

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

STATE OF ORIGIN

COUNTRY NAME: India

PROFILE UPDATED ON: 01.08.2020

PART I: CENTRAL AUTHORITY

1. Contact details ²	
Name of office:	Central Adoption Resource Authority
Acronyms used:	CARA
Address:	West Block- VIII, Wing- II, 1stFloor, R.K.Puram, New Delhi- 110066
Telephone:	+91- 011-26760301
Fax:	+91- 011- 26760370
E-mail:	carahdesk.wcd@nic.in; ceo-cara@nic.in
Website:	cara.nic.in
Contact person(s) and direct contact details (please indicate language(s) of communication):	Mr. Manoj Kumar Singh (CEO-Incharge) (English)
<i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i>	

¹ Full title: the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (referred to as the "1993 Hague Intercountry Adoption Convention" or the "1993 Convention" in this Country Profile). Please note that any reference to "Articles" (or Art. / Arts for short) in this Country Profile refers to Articles of the 1993 Hague Intercountry Adoption Convention.

² Please verify whether the contact details on the Hague Conference website < www.hcch.net > under "Intercountry Adoption Section" then "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	01/10/2003
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>- The Juvenile Justice (Care and Protection of Children) Act, 2015 w.e.f. 15 January 2016</p> <p>- The Adoption Regulations, 2017 w.e.f. 16 January, 2017</p>

3. Other international agreements on intercountry adoption³	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>- The Central Adoption Resource Authority (CARA), an Autonomous Body of Government of India under the Ministry of Women & Child Development, Government of India has been designated on 17/07/2003 as the Central Authority of India under art.6(i) of the Convention. CARA Performs functions as stipulated under Article 6-9.</p> <p>As far as, functions stipulated under Article</p>

³ See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

	<p>14-21, certain functions have been delegated to Authorised Adoption Agencies and other authorities.</p> <p>Article 68 of J.J. Act, 2015 provides that the Central Authority shall perform the following functions, namely:— (a) to promote in-country adoptions and to facilitate inter-State adoptions in co-ordination with State Agency; (b) to regulate inter-country adoptions; (c) to frame regulations on adoption and related matters from time to time as may be necessary; (d) to carry out the functions of the Central Authority under the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption; (e) any other function as may be prescribed.</p>
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5. Public and competent authorities	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>Article 4 : Child Welfare Committee (CWC), a quasi judicial body located at District level is the responsible body for the purpose.</p> <p>Article 5 : The responsibility of assessing the prospective adoptive parents is that of the receiving country. As India is primarily the country of origin and not the receiving country, hence, Article 5 has limited application for the Authority.</p> <p>Article 8 : Various institutions set-up under the State Government are engaged in inspection and monitoring and for compliance of Rules and Regulations. The central authority i.e. CARA also conducts inspections of adoption agencies with the assistance of concerned State Government Department along with the State Adoption Resource Agencies. Regulation 33 & 34 of Adoption Regulations, 2017 provides the Role of the State Government and State Adoption Resource Agency and District Child Protection Units. While inspection, accounts details are also verified as far as adoption fees and other details as provided in Schedule 25 of Adoption Regulations 2017 and Form 46 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016. Besides, social audit and inspections are also conducted by the State level Inspection Committee.</p> <p>Article 9 : CARA takes appropriate measures with the help of public authorities and other bodies which include Court, Regional Passport Authorities, Birth Certificate issuing Authorities, State Adoption Resource Agencies, District Child Protection Unit and Specialised Adoption Agencies etc.</p> <p>Article 12 : Special Adoption Agencies have been duly recognised by respective Provincial State Governments and registered by CARA to act with accredited bodies and Central Authorities in receiving countries.</p>

	<p>Article 16: CARA has delegated Specialised Adoption Agencies to prepare Child Study Report and Medical Examination Report while the principle of subsidiarity has been made operational with an inbuilt mechanism called CARINGS (Child Adoption Resource Information and Guidance System). Child Welfare Committee (CWC) located at District Level ensures that the concerns have been obtained from the biological parent(s) in accordance with Article 4 of the Convention. CARA has an NOC Committee consisting of members of multi-disciplinary fields (Medical, Legal & Social) to take final decision in the best interests of child in each case. CARA also transmits relevant information of the child proposed for adoption to the Central Authority/Accredited Body, as the case may be.</p> <p>Article 17 CARA takes final decision about placement of a child in Inter-country adoption only after receiving approval from the receiving country in terms of Article 5/Article 17.</p> <p>Article 18: In each case of Inter-country adoption, CARA ensures through various authorities within the country that all necessary steps are taken to obtain permission for the child to leave the Country of Origin and reside permanently in the receiving country.</p> <p>Article 21: CARA takes all necessary measures in case of disruption/dissolution of any such adoption as provided in Article 21 of the Convention. In this regard, the Central Authority of the receiving state is duly consulted. Further, Indian Diplomatic Mission abroad has been assigned specific role to intervene in all such matters, according to Regulation 40 of the Adoption Regulations, 2017.</p> <p>Article 22 : As per Section 68(d) of the Juvenile Justice Act, 2015, CARA has to carry out the functions of the Central Authority under the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption.</p> <p>Article 23 : CARA issues conformity certificate in cases of finalised adoptions as stipulated under the Article.</p> <p>Article 30 : Child Adoption Resource Information and Guidance System web portal of the Authority captures all information related to Child and the PAPs. This is used by all State Adoption Resource Agencies, District Child Protection Units, Specialised Adoption Agencies and Child Care Institutions for the purpose of adoption and record keeping as per the Adoption Regulations, 2017. Being a secured portal, information related to child and adoptive parents cannot be accessed by general public.</p>
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6. National accredited bodies⁴	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p>N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <u>go to Question 7</u></p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.⁶</p>	<p>There are 475 Accredited Bodies called Specialized Adoption Agencies (SAAs).</p>
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	<p>As per Section 65 of the Juvenile Justice Act, 2015, such accredited bodies have been recognised by the provincial government of their respective states.</p>
6.1 The accreditation procedure (Arts 10-11)	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>	<p>The State Government concerned ensures the same in accordance with Regulation 23 of the Adoption Regulations, 2017 and Section 41 and Section 65 of the Juvenile Justice Act, 2015.</p>
<p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	<p>The State Government issues a certificate of recognition to a Child Care Institution as a Specialised Adoption Agency within three months from the date of application, if the Child Care Institution is found fit to be considered as a Specialised Adoption Agency, based upon inspection conducted for the purpose in accordance with Regulation 23(2) & 23(3) of Adoption Regulations, 2017 under the provisions of Section 41 of the Juvenile Justice Act, 2015. Further, renewal of recognition / accreditation of the agency is considered as per criteria stipulated under Regulation 24 of Adoption Regulations, 2017.</p>
<p>c) For how long is accreditation granted in your State?</p>	<p>5 years as per section 41(6) of the Juvenile Justice Act, 2015.</p>
<p>d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i>.</p>	<p>As per Regulation 24 of the Adoption Regulations, 2017, the criteria and procedure for renewal of recognition of Specialised Adoption Agency by the State Government is based on the consideration of the following</p>

⁴ "National accredited bodies" in this Country Profile means adoption bodies based within your State (State of origin) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter "GGP No 2"), available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net > at Chapters 3.1 *et seq.*

⁵ See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.

