

STATE OF ORIGIN

COUNTRY NAME: India

PROFILE UPDATED ON: 27.02.2024

PART I: CENTRAL AUTHORITY

1. Contact details ¹	
Name of office:	Central Adoption Resource Authority
Acronyms used:	CARA
Address:	West Block- VIII, Wing- II, 1 st Floor, R.K.Puram, New Delhi- 110066
Telephone:	+91- 011- 26760471/+91- 011- 26760471472
Fax:	-
E-mail:	carahdesk.wcd@nic.in/ceo-cara@gov.in
Website:	cara.wcd.gov.in
Contact person(s) and direct contact details Member (please indicate language(s) of communication):	Ms. Bhavna Saxena (CEO - Incharge & Secretary) (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>	

PART II: RELEVANT LEGISLATION

2. The 1993 Adoption Convention and domestic legislation	
a) When did the 1993 Adoption Convention enter into force in your State? <i>This information is available on the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i>	01/10/2003

¹ Please verify whether the contact details on the "Adoption Section" of the HCCH website < www.hcch.net > under "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Adoption 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 Government of India amended the Juvenile Justice (Care and Protection of Children) Act, 2015 (amended in 2021) vide its gazette notification on 9th August 2021</p> <p>- Adoption Regulations, 2022 notified on 23rd September, 2022.</p>
---	--

3. Other international agreements on intercountry adoption ²	
<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 Adoption Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>Section 68 of J.J. Act, 2015 constitute CARA as the Central Authority and provides that it shall perform the following functions, namely:-</p> <p><i>(a) to promote in-country adoptions and to facilitate inter-state adoptions in co-ordination with State Agency;</i></p> <p><i>(b) to regulate inter- country adoptions;</i></p> <p><i>(c) to frame regulations on adoption and related matters from time to time as may be necessary;</i></p> <p><i>(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;</i></p> <p><i>(e) any other function as may be prescribed.</i></p> <p>Regulation 41 of the Adoption Regulations 2022 stipulates the detailed functioning of the</p>

² 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).

	Central Adoption Resource Authority (CARA), a statutory body of the Ministry of Women & Child Development, Government of India.
--	---

5. Public and competent authorities	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the inter-country 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) is a quasi-judicial body located at District level is the responsible body for the purpose along with CARA to ensure that process is duly followed.</p> <p>Article 5: The responsibility of assessing the prospective adoptive parents is by Authorised Foreign Adoption Agency (AFAA)/Central Authority where the PAPs is residing.</p> <p>Article 8: Schedule XV of the Adoption Regulations 2022 specifies the adoption fees and its utilisation for both In-country adoptions as well as inter-country adoptions.</p> <p>Under Section 80 of the JJ Act 2015, punitive measures are inscribed for adoption without following prescribed procedure. Also, the State Governments 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.</p> <p>Regulation 34, 35 & 38 of Adoption Regulations, 2022 provides the Role of the State Government and State Adoption Resource Agency and District Child Protection Units respectively. While inspection, accounts details are also verified as far as adoption fees and its utilization is concerned. Other details as provided in Regulation 49 & Schedule XV of Adoption Regulations 2022.</p> <p>Article 9: CARA takes appropriate measures with the help of public authorities and other bodies which include DM, Regional Passport Authorities, and 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 State Governments and registered by CARA to act with accredited bodies and Central Authorities in receiving countries along with CARA.</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 consents have been obtained from the biological parent(s) in accordance with Article 4 of the Convention. CARA takes 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 of the receiving country, 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 and 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: As per Section 59 (11) of the JJ Act 2015 read with Regulation 71 of the Adoption Regulations 2022, In cases of disruption or dissolution, the rehabilitation of the child shall be followed as provided in the Hague Adoption Convention and as per child protection services available in the receiving country. Further, Indian Diplomatic Mission abroad has been assigned specific role to intervene in all such matters and render necessary action under Regulation 43(7) of the Adoption Regulations, 2022.</p> <p>Article 22 : As per Section 68(d) of the Juvenile Justice (Care and Protection of Children) 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 (CARINGS) is a web-based adoption monitoring portal of the Central Authority that captures all information related to Child and the PAPs. This is used by all State</p>
--	---

	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, 2022. Being a secured portal, information related to child and adoptive parents cannot be accessed by general public. Perhaps, Regulation 47 mentions about the criteria of root search.
--	---

6. National accredited bodies ³	
<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 HCCH (see Art. 13).⁴</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – go to Question 7</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.⁵</p>	<p>There are 521 accredited Bodies in India called Specialized Adoption Agencies (SAAs) and these are not limited as there are districts where SAA needs to be established.</p>
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	<p>National Accredited bodies have been duly recognised by respective State Government.</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 concerned State Government is responsible for accreditation of national adoption bodies. In accordance with the said accreditation these national adoption bodies are recognised by CARA, the same in accordance with Section 41 & 65 of the Juvenile Justice (Care & Protection of Children) Act, 2015 and Regulation 24 & 25 of the Adoption Regulations, 2022.</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 in accordance with Section 41, 65 of JJ Act, Rule 21 of JJ Model Rules and Regulation 24 of Adoption Regulation 2022. Further, it's renewable as per Regulation 25 of Adoption Regulation 2022.</p>

³ "National accredited bodies" in this Country Profile means adoption bodies based within your State (State of origin) which have been accredited under the 1993 Adoption Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* ("GGP No 2"), available on the [Adoption Section](#) of the HCCH website < www.hcch.net > at Chapters 3.1 *et seq.*

⁴ *Ibid.*, Chapter 3.2.1 (para. 111).

⁵ *Ibid.*, Chapter 3.4.

c) For how long is accreditation granted in your State?	5 years as per section 41(6) of the Juvenile Justice Act, 2015 and Regulation 24(3) of the Adoption Regulations, 2022
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>Regulation 25 of the Adoption Regulations, 2022, specifies about Criteria and procedure for renewal of recognition of Specialised Adoption Agency:</p> <p>25. Criteria and procedure for renewal of recognition of Specialised Adoption Agency.—</p> <p><i>(1) The State Government shall take into consideration the following factors before renewal of recognition of a Specialised Adoption Agency, namely:—</i></p> <p><i>(a) whether the Specialised Adoption Agency has satisfactorily performed in adoption placement;</i></p> <p><i>(b) whether it has regularly updated data on the Designated Portal and meeting the timelines specified for Specialised Adoption Agency in these Regulations;</i></p> <p><i>(c) 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;</i></p> <p><i>(d) whether it indulged in any malpractice;</i></p> <p><i>(e) whether it made proper utilisation of the adoption fee as provided in the Schedule XV</i></p> <p><i>(f) whether it maintains the standards of child care as provided in the Schedule XIII.</i></p> <p><i>(2) The Specialised Adoption Agency shall apply six months before the expiry of its recognition for renewal with the following documents and information, namely:—</i></p> <p><i>(a) number of children restored to biological parents, relatives or guardians during the period of last recognition with details;</i></p> <p><i>(b) number and details of children placed in in-country and inter-country adoption and details of post-adoption follow-up thereof during the period of last recognition;</i></p> <p><i>(c) details of year wise receipt of adoption fee and its utilisation during the period of last recognition;</i></p> <p><i>(d) an affidavit declaring that it has been regularly updating the data on the Designated Portal;</i></p> <p><i>(e) an affidavit stating that it agrees to abide by these regulations as also the instructions issued by the State Government or State Adoption Resource Agency or the Authority from time to time.</i></p> <p><i>(3) The recognition to a Specialised Adoption</i></p>

