

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (च) ऐसी बाल देखरेख संस्थाओं को जिन्हें विशिष्ट दत्तक-ग्रहण अभिकरण के रूप में मान्यता प्राप्त नहीं है, परिलक्षित करना और ऐसी संस्थाओं में पात्र बालकों के दत्तक-ग्रहण को सुकर बनाने के लिए उन्हें विशिष्ट दत्तक-ग्रहण अभिकरण से जोड़ना ;
- (छ) अपनी अधिकारिता में सभी विशिष्ट दत्तक-ग्रहण अभिकरणों के दत्तक-ग्रहण कार्यक्रमों और क्रियाकलापों को मानीटर करना ;
- (ज) अनाथ, परित्यक्त और अभ्यर्पित बच्चों के लिए अधिनियम और उसके अधीन बनाए गए नियमों के अधीन यथा परिकल्पित मानकों और उपायों का प्रवर्तन ;
- (झ) ऐसे विशिष्ट दत्तक-ग्रहण अभिकरणों या बालक देखरेख संस्था को, जिनके पास एचआईवी/एड्स से प्रभावित या संक्रमित और मानसिक और शारीरिक रूप से अक्षम बालकों सहित विशिष्ट आवश्यकता वाले बालकों को दीर्घकालिक आधार पर क्वालिटी देखरेख और उपचार प्रदान करने की क्षमता है, परिलक्षित करना और इन अभिकरणों में ऐसे बालकों का स्थानांतरण सुकर बनाना ;
- (ञ) दत्तक-ग्रहण और अन्य गैर-संस्थागत विकल्पों के माध्यम से बालकों के गैर-संस्थानीकरण में तेजी लाना ;
- (ट) ज्ञान आधार, अनुसंधान और प्रलेखीकरण, बालक खोज प्रणाली का सुदृढीकरण, प्रशिक्षण और विकास कार्यक्रम, समर्थन और संसूचना, मानीटरी और मूल्यांकन जैसे उपाय करना जो राज्य में दत्तक-ग्रहण कार्यक्रम का विस्तार करने के लिए अपेक्षित हैं;
- (ठ) राज्य की सभी बाल कल्याण समितियों को दत्तक-ग्रहण के लिए विधिक रूप से स्वतंत्र घोषित किए गए अनाथ, परित्यक्त और अभ्यर्पित बच्चों तथा ऐसी घोषणा के लिए प्रतीक्षारत बालकों से संबंधित आंकड़ों को विहित फॉर्मेट में मासिक आधार पर जिला बाल संरक्षण एकक या राज्य दत्तक-ग्रहण संसाधन अभिकरण को देने के लिए निर्देश देना ;
- (ड) बालक दत्तक-ग्रहण संसाधन सूचना और मार्गदर्शक प्रणाली में यथा विहित फॉर्मेट और कालिकतः दत्तक-ग्रहण आंकड़ों को ऑनलाइन प्रस्तुत करना और उनको विधिमान्य करना ;
- (ढ) बालक दत्तक-ग्रहण संसाधन सूचना और मार्गदर्शक प्रणाली में दत्तक-ग्रहण योग्य बालकों, भावी दत्तक माता या पिता, विशिष्ट दत्तक-ग्रहण अभिकरणों, बाल कल्याण समितियों और जिला बाल संरक्षण एककों के राज्य विनिर्दिष्ट आंकड़ा आधार का रखरखाव ;
- (ण) अवैध दत्तक-ग्रहण कार्य में अंतर्गस्त परिचर्या गृहों और अस्पतालों सहित व्यक्तियों और संस्थाओं के विरुद्ध समुचित विधिक कार्रवाई करना ;
- (त) यह सुनिश्चित करना कि सभी दत्तक-ग्रहण और स्थानन इन मार्गदर्शक सिद्धांतों के प्रावधानों के अनुसार किए जाएं ;
- (थ) भावी दत्तक माता या पिता को परामर्श देने और उनकी गृह अध्ययन रिपोर्ट तैयार करने के साथ-साथ, स्थानन-पश्चात् अनुवर्ती रिपोर्ट तैयार करने के लिए वृत्तिक रूप से अर्हित और प्रशिक्षित सामाजिक कार्यकर्ताओं के पैनल का रखरखाव करना । (सामाजिक कार्यकर्ताओं के पैनल में नाम लिखवाने हेतु विचार किए जाने के लिए, व्यक्ति के पास किसी मान्यता प्राप्त विश्वविद्यालय से समाज कार्य या मनोविज्ञान या समाज-विज्ञान या बाल विकास या गृह विज्ञान में स्नातकोत्तर डिग्री होनी चाहिए) ;
- (द) दत्तक-ग्रहण से संबंधित विवादों के समाधान के लिए विशिष्ट दत्तक-ग्रहण अभिकरणों की तिमाही आधार पर बैठकों का आयोजन करना ।

35. जिला बाल संरक्षण एकक : अधिनियम और इसके अधीन बनाए गए नियमों और एकीकृत बालक संरक्षण स्कीम में यथा परिकल्पित कृत्यों के अतिरिक्त, जिला बाल संरक्षण एकक निम्नलिखित कार्य करेगा -

- (1) जिले में अनाथ, परित्यक्त और अभ्यर्पित बालकों की पहचान करना और दत्तक-ग्रहण के लिए उन्हें बाल कल्याण समिति द्वारा वैध रूप से स्वतंत्र घोषित कराना ;

- (2) यह सुनिश्चित करना कि दत्तक-ग्रहण के लिए विधिक रूप से स्वतंत्र घोषित कराने की तारीख से सात दिन के भीतर विशिष्ट दत्तक-ग्रहण अभिकरण द्वारा बालक दत्तक-ग्रहण संसाधन सूचना और मार्गदर्शक प्रणाली पर बालक अध्ययन रिपोर्ट और चिकित्सा परीक्षा रिपोर्ट डाल दी गई है ;
- (3) दत्तक-ग्रहण को सुकर बनाने के लिए बाल गृहों को उसी जिले अथवा दूसरे जिले के विशिष्ट दत्तक-ग्रहण अभिकरणों के साथ जोड़े जाने को सुकर बनाना ;
- (4) दत्तक-ग्रहण के लिए विधिक रूप से स्वतंत्र घोषित प्रत्येक बालक के दत्तक-ग्रहण की प्रगति का पता लगाना और मामले में शीघ्रता लाने के लिए, जहां कहीं अपेक्षित हो, आवश्यक कार्रवाई करना;
- (5) जिले से बालक अथवा बालकों के दत्तक-ग्रहण के लिए बालक दत्तक-ग्रहण संसाधन सूचना और मार्गदर्शक प्रणाली में रजिस्ट्रीकृत प्रत्येक भावी दत्तक माता या पिता के आवेदन की प्रगति का पता लगाना और मामले में शीघ्रता लाने के लिए, जहां कहीं अपेक्षित हो, आवश्यक कार्रवाई करना ;
- (6) भावी दत्तक माता या पिता को परामर्श देने, उनकी गृह अध्ययन रिपोर्ट तैयार करने और दत्तक-पश्चात् अनुवर्ती सेवाएं प्रदान करने के लिए वृत्तिक सामाजिक कार्यकर्ताओं के पैनल का रखरखाव करने में राज्य दत्तक-ग्रहण संसाधन अभिकरण की सहायता करना ;
- (7) जिले में दत्तक-ग्रहण कार्यक्रम का पर्यवेक्षण और मानीटर करना ;
- (8) यह सुनिश्चित करना कि विशिष्ट दत्तक-ग्रहण अभिकरण द्वारा बालक दत्तक-ग्रहण संसाधन सूचना और मार्गदर्शक प्रणाली में समय पर और सही रीति से दत्तक-ग्रहण आंकड़े अद्यतन किए जा रहे हैं ;
- (9) दत्तक-ग्रहण से संबंधित सभी मामलों में राज्य दत्तक-ग्रहण संसाधन अभिकरण और केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण की सहायता करना ;
- (10) परित्यक्त बालक के प्रत्यावर्तन प्रयासों और समाचार पत्र में बालक की सूचना को प्रकाशित कराने, परिवीक्षा अधिकारी से सामाजिक जांच रिपोर्ट और पुलिस से नहीं खोज पाने की रिपोर्ट प्राप्त करने सहित उसे विधिक रूप से स्वतंत्र घोषित करने की प्रक्रिया पूरी करने में बाल कल्याण समिति की सहायता करना ;
- (11) दत्तक-ग्रहण हेतु बालकों को विधिक रूप से स्वतंत्र घोषित करने वाले बाल कल्याण समिति के प्रमाणपत्र को अपलोड करना ।

36. बाल कल्याण समिति :-

बाल कल्याण समिति इन मार्गदर्शक सिद्धांतों के पैरा 6 और 7 में यथा उपबंधित कार्य करेगी ।

37. जन्म प्रमाणपत्र जारी करने वाले प्राधिकारी :-

जन्म और मृत्यु रजिस्ट्रीकरण अधिनियम, 1969 (1969 का 18) के अधीन अधिसूचित स्थानीय रजिस्ट्रार विशिष्ट दत्तक-ग्रहण अभिकरण अथवा दत्तक माता या पिता द्वारा आवेदन करने पर दत्तक-ग्रहण किए गए बालक के पक्ष में जन्म प्रमाणपत्र जारी करेगा जिसमें माता या पिता के रूप में दत्तक माता या पिता का नाम और न्यायालय के दत्तक-ग्रहण आदेश में यथा उल्लिखित बच्चे की जन्म की तारीख सम्मिलित की जाएगी ।

38. केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण :-

केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण देश में दत्तक-ग्रहण के मामलों में नोडल निकाय के रूप में कार्य करेगा और निम्नलिखित कृत्यों का निर्वहन करेगा, अर्थात् :-

- (1) भारतीय बच्चों के दत्तक-ग्रहण के लिए नियम और मार्गदर्शक सिद्धांत विरचित करना ;
- (2) देश के भीतर दत्तक-ग्रहण को बढ़ावा देने और अंतरराज्यीय दत्तक-ग्रहण को सुकर बनाने के लिए राज्य दत्तक-ग्रहण संसाधन अभिकरणों के साथ समन्वय करना ;

- (3) देश के भीतर दत्तक-ग्रहण कार्यक्रम का मानीटर और विनियमन करना ;
- (4) बालकों के अंतर-देशीय दत्तक-ग्रहण के लिए निरापेक्ष प्रमाणपत्र जारी करना ;
- (5) निम्नलिखित से संबंधित समान मानक और सूचक स्थापित करना -
 - (i) दत्तक-ग्रहण प्रक्रिया ;
 - (ii) क्वालिटी बाल देखरेख मानक ;
 - (iii) मानीटर और पर्यवेक्षण ;
 - (iv) दस्तावेजों का मानकीकरण ;
 - (v) रक्षोपाय और नीतिपरक पद्धतियां ।
- (6) विशिष्ट दत्तक-ग्रहण अभिकरणों, राज्य दत्तक-ग्रहण संसाधन अभिकरणों, जिला बाल संरक्षण एकाई, बाल कल्याण समितियों और प्राधिकृत विदेशी दत्तक-ग्रहण अभिकरणों की सहायता से दत्तक-ग्रहण के लिए उपलब्ध सभी बालकों, दत्तक-ग्रहण के इच्छुक सभी भावी दत्तक माताओं या पिताओं और दत्तक-ग्रहण में स्थानन किए गए सभी बच्चों का केंद्रीकृत आंकड़ा आधार तैयार करना ;
- (7) दत्तक-ग्रहण प्रणाली में निरंतर सुधार लाने के उद्देश्य से दत्तक-ग्रहण पर अनुसंधान और प्रलेखीकरण करना ;
- (8) दत्तक-ग्रहण अभिकरणों और अन्य पणधारियों के लिए क्षमता निर्माण कार्यक्रमों का आयोजन करना ;
- (9) दत्तक-ग्रहण और अन्य गैर-संस्थागत बाल देखरेख सेवाओं को बढ़ावा देने के लिए या तो स्वयं या अपने सहबद्ध निकायों द्वारा समर्थन, जागरूकता और सूचना, शिक्षा और संसूचना क्रियाकलाप चलाना ;
- (10) यथास्थिति, राज्य सरकारों या राज्य दत्तक-ग्रहण संसाधन अभिकरणों के साथ समन्वय करना और दत्तक-ग्रहण संबंधी मामलों में उन्हें सलाह देना ;
- (11) बालक संरक्षण और अंतर-देशीय दत्तक-ग्रहण की बाबत सहयोग पर हेग अभिसमय, 1993 के अधीन दत्तक-ग्रहण मामलों पर केंद्रीय प्राधिकरण के रूप में कार्य करना ;
- (12) जहां कहीं आवश्यक हो विदेशी केंद्रीय प्राधिकरणों के बीच, और हेग अभिसमय के अधीन यथा विनिर्दिष्ट द्विपक्षीय समझौते करना ;
- (13) भारतीय बालकों के अंतर-देशीय दत्तक-ग्रहण के लिए अनिवासी भारतीय अथवा विदेशी भारतीय नागरिकों अथवा भारतीय मूल के व्यक्तियों अथवा विदेशी भावी दत्तक माता या पिता के आवेदनों को प्रायोजित करने के लिए विदेशी दत्तक-ग्रहण अभिकरणों को प्राधिकृत करना ।
- (14) दत्तक-ग्रहण प्रणाली में अधिक पारिदर्शिता के लिए बालक दत्तक-ग्रहण संसाधन सूचना और मार्गदर्शक प्रणाली (केयरिंग्स) का रखरखाव ।

39. क्षेत्रीय पासपोर्ट कार्यालय :- न्यायालय द्वारा जारी किए गए दत्तक-ग्रहण आदेश के अनुसरण में, अपेक्षित दस्तावेजों के साथ किए गए आवेदन के आधार पर, क्षेत्रीय पासपोर्ट कार्यालय, अंतर-देशीय दत्तक-ग्रहण किए गए बालकों को पासपोर्ट जारी करने के संबंध में विदेश मंत्रालय के सीपीवी प्रभाग के तारीख 16 मई, 2013 के परिपत्र संख्या VI/401/2/3/2010; तारीख 08 जनवरी, 2015 के परिपत्र संख्या VI/401/2/3/2010; तारीख 19 मार्च, 2015 के परिपत्र संख्या VI.II/401/2/3/2010 और समय-समय पर जारी ऐसे ही अन्य परिपत्रों के अनुसरण में, आवेदन की प्राप्ति की तारीख से दस दिन के भीतर दत्तक बालक को पासपोर्ट जारी करेगा ।

40. विदेशी क्षेत्रीय रजिस्ट्रीकरण कार्यालय :- विदेशी क्षेत्रीय रजिस्ट्रीकरण कार्यालय भावी दत्तक माता या पिता की राष्ट्रियता वाले देश द्वारा जारी पासपोर्ट पर दत्तक बालक को बाहर जाने के लिए भावी दत्तक माता या पिता द्वारा सभी समर्थित दस्तावेजों के साथ इस प्रयोजन के लिए आवेदन प्रस्तुत करने की तारीख से तीन कार्य दिवस के भीतर निकासी वीजा जारी करेगा ।

41. अंतर-देशीय दत्तक-ग्रहण में भारतीय राजनयिक मिशन :- भारतीय बालकों के अंतर-देशीय दत्तक-ग्रहण में विदेशों में भारतीय राजनयिक मिशनों की निम्नलिखित भूमिका होगी, अर्थात् :-

- (1) अनिवासी भारतीयों, विदेशी भारतीय नागरिकों अथवा विदेशी माता या पिता द्वारा दत्तक-ग्रहण किए भारतीय मूल के बालकों की उपेक्षा, दुर्व्यवहार, शोषण अथवा दुरुपयोग के विरुद्ध रक्षोपाय सुनिश्चित करने के लिए संबंधित केंद्रीय अथवा सरकारी प्राधिकारी से संपर्क बनाना ;
 - (2) अपनी अधिकारिता के भीतर प्राधिकृत विदेशी दत्तक-ग्रहण अभिकरणों और केंद्रीय प्राधिकरणों के साथ संवाद करना और दत्तक-ग्रहण किए गए बालकों और उनके माता या पिता के सम्मिलन समारोहों का आयोजन करना अथवा उनमें भाग लेना ;
 - (3) भारतीय बालकों के दत्तक-ग्रहण के लिए आवेदन प्रायोजित करने के प्रयोजन के लिए विदेशी दत्तक-ग्रहण अभिकरणों को प्राधिकृत करने के प्रस्तावों की सिफारिश करना ;
- “3(क) ऐसे विदेशी भावी दत्तक माता या पिता को जो दत्तक-ग्रहण से पहले, केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण द्वारा उनका आवेदन अनुमोदित कर दिए जाने के बाद, बालक से व्यक्तिगत रूप से मिलना चाहते हैं और न्यायालय की कार्यवाही में उपस्थित होने के अलावा बाद में बालक को प्राप्त करने के लिए आने हेतु वीजा जारी करना।”
- (4) विदेश में, जहां दत्तक-ग्रहण पर व्यवहार करने के लिए कोई प्राधिकृत विदेशी दत्तक-ग्रहण अभिकरण अथवा सरकारी विभाग नहीं है, गृह अध्ययन रिपोर्ट सहित दत्तक-ग्रहण के आवेदन की औपचारिकताएं पूरी करने के लिए सामाजिक कार्यकर्ताओं का पैनल बनाना और उन्हें प्राधिकृत करना ;
 - (5) अनिवासी भारतीय भावी दत्तक माता या पिता हैं, उनके दत्तक-ग्रहण के आवेदनों को अनुसूची-5 में यथा विनिर्दिष्ट अपेक्षित दस्तावेजों के साथ बालक दत्तक-ग्रहण संसाधन सूचना और मार्गदर्शक प्रणाली पर रजिस्ट्रीकृत करना और इन मार्गदर्शक सिद्धांतों के पैरा 20 में यथा अनुबद्ध दत्तक-ग्रहण-पश्चात् अनुवर्तन रिपोर्टों को अपलोड करना ;
 - (6) सीधे अथवा प्राधिकृत संगठन अथवा व्यक्ति के माध्यम से प्राप्त दत्तक-ग्रहण आवेदनों पर कार्रवाई करने वाला भारतीय राजनयिक मिशन प्राप्तकर्ता देश में बालक के आगमन की तारीख से पहले वर्ष तिमाही आधार पर और दूसरे वर्ष छमाही आधार पर प्रगति रिपोर्ट भेजेगा और दत्तक-ग्रहण में अवरोध के मामले में, इन मार्गदर्शक सिद्धांतों के पैरा 20 में यथा अनुबद्ध कार्रवाई भी करेगा ;
 - (7) दत्तक-ग्रहण के भंग के मामलों में, अनिवासी भारतीयों अथवा विदेशी भारतीय नागरिकों अथवा विदेशी माता या पिता द्वारा दत्तक-ग्रहण किए गए भारतीय मूल के बालकों के रक्षोपाय सुनिश्चित करने के लिए प्राप्तकर्ता देशों के केंद्रीय प्राधिकरणों अथवा अन्य प्राधिकारियों से संपर्क करना और इस संबंध में केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण को शीघ्र ही रिपोर्ट भी भेजेगा ;
 - (8) यदि अपेक्षित हो, आवश्यक सहायता करेगा और स्थानीय प्राधिकारियों, संबंधित दत्तक-ग्रहण अभिकरणों और केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण के परामर्श से बालक के संप्रत्यावर्तन को सुकर बनाएगा ;
 - (9) भारतीय मूल के दत्तक बालक द्वारा अपने मूल परिवार की खोज को सुकर बनाना, यदि संपर्क हो ;
 - (10) केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण को कोई भी रिपोर्ट अथवा टीका-टिप्पणी भेजना, जिसे वे अंतर-देशीय दत्तक-ग्रहण के मामले में महत्वपूर्ण और सुसंगत समझें।

42. केंद्रीय प्राधिकरण :-

जिन देशों ने अंतर-देशीय दत्तक-ग्रहण हेतु अभिसमय, 1993 का अनुसमर्थन किया है उनके केंद्रीय प्राधिकरण इस अभिसमय के उपबंधों के अनुसार सभी बाध्यताओं का निर्वहन करेंगे।

अध्याय - 6

प्रकीर्ण उपबंध

43. भावी दत्तक माता या पिता की ज्येष्ठता :-

- (1) दो ज्येष्ठता सूची होंगी – पहली सूची निवासी भारतीय और अनिवासी भारतीय भावी दत्तक माता या पिता से मिलकर बनेगी और दूसरी सामान्य सूची निवासी भारतीय, अनिवासी भारतीय, विदेशी भारतीय नागरिक और विदेशी भावी दत्तक माता या पिता से मिलकर बनेगी।
- (2) निवासी भारतीयों की ज्येष्ठता बालक दत्तक-ग्रहण संसाधन सूचना और मार्गदर्शक प्रणाली में ऑनलाइन रजिस्ट्रीकरण और गृह अध्ययन रिपोर्ट के अलावा दस्तावेजों के समर्पण की तारीख पर आधारित होगी।
- (3) अनिवासी भारतीयों अथवा विदेशी भारतीय नागरिकों और विदेशी भावी दत्तक माता या पिता की ज्येष्ठता बालक दत्तक-ग्रहण संसाधन सूचना और मार्गदर्शक प्रणाली में ऑनलाइन रजिस्ट्रीकरण और गृह अध्ययन रिपोर्ट सहित दस्तावेजों के समर्पण की तारीख पर आधारित होगी।

44. समय सीमा की अनुषक्ति:-

दत्तक-ग्रहण प्रक्रिया में अंतर्ग्रस्त सभी अभिकरण और प्राधिकारी अनुसूची – 14 में विनिर्दिष्ट समय सीमा का पालन करेंगे।

45. मूल परिवार की खोज :-

- (1) मूल परिवार के खोज की दशा में, जब कभी भी कोई दत्तक बालक संपर्क करता है, तब संबद्ध अभिकरण या प्राधिकारी (प्राधिकृत विदेशी दत्तक-ग्रहण अभिकरण, केंद्रीय प्राधिकरण, भारतीय राजनयिक मिशन, केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण, राज्य दत्तक-ग्रहण संसाधन अभिकरण अथवा जिला बाल संरक्षण एकक अथवा विशिष्ट दत्तक-ग्रहण अभिकरण) उसके मूल परिवार की खोज को सुकर बनाएंगे।
- (2) मूल परिवार की खोज को सुकर बनाने के उद्देश्य से, बालक की आयु और परिपक्वता पर ध्यान दिया जाए।
- (3) यदि जैव माता या पिता ने अभ्यर्पण के समय उनके अनामत्व का विशिष्ट रूप से अनुरोध किया है तो यथास्थिति, विशिष्ट दत्तक-ग्रहण अभिकरण अथवा बाल कल्याण समिति द्वारा माता-पिता की सम्मति ली जाए।
- (4) माता या पिता द्वारा मना किए जाने या माता या पिता को नहीं खोज पाने की दशा में, वे कारण और परिस्थितियां, जिनमें अभ्यर्पण किया गया, दत्तक को प्रकट की जाएंगी।
- (5) अनाथ अथवा परित्यक्त बालक की दशा में, उसके दत्तक-ग्रहण के बारे में सूचना, स्रोत और जिन परिस्थितियों में बालक को विशिष्ट दत्तक-ग्रहण अभिकरण में प्रवेश दिया गया, के साथ-साथ उसके दत्तक-ग्रहण के लिए अपनाई गई प्रक्रिया के बारे में यथास्थिति, विशिष्ट दत्तक-ग्रहण अभिकरण अथवा बाल कल्याण समिति द्वारा दत्तक को बताया जाएगा।
- (6) तीसरे पक्ष द्वारा मूल परिवार की खोज की अनुमति नहीं होगी और संबंधित अभिकरण अथवा प्राधिकारी जैव माता या पिता, दत्तक माता या पिता या दत्तक बालक के बारे में कोई भी सूचना सार्वजनिक नहीं करेंगे।
- (7) दत्तक बालक के अधिकार के लिए जैव माता या पिता के निजता के अधिकार का अधिलंघन नहीं किया जाना चाहिए।

46. दत्तक-ग्रहण रिकार्डों की गोपनीयता –

दत्तक-ग्रहण प्रक्रिया में अंतर्ग्रस्त सभी अभिकरण या प्राधिकारी यह सुनिश्चित करेंगे कि दत्तक-ग्रहण रिकार्डों की गोपनीयता, तत्समय प्रवृत्त किसी अन्य विधि के अधीन यथा अनुज्ञात के अलावा, बनाई रखी जाए।

47. दत्तक-ग्रहण व्यय :-

- (1) भावी दत्तक माता या पिता, अनुसूची – 13 में यथा उपबंधित, दत्तक-ग्रहण हेतु व्यय वहन करेंगे।
- (2) अभिकरण को दत्तक-ग्रहण के लिए भावी दत्तक माता या पिता से नकद अथवा वस्तुओं के रूप में, प्रत्यक्षतः अथवा अप्रत्यक्षतः रूप से कोई भी दान स्वीकार करने की अनुमति नहीं है।

48. दत्तक-ग्रहण की रिपोर्टिंग :-

विशिष्ट दत्तक-ग्रहण अभिकरण बालक दत्तक-ग्रहण संसाधन सूचना और मार्गदर्शक प्रणाली पर दत्तक-ग्रहण के आंकड़े प्रस्तुत करेंगे और अनुसूची - 15 में दिए गए फार्मेट में प्रत्येक तिमाही के पहले सप्ताह में राज्य दत्तक-ग्रहण संसाधन अभिकरण और केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण को तिमाही रिपोर्ट भी भेजेंगे।

49. विशेष आवश्यकताओं वाले बालकों का दत्तक-ग्रहण :-

- (1) विशेष आवश्यकताओं वाले बालकों, जो बाल कल्याण समिति द्वारा दत्तक-ग्रहण के लिए विधिक रूप से स्वतंत्र घोषित किए जाने की तारीख से निवासी भारतीयों और अनिवासी भारतीयों द्वारा दत्तक-ग्रहण के लिए उपलब्ध होंगे, के दत्तक-ग्रहण की प्रक्रिया संबंधित अभिकरणों अथवा प्राधिकारियों द्वारा यथासंभव शीघ्र पूरी की जाएगी :
परंतु यह कि विशेष आवश्यकताओं वाले ऐसे बालक दत्तक-ग्रहण के लिए विधिक रूप से स्वतंत्र घोषित किए जाने की तारीख से पंद्रह दिन के बाद विदेशी भारतीय नागरिकों अथवा विदेशी भावी दत्तक माता या पिता द्वारा दत्तक-ग्रहण के लिए उपलब्ध कराए जाएंगे।
- (2) विशेष आवश्यकताओं वाले बालकों के दत्तक-ग्रहण के मामलों पर कार्रवाई करते समय विशेष देख-रेख की जाए ताकि भावी दत्तक माता या पिता को बच्चे को वास्तविक चिकित्सा स्थिति की जानकारी रहे और बालक को आवश्यक अतिरिक्त देखरेख या ध्यान प्रदान करने को तैयार रहें।
- (3) विशेष आवश्यकताओं वाले बालकों की श्रेणी को www.adoptionindia.nic.in पर देखा जा सकता है जो दृष्टान्त स्वरूप है और निःशेष नहीं है।
- (4) विशेष आवश्यकताओं वाले बालकों को, जिनका दत्तक-ग्रहण नहीं हो पाया है, विशिष्ट दत्तक-ग्रहण अभिकरण द्वारा पर्याप्त देखरेख और संरक्षण प्रदान किया जाएगा और यदि उनके पास उनकी दीर्घकालीन देखरेख के लिए आवश्यक सुविधाएं और साधन नहीं हैं, तो ऐसे बालकों को किसी सरकारी अथवा गैर-सरकारी संगठन द्वारा संचालित किसी अन्य विशिष्ट संस्था में स्थानांतरित किया जाएगा।

50. अन्य बच्चों का दत्तक-ग्रहण :-

- (1) चूंकि अधिक आयु के बालकों का उन माता या पिता के साथ समायोजन स्थापित होने में समय लगता है, जिनका उनसे कोई संबंध नहीं है, यह महत्वपूर्ण है कि संस्था छोड़ने से पूर्व, बालक और भावी दत्तक माता या पिता को एक-दूसरे से सुपरिचित करा दिया जाए।
- (2) विशिष्ट दत्तक-ग्रहण अभिकरण अथवा प्राधिकृत विदेशी दत्तक-ग्रहण अभिकरण के मार्गदर्शन के अधीन, भावी दत्तक माता या पिता, बालक को अभिरक्षा में लेने से पहले भी, वीडियो कॉल्स के माध्यम से अधिक आयु के बालकों से अनन्योक्ति कर सकते हैं और भावी दत्तक माता या पिता को संस्था छोड़ने से पूर्व बालक के साथ कुछ क्वालिटी समय व्यतीत करने के लिए प्रोत्साहित किया जाएगा।
- (3) अधिक आयु के बालकों को बाल कल्याण समिति द्वारा दत्तक-ग्रहण के लिए विधिक रूप से स्वतंत्र घोषित किए जाने की तारीख से ही निवासी भारतीयों और अनिवासी भारतीयों द्वारा दत्तक-ग्रहण के लिए उपलब्ध माना जाएगा और वे दत्तक-ग्रहण के लिए विधिक रूप से स्वतंत्र घोषित किए जाने की तारीख से तीस दिन के बाद विदेशी भारतीय नागरिकों अथवा विदेशी भावी दत्तक माता या पिता द्वारा दत्तक-ग्रहण के लिए उपलब्ध कराए जाएंगे।

टिप्पण : पांच वर्ष की अवधि पूरे कर लेने वाले बालक को अपेक्षाकृत बड़ा बालक माना जाएगा।

51. जुड़वां अथवा भाई-बहन का दत्तक-ग्रहण -

जुड़वां अथवा भाई-बहन को बाल कल्याण समिति द्वारा दत्तक-ग्रहण के लिए विधिक रूप से स्वतंत्र घोषित किए जाने की तारीख से ही निवासी भारतीयों और अनिवासी भारतीयों द्वारा दत्तक-ग्रहण के लिए उपलब्ध माना जाएगा और वे दत्तक-ग्रहण के लिए विधिक रूप से स्वतंत्र घोषित किए जाने की तारीख से तीस दिन के बाद विदेशी भारतीय नागरिकों अथवा विदेशी भावी दत्तक माता या पिता द्वारा दत्तक-ग्रहण के लिए उपलब्ध माने जाएंगे।

52. मार्गदर्शक सिद्धांतों में शिथिल या निवर्चन और संशोधन -

- (1) किसी मामले अथवा मामलों के वर्ग के संबंध में इन मार्गदर्शक सिद्धांतों के किसी उपबंध में छूट देने की शक्ति केंद्रीय सरकार के साथ परामर्श से केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण में निहित होगी।

(2) इन मार्गदर्शक सिद्धांतों की व्याख्या में किसी संदिग्धता या विवाद के मामले में, केंद्रीय सरकार का निर्णय अंतिम होगा।

53. निरसन और व्यावृत्ति:

- (1) बालकों के दत्तक-ग्रहण को शासित करने वाले मार्गदर्शक सिद्धांत, 2011 इसके द्वारा निरसित किए जाते हैं।
- (2) ऐसे निरसन के होते हुए भी दत्तक-ग्रहण को शासित करने वाले मार्गदर्शक सिद्धांत, 2011 के अधीन की गई कोई कार्रवाई इन मार्गदर्शक सिद्धांतों के तत्स्थानी उपबंधों के अधीन की गई समझी जाएगी।
- (3) लंबित दत्तक-ग्रहण के मामलों में इन मार्गदर्शक सिद्धांतों के अनुसार कार्रवाई की जाएगी।

अनुसूची-1

[पैरा संख्या 6(12) और 7(15) देखें]

बालक को दत्तक-ग्रहण के लिए वैध रूप से स्वतंत्र घोषित करने वाला बाल कल्याण समिति का प्रमाणपत्र

1. किशोर न्याय (बालकों की देखरेख और संरक्षण) अधिनियम, 2000 की धारा 41(4) के अधीन _____ बाल कल्याण समिति में निहित शक्तियों का प्रयोग करते हुए, इस समिति के तारीख _____ के आदेश सं. _____ द्वारा _____ (नाम और पता) नामक विशिष्ट दत्तक-ग्रहण अभिकरण/बाल देखरेख संस्था की देखरेख में रखे गए _____ बालक जन्म तारीख _____ को निम्नलिखित के आधार पर दत्तक-ग्रहण के लिए वैध रूप से स्वतंत्र घोषित किया जाता है:

- परिवीक्षा अधिकारी/जिला समाज कल्याण अधिकारी/जिला सामाजिक सुरक्षा अधिकारी/जिला सामाजिक रक्षा अधिकारी/जिला महिला एवं बाल विकास अधिकारी/बालक कल्याण अधिकारी/जिला बालक संरक्षण अधिकारी/सामाजिक कार्यकर्ता/मामले से संबंधित कार्यकर्ता (यथास्थिति) की जाँच रिपोर्ट;
- बालक के जैव माता या पिता या विधिक संरक्षक द्वारा इस समिति के समक्ष _____ (तारीख) को निष्पादित किया गया अभ्यर्पण विलेख;
- जिला बालक संरक्षण एकक और विशिष्ट दत्तक-ग्रहण अभिकरण द्वारा प्रस्तुत की गई इस आशय की घोषणा कि उन्होंने इन मार्गदर्शक सिद्धांतों और सुसंगत नियमों के अधीन अपेक्षित बालक के प्रत्यावर्तन प्रयास कर लिए हैं लेकिन उक्त घोषणा की तारीख तक किसी ने भी बालक के जैव माता या पिता या विधिक संरक्षक होने का दावा करने के लिए अभिकरण से पहुंच नहीं की है।

2. यह प्रमाणित किया जाता है कि:

जैव माता या पिता /विधिक संरक्षक से परामर्श किया गया है और उन्हें उनकी सहमति के प्रभावों की सम्यक् जानकारी दी गई है और दत्तक-ग्रहण के परिणामस्वरूप बालक/ बालिका के मूल परिवार से उसका विधिक संबंध समाप्त हो जाएगा;

- जैव माता या पिता /विधिक संरक्षक ने अपेक्षित वैध प्रपत्र में स्वतंत्र रूप से अपनी सम्मति दी है और यह सम्मति संदाय करके या किसी प्रकार की कोई क्षतिपूर्ति देकर प्राप्त नहीं की गई है माता ने अपनी सम्मति (जहाँ कहीं लागू हो) बालक के जन्म के बाद ही दी है;

[नोट : उन बॉक्स(सों) को काट दें, जो इस मामले में सुसंगत नहीं हैं]

[नोट : बालक के सर्वोत्तम हित में दत्तक-ग्रहण को सुकर बनाने के लिए, विशिष्ट दत्तक-ग्रहण अभिकरण को केयरिंग्स में बालक का फोटो डालने की अनुमति है]

बाल कल्याण समिति

तारीख और स्थान

किन्हीं दो सदस्यों के हस्ताक्षर

प्रेषित : विशिष्ट दत्तक-ग्रहण अभिकरण/बाल देखरेख संस्था को यह प्रमाणपत्र बालक दत्तक-ग्रहण संसाधन सूचना और मार्गदर्शक प्रणाली (केयरिंग्स) पर पोस्ट करने के लिए

प्रति प्रेषित : जिला बालक संरक्षण अधिकारी।

अनुसूची-2

[पैरा संख्या 2(11), 6(14) और 7(16) देखें]

बालक अध्ययन रिपोर्ट (सीएसआर)

केयरिंग्स रजिस्ट्रीकरण सं. :

आधार कार्ड सं. :

बालक से संबंधित विस्तृत रिपोर्ट में दस्तावेजों पर आधारित उसकी पहचान संबंधी जानकारी शामिल होगी। बाल कल्याण समिति द्वारा बालक को दत्तक-ग्रहण के लिए वैध रूप से स्वतंत्र घोषित किए जाने के बाद यथाशीघ्र सीएसआर तैयार की जानी चाहिए।

संस्था का नाम और पता: -

I. साधारण जानकारी:

1. बालक का नाम:----- (जो नाम जैव माता या पिता या स्वयं विशिष्ट दत्तक-ग्रहण अभिकरण/बाल देखरेख संस्था या बाल कल्याण समिति ने दिया हो)
2. केयरिंग्स रजिस्ट्रीकरण सं.:
3. वर्तमान आयु और जन्म की तारीख:
4. लिंग:
5. जन्म-स्थान:
6. धर्म (यदि पता हो):

II. सामाजिक आंकड़े :

कृपया बालक के जैव माता या पिता की पहचान संबंधी जानकारी न दें।

1. आपकी संस्था में बालक के प्रवेश की तारीख:
2. आपकी संस्था में बालक कैसे आया?
 - क) सीधे माता या पिता या किसी अन्य संरक्षक ने उसे संस्था में प्रवेश दिलाया:
 - ख) सीधे बाल कल्याण समिति ने रखा:
 - ग) किसी अन्य संस्था से स्थानांतरित होकर आया, यदि हाँ तो उस संस्था का नाम:
 - घ) कोई अन्य स्रोत:
 - ङ) बालक की सामाजिक पृष्ठभूमि का संक्षिप्त विवरण:
3. संस्था से संरक्षण मांगने के कारण :
4. अन्य बालकों के प्रति बालक का रुख :
5. कर्मचारिवृन्द और अपरिचितों सहित अन्य वयस्कों के प्रति बालक का व्यवहार और संबंध:
6. बुद्धिमता (यदि संभव हो तो आई.क्यू. रिपोर्ट संलग्न की जानी चाहिए):
7. यदि बालक की आयु विद्यालय जाने की हो तो उसकी कक्षा, उपस्थिति, अध्ययन में उसकी साधारण हित रुचि, प्रगति, यदि कोई हो, की विस्तृत रिपोर्ट दें:
8. बालक का साधारण व्यक्तित्व और रूप-रंग का वर्णन:
9. खेलकूद क्रियाकलाप और कोई विनिर्दिष्ट प्रतिभा बालक की उपलब्धियाँ (18 मास से कम आयु के बालकों के संबंध में)। कृपया हाँ या ना में बताएं कि क्या बालक

- (क) मुस्कराता है
- (ख) अपने दोनों तरफ घूमता है
- (ग) अपना शीर्ष उठाता है
- (घ) वस्तुओं को अपने हाथों से पकड़ता है
- (ङ) अपने-आप से सरकता है
- (च) सहारा लेकर या बिना सहारा लिए बैठता है
- (छ) सहारा लेकर या बिना सहारा लिए खड़ा हो जाता है
- (ज) सहारा लेकर या बिना सहारा लिए चलता है

10. भाषा संबंधी विकास

- कूजना या अस्पष्ट तरीके से तुतलाना
- कुछ शब्द अस्पष्ट तरीके से बोलता है
- कुछ शब्द स्पष्ट बोलता है
- बालक से बोली जाने वाली भाषा

11. आहार संबंधी आदतें

तरल खाद्य लेता है

अर्ध-ठोस खाद्य लेता है

ठोस खाद्य लेता है

12. सामाजिक पृष्ठभूमि: (इसमें बालक का सामाजिक इतिवृत्त अर्थात् उसके जैव माता-पिता की पृष्ठभूमि और जिन परिस्थितियों के कारण उस बालक का अभ्यर्पण या त्याग करना आवश्यक हो गया, उनकी संक्षिप्त पृष्ठभूमि शामिल होनी चाहिए। कृपया जैव माता-पिता या उनके रिश्तेदारों की पहचान दर्शाने वाली नाम व पते जैसी सूचना न दें।)

मैं _____ सामाजिक कार्यकर्ता प्रमाणित करता/करती हूँ कि _____ बालक के विषय में इस प्ररूप में दी गई जानकारी सही है।

हस्ताक्षर:

नाम:

पदनाम:

स्थान:

तारीख:

हमने बालक अध्ययन रिपोर्ट की विषयवस्तु पढ़ और समझ ली है और हम _____ को अपने दत्तक बालक के रूप में स्वीकार करने को इच्छुक हैं।

(पुरुष आवेदक के हस्ताक्षर)

(स्त्री आवेदक के हस्ताक्षर)

(पुरुष आवेदक का नाम)

(स्त्री आवेदक का नाम)

स्थान:

तारीख:

अनुसूची-3

[पैरा संख्या 2(19), 6(14) और 7(16) देखें]

बालक की चिकित्सा परीक्षा रिपोर्ट (एमईआर)

सम्यक रूप से अनुज्ञप्ति-प्राप्त चिकित्सक को यह रिपोर्ट भरनी चाहिए। यदि कोई जानकारी उपलब्ध न हो तो कृपया “अज्ञात” लिखें।

क. साधारण जानकारी

1. बालक का नाम :

2. जन्म की तारीख और वर्ष :

3. लिंग:

4. जन्म-स्थान:

5. राष्ट्रीयता:

6. वर्तमान संस्था का नाम: कब से इस संस्था में है:

7. जन्म के समय भार (प्रवेश के समय वजन कि.ग्रा. में): कि.ग्रा.

