



BENCH BOOK

FOR

ADOPTIONS





An Adoption Poem

The Gift of Life

I didn't give you
the gift of life,
But in my heart
I know.

The love I feel is
deep and real,
As if it had been so.

For us to have
each other
Is like a dream
come true!

No, I didn't give you
The gift of life,
Life gave me
the gift of you.

— AUTHOR UNKNOWN —



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PART - 1

PERSPECTIVE ON

ADOPTION

*Home, Family & Future
for Every Child*





1. **Introduction**. ‘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. (Sec 2(2) of the Juvenile Justice (Care & Protection of Children) Act, 2015 (JJ Act, 2015) & Sec 12 of Hindu Adoption and Maintenance Act, 1956 (HAMA))

1.1 ‘Adoption’ – As defined in Sec 56 of JJ Act , 2015.

- (a) Adoption shall be resorted to for ensuring right to family for the orphan, abandoned and surrendered children, as per the provisions of this Act, the rules made thereunder and the adoption regulations framed by the Authority.
- (b) Adoption of a child from a relative by another relative, irrespective of their religion, can be made as per the provisions of this Act and the adoption regulations framed by the Authority.
- (c) Nothing in this Act shall apply to the adoption of children made under the provisions of the Hindu Adoption and Maintenance Act, 1956.
- (d) All inter-country adoptions shall be done only as per the provisions of this Act and the adoption regulations framed by the Authority.
- (e) 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 Court, shall be punishable as per the provisions of section 80.

1.2 The Fundamental Principles that shall govern Adoption of children from India, are as follows (Reg 3 of Adoption Regulations 2017)

- (a) the child's best interests shall be of paramount consideration, while processing any adoption placement;
- (b) 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;
- (c) all adoptions shall be registered on Child Adoption Resource Information and Guidance System and the confidentiality of the same shall be maintained by the Authority.



PART - 2

LAWS, RULES & REGULATIONS

GOVERNING

ADOPTIONS IN INDIA





2 Presently, there are 2 Acts, under which adoption of children can be undertaken in India:-

- (a) Hindu Adoption Maintenance Act, 1956 (HAMA)
- (b) Juvenile Justice (Care & Protection of Children) Act, 2015 (JJ Act)
 - (i) Model JJ Rules, 2016 (JJ Rules)
 - (ii) Adoption Regulations, 2017 (AR 2017)

2.1 Hindu Adoption and Maintenance Act, 1956 (HAMA)

2.1.1 This Act pertains only to Hindus, wherein a Hindu parent/guardian can give a child in adoption to another Hindu parent (**Sec 2 of HAMA**)

2.1.2 The requisites of a valid adoption under HAMA can be ascertained by the following (**Sec 6 of HAMA**):

- (a) the person adopting has the capacity, and also the right, to take in adoption;
- (b) the person giving in adoption has the capacity to do so;
- (c) the person adopted is capable of being taken in adoption; and
- (d) the adoption is made in compliance with the other conditions mentioned

2.1.3 Under this Act, a parent can adopt a male child, if he does not have any male child or male grand-child or can adopt a female child, if he does not have any female child or female grand-child.

- (a) **Sec 7 of HAMA:** Any male Hindu who is of sound mind and is not a minor has the capacity to take a son or a daughter in adoption. Provided that, the adoption takes place with the consent of the wife/wives (where husband is adopter and wife is merely consenter).
- (b) **Sec 8 of HAMA:** Any female Hindu who is of sound mind, who is not a minor, and who is not married (unmarried, divorcee or widow has the capacity to take a son or daughter in adoption.

2.1.4 **Sec 10 of HAMA:** Under this Act, No person shall be capable of being taken in adoption unless the following conditions are fulfilled, namely-



- (a) he or she is a Hindu;
- (b) he or she has not already been adopted;
- (c) he or she has not been married, unless there is a custom or usage applicable to the parties which permits persons who are married being taken in adoption;
- (d) he or she has not completed the age of fifteen years, unless there is a custom or usage applicable to the parties which permits persons who have completed the age of fifteen years being taken in adoption.

2.1.5 Under this act, valid adoptions are defined as follows (Sec 11 of HAMA)

- (a) if any adoption is of a son, the adoptive father or mother by whom the adoption is made must not have a Hindu son (whether by legitimate blood relationship or by adoption) living at the time of adoption;
- (b) if the adoption is of a daughter the adoptive father or mother by whom the adoption is made must not have a Hindu daughter (whether by legitimate blood relationship or by adoption) living at the time of adoption;
- (c) if the adoption is by a male and the person to be adopted is a female, the adoptive father is at least twenty-one years older than the person to be adopted;
- (d) if the adoption is by a female and the person to be adopted is a male, the adoptive mother is at least twenty-one years older than the person to be adopted;
- (e) the same child may not be adopted simultaneously by two or more persons;
- (f) The child to be adopted must be actually given and taken in adoption by the parents or guardian concerned.

2.1.6 Adoption can be concluded through a registered Adoption deed through court, subject to compliance with the provisions of the Act (Sec 16 of HAMA).

2.1.7 A valid adoption cannot be cancelled (Sec 15 of HAMA).



2.1.8 No person shall receive or agree to receive /shall give or agree to give to any other person any payment or reward in consideration of the adoption (Sec 17 of HAMA).

2.1.9 Courts permission to adopt under this act is required only in the following cases (Sec 9(4) of HAMA):

- (a) where both the father and mother are dead;
- (b) where both the father and mother have completely and finally renounced the world;
- (c) where both the father and mother have abandoned the child;
- (d) where both the father and mother have been declared to be of unsound mind by the court concerned;
- (e) where the parentage of the child is not known.

2.2 Juvenile Justice (Care & Protection of Children) Act, 2015 (JJ Act)

2.2.1 This is a secular Act, under which a couple or a single parent can adopt an orphan / abandoned / surrendered child (Sec 56(1) & 58(1) of the JJ Act, Reg 4 (a) of AR 2017).

2.2.2 Nothing in this act shall apply to adoption of children made under the provisions of HAMA (Sec 56(3) of the JJ Act).

2.2.3 Adoptions under this act shall be defined by the following:-

- (a) As per Sec 38 of the JJ Act, an Orphan, Abandoned & Surrendered (OAS) child/children is declared legally free for adoption by the Child Welfare Committee (CWC) (Sec 38 of JJ Act & Reg 6, 7 of AR 2017).
- (b) Children of relatives, as defined in Sec 2(52) of the JJ Act, can also be adopted by In-country parents (Sec 56(2) of the JJ Act & Reg 51 of AR 2017).
- (c) Children of relatives, as defined in Sec 2(52) of the JJ Act, can also be adopted by Inter-country parents (Sec 60 of the JJ Act & Reg 53, 54 of AR 2017).



- (d) All Inter-country adoptions shall be done as per the provisions of this Act and Adoption Regulations framed by the Authority. (Sec 56(4) of the JJ Act)
- (e) Children up to the age of 18 years can be adopted (Sec 2(12) of JJ Act).
- (f) Detailed procedure for adoption has been defined in AR, 2017, formulated by Central Adoption Resource Authority (CARA) and notified the Government of India, under the JJ Act 2015.

2.2.4 Under this Act, the eligibility of the Prospective Adoptive Parents (PAPs) is defined by Sec 57 of the Act and Reg 5 of AR 2017, which is elaborated as follows:-

- (a) The prospective adoptive parents shall be physically fit, financially sound, mentally alert and highly motivated to adopt a child for providing a good upbringing to him.
- (b) In case of a couple, the consent of both the spouses for the adoption shall be required.
- (c) A single or divorced person can also adopt, subject to fulfilment of the criteria and in accordance with the provisions of adoption regulations framed by the Authority.
- (d) A single male is not eligible to adopt a girl child.
- (e) No child shall be given in adoption to a couple unless they have at least two years of stable marital relationship.
- (f) The age of prospective adoptive parents, as on the date of registration, shall be counted for deciding the eligibility and the eligibility of prospective adoptive parents to apply for children of different age groups shall be as under:-

Age of the Child	Maximum composite age of PAPs (Couple)	Maximum age of single PAP
Up to 4 yrs	90 yrs	45 yrs
Above 4 yrs and below 8 yrs	100 yrs	50 yrs
Above 8 yrs up to 18 yrs	110 yrs	55 yrs

- (g) The minimum age difference between the child and either of the prospective adoptive parents shall not be less than twenty-five years.



- (h) The age criteria for prospective adoptive parents shall not be applicable in case of relative adoptions and adoption by step-parent.
- (i) Couples with three or more children shall not be considered for adoption except in case of special need children as defined in **Reg 2(12) of AR 2017**, hard to place children as mentioned in **Regulation 50** and in case of relative adoption and adoption by step-parent.
- (j) The eligibility and suitability of the PAPs is ascertained through a Home Study done by the Specialised Adoption Agency (SAA) (**Sec 58(2) of the JJ Act and Reg 9(13) of AR 2017**).

2.2.5 The Court procedure followed for Adoption under the JJ Act is defined in **Sec 61 of the JJ Act and read with Reg 12, 17 & 55 of AR 2017**.

2.2.6 Post adoption Follow up of the adoptive family both in case of In-country and Inter-country is undertaken for 2 years by the SAA and the Authorised Foreign Adoption Agency (AFAA) respectively (**Reg 13 & 19 of AR 2017 respectively**).

2.3 Salient aspects of Adoption under HAMA and JJ Act, are as tabulated underneath:-

	HAMA	JJ ACT
(a)	Only for Hindus	A Secular Act
(b)	Same sex children cannot be adopted	No such conditions
(c)	Children only up to 15 years of age can be adopted	Children up to 18 years of age can be adopted
(d)	Registered deed finalizes adoption, court permission required in some cases	Adoption order finalizes adoption, deed is not required
(e)	An OAS child in SAA/CCI belongs to the State & cannot be adopted under HAMA. Such application should not be entertained by the courts	JJ Act provisions for rehabilitation of OAS children in the SAA/CCI and these children have to be placed in adoption under this Act



(f)	Suitability of the PAPs, sourcing of the child and the post-adoption follow up cannot be ascertained/ensured for adoption under HAMA	Welfare & Best Interests of the Child is ensured due to the built in mechanisms in the JJ Act
(g)	Courts may require services of Scrutiny Committee in case declaratory suit is filed for adoptions under HAMA	There is no requirement of scrutiny and the same has not been envisaged under JJ Act due to the built in scrutiny mechanisms.
(h)	Inter-country adoptions can not be done under HAMA as these fall under private and direct adoption and is not supported by Hague Convention on Adoptions (Para 22 & 23 of Ch 6 of Hague Convention Information Brochure)	All Inter-country adoptions shall be done as per provisions of this Act. (Section 56(4) of the JJ Act, 2015)

2.4 Guardianship and Wards Act (GAWA)

2.4.1 This is not an Adoption Law as it does not establish a parent child relationship; it only establishes a Guardian and Ward relationship only till the child attains 18 years of age (Sec 41(c) read with Sec 4(1)).

