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**MINISTRY OF WOMEN AND CHILD DEVELOPMENT**

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**NOTIFICATION**

New Delhi, the 17th July, 2015

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

**Guidelines Governing Adoption of Children, 2015****Note –**

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

**GUIDELINES GOVERNING ADOPTION OF CHILDREN, 2015****CHAPTER - I****PRELIMINARY****1. Short title and commencement. -**

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

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

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

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

- (b) any prospective adoptive parent, irrespective of his marital status and whether or not he has his own biological son or daughter, can adopt a child;
- (c) single female is eligible to adopt a child of any gender;
- (d) single male person shall not be eligible to adopt a girl child;
- (e) in case of a couple, the consent of both spouses shall be required;
- (f) no child shall be given in adoption to a couple unless they have at least two years of stable marital relationship;
- (g) the age of prospective adoptive parents as on the date of registration shall be counted for deciding the eligibility and the eligibility of prospective adoptive parents to apply for children of different age groups shall be as under -

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

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

## CHAPTER II

### PROCEDURE RELATING TO CHILDREN FOR ADOPTION

#### 6. Procedure relating to orphan or abandoned child. -

- (1) The provisions relating to the process of declaring an orphan or abandoned child, as legally free for adoption are laid down in sections 32, 33, 39 and 41 of the Act as well as under the relevant provisions of the rules made thereunder.
- (2) In case an abandoned child is received by a specialised adoption agency directly without the involvement of Child Welfare Committee, such a child shall be produced before the Child Welfare Committee within twenty four hours (excluding the time necessary for the journey) along with a report containing the particulars and photograph of the child as well as the circumstances in which the child was received and a copy of such report shall also be submitted by the specialised adoption agency to the local police station within same period.
- (3) The Child Welfare Committee shall issue an order for the interim care of the child, pending inquiry as per the relevant provisions of the Act and the rules made thereunder.
- (4) On admission of the child, his details and photograph shall be entered online in the Child Adoption Resource Information and Guidance System in the prescribed format by the specialised adoption agency within seventy two hours of receiving the child, provided that the permission of Child Welfare Committee is obtained for the same and the photograph of the child shall be changed by the specialised adoption agency every six months in Child Adoption Resource Information and Guidance System.
- (5) For tracing out the biological parents or the legal guardian(s), the District Child Protection Unit shall advertise the particulars and photograph of an abandoned child in a State level newspaper with wide circulation within seventy two hours from the time of receiving the child.
- (6) In case of transferred child from other States, advertisement should be released in the place where the child was initially found.
- (7) Wherever, District Child Protection Unit is not functional, the concerned District Magistrate shall get such advertisement issued.
- (8) The expenditure for the advertisement can be met from funds of Integrated Child Protection Scheme.

- (9) In case the biological parents or legal guardian cannot be traced, despite the efforts mentioned in sub-paragraphs (1) and (2), the District Child Protection Unit shall, accordingly, submit a report to the Child Welfare Committee within thirty days from the date of production of the child before the Child Welfare Committee.
- (10) The specialised adoption agency shall submit a report to the Child Welfare Committee immediately after thirty days from the date of production of the child before the Child Welfare Committee as to whether any person has approached it to claim the child and the report may also include any information revealed by the child during his interim care.
- (11) In case the report from the local police regarding the non-traceability of the biological parents or legal guardian is not submitted despite reminders by the specialised adoption agency or Child Welfare Committee, such report shall be deemed to have been given, after expiry of two months in the case of an abandoned child less than two years of age and after the expiry of four months in the case of an abandoned child above two years of age.
- (12) The Child Welfare Committee, after taking actions as per the provisions of the Act and the rules made thereunder, shall issue an order declaring the abandoned or orphan child as legally free for adoption in the format at **Schedule-1** and such order signed by any two members of the Child Welfare Committee shall be issued within a period of two months in case of a child upto two years of age and within four months for a child above two years of age, from the date of production of the child before the Child Welfare Committee.
- (13) The inquiry under section 33 of the Act and the order declaring an abandoned or orphan child as legally free for adoption by the Child Welfare Committee under sub-section 4 of section 41 of the Act shall be completed in the district where the child was initially found.
- (14) The child study report and medical examination report of an orphan or abandoned child shall be prepared in the format at **Schedule 2** and **3** respectively and posted in the Child Adoption Resource Information and Guidance System by the specialised adoption agency within ten days from the date the child is declared legally free for adoption.
- (15) The child study report and medical examination report shall be made available in English (apart from the local language).
- (16) The District Child Protection Unit shall facilitate the specialised adoption agency in uploading the child study report and medical examination report in Child Adoption Resource Information and Guidance System, in case the specialised adoption agency is facing any technical difficulty.
- (17) The procedure for declaring a child of parents with mental disability as legally free for adoption by the Child Welfare Committee shall be on the basis of a report of the medical board constituted by the District Magistrate.

#### **7. Procedure relating to a surrendered child. -**

- (1) The relevant provisions relating to the process of declaring a surrendered child as legally free for adoption are laid down in sections 32, 33, 39 and 41 of the Act and the rules made thereunder.
- (2) The details of the child along with his photograph shall be entered online in the Child Adoption Resource Information and Guidance System by the specialised adoption agency within seventy two hours from the time of receiving the child.
- (3) The following information shall be submitted by specialised adoption agency to the Child Welfare Committee along with any other information specific to the case. -
  - (a) the name of the child, date of birth or age and place of birth along with birth record or certificate, if available;
  - (b) the names, address and identity proof of the biological parents or accompanying adult, if the surrendering parent is a minor;
  - (c) details of close relatives of the biological parent(s), if available;
  - (d) details of sibling(s), if any;
  - (e) known medical history of the child and biological parent(s);
  - (f) circumstances of the child which may include reasons for surrender and social background.
- (4) To discourage surrender by biological parents, efforts shall be made by the specialised adoption agency or the Child Welfare Committee for exploring the possibility of parents retaining the child, which shall include counselling and encouraging them to retain the child and explaining that the process of surrender is irrevocable.

