

तृप्ति गुरहा

अपर सचिव

**Tripti Gurha**

Additional Secretary



सत्यमेव जयते

महिला एवं बाल विकास मंत्रालय  
भारत सरकार

Ministry of Women & Child Development  
Government of India

D.O. No. CW-II-30/18/2024-CW-II (e-113650)

26<sup>th</sup> April, 2024

*Dear Madam/Sir,*

I write to you in context of the Model Foster Care Guidelines, 2024 that have been revised in the light of the Juvenile Justice (Care and Protection) Act 2015 (as amended in 2021) and Model Rules 2016 (as amended in 2022).

2. These revised Model Foster Care Guidelines, 2024 have been framed to ensure clarity, efficiency, and compliance amongst stakeholders about Foster Care with an objective to facilitate de-institutionalisation of children care. These guidelines provide clear procedure, eligibility and steps for Foster Care and Foster Care leading to Adoption by the same foster family who have kept the child in their Foster Care for a period of two years.

3. As we embark on this journey of implementation, it is imperative that these guidelines are disseminated effectively to all concerned functionaries. We believe that widespread awareness and adherence to these guidelines will not only enhance implementation of foster care but also contribute significantly to the well-being of children in their social cultural milieu.

4. A copy of the Model Foster Care Guidelines, 2024 has been made available on the webpage of this Ministry at [www.wcd.nic.in](http://www.wcd.nic.in).

*with regards,*

Yours sincerely,

(Tripti Gurha)

To:

Principal Secretaries/Secretaries in the Department of Women and Child Development, Social Welfare, SJE of all States/UTs dealing with Mission Vatsalya.



**Government of India**

# **Model Foster Care Guidelines, 2024**

**Implementation Guidelines**



**Ministry of Women and Child Development  
Government of India**

## **ABBREVIATIONS**

CARA – Central Adoption Resource Authority  
CCI – Child Care Institution CCL  
CNCPC – Child in need of Care and Protection  
CSR – Child Study Report  
CWC – Child Welfare Committee  
DCPU – District Child Protection Unit  
DCPO – District Child Protection Officer  
HSR – Home Study Report  
JJ Act – Juvenile Justice Act  
JJ Rules – Juvenile Justice Rules  
LFA – Legally Free for Adoption  
NGOs – Non Government Organisation  
PO – Probation Officer  
PO-IC – Protection Officer (Institutional Care)  
PO-NIC – Protection Officer (Non-institutional Care)  
PRI – Panchayati Raj Institution  
SAA – Special Adoption Agency  
SARA – State Adoption Resource Agency  
SCPS – State Child Protection Society  
SFCAC – Sponsorship and Foster Care Approval Committee  
SIR – Social Investigation Report  
ICP – Individual Care Plan  
ULB – Urban Local Body

# MODEL FOSTER CARE GUIDELINES, 2024

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## MODEL FOSTER CARE GUIDELINES, 2024

These guidelines are based on various provisions as laid down in the Juvenile Justice (Care and Protection of Children) Act, 2015 (as amended in 2021), Juvenile Justice (Care and Protection of Children) Model Rules, 2016 (as amended in 2022), Adoption Regulations, 2022 and the Mission Vatsalya Scheme of the Government of India. These guidelines are in succession of the Model Foster Care Guidelines, 2016 and the Government of India hereby notifies the Model Foster Care Guidelines, 2024 which contains details of procedures, roles and responsibilities of stakeholders, along with various aspects related to its implementation in the districts.

### CHAPTER I

#### PRELIMINARY

##### 1. Short Title and Commencement –

- (1) These Guidelines may be called the MODEL GUIDELINES FOR FOSTER CARE, 2024.
- (2) These Guidelines shall come into force on the date of their publication in the Official Gazette.

##### 2. Definitions - In these Guidelines, unless the context otherwise requires,-

- (1) The "Act", "Abandoned Child", "Adoption", "Adoption Regulations", "Aftercare", "Best Interest of child", "Care Giver", "Child", "Child Care Institution", "Child Study Report", , "Committee" , "Designated Portal", "District Child Protection Unit", "District Magistrate", "Fit Facility" , "Foster Care" , "Foster family", "Group Foster Care", "Guardian", "Home Study Report", "In-country adoption", "Inter-country adoption", "Individual Care Plan", "Mission Vatsalya Scheme", "Orphan" , "Older child", "Prospective Adoptive Parents", "Specialised Adoption Agency", "State Adoption Resource Agency" "State Government", "Surrendered Child" and all words and expressions used but not defined in these Guidelines shall have the same meaning as assigned to them in the Juvenile Justice (Care and Protection of Children) Act, 2015 (as amended in 2021), Juvenile Justice (Care and Protection of Children) Model Rules, 2016 (as amended in 2022) and Adoption Regulations, 2022.
- (2) "Children with no visitation" means all such cases where there is no visitation made by the child's parent, guardian or relative to meet the child or vice-versa in the last one year or more shall be classified under this category;

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- (3) “Children having Unfit Guardian” means whose parent or guardian is unable or unwilling for parenting, indulging in substance (drug) abuse, abuse or alcohol, known to have abused or neglected the child, having a criminal record, in need of care themselves, mentally unsound etc. Children of all such parents may be classified under this category;
- (4) “Foster Adoption” means adoption of a foster child with the same foster family following the procedure laid down in these guidelines and Adoption Regulations;
- (5) “Prospective Foster Parents” means a person or persons eligible to foster a child as per provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 (as amended in 2021), Juvenile Justice (Care and Protection of Children) Model Rules, 2016 (as amended in 2022) and these Guidelines;
- (6) “Sponsorship & Foster Care Approval Committee (SFCAC)” means a committee constituted in every district and headed by the District Magistrate to review and sanction sponsorship and foster care fund.