2.4.2 The cases applicable under GAWA are admissible under Civil Miscellaneous Applications (CMA) or Miscellaneous Judicial Case (MJC).

2.4.3 The eligibility for applying for guardianship order and the court procedure as per CPC, 1908 is defined under Sec 7 to 26 of GAWA, 1890.

(a) Guardianship petitions can only be filed by a person entitled as defined in Sec 8 of GAWA.



- (b) PAPs are resorting to filing an application under GAWA for taking custody of OAS children with a view to undertake adoption under HAMA through a deed.
- (c) Rehabilitation of OAS children has to be as per the JJ Act 2015 and such petitions shall not to be entertained.
- (d) In case of applicant being given guardianship under GAWA, the interest of the child cannot be ensured in the absence of proper eligibility check and follow up.
- (e) The Guardian and the Ward have no legal rights and responsibilities towards each other as soon as the child attains majority (18 years).



PART - 3

ADOPTIONS UNDER

JJ ACT 2015



ADOPTION REGULATIONS 2017





3.1 **The Fundamental principles governing Adoptions under JJ Act:-**

- (a) Adoption shall be resorted to for ensuring right to family for the orphan, abandoned and surrendered children, as per the provisions of this Act, the rules made thereunder and the adoption regulations framed by the Authority **(Sec 56 (1) of JJ Act)**.
- (b) No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved in such matter, under any other law for the time being in force, nor shall the picture of any such child be published **(Sec 74 (1) of JJ Act)**.
- (c) Provided that for reasons to be recorded in writing, the Board or Committee, as the case may be, holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the best interest of the child **(Sec 74 (2) of JJ Act)**.
- (d) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of **(Sec 74 (3) of JJ Act)**.
- (e) Any person contravening the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to two lakh rupees or both **(Sec 74 (4) of JJ Act)**.

3.2 **The Fundamental principles governing Adoptions under the Adoption Regulations 2017 (Reg 3 of AR 2017):-**

- (a) The child's best interests shall be of paramount consideration, while processing any adoption placement.
- (b) 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.
- (c) All adoptions shall be registered on Child Adoption Resource Information and Guidance System and the confidentiality of the same shall be maintained by the Authority.



3.3 **Declaring a Child Legally Free for Adoption.** For all adoptions under the JJ Act and Adoption Regulations 2017, the child/children should be declared legally free by Child Welfare Committee (CWC) **as defined in Chapter V of JJ Act (Please refer Annexure 2).**

3.3.1 **Process for declaring Orphan/Abandoned children legally free for Adoption:-**

- (a) Social investigation completed within 15 days and the report be provided to the CWC by the SAA/CCI and DCPU within 30 days to enable the CWC to pass the final order within 4 months of first production of the child **(Sec 36(1)(2), 38 of JJ Act & Reg 6(10)(14) of AR 2017).**
- (b) CWC to declare the child legally free for adoption if biological parent/legal guardian could not be traced out within a period of 2/4 months in case of a child younger/older than 2 years respectively from the date of production of child **(comments under Sec 38 of JJ Act & Reg 6(13) of AR 2017).**
- (c) Non receipt of Police report within stipulated time frame of 2/4 months in case of a child younger/older than 2 years respectively shall be deemed to have been given **(Reg 6(11) of AR 2017).**
- (d) At least 3 members of the CWC shall sign the order declaring the child legally free for adoption **(Sec 38(4) of the JJ Act & Reg 7(17) of AR 2017).**
- (e) In case of siblings or twins, they shall be declared legally free in a single order by CWC **(Reg 6(19) of AR 2017).**
- (f) After the certificate declaring the child legally free for adoption is uploaded by the SAA (within 48 hours from the receipt of such certificate **(Reg 29 (d) of AR 2017)** on CARINGS, only then the child is referred to the registered and eligible PAPs.

3.3.2 **Process for declaring surrendered children legally free for adoption:-**

- (a) Parent or guardian wanting to relinquish a child due to physical, emotional and social factors beyond their control shall produce the child before CWC for surrendering the child **(Sec 5(1) of JJ Act & Reg 7(1) of AR 2017).**



- (b) After due counselling, the child can be surrendered 'in camera' (Reg 7(22) of AR 2017) and a surrender deed as per Schedule V of AR 2017 shall be executed by the parent or guardian before the CWC (Sec 35(2) of JJ Act and Reg 7(2) to 7(9) of AR 2017).
- (c) Two months reconsideration period is available to the parents or guardian surrendering the child from the date of surrender (Sec 35(3) of JJ Act, Reg 7(12) of AR 2017).
- (d) No public notice or advertisement shall be issued in case of surrendered child and due regard to be given to privacy of surrendering parents (Reg 7(13)(14)(20) of AR 2017).
- (e) CWC shall issue an order declaring the child legally free for adoption after the expiry of 60 days from the date of surrender as per schedule 1 of AR 2017 (Reg 7(17) of AR 2017).

3.4 Types of Adoptions

3.4.1 In-country Adoptions

- (a) Adoption of OAS Children – **Annexure 3**
- (b) Relative Adoption – **Annexure 4**
- (c) Adoption by Step Parents – **Annexure 5**

3.4.2 Inter-country Adoptions

- (a) Adoption of OAS Children – **Annexure 6**
- (b) Relative Adoption – **Annexure 7**



PART - 4

HAGUE CONVENTION

FOR

INTER COUNTRY ADOPTIONS





4. **The Hague Convention** of 29 May 1993 on Protection of Children and Co-operation in Respect of Inter-country Adoption (Hague Adoption Convention) protects children and their families against the risks of illegal, irregular, premature or ill-prepared adoptions abroad. This Convention, which operates through a system of national Central Authorities, reinforces the UN Convention on the Rights of the Child (Art. 21) and seeks to ensure that Inter-country adoptions are made in the best interests of the child and with respect for his or her fundamental rights. It also seeks to prevent the abduction, the sale of, or traffic in children. India became signatory to this convention in the year 2003

4.1 Conclusions and Recommendations of the Special Commission on the practical operation of the 1993 Hague Convention (17-25 June 2010) Website: www.hcch.net

4.1.1 Private and independent adoptions

- (a) **Para 22:** Adoptions which are arranged directly between birth parents and adoptive parents (i.e., private adoptions) are not compatible with the Convention.
- (b) **Para 23:** Independent adoptions, in which the adoptive parent is approved to adopt in the receiving State and, in the State of origin, locates a child without the intervention of a Central Authority or accredited body in the State of origin, are also not compatible with the Convention.
- (c) **Para 24:** It was strongly recommended that training be provided for judges and other authorities or persons exercising functions under the Convention. This training should address in particular the problems surrounding private and independent adoptions, as well as other possible ways in which the procedures and safeguards of the Convention are circumvented.

4.2 NOC for Inter-country Adoptions

- 4.2.1 All Inter-country adoption shall only be under the provisions of JJ Act & AR 2017 (Section 56(4) of the JJ Act).
- 4.2.2 NOC is mandatory for all Inter-country adoption under Hague Convention.



4.2.3 It is issued by the Central Authority of sending country (CARA, in case India) after receipt of Article 5 & 17 from the receiving country as per the format given at **Schedule X of AR 2017 (Reg 16(1) of AR 2017)**.

4.3 Article 5 & 17 of Hague Convention

4.3.1 **Article 5:** An adoption within the scope of the Convention shall take place only if the competent authorities of the receiving State–

- (a) have determined that the prospective adoptive parents are eligible and suited to adopt;
- (b) have ensured that the prospective adoptive parents have been counselled as may be necessary; and
- (c) have determined that the child is or will be authorised to enter and reside permanently in that State.

4.3.2 **Article 17:** Any decision in the State of origin that a child should be entrusted to prospective adoptive parents may only be made if–

- (a) the Central Authority of that State has ensured that the prospective adoptive parents agree;
- (b) the Central Authority of the receiving State has approved such decision, where such approval is required by the law of that State or by the Central Authority of the State of origin;
- (c) the Central Authorities of both States have agreed that the adoption may proceed; and
- (d) it has been determined, in accordance with Article 5, that the prospective adoptive parents are eligible and suited to adopt and that the child is or will be authorised to enter and reside permanently in the receiving State.



PART - 5

THE ROLE OF JUDICIARY



THE LEGAL PROCEDURE IN AN ADOPTION CASE



Adoption Request



5.1 **Role of Judiciary** . All adoptions under JJ Act, 2015 get completed on obtaining the Adoption Order from the Court concerned. The procedure for the same has been defined in **Sec 61 of the JJ Act, 2015, Rules 45 & 46 of the JJ Model Rules, 2016 and Reg 12, 17 & 55 of Adoption Regulations, 2017.**

5.1.1 **Sec 61(1) of the JJ Act 2015** specifies that the Court should make following considerations before issuing the adoption order:-

- (a) That the adoption is for the *welfare of the child*.
- (b) That due consideration has been given to the *wishes of the child* having regard to the age and understanding of the child.
- (c) That neither the PAPs have given and agreed to give nor the agency or the parent or guardian of the child in case of relative adoption has received or agreed to receive any payment or reward in consideration of the adoption, except as permitted under the adoption regulations framed by the Authority (CARA) towards the adoption fees or service charges or child care corpus.

5.1.2 **Sec 61(2) of the JJ Act 2015** has prescribed *In-camera hearing* and a *period of 2 months for completion of the judicial procedure*.

5.1.3 The above mentioned consideration can be ascertained by the Court from the following:-

- (a) Adoption application has well documented dossier wherein the Child Welfare Committee (CWC) certifies that the child is legally free for adoption, which is done following the due process as is defined under **Sec 38 of the JJ Act 2015 and Reg 6 & 7 of AR 2017.**
- (b) Further, the assessment of the eligibility of the Prospective Adoptive Parents (PAPs) is also determined through the Home Study conducted by designated social worker as defined in **Sec 57 and 58(2) of the JJ Act 2015 and Reg 9 (7) to (13) of the AR 2017.**
- (c) A copy of both the dossier declaring the child eligible for adoption and the Home Study Report (HSR) declaring the parent fit for being adoptive parent is placed for perusal of the court along with the application.



- (d) The Act provides for the child above five years of age, to give a written consent which is also submitted to the court as provided in **Paras 1(16) & 2(25) of Schedule IX of the AR 2017** and the consent of the child can also be ascertained when the Hon'ble Judges interact with the child during the in-camera hearing.
- (e) With regard to the payment aspect mentioned in **Sec 61(1)(c) of JJ Act**, this gets ensured as the entire adoption process is being regulated in a transparent manner through the online process known as Child Adoption Resource Information & Guidance System (CARINGS).
- (f) If the petitions have been filed as per Schedules **XXVIII to XXXII of the AR 2017** with CARINGS Registration number of the PAPs endorsed, compliance to **Sec 61(1) of JJ Act** can be established based on the checking of the procedure having been followed properly.

