

QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION
Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021

Name of State:	India
Information for follow-up purposes	
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1. POST-ADOPTION MATTERS

1.1. Preservation of, and access to, information

Both States of origin and receiving States

1.1.1. Preservation of information and use of data

1.	Has your State centralised , in a public facility, information concerning the child's origins and the adoption of the child? <input checked="" type="checkbox"/> Yes. Please specify where the information is centralised: There is a centralized web-based IT Application called CARINGS (Child Adoption Resource Information and Guidance System) wherein information related to origin of a child is made available. <input type="checkbox"/> No. Please specify where the information is stored:
2.	Has your State encountered situations where personal data obtained during the intercountry adoption process has been misused (see Art. 31 of the Convention)? <input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response: <input checked="" type="checkbox"/> No.

1.1.2. Search for origins

3.	Is there a specialised programme or section in the Central Authority which deals with the search for the origins of an adoptee? <input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided: The Program Division facilitates the root search of the adoptees in coordination with the Specialized Adoption Agencies located at provincial level. <input type="checkbox"/> No. Please specify how the search for the origins is handled:
4.	Has your State developed any good practices to ensure that Recommendation No 21 ¹ of the 2015 Special Commission is implemented?

¹ ["Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention \(8-12 June 2015\)"](#), C&R No 21 (hereinafter, "C&R of the 2015 SC"):

	<p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>Regulation 44 of the Adoption Regulations, 2017 provides comprehensive support to facilitate root search by an older adoptee. In cases of root search by older adoptees, the agencies or authorities concerned (Authorised Foreign Adoption Agency, Central Authority, Indian diplomatic Mission, State Adoption Resource Agency or District Child Protection Unit shall provide requisite support.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
5.	<p>If your State allows for the use of DNA testing to search for origins, please specify:</p> <p>(a) which body is in charge of the DNA testing (e.g., government, private companies, NGOs); Authorised Laboratories are responsible for DNA Testing.</p> <p>(b) where the data is stored, and whether it is stored by a public or private entity; Public Entity.</p> <p>(c) the average cost of a DNA test in your State and whether any subsidy is available; N/A</p> <p>(d) details of any challenges and / or good practices your State may have developed with respect to the issues identified in this question and DNA testing in general. DNA testing in India is only for specific purposes as it can be done by the order of Court or Competent Authority.</p>
6.	<p>What is your State's practice when the background information of an adoption is incomplete or non-existent? How does your State support adoptees in such situations? In such cases, efforts can be made for root search through their social investigating report.</p>
7.	<p>What is the procedure in your State when illicit practices are discovered during a search for origins? Please provide details of any challenges and / or good practices. Penal provisions are there which prescribe legal sanctions and punishments on anyone involved in Illicit Practices. Section 80 of The Juvenile Justice Act,2015 contains the punitive measures for adoption done without following the prescribed procedures.</p>
8.	<p>If statistics are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were successful (e.g., the adoptee found his birth family); An online module for root searching is being developed in order to facilitate root search for the adoptees seeking details about their origin.</p> <p>(b) how many were not successful and what were the reasons. N/A</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the confidentiality of the identity of the birth parents?</p> <p><input type="checkbox"/> Yes. Please specify the challenges and how your State addressed them:</p> <p><input checked="" type="checkbox"/> No.</p>

“The SC recommended that the possibility of a child searching for his or her origins be **included** in the **counselling and preparation** of the prospective adoptive parents. When an adopted child or an adult adoptee undertakes such a search, **professional support** at all stages is recommended” [emphasis added].

