

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

FOREIGN ADOPTION PETITION NO.12 OF 2021
WITH
JUDGE'S ORDER NO.82 OF 2021**

M.S.W.C. Adoption

Group at M.S.W.C. Asha

Sadan Balgruh

... Petitioner

Versus

1. Kelly Wayne France

And Another

... Proposed Adoptive Parents

.....

Ms. Dipal Sanjanwala Mehta for the Petitioner.

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

.....

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

DATE : 30 APRIL 2021

P.C. :

. Heard Ms. Mehta, learned Counsel for the Petitioner and Mr. Hareendran, Scrutiny Officer, Indian Council of Social Welfare (ICWS), in the Chambers, through a VC hearing.

2 This foreign adoption petition seeks adoption of a male minor,

by the name of Yash. The minor was born on 26 April 2019 and was surrendered by the biological mother before the Child Welfare Committee, Mumbai City-1 on 30 April 2019. On the same day, the custody of the minor was given to the Petitioner institution-M.S.W.C. Asha Sadan, Mumbai as per the order of the Child Welfare Committee, Mumbai City-1 under the provision of the 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, the minor has been declared to be legally fit for adoption. The order in this behalf, passed on 6 September 2019, has been placed on record.

3 Central Adoption Resource Authority (CARA), New Delhi has issued a No Objection Certificate to the proposed adoption on 5 February 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.

4 The proposed adoptive parents are American nationals, residing at 3 73951, County Road 16, Hector, Minnesota-55342 of U.S.A., both are aged about 33 years. They have been married for past six years and have two biological children, namely, a daughter of five years and a son aged about two years. Birth and medical certificates of the children and consent letter of the daughter have been placed on record. The motivation letter of the proposed adoptive parents has

been placed on record, indicating the rationale of their intention to adopt a minor child from India.

5 The proposed adoptive father is working as a Pastor at Swedlanda Lutheran church Minnesota, USA since last 10 months and his annual gross salary is US\$32,000. The prospective adoptive mother has been working as as a Pastor at Our Savior's Lutheran Church, Minnesota, USA since last three years and her gross annual salary is US450,897. The employment certificates of both parents have been placed on record together with other financials, proof of residence and bank references, etc.

6 The childcare arrangement plan of the prospective adoptive parents has also been placed on record. They have indicated taking of 8 weeks off from their work upon returning home with the adopted child, who would remain with them full time as their jobs allow them to work from home and/or have minimal office time.

7 Home study report dated 25 September 2020 by the authorities of America World Adoption, Minnesota, USA has been placed on record. The report indicates that the proposed adoptive parents are well educated individuals with a stable marriage, successfully parenting two children. The report says that both adoptive parents are capable of parenting an adopted child and recommends adoption of one child of either gender from 0 to 2 years at the time of referral.

Along with the home study report, there is also a report of Psychological Evaluation of the proposed parents from a licensed Psychologist at USA, asserting their suitability to adopt a child.

8 The minor, who has been medically assessed thoroughly, has been found to be having medical problems, such as Congenital Hypothyroidism with growth retardation and global development delay (special needs child). The adoptive parents are fully aware of this condition and are prepared to take care of the child. They have not only countersigned the report along with the additional medical reports, but also given a separate acceptance letter for a special needs child.

9 Certificate of Embassy of USA (Article 5 letter) along with the approval notice of U.S. Citizenship and Immigration Services USA has also been placed on record.

10 Child Security undertaking has been issued by the sister and brother-in-law of the prospective adoptive mother, both residing at Minnesota, to look after the minor child in case of any unforeseen mishap to the proposed adopters.

11 The undertaking of the Authorized Foreign Adoption Agency (AFFA) to provide follow-up report of the child and make alternative arrangement in case of disruption of the adoptive family has also been

placed on record.

12 Considering the material placed on record, 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 21 April 2021 is taken on record, marked 'X' for identification.

13 The petition is, accordingly, allowed in terms of prayer clauses (a) to (f).

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

(S.C. GUPTE, J.)