**3. Fundamental Principles of Foster Care** - (1) The following fundamental principles shall govern foster care of children as provided in Section 44 of Juvenile Justice Act 2015 (as amended in 2021) and Rule 23 of the Juvenile Justice Rules, 2016 (as amended in 2022), namely:-

- (a) Children in need of care and protection may be placed in family foster care, including group foster care for their care and protection through orders of the Committee in a family which does not include the child’s biological or adoptive parents for a short or extended period of time;
- (b) Best interest of the child shall be of paramount consideration while placing a child in a foster family or group foster care;
- (c) Preference shall be given to place the child or children in their own socio-cultural environment;
- (d) Family or a family like environment is most conducive for a child and every child has the right to grow in such an environment;
- (e) All decisions, initiatives and approaches falling within the scope of the present Guidelines are to be made on a case-to-case basis, based on the principles of necessity and appropriateness with a view, to ensure the child’s safety and security, and must be grounded in the best interest of the child;
- (f) All decisions, initiatives and approaches must respect the child’s right to be consulted and to have child’s views duly taken into

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- account in accordance with his evolving capacities; with full participation of families and legal guardians where available;
- (g) Siblings and twins, as far as possible, should be placed in one family or group foster care and in case siblings are to be separated in their best interest, the consent of both the siblings wherever required as well as approval of CWC for separation of siblings shall be mandatory.

#### **4. Children eligible for Foster care -**

- (1) All children in need of care and protection (above the age group of six years) living in child care institutions (CCIs) or living in Community [as per Rule 23 (4) JJ Model Rules 2016, amended in 2022] including children under the category 'children with no visitation' and 'children having unfit guardian' ;
- (2) All children who do not get a family either in in-country adoption or in inter-country adoption and are placed under the category of hard to place or children having special needs as provided in the Adoption Regulations.

#### **5. Duration of Foster Care -** Foster care may be for short-term or long-term depending upon the needs of the child, as provided in Rule 23 (6) and (7) of the Juvenile Justice Rules, 2016 (as amended in 2022).

- (1) Duration of short-term Foster care shall be for a period of not more than one year;
- (2) Duration of long-term foster care shall be for a period exceeding one year and this can be periodically extended by the Committee till the child attains eighteen years of age on the basis of assessment of the compatibility of the child with the foster family or in a group foster care setting.

#### **6. Order of preference for placement of child in foster care -** (1) While placing the children in foster care including group foster care, the State Government shall ensure the following order of preference, as far as possible, namely:

- (1) Child is placed in a similar social cultural milieu and preference shall be given to those families that share similar cultural, tribal and /or community connection;
- (2) First preference shall be given to the extended family of the child, which does not include child's biological or adoptive parents;

PROVIDED that any of the immediate or extended family members are not the alleged accused/perpetrators of abuse on the child.

- (3) Second preference shall be given to an unrelated family known to the child;
- (4) Third preference shall be given to an unrelated foster family; and

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(5) Fourth preference shall be given to Group Foster Care.

**7. Nodal Authority for Implementation** - District Child Protection Unit shall be the nodal authority for implementation of foster care programme in a district and all decisions related to placement of the child in foster care are to be taken by the Child Welfare Committee of the district within a period of three months (from the date of receipt of application for foster care).

**8. Financial Support and Procedure for sanction and release of funds under the Foster Care Programme** - (1) Financial Support shall be considered as stipulated in the Mission Vatsalya Scheme;

(2) The caregiver family may seek financial support, if eligible, as per the rate prescribed under the Mission Vatsalya Scheme;

(3) The DCPO shall open an account in any scheduled bank/Post Office in the name of the child to be jointly operated by the child and one of the foster parents;

(4) The bank account shall be opened within a month of final order by the CWC and the financial support shall be directly transferred to the child's account;

(5) The District Magistrate shall be the competent authority for sanctioning the release of amount from Mission Account to the child's account and once sanctioned, the amount shall be credited on monthly basis to the child's account;

(6) The State Governments/UTs are encouraged to give additional grants to the SCPS under Sponsorship and Foster Care Fund and may initiate steps to proactively identify children who need protection with the support of Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs) and,

(7) If at any point of time the child has to be institutionalized, the foster care assistance shall be discontinued.

**9. Sponsorship & Foster Care Approval Committee (SFCAC)** - (1) Every district shall have a Sponsorship and Foster Care Approval Committee to review and sanction sponsorship (for preventive settings only) and Foster Care fund.

(2) The composition of the Sponsorship and Foster Care Approval Committee (SFCAC) is given below:

- a) District Magistrate, Chairperson
- b) Chairperson/Member, Child Welfare Committee, Member
- c) Representative of Child Care Institution (CCI)/SAA, Member
- d) Representative of a Voluntary Organisation working in the area of Child Protection, Member
- e) District Child Protection Officer, Member Secretary
- f) Protection Officer (Non-Institutional Care), Member

3) Any decision of SFCAC can be taken by the quorum of four members including the chairperson.

**10. Submission of Quarterly reports to Sponsorship and Foster Care Approval Committee (SFCAC)** - The DCPU shall present quarterly reports of each child before the Sponsorship and Foster Care Approval Committee (SFCAC) for review and recommendation to the Child Welfare Committee.

