



## **CENTRAL ADOPTION RESOURCE AUTHORITY**

**“Inter-Country Adoptions under the Juvenile Justice Act, 2015 and Adoptions under the Hindu Adoption and Maintenance Act, 1956.”**

# Agencies and Authorities as on 21st Nov'19

S. no.	Connected to Stakeholders/Service providers /PAPs and Children through online system	Figures as on 15/09/2019
1.	No. of Specialised Adoption Agencies (SAAs)	473
2.	No. of Child Care Institutions linked with SAA	5682
3.	No. of District Child Protection Unit	669
4.	No. of State Adoption Resource Agencies	34
5.	No. of Foreign Agencies /Central Authorities/Indian Diplomatic Mission	129 (53+27+49)
6.	No. of Prospective Adoptive Parents (PAPs) within the country	25301
7.	No. of Prospective Adoptive Parents (PAPs) from abroad	945
8.	No. of registered children in CARINGS	7505

# List of State-wise SAA as on 21<sup>st</sup> Nov'19

States	No. of SAA	States	No. of SAA
Andaman and Nicobar Island	2	Madhya Pradesh	31
Andhra Pradesh	14	Maharashtra	56
Arunachal Pradesh	2	Manipur	9
Assam	22	Meghalaya	6
Bihar	27	Mizoram	7
Chandigarh	1	Nagaland	4
Chhattisgarh	13	Orissa	28
Dadar and Nagar Haveli	1	Pondicherry	3
Delhi	12	Punjab	9
Goa	2	Rajasthan	35
Gujarat	16	Sikkim	4
Haryana	8	Tamil Nadu	21
Himachal Pradesh	1	Telangana	11
Jharkhand	15	Tripura	9
Karnataka	33	Uttar Pradesh	20
Kerala	20	Uttarakhand	7
West Bengal	24	<b>Total No. of SAA</b>	<b>473</b>

