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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS GENERAL & INHERENT JURISDICTION

**FOREIGN ADOPTION PETITION NO. 33 of 2019
WITH
JUDGE'S ORDER NO. 168 OF 2019
IN
FOREIGN ADOPTION PETITION NO. 33 of 2019.**

Family Service Centre.
Eucharistic Congress Bldg.
Mumbai- 400 001.

]Petitioner.

And

Manisha Singh, American
National, aged 43 yrs,
residing at 2332 W.
Ridge Road, Littleton,
Colorado 80120, U.S.A.

]Proposed
]Adopter.

—

Mr. Rakesh Kapoor i/by M/s Rakesh K.L. Kapoor & Co. Advocate for
the Petitioner.

Mr. O. Hareendran, Scrutiny Officer of ICSW.

CORAM : B. P. COLABAWALLA, J.

DATED :- 19th September, 2019.

P.C. :-

1. This Foreign Adoption Petition is for the adoption of a female minor **“GARGI”** born on 25th July, 2018 by a Foreign National. The minor child was found abandoned by the Pydhuni Police Station, Mumbai on 31st August, 2018 and was brought before the Child Welfare Committee, Mumbai on 4th September, 2018 and the custody of the minor child was given to the petitioner Institution as per the order dated 4th September, 2018 under Section 36 (1) of the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. The admission order is at page 14 of the petition. The representation of Indian Council of Social Welfare (ICSW) is tendered before me and taken on record and marked **“X”** for identification.

2. After making due enquiry under Section 38 of the Juvenile Justice Act, 2015, the Child Welfare Committee, Mumbai City II has declared that the proposed minor **“GARGI”** is legally free for adoption as on 1st August, 2019. A Certificate declaring the child Legally Free for Adoption is also on the record of this Court at page No. 13. The undertaking / affidavit by the petitioner Institution is on record at page Nos.17 to 21.

3. The Central Adoption Resource Authority (CARA), New Delhi has also issued its No Objection Certificate dated 14th August, 2019 to the aforesaid 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. This No Objection Certificate can be found at page 22 of the paper book.

4. The proposed Adopter is an American National of Indian Origin (Overseas Citizen of India) residing at Colorado, U.S.A., aged about 43 years with one biological son “Nadin Robert Singh” aged about 3 years from her relationship with Robert Cyman (domestic partner) since 2014 and later this relationship broke up. The Birth Certificate and Health report of the biological son are on record at page Nos. 29 and 45 respectively. The proposed Adopter was previously married on 23rd June, 1999 and divorced on 19th February, 2007 with no biological children from this marriage. The divorce decree is on record at page Nos. 30 to 40.

5. The proposed Adopter’s Family photo and copies of

Passport and OCI Card are also on record at page Nos. 23 to 26 respectively.

6. The health report of the proposed Adopter dated 08/07/2019 is on record at page Nos. 63 to 69 and it states that she does not have any physical, mental or psychological unfavourable elements which will affect the upbringing of the child. She is suitable for raising a child. Her HIV and HbsAg Test reports certify the case as Negative. The said Test Reports can be found at page Nos. 41 to 44 of the paper book.

7. The proposed Adopter is the Director of Department of Strategy for Arapahoe County Government and her annual gross salary is \$ 138,693.10. The income and employment certificate of the proposed adoptive mother is at page No.46 of the paper book. The U.S. Individual Income-tax Return of the proposed adoptive mother for the years 2016, 2017 and 2018 are on record at page Nos. 47 to 55. Bank reference, Insurance Certificate and proof of residence/ property are on record at page Nos. 56 to 65.

8. The Childcare Arrangement Plan declaration from the

proposed Adopter is on record and can be found at page No.66 of the paper book.

9. The Home Study Report dated 17/9/2018 by the authorities of “International Adoption Net”, Colorado, USA is on record and it states that the proposed Adopter came from a loving, strict, traditional Indian Home. She has adequate financial resources to provide a good upbringing to a child and is in good physical health. She is a single woman, living alone and not suffering from any contagious or terminal disease which may prevent her from taking care of a child. After all the assessment the social worker recommended the proposed Adopter for the adoption of a healthy child or two healthy siblings of either gender, aged 0 to 2 years at time of referral from India. The said Home Study Report can be found at page Nos. 67 to 79 of the paper book.

