

The Ministry of Women and Child Development invites comments and suggestions from all concerned on the "Draft Guidelines on Adoption of Indian Children without Parental Care". Your comments and suggestions should reach to the Joint Secretary (CW) by 05:30 PM on 31st May 2008 either by email/fax/post at following address:

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**DRAFT GUIDELINES
ON
ADOPTION OF INDIAN CHILDREN
WITHOUT PARENTAL CARE**

**CENTRAL ADOPTION RESOURCE AGENCY
MINISTRY OF WOMEN AND CHILD DEVELOPMENT
GOVERNMENT OF INDIA**

GLOSSARY OF TERMS

ACA	Adoption Coordinating Agency
AFAA	Authorized Foreign Adoption Agency
ASA	Adoption Scrutinizing Agency
CA	Central Authority
CARA	Central Adoption Resource Agency
CC	Clearance Certificate
CCI	Child Care Institution
CSR	Child Study Report
CWC	Child Welfare Committee
FPAPs	Foreign Prospective Adoptive Parents
Hague Convention	Convention on Protection of Children and Cooperation in respect of Inter-country Adoption 1993
HSR	Home Study Report
ICPS	Integrated Child Protection Scheme
JJ Act	Juvenile Justice (Care and Protection of Children) Amendment Act 2006
MER	Medical Examination Report
NRI	Non-Resident Indian
NOC	No Objection Certificate
OIC	Overseas Citizen of India
PAPs	Prospective Adoptive Parents
PIO	Person of Indian Origin
RIPA	Recognized Indian Placement Agency
SAA	Specialised Adoption Agency
SARA	State Adoption Resource Agency
State	State Governments/ Union Territory Administrations
UNCRC	United Nations Convention on the Rights of the Child
UT	Union Territory

DEFINITIONS

Abandoned: Abandoned child means an unaccompanied and deserted child who is declared abandoned by the Child Welfare Committee after due inquiry.

Adoption: It means the process through which the adopted child is permanently separated from his biological parents and become the legitimate child of his adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship.

Adoption Coordinating Agency (ACA): ACA is an agency in a state/region recognized by CARA set up for the promotion of in-country Adoption.

Authorized Foreign Adoption Agency (AFAA): A Foreign Social/Child Welfare Agency that is authorized by CARA for sponsoring the application of Prospective NRI/OCI/PIO/Foreign Adoptive Parents for inter-country Adoption of an Indian child. This is also known as Authorized Agency of the receiving country.

Adoption Scrutinizing Agency (ASA): An independent Social/Child Welfare Agency appointed by the Court for scrutinizing adoption applications.

Agency Adoption: Adoption that is facilitated by a SSA that provides counseling services to all concerned, conducts home studies for prospective adoptive parents, prepares children for adoption, provides services for post-placement programs and completes legal procedure etc. All cases of orphan, abandoned and surrendered children coming in the category of “children in care and protection” shall be processed through SAA as provided under JJ Amendment Act 2006.

Best interest of the Child: It means a decision taken to ensure the physical, emotional, intellectual, social and moral development of a child in a given situation.

CCI: Child Care Institution registered under State JJ Rules

Central Adoption Resource Authority (CARA): An autonomous body of Ministry of Women and Child Development, Government of India to act as a Central Authority in the matter of adoptions in the country.

Central Authority (CA): As defined under Hague Convention on Inter-country Adoption-1993

Child Welfare Committee (CWC): A Committee as defined in JJ Act-2000 to deal with children in need of care and protection to determine the legal status of orphan, abandoned and surrendered children.

Child Study Report (CSR): It will contain details about the child, its date of birth, social background etc.

Clearance Certificate (CC): A certificate issued by SARA and ACA (where ever existing) declaring a child free for adoption by PIO/Foreign parents.

Competent Authority: As per the provisions laid down under the Juvenile Justice (Care and Protection of Children) Act 2000 and its amendment Act 2006, Child Welfare Committee (CWC) is the Competent Authority to deal with the matters concerning children in need of care and protection.

Cradle Baby Reception Center: An initiative under the ICPS to declare one SAA in each district as the Cradle Baby Reception Centre to receive abandoned children through Cradle Points

JJ Model Rules (2007): It is based on Juvenile Justice (Care and Protection of Children) Amendment Act-2006, which has been framed by central government to deal with children in need of care and protection and children in conflict with law.

Home Study Report (HSR):It contains details of the Adoptive Couple’s social status and family background; description of Home; standard of living; relationship with spouse and family members; health details; economic status etc.

Integrated Child Protection Scheme (ICPS): Integrated Child Protection Scheme of Ministry of Women and Child Development is an intervention of holistic approach towards child protection and rehabilitation.

In-Country Adoption: Adoption of an Indian child by Indian parent(s) residing in India.

Inter-country Adoption: Adoption of an Indian child by NRI/OCI/PIO and Foreign prospective adopters.

Medical Examination Report (MER):It will contain medical report of the child, report of hospitalization if any etc.

No Objection Certificate (NOC): A Certificate issued by CARA permitting the child to be placed with prospective foreign/PIO/OCI/NRI adoptive parents.

NRI: NRI means Indian citizens who hold Indian passports and are presently residing abroad.

OCI: OCI means a person registered as Overseas Citizen of India (OCI) under section 7A of the Citizenship Act, 1955.

Open Adoption: Family adoption amongst relatives comes in this category. Such adoptions are possible within the definition of HAMA and JJ Amendment Act 2006 etc.

Orphan: The term is used to describe children who have lost/separated from both of their biological parents or from biological mother in case of single parent.

PAP: Prospective Adoptive Parents

PIO: Persons of Indian origin (PIO) means a foreign citizen (not being a citizen of Pakistan, Bangladesh and other countries as may be specified by the Central Govt. from time to time) if:

- i. he/she at any time held an Indian Passport; or
- ii. he/she or either of his parents or grand parents or great grand parents was born in and permanently resident in India as defined in the Government of India Act 1935 and other territories that became part of India thereafter provided neither was at any time a citizen of any of the aforesaid countries (as referred to) above;
- iii. he or she is a spouse of a citizen of India or a person of Indian origin covered
- iv. under (a) or (b) above.

PIO Card Holder: A person registered as PIO Card Holder under MHA's Scheme vide Notification No 26011/4/98-F.I dated 19.08.2002.

Release Order: A certificate issued by CWC declaring a child free for adoption after completing due inquiry.

RIPA: Recognized Indian Placement Agency for placing children in inter-country adoption. Such agencies are recognized by CARA.

SARA: State Adoption Resource Agency, which will function as state level nodal body on adoption and shall report to CARA

SAA: Specialized Adoption Agency recognized by State Government for the purpose of placing children in in-country adoption.

Shishu Greh Scheme: The "Scheme of Assistance to Homes for Children (Shishu Greh) to Promote In-country Adoption" has been in operation since 1992-93 to promote in-country adoption. The Scheme was revised w.e.f. 1st April, 2001 to extend the programme to State Govt.-run-institutions to promote in-country adoption.

Special Needs children: A child with 'Special Needs' is a child who, without medical, physical, emotional or developmental interventions, will not be able to reach his/her full potential.

Surrendered child: It means a child, who in the opinion of the Committee, is relinquished on account of physical, emotional and social factors beyond the control of the parent or guardian.

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PART I INTRODUCTION

1.1 Background

The UN Convention on the Rights of the Child (UNCRC) 1989 acknowledges that the family is the most desirable environment for the development and well-being of children, that parents have primary responsibility for the upbringing of the child, and that the child has, as far as possible, the right to know and be cared for by his or her parents. At the same time, it foresees the appropriate use of substitute care for cases where the children are deprived of their family environment or, in their best interests cannot be allowed to remain in that environment and, in such situations it anticipates recourse to institutional placement as a measure of last resort. Article 3 of the UNCRC emphasizes that the best interests of the child shall be a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies.

The Government of India considers adoption as the best non-institutional support for rehabilitation of orphan, abandoned and surrendered children who become homeless and whose separation from their biological parents cannot be avoided for various reasons. In pursuance of its constitutional mandate, the Government of India has evolved a National Policy for the Welfare of Children. The thrust of this policy is summed up in the following words:

"The Nation's children are a supremely important asset. Their nurture and solicitude are our responsibility. Children's programme shall find a prominent part in our national plans for the development of human resources, so that our children grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skills and motivations needed by society. Equal opportunities for development to all children during the period of growth should be our aim, for this would serve our larger purpose of reducing inequality and ensuring social justice."

The Hague Convention on Inter-country Adoption-1993 stipulates rights and safeguards for all orphan, abandoned and surrendered children. Juvenile Justice (Care and Protection of Children) Act 2000 (amended in 2006) and its Model Rules (2007) is the basic law for child related matters including rehabilitation of orphan, abandoned and surrendered children. The Model Rules have stipulated childcare standards for institutionalised children, their rights and safeguards.

Following the above mandate, the Government of India has evolved several programmes to ensure the betterment of children and their development in a wholesome manner including the 'Integrated Child Protection Scheme'. The Ministry of Women and Child Development, Govt. of India has been mandated with the welfare of children in difficult circumstances and those considered most vulnerable. The rehabilitation of such children through adoption is one of the major planks of the Ministry's policies for children. It recognizes the family as the central fulcrum around which both mental and physical development of a child is given full opportunity to blossom.

In order to facilitate the implementation of the norms, principles and procedures relating to the adoption of children laid down by the Honourable Supreme Court in their judgments dated the 6th Feb. 1984, 27th Sep. 1985 and 3rd Dec. 1986 in Writ Petition L. K. Pandey vs. Union of India (NO. 1171) of 1982, the Government of India issued Guidelines vide Ministry of Welfare's Resolution No. 13-33/85-CH (AC) dated the 4th July 1989. The Government of India issued the Revised Guidelines for Adoption of Indian Children vide notification dated the 29th May 1995 after examining subsequent directions laid down by the Supreme Court of India and the recommendations of the Task Force constituted under the Chairmanship of Justice P. N. Bhagawati, retired Chief Justice of Supreme Court of India. Subsequently, the Government of India converted the Central Adoption Resource Agency into an autonomous body with effect from the 18th March, 1999. It was designated as Central Authority by the Ministry of Social Justice and Empowerment on 17.7.2003 for the implementation of the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption (1993). The Ministry of Women and Child Development has now been mandated to look after the subject matters 'Adoption' and 'Juvenile Justice (Care and Protection of Children) Act, 2000' pursuant to 16th Feb. 2006 notification of Govt. of India regarding reallocation of the Business.

In the year 2004 and 2006, Government notified "In-country Guidelines 2004" and "Guidelines for Adoption from India 2006" respectively. Also, the Central Government amended the Juvenile Justice (Care and Protection of Children) Act, 2000 in the year 2006 to ensure adequate protection and rehabilitation measures for children in need of care and protection.

1.2 Goals and Fundamental Principles

(a) The child welfare goals for the most vulnerable category of children, i.e. orphan/abandoned and surrendered children are safety (child protection), family preservation (restoration to biological parents and strengthening family) and their rehabilitation through various non-institutional services as visualized in the UNCRC and Hague Convention on Inter-country Adoption (both ratified by India), principles laid down by the Honourable Supreme Court of India in the series of Judgments delivered in L.K. Pandey vs. Union of India and Others between 1984 and 1991 and various other court orders from time to time.

(b) Prevention of separation of a child from his/her biological parents/guardians and minimizing institutionalization of all adoptable children, child's reintegration with biological parents and/or guardians and family reintegration constitute the most desirable permanent solution. International standards provide that family solutions must be a priority and in-country adoptions must be given preference over inter-country adoptions.

(c) All homeless children including orphan and abandoned children must have access to non-institutional services and adoptions. Placement of children in adoption must be guided by a procedure in a time bound manner at all stages, so that adoptable children find themselves in adoptive families in the minimum possible time.

(d) The goal as envisaged under the Hague Convention on Inter-country Adoption, 1993 is to protect the rights of children, birth families and adoptive parents. It is intended to provide every homeless child a family to ensure better social and emotional development within his/her own socio-cultural milieu, encourage and propagate adoption of children within the country and regulate and facilitate the procedure for Inter-country adoptions as mandated under Hague Convention on Inter country Adoption.

Adoption rests on three major principles:

- i) International adoption may only be considered if all efforts to place a child in domestic adoption or other forms of family based placement alternatives such as placement with relatives (kinship care), sponsorship and foster care arrangements have been exhausted;
- ii) Prohibiting improper financial or other gain and requiring that only costs and expenses, including reasonable professional fees, be charged; and
- iii) The primacy of the child's best interests

1.3 Government of India and CARA

In the Government of India, the Ministry of Women and Child Development deals with all policy matters related to adoption. The Ministry has the primary responsibility for the development and funding of various schemes related to adoption and is competent to frame rules and issue Guidelines related to non-institutional care and adoption of children. The Ministry is competent to take policy decisions on any issue related to children, including orphan, abandoned and surrendered children.

As per the directions of the Supreme Court of India in WP (CRL) No 1171/1982 and on the basis of a Cabinet decision dated 9.5.1990, the Government of India vide Resolution No 1-10/88-CH(AC) dated 28th June, 1990 published in the Gazette of India No 166 dated 3rd July, 1990, set up CARA to act as a clearing house of information in regard to children available for in-country and inter-country adoption and to regulate, monitor and develop programmes for rehabilitation of children through adoption.

CARA was registered under the Societies Registration Act on 18th March 1999 as an autonomous body. By virtue of ratification of Hague Convention on Inter-country Adoption on 6.6.2003, Government of India designated CARA as the Central Authority vide its letter No 4-1/2003/Hague Convention dated 16.7.2003.

Central Adoption Resource Agency (hereinafter called CARA) has been mandated to promote in-country adoption and regulate inter-country adoption and carry out such functions as provided under the Guidelines.

1.4 Scope and application

These Guidelines shall replace (i) Guidelines for In-country adoption, 2004 and (ii) Guidelines for Adoption from India, 2006. Cases of all orphan, abandoned, surrendered children shall be processed as per the provisions prescribed under the present Guidelines. These Guidelines shall be applicable over the entire country.

PART - II
CHILD CARE AND REHABILITATION PRIORITIES

The family is the primary setting for children's development. It is imperative to ensure that efforts are made for maintaining the child with his or her parents by providing necessary support to the latter in their care-giving role. Such a policy has to include support to families in different situations through kinship care, sponsorship and temporary foster care etc.

2.1 Priority No I (Safety/Protection Needs of a Child)

“Child Protection” is about protecting children from or against any perceived or real danger or risk to their life, their personhood and childhood. It is about reducing their vulnerabilities to any kind of harm and protecting them in harmful situations. Infants and young children are more vulnerable than others. When children are admitted into adoption agencies/child care institutions, their protection or safety need is to be accorded highest priority. These agencies are required to support quality standards so that every child is safe.

2.2 Priority No II (Restoration and Family Preservation Efforts)

The family preservation services may include family support interventions, health and nutrition programmes, education programmes, psycho-social support, household economic strengthening programs etc. SAAs are urged to promote kinship care, family foster care and sponsorship programme to prevent separation of children from their biological parents.

Restoration of a child to the biological parent/s and preventing abandonment of a child are important priorities. In cases where biological parents are not traceable, kinship care can be promoted. Agencies and authorities should make every effort to prevent the separation of children from their parents or primary caregivers, unless the best interests of the child so require, and ensure that their actions do not inadvertently encourage family separation by providing services and benefits to children alone rather than to families. Should family reintegration prove impossible within an appropriate period, or be deemed contrary to the child's best interests, other options such as adoption, sponsorship, foster care or appropriate residential care should be envisaged. All sponsorship and foster care shall be carried out as per the criteria laid down in the JJ Model Rules 2007/State Rules.

2.3 Priority No III (In-country Adoption)

The best interest of the child without a family is served by providing it an opportunity to be placed with a family within its own socio-cultural milieu. Due consideration is to be given to the child's upbringing and to his/her ethnic, religious, cultural and linguistic background while doing placement for his/her adoption. Inter-country adoption is therefore, to be seen as an option to be considered only when in-country adoption is not possible.