**11. Roles and Responsibilities of Sponsorship and Foster Care Approval Committee (SFCAC)** - (1) Every district shall have a Sponsorship and Foster Care Approval Committee (SFCAC) to implement and monitor the sponsorship and foster care programme as provided under the Mission Vatsalya 2022;

(2) The Sponsorship and Foster Care Approval Committee (SFCAC) shall review each recommendation and approve all deserving cases of sponsorship and foster care support and the deserving cases will then be referred to Child Welfare Committee for the final order, as the case may be;

(3) A Sponsorship and Foster Care Approval Committee (SFCAC) shall be responsible in each district to sanction sponsorship and foster care support on receipt of final order from the CWC;

(4) The SFCAC shall meet every month and function in a time bound manner. The decision upon a request shall be taken within three months from the date of the receipt of the application;

(5) An annual review shall be conducted for each child under Sponsorship/Foster Care support by the SFCAC to determine if the child is being well taken care of and is well adjusted and on the basis of this review the approval for continued foster care support will be given;

(6) The SFCAC shall review if the DCPU has made adequate efforts for family strengthening through convergence with other Departments and

(7) The SFCAC shall review and recommend the termination of the family based foster care service.

## CHAPTER II

### ELIGIBILITY AND PROCEDURE OF FAMILY FOSTER CARE

**12. Number of children for placement in Family Foster Care** - (1) Following criteria shall be followed while placing a child in family foster care:

- (a) The number of children placed under family foster care shall not exceed 02 children at any given point of time (with exception of siblings) excluding biological children of the prospective foster parents;
- (b) Total number should not exceed 04 children (with exception of siblings) including biological children in family foster care;
- (c) Prospective foster parents already having biological/foster/adopted special needs child may not be considered for another special needs child to be given in foster care;



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(d) Siblings/twins shall be placed together.

**13. Eligibility Criteria for Prospective Foster Parents -** (1) The prospective foster parents shall be physically, mentally, emotionally and financially capable, they shall not have any life threatening medical condition and should not have been convicted in criminal act of any nature or allegedly involved or accused in any case of child rights violation.

(2) Any person(s), irrespective of their marital status (Single/Unmarried/Widow/Widower/Divorcee/Legally Separated) and whether or not they have biological son or daughter, can foster a child subject to the following credentials namely,-

- (a) Both the spouses in case of married couple must be Indian citizens;
- (b) The consent of both the spouses in case of married couple shall be required for the foster care;
- (c) Both the spouses in case of married couple must be willing to foster the same child;
- (d) A single female can foster a child of any gender;
- (e) A single male shall not be eligible to foster a girl child;
- (f) No child shall be given in foster care to a couple/ spouse unless the Committee is satisfied that they have a stable marital relationship of 02 years;
- (g) Final selection of prospective foster parents shall be based on consent of the child;
- (h) Prospective foster parents should be committed to fostering a family atmosphere that is loving, caring, and beneficial to a child's growth and they should also be able and willing to provide the child with the love, support, and direction that they need;
- (i) Prospective Adoptive Parents (PAPs) registered for adoption in the designated portal shall not be eligible for foster care as per these guidelines.
- (j) The age criteria to foster a child is as under:

Age of the child	Minimum age of PFPs		Maximum Age of PFPs	
	Composite age of Married Couple	Single	Composite age of Married Couple	Single
Above 6 years and upto 12 years	70 Years	35 Years	110 Years	55 Years
Above 12 years and upto 18 years	70 Years	35 Years	115 Years	60 Years

Provided that minimum age of each parent shall not be less than 35 years.

### **14. Identification and Registration of Children on designated portal-**

- (1) The children eligible and recommended for the placement in foster care shall be identified by CWC/DCPU on the basis of the monthly inspections conducted by them in the CCIs and shall be registered on the designated portal for foster care;
- (2) Children in need of care and protection who are living in community may also be considered for placement in foster care based on Child Study Report in Form 31 prepared by DCPU. Such children shall also be registered in designated portal and
- (3) Based on the Social Investigation Report (SIR) in Form 22, Individual Care Plan in Form 7, Child Study Report in Form 31 and consent of the child, the DCPU shall identify children who may benefit from being placed in foster care.

### **15. Registration by Prospective Foster Parents-**

- (1) The prospective foster parents willing to foster care a child is required to register online in the designated portal and
- (2) The prospective foster parents are required to upload the required documents as provided in **Schedule-1** of these guidelines on the designated portal and their registration would be complete and visible to the District Child Protection Unit (DCPU).

### **16. Procedure to be followed after registration in designated portal -**

- (1) Once registration is complete, the application of prospective foster parents has to be verified by the DCPU;
- (2) Upon completion of verification, Home Study Report for prospective foster parents shall be completed in **Form 30** as provided in the Juvenile Justice Rules 2016 (as amended in 2022) ;
- (3) DCPU in the home district of the prospective foster parents is required to conduct the Home Study considering social, economic and educational background of the family and upload the same on designated portal;
- (4) After this stage, the prospective foster parents would be able to access information of children already available online from the category of 'immediate placement' and 'special needs' and reserve such child/children as the case may be;
- (5) DCPU of the district where the CCI is located shall submit the Social Investigation Report (SIR) in Form 22, Individual Care Plan in Form 7 of child or children eligible for foster care residing in CCIs and Individual Care Plan in Form 7, Child Study Report in Form 31 of the child or children eligible for foster care who are living in community, to CWC as provided in the Juvenile Justice Rules 2016 (as amended in 2022);

