

CHAPTER - I PRELIMINARY

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

(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.** — (1) In these rules, unless the context otherwise requires-
 - (a) "Act" means the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000);
 - (b) "ACA" means the Adoption Coordinating Agency;
 - (c) "abandoned" means an unaccompanied and deserted child who is declared abandoned by the Child Welfare Committee after due inquiry;
 - (d) "adoption" means the process through which the adopted child is permanently separated from his biological parents and becomes the legitimate child of his adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship;
 - (e) AFAA or "Authorised Foreign Adoption Agency" means a Foreign Social or Child Welfare Agency that is authorized by CARA for sponsoring the application of Prospective NRI or OCI or PIO or Foreign Adoptive Parents for Adoption of an Indian child;
 - (f) "ARC" means Adoption Recommendation Committee constituted by the State Government.
 - (g) "best Interest of the child" means a decision taken to ensure the physical, emotional, intellectual, social and moral development of a child;
 - (h) "CARA" means the Central Adoption Resource Authority;
 - (i) "CCC" means Child Care Corpus
 - (j) "Central Authority" means the Government department recognized as such under Hague Convention on Inter-country Adoption;
 - (k) "Child Welfare Committee" means Committee constituted under section 29;
 - (l) "children legally free for adoption" means orphan, abandoned and surrendered children declared free for adoption by the Child Welfare Committee;
 - (m) "CSR" means Child Study Report which contains details about the child such as the date of birth and social background;

- (n) “habitual residence” means a place of settled dwelling, which constitutes a person's ordinary residence at least for a period of one year;
- (o) “HSR” means Home Study Report containing details of the Adoptive parents’ social and economic status; family background; description of home; standard of living; relationship with spouse, if any, and other family members; health status and the like;
- (p) ‘ICPS’ means Integrated Child Protection Scheme launched by the Government of India in the Ministry of Women and Child Development;
- (q) “In-country Adoption” means adoption of a child or children by a citizen of India residing in India;
- (r) “Inter-country Adoption” means adoption of a child or children by persons having status of Non-Resident Indians or Overseas Citizens of India or Persons of Indian Origins or Foreign Nationals;
- (s) “NOC” means No Objection Certificate issued by CARA permitting the child to be placed in adoption with prospective foreign or PIO or OCI or NRI adoptive parents;
- (t) “NRI” means Non-resident Indian citizen who holds an Indian passport and is presently residing abroad;
- (u) “OCI” means a person registered as Overseas Citizen of India (OCI) under section 7A of the Citizenship Act, 1955;
- (v) “orphan” means a child who is without parents or willing and capable legal or natural guardian;
- (w) “PIO” means Persons of Indian Origin;
- (x) “pipeline cases” means those cases where the PAP(s) have already accepted referrals prior to the expiry or withdrawal of recognition of the concerned RIPA or SAA;
- (y) “pre–adoption foster care” means a stage when the custody of a child is given to prospective adoptive parents (PAPs) with a view to adopt;
- (z) “Prospective Adoptive Parents” means person eligible to adopt a child as per the Act;
- (aa) Recognised Indian Placement Agency (RIPA) means one Specialised Adoption Agency recognized by CARA for placing children in inter-country adoption;
- (y) “section” means a section of the Act;
- (z) “schedule” means a schedule annexed to these Guidelines;

- (za) "State Government" in relation to a Union Territory means the administrator of that Union Territory appointed by the President under article 239 of the Constitution;
 - (zb) "SAA" means the Specialised Adoption Agency which includes Recognised Indian Placement Agency (RIPA) and Licensed Adoption Placement Agency(LAPA);
 - (zc) "SARA" means the State Adoption Resource Agency;
 - (zd) "surrendered child" means a child, who in the opinion of the Child Welfare Committee, is relinquished on account of physical, emotional and social factors beyond the control of the parent or guardian; and
- (2) All words and expressions used but not defined in these Guidelines shall have the same meaning as assigned to them in the Act.
3. **Fundamental principles governing adoption.** - The following fundamental principles shall govern adoptions of children from India, namely: -
- (a) the child's best interest shall be of prime importance while deciding any placement;
 - (b) preference shall be given to place the child in adoption within the country;
 - (c) adoption of children shall be guided by a set procedures and in a time bound manner;
 - (d) no one shall derive any gain, whether financial or otherwise, through adoption.
4. **Person competent to be adopted.** - Any orphan, abandoned or surrendered child can be adopted following due procedure laid down in these Guidelines if such child is declared legally free for adoption by the Child Welfare Committee (CWC).
5. **Person competent to adopt.** - In accordance with the provisions of sub-section (6) of section 41, the Court may allow a child to be given in adoption, -
- (a) to an individual irrespective of his or her marital status; or
 - (b) to parents to adopt a child of the same sex irrespective of the number of living biological sons or daughters; or
 - (c) to a childless couple.
6. **Additional Eligibility Criteria for Prospective Adoptive Parents (PAPs).** -(1) No child may be given in adoption to a couple unless they have at least two years of stable marital relationship.
- (2) Couples in live-in relationship are not eligible to adopt a child.
- (3) To adopt a child in the age group of 0-3 years, the maximum composite age of the PAPs should be 90 years wherein the individual age of the PAPs should not be less than 25 years and more than 50 years.

- (4) To adopt children above three years of age, the maximum composite age of the PAPs should be 105 years wherein the individual age of the PAPs should not be less than 25 years and more than 55 years.
- (5) In case a single PAP desires to adopt, he or she should not be less than 30 years of age and shall not be above the age of 50 years. The maximum age shall be 45 years to adopt children in the age group of 0-3 years and 50 years for adopting children above 3 years.
- (6) The PAPs should have adequate financial resources to provide a good upbringing to the child.
- (7) The PAPs should have good health and should not be suffering from any contagious or terminal disease or any such mental or physical condition, which may prevent them from taking care of the child.
- (8) Adoption of a second child is permissible only when the legal adoption of the first child has been finalized but this is not applicable in case of siblings.
- (9) An un-married or single male person is not permitted to adopt a girl child.
- 7. Procedure for adoption. -** (1) The PAPs may adopt a child in accordance with the procedure, namely: -
 - (a) The Indian PAPs habitually residing in India shall adopt a child only through a Government recognised adoption agency known as Specialised Adoption Agency.
 - (b) The PAPs shall register only with one recognised adoption agency, which should preferably be nearest to their place of residence.
 - (c) The PAPs in India can also register online at www.adoptionindia.nic.in
 - (d) The PAPs residing abroad shall adopt children only through CARA authorised agencies known as Authorized Foreign Adoption Agency(AFAA).
 - (e) The PAPs should register with an AFAA or Central Authority nearest to their place of residence.
 - (f) In countries where there is no AFAA or Central Authority, the Indian nationals may approach the Indian High Commission or Embassy for processing and forwarding their case to CARA.
- (2) After registration, the PAPs shall follow the adoption procedure as provided in these Guidelines and as per the details given in CARA's website www.adoptionindia.nic.in

- 8. Priorities for Rehabilitation of a Child.** - (1) The best interest of the child is served by providing him or her an opportunity to be placed with a family within his or her own socio-cultural milieu in the country itself.
- (2) Due consideration should be given to the child's upbringing and to his or her ethnic, religious, cultural and linguistic background while placing him or her in adoption but, a child can be placed with any Indian PAP(s) within the country without any geographical barrier.
- (3) The citizens of a country that has ratified the Hague Convention on Inter-country Adoption, 1993 and who are also habitual residents of a country that has ratified the said Convention can adopt a child from India.
- (4) Indian nationals who live in countries which are not signatories to the Hague Convention are also eligible to adopt.
- (5) Preference shall be given for placing a child in in-country adoption and the ratio of in-country adoption to inter-country adoption shall be 80:20 of total adoptions processed annually by a RIPA, excluding special needs children.
- (6) The following order of priority shall be followed in case of inter-country adoptions;
- (i) Non Resident Indian (NRI);
 - (ii) Overseas Citizen of India (OCI);
 - (iii) Persons of Indian Origin (PIO);
 - (iv) Foreign Nationals.
- 9. Adoption of Special Needs Children.** - (1) Special care must be taken while processing the cases for adoption of special needs children, so that the prospective adoptive family is aware and ready to provide extra care and attention that the child needs.
- (2) It is important to understand that child with special needs requires, more than any other child, the care and love of a family at an early stage.
- (3) The adoption process for children with special need shall be completed as expeditiously as possible by the concerned authorities and time lines laid down for special needs children in these Guidelines shall be strictly adhered to.
- (4) The PAPs wishing to adopt special needs children shall be given top priority in the waiting list.
- (5) In spite of best efforts, some special needs children do not get adopted and have to remain in institutions and such children should be shifted by the Specialised Adoption Agency to specialized institutions in case such institutions are available in the State.

CHAPTER II PRE-ADOPTION PROCESS

- 10. Procedure in case of Orphan and Abandoned Children.**- It shall be the duty of every person, whether an individual or a nursing home or hospital or any other institution who or which finds an abandoned child or an orphan child without family support, to report the fact immediately either to the officer in charge of the nearest police station or the Child Welfare Committee (CWC) or Childline (Tel 1098) or the Specialised Adoption Agency in that area, as is practicable.
- 11. Admission.** - (1) In case an abandoned child or an orphan child is received by a Specialised Adoption Agency, it shall admit the child to its home on a temporary basis and such admission shall be finalised only after authorisation by the Child Welfare Committee.
- (2) The details of all children admitted by a Specialised Adoption Agency shall be entered in the Master Admission Register in the format as at **Schedule-I**.
- (3) On admission of the child, the Specialised Adoption Agency shall give a name to the child, if not already given, record his or her brief social background, identification marks, height and weight and also cause medical examination of the child conducted.
- (4) The child shall be photographed and if the child is abandoned, a report along with a photograph of the child shall be filed with the nearest police station within twenty-four hours of finding the child.
- (5) The Specialised Adoption Agency shall take all necessary steps for the welfare of the child as per these Guidelines.
- 12. Production of child before CWC.** - (1) The Specialised Adoption Agency shall produce the orphan or abandoned child, who is in their temporary care, before the Child Welfare Committee within twenty-four hours of receiving such a child, excluding the time taken for the journey.
- (2) A copy of the report filed with the police station in whose jurisdiction the child was found abandoned shall also be submitted to the Child Welfare Committee.
- (3) In case of a child under two years of age, who is unable to travel because of medical reasons, the Specialised Adoption Agency shall send a written report along with the photograph of the child to the Committee within twenty four hours and produce the child before the Committee as soon as the child is medically fit along with the medical certificate to that effect.
- (4) The Specialised Adoption Agency shall make a report to the Child Welfare Committee on the circumstances under which the child came to their notice and efforts made by them for informing the police and the missing person's squad or missing persons bureau in the State and the Centre.