2.4 Priority No IV (Inter-country Adoption)

Inter-country adoption may be seen as the next priority while making rehabilitation efforts for children, which can be preferred to long term institutionalization. Priority for placement of children in adoption shall be given as under:

- (a) Indians in India

- (b) NRIs/OCIs
- (c) PIOs
- (d) Foreigners

2.5 Priority No V (Institutional Care)

In spite of its best efforts to place children in non-institutional care, if a particular RIPA/SAA does not succeed, the next alternative left with it is to place such children into appropriate care institutions keeping their best interest in mind. A list of such institutions may be maintained by Child Welfare Committees (CWC) and State Adoption Resource Agencies (SARA) to enable such children to get appropriate childcare as envisaged under JJ Amendment Act 2006.

2.6 Eligibility Criteria of Prospective adoptive Parents

- a) A married couple with 3 years of stable relationship, having adequate financial resources and good health is eligible to adopt.
- b) As far as possible a PAP should be less than 25 years and more than 55 years of age. Prospective adoptive parents should have a composite age of 90 years or less to adopt infants and young children. These provisions may be suitably relaxed, in the best interest of the child, in exceptional cases, for reasons clearly stated in the Home Study Report.
- c) Single persons (never married, widowed, divorced) can also adopt.
- d) Age difference of the single adoptive parent and child should be 21 years or more.
- e) A second adoption will be considered only when the legal adoption of the first child is completed.
- f) Same sex couples are not eligible to adopt
- g) Older couples may be considered for older children while younger couples may be considered for infants and young children

2.7 Criteria for Children to be Considered for Adoption:

The following criteria have to be met while considering any child for adoption:

- a) The child must be legally free for adoption.
- b) In case of Inter-country adoption, Clearance from SARA-ACA is mandatory for all children except wherever exempted under the Guidelines.
- c) Siblings/twins/triplets cannot be separated except in exceptional cases.
- d) Two unrelated children cannot be proposed to an Indian/foreign family at the same time.
- e) A child may, as far as possible, be placed in adoption before he/she reaches the age of 12.
- f) The consent of the child has to be obtained if he/she has attained the age of 7 years.

2.8 Care and Rehabilitation in Emergency Situations

All principles set out in the present Guidelines should continue to apply in situations of emergency arising from natural and man-made disasters. In case a child is orphaned in a calamity, and the relatives/ guardians are alive, efforts should be made to unite him/her with his/her relatives/guardians provided there is nothing to indicate that it is not in the best interest of the child. In case there is no known surviving relative/ guardian, temporary foster care or institutional care may be considered. If it has been established beyond doubt that there is no surviving relative/guardian the child may be placed in in-country adoption. No action should be taken that may hinder eventual family reintegration of the child. No hasty step may be taken for finding the placement of children in inter-country adoption.

2.9 Adoption of Special needs children

A child with 'Special Needs' is a child who, without medical, physical, emotional or developmental interventions, will not be able to reach his/her full potential. Special care must be taken when processing the cases for adoption of special needs children, so that the parents and family are both aware and ready to provide the extra care and attention that such a child needs. It is important to understand that a child with special needs requires, more than any other child, the care and love of a family at as early a stage as possible. A special needs child should be always placed only with an agency that can effectively handle Special Needs placements.

PART III RECOGNITION AND AUTHORIZATION

3.1 Specialized Adoption Agency

The SAA shall work under the overall supervision of State Adoption Resource Agency (SARA) and where SARA is not constituted, the concerned State Govt. Department shall carry out its functions. All Child Care Institutions (CCI) must be registered under the provisions laid down under the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 as per Section-34 (3). The State Government shall recognize suitable CCIs as SAAs under Section 41(4) of the JJ Amendment Act 2006.

3.1.1 Criteria for Recognition of SAA

(a) The State Governments (the term "State Government" to include Union Territory Administration wherever applicable) shall recognize at least one suitable CCI as SAA in each district for placing children in adoption, and shall periodically renew recognition of such adoption agencies. Such an agency should have adequate infrastructure and facilities for quality childcare.

(b) Out of all the SAAs/CCIs, the State Government may earmark a few institutions to deal with high-degree special needs children (suffering from HIV/AIDS, mentally challenged and other hard to place categories), where experts are available to provide quality care and treatment on long-term basis for those children who are not adoptable or otherwise require long term institutional care.

(c) The State Government shall recognize a CCI to function as SAA under Section 41(4) of the JJ Amendment Act 2006

(d) Every CCI recognized by State Governments as SAA shall:

- i. be registered under sub-section (3) of section 34 of the Act;
- ii. be primarily engaged in non-profit activities;
- iii. be registered under the Societies Registration Act, 1860 / Public Trust Act or by Government order;
- iv. have a duly constituted Executive Committee. The Chief Executive of the organization as well as the majority of members of the Executive Committee should be Indian citizens;
- v. be engaged in child protection and welfare activities;
- vi. have high standards of child care facilities. Each agency shall observe prescribed and adequate standards in childcare laid down under these guidelines and engage professional staff as stipulated at **Annexure-A**;
- vii. comply with other requirements and standards of childcare as provided under the JJ Act and its Rules framed by Government of India or respective States;
- viii. have a computer and internet connection and adequate administrative support, office equipments and infrastructure to enable staff to carry out their duties in an efficient and effective manner.

(e) Wherever suitable, the State Government at its discretion may, after necessary inquiry, approve such NGOs specialized in non-institutional care services as SAAs. Such NGOs may not be providing institutional care but have the capacity and expertise to ensure quality non-institutional care for infants and young children through trained foster care givers on their panel.

- (f) Any CCI housing orphan/abandoned and surrendered children can apply for State recognition as SAA. An application may be submitted along with a copy of the registration under the Societies Registration Act 1860 / Public Trust Act, copy of its Memorandum of Association, MC and Rules and Regulations, copy of the registration certificate as CCI, annual reports for last three years, adoption data if any, list of professional and child care staff, list of children in the institution, undertaking to abide by the relevant rules in force and a resolution by the agency supporting the decision for placing orphan/abandoned/surrendered children in adoption.

3.1.2 Duration of Recognition

The State Government shall inspect the CCI before according recognition or renewing recognition of any adoption agency. While annual review of each SAA by SARA/State Government shall be mandatory, the State Government may recognize an SAA normally for a period of 5 years.

3.1.3 Renewal of Recognition

Renewal of recognition of SAA will depend on its performance. The SAA shall apply six months before the expiry of its recognition with all requisite documents including adoption figures for last 5 years and other such information as required by State Government. While renewing the recognition, the State Government is required to inspect the SAA and verify:

- a) Number of children placed in in-country adoption;
- b) Regular submission of annual reports, adoption data, monthly reports of the agency and audited statement of accounts as prescribed, adoption charges taken per child, donations received from different sources, payment of staff salary etc;
- c) There should be no instance of proven malpractice against the SAA;
- d) Records of follow up of in-country adoptions, including details of follow up, legalization, disruption if any;
- e) Number of children restored to biological parents/relatives/guardians, children in temporary foster care/pre-adoption foster care or benefited under sponsorship etc.

3.1.4 Inspection of Agencies

The premises of the SAA including its children's home/non-institutional care services and its records shall be open to inspection by the Ministry of Women and Child Development, CARA, SARA or the State Government or ACA or CWC or any other agency authorized by it.

3.1.5 Agencies to maintain Accounts

The SAA shall maintain proper accounts to be audited by a Chartered Accountant every year. An attested copy of audited accounts of the organisation together with its audit report, a copy of the Annual Report and FCRA statement, where necessary, shall be furnished by every agency within one month from the date on which the accounts are audited by the Chartered Accountant, to the concerned Department of the State Government.

3.2 Recognized Indian Placement Agency (RIPA)

RIPA is an agency duly recognized by CARA to place children in inter-country adoption. Any SAA desirous of undertaking inter-country adoption work shall apply for recognition to CARA through the State Government concerned. |

3.2.1 Criteria for Recognition of RIPA

Only such SAAs having adequate infrastructure and quality child care services may be recommended by the State Government to CARA for recognition for placing children in inter-country adoption. In addition to this, for recognition as RIPA, an SAA is required to have facilities for special needs children and large number of adoptable children waiting for placement. It should comply all requirements as stipulated under Para 3.1.1

3.2.2 Duration of Recognition

Recognition to a RIPA shall be granted normally for a period of 5 years. CARA shall have powers to review the status of recognition granted to any RIPA based on their performance. The State recognition for in-country adoption for corresponding period is also required.

3.2.3 Renewal of Recognition of RIPA

RIPA should apply for renewal of recognition six months prior to the date of expiry of the previous recognition. The original application should be sent by the RIPA to the concerned Department of the State Government and a copy of it should simultaneously be forwarded directly to CARA. The State Government will forward the application to CARA along with its comments within a period of two months from the date of receipt of the complete application. Recognition would normally be renewable for a period of five years subject to the following conditions:

- a. Recommendation/views of the concerned State Government accompanied by the inspection report of the RIPA;
- b. Satisfactory performance in relation to in-country adoption will be an important factor to assess and consider further renewal of recognition of any RIPA. The agencies will place at least 50% or more children in adoption with Indians in India. This provision may be suitably relaxed by CARA if a RIPA has been recognized for placing only special needs children.;
- c. Regular submission of annual reports, adoption data, monthly reports of the agencies and audited statement of accounts as prescribed, adoption charges per child, donations received from different sources, payment of staff salary etc;
- d. There should be no instance of proven malpractice against the RIPA;
- e. The agency should have been recognized as a SAA by State Government to place children in in-country adoption and should have involved itself actively in placement of children within the country;
- f. Records of follow up of in-country/inter-country adoptions including follow up visits in case of in-country adoption, legalization, disruption if any to be submitted;

- g. List of children placed in in-country and inter-country adoption, year-wise for the period of five years along with their number of court orders;
- h. Number of children placed in inter-country adoption where citizenship certificates/orders have been granted to children in the receiving country etc.
- i. Number of children restored to biological parents/relatives/guardians, children in temporary foster care/pre-adoption foster care or benefited under sponsorship etc.

3.2.4 Inspection of Agencies

The premises of the RIPA including its children's Home and records shall be open to inspection by the Ministry of Women and Child ,CARA, SARA or State Govt. or ACA or any other authorized agency.

3.2.5 Agencies to maintain Accounts

RIPA shall maintain proper accounts to be audited by a Chartered Accountant every year. An attested copy of audited accounts of the organisation together with its audit report, a copy of the Annual Report and FCRA statement shall be furnished by every agency within one month from the date on which the accounts are audited by the Chartered Accountant, to CARA and the concerned Department of the State Government. The adoption charges and donations/grants received from different sources will be submitted to CARA at the end of every financial year. Agencies are required to maintain details of child-wise adoption fee received as well as contributions received from any other source.

3.2.6 Accreditation

CARA shall develop a set of standards or model accreditation criteria for Placement Agencies (RIPAs) as envisaged under Hague Convention of 29 May 1993 on Protection of Children and Cooperation in respect of Inter-country Adoption. Until then, as an interim measure, the RIPAs will be treated as accredited agencies for placing Indian children in inter-country adoption.

3.3 Adoption Coordinating Agency (ACA)

3.3.1 Recognition of ACA

- a) There will be an Adoption Coordinating Agency (ACA) in a State or, in special circumstances, more than one ACA in a State or one ACA for a group of States depending on the number of children's homes and adoption agencies.
- b) Every ACA be recognized by CARA on the basis of the recommendation of the State Government.
- c) Normally recognition shall be considered for a period of 5 years based on active involvement in promotional activities, satisfactory performance regarding in-country adoptions within its jurisdiction, timely submission of reports and audited statement of accounts, recommendation of State Government along with its inspection report and such other requirements as specified by CARA from time to time.

3.3.2 Criteria for recognition

- a) ACA shall be registered under the Societies Registration Act, 1860.
- b) Its Executive Committee shall be constituted as prescribed under the Guidelines.
- c) It should not have liaison with any (Authorized Foreign Adoption Agency) AFAA or any foreign adoptive parents and should not receive any donations or funds for any of its projects.
- d) The ACA has to exhibit its involvement in promotion of in-country adoption.
- e) The ACA should run on a non-commercial and non-profitable basis.
- f) It should furnish an undertaking that it will comply with CARA Guidelines.
- g) All the Office-bearers should be Indian nationals
- h) All the Office-bearers should not be connected with RIPAs.
- i) Any new Agency applying for ACA recognition is required to employ such number of staff as approved by the Central Government from time to time.
- j) The ACA must be recommended by the concerned State Government for recognition by CARA.

3.3.3 Renewal of Recognition

As ACA which seeks renewal of recognition should apply to CARA through the State Government for renewal of recognition six months prior to the date of expiry of the previous recognition. While applying for renewal of recognition, it shall apply along with complete details of activities during last 5 years and efforts for placing children in in-country adoption and such other documents as prescribed by CARA.

3.3.4 Duration of Recognition

In case ACA performance is found satisfactory, CARA may extend its recognition for a period of 5 years.

3.4 Authorized Foreign Adoption Agency (AFAA)

CARA shall authorize Foreign Adoption Agencies for sponsoring applications of foreign PAP(s) including NRIs, OCIs and PIOs habitually residing in foreign countries. Such agencies are known as Authorized Foreign Adoption Agencies (AFAA).

3.4.1 Foreign Agencies to apply to India's Diplomatic Missions

A foreign social/child welfare agency/accredited agency desirous of sponsoring applications of foreign adoptive parents for adopting an Indian child shall make an application for authorization to CARA through its central authority/competent authority and the Office of the Indian Diplomatic Mission in that country. Foreign agencies recommended for the purpose by the Indian Diplomatic Mission may be considered by CARA for authorization. No authorization is required for Central Authorities.

3.4.2 Criteria and Procedure for Authorization of Foreign Agencies

The criteria for authorization of foreign agencies by CARA for the purpose of inter-country adoption are as under:-

- a) It will be an Agency duly registered under the relevant law of the concerned country and should be recognized/ licensed by the appropriate authority of that country to undertake inter-country adoption.
- b) It must have been duly accredited by the Competent Authority under the Hague Convention on Inter-country Adoptions, 1993 (wherever applicable).

- c) It will submit its Memorandum, Mission statement, copies of Registration status, latest license issued by the concerned Government authority to undertake international adoptions, list of Board/Executive Members and list of countries it is working with.
- d) It shall be a child welfare agency with an established standing in this field and it must be staffed with qualified social workers who have experience in the field of adoption. It shall submit the activities of the organization, Annual Reports for the last 5 years, list of staff with qualification and accounts for the last three years.
- e) The agency shall run on a non-commercial and non-profit basis and shall provide an annual statement on payment made to the Indian agencies.
- f) An undertaking by the authorized foreign adoption agency that in case of disruption of the child or his/her maltreatment or abuse, it will inform the concerned Child Protection Services/Government Department, Indian Diplomatic Mission, CARA and the concerned RIPA immediately with full details and action taken for care and protection of the child. Additionally rehabilitation efforts must be communicated to all concerned.
- g) The Head/Chief Executive of the Organisation should be willing to sign a written undertaking to follow the Guidelines and to send progress reports as required.
- h) On the recommendation of India's Diplomatic Mission in the country concerned, CARA shall examine the application and may consider the particular agency for authorization provided it fulfils the criteria stated above.

3.4.3 Renewal of Authorization

- a) Every AFAA should apply for renewal of authorization to CARA as early as 6 months prior to the date of expiry of the previous authorization through its Central Authority/Govt. Deptt. as the case may be and concerned Indian Diplomatic Mission.
- b) Normally recognition shall be considered for 5 years on timely submission of annual reports and audited statement of accounts, status of children who have been placed through it along with their adoption decree/citizenship certificate, adoption expenses reimbursed to RIPAs etc.

3.4.4 Duration of Authorization

On its satisfactory performance, CARA may extend its authorization for a period of 5 years.

