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MINISTRY OF WOMEN AND CHILD DEVELOPMENT

NOTIFICATION

New Delhi, the ____ day of _____, 2011

Guidelines Governing the Adoption of Children, 2011

S.O...(E). -In exercise of the powers by sub-section (3) of section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) and in supersession of the Guidelines for In-country Adoption, 2004 and the Guidelines for Adoption from India, 2006, except as respects things done or omitted to be done before such supersession, the Central Government hereby notifies the Guidelines issued by the Central Adoption Resource Authority to provide for the regulation of adoption of orphan, abandoned or surrendered children.

Note -

(1) In order to ensure smooth functioning of the adoption process, Central Adoption Resource Authority, from time to time, issues Adoption Guidelines laying down procedures and processes to be followed by different stakeholders of the adoption programme. The Adoption Guidelines draw support from:

- (a) The Juvenile Justice (Care and Protection of Children) Act, 2000;
- (b) Judgement of the Hon'ble Supreme Court in the case of L.K. Pandey vs. Union of India in WP No 1171 of 1982;
- (c) UN Convention on the Rights of the Child, 1989;

(d) The Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, 1993.

(2) These Guidelines shall govern the adoption procedure of orphan, abandoned and surrendered children in the country from the date of notification and shall replace (i) Guidelines for In-country Adoption, 2004 (ii) Guidelines for Adoption from India, 2006.

CHAPTER - I PRELIMINARY

1. Short title and commencement. — (1) These Guidelines may be called the Guidelines Governing the Adoption of Children, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. — (1) In these rules, unless the context otherwise requires-

(a) "Act" means the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000);

(b) "ACA" means the Adoption Coordinating Agency;

(c) "abandoned" means an unaccompanied and deserted child who is declared abandoned by the Child Welfare Committee after due inquiry;

(d) "adoption" means the process through which the adopted child is permanently separated from his biological parents and becomes the legitimate child of his adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship;

- (e) AFAA or “Authorised Foreign Adoption Agency” means a Foreign Social or Child Welfare Agency that is authorized by CARA for sponsoring the application of Prospective NRI or OCI or PIO or Foreign Adoptive Parents for Adoption of an Indian child;
- (f) “ARC” means Adoption Recommendation Committee constituted by the State Government.
- (g) “best Interest of the child” means a decision taken to ensure the physical, emotional, intellectual, social and moral development of a child;
- (h) “CARA” means the Central Adoption Resource Authority;
- (i) “CCC” means Child Care Corpus
- (j) “Central Authority” means the Government department recognized as such under Hague Convention on Inter-country Adoption;
- (k) “Child Welfare Committee” means Committee constituted under section 29;
- (l) “children legally free for adoption” means orphan, abandoned and surrendered children declared free for adoption by the Child Welfare Committee;
- (m) “CSR” means Child Study Report which contains details about the child such as the date of birth and social background;
- (n) “habitual residence” means a place of settled dwelling, which constitutes a person's ordinary residence at least for a period of one year;
- (o) “HSR” means Home Study Report containing details of the Adoptive parents’ social and economic status; family background; description of home; standard of living; relationship with spouse, if any, and other family members; health status and the like;

- (p) 'ICPS' means Integrated Child Protection Scheme launched by the Government of India in the Ministry of Women and Child Development;
- (q) "In-country Adoption" means adoption of a child or children by a citizen of India residing in India;
- (r) "Inter-country Adoption" means adoption of a child or children by persons having status of Non-Resident Indians or Overseas Citizens of India or Persons of Indian Origins or Foreign Nationals;
- (s) "NOC" means No Objection Certificate issued by CARA permitting the child to be placed in adoption with prospective foreign or PIO or OCI or NRI adoptive parents;
- (t) "NRI" means Non-resident Indian citizen who holds an Indian passport and is presently residing abroad;
- (u) "OCI" means a person registered as Overseas Citizen of India (OCI) under section 7A of the Citizenship Act, 1955;
- (v) "orphan" means a child who is without parents or willing and capable legal or natural guardian;
- (w) "PIO" means Persons of Indian Origin;
- (x) "pipeline cases" means those cases where the PAP(s) have already accepted referrals prior to the expiry or withdrawal of recognition of the concerned RIPA or SAA;
- (y) "pre-adoption foster care" means a stage when the custody of a child is given to prospective adoptive parents (PAPs) with a view to adopt;

- (z) "Prospective Adoptive Parents" means person eligible to adopt a child as per the Act;
 - (aa) Recognised Indian Placement Agency (RIPA) means one Specialised Adoption Agency recognized by CARA for placing children in inter-country adoption;
 - (y) "section" means a section of the Act;
 - (z) "schedule" means a schedule annexed to these Guidelines;
 - (za) "State Government" in relation to a Union Territory means the administrator of that Union Territory appointed by the President under article 239 of the Constitution;
 - (zb) "SAA" means the Specialised Adoption Agency which includes Recognised Indian Placement Agency (RIPA) and Licensed Adoption Placement Agency(LAPA);
 - (zc) "SARA" means the State Adoption Resource Agency;
 - (zd) "surrendered child" means a child, who in the opinion of the Child Welfare Committee, is relinquished on account of physical, emotional and social factors beyond the control of the parent or guardian; and
- (2) All words and expressions used but not defined in these Guidelines shall have the same meaning as assigned to them in the Act.
3. **Fundamental principles governing adoption.** - The following fundamental principles shall govern adoptions of children from India, namely: -
- (a) the child's best interest shall be of prime importance while deciding any placement;

- (b) preference shall be given to place the child in adoption within the country;
 - (c) adoption of children shall be guided by a set procedures and in a time bound manner;
 - (d) no one shall derive any gain, whether financial or otherwise, through adoption.
- 4. Person competent to be adopted.** - Any orphan, abandoned or surrendered child can be adopted following due procedure laid down in these Guidelines if such child is declared legally free for adoption by the Child Welfare Committee (CWC).
- 5. Person competent to adopt.** - In accordance with the provisions of sub-section (6) of section 41, the Court may allow a child to be given in adoption, -
- (a) to an individual irrespective of his or her marital status; or
 - (b) to parents to adopt a child of the same sex irrespective of the number of living biological sons or daughters; or
 - (c) to a childless couple.
- 6. Additional Eligibility Criteria for Prospective Adoptive Parents (PAPs).** -(1) No child may be given in adoption to a couple unless they have at least two years of stable marital relationship.
- (2) Couples in live-in relationship are not eligible to adopt a child.
 - (3) To adopt a child in the age group of 0-3 years, the maximum composite age of the PAPs should be 90 years wherein the individual age of the PAPs should not be less than 25 years and more than 50 years.
 - (4) To adopt children above three years of age, the maximum composite age of the PAPs should be 105 years wherein the individual age of the PAPs should not be less than 25 years and more than 55 years.
 - (5) In case a single PAP desires to adopt, he or she should not be less than 30 years of age and shall not be above the age of 50 years. The maximum age shall be 45 years to adopt children in the age group of 0-3 years and 50 years for adopting children above 3 years.