10.	<p>Does your State make a distinction between the disclosure of identifying versus non-identifying information?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>Identifiable information regarding the child cannot be made public in accordance with the provisions of Regulation 45 of the Adoption Regulations , 2017 which states that "All agencies or authorities involved in the adoption process shall ensure that confidentiality of adoption records is maintained, except as permitted under any other law for the time being in force and for such purpose, the adoption court order may not be displayed in any public portal."</p> <p><input type="checkbox"/> No. Please explain your response:</p>
11.	<p>What is the procedure in your State for processing requests from the birth family to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>In cases where the biological family have surrendered the child they are given a time period of 60 days to reconsider their decision in accordance with Section 35 of the Juvenile Justice Act, 2015.</p>

1.1.3. Guidelines and good practices

12.	<p>Has your State developed any guidelines (e.g., procedures, manuals) and / or good practices regarding preservation of information and search for origins?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>The provision for facilitating the root search is comprehensively covered under Regulation 44 of the Adoption Regulations, 2017.</p> <p><input type="checkbox"/> No.</p>
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1.2. Post-adoption services²

Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that Recommendation No 18³ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>The provision for post adoption services are available on the CARINGS (Online system) wherein the post adoption followup reports are being posted for a period of 2 years following adoption.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p>
14.	<p>If your State provides specialised post-adoption services, please specify:</p>

² Post-adoption services may be provided to adoptees, birth families and adoptive families.

³ C&R No 18 of the 2015 SC:

"The SC recognised that post-adoption services are essential and should take into account the **lifelong nature** of adoption. States are encouraged to develop **specialised post-adoption services**, in addition to the general services already in place" [emphasis added].

	<p>(a) the type of services provided and to whom they are provided (<i>e.g.</i>, child and adult adoptees, birth families, adoptive families); Child protection services are available at the district level which includes Councelling and post adoption services etc.</p> <p>(b) who provides the services (<i>e.g.</i>, social welfare administration, school, health personnel); District Child Protection Unit (DCPU) in coordination with the Specalized Adoption Agencies.</p> <p>(c) whether the professionals involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs); Yes, in most of the cases, the professionals involved in the services are usually the same Social worker unless the PAPs have changed their habitual place of residence.</p> <p>(d) how, if there are different services, these various services are coordinated; At District level, the Specialised Adoption Agency, the DCPU and the Child Welfare Committee all work together to provide various services.</p> <p>(e) how the post-adoption services are financed (<i>e.g.</i>, the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other); The adoptive families pay for the services.</p> <p>(f) the length of time this support is available. The duration of post adoption follow up reports is two years as per Regulation 19 of the Adoption Regulation, 2017.</p>
15.	<p>Please provide details of any good practices in your State which ensure that adoptees, adoptive families and birth families are adequately informed about, and can easily access, post-adoption services. Biological parents are informed about it by Child Welfare Committee while all others get information through DCPU and the specaised [specialised] adoption agencies.</p>
16.	<p>In setting up post-adoption services in your State, were the voices of adoptees considered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify in what way their voices were considered: While framing adoption regulations 2017, feedback were received from the general public.</p> <p><input type="checkbox"/> No.</p>
17.	<p>Has research been carried out in your State in the past five years assessing post-adoption services?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: A few studies have been carried out in this regard at regional level.</p> <p><input type="checkbox"/> No.</p>

Receiving States only

18.	<p>Please specify any challenges your State encounters in ensuring that adequate support is in place for adoptees and the adoptive family following an intercountry adoption, including where</p>
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	<p>parents have adopted a child with special needs. Please also share any good practices your State has developed to overcome such challenges.⁴</p> <p>N/A (Not a Receiving State)</p>
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1.3. Post-adoption reports

Receiving States only

19.	<p>Does the preparation of PAPs in your State include the provision of information on post-adoption report requirements of the State where the PAPs (would like to) adopt?</p> <p><input type="checkbox"/> Yes. Please explain your response: N/A (Not a Receiving State)</p> <p><input type="checkbox"/> No. Please specify when and how PAPs are otherwise informed:</p>
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Both States of origin and receiving States

20.	<p>Has your State encountered situations where the adopted child refused or objected to the obligation to comply with the post-adoption report requirements?</p> <p><input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation:</p> <p><input checked="" type="checkbox"/> No.</p>
21.	<p>What has been your State's recent experience regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>The post adoption follow up is a relatively smooth procedure and the reports are sought from the Authorised Foreign Adoption Agencies and Central Authorities in a timely manner. The record of post adoption follow up reports is maintained on online CARINGS system.</p>

