

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO. 4 OF 2021
WITH
JUDGE'S ORDER NO. 22 OF 2021
IN
FOREIGN ADOPTION PETITION NO. 4 OF 2021**

M.S.W.C. Adoption Group at
M.S.W.C. Asha Sadan Balgruh,
Mumbai

.. Petitioner

And

1. Carlo Raviola

2. Mrs.Laura Atzeni

.. Prospective Adoptive Parents

Ms.Dipal S. Mehta for petitioner.

Mr.O. Hareendran, Representative of ICSW present.

Mr. Arun Kesarkar, 2nd Asstt. Master present.

CORAM : N.J. JAMADAR, J.

DATE : 10th FEBRUARY 2021

(IN CHAMBERS)

P.C.

1. This petition is for an inter-country adoption of a male minor child under section 59(7) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred as 'the Act, 2015'). The petition is preferred by M.S.W.C. Adoption Group at M.S.W.C. Asha Sadan Balgruh, Mumbai, an authorised adoption agency. The petition is supported by the affidavit of Ms.Jayalakshmy K., Superintendent/Authorised Signatory of the petitioner.

2. Perused the report of Mr.O. Hareendran, Scrutiny Officer of Indian Council of Social Welfare.
3. The child was born on 30th August 2017. He is a surrendered child. The child came to be entrusted to the custody of the petitioner by an order dated 20th November 2017 passed by the Child Welfare Committee, Mumbai City-I. After an enquiry envisaged by section 38 of the Act, 2015, the Child Welfare Committee has declared the child legally free for adoption by its order dated 30th July 2018.
4. The Central Adoption Resources Authority (CARA) has given no objection to the adoption of the child by the prospective adoptive parents : Carlo Raviola and Mrs.Laura Atzeni, who are Italian nationals, under the Adoption Regulations Act, 2017 and Article 17(c) of the Hague Convention on the Protection of Children and Co-operation in respect of Inter-Country Adoption, 1993, on 31st July 2020.
5. The child study and the medical examination reports of the child reveal that the child has “special needs”. The child is suffering from Cerebral Palsy due to Birth Asphyxia. The Developmental Assessment Report, dated 30th August 2017 recommends (i) one to one attention along with reinforcement, exposure and motivation to improve his present level of functioning, (ii) to continue occupational therapy and physiotherapy. The prospective adoptive parents have perused and understood the

contents of the medical reports as well as developmental assessment report. They have given express and informed consent to accept the child as their adoptive child in the condition the child is found. The prospective adoptive parents have countersigned the medical reports as well as developmental assessment report in token of acceptance. The prospective adoptive parents have also furnished a letter of acceptance for special needs child on 28th October 2020 and have expressly stated that they are willing to adopt the child in the aforesaid condition of the child. The HIV test of the child is also negative.

6. The learned counsel for the petitioner has tendered today true copies of the passport of the prospective adoptive parents.

7. The prospective adoptive parents' marriage was solemnized on 29th July 2017. However, they have been living together since 2011. They have a biological daughter Carola. The prospective adoptive father Carlo has a Degree in Political Science. The prospective adoptive mother Mrs. Laura has Socio-Psycho-Pedagogical High School Diploma. Carlo is a freelance musician and Laura is a freelance photographer. The home study evaluates the prospective adoptive parents favourably. The motivation for adoption found in the home study appears to have roots in the traumatic and difficult pregnancy which the Mrs. Laura had when Carola was born. Carlo also has the apprehension of imagined infertility. The home study

specifically recommends that the prospective adoptive parents are ready to become the adoptive parents of a “special needs child”.

8. For the year 2019, Mr. Carlo, the prospective adoptive father has declared aggregate income of Rs.3900 Euros and for the year 2018, the declared aggregate income was 1712 Euros. For the year Mrs. Laura, the prospective adoptive mother has declared aggregate income of 6244 Euros and for the year 2018, the declared aggregate income was 11,995 Euros. The prospective adoptive parents have made a joint declaration about the savings as on 20th October 2020. The financial position of the prospective adoptive parents appears to be reasonably stable.

9. The psychological evaluation report concludes that the prospective adoptive parents have good harmonisation capacities. They are aware of the difficulties inherent in the adoption project and show themselves ready to overcome possible complications that they will have to face along their path. The reports indicate that Carola is also positive about the adoption of a brother. Carola has furnished her consent for adoption of a child and has affirmed that the prospective adoptive parents have taken into account the effect adoption will have all on her. They have involved her in the decision making process.

10. The medical examination reports of Mr. Carlo, Mrs. Laura and Carola are placed on record. None of them is suffering from any contagious or

infectious disease which would constitute a disability for adoption. The Criminal History Verification certificates' of the prospective adoptive parents issued by the Ministry of Justice, office of the Prosecutor of Republic-Cuneo-Judicial Records Register, dated 1st August 2019 certified as "nothing is found" in the database of the judicial records register.

11. The Juvenile Court of Piedmont and Aosta Valley, by order, dated 13th July 2018, has declared the prospective adoptive parents suitable to adopt the child. The Government of Italy has issued Adoption Guarantee Letter dated 18th October 2019, wherein, it is *inter-alia*, provided that the citizenship shall be conferred on the child as a citizen of Italy. The child shall be eligible to receive all the benefits of a child born to Italian parents, including full time education, social welfare and comprehensive medical benefits as provided by the laws of Italy. The Foreign Adoption Agency has also furnished an undertaking dated 27th February 2020 to take care of the child and find a suitable alternate placement for the child in the event of any disruption of the adoptive family before legal adoption can be effected in the receiving country.

12. Mr. Atzeni Antonio and Mrs. Atzeni Valentina, brother and sister of Mrs. Atzeni Laura, the prospective adoptive mother have filed an undertaking, whereby they have undertaken to look after, maintain and educate the child in the event of any unforeseen eventuality.

13. In the backdrop of the aforesaid material, certificates and undertakings, especially the informed conscious and reiterated decision of the prospective adoptive parents to adopt a child with special needs, favourable home study, psychological evaluation, social and financial standing of the prospective adoptive parents, their overall situation in life, and the genuine desire of the prospective adoptive parents to adopt a child with special needs, I am persuaded to hold that the prospective adoptive parents are physically fit, financially sound, mentally alert and highly motivated to adopt the child and have the potential to provide a good upbringing to the child with special needs. Conversely, I do not find any impediment in allowing the petition.

14. Hence, the petition deserves to be allowed. Thus, the following order:

ORDER

- (i) The petition is allowed in terms of prayer clauses (a) to (f).
- (ii) The child shall not be offered for further adoption.
- (iii) Undertakings are accepted.
- (iv) Judge's order is signed separately.

The petition stands disposed of in the aforesaid terms.

[N.J. JAMADAR, J.]

Digitally
signed by
Shraddha
K. Talekar
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2021.02.12
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