

Procedure relating to a surrendered child

- (1) A parent or guardian wishing to surrender a child under subsection (1) of section 35 of the Act, shall apply to the Child Welfare Committee in the Form 23 of Juvenile Justice (Care and Protection of Children) Model Rules, 2016.
- (2) For parents or guardians who are unable to give an application, due to illiteracy or any other reason, the Child Welfare Committee shall facilitate the same through the legal aid counsel provided by the Legal Services Authority.
- (3) The Deed of Surrender shall be executed as per Schedule V.
- (4) If the surrendering parent is an unmarried mother, the Deed of Surrender may be executed in the presence of preferably any single female member of the Child Welfare Committee.
- (5) If a child born to a married couple is to be surrendered, both parents shall sign the Deed of Surrender and in case one of them is dead, death certificate is required to be furnished in respect of the deceased parent.
- (6) If a child born to a married couple is to be surrendered by one biological parent and the whereabouts of the other parent are not known, the child shall be treated as abandoned child and further procedures in accordance with regulation 6 of these regulations shall be followed.
- (7) In case of a child born out of wedlock, only the mother can surrender the child and if the mother is a minor, the Deed of Surrender shall be signed by an accompanying adult as the witness.
- (8) If the surrender is by a person other than the biological parents who is not appointed as a guardian by a court of law, the child shall be treated as

abandoned child and further procedures in accordance with regulation 6 shall be followed.

- (9) The Specialised Adoption Agency and the Child Welfare Committee shall ensure that a copy of the Deed of Surrender is given to the surrendering parents or person.
- (10) The details of the child along with his photograph shall be entered online in the Child Adoption Resource Information and Guidance System by the Specialised Adoption Agency within three working days from the time of receiving the child.
- (11) To discourage surrender by biological parents, efforts shall be made by the Specialised Adoption Agency or the Child Welfare Committee for exploring the possibility of parents retaining the child, which shall include counselling or linking them to the counselling center set up at the Authority or State Adoption Resource Agency, encouraging them to retain the child and explaining that the process of surrender is irrevocable.
- (12) The Specialised Adoption Agency and the Child Welfare Committee shall ensure that the surrendering parents or the legal guardian is made aware that they can reclaim the surrendered child only within a period of sixty days from the date of surrender.
- (13) Due regard shall be given to the privacy of the surrendering parents and the surrendered child by the authorities and agencies involved in the process.
- (14) No public notice or advertisement shall be issued in the case of a surrendered child.
- (15) In case the surrendering biological parent has not claimed back the child during the reconsideration period, the same shall be intimated by the Specialised Adoption Agency to the Child Welfare Committee on completion of sixty days from the date of surrender.

- (16) The reconsideration period for the biological parents is specified in subsection (3) of section 35 of the Act and no further notice shall be issued to the surrendering parents.
- (17) The Child Welfare Committee shall issue an order signed by at least three members declaring the surrendered child as legally free for adoption after the expiry of sixty days from the date of surrender, in the format at Schedule I.
- (18) The Child Study Report and Medical Examination Report of the surrendered child shall be prepared and posted in the Child Adoption Resource Information and Guidance System by the Specialised Adoption Agency, within ten days from the date the child is declared legally free for adoption, in the format at Schedule II and Schedule III of these Regulations respectively.
- (19) The Child Study Report and Medical Examination Report shall be made available in English (apart from the local language) and 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.
- (20) Strict confidentiality shall be maintained in cases of all documents pertaining to biological parents in all circumstances unless the surrendering parents have expressed their willingness for divulging the same.
- (21) The surrender of a child by an unwed mother before a single woman member of the Child Welfare Committee shall be considered as surrender of the child before the Committee as envisaged under section 35 of the Act, and her right to privacy has to be protected.
- (22) The surrender of a child before Child Welfare Committee shall be in camera.

(23) The surrender of child or children by the biological parents for adoption by the step-parent shall be before the Child Welfare Committee, for adoption, on the ground of emotional and social factors as envisaged under subsection (1) of section 35 of the Act, in the format given at Schedule XXI.