

Know any child who lost her/his parents to COVID-19? Want to do something about it?

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FAQ on Adoption Related Laws & Regulations





**Before we go any further, YOU
need to understand**



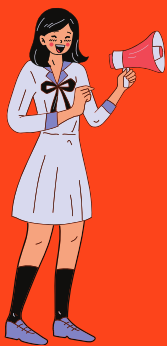
**All children who have lost their parents to COVID
are not available for adoption.**



**They may be having caring and extended family to
look after them.**



But some may not find anyone.



**If you want to do something for them and help them
find a family, here is what you need to know about
adoption**



**Remember, your good intention will be good only if
it is legal and follows due procedures.**

What is Adoption?

It is a legal process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents, with all the rights, privileges, and responsibilities that are attached to a biological child.



What is Juvenile Justice Act, 2015?

A law that is applicable to all matters concerning:

- *children in need of care and protection;*
- *children in conflict with the law;*

Lays down procedures to give decisions and orders wrt adoption of children in need of care and protection.

Why is it important to know about the adoption procedure under the JJ Act, 2015 at present?

- Many children have lost either or both of their parents to Covid-19.
- Rising cases of orphaned children and children with no supervision.
- Children are more vulnerable now than ever before and at risk of exploitation.
- These children are thus children in need of care and protection.
- Emerging social media trend with requests and appeals wrt the adoption of these orphaned children.
- Children are apparently being given and taken in adoption illegally.
- This is a dangerous trend and in complete violation of the JJ Act.



I know about a child without parental care or who has lost both parents due to COVID-19 & has no one to provide care and protection.

What should I do?



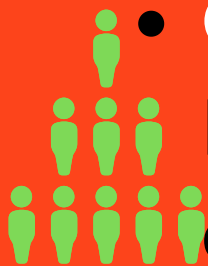
Do not give away the child to any person or organisation;



Contact Childline (1098) immediately; 1098 is a 24 hour, toll-free, phone outreach number for children in need of care and protection and distress;



OR Inform your nearest local Police Station;



OR Can also inform the National Commission for Protection of Child Rights (NCPCR) or the concerned State Commission for Protection of Child Rights;

Or Contact the nearest Child Welfare Committee or District Child Protection Officer.



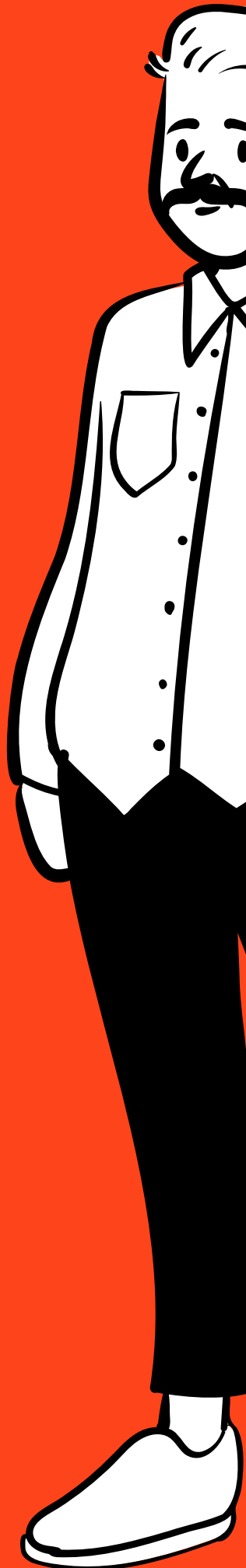
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What happens once I have informed authorities like Childline/Police?

- If the child has nobody who can provide care and protection, the childline/police will produce the child before the nearest Child Welfare Committee (CWC) and the CWC will ensure immediate shelter and protection for the child;
- CWC will conduct inquiry and make all efforts for tracing the guardians/relatives of the child and accordingly declares the child legally free for adoption;
- Thereafter, Specialised Adoption Agency or Child Care Institution where the child is kept will facilitate the legal adoption of the child through appropriate Court.





Who can be adopted under the JJ Act, 2015?

Any child under the age of 18, who falls under the following categories can be declared legally free for adoption under the JJ Act, 2015:

Orphan Child: A child who is without biological or adoptive parents or legal guardian; or whose legal guardian is not willing to take, or capable of taking care of the child.

Surrendered Child: A child who is relinquished by the parent or guardian to the Committee, on account of physical, emotional and social factors beyond their control, and declared as such by the Child Welfare Committee (CWC).

Abandoned Child: A child deserted by his biological or adoptive parents or guardians, who has been declared as abandoned by the CWC after due inquiry.

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Who can be adopted under the JJ Act, 2015?

- A child or children of spouse from earlier marriage can be adopted by step-parent after being surrendered by biological parent;
- One can also adopt a child of a relative such as paternal/maternal uncle or aunt, paternal/maternal grandparents .

When can a child be adopted under the JJ Act, 2015?



When the child is declared “legally free” for adoption by the CWC after following the due process as prescribed under the JJ Act.

How does CWC declare a "Surrendered Child" legally free for adoption?

- When a child is surrendered, CWC conducts the inquiry and counselling of the parent(s)/guardian(s).
- It then provides two months' time to the parent(s)/guardian(s) for reconsideration.
- During these two months, the CWC shall either allow the child to be with the parent(s)/guardian(s) or place the child in a Specialised Adoption Agency or Children's home depending on the age of the child.
- After two months, if the parent(s)/guardian(s) do not want to take the child back, the Child Welfare Committee can declare the child legally free for adoption.



How does CWC declare an "Orphaned" or "Abandoned" Child legally free for adoption?

The CWC at first makes all efforts to trace the parents or guardians of the child.



After completion of necessary inquiry, if it is established that the child is an orphan or abandoned, and has nobody who can take care of the child, the CWC declares the child legally free for adoption.



What if any person or organization offers or gives or receives, any orphan/abandoned/surrendered child, for the purpose of adoption without following the procedures as provided in the JJ Act, 2015?

Shall be punished either with imprisonment that may extend up to 3 years or with a fine of one lakh rupees, or with both.



If such offence is committed by a recognised adoption agency, in addition to the above punishment, the registration of such agency and its recognition under the Act (as Specialised Adoption Agency) will also be withdrawn for a minimum period of one year.

What is the punishment under the JJ Act for the sale and procurement of children for any purpose?

Rigorous imprisonment for a term which may extend to five years and shall also be liable to a fine of one lakh rupees.



If such an offence is committed by a person having actual charge of the child, including employees of a hospital or nursing home or maternity home, the term of imprisonment shall not be less than three years and may extend up to seven years.



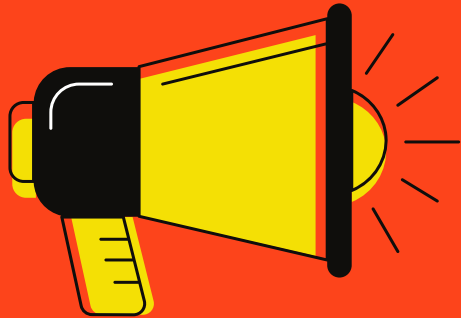
Who is eligible to adopt under the JJ Act, 2015?

- ✓ The prospective parent(s) should be physically fit, financially capable, mentally alert and highly motivated to adopt a child for providing a good upbringing;
- ✓ In the case of a couple, the consent of both the spouses for the adoption shall be required;
- ✓ A single or divorced person can also adopt, subject to fulfilment of the criteria and in accordance with the Adoption Regulations, 2017 framed by the Central Adoption Resource Authority (CARA) ;
- ✗ A single male is not eligible to adopt a girl child.





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