

**IN THE UNITED REPUBLIC OF TANZANIA
IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)
AT DAR ES SALAAM**

MISC. CIVIL CASE NO.584 OF 2017

IN THE MATTER OF THE LAW OF THE CHILD ACT, NO. 21 OF 2009

AND

**IN THE MATTER OF ADOPTION OF ADAM AN INFANT OF
P.O.BOX 11898 DAR ES SALAAM, TANZANIA**

AND

**IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER
BY HILDA FREDDY NSHUNJU OF P.O.BOX 11898 DAR ES SALAAM,
TANZANIA**

RULING

Date of the last Order 15th March, 2018

Date of Ruling 16th March, 2018

R. K. SAMEJI, J.

The Petitioners herein **HILDA FREDDY NSHUNJU**, has filed a Petition under the Law of Child Act, No. 21 of 2009, seeking for an **ADOPTION ORDER** in respect of an infant by the name of **ADAM**. The Petition is accompanied by the following documents, *inter alia*, Affidavit of the

petitioner verifying the Petition, a chamber summons supported by an Affidavit of the petitioner, Consent to Adoption Order by the Commissioner for Social Welfare recommending the petitioner, a letter from the Commissioner of the Social Welfare dated 20th March 2015 recommending the petitioner and her late husband one Fredy Nshunju as foster parents together with copies of the foster care Form and death certificate of the late husband of the petitioner, who started the adoption process together with his wife, the petitioner.

In addition to the above mentioned documents there is a Social Investigation Report drawn and filed by one Alphonsa A. Shirima, the Social Welfare Officer, dated 17th November 2017, as required by Section 59 (2) of the Law of the Child Act, (supra) and Rule 11 (1) of the Adoption of Children Regulations 2011, GN No. 197 of 2011.

At the hearing of the matter, Mr. Joseph Rutabingwa, the learned Counsel for the Petitioner, appeared together with the petitioner and the infant Adam a boy child born on 29th October 2014 aged about 3 years old. The Court had tried to have an interview with Adam, but due to his age he could not give meaningful responses. He was shy and only smiling.

The Court heard evidence from Mr. Rutabingwa on the Petitioner's Application and the infant. In addition, Mr. Rutabingwa prayed the Court to also consider the Social Investigation Report submitted by Ms. Shirima in detail. After considering both, the submission by Mr. Rutabingwa and the Investigation Report by Ms. Shirima it is my considered view that, there is adequate evidence to the quest and suitability of the petitioner to adopt the infant Adam.

I have given further and due scanning and scrutiny of the documents submitted in respect of this matter together with oral evidence adduced before the Court. I also had an opportunity of observing the infant Adam all the times he was inside the Court Chamber, the way he associated and relate with the petitioner, was quite impressive. I must say that, the petitioner has impressed me, as all the time in Court and even after the interaction with the Court she responded and sounded genuine and a loving parent. Suffice it to say that, she has appeared to me as credible and responsible parent. I am therefore satisfied that, sufficient material facts have been put before the Court to prove that, the petitioner is not only desirous of adopting the infant Adam with whom she had fostered for

almost two (2) years now, but are ready to provide for his future and carrier development.

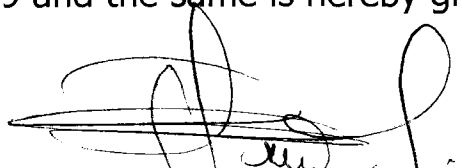
Pursuant to the documents filed, it is apparent that, the present Petition had been filed only to conclude the process of adopting the infant Adam. Furthermore, as per the filed documents and evidence submitted herein, Mr. Rutabingwa urged the Court to grant the Petitioner's desire to have baby Adam in her custody as her own child, as she was not blessed with one. The Petitioner has complied with all the required legal procedures. In addition, Mr. Rutabingwa, who argued for the petitioner, he assured the Court that, the petitioner is a suitable candidate to be granted with an order for adoption.

It is also notable from the Social Investigation Report and the evidence tendered before this Court that, the infant, the subject matter of this adoption has no known parents or guardian as non were traced up to the time the infant was handed over to the Petitioner, but without success. In that respect, the provisions of Section 57 of the Law of the Child Act, (supra) with regard to parents/guardians' consent are inapplicable.

Having considered the totality of the materials submitted before me and the contents of Social Investigation Report and the opinion of the *Guardian Ad Litem* expressed in the Report, I am of the settled view that, the Petitioner is a fit person to be entrusted with the adoption of the infant Adam and that, it will be to the best interest of the infant Adam to be so adopted.

In the event, I find that, the Petition has merit and has complied with all the mandatory legal requirements set out under Part VI of the Law of Child Act, No. 21 of 2009 and the same is hereby granted.

It is so ordered.



R. K. SAMEJI, J
JUDGE
16/03/2018

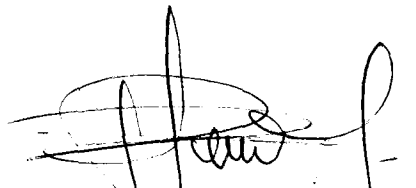
ORDER

The Petitioner **HILDA FREDDY NSHUNJU** of P. O. BOX 11898 Dar es Salaam Tanzania, is hereby declared the adoptive parent of a male infant named **ADAM** born on 29TH October 2014 in Dar es Salaam Tanzania, who after this Adoption Order will be known as **FRANK MATUNGWA FREDDY NSHUNJU**.

It is further directed that, the Registrar General of Births shall make an entry recording this Adoption Order in the Register of Adopted Children in the appropriate form in terms of the provisions of Section 69 of the Law of Child Act, No. 21 of 2009. In addition and pursuant to Section 70(1) of the Law of Child Act, No. 21 of 2009 the Registrar General of Births is directed to enter the name of **FRANK MATUNGWA FREDDY NSHUNJU** in the Register of Births to be marked with the word "**ADOPTED**" in accordance with Section 70 (4) of the same law. Costs of this Petition shall be borne by the Petitioner.

It is so ordered.

This **ADOPTIVE ORDER** is made on this 16th Day of March 2018.



R. K. SAMEJI, J
JUDGE
16/03/2018