

IN THE HIGH COURT OF TANZANIA
AT DAR ES SALAAM DISTRICT REGISTRY
AT DAR ES SALAAM
MISC. CIVIL APPLICATION NO. 607 OF 2023
IN THE MATTER OF THE LAW OF THE CHILD ACT, REVISED EDITION OF
2019
AND
IN THE MATTER OF DAVID PETER INFANT OF
KIBAHA DISTRICT, COAST REGION, TANZANIA
AND
IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER
BY ESTER OBED MWAKYANJALA
OF PO BOX 30112 KIBAHA DISTRICT, COAST REGION, TANZANIA

RULING

MKWIZU, J: -

The petitioner,(name withheld) an adult citizen of the United Republic of Tanzania, a resident of Kibaha District within the Coast Region, is in court articulating her inner desires of adopting an infant child currently known as **MGH**(name withheld) in accordance with the provisions of section 54 (1) (a) and(2) of the Law of the Child, CAP 13 R E 2019, read together with Rule 15 of the Adoption of a Child Regulations, 2011 and Section 95 of the Civil Procedure Code, (CAP 33, R.E 2019).

The information contained in both the social investigation report made by the appointed social welfare officer and Guardian Ad Litem, Ms Careen Mita under Section 75(2) (d) of the Law of the Child Act, 2009 [Cap 13] and Rule 11 of the Adoption of a Child Regulations, 2011 GN No. 197 of 2012 and the facts deposed in the affidavit by the petition describe the infant child subject of these proceedings as a male child born on 16th January 2019. The child was found abandoned by his mother four days after her birth, taken to the children's home, and cared at Karibu Nyumbani Orphanage center located at Kibaha District and the efforts by the police to locate the child's family members proved futile.

It is also reported that the petitioner assumed the role of a foster parent for the infant **MGH** since September 2022 after the approval of her request to adopt the child by the Commissioner responsible and that she has since then been the sole caregiver responsible for the welfare of the aforementioned infant.

The Petitioner is a single mother, a childless woman, an entrepreneur, and the owner of the Karibu Nyumbani Orphanage center as a managing Director with enough earnings to care for the child who is ready to provide all parental care and take all responsibilities of the child as her own and the child is said to enjoy living with the petitioner in a conducive

environment supported by other family members. The petitioner is recommended as a rightful candidate for the application.

When the matter came for hearing on 30th January 2024, the petitioner had the legal services of Mr. Robert Chuwa advocate while Ms. Careen Mita Social Welfare Officer appointed by the Commissioner for Social Welfare and approved by this Court as a Guardian Ad Litem of the child was in court for the infant's best interest.

Submitting in support of the petition, the petitioner advocate insisted on the grant of the application with a lengthy narration of what was already stated in the supporting affidavit and the inquiry report with an additional prayer that should the petition be granted the child's name should be changed to another name that is to appear in the adoption order. On her side, Ms Carren, the social welfare officer was in support of the prayers made pressing for grant of the petition.

I have thoroughly considered the petitioner's prayer, the inquiry report, and the parties' submissions before the court. All these places the petitioner as a proper candidate for the adoption order. As stated, the petitioner is a Managing Director of the misplaced children's home known as Karibu Nyumbani Orphanage Canter, the same center at which the

infant child at issue was first taken to and cared for. This request, in my opinion, is just an extension of the profound love, care, and commitment that the petitioner has exhibited to parentless children. And since the needy child at issue has never been subjected to any adoption proceedings and taking into account the petitioner's readiness and commitment to care for the child as her biological child, I find no reason to decline the petition.

Consequently, an adoption order is issued in favour of the petitioner. The adopted child, **MGH** shall following this order be known, as **KYZ** (full name to be shown in the adoption order). The adoption order should be served to the Registrar General for necessary action in compliance with section 70 of the Law of the Child Act. Order accordingly.

DATED at DAR ES SALAAM this 2nd day of February 2024.



E.Y. MKWIZU

JUDGE

2/2/2024