

Procedure relating to orphan or abandoned child

The provisions relating to the process of declaring an orphan or abandoned child, as legally free for adoption are laid down in sections 31, 32, 36, clauses (a) to (c) and clause (h) of sub-section (1) of section 37 and section 40 of the Act, as well as under the relevant provisions of the rules made thereunder.

(2) An orphan or abandoned child received by a Child Care Institution, including a Specialised Adoption Agency, directly without the involvement of Child Welfare Committee, shall be produced before the Child Welfare Committee within twenty-four hours (excluding the journey time) along with a report as per the format given in Form 17 of Juvenile Justice (Care and Protection of Children) Model Rules, 2016 and a copy of such report shall be submitted by the Child Care Institution or the Specialised Adoption Agency, as the case may be, to the local police station within the same period.

(3) If a child is under treatment or not in a condition to be produced before the Child Welfare Committee, only documents related to the child shall be produced before the Child Welfare Committee within the said timeline and the Child Welfare Committee may visit the ailing child.

(4) The Child Welfare Committee, pending inquiry, shall issue an order in Form 18 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 for a short term placement or interim care of the child, as per the provisions of sub-section (c) of section 37 of the Act and the sub-rule 26 of rule 18 of the said rules.

(5) On admission of the child, his details and photograph shall be entered online in the Child Adoption Resource Information and Guidance System in the prescribed format by the Specialised Adoption Agency within three working days of receiving the child, and the photograph of the child shall be changed by the Specialised

Adoption Agency every six months in Child Adoption Resource Information and Guidance System

(6) For tracing out the biological parents or the legal guardian(s), the Child Welfare Committee, after taking into account the risk factors, and in the best interest of the child, may direct the District Child Protection Unit to advertise the particulars and photograph of an orphan or abandoned child in a national newspaper with wide circulation within three working days from the time of receiving the child and also ensure entry of data in the designated portal in its missing or found column by the concerned Child Care Institution or Specialised Adoption Agency

(7) In case where the child is from another State, the publication shall be done in the known place of origin of the child in the local language and such publications shall be facilitated by State Adoption Resource Agency concerned.

(8) Wherever District Child Protection Unit is not functional, the District Magistrate concerned shall get such advertisement issued.

(9) In case the biological parents or legal guardian cannot be traced, despite the efforts specified in sub-regulations(6) to (8), the District Child Protection Unit shall accordingly, submit a report to the Child Welfare Committee within thirty days from the date of production of the child before the Child Welfare Committee.

(10) The Child Care Institution or Specialised Adoption Agency shall submit a report to the Child Welfare Committee, immediately on completion of thirty days from the date of production of the child, before the Child Welfare Committee and the report shall include any information revealed by the child during his short term placement and details of person(s) whosoever approached for claiming the child, if any.

(11) In case the report from the local police regarding the non-traceability of the biological parents or legal guardian is not submitted within two or four months in

the case of an abandoned child less than two or four years of age respectively, such report shall be deemed to have been given.

(12) The Child Welfare Committee shall use the designated portal to ascertain whether the abandoned child or orphan child is a missing child.

(13) The Child Welfare Committee, after taking actions as per the provisions of the Act, rules made thereunder and these regulations shall issue an order signed by any three members of the Child Welfare Committee declaring the abandoned or orphan child as legally free for adoption in the format at Schedule I within a period of two or four months, from the date of production of the child before the Child Welfare Committee, in case of a child up to two or above two years of age respectively.

(14) The inquiry under section 36 of the Act and the order declaring an abandoned or orphan child as legally free for adoption by the Child Welfare Committee under section 38 of the Act shall be completed in the district where the child was initially found, or in the district to which the child is shifted under orders of the Child Welfare Committee.

(15) The Child Welfare Committee and Medical Examination Report of an orphan or abandoned child shall be prepared in the format at Schedule II and III respectively and posted in the Child Adoption Resource Information and Guidance System by the Specialised Adoption Agency maximum within ten days from the date the child is declared legally free for adoption and the details shall be updated on Child Adoption Resource Information and Guidance System every six months or whenever appreciable physical changes are observed in the child.

(16) The Child Welfare Committee and Medical Examination Report shall be made available in English, apart from the local language.

(17) The District Child Protection Unit shall facilitate the Specialised Adoption Agency in uploading the Child Study Report and Medical Examination Report in

Child Adoption Resource Information and Guidance System, in case the Specialised Adoption Agency is facing any technical difficulty.

(18) The procedure for declaring a child of parents with mental disability as legally free for adoption by the Child Welfare Committee shall be done on the basis of a certificate reflecting mental disability of the parents from the medical board constituted by the Central Government or the State Government, as the case may be, as per guidelines for mental illness issued by the Government of India in the Ministry of Social Justice and Empowerment from time to time.

(19) In case of siblings or twins, the Child Welfare Committee shall specify the status of the children as siblings or twins and declare the children as legally free in a single order.