

The Goa Children's Homes Rules, 2004

GOA
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Rule THE-GOA-CHILDREN-S-HOMES-RULES-2004 of 2004

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2.

-61(1)-97/ICDS/1332. - In exercise of the powers conferred by section 37, read with sections 6 and 38 and of all other powers conferred by the Goa Children's Act, 2003 (Act 18 of 2003), the Government of Goa hereby makes the following rules, namely:-

1. Short title and commencement.

(1) These rules may be called the Goa Children's Home Rules, 2004. (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

(1) In these rules, unless the context otherwise requires, -(a) "Act" means the Goa Children's Act, 2003 (Act 18 of 2003); (b) "Children's Home" means the Children's Home registered under rule 5; (c) "Director" means the Director, Department of Women & Child Development; (d) "Form" means the Form annexed to these rules; (e) "Inspection Team" means the District Inspection Team set up under sub-rule (1) of rule 3; (f) "Secretary" means the Secretary in charge of the Department of Women and Child Development; (g) "Section" means section of the Act. (2) Words and phrases used but not defined in these rules shall have the meanings respectively assigned to them under the Act.

3. District Inspection Team.

(1) There shall be set up two District Inspection Teams, one each for North Goa and South Goa. (2) Each District Inspection Team (hereinafter in these rules referred as "Inspection Team")

shall consist of such number of members as the Secretary may deem fit depending upon the work load of the Inspection Team.(3)The term of office of the members of the Inspection Team shall be two years.(4)The Secretary may, after giving a reasonable opportunity of being heard and after recording reasons, remove any member referred to in sub-rule (2).(5)All expenditure to be incurred on the functioning of the Inspection Team shall be met from the grants placed at the disposal of the Director by the State Government.

4. Functions of Inspection Team.

- The Inspection Team shall have the following functions, namely:-(a)to inspect, regulate and supervise all Children's Homes in its area;(b)to arrange the transfer of management of those Children's Homes which surrendered their registration or whose registration has been cancelled.(c)to prepare annual reports of its activities and submit them to the Director for further necessary action as he may deem fit.

5. Registration of Children's Homes.

(1)Any society, association or body which,-(a)maintains or runs any Children's Home at the commencement of these rules, within three months; or(b)intends to establish, maintain or run any Children's Home, on or after the commencement of these rules, immediately, shall apply for registration of the Children's Home to the Director in "Form A".(2)Every application for registration of Children's Home shall be accompanied by a fee of rupees one hundred and the following particulars along with certified copies of the supporting documents:-(i)Certificate of registration or articles of incorporation, trust documents of the body which maintains or runs the Children's Home or is intending to set up one;(ii)area of operation of the Children's Home;(iii)names, designation and qualifications of the Managerial staff who will run the Children's Home;(iv)facilities, such as, educational, recreational, medical, vocational, etc. available at the Children's Home;(v)accommodation available at the Children's Home;(vi)information regarding separate residential and other facilities for boys and girls;(vii)such other particulars as may be required by the Director.

6. Inspection of Children's Homes.

(1)The Director on the receipt of the application for registration of any society, association or body for continuance or establishment of a Children's Home under rule 5, shall cause it to be scrutinized in his office, and if it is found correct in all respect, direct the Inspection Team to inspect the said Children's Home.(2)The Inspection Team shall take the following aspects into account before recommending the Children's Home for registration and shall ensure that,-(a)separate residential accommodation is available for male and female children between age group of 5 years to 10 years.(b)boys and girls above the age of ten years are accommodated in separate buildings segregated by proper compound wall and proper security arrangements are in place;(c)each Children's Home is a comprehensive child care centre with primary objective to promote an integrated approach to a child care involving the community and the local non-governmental organizations;(d)the Children's Homes have the following main activities, namely:-(i)family based

services, such as, foster family care and sponsorship;(ii)linking up with the Integrated Child Development Services to cater to the needs of children below six years;(iii)to establish linkages with organizations and individuals to provide support services to children;(iv)to encourage volunteers to provide for various services for children and families to become guardian.(e)every Children's Home have the following facilities:-(i)there shall be adequate lighting, ventilation, heating and cooling arrangements, safe drinking water and toilets;(A)Dormitory - 40 square feet per child;(B)Classroom - sufficient accommodation;(C)Workshop - sufficient work space;(D)Playground - sufficient playground area shall be provided in every home according to the total number of children in the home with provision for Indoor games.(iii)the dormitories, classrooms and workshops shall have sufficient cross ventilation and lighting;(iv)every Children's Home shall provide for the necessary medical facilities so as to ensure,-(A)regular facilities for medical treatment;(B)arrangements for the immunization coverage; and(C)a system for referral of cases with deteriorating health or serious cases to the nearest civil hospital or recognized treatment centres;(v)no surgical treatment shall be carried out on any child without the previous written consent of the parent or guardian, unless either the parent or the guardian cannot be found and the condition of the child is such that any delay shall, in the opinion of the medical officer, involve unnecessary suffering or injury to the health of the child;(vi)a health record of each child in the Children's Home shall be maintained on the basis of monthly medical check up;(vii)appropriate clothing and bedding shall be provided according to season and age;(viii)Sanitation and Hygiene. - Every Children's Home shall have the following facilities, namely:-(A)sufficient drinking water.(B)sufficient water for bathing and washing clothes and sufficient space for washing clothes;(C)maintenance and cleanliness of the premises;(D)proper drainage system;(E)arrangements for disposal of garbage;(F)protection from mosquitoes;(G)sufficient number of latrines/bathrooms;(H)clean and hygienic kitchen;(I)sunning of bedding and clothing.(ix)the Children's Home shall have the following arrangement for the medical facility, with doctor and nurse:-(A)all Children brought into the Children's Home shall be medically examined initially within 24 hours of arrival;(B)the routine medical checkup of the children must be done on monthly basis;(C)the sick children shall constantly be under medical supervision;(D)in the event of break out of contagious or infectious diseases segregation of children must be ensured;(E)the medical service shall include immunization facility as specified under the National Immunization Schedule;(F)the medical record of each child shall be meticulously maintained.(x)the Children's Home shall provide education to all children according to age and ability, either both inside the Children's Home or outside as per the requirement;(xi)every Children's Home shall facilitate useful vocational training under the guidance of trained instructors.(ii)the minimum standard of accommodation shall be,-