PART IV ROLE AND FUNCTIONS OF AUTHORITIES

4.1 Central Authorities

- a) Central Authorities of the countries that have ratified the Hague Convention on Inter-country Adoption 1993 are obliged to discharge functions in regard to rights and safeguards of children placed in adoption.
- b) Such Central Authorities are automatically eligible to sponsor applications of PAP(s) directly to the Indian Central Authority for inter-country adoption, i.e. CARA. All sending countries, including Hague ratified countries, will send an attested copy of the Home Study Report (HSR) to CARA along with the following declarations as provided under Article 5 of the Convention:
 - i. That the PAP(s) are eligible and suitable to adopt a child from India as per the Law of their country;
 - ii. That the PAP(s) have been counseled as may be necessary;
 - iii. That the child on adoption by the PAP(s) will be authorized to enter and reside permanently in that country.
- c) As per Article 35 of the Hague Convention on Inter-country Adoption, the competent authorities of the contracting states shall act expeditiously in the process of adoption. This may also be read with Article 9(b) of the Convention where a Central Authority is required to facilitate, follow and expedite proceedings with a view to obtaining the adoption.
- (d) The Central Authority shall send either directly, or through its accredited agency (AFAA), follow-up reports with photographs of each child, on a six monthly basis for a period of 2 years to CARA and the concerned RIPA. It shall also send a copy of the citizenship certificate/court order / re-adoption order as the case may be.
- (e) The Central Authority/AFAA may help the Indian Diplomatic Mission to arrange get together for children adopted from India and their adoptive parents so as to provide a forum for sharing experiences, exposing them to the culture of India, etc.
- (f) All other functions as provided under Hague Convention.

4.2 Roles and Functions of CARA

CARA shall function as a nodal body on adoption matters in the country and it shall have the following specific functions:

4.2.1 Overall

- a) To facilitate that every adoptable child in the country finds a suitable family;
- b) To review and ensure implementation of legislations, rules and guidelines for monitoring adoption of Indian children;
- c) To support formulation and implementation of National Policy on Adoption;
- d) To function as a nodal body on matters related to adoption and other forms of non-institutional care including Sponsorship and Foster Care as well as to establish uniform standards and indicators, including:

Adoption procedure;
Quality child care standards’;
Indicators for monitoring and supervision;
Standardization of documents;
Safeguards and ethical practices.

- e) To set the criteria for accreditation of all adoption agencies and systematize the accreditation methodology;
- f) To levy any recognition/renewal/ processing fee or any other charges with the approval of the Ministry of Women and Child Development from time to time
- g) To call for annual audited statements of account from ACA and other grantee organizations;
- h) To prepare a centralized database of all children in the adoption process for inter-country adoption as well as for in-country adoption, and prospective adoptive parents with the help of its associated agencies for the purpose of establishing central information pool on orphan, abandoned and surrendered children and the waiting parents;
- i) To maintain an archive of information of all parents/children placed in adoption both in in-country and inter-country for the purpose of follow up and root-search;
- j) Take up training and development activities of all adoption agencies on the rights of the child to non-institutional care
- k) To arrange training/orientation programmes for social workers of adoption agencies, other stakeholders engaged in child welfare activity, non-institutional care especially in the rehabilitation of children by means of adoption and other individuals/agencies associated with the programme;
- l) To organize national and international meets for promotion of in-country adoption and regulation of inter-country adoption;
- m) To carry out research and documentation on adoption as well as other non-institutional and alternative care in order to continuously improve the adoption system;
- n) To carry out advocacy, awareness and IEC activities for promoting in-country adoptions and creating a conducive environment to encourage adoption in the country.

4.2.2 In-Country Adoptions

- (a) To mobilize community opinion and community resources in furtherance of adoption of children in the country itself and take all other measures necessary for the promotion of in-country adoption with the help of SARA and its associated agencies;
- (b) To coordinate with all State Adoption Resource Agencies (SARAs) and Adoption Coordinating Agencies (ACAs) for putting in maximum efforts in in-country adoption and advising on non-institutional family based care;
- (c) To recognize/renew ACAs on the recommendation of SARA/State Governments;
- (d) To ensure inter-state placement for those children who do not finding a suitable family within the State with the help of SARAs/ACAs;
- (e) To advise and support SARAs in taking appropriate decisions about rehabilitation of children, as and when required.

4.2.3 Inter Country Adoptions

- a) To act as the Central Authority on Adoption matters under the Hague Convention on Protection of Children and Cooperation in respect of Inter country Adoption, 1993;
- b) To enter into bilateral agreement with Foreign Central Authorities wherever necessary as prescribed under the Hague Convention;

- c) To authorize and to renew authorization of foreign adoption agencies, after verifying their qualifications, as bodies authorized to sponsor applications for Inter country Adoption of Indian children;
- d) To lay down qualifying standards for foreign/PIO/OCI/NRI PAP(s) who want to adopt in India;
- e) To receive and process applications from foreign/PIO/OCI/NRI PAP(s) for adoption of Indian children along with copy of HSR through an AFAA or the Central Authority or the concerned Government Department
- f) To issue a “No Objection Certificate” for the final adoption in each inter-country adoption case;
- g) To maintain a central database of all dossiers of PAP(s) sponsored by foreign countries;
- h) To recognize RIPAs as accredited bodies for processing inter-country adoption cases and to renew their recognition as prescribed in these guidelines;
- i) To inspect and evaluate the working of RIPAs and to call for their annual audited statements of accounts, directly or through State Governments or any other agency or body constituted for such purpose;
- j) To receive annual mandatory reports from CA/AFAA about the progress of the adopted children in the prescribed format;
- k) To send data on adopted children periodically to Indian Diplomatic Missions abroad;
- l) To liaise with concerned Central Authority/other appropriate Authority, AFAA and RIPA in case of disruption of a child placed in inter-country adoption and to take action in the best interest of the child;
- m) To make regular assessments of inter-country adoption practice of foreign adoption agencies involved in the Indian adoption program;
- n) To take suitable action against any RIPA/ACA/AFAA or any grantee organization for any unethical practice in inter-country adoption or violation of the present Guidelines;
- o) To handle any other matters concerning the inter-country adoption work

4.3 Designated Courts and Legal Procedure

- a) The court of the District Judge, Family Court and any Civil Court will have jurisdiction in matters of adoption and guardianship.
- b) As per Article 23 of the Hague Convention on Inter-country Adoption, an adoption certified by the competent authority of the State of origin as having been made in accordance with the Convention shall be recognized by operation of law in the other Contracting States. The certificate shall specify when and by whom the agreements under Article 17(c) were given.
- c) The adoption of children can also be done under the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 which applies to all children as well as parents irrespective of their faith and gender.
- d) Hindu Adoption and Maintenance Act (HAMA), 1956 is another important legislation in the country for placing children in adoption.
- e) The Guardianship and Wards Act, is a legislation under which children can be taken as wards by Prospective Adoptive Parents in care of inter-country adoptions before the adoption procedure is finalized in their country of habitual residence.
- f) In case of inter-country adoption, NOC from CARA is a mandatory document without which no petition can be filed in the court.
- g) A child can be placed with any prospective adoptive parents within the country without any geographical barrier.

4.4 India's Diplomatic Missions Abroad

- a) Indian Diplomatic Missions abroad, will liaise with concerned Central/Public Authorities to ensure safeguards of children of Indian origin adopted by foreign parents against neglect, maltreatment, exploitation or abuse.
- b) Indian Missions will interact with the Foreign Authorized Adoption Agencies and Central Authorities in their area of jurisdiction and help to arrange get together of the adopted children and their parents.
- c) The Indian Missions located in different countries will recommend proposals for authorization as well as renewal of foreign agencies for the purpose of sponsoring applications for adoption of Indian children.
- d) In case of Indian passport holders residing in a country where there is no authorized agency or where they cannot be recommended by the host Govt. as per local laws, the Indian Embassy may authorize a qualified social worker to do the Home Study Report (HSR) and furnish other documents including an undertaking to send progress reports etc. and may forward the dossier to CARA with its recommendation.
- e) Whenever a report is received on disruption of adoption of an Indian child by a foreign/PIO/NRI/OCI couple, the Embassy should contact the local central authority and other concerned authorities to ensure that the interest of the child is looked after. A report in this regard shall also be sent to CARA at the earliest.

- f) In a disruption case where the child is required to be returned to India, the Embassy may render necessary help and facilitate the repatriation of the child in consultation with the local authorities, adoption agency and CARA.
- g) The Embassy should communicate any report or observation, which it feels, is important and relevant vis-à-vis inter-country adoptions to CARA.

4.5 State Government/Union Territory

The role of the State Government vis-a-vis adoptions is laid down in the Juvenile Justice (Care and protection) Act, 2000 amended in 2006 and the Model Rules 2007 under this Act.

- a) The State Government shall take all such measures as are deemed necessary to actively encourage in-country adoption of children in preference to inter-country adoption. It shall discourage institutionalization of all adoptable children.
- b) It shall monitor the adoption programme and the activities of all adoption agencies, ACAs and SARA within its jurisdiction.
- c) The State Governments (the term "State Government" to include Union Territory Administration) shall register suitable children's homes as child care institutions (CCI) and recognise some or more of these CCIs as SAAs (Special Adoption Agencies) in each district for in-country adoption as mandated under JJ Amendment Act 2006.
- d) Normally, CCIs having basic facilities for infants and young children between 0-6 years may be selected for recognition as SAAs. Where such institutions house older and special needs children, facilities for the all round development of such children must be provided in the CCI. Such institutions are required to have adequate infrastructure and facilities for affording quality childcare to meet any casualty or emergency situation while the child is admitted into the agency or stays for a short-term.
- e) SAAs/CCIs where experts are available to provide quality care and treatment on long-term basis, may be earmarked by the State Govt. to deal with high-degree special needs children including those suffering from HIV/AIDS, mentally retarded and other hard to place category.
- f) The concerned State Government/UT shall enforce standards and measures for orphan, abandoned and surrendered children as envisaged under JJ Model Rules or State JJ Rules.
- g) State Government shall take regular meetings with SARA and implement such provisions that are required for expansion of non-institutional care including adoption programme in the State, i.e. strengthening the knowledge base, research and documentation, developing a child tracking system, training and development activities, advocacy and communication, monitoring and evaluation related with the programme etc.
- h) State Government shall instruct all the CWCs working in the States to submit periodical data to SARA relating to orphan, abandoned and surrendered children.

- i) State Government shall take appropriate legal action against persons and institutions including Nursing homes and Hospitals involved in illegal adoption work.
- j) State Government shall take appropriate steps against defaulting agencies/institutions housing orphan, abandoned and surrendered children for the purpose of institutionalization. Such children particularly those who are infants and young, cannot be subject to group care and shall be placed in adoption with loving and caring families as per these guidelines.
- k) As adoption is the most preferred avenue for rehabilitation of such children, the State Government shall make specific provisions for its advocacy and draw up a well-formulated media campaign for promotion of adoption and prevention of abandonment. It shall publish a list of all adoption agencies [SAAs and RIPAs] in the state at least once in a year.
- l) It shall recognize or renew the recognition of SAAs for in-country adoption prior to recommending such agencies to CARA for recognition/renewal as Placement Agencies to place children in inter-country adoption.
- m) The authority empowered to award recognition certificate is competent to take action in regard to withdrawal/suspension of recognition of a particular agency. Delay in and non-compliance of submission of reports/accounts asked for by the State Government or CARA may be a ground for withdrawal of recognition.
- n) SARA and CARA shall make annual evaluation of SAAs and RIPAs respectively. While assessing performance of an adoption agency, the agency's involvement in family strengthening approach such as sponsorship and family foster care shall be examined. In the event of withdrawal of their recognition, State Government shall evolve suitable alternate mechanism for rehabilitation of children.
- o) State Government/UT may recognize all existing NGOs and Government run Home getting grant in aid under Sishu Greh Scheme for promoting in-country adoption and all RIPAs as SAAs if there is no proved malpractice against any of such agencies.

4.6 State Adoption Advisory Committee

In order to promote, implement, supervise and monitor the non-institutional programmes including adoption, foster care and sponsorship at State level, a State Adoption Advisory Committee shall be constituted at every State/UT. The Committee shall be competent to take all-important decisions in regard to adoption related issues in the State. The Adoption Advisory Committee will meet quarterly to discuss child welfare measures and ways and means to promote in-country adoption of children and regulate inter-country adoption. Minutes of every meeting shall be sent to CARA. The tenure of such committee will be three years. The composition of this committee shall be as under:

State Advisory Committee on Adoption

Sl. No.	Members	Designation
1.	Secretary, Women and Child Development or the Administrative Department for Adoption Programme	Chairman
2.	Director, Women and Child Development or the concerned Directorate for Adoption Programme.	Member Secretary
3.	Representative of State Health Department	Member
4.	Representative of CARA on invitation	Member
5.	Programme Manager, SARA	Member
6.	Chairperson/Secretary of Adoption Coordinating Agencies wherever existing	Member
7.	Two Representatives of SAA by rotation (to be nominated by State Government)	Member
8.	Expert in the field of Child Rights and Child Protection (to be nominated by State Government)	Member
9.	Legal Expert(to be nominated by State Government)	Member
10.	Representative of CHILDLINE Nodal	Member

4.7 State Adoption Resource Agency (SARA)

In order to support CARA in promoting in-country adoption and regulating inter-country adoption, State Governments shall set up State Adoption Resource Agencies (SARA) to coordinate, monitor and develop the work of adoption in the State and work as a bridge between State Government and CARA. SARA shall function as the nodal body on adoption matters at State level. SARA shall maintain state level database from the time; ensure that the child is admitted into an institution till he/she is adopted; and monitor follow up reports for a period of 2 years.

If there is no SARA in a particular State, until the SARA is set up, the concerned Department of State Government shall discharge all such functions of SARA with the help of ACA.

4.7.1 Role and Functions

- a) To function as a nodal body on matters related to adoption and other forms of non-institutional care including Sponsorship and Foster Care at the State level and shall function as the State level Resource Centre to coordinate, monitor and develop the adoption programme in the State.
- b) To find suitable Indian families within the State and country for adoptable children
- c) To ensure that all adoptable children, who do not find suitable Indian families within the stipulated time of two months, are cleared for inter-country adoption with the help of ACA. The two month waiting period will not apply in case of NRIs and OCIs.
- d) To liaise with District authorities/DCPS (District Child Protection Society) at District levels and provide technical support to the Child Welfare Committees as and when required.
- e) To coordinate and supervise the work of all its member agencies and other child welfare institutions including the activities of Adoption Advisory Committee.
- f) To handle all post-adoption issues including root-search with the help of concerned SAA /RIPA.
- g) To maintain a list of all adoption agencies in the State
- h) To receive from the SAAs information on admission of children, death if any, legal status and adoption status and a list of PAP(s) registered with the SAA in a given format. It shall separately register Indian PAP(s) also and shall maintain a State level database of all adoptable children, children sent in adoption as well as all PAP(s).
- i) To furnish the information listed at 4.7.1 (j) to CARA regularly. A list of children available for inter-country adoption within the State and any other relevant information required by CARA shall be made available by SARA.
- j) To undertake awareness and advocacy programmes for promotion of in-country adoption
- k) To undertake training and capacity enhancement of all functionaries and stakeholders for strengthening non-institutional care programme in the State.

- l) To take suitable action in case any irregularity or malpractices occur in the adoption programme whether by unrecognized/recognized adoption agencies or by individuals or unrecognized organizations and also suggest suitable preventive and punitive action and inform the same to the State Government or CARA as the case may be.
- m) To submit an annual report of the activities conducted throughout the year to State Government and CARA.
- n) To promote and improve the family-based solutions for children who are orphan or abandoned.
- o) To function as grievance redressal agency for all adoption related issues in the state.

