

# Standard Operating Procedures for Child Welfare Committee



**Odisha State Child Protection Society(OSCPS)**  
**Women & Child Development Department**  
**Government of Odisha**



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**Disclaimer**

This handbook is meant for reference and should not be used/interpreted as  
an Act or Law

## Foreword

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The Juvenile Justice Act empowers civil society to partner in the Child Welfare Committee as the final authority to dispose off cases for the care, protection, treatment and rehabilitation of children in need of care & protection. This statutory body also ensures provision of basic needs and protects human rights of such children.

To facilitate and ensure effective functioning of the CWCs, the first and second editions of the 'Standard Operating Procedures for Child Welfare Committee' were published by the Odisha State Child Protection Society, Women & Child Development Department in October 2012 and November 2013 respectively. The Standard operating Procedures are an endeavour in knowledge building by the Odisha State Child Protection Society, W & CD Department, Government of Odisha in partnership with UNICEF.

The First and second editions incorporated all guidelines and legislations issued by the MWCD and W & CD Department of Odisha including Protocol for transfer of children, Handing over protocol by the Child Welfare Committees and Role of Child Welfare Committee under the Protection of Children from Sexual offence Act, 2012. In this edition, Guidelines for making the Child Welfare Committee office child friendly, has also been included.

I hope the child friendly procedures, methods and tools detailed in this document will help the Child Welfare Committees and other duty bearers to understand and play their role effectively and implement the provisions of the Act for care, protection and rehabilitation of children.

  
Saswat Mishra

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## **Abbreviations**

CWC	Child Welfare Committee
CNCP	Children in Need of Care & Protection
CCL	Children in Conflict with Law
CrCPC	The Code of Criminal Procedure
CARA	Central Adoption Resource Authority
CCI	Child Care Institution
CLPRE	Child Labour (Prohibition & Regulation) Act
CPP	Child Protection Plan
BPL	Below Poverty Line
DCPC	District Child Protection Committee
DOS	Deed of Surrender
DCPU	District Child Protection Unit
FIR	First Information Report
IPC	Indian Penal Code
ITPC	Immoral Traffic Prevention Act
IGP	Income Generating Schemes
JJ (C&P)A	Juvenile Justice ( Care & Protection of Children) Act
JJB	Juvenile Justice Board
NGO	Non-Governmental Organisation
PO	Probation Officer
POCSO	Protection of Children from Sexual Offences
RIPA	Recognised Indian Placement Agency
SOP	Standard Operating Procedures
SR	State Rules
SARA	State Adoption Resource Agency
SJPU	Special Juvenile Police Unit
SAA	Specialized Adoption Agency
TVM	Television Order Memo
U/S	Under Section
UN	United Nations
VPO	Voluntary Probation Officer
WCD	Women and Child Development



## **Chapter 1: Introduction**

### **1.1 Background**

The Government of India enacted the Juvenile Justice Act in 1986. In 1989 the General Assembly of the United Nations adopted the Convention on the Rights of a Child (UNCRC). India ratified the UNCRC in 1992. The convention outlines the right of the child to reintegration into society without judicial proceedings, where avoidable. Hence in 2000, in order to adhere to the CRC, the old law was replaced by the Juvenile Justice (Care and Protection of Children) Act. The JJ (C&P) Act, 2000 was amended on 23rd August'2006 replacing certain existing provisions and adding some new provisions in the Act. The Ministry of Women and Child Development, Government of India notified the Model Rules, 2007 framed under the amended Juvenile Justice Act in the Gazette on 26th October, 2007. The State Governments/UTs were requested to adopt the Model Rules and effectively implement the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006. The Government of Odisha adopted the State Rules in the year 2009.

The Juvenile Justice (C&P) Act 2000 aims at providing a customized justice delivery mechanism for juveniles in conflict with law and children in need of care and protection. The Act advocates a child friendly approach in the settlement of matters keeping in view the developmental needs of the child. The new JJ (C&P) Act (amended from the 1986 version) has brought about a paradigm shift (welfare to right based) in the approach to juvenile justice. It also ensures the involvement of various stakeholder groups in the process.