- 13. Restoration efforts.** - (1) The Specialised Adoption Agency shall make restoration efforts in addition to the efforts made by the Child Welfare Committee to trace the parents or biological family of the abandoned child.
- (2) The Specialised Adoption Agency shall also conduct an independent enquiry for the same purpose.
- (3) In case of children below two years of age, the Specialized Adoption Agency shall make a notification in at least one leading national newspaper and one regional language newspaper having circulation in its area.
- (4) A notification may also be made in a newspaper of the language spoken by the child and the notification shall be released in the area where the child was found abandoned.
- (5) For children of two years or above, a television or radio announcement shall also be made.
- (6) In case of children below two years of age, the process prescribed at sub paragraph (2) to (4) shall be completed within a period of sixty days from the date the child is found and in case of children of two years or above of age, the time period shall be four months.
- (7) In case a claimant appears for the child, the Specialized Adoption Agency shall refer the case to the Child Welfare Committee and the Special Adoption Agency shall abide by the decision taken by the Child Welfare Committee.
- (8) In case, even after the lapse of the time period mentioned in sub paragraph (6), no claimant comes forward to claim the child, the Specialised Adoption Agency shall submit a declaration to the Child Welfare Committee stating that there has been no claimant for the child.
- (9) A report on the efforts made by the Specialised Adoption Agency for tracing the child's background shall also be submitted to the Child Welfare Committee to assist them in taking an informed decision.
- (10) The child shall not be considered for adoption until the Child Welfare Committee issues a Certificate declaring him or her to be legally free for adoption.
- 14. Procedure in case of Surrendered Children.** -(1) A child may be surrendered in case: -
- (i) The child is born as a consequence of non-consensual relationship;
 - (ii) The child is born of an unwed mother or out of wedlock;
 - (iii) One of the biological parents of the child is dead and the living parent is incapacitated or unfit to take care;
 - (iv) The parents of the child are compelled to relinquish him or her due to physical, emotional and social factors beyond their control.
 - (v) In all cases of surrender child, the admission procedure as laid down in sub paragraph 11 (2), (3), (4) and (5) shall be followed.

- (2) In case the child is surrendered through the Specialized Adoption Agency, the procedure will be as follows:-
- (i) The Specialised Adoption Agency shall produce the child to be surrendered along with the surrendering parent(s) before the Child Welfare Committee within twenty-four hours of receiving such child, excluding the time taken for the journey.
 - (ii) On directions of the Child Welfare Committee, the Specialised Adoption Agency may continue to keep the child in its temporary care until his or her restoration or rehabilitation.
 - (iii) In case of a single mother, unwilling to appear before the Child Welfare Committee, one member of the Child Welfare Committee, preferably female, may meet the mother separately.
 - (iv) In case of biological parents surrendering a child, this process shall be before a two member Child Welfare Committee.
 - (v) In case the Committee is not sitting, the child may be produced before the single member of the Committee as per the provisions contained in sub-section (2) of section 30.
- (3) The information to be submitted to the Child Welfare Committee by the Specialised Adoption Agency, among other details, shall contain the following namely:-
- (a) The details of the biological mother and father, including:-
 - (i) the social and psychological background;
 - (ii) the proof of address and identity ;
 - (iii) known medical history of both biological parents and
 - (iv) details of close relatives, if available.
 - (b) The details of the child being surrendered, including:--
 - (i) social and psychological background;
 - (ii) details of sibling(s), if any;
 - (iii) known medical history;
 - (iv) date and place of birth along with birth certificate, if available.
- 15. Completing the surrender process.** - (1) In case the parents or one of parents approaches a Specialised Adoption Agency for surrendering the child, the agency shall make all efforts, including counselling, to prevent surrender of such child.
- (2) Efforts shall also be made by the Child Welfare Committee for exploring the possibilities of parents retaining the child by counselling of the parents and explaining the consequences of surrender.

- (3) If the parents are still unwilling to retain the child, such a child shall be kept initially in the custody of the SAA.
 - (4) If the surrender is inevitable, a deed of surrender as provided in **Schedule-II** shall be executed and signed by the person or persons surrendering the child and two other witnesses in the presence of the Child Welfare Committee.
 - (5) If a child born after wedlock is surrendered, both parents should sign the surrender document and in case one of them is dead, proof of death in support thereof is to be furnished.
 - (6) Where the death certificate is not available, a certificate from local Panchayat or Municipal authority should be produced.
 - (7) When a child is born to a married couple but is surrendered by one biological parent and the whereabouts of the other parent is not known, the child shall be treated as abandoned and further procedures shall be followed accordingly.
 - (8) In case of a child born out of wedlock, only the mother herself can surrender the child and if she is a minor, the signature of an accompanying close relative will be obtained on the surrender document.
 - (9) If the surrender is effected by any person other than the biological parent(s), the child shall be treated as abandoned and the same procedure shall be followed as that for an abandoned child.
 - (10) The Specialised Adoption Agency shall facilitate the surrender process before the Child Welfare Committee.
 - (11) The Specialised Adoption Agency and the Child Welfare Committee shall ensure that the surrendering parents or the legal guardian is made aware that they can reconsider the surrender and reclaim the surrendered child only within a period of sixty days from the date of such surrender.
 - (12) In all cases of surrender, confidentiality shall be maintained by the authorities and agencies involved in the process.
 - (13) The Specialised Adoption Agency or the CWC shall ensure that a copy of the Surrender Deed is retained by the surrendering parents or legal guardian, as the case may be, for reconsideration of their decision to surrender the child.
 - (14) The Committee shall declare the surrendered child legally free for adoption after the expiry of a reconsideration period of sixty days.
- 16. Declaration of a child legally free for adoption by the Child Welfare Committee.-** (1) If all efforts for tracing the parents of an orphan or an abandoned child placed with a Specialised Adoption Agency on a temporary basis, have failed, and, in case of surrendered children, if the reclaim period of sixty days is over, the particular agency shall approach the Child Welfare Committee for declaring the child legally free for adoption.

- (2) After satisfying itself that the due procedure, as laid down in the Act and the rules made there under, has been followed and that nobody has come forward to claim the child within the stipulated period, the Child Welfare Committee shall issue a Certificate declaring the child legally free for adoption.
- (3) The certificate under sub paragraph (2) shall be made as per format provided in **Schedule-III**.
- (4) No child of the age of seven years or above, who can understand and express his or her opinion, shall be declared legally free for adoption without his or her consent.
- (5) A child becomes eligible for adoption only after the Child Welfare Committee has declared the child legally free for adoption through a certificate as mentioned in sub Para (b) above.

CHAPTER III ADOPTION PROCESS

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

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

- (6) The Child Study Report and Medical Examination Report of the matched child (or children in case of siblings) shall be forwarded by the Specialised Adoption Agency to the PAP(s) for acceptance and this may be called a “referral”.
- (7) If the PAP(s) decide to adopt the proposed child, they shall give their formal acceptance for the adoption by signing on the Child Study Report and Medical Examination Report of the child within a period of ten days.
- (8) In case the referred child is not acceptable to the PAP(s), a maximum of two other children shall be proposed to them at a given time.
- (9) In case a matching does not take place, the PAPs shall be eligible for reconsideration only after a lapse of three months from the date on which the last child was shown to them.
- (10) In case of placement of children of the age of seven years and above, written consent of the child for the proposed placement shall be obtained and in case the child can not read and write, verbal consent can be taken in the presence of the ‘Adoption Committee’ who shall record the same and take the signature or thumb impression of the child on the recorded statement.
- (11) The date on which the consent of the child is obtained shall be clearly indicated in the Statement.

22. Pre-adoption foster care. - (1) A child can be placed in pre-adoption foster care after acceptance of referral by the PAPs.

- (2) The PAPs shall be required to sign a foster care affidavit and undertaking before the child is placed in their temporary custody.
- (3) Before physically entrusting the child to the prospective adoptive parents, the adoption agency shall ensure that it has a record of local contacts of the PAPs including contact details of two close relatives.
- (4) During the period of foster care, the PAPs, shall have the right to take the child to any place within the country after duly informing the Specialised Adoption Agency subject to the condition that the child must be brought for the legal process as and when required by the Court.

23 Legal Procedure. - (1) The child can be legally placed for adoption with the PAP(s) by the competent court and for this purpose, the court having jurisdiction over the area where the Specialised Adoption Agency is located shall be the competent court.

- (2) The Specialised Adoption Agency shall file a petition in the Competent Court of jurisdiction for obtaining the necessary adoption orders under the Act within ten days of acceptance of referral by PAPs and shall pursue the same regularly with the court so that the process of legal adoption is completed at the earliest.
- (3) The adoption petition shall contain all requisite documents as per **Schedule-VII**.

- (4) In accordance with the directions of the Honourable Supreme Court of India in the case of L.K.Pandey vs Union of India (WP No 1171 of 1982), the competent Court is required to dispose off the case within a maximum period of two months from the date of filing.
- (5) For the best interest of the child, the competent court may, to the extent possible, dispose of the case in the first hearing itself.
- (6) The Specialised Adoption Agency shall forward a copy of the court order and the adoption deed to the concerned SARA or ACA and the PAP(s).
- 24. Follow up visits and post-adoption services.** - (1) The Specialised Adoption Agency shall carry out half yearly follow-up visits of the child from the time the child has been placed in pre-adoption foster care till a period of two years after the legal adoption.
- (2) The copies of the follow-up reports of the children shall be submitted by the Specialised Adoption Agency to SARA or ACA.
- (3) In cases of disruption of adoption, the Specialised Adoption Agency shall make efforts for alternate rehabilitation of the child.
- 25. Timelines.** - All agencies and authorities involved in the adoption process shall adhere to the time limits stipulated for in-country adoption as provided in **Schedule-VIII**.
- 26. Procedure for Inter-country Adoption as per the Hague Convention on Inter-country Adoption,** - (1) The authorities and agencies involved in Inter-country adoption process shall be, -
- (a) Court of Competent Jurisdiction who can pass Order for Adoption;
 - (b) Central Adoption Resource Authority (CARA);
 - © Central Authority in the receiving Country (CA);
 - (d) Indian Diplomatic Missions Abroad;
 - (e) Foreign Diplomatic Missions in India;
 - (f) Authorised Foreign Adoption Agency (AFAA);
 - (g) State Adoption Resource Agency (SARA) or Adoption Coordinating Agency (ACA);
 - (h) Recognised Indian Placement Agency (RIPA); and
 - (i) Adoption Recommendation Committee (ARC).
- (2) The authorities and agencies referred to in sub-paragraph (1) shall be guided by the procedure laid down for inter-country adoption in these Guidelines which draws strength from the Hague Convention on Inter-country Adoption-1993 provided in **Schedule IX**.
- 27. Registration for NRI or OCI or PIO or Foreign PAP(s).** - (1) The PAP(s) desiring to adopt any child or children from India may register with the Authorized Foreign Adoption Agency (AFAA) or Central Authority (CA) or Government Department dealing with adoption matters in the receiving country.

- (2) The PAP(s) with the assistance of AFAA or CA shall obtain the permission of the competent authority of their country for adopting a child from India.
- 28. Home Study and other requirements.** - (1) A professional social worker of the AFAA or Central Authority or Government Department dealing with adoption matters in the country of the habitual residence (365 days or more) of the PAP(s), shall conduct their Home Study and shall prepare the HSR and the HSR shall contain all documents as specified in **Schedule VI**.
- (2) All documents forming part of the Home Study Report shall be notarized and the signature of the notary is to be apostilled by competent authority of the receiving country.
- (3) If the documents are in any language other than English, then the originals must be accompanied by translations in English attested by competent authority.
- (4) The HSR of PAP(s) shall remain valid for a period of two years but the medical status of the PAP(s) should not be more than one year old at the time of referral of the child.
- (5) The Home Study Report should also indicate preferences, if any, of the PAP(s) about the child's age, sex, physical and medical condition, or location within India.
- 29. Identification of RIPA by CARA.** - (1) The AFAA or CA or concerned Government Department of the country receiving the child shall forward one attested or notarized copy of the HSR (not original) directly to CARA for identifying a suitable RIPA.
- (2) CARA shall have a Screening Committee to examine the prima facie suitability of PAPs proposed for inter-country adoption and also identify the RIPA where the dossier will be forwarded and the Committee, headed by an official of CARA, shall also consist of external experts.
- (3) While deciding to forward the dossier to a particular RIPA, the Committee shall keep in mind the preference of the PAP(s) for a particular State, availability of children and performance of the RIPA vis-à-vis in-country adoptions, etc.
- (4) The process mentioned in sub-paragraphs (2) and (3) shall be completed preferably within a period of fifteen days from the receipt of dossier.
- (5) The identified RIPA shall be informed by CARA and CARA shall also advise the concerned AFAA or CA or Government Department to send the original dossier to the identified RIPA.
- (6) The identification of RIPA by CARA shall in no way ensure referral of a child from India and it is not obligatory on CARA to ensure referral of a child.
- (7) The RIPA shall not entertain any application received directly from any AFAA or CA or PAPs from out of India, for adoption of an Indian child.
- 30. Referral and Acceptance.** - (1) The RIPA shall be responsible for assigning, referral and placement of the child.

