



सत्यमेव जयते

75
आज़ादी का
अमृत महोत्सव



केंद्रीय दत्तक-ग्रहण संसाधन प्राधिकरण
CENTRAL ADOPTION RESOURCE AUTHORITY
महिला एवं बाल विकास मंत्रालय, भारत सरकार
MINISTRY OF WOMEN & CHILD DEVELOPMENT,
GOVERNMENT OF INDIA

BROCHURE ON ADOPTION FOR DISTRICT MAGISTRATE



West Block-8, Wing-2, 2nd Floor, R.K.Puram, New Delhi-110066 (India)
CARA Helpline No: 1800-11-1311 (Available between 8:00 AM to 8:00 PM (Mon-Fri)); Tollfree No: 011-26760471,
26760472, 26760473 | E-mail: carahdesk.wcd@nic.in / Website: www.cara.nic.in

Contents

Sl. No.	Description	Page
1.	Part 1:Background	3-5
	1.1 Central Adoption Resource Authority	
	1.2 Fundamental principles governing adoption	
	1.3 Legislations on adoption	
	1.4 Comparative features of Juvenile Justice (Care and Protection of Children) Act, 2015 (amended in 2021) and Hindu Adoption and Maintenance Act, 1956	
2.	Part 2: Adoptions under the Juvenile Justice (Care and Protection of Children) Act, 2015 (amended in 2021) (Types)	6
	2.1 In-country Adoption of Orphan, Abandoned and Surrendered Children	
	2.2 Inter-country Adoption of Orphan, Abandoned and Surrendered Children	
	2.3 In-country Relative Adoption	
	2.4 Inter-country Relative Adoption	
	2.5 Adoption by Step-Parent	
3.	Part 3: Roles and Responsibilities of District Magistrates/ Additional District Magistrates	7-9
	3.1 Juvenile Justice (Care and Protection of Children) Act, 2015 (amended in 2021)	
	3.2 Juvenile Justice (Care and Protection of Children) Model Rules, 2022 (amended in 2022)	
	3.3 Adoption Regulations, 2022	
4	Part 4: Inter-country Adoptions under HAMA, 1956 by NRI/OCI Prospective Adoptive Parents.	10
5	Part 5: CARINGS	11
6	Part 6: Miscellaneous	11-12

Part 1

Background

1.1 Central Adoption Resource Authority (CARA)

Central Adoption Resource Authority (CARA) is a statutory body of Ministry of Women & Child Development, Government of India. As envisaged in Section 68 of the Juvenile Justice Act 2015 (as amended in 2021), CARA shall perform the following functions, namely:—

- (a) to promote in-country adoptions and to facilitate inter-State adoptions in co-ordination with State Agency;
- (b) to regulate inter-country adoptions;
- (c) to frame regulations on adoption and related matters from time to time as may be necessary;
- (d) to carry out the functions of the Central Authority under the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption;
- (e) any other function as may be prescribed.

The entire adoption procedure is carried out in the 'Designated Portal' means Child Adoption Resource Information and Guidance System (CARINGS).

The District Magistrate (DM) holds pivotal position as the head of the district administration in the district and DMs/ADMs have been entrusted with the responsibility of care and protection of vulnerable children at District level. The JJ Amendment Act, 2021 has authorised District Magistrate/Additional District Magistrate to issue adoption orders for children. The District Magistrates have been further empowered under the Act, to ensure effective implementation of the Act, as well as garner synergised efforts in favour of children in distress conditions.

1.2 Fundamental Principles Governing Adoption

The following fundamental principles shall govern adoptions of children from India, namely: —

- a) The child's best interests shall be of paramount consideration, while processing any adoption placement;
- b) Preference shall be given to place the child in adoption with Indian citizens with due regard to the principle of placement of the child in their own socio-cultural environment, as far as possible;
- c) All applications for adoptions shall be registered on the Designated Portal and confidentiality of the same shall be maintained by the Authority.

1.3 Legislations on Adoption

Juvenile Justice (Care and Protection of Children), 2015 (amended in 2021):

It is a special legislation for Orphan, Abandoned and Surrendered children. Children of relatives can also be adopted through the Act.