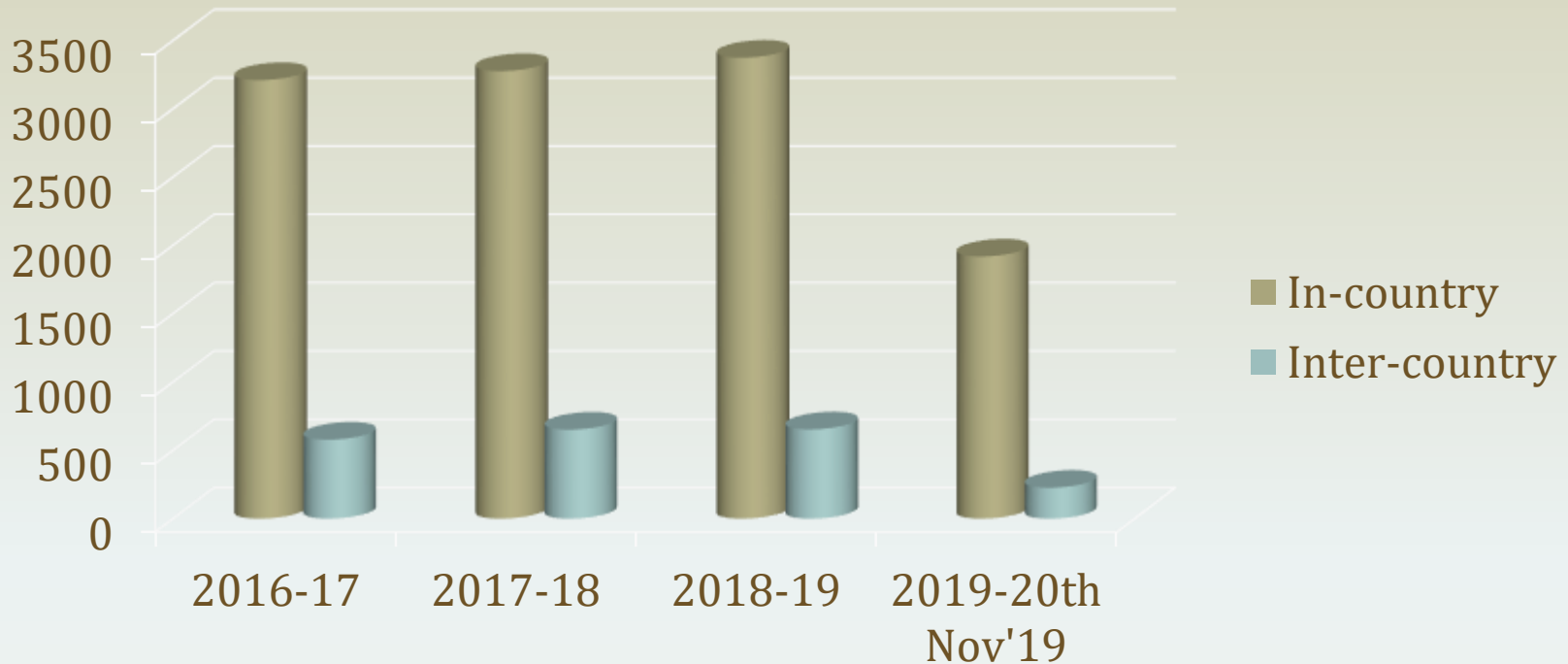
# SAA-CCI Linkage as on 21st Nov'19

State	No. of SAAs	No. of CCIs registered	Total No. of CCLs Linked
Andaman and Nicobar Island	2	0	0
Andhra Pradesh	14	884	871
Arunachal Pradesh	2	15	11
Assam	22	115	105
Bihar	27	60	58
Chandigarh	1	5	4
Chhattisgarh	13	65	61
Dadar and Nagar Haveli	1	0	0
Daman and Diu	0	0	0
Delhi	12	90	89
Goa	2	13	13
Gujarat	16	95	93
Haryana	8	83	76
Himachal Pradesh	1	41	38
Jammu & Kashmir	0	0	0
Jharkhand	15	89	88
Karnataka	33	850	807
Kerala	20	523	494

# SAA-CCI Linkage as on 21st Nov'19

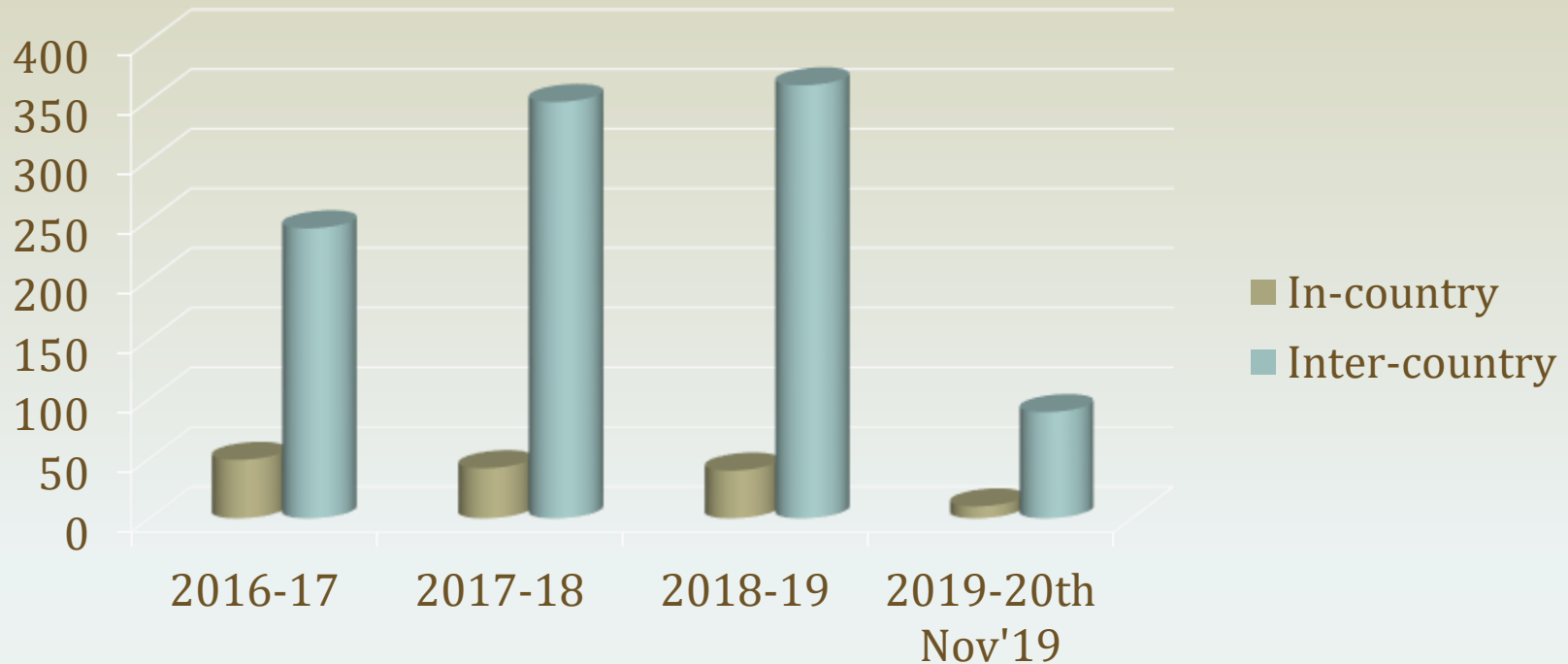
State	No. of SAAs	No. of CCIs registered	Total No. of CCLs Linked
Lakshadweep	0	0	0
Madhya Pradesh	31	67	63
Maharashtra	56	475	461
Manipur	9	47	45
Meghalaya	6	80	77
Mizoram	7	39	38
Nagaland	4	59	56
Orissa	28	292	277
Pondicherry	3	44	6
Punjab	9	68	65
Rajasthan	35	66	63
Sikkim	4	21	20
Tamil Nadu	21	1359	1256
Telangana	11	402	318
Tripura	9	20	20
Uttar Pradesh	20	36	36
Uttarakhand	7	8	8
West Bengal	24	66	65
<b>Total</b>	<b>473</b>	<b>6077</b>	<b>5682</b>

