

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND
IN ITS GENERAL AND INHERENT JURISDICTION
FOREIGN ADOPTION PETITION NO. 30 OF 2024
WITH
JUDGE'S ORDER NO. 155 OF 2024
IN
FOREIGN ADOPTION PETITION NO. 30 OF 2024

Maharashtra State Women's Council, ...Petitioner
Adoption Group, Mumbai

And

1. Mr. Sankalp Rangi	... Prospective Adoptive
2. Mrs. Shauna Marie Morin	Parents

Ms. Dipal Sanjanwala Mehta, for the petitioner.
Mr. O. Hareendran, Scrutiny Officer-ICSW, present.
Mr. Dilip S. Gurav, Chamber Registrar, present.

CORAM : R. I. CHAGLA, J.

DATE : 04th DECEMBER, 2024

ORDER :

1. By this Foreign Adoption Petition, the Petitioner and the Prospective Adoptive Parents have sought adoption of the male minor Kiran ('**the said male minor**') born on 14th October 2023.

The biological mother had surrendered the said male minor before the Child Welfare Committee (CWC), Mumbai City-II on 08th November 2023 and the child's safe custody was given to the Petitioner Institution on the same day as per the order of the said CWC dated 8th November 2023 under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (**'the said Act'**). The Admission Order is on record at page No. 78 to the Petition.

2. After making due inquiry under section 38 of the said Act, the CWC, Mumbai City-I declared the said male minor "Legally Free for Adoption" on 9th January 2024. The Free for Adoption Certificate is on record at page Nos. 102-104 to the Petition.

3. The Central Adoption Resource Authority (CARA), New Delhi has issued its No Objection Certificate (dated 26th September 2024) to this adoption as per Adoption Regulations 2022 and Article 17(c) of the Hague Convention on the protection of Children and Cooperation in respect of Inter-country Adoption 1993. The said No Objection Certificate is on record at page No. 80 to the Petition.

4. The affidavit by the Authorized Representative of this Specialized Adoption Agency (Petitioner) in support of the adoption

of the said male minor is on record at page Nos. 72-77 of the Petition.

5. The Prospective Adoptive Father is an Indian National aged about 38 years and Prospective Adoptive Mother is an American National aged about 44 years and both residing at North Carolina, U.S.A. They have been married for the past 6 years (7th June 2018) with no biological children.

6. The Prospective Adoptive Parents' joint photograph and copies of Passport are on record at page Nos. 27-34 and 70-71 to the Petition.

7. The Motivation Letter of the Prospective Adoptive Parents is on record at page Nos. 20-21 to the Petition.

8. The Medical reports dated 12th September 2023 of the Prospective Adoptive Parents state that they have shown no symptoms of any contagious or fatal disease and are fit to adopt a child. The HIV and Hepatitis B test report of the Prospective Adoptive Father certifies the case as Negative. The HIV test report of the Prospective Adoptive Mother certifies the case as Negative and her Hepatitis B Surface Antigen report certifies the case as Reactive. These reports are on record at page Nos. 52-63 to the Petition.

9. The Prospective Adoptive Father is working as a Senior Product Manager II with RELX in U.S.A. since 12th September 2016 and his annual base salary is \$ 139,645.00. His Income and Employment Certificate and Salary Slips are on record at page Nos. 152-154 and 170-177 to the Petition.

10. The Prospective Adoptive Mother is working as a Director of Programme Operations & Evaluation with Interfaith America since 5th April 2020 and her current annual salary is \$ 90,000. Her Income and Employment Certificate and Salary Slips are on record at page Nos. 155-157 and 178-185 to the Petition.

11. The U.S. Individual Income Tax Returns 2021, 2022 and 2023 are on record at page Nos. 158-169 to the Petition.

12. The Proof of Residence and Supportive Financial documents are on record at page Nos. 35-40, 150-151 and 186-188 to the Petition.

13. The childcare arrangement plan undertaking by the Prospective Adoptive Parents is on record at page Nos. 197-198 to the Petition.

14. The Home study Report dated 26th June 2023

by the authorities of “Carolina Adoption Services”, North Carolina, U.S.A. is on record and the Report has found the Prospective Adoptive Parents suitable for adopting a child. The said Report is at page Nos. 108-126 to the Petition.

15. The Psychological Evaluation Report of Kelly Breen Boyce, PSY.D Licensed Psychologist dated 1st October 2022 is on record at page Nos. 127-138 to the Petition. It states that the Prospective Adoptive Parents appear to be functioning well in all areas of life and demonstrate no mental health illness. They have the capacity to form and sustain meaningful relationship and have the desire to create a stable and loving home for a child.

16. The Permission of the Receiving Country as per Article 5/17 of the Hague Convention is on record at page Nos. 143-149 to the Petition.

17. The Child Security undertaking dated 10th April 2024 of the Prospective Adoptive Mother’s sister and brother-in-law residing at Maine, U.S.A. to take care of the said male minor in case of any unforeseen mishap to the Prospective Adoptive Parents is on record at page Nos. 199-208 to the Petition.