Sec 2(1) “Abandoned child” means a child deserted by his biological or adoptive parents or guardians, who has been declared as abandoned by the Committee after due inquiry.

Sec 2(42) “Orphan” means a child—(i) who is without biological or adoptive parents or legal guardian; or (ii) whose legal guardian is not willing to take, or capable of taking care of the child.

Sec 2(60) “Surrendered child” means a child, who is relinquished by the parent or guardian to the Committee, on account of physical, emotional and social factors beyond.

Other Categories of Children:

Regulation 6(18) of Adoption Regulations 2022 provides that the procedure for declaring a child of parents with mental illness or intellectual 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 the laws established by the Government of India, with respect to the same.

Rule 17(ix) of JJ Rule 2022 mandates CWC to ensure that children without having a legal guardian irrespective of their age are expeditiously declared legally free for adoption within the timeline as provided in the Act, rules and regulations; and further Rule 17(x) provides that the CWC shall interact with older children living in the Child Care Institutions having no guardians and also with such children living in the Child Care Institutions who are not in contact with their guardians for several years and counsel such children about the benefit of family based care including foster care and adoption.

Hindu Adoption and Maintenance Act 1956 (HAMA):

It pertains only to Hindus, wherein a Hindu parent/guardian can give a child in adoption to another Hindu parent (Sec 2 of HAMA).

This Act applies—

- (a) to any person, who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or AryaSamaj,
- (b) to any person who is a Buddhist, Jaina or Sikh by religion, and
- (c) to any other person who is not a Muslim, Christian, Parsi or Jew by religion, unless it is

proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

1.4 Comparative features of Juvenile Justice (Care and Protection of Children) Act, 2015 (amended in 2021) and Hindu Adoption and Maintenance Act, 1956

Sl. No.	Hindu Adoption and Maintenance Act 1956	Juvenile Justice (Care and Protection of Children) Act, 2015 (Amended in 2021)
1.	Only for Hindus	A Secular Act
2.	Same sex children cannot be adopted	No such conditions
3.	Children only up to 15 years of age can be adopted	Children only up to 18 years of age can be adopted.
4.	HAMA is meant to facilitate adoption between the known set of parents.	No such scope under the JJ Act.
5.	Registered deed finalises adoption, court permission required in some cases.	Adoption order finalises adoption, Registered deed is not required.
6.	An OAS child in SAA/CCI belongs to the State and cannot be adopted under HAMA.	OAS Children can be adopted under the Act with the involvement of authorised agencies and authorities.
7.	Adoptions under HAMA are direct and open Adoptions.	Adoptions made in accordance with the JJ Act are closed adoptions, especially those involving OAS minors.
8.	Both the biological and adoptive parents are responsible for protecting the child's welfare and best interests.	Best interests of the child is ensured due to the built in mechanisms in the JJ Act through involvement of authorities and recognised agencies.
9.	The procedure of providing and taking an adoption is all that depends on the adoptive parents and the biological parents; no time frame for selecting or reserving a child are given.	Timelines are well defined for reserving a referred child by the Prospective Adoptive Parents (PAPs).
10.	Under HAMA, inter- country adoption of only NRI/OCI PAPs has been facilitated under the Adoption Regulations (Chapter VIII).	All inter- country adoptions of OAS children and relatives have been facilitated under the Act and the Adoption Regulations 2022.

Part 2

ADOPTIONS UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 (AMENDED IN 2021)