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- (6) DCPU shall recommend the suitability of the prospective foster parent(s) as well as the selected child/ children to Child Welfare Committee (CWC);
- (7) Before finalising any case of foster care, the prospective foster parents are required to submit an undertaking as stipulated in **Form 33** of the Juvenile Justice Rules 2016 (as amended in 2022);
- (8) Finally the child/children would be placed with prospective foster parents with the orders of Child Welfare Committee as provided in **Form 32** of the Juvenile Justice Rules 2016 (as amended in 2022);
- (9) As far as possible, Child Welfare Committee shall ensure that the child is placed with prospective foster parents that is financially capable to take care of the child;
- (10) If the prospective foster parent has applied for financial assistance through Sponsorship & Foster Care Approval Committee (SFCAC), the DCPU shall consider necessary assistance and upload the relevant orders on the portal;
- (11) Any person aggrieved by an order made by the Committee may appeal to the District Magistrate as per Section 101 of JJ Act 2015 (as amended in 2021) and
- (12) The DCPU shall arrange escorting the child to the prospective foster parents and shall also provide assistance to the prospective foster parents in enrolment of the child in a school near his/her place of residence if so requested for.

**17. Termination of Foster Care** - (1) The Child Welfare Committee, after consideration of the recommendations of the Sponsorship and Foster Care Approval Committee and the report of District Child Protection Unit, has the right to terminate a foster care placement;

(2) The Child Welfare Committee shall give notice in writing and consider the views of the foster family before termination of the foster care placement;

(3) Once the review has been conducted and the foster family /care givers of the Group Foster Care have been given proper notice, the Child Welfare Committee shall record the date and reasons for terminating the placement in the order issued along with an order to place the child in another suitable foster family or placed in a child care institution or another group foster care.

(4) Termination of a foster care placement may occur in the following situations:

(a) When the child attains the age of 18, foster care is deemed to have concluded and the child has the option to avail services of aftercare programme and in such cases the joint bank account opened in the name of the child and one of the foster parents for transferring financial support under foster care shall be transferred into the child's name;

(b) When a child is placed in foster care due to non-availability of biological parent (e.g. due to imprisonment or institutionalisation for treatment of mental illness) such foster care placement may be terminated when the biological parent is available and requests the Committee for the custody of the child and in all such cases, the Child

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Welfare Committee shall issue a specific order if deemed fit for the reunification of the child with biological parent;

- (c) When a legally free child above the age of six years during his placement in foster care finds a suitable adoptive family, the Child Welfare Committee after obtaining the child's consent, may terminate the foster care placement;
- (d) When a complaint is made by either the child, relatives, or member(s) of the community, and after due inquiry by the District Child Protection Unit, if the following are observed during a home visit to the family or group foster care :
  - i. The child has stopped going to school or the attendance of the child in school is below 75% (special circumstances such as disability or illness of the child shall be considered as an exception);
  - ii. The child has been/ is being subjected to physical, emotional, sexual abuse and/or neglect in the foster home;
  - iii. The child has been/ is engaged in labour in violation of labour laws;
  - iv. Misappropriation of the foster care financial support for the child in family or group foster care by the parent/ care givers;
  - v. Foster family or the care givers of the group foster care and the child are unable to adjust in the placement inspite of counselling;
  - vi. Foster family or the care givers of the group foster care are no longer 'fit' to adequately meet the child's social, emotional and developmental needs;
  - vii. In a group foster care the child is unable to adjust and requires special support (eg. De-addiction facilities);
  - viii. Disruption due to death, divorce or separation of the Foster parents, the child shall be sent back to the CCI till further orders of the placement to another foster family or group foster care by the CWC; and
  - ix. Any other ground that may be considered inappropriate for the welfare of the child observed by the DCPU or the CWC concerned.

## CHAPTER III

### FOSTER ADOPTION

**18. Foster Care leading to Foster Adoption-** Section 3 (xii) of the JJ Act 2015(as amended in 2021)and Regulation 35 (2) (h) of the Adoption Regulations 2022 emphasize on early de-institutionalisation of children through adoption and other non-institutional care.

(2) Further, Regulation 53(1) of Adoption Regulations, 2022 has mandated CARA to make additional efforts to place “Hard to Place Children” in adoption through foster care.

(3) In cases where the child is well adjusted with the foster family during the term of foster care and both foster family and the child under foster care give consent for initiating adoption after a period of two years, the foster family can complete the process of permanent adoption of the child, subject to satisfactory follow-up reports.

(4) The foster family shall be given preference to adopt the same child after the child has been declared legally free for adoption (LFA) following due procedures as laid down under Adoption Regulations.

**19. Children eligible for FosterAdoption after placement in Foster care** -All children who remained in a same foster family for a minimum of two years and are Legally Free for Adoption (LFA) .

**20. Foster Family eligible for Foster Adoption** - Foster family who is already fostering the child for a minimum of two years and willing to adopt the same child,is eligible for adoption .

**21. Registration for Foster Adoption** -Such foster family who desires to adopt the same child who is under their foster care is required to update the following informationon the designated portal directly or through the DCPU concerned, as the case may be:

- (a) Proof of residence (Aadhar Card or voter card or passport or current electricity bill or telephone bill);
- (b) Proof of income of last year (salary slip or income certificate issued by Govt. Department or income tax return);
- (c) Marriage certificate or Divorce Decree or Declaration from the competent court or affidavit on oath pertaining to divorce in case of divorce governed by personal law where decree of divorce is not mandatory or Death certificate of spouse whichever is applicable;
- (d) Undertaking from the relative in case of single prospective foster parent (if applicable) ;

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- (e) Consent of biological / adoptive child (if the child is above five years) and
- (f) Consent of foster child that he/she wishes to be adopted in the same family.