- (2) In case a RIPA does not find the PAP(s) suitable after detailed scrutiny of their dossier forwarded by CARA, it shall, within fifteen days of receipt of the original dossier, inform CARA about the same along with the reasons thereof.
- (3) CARA shall have the right to accept or reject the recommendation of the RIPA.
- (4) After detailed scrutiny of the dossier and their acceptance as eligible PAPs, the RIPA shall match a child according to the request given by the PAP(s) as far as possible.
- (5) The RIPA shall forward the referral constituting the Child Study Report and Medical Examination Report of the child to the AFAA or CA or concerned Government Department of the receiving country, as the case may be.
- (6) The AFAA or CA or concerned Government Department of the receiving country, as the case may be, shall transmit the referral to the PAP for acceptance.
- (7) On acceptance of the child by the PAP(s), the AFAA or CA or concerned Government Department of the receiving country, as the case may be, shall send back the original copy of the "referral for adoption" to RIPA, along with the following documents, namely:-
 - (i) Notarized or attested copy of the CSR and MER duly signed by PAP(s);
 - (ii) Power of attorney of the PAP(s) in favour of the official or social worker of the RIPA for filing the case in the court;
 - (iii) A certificate under Article 5 or agreement under Article 17 of the Hague Convention, as applicable, issued by the CA or competent authority of the receiving country
- (8) The process of inter-country adoption of a child shall be completed by the AFAA or CA within a period of forty-five days from the date of the referral.

31. Recommendation for Inter-country Adoption by Adoption Recommendation Committee. - (1) The State Government shall constitute a Committee to be known as the Adoption Recommendation Committee (ARC) to scrutinize and issue a Recommendation Certificate for placement of a child in inter-country adoption.

- (2) The Adoption Recommendation Committee shall consist of Director or Commissioner of the State Government dealing with children in need of care and protection or his representative, Programme Manager (Non-institutional care-SARA) and one external expert or psychologist who has no linkage with any adoption agency.
- (3) Till SARA is operational in a State, the Chairperson of ACA or his representative shall function as a member of the Committee (in place of Programme Manager) along with the other members.

- (4) On receipt of referral accepted by the PAPs, the RIPA shall forward two copies of the dossier which includes HSR of the PAPs and the CSR (including MER) duly signed by the PAPs to SARA or ACA along with a cheque or draft of Rs.2,500-drawn in favour of SARA or ACA, as the case may be, towards administrative expenses.
- (5) The amount received shall be utilised for meeting the expenses in connection with processing the dossiers, payment to external experts and for other adoption promotion activities.
- (6) The list of documents forming part of the dossier shall be as specified in **Schedule-X**.
- (7) A sample affidavit to be executed on stamp paper of sufficient value and to be filed by the RIPAs is at **Schedule -XI**.
- (8) The SARA would act as a secretariat to the committee constituted under sub-paragraph (1).
- (9) The SARA shall receive the dossiers of cases for inter-country adoptions from the RIPA and put up the same before the ARC for issue of Recommendation Certificate.
- (10) Till SARA becomes operational in a State, the ACA would perform the functions of SARA in that State.
- (11) The SARA or ACA, as the case may be, shall ensure that the Recommendation Certificate is issued expeditiously within a period of 15 days from date of receipt of the dossier.
- (12) In case of a special needs child, the SARA or the ACA, as the case may be, should issue the Recommendation Certificate within a period of 5 days from the date of receipt of the dossier.
- (13) In case of medical special needs, the SARA or the ACA, as the case may be, may ask the RIPA to get a Certificate from a reputed medical institution or a Government Medical Officer.
- (14) In case of siblings and older children, the ARC shall ensure that there is no waiting Indian PAPs within the region for such child or children.
- (15) The Committee constituted for issue of Recommendation Certificate should satisfy itself about the suitability of the PAPs vis-a-vis the child proposed for adoption.
- (16) The Committee shall also verify the documents filed by the RIPA and ensure that procedures have been correctly followed by the RIPA.
- (17) In case, at any stage, SARA or ACA or ARC is not satisfied with the documents produced for obtaining recommendation certificate, it shall conduct appropriate investigation before disposing off the matter.

- (18) The Recommendation Certificate (RC) issued by the Committee shall contain a positive recommendation if it is satisfied that the Committee has no objection to the child being placed with the proposed PAPs in inter-country adoption as per format in **Schedule -XII**.
- 32. Issue of No Objection Certificate (NOC) by CARA.** - (1) Upon issue of Recommendation Certificate by the Adoption Recommendation Committee, the SARA shall retain one copy of the dossier and send the second set of dossier along with recommendation certificate to CARA.
- (2) Till SARA becomes operational in a State, the ACA shall perform its functions under this paragraph.
- (3) The ACA or SARA shall send a copy of the Recommendation Certificate to the concerned RIPA.
- (4) CARA shall constitute a 'No Objection Certificate (NOC) Committee', which shall include CARA officials and external experts in the field of child development or psychology or social work or from the medical field and the committee shall be responsible for issuing 'No Objection Certificate' in each case of inter-country adoption.
- (5) The NOC Committee constituted by CARA shall examine-
- (i) the relevant documents submitted by the RIPA and verify that due procedures as laid down in these Guidelines have been followed.
 - (ii) whether matching and placement of the child with PAPs is in the best interest of the child.
- (6) After approval of the proposal by the NOC Committee, the NOC shall be issued in each case.
- (7) CARA reserves the right to reject any case for inter country adoption which is not found suitable by the NOC Committee by recording reasons for the same.
- (8) The process for issue of NOC would be completed within a period of fifteen days from the date of receipt of completed dossier in CARA.
- (9) NOC shall be issued in accordance with Article 17 of the Hague Convention.
- (10) A copy of the NOC issued by CARA shall be mailed to RIPA and a copy thereof to SARA or ACA, AFAA or CA or concerned Government Department of the receiving country, as the case may be.
- 33. Pre-adoption Foster Care.** - (1) A child can be given in physical custody by the RIPA to the PAP(s) in pre-adoption foster care only after issue of NOC by the CARA.
- (2) The adoption agency in India shall inform the PAPs that such foster care shall have to continue till the final adoption order is issued.

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

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

- (2) RIPA shall not file an application in the competent court for inter-country adoption without "NOC" from CARA.
- (3) Inter-country adoption of orphan, abandoned and surrendered children shall proceed under the Act.

Note.-

- a. In accordance with the directions of the Honourable Supreme Court of India in L.K.Pandey vs. Union of India (WP No 1171 of 1982), the competent courts are to dispose off the case within a maximum period of two months from the date of filing.
 - b. As each case for inter-country adoption is required to be processed by Child Welfare Committee and State Government through the ARC and CARA, the competent court may, to the extent possible, dispose of the case in the first hearing itself in the best interest of the child.
 - c. The RIPA shall forward a copy of the court order and the adoption deed to CARA, SARA or ACA and AFAA or CA, as the case may be.
- (4) On receipt of the Court Order, the CARA shall issue a Conformity Certificate (CC) under Article 23 as per provisions of the Hague Convention as per **Schedule-XIII**.

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

- (2) The RIPA shall apply for passport for the adopted child after the court order is received and the application shall include documents mentioned in Paragraph 83(3) of these Guidelines.
- (3) The date of birth of the child as mentioned in the court order would be taken as the date of birth.
- (4) The concerned authorities may expeditiously issue the passport and visa to enable the adopted child to leave India with his or her adoptive parents to their habitual place of residence.
- 36. Child to travel with adoptive parents.** - The adoptive parent or parents shall have to come to India and accompany the child to their country.
- 37. Progress Reports.** – The AFAA or CA or concerned Government Department of the country, as the case may be, receiving the child shall keep CARA and concerned RIPA informed about the progress of placement as per format provided in **Schedule-XIV** through quarterly post-placement reports during the first year and half yearly reports during the second year of the child's arrival in the receiving country and such follow-up shall continue upto a period of two years after the child acquires citizenship of the receiving country.
- 38. Timelines.-** All agencies and authorities involved in the adoption process shall adhere to the time limits stipulated for in-country adoption as per **Schedule -VIII**.
- 39. Special Category of PAPs for Inter-country Adoption.-** Inter-country adoption by Indian nationals in countries where there is no AFAA or CA shall be followed as under:-
- (i) In the case of Indian nationals residing in a country where there is no AFAA or CA to sponsor applications, CARA may allow an organisation or individual recommended by the concerned Indian Mission to do the Home Study Report (HSR) and prepare adoption dossier which would then be forwarded to CARA through the Indian Embassy or High Commission.
 - (ii) An official of the concerned Indian Mission may also prepare the HSR and adoption dossier of the PAP(s).
 - (iii) The organisation or individual recommended by the concerned Indian Mission shall also be required to give an undertaking to CARA to send progress reports for a period of two years following legal adoption and also take action, as stipulated in these Guidelines, in case of disruption of adoption or repatriation of adopted child.
- 40. Adoption by foreign nationals living in India.** - (1) In case of foreign nationals who are citizens of a country that has ratified the Hague Convention and they have been living in India for one year or more, the PAP(s) shall approach CARA along with a certificate of No-objection to the proposed adoption from the embassy or mission of the country of their nationality.

- (2) On receipt of the No Objection Certificate, CARA shall refer the case to a RIPA for carrying out the Home Study and preparation of PAP(s)' dossier.
 - (3) The procedures stipulated under these Guidelines for inter-country adoption shall be followed by the RIPA.
 - (4) In cases referred to in sub-paragraph (1), the Embassy or Missions in India of the country of the nationality of the PAPs shall give an undertaking for post-adoption follow-up as stipulated in Chapter IV of these Guidelines.
 - (5) In case, the PAPs continue to reside in India during the stipulated post-adoption follow-up period, the concerned RIPA would undertake such follow-ups and report to the concerned embassy or mission and CARA.
 - (6) The concerned embassy or mission shall also ensure that the adopted child acquires citizenship of the country of his or her parents immediately after adoption decree and a copy of the citizenship order shall be forwarded to CARA and the concerned RIPA.
- 41. Adoption by OCI living in India.** -(1) The OCI (s), who are citizens of a country that has ratified the Hague Convention and they have returned to India and have been residing in India for more than one year, shall be eligible to adopt a child following procedure of Inter-country adoption under these Guidelines.
- (2) The PAP(s) shall approach CARA along with a certificate of No-objection to the proposed adoption from the embassy or mission of the country of their nationality.
 - (3) On receipt of the certificate of No Objection, CARA shall refer the case to a RIPA for carrying out the Home Study and preparation of PAP(s)' dossier.
 - (4) The procedures stipulated under these Guidelines for inter-country adoption shall be followed by the RIPA.
 - (5) In such cases, the Embassy or Missions in India of the country of the nationality of the OCI shall give an undertaking for post-adoption follow-up as stipulated in Chapter IV of these Guidelines.
 - (6) In case, the OCI continues to reside in India during the stipulated post-adoption follow-up period, the concerned RIPA would undertake such follow-ups and report to the embassy or mission and CARA.
- 42. Adoption by repatriated Indian Nationals.**- Adoptions by repatriated Indian nationals holding Indian passport who have returned to India and have been residing in India for more than one year, will be processed as an in-country adoption.
- 43. Adoption of Special Needs Children.** - All authorities and agencies involved in adoption of special needs children shall expeditiously process their cases so that such children can join their families at the earliest.

