procedures from the commissioner for social welfare officer at Mwanza.

The child is of female sex, a Tanzanian citizen by birth aged 8 years. That the mother of the said child left home without bedding and was never found again up to date as the result the child was placed at the forever Angel child care at Mwanza. The biological parent (mother) of the child is actually absent and they made an effort to find her but their efforts proved futile and the forever Angels child care at Mwanza desires the petitioners to adopt the said child.

Thus, the petitioners pray for; -

- a) An order of adoption of the said child "V" by the petitioners be made with all the necessary direction in pursuance of the adoption of Child Regulation;
- b) The adoption order be served upon the registrar General of Births;
- c) Costs of this petition be borne by the petitioner;

d) Such further or other orders as the nature of the case may require.

Before this court, the petitioners were represented by Mr Daudi Mzeri learned counsel while Ms Asha Mbaruku appeared as *guardian ad litem* with a role of preparing a social investigation report and representing the best interest of an infant. The said *guardian ad litem* was duly appointed by this court after having confirmation that she was appointed by the Commissioner for Social Welfare to be *guardian ad litem* as per letter with Ref No. CKB.454/662/01/45.

After being appointed by the court, she was ordered to prepare a social investigation report and file it in the court as specified under **regulation 11 (1) (2) of the Adoption of a child Regulation**, GN 197 of 2011. She complied with the court order.

During the hearing of the application Mr. Mzeri learned counsel prayed to adopt the affidavit sworn by the petitioners which has all the information of the application. He prays that the adoption order be granted as the petitioners are able and capable for providing all basic needs for child including education. He says all the procedures for adopting a child was complied with. He tendered in court several

documents including a letter from Forever Angel accepting the child to be adopted by the petitioners, birth certificate of the child, financial income of the petitioners, adoption consent from the Commissioner for Social Welfare and their marriage certificate.

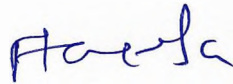
The *guardian ad litem*, Ms Asha Mbaruku, did not object the application. She insisted that the petitioners have complied with all the procedures of adoption as indicated in her social investigation report which was filed in court.

I have gone through the pleadings and the submissions by both parties, I am satisfied that the petitioners have complied with all the conditions for adoption of the child as per **Section 59 (1) and (2) of the Law of the Child Act**, Cap 13. R.E 2019. Further, glancing on the social investigation report filed by the *guardian ad litem* it is clear that this application has not been contested because the child was abandoned and was placed at a care institution, so by providing her with a parental care will save the best interest of a child. The petitioners have fostered the child as an adoption requirement and it was observed in court that the child has an attachment with an adoptive parent. The commissioner gave his consent for a child to be adopted.

From the foregoing, I find that this application has merit as it saves the best interest of the child. Thus, application is granted as prayed.

It is so ordered.

DATED at **DAR ES SALAAM** this 3rd December, 2021



N.R. MWASEBA

JUDGE

3/12/2021

