

Juvenile Justice Newsletter

Monthly Newsletter of Activities Concerning Child Protection in Assam

Editorial

This edition of Newsletter brings to our readers an initiative taken by State Child Protection Society, Assam with support from UNICEF, AFO to understand and analyze the functioning of the stakeholders and service providers under Juvenile Justice System and ICPS; responsible to facilitate smooth adoption in the State. A barrier analysis was undertaken in this regard and challenges were indentified and concrete recommendations were suggested to overcome the same. This edition also brings forth news from the recent violence in BTAD, in which many children lost their lives and many became homeless and were left orphaned. ASCPCR took suomoto cognizance of this matter and suggested concrete recommendations to the Government of Assam in this regard to ameliorate the condition of the children living in the relief camps.

Editorial Board,
State Child Protection Society, Assam

Adoption: A Family Based Care System for Children

In India, there is a distinct propensity on institutionalizing the children in need of care and protection than on putting them in community based care. This is particularly due to lack of non-institutional care options, lack of awareness among the community about the importance of family based care, lack of any standard guidelines for regulating alternative care options other than adoption, lack of support to family to prevent separation and a large number of un-licensed institutions. The Juvenile Justice (Care and Protection of Children) Act 2000 has given a clear mandate for organizing non-institutional services to ensure the child's right to a family and to provide the necessary support and to strengthen families 'at risk' in order to prevent abandonment and institutionalization of the children due to varied socio-economic circumstances.

The rationale for non-institutional services lies on the premise that if the family as a unit is assisted rather than the child in isolation, the process of rehabilitation can be more effective. The Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 emphasizes on the rehabilitation and reintegration of children through sponsorship, foster-care, adoption and after-care. In order to facilitate the placement of orphaned, abandoned and surrendered children for adoption, the Act empowers the State Government to recognize one or more of its institutions or voluntary organizations in each district as Specialized Adoption Agency.

The Integrated Child Protection Scheme (ICPS), a centrally sponsored scheme for child protection mandates the establishment of a continuum of services giving priority towards supporting a child to remain in the care of his/her parent(s)/families. The scheme emphasizes on the importance of family-and community based alternative care options (such as kinship care, foster care and adoption) and considers institutionalization as a last resort

Adoption in India is governed by some fundamental principles e.g. child's best interest, emphasis on in-country adoption, following set procedures and in a time bound manner, in which no one shall derive any gain, whether financial or otherwise in the entire process. Any orphan, abandoned or surrendered child can be adopted following due procedure laid down in CARA (Central Adoption Regulating Authority) Guidelines if such child is declared legally free for adoption by the Child Welfare Committee (CWC). Adoption is based on the following principles:

- Best interest of the child is paramount.
- Institutionalization (e.g. placement into residential care) of the child should be for the shortest possible period of time
- All attempts should be made to find a suitable Indian family within the district, state or country.
- The child shall be offered for inter-country adoption only after all possibilities for national adoption, or other forms of family based placement alternatives such as placement with relatives (kinship care), sponsorship and foster care arrangements have been exhausted.
- All institutions should disclose details about children in their care and make sure that those free for adoption are filed and recorded with the State Adoption Resource Agency (SARA) and CARA, with all supporting documentation of authorization of such adoption from CWC.
- Inter-state coordination to match the list of Prospective Adoptive Parents (PAPs) with that of available children should be done by SARAs.
- No birth mother/parent(s) should be forced/coerced to give up their child for monetary or any other consideration.
- Adoption process from the beginning to end shall be completed in the shortest possible time.
- Monitoring, regulating and promoting the concept and practice of ethical adoptions in the country should be ensured.
- Agencies involved in the adoption process should perform their duties in a transparent manner, following rules of good governance and adhering to the professional and ethical code of conduct. Those agencies shall be reporting to and will be subject to rigorous auditing and supervision by responsible state bodies.

1. Awareness Building strategy:

The following strategies for awareness generation on adoption were suggested:

Strategies	Action points and Target Audience
Preparation and Dissemination of IEC Material	<ul style="list-style-type: none"> • Posters, Leaflets, Brochures, Flipcharts on Adoption • Posters on role of Family to ensure growth and development of children • Posters, Brochures on Rights of Children, demerits of institutional care • Posters on community based care mechanism
Ensure involvement of community based organizations for awareness and sensitization	<ul style="list-style-type: none"> • ASHA Workers, Anganwadi Workers • Self Help Group, Members of PRI • CBOs, NGOs, CHILDLINE • School Teacher • Community Mobilization Workers under NLUM
Mass Awareness through use of various medium	<ul style="list-style-type: none"> • Talking Doll show • Theatre for Development • Rallies and Road Show • Display of IEC Material in fairs. • Panchayats • BDOs, BLCP, VLCPC • BMOH, CDPOs • Police, Hospital, Nursing Home staff
Sensitization on adoption through DCPU	<ul style="list-style-type: none"> • Popular mediums like FM and TV channels should repeat the message on legal and ethical procedure of adoption. • Media, both print and electronic, needs to be sensitized on legal procedures for adoption. • Holding public meetings, rallies and marches as well as utilizing every public function to highlight the issue of Non-institutional Care in general and Adoption in particular
Public awareness and media sensitization	<ul style="list-style-type: none"> • Panchayats • BDOs, BLCP, VLCPC • BMOH, CDPOs • Police, Hospital, Nursing Home staff • Popular mediums like FM and TV channels should repeat the message on legal and ethical procedure of adoption. • Media, both print and electronic, needs to be sensitized on legal procedures for adoption. • Holding public meetings, rallies and marches as well as utilizing every public function to highlight the issue of Non-institutional Care in general and Adoption in particular

2. Capacity Building for SAs:

Based on the barriers identified from the study, the capacity building programmes for the staff members of SAs are as follows:

- ✓ Procedure for notification of Orphan and Abandoned Children
- ✓ Preparation of Individual Care Plan
- ✓ Placement of the child in pre-adoption foster care
- ✓ Pre and post-adoption counseling to children and parents
- ✓ Registration of prospective adoptive parents
- ✓ Maintaining an online database of PAPs registered with the current status of their application;
- ✓ Counseling of biological parents/unwed mother surrendering the child for prevention of abandonment and rehabilitation of child;
- ✓ Counselling skills and psycho-social assessments, dealing with CWSN
- ✓ Carrying out Home Study Report;
- ✓ Complementarities of functioning between SAA and CWC
- ✓ Preparing the documents for submission of case files before the District Judge
- ✓ Record keeping, Documentation, Reporting and Networking
- ✓ Developing strategies for awareness generation.
- Adopted Parents' meeting shall be organized at least once in a year at the state level to share their experience.
- An Adopted Parent's Forum/Association may be organized to create space for sharing and cross-learning.
- Arrange setting up of display boards, hoardings on adoption with information on place of contact in strategic locations e.g. DC office, Court, Railway Stations, Bus Stands, Hospitals etc with support from I&PR Dept, Govt of Assam, DAVP, CARA etc.
- Sensitization programmes on adoption need to be organized with the prospective adoptive parents on the various steps of adoption and mobilize their support for legal adoption

Information uploaded in CARINGS by the SAs in each month shall be shared with the concerned CWCs. It has been observed that SAs share such information with the CWC of the district where the SAA is located but not with the CWCs of the catchment districts.

3. Recommendations for SARA:

Sensitization workshop with Judiciary through State / District Legal Services Authority shall be organized to discuss the various components of CARA guidelines, 2011 and the role of Judiciary, CWC, SARA and SAA in the implementation of the guidelines.

Develop effective linkages between Governmental, non-governmental, corporate and other community agencies for better non-institutional alternative care.

Coordinate, monitor and strengthen the work of SAs through regular visits, conducting quarterly review meeting, provide technical support for documentation and data uploading in CARINGS, establish convergence among the SAs, help them in preparing the court papers etc.

SARA needs to address the gaps to register, maintain and share list of prospective Indian Adoptive Parents. SARA needs to facilitate the documentation work for child tracking system e.g. the list of children admitted in the Institutions, children legally free for adoption, children given in pre-adoption foster care and special needs children.

Render secretarial and administrative assistance to the State Adoption Advisory Committee and convene ARC meetings;

A separate format may be developed for Short-term Placement Pending Inquiry, under Form - X [Rule 27(18)] of JJ State Rules, 2011 to incorporate the details of children who will be placed in SAA by the concerned CWC.

SARA needs to make surprise visits to SAs in regular intervals (may be quarterly) to verify the existence of staff members in roll as mentioned in their monthly reports.

SARA needs to provide specific guidelines to the SAs to refer the CWSN to the RIPA when they fail to place such children under domestic adoption.

SARA needs to maintain regular contact with the SARA of other states to share as well as to learn some best practices in the field of adoption;

As mentioned in the ICPS guideline, SARA needs to develop and disseminate IEC materials on issues related to adoption;

SARA needs to give hand-holding support to RIPA to hasten the process of inter-country adoption in the State.

4. Recommendations for RIPA:

The physical space of the RIPA may be increased to keep CWSN and older children;

A foundling unit with modern medical equipments and facilities need to be built to provide special care to the CWSN;

Individual Care Plan need to be introduced for all children;

The communication with passport office needs to be increased to receive the passport on time.