- (6) The PAPs should have adequate financial resources to provide a good upbringing to the child.
- (7) The PAPs should have good health and should not be suffering from any contagious or terminal disease or any such mental or physical condition, which may prevent them from taking care of the child.
- (8) Adoption of a second child is permissible only when the legal adoption of the first child has been finalized but this is not applicable in case of siblings.
- (9) An un-married or single male person is not permitted to adopt a girl child.

7. Procedure for adoption. - (1) The PAPs may adopt a child in accordance with the procedure, namely: -

- (a) The Indian PAPs habitually residing in India shall adopt a child only through a Government recognised adoption agency known as Specialised Adoption Agency.
- (b) The PAPs shall register only with one recognised adoption agency, which should preferably be nearest to their place of residence.
- (c) The PAPs in India can also register online at www.adoptionindia.nic.in
- (d) The PAPs residing abroad shall adopt children only through CARA authorised agencies known as Authorized Foreign Adoption Agency(AFAA).
- (e) The PAPs should register with an AFAA or Central Authority nearest to their place of residence.

- (f) In countries where there is no AFAA or Central Authority, the Indian nationals may approach the Indian High Commission or Embassy for processing and forwarding their case to CARA.
- (2) After registration, the PAPs shall follow the adoption procedure as provided in these Guidelines and as per the details given in CARA's website www.adoptionindia.nic.in
- 8. Priorities for Rehabilitation of a Child.** - (1) The best interest of the child is served by providing him or her an opportunity to be placed with a family within his or her own socio-cultural milieu in the country itself.
- (2) Due consideration should be given to the child's upbringing and to his or her ethnic, religious, cultural and linguistic background while placing him or her in adoption but, a child can be placed with any Indian PAP(s) within the country without any geographical barrier.
- (3) The citizens of a country that has ratified the Hague Convention on Inter-country Adoption, 1993 and who are also habitual residents of a country that has ratified the said Convention can adopt a child from India.
- (4) Indian nationals who live in countries which are not signatories to the Hague Convention are also eligible to adopt.
- (5) Preference shall be given for placing a child in in-country adoption and the ratio of in-country adoption to inter-country adoption shall be 80:20 of total adoptions processed annually (from January to December) by a RIPA, excluding special needs children.
- (6) The following order of priority shall be followed in case of inter-country adoptions;
- (i) Non Resident Indian (NRI);
 - (ii) Overseas Citizen of India (OCI);
 - (iii) Persons of Indian Origin (PIO);
 - (iv) Foreign Nationals.

9. **Adoption of Special Needs Children.** - (1) Special care must be taken while processing the cases for adoption of special needs children, so that the prospective adoptive family is aware and ready to provide extra care and attention that the child needs.
- (2) It is important to understand that child with special needs requires, more than any other child, the care and love of a family at an early stage.
- (3) The adoption process for children with special need shall be completed as expeditiously as possible by the concerned authorities and time lines laid down for special needs children in these Guidelines shall be strictly adhered to.
- (4) The PAPs wishing to adopt special needs children shall be given top priority in the waiting list.
- (5) In spite of best efforts, some special needs children do not get adopted and have to remain in institutions and such children should be shifted by the Specialised Adoption Agency to specialized institutions in case such institutions are available in the State.

CHAPTER II PRE-ADOPTION PROCESS

10. **Procedure in case of Orphan and Abandoned Children.**- It shall be the duty of every person, whether an individual or a nursing home or hospital or any other institution who or which finds an abandoned child or an orphan child without family support, to report the fact immediately either to the officer in charge of the nearest police station or the Child Welfare Committee (CWC) or Childline (Tel 1098) or the Specialised Adoption Agency in that area, as is practicable.
11. **Admission.** - (1) In case an abandoned child or an orphan child is received by a Specialised Adoption Agency, it shall admit the child to its home on a temporary basis and such admission shall be finalised only after authorisation by the Child Welfare Committee.
- (2) The details of all children admitted by a Specialised Adoption Agency shall be entered in the Master Admission Register in the format as at **Schedule-I**.
- (3) On admission of the child, the Specialised Adoption Agency shall give a name to the child, if not already given, record his or her brief social background, identification marks, height and weight and also cause medical examination of the child conducted.
- (4) The child shall be photographed and if the child is abandoned, a report along with a photograph of the child shall be filed with the nearest police station within twenty-four hours of finding the child.
- (5) The Specialised Adoption Agency shall take all necessary steps for the welfare of the child as per these Guidelines.

- 12. Production of child before CWC.** - (1) The Specialised Adoption Agency shall produce the orphan or abandoned child, who is in their temporary care, before the Child Welfare Committee within twenty-four hours of receiving such a child, excluding the time taken for the journey.
- (2) A copy of the report filed with the police station in whose jurisdiction the child was found abandoned shall also be submitted to the Child Welfare Committee.
- (3) In case of a child under two years of age, who is unable to travel because of medical reasons, the Specialised Adoption Agency 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.
- (4) The Specialised Adoption Agency shall make a report to the Child Welfare Committee on the circumstances under which the child came to their notice and efforts made by them for informing the police and the missing person's squad or missing persons bureau in the State and the Centre.
- 13. Restoration efforts.** - (1) The Specialised Adoption Agency shall make restoration efforts in addition to the efforts made by the Child Welfare Committee to trace the parents or biological family of the abandoned child.
- (2) The Specialised Adoption Agency shall also conduct an independent enquiry for the same purpose.
- (3) In case of children below two years of age, the Specialized Adoption Agency shall make a notification in at least one leading national newspaper and one regional language newspaper having circulation in its area.
- (4) A notification may also be made in a newspaper of the language spoken by the child and the notification shall be released in the area where the child was found abandoned.
- (5) For children of two years or above, a television or radio announcement shall also be made.
- (6) In case of children below two years of age, the process prescribed at sub paragraph (2) to (4) shall be completed within a period of sixty days from the date the child is found and in case of children of two years or above of age, the time period shall be four months.
- (7) In case a claimant appears for the child, the Specialized Adoption Agency shall refer the case to the Child Welfare Committee and the Special Adoption Agency shall abide by the decision taken by the Child Welfare Committee.

(8) In case, even after the lapse of the time period mentioned in sub paragraph (6), no claimant comes forward to claim the child, the Specialised Adoption Agency shall submit a declaration to the Child Welfare Committee stating that there has been no claimant for the child.

(9) A report on the efforts made by the Specialised Adoption Agency for tracing the child's background shall also be submitted to the Child Welfare Committee to assist them in taking an informed decision.