4.7.2 Inspection by SARA/State Government

SARA shall call for information and data every month from all SAAs in order to monitor the functioning of these agencies. An annual report and audited statement of accounts shall be received from all Adoption Agencies. Monitoring should include visiting the care settings in which the children live and undertaking investigations into any alleged situation of violation of children's rights in those settings on complaint or on its own initiative and recommending relevant policies to State Government etc. SARA has to conduct frequent inspections comprising both announced and surprise visits, involving discussions with and observation of the staff and the children. SARA will periodically and at least once a year, inspect all SAAs in order to verify the following: -

- a) That adoption as an activity is being pursued by the organization as a welfare measure in the interest of children and not as a commercial activity.
- b) That proper record is being maintained for children admitted to the homes.
- c) That the children admitted are provided with quality child care and basic minimum facilities for their care, education and development in the institution or pre adoption foster Homes.
- d) That lists of persons interested in adopting a child are being maintained and updated by the agency regularly.
- e) That the accounts of the agency are being maintained and audited annually and that any agency which is in receipt of foreign funding is duly registered with the Ministry of Home Affairs and has otherwise complied with the provisions of the Foreign Contributions (Regulation) Act, 1976.
- f) That the agency is receiving regular progress reports about the well-being of children given in adoption.
- g) That qualified staff having social work experience are employed by the agency to supervise the care of children or render professional services.
- h) That in the case of children placed in pre-adoption foster care with prospective adoptive parents, adequate efforts have been made for early finalization of the legal adoption process.
- i) That a Central Register of prospective adoptive parents is maintained.
- j) That there are sufficient care-givers in residential care settings to allow individualized attention .
- k) That before a RIPA proposes to place a child in Inter-country adoption, it must apply to the ACA under intimation to SARA for assistance for Indian placement.

- l) During inspection, SARA has to scrutinize all records and registers as provided under the Guidelines. Besides, relevant information on sources of the children, referrals with Indian parents, cross verification of referrals with SARA records, adoption fee received from PAP(s), follow-up of children placed in adoption, qualification and motivation level of staff and health conditions of children.
- m) In reference to surrendered children, SARA has to see that adequate counselling has been done to convince the mother or the family not to surrender the child and has been told of alternatives and support services available.

4.7.3 Clearance for Inter-country Adoption

- a. SARA shall have a central list of all adoptable children and all PAP(s) in the State and it will make all possible efforts to place every child in in-country adoption with the help of its member adoption agencies and ACA. It will also complete inter-state coordination (particularly with neighbouring states) within the stipulated period of 60 days.
- b. In case, SARA cannot find suitable Indian parent/parents within 60 days, it will be incumbent upon SARA to issue a Clearance Certificate within a week with the help of ACA wherever existing. The Clearance Committee will meet as often as required. If there is any kind of delay in such clearance, it should be supported with justification.
- c. The RIPA shall apply for clearance with the latest Child Study Report along with all the relevant documents to establish the fact that all efforts for placing a particular child in in-country adoption has been exhausted. In case SARA/ACA is not satisfied with the documents produced for obtaining clearance certificate, SARA/ACA shall conduct appropriate investigation before disposing the matter;
- d. The Clearance Certificate (CC) shall be co-signed by the Director concerned (DWCD/Social Welfare) and the Chairperson/Secretary of ACA (where ACA is available). In the absence of Director, Joint Director/Deputy Director or Programme Manager (SARA) may be designated to be the co-signatory on the Clearance Certificate.
- e. SARA must ensure that the prescribed time is adhered to in all cases.

4.8 Child Welfare Committee (CWC)

CWC shall determine legal status of all orphan, abandoned and surrendered children. Functions and powers of the Committee, procedure in relation to the Committee, production of child before committee, procedure for inquiry, procedure related to orphan and abandoned children and procedure related to surrendered children shall be governed as laid down in the Juvenile Justice Amendment Act 2006 and its Rules .

4.8.1 Time stipulation

CWC shall declare a child legally free for adoption after following due procedure laid down under the JJ Amendment Act 2006.

(a) Abandoned Child: In case of abandoned child below two years, such a declaration shall be done within a period of sixty days from the time the child is found. For an abandoned child above two years of age, such a declaration shall be done within the period of four months.

(b) Surrendered Child: In case of surrendered child, two months reconsideration time shall be given to the biological parent or parents after surrender before declaring the child legally free for adoption.

4.8.2 Issue of Transfer

- a) An orphan, abandoned or surrendered child shall be transferred as far as possible to the nearest SAA by an order of the CWC. All transfers shall be carried out as per the provision laid down under the JJ Amendment Act 2006 and its corresponding rules.
- b) The CWC shall facilitate transfer of children at all levels for either restoration to their families or for their long or short-term rehabilitation. SAA/RIPA/CCI may transfer a child to another of its unit within the State provided the child is legally free for adoption and CWC has issued a transfer order..
- c) Inter-state transfer can be done with the agreement of both the State Governments through their Directors/Commissioners. .

- d) Transfer of the child should be accompanied by available documents pertaining to its admission, preliminary case history, documentary evidence to prove that the child is legally free for adoption, and a permission letter of transfer of the child. The SAA shall verify all the facts before accepting the child, as it is legally responsible for the placement of the child.
- e) CWC may suggest other alternative services for care and rehabilitation of older children who are unable to find suitable family for placement.

4.9 Birth Certificate issuing Authority

4.9.1 Birth registration of every child is mandatory. Following process shall be undertaken in case of an orphan, abandoned or surrendered child:

a) Surrendered Child:

- i. The exact time and date of birth of the baby before taking custody shall be recorded by SAA;
- ii. Supporting documents along with all relevant information about the child shall be submitted to the CWC by the SAA to enable the CWC to record the correct date of birth of the child in the Release Order.

b) Abandoned Child:

- i. Where the date of birth has not been recorded officially anywhere, the SAA concerned must make an application to the local Magistrate along with any relevant information in the form of an affidavit. Such information shall be supported by an assessment of the civil surgeon/District Medical Officer, wherever required.
- ii. The affidavit along with all relevant information about the child shall be submitted to the CWC before it declares the child legally free for adoption to enable the CWC to record the correct date of birth of the child in the Release Order.

4.9.2 Release Order by the CWC shall serve as the document for determining the date of birth of a child. The SAA shall apply to the local birth certificate authority for obtaining a birth certificate for the child. The birth certificate issued by the local birth registration authority shall have the name of the person(s) who will stand in as local guardian, instead of parents, to the child till such time he/she is adopted or attains majority, whichever is earlier. This person(s) shall be a responsible person(s) belonging to the SAA.

4.9.3 On receiving the court order from the competent court supporting adoption of a particular child, the SAA shall approach the competent birth registration authority to modify the birth certificate in order to:

- (i) include the names of adoptive parent(s)
- (ii) change of name of the child, if adoptive parents so desire

4.9.4 In the birth certificate issued by competent birth registration authority, as per the provision laid down in 4.9.3, the name of adoptive parents shall appear as parents. The term "Adoptive Parents" or "Adopted Child" must not be used in the birth certificate. The city or village of birth shall be mentioned instead of the name of the Orphanage/SAA.

4.10 Regional Passport Office (RPO)

In all inter-country adoption cases, court order for adoption shall be the basis for issuance of passport besides other requisite documents including Release Order by CWC/ Birth Certificate from the local birth registration authority and NOC from CARA. The concerned Regional Passport Officer shall issue the Passport within 10 days from receipt of application.

4.11 Foreign Diplomatic Missions in India

Foreign Diplomatic Missions in India may issue VISA to the adopted child expeditiously after obtaining the following documents:

- (a) Passport
- (b) Birth Certificate / Release Order by CWC
- (c) NOC from CARA
- (d) Appropriate Court Order from Indian Court

PART-V
ASSOCIATED AGENCIES: ROLE AND FUNCTIONS

In this chapter, roles and functions of Specialized Adoption Agency (SAA); Recognized Indian Placement Agency (RIPA); Adoption Coordinating Agency (ACA) and Authorized Foreign Adoption Agency (AFAA) have been laid down in detail.

5.1 Specialized Adoption Agency (SAA)

In order to facilitate the placement of orphan, abandoned and surrendered children in adoption, the Juvenile Justice (Care and Protection of Children) Act 2000 (as amended in 2006) empowers the State Government to recognize one or more of its childcare institutions or voluntary organizations in each district as Specialised Adoption Agency (SAA) for placing children in in-country adoption. Each SAA shall carry out following functions:

5.1.1 Role towards a child

- (a) SAA shall be responsible for birth registration of a child placed in its care and shall make every effort to get birth certificate for the child from the competent authority. If a child already has a given name the same shall be retained. In case no name is known the SAA shall give an appropriate name;
- (b) It shall be responsible for care, protection and well being of every child in its care or placed by them in foster care and shall cater to their health needs; special care for children with special needs; emotional and psychological needs; educational and training needs; leisure and recreational activities; protection from all kinds of abuse, neglect and exploitation; social mainstreaming; restoration and follow-up etc.
- (c) All efforts shall be made by the SAA to restore the child to his/her parent(s) soon after his/her admission in the institution, provided such restoration is in the best interest of the child.
- (d) It shall promote non-institutional care and ensure every child's right to a family. The focus shall be on strengthening the family as a unit and preventing family disintegration and developing preventive, supportive, community-based, family-oriented outreach programmes for children in need of care and protection. Institutionalization of all adoptable children shall be considered as temporary measure and immediate efforts shall be made for early restoration and rehabilitation.
- (e) It shall prepare individual care plan for each child following the principle of the best interest of the child. In preparing individual care plan the care options in the following order of preferences shall be considered: (i) Preserving the biological family; (ii) Kinship Care; (iii) In-country adoption; (iv) Inter-country Adoption; (v) Foster Care; and (vi) Institutional Care.
- (f) A Baby/Child Book should be created as soon as a child enters an institution, to record his/her experience including photo album of the child, to collect the history and details of the child's life so far spent in the institution, the interests of the child and his/her future adoptive family. This book will form part of the file to be handed over later to the family with whom the child is placed.

- (g) Before contacting any PAP for adoption of a particular child, the SAA shall ensure that the child is legally free for adoption.
- (h) In case the PAP(s) are willing to accept a differently-abled child or a child with health problem(s), the SAA shall ensure that the PAP(s) sign a document stating that they are aware of the complete facts and are willing to accept the child.
- (i) Siblings and twins shall be placed in the same family and should not be separated by adoption placement except for special reasons which are in the best interest of the child.
- (j) SAA shall facilitate visitation between proposed children for adoptions and their PAP(s).
- (k) All admissions and deaths shall be reported to CWC, CARA, SARA/ACA and other appropriate authorities.
- (l) Before declaring any child free for adoption or placing him/her in adoption, the child concerned shall be consulted in a manner appropriate to his/her age and level of development. No child above seven years who can understand and express his/her opinion shall be declared free for adoption or placed in adoption without his/her consent.
- (m) The SAA shall collect and archive information about the child's background and shall make such information available to the child or adoptive parents.
- (n) Every SAA shall maintain a separate file for each child with the child's complete case history, child study report and individual care plan. The SAA shall make this file available to the PAP(s) for facilitating informed decision. However, the SAA shall maintain the confidentiality of the child's origin as well as the identity of his or her parents.
- (o) If the child desires to know his/her history, especially information relating to his/her biological mother, father and siblings, the same shall be made available to him/her, where possible, if the age and maturity permit so. In such cases, counseling support shall be provided by the SAA to the child or adoptive parents for dealing with the issues arising out of the search for origins. In case of unwed mother not willing to be contacted, SAA shall not pass on the information regarding the biological mother to the child or the adoptive parents.
- (p) When children, particularly older children, are matched for adoption, they shall be appropriately prepared for the actual adoption placement that shall include counselling and other supports to enable the child to comprehend the concept of adoption. The PAP(s) and the child shall be provided adequate introduction through photographs, video, personal contact and letters etc.
- (q) SAA shall submit child status report on the online reporting system available on the website www.adoptionindia.nic.in or www.cara.nic.in.

5.1.2 Role towards Prospective Adoptive Parents (PAP(s))

- a) Any PAP(s) approaching the SAA for registration shall not be refused registration.

b)SAA shall complete the Home Study Reports of all PAP(s) registered with them expeditiously. The Home Study Reports shall be prepared in the prescribed performa at **Annexure- B**, by trained professionals and shall clearly indicate the suitability of the PAP(s) for taking a child in adoption.

c)If children legally free for adoption are not available within the SAA, the PAP(s) shall be advised to approach SARA/ACA and provide necessary assistance for the same.

d)The SAA shall continuously update the PAP(s) about the status of their applications. In case of inter-country adoption, waiting parents shall contact the sponsoring agency / authority in their respective countries for updates.

e)The SAA shall provide information about the medical history of the child to PAP(s). The PAP(s) shall also be advised to have the child medical assessment done by their own doctor.

h)The SAA shall ensure that following documents are signed before placing a child in pre-adoption foster care:

- (i) CSR and MER (signed by both adoptive parents)
- (ii) Child custody form
- (iii) Undertaking

j) In case of in-country adoptions, on filing the case in the Court, physical custody of the child can be given to the PAP(s) on signing a Foster Care Affidavit.

l) All cases of single parents will be “specially” scrutinized.

m) Adoption expenses as provided under the Guidelines shall be reimbursed to SAA by the PAP(s) against the receipts for all adoption related expenses.

n) SAAs shall extend post adoption services to the PAP(s) in cases of all in-country adoptions.

5.1.3 Role towards birth parent(s)

a) Birth parent(s) should be treated fairly, openly and with respect through out the adoption process. SAA shall obtain clear and appropriate information from birth parent(s) about themselves and life before child’s adoption. All biological parent(s) shall be produced before CWC while surrender is finalized and it can only independently finalize surrender cases where CWC delegates it to do so particularly in case of unwed mother.

b) SAA shall provide social work services to the biological parents, where necessary, through professionally qualified social workers.

c) No commitment to an adoption plan shall be permitted before the birth of the child.

If the parent(s) decide to relinquish the child for adoption, SAA shall explain all the implications of their decision to such parent(s), including the possibility of adoption by foreigners and of no further contact with the child. SAA shall also inform the parent(s) that after allowing a stipulated time (two months reconsideration period) any decision to relinquish a child for adoption shall become irrevocable.

- d) SAA shall encourage the biological mother/parent(s) surrendering a child to provide maximum information about the child's background and development as well as their own health.
- e) SAA shall ensure that when the parent(s) relinquish a child for adoption, they complete all the documentation and legal requirements.
- f) If the parents state a preference for the religious upbringing of the child, these wishes shall be respected as far as possible. However, the best interest of the child shall be the paramount consideration.
- g) SAA shall not make any promises or any direct financial support to biological parents that could influence their decision to give up their child for adoption.
- h) SAA shall maintain the confidentiality of unwed mother/biological parent(s).
- i) Biological parent(s) shall not be coerced into making any commitment to an adoption plan prior to the birth of the child.

5.1.4 Counselling Needs

Each SAA shall provide counselling services to PAP(s) and children. Such support shall be provided at all stages, during and after adoption process. Female social worker is most preferred for counselling purposes. In case of male counsellor, help of nursing staff/female superintendent may be taken wherever required. The counselling shall involve:

(a) Counselling of biological parent/s in case of surrender

The SAA has to ensure that the consent for surrender and adoption is freely given, without pressure, without material compensation, or otherwise. Counseling should be done by the SAA to inform them about the effect of adoption. The possibility of the child being retained by biological parent/s has to be seriously pursued by the SAA. The SAA must counsel and assist the surrendering parent/s, ensure that they are informed of the possibility of a future contact in the event of a search for origins by their child, and that in such cases, the biological parent/s would be required to cooperate with the SAA to meet the child. Parental consent (and especially that of the mother) must not be given before birth.

(b) Pre-adoption Counselling

In case of prospective adoptive parents, counseling must be completed before the Home Study Report is prepared to make them aware of the process of adoption. During the counseling sessions, the Professional Social Workers (PSWs) need to work on emotional readiness of couples aspiring to adopt, acceptance of adoption as an alternative way of building a family, parenting and disciplining, sharing the fact of adoption and child's needs for search of roots, coping with childlessness and infertility wherever exists, stability of marital relationship, bonding and attachment with a child not biologically related, concern about the child's social background and genetic factors, issue of selecting the child and issues such as secret adoption etc.

