

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

IN ITS GENERAL AND INHERENT JURISDICTION

**JUDGE'S ORDER NO.229 OF 2018
IN
FOREIGN ADOPTION PETITION NO.42 OF 2018**

In the matter of the Juvenile Justice
(Care and Protection of Children) Act,
2015 (No.2 of 2016)

And

In the matter of Clause 17 of the
Letters Patent ;

And

In the matter of the Adoption of male
minor Nayan Everett Eimers, an
inmate of Apang & Kushtarogi
Swavlamban Sanstha, Dhule, 72,
Utkarsh Colony, Sakri Road, Dhule,
Maharashtra-424001.

Apang & Kushtarogi Swavlamban	)	
Sanstha, Dhule	)...Petitioner	

V/s.

Joshua Aaron Elmers and Brittany	)	
Marie Eimers	)...Proposed Adopters	

Mr.Rakesh Kapoor for petitioners.
Mr.O.Hareendran, Scrutiny officer, ICSW present.

CORAM : K.R.SHRIRAM,J

DATE : 19.12.2018

P.C.:-

1 This petition proposes adoption of one male minor Nayan, born on 24/09/2016. The biological mother left him at the Civil Hospital,

Dhule and absconded immediately after birth. The said minor was then produced before the Child Welfare Committee Dhule on 01/10/2016 and the child's safe custody was given to Petitioner institution Apang & Kushtarogi Swavlamban Sanstha, Dhule on the same day for a period of further order under Form 18 (Rule 18 (5) and 18 (9) and 19 (26) of Juvenile Justice (Care and Protection of children) Act 2015.

2. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Dhule declared the proposed minor NAYAN "Legally Free for Adoption" on 01/03/2018. The undertaking/affidavit by the Petitioner is on record.

3. The Central Adoption Resource Authority (CARA), New Delhi has issued their No Objection Certificate dated 11/10/2018 to the adoption 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 Adopters who are American Nationals, residing at Virginia, U.S.A. aged about 32 and 31 years respectively, have been married for the past 10 years (13/09/2008) with three biological

children, two sons aged about 9 and 4 years and a daughters aged about 6 years respectively.

5. The Medical Certificates dated 21/05/2018 of the Proposed Adopters states “shown no symptoms of either physical or mental disease or physical incapacity detrimentally affecting their fitness to have custody and educate an adoptive child. They do not suffer from any chronic, contagious or fatal disease and is fit to adopt”. Their HIV 1-2 & Hepatitis B Test Report certify the case as Negative.

6 The Medical Certificates dated 22/03/2018 of the biological children of the Proposed Adopters states “They are healthy with no chronic medical problems.”

7 The first Proposed Adopter is working as a Firefighter Medic with the Fire & Rescue Department of Fairfax County Government, Virginia, USA and his yearly gross pay is US\$ 74,262.25. His wife (2nd proposed adopter) is a Homemaker. The Income Tax Certificates 2015, 2016 and 2017 is on record .

8 The home study report of the Prospective Adoptive Parents dated 15/02/2018 has been conducted by the authorities of “America World

Adoption”, U.S.A. and it states, “Joshua and Brittany Eimers are very caring, compassionate, and committed individuals who have a genuine interest in building their family through adoption. They have strong relationships and support systems. They present to be physically, mentally, emotionally and financially sound in order to successfully raise an additional child. They both affirm that they are prepared to parent the child and accommodate whatever needs are identified. After considering all factors, the agency approves and recommends the couple to adopt one child of either gender, with special needs from India age birth through 3 years of age at time of referral”.

9 The Psychological Evaluation Reports dated 28/01/2018 of the proposed adoptions states, “found them to be free of any mental conditions that would make them mentally unstable, unable to function, or prohibit their ability to parent” There is an undertaking of Child Security dated 11/05/2018 by the sister and brother-in-law of Second Proposed Adopter to look after the proposed minor in case of any mishap to the Proposed Adopters. There is also “Article 5” Letter dated 09/10/2018 from Embassy of the United States of America. There is also an undertaking of Child Security dated 10/06/2018 by the stepfather and mother of Second Proposed Adopter to look after the proposed minor in case of any

mishap to the Proposed Adopters.

10 The Medical Examination Report dated 12/03/2018 of the proposed minor states, "Child Nayan is **HIV Reactive**. The Proposed Adopters have countersigned this report and also given a separate child approval letter. As regards the change of name, the prospective adoptive parents desire that the minor 'Nayan' be renamed as "**Nayan Everett Eimers**".

11 The HIV & HIV 2 report dated 31/01/2017 & 22/10/2018 of the minor certifies the case as **Reactive**. The Indian Specialized Adoption Agency (Apang & Kushtarogi Swavlamban Sanstha, Dhule) Certificate of Recognition to do in-country adoption from the Maharashtra State Government is valid for a period up to 15/02/2020.

12. I have considered the petition, annexures thereto and the report of the Scrutiny officer of Indian Council of Social Welfare (ICSW) dated 8.12.2018 is taken on record and marked "X" for identification.

13. Documents being in order, Petition allowed. Judge's order signed separately.

(K.R.SHRIRAM,J)