	<p>factors :</p> <p>(i) whether the Specialised Adoption Agency has satisfactorily performed in adoption placement;</p> <p>(ii) whether it has regularly updated data on Child Adoption Resource Information and Guidance System and meeting the timelines specified for Specialised Adoption Agency in these Regulations;</p> <p>(iii) whether it has followed the provisions of these regulations as also instructions issued by the State Government, State Adoption Resource Agency and the Authority in handling matters related to adoption;</p> <p>(iv) whether it indulged in any malpractice;</p> <p>(v) whether it made proper utilisation of the adoption fee; and</p> <p>(vi) whether it maintains the standards of child care as provided in Schedule XIII.</p>
6.2 Monitoring of national accredited bodies⁷	
<p>a) Which authority is competent to monitor / supervise national accredited bodies in your State?</p> <p><i>See Art. 11 c).</i></p>	<p>Central Adoption Resource Authority (CARA) at national level and the State Adoption Resource Agency (SARA) at the respective State (Provincial) levels. Further, District Child Protection Unit (DCPU) at the District (Local) level also does the monitoring role.</p>
<p>b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i>, if inspections are undertaken, how frequently).</p>	<p>Apart from monitoring of agencies through CARINGS, inspections are conducted quarterly by District Level as well as State Level Inspection Committees, as per Rule 41 of the J.J. Model Rules, 2016. As per Regulation 26 of the Adoption Regulations, 2017 the State government as well as the Central Authority shall carry inspections of the Specialised Adoption Agencies. The District Child Protection Unit as specified in Section 106 of the Juvenile Justice Act, 2015 also ensures monitoring and supervision of the Act.</p>
<p>c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>In Accordance with Regulation 25 of the Adoption Regulations, 2017, the following are the grounds on which accreditation can be withdrawn:</p> <p>(1) The State Government, shall act upon, suo-motu or on the recommendation of State Adoption Resource Agency or the Authority, either suspend or revoke the recognition granted to a Specialised Adoption Agency on any of the grounds specified in sub- regulation (2).</p> <p>(2) The recognition of a Specialised Adoption Agency may be suspended on any one or</p>

⁷ See GGP No 2, *supra*, note 4, Chapter 7.4.

	<p>more of the following grounds, namely:</p> <ul style="list-style-type: none"> (a) violation of any of the provisions of these Act or the rules made thereunder, relating to adoption as well as these regulations; (b) furnishing false information or forged documents to State Adoption Resource Agency or the State Government or the Authority or in Child Adoption Resource Information and Guidance System; (c) incomplete or false information to prospective adoptive parents, Child Welfare Committee or District Child Protection Unit about the child or any adoption related process; (d) failure to update data online in the Child Adoption Resource Information and Guidance System; (e) failure to submit reports or data within the time limits specified in these regulations; (f) adverse findings of the inspection team of the Central Government, the Authority, State Government or State Adoption Resource Agency concerned, regarding the functioning of the Specialised Adoption Agency; (g) if professional social worker and qualified child care staff are not employed; (h) financial irregularities or malpractices or receiving any donation whether in kind or cash from prospective adoptive parents or adoptive parents; (i) misuse or diversion of adoption fee or grant received from the Government for the purposes other than the purposes for which they were received; (j) unethical practices which may also include inducing single mothers or biological parents to relinquish their child or illegally sourcing the child; (k) divulging information of biological mother or parents or adoptee to public in violation of the principles of confidentiality; (l) non-compliance of instructions issued from time to time by the Authority, State Government concerned or the State Adoption Resource Agency; and (m) abuse or neglect of children in the Specialised Adoption Agency.
<p>d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?</p>	<p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of accreditation): In accordance with Regulation 25 of the Adoption Regulations, 2017, action can be initiated against the accredited body.</p> <p><input type="checkbox"/> No</p>

7. Authorised foreign accredited bodies⁸ (Art. 12)	
<p>a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State?</p> <p>N.B. the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <u>go to Question 8</u></p>
<p>b) Please indicate the number of foreign accredited bodies authorised to work with, or in, your State. If this number is limited in any way, please indicate on what basis your State limits the number.⁹</p>	<p>70 (The number is as per requirement and not limited.)</p>
<p>c) Please briefly describe the role of authorised foreign accredited bodies in your State.</p>	<p>(As per Regulation 30 of The Adoption Regulation, 2017, the functions of Authorised Foreign Adoption Agencies are as follows:</p> <p>The Authorised Foreign Adoption Agency shall perform the following functions, namely:-</p> <ol style="list-style-type: none"> (1) register the prospective adoptive parents interested to adopt children from India and to complete their Home Study Report expeditiously; (2) upload attested copies of the adoption application of the prospective adoptive parents in the Child Adoption Resource Information and Guidance System and forward the original of the same to the allotted Specialised Adoption Agency; (3) follow-up with Specialised Adoption Agency for ensuring early adoption after receipt of No Objection Certificate for the adoption from the Authority; (4) give orientation to the prospective adoptive parents on culture, language and food of the place to which the adopted child belongs; (5) ensure the submission of post-adoption follow-up of the progress of adopted children and to address the cases of disruption, as specified in regulation 19; (6) arrange get-togethers of children of Indian origin and their adoptive families from time to time with the involvement of the Indian diplomatic mission concerned; (7) facilitate root search by older adoptees; and (8) fulfill the legal requirements of the host country as well as the terms and conditions of the authorisation given by the Authority.
<p>d) Are there any requirements concerning the way foreign accredited bodies must</p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> The foreign accredited body must</p>

⁸ "Authorised foreign accredited bodies" are adoption bodies based in another Contracting State to the 1993 Convention (usually a receiving State) which your State has authorised, under Art. 12, to work with, or in, your State on intercountry adoption. See further GGP No 2, *supra*, note 4, Chapter 4.2.

⁹ See GGP No 2, *supra*, note 4, Chapter 4.4 on "limiting the number of accredited bodies authorised to act in States of origin".

