

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

IN ITS GENERAL & INHERENT JURISDICTION

FOREIGN ADOPTION PETITION NO.47 OF 2018

In the matter of the adoption of a
male minor Shree @ Shree de
Vincenzo, aged about 7 months under
Sections 56 & 59 of Juvenile Justice
Act, 2015.

Indian Association for Promotion of)
Adoption Child Welfare (IAPA), Mumbai)....Petitioner/Applicant
V/s.

Roberto de Vincenzo & Allessia Tota)....Proposed Adopters

Smt.Lalita Jaya Raj for petitioner.
Ms.Vandana Jog Scrutiny Officer of ICSW present.

CORAM : K.R.SHRIRAM,J
DATE : 9.1.2019

P.C.:-

1. This is a petition for adoption of male minor Shree born on 9.5.2018. The biological mother relinquished Shree before the Child Welfare Committee, Mumbai City-II on 17.5.2018 and the safe custody was given to petitioner-institution Indian Association for Promotion of Adoption (IAPA) as per the Safe Custody Order dated 17.5.2018 passed by the Child Welfare Committee, Mumbai City-II. After making due inquiry under Section 38 of the said Act the Child Welfare Committee Mumbai City-II declared Shree legally free for

adoption as on 3.8..2018. The Free for adoption Certificates are also on record.

2. I have considered the petition, annexures thereto and the report dated 29.12.2018 of the Scrutiny officer of Indian Council of Social Welfare (ICSW) which is taken on record and marked 'X' for identification. Advocate for Petitioner also submitted list of further documents which is taken on record and marked 'X-1' for identification.

3. In the representation it is noted that the proposed adopters are Italian Nationals residing at Milano, Italy, aged about 46 and 40 years, respectively, They have been married for the last 8 years (30.7.2010) with no biological children. However, they have one adopted son aged about 5 & ½ years from Ethiopia and he is legally adopted in Italy on 25.11.2015. The Adoption decree is on record.

4. The copies of the passport of the proposed adopters are also on record. The health reports dated 3.3.2018 of the proposed adopters states "Does not present any signs of mental or physical diseases either previous or on-going, which may be contraindicated to them for adoption of a minor".

5. The prospective adoptive father is working as a full time Religious Education Teacher on a fixed term basis from 13.9.2017 to 30.6.2018 and his income is € 11,428.71. His employment certificate and self declaration affidavit is on record. The prospective adoptive mother is working as a full time Special Education Primary School Teacher on a permanent basis and her gross annual income is € 19,324.27. The income-tax returns for the years 2015, 2016 & 2017, the bank reference and the Child Care arrangement declaration are on record. There is also Child Security Letter/Guardianship Letter from the proposed Adopter's cousin to look after the proposed minor in case of any unforeseen mishap to the proposed adopters.

6. The home study report dated 9.10.2017 by the authorities CIAI-Italian Association for Aid to Children, Italy indicates that Mr. and Mrs.Vincenzo form a harmonious married couple characterized by mutual esteem. They have shown good awareness of the issues concerning adoption has proved able to welcome Natnael, the first adopted child positively, establishing a good relationship with him. They are aware of their second adoption choice and understand the physical, emotional, cognitive and effective needs of the hypothetical

child who will enter their family. After all assessment the agency is of the view that the prospective adoptive parents are deemed suitable to welcome an adopted child.

7. The physical evaluation report of the proposed adopters dated 14.5.2018 states “The couple shows good resources in order to create a welcoming and caring environment, able to accompany the child in his growth process.”

8. There is also Adoption Guarantee Letter issued by the Commission for Inter-country Adoption on behalf of the Government of Italy, Suitability Decree from the Juvenile Court of Bari and Article 17 letter. The post card size photographs are also on record.

9. The Medical Examination Report of the minor dated 13.8.2018 states “Overall observations about the child : The baby Shree has glandular hypospadias for warier. He will require surgery after 6 months of age. The proposed adopters have countersigned the report along with other investigation reports. The HIV report of the proposed minor dated 8.8.2018 certifies the case as `Negative'. There are also joint declaration of willingness and undertaking by the proposed adopters, the undertaking dated 2.10.2018 by the authorized

Foreign Adoption Agency -CIAI-Italian Association for Aid to Children, Italy, The General Power of Attorney dated 18.10.2018 in favour of petitioner-institution. The Indian Specialized Adoption Agency's (IAPA) recognition from the State Government to place children in adoption is valid for a period from 1.8.2014 to 31.7.2019.

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

11. Petition allowed. Judges' order is signed separately.

(K.R.SHRIRAM,J)