	<p><i>Agency shall be renewed by the State Government before the expiry of existing recognition, for a period of five years, if the Specialised Adoption Agency is found fulfilling the eligibility factors specified in sub-regulation (1) and furnishing the documents and information specified in sub-regulation (2), and on the basis of inspection conducted for the purpose.</i></p> <p><i>(4) In case the Specialised Adoption Agency has applied for recognition or renewal with the State Government and the provisional registration certificate has not been issued by the State Government within one month from the date of application, the proof of receipt of application for registration shall be treated as provisional recognition to run the agency for a maximum period of six months.</i></p> <p><i>(5) In case the renewal of recognition of a Specialised Adoption Agency is pending, all the pending adoption cases shall be allowed to proceed subject to all other provisions of these regulations being fulfilled.</i></p>
6.2 Monitoring of national accredited bodies⁶	
<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>As per section 54, 55 and 70 of the JJ Act, 2015 (amended 2021), Rule 41, 42 & 91 of amended JJ Model Rules 2022 and Regulation 27 of Adoption Regulation, 2022; Central Government, State Government, Central Adoption Resource Authority (CARA), State Adoption Resource Agency (SARA), National Commission for Protection of Child Rights (NCPCR), State Commission for Protection of Child Rights (SCPCR) and respective District Magistrate are the Competent Authority to monitor and supervise national accredited bodies.</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 and randomly by State Level as well as District Level Inspection Committees, as per Rule 41 of the J.J. Model Amended Rules, 2022 read with Section 41(9) of the JJAct, 2015</p> <p>As per Regulation 27 of the Adoption Regulations, 2022, the State Government as well as the concern State Adoption Resource Agency (SARA) shall conduct annual inspections of the Specialised Adoption Agencies as per norms laid down in the Form 46 of the JJ model Rules.</p>

<p>c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>Regulation 26 of the Adoption Regulations, 2022, lays down the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i>, withdrawn):</p> <p>26. Suspension or revocation of recognition of Specialised Adoption Agency. —</p> <p>(1) <i>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 the sub-regulation (2).</i></p> <p>(2) <i>The recognition of a Specialised Adoption Agency may be suspended on any one or more of the following grounds, namely :—</i></p> <ul style="list-style-type: none"> <i>(a) violation of any of the provisions of the Act or the rules made thereunder, relating to adoption as well as these regulations;</i> <i>(b) furnishing false information or forged documents to State Adoption Resource Agency or the State Government or the Authority or on the Designated Portal;</i> <i>(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;</i> <i>(d) failure to update data online on the Designated Portal;</i> <i>(e) failure to submit reports or data within the time limits specified in these regulations;</i> <i>(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;</i> <i>(g) if professional social worker and qualified child care staff are not employed;</i> <i>(h) financial irregularities or malpractices or receiving any donation whether in kind or cash from prospective adoptive parents or adoptive parents;</i> <i>(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;</i> <i>(j) unethical acts, such as expecting or demanding fees or gifts from potential adoptive parents in addition to</i>
---	---

	<p><i>adoption fee already specified by the Authority, inducing single mothers or biological parents to relinquish their child or illegally sourcing the child;</i></p> <p><i>(k) divulging information of biological mother or parents or adoptee to public in violation of the principles of confidentiality;</i></p> <p><i>(l) non-compliance of instructions issued from time to time by the Authority, State Government concerned or the State Adoption Resource Agency;</i></p> <p><i>(m) abuse or neglect of children in the Specialised Adoption Agency.</i></p> <p><i>(3) No order for suspension or revocation of authorisation shall be passed without giving an opportunity to the Specialised Adoption Agency to offer its explanation.</i></p> <p><i>(4) After suspension of recognition of a Specialised Adoption Agency, the State Government or the State Adoption Resource Agency concerned shall conduct necessary enquiries within a maximum period of six months, and if charges are proven, the State Government concerned shall revoke the recognition of the Specialised Adoption Agency.</i></p> <p><i>(5) In case of revocation of recognition of a Specialised Adoption Agency, the State Government concerned shall prepare an alternate rehabilitation plan for the children in that home, including shifting them to another Specialised Adoption Agency, within thirty days.</i></p> <p><i>(6) In the event of suspension or revocation of recognition or closure of the Specialised Adoption Agency, the cases where referrals have been accepted by the prospective adoptive parents shall be allowed to proceed for final adoption, subject to all other provisions of these regulations being fulfilled.</i></p> <p><i>(7) In all such cases referred to in sub regulation (6), the District Child Protection Unit of the District or any other agency where the children have been transferred shall be responsible for processing the cases as decided by State Adoption Resource Agency.</i></p>
<p>d) If national accredited bodies do not comply with the 1993 Adoption 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 26 of the Adoption Regulations, 2022, action can be initiated against the accredited body and it can be suspended and its recognition can be revoked.</p> <p><input type="checkbox"/> No</p>

7. Authorised foreign accredited bodies⁷ (Art. 12)	
<p>a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State?</p> <p><i>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 HCCH.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – go to Question 8</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.⁸</p>	<p>50 Authorized Foreign Adoption Agencies are associated with CARA (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>Section 59(4) of the JJAct 2015 mentions that <i>the authorised foreign adoption agency, or Central Authority, or a concerned Government department, as the case may be, shall prepare the home study report of such prospective adoptive parents and upon finding them eligible, will sponsor their application to Authority for adoption of a child from India, in the manner as provided in the adoption regulations framed by the Authority.</i></p> <p>As per section 59(11) also the AFAA shall ensure the submission of progress reports about the child in the adoptive family and will be responsible for making alternative arrangement in the case of any disruption, in consultation with Authority and concerned Indian diplomatic mission, in the manner as provided in the adoption regulations framed by the Authority.</p> <p>Further, Regulation 31 of the Adoption Regulations, 2022 provides the functions of Authorised Foreign Adoption Agencies are as follows:</p> <p>31. Functions of Authorised Foreign Adoption Agency.— <i>The Authorised Foreign Adoption Agency shall perform the following functions, namely:-</i></p> <p>(a) <i>register the prospective adoptive parents interested to adopt children from India and to complete their Home Study Report expeditiously;</i></p>

⁷ “Authorised foreign accredited bodies” are adoption bodies based in another Contracting State to the 1993 Adoption 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, *ibid.*, Chapter 4.2.

⁸ See GGP No 2, *ibid.*, Chapter 4.4 on “limiting the number of accredited bodies authorised to act in States of origin”.

	<p>(b) upload attested copies of the adoption application of the prospective adoptive parents on the Designated Portal and forward the original of the same to the allotted Specialised Adoption Agency;</p> <p>(c) follow-up with Specialised Adoption Agency for ensuring early adoption after receipt of No Objection Certificate for the adoption from the Authority;</p> <p>(d) give orientation to the prospective adoptive parents on culture, language and food of the place to which the adopted child belongs;</p> <p>(e) ensure the submission of post-adoption follow-up of the progress of adopted children and to address the cases of disruption and dissolution, as specified in regulation 20;</p> <p>(f) 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;</p> <p>(g) facilitate root search by older adoptees;</p> <p>(h) fulfill the legal requirements of the host country as well as the terms and conditions of the authorisation given by the Authority.</p>
<p>d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?</p> <p><i>Please tick any which apply.</i></p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> The foreign accredited body must 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>

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>.⁹</p> <p>If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p>	<p>Regulation 32 of the Adoption Regulations 2022, provides the criteria and procedure for authorization of foreign agency:-</p> <p>32. Criteria and procedure for authorisation of foreign agencies.—</p> <p>(1) A foreign adoption agency desirous of seeking authorisation for 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 authorisation to foreign adoption agency may be given by the Central Authority for a maximum period of five years and the documents required to be attached with the application shall be as under:—</p> <p>(a) 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>(b) an undertaking signed by the head or chief executive of the organisation stating that the agency shall abide by the provisions of these regulations;</p> <p>(c) an undertaking by the foreign adoption 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>(d) an undertaking by the foreign adoption 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>(e) copy of adoption law or Adoption Regulations or adoption rules of their country;</p> <p>(f) a list of staff of the foreign adoption agency, recommendation or authorisation from the Central Authority or Competent Authority to work with India;</p> <p>(g) recommendation letter from Indian diplomatic mission abroad and the Central Authority or Government department of the receiving country.</p> <p>(3) The Authorised Foreign Adoption Agency is required to apply for renewal of its authorisation, ninety days prior to expiry of its authorisation, as per the procedure given at sub-regulations (1) and (2) alongwith the following details, namely:—</p>
--	--