8. जन्म के समय लंबाई (प्रवेश के समय लंबाई सेंटीमीटर में): सेंटीमीटर

9. क्या गर्भावस्था और प्रसव सामान्य थे? हाँ या नहीं या अज्ञात

10. बालक कहाँ रहा है?

अपनी माँ के पास: से तक

नातेदारों के पास: से तक

निजी देखरेख में: से तक

संस्था या अस्पताल में: से तक

(कृपया संबंधित संस्था या संस्थाओं के नाम आगे दर्शाएं)

ख. चिकित्सा ब्यौरा

1. क्या अतीत में बालक को कोई रोग हुआ है?(यदि हाँ तो कृपया प्रत्येक रोग और स्वास्थ्य संबंधी समस्या के समय बालक की आयु के साथ जटिलताएं दर्शाएं)

हाँ या नहीं या अज्ञात

2. यदि हाँ तो:

बालक को होने वाले साधारण रोग (खों-खों कर खाँसना, खसरा, चेचक, रुबेला, मम्प्स)?

तपेदिक?

कन्वल्ज़न (फेब्राइल कन्वल्ज़न सहित)?

अन्य कोई रोग?

संक्रामक रोग से सम्पर्क?

3. क्या बालक को निम्नलिखित रोग से बचाव के टीके लगाए गए हैं:

हाँ या नहीं या अज्ञात

4. यदि हाँ तो:

तपेदिक (बी.सी.जी.)?	टीका लगने की तारीख:
डिप्थीरिया?	टीका लगने की तारीख:
टिटनस?	टीका लगने की तारीख:
खों-खों कर खौंसना?	टीका लगने की तारीख:
पोलियो?	दवा पिलाने की तारीख:
हैपेटाइटिस ए?	टीका लगने की तारीख:
हैपेटाइटिस बी?	टीका लगने की तारीख:
अन्य रोगों से बचाव?	टीका लगने की तारीख:

5. क्या अस्पताल में बालक का इलाज कराया गया है?

हाँ या नहीं या अज्ञात

6. यदि हाँ तो अस्पताल का नाम, इलाज के समय बालक की आयु, रोग के निदान एवं उपचार का ब्यौरा दें।

7. यदि संभव हो तो बालक के मानसिक विकास, व्यवहार और कौशलों का विवरण दें।

- i) दृष्टि बालक कब निश्चित करने में समर्थ हुआ?
- ii) श्रवण संबंधी बालक कब आवाज सुनकर अपना सिर घुमाने में समर्थ हुआ?
- iii) शारीरिक बालक कब अपने-आप बैठने में समर्थ हुआ?
बालक कब सहारा लेकर खड़ा होने में समर्थ हुआ?
बिना सहारा लिए कब चला?
- iv) भाषा बालक ने अस्पष्ट तरीके से बोलना कब शुरू किया?
बालक ने अलग-अलग शब्द बोलने कब शुरू किए?
बालक ने वाक्य बोलने कब शुरू किए?
- v) संपर्क बालक ने मुस्कुराना कब शुरू किया?
बालक वयस्कों और अन्य बालकों से अपनी बात कैसे कहता है?
बालक अजनबियों को देखकर किस प्रकार व्यवहार करता है?
- vi) भावात्मक बालक अपनी भावनाएं (क्रोध, बेचैनी, निराशा, प्रसन्नता) किस प्रकार दर्शाता है?

ग. चिकित्सा परीक्षा का ब्यौरा:

1. चिकित्सा परीक्षा की तारीख

2. भार : कि.ग्रा. तारीख:

3. लंबाई : सेंटीमीटर तारीख:

4. शीर्ष की चौड़ाई : सेंटीमीटर तारीख:

5. बालों का रंग: आखों का रंग: त्वचा का रंग:

6. मैंने बालक की पूर्ण नैदानिक परीक्षा में रोग, क्षति या अप्रसामान्यताओं के आगे दर्शाए गए साक्ष्य पाए हैं:

7. सिर (खोपड़ी, हाइड्रोसेफलस, क्रैनियोटेब्स का आकार)
8. मुँह और ग्रसनी (हेअरलिप या क्लैफ्ट पेलेट, दाँत)
9. आँखें (दृष्टि, भेंगापन, संक्रमण)
10. कान (संक्रमण, बहना, कम श्रवण-शक्ति, विकृति)
11. छाती के अंग (हृदय, फेफड़े)
12. लिम्फेटिक ग्लैंड (एडेनाइटिस)
13. पेट (हर्निया, जिगर, स्प्लीन)
14. जननांग (हाइपोस्पेडिया, अंडकोष, रिटेन्शन)
15. रीढ़ (काइफोसिस, स्कोलियोसिस)
16. एक्सट्रीमिटी (पेस एक्चिनस, वैल्गस, बेरस, पेस कैल्केनियोबेरस, फ्लेक्सेशन ऑफ हिप, स्पैस्टिसिटी, पेरेसिस)
17. त्वचा (एक्जिमा, संक्रमण, परजीवी)
18. अन्य रोग?
19. क्या बालक में सिफिलिस के कोई लक्षण हैं?
सिफिलिस के रिएक्शन के परिणाम (तारीख और वर्ष): सकारात्मक या नकारात्मक या रिएक्शन नहीं किया गया
20. तपेदिक के कोई लक्षण?
तपेदिक के परीक्षण के परिणाम (तारीख और वर्ष): सकारात्मक या नकारात्मक या परीक्षण नहीं किया गया
21. हेपेटाइटिस ए के कोई लक्षण?
हेपेटाइटिस ए के परीक्षण के परिणाम (तारीख और वर्ष): सकारात्मक या नकारात्मक या परीक्षण नहीं किया गया
22. हेपेटाइटिस बी के कोई लक्षण?
एचबीएस एबी के परीक्षणों के परिणाम (तारीख और वर्ष): सकारात्मक या नकारात्मक या परीक्षण नहीं किया गया
एंडी-एचबीएस के परीक्षण का परिणाम (तारीख और वर्ष): सकारात्मक या नकारात्मक या परीक्षण नहीं किया गया
एचबीई एबी के परीक्षणों के परिणाम (तारीख और वर्ष): सकारात्मक या नकारात्मक या परीक्षण नहीं किया गया
एंडी-एचबीई के परीक्षणों के परिणाम (तारीख और वर्ष): सकारात्मक या नकारात्मक या परीक्षण नहीं किया गया
23. एड्स के कोई लक्षण?
एचआईवी के परीक्षणों के परिणाम (तारीख और वर्ष): सकारात्मक या नकारात्मक या परीक्षण नहीं किया गया
24. क्या मूत्र में:
शर्करा?
एल्ब्यूमेन?
फेनिल्कीटोन है?
25. मल (अतिसार, कब्ज):
परजीवियों का परीक्षण: सकारात्मक या नकारात्मक या परीक्षण नहीं किया गया
26. क्या बालक को कोई मानसिक रोग है या वह मंदबुद्धि है?

27. बालक के मानसिक विकास, व्यवहार और कौशलों का विवरण दें। संभावित माता या पिता के संबंध में सलाह देने के लिए इस विवरण का विशेष महत्व है।

28. कोई और टिप्पणियाँ?

घ. बालक की मनोवैज्ञानिक और सामाजिक परिस्थितियों संबंधी रिपोर्ट (जहाँ कहीं अपेक्षित हो, वहाँ विशेष शिक्षक, मनोचिकित्सक, स्पीच थेरेपिस्ट और सामाजिक कार्यकर्ता की सहायता ली जाए)

कृपया प्रत्येक शीर्ष पर निर्णय दें।

i) खिलौनों से कार्यकलाप:

1. बालक की नज़र अपने सामने चलते फिरते रैटल या खिलौनों का पीछा करती है।
2. बालक किसी रैटल को पकड़ता है
3. बालक रैटलों से खेलता है: उसे अपने मुँह में डालता है, हिलाता है, एक से दूसरे हाथ में लेता है आदि
4. बालक क्यूबों को प्रत्येक अन्य के ऊपर रखता है।
5. बालक प्रयोजन के ढंग से खिलौनों से खेलता है: कारों को धकेलता है, गुड़ियाओं को बिस्तर पर रखता है, गुड़ियाओं को खिलाता-पिलाता है आदि
6. बालक खिलौनों और अन्य बालकों के साथ अनेक प्रकार की भूमिकाएं निभाता है
7. बालक मानवों और पशुओं के चेहरों की स्पष्ट आकृतियाँ बनाता है
8. बालक अन्य बालकों के साथ व्यवस्थित खेल (गेंद वाले खेल, कार्ड वाले खेल आदि) खेलता है

ii) उच्चारण या भाषा विकास:

1. बालक देखरेखकर्ता के साथ बातें करता है
2. बालक विभिन्न स्वर-व्यंजनों को दोहराता है (बा-बा, दा-दा, मा-मा आदि)
3. बालक अपनी आवश्यकताओं के संचार के लिए एक-एक शब्द का उपयोग करता है
4. बालक वाक्य बोलता है
5. बालक परसर्ग समझता है, जैसे: के ऊपर, नीचे, पीछे आदि
6. बालक परसर्गों का प्रयोग करता है, जैसे: के ऊपर, नीचे, पीछे आदि
7. बालक भूतकाल में बात करता है
8. बालक अपना नाम लिख लेता है
9. बालक सरल शब्द पढ़ लेता है
10. कोई प्रेक्षण उपलब्ध नहीं

iii) शारीरिक विकास:

1. किस आयु से बालक अपनी पीठ से घूमकर अपने पेट के बल लेट पाता है: _____
2. किस आयु से बालक बिना सहारा के बैठ पाता है: _____
3. किस आयु से बालक आगे की ओर सरक या हिल पाता है: _____
4. किस आयु से बालक फर्नीचर के सहारा चल पाता है: _____

5. किस आयु से बालक बिना सहारा के स्वयं चल पाता है: _____
6. किस आयु से बालक सहारा लेकर सीढ़ियों से ऊपर-नीचे जा पाता है: ____
7. किस आयु से बालक बिना सहारा के सीढ़ियों से ऊपर-नीचे जा पाता है: ____

iv) वयस्कों से संपर्क:

1. बालक अपने जाने पहचाने देखरेखकर्ता के संपर्क में मुस्कुराता है
2. बालक को जब उसका जाना-पहचाना देखरेखकर्ता थाम लेता है तो वह आसानी से शांत हो जाता है
3. जब बालक का जाना-पहचाना देखरेखकर्ता कमरे से जाता है तब वह बालक रोता है या उसके पीछे-पीछे जाता है
4. बालक जब परेशान हो जाता है या उसे चोट लग जाती है तब वह अपने जाने-पहचाने देखरेखकर्ता को ढूँढता है।
5. बालक वार्ड में आने वाले सभी वयस्कों को संपर्क करना चाहता है
6. बालक देखरेखकर्ता को अपनी भावनाएं शब्दों में संचारित करता है

v) अन्य बालकों से संपर्क:

1. बालक अन्य बालकों के कार्यक्रम देखकर या उन पर मुस्कराकर उनमें अपनी रुचि दर्शाता है
2. बालक अन्य बालकों के साथ खेलकर प्रसन्न होता है
3. बालक अन्य बालकों के साथ क्रियाकलापों में सक्रिय भागीदारी करता है

vi) कार्यक्रमों का साधारण स्तर:

1. सकारात्मक
2. सक्रिय
3. अति सक्रिय

vii) साधारण मनोदशा:

1. शांत, गंभीर
2. भावात्मक रूप से उदासीन
3. उत्पाती, शांत करना कठिन है
4. प्रसन्न, संतुष्ट

बालक के सभी संप्रेक्षण पर परीक्षा करने वाले चिकित्सक के हस्ताक्षर और मुहर

तारीख

ड. भावी दत्तक माता या पिता द्वारा एमईआर की स्वीकृति

हमने चिकित्सा परीक्षा रिपोर्ट की विषयवस्तु पढ़ और समझ ली है और हम _____ को अपने दत्तक बालक के रूप में स्वीकार करने को इच्छुक हैं।

(पुरुष आवेदक के हस्ताक्षर)

(स्त्री आवेदक के हस्ताक्षर)

(पुरुष आवेदक का नाम)

(स्त्री आवेदक का नाम)

तारीख:

तारीख:

स्थान:

स्थान:

अनुसूची-4

[पैरा संख्या 7(6) देखें]

अभ्यर्पण विलेख

1. बालक या बालकों का अभ्यर्पण करने वाले व्यक्ति की घोषणा

मैं/हम -----, आगे दर्शाए गए कथनों को ध्यानपूर्वक पढ़कर समझ चुके हैं। मुझे/हमें मेरी/हमारी सम्मति के प्रभावों के विषय में परामर्श और जानकारी प्रदान की गई है और मैं/हम किसी प्रपीडन या धमकी के बिना और कोई संदाय या किसी प्रकार का प्रतिकर प्राप्त किए बिना यह घोषणा कर रहा/रही हूँ/रहे हैं।

मैं/हम, अधोहस्ताक्षरी:

कुटुम्ब नाम:

मुख्य नाम:

जन्म-तारीख : तारीख मास वर्ष ...

स्थायी पता:

बालक के माता [] पिता [] वैध संरक्षक []:

कुटुम्ब नाम:

मुख्य नाम:

जन्म-तारीख : तारीख मास वर्ष ...

स्थायी पता:

बालक के माता [] पिता [] वैध संरक्षक []:

यह घोषणा करते हैं कि:

- (i) मेरे/हमारे ----- नामक बालक या बालकों को अभ्यर्पित करने के लिए अपनी स्वतंत्र सम्मति प्रदान करते हैं।
- (ii) उक्त बालक या बालकों और अपने बीच माता या पिता और बालक के विधिक संबंध को समाप्त करते हैं।
- (iii) यह समझते हैं कि मेरे/हमारे बालक का दत्तक-ग्रहण भारत या विदेश में रहने वाला/वाले व्यक्ति कर सकता/सकते हैं और मैं/हम इस प्रयोजनार्थ अपनी सम्मति देता/देती हूँ/देते हैं।
- (iv) यह समझते हैं कि इस बालक के दत्तक-ग्रहण से इसका अपने दत्तक माता या पिता से माता या पिता और बालक का स्थायी संबंध बन जाएगा।
- (v) यह सूचित किया गया है कि मैं/हम इस अभ्यर्पण विलेख पर हस्ताक्षर होने के बाद 60वें दिन तक अपनी सम्मति वापस ले सकता/सकती हूँ/सकते हैं, जिसके बाद मेरी/हमारी सम्मति वापस नहीं ली जा सकेगी और मेरा/हमारा इस बालक/इन बालकों पर कोई दावा नहीं होगा।

मैं/हम ----- कारण से इस बालक/इन बालकों का त्याग करता/करती हूँ/करते हैं।

मैं/हम यह चाहता/चाहती हूँ/चाहते हैं/नहीं चाहता/चाहती हूँ/चाहते हैं (जो भी लागू हो कृपया उस पर सही का निशान लगाएं) कि जब मेरा/हमारा बालक अपने जैव माता या पिता की खोज में आए तो उसे मेरी/हमारी पहचान और पता बताया जाए।

मैं/हम यह घोषणा करते हैं कि मैंने/हमने उपर्युक्त कथनों को पूरी तरह समझ लिया है।

..... स्थान पर तारीख को हस्ताक्षरित।

(अभ्यर्पण करने वाले व्यक्ति(यों) के हस्ताक्षर या अँगूठे के निशान)

2. साक्षियों की घोषणा

हम अधोहस्ताक्षरी अभ्यर्पण की उपर्युक्त प्रक्रिया के साक्षी हैं।

(क) पहले साक्षी के हस्ताक्षर, नाम और पता

.....
.....

(ख) दूसरे साक्षी के हस्ताक्षर, नाम और पता

.....
.....

3. बाल कल्याण समिति का प्रमाणपत्र

हम यह प्रमाणित करते हैं कि उपर्युक्त नाम और पहचान के व्यक्ति और साक्षियों ने आज हमारे समक्ष उपस्थित होकर हमारी उपस्थिति में इस दस्तावेज पर हस्ताक्षर किए हैं।

..... स्थान पर तारीख को हस्ताक्षरित।

सदस्य/अध्यक्ष के हस्ताक्षर और मुहरबंद

टिप्पण : यदि विवाहित दंपति से जन्मे किसी बालक को अभ्यर्पित किया जाना हो तो माता-पिता दोनों को अभ्यर्पण दस्तावेज पर हस्ताक्षर करने चाहिए। यदि उनमें से किसी एक की मृत्यु हो गई हो तो मृत्यु का प्रमाण प्रस्तुत किया जाना अपेक्षित है। विवाह से भिन्न अन्य किसी संबंध से जन्मे बालक के मामले में केवल माता बालक को अभ्यर्पित कर सकती है। यदि माता अवयस्क हो तो उसके साथ आने वाला वयस्क अभ्यर्पण विलेख पर साक्षी के रूप में हस्ताक्षर करेगा। यदि उपर्युक्त प्रवर्गों से भिन्न कोई अन्य व्यक्ति बालक को अभ्यर्पित करता/करती है तो परित्यक्त बालक से संबंधित प्रक्रिया का अनुपालन किया जाएगा।

अनुसूची-5

[पैरा संख्या 9(1), 16(3), 21(1), 41(5) देखें]

ऑनलाइन रजिस्ट्रीकरण प्ररूप और अपलोड किए जाने वाले दस्तावेजों की सूची

रजिस्ट्रीकरण की तारीख:	
आवेदक प्रवर्ग :	<p>भारत में रह रहे भारतीय भावी दत्तक माता या पिता को स्वयं ही अपना रजिस्ट्रीकरण कराना होगा।</p> <p>भारत में रह रहे प्रवासी भारतीय नागरिक/ विदेशी राष्ट्रिक भावी दत्तक माता या पिता को स्वयं ही अपना रजिस्ट्रीकरण कराना होगा।</p> <p>नियमित रूप से विदेश में रह रहे अनिवासी भारतीयों, विदेशी भारतीय नागरिकों अथवा भारतीय मूल के व्यक्तियों अथवा भावी दत्तक माता या पिता के मामलों में प्राधिकृत विदेशी दत्तक-ग्रहण अभिकरण (एएफएए) या केंद्रीय प्राधिकारी (सीए) या जिस देश में वे रह रहे हैं, उस देश का सरकारी विभाग रजिस्ट्रीकरण कराएंगे। हेग अभिसमय पर हस्ताक्षर न करने वाले देशों उन देशों में विद्यमान भारतीय मिशन अनिवासी भारतीय भावी दत्तक माता या पिता के आवेदनों पर कार्रवाई कर सकता है।</p>
आवेदक की प्रास्थिति	एकल (अविवाहिता/विधवा/विधुर/विच्छन्न विवाह व्यक्ति / पति या पत्नी से पृथक हो चुके) विवाहित दंपति (विवाह की तारीख, विवाह का स्थान)

वैयक्तिक सूचना		
	पुरुष	स्त्री
नाम		
जन्म की तारीख और आयु		
जन्म से राष्ट्रिकता		
वर्तमान राष्ट्रिकता		
वर्तमान आवासीय पता		
नगर/जिला		
राज्य		
देश		
ज़िप/पिन कोड		
फोन नं.		
मोबाइल नं.		
ईमेल		

उपजीविका का ब्यौरा		
उपजीविका का स्वरूप	सरकारी कार्य/प्राइवेट कार्य की नौकरी/पब्लिक सेक्टर की नौकरी/कारोबार/ अलाभकारी व्यवसाय/ परामर्श/गैर नियोजित	
कार्यस्थल		
वार्षिक आय		
जैव/दत्तक बालकों की सं.	कुल ()	
पहचान का ब्यौरा		
पैन नंबर (यदि कोई हो)		
ओसीआई कार्ड नंबर (यदि कोई हो)		
पासपोर्ट नंबर		
दत्तक-ग्रहण के लिए वरीयता:		
लिंग	बालक / बालिका / कोई वरीयता नहीं	
बालक का प्रवर्ग	सहोदर भाई या बहन / एकल	
स्वास्थ्य की प्रास्थिति	साधारण/शारीरिक रूप से निश्कत /मानसिक रूप से निश्कत	
आयु	0-2 वर्ष/2-4 वर्ष/4-6 वर्ष, इत्यादि	
राज्य संबंधी वरीयता:		
एच एस आर के लिए अभिकरण का नाम		
अभिकरण का पता		
दत्तक-ग्रहण का प्रयोजन (अधिकतम 200 अक्षरों में)		
अपलोड और प्रस्तुत किए जाने वाले दस्तावेज। (निवासी भारतीय, भारत में रह रहे ओसीआई/विदेशी भावी दत्तक माता या पिता के मामले में भावी दत्तक माता या पिता को सभी संगत दस्तावेज प्रस्तुत करके अपना रजिस्ट्रीकरण कराना होगा जबकि विदेश में रह रहे अनिवासी भारतीय/ओसीआई/विदेशी भावी दत्तक माता या पिता के मामले में संबंधित प्राधिकारी को गृह अध्ययन रिपोर्ट पूरी भरने के बाद ही रजिस्ट्रीकरण कराना होगा।)	1. देशी दत्तक-ग्रहण (भारत में रह रहे भारतीय) (1) पैन कार्ड/पासपोर्ट। (2) निवास का प्रमाण (आधार कार्ड/निर्वाचक पहचान पत्र/पासपोर्ट/परिचालन अनुज्ञप्ति/विजली का वर्तमान बिल/टेलिफोन का बिल) (3) पिछले वर्ष की आय का प्रमाण (उदाहरण अर्थात् सरकारी विभाग द्वारा जारी वेतन पर्ची/आय प्रमाणपत्र/आयकर रिटर्न) (4) विवाह प्रमाणपत्र की प्रति और फोटो। (5) विवाह-विच्छेद डिक्री/पति या पत्नी के मृत्यु प्रमाणपत्र (यदि लागू हो)। (6) भावी दत्तक माता या पिता के जन्म प्रमाणपत्र की प्रति। (7) किसी चिकित्सा व्यवसायी से प्राप्त इस आशय का प्रमाणपत्र कि भावी दत्तक माता या पिता किसी चिरकालिक, संक्रामक या घातक रोग से ग्रस्त नहीं हैं और वे दत्तक-ग्रहण करने के लिए स्वस्थ हैं।	

	<p>(8) अकेले माता या पिता के मामले में उनके किसी संबंधी से इस आशय का वचनबंध कि कोई दुर्घटना हो जाने पर वह बालक की देखरेख करेगा/करेगी।</p> <p>2. अनिवासी भारतीय/ओसीआई/पीआईओ और विदेशी भावी दत्तक माता या पिता के मामलों में अपेक्षित दस्तावेज इस प्रकार होंगे:</p> <ol style="list-style-type: none"> (1) पासपोर्ट। (2) निवास का सबूत (आधार कार्ड/मतदाता पहचान पत्र/पासपोर्ट/चालन अनुज्ञप्ति/विजली का वर्तमान बिल/टेलीफोन का बिल) (3) पिछले वर्ष की आय का सबूत (उदाहरण अर्थात् सरकारी विभाग द्वारा जारी वेतन पर्ची/आय प्रमाणपत्र/आयकर रिटर्न) (4) विवाह प्रमाणपत्र की प्रति और फोटो। (5) विवाह-विच्छेद डिक्री/पति या पत्नी के मृत्यु प्रमाणपत्र (यदि लागू हो) की प्रति। (6) भावी दत्तक माता या पिता के जन्म प्रमाणपत्र की प्रति। (7) किसी चिकित्सा व्यवसायी से प्राप्त इस आशय का प्रमाणपत्र कि भावी दत्तक माता या पिता किसी चिरकालिक, संक्रामक या घातक रोग से ग्रस्त नहीं हैं और वे दत्तक-ग्रहण करने के लिए स्वस्थ हैं। (8) हेग दत्तक-ग्रहण अभिसमय के अनुच्छेद 5 और अनुच्छेद 17 के अनुसार प्राप्तकर्ता देश की अनुज्ञा (केवल हेग अनुसमर्थित देशों की दशा में)। (9) भावी दत्तक माता या पिता के पासपोर्ट की प्रति और ओसीआई की प्रति, यदि लागू हो। (10) पुलिस अनापत्ति प्रमाणपत्र। (11) भारत में रह रहे ओसीआई/विदेशी भावी दत्तक माता या पिता के मामले में दत्तक-ग्रहण और यदि वे दत्तक-ग्रहण के बाद भारत छोड़कर जाते हैं के मामले में उस परिस्थिति में आश्रय के लिए उनके दूतावास/उच्चायोग से अनापत्ति प्रमाणपत्र की प्रति। (12) अकेले माता या पिता के मामले में, उनके किसी संबंधी से इस आशय का वचनबंध कि कोई दुर्घटना हो जाने पर वह बालक की देखरेख करेगा/करेगी। (13) मार्गदर्शक सिद्धांतों के पैरा 20 (6) में यथाअपेक्षित भावी दत्तक माता या पिता से प्राधिकृत विदेशी दत्तक-ग्रहण अभिकरण, विदेशी केंद्रीय प्राधिकरण अथवा संबंधित सरकारी विभाग, जैसा भी मामला हो, के प्रतिनिधि को बालक की प्रगति के अनुवर्तन के लिए वैयक्तिक मुलाकत की अनुमति के लिए वचनबद्धता। विदेशी अथवा विदेशी भावी दत्तक माता या पिता के भारत में निवास करने के मामले में, उन्हें इस बारे में वचनबद्धता देनी होगी कि वे दत्तक-ग्रहण की तारीख से कम से कम दो वर्ष की अवधि तक विशिष्ट दत्तक-ग्रहण अभिकरण या जिला बाल संरक्षण एकक या राज्य दत्तक-ग्रहण संसाधन अभिकरण के प्रतिनिधि को, जैसा भी मामला हो, वैयक्तिक
--	--

	<p>मुलाकात की अनुमति देंगे। (सभी दस्तावेज प्रस्तुत कर दिए जाने की तारीख से भावी दत्तक माता या पिता प्रतीक्षा सूची में रहेंगे।)</p>
--	--

अनुसूची-6

[पैरा संख्या 9(5) देखें]

भारत में भावी दत्तक माता या पिता (पीएपी) के संबंध में गृह अध्ययन रिपोर्ट (एचएसआर) का रूपविधान

(अंतरदेशीय दत्तक-ग्रहण के यथाउपबंधित प्राप्तकर्ता देशों में यथाउपबंधित रूपविधान का उपयोग किया जा सकता है)

केयरिंग्स रजिस्ट्रीकरण सं. -

रजिस्ट्रीकरण की तारीख -

आधार कार्ड नं. -

सामाजिक कार्यकर्ता का नाम -

गृह दौरे की तारीख -

इस रूपविधान के भाग-1 को भावी दत्तक माता या पिता (पीएपी) भरेंगे और दत्तक-ग्रहण के लिए भावी दत्तक माता या पिता की उपयुक्तता के विषय में अपनी टिप्पणी के साथ निष्पत्ति रिपोर्ट प्रस्तुत करने के लिए रूपद के भाग-11 को व्यावसायिक सामाजिक कार्यकर्ता भरेगा/भरेगी।

भावी दत्तक माता या पिता ध्यान दें: इस रूपविधान के भाग-1 को भावी दत्तक माता या पिता स्वयं भर सकते हैं और इस रूपद को भरने में आने वाली किसी कठिनाई के विषय में स्पष्टीकरण सामाजिक कार्यकर्ता घर के अपने दौरे के समय दे सकता/सकती है। गृह अध्ययन के दौरान सामाजिक कार्यकर्ता आपके पति या पत्नी/साथी के साथ आपके संबंधों और आपके समर्थन के स्रोतों; आपकी वित्तीय और नियोजन संबंधी स्थिति; स्वास्थ्य की स्थिति, जीवनशैली, घर और अड़ोस-पड़ोस के माहौल; पालन पोषण की आपकी शैली और इस विषय में आपके रुझान; दत्तक-ग्रहण के आपके प्रयोजन; दत्तक-ग्रहण की आपकी इच्छा और प्रतिबद्धता की जानकारी प्राप्त करना चाहेगा/चाहेगी और भावी माता या पिता के रूप में आपका मूल्यांकन करेगा/करेगी। इस रूपद में दी जाने वाली जानकारी की प्रामाणिकता की पूरी जिम्मेदारी भावी दत्तक माता या पिता की है। भावी दत्तक माता या पिता को उनके द्वारा भरे जाने वाले इस प्रारूप के प्रत्येक पृष्ठ के नीचे हस्ताक्षर करने की सलाह दी जाती है।

भाग-1 : स्व-निर्धारण

क. भावी दत्तक माता या पिता की पहचान और उनकी कौटुम्बिक पृष्ठभूमि की सूचना:

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

सूचना का विवरण	पुरुष आवेदक	स्त्री आवेदक
पूरा नाम		
जन्म की तारीख और आयु		
जन्म का स्थान		
पूरा पता और ई-मेल आईडी (वर्तमान और स्थायी पता)		
मूल देश		
किस देश के नागरिक हैं		
पासपोर्ट नंबर		
धर्म		
भाषा(एँ)		
विवाह की तारीख		
पूर्ववर्ती विवाह की तारीख (यदि कोई हो)		
विवाह-विच्छेद की तारीख (यदि कोई हो)		
वर्तमान शैक्षिक अर्हता		
नियोजन/उपजीविका		
वर्तमान नियोक्ता/कारोबारी प्रतिष्ठान का नाम और पता		
वार्षिक आय		
स्वास्थ्य की स्थिति		

ख कौटुम्बिक पृष्ठभूमि की जानकारी:

- (1) आगे दर्शाई गई जानकारी के साथ-साथ भावी दत्तक माता या पिता की सामाजिक प्रास्थिति और पृष्ठभूमि का संक्षिप्त विवरण दें

आवेदकों के माता या पिता का ब्यौरा	पुरुष आवेदक		स्त्री आवेदक	
	पिता	माता	पिता	माता
पूरा नाम				
आयु				
राष्ट्रिकता/नागरिकता				
उपजीविका				
पूर्ववर्ती उपजीविका				
वर्तमान में किसके साथ रह रहे हैं				

- (2) कृपया इस सारणी में अपने प्रत्येक बालक (दत्तक और जैविक) का नाम, उसके लिंग, शैक्षिक प्रास्थिति (किंडरगार्टन, प्रारंभिक आदि) और जन्म की तारीख का ब्यौरा भरें।

बालक का नाम	लिंग	जन्म की तारीख	शैक्षिक प्रास्थिति

- (3) कृपया यह बताएं कि आपके अनुसार बालक का भावी दत्तक-ग्रहण करने से आपके विद्यमान बालकों का जीवन कैसे प्रभावित होगा।
- (4) कृपया यह उपदर्शित करें कि क्या आपके कुटुम्ब में कोई अन्य सदस्य रहते हैं:
- क) हाँ;
- ख) नहीं
- (5) यदि हाँ तो कृपया परिवार में रह रहे अन्य सदस्य/यों की आयु, लिंग, उपजीविका और पारिवारिक नातेदारी के स्वरूप का ब्यौरा आगे दी गई सारणी में दर्शाया जाए।

नाम	नातेदारी की प्रकृति	आयु	लिंग	उपजीविका

(6) कृपया यह वर्णन करें कि आपके अनुसार भावी दत्तक-ग्रहण से कुटुम्ब के इन सदस्यों पर क्या प्रभाव पड़ेगा।

(7) कृपया यह उपदर्शित करें कि क्या घर में ऐसे वयस्क/बालक रह रहे हैं, जो कुटुम्ब से संबंधित नहीं हैं:

- क) हाँ;
ख) नहीं

8. कृपया यह वर्णन करें कि आपके अनुसार घर में रह रहे जो वयस्क/बालक कुटुम्ब से संबंधित नहीं हैं, उन पर भावी दत्तक-ग्रहण का क्या प्रभाव पड़ेगा।

ग. **वृत्तिक/नियोजन संबंधी ब्यौरा (पिछले 5 वर्षों के वृत्तिक कैरियर का ब्यौरा):** कृपया आगे दी गई सारणी में अपने वृत्तिक कैरियर का ब्यौरा भरें।

पुरुष आवेदक			
संगठन	नियोक्ता का ब्यौरा (नाम और पता)	कार्य उपाधि	से तक

स्त्री आवेदक			
संगठन	नियोक्ता का ब्यौरा (नाम और पता)	कार्य उपाधि	से तक

घ. वित्तीय स्थिति: (सभी स्रोतों से अपनी आय, बचतों, विनिधानों, व्यय और दायित्वों का संक्षिप्त वर्णन दें)।

- (1) कृपया अपने व अपने भागीदार के अद्यतन कर बीजकों, बैंक विवरणों इत्यादि और कर-योग्य आय का व्यौरा दें।
- (2) क्या आप पर कोई ऋण बकाया है, आपने कुछ गिरवी आदि रखा हुआ है।
 - क) यदि हाँ तो कृपया अपने कथन के समर्थन में दस्तावेज प्रस्तुत करें;
 - ख) नहीं

ङ. घर और अडोस-पडोस का विवरण: (आवास और पडोसियों से संबंधों का वर्णन दें)

- (1) आपके घर में कितने कमरे हैं और बालक के खेलने के लिए उपलब्ध स्थान का वर्णन
- (2) कृपया अपने पडोसियों का विवरण दें और साथ ही किसी ऐसे पहलू का भी उल्लेख करें, जो आपके अनुसार बालक के अनुकूल हो।

च. वर्तमान वैवाहिक संबंध और वैवाहिक संबंध की क्वालिटी (यदि लागू हो): (विवाह, वैध पृथक्करण, यदि कोई हुआ हो, ऐसे पृथक्करण के कारणों, वर्तमान वैवाहिक जीवन और निर्णय लेने की प्रक्रियाओं का व्यौरा दें)।

- (1) कृपया अपनी वैवाहिक प्रास्थिति का सर्वोत्तम वर्णन करने वाले शब्द के ऊपर गोला बनाएं:
 - क) विवाहित;
 - ख) एकल;
 - ग) लिव-इन;
 - घ) विधवा/विधुर;
 - ङ) अन्य, कृपया विनिर्दिष्ट करें _____
- (2) कृपया यह वर्णन करें कि आप और आपके भागीदार किसी निर्णय तक पहुँचने के लिए क्या प्रक्रिया अपनाते हैं।

छ. दत्तक-ग्रहण के लिए भावी दत्तक माता-पिता (पीएपी) का दृष्टिकोण और प्रेरणा :

1. कृपया दत्तक-ग्रहण करने के अपने कारण का सर्वोत्तम वर्णन करने वाले शब्द के ऊपर गोला बनाएं, यदि लागू हों तो आप एक से अधिक विकल्पों पर गोला बना सकते हैं:
 - क) अपने अन्य बालकों को साथी देना;
 - ख) संतानोत्पत्ति;
 - ग) किसी अभाग्य बालक को खुशहाल घर देना;
 - घ) उपर्युक्त में से कोई नहीं;
 - ङ) अन्य, कृपया विनिर्दिष्ट करें _____
- (2) कृपया उस कथन के ऊपर गोला बनाएं, जो यह बताता हो कि आपके अनुसार यह दत्तक-ग्रहण कैसे आपके अन्य बालकों के जीवन में सुधार लाएगा, यदि लागू हों तो आप एक से अधिक विकल्पों पर गोला बना सकते हैं:
 - क) उनका अकेलापन कम होगा;
 - ख) वे अधिक उदार होना सीखेंगे;
 - ग) वे अधिक समानुभूतिक बनेंगे;
 - घ) लागू नहीं क्योंकि मेरे कोई अन्य बालक नहीं हैं;
 - ङ) अन्य, कृपया विनिर्दिष्ट करें _____

ज. दादा-दादी या नाना-नानी/विस्तृत परिवार के अन्य सदस्यों, अन्य नातेदारों और अन्य महत्वपूर्ण व्यक्तियों का वर्तमान दत्तक-ग्रहण के विषय में दृष्टिकोण : (बालक के प्राप्तकर्ता देश में पहुँचने पर उसके पालन-पोषण की प्रक्रिया को प्रभावित करने वाले अन्य महत्वपूर्ण व्यक्तियों के दत्तक-ग्रहण के विषय में विचारों का संक्षिप्त विवरण दें।)

झ. दत्तक बालक और कुटुम्ब में उसके पालन-पोषण के विषय में भावी दत्तक माता या पिता की प्रत्याशित योजनाएं:

- (1) कृपया यह वर्णित करें कि आप दत्तक बालक के पालन-पोषण और कार्य जैसी जीवन के अन्य प्रतिबद्धताओं को कैसे संभालेंगे ?
- (2) जब आप कामकाज के लिए जाएंगे या घर से अनुपस्थित होंगे तब बालक की देखरेख की जिम्मेदारी कौन संभालेगा/संभालेगी (घरेलू नौकर/नौकरानी, दादा-दादी/नाना-नानी, पति/पत्नी)।
- (3) कृपया पालन-पोषण के विषय में अनुशासन संबंधी अपना दृष्टिकोण वर्णित करें।
- (4) कृपया आप बताएं कि यदि दत्तक बालक को परिवार में समायोजन में कठिनाइयाँ आईं तो परिवार में उसके समायोजन को आसान बनाने के लिए आपने क्या उपाय करने की योजना बनाई है?
- (5) यदि कुटुम्ब में समायोजन की दत्तक बालक की कठिनाइयाँ जारी रहें तो क्या आप अतिरिक्त कुटुम्ब परामर्श प्राप्त करने के लिए तैयार होंगे?