5.2 Court Procedure.

- 5.2.1 The application for five different types of adoptions as defined in Para 3.4 above shall be filed in court concerned within 10 days of matching of child (in case of In- Country adoptions)/Issue of NOC (in case of Inter-country adoptions). The five different types of model petitions for these are given as **Schedules XXVIII to XXXII of AR 2017**. Further procedure is defined in **Reg 12, 17 & 55 of AR 2017**.
- 5.2.2 The application filed in the court would include the documents as per **Schedule VI & IX of AR 2017 (Reg 12(1), 15(14) and 55(1))**. The same has been given at respective Annexures along with the Model application for all the types of adoptions under JJ Act.
- 5.2.3 The Important aspects common for all adoptions are detailed as follows:
 - (a) The prospective adoptive parents shall file an application in Family Court or District Court or City Civil Court, as the case may be.
 - (b) Before issuing an adoption order, the court shall satisfy itself of the various conditions stipulated under **Sec (61) of the JJ Act, and Reg (51) to (56) of AR 2017**, as the case may be.



- (c) 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.
- (d) In case of siblings or twins, the Specialised Adoption Agency shall file single application in the court.
- (e) Since an adoption case is non-adversarial in nature, the Specialised Adoption Agency shall not make any opposite party or respondent in the adoption application.
- (f) The court shall hold the adoption proceeding in-camera and dispose of the case within a period of two months from the date of filing of the adoption application by the Specialised Adoption Agency, as provided under **Sec 61(2) of the JJ Act**.
- (g) The adoptive parents shall not be asked in the adoption order to execute any bond or make investment in the name of the child, considering the fact that their psycho-social profile and financial status have already been ascertained from the Home Study Report and other supporting documents.
- (h) The Specialised Adoption Agency shall obtain a certified copy of the adoption order from the court and shall forward it to the prospective adoptive parents within ten days and it shall also post a copy of the order and update the relevant entries in the Child Adoption Resource Information and Guidance System.
- (i) Registration of an adoption deed shall not be mandatory as per the JJ Act.
- (j) The Specialised Adoption Agency shall apply to the birth certificate issuing authority for obtaining the birth certificate of the child within three working days from the date of issuance of adoption order, with the name of adoptive parents as parents, and date of birth as recorded in the adoption order and the same shall be issued by the issuing authority within five working days from the date of receipt of the application.
- (k) The Specialised Adoption Agency shall submit an affidavit to the court while filing a petition as provided in **Schedule XXIII**.



5.3 A checklist how Judges can ascertain that the petition filed is correct in all aspects, so that he can confirm the authenticity of the Adoption procedure before awarding an Adoption Decree.

5.3.1	Certificate of Child Welfare Committee (CWC)	The certificate awarded by the CWC to declare child/children legally free (Schedule I of AR 2017 read in accordance to Reg 2(5), 6(13) and 7(17) of AR 2017).
5.3.2	Home Study Report (HSR) of the Prospective Adoptive Parents (PAPs)	The Home Study Report is done in both In-Country and Inter-Country Adoptions in accordance with Schedule VII (Reg 2(11), 9(10) and 20(2) of AR 2017).
5.3.3	Minutes of Adoption Committee for Matching of the Child/Children with PAPs	The Adoption Committee minutes is also attached with the application as per Schedule XXVII of AR 2017.
5.3.4	Consent of the Older Child	Mandated as per Ser No 2(20), 3(2) & 4(2) of Schedule VI of AR 2017.
5.3.5	Adoption Fees	In Accordance with Reg 46 of AR 2017: (a) The PAPs shall bear the expenses for adoption, as prescribed by the Authority from time to time. (b) The Specialised Adoption Agency and the Authority may receive adoption fee from the prospective adoptive parents and utilise the funds in accordance with norms prescribed by the Authority from time to time. (c) The Specialised Adoption Agency is not permitted to accept any donation in cash or kind, directly or indirectly, from the prospective adoptive parents for adoption of a child.



5.4 Appearance of PAPs in Court

5.4.1 **In-country Adoption:** The Judge may summon the Prospective Adoptive Parents (PAPs) to appear in person with the child in his chamber, before he finalizes the Adoption Order.

5.4.2 **Inter-country Adoption:** In cases of PAPs habitually residing abroad and wanting SAA to represent on their behalf as well through a Power of Attorney, the PAPs appearance may be exempted and Adoption order can be finalised (Reg 17(2) of AR 2017).

5.5 Adoption Order

5.5.1 Adoption of the Child granted to the adoptive parents and they be declared parent of the child for all purpose of the law.

5.5.2 The new name as given by the adoptive parents must be recorded along with the date of birth of the child.

5.5.3 Direction must be given to the Birth Certificate issuing authority (name & place) to issue Birth Certificate within five working days from the date of receipt of application, with the child's name (as requested by the adoptive parents in the application), the date of birth, adoptive parents (names) as parents and the place of the SAA as place of birth (only the place).

5.5.4 Attested photograph of the child affixed in the Court order.



My Name is 'Today'

*We are guilty of many errors and many faults,
But our worst crime is abandoning the children;
Neglecting the fountain of life.
Many things we need can wait,
But the child cannot.
Right now is the time;
His bones are being formed,
His blood is being made,
His senses are being developed.*

*To him, we cannot answer, "Tomorrow",
His name is "Today".*

- by Gabriel Mistral



ANNEXURES





Annexure 1

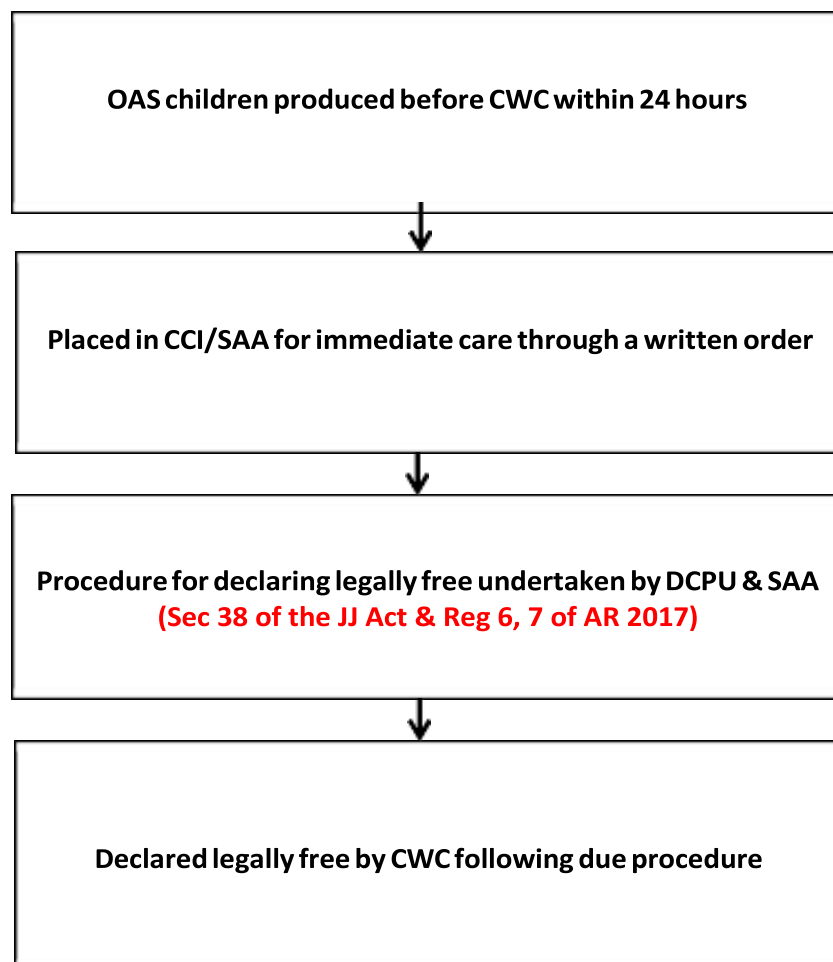
Glossary

- **AFAA:** Authorised Foreign Adoption Agency
- **AR 2017:** Adoption Regulations, 2017
- **CARA:** Central Adoption Resource Authority
- **CARINGS:** Child Adoption Resource Information & Guidance System
- **CCI:** Child Care Institutions
- **CMA:** Civil Miscellaneous Applications
- **CPC:** Code of Civil Procedure
- **CSR:** Child Study Report
- **CWC:** Child Welfare Committee
- **DCPU:** District Child Protection Unit
- **HSR:** Home Study Report
- **JJ Act:** Juvenile Justice (Care and Protection of Children) Act, 2015
- **JJ Rule:** Model Juvenile Justice Rule, 2016
- **MER:** Medical Examination Report
- **MJC:** Miscellaneous Judicial Case
- **NOC:** No Objection Certificate
- **PAPs:** Prospective Adoptive Parents
- **SAA:** Specialized Adoption Agency
- **SARA:** State Adoption Resource Agency



Annexure 2

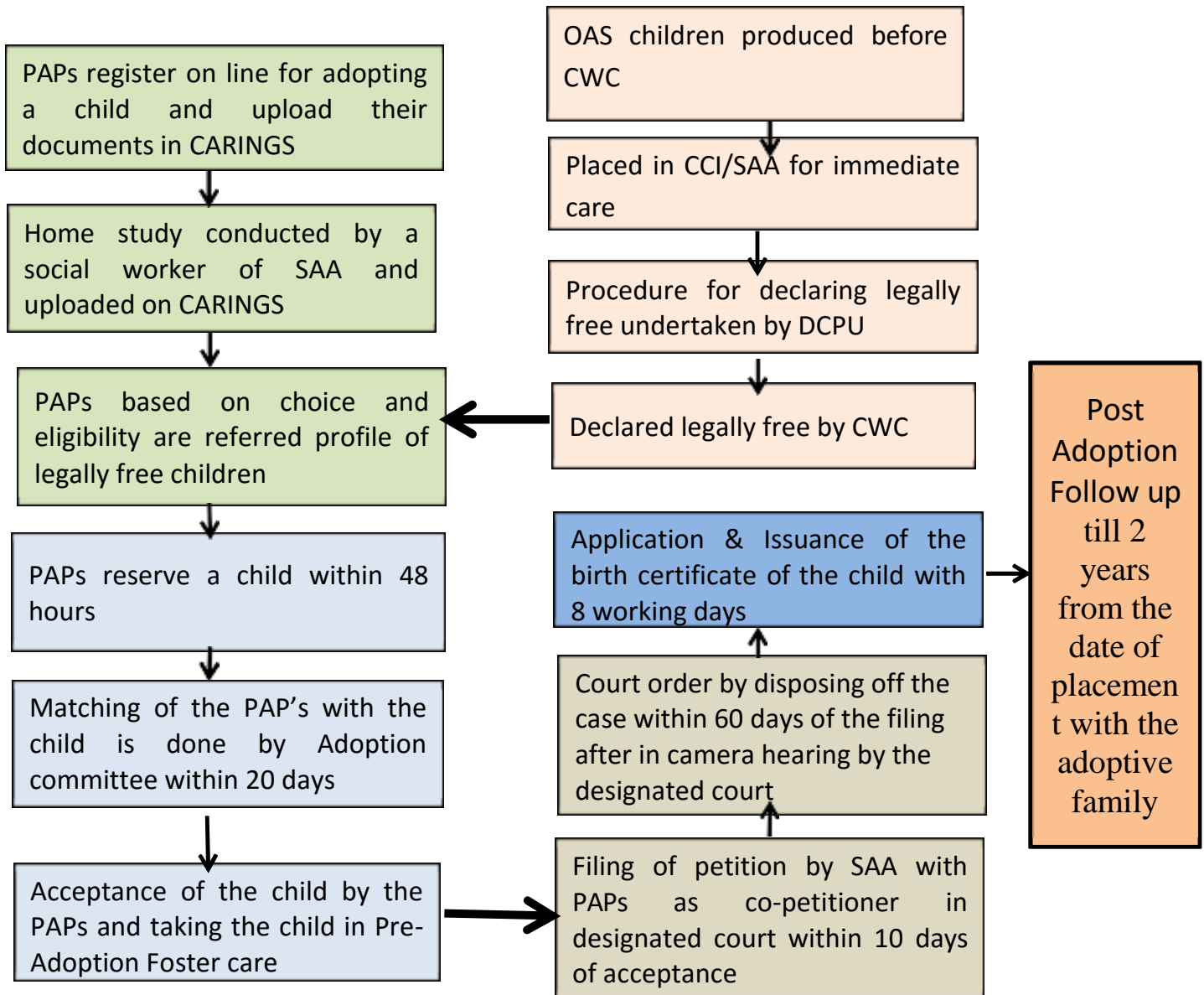
Process for Declaring a Child Legally Free for Adoption





