

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

FOREIGN ADOPTION PETITION NO. 31 OF 2017

WITH

JUDGE'S ORDER NO. 134 OF 2017

IN

FOREIGN ADOPTION PETITION NO. 31 OF 2017

WITH

JUDGE'S ORDER NO. 136 OF 2017

IN

IN FOREIGN ADOPTION PETITION NO. 31 OF 2017

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Bal Anand, Worldchildren Welfare
Trust India, Through Mrs. Vandana Patil,
Social Worker ...Petitioner.

Vs.

Ms. Courtney Worcester, American
National ... Proposed
Adopters.

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Mr. Sameer K. Sawant, for the Petitioner.
Mr. Hareendran Scrutiny Officer, ICSW, present.
Ms. Vandana Patil, Social Worker of WWTI, Bal Anand, present.

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CORAM : B.P. COLABAWALLA, J.

DATED : JULY 5, 2017

P.C. :

This is a Petition for adoption of a male minor Rohit, born on 21st July, 2012 and female minor Prerna, born on 21st October, 2013 who were found abandoned by the Child Line-Vile Parle alongwith their biological mother on 11th August, 2015 and produced before the

Child Welfare Committee, Mumbai Suburban District for safe custody and protection. The said Child Welfare Committee, Mumbai Suburban District transferred the minors to the Petitioner institution Bal Anand, Chembur as per the order dated 11th August, 2015 under Section 33(i) of Juvenile Justice (Care and Protection of Children) Act, 2000. The representation of the Indian Council of Social Welfare (ICSW) is taken on record and marked as “X” for identification and the Childcare Arrangement Plan declaration by the adoptive mothers is tendered before me today and marked as “X-1” for identification.

2 The admission orders are on record before me. The said Child Welfare Committee, Mumbai Suburban has also issued an order dated 11th November, 2016 stating that “News paper publications were done in “Pudhari” on 20th May, 2016 and “Sakal” on 17th June, 2016. Their TV telecasting was done on 20th July, 2016 on DD Sahyadri Channel and there has been no claim till date. Final Report of “Child Line-Vile Parle” was submitted to CWC on 14th October, 2016 and it states No relative came forward to find out the siblings. Even the Report of Bal Anand dated 4th November, 2016 states no one has come forward to claim the said siblings till date. Based on these above mentioned

reports the C.W.C. Mumbai Suburban District declared the said Rohit and Prerna legally free for adoption under Section 38 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 and restored the said children under Section (40) (3) of the Juvenile Justice (Care and Protection of Children) Act, 2015 to Bal Anand for their further rehabilitation. The undertaking/affidavit by the Petitioner is on record.

3 The Central Adoption Resource Authority (CARA), New Delhi has also issued a No Objection Certificate dated 9th March, 2017. This certificate is as per Adoption Regulations 2017 and Article 17 (c) of the Hague Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption 1993.

4 The proposed adopter is a single parent being an American National residing at Massachusetts, USA and is aged about 42 years with no biological/adopted children. The Passport copy of the Proposed Adopter is also on record. The health report of the proposed adopter dated 30th August, 2016 is also before me and clarifies that her HIV case is non-reactive.

5 The Proposed Adopter is working full time as an Attorney with Foley & Lardner LLP, Boston Office since 13th December, 2010. She began as a Senior Counsel and was promoted to Partner on 1st February, 2014 and she receives a monthly draw of \$19,000 and also participated in distributions of Firm income. Her adjusted gross income for the year 2015 was \$291,144.00. Income Tax Return (ITR) for 2015, 2014 & 2013 of the Proposed Adopter and the Attestation and Declaration of personal conditions of the Proposed Adopter is also on record.

6 The home study report dated 19th July, 2016 by the authorities of Wide Horizons For Children” U.S.A. is on record and it states “The proposed Adopter Courtney Worcester is an attractive and intelligent woman who is requesting to adopt one child or a sibling group from India. She is confident of her desire and ability to parent children and has the love and support of her close friends and family members, who are prepared to step forward and provide whatever is needed. Courtney understands the challenges in being a single parent and is willing to utilize all available resources as she parents her children. She is assessed as suitable for the adoption of the children specified.

Courtney has met all known eligibility criteria for adoption from India including but not limited to age, marital status, family size, finances and health status. Courtney Worcester has been approved for the placement of one child or a sibling group of two children, of either gender, 0 to 10 years of age, with the potential for normal growth and development from India". The Approval Notice dated 25th August, 2016 from the Department of Homeland Security, USA is on record and it states Approval expiration date is on 24th November, 2017. Article "5" Letter dated 27th January, 2017 from Embassy of the United States of America is also on record.

7 The undertaking dated 29th December, 2016 by the Relatives (Proposed Adopter's cousin sister and her husband) to look after the proposed minors Rohit and Prerna in case of any unforeseen mishap to the Proposed Adopter is also on record.

8 The Medical Examination Report of the proposed minor Rohit dated 3rd November, 2016 states, "Bilateral undescended testes. Any Symptoms of tuberculosis? : Yes treated with AKT medicines." His overall growth and development appears appropriate for his age. His

Psychological Test Report dated 28th December, 2016 states his IQ is 100 and Level of intellectual functioning is Average. The Proposed Adopter has counter signed these reports.

9 The Medical Examination Report of the proposed minor Prerna dated 3rd November, 2016 states, “Prerna is alert and responsive. Her overall motor development appears to be appropriate for her age. She is undergoing occupational therapy in views of sensory dysfunction. Her Psychological Test Report dated 24th August, 2016 indicates a significant global delay although her gross motor development is on par with her age norms. The delay in language and cognitive development is of concern. However this delay can be attributed to a great extent to the lack of individual attention and inadequate stimulation.” This report has also been counter signed by the Proposed Adopters.

10 The H.I.V. Report of both the minors Rohit and Prerna dated 5th April, 2017 have been tendered before me today and shows the case as negative. They are marked as “X-2” and “X-3” respectively.

11 The Letter of Acceptance, Declaration and willingness and undertaking by the Adoptive parent is also on record. The undertaking dated 21st December, 2016 by the Sponsoring Agency namely Children's Home Society of Minnesota, USA is also before me alongwith a copy of the General Power of Attorney duly signed by the Proposed Adopter in favour of the Petitioner institution.

12 The Indian Placement Agency (Bal Anand, World Children Welfare Trust India, Mumbai) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid till 31st December, 2020.

13 Looking at all these documents that are before me, I think it would be in the interest of the children if they are adopted by the proposed adopter. I, therefore, do not find any impediment in granting the reliefs sought in the Petition.

14 In view of this, the Petition is allowed in terms of prayer clauses (b) and (c) and the Judges Order for both the minors are separately signed.

(B. P. COLABAWALLA, J.)