The CWCs are the primary body for addressing needs of children in need of care and protection. It is also mandatory to form CWCs under the JJ (C&P) Act in every district of the state. CWCs act as facilitators for all child welfare related activities in the district. The committee plays the role of a watchdog at the district level and ensures that standards of care are maintained in all Child Care Institutions and any incident of exploitation and abuse are also addressed.

The Standard Operating Procedures document is intended to act as a reference book for CWCs and practitioners in the field of child welfare. The SOP document primarily aims at simplifying different sections of the Act and Rules and clearly defining the various procedures that needs to be followed by the CWCs.

### **1.2 Objectives and Contents**

In addition to the above, the handbook has the following objectives-

- ◆ To standardize procedures so that decisions made by the CWC are aligned with the JJ (C&P) Act.
- ◆ This hand-book aims at improving the existing documentation practices of CWCs
- ◆ To initiate the following changes in the existing approach towards Child Welfare:
  - a. Each child is unique and has potential
  - b. Every child should be treated with dignity

- c. A non-discriminatory and non-judgmental approach should be followed while dealing with children.
- d. The child should be involved in the decision making process and should also be informed about matters concerning his welfare
- e. Utmost priority should be given to the needs of the child and orders should be passed accordingly.
- ◆ Promote efforts to replace the existing welfare based approach with a rights based approach towards child welfare.

In addition to standard operating procedures for various categories of CNCs, the SOP document also covers:

- ◆ Various alternative rehabilitation options available to CNC. Various non-institutional and family based forms of care have also been elaborated in the hand book.
- ◆ The handbook provides detailed information on the existing structure and stake holders of the JJ system. Various formats for documentation along with time lines have also been provided in the document.

The SOPs have been developed based on the experience and practices of the CWCs across Odisha and other states.

## **Chapter 2: Key Components of the Juvenile Justice System**

### **2.1 Statutory Bodies**

#### **2.1.1 Child Welfare Committee**

Please refer to succeeding chapter (chapter no.3) for detailed information.

#### **2.1.2 Juvenile Justice Board**

Under Sec 4(1) of the JJ (C&P) Act, it is mandatory for all State Governments to form Juvenile Justice Boards in each district. A Juvenile Justice Board is the competent authority constituted by the State Government for the purpose of dealing with children in conflict with law. JJBs have been formed in all 30 districts of Odisha.

#### **2.1.3 Special Juvenile Police Unit**

Under Sec 63(1 to 3) of the JJ (C&P) Act, one Police Officer in each police station should be declared as the child welfare officer and should be trained on child development and child psychology. SJPU are Police officers who frequently or exclusively deal with juveniles or are primarily engaged in the prevention of juvenile offence or handling of the juveniles or children under this Act. Around 90 police officers have been trained on various children related issues in Odisha.

### **2.2 Support Services**

#### **2.2.1 Children Home**

Under Sec 34(1) of JJ (C&P) Act, the State Government can establish and maintain either by itself or in association with voluntary organisations, children's homes, in every district or group of districts in the state. These homes act as reception centres for children in need of care and protection during the period of inquiry.

If after enquiry, the Child is not suitably rehabilitated or it takes time for rehabilitation, the child may be kept in the institution where he/she was kept before enquiry, till he/she is rehabilitated in true terms. Currently 132 registered (under JJ (C& p) Act) children homes are running in the state.

#### **2.2.2 Shelter Home**

Under Sec 37 (1) of the JJ (C&P) Act, Shelter Homes are short stay homes/drop-in-centres for children needing temporary shelter, care and protection for a maximum period of one year. These homes are essentially transitional homes providing immediate care and protection to a child.

There are 8 homes providing shelter to CNCP in Odisha.

### **2.3 Rehabilitation & Social Reintegration**

Family is the first and best place for the security and development of the child. Non-institutional options like adoption, foster care and sponsorship ensures the right to family of the child.

### **2.3.1 Adoption**

Under Sec 41(1 to 5) of the JJ (C&P) Act, Adoption can be an option for rehabilitation of children, who are orphaned, abandoned, surrendered and have been declared legally free for adoption. The primary aim of adoption is to provide a permanent family for such children.

