

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

And

In its General and Inherent Jurisdiction

FOREIGN ADOPTION PETITION NO. 35 OF 2019

with

Judge's Order No.189 of 2019

VATSALYA TRUST

...Petitioner

And

1.William Lee Martin

2.Brittini Rose Brady.

...Proposed Adopters

Ms.Sangeeta Nagpal, for the Petitioner.

Mr.Surve h/f. Mr.O.Harendran, Scrutiny Officer of ICSW present.

**CORAM : G.S. KULKARNI, J.
(IN CHAMBER)****DATE : 15th November, 2019****P.C.:**

1. This is a Foreign Adoption Petition, wherein petitioner-Vatsalya Trust, a Child Welfare Organization and an agency recognized for adoption by the Maharashtra State Government as also by the Central Adoption Resource Authority (**CARA**), New Delhi, is before the Court alongwith the proposed adopters Mr.William Lee Martin, aged about 47 years and his wife Mrs.Brittini Rose Brady, aged about 34 years both American Nationals, presently residing at 8634, Everglade Drive Sacramento, California 95826, U.S.A., praying that the female minor Krupa alias Pria Krupa Jan Martin born on 20 February 2018, presently under the safe custody of the petitioner, be given in adoption to the prospective adoptive parents.

2. The minor Krupa was born on 20 February 2018, who was surrendered by her biological mother before the Child Welfare committee, Mumbai Suburban District on 23 March 2018. By an order 25 May 2018 passed by the Child Welfare Committee, Bombay, minor Krupa was declared legally free for adoption under Section 41(5)(b) of the Juvenile Justice (Care and Protection of the Children) Act, 2015 (for short '**the Juvenile Justice Act**'). The custody of the minor child was handed over to the petitioner-institution as per Section 38 of the Juvenile Justice Act for care and rehabilitation, through adoption with a suitable family. The CARA has also issued a certificate dated 23 July 2019 granting a no objection under the provisions of the Regulations, 2017 and Article 17(c) of the Hague Convention on the Protection of Children and Co-operation in respect of Inter Country Adoption 1993 authorising the petitioner to process the adoption case in favour of the proposed adoptive parents.

3. The proposed adoptive parents, as noted above, are American citizens. They were married on 19 March 2016 and have one son born from wedlock named Christopher Martin who is presently three years of age. Both the adoptive parents are in good health and are motivated to have a child in adoption. The relevant details in respect of the adoptive parents namely their birth certificate and a copy of the marriage certificate etc. are placed on record.

4. Mr. William Lee Martin, prospective adoptive father is working with V.A. Northern California Health Care System, as a Public Affairs Officer and is earning about US\$ 110,168.00 per annum. Mrs. Brittney Rose Brady, proposed adoptive mother is a home maker. There is reference to the opinion of respected and responsible persons known to the adoptive parents who have also issued letters of references certifying that the proposed adopters are loving, caring and stable

couple, financially responsible and capable to adopt the said minor and have recommended the adoption. The documents such as the employment certificates, income tax certificate, financial status of adoptive parents, child care arrangement, letter of references, good health certificate, psychological evaluation report, letter of motivation, copies of passports, police clearance certificate of adoptive parents are placed on record.

5. There is also a home study of the adoptive family was prepared and recommended by Christina M.Rich, MSW of Bethany Christian Services of Northern California Inc. as approved by Sandra L.Hiatt, MS a Northern CA Director, that the proposed adopters are suitable adoptive parents and are capable to take care of the proposed minor child. The home study report alongwith the photographs of the adoptive parents, their residence, declaration of the biological child, as also of the Sister and brother-in-law of the adoptive mother in the form of undertakings of guardianship to take care of a minor in case of unstable economic condition and/or any other circumstances that adoptive parents can not raise the minor, are also placed on record.

6. As regards the minor Krupa to be granted in adoption, the adoptive parents have seen the photograph of a minor and studied the child study and medical report and thereafter have decided to adopt the said minor as their own child. The Adoptive parents have decided to change the name of minor Krupa to Pria Krupa Jane Martin.

7. There is also an undertaking of Teresa K.Boone, LCSW, PIP, Executive Director of Children of the World, INC and of the proposed adoptive parents giving an undertaking for follow up reports. The petitioner accordingly states that the adoption would be entirely bearing in mind the welfare of the said female minor child. It is stated that the

proposed adoptive parents are in a position to cater all the needs of the minor as also to look after education and bring up the said minor female child as their own child.

8. Having heard the learned Counsel for the petitioner and having perused the record to which reference has been made above, as also having perused the report of Mr.O.Hareendran, Scrutiny officer from the Institute of Child and Social Welfare dated 10 October 2019 which is marked at "X", in my opinion considering the paramount interest and welfare of the minor female child Krupa and the intention, desire and the spirit of the adoptive parents, to have in adoption a minor child like Krupa from India, the petition is required to be allowed. It would be required to be allowed accepting the undertakings as made by the adoptive parents as placed on record as also the undertakings which are furnished by the Authorized Foreign Adoption Agency "International Adoption Net", USA. The American Agency shall for a period of five years send half yearly reports in regard child "KRUPA" to CARA.

9. In the circumstances, I do not find any impediment in granting the reliefs as prayed for. Hence, the following order:-

ORDER

I. The Foreign Adoption Petition is allowed in terms of prayer clauses (a), (b) (c) and (d) which reads thus:

(a) For adoption of the Proposed female minor Baby KRUPA born on 20th February 2018 by the Proposed Adopters under Juvenile Justice Act.

(b) for declaring the Proposed Adopters as Adoptive Parents of the said minor and shall have all parents rights, privileges and responsibilities over the said minor Baby KRUPA, now in care and

custody of Vatsalya Trust, Mumbai.

(c) That the proposed Adopters be granted permission to change the name of minor KRUPA to PRIA KRUPA JANE MARTIN.

(d) That the Proposed Adopters be granted leave to remove the said minor Baby KRUPA, from the jurisdiction of this Hon'ble Court and to take the said minor to Italy or wherever they may reside in future.

(II) The Judge's order is separately signed.

(III) The adoptive parents shall also through concerned American Authority forward to the petitioner the half yearly progress and development reports of the minor for a period of five years from today, to be placed for consideration of the Central Adoption Resource Authority (CARA), New Delhi.

(IV) The foreign adoption petition is disposed of in the above terms.

Parties be furnished authenticated copy of this order.

[G.S. KULKARNI, J.]