1 IN-COUNTRY ADOPTION (OAS CHILDREN)

- Registration by PAPs on Designated Portal & uploading of documents within 30 days (Schedule VI Part-1).
- Home Study of PAPs by SAA/ DCPU within 60 days & uploading the same on portal. (Schedule VII)
- Online referral of child to PAPs which is to be reserved by PAPs within 48 hours.
{PAPs can also reserve child directly through Immediate Placement/Special Needs/ Seven Days for RI/NRI/OCI PAPs Tab}
- Adoption Committee Meeting: Assessment of suitability of PAPs with the child reserved.
Minutes of the meeting as per Schedule XXVII
- Matching of reserved child & acceptance by PAPs on Portal within 30 days from date of reservation of child.
PAFC: Physical custody of child (Schedule VIII)
- Filing of Adoption Application by SAA within 5 days & scrutiny by DCPU within 5 days (Schedule IX Part-1& XXVIII)
- DM issues Adoption Order within 60 days (Schedule XXXIII). DCPU uploads Adoption Order on Portal
- Post Adoption Follow-up by SAA for 2 years w.e.f. PAFC (Schedule XII)

2 IN COUNTRY RELATIVE ADOPTION

- Registration by PAPs on Designated Portal and uploading of documents (Schedule VI- Part 4)
- DCPU uploads verification along with Family Background Report on Portal (Schedule XXI)
- SARA re-verifies application and uploads it on Portal
- CARA issues & uploads Pre-Approval Letter (Schedule XXV Format-1)
- The PAPs (through DCPU) file adoption application (Schedule IX Part-4 & XXX)
- DM issues Adoption Order within 60 days (Schedule XXXIII)
DCPU uploads Adoption Order on Portal

3 ADOPTION BY STEP PARENT

- Registration by Step Parent on Designated Portal & uploading of documents (Schedule VI-Part 5)
- DCPU uploads verification report on Portal
- SARA re-verifies application and uploads it on Portal
- CARA issues a Pre-Approval Letter (Schedule XXV Format-2)
- The PAPs (through DCPU) file adoption application (Schedule IX Part-5 & XXXII)
- DM issues Adoption Order within 60 days (Schedule XXXIII)
- DCPU uploads Adoption Order on Portal

4 INTER-COUNTRY ADOPTION (OAS CHILDREN)

- Home Study & registration of NRI, OCI & Foreign PAPs on Designated Portal by AFAA/CA/IDM
- AFAA/CA/IDM uploads documents on Portal (Schedule VI- Part 2)
- Scrutiny of documents & approval of PAPs by CARA
- Online referral of the child to PAPs through AFAA/CA/IDM and the child to be reserved within 96 hours & accepted within 30 days on the Portal.
{PAPs through AFAA/CA/IDM can also reserve child directly through Immediate Placement/ Special Needs/ Seven Days for RI/NRI/OCI PAPs Tab}
- AFAA/CA/IDM uploads Article 5/17
- CARA issues NOC within 10 days subject to receiving of requisite documents (schedule X)
- Filing of Adoption Application by SAA within 5 days & scrutiny by DCPU within 5 days (Schedule IX Part-2 & Schedule XXIX)
- DM issues Adoption Order within 60 Days (Schedule XXXIII). DCPU uploads Adoption Order on Portal
- CARA issues Conformity Certificate within 3 days (Schedule XI)
- Passport & Exit Visa for the child.
- Post-Adoption Follow-up by AFAA/CA/IDM till 2 years (Schedule XII)

5 INTER-COUNTRY RELATIVE ADOPTION

- Home Study & Registration of NRI & OCI PAPs by AFAA/CA/IDM
- AFAA/CA/IDM uploads documents on Portal (Schedule VI-Part 3)
- Initial Scrutiny of documents by CARA
- DCPU uploads verification report along with Family Background Report (Schedule XXI)
- SARA re-verifies application & uploads it on Portal
- CARA issues Pre-Approval Letter
- AFAA/CA/IDM uploads Articles 5/17
- PAPs (through DCPU) files Adoption Application (Schedule IX Part-3 & Schedule XXXI)
- DM issues Adoption Order within 60 Days (Schedule XXXIII)
- CARA issues NOC & Conformity Certificate
- Passport & Exit Visa for child

AFAA: Authorised Foreign Adoption Agencies | CA: Central Authority CARA: Central Adoption Resource Authority
DCPU: District Child Protection Unit Designated Portal: Child Adoption Resource Information and Guidance System (CARINGS)
DM: District Child Protection Unit | IDM: Indian Diplomatic Missions | NOC: No Objection Certificate | NRI: Non-Resident Indian
OAS: Orphan, Abandoned or Surrendered | OCI: Overseas Citizen of India | PAP: Prospective Adoptive Parents | SAA: Specialised Adoption Agency