⁹

In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

	<p>(a) list of children placed in adoption through the Authorised Foreign Adoption Agency alongwith their citizenship status;</p> <p>(b) disruption, if any.</p> <p>(4) In the case of authorisation or renewal, after taking into account the overall requirement of such organisations to handle inter-country adoptions from India, the Authority shall have sole discretion to consider or reject an application:</p> <p><i>Provided that no application shall be rejected without specifying the reasons mentioned therein.</i></p>
c) For how long is authorisation granted?	Regulation 32 (2) of the Adoption Regulation, 2022 provides that the authorisation to foreign adoption agency may be given by Central Authority for a maximum period of five years.
d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	<p>Regulation 32 (3) & (4) of the Adoption Regulation, 2022 provides the criteria and procedure used to determine the renewal of foreign adoption agency.</p> <p>32. Criteria and procedure for authorisation of foreign agencies.—</p> <p>(1)A foreign adoption agency desirous of seeking authorisation for 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 authorisation to foreign adoption agency may be given by the Central Authority for a maximum period of five years and the documents required to be attached with the application shall be as under:—</p> <p>(a) 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>(b) an undertaking signed by the head or chief executive of the organisation stating that the agency shall abide by the provisions of these regulations;</p> <p>(c) an undertaking by the foreign adoption 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>(d) an undertaking by the foreign adoption 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>(e) copy of adoption law or Adoption Regulations or adoption rules of their country;</p> <p>(f) a list of staff of the foreign adoption agency, recommendation or authorisation from the Central Authority or Competent Authority to work with India;</p> <p>(g) recommendation letter from Indian diplomatic mission abroad and the Central Authority or Government department of the receiving country.</p> <p>(3) The Authorised Foreign Adoption Agency is required to apply for renewal of its authorisation, ninety days prior to expiry of its authorisation, as per the procedure given at sub-regulations (1) and (2) alongwith the following details, namely:—</p> <p>(a) list of children placed in adoption through the Authorised Foreign Adoption Agency alongwith their citizenship status;</p> <p>(b) disruption, if any.</p> <p>(4) In the case of authorisation or renewal, after taking into account the overall requirement of such organisations to handle inter-country adoptions from India, the Authority shall have sole discretion to consider or reject an application:</p> <p><i>Provided that no application shall be rejected without specifying the reasons mentioned therein.</i></p>
7.2 Monitoring of authorised foreign accredited bodies	
a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? ¹⁰	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – go to Question 8
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 is competent to monitor/supervise the activities of authorized foreign accredited bodies.
c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State (e.g., 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. as per Regulation 32 of the Adoption Regulations 2022 (<i>supra</i>).

¹⁰*Ibid.*, Chapter 7.4 and, in particular, para. 290.

<p>d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>Regulation 33 of the Adoption Regulation provides for Suspension or revocation of authorisation of foreign accredited bodies.—</p> <p>33. Suspension or revocation of authorisation.—</p> <p><i>(1) The grounds of suspension or revocation of the authorisation of an Authorised Foreign Adoption Agency shall be as follows:—</i></p> <p><i>(a) if the foreign adoption agency violates or fails to abide by the provisions of these regulations;</i></p> <p><i>(b) if the license or recognition or accreditation of the foreign adoption agency is suspended or revoked by the appropriate Authority of that country;</i></p> <p><i>(c) if the foreign adoption agency fails to upload adoption applications or the post-adoption follow-up reports on the Designated Portal from time to time.</i></p> <p><i>(2) No order for suspension or revocation shall be made unless the Agency has been provided an opportunity of hearing in the matter.</i></p>
<p>e) If authorised foreign accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?</p>	<p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i>, fine, withdrawal of authorisation): Suspension or Revocation of the Authorised Foreign Agencies may be done on the grounds mentioned in Regulation 33 of the Adoption Regulations, 2022</p> <p><input type="checkbox"/> No</p>

8. Approved (non-accredited) persons (Art. 22(2))¹¹	
<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 Adoption Convention, available on the Adoption Section of the HCCH website. If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹²</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</p>	<p><input type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State:</p>

¹¹ *Ibid.*, Chapter 13.

¹² *Ibid.*, Chapter 13.2.2.5.

<p>intercountry adoption procedures in your State?</p> <p><i>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 Adoption Convention, available on the Adoption Section of the HCCH website.</i></p>	<input checked="" type="checkbox"/> No, our State has made a declaration according to Article 22(4).
--	--

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 inter-country adoption in your State (e.g., age, sex, state of health).</p>	<p>Section 59 (1) of the JJ Act 2015 provides:</p> <p>59. Procedure for inter-country adoption of an orphan or abandoned or surrendered child.—</p> <p><i>(1) 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.</i></p> <p>Hence, any Normal male or female child of all age including older children from age 6 to 18 years and children having special needs in the age group of 0 to 18 years that require rehabilitation through Inter-Country adoption.</p> <p>In addition, the procedure of inter-country relative and step parent adoption is also processed under JJAct 2015 and Adoption Regulations 2022.</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>As per section 2(16) of JJ Act, 2015, Child Welfare Committee (CWC) declares a 'child legally free for adoption' after making due inquiry under section 38 of the same act.</p>
<p>b) Which criteria are applied to determine whether a child is adoptable?</p>	<p>In accordance with Section 36, 37 and 38 of Juvenile Justice (Care and Protection of Children) Act, 2015 (amended Act 2021), it is determined by respective Child Welfare Committee whether a child is adoptable.</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><i>N.B. the issue of consent is dealt with at Question 12 below.</i></p>	<p>In accordance with Section 31, 35, 36, 37 and Section 38 of the Juvenile Justice (Care and Protection of Children), Act 2015 (amended Act 2021), the inquiry procedure for declaring an orphan/abandoned/surrendered child legally free for adoption is done.</p> <p>31. Production before Committee.—</p> <p><i>(1) Any child in need of care and protection may be produced before the Committee by</i></p>

	<p>any of the following persons, namely:—</p> <p>(i) any police officer or special juvenile police unit or a designated Child Welfare Police Officer or any officer of District Child Protection Unit or inspector appointed under any labour law for the time being in force;</p> <p>(ii) any public servant;</p> <p>(iii) Childline Services or any voluntary or non-governmental organisation or any agency as may be recognised by the State Government;</p> <p>(iv) Child Welfare Officer or probation officer;</p> <p>(v) any social worker or a public spirited citizen;</p> <p>(vi) by the child himself; or</p> <p>(vii) any nurse, doctor or management of a nursing home, hospital or maternity home: Provided that the child shall be produced before the Committee without any loss of time but within a period of twenty-four hours excluding the time necessary for the journey.</p> <p>(2) The State Government may make rules consistent with this Act, to provide for the manner of submitting the report to the Committee and the manner of sending and entrusting the child to children's home or fit facility or fit person, as the case may be, during the period of the inquiry.</p> <p>35. Surrender of children.—</p> <p>(1) A parent or guardian, who for physical, emotional and social factors beyond their control, wishes to surrender a child, shall produce the child before the Committee.</p> <p>(2) If, after prescribed process of inquiry and counselling, the Committee is satisfied, a surrender deed shall be executed by the parent or guardian, as the case may be, before the Committee.</p> <p>(3) The parents or guardian who surrendered the child, shall be given two months time to reconsider their decision and in the intervening period the Committee shall either allow, after due inquiry, the child to be with the parents or guardian under supervision, or place the child in a Specialised Adoption Agency, if he or she is below six years of age, or a children's home if he is above six years.</p> <p>36. Inquiry.—</p> <p>(1) On production of a child or receipt of a report under section 31, the Committee shall hold an inquiry in such manner as may be prescribed and the Committee, on its own or on the report from any person or agency as</p>
--	--

specified in sub-section (2) of section 31, may pass an order to send the child to the children's home or a fit facility or fit person, and for speedy social investigation by a social worker or Child Welfare Officer or Child Welfare Police Officer: Provided that all children below six years of age, who are orphan, surrendered or appear to be abandoned shall be placed in a Specialised Adoption Agency, where available.

