

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
ARUSHA DISTRICT REGISTRY
AT ARUSHA
MISC. CIVIL CAUSE NO. 5 OF 2020
IN THE MATTER OF LAW OF THE CHILD ACT
AND
IN THE MATTER OF DESTINY, A CHILD
IN THE MATTER OF APPLICATION FOR ADOPTION ORDERS BY
DANIEL KATUTUVILA MASANJA AND LEAH VYOSENA OMBENI OF P. O BOX
3043 ARUSHA- TANZANIA

RULING

6/7/2021 & 27/8/2021

ROBERT, J:-

The Petitioners, **DANIEL KATUTUVILA MASANJA AND LEAH VYOSENA OMBENI**, seek to be granted an order for adoption in respect of the Child known by the name of Destiny. The application is brought under sections 54 (1) (a) and 55 (1) (a) of the Law of the Child Act, 2009, supported by an affidavit sworn by the Petitioners detailing evidence by way of annexures to persuade this court to consider the petitioners suitable to adopt the child Destiny on grounds that the proposed adoption will be in the best interest of the child.

Briefly stated, the child Destiny, was abandoned by her parents and placed at Neema House Children Center in Arusha District and later placed in the custody of the petitioners as foster parents after an approval of their application for fosterage by the Commissioner for social welfare as required by section 56 (3) (b) of the Law of the Child Act, 2009.

The investigation report submitted to Court by Ms. Nivoneia Kikaho, Social Welfare Officer declared the child Destiny fit for adoption and provided that, no parent or next of kin has come forward to claim the child as their own and the Petitioners were highly recommended by their neighbours as good people capable of providing good care for the adoptive child.

The petitioners are a married couple residing at Ghorofa mbili, Njiro Area in the city of Arusha. Both petitioners are working with the Bank of Tanzania whereby, the first petitioner is working as an Engineer while the second petitioner is a clerk at the Bank and they are both financially capable to maintain the child. The two petitioners were blessed with two issues, the first one is Erick Daniel who is 15 years old and the second one is Rayan Daniel who is 11 years old.

The Petitioners deposed that their family has a strong bond and the adoptive child has already been accepted by their two children as one of the family. The child is now at preparatory class and doing well at school. The petitioners are ready to undertake and provide her with all the needs required for her upbringing. In short, as required by the law, the petitioners have consented to the adoption of Destiny as a member of their family.

Having reviewed this petition and the evidence presented to this court, I will now make a determination on whether this petition meets the requirements of law for this court to make orders for adoption. To make this determination, the main consideration is whether the petitioner is willing and capable of undertaking the care, welfare and maintenance of the child and whether it is in the best interest of the child to do so.

This Court is aware that the adoptive child has been under the custody and care of the petitioners as foster parents and the Social Welfare Officer had an ample opportunity to investigate on how the petitioners were taking care of the child as foster parents. The investigation report from the social welfare officer indicates that the petitioners' living environment is favourable for the child's growth and development. Petitioners have sufficient financial resources to provide a

safe, healthy, stable and nurturing environment for the child. The report of the Social Welfare Officer recommended that adoption of the child by the Petitioners is in the best interest of the child.

In the absence of any evidence to the contrary, this Court, based on the evidence presented and the findings in the report of the social welfare officer, finds this application to be in the best interest and welfare of the child. The petitioners complied with the legal requirements needed for adoption of the child. Accordingly, the Petitioners, **DANIEL KATUTUVILA MASANJA AND LEAH VYOSENA OMBENI**, are hereby declared the adoptive parents of the child, DESTINY, a female Tanzanian who is currently residing under the fosterage of the petitioners. After this adoption order, the adopted child will renounce her former names and be known as SAREEN DANIEL KATUTUVILA.

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 allowed.



K.N. Robert
K.N. ROBERT
JUDGE
27/8/2021