A number of procedures have to be followed by the CWC for declaring abandoned and surrendered children legally free for adoption. The CARA guidelines apply to all matters of adoption and the Specialized Adoption Agencies are to be recognized as placement centres for children for adoption. CWC's role is very significant in implementing all the required procedures and issuing of respective orders to concerned authorities.

### **2.3.2 Foster care**

Under Sec 42 (1 to 3) of JJ (C&P) Act, Foster Care is another option that can be practiced by CWC wherein a child can be placed in a family for a short term depending upon the need for care and protection and thus provides a nurturing family environment for the child. CWC may place a child in foster care subject to conditions laid down U/S 42 of the JJ (C&P) Act and State Rules 34 (3). Families willing to take a foster child should meet the eligibility criteria for becoming foster parents.

There are two types of foster care practices, such as:

- ♦ Pre adoption foster care: placing a child with the prospective adoptive parents until formal procedures are carried out. This provides an opportunity for the biological parents to reconsider their decision and also on the other hand for the prospective parents to bond with the child.

However foster care may not be ordered for all adoption cases.

- ♦ Foster Care: placing a child who is not legally free for adoption with a family for a period of time according to the need of the child. This helps in reducing institutionalization and provides a family like environment to the child.

Monitoring and Supervision is very important for children who have been given in adoption and also those placed in foster care so as to ensure that the child is cared for, protected and not abused in any way.

### **2.3.3 Sponsorship Programme**

Sponsorship is covered under Sec 43 (1 & 2) of the JJ (C&P) Act. The aim is to provide financial or materialistic support to families, to the Childcare Institution in order to meet the medical, nutritional, educational and any other needs of the children. The Act and the Rules emphasize that the State Government plays a significant role in coordination with CWC, NGO and stakeholders in identifying those children and families who are at risk and provide necessary support to meet the needs of the children. The ultimate benefit of these programmes is to ensure that children are cared for and supported in their families, reduce school drop outs, and prevent child labour.

### **2.3.4 After Care Organisations**

Under Section 44 of the JJ (C&P) Act and State Rule 36, Aftercare can be defined as re-integrative services that prepare children for re-entry into the community by establishing the necessary collaborative arrangements with the community to ensure the delivery of set services and supervision. Children of both

categories (CNCP & CCL) above the age of seventeen can be referred to an After Care organisation managed either by the State Government or voluntary organisation and can stay there till he/she attains the age of twenty.

Purpose and the Functioning of After Care Organisations:

- ◆ For children who do not have the maturity or the essential skills to lead an independent life
- ◆ For children who do not have any safe place or homes to return to after the age of eighteen
- ◆ To prepare institutionalized children in making a smooth transition from an institutional life to an independent life in society
- ◆ To meet their basic needs and provide need based education and voluntary training
- ◆ To assist the children in job placements
- ◆ Counseling is an important and indispensable component in after care organisations

CWC may pass orders under such provisions to send the children to after care organizations after they leave Special Homes, Children Homes as the case may be subject to their age with the reasons to be recorded for the purpose.

## **Chapter 3: Child Welfare Committee at a Glance**

The CWC is an autonomous body declared as the competent authority to deal with CNCP. It is mandatory to form a CWC in every district under section 29 (1) of the JJ (C&P) Act. CWCs are functional in all 30 districts of Odisha.

Under section 29(1) of Juvenile Justice [Care and Protection of Children] Act 2000, each State Government [within a period of one year from commencement of this Act], by official gazette notification should constitute a CWC for every district. In Odisha, CWCs are functional in all 30 districts.

### **3.1 Composition of the Committee**

CWC constitutes of a Chairperson and four other members, one of whom at least should be a woman and another, an expert on matters concerning children.

### **3.2 Selection of the Committee**

The appointment of the Chairperson and the members of the committee will be done based on the recommendations of the State Selection Committee (Sec 29 (2), Rule No. 65). It is imperative that the Chairperson and the members are trained and oriented on all child related issues, welfare, rights and all the national and international standards pertaining to juvenile justice.

