

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY AND ORIGINAL CIVIL JURISDICTION  
IN ITS GENERAL AND INHERENT JURISDICTION  
FOREIGN ADOPTION PETITION NO.3 OF 2019  
WITH  
JUDGE'S ORDER NO.8 OF 2019**

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

AND

In the matter of Adoption of female  
minor Sonali Deepak Bhosale @ Lively  
Ann Sonali McQueen - aged about 4  
years 9 months under Section 59 (7)  
of Juvenile Justice (Care and  
Protection of Children) Act, 2015.

Children of the World India Trust

...Petitioner

AND

1. Zakery Scott McQueen and

2. Krystina Lefft McQueen

...Proposed Adopters

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Mr. Rakesh Kapoor for petitioner.

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

Ms. Betty Mathai, Adoption Co-ordinator present.

Proposed adoptive parents present.

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**CORAM : K.R.SHRIRAM, J.**

**DATE : 13<sup>th</sup> FEBRUARY 2019**

**P.C.:**

1            This is a petition for adoption of female minor Sonali Deepak Bhosale, born on or about 04/04/2014 and who was admitted to petitioner institution Children of the World India Trust, Nerul, Navi Mumbai on 02/09/2015 as per the order of Child Welfare Committee, Thane dated 02/09/2015 under section 33 (4) of the Juvenile Justice Act, 2000 for a period of three months. Subsequently on 27/10/2017 the child's biological

father (birth mother passed away) executed a Deed of surrender before the Child Welfare Committee, Thane for the child's permanent rehabilitation. The Admission order is on record. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Thane declared the proposed minor Sonali Deepak Bhosale "Legally Free for Adoption" as on 05/01/2018. The Free for Adoption Order is on record. The undertaking/affidavit by petitioner is on record. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 03/12/2018 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.

2                I have considered the petition, annexures thereto and the report dated 28<sup>th</sup> December 2018 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked "X" for identification.

3                In the representation it is noted that the proposed adopters are American Nationals residing at Georgia, U.S.A. aged about 28 and 29 years, respectively. They have been married for the past 8 years (24/07/2010) with two biological children a daughter aged about 5 years and a son aged about 2 years respectively. Their birth certificates are on record. Passport

copies of the Proposed Adopters are on record. The health reports dated 19/07/2018 of the proposed adopters are on record and it states, “There are no physical, mental, or psychological unfavorable elements of the adoption applicants which will affect the upbringing of the child”. Their HIV and HbsAg test reports certifies the case as Negative. Health reports of the biological children states all are “they are free of communicable diseases”.

4           The Prospective Adoptive Father is working as an Associate Worship Pastor at Lakewood Baptist Church, USA since September 1, 2014 and earns US\$ 56,659 annually as per Home Study Report. Mr. Kapoor tenders an Income Certificate of Mr. Zak McQueen dated 9<sup>th</sup> November 2018 issued by the Lakewood Baptist Church in which his current annual salary is stated to be US\$ 56,650 paid semi-monthly. The same is taken on record and marked “X-1” for identification. The Proposed Adoptive Mother is self employed as a Hairdresser and has owned a Hair Salon since October 2014 and her business income for the year 2016 was US\$ 31,330 as per Home Study Report. The proposed adopters combined total taxable income for the year 2017 is of US\$ 75,139. The income tax Returns 2017, 2016 and 2015 is on record. The Bank Reference, Certificate of Financial Status, and Proof of Residence are on record. The childcare arrangement declaration is on record.

5           The Home Study reports dated 15/12/2017 by the authorities “CCAI Adoption Services” USA is on record and it states “The prospective Adoptive Parents are a friendly, resourceful, and family oriented couple. They are described by references as stable, loving, and devoted. They are willing and able to provide a secure, stable, and loving home for children. They also have adequate financial resources to care for child with special needs and are in good emotional, mental, and physical health. They have excellent family and community support and are eager to love and care for their lives with open arms. The agency worker is of the view that the adoptive couple will make excellent parents for any child and recommends them to adopt one child of either gender from India, between the ages of 0-4 years at the time of referral who is healthy or who has mild to severe special needs”. The “Article 5” Letter dated 19/07/2018 from the Embassy of the United States of America is on record. The child security letter/Guardianship Letter from the Proposed Adoptive father’s parents to look after the proposed minor in case of any unforeseen mishap to the Proposed Adopters is on record. The H.I.V report of the proposed minor Sonali dated 28/09/2018 certifies the case as Non-Reactive. The Post Card size photograph of the minor is on record.

6           The Medical Examination Report (MER) dated 19/02/2018 of the minor Sonali Deepak Bhosale is on record and states, “MRI brain

showed Tuberculomas but repeat MRI is normal. Deformed and small ear, BERA moderate elevation of hearing threshold. Right facial paralysis since admission. Mild delay in motor development and Moderate delay in speech and fine motor function. The proposed adopters have countersigned this report. The proposed minor is aged about 5 years. Mr. Kapoor tenders Psychological Assessment Report issued by the Navi Mumbai Municipal Corporation in which the minor stated to have been assessed on 15<sup>th</sup> January 2018 and the psychologist concluded that the minor's SQ (social quotient) falls in the range of average. Copy of the report is taken on record and marked "X-2" for identification.

7           Undertaking for further treatment, Joint Declaration of willingness and undertakings by the proposed adopters is on record. The undertaking dated 06/07/2018 by the Authorized Foreign Adoption Agency "International Adoption Net" U.S.A. is on record. The General Power of Attorney dated 26/06/2018 in favour of petitioner institution is on record. The Indian Placement Agency (Children of the World India Trust, Navi Mumbai) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 31.7.2019.

8           Following the order passed on 16<sup>th</sup> January 2019, the prospective adoptive parents have come to India with their two biological children on 8<sup>th</sup> February 2019. Between 8<sup>th</sup> February 2019 till date, the

prospective adoptive parents and their two biological children have spent full days with the minor. The Senior Co-ordinator (Adoption) of petitioner has submitted a report dated 12<sup>th</sup> February 2019 in which she has summarised that there is considerable progress in the bonding between the minor and prospective adoptive family. The Co-ordinator has also observed that the minor's prospective siblings are also happy with the minor and play with her and has strongly recommended that the minor will get an affectionate and sincere family and has recommended that the prospective parents should be permitted to adopt the minor child. A copy of the report is taken on record and marked "X-3" for identification.

I have to also note that following the order dated 16<sup>th</sup> January 2019 the prospective adoptive parents have brought their two biological children to the petitioner's centre so that they also get to see the minor and interact and understand the minor personally and the minor will also get an opportunity to bond and accept the prospective adoptive parents and two minor children, apart from two minor biological children getting an opportunity to get to know the minor. This shows the commitment of the prospective adoptive parents and their seriousness and desire to give a life to the minor.

9           The other required documents are also on record. Therefore, I find no impediment in granting the reliefs sought for in the petition.

10                      Petition allowed. Judge's order is signed separately.

**(K.R. SHRIRAM, J.)**