(2) The social investigation shall be completed within fifteen days so as to enable the Committee to pass final order within four months of first production of the child: Provided that for orphan, abandoned or surrendered children, the time for completion of inquiry shall be as specified in section 38.

(3) After the completion of the inquiry, if Committee is of the opinion that the said child has no family or ostensible support or is in continued need of care and protection, it may send the child to a Specialised Adoption Agency if the child is below six years of age, children's home or to a fit facility or person or foster family, till suitable means of rehabilitation are found for the child, as may be prescribed, or till the child attains the age of eighteen years: Provided that the situation of the child placed in a children's home or with a fit facility or person or a foster family, shall be reviewed by the Committee, as may be prescribed.

(4) The Committee shall submit a quarterly report on the nature of disposal of cases and pendency of cases to the District Magistrate in the manner as may be prescribed, for review of pendency of cases.

(5) After review under sub-section (4), the District Magistrate shall direct the Committee to take necessary remedial measures to address the pendency, if necessary and send a report of such reviews to the State Government, who may cause the constitution of additional Committees, if required: Provided that if the pendency of cases continues to be unaddressed by the Committee even after three months of receiving such directions, the State Government shall terminate the said Committee and shall constitute a new Committee.

(6) In anticipation of termination of the Committee and in order that no time is lost in constituting a new Committee, the State Government shall maintain a standing panel

of eligible persons to be appointed as members of the Committee.

(7) In case of any delay in the constitution of a new Committee under sub-section (5), the Child Welfare Committee of a nearby district shall assume responsibility in the intervening period.

37. Orders passed regarding a child in need of care and protection.—

(1) The Committee on being satisfied through the inquiry that the child before the Committee is a child in need of care and protection, may, on consideration of Social Investigation Report and taking into account the child's wishes in case the child is sufficiently mature to take a view, pass one or more of the following orders, namely:—

(a) declaration that a child is in need of care and protection;

(b) restoration of the child to parents or guardian or family with or without supervision of Child Welfare Officer or designated social worker;

(c) placement of the child in Children's Home or fit facility or Specialised Adoption Agency for the purpose of adoption for long term or temporary care, keeping in mind the capacity of the institution for housing such children, either after reaching the conclusion that the family of the child cannot be traced or even if traced, restoration of the child to the family is not in the best interest of the child;

(d) placement of the child with fit person for long term or temporary care;

(e) foster care orders under section 44;

(f) sponsorship orders under section 45;

(g) directions to persons or institutions or facilities in whose care the child is placed, regarding care, protection and rehabilitation of the child, including directions relating to immediate shelter and services such as medical attention, psychiatric and psychological support including need-based counselling, occupational therapy or behaviour modification therapy, skill training, legal aid, educational services, and other developmental activities, as required, as well as follow-up and coordination with the District Child Protection Unit or State Government and other agencies;

(h) declaration that the child is legally free for adoption under section 38.

(2) The Committee may also pass orders for—

	<p>(i) declaration of fit persons for foster care;</p> <p>(ii) getting after care support under section 46 of the Act; or</p> <p>(iii) any other order related to any other function as may be prescribed.</p> <p>38. Procedure for declaring a child legally free for adoption.—</p> <p>(1) In case of orphan and abandoned child, the Committee shall make all efforts for tracing the parents or guardians of the child and on completion of such inquiry, if it is established that the child is either an orphan having no one to take care, or abandoned, the Committee shall declare the child legally free for adoption: Provided that such declaration shall be made within a period of two months from the date of production of the child, for children who are up to two years of age and within four months for children above two years of age: Provided further that notwithstanding anything contained in this regard in any other law for the time being in force, no first information report shall be registered against any biological parent in the process of inquiry relating to an abandoned or surrendered child under this Act.</p> <p>(2) In case of surrendered child, the institution where the child has been placed by the Committee on an application for surrender, shall bring the case before the Committee immediately on completion of the period specified in section 35, for declaring the child legally free for adoption.</p> <p>(3) Notwithstanding anything contained in any other law for the time being in force, a child of a mentally retarded parents or a unwanted child of victim of sexual assault, such child may be declared free for adoption by the Committee, by following the procedure under this Act.</p> <p>(4) The decision to declare an orphan, abandoned or surrendered child as legally free for adoption shall be taken by at least three members of the Committee.</p> <p>(5) The Committee shall inform [the District Magistrate] the State Agency and the Authority regarding the number of children declared as legally free for adoption and number of cases pending for decision in the manner as may be prescribed, every month.</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 Mission Vatsalya Scheme, funds are sanctioned and are available for sponsorship and fostercare which helps for family reunification and for their temporary institutional care.</p> <p>Further, priority to repatriation and restoration has been stipulated under the Fundamental Principles governing adoption under Section 3(xiii) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (amended Act 2021) which states <i>Principle of repatriation and restoration:</i> <i>Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socioeconomic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest.</i></p> <p>Based on this principle, Section 59(1) of the Act stipulates:</p> <p><i>59. Procedure for inter-country adoption of an orphan or abandoned or surrendered child.—</i></p> <p><i>(1) 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:</i></p> <p><i>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.</i></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>As per Regulation 17 of the Adoption Regulations, 2022 CARA determines it, keeping in line with Section 59(1) of the Juvenile Justice Act, 2015 (1) that specifies the procedure for Inter- country adoption of an orphan or abandoned or surrendered child.</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 adoption procedure.</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 Regulation 17 and 70(1) of the Adoption Regulations 2022.</p> <p>17. No Objection Certificate of Authority and pre-adoption foster care. —</p> <p><i>(1) The Authority shall issue No Objection Certificate in favour of the proposed adoption in the format provided in the Schedule X, within ten days from the date of receipt of the acceptance of the child by the prospective adoptive parents and letter of approval or permission of the receiving country as per Article 5 and Article 17 of the Hague Adoption Convention, wherever applicable; and the No Objection Certificate shall be generated online through the Designated Portal.</i></p> <p><i>(2) 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 the Authority while en priority in inter-country adoption of Indian children.</i></p> <p><i>(3) A non-resident Indian or overseas citizen of India, or person of Indian origin or a foreigner, who are prospective adoptive parents living abroad, irrespective of their religion, if interested to adopt an orphan or abandoned or surrendered child from India, may apply for the same to an authorised foreign adoption agency, or Central Authority or a concerned Government department in their country of habitual residence, as the case may be, in the manner as provided in the adoption regulations framed by the Authority.</i></p> <p><i>(4) The authorised foreign adoption agency, or Central Authority, or a concerned Government department, as the case may be, shall prepare the home study report of such prospective adoptive parents and upon finding them eligible, will sponsor their application to Authority for adoption of a child from India, in the manner as provided in the adoption regulations framed by the Authority.</i></p> <p><i>(5) On the receipt of the application of such prospective adoptive parents, the Authority shall examine and if it finds the applicants suitable, then, it will refer the application to one of the Specialised Adoption Agencies, where children legally free for adoption are available.</i></p> <p><i>(6) The Specialised Adoption Agency will match a child with such prospective adoptive parents and send the child study report and medical report of</i></p>
---	--