44. Category of Special Needs children. - (1) For the purpose of adoption, 'special needs' children may be categorized as under:-

- (a) Children having visible and or serious medical conditions-mental or physical ;
- (b) Older children;
- (c) Siblings and
- (d) Extremely low birth-weight children(to be certified by a Government Medical Officer)

(2) The following ailments or disabilities may also be considered as visible or serious medical conditions in children.

- (i) Spina Bifida ;
- (ii) Ichthyosis (Collodian baby);
- (iii) Limbs Missing;
- (iv) Fingers-toes missing;
- (v) Severe diabetes;
- (vi) Cleft Lip-Cleft Palate or Cleft Lip;
- (vii) Blind or Partially Blind;
- (viii) Severe Seizure disorders;
- (ix) Chronic Asthma;
- (x) Heart conditions of a severe nature;
- (xi) Hepatitis B+;
- (xii) Blood disorders;
- (xiii) Acute Ricketts;
- (xiv) Severe Orthopedic conditions;
- (xv) Deaf or Partially Deaf;
- (xvi) Polio;
- (xvii) Severe disfiguring birth marks;
- (xviii) Indeterminate sex;
- (xix) Hare lip ;
- (xx) Colostomy;
- (xxi) Dwarfism ;
- (xxii) Hemophilia;
- (xxiii) Paralysis;
- (xxiv) Brain Lesion;
- (xxv) Burns;
- (xxvi) Thalasemia Major;
- (xxvii) Fetal Alcohol Syndrome;
- (xxviii) Ectodermal displacia (no sweat glands);
- (xxix) Microcephaly;
- (xxx) Epilepsy (does not include fever induced convulsions);
- (xxxi) Pier Robin Syndrome (no tongue);
- (xxxii) Neurological disorders;
- (xxxiii) Speech dysfunction-dysphasia;
- (xxxiv) Chronic Eczema;
- (xxxv) Child requiring psychiatric treatment;
- (xxxvi) Any other child with disabilities as defined in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995(1 of 1996)

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

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

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

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

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

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

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

- (2) While maintaining the list of PAPs, the following should be kept in mind, namely:-
- (i) older and experienced parents tend to be more committed to parent a child with special needs and thus are more likely to have the skills, patience, financial means and parenting experience;
 - (ii) parents who have had experience, either though the field they work in, or because they have had some exposure to the specific medical condition, may be better equipped to parent children with special need;
 - (iii) the HSR shall reflect –
 - (a) the motivation and ability of the PAP(s) to adopt such a child;
 - (b) whether the PAP(s) have the financial means to handle the special needs of the child;
 - (iv) special needs children should be shown for acceptance to only those PAPs, who have expressly given preference or willingness to adopt such children.
- (3) The Specialised Adoption Agency shall organise orientation sessions for the PAP(s) to enable them to understand issues relating to special needs children and help them take an informed decision.
- (4) The PAP(s) and the foreign adoption agencies in case of inter-country adoption) should be given detailed child study reports, medical data and counselling reports by the Recognised Indian Placement Agency without concealing any facts.
- (5) The Recognised Indian Placement Agency (RIPA) also called Special Adoption Agency should give information on the child's developmental milestone, additional medical tests if required and answers to queries that the prospective parents may raise concerning these children.
- (6) The child study report should portray the child in a positive manner and at the same time be realistic in the medical condition.

47. Procedure for Adoption of Special Needs children. - (1) In case of inter-country adoption, PAPs desiring to adopt special needs children are required to follow procedure as per norms laid down in paragraphs 27 to 38 and their adoption cases shall be processed only by the Recognised Indian Placement Agency.

- (2) All concerned authorities shall ensure that time lines set for processing cases of special needs children are strictly adhered to.

CHAPTER IV POST ADOPTION PROCESS

48. Post Adoption Follow-up, - (1) In case of In-country Adoption, half yearly progress reports in the first year and in the second year shall be prepared by the Specialised Adoption Agency and submitted to SARA or ACA.

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

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

51. Repatriation in cases processed under the Guardianship and Wards Act 1890 where adoptions are yet to be finalized. - (1) On receiving information and report from AFAA on the disruption of guardianship of a child, CARA may, depending on circumstances, order the repatriation of the child to India.

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

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

- 52. Root Search.** - (1) The right of the child to obtain information about his or her origins derives from the right to know his or her biological parents as provided for in Article 7(1) of the UN Convention on the Rights of the Child.

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

CHAPTER V RECOGNITION AND AUTHORIZATION

53. Specialised Adoption Agency (SAA). -

- (1) All the Child Care Institutions (CCIs) shall be registered by the State Government as required under sub-section (3) of section 34 of the Act.
- (2) The State Government shall recognise suitable Child Care Institutions as Specialised Adoption Agencies under sub section (4) of section 41.
- (3) The Specialised Adoption Agency shall work under the overall supervision of concerned State Government Department or State Adoption Resource Agency (SARA), as the case may be.

54. Criteria for Recognition as Specialised Adoption Agency. -

- (1) The State Governments shall recognize at least one suitable Child Care Institution either run by NGO or the Government itself, as Specialised Adoption Agency in each district for placing children in adoption, and shall periodically renew recognition of such adoption agencies subject to conditions as laid down in these Guidelines.

- (2) Every Child Care Institution recognized by the State Government as Specialised Adoption Agency shall -
- (i) be registered under sub-section (3) of section 34 of the Act;
 - (ii) be primarily engaged in non-profit activities;
 - (iii) be registered under the Societies Registration Act, 1860 (21 of 1860), Indian Trust Act 1882 (2 of 1882) or any other corresponding law for the time being in force.
 - (iv) have a duly constituted Executive Committee and the Chief Executive of the organization as well as the majority of members of the Executive Committee shall be citizens of India;
 - (v) be engaged in child protection and welfare activities for a minimum period of three years;
 - (vi) have high standards of child care facilities including adequate number of professional staff as provided in **Schedule- XV**.
 - (vii) have sound financial background;
 - (viii) have a computer, internet connection, adequate administrative support, office equipments and infrastructure to carry out their duties in an efficient and effective manner; and
 - (ix) not have committed any malpractice.
- (3) Any Child Care Institution housing orphan, abandoned and surrendered children can apply for recognition by the State Government as Specialised Adoption Agency.
- (4) Application for the purpose of state recognition may be submitted by the Child Care Institutions to the State Government along with the following documents, namely:-
- (i) a copy of the registration certificate under the Societies Registration Act 1860, the Indian Trust Act, 1882 or any other corresponding law for the time being in force;
 - (ii) a copy of its Memorandum of Association or Bye-laws;
 - (iii) a list of Management Committee or Executive Committee or Board Members ;
 - (iv) a copy of its Rules and Regulations;
 - (v) a copy of the registration certificate as Child Care Institution;
 - (vi) annual reports including audited accounts for the last three years;
 - (vii) list of professional and child care staff;
 - (viii) list of children in the institution;
 - (ix) resolution by the agency supporting the decision for placing orphan or abandoned or surrendered children in adoption;
 - (x) undertaking to abide by the relevant rules and Adoption Guidelines in force;
 - (xi) undertaking to regularly update data on the online portal of CARA;
 - (xii) undertaking that there is no instance of malpractice against the agency.
- (5) The State Government may, after conducting necessary enquiries and inspection, approve such institution as Specialised Adoption Agency.

- (6) If such institution 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 (selected as per criteria laid down in the Rules notified under the Act), the State Government may also approve such institution as Specialised Adoption Agency as referred in subparagraph(5).
- (7) The Specialised Adoption Agency shall either at the time of recognition, or if already recognised, then upon these revised Guidelines coming into force, furnish a written undertaking to SARA or the concerned State Government to comply with the requirements and obligations set out in these Guidelines.
- 55. Process and Criteria for Renewal of Recognition of Specialised Adoption Agency.-** (1) No recognition shall be granted on a permanent basis and a renewal of recognition of Specialised Adoption Agency shall depend upon its satisfactory performance.
- (2) The Specialised Adoption Agency shall apply six months before the expiry of its recognition with the following documents, namely:-
- (i) adoption figures for the last five years;
 - (ii) number and details of children placed in in-country adoption and details of post-adoption follow-up thereof;
 - (iii) annual reports and audited statements of accounts;
 - (iv) details and number of children restored to biological parents, relatives or guardians;
 - (v) details and number of children in pre-adoption foster care and temporary foster care separately;
 - (vi) undertaking stating that they agree to abide by these Guidelines as also any instructions issued by State Government or CARA or SARA from time to time and that there is no instance of malpractice against the agency;
 - (vii) undertaking that they are regularly updating data on the online portal of CARA; and
 - (viii) details of year wise receipt of CCC and utilisation certificate of CCC.
- 56. Duration of Recognition or Renewal of Recognition.-**(1)The State Government may recognize a Specialised Adoption Agency for a period of five years.
- (2) The State Government shall inspect the Child Care Institution (CCI) before considering its recognition as Specialised Adoption Agency before renewal of its recognition.
- (3) Recognition of an adoption agency or its renewal shall not be claimed as a matter of right and would depend on the agency showing satisfactory performance and compliance of the provisions of these Guidelines as also instructions issued by the Government authorities from time to time.

- (4) Inspection of the Specialised Adoption Agency by SARA or CARA or State Government is mandatory before it is recognised or before renewal of its recognition but, if the annual inspection of the Specialised Adoption Agency has been conducted ninety days prior to the date for renewal of recognition, the inspection need not be conducted again at the time of renewal of recognition.
- 57. Inspection of Agencies.-** (1) The premises of the Specialised Adoption Agency including the place or places where the children are staying and the records thereof shall be open to inspection by the Government of India in the Ministry of Women and Child Development, CARA, State Government, SARA, Child Welfare Committee and any other agency or person authorized by them.
- (2) The State Government and SARA shall conduct annual inspections of the Specialised Adoption Agency to ensure that it is performing efficiently and as per norms laid down in these Guidelines.
- (3) During such inspections referred to in sub-paragraph (2), the inspecting authority shall also verify and examine the following matter or documents, namely:-
- (i) that the agency is discharging its role and functions efficiently as stipulated under these Guidelines.
 - (ii) that adoption or non-institutional care, as the case may be, as an activity is being pursued by the organization as a welfare measure in the interest of children and not as a commercial activity;
 - (iii) records pertaining to adoption (starting from the admission of the child to the legal adoption decree) and related registers;
 - (iv) financial records including contributions to, and utilisation of CCC;
 - (v) whether expeditious and sufficient efforts have been made by the Specialised Adoption Agency to place children in in-country adoption;
 - (vi) total number and details of children actually placed in in-country adoption, if any;
 - (vii) whether the agency has submitted annual reports, audited statements of accounts and monthly reports to State Govt or SARA and monthly adoption data to SARA or State Govt and CARA regularly and within stipulated time;
 - (viii) whether the Specialised Adoption Agency is regularly updating data online as prescribed from time to time by CARA;
 - (ix) 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 XV**;