- (5) The specialised adoption agency and the Child Welfare Committee shall ensure that the surrendering parents or the legal guardian is made aware that they can reclaim the surrendered child only within a period of sixty days from the date of surrender.
- (6) If the surrender is inevitable, a deed of surrender, as provided in **Schedule- 4** shall be executed in the presence of any two members of the Child Welfare Committee: Provided that if the surrendering parent is an unmarried mother, the deed may be executed in the presence of any single member, preferably female member of the Child Welfare Committee;
- (7) If a child born to a married couple is to be surrendered, both parents shall sign the deed of surrender and in case one of them is dead, proof of death is required to be furnished.
- (8) If a child born to a married couple is to be surrendered by one biological parent and the whereabouts of the other parent are not known, the child shall be treated as abandoned and further procedures in accordance with paragraph 6 shall be followed.
- (9) In case of a child born out of wedlock, only the mother can surrender the child and if the mother is a minor, the deed of surrender shall be signed by an accompanying adult as witness.
- (10) If the surrender is by a person other than the biological parents, the child shall be treated as abandoned and further procedures in accordance with paragraph 6 shall be followed.
- (11) The specialised adoption agency and the Child Welfare Committee shall ensure that a copy of the deed of surrender is given to the surrendering parents or person.
- (12) Due regard shall be given to the privacy of the surrendering parents and the surrendered child by the authorities and agencies involved in the process.
- (13) In case the surrendering biological parent has not claimed back the child during the reconsideration period, the same shall be intimated by the specialised adoption agency to the Child Welfare Committee on completion of sixty days from the date of surrender.
- (14) No public notice or advertisement shall be issued in the case of a surrendered child.
- (15) The Child Welfare Committee shall issue an order signed by any two members declaring the surrendered child as legally free for adoption in the format at **Schedule- 1**, after the expiry of sixty days from the date of surrender. The reconsideration period for the biological parents, is stipulated under sub-section (5) of section 41 of the Act and no further notice shall be issued to the surrendering parents.
- (16) The child study report and medical examination report of the surrendered child shall be prepared and posted in the Child Adoption Resource Information and Guidance System by the specialised adoption agency in the format at **Schedule-2** and **Schedule-3** within ten days from the date the child is declared legally free for adoption.
- (17) The child study report and medical examination report shall be made available in English (apart from the local language) and the District Child Protection Unit shall facilitate the specialised adoption agency in uploading the child study report and medical examination report in Child Adoption Resource Information and Guidance System in case the specialised adoption agency is facing any technical difficulty.

#### **8. Availability of child for adoption. -**

- (1) As soon as a child is declared legally free for adoption by the Child Welfare Committee, such child may be allowed to be given in adoption to a resident Indian or non-resident Indian parents:

Provided that such child shall be allowed to be given in inter-country adoption —

- (a) after sixty days, if the child is below five years of age;
- (b) after thirty days, if the child is above five years of age or is a sibling;
- (c) after fifteen days, if the child has any mental or physical disability.

### **CHAPTER III**

#### **ADOPTION PROCEDURE FOR RESIDENT INDIANS**

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

- (1) Every resident Indian prospective adoptive parents, who intends to adopt a child, shall register online in Child Adoption Resource Information and Guidance System by filling up the application form as provided in **Schedule-5** and uploading the relevant documents.

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

Provided that the adoption of a child by the prospective adoptive parents, after completion of their registration and home study report, shall depend upon the availability of a suitable child.

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

- (1) The seniority of the prospective adoptive parents shall be from the date of registration in the Child Adoption Resource Information and Guidance System.
- (2) On the basis of seniority, the prospective adoptive parents shall be given an opportunity to view the photographs, child study report and medical examination report upto six children, in their preference category if any, in one or more specialised adoption agencies through the Child Adoption Resource Information and Guidance System.
- (3) After viewing the photographs, child study report and medical examination report of the child or children, the prospective adoptive parents may reserve one child within a period of forty eight hours for possible adoption and the rest of the children would be released through Child Adoption Resource Information and Guidance System for other prospective adoptive parents in the waiting list.
- (4) The specialised adoption agency will get the details of the prospective adoptive parents referred from the Child Adoption Resource Information and Guidance System site and fix appointment with the prospective adoptive parents to assess the suitability of the prospective adoptive parents by an Adoption Committee, consisting of its adoption in-charge or social worker, pediatrician or visiting doctor and one official from the District Child Protection Unit.
- (5) The specialised adoption agency shall also organise a meeting of the prospective adoptive parents with the child.
- (6) The entire process of matching shall be completed within a maximum period of fifteen days from the date of reserving the child.
- (7) While accepting the child, the prospective adoptive parents shall sign the child study report and medical examination report in the presence of the social worker or chief functionary of the specialized adoption agency.

- (8) In case, the prospective adoptive parents are not selected for the child by the specialised adoption agency, the reason for non-selection of the prospective adoptive parents shall be recorded in the Child Adoption Resource Information and Guidance System.
- (9) In case, the prospective adoptive parents do not accept the reserved child or the specialised adoption agency does not find the prospective adoptive parents suitable, then, the prospective adoptive parents will be shifted to the bottom of the seniority list, as on that date, who can avail a fresh chance when the seniority becomes due and the same procedure shall be followed in the subsequent chances.
- (10) The registration of prospective adoptive parents shall be valid for two years.
- (11) The prospective adoptive parents can also get the medical examination report of the child reviewed by a medical practitioner of their choice.
- (12) If the prospective adoptive parents opt for one of the children shown, they shall accept the child by signing the child study report and medical examination report of the child, which may be downloaded from the Child Adoption Resource Information and Guidance System and the specialised adoption agency shall record the acceptance by the prospective adoptive parents in the Child Adoption Resource Information and Guidance System.

**11. Pre-adoption foster care. -**

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

**12. Legal Procedure. -**

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

**13. Follow up of progress of adopted child. -**

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

**14. Adoption leave. -**

Adoptive parents, working in the offices under the control of the Central Government or the State Government or the Central or State Public Sector Undertakings shall be entitled for adoption leave for proper care of adoptee, as per the extant instructions of the concerned Government or authority and the benefit of this facility shall be available from the stage of pre-adoption foster care.



## CHAPTER IV

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

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

**17. No Objection Certificate of Central Adoption Resource Authority and pre-adoption foster care. -**

- (1) The Central Adoption Resource Authority shall issue no objection certificate in favour of the proposed adoption in the format at **Schedule - 9** within ten days from the date of receipt of the acceptance of the child by the prospective adoptive parents and letter of approval/permission of the receiving country as per Article 5 and Article 17 of the Hague Adoption Convention, wherever applicable and a copy of such no objection certificate shall also be endorsed to all concerned and posted in Child Adoption Resource Information and Guidance System forthwith.
- (2) The prospective adoptive parents may take the child in pre-adoption foster care within India after issuance of no objection certificate by Central Adoption Resource Authority, pending court order, by furnishing an undertaking to the specialised adoption agency in the format at **Schedule- 7**.