7. Certificate of Registration.

(1)If, on the inspection under rule 6, the Inspection Team comes to the conclusion that the Children's Home under consideration have met with the conditions broadly specified in sub-rule (2) of rule 6, it shall recommend the registration of Children's Home, subject to such terms and conditions as it lays down,(2)The Director shall, on the recommendation of the Inspection Team, grant registration to the Children's Home for a period of five years subject to the terms and conditions laid down by the Inspection Team.(3)The Director may refuse the grant of Certificate of Registration or revoke the existing one if it is brought to his notice that the Children's Home is not

having required facilities or is not functioning in accordance with the terms and conditions of the Certificate of Registration: Provided that no Certificate of Registration is cancelled unless the management of the concerned Children's Home is given a reasonable opportunity to explain its case. (4) The management of the Children's Home, if aggrieved by the decision of the Director, may within 30 days of such decision, appeal to the Competent Authority. (5) The Competent Authority may after hearing both sides decide the appeal and the decision given by the Competent Authority shall be final.

8. Death of a Child.

(1) In the event of death of a child in any Children's Home, the circumstances of the death shall be recorded in the case file of the child, by the person in charge and the counsellor giving the cause of death and the death certificate shall be obtained from the attending doctor or hospital, as the case may be. (2) The Children's Home shall send the information to the Director, the Registrar of Births and Death, and the relatives of the child, if known. (3) The last rites shall be performed according to the religion of the child.

9. Custodial rape or sexual abuse.

(1) Every Children's Home shall take the following immediate action in case of happening of an event of custodial rape or sexual abuse of a child, namely:-(i) in case any resident makes any complaint of occurrence of any event of custodial rape or sexual abuse of a child, or any such event comes to the knowledge of any concerned individual, he shall intimate it to the Director immediately, who shall order for special investigation by the Inspection Team of the said incidence. (ii) based on the report of the Inspection Team, the Director shall with the approval of the Competent Authority, lodge a complaint to the local police station against the person suspected to have committed an offence under the relevant provisions of the Goa Children's Act, 2003 or any other law in force, for further necessary action. (iii) the Competent Authority shall on receipt of the information of the child abuse under this rule, proceed to take action under section 15 of the Act, as he deems fit.

10. Supervision by Inspection Team.

- The Inspection Team shall supervise the functioning of the Children's Home in their respective area and shall observe the following norm, namely:-(i) to visit and oversee the functioning of the Children's Homes and give suitable directions to be followed by them; (ii) to make suggestions for the improvement and development of the institution; (iii) to visit Homes by prior intimation or by surprise; (iv) to interact with the children during the visits to the Homes to determine their well-being; (v) to take follow up action on the findings and suggestions of the children and give suitable directions to the management; (vi) to determine personnel strength of a Home according to the duty, posts, hours of duty per day as the case for each category of staff. Explanation. - The normal staffing pattern for a Children's Home with a capacity of 100 children shall have:-

S. No.	Designation	Number of Posts
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(1)	Project Manager	1
(2)	Counsellor	2
(3)	House Mother or House Father	4
(4)	Case Worker	3
(5)	Educator	2 (part time)
(6)	Vocational Instructor	1
(7)	Doctor	1 (part time)
(8)	Paramedical Staff	1
(9)	Store keeper cum Accountant	1
(10)	Driver	1
(11)	Cook	2
(12)	Helper	2
(13)	Sweeper	2
(14)	Art and Craft cum Music Teacher	1 (part time)
(15)	Gardener	1 (part time)
(16)	Security Guard	1

Form A[See Rule 5(1)]Application for registration of Children's Home(1)Name of the Applicant. -Society/Association/Body/Individual.(2)Address in full. -(3)Nature of Institution- whether Society or Association or other Body.(4)Whether incorporated or not. -(5)Incorporation under what law. -(6)Registration Number and other related details in case of registered societies/companies/statutory bodies. -(7)Financial status of the Institution. -(8)Certified copies of the relevant documents such as registration certificates/trust documents/incorporation document/copies of the last two years of audited Accounts and balance sheets. -(9)Number of children housed. -(10)Present accommodation available. -(11)Facilities available at the existing or proposed home. -(12)Area of operation of the Home. -(13)Facilities such as educational, recreational, medical, vocational and the like available at Home.(14)Accommodation available at the Home.(15)Information regarding separate residential and other facilities for boys and girls.Yours sincerely.....(Office bearer of the Institution/Organization)