क) हाँ

ख) नहीं

ञ. दत्तक-ग्रहण की तैयारी और प्रशिक्षण: (भावी दत्तक माता या पिता ने दत्तकग्रहण, बालकों की देखरेख, बालकों की जरूरतों के प्रबंधन इत्यादि के विषय में जिन परामर्श सत्रों में भाग लिया है, उन परामर्श सत्रों और उनकी क्षमता, विशेष आवश्यकताओं वाले बालकों (यदि कोई हों) के पालन-पोषण के संबंध में भावी दत्तक माता या पिता के प्रशिक्षण और/या अनुभव का ब्यौरा दें)

ट. भावी दत्तक माता या पिता के साथ कोई अनहोनी घटना हो जाने पर बालक के लिए संभावित पुनर्वास योजना: (यदि आपके साथ कोई अल्पकालिक या दीर्घकालिक घटना हो जाए तो बालक की सुरक्षा की अपनी योजना का संक्षिप्त ब्यौरा दें। यदि आप अकेले संभावित दत्तक माता या पिता हैं तो कृपया अपने उस निकट संबंधी का संक्षिप्त ब्यौरा दें, जो बालक की सुरक्षा के लिए वचनबद्ध होगा।)

- (1) क्या आपको कामकाज के लिए यात्रा करनी पड़ती है?
- (2) आपकी अनुपस्थिति में बालक की देखरेख कौन करेगा/करेगी? कृपया उस व्यक्ति की आयु, लिंग, व्यवसाय और आपसे उसके नातेदारी का संक्षिप्त ब्यौरा दें।
- (3) यदि आपके साथ कोई अनहोनी घटना हो जाए तो क्या कोई ऐसा व्यक्ति है, जो बालक का विधिक संरक्षक बन सके? यदि हाँ तो उसका ब्यौरा दें:
- (4) यदि यह संबंध नहीं चल पाया तो क्या आप इस बालक/इन बालकों की अभिरक्षा किसी और को सौंप देंगे, उसे/उन्हें गृह/गृहों में वापस भेज देंगे, परामर्शदाता से परामर्श लेंगे।

ठ. बालक के दत्तक-ग्रहण के तथ्यों के प्रकटीकरण की योजनाएं:

(1)

(2)

ड. स्वास्थ्य (भावात्मक और शारीरिक) की प्रास्थिति: (आवेदक/आवेदकों के भावात्मक और शारीरिक स्वास्थ्य की स्थिति का ब्यौरा दें यदि कोई है। यदि उनके कुटुम्ब का कोई सदस्य किसी विशेष रोग, दशा या सिंड्रोम से पीड़ित है तो यह बताएं कि परिवार इन परिस्थितियों से कैसे निपटता है और इससे किसी प्रस्तावित दत्तक-ग्रहण पर क्या प्रभाव पड़ सकता है।)

- (1) क्या आप या आपके पति/पत्नी किसी रोग से पीड़ित हैं? यदि हाँ तो क्या आप उसका ब्यौरा देने की कृपा करेंगे?
- (2) क्या वर्तमान में आप या आपके पति/पत्नी का उपचार कोई मनोवैज्ञानिक या मनश्चिकित्सक कर रहे हैं?
- (3) क्या वर्तमान में आप कोई निर्धारित औषधि ले रहे हैं?

- (4) क्या वर्तमान में आपके कुटुम्ब में किसी/किन्हीं बालक/बालकों के किसी रोग का इलाज चल रहा है?
- (5) क्या आपके कुटुम्ब के सभी सदस्यों के लिए स्वास्थ्य और अस्पताल में उपचार संबंधी बीमा सुरक्षा है?

भावी दत्तक माता-पिता के हस्ताक्षर और तारीख

भाग-II: सामाजिक कार्यकर्ता की निर्धारण रिपोर्ट

(सामाजिक कार्यकर्ता निर्धारण रिपोर्ट तैयार करने के लिए इसका उपयोग करेंगे)

जहाँ तक संभव हो सके, गृह अध्ययन रिपोर्ट रजिस्ट्रीकरण की तारीख से एक मास में पूरी कर ली जानी चाहिए।

सामाजिक कार्यकर्ता को पहले भावी दत्तक माता या पिता से तैयारी संबंधी प्रश्न पूछकर उन्हें सहज महसूस कराने का प्रयास करना चाहिए। सामाजिक कार्यकर्ता को सिर झुकाने और हिलाने जैसे मौन संकेत यह दर्शाने के लिए देने चाहिए कि भावी दत्तक माता या पिता ध्यानपूर्वक सुन रहे हैं। सामाजिक कार्यकर्ता प्रत्येक प्रश्न के बाद भावी दत्तक माता या पिता को उत्तर देने के लिए पर्याप्त समय दे।

भावी दत्तक माता या पिता के किसी भी उत्तर पर सामाजिक कार्यकर्ता की मौखिक प्रतिक्रिया निष्पक्ष और अनिर्णायक होनी चाहिए। सामाजिक कार्यकर्ता को प्रश्न पढ़ने और भावी दत्तक माता या पिता के उत्तर दर्ज करने के बीच के समय में समानुभूति दर्शाने के लिए यथासंभव भावी दत्तक माता या पिता से आँखें मिलानी चाहिए। सामाजिक कार्यकर्ता को तभी भावी दत्तक माता या पिता को बीच में रोकना चाहिए जब वे किसी प्रतिक्रिया को समझ नहीं पाते हैं।

(रूपद में दर्ज जानकारीयों/तथ्यों को अभिकरण/प्राधिकरण द्वारा गोपनीय रखा जाएगा।)

1. तथ्यात्मक निर्धारण

- (i) क्या आपने इस रूपद के भाग-II में उल्लिखित तथ्यों का सत्यापन किया है?

हाँ/नहीं

- (ii) क्या आप दस्तावेजों में उल्लिखित तथ्यों और साक्षात्कारों एवं दोनों के समय पाई गई वास्तविक स्थिति से संतुष्ट हैं?

हाँ/नहीं

2. मनोवैज्ञानिक निर्धारण:

2.1 भावी दत्तक माता या पिता से बातचीत

- (i) क्या आपने भावी दत्तक माता या पिता से अलग-अलग और/या एकसाथ बातचीत की है?

हाँ/नहीं

- (ii) क्या भावी दत्तक माता या पिता दत्तक-ग्रहण के लिए पूरी तरह तैयार हैं? अकेले भावी दत्तक माता या पिता के मामले में कृपया कौटुम्बिक सहायता व्यवस्था का उल्लेख करें।

- (iii) क्या आपका यह मानना है कि भावी दत्तक माता या पिता ने पालन-पोषण के लिए अपनी वास्तविक भावनाएं व्यक्त की हैं? हाँ/नहीं

2.2 घर के दौरे से प्राप्त निष्कर्ष

- (i) आपने भावी दत्तक माता या पिता के घर का दौरा कब किया? आपके दौरे के समय कुटुम्ब के कौन से सदस्य उपस्थित थे?
- (ii) घर के दौरे के समय आपने किससे बातचीत की?
- (iii) क्या आप किसी पड़ोसी/संबंधी से मिले हैं? उस बातचीत का विस्तृत ब्यौरा दें?
- (iv) क्या घरेलू वातावरण बालक के लिए अनुकूल है? यदि नहीं तो स्थिति में सुधार के लिए क्या उपाय किए जा सकते हैं? क्या आपने भावी दत्तक माता या पिता को सलाह दी है?
- (v) क्या भावी दत्तक माता या पिता दत्तक-ग्रहण के लिए पूरी तरह तैयार हैं?
- (vi) क्या आपका यह मानना है कि भावी दत्तक माता या पिता ने बातचीत के दौरान अपनी वास्तविक भावनाएं व्यक्त की हैं?

- (vii) क्या भावी दत्तक माता या पिता को पालन-पोषण संबंधी मुद्दों और अन्य मुद्दों के विषय में कोई शंका थी? क्या आपने उनकी शंकाओं का समाधान कर दिया है?

2.3 कुटुम्ब के सदस्यों से बातचीत

- (i) क्या आपने भावी दत्तक माता या पिता के कुटुम्ब के अन्य सदस्यों से बातचीत की है? प्रस्तावित दत्तक-ग्रहण के विषय में उनके क्या विचार हैं? क्या दत्तक-ग्रहण के विषय में उनकी सोच सकारात्मक है?
- (ii) क्या कुटुम्ब के ऐसे कोई अन्य सदस्य भी हैं, जिनसे आपकी बातचीत नहीं हो पाई लेकिन प्रस्तावित दत्तक-ग्रहण में उनकी अपेक्षाकृत बड़ी भूमिका हो सकती है? यदि हाँ तो आपने बातचीत कैसे की? क्या आप उनके विचार जानने की कोई योजना बनाएंगे?
- (iii) क्या आपने भावी दत्तक माता या पिता के घर में विद्यमान अपेक्षाकृत बड़े बालक/बालकों से बातचीत की है? यदि हाँ तो कृपया बातचीत का ब्यौरा दें।
- (iv) क्या आपने कुटुम्ब के सदस्यों की कोई प्रतिकूल टिप्पणी दर्ज की है? यदि हाँ तो दत्तक-ग्रहण प्रक्रिया पर उन टिप्पणियों का कितना प्रभाव पड़ सकता है?

2.4 वित्तीय क्षमता

- (i) भावी दत्तक माता या पिता की वित्तीय स्थिति के विषय में आपके क्या विचार हैं? क्या उनकी वित्तीय स्थिति इतनी सुदृढ़ है कि वे अपने कुटुम्ब में एक और सदस्य का स्वागत कर सकते हैं?
- (ii) क्या आपने ऐसी वित्तीय स्थिति देखी है, जिसका उल्लेख रूपद में नहीं किया गया है?

2.5 शारीरिक एवं भावात्मक क्षमता

- (i) क्या भावी दत्तक माता या पिता की शारीरिक एवं भावात्मक दशा इतनी अच्छी है कि वे बालक की देखरेख कर सकें?
- (ii) क्या आपने भावी दत्तक माता या पिता या उनके कुटुम्ब के किसी अन्य सदस्य में कोई ऐसी शारीरिक या मनोवैज्ञानिक समस्या पाई है, जिससे आने वाले बालक का जीवन प्रभावित होगा? यदि हाँ तो ब्यौरा दें।
- (iii) क्या भावी दत्तक माता या पिता बालक की देखरेख के लिए भावात्मक रूप से पूरी तरह तैयार हैं?

3. दत्तक-ग्रहण की सिफारिश

- 3.1 क्या आप दत्तक-ग्रहण के लिए भावी दत्तक माता या पिता की सिफारिश करते हैं? माता या पिता की उपयुक्तता सहित दत्तक-ग्रहण के लिए भावी दत्तक माता या पिता की सिफारिश करने के लिए अपने विचार और औचित्य दर्शाएं।
- 3.2 यदि आप दत्तक-ग्रहण के लिए भावी दत्तक माता या पिता की सिफारिश नहीं करते हैं तो ऐसे निर्णय के लिए उपयुक्त कारण बताएं।

निर्धारक के हस्ताक्षर, नाम, पदनाम और आधिकारिक मुहरबंद

अनुसूची-7

[पैरा संख्या 11 और 17(2) देखें]

दत्तकग्रहण-पूर्व पालन-पोषण देखरेख संबंधी वचनबंध

(शपथपत्र के रूप में)

वर्तमान में _____ (विशिष्ट दत्तक-ग्रहण अभिकरण का नाम और पता) की देखरेख में रह रहे _____ को जन्मे _____ (बालक का पूरा नया नाम) उर्फ _____ (बालक का पुराना नाम) नामक बालक के प्रस्तावित दत्तक माता या पिता हम, श्री _____, आयु _____ वर्ष, _____ के नागरिक और श्रीमती _____, आयु _____ वर्ष, _____ की नागरिक, स्थायी रूप से _____ के रहने वाले, वर्तमान पता _____ है, एतद्वारा सत्यनिष्ठा से यह घोषणा करते हैं कि:

- (1) हम उपर्युक्त बालक को संबंधित न्यायालय के दत्तक-ग्रहण आदेश के लंबित रहने तक के लिए दत्तकग्रहण-पूर्व पालन-पोषण देखरेख में ले रहे हैं।
- (2) हम यह जानते हैं कि दत्तक-ग्रहण के संबंध में न्यायालय का अंतिम आदेश प्राप्त होने तक उक्त बालक xxxx (विशिष्ट दत्तक-ग्रहण अभिकरण का नाम) के प्राधिकार और संरक्षण में रहेगा और हम उक्त बालक के केवल पालक माता या पिता रहेंगे।
- (3) हमारी देखरेख में रखे गए बालक को समस्त आवश्यक चिकित्सीय देखरेख, ध्यान, पोषण और अपेक्षित उपचार उपलब्ध कराया जाएगा।
- (4) बालक के साथ कोई अप्रिय घटना हो जाने पर हम उस घटना की जानकारी तत्काल विशिष्ट दत्तक-ग्रहण अभिकरण को देंगे।
- (5) न्यायालय का अंतिम आदेश पारित होने तक बालक के विकास संबंधी जानकारी महीने में एक बार संस्था को दी जाएगी।
- (6) दत्तकग्रहण-पूर्व पालन-पोषण देखरेख की अवधि में और मार्गदर्शक सिद्धांतों के अधीन अपेक्षा के अनुसार सामाजिक कार्यकर्ता बालक से मिलने जाएगा/जाएगी।
- (7) जब कभी हमें बुलाया जाएगा, हम वैध औपचारिकताओं और न्यायालय की सुनवाई में उपस्थित होंगे।

श्री. _____

श्रीमती. _____

प्रस्तावित दत्तक पिता

प्रस्तावित दत्तक माता

तारीख: _____

साक्षी :

नाम:

नाम:

हस्ताक्षर:

हस्ताक्षर:

पता:

पता:

अनुसूची-8

[पैरा संख्या 12(3), 16(14), 18(1) देखें]

न्यायालय में दत्तक-ग्रहण याचिका के साथ फाइल किए जाने वाले दस्तावेजों की सूची

1. देशी दत्तकग्रहण

- (1) बालक के अद्यतन फोटो के साथ बालक अध्ययन रिपोर्ट (सीएसआर), जिस पर भावी दत्तक माता या पिता ने हस्ताक्षर किए हों।
- (2) बालक की चिकित्सा परीक्षा रिपोर्ट (एमईआर), जिस पर भावी दत्तक माता या पिता ने हस्ताक्षर किए हों।
- (3) बालक को 'दत्तक-ग्रहण के लिए वैध रूप से स्वतंत्र' घोषित करने वाला बाल कल्याण समिति (सीडब्ल्यूसी) का प्रमाणपत्र।
- (4) भावी दत्तक माता या पिता (पीएपी) के कुटुम्ब के अद्यतन फोटो के साथ उनकी गृह अध्ययन रिपोर्ट (एचएसआर)।
- (5) दत्तक-ग्रहण के समर्थन में परिचितों या संबंधियों के दो संदर्भ।
- (6) चिकित्सा व्यवसायी का इस आशय का प्रमाणपत्र कि भावी दत्तक माता या पिता किसी चिरकालिक, संक्रामक या घातक रोग से ग्रस्त नहीं हैं और वे दत्तक-ग्रहण के लिए स्वस्थ हैं।
- (7) भावी दत्तक माता या पिता का पैन कार्ड
- (8) निवास का सबूत (आधार कार्ड/मतदाता पहचान पत्र/पासपोर्ट/चालन अनुज्ञप्ति/ ब्रिजली का वर्तमान बिल/टेलिफोन बिल)
- (9) पिछले वर्ष की आय का सबूत (उदाहरणार्थ सरकारी विभाग द्वारा जारी वेतन पर्ची/आय प्रमाणपत्र/आयकर रिटर्न)

- (10) विवाह प्रमाणपत्र की प्रति या शपथपत्र और फोटो।
- (11) विवाह-विच्छेद डिक्री/पति या पत्नी के मृत्यु प्रमाणपत्र (यदि लागू हो) की प्रति।
- (12) भावी दत्तक माता या पिता के जन्म प्रमाणपत्रों की प्रति या शपथपत्र।
- (13) विशिष्ट दत्तक-ग्रहण अभिकरण के रूप में अभिकरण के मान्यता प्रमाणपत्र की प्रति।
- (14) अपेक्षाकृत बड़े बालक/बालकों की सम्मति की प्रति।

2. एनआरआई/ओसीआई/विदेशी भावी दत्तक माता या पिता द्वारा दत्तक-ग्रहण (उपर्युक्त दस्तावेजों के अतिरिक्त निम्नलिखित दस्तावेज प्रस्तुत करने होंगे)

- (15) एनआरआई/ओसीआई/विदेशी भावी दत्तक माता या पिता द्वारा बालक के दत्तक-ग्रहण के पक्ष में कारा द्वारा जारी अनापत्ति प्रमाणपत्र।
- (16) हेग दत्तक-ग्रहण अभिसमय के अनुच्छेद 5/17 के अनुसार प्राप्तकर्ता देश की अनुज्ञा।
- (17) भावी दत्तक माता पिता की ओर से न्यायालय में दत्तक-ग्रहण याचिका फाइल करने के लिए विशिष्ट दत्तक-ग्रहण अभिकरण के प्राधिकृत कार्यकर्ता के नाम उनका मुख्तारनामा।
- (18) दत्तक-ग्रहण के बाद अनुवर्ती रिपोर्ट प्रस्तुत करने और व्यवधान की स्थिति में आवश्यक कार्रवाई के लिए संबंधित एएफएए/सीए/संबंधित विदेशी सरकारी विभाग से वचनबंध।
- (19) भावी दत्तक माता पिता के पासपोर्ट की प्रति और ओसीआई कार्ड की प्रति, यदि लागू हो।
- (20) पुलिस अनापत्ति प्रमाणपत्र।
- (21) भारत में रह रहे ओसीआई/विदेशी भावी दत्तक माता या पिता के मामले में दत्तक-ग्रहण और यदि वे दत्तक-ग्रहण के बाद भारत छोड़कर जाते हैं तो उस परिस्थिति में आश्वासन के लिए उनके दूतावास/उच्चायोग से अनापत्ति प्रमाणपत्र की प्रति।

टिप्पण : संतानोत्पत्ति में असमर्थता का प्रमाणपत्र दत्तक-ग्रहण के लिए अपेक्षित नहीं है।

अनुसूची-9

[पैरा संख्या 17(1) देखें]

केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण

(महिला और बाल विकास मंत्रालय का स्वायत्त निकाय)

प्रमाणपत्र संख्या:

तारीख :

निरापेक्ष प्रमाणपत्र

प्रमाणित किया जाता है कि भारत सरकार के महिला और बाल विकास मंत्रालय के अधीन केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण नामक दत्तक-ग्रहण के मामलों से संबंधित केंद्रीय प्राधिकरण को आगे दर्शाए गए ब्यौरे के अनुसार भावी दत्तक माता या पिता द्वारा बालक/बालकों के दत्तक-ग्रहण पर 'कोई आपत्ति नहीं' है:

क्र.सं.	बालक का नाम	बालक का लिंग	जन्म की तारीख	भावी दत्तक माता या पिता के नाम और पता
1.				

2. यह निरापेक्ष प्रमाणपत्र 'बालकों के दत्तक-ग्रहण को शासित करने वाले मार्गदर्शक सिद्धांत, 2015' और बालक संरक्षण और अंतर-देशीय दत्तक-ग्रहण की बाबत सहयोग पर हेग अभिसमय, 1993 के अनुच्छेद 17(ग) के अनुसार जारी किया जाता है।
3. दत्तक-ग्रहण के इस मामले में कार्यवाई करने के लिए विशिष्ट दत्तक-ग्रहण अभिकरण (एसएए) और विदेशी दत्तक-ग्रहण अभिकरण/केंद्रीय प्राधिकरण/संबंधित विदेशी सरकारी विभाग/भारतीय राजनयिक मिशन को प्राधिकृत किया गया है।
4. किशोर न्याय (बालकों की देखरेख और संरक्षण) अधिनियम, 2000 की धारा 41 के अनुसार विशिष्ट दत्तक-ग्रहण अभिकरण सक्षम न्यायालय में दत्तक-ग्रहण याचिका फाइल करेगा।

प्राधिकृत हस्ताक्षरकर्ता के हस्ताक्षर
और मुहरबंद

प्रेषित :

- (1) विशिष्ट दत्तक-ग्रहण अभिकरण का नाम और पता।
- (2) राज्य दत्तक-ग्रहण संसाधन अभिकरण/राज्य सरकार के संबंधित विभाग का नाम और पता।
- (3) प्राधिकृत विदेशी दत्तक-ग्रहण अभिकरण/संबंधित विदेशी सरकारी विभाग/भारतीय राजनयिक मिशन का नाम और पता।
- (4) भारत में प्राप्तकर्ता देश का राजनयिक मिशन।
- (5) प्राप्तकर्ता देश का केंद्रीय प्राधिकरण।
- (6) विदेशी क्षेत्रीय रजिस्ट्रीकरण अधिकारी (एफआरआरओ)।

अनुसूची-10

[पैरा संख्या 19(1) देखें]

केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण

प्रमाणपत्र संख्या:

तारीख :

पुष्टिकरण प्रमाणपत्र

(बालक संरक्षण और अंतर-देशीय दत्तक-ग्रहण की बाबत सहयोग पर हेग अभिसमय, 1993 के अनुच्छेद 23 के अधीन)

1 – अधोहस्ताक्षरी प्राधिकारी:

(राज्य के सक्षम दत्तक-ग्रहण प्राधिकारी का नाम और पता)

.....
.....
.....

2 – प्रमाणित करता है कि बालक:

कौटुंबिक नाम :

प्रथम नाम :

लिंग : पुरुष [] स्त्री []

जन्म की तारीख : तारीख मास वर्ष

जन्मस्थान :

आभ्यासिक निवास :

3 – क्या दत्तक-ग्रहण निम्नलिखित प्राधिकारी के विनिश्चय के अनुसार था :

.....

विनिश्चय की तारीख :

विनिश्चय के अंतिम होने की तारीख :

(यदि दत्तक-ग्रहण किसी प्राधिकारी के विनिश्चय के अनुसार न होकर अन्यथा किया गया तो कृपया समतुल्य का ब्यौरा दें)

4 -निम्नलिखित व्यक्ति(यों) द्वारा किया गया:

क दत्तक पिता का कौटुंबिक नाम :

प्रथम नाम :

जन्म की तारीख : तारीख मास वर्ष

जन्मस्थान :

दत्तक-ग्रहण के समय आभ्यासिक निवास :

ख दत्तक माता का कौटुंबिक नाम :

प्रथम नाम :

जन्म की तारीख : तारीख मास वर्ष

जन्मस्थान:

दत्तक-ग्रहण के समय आभ्यासिक निवास :

5 - अधोहस्ताक्षरी प्राधिकारी प्रमाणित करता है कि दत्तक-ग्रहण अभिसमय के अनुसार किया गया और करार अनुच्छेद 17, उप-पैरा ग के अनुसार निम्नलिखित द्वारा दी गई:

क मूल राज्य के केंद्रीय प्राधिकरण का नाम और पता:

.....

.....

.....

करार की तारीख:

ख प्राप्तकर्ता राज्य के केंद्रीय प्राधिकरण का नाम और पता:

.....

.....

.....

करार की तारीख:

6 - ☐ दत्तक-ग्रहण के परिणामस्वरूप माता या पिता और बालक का पूर्ववर्ती विधिक संबंध समाप्त हो गया।

☐ दत्तक-ग्रहण के परिणामस्वरूप माता या पिता और बालक का पूर्ववर्ती विधिक संबंध समाप्त नहीं हुआ।

..... स्थान पर तारीख को हस्ताक्षर किए गए।

प्राधिकृत हस्ताक्षरकर्ता के हस्ताक्षर

और मुहरबंद

प्रेषित :

(1) विशिष्ट दत्तक-ग्रहण अभिकरण का नाम और पता।

(2) राज्य दत्तक-ग्रहण संसाधन अभिकरण/संबंधित राज्य सरकार के विभाग का नाम और पता।

(3) प्राधिकृत विदेशी दत्तक-ग्रहण अभिकरण/संबंधित विदेशी सरकारी विभाग/भारतीय राजनयिक मिशन का नाम और पता।

- (4) भारत में प्राप्तकर्ता देश का राजनयिक मिशन।
- (5) प्राप्तकर्ता देश का केंद्रीय प्राधिकरण।
- (6) विदेशी क्षेत्रीय रजिस्ट्रीकरण अधिकारी (एफआरआरओ)।

अनुसूची-11

[पैरा संख्या 13(1), 20(1) और 21(4) देखें]

बालक की स्थानन रिपोर्ट

रिपोर्ट सं.:

तारीख:

1. पहचान संबंधी जानकारी:

- (क) बालक का नाम (आरंभिक और बाद में दिया गया, यदि कोई हो) :
- (ख) उपनाम/कौटुंबिक नाम :
- (ग) बालक के जन्म की तारीख :
- 2. कुटुम्ब से किए गए उन संपर्कों का ब्यौरा, जिनसे रिपोर्ट तैयार हुई
- 3. बालक का समायोजन:
 - (क) वर्तमान लंबाई और भार
 - (ख) शारीरिक परीक्षणों और चिकित्सक के दौरों से प्राप्त निष्कर्ष
 - (ग) खानपान और सोने संबंधी आदतें
 - (घ) भावात्मक, शारीरिक और सामाजिक विकास
 - (ङ) कुटुम्ब के सदस्यों से लगाव
 - (च) स्कूल में बालक का नामांकन (यदि लागू हो)
 - (छ) बोली जाने वाली भाषा/भाषाएं (यदि लागू हो)
- 4. बालक के साथ दत्तक कुटुम्ब के सदस्यों का समायोजन:
- 5. कुटुम्ब की संरचना या आचरण में महत्वपूर्ण बदलाव, यदि कोई परिवर्तन आए हों:
(निवास, रोजगार, कार्य संबंधी दायित्वों, रोग इत्यादि में परिवर्तन)
- 6. सामाजिक कार्यकर्ता का संप्रेक्षण और सिफारिशें

(हस्ताक्षर)

सामाजिक कार्यकर्ता का नाम:
अभिकरण का नाम और तारीख

टिप्पण : दत्तक-ग्रहण के उपरान्त बालक की रिपोर्ट का ऑनलाइन अद्यतनीकरण आज्ञापक है।

अनुसूची - 12

[पैरा 25(1)(च), 27(4)(i) देखें]

विशिष्ट दत्तकग्रहण अभिकरणों में बालकों की देखरेख के न्यूनतम मानक

1. सभी दत्तक-ग्रहण अभिकरण किशोर न्याय (बालकों की देखरेख और संरक्षण) नियमों में यथा विहित बाल देखरेख के न्यूनतम मानकों का पालन करेंगे। बालकों की देखरेख प्रदान करते समय, निम्नलिखित विवादक महत्वपूर्ण होते हैं :

(क) बालक का तंत्रिका संबंधी विकास उसकी प्रारंभिक बाल्यावस्था के पहले कुछ वर्षों में ही पूरा हो जाता है और उसकी शेष जिंदगी भर मस्तिष्क की क्षमता को निर्धारित करता है। तथापि, बालक को ज्ञानात्मक, शारीरिक, सामाजिक और मनोवैज्ञानिक विकास के उद्देश्य से तीन वर्ष की आयु तक सकारात्मक लगाव अनुभव करने की जरूरत होती है। इसलिए, विशिष्ट दत्तक-ग्रहण अभिकरण द्वारा ऐसे बच्चों के लिए अनुकूलिक कुटुम्ब शीघ्र तलाशने के लिए सभी प्रयास करने होंगे ताकि वे शैशव काल के दौरान ही लगाव और समुचित जुड़ाव अनुभव विकसित कर लें।

(ख) उत्कृष्ट बाल देखरेख (प्रारंभिक बाल्यावस्था देखरेख) का तात्पर्य पर्याप्त स्वास्थ्य देखरेख, प्रतिक्रिया, आहार और पोषण, सुरक्षित वातावरण तैयार करने से होता है ताकि शिशु और छोटे बालक अपने अभिजातों के साथ खेल सकें और सामाजिक बन सकें, विद्यालय की तैयारी को बढ़ावा दिया जा सके और प्राथमिक विद्यालय के लिए बालकों को तैयार किया जा सके और बाल्यावस्था के प्रारंभिक वर्षों में पूर्ण विकास पर ध्यान केंद्रित किया जा सके।

(ग) यह सुनिश्चित किया जाए कि बाल दुरुपयोग एवं उपेक्षा की कोई घटना न हो जब बालक संस्था में हो।

2. अभिकरणों से यह सुनिश्चित करना अपेक्षित होता है कि बच्चों को संस्था में निम्नलिखित सुविधाएं प्रदान कराई जाएं :

(क) **भौतिक सुविधाएं :**

(i) भौतिक परिवेश, जिसमें बालक की देखरेख की जाती है, स्वच्छ होना चाहिए। अभिकरण में स्वच्छता और सफाई का अनुरक्षण पर्याप्त होना चाहिए क्योंकि संस्था में अधिकांश बच्चे छोटे होते हैं और अनेक प्रकार की बीमारियों से पीड़ित होते हैं। एक वर्ष से कम आयु के बालकों को ऐसे एक कमरे में रखा जाना चाहिए जिससे स्नानघर और दूध पिलाने का कमरा लगा हुआ हो। 1-3 वर्ष की आयु के बालकों को स्नानघर से जुड़े हुए कमरे में रखा जाना चाहिए। बड़े बालकों को लड़के और लड़कियों के दो अलग-अलग कमरों में रखा जाना चाहिए। प्रत्येक कमरे के साथ स्नानघर और शौचालय जुड़े होने चाहिए।

(ii) इसमें धोने का स्थान और बड़ा रसोईघर और बड़े बालकों के लिए भोजन कक्ष होना चाहिए। इसमें अच्छी रोशनी, हवा के आने-जाने की जगह और पर्याप्त स्थान आवश्यक होना चाहिए।

(iii) गृह को, विशेषकर स्नानघर, शौचालय और रसोईघर को स्वच्छ, साफ होना चाहिए। दीवारों और आस-पास का परिवेश चमकदार और प्रेरणादायी होना चाहिए। प्रेरणादायी दृश्यों के लिए कक्षों में अच्छा रंग होना चाहिए और खिलौने, जानवरों की तस्वीरें आदि लगी होनी चाहिए।

(ख) **चिकित्सा सुविधाएं :**

नियमित चिकित्सीय निरीक्षण किया जाना चाहिए। अधिमानतः हर दूसरे दिन रजिस्ट्रीकृत चिकित्सा व्यवसायी द्वारा निरीक्षण किया जाना चाहिए। बाल रोग विशेषज्ञ जोखिमपूर्ण और अत्यधिक सुभेद्य बालकों का निदान और उपचार करने में सर्वोत्तम रूप से प्रशिक्षित होते हैं।

(i) शिशुओं और बच्चों को संस्था में प्रवेश के समय अलग रखा जाए और कम से कम एक सप्ताह तक पर्यवेक्षण में रखा जाए।

(ii) बच्चे के प्रवेश के समय उपलब्ध अन्य विवरणों के साथ उसका भार, लंबाई और सिर के घेरे को दर्ज किया जाना चाहिए।

(iii) चिकित्सा अभिलेख का अनुसरण किया जाना चाहिए और चिकित्सक को यथाशीघ्र, अधिमानतः बालक के प्रवेश के 24 घंटों के भीतर, उसका आकलन करना चाहिए।

(iv) छह मास से कम आयु के प्रत्येक बालक की फोटो प्रत्येक मास, छह मास से तीन वर्ष तक हर तीन मास पर और उसके बाद हर छह मास पर ली जानी चाहिए।

(v) नियमित प्रतिक्रिया दिया जाना चाहिए और इसकी निगरानी की जानी चाहिए।

(vi) गृह में हर समय आपातकालीन किट उपलब्ध होनी चाहिए और बुलाने पर चिकित्सक के आने की व्यवस्था होनी चाहिए।

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (vii) कर्मचारिवृन्द का भी प्रतिरक्षण किया जाना चाहिए।
- (viii) स्वास्थ्य के साधारण उपाय अर्थात् स्वच्छता, दांत और त्वचा की देखरेख और आहार का पर्यवेक्षण किया जाए।
- (ix) बालक के समुचित विकास के लिए प्रेरणा बहुत महत्वपूर्ण है। इसे दिनचर्या में साधारण प्रेरणा तकनीकों को शुरू करके नर्सों, सहायकों में जागरूकता वृद्धि करके हासिल किया जा सकता है। यह भी सलाह दी जाती है कि फिजियोथैरेपिस्ट नियमित आधार पर बालकों की जांच करे।
- (ग) **कर्मचारिवृन्द :**
- (i) अभिकरण के पास बालकों की देखरेख के लिए पर्याप्त कर्मचारिवृन्द होने चाहिए, अधिमानतः एक वर्ष से कम आयु के बालकों के लिए 4:1, एक से तीन वर्ष के आयु वर्ग के बालकों के लिए 5:1 और बड़े बालकों के लिए 8:1 के अनुपात में कर्मचारिवृन्द होने चाहिए।
- (ii) दत्तक-ग्रहण गृहों में ऐसे कर्मिकों की आवश्यकता होती है जो बालकों के सुदृढ़ों के प्रति संवेदनशील हैं। उन्हें बालकों की देखभाल में “शिक्षित” किए जाने की जरूरत है। यह सिफारिश की जाती है कि नर्सों, सहायकों, देखरेख कर्ताओं और अन्य कर्मचारिवृन्द के लिए कार्यशालाओं का आयोजन किया जाए ताकि वे उन बालकों की, जो उनकी देखरेख में हैं, विशेष स्थिति को पहचानने में सक्षम बन सकें।
- (iii) क्योंकि प्रतिबद्धित कर्मचारिवृन्द अच्छी बाल देखरेख का अभिन्न अंग होता है, अतः कर्मचारिवृन्द की प्रेरणा का स्तर ऊंचा रखा जाए।
- (घ) **कपड़े :**
- यह महत्वपूर्ण है कि गृह में रहने वाले बालक हर समय साफ, आरामदायक और अच्छी तरह रखे गए कपड़े पहनें, न कि केवल दत्तक माता या पिता से मुलाकात के दौरान।
- (ङ) **भोजन :**
- संस्था का भोजन स्वच्छतापूर्वक पकाया हुआ पोषक और स्वादिष्ट होना चाहिए। व्यंजन सूची में भिन्नता होनी चाहिए। विशिष्ट भोजन लेने वाले बालकों की आवश्यकताओं पर भी ध्यान दिया जाए। इससे गृह में आने वाले बालकों के सामने आ रही कुपोषण की समस्या से निपटने में सहायता मिलेगी। सूत्रों के संकेत वाला आहार चार्ट प्रदर्शित किया जाए और उसका अनुपालन किया जाए।
- (च) **शिक्षा :**
- विशिष्ट दत्तक-ग्रहण अभिकरण को अर्हित शिक्षक और विशेष शिक्षक के माध्यम से अथवा किसी ऐसे विद्यालय से जुड़ कर जो बालक अथवा बालकों को अस्थायी आधार पर लेगा, अनौपचारिक शिक्षा प्रदान करने में सक्षम होना चाहिए।
- (छ) **स्वयंसेवी :**
- बालक को सुरक्षा की भावना देने के लिए उसके साथ बात करना, उसे गले लगाना, गोद लेना, उसके साथ खेलना, उसे कहानियां और गीत सुनाना बहुत आवश्यक है। यद्यपि कर्मचारिवृन्दों द्वारा ऐसा नियमित रूप से किया जाना चाहिए, यह भी सलाह दी जाती है कि इस कार्य के लिए स्वयंसेवियों को प्रोत्साहित किया जाए।

अनुसूची - 13

[पैरा 29(1) और 47(1) देखें]

दत्तक-ग्रहण व्यय

1. भारत में रह रहे भारतीय भावी दत्तक माता या पिता या जिन मामलों में दंपत्ति में से किसी एक के पास भारतीय नागरिकता है और दूसरा विदेशी नागरिक है और दोनों भारत में रह रहे हैं, उन मामलों में ऐसे दंपत्ति दत्तक-ग्रहण व्यय वहन करेंगे।

