

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO.10 OF 2021
WITH
JUDGE'S ORDER NO.66 OF 2021
IN
FOREIGN ADOPTION PETITION NO.10 OF 2021

St. Catherine's Home ...Petitioner

AND

1. Ashish Vasant Shinde And

2. Prerana Sharma ...Proposed Adopters

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Mr. Rakesh Kapoor, i/b. Rakesh K.L. Kapoor And Co., for the Petitioner.

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

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CORAM : S.C. GUPTE, J.
(IN CHAMBERS)

DATED: 25 MARCH, 2021

P.C.:

. 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 female minor by the name of Seema. The minor was born on 19 January 2018 and was surrendered by the biological mother before the Child Welfare

Committee, Mumbai Suburban, District Mumbai on 28 May 2018. On the same day, the custody of the minor was given to the Petitioner Institution – St. Catherine’s Home as per the order of Child Welfare Committee, Mumbai Suburban, District Mumbai dated 28 May 2018 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, Mumbai has declared the minor to be legally fit for adoption. The free for adoption order dated 11 September 2018 is placed on record.

3. Central Adoption Resource Authority (CARA), New Delhi has issued a No Objection Certificate on 26 November 2020 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 of Indian origin (OCI Card holders), residing at Georgia, U.S.A. and are aged about 45 years and 42 years, respectively. They have been married for the past 18 years with one biological daughter “Anoushka” aged about 9 years. The consent of their daughter Anoushka and her medical certificate are placed on record.

5. The prospective adoptive father is working as an Architect with Genpact, USA, with an annual salary of about US\$ 186,590,

whereas the prospective adoptive mother works as Senior Director-Development with Intercontinental Exchange Holdings, Inc., USA, having an annual salary of about US\$ 178,900. The Income Tax Returns of both, filed in US for the years 2017, 2018 and 2019, are on record, together with the Bank References (summary of Deposit Account) and proof of their residence. The adoptive parents do not suffer from any chronic or contagious diseases such as AIDS or other life threatening diseases. The health reports of both adoptive parents are placed on record.

6. Home Study Report dated 25 May 2018 by the authorities of “Nightlight Christian Adoptions”, Georgia, USA, is on record. The report states that the adoptive couple shall provide a loving, welcoming, and suitable home to raise their child; they are excited for the opportunity to grow their family through adoption; they have a strong marriage exhibited by their commitment to one another and feel that they are devoted parents who shall provide unconditional love for their daughter. The report indicates that they are able to care for their daughter who still resides at home and also offer a loving home to another child through adoption. The report accordingly recommends and approves the couple as adoptive parents for a child of either gender, from India, from birth to seven years old at the time of placement, who is healthy or has mild special needs. Psychological Evaluation Report dated 6 August 2019, made by “Alan E. Godwin, Psy. D., Licensed Psychologist, Teri Neblung, also suggests the couple as mentally capable to adopt a child with mild special needs. The certificate of Embassy of the United State 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.

7. The undertaking dated 5 August 2020 from the Authorized Foreign Adoption Agency (AFFA) “International Adoption Net” U.S.A. to provide follow-up report of the child and make alternative arrangement in case of disruption in the adoptive family.

8. The Medical Examination Report of the minor indicates her health status as a normal healthy child with mild infantile nystagmus syndrome, though with proper physical and neurological growth, requiring ophthalmological follow up every 6 months. The proposed adopters have countersigned the report. Their willingness to adopt and look after the minor has come after considering the medical condition of the minor and after assessing their ability to do so.

9. Further material such as negative HIV report and birth certificate of their biological daughter as also their child care plan are placed on record at the hearing of the petition and are marked “X” for identification.

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 15 March 2021, is taken on record, marked "X-1" 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.)