

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

FOREIGN ADOPTION PETITION NO. 13 OF 2019
WITH
JUDGES ORDER NO. 81 OF 2019
IN
FOREIGN ADOPTION PETITION NO. 13 OF 2019

Children of the World India Trust ..Petitioner

v/s.

1) Ash Arthur Scott.
2) Jessica Clarie Scott ..Proposed Adopters

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

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 25th APRIL, 2019.**

P.C.

1. This Foreign Adoption Petition is for adoption of a female Child “Samira” born on 5th July, 2017. The minor was found abandoned by the Rabale MIDC Police Station, Dist. Thane on 25/09/2017 and brought before the Child Welfare Committee (CWC), Thane on the

same day and the safe custody of said minor was given to the Petitioner institution Vishwabalak Kendra, Nerul, Navi Mumbai for a period of 3 months as per the order of the said CWC, Thane dated 25/09/2017 under the provisions of the Juvenile Justice (Care and Protection of the Children) Act, 2015. However, the concerned Police traced out the biological parents of the said child and later on they executed a Deed of surrender before the Child Welfare Committee on 06/07/2018. The admission order 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, Thane declared the proposed minor SAMIRA “Legally Free for Adoption” as on 04/01/2019. The Free for Adoption Order is on record. The Undertaking/Affidavit by the Petitioner is also on record.

3. The Central Adoption Resource Authority (CARA), New Delhi has issued No Objection Certificate dated 11/02/2019 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 same is on record.

4. The Proposed Adopters are New Zealand Nationals residing at South Geraldine, New Zealand aged about 33 years, and 32 years respectively, have been married for the past 13 years (28/01/2006) with two biological sons (born at Mumbai, India) aged about 5½ years and 3½ years respectively. Their birth Certificates, and Passport copies and consent letter are on record.

5. Family Photograph and Passport copies of the Proposed Adopters are on record.

6. The health reports dated 04/02/2019 of the proposed adopters are on record and it states, “They are physically, mentally and emotionally stable, do not suffer from any chronic, contagious or fatal disease and they are fit to adopt a child from India.”. The health reports dated 04/02/2019 of the biological children of the proposed adopters are on record and it states, “They have no physically, mental or emotional disabilities and they are developing at the appropriate stage for a child of their age”

7. The Prospective Adoptive Father is a self-employed Graphic Designer (own Business) since March, 2011 and his agreed salary income is \$57,000+ sales commission. The Prospective Adoptive

Mother is a Nurse and working as an Infection Control Co-ordinator with Presbyterian Support Wallingford Home since October 2016 and her monthly net pay is \$803.02. The Declaration of Financial Status, Statement of Account for Property and Proof of Residence are on record.

8. The Home Study reports dated 19/03/2018 by the Senior Social Work Practitioner, Care Service-Adoption Unit, Ministry for Children, New Zealand is on record. It states “The prospective Adoptive Parents are a young but mature and responsible couple. They have already evidenced their capacity to parent by raising two healthy, secure, and happy sons. It is very clear they have an emotional connection to India, and are well versed in respect of the Indian culture. Mr. & Mrs. Scott are relatively young applicants and are both healthy, however in the event that they were unable to parent, they have canvassed the view of their family members to ensure an appropriate plan, Mrs. Scott’s sister, and husband would ensure the legal security. They would also be called upon as alternate emergency cares if this was ever required. After all assessment, the report writer is very confident that Mr. & Mrs. Scott will be safe,

loving and committed parents and fully supportive of their application to parent a child by way of adoption from India”.

9. The Psychological Assessment report by the Clinical Psychologist dated 06/03.2017 of the Proposed Adopters is on record and it states, “Based on the evidence presented to me, that Jessica and Ash Scott would be suitable to adopt a child.”

10. The Approval and Certificate of Eligibility and Suitability to Adopt from India from the New Zealand Central are on record.

11. The H.I.V report of the proposed minor Samira dated 26/03/2019 is on record, it certifies the case as Non-Reactive. The Medical Examination Report (MER) dated 03/01/2019 of the minor Samira is on record and states, “Normal mental development and behavior as per age. The proposed adopters have countersigned this report along with HIV report and MRI Brain (plain study) report.

12. The Post Card size photograph of the minor is on record.

13. As regards the change of name, the proposed adopters desire that the minor ‘Samira’ be renamed as “Grace Samira Scott”. Joint Declaration of willingness by the proposed adopters is on record.

14. The undertaking dated 28/01/2019 by the New Zealand

Central Authority “Oranga Tamariki-Ministry for Children” New Zealand is on record.

15. The General Power of Attorney dated 12/02/2019 in favour of the Petitioner institution is on record.

16. The Indian Placement Agency (Children of the World India Trust, Navi Mumbai) recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period up to 31.7.2019.

17. I have considered the petition and the annexures thereto. The Child Care Plan dated 9.4.2019 is taken on record and **marked “X” for identification.** The other required documents are on record. Therefore, I find no impediment in granting the reliefs sought for in the petition.

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

19. 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.

20. Once minor “Samira” is 18 years old, she may apply independently for authenticated or certified copies 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.

21. 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.

22. All undertakings accepted.

(ANUJA PRABHUDESSAI, J.)