

The Inter Country Adoption of Child by Foreign Parents Rules, 1998

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India

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Rule

THE-INTER-COUNTRY-ADOPTION-OF-CHILD-BY-FOREIGN-PARENTS of 1998

- Published on 8 January 1999
- Commenced on 8 January 1999
- [This is the version of this document from 8 January 1999.]
- [Note: The original publication document is not available and this content could not be verified.]

The Inter Country Adoption of Child by Foreign Parents Rules, 1998Published vide Notification Orissa Gazette Extraordinary No. 2 dated 8.1.1999Published under the Authority of the High Court of Judicature, OrissaRules for inter country adoption of child by foreign parents framed by the High Court of Orissa, Cuttack.The 21st December, 1998.

1.

The rule may be called as "The Inter Country Adoption" of Child by Foreign Parents Rules, 1998

2.

These rules shall come into force on the date of their publication in the Orissa Gazette.

3.

A foreigner desirous of being appointed as guardian of the person of the minor and praying for leave to remove the minor to a foreign country, shall.-(i)make an application for the purpose in the prescribed form to the appropriate authority under the Guardian and Wards Act, 1890; and(ii)annex two copies of passport size photographs of the minor duly attested by the person having custody of the minor at the time of application;Provided that every application from a foreigner desirous of adopting a child must be sponsored by a social or child welfare agency recognised or licensed by the Government of the country in which the foreigner is resident or by any such agency

recognised/licensed by the State/Union Government.

4.

(i) If the Court is satisfied that there is ground for proceeding on the application it shall fix date of hearing of the application and cause service of notice of the application on the Secretary, Indian Council of Social Welfare and Indian Council of Child Welfare or any of their branches as the case may be by registered post. (ii) If neither of them appears/co-operate, the Court shall issue notice to an independent Child Welfare Agency operating in the State after duly recognised by the State/Union Government.

5.

Every person appointed as guardian of the person of a minor shall execute a bond with or without surety or sureties of such sum as the Court may fix having regard to the welfare of the minor to ensure his production in the Court as and when so required by the Court.

6.

The Court passing an order for appointment of a foreign guardian or the person of an Indian minor shall countersign the Photograph of the minor and issue the same alongwith the certificate of guardianship to the guardian or joint guardians as the case may be.

7.

While passing the order, the Court shall ensure the overall interest of the Child as envisaged under the Guardian and Wards Act, 1890 and an attempt should be made to find Indian parent or parent of Indian origin for the children so that they may retain their culture and heritage.