

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

**FOREIGN ADOPTION PETITION NO.12 OF 2019
WITH
JUDGE'S ORDER NO.73 FO 2019
IN
FOREIGN ADOPTION PETITION NO.12 OF 2019**

In the matter of the Juvenile Justice (Care & Protection of Children) Act, 2015 (as Amended) and The Juvenile Justice (Care & Protection of Children) Rules, 2017 and in the matter of Section 58(3) of the said Act,

AND

In the matter of Adoption of minor male child **Shekhar @ Shekhar Isaiah Allen Woolard** - aged about 3 years 10 months under Section 59 (7) Juvenile Justice (Care and Protection of Children) Act, 2015 (No.2 of 2016).

Adharashram, Nashik

...Petitioner/Applicant

Versus

Brandon Eugene Woolard and Ashley
Ann Woolard

...Proposed Adopters/
Co-Petitioners

.....

Mr. Rakesh Kapoor for the Petitioner.

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

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 18th APRIL, 2019.

P.C.:-

This is a petition for adoption of a minor male child

Shekhar. The proposed minor male child **Shekhar @ Shekhar Isaiah Allen Woolard** was born on 25/05/2015. He was an abandoned child and was found by Sarkarwada Police Station, Dist. Nashik on 19/06/2015 and produced before the Child Welfare committee (CWC), Nashik on the same day and the child's safe custody was given to the Petitioner institution Adharashram, Nashik as per the order of the CWC, Nashik dated 19th day of June, 2015 under Form VIII (Rule 6 (12) and 32 and 8 (12) and (22) of J.J. Act 2015. Thereafter the concerned police had made an inquiry and traced out biological mother of the child, and produced before the said CWC, Nashik and she surrendered her child before the CWC, Nashik on 28/10/2015. The Admission order and Background information of the child is on record.

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, Nashik declared the proposed minor Shekhar, "Legally Free for Adoption" as on 29/10/2018. The Free for Adoption Order is on record.

3. The undertaking/affidavit by the Petitioner is on record.

4. The Central Adoption Resource Authority (CARA), New

Delhi has issued their No Objection Certificate dated 15/02/2019 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.

5. The Proposed Adopters are American Nationals, residing at Missouri, U.S.A. aged about 33 and 28 years respectively have been married for the past 8 years (14/05/2011) with three biological daughters aged about 9½ years, 7 years and 4 years respectively. Their birth certificates, health reports and consent letters are on record.

6. The Family Photograph and Passport Copies of the proposed adopters are on record.

7. The Medical Certificates dated 26/10/2018 of the Proposed Adopters states “shown no symptoms of either physical or mental disease including tuberculosis, HIV or Hepatitis. They do not experience physical incapacity detrimentally affecting their fitness to have custody of and educate an adopted child” .

8. The Medical Certificates dated 18/10/2018 of the biological

children of the Proposed Adopters states “shown no symptoms of either physical or mental disease including tuberculosis, HIV or Hepatitis .

9. The prospective Adoptive father is working as a Business Banking Relationship Manager with Commerce Bank, USA since January 30, 2017 and his yearly salary of \$68,000 (Pg. 57). His wife (2nd proposed adopter) is presently a homemaker.

10. The Income Tax Certificates 2016, 2015 and 2017 is on record. The Bank References/Assets and Statement are on record.

11. The Child Care Arrangement Plan by the Proposed Adopters is on record.

12. The home study reports dated 31/10/2018 and 22/05/2018 of the Prospective Adoptive Parents conducted by the authorities of “America World Adoption”, U.S.A. is on record and it states, “The Proposed Adopters present as a loving couple with a strong stable and committed marriage. They appear to be emotionally, mentally and financially capable of providing excellent care for an adopted child. They have the resources, experience a large support

network and love to offer a child with special needs. After all assessment, the agency recommends that the couple to adopt one child, either gender, from the country of India aged 0-4 years of age, healthy or who has special”.

13. The Psychological Evaluation dated 08/03/2018 of the proposed adopters is on record and it states, “Found them to be free of any mental conditions that would make them mentally unstable, unable to function, or prohibit their ability to parent”.

14. The Approval Notice from U.S. Citizenship and Immigration Services, USA and Article “5” Letter dated 31st January, 2019 from the Embassy of the United States of America, Washington, D.C. is on record.

15. Child Security undertaking dated 23/10/2018 by the Mother and Step Father of the First Proposed Adopter to look after the proposed minor in case of any mishap to the Proposed Adopters is on record.

16. The Medical Examination Report (MER) of the proposed minor Shekhar dated 31/08/2018 states, “Operated for Hydrocephalus

V.P. shunt done. Operated for congenital hydrocephalus is now doing well". The Proposed Adopters have countersigned child's MER and other additional medical reports.

17. As regards the change of name, the proposed adopter desire that the minor 'SHEKHAR' be renamed as "Shekhar Isaiah Allen Woolard".

18. The HIV report dated 19/02/2019 of the minor certifies the case as Non Reactive .

19. The Post Card size photograph of the minors is on record .

20. The Acceptance of child and name change request, Letter of consent and approval and undertaking by the Proposed Adopters is on record and marked 'X' for identification.

21. The Consent and undertaking by the Authorized Foreign Adoption Agency "World Association for Children and Parents (Wacap)" U.S.A. is on record.

22. The General Power of Attorney duly signed by the Proposed Adopters in favour of the Petitioner institution is on record.

23. 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.

24. I have considered the petition, annexures thereto and the report dated 29/3/2019 of the Scrutiny Officer of the Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X-1' for identification.

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

26. The Petition is allowed. Judge's order is signed separately.

27. The Registry will get the Petition with all the 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.

28. Once minor Shekhar 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.

29. All undertakings accepted.

(SMT. ANUJA PRABHUDESSAI, J.)