

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

**JUDGE'S ORDER NO.34 OF 2019
IN
FOREIGN ADOPTION PETITION NO.7 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 male
minor SHAILESH, an inmate of
Adharashram, 491/6, Gharpure Ghat,
Nashik-422 002.

Adharashram)....Petitioner/Applicant

V/s.

- 1) Kent Willis Cochran, American)
2) Nicole Rae Cochran, American)....Proposed Adopters

Mr.Rakesh Kapoor for petitioner.

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

CORAM : K.R.SHRIRAM,J

DATE : 6.3.2019

P.C.:-

1. This is a petition for adoption of male minor Shailesh, born on 28/06/2016. He was taken charge by Nandagaon Police Station, Dist. Nashik on 28/06/2016 who produced him before the Child

Welfare committee, Nashik on the same day and the child's safe custody was given to Petitioner institution Adharashram, Nashik as per the order of the Child Welfare Committee, Nashik dated 28/06/2016 under section 33 (3) of Juvenile Justice (Care and Protection of Children) Act 2015. After making due inquiry under section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) the Child Welfare Committee, Nashik declared the proposed minor Shailesh "Legally Free for Adoption" as on 25/07/2018. The Free for Adoption Order is on record. The undertaking/affidavit by the Petitioner is also on record.

2. The Central Adoption Resource Authority (CARA), New Delhi has issued their No Objection Certificate dated 07/01/2019 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. The said CARA NOC is on record.

3. The Proposed Adopters are American Nationals, residing at North Carolina, U.S.A. aged about 35 and 34 years respectively, have been married for the past 12 years (19/08/2006) with two biological

children, a son aged about 5½ years and a daughter aged about 3½ years respectively. Their birth certificates, health reports and consent letters are on record. Motivation Letter from the Proposed Adopters, the Family Photograph and Passport Copies of the proposed adopters are on record.

4. The Medical Certificates dated 25/06/2018 of the Proposed Adopters states “does not suffer from any chronic, contagious or fatal disease and is fit to adopt”. Their HIV 1-2 Test Report certifies the case as Non-Reactive.

5. The first Proposed Adopter is working as a Resident in Anesthesiology at Wake Forest School of Medicine, at the PGY-4 level. He began his training on July 1, 2014 and is expected to complete a four-year residency on August 31, 2018. His current annual salary is \$ 57,197.00 and following the completion of residency, he will be staying on at Wake Forest to begin a Pain Medicine Fellowship on September 1, 2018 with a salary of \$60,920.00. He also works as a Resident at Novant Health – Medical Park Hospital since May 1, 2016 and his pay rate is \$ 60.00 per hour. His gross income for the year 2017 is of \$ 86,117. His wife (2nd proposed adopter) is currently unemployed. The Income Tax Certificates 2017, 2016 and 2015, the

Bank References and Financial Statement, the Child Care Arrangement Plan by the Proposed Adopters are on record.

6. The home study report dated 13/07/2018 of the Prospective Adoptive Parents is conducted by the authorities of “Bethany Christian Services” North Carolina, U.S.A. is on record (Pg. 92-108) and it states, “The couple have healthy motivation to adopt and strong support system. They have shown strength in the areas of conflict resolution, emotional support and attitude towards spouse, communication between couple, balance of power and stability of the marriage. The couple appear to have adequate financial means and the ability to responsibly budget their money to support their growing family. Their parenting techniques are strong in the areas of child development, parenting style, disciplinary methods, child supervision etc. After considering all factors, the agency recommends that the couple to adopt up to two children, male or female, between the ages of zero to three years of age at time of referral”.

7. The Psychological Evaluation dated 23/04/2018 of the proposed adopters states, “Found them free of any mental conditions that would make them mentally unstable, unable to function, or prohibit their ability to parent”. The Article “5” Letter dated 14th

December, 2018 from the Embassy of the United States of America, Washington, D.C., the Child Security undertaking dated 04/07/2018 by the parents of the Second Proposed Adopter to look after the proposed minor in case of any mishap to the Proposed Adopters are on record.

8. The Medical Examination Report (MER) of the proposed minor Shailesh dated 31/08/2018 states, "Health status: Special Need. He has both ear-perforated eardrums with mild to moderate conductive hearing loss. Both ear drums to be operated but his age would be after 10 to 12 years." The Proposed Adopters have countersigned child's MER, Audiogram, ENT specialist report and Assessment Report respectively.

9. The HIV report dated 30/06/2016 of the minor certifies the case as Negative. The Post Card size photograph of the minors and the undertaking by the Proposed Adopters regarding medical needs, Declaration of willingness, the undertaking by the Authorized Foreign Adoption Agency "America World Adoption" U.S.A. and the General Power of Attorney duly signed by the Proposed Adopters in favour of the Petitioner institution are on record.

10. The Indian Specialized Adoption Agency (Adharashram, Nashik) Certificate of Recognition to do in-country adoption from the Maharashtra State Government is valid for a period up to 05-11-2020.

11. I have considered the petition, annexures thereto and the report dated 29.2.2019 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked "X" for identification.

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

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

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

15. Once minor Shailesh is 18 years old, he may apply independently for authenticated or certified copies of this order and the contents of the court records, and these will be provided to him

without him having to file any additional supporting documents.

19. Petitioner to obtain further undertaking from the adoptive parents that they shall not give the minor in further adoption without prior leave of this Court.

All undertakings accepted.

(K.R.SHRIRAM,J)