1.4. Adoption breakdowns

Both States of origin and receiving States

22.	<p>If your State has had any experience regarding intercountry adoptions which have broken down, please specify:⁵</p> <p>(a) what have been the main causes of the breakdowns;⁶</p> <p>The main cause of disruption and dissolution of adoption is the adjustment issue between the child and the adoptive family.</p> <p>(b) how your State has addressed these situations and whether your State has any good practices to share in this regard;⁷</p>
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⁴ If applicable, you may wish to refer to your State's response to Question 17 of "[Prel. Doc. No 2 of October 2014 - Questionnaire No 2 on the practical operation of the 1993 Hague Intercountry Adoption Convention](#)" (hereinafter "[2014 Questionnaire](#)").

⁵ If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

⁶ If applicable, you may wish to refer to your State's response to Question 18(a) of the [2014 Questionnaire](#).

⁷ If applicable, you may wish to refer to your State's response to Question 18(b) of the [2014 Questionnaire](#).

Such issues are dealt with by the receiving countries with the help of Authorized Foreign Adoption Agencies/Central Authorities with the intervention of local Child Protection Services. Steps are also taken to withdraw the child and provide necessary counselling or arrange for suitable alternate adoption/foster placement of the child in that particular country which is done in consultation with the Central Authority. Indian Diplomatic Missions are also involved for rendering necessary help and to facilitate the repatriation of the child, if required.

- (c) what **support** is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;

please see the above para (b)

- (d) whether your State has developed any good practices to ensure that **Recommendation No 19⁸** of the 2015 Special Commission is implemented:

Yes. Please specify any good practices developed in this regard:

In India, necessary safeguards are in place.

No. Please specify any reasons:

- (e) whether your State has experienced breakdown cases in which it was determined that it was in the child's best interests to **return** to the State of origin, and if so, what the situations were and how they were handled;

There was a case where the adoptee child was unable to adjust with the family and wanted to return to India. This case was handled in consultation with the Indian Embassy and the Central Authority involved with proper counselling of the child.

- (f) **how many** cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;

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- (g) how many of these cases included a **new placement** (e.g., foster care, new adoption) for the child;

02

- (h) how many cases of breakdowns were intercountry adoptions done (a) under the **1993 Adoption Convention** ; and (b) outside of the Convention (i.e., prior to the entry into force of the Convention in your State or with non-State Party);

All were under the 1993 convention.

- (i) in line with **Recommendation No 20⁹** of the 2015 Special Commission, whether your State has applied the **1996 Child Protection Convention** to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.

N/A

⁸ C&R No 19 of the 2015 SC:

"The SC recognised that appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, will reduce the risk of the breakdown of intercountry adoptions."

⁹ C&R No 20 of the 2015 SC:

"The SC encouraged States to consider ratification of, or accession to, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereinafter, "the 1996 Hague Convention") in view of its relevance in enhancing cooperation to protect children in many different situations, including following the breakdown of intercountry adoptions."

Receiving States only

23.	<p>Is your State's Central Authority informed and involved / consulted when an intercountry adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please explain your response: N/A (Not a Receiving State)</p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption:</p>
24.	<p>Do your State's authorities consult with the Central Authority of the child's State of origin:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: N/A (Not a Receiving State)</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation: N/A (Not a Receiving State)</p> <p><input type="checkbox"/> No.</p>

States of origin only

25.	<p>Is your State's Central Authority (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation: Regulation 19(3), 19(4) and 19(5) of the Adoption Regulation, 2017 contain specific provisions for facilitating the cases of Disruption and Dissolution.</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation: Regulation 19(3) & 19(4) of Adoption Regulations, 2017 contain specific provisions in this regard.</p> <p><input type="checkbox"/> No.</p>
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1.5. Other post-adoption mattersStates of origin only