10. The Psychological Assessment Report dated 11/07/2018 of the proposed Adopter is on record and it states that the proposed Adopter is psychologically stable enough to be considered as an adoptive parent. The said Psychological Assessment Report can be found at page No. 81 of the paper book.

11. The “**Article 5**” letter dated 3rd July, 2019 from the Embassy of the United States of America, Office of Children’s Issues, U.S. Department of State, Washington, D.C. at page No.86 of the paper book.

12. The child security undertaking dated 3/7/2019 from the brother of the Proposed Adoptive mother residing at California, U.S.A. to look after the proposed minor in case of any mishap to the Proposed Adoptive mother is also on record at page No.101.

13. The Medical Examination Report of the proposed minor GARGI dated 28/02/2019 states, “Health status : Special Need Sex : Ambiguous Genitalia, Active Child.” The proposed Adopter has countersigned this Report and given a separate child approval/acceptance letter. The said report can be found at page Nos. 107 to 115.

14. The H.I.V. report of the proposed minor dated 6th September, 2018 certifies the case as no-reactive. The post card size photograph of the minor is on record at page No.118.

15. As regards the change of name the proposed Adopter desires that the minor **GARGI** be renamed as **NANDINI GARGI SINGH**. It is accordingly so ordered.

16. The consent, willingness and undertakings by the proposed Adopters are on record and it states she is willing to adopt a child from India and undertake that she will allow home visits by the representative of the Authorized Foreign Adoption Agency during post adoption follow-up of the progress of adopted child. The said undertaking can be found at page Nos. 119 and 120 of the paper book.

17. The undertaking of Adoption dated 5th July, 2019 by the proposed Adopter is on record and it states that the proposed adopter shall not give the minor child, Gargi for further adoption without the prior leave of the Court. The said undertaking can be found at page No. 121 of the paper book.

18. The undertaking of adoption dated 5th July, 2019 by the

Authorized Foreign Adoption Agency (AFFA) “International Adoption Net”, Colorado, U.S.A., is on record and it states that the proposed Adopter is well suited to take care of a child from India and the child will receive love, good care and education. The agency further undertakes to provide progress report of the child for a period of two years and make alternative arrangement in the event of death or disruption in the adoptive family. The said undertaking can be found at page Nos. 123 and 124.

19. The Special Power of Attorney duly signed by the Proposed Adopter in favour of the Petitioner institution is on record and can be found at at page Nos. 125 and 126.

20. The petitioner institution’s recognition from the Women & Child Development, Maharashtra State to place children in adoption is valid for a period upto 31st July, 2019. However, the petitioner institution has applied for renewal and in the interregnum has filed this adoption petition under the provisions of Regulation 24 (5) of the Adoption Regulations 2017.

21. Looking to all the documents that have been placed

before me and after perusing the record, I think it would be in the interest of the child if she is adopted by the proposed Adopter. I, therefore, do not find any impediment in granting the reliefs sought for in the Petition.

22. In view of the foregoing discussion, the petition is allowed in terms of prayer clauses (a) to (e) which read thus : -

- (a) For the Adoption of the proposed female minor **Nandini Gargi Singh** born on the 25th July, 2018 by the proposed Adopter under Section 59(7) of the Juvenile Justice Act, 2015;
- (b) For declaring the Proposed Adopter as Adoptive Parent of the said minor and shall have all parents rights, privileges and responsibilities over the said minor child **Nandini Gargi Singh** now in the care and custody of Family Service Centre, Eucharistic Congress Building No.III, 5, Convent Street, Mumbai – 400 001;
- (c) That the proposed adopted be allowed to change the name of the minor **GAARGI** to Nandini Gargi Singh;
- (d) Leave / permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Nandini Gargi Singh; and
- (e) That the Proposed Adopter may be granted leave to remove the said minor **Nandini Gargi Singh** from the jurisdiction of this Hon'ble

Court and to take the said minor to USA or wherever they may reside in future.

23. The Judge's Order is also separately signed.

24. It is directed that the petitioner institution shall obtain a further undertaking from the adoptive mother that she shall not give the minor child for further adoption, without the prior leave of this Court. Once this undertaking is obtained, the same shall be filed on the record of this Court.

25. The Adoption Petition is disposed of in the aforesaid terms.

(B.P. COLABAWALLA, J.)