

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION

FOREIGN ADOPTION PETITION NO. 11 OF 2021
WITH
JUDGE'S ORDER NO. 79 OF 2021**

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

Versus

Robert Terry Meyer and Tiffany Renee ...Proposed
Meyer Adoptive parents

.....

Mr. Dipal Sanjanwala Mehta - Advocate for the Petitioner.

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

Mr. D. R. Talekar – Chamber Registrar, present.

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**CORAM : DAMA SESHADRI NAIDU, J.
DATE : 08th JULY 2021.**

P.C. :

Heard Dipal Sanjanwala Mehta, the learned counsel
for the Petitioner, and Shri O. Hareendran Nambiar, the
Scrutiny Officer, Indian Council of Social Welfare (ICWS),
in the Court through a VC link.

2. The foreign adoption petition proposes the adoption of a boy, Moosa, born on 11th April 2019. On 22.05.2019, the biological mother relinquished her child before the Child Welfare Committee, Mumbai City-I. On the same day, the boy was handed over to the Petitioner institution, Asha Sadan. Later. On 25th July 2019, the Child Welfare Committee inquired and passed the 'legally free for adoption' order under Section 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016). The order is on record.

3. The Affidavit by the Authorized Representative of the Specialized Adoption Agency (Petitioner) in support of adoption of child, too, has been placed on record.

4. On 22nd December 2020, the Central Adoption Resource Authority (CARA) issued a No Objection Certificate to the proposed adoption. It is as per the applicable Adoption 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.

5. The proposed adoptive parents are Americans, residing at Delaware, U.S.A. They are about 35 and 31 years old, having been married for the past seven years with no biological children. The proposed adopters' motivation letter has been placed on record, indicating the

rationale of their intention to adopt a minor child from India.

6. Medical reports of the adoptive parents show that they do not suffer from any chronic, contagious or fatal disease and that they are fit to adopt the child. All their medical reports, including their negative HIV, have also been placed on record.

7. Since 14.02.2011, the prospective adoptive father has been working as a Radar, Airfield, and Weather Systems Supervisor with United States Air Force, with an annual gross salary of \$65,000. His employment Certificate and pay slips have been placed on record. And the prospective adoptive mother is a Homemaker. Placed on record are U.S. Individual Income Tax returns 2017, 2018 and 2019 and the Financial statements, as well as the bank references of the adoptive parents.

8. The childcare arrangement plan by the prospective Adoptive parents has also been placed on record. It states that the adoptive mother does not currently hold employment and plans to be the full caregiver of the child.

9. Home study report, dated 07/01/2020, by the authorities of Madison Adoption Associates, Claymont, Delaware, USA, has been placed on record. The report indicates that the prospective adoptive parents have

demonstrated that they have the physical, social, emotional, and financial resources to provide a loving, secure, and stimulating home for the adopted child. They are strongly motivated to provide a loving, secure, permanent home for the child from an orphanage, so that the child will have every opportunity to grow and realise his full potential. After a thorough assessment, the Agency recommends and approves the couple as prospective adoptive parents for one male or female child from India; the child may be below two years, being healthy or with mild to moderate special needs. Along with the home study report, a Psychological evaluation report of the adoptive parents, dated 24th October 2019, from the Licensed Psychologist Margaret J. Kay, Ed.D., has also been placed on record. And the final summary test results indicate no significant pathology or emotional distress; there are no obvious signs or symptoms that would affect their parenting abilities.

10. The Approval Notice, dated 25/02/2020, of U.S. Citizenship and Immigration Services, USA., and “Article 5” Letter, dated 10/12/2020, from Embassy of the United States of America, Washington, D.C., USA., have been placed on record.

11. Child Security Undertaking, furnished by the prospective adoptive father's brother and sister-in-law,

residing in U.S.A., has been placed on record. They offer to look after the minor child if any mishap occurs to the prospective adoptive parents.

12. The Medical Examination Report of minor Moosa, dated 08/01/2020, is on record. It reveals the “Overall observation of the child: mental development commensurate with age. Physical milestones delayed due to problems with muscle tone (mild cerebral palsy). The proposed adopters have countersigned this report and given a separate acceptance letter and undertaking regarding medical needs. The boy’s negative HIV report has also been placed on record.

13. The proposed adopters’ declaration of consent and undertaking is on record; it states that they are willing to adopt the minor child Moosa, born on 11/04/2019. They further undertake that they shall send the child’s post-placement reports, together with recent photographs as required by this Hon’ble Court.

14. I have seen on record the undertaking of the Authorized Foreign Adoption Agency (AFFA), “America World Adoption” U.S.A., to provide a follow-up report of the child and make alternative arrangements in case of disruption of the adoptive family.

15. The copy of General Power of Attorney, dated 18.11.2020, duly signed by the proposed adoptive parents favouring the Petitioner Institution, has been placed on record.

16. Considering the material placed on record and compliances noted above, this Court reckons that the adoption petition deserves to be allowed. In this regard, the report of the Scrutiny Officer, dated 02.07.2021, is taken on record and marked-'X' for identification.

17. The petition is, accordingly, allowed in terms of prayer clauses (a) to (g):

“(a) This Hon’ble Court may be pleased to appoint the Proposed Adoptive Parents as the parents of the male minor, Moosa now in the care of the M.S.W.C. Asha Sadan Balgruh, Asha Sada Marg, Umerkhadi, Mumbai – 400 009,

(b) That the Proposed Adoptive Parents be allowed to change the name of the minor, from ‘Moosa’ to ‘Levi Moosa Meyer’,

(c) That the Proposed Adoptive Parents may be granted leave to remove the aforesaid child, Moosa @ Levi Moosa Meyer from the jurisdiction of this Hon’ble Court and to take the minor out of India alongwith them, to their home i.e. wherever their may require him to,

(d) That the Petitioner be granted leave to apply to the concerned Municipal Authorities to issue a Birth Certificate of male minor 'Levi Moosa Meyer' showing the names of the Proposed Adoptive Parents as his parents,

(e) That the concerned Municipality/the Birth Certificate issuing Authority may be directed to issue Birth Certificate for the said minor 'Levi Moosa Meyer' within five working days from the date of application of the Petitioner, as per the provisions of sub-regulation 15 of the Adoption Regulations 18 and regulation 36,

(f) The concerned Regional Passport Office may be directed to issue Passport for the said 'Levi Moosa Meyer' within ten days from the date of application, as per sub-regulation (4) of regulation 18 and regulation 38,

(g) For such further and other Orders as the circumstances of this case may require.

18. It is directed that the Petitioner institution should obtain a further undertaking from the adoptive parents affirming that they will not give the minor child in further adoption without this Court's prior leave. Once this undertaking is secured, it shall be filed on the Court's record.

19. Today, this Court has also signed a separate Judge's Order appointing the prospective adopters as adoptive parents of minor Moosa.

20. The Adoption petition is disposed of in the aforesaid terms.

[DAMA SESHADRI NAIDU, J.]

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