26.	<p>Are adoptees, who did not retain the nationality of their State of origin, permitted to regain it at a later stage?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the conditions to regain nationality: The granting of citizenship may be subject to fulfilling the criteria for obtaining Indian citizenship as per law.</p> <p><input type="checkbox"/> No. Please explain your response:</p>
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Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the nationality of their State of origin?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled:</p> <p style="padding-left: 20px;">There is an ongoing case where this issue has been encountered and the same is being dealt in consultation with the relevant Government Authorities dealing with grant of Citizenship.</p> <p><input type="checkbox"/> No.</p>
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a Guide to Good Practice on post-adoption.</p> <p style="padding-left: 20px;">Post adoption is a necessary procedure in order to ensure the well-being of child. It is a good indicator of the success of the adoption procedure. Therefore, ensuring good practices on post adoption reports is a must.</p>

2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

Both States of origin and receiving States

29.	<p>Have illicit practices in intercountry adoption been discovered since 2015 in your State?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p style="padding-left: 20px;">(a) the type of illicit practices which were discovered;</p> <p style="padding-left: 20px;">(b) when the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure);</p> <p style="padding-left: 20px;">(c) whether the illicit practices were done under or outside the scope of the 1993 Adoption Convention;</p> <p style="padding-left: 20px;">(d) how your State handled these situations;</p> <p><input checked="" type="checkbox"/> No.</p>
30.	<p>Please specify any good practices of your State to prevent and address illicit practices.</p> <p style="padding-left: 20px;">Adoptions under the Juvenile Justice Act, 2015 and Adoption Regulations, 2017, have brought more clarity and transparency in the adoption process.</p>
31.	<p>Is it possible in your State to annul an intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p style="padding-left: 20px;">(a) the authority which has jurisdiction to do so;</p> <p style="padding-left: 40px;">The Judicial Authority which has passed the legal adoption order.</p> <p style="padding-left: 20px;">(b) who can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents);</p> <p style="padding-left: 40px;">The Authorised Adoption Agency on behalf of the adoptive parents.</p> <p style="padding-left: 20px;">(c) the grounds upon which this may be done;</p> <p style="padding-left: 40px;">The ground may differ on case to case basis subject to the satisfaction of the court.</p>

	<p>(d) whether there is an age limit for the annulment of an adoption; No</p> <p>(e) the procedure involved; Filing petition in the Court of law which passed the adoption order for cancellation of the same.</p> <p>(f) the number of intercountry adoptions which are on average annulled per year. 03</p> <p><input type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to revoke an intercountry adoption? <input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the authority which has the jurisdiction to do so; The Judicial Authority which has passed the legal adoption order.</p> <p>(b) who can request the revocation (<i>e.g.</i>, adoptee, adoptive parents, birth parents); The Authorised Adoption Agency on behalf of the adoptive parents.</p> <p>(c) the grounds upon which this is done; The ground may differ on case to case basis subject to the satisfaction of the court.</p> <p>(d) whether there is an age limit for the revocation of the adoption; No</p> <p>(e) the procedure involved; Filing petition in the Court of law which passed the adoption order for cancellation of the same.</p> <p>(f) the number of intercountry adoptions which are on average revoked per year. 03</p> <p><input type="checkbox"/> No.</p>

3. INTRAFAMILY ADOPTIONS

*In this Questionnaire, an “intrafamily adoption” is one in which the adoptive parent(s) are either **relatives** of the child (e.g., an aunt, a grandparent, a cousin) or a **stepparent** of the child. These adoptions are respectively referred to as “relative adoptions” and “stepparent adoptions.” The Convention applies to all intrafamily adoptions.¹⁰*

3.1. General questions for intrafamily adoptions (*i.e.*, relative and stepparent adoptions)

Both States of origin and receiving States

33.	<p>In your State, which authority is in charge of intrafamily adoptions? <input checked="" type="checkbox"/> The Central Authority.</p> <p><input type="checkbox"/> Another competent authority. Please specify which authority and the reasons for designating a different authority:</p>
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¹⁰ See Permanent Bureau of the Hague Conference on Private International Law, [Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention](#), Bristol, Family Law (Jordan Publishing Limited), 2008 (hereinafter, “[Guide to Good Practice No 1](#)”), sections 8.6.4 and 8.6.5.