क्र.सं.	मद	भुगतान की रकम	भुगतान का समय और ढंग
1	सामाजिक कार्यकर्ता द्वारा भारत में रह रहे भावी दत्तक माता या पिता की गृह अध्ययन रिपोर्ट (एचएसआर)	6,000 रुपये (यात्रा व्यय सहित)	गृह अध्ययन से पहले भावी दत्तक माता या पिता द्वारा विशिष्ट दत्तक-ग्रहण अभिकरण अथवा प्राधिकृत सामाजिक कार्यकर्ता को डिमांड ड्राफ्ट अथवा बैंक अंतरण के माध्यम से संदत्त किया जाएगा।
2.	बाल देखरेख कॉरपस (सीसीसी), बालक अध्ययन रिपोर्ट (सीएसआर) और चिकित्सा परीक्षण रिपोर्ट (एमईआर) को तैयार करने, बाल देखरेख और अनुरक्षण, विधिक व्यय और अन्य प्रशासनिक लागतें	40, 000 रुपये	दत्तक ग्रहण-पूर्व पोषण देखरेख में बालकों को प्राप्त करते समय भावी दत्तक माता या पिता द्वारा विशिष्ट दत्तक-ग्रहण अभिकरण को डिमांड ड्राफ्ट अथवा बैंक अंतरण के माध्यम से संदत्त किया जाएगा।
3.	दत्तकग्रहण-पश्चात् अनुवर्तन दौरे और परामर्श (दो वर्षों की अवधि में 4 बार)	2,000 रुपये प्रति दौरा/रिपोर्ट (यात्रा व्यय सहित)	दत्तकग्रहण-पश्चात् रिपोर्ट पूरी होने पर भावी दत्तक माता या पिता द्वारा विशिष्ट दत्तक-ग्रहण अभिकरण अथवा प्राधिकृत सामाजिक कार्यकर्ता को डिमांड ड्राफ्ट अथवा बैंक अंतरण के माध्यम से संदत्त किया जाएगा।

2. अनिवासी भारतीय/विदेशी भारतीय नागरिक/विदेशी भावी दत्तक माता या पिता द्वारा वहन किए जाने वाला दत्तक-ग्रहण व्यय

क्र.सं.	मद	भुगतान की रकम	भुगतान का समय और ढंग
1.	प्राधिकृत सामाजिक कार्यकर्ता द्वारा भावी दत्तक माता या पिता की गृह अध्ययन रिपोर्ट (एचएसआर)	प्राप्तकर्ता देश के सन्निधियों के अनुसार	प्राप्तकर्ता देश के सन्निधियों के अनुसार भावी दत्तक माता या पिता एएफएए/सीए को संदत्त करेंगे।
2.	बाल देखरेख कॉरपस (सीसीसी), बालक अध्ययन रिपोर्ट (सीएसआर) और चिकित्सा परीक्षण रिपोर्ट(एमईआर) को तैयार करने, बाल देखरेख और अनुरक्षण, विधिक व्यय और अन्य प्रशासनिक लागतें	5,000 अमरीकी डालर	सामान्यतः विदेश में निवास कर रहे भावी दत्तक माता या पिता द्वारा प्राधिकृत विदेशी दत्तक-ग्रहण अभिकरण/केंद्रीय प्राधिकरण के माध्यम से विशिष्ट दत्तक-ग्रहण अभिकरण को दो समान किस्तों में – पहली किस्त बच्चे को स्वीकार करते समय और दूसरी किस्त न्यायालय में दत्तक-ग्रहण याचिका फाइल करने के बाद भुगतान किया जाएगा। एक ही कुटुम्ब द्वारा भाई-बहन के दत्तक-ग्रहण के मामले में, पहले बालक हेतु प्रभार 5000 अमरीकी डालर और दूसरे बालक के लिए 1000 अमरीकी डालर होगा।
3.	दत्तकग्रहण-पश्चात् अनुवर्तन दौरे और परामर्श (दो वर्षों की अवधि में 4 बार)	प्राप्तकर्ता देश के सन्निधियों के अनुसार	प्राप्तकर्ता देश के सन्निधियों के अनुसार भावी दत्तक माता या पिता एएफएए/सीए को संदत्त करेंगे।

3. भारत में रह रहे ओसीआई/विदेशी भावी दत्तक माता या पिता द्वारा वहन किए जाने वाला दत्तक-ग्रहण व्यय

क्र.सं.	मद	भुगतान की रकम	भुगतान का समय और ढंग
1	प्राधिकृत सामाजिक कार्यकर्ता द्वारा भावी दत्तक माता या पिता की गृह अध्ययन रिपोर्ट (एचएसआर)	300 अमरीकी डॉलर (जिसके अंतर्गत यात्रा व्यय भी है)	गृह अध्ययन पूरा होने पर भावी दत्तक माता या पिता द्वारा विशिष्ट दत्तक-ग्रहण अभिकरण अथवा प्राधिकृत सामाजिक कार्यकर्ता को डिमांड ड्राफ्ट अथवा बैंक अंतरण के माध्यम से संदत्त किया जाएगा।
2.	बाल देखरेख कॉरपस (सीसीसी), बालक अध्ययन रिपोर्ट (सीएसआर) और चिकित्सा परीक्षण रिपोर्ट(एमईआर) को तैयार करने, बाल देखरेख और अनुरक्षण, विधिक व्यय और अन्य प्रशासनिक लागतें। दत्तकग्रहण-पश्चात् अनुवर्तन दौरे और परामर्श (दो वर्षों की अवधि में 4 बार)	4700 अमरीकी डालर	भावी दत्तक माता या पिता स्तंभ संख्या 2 में उल्लिखित मदों के लिए विशिष्ट दत्तक-ग्रहण अभिकरण को संदत्त करेंगे।

*टिप्पण: जहाँ विशिष्ट दत्तक-ग्रहण अभिकरण ने किसी अन्य बाल देखरेख संस्था (सीसीआई) के बालक के दत्तक-ग्रहण के मामले में कार्रवाई की हो, वहाँ विशिष्ट दत्तक-ग्रहण अभिकरण संबंधित सीसीआई को सीसीसी रकम के 50 प्रतिशत का भुगतान डिमांड ड्राफ्ट या बैंक से अंतरण के माध्यम से करेगा। यह भुगतान ड्राफ्ट या बैंक से अंतरण के रूप में किया जाएगा।

4. विशिष्ट दत्तक-ग्रहण अभिकरण द्वारा सीसीसी का उपयोग

- (क) दत्तक-ग्रहण अभिकरण बाल देखरेख कॉरपस में उपलब्ध राशि का उपयोग केवल गृह में रह रहे बालकों के कल्याण और गृह के रखरखाव के लिए करेंगे। इस रकम में दत्तक-ग्रहण को अंतिम रूप देने में उपगत सारे व्यय भी शामिल होंगे।
- (ख) यदि किसी अभिकरण की मान्यता समाप्त हो जाती है और राज्य सरकार उस अभिकरण के बालकों का पुनर्वास करने तथा उन्हें किसी अन्य अभिकरण या अभिकरणों में स्थानांतरित करने का निर्णय लेती है तो सीसीसी में उपलब्ध शेष रकम ऐसे अभिकरण या अभिकरणों को उन्हें प्राप्त बालकों की संख्या के अनुपात में हस्तांतरित की जाएगी।
- (ग) विशिष्ट दत्तक-ग्रहण अभिकरण सीसीसी के लिए अलग बैंक खाता और प्राप्तियों/ भुगतानों/व्ययों/खातों का अलग अभिलेख/रजिस्टर रखेगा।
- (घ) वित्तीय वर्ष के अंत में सीसीसी खाते की लेखा परीक्षा चार्टर्ड एकाउन्टेन्ट से कराई जानी चाहिए, जो यह प्रमाणित करेगा कि कॉरपस का उपयोग उपर्युक्त उप पैरा (क) में नियत तरीके से किया गया है।

अनुसूची-14

[पैरा संख्या 44 देखें]

संबंधित प्राधिकरणों और अभिकरणों के लिए समयसीमाएं

क. बालकों से संबंधित प्रक्रियाओं के लिए समयसीमा:

1.	6(2)	विशिष्ट दत्तक-ग्रहण अभिकरण किसी परित्यक्त बालक को उसके फोटो और विवरण के साथ बाल कल्याण समिति के समक्ष प्रस्तुत करेगा।	24 घंटे के भीतर (यात्रा में लगने वाले समय को छोड़कर)
2.	6(4) और 7(2)	विशिष्ट दत्तक-ग्रहण अभिकरण बालक के फोटो के साथ उसका ब्यौरा केयरिंग्स में ऑनलाइन दर्ज करेगा।	बालक प्राप्त होने के समय से 72 घंटे के भीतर।
3.	6(5)	डीसीपीयू परित्यक्त बालक का विवरण और फोटो दर्शाने वाला विज्ञापन ऐसे राज्य स्तरीय समाचार-पत्र में प्रकाशित करेगा, जिसे व्यापक जनसमुदाय पढ़ता हो और जहाँ कहीं स्थानीय केबल नेटवर्क मौजूद हो, वहाँ उस नेटवर्क पर भी यह विज्ञापन दर्शाएगा।	बालक प्राप्त होने के समय से 72 घंटे के भीतर।
4.	6(9)	डीसीपीयू परित्यक्त बालक के जैविक माता या पिता / विधिक संरक्षक को खोजने के लिए किए गए अपने प्रयासों की रिपोर्ट बाल कल्याण समिति को प्रस्तुत करेगा, जिसमें समाचार-पत्रों में बालक की विशिष्टताओं एवं फोटो के प्रकाशन के परिणामों का भी उल्लेख हो।	बाल कल्याण समिति के इस आशय के आदेश की तारीख से 30 दिनों के भीतर।
5.	6(10)	विशिष्ट दत्तक-ग्रहण अभिकरण परित्यक्त बालक के जैविक माता या पिता या विधिक संरक्षक को खोजने के लिए किए गए अपने प्रयासों की रिपोर्ट बाल कल्याण समिति को प्रस्तुत करेगा।	बाल कल्याण समिति के आदेश से अंतरिम देखरेख के लिए बालक प्राप्त होने की तारीख से 10 दिनों के भीतर।
6.	7(13)	जैविक माता या पिता / विधिक संरक्षक द्वारा पुनर्विचार की अवधि/अभ्यर्पित बालक पर पुनः दावा किया जाना और इस विषय में विशिष्ट दत्तक-ग्रहण अभिकरण द्वारा बाल कल्याण समिति को सूचित किया जाना।	अभ्यर्पण की तारीख से 60 दिनों के भीतर।
7.	6(14) और 7(16)	विशिष्ट दत्तक-ग्रहण अभिकरण बालक अध्ययन रिपोर्ट (सीएसआर) और चिकित्सा परीक्षण रिपोर्ट (एमईआर) को बालक के अद्यतन फोटो के साथ अपलोड करेगा।	बाल कल्याण समिति द्वारा बालक को दत्तक-ग्रहण के लिए वैध रूप से स्वतंत्र घोषित किए जाने की तारीख से दस दिनों के भीतर।
8.	8(1)(क)	05 वर्ष तक की आयु का सामान्य बालक दत्तक-ग्रहण के लिए निवासी भारतीय (आरआई) और अनिवासी भारतीय (एनआरआई) भावी दत्तक माता या पिता को उपलब्ध होगा।	बाल कल्याण समिति द्वारा बालक को दत्तक-ग्रहण के लिए वैध रूप से स्वतंत्र घोषित किए जाने की तारीख से 60 दिनों तक।
9.	8(1)(ख)	05 वर्ष से अधिक आयु का अपेक्षाकृत बड़ा बालक और सहोदर भाई या बहन अंतरदेशीय दत्तक-ग्रहण के लिए उपलब्ध होगा/होंगे।	बाल कल्याण समिति द्वारा बालक को दत्तक-ग्रहण के लिए वैध रूप से स्वतंत्र घोषित किए जाने की तारीख से 30 दिन।
10.	8(1)(ग)	मानसिक और शारीरिक रूप से विकलांग बालक अंतरदेशीय दत्तक-ग्रहण के लिए उपलब्ध होगा।	बाल कल्याण समिति द्वारा बालक को दत्तक-ग्रहण के लिए वैध रूप से स्वतंत्र घोषित किए जाने की तारीख से 15 दिन।

ख. निवासी भारतीयों और भारत में रह रहे ओसीआई/विदेशियों द्वारा दत्तक-ग्रहण की समयसीमा:

क्र.सं.	पैरा सं.	कार्रवाई	समय
1.	9(4 और 5)	विशिष्ट दत्तक-ग्रहण अभिकरण या एसएआरए द्वारा प्राधिकृत सामाजिक कार्यकर्ता, भावी दत्तक माता या पिता की गृह अध्ययन रिपोर्ट (एचएसआर) पूरी करेगा।	केयरिंग्स में अपेक्षित दस्तावेज प्रस्तुत किए जाने की तारीख से 30 दिनों के भीतर।
2.	10(3)	भावी दत्तक माता या पिता केयरिंग्स पर उनकी वरीयता के अनुसार दर्शाए गए 1 बालक को आरक्षित करेंगे।	रैफर किए जाने की तारीख और समय से 48 घंटों के भीतर।
3	10(6)	भावी दत्तक माता या पिता द्वारा बालक का चयन	बालक/बालकों को आरक्षित किए जाने की तारीख से 15 दिनों के भीतर।
4.	12(1)	विशिष्ट दत्तक-ग्रहण अभिकरण न्यायालय में दत्तक-ग्रहण याचिका फाइल करेगा।	भावी दत्तक माता या पिता द्वारा बालक को स्वीकार किए जाने की तारीख से सात दिनों के भीतर।
5.	12(4)	न्यायालय द्वारा दत्तक-ग्रहण याचिका का निपटान	याचिका फाइल किए जाने की तारीख से दो महीनों के भीतर।
7.	12(5)	विशेषज्ञ दत्तक-ग्रहण अभिकरण न्यायालय से दत्तक-ग्रहण आदेश की प्रमाणित प्रति प्राप्त करके उसे भावी दत्तक माता या पिता को भेजेगा और केयरिंग्स में भी पोस्ट करेगा।	दत्तक-ग्रहण आदेश की तारीख से दस दिनों के भीतर।
8.	12(7)	विशिष्ट दत्तक-ग्रहण अभिकरण जन्म प्रमाणपत्र जारी करने वाले प्राधिकरण से बालक का जन्म प्रमाणपत्र प्राप्त करके उसे केयरिंग्स में पोस्ट करेगा/भावी दत्तक माता या पिता को भेजेगा।	दत्तक-ग्रहण आदेश की अनुप्रमाणित प्रति प्राप्त होने की तारीख से दस दिनों के भीतर।

ग. एनआरआई/ओसीआई/विदेशी भावी दत्तक माता या पिता द्वारा भारत से दत्तक-ग्रहण की समयसीमा:

क्र.सं.	पैरा सं.	कार्रवाई	समय
1.	16(7)	एएफए/सीए/सरकारी विभाग/भारतीय मिशन के माध्यम से केयरिंग्स से रैफर किए गए दो बालकों में से एक बालक को भावी दत्तक माता या पिता द्वारा आरक्षित किया जाना।	96 घंटों के भीतर
2.	16(10)	भावी दत्तक माता या पिता द्वारा बालक को स्वीकार किया जाना	30 दिनों के भीतर
5.	17(1)	सी ए आर ए द्वारा निरापेक्ष प्रमाणपत्र	भावी दत्तक माता या पिता द्वारा बालक को स्वीकार किए जाने और केंद्रीय प्राधिकरण (सीए) के अनुमोदन की तारीख से दस दिनों के भीतर।
6.	18(1)	विशिष्ट दत्तक-ग्रहण अभिकरण न्यायालय में दत्तक-ग्रहण याचिका फाइल करेगा।	भावी दत्तक माता या पिता द्वारा बालक को स्वीकार किए जाने की तारीख से सात दिनों के भीतर।
7.	18(3)	न्यायालय द्वारा दत्तक-ग्रहण याचिका का निपटान	याचिका फाइल किए जाने की तारीख से दो मासों के भीतर।
8.	18(4)	विशिष्ट दत्तक-ग्रहण अभिकरण न्यायालय से दत्तक-ग्रहण आदेश की प्रमाणित प्रति प्राप्त करके उसे केयरिंग्स में पोस्ट करेगा और एएफए/सीए को भेजेगा।	दत्तक-ग्रहण आदेश की तारीख से दस दिनों के भीतर।
9.	19(1) और (2)	सी ए आर ए दत्तक-ग्रहण की पुष्टि के विषय में संबंधित आप्रवास प्राधिकारियों और विदेशी क्षेत्रीय रजिस्ट्रीकरण कार्यालय (एफआरआरओ) को सूचित करेगा।	दत्तक-ग्रहण आदेश उपलब्ध होने की तारीख से तीन कार्यदिवसों के भीतर।
10.	19(3)	विशेषज्ञ दत्तक-ग्रहण अभिकरण बालक के पासपोर्ट के लिए क्षेत्रीय पासपोर्ट अधिकारी (आरपीओ) को आवेदन प्रस्तुत करेगा।	दत्तक-ग्रहण आदेश उपलब्ध होने की तारीख से तीन कार्यदिवसों के भीतर।
11.	19(4)	आरपीओ बालक का पासपोर्ट जारी करेगा	पासपोर्ट का आवेदन प्राप्त होने की तारीख से दस दिनों के भीतर।
12.	19(5)	जहाँ कहीं आवश्यक हो, वहाँ विदेशी प्रादेशिक रजिस्ट्रीकरण कार्यालय (एफआरआरओ) दत्तक बालक को निकासी वीजा जारी करेगा।	सभी समर्थक दस्तावेजों के साथ आवेदन ऑनलाइन प्रस्तुत किए की तारीख से तीन कार्यदिवसों के भीतर।
13.	19(6)	विशिष्ट दत्तक-ग्रहण अभिकरण जन्म प्रमाणपत्र जारी करने वाले प्राधिकरण से बालक का जन्म प्रमाणपत्र प्राप्त करके उसे केयरिंग्स में पोस्ट करेगा और संबंधित एएफए/सीए को भेजेगा।	दत्तक-ग्रहण आदेश की प्रमाणित प्रति प्राप्त होने की तारीख से दस दिनों के भीतर।

अनुसूची - 15

[पैरा 48 देखें]

विशिष्ट दत्तक-ग्रहण अभिकरणों के तिमाही दत्तक-ग्रहण आंकड़ों के लिए प्रपत्र
वित्तीय वर्ष.....के आंकड़े

विशिष्ट दत्तक-ग्रहण अभिकरण का नाम : _____

पता : _____

लैंडलाइन : _____

मोबाइल : _____

फैक्स : _____

ईमेल : _____

भाग I	देश के भीतर दत्तक-ग्रहण के मामले में दत्तकग्रहण-पूर्व पोषण देखरेख *			देश के भीतर दत्तक-ग्रहण (दत्तक-ग्रहण पूर्ण #)		
	बालक	बालिका	कुल	बालक	बालिका	कुल
पहली तिमाही (अप्रैल से जून)						
दूसरी तिमाही (जुलाई से सितम्बर)						
तीसरी तिमाही (अक्टूबर से दिसम्बर)						
चौथी तिमाही (जनवरी से मार्च)						

भाग II	अंतरदेशीय दत्तक-ग्रहण के मामले में दत्तकग्रहण-पूर्व पोषण देखरेख *			अंतरदेशीय दत्तक-ग्रहण (दत्तक-ग्रहण पूर्ण #)		
	बालक	बालिका	कुल	बालक	बालिका	कुल
पहली तिमाही (अप्रैल से जून)						
दूसरी तिमाही (जुलाई से सितम्बर)						
तीसरी तिमाही (अक्टूबर से दिसम्बर)						
चौथी तिमाही (जनवरी से मार्च)						

* दत्तकग्रहण-पूर्व पोषण देखरेख से अभिप्रेत है, एक बालक जिसने सक्षम न्यायालय से दत्तक-ग्रहण न्यायालय के अंतिम आदेश लंबित होने की विशिष्ट अवधि के दौरान अपने दत्तक कुटुम्ब के साथ संस्था छोड़ दी है।

दत्तक-ग्रहण पूर्ण से अभिप्रेत है, विशिष्ट अवधि के दौरान न्यायालय आदेश को अंतिम रूप दे दिया गया है।

मुद्रा और तारीख के साथ
प्राधिकृत हस्ताक्षरकर्ता के हस्ताक्षर
[फा. सं. 18-06/2014 सीडब्ल्यू-II]
रश्मि सक्सेना साहनी, संयुक्त सचिव

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

NOTIFICATION

New Delhi, the 17th July, 2015

S.O. 1945(E).—In pursuance of the powers conferred by sub-section (3) of Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) and in supersession of the Guidelines Governing the Adoption of Children, 2011, except as respects things done or omitted to be done before such supersession, the Central Government hereby notifies the following Guidelines issued by the Central Adoption Resource Authority to provide for the regulation of adoption of orphan, abandoned or surrendered children, namely: -

Guidelines Governing Adoption of Children, 2015

Note –

- (1) The Guidelines draw support from:
 - (a) The Juvenile Justice (Care and Protection of Children) Act, 2000 & Rules framed there under;
 - (b) Judgement dated: 08.02.2013 of the Hon'ble Supreme Court in the case of Stephanie Joan Becker vs. State and Anr. (Civil Appeal No. 1053 of 2013);
 - (c) Judgement of the Hon'ble Supreme Court in the case of L. K. Pandey vs. Union of India in WP (Crl.) No. 1171 of 1982;
 - (d) UN Convention on the Rights of the Child, 1989;
 - (e) The Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, 1993.
- (2) These Guidelines shall govern the adoption procedure of orphan, abandoned and surrendered children in the country from the date of notification and shall replace the Guidelines Governing the Adoption of Children, 2011.

GUIDELINES GOVERNING ADOPTION OF CHILDREN, 2015

CHAPTER - I

PRELIMINARY

1. Short title and commencement. -

- (1) These Guidelines may be called the Guidelines Governing Adoption of Children, 2015.
- (2) They shall come into force on the 1st day of August, 2015.

2. Definitions. - In these guidelines, unless the context otherwise requires, -

- (1) "Act" means the Juvenile Justice (Care and Protection of Children) Act, 2000;
- (2) "abandoned" means an unaccompanied and deserted child who is declared abandoned by the Child Welfare Committee after due inquiry;
- (3) "Adoption" means the process through which the adopted child becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child.
- (4) "authorised foreign adoption agency" means a foreign social or child welfare agency that is authorised by Central Adoption Resource Authority on the recommendation of the concerned Central Authority or Government Department of that country for coordinating all matters relating to adoption of an Indian child by a citizen of that country;
- (5) "best Interest of the child" means the basis for any decision taken regarding the child to ensure fulfillment of his basic rights and needs, identity, social well-being and physical, emotional and intellectual development;
- (6) "Child Adoption Resource Information and Guidance System" means an e-governance system for facilitating and monitoring the adoption programme;
- (7) "Child Care Corpus" means the corpus fund maintained by the specialised adoption agency into which child care and adoption related expenses are contributed by the adoptive parents;
- (8) "Central Authority" means the Government department recognised as such under the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, 1993;
- (9) "court" means a civil court, which has jurisdiction in matters of adoption and may include the District Court, Family Court and City Civil Courts;
- (10) "child legally free for adoption" means an orphan, abandoned and surrendered child declared free for adoption by the Child Welfare Committee;
- (11) "Child Study Report" means the report which contains details about the child, including his date of birth and social background as per the format provided in Schedule-2;
- (12) "Child Welfare Committee" means the Committee constituted under section 29 of the Act;
- (13) "District Child Protection Unit" means the unit set up by the State Government at district level under Section 62A of the Act;
- (14) "Hague Adoption Convention" means the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, 1993;
- (15) "Home Study Report" means a report containing details of the adoptive parents, which include social and economic status; family background; description of home; standard of living; compatibility between spouses, and other family members; health status;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (16) "Integrated Child Protection Scheme" means the scheme on child protection of the Central Government, being implemented through State Governments and non-governmental organisations;
 - (17) "in-country adoption" means adoption of a child by a citizen of India;
 - (18) "inter-country adoption" means adoption of a child by a overseas citizen of India or a foreign national;
 - (19) "Medical Examination Report" means the report in respect of a child given by a duly licensed physician in the format provided in Schedule-3;
 - (20) "No Objection Certificate" means the certificate issued by Central Adoption Resource Authority permitting the child to be placed in adoption with foreign or overseas citizen of India or non-resident Indian prospective adoptive parents;
 - (21) "non-resident Indian" means a person who holds an Indian passport and is presently residing abroad for more than one year;
 - (22) "overseas citizen of India" means a person registered as such under section 7A of the Citizenship Act, 1955 (57 of 1955); (Note: All the existing Persons of Indian Origin cardholders registered as such under notification of the Government of India in the Ministry of Home Affairs number 26011/4/98-F.I, dated the 19th August, 2002, shall be deemed to be Overseas Citizens of India cardholders, as per the Notification No. 26011/01/2014-IC.I dated 9.01.2015 of the Ministry of Home Affairs.)
 - (23) "orphan" means a child
 - (i) who is without parents or legal guardian; or
 - (ii) whose parents or legal guardian is not willing to take, or capable of taking care of the child;
 - (24) "prospective adoptive parents" means a person or persons eligible to adopt a child under the provisions of the Act and these guidelines;
 - (25) "pending adoptions" means those adoption matters, where the prospective adoptive parents are already registered for adoption or who have accepted the referral of a child from a specialised adoption agency prior to the expiry, suspension or withdrawal of recognition of specialised adoption agency ;
 - (26) "pre-adoption foster care" means a stage when the custody of a child is given to prospective adoptive parents, pending adoption order from the court;
 - (27) "resident Indian" means an Indian citizen living in India;
 - (28) "rules" means the rules notified under section 68 of the Act;
 - (29) "Schedule" means a schedule annexed to these Guidelines;
 - (30) "State Government" in relation to a Union territory means the administrator of that Union territory appointed by the President under article 239 of the Constitution;
 - (31) "Specialised Adoption Agency" means the agency recognised by the State Government under sub-section 4 of section 41 of the Act for the purpose of placing children in adoption;
 - (32) "State Adoption Resource Agency" means the agency setup by the State Government under the Integrated Child Protection Scheme;
 - (33) "surrendered child" means a child, who in the opinion of the Child Welfare Committee, is relinquished on account of physical, emotional and social factors beyond the control of the parent or legal guardian;
 - (34) "social worker" means a person with post graduate degree in Social Work, Sociology, Psychology, Child Development or Home Science, who is engaged by the specialised adoption agency or authorised by District Child Protection Unit or State Adoption Resource Agency or Central Adoption Resource Authority for preparing home study report, child study report, rendering post-adoption services, and performing any other work assigned to such person;
 - (35) all words and expressions used but not defined in these Guidelines shall have the same meaning as assigned to them in the Act or the rules made thereunder.
3. **Fundamental principles governing adoption.** - The following fundamental principles shall govern adoptions of children from India, namely, -
- (a) the child's best interests shall be of paramount consideration, while processing any adoption placement;
 - (b) preference shall be given to place the child in adoption with Indian citizens, with due regard to the principle of placement of the child in his own socio-cultural environment, as far as possible.
4. **Child eligible for adoption.** - Any orphan or abandoned or surrendered child, declared legally free for adoption by the Child Welfare Committee is eligible for adoption.
5. **Eligibility criteria for prospective adoptive parents.** -
- (a) the prospective adoptive parents should be physically, mentally and emotionally stable; financially capable; motivated to adopt a child; and should not have any life threatening medical condition;
 - (b) any prospective adoptive parent, irrespective of his marital status and whether or not he has his own biological son or daughter, can adopt a child;
 - (c) single female is eligible to adopt a child of any gender;
 - (d) single male person shall not be eligible to adopt a girl child;
 - (e) in case of a couple, the consent of both spouses shall be required;
 - (f) no child shall be given in adoption to a couple unless they have at least two years of stable marital relationship;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (g) the age of prospective adoptive parents as on the date of registration shall be counted for deciding the eligibility and the eligibility of prospective adoptive parents to apply for children of different age groups shall be as under -

Age of the child	Maximum composite age of prospective adoptive parents	Maximum age of single prospective adoptive parent
Upto 4 years	90 years	45 years
Above 4 upto 8 years	100 years	50 years
Above 8 upto 18 years	110 years	55 years;

- (h) the minimum age difference between the child and either of the prospective adoptive parents should not be less than twenty five years;
- (i) the age for eligibility will be as on the date of registration of the prospective adoptive parents;
- (j) couples with more than four children shall not be considered for adoption;

CHAPTER II**PROCEDURE RELATING TO CHILDREN FOR ADOPTION****6. Procedure relating to orphan or abandoned child. -**

- (1) The provisions relating to the process of declaring an orphan or abandoned child, as legally free for adoption are laid down in sections 32, 33, 39 and 41 of the Act as well as under the relevant provisions of the rules made thereunder.
- (2) In case an abandoned child is received by a specialised adoption agency directly without the involvement of Child Welfare Committee, such a child shall be produced before the Child Welfare Committee within twenty four hours (excluding the time necessary for the journey) along with a report containing the particulars and photograph of the child as well as the circumstances in which the child was received and a copy of such report shall also be submitted by the specialised adoption agency to the local police station within same period.
- (3) The Child Welfare Committee shall issue an order for the interim care of the child, pending inquiry as per the relevant provisions of the Act and the rules made thereunder.
- (4) On admission of the child, his details and photograph shall be entered online in the Child Adoption Resource Information and Guidance System in the prescribed format by the specialised adoption agency within seventy two hours of receiving the child, provided that the permission of Child Welfare Committee is obtained for the same and the photograph of the child shall be changed by the specialised adoption agency every six months in Child Adoption Resource Information and Guidance System.
- (5) For tracing out the biological parents or the legal guardian(s), the District Child Protection Unit shall advertise the particulars and photograph of an abandoned child in a State level newspaper with wide circulation within seventy two hours from the time of receiving the child.
- (6) In case of transferred child from other States, advertisement should be released in the place where the child was initially found.
- (7) Wherever, District Child Protection Unit is not functional, the concerned District Magistrate shall get such advertisement issued.
- (8) The expenditure for the advertisement can be met from funds of Integrated Child Protection Scheme.
- (9) In case the biological parents or legal guardian cannot be traced, despite the efforts mentioned in subparagraphs (1) and (2), the District Child Protection Unit shall, accordingly, submit a report to the Child Welfare Committee within thirty days from the date of production of the child before the Child Welfare Committee.
- (10) The specialised adoption agency shall submit a report to the Child Welfare Committee immediately after thirty days from the date of production of the child before the Child Welfare Committee as to whether any person has approached it to claim the child and the report may also include any information revealed by the child during his interim care.
- (11) In case the report from the local police regarding the non-traceability of the biological parents or legal guardian is not submitted despite reminders by the specialised adoption agency or Child Welfare Committee, such report shall be deemed to have been given, after expiry of two months in the case of an abandoned child less than two years of age and after the expiry of four months in the case of an abandoned child above two years of age.
- (12) The Child Welfare Committee, after taking actions as per the provisions of the Act and the rules made thereunder, shall issue an order declaring the abandoned or orphan child as legally free for adoption in the format at Schedule-1 and such order signed by any two members of the Child Welfare Committee shall be issued within a period of two months in case of a child upto two years of age and within four months for a child above two years of age, from the date of production of the child before the Child Welfare Committee.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (13) The inquiry under section 33 of the Act and the order declaring an abandoned or orphan child as legally free for adoption by the Child Welfare Committee under sub-section 4 of section 41 of the Act shall be completed in the district where the child was initially found.
- (14) The child study report and medical examination report of an orphan or abandoned child shall be prepared in the format at Schedule 2 and 3 respectively and posted in the Child Adoption Resource Information and Guidance System by the specialised adoption agency within ten days from the date the child is declared legally free for adoption.
- (15) The child study report and medical examination report shall be made available in English (apart from the local language).
- (16) The District Child Protection Unit shall facilitate the specialised adoption agency in uploading the child study report and medical examination report in Child Adoption Resource Information and Guidance System, in case the specialised adoption agency is facing any technical difficulty.
- (17) The procedure for declaring a child of parents with mental disability as legally free for adoption by the Child Welfare Committee shall be on the basis of a report of the medical board constituted by the District Magistrate.

7. Procedure relating to a surrendered child. -

- (1) The relevant provisions relating to the process of declaring a surrendered child as legally free for adoption are laid down in sections 32, 33, 39 and 41 of the Act and the rules made thereunder.
- (2) The details of the child along with his photograph shall be entered online in the Child Adoption Resource Information and Guidance System by the specialised adoption agency within seventy two hours from the time of receiving the child.
- (3) The following information shall be submitted by specialised adoption agency to the Child Welfare Committee along with any other information specific to the case. -
 - (a) the name of the child, date of birth or age and place of birth along with birth record or certificate, if available;
 - (b) the names, address and identity proof of the biological parents or accompanying adult, if the surrendering parent is a minor;
 - (c) details of close relatives of the biological parent(s), if available;
 - (d) details of sibling(s), if any;
 - (e) known medical history of the child and biological parent(s);
 - (f) circumstances of the child which may include reasons for surrender and social background.
- (4) To discourage surrender by biological parents, efforts shall be made by the specialised adoption agency or the Child Welfare Committee for exploring the possibility of parents retaining the child, which shall include counselling and encouraging them to retain the child and explaining that the process of surrender is irrevocable.
- (5) The specialised adoption agency and the Child Welfare Committee shall ensure that the surrendering parents or the legal guardian is made aware that they can reclaim the surrendered child only within a period of sixty days from the date of surrender.
- (6) If the surrender is inevitable, a deed of surrender, as provided in Schedule- 4 shall be executed in the presence of any two members of the Child Welfare Committee: Provided that if the surrendering parent is an unmarried mother, the deed may be executed in the presence of any single member, preferably female member of the Child Welfare Committee;
- (7) If a child born to a married couple is to be surrendered, both parents shall sign the deed of surrender and in case one of them is dead, proof of death is required to be furnished.
- (8) If a child born to a married couple is to be surrendered by one biological parent and the whereabouts of the other parent are not known, the child shall be treated as abandoned and further procedures in accordance with paragraph 6 shall be followed.
- (9) In case of a child born out of wedlock, only the mother can surrender the child and if the mother is a minor, the deed of surrender shall be signed by an accompanying adult as witness.
- (10) If the surrender is by a person other than the biological parents, the child shall be treated as abandoned and further procedures in accordance with paragraph 6 shall be followed.
- (11) The specialised adoption agency and the Child Welfare Committee shall ensure that a copy of the deed of surrender is given to the surrendering parents or person.
- (12) Due regard shall be given to the privacy of the surrendering parents and the surrendered child by the authorities and agencies involved in the process.
- (13) In case the surrendering biological parent has not claimed back the child during the reconsideration period, the same shall be intimated by the specialised adoption agency to the Child Welfare Committee on completion of sixty days from the date of surrender.
- (14) No public notice or advertisement shall be issued in the case of a surrendered child.
- (15) The Child Welfare Committee shall issue an order signed by any two members declaring the surrendered child as legally free for adoption in the format at Schedule- 1, after the expiry of sixty days from the date

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

of surrender. The reconsideration period for the biological parents, is stipulated under sub-section (5) of section 41 of the Act and no further notice shall be issued to the surrendering parents.

- (16) The child study report and medical examination report of the surrendered child shall be prepared and posted in the Child Adoption Resource Information and Guidance System by the specialised adoption agency in the format at Schedule-2 and Schedule-3 within ten days from the date the child is declared legally free for adoption.
- (17) The child study report and medical examination report shall be made available in English (apart from the local language) and the District Child Protection Unit shall facilitate the specialised adoption agency in uploading the child study report and medical examination report in Child Adoption Resource Information and Guidance System in case the specialised adoption agency is facing any technical difficulty.

8. Availability of child for adoption. -

- (1) As soon as a child is declared legally free for adoption by the Child Welfare Committee, such child may be allowed to be given in adoption to a resident Indian or non-resident Indian parents:
Provided that such child shall be allowed to be given in inter-country adoption –
 - (a) after sixty days, if the child is below five years of age;
 - (b) after thirty days, if the child is above five years of age or is a sibling;
 - (c) after fifteen days, if the child has any mental or physical disability.

CHAPTER III

ADOPTION PROCEDURE FOR RESIDENT INDIANS

9. Registration and home study of the prospective adoptive parents. -

- (1) Every resident Indian prospective adoptive parents, who intends to adopt a child, shall register online in Child Adoption Resource Information and Guidance System by filling up the application form as provided in Schedule-5 and uploading the relevant documents.
- (2) The registration shall be complete and confirmed to the prospective adoptive parents immediately on receipt of the completed application form and required documents on Child Adoption Resource Information and Guidance System.
- (3) The prospective adoptive parents shall get their registration number from the acknowledgement slip and use it for viewing the progress of their case.
- (4) The home study report of the prospective adoptive parents shall be prepared by the specialised adoption agency in the State, where prospective adoptive parents are located, through its social worker or through a social worker from a panel maintained by the State Adoption Resource Agency or District Child Protection Unit, as the case may be.
- (5) The home study report shall be completed in the format given in Schedule – 6, within one month from the date of submission of requisite documents and shall be shared with the prospective adoptive parents immediately, thereafter.
- (6) The home study report shall be posted in the Child Adoption Resource Information and Guidance System by the specialised adoption agency or District Child Protection Unit or State Adoption Resource Agency as the case may be, as soon as it is complete.
- (7) The home study report will remain valid for two years and shall be the basis for adoption of a child by the prospective adoptive parents from anywhere in the country.
- (8) The prospective adoptive parents shall be declared eligible and suitable by the specialised adoption agency based upon the home study report and supporting documents and in case any prospective adoptive parent is not declared eligible or suitable, the reasons for the same shall be recorded in the Child Adoption Resource Information and Guidance System.
- (9) The prospective adoptive parents can appeal against the decision of rejection to Central Adoption Resource Authority.
- (10) The appeal referred to sub-paragraph (9) shall be disposed of within fifteen days and the decision of Central Adoption Resource Authority in this regard shall be binding.
- (11) The District Child Protection Unit shall facilitate online registration of prospective adoptive parents, uploading of documents and also for addressing technical difficulties faced by the specialised adoption agencies.
Provided that the adoption of a child by the prospective adoptive parents, after completion of their registration and home study report, shall depend upon the availability of a suitable child.