(10) The child shall not be considered for adoption until the Child Welfare Committee issues a Certificate declaring him or her to be legally free for adoption.

14. Procedure in case of Surrendered Children. -(1) A child may be surrendered in case: -

- (i) The child is born as a consequence of non-consensual relationship;
- (ii) The child is born of an unwed mother or out of wedlock;
- (iii) One of the biological parents of the child is dead and the living parent is incapacitated or unfit to take care;
- (iv) The parents of the child are compelled to relinquish him or her due to physical, emotional and social factors beyond their control.
- (v) In all cases of surrender child, the admission procedure as laid down in sub paragraph 11 (2), (3), (4) and (5) shall be followed.

(2) In case the child is surrendered through the Specialized Adoption Agency, the procedure will be as follows:-

- (i) The Specialised Adoption Agency shall produce the child to be surrendered along with the surrendering parent(s) before the Child Welfare Committee within twenty-four hours of receiving such child, excluding the time taken for the journey.
- (ii) On directions of the Child Welfare Committee, the Specialised Adoption Agency may continue to keep the child in its temporary care until his or her restoration or rehabilitation.

- (iii) In case of a single mother, unwilling to appear before the Child Welfare Committee, one member of the Child Welfare Committee, preferably female, may meet the mother separately.
 - (iv) In case of biological parents surrendering a child, this process shall be before a two member Child Welfare Committee.
 - (v) In case the Committee is not sitting, the child may be produced before the single member of the Committee as per the provisions contained in sub-section (2) of section 30.
- (3) The information to be submitted to the Child Welfare Committee by the Specialised Adoption Agency, among other details, shall contain the following namely:-
- (a) The details of the biological mother and father, including:-
 - (i) the social and psychological background;
 - (ii) the proof of address and identity ;
 - (iii) known medical history of both biological parents and
 - (iv) details of close relatives, if available.
 - (b) The details of the child being surrendered, including:--
 - (i) social and psychological background;
 - (ii) details of sibling(s), if any;
 - (iii) known medical history;
 - (iv) date and place of birth along with birth certificate, if available.

- 15. Completing the surrender process.** - (1) In case the parents or one of parents approaches a Specialised Adoption Agency for surrendering the child, the agency shall make all efforts, including counselling, to prevent surrender of such child.
- (2) Efforts shall also be made by the Child Welfare Committee for exploring the possibilities of parents retaining the child by counselling of the parents and explaining the consequences of surrender.
- (3) If the parents are still unwilling to retain the child, such a child shall be kept initially in the custody of the SAA.
- (4) If the surrender is inevitable, a deed of surrender as provided in **Schedule-II** shall be executed and signed by the person or persons surrendering the child and two other witnesses in the presence of the Child Welfare Committee.
- (5) If a child born after wedlock is surrendered, both parents should sign the surrender document and in case one of them is dead, proof of death in support thereof is to be furnished.
- (6) Where the death certificate is not available, a certificate from local Panchayat or Municipal authority should be produced.
- (7) When a child is born to a married couple but is surrendered by one biological parent and the whereabouts of the other parent is not known, the child shall be treated as abandoned and further procedures shall be followed accordingly.
- (8) In case of a child born out of wedlock, only the mother herself can surrender the child and if she is a minor, the signature of an accompanying close relative will be obtained on the surrender document.
- (9) If the surrender is effected by any person other than the biological parent(s), the child shall be treated as abandoned and the same procedure shall be followed as that for an abandoned child.
- (10) The Specialised Adoption Agency shall facilitate the surrender process before the Child Welfare Committee.

- (11) The Specialised Adoption Agency and the Child Welfare Committee shall ensure that the surrendering parents or the legal guardian is made aware that they can reconsider the surrender and reclaim the surrendered child only within a period of sixty days from the date of such surrender.
- (12) In all cases of surrender, confidentiality shall be maintained by the authorities and agencies involved in the process.
- (13) The Specialised Adoption Agency or the CWC shall ensure that a copy of the Surrender Deed is retained by the surrendering parents or legal guardian, as the case may be, for reconsideration of their decision to surrender the child.
- (14) The Committee shall declare the surrendered child legally free for adoption after the expiry of a reconsideration period of sixty days.
- 16. Declaration of a child legally free for adoption by the Child Welfare Committee.-** (1) If all efforts for tracing the parents of an orphan or an abandoned child placed with a Specialised Adoption Agency on a temporary basis, have failed, and, in case of surrendered children, if the reclaim period of sixty days is over, the particular agency shall approach the Child Welfare Committee for declaring the child legally free for adoption.
- (2) After satisfying itself that the due procedure, as laid down in the Act and the rules made there under, has been followed and that nobody has come forward to claim the child within the stipulated period, the Child Welfare Committee shall issue a Certificate declaring the child legally free for adoption.
- (3) The certificate under sub paragraph (2) shall be made as per format provided in **Schedule-III.**
- (4) No child of the age of seven years or above, who can understand and express his or her opinion, shall be declared legally free for adoption without his or her consent.
- (5) A child becomes eligible for adoption only after the Child Welfare Committee has declared the child legally free for adoption through a certificate as mentioned in sub Para (b) above.

**CHAPTER III
ADOPTION PROCESS**

- 17. Adoption authorities and agencies for In-country Adoption.** - The authorities or agencies involved in in-country adoption process shall be-
- (a) The Court of Competent Jurisdiction who can pass Order for Adoption;
 - (b) Central Adoption Resource Authority (CARA);
 - (c) State Adoption Resource Agency (SARA) or Adoption Coordinating Agency (ACA) and
 - (d) Specialised Adoption Agency (SAA)
- 18. Registration.** - (1) PAP(s) desiring to adopt a child shall register himself or herself with only one Specialised Adoption Agency, preferably nearest to place of residence and such agency shall guide the PAP(s) on the registration process.
- (2) On receipt of the application for registration as per **Schedule-IV** along with necessary documents and requisite registration fee, Specialised Adoption Agency shall register the PAP(s) for adoption and issue them a registration slip.
 - (3) CARA shall also provide facility to the PAP(s) for on-line provisional registration through its website (www.adoptionindia.nic.in).
 - (4) In case, the PAP(s) wish to adopt from a Specialised Adoption Agency, other than the one where they have registered, but within the same state, the PAP(s) shall approach the ACA or SARA with their registration slip.
 - (5) The ACA or SARA shall contact the Special Adoption Agency from which the PAP(s) wish to adopt so that such PAP(s) are immediately included in the waiting list of PAP(s) of that Specialised Adoption Agency.