<p>operate in your State?</p> <p><i>Please tick any which apply.</i></p>	<p>establish an office in your State with a representative and professional staff (from the receiving State or from your State – please specify): OR</p> <p><input type="checkbox"/> The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: OR</p> <p><input checked="" type="checkbox"/> The foreign accredited body must be in direct contact with the Central Authority but need not have an office or a representative in your State: OR</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
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7.1 The authorisation procedure	
<p>a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?</p>	<p>Central Adoption Resource Authority (CARA)</p>
<p>b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.¹⁰ If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p>	<p>As per Regulation 31 of Adoption Regulations, 2017, following are the criteria for granting authorisation to foreign accredited bodies:-</p> <p>(1) A foreign adoption agency desirous of sponsoring applications of foreign adoptive parents for adopting an Indian child shall make an application to the Authority along with the recommendation of the Central Authority or Government department concerned of that country, through the Indian diplomatic mission.</p> <p>(2) The Authorization is given by the Authority on the basis of following documents which are required to be attached with the application:</p> <p>(i) memorandum or bye-laws, copies of registration status, latest license issued by the Government department concerned to undertake international adoptions, list of board or executive members, list of countries it is working with, accreditation certificate and its annual reports or financial statements for last two years;</p> <p>(ii) an undertaking signed by the head or chief executive of the organisation stating that the agency will abide by the provisions of these regulations;</p> <p>(iii) an undertaking by the agency that in case of disruption or repatriation of the adopted children, it shall abide by the specific provisions laid down in these regulations;</p> <p>(iv) an undertaking by the agency to send an annual report to the Authority in the month of April every year on the status of children placed in adoption from India;</p> <p>(v) copy of adoption law or adoption</p>

¹⁰ In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

	<p>regulations or adoption rules of their country;</p> <p>(vi) a list of staff of the agency, recommendation or authorisation from the Central Authority or competent authority to work with India;</p> <p>(vii) recommendation letter from Indian diplomatic mission abroad and the Central Authority or Government department of the receiving country.</p>
c) For how long is authorisation granted?	Upto maximum period of 5 years subject to its validity of authorization by its country and Hague accreditation.
d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	Regulation 31 of Adoption Regulations 2017, deals with detailed criteria and procedure for authorisation of foreign agencies. (http://cara.nic.in/PDF/Regulation_english.pdf)
7.2 Monitoring of authorised foreign accredited bodies	
a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? ¹¹	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – <u>go to Question 8</u>
b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	Central Authority or Government Department of the respective country accrediting the agency.
c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	All foreign authorised agencies are mandated to follow various stipulations of the Adoption Regulations in relation to preparing the PAPs and sending post-adoption follow-up reports etc. The local representatives are only permitted to work with prior approval of CARA as per Regulation 31(4) of the Adoption Regulations, 2017.
d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (<i>i.e.</i> , withdrawn).	<p>The grounds of suspension or revocation of the authorisation of an Authorised Foreign Adoption Agency has been specified in Regulation 32 of the Adoption Regulations 2017 as mentioned below:-</p> <p>(1) if the agency violates or fails to abide by the provisions of these regulations;</p> <p>(2) if the license or recognition or accreditation of the agency is suspended or revoked by the appropriate authority of that country;</p> <p>(3) if the agency fails to upload adoption applications or the post-adoption follow-up reports in the Child Adoption Resource Information and Guidance System from time to time.</p>

¹¹ See GGP No 2, *supra*, note 4, Chapter 7.4 and, in particular, para. 290.

<p>e) If authorised foreign accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?</p>	<p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of authorisation): Suspension or Revocation of the Authorised Foreign Agencies may be done on the grounds mentioned in Regulation 32 of the Adoption Regulations, 2017.</p> <p><input type="checkbox"/> No</p>
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8. Approved (non-accredited) persons (Art. 22(2))¹²	
<p>a) Is the involvement of approved (non-accredited) persons <i>from your State</i> permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website. If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹³</p>	<p><input type="checkbox"/> Yes, our State has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input checked="" type="checkbox"/> No</p>
<p>b) Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p>	<p><input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State:</p> <p><input checked="" type="checkbox"/> No, our State has made a declaration according to Article 22(4).</p>

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The profile of children in need of intercountry adoption	
<p>Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (e.g., age, sex, state of health).</p>	<p>Normal male and female older children from age 6 to 18 years and children having special needs in the age group of 0 to 18 years require rehabilitation through Inter-Country adoption.</p>

10. The adoptability of a child (Art. 4 a))	
<p>a) Which authority is responsible for establishing that a child is adoptable?</p>	<p>Child Welfare Committee (CWC) as mentioned under Section 2(16)&(22) of the Juvenile Justice(Care and Protection of Children), Act 2015</p>

¹² See GGP No 2, *supra*, note 4, Chapter 13.

¹³ See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

<p>b) Which criteria are applied to determine whether a child is adoptable?</p>	<p>CWC declares a child legally free for adoption based on procedure as defined in the Juvenile Justice Act, 2015 as per Section 35, 36, 37 and 38 of Juvenile Justice (Care and Protection of Children), Act 2015.</p>
<p>c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (e.g., search for the child's birth family).</p> <p>N.B. the issue of consent is dealt with at Question 12 below.</p>	<p>The inquiry procedure for declaring an orphan/abandoned/ surrendered child legally free for adoption is prescribed in Section 38 of the Juvenile Justice (Care and Protection of Children), Act 2015. In cases of abandoned child, restoration efforts are made through enquiry and newspaper advertisements are given in the media and if there is no claimant for the child, the CWC declares the child as adoptable.</p> <p>For surrendered children, there is two months reconsideration period after which CWC declares the child adoptable if the biological mother or parents do not wish to take back the child as per Section 35 of the Juvenile Justice Act, 2015.</p>

