

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

AT DAR ES SALAAM

MISC. CIVIL APPLICATION NO. 445 OF 2023

IN THE MATTER OF THE LAW OF THE CHILD ACT [CAP. 13 R.E. 2019]

AND

IN THE MATTER OF A MINOR, ABC, OF DAR ES SALAAM-TANZANIA

AND

**IN THE MATTER OF APPLICATION FOR ADOPTION ORDER BY MMM OF DAR ES
SALAAM, TANZANIA**

RULING

26/03/2024 & 28/03/2024

BWEGOGGE, J.

The applicant herein MMM (pseudonym) lodged this application for an adoption of infant child ABC (pseudonym) before this court. The application is brought under sections 54(1)(a) and 59(2) of the Law of the Child Act, [Cap. 13 R.E 2019] and section 95 of the Civil Procedure Code [Cap. 33 R.E 2009]. The application is supported by the affidavit of the applicant herein

The pleadings lodged in support of the application herein depict that the

applicant is a single businesswoman and entrepreneur, Tanzanian citizen by birth, and resident of Changanyikeni, Kinondoni District in Dar Es Salaam. The applicant lodged this application after obtaining the consent to adopt the infant from the Commissioner for Social Welfare. Further, the pleadings depict that the infant sought to be adopted was placed at Forever Angels Center located at Mwanza after being abandoned by his biological mother while the infant was too young and his parents are unknown. The infant child resided in that institution until she was fostered by the applicant herein.

The Commissioner for Social Welfare vide a later dated 19/11/2019 with reference number APPL. No. 7159/2019/5, permitted the applicant to foster the said child. Likewise, the Commissioner granted the petitioner herein the consent for adoption via later dated 12/10/2022, reference number APPL No.7159/2018/10. Hence, the applicant lodged this application undertaking to provide the infant with basic needs, love and affection as required by the law.

Ms. Salma Abdallah, learned advocate, represented the applicant herein. Ms. Caren Mitta, the Social Welfare Officer and Guardian Ad Litem of the child appointed by the Commissioner for Social Welfare appeared in court and

submitted the social inquiry report of the child sought to be adopted.

In explaining the facts deponed in the applicant's affidavit, Ms. Salma submitted that the applicant has not been married neither having children of her own. That the applicant is not related to the child whom she seeks to adopt and the infant's biological parents are unknown. When the application was lodged, the child was 3 years old (born on 15/12/2019). Now he is under the custody of the applicant under the supervision of the Social Welfare Department. Likewise, the counsel enlightened this court that the child has never been subject to any adoption order. And, the applicant undertakes to provide the child with food, clothes, education, health care, love and affection. The same has complied with all the procedural requirements for grant of this application and she has been given the right to foster the child. Moreso, the Commissioner for Social Welfare consented to the application for adoption. Hence, the counsel prayed for the following orders:

1. That an adoption order of the child ABC by the applicant be made.
2. An order that the child ABC be known by the name of ACD as proposed by the applicant.
3. Any other orders as the court deems fit.

I have gone through the pleading and annexures thereof as well as the submissions made by the parties. It is obvious that the infant sought to be adopted was abandoned by his parent(s) and no one has shown up to claim the same.

Likewise, Ms. Mitta, the Guardian Ad Litem who appeared on behalf of the Commissioner for Social Welfare enlightened this court that the Commissioner approved the application for grant of adoption order sought as it is in the interest of the child. She informed this court that she has supervised the matter herein and made a final assessment of the application including visiting and interviewing the applicant herein at her residence and filled the report in this court which she prayed to be considered by this court in making its decision.

In her report, Ms. Mitta, the Guardian Ad Litem dated 10th January 2024, recommended the grant of adoption of the said child to the applicant herein on the ground that, the proposed parent is financially capable of taking care of the child; and the same has been living with the child since the foster replacement had been approved by the Commissioner to date and the infant lives happily with the adopting family. During the visitation, she observed

that the applicant lives with the infant as her biological child since the same was not blessed with any child. Hence, the Guardian Ad Litem opined that the applicant is a suitable person to be granted adoption order sought in the best interest of the child.