- (x) whether there is any instance of malpractice against the Specialised Adoption Agency.
- 58. Agencies to maintain Accounts.-** (1) The Specialised Adoption Agency shall maintain proper accounts including utilisation of CCC, to be audited by a Chartered Accountant every year.
- (2) An attested copy of audited accounts of the organisation together with its audit report and a copy of the Annual Report shall be furnished by every agency within six months from the date of closing of the financial year, to SARA or the State Government, as the case may be.
- (3) Specialised Adoption Agency shall utilize funds available in the CCC in accordance with norms specified in **Schedule-XVI**.
- 59. De-recognition or suspension of recognition of Specialised Adoption Agency. -** (1) The State Government may, suo moto or on the recommendation of CARA or SARA either suspend or revoke the recognition granted to Specialised Adoption Agency.
- (2) The recognition of a Specialised Adoption Agency may be suspended on any one or more of the following grounds, namely:-
- (i) any violation of the provisions of these Guidelines;
 - (ii) non-compliance of instructions issued from time to time by CARA, SARA or the State Government;
 - (iii) furnishing false information or forged documents to SARA or ACA, State Government or CARA;
 - (iv) failure to update on-line data as stipulated by CARA or furnishing or posting of false information on the online adoption portal of CARA;
 - (v) failure to submit timely reports or data as stipulated under these Guidelines;
 - (vi) adverse findings of the inspection team vis-à-vis quality child care and adequate infrastructure;
 - (vii) if professional social worker and qualified child care staff is not employed;
 - (viii) financial irregularities or malpractices;
 - (ix) receiving any donation whether in kind or cash from prospective adoptive parents or adoptive parents;
 - (x) unethical practices which would also include inducing single mothers or biological parents to relinquish their child or illegally sourcing the child;
 - (xi) incomplete or false information to PAPs about the child or any adoption related process;
 - (xii) divulging information on biological mother or parents or adopted child to public in violation of principle of confidentiality; and
 - (xiii) misuse of Child Care Corpus in contravention of Guidelines issued for utilization of the fund.
- (3) After suspension of recognition of a Specialised Adoption Agency, the State Government and the SARA shall conduct necessary enquiries within a maximum period of six months, and if charges are proven, the State Government shall revoke the recognition of the Specialised Adoption Agency.

Provided that no order of suspension or revocation of the recognition shall be passed without giving the Specialised Adoption Agency a reasonable opportunity to offer its explanation.

- (4) In case of revocation of recognition of a Specialised Adoption Agency, the State Government shall, within thirty days, prepare an alternate rehabilitation plan for the children in that home, including shifting them to another Specialised Adoption Agency.
- (5) In the event of suspension or revocation of recognition of the Specialised Adoption Agency, the cases where referrals have been accepted by the PAPs, shall be allowed to proceed for final adoption provided that all other stipulations of these Guidelines have been met.
- (6) Once revocation of recognition of a Specialised Adoption Agency is done on account of serious allegations or malpractices, the agency shall not be allowed to function again even if there is a change of its management.

60. Entitlement to Grants under Integrated Child Protection Scheme (ICPS). -

- (1) Each Specialised Adoption Agency, after being recognised under sub-section (4) of section 41 will be eligible to apply for grants-in-aid as provided for under the Integrated Child Protection Scheme.
- (2) If the Specialised Adoption Agency fails to submit, either online or manually, any of the stipulated reports and data, periodically as stated in these Guidelines to the State Government, SARA, CARA, as the case may be, on time, the release of grant shall be withheld till further orders.
- (3) The grant-in-aid shall continue to the Specialised Adoption Agency for the six month period during which the matter is under investigation by the State Government.
- (4) The Grants shall be stopped as soon as recognition is revoked which shall not exceed six months from the date of suspension of recognition.

61. Recognized Indian Placement Agency (RIPA). - (1) RIPA shall be an agency duly recognized by CARA to place children in inter-country adoption.

- (2) Any Specialised Adoption Agency desirous of undertaking inter-country adoption of Indian children shall apply for recognition to CARA through the concerned State Government.

62. Criteria for Recognition as RIPA. - (1) For being recognized by CARA as RIPA, a Specialised Adoption Agency shall fulfill the following conditions, namely: -

- (i) it shall have a valid recognition as a Specialised Adoption Agency under sub-section (4) of section 41 by the Government;
- (ii) it shall be recommended by the concerned Government;

- (iii) its performance as a Specialised Adoption Agency should be satisfactory and there should be no instance of malpractice by the agency or any of its Executive Members and
 - (iv) there should not be any adverse findings by the inspection team which has conducted the last inspection of the Specialised Adoption Agency immediately proceeding its recommendation as RIPA.
- (2) While applying to CARA for recognition as a RIPA, the agency shall submit the following documents, namely: -
- (i) adoption figures for the last five years;
 - (ii) annual reports and audited statements of accounts for last three years;
 - (iii) undertaking that they agree to abide by the provisions of these Guidelines as also any instructions issued by CARA, State Government and SARA, from time to time;
 - (iv) undertaking that there is no instance of malpractice against the agency; and
 - (v) undertaking that they are regularly updating data on the online portal of CARA
- (3) The RIPAs shall either at the time of recognition, or if already recognised, then upon the commencement of these Guidelines, furnish a written undertaking to CARA to comply with the requirements and obligations set out in these Guidelines.
- (4) The Specialised Adoption Agency shall be inspected by CARA either independently or jointly with the SARA and the State Government to ascertain the capacity of the agency to undertake inter-country adoption work before granting recognition as RIPA.
- 63. Duration of Recognition.** - (1) Once a Specialised Adoption Agency is recognized by CARA as RIPA on the recommendation of the State Government, it will continue to function as a RIPA unless the recognition is suspended or revoked by CARA on grounds mentioned in paragraph 66.
- (2) The recognition of an adoption agency or its renewal shall not be claimed as a matter of right and would be dependent on the agency showing satisfactory performance and compliance of the provisions of these Guidelines as also instructions issued by the Government authorities from time to time.
- 64. Inspection of RIPA.** - (1) RIPA shall be subject to annual inspection by the State Government and SARA.
- (2) CARA may also inspect the RIPA, at any given time, either independently or jointly with the State Government and SARA.
- (3) Before recognition as RIPA, the Specialised Adoption Agency shall be inspected by CARA either independently or jointly with SARA and the State Government.

- (4) The inspection of RIPAs shall be conducted in the same manner as inspection of Specialised Adoption Agencies.
 - (5) The inspection team will additionally examine the following issues, namely:-
 - (i) the ratio of 80:20 for in-country adoption vis-à-vis inter-country adoption has been adhered to on an annual basis;
 - (ii) the priority of PAPs as stipulated for inter-country adoption under these Guidelines has been maintained;
 - (iii) that the RIPA has abided by the provisions of these Guidelines; and
 - (iv) that the RIPA is maintaining proper accounts of foreign remittances as per FCRA stipulations.
- 65. Accounts to be maintained by RIPAs.** - (1) The RIPA shall maintain proper accounts, including utilisation of CCC, to be audited by a Chartered Accountant every year.
- (2) An attested copy of audited accounts of the organisation together with its audit report, a copy of the Annual Report and FCRA statement shall be furnished by every agency to CARA and SARA or concerned Department of the State Government within six months from the date of closing of the financial year.
 - (3) The accounts and annual report of RIPA shall also be put up on the website of the RIPA.
 - (4) The Specialised Adoption Agency shall utilize funds available in the CCC in accordance with laid down norms given in **Schedule–XVI**.
- 66. De-recognition.** - (1) The CARA, suo moto or on recommendation of the State Government or SARA can either suspend or revoke the recognition of a RIPA on the same grounds as stated in paragraph 59 dealing with de-recognition of Specialised Adoption Agencies.
- (2) Additionally, the recognition of RIPA can also be suspended for:
 - (i) failure to abide by the stipulated ratio of 80:20 for in-country vis-à-vis inter-country adoption; or
 - (ii) failure to abide by the priority of PAPs as stipulated for inter-country adoption in paragraph 8 of these Guidelines; or
 - (iii) receiving any donation or grant whether in kind or cash from any of the CARA authorized foreign adoption agency and foreign prospective adoptive parents.
 - (3) After suspension of recognition, CARA with the help of the State Government or SARA shall conduct necessary enquiries, within a maximum period of six months, and if charges are proven, will revoke the recognition of the RIPA:

Provided that no order of suspension or revocation of the recognition shall be passed without giving the RIPA a reasonable opportunity to offer its explanation.

- (4) In case of revocation of recognition of a RIPA, the State Government shall, within thirty days, prepare an alternate rehabilitation plan for the children in that home, including shifting them to another agency, in consultation with CARA.
 - (5) In the event of suspension or revocation of recognition of the RIPA, the cases where referrals have been accepted by the PAPs, shall be allowed to proceed for final adoption provided that all other stipulations of these Guidelines have been met but, CARA shall reserve the right not to allow such cases to proceed in case of special circumstances.
- 67. Accreditation.** - (1) CARA shall develop a set of standards or model accreditation criteria for Placement Agencies (RIPAs) as envisaged under the JJ Model Rules and Hague Convention on Inter-country Adoption.
- (2) Till such time, as an interim measure, the RIPAs will be treated as accredited agencies for placing Indian children in inter-country adoption.
- 68. Entitlement to grants-in-aid under ICPS.** - (1) Each RIPA, once it is recognised as a Specialised Adoption Agency under sub-section (4) of section 41, will be eligible to apply for grants-in-aid as provided for under the Integrated Child Protection Scheme.
- (2) If the RIPA fails to submit, either online or manually, any of the stipulated reports and data periodically as provided in these Guidelines to the State Government or SARA or CARA in time, the release of grant shall be withheld.
 - (3) The grant-in-aid will continue to the RIPA for the six month period during which the matter is under investigation by the State Government.
 - (4) The Grants shall be stopped as soon as recognition is revoked which shall not exceed six months from the date of suspension of recognition.
- 69. Adoption Coordinating Agency (ACA).** - (1) The ACAs existing as on the date of commencement of these Guidelines shall continue to function till further orders.
- (2) Upon the commencement of these Guidelines, the ACAs referred to subparagraph (1) shall furnish a written undertaking to CARA to comply with the requirements and obligations set out in these Guidelines.
- 70. De-recognition.** - (1) The CARA, suo moto or on recommendation of the State Government or SARA can revoke the recognition of ACA on one or more of the following grounds, namely:
- (i) non-compliance of the provisions of these Guidelines and non-performance of functions as stipulated;

- (ii) any instance of malpractice or any adverse finding by the inspection team or enquiry officers or team constituted by the State Government or CARA ;
- (iii) non-submission or delay in submission of reports or data to CARA or State Government as stipulated.

Provided that no order of revocation shall be passed without giving a reasonable opportunity to the agency to offer its explanation.

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

72. Foreign Agencies to apply to CARA for Authorization as AFAA. - (1) A foreign accredited agency desirous of sponsoring applications of foreign adoptive parents for adopting an Indian child shall make an application to CARA for authorization through its Central Authority or Competent Authority.

(2) The application under sub-paragraph (1) shall be forwarded to CARA through the Office of the Indian Diplomatic Mission in the concerned country.

73. Criteria and Procedure for Authorization of Foreign Agencies. - (1) The criteria for authorization of foreign agencies by CARA for the purpose of inter-country adoption shall be as under:-

- (i) it shall be an Agency duly registered under the relevant law of the concerned country and should have recognition, license or certification to mediate inter-country adoptions with India;
- (ii) it must have been duly accredited by the Competent Authority under the Hague Convention on Inter-country Adoptions, 1993;
- (iii) it shall be a child welfare agency run on a non-commercial and non-profit basis with an established standing in the field and it must be staffed with qualified social workers who have experience in the field of adoption.