10. Selection of a child by the prospective adoptive parents. -

- (1) The seniority of the prospective adoptive parents shall be from the date of registration in the Child Adoption Resource Information and Guidance System.
- (2) On the basis of seniority, the prospective adoptive parents shall be given an opportunity to view the photographs, child study report and medical examination report upto six children, in their preference category if any, in one or more specialised adoption agencies through the Child Adoption Resource Information and Guidance System.
- (3) After viewing the photographs, child study report and medical examination report of the child or children, the prospective adoptive parents may reserve one child within a period of forty eight hours for possible

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

adoption and the rest of the children would be released through Child Adoption Resource Information and Guidance System for other prospective adoptive parents in the waiting list.

- (4) The specialised adoption agency will get the details of the prospective adoptive parents referred from the Child Adoption Resource Information and Guidance System site and fix appointment with the prospective adoptive parents to assess the suitability of the prospective adoptive parents by an Adoption Committee, consisting of its adoption incharge or social worker, pediatrician or visiting doctor and one official from the District Child Protection Unit.
- (5) The specialised adoption agency shall also organise a meeting of the prospective adoptive parents with the child.
- (6) The entire process of matching shall be completed within a maximum period of fifteen days from the date of reserving the child.
- (7) While accepting the child, the prospective adoptive parents shall sign the child study report and medical examination report in the presence of the social worker or chief functionary of the specialized adoption agency.
- (8) In case, the prospective adoptive parents are not selected for the child by the specialised adoption agency, the reason for non-selection of the prospective adoptive parents shall be recorded in the Child Adoption Resource Information and Guidance System.
- (9) In case, the prospective adoptive parents do not accept the reserved child or the specialised adoption agency does not find the prospective adoptive parents suitable, then, the prospective adoptive parents will be shifted to the bottom of the seniority list, as on that date, who can avail a fresh chance when the seniority becomes due and the same procedure shall be followed in the subsequent chances.
- (10) The registration of prospective adoptive parents shall be valid for two years.
- (11) The prospective adoptive parents can also get the medical examination report of the child reviewed by a medical practitioner of their choice.
- (12) If the prospective adoptive parents opt for one of the children shown, they shall accept the child by signing the child study report and medical examination report of the child, which may be downloaded from the Child Adoption Resource Information and Guidance System and the specialised adoption agency shall record the acceptance by the prospective adoptive parents in the Child Adoption Resource Information and Guidance System.

11. Pre-adoption foster care. -

The child shall be taken in pre-adoption foster care by the prospective adoptive parents within ten days from the date of acceptance, after signing the pre-adoption foster care undertaking in the format provided in Schedule-7.

12. Legal Procedure. -

- (1) The specialised adoption agency shall file the adoption petition in the court, having jurisdiction over the place where the specialised adoption agency is located, within seven days from the date of acceptance by prospective adoptive parents for obtaining the necessary adoption orders under the Act.
- (2) In case the child is from a children's home which is located in another district, the specialised adoption agency shall file the adoption petition in the concerned court of that district.
- (3) The adoption petition shall contain all requisite documents as per Schedule-8.
- (4) The court will hold the adoption proceeding in-camera and dispose of the case within a period of two months from the date of filing of the adoption petition by the specialised adoption agency.
- (5) The specialised adoption agency shall obtain a certified copy of the adoption order from the court and will forward it to the prospective adoptive parents within ten days and it shall also post a copy of such order in the Child Adoption Resource Information and Guidance System and make necessary entries in Child Adoption Resource Information and Guidance System.
- (6) Registration of an adoption deed shall not be necessary.
- (7) The specialised adoption agency shall obtain the birth certificate of the child from the birth certificate issuing authority within ten days from the date of issuance of adoption order, with the name of adoptive parents, as parents, and date of birth as recorded in the adoption order.

13. Follow up of progress of adopted child. -

- (1) The specialised adoption agency shall report the progress of the child online in the format as provided in Schedule-11 in the Child Adoption Resource Information and Guidance System along with photographs of the child on six monthly basis for two years from the date of pre-adoption foster placement with the prospective adoptive parents.
- (2) In case the child is having adjustment problem with the adoptive parents, the specialised adoption agency shall arrange necessary counselling for such adoptive parents and the child and if such counselling efforts do not succeed, the specialised adoption agency shall make effort for placing the child temporarily in alternative care.

14. Adoption leave. -

Adoptive parents, working in the offices under the control of the Central Government or the State Government or the Central or State Public Sector Undertakings shall be entitled for adoption leave for proper care of adoptee,

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

as per the extant instructions of the concerned Government or authority and the benefit of this facility shall be available from the stage of pre-adoption foster care.

CHAPTER IV

ADOPTION PROCEDURE FOR NON-RESIDENT INDIAN, OVERSEAS CITIZEN OF INDIA AND FOREIGN PROSPECTIVE ADOPTIVE PARENTS

15. **Non-resident Indian to be treated at par with resident Indian.**-Non-resident Indian prospective adoptive parents shall be treated at par with Indians living in India in terms of priority for adoption of Indian orphan, abandoned or surrendered children.
16. **Registration and home study report for prospective adoptive parents for inter-country adoption. -**
 - (1) Any non-resident Indian, overseas citizen of India and foreign prospective adoptive parents, living in a country which is a signatory to the Hague Adoption Convention and wishing to adopt an Indian child, can approach the concerned authorised foreign adoption agency or the Central Authority, as the case may be, for preparation of their home study report and for further necessary action.
 - (2) In case, there is no authorised foreign adoption agency or Central Authority in their country of residence, then the prospective adoptive parents shall approach the concerned Government department or Indian diplomatic mission in that country for the purpose.
 - (3) The authorised foreign adoption agency or Central Authority or the concerned Government department or the Indian diplomatic mission, as the case may be, on completion of the home study report, shall register the application of the prospective adoptive parents in Child Adoption Resource Information and Guidance System in the format along with the required documents mentioned in Schedule – 5.
 - (4) The seniority of the prospective adoptive parents shall be from the date of their registration in the Child Adoption Resource Information and Guidance System.
 - (5) The home study report and other documents of the prospective adoptive parents referred to in this Chapter shall be scrutinized at Central Adoption Resource Authority in order to determine their eligibility or suitability.
 - (6) Profiles of two children shall be referred to the authorised foreign adoption agency or Central Authority or Government department or Indian diplomatic mission, as the case may be, which may forward such profiles to the prospective adoptive parents concerned as per local rules. In case of a foreigner or overseas citizen of India, such profile of children shall be referred to the prospective adoptive parents.
 - (7) The prospective adoptive parents may reserve one of the referred children within ninety six hours and the profile of the other child shall stand automatically withdrawn.
 - (8) In case the prospective adoptive parents fail to reserve any of the children within ninety six hours, then the profiles of both the children stand automatically withdrawn.
 - (9) As far as possible, preference of the prospective adoptive parents shall be taken into consideration when sending referrals to them.
 - (10) If the prospective adoptive parents opt for one of the children shown, they shall accept the child by signing the child study report and medical examination report of the child within thirty days from the date of referral.
 - (11) The child study report and medical examination report and photograph in original shall be sent by the specialised adoption agency to the concerned authorized foreign adoption agency or Central authority or the Indian diplomatic mission.
 - (12) In case the prospective adoptive parents fail to accept the referred children within thirty days, then, the profile of the child will stand withdrawn to the Child Adoption Resource Information and Guidance System and the seniority of those prospective adoptive parents will shift to the bottom of the list, who shall be given another opportunity to select a child when their turn becomes due.
Provided that the registration of such prospective adoptive parents shall continue for two years from the date of registration.
 - (13) If the prospective adoptive parents desire to visit the specialised adoption agency to see the child in person, before accepting him for adoption, such visit may be made after their adoption application is approved by Central Adoption Resource Authority, and the prospective adoptive parents can also get the medical examination report of the child reviewed by a medical practitioner of their choice.
 - (14) The authorised foreign adoption agency shall forward the original documents of the prospective adoptive parents, as specified in Schedule-8, to the concerned specialised adoption agency.
17. **No Objection Certificate of Central Adoption Resource Authority and pre-adoption foster care. -**
 - (1) The Central Adoption Resource Authority shall issue no objection certificate in favour of the proposed adoption in the format at Schedule - 9 within ten days from the date of receipt of the acceptance of the child by the prospective adoptive parents and letter of approval/permission of the receiving country as per Article 5 and Article 17 of the Hague Adoption Convention, wherever applicable and a copy of such no objection certificate shall also be endorsed to all concerned and posted in Child Adoption Resource Information and Guidance System forthwith.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (2) The prospective adoptive parents may take the child in pre-adoption foster care within India after issuance of no objection certificate by Central Adoption Resource Authority, pending court order, by furnishing an undertaking to the specialised adoption agency in the format at Schedule- 7.
- 18. Legal Procedure. -**
- (1) The specialised adoption agency shall file an application in the competent court with relevant documents as mentioned in Schedule- 8 within seven working days from the date of receipt of acceptance of the child by the prospective adoptive parents, for obtaining the adoption order from court and the specialised adoption agency shall enclose the documents in original along with the application.
- (2) In case the child is from a child care institution, which is located in another District, the specialised adoption agency shall file the adoption petition in the concerned court of that district.
- (3) The court will hold the adoption proceeding in-camera and dispose of the case within a period of two months from the date of filing of the adoption petition by the specialised adoption agency.
- (4) The specialised adoption agency shall obtain a certified copy of the adoption order from the court and will forward it to the prospective adoptive parents within ten days, besides posting a copy of such order and making necessary entries in the Child Adoption Resource Information and Guidance System.
- (5) Registration of a deed of adoption shall not be necessary.
- (6) The specialised adoption agency shall obtain the birth certificate of the child from the birth certificate issuing authority and provide it to the prospective adoptive parents within ten days from the date of availability of adoption order, with the name of adoptive parents, as parents, and date of birth as recorded in the adoption order.
- 19. Passport and Visa, intimation to immigration authorities, conformity certificate, birth certificate, etc. -**
- (1) The Central Adoption Resource Authority shall issue a conformity certificate under Article 23 of the Hague Adoption Convention in the format provided in Schedule – 10 within three working days from the date of availability of the adoption order in the Child Adoption Resource Information and Guidance System, in case the receiving country of the adopted child is a Hague Adoption Convention signatory.
- (2) The Central Adoption Resource Authority shall inform the concerned immigration authorities and the foreigner regional registration office or as the case may be, the foreigner registration office about confirmation of adoption.
- (3) To obtain Indian passport for the adopted child, the specialised adoption agency shall submit the application to the regional passport officer within three working days from the date of receipt of a certified copy of the adoption order.
- (4) The regional passport office shall issue passport for the adopted child within ten days from the date of receipt of application, in accordance with the circulars vide number VI/401/2/3/2010 dated 16th May, 2013; VI/401/2/3/2010 dated 8th January 2015; VI.I/401/2/3/2010 dated 19th March 2015 and such other circulars that may be issued by the CPV Division of the Ministry of External Affairs regarding issuance of passport to inter-country adopted children, from time to time.
- (5) In case the adopted child has been provided with a passport of the country of nationality of the prospective adoptive parents by its diplomatic mission in India, the foreigner regional registration office or as the case may be, the foreigner registration office shall issue exit visa to the adopted child within three working days from the date of online application for the same along with all supporting documents by the prospective adoptive parents.
- (6) The specialised adoption agency shall also obtain birth certificate for the adopted child from the issuing authority within ten days from the date of receipt of the adoption order, with the name of adoptive parents and date of birth as recorded in the adoption order.
- (7) The adopted child shall be entitled to receive overseas citizen of India card, if found eligible.
- (8) The adoptive parents shall come to India for taking the adopted child to their country.
- 20. Follow up of progress of adopted child under this chapter. -**
- (1) The authorised foreign adoption agency or the Central Authority or Indian diplomatic mission or concerned Government department, as the case may be, shall report the progress of the adopted child in the format provided in Schedule – 11 online in the Child Adoption Resource Information and Guidance System along with photographs of the child on a quarterly basis during the first year and on six monthly basis in the second year, from the date of arrival of the adopted child in the receiving country.
- (2) If an adjustment problem of the child with the adoptive parents comes to the notice of the authorised foreign adoption agency or Central Authority or the concerned Government department in the receiving country on the basis of the progress report or in course of post-adoption home visits, then, necessary counseling shall be arranged for the adoptive parents and for the adoptee, wherever applicable.
- (3) If it is found that the child is unable to adjust in the adoptive family or that the continuance of the child in the adoptive family is not in the interest of the child, the authorised foreign adoption agency or Central Authority or the concerned Government department in the receiving country or Indian diplomatic mission, as the case may be, shall withdraw the child and provide necessary counseling and shall arrange for suitable alternate adoption or foster placement of the child in that country, in consultation with the Indian diplomatic mission and Central Adoption Resource Authority.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (4) In the event of adjustment problem of the child with the adoptive family, the child shall be entitled to receive care, protection and rehabilitation through the child protection services of that country.
 - (5) The authorised foreign adoption agency or Central Authority or concerned Government department, as the case may be, shall organise annual get-together of Indian adoptees and their adoptive parents and forward a report on the event to Central Adoption Resource Authority and the Indian diplomatic missions shall facilitate such get-togethers.
 - (6) The prospective adoptive parents shall furnish an undertaking to the effect that they would allow personal visits of the representative of authorised foreign adoption agency, the foreign Central Authority or concerned Government Department, as the case may be, to ascertain the progress of the child with the adoptive parents/family at least for a period of two years from the date of arrival of the child in the receiving country.
- 21. Adoption by overseas citizen of India or foreign national living in India. -**
- (1) In case of an overseas citizen of India or foreign national, who is a citizen of a country that has ratified the Hague Convention and has been living in India for one year or more, shall apply online in prescribed format as specified in Schedule-5 along with the required documents uploaded in the Child Adoption Resource Information and Guidance System.
 - (2) On receipt of the application, along with the required documents, the Central Adoption Resource Authority shall refer the case to a specialised adoption agency for preparing the home study report in the format given at Schedule-6 and the specialised adoption agency shall upload the home study report in the Child Adoption Resource Information and Guidance System.
 - (3) All other procedures shall be followed as per the provisions of sub-paragraph 6 to 14 of paragraph 16 and paragraphs 17 to 19.
Provided that the prospective adoptive parents may reserve one of the referred children within forty eight hours.
Note: The role of the authorized foreign adoption agency or Central Authority or Government department or Indian diplomatic mission in the above referred paragraphs shall be performed by specialised adoption agency.
 - (4) The specialised adoption agency shall report the progress of the child in the Child Adoption Resource Information and Guidance System in the format provided at Schedule – 11 along with photographs of the child on a quarterly basis during the first year and on six monthly basis in the second year from the date of pre-adoption foster care.
 - (5) If any adjustment problem of the child with the adoptive parents comes to the notice of the specialised adoption agency, through the progress report or in course of post-adoption home visits, counselling shall be arranged for the adoptive parents and for the adoptee, wherever applicable.
 - (6) During the follow-up, if the specialised adoption agency finds that the child is unable to adjust in the adoptive family or the continuance of the child in the adoptive family is not in the best interests of the child, it shall withdraw the child and provide necessary counselling and the specialised adoption agency shall also arrange for suitable alternate adoption or foster placement of the child, in consultation with State Adoption Resource Agency and Central Adoption Resource Authority.
 - (7) A no objection certificate shall be required from the concerned diplomatic mission in India in favour of the proposed adoption.
 - (8) The concerned diplomatic mission shall also ensure that the adopted child acquires citizenship of the country of his parents immediately after adoption decree and a copy of the passport of the child from the country of the nationality of the Prospective adoptive parents shall be forwarded to Central Adoption Resource Authority and the concerned specialised adoption agency.
 - (9) An overseas citizen of India or foreign prospective adoptive parents, as the case may be, living in India, shall give an undertaking to the effect that if they move out of India before completion of two years after adoption, they shall inform to the Central Adoption Resource Authority about their movement and provide their new address, and continue to send their post-adoption progress report to Central Adoption Resource Authority for the remaining period.
 - (10) Such prospective adoptive parents living in India, are required to give an undertaking to the effect that they would allow personal visits of the representative by the specialized adoption agency or District Child Protection Unit or State Adoption Resource Agency, as the case may be at least for a period of two years from the date of adoption.
- 22.** If one of the prospective adoptive parents is foreigner and other is an Indian, such case shall be treated at par with Indians living in India or living aboard, as the case may be.
- 23. Procedure for adoption of a child from a foreign country by Indian citizens. -**
- (1) Necessary formalities for adoption of a child from a foreign country by Indian citizens shall initially be completed in that country as per their law and procedure.
 - (2) Central Adoption Resource Authority shall issue approval, as required under Article 5 and 17 of the Convention on Protection of Children and Cooperation in respect of Inter-country Adoption 1993, in the cases of adoption of children coming to India as a receiving country.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (3) If the child adopted abroad by the Indian citizens having a foreign passport, then the child would require Indian visa to come to India and on submission of the visa application, the Indian mission in the country concerned may issue entry visa to the child after checking all the relevant documents to ensure that the adoption has been done following the due procedure.
- (4) The immigration clearance for the child adopted abroad shall be obtained from the Foreigners' Division, Ministry of Home Affairs, Government of India, through the Indian diplomatic mission to that country.

CHAPTER V

ROLE OF CONCERNED AUTHORITIES AND AGENCIES

24. Specialised Adoption Agency. -

- (1) Any child care institution, intending to be recognised as specialised adoption agency, shall submit application, along with the following documents to the State Government concerned:
 - (a) a copy of the registration certificate under the Societies Registration Act 1860 (21 of 1860), the Indian Trust Act, 1882 (12 of 1882) or any other corresponding law for the time being in force;
 - (b) a copy of its Memorandum of Association, rules, Guidelines and bye-laws;
 - (c) a copy of the registration certificate as child care institution;
 - (d) a list of management committee or executive committee or board members showing that the majority of the members of such committee or board are Indian citizens;
 - (e) annual reports including audited accounts for the last three years;
 - (f) resolution by the agency supporting the decision for placing orphan, abandoned or surrendered children in adoption;
 - (g) undertaking to abide by the relevant rules and adoption Guidelines in force;
 - (h) undertaking to regularly update data on Child Adoption Resource Information and Guidance System and to have necessary facilities for the same;
 - (i) supporting documents indicating that the organisation has been engaged in child protection and welfare activities;
 - (j) list of children in the institution; and
 - (k) list of professional and child care staff.
- (2) The State Government shall issue a certificate of recognition to a child care institution as a specialised adoption agency within three months from the date of application, if the child care institution is found fit to be considered as a specialised adoption agency, based upon inspection conducted for the purpose.
- (3) If an organisation is not involved in institutional care but has the capacity and expertise to ensure quality noninstitutional care for infants and young children through trained foster care givers on their panel, the State Government may also recognise such organisation as a specialised adoption agency.
- (4) The recognition to a specialised adoption agency shall be for a period of five years, unless it is revoked earlier on the grounds as mentioned in paragraph 26.

25. Criteria and Procedure for Renewal of Recognition of Specialised Adoption Agency. -

- (1) The criteria to be adopted for renewal of recognition of a specialised adoption agency shall be the following: -
 - (a) the specialised adoption agency must have satisfactory performance in adoption placement;
 - (b) it must be regularly updating data on Child Adoption Resource Information and Guidance System and meeting the timelines specified for specialised adoption agency in the guidelines;
 - (c) it must have followed the provisions of the Guidelines as also instructions issued by the State Government or State Adoption Resource Agency or Central Adoption Resource Authority;
 - (d) it must not have indulged in any malpractice;
 - (e) it must have made proper utilisation of the child care corpus; and
 - (f) it must have been maintaining the standards of child care as provided in Schedule-12.
- (2) The procedure to be adopted for renewal of recognition of a specialised adoption agency shall be the following, namely: -

The specialised adoption agency shall apply six months before the expiry of its recognition with the following documents or information, in addition to documents mentioned in paragraph 24 (1). -

 - (a) details and number of children restored to biological parents, relatives or guardians during the period of last recognition;
 - (b) number and details of children placed in in-country and inter-country adoption and details of post-adoption follow-up thereof during the period of last recognition;
 - (c) details of year wise receipt of child care corpus and utilisation of the same during the period of last recognition;
 - (d) declaration about regular updating of data on Child Adoption Resource Information and Guidance System; and

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (e) undertaking stating that it agrees to abide by these Guidelines as also the instructions issued by the State Government or State Adoption Resource Agency or Central Adoption Resource Authority from time to time.
 - (3) The recognition to a specialised adoption agency shall be renewed by the State Government (before the expiry of existing recognition) for a period of five years, if the specialised adoption agency is found fulfilling the criteria as mentioned above, based on inspection conducted for the purpose.
 - (4) In case the specialised adoption agency has applied for recognition and it does not receive any communication, the recognition to such specialised adoption agency shall be deemed to be continued.
- 26. Suspension or revocation of recognition of Specialised Adoption Agency . -**
- (1) The State Government may, suo-motu or on the recommendation of State Adoption Resource Agency or Central Adoption Resource Authority either, suspend or revoke the recognition granted to a specialised adoption agency.
 - (2) The recognition of a specialised adoption agency may be suspended on any one or more of the following grounds, namely. -
 - (a) violation of any of the provisions of the Act or the rules made thereunder, relating to adoption as well as of these guidelines;
 - (b) furnishing false information or forged documents to State Adoption Resource Agency or the concerned State Government or Central Adoption Resource Authority;
 - (c) incomplete or false information to prospective adoptive parents about the child or any adoption related process;
 - (d) failure to update data online in the Child Adoption Resource Information and Guidance System or furnishing or posting of false information therein;
 - (e) failure to submit timely reports or data as stipulated in these guidelines;
 - (f) adverse findings of the inspection team of the concerned State Government or State Adoption Resource Agency or of Central Government or Central Adoption Resource Authority, regarding the functioning of the specialised adoption agency ;
 - (g) if professional social worker and qualified child care staff are not employed;
 - (h) financial irregularities or malpractices or receiving any donation whether in kind or cash from prospective adoptive parents or adoptive parents;
 - (i) misuse or diversion of child care corpus or grant received from the Government for the purposes other than the purpose(s) for which they were received;
 - (j) unethical practices which would also include inducing single mothers or biological parents to relinquish their child or illegally sourcing the child;
 - (k) divulging information on biological mother or parents or adopted child to public in violation of principle of confidentiality;
 - (l) non-compliance of instructions issued from time to time by Central Adoption Resource Authority, State Adoption Resource Agency or the concerned State Government; and
 - (m) abuse or neglect of children in the specialised adoption agency .
 - (3) No order for suspension or revocation of authorisation shall be passed without giving an opportunity to the agency to offer its explanation.
 - (4) After suspension of recognition of a specialised adoption agency, the concerned State Government or the State Adoption Resource Agency shall conduct necessary enquiries within a maximum period of six months, and if charges are proven, the State Government concerned shall revoke the recognition of the specialised adoption agency.
 - (5) In case of revocation of recognition of a specialised adoption agency, the State Government concerned shall, within thirty days, prepare an alternate rehabilitation plan for the children in that home, including shifting them to another specialised adoption agency.
 - (6) In the event of suspension or revocation of recognition of the specialised adoption agency, the cases where referrals have been accepted by the prospective adoptive parents, shall be allowed to proceed for final adoption provided that all other stipulations of these Guidelines have been met.
- 27. Inspection of specialised adoption agencies. -**
- (1) The State Government concerned shall inspect the child care institution before considering its recognition or renewal to a specialised adoption agency.
 - (2) The State Government concerned or State Adoption Resource Agency shall conduct annual inspections of specialised adoption agencies to ensure that they are performing efficiently and as per norms laid down in these Guidelines and shall take necessary remedial measures, wherever required.
 - (3) The premises of specialised adoption agency including the places where the children are staying and its relevant records shall be open to inspection by the Central Government, Central Adoption Resource Authority, the concerned State Government, State Adoption Resource Agency, Child Welfare Committee and any other agency or person authorised by them.
 - (4) During such inspections, the following shall be scrutinised or examined, namely. -

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (a) that the agency is discharging its role and performing its functions efficiently as stipulated under these guidelines;
- (b) that adoption, is being pursued by the organization as a welfare activity in the interest of children, and not as a commercial activity;
- (c) total number and details of children actually placed in in-country and inter-country adoption;
- (d) records pertaining to adoptions of children (starting from their admission up to the legal adoption decree and follow up progress) as well as related registers;
- (e) whether expeditious and sufficient efforts have been made by the specialised adoption agency to place children in adoption;
- (f) whether the agency is maintaining the seniority list of the prospective adoptive parents and following the roster as per the seniority list;
- (g) whether the agency has submitted annual reports, audited statements of accounts and monthly reports to the State Government concerned or State Adoption Resource Agency, and the monthly adoption data to State Adoption Resource Agency or the State Government concerned and Central Adoption Resource Authority regularly and within stipulated time;
- (h) whether the specialised adoption agency is regularly updating data and reports in the Child Adoption Resource Information and Guidance System on time;
- (i) whether the specialised adoption agency is maintaining and providing quality child care facilities in the institution as stipulated under these Guidelines and the minimum standards of child care shall be as specified in Schedule- 12;
- (j) financial records including contributions to and utilisation of child care corpus; and
- (k) whether there is any instance of malpractice against the specialised adoption agency .

28. Entitlement to grants under Integrated Child Protection Scheme.-

A specialised adoption agency is entitled to receive grants-in-aid under the Integrated Child Protection Scheme, subject to the fulfillment of terms and conditions under the said scheme.

29. Agencies to maintain accounts. -

- (1) The specialised adoption agency shall utilise funds available in child care corpus in accordance with norms specified in Schedule - 13.
- (2) The specialised adoption agency shall maintain proper accounts including utilisation of child care corpus and government grant under Integrated Child Protection Scheme to be audited by a chartered accountant every year.
- (3) An attested copy of the audited accounts of the organisation together with its audit report and a copy of the annual report and also report under Foreign Contribution Regulation Act shall be furnished by every specialised adoption agency within six months from the date of closing of the financial year to State Adoption Resource Agency or the State Government concerned.

30. Functions of specialised adoption agencies. - The specialised adoption agencies shall perform the following functions, in addition to those assigned to them under the guidelines, to facilitate placement of orphan, abandoned and surrendered children in adoption:

- (1) Function towards children. – Every specialised adoption agency shall -
 - (a) be responsible for the care, protection and well being of every child in its charge and shall cater to their health needs; emotional and psychological needs, educational and training needs; leisure and recreational activities; protection from any kind of abuse, neglect and exploitation, social mainstreaming, and restoration or as the case may be, follow-up;
 - (b) report all cases of admissions, restorations, transfers, death and adoption of children, as well as about children missing from the institution, if any to the Child Welfare Committee, District Child Protection Unit, State Adoption Resource Agency and Central Adoption Resource Authority through Child Adoption Resource Information and Guidance System and track child;
 - (c) submit the status of every orphan, abandoned and surrendered child on the Child Adoption Resource Information and Guidance System, which is accessible on the website www.cara.nic.in;
 - (d) prepare the child study report through its social worker of all orphan, abandoned and surrendered children and post them in Child Adoption Resource Information And Guidance System, within seven days from the date such children are declared legally free for adoption by the Child Welfare Committee;
 - (e) prepare the medical examination report through its pediatrician or doctor of all such children and post them in Child Adoption Resource Information and Guidance System, within seven days from the date such children are declared legally free for adoption by the Child Welfare Committee;
 - (f) prepare individual care plan for each child following the principle of the best interests of the child and the care options in the following order of preferences namely. -
 - (i) restoration to the biological family or legal guardian;
 - (ii) in-country adoption;
 - (iii) inter-country adoption;
 - (iv) foster care; and

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (v) institutional care.
- (g) create a memory album, which should include a photo album of the child, history and details of the child's life (details of surrendering parents should not be mentioned), and interests of the child, which shall be handed over to the adoptive family along with the medical history of the child at the time of handing over the child to the prospective adoptive parents in pre-adoption foster care;
- (h) make efforts to place each child in adoption, who has been declared legally free for adoption by Child Welfare Committee;
- (i) be responsible for referral of a child to prospective adoptive parents and the legal procedure related to adoption as provided in these guidelines;
- (j) prepare every adoptable child psychologically for his assimilation with the adoptive family;
- (k) facilitate interaction of the child with prospective adoptive parents, wherever required;
- (l) ensure that siblings and twins are placed in the same family, as far as possible;
- (m) preserve adoption records in a manner, that such record is accessible to authorised persons only;
- (n) facilitate root search by adoptees in the manner as mentioned in paragraph 45;
- (2) Functions towards biological parents. – Every specialised adoption agency shall -
 - (a) treat biological parents of a surrendered child with respect and dignity throughout the surrender process;
 - (b) maintain confidentiality of unmarried mother and biological parents;
 - (c) counsel the surrendering parents and inform them about a possible root search, in future by their child;
 - (d) encourage the biological parents surrendering a child to provide maximum information about the background of the child and development as well as their own health;
 - (e) explain to the parents implication of surrendering their child including possibility of inter-country adoption;
 - (f) ensure that the consent for surrender and adoption is given by the parents without any coercion or monetary or material consideration;
 - (g) have no commitment or agreement with biological parents regarding adoption of a child prior to his birth;
 - (h) inform the parents that they would have a re-consideration period of sixty days from the date of surrender during which they can take back the child;
- (3) Functions towards prospective adoptive parents.- Every specialised adoption agency shall -
 - (a) treat prospective adoptive parents with respect and extend due courtesy, assistance and advice;
 - (b) facilitate registration of prospective adoptive parents in Child Adoption Resource Information and Guidance System in case they face any difficulty;
 - (c) counsel the prospective adoptive parents, through an authorised professional social worker or counselor, to make them aware of the process of adoption and to ascertain the level of their preparedness for the same which include the following, namely:-
 - (i) acceptance of adoption as an alternative way of building their family;
 - (ii) preference for child to be adopted;
 - (iii) emotional readiness to adopt an unrelated child;
 - (iv) concerns about the social background of the child and genetic factors;
 - (v) attitude towards parenting and disciplining;
 - (vi) sharing the fact of adoption with the child, when the child grows up;
 - (vii) dealing with root search by the adopted child, when the child grows up;
 - (viii) any other issue that might emerge during the interactions;
 - (d) complete the home study report of prospective adoptive parents registered with them, within one month from the date of their registration and submission of required documents;
 - (e) continuously update the status of application of the prospective adoptive parents in Child Adoption Resource Information and Guidance System;
 - (f) provide video clips of the children to prospective adoptive parents and facilitate their video calls to children after referral;
 - (g) provide information about the medical history of the child to prospective adoptive parents, inform the prospective adoptive parents about the health status of a special need child, if such a child is proposed for adoption;
 - (h) provide the immunisation record and recent diagnostic reports as well as any vital information relating to child including his food and social habits, memory album to the prospective adoptive parents;
 - (i) a copy of the adoption order from the court, and the birth certificate or affidavit shall also be provided to the prospective adoptive parents as and when available;
 - (j) place a child in pre-adoption foster care on completion of referral and after observing necessary formalities as laid down in these guidelines;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (k) extend post adoption services including counselling to the prospective adoptive parents, if required;
 - (l) not receive any payment, other than as specified in Schedule- 13;
 - (m) advise the prospective adoptive parents to contact adoptive families to understand the process of adoption.
- (4) Functions relating to counselling. - The functions of the specialised adoption agencies in respect of counselling shall include –
- (a) counselling of biological parents in case of surrender;
 - (b) pre-adoption counselling of prospective adoptive parents;
 - (c) counselling of older children before adoption and during adoption;
 - (d) post-adoption counselling of the adoptees, when contacted by them in search of their roots.
- (5) Every specialised adoption agency shall set up cradle baby points at primary health care centres, hospitals, nursing homes, short-stay and swadhar homes and at its own home to receive abandoned children.
- (6) Documentation and record keeping. -
- (a) Every specialised adoption agency shall prepare an ‘individual care plan’ for each child based on age and gender specific needs in respect of the following, namely: –
 - (i) health and medical needs;
 - (ii) emotional and psychological needs;
 - (iii) educational and training needs;
 - (iv) leisure, creativity and play;
 - (v) attachments and relationships;
 - (vi) protection from all forms of abuse, neglect and maltreatment;
 - (vii) rehabilitation including reunification with family, adoption and other non-institutional care;
 - (viii) social mainstreaming; and
 - (ix) follow-up after rehabilitation or restoration.
 - (b) Every specialised adoption agency shall keep the following documents in the case file of each child, namely: –
 - (i) case history and social investigation report of the child;
 - (ii) interim care order as well as the order declaring the child legally free for adoption by the Child Welfare Committee and the deed of surrender in case of a relinquished child;
 - (iii) child study report, medical examination report and immunisation record of the child;
 - (iv) photographs of the child taken at intervals of every six month;
 - (v) application form, documents and home study report of the prospective adoptive parents;
 - (vi) adoption petition, adoption order and birth certificate of the child;
 - (vii) post placement progress reports of the child.
 - (c) Every specialised adoption agency shall maintain the following records, namely:-
 - (i) master admission register;
 - (ii) medical and development file of the child;
 - (iii) case file of the child;
 - (iv) attendance register of the children and staff;
 - (v) register of prospective adoptive parents with details (date of registration, date of home study report, date(s) of referral of child or children, date of court order, date of handing over of the child to prospective adoptive parents, etc.);
 - (vi) vouchers, cashbook, ledger, journal and annual accounts;
 - (vii) grant utilization register;
 - (viii) stock register; and
 - (ix) record of minutes of meetings of the management committee and adoption committee (to be maintained separately).
- (7) Other functions: Every specialised adoption agency shall also. -
- a) organise training and orientation activities to spread awareness about the adoption programme;
 - b) train its childcare and professional staff on these guidelines.
- 31. Functions of authorised foreign adoption agency.** - The authorised foreign adoption agency shall perform the following functions, namely:
- (1) register the prospective adoptive parents interested to adopt children from India and to complete their home study report expeditiously;
 - (2) post attested copies of the adoption application of the prospective adoptive parents in the Child Adoption Resource Information and Guidance System and forward the original of the same to the allotted specialised adoption agencies;
 - (3) follow up with specialised adoption agency for ensuring early adoption after receipt of no objection certificate for the adoption from Central Adoption Resource Authority;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (4) give orientation to the prospective adoptive parents on culture or language or food of the place to which the adopted child belongs.
 - (5) ensure the submission of post-adoption follow up of the progress of adopted children and to address the cases of disruption, as mentioned in paragraph 20;
 - (6) arrange get-togethers of children of Indian origin and their adoptive families from time to time with the involvement of the concerned Indian diplomatic mission;
 - (7) facilitate root search by older adoptees;
 - (8) fulfill the legal requirements of the host country as well as the terms and condition of the authorisation given by Central Adoption Resource Authority.
- 32. Criteria and procedure for authorisation of foreign agencies. -**
- (1) A foreign adoption agency desirous of sponsoring applications of foreign adoptive parents for adopting an Indian child shall make an application to Central Adoption Resource Authority along with the recommendation of the Central Authority or concerned Government department of that country, through the Indian diplomatic mission.
 - (2) The application shall be accompanied by the following documents, namely. -
 - (a) memorandum or bye-laws, copies of registration status, latest license issued by the concerned government department to undertake international adoptions, list of board or executive members, list of countries it is working with, accreditation certificate and its annual reports or financial statements for last two years;
 - (b) an undertaking signed by the head or chief executive of the organisation stating that the agency would abide by the provisions of these guidelines;
 - (c) an undertaking by the agency that in case of disruption or repatriation of the adopted children, it shall abide by the specific provisions laid down in these guidelines;
 - (d) an undertaking by the agency to send an annual report to Central Adoption Resource Authority in the month of April every year on the status of children placed in adoption from India;
 - (e) copy of adoption law or adoption guidelines or adoption rules of their country;
 - (f) a list of staff of the agency recommendation/authorisation from the central authority or competent authority to work with India;
 - (g) recommendation letter from Indian diplomatic mission abroad and the Central Authority or Government department of the receiving country.
 - (3) The authorisation to foreign adoption agency shall be subject to renewal for a period of five years by Central Adoption Resource Authority, on the receipt of an application for the same from such authorised foreign adoption agency through the concerned Indian diplomatic mission along with the recommendation for the same by the Central Authority or Government department and such application shall be accompanied by:-
 - (a) a list of children placed in adoption through such authorised foreign adoption agency along with their citizen status; and
 - (b) disruption, if any.
 - (4) In case an authorised foreign adoption agency requires to appoint a representative in India for facilitating its adoption cases, it shall seek the prior approval of Central Adoption Resource Authority.
- 33. Suspension or revocation of authorization. -**
- The grounds on which the authorisation of authorised foreign adoption agency can be revoked are as follows, namely. -
- (1) if the agency violates or fails to abide by the provisions of these guidelines;
 - (2) if the license or recognition or accreditation of the agency is suspended or revoked by the appropriate authority of that country;
 - (3) if the agency fails to upload adoption applications or the post-adoption follow-up reports in the Child Adoption Resource Information and Guidance System from time-to-time and violates any provisions of these guidelines.
- 34. Roles of State Government and State Adoption Resource Agency. -**
- (1) For implementation of these guidelines, every State Government shall set up a State Adoption Resource Agency to act as a nodal body within the State to promote and monitor adoption and non-institutional care in co-ordination with Central Adoption Resource Authority.
 - (2) State Government or State Adoption Resource Agency shall have the following roles in adoption, namely:-
 - (a) promote, monitor and regulate adoption program in the State;
 - (b) register all children's homes as child care institutions under the Act;
 - (c) recognise one or more of these child care institutions as specialised adoption agencies in each district;
 - (d) publish the contact details of adoption agencies in the State at least once in a year;
 - (e) renew the registration of such specialised adoption agency every five years subject to satisfactory performance;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (f) identify child care institutions which are not recognised as specialised adoption agencies, and link them to specialised adoption agencies, to facilitate adoption of eligible children in such institutions;
- (g) monitor adoption programme and activities of all specialised adoption agencies within its jurisdiction;
- (h) enforce standards and measures for orphan, abandoned and surrendered children as envisaged under the Act and the rules made thereunder;
- (i) identify specialised adoption agencies or child care institutions which have the capacity to provide quality care and treatment on a long term basis to special need children including children affected or infected by HIV/AIDS and mentally or physically challenged children, and facilitate transfer of such children to these agencies;
- (j) expedite de-institutionalisation of children through adoption and other non-institutional alternatives;
- (k) take measures that are required for expansion of the adoption programme in the State, such as strengthening the knowledge base, research and documentation, strengthening child tracking system, training and development activities, advocacy and communication, monitoring and evaluation;
- (l) instruct all Child Welfare Committees in the State to furnish data relating to the orphan, abandoned and surrendered children declared legally free for adoption and children awaiting such declaration on monthly basis in prescribed formats to District Child Protection Unit or State Adoption Resource Agency;
- (m) get adoption data furnished or validated online in the Child Adoption Resource Information and Guidance System in the format and the periodicity as prescribed therein;
- (n) maintain a state-specific database of adoptable children, prospective adoptive parents, specialised adoption agencies, Child Welfare Committees and District Child Protection Units in Child Adoption Resource Information and Guidance System;
- (o) take appropriate legal action against persons and institutions, including nursing homes and hospitals, involved in illegal adoption work;
- (p) ensure that all adoptions and placements of children are done in accordance with the provisions of these guidelines;
- (q) maintain a panel of professionally qualified or trained social workers for the counselling and preparation of the home study report of the prospective adoptive parents, as well as for conducting post placement follow-up reports. (To be considered for empanelment of social workers, a person must have a post graduate degree from a recognised university in social work or psychology or sociology or child development or home science);
- (r) conduct meetings of specialised adoption agencies on quarterly basis for addressing issues related to adoption.