# Adoption Statistics as on 21st Nov'19



Year	In -country Adoption	Inter-country Adoption
2016-17	3210	578
2017-18	3276	651
2018-19	3374	653
2019-21 <sup>st</sup> November'19	1918	226

# Adoption Statistics of special needs children as on 21st Nov'19



Year	In -country Adoption	Inter-country Adoption
2016-17	49	243
2017-18	42	349
2018-19	40	363
2019-21 <sup>st</sup> November'19	10	89

# CWC Pendency as on 21st Nov'19

States	No. of Pendency	States	No. of Pendency
Andaman and Nicobar Island	0	<b>Madhya Pradesh</b>	<b>89</b>
Andhra Pradesh	77	Maharashtra	387
Arunachal Pradesh	1	Manipur	1
Assam	18	Meghalaya	1
Bihar	77	Mizoram	0
Chandigarh	3	Nagaland	4
Chhattisgarh	32	Orissa	76
Dadar and Nagar Haveli	1	Pondicherry	3
Delhi	103	Punjab	46
Goa	4	Rajasthan	37
Gujarat	40	Sikkim	2
Haryana	82	Tamil Nadu	154
Himachal Pradesh	0	Telangana	42
Jharkhand	63	Tripura	4
Karnataka	74	Uttar Pradesh	189
Kerala	37	Uttarakhand	1
		West Bengal	102
<b>Total Number of Pendency</b>	<b>1750</b>		



# Court Order Pendency as on 21st Nov'19

States	No. of Court Pendency	States	No. of Court Pendency
Andhra Pradesh	17	Manipur	0
Assam	16	Mizoram	2
Bihar	49	Nagaland	0
Chhattisgarh	5	Orissa	43
Delhi	3	Pondicherry	0
Gujarat	11	Punjab	5
Haryana	9	Rajasthan	22
Himachal Pradesh	11	Sikkim	1
Jharkhand	27	Tamil Nadu	66
Karnataka	37	Telangana	12
Kerala	15	Tripura	2
<b>Madhya Pradesh</b>	<b>33</b>	Uttar Pradesh	60
Maharashtra	107	Uttarakhand	4

