



Dear Colleagues,

The document is offered to you as an at-a-glance overview of the Model Guidelines for Foster Care, 2016 notified by the Government of India, Ministry of Women & Child Development on 11 November 2016.

The information below is interpreted and reproduced for the benefit of all stakeholders who are involved with child protection. We are open to any feedback and honoured to help the country think through the roll-out of these landmark guidelines with the best interest of the child and foster parents at the center of all we do.

The document was produced with technical support **from Jindal School of Government and Public Policy, O.P. Jindal Global University** with a special thanks to Ms. Shayani Sarkar.

Please write to info@alternativecareindia.org with any questions or comments.

Kind regards,

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Summary:

The Model Guidelines for Foster Care, 2016 were notified by the Government of India's Ministry of Women & Child Development on 11 November 2016; this is the revised version to the Model Guidelines for Foster Care, 2015. The new Guidelines further define the concept of Group Foster Care and strengthen the provisions of foster care for the children of India.

The Guidelines derive strength from Section 44 of the Juvenile Justice (Care & Protection of Children) Act 2015 (the Act), Rule 23 of the JJ Rules (the Rules), 2016 and the United Nations Convention on the Rights of the Child (1989).

The States/UTs are at liberty to adapt or adopt these Guidelines to suit their socio economic and geographic needs.

Key Definitions as defined in the Guidelines:

“Foster Care” means placement of a child, by the Child Welfare Committee (CWC) for the purpose of alternate care in the domestic environment of a family, other than the child's biological family, that has been selected, qualified, approved and supervised for providing such care;

“Group Foster Care” means a family like care in a fit facility for children in need of care and protection who are without parental care with the aim to provide personalised care and a sense of belonging and identity.

Types of Foster Care:

- Short Term Foster Care - For a period not more than one year. Two foster children can live in a foster family, unless in the case of siblings which may be more than two in order to keep siblings together.
- Long Term Foster Care - For a period exceeding one year or more and until the child reaches the age of 18 years. Two foster children can live in a foster family; unless in the case of siblings which may be more than two in order to keep siblings together.
- Group Foster Care - Until the child reaches the age of 18 years. Up to eight children can live in a Group Foster Care home including the caretaker's biological children.

Financial support:

Financial support of not less than INR 2,000 per month per child is available to foster parents and group foster care if requested and duly approved by Sponsorship and Foster Care Approval Committee (SFCAC).

Procedures related to placement of children in Foster Care:

- District Child Protection Unit (DCPU) is the nodal authority for implementing the foster care programme in a district.
- Child Welfare committee will be given the power to take all decisions related to placement of a child in foster care
- Sponsorship and Foster Care Approval Committee (SFCAC)-Foster Care and approval committee will review and sanction sponsorship and foster care fund.

Eligibility criteria of Children for Foster Care and Group Foster Care:

Eligible for Foster Care	Not eligible for Foster Care
<ul style="list-style-type: none"> • Children between 6 - 8 years who are not adopted within 2 years of being declared legally free. • Children between 8 - 18 years who are not adopted within 1 year of being declared legally free, • Children with special needs of any needs who are not adopted within a year. 	<ul style="list-style-type: none"> • Children between 0 - 6 years who are legally free for adoption unless determined as eligible by the Child Welfare Committee.
<p><i>Note: According to the JJ Act Section 44 (1), all children are eligible for foster care as ordered by Child Welfare Committee.</i></p>	

Eligibility criteria of children for Foster Care and Group Foster Care continued

Eligible for Group Foster Care	Not eligible for Foster Care
<ul style="list-style-type: none"> • Children between the age group of 6 - 18 years who are staying in child care institutions and not been declared legal free. • Children whose parents are terminally ill and unable to take care of their children. • Children identified by DCPU <ul style="list-style-type: none"> ○ whose parents are mentally ill and are unable to take care of their child; ○ whose one or both parents are in jail; ○ who are victims of physical, emotional or sexual abuse, natural /manmade disasters, agrarian distress and domestic violence etc. <p>These above mentioned children are not legally free for adoption</p> <p><i>Note: According to the JJ Act Section 44 (1), all children are eligible for foster care as ordered by Child Welfare Committee.</i></p>	<ul style="list-style-type: none"> • Children between 0 - 6 years of age who are legally free for adoption unless determined as eligible by the Child Welfare Committee.

