

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

FOREIGN ADOPTION PETITION NO. 21 OF 2021
WITH
JUDGE'S ORDER NO. 129 OF 2021

Children of the World India Trust ...Petitioner

Versus

Alexander Bernard Rediger and ...Proposed
Katherine Leigh Rediger Adoptive
parents

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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 : 29th 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 the adoption of siblings, Suraj Balu Athare, born on 15th July 2013, and Khushi Balu Athare, born on 03rd March 2017. NGO “Vatsalya Trust” found them abandoned in Sanpada, Navi Mumbai. On 12th June 2019, when they were presented before the Child Welfare Committee, Thane, the Committee handed over the minor children to the Petitioner institution: Children of the World India Trust’s Vishwabalak Kendra, Nerul, Navi Mumbai. It was as per the Committee’s orders, dated 12/06/2019, under the Juvenile Justice (Care and Protection of the Children) Act, 2015. The admission orders, dated 12/06/2019, have been placed on record. Later, on 13th October 2020, 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 31st March 2021, the Central Adoption Resource Authority (CARA), New Delhi, 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.

4. The undertaking/affidavit by the Petitioner institution in support of the child adoption, too, has been placed on record.

5. The proposed adoptive parents are Americans residing in Maryland, the U.S.A. They are about 46 and 43 years old, having been married for seven years with no biological child. The first proposed adopter was married earlier in July 2004 and divorced on 13th June 2012, and has no children from this marriage. The Divorce Decree is on record. The proposed adopters' motivation letter has been placed on record. It states that they have always wanted to adopt internationally, and when they began researching adoption options, adopting from India seemed appropriate for them. They have both travelled to India on several occasions and feel very connected to its culture. And if the children happened to come from a Hindi speaking region, the adoptive father's Hindi proficiency would be of use. They have many connections to India and feel this will help the children remain connected to their heritage and culture throughout their lives.

6. The prospective adoptive father's medical report, dated 15th October 2020, is on record; it states that he is currently on wellbutrin for anxiety and depression, but they are well controlled. He does not, however, suffer from any

chronic, contagious, or fatal diseases. He is physically fit, with no other physical, mental, or psychological ailments. The prospective adoptive mother's medical report, dated 09th October 2020, is on record; it states that she has anxiety and depression. Stable and well-controlled on Cymbalta, she is continuing therapy. She does not suffer from any chronic, contagious, or fatal disease. She is physically fit, with no other physical, mental, or psychological ailments. All their medical reports, including their negative HIV certificates, have also been placed on record.

7. Since 10th December 2018, the prospective adoptive father has been working as a Collections and Credit Supervisor with Pompeian Inc., the USA, with a monthly salary of \$ 95,275.18. The prospective adoptive mother has been working as a Nurse Practitioner with Johns Hopkins Community Physicians (JACP), USA, since 03rd August 2015, drawing an annual salary of \$115,003. Their Income and Employment certificates have been placed on record. Also placed on record are the US Individual income tax returns for 2017, 2018, and 2019, and financial statements along with adoptive parents' residence proof.

8. The proposed adoptive parents' childcare arrangement plan affidavit has also been placed on record.

9. A home study report, dated 10th December 2020, of the authorities of “Cradle of Hope Adoption Centre Inc.” USA, has been placed on record. The report indicates that the prospective adoptive parents are excellent candidates for adoption; they are ready and capable of parenting children adopted from India. They have met the pre-adoption requirements of the State of Maryland and India. After a thorough assessment, the Agency approved and recommended the couple to adopt one or two children of either gender from India. The adoptive parents' psychological evaluation report, dated 13th November 2018, has also been placed on record along with the home study report. The report reveals that the adoptive parents are psychologically stable and emotionally prepared to be loving and responsible parents of an adopted child from India. And no contrary evidence was found that could disable them from parenting the adopted children.

10. The “Article 5” Letter, dated 23rd March 2021, from the Embassy of the United States of America, Washington, D.C. the USA, for the children’s entry and permanent residence in the United States following the adoption is on record.

11. Child security undertaking, dated 1st October 2020, furnished by the prospective adoptive father's brother and sister-in-law, residing in Iowa, the U.S.A., has been placed on

record. They offer to look after the minor children if any mishap occurs to the prospective adoptive parents.

12. Suraj's medical examination report, dated 29th July 2020, countersigned by the adoptive parents, is on record. On its "overall observation", he was found to be HIV Positive and MT. Health status: Special Need–HIV and Chronic otitis media. Khushi's medical examination report, dated 29th July 2020, countersigned by the adoptive parents, is also on record. On its "overall observation", the report records thus: Malnutrition at admission; health status: Special Need, Partial deaf. Because of that hearing issue, the child has delayed speech and behavioural problems.

13. The H.I.V report of minor Suraj Balu Athare, dated 12th April 2021, certifies the case as Reactive, and the H.I.V report of the minor Khushi Balu Athare, dated 12th April 2021, certifies the case as non-Reactive.

14. The Post Card size photographs of the children and Joint Family Photograph, Copies of Passport of the Proposed Adopters have been placed on record.

15. Regarding the change of name, the proposed adopters' desire that minor 'Suraj Balu Athare' be renamed as "Suraj Athare Rediger" and Khushi Balu Athare be renamed as "Khushi Athare Rediger".

16. The proposed adopters have signed the declaration of willingness and undertaking to adopt siblings Suraj Balu Athare and Khushi Balu Athare.

17. I have seen on record the undertaking, dated 07th October 2020, of the Children of the World Inc” U.S.A., to provide a post-adoption follow-up report of the children. It also agrees to make an alternative arrangement if there is any disruption in the adoptive family.

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

19. The Petitioner institution’s recognition from the Women & Child Development, Maharashtra State, to place children in adoption is valid until 05.07.2025.

20. 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 23.07.2021, is taken on record and marked-‘X’ for identification.

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

“(a) For the Adoption of the proposed siblings male minor Suraj Athare Rediger, born on

15.07.2013 and female minor Khushi Athare Rediger, born on 03.03.2017, 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 minors and shall have all parents rights, privileges and responsibilities over the said siblings Suraj Athare Rediger and Khushi Athare Rediger now in the care and custody of Children of the World India Trust, Vishwabalak Kendra, Plot No. 9 & 10, Sector-12, Nerul, Navi Mumbai – 400 706.

(c) That the Proposed adopters be allowed to change the name of the said minors Suraj Balu Athare to “Suraj Athare Rediger” and Khushi Balu Athare to “Khushi Athare Rediger”, respectively.

(d) Leave/permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minors Suraj Athare Rediger and Khushi Athare Rediger.

(e) That the Proposed Adopters may be granted leave to remove the said minors Suraj Athare Rediger and Khushi Athare Rediger from the jurisdiction of this Hon’ble Court and to take the minor out to the USA or wherever they may reside in future."

22. Besides all the above, the Petitioner institution should obtain an additional undertaking from the adoptive parents affirming that they will not give the minor further

adoption without this Court's prior leave. Once this undertaking is secured, it shall be filed on the Court's record.

23. Today, this Court has also signed a separate Judge's Order appointing the prospective adopters as adoptive parents of siblings Suraj and Khushi.

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

[DAMA SESHADRI NAIDU, J.]

Privacy Warning: No part of this order shall be uploaded on any public domain or portal without this Court's express permission.