18. The Medical Examination Report of the said male minor dated 2nd February 2024 states “Health Status: Special Needs. Overall observation of the child: A normal, healthy infant. A small ASD 6MM with Left to Right shunt. Closure expected”. The Prospective Adoptive Parents have countersigned this Report which is at page Nos. 86-100 to the Petition.

19. The HIV Report of the said male minor dated 31st October 2023 certifies the case as Non-Reactive. This Report is on record at page No. 105 to the Petition. The post card size photograph of the male minor is on record at page No. 107 to the Petition.

20. As regards the change of name, the Prospective Adoptive Parents desire that the said male minor ‘Kiran’ be renamed as “Kiran Morin Rangi”.

21. The Declaration of consent and undertaking of the Prospective Adoptive Parents states that they are willing to adopt the said male minor. They further undertake that they will allow personal visits by the representatives of the Authorized Foreign Adoption Agency for follow-up of the progress of the child as required under

the Adoption Regulations. The said Declaration is on record at page Nos. 64-65 and 222-227 to the Petition.

22. The undertaking dated 7th August 2024 of the Authorized Foreign Adoption Agency (AFAA) “Children’s Home Society of Minnesota”, U.S.A. to provide follow-up report of the child and make alternative arrangement in case of disruption of the adoptive family is on record at page Nos. 228-229 to the Petition.

23. The copy of the Power of Attorney dated 28th August 2024 duly executed by the Prospective Adoptive Parents in favour of the Petitioner Institution is on record at page Nos. 230-233 to the Petition.

24. The Petitioner Institution’s recognition from the Women and Child Development, Maharashtra State to place children in adoption is valid up to 5th May 2025.

25. Mr. O. Hareendran, Scrutiny Officer has tendered the Report/Representation of Indian Council of Social Welfare dated 19th November 2024 which is taken on record and marked “X” for identification.

26. Having considered the material on record as well as the report of the Scrutiny Officer marked “X”, I am of the view that it would be in the interest of the said male minor child that he is adopted by the Proposed Adopters.

27. It is relevant to note here that in the case of *Nisha Pradeep Pandya alias Nisha Amit Gor and Anr. Vs. Union of India and Ors.*,¹ concerning challenge raised to the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, the Division Bench of this Court on 10th January, 2023 passed an interim order. The relevant portion of said order of Division Bench reads as follows :

“8. In the meantime, there will be an ad-interim order only until the next date in terms of prayer clauses (d), (e) and (f) of the petition which reads as follows:

(d) Pending the final hearing and disposal of the present Petition, the Hon’ble Court may be pleased to stay the effect, implementation and purport of the letter dated 30th September, 2022 issued by Respondent No.2;

(e) Pending the final hearing and disposal of the present Petition, the Hon’ble Court may be pleased to direct the Respondents not to transfer pending adoption matters before the District Magistrates for adjudication.

(f) Pending the final hearing and disposal of the present Petition, the Hon'ble Court may be pleased to direct the Hon'ble Courts to continue with the adjudication of the adoption matters that are pending on their record and file.

9. Additionally, the safer and more prudent course of action would be to allow all matters to be placed before the learned Single Judge of this Court who is assigned those matters. Those orders may be continued to be passed until the challenge is finally decided."

24. Hence, it is clear that this Court can consider and dispose the present Petition.

25. In these circumstances, the Petition is allowed in terms of prayer clause (a) to (f), which reads thus:

- (a) This Hon'ble Court may be pleased to appoint the proposed adoptive parents as the parents of the male minor, Kiran now in the care of the Maharashtra State Women's Council Adoption Group, Asha Sadan Balgruh, Asha Sadan Marg, Umerkhadi, Mumbai – 400 009,*
- (b) That the proposed adoptive parents be allowed to change the name of the minor, from 'Kiran' to 'Kiran Morin Rangi',*
- (c) That the proposed adoptive parents may be granted leave to remove the aforesaid child, Kiran @ Kiran Morin Rangi from the jurisdiction of this Hon'ble Court and to take the minor out of India along with them, to their home i.e. wherever they may require him to,*
- (d) That the Petitioner be granted leave to apply to the*

concerned Municipal Authorities to issue a Birth Certificate of male minor Kiran 'Morin Rangi' showing the names of the proposed adoptive parents as his parents,

- (e) That the concerned Municipality / the Birth Certificate Issuing Authority may be directed to issue Birth Certificate for the said minor 'Kiran Morin Rangi', within five working days from the date of application of the Petitioner, as per the provisions of sub-regulations 15 of the Adoption Regulations 18 and regulation 36,*
- (f) The concerned Regional Passport Office may be directed to issue Passport for the said 'Kiran Morin Rangi' within ten days from the date of application, as per sub-regulation (4) of regulation 18 and regulation 38,*

26. The Judge's Order is accepted and signed separately.

27. It is directed that the petitioner should obtain further undertaking from the Adoptive Parents that they should not give the said male minor child for further adoption without prior leave of this Court. Once this undertaking is obtained, same shall be filed on record of this Court.

28. The Foreign Petition is accordingly disposed of. There shall be no order as to costs.

[R. I. CHAGLA, J.]

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