**18. Legal Procedure. -**

- (1) The specialised adoption agency shall file an application in the competent court with relevant documents as mentioned in **Schedule- 8** within seven working days from the date of receipt of acceptance of the child by the prospective adoptive parents, for obtaining the adoption order from court and the specialised adoption agency shall enclose the documents in original along with the application.
- (2) In case the child is from a child care institution, which is located in another District, the specialised adoption agency shall file the adoption petition in the concerned court of that district.
- (3) The court will hold the adoption proceeding in-camera and dispose of the case within a period of two months from the date of filing of the adoption petition by the specialised adoption agency.
- (4) The specialised adoption agency shall obtain a certified copy of the adoption order from the court and will forward it to the prospective adoptive parents within ten days, besides posting a copy of such order and making necessary entries in the Child Adoption Resource Information and Guidance System.
- (5) Registration of a deed of adoption shall not be necessary.
- (6) The specialised adoption agency shall obtain the birth certificate of the child from the birth certificate issuing authority and provide it to the prospective adoptive parents within ten days from the date of availability of adoption order, with the name of adoptive parents, as parents, and date of birth as recorded in the adoption order.

**19. Passport and Visa, intimation to immigration authorities, conformity certificate, birth certificate, etc. -**

- (1) The Central Adoption Resource Authority shall issue a conformity certificate under Article 23 of the Hague Adoption Convention in the format provided in **Schedule - 10** within three working days from the date of availability of the adoption order in the Child Adoption Resource Information and Guidance System, in case the receiving country of the adopted child is a Hague Adoption Convention signatory.
- (2) The Central Adoption Resource Authority shall inform the concerned immigration authorities and the foreigner regional registration office or as the case may be, the foreigner registration office about confirmation of adoption.
- (3) To obtain Indian passport for the adopted child, the specialised adoption agency shall submit the application to the regional passport officer within three working days from the date of receipt of a certified copy of the adoption order.
- (4) The regional passport office shall issue passport for the adopted child within ten days from the date of receipt of application, in accordance with the circulars vide number VI/401/2/3/2010 dated 16th May, 2013; VI/401/2/3/2010 dated 8th January 2015; VI.I/401/2/3/2010 dated 19th March 2015 and such other circulars that may be issued by the CPV Division of the Ministry of External Affairs regarding issuance of passport to inter-country adopted children, from time to time.
- (5) In case the adopted child has been provided with a passport of the country of nationality of the prospective adoptive parents by its diplomatic mission in India, the foreigner regional registration office or as the case may be, the foreigner registration office shall issue exit visa to the adopted child within three working days from the date of online application for the same along with all supporting documents by the prospective adoptive parents.
- (6) The specialised adoption agency shall also obtain birth certificate for the adopted child from the issuing authority within ten days from the date of receipt of the adoption order, with the name of adoptive parents and date of birth as recorded in the adoption order.
- (7) The adopted child shall be entitled to receive overseas citizen of India card, if found eligible.
- (8) The adoptive parents shall come to India for taking the adopted child to their country.

**20. Follow up of progress of adopted child under this chapter. -**

- (1) The authorised foreign adoption agency or the Central Authority or Indian diplomatic mission or concerned Government department, as the case may be, shall report the progress of the adopted child in the format provided in **Schedule – 11** online in the Child Adoption Resource Information and Guidance System along with photographs of the child on a quarterly basis during the first year and on six monthly basis in the second year, from the date of arrival of the adopted child in the receiving country.
- (2) If an adjustment problem of the child with the adoptive parents comes to the notice of the authorised foreign adoption agency or Central Authority or the concerned Government department in the receiving country on the basis of the progress report or in course of post-adoption home visits, then, necessary counseling shall be arranged for the adoptive parents and for the adoptee, wherever applicable.
- (3) If it is found that the child is unable to adjust in the adoptive family or that the continuance of the child in the adoptive family is not in the interest of the child, the authorised foreign adoption agency or Central Authority or the concerned Government department in the receiving country or Indian diplomatic mission, as the case may be, shall withdraw the child and provide necessary counseling and shall arrange for suitable alternate adoption or foster placement of the child in that country, in consultation with the Indian diplomatic mission and Central Adoption Resource Authority.
- (4) In the event of adjustment problem of the child with the adoptive family, the child shall be entitled to receive care, protection and rehabilitation through the child protection services of that country.
- (5) The authorised foreign adoption agency or Central Authority or concerned Government department, as the case may be, shall organise annual get-together of Indian adoptees and their adoptive parents and forward a report on the event to Central Adoption Resource Authority and the Indian diplomatic missions shall facilitate such get-togethers.
- (6) The prospective adoptive parents shall furnish an undertaking to the effect that they would allow personal visits of the representative of authorised foreign adoption agency, the foreign Central Authority or concerned Government Department, as the case may be, to ascertain the progress of the child with the adoptive parents/family at least for a period of two years from the date of arrival of the child in the receiving country.

**21. Adoption by overseas citizen of India or foreign national living in India. -**

- (1) In case of an overseas citizen of India or foreign national, who is a citizen of a country that has ratified the Hague Convention and has been living in India for one year or more, shall apply online in prescribed format as specified in **Schedule-5** along with the required documents uploaded in the Child Adoption Resource Information and Guidance System.
- (2) On receipt of the application, along with the required documents, the Central Adoption Resource Authority shall refer the case to a specialised adoption agency for preparing the home study report in the format given at **Schedule-6** and the specialised adoption agency shall upload the home study report in the Child Adoption Resource Information and Guidance System.
- (3) All other procedures shall be followed as per the provisions of sub-paragraph 6 to 14 of paragraph 16 and paragraphs 17 to 19.

Provided that the prospective adoptive parents may reserve one of the referred children within forty eight hours.

**Note:** The role of the authorized foreign adoption agency or Central Authority or Government department or Indian diplomatic mission in the above referred paragraphs shall be performed by specialised adoption agency.

- (4) The specialised adoption agency shall report the progress of the child in the Child Adoption Resource Information and Guidance System in the format provided at **Schedule – 11** along with photographs of the child on a quarterly basis during the first year and on six monthly basis in the second year from the date of pre-adoption foster care.
- (5) If any adjustment problem of the child with the adoptive parents comes to the notice of the specialised adoption agency, through the progress report or in course of post-adoption home visits, counselling shall be arranged for the adoptive parents and for the adoptee, wherever applicable.
- (6) During the follow-up, if the specialised adoption agency finds that the child is unable to adjust in the adoptive family or the continuance of the child in the adoptive family is not in the best interests of the child, it shall withdraw the child and provide necessary counselling and the specialised adoption agency shall also arrange for suitable alternate adoption or foster placement of the child, in consultation with State Adoption Resource Agency and Central Adoption Resource Authority.

