

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**ARUSHA DISTRICT REGISTRY**

**AT ARUSHA**

**MISC. CIVIL APPLICATION NO. 14 OF 2021**

**IN THE MATTER OF THE ADOPTION OF THE CHILDREN UNDER THE**

**LAW OF THE CHILD ACT NO. 21 OF 2009**

**AND**

**IN THE MATTER OF MATHEW DENIS CREDIBLE OF ARUSHA REGION,  
TANZANIA**

**AND IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER BY  
ISAACK MARTIN MWINUKA AND ANAEL KITOSIO MUNGURE  
PETITIONERS, LEVOLOSI AREA, ARUSHA REGION**

**RULING**

13/8/2021 & 10/9/2021

**ROBERT, J:-**

The Petitioners, **Isaack martin Mwinuka** and **Anael Kitosio Mwungure** applied for adoption orders in respect of the child Mathew Denis Credible pursuant to the provisions of the **Law of Child Act**, No. 29 of 2009. The Petition is grounded on reasons that the proposed adoption will be in the best interest of the child.

Supporting the Petition is an affidavit by the Petitioners detailing evidence by way of annexures to persuade this court to consider them suitable to adopt the child Mathew Denis Credible. The petitioners were represented by Ms. Frida Magesa, learned counsel.

Briefly stated, the child Mathew Denis Credible, born on 2<sup>nd</sup> day of January, 2017 at Ilemela District in Mwanza region, was abandoned by unknown parents and placed under the care of Forever Angel Orphanage in Mwanza Region until 6<sup>th</sup> September, 2019 when the petitioners herein were granted custody of the child by the Ministry of Health and Social Welfare after a successful application for fosterage.

The petitioners herein are citizens of the United Republic of Tanzania, residents of Levulosi area Arusha region and legally married since 17<sup>th</sup> day of January, 2013. The first petitioner is a system analyst while the 2<sup>nd</sup> petitioner is an administrative assistant and they are capable financially to maintain a child whom they have been fostering since 6/9/2019 when they were approved by the Commissioner for social welfare.

Ms. Nivoneia Kikaho, the Social Welfare Officer and appointed guardian ad litem for the child, prepared and submitted a report to declare the Child fit for adoption. The report provided that no parent or next of

kin of the child has come forward to claim the child as their own and recommended the petitioners as good people who will provide good care for the adoptive child.

The petitioners have consented to the adoption of Destiny as a member of their family. They further deposed that, they have a strong bond with the child and they are getting well with the child as a family. They are also ready to undertake and provide him with all the needs required for his upbringing.

Having examined the evidence presented in support of this petition, I will now make a determination whether this petition meet the requirements for this court to make orders for adoption. To make this determination, the main consideration is whether the petitioner is willing and capable to undertake the care, weicare and maintenance of the child and whether it is in the best interest of the child to do so.

The court was informed that the child was placed under the custody and care of the petitioners as foster parents since 6/9/2019 after approval by the Commissioner for social welfare. This means the petitioners have been taking care of the child for more than two years now. The Petitioners are employed and are financially capable of taking good care of the child. The submissions by the social welfare officer revealed that a continuous

follow up was made in respect of the development of the child under the care of the petitioners and it was observed that the petitioners were taking good care of the child. The fact that the social welfare department approved of the way the petitioner took care of the child is an indication that they are willing and capable of taking care of the child.

On whether this petition is in the best interest of the child, this court has given deserving consideration to the fact that the child was abandoned by unknown parents and therefore neither his biological parents nor relatives are known. The petitioners have been taking good care of the child as foster parents for more than two years by catering for all his needs. Having considered the totality of these factors it is apparent that petitioners are fit persons to be entrusted with the adoption of the child and that it will be in the best interest and development of the child to be so adopted.

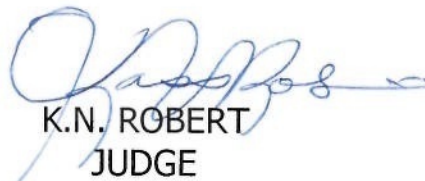
In view of the submissions made, evidence presented and the findings of the social investigation report, I find this application to have complied with the legal requirements needed for this adoption and I find this petition to have merit. The Petitioners, ISAACK MARTIN MWINUKA and ANAEL KITOSIO MUNGURE, are hereby declared the adoptive parents of the child, MATHEW DENIS CRDIBLE ,a male Tanzanian who is currently

residing under the fosterage of the petitioners. After this adoption order the adopted child will renounce his former names and be known as POSSIBLE ISAACK MWINUKA.

I further direct that this Adoption Order be served upon the Registrar General of Births and Deaths who shall make an entry recording this Adoption Order in the Register of adopted children in terms of the provisions of section 69 and 70 of the Law of the Child Act, No. 21 of 2009.

Application is granted without order for costs.



  
K.N. ROBERT  
JUDGE  
10/9/2021

