

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

FOREIGN ADOPTION PETITION NO. 15 OF 2021
WITH
JUDGE'S ORDER NO. 93 OF 2021**

Janani Ashish Charitable Trust

...Petitioner

Versus

Massimo Coccia and Sabina Morandi and
Ibrahim Francesco Coccia(MINOR)

...Proposed
Adoptive parents

.....

Mr. Rakesh Kapoor - 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 : 02nd JULY 2021.**

P.C. :

Heard Shri Rakesh Kapoor, 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 adoption of a boy, Ibrahim, born on 10th April 2011. Kalyan Railway Police Station, on 24.04.2017, found the boy abandoned; it presented the child before the Child Welfare Committee, Thane. On 27.04.2017, the boy was handed over to the Petitioner institution, Janani Ashish Charitable Trust, Dombivli East, District Thane. Later, on 9th October 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 placed on record.

3. On 03rd March 2020, the Central Adoption Resource Authority (CARA), New Delhi, issued a No Objection Certificate to the proposed adoption, 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.

4. The proposed adoptive parents are Italian nationals, residing at Grezzago, Italy. They are about 50 and 49 years old, having been married for the past sixteen years with one biological son, aged about 13 years. His birth certificate, consent letter, and health report have been placed on record.

5. Since 15.02.2010, the prospective adoptive father has been working as a Supply Chain Manager with the Company “Fitesa Italy S.R.L.” His income for 2019 was Euro 68,611.35 (=Rs.59,70,000/-). And the prospective adoptive mother has been working as an Officer with the company “ST Microelectronics s.r.l.” Italy, since 23.10.1995. Her income for 2019 was Euro 41,347 (=Rs.31,95,322/-). Placed on records are the Financial documents, such as Income Tax Certificates, Bank References, Declaration of Personal Conditions, Proof of Residence of the adoptive parents.

6. The childcare-arrangement-plan declaration from the adoptive parents has also been placed on record.

7. Medical reports of the adoptive parents show that they have no chronic, contagious, or terminal diseases. They also show that they have no mental or physical problems that could interfere with the childcare. Their negative HIV and other test reports have also been placed on record.

8. Home study report, dated 03rd July 2017, issued by the authorities of “I Bambini Dell’Arcobaleno-Bambarco ONLUS” Roma, Italy, has been placed on record. And update Home Study report, dated 12th February 2021, issued by the authorities of “I Bambini Dell’Arcobaleno -

Bambarco ONLUS” Roma, Italy, has been placed on record. Those reports indicate that the prospective adoptive parents appear to be attentive, balanced, sensitive, and are able to face and withstand any family vicissitudes. They can be counted as a good family with a social network that supports them in their daily grind. They appear to have adequate resources to welcome an adoptive child; they also have the parental experience with their biological child. That apart, they are conscious about the specific necessity of a child that comes from a different social-cultural background through the adoption. After all assessment, the Social worker reckons that the adoptive parents are eligible to adopt. Along with the home study report, a Psychological evaluation report of the adoptive parents dated 21.03.2018 is placed on record. The Adoption Guarantee letter issued by the Commission for Intercountry Adoption for the Government of Italy and Suitability decree from the Court of Appeal of Bologna, Italy, have also been placed on record.

9. The undertaking of the Authorized Foreign Adoption Agency (AFFA), “I Bambini Dell’Arcobaleno-Bambarco ONLUS” Roma, Italy, to provide a follow-up report of the child and make alternative arrangements in case of disruption of the adoptive family, has also been placed on record.

10. The Special Power of Attorney duly signed by the proposed adoptive parents favouring the Petitioner Institution has been placed on record.

11. Considering the material 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 12.06.2021, is taken on record and marked-'X' for identification. The additional document filed alongwith scrutiny report is taken on record and marked-'X-1' for identification.

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

“(a) For the Adoption of the proposed siblings male minor Ibrahim Francesco Coccia, born on 10/04/2011 by the Proposed Adopters under Section 59(7) of the Juvenile Justice Act, 2015.

(b) For declaring the Proposed Adopters as Adoptive Parents of the said minor and shall have all parents rights, privileges and responsibilities over the said minor Ibrahim Francesco Coccia now in the care and custody of Janani Ashish Charitable Trust, Plot P/37, M.I.D.C., Res. Zone, Dombivli (East) – 421 203, District Thane, Maharashtra State.

(c) That the proposed adopter be allowed to change the name of the minor IBRAHIM to Ibrahim Francesco Coccia.

(d) Leave/permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Ibrahim Francesco Coccia.

(e) That the Proposed Adopter may be granted leave to remove the said minor Ibrahim Francesco Coccia from the jurisdiction of this Hon'ble Court and to take the said minor to Italy or wherever they may reside in future.

(f) Pass such other or further orders as it may deem fit and proper on the facts and circumstances of the case.

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

[DAMA SESHADRI NAIDU, J.]

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