(2) The agency shall submit the following documents to the CARA for grant of authorization, namely:-

- (i) 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;
- (ii) an undertaking signed by the Head or Chief Executive of the Organisation stating that the agency would abide by all the provisions of these Guidelines;

- (iii) an undertaking by the agency that in case of disruption or repatriation of the child or children, it shall abide by the specific provisions laid down in these Guidelines;
 - (iv) copy of adoption law or adoption guidelines or adoption rules of their country upon grant of Authorisation;
 - (v) an undertaking by the agency to send an Annual Report to CARA in the month of April every year on the status of children placed in adoption from India;
 - (vi) a list of staff along with recommendation from its central authority or competent authority; and
 - (vii) recommendation letter from Indian diplomatic mission abroad.
- (3) The AFFA shall either at the time of authorisation, or if already authorised, then upon this revised Guidelines coming into force, furnish a written undertaking to CARA to comply with the requirements and obligations set out in these Guidelines.

74. Duration of Authorisation, - Authorisation to a foreign agency once granted by CARA shall continue for all times unless revoked by CARA, after giving due opportunity to the agency by way of show cause notice but the CARA shall have the right to review the performance of the agency from time to time.

75. Revocation of Authorisation. - (1) The grounds on which the authorization of AFAA can be revoked are as follows, namely:-

- (i) If the agency violates or fails to abide by the provisions of these Guidelines;
- (ii) If the license or recognition or accreditation of the agency is suspended or revoked by the appropriate authority of that country;
- (iii) If the agency fails to post online data regarding post-adoption follow-up as instructed by CARA from time to time;
- (iv) If the agency fails to submit the annual report as stipulated under the Guidelines or any other information called for by CARA, from time to time;
- (v) If the agency has not shown any progress in its adoption programme with India for three years.

Provided that no order of revocation of Authorisation shall be passed without giving an opportunity to the agency to offer its explanation.

CHAPETR VI ROLE AND FUNCTIONS OF AUTHORITIES

- 76. Central Authorities.** - (1) Central Authority of the countries that have ratified the Hague Convention on Inter-country Adoption, 1993 is obliged to discharge all obligations as per the provisions of the Convention and it shall also perform the following functions, namely: -
- (i) sponsor applications of PAP(s) directly to the Indian Central Authority (i.e. CARA) for inter-country adoption but they would be required to follow procedure of inter-country adoption as provided in Guidelines;
 - (ii) facilitate, follow and expedite proceedings with a view to obtaining the adoption;
 - (iii) send the CARA either directly, or through its accredited agency (AFAA), follow-up reports with photographs of each child, on quarterly basis for the first year and on six monthly basis for the second year as provided under the Guidelines and such follow-up shall continue upto a period of two years after the child acquires citizenship of the receiving country;
 - (iv) send a copy of the citizenship certificate or court order or adoption order as the case may be;
 - (v) arrange get-togethers for children adopted from India and their adoptive parents so as to provide a forum for sharing experiences, exposing them to the culture of India and such events may be organised by the CA of its own or in collaboration with the Indian Diplomatic Mission;
 - (vi) ensure that the child be accorded automatically the nationality of one of the adoptive parents or of the receiving country, without the need to rely on any action on the part of the adoptive parents and where this is not possible, the Central Authority should provide the necessary assistance to ensure the child obtains such citizenship;
- (2) The policy regarding the nationality of the child should be guided by the overriding importance of avoiding a situation in which an adopted child is stateless.
- 77. Central Adoption Resource Authority (CARA).** - The CARA shall function as a nodal body on adoption matters in the country and it shall discharge the following functions, namely: -
- (a) evolve a structure for non-institutional child care services in the country and to standardize, streamline and implement such services;
 - (b) build an environment that provides an opportunity for every adoptable child in the country to find a suitable family;
 - (c) frame rules and guidelines for adoption of Indian children and ensure their proper implementation;

- (d) regulate and monitor adoptions and maintain a database on adoptions done in the country;
- (e) function as a nodal body in the country on matters related to adoption and establish uniform standards and indicators, relating to-
 - (i) adoption procedure;
 - (ii) quality child care standards;
 - (iii) monitoring and supervision;
 - (iv) standardization of documents;
 - (v) safeguards and ethical practices.
- (f) prepare a centralized database of all children and PAP(s) with the help of its associated agencies for the purpose of establishing central and state level information pool on orphan, abandoned and surrendered children and waiting parents;
- (g) carry out research and documentation on adoption in order to continuously improve the adoption system;
- (h) arrange capacity building programmes for adoption agencies, and other stakeholders engaged in child welfare activities;
- (i) carry out advocacy, awareness and IEC activities for promoting non institutional child care services either by it self or through its associated bodies.
- (j) coordinate with all State Government, State Adoption Resource Agencies (SARAs) or Adoption Coordinating Agencies (ACAs) and advise and support them in adoption related matters;
- (k) monitor the status of children placed adoption and to maintain information and records of all such children for the purpose of follow up and root-search.
- (l) act as the Central Authority on adoption matters under the Hague Convention on Protection of Children and Cooperation in respect of Inter country Adoption, 1993;
- (m) enter into bilateral agreement with Foreign Central Authorities, wherever necessary and as prescribed under the Hague Convention;
- (n) authorise foreign adoption agencies, as bodies authorized to sponsor applications of PAP(s) for Inter-country Adoption of Indian children;
- (o) issue a "No Objection Certificate" for the inter-country adoption; and
- (p) recognise adoption agencies as accredited bodies for processing inter-country adoption cases and monitor their working in this area.

78. Indian Diplomatic Missions in Inter-country Adoption. - Indian Diplomatic Missions abroad shall perform the following functions, namely:-

- (a) liaise with concerned Central or Public Authorities to ensure safeguards of children of Indian origin adopted by NRI or OCI or PIO or foreign parents against neglect, maltreatment, exploitation or abuse;
- (b) interact with the Foreign Authorized Adoption Agencies and Central Authorities in their area of jurisdiction and help to arrange get-togethers of the adopted children and their parents;
- (c) recommend proposals for authorization of foreign adoption agencies for the purpose of sponsoring applications for adoption of Indian children;
- (d) authorize a qualified social worker to do the Home Study Report (HSR) and furnish other documents including an undertaking to send progress reports etc. and shall forward the dossier to CARA with its recommendation in case of Indian nationals residing in a country where there is no authorized agency or where they cannot be recommended by the host Government as per local laws;
- (e) contact the local central authority and other concerned authorities to ensure that the interest of the child is taken care of whenever a report is received on disruption of adoption of an Indian child by a foreign or PIO or NRI or OCI adoptive parent(s) and a report in this regard shall also be sent to CARA at the earliest;
- (f) render necessary help and facilitate the repatriation of the child, if required, in consultation with the local authorities, concerned adoption agency and CARA;
- (g) communicate any report or observation, which it may consider as important and relevant in the matter of inter-country adoptions to CARA.

79. The State Government or Union Territory. -The State Government shall perform the following functions, namely:-

- (a) take all measures to actively regulate and promote in-country adoption of children;
- (b) register all children's homes as Child Care Institutions (Child Care Institution) and recognise one or more of these Child Care Institutions as Specialised Adoption Agencies in each district;
- (c) renew the registration of such Specialised Adoption Agency every five years subject to satisfactory performance;
- (d) ensure that all such Child Care Institutions housing orphan, abandoned and surrendered children are either recognised as Specialised Adoption Agencies or ensure that such children are transferred to Specialised Adoption Agencies for their early rehabilitation;
- (e) recommend suitable Specialised Adoption Agencies to CARA for their recognition as RIPAs;

- (f) monitor the adoption programme and the activities of all Specialised Adoption Agencies, ACAs and SARAs within its jurisdiction;
- (g) enforce standards and measures for orphan, abandoned and surrendered children as envisaged under the State Rules framed under the Act;
- (h) 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 Needs Children including children affected or infected by HIV/AIDS, mentally or physically challenged and other hard to place category and facilitate transfer of such children to these agencies;
- (i) take expeditious steps as required to expedite de-institutionalisation of children through adoption;
- (j) take measures that are required for expansion of the adoption programme in the State, i.e. strengthening the knowledge base, research and documentation, developing a child tracking system, training and development activities, advocacy and communication, monitoring and evaluation;
- (k) instruct all the Child Welfare Committees working in the State to submit periodical data relating to orphan, abandoned and surrendered children;
- (l) take appropriate legal action against persons and institutions, including Nursing homes and Hospitals, involved in illegal adoption work;
- (m) publish a list of all adoption agencies in the State at least once in a year;
- (n) suspend or revoke the recognition of a Specialized Adoption Agency for reasons stated in these Guidelines;
- (o) in the event of revocation of registration or license or recognition of any adoption agency, the State Government shall make suitable alternate arrangements for rehabilitation of children including transferring them to another agency, within a period of thirty days in consultation with CARA and also take steps for transfer of the amounts available in the CCC as provided in **Schedule-XVI** ;
- (p) the State shall constitute a Committee for issue of recommendation for the purpose of inter-country adoption of a child and the Committee would be designated as Adoption Recommendation Committee (ARC) and would consist of Director or Commissioner of the State Deptt. dealing with children in need of care and protection or his representative, Programme Manager (Non-institutional care-SARA), and one external expert or psychologist who has no linkage with any adoption agency and till SARA is operational in the State, the chairperson of ACA will be part of the Committee (in place of Programme Manager) along with the other members;
- (q) the State Government either directly or through SARA, shall send monthly data on adoption to CARA in the given format available in **Schedule -XVII**.

- 80. State Adoption Resource Agency (SARA).** -(1) For the proper implementation of these Guidelines, every State Government is required to set up the a State Adoption Resource Agency (SARA) to act as a nodal body within the State to coordinate, monitor and develop the work of adoption and non-institutional care in coordination with CARA.
- (2) The State Adoption Resource Agency shall perform the following functions, namely:
- (a) coordinate, monitor and develop the adoption programme in the State;
 - (b) facilitate the setting up of Specialised Adoption Agency and maintain a comprehensive list of such agencies;
 - (c) ensure that all adoptions or permanent placements of children are done in accordance with the provisions of law and Guidelines issued by Government of India, from time to time;
 - (d) promote and regulate in-country and inter-country adoptions in coordination with CARA;
 - (e) perform all functions assigned to it under these Guidelines for in-country and inter-country adoptions;
 - (f) identify Child Care Institutions which are not registered as Specialised Adoption Agencies, and take necessary steps to create a linkage with them in order to bring the adoptable children in such Child Care Institutions into the adoption or alternative family care loop;
 - (g) facilitate inter-country adoption of children in Specialised Adoption Agencies for whom in-country adoption efforts have failed in accordance with these Guidelines and to ensure their early deinstitutionalisation;
 - (h) receive and process dossiers from RIPAs for inter-country adoption and act as a secretariat for the ARC Committee;
 - (i) promote and Implement non-institutional services other then adoption;
 - (j) maintain a centralized (state-specific) web-based database of adoptable children;
 - (k) ensure that all PAPs are registered with Specialised Adoption Agency ;
 - (l) maintain a centralized (state-specific) web-based database of Prospective Adoptive Parents;
 - (m) supervise the work of Specialised Adoption Agencies and ensure coordination between them within the State;
 - (n) carry out inspections of Specialised Adoption Agencies at least once a year and carry out verifications as stipulated for the inspection team in these Guidelines;

- (o) call for data every month from all Specialised Adoption Agencies in order to monitor the functioning of these agencies and provide comprehensive adoption data to CARA on a monthly basis;
 - (p) assist the State Government and CARA in conducting investigation into any instance of malpractice by Specialised Adoption Agency and suggest corrective action or suspension or revocation of license or recognition of the agency, if need be;
 - (q) liaise with the other Child Care Institutions to facilitate more children coming into the adoption system;
 - (r) ensure sensitization of all agencies and allied systems towards non-institutional care;
 - (s) take up advocacy and awareness for promoting adoptions and family based non-institutional care in the state;
 - (t) develop and disseminate IEC materials;
 - (u) take necessary punitive action when malpractices occur in the adoption programme whether by registered or recognised adoption agencies or by unauthorised individuals or organisations;
 - (v) maintain and operate a bank account in a nationalised bank for transactions relating to adoptions; and
 - (w) advise and assist the State Govt for rehabilitation of children in case of revocation of recognition of any agency.
- 81. Child Welfare Committee (CWC).** - The role and functions of the CWC in the adoption process will be governed by the rules made there under and also be guided by the Act and Model Rules or State Rules.
- 82. Birth Certificate issuing Authority.** - (1) The birth certificate issuing authority shall issue the birth certificate in case of the adopted child.
- (2) The adoptive parents or their attorney can make an application to the birth certificate issuing authority along with a copy of the adoption order and the adoption deed for issuance of birth certificate;
 - (3) The competent birth certificate issuing authority is the one, which has jurisdiction over the area where the adoption agency is situated.
 - (4) The name of adoptive parents shall appear, as “parents” and the term “Adoptive Parents” or “Adopted Child” shall not be used in the birth certificate.
 - (5) The birth certificate shall mention the place (city or village) where the adoption agency is located, as the place of birth of the child.

