

Children of the World India Trust ...Petitioner
AND
1. Evan Thomas Oulton And
2. Kailie Nicole Oulton ...Proposed Adopters

Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare, present.

DATED: 25 MARCH, 2021

Heard Mr. Rakesh Kapoor, learned Counsel for the Petitioner, and Mr. O. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (ICSW), in the Chambers.

2. This foreign adoption petition seeks adoption of a male minor by the name of Swaraj. The minor was born on 21 June 2019 and was surrendered by the biological mother before the Child Welfare Committee, Thane, Maharashtra on 1 August 2019. On the same day,

the custody of the minor was given to the Petitioner Institution - Children of the World India Trust as per the order of Child Welfare Committee, Thane, dated 1 August 2019 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (Act). The admission order has been placed on record. After making inquiries under Section 38 of the Act, Child Welfare Committee, Thane has declared the minor to be legally fit for adoption. The fit for adoption order dated 5 October 2019 is placed on record.

3. Central Adoption Resource Authority (CARA), New Delhi has issued a No Objection Certificate on 5 January 2021 as per the applicable Adoption Regulations and Article 17(c) of the Hague Convention on the Protection of Children and Co-operation in respect of Inter Country Adoption, 1993. The relevant undertaking/affidavit of the Institution has been placed on record.

4. The proposed adoptive parents are American nationals, residing at Colorado USA, and are aged about 29 and 28 years, respectively. They have been married for the past 4 years with no biological child. The prospective adoptive parents' motivation letter to adopt the minor has been placed on record. The letter indicates that adoption is a matter close to the hearts of both adoptive parents, they having talked about it even before they were married. They have chosen an Indian child specially because of their familiarity with Indian culture, both having friends of Indian descent.

5. The prospective adoptive father is working as a Principal

Financial Analyst with Northrop Grumman Corporation, USA with an annual salary of about US\$ 83,000, whereas the prospective adoptive mother works as a Kindergarten Teacher at Colorado Springs School District, USA, having an annual salary of about US\$ 42,510. The Income Tax Returns of both filed in US for the years 2017, 2018 and 2019 are on record, together with Financial Statements and proof of their residence. The adoptive parents do not suffer from any chronic, contagious or fatal disease and have negative HIV test reports. Health reports of both adoptive parents are placed on record. Also placed on record is the childcare arrangement plan reflected in their affidavit.

6. Home Study Reports (reports dated 27 July 2019 and 10 July 2020) by Lutheran Family Services, Colorado, USA, are on record. The reports hold the proposed adoptive parents to be physically, financially and emotionally stable with a strong and stable marriage and a commitment to the family and with a strong support system, recommending placing of one child, male or female, of upto two years at the time of referral from India. Psychological Evaluation Report dated 5 August 2019 made by “Psychological Services” Colorado, USA, which is based on tests and interviews done by a Psychologist, also suggests the couple as mentally capable to adopt a child between the ages of 0 to 2 years with mild to moderate special needs.

7. The certificate of Embassy of the United States of America, titled as “Article 5” letter, certifies the prospective adoptive couple as able and suited to adopt. The United States Central Authority has confirmed that the adoptive child would be authorized to enter and

reside permanently in the United States following the present adoption following the recommendation. This satisfies the criteria 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, including agreement of the United State Central Authority that the adoption might proceed.

8. Child Security letter has been issued by the proposed adoptive father's parents to look after the minor child in case of any unforeseen mishap to the proposed adopters.

9. The Medical Examination Report of the minor indicates his health status as: With Special need – Birth weight being low (1.5 kgs) and he having delayed development with a moderate hearing loss. The proposed adopters have countersigned the report and given an undertaking regarding medical needs of the child separately. The undertaking indicates that the adoptive parents have not only gone through the medical file of the minor, but even had it reviewed by a medical doctor, who specializes in international adoption. After researching procedures and medication that the minor may need for his ailments, the adoptive parents have indicated that they were willing to care for the child for its long as well as short term needs. Their willingness to adopt and look after the minor has, thus, come after conscious application of mind and after assessing their ability to do so.

10. Considering the material placed before the Court, some of which has been referred to above, and compliances noted as above, this

Court is of the view that the adoption petition deserves to be allowed. The report of the Scrutiny Officer, dated 12 March 2021, is taken on record, marked "X" for identification.

11. The petition is, accordingly, allowed in terms of prayer clauses (a) to (e) above.

12. A separate Judge's Order for appointing the prospective parents as adoptive parents of the minor is signed by this Court today.

(S.C. GUPTE, J.)