34.	<p>Has your State developed any good practices to ensure that Recommendation No 32¹¹ of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: The provision for family adoption are prescribed in Regulation 53 and Regulation 54 of the Adoption Regulations, 2017</p> <p><input type="checkbox"/> No. Please specify any reasons:</p>
35.	<p>Are there specific guidelines or procedures for intrafamily adoptions in your State?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: The legal procedure for family adoptions are prescribed in Regulation 54 and 55 of the Adoption Regulations, 2017</p> <p><input type="checkbox"/> No.</p>
36.	<p>Has your State encountered any particular difficulties with adoptability decisions in the context of intrafamily adoptions?</p> <p><input type="checkbox"/> Yes. Please specify the situations and how they were handled:¹²</p> <p><input checked="" type="checkbox"/> No.</p>
37.	<p>In your State, does the termination of the pre-existing legal relationship affect only the child and his or her mother and father, or does it also affect the other members of the family (see Art. 26(1)(c) of the Convention)?</p> <p><input type="checkbox"/> It only affects the child and his or her mother and father.</p> <p><input checked="" type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.</p> <p><input type="checkbox"/> Other. Please explain your response:</p>
38.	<p>Has your State encountered cases of breakdown in intrafamily intercountry adoptions?</p> <p><input type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them:</p> <p><input checked="" type="checkbox"/> No.</p>
39.	<p>In the context of intrafamily intercountry adoptions, does your State cooperate with States with which it normally does not cooperate?</p>

¹¹ C&R No 32 of the 2015 SC:

“In relation to in-family adoption, the SC:

- a. recalled that in-family adoptions **fall within the scope** of the Convention;
- b. recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;
- c. recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;
- d. recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;
- e. recognised that it is necessary to undertake an **individualised assessment of each child’s situation** and it should **not** be **automatically assumed** that either an in-country or infamily placement is in a child’s best interests” [emphasis added].

¹² If applicable, you may wish to refer to your State's response to Question 3(b) of the [2014 Questionnaire](#).

	<input type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard: <input checked="" type="checkbox"/> No.
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States of origin only

40.	<p>In your State, is the subsidiarity principle applied in the same manner to intrafamily intercountry adoptions?</p> <p><input type="checkbox"/> Yes.</p> <p><input checked="" type="checkbox"/> No. Please describe any different procedures used and explain the reasons for these different procedures:¹³</p> <p style="color: blue;">Strictly subsidiarity principle cannot be followed.</p>
41.	<p>Is intrafamily adoption used frequently to protect children within the extended family and / or are there other child protection measures (<i>e.g.</i>, kinship care, foster care) that your State applies to protect children within the extended family?</p> <p><input checked="" type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response:</p> <p style="color: blue;">Family adoption is an added measure to the already existing measures to protect children.</p> <p><input checked="" type="checkbox"/> Other child protection measures are applied. Please specify:</p> <p>(a) which other child protection measures are applied to protect children within the extended family:</p> <p style="color: blue;">Sponsorship, placement of child in institutionalised care, declaring the child legally free for adoption.</p> <p>(b) if your State is a Party to the 1996 Child Protection Convention, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States:</p> <p style="color: blue;">N/A</p>

3.2. Stepparent adoptions

Both States of origin and receiving States

42.	<p>Does your State apply the 1993 Adoption Convention to stepparent intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p>
43.	<p>What is the profile of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p style="color: blue;">N/A</p>
44.	<p>(a) Please specify any challenges your State encounters with stepparent intercountry adoptions:</p> <p style="color: blue;">N/A</p>

¹³ If applicable, you may wish to refer to your State's response to Question 33(i) of the [2014 Questionnaire](#).