- (6) In case the PAP(s) desire to adopt a child from any State other than the State where they are currently residing, they may approach the ACA or SARA of the State where they are residing, with their registration slip.
- (7) The ACA or SARA shall convey the registration of such PAP(s) immediately to the ACA or SARA of the State from which the PAP(s) want to adopt the child so that such PAP(s) are immediately transferred to the waiting list of PAP(s) in that state.
- 19. Pre-Adoption Counselling and Preparation of the PAP(s).** - (1) In order to facilitate the PAPs to take appropriate decision, the concerned Specialised Adoption Agency shall provide pre-adoption counselling to them.
- (2) Such agency shall also prepare the PAP(s) for the adoption and related process by providing them with all relevant information.
- 20. Home Study and other requirements.** - (1) The documents mentioned at **Schedule-V** shall be furnished by the PAPs to the concerned Specialised Adoption Agency to facilitate conduct of home study.
- (2) Home Study of the PAP(s) shall be conducted within a maximum period of two months from the date of acceptance of registration only by the professional social worker authorized by the Specialised Adoption Agency nearest to their current place of residence.
- (3) The Home Study Report shall be based on procedures as laid down at **Schedule-VI**.
- (4) The Home Study Report of PAP(s) shall be valid for adoptions from any where in the country for a period of two years.
- (5) The Medical Examination Report of the PAP(s) should not be more than one year old at the time of referral of the child.
- 21. Referral and Acceptance.** - (1) The Specialised Adoption Agency shall constitute an 'Adoption Committee' consisting its Secretary or Managing Trustee, a senior professional social worker, Visiting Medical Officer and one other functionary of the Agency for assignment of the child.
- (2) The assignment of a child with PAP(s) shall be done by the 'Adoption Committee' only after the child has been declared legally free for adoption by the Child Welfare Committee and the PAP(s) have been found eligible by the Specialised Adoption Agency to adopt.

- (3) The Specialised Adoption Agency shall make best efforts to assign a child as per required description given by the PAP(s), if any.
 - (4) After matching the child, the Specialised Adoption Agency shall advise PAP(s) to see the child physically before they give their acceptance.
 - (5) The PAP(s) shall be shown the matched child or children only at the premises of Specialised Adoption Agency and if the PAP(s), so desire, they may get the child medically examined by their own medical practitioner.
 - (6) The Child Study Report and Medical Examination Report of the matched child (or children in case of siblings) shall be forwarded by the Specialised Adoption Agency to the PAP(s) for acceptance and this may be called a "referral".
 - (7) If the PAP(s) decide to adopt the proposed child, they shall give their formal acceptance for the adoption by signing on the Child Study Report and Medical Examination Report of the child within a period of ten days.
 - (8) In case the referred child is not acceptable to the PAP(s), a maximum of two other children shall be proposed to them at a given time.
 - (9) In case a matching does not take place, the PAPs shall be eligible for reconsideration only after a lapse of three months from the date on which the last child was shown to them.
 - (10) In case of placement of children of the age of seven years and above, written consent of the child for the proposed placement shall be obtained and in case the child can not read and write, verbal consent can be taken in the presence of the 'Adoption Committee' who shall record the same and take the signature or thumb impression of the child on the recorded statement.
 - (11) The date on which the consent of the child is obtained shall be clearly indicated in the Statement.
- 22. Pre-adoption foster care. - (1) A child can be placed in pre-adoption foster care after acceptance of referral by the PAPs.**

- (2) The PAPs shall be required to sign a foster care affidavit and undertaking before the child is placed in their temporary custody.
- (3) Before physically entrusting the child to the prospective adoptive parents, the adoption agency shall ensure that it has a record of local contacts of the PAPs including contact details of two close relatives.
- (4) During the period of foster care, the PAPs, shall have the right to take the child to any place within the country after duly informing the Specialised Adoption Agency subject to the condition that the child must be brought for the legal process as and when required by the Court.
- 23 Legal Procedure.** - (1) The child can be legally placed for adoption with the PAP(s) by the competent court and for this purpose, the court having jurisdiction over the area where the Specialised Adoption Agency is located shall be the competent court.
- (2) The Specialised Adoption Agency shall file a petition in the Competent Court of jurisdiction for obtaining the necessary adoption orders under the Act within ten days of acceptance of referral by PAPs and shall pursue the same regularly with the court so that the process of legal adoption is completed at the earliest.
- (3) The adoption petition shall contain all requisite documents as per **Schedule-VII**.
- (4) In accordance with the directions of the Honourable Supreme Court of India in the case of L.K.Pandey vs Union of India (WP No 1171 of 1982), the competent Court is required to dispose off the case within a maximum period of two months from the date of filing.
- (5) For the best interest of the child, the competent court may, to the extent possible, dispose of the case in the first hearing itself.
- (6) The Specialised Adoption Agency shall forward a copy of the court order and the adoption deed to the concerned SARA or ACA and the PAP(s).
- 24. Follow up visits and post-adoption services.** - (1) The Specialised Adoption Agency shall carry out half yearly follow-up visits of the child from the time the child has been placed in pre-adoption foster care till a period of two years after the legal adoption.
- (2) The copies of the follow-up reports of the children shall be submitted by the Specialised Adoption Agency to SARA or ACA.

- (3) In cases of disruption of adoption, the Specialised Adoption Agency shall make efforts for alternate rehabilitation of the child.
- 25. Timelines.** - All agencies and authorities involved in the adoption process shall adhere to the time limits stipulated for in-country adoption as provided in **Schedule-VIII**.
- 26. Procedure for Inter-country Adoption as per the Hague Convention on Inter-country Adoption,** - (1) The authorities and agencies involved in Inter-country adoption process shall be, -
- (a) Court of Competent Jurisdiction who can pass Order for Adoption;
 - (b) Central Adoption Resource Authority (CARA);
 - © Central Authority in the receiving Country (CA);
 - (d) Indian Diplomatic Missions Abroad;
 - (e) Foreign Diplomatic Missions in India;
 - (f) Authorised Foreign Adoption Agency (AFAA);
 - (g) State Adoption Resource Agency (SARA) or Adoption Coordinating Agency (ACA);
 - (h) Recognised Indian Placement Agency (RIPA); and
 - (i) Adoption Recommendation Committee (ARC).
- (2) The authorities and agencies referred to in sub-paragraph (1) shall be guided by the procedure laid down for inter-country adoption in these Guidelines which draws strength from the Hague Convention on Inter-country Adoption-1993 provided in **Schedule IX**.
- 27. Registration for NRI or OCI or PIO or Foreign PAP(s).** - (1) The PAP(s) desiring to adopt any child or children from India may register with the Authorized Foreign Adoption Agency (AFAA) or Central Authority (CA) or Government Department dealing with adoption matters in the receiving country.

(2) The PAP(s) with the assistance of AFAA or CA shall obtain the permission of the competent authority of their country for adopting a child from India.

28. Home Study and other requirements. - (1) A professional social worker of the AFAA or Central Authority or Government Department dealing with adoption matters in the country of the habitual residence (365 days or more) of the PAP(s), shall conduct their Home Study and shall prepare the HSR and the HSR shall contain all documents as specified in **Schedule VI**.