**22. Procedure to be followed after registration** -(1) The application has to be verified and Home Study Report in Schedule VII of the Adoption Regulations shall be completed and uploaded in the designated portal by the DCPU;

(2) The DCPU shall also complete Child Study Report in Schedule II, Medical Examination Report Schedule III of the child as per Adoption Regulations, LFA certificate by CWC and last month's inspection of foster family in Form 35 of JJ Act 2015 (amended in 2021) and upload on the designated portal;

(3) After scrutiny by the DCPU, the case shall be submitted with comments to SARA;

(4) The SARA shall submit its recommendation to CARA and CARA shall issue pre-approval letter and forward it to SARA;

(5) SARA shall further forward the case to DCPU to file an application for Adoption orders before District Magistrate;

(6) District Magistrate shall thereafter issue adoption order which will be uploaded by the DCPU on the designated portal and

(7) Post adoption follow-up for a period of 02 years shall be completed as provided in Adoption Regulations.

### CHAPTER IV

#### PROCEDURE FOR GROUP FOSTER CARE

**23. Registration of Group Foster Care**-(1) Every Group Foster Care shall be registered under the JJ Act 2015 (amended in 2021) as provided in Rule 21 A of JJ Model Rules 2016 (as amended in 2022) and while selecting Group foster care setting following criteria shall be followed as provided in Rule 23 (13) of JJ Model Rules 2016 (as amended in 2022);

(2) It should have a child protection policy;

(3) It should have sufficient space and proper amenities for children;

(4) Any facility housing more than eight children including biological children in group foster care shall be registered as a Child Care Institution; and

(5) Medical reports of all the members of group foster caregivers residing in the premises shall be obtained including reports for Human Immunodeficiency Virus, Tuberculosis and Hepatitis B and they like to determine that they are medically fit.

**24. Number of children for Group Foster Care**-The number of children under the group foster care shall not exceed eight children including biological children

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of the foster caregiver at given point of time. All efforts shall be made to keep siblings together in foster families, unless it is in their best interest not to be kept together.

### **25. Final Placement Order by the Child Welfare Committee-**

- (1) DCPU of the district where the child is located will submit the SIR in Form 22, Individual Care Plan Form -7 and Child Study Report in Form 31 as provided in the Juvenile Justice Rules 2016 (as amended in 2022) to CWC;
- (2) Before finalizing any case of foster care, group foster care organisation is required to submit an undertaking as stipulated in **Form 33** of the Juvenile Justice Rules 2016 ( as amended in 2022);
- (3) Finally the child/children would be placed in group foster care with the order of Child Welfare Committee as provided in **Form 32** of Juvenile Justice Rules 2016 (as amended in 2022);
- (4) Similarly, the District Child Protection Unit shall arrange for escorting the child to the group foster care; and
- (5) The District Child Protection Unit shall also provide assistance to the group foster care in enrolment of the child in a school, if so requested for.

## CHAPTER V

### MONITORING AND SAFEGUARDS

**26. Actions to be initiated in cases of breach of foster care agreement-**(1) If the foster family or persons in group foster care are convicted of an offence involving moral turpitude and such conviction has not been reversed or has not been granted full pardon in respect of such offence;

(2) If a complaint, of child abuse or violation of human rights or child rights, registered against the foster family or persons in group foster care has been found by the State Government, based on an inquiry.

**27. Rights of a Child under Foster Care** -(1) Child Welfare Committee, in conjunction with district and state functionaries shall ensure that the foster child's best interest is upheld and his/her views are taken into consideration as far as possible in his/her placement as well as the individual care plan developed;

(2) Child shall have access to information on the situation of his/her biological family;

(3) Child shall have information/ access regarding government schemes and programme for his/her development.

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**28. Monitoring of Foster Care** -(1)The District Child Protection Unit shall maintain a record of each child in foster care as per **Form 34 of** the JJ Rules, 2016(amended in 2022);

(2)The Committee shall conduct monthly inspection of the foster families or foster care givers as per **Form 35** of the JJ Rules, 2022 to check the well-being of the child;

(3) The format for making a complaint is placed at **Schedule2**of these guidelines;

(4)Any other documents related to foster care shall be uploaded in the designated portal.

**29. Records to be maintained by District Child Protection Unit** -The District Child Protection Unit shall maintain following physical or computerized records:

- (a) Details of the child placed in foster care(Photograph of the child to be updated every six months,Aadhar card number of the child, biological parents details ( if available) . Age at the time of placement ( copy of birth certificate if available)
- (b) Details of the placement, individual or group, date of placement as per CWC orders, period of placement according to the Child Welfare Committee Order, date and reasons for extension or termination of placement, as applicable.
- (c) Details of disbursement of Foster Care Grant as per the Minutes of Sponsorship and Foster Care Approval Committee meetings including reasons for financial support.
- (d) Individual Case File of every child placed in foster care which shall include:
  - i. Source of referral of the child
  - ii. Home Study Report of the prospective foster parents(with photograph)
  - iii. Matching report of the child with prospective foster parents/ care givers of the fit facility
  - iv. Social Investigation Report of the child
  - v. Child Study Report
  - vi. Individual Care Plan
  - vii. Placement order of the Child Welfare Committee
  - viii. Record (number and significant details) of each visit to the child, foster family, biological family , if available and child's school
  - ix. Record of the perception, opinion and suggestions given by the child regarding his/her placement
  - x. Record of all reviews of the placement including observations, extent and quality of compliance with Care Plan, child's developmental milestones, child's academic progress, and any changes in family environment
  - xi. In the case of extension or termination of the placement, record of date and reason for termination



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## xii. Monthly Inspection Report **(Form 35)**

**30. Relaxation and interpretation to the Guidelines** -(1)These Guidelines are issued having regard to the provisions of the existing law and for the interpretation; the relevant law and rules are to be referred to.