11. The best interests of the child and subsidiarity (Art. 4 b))

<p>a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions (e.g., through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).</p>	<p>Every effort is made for a child not to be separated from his or her biological family. Under Integrated Child Protection Scheme (ICPS), funds are available for sponsorship which helps for family reunification and for their temporary institutional care. Further, priority to domestic adoption has been stipulated under the Fundamental Principles governing adoption under Section 3 of the Juvenile Justice (Care and Protection of Children) Act, 2015 which states that domestic adoptions should be preferred. Based on this Section 59(1) of the Act stipulates that :</p> <p>" If an orphan or abandoned or surrendered child could not be placed with an Indian or non-resident Indian prospective adoptive parent despite the joint effort of the Specialised Adoption Agency and State Agency within sixty days from the date the child has been declared legally free for adoption, such child shall be free for inter-country adoption:</p> <p>Provided that children with physical and mental disability, siblings and children above five years of age may be given preference over other children for such inter-country adoption, in accordance with the adoption regulations, as may be framed by the Authority."</p>
<p>b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?</p>	<p>CARA performs this function as per Regulation 16 of the Adoption Regulations, 2017 keeping in line with Section 59(1) of the Juvenile Justice Act, 2015.</p>
<p>c) Please briefly explain how that decision is reached (e.g., whether there are specific legal criteria which are applied) and at what stage of the intercountry</p>	<p>No Objection Certificate (NOC) is issued by CARA under article 17(c) of the Hague Convention only after examining relevant documents as required under the Adoption</p>

adoption procedure.	Regulations 2017. The NOC committee of CARA consists of independent Medical, Legal and Social Worker Members and it takes decision in each case keeping in mind the best interests of the child.
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12. Counselling and consents (Art. 4 c) and d))	
<p>a) According to your State's domestic legislation, please explain which person, institution or authority has to consent to the adoption of a child in the following scenarios – where:</p> <ul style="list-style-type: none"> (i) Both parents are known; (ii) One parent is unknown or deceased; (iii) Both parents are unknown or deceased; (iv) One or both parents have been deprived of his / her / their parental responsibilities (<i>i.e.</i>, the rights and responsibilities which attach to being a parent). <p>In each case, please remember to specify in which circumstances a <i>father</i> will have to consent to his child's adoption. Please also specify whether your answer would be different if any of the known parents had not yet reached the age of majority.</p>	<ul style="list-style-type: none"> (i) In case both parent(s) are known, both of them are counselled and they have to give consent to Child Welfare Committee (CWC). After prescribed process of inquiry and counselling, if the Committee is satisfied, a surrender deed is executed by the parent(s) or guardian, as the case may be, before the Child Welfare Committee by the biological parent(s), as provided in Section 35 of the J.J. Act, 2015. (ii) If a child born to a married couple is to be surrendered by one biological parent and the whereabouts of the other parent are not known, the child shall be treated as abandoned child and due process of enquiry and efforts of restoration are followed as provided in Regulation 6 of Adoption Regulations, 2017. (iii) If a child is an orphan, the child is declared legally free for adoption by Child Welfare Committee after the due process of enquiry and efforts for tracing biological parents by Child Welfare Committee are provided in Regulation 6 of the Adoption Regulations, 2017. (iv)
<p>b) Please describe the procedure for:</p> <ul style="list-style-type: none"> (i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and (ii) obtaining their consent(s) to an adoption.¹⁴ 	<ul style="list-style-type: none"> (i) The provision of counselling are provided under Regulations 7, 13, 29,33 and 34 of the Adoption Regulations, 2017. The counselling of biological parent(s) is done by the social workers Specialised Adoption Agencies, District Child Protection Officers as well as by the members of the Child Welfare Committee at local level. (ii) The consent is required from the biological parent(s) under Regulation 5 of the Adoption Regulations, 2017.
<p>c) Does your State use the model form "Statement of consent to the adoption" developed by the Permanent Bureau of the Hague Conference?</p> <p><i>The model form is available on the Intercountry Adoption section of the Hague</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – please provide (or link to) any form(s) which your State uses for this purpose:</p>

¹⁴ See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Convention.

<i>Conference website.</i>	
<p>d) Having regard to the age and degree of maturity of a child, please briefly describe how your State ensures that consideration is given to the child's wishes and opinions when determining whether an intercountry adoption should proceed.</p> <p><i>See Art. 4 d) 2).</i></p>	<p>Regulation Schedule VI point 2(20) of Adoption Regulations, 2017, stipulates that the consent of the child shall be obtained if the child is above 5 years of Age. Consent of the child is taken after due counselling.</p>
<p>e) Please briefly describe the circumstances in which a child's <u>consent</u> to an intercountry adoption is required in your State.</p> <p>Where the child's consent is required, please describe the procedure which is used to ensure that the child has been counselled and duly informed of the effects of the adoption.</p> <p><i>See Art. 4 d) 1).</i></p>	<p>Social workers attached with the national accredited bodies called Specialized Adoption Agencies(SAA's) and the District Child Protection Units counsel and prepare the older children before referrals are considered for their placement in inter-country adoption. In fact, all older children are counselled about effects of the adoption</p>

13. Children with special needs

<p>a) In the context of intercountry adoption, please describe what is meant in your State by "children with special needs".</p>	<p>As per Regulation 2(21) of the Adoption Regulation, 2017 , special need child for the purpose of adoption is a child "who is mentally ill or physically challenged or both as specified in Schedule XVII"</p>
<p>b) What, if any, procedures does your State use to expedite the adoption of children with special needs?</p>	<p>Regulation 48 of The Adoption Regulation, 2017 stipulates the following process for adoption of children with special needs.-</p> <p>(1) The adoption process for children with special needs shall be completed as expeditiously as possible by the agencies or authorities concerned, who shall be available for adoption by resident Indians and Non-Resident Indians from the date they are declared legally free for adoption by the Child Welfare Committee:</p> <p>Provided that such children with special need shall be available for adoption by Overseas Citizen of India or foreign adoptive parents, after fifteen days from the date they are declared legally free for adoption.</p> <p>(2) Special care shall be taken while processing the cases for adoption of children with special needs, so that the prospective adoptive parents are aware of exact medical condition of the child and are ready to provide extra care and attention that the child needs.</p> <p>(3) The types of children with special needs are available in Schedule XVIII, which is illustrative and not exhaustive; the same may also be accessed from www.cara.nic.in, and the decision of the Authority shall be final in this regard.</p> <p>(4) The children with special needs who were not adopted shall be provided due care and</p>

	protection by the Specialised Adoption Agency and if they do not have necessary facilities and the means for their long term care, such children shall be shifted to any other specialised institutions run by any Government or non-Government organisation.
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14. The preparation of children for intercountry adoption

Is there a special procedure in your State to prepare a child for an intercountry adoption?	<input checked="" type="checkbox"/> Yes, please provide details (<i>e.g.</i> , the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used): Counselling is provided to children in order to prepare them for adoption. <input type="checkbox"/> No
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15. The nationality of children who are adopted intercountry¹⁵

Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i> , the nationality of the foreign resident prospective adoptive parents (“PAPs”), whether the child acquires the nationality of the receiving State): The adopted children embrace the nationality of their adoptive parents. In cases of NRI parents holding Indian passport, the child can either retain the Indian citizenship or can take up the citizenship of the country where he is adopted and give up the Indian citizenship. <input type="checkbox"/> No, the child will never retain this nationality
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PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

16. Limits on the acceptance of files

Does your State place any limit on the number of PAPs’ files which are accepted from receiving States? ¹⁶	<input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: <input checked="" type="checkbox"/> No
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17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State¹⁷

¹⁵ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, “GGP No 1”), available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net >, at Chapter 8.4.5.