- (7) A no objection certificate shall be required from the concerned diplomatic mission in India in favour of the proposed adoption.
- (8) The concerned diplomatic mission shall also ensure that the adopted child acquires citizenship of the country of his parents immediately after adoption decree and a copy of the passport of the child from the country of the nationality of the Prospective adoptive parents shall be forwarded to Central Adoption Resource Authority and the concerned specialised adoption agency.
- (9) An overseas citizen of India or foreign prospective adoptive parents, as the case may be, living in India, shall give an undertaking to the effect that if they move out of India before completion of two years after adoption, they shall inform to the Central Adoption Resource Authority about their movement and provide their new address, and continue to send their post-adoption progress report to Central Adoption Resource Authority for the remaining period.
- (10) Such prospective adoptive parents living in India, are required to give an undertaking to the effect that they would allow personal visits of the representative by the specialized adoption agency or District Child Protection Unit or State Adoption Resource Agency, as the case may be at least for a period of two years from the date of adoption.
22. If one of the prospective adoptive parents is foreigner and other is an Indian, such case shall be treated at par with Indians living in India or living aboard, as the case may be.
23. **Procedure for adoption of a child from a foreign country by Indian citizens. -**
  - (1) Necessary formalities for adoption of a child from a foreign country by Indian citizens shall initially be completed in that country as per their law and procedure.
  - (2) Central Adoption Resource Authority shall issue approval, as required under Article 5 and 17 of the Convention on Protection of Children and Cooperation in respect of Inter-country Adoption 1993, in the cases of adoption of children coming to India as a receiving country.
  - (3) If the child adopted abroad by the Indian citizens having a foreign passport, then the child would require Indian visa to come to India and on submission of the visa application, the Indian mission in the country concerned may issue entry visa to the child after checking all the relevant documents to ensure that the adoption has been done following the due procedure.
  - (4) The immigration clearance for the child adopted abroad shall be obtained from the Foreigners' Division, Ministry of Home Affairs, Government of India, through the Indian diplomatic mission to that country.

## CHAPTER V

### ROLE OF CONCERENED AUTHORITIES AND AGENCIES

#### 24. **Specialised Adoption Agency. -**

- (1) Any child care institution, intending to be recognised as specialised adoption agency, shall submit application, along with the following documents to the State Government concerned:
  - (a) a copy of the registration certificate under the Societies Registration Act 1860 (21 of 1860), the Indian Trust Act, 1882 (12 of 1882) or any other corresponding law for the time being in force;
  - (b) a copy of its Memorandum of Association, rules, Guidelines and bye-laws;
  - (c) a copy of the registration certificate as child care institution;
  - (d) a list of management committee or executive committee or board members showing that the majority of the members of such committee or board are Indian citizens;
  - (e) annual reports including audited accounts for the last three years;
  - (f) resolution by the agency supporting the decision for placing orphan, abandoned or surrendered children in adoption;
  - (g) undertaking to abide by the relevant rules and adoption Guidelines in force;
  - (h) undertaking to regularly update data on Child Adoption Resource Information and Guidance System and to have necessary facilities for the same;
  - (i) supporting documents indicating that the organisation has been engaged in child protection and welfare activities;

- (j) list of children in the institution; and
  - (k) list of professional and child care staff.
- (2) The State Government shall issue a certificate of recognition to a child care institution as a specialised adoption agency within three months from the date of application, if the child care institution is found fit to be considered as a specialised adoption agency, based upon inspection conducted for the purpose.
  - (3) If an organisation is not involved in institutional care but has the capacity and expertise to ensure quality non-institutional care for infants and young children through trained foster care givers on their panel, the State Government may also recognise such organisation as a specialised adoption agency.
  - (4) The recognition to a specialised adoption agency shall be for a period of five years, unless it is revoked earlier on the grounds as mentioned in paragraph 26.

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

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

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

  - (a) details and number of children restored to biological parents, relatives or guardians during the period of last recognition;
  - (b) number and details of children placed in in-country and inter-country adoption and details of post-adoption follow-up thereof during the period of last recognition;
  - (c) details of year wise receipt of child care corpus and utilisation of the same during the period of last recognition;
  - (d) declaration about regular updating of data on Child Adoption Resource Information and Guidance System; and
  - (e) undertaking stating that it agrees to abide by these Guidelines as also the instructions issued by the State Government or State Adoption Resource Agency or Central Adoption Resource Authority from time to time.
- (3) The recognition to a specialised adoption agency shall be renewed by the State Government (before the expiry of existing recognition) for a period of five years, if the specialised adoption agency is found fulfilling the criteria as mentioned above, based on inspection conducted for the purpose.
- (4) In case the specialised adoption agency has applied for recognition and it does not receive any communication, the recognition to such specialised adoption agency shall be deemed to be continued.

## **26. Suspension or revocation of recognition of Specialised Adoption Agency. -**

- (1) The State Government may, *suo-motu* or on the recommendation of State Adoption Resource Agency or Central Adoption Resource Authority either, suspend or revoke the recognition granted to a specialised adoption agency.
- (2) The recognition of a specialised adoption agency may be suspended on any one or more of the following grounds, namely. -
  - (a) violation of any of the provisions of the Act or the rules made thereunder, relating to adoption as well as of these guidelines;