# *Fundamental principal governing Adoptions under the JJ Act, 2015*

- Principle of presumption of innocence
- Principle of dignity and worth
- Principle of participation
- **Principle of best interest**
- **Principle of family responsibility**
- Principle of safety
- Positive measures
- Principle of non-stigmatising semantics
- Principle of non-waiver of rights
- Principle of equality and non-discrimination
- Principle of right to privacy and confidentiality
- **Principle of institutionalisation as a measure of last resort**
- Principle of repatriation and restoration
- Principle of fresh start
- Principle of diversion
- Principles of natural justice

# *Fundamental principles governing Adoption under the Adoption Regulation, 2017*

- The child's best interests shall be of paramount consideration, while processing any adoption placement
- 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;
- 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.

# *Adoption Regulations, 2017*

## *Chapters*

- ❑ **Chapter I** : PRELIMINARY
- ❑ **Chapter II** : PROCEDURE RELATING TO CHILDREN FOR ADOPTION
- ❑ **Chapter III** : ADOPTION PROCEDURE FOR RESIDENT INDIANS
- ❑ **Chapter IV** : ADOPTION PROCEDURE FOR NON-RESIDENT INDIAN, OVERSEAS CITIZEN OF INDIA AND FOREIGN PROSPECTIVE ADOPTIVE PARENTS
- ❑ **Chapter V** : RECOGNITION, INSPECTION AND FUNCTION OF ADOPTION AGENCIES
- ❑ **Chapter VI** : FUNCTIONS OF GOVERNMENT ORGANISATIONS AND AUTHORITY
- ❑ **Chapter VII** : MISCELLANEOUS PROVISIONS

# *List of Schedules*

1. Certificate declaring the child legally free for adoption
2. Child study report
3. Medical examination report of the child
4. Medical test for children admitted into institutions
5. Deed of surrender
6. Online registration form and list of documents to be uploaded
7. Home study report of resident Indian parent/ overseas citizen of India/foreigner living in India
8. Pre-adoption foster care undertaking (in the form of an affidavit)
9. List of (attested/notarised) documents to be filed along with the adoption petition in the court
10. No objection certificate
11. Conformity certificate
12. Post- placement report of the child
13. Standards of child care in specialised adoption agencies
14. Timeline for authorities concerned and agencies
15. Format for quarterly reporting of adoption data by specialised adoption agency (SAA)
16. Monthly report of the child welfare committee (CWC) to the state adoption resource agency and central adoption resource authority
17. Format for reporting of adoption cases
18. Classification of special needs children for the purpose of adoption

# *List of Schedules*

19. Consent for the purpose of relative adoption
20. Consent of biological parent(s) along with step-parent to obtain the permission of child welfare committee for adoption of child/children by biological parent and the step-parent
21. Family background report of the child and the biological parents in cases of inter-country relative adoptions
22. Permission by child welfare committee to the consent given by the guardian of the child for adoption by his/her relative (where biological parents are not alive/not able to give consent)
23. Affidavit by the chief functionary/authorised person of the specialised adoption agency to court in support of adoption of child
24. Affidavit of prospective adoptive parent(s) in cases of in-country relative adoptions in support of their relationship, financial and social status as per sub-regulation 4 of regulation 51
25. Format for inspection of specialised adoption agencies
26. Application from a child care institution for recognition as a specialized adoption agency
27. Format of minutes of the adoption committee in case of in-country adoption
28. Model application in case of orphan or abandoned or surrendered child(ren) to court for in-country adoption
29. Model application in case of orphan or abandoned or surrendered child(ren) to court for inter-country adoption
30. Model application to court for in-country relative adoption
31. Model application to court for inter-country relative adoption
32. Model application to court for adoption of child/children by step & biological parent

