

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION**

**FOREIGN ADOPTION PETITION NO.18 OF 2017
WITH
JUDGES ORDER NO.72 OF 2017
IN
FOREIGN ADOPTION PETITION NO.18 OF 2017**

Male Minor : SHARDUL

Bal Asha Trust, Mumbai

.....Petitioner

And

1.Mr. Tony James Mauldin, Jr.

2.Mrs.Clara Taylor James MauldinProposed Adopters.

Mr. Rakesh Kapoor for petitioner.

Mr. O. Hareendran, Scrutiny Officer of ICSW present.

**CORAM : K.R.SHRIRAM, J.
(IN CHAMBER)**

DATE : 5th APRIL, 2017

P.C.:

1 The petition proposes adoption of a male Minor SHARDUL, born on 15th November, 2015 by a married couple who are American Nationals. The said Minor Shardul was found abandoned in a cradle at Prabhadevi Municipal Maternity Home. On 16th November, 2015 charge of Minor Shardul was taken by the Dadar Police Station, Mumbai. On 18th November, 2015 Minor Shardul was produced before the Child Welfare Committee, Mumbai City II and on the same day, by an order dated 18th November 2015 passed by the Child Welfare Committee, Umerkhadi,

Mumbai, Minor Shardul was shifted for further rehabilitation to the petitioner's Institution Bal Asha Trust, under section 33 of the Juvenile Justice Act, 2000.

2 The Child Welfare Committee has passed an Order on 6th May, 2016 declaring that Minor Shardul was legally free for adoption. In the said Order it is stated that news alongwith photographs of Minor Shardul was published in leading Marathi News papers Saamana, Mumbai edition on 29th December, 2015 and Navshakti, Mumbai edition on 29th January, 2016. On 20th January, 2016 evidence was recorded by the concerned officer of the Dadar Police Station. Final Report dated 27th April, 2016 in respect of making attempt by the police of Dadar Police Station to search for biological parents of the child is on record. Final Report dated 2nd April, 2016 submitted by the District Child Protection Unit (DCPU) Mumbai is also on record. After Minor Shardul was found on 16th November, 2015 no one has come forward to claim him. In the above facts and circumstances, on 29th April 2016 Minor Shardul was declared legally free for adoption under section 38(1) Juvenile Justice Act, 2015 and committed to the petitioner's institution for his further rehabilitation under section 38(1) of Juvenile Justice Act, 2015.

3 The Central Adoption Resource Authority, New Delhi (CARA), has given No Objection Certificate dated 17th February, 2017 to this

adoption as per Adoption Regulations 2017 and Article 17(c) of the Hague Convention on the Protection of Children and Co-operation in respect of Inter-country Adoption 1993. The said No Objection Certificate issued by CARA is on record.

4 I have considered the petition, annexures thereto and the Report dated 29th March 2017 from the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X' for identification. The Undertaking and Affidavit of the proposed adopters are on record.

5 The proposed Adopting father and mother are American Nationals, residing at Georgia, United State of America and aged about 31 and 28 years, respectively. They have been married for the past 6 years with no biological or adopted children. Motivation letter from the prospective adoptive parents is on record. The Medical Report dated 8th June 2016 of the adoptive parents is on record. In the said report it is stated that they are physically and mentally well. The H.I.V. Report of the proposed adopters are Non-Reactive.

6 The proposed Adoptive father is working as Contemporary Worship Pastor for First Baptist Church of Tifton, U.S.A. and his annual salary is US\$ 56,100. The proposed Adoptive mother is working as a Case

Worker (South Georgia) with Lifeline Children's Services, Inc., since 11th February, 2015 and her annual compensation is US\$ 28,600. The Individual Income Returns, Bank References and Financial statements of the adoptive parents are on record.

7 The letter explaining Child Care Arrangement from the proposed adopters is on record. Home Study Report dated 20th December, 2014 submitted by the authorities of America World Adoption, USA is on record. In the said report it is stated that the adoptive father had been arrested on 3rd November, 2001, when he was sixteen years old while hunting with friends and he was charged and convicted of hunting upon or discharging weapon across a public road, hunting deer at night, hunting wildlife from the motor vehicle. The social worker's opinion that this was an isolated influence and in no way affects his ability to effectively parent a child and should not preclude his opportunity to adopt.

8 The Medical Report dated 11th May, 2016 of Minor Shardul is on record. It is stated in the said report that Minor Shardul is physically and mentally well. The H.I.V. Report of the Minor Shardul needs to be submitted. The advocate for petitioner has tendered a praceipe dated 5th April, 2017 enclosing a certificate issued by N.M. Medical certifying that Minor Shardul is not HIV positive. The said compilation is taken on record and marked 'X-1' for identification.

9 The “Article 5” letter dated 11th January, 2017 submitted by the Embassy of United States of America is on record. The Special Undertaking executed and signed by the relative (prospective adoptive mother's first cousin and her husband) is on record. In the said Undertaking it is stated that they will take care of the child in case of any unforeseen mishaps to the proposed adopters. An Undertaking dated 28th November ,2016 given by the Sponsoring Agency America World Adoption, USA is on record.

10 In view of the above, the petition is allowed and the Judges Order is separately signed.

(K.R. SHRIRAM, J.)