



WEB C.V.KARTHIKEYAN,J.

This original petition has been filed taking advantage of Section 56(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015 as amended seeking recognition and stamp of approval with respect to the adoption of a minor male child by the 2nd and 3rd petitioners herein / Francioni Niccolo and Martini Irene, who are permanent residents of Italy and now represented by their Power of Attorney holder.

2.The Power of Attorney also represents the 1st petitioner, Varshini Illam Trust, which is a recognized trust under the Juvenile Justice (Care and Protection of Children) Act, 2015 and recognized as a Specialized Adoption Agency by the Tamil Nadu State Government. They are authorized to take care and rehabilitate orphans, abandoned and surrendered children through adoption in accordance with the provisions of the Juvenile Justice Act and the Regulations therein and also the CARA Regulations.

3.It is also stated in the petition that the 1st petitioner, being a Specialized Adoption Agency has also been granted permission for inter-country adoption and necessary license in this connection had also been obtained. It is stated that the 1st petitioner has no objection in placing the child in adoption with the 2nd and 3rd petitioners.



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4.The learned Master had recorded the evidence of the power of attorney, Shankar Raj as PW-1. The Certificate of Recognition of the 1st petitioner by the State Government was marked as Ex.P2. The original surrender by the biological mother dated 02.09.2020 was marked as Ex.P3. The order of the Child Welfare Committee granting custody was marked as Ex.P4. The copy of the Power of Attorney and the Special Power of Attorney were marked as Exs.P5 and P6. The Clearance Certificate was marked as Ex.P7. The Child Study Certificate was marked as Ex.P8. The Home Study Report was marked as Ex.P11. The Medical Report of the minor child was marked as Ex.P9. The copy of the No Objection Certificate issued by CARA was marked as Ex.P10. The personal details of the adoptive mother and father / 2nd and 3rd petitioners were marked as Exs.P12 to P18. The undertaking and willingness of the adoptive parents were marked as Exs.P19 and P20. To identify the minor child, a photograph was marked as Ex.P24. To identify the adoptive parents their photographs was marked as Ex.P25.

5.The learned counsel for the petitioner invited me to examine Ex.P11, the Home Study Report wherein, it had been stated that the 2nd and 3rd petitioners are ready and willing to take in adoption the minor child.



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6. But it would only be appropriate that while forwarding such a Home Study Report and the willingness of the adoptive parents, a specific undertaking is given, that in view of the fact that child to be adopted is a special child, the parents or either one of them would undergo formal training in taking care of such child with special needs. This is required. Normal parenting skills would not be sufficient to take care of the needs of a special child.

7. In the present case, though such an undertaking had not been given, the learned counsel stated that a psychological test had been conducted and the willingness of the parents have been ascertained.

8. I hold that the petitioners have made out a case for grant of order which is sought for in this present Original Petition. This Original Petition stands allowed.

18.10.2022

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O.P.No.455 of 2022

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