Child Protection – Adoption Procedure & Safeguards

Why in news?

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3 year old ‘Sherin Mathews’, an adopted Indian-American child, was found dead in mysterious circumstances in Dallas, USA.

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What are the adoption statistics?

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- Between 2010 and 2017, adoptions have gone down drastically.
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- While 5,693 children were adopted within India in 2010, the 2016-17 figures were only 3,210.
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- Even adoptions from outside fell from 628 in 2010 to 578 currently.
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- The fall has been attributed to tightened norms to protect the adopted children.
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- Despite the safeguards though, not all adoptive children stay safe.
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Who do the present Indian guidelines in say?

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- Adopting parents must be financially capable, physically, mentally and emotionally stable.
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- They should also be free from life threatening health conditions.
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- While singles less than 55 years of age too are eligible for adopting, a single male cannot adopt a girl child.
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- A couple must be married at least two years and their cumulative age at the time of adoption cannot exceed 110 years.
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- The minimum age difference between the child and either adoptive parent should not be less than 25 years.
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- Preference shall be given to place the child in adoption in his/her own socio-cultural environment, as far as possible.
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What is the procedure for adoption by overseas residents?

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- All prospective parents irrespective of nationality have to register with the Central Adoption Resource Authority (CARA).
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- Then, the appropriate local authorities are called for a home study.
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- Subsequently, registration with the ‘Child Adoption Resource Information and Guidance System’ is done.
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- After registration, children are assigned by turn, and foreign couples are treated at par with Indian ones.
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- Countries that are signatories to the ‘Hague Adoption Convention’ have standardised and streamlined such processes.
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- Alternatively, the Indian diplomatic missions in the respective countries can also be approached.
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How is the match done?

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- The home study report, which looks at the couple’s family, circumstances etc.., is prepared by the adoption agency.
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- It remains valid for two years, and is the basis of any adoption attempts that the couple make during that period.
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- Parents are given a chance to adopt on a first registered, first served basis.
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- Photographs, child study reports and medical examination reports of up to six children in their preferred category are shown.
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- The process of matching must be completed in 15 days.
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When is a child eligible to be adopted?

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- A child has to be declared legally free to be adopted before being shown to a couple for adoption.
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- If an unclaimed child is found, the ‘District Child Protection Unit’ has to advertise the particulars and photograph in a state-level newspaper with wide circulation within 72 hours.
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- Local police have to submit a report about the child’s parents or any living family.
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- Subsequently, if there isn’t any response ‘Child Welfare Committee’ can declare the child legally free for adoption.
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What legal process has to be followed?

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- The adoption petition is filed in court by the adoption agency and the proceedings are to be completed within two hearings.
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- The petition has to be disposed within two months of its filing and the certified copy of the order has to be obtained within 10 days.
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- Obtaining the birth certificate of the child with the names of the adoptive parents also has to be done.
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Source: Indian Express

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