- (b) furnishing false information or forged documents to State Adoption Resource Agency or the concerned State Government or Central Adoption Resource Authority;
  - (c) incomplete or false information to prospective adoptive parents about the child or any adoption related process;
  - (d) failure to update data online in the Child Adoption Resource Information and Guidance System or furnishing or posting of false information therein;
  - (e) failure to submit timely reports or data as stipulated in these guidelines;
  - (f) adverse findings of the inspection team of the concerned State Government or State Adoption Resource Agency or of Central Government or Central Adoption Resource Authority, regarding the functioning of the specialised adoption agency ;
  - (g) if professional social worker and qualified child care staff are not employed;
  - (h) financial irregularities or malpractices or receiving any donation whether in kind or cash from prospective adoptive parents or adoptive parents;
  - (i) misuse or diversion of child care corpus or grant received from the Government for the purposes other than the purpose(s) for which they were received;
  - (j) unethical practices which would also include inducing single mothers or biological parents to relinquish their child or illegally sourcing the child;
  - (k) divulging information on biological mother or parents or adopted child to public in violation of principle of confidentiality;
  - (l) non-compliance of instructions issued from time to time by Central Adoption Resource Authority, State Adoption Resource Agency or the concerned State Government; and
  - (m) abuse or neglect of children in the specialised adoption agency .
- (3) No order for suspension or revocation of authorisation shall be passed without giving an opportunity to the agency to offer its explanation.
  - (4) After suspension of recognition of a specialised adoption agency, the concerned State Government or the State Adoption Resource Agency shall conduct necessary enquiries within a maximum period of six months, and if charges are proven, the State Government concerned shall revoke the recognition of the specialised adoption agency.
  - (5) In case of revocation of recognition of a specialised adoption agency, the State Government concerned shall, within thirty days, prepare an alternate rehabilitation plan for the children in that home, including shifting them to another specialised adoption agency.
  - (6) In the event of suspension or revocation of recognition of the specialised adoption agency, the cases where referrals have been accepted by the prospective adoptive parents, shall be allowed to proceed for final adoption provided that all other stipulations of these Guidelines have been met.

## **27. Inspection of specialised adoption agencies. -**

- (1) The State Government concerned shall inspect the child care institution before considering its recognition or renewal to a specialised adoption agency.
- (2) The State Government concerned or State Adoption Resource Agency shall conduct annual inspections of specialised adoption agencies to ensure that they are performing efficiently and as per norms laid down in these Guidelines and shall take necessary remedial measures, wherever required.
- (3) The premises of specialised adoption agency including the places where the children are staying and its relevant records shall be open to inspection by the Central Government, Central Adoption Resource Authority, the concerned State Government, State Adoption Resource Agency, Child Welfare Committee and any other agency or person authorised by them.
- (4) During such inspections, the following shall be scrutinised or examined, namely, -
  - (a) that the agency is discharging its role and performing its functions efficiently as stipulated under these guidelines;

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

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

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

**29. Agencies to maintain accounts. -**

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

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

- (1) **Function towards children. –** Every specialised adoption agency shall -
  - (a) be responsible for the care, protection and well being of every child in its charge and shall cater to their health needs; emotional and psychological needs, educational and training needs; leisure and recreational activities; protection from any kind of abuse, neglect and exploitation, social mainstreaming, and restoration or as the case may be, follow-up;
  - (b) report all cases of admissions, restorations, transfers, death and adoption of children, as well as about children missing from the institution, if any to the Child Welfare Committee, District Child Protection Unit, State Adoption Resource Agency and Central Adoption Resource Authority through Child Adoption Resource Information and Guidance System and track child;
  - (c) submit the status of every orphan, abandoned and surrendered child on the Child Adoption Resource Information and Guidance System, which is accessible on the website [www.cara.nic.in](http://www.cara.nic.in);

- (d) prepare the child study report through its social worker of all orphan, abandoned and surrendered children and post them in Child Adoption Resource Information And Guidance System, within seven days from the date such children are declared legally free for adoption by the Child Welfare Committee;
  - (e) prepare the medical examination report through its pediatrician or doctor of all such children and post them in Child Adoption Resource Information and Guidance System, within seven days from the date such children are declared legally free for adoption by the Child Welfare Committee;
  - (f) prepare individual care plan for each child following the principle of the best interests of the child and the care options in the following order of preferences namely. -
    - (i) restoration to the biological family or legal guardian;
    - (ii) in-country adoption;
    - (iii) inter-country adoption;
    - (iv) foster care; and
    - (v) institutional care.
  - (g) create a memory album, which should include a photo album of the child, history and details of the child's life (details of surrendering parents should not be mentioned), and interests of the child, which shall be handed over to the adoptive family along with the medical history of the child at the time of handing over the child to the prospective adoptive parents in pre-adoption foster care;
  - (h) make efforts to place each child in adoption, who has been declared legally free for adoption by Child Welfare Committee;
  - (i) be responsible for referral of a child to prospective adoptive parents and the legal procedure related to adoption as provided in these guidelines;
  - (j) prepare every adoptable child psychologically for his assimilation with the adoptive family;
  - (k) facilitate interaction of the child with prospective adoptive parents, wherever required;
  - (l) ensure that siblings and twins are placed in the same family, as far as possible;
  - (m) preserve adoption records in a manner, that such record is accessible to authorised persons only;
  - (n) facilitate root search by adoptees in the manner as mentioned in paragraph 45;
- (2) **Functions towards biological parents.** – Every specialised adoption agency shall -
- (a) treat biological parents of a surrendered child with respect and dignity throughout the surrender process;
  - (b) maintain confidentiality of unmarried mother and biological parents;
  - (c) counsel the surrendering parents and inform them about a possible root search, in future by their child;
  - (d) encourage the biological parents surrendering a child to provide maximum information about the background of the child and development as well as their own health;
  - (e) explain to the parents implication of surrendering their child including possibility of inter-country adoption;
  - (f) ensure that the consent for surrender and adoption is given by the parents without any coercion or monetary or material consideration;
  - (g) have no commitment or agreement with biological parents regarding adoption of a child prior to his birth;
  - (h) inform the parents that they would have a re-consideration period of sixty days from the date of surrender during which they can take back the child;
- (3) **Functions towards prospective adoptive parents.** – Every specialised adoption agency shall -
- (a) treat prospective adoptive parents with respect and extend due courtesy, assistance and advice;
  - (b) facilitate registration of prospective adoptive parents in Child Adoption Resource Information and Guidance System in case they face any difficulty;