(b) Please specify any **good practices** of your State for stepparent intercountry adoptions, including those for overcoming any challenges:

N/A

3.3. Intrafamily adoptions and circumvention of immigration laws

Both States of origin and receiving States

45. Has your State encountered situations where intrafamily adoptions were sought / used to **circumvent** immigration laws?
- Yes. Please specify what the situations were and how your State addressed these situations:
- No.

4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

Scenario: A pregnant woman, habitually resident in one State (State A), travels to another State (State B) where she gives birth to her child and relinquishes her newborn child for adoption in that other State (i.e., State B).

Both States of origin and receiving States

46. If your State has been involved in situation(s) similar to the above-described scenario:
- (a) was your State the **State of habitual residence** of the **mother** (State A), the State of **birth of the child** (State B), or another State?
No
- (b) how was the **child's habitual residence** determined? Which **factors** were considered?
N/A
- (c) if adoption was considered the best option for the child, did your State determine it as being a **domestic adoption** or an **intercountry adoption**?
N/A
- (d) what **challenges** did your State face in dealing with such situation(s)?
N/A
- (e) if your State was the State where the child was born, was **contact** sought with the State of habitual residence of the mother? Was there any **cooperation** between the concerned States?
N/A
47. If there is a **risk** that the situation described above involves a case of **human trafficking**, would this be considered by your State when determining the child's habitual residence?
- Yes. Please explain your response:
The same would be taken up with the law enforcement agencies.
- No. Please explain your response:
48. Which **actions** would your State take to address the case where both your State and the other State:
- (a) would determine the child's habitual residence to be in **their** State?

	N/A. (b) would determine the child's habitual residence not to be in their State? N/A
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5. SIMPLE AND OPEN ADOPTIONS

Both States of origin and receiving States

5.1. Simple adoptions

A simple adoption is one in which the parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his or her adoptive parents is established, and these adoptive parents have parental responsibility for the child.¹⁴

49.	Has your State changed its legislation, rules or practices in recent years regarding simple intercountry adoption? <input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: <input checked="" type="checkbox"/> No.
50.	What is the profile of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? N/A
51.	If your State permits both full and simple adoption, are simple adoptions encouraged / promoted ? <input type="checkbox"/> Yes. Please explain your response: <input checked="" type="checkbox"/> No. Please explain your response: Simple adoptions are not regulated/ permitted
52.	Has your State faced any problems regarding seeking the birth mother / family's consent to convert a simple adoption into a full adoption in the State of origin (Art. 27 of the Convention)? <input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations: <input checked="" type="checkbox"/> No.
53.	(a) Please specify any challenges your State encounters with simple adoptions: N/A (b) Please specify any good practices of your State for simple adoptions, including those for overcoming any challenges: N/A

¹⁴ See [Guide to Good Practice No 1](#), Glossary.

5.2. Open adoptions / openness in adoption

54.	<p>Does the terms “open adoption”, “openness in adoption” or similar concepts exist in your State?¹⁵</p> <p><input checked="" type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State: Relative adoptions are normally open adoptions with respect to in country adoptions only.</p> <p><input type="checkbox"/> No. Please explain what is understood in your State by the terms “open adoption”, “openness in adoption” or similar concepts:</p>
55.	<p>Has your State changed its legislation, rules or practices in recent years regarding open or openness in intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Juvenile Justice Act, 2015 also provides step by step procedure for relative inter-country adoptions.</p> <p><input type="checkbox"/> No.</p>
56.	<p>Has your State developed any good practices to ensure that Recommendation No 31¹⁶ of the 2015 Special Commission is implemented?</p> <p><input type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons:</p>
57.	<p>(a) What is the profile of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Only in case of relatives as defined under Section 2(52) of the J.J. Act, 2015, open intercountry adoptions have been provisioned.</p> <p>(b) Does your State have a specific approach depending on the profile of these children? <input checked="" type="checkbox"/> Yes. Please specify these different approaches: Procedure is to be followed as per Adoption Regulations, 2017.</p> <p><input type="checkbox"/> No.</p>
58.	<p>Does your State provide professional support or services to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard: Case to case basis as per requirement</p>

¹⁵ If applicable, you may wish to refer to your State's response to Questions 19 and 20 of the [2014 Questionnaire](#).