### **3.3 Tenure of the Committee**

The Committee shall have a tenure of three years (Sec 29 (3), Rule 24 (4 (i))). The Chairperson and Members of the Committee shall be eligible for appointment for a maximum of two consecutive terms. However, there are provisions in the Act and the Rules for the extension of the tenure of the members based on their performance. The members can also resign before their term expires by giving prior intimation in writing. The vacancies should be filled up with the same selection procedure.

### **3.4 Members' Expertise and Experience**

A person selected as a Chairperson or Member of the Committee shall have either of the following qualifications, in addition to a minimum of seven years experience in their respective field (Rule 24(ii)):

#### **Eligibility criteria for members of Child Welfare Committee**

- ◆ A person with a post graduate degree in social work, psychology, child development, education, sociology, law, criminology and, where such a person is not available, a person with at least a graduate degree in any of the social science disciplines;
- ◆ A teacher, doctor or a social worker who has been involved in work concerning children.
- ◆ The Chairperson or Member of the Committee should be a person not less than 35 years of age.

### 3.5 Functions of Child Welfare Committees

The following functions of the CWC have been laid down in the JJ (C&P) Act and have been elaborated in the State Rules (Rule No. 25 (a)):

- i. Take cognizance of the fact and receive children produced before the Committee;
- ii. Decide on the matters brought before the Committee;
- iii. Reach out to such children in need of care and protection who are not in a position to be produced before the Committee, being in difficult circumstances. The CWC is empowered to suo-moto take action on behalf of such children;
- iv. Conduct necessary inquiry on all issues relating to and affecting the safety and well being of the child (Rule 8(15)) through PO, VPO, recognized agencies);
- v. Direct the Child Welfare Officer or Probation Officer or NGOs to conduct a social inquiry and submit a report to the Committee;
- vi. Ensure necessary care and protection, including immediate shelter;
- vii. Ensure appropriate rehabilitation and restoration, including passing necessary directions to parents or guardians or fit persons or fit institutions in this regard, in addition to follow-up and coordination with District Child Protection Unit or State Adoption Resource Agency and other agencies;
- viii. Conduct a periodic review and follow up on the progress of every child;
- ix. Direct the Officer-in-charge of children's homes to receive children requiring shelter and care;
- x. Document and maintain detailed case record along with a case summary of every case dealt by the Committee;
- xi. Provide a child-friendly environment for children. Orissa State Rule 2002 (Rule 2 (k)) states that 'Child friendly' means any process and interpretation, attitude, environment and treatment, that is humane, considerate and in the interest of the child.

This would mean setting up a work culture which would help the child to feel at ease. For example display of colourful charts, toys or games can help the child feel at ease. Also the CWC members should ensure that they speak in a befitting manner to the child and avoid harsh language or tone.

- xii. Recommend 'fit institutions' to the State Government for the care and protection of children;
- xiii. Declare 'fit person' or 'fit institution' for an individual child;
- xiv. Declare a child legally free for adoption.
- xv. Keep information and take necessary follow-up action in respect of missing children in their jurisdiction
- xvi. Maintain liaison with the JJ Board in respect of cases needing care and protection;
- xvii. Visit institution where children are sent for care and protection or adoption on a periodic basis to

review the condition of children in institutions, with support of the State Government and suggest necessary action;

- xviii. Monitor associations and agencies within their jurisdiction that deal with children in order to curb the exploitation and abuse of children;
- xix. Co-ordinate with the Police, Labour Department, Department of Social Welfare, Education Department, NGOs and other agencies involved in the care and protection of children with the support of District and State DWCD machinery;
- xx. Liaison and network with the corporate sector and non-governmental organisations for any of the above, including social inquiry, restoration and rehabilitation.
- xxi. Maintain a suggestion box to encourage inputs from children and adults and take necessary action.

The committee should also maintain a resource directory of NGOs, shelter homes, hospitals, rehabilitation centres, counseling centres/counselors, and interpreters whose services could be accessed or to which children could be referred to by the members.