- (c) counsel the prospective adoptive parents, through an authorised professional social worker or counselor, to make them aware of the process of adoption and to ascertain the level of their preparedness for the same which include the following, namely:—
- (i) acceptance of adoption as an alternative way of building their family;
  - (ii) preference for child to be adopted;
  - (iii) emotional readiness to adopt an unrelated child;
  - (iv) concerns about the social background of the child and genetic factors;
  - (v) attitude towards parenting and disciplining;
  - (vi) sharing the fact of adoption with the child, when the child grows up;
  - (vii) dealing with root search by the adopted child, when the child grows up;
  - (viii) any other issue that might emerge during the interactions;
- (d) complete the home study report of prospective adoptive parents registered with them, within one month from the date of their registration and submission of required documents;
- (e) continuously update the status of application of the prospective adoptive parents in Child Adoption Resource Information and Guidance System;
- (f) provide video clips of the children to prospective adoptive parents and facilitate their video calls to children after referral;
- (g) provide information about the medical history of the child to prospective adoptive parents, inform the prospective adoptive parents about the health status of a special need child, if such a child is proposed for adoption;
- (h) provide the immunisation record and recent diagnostic reports as well as any vital information relating to child including his food and social habits, memory album to the prospective adoptive parents;
- (i) a copy of the adoption order from the court, and the birth certificate or affidavit shall also be provided to the prospective adoptive parents as and when available;
- (j) place a child in pre-adoption foster care on completion of referral and after observing necessary formalities as laid down in these guidelines;
- (k) extend post adoption services including counselling to the prospective adoptive parents, if required;
- (l) not receive any payment, other than as specified in **Schedule- 13**;
- (m) advise the prospective adoptive parents to contact adoptive families to understand the process of adoption.
- (4) **Functions relating to counselling.** - The functions of the specialised adoption agencies in respect of counselling shall include –
- (a) counselling of biological parents in case of surrender;
  - (b) pre-adoption counselling of prospective adoptive parents;
  - (c) counselling of older children before adoption and during adoption;
  - (d) post-adoption counselling of the adoptees, when contacted by them in search of their roots.
- (5) Every specialised adoption agency shall set up **cradle baby points** at primary health care centres, hospitals, nursing homes, short-stay and swadhar homes and at its own home to receive abandoned children.
- (6) **Documentation and record keeping.** -
- (a) Every specialised adoption agency shall prepare an 'individual care plan' for each child based on age and gender specific needs in respect of the following, namely: –
    - (i) health and medical needs;
    - (ii) emotional and psychological needs;

- (iii) educational and training needs;
  - (iv) leisure, creativity and play;
  - (v) attachments and relationships;
  - (vi) protection from all forms of abuse, neglect and maltreatment;
  - (vii) rehabilitation including reunification with family, adoption and other non-institutional care;
  - (viii) social mainstreaming; and
  - (ix) follow-up after rehabilitation or restoration.
- (b) Every specialised adoption agency shall keep the following documents in the case file of each child, namely: –
- (i) case history and social investigation report of the child;
  - (ii) interim care order as well as the order declaring the child legally free for adoption by the Child Welfare Committee and the deed of surrender in case of a relinquished child;
  - (iii) child study report, medical examination report and immunisation record of the child;
  - (iv) photographs of the child taken at intervals of every six month;
  - (v) application form, documents and home study report of the prospective adoptive parents;
  - (vi) adoption petition, adoption order and birth certificate of the child;
  - (vii) post placement progress reports of the child.
- (c) Every specialised adoption agency shall maintain the following records, namely. -
- (i) master admission register;
  - (ii) medical and development file of the child;
  - (iii) case file of the child;
  - (iv) attendance register of the children and staff;
  - (v) register of prospective adoptive parents with details (date of registration, date of home study report, date(s) of referral of child or children, date of court order, date of handing over of the child to prospective adoptive parents, etc.);
  - (vi) vouchers, cashbook, ledger, journal and annual accounts;
  - (vii) grant utilization register;
  - (viii) stock register; and
  - (ix) record of minutes of meetings of the management committee and adoption committee (to be maintained separately).
- (7) **Other functions:** Every specialised adoption agency shall also. -
- a) organise training and orientation activities to spread awareness about the adoption programme;
  - b) train its childcare and professional staff on these guidelines.

**31. Functions of authorised foreign adoption agency. -** The authorised foreign adoption agency shall perform the following functions, namely:

- (1) register the prospective adoptive parents interested to adopt children from India and to complete their home study report expeditiously;
- (2) post attested copies of the adoption application of the prospective adoptive parents in the Child Adoption Resource Information and Guidance System and forward the original of the same to the allotted specialised adoption agencies;
- (3) follow up with specialised adoption agency for ensuring early adoption after receipt of no objection certificate for the adoption from Central Adoption Resource Authority;

- (4) give orientation to the prospective adoptive parents on culture or language or food of the place to which the adopted child belongs.
- (5) ensure the submission of post-adoption follow up of the progress of adopted children and to address the cases of disruption, as mentioned in paragraph 20;
- (6) arrange get-togethers of children of Indian origin and their adoptive families from time to time with the involvement of the concerned Indian diplomatic mission;
- (7) facilitate root search by older adoptees;
- (8) fulfill the legal requirements of the host country as well as the terms and condition of the authorisation given by Central Adoption Resource Authority.

### **32. Criteria and procedure for authorisation of foreign agencies. -**

- (1) A foreign adoption agency desirous of sponsoring applications of foreign adoptive parents for adopting an Indian child shall make an application to Central Adoption Resource Authority along with the recommendation of the Central Authority or concerned Government department of that country, through the Indian diplomatic mission.
- (2) The application shall be accompanied by the following documents, namely. -
  - (a) memorandum or bye-laws, copies of registration status, latest license issued by the concerned government department to undertake international adoptions, list of board or executive members, list of countries it is working with, accreditation certificate and its annual reports or financial statements for last two years;
  - (b) an undertaking signed by the head or chief executive of the organisation stating that the agency would abide by the provisions of these guidelines;
  - (c) an undertaking by the agency that in case of disruption or repatriation of the adopted children, it shall abide by the specific provisions laid down in these guidelines;
  - (d) an undertaking by the agency to send an annual report to Central Adoption Resource Authority in the month of April every year on the status of children placed in adoption from India;
  - (e) copy of adoption law or adoption guidelines or adoption rules of their country;
  - (f) a list of staff of the agency recommendation/authorisation from the central authority or competent authority to work with India;
  - (g) recommendation letter from Indian diplomatic mission abroad and the Central Authority or Government department of the receiving country.
- (3) The authorisation to foreign adoption agency shall be subject to renewal for a period of five years by Central Adoption Resource Authority, on the receipt of an application for the same from such authorised foreign adoption agency through the concerned Indian diplomatic mission along with the recommendation for the same by the Central Authority or Government department and such application shall be accompanied by.-
  - (a) a list of children placed in adoption through such authorised foreign adoption agency along with their citizen status; and
  - (b) disruption, if any.
- (4) In case an authorised foreign adoption agency requires to appoint a representative in India for facilitating its adoption cases, it shall seek the prior approval of Central Adoption Resource Authority.

### **33. Suspension or revocation of authorization. -**

The grounds on which the authorisation of authorised foreign adoption agency can be revoked are as follows, namely.