(2) All documents forming part of the Home Study Report shall be notarized and the signature of the notary is to be apostilled by competent authority of the receiving country.

(3) If the documents are in any language other than English, then the originals must be accompanied by translations in English attested by competent authority.

(4) The HSR of PAP(s) shall remain valid for a period of two years but the medical status of the PAP(s) should not be more than one year old at the time of referral of the child.

(5) The Home Study Report should also indicate preferences, if any, of the PAP(s) about the child's age, sex, physical and medical condition, or location within India.

29. Identification of RIPA by CARA. - (1) The AFAA or CA or concerned Government Department of the country receiving the child shall forward one attested or notarized copy of the HSR (not original) directly to CARA for identifying a suitable RIPA.

(2) CARA shall have a Screening Committee to examine the prima facie suitability of PAPs proposed for inter-country adoption and also identify the RIPA where the dossier will be forwarded and the Committee, headed by an official of CARA, shall also consist of external experts.

(3) While deciding to forward the dossier to a particular RIPA, the Committee shall keep in mind the preference of the PAP(s) for a particular State, availability of children and performance of the RIPA vis-à-vis in-country adoptions, etc.

(4) The process mentioned in sub-paragraphs (2) and (3) shall be completed preferably within a period of fifteen days from the receipt of dossier.

(5) The identified RIPA shall be informed by CARA and CARA shall also advise the concerned AFAA or CA or Government Department to send the original dossier to the identified RIPA.

(6) The identification of RIPA by CARA shall in no way ensure referral of a child from India and it is not obligatory on CARA to ensure referral of a child.

(7) The RIPA shall not entertain any application received directly from any AFAA or CA or PAPs from out of India, for adoption of an Indian child.

30. Referral and Acceptance. - (1) The RIPA shall be responsible for assigning, referral and placement of the child.

(2) In case a RIPA does not find the PAP(s) suitable after detailed scrutiny of their dossier forwarded by CARA, it shall, within fifteen days of receipt of the original dossier, inform CARA about the same along with the reasons thereof.

(3) CARA shall have the right to accept or reject the recommendation of the RIPA.

(4) After detailed scrutiny of the dossier and their acceptance as eligible PAPs, the RIPA shall match a child according to the request given by the PAP(s) as far as possible.

(5) The RIPA shall forward the referral constituting the Child Study Report and Medical Examination Report of the child to the AFAA or CA or concerned Government Department of the receiving country, as the case may be.

(6) The AFAA or CA or concerned Government Department of the receiving country, as the case may be, shall transmit the referral to the PAP for acceptance.

(7) On acceptance of the child by the PAP(s), the AFAA or CA or concerned Government Department of the receiving country, as the case may be, shall send back the original copy of the "referral for adoption" to RIPA, along with the following documents, namely:-

- (i) Notarized or attested copy of the CSR and MER duly signed by PAP(s);
- (ii) Power of attorney of the PAP(s) in favour of the official or social worker of the RIPA for filing the case in the court;
- (iii) A certificate under Article 5 or agreement under Article 17 of the Hague Convention, as applicable, issued by the CA or competent authority of the receiving country

(8) The process of inter-country adoption of a child shall be completed by the AFAA or CA within a period of forty-five days from the date of the referral.

- 31. Recommendation for Inter-country Adoption by Adoption Recommendation Committee.** - (1) The State Government shall constitute a Committee to be known as the Adoption Recommendation Committee (ARC) to scrutinize and issue a Recommendation Certificate for placement of a child in inter-country adoption.
- (2) The Adoption Recommendation Committee shall consist of Director or Commissioner of the State Government dealing with children in need of care and protection or his representative, Programme Manager (Non-institutional care-SARA) and one external expert or psychologist who has no linkage with any adoption agency.
- (3) Till SARA is operational in a State, the Chairperson of ACA or his representative shall function as a member of the Committee (in place of Programme Manager) along with the other members.
- (4) On receipt of referral accepted by the PAPs, the RIPA shall forward two copies of the dossier which includes HSR of the PAPs and the CSR (including MER) duly signed by the PAPs to SARA or ACA along with a cheque or draft of Rs.2,500- drawn in favour of SARA or ACA, as the case may be, towards administrative expenses.
- (5) The amount received shall be utilised for meeting the expenses in connection with processing the dossiers, payment to external experts and for other adoption promotion activities.
- (6) The list of documents forming part of the dossier shall be as specified in **Schedule-X**.
- (7) A sample affidavit to be executed on stamp paper of sufficient value and to be filed by the RIPAs is at **Schedule -XI**.
- (8) The SARA would act as a secretariat to the committee constituted under subparagraph (1).
- (9) The SARA shall receive the dossiers of cases for inter-country adoptions from the RIPA and put up the same before the ARC for issue of Recommendation Certificate.
- (10) Till SARA becomes operational in a State, the ACA would perform the functions of SARA in that State.

- (11) The SARA or ACA, as the case may be, shall ensure that the Recommendation Certificate is issued expeditiously within a period of 15 days from date of receipt of the dossier.
 - (12) In case of a special needs child, the SARA or the ACA, as the case may be, should issue the Recommendation Certificate within a period of 5 days from the date of receipt of the dossier.
 - (13) In case of medical special needs, the SARA or the ACA, as the case may be, may ask the RIPA to get a Certificate from a reputed medical institution or a Government Medical Officer.
 - (14) In case of siblings and older children, the ARC shall ensure that there is no waiting Indian PAPs within the region for such child or children.
 - (15) The Committee constituted for issue of Recommendation Certificate should satisfy itself about the suitability of the PAPs vis-a-vis the child proposed for adoption.
 - (16) The Committee shall also verify the documents filed by the RIPA and ensure that procedures have been correctly followed by the RIPA.
 - (17) In case, at any stage, SARA or ACA or ARC is not satisfied with the documents produced for obtaining recommendation certificate, it shall conduct appropriate investigation before disposing off the matter.
 - (18) The Recommendation Certificate (RC) issued by the Committee shall contain a positive recommendation if it is satisfied that the Committee has no objection to the child being placed with the proposed PAPs in inter-country adoption as per format in **Schedule -XII**.
- 32. Issue of No Objection Certificate (NOC) by CARA.** - (1) Upon issue of Recommendation Certificate by the Adoption Recommendation Committee, the SARA shall retain one copy of the dossier and send the second set of dossier along with recommendation certificate to CARA.
- (2) Till SARA becomes operational in a State, the ACA shall perform its functions under this paragraph.
 - (3) The ACA or SARA shall send a copy of the Recommendation Certificate to the concerned RIPA.

