

Indian Academy of Pediatrics (IAP)



## GUIDELINES FOR PARENTS

# I Want to Adopt a Child

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### 10 FAQs on I WANT TO ADOPT A CHILD

1. What types of adoptions are legal in India?
2. What are the basic eligibility criteria for parents to adopt a child in India?
3. Can a newborn baby be adopted? If no, then what is the minimum age, when a child can be adopted?
4. What is the procedure of adopting a child in India?
5. What are the provisions allowed and not allowed while adopting a child in India?
6. Can the adoption agency demand money for facilitating the adoption process?
7. How long does it take to adopt a child after registration through CARA?
8. What is the role of Central Adoption Resource Authority (CARA)? How do I register in CARINGS and what are the documents to be submitted for adoption?
9. Why is it mandatory for the adoption process to be done through CARA? Cannot the PAPs approach a Specialized Adoption Agency directly?
10. Does the child need to be informed that he/she is adopted?

**Under the Auspices of the IAP Action Plan 2021–2022**

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# I Want to Adopt a Child

## Q1

### What types of adoptions are legal in India?

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

1. An abandoned, surrendered, destitute child adopted by unrelated person(s) living within the country
2. An abandoned, surrendered, destitute child adopted by unrelated person(s) living outside the country
3. A related child by relatives living within the country
4. A related child by relatives living outside the country
5. Adoption of a child by step parents within the country

A child can be adopted, if he or she is:

- 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].
- 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).
- 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).

**Q2**

**What are the basic eligibility criteria for parents to adopt a child in India?**

- *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. The minimum age difference between the child and PAP(s) shall not be <25 years.
- Married couples should have at least 2 years of stable marital relationship. Both spouses must consent for adoption and the composite age of the married couple should not exceed 110 years.
- Single persons with or without biological or adoptive children can adopt provided, they satisfy the following:
  - A single female can adopt a child of any gender.
  - A single male is not eligible to adopt a girl child.
  - Age of a single parent does not exceed 55 years.
  - 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 parents
0–18 years	90 years	45 years
4–18 years	100 years	50 years
8–18 years	110 years	55 years

**Q3**

**Can a newborn baby be adopted? If no, then what is the minimum age, when a child can be adopted?**

An orphaned, abandoned, and surrendered newborn baby cannot be adopted as he/she is not legally free for adoption. If anyone comes across any such child in need of care and protection, one should contact either of these: CHILDLINE (Toll free no 1098), local police, any Specialized Adoption Agency (SAA), Child Welfare Committee or District Child Protection Unit. Such children are kept at Child Care Centre, and the local police tries to trace the biological parents of the child. In case nobody claims the ownership of the child during this period, it is then only that the child is declared legally free by the Child Welfare Committee and brought before the adoption committee. This takes approximately 2–3 months. However, a newborn child may be given under foster care for in family adoption, but the biological parents are given enough time (90 days) to decide whether they want to give away the child. It is only after this that legal procedures are done.

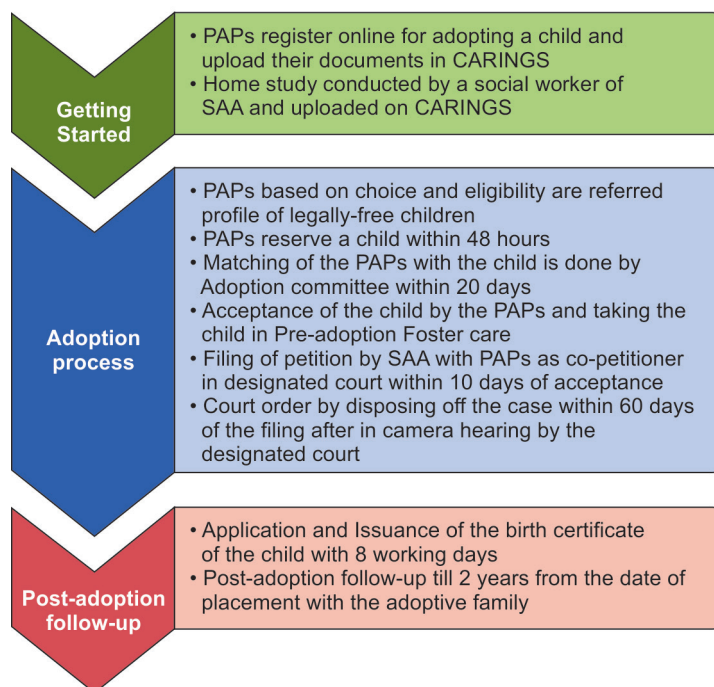
**Q4**

**What is the procedure of adopting a child in India?**

Prospective adoptive parents (PAPs) need to get registered with Central Adoption Resource Authority (CARA), a statutory body of Ministry of Women and Child Development, Government of India. CARA primarily deals with adoption of orphan, abandoned, and surrendered children through its associated/recognized adoption agencies. Parents need to upload all necessary documents in their website. After successful registration, they are issued an ID for further correspondence. Thereafter, one can view his seniority in the list.