¹⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.2 and, in particular, para. 121.

<p>a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<p><input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input checked="" type="checkbox"/> Married, heterosexual couples: with two years of stable marriage relationship</p> <p><input type="checkbox"/> Married, same-sex couples:</p> <p><input type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><input type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:</p> <p><input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:</p> <p><input checked="" type="checkbox"/> Single men: Yes as per Regulation 5 of Adoption Regulations, 2017.</p> <p><input checked="" type="checkbox"/> Single women: Yes as per Regulation 5 of Adoption Regulations, 2017</p> <p><input type="checkbox"/> Other (please specify): Single adoptive parent in a live-in relationship</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
<p>b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Minimum age requirements: 25 years</p> <p><input checked="" type="checkbox"/> Maximum age requirements: 55 years (110 years composite age for couples)</p> <p><input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: 25 years</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?</p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input checked="" type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): A person with three or more biological child can only adopt a special need child and not a normal child as per regulation 5(8) of Adoption Regulation, 2017.</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>

18. Preparation and counselling of PAPs (Art. 5 b))

Does your State require that PAPs wishing to Yes, please explain what kind of preparation

¹⁷ I.e., this section refers to the eligibility criteria for PAPs who are habitually resident in *another* Contracting State to the 1993 Convention and who wish to adopt a child who is habitually resident in *your* State: see further Art. 2 of the 1993 Convention.

<p>undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption <i>in the receiving State</i>?</p>	<p>is expected: The PAPs are required to be counselled by the concerned Social Worker in the receiving State before the completion of Home study Report (HSR) in order to ascertain their motivation and preparedness for adopting an unrelated child or a child from a different socio-cultural background or an older child or a mentally or physically challenged child. The adoptive parents are also required to submit a Psychological Assessment Report in order to certify that are psychologically fit to adopt a child.</p> <p><input type="checkbox"/> No</p>
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PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

19. Applications	
<p>a) To which authority / body in your State does the adoption file of PAPs have to be submitted?</p>	<p>Central Adoption Resource Authority</p>
<p>b) Please indicate which documents must be submitted with an application:</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority in the receiving State</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): Recommendation from a Doctor that prospective adoptive parents are not suffering from any life threatening or communicable disease and are fit to adopt a child.</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): A document certifying the annual income of the prospective adoptive parents.</p> <p><input type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): A letter from the employer of the prospective adoptive parents describing their job profile and containing a brief description about the</p>

	<p>same.</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain Psychological Assessment report of the PAPs from a clinical Psychologist certifying that the PAPs are psychologically fit to adopt and care for a child. Details are as per Schedule VI of Adoption Regulations, 2017</p>
c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure? ¹⁸	<p><input checked="" type="checkbox"/> Yes, please specify whether it must be a <i>national</i> accredited body, a <i>foreign authorised</i> accredited body or whether it may be either of these accredited bodies.¹⁹ Please also specify at which stage(s) of the procedure an accredited body must be involved (e.g., for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure): The bodies involved are Authorised Foreign Adoption Agencies in the receiving State and Specialized Adoption Agencies of India (State of Origin).</p> <p><input type="checkbox"/> No</p>
d) Are any <i>additional</i> documents required if PAPs apply through an accredited body? <i>Please tick all which apply.</i>	<p><input checked="" type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption): PAPs may give power of attorney to the SAA for representing them in the Court for obtaining the Adoption order as per Regulation 17(2) of Adoption Regulations, 2017.</p> <p><input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input checked="" type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions: Undertaking of the Authorised Foreign Adoption Agency to submit the post Adoption follow up reports of the Adopted child on timely basis.</p> <p><input checked="" type="checkbox"/> Other (please specify): In case the foreign PAPs are habitually residing in India, No objection Certificate by the Diplomatic Mission of the country to which the prospective adoptive parents belong in accordance with Section 59(12) of Juvenile Justice Act, 2015</p> <p><input type="checkbox"/> No</p>
e) Please specify the language(s) in which any documents must be submitted:	English
f) Do any of the required documents	<input checked="" type="checkbox"/> Yes, please specify which documents: All

¹⁸ See GGP No 1, *supra*, note 15, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.

¹⁹ See the definitions provided at notes 4 and 8 above.

need to be legalised or apostilled?	<p>the documents need to be notarised and the signature of the notary has to be apostilled.</p> <input type="checkbox"/> No – go to Question 20
<p>g) Is your State party to the <i>Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents</i> (the Hague Apostille Convention)?</p> <p><i>This information is available on the Status Table for the Hague Apostille Convention (see the Apostille Section of the Hague Conference website).</i></p>	<input checked="" type="checkbox"/> Yes, please specify the date of the entry into force of the Hague Apostille Convention in your State: 1.10.2003 <input type="checkbox"/> No

20. The report on the child (Art. 16(1) a))	
a) Who is responsible for preparing the report on the child?	Specialized Adoption Agencies (SAAs)
b) Is a "standard form" used for the report on the child?	<input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: The Child Study Report and Medical Examination Report of the child are prepared in accordance with Schedule II and III of the Adoption Regulations, 2017 respectively. http://cara.nic.in/PDF/Regulation_english.pdf <input type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which should be included in the report on the child and / or the documentation which should be attached to it:
<p>c) Does your State use the "Model Form – Medical Report on the Child" and the "Supplement to the general medical report on the child"?</p> <p><i>See GGP No 1 – Annex 7, available here.</i></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

21. The report on the PAPs (Art. 15(2))	
a) For how long is the report on the PAPs valid in your State?	3 years as far as Home Study Report is concerned.
<p>b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it. <i>E.g., does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure?</i></p>	A fresh updated Home Study Report (HSR) is to be uploaded on CARA's portal through the HSR re-validation option available on CARINGS (the online portal).