- (4) CARA shall constitute a 'No Objection Certificate (NOC) Committee', which shall include CARA officials and external experts in the field of child development or psychology or social work or from the medical field and the committee shall be responsible for issuing 'No Objection Certificate' in each case of inter-country adoption.
 - (5) The NOC Committee constituted by CARA shall examine-
 - (i) the relevant documents submitted by the RIPA and verify that due procedures as laid down in these Guidelines have been followed.
 - (ii) whether matching and placement of the child with PAPs is in the best interest of the child.
 - (6) After approval of the proposal by the NOC Committee, the NOC shall be issued in each case.
 - (7) CARA reserves the right to reject any case for inter country adoption which is not found suitable by the NOC Committee by recording reasons for the same.
 - (8) The process for issue of NOC would be completed within a period of fifteen days from the date of receipt of completed dossier in CARA.
 - (9) NOC shall be issued in accordance with Article 17 of the Hague Convention.
 - (10) A copy of the NOC issued by CARA shall be mailed to RIPA and a copy thereof to SARA or ACA, AFAA or CA or concerned Government Department of the receiving country, as the case may be.
- 33. Pre-adoption Foster Care. - (1)** A child can be given in physical custody by the RIPA to the PAP(s) in pre-adoption foster care only after issue of NOC by the CARA.

- (2) The adoption agency in India shall inform the PAPs that such foster care shall have to continue till the final adoption order is issued.
- (3) The child in foster care, shall under no circumstances, be returned to the adoption agency by the PAPs for temporary care unless there is a disruption and the PAPs do not wish to go ahead with the adoption.
- (4) The Indian adoption agency before physically entrusting the child to PAPs shall inform them that the adoption process may take more than the stipulated period, so as to enable the PAPs to take an informed decision regarding taking the child in foster care.
- (5) The PAPs shall not be allowed to take the child out of the city without the written permission of the concerned Indian adoption agency.
- (6) The PAPs shall be required to produce a certificate from either the mission in India of the country of the nationality or the central authority of the receiving country permitting them to take the child in foster care.
- (7) The PAP(s) shall also be required to sign a foster care affidavit stating that they would not leave the country without valid court order.

34. Filing of the Petition in the Competent Court.- (1) Within five days of receipt of NOC from CARA, RIPA shall proceed to obtain a Court Order for inter-country adoption of the child from the competent court in India.

- (2) RIPA shall not file an application in the competent court for inter-country adoption without "NOC" from CARA.

- (3) Inter-country adoption of orphan, abandoned and surrendered children shall proceed under the Act.

Note.-

a. In accordance with the directions of the Honourable Supreme Court of India in L.K.Pandey vs. Union of India (WP No 1171 of 1982), the competent courts are to dispose off the case within a maximum period of two months from the date of filing.

b. As each case for inter-country adoption is required to be processed by Child Welfare Committee and State Government through the ARC and CARA, the competent court may, to the extent possible, dispose of the case in the first hearing itself in the best interest of the child.

c. The RIPA shall forward a copy of the court order and the adoption deed to CARA, SARA or ACA and AFAA or CA, as the case may be.

(4) On receipt of the Court Order, the CARA shall issue a Conformity Certificate (CC) under Article 23 as per provisions of the Hague Convention as per **Schedule-XIII**.

35. Passport and Visa.- (1) No orphan, abandoned, surrendered child who has been adopted shall be allowed to leave India without a valid NOC from CARA.

(2) The RIPA shall apply for passport for the adopted child after the court order is received and the application shall include documents mentioned in Paragraph 83(3) of these Guidelines.

(3) The date of birth of the child as mentioned in the court order would be taken as the date of birth.

(4) The concerned authorities may expeditiously issue the passport and visa to enable the adopted child to leave India with his or her adoptive parents to their habitual place of residence.

36. Child to travel with adoptive parents. - The adoptive parent or parents shall have to come to India and accompany the child to their country.

37. Progress Reports. – The AFAA or CA or concerned Government Department of the country, as the case may be, receiving the child shall keep CARA and concerned RIPA informed about the progress of placement as per format provided in **Schedule-XIV** through quarterly post-placement reports during the first year and half yearly reports during the second year of the child's arrival in the receiving country and such follow-up shall continue upto a period of two years after the child acquires citizenship of the receiving country.

38. Timelines.- All agencies and authorities involved in the adoption process shall adhere to the time limits stipulated for in-country adoption as per **Schedule -VIII**.

39. Special Category of PAPs for Inter-country Adoption.- Inter-country adoption by Indian nationals in countries where there is no AFAA or CA shall be followed as under:-

- (i) In the case of Indian nationals residing in a country where there is no AFAA or CA to sponsor applications, CARA may allow an organisation or individual recommended by the concerned Indian Mission to do the Home Study Report (HSR) and prepare adoption dossier which would then be forwarded to CARA through the Indian Embassy or High Commission.
- (ii) An official of the concerned Indian Mission may also prepare the HSR and adoption dossier of the PAP(s).
- (iii) The organisation or individual recommended by the concerned Indian Mission shall also be required to give an undertaking to CARA to send progress reports for a period of two years following legal adoption and also take action, as stipulated in these Guidelines, in case of disruption of adoption or repatriation of adopted child.

40. Adoption by foreign nationals living in India. - (1) In case of foreign nationals who are citizens of a country that has ratified the Hague Convention and they have been living in India for one year or more, the PAP(s) shall approach CARA along with a certificate of No-objection to the proposed adoption from the embassy or mission of the country of their nationality.

- (2) On receipt of the No Objection Certificate, CARA shall refer the case to a RIPA for carrying out the Home Study and preparation of PAP(s)' dossier.
- (3) The procedures stipulated under these Guidelines for inter-country adoption shall be followed by the RIPA.
- (4) In cases referred to in sub-paragraph (1), the Embassy or Missions in India of the country of the nationality of the PAPs shall give an undertaking for post-adoption follow-up as stipulated in Chapter IV of these Guidelines.
- (5) In case, the PAPs continue to reside in India during the stipulated post-adoption follow-up period, the concerned RIPA would undertake such follow-ups and report to the concerned embassy or mission and CARA.
- (6) The concerned embassy or mission shall also ensure that the adopted child acquires citizenship of the country of his or her parents immediately after adoption decree and a copy of the citizenship order shall be forwarded to CARA and the concerned RIPA.

