All about Central Adoption Resource Authority (CARA)

Why in news?

The Supreme Court has expressed concern over the delay in India's system of child adoption.

What is Central Adoption Resource Authority (CARA)?

- **Statutory body-** CARA is enacted under *Juvenile Justice (Care and Protection of Children) Act, 2015*.
- **Launched-** 1990
- **Aim-** To oversee child adoption procedures, in the best interest of the child, for *Indians and non-resident Indians* living abroad.
- **Mandate-** To monitor and regulate in-country and inter-country adoptions.
- To deal with inter-country adoptions in accordance with the provisions of the *Hague Convention, 1993*.
- **Nodal agency**- Ministry of Women & Child Development.

CARA became a signatory to the Hague Convention on Protection of Children and Co-operation of 1993 and India ratified the convention in 2003.

What are the functions of CARA?

- **Adoption**
  - To promote in-country adoptions
  - To facilitate inter-state adoptions in coordination with State Agency
  - To regulate inter-country adoptions
- **Regulations-** To frame regulations on adoption and related matters from time to time as may be necessary
- **Monitor**- It regulates bodies like
  - State Adoption Resource Agency (SARA)
  - Specialised Adoption Agency (SAA)
  - Authorised Foreign Adoption Agency (AFAA)
  - Child Welfare Committees (CWCs) and
  - District Child Protective Units (DPUs)

Procedure for Adoption

- **Adoption** – It means a legal process that allows someone to become the parent of a child, even though the parent and child are not related by blood.

- But in every other way, adoptive parents are the child's parents.
- **Legal framework for adoption in India –** It includes
  - Hindu Adoption and Maintenance Act, 1956 (for Hindus, Jains, Sikhs and Buddhists) and
  - The Juvenile Justice (Care and Protection of Children) Act, 2015

- **Procedure** - A database of children and registration of prospective parents is done on a centralised ***Child Adoption Resource Information and Guidance System (CARINGS),*** which is maintained by CARA.
- Parents register themselves on CARINGS.
- ***Specialised Adoption Agency (SAA),*** the first point of government contact for a child, conducts a Home Study Report and completes the referral and adoption process.
- Parents can then take in the child for pre-adoption foster care. SAA is required to file a petition in the court.
- CARA conducts *post-adoption follow-up* for a period of ***2 years.***
- ***Child Welfare Committees*** play avital role of declaring a child legally free for adoption thereby releasing the child for adoption placement.

What reforms were undertaken by CARA?

- **SC's move**- In 2011, Supreme Court criticised CARA for its inefficiency and for not maintenance of records.
- **Amendment-** In 2015, the *Juvenile Justice Act* was amended to overhaul the adoption system and curb malpractices.
- CARA was empowered to streamline the process and to introduce transparency in the regulation body.
- CARINGS enabled direct adoption by children institutions and civil society organisations with a no-objection certificate.
- Eligibility was expanded for adoption to *include individuals in a live-in relationship.*
- **Decentralisation-** In 2022, the Juvenile Justice Act was further amended to decentralise the adoption process and give more authority to local District Magistrates to issue adoption orders and inspect childcare institutions.

What are the challenges with CARA?

- **Delayed adoption**- To adopt a child, India's almost 30,000 prospective parents wait for an average of 3 years.
- **Decline in adoption**- Despite the legal and procedural changes, the adoption figures have dropped almost 50% from 2010 to 2021.
- **Complexity-** 2022 amendment in Juvenile Justice Act fostered decentralisation in amendment process but also created confusion and delays in adoption by parents.
- **Lack of awareness-** Most District Magistrates (DMs) were not aware of the revised changes, and the transfer of cases from courts to DMs would further extend timelines.

- **Lack of registration-** Many children in need of adoption are not registered by SAA and CWCs due to poor functioning and administrative hiccups.
- **Shortage of licensed agencies-** A child can be registered on CARA only through a licensed agency, but children find themselves in a loop of transfers and delays due to missing localised adoption channels.
- **Procedural flaw**- CARA faced difficulties in issuing no-objection certificate for inter-country adoptions and ensuring post-adoption follow-ups.
- **Parent-centric**- CARA process become tedious as it focuses on parents neglecting the best interest of child.
- **Informal placements**- Many children are placed directly with the families by hospitals without following legal procedures making them vulnerable to the risks of trafficking, exploitation and abuse.

What lies ahead?

- The need of the hour is to follow the advice of the Parliament Committee to find and adopt the children who beg on the streets as soon as possible.
- CARA should be governed by a "*child-centric, optional, enabling and gender-just*" special adoption law.

References

1. The Hindu- CARA regulation body explained
2. MoWCD- About CARA