# *Types of Adoptions*

In-country Adoption

Inter-country Adoption

In-country relative Adoption

Inter-country relative Adoption

Step- parent Adoption

# *Procedure as provided under the JJ Act for In-country Adoption*

**Step 1** - Self  
Registration by PAPs in  
CARINGS

**Step 2** - Uploading of  
Documents by PAPs  
through their portal  
within 30 days of  
registration

**Step 3** - Opted SAA  
will conduct the HSR  
and upload the same  
on CARINGS

**Step 6** - Child  
Acceptance by PAPs  
within 20 days from  
date of reservation

**Step 5** - Adoption  
committee assess the  
suitability of PAPs

**Step 4** - Referral of 3  
children in the interval  
of 2 months and  
Reservation child  
through CARINGS

**Step 7** - Pre-Adoption  
Foster Care

**Step 8** - SAA will apply  
for court order and  
after receiving the  
same apply for  
the birth certificate.

**Step 9** - Post-  
Adoption Follow-up till  
2 years



# *Referral System of In –Country adoption*

- ❖ The seniority of the PAPs for child referral shall be from the date of uploading of documents and completion of registration process in CARINGS.
- ❖ On the basis of seniority, the PAPs shall be referred online profile of 03 children which will include the photographs, Child Study Report and Medical Examination Report, in their preference category, if any, from one or more Specialised Adoption Agencies through the CARINGS in three referrals(one by one after a gap of sixty days)
- ❖ PAPs may reserve 01 child within a period of 48 hours for possible adoption and the rest of the children would be released by CARINGS for other PAPs in the waiting list.
- ❖ The SAA shall get the details of the PAPs through the CARINGS for fixing an appointment with the PAPs for matching, to assess the suitability of the PAPs by an Adoption Committee as defined in sub-regulation (2) of regulation 2 and the Adoption Committee shall prepare the minutes of the meeting as per format provided in Schedule XXVII.
- ❖ The quorum of the Adoption Committee shall be 02 members and the quorum of the Adoption Committee in case of adoption from a Child Care Institution shall be 03 members, while the presence of one official from the DCPU would be mandatory.
- ❖ The SAA shall also organise a meeting of the PAPs with the child.
- ❖ The entire process of matching shall be completed within a maximum period of 20 days from the date of reserving the child.

# *Referral System of In –Country adoption*

- ❖ The SAA shall counsel the PAPs when they visit the agency for matching.
- ❖ While accepting the child, the PAPs shall sign the CSR and MER which may be downloaded from the CARINGS, in the presence of the social worker or chief functionary of the SAA and the SAA shall record the acceptance by the PAPs in the CARINGS.
- ❖ In case the PAPs are not selected for the child by the Adoption Committee, the reason for non-selection of the PAPs shall be recorded in the CARINGS.
- ❖ If grounds of rejection are found to be due to systemic error or on non-justifiable reasons, seniority of the PAPs shall be retained.
- ❖ In case the PAPs do not accept the reserved child or the Adoption Committee does not find the PAPs suitable, then the PAPs shall be relegated to the bottom of the seniority list, as on that date, who may avail a fresh chance when the seniority becomes due and the same procedure shall be followed in the subsequent chances.
- ❖ In all cases referred to in sub-regulations (12), the reasons for not considering the child have to be clearly stated in CARINGS.
- ❖ The registration of PAPs shall continue till child adoption, with revalidation of the Home Study Report in every 03 years.
- ❖ The PAPs may also get the Medical Examination Report of the child reviewed by a medical practitioner of their choice before giving their acceptance for adoption of the child.

