

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

IN ITS GENERAL AND INHERENT JURISDICTION

**JUDGE'S ORDER NO.231 OF 2018
IN
FOREIGN ADOPTION PETITION NO.44 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 the Adoption of male
minor Simha Patrick Adkinson, an
inmate of Bal Asha Trust, Bal Asha
Dham, Anand Niketan, Dr.E.Moses
Road, Mahalaxmi, Mumbai-400 011.

Bal Ashs Trust, through Sunil Kumar Arora)
Executive Director)...Petitioner
V/s.

Joshua Kent Adkinson, American National)
and Anr.)...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 is a petition for adoption of the male minor RAGHAV born on 07/11/2015. He was surrendered by the biological parents before the Child Welfare Committee, Mumbai City II on 27/11/2015 and the child's safe custody was given to the Petitioner institution Bal Asha

Trust, Mumbai on the same day as per the order of Child Welfare Committee, Mumbai City II dated 27/11/2015 under section 33 of Juvenile Justice (Care and Protection of Children) Act, 2000.

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, Mumbai City II declared the proposed minor RAGHAV “Legally Free for Adoption” as on 05/02/2016.

3. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 14-11-18 to this 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. There is an undertaking/affidavit by the Petitioner institution.

4. The Proposed Adopters who are American nationals residing at Oklahoma, U.S.A. aged about 32 years and 29 years respectively, have been married for the past 8 years (13/03/2010) with no biological children. However, they have one adopted daughter “Samradni” aged about 4 years from Mumbai, India. Her Birth Certificate, Adoption Decree, Health report Consent and progress report and Motivation Letter from the Proposed Adopters are on record. The Proposed Adopters Passport Copies are on

record.

5. The Health reports dated 04/05/2018 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 & HbsAg Test Report certify the case as Negative.

6. The first Proposed Adopter is stated to be co-owner and the President of DEX Three, Inc. DBA Daisy Exchange Moore. There is a certificate of one Woody & Associates dated 17.5.2018, Certified Public Accountants stating that Joshua's salary for 2017 was \$ 4000 and his projected salary for 2018 as \$ 4000. A similar certificate has been issued by Woody & Associates for the 2nd petitioner viz. Sarah Adkinson to be the co-owner of DEX Three, Inc. DBA Daisy Exchange Moore and they have certified her salary for 2017 as \$ 100,000 and projected salary for 2018 as \$ 80,000. The documents at pages 71 to 80 however, being U.S. Individual Income Tax Returns for 2015, 2016 & 2017 show that petitioners together filed joint returns and their income for 2015 was \$ 80873, for 2016 was \$ 181,193 and for 2017 was \$ 71295. Therefore, I find the two certificates issued by Woody & Associates, CPA's, PLLC to be rather difficult to understand. I am proceeding on the basis of the joint Tax Returns copies provided. Petitioners have also filed

Bank references/statements, Financial Statement and Proof of Address and the Childcare Arrangements Plan declaration from the proposed adopters.

7 The home study report of the proposed adopters has been conducted by the authorities of “America World Adoption”, U.S.A dated 18/05/2018 and it states, “Mr. & Mrs. Adkinsons present as a very stable and loving couple who are mentally, emotionally and physically ready to add to their family through adoption. They live within their means and are financially able to assume responsibility for adopted children. The family is aware of the medical uncertainties and developmental delays associated with the institutionalization and prepared to parent such a child. After all assessment, the agency approved them to adopt a child of either gender from India between the ages of birth through three years of age at time of referral. They are also approved to adopt healthy children or children with special needs including but not limited to Down syndrome”.

8 The Pre-Adoption Psychological Evaluation report of the proposed adopters dated 20/04/2018 states, “ Mr. & Mrs. Adkinson do not report any significant history of psychological or emotional problems. Additionally, they did not present with any significant symptoms of anxiety or depression and did not demonstrate any significant psychological problems during the evaluation process”. There is also “Article 5” Letter dated 09/10/2018 from Embassy of the United States of America.

9 There is an undertaking by 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.

10 The Medical Examination report of the minor dated 14/12/2017 states “Over all observation of the child: Raghav has Down syndrome. His overall DQ is 30% is suggestive of Global Developmental delay. He is totally dependent for daily living activities. He undergoes occupational therapy thrice a week”. The Proposed Adopters have countersigned this Report along with Report of psychological testing, Occupational Therapy Reports and Neurophysiology reports and has given a separate undertaking regarding his medical needs.

11 As regards the change of name, the proposed adopter desire that the minor ‘RAGHAV’ be renamed as “SIMHA PATRICK ADKINSON,”

12 The H.I.V. report of the proposed minor dated 18/03/2016 certifies the case as non-reactive. Proposed adopters have also given declaration of willingness and undertaking, post card size photograph of the minor, there is an undertaking by the Authorized Foreign Adoption Agency (AFFA) “America World Adoption” U.S.A. and there is also Special Power of Attorney duly signed by the proposed adopters

in favour of petitioner-institution.

13 The Indian Placement Agency (Bal Asha Trust, Mumbai) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period from 01/08/2014 to 31/07/2019.

14. 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 which is taken on record and marked "X" for identification.

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

(K.R.SHRIRAM,J)