Part 3

Roles and Responsibilities of District Magistrate

3.1 Juvenile Justice (Care and Protection of Children) Act, 2015 (amended in 2021)

DM has been empowered for the following roles:

- Ensure implementation of the Act in the District **[Section 2 (26)]**
- Recommend CCIs for registration to State Govt. **(Section 41)**
- Call for any information from all stakeholders including JJB & CWC **[Section 16 (4)]**
- Conduct quarterly review of the functioning of the Committee **[Section 27(8)]**
- Act as grievance redressal authority of functioning of CWC and affected child **[Section 27 (10)]**
- Conduct a quarterly review based of QPR on restored, dead and runaway child received from CWC **[Section 40 (4)]**
- Hold adoption proceedings in camera and dispose of adoption application within a period of two months from the date of filing. **(Section-61)**

APPEAL

Any person aggrieved by an adoption order passed by the DM may, within a period of thirty days from the date of such order passed by the District Magistrate, file an appeal before the Divisional Commissioner **[Sub-section (6) of Section 101]**. Every appeal filed under sub-section (6), shall be decided as expeditiously as possible and an endeavour shall be made to dispose it within a period of four weeks from the date of filing of the appeal.

Provided that where there is no Divisional Commissioner, the SG or UT Administration, as the case may be, may, by notification, empower an officer equivalent to the rank of the Divisional Commissioner to decide the appeal.” **[Sub-section (7) of Section 101]**.

3.2 Juvenile Justice (Care and Protection of Children) Model Rules, 2022

DM has been empowered for the following roles:

Rule (85)

- Function as Nodal Officer in the District for implementation of the Act and Rules and DCPU to function under DM
- Designate any ADM of the District to discharge the duties under the Act
- Hold quarterly review meetings with relevant stakeholders to discuss issues related to children in the district
- Maintain a panel of social workers for assigning the work to be done by social workers under the Act

- Constitute district level inspection committees (including member JJB or CWC, Medical Officer, one member of civil society, one mental health expert) (Rule 41)
- Ensure that arrangements of safety, security, transportation and support and access for differently-abled children, are in place (Rule 21)
- Review suggestion box during every visit (Rule 7)
- Make recommendation for registration of CCI based on inspection (Rule 21)

[Cases pertaining to adoption matters pending before the Court shall stand transferred to the DM from the date of commencement of amendment Rules i.e. 01.09.2022 (**Rule 45**)].

3.3 Adoption Regulations 2022: Functions of the District Magistrate (Regulation 36)

Reg. 36(1) - All the cases pertaining to adoption matters pending before the court shall stand transferred to the District Magistrate from the date of notification of these regulations as provided in rule 45.

Reg. 36(2) - In cases of fresh applications, it shall issue adoption order within a period of two months from the date of filing of the application, as provided under sub-section (2) of section 61 of the Act and as per format given in the **Schedule XXXIII**

Reg. 36(3) - The District Magistrate shall have following executive functions namely:-

- (a) receive an application from the Specialised Adoption Agency or District Child Protection Office or relative family of a child or children for obtaining the adoption order;
- (b) make necessary arrangements for hearing of the cases after due scrutiny of the documents by the concerned District Child Protection Unit;
- (c) maintain confidentiality about adoption cases particularly those of the orphan, abandoned and surrendered children;
- (d) issue an adoption order upon satisfying itself that —
 - (i) in the proposed adoption due procedure has been followed as provided under the Adoption Regulations framed by the Authority and adoption is for the welfare of the child;
 - (ii) all documents which are required for adoptions as provided in the applicable Schedule of the Adoption Regulations have been verified by the District Child Protection Unit;
 - (iii) the consent of the child is available, if the child is above five years of age;
 - (iv) the Authority has issued No Objection Certificate in the cases of inter-country adoptions in the prescribed format;
 - (v) the minutes of the Adoption Committee is available in all cases of domestic adoptions;