(2)In case of ambiguity or any dispute, the power to interpret these Guidelines vests with Ministry of Women and Child Development Government of India.

**31. Adherence to timeline** -All agencies and authorities involved in the process shall adhere to the timeline as specified in **Schedule 4**.

**32. Identification of potential children for family foster care** -Such children shall be identified by DCPU as provided in Section 2 (14 ) of the JJ Act, 2015 (as amended in 2021) and also as per Schedule 3 of the guidelines .

## CHAPTER VI

### ROLE OF AUTHORITIES AND AGENCIES

**33. Role of District Magistrate (DM) - (1)** District Magistrate shall review identification of children and monthly inspections conducted in CCIs by the Child Welfare Committee (CWCs ) and District Child Protection Unit (DCPUs) .The DM shall also review the functions of SFCAC , placement of children under foster care programme and address appeals as per Section 101 of JJ Act 2015(as amended in 2021) .

**34. Role of District Child Protection Unit (DCPU) -(1)** The District Child Protection Unit will function under the overall supervision of District Magistrate in ensuring service delivery and care and protection of children in the district.

(2) The District Child Protection Unit (DCPU) shall identify families who are willing to take children in foster Care along with their preference of the child. For this purpose, the DCPU shall place advertisement in local newspapers periodically calling for applications for family foster care;

(3) The District Child Protection Unit shall shortlist the applicants based on the criteria and conduct interviews with the foster families which will help in assessment of the prospective foster parents;

(4) The District Child Protection Unit will also verify two references from individuals of good standing from the community that are provided by every prospective foster parents;

(5) The DCPU, while making an assessment of the prospective foster parents shall thoroughly check their economic status to ensure that they are able to meet the needs of the child and are not dependent on the foster care

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maintenance payment for the child; however if it assessed that all other criterion being satisfied and only financial support is required, and in the absence of alternatives, the case shall be recommended to a Committee constituted for the purpose in the district, after the final orders of CWC. The financial support may be provided later too especially in case of higher studies, if need be;

(6) District Child Protection Unit shall maintain a separate roster/panel of prospective foster families and group foster care giving details about the kind of foster Care willing to provide every year which shall be forwarded to the Child Welfare Committee for placement of children in Foster Care;

(7) The DCPU shall initiate preparation of the child for placement in foster care and initiate the matching process for prospective foster parents and foster child and prepare report for the same. These reports are to be filled out parallel by DCPU during the matching process and submitted with a written covering letter for the match to the CWC;

(8) The DCPU shall perform the functions as given under Juvenile Justice (Care and protection of Children) Rules as amended from time to time;

(9) Facilitate implementation of family based non-institutional services including Foster Care and all adoption matters as defined in the Adoption Regulations;

(10) Ensure that for each child in need of care and protection shall have an individual care plan and that the plan is regularly reviewed.

(11) Supervise and monitor all institutions/agencies providing residential facilities to children in district;

(12) Facilitate transfer of children at all levels for either restoration to their families or placing the child in long or short-term rehabilitation through Foster Care.

(13) Train and build capacity of all personnel (Government and Non-government) working under child protection system to provide effective services to children. Encourage voluntary youth participation in child protection programs at district, block and community levels;

(14) Carrying out all activities related to child protection, including the implementation of the Foster Care Program;

(15) Maintaining all information pertaining to the foster care programme and being the contact point for all the Child Care Institutions and Specialized Adoption Agencies in the district;

(16) Advocacy, training and capacity building of stakeholders in the district on the Foster Care Programme such as Child Welfare Committee, NGOs, foster families/ care givers etc. with help of specialized agencies and institutions;

(17) Maintaining a database, preferably on a portal developed by the Government for all foster care placements (family and group placements) including details of the parents / foster care and the child until the child attains the age of 18 years;

(18) Transferring joint bank account in the name of the child when he attains 18 years of age;

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- (19) Addressing complaints through investigations and interventions etc;
- (20) Monitoring and evaluation of the Foster Care Program in the district on a regular basis;
- (21) Recommending termination of Foster Care placement to the Child Welfare Committee for one or more of the reasons outlined in previous Chapters;
- (22) Recommending extension of Foster Care Placement provided that the progress of the child is satisfactory and other alternate options are not available including re-unification of the child with his/her biological parents.
- (23) Prepare the Social Investigation Report, Child Study Report and the Individual Care Plan for each child as directed by the Board or the Committee;
- (24) Facilitate the implementation of non-institutional programmes foster care and after care as per the orders of the Board or the Committee or the Children's Court;
- (25) Maintain a district level database of missing children in institutional care and uploading the same on designated portal/track child portal/*Khoyapaya* and of children availing the facility of Open Shelter and of children placed in foster care;
- (26) Maintain a database of child care institutions, specialised adoption agencies, open shelter, registered prospective foster parents, after care organisations and institutions etc. at the district level and forward the same to the Boards, the Committees, the Children's Courts and the state child protection society, as the case may be;
- (27) Organize quarterly meeting with all stakeholders at district level to review the progress and implementation of the Act;
- (28) Review reports submitted by Inspection Committees and resolve the issues raised through coordination among the stakeholders;
- (29) All the case details, procedures will be uploaded on designated portal from time to time

**35. Role of District Child Protection Officer (DCPO) - (1)** The District Child Protection Officer (DCPO) function as the officer in-charge of the DCPU and shall be responsible for carrying out all day-to-day functions of the DCPU at the district level.

