

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION**

**FOREIGN ADOPTION PETITION NO. 6 OF 2019
WITH
JUDGE'S ORDER NO. 32 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 VINITA @ Carys Claire Johns
Ferguson - aged about 1 year 10
months under Section 59 (7) of
Juvenile Justice Act, 2015.

Vatsalya Trust, Mumbai
&

...Petitioner

Mr. Kristopher Johns

Mrs. Vanessa Clair Ferguson

...Proposed Adopters

Ms Sangeeta Nagpal for petitioner.

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

CORAM : K.R.SHRIRAM, J.

DATE : 27th FEBRUARY 2019

P.C.:

1 This is a petition for adoption of female minor "Vinita" born on or about 28/04/2017 and was taken charge by Panvel Police Station on 06/06/2017 and admitted to Vatsalya Trust, Alibag as per the order dated 06/06/2017 of Child Welfare Committee, Karjat, Dist. Raigad. The said minor was, on 23/06/2017, transferred to Petitioner institution Vatsalya Trust, Kanjurmarg, Mumbai as per the order dated 23/06/2016 of Child

Welfare Committee, Raigad. The transfer orders of CWC Raigad and CWC Mumbai Suburban District are on record. Ms Nagpal tenders her letter addressed to Prothonotary and Senior Master placing on record a letter of Child Welfare Committee, to place Vinita in Shelter Home of Petitioner dated 6th June 2017 and English Translation thereof. The same are taken on record and marked **X (colly)**.

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, Karjat, Dist. Raigad declared minor Vinita “Legally Free for Adoption” as on 21/11/2017, but due to non-availability of the full bench of the Child Welfare Committee (CWC) in the case, only two Committee Members had signed on the Certificate and thereby there was unavoidable non-compliance of Section 38 (4) of the J. J. Act, 2015.

3 Minor Vinita was again presented before the present CWC Raigad for re-affirmation of the earlier Free for Adoption Certificate and in the best interest of the child, the present members of the CWC Raigad reaffirm that the earlier Certificate for declaring child legally free for adoption is valid and therefore signed as per provisions of Section 38(4) of Juvenile Justice (Care and Protection of Children) Act, 2015 on 19/12/2018. The Free for adoption Certificates dated 21/11/2017 and

19/12/2018 are on record. The undertaking/affidavit of Petitioner is on record. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 03/01/2019 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.

4 I have considered the petition, annexures thereto and the report dated 23rd February 2019, of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked “X-1” for identification.

5 In the representation it is noted that the proposed adopters are American Nationals residing at Michigan, USA both aged about 37 years. They have been married for the past 10 years (03/03/2008) with no biological children. Family Photograph is on record. Motivation letter from the Proposed Adopters is on record. The Passport copies of the proposed adopters are on record. The health report dated 23/05/2018 of the proposed adopters is on record and it states, “Shown no symptoms of either physical or mental disease or physical incapacity detrimentally affecting his fitness to have custody and educate an adoptive child”. Their HIV and Hepatitis B Test Reports certify the case as Non Reactive.

6 The Prospective Adoptive Father is working full-time as a Program Manager in the Office of Research and sponsored Programs at the University of Michigan-Flint since August 1, 2016 and his annual gross salary is US\$59,670. The Prospective Adoptive Mother is working with Mott Community College as an Adjunct Faculty since August 2008 and her 2017 gross earnings were US\$30,383.37. The U.S. Individual Income Tax Return 2017, 2016 and 2015 of the Proposed Adopters are on record. The Financial Statement, Bank References and Proof of Residence are on record. The childcare plan declaration from the proposed adopters is on record.

7 The home study report dated 15/05/2018 by the authorities of “Hands across the Water, Michigan, USA is on record and it states “The prospective adoptive parents are a friendly, mature, and secure couple who appear emotionally ready to parent a child. They have taken much time to explore their options regarding becoming parents and have chosen, without reservation, to adopt a child from India and appear to be emotionally capable and ready to adopt a child. After all assessment, the agency recommends that the couple be approved for the adoption of one child healthy or with special needs between the ages of 0-3 years old at the time of referral from India”. The Psychological Evaluation dated 31/01/2018 of the proposed adopters is on record and it states, “The psychological

evaluation confirms that the couple presents no psychological symptoms which would impair their ability to parent". The "Article 5" Letter dated 30/11/2018 from the Embassy of the United States of America is on record. The child security undertaking from the Proposed Adoptive mother'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 dated 09/12/2017 of minor Vinita certifies the case as Negative. The Post Card size photograph of the minor is on record.

8 The Medical Examination Report dated 03/08/2018 of minor Vinita states, "Vinita was investigated at Wadia Children's Hospital for Persistent Abdominal distention with failure to thrive. No cause found child later recovered and grown very well. Milestones were slightly delayed initially but child is picking up well." The proposed adopters have countersigned this report. As regards the change of name, the prospective adoptive parents desire that the minor 'Vinita' be renamed as "Carys Claire Johns Ferguson". The child Acceptance Letter, Declaration of willingness and undertaking from the prospective adoptive parents is on record. The undertaking dated 29/10/2018 by the Authorized Foreign Adoption Agency "America World Adoption", U.S.A. is on record. The Power of Attorney from the Proposed Adopters in favour of the Petitioner institution & Advocate is on record. The Indian Placement Agency (St. Vatsalya Trust

Mumbai) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period from 01.04.2016 to 31-03-2021.

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.

11 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 petitioner free of cost on a pen drive provided by the Advocate for petitioner for the same. The Registry will ensure that the scan of the Judge's Order is a properly calibrated colour scan.

(K.R. SHRIRAM, J.)