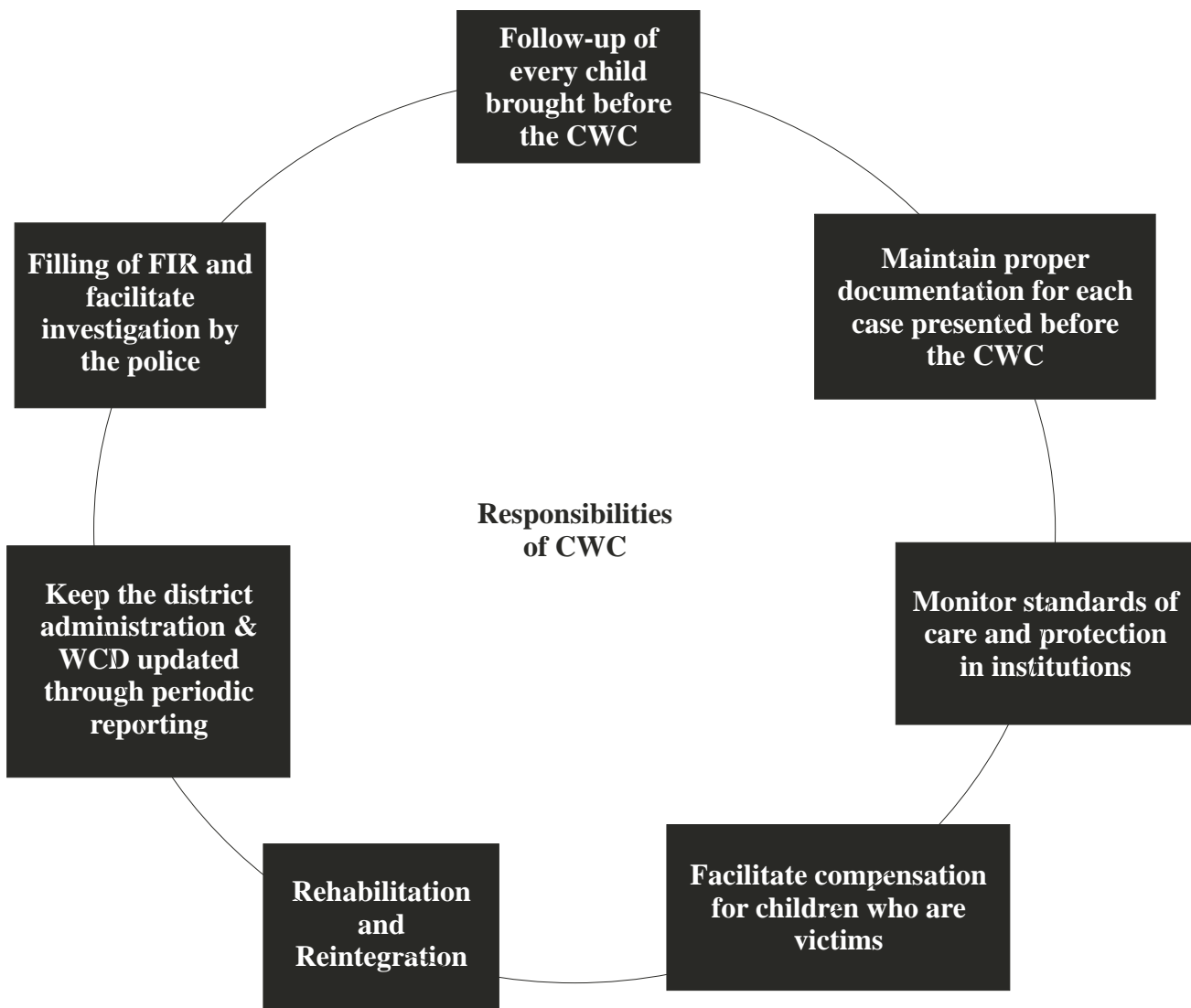
### **3.6 Powers of CWC**

The JJ (C&P) Act states that the CWCs shall function as Bench of magistrates and shall have the powers conferred by the Code of Criminal Procedure, 1973(2of1974)on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class (Section 29 (5) of the JJ (C&P) Act):