(2) The District Child Protection Officer who is the head of DCPU shall function as the nodal officer for the Foster Care Program and shall receive regular reports regarding ongoing cases from the Protection Officer – Non Institutional Care;

(3) Maintaining a roster of prospective parents/ fit facilities opting for family and Group Foster Care;

(4) The District Child Protection Officer shall assess the cases managed by the Protection Officer, counsellor and others working in the District Child Protection Unit from time to time to ensure time stipulations are adhered to;

(5) The District Child Protection Officer shall guide the parents /Care givers of fit facilities opting for family and Group Foster Care and the child on their responsibilities and support available to them under the Foster Care Program;

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(6) The District Child Protection Officer shall submit a Quarterly Report to the SFCAC and an Annual Report to the State Child Protection Society;

### **36. Role of Protection Officer-Non Institutional Care (PO-NIC) and Protection Officer-Institutional Care (PO-IC)**

(1) The Protection Officer –Non Institutional Care(NIC) is responsible to take up cases for individual and Group Foster Care and he will have the support of the Protection Officer-Institutional Care to identify cases of children living in the Child Care Institutions as per previous chapters of these Guidelines;

(2)The Protection Officer –Non Institutional Care(NIC) and Protection Officer–Institutional Care shall scrutinize the documents for eligibility of children and both shall work in coordination in the best interest of the child or children;

(3) The Protection Officer-Institutional Care shall collect and compile data on different dimensions of the child protection problems in terms of number of children requiring support, number of children in institutions and the kind of services they need;

(4) The Protection Officer-Institutional Care shall ensure setting up and management of the child tracking system of all institutional care program on the portal set up by the Government ;

(5) Protection Officer –Non Institutional Care(NIC) is responsible for preparing Home Study Report of the Foster families and matching the prospective foster parents or Group Foster Care with the needs of the child once the needs have been assessed;

(6) In case of the child whose parents are in jail, the Protection Officer – Non Institutional Care will approach them for taking their consent for placement of the child in Foster Care;

(7) The Protection Officer –Non Institutional Care(NIC)shall facilitate the applications given by the terminally ill parents to the Child Welfare Committees requesting to place their children in foster care;

(8) A combined list for children recommended for foster care within institutions and those who are not in institutional care will be prepared by Protection Officer – Non Institutional Care;

(9) Only cases where financial support is requested by the prospective foster parentsfor placement of the child , such cases will be placed before the Sponsorship and Foster Care Approval Committee for consideration and approval, every month;

(10) Protection Officer – Non Institutional Care(NIC) will ensure that counselling and guidance is provided to the child and the prospective foster parentsbefore and during the period of foster-care as prescribed in these guidelines;

(11) Protection Officer –Non Institutional Care(NIC) to supervise the care arrangement till the child is 18 years of age, with the help of the counsellor, social worker and community volunteers working in the District Child Protection Unit;

(12) In case biological parents are alive, the Protection Officer –Non Institutional Care will ensure that they keep in contact with the child through scheduled visits;

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(13) Protection Officer –Non Institutional Care will monitor the foster care programme through regular visits to the foster family, or group setting and community as prescribed in these guidelines and maintain records of the same.

**37. Role of Child Welfare Committee** -The CWC shall(1)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 benefit of family based care including foster care and adoption;

(2)Examine HSR of the prospective foster parents opting for family foster care , after being satisfied pass a final order as per Form 32 of the JJ Rules 2016 (amended in 2022);

(3)Examine the Individual Care Plan of the child, consent of biological parents wherever required and approvals of SFCAC in cases requesting financial support submitted by the DCPU and satisfy itself regarding the suitability for placement in foster care;

(4) Interact with the older children (above 5 years) and take consent for the purpose of foster care/foster adoption wherever required;

(5)Consider the matching report submitted by the DCPU;

(6)Make an order in prescribed format given at Form 32 of the JJ Rules, 2016 (amended in 2022) for support to the child through family foster care or group foster care and send a copy to District Child Protection Unit for appropriate action;

(7)Conduct monthly inspections of the foster families or foster care givers as per Form 35 of the JJ Rules, 2016 (amended in 2022), to ensure that the child is being properly cared for and

(8)Pass orders for extension of foster care placement or orders of termination in case of unsatisfactory care and shall decide on alternative rehabilitation measure for the child.

**38. Adherence to roles and responsibilities** - All stakeholders such as District Magistrate, DCPU, CWC and members of SFCAC shall adhere to the roles and responsibilities as enshrined in the Juvenile Justice (Care and Protection of Children) Act, 2015 (as amended in 2021), Juvenile Justice (Care and Protection of Children)Model Rules, 2016 (as amended in 2022), Adoption Regulations, 2022 and the Mission Vatsalya Scheme of the Government of India.