(c) Counselling Special Needs Children and their PAPs

SAA must make itself ready to extend any related issue on post-adoption support services for special needs children and their adoptive parents to answer questions related to the child's needs and resolve any problem which might arise.

5.1.5 Preparation of Child Study Report (CSR) and Medical Examination Report (MER)

- a. The CSR shall be prepared by professional social workers or experienced personnel of the SAA while a pediatrician attached to the SAA shall prepare MER. The identity of the child, his/her parents and extended family (if the child's parents are unknown, a search should be made to trace them), the situation of the child's birth family - immediate family (parents and siblings), and extended family (grandparents, etc.), their socio-economic situation, nature of relationships between relatives, relationships with the social environment, main difficulties, positive factors, etc. should be documented in the Child Study Report (CSR). It must present the child's social background and basic information about birth family so as to enable the PAP(s) to take informed decision. It should also contain the child's past, in as much detail as possible, about the stages of his/her personal and family history, ethnic and religious upbringing.
- b. A formal Child Study Report (**Annexure-C**) shall be prepared as prescribed in each case once the child is legally free for adoption. The medical file on the child's history, state of health, and his/her birth family's antecedents shall be included in the MER (Medical Examination Report) in the prescribed format at **Annexure-D**.

5.1.6 Preparation of HSR and Suitability of Parents

HSR of the PAP(s) shall be prepared by professional social worker or competent person as per the provisions laid down in these guidelines. PAP(s) shall be offered counseling services and may be advised to contact Adoptive Parents Associations, adoptive families and older adoptees to understand the entire process of adoption.

5.1.7 Cradle Baby Reception Centre

A SAA recognized as a Cradle Baby Reception Centre by SARA/ State Government shall be equipped with all basic facilities for infants. The primary objective of this Reception Centre shall be to rescue the abandoned children and look after them with due care and affection till s/he is given in adoption. Each SAA shall install one cradle at the doorstep to receive such babies.

Besides SAA, Cradle Points to receive babies will also be placed at all the Primary Health Care Centres (PHCs), Hospitals/Nursing Homes, Short-stay homes, Swadhar units/Swadhar reception centres and the office of the DCPS, which would serve as the Cradle Points. Once the Cradle Baby Reception Centre receives a child from the Cradle Point, it should make the following arrangements for rehabilitation of the child:

- Provide for proper medical treatment and food as per the advice of the Medical Officer;
- Report the arrival of the child to the Child Welfare Committee;
- Provide for all basic needs of the child;
- Provide care and protection to the child;
- Register the birth of the child with the competent authority;
- Explore possibilities of placing the child in a family through adoption.

5.1.8 Documentation and Record Keeping

The SAA shall keep a complete record in chronological order of the efforts made for locating Indian parents. The reasons for non-placement of a child in in-country adoption should be recorded. The names, address and contact numbers of Indian families who have not accepted the child should be made available to concerned authorities as and when required. As far as possible, efforts may be made to give preference to the waiting PAP(s) while making placement decisions. However, the best interest of child would decide the placement decision in each case.

The SAA shall keep all relevant information such as declaration by CWC, surrender deed of the biological parent/s, CSR, PER, HSR, birth certificate, court order and progress reports etc. In addition, report of the counselor/social worker, information from previous institution, regular health status, IQ testing report and social history etc. shall be documented in the case file. As far as possible, a child's complete records may be scanned, microfilmed and preserved both by SAA and SARA for unlimited time.

- a. Case file of each child shall be maintained and made available when ever sought by the inspecting officials. Information in child's files should be continuously updated. Children's records are not accessible to unauthorized persons. Medical details may also be made available in the case file. Each file should contain the immunization chart and medical history etc. Wherever possible medical records of the biological parents shall be maintained.
- b. Individual Care Plan for each child based on age specific and gender specific needs and the case history of the child shall be maintained by SAA. Such Individual Care Plan shall address the following needs of a child:
 - (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 kinds of abuse, neglect and maltreatment;
 - (vii) Efforts for making family preservation efforts and adoption priorities as provided under the Guidelines
 - (viii) Social mainstreaming; and
 - (ix) Follow-up post release and restoration.

- c. SAA shall maintain the following registers:
 - (i) Master Admission Register as per **Annexure- E**
 - (ii) Attendance Register of the children and staff
 - (iii) Register of PAP(s) with details (date of registration, home study or contact may be mentioned in the remark column).
 - (iv) Registers pertaining to maintenance of the Home.
 - (v) Registers pertaining to vouchers, cashbook, ledger – expenditure statement, Annual Accounts,
 - (vi) Payment Registers,
 - (vii) Grant Utilization Register
 - (viii) Nutrition diet file
 - (ix) Stock Register
 - (x) Records of Minutes of Meetings

- d. Every SAA shall prepare and maintain monthly reports in the prescribed format , Annual reports and Audited Statement of Accounts

- e. Other records stipulated under Society's Registration Act or Juvenile Justice Amendment Act 2006 and its corresponding Rules etc.

- f. Adoption charges per child and donations received from any source shall be declared by SAA/RIPA to SARA/CARA on annual basis and to the inspecting team as and when required.

- g. SAAs shall be part of the regional pool of information on total number of children and PAP(s) to be maintained by SARA/ACA.

- h. SAA shall work in the best interest of children and carry out the following specific responsibilities:
 - i. motivate people to adopt,
 - ii. match home study with the child study report by a Committee constituted for the purpose
 - iii. organize training and development activities to spread awareness about the programme.
 - iv. evolve its own model/curriculum for training its childcare and professional staff and for certification of family foster caregivers on the basis of model rules or guidelines issued by central government or CARA from time to time
 - v. lodge complaint with SARA, CWC and police authorities if nursing homes/hospitals are found involved in illegal adoptions.

5.2 RIPA (Recognized Indian Placement Agency)

5.2.1 CARA shall give accreditation to SAAs to function as Indian Placement Agencies for Inter-country Adoption (RIPA) based on State Government's recommendations. RIPAs shall function as accredited bodies in accordance with the provisions of Article 11 of Hague Convention on Protection of Children and Cooperation in respect of Inter Country Adoption– 1993. Such RIPA shall:

- a) pursue only non-profit objectives;
- b) not charge adoption fee or any other service charges beyond the limits set by CARA;
- c) be staffed by persons of high ethical values and having training or experience in the field of inter-country adoption; and
- d) be subject to supervision by competent authorities of the Centre or State in regards to its composition, operation and financial situation.

5.2.2 RIPA is a specialised SAA with the dual responsibility for both in-country and inter-country adoptions. RIPA shall make all possible efforts for placing a child within the country, either in in-country adoption or other forms of non-institutional care. Only when all possible options have been exhausted, can a child be placed in inter-country adoption with PIO or foreign parents.

5.2.3 Every RIPA shall carry out following responsibilities in addition to its responsibilities as SAA laid down at 5.1 of these Guidelines:

- (a) In cases where a child cannot be placed in in-country adoption, prepare the child for international adoptions;
- (b) Carry out all functions for Inter-country adoption as provided in Part VI of these Guidelines;
- (c) Register inter-country adoption applications with consent of CARA and comply with instructions issued by CARA from time to time;
- (d) In case of all foreign adoptions, excluding NRI/OCI cases, it shall send referral only after a child becomes legally free for inter-country adoption;
- (e) Ensure regular follow up of all children placed in adoption and inform CARA/SARA in case of any disruption

5.2.4 In case of inter-country adoptions, no direct payment of adoption fee or any other service charges shall be made to RIPA by PAP(s). All expenses shall be routed through the concerned foreign CA or AFAA or the concerned Government Department of the receiving country only after the PAP(s) have accepted referral.

5.3 Adoption Coordinating Agency (ACA)

Adoption Coordinating Agency (ACA) is a State level organisation for promotion of in-country adoption and is also the focal point for coordination amongst SAAs. There may be an ACA in every State or, in special circumstances, more than one ACA in a State which has a large number of SAAs. In those State where there is no ACA, SARA shall perform the role of ACA. The ACA shall carry out the functions prescribed under these Guidelines as well as any other function assigned to it by SARA or CARA from time to time. No agency shall function as an ACA without valid recognition from CARA.

5.3.1 Programmes and Activities:

The programmes and activities of an ACA shall include:

- a) Support SARA in development, coordination, monitoring and supervision of the adoption programme in the State;
- b) Coordinate the adoption activities of the SAAs within its jurisdiction;
- c) Register prospective Indian adoptive parents and admitted children;
- d) Maintain following information at the state level and share it with SARA/CARA:
 - i. list of admitted children,
 - ii. list of children legally free for adoption,
 - iii. list of special needs children,
 - iv. list of children given in adoption,
 - v. list of waiting PAP(s).
- e) Coordinate with other ACAs/SARAs to facilitate placement of children in in-country adoption;
- f) Ensure that RIPAs make adequate efforts for in country adoption before the children are offered for inter country adoptions and assist SARA in issuance of Clearance Certificate for inter-country adoption;
- g) Carry out advocacy and awareness activities to promote legal adoptions;
- h) Undertake promotional activities and sensitize all stakeholders through workshops, seminars, outdoor publicity, media participation etc. for developing adoption programme;
- i) Provide counseling support and prepare Home Study Reports for the Indian parents and to refer registered PAP(s) to the SAAs;
- j) Assist SARA in carrying out follow-up of the children given in adoption by the SAAs;
- k) Undertake inspection of SAAs and furnish inspection reports, as and when requested by SARA/CARA;
- l) Undertake research and documentation on adoption to facilitate policy formulation;
- m) Assist SARA in combating placement of orphan, abandoned and surrendered children, placed directly from the Hospitals and Nursing homes or other organizations within its jurisdiction, without following due procedure;
- n) Report violations of these guidelines to CARA/SARA by any recognised agency;
- o) Organise a quarterly meeting of SAAs and forward a copy of minutes to SARA/CARA;
- p) Promote the concept of quality childcare, health and hygiene at SAAs and inform SARA and CARA about any irregularities or neglect of children;

- q) Prepare and submit an annual report to SARA and CARA;
- r) Perform any other activity that may be assigned to it by CARA or SARA from time to time.

5.3.2 Membership of ACA

All SAAs are required to become members of an ACA. Individuals with expertise in adoption/child welfare including Adoptive Parents Associations may be enrolled as members. Any agency de-recognized by CARA or by the State Government shall cease to be a member.

5.3.3 Constitution and Structure of ACA

Constitution and structure of ACA shall be as per **Annexure 'F'** of these Guidelines.

5.4 AFAA (Authorised Foreign Adoption Agency)

5.4.1 Role and Functions

- a. Prepare FPAP(s) for adoption of children from India and forward an attested copy of their dossier directly to CARA for initial approval. In no case shall, the AFAA directly transmit any dossier to RIPA.
- b. AFAA must monitor each case of a child placed through it at least for a period of two years.
- c. In case of disruption of adoption of a child, the AFAA shall:
 - i. Inform the Child Protection Department of their country, India's Diplomatic Mission, CARA and the concerned RIPA immediately.
 - ii. Finalize an alternate rehabilitation plan in consultation with its Central Authority/Government Department.
 - iii. Consult CARA in case the child has to be repatriated to India and furnish all social and medical reports along with the details of the legal status of the child, and the adoptive parents' legal liabilities. CARA shall decide where the child will be sent keeping in mind the child's origin and other relevant circumstances.
 - iv. Bear cost of repatriation of the child to India.
- d. All other functions of the AFAA like preparing parents for adoptions from India and conducting HSR etc. shall be in accordance with the provisions laid down under the Hague Convention on Inter-country Adoption as well as the specific provisions laid down by the Central Authority of the respective country.
- e. On acceptance of referral by the FPAP, the AFAA shall send the adoption expenses to the particular RIPA. The AFAA shall only charge actual adoption fee from the FPAP(s).
- f. Any type of grant/donation given to RIPA in addition to the prescribed fee shall be intimated to CARA.
- g. Any effort by the AFAA to influence RIPA by any means including monetary or otherwise may result in withdrawal of its authorization.

- h. Send follow-up reports of each child given in adoption to CARA and concerned RIPA, along with photographs of every child, on a six monthly basis for a period of 2 years. In case of guardianship, the follow up reports shall be sent until such time as the legal adoption of the child is complete and citizenship of the receiving country is acquired
- i. Forward a copy of the legal adoption order of the appropriate Authority, wherever required and a copy of the citizenship certificate of that country as soon as it is made, to both CARA and the concerned RIPA.
- j. Arrange get-together of children of Indian origin and their adoptive families from time to time with involvement of the concerned Indian Diplomatic Mission.

5.5 Other Stakeholders

5.5.1 Adoption Scrutiny Agencies (ASAs)

In cases of Inter-country adoption, the Court may, at its discretion, seek assistance from any independent, reputed and officially recognized Child/Social Welfare Agency for scrutinizing the adoption applications with a view to ensuring that the adoption is in the best interest of child.

5.5.2 Adoptive Parents Association

Adoptive Parents Associations at the State level may be recognized by State Government to work for the rights and safeguards of all adopted children as well as promote in-country adoption and provide support to PAP(s).

5.5.3 CHILDLINE

CHILDLINE is a 24x7 emergency phone outreach service for children in need of care and protection linking them to long-term services for rehabilitation. It plays meaningful role in rescuing children from neglect or stressful situation for their protection and rehabilitation. It is an important service particularly for infants and young children who are abandoned or deserted and come in contact with Childline. In such cases, it will inform immediately to concerned CWC, CCIs and SAAs for their protection and rehabilitation. It may take the help of local police or civil society in such efforts.

5.5.4 Police and Local Authority

All information about abandoned children shall be given to local police station as soon as they are located. On receiving such information, the concerned police station shall take all steps to ensure that the child gets immediate care and it shall also inform the CWC/nearest SAA immediately. The Police would register FIR and inform the CWC/SAA to take necessary steps and gather all possible information about the background of the child.

5.5.5 Hospitals and Nursing homes

- a) Hospitals/nursing homes coming in contact with abandonment cases shall contact nearest CWC or CHILDLINE or SAA

- b) Hospitals/nursing homes coming in contact with probable cases where biological mother/parents are going to abandon a child, shall inform such biological mother/parents to contact nearest CWC or SAA.
- c) Hospitals and nursing homes shall not engage themselves in any kind of adoption of any child. In cases where the hospitals/nursing homes are found to be involved in adoption placement, the State Government shall take appropriate legal action against the hospital authorities and the license of the Nursing homes as well as that of the medical officer involved in such activities shall be cancelled by the competent authority.

PART-VI
PROCEDURE FOR ADOPTIONS

6.1 PROCEDURE IN CASE OF ORPHAN AND ABANDONED CHILDREN

6.1.1 Reporting

- a) Whoever (any individual or nursing home or hospital etc.) finds an abandoned child, must report it either to the local police or the CWC or CHILDLINE or any Child Care Institution within 24 hours as per the provision laid down under the Juvenile Justice (Care and Protection of Children) Amendment Act 2006.

6.1.2 Admission

- a) While the SAAs shall admit the child into its home on a temporary basis, its admission can only be finalized once the CWC authorizes it to do so.
- b) All Children admitted by a SAA shall be entered in the Master Admission Register in the prescribed format.
- c) On admission of the child, the SAA shall give a name to the child (if not already given), record a brief social background of the child, identification marks of the child, height and weight of the child and conduct medical examination of the child and file an FIR within 24 hours, if the child is abandoned. The child should also be photographed.

