

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO.1 OF 2019
WITH
JUDGE'S ORDER NO.6 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 Clause 17 of the
Letters Patent;

AND

In the matter of the adoption of
female minor Andrea Shimpali
Fernandez De Paz, an inmate of Holy
Cross Home For Babies, Amravati
(Camp) – 444 602, Maharashtra State.

Holy Cross Home For Babies)....Petitioner/Applicant
V/s.

Victor Manuel Fernandez Lopex and
Rosa Maria De Paz Aragon)....Proposed Adopters

Mr. Rakesh Kapoor for petitioner.
Mr. O. Hareendran, Scrutiny Officer of ICSW present.

**CORAM : K.R.SHRIRAM, J.
DATE : 16th JANUARY 2019**

P.C.:

1 This is a petition for adoption of female minor Shimpali born on 27th November 2017. The biological mother relinquished Shimpali before the Child Welfare Committee, Amravati on 13th December 2017 and the safe custody was given to petitioner institution Holy Cross Home For Babies,

Amravati on the same day as per the order of Child Welfare Committee, Amravati dated 13th December 2017 under the provisions of Juvenile Justice (Care and Protection of Children) Act for further rehabilitation. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Amravati declared Shimpali legally free for adoption as on 20th April 2018. The Free for adoption Certificate is on record. The undertaking affidavit by petitioner Institution Holy Cross Home For Babies, Amravati is on record. The No Objection Certificate issued by the Central Adoption Resource Authority (CARA), New Delhi on 12th October 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 is also on record.

2 I have considered the petition, annexures thereto and the report dated 27th 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 Spanish Nationals, both residing at Toledo, Spain, aged about 39 and 40 years, respectively. They have been married for the past 11 years (1st September 2007) with no biological children.

4 Copies of the passport of the proposed adopters are also on record. The health reports dated 25th September 2018 of the proposed adopters states “Does not suffer, at present time, from any chronic, contagious or serious disease and they are medically fit to adopt a child. They do not suffer from HIV or Hepatitis A, B, or C.

5 The prospective adoptive father is working as a Optimum Agent-Individuals at the Branch of Alcazar De San Juan with Banco Popular since 7th April 2014 and his gross annual salary for the year 2017 was € 43,375.69 . His wife is a Housewife. The prospective father’s Tax Certificates for the year 2015, 2016 and 2017 are on record. Proof of residence is also on record. Childcare arrangement plan letter from the proposed adopters is also on record.

6 The home study report dated 1st June 2017 by the authorities of Social Welfare Department, Provincial Directorate of Toledo, Spain recommend the adoption by the adoptive parents. The said departments findings are positive. The Suitability Certificate (Art. 5) and permission of the receiving country (Art. 17) from the Department of Social Welfare, Directorate-General of Families and Children, Spain are on record. The H.I.V. report dated 14th December 2017 of the proposed minor certifies the case as Negative is also on record. The Post Card size photograph of the minor is on record.

7 The Medical Examination Report of the proposed minor Shimpali dated 15th April 2018 states “Birth weighs 1.780 Kg. No mental retardation or mental disorder of the age. Overall observation of the child: Her milestones appears to be normal for her age”. The proposed adopters have countersigned this report along with additional test reports. As regards the change of name, the proposed adopters desire that the minor ‘Shimpali’ be renamed as “Andrea Shimpali Fernandez De Paz”. Undertaking from the prospective adoptive parents is on record. The undertakings dated 29th October 2018 by the Authorized Foreign Adoption Agency “Children Without Frontiers” Spain is on record. The Copy of Special Power of Attorney duly signed by the proposed adopters in favour of petitioner institution is on record. The Specialized Adoption Agency’s (Holy Cross Home For Babies, Amravati) recognition from the Women & Child Development, Government of Maharashtra to place children in adoption is valid for a period up to 10th June 2019.

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

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

(K.R. SHRIRAM, J.)