

TANZANIA / JUDGMENT

in the matter of application for adoption order by mj and rjm dar es salaam 2023 tzhc 20693 31 july 2023

COURT
TZHCDECIDED
31 July 2023

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IN THE HIGH COURT OF TANZANIA (DAR ES SALAAM DISTRICT REGISTRY) AT DAR ES SALAAM
MISC. CIVIL APPLICATION NO. 93 OF 2023 IN THE MATTER OF THE LAW OF THE CHILD ACT
[CAP. 13 R.E. 2019] AND IN THE MATTER OF A MINOR, RE, OF DAR ES SALAAM, TANZANIA
AND IN THE MATTER OF APPLICATION FOR ADOPTION ORDER BY MJ AND RJM DAR ES
SALAAM, TANZANIA

RULING

13h July & 31st July, 2023 BWEGOGE, J. The applicants (husband and wife) herein, MJ and RJM (pseudonym), lodged an application herein for adoption of the infant namely, RE (pseudonym) before this court under section 54(l)(a) of the Law of the Child Act [Cap. 13 i R.E 2019]. The application is supported by the joint affidavit of the applicants herein. The pleadings lodged herein depict that the applicants are husband and wife, Tanzanian citizens by birth and residents of Tabora region. They contracted a Christian marriage in 2011. Both applicants are civil servants working in Tabora region. Likewise, the pleading depicts that the infant sought to be adopted was living at Neema House Drop-in Center located at Geita region after being abandoned by her mother while she was too young. She was placed under the institution's care until she was fostered by the applicants herein. The applicants herein after obtaining the approval for fosterage by the commissioner for social welfare vide permit number 7514 of 2021. Now, the applicants lodged this application undertaking to provide the infant with basic needs, love and affection as required by the law. Mr. Daniel Yona Masege, learned advocate, represented the applicants herein. Ms. Careen Mitta, Social Welfare Officer and Guardian Ad Litem of the child appointed by the Commissioner for Social Welfare appeared in court 2 and duly submitted the social inquiry report of the child sought to be adopted. Mr. Masege, in elaborating facts deponed in the applicant's joint affidavits, submitted that the applicants are law-abiding citizens and they have been living and taking care of the infant as foster parents since 2022 and no one has shown up to claim for the child as proved by the police report. And they undertake to provide the infant with basic needs, love and affection. Hence the counsel prayed for the following orders: -

1. That an order for the adoption of the child RE by applicants may be made pursuant to the Law of the Child Act with all necessary directions
2. An order that the child RE be known by the name of RRM
3. Any other orders as the court deems fit. I have gone through the records and documents supporting the application and submissions made by the parties herein. The police report with reference No. CHT/CID/ B.I/ VOL.V/ 300 of 29th April, 2021, indicates that the infant was abandoned and no one has shown up to claim the same. 3 Further, Ms. Mitta, the Guardian Ad Litem who appeared on behalf of the Commissioner for Social Welfare approved the application for grant of adoption order sought. She informed this court that, the Commissioner for Social Welfare granted foster parentage of the infant to the applicants on 07/12/2021 vide permit number 7514 of 2021 and the infant was placed under the custody of the applicants since 07/12/2021. And, the assessment done on the applicants revealed that they have no criminal records, they are mentally healthy to take care of the child and they have stable finances to provide for the infant. The Guardian Ad Litem in her social investigation report dated 20th June 2023, recommended the grant of adoption of the said child to the applicants herein on the ground that, the proposed parents are financially capable of taking care of the child; they have been living with the child since the foster replacement and they have observed that the infant lives happily with the adopting family. During the visitation, she observed that the adopting parents live with the infants as their biological child since they don't have their own biological child due to biological complications. Hence, the environment is suitable for child welfare and development and she further 4 opined that the applicants are suitable persons to be granted adoption order sought for 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 applicants pursuant to Section 56(1)(3) and 59(1)(b), (2) and 75 (2)(d) of the Law of the Child Act [Cap. 13 R.E 2019]. In view of the foregoing, I find this application to be in the best interest of the child as recommended by the Social Welfare Officer and the Guardian Ad Litem of the adoptive child. Consequently, I hereby grant the application herein and enter orders as follows:
 1. The applicants are declared the adoptive parents of the child, RE (name to be shown in the adoption order).
 2. The child has to renounce her former name of RE and be known by the name of RRM as requested by the petitioners (name to be shown in the adoption order). 5
 3. The adoption order be served upon the Registrar General of Births and Deaths for his necessary action pursuant to section 69 and 70 of the Law of the Child Act [Cap 13 R.E. 2019]. So ordered. DATED at DARE ES SALAAM this 31st July, 2023. O. F. BWEGOGUE JUDGE 6

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