	<p><i>the child to such parents, who in turn may accept the child and return the child study and medical report duly signed by them to the said agency.</i></p> <p><i>(7) On receipt of the acceptance of the child from the prospective adoptive parents, the Specialised Adoption Agency shall file an application 1 [before the District Magistrate] for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.</i></p> <p><i>(8) On the receipt of a certified copy of the [order passed by the District Magistrate], the specialised adoption agency shall send immediately the same to Authority, State Agency and to the prospective adoptive parents, and obtain a passport for the child.</i></p> <p><i>(9) The Authority shall intimate about the adoption to the immigration authorities of India and the receiving country of the child.</i></p> <p><i>(10) The prospective adoptive parents shall receive the child in person from the specialised adoption agency as soon as the passport and visa are issued to the child.</i></p> <p><i>(11) The authorised foreign adoption agency, or Central Authority, or the concerned Government department, as the case may be, shall ensure the submission of progress reports about the child in the adoptive family and will be responsible for making alternative arrangement in the case of any disruption, in consultation with Authority and concerned Indian diplomatic mission, in the manner as provided in the adoption regulations framed by the Authority.</i></p> <p><i>(12) A foreigner or a person of Indian origin or an overseas citizen of India, who has habitual residence in India, if interested to adopt a child from India, may apply to Authority for the same along with a no objection certificate from the diplomatic mission of his country in India, for further necessary actions as provided in the adoption regulations framed by the Authority.</i></p> <p>70. Issue of No Objection Certificate and Conformity Certificate.—</p> <p><i>(1) On receipt of verification certificate from the District Magistrate, on the registered adoption deed and necessary permission under Articles 5 or 17 from the receiving country as provided in the Hague Adoption Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, the Central Adoption Resource Authority shall issue No Objection Certificate for Hague ratified countries under Article 17(c) and Conformity Certificate under Article 23 of the Convention.</i></p>
--	---

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>

- (i) In case both parent(s) are known, both of them are counselled and both the parents 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), and the parents or guardian who surrendered the child, shall be given two months' time to reconsider their decision as provided in Section 35 of the J.J. Act, 2015 (amended Act, 2021).
- (ii) If a child born to a married couple is to be surrendered, both parents shall sign the Deed of Surrender and in case one of them is dead, death certificate is required to be furnished in respect of the deceased parent. Further, 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, 2022.
- (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, 2022.
- (iv) State is the custodian of a child in need of care and protection. Child who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, or who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated or unwilling for parenting, and severe cases of substance abuse, known to have abused or neglected the child, having criminal record, in need of care themselves, mentally unsound etc. if found so by the Board or the Committee.
- (v) Also, as per Rule 17(x) of JJ Model Amendment Rules, 2022, 'No Visitation' means older children living in the Child Care Institutions having no guardians and also with such children living in the Child Care Institutions who are not in contact with their guardians for several years. Children of all such parents shall be registered on CARINGS. Further, due to process shall be followed as

	specified in the JJ Act 2015 and Adoption Regulations 2022 for the ultimate rehabilitation of the child to care for and protect the safety and well-being of the child.
<p>b) Please describe the procedure for:</p> <p>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and</p> <p>(ii) obtaining their consent(s) to an adoption.¹³</p>	<p>(i) The provision of counselling are provided under Regulations 7(11), 10(7), 30(3), 30(4) and 35(2) of the Adoption Regulations, 2022. The counselling of biological parent(s) is done by the social workers of Specialised Adoption Agencies, District Child Protection Officers as well as by the members of the Child Welfare Committee at local level especially regarding the consequences of a domestic inter-country adoption.</p> <p>(ii) As per Regulation 30(2)(f) of the Adoption Regulations, 2022, it is a mandatory function of SAAs to take consent of biological parent(s) especially if the child is surrendered.</p>
<p>c) Does your State use the model form “Statement of consent to the adoption” developed by the Permanent Bureau of the HCCH?</p> <p><i>The model form is available on the Adoption section of the HCCH website.</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>
<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 36(3)(d)(iii) mandated the consent of a child older than five years of age read with Schedule VI of Adoption Regulations, 2022, stipulates that the consent of older child or children to be adopted shall be obtained for adoption. Consent of the child is taken after due counselling. Other documents to be uploaded after referral.</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 Specalized 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 Regulation Schedule VI of Adoption Regulations, 2022, stipulates that the consent of older child or children to be adopted shall be obtained (if the child is above 5 years of Age.) Consent of the child is taken after due counselling.</p>

¹³ See also Part VIII below on “Simple and Full Adoption” and Art. 27 of the 1993 Adoption Convention.

13. Children with special needs	
<p>a) In the context of inter-country adoption, please describe what is meant in your State by “children with special needs”.</p>	<p>As per Regulation 2(25) of the Adoption Regulations, 2022, “<i>special needs child</i>” means a child who is suffering from any disability as provided in the Rights of Persons With Disabilities Act, 2016 and as given in Schedule III (Part E) and Schedule XVIII of these Regulations; Also, as mentioned in regulation 51(4) that the types of children with special needs as provided in the Schedule XVIII and Schedule III (Part E) of these Regulations is illustrative and not exhaustive in nature;</p>
<p>b) What, if any, procedures does your State use to expedite the adoption of children with special needs?</p>	<p>Regulation 51 of the Adoption Regulations, 2022 stipulates the process for adoption of children with special needs, as follows:-</p> <p>51. Adoption of children with special needs.—</p> <p>(1) <i>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, non-resident Indians and Overseas Citizen of India Cardholder found eligible and suitable by way of Home Study Report from the date their profile is uploaded on the Designated Portal after the special needs children are declared legally free for adoption by the Child Welfare Committee: Provided that such children with special needs shall be available for adoption by foreign adoptive parents, after fifteen days from the date they are declared legally free for adoption.</i></p> <p>(2) <i>All prospective adoptive parents shall be able to indicate whether they want to adopt a specific category of child having special needs.</i></p> <p>(3) <i>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.</i></p> <p>(4) <i>The types of children with special needs are provided in the Schedule XVIII and Schedule III (Part E) of these Regulations, which are 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.</i></p> <p>(5) <i>The children with special needs who were not adopted shall be provided due care and 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</i></p>

	<p><i>institutions run by any Government or non-government organisation.</i></p> <p>(6) Treatment of children with special needs.—</p> <p><i>(a) Within one month of a child's admission to a Specialised Adoption Agency, the institution shall arrange medical tests, as specified in Schedule IV, and prepare the Medical Examination Report through its pediatrician or doctor for uploading on the Designated Portal within ten days of the date such children are declared legally free for adoption by the Child Welfare Committee.</i></p> <p><i>(b) Where the Medical Examination Report finds that the child is suffering from some health issue or ailment, the Specialised Adoption Agency shall inform the District Child Protection Unit concerned to approach the District Magistrate to recommend the case to the Chief Medical Officer of the district within twenty-four hours.</i></p> <p><i>(c) The Chief Medical Officer shall then facilitate additional tests and medical examination of the said child before categorising the child with special needs as provided in Schedule III (Part E).</i></p> <p><i>(d) In case the health ailment is treatable, the Chief Medical Officer shall facilitate and supervise the treatment of such child having special needs under various Government schemes.</i></p> <p><i>(e) The Chief Medical Officer shall ensure that the treatment of such a child is completed at the earliest.</i></p> <p><i>(f) After completion of the treatment of the child, the Specialised Adoption Agency shall update the health status of the child accordingly on the Designated Portal.</i></p>
14. The preparation of children for inter-country adoption	
<p>Is there a special procedure in your State to prepare a child for an inter-country adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please provide details (e.g., 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 especially to older children as per Regulation 30(4)(c) of the Adoption Regulations, 2022.</p> <p><input type="checkbox"/> No</p>

15. The nationality of children who are adopted intercountry ¹⁴	
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 (e.g., 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. <input type="checkbox"/> No, the child will never retain his nationality

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? ¹⁵	<input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: <input checked="" type="checkbox"/> No

17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State ¹⁶	
<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>	<input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: <input checked="" type="checkbox"/> Married, heterosexual couples: with two years of stable marital relationship <input type="checkbox"/> Married, same-sex couples: <input type="checkbox"/> Heterosexual couples in a legally registered partnership: <input type="checkbox"/> Same-sex couples in a legally registered partnership: <input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: <input type="checkbox"/> Same-sex couples that have not legally formalised their relationship: <input checked="" type="checkbox"/> Single men: As per Regulation 5 of Adoption Regulations, 2022, single male shall not be eligible to adopt a girl

¹⁴ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (“GGP No 1”), available on the [Adoption Section](http://www.hcch.net) of the HCCH website < www.hcch.net >, at Chapter 8.4.5.

