

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
IN THE SUB-REGISTRY OF DAR ES SALAAM  
AT DAR ES SALAAM**

**MISC CIVIL APPLICATION NO. 117 OF 2022**

**N THE MATTER OF THE LAW OF THE CHILD ACT, CAP. 13, R.E., 2019  
AND  
IN THE MATTER OF A MINOR, *ABC*, OF P. O. BOX 23310, DAR ES SALAAM  
AND  
IN THE MATTER OF APPLICATION FOR ADOPTION ORDER  
BY  
*EFG* OF P. O. BOX 23310, DAR ES SALAAM**

**RULING**

8<sup>th</sup> and 19<sup>th</sup> December, 2022

**KISANYA J.:**

**EFG** (name withheld to hide her identity) is a citizen of the United Republic of Tanzania by birth and resides at Tegeta Wazo, Kinondoni District in Dar es Salaam Region. She has brought this petition before this Court praying for the following orders:

- (a) An order of adoption of the child **ABC** (name is withheld to hide identity) be granted with all necessary direction in pursuant of the Law of the Child Act.*
  
- (b) An order that the child **ABC** shall now be known by the name of **XYZ**.*

- (c) The adoption order be served upon the Registrar General of Births.*
- (d) Costs of this application be provided for as above mentioned.*
- (e) Such further or other orders as the nature of the case may require.*

In terms of the petition, the petitioner is a woman aged 47 years old. She is a government employee at CCBRT Hospital Dar es Salaam. The petitioner is unmarried and has no other child. It is further stated that **ABC** is of female gender and that she was born on 10<sup>th</sup> August, 2019. It is alleged that the said **ABC** was abandoned by her parents and placed in the care of Neema House Orphanage, Geita and that her biological parents and/or natural relatives are unknown. On 6<sup>th</sup> July, 2021, the Commissioner for Social Welfare approved the petitioner's application for fosterage. Thus, the child was placed under the custody of the petitioner as a foster parent. On 22<sup>nd</sup> March, 2022, the petitioner lodged the present petition for the orders stated afore.

At the hearing of this petition, the petitioner appeared in person. She was also represented by Mr. Emmanuel Kessy, learned advocate. Others in attendance were the child and Ms. Carin Mitta, Social Welfare

Officer.

Submitting in support of the petition, Mr. Kessy prayed to adopt the facts deposed in the petition. He added that the petitioner has been living with the child. It is his considered opinion that the petition meets the legal requirement. For that reason, the learned counsel asked this Court to grant the petition.

When Ms. Carin took the floor, she started by producing a social welfare report (henceforth "the report"), prepared by Ms. Asha Ally Mbarouk, Senior Social Welfare Officer in accordance with the order of this Court. She submitted that the report confirms that the child was abandoned and placed at Neema House Orphanage in Geita. She further submitted that the Commissioner for Social Welfare approved the application for fosterage of the child in favour of the petitioner.

Ms Carin also stated that the social welfare officer visited the child and received and communicated with Geita Police Office which confirmed that no parent or guardian had claimed for the child. It was further contended that the petitioner has reputable referees. She therefore urged the Court to grant the petition.

On her part, the petitioner assured the Court that she shall assume the parental right, duties, obligation and liabilities with respect to custody, maintenance and education of the adopted child as her biological child.

Having gone through the petition and submissions made by the petitioner, her counsel and the Social Welfare Officer, the pivotal issue for determination is whether the petition meets the requirements of law for grant of adoption order of the child to the proposed adopted mother (the petitioner).

I have scanned the report by the Senior Social Welfare Officer who happened to be the Guardian *Ad litem* of child. She had an ample time to inquire on the best interest of the child and how the petitioner has been taking care the child after starting to live with her as her foster parent. In view of the report availed to this Court, it is clear that grant of adoption order of **ABC** to the **EFG** will be in the best interest of the **ABC**.

In view of the foregoing, I hereby grant the petition and order as follows:

1. The Petitioner, **EFG** is declared the adoptive mother of the child, **ABC** (name to be shown in the adoption order).
2. From the date of this adoption order, the adopted child (**ABC**) shall now be known by the name of **XYZ** (name to be shown in the adoption order).
3. The adoption order be served upon the Registrar of Births and Deaths for his necessary action under the Law of the Child Act.

It is so ordered.

**DATED at DAR ES SALAAM this 19<sup>th</sup> day of December, 2022.**



**S.E. KISANYA**  
**JUDGE**