Frequently Asked Questions (FAQ's)

A. Juvenile Justice (Care and Protection of Children) Act, 2015

1. What is Adoption?

Adoption means the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of the adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child.
(As per Section 2(2) of the JJ (C&PC) Act, 2015)

The Juvenile Justice (Care and Protection) Act 2015 read with Adoption Regulation,2017 has recognized five kinds of adoption namely,

i. an abandoned, surrendered, destitute child/ren adopted by unrelated person/s living within the country
ii. an abandoned, surrendered, destitute child/ren adopted by unrelated person/s living outside the country
iii. a related child by relatives living within the country
iv. a related child by relatives living outside the country
v. adoption of a child by step parents within the country

2. Who can be adopted?

A child can be adopted if s/he is:

i. An orphan, abandoned or surrendered (OAS) child who has been declared legally free for adoption by the Child Welfare Committee (CWC)
(As per the provisions of the JJ (C&PC) Act 2015 and the corresponding rules)
ii. A child of a relative (a relative means the child's paternal uncle or aunt, a maternal uncle or aunt or paternal and maternal grandparents)
iii. A child or children of spouse from earlier marriage surrendered by the biological parent(s) for adoption by the step-parent.
(Section 38 and 56 of the JJ (C&PC) Act, 2015 and Regulation 4 of Adoption Regulations)

3. Who can adopt?

General

i. Prospective adoptive parents (PAP):- who are physically, mentally and emotionally stable, financially capable and who do not have any life threatening medical conditions are eligible to adopt.
ii. The minimum age difference between the child and PAP/s shall not be less than twenty-five years

Married:

i. Married couples with at least 2 years of stable marital relationship
ii. Both spouses must consent for adoption in case of a married couple
iii. The composite age of the married couple does not exceed 110 years

Single

i. Single persons with or without biological or adoptive children can adopt provided they satisfy the following:

(a) A single female can adopt a child of any gender
(b) A single male is not eligible to adopt a girl child
(c) Age of a single parent does not exceed 55 years.
(d) Must have less than four children unless they are adopting a child with special needs, a hard-to-place child, a relative's child or a step-child.

The age of the child that could be placed with PAPs differs based on the age of the PAPs on the date of registration as given in the following table:

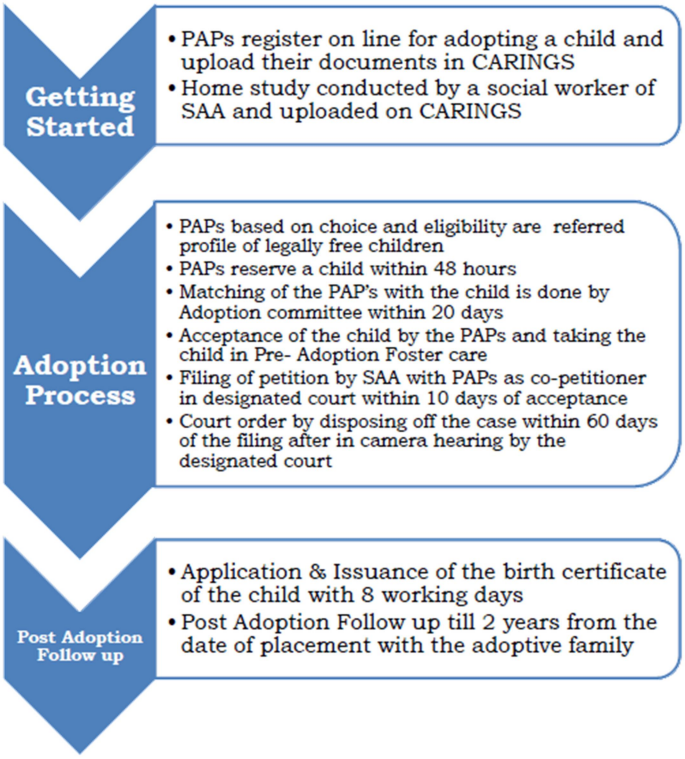
Age of the child	Maximum composite age of the prospective adoptive parents	Maximum age of single prospective adoptive parent
0-18 years	90 years	45 years
4 to 18 years	100 years	50 years
8 to 18 years	110 years	55 years