22. Matching of the child and the PAPs (Art. 16(1) d) and (2))	
22.1 The authorities and the matching procedure	

<p>a) Who is responsible for the matching of the child and the PAPs in your State?</p>	<p>In cases of normal children, the waiting PAPs receive referrals as per their suitability, seniority and standard criteria as provided in Adoption Regulations-2017. We also encourage adoption of special needs and hard to place children following much flexible criteria. There is a process of referral followed by acceptance by the PAPs and on issuance of NOC, the child is matched on CARINGS.</p>
<p>b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?</p>	<p>While referrals are decided by CARINGS portal based on standard criteria, i.e. suitability and choice of the parents on the one hand and on the other, availability of children in a given age criteria, final decision in case of each in-country adoption is taken by Adoption Committee at local level. In cases of inter-country adoptions, final decision is taken by NOC Committee of CARA. This may be mentioned that all these committees are independent bodies.</p>
<p>c) What methodology is used for the matching in your State?</p>	<p>Referral is given to the PAPs in accordance with Regulation, 15(6) of the Adoption Regulation, 2017 as per the child criteria selected by the parents at the time of registration of their adoption application. Basically, the younger children have a chance to be placed with younger parents and older children with older parents.</p>
<p>d) Is any preference given to PAPs who have a close connection with your State (e.g., nationals of your State who have emigrated to a receiving State)?</p>	<p><input checked="" type="checkbox"/> Yes, please specify: Section 59(2) gives priority to NRI's and OCI's in Inter-Country adoptions. Further, Non Resident Indians are preferred for child referral as per Regulation 14 of The Adoption Regulations, 2017 .</p> <p><input type="checkbox"/> No</p>
<p>e) Who is responsible for notifying the receiving State of the matching?</p>	<p>The Authorised Foreign Adoption Agency (AFAA) of the receiving state is automatically informed about matching of the child through the Child Adoption Resource Information and Guidance System (CARINGS).</p>
<p>f) How does your State ensure that the prohibition on contact in Article 29 is respected?</p>	<p>PAPs can only undertake the adoption of orphan/abandoned/ surrendered children from the Specialised Adoption Agencies (SAA's). Non-relative direct adoptions are not permitted as provided in Article, 29.</p>
22.2 Acceptance of the match	
<p>a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?</p>	<p><input checked="" type="checkbox"/> Yes, please provide details of the required procedure: Yes. CARA receives Certificate under Article 5 or 17 from the receiving country. Thereafter, the NOC committee of CARA approves the matching after the PAPs have reserved and accepted the child.</p>

	<input type="checkbox"/> No
b) How much time is the receiving State given to decide whether to accept a match?	30 days as per Regulation 15(12) of the Adoption Regulation, 2017.
c) If the relevant authorities / bodies of the receiving State and / or the PAPs refuse the match, what, if any, are the consequences in your State?	The seniority of the PAPs is relegated to bottom of the waiting list as on that day after refusing to accept the child reserved.
22.3 Information following acceptance of the match	
Once the match has been accepted, do PAPs receive information regularly concerning the child and his / her development (<i>i.e.</i> , during the remainder of the intercountry adoption procedure and prior to entrustment)?	<input checked="" type="checkbox"/> Yes, please specify who is responsible for providing this information: Specialised Adoption Agencies (SAA's) provide the information and the PAP's can view the progress of their case online through their foreign accredited bodies or central authorities, as the case may be. <input type="checkbox"/> No

23. Agreement under Article 17 c)	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	Central Adoption Resource Authority on recommendation of its NOC Committee.
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input type="checkbox"/> Our State sends the Article 17 c) agreement to the receiving State with the proposed match; OR <input checked="" type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17 c) agreement; OR <input type="checkbox"/> Other (please specify):

24. Travel of the PAPs to your State²⁰	
a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point?	<input checked="" type="checkbox"/> Yes, in which case please specify: <ul style="list-style-type: none"> - At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: The PAPs may have to appear for the Court proceedings for adoption and also for receiving the child for taking home. - How many trips are required to complete the intercountry adoption procedure: Typically one or two trips. - How long the PAPs need to stay for each trip: Few Weeks. - Any other conditions: <input type="checkbox"/> No
b) Does your State permit an escort to be used to take the child to the adoptive parents in the receiving State in any circumstances?	<input type="checkbox"/> Yes, please specify in which circumstances: <input checked="" type="checkbox"/> No

²⁰ See GGP No 1, *supra*, note 15, Chapter 7.4.10.

25. Entrustment of the child to the PAPs (Art. 17)	
<p>After the procedures in Article 17 have been completed, what is the procedure for the physical entrustment of the child to the PAPs?</p> <p>Please include an explanation of the procedures used to prepare the child for entrustment (e.g., counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).</p>	<p>The prospective adoptive parents may take the child in pre-adoption foster care for a temporary period within India after issuance of No Objection Certificate by CARA while the court order is pending, by furnishing an undertaking to the Specialised Adoption Agency in the format at Schedule VIII of the Adoption Regulations 2017.</p> <p>PAPs receive the child in person from the SAA as soon as the passport and visa are issued to the child as per Section 59(10) of the J.J. Act, 2015.</p>

26. Transfer of the child to the receiving State (Arts 5 c) and 18)	
<p>a) Which documents does your State require in order for the child to be permitted to leave your State and travel to the receiving State (e.g., passport, visa, exit permit)?</p>	<p>No Objection Certificate (Article 17), Adoption Order, Conformity Certificate (Article 23) Passport, Visa and exit permit (in case of the child traveling on the passport of receiving country)</p>
<p>b) Which of the documents listed in response to Question 26 a) above does your State issue?</p> <p>Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.</p>	<p>NOC & Conformity certificate- CARA Adoption order- Family Court, District court, City Civil Court. Passport - Regional Passport office. Birth Certificate - Registrar of birth and deaths for the concerned District/province.. Exit Permit- Foreigners Regional Registration Office</p>
<p>c) Other than the issuance of the documentation mentioned above, are there any other administrative or procedural matters which must be completed in order for the child to be permitted to leave your State and travel to the receiving State?</p>	<p><input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No</p>

27. Final adoption decision and the Article 23 certificate	
<p>a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?</p>	<p><input checked="" type="checkbox"/> In our State – <u>go to Question 27 c)</u> <input type="checkbox"/> In the receiving State – <u>go to Question 27 b)</u></p>
<p>b) Following the making of the final adoption decision in the receiving State:</p> <p>(i) Are any further steps required in your State to complete the procedure (e.g., obtaining a copy of the final adoption decision from the receiving State)?</p> <p>(ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?</p>	<p>(i) No (ii) CARA <u>Go to Question 28</u></p>
<p>c) If the final adoption decision is made in your State, which competent authority:</p>	<p>(i) The Adoption decree is passed by the competent Court of the district</p>

<p>(i) Makes the adoption decision; and (ii) Issues the certificate under Article 23 of the 1993 Convention?</p> <p>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.</p> <p>The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available on the Intercountry Adoption Section of the Hague Conference website.</p>	<p>where the child is located.</p> <p>(ii) Central Adoption Resource Authority (CARA) issues the Article 23 certificate for the child.</p>
<p>d) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p>See GGP No 1 – Annex 7, available here.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>e) Please briefly describe the procedure for issuing the Article 23 certificate. E.g., how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the receiving State?</p>	<p>This certificate is issued on receiving adoption order from the competent court by the adoption accredited body in India. Certificate is issued to the foreign accredited body and the central authority by CARA.</p>