- (1) if the agency violates or fails to abide by the provisions of these guidelines;
- (2) if the license or recognition or accreditation of the agency is suspended or revoked by the appropriate authority of that country;
- (3) if the agency fails to upload adoption applications or the post-adoption follow-up reports in the Child Adoption Resource Information and Guidance System from time-to-time and violates any provisions of these guidelines.

**34. Roles of State Government and State Adoption Resource Agency. -**

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

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

- (1) identify orphan, abandoned and surrendered children in the district and get them declared legally free for adoption by Child Welfare Committee;
- (2) ensure that the child study report and medical examination report are posted in the Child Adoption Resource Information and Guidance System by the specialised adoption agencies within seven days from the date a child is declared legally free for adoption;

- (3) facilitate the linkage of children homes with specialised adoption agencies in the same or other districts to facilitate adoption;
- (4) track the progress of adoption of each child declared legally free for adoption and take necessary actions for expediting the case wherever required;
- (5) track the progress of application of each prospective adoptive parent registered in Child Adoption Resource Information and Guidance System for adopting a child or children from the district and take necessary actions for expediting the case wherever required;
- (6) assist State Adoption Resource Agency to maintain a panel of professional social workers for the purpose of counselling, preparing the home study report of the prospective adoptive parents and render post-adoption follow-up services;
- (7) supervise and monitor adoption programme in the district;
- (8) ensure that adoption data is being updated by specialised adoption agencies in the Child Adoption Resource Information and Guidance System on time and in correct manner ;
- (9) assist State Adoption Resource Agency and Central Adoption Resource Authority in all matters related to adoption;
- (10) assist the Child Welfare Committee in the restoration effort and in completing the process for declaring the abandoned children legally free, including publishing information of the child in the newspaper, obtaining the social investigation report from the probation officer and non-traceable report from police;
- (11) Upload the certificate of child welfare committee declaring children legally free for adoption.

**36. Child Welfare Committee.-**

The Child Welfare Committee shall take actions as provided in paragraphs 6 and 7 of these guidelines.

**37. Birth Certificate issuing Authority. -**

The local registrar notified under the Registration of Births and Deaths Act, 1969 (18 of 1969) shall issue birth certificate in favour of an adopted child on an application filed by the specialised adoption agency or adoptive parents, incorporating the names of the adoptive parents as parents and the date of birth of the child as mentioned in the adoption order of the court.

**38. Central Adoption Resource Authority. -**

The Central Adoption Resource Authority shall function as a nodal body on adoption matters in the country and it shall discharge the following functions, namely: -

- (1) frame rules and Guidelines for adoption of Indian children;
- (2) to promote in-country adoptions and to facilitate inter-State adoptions in co-ordination with State Adoption Resource Agencies;
- (3) monitor and regulate adoption program in the country;
- (4) issue no objection certificate for inter-country adoption of children;
- (5) establish uniform standards and indicators, relating to-
  - (i) adoption procedure;
  - (ii) quality child care standards;
  - (iii) monitoring and supervision;
  - (iv) standardisation of documents;
  - (v) safeguards and ethical practices.
- (6) prepare a centralised database of all children available for adoption, all prospective adoptive parents wishing to adopt and all children placed in adoption with the help of specialised adoption agencies, State Adoption Resource Agencies, District Child Protection Units, Child Welfare Committees and authorised foreign adoption agencies;
- (7) carry out research and documentation on adoption in order to continuously improve the adoption system;
- (8) arrange capacity building programmes for adoption agencies and other stakeholders;
- (9) carry out advocacy, awareness and information, education, and communication activities for promoting adoption and other non-institutional child care services either by itself or through its associated bodies.

- (10) coordinate with State Governments or as the case may be, State Adoption Resource Agencies and advise them in adoption related matters;
  - (11) act as the Central Authority on adoption matters under the Convention on Protection of Children and Co-operation in respect of Inter Country Adoption, 1993;
  - (12) enter into bilateral agreements with foreign Central Authorities, wherever necessary and as prescribed under the Hague Adoption Convention;
  - (13) authorise foreign adoption agencies to sponsor applications of non-resident Indian or overseas citizen of India or foreign prospective adoptive parents for inter-country adoption of Indian children.
  - (14) maintain Child Adoption Resource Information and Guidance System (CARINGS) for greater transparency in the adoption system.
- 39. Regional passport officer.-** Based upon an application made along with required documents, pursuant to the adoption order issued by the court, the regional passport officer shall issue a passport to an adopted child within ten days from the date of receipt of such application, in accordance with circulars vide number VI/401/2/3/2010 dated 16th May, 2013; VI/401/2/3/2010 dated 8th January 2015; VI.I/401/2/3/2010 dated 19th March 2015 and such other circulars that may be issued by the CPV Division of the Ministry of External Affairs regarding issuance of passport to inter-country adopted children, from time-to-time.
- 40. Foreigner regional registration office. -** Foreigner regional registration office shall issue exit visa to the adopted child travelling out on the passport issued by the country of the nationality of the prospective adoptive parents, within three working days from the date of submission of application for the same along with all supporting documents by the prospective adoptive parents.
- 41. Indian diplomatic missions in inter-country adoption. -** Indian diplomatic missions abroad shall have the following role in inter-country adoption of Indian children, namely. -
- (1) liaise with concerned central or public authorities to ensure safeguards of children of Indian origin adopted by non resident Indians, overseas citizen of India or foreign parents against neglect, maltreatment, exploitation or abuse;
  - (2) interact with the authorised foreign adoption agencies and Central Authorities within their jurisdiction and organise or participate in the get-togethers of the adopted children and their parents;
  - (3) recommend proposals for authorisation of foreign adoption agencies for the purpose of sponsoring applications for adoption of Indian children;  
“3(a) issue visa to foreign prospective adoptive parents who wish to see a child in person at the specialized adoption agency in India, before accepting him for adoption, after their adoption application is approved by Central Adoption Resource Authority, and also for attending the court proceedings as well as for receiving the child thereafter”.
  - (4) empanel and authorise social workers to complete adoption application formalities including home study report in a foreign country, where there is no authorised foreign adoption agency or a Government department to deal with adoption;
  - (5) register the adoption applications of non-resident Indians prospective adoptive parents in Child Adoption Resource Information and Guidance System along with requisite documents as specified in **Schedule 5** and upload post-adoption follow-up reports as stipulated in paragraph 20 of the guidelines;
  - (6) the Indian diplomatic mission processing the adoption application, either directly or through the authorised organisation or individual shall send progress report of the child on quarterly basis in the first year and on six monthly basis in the second year, from the date of arrival of the child in the receiving country and also take actions, as stipulated in paragraph 20 of these guidelines, in case of disruption of adoption;
  - (7) contact the Central Authority or other authorities in the receiving countries to ensure safeguards of children of Indian origin adopted by non-resident Indians or overseas citizen of India or foreign parents, in case of disruption of adoption and a report in this regard shall also be sent to Central Adoption Resource Authority at the earliest;
  - (8) render necessary help and facilitate the repatriation of the child, if required, in consultation with the local authorities, concerned adoption agency and Central Adoption Resource Authority;
  - (9) facilitate root search by an adoptee of Indian origin, if contacted;

- (10) communicate any report or observation, which it may consider as important and relevant in the matter of inter-country adoptions to Central Adoption Resource Authority.