RIPA needs to update MER and CSR on CARINGS, regularly, to update the data on special need children so that CARA may find families for those children.

RIPA must make effort to find approved families, in case of in-country adoption of a CWSN, through the help of linked SAA

5. Recommendations for CWC

All records about a child to be maintained by CWC.

CWCs shall provide for counseling to the parents, explain the consequences of surrender and explore the possibilities of retaining the child through sponsorship support under ICPS; if poverty is the pre-dominating factor for surrendering.

CWC shall ask the SAA to prepare an individual care plan for each child and to execute the plan within six months of the care plan being approved by the CWC. The individual care plan shall be reviewed every six months and no child shall remain in the care of a SAA for more than a period of one year.

No such order shall be issued by the CWC to place the child under pre-adoption foster care or adoption to a couple.

6. Recommendation for DCPU:

PO (NIC) to be appointed in all districts under ICPS to facilitate the process of Non-institutional care component of ICPS.

Generate awareness on adoption in active collaboration with SAA and prepare IEC materials from the SCPS budgetary allocations following strategies mentioned in 4.1.

Provide hand-holding support to SAA for Home Study Report, through the Social Worker preferably a MSW (masters of social work) back ground and to ensure compliance of all court guidelines.

DCPU shall invite proposals from the credible NGOs for establishing at least one SAA in each district.

DCPU needs to conduct, at least once in every quarter, a physical verification of SAA and send a progress report to SARA / SCPS.

7. Recommendations for DSW/SCPS:

The DSW will negotiate with the Health Department for notification in all Hospitals/Nursing Homes declaring that handing over a baby to any person is illegal. The hospital authorities shall produce such abandoned child within 24 hours to the concerned CWC.

DSW shall notify that children home under JJ Act, Short Stay Homes, Swadhar shelter need to act as Cradle Baby Centre to receive increased numbers of abandoned children;

The DSW/SCPS shall notify that only agencies licensed by the state Govt . are eligible to place children in in-country adoption and those recognized by CARA are eligible to place children in inter-country adoption;

DSW/SCPS shall be vigilant that Adoption of children shall not be a source of improper financial or other gain and that abuse, sale and trafficking in children shall lead to severe punishment.

DSW/SCPS shall expedite the recruitment process to fill in the vacancies in SARA and DCPU.

DSW/SCPS shall notify for the formation of Sponsorship and Foster Care Approval Committee (SFCAC) in each district to roll out sponsorship programme under ICPS. Such support would be of great help to the parents who surrenders child because of poverty.

DSW/SCPS shall establish SAs under ICPS in all the districts of Assam.

A multi- stakeholder consultation on Adoption was organized to share the findings of the Barrier Analysis, deliberations between SAs and CWCs, and key recommendations (stakeholder wise) with the purpose to strengthen the adoption process and system in Assam on 25th May, 2014 at Guwahati. This consultation also emphasized on creating increased awareness on CARA guidelines and about Adoption processes in the state, per se. Consultation included stakeholders from SAs/ RIPA, CWCs, ICPS Service Delivery Structures (state and district level), PAPs, Judicial Officers (District Judges), Civil Society Agencies, including Media.

Source: M/S Cell, SCPS, Assam

Information uploaded in CARINGS by the SAs each month shall be shared with the concerned CWCs. It has been observed that SAs share such information with the CWC of the district where the SAA is located but not with the CWCs of the catchment districts.

Provide counselling support to birth families, adoptive families and children being placed in adoption. Psycho – social assessment of prospective adoptive families a must to evaluate suitability to adopt children.

Before physically entrusting the child to the prospective adoptive parents under pre-adoption foster care, the SAA should ensure that they have record of local contacts of the PAPs including contact details of two close relatives.

Adoption of Special Needs Children:

Special care must be taken while processing the cases for adoption of special needs children, so that the prospective adoptive family is aware and ready to provide extra care and attention that the child needs.

It is important to understand that child with special needs requires, more than any other child, the care and love of a family at an early stage.

The adoption process for children with special need shall be completed as expeditiously as possible by the SAA.

The PAPs wishing to adopt special needs children shall be given top priority in the waiting list.

In spite of best efforts, some special needs children do not get adopted and have to remain in institutions and such children should be shifted by the SAA to specialized institutions in case such institutions are available in the State.

Refer CWSN to RIPA if the SAA faces difficulty in the placement of such children under domestic adoption.

SAA needs to have professional maturity to understand how families perceive the adoption process and post- placement services will have implications for improving adoption service delivery and practice in the state.

In order to strengthen post-placement services, the SAA needs to provide counseling to the parents on issue around discussing adoption, issues around search by the child or the birth parents, how to discuss adoption with their child, how and when to tell about adoption, how to build confidence among the parents etc.

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