28. Duration of the intercountry adoption procedure

<p>Where possible, please indicate the average time which it takes to:</p> <p>(i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;</p> <p>(ii) Physically entrust a child to PAPs once a match has been accepted by the PAPs and approved by the relevant authorities / bodies in the receiving State, if applicable;</p> <p>(iii) Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: <i>i.e.</i>, if the final adoption decision is made in your State and not in the receiving State).</p>	<p>(i) Approximately 2 months.</p> <p>(ii) Although foreign adoptive parents can take child in temporary custody after NOC by CARA, they normally wait for conclusion of the adoption through an order of the court.</p> <p>(iii) 2-6 months from filing of the petition in the court.</p>
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PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

29. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")

<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an "intra-family intercountry adoption" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.</p>	<p>Section 2(52) of the Juvenile Justice Act, 2015 defines :</p> <p>"relative, in relation to a child for the purpose of adoption under this Act, means a paternal uncle or aunt, or a maternal uncle or aunt, or paternal grandparent or maternal grandparent"</p> <p>Section 60 of the JJ Act 2015 deals with such</p>
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	kind of adoptions and detailed procedure has been laid down in the Adoption Regulations-2017(Regulations 53-57).
<p>b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?</p> <p>N.B. <i>If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i></p>	<p><input type="checkbox"/> Yes – go to Question 30</p> <p><input checked="" type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: Regulation 53 to 57 of Adoption Regulations refers. Go to Question 30</p> <p><input type="checkbox"/> No – go to Question 29 c)</p>
<p>c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:</p> <p>(i) The counselling and preparations which PAPs must undergo in the receiving State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i) N/A</p> <p>(ii) N/A</p> <p>(iii) HSR of PAPs is prepared by the AFAA.</p> <p>(iv) Background report on the biological family and the child is prepared by the DCPU and verified by the State Government concerned.</p>

PART VIII: SIMPLE AND FULL ADOPTION²¹

30. Simple and full adoption	
<p>a) Is “full” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 21 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>b) Is “simple” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 21 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – go to Question 31</p> <p><input type="checkbox"/> In certain circumstances only (<i>e.g.</i>, for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) If a “simple” adoption is to be undertaken in your State in an intercountry adoption case, does your State nonetheless usually seek the birth mother / family’s consent(s)²² to a “full” adoption where this is in the child’s best interests (<i>i.e.</i>, so that a “conversion” of the adoption may be undertaken in the receiving State if the other conditions in Art. 27(1) are fulfilled)?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken:</p> <p><input checked="" type="checkbox"/> No</p>

²¹ According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 15, Chapter 8.8.8.

²² Or other person(s) whose consent to the adoption is required under Art. 4 c) and d) of the 1993 Convention.

d) How does your State respond to requests from receiving States to obtain the consent(s) of a child's birth mother / family ²³ to the conversion of a "simple" adoption into a "full" adoption (in accordance with Art. 27) when the request is made many years after the original adoption?	N.A
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PART IX: POST-ADOPTION MATTERS

31. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
a) Which authority is responsible for preserving information concerning the child's origins, as required by Article 30?	Primarily Specialized Adoption Agency (SAA) is responsible for preservation of information related to a child's origin. However such information is also preserved by Child Welfare Committee concerned. Further, information concerning the child's origins is also captured and preserved in the online portal called CARINGS.
b) For how long is the information concerning the child's origins preserved?	At present, it is preserved for unlimited time.
c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child: (i) the adoptee and / or his / her representative(s); (ii) the adoptive parents; (iii) the birth family; and / or (iv) any other persons? If so, are there any criteria which must be met for access to be granted (e.g., age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)? <i>See Art. 9 a) and c) and Art. 30.</i>	(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: Only Adoptee as per Regulation 44 of adoption Regulations, 2017. <input type="checkbox"/> No (ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: The PAPs have access to the Child Study Report (CSR) of the child being adopted. CSR gives a brief description of the background of the child. <input checked="" type="checkbox"/> No (iii) <input type="checkbox"/> Yes – please explain any criteria: As per regulation 45 of Adoption <input checked="" type="checkbox"/> No (iv) <input type="checkbox"/> Yes – please explain any criteria: As per Regulation 45 of Adoption Regulation, 2017. <input checked="" type="checkbox"/> No
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	<input checked="" type="checkbox"/> Yes – please specify: Specialized Adoption Agencies (SAA's) <input type="checkbox"/> No
e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?	<input checked="" type="checkbox"/> Yes – please specify: The provision for Root Search have been provided in Regulation 44 of the Adoption Regulation, 2017. <input type="checkbox"/> No

²³ *Ibid.*

32. Post-adoption reports	
a) Is there a model form which is used by your State for post-adoption reports?	<input checked="" type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy): The Post Adoption Report should be in accordance with Schedule XII of Adoption Regulation, 2017. <input type="checkbox"/> No – in which case, please specify the content expected in a post-adoption report (e.g., medical information, information about the child’s development, schooling):
b) What are the requirements of your State in relation to post-adoption reports? Please indicate: (i) How frequently such reports should be submitted (e.g., every year, every two years); (ii) For how long (e.g., until the child is a certain age); (iii) The language in which the report must be submitted; (iv) Who should write the reports; and (v) Any other requirements.	(i) Six reports in all, 4 quarterly reports in the first year and two six monthly reports in the second year (ii) Two years after placement of the child with the family (iii) English (iv) Social worker of the foreign accredited body (v) The Post Adoption Report should be in accordance with Schedule XII if Adoption Regulation, 2017.
c) What, if any, are the consequences in your State if post-adoption reports are either: (i) Not submitted at all; or (ii) Submitted, but not in accordance with your requirements?	(i) Authorization of the concerned Foreign Accredited Body can be suspended/revoked. The Central Authority is required to provide the follow up reports and in case are required, the Indian Diplomatic Mission is also required to follow up, as per regulation 40(7) of the Adoption Regulations, 2017 (ii) Ask for correct updates.
d) What does your State do with post-adoption reports? (i.e., to what use are they put?)	Analysed and remedial action taken, wherever necessary

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁴

States of origin are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website.

33. The costs²⁵ of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	<input checked="" type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework: Regulation 28(1) and 46(1) &(2) of the Adoption Regulation, 2017 along with Section 68(c) of the Juvenile Justice Act provide the Legal Framework

²⁴ See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: i.e., the *Terminology on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²⁵ See the definition of "costs" provided in the Terminology, *ibid*.

