

## Chapter 6

### Rehabilitation of children

**There were delays in uploading Child Study Reports, Medical Examination Reports, and Certificates declaring children free for adoption by Specialised Adoption Agencies (SAAs). Besides, there were months of delay in filing of adoption petitions before courts as also in uploading Home Study Reports of Prospective Adoptive Parents. Delays in declaring children free for adoption reduced their chances of getting adopted. Post-adoption follow up was not done in most cases by SAAs due to which there was a lack of assurance that adopted children were being taken care of. The Government also did not implement 'Sponsorship' and 'Foster Care' Schemes due to which the growth and development of children in family environment could not be achieved, especially in cases where the families/relatives and other individuals are desirous of helping the children but are unable to do so due to financial constraints.**

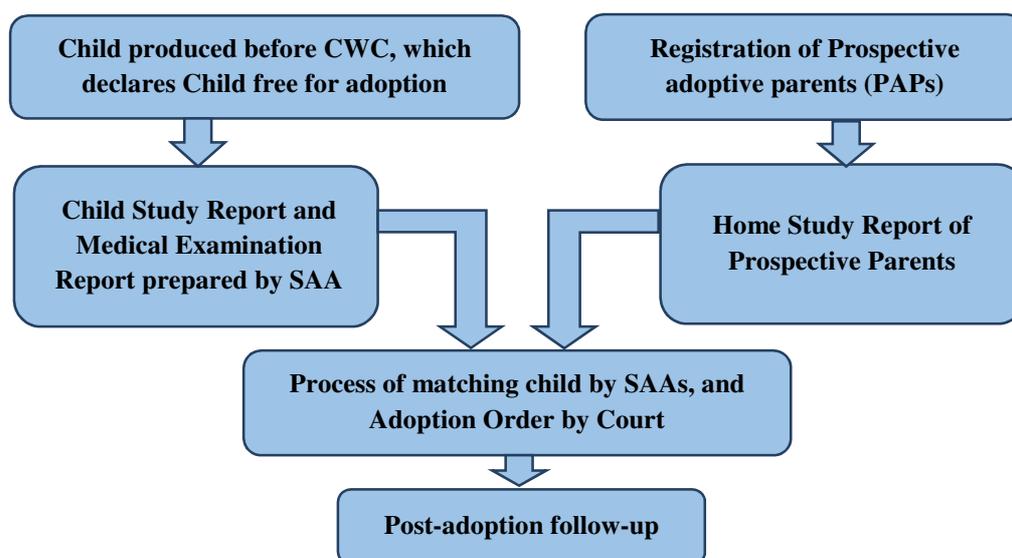
The most desirable situation for a child is to be with his/her parents where the child feels safe and cared for. Therefore, it is imperative for the Government to make all possible efforts to keep the child with his/her family and only in circumstances where this is not in the best interests of the child or not possible, other options such as placing them in CCIs or for adoption etc. should be considered.

Rehabilitation of children is carried out through Institutional care and family based Non-Institutional care i.e., Adoption, Foster Care and Sponsorship. Out of these, the best scenario for children orphaned and abandoned/surrendered would be their getting adopted as, through adoption, the child legally acquires a new set of parents with all rights, privileges and responsibilities that are attached to this relationship. Section 56 of JJ Act, 2015 stipulates that, adoption shall be resorted to for ensuring right to family for orphans and for abandoned and surrendered children.

ICPS Guidelines provide for the constitution of State Adoption Resource Agency (SARA) in every State/UT, to coordinate, monitor and develop the work of adoption, liaison with DCPU at District level and to provide technical support to CWC in carrying out adoption.

Specialised Adoption Agency (SAA) is a Childcare Institution for housing orphans, abandoned and surrendered children, placed there by orders of the CWC, for the purpose of adoption. The process of adoption is as given in **Figure 6.1**.

**Figure 6.1: Process of adoption**



JJ Act, 2015 stipulates that the State Government shall recognise one or more institutions or organisations in each district as SAA. Audit observed that no SAA was recognized in two<sup>18</sup> out of the 10 districts. Thus, there was no dedicated mechanism to facilitate adoption of orphan, abandoned and surrendered children in these two districts.

In the remaining eight districts, there were total 9 SAAs, out of which one<sup>19</sup> is run by the Government, three<sup>20</sup> by NGOs aided by Government, and the remaining five are run by NGOs on their own. Out of the four SAAs either run by the Government directly or through aided NGOs, audit examined the records and conducted Joint Physical Verification of two SAAs.