- i. Section 31 of the JJ (C&P) Act clearly states that the Committee shall have the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human rights. The CWC has the following powers :
  - a. The Committee can compel the production of child in need of care and protection suo-motoi.e. on its own accord ( State Rule 27 (3), Sec 54 JJ (C&P) Act, R/W 251-259 of CrCPC)
  - b. It is important to note that even though the CWC members function as a bench of magistrates they usually exercise civil functions. Therefore they have very few powers with respect to unlawful aspects The powers with respect to unlawful aspects are:
    - o Taking evidence of the child, that is the child's statements.
    - o Issuing of summons
    - o Execution of various bonds
- ii. The CWC constituted for a district will have the power to deal exclusively with all proceedings under the Act relating to children in need of care and protection found in their jurisdiction. (Section 31 of JJ (C&P) ACT).
- iii. Further the CWC can prohibit the publication in print or visual media of the name, address, school or any other particulars related to the identification of the child or publish a picture if any such child except when its opinion such disclosure would be in the interest of the child. In case of violation of procedure under Section 21 of the JJ (C&P) Act, the CWC shall implement such provision in writing

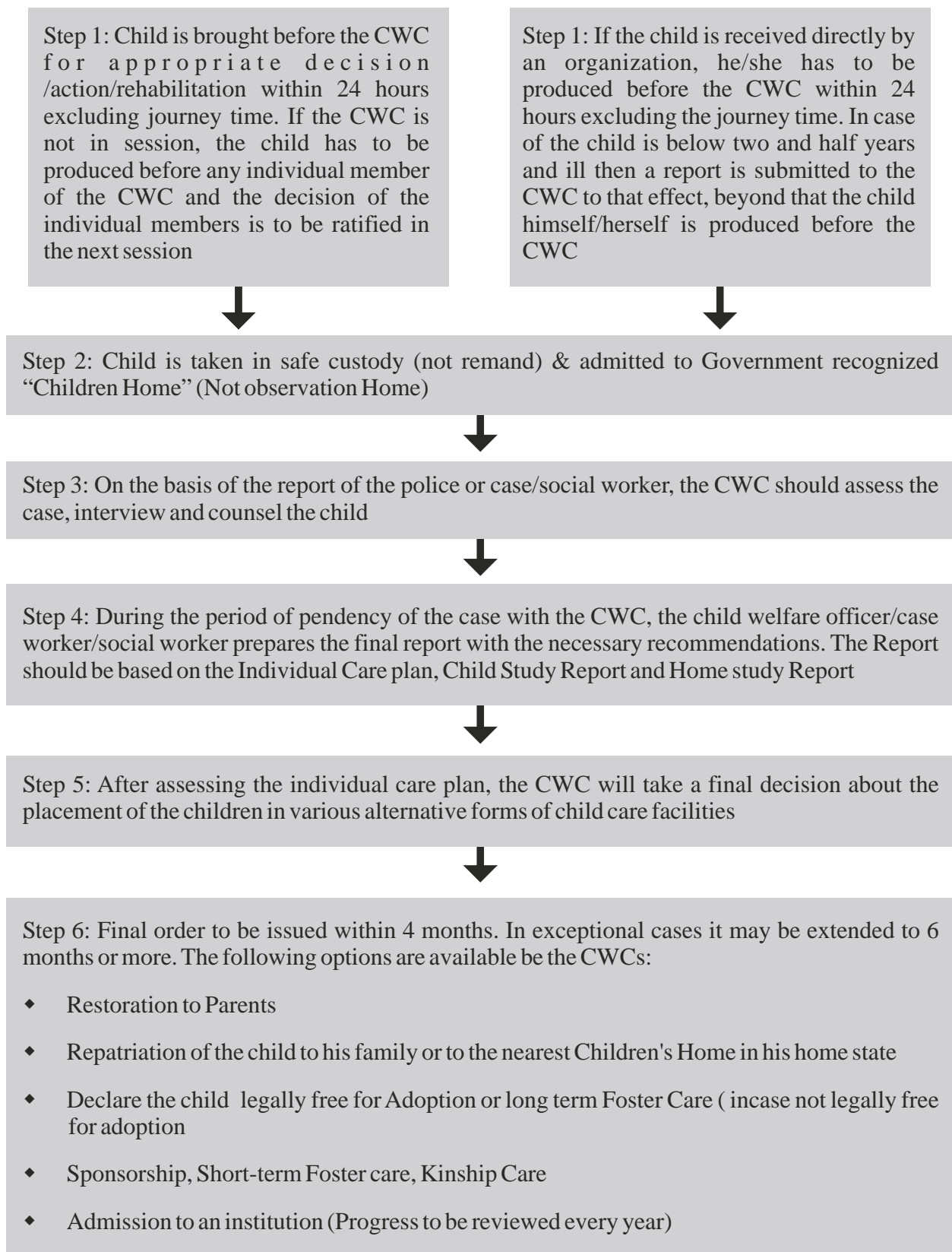


### 3.7 Responsibilities of CWC



**In addition to this the CWC members as a principle should maintain confidentiality at all times and also try to opt for institutionalisation as a last resort for children in need of care and protection.**

## 2.8 Procedures/Steps followed by CWCs



## 2.9 Standard Operating Procedure Matrix for Children in Need of Care and Protection

Sl. No	Category of Children	Rescue, Apprehending & Production	Ensure Safety	Enquiry	Restoration, Rehabilitation & Social Integration	Unique circumstances