- 83. Regional Passport Office (RPO).** - (1) In inter-country adoption cases, the Regional Passport Officer, subject to the law relating to issuance of passports, shall issue the Passport based on the production of the following documents along with the application for Passport, namely: -
- (i) No Objection Certificate from CARA;
 - (ii) court order on adoption and adoption deed; and
 - (iii) all other documents as stipulated by the passport issuing authority.
- (2) The concerned Regional Passport Officer shall issue the Passport expeditiously in the best interest of the child.
- (3) In in-country adoption cases, the Regional Passport Officer shall issue the passport where the adoptive parents are Indian nationals and permanent residents of India based on the following documents, namely: -
- (i) proof of permanent residence in India of the PAP(s);
 - (ii) birth certificate of the child;
 - (iii) court order on adoption and adoption deed; and
 - (iv) all other documents as stipulated by the passport issuing authority.
- 84. Foreign Diplomatic Missions in India.** - The Foreign Diplomatic Missions in India may issue VISA to the adopted child as expeditiously as possible after submission of the following documents, namely:-
- (i) Passport;
 - (ii) Birth Certificate or Declaration by Child Welfare Committee;
 - (iii) No Objection Certificate from CARA; and
 - (iv) Adoption Order from an Indian court and supporting deed.

CHAPETR: VII

ASSOCIATED AGENCIES: ROLE AND FUNCTIONS

- 85. Specialised Adoption Agency (SAA).** - In order to facilitate the placement of orphan, abandoned and surrendered children in adoption, the Act empowers the State Government to recognize one or more of its childcare institutions or voluntary organizations in each district as Specialised Adoption Agency (SAA) for placing children in in-country adoption.
- 86. Role towards children,** - Every Specialised Adoption Agency shall -
- (a) be responsible for care, protection and well being of every child in its care and shall cater to their health needs; special care for children with special needs; emotional and psychological needs; educational and training needs; leisure and recreational activities; protection from all kinds of abuse, neglect and exploitation; social mainstreaming; restoration and follow-up ;
 - (b) restore the child to his or her parent(s) soon after his or her admission in the institution, provided that such restoration is in the best interest of the child;

- (c) report all cases of admissions, restorations, transfers, adoptions and death of children, and any children missing from the institution, to Child Welfare Committee , SARA or ACA and any other appropriate authority;
- (d) if a child already has a given name, the same shall be retained and in case no name is known, the Specialised Adoption Agency shall give an appropriate name and register the name of the child with competent authority for obtaining a birth certificate;
- (e) prepare individual care plans for each child following the principle of the best interest of the child and in preparing individual care plan, the care options in the following order of preferences shall be considered names:-
 - (i) restoration efforts and preserving the biological family;
 - (ii) In-country adoption;
 - (iii) Inter-country Adoption;
 - (iv) Other non-institutional Care and
 - (v) Institutional Care;
- (f) create a Baby or Child Book as soon as a child enters an institution, which would include photo album of the child, history and details of the child's life so far (cases of surrendering parents should not be mentioned) and interests of the child and the book will form part of the file to be handed over to the family with whom the child is placed;
- (g) make efforts to place each child who has been declared legally free for adoption by Child Welfare Committee in adoption with loving and caring PAP(s) expeditiously;
- (h) be responsible for matching, referral and the legal procedure related to the adoption as provided in these Guidelines;
- (i) prepare every adoptable child psychologically for his or her assimilation with the adoptive family and the new surroundings;
- (j) facilitate visitation between suitable PAP(s) and the children proposed for adoption;
- (k) ensure that Siblings and twins are placed in the same family and are not separated;
- (l) monitor the well being of the child placed in adoption or in non-institutional care for a period of 2 years from the date of such placement, through post placement progress reports and it shall also discharge all responsibilities assigned to it under these Guidelines in cases of disruption;
- (m) keep all post-adoption records in a manner, which should not be accessible to common public;

- (n) facilitate root search by the adoptive child, If the child desires to know his or her history, especially information relating to his or her biological mother, father and siblings. However, in doing so the age and maturity of the child would be a consideration. In case of unwed mother or other parents not willing to be contacted, Specialised Adoption Agency shall not pass on the information regarding the biological mother to the child or the adoptive parents; and
- (o) submit child status report on the online reporting system available on the website www.adoptionindia.nic.in .

87. Role towards Prospective Adoptive Parents (PAPs).- (1) A Specialised Adoption Agency shall:

- (a) not deny registration to any PAP(s) unless stipulated conditions are not fulfilled or required documents not submitted within a reasonable time;
- (b) complete the Home Study Reports of all PAP(s) registered with them, expeditiously within a maximum period of four months from the date of their registration with Specialised Adoption Agency;
- (c) continuously update the PAP(s) about the status of their applications;
- (d) provide information about the medical history of the child to PAP(s) and advise the PAPs to have the child's medical assessment done by their own doctor;
- (e) inform the PAPs about the health status of a Special Needs child if such a child is proposed for adoption;
- (f) place a child in pre-adoption Foster Care after on completion of assigning and referral and after observing necessary formalities as laid down in these Guidelines;
- (g) not discriminate against any PAP(s) on the ground of being single. However, such cases will be thoroughly scrutinized in order to ensure that the single PAP is capable of taking care of the child;
- (h) extend post adoption services such as counselling etc., to the PAPs, if required;
- (i) be entitled to receive registration fee, HSR fee and contribution from PAPs towards CCC but this would be strictly as per amounts prescribed in these Guidelines in **Schedule-XVI**; and
- (j) treat PAP(s) with respect and extend due courtesies and assistance and advice as and when required.

(2) The prescribed format for Home Study Reports is in **Schedule -VI**.

- (3) The Home Study Report shall be prepared by trained professionals and shall clearly indicate the suitability of the PAP(s) for taking a child in adoption.

88. Role towards Biological Parent(s). - The Specialised Adoption Agency shall :-

- (a) treat the birth parent(s) surrendering a child with respect and dignity throughout the surrender process;
- (b) obtain appropriate information from birth parent(s) before surrender of the child;
- (c) encourage the biological parent(s) surrendering a child to provide maximum information about the child's background and development as well as their own health;
- (d) not enter into any commitment or agreement with biological parents regarding adoption of a child prior to his or her birth;
- (e) not make any promise of, or give any, financial support to the biological parents that could influence them to surrender their child;
- (f) explain to the parents the implications of surrendering their child including the possibility of adoption of the child by foreigners and of no further contact with him or her;
- (g) inform the parent(s) that they would get a reconsideration period of sixty days from the date of surrender during which they can take back the child;
- (h) respect the wish of the surrendering parent(s), to the extent possible, if they state a preference for the religious upbringing of the child but the best interest of the child shall be the paramount consideration; and
- (i) maintain the confidentiality of unwed mother and the biological parent(s).

89. Counselling Functions. - (1) The Specialised Adoption Agency shall provide counselling services to PAP(s) and children and such support shall be provided as and when required by them.

- (2) In case of a male counsellor, presence of female nursing staff or female superintendent may be ensured during the counseling session.

(3) The counselling function shall involve: -

- (a) counselling of biological parent(s) in case of surrender;
- (b) pre-adoption counseling of PAPs; and
- (c) counselling of adopted children and their adoptive parents

- (4) Through counselling of biological parents in case of surrender, the Specialised Adoption Agency has to ensure that the consent for surrender and adoption is given by the parent(s) through counselling, without coercion and without monetary or material consideration.
 - (5) The biological parent(s) should be encouraged not to surrender the child unless keeping the child with the parent(s) is against the best interest of the child.
 - (6) The Specialised Adoption Agency must counsel and assist the surrendering parent(s) and ensure that they are informed of the possibility of a future contact in the event of a search for roots by their child, and that in such cases, the biological parent(s) would be required to cooperate with the Specialised Adoption Agency to meet the child. However, unwed mothers may not be required to do so, if they so desire.
 - (7) In case of prospective adoptive parents, counselling must be completed before the Home Study Report is prepared to make them aware of the process of adoption.
 - (8) During the counseling sessions, the qualified Social Workers should, amongst other issues, focus on:-
 - (i) emotional readiness of couples aspiring to adopt;
 - (ii) acceptance of adoption as an alternative way of building a family;
 - (iii) parenting and disciplining;
 - (iv) sharing the facts of adoption with the child;
 - (v) child's needs for search of roots;
 - (vi) bonding and attachment with a child not biologically related;
 - (vii) concerns about the child's social background and genetic factors;
 - (viii) issue of selecting the child; and
 - (ix) any other issue that might emerge.
 - (9) PAP(s) may be advised also to contact Adoptive Parents Associations, adoptive families and older adoptees to understand the entire process of adoption.
 - (10) The Specialised Adoption Agency must be equipped to extend post-adoption support and counselling services for adopted children and their adoptive parents.
 - (11) The adoptive parents should be counselled, not to change the name of an older child so as to help the child keep his or her identity.
 - (12) The counselling may include other advice specific to the requirements of the child and the adoptive family.
- 90. Preparation of Child Study Report (CSR) and Medical Examination Report (MER).** - (1) The CSR shall be prepared by professional social workers or experienced personnel of the Specialised Adoption Agency while a pediatrician attached to the Specialised Adoption Agency shall prepare the MER.
- (2) A formal Child Study Report shall be prepared as provided in Schedule-**XVIII** in each case once the child is legally free for adoption.

- (3) The MER (Medical Examination Report) shall also be prepared in the form given in **Schedule-XIX**.
- 91. Preparation of Home Study Report (HSR) and Suitability of Parents.** - The HSR of the PAP(s) shall be prepared in the form given in **Schedule-VI** by a professional social worker or a competent person as per the provisions laid down in these Guidelines.
- 92. Cradle Baby Reception Centre.** - (1) Cradle points may be set up by Specialised Adoption Agencies with the help of hospitals or nursing homes for safe abandonment and rehabilitation.
- (2) The primary objective of the Reception Centre shall be to receive abandoned children and look after them with due care and affection till he or she is given in adoption.
- (3) Each Specialised Adoption Agency shall install one cradle at the doorstep to receive such babies.
- (4) In addition, the reception centre will receive babies from Cradle Points which may be placed at all the Primary Health Care Centres (PHCs), Hospitals or Nursing Homes, Short-stay homes, Swadhar units or Swadhar reception centres and the office of the DCPS (District Child Protection Unit or Society).
- (5) Once the Cradle Baby Reception Centre receives a child from a Cradle Point, it should make the following arrangements for rehabilitation of the child, namely :-
- (i) provide for proper medical treatment and food as per the advice of the Medical Officer;
 - (ii) report the arrival of the child to the Child Welfare Committee;
 - (iii) provide for all basic needs of the child;
 - (iv) provide care and protection to the child; and
 - (v) register the birth of the child with the competent authority.
- 93. Documentation and Record Keeping.** - (1) Specialised Adoption Agency shall keep all relevant information such as declaration by Child Welfare Committee; surrender deed of the biological parent or s, CSR, MER including immunisation record, HSR, birth certificate, court order and progress reports etc. in the file of each child. In addition, report of the counselor or social worker, information from previous institution, if any; periodical health reports; IQ testing report and social history, photographs of the child taken at intervals of six months, etc. shall be documented in the case file.
- (2) As far as possible, a child's complete record may be scanned, microfilmed and preserved by both, the Specialised Adoption Agency and SARA, permanently.
- (3) The Specialised Adoption Agency shall make available, whenever required by the inspection team, the case file of each child.

