

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

FOREIGN ADOPTION PETITION NO. 14 OF 2019

WITH

JUDGE'S ORDER NO. 82 OF 2019

IN

FOREIGN ADOPTION PETITION NO. 14 OF 2019

Bal Asha Trust, Bal Asha Dham

)....Petitioner/Applicant

V/s.

1. Caleb Joseph Butler, American

2. Jayme Lynn Butler, American

)....Proposed Adopters

Mr.Rakesh Kapoor for petitioner.

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

CORAM : ANUJA PRABHUDESSAI, J.

DATED : 02nd MAY, 2019.

P.C.:-

1. This petition is for adoption of female minor Rajlaxmi born on 17/11/2012. Said female child was surrendered by her biological mother before the Child Welfare Committee, Satara, on 22/11/2012 due to social reasons. The child's safe custody was given to Dronagiri Shikshan Sanstha Mhaswad, Dist. Satara as per the Order dt. 22.11.2012 of the Child Welfare Committee, Satara, under the provisions of Juvenile

Justice (Care and Protection of the children) Act, 2000. The Admission order is on record.

2. The Child Welfare Committee, Satara has issued the “Legally Free For Adoption Order” dated 28/01/2013 stating that the biological mother and her relatives were given sufficient time for reclaiming the child, nobody came forward to take custody of the child either at the institution or the observation home from last 2 months. Therefore, under these circumstances, it will be fit case to declare the child Free for Adoption in the interest of Child and we therefore declared the child Rajlaxmi Free For Adoption. The Free for adoption Certificates are on record. As per the medical record of Rajlaxmi it was observed that she has cyst in left side of neck; the said minor was transferred to the Petitioner institution as per the order of Child Welfare Committee, Satara on 07/10/2013.

3. The Central Adoption Resource Authority (CARA), New Delhi, has issued No Objection Certificate dated 15/03/2019 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 certificate is on record. The undertaking/affidavit by the Petitioner institution is on record.

5. The Proposed Adopters are American nationals residing at Missouri, U.S.A. aged about 37 years and 40 years respectively. They have been married for the past 13 years (19/11/2005) and are having three biological children, two sons aged about 11 and 7 years and a daughter aged about 9 years respectively. Their Birth Certificates and consent letters are on record. The Motivation Letter from the Proposed Adopters is on record. The family photograph and passport copies of the Proposed Adopters is on record.

6. The Health reports dated 21/05/2018 of the proposed adopters is on record and it states, "Shown no symptoms of either physical or mental disease or physical incapacity

detrimentally affecting their fitness to have custody and educate an adoptive child. They do not suffer from any chronic, contagious or fatal disease and is fit to adopt". Their HIV 1-2 & HbsAg Test Report certify the case as Negative. The Medical report of the biological children states, "They are in good health and up to date on their immunizations".

7. The first Proposed Adopter is working as a Worship Leader at Wentzville Christian Church, Missouri, USA since September, 2011 and his current annual salary is \$ 46,825.00. His wife i.e. the second proposed adopter is a Homemaker. The U.S. Individual Income Tax Return 2017, 2016 and 2015 are on record. The Bank references/statements, Financial Statement, Proof of Address and child care plan declaration are on record.

8. The home study report dated 27/07/2018 of the proposed adopters has been conducted by the authorities of "America World Adoption", U.S.A is on record on and it states, "Mr. & Mrs. Butler appear to be emotionally, mentally and

financially capable of providing excellent care for an adopted child from India. They have the resources, experience, a large support network and love to offer a child adopted internationally with special needs. After all assessment, the agency approves and recommends Caleb and Jayme Butler to adopt one child, female, from the country of India, 0-6 years old at the time of referral, healthy or who has special needs”.

9. The Pre-Adoption Psychological Evaluation report of the proposed adopters dated 20/04/2018 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”.

10. The “Article 5” Letter dated 05/03/2019 from Embassy of the United States of America is on record.

11. The Child Security undertaking dated 03/06/2018 by the sister and brother-in-law of Second Proposed Adopter to look

after the proposed minor in case of any mishap to the Proposed Adopters is on record.

12. The Medical Examination report of the minor Rajlaxmi dated 21/12/2018 is on record and it states “Over all observation of the child: “MRI of the brain showed bilateral symmetric hype-intensities in parieto-occipital, subcortical and deep white matter as well as in frontal and paracentral areas. The pediatric neurologist has advised observation and follow-up for the same. She was also detected to have small ostium secundum Atrial Septal Defect (ASD) which has now closed on its own. In addition, she was detected to have high myopia with superior subluxation of the lens for which she has been operated on 29/09/2016. She has to wear corrective glasses as a result. She has average intellectual and social functioning and currently studying in first standard in Maratha High School”. The Proposed Adopters have countersigned this Report along with Orthopaedics report, Report of psychological testing and Language, Speech and Hearing Report.

13. As regards the change of name, the proposed adopter desire that the minor 'Rajlaxmi' be renamed as "Adya Rajlaxmi Butler".

14. The H.I.V. report of the proposed minor dated 27/05/2015 certifies the case as non-reactive. Post Card size photograph of the minor is on record. The undertaking regarding medical needs, Declaration of willingness and undertakings by the proposed adopters is on record.

15. The undertaking by the Authorized Foreign Adoption Agency (AFFA) "America World Adoption" U.S.A. is on record. The Special Power of Attorney duly signed by the proposed adopters in favour of the Petitioner institution is on record.

16. The Indian Placement Agency (Bal Asha Trust, Mumbai) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period from 01/08/2014 to 31/07/2019.

17. I have considered the petition, annexures thereto and the report dated 25th April, 2019 of the Scrutiny Officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked “X” for identification. The Child Care Plan is taken on record and marked “X-1” for identification and the Medical Needs Acceptance letter from the Proposed Adopters is taken on record and marked “X-2” for identification.

18. The required documents are also on record. I find no impediment in granting the reliefs sought for in the petition. Hence, the Petition is allowed. Judge's order is signed separately.

20. The Registry will get the Petition with all its annexures and 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.

21. Once Rajlaxmi is 18 years old, she may apply independently for an authenticated or certified copy of this order and the contents of the court records, and these will be provided to her without her having to file any additional supporting documents.

22. The 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.

(ANUJA PRABHUDESSAI, J)