

F.No.-CARA-SCI011/5/2017
Government of India
Ministry of Women & Child Development
CENTRAL ADOPTION RESOURCE AUTHORITY

Dated: 19th MAY, 2017

OFFICE MEMORANDUM

SUB: CONSTITUTION & RESPONSIBILITIES OF CHILD WELFARE COMMITTEE (CWC) IN ADOPTION.

The Child Welfare Committee (CWC) shall be constituted by every State Government/UT Administration in every district, consisting of a Chairperson and 4 other Members, as per *Section 27 of the Juvenile Justice (JJ) Act, 2015 and rule 15 of the JJ Model Rules, 2016* to discharge the duties assigned to it under and the Act and Rules/Regulations framed thereunder.

2. CWCs are mandated to meet at least twenty days in a month as per *Section 28 (1) of the JJ Act, 2015* are required to discharge the following functions/responsibilities in relation to adoption, as per the relevant provisions of the *JJ Act 2015 (Section 30), JJ Model Rules, 2016 (Rule 17) and Adoption Regulations, 2017:-*

- (a) Ensure that all children in need of care and protection (orphan, abandoned or surrendered children) are produced before the committee within 24 hours (excluding journey period) as per *Section 31 of the JJ Act, 2015*. Suo Motu cognizance may be taken as per *Section 30 (xii) of the JJ Act, 2015*.
- (b) Issue interim care order to send such children to Specialised Adoption Agency (SAA) or to a Child Care Institution (CCI), if no SAA is available in the District as per *Form 18 of the JJ Model Rules, 2016*.
- (c) Maintain case monitoring sheet for each child produced before CWC as per *Form 26 of JJ Model Rules, 2016*.
- (d) Issue an order to the District Child Protection Unit (DCPU) for advertising the photograph and details of an abandoned child in the newspaper (*regulation 6 (6) of the Adoption Regulations, 2017 refers*) and for submitting a report as to whether the biological parent(s) or legal guardian or anybody on their behalf has approached the DCPU or the SAA, to claim the child (*regulation 6 (9) of the Adoption Regulations, 2017 refers*). In case DCPU is non-functional, the District Magistrate shall get such advertisements issued (*regulation 6 (8) of Adoption Regulations, 2017 refers*).
- (e) Issue an order to the Police Station (in whose jurisdiction

the abandoned child was found) for furnishing report regarding traceability of the claimant (biological parent/legal guardian) of the abandoned child, in the case of an abandoned child. In case the report from the police regarding non-traceability of the biological parents or legal guardian is not submitted within two or four months in case of an abandoned child less than or more than two years of age respectively, such report shall be deemed to have been given as per *regulation 6 (11) of Adoption Regulations, 2017*.

(f) Issue an interim order to the Probation Officer or Legal-cum-Probation Officer of DCPU for furnishing Inquiry Report in the case, as per *Section 36 of the JJ Act, 2015*.

(g) If the report is not received within the timeframe, as stipulated in the *proviso under Section 38 (1) of JJ Act, 2015*, reminder(s) need to be issued and level needs to be raised by seeking intervention of the District Magistrate and CARA through SARA.

(h) Restore the abandoned child, in case the biological parent(s) or legal guardian could be traced or came forward to claim the child as per *Section 40 (3) of the JJ Act, 2015*. In such case, the veracity of the person claiming the child as the biological parent or legal guardian needs to be established, before the child is handed over.

(i) Receive the biological parents or unwed mother approaching it (CWC) directly or through a SAA/CCI or known person for relinquishing/surrendering their/her child as per *Section 35 of the JJ Act, 2015*, in such a manner/place which provides comfort, dignity and assurance to them giving due regard to their/her Right to Privacy as defined in *regulation 7 (13), (20), (21) & (22) of Adoption Regulations, 2017*.

(j) In case the biological parents or unwed mother doesn't want to undertake the legal process of surrendering the child and is unwilling to apply as per *Form 23 of the JJ Model Rules, 2016*, they/she may be permitted to leave the child with CWC thereby allowing safe abandonment of the child and the CWC should follow the procedure as in case of abandoned child.

(k) Counsel the parent(s) surrendering the child:

(i) that she/he/they have 60 days for reconsideration of their decision;

(ii) that the child can be declared legally free for adoption by CWC, if the child is not claimed within 60 days;

(iii) that the child may go in adoption to another family, after being declared legally free for adoption by CWC; and

(iv) that they will have no claim/legal right over the child, after the child is declared legally free for adoption by CWC and/or after the Adoption Order is issued by the Competent Court.

(l) Get the Surrender Deed executed before it (CWC), in case the surrendering parent(s) insist for surrender, despite counselling as

per format given in *Schedule V of the Adoption Regulations, 2017*.

(m) Provide a copy of the Surrender Deed to the surrendering parent(s).

(n) In case of surrender of child/children by biological parents for adoption by the step-parent as per *regulations 4 (c), 52 & 55 (2) of the Adoption Regulations, 2017*, permission for the same be granted after checking the consent of all concerned as per *Schedule XX of the Adoption Regulations, 2017*.

(o) Declare the orphan/abandoned/surrendered children legally free for adoption within time frame stipulated of two months from the date of production of child upto two years of age and within four months for children above two years of age (*proviso under Section 38 (1) of JJ Act, 2015 refers*).

(p) Report on the nature of disposal of cases and pendency of cases of orphan/abandoned/surrendered children (being declared legally free for adoption) to the District Magistrate/District Collector/Deputy Commissioner of the District, every quarter as per *Form 16 of the JJ Model Rules, 2016 mandated under Section 36 (4) of the JJ Act, 2015*.

(q) Report the figures/details of children declared legally free for adoption by it (CWC) and also of the cases pending for its decision, to SARA and CARA every month, on-line through Child Adoption Resource Information & Guidance System (CARINGS) as per *Schedule XVI of the Adoption Regulations, 2017*. Secretary to the CWC (to be provided by the DCPU as per *Section 27 (3) of JJ Act, 2015*), shall be responsible for ensuring the correctness and timely uploading of the Report in CARINGS.

(r) Inspect at least two SAA every month to see the residential facilities and quality of services and send the inspection report to DCPU and SARA for remedial measures wherever required, as per *Section 30 (viii) of JJ Act, 2015*.

3. The CWCs in every State/UT are expected to perform the above responsibilities with due diligence and devotion, in the best interest of the children, which is the *raison de'tre* of their existence/mandate.



(Rajesh Kumar)

Under Secretary to the Govt. of India

To

1. The Child Welfare Committee (CWC) of every District in all States/UTs.
2. The District Magistrate/District Collector/Deputy Commissioner (as the case may be) of all Districts.

3. All State Adoption Resource Agencies (SARAs) in the country.
4. All State Governments/UT Administrations (Deptt. of Women & Child Development/Social Welfare/Social Justice/Child Rights (as the case may be).