# *Procedure as provided under the JJ Act for Inter-country Adoption*

**Step 1** - Registration of PAPs in CARINGS by AFAA/CA/Diplomatic Mission/Embassy

**Step 2** - Uploading of Documents by AFAA/CA/Diplomatic Mission/Embassy

**Step 3** - Initial approval by CARA

**Step 6** NOC by CARA

**Step 5** - Uploading of Child Acceptance and concerned documents by concerned authority in the CARINGS

**Step 4** - Referral of 2 children in the interval of 2 months and Reservation of one child through CARINGS

**Step 7** - Pre-Adoption Foster Care child

**Step 8** - Court Order, Conformity Certificate, Passport & Visa for the

**Step 9** - Child Arrival, Citizenship, Post Adoption Follow up till 02 years.

# *Referral System of Inter –Country adoption*

- ❖ The seniority of the PAPs shall be counted from the date of their registration and uploading of requisite documents in the CARINGS.
- ❖ The Home Study Report and other documents of the PAPs, referred to in this Chapter, shall be scrutinised at the Authority in order to determine their eligibility and suitability and be forwarded to the SAA where children legally free for adoption are available.
- ❖ The profiles of 02 children, in two referral(s), shall be forwarded by CARINGS to the AFFA or Central Authority or Government department or Indian diplomatic mission, as the case may be, which may further forward such profiles to the PAPs concerned as per local rules and in case of a foreigner or Overseas Citizen of India, the profiles of children shall be referred to the PAPs.
- ❖ The PAPs may reserve one of the referred children within 96 hours and the profile of the other child shall stand automatically withdrawn.
- ❖ In case the PAPs fail to reserve any of the children within 96 hours, then the profiles of both the children shall stand automatically withdrawn.
- ❖ Preference of the PAPs shall be taken into consideration when sending referrals to them.
- ❖ If the PAPs reserve one of the children shown, they shall accept the child by signing the Child Study Report and Medical Examination Report of the child within 30 days from the date of reservation.
- ❖ The Child Study Report, Medical Examination Report and photograph of the child, in original, shall be sent by the Specialised Adoption Agency to the Authorised Foreign Adoption Agency or Central Authority or the Indian diplomatic mission concerned

# *Referral System of Inter –Country adoption*

- ❖ In case the prospective adoptive parents fail to accept the reserved child within thirty days, then the profile of the child shall stand withdrawn by the Child Adoption Resource Information and Guidance System and the seniority of the prospective adoptive parents shall be relegated to the bottom of the list; and shall be given another opportunity to reserve and accept a child when their turn becomes due, provided that their Home Study Report remains valid.
- ❖ If the prospective adoptive parents desire to visit the Specialised Adoption Agency to see the child in person, before accepting him for adoption, such visit may be made after their adoption application is approved by the Authority and the prospective adoptive parents may also get the Medical Examination Report of the child reviewed by a medical practitioner of their choice.
- ❖ The Authorised Foreign Adoption Agency shall forward the original documents of the prospective adoptive parents, as specified in Schedule IX, to the Specialised Adoption Agency concerned for their scrutiny.
- ❖ All documents forming part of the Home Study Report shall be notarised and the signature of the notary is to be apostilled by competent authority of the receiving country in cases of Hague Adoption Convention ratified countries, however the documents originating from India shall be self-attested.
- ❖ If the documents are in any language other than English, then the originals must be accompanied by translations in English, duly attested by the agency or authority in the country of residence of the prospective adoptive parents designated for the purpose of attestation or apostille.

# *Procedure as provided under the JJ Act for In-country relative Adoption*

The PAPs shall register in CARINGS and follow due legal procedure as provided in regulation 55.

Consent of biological parents or permission of the CWC, as the case may be, shall be required as provided in Schedule XIX or Schedule XXII respectively.

The consent of the child shall be obtained, if she/he is five years of age or above.

Affidavit of adoptive parent(s) is required in support of their financial and social status as per Schedule XXIV.

The PAPs shall file an application in the competent court as provided in Schedule XXX.

# *Procedure as provided under the JJ Act for Inter-country relative Adoption*

A Non-Resident Indian or an Overseas Citizen of India may approach an Authorised Foreign Adoption Agency (AFAA) or the Central Authority (CA) in the country of residence for preparation of their Home Study Report and for online registration in CARINGS.

In case there is no AFAA or CA in their country of residence, then the PAPs shall approach the Government department concerned or Indian diplomatic mission (in cases of Indian citizens) in that country.

The AFAA or CA or the department concerned or the Indian diplomatic mission (in cases of Indian citizens), as the case may be, on completion of the Home Study Report, shall register the application of the PAPs in CARINGS along with the required documents as mentioned in **Schedule VI**.