Note: Section 57 of the JJ Act(C&PC) Act, 2015 and Regulation 5 of Adoption Regulations, 2017

B. General Queries by Prospective Adoptive Parents for Adopting a Child in India

4. What is the process of adopting a child in India?

Steps for In-Country Adoptions



5. I have found a baby on the road-side; can I adopt that child?

i. No, you cannot adopt the child directly.

ii. If you find any abandoned child in the need of care and protection, you can contact any of the following

(a) CHILDLINE (Toll Free Number-1098)
(b) Local Police
(c) Any Specialized Adoption Agency (SAA)
(d) Child Welfare Committee (CWC)
(e) District Child Protection Unit (DCPU).

Note: Failure to do so may attract penal provisions, of 6 months imprisonment or a fine of Rs 10,000 or both as per Sections 32, 33, 34 of JJ (C&PC) Act, 2015.

6. Is the adoption process centralized in India? If yes, what are the advantages of having a centralized

system?

The database of children and registration of parents are done on centralized CARINGS software maintained and managed by CARA. The central monitoring system for adoption is useful in maintaining the transparency and accountability of all stakeholders involved in the care and rehabilitation of children; monitoring the availability of children; keeping a track for expeditious processes and coordinating with all concerned in promoting non-institutional care of children, in their best interest.

7. Why is my seniority fluctuating on CARINGS?

Seniority of Prospective Adoptive Parents are affected due to several reasons like-

i. In case HSR of PAPs registered before you gets uploaded /updated later or
ii. The PAPs registered before you, change their State/age of the child preference.

8. We, as PAPs, have planned, decided and accepted to adopt a child. In case, our parents do not support our adoption, do we not have full freedom to go ahead with adoption?

While support from your parents and siblings is not a legal requirement, it is highly desirable that the child is accepted by all your immediate relatives for the social and emotional well-being.

9. Can we get the details like caste, date and time of birth of the adopted child?

No**,** details like caste, date & time of birth etc. are generally not available for orphaned or/abandoned children who are placed for adoption.

10. Can I get a child matching to my complexion and features?

No, matching is not done on the basis of complexion and features. Once the seniority of the PAP's gets due, referrals will be shown on the basis of preferred age, gender, state opted by the PAP's at the time of registration.

11. I am a Christian man married to a Buddhist woman. How can we adopt a child?

Yes, PAPs from any religion are eligible to adopt a child under Juvenile Justice Act(C&PC), 2015.

12. Is there a minimum income level for a parent(s) to be eligible to adopt a child?

i. The Adoption Regulations 2017 does not specify minimum income levels in the eligibility criteria for prospective adoptive parents.
ii. However, while conducting the home study the social worker will assess the capability and motivation of the prospective adoptive family to provide reasonable living standards to the child.

13. Is it compulsory for adoptive parents to transfer property to the adoptive child?

i. As per the definition of Adoption, an adopted child is the lawful child of the adoptive parents with the same rights, privileges and responsibilities as that of a biological child.
ii. As the adoption order is issued by the Court, the adoptive parents become parents of the child.
iii. The inheritance laws as applicable to the biological child will apply to the adopted child.

14. I am a single male. I am 40 years old and want to adopt a girl child. Am I eligible to adopt?

Yes, single parents can adopt. A single male can adopt a boy but not a girl (Regulation 5(2) of Adoption Regulations 2017).

15. Are there any age restrictions for parents to be eligible for adoption?

There are age restrictions for a single parent as well as for couples. Refer regulation 5(4) for Adoption Regulations 2017 for details.

16. Can a person of any religion or caste adopt?

Yes, there are no restrictions based on caste or religion under the JJ (C&PC) Act 2015.

17. Are differently-abled couples eligible to adopt a child?

Yes, differently-abled couples are eligible to adopt. Depending on the nature and extent of disability, while preparing the home study report the social worker would assess whether the prospective adoptive family has the support required for parenting a child.

18. We would like to adopt a relative's child. Can we do it?

Yes, if you are the child's paternal uncle or aunt, a maternal uncle or aunt, or a paternal grandparent or maternal grandparent then you may adopt as per Sections 51 and 53 of the Adoption Regulations 2017.