- (vi) Neither the prospective adoptive parents have given or agreed to give nor the Specialised Adoption 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 towards the adoption fees.
- (e) instruct the District Child Protection Unit to upload adoption order on the Designated Portal and preserve the adoption records in safe custody;
- (f) serve notice to any applicant in case of in-country adoption for physical appearance during any adoption proceedings, if necessary:
Provided that no physical presence of prospective adoptive parents is required in cases of inter-country adoptions and if deemed necessary, video conferencing with the prospective adoptive parents should suffice.
- (g) dismiss or reject an application for adoption if it does not comply with the laid down provisions of Adoption Regulations giving specific reasons for such dismissal through a speaking order;
- (h) review cases of disruption or dissolution and if the prospective or adoptive parents are found to be the cause of disruption or dissolution, they may be barred from adopting in the future, and notify the same to the State Adoption Resource Agency and the Authority, as well as take appropriate legal action for any abuse or neglect caused by the adoptive parents.

Reg. 36 (4) - No information or adoption order issued by District Magistrate shall be uploaded on any portal except on the Designated Portal.

Reg. 36(5) - In cases of adoptions completed other than this Act, the District Magistrate shall ensure that all such provisions are compiled therein.

Reg. 36(6) - In cases of siblings, the District Magistrate, as far as possible, shall ensure that they remain in the same campus or in the institution before they are placed in adoption.

Reg. 36(7) - The District Magistrate shall appoint an officer at appropriate level in case there is no District Child Protection Officer presents to head the Adoption Committee.

Reg. 36(8) - In cases of children having health issues or suspected special needs conditions, the District Magistrate shall refer the child to the Chief Medical Officer of the District within twenty four hours as soon as information about such children is received from the Specialised Adoption Agency or the Child Care Institution with the help of the District Child Protection Unit concerned.

Reg. 36(10) - In cases of adoption dissolution, District Magistrate shall pass dissolution order filed by the Specialised Adoption Agency through District Child Protection Unit as per format provided in Schedule XXXIV.

Part 4

Inter-country Adoptions under Hindu Adoption and Maintenance Act (HAMA), 1956 by NRI/OCI Prospective Adoptive Parents.

On 17th Sept 2021, Government notified, “Procedure for children adopted under the Hindu Adoption and Maintenance Act, 1956 by persons who desire to relocate a child abroad” to simplify procedure related to adoption by Hindu prospective adoptive parents or adoptive parents residing outside the country.

4.1 Procedure in the case of Registered Adoption Deed (cases on or before 17th Sept., 2021), [Regulation 67]

Verification of the Adoption Deed to be completed by the DM based on the facts and the requisite criteria of the HAMA [Regulation 67 (2)]

4.2 Procedure for inter-country Adoption (cases after 17th Sept., 2021), [Regulation 68]

PROCEDURE FOR CHILDREN ADOPTED UNDER HAMA, 1956 BY PARENTS WHO DESIRE TO RELOCATE THE CHILD ABROAD (POST 17.09.2021)

- AFAA/CA/IDM sponsors NRI/OCI PAPs Application
- Initial Scrutiny of documents by CARA
- DCPU uploads Family Background Report (Schedule XXI and and Schedule XXXVI)
- AFAA/CA/IDM uploads Article 5/ 17
- DCPU uploads Adoption Deed
- DM issues Verification Certificate (Schedule XXXV)
- CARA issues NOC and Conformity

HAMA: Hindu Adoptions and Maintenance Act | AFAA: Authorised Foreign Adoption Agency | CA: Central Authority CARA: Central Adoption Resource Authority | DCPU: District Child Protection Unit | DM: District | IDM: Indian Diplomatic Mission | NOC: No Objection Certificate NRI: Non-Resident Indian | OCI: Overseas Citizen of India

Part 5

Designated Portal:

Child Adoption Resource Information & Guidance System (CARINGS)

CARINGS is an online platform, building bridges and creating links through a robust web-based management system designed to bring transparency in the adoption system and also curtailing delays at various level.