- (4) The children's records in the case file should not be revealed or shown to unauthorised persons.
 - (4) The Specialised Adoption Agency shall prepare individual Care Plan for each child based on age specific and gender specific needs.
 - (5) The Individual Care Plan shall address the following needs of the child, 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 kinds 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.
 - (6) The Specialised Adoption Agency shall maintain the following registers, 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 PAP(s) with details (date of registration, date of home study report and the like);
 - (vi) vouchers, cashbook, ledger, journal and annual accounts;
 - (vii) grant Utilization Register;
 - (viii) stock Register; and
 - (ix) record of Minutes of Meetings.
 - (7) The Specialised Adoption Agency shall prepare and maintain monthly reports in the prescribed format, Annual reports and Audited Statement of Accounts.
 - (8) The Specialised Adoption Agency shall also maintain other records stipulated under the law relating to its registration and the Act.
- 94. Other Functions.** -The Specialised Adoption Agency shall work in the best interest of children and carry out the following specific responsibilities, namely:-
- (a) motivate people to adopt;
 - (b) organize training and development activities to spread awareness about the programme;
 - (c) evolve its own model or curriculum for training its childcare and professional staff on the basis of model rules or Guidelines issued by central government or CARA from time to time;

- (d) update online data base on regular basis as prescribed by CARA from time to time;
 - (e) lodge complaint with SARA, CARA, CHILD WELFARE COMMITTEE and police authorities if nursing homes or hospitals or any other person(s) are found involved in illegal adoptions.
- 95. Staff in Specialised Adoption Agencies.** - The Specialised Adoption Agency shall employ professional staff and child care staff to cater to the needs of all its children as per norms provided in **Schedule-XV**.
- 96. RIPA (Recognized Indian Placement Agency).** - (1) CARA shall give recognition to suitable Specialised Adoption Agencies to function as Indian Placement Agencies for Inter-country Adoption (RIPA) based on State Government's recommendations.
- (2) RIPAs shall function as recognized bodies in accordance with the provisions of Article 11 of Hague Convention on Protection of Children and Cooperation in respect of Inter Country Adoption– 1993 and shall -
- (a) perform all roles and functions assigned to a Specialised Adoption Agency under these Guidelines in addition to specific roles and functions assigned to it in cases of inter-country adoptions;
 - (b) be staffed by qualified persons of high ethical values and having training or experience in the field of inter-country adoption;
 - (c) be subject to supervision, monitoring and inspection by competent authorities of the Central Government as well as the concerned State Government;
 - (d) complete all formalities for Inter-country adoption as provided in these Guidelines;
 - (e) place children in in-country and inter-country adoption only in a ratio of 80:20 respectively on an annual basis which would exclude children with special needs as categorised separately in these Guidelines and for this purpose, while deciding on whether a child is special needs or not, the final decision would vest with CARA;
 - (f) file progress reports including the adoption decree in case of all guardianship matters before the competent Court which has issued Guardianship Order;
 - (g) discharge all responsibilities assigned to it under these Guidelines for post-adoption follow-up in all cases of inter-country adoptions and also in cases of disruption, repatriation of children.
- 97. Adoption Coordinating Agency (ACA).** - (1) Adoption Coordinating Agency (ACA) is a State level organisation for promotion of in-country adoption.

- (2) The ACA shall carry out all the functions prescribed under these Guidelines as well as any other function assigned to it by the State Government or CARA from time to time. Accordingly, ACA shall -
- (a) coordinate, monitor, supervise and develop adoption programme in the State;
 - (b) coordinate the adoption activities of the Specialised Adoption Agencies within the State;
 - (c) carry out advocacy and awareness programmes for expanding the adoption programme in the State;
 - (d) conduct training and capacity building of all adoption functionaries;
 - (e) undertake documentation and research on adoption to facilitate policy formulation;
 - (f) conduct inspection of Specialised Adoption Agency as and when required by CARA or State Government;
 - (g) compile monthly data from all Specialised Adoption Agencies and forward the same to CARA.
- (3) In addition, ACA shall perform all functions assigned to SARA by these Guidelines till such time that SARA becomes functional in the state.

98. Authorized Foreign Adoption Agency (AFAA). -(1) An Authorised Foreign Adoption Agency is a foreign adoption agency authorised by CARA on the basis of its accreditation or recommendation by the Central Authority or concerned Government Department of that country to coordinate all matters related to adoption of Indian children by the citizens of that country.

- (2) The AFAA shall perform the following functions, namely:
- (a) register the suitable FPAP(s) and prepare their Home Study Report (HSR) in accordance with the provisions laid down under the Hague Convention on Inter-country Adoption as well as the specific provisions laid down by the Central Authority of the respective country;
 - (b) forward an attested copy of the FPAP(s)' dossier directly to CARA for consideration. In no case shall, the AFAA directly transmit any dossier to a RIPA;
 - (c) approach the RIPA indicated by CARA for getting a referral;
 - (d) on acceptance of the referral by the PAPs, shall communicate the same to the concerned RIPA along with 50 percent of stipulated CCC;
 - (e) appropriately counsel the FPAP(s) to prepare them to receive and take proper care of their adopted child. If possible, foreign PAP(s) must be given orientation on the culture or language or food of the place to which the adopted child belongs.
 - (f) follow up with RIPA for ensuring early adoption after receipt of NOC for the adoption from CARA;

- (g) send the remaining 50 percent of the CCC to the RIPA on completion of the adoption process in India and issue of the court order;
- (h) keep CARA and concerned RIPA informed about the progress of placement through quarterly post-placement reports during the first year and half yearly reports during the second year of the child's arrival in the receiving country and such follow-up shall continue upto a period of two years after the child acquires citizenship of the receiving country;
- (i) follow up for early legal adoption and or grant of citizenship order, as the case may be, in the receiving country and forward a copy of the legal adoption order of the appropriate Authority to CARA and the RIPA and a copy of the citizenship certificate of the receiving country for the child shall also be sent as soon as it is issued;
- (j) draw immediate special attention of its Central Authority or concerned Government Department, Indian embassy or mission, CARA and the concerned RIPA in cases where the final legal order for adoption does not take place within a period of 2 years of arrival in the receiving country;
- (k) abide by the provisions contained in Chapter IV of these Guidelines in case of disruption of adoption or repatriation of the child;
- (l) arrange get-togethers of children of Indian origin and their adoptive families from time to time with involvement of the concerned Indian Diplomatic Mission.

CHAPTER-VIII MISCELLANEOUS

- 99. Linkage between Specialised Adoption Agency and RIPA for Inter-country Adoption. - (1)** In case of a special needs child (as defined in these Guidelines), if the Specialised Adoption Agency is unable to place a child in in-country adoption, it shall approach the ACA or SARA (as and when constituted), to facilitate the placement of the child in inter-country adoption through a RIPA.
- (2) In a case refer to in sub-paragraph (1), the ACA or SARA shall record its satisfaction, in writing, of the efforts made by the Specialised Adoption Agency for in-country adoption and transfer the CSR and MER of the child to a RIPA within the State.
 - (3) It is not mandatory to transfer the child from one agency to the other and on receipt of CSR and MER, the RIPA shall process the case in accordance with procedure laid down in these Guidelines for inter-country adoption.
 - (4) Throughout the process referred to in sub-paragraph (3), the Specialised Adoption Agency shall assist the RIPA till the adoption is finalized.
- 100. Data on Adoptions. - (1)** Data of all adoptions of Indian children, whether in-country or inter-country shall be maintained by the SARA or State Government

- (2) Such data along with details shall be transmitted to CARA on a monthly basis.
- 101. Adoption Leave.** - (1) For Government employees, adoption leave to entitled category of parents is governed by instructions issued by Deptt. of Personnel and Training, Government of India from time to time.
- (2) For PAPs employed in non-government sector, leave as provided by their organisation shall be available.
- 102. Scrutiny of Adoption dossier.** - As the ARC which is a body constituted by the State Govt, would be scrutinising each dossier for inter-country adoption before issue of recommendation certificate, no further scrutiny of the adoption dossier shall be required by any agency or authority other than CARA.
- 103. Avoiding Conflict of Interest.**- In order to avoid conflict of interest, no member of the Executive Committee of an adoption agency or any of the employees of the agency shall be member of the Child Welfare Committee.
- 104. Functioning of LAPA.** - (1) All obligations, roles and functions assigned to Specialised Adoption Agency under these Guidelines shall be performed by the LAPAs till such time that they are recognised as Specialised Adoption Agencies under the Act by the State Governments.
- (2) Any reference to Specialised Adoption Agency in these Guidelines shall also include LAPAs.
- 105. Functioning of SARA or ACA.**- Till such time, that SARA becomes functional in a state, functions assigned to SARA by these Guidelines may be performed by the ACA.
- 106. Maintaining Confidentiality.** - (1) All agencies and authorities involved in the adoption process shall maintain complete confidentiality of adoption records which would include among other documents, the Home Study Report including identity and address of PAPs and adoptive parents, Child Study Report, MER of child and the PAPs, Surrender deed and related documents.
- (2) The documents related to the adoption process shall be disclosed only to the judiciary and to the agencies and authorities involved in the adoption process.
- 107. Adoption Expenses.** - The PAPs are required to bear following administration expenses in the process of adoption.-
- (a) the registration expenses for PAPs for in-country adoption, is Rs. 1,000. In addition to it, they shall be required to pay Rs.5000 for the Home Study Report and post adoption follow-up services.

(b) the PAPs shall be required to contribute towards the Child Care Corpus(CCC), maintained by the agency from where they are adopting the child. This amount shall also cover all expenses incurred to finalize the adoption. However, the adoption agency may decide to waive off or reduce this amount in exceptional cases. The amount to be contributed by PAPs is as under:-

- (i) Amount to be contributed towards CCC in case of In-country adoptions: Rs.40,000/-
- (ii) Amount to be contributed towards CCC in case of Inter-country adoptions: US \$ 5000/-

(c) The modalities for payment of the amounts is mentioned in **Schedule-XVI** attached to the Guidelines.

(d) The PAPs or adoptive parents shall not contribute more than the amount specified in this paragraph and shall also not make any donation, whether in kind or cash, to the agency from where they propose to adopt or have adopted a child.

108. Relaxation and Interpretation of the Guidelines. - (1) These Guidelines are issued having regard to the provisions of the existing law and for the interpretation, the relevant law should be referred to.

(2) In case of ambiguity or any dispute, the power to interpret these Guidelines vests with CARA.

(3) The power to relax any provision of these Guidelines in respect of a case or class or classes or category of cases vests with CARA.

Provided that no relaxation or dispensation shall be given by CARA without recording appropriate reasons for the same.