

Salient Features

Adoption Regulations 2017 - India

Document prepared as per the Adoption Regulations 2017 as notified by the Government of India, on 04 January 2017 and coming into force on the 16th January, 2017.

The Adoption Regulations are in exercise of the powers conferred by clause (c) of section 68 read with clause (3) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016), and in supersession of the Guidelines Governing Adoption of Children, 2015.



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Dear Colleagues,

The **Salient Features of the Adoption Regulations 2017 - India** is offered as a summary document of the Adoption Regulations 2017 notified by the Government of India in exercise of the powers conferred by the Juvenile Justice (Care and Protection of Children) Act, 2015 and in supersession of the Guidelines Governing Adoption of Children, 2015.

The information below is interpreted and reproduced for the benefit of all stakeholders who are involved with child protection. It is not intended to be a technical document and is not government sanctioned.

We are open to any feedback and consider this a working document. We hope it helps!

We do not communicate any opinion or stance on the regulations themselves through this interpretation. In most cases we have listed the information verbatim from the Regulations.

Please send any comments, suggestions or requests to if0216@cerikids.org.

Kind regards,

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The Centre of Excellence in Alternative Care of Children

Highlights in 2017 Regulations

Procedures related to adoption by relatives both within the country and abroad have been defined in the Regulations.

Validity of Home Study Report has been increased from two to three years.

The time period available to the domestic PAP(s) for matching and acceptance, after reserving the child referred, has been increased to twenty days from the existing fifteen days.

District Child protection Unit (DCPU) shall maintain a panel of professionally qualified or trained social workers.

There are 32 Schedules annexed to the Regulations including model adoption applications to be filed in the Court and this would considerably address delays prevalent in obtaining the Court order.

CARA shall be facilitating all adoptions under the JJ Act, 2015 through the Child Adoption Resource Information & Guidance System (CARINGS) and all kinds of adoptions, including adoptions by relatives shall be reported to CARA which would enable safeguards for all adopted children by maintaining their record and ensuring post adoption follow up. (Now available in www.cara.nic.in)

What is Adoption?

“adoption” means the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child; (JJ Act, I, 2. (2))

Categories for Potential Adoptive Parent(s) - PAP(s)

Procedures, timelines, fees and process may be different for each group and are explained in the Regulations.

- Resident Indian
- Non-Resident Indian, Overseas Citizen Of India And Foreign

Fundamental Principles of Adoption in India

- the child's **best interests** shall be of paramount consideration, while processing any adoption placement;
- **preference shall be given to place the child in adoption with Indian citizens** and with due regard to the principle of placement of the child in his own socio-cultural environment, as far as possible;
- **all adoptions shall be registered on Child Adoption Resource Information and Guidance System (CARINGS)** and the confidentiality of the same shall be maintained by the Central Adoption Resource Authority (the Authority).

Children Eligible for Adoption

- any orphan or abandoned or surrendered child, declared legally free for adoption by the Child Welfare Committee;
- a child of a relative defined under sub-section (52) of section 2 of the Act;
 - “relative”, in relation to a child for the purpose of adoption under this Act, means a paternal uncle or aunt, or a maternal uncle or aunt, or paternal grandparent or maternal grandparent; (JJ Act, I, 2. (52))
- child or children of spouse from earlier marriage, surrendered by the biological parent(s) for adoption by the step-parent.

Eligibility of PAP(s)

- any prospective adoptive parents, irrespective of his marital status and whether or not he has biological son or daughter, can adopt a child subject to following, namely:-
- the consent of both the spouses for the adoption shall be required, in case of a married couple;
- a single female can adopt a child of any gender;
- a single male shall not be eligible to adopt a girl child;
- no child shall be given in adoption to a couple unless they have at least two years of stable marital relationship.

Age Qualifications for PAP(s) and Child(ren)

Age of the child	Maximum composite age of prospective adoptive parents (couple)	Maximum age of single prospective adoptive parent
Up to 4 years	90 years	45 years
Above 4 and up to 8 years	100 years	50 years
Above 8 and up to 18 years	110 years	55 years

Other Important Points about Eligibility of PAP(s)

- The minimum age difference between the child and either of the prospective adoptive parents shall not be less than twenty-five years.
- The age criteria for prospective adoptive parents shall not be applicable in case of relative adoptions and adoption by step-parent.
- Couples with three or more children shall not be considered for adoption except in case of special need children as defined in sub-regulation (21) of regulation 2, hard to place children as mentioned in regulation 50 and in case of relative adoption and adoption by step-parent.

Overview of the Procedure

Soon to come in graphic form, please ask the Centre of Excellence in Alternative Care for this information via the contact information at the beginning or end of this document.

