

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO.20 OF 2017
WITH
JUDGES ORDER NO.81 OF 2017
IN
FOREIGN ADOPTION PETITION NO.20 OF 2017**

Female Minor : MAHEK

MSWC Asha Sadan, Mumbai

....Petitioner

And

1.Mr. Anthony Michael Kienlen

2.Mrs.Samantha Kay Kienlen

.....Proposed Adopters.

Ms. Lalita Raj for petitioner

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

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

DATE : 19th April,2017

P.C.:

1 The petition proposes adoption of a female Minor-MAHEK, born on 28th January, 2016 by a married couple who are American Nationals. On 31st January, 2017 Minor-Mahek was taken in by the Petitioner Institution. Thereafter, on 1st February, 2016 Minor-Mahek was produced before the Child Welfare Committee, Mumbai and on the same day as per the Order dated 1st February, 2016 passed by the Child Welfare Committee under section 33 of Juvenile Justice Act, 2000, the Minor-Mahek's custody was given to the Petitioner Institution. Subsequently, on 2nd February, 2016 the biological mother of Minor-Mahek executed a Deed

of Surrender before the Child Welfare Committee, Mumbai under the provision of Juvenile Justice Act, 2000, and amended Act, 2006.

2 The Child Welfare Committee has passed an Order on 16th May, 2016 declaring that Minor-Mahek was legally free for adoption. In the said order, it is stated that in the exercise of the powers vested in the Child Welfare Committee under section 41(4) of the Juvenile Justice Act, 2000, on 31st January, 2016 Minor-Mahek was placed in care of Specialized Adoption Agency, Asha Sadan, Umerkhadi, Mumbai. By an Order dated 1st February, 2016 being Order no.116/16 passed in biological mother's application by the Child Welfare Committee, the Minor-Mahek was declared legally free for adoption. Enquiry Report submitted by the Social Worker and Deed of Surrender executed by the biological mother of Minor-Mahek are on record. Declaration has been submitted by District Child Protection Unit (DCPU) and the Specialized Adoption Agency to the effect that they have made restoration efforts as required under the guidelines and relevant rules, but nobody approached the agency for claiming the child as biological parents or legal guardian, is on record. An Undertaking/ Affidavit executed by the authorized representative of the Petitioner Institution is also on record.

3 The Central Adoption Resource Authority, New Delhi (CARA), has given No Objection Certificate dated 30st March 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 15th April, 2017 from the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X' for identification.

5 The proposed Adopting father and mother are American Nationals, residing at Texas, USA, aged about 31 and 28 years, respectively. They have been married for the past 10 years with two biological children, a daughter Hailey aged about 8 years and a son Bryson aged about 6 ½ years. Their Birth Certificates are on record. The Medical reports of the proposed adopters is on record. It is stated in the said report that they are physically and mentally well. Their HIV & HbsAg reports are non-reactive.

6 The proposed Adopters are self employed and are employee-owners of Kienlen, Inc., an S Corporation since 24th December, 2012 and currently receiving annual gross salaries of US \$ 50,000 each. The proposed adopters' income tax return of 2015 is on record. In the said Returns, it is stated that their wages, salaries, etc. are US \$ 1,00,000 and

they earn from other income US \$ 106,236 and their adjusted gross income is US \$ 206,236. The Income Tax Returns of the Proposed Adopters for the financial year 2013, 2014 and 2015 are on record. Declaration of financial status and Bank References of the proposed Adopters are also on record.

7 The Childcare Arrangement Plan by the proposed adoptive mother is on record. By the said Plan, she declares that in order to take care of the child, she will be at home daily with her as she is self employed and can work from home and that it will not require her to take any time off for work. The Child Security letter from the proposed adopter's relative (2nd proposed adopter's sister and her husband) is on record.

8 Home Study Report dated 15th November, 2016 submitted by the authorities of “Hope International, USA” is on record. In the said report, it is stated that the couple have very positive views towards adoption. They believe that adoption is an opportunity for children to find stable and loving homes. The Approval Notice dated 29th November, 2016 issued by the Department of Homeland Security is on record. It is stated in the said notice that the Approval expiration date is 23rd February, 2018. The “Article 5” letter from Embassy of The United States of America dated 21st March, 2017 is also on record.

9 The Medical Report dated 7th September, 2016 of Minor-Mahek is on record. It is stated in the said report that she has a case of renal hypertension due to left renal artery stenosis (Stenosis of branch) and regular follow up and visits to Pediatric Nephrologists is essential. A Case of recurrent urinary tract infection is also noted. BERA test dated 30th June, 2016 of Minor-Mahek is also on record. It is stated in the said test that she has mild hearing loss in her right ear. The said Medical Reports of Minor-Mahek have been countersigned by the proposed adopters. H.I.V. Report dated 16th June 2016 of Minor-Mahek is non-reactive.

10 The Declaration of willingness and Undertaking of the proposed adopters are on record. An Undertaking dated 15th March, 2017 given by the Foreign Adoption Agency “International Adoption Net, U.S.A., is also on record.

11 In view of the above, the petition is allowed and the Judge's Order is separately signed.

(K.R. SHRIRAM, J.)