

Adoption Procedure for Intercountry Relative Adoption

53. Inter-country relative adoptions:

1. A Non-Resident Indian or an Overseas Citizen of India, interested to adopt a relative's child, may approach an Authorised Foreign Adoption Agency or the Central Authority in the country of residence for preparation of their Home Study Report and for online registration in Child Adoption Resource Information and Guidance System.
2. In case there is no Authorised Foreign Adoption Agency or Central Authority in their country of residence, then the prospective adoptive parents interested to adopt a relative's child shall approach the Government department concerned or Indian diplomatic mission (in cases of Indian citizens) in that country.
3. The Authorised Foreign Adoption Agency or Central Authority or the department concerned or the Indian diplomatic mission (in cases of Indian citizens), as the case may be, on completion of the Home Study Report, shall register the application of the prospective adoptive parents in Child Adoption Resource Information and Guidance System along with the required documents as mentioned in **Schedule VI**.
4. Any person, who takes or sends a child to a foreign country or takes part in any arrangement for transferring the care and custody of a child to another person in a foreign country without a valid order from the competent Court, shall be punishable as per the provisions of **section 80** of the Act.

54. Prior approval for inter-country relative adoption from Authority:

1. On receipt of all requisite documents on Child Adoption Resource Information and Guidance System, the Authority shall forward the same to District Child Protection Unit for obtaining family background report of the child proposed for adoption, as provided in **Schedule XXI**.
2. The District Child Protection Unit shall get the family background report conducted by its social worker and for this purpose, it can charge a fee as stipulated in the norms prescribed by the Authority from time to time.
3. District Child Protection Unit shall forward a copy of the family background report of the child and the biological family to the Authority for onward submission to Authorised Foreign Adoption Agency or Central Authority or Indian Mission abroad.
4. On receiving family background report of the relative's child, the Authority shall forward the same to the receiving country as required under **Articles 15 and 16** of the Hague Adoption Convention along with a pre-approval letter supporting the proposed adoption.
5. The Authorised Foreign Adoption Agency or Central Authority, on receiving requisite documents as stipulated in **sub regulation (3)**, shall arrange to forward a certificate under **Article 5 or Article 17** of the Hague Adoption Convention to the Authority.
6. In case of countries which are not signatories to Hague Adoption Convention, in respect of Indian citizens, family background report of the relative's child and prior approval letter from the Authority shall be forwarded to the Indian Mission of that country which will issue a recommendation letter to the Authority.

55. Legal Procedure:

1. The prospective adoptive parents, who intend to adopt the child of a relative as defined in **sub-section (52) of section 2** of the Act, shall file an application in the competent court under **sub-section 2 of section 56 or sub section (1) of section 60** of the Act in case of in-country relative adoption or inter-country relative adoption, respectively, alongwith a consent letter of the biological parents as provided in **Schedule XIX** and all other documents as provided in **Schedule VI**.
2. The biological parent and the step-parent, who intend to adopt the child or children of the biological parent, shall file the adoption application as provided in **Schedule XXXII**, in the court concerned of the district where they reside, along with consent letter of the biological parents and the step-parent adopting the child or children, as provided in the **Schedule XX** and all other documents as provided in **Schedule VI**.
3. The prospective adoptive parents, in case of inter-country relative adoption, shall file the adoption application in the court concerned of the district, where the child resides with biological parents or guardians as provided in **Schedule XXXI**.
4. The prospective adoptive parents shall file an application in Family Court or District Court or City Civil Court, as the case may be.
5. Before issuing an adoption order, the court shall satisfy itself of the various conditions stipulated under **section 61** of the Act, and **regulations 51 to 56**, as the case may be.
6. The prospective adoptive parents shall obtain a certified copy of the adoption order from the court and furnish a copy of the same to the District Child Protection Unit for online submission to the Authority.

56. No Objection Certificate of Authority:

In case of all inter-country adoptions, the Authority shall issue No Objection Certificate in favour of the adoption of the child within ten days from the date of receipt of adoption order forwarded by the District Child Protection Unit and a copy of the same shall be forwarded to the Authorised Foreign Adoption Agency or Central Authority concerned.

57. Issue of Conformity Certificate:

The Authority shall issue a Conformity Certificate under Article 23 of the Hague Adoption Convention in the format provided in **Schedule X** within three working days from the date of availability of the adoption order in the Child Adoption Resource Information and Guidance System, in case the receiving country of the adopted child is a Hague Adoption Convention signatory.