As already mentioned in the paragraph relating to delay in declaring children free for adoption by CWCs, a delay in this process leads to prolonging the stay of children in the CCIs apart from decreasing the possibility of a child getting adopted. Therefore, in order to provide the children the best possible care, Government needs to streamline the adoption process so as to avoid delays in the process. However, from the records of two SAAs examined, Audit observed delays at various stages, as described in the following paragraphs:

### **6.1 Delays in uploading the Certificate issued by CWC declaring the child free for adoption**

Regulation 29 (1) (d) of Adoption Regulations, 2017 stipulates that SAA shall upload the Certificate, issued by the Child Welfare Committee, declaring the child legally free for adoption in Child Adoption Resource Information and

<sup>18</sup> East District and North-East District.

<sup>19</sup> Foster Care & Adoption Service Centre (SAA) Jail Road, New Delhi.

<sup>20</sup> Matri Chhaya, Paharganj; Welfare Home for Children, Sarita Vihar; and Asharan Orphanage, Peeragarhi.

Guidance System (CARINGS) within 48 hours from the receipt of such Certificate. Audit noticed that SAA, Foster Care and Adoption Service Centre, Nirmal Chhaya Complex, uploaded certificates declaring the children legally free for adoption in respect of six out of 14 children after delays ranging from 14 to 88 days and in two cases, with delays of 496 and 625 days.

In its reply, DWCD stated (December 2021) that delay in uploading the Certificate issued by CWC is due to delay in publication of advertisements of orphan, abandoned and missing children etc. Reply is not acceptable as these activities are done before issuing the Certificate declaring the child free for adoption by CWC.

### **6.2 Delays in uploading Child Study Report and Medical Examination Reports**

Regulation 7 (18) of the Adoption Regulations, 2017 stipulates that Child Study Report (CSR) and Medical Examination Report (MER) of the surrendered child shall be prepared and posted by the SAA in CARINGS, within ten days from the date the child is declared legally free for adoption by CWC. Audit observed that CSR and MER of five children were uploaded after delays ranging from 23 to 195 days and in two cases, after 396 and 813 days and for 10 children, they were not uploaded at all.

In its reply, DWCD stated (December 2021) that the CSR and MER is prepared by the SAA officials in consultation with various other authorities including the Doctor, which takes time in its preparation. No specific reply was furnished by DWCD in cases pointed out by Audit. Fact remains that there were delays in uploading reports and there were also cases where these were not uploaded at all. Further, the specified time of 10 days in Regulations would have been laid after taking the routine factors in mind.

### **6.3 Delays in uploading the Home Study Report of Prospective Adoptive Parents**

Regulation 9 (10) of the Adoption Regulations, 2017 stipulates that Home Study Reports (HSRs) of the Prospective Adoptive Parents (PAPs) should be completed within 30 days from the date of submission of documents in CARINGS. Audit noticed that in 12 cases, the HSR of 20 (out of 96) PAPs were conducted by SAA, Sarita Vihar with delays ranging from 29 to 99 days and with delays ranging from 100 to 196 days in eight cases. Similarly, in 27 cases, HSR of 40 PAPs (out of 79) were conducted by Nirmal Chhaya with delays ranging from 16 to 87 days and with delays ranging from 115 to 202 days in 13 cases. The fee was also not collected from PAPs as prescribed by Central Adoption Resource Authority causing loss to Government exchequer amounting to ₹ 4.74 lakh.

In its reply, DWCD stated (December 2021) that due to the Pandemic and even at present, the PAPs are not willing for physical visits at their place of residence,

or do not make themselves available at the time of visit. It was further stated that virtual verification has to be carried out twice or thrice before finally uploading the HSR on the CARINGS Portal. The SAA at Nirmal Chhaya is a Government run institution wherein, HSR fees are not taken from PAPs.

The reply is not acceptable as delays in uploading reports pointed out by audit pertain to the period prior to the Pandemic. Further, the fee is to be collected from all the PAPs as per provisions of JJ Act and Adoption Regulations.

#### **6.4 Delays in filing Adoption Petition before Court**

Regulation 12(1) of Adoption Regulation, 2017 stipulates that SAA shall file Adoption Petition before the Court within 10 working days from the date of acceptance of the child by the adoptive parents.

Audit noticed that in 14 out of 24 test checked cases (58 per cent), SAA, Sarita Vihar filed adoption petitions before the Court after delays ranging from 32 to 92 days. In respect of SAA Nirmal Chhaya, three<sup>21</sup> out of 14 children were reserved by PAPs, however, the SSA had not filed Adoption Petition in respect of these children despite their acceptance by PAPs, the oldest case being of November 2019.

In its reply, DWCD stated (December 2021) that though the documents were ready, application could not be filed in the respective Adoption Court as the functioning of Courts were suspended during the relevant period due to Covid-19 lockdown. The reply is not acceptable as nine cases pertained to periods (between September 2017 and November 2019) prior to Covid-19 lockdown.

