

**IN THE COURT OF THE UNITED REPUBLIC OF TANZANIA
(ARUSHA SUB – REGISTRY)**

AT ARUSHA

APPLICATION NO. 07 OF 2023

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

AND

**IN THE MATTER OF "P.J" A CHILD OF P. O. BOX 1042 ARUSHA,
TANZANIA**

AND

**IN THE MATTER OF AN APPLICATION FOR AN ADOPTION
ORDER BY "L.J.C" P. O. BOX 1042 ARUSHA, TANZANIA**

RULING

18th & 21st September, 2023

MWASEBA, J.

L.J.C (Name hidden), the petitioner herein, has filed this application seeking for an adoption order for a child who in this matter will be referred to as **P.J** to conceal an identity. As per **Regulation 4 (3), (5) (7) of the Adoption of Children Regulation, 2011** the application is supported by an affidavit verifying petition, National identity card, child's

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birth certificate, appointment letter of a guardian ad litem from the Commissioner, letters for application for foster care and the Commissioners consent for foster care of the child **"PJ"** to the petitioner herein, and the Commissioners consent for adoption order.

During the hearing of this application which was done in camera, Mr. Nelson Massawe represented the petitioner and Elizabeth Mohere, a social welfare officer from Meru District council appeared as guardian ad litem duly appointed by the Commissioner for Social Welfare.

Submitting in support of the application Mr. Massawe stated that the petitioner was born on 21/2/1972 thus, she is 51 years and she has not been blessed with a child. More to that, she has no relationship with the adoptive child.

Regarding the child, Mr Massawe averred that he is male by sex born in 2015 in Moshi. Currently he is in the custody of the applicant. He further submitted that, the child **"P.J"** was abandoned close to Mawenzi ward office in Moshi. By then he was estimated to be one year. He was taken to Moshi KCMC for further treatment. After treatment he was taken to Treasurers of Africa Moshi which is an orphanage. His natural parents are not known and the efforts to trace his parents was done without any success.



Mr. Massawe submitted that the petitioner is promising to provide full maintenance and education to the child and that she has never received or have been promised to receive any gift for adopting the child in this matter.

He further assured this court that the petitioner has adhered to all the procedures regarding adopting the child **"P.J"** and so, she prays for her application to be granted as prayed.

On her side, Ms. Elizabeth, guardian ad litem, supported the application and submitted further that the petitioner brought her application for foster care in their office at Meru District Council. They worked on it and in November, 2016 the Commissioner consented to the application and the applicant was given a child from an orphanage at Treasures of Africa Children's Home. The consent was about giving the applicant a child **"PJ"**. She explained more that after giving her the said child, they had been supervising her and they are satisfied with the environment of the petitioner as she has a big house and she has been maintaining him very well. So, she was of the view that the petitioner is a right person to adopt the child herein as they already have a bond with a child and she is maintaining him well as she has explained in the social investigation report.

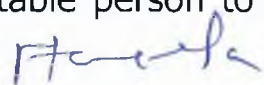


Ms Elizabeth insisted that this application is in the best interest of the child as he has no family, hence by being adopted he will be provided with the family. In December, 2022 the applicant was given a consent by the Commissioner for social welfare to adopt the child. So, she prayed that the application be granted as prayed for the best interest of the child.

Having heard the submissions from both sides and going through the pleadings, the issue for determination is whether it is on the best interest of the child this petition to be granted.

In determining the proceedings relating to adoption of children, the best interest of the child is the fundamental principle to be considered. See **Regulation 3 of the Adoption of Children Regulations**. In the present application, Mr. Massawe learned counsel explained that the petitioner has complied with the legal procedures of adopting the child in this application.

His assertion was supported by the guardian ad litem who admitted that their office received an application for foster care from the applicant and she was given a child by the Commissioner from Treasurers of Africa Moshi. Ms. Elizabeth told this court that they have been assessing the petitioner and they are satisfied that she is a suitable person to adopt



the said child. This is well explained in the Social Investigation Report. She was further of the view that this application is on the best interest of the child due to the fact that the child herein has no family, hence by being adopted he will be provided with the family.

Indeed, I agree with the guardian ad litem that this application is purely on the best interest of the child. I have gone through the documents that supports this petition, I am satisfied that the office of the Commissioner for Social Welfare had enough time to assess the petitioner if she is a suitable person to be granted adoption order. It is well stated in the social investigation Report that the child is happy and already has attachment to the petitioner. I agree that so long as the child has no parents, being adopted with the petitioner herein will be in the best interest of the said child as he will be provided with a family.

That being said, applying the law and the principles on the best interest and welfare of the child, the petitioner is hereby found suitable and fit to adopt the child **"P.J"**. Accordingly, it is ordered as follows:

1. An order of adoption of the child **"P.J"** is hereby granted
2. The child **"P.J"** shall now be known by the name of **D.J.C.**



3. The adoption order be served to Registrar General of Births within 30 days from the day of this order as per **Section 69 (2) of the Law of the Child Act.**
4. The Social Welfare Officer shall undertake a monitoring visit to the home of the petitioner/ adoptive parent three months after this order as per **Regulation 16(1) of the Adoption of Children Regulations.**

Ordered accordingly.

DATED at **ARUSHA** this 21st day of September, 2023.



A handwritten signature in blue ink, appearing to read "N.R. Mwaseba".

N.R. MWASEBA
JUDGE