Annexure 3

In- Country Adoption of OAS Children





Process followed for In-Country adoption of OAS children

The Legal Procedure to be followed in case of In-Country Adoption of Orphan or Abandoned or Surrendered Child/Children is as per **Reg 12 of AR 2017**)

- (a) The Specialised Adoption Agency shall file an application in the court concerned, having jurisdiction over the place where the Specialised Adoption Agency is located, with relevant documents in original as specified in Schedule IX within ten working days from the date of matching of the child with the prospective adoptive parents and in case of inter-country adoption, from the date of receiving No Objection Certificate from the Authority, for obtaining the adoption order from court.
- (b) The Specialised Adoption Agency shall file an application in the given format as per **Schedule XXVIII of AR 2017**, as applicable.
- (c) In case the child is from a Child Care Institution, which is not a Specialised Adoption Agency and is located in another district, the Specialised Adoption Agency shall file the application in the court concerned, in the district where the child or the Specialised Adoption Agency is located and in such a case, the Child Care Institution will be a co-petitioner along with the Specialised Adoption Agency and the Child Care Institution shall render necessary assistance to the Specialised Adoption Agency concerned.
- (d) In case of siblings or twins, the Specialised Adoption Agency shall file single application in the court.
- (e) Since an adoption case is non-adversarial in nature, the Specialised Adoption Agency shall not make any opposite party or respondent in the adoption application.
- (f) The court shall hold the adoption proceeding in-camera and dispose of the case within a period of two months from the date of filing of the adoption application by the Specialised Adoption Agency, as provided under **Sec 61(2) of the JJ Act**.
- (g) The adoptive parents shall not be asked in the adoption order to execute any bond or make investment in the name of the child, considering the fact that their psycho-social profile and financial status have already been ascertained from the Home Study Report and other supporting documents.



- (h) The Specialised Adoption Agency shall obtain a certified copy of the adoption order from the court and shall forward it to the prospective adoptive parents within ten days and it shall also post a copy of the order and update the relevant entries in the Child Adoption Resource Information and Guidance System.
- (i) Registration of an adoption deed shall not be mandatory as per the Act.
- (j) The Specialised Adoption Agency shall apply to the birth certificate issuing authority for obtaining the birth certificate of the child within three working days from the date of issuance of adoption order, with the name of adoptive parents as parents, and date of birth as recorded in the adoption order and the same shall be issued by the issuing authority within five working days from the date of receipt of the application.
- (k) The Specialised Adoption Agency shall submit an affidavit to the court while filing a petition as provided in Schedule XXIII.



Model Petition of In-country Adoption of OAS Children

SCHEDULE XXVIII **[See regulation 12(2)]**

MODEL APPLICATION IN CASE OF ORPHAN OR ABANDONED OR SURRENDERED CHILD(REN) TO COURT FOR IN-COUNTRY ADOPTION

In the Court of _____ Ld. District Judge/Addl. District Judge,
District Court/Principal Judge/Judge, Family Court or Civil Judge/Addl.
Civil Judge(Senior Division), as the case may be, at _____.

Misc. Civil Application (MCA) No. _____/Year
Child Adoption Resource Information and Guidance System Regd.
Number of prospective adoptive parents:

Name of the Specialised Adoption Agency concerned:
Registered Office at:
Through its Adoption In-charge/Social Worker (name and age)

Applicant

(Note: In case the child is from a Child Care Institution, the particulars of
such Child Care Institution may be mentioned here as co-applicant)

AND

1. Mr. _____ S/o _____ Aged about
_____ years, Citizen of _____, Occupation: _____
Permanent _____ Residential _____ address:
_____.
2. Mrs. _____ W/o _____ Aged about _____
years, Citizen of _____, Occupation: _____ Permanent
Residential Address: _____.

Prospective Adoptive Parents



Application in the matter of adoption of the child: _____
(male/female, DOB: _____) under section 58 (3) of the Juvenile
Justice (Care and Protection of Children) Act, 2015 (2 of 2016) read with
regulation 12 (2) of the Adoption Regulations.

The Applicant most respectfully submits before this Hon'ble Court as under:-

1. That the Applicant is a recognised Specialised Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children), 2015 (hereinafter referred to as "Juvenile Justice Act") by the State Government of _____, for rehabilitating orphan, abandoned and surrendered children through adoption in accordance with the provisions of the Juvenile Justice Act and Adoption Regulations.
2. That the Co-Applicant is a registered Child Care Institution, which is having the care and custody of the child: (male/female; DOB:.....) intends to give this child in adoption to the above named prospective adoptive parents through the applicant Specialised Adoption Agency as per the provision of Section 66 of the Juvenile Justice Act.
[**Note:** This paragraph would be mentioned in case the Adoption Application is being filed in a linkage case.]
3. The child/children..... (male/female, DOB:.....) has/have been declared legally free for adoption by the Child Welfare Committee (Child Welfare Committee), District (copy of order annexed), as per the provisions of section 38 of the Juvenile Justice Act and the said child is registered in the Child Adoption Resource Information and Guidance System with the Registration No....., for the purpose of adoption as envisaged in section 56 (1) of the Juvenile Justice Act.
4. That, the above named prospective adoptive parents are resident Indians, presently living at (complete address). The prospective adoptive parents are registered in the Child Adoption Resource Information and Guidance System with the Registration No. They have been found eligible and suitable to adopt the above named child/children as per the criteria mentioned in section 57 of the Juvenile Justice Act and regulation 5 of the Adoption Regulations, based upon their Home Study Report annexed. They have been found suitable by the Adoption Committee to adopt the above named child. A true copy of the decision of the Adoption Committee is also annexed.



5. That the above named child/children has/have been referred to the said prospective adoptive parents online through Child Adoption Resource Information and Guidance System and has been accepted by the said prospective adoptive parents by signing the Child Study Report and Medical Examination Report on.....The child/children has/have been given in pre-adoption foster care to the said prospective adoptive parents on, after obtaining a Pre-adoption Foster Care Affidavit (true copy annexed), as per the provisions of Section 58 (3) of Juvenile Justice Act and regulation 11 (1) of the Adoption Regulations.
6. That the prospective adoptive parents have undertaken in the said Pre-adoption Foster Care Affidavit that they will allow the authorised social worker/functionary of the Specialised Adoption Agency/District Child Protection Unit/State Adoption Resource Agency to visit their home for undertaking post-adoption follow up to ascertain the progress and well-being of the child in the adoptive family [as envisaged under Section 58 (5) of Juvenile Justice Act].
7. That the prospective adoptive parents have further undertaken to inform that any change in the place of their residence (other than as stated in this application), to the Applicant(s), State Adoption Resource Agency concerned and to this Court for the purpose of post adoption follow-up.
8. That the prospective adoptive parents have also undertaken to up-bring the said child/children as their own and to accord the same status/rights/privileges to the child/children at par with the natural born child as provided in pre-adoption foster care affidavit annexed with the Application.
9. That the Applicant/Co-applicant have decided to place the child/children in adoption as per decision of the Adoption Committee vide its meeting dated(copy Annexed).
10. That the conditions laid down in section 61 (1) of the Juvenile Justice Act have been complied with in this adoption case.
11. That the giver (s) and taker (s) have no interest directly or indirectly adverse to that of the child/children.
12. The applicant (s) are within the jurisdiction of this Hon'ble Court and hence this Hon'ble Court has jurisdiction to pass Adoption Order as per the provisions of section 2 (23), 58 (3) and 61 of the Juvenile Justice Act.
13. That the Applicants understand that the adopted child shall become the lawful child of the applicants with all the rights, privileges and responsibilities that are attached to a biological child.



14. That the Applicant(s) have not filed any other Application for the adoption of the said child in any other Court of Law.
15. That the prescribed court fees have been paid and affixed on this Application.
- 16. The Applicant(s), therefore, pray that :**
- (a) That the above named Prospective Adoption Parents may please be given the said child/children in adoption and be declared as the parents of the said minor for all purposes allowed by the law.
- (b) The Birth Certificate Issuing Authority (name and place) may please be directed to issue Birth Certificate for the said child/children within five working days from the date of application, as per the provisions of regulation 36 of the Adoption Regulations.

Place:

APPLICANT

NO. 1

Date:

APPLICANT

NO. 2

Photograph of the child	Photograph of the adoptive parent(s)



VERIFICATION

I/We, (1) Mr/Mrs....., aged about_____, Adoption In-charge/Social Worker of Applicant No. 1 (and Mr/Mrs....., aged about _____, Superintendent/Manager/Director of the Applicant No. 2), do hereby state on oath and solemnly affirm that the contents of this Application are true and correct to the best of my/our knowledge and belief and the information and documents presented with this Application are genuine. In witness whereof we have signed the same at on thisday of.....

Applicant No.1

Applicant No. 2

Index

Ser No	Documents to be annexed as provided in Schedule IX of the Adoption Regulations	Reference	Page No.