- 41. Adoption by OCI living in India.** -(1) The OCI (s), who are citizens of a country that has ratified the Hague Convention and they have returned to India and have been residing in India for more than one year, shall be eligible to adopt a child following procedure of Inter-country adoption under these Guidelines.
- (2) The PAP(s) shall approach CARA along with a certificate of No-objection to the proposed adoption from the embassy or mission of the country of their nationality.
- (3) On receipt of the certificate of No Objection, CARA shall refer the case to a RIPA for carrying out the Home Study and preparation of PAP(s)' dossier.
- (4) The procedures stipulated under these Guidelines for inter-country adoption shall be followed by the RIPA.
- (5) In such cases, the Embassy or Missions in India of the country of the nationality of the OCI shall give an undertaking for post-adoption follow-up as stipulated in Chapter IV of these Guidelines.
- (6) In case, the OCI continues to reside in India during the stipulated post-adoption follow-up period, the concerned RIPA would undertake such follow-ups and report to the embassy or mission and CARA.
- 42. Adoption by repatriated Indian Nationals.-** Adoptions by repatriated Indian nationals holding Indian passport who have returned to India and have been residing in India for more than one year, will be processed as an in-country adoption.
- 43. Adoption of Special Needs Children.** - All authorities and agencies involved in adoption of special needs children shall expeditiously process their cases so that such children can join their families at the earliest.
- 44. Category of Special Needs children.** - (1) For the purpose of adoption, 'special needs' children may be categorized as under:-
- (a) Children having visible and or serious medical conditions-mental or physical ;
- (b) Older children;
- (c) Siblings and
- (d) Extremely low birth-weight children(to be certified by a Government Medical Officer)
- (2) The following ailments or disabilities may also be considered as visible or serious medical conditions in children.

(
i
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Spina Bifida ;

(
i
i
)

Ichthyosis (Collodian baby);

(
i
i
i
)

Limbs Missing;

(
i
v
)

Fingers-toes missing;

(
v
)

Severe diabetes;

(
v
i
)

Cleft Lip-Cleft Palate or Cleft Lip;

(
v
i
i
)

Blind or Partially Blind;

(
v
i
i
i
)

Severe Seizure disorders;

(
i
x
)

Chronic Asthma;

(
x
)

Heart conditions of a severe nature;

(
x
i
i
)

Hepatitis B+;

(
x
i
i
)

Blood disorders;

(
x
i
i
i
)

Acute Ricketts;

(
x
i
v
)

Severe Orthopedic conditions;

(
x
v
)

Deaf or Partially Deaf;

(
x
v
i
)

Polio;

(
x
v
i
i
)

Severe disfiguring birth marks;

(
x
v
i
i
i
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Indeterminate sex;

(
x
i
x
)

Hare lip ;

(
x
x
)

Colostomy;

(
x
x
i
)

Dwarfism ;

(
x
x
i
i
)

Hemophilia;

(
x
x
i
i
i
)

Paralysis;

(
x
x
i
v
)

Brain Lesion;

(
x
x
v
)

Burns;

(
x
x
v
i
)

Thalasemia Major;

(
x
x
v
i
i
)

Fetal Alcohol Syndrome;

(
x
x
v
i
i
i
)

Ectodermal displacia (no sweat glands);

(
x
x
i
x
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Microcephaly;

(
x
x
x
)

Epilepsy (does not include fever induced convulsions);

(
x
x
x
i
)

Pier Robin Syndrome (no tongue);

(
x
x
x
i
i
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Neurological disorders;

(
x
x
x
i
i
i
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Speech dysfunction-dysphasia;

(
x
x
x
i
v
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Chronic Eczema;

(
x
x
x
v
)

Child requiring psychiatric treatment;

(
x
x
x
v
i
)

Any other child with disabilities as defined in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995(1 of 1996)

Note.- The list given in sub-para (2) is illustrative only and it is not exhaustive.

- (3) A child suffering from a disease or deformity which does not have serious long-term residual effects and which can be corrected, shall not be categorised as a “special needs child”.
- (4) Children above five years of age shall be treated as special needs children as placement of such children in adoption is difficult.
- (5) Siblings of different ages, shall as far as possible, be placed in adoption in the same family and such children shall also be categorized as special needs children.
- (6) If a child has severely delayed milestones, as certified by a Government medical officer, the child will be categorized as a “special needs child” .
- (7) A child who is marginally delayed in gaining normal weight will not be treated as a special needs child.

45. Preparing Special Needs Children for Adoption. - (1) It is the role of the Specialised Adoption Agency to prepare the special needs child for adoption.

- (2) In case of special needs children, their ability to handle the change in care giver, environment, quality of life and the like factors may not be equal to that of other children.

Note.- Special needs children are older children in many cases and they may be fixed in their ideas and attitudes making them inflexible and they may face serious adjustments problems.

- (3) It is essential that the Specialised Adoption Agency make special efforts to prepare the child for adoption.
- (5) Older children should be shown photographs of the adoptive family and carefully counselled to prepare them mentally and emotionally.
- (6) The child should be sent to educational institute in the interim period and regular habits of toilet and hygiene should be inculcated in the child.
- (7) In order to start the bonding process, the Specialised Adoption Agency should encourage the PAP(s) to share their family albums, photographs and small gifts and letters with the child.
- (8) If the child is going to a foreign country, the child should be taught the language of the adoptive parents, as far as possible.

46. PAP(s) for Special Needs children. - (1) PAP(s) who are willing to adopt a child with special needs will get priority in adoption and the Specialised Adoption Agency shall maintain a list of all such PAP(s) facilitating the placement of special needs children in adoption.

- (2) While maintaining the list of PAPs, the following should be kept in mind, namely:-
- (i) older and experienced parents tend to be more committed to parent a child with special needs and thus are more likely to have the skills, patience, financial means and parenting experience;
 - (ii) 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 need;
 - (iii) the HSR shall reflect –
 - (a) the motivation and ability of the PAP(s) to adopt such a child;
 - (b) whether the PAP(s) have the financial means to handle the special needs of the child;
 - (iv) special needs children should be shown for acceptance to only those PAPs, who have expressly given preference or willingness to adopt such children.
- (3) The Specialised Adoption Agency shall organise orientation sessions for the PAP(s) to enable them to understand issues relating to special needs children and help them take an informed decision.
- (4) The PAP(s) and the foreign adoption agencies in case of inter-country adoption) should be given detailed child study reports, medical data and counselling reports by the Recognised Indian Placement Agency without concealing any facts.
- (5) The Recognised Indian Placement Agency (RIPA) also called Special Adoption Agency should give information on the child's developmental milestone, additional medical tests if required and answers to queries that the prospective parents may raise concerning these children.
- (6) The child study report should portray the child in a positive manner and at the same time be realistic in the medical condition.
- 47. Procedure for Adoption of Special Needs children.** - (1) In case of inter-country adoption, PAPs desiring to adopt special needs children are required to follow procedure as per norms laid down in paragraphs 27 to 38 and their adoption cases shall be processed only by the Recognised Indian Placement Agency.
- (2) All concerned authorities shall ensure that time lines set for processing cases of special needs children are strictly adhered to.