¹⁵ See GGP No 2 (*op. cit.* note 3), Chapter 3.4.2 and, in particular, para. 121.

¹⁶ *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 Adoption Convention.

	<p>child.</p> <p><input checked="" type="checkbox"/> Single women: As per Regulation 5 of Adoption Regulations, 2022.</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?	<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 in single and 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>
c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?	<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"/> <i>For persons with children already (biological or adopted), there are additional criteria (please specify): As per Regulation 5(7) of the Adoption regulations, 2022, couples with two or more children shall only be considered for special needs children as specified in clause (25) of regulation 2, and hard to place children as stated in clause (13) of regulation 2 unless they are relatives or step-children.</i></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 undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption <i>in the receiving State</i> ?	<p><input checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected:</p> <p>As mentioned in Regulation 31 (d) - The <i>Authorised Foreign Adoption Agency shall give orientation to the prospective adoptive parents on culture, language and food of the place to which the adopted child belongs;</i></p> <p>The adoptive parents are also required to submit a Psychological Assessment Report in order to</p>

	certify that they are psychologically fit to adopt a child. <input type="checkbox"/> No
--	--

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

19. Applications	
a) To which authority / body in your State does the adoption file of PAPs have to be submitted?	Central Adoption Resource Authority (CARA)
b) Please indicate which documents must be submitted with an application: <i>Please tick all which apply.</i>	<input checked="" type="checkbox"/> An application form for adoption completed by the PAPs <input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority in the receiving State <input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15) <input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents <input checked="" type="checkbox"/> Copies of the PAPs' birth certificates <input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs <input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): <input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): Certificate from a medical practitioner certifying that the prospective adoptive parents do not suffer from any chronic, contagious or fatal disease and they are fit to adopt a child. <input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): Document(s) certifying the annual income of the prospective adoptive parents <input checked="" 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 same

	<input checked="" type="checkbox"/> Proof of no criminal record <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 VII of Adoption Regulations, 2022
c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure? ¹⁷	<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. ¹⁸ 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). <input type="checkbox"/> No
d) Are any <i>additional</i> documents required if PAPs apply through an accredited body? <i>Please tick all which apply.</i>	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (i.e., 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): List of documents required to process adoption cases are mentioned in Schedule VI of the Adoptions Regulations 2022. For inter-country adoptions, PAPs may give power of attorney to the SAA for representing them in the Court for obtaining the Adoption order as per Regulation 18(3) of Adoption Regulations, 2022. <input type="checkbox"/> A contract signed by the accredited body and the PAPs: <input checked="" type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions: For inter-country adoption an undertaking of the Authorised Foreign Adoption

¹⁷ See GGP No 1 (*op. cit.* note 14), paras 4.2.6 and 8.6.6: “independent” and “private” adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention.

¹⁸ See the definitions provided at notes 3 and 7 above.

	<p>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):</p> <p>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 - As per Regulation 16 (16) of Adoption Regulation, 2022.
f) Do any of the required documents need to be legalised or apostilled?	<p><input checked="" type="checkbox"/> Yes, please specify which documents:</p> <p>All the documents are need to be notarised and the signature of the notary has to be apostilled.</p> <p><input type="checkbox"/> No – go to Question 20</p>
<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 Apostille Convention)?</p> <p><i>This information is available on the Status Table for the Apostille Convention (see the Apostille Section of the HCCH website).</i></p>	<p><input checked="" type="checkbox"/> Yes, please specify the date of the entry into force of the Apostille Convention in your State: 01.10.2003</p> <p><input type="checkbox"/> No</p>

20. The report on the child (Art. 16(1)(a))	
a) Who is responsible for preparing the report on the child?	An authorised social worker associated with a Specialized Adoption Agencies (SAAs), Child Care Institution or District Child Protection Unit.
b) Is a “standard form” used for the report on the child?	<p><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, 2022 respectively.</p> <p>Child Study report access link: https://cara.wcd.gov.in/pdf/schedule/2.pdf</p> <p>Medical Examination Report access link: https://cara.wcd.gov.in/pdf/schedule/3.pdf</p> <p><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>

<p>c) Does your State use the “<i>Model Form – Medical Report on the Child</i>” and the “<i>Supplement to the general medical report on the child</i>”?</p> <p><i>See GGP No 1 – Annex 7, available here.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
---	---

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 in the case of Home Study Report.
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>	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	
a) Who is responsible for the matching of the child and the PAPs in your State?	In cases of normal children, the waiting PAPs receive referrals as per their suitability, seniority and standard criteria as provided in Adoption Regulations, 2022. We also encourage adoption of special needs and hard to place children following much flexible criteria. On CARINGS, there is a process of referral followed by reserved and acceptance and matching by the PAPs and on issuance of NOC, the case is filed for adoption order.
b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?	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, Adoption Committee gives final decision in case of each in-country adoption. Appellate authorities are SARA and CARA. In cases of inter-country adoptions, final decision is taken by CARA. This may be mentioned that all these committees are independent bodies.
c) What methodology is used for the matching in your State?	In accordance to the Principle of best interest of the child, referral is given to the PAPs in accordance with Regulation, 16(6) of the Adoption Regulation, 2022 in accordance with the preference selected by the parents

	<p>at the time of registration of their adoption application.</p> <p>The preferences like same origin, region, surrounding and environment are taken into consideration.</p> <p>The Regulation 16(6) states that the profiles of two children, in one or two referrals with one month interval between two consecutive referrals, shall be forwarded through the Designated Portal to the Authorised Foreign Adoption Agency or Central Authority or Government department or Indian diplomatic mission, as the case may be, which may further forward such profiles to the prospective adoptive parents concerned as per local rules: Provided that in case of the non-resident Indian and Overseas Citizen of India Cardholder prospective adoptive parents, the number of referrals shall be as that of resident Indians.</p> <p>Also, the younger children have a chance to be placed with younger parents and older children with older parents, as the case maybe.</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><input checked="" type="checkbox"/> Yes, please specify:</p> <p>Section 59(2) of the JJ Act, 2015 gives priority to NRI's and OCI's in Inter-Country adoptions.</p> <p>Further, Non-resident Indian and Overseas Citizen of India Cardholder to be treated at par with resident Indian and hence, are preferred for child referral as per Regulation 15 of The Adoption Regulations, 2022 .</p> <p><input type="checkbox"/> No</p>
e) Who is responsible for notifying the receiving State of the matching?	Central Adoption Resource Authority (CARA).
f) How does your State ensure that the prohibition on contact in Article 29 is respected?	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 of the convention.
22.2 Acceptance of the match	
a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?	<p><input checked="" type="checkbox"/> Yes, please provide details of the required procedure: Yes. CARA requires Certificate as per Article 5 or 17 of the convention(No Objection Certificate) from the receiving country. Thereafter, the CARA approves the matching after the PAPs have reserved and accepted the child.</p> <p><input type="checkbox"/> No</p>
b) How much time is the receiving State given to decide whether to accept a	30 days as per Regulation 16(12) of the Adoption Regulation, 2022.

match?	
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 prospective adoptive parents shall be relegated to the bottom of the list in case PAPs refuse to accept the child reserved. Also, in case PAPs fail to reserve a child from their stipulated number of referrals (three referrals for RI/NRI/OCIs PAPs and two referrals for Foreign PAPs) their registration stands cancelled and they have to re-register after a year.
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 (CARA).
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 State¹⁹	
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: - At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: As per Reg. 17(2&3) of Adoption Regulation, 2022- (2)-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 the Authority while the adoption order is pending, by furnishing an undertaking to

¹⁹

See GGP No 1 (*op. cit.* note 14), Chapter 7.4.10.