5.1 The Specialised Adoption Agency (SAA) updates the child pre-adoption foster care information on CARINGS.

5.2 Adoption application information starts reflecting on CARINGS-DCPU module. The District Child Protection Unit (DCPU) scrutinizes requisite documents as provided in the Schedule IX within five days of receipt of the documents from the SAA before forwarding the case to the District Magistrate for Issuance of Adoption Order.

5.3 District Magistrate shall issue adoption order within a period of two months from the date of filing of the application through CARINGS-DM Module.

5.4 The DM can generate and upload the Adoption Order from their portal. 5.5 Further, DCPU can upload the Adoption Order from its portal only when the DM has generated the draft of the adoption order from its portal (Uploading adoption orders has been extended to the DCPO portal in all the cases where the DM has generated the draft from its portal on CARINGS).

Part 6

Miscellaneous:

“District Magistrate” shall include the Additional District Magistrate of the District who is authorised to look into adoption related matters in the district and shall carry out such other functions as mentioned below:

6.1 Follow timeline as provided under the Act and the Adoption Regulations and take the help of the local Child Protection Service in all adoption matters;

6.2 Take the help of various formats available in this regard in the Adoption Regulations while pronouncing adoption order under the JJ Act 2021 or issuing verification certificate under the HAMA;

6.3 Call for any information from all the stakeholders including the Committee or the District Child Protection Unit, as and when required, in the best interest of a child;

6.4 Conduct a monthly review of the functioning of the Committee;

6.5 Ensure that all applications are maintained through a designated information management system developed by the authority or its own office

and all records pertaining to such applications are kept in safe custody at the office of the District Child Protection Unit;

6.6 Instruct the Child Welfare Committee and the District Child Protection Unit to look into the possibility of adoption for children who have been separated from their parents, relatives, or guardians for a long time and have had no contact with them;

6.7 Ensure that the registrations of SAAs are renewed by the concerned department of the State Government in a time-bound manner so that the adoption process is not delayed on this count;

6.8 Take the help of District Child Protection Unit for necessary assistance or may seek the opinion of the State Adoption Resource Agency or Central Adoption Resource Authority in cases of doubt related to an adoption application pending before it;

6.9 Take appropriate administrative actions against the officials/staff working in the child care institutions for repeated violations of the timeline and other standards as stipulated under the Adoption Regulations;

6.10 Take appropriate administrative actions against the District Child Protection Officer for deliberately defaulting to link an orphan, abandoned or surrendered child residing in a child care institution with a specialised adoption agency.

Resources:

- Juvenile Justice (Care and protection of Children) Act 2015: https://cara.nic.in/PDF/JJ%20Amendment%20Act%20-2021_27.pdf
- Juvenile Justice (Care and protection of Children) Amendment Act, 2021) <https://cara.nic.in/PDF/JJ%20act%202015.pdf>
- Juvenile Justice (Care and protection of Children), Model Amendment Rules, 2016 (Bi-lingual Hindi-English):
- [https://cara.nic.in/PDF/The%20Juvenile%20Justice%20\(Care%20and%20Protection%20of%20Children\)%20Model%20Amendment%20Rules,%202022.PDF](https://cara.nic.in/PDF/The%20Juvenile%20Justice%20(Care%20and%20Protection%20of%20Children)%20Model%20Amendment%20Rules,%202022.PDF)
- Juvenile Justice (Care and protection of Children), Model Amendment Rules, 2022 [https://cara.nic.in/PDF/JJ%20Model%20Amendment%20Rules%202022%20\(english\)_27.pdf](https://cara.nic.in/PDF/JJ%20Model%20Amendment%20Rules%202022%20(english)_27.pdf)
- Adoption Regulations, 2022 (Bi-lingual Hindi-English): https://cara.nic.in/PDF/adoption_regulations_2022_2709.PDF
- Hague Convention on Inter-country Adoption 1993 ratified by GoI in 2003 <https://assets.hcch.net/docs/77e12f23-d3dc-4851-8f0b-050f71a16947.pdf>