35. District Child Protection Unit.-In addition to the functions as envisaged in the Act and rules made thereunder, as well as under the Integrated Child Protection Scheme, the District Child Protection Unit shall . -

- (1) identify orphan, abandoned and surrendered children in the district and get them declared legally free for adoption by Child Welfare Committee;
- (2) ensure that the child study report and medical examination report are posted in the Child Adoption Resource Information and Guidance System by the specialised adoption agencies within seven days from the date a child is declared legally free for adoption;
- (3) facilitate the linkage of children homes with specialised adoption agencies in the same or other districts to facilitate adoption;
- (4) track the progress of adoption of each child declared legally free for adoption and take necessary actions for expediting the case wherever required;
- (5) track the progress of application of each prospective adoptive parent registered in Child Adoption Resource Information and Guidance System for adopting a child or children from the district and take necessary actions for expediting the case wherever required;
- (6) assist State Adoption Resource Agency to maintain a panel of professional social workers for the purpose of counselling, preparing the home study report of the prospective adoptive parents and render post-adoption follow-up services;
- (7) supervise and monitor adoption programme in the district;
- (8) ensure that adoption data is being updated by specialised adoption agencies in the Child Adoption Resource Information and Guidance System on time and in correct manner ;
- (9) assist State Adoption Resource Agency and Central Adoption Resource Authority in all matters related to adoption;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (10) assist the Child Welfare Committee in the restoration effort and in completing the process for declaring the abandoned children legally free, including publishing information of the child in the newspaper; obtaining the social investigation report from the probation officer and non-traceable report from police;
- (11) Upload the certificate of child welfare committee declaring children legally free for adoption.
36. **Child Welfare Committee.-**
The Child Welfare Committee shall take actions as provided in paragraphs 6 and 7 of these guidelines.
37. **Birth Certificate issuing Authority. -**
The local registrar notified under the Registration of Births and Deaths Act, 1969 (18 of 1969) shall issue birth certificate in favour of an adopted child on an application filed by the specialised adoption agency or adoptive parents, incorporating the names of the adoptive parents as parents and the date of birth of the child as mentioned in the adoption order of the court.
38. **Central Adoption Resource Authority. -**
The Central Adoption Resource Authority shall function as a nodal body on adoption matters in the country and it shall discharge the following functions, namely: -
 - (1) frame rules and Guidelines for adoption of Indian children;
 - (2) to promote in-country adoptions and to facilitate inter-State adoptions in co-ordination with State Adoption Resource Agencies;
 - (3) monitor and regulate adoption program in the country;
 - (4) issue no objection certificate for inter-country adoption of children;
 - (5) establish uniform standards and indicators, relating to-
 - (i) adoption procedure;
 - (ii) quality child care standards;
 - (iii) monitoring and supervision;
 - (iv) standardisation of documents;
 - (v) safeguards and ethical practices.
 - (6) prepare a centralised database of all children available for adoption, all prospective adoptive parents wishing to adopt and all children placed in adoption with the help of specialised adoption agencies, State Adoption Resource Agencies, District Child Protection Units, Child Welfare Committees and authorised foreign adoption agencies;
 - (7) carry out research and documentation on adoption in order to continuously improve the adoption system;
 - (8) arrange capacity building programmes for adoption agencies and other stakeholders;
 - (9) carry out advocacy, awareness and information, education, and communication activities for promoting adoption and other non-institutional child care services either by itself or through its associated bodies.
 - (10) coordinate with State Governments or as the case may be, State Adoption Resource Agencies and advise them in adoption related matters;
 - (11) act as the Central Authority on adoption matters under the Convention on Protection of Children and Co-operation in respect of Inter Country Adoption, 1993;
 - (12) enter into bilateral agreements with foreign Central Authorities, wherever necessary and as prescribed under the Hague Adoption Convention;
 - (13) authorise foreign adoption agencies to sponsor applications of non-resident Indian or overseas citizen of India or foreign prospective adoptive parents for inter-country adoption of Indian children.
 - (14) maintain Child Adoption Resource Information and Guidance System (CARINGS) for greater transparency in the adoption system.
39. **Regional passport officer.-** Based upon an application made along with required documents, pursuant to the adoption order issued by the court, the regional passport officer shall issue a passport to an adopted child within ten days from the date of receipt of such application, in accordance with circulars vide number VI/401/2/3/2010 dated 16th May, 2013; VI/401/2/3/2010 dated 8th January 2015; VI.I/401/2/3/2010 dated 19th March 2015 and such other circulars that may be issued by the CPV Division of the Ministry of External Affairs regarding issuance of passport to inter-country adopted children, from time-to-time.
40. **Foreigner regional registration office. -** Foreigner regional registration office shall issue exit visa to the adopted child travelling out on the passport issued by the country of the nationality of the prospective adoptive parents, within three working days from the date of submission of application for the same along with all supporting documents by the prospective adoptive parents.
41. **Indian diplomatic missions in inter-country adoption. -** Indian diplomatic missions abroad shall have the following role in inter-country adoption of Indian children, namely. -
 - (1) liaise with concerned central or public authorities to ensure safeguards of children of Indian origin adopted by non resident Indians, overseas citizen of India or foreign parents against neglect, maltreatment, exploitation or abuse;
 - (2) interact with the authorised foreign adoption agencies and Central Authorities within their jurisdiction and organise or participate in the get-togethers of the adopted children and their parents;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (3) recommend proposals for authorisation of foreign adoption agencies for the purpose of sponsoring applications for adoption of Indian children;
“3(a) issue visa to foreign prospective adoptive parents who wish to see a child in person at the specialized adoption agency in India, before accepting him for adoption, after their adoption application is approved by Central Adoption Resource Authority, and also for attending the court proceedings as well as for receiving the child thereafter”.
 - (4) empanel and authorise social workers to complete adoption application formalities including home study report in a foreign country, where there is no authorised foreign adoption agency or a Government department to deal with adoption;
 - (5) register the adoption applications of non-resident Indians prospective adoptive parents in Child Adoption Resource Information and Guidance System along with requisite documents as specified in Schedule 5 and upload post-adoption follow-up reports as stipulated in paragraph 20 of the guidelines;
 - (6) the Indian diplomatic mission processing the adoption application, either directly or through the authorised organisation or individual shall send progress report of the child on quarterly basis in the first year and on six monthly basis in the second year, from the date of arrival of the child in the receiving country and also take actions, as stipulated in paragraph 20 of these guidelines, in case of disruption of adoption;
 - (7) contact the Central Authority or other authorities in the receiving countries to ensure safeguards of children of Indian origin adopted by non-resident Indians or overseas citizen of India or foreign parents, in case of disruption of adoption and a report in this regard shall also be sent to Central Adoption Resource Authority at the earliest;
 - (8) render necessary help and facilitate the repatriation of the child, if required, in consultation with the local authorities, concerned adoption agency and Central Adoption Resource Authority;
 - (9) facilitate root search by an adoptee of Indian origin, if contacted;
 - (10) communicate any report or observation, which it may consider as important and relevant in the matter of intercountry adoptions to Central Adoption Resource Authority.
- 42. Central Authorities. -**
Central Authority of the countries that have ratified the Hague Convention on Inter-country Adoption, 1993 shall discharge all obligations as per the provisions of the Convention.

CHAPTER VI

MISCELLANEOUS PROVISIONS

- 43. Seniority of the prospective adoptive parents.-**
- (1) There shall be two seniority list- one list consisting of resident Indians and non-resident Indians prospective adoptive parents and another common list consisting of resident Indians, non-resident Indians, overseas citizen of India and foreign prospective adoptive parents.
 - (2) The seniority of resident Indians shall be based on the date of online registration and submission of the documents except for home study report in Child Adoption Resource Information and Guidance System.
 - (3) The seniority of non-resident Indians or overseas citizen of India or foreign prospective adoptive parents shall be based on the date of online registration and submission of the documents along with home study report in Child Adoption Resource Information and Guidance System.
- 44. Adherence to time line.-**
All agencies and authorities involved in the adoption process shall adhere to the time limits specified in Schedule-14.
- 45. Root search.-**
- (1) In cases of root search, the concerned agencies or authorities (authorised foreign adoption agency, Central Authority, Indian diplomatic mission, Central Adoption Resource Authority, State Adoption Resource Agency or District Child Protection Unit or specialised adoption agency), whenever contacted by any adoptee shall facilitate his root search.
 - (2) In order to facilitate root search, the age and maturity of the child shall be taken into consideration.
 - (3) If the biological parents, at the time of surrender of the child, have specifically requested anonymity, then, the consent of the parents should be taken by the specialised adoption agency or Child Welfare Committee, as the case may be.
 - (4) In case of denial by the parents or the parents are not traceable, the reasons and the circumstances under which the surrender took place shall be disclosed to the adoptee.
 - (5) In case of an orphan or abandoned child, information about his adoption, including the source and circumstances in which the child was admitted into the specialized adoption agency, as well as the process followed for his adoption, may be disclosed to the adoptee by the specialized adoption agency or the Child Welfare Committee, as the case may be.
 - (6) A root search by a third party shall not be permitted and the concerned agencies or authorities shall not make public any information relating to biological parents, adoptive parents or adopted child.
 - (7) The right of an adopted child shall not infringe the biological parents' right to privacy.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

46. **Confidentiality of adoption records.** – All agencies or authorities involved in the adoption process shall ensure that confidentiality of adoption records is maintained, except as permitted under any other law for the time being in force.
47. **Adoption expenses.-**
(1) The prospective adoptive parents shall bear the expenses for adoption, as provided in Schedule-13.
(2) The agency is not permitted to accept any donation in cash or kind, directly or indirectly for adoption of a child from the prospective adoptive parents.
48. **Reporting of adoptions.-**
The specialised adoption agencies shall submit adoption data on Child Adoption Resource Information and Guidance System and also send quarterly report in the format given at Schedule-15 to State Adoption Resource Agency and Central Adoption Resource Authority, in first week of every quarter.
49. **Adoption of children with special needs. -**
(1) The adoption process for children with special need shall be completed as expeditiously as possible by the concerned agencies or authorities, who shall be available for adoption by resident Indians and non-resident Indians from the date they are declared legally free for adoption by the Child Welfare Committee: Provided that such children with special need shall be available for adoption by overseas citizen of India or foreign adoptive parents, after fifteen days from the date they are declared legally free for adoption.
(2) Special care must be taken while processing the cases for adoption of children with special need, so that the prospective adoptive parents are aware of real medical condition of the child and ready to provide extra care and attention that the child needs.
(3) The categories of children with special need can be accessed from www.cara.nic.in which is illustrative and not exhaustive.
(4) The children with special need who were not adopted shall be provided with due care and protection by the specialised adoption agency and if they do not have necessary facilities and the means for their long term care, such children shall be shifted to any other specialised institutions run by any Government or non-Government organisation.
50. **Adoption of older children. -**
(1) Since it takes time for an older child to adjust with unrelated parents, it is important that the child and the prospective adoptive parents are made familiar to each other, before leaving the institution.
(2) Under the guidance of specialised adoption agency or authorised foreign adoption agency, the prospective adoptive parents may have interactions with older children through video calls, even before taking custody and the prospective adoptive parents may be encouraged to spend some quality time with the child before leaving the institution.
(3) The older children shall be deemed to be available for adoption by resident Indians and non-resident Indians from the date they are declared legally free for adoption by the Child Welfare Committee and they shall be available for adoption by overseas citizen of India or foreign prospective adoptive parents, after thirty days from the date they are declared legally free for adoption.
Note: A child, who has completed five years, shall be considered as an older child.
51. **Adoption of twins and siblings. -**
Twins or siblings shall be available for adoption by resident Indians and non-resident Indians from the date they are declared legally free for adoption by the Child Welfare Committee and they shall be deemed to be available for adoption by overseas citizen of India or foreign prospective adoptive parents, after thirty days from the date they are declared legally free for adoption.
52. **Relaxation or interpretation and amendments in the guidelines. -**
(1) The power of relaxation to any provision of these Guidelines in respect of a case or class of cases shall be vested with Central Adoption Resource Authority in consultation with the Central Government.
(2) In case of any ambiguity or dispute in interpretation of these guidelines, the decision of the Central Government shall be final.
53. **Repeal and Savings. -**
(1) The Guidelines Governing the Adoption of Children, 2011 is hereby repealed.
(2) Notwithstanding such repeal, any action taken under the Guidelines Governing the Adoption of Children, 2011 shall be deemed to have been done or taken under corresponding provisions of these guidelines.
(3) The pending adoptions shall be processed as per these guidelines.

SCHEDULE-1

[See paragraphs 6 (12) and 7(15)]

CERTIFICATE OF CWC DECLARING THE CHILD LEGALLY FREE FOR ADOPTION

1. In exercise of the powers vested in the Child Welfare Committee _____ under section 41 (4) of the Juvenile Justice (Care and Protection of Children) Act, 2000, child _____ Date of birth-----, placed in the care of the specialised adoption agency/child care institution (name & address) vide order no. _____ dated _____ of this Committee, is hereby declared legally free for adoption on the basis of the following:

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

Inquiry report of the Probation Officer/ District Social Welfare Officer/ District Social Security Officer/ District Social Defense Officer/ District Women and Child Development Officer/ Child Welfare Officer / District Child Protection Officer/ Social Worker / Case Worker (as the case may be);

Deed of surrender executed by the biological parents or the legal guardian of the child before this Committee on (date);

Declaration submitted by DCPU & the (SAA) to the effect that they have made restoration efforts as required under these Guidelines and relevant rules, but, nobody has approached the agency for claiming the child as biological parents or legal guardian as on date of the said declaration.

2. This is to certify that:

The biological parents / legal guardian have been counselled and duly informed of the effects of their consent and the adoption will result in the termination of the legal relationship between the child and his or her family of origin;

The biological parents / legal guardian have given their consent freely, in the required legal form, and the consents have not been induced by payment or compensation of any kind and the consent of the mother (where applicable), has been given only after the birth of the child.

[Note: strike out in the box(es) which are not relevant to the case]

[Note: In the best interest of the child, to facilitate adoption, the specialized adoption agency is permitted to post photograph of the child in CARINGS]

Child Welfare Committee

Date and Place

Signature of any two members

To: Specialised Adoption Agency/Child Care Institution – to post certificate in Child Adoption Resource Information & Guidance System (CARINGS)

Copy to: District Child Protection Officer

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

SCHEDULE-2

[See paragraphs 2(11), 6(14) and 7(16)]

CHILD STUDY REPORT (CSR)

CARINGS Registration No:

Aadhar Card No:

The detailed report on the child shall include identifying information supported by documents. CSR should be prepared as soon as the child is declared legally free for adoption by the CWC.

Name and address of the Institution: -

I. GENERAL INFORMATION:

1. Name of the Child. - -----(given by biological mother or parents or by the specialised adoption agency / child care Institution or Child Welfare Committee)
2. CARINGS Registration No.:
3. Present age and date of birth:
4. Sex:
5. Place of Birth:
6. Religion (if known):

II. SOCIAL DATA:

- Please do not give identifying information about the of the natural parent.
1. Date of admission of the child to your institution:
 2. How did the child come to your institution?
 - a) Admitted directly by parent or or any other guardian:
 - b) Placed by Child Welfare Committee directly:
 - c) Transferred from any other institution, if so name of the institution:
 - d) Any other source:
 - e) A brief note about the social background of the child:
 3. Reasons for seeking protection in the Institution:
 4. Attitude of the child towards other children:
 5. Behavior and relationship of the child towards staff and other adults including strangers:
 6. Intelligence (if and possible, I.Q report should be enclosed) :
 7. If the child is enrolled in school, give a detailed report about his or her standard, attendance, general interest in studies, progress, if any:
 8. General personality and description of the child:
 9. Play activity and any specific talent: Milestones of the child (for children below 18 months). Please mark Yes or No. Does the child
 - (a) Smile
 - (b) Turn on his sides
 - (c) Lift its head
 - (d) Grasp objects in its hand
 - (e) Crawl on its own
 - (f) Sit with full support or Sit without support
 - (g) Stand with support or Stand without support
 - (h) Walk with support or Walk without support
 10. Language Development
 - Cooing or Babbles incoherently
 - Speaks few words incoherently
 - Speaks few words clearly
 - Language spoken to the child
 11. Dietary Habits
 - Intake of liquid food :
 - Semi-solid food :
 - Solid food :
 12. Social Background: (This should include his social history i.e. brief background of the birth parents and circumstances necessitating the child's surrender or abandonment, etc. Please do not give identifying information such as name and address of birth parents or relatives.)

I _____ Social Worker hereby certify that the information given in this form about child _____ is correct.

Signature:

Place : Name:

Date : Designation:

We have read and understood the contents of the Child Study Report and are willing to accept _____ as our adoptive child.

(Signature of the male applicant)

(Name of the male applicant)

(Signature of the female applicant)

(Name of the female applicant)

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

Place :
Date :

Place :
Date :

SCHEDULE-3

[See paragraphs 2(19), 6(14) and 7(16)]

MEDICAL EXAMINATION REPORT (MER) OF THE CHILD

A duly licensed physician should complete the report. If any information is not available, please state "unknown".

A. General Information

1. Name of the child :
2. Date and year of birth :
3. Sex:
4. Place of birth:
5. Nationality:
6. Name of the present institution: Placed since:
7. Weight at birth (in kg. at admission): kg.
8. Length at birth (in cm. at admission): cm.
9. Was the pregnancy and delivery normal? Yes or No or Do not know
10. Where has the child been staying?
With his or her mother: from to
With relatives: from to
In private care: from to
In institution or hospital: from to
(Please state below the name of the institution or institutions concerned)

B. Medical Details

1. Has the child had any diseases during the past time? (if yes, please indicate the age of the child in respect to each disease, as well as any complication)
Yes or No or Do not know
2. If yes:
Ordinary children's diseases (whooping cough, measles, chicken-pox, rubella, mumps)?
Tuberculosis?
Convulsions
(incl. Febrile convulsions)?
Any other disease?
Exposure to contagious disease?
3. Has the child been vaccinated against any of the following diseases:
Yes or No or Do not know
4. If yes:

Tuberculosis (B.C.G.)?	Date of immunisation:
Diphtheria?	Date of immunisation:
Tetanus?	Date of immunisation:
Whooping cough?	Date of immunisation:
Poliomyelitis?	Date of immunization:
Hepatitis A?	Date of immunisation:
Hepatitis B?	Date of immunisation:
Other immunizations?	Date of immunisation:
5. Has the child been treated in hospital?
Yes or No or Do not know
6. If yes state name of hospital, age of child, diagnosis, and treatment:
7. Give, if possible, a description of the mental development, behaviour and skills of the child.

(i) Visual	When was the child able to fix ?
(ii) Aural	When was the child able to turn its head after sounds ?
(iii) Motor	When was the child able to sit by itself ?
	When was the child able to stand with support ?
	Walk without support ?
(iv) Language	When did the child start to prattle ?
	When did the child start to say single words ?
	When did the child start to speak sentences ?
(v) Contact	When did the child start to smile ?
	How does the child communicate with adults and other children ?
	How does the child react towards strangers ?
(vi) Emotional	How does the child show emotions (anger, uneasiness, disappointment, joy) ?

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

C. Medical Examination Details:

1. Date of the Medical Examination
2. Weight : kg. Date:
3. Height : kg. Date:
4. Head circumference cm. Date:
5. Colour of hair: Colour of eyes: Colour of skin:
6. Through my complete clinical examination of the child I have observed the following evidence of disease, impairment or abnormalities of:
7. Head (form of skull, hydrocephalus, craniotables)
8. Mouth and pharynx (harelip or cleft palate, teeth)
9. Eyes (vision, strabismus, infections)
10. Ears (infections, discharge, reduced hearing, deformity)
11. Organs of the chest (heart, lungs)
12. Lymphatic glands (adenitis)
13. Abdomen (hernia, liver, spleen)
14. Genitals (hypospadias, testis, retention)
15. Spinal column (kyphosis, scoliosis)
16. Extremities (pes equines, valgus, varus, pes calcaneovarus, flexation of the hip, spasticity, paresis)
17. Skin (eczema, infections, parasites)
18. Other diseases?
19. Are there any symptoms of syphilis in the child? Result of syphilis reaction made (date and year): Positive or Negative or Not done
20. Any symptoms of tuberculosis?
Result of tuberculin test made (date and year): Positive or Negative or Not done
21. Any symptoms of Hepatitis A?
Result of tests for hepatitis A made (date and year): Positive or Negative or Not done.
22. Any symptoms of Hepatitis B?
Result of tests for Hbs Ag (date and year): Positive or Negative or Not done
Result of test for anti-HBs (date and year): Positive or Negative or Not done
Result of tests for HBeAg (date and year): Positive or Negative or Not done
Result of tests for anti HBe (date and year): Positive or Negative or Not done
23. Any symptoms of AIDS?
Result of tests for HIV made (date and year): Positive or Negative or Not Done.
24. Does the urine contain:
Sugar?
Albumen?
Phenylylketone?
25. Stools (diarrhoea, constipation):
Examination for parasites: Positive or Negative or Not done
26. Is there any mental disease or retardation of the child?
27. Give a description of the mental development, behaviour and skills of the child. This is of particular value for advising the prospective parents.
28. Any additional comments?

D. Report concerning the psychological and social circumstances of the child (wherever required, assistance may be taken from special educator, physiotherapist, speech therapist and the social worker)

Please decide on each heading.

(i) Activity with toys:

1. The child's eyes follows rattles or toys, that are moved in front of the child
2. The child holds on to a rattle
3. The child plays with rattles: putting it in the mouth, shaking it, moving it from one hand to the other etc.
4. The child puts cubes on top of each other
5. The child plays purposely with toys: pushes cars, puts dolls to bed, feeds dolls etc.
6. The child plays role-play with toys with other children
7. The child draws faces, human beings or animals with distinct features
8. The child cooperates in structured games with other children (ballgames, card games etc.)

(ii) Vocalization or language development:

1. The child vocalizes in contact with caregiver
2. The child repeats different vowel-consonant combinations (ba-ba, da-da, ma-ma etc.)
3. The child uses single words to communicate needs
4. The child speaks in sentences
5. The child understand prepositions as: on top of, under, behind etc.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

6. The child uses prepositions as: on top of, under, behind etc.
7. The child speaks in past tense
8. The child writes his own name
9. The child reads simple words
10. No observation available

(iii) Motor development:

1. The child turns from back to stomach from age: _____
2. The child sits without support from age: _____
3. The child crawls or moves forwards from age: _____
4. The child walks with support from furniture from age: _____
5. The child walks alone from age: _____
6. The child walks up and down stairs with support from age: _____
7. The child walks up and down stairs without support from age: _____

(iv) Contact with adults:

1. The child smiles in contact with known caregiver
2. The child is more easily soothed when held by known caregiver
3. The child cries or follows known caregiver, when the caregiver leaves the room.
4. The child actively seeks known caregiver when he or she is upset or has hurt him or herself.
5. The child seeks physical contact with all adults, that come into the ward.
6. The child communicates his feeling in words to caregivers

(v) Contact with other children:

1. The child shows interest in other children by looking or smiling at their activity
2. The child enjoys playing beside other children
3. The child engages actively in activities with other children

(vi) General Level of Activity:

1. Positive
2. Active
3. Overactive

vii) General mood:

1. Sober, serious
2. Emotionally indifferent
3. Fussy, difficult to soothe
4. Happy, content

Signature and stamp of the examining physician with over all observation of the child

Date

E. Acceptance of MER by PAP(s)

We have read and understood the contents of the Medical Examination Report and are willing to accept _____ as our adoptive child.

(Signature of the male applicant)

(Signature of the female applicant)

(Name of the male applicant)

(Name of the female applicant)

Date:

Date:

Place:

Place:

SCHEDULE- 4

[See paragraph 7(6)]

DEED OF SURRENDER

1. Declaration by Person surrendering the child or children
I/We -----, have read the following statements carefully and understand the same. I/we have received counselling and information about the effects of my/our consent and I/we am/are making the statement without coercion or threat and without receiving any payment or compensation of any kind.
I/We, the undersigned:
Family name:
First name(s):
Date of birth: day month year ...
Permanent Address:
Mother [] Father [] Legal Guardian [] of the child:
Family name:
First name(s):
Date of birth: day month year ...
Permanent Address:
Mother [] Father [] Legal Guardian [] of the child:
declare as follows:
(i) freely consent to the surrender of my/our child or children named----- .

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (ii) terminate the legal parent-child relationship between the said child or children and me/us.
- (iii) understand that my/our child may be adopted by person(s) residing in India or abroad and give my/our consent for this purpose.
- (iv) understand that the adoption of this child will create a permanent parent-child relationship with the adoptive parent(s).
- (v) have been informed that I/We may withdraw my consent until 60th day of this surrender deed after which my/our consent will be irrevocable and I/We shall have no claim over the child or children.

I/We relinquish the child or children for the reason-----

I/We wish/ do not wish (please tick whichever is applicable) my/our identity and address to be disclosed to my/our child when he/she returns for root search.

I/We declare that I/We have fully understood the above statements.

Done at on

[Signature or Thumb Impression of surrendering person(s)]

2. Declaration by Witnesses

We the undersigned have witnessed the above surrender.

(a) Signature, Name and Address of the first witness

(b) Signature, Name and Address of the second witness.....

3. Certification of CHILD WELFARE COMMITTEE

We hereby certify that the person and the witness(es) named or identified above appeared before me this date and signed this document in our presence.

Done at on.....

Signature & Seal of Member/Chairperson

NOTE: If a child born to a married couple is to be surrendered, both parents should sign the surrender document. In case one of them is dead, proof of death is required to be furnished. In case of a child born out of wedlock, only the mother can surrender the child. If the mother is a minor, the surrender document shall be signed by an accompanying adult as witness. If anyone other than the above categories surrenders the child, then the procedure shall be followed as for an abandoned child.

SCHEDULE-5

[See paragraphs 9(1), 16(3), 21(1) and 41(5)]

ONLINE REGISTRATION FORM AND LIST OF DOCUMENTS TO BE UPLOADED

Date of Registration:		
Applicant category:	Indians living in India, the prospective adoptive parents will have to register themselves. In case of overseas citizen of India or a foreign national habitually residing in India, the prospective adoptive parents have to register themselves. In cases of non-resident Indian, overseas citizen of India or a foreign prospective adoptive parents habitually residing in a foreign country, registration shall be done by Authorized Foreign Adoption Agency (AFAA) or Central Authority (CA) or concerned Foreign Government Department in the country of residence. In case of Non-Hague countries, Indian mission abroad can process the applications of nonresident Indian prospective adoptive parents.	
Applicant status	Single (Spinster/widow/widower/divorcee/separated) Married couple (Date of marriage, place of marriage)	
Personal Information		
	Male	Female
Name		
Date of Birth & Age		
Nationality by birth		
Nationality/ citizenship at present		
Current residential address		
City/District		
State		
Country		
Zip/Pin code		

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

Phone No.		
Mobile No.		
Email		
Occupation Details		
Nature of occupation	Govt. job/private job/public sector job/ Business /Non-profit professional/consulting/ Unemployed	
Place of Work		
Annual Income		
No. of Biological/ Adopted Children	Total ()	
Identification Details		
PAN Number (if any)		
OCI Card No. (if any)		
Passport Number		
Preference for Adoption:		
Gender	Boy /Girl / No Choice	
Child Category	Sibling /Single	
Health Status	Normal/ Physically Challenged/Mentally Challenged	
Age	0-2 years/2-4 years/4-6 years, etc.	
Preference for State :		
Name of the Agency for HSR		
Address of the Agency		
Motivation for Adoption (Max 200 characters)		

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

Documents to be uploaded and submitted. (In case of Resident Indians, OCI/ Foreign PAPs residing in India, the PAPs will have to register themselves with all relevant documents while in case of NRI/ OCI/Foreign PAPs residing abroad, registration will be done by the concerned authority only after completion of Home Study Report.)	<p>1. Domestic Adoption (Indians residing in India)</p> <p>(1) PAN Card/Passport</p> <p>(2) Proof of residence (Aadhaar Card/Voter ID Card/Passport/driving license/current electricity bill/telephone bill)</p> <p>(3) Proof of income of last year (e.g. salary slip/income certificate issued by Govt. Department /Income tax return)</p> <p>(4) Copy of marriage certificate and photograph</p> <p>(5) Copy of divorce decree/ death certificate of the spouse (if applicable)</p> <p>(6) Copy of birth certificate of the PAPs</p> <p>(7) Certificate from a medical practitioner certifying that the PAPs do not suffer from any chronic, contagious or fatal disease and they are fit to adopt</p> <p>(8) In case of single parent, undertaking from a relative to take care of the child in case of mishap</p> <p>2. In cases of NRI/OCI & Foreign PAPs, the following documents will be required:</p> <p>(1) Passport.</p> <p>(2) Proof of residence (Adhaar Card/Voter ID Card/Passport/driving license/current electricity bill/telephone bill)</p> <p>(3) Proof of income of last year (e.g. salary slip/income certificate issued by Government Department /Income tax return)</p> <p>(4) Copy of marriage certificate and photograph</p> <p>(5) Copy of divorce decree/ death certificate of the spouse (if applicable)</p> <p>(6) Copy of birth certificate of the PAPs</p> <p>(7) Certificate from a medical practitioner certifying that the PAPs do not suffer from any chronic, contagious or fatal disease and they are fit to adopt</p> <p>(8) Permission of the receiving country as per Article 5 and 17 of the Hague Adoption Convention (Only applicable in cases of Hague ratified country)</p> <p>(9) Copy of the Passport of PAPs and a copy of OCI certificate, if applicable</p> <p>(10) Police clearance certificate</p> <p>(11) In case of OCI/Foreign PAPs living in India, a copy of No Objection Certificate from their Embassy/ High Commission for adoption and assurance for post adoption in case the PAPs relocate from India</p> <p>(12) In case of single parent, undertaking from a relative to take care of the child in case of mishap</p> <p>(13) Undertaking from the prospective adoptive parents to allow personal visits by the representative of the authorised foreign adoption agency or Central Authority or concerned Government Department, as the case may be, for follow-up of the progress of the child as required under Para 20 (6) of the Guidelines. In case of foreign or overseas prospective adoptive parents living in India, they are also required to give an undertaking to the effect that they would allow personal visits of the representative of the specialized adoption agency or District Child Protection Unit or State Adoption Resource Agency at least for a period of two years from the date of adoption.</p> <p>(The PAPs would be in the Waiting List from the date of submission of complete set of documents)</p>
--	---

SCHEDULE-6

[See paragraph 9(5)]

FORMAT OF HOME STUDY REPORT (HSR) FOR PROSPECTIVE ADOPTIVE PARENTS (PAPs) IN INDIA

(In cases of inter-country adoptions, standard format as provided in the receiving countries may be used) Part-I of the format shall be filled up by the prospective adoptive parents (PAPs) and Part-II of the template shall be filled up by the Professional Social Worker to submit an assessment report along with his/her observation about suitability of the PAPs to adopt.

Attention for the PAPs: Part-I of the format can be filled up by the prospective adoptive parents themselves and any difficulty faced to fill-up the template may be clarified with the Social Worker during his/her home visit. During home study, the social worker would like to know your relationships with your spouse/partner and your sources of support; your financial and employment situation, health status, lifestyle, home and neighbourhood environments; your parenting styles and attitude(s); your motivation for adoption; your desire and commitment to adopt and to evaluate you as a prospective parent.

The PAPs are solely responsible for the authenticity of the information provided in the template. PAPs are advised to sign below on each page of the format that is filled up by them.

PART-I :SELF ASSESSMENT

A. Identifying Information about the PAPs and their family background:

Particulars of information	Male Applicant	Female Applicant
----------------------------	----------------	------------------

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

Full Name		
Date of birth & age		
Place of birth		
Complete Address with e-mail ID (Present & Permanent Address)		
Country of Origin		
Country of Citizenship		
Passport Number		
Religion		
Language(s)		
Date of Marriage		
Date of Earlier Marriage (if any)		
Date of divorce (if any)		
Present Educational Qualification		
Employment/occupation		
Name & Address of the present Employer/Business concern		
Annual Income		
Health Status		

B. Family background information:

- (1) Give a short description of social status and background of the PAP(s) along with the following information.

Details about Parents of the Applicants	Male Applicant		Female Applicant	
	Father	Mother	Father	Mother
Name in full				
Age				
Nationality/Citizenship				
Occupation				
Previous occupation				
Presently residing with				

- (2) Please complete the following table with the names of each of your respective children (adopted and biological), their sex, educational status (kindergarten, elementary, etc.) and dates of birth.

Name of the Child	Sex	Date of Birth	Educational Status

- (3) Please describe how you believe the prospective adoption of a child will affect the lives of your existing children.
- (4) Please indicate whether there are any other family members residing in the familial home:
- (a) Yes;
- (b) No
- (5) if yes, please complete the following table including the age, gender, occupation, and nature of the familial relationship of the other residing family member/s.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

Name	Nature of Relationship	Age	Gender	Occupation

(6) Please describe how you believe the prospective adoption would affect these family members.

(7) Please indicate whether there are any other non-related adults/children living in the home:

(a) Yes;

(b) No

(8) Please describe how you think the prospective adoption will affect the non-related adults/children residing in the familial home.

C. Professional/Employment Details(Professional career details for last 5 years): Please complete the following table with details relating to your professional career.

Male Applicant			
Organisation	Employer Details (Name & Address)	Job Title	From To

Female Applicant			
Organisation	Employer Details (Name & Address)	Job Title	From To

D. Financial Position: (Give a short description of your income from all sources, savings, investments, expenditures and liabilities).

(1) Please provide your most recent tax invoices, bank statements etc. and the taxable income of your and your partner.

(2) Do you have any outstanding debts, mortgages etc.

(a) If yes, please provide supporting documentation;

(b) No

E. Description of Home and Neighbourhood: (Describe the accommodation details and neighbourhood relationship).

(1) How many rooms do you have in your home and describe the play area available for the child?

(2) Please describe the neighbourhood in which you reside, including any aspect that you believe makes it childfriendly.

F. Current marital relationship and quality of marital relationship (if applicable): (Give details about the marriage, legal separation, if any, reasons for such separation, present marital life and decision making procedures).

(1) Please circle the term the best describes your marital status:

(a) Married;

(b) Single;

(c) Live-in;

(d) Widowed;

(e) Other, please specify _____

(2) Please describe the procedures you and your partner use to reach a decision.

G. Attitude and Motivation of PAP(s) for Adoption:

(1) Please circle the term which best describes the reason why you wish to adopt, you may circle more than one option, if applicable:

(a) Provide a companion to your other children;

(b) Infertility;

(c) Provide an impoverished child with a happy home;

(d) None of the above;

(e) Other, please specify _____

(2) Please circle the statement which describes how you think the adoption will improve the lives of your other children, you may circle more than one, if applicable:

(a) They will be less lonely;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (b) They will learn to be more accommodating;
 - (c) They will become more empathetic;
 - (d) Not applicable as I have no other children;
 - (e) Other, please specify _____
- H. Attitude of grandparents/extended family members, other relatives and significant others towards the present adoption: (Give a short description about the opinion of other important persons towards adoption who would have impact in the child rearing process when the child arrives in the receiving country.)
- I. Anticipated Plans of the PAPs for adopted child and rearing in the Family:
- (1) Please describe how you will manage caring for the adopted child and other life commitments such as work.
 - (2) Who will be responsible for caring for the child when you are at work, or absent from the familial home (domestic help, grandparents, spouse).
 - (3) Please describe your disciplinary approach to parenting.
 - (4) In case the adopted child demonstrates adjustment difficulties, please describe the steps that you plan to take to ease his/her transition into the family?
 - (5) Would you be prepared to utilize additional family counselling if the adopted child continues to have difficulties adjusting?
 - (a) Yes
 - (b) No
- J. Preparation and Training for Adoption: (Give details about the counselling sessions the PAP(s) have undergone on adoption, child care, handling of needs of children, etc. and their capacity, PAP(s) training and/or experiences in parenting children with their special need, if any)
- K. Possible Rehabilitation Plan for the child in case of any eventuality with PAP(s): (Give a short description about your plan for the security of the child in case you face any short or long term eventuality. In case you are a single PAP, please give a short description about the close relative who would be giving undertaking for the security of the child)
- (1) Does your work require you to travel?
 - (2) Who would care for the child in your absence? Please provide a brief description including his/her age, gender, occupation and relationship.
 - (3) In the event of unforeseen misfortune do you have someone who could take legal guardianship of child? If so, details thereof:
 - (4) In case relationship does not work out would you part with custody of this child/ren to someone else, send back to homes, consult a counsellor.
- L. Plans for disclosure of facts of adoption of the Child:
- (1)
 - (2)
- M. Health Status (Emotional and Physical): (Give details of the state of emotional and physical health status of the applicant(s), if any. If a family member suffers from a particular disease, condition or syndrome, describe how the family copes with it and how this might affect any proposed adoption.)
- (1) Do you or your spouse suffer from any medical condition ? If so, would you please provide details?
 - (2) Are you or your spouse currently being treated by a psychologist or psychiatrist?
 - (3) Are you currently taking any prescribed medication?
 - (4) Are there currently any child/ren in your house being treated for a medical condition?
 - (5) Does your family have health and hospitalization insurance coverage for all family members?