6.1.3 Production of Child before CWC

- (a) A child in need of care and protection shall be produced before the CWC within twenty-four hours, excluding journey time, by one of the following persons:
 - i. any police officer or Special Juvenile Police Unit or a designated police officer;
 - ii. any public servant;
 - iii. Childline, or by any other voluntary organization or agency as may be recognized by the State Government;
 - iv. social worker;
 - v. any public spirited citizen; or
 - vi. the child himself.
- (b) In case of an abandoned child, the SAA shall, within twenty-four hours, report and produce the child before the CWC with a copy of the report filed with the police station in whose jurisdiction the child was found abandoned;
- (c) In case of a child under two years of age, who is unable to travel because of medical reasons, the person or the organization shall send a written report along with the photograph of the child to the Committee within twenty four hours and produce the child before the Committee as soon as the child is medically fit along with the medical certificate to that effect. The Committee itself can take cognizance of cases brought to its notice and reach out to the child in need of care and protection. Who ever produces a child before the CWC, shall report on the circumstances under which the child came to their notice and efforts made by them on for informing the police and the missing person's squad.
- (d) In addition to the efforts made by the CWC to trace the parents or biological family of the abandoned child, the SAA shall also conduct an independent inquiry

for the same purpose. SAA shall issue notices in at least one leading national news paper or one regional language news paper for children below two years of age, and for children above two years, an additional television or radio announcement and notification to the missing person's squad or bureau shall be made. A report on the efforts made by the SAA for tracing the child's background shall also be submitted to the CWC to assist them in taking a suitable decision.

- (e) A child becomes eligible for adoption only when the CWC issues a Release Order declaring him/her to be legally free and adoptable. The child must be produced before the CWC at the time of issuance of the said order.

6.2 PROCEDURE IN CASE OF SURRENDERED CHILDREN

6.2.1 A surrendered child belongs to any of the following categories:

- (a) Born as a consequence of non-consensual relationship;
- (b) Born of an unwed mother;
- (c) A child in whose case one of the biological parents is dead and the living parent is incapacitated or unfit to take care;
- (d) A child where the parents or guardians are compelled to relinquish him/her due to physical, emotional and social factors beyond their control;

6.2.2 Production of the child

(a) The surrendering biological mother/parents or guardians shall approach the local CWC or SAA. In case a parent(s) approach a SAA for surrendering the child, the SAA will make all efforts, including counseling, to prevent surrender of the child. The SAA shall facilitate the surrender process before the CWC whenever it is approached directly for such purpose. In all surrender cases, confidentiality shall be maintained by authorities and agencies involved in the process.

(b) Only the surrendering mother or biological parents or guardians can produce a child for surrender before the CWC. In case the biological mother is a minor, it is mandatory that a close relative accompanies her. In such process, SAA may assist the surrendering mother or parents and the CWC as and when required.

(c) In case of an unwed mother, unwilling to appear before the CWC, a member of the CWC can meet the mother separately.

6.2.2 Counselling and Reconsideration Efforts

a) Serious efforts shall be made by the CWC to ensure family preservation by counselling the parents, explaining the consequences of surrender and urging the parents to retain the child.

b) If the surrender is inevitable, a deed of surrender shall be executed on a non-judicial stamp paper in the presence of the CWC. However, in case of unwed mother, SAA may be allowed by CWC to complete documentation and evidence in the SAA in the presence of at least one member of the CWC.

c) CWC shall give two months time to the biological parents to reconsider the decision of before issuing Release Order.

6.2.3 Admission to the SAA

- a) During the surrender process, until, the release order is given by the CWC, the SAA, on instructions of the CWC, shall admit the child into its home on a temporary basis.
- d) All Children admitted by a SAA shall be entered in the Master Admission Register in the format prescribed.
- e) On admission of the child, the SAA shall give a name to the child (if not already given), record a brief social background of the child, identification marks of the child, height and weight of the child and get a medical examination of the child conducted and file an FIR within 24 hours, if the child is abandoned. The child should also be photographed.

6.3 RELEASE ORDER BY CWC

- a) Initially, the CWC shall order for the orphan/abandoned/surrendered child to be kept in temporary custody with a SAA and after completion of due procedure, it will declare the child destitute and free for adoption and issue a Release Order.
- b) A child must be produced before the Committee at the time of declaring such child legally free for adoption. Normally, the child may not be produced more than twice before the CWC. The CWC may however, decide to meet the child more than twice for compelling reasons duly recorded.
- c) The CWC shall declare an abandoned or orphan child free for adoption through a Release Order in accordance with the provisions of the Juvenile Justice (Care and Protection of Children) Act 2000, its corresponding rules and norms laid down at 4.8.1 of these guidelines.
- d) No child above seven years who can understand and express his opinion shall be declared free for adoption without his/her consent.
- e) A child becomes eligible for adoption when the Committee has completed its inquiry and declared the child legally free for adoption through a Release Order

6.4 PROCEDURE FOR ADOPTION OF SPECIAL NEEDS CHILDREN

6.4.1 Special Needs children can be broadly classified as:

a. Category-1: Older Children

Older children i.e. older than 3 years age and sibling groups are to be treated as special category of children because of the special needs of older children. When an infant of few months to a year or so is adopted by a family, there is a natural process of sanskritization whereby the child becomes a part and parcel of that family. However, a child of 3 years and more brings along with him/her a certain baggage of upbringing, emotions, motives etc. that in certain circumstances can make it difficult for a child to adjust in the family. Further, siblings of different ages, and specially when they know that they are siblings and adopted, require special treatment and care on the part of the adoptive couple and family.

b. Category-2: Low Birth weight

A child who is marginally delayed in gaining normal weight is not a special needs child. However, if a child has severely delayed milestones, as certified by a panel of pediatricians, the child may be listed as a “special needs child”. Such an assessment should be done at the time of a child being declared legally free for adoption.

c. Category-3: Visible and/or serious medical conditions

The following list, though not exhaustive, is indicative of visible and/or serious medical conditions in children which can be categorized as special needs.

Sl No	Disease/disfigurement	Sl No	Disease/disfigurement
1	Spina Bifida	19	Severe Seizure disorders
2	Ichthyosis (Collodian baby)	20	Chronic Asthma
3	Limbs Missing	21	Heart conditions of a severe nature
4	Fingers-toes missing	22	Hepatitis B+
5	Diabetes	23	Blood disorders
6	Cleft Lip-Cleft Palate/Cleft Lip	24	Acute Ricketts
7	Blind	25	Thalasemia Major
8	Partially Blind	26	Fetal Alcohol Syndrome
9	Deaf	27	Severe Orthopedic conditions
10	Partially Deaf	28	Polio
11	Severe disfiguring birth marks	29	Indeterminate sex
12	Hare lip	30	Colostomy
13	Pier Robin Syndrome (no tongue)	31	Neurological disorders
14	Dwarfism	32	Hemophilia
15	Ectodermal displacia (no sweat glands)	33	Speech dysfunction-dysphasia
16	Paralysis	34	(Brain Lesion)
17	Microcephaly	35	Chronic Eczema
18	Burns	36	Epilepsy (does not include fever induced convulsions)

Septicemia and other illnesses do not automatically label a child as being “special needs”, if there are no serious long-term residual effects like hearing impairment. Small correctable conditions such as an extra finger, or “mild deformity” may not be considered as “special needs”

Mentally challenged children are also part of this category. A definition of mental handicap is available in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

d. Category-4: Prior traumatic background, disruption, long institutional care, difficult circumstances, psychiatric and mentally challenged parentage, among others.

Professional evaluation is essential to determine difficult emotional, psychiatric or other mental conditions, which could make the adoption and rehabilitation of some children difficult. In fact, it is observed that such cases are hard to place in domestic adoption and therefore, such children can be treated as special needs.

6.4.2 Preparing Special Needs Children for Adoption

It is the role of the SAA to prepare the special needs child for adoption. It must be understood that in case of special needs children, their ability to handle the change in care giver, change in environment, change in quality of life etc. may not be equal to that of other children. Also, because special needs children are older children in many cases, they may also be fixed in ideas and attitudes making them inflexible and resistant to change. Thus it becomes essential that the SAA takes due precaution to prepare the child for adoption.

Older children should be shown photographs of the adoptive family and carefully counseled to prepare them mentally and emotionally. If the child is going to a foreign country, it would be useful to teach the child the language of the adoptive parents if possible. If possible, the child should be sent to school in the interim period and good habits of toilet, hygiene and manners should be inculcated in the child. In order to start the bonding process, the SAA should encourage the PAPs to share their family albums, photographs and small gifts and letters with the child.

6.4.3 Preparing PAPs for Special Needs Children

The SAAs must organize orientation sessions for the PAPs to enable them understand issues relating to special needs children. If possible, foreign PAPs must be given an orientation on the culture/language/food of the country from which their child comes. They should be urged not to change the name of the older child, so as to help the child keep his/her identity; to try and keep contact with the child's cultural roots if possible; to come with the child and see for themselves the Children's Home/City etc. from which the child came and interact freely with his/her caretakers; keep contact with the agency for as long as the child feels the need; keep connected with other children adopted from the same orphanage if possible and if the child so wishes.

The PAPs and the foreign adoption agencies (in case of inter-country adoption) should be given detailed child study reports, medical data and counseling reports by SAA. No fact should be hidden. The SAA should be prepared to give additional information on the child's milestone development, additional medical tests if required and answers to queries prospective parents may raise, concerning these children. The child study report should portray the child sensitively and positively and at the same time not gloss over deficiencies that the child may have.

A checklist with a range of the child's medical conditions should be presented to all prospective adoptive parents for their perusal. Parents who opt to consider adopting a child with some special need will get priority in placement. The SAA shall maintain a list of PAPs willing to consider for adoption a child with special needs. This will facilitate the placement of such children in adoption. When maintaining a list of PAPs willing to adopt children with special needs, a few points should be kept in mind:

- a) Older and experienced parents tend to be more committed to parent a child with special needs. They have the skills, patience and financial means and parenting experiences for the tasks at hand.
- b) Parents who have had experience, either though the field they work in, or because they have had some exposure to the specific medical condition, may be better equipped to parent children with special needs.
- c) The HSR will reflect the motivation and ability of the PAPs to adopt such a child.

- d) The HSR will reflect whether the PAPs (Indian/Foreign), have the financial means to handle the special needs

6.5 PROCEDURE FOR IN-COUNTRY ADOPTION

6.5.1 Stage I (Registration)

Prospective adoptive parent(s) may register themselves with Specialized Adoption Agency (SAA)/ State Adoption Resource Agency (SARA)/ Adoption Coordinating Agency (ACA). These agencies shall provide all necessary information on the adoption process including application process and documents required. CARA shall also provide online registration facility to the PAP(s) through its website (www.adoptionindia.nic.in). The Registration format given at **Annexure-G** shall also be made available for online registration. The applications received by CARA shall be forwarded to the concerned SARA/ACA for appropriate action. The procedures laid down under these guidelines for the registration of PAP(s) and children, shall be strictly adhered to by every SAA/SARA/ACA.

6.5.2 Stage II (Pre-adoption counseling and Preparation of the PAP(s))

In order to facilitate an informed decision by the PAP(s), the agencies mentioned at 7.1.1 shall provide pre-adoption counseling to them. These agencies shall prepare the PAP(s) for the adoption and related process by providing them with all relevant information and training.

6.5.3 Stage III (Home Study and Other requirements)

- a. A home study report of the prospective adoptive parents shall be prepared by the professional social worker authorized by SAA/SARA/ACA based on the procedures laid down in these guidelines. Documents relating to the financial and health status of the prospective parent(s) shall form a part of the Home Study Report (HSR).
- b. PAP(s) desiring to adopt a child from State other than their own State of habitual residence may apply normally to any SARA/ACA within their own State. However in case they so want they may approach any SARA/ACA across the country.
- c. The eligibility of the PAP(s) shall be determined on the basis of the Home Study Report (HSR) and supporting documents and the criteria laid down under these Guidelines. All documents listed at **Annexure-H** shall be furnished by PAP(s).
- d. Home Study Report of PAP(s) shall remain valid for a period of 2 years and the same will be considered valid by other agencies. Wherever required, updating of HSR may be completed.

6.5.4 Stage IV (Referral and Acceptance)

- a. Matching of any child with PAP(s) can be started by an "Adoption Team" only if the child is legally free for adoption by the competent authority and the HSR of PAP(s) has been completed and they have been found eligible by them.
- b. The "Adoption Team" shall constitute of members, the Secretary of the SAA, Senior Professional Social Worker, Visiting Medical Officer and other members from the particular SAA.

- c. The SAA shall make best efforts to match a child as per required description given by the PAP(s), if any. The CSR and MER of the matched child/children shall be forwarded by the SAA to the PAP(s) for acceptance. This process is known as “referral”.
- d. The SAA shall advise PAP(s) to see the child physically before they give their acceptance. If the PAP(s) so desire they may be shown the matched child/children at the premises of SAA. A maximum number of three children can be shown to a particular PAP.
- e. In case of placement of older children (above the age of 7), both written and verbal consent of the child shall be obtained.
- f. The signature on CSR and MER by PAP(s) shall be treated as formal acceptance of the PAP(s) for adopting a particular child.

6.5.5 Stage V (Pre-adoption Foster-care)

- a. On filing the adoption petition in the Court and on signing a foster care affidavit agreement, the SAA may handover the custody of the child to the PAP(s) in pre-adoption foster care

6.5.6 Stage VI (Legal Procedure)

- a. Once a successful matching has been done, the agency will file a petition in the competent Court for obtaining the necessary orders under the relevant Act. The adoption petition shall contain all requisite documents as prescribed in **Annexure-I**.
- b. The child can be legally placed in adoption with the PAP(s) under the provisions of the Juvenile Justice (Care and Protection of Children) Act 2000 or Hindu Adoption and Maintenance Act (HAMA). The SAA shall inform the PAP(s) about the provision of these two Acts and the ramifications of each to facilitate PAP(s) in taking an informed decision regarding the filing of their petition.
- c. When the competent Court has passed the final adoption order, the SAA shall forward a copy of the same to the concerned CWC, SARA/ACA and CARA.

6.5.7 Stage VI (Follow up visits and post-adoption services)

- a) Once a child has been placed in pre-adoption foster care, the SAA shall carry out half yearly follow-up visits at least for a period of two years. SAA/SARA/ACA shall provide post adoption counseling to PAP(s) or the child as and when required.
- b) The copies of the follow-up reports of the children in case of in-country adoption shall be submitted by the SAA to SARA/ACA.
- c) SAA shall make every effort to ensure that legal adoption is effected at the earliest, thereby safeguarding the interest of the child.

6.6 PROCEDURE FOR INTER-COUNTRY ADOPTION

6.6.1 Step I (Registration for NRI/OCI/PIO/Foreign PAP(s))

- a) PAP(s) desiring to adopt a child/children from India may register with the nearest Authorized Foreign Adoption Agencies (AFAA) or Central Authority/Government Department dealing with adoption matters.
- b) The applicants should obtain the permission of the competent authority of their country for adopting a child from India wherever required.

6.6.2 Step II (Home Study and Other requirements)

- a. The adoption dossier including, the HSR of the PAP(s), shall be prepared by the professional social worker of the AFAA or Central Authority/Government Department dealing with adoption matters in their country of habitual residence. All documents as provided in **Annexure-J** shall be notarized. If the documents are in any language other than English, then the originals must be accompanied by attested translations.
- b. Home Study Report of PAP(s) shall remain valid for a period of two years and the same will be considered valid by other agencies. Wherever required, updating of HSR may be completed.
- c. In addition, each application should indicate any preferences the PAP(s) might have about the child's age, sex, physical/medical condition, or location within India.

6.6.3 Step III (Advance approval of PAP(s) by CARA)

- a. The AFAA/CA/concerned Government Department of the receiving country shall submit one attested/notarized copy of the adoption application (not original) along with the requisite documents listed out at **Annexure-J** directly to CARA for approval. The AFAA/CA/concerned Government Department of the receiving country may indicate their preference of a particular RIPA(s), if any.
- b. On receiving the adoption dossier, a case file will be opened at CARA and it will advise the AFAA/CA if any additional documents are required.
- c. Once CARA approves the application, it shall identify a suitable RIPA keeping in mind the requirements of the PAP(s), preference for a RIPA(s), availability of children and other important factors. It will request the AFAA/CA/Government Department to send the original proposal to the identified RIPA for arranging a suitable match.
- d. Any application from foreigners including NRIs/PIOs/OCIs for adoption of an Indian child received by Recognized Indian Placement Agency (RIPA) shall not be entertained by the RIPA without prior consent of CARA.
- e. Initial approval given by CARA to the PAP(s) will no way guarantee referral from India nor will it be obligatory on the part of CARA to ensure referral of a child. Any referral depends upon availability of children for inter-country adoption.

