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2. The foreign adoption petition proposes the adoption of minor Om, born on 11th July 2017. On 09th November 2017, he was admitted to the Petitioner institution—Bal Anand, Chembur, Mumbai—as per the order of Child Welfare Committee, Mumbai Suburban District, Mankhurd, dated 07th November 2017. After that, the biological mother surrendered her child before the child welfare Committee, Mumbai Suburban District, on 25th March 2019, for the child's permanent rehabilitation. The admission order, dated 07th November 2017, has been placed on record. Later, on 27th May 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 19th March 2021, 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.

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

5. The proposed adoptive parents are Americans, living in Indiana, the U.S.A. They are about 40 and 37 years old, having been married for 13 years with no biological child. However, they have one seven-year-old adopted daughter “Jasmine” from Kandhamal, Phulbani, Odisha, India. Her Birth Certificate, Adoption Decree, Certificate of Citizenship, consent letter, medical certificate, and post placement report have been placed on record. The proposed adopters' motivation letter has been placed on record. It states that they have always wanted children; however, as they are unable to have biological children, they have chosen adoption to build their family.

6. The prospective adoptive parents' medical reports, dated 17th December 2020, is on record; it states that they do not suffer from any chronic, contagious, or fatal disease. And both are fit to adopt. All their medical reports, including their negative HIV certificates, have also been placed on record.

7. Since 26th May 2020, the prospective adoptive father has been working as a Logistics Coordinator with Defenders, the USA, drawing an annual income of \$31,200. The prospective adoptive mother has been working as a Clinical Therapist with Origins Family Counseling LLC, drawing an annual income between \$ 47,562 and \$59,450, depending on the number of clients per week. Their Employment and Income certificates have been placed on record. Also placed on record

are the US Individual income tax returns for 2017, 2018, and 2019, bank reference, financial statements along with adoptive parents' residence proof.

8. The childcare arrangement statement of the proposed adoptive parents has also been placed on record.

9. A home study report, dated 30th October 2020, of the proposed adopters has been conducted by the authorities of "America World Adoption" Indiana, the U.S.A. has been placed on record. The report approves the adoptive parents' desire and allows them to adopt one girl child, or a sibling group of two children, either male or female, healthy or with special needs, or a five year old at the time of referral from India. Along with the home study report, the adoptive parents' psychological evaluation report has also been placed on record. The report reveals that the adoptive parents have no psychological symptoms which would impair their ability to parent

10. The "Article 5" Letter, dated 04th March 2021, from US Embassy for Om's entry and permanent residence in the United States following the adoption is on record.

11. Child security undertaking, dated 01st December 2020, furnished by the prospective adoptive mother's parents has been placed on record. They offer to look after the minor child if any mishap occurs to the prospective adoptive parents.

12. Om's medical examination report, dated 30th September 2020, countersigned by the adoptive parents, is on record. On its "over all observation", minor is found a Cheerful child. There have been concerns of delayed achievement of milestones. So, a neurologist's opinion has been taken at regular intervals, and the child has been undergoing early intervention therapy since January 2018. The child's negative HIV report has also been placed on record.

13. The minor's post-card size photograph and the family photograph, copies of the prospective adoptive parents' passports have been placed on record.

14. Regarding the change of name, the proposed adopters' desire that the minor 'OM' be changed as "Dax Gabriel Bihl".

15. The proposed adopters' have signed the declaration of willingness and undertaking to adopt minor OM. They further undertake to send the child's post-placement reports and allow personal visits of the Authorized Foreign Adoption Agency's representatives to ascertain the child's progress.

16. I have seen on record the undertaking, dated 30th December 2020, of the Authorized Foreign Adoption Agency (AFFA) "America World Adoption", the U.S.A., to provide the child's post adoption follow-up report. It also agrees to make

alternative arrangement if there is a disruption of the adoptive family.

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

18. The Petitioner institution's recognition from the Women & Child Development, Maharashtra State, to place children in adoption is valid until 05/05/2025.

19. 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 12.07.2021, is taken on record and marked-'X' for identification.

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

“(a) For the Adoption of the proposed male minor Dax Gabriel Bihl, born on 11.07.2017 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 minor Dax Gabriel Bihl and shall have all parental rights, privileges and responsibilities over the said child, now in the care and custody of Bal Anand, Worldchildren Welfare Trust India, Sai Krupa,

93, Ghatla Village, Chembur, Mumbai – 400 071.

(c) That the proposed adopters be allowed to change the name of the minor OM to Dax Gabriel Bihl.

(d) Leave/permission be granted to apply the concern Municipal Authorities to issue Birth Certificate of the said minor Dax Gabriel Bihl.

(e) That the Proposed Adopters may be granted leave to remove the said minor Dax Gabriel Bihl, from the jurisdiction of this Hon'ble Court and to take the said minor to U.S.A. or wherever they may reside in future.

21. Besides all the above, the Petitioner institution should obtain an additional undertaking from the adoptive parents affirming that they will not give the minor in further adoption without this Court's prior leave. Once this undertaking is secured, it shall be filed on the Court's record.

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

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

[DAMA SESHADRI NAIDU, J.]

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