The procedure for adoption of a child in India can be understood in the following steps:

**Steps for In-Country Adoptions**



Q5

## What are the provisions allowed and not allowed while adopting a child in India?

- A newborn child cannot be adopted.
- One cannot adopt an abandoned child found on the roadside/temple or any other place.
- One cannot adopt a child directly from hospital.
- One cannot adopt a child of a particular cast or religion of choice.
- One cannot choose a child with matching complexion and features.
- Partners with live-in relationship cannot adopt a child.
- In case prospective adoptive parents (PAPs) have a child above 5 years of age, his/her permission is necessary for adopting a child.
- PAPs can have the choice of age, gender, and health condition of the child (parents can also specify if they want to adopt a child with a disability). In cases where preferences are specified, it may take more time to match a child of your choice as the conditions will reduce the pool of kids available for adoption.
- There is no minimum income level as eligible criteria for PAPs to adopt a child but while conducting the home study, the social worker will assess the capability and motivation of the prospective adoptive family to provide a reasonable living standards to the child.
- Differently-abled couples are also 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.
- A relative's child can be adopted if the PAPs are the child's paternal uncle or aunt, maternal uncle or aunt, or a paternal grandparent or maternal grandparent.
- In case a child is not related within family (i.e., abandoned, surrendered or orphaned child), the adoption process has to be carried out only through CARA. 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 Juvenile Justice (C&PC) Act, 2015.
- Once the adoption order has been granted, the biological parents have no legal ties with the child.
- The details of both the biological parents and the PAPs are kept confidential so that none of the parents know each other. However, if the adopted child later wants to know and meet his biological parents, the adoption agency may grant the same with permission from both side of the parents.
- It is not compulsory for the PAPs to transfer some property or money to the adoptive child during adoption as the inheritance law remains equally applicable both to the biological and the adopted child. The court may request for some investments and fixed deposits in the name of the child depending on the parents financial condition, but it is not mandatory.

Q6

### Can the adoption agency demand money for facilitating the adoption process?

There should be no transaction of money while adopting a child through CARA, except as specified in the Adoption Regulations 2017.

The SAA will charge the following and give a receipt of money.

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

Q7

### How long does it take to adopt a child after registration through CARA?

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 noninstitutional care of children in their best interest. Since there are more parents registered with CARA and less children pool available for adoption, there is a waiting period for getting a child referral. The waiting period may further increase if the PAPs give age and sex preference. It is seen that the waiting period is more in children of younger age group (<2 years) compared to older children. Similarly, the waiting period may also vary depending upon the state of preference (for example, in Maharashtra, the availability of legally free children may be more and the waiting period may be less compared to Assam where the waiting period may be more due to less availability of children). PAPs are hereby advised to check their seniority waiting list in CARING website before giving choice of age, sex, and state of child. The wait time will further be less if PAPs reserve a child from the Immediate Placement or Special Needs category. In an average, the waiting time may vary from 6 months to 2 years depending on the PAPs preference as explained earlier.

### Q8

#### What is the role of Central Adoption Resource Authority (CARA)? How do I register in CARINGS and what are the documents to be submitted for adoption?

- Central Adoption Resource Authority is the Central Authority of India mandated to promote and facilitate domestic adoptions, regulate “Inter-Country” adoptions and frame “Adoption Regulations”.
- To register in CARINGS, the prospective adoptive parents (PAPs) 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>.
- The list of documents to be uploaded is given in Schedule VI of the Adoption Regulations 2017. PAPs 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>.
- In case of queries, email to [carahdesk.wcd@nic.in](mailto:carahdesk.wcd@nic.in) or call on Toll free no: 1800-11-1311. One can also reach at 011-26180194/011-26760474.

### Q9

#### Why is it mandatory for the adoption process to be done through CARA? Cannot the PAPs approach a Specialized Adoption Agency directly?

Adoption process has to be done through CARA only. It is illegal to adopt a child from a non-registered adoption agency. The government has also directed that all the adoption agencies and child care centers are registered with CARA, and all such children are updated and brought under the pool of available children for adoption. By doing this, a transparency is maintained in the adoption process. The PAPs remain assured that after the adoption order is issued, the biological parents cannot stake claim of the child. This will reduce the incidence of child trafficking and money involvement as is presently seen with illegal child adoption. Whenever a child is brought before adoption through CARA, the child is subjected to various investigations and medical examination by experienced pediatrician to ascertain whether the child is absolutely in good health and fit for adoption. Otherwise the child is given necessary medical care as deemed necessary before being placed in special need category. Hence, the parents are aware of the health of the child from the beginning so as to prevent any altercation later on.



**Q10****Does the child need to be informed that he/she is adopted?**

The process of adoption is completely transparent and the relationship of PAPs and the child is built on trust. Hence, it is advisable that parents introduce the word “adoption” as early as possible so that it becomes a comfortable part of the child’s vocabulary. It is also advisable that parents are the first to inform the child that he or she is adopted before they come to know the reality from somebody else, otherwise the child may lose the trust of the parents. The parents may determine how and when to disclose the reality to their child in a comfortable environment. How well the child copes with this information depends on how it is shared with the child and who shares the information? Hence, it is important that this information is disclosed early to the child in an age-appropriate way by the adoptive parents. “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. However, it is not a legal requirement to inform the school that the child is adopted.