¹⁶ C&R No 31 of the 2015 SC:

“The SC noted that, where not prohibited by domestic legislation, and after professional matching, **contact between the adoptee and biological family** in intercountry adoption may be **beneficial** in some cases. In order to maximise the benefits and minimise the risks of such contact, professional support should be offered to prepare the parties, as well as to assist them during and after contact. The adopted child’s best interests should guide the nature of this contact, considering his or her wishes” [emphasis added].

	<input type="checkbox"/> No. Please explain your response:
59.	Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of contact between them after the adoption? <input type="checkbox"/> Yes. Please specify what action was taken in response: <input checked="" type="checkbox"/> No.
60.	(a) Please specify any other challenges your State encounters regarding open adoptions: N/A (b) Please specify any good practices of your State with regard to open adoptions, including those for overcoming any challenges: N/A

6. NON-CONSENSUAL ADOPTIONS

In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have been deprived of parental responsibility by a competent authority but nonetheless disagree with the adoption. It does not intend to cover adoption where consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).

States of origin only

61.	What are the circumstances in your State in which a parent can lose his or her parental responsibility? Competent Authority at State level can deprive parents their parental responsibility if they are found unfit.
62.	Does your State permit the adoption of children whose birth parents have been deprived of parental responsibility? <input type="checkbox"/> Yes. Please specify: (a) whether the consent of the birth parents who have lost their parental responsibility is <u>still</u> required? <input checked="" type="checkbox"/> Yes. Please explain your response: Consent is required to give children in adoption. <input type="checkbox"/> No. Please explain your response: (b) how your State ensure that the principle of subsidiarity is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (e.g., long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption. Principle of subsidiarity is followed in the country through other non-institutional care as made available through child protection service. (c) what is the procedure applicable to such non-consensual adoptions (e.g.: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest). Child Protection service provides mechanism for such efforts.

	<input type="checkbox"/> No. Please explain your response:
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Receiving States only

63.	<p>Has your State encountered situations in which the birth parents in the State of origin contested a non-consensual intercountry adoption when the child was already in the receiving State?</p> <p><input type="checkbox"/> Yes. Please specify what actions, if any, your State has taken to deal with these situations: N/A (Not a receiving State)</p> <p><input checked="" type="checkbox"/> No.</p>
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Both States of origin and receiving States

64.	<p>What is the profile of children for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>N/A</p>
65.	<p>(a) Please specify any challenges your State encounters with non-consensual adoptions: N/A</p> <p>(b) Please specify any good practices of your State regarding non-consensual adoptions, including those for overcoming any challenges: N/A</p>

7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

7.1. General questions

66.	<p>Does your State prohibit any contact between the child and the PAPs before matching?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please specify:</p> <p>(a) in which circumstances such contact is permitted; The procedure for the same is prescribed under Regulation 15(13) of The Adoption Regulations, 2017 which states that "If the prospective adoptive parents desire to visit the Specialised Adoption Agency to see the child in person, before accepting him for adoption, such visit may be made after their adoption application is approved by the Authority and the prospective adoptive parents may also get the Medical Examination Report of the child reviewed by a medical practitioner of their choice."</p> <p>(b) the experience of your State with regard to such contact. It is a positive provision which enables the parents to have a comprehensive view about the child before finally going forward with the adoption and accepting the child.</p>
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7.2. Summer camps / hosting programmes

In this Questionnaire, the "summer camps" practice is when adoptable children and PAPs attend an event (usually a camp) in the PAPs' State of residence (i.e., receiving State) or in the State of origin, usually for a period of several

weeks. The hope is that the PAPs will want to apply to adopt one or more of the children they have spent time with during this event.

“Hosting programmes” (including “respite care” programmes for children who go abroad to improve their physical and psychological well-being) are when adoptable children are hosted by families living abroad, usually for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.