CHAPTER IV POST ADOPTION PROCESS

- 48. Post Adoption Follow-up, -** (1) In case of In-country Adoption, half yearly progress reports in the first year and in the second year shall be prepared by the Specialised Adoption Agency and submitted to SARA or ACA .
- (2) The format for the progress report shall as given in **Schedule-XIV**.
- (3) The Special Adoption Agency may provide post-adoption counselling services for adoptees and adoptive parents.
- (4) In case of Inter-country Adoption, the AFAA or CA or concerned Government Department of the receiving country, as the case may be, shall keep CARA and concerned RIPA informed about the progress of placement through quarterly post-placement reports during the first year and half yearly reports during the second year of the child's arrival in the receiving country.
- (5) The follow-up measures shall continue upto a period of two years after the child acquires citizenship of the receiving country.
- (6) In cases of guardianship, the concerned RIPA shall file a copies of the progress reports including the adoption decree received from AFPA before the competent court that has issued the Guardianship Order.
- (7) The AFAA shall also provide post adoption data to CARA through CARA's web-based management system.
- (8) The AFAA or CA shall organise annual get-together of adopted children and adoptive parents and forward a report on the event to CARA.
- (9) The AFAA or CA may conduct post-adoption counselling for adoptees and adoptive parents.
- 49. Disruption and repatriation in case of In-country Adoption. -** (1) In case of disruption during pre-adoption foster care, the child will be taken back by the adoption agency and a suitable rehabilitation plan for the child shall be worked out in consultation with SARA.
- (2) In case of disruption after final court order, it shall be the responsibility of the concerned adoption agency to take suitable steps, including seeking order from the competent court, for rehabilitation of the child in consultation with SARA.
- 50. Disruption and repatriation in case of Inter-country Adoption. -** (1) Rehabilitation efforts in cases which have been processed under the Guardianship and Wards Act 1890, where adoptions are yet to be finalized shall follow as laid down in this paragraph.

- (2) As long as the child remains as a citizen of India and where the child is not legally adopted by the adoptive parents in the receiving State within two years from the date of order of the Court in India appointing the adoptive parents as guardians for any reason whatsoever, or at any time prior to the child being adopted and being conferred with the citizenship of the country of the adoptive parents or the AFAA finds that the child is unable to adjust to and settle down with guardians or that the proposed adoption is likely to fail or harm the health, well being or interests of the child, the AFAA which had processed the adoption of the child in the receiving State should immediately withdraw the child from the guardians and take the child in its custody or care or in the custody or care of the child protection department or authority of the receiving State.
- (3) In case the AFAA withdraws a child from the guardian or adoptive parents, it shall promptly notify the Indian diplomatic mission, CARA and the concerned RIPA along with details regarding the status of the child and the legal liability of the guardians or adoptive parents.
- (4) In such an event as mentioned in sub-paragraph (3), the AFAA,-
- (i) shall place the child in alternate family care;
 - (ii) shall not give its consent or No Objection to surrender or relinquish by the guardians, of guardianship of the adopted child and shall cause the guardians to make an application to the court in India that awarded guardianship;
 - (iii) shall make an application within four months of the date of withdrawal of the child from the guardians for further directions from the court in India that had granted the guardianship after failing an application by the guardians.
- (5) During the entire process as mentioned in sub-paragraph (4), the AFAA shall keep the concerned RIPA and CARA regularly informed on the development of the case.
- (6) The CARA and RIPA shall constantly monitor every case under this paragraph till fresh orders are passed by the competent Indian court.
- (7) Having regard in particular to the age and degree of maturity of the child, he or she shall be consulted and, where appropriate, his or her consent may also be obtained in relation to measures to be taken under this chapter.
- (8) As far as possible, siblings should not be separated unless it is in their best interest.
- 51. Repatriation in cases processed under the Guardianship and Wards Act 1890 where adoptions are yet to be finalized.** - (1) On receiving information and report from AFAA on the disruption of guardianship of a child, CARA may, depending on circumstances, order the repatriation of the child to India.

- (2) If CARA takes a decision that a child whose guardianship has failed is to be repatriated to India, the Indian Placement Agency shall file a petition before the competent Indian court for revocation of guardianship and for ordering repatriation and upon the competent court in India passing an order for the repatriation of the child, the AFAA shall bear the cost and responsibility for the repatriation to India of the child with or without his or her siblings.
- (3) The legal formalities of the sending and receiving country shall be completed by the AFAA before repatriation of the child.
- (4) The concerned AFAA shall contribute 5000 US\$ (one time) before repatriating the child to India, which will be deposited in a public sector bank and the State Government or SARA shall be made custodian of the documents related to the deposit.
- (5) The amount shall be made available to the child once he or she becomes a major.
- (6) On receiving information of repatriation, CARA shall act expeditiously and contact the Indian agency, the concerned State Government (or State Adoption Resource Agency as and when it is constituted) and any other institution or authority for the purpose of the child's care and rehabilitation.
- (7) The concerned State Government and the Indian Placement Agency which had processed the case shall suggest rehabilitation plan to CARA which shall finalize an individual child care plan, including, the following:-
 - (i) Assistance in terms of guidance, counselling, medical and care facilities, education, shelter, rehabilitation and if necessary, vocational services;
 - (ii) Place of stay;
 - (iii) Safety and security needs of the child;
 - (iv) Supervision and periodic report;
 - (v) Possibility of rehabilitation in non-institutional care and after care if required.
- (8) The CARA with the help of the RIPA and the State Government shall work out the modalities of rehabilitating the child.
- (9) As far as rehabilitation of the child is concerned, the child shall be treated as a child in need of care and protection and facilities as provided under the Integrated Child Protection Scheme(ICPS) shall be made available to the child and the particular RIPA will be assigned the task to supervise the case and periodically report to the State Government or SARA or CARA.

Note: In the event of disruption of a finalized adoption, as the child would have become a citizen of the receiving country, the child shall accordingly receive care and rehabilitation through the child protection services of that country.

- 52. Root Search.** - (1) The right of the child to obtain information about his or her origins derives from the right to know his or her biological parents as provided for in Article 7(1) of the UN Convention on the Rights of the Child.
- (2) The adoption agencies shall, therefore, facilitate root search by the adopted child, if the child desires to know his or her history but in doing so, the age and maturity of the child shall be taken into consideration.
- (3) The child's rights must also be balanced against the right of birth parents not to have their identity disclosed to the child.
- (4) The right of adopted child should not infringe on the biological parents' right to privacy.
- (5) If the biological parent(s) have at the time of surrender of the child expressed their willingness, in writing, to be contacted by the child when he or she grows up, then all relevant information including identity and address of the parents shall be disclosed to the child but if the biological parent(s) have specifically requested anonymity, then only reasons and circumstances under which the surrender was effected can be disclosed.
- (6) There may be situations where the biological parent(s) leave some articles etc. with the child during surrender process and such articles must be, to the extent possible, preserved by the adoption agency, to be handed over to the child when he or she comes for root search.
- (7) A root search by a third party shall not be permitted and the concerned agencies or authorities shall not make public any information relating to biological parent(s), adoptive parents or adopted child.