

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
FOREIGN ADOPTION PETITION NO. 22 OF 2018  
WITH  
JUDGE'S ORDER NO. 128 OF 2018**

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|-----------------------------------|---------------------|
| Children of the World India Trust | ...Petitioner       |
| <i>And</i>                        |                     |
| Debbie Jean Childs                | ...Proposed Adopter |

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**Mr Rakesh Kapoor**, *for the Petitioner.*  
**Mr O Hareendran**, *Scrutiny Officer, ICSW, is present.*

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**CORAM: G.S. PATEL, J**  
**DATED: 27th June 2018**

**PC:-**

1. This is an unusual Foreign Adoption Petition. The minor Joshua Vishvas Childs was born on 27th February 2006. From an early age he was diagnosed with a moderate to severe level of autism. He is a non-verbal, low-functioning autistic.
  
2. The adoptive mother, Debbie Jean Childs, is an American national aged about 59 years old. She has been working in India with autistic children for the last 15 years.
  
3. Joshua was found abandoned in the Out Patient Department of Duncan Hospital in East Champaran, Bihar on 18th September

2010. The hospital authorities contacted the police two days later and published details of the child in a newspaper. No one claimed his custody. The hospital gave Joshua in temporary custody to Debbie Jean Childs and took from her an Affidavit dated 26th February 2011. Joshua has been in the sole care and custody of Debbie Jean Childs thus, for the last seven years.

4. The Child Welfare Committee, East Champaran, Bihar has declared Joshua legally free for adoption by an order dated 10th January 2018 after following the necessary procedure. Ms Childs registered with CARA as a foreigner living in India. Her home study report was done by a specialised agency, The Children of the World India Trust, Navi Mumbai and CARA has approved the case for adoption. The necessary orders are on record. The required undertakings or affidavits are also available. The No Objection Certificate from CARA and a subsequent Corrigendum dated 6th June 2018 and 12th June 2018 are also on record.

5. Ms Childs is a single woman, divorced, and resides in Thane. She has no children of her own. Her marriage certificate and the certificate of dissolution of that marriage are also annexed.

6. Her health report is positive and her HIV reports has written a negative result. She works as a teacher trainer. She was in India initially on a one-year sabbatical from Action International Ministries, Washington, USA. She has taken subsequent extensions. In 2017 her aggregate wages were over US \$ 35,000. She is currently

a volunteer without remuneration in a project in Mumbai from 30th April 2018 to 30th October 2018.

7. On record are proof of residence, bank statements, pension benefits and other documents.

8. I have seen the home study report and social worker's assessment report. This report is entirely positive and recommends the adoption of Joshua by Ms Childs. It specifically notes that she alone has cared for Joshua for the last seven years. There is no question of her being unaware of his autism. It is she who has seen him through the last several years with that condition. There also on record an approval letter from the United State Embassy in New Delhi. In addition, I have seen the child security undertaking by Ms Childs' niece to take care of the minor should that need arise.

9. The other documents are in order including the letter of acceptance, the declaration of willingness and undertakings. A copy of the General Power of Attorney in favour of the Petitioner is also on record.

10. I have seen the scrutiny report presented by Mr O Hareendran, Scrutiny Officer of the Indian Council of Social Welfare which is on record.

11. In these circumstances, I will allow the Petition. The Judge's Order is separately signed.

12. I must note that Joshua is before me even as this order is passed. It seems to me that it will be exceedingly difficult for Joshua to wait in any waiting area while his passport application is being processed. His condition will not permit this. The Regional Passport Office is directed to take the necessary interviews or complete the necessary procedure at the residence where Joshua is more comfortable. Given that this is a special case, the Protocol Department of the High Court will assist Ms Childs in coordinating with the Regional Passport Office so that the process is smooth. The Prothonotary & Senior Master is requested to instruct the Protocol Staff to coordinate with Ms Childs, the Petitioner institution and the Passport Office.

13. The Registry will get the Petition with all its annexures and all orders, including the signed Judge's Order, scanned. These digital copies are to be preserved. A soft copy may be given to the Advocate for the Petitioner free of cost on a pen drive provided by the Advocate for the Petitioner for the same. The Registry will ensure that the scan of the Judge's Order is a properly calibrated colour scan.

**(G. S. PATEL, J)**