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<b>List of Schedules</b>		
<b>S. No.</b>	<b>Schedules</b>	<b>Subject</b>
1.	Schedule 1	List of documents
2.	Schedule 2	Complaint format
3.	Schedule 3	Identification of potential children for family Foster Care
4.	Schedule 4	Timelines for concerned functionaries and stakeholders

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## Schedule 1 List of documents [Para 15]

### A. Family Foster Care

<b>Documents to be uploaded by prospective foster parents (PFPs) while registering on the designated portal</b>	<b>Documents to be uploaded by DCPU on the designated portal</b>
<p>(a) Current family photograph or photograph of person wishes to foster a child;</p> <p>(b) Aadhar Card or Passport or Voter card or Driving License of the prospective foster parents or Birth Certificate and PAN card (if applicable);</p> <p>(c) Birth Certificate or Proof of date of birth of the parents;</p> <p>(d) Medical fitness certificate(s) that the prospective foster parents as well as their family members do not suffer from any chronic, contagious or fatal disease and they are fit to take care of child as mentioned in Rule 23 (12) of the JJ Rules 2016 (amended in 2022);</p> <p>(e) Proof of residence (Aadhar Card or voter card or passport or current electricity bill or telephone bill);</p> <p>(f) Proof of income of last year (salary slip or income certificate issued by Govt. Department or income tax return);</p> <p>(g) Marriage Certificate or Divorce Decree or Declaration from the competent court or affidavit on oath pertaining to divorce in case of divorce governed by personal law where decree of divorce is not mandatory or Death certificate of spouse whichever is applicable;</p> <p>(h) Two references from individuals of good standing from the community for verification</p>	<p>(a) Individual Care Plan – Form 7</p> <p>(b) Social Investigation Report of the child – Form 22</p> <p>(c) Child Study Report- Form 31 (in case the child is in community)</p> <p>(d) Home Study Report of prospective foster parents – Form 30</p> <p>(e) Order of foster care placement by CWC- Form 32</p> <p>(f) Undertaking by foster family- Form 33</p> <p>(g) Monthly inspection of foster family/group foster care – Form 35</p> <p>(h) Medical Examination Report-Schedule III of the child as per Adoption Regulations</p>

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## B. Foster Adoption

<b>Documents to be uploaded by DCPU for Foster Adoption on the designated portal</b>
Legally Free for Adoption(LFA) of the Child by CWC as provided in Schedule I of Adoption Regulations
CSR- Schedule -II of the Adoption Regulations
Home Study Report - Schedule VII of the Adoption Regulations
Medical Examination Report -Schedule III of the Adoption Regulations
Consent of the child in foster care for adoption in the same family
Any other documents required

### **Schedule 2 Complaint Format [Para 28]**

Date:

To,

DCPU/CWC/ In charge-Local police station/DM

- i. Details of the foster child?
  - a) Name:
  - b) Gender:
  - c) Age:
  - d) Caste:
  - e) Religion
- ii. Details of Child's Foster Parent(s) : (fill in as much information as possible):
  - a) Name:
  - b) Address:
  - c) State:
  - d) Pin Code:
  - e) Phone no:
  - f) E-mail address

v. Details of the nature of Complaint and desired action :

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Yours sincerely  
Name of the person filing Complaint:  
Address:  
(Signature)



## **Schedule 3** **Identification of potential children for family Foster Care** **[Para 32]**

1. Older children residing in the CCIs under the category of no visitation and unfit parents.
2. Child who is a victim or is in the imminent danger of child marriage.
3. Child affected and infected by HIV and AIDS.
4. Victims of man-made and natural disasters.
5. Child of single parent (where father is alive or the mother is alive), and parent doesn't want to take responsibility of the child.
6. Child living with step mother or father and facing domestic violence at home.
7. Child of family with extreme poverty.
8. Children with families of broken marriage.
9. Either parent is no more, and the living parent has to go out for work or facing sentence and the living parent is unable to take care of the child.
10. Child of family where the parents are drug addicts and child is at risk.
11. Abuse and neglected children.
12. Child unwilling for adoption.
13. Child having parents serving capital punishment.
14. All such children who are residing in CCIs because their biological parents are not alive and their relatives or guardian do not want to take them home.

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### Schedule 4 Timelines for concerned functionaries and stakeholders [Para 31]

Sr. No	Steps	Functionaries / Stakeholders	Timeline
1.	Updating foster care case on the designated portal	DCPO	As per timeline of steps
2.	Advertisement in local newspapers periodically calling for applications for family foster Care.	DCPO	Every month
3.	Verification of application for family foster care and HSR –Form 30	DCPU	Within 30 days from receiving application on the portal
4.	Child Study Report in Form 31, Social Investigation Report in Form 22 and Individual Care Plan – Form 7	DCPU (of the district where the CCI/child is located)	Within month/ 30 days from the date of first production of the child before CWC
5.	Final order in Form 32 for placing the child in foster care, specifying the period for which the child is placed in foster care.	CWC	Within 3 months from the date of receipt of application for foster care
6.	Decisions Foster care financial assistance	SFCAC	Within 03 months(from the date of the receipt of the application)
7.	Open an account in scheduled bank/Post Office in the name of the child	DCPO	Within a month ( from final order by CWC)
8.	Sanctioning the release of amount from Mission Account to the Children's account	DM	Every month.
9.	Review of identification of children and monthly inspections conducted in CCIs by the CWCs and placement of children in foster care.	DM	Quarterly