	<p>for Adoption Fee. The circular dated 05.04.2017 mentions the Adoption Fee Structure and the same can be accessed from :</p> <p>http://cara.nic.in/upper%20tab%20menu/circular.html</p> <p><input type="checkbox"/> No</p>
b) Does your State monitor the payment of the costs of intercountry adoption?	<p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: Audit of accounts of National Accredited Bodies (SAAs).</p> <p><input type="checkbox"/> No</p>
c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 19 c) above) or directly by the PAPs themselves?	<p><input checked="" type="checkbox"/> Through the accredited body: Yes</p> <p><input type="checkbox"/> Directly by the PAPs:</p> <p><input type="checkbox"/> Other (please explain):</p>
<i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 86.</i>	
d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?	<p><input checked="" type="checkbox"/> Only by bank transfer:</p> <p><input type="checkbox"/> In cash:</p> <p><input type="checkbox"/> Other (please explain):</p>
<i>See the "Note on the Financial Aspects of Intercountry Adoption" at para. 85.</i>	
e) Which body / authority in your State receives the payments?	Specialized Adoption Agencies (SAAs)
f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: http://cara.nic.in/upper%20tab%20menu/circular.html</p> <p><input type="checkbox"/> No</p>
N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).	

34. Contributions, co-operation projects and donations²⁶

a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution ²⁷ to your State if	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • What type of contribution is required:
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²⁶ See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 24.

²⁷ See further the Terminology, *supra*, note 24, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (e.g., for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment

<p>it wishes to engage in intercountry adoption in your State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<ul style="list-style-type: none"> • Who is responsible for paying it (<i>i.e.</i>, the Central Authority or the relevant authorised foreign accredited body): • How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?</p>	<p><input type="checkbox"/> Yes – it is a <i>mandatory</i> requirement for authorisation to be granted to a foreign accredited body.</p> <p><input type="checkbox"/> Yes – it is <i>permitted</i> but not required.</p> <p>In either of the above cases, please explain:</p> <ul style="list-style-type: none"> • What type of co-operation projects are permitted: • Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies): • Whether such projects are monitored by an authority / body in your State: • How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State?</p> <p><i>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the Financial Aspects of Intercountry Adoption" at Chapter 6 (in particular, Chapter 6.4).</i></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • To whom may donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): • What donations are used for: • Who is permitted to pay donations (<i>e.g.</i>, only authorised foreign accredited bodies or also PAPs): • At what stage of the intercountry adoption procedure donations are permitted to be paid: • How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>

35. Improper financial or other gain (Arts 8 and 32)

<p>a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?</p>	<p>State/Provincial Government</p>
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may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

b) What measures have been taken in your State to prevent improper financial or other gain?	Adoption cost has been fixed; donations prohibited; periodic inspection of National Accredited Body mandatory
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Accreditation to National Accredited Body can be suspended/revoked if Article 8 or 32 is violated.

PART XI: ILLICIT PRACTICES²⁸

36. Response to illicit practices in general

Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. ²⁹	India being a federal country, law and order issues are dealt at the State level. Actions can be initiated by the State/Provincial government directly or on the request of CARA
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37. The abduction, sale of and traffic in children

a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your State's intercountry adoption programmes. Please also specify which bodies / persons the laws target (<i>e.g.</i> , accredited bodies (national or foreign), PAPs, directors of children's institutions).	Indian Penal Code(IPC). Besides, Juvenile Justice (Care and Protection of Children) Act, 2015 further protects the interests of children with respect to abduction and exploitation and there are penal provisions for abduction, sale or trafficking of children. National Commission for Protection of Child Rights is the statutory body responsible for monitoring the implementation of the Act under section 109 of the Juvenile Justice Act, 2015.
b) Please explain how your State monitors respect for the above laws.	Through periodic inspections.
c) If these laws are breached, what sanctions may be applied (<i>e.g.</i> , imprisonment, fine, withdrawal of accreditation)?	It can be both withdrawal of accreditation, fine and/or imprisonment.

38. Private and / or independent adoptions

Are private and / or independent adoptions permitted in your State? N.B. "Independent" and "private" adoptions are <i>not</i> consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6. Please tick all which apply.	<input type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State: <input type="checkbox"/> Independent adoptions are permitted – please explain how this term is defined in your State: <input checked="" type="checkbox"/> <u>Neither</u> private nor independent adoptions
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²⁸ "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net >).

²⁹ *Ibid.*

	are permitted
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PART XII: INTERNATIONAL MOBILITY

39. The scope of the 1993 Convention (Art. 2)	
<p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State³⁰ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: The procedure for the same is mentioned in Regulation 21 of the Adoption Regulations, 2017. However the PAPs have to take NOC from the diplomatic mission of their country before registration in the online system as provided in Section 59(12) of the Juvenile Justice Act, 2015.</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.</i></p>	<p><input checked="" type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Adoption by Overseas Citizen of India or foreign national of Hague Adoption Convention ratified countries living in India is followed as per Regulation 21 of the Adoption Regulations-2017. (http://cara.nic.in/PDF/Regulation_english.pdf)</p> <p>Permission from the concerned embassy/high commission would be required.</p> <p><input type="checkbox"/> No</p>
<p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State³¹ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This would be treated as inter-country adoption and the same procedure has to be followed as it has been provided in Chapter-IV of the Adoption Regulations.</p> <p><input type="checkbox"/> No</p>

³⁰ According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra*, note 15, Chapter 8.4.

³¹ According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child (despite their common nationality). The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 15, Chapter 8.4.

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION³²

40. Selection of partners	
<p>a) With which receiving States does your State currently partner on intercountry adoption?</p>	<p>All Hague ratified countries and few Non-Hague countries for providing services to Non-Resident Indians(NRI) and Overseas Citizen of India (OCI) parents through our diplomatic missions.</p>
<p>b) How does your State determine with which receiving States it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.</p> <p><i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>All Hague ratified countries and Non-Hague countries for providing services to the NRI's and OCI's through our diplomatic missions.</p>
<p>c) If your State also partners with <i>non-Contracting States</i>, please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases.³³</p>	<p>In cases of Non-Hague countries particularly for NRI and OCI PAPS, the receiving countries along with Indian Missions do help in ensuring safeguards for such children.</p> <p><input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.</p>
<p>d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (e.g., the conclusion of a formal agreement³⁴ with that receiving State)?</p>	<p><input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities:³⁵ All applications have to be proceeded through an Authorised Foreign Adoption Agency as per Sections 59(3) &(4) of the Juvenile Justice Act, 2015. In order to commence inter-country adoptions from India, applications can be marked to CARA in accordance with Regulation 15(1) & 12(2) of the Adoption Regulations, 2017.</p> <p><input type="checkbox"/> No</p>

³² In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

³³ See GGP No 1, *supra*, note 15, Chapter 10.3 regarding the fact that “[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions”.

³⁴ See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

³⁵ *Ibid.*