Specialised procedures, timelines and provisions are included in these Regulations for

- Adoption of children with special needs
- Adoption of older children and siblings
- Adoption of hard to place children
- In-country relative adoptions
- Adoption by step-parent
- Inter-country relative adoptions.

Root search

- In case of an orphan or abandoned child, information about his adoption, including the source and circumstances in which the child was admitted into the Specialised Adoption Agency, as well as the process followed for his adoption, may be disclosed to the adoptee by the Specialised Adoption Agency or the Child Welfare Committee, as the case may be.
- In cases of root search by older adoptees, the agencies or authorities concerned (Authorised Foreign Adoption Agency, Central Authority, Indian diplomatic mission, Authority, State Adoption Resource Agency or District Child Protection Unit or Specialised Adoption Agency), whenever contacted by any adoptee, shall facilitate his root search.
- Persons above eighteen years can apply independently online while children below eighteen years shall apply jointly with their adoptive parents to the Authority seeking facilitation of root search.
- If the biological parents, at the time of surrender of the child, have specifically requested anonymity, then the consent in writing of the biological parent(s) shall be taken by the Specialised Adoption Agency or Child Welfare Committee, as the case may be, before divulging information.
- In case of denial by the biological parents or the parents are not traceable in surrendered cases, the reasons and the circumstances under which the information is not being made available shall be disclosed to the adoptee.
- A root search by a third party shall not be permitted and the agencies or authorities concerned shall not make any information public relating to biological parents, adoptive parents or adopted child.
- The right of an adopted child shall not infringe the right to privacy of the biological parents.

For more information

The Center of Excellence in Alternative Care of Children promotes, educates and builds the capacity of stakeholders in the implementation of alternative care.

We offer training to government and non- governmental organizations to start, promote and implement foster care and other forms of alternative care.

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List of attached Schedules to the Regulations

Schedule I	Certificate Declaring the Child Legally Free for Adoption
Schedule II	Child Study Report
Schedule III	Medical Examination Report of the Child
Schedule IV	Medical Test for Children Admitted into Institutions
Schedule V	Deed of Surrender
Schedule VI	Online Registration Form and List of Documents to be Uploaded
Schedule VII	Home Study Report of Resident Indian Parent/ Overseas Citizen of India/Foreigner Living in India
Schedule VIII	Pre Adoption Foster Care Undertaking (In the form of an affidavit)
Schedule IX	List of (Attested/ Notarised) Documents to be filed along with the Adoption Petition in the Court
Schedule X	No Objection Certificate
Schedule XI	Conformity Certificate
Schedule XII	Post Placement Report Of The Child
Schedule XIII	Standards Of Child Care In Specialised Adoption Agencies
Schedule XIV	Timeline For Authorities Concerned And Agencies
Schedule XV	Format For Quarterly Reporting Of Adoption Data By Specialised Adoption Agency (SAA)
Schedule XVI	Monthly Report Of The Child Welfare Committee (CWC) To The State Adoption Resource Agency And Central Adoption Resource Authority
Schedule XVII	Format For Reporting Of Adoption Cases
Schedule XVIII	Classification Of Special Needs Children For The Purpose Of Adoption
Schedule XIX	Consent For The Purpose Of Relative Adoption
Schedule XX	Consent Of Biological Parent(s) Along With Step Parent To Obtain The Permission Of Child Welfare Committee For Adoption Of Child/Children By Biological Parent And The Step
Schedule XXI	Family Background Report Of The Child And The Biological Parents In Cases Of Inter Country Relative Adoptions
Schedule XXII	Permission By Child Welfare Committee To The Consent Given By The Guardian Of The Child For Adoption By His/ Her Relative (Where Biological Parents Are Not Alive/Not Able To Give Consent)
Schedule XXIII	Affidavit By The Chief Functionary/Authorised Person of the Specialised Adoption Agency to Court in Support of Adoption of Child
Schedule XXIV	Affidavit Of Prospective Adoptive Parent(S) In Cases Of In Country

	Relative Adoptions In Support Of Their Relationship, Financial And Social Status as per Sub Regulation 4 of Regulation 51
Schedule XXV	Format For Inspection Of Specialised Adoption Agencies
Schedule XXVI	Application From A Child Care Institution For Recognition As a Specialized Adoption Agency
Schedule XXVII	Format of Minutes Of The Adoption Committee In Case Of In Country Adoption
Schedule XXVIII	Model Application in Case of Orphan or Abandoned Or Surrendered Child(ren) To Court For In Country Adoption
Schedule XXIX	Model Application in Case Of Orphan or Abandoned Or Surrendered Child(ren) To Court For Inter Country Adoption
Schedule XXX	Model Application to Court For In Country Relative Adoption
Schedule XXXI	Model Application to Court For Inter Country Relative Adoption
Schedule XXXII	Model Application to Court For Adoption Of Child/Children By Step & Biological Parent