Any person, who takes or sends a child to a foreign country or takes part in any arrangement for transferring the care and custody of a child to another person in a foreign country without a valid order from the competent Court, shall be punishable as per the provisions of section 80 of the Act.

# *Procedure as provided under the JJ Act for Step-parent Adoption*

The couple (step-parent and one of the biological parents) shall register in CARINGS with the required documents as mentioned in Schedule VI.




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).



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.



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, as per format given at Schedule XXXII.



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 CARINGS.



# *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.
- ❖ 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.
- ❖ 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.

# *Role of Judiciary*

- ❖ 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 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 CARINGS.

# Court Procedure

- ❖ 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.
- ❖ 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.
- ❖ 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.

# *Court Procedure*

- 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) Registration of an adoption deed shall not be mandatory as per the JJ Act.
- i) 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.
- j) The Specialised Adoption Agency shall submit an affidavit to the court while filing a petition as provided in Schedule XXIII.

*Documents to be filled along with the adoption petition  
(Section 61 of JJ Act, 2015 along with Schedule IX of AR,  
2017 In - Country Adoption*

**To be obtained from the Prospective adoptive parents(PAPs) by the SAA**

1. Current family photograph/ photograph of the couple or person adopting a child
2. PAN Card of the prospective adoptive parents
3. Birth certificate/Proof of date of birth of the prospective adoptive parents
4. Proof of residence (aadhar card/ voter card/ passport/current electricity bill/telephone bill)
5. Proof of income of last year (salary slip/income certificate issued by Govt. department/income tax return)
6. 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)
7. Marriage certificate
8. 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).
9. Two reference letters from acquaintances or relatives in support of adoption.
10. Consent of the older child/children in the adoptive family (if more than 5 years)

*Documents to be filled along with the adoption petition  
(Section 61 of JJ Act, 2015 along with Schedule IX of AR,  
2017 In - Country Adoption*

**To be arranged by the Specialised Adoption Agency**

11. Child Study Report signed by the prospective adoptive parents along with recent photograph of the child.
12. Medical Examination Report of the child signed by the prospective adoptive parents.
13. Certificate of Child Welfare Committee declaring the child 'legally free for adoption'.
14. Home Study Report of the prospective adoptive parents along with their recent family photograph.
15. Recognition certificate of the agency as Specialised Adoption Agency.
16. Consent of the older child/children to be adopted.
17. Decision of the Adoption Committee (only in case of In-country adoption).
18. Affidavit by the Chief Functionary of the Specialised Adoption Agency to Court in support of adoption of child.
19. Pre-adoption foster care affidavit.

*Documents to be filled along with the adoption petition  
(Section 61 of JJ Act, 2015 along with Schedule IX of AR,  
2017 Inter- Country Adoption*

**To be provided by the Authorised Foreign Adoption Agency(AFAA) or Central Authority(CA) or Government department or Indian Mission abroad to the SAA**

1. Photograph of the applicant(s).
2. Home Study Report.
3. Passport (Male PAP)
4. Passport(Female PAP)
5. Overseas Citizen of India card of the PAPs (if applicable)
6. Birth certificate/Proof of date of birth of the PAPs
7. Proof of Residence
8. Proof of income of last year (e.g. salary slip/income certificate issued by Government department /Income tax return)
9. Certificate from a medical practitioner certifying that the prospective adoptive parents do not suffer from any chronic, contagious or fatal decease and they are fit to adopt.
10. Police Clearance Certificate(Male)
11. Police Clearance Certificate(Female)
12. Marriage Certificate (in case of couple)
13. Two reference letters from acquaintances or relatives in support of adoption.
14. In case of Divorce, divorce decree/declaration from the competent court or affidavit on oath pertaining to divorce is mandatory and death certificate is mandatory for single PAP.
15. Consent of the older child/children in the adoptive family (if more than 5 years)
16. Authorisation Certificate of Authorised Foreign Adoption Agency (not required in case of Central Authority or Government department or Indian Mission)

## *Documents to be filled along with the adoption petition (Section 61 of JJ Act, 2015 along with Schedule IX of AR, 2017 Inter- Country Adoption*