Signature of the Prospective Adoptive Parents and Date

PART-II: ASSESSMENT REPORT OF THE SOCIAL WORKER

(To be used by the Social Worker to prepare the assessment report)

As far as possible, the HSR has to be completed within a period of one month from the date of registration.

The social worker should attempt to put the PAPs at ease by opening the conversation with a warm-up question. The social worker should employ non-verbal cues such as inclining the head and nodding to indicate that the PAPs are actively listening.

After each question, the social worker may provide the PAPs with sufficient time to respond. Any verbal response by the social worker to an answer by the PAPs should be neutral and non-judgmental. The social worker should attempt to establish eye contact as much as possible between reading the question and jotting down the response of the PAPs to demonstrate empathy. The social worker should try to avoid interrupting the PAPs unless they do not understand a response.

(The information/facts filled in the template shall be kept confidential by the agencies /authorities.)

1. Factual Assessment
 - (i) Have you verified the contents of the facts mentioned in Part I of the template? Yes/No
 - (ii) Are you satisfied about the facts mentioned in the documents vis-à-vis observation during interviews and visits? Yes/No
2. Psychosocial Assessment:

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- 2.1 Interaction with the PAPs
- (i) Have you interacted with the PAPs individually and/or jointly ?
 - (ii) Are the PAP(s) well prepared for adoption? In case of single PAP, please mention about family support system.
 - (iii) Do you think that PAPs have expressed their genuine feeling for parenting? Yes/No
- 2.2 Home visit findings
- (i) When did you visit the home of the PAPs ? Who were the members present during your visit ?
 - (ii) Whom did you interact during the home visit
 - (iii) Have you met any neighbour/relative? Give a detailed description about the interaction?
 - (iv) Whether the home environment is conducive for the child? If no, what steps can be taken to improve the situation? Have you advised the PAPs ?
 - (v) Are the PAP(s) well prepared for adoption?
 - (vi) Do you think that PAPs have expressed their genuineness during the interaction ?
 - (vii) Did the PAP(s) have any doubt about parenting issues or any other issues? Have you cleared their doubts ?
- 2.3 Interaction with the family members
- (i) Have you interacted with other family members of the PAPs ? What is their opinion about the proposed adoption ? Are they positive about the adoption ?
 - (ii) Are there any other family member(s) whom you could not interact but they might have a larger role in the proposed adoption ? If so, how did you interact ? Would you plan to take their views ?
 - (iii) Have you interacted with older child/ren present in the home of the PAPs ? If yes, please give details.
 - (iv) Have you noticed any adverse remarks from the family members ? If so, how far those remarks may have an impact on the adoption process?
- 2.4 Financial capacity
- (i) What is your opinion about the financial status of the PAP(s)? Are they financially sound to welcome another member into their family?
 - (ii) Have you observed any financial situation which is hidden in the template?
- 2.5 Physical and emotional capacity
- (i) Are the PAP(s) in a good physical and emotional state to take care of a child?
 - (ii) Have you observed any physical or psychological issues with the PAP(s) or any other family members that is going to affect the life of the upcoming child? If so, give details.
 - (iii) Are the PAP(s) emotionally equipped enough to take care of a child?
3. Recommendation for adoption
- 3.1 Do you recommend the PAP(s) for adoption? Put your views and rationale for recommending the PAPs for adoption including the parent's suitability.
- 3.2 In case, you do not recommend the PAPs for adoption, cite appropriate reasons for taking such decision.

Signature, name, designation and official seal of the Assessor

SCHEDULE-7

[See paragraphs 11 and 17(2)]

PRE-ADOPTION FOSTER CARE UNDERTAKING

(IN THE FORM OF AN AFFIDAVIT)

We Mr. _____, aged ____ years, citizen of _____ & Mrs. _____ aged ____ years, citizen of _____, permanently residing at _____ present address being _____ proposed Adopters of child _____ (new full name) @ _____ (old name) born on _____ presently in the care of _____ (name and address of the SAA), do solemnly hereby declare as follows:

- (1) We are taking the above mentioned child in pre-adoption foster care, pending the adoption order by the concerned Court.
- (2) We understand that until the final adoption order from the concerned Court is received, the said child shall be under the authority and guardianship of xxxx (name of SAA) and we shall only remain the foster parents of the child.
- (3) The child placed with us will be given all necessary medical care, attention, nutrition and treatment required.
- (4) In case of any untoward incident with the child, we will report the same to the SAA immediately.
- (5) The institution will be kept informed about the development of the child once a month till the final court order is issued.
- (6) The social worker will visit the child during pre-adoption foster care and as required under the guidelines.
- (7) We will attend to the legal formalities and court hearing when called upon to do to.

Mr. _____ Mrs. _____

Proposed Adoptive Father Proposed Adoptive Mother

Date: _____

Witness:

Name:

Name:

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARESignature:
Address:Signature:
Address:**SCHEDULE-8****[See paragraphs 12(3),16(14) and 18(1)]****LIST OF DOCUMENTS TO BE FILED ALONG WITH THE ADOPTION PETITION IN THE COURT**

1. Domestic Adoption
 - (1) Child Study Report (CSR) signed by the PAPs along with recent photograph of the child.
 - (2) Medical Examination Report (MER) of the child signed by the PAPs.
 - (3) Certificate of Child Welfare Committee (CWC) declaring the child 'legally free for adoption'.
 - (4) Home Study Report (HSR) of the Prospective Adoptive Parents (PAPs) along with their recent family photograph.
 - (5) Two reference letters from acquaintances or relatives in support of adoption.
 - (6) Certificate from a medical practitioner certifying that the PAPs do not suffer from any chronic, contagious or fatal disease and they are fit to adopt.
 - (7) PAN Card of PAPs
 - (8) Proof of residence (Aadhaar Card/voter ID Card/Passport/driving license/current electricity bill/telephone bill)
 - (9) Proof of income of last year (e.g. salary slip/income certificate issued by Govt. Department /Income tax return)
 - (10) Copy of marriage certificate or affidavit and photograph.
 - (11) Copy of divorce decree/ death certificate of the spouse (if applicable).
 - (12) Copy of Birth certificate or affidavit of the PAPs.
 - (13) Copy of recognition certificate of the agency as SAA.
 - (14) Copy of consent of the older child/children.
2. Adoption by NRI/OCI/Foreign PAPs (in addition to the above documents, the following shall be required)
 - (15) NOC issued by CARA in favour of adoption of a child by an NRI/OCI/Foreign PAPs.
 - (16) Permission of the receiving country as per Article 5/17 of the Hague Adoption Convention.
 - (17) Power of Attorney from the PAPs in favour of the authorized functionary of the SAA to file the adoption petition on their behalf in the court.
 - (18) Undertaking from the concerned AFAA/CA/concerned foreign government department for furnishing post adoption follow-up report and for necessary action in case of disruption.
 - (19) Copy of the Passport of PAPs and a copy of OCI Card, if applicable.
 - (20) Police clearance certificate.
 - (21) In case of OCI/Foreign PAPs living in India, a copy of No Objection Certificate from their Embassy/ High Commission for adoption and assurance for post adoption in case the PAPs relocate from India.

NOTE: Infertility certificate is NOT required for adoption.

SCHEDULE-9**[See paragraph 17(1)]****CENTRAL ADOPTION RESOURCE AUTHORITY**

(An Autonomous Body of Ministry of Women and Child Development)

Certificate Number:

Date :

NO OBJECTION CERTIFICATE

Certified that the Central Adoption Resource Authority (CARA), the Central Authority of India on adoption matters, under the Ministry of Women & Child Development, Government of India, has 'NO OBJECTION' to the adoption of the child/children with the prospective adoptive parents as per the details mentioned below :

S l . No.	Name of the Child	Sex of Child	Date of Birth	Name & Address of the Prospective Adoptive Parent (s)
1.				

2. This NOC is issued as per 'Guidelines Governing Adoption of Children-2015' and Article 17(c) of the Hague Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption, 1993.
3. The Specialised Adoption Agency (SAA) and the Foreign Adoption Agency/Central Authority/concerned Foreign Government Department/Indian Diplomatic Mission have been authorized to process this adoption case.
4. The SAA shall file the adoption petition in the competent court as per Section 41 of the Juvenile Justice (Care & Protection of Children) Act, 2000.

Signature and Seal of
Authorized Signatory

To :

- (1) Name and address of the Specialised Adoption Agency.
- (2) Name and address of the State Adoption Resource Agency/ concerned State Government Department.
- (3) Name and address of Authorized Foreign Adoption Agency/concerned Foreign Government Department/Indian Diplomatic Mission.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (4) Diplomatic Mission of the Receiving Country in India.
- (5) Central Authority of the Receiving Country.
- (6) Foreigners' Regional Registration Officer(FRRO).

SCHEDULE - 10

[See paragraph 19(1)]

CENTRAL ADOPTION RESOURCE AUTHORITY

Certificate Number:

Date :

CONFORMITY CERTIFICATE

(Under Article 23 of the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, 1993)

- (1) The undersigned authority:
(Name and address of the competent authority of the State of adoption)
.....
.....
.....
- (2) -Hereby certifies that the child:
Family name:
First name(s):
Sex: Male [] Female []
Date of birth: day month year
Place of birth:
Habitual residence:
- (3) -Was adopted according to the decision of the following authority:
.....
Date of the decision:
Date at which the decision became final:
(If the adoption was made otherwise than by a decision of an authority, please specify the equivalent details)
- (4) -By the following person(s):
a Family name of the adoptive father:
First name(s):
Date of birth: day month year
Place of birth:
Habitual residence at the time of the adoption:
b Family name of the adoptive mother:
First name(s):
Date of birth: day month year
Place of birth:
Habitual residence at the time of the adoption:
- (5) -The undersigned authority certifies that the adoption was made in accordance with the Convention and that the agreements under Article 17, sub-paragraph c, were given by:
a Name and address of the Central Authority of the State of origin:
.....
.....
.....
Date of the agreement:
b Name and address of the Central Authority of the receiving State:
.....
.....
.....
Date of the agreement:
- (6) - The adoption had the effect of terminating the pre-existing legal parent-child relationship.
The adoption did not have the effect of terminating the pre-existing legal parent-child relationship.
Done at, on

Signature and Seal of
Authorized Signatory

To :

- (1) Name and address of the Specialised Adoption Agency.
- (2) Name and address of the State Adoption Resource Agency/ concerned State Government Department.
- (3) Name and address of Authorized Foreign Adoption Agency/concerned Foreign Government Department/Indian Diplomatic Mission.
- (4) Diplomatic Mission of the Receiving Country in India.
- (5) Central Authority of the Receiving Country.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (6) Foreigners' Regional Registration Officer(FRRO).

SCHEDULE-11

[See paragraphs 13(1), 20(1) and 21(4)]

POST- PLACEMENT REPORT OF THE CHILD REPORT NO: DATE:

1. IDENTIFYING INFORMATION:
 - (a) Child's Name(initial and given. if any) :
 - (b) Surname/family name:
 - (c) Child's date of birth:
2. DETAILS OF THE CONTACTS WITH FAMILY LEADING TO THE REPORT
3. CHILD'S ADJUSTMENT:
 - (a) Current height and weight
 - (b) Results of physical examinations or doctor visits
 - (c) Eating and sleeping habits
 - (d) Emotional, physical and social development
 - (e) Attachment to family members
 - (f) Child's enrollment in school (if applicable)
 - (g) Language(s) spoken (if applicable)
4. ADJUSTMENT OF THE ADOPTIVE FAMILY MEMBERS WITH THE CHILD:
5. SIGNIFICANT CHANGES IN FAMILY STRUCTURE OR DYNAMICS, IF ANY:
(Change of residence, employment, work responsibilities, illness, etc.)
6. OBSERVATIONS AND RECOMMENDATIONS OF SOCIAL WORKER

(Signature)
Social Worker's Name:
Agency Name and Date

Note: Online updating of post-placement report is mandatory

SCHEDULE-12

[See paragraphs 25(1)(f) and 27(4)(i)]

MINIMUM STANDARDS OF CHILD CARE IN SAAs

1. All adoption agencies shall adhere to the minimum standards of child care prescribed under the Juvenile Justice (Care and Protection of Children) Rules. While providing child care, the following issues are important:
 - (a) A child's neurological growth is complete within the first few years of his or her early childhood and determines the brain's capabilities throughout the rest of his or her life. Moreover, a child needs to have experienced positive attachment by the age of 3 in order to develop cognitively, physically, socially, and psychologically. Hence, every effort shall be made by the SAA to expeditiously find alternate family for such children so that they develop attachment and proper bonding experiences during infancy itself.
 - (b) Quality child care (early childhood care) means providing adequate health care, immunization, feeding and nutrition, creating a safe environment so that infants and young children can play and socialize with their peers, promoting school readiness and preparing children for primary school and focusing on total development during early years of childhood.
 - (c) It should be ensured that there is no instance of child abuse and neglect while the child is in the institution.
2. The agencies are required to ensure that the following facilities are provided to the children in the institution:
 - (a) Physical facilities:
 - (i) Physical surroundings in which the children are cared for must be clean. Sanitation and hygiene maintained at the agency must be adequate since a majority of children at the institution are small and suffer from numerous ailments. Children below the age of 1 year should be in a room with an attached bathing room and milk room. Children between the age of 1 – 3 years should be kept in a room with an attached bathing and bathroom. The older children need to be separated into two boys room and girls room. Each room must have attached baths, and toilets.
 - (ii) There should be a separate washing area and a large kitchen and dining hall for the older children. Good lighting, ventilation and adequate space must be mandatory.
 - (iii) The home should be neat, clean, particularly bathrooms, toilets and kitchen. Walls and surroundings must be bright and stimulating. For visual stimulation the rooms should be well painted and decorated with toys, animal cut outs, etc
 - (b) Medical facilities:

Regular medical inspection must be done. Preferably every alternate day by a registered medical practitioner. The child specialist is best trained to diagnose and treat children who are at risk and highly vulnerable.

 - (i) Infants and children on admission to institutions should be in quarantine and observation for a week at least.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (ii) Weight, height and head circumference may be noted along with any other details available on the child at admission.
- (iii) A medical record should be maintained and a doctor must assess the child as soon as possible, preferably within 24 hours of his or her admission.
- (iv) Each child below the age of six months should be photographed every month, from six months to 3 years every three months and thereafter, every six months.
- (v) Immunization should be regularly given and monitored.
- (vi) Emergency kits should be available at all times in the Home and there should be a doctor on call.
- (vii) Staff to be immunized as well.
- (viii) General health measures viz hygiene, dental, skin care and diet to be supervised.
- (ix) Stimulation is very important for the proper development of the child. This could be achieved by increasing awareness amongst the nurses, helpers by introducing simple stimulation techniques in the daily routine. It is also advised to have a physiotherapist visit the children on a regular basis.
- (c) Staff:
 - (i) The agency must have adequate staff for child care, preferably in the ratio of 4:1 for children below 1 year, 5:1 for children in the age group 1 to 3 years and 8:1 for older children.
 - (ii) Adoption Homes need personnel who are sensitized to the issues of the children. They need to be “educated” in caring for the children. It is recommended to conduct workshops for nurses, helpers, care takers and other staff to enable them to recognize the special status of these children who are under their care.
 - (iii) As committed staff is an integral part of good child care, the motivational levels of the staff should be kept high.
- (d) Clothing:
It is important that the children in a home are dressed in clean, comfortable and well kept clothes at all times, not just during the visit of the adoptive parents.
- (e) Food:
The food in the institution should be hygienically cooked, nourishing and tasty. The menu should be varied. The need of children on a special diet should be attended to. This will help overcome the problems of malnutrition faced by children entering a home. Feeding charts with indication of the formulas may be displayed and followed.
- (f) Education:
The SAA should be able to provide informal education through a qualified teacher, and a special educator, or tie up with a school that will take the child or children on a temporary basis.
- (g) Volunteers:
It is very essential to talk, hug, hold, play, tell stories and sing to the child to give it a sense of security. Though this should be done regularly by the staff, it is also advisable to encourage volunteers to take up this activity.

SCHEDULE-13**[See paragraphs 29(1) and 47(1)]****ADOPTION EXPENSES**

1. Adoption expenses to be borne by Indian Parents residing in India or in cases where one of the couple is having Indian citizenship and the other is a foreign national and both are residing in India.

Sl.No.	Item	Amount of Payment	Time & mode of payment
1	Home Study Report (HSR) of the PAPs in India by the social worker	Rs.6,000 (inclusive of travel expenses)	To be paid by the PAPs to the specialised adoption agency or authorized social worker through demand draft or bank transfer prior to conduct of home study.
2.	Child Care Corpus(CCC), preparation of Child Study Report(CSR) & Medical Examination Report(MER), child care and maintenance, legal expenses and other administrative costs	Rs. 40, 000	To be paid by the PAPs to the specialised adoption agency at the time of receiving the child in pre-adoption foster care through demand draft or bank transfer.
3.	Post-adoption follow-up visits and counselling (4 times within a period of two years)	Rs. 2,000 per visit/ report(inclusive of travel expenses)	To be paid by the PAPs to the SAA or authorized social worker, on completion of the post placement report, through demand draft or bank transfer.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

2. Adoption expenses to be borne by NRI/OCI/Foreign PAPs residing in a foreign country.

Sl.No.	Item	Amount of Payment	Time & mode of payment
1	Home Study Report (HSR) of the PAPs by the authorised social worker	As per the norms of the receiving country.	To be paid by the PAPs to the AFAA/CA as per norms of the receiving country.
2.	Child Care Corpus(CCC), preparation of Child Study Report(CSR) & Medical Examination Report(MER), child care and maintenance, legal expenses and other administrative costs	5,000 US \$	To be paid by the PAPs habitually residing in a foreign country to the SAA through the concerned AFAA/CA, in two equal instalments - first installment on the acceptance of the child and another after filing of the adoption petition in the court. In case of adoption of siblings by a single family, the charges would be US \$5000 for the first child and US \$1000 for the other child.
3.	Post-adoption follow-up visits and counselling (4 times within a period of two years)	As per the norms of the receiving country.	To be paid by the PAPs to the AFAA/CA as per norms of the receiving country.

3. Adoption expenses to be borne by OCI/Foreign PAPs residing in India.

Sl.No.	Item	Amount of Payment	Time & mode of payment
1	Home Study Report (HSR) of the PAPs by the authorised social worker	300 US \$ (inclusive of travel expenses)	To be paid by the PAPs to the SAA or authorized social worker on completion of the Home Study through demand draft or bank transfer.
2.	Child Care Corpus(CCC), preparation of Child Study Report(CSR) & Medical Examination Report(MER), child care and maintenance, legal expenses and other administrative costs, post-adoption follow-up visits and counselling (4 times within a period of two years)	4700 US \$	To be paid by the PAPs to the SAA against items mentioned at column. 2

Note: Where a SAA has processed the adoption case of a child belonging to another child care institution (CCI), the SAA shall pay 50 % of the CCC amount through demand draft or bank transfer to the concerned CCI. The payment mode would be in terms of draft or bank transfer.

4. Utilisation of CCC by SAA

- (a) The adoption agencies shall utilize the amounts available in the Child Care Corpus only for welfare of the children in the home and maintenance of the home. The amount shall also cover all expenses incurred to finalize the adoption.
- (b) In case an agency is de-recognised, and a decision is taken by the State Government to rehabilitate and shift the children of that agency to another agency or agencies, then the balance available in the CCC would be transferred to such agency or agencies receiving the children in the ratio of the number of children transferred.
- (c) The specialised adoption agency shall maintain a separate bank account for the CCC along with separate record/register of receipts/payments/expenditure/ accounts.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (d) The CCC account should be audited at the end of the financial year by a Chartered Accountant who shall certify that the corpus has been used as stipulated in sub para (a) above.

SCHEDULE-14

[See paragraph 44]

TIMELINES FOR CONCERNED AUTHORITIES AND AGENCIES**A. Timeline for the processes relating to children:**

1.	6(2)	SAA to produce an abandoned child before the CWC along with a report containing his photograph and particulars. Within 24 hours (excluding journey period).
2.	6(4) & 7(2)	SAA to enter the details of the child along with his photograph online in the CARINGS. Within 72 hours from the time of receiving the child.
3.	6(5)	DCPU to advertise the particulars and photograph of an abandoned child in a state level newspaper having wide circulation and local cable networks, wherever existing. Within 72 hours from the time of receiving the child.
4.	6(9)	DCPU to submit a report to the CWC on the efforts made by it for tracing out the biological parents/legal guardian of an abandoned child, including the outcome of the particulars and photograph of the child in the newspapers. Within 30 days from the date of the order of the CWC for the same.
5.	6(10)	SAA to submit a report to the CWC regarding the efforts made by it to trace the biological parent(s) or legal guardian of the abandoned child. Within 30 days from the date the child is received for interim care by the order of CWC.
6.	7(13)	The reconsideration period/reclaiming of the surrendered child by the biological parent/legal guardian and intimation of the same by the SAA to CWC. Within 60 days of the date of surrender.
7.	6(14) & 7(16)	SAA to upload the Child Study Report (CSR) and Medical Examination Report (MER) along with latest photograph of the child. Within ten days from the date of declaration of the child as legally free for adoption by CWC.
8.	8(1)(a)	A normal child up to 05 years of age to be available for adoption by a Resident Indian (RI) and NRI PAPs. For 60 days from the date the child is declared legally free for adoption by the CWC.
9.	8(1)(b)	An older child above 5 years of age and siblings to be available for intercountry adoption. 30 days from the date the child is declared legally free for adoption by the CWC.
10.	8(1)(c)	A mentally and physically challenged child to be available for intercountry adoption. 15 days from the date the child is declared legally free for adoption by the CWC.

B. Timeline for Adoption by Resident Indians as well as OCI/Foreigner living in India:

S. No.	Para Action	Time
1.	9(4 & 5)	Home Study Report (HSR) of the PAPs to be completed by the social worker authorized by SAA or SARA Within 30 days from the date of submission of required documents in CARINGS.
2.	10(3)	PAPs to reserve one child shown as per their preference on CARINGS. Within 48 hours from the date and time of referral.
3	10(6)	Selection of a child by PAPs Within 15 days from the date of reserving the child.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

4.	12(1)	SAA to file adoption petition in the Court Within seven days from the date of acceptance of the child by the PAPs.
5.	12(4)	Disposal of the adoption petition by the Court Within two months from the date of filing of the petition.
7.	12(5)	SAA to obtain a certified copy of the adoption order from the Court, to forward the same to the PAPs and also to post the same in the CARINGS. Within ten days from the date of adoption order.
8.	12(7)	SAA to obtain the birth certificate of the child from the issuing authority and to post the same in the CARINGS/forward to the PAPs. Within ten days from the date of receipt of certified copy of the adoption order.

C. Timeline for Adoption from India by NRI/OCI/Foreign PAPs:

S No.	Para Action	Time
1.	16(7)	Reservation of one child by the PAPs out of two children referred from CARINGS through the AFAA/CA/Govt Department/Indian Mission Within 96 hours
2.	16 (10)	Acceptance of the child by the PAPs Within 30 days
5.	17(1)	NOC by CARA Within ten days from the date of acceptance of the child by the PAPs and approval of the Central Authority (CA).
6.	18(1)	SAA to file adoption petition in the Court Within seven days from the date of acceptance of the child by the PAPs.
7.	18(3)	Disposal of the adoption petition by the Court Within two months from the date of filing of the petition.
8.	18(4)	SAA to obtain a certified copy of the adoption order from the Court and to post the same in the CARINGS and forward it to the AFAA/CA. Within ten days from the date of adoption order.
9.	19(1) & (2)	CARA shall inform the concerned immigration authorities and the Foreigners Regional Registration Office (FRRO) about confirmation of adoption. Within three working days from the date of availability of adoption order.
10.	19(3)	SAA to submit application to the Regional Passport Officer (RPO) for the passport to the child. Within three working days from the date of availability of adoption order.
11.	19(4)	RPO to issue the passport to the child Within ten days from the date of receipt of application for the same.
12.	19(5)	Foreigners Regional Registration Office (FRRO) to issue exit visa to the adopted child, where ever required. Within three working days from the date of online submission of application along with all supporting documents.
13.	19(6)	SAA to obtain the birth certificate of the child from the issuing authority and to post the same in the CARINGS and forward it to the concerned AFAA/CA. Within ten days from the date of receipt of certified copy of the adoption order.

SCHEDULE 15

[See paragraph 48]

FORMAT FOR QUARTERLY ADOPTION DATA FOR SPECIALISED ADOPTION AGENCY (SAA)

DATA FOR THE FINANCIAL YEAR: -----

Name of the Specialised : _____

Adoption Agency (SAA) : _____

Address : _____

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

Landline : _____

Mobile : _____

Fax : _____

Email : _____

Part I	Pre-Adoption Foster Care in case of Incountry Adoption*			In-country Adoption (Adoptions Completed #)		
	Male	Female	Total	Male	Female	Total
1st Quarter (April- June)						
2nd Quarter (July - Sept)						
3rd Quarter (Oct - Dec)						
4th Quarter (Jan - March)						

Part II	Pre-Adoption Foster Care in case of Incountry Adoption*			In-country Adoption (Adoptions Completed #)		
	Male	Female	Total	Male	Female	Total
1st Quarter (April- June)						
2nd Quarter (July - Sept)						
3rd Quarter (Oct - Dec)						
4th Quarter (Jan - March)						

* Pre-adoption foster care means, a child who has left the institution with his/her adoptive family during the particular period pending finalisation of adoption court order from the competent court.

Adoptions completed means, adoption court order finalized during the particular period.

Signature of the Authorised Signatory with Stamp and Date

[F. No. 18-06/2014 CW-II]

RASHMI SAXENA SAHNI, Jt. Secy.

□□□

Child Friendly Police Station Programme in Jharkhand

Redefining Policing with a Human Face

INTRODUCTION :

“Safety and security don’t just happen; they are the result of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free of violence and fear.”

-- Nelson Mandela

Child Protection is one of four broad categories of child rights. As child protection is protecting and preventing children from abuse, violence, exploitation and neglect, there is huge piece around family and community responsibility along with duty of service providers/duty bearers in creating a protective environment for children. It is a vast area and there are many legal provisions to be implemented to protect children. Apart from Indian Penal Code, there are laws like Juvenile Justice Care and Protection of Children) Act (2000, amended in 2006), Prohibition of Child Marriage Act (2006), Protection of Children from Sexual Offences Act (2012), Child Labour (Prohibition and Regulation) Act (1986), Criminal Law Amendment Act (2013) and many others. There is limited training and sensitization on the special laws and its implementation among the law enforcing agencies and hence its application for protecting children gets adversely affected. In this context, it is very necessary to ensure that police officers are trained, they apply these laws and there is a regular review mechanism in place to ensure that those bound under law are implementing the provisions of the law to safeguard children from violence, abuse and exploitation.

Juvenile Justice (Care and Protection of Children) Act 2000 as amended in 2006 provides basic framework and structure for the children related to conflict with law and children in need of care and protection. It emphasizes on providing proper care, protection and treatment of children by catering to their development needs, and by adopting a child friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation.

Police is the first contact point for children in most vulnerable situations often in distress. Hence role as police officers in securing childhood is crucial. Better co-ordination among duty bearers and adequate infrastructural facility to provide timely and quality support is also important.

As one of the strategies for securing childhood, a child friendly police station program has been initiated in Jharkhand by Jharkhand Police in collaboration with UNICEF. The basic understanding is that for both children in conflict with law and in need of care and protection, police has been mandated under various legislations to play an important role. If police starts executing their duty equipped with knowledge and sensitivity, damage to childhood can be minimised and even prevented.

There are 21 criteria set for the police station for it to qualify as child friendly police station. These criteria are drawn primarily from the Juvenile Justice (Care and Protection of Children) Act 200 and state rules 2009 and focuses on its “implementability” - translating the provisions laid down under the Act and rules to action/implementation. These indicators are divided in Structure, Procedure, Attitude, Resources, Community connection and Coordination (SPARCC).

OBJECTIVES:

The objective of this child friendly police station programme is to help police officers especially the Child Welfare Officer and the Officer in Charge of the thanna with a list of to do, take action and do the self-assessment bi-annually on the progress made. These list of to do will help the CWO and the police station become child friendly and provide necessary and timely support

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

to the children in need of care and protection and children in conflict with law. It also equips them to perform their role better as envisaged in special laws related to protection of children in the country.

STRATEGIES AND TOOLS:

There is an incentive build in the program design which aims to award/recognize the Officer-Incharge of the police station and the Child Welfare Officer of the police stations which achieves 21 indicators and also to appreciate its consistency (continue practice of 21 indicator) by the Director General of Police.

Tools for regular reporting is also designed in the form of 3 registers and 1 reporting pad that is sent to the Head Quarters, Criminal Investigation Department, as Nodal Department of Special Juvenile Police Station (SJPU) under Juvenile Justice System in Jharkhand -

- (i) Child Friendly Police Station monthly reporting which contains 21 indicators
- (ii) Register of CNCP cases and action taken
- (iii) Register of CCL cases and action taken
- (iv) Monthly reporting pads with a carbon copy which contains both kind of cases (CNCP and CCL) and what action taken.

Two big sized printed flex calendar also provided in the launch of this programme for every police station - one for self-evaluation of police station based on 21 indicators and other which contains reference of these indicators in laws. Both to be hanged at every police station.

LIST OF 21 INDICATORS:

The 21 indicators are largely drawn from JJ Act and State Rule 2009 and its interpretation. They have been categories under six broad areas under this child friendly police station programme as below explained:

Structure [JJ Act Sec 63(2)(3)]

1. Police Station has a designated police officer as Child Welfare officer [Rule 84(3)].
2. A separate space/room to talk with children [Rule 11(13)].
3. Sitting, toilet and safe drinking water arrangement for children [Rule 11(13)].
4. Child Welfare officer/other trained police officer to be present in the separate room or space designated in the police station for addressing children issues.
5. Child related informative posters related to acts or other provisions displayed in the police station
6. Name of Child Welfare Officer prominently displayed in the police station [Rule 11(14)].

Procedure [JJ Act Sec 63(1)]:

7. Separate register is maintained in the police station to record cases related to children, complaints registered related to crime against children and action taken. This will also include FIR registered in case of missing children [SJPU notification 2012].
8. FIR is registered against missing children.
9. A copy of FIR of crime against children including missing children is given to parents/legal guardians/complainant free of cost [CrPC Sec 50(1)].
10. Officers in police stations are aware about the right procedure to be followed in case of child in need of care and protection and child in conflict with law.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

11. Child Welfare Officers in the police station has right knowledge about the provisions under special acts for protection of children and they use it in best interest of the child

Attitude [JJ Act Sec 63(2)]:

12. Officers in police station believe that violence, abuse, exploitation against children is unacceptable.
13. Officers in the police station understands that for a victim, be a child or a women, coming to thanna for registering a complaint is the last resort. (Thus more sensitivity and prompt action from police is expected to provide relief and protection to the victim)
14. While dealing with children in conflict with law, emphasis is on “why” rather than “what”

Resources [JJ Act Sec 63(2)]:

15. Police officer/Child Welfare Officer has received training on child protection and related issues and shares the knowledge/ information gained with other officers in the police station.
16. Resource material related to various special acts for protection of children and women from violence and exploitation is available in the police station and is being used.

Community Connection [JJ Rule 84(7)]:

17. Community outreach program are organised by the police station on issues related to children
18. Media is not allowed to publish photograph/reveal the identity of children covered under JJ Act [JJ Act Sec (21)].

Coordination [JJ Rule 84(5)]:

19. Child Welfare Officer coordinates with Child Welfare Committee (CWC), Juvenile Justice Board (JJB), Child Welfare Officer (CWOs) of other thanna. Probation Officer, Superintendents of Homes, District Legal Services Authority.
20. List and contact details of Childline, NGOs, CWC, JJB, Para Legal Volunteers hospital other related agencies is displayed in the police station
21. CWO participates/organises co-ordination meetings and takes necessary action.

STEPS LAID DOWN TO CERTIFY CHILD FRIENDLY POLICE STATION

- Self - assessment at the beginning of the program in the flex at the police station by the CWO/Officer In Charge of the thanna
- Self- assessment of the progress of the indicators every month and recording information.
- Monthly review by Superintendent of Police & Quarterly review at state level by IG CID
- Regular handholding, training and support to officer-in-charge and Child Welfare Officer to meet 21 criteria by UNICEF, civil society organisations and police officers primarily Juvenile/ Child Welfare Officer (JCWO) of Inspector rank at district level who has been entrusted with the responsibility of CFPS nodal officer.
- Regular monitoring, reporting of progress and verification of fulfillment of 21 indicators -JCWO at the district level
- SP to forward the name of police stations which have achieved 21 indicators to IG CID.
- Certification by Director General of Police (DGP), Jharkhand
- If the police station maintains 21 criteria for 1 year, awarded by DGP.

COMMENCEMENT OF THE PROGRAMME:

This innovative programme was piloted in 2012 with six police stations in Ranchi division. The program then was upscale to all the police station, with a slight change in the design of the program in 2013. The state wide program was launched by the Director General of Police, Jharkhand Mr. Rajeev Kumar in December, 2013 and indicators printed flexes in the form of calendar and reference materials on child protection and relevant police orders provided for every police station. It's an ongoing program, a learning process with lot of buy in and support from senior police officers from the Nodal Officer SJPU.

PARTNERSHIP & SUPPORT:

This innovative programme is designed jointly by Criminal Investigation Department (CID) and UNICEF Jharkhand. UNICEF also provides technical and financial supported to implement and monitor the program.

CAPACITY BUILDING TRAINING:

Frequent capacity building programs for the SJPU nodal officers, CWOs, Sub Inspectors, AHTUs, CWC, DCPS, Para Legal volunteers have been organised by CID, Department of Social Welfare, Women and Child Development, JHALSA and UNICEF since 2012. Attempts are also made to increase convergence between CWC, SJPU, DCPS and most of the training programs are designed to achieve this objective.

REVIEW & MONITORING:

Regular review of the status of the CFPS programme at state level by CID and district level by the Superintendent of Police (as head of SJPU at district Level) and SJPU Nodal Inspector is done.

CURRENT STATUS:

27 Police Station Certified as Child Friendly Police Station.

VISIBLE OUTCOMES:

- The missing children cases reported as FIR in most of the police stations
- Awareness on Juvenile Justice System, Protection of Children from Sexual Offences Act and other laws at police level increased. Number of cases registered under JJ Act, POCSO Act, Child Marriage Prohibition Act has increased.
- Information about CWC, JJB and DCPU and other stakeholders at police station is now available with them and coordination has improved
- Community level meeting organised by police station on child related law in few police station in Koderma (Markachcho and Satgawan PS) etc which have achieved child friendly police station indicators.
- People feel more comfortable going police stations now and registering cases of missing children, child abuse; trafficking etc. the increase in number of cases shows it.
- SJPU nodal officers have headed the teams formed under Opeartion Muskan. About 500 children have been rescued/restored to their families.
- Police order has been issued stating CWOs cannot be transferred before two years and SJPU nodal officer at district level cannot be transferred before three years to put a check on frequent transfers of CWOs.
- Children section is separated from women and children section in CID for giving children due importance and missing and child section has been created.

CHALLENGES:

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- Implementation in all the police stations
- CWO also assigned many other duties and not able to perform the function as envisaged under JJ Act, POCSO and other legislations for protection of children.
- Not regularly reviewed by all the SPs
- Reporting mechanism not yet regularized and streamlined

WAY FORWARD:

- 1) The SP and the IG Range should review the progress made towards making every thanna fulfill the 21 criteria.
- 2) Advocate for a policy decision of dedicating atleast one police officer with appropriate skill and aptitude in every thanna exclusively to deal with all cases related to children, women and senior citizens. This person can be designated as Child Welfare Officer in all the police stations. This may be termed as Social Policing Cadre (502 officers)
- 3) Software for reporting and monitoring can be developed. Monthly data can be fed either at the police station level or at district technical cell.

By
Priti Srivastava
Child Protection Officer
UNICEF Jharkhand



UN Guidelines for the Alternative Care of Children

Adopted by the UN General Assembly on 18th December 2009

Why these guidelines ?

- Millions of children are in alternative care in the world and many more at risk of separation from their families.
- Strengthening families to keep their children is the most effective and cheap form of care.
- Mismatch between children's needs and long-term effects of residential institutions and other forms of care.
- Residential care is greatly over-used in many parts of the world and remains the default option for children without adequate family care.

Purpose

- The UN Guidelines set out desirable orientations for policy and practice, seeking :
 - To keep children in the care of their families or, if not possible, find another permanent solution, including adoption and *kafala*.
 - When that is not feasible/desirable, to provide the most suitable forms of alternative care.
 - To assist governments to better implement their obligations and to guide policies, decisions and interventions of all actors.

Definitions

- **Alternative care** : provide to children without parental care. In other words: care provided instead of that of the parents.
- **Children without parental care**: all children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances.

Scope

- Guidelines applicable to formal care (kinship, foster care, other forms of family-based care, residential care, supervised independent living) and also encouraged for care in other settings (boarding schools, hospitals, centres for children with disabilities, etc.)
- Not applicable to children deprived of liberty, adopted children and informal arrangements.

General Principles

- The priority must always be to keep (or return) the child in the care of his/her parents. State must support vulnerable families in their caregiving roles. When that is not possible, the State assumes the responsibility.
- Decisions must be made on a case-by-case basis, in the best interest of the child and in consultation with him/her.
- Maintain the child as close as possible to his/her habitual place of residence.
- Ensure children a stable home. Permanency is generally a goal.
- Removal of a child from the family must be a measure of last resort, temporary, for the shortest possible time and the decision must be reviewed periodically.
- Poverty alone does not justify putting a child in alternative care.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- Children must be treated with dignity, ensuring their protection and safeguarding all their other rights.
- Separation of siblings should be avoided in principle.
- Residential care should be used in exceptional circumstances and avoided for children under 3. Large residential institutions should be progressively eliminated.
- Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from parental care, for receiving a child into alternative care, or for preventing his/her reintegration, but should be seen as a signal for the need to provide appropriate support to the family.