6.6.4 Step IV (Referral and Acceptance)

- a) The RIPA shall be responsible for the placement decision, matching and referral to PAP(s) in each case provided that the child being matched has been declared free for inter-country adoption through a "Clearance Certificate (CC)" issued by SARA/ACA in accordance with these guidelines.

- b) On receiving CARA's initial approval and the original dossier of the PAP(s), the RIPA shall make every effort to match a child according to the choice given by the PAP(s) and shall forward a copy of the CSR and MER of the matched child to the AFAA/CA/concerned Government Department of the receiving country along with a letter of introduction about the child. This process is commonly called a "referral for adoption". The RIPA shall not transmit this information to the PAP(s) directly.
- c) Once the matching information has been received and discussed by the AFAA/CA/concerned Government Department of the receiving country with the PAP(s), the PAP(s) then may visit the child in India.
- d) On acceptance of the child by the PAP(s), the AFAA/CA/concerned Government Department of the receiving country shall send back the original copy of the "referral for adoption" to RIPA, within four weeks of receipt of the referral,, along with the following documents: (i) CSR and MER duly signed by PAP(s) as well as notarized/ attested; (ii) Power of attorney in favour of the official/social worker of RIPA for filing the case in the court. The AFAA/CA/concerned Government Department of the receiving country shall send a copy of the "referral for adoption" to CARA along with all relevant documents.
- e) CARA shall maintain an online database so as to enable PAP(s) to see the status of their application.

6.6.5 Step V (Issue of No Objection Certificate by CARA)

(a) For every case of inter-country adoption, the concerned RIPA shall send to CARA the following documents for issuance of the No-Objection Certificate:.

- i. Copy of the CSR and MER duly signed by the PAP(s)
- ii. Release Order from CWC
- iii. Clearance Certificate, where ever required

(b) After scrutiny of the relevant documents, CARA shall expeditiously issue the NOC for the placement of a particular child in Inter-country Adoption after ensuring that due procedures have been followed and the placement is in the best interest of the child.

(c) A copy of the NOC issued by CARA shall be mailed to RIPA, SARA, AFAA/CA/concerned Government Department of the receiving country following which the concerned Central Authority shall act promptly to conclude an Article 17(c) agreement with CARA and notify the CARA, AFAAs, RIPA and the PAP(s) accordingly. Only after such procedure is completed, a decision to entrust the child to the PAP(s) can be taken.

(d) On receiving NOC from CARA or agreement order under Article 17(C) of the Hague Convention on Inter-country Adoption, RIPA shall proceed to obtain a Court Order in India after following due procedure.

(e) No RIPA can file an application in the competent court for inter-country adoption without a "NOC" from CARA and no child (orphan, abandoned or surrendered) is permitted to travel out side the country without NOC from CARA and relevant court order etc.

6.6.6 Step VI (Filing of the Petition in the Court)

- a. On receipt of the NOC from CARA, the RIPA shall file a petition in the competent court with all required documents as per **Annexure-I** within 15 working days. The competent Court may dispose the case in the first hearing itself or within a maximum period of 2 months and issue an appropriate order for the placement of the child with the PAP(s) allowing the child to travel along with the PAP(s) to their country of habitual residence.
- b. Wherever required, on receiving the Adoption Court Order, RIPA shall immediately send a copy of it to CARA and SARA following which CARA shall issue an agreement certificate under Article 23 of the Hague Convention. In case of guardianship orders, competent authority in the receiving country shall issue such certificate. The Hague Convention requires all countries that have signed the Convention to recognize adoptions as provided under Article 23. An adoption certified by the competent authority in a particular country shall be recognized by operation of law in the other contracting country.

6.6.7 Step VII (Passport and Visa)

Concerned authorities based on the relevant documents, i.e. NOC from CARA, Court Order and Release Order etc, may expeditiously issue passport and visa to enable the adopted child to leave with his/her adoptive parents to their habitual place of residence.

6.6.8 Step VIII (Child travels to adoptive country)

The adoptive parent/parents shall have to come to India and accompany the child back to their country. They are required to spend at least one week with the child so that they get a chance to get acquainted with each other.

6.6.9 Step IX (Progress Reports)

The AFAA/CA/concerned Government Department of the receiving country shall keep CARA informed about the progress of placement through half-yearly post-placement reports for a period of two years in all such cases where adoptions are finalized in India. Cases where adoptions are finalized in the receiving country, the AFAA/CA/concerned Government Department of the receiving country shall transmit a copy of the adoption order/citizenship certificate to CARA at an early date.

6.7 CASES DESERVING RELAXATIONS

6.7.1 In the light of obligations under The Hague Convention on Inter-country Adoption-1993 and in the best interest of Indian children, CARA and the Ministry of Women and Child Development, Government of India shall take all appropriate measures from time to time. In all cases of inter-country adoptions, recognitions, authorizations and renewals of all concerned agencies, decisions will be taken at the discretion of CARA and in such cases where CARA feels that a particular provision needs to be relaxed, it may do so by recording on file the reasons as to how the best interest of the child is being served by such relaxation. Wherever there is any doubt in interpretation of the Guidelines or validity of adoption, CARA is the final authority for such clarification.

6.7.2 Where there is no AFAA/CA

In the case of an Indian National residing in a country where there is no formal adoption programme or AFAA or CA to sponsor applications; CARA may allow an organization or individual recommended by the Indian Embassy/High Commission to do the Home Study Report (HSR) and give undertaking to send progress reports for a period of 2 years. The Indian Embassy or High Commission itself may help to prepare adoption dossier of the PAP in such cases.

6.7.3 Foreign nationals living in India

In case of foreigners who have been living in India for one year or more, the HSR and other requisite documents may be prepared by the RIPA. Concerned Central Authority of the foreign national, wherever existing, must grant a “Certificate of Eligibility” to enable Article 17(c) of the Hague Convention on Inter-country Adoption agreement and submit declarations as provided in Para 4.1 of the Guidelines.

The concerned Embassy/High Commission/CA supporting the adoption case of their citizen should give an undertaking to send the progress reports for a period of 2 years.

6.7.4 Exemption of SARA/ACA Clearance

No SARA/ACA clearance is required for NRI/OCI parents. However, PAP(s) living in India will be given first preference in referral.

PART- VII
RIGHTS, SAFEGUARDS, ETHICAL ISSUES AND GUIDES
TO GOOD PRACTICE

7.1 Ethical Principles

In accordance with article 3 of the UN Convention on the Rights of Child (UNCRC), the best interests of the child shall be a “primary consideration” in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. This principle, reiterated in article 21 of UNCRC in relation to adoption, implies a case-by-case appreciation of the interests of the child. This “primary consideration” underlines the importance of placing the child and his needs at the centre of decisions concerning him/her.

These Guidelines endorse the ethical principles for ensuring the best interest of the child as laid down in the following judgements/legislations/conventions:

- a) Supreme Court Judgements in L. K. Pandey vs. Union of India in WP No 1171 of 1982 and its subsequent judgements
- b) Juvenile Justice (Care and Protection of Children) Amendment Act 2006 and its corresponding State Rules
- c) UN Convention on the Rights of the Child 1989
- d) UN Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally;
- e) The Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption 1993

7.2 Rights of an adopted Child

- a. A child without parental care has the right to a permanent, secure and alternate loving family, which can meet his/her needs during childhood and beyond.
- b. All children who are adopted have the right to know that they are adopted and adoptive parents are required to pass such information to their children.
- c. The child’s welfare, safety and protection needs will be at the center of the adoption process.
- d. The child’s wishes shall be taken into account at all stages.
- e. Adoptive parents are obliged to respect a child’s ethnic origin, cultural background, religion and language.

7.3 Reimbursement of Adoption Expenses

- 7.3.1 The SAAs/RIPAs are eligible for reimbursement from PAPs of the expenses for in-country and inter-country adoptions. These may include, expenses on registration, home study, childcare/maintenance fee, services of professional staff, legal services, administrative expenses, medical & hospitalization, monitoring, correspondence, passport fee amongst others. The outer limit of recoverable expenses will be decided by CARA in consultation with the Ministry of Women and Child Development. This may be reviewed from time to time depending upon escalation of the living expenses. The RIPA/SAA shall maintain an account of adoption expenses and grants strictly for verification by CARA or State authorities.
- 7.3.2 The payment of adoption expenses in either case will be made only after acceptance of the referral by the PAP.
- 7.3.3 No payment shall be made by cash. In case of In-country Adoption the payment should be in the form of draft or cheque drawn in favour of the organization. In case of inter-country adoption, the adoption fee shall be in the form of an international money order or international bank draft payable to the RIPA at the place where it is located and will be done by the adoptive parent through the concerned AFAA/CA.
- 7.3.4 In case of disruption or failure of adoption, the cost of repatriating the child to India will be borne by the AFAA/CA, if no alternative placement for the child is effected in the foreigner's country.
- 7.3.5 No agreement on adoption between Indian adoption agencies and foreign agencies is permitted. There should not be any agreement between Indian and Foreign Agencies on number of children to be offered for adoption to foreign families. Similarly, no such agreement on donations and fees will be entered into between such Agencies.

7.4 Improper Financial Gain

As per Article 32 of the Hague Convention, no one shall derive improper financial or other gain from an activity related to an inter-country adoption. Only costs and expenses, including reasonable professional fees of persons involved in the adoption process, may be charged or paid. The directors, administrators and employees of bodies involved in an adoption shall not receive remuneration, which is unreasonably high in relation to services rendered.

No donation shall be received by a RIPA from PAPs or from sponsoring agencies in case of inter-country adoption. However, grants related to non-institutional care are permitted from the sponsoring agencies. In all such cases, CARA must be informed. Any violation of the provision will lead to cancellation of recognition or authorization.

If it comes to CARA's notice that any RIPA charges more than the prescribed fees or tries to financially exploit the sponsoring agency/adoptive parents, CARA may, after giving an opportunity to such agency to explain its position, suspend or withdraw its recognition as well as recommend criminal prosecution to the State Govt. as per law. Similarly, if any AFAA induces a RIPA by paying more adoption fees for processing a case of inter-country adoption of an Indian child, CARA may, after giving an

opportunity to such agency to explain its point of view, withdraw authorization from the AFAA and recommend the concerned authority to prosecute the defaulter.

7.5 Minimum standards

Every SAA shall adhere to quality child care standards laid down by the Juvenile Justice (Care and Protection of Children) Amendment Act 2006, its corresponding Rules, the Hague Convention on Inter-Country Adoption and norms provided in **Annexure-A** of these guidelines.

7.6 Safeguards

- a) Both in-country and inter-country adoption procedure shall be completed as per provisions laid down under these Guidelines.
- b) All in-country and inter-country adoptions shall be carried out as per the procedure laid down in these guidelines. So called “Adoptions” carried out by unauthorized agencies/persons or not done as per these guidelines shall be considered “Illegal”.
- c) Placement of a child shall be treated as illegal, if:
 - i) A child is placed without involvement of recognized agencies/authorities;
 - ii) A child is placed without ensuring safeguards for his/her best interest;
 - iii) Adoptive parents obtain a child clandestinely through private hospitals/ other sources;
 - iv) Adoption of an orphan, abandoned or surrendered child is a private arrangement;
 - v) It is a family adoption without consent of CWC and without registered documents/court orders etc.(exemption in case of tribals or indigenous population where customary practices shall be recognized);
 - vi) It is supported by falsification of documents, forced signing of consent forms, forgery of signatures, etc.;
 - vii) Agencies are involved in paying large sums as donations to a particular Indian agency in addition to prescribed adoption fee in India for purpose of getting a referral;
 - viii) Commitment for placement is made before birth of the child (applies to unrelated cases);
 - ix) PAP(s) are same sex couples and lesbians or gay couples;
 - x) Citizens of India habitually residing in a foreign country or foreign citizens, either residing in India or abroad, obtains an unrelated child directly without due procedures laid down in these Guidelines.
 - xi) It is a direct placement by advocates or intermediaries or by biological parents without due procedure laid down in these Guidelines
 - xii) Any payment, in cash or kind, is made to mothers or parents to place their babies;
 - xiii) It results in improper financial gain by any agency/individual.
- d) There can't be any direct adoption of orphan, abandoned and surrendered children by any PAP(s) and all such adoptions shall be through recognized/authorized agencies as defined under the Guidelines. The only exception is with respect to relative adoption only (as per Guidelines issued by CARA). Adoption by unrelated foreigners directly from biological parents is prohibited, as it is difficult to ensure standards/safeguards envisaged under the Hague Convention on Inter-country Adoption 1993.

e)All SAAs/ACAs shall display prescribed adoption fee and service charge on its notice board and issue a receipt in case of payment received.

f)Matching for both in-country and inter-country adoption shall be done on case-by-case basis, after careful study of the child and the potential families.

g)The adoptive child, as far as possible, should be younger than the siblings in the adoptive home.

h)A single male is not permitted to adopt a girl child.

i)Two children at a time should not be recommended by SAA/RIPA unless they are related.

j)Siblings should not be separated by placement in alternative care, unless there is a clear risk of abuse or other justification in the best interest of the child. In any case, siblings should be enabled to maintain contact with each other, unless this is against their wishes or interests.

k)No SAA that is getting Government grants to promote in-country adoption shall claim any fee from PAP(s) except for registration, HSR and counseling.

l)It is desirable that as young a child as possible is placed in adoption, if possible children above the age of 12 years shall be placed in other non-institutional care such as foster care or sponsorship etc. or may be transferred to a suitable CCI by CWC for further rehabilitation.

m)Special needs children who are not adoptable may be sent to specialized institutions having adequate facilities in this regard.

n)Children of mentally ill parents can be treated as "abandoned" and sent for adoption. But, for that to happen, the single mother or parents have to be declared mentally unfit by a district court. The criteria of declaring such mothers mentally incapable of looking after their children can only be determined under the provisions of the Mental Health Act or any other law providing for such determination and the job of declaring them unfit would lie with the relevant district court.

PART VIII MISCELLEANOUS

8.1 Adoption Leave

As per Circular No. 13018/4/2004-Estt.(L) dated 31.3.2006 of Ministry of Personnel, PG and Pensions, Department of Personnel and Training, Government of India, all female government servants are eligible to get the benefit of leave for 135 days with fewer than 2 surviving children as "Child Adoption Leave" on adoption of a child up to one year of age, on the lines of maternity leave admissible to natural mothers.

For such purpose, the date for calculation of leave will be date of pre-adoption foster care agreement when the PAP(s) take actual custody of the child from SAA.

8.2 Violation of Guidelines

(a) If it comes to the notice of any State Government or any of India's Diplomatic Missions abroad or CARA that a SAA or RIPA or ACA or AFAA is not observing all or any of the provisions of these guidelines or is otherwise functioning in a manner which is not in the interest of children, CARA/State Government as the case may be, at its discretion, may suspend or withdraw recognition of such authorized agency or SAA or RIPA or ACA or take any other action as may be deemed necessary after giving due opportunity to the agency by way of show cause notice. In case of SAA or RIPA, when recognition is withdrawn or suspended based on complaints or inspections as the case may be, the pipeline cases may be allowed to proceed.

(b) Complaints on procedural lapses, unethical practices, non-compliance of Guidelines, cases of abuse/neglect of adopted children etc. may be directly addressed to authorities like CWC, SARA, CARA.

(c) If informed about illegal adoption or violation of procedure or information that adoptable children are being institutionalized for long with a view to maintain tie up with a foreign agency, CARA shall take steps to de-recognize such RIPA/AFAA as the case may be.

8.3 Issue of Confidentiality

The child, the birth parents and the adoptive family have the right to confidentiality and need respect for their private lives. Access to their file will be strictly controlled and will not be made available to a wide and unspecified public. Only authority like CARA, SARA, CWC or Court shall have access to such confidential information in the interest of children. Any CARA recognized agency or state recognized agency found to be revealing identified information on the background of adopted children, the surrender deeds, their CSR and PER and Home Study to any outside agency or individual should be brought to light and recognition of such agency shall be withdrawn by competent authority.