	<p>the Specialised Adoption Agency in the format provided in the Schedule VIII.</p> <p>(3)-The prospective adoptive parents shall receive final custody of the child from the Specialised Adoption Agency as soon as the passport and visa are issued to the child after issuance of adoption order from the District Magistrate.</p> <ul style="list-style-type: none"> - How many trips are required to complete the intercountry adoption procedure: - How long the PAPs need to stay for each trip: - Any other conditions: <p><input type="checkbox"/> No</p>
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?	<p><input type="checkbox"/> Yes, please specify in which circumstances:</p> <p><input checked="" type="checkbox"/> No</p>

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 adoption order is pending, by furnishing an undertaking to the Specialised Adoption Agency in the format at Schedule VIII of the Adoption Regulations 2022.</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 (Amended Act 2021).</p>

26. Transfer of the child to the receiving State (Arts 5(c) and 18)	
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)?	No Objection Certificate, Adoption Order, Conformity Certificate (Article 23) Passport, Visa and exit permit
<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</p> <p>Adoption order by DM</p> <p>Passport - Regional Passport office.</p> <p>Exit Permit- Foreigners Regional Registration Office</p>
c) Other than the issuance of the	<input type="checkbox"/> Yes, please specify:

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?	<input checked="" type="checkbox"/> No
---	--

27. Final adoption decision and the Article 23 certificate	
a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?	<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>
b) Following the making of the final adoption decision in the receiving State: (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)? (ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?	(i) No (ii) CARA <u>Go to Question 28</u>
c) If the final adoption decision is made in your State, which competent authority: (i) Makes the adoption decision; and (ii) Issues the certificate under Article 23 of the 1993 Adoption Convention? <i>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 Adoption Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.</i> <i>The answer to (ii) above should therefore be available on the Status Table for the 1993 Adoption Convention (under "Authorities"), available on the Adoption Section of the HCCH website.</i>	(i) The Adoption order is issued by the District Magistrate where the child is located. (ii) Central Adoption Resource Authority (CARA).
d) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"? <i>See GGP No 1 – Annex 7, available here.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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	This certificate is issued within three days on receiving of adoption order from the DM. Certificate is issued to the foreign accredited body and the central authority by CARA.

always given to the PAPs? Is a copy sent to the Central Authority in the receiving State?	
---	--

28. Duration of the intercountry adoption procedure	
<p>Where possible, please indicate the average time which it takes to:</p> <ul style="list-style-type: none"> (i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption; (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; (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). 	<ul style="list-style-type: none"> (i) After a child is declared legally free for adoption, preference shall be given to place the child in adoption with Indian citizens with due regard to the principle of placement of the child in their own socio-cultural environment, as far as possible but if not adopted within 60 days, the child will be referred to inter-country parents. (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. (iii) 2-6 months from filing of the petition in the court.

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.</p> <p>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><i>Section 2(52) of the Juvenile Justice Act, 2015 defines : "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"</i></p> <p>Section 60 of the JJ Act, 2015 deals with "intra-family intercountry adoption" (inter-country relative adoption) and states,</p> <p><i>(1) A relative living abroad, who intends to adopt a child from his relative in India shall obtain an order from the court and apply for no objection certificate from Authority, in the manner as provided in the adoption regulations framed by the Authority.</i></p> <p><i>(2) The Authority shall on receipt of the order under sub-section (1) and the application from either the biological parents or from the adoptive parents, issue no objection certificate under intimation to the immigration authority of India and of the receiving country of the child.</i></p> <p><i>(3) The adoptive parents shall, after receiving no objection certificate under sub-section (2), receive the child from the biological parents and shall facilitate the contact of the adopted child with his siblings and biological parents from time</i></p>

	<p><i>to time.</i></p> <p>Detailed procedure has been laid down in Regulations 55, 56 and 57 of the Adoption Regulations, 2022</p>
<p>b) Does your State apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions?</p> <p><i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Adoption 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: Regulations 56 to 59 of the Adoption regulations, 2022 lay down the detailed procedure of intra-family intercountry adoptions</p> <p>. 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) YES</p> <p>(ii) YES</p> <p>(iii) Home Study Report 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. Consent is required from the child, if the child is above 5 years of age. Also, single male can not adopt a female child, even in relative adoption.</p>

PART VIII: SIMPLE AND FULL ADOPTION²⁰

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 20 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 20 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>

²⁰

According to the 1993 Adoption 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 (*op. cit.* note 14), Chapter 8.8.8.

<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)²¹ 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>
<p>d) How does your State respond to requests from receiving States to obtain the consent(s) of a child’s birth mother / family²² 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?</p>	<p>N.A</p>

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	
<p>a) Which authority is responsible for preserving information concerning the child’s origins, as required by Article 30?</p>	<p>Primarily, Specialized Adoption Agency (SAA)/ Child Care Institution(CCI)/District Child Protection Unit(DCPU) is responsible for preservation of information related to a child's origin. However such information is also preserved by Child Welfare Committee concerned.</p> <p>Further, Child Adoption Resource Information and Guidance System (CARINGS) is a web portal of the Authority which captures all information related to Child and the PAPs. Being a secured portal, information related to child and adoptive parents cannot be accessed by general public.</p>
<p>b) For how long is the information concerning the child’s origins preserved?</p>	<p>At present, it is not defined.</p>
<p>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:</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: As per the provision mentioned in Regulation 47 of the Adoption regulations, 2022 <i>In cases of root search by older</i></p>

²¹ Or other person(s) whose consent to the adoption is required under Art. 4 (c) and (d) of the 1993 Adoption Convention.
²² *Ibid.*

<p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parents;</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other persons?</p> <p>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)?</p> <p><i>See Art. 9(a) and (c) and Art. 30.</i></p>	<p><i>adoptees, the agencies or authorities concerned that is Authorised Foreign Adoption Agency, Central Authority, Indian diplomatic mission, Authority, State Adoption Resource Agency or District Child Protection Unit or Specialised Adoption Agency, whenever contacted by any adoptee, shall facilitate their root search.</i></p> <p><input type="checkbox"/> No</p> <p>(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. Regulation 47(3) of the Adoption Regulations, 2022 states that children below eighteen years shall apply jointly with their adoptive parents to the Authority seeking facilitation of root search.</p> <p><input type="checkbox"/> No</p> <p>(iii) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: Through CARINGS and Specialized Adoption Agencies (SAAs)/ Child Care Institution(CCI)/District Child Protection Unit(DCPU)</p> <p><input type="checkbox"/> No</p>
<p>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)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: The provision for Root Search have been provided in Regulation 47 of the Adoption Regulation, 2022.</p> <p><input type="checkbox"/> No</p>