67.	<p>Is your State involved in summer camps / hosting programmes for children?¹⁷</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a precursor to adoption for some children (e.g., for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p><input checked="" type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, resulted in the adoption of children:</p> <p><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted:</p> <p><input checked="" type="checkbox"/> No.</p> <p>(c) where a child is adopted following such a programme, how is it ensured that the safeguards of the 1993 Adoption Convention have been respected (bearing in mind that it is likely that the child remains “habitually resident” in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)?</p> <p><input checked="" type="checkbox"/> No.</p>
68.	<p>If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:</p> <p>(a) whether the children benefiting from these programmes must have been declared adoptable before they can be part of such programmes; N/A</p> <p>(b) whether the PAPs participating in such programmes must have been declared eligible and suitable to adopt to be allowed to take part in such programmes; N/A</p> <p>(c) how the PAPs and children are selected to participate in such programmes, and whether a selection is made in cooperation with the other State; N/A</p> <p>(d) how the children are prepared for such programmes; N/A</p> <p>(e) what are the effects on and the feedback from the children who participated in such programmes but were not adopted; N/A</p>

¹⁷ Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<p>(f) whether there have been situations where the adoption broke down after the child was adopted following participation in such programmes; N/A</p> <p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must return to the State of origin before the adoption procedure can be initiated; N/A</p> <p>(h) who finances such programmes; N/A</p> <p>(i) what is the experience of your State with these practices (<i>i.e.</i>, challenges and any potential benefits). N/A</p>
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7.3. Voluntourism

In this Questionnaire, "voluntourism" refers to the practice of an individual travelling to another State to volunteer in that State. One common practice is to travel to volunteer in a children's institution. In these situations, some volunteers may subsequently wish to adopt one or more children from the child institution in which they were volunteering.

69.	<p>Has your State experienced situations where "voluntourists" commenced an adoption procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input type="checkbox"/> Yes. Please specify how your State handled these situations and any difficulties these situations may have caused:</p> <p><input checked="" type="checkbox"/> No.</p>
70.	<p>Has your State taken any action to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p><input checked="" type="checkbox"/> No. Please explain your response:</p>

7.4. Adoption of children already under the care of PAPs

71.	<p>If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (<i>e.g.</i>, as part of a foster care placement, kinship care, "<i>niño puesto</i>",¹⁸ or a more informal arrangement such as temporary care by neighbours or within a community), please specify:¹⁹</p> <p>(a) whether the child had already been declared adoptable before the PAPs' adoption application was submitted;</p>
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¹⁸ "*Niño puesto*" refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

¹⁹ Regarding foster care, if applicable, you may wish to refer to your State's response to Question 55 of the [2014 Questionnaire](#).

	N/A
(b) at what stage in the process the PAPs were declared eligible and suitable to adopt;	N/A
(c) what the profile of these children was;	N/A
(d) what was done to ensure that the safeguards and procedures of the 1993 Adoption Convention had been respected;	N/A
(e) your State's experience with such adoptions.	N/A

8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to integrate new technologies into work processes (e.g., blockchain to facilitate transmission and access to data)?</p> <p><input type="checkbox"/> Yes. Please specify (a) what the experiences of your State are in this regard (i.e., benefits and challenges) and (b) how your State take into account data protection in this context:</p> <p><input checked="" type="checkbox"/> No.</p>
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9. STATISTICS

Both States of origin and receiving States

73.	<p>Please specify the number of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) relative adoptions (i.e., excluding stepparent adoptions);²⁰</p> <p>[N/A]</p> <p>(b) stepparent adoptions;</p> <p>[N/A]</p> <p>(c) simple adoptions;</p> <p>N/A</p> <p>(d) open adoptions or adoptions that involve a certain degree of openness; and</p> <p>N/A</p> <p>(e) non-consensual adoptions.</p> <p>N/A</p>
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10. OTHER MATTERS

74.	Please specify any other comments your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention.
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²⁰ For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).