Upon scrutiny, I observed that all requisite conditions of adopting a child have been met for this court to grant an order of adoption to the applicant pursuant to sections 56(1)(d), (3) and 59(l)(b), (2) and 75 (2)(d) of the Law of the Child Act [Cap. 13 R.E 2019].

In fine, this court finds that this application is in the best interest of the child as recommended by the Social Welfare Officer and the Guardian Ad Litem of the adoptive child. Therefore, the application herein is hereby granted. It is hereby ordered as follows:

1. The applicant is declared the adoptive parent of the child, ABC (name to be shown in the adoption order).
2. The child has to renounce her former name of ABC and be known by the name of ACD as requested by the petitioner (name to be shown in the adoption order).

3. The adoption order be served upon the Registrar General of Births and Deaths for his necessary action pursuant to sections 69 and 70 of the Law of the Child Act [Cap 13 R.E. 2019].

So ordered.

Dated at Dar es Salaam, this 28th March, 2024



A handwritten signature in black ink, appearing to read "O.F. Bwego", with a long, horizontal, dashed line extending to the right.

O.F. Bwego
JUDGE

**THE LAW OF THE CHILD ACT
ADOPTION OF CHILDREN REGULATIONS 2011
(G.N NO. 197 OF 2011)
A.C. Form No. 9(a)**

ADOPTION ORDER

(Rule 17 (1))

MISC. CIVIL APPLICATION NO. 445 OF 2023

IN THE MATTER OF THE LAW OF THE CHILD ACT, CAP. 13, R.E. 2019

AND

IN THE MATTER OF A MINOR, PASCHAL IDD SENGEREMA OF DAR ES SALAAM-TANZANIA

AND

**IN THE MATTER OF APPLICATION FOR ADOPTION ORDER BY STELLA GABRIEL KITAMBI OF P.O BOX
25226 DAR ES SALAAM, TANZANIA**

Upon reading the petition of **STELLA GABRIEL KITAMBI OF CHANGANYIKIENI- KINONDONI DISTRICT-DAR ES SALAAM** and upon reading the affidavit of **STELLA GABRIEL KITAMBI** and the exhibits thereto (refer to the affidavit filed in the matter and the exhibits thereto) and upon hearing MS. **SALMA ABDALLAH**, Advocate for the Petitioner and upon hearing the evidence and reading the Social Investigation Report by **CAREN MITTA**, a Social Welfare Officer in the Ministry of Health and Social Welfare and the ***Guardian Ad litem*** of the child.

And the Court being satisfied that the statements in the said Petition are true and being also satisfied with the undertaking of the said **STELLA GABRIEL KITAMBI** as to the provision to be made for the above-named child and with the securing thereof and being further satisfied that it is for the benefit of the said **PASCHAL IDD SENGEREMA** that he should be adopted by the said **STELLA GABRIEL KITAMBI** and that all the requirements of the Law of the Child Act 2009 have been complied with. It is ordered that the said **STELLA GABRIEL KITAMBI** is authorized to adopt the said child.

And it is directed that the Registrar-General shall make an entry recording this adoption in the Adopted Children Register in the Form set out in the Schedule to the Act. [And it has been proved

to the satisfaction of the Court that the said child was born on **15st December, 2019**. It is further directed that the Registrar-General shall cause such birth entry or entries to be marked with the word "Adopted" and shall include the above date of birth in the entry recording the adoption in the manner indicated in the Schedule to the Act.

And it appearing from the said petition that the name by which the said child is to be known are
DAVID YESSE STELLA KITAMBI

SCHEDULE

Date and Country of birth of child	Name and Surname by which child is to be known	Sex of Child	Name and surname of adopter	Address and occupation of adopter
15/ 12/ 2019 MWANZA REGION TANZANIA	DAVID YESSE STELLA KITAMBI	MALE	STELLA G. KITAMBI	BUSINESSWOMAN AT CHANGANYIKENI KINONDONI- DSM

GIVEN under my hand and the Seal of the Court this 28th day of March, 2023

Issued and Signed on 28th day of March, 2023

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DEPUTY REGISTRAR