**List of Documents Included with the Model Petition of In-country
Adoption of OAS Children**

**To be obtained from the Prospective Adoptive Parents (PAPs) by the
Specialised Adoption Agency**

- (a) Current family photograph/ photograph of the couple or person adopting a child
- (b) PAN Card of the prospective adoptive parents
- (c) Birth certificate/Proof of date of birth of the prospective adoptive parents
- (d) Proof of residence (Aadhar card/ voter card/ passport/current electricity bill/telephone bill)
- (e) Proof of income of last year (salary slip/income certificate issued by Govt. department/income tax return)
- (f) Certificate from a medical practitioner certifying that the prospective adoptive parents do not suffer from any chronic, contagious or fatal disease and they are fit to adopt (In case of married couple, upload Medical Certificate of both the applicants)
- (g) Marriage certificate
- (h) Divorce Decree/Declaration from the competent court or affidavit on oath pertaining to divorce in case of divorce governed by personal law where decree of divorce is not mandatory/Death certificate of spouse in case of single prospective adoptive parent (if applicable).
- (i) Two reference letters from acquaintances or relatives in support of adoption.
- (j) Consent of the older child/children in the adoptive family (if more than 5 years)

To be arranged by the Specialised Adoption Agency

- (k) Child Study Report (Refer Schedule II read with Reg 2(6), 6(15), 7(18), 58(5)(a) and 56(6)(a)) signed by the prospective adoptive parents along with recent photograph of the child.
- (l) Medical Examination Report (Refer Schedule III read with Reg2(13), 6(15), 7(18), 58(5)(a) and 58(6)(a) of AR 2017) of the child signed by the prospective adoptive parents.
- (m) Certificate of Child Welfare Committee declaring the child 'legally free for adoption' (Refer Schedule I read with Reg 2 (5), 6 (13) and 7 (17) of AR 2017).
- (n) Home Study Report (Refer Schedule VII read with Reg 2(11), 9 (10) and 20(2) of AR 2017) of the prospective adoptive parents along with their recent family photograph.

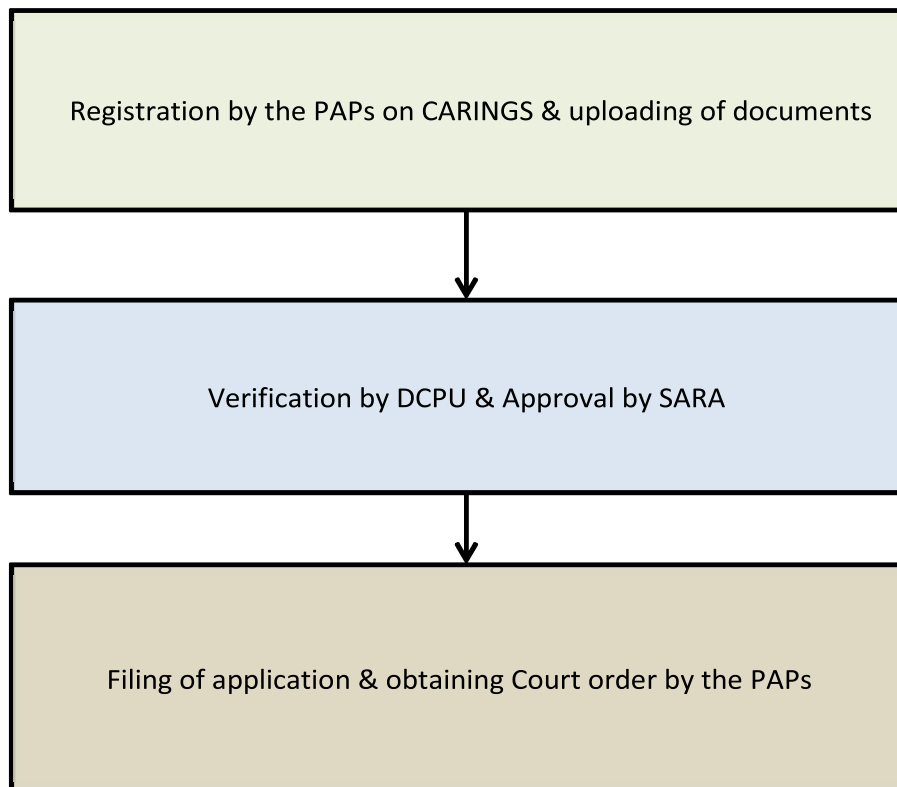


- (o) Recognition certificate of the agency as Specialised Adoption Agency.
- (p) Consent of the older child/children to be adopted.
- (q) Decision of the Adoption Committee (Refer 2(2) of AR 2017) (only in case of In-country adoption).
- (r) Affidavit by the Chief Functionary of the Specialised Adoption Agency to Court in support of adoption of child.
- (s) Pre-adoption foster care affidavit (Refer Schedule VIII read with Reg 11(1) and 16(2) of AR 2017).



Annexure 4

In-country Relative Adoption





Process Followed In-country Relative Adoption

The prospective adoptive parents, who intend to adopt the child of a relative as defined in **Sec 2(52) of the JJ Act**, shall file an application in the competent court under **Sec 56(2) & 60(1) of the JJ Act** in case of in-country relative adoption, along with a consent letter of the biological parents as provided in **Schedule XIX of AR 2017** and all other documents as provided in **Schedule VI of AR 2017**.



Model Petition of In-country Relative Adoption

SCHEDULE XXX

[See regulation 51 (5)]

MODEL APPLICATION TO COURT FOR IN-COUNTRY RELATIVE ADOPTION

In the Court of _____ Ld. District and Sessions Judge/Addl. District and Sessions Judge, District Court/Principal District Judge, Family Court or Civil Judge/Addl. Civil Judge(Senior Division), as the case may be, at _____.

Misc. Civil Application (MCA) No. _____/Year.

Child Adoption Resource Information and Guidance System Regd.
Number of prospective adoptive parents:

1. Mr. _____ S/o _____ Aged about _____ years, Citizen of _____, Occupation: _____
Permanent Residential address: _____ P.S. _____, Dist. _____ State _____;
2. Mrs. _____ W/o _____ Aged about _____ years, Citizen of _____, Occupation: _____
Permanent Residential Address: _____ P.S. _____, Dist. _____ State _____.

Applicants

Prospective Adoptive Parent(s)

AND

3. Mr. _____ S/o _____ Aged about _____ years, Citizen of _____, Occupation: _____
Permanent Residential address: _____;



4. Mrs. _____ W/o _____ Aged about _____ years,
 Citizen of _____, Occupation: _____ Permanent
 Residential Address: _____.

Natural /biological Parents

Application in the matter of adoption of the child:..... (male/female, D
 oB.....) under section 56 (2) of the Juvenile Justice (Care and
 Protection of Children) Act, 2015 (2 of 2016) read with regulation 51 and 55 o
 f the Adoption Regulations .

The Applicants most respectfully submit before this Hon'ble Court as under:-

1. That the Applicants are prospective adoptive parents and relative to natural /biological parents of the child _____ (male/female) under section 2 (52) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) (hereinafter referred to as "Juvenile Justice Act").
2. That the Applicants are paternal uncle or aunt, or a maternal uncle or aunt, or paternal grandparent or maternal grandparents of the child _____.
3. That the Applicants are resident of _____.
4. That the child _____ was born to the natural parents on _____ and they are resident of _____.
5. That the natural parents are desirous of placing the child in adoption for the reason _____.
6. That prospective adoptive parents are desirous of adopting the child for the reason _____.
7. That the Applicants and the natural parents have given consent to the proposed adoption which is annexed with the Application. (In



case the natural parents are not alive, document related to permission for adoption from the Child Welfare Committee would be annexed as provided in the Adoption Regulations.

8. That the child proposed to be adopted is a minor (below five years) who is not able to express his/her views.

Or

That the child proposed to be adopted has also given his /her consent for the said adoption and is willing to accept the Applicants as parents.

9. That the adoption of the child by the applicants from the natural parents would be in the paramount welfare of the child and the applicant(s) would treat the child as their own with all rights and responsibilities.
10. That neither the applicants have given or agreed to give, nor have the natural parents or guardians of the child received or agreed to receive any payment or reward in consideration of the adoption.
11. That the conditions laid down in section 61 (1) of the Juvenile Justice Act have been complied with in the case of proposed adoption.
12. That the giver(s) and taker(s) have no interest directly or indirectly adverse to that of the child/children.
13. The child ordinarily resides within the jurisdiction of this Hon'ble Court and hence this Hon'ble Court has jurisdiction to pass Adoption Order as per the provisions of section 61 of the Juvenile Justice Act.
14. That the Applicant(s) have not filed any other Application for the adoption of the said child in any other Court of Law.
15. That the Applicants understand that the adopted child shall become the lawful child of the applicants with all the rights, privileges and responsibilities that are attached to a biological child.
16. That the prescribed court fees have been paid and affixed on this Application.



17. The Applicant(s), therefore, pray that:

- (a) That the above named child may please be given in adoption to them and be declared as the parents of the said minor for all purposes allowed by the law.
- (b) The Birth Certificate Issuing Authority (name and place) may please be directed to issue Birth Certificate for the said child/children within five working days from the date of application, as provided in regulation 36 of the Adoption Regulations.

Place:

APPLICANTS

Date:

Photograph of the biological parent(s)	Photograph of the child	Photograph of the adoptive parent(s)

VERIFICATION

I/We, Mr/Mrs....., aged about_____,
(Applicant(s)) and I/we, Mr/Mrs....., aged
about _____(Natural parents/guardian), do hereby state on oath
and solemnly affirm that the contents of this Application are true and
correct to the best of my/our knowledge and belief and the information
and documents presented with this Application are genuine. In witness
whereof we have signed the same at on this..... day of..... .

Applicants

Natural parents/guardians

Index

Ser No	Documents to be annexed as provided in Schedule VI of the Adoption Regulations	Reference	Page No.



**List of Documents Included with the Model Petition of In-country
Relative Adoption**

The documents to be attached

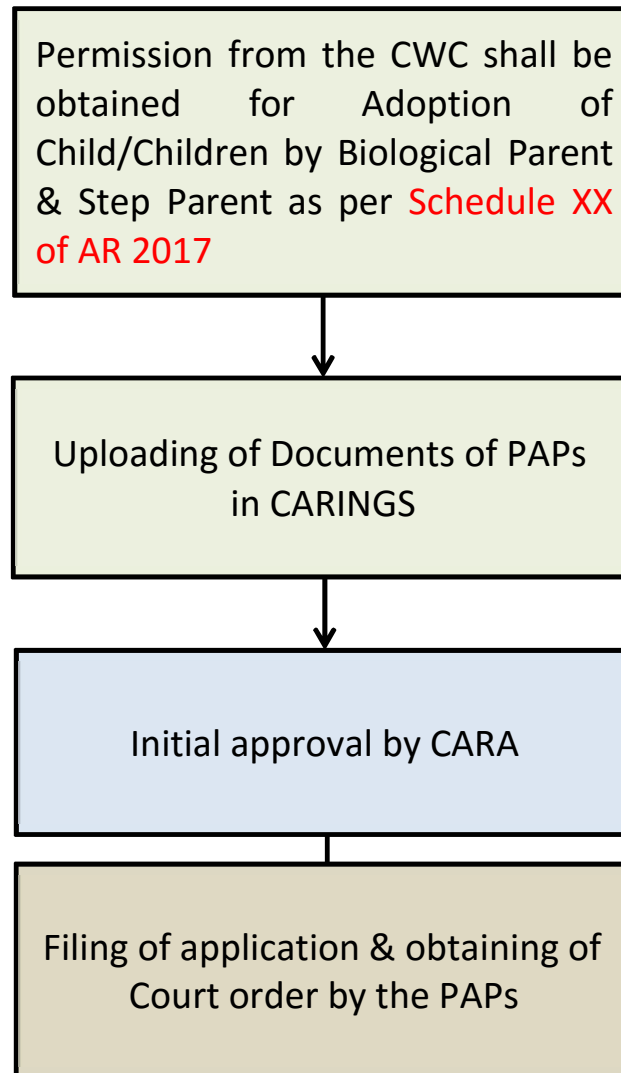
- (a) Proof of residence of the Prospective Adoptive Parents.
- (b) Consent of biological parents or permission of the Child Welfare Committee, as the case may be, shall be required as provided in Schedule XIX or Schedule XXII respectively.
- (c) The consent of the child shall be obtained, if he is five years of age or above.
- (d) Affidavit of adoptive parent(s) is required in cases of in-country relative adoptions in support of their financial and social status as per Schedule XXIV.