19. I want to adopt a newborn child. Can I adopt?

No, newborn child cannot be adopted. Adoption of every child requires them to be declared legally free for adoption through Child Welfare Committee under Juvenile Justice (Care and Protection) Act,2015. The process usually takes at least two months to complete. Therefore, no new born child can be placed in adoption prior to completion of the process.

20. I would like to adopt the child of my spouse from earlier marriage. Can I do it?

Yes, Child or children of spouse from earlier marriage, surrendered by the biological parent(s), can be adopted by the step-parent.
In case the custody of the child is under litigation, the adoption process shall be initiated only after the finalization of the case by the court concerned. Refer Regulation 52 of the Adoption Regulations 2017.

21. Can parents with biological children adopt? If yes, how many children can they adopt?

Yes, families with biological children can adopt. Couples with three or more children shall not be considered for adoption except in case of adoption of special needs children, adoption by a relative or adoption by a step-parent.

22. Can biological parents come back for their child?

No, once the adoption order has been granted, the biological parents have no legal ties with the child.

23. How much do we have to pay for adoption expenses?

As specified in the Adoption Regulations 2017, The SAA will charge

i. Fee for the Home Study Report i.e Rs.6000/-.
ii. Child care corpus fees i.e. Rs.40,000/- .
iii. For each post-adoption follow-up visit Rs.2000/- will be charged (Total 4 visits-half yearly, in 2 years).

24. What is the role of Central Adoption Resource Authority (CARA)?

CARA is the Central Authority of India mandated to promote & facilitate domestic adoptions, regulate Inter-Country adoptions and frame Adoption Regulations as per Section 68 of the JJ Act(C&PC), 2015.

25. How do I register in CARINGS?

To register in (CARINGS) the prospective adoptive parents (PAP's) will have to fill up an online registration form and upload the relevant documents. Please refer to http://carings.nic.in/Parents/Instructions-For-Online-Parent-Registration-for-Adoption.html

26. What are the documents to be submitted for adoption?

The list of documents to be uploaded is given in Schedule VI of the Adoption Regulations 2017. You are requested to upload the following documents within a period of 30 days. http://carings.nic.in/Parents/Instructions-For-Online-Parent-Registration-for-Adoption.html

27. I am unable to upload the documents in CARINGS. What could be the reasons?

i. The size of the document may be exceeding the size specified in CARINGS, please try reducing the size of the document and upload again.
ii. In case of queries, email to carahdesk.wcd@nic.in OR call on our Toll free - 1800 111 311
You can also reach us at 011-26180194

28. We have completed the online registration and my Home Study Report has also been conducted. How long do we have to wait before we bring a child home?

The waiting time varies widely on the availability of a child matching your criteria. The wait time will be less if you reserve a child from the Immediate Placement or Special Needs category.

29. What is the role of a Specialized Adoption Agency (SAA) in adoption process?

i. Role of SAA is to provide care and protection to every child in its institution.
ii. To facilitate the process of adoption for the children in its institution as well as in the Child Care Institutions linked to the SAA.

30. Will the Court ask us / the court has asked us to create a fixed deposit in the name of the child?

No, the adoptive parents shall not be asked to make any bond or investments in the name of the child as per Section 12(7) of Adoption Regulations 2017.

31. Do we have to inform the child that s/he is an adopted child?

i. It is suggested that parents introduce the word "adoption" as early as possible so that it becomes a comfortable part of the child's vocabulary.
ii. It is advisable that you as parents be the first to inform your child that s/he is adopted but determine how and when.

32. If the child comes to know that s/he is an adopted child, will the child be affected?

i. How well the child copes with this information depends on how it is shared with the child and who shares the information.
ii. Hence it is important that this information is disclosed early to the child in an age appropriate way by the adoptive parents.
iii. 'Telling' is also not a one-time activity, it is a process and the fact of adoption will come up several times, at different stages and life events.

33. Do we have to inform the school that the child is an adopted child?

It is not a legal requirement to inform the school that the child is an adopted child.

34. Do we have to disclose the information about adoption, when the child gets married?

It is advisable that this information be disclosed.

