

Non-Resident Indian to be treated at par with resident Indian

Non-resident Indian prospective adoptive parents shall be treated at par with Indians living in India in terms of priority for adoption of Indian orphan, abandoned or surrendered children.

Registration and Home Study Report for prospective adoptive parents for inter-country adoption

1. Any Non-Resident Indian, Overseas Citizen of India or foreign prospective adoptive parents, living in a country which is a signatory to the Hague Adoption Convention and wishing to adopt an Indian child, can approach the Authorised Foreign Adoption Agency or the Central Authority concerned, as the case may be, for preparation of their Home Study Report and for their registration in Child Adoption Resource Information and Guidance System.
2. In case, there is no Authorised Foreign Adoption Agency or Central Authority in their country of habitual residence, then the prospective adoptive parents shall approach the Government department or Indian diplomatic mission concerned in that country for the purpose.
3. The Authorised Foreign Adoption Agency or Central Authority or the Government department or the Indian diplomatic mission concerned, as the case may be, on ascertaining the eligibility of the prospective adoptive parents for adopting a child, shall get their Home Study Report completed and register their application in Child Adoption Resource Information and Guidance System in the format along with the required documents as specified in Schedule VI.

4. The seniority of the prospective adoptive parents shall be counted from the date of their registration and uploading of requisite documents in the Child Adoption Resource Information and Guidance System.
5. The Home Study Report and other documents of the prospective adoptive parents, referred to in this Chapter, shall be scrutinised at the Authority in order to determine their eligibility and suitability and be forwarded to the Specialised Adoption Agency where children legally free for adoption are available.
6. The profiles of two children, in one or two referral(s), shall be forwarded by Child Adoption Resource Information and Guidance System to the Authorised Foreign Adoption Agency or Central Authority or Government department or Indian diplomatic mission, as the case may be, which may further forward such profiles to the prospective adoptive parents 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 prospective adoptive parents.
7. The prospective adoptive parents may reserve one of the referred children within ninety-six hours and the profile of the other child shall stand automatically withdrawn.
8. In case the prospective adoptive parents fail to reserve any of the children within ninety-six hours, then the profiles of both the children shall stand automatically withdrawn.
9. Preference of the prospective adoptive parents shall be taken into consideration when sending referrals to them.

- 10.If the prospective adoptive parents 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 thirty days from the date of reservation.
- 11.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.
- 12.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.
- 13.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.

14. 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.
15. 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.
16. 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.

No Objection Certificate of Authority and pre-adoption foster care

The Authority shall issue No Objection Certificate in favour of the proposed adoption in the format at Schedule X, within ten days from the date of receipt of the acceptance of the child by the prospective adoptive parents and letter of approval or permission of the receiving country as per Article 5 and Article 17 of the Hague Adoption Convention, wherever applicable; and a copy of the No Objection Certificate shall also be endorsed to all concerned and posted in Child Adoption Resource Information and Guidance System forthwith.

The prospective adoptive parents may take the child in pre-adoption foster care for a temporary period within India after issuance of No Objection Certificate by the Authority while the court order is pending, by furnishing an undertaking to the Specialised Adoption Agency in the format at Schedule VIII.

The prospective adoptive parents shall receive final custody of the child from the Specialised Adoption Agency as soon as the passport and visa are issued to the child after issue of adoption order from the competent court.

Legal Procedure

1. The legal procedure as provided in regulation 12 shall, *mutatis mutandis* be followed in cases of inter-country adoption under this Chapter.
2. 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.

Passport and visa, intimation to immigration authorities, Conformity Certificate, Birth Certificate, etc

1. The Authority shall issue a Conformity Certificate under Article 23 of the Hague Adoption Convention in the format provided in Schedule XI within

three working days from the date of availability of the adoption order in the Child Adoption Resource Information and Guidance System, in case the receiving country of the adopted child is a signatory to the Hague Adoption Convention.

2. The Authority shall inform the immigration authorities and the foreign regional registration office or the foreign registration office concerned, as the case may be, about confirmation of the adoption.
3. To obtain Indian passport for the adopted child, the Specialised Adoption Agency shall submit the application to the regional passport officer within three working days from the date of receipt of the adoption order.
4. The regional passport office shall issue passport for the adopted child within ten days from the date of receipt of application, in accordance with the circulars regarding issuance of passport to inter-country adopted children, issued by the Ministry of External Affairs of the Central Government from time to time.
5. The Specialised Adoption Agency shall approach the birth certificate issuing authority for obtaining birth certificate of the adopted child, with the name of adoptive parents, as parents, and date of birth as recorded in the adoption order within a period of three days of obtaining of the certified copy of the adoption order.
6. The adopted child shall be entitled to receive Overseas Citizen of India card, if found eligible.

7. The adoptive parent(s) shall come to India for taking the adopted child to their country within a period of two months from the date of adoption order.

Follow-up of progress of adopted child by Non-Resident Indian, Overseas Citizens of India and foreign prospective adoptive parents

1. The Authorised Foreign Adoption Agency or the Central Authority or Indian diplomatic mission or Government department concerned, as the case may be, shall report the progress of the adopted child for two years from the date of arrival of the adopted child in the receiving country, on a quarterly basis during the first year and on six monthly basis in the second year, by uploading online in the Child Adoption Resource Information and Guidance System in the format provided in Schedule XII along with photographs of the child.
2. On the basis of the progress report or in course of post-adoption home visits, if an adjustment problem of an adoptee with the adoptive parents comes to the notice of the Authorised Foreign Adoption Agency or Central Authority or the Government department concerned in the receiving country, necessary counseling shall be arranged for the adoptive parents and for the adoptee, wherever applicable.
3. If it is found that the adoptee is unable to adjust in the adoptive family or that the continuance of the child in the adoptive family is not in the interest of the child, the Authorised Foreign Adoption Agency or Central Authority or the Government department in the receiving country or Indian diplomatic mission concerned, as the case may be, shall withdraw the child and provide

necessary counseling and shall arrange for suitable alternate adoption or foster placement of the child in that country, in consultation with the Indian diplomatic mission and the Authority.

4. In case of disruption or dissolution of adoption, the child shall be entitled to receive care, protection and rehabilitation through the child protection services of that country and as per Hague Adoption Convention for the Hague Adoption Convention ratified countries.
5. The Authorised Foreign Adoption Agency or Central Authority or Government department concerned shall contact Indian diplomatic mission to render necessary help and facilitate the repatriation of the child, if required.
6. The Authorised Foreign Adoption Agency or Central Authority or Government department concerned, may organise annual get-together of Indian adoptees and their adoptive parents and forward a report of the event to the Authority and the Indian diplomatic missions shall facilitate such get-togethers.
7. The prospective adoptive parents shall furnish an undertaking to the effect that they would allow personal visits of the representative of Authorised Foreign Adoption Agency, the foreign Central Authority or Government department concerned, as the case may be, to ascertain the progress of the child with the adoptive parents or family at least for a period of two years from the date of arrival of the child in the receiving country.