**42. Central Authorities. -**

Central Authority of the countries that have ratified the Hague Convention on Inter-country Adoption, 1993 shall discharge all obligations as per the provisions of the Convention.

**CHAPTER VI**

**MISCELLANEOUS PROVISIONS**

**43. Seniority of the prospective adoptive parents.-**

- (1) There shall be two seniority list- one list consisting of resident Indians and non-resident Indians prospective adoptive parents and another common list consisting of resident Indians, non-resident Indians, overseas citizen of India and foreign prospective adoptive parents.
- (2) The seniority of resident Indians shall be based on the date of online registration and submission of the documents except for home study report in Child Adoption Resource Information and Guidance System.
- (3) The seniority of non-resident Indians or overseas citizen of India or foreign prospective adoptive parents shall be based on the date of online registration and submission of the documents along with home study report in Child Adoption Resource Information and Guidance System.

**44. Adherence to time line.-**

All agencies and authorities involved in the adoption process shall adhere to the time limits specified in **Schedule-14**.

**45. Root search.-**

- (1) In cases of root search, the concerned agencies or authorities (authorised foreign adoption agency, Central Authority, Indian diplomatic mission, Central Adoption Resource Authority, State Adoption Resource Agency or District Child Protection Unit or specialised adoption agency), whenever contacted by any adoptee shall facilitate his root search.
- (2) In order to facilitate root search, the age and maturity of the child shall be taken into consideration.
- (3) If the biological parents, at the time of surrender of the child, have specifically requested anonymity, then, the consent of the parents should be taken by the specialised adoption agency or Child Welfare Committee, as the case may be.
- (4) In case of denial by the parents or the parents are not traceable, the reasons and the circumstances under which the surrender took place shall be disclosed to the adoptee.
- (5) In case of an orphan or abandoned child, information about his adoption, including the source and circumstances in which the child was admitted into the specialized adoption agency, as well as the process followed for his adoption, may be disclosed to the adoptee by the specialized adoption agency or the Child Welfare Committee, as the case may be.
- (6) A root search by a third party shall not be permitted and the concerned agencies or authorities shall not make public any information relating to biological parents, adoptive parents or adopted child.
- (7) The right of an adopted child shall not infringe the biological parents' right to privacy.

**46. Confidentiality of adoption records. -** All agencies or authorities involved in the adoption process shall ensure that confidentiality of adoption records is maintained, except as permitted under any other law for the time being in force.

**47. Adoption expenses.-**

- (1) The prospective adoptive parents shall bear the expenses for adoption, as provided in **Schedule-13**.
- (2) The agency is not permitted to accept any donation in cash or kind, directly or indirectly for adoption of a child from the prospective adoptive parents.

**48. Reporting of adoptions.-**

The specialised adoption agencies shall submit adoption data on Child Adoption Resource Information and Guidance System and also send quarterly report in the format given at **Schedule-15** to State Adoption Resource Agency and Central Adoption Resource Authority, in first week of every quarter.

**49. Adoption of children with special needs. -**

- (1) The adoption process for children with special need shall be completed as expeditiously as possible by the concerned agencies or authorities, who shall be available for adoption by resident Indians and non-resident Indians from the date they are declared legally free for adoption by the Child Welfare Committee:

Provided that such children with special need shall be available for adoption by overseas citizen of India or foreign adoptive parents, after fifteen days from the date they are declared legally free for adoption.

- (2) Special care must be taken while processing the cases for adoption of children with special need, so that the prospective adoptive parents are aware of real medical condition of the child and ready to provide extra care and attention that the child needs.
- (3) The categories of children with special need can be accessed from [www.cara.nic.in](http://www.cara.nic.in) which is illustrative and not exhaustive.
- (4) The children with special need who were not adopted shall be provided with due care and protection by the specialised adoption agency and if they do not have necessary facilities and the means for their long term care, such children shall be shifted to any other specialised institutions run by any Government or non-Government organisation.

**50. Adoption of older children. -**

- (1) Since it takes time for an older child to adjust with unrelated parents, it is important that the child and the prospective adoptive parents are made familiar to each other, before leaving the institution.
- (2) Under the guidance of specialised adoption agency or authorised foreign adoption agency, the prospective adoptive parents may have interactions with older children through video calls, even before taking custody and the prospective adoptive parents may be encouraged to spend some quality time with the child before leaving the institution.
- (3) The older children shall be deemed to be available for adoption by resident Indians and non-resident Indians from the date they are declared legally free for adoption by the Child Welfare Committee and they shall be available for adoption by overseas citizen of India or foreign prospective adoptive parents, after thirty days from the date they are declared legally free for adoption.

Note: A child, who has completed five years, shall be considered as an older child.

**51. Adoption of twins and siblings. -**

Twins or siblings shall be available for adoption by resident Indians and non-resident Indians from the date they are declared legally free for adoption by the Child Welfare Committee and they shall be deemed to be available for adoption by overseas citizen of India or foreign prospective adoptive parents, after thirty days from the date they are declared legally free for adoption.

**52. Relaxation or interpretation and amendments in the guidelines. -**

- (1) The power of relaxation to any provision of these Guidelines in respect of a case or class of cases shall be vested with Central Adoption Resource Authority in consultation with the Central Government.
- (2) In case of any ambiguity or dispute in interpretation of these guidelines, the decision of the Central Government shall be final.

**53. Repeal and Savings. -**

- (1) The Guidelines Governing the Adoption of Children, 2011 is hereby repealed.
- (2) Notwithstanding such repeal, any action taken under the Guidelines Governing the Adoption of Children, 2011 shall be deemed to have been done or taken under corresponding provisions of these guidelines.
- (3) The pending adoptions shall be processed as per these guidelines.