17. Undertaking from the Authorised 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)
18. Permission of the receiving country as per Article 5/17 of the Hague Adoption Convention.
19. Undertaking for permitting home visit to the social worker during post-adoption follow-up.
20. 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**

21. Child Study Report signed by the prospective adoptive parents along with recent photograph of the child.
22. Medical Examination Report of the child signed by the prospective adoptive parents.
23. Certificate of Child Welfare Committee declaring the child 'legally free for adoption'.
24. Recognition certificate of the agency as Specialised Adoption Agency
25. Consent of the older child/children to be adopted
26. Affidavit by the Chief Functionary of the Specialised Adoption Agency to Court in support of adoption of child.
27. Pre-adoption foster care affidavit (wherever required)
28. NOC issued by CARA in favour of adoption of a child by a Non-Resident Indian/Overseas Citizen of India/Foreign prospective adoptive parents. 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.



*Documents to be filled along with the adoption petition  
(Section 61 of JJ Act, 2015 along with Schedule IX of AR,  
2017 In-Country & Inter- Country relative Adoption*

## **In-Country relative Adoption**

- As indicated in Schedule VI of the Adoption Regulations, the prospective adoptive parents shall file the adoption application in the court concerned of the district where the child resides with biological parents or guardians.

## **Inter- Country relative Adoption**

- As indicated in Schedule VI of the Adoption Regulations, the prospective adoptive parents shall file the adoption application in the court concerned of the district where the child resides with biological parents or guardians, through their power of attorney,

# *Appearance of PAP's in Court*

## **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.

## **Inter Country Aadoption**

- 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).

# *Adoption Order*

- ✓ Adoption of the Child granted to the adoptive parents and they be declared parent of the child for all purpose of the law.
- ✓ The new name as given by the adoptive parents must be recorded along with the date of birth of the child.
- ✓ Direction may 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).
- ✓ Attested photograph of the child affixed in the Court order.

# *CARINGS – Online Adoption System*

## Modules

PAPs :- Prospective Adoptive Parents

SAA :- Specialised Adoption Agency

DCPU :- District Child Protection Unit

SARA :- State Adoption Resource Agency

CARA :- Central Adoption Resource Authority

AAFA :- Authorised Foreign Adoption Agency

# Hindu Adoption Maintenance Act, 1956

- ❑ 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**)
  
- ❑ 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.
  
- ❑ 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.

# Hindu Adoption Maintenance Act, 1956

- ❑ **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.
  
- ❑ 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.

# Hindu Adoption Maintenance Act, 1956

- ❑ Adoption can be concluded through a registered Adoption deed through court, subject to compliance with the provisions of the Act **(Sec 16 of HAMA)**.
- ❑ A valid adoption cannot be cancelled **(Sec 15 of HAMA)**.
- ❑ 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)**.
- ❑ 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.

# *Salient aspects of Adoption under HAMA and JJ Act*

<b>Hindu Adoption Maintenance Act, 1956</b>	<b>Juvenile Justice Act, 2015</b>
Only for Hindus	A Secular Act
Same sex children cannot be adopted	No such conditions
Children only up to 15 years of age can be adopted	Children up to 18 years of age can be adopted
Registered deed finalizes adoption, court permission required in some cases	Adoption order finalizes adoption, deed is not required
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
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
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.
Inter-country adoptions can not be done under HAMA as these fall under private and direct adoption	All Inter-country adoptions shall be done as per provisions of this Act. (Section 56(4) of the JJ Act, 2015).



# *Recent Court Orders*

- ❑ In the case of Karina Jane Creed vs Union of India & Ors. IA No. 87870/2019 Date : 10-06-2019 (A foreigner or a person of Indian origin or an overseas citizen of India who has habitual residence in India can apply for adoption of a child from India along with No Objection Certificate from the diplomatic mission of his country in India.)
- ❑ High Court of Chhattisgarh, Bilaspur In the matter of Criminal Revision No.97 of 2018, Order Passed on : 25.7.2019
- ❑ Patna High Court in the matter of Civil Miscellaneous Jurisdiction no.395 of 2017 (Case of Child Shalu Kumari

*Thank you*