In case of any newspaper, magazine, news-sheet or visual media disclosing the identity of the child, the Competent Authority shall take appropriate action as per the provisions laid down under Section 21 of the Juvenile Justice (Care and Protection of Children) Amendment Act 2006.

8.4 Implementation of the Guidelines

CARA shall develop suitable ways and means to implement the present Guidelines.

8.5 Amendments to the Guidelines

The Ministry of Women and Child Development, Government of India, reserves to itself the power, at its discretion to make such amendments, additions, deletions or alterations in these guidelines as are deemed necessary from time to time.

ANNEXURES

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Annexure: A

Annexure -A

Minimum Standards of Child Care and Recommended Staff for SAA

1. Minimum Standards of Child Care

Where as all SAAs shall adhere to the minimum standards of child care prescribed under the JJ Model Rules 2007/State JJ Rules, it has to be understood that since the SAAs are looking after infants and young children with the aim of placing them in adoption, special attention needs to be given to the following issues:

- a) A child's neurological growth is complete within the first few years of his/her early childhood and determines the brain's capabilities throughout the rest of his/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, supporting parents through information-sharing and parenting education, 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. Each SAA is obliged to maintain quality childcare for such children.
- c) Particularly during early childhood, say when children are below 6 years, the institutions should make every effort to focus on their physical well-being and motor development, social and emotional development, language development and cognitive development etc. All SAAs are required to ensure that there is no instance of child abuse and neglect while children are in the institutions.
- d) In case of infants, weekly medical check ups and in case of others monthly medical check up must be completed in a routine manner.
- e) Older and special needs children should be prepared for adoption through experienced social workers/counselors.
- f) All the case files maintained by the SAA shall, as far as possible, be computerized and networked so that the data is centrally available to the SARA and ACA.
- g) Each child should be mandatorily photographed every six months.

2. Recommended Staff for SAA

Each SAA is responsible for its staff development, assessment, planning, service, monitoring and policy. All staff should be properly recruited and their personal files may be maintained strictly. Knowledge of early childhood development and attachment behavior is particularly important for professional social worker and childcare staff. While staffing may be as per prescribed standards of JJ Model Rules (2007) or corresponding State JJ Rules, it is mandatory that SAAs recruit the following professional staff as mentioned below:

Recommended Staff for SAA accommodating 10 children

Particulars o Staff	Requirement
Manager/Coordinator	1
Nurse (female) cum Supervisor	1
Child care staff(Ayas)	6
Social worker cum Early Childhood Educator	1
Doctor (part time to visit home at least once in a week)	1
Security Guard/Chowkidar	1

(SAA shall appoint more staff depending on the number of children)

In addition to the above, the SAA/RIPA should recruit following part time/full time staff as per its requirement:

Physical Education Teacher,
Paramedical staff,
Store-keeper cum Accountant,
Art & Craft cum Music Teacher,
Cook, Helper, Sweeper, Gardener, security guard etc.

**Format for Home Study Report
(Under Finalisation)**

Annexure: B

Format of Child Study Report (CSR)

Annexure: C

The detailed report on the child shall include identifying information supported by documents.

Name and address of the Institution: -

I. GENERAL INFORMATION:

1. Name of the Child:------(given by biological mother/parents/by the agency itself or CWC)
2. Reference No. as per general register of the Institution:
3. Present age and date of birth:
4. Sex:
5. Place of Birth:
6. Where was the child born (Name of the Hospital/Nursing Home/any other place)
7. Religion (if known):

II. SOCIAL DATA:

Please do not give identifying information as name and address 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 any other guardian:
 - b) Placed by CWC directly
 - c) Transferred from any other institution and if so which one:
 - d) Any other source
 - e) A brief note about the social background of the child.
3. Circumstances under which the child has come to the original institution:
4. Reasons for seeking protection in the Institution:
5. Attitudes towards other children:
6. Relationship towards relatives, staff and other adults including strangers:

7. Intelligence (if and where possible, D.Q. report should be enclosed):
8. If the child is school going, give a detailed report about his/her standard, attendance, general interest in studies, progress, defects, if any:
9. General Personality and description of the child:
10. Play activity and any specific talent: Milestones of the child (for children below 18 months). Please mark Yes/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 / Sit without support
 - g) Stand with support / Stand without support
 - h) Walk with support / Walk without support
11. Language Development
 - Cooing / Babbles incoherently
 - Speaks few words incoherently
 - Speaks few words clearly
 - Language spoken to the child
12. Dietary Habits
 - Intake of Liquids foods
 - Semisolids
 - Solids
13. Social Background: These details are required to give adoptive parents details of the child's social history i.e. brief background of the birth parents and circumstances necessitating the child's abandonment. 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.

Place :	Signature:
Date :	Name:
	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)	(Signature of the female applicant)
(Name of the male applicant)	(Name of the female applicant)

Place :	Name:
Date :	Designation:

Annexure: D

Format for Medical Examination Report (MER) of the Child

A duly licensed physician should complete the report. If the information in question is not available please state “unknown”

Name of the child :			
Date and year of birth :			
Sex:			
Place of birth:			
Nationality:			
Name of the mother:			
Date and year of her birth:			
Name of the father:			
Date and year of his birth:			
Name of the present institution:		placed since:	
Weight at birth:	kg.	At admission:	kg.
Length at birth:	cm.	At admission:	cm.
Was the pregnancy and delivery normal?	Yes	No	Do not know
Where has the child been staying?			
With his/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)			
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 No Do not know			
If yes:			
Ordinary children's diseases (whooping cough, measles, chicken-pox, rubella, mumps)?			
Tuberculosis?			
Convulsions (incl. Febrile convulsions)?			
Any other disease?			
Exposition to contagious disease?			
Has the child been vaccinated against any of the following diseases:			
Yes No Do not know			
If yes:			
Tuberculosis (B.C.G.)?	Date of injection:		
Diphtheria?	Date of injection:		
Tetanus?	Date of injection:		
Whooping cough?	Date of injection:		
Poliomyelitis?	Date of injection:		Date of oral vaccinations:
Hepatitis A?	Date of injection:		
Hepatitis B?	Date of injection:		
Other immunizations?	Date of injection:		
Has the child been treated in hospital?			
Yes No Do not know			
If yes state hospital, age of child, diagnosis, and treatment:			
Give if possible a description of the mental development, behaviour and skills of the child.			
Visual Unknown	When was the child able to fix?		
Aural Unknown	When was the child able to turn its head after sounds?		
Motor Unknown	When was the child able to sit by itself? Stand by support? Walk without support?		
Language Unknown	When did the child start to prattle? Say single words? Say sentences?		
Contact Unknown	When did the child start to smile? How does it react towards strangers? How does it communicate with adults and other children?		
Emotional Unknown	How does the child show emotions (anger, uneasiness, disappointment, joy)?		
Medical examination of the child			
Date of the medical examination:			

The child	Weight : Height : Head circumference	KG KG cm	Date: Date: Date:
Colour of hair:	Colour of eyes:	Colour of skin:	
Through my complete clinical examination of the child I have observed the following evidence of disease, impairment or abnormalities of: Date of the examination:			
Head (form of skull, hydrocephalus, craniotabes)			
Mouth and pharynx (harelip or cleft palate, teeth)			
Eyes (vision, strabismus, infections)			
Ears (infectious, discharge, reduced hearing, deformity)			
Organs of the chest (heart, lungs)			
Lymphatic glands (adenitis)			
Abdomen (hernia, liver, spleen)			
Genitals (hypospadias, testis, retention)			
Spinal column (kyphosis, scoliosis)			
Extremities (pes equinus, valgus, varus, pes calcaneovarus, flexion of the hip, spasticity, paresis)			
Skin (eczema, infections, parasites)			
Other diseases?			
Are there any symptoms of syphilis in the child? Result of syphilis reaction made (date and year): Positive Negative Not done			
Any symptoms of tuberculosis? Result of tuberculin test made (date and year): Positive Negative Not done			
Any symptoms of Hepatitis A? Result of tests for hepatitis A made (date and year): Positive Negative Not done			
Any symptoms of Hepatitis B? Result of tests for HbsAg (date and year): Positive Negative Not done Result of test for anti-HBs (date and year): Positive Negative Not done Result of tests for HBeAg (date and year): Positive Negative Not done Result of tests for anti HBe (date and year): Positive Negative Not done			
Any symptoms of AIDS? Result of tests for HIV made (date and year): Positive Negative Not done			
Symptoms of any other infectious disease?			
Does the urine contain? Sugar? Albumen? Phenyketone?			
Stools (diarrhoea, constipation): Examination for parasites: Positive Negative Not done			
Is there any mental disease or retardation of the child?			
Give a description of the mental development, behaviour and skills of the child. This is of particular value for advising the prospective parents.			
Any additional comments?			

Signature and stamp of the examining physician

Date

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)
(Name of the male applicant)

(Signature of the female applicant)
(Name of the female applicant)

Annexure E
Format of Master Admission Register

Name & Address of the institution:

1	2	3	4	5	6	7	8	9	10
S.No.	Regd. No. & Date	Name of the Child	Sex	Date of Birth	Child Status (Relinquished/Abandoned) Date of Relinquishment/abandonment	Reasons for surrender	Date of Admission/Date of acquiring the child	Health Status of the Child, in Specif y	Whether the child is in Foster Care

11	12	13	14	15	Remarks *	Photograph of the Child
Name & Address of Adoptive/Foster Care Parents	Date of Foster Care Agreement	Whether the child is finalized	Court Order No. & Date	Post Placement Reports.		

*The date of Restoration & details of death of a child should also be stated in the remarks.

Annexure F

Constitution of ACA

There shall be an Executive Committee for managing the affairs of an ACA. The Executive Committee shall consist of not less than 7 members. Only ACAs recognised by CARA can carry out the functions envisaged in these Committees. Where there is no ACA existing, reputed Child Welfare organisation or an academic body can function as ACA in accordance these guidelines. CARA, in consultation with State Government, may identify such an organisation not involved in adoption placement work. However, its recommendation as an ACA shall come through the State Government if all other conditions are met.

The office bearers of the Executive Committee of an ACA will consist of a Chairperson, Secretary and Treasurer who shall be elected from and by the General Body of Members of the ACA for a term of 3 years. An office bearer shall not hold office for more than one consecutive term.

The tenure of Executive Members will be for a period of 3 years. The Executive Committee shall consist of the following Members:

1. One Chairperson, one Secretary and one Treasurer;
2. One representative of the State Government not below the rank of Deputy Director;
3. One representative of the Scrutiny Agency/Agencies working in the jurisdiction of the concerned ACA;
4. One representative of the agencies exclusively involved in Indian adoption (SAA);
5. One representative of the Recognised Indian Placement Agencies (Inter-Country) wherever existing;
6. One representative from Adoptive Parents Associations, wherever existing;
7. One representative from the Deptt. of Health, State Govt.
8. One representative from the Academic Community preferably from the field of Social Work/Law/Child Development without any direct link with the adoption agencies.

The representation from Points 2 to 7 shall be on a yearly rotation basis wherever there are more than one such agencies/organizations.

The Executive Committee of an ACA may appoint staff to carry out the day-to-day functions of the ACA. Such paid staff would be accountable to the Executive Committee.

REGISTRATION FORM FOR PROSPECTIVE ADOPTIVE PARENTS

Name and Address of the Agency

Date of Registration: _____ Receipt No. _____ :

Registration Fee (if any) : _____

Names:

MALE APPLICANT: _____ AGE : _____

FEMALE APPLICANT: _____ AGE: _____

ADDRESS: _____

Telephone No. : Residence: _____, Office: _____

Place of Work: Male Applicant: _____

Income: _____

Female Applicant: _____

Income: _____

Education: Male Applicant: _____

Female Applicant: _____

Housing status: (1) Own flat / House (2) Tenant (3) Sub-tenant

Why do you want to adopt a child:

Any Preference:

Name & Address of the person approaching the agency other than the applicant/s

Signature: _____

Social Worker's Name: _____

Remarks: _____

Checklist of documents in case of In-country Adoption

- a) Home Study Report (For more details please see Annexure L)
- b) Updated Medical Certificate.
- c) Income Certificate/Proof of financial status.
- d) Employment Certificate.
- e) Two references from acquaintance/relatives regarding suitability of PAPs to adopt.
- f) Certificates of educational qualifications
- g) Certificate of Date of Birth
- h) Residence proof
- i) Marriage Certificate/Proof
- j) Recent Photograph of the adoptive family.
- k) Police verification certificate (Government servants are exempted)
- l) Undertaking by the parents to nurture the adoptive child as their own.

Documents required for filing Adoption petition in the Court

1. Domestic Adoption

Affidavit for Court Order under relevant Act
Copy of the CSR & MER duly signed by the PAPs
Copy of the HSR, its annexure including reference letters
Copy of the license of domestic adoption
Copy of the CWC Certificate
Prescribed adoption expenses reimbursed
(No infertility certificate is required for filing the same in the court)

2. Inter-country Adoption

Affidavit for Court Order under relevant Act
Copy of the CSR & MER duly signed by the PAP
Copy of the HSR, its annexure including reference letters as provided under CARA Guidelines
Copy of the license of inter-country adoption (recognition certificate from CARA)
Copy of the CWC Certificate
Copy of the SARA-ACA Clearance wherever required
NOC issued from CARA
Power of Attorney from PAPs in favour of the official/social worker of the RIPA
Conformity Certificate from central authority of receiving country where ever required
Prescribed adoption expenses reimbursed

(No infertility certificate is required for filing the same in the court)

Annexure J

Checklist of documents in case of Inter-country Adoption

- a. Home Study Report of the prospective foreign adoptive parents prepared by a professional social worker of EFAA/person authorized by Central Authority/Government Departments.
- b. Recent photographs of the adoptive parents/family.
- c. Marriage certificate of prospective adoptive parents.
- d. Certificate of medical fitness of adoptive parents duly certified by a medical doctor.
- e. Declaration regarding financial status of prospective adoptive parents along with supporting documents, employer's certificate/Income Tax Return Order and Bank references.
- f. Three reference letters from acquaintance/relatives regarding suitability of PAPs to adopt.
- g. Adoption decree of previously adopted child/children, if any.
- h. Police clearance report.
- i. Birth certificate/passport, as proof of age
- j. Approval of the Central Authority (suitability report – HSR).
- k. Documentary proof of citizenship/nationality of PAPs.
- l. A declaration by Central Authority/AFAA of receiving country in

Annexure –K.

Annexure K

Undertaking by the AFAA/CA

Mr.& Mrs....., r/o.....
.....have been registered by us for adopting a child from India and for preparing their dossier.

2. We have investigated into the status of the said family. Their home study report has been prepared by-----, an accredited social worker, under the auspices of this agency/authority, duly licensed by -----. The PAPs have been counseled.

3. We have approved the prospective adoptive parent/s and do undertake that in case the child comes with a adoption order from the country of origin by the prospective adoptive parents, a copy of the citizenship certificate will be transmitted to CARA and the RIPA and progress reports shall be forwarded to CARA and the RIPA for a period of 2 years.

4. We undertake that in case the child comes with a guardianship order, this office will send progress reports to CARA and the RIPA as provided under CARA Guidelines.

5. We further assure that in case of disruption of the child, we shall make efforts for alternative placement of the child and inform CARA and the RIPA in such cases.

6. We assure that adoption will be completed in case the child is brought under guardianship within a period of two years from the time of arrival of the child and the certified copy of the adoption order will be forwarded to CARA and the RIPA.

7. We further assure that in case of disruption of the child before legal adoption is effected, we shall make alternate rehabilitation efforts and seek approval of CARA in this regard. After the necessary approval of CARA, we shall report the alternative placement to the concerned court and the RIPA.

8. We undertake and assure that we will reimburse all the expenses to the particular RIPA as fixed by CARA.

Dated: -

Place:
person

Signature of the authorised
Official seal of the
Agency