***Recommendation no. 11: Specialized Adoption Agencies may timely upload necessary information including Study Reports of prospective parents and details of children for adoption in the relevant Web Portal and file adoption petitions before the Court without delay. Responsibilities for delays should be fixed.***

#### **6.5 Delays in preparation of Post-Adoption Follow-up Report**

Regulation 13 (1) of Adoption Regulations, 2017 stipulates that the SAA which has prepared the Home Study Report, shall prepare the Post-Adoption Follow-up Report on six monthly basis for two years from the date of Pre-Adoption Foster Placement with the Prospective Adoptive Parents, and upload the same in CARINGS along with photographs of the child. Further, Regulation 29(6)(C) (vii) also provides that every SAA shall keep Post-Placement Progress Reports in the case file of each child.

Audit noticed that 150 follow-ups for 59 children were to be conducted between January 2013 and July 2021 by the SAA, Nirmal Chhaya, however, no follow-up was conducted in respect of 44 children. In respect of the remaining 15 children, only 19 out of 57 six monthly Post Adoption Follow-up were conducted. Further, Follow-up Reports were also not kept in the respective case

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<sup>21</sup> Date of acceptance are 22.11.2019, 27.08.2020 and 27.01.2021

files. In the absence of follow up, SSA could not be certain if the children were being adequately taken care of and not being mistreated by the adoptive parents.

In its reply, DWCD stated (December 2021) that due to Covid-19 lockdown and restricted movement, physical visits for follow up could not be undertaken, however, follow up was ensured through telephonic contacts.

Reply is not acceptable as Post Adoption Follow-up was not conducted even in 44 cases pertaining to the period prior to December 2019.

### **6.6 Delay in declaring children legally free for Adoption**

Rule 6 of the Adoption Regulations, 2017 stipulates the procedure relating to adoption of children which includes advertisement in national newspapers, to ascertain whether the child is abandoned, orphan or missing and to obtain report from local police regarding non-traceability of biological parents or legal guardians etc. Adoption Regulations, 2017, also provide that CWC is required to declare an abandoned or orphan child as legally free for adoption after expiry of two or four months from the date of production of the child before CWC in case of a child up to two or above two years of age respectively. Audit observed that during the period from 2018-19 to 2020-21, 36<sup>22</sup> children were declared legally free for adoption after considerable delays ranging from three to 64 months. Delay in declaring children free for adoption deprived them a chance to become a part of a family with parental care apart from prolonging their stay in CCIs. Further, the possibility of a child getting adopted may decrease with increase in age which is all the more reason for avoiding delays in declaring them free for adoption.

In its reply, DWCD stated (December 2021) that the process for declaring a child legally free for the purpose of adoption requires compliances from different stakeholders i.e. District Child Protection Unit for Case history and Social Investigation, Medical Officer/ Board for age determination which causes delays. It was further stated that the process has been streamlined now and children are being declared legally free on time.

### **6.7 Schemes for ‘Sponsorship’ and ‘Foster Care’**

As per Rule 24 of JJ Model Rules, 2016, the State Government shall prepare a Sponsorship Programme. “Sponsorship” means provision of supplementary support, financial or otherwise, to the families to meet the medical, educational and developmental needs of the child. Sponsorship Programme was to be implemented by DCPU which was to provide a panel of persons or organizations interested in sponsoring a child. The scheme was yet to be implemented by GNCTD.

Further, as per Rule 23 of JJ Model Rules, 2016, the children in need of care and protection may be placed in Foster Care, and the DCPU shall be the nodal authority for implementing the Foster Care Programme in a District. “Foster Care” means

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<sup>22</sup> CWC-II, Lajpat Nagar (15) and CWC-V, Dilshad Garden (21)

placement of a child, by the Committee for the purpose of alternate care in the domestic environment of a family, other than the child’s biological family. Audit observed that DWCD did not implement the Foster Care Scheme either.

Due to not implementing these Schemes, the growth and development of the child in a family environment could not be achieved, especially in cases where the families/relatives and other individuals are desirous of helping the children but are unable to do so due to financial constraints. Implementing these schemes efficiently would also have facilitated de-institutionalization of children from CCIs through rehabilitative measures.

In its reply (December 2021), DWCD accepted the audit contention and stated that the SOPs and guidelines have been issued in June 2021 and uploaded on the website along-with advertisements seeking applications for recognition of Fit Person/ Foster Parents and Fit facilities/Group Foster Care.

***Recommendation no. 12: Effective, efficient and timely implementation of Sponsorship Scheme and the scheme of Foster Care needs to be ensured. Follow-up of adopted children as per fixed time lines needs to be scrupulously done.***

New Delhi

Dated: 02 February 2023



(AMAN DEEP CHATHA)

Principal Accountant General (Audit), Delhi

Countersigned



New Delhi

Dated: 14 February 2023

(GIRISH CHANDRA MURMU)

Comptroller and Auditor General of India