32. Post-adoption reports	
<p>a) Is there a model form which is used by your State for post-adoption reports?</p>	<p><input checked="" type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (<i>e.g.</i>, provide a link or attach a copy): The Inter County post Adoption Follow up Reports should be in accordance to Reg.20 & Schedule XII of Adoption Regulations 2022.</p> <p><input type="checkbox"/> No – in which case, please specify the content expected in a post-adoption report (<i>e.g.</i>, medical information, information about the child’s development, schooling):</p>
<p>b) What are the requirements of your State in relation to post-adoption reports? Please indicate:</p> <p>(i) How frequently such reports should be submitted (<i>e.g.</i>, every year, every two years);</p> <p>(ii) For how long (<i>e.g.</i>, until the child is a certain age);</p> <p>(iii) The language in which the report must be submitted;</p> <p>(iv) Who should write the reports; and</p> <p>(v) Any other requirements.</p>	<p>(i) Six reports in all, 4 quarterly reports in the first year and two six monthly reports in the second year</p> <p>(ii) Two years from the time of placement of the child with the family</p> <p>(iii) English</p> <p>(iv) Social worker (or authorized personnel) of the foreign accredited body</p> <p>(v) The Post Adoption Report should be in accordance with Schedule XII of Adoption Regulations, 2022.</p>
<p>c) What, if any, are the consequences in your State if post-adoption reports are either:</p> <p>(i) Not submitted at all; or</p> <p>(ii) Submitted, but not in accordance with your requirements?</p>	<p>(i) In cases of non-compliances uthorization of the concerned Foreign Accredited Body can be suspended/revoked under regulation 33 (c) of the Adoption Regulation, 2022.</p> <p>(ii) The Central Authority as well as Indian Diplomatic Mission liase with the authorised foreign adoption agency to rectify the report wherever applicable/required. In addition, counselling of PAPs may also be sought, if required as per Regulation 20 (2) and 40 of the Adoption Regulations, 2022.</p>
<p>d) What does your State do with post-adoption reports? (<i>i.e.</i>, to what use are they put?)</p>	<p>Post adoption follow ups reports are analysed by CARA to monitor the progress of adopted child and remedial action can be taken, wherever necessary</p>

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²³

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

33. The costs ²⁴ 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: The inter-country adoption fee structure and their utilisation pattern is provided in the Schedule XV read with regulation 29(1), and 49(1)&(2) of the Adoption Regulations, 2022. <input type="checkbox"/> No
b) Does your State monitor the payment of the costs of intercountry adoption?	<input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: Audit of accounts of National Accredited Bodies (SAAs) is done in accordance to the Regulation 29(3) of the Adoption Regulations, 2022 to monitor the payment of the costs of inter-country adoption. <input type="checkbox"/> No
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? <i>See the “Note on the Financial Aspects of Intercountry Adoption” at para. 86.</i>	<input checked="" type="checkbox"/> Through the accredited body: <input type="checkbox"/> Directly by the PAPs: <input type="checkbox"/> Other (please explain):
d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer? <i>See the “Note on the Financial Aspects of Intercountry Adoption” at para. 85.</i>	<input checked="" type="checkbox"/> Only by bank transfer: <input type="checkbox"/> In cash: <input type="checkbox"/> Other (please explain):
e) Which body / authority in your State receives the payments?	Specialized Adoption Agencies (As specified in regulation 49(2) of the Adoption Regulations, 2022)

²³ See the tools developed by the “Experts’ Group on the Financial Aspects of Intercountry Adoption”, available on the [Adoption Section](#) of the HCCH 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*.

²⁴ See the definition of “costs” provided in the Terminology, *ibid*.

<p>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> <p><i>N.B. Please also ensure that your State has completed the “Tables on the costs associated with intercountry adoption” (see above).</i></p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed:</p> <p><input type="checkbox"/> No</p>
---	---

34. Contributions, co-operation projects and donations ²⁵	
<p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution²⁶ to your State if 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>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> • What type of contribution is required: • Who is responsible for paying it (i.e., 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.e., the Central Authority and / or authorised foreign accredited bodies): • Whether such projects are monitored by an authority / body in your State:

²⁵ See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 23.

²⁶ See further the Terminology, *supra*, note 23, 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 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.

	<ul style="list-style-type: none"> How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <input checked="" type="checkbox"/> No
<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 not 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>	<input type="checkbox"/> Yes – please explain: <ul style="list-style-type: none"> To whom may donations may be made (e.g., to orphanages, other institutions and / or birth families): What donations are used for: Who is permitted to pay donations (e.g., 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: <input checked="" type="checkbox"/> No

35. Improper financial or other gain (Arts 8 and 32)	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	State/Provincial Government and CARA
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; as well as inspection of other authorized agencies by State Government and CARA.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	As per Regulation 26 of the Adoption Regulations, 2022, accreditation to National Accredited Body can be suspended/revoked if Article 8 or 32 is violated.

PART XI: ILLICIT PRACTICES²⁷

²⁷

“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 [Adoption Section](https://www.hcch.net) of the HCCH website < www.hcch.net >).

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. ²⁸	India being a federal country, law and order issues are dealt at the Central as well as at the State level. Actions are initiated by CARA in consultation with the state. The actions include inspections and investigations as per JJ Act, 2015.

37. The abduction, sale of and traffic in children	
<p>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.</p> <p>Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<p>The primary law in India that seeks to prevent the abduction, sale of and traffic in children is Indian Penal Code 1860, (IPC).</p> <p>Besides IPC, 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.</p> <p>The Immoral Traffic (Prevention) Act (ITPA) 1986 or Prevention of Immoral Trafficking Act prohibits trafficking in Human Beings or Persons.</p>
b) Please explain how your State monitors respect for the above laws.	Law and Order is state subject. Hence, state takes appropriate action as per law.
c) If these laws are breached, what sanctions may be applied (e.g., imprisonment, fine, withdrawal of accreditation)?	Law takes its own course of action in case of violation.

38. Private and / or independent adoptions	
<p>Are private and / or independent adoptions permitted in your State?</p> <p><i>N.B. "Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Adoption Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.</i></p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State:</p> <p><input type="checkbox"/> Independent adoptions are permitted – please explain how this term is defined in your State:</p> <p><input checked="" type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted</p>

PART XII: INTERNATIONAL MOBILITY

39. The scope of the 1993 Adoption 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 State²⁹ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p>The procedure for the same is mentioned in Regulation 21 of the Adoption Regulations, 2022. However these 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 Adoption 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 type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p><input checked="" type="checkbox"/> No</p>
<p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 Adoption 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 State³⁰ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p>This would be treated as inter-country adoption and the same procedure has to followed as it has been provided in Regulations 22&23 of Chapter-IV of the Adoption Regulations</p> <p><input type="checkbox"/> No</p>

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION³¹

40. Selection of partners	
<p>a) With which receiving States does your State currently partner on intercountry adoption?</p>	<p>India partners with all Hague ratified countries and few Non-Hague countries for providing adoption related-services, especially for Non-Resident Indians (NRI) and Overseas Citizen of India (OCI) parents through Indian Diplomatic</p>

²⁹ According to the 1993 Adoption 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 (*op. cit.* note 14), Chapter 8.4.

³⁰ According to the 1993 Adoption 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 (*op. cit.* note 14), Chapter 8.4.

³¹ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2 (*op. cit.* note 3), Chapter 3.5.

	Missions under Regulations 45 of the Adoption Regulations, 2022.
<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 Adoption Convention.</p> <p><i>To see which States are Contracting States to the 1993 Adoption Convention, please refer to the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).</i></p>	<p>India partners with all Hague ratified as well as No-Hague ratified countries (Adoption by Indian parents residing in countries which are not signatory to Hague Adoption Convention) for providing adoption related-services through Indian diplomatic missions (IDM).</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 Adoption Convention are complied with in these cases.³²</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 Adoption Convention.</p>
<p>d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State (<i>e.g.</i>, the conclusion of a formal agreement³³ with that receiving State)?</p>	<p><input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities:³⁴ 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 16(1) & 13(2) of the Adoption Regulations, 2022.</p> <p><input type="checkbox"/> No</p>

³² See GGP No 1 (*op. cit.* note 14), 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”.

³³ See note 2 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Adoption Convention.

³⁴ *Ibid.*