1)	<b>Abandoned Child</b>	<ul style="list-style-type: none"> <li>✓ Police, Citizens, Child-line, Hospital, CCI, NGOs</li> <li>✓ Should be placed within 24 hrs before CWC</li> </ul>	<ul style="list-style-type: none"> <li>✓ Admit to nearest home</li> </ul>	<ul style="list-style-type: none"> <li>✓ Police Diary/FIR</li> <li>✓ Newspaper advertisement</li> <li>✓ TVM</li> <li>✓ Order to SJPU/PO/N</li> <li>GO to escort child and verify information, if whereabouts available</li> </ul>	<ul style="list-style-type: none"> <li>✓ If parents found during ...</li> <li>✓ If parents are fit and willing, handover child</li> <li>✓ Verify birth certificate/school leaving certificate/family photographs/call to local authorities of the parents city/village</li> </ul>	<ul style="list-style-type: none"> <li>✓ If parents are not willing to take custody – counseling for parents and place child in CCI</li> <li>✓ If child does not have a claimant – start adoption related formalities</li> <li>✓ Repatriation to other state/country – contact CWC of that area and keep WCD department in the loop</li> </ul>
2)	<b>Surrendered Child</b>	<ul style="list-style-type: none"> <li>✓ Parents</li> <li>✓ Biological Mother</li> <li>✓ Guardian</li> </ul>			<ul style="list-style-type: none"> <li>✓ Counseling of parents/guardian</li> <li>✓ Give time for consideration</li> <li>✓ If willing to keep child facilitate linkage with various IGP schemes, welfare programmes, sponsorship</li> <li>✓ If not, process DOS</li> <li>✓ Issue final order and place the child in a SAA for adoption ( post 60 days of DOS)</li> </ul>	