35. Can the adoptive child know about his/her roots?

Yes, the adoptive child may seek information about his/her roots.
i. As per Regulation (44) of Adoption Regulations 2017, information may be enquired from the SAA or CWC of the district from where the child was adopted.
ii. However not every child expresses the need to meet their biological parents.

36. If our adopted child shows challenging behavior, how do we cope?

If Adoptive parents may face challenging behavior in adoptive children, then

i. It is important that you do not isolate your family during these difficult times.

ii. You must reach out to friends, family, other adoptive families and also seek professional help if required.

iii. You can contact the SAA that did your Home Study or the local DCPU for referrals of good counselors.

37. If there are adjustment problems and behavioral issues with the child, can we return the child to the SAA?

i. In such a situation, you may seek help of professional counseling or contact your SAA/ DCPU.

ii. The SAA/ DCPU shall first arrange counseling for adoptive parents and adoptees or link them to the counseling center set up at the Authority or State Agency.

iii. If these counseling sessions do not solve the problem and if it is in the best interest of the child to terminate the adoption then follow the procedures in Regulation 13(6) or 13(7) for in-country adoption.

iv. Termination of adoption will depend on whether the adoption is still in pre-adoption foster care stage or whether final adoption order has been given by the Court.

38. After we get the final adoption order, do we have to inform the SAA about the adopted child's development and progress?

Yes, The Social Worker of the SAA will visit you to prepare follow up reports after the adoption order is finalized on a six monthly basis for two years from the date of pre-adoption foster care agreement.

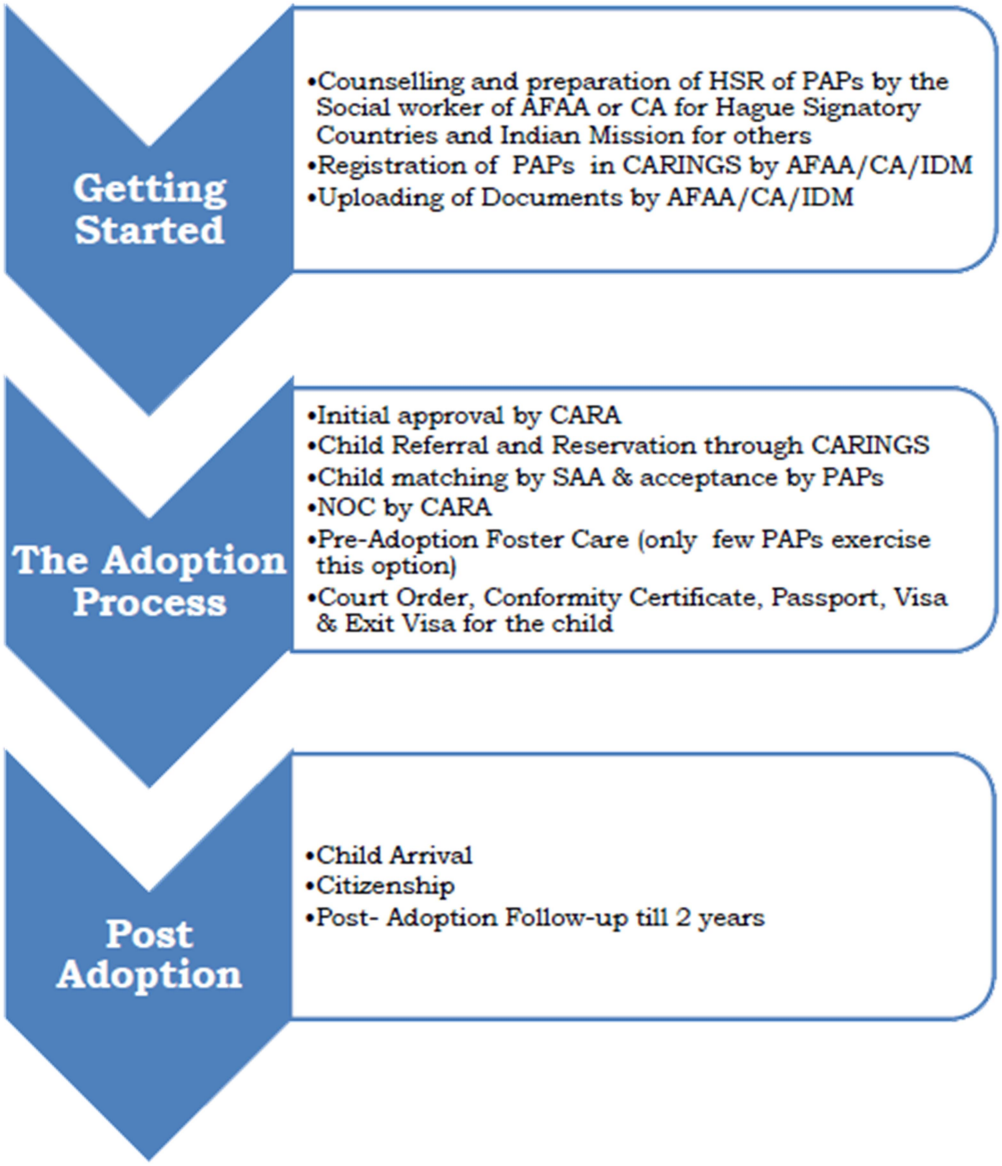
39. My friend has adopted a child directly from hospital. Is it legal?