NOTE: Only the above mentioned list of certificates/documents as applicable are required to be filed. Infertility Certificate is NOT required in any case of adoption.



Annexure 5

Adoption by Step Parent





Process Followed in Adoption by Step Parent

1. 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 of AR 2017**, in the court concerned of the district there 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 of AR 2017** and all other documents as provided in **Schedule VI of AR 2017 (Sec 52 of AR 2017)**.
2. In case the custody of the child is under litigation, the adoption process shall be initiated only after the finalisation of the case by the court concerned.
3. The biological parent and the step-parent shall file an application in the Family Court or District Court or City Civil Court as the case may be.
4. The applicants shall obtain a certified copy of the adoption order from the court concerned and furnish a copy of the same online to the Authority through Child Adoption Resource Information and Guidance System.



Model Petition filed in adoption by Step Parent

SCHEDULE XXXII

[See regulation 52(4), 55(2)]

MODEL APPLICATION TO COURT FOR ADOPTION OF CHILD/CHILDREN BY STEP & BIOLOGICAL PARENT

In the Court of _____ Ld. District and Sessions Judge/Addl. District and Sessions Judge, District Court/Principal District Judge, Family Court or Civil Judge/Addl. Civil Judge (Senior Division), at _____ (strikeout whichever is not applicable).

Misc. Civil Application (MCA) No. _____/Year.

Child Adoption Resource Information and Guidance System Regd. Number of prospective adoptive parents:

1. Mr. _____ S/o _____ Aged about _____ years, Citizen of _____, Occupation: _____ Permanent Residential Address: _____ P.S. _____, Dist. _____ State _____.

Applicant

Biological Father/Father Adopting the Child(ren)

AND

2. Mrs. _____ W/o _____ Aged about _____ years, Citizen of _____, Occupation: _____ Permanent Residential Address _____.

Applicant

Biological Mother/Mother Adopting the Child(ren)

Application in the matter of adoption of the child:..... (male/female, DOB) under section 56 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) (hereinafter referred to as “Juvenile Justice Act”) read with regulations 52 (4) and 55 (2) of the Adoption Regulations.



The Applicants most respectfully submit before this Hon'ble Court as under:-

1. That the Applicants are biological parent and step-parent (legally wedded spouse of the biological parent) of the child/children with details as given in **Schedule XX**.
2. That the Applicants are resident of _____.
3. That the child/children _____ with sex _____ (Male/Female) and Date of Birth(s) _____ was/were born to the natural parents (biological parent) _____ and _____ on _____ and they are resident of _____.
4. That the biological parent (applicant) is desirous of sharing the legal relationship of the child/children with the spouse adopting the child/children(applicant), being legally married him/her and he/she is wanting to adopt the child(ren).
5. That the consent of the other biological parent has been obtained /the other biological parent is deceased. (Strike out whatever is not applicable)
6. That the biological parent and step-parent adopting the child/children (applicants) understand that the adoption of the child/children will create a permanent parent-child relationship with them.
7. That the consent(s) as required for adoption in **Schedule XX** of the Adoption Regulations are annexed with the Application.
8. That the child(ren) proposed to be adopted is a/are minor(s) (below five years) who is/are not able to express his/her/their views.
9. That the conditions laid down in Section 61 (1) of the Juvenile Justice Act (2 of 2016) have been complied with in the case of proposed adoption.



10. That the child ordinarily resides within the jurisdiction of this Hon'ble Court and hence this Hon'ble Court has jurisdiction to pass Adoption Order as per the provisions of sub-section 2 of section 56 read with sub-section (1) of section 112 of the Juvenile Justice Act (2 of 2016).
11. That there is no litigation for custody of the said child/children in any Court of Law within the country or overseas.
12. That the Applicants have not filed any other Application for the adoption of the said child/children in any other Court of Law within the country or overseas.
13. That the Applicants understand that the adopted child/children shall become the lawful child/children of the applicants with all the rights, privileges and responsibilities that are attached to a biological child/children.
14. That the prescribed court fees have been paid and affixed on this Application.

15. The Applicant(s), therefore, pray that:

- (a) That the legal relationship of father/mother of above named child/children may please be transferred to the step-parent adopting the child/children (applicant) along with the biological mother/father (applicant) and they be declared as the parents of the said minor for all purposes allowed by the law.
- (b) The Birth Certificate Issuing Authority (name and place) may please be directed to issue/modify the Birth Certificate for the said child/children within five working days from the date of application, as provided in regulation 36 of Adoption Regulations.

Place:

APPLICANTS

Date:

Photograph of the biological mother/father	Photograph of the child	Photograph of the adoptive mother/father



VERIFICATION

I, Mr..... (Biological Father/Step-Father Adopting the child(ren)), aged about _____; and I, Mrs..... (Biological Mother/Step-Mother Adopting the Child(ren)), aged about _____, the applicants, do hereby state on oath and solemnly affirm that the contents of this Application are true and correct to the best of my/our knowledge and belief and the information and documents presented with this Application are genuine. In witness whereof we have signed the same at on this day of

Applicants

(Biological Parent and Step-Parent Adopting the Child/Children)

Index

Ser No	Documents to be annexed as provided in Schedule VI of the Adoption Regulations	Reference	Page No.



**List of Documents Included with the Model Application for Adoption of
Child/Children By Step & Biological Parent**

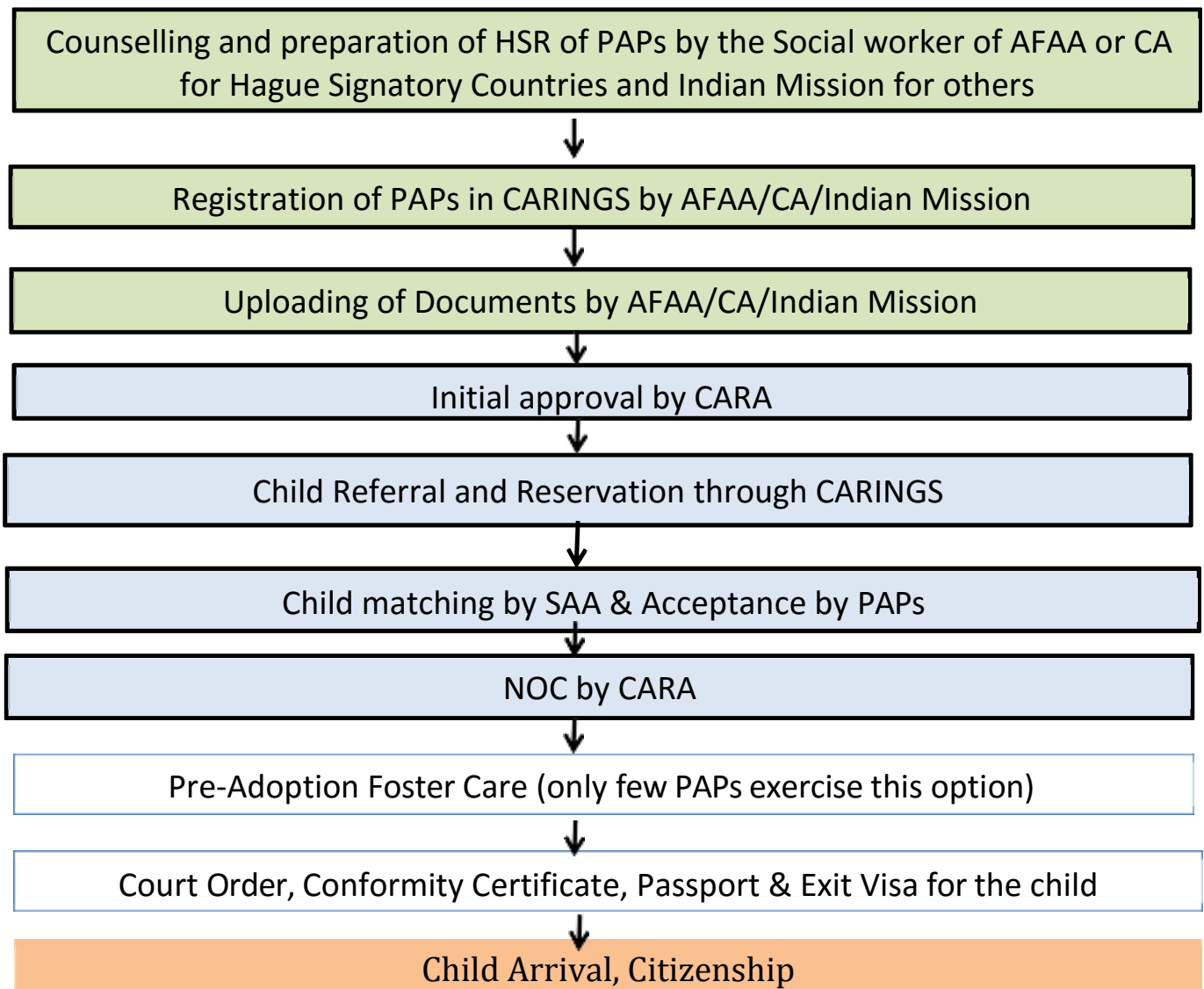
The documents to be attached

- (a) Proof of residence of the biological parent and spouse adopting the child along with the proof of them being legally wedded.
- (b) Consent of the biological parent(s) and the step-parent adopting the child or children shall be as provided in the Schedule XX (refer instructions in Schedule XX).



Annexure 6

Inter - Country Adoption of OAS Children





Process followed in Inter-country Adoption of OAS Children

- (a) The process is defined at **Reg 17 of AR 2017**.
- (b) In this, the legal process followed is same as that defined in **Reg 12 of AR 2017 and Annexure 3**.
- (c) In cases of the prospective adoptive parents habitually residing abroad and wanting the Specialised Adoption Agency to represent on their behalf as well, the application shall also be accompanied by a Power of Attorney in favour of the social worker or adoption in-charge of the Specialised Adoption Agency which is processing the case and such Power of Attorney shall authorise a social worker to handle the case on behalf of the prospective adoptive parents.