Preventing the need for alternative care

Promoting parental care

- Support families and address root causes of abandonment, relinquishment and separation of the child from his/her family (poverty, limited access to basic services, marginalization...)
- Empower families and parents to care for their children. Special attention for single and adolescent parents and child-headed households.

Preventing family separation

- Decisions on removal or reintegration of a child must be based on a thorough assessment, made by qualified professionals using pre-established criteria.
- Parents wishing to relinquish a child permanently or for a short or indefinite period, must receive counseling and support and be encouraged to continue caring for the child.
- Decisions to remove a child against the will of the parents must be made by competent authorities and subject to judicial review.
- For children in prison with their parent/s, follow the best interests of the child.

Promoting family reintegration

- Decisions must be based on a thorough assessment, made by qualified professionals, in consultation with the different actors.
- The objectives of the reintegration and the family's tasks should be set out in writing and agreed on by all concerned.
- Regular and appropriate contact between the child and the family prior to reintegration.
- Reintegration must be gradual and supervised/monitored.

Providing alternative care

- States should take all necessary measures to provide for adequate alternative care options, with priority to family and community – based solutions.
- Decisions to determine the most appropriate form of care must be made in the best interests of the child, through an established procedure, based on a professional assessment, carried out on a case-by-case basis and in close consultation with the child and his/her parents or legal guardians. The child should be able to challenge the decision.
- Inform the child and parents about existing options and their implications.
- Frequent changes should be avoided, trying to secure permanent solutions.
- Individualized care plans must be in place as soon as possible, in writing, and must be reviewed regularly.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- Put in place adequate measures to ensure the optimal provision of informal care
- Formal care :
 - Encourage contacts of the child with his/her family and friends.
 - Ensure access to health, nutrition, education, play, hygiene, spiritual life (avoiding indoctrination), protection...
 - Prohibit any inhuman, cruel or degrading form of discipline or punishment. Never restrict contact with the family as a sanction
 - Have access to a formal mechanism for complaints.
 - Care agencies and facilities must be registered and be regularly reviewed. Their financing should never encourage the child's unnecessary placement or prolonged stay in alternative care.
 - Keep complete, accurate and confidential records of each child.
 - Ensure training and good conditions of work for employed careers.
 - Ensure that only appropriate admissions to institutions take place, without any solicitation.
 - Frequent inspections and an independent monitoring mechanism (CPSRs role ?)
 - Prepare children for after care, well in advance, in a gradual manner and with individualized support if possible.

Other provisions

- Care for children outside their country of habitual residence
 - Unaccompanied or separated children abroad should enjoy the same level of protection and care as national children in the country concerned. Special attention for children victims of trafficking.
- Care in emergency situations
 - Guidelines still applicable in situations of emergency.
 - Avoid the establishment of new long-term residential facilities.
 - Prevent the cross-border displacement of children, except in case of compelling health, medical or safety reasons. They should be accompanied by a parent or caregiver.

Conclusions

- The priority must always be to keep (or return) the child in the care of his/her parents. That is in principle the best place for the child to be. State must support vulnerable families in their caregiving roles.
- When that fails, then look for a permanent solution, such as adoption or *kafala*.
- If that is not possible, then think explore alternative care options, starting with those that are family and community-based.
- When everything fails, then consider institutional care.
- In India, the transition from a institution-based care system to a family-based one will not happen overnight and will not happen by itself. The alternatives have to be established and strengthened.



Relevant instruments in the field of Justice for Children

United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems

Adopted by General Assembly resolution 67/187 of 20 December 2012.

A. INTRODUCTION

1. Legal aid is an essential element of a fair, humane and efficient criminal justice system that is based on the rule of law. Legal aid is a foundation for the enjoyment of other rights, including the right to a fair trial, as defined in article 11, paragraph 1, of the Universal Declaration of Human Rights, a precondition to exercising such rights and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process.
2. Furthermore, article 14, paragraph 3 (d), of the International Covenant on Civil and Political Rights states that everyone should be entitled, among other rights, “to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it”.
3. A functioning legal aid system, as part of a functioning criminal justice system, may reduce the length of time suspects are held in police stations and detention centers, in addition to reducing the prison population, wrongful convictions, prison overcrowding and congestion in the courts, and reducing reoffending and revictimization. It may also protect and safeguard the rights of victims and witnesses in the criminal justice process. Legal aid can be utilized to contribute to the prevention of crime by increasing awareness of the law.
4. Legal aid plays an important role in facilitating diversion and the use of community based sanctions and measures, including non-custodial measures; promoting greater community involvement in the criminal justice system; reducing the unnecessary use of detention and imprisonment; rationalizing criminal justice policies; and ensuring efficient use of State resources.
5. Regrettably, many countries still lack the necessary resources and capacity to provide legal aid for suspects, those charged with a criminal offence, prisoners, victims and witnesses.
6. The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, which are drawn from international standards and recognized good practices, aim to provide guidance to States on the fundamental principles on which a legal aid system in criminal justice should be based and to outline the specific elements required for an effective and sustainable national legal aid system, in order to strengthen access to legal aid pursuant to Economic and Social Council resolution 2007/24 of 26 July 2007, entitled “International cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa”.
7. In line with the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa and the Lilongwe Plan of Action for the implementation of the Declaration, the Principles and Guidelines follow a broad concept of legal aid.
8. For the purposes of the Principles and Guidelines, the term “legal aid” includes legal advice, assistance and representation for persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence and for victims and witnesses in the criminal justice process that is provided at no cost for those without sufficient means or when the

interests of justice so require. Furthermore, “legal aid” is intended to include the concepts of legal education, access to legal information and other services provided for persons through alternative dispute resolution mechanisms and restorative justice processes.

9. For the purposes of the Principles and Guidelines, the individual who provides legal aid is herein referred to as the “legal aid provider”, and the organizations that provide legal aid are referred to as the “legal aid service providers”. The first providers of legal aid are lawyers, but the Principles and Guidelines also suggest that States involve a wide range of stakeholders as legal aid service providers in the form of non-governmental organizations, community-based organizations, religious and non-religious charitable organizations, professional bodies and associations and academia. Provision of legal aid to foreign nationals should conform to the requirements of the Vienna Convention on Consular Relations and other applicable bilateral treaties.
10. It should be noted that States employ different models for the provision of legal aid. These may involve public defenders, private lawyers, contract lawyers, pro bono schemes, bar associations, paralegals and others. The Principles and Guidelines do not endorse any specific model but encourage States to guarantee the basic right to legal aid of persons detained, arrested or imprisoned,¹ suspected² or accused of, or charged with a criminal offence, while expanding legal aid to include others who come into contact with the criminal justice system and diversifying legal aid delivery schemes.
11. The Principles and Guidelines are based on the recognition that States should, where appropriate, undertake a series of measures that, even if not strictly related to legal aid, can maximize the positive impact that the establishment and/or reinforcement of a properly working legal aid system may have on a properly functioning criminal justice system and on access to justice.
12. Recognizing that certain groups are entitled to additional protection or are more vulnerable when involved with the criminal justice system, the Principles and Guidelines also provide specific provisions for women, children and groups with special needs.
13. The Principles and Guidelines are primarily concerned with the right to legal aid, as distinct from the right to legal assistance as recognized in international law. Nothing in these Principles and Guidelines should be interpreted as providing a lesser degree of protection than that provided under existing national laws and regulations and international and regional human rights conventions or covenants applicable to the administration of justice, including, but not limited to, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. However, this should not be interpreted as meaning that States are bound by international and regional instruments that they have not ratified or acceded to.

B. PRINCIPLES

Principle 1 - Right to legal aid

14. Recognizing that legal aid is an essential element of a functioning criminal justice system that is based on the rule of law, a foundation for the enjoyment of other rights, including the right to a fair trial, and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process, States should guarantee the right to legal aid in

¹ The terms “arrest”, “detained person” and “imprisoned person” are understood as defined in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (resolution 43/173, annex).

² The right to legal aid of suspects arises before questioning, when they become aware that they are the subject of investigation, and when they are under threat of abuse and intimidation, e.g., in custodial settings.

their national legal systems at the highest possible level, including, where applicable, in the constitution.

Principle 2 - Responsibilities of the State

15. States should consider the provision of legal aid their duty and responsibility. To that end, they should consider, where appropriate, enacting specific legislation and regulations and ensure that a comprehensive legal aid system is in place that is accessible, effective, sustainable and credible. States should allocate the necessary human and financial resources to the legal aid system.
16. The State should not interfere with the organization of the defence of the beneficiary of legal aid or with the independence of his or her legal aid provider.
17. States should enhance the knowledge of the people about their rights and obligations under the law through appropriate means, in order to prevent criminal conduct and victimization.
18. States should endeavour to enhance the knowledge of their communities about their justice system and its functions, the ways to file complaints before the courts and alternative dispute resolution mechanisms.
19. States should consider adopting appropriate measures for informing their communities about acts criminalized under the law. The provision of such information for those traveling to other jurisdictions, where crimes are categorized and prosecuted differently, is essential for crime prevention.

Principle 3 - Legal aid for persons suspected of or charged with a criminal offence

20. States should ensure that anyone who is detained, arrested, suspected of, or charged with a criminal offence punishable by a term of imprisonment or the death penalty is entitled to legal aid at all stages of the criminal justice process.
21. Legal aid should also be provided, regardless of the person's means, if the interests of justice so require, for example, given the urgency or complexity of the case or the severity of the potential penalty.
22. Children should have access to legal aid under the same conditions as or more lenient conditions than adults.
23. It is the responsibility of police, prosecutors and judges to ensure that those who appear before them who cannot afford a lawyer and/or who are vulnerable are provided access to legal aid.

Principle 4 - Legal aid for victims of crime

24. Without prejudice to or inconsistency with the rights of the accused, States should, where appropriate, provide legal aid to victims of crime.

Principle 5 - Legal aid for witnesses

25. Without prejudice to or inconsistency with the rights of the accused, States should, where appropriate, provide legal aid to witnesses of crime.

Principle 6 - Non discrimination

26. States should ensure the provision of legal aid to all persons regardless of age, race, colour, gender, language, religion or belief, political or other opinion, national or social origin or property, citizenship or domicile, birth, education or social status or other status.

Principle 7 - Prompt and effective provision of legal aid

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

27. States should ensure that effective legal aid is provided promptly at all stages of the criminal justice process.
28. Effective legal aid includes, but is not limited to, unhindered access to legal aid providers for detained persons, confidentiality of communications, access to case files and adequate time and facilities to prepare their defence.

Principle 8 - Right to be informed

29. States should ensure that, prior to any questioning and at the time of deprivation of liberty, persons are informed of their right to legal aid and other procedural safeguards as well as of the potential consequences of voluntarily waiving those rights.
30. States should ensure that information on rights during the criminal justice process and on legal aid services is made freely available and is accessible to the public.

Principle 9 - Remedies and safeguards

31. States should establish effective remedies and safeguards that apply if access to legal aid is undermined, delayed or denied or if persons have not been adequately informed of their right to legal aid.

Principle 10 - Equity in access to legal aid

32. Special measures should be taken to ensure meaningful access to legal aid for women, children and groups with special needs, including, but not limited to, the elderly, minorities, persons with disabilities, persons with mental illnesses, persons living with HIV and other serious contagious diseases, drug users, indigenous and aboriginal people, stateless persons, asylum seekers, foreign citizens, migrants and migrant workers, refugees and internally displaced persons. Such measures should address the special needs of those groups, including gender sensitive and age-appropriate measures.
33. States should also ensure that legal aid is provided to persons living in rural, remote and economically and socially disadvantaged areas and to persons who are members of economically and socially disadvantaged groups.

Principle 11 - Legal aid in the best interests of the child

34. In all legal aid decisions affecting children, the best interests of the child should be the primary consideration.
35. Legal aid provided to children should be prioritized, in the best interests of the child, and be accessible, age appropriate, multidisciplinary, effective and responsive to the specific legal and social needs of children.

Principle 12 - Independence and protection of legal aid providers

36. States should ensure that legal aid providers are able to carry out their work effectively, freely and independently. In particular, States should ensure that legal aid providers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel, to consult and meet with their clients freely and in full confidentiality both within their own country and abroad, and to freely access prosecution and other relevant files; and do not suffer, and are not threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Principle 13 - Competence and accountability of legal aid providers

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

37. States should put in place mechanisms to ensure that all legal aid providers possess education, training, skills and experience that are commensurate with the nature of their work, including the gravity of the offences dealt with, and the rights and needs of women, children and groups with special needs.
38. Disciplinary complaints against legal aid providers should be promptly investigated and adjudicated in accordance with professional codes of ethics before an impartial body and subject to judicial review.

Principle 14 - Partnerships

39. States should recognize and encourage the contribution of lawyers' associations, universities, civil society and other groups and institutions in providing legal aid.
40. Where appropriate, public private and other forms of partnership should be established to extend the reach of legal aid.

C. GUIDELINES

Guideline 1 - Provision of legal aid

41. Whenever States apply a means test to determine eligibility for legal aid, they should ensure that:
 - (a) Persons whose means exceed the limits of the means test but who cannot afford, or do not have access to, a lawyer in situations where legal aid would have otherwise been granted and where it is in the interests of justice to provide such aid, are not excluded from receiving assistance;
 - (b) The criteria for applying the means test are widely publicized;
 - (c) Persons urgently requiring legal aid at police stations, detention centres or courts should be provided preliminary legal aid while their eligibility is being determined. Children are always exempted from the means test;
 - (d) Persons who are denied legal aid on the basis of the means test have the right to appeal that decision;
 - (e) A court may, having regard to the particular circumstances of a person and after considering the reasons for denial of legal aid, direct that that person be provided with legal aid, with or without his or her contribution, when the interests of justice so require;
 - (f) If the means test is calculated on the basis of the household income of a family, but individual family members are in conflict with each other or do not have equal access to the family income, only the income of the person applying for legal aid is used for the purpose of the means test.

Guideline 2 - Right to be informed on legal aid

42. In order to guarantee the right of persons to be informed of their right to legal aid, States should ensure that:
 - (a) Information on the right to legal aid and what such aid consists of, including the availability of legal aid services and how to access such services and other relevant information, is made available to the community and to the general public in local government offices and educational and religious institutions and through the media, including the Internet, or other appropriate means;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (b) Information is made available to isolated groups and marginalized groups. Use should be made of radio and television programmes, regional and local newspapers, the Internet and other means, in particular, following changes to the law or specific issues affecting a community, targeted community meetings;
- (c) Police officers, prosecutors, judicial officers and officials in any facility where persons are imprisoned or detained inform unrepresented persons of their right to legal aid and of other procedural safeguards;
- (d) Information on the rights of a person suspected of or charged with a criminal offence in a criminal justice process and on the availability of legal aid services is provided in police stations, detention centres, courts and prisons, for example, through the provision of a letter of rights or in any other official form submitted to the accused. Such information should be provided in a manner that corresponds to the needs of illiterate persons, minorities, persons with disabilities and children; and such information should be in a language that those persons understand. Information provided to children must be provided in a manner appropriate to their age and maturity;
- (e) Effective remedies are available to persons who have not been adequately informed of their right to legal aid. Such remedies may include a prohibition on conducting procedural actions, release from detention, exclusion of evidence, judicial review and compensation;
- (f) Means of verification that a person has actually been informed are put in place.

Guideline 3 - Other rights of persons detained, arrested, suspected or accused of, or charged with a criminal offence

43. States should introduce measures:

- (a) To promptly inform every person detained, arrested, suspected or accused of, or charged with a criminal offence of his or her right to remain silent; his or her right to consult with counsel or, if eligible, with a legal aid provider at any stage of the proceedings, especially before being interviewed by the authorities; and his or her right to be assisted by an independent counsel or legal aid provider while being interviewed and during other procedural actions;
- (b) To prohibit, in the absence of any compelling circumstances, any interviewing of a person by the police in the absence of a lawyer, unless the person gives his or her informed and voluntary consent to waive the lawyer's presence, and to establish mechanisms for verifying the voluntary nature of the person's consent. An interview should not start until the legal aid provider arrives;
- (c) To inform all foreign detainees and prisoners in a language they understand of their right to request contact with their consular authorities without delay;
- (d) To ensure that persons meet with a lawyer or a legal aid provider promptly after their arrest in full confidentiality; and that the confidentiality of further communications is guaranteed;
- (e) To enable every person who has been detained for any reason to promptly notify a member of his or her family, or any other appropriate person of his or her choosing, of his or her detention and location and of any imminent change of location; the competent authority may, however, delay a notification if absolutely necessary, if provided for by law and if the transmission of the information would hinder a criminal investigation;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (f) To provide the services of an independent interpreter, whenever necessary, and the translation of documents where appropriate;
- (g) To assign a guardian, whenever necessary;
- (h) To make available in police stations and places of detention the means to contact legal aid providers;
- (i) To ensure that persons detained, arrested, suspected or accused of, or charged with a criminal offence are advised of their rights and the implications of waiving them in a clear and plain manner; and should endeavour to ensure that the person understands both;
- (j) To ensure that persons are informed of any mechanism available for filing complaints of torture or ill treatment;
- (k) To ensure that the exercise of these rights by a person is not prejudicial to his or her case.

Guideline 4 - Legal aid at the pretrial stage

44. To ensure that detained persons have prompt access to legal aid in conformity with the law, States should take measures:
- (a) To ensure that police and judicial authorities do not arbitrarily restrict the right or access to legal aid for persons detained, arrested, suspected or accused of, or charged with a criminal offence, in particular in police stations;
 - (b) To facilitate access for legal aid providers assigned to provide assistance to detained persons in police stations and other places of detention for the purpose of providing that assistance;
 - (c) To ensure legal representation at all pretrial proceedings and hearings;
 - (d) To monitor and enforce custody time limits in police holding cells or other detention centres, for example, by instructing judicial authorities to screen the remand caseload in detention centres on a regular basis to make sure that people are remanded lawfully, that their cases are dealt with in a timely manner and that the conditions in which they are held meet the relevant legal standards, including international ones;
 - (e) To provide every person, on admission to a place of detention, with information on his or her rights in law, the rules of the place of detention and the initial stages of the pretrial process. Such information should be provided in a manner that corresponds to the needs of illiterate persons, minorities, persons with disabilities and children and be in a language that the person in need of legal aid understands. Information provided to children should be provided in a manner appropriate for their age and maturity. The information material should be supported by visual aids prominently located in each detention centre;
 - (f) To request bar or legal associations and other partnership institutions to establish a roster of lawyers and paralegals to support a comprehensive legal system for persons detained, arrested, suspected or accused of, or charged with a criminal offence, in particular at police stations;
 - (g) To ensure that every person charged with a criminal offence has adequate time, facilities and technical and financial support, in case he or she does not have sufficient means, to prepare his or her defence and is able to consult with his or her lawyer in full confidentiality.

Guideline 5 - Legal aid during court proceedings

45. To guarantee that every person charged with a criminal offence for which a term of imprisonment or capital punishment may be imposed by a court of law has access to legal aid in all proceedings at court, including on appeal and other related proceedings, States should introduce measures:
- (a) To ensure that the accused understands the case against him or her and the possible consequences of the trial;
 - (b) To ensure that every person charged with a criminal offence has adequate time, facilities and technical and financial support, in case he or she does not have sufficient means, to prepare his or her defence and is able to consult with his or her lawyer in full confidentiality;
 - (c) To provide representation in any court proceedings by a lawyer of choice, where appropriate, or by a competent lawyer assigned by the court or other legal aid authority at no cost when the person does not have sufficient means to pay and/or where the interests of justice so require;
 - (d) To ensure that the counsel of the accused is present at all critical stages of the proceedings. Critical stages are all stages of a criminal proceeding at which the advice of a lawyer is necessary to ensure the right of the accused to a fair trial or at which the absence of counsel might impair the preparation or presentation of a defence;
 - (e) To request bar or legal associations and other partnership institutions to establish a roster of lawyers and paralegals to support a comprehensive legal system for persons detained, arrested, suspected or accused of, or charged with a criminal offence; such support could include, for example, appearing before the courts on fixed days;
 - (f) To enable, in accordance with national law, paralegals and law students to provide appropriate types of assistance to the accused in court, provided that they are under the supervision of qualified lawyers;
 - (g) To ensure that unrepresented suspects and the accused understand their rights. This may include, but is not limited to, requiring judges and prosecutors to explain their rights to them in clear and plain language.

Guideline 6 - Legal aid at the post trial stage

46. States should ensure that imprisoned persons and children deprived of their liberty have access to legal aid. Where legal aid is not available, States shall ensure that such persons are held in prison in conformity with the law.
47. For this purpose, States should introduce measures:
- (a) To provide all persons, on admission to the place of imprisonment and during their detention, with information on the rules of the place of imprisonment and their rights under the law, including the right to confidential legal aid, advice and assistance; the possibilities for further review of their case; their rights during disciplinary proceedings; and procedures for complaint, appeal, early release, pardon or clemency. Such information should be provided in a manner that corresponds to the needs of illiterate persons, minorities, persons with disabilities and children and should be in a language that the person in need of legal aid understands. Information provided to children should be provided in a manner appropriate for their age and maturity. The information material should be supported by visual aids prominently located in those parts of the facilities to which prisoners have regular access;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (b) To encourage bar and legal associations and other legal aid providers to draw up rosters of lawyers, and paralegals, where appropriate, to visit prisons to provide legal advice and assistance at no cost to prisoners;
- (c) To ensure that prisoners have access to legal aid for the purpose of submitting appeals and filing requests related to their treatment and the conditions of their imprisonment, including when facing serious disciplinary charges, and for requests for pardon, in particular for those prisoners facing the death penalty, as well as for applications for parole and representation at parole hearings;
- (d) To inform foreign prisoners of the possibility, where available, of seeking transfer to serve their sentence in their country of nationality, subject to the consent of the States involved.

Guideline 7 - Legal aid for victims

48. Without prejudice to or inconsistency with the rights of the accused and consistent with the relevant national legislation, States should take adequate measures, where appropriate, to ensure that:
- (a) Appropriate advice, assistance, care, facilities and support are provided to victims of crime, throughout the criminal justice process, in a manner that prevents repeat victimization and secondary victimization;
 - (b) Child victims receive legal assistance as required, in line with the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime;
 - (c) Victims receive legal advice on any aspect of their involvement in the criminal justice process, including the possibility of taking civil action or making a claim for compensation in separate legal proceedings, whichever is consistent with the relevant national legislation;
 - (d) Victims are promptly informed by the police and other front line responders (i.e., health, social and child welfare providers) of their right to information and their entitlement to legal aid, assistance and protection and of how to access such rights;
 - (e) The views and concerns of victims are presented and considered at appropriate stages of the criminal justice process where their personal interests are affected or where the interests of justice so require;
 - (f) Victim services agencies and non-governmental organizations can provide legal aid to victims;
 - (g) Mechanisms and procedures are established to ensure close cooperation and appropriate referral systems between legal aid providers and other professionals (i.e., health, social and child welfare providers) to obtain a comprehensive understanding of the victim, as well as an assessment of his or her legal, psychological, social, emotional, physical and cognitive situation and needs.

Guideline 8 - Legal aid for witnesses

49. States should take adequate measures, where appropriate, to ensure that:
- (a) Witnesses are promptly informed by the relevant authority of their right to information, their entitlement to assistance and protection and how to access such rights;
 - (b) Appropriate advice, assistance, care facilities and support are provided to witnesses of crime throughout the criminal justice process;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (c) Child witnesses receive legal assistance as required, in line with the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime;
 - (d) All statements or testimony given by the witness at all stages of the criminal justice process are accurately interpreted and translated.
50. States should, where appropriate, provide legal aid to witnesses.
51. The circumstances in which it may be appropriate to provide legal aid to witnesses include, but are not limited to, situations in which:
- (a) The witness is at risk of incriminating himself or herself;
 - (b) There is a risk to the safety and well-being of the witness resulting from his or her status as such;
 - (c) The witness is particularly vulnerable, including as a result of having special needs.

Guideline 9 - Implementation of the right of women to access legal aid

52. States should take applicable and appropriate measures to ensure the right of women to access legal aid, including:
- (a) Introducing an active policy of incorporating a gender perspective into all policies, laws, procedures, programmes and practices relating to legal aid to ensure gender equality and equal and fair access to justice;
 - (b) Taking active steps to ensure that, where possible, female lawyers are available to represent female defendants, accused and victims;
 - (c) Providing legal aid, advice and court support services in all legal proceedings to female victims of violence in order to ensure access to justice and avoid secondary victimization and other such services, which may include the translation of legal documents where requested or required.

Guideline 10 - Special measures for children

53. States should ensure special measures for children to promote children's effective access to justice and to prevent stigmatization and other adverse effects as a result of their being involved in the criminal justice system, including:
- (a) Ensuring the right of the child to have counsel assigned to represent the child in his or her own name in proceedings where there is or could be a conflict of interest between the child and his or her parents or other parties involved;
 - (b) Enabling children who are detained, arrested, suspected or accused of, or charged with a criminal offence to contact their parents or guardians at once and prohibiting any interviewing of a child in the absence of his or her lawyer or other legal aid provider, and parent or guardian when available, in the best interests of the child;
 - (c) Ensuring the right of the child to have the matter determined in the presence of the child's parents or legal guardian, unless it is not considered to be in the best interests of the child;
 - (d) Ensuring that children may consult freely and in full confidentiality with parents and/or guardians and legal representatives;
 - (e) Providing information on legal rights in a manner appropriate for the child's age and maturity, in a language that the child can understand and in a manner that is gender- and culture- sensitive. Provision of information to parents, guardians or caregivers

should be in addition, and not an alternative, to communicating information to the child;

- (f) Promoting, where appropriate, diversion from the formal criminal justice system and ensuring that children have the right to legal aid at every stage of the process where diversion is applied;
 - (g) Encouraging, where appropriate, the use of alternative measures and sanctions to deprivation of liberty and ensuring that children have the right to legal aid so that deprivation of liberty is a measure of last resort and for the shortest appropriate period of time;
 - (h) Establishing measures to ensure that judicial and administrative proceedings are conducted in an atmosphere and manner that allow children to be heard either directly or through a representative or an appropriate body in a manner consistent with the procedural rules of national law. Taking into account the child's age and maturity may also require modified judicial and administrative procedures and practices.
54. The privacy and personal data of a child who is or who has been involved in judicial or non-judicial proceedings and other interventions should be protected at all stages, and such protection should be guaranteed by law. This generally implies that no information or personal data may be made available or published, particularly in the media, that could reveal or indirectly enable the disclosure of the child's identity, including images of the child, detailed descriptions of the child or the child's family, names or addresses of the child's family members and audio and video records.

Guideline 11 - Nationwide legal aid system

55. In order to encourage the functioning of a nationwide legal aid system, States should, where it is appropriate, undertake measures:
- (a) To ensure and promote the provision of effective legal aid at all stages of the criminal justice process for persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence, and for victims of crime;
 - (b) To provide legal aid to persons who have been unlawfully arrested or detained or who have received a final judgement of the court as a result of a miscarriage of justice, in order to enforce their right to retrial, reparation, including compensation, rehabilitation and guarantees of non-repetition;
 - (c) To promote coordination between justice agencies and other professionals such as health, social services and victim support workers in order to maximize the effectiveness of the legal aid system, without prejudice to the rights of the accused;
 - (d) To establish partnerships with bar or legal associations to ensure the provision of legal aid at all stages of the criminal justice process;
 - (e) To enable paralegals to provide those forms of legal aid allowed by national law or practice to persons detained, arrested, suspected of, or charged with a criminal offence, in particular in police stations or other detention centres;
 - (f) To promote the provision of appropriate legal aid for the purpose of crime prevention.
56. **States should also take measures:**
- (a) To encourage legal and bar associations to support the provision of legal aid by offering a range of services, including those that are free (pro bono), in line with their professional calling and ethical duty;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (b) To identify incentives for lawyers to work in economically and socially disadvantaged areas (e.g., tax exemption, fellowships and travel and subsistence allowances);
 - (c) To encourage lawyers to organize regular circuits of lawyers around the country to provide legal aid to those in need.
57. In the design of their nationwide legal aid schemes, States should take into account the needs of specific groups, including but not limited to the elderly, minorities, persons with disabilities, the mentally ill, persons living with HIV and other severe contagious diseases, drug users, indigenous and aboriginal people, stateless persons, asylum seekers, foreign citizens, refugees and internally displaced persons, in line with guidelines 9 and 10.
58. States should take appropriate measures to establish child friendly and child-sensitive legal aid systems, taking into account children's evolving capacities and the need to strike an appropriate balance between the best interests of the child and children's right to be heard in judicial proceedings, including:
- (a) Establishing, where possible, dedicated mechanisms to support specialized legal aid for children and support the integration of child friendly legal aid into general and non-specialized mechanisms;
 - (b) Adopting legal aid legislation, policies and regulations that explicitly take into account the child's rights and special developmental needs, including the right to have legal or other appropriate assistance in the preparation and presentation of his or her defence; the right to be heard in all judicial proceedings affecting him or her; standard procedures for determining best interest; privacy and protection of personal data; and the right to be considered for diversion;
 - (c) Establishing child friendly legal aid service standards and professional codes of conduct. Legal aid providers working with and for children should, where necessary, be subject to regular vetting to ensure their suitability for working with children;
 - (d) Promoting standard legal aid training programmes. Legal aid providers representing children should be trained in and be knowledgeable about children's rights and related issues, receive ongoing and in depth training and be capable of communicating with children at their level of understanding. All legal aid providers working with and for children should receive basic interdisciplinary training on the rights and needs of children of different age groups and on proceedings that are adapted to them, and training on psychological and other aspects of the development of children, with special attention to girls and children who are members of minority or indigenous groups, and on available measures for promoting the defence of children who are in conflict with the law;
 - (e) Establishing mechanisms and procedures to ensure close cooperation and appropriate referral systems between legal aid providers and different professionals to obtain a comprehensive understanding of the child, as well as an assessment of his or her legal, psychological, social, emotional, physical and cognitive situation and needs.
59. To ensure the effective implementation of nationwide legal aid schemes, States should consider establishing a legal aid body or authority to provide, administer, coordinate and monitor legal aid services. Such a body should:
- (a) Be free from undue political or judicial interference, be independent of the Government in decision making related to legal aid and not be subject to the direction, control or financial intimidation of any person or authority in the performance of its functions, regardless of its administrative structure;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (b) Have the necessary powers to provide legal aid, including but not limited to the appointment of personnel; the designation of legal aid services to individuals; the setting of criteria and accreditation of legal aid providers, including training requirements; the oversight of legal aid providers and the establishment of independent bodies to handle complaints against them; the assessment of legal aid needs nationwide; and the power to develop its own budget;
- (c) Develop, in consultation with key justice sector stakeholders and civil society organizations, a long term strategy guiding the evolution and sustainability of legal aid;
- (d) Report periodically to the responsible authority.

Guideline 12 - Funding the nationwide legal aid system

- 60. Recognizing that the benefits of legal aid services include financial benefits and cost savings throughout the criminal justice process, States should, where appropriate, make adequate and specific budget provisions for legal aid services that are commensurate with their needs, including by providing dedicated and sustainable funding mechanisms for the national legal aid system.
- 61. To this end, States could take measures:
 - (a) To establish a legal aid fund to finance legal aid schemes, including public defender schemes, to support legal aid provision by legal or bar associations; to support university law clinics; and to sponsor non-governmental organizations and other organizations, including paralegal organizations, in providing legal aid services throughout the country, especially in rural and economically and socially disadvantaged areas;
 - (b) To identify fiscal mechanisms for channelling funds to legal aid, such as:
 - (i) Allocating a percentage of the State's criminal justice budget to legal aid services that are commensurate with the needs of effective legal aid provision;
 - (ii) Using funds recovered from criminal activities through seizures or fines to cover legal aid for victims;
 - (c) To identify and put in place incentives for lawyers to work in rural areas and economically and socially disadvantaged areas (e.g., tax exemptions or reductions, student loan payment reductions);
 - (d) To ensure fair and proportional distribution of funds between prosecution and legal aid agencies.
- 62. The budget for legal aid should cover the full range of services to be provided to persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence, and to victims. Adequate special funding should be dedicated to defence expenses such as expenses for copying relevant files and documents and collection of evidence, expenses related to expert witnesses, forensic experts and social workers, and travel expenses. Payments should be timely.

Guideline 13 - Human resources

- 63. States should, where appropriate, make adequate and specific provisions for staffing the nationwide legal aid system that are commensurate with their needs.
- 64. States should ensure that professionals working for the national legal aid system possess qualifications and training appropriate for the services they provide.

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

65. Where there is a shortage of qualified lawyers, the provision of legal aid services may also include non-lawyers or paralegals. At the same time, States should promote the growth of the legal profession and remove financial barriers to legal education.
66. States should also encourage wide access to the legal profession, including affirmative action measures to ensure access for women, minorities and economically disadvantaged groups.

Guideline 14 - Paralegals

67. States should, in accordance with their national law and where appropriate, recognize the role played by paralegals or similar service providers in providing legal aid services where access to lawyers is limited.
68. For this purpose, States should, in consultation with civil society and justice agencies and professional associations, introduce measures:
 - (a) To develop, where appropriate, a nationwide scheme of paralegal services with standardized training curricula and accreditation schemes, including appropriate screening and vetting;
 - (b) To ensure that quality standards for paralegal services are set and that paralegals receive adequate training and operate under the supervision of qualified lawyers;
 - (c) To ensure the availability of monitoring and evaluation mechanisms to guarantee the quality of the services provided by paralegals;
 - (d) To promote, in consultation with civil society and justice agencies, the development of a code of conduct that is binding for all paralegals working in the criminal justice system;
 - (e) To specify the types of legal services that can be provided by paralegals and the types of services that must be provided exclusively by lawyers, unless such determination is within the competence of the courts or bar associations;
 - (f) To ensure access for accredited paralegals who are assigned to provide legal aid to police stations and prisons, facilities of detention or pretrial detention centres, and so forth;
 - (g) To allow, in accordance with national law and regulations, court-accredited and duly trained paralegals to participate in court proceedings and advise the accused when there are no lawyers available to do so.

Guideline 15 - Regulation and oversight of legal aid providers

69. In adherence to principle 12, and subject to existing national legislation ensuring transparency and accountability, States, in cooperation with professional associations, should:
 - (a) Ensure that criteria are set for the accreditation of legal aid providers;
 - (b) Ensure that legal aid providers are subject to applicable professional codes of conduct, with appropriate sanctions for infractions;
 - (c) Establish rules to ensure that legal aid providers are not allowed to request any payment from the beneficiaries of legal aid, except when authorized to do so;
 - (d) Ensure that disciplinary complaints against legal aid providers are reviewed by impartial bodies;
 - (e) Establish appropriate oversight mechanisms for legal aid providers, in particular with a view to preventing corruption.

Guideline 16- Partnerships with non-State legal aid service providers and universities

70. States should, where appropriate, engage in partnerships with non-State legal aid service providers, including non-governmental organizations and other service providers.
71. To this end, States should take measures, in consultation with civil society and justice agencies and professional associations:
 - (a) To recognize in their legal systems the role to be played by non-State actors in providing legal aid services to meet the needs of the population;
 - (b) To set quality standards for legal aid services and support the development of standardized training programmes for non-State legal aid service providers;
 - (c) To establish monitoring and evaluation mechanisms to ensure the quality of legal aid services, in particular those provided at no cost;
 - (d) To work with all legal aid service providers to increase outreach, quality and impact and facilitate access to legal aid in all parts of the country and in all communities, especially in rural and economically and socially disadvantaged areas and among minority groups;
 - (e) To diversify legal aid service providers by adopting a comprehensive approach, for example, by encouraging the establishment of centres to provide legal aid services that are staffed by lawyers and paralegals and by entering into agreements with law societies and bar associations, university law clinics and non-governmental and other organizations to provide legal aid services.
72. States should, where appropriate, also take measures:
 - (a) To encourage and support the establishment of legal aid clinics in law departments within universities to promote clinical and public interest law programmes among faculty members and the student body, including in the accredited curriculum of universities;
 - (b) To encourage and provide incentives to law students to participate, under proper supervision and in accordance with national law or practice, in a legal aid clinic or other legal aid community scheme, as part of their academic curriculum or professional development;
 - (c) To develop, where they do not already exist, student practice rules that allow students to practise in the courts under the supervision of qualified lawyers or faculty staff, provided that such rules are developed in consultation with and accepted by the competent courts or bodies that regulate the practice of law before the courts;
 - (d) To develop, in jurisdictions requiring law students to undertake legal internships, rules for them to be allowed to practise in the courts under the supervision of qualified lawyers.

Guideline 17 - Research and data

73. States should ensure that mechanisms to track, monitor and evaluate legal aid are established and should continually strive to improve the provision of legal aid.
74. For this purpose, States could introduce measures:
 - (a) To conduct regular research and collection of data disaggregated by the gender, age, socioeconomic status and geographical distribution of legal aid recipients and to publish the findings of such research;

COMPENDIUM ON PROTECTION OF CHILDREN & REHABILITATION WITH FOCUS ON ALTERNATE FAMILY BASED CARE

- (b) To share good practices in the provision of legal aid;
- (c) To monitor the efficient and effective delivery of legal aid in accordance with international human rights standards;
- (d) To provide cross cultural, culturally appropriate, gender sensitive and age appropriate training to legal aid providers;
- (e) To improve communication, coordination and cooperation between all justice agencies, especially at the local level, to identify local problems and to agree on solutions to improve the provision of legal aid.

Guideline 18 - Technical assistance

75. Technical assistance based on needs and priorities identified by requesting States should be provided by relevant intergovernmental organizations, such as the United Nations, bilateral donors and competent non-governmental organizations, as well as by States in the framework of bilateral and multilateral cooperation, with a view to building and enhancing the national capacities and institutions for the development and implementation of legal aid systems and criminal justice reforms, where appropriate.