No, the adoption directly from hospital is an illegal adoption and not permitted under law. There are penal provisions of imprisonment and fine specified under Section 80 of the Juvenile Justice Act 2015.

C. General Queries by NRI/OCI Foreign Prospective Adoptive Parents on Adopting a Child from India

40. What are the steps for Inter-Country adoption?

Steps for Inter-Country Adoptions



41. We are Indians residing in Dubai. How can we adopt?

As a non-resident Indian residing in Dubai (non-Hague country), you may approach the Authorized Foreign Adoption Agency (enlisted by CARA As per details available on CARA's website). The AFAA shall help you in the registration and adoption process.
(As per Regulation 15 of Adoption Regulations, 2017)

42. I have an Indian passport while my wife has a US passport. Am I eligible to adopt an Indian child?

Yes, you can. Please refer to the chapter IV of Adoption Regulations, 2017 available on CARA's website. The Home Study Report will be conducted in the place where you have residing for more than one year. (Place of habitual residence)

43. How long does it take to adopt a child from India?

Schedule XIV of the Adoption Regulations 2017 has specified the timelines for processes relating to the Adoption. Actual waiting depends upon several factors like choice of gender, age or medical condition of the child, preference of the state etc. However, presently there are more parents in the waiting, but fewer children available for adoption. Therefore, it is difficult to ascertain the time period.

44. I am in a live-in relationship residing in Finland and we want to adopt a female child from India. Please provide information for same.

As per the existing Laws, Rules and Regulations in India, you are not eligible to adopt.

45. We live in Singapore and there is no recognized agency working with India. What should we do to adopt a child from India?

You need to get in touch with the Indian Diplomatic Mission who shall help you with the registration on CARINGS, Home Study Report and uploading of all required documents for the adoption process**.**