Model Petition filed in Inter-country adoption of OAS children

SCHEDULE XXIX
[See regulation 12(2)]

**MODEL APPLICATION IN CASE OF ORPHAN OR ABANDONED OR
SURRENDERED CHILD(REN) TO COURT FOR INTER-COUNTRY
ADOPTION**

In the Court of Mr/Ms_____, Ld. District Judge/Addl. District Judge,
District Court/Principal Judge/Judge, Family Court or Civil Judge/Addl.
Civil Judge(Senior Division), as the case may be, at_____.

Misc. Civil Application (MCA) No._____/2016
Child Adoption Resource Information and Guidance System Regd. Number of
prospective adoptive parents:

Name of the Specialised Adoption Agency concerned:
Registered Office at:
Through its Adoption In-charge/Social Worker (name and age)

Applicant

(Note: In case the child is from a Child Care Institution, the particulars of
such Child Care Institution may be mentioned here as co-applicant)

AND

1. Mr._____S/o_____Aged about years, Citizen of_____
_____, Occupation: _____
Permanent Residential Address: _____.
2. Mrs._____W/o _____Aged about _____years,
Citizen of _____, Occupation: _____ Permanent
Residential Address_____.

Prospective Adoptive Parents



Application in the matter of adoption of the child:..... (male/female, D OB:.....) under section 59(7) of the Juvenile Justice Act(2 of 2016) and regulations 12(2) and 17(1) of Adoption Regulations.

The Applicant most respectfully submits before this Hon'ble Court as under:

1. That the Applicant is a recognised Specialised Adoption Agency under Section 65 of the Juvenile Justice (Care and Protection of Children), 2015(2 of 2016) (hereinafter referred to as "Juvenile Justice Act") by the State Government of____, for rehabilitating orphan, abandoned and surrendered children through adoption in accordance with the provisions of the Juvenile Justice Act and Adoption Regulations.
2. That the Co-Applicant is a registered Child Care Institution, which is having the care and custody of the child: (male/female; DOB:.....) intends to give this child in adoption to the above named Prospective Adoption Parents through the applicant Specialised Adoption Agency as per the provision of section 66 of the Juvenile Justice Act.

[**Note:** This paragraph would be mentioned in case the Adoption Application is being filed in a linkage case.]

3. The child/children..... (male/female, DOB:.....) has/have been declared legally free for adoption by the Child Welfare Committee,District (copy of order annexed), as per the provisions of section 38 of the Juvenile Justice Act and the said child is registered in the Child Adoption Resource Information and Guidance System with the Registration No....., for the purpose of adoption as envisaged in section 56 (1) of the Juvenile Justice Act.
4. That, the above named prospective adoptive parents (PAPs) are Non-Resident Indians (NRI)/Overseas Citizens of India (OCI)/Foreigner, presently living at(complete address).
5. That the prospective adoptive parents have been found eligible and suitable to adopt by the Authorised Foreign Adoption Agency (AFFA)/Central Authority (CA) (name and address), based upon their Home Study Report annexed and as per the law of the country of their residence. The proposal of prospective adoptive parents to adopt a child from India has been recommended by the said Authorised Foreign Adoption Agency and has been approved by the Central Authority concerned.



6. The prospective adoptive parents have been registered in the Child Adoption Resource Information and Guidance System with the Registration No by said Authorised Foreign Adoption Agency/Central Authority. They have been found eligible by the Central Adoption Resource Authority (CARA) as per the criteria mentioned in section 57 of the Juvenile Justice Act and regulation 5 of the Adoption Regulations.
7. That the above named child/children has been referred to the said prospective adoptive parents online in Child Adoption Resource Information and Guidance System through the Authorised Foreign Adoption Agency /CA concerned and has been accepted by the said prospective adoptive parents by signing the Child Study Report and Medical Examination Report on
8. That Central Adoption Resource Authority has issued No Objection Certificate onin favour of the proposed adoption.
9. That the prospective adoptive parent(s) have undertaken through the Authorised Foreign Adoption Agency/Central Authority concerned that they will allow the authorised social worker/functionary of the Authorised Foreign Adoption Agency/Central Authority/concerned Government department to visit their home for undertaking post-adoption follow up to ascertain the progress and well-being of the child in the adoptive family, as envisaged under section 59 (11) of the Juvenile Justice Act.
10. That the prospective adoptive parents have also undertaken to up-bring the said child/children as their own and to accord the same status/rights/privileges to the child/children at par with the natural born child.
11. That the Applicant/Co-applicant want(s) to give the above named child/children and the said prospective adoptive parents have given their consent to take the child/children in adoption.
12. That the conditions laid down in section 61 (1) of the Juvenile Justice Act have been complied with in this adoption case.
13. That the giver(s) and taker(s) have no interest directly or indirectly adverse to that of the child/children.
14. The above named child is within the legal jurisdiction of this Hon'ble Court and hence this Hon'ble Court has jurisdiction to pass Adoption



Order as per the provisions of sections 2 (23), 59 (7) and 61 of the Juvenile Justice Act.

15. That Central Adoption resource Authority (CARA) has issued No Objection Certificate (NOC) for the proposed adoption as provided in regulation 16 of the Adoption Regulations.
16. That the Applicants understand that the adopted child shall become the lawful child of the applicants with all the rights, privileges and responsibilities that are attached to a biological child.
17. That the Applicant(s) have not filed any other Application for the adoption of the said child in any other Court of Law.
18. That the prescribed court fees have been paid and affixed on this Application.

19. The Applicant(s), therefore, pray that:

- (a) The above named prospective adoption parents may please be declared as parents of the said child/children for all purposes allowed by the law and may be allowed to be taken to the country of their residence for upbringing the child/children as their own child.
- (b) The Birth Certificate Issuing Authority (name and place) may please be directed to issue Birth Certificate for the said child/children within five working days from the date of application, as per the provisions of sub-regulation (5) of regulations 18 and regulation 36.
- (c) The Regional Passport Office (RPO) concerned may be directed to issue Passport for the said child/children within ten days from the date of application, as per sub-regulation (4) of regulation 18 and regulation 38.

Place:

APPLICANT NO. 1

Date:

APPLICANT NO. 2

Photograph of the child	Photograph of the adoptive parent(s)



VERIFICATION

I/We, (1) Mr/Mrs, aged about ____, Adoption In-charge/Social Worker of Applicant No. 1 (and Mr/Mrs, aged about ____, Superintendent/Manager/Director of the Applicant No. 2), do hereby state on oath and solemnly affirm that the contents of this Application are true and correct to the best of my/our knowledge and belief and the information and documents presented with this Application are genuine. In witness whereof we have signed the same at on this..... day of.....

Applicant No.1

Applicant No. 2

Index

Ser No	Documents to be annexed as provided in Schedule IX of the Adoption Regulations	Reference	Page No.



List of Documents To be included with the Application for Inter- country adoption of OAS Children

Documents to be provided by the Authorized Foreign Adoption Agency (AFAA) (Sec 30, 31 and 32 of JJ ACT) or Central Authority (CA) or Government department or Indian Mission abroad to the Specialised Adoption Agency

- (a) Photograph of the applicant(s)
- (b) Home Study Report
- (c) Passport (Male prospective adoptive parent)
- (d) Passport (Female prospective adoptive parent)
- (e) Overseas Citizen of India card of the prospective adoptive parents (if applicable)
- (f) Birth certificate/Proof of date of birth of the prospective adoptive parents
- (g) Proof of Residence
- (h) Proof of income of last year (e.g. salary slip/income certificate issued by Government department /Income tax return)
- (i) Certificate from a medical practitioner certifying that the prospective adoptive parents do not suffer from any chronic, contagious or fatal disease and they are fit to adopt.
- (j) Police Clearance Certificate (Male prospective adoptive parent)
- (k) Police Clearance Certificate (Female prospective adoptive parent)
- (l) Marriage Certificate (in case of couple)
- (m) Two reference letters from acquaintances or relatives in support of adoption.
- (n) Divorce Decree/Declaration from the competent court or affidavit on oath pertaining to divorce in case of divorce governed by personal law where decree of divorce is not mandatory/Death certificate of spouse in case of single prospective adoptive parent (if applicable).
- (o) Consent of the older child/children in the adoptive family (if more than 5 years)
- (p) Authorization Certificate of Authorized Foreign Adoption Agency (not required in case of Central Authority or Government department or Indian Mission)
- (q) Undertaking from the Authorized Foreign Adoption Agency concerned for furnishing post adoption follow-up report and for necessary action



- in case of disruption (not required in case of CA or Government department or Indian Mission).
- (r) Permission of the receiving country as per Article 5/17 of the Hague Adoption Convention.
 - (s) Undertaking for permitting home visit to the social worker during post-adoption follow-up.
 - (t) Power of Attorney from the prospective adoptive parents in favour of the authorized functionary of the Specialised Adoption Agency to file the adoption application on their behalf in the court.