Process from Foster Care to Adoption:

Where the child has remained with a foster family for a period of five years other than pre-adoption foster care, the foster family may apply for adoption of the child. Such foster parents will have to register on a separate page created on Child Adoption Resource Information and Guidance System (Caring) under the Adoption Regulations, 2016.

Who can become Foster Parents?

- Both the spouses must be Indian citizens;
- both the spouses must be willing to foster the same child;
- both the spouses must be above the age of 35 years and must be in good physical, emotional and mental health;
- ordinarily the foster family should have sufficient income with to meet the needs of the child;
- all the family members of foster care living in premises should be medically fit including HIV, tuberculosis or any other communicable disease and cancer;
- should have adequate space and basic facilities;
- should be willing to follow rules laid down including regular visits to doctors, maintenance of child health and their records;
- should be willing to attend foster care orientation programs organized by the DCPU;
- must be without criminal conviction or indictment;
- should have supportive community ties with friends and neighbors

Eligibility for Group Foster Care:

The District Child Protection Unit, is responsible Fit facility for Group foster care on the following criteria:

- Registration of the organisation under the Act;
- recognition as fit facility by CWC for placement of children in group foster care;
- registration of NGO on the NITI Aayog website;
- existence of Child Protection Policy;
- medical reports of all the care givers of the fit facility should be obtained including checks on Human Immuno Deficiency Virus (HIV), Tuberculosis (TB) and Hepatitis B, any other communicable disease, cancer etc to determine that they are medically fit;
- the accommodation shall be sufficiently spacious for a group of children to reside and there should be sufficient space to ensure privacy of children;
- the care givers shall be without criminal conviction or indictment;

Eligibility for Group Foster Care Continued

- spacious with proper amenities for a group of children (maximum 08 children) to reside; could have children from both genders, hence adequate space to ensure privacy;
- should have an in-house kitchen and separate toilets and bathroom. There should be at least 1 toilet for every 4 children;
- should preferably have the look and feel of a house providing a family environment, rather than an institutional setting;
- these fit facilities for group foster care shall be located within an existing neighborhood to encourage local interaction;
- recruitment procedures of care givers should be in accordance with the qualifications as prescribed by State Government;
- should be ready to attend pre service training provided by DCPO;
- should have provident fund and retirement policy for care givers;

What is the role of NGOs?

Spreading awareness on the Non Governmental Organisations empanelled by District Magistrate may support DCPU in:

- Short listing of eligible children;
- preparation of Individual Care Plan, Child Study Report and Home Study Report;
- counseling for the child, foster care givers/parents and biological families, as required;
- training of foster care givers of the fit facility;
- preparation of Information, Education and Communication material;
- spreading awareness on the foster care programme and advocacy;
- periodic/regular inspection of placement of children in family and group foster care.

Ensuring safety of children:

The District Child Protection Unit or an NGO or social worker identified by District Child Protection Unit must:

- visit foster families least once a week for the first month;
- visit monthly for next six months;
- visit bi-annually after 7 months;
- create and maintain Individual Case Files for each child in foster care;
- monthly visits to schools to ensure his education continues for a period of 1 year;
- formats for complaints and investigation are available as annexure with the guidelines

Other important points:

- Not more than 4 children including their own children shall be placed in family foster care;
- not more than 8 children including their own children shall be placed in group foster care;
- siblings should preferably be placed together in a single family or same fit facility;
- where relevant and necessary, biological parents' consent is required in foster placement;
- a special needs child should not be placed in a foster family having special needs child;
- social cultural ethnic groups of children and families should be considered before placement.

For more information:

The Center of Excellence in Alternative Care of Children promotes, educates and builds the capacity of stakeholders in the implementation of alternative care. We offer training to government and non- governmental organizations to start, promote and implement foster care and other forms of alternative care. We also specialize in providing technical assistance in drafting of state level foster care guidelines.

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