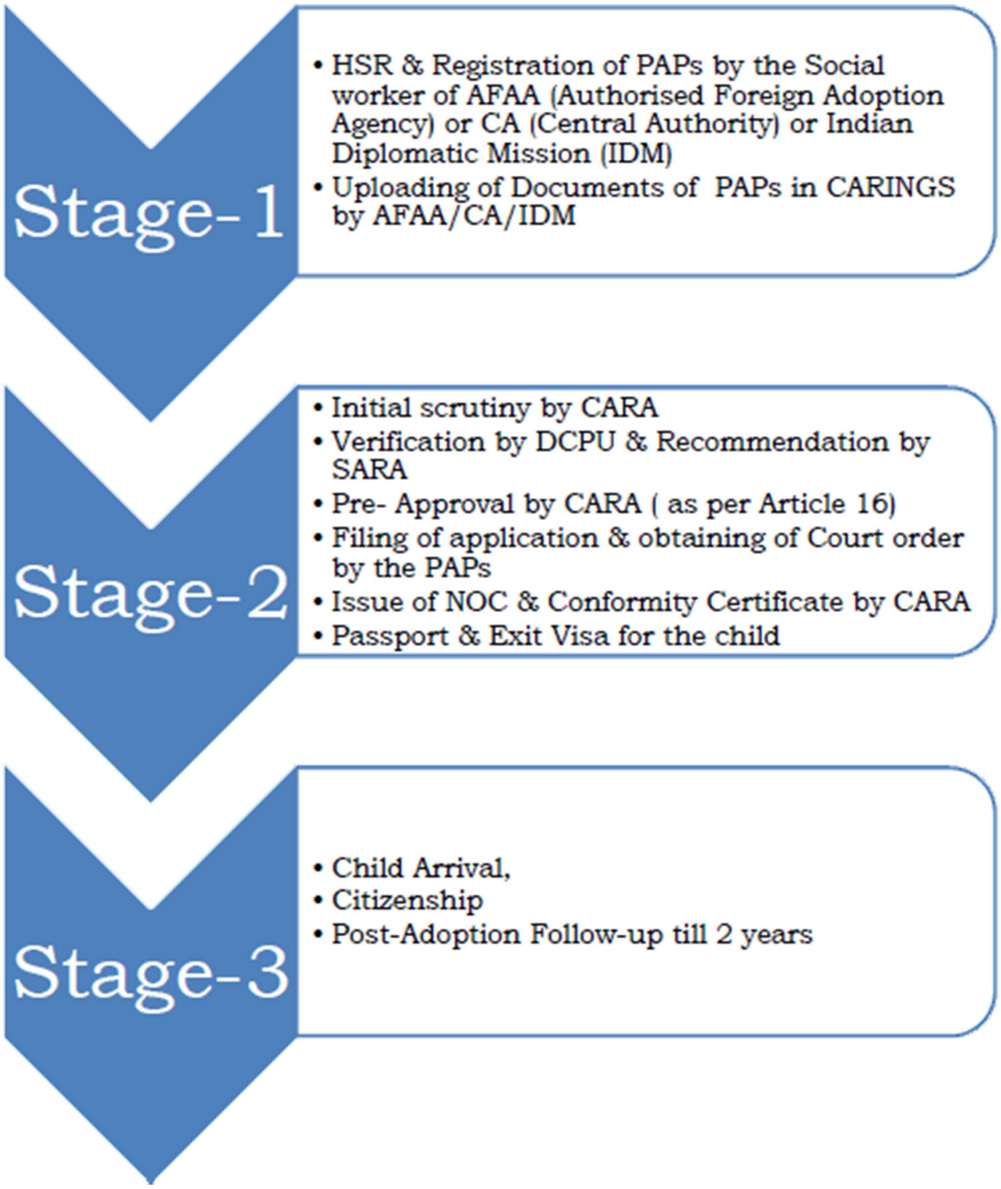
46. I was adopted from India 23 years ago. I want to know about my biological parents. Pl guide me regarding the process.

The Regulation 44 of the Adoption Regulations, 2017, has mandated the Adoptees to seek information regarding their birth parents. You may refer to the same for further information.

47. We have been living in Canada for last 20 years and have no child. We wish to adopt my sister's daughter who is living in Punjab. What is the process I need to follow?

You may refer to regulation 53 of the Adoption Regulations 2017; you can adopt a child from your relative. An outline of the process is given below-

Steps for Inter-Country Relative Adoption



48. I am an Italian citizen and my process of adoption is pending in Indian court. Would I require a court order for adoption again in Italy?

No, as per Article 23 of the Hague Convention read with regulation 18 of the Adoption Regulation 2017, the conformity certificate issued by CARA after the court order from Indian Court would suffice.

Glossary

JJ (C&PC) Act, 2015- Juvenile Justice (Care and Protection of Children) Act 2015

CARA- Central Adoption Resource Authority

SAA- Specialized Adoption Agency

CWC- Child Welfare Committee

AFAA-Authorized Foreign Adoption Agency

IDM- Indian Diplomatic Mission

CA- Central Authority under Hague Convention

PAPs- Prospective Adoptive Parents

CARINGS- Child Adoption Resource Information and Guidance System

DCPU-District Child Protection Unit

HSR- Home Study Report

NOC-No Objection Certificate

****