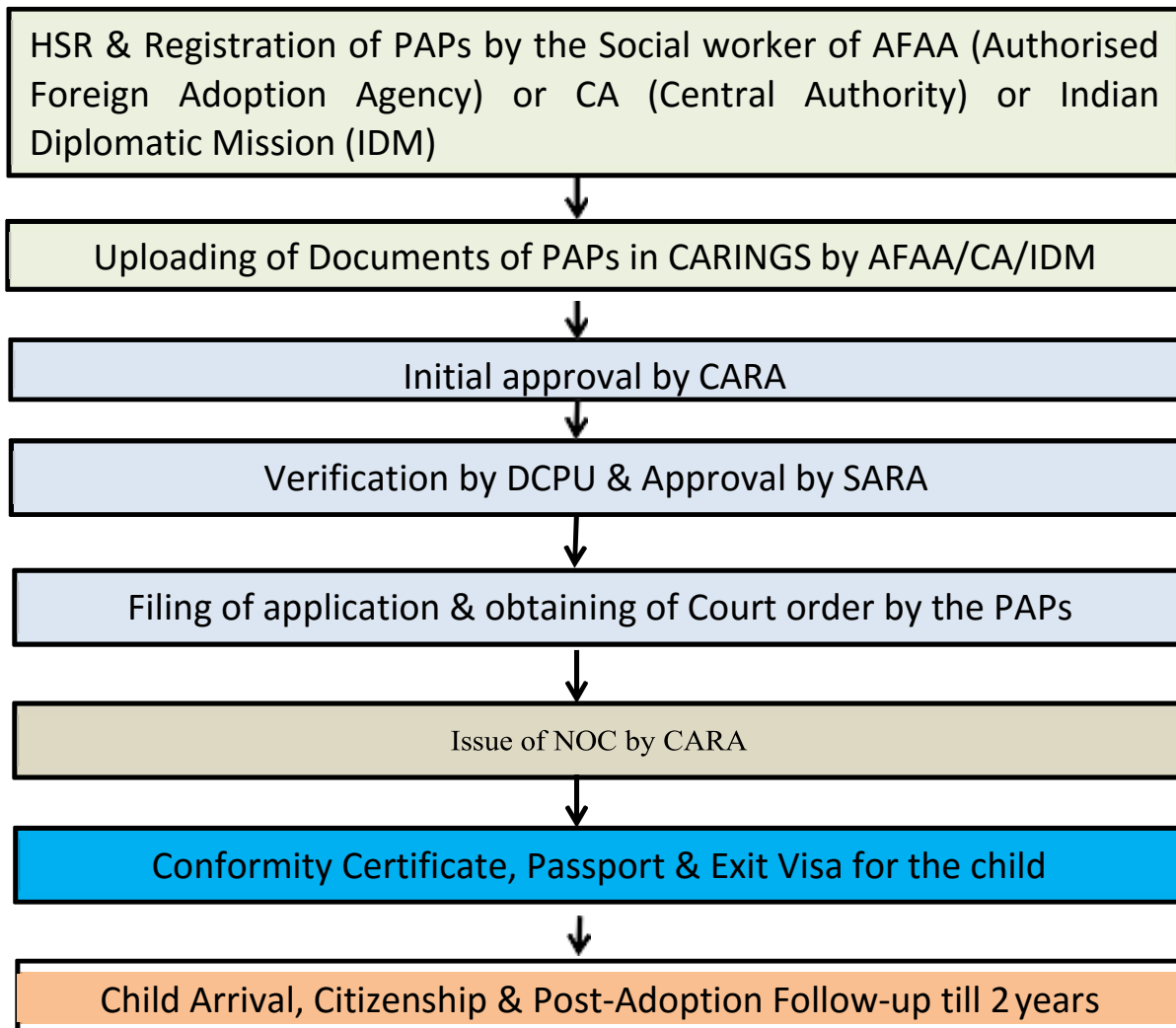
To be arranged by the Specialised Adoption Agency

- (u) Child Study Report signed by the prospective adoptive parents along with recent photograph of the child.
- (v) Medical Examination Report of the child signed by the prospective adoptive parents.
- (w) Certificate of Child Welfare Committee declaring the child 'legally free for adoption'.
- (x) Recognition certificate of the agency as Specialised Adoption Agency
- (y) Consent of the older child/children to be adopted
- (z) Affidavit by the Chief Functionary of the Specialised Adoption Agency to Court in support of adoption of child.
- (aa) Pre-adoption foster care affidavit (wherever required)
- (bb) NOC, as per format given at **Schedule X of AR 2017**, is issued by CARA in favour of adoption of a child by a Non-Resident Indian/Overseas Citizen of India/Foreign prospective adoptive parent. In case of Overseas Citizen of India/Foreign prospective adoptive parents living in India, a copy of **No Objection Certificate** from their Embassy/High Commission for the proposed adoption (**Sec 56 of JJ Act & Reg 16 of AR 2017**).



Annexure 7

Inter-country Relative Adoption





Process for Inter-country Relative Adoption

1. 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 of AR 2017**.
2. The prospective adoptive parents, who intend to adopt the child of a relative as defined in **Sec2(52) of the Act**, shall file an application in the competent court under **Sec56(2) & Sec 60(1) of the Act** in case of Inter-country relative adoption, along with a consent letter of the biological parents as provided in **Schedule XIX** and all other documents as provided in **Schedule VI of AR 2017**.



Model Petition filed in Inter-country Relative Adoption

SCHEDULE XXXI [See regulation 55(3)]

MODEL APPLICATION TO COURT FOR INTER-COUNTRY RELATIVE ADOPTION

In the Court of _____ Ld. District and Sessions Judge/Addl. District and Sessions Judge, District Court/Principal District Judge, Family Court or Civil Judge/Addl. Civil Judge (Senior Division), as the case may be, at _____.

Misc. Civil Application (MCA) No. _____/Year.
Child Adoption Resource Information and Guidance System Regd.
Number of prospective adoptive parents:

1. Mr. _____ S/o _____ Aged about _____ years,
Citizen of _____, Occupation: _____ Permanent Residential
address: _____ P.S. _____, Dist. _____ State _____;
2. Mrs. _____ W/o _____ Aged about _____ years,
Citizen of _____, Occupation: _____ Permanent Residential
Address: _____ P.S. _____, Dist. _____ State _____

Applicant(s)

Prospective Adoptive Parent(s)

AND

3. Mr. _____ S/o _____ Aged about _____ years, Citizen
of _____, Occupation: _____ Permanent Residential
address: _____;
4. Mrs. _____ W/o _____ Aged about _____ years, Citizen
of _____, Occupation: _____ Permanent Residential
Address: _____.

Natural /biological Parents

Application in the matter of adoption of the child:..... (male/female, DoB
.....) under section 60 (1) of the Juvenile Justice (Care and



Protection of Children) Act, 2015 (2 of 2016) read with regulations 53, 54 and 55 of the Adoption Regulations.

The Applicants most respectfully submit before this Hon'ble Court as under:-

1. That the Applicants are prospective adoptive parents and relative to natural /biological parents of the child_____ (male/female) under section 2(52) of the Juvenile Justice (Care and Protection of Children Act, 2015 (2 of 2016) (hereinafter referred to as "Juvenile Justice Act").
2. That the Applicants are paternal uncle or aunt, or a maternal uncle or aunt, or paternal grandparent or maternal grandparents of the child _____.
3. That the Applicants are resident of_____.
4. That the child_____ was born to the natural parents on _____ and they are resident of _____.
5. That the natural parents are desirous of placing the child in adoption for the reason_____.
6. That prospective adoptive parents are desirous of adopting the child for the reason_____.
7. That the Applicants and the natural parents have given consent to the proposed adoption which is annexed with the Application.(In case the natural parents are not alive, document related to permission for adoption from the Child Welfare Committee would be annexed as provided in the Adoption Regulations.
8. That the child proposed to be adopted is a minor (below five years) who is not able to express his/her views.

Or

That the child proposed to be adopted has also given his /her consent for the said adoption and is willing to accept the Applicants as parents.

9. That the adoption of the child by the Applicants from the natural parents would be in the paramount welfare of the child and the Applicant(s) would treat the child as their own with all rights and responsibilities.



10. That neither the Applicants have given or agreed to given, nor have the natural parents or guardians of the child received or agreed to receive any payment or reward in consideration of the adoption.
11. That the Applicants have been found eligible and suitable to adopt the relative's child as provided in section 2 (52) of the Juvenile Justice (Care and Protection of Children Act, 2015 (2 of 2016).
12. That the family background report of the child has been conducted by the District Child Protection Unit (DCPU) where the child ordinarily resides with the natural family and the District Child Protection Unit has furnished its report as per regulation 54 (2) and (3) of the Adoption Regulations which is annexed hereto this application.
13. That the receiving country of the child where the Applicants ordinarily reside have issued necessary certificate or permission in accordance with Article 5/17 of the Hague inter-country Adoption for the adoption to proceed as per sub-regulation 5 of the regulation 54 which is annexed here to this application.
14. That the conditions laid down in section 61 (1) of the Juvenile Justice Act (2 of 2016) have been complied with in the case of proposed adoption.
15. That the giver(s) and taker(s) have no interest directly or indirectly adverse to that of the child/children.
16. The child ordinarily resides within the jurisdiction of this Hon'ble Court and hence this Hon'ble Court has jurisdiction to pass Adoption Order as per the provisions of section 61 of the Juvenile Justice Act (2 of 2016).
17. That the Applicant(s) have not filed any other Application for the adoption of the said child in any other Court of Law.
18. That the Applicants understand that the adopted child shall become the lawful child of the applicants with all the rights, privileges and responsibilities that are attached to a biological child.
19. That the prescribed court fees have been paid and affixed on this Application.
20. **The Applicant (s), therefore, pray that:**
 - (a) The above named prospective adoptive parents may be declared as the parents of the said minor for all purposes allowed by the law.



- (b) The Birth Certificate Issuing Authority (name and place) may please be directed to issue Birth Certificate for the said child/children within five working days from the date of application, as per the provisions of regulation 36 of Adoption Regulations.
- (c) The Regional Passport Office (RPO) concerned may be directed to issue Passport for the said child/children within ten days from the date of application, as per the provisions of sub regulation 4 of regulations 18 and regulations 38 of Adoption Regulations.

Place:

APPLICANTS

Date:

Photograph of the biological parent(s)	Photograph of the child	Photograph of the adoptive parent(s)
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VERIFICATION

I/We, Mr/Mrs....., aged about_____, and I/We, Mr/Mrs....., aged about_____, prospective adoptive parents (Applicant(s)) do hereby state on oath and solemnly affirm that the contents of this Application are true and correct to the best of my/our knowledge and belief and the information and documents presented with this Application are genuine. In witness whereof we have signed the same at on this..... day of..... .

Applicants

Prospective Adoptive Parents

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Ser No	Documents to be annexed as provided in Schedule VI of the Adoption Regulations	Reference	Page No.



List of Documents To be Included with the
Application for Inter-country Relative
Adoption

- (a) Photograph of the applicant(s)
- (b) Home Study Report of Overseas Citizens of India and foreign prospective adoptive parents residing in India to be uploaded later after registration)
- (c) Passport (Male prospective adoptive parent)
- (d) Passport (Female prospective adoptive parent)
- (e) Overseas Citizen of India card of the prospective adoptive parents (if applicable)
- (f) Birth Certificate (Male prospective adoptive parent)
- (g) Birth Certificate (Female prospective adoptive parent)
- (h) Proof of Residence
- (i) Proof of income of last year (e.g. salary slip/income certificate issued by Government department /Income tax return)
- (j) Certificate from a medical practitioner certifying that the prospective adoptive parents do not suffer from any chronic, contagious or fatal disease and they are fit to adopt.
- (k) Police Clearance certifying the antecedents of male prospective adoptive parent.
- (l) Police Clearance certifying the antecedents of female prospective adoptive parent.
- (m) Marriage Certificate (in case of couple)
- (n) Copy of divorce decree/Declaration from the competent court or affidavit on oath pertaining to divorce in case of divorce governed by personal law where decree of divorce is not mandatory/death certificate of the spouse (if applicable).
- (o) Undertaking from the relative in case of single PAP (if applicable).
- (p) Consent of the older child/children in the biological family (more than five years).
- (q) Consent of the older child to be adopted.
- (r) Permission of the receiving country as per Article 5 or 17 of the Hague Adoption Convention (applicable in case of Hague ratified country).
- (s) Relationship of the prospective adoptive parents to the relative child (family tree)
- (t) Recent family photographs of the child, adoptive parents and biological parents.
- (u) Consent of the biological family as provided in Schedule XIX.
- (v) Permission from the Child Welfare Committee to the legal guardian to surrender the child in adoption with the relative as provided in Schedule XXII (if applicable).
- (w) Family background report by District Child Protection Unit as



provided in Schedule XXI.