3)	Missing /Runaway Children	<ul style="list-style-type: none"> <li>✓ Police, Citizens, Child-line, Hospital, CCI, NGOs</li> <li>✓ Should be placed within 24 hrs before CWC</li> </ul>	<ul style="list-style-type: none"> <li>✓ Admit to nearest home</li> </ul>	<ul style="list-style-type: none"> <li>✓ Police</li> <li>✓ Diary/FIR</li> <li>✓ Newspaper advertisement</li> <li>✓ TVM</li> <li>✓ Order to SJPU/PO/NGO to escort child and verify information, if whereabouts available</li> </ul>	<ul style="list-style-type: none"> <li>✓ If parents found during enquiry,</li> <li>✓ If parents are fit and willing, handover child</li> <li>✓ Verify birth certificate/school leaving certificate/family photographs/call to local authorities of the parents city/village</li> </ul>	<ul style="list-style-type: none"> <li>✓ If parents are not willing to take custody – counseling for parents and place child in CCI</li> <li>✓ If child does not have a claimant – start adoption related formalities</li> <li>✓ Repatriation to other state/country – contact CWC of that area and keep WCD department in the loop</li> <li>✓ If runaway from CCI – initiate inquiry and submit report to WCD. Also report matter to police.</li> </ul>
4)	Child with Special Needs (Mental & Physical)	<ul style="list-style-type: none"> <li>✓ Police, Citizens, Child-line, Hospital, CCI, NGOs</li> <li>✓ Should be placed within 24 hrs before CWC</li> </ul>	<ul style="list-style-type: none"> <li>✓ Admit to nearest home</li> <li>✓ Ensure that the child gets medical facilities</li> </ul>	<ul style="list-style-type: none"> <li>✓ Police</li> <li>✓ Diary/FIR</li> <li>✓ Newspaper advertisement</li> <li>✓ TVM</li> <li>✓ Order to SJPU/PO/N GO to escort child and verify information, if whereabouts available</li> </ul>	<ul style="list-style-type: none"> <li>✓ If parents found during enquiry, assess parent's fitness.</li> <li>✓ If parents are fit and willing handover child after proper counseling</li> <li>✓ If parents are not found, transfer to a fit institution that offers long term care.</li> <li>✓ Foster care, Sponsorship, Adoption can also be explored.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Staff and children in CCI to be sensitized on child's needs</li> <li>✓ Individual care and rehabilitation plan</li> <li>✓ Special educators, Occupational Therapists etc.</li> <li>✓ Required aids and appliances for the child</li> </ul>

5)	<b>Child Victim of Abuse</b>	<ul style="list-style-type: none"> <li>✓ Determine abuser by talking to the child</li> <li>✓ Lodge FIR</li> <li>✓ Medical</li> <li>Report of the Child</li> </ul>	<ul style="list-style-type: none"> <li>✓ Professional Counseling</li> <li>✓ Medical Attention</li> <li>✓ Admit to CCI, increase child has no adult supervision /abuser is part of the family</li> </ul>			<ul style="list-style-type: none"> <li>✓ If child abused in institutional care –</li> <li>✓ Inform the police</li> <li>✓ Medical attention</li> <li>✓ Counseling and other assistance</li> <li>✓ Transfer to another institution</li> <li>✓ Sensitize staff of CCIs and improve jurisdiction</li> </ul>
6)	<b>Child victim of trafficking</b>	<ul style="list-style-type: none"> <li>✓ Rescue of victims by police</li> <li>✓ Age verification and if minor, produce before CWC</li> </ul>	<ul style="list-style-type: none"> <li>✓ Take to CCI</li> <li>✓ Ensure no contact with traffickers</li> </ul>	<ul style="list-style-type: none"> <li>✓ Detailed physical examination within 24 hours (HIV testing with consent)</li> <li>✓ Cooperate with police</li> </ul>	<ul style="list-style-type: none"> <li>✓ Consult child on rehabilitation</li> <li>✓ Draw long term rehabilitation plan</li> <li>✓ Transfer child near to his/her native place</li> </ul>	
7)	<b>Working Child/Child Labour</b>	<ul style="list-style-type: none"> <li>✓ Police, Citizens, Child-line, Hospital, CCI, NGOs</li> </ul>	<ul style="list-style-type: none"> <li>✓ Place in nearest shelter home</li> </ul>	<ul style="list-style-type: none"> <li>✓ Determine age</li> <li>✓ Clinical care</li> <li>✓ Cooperate with police for legal proceedings</li> </ul>	<ul style="list-style-type: none"> <li>✓ Ensure individual care plan based on home enquiry</li> <li>✓ Counseling, education, recreation</li> <li>✓ Repatriation and Reintegration with biological family depending on the willingness of the child and parents ( also fitness of the parents)</li> <li>✓ Follow-up</li> </ul>	<ul style="list-style-type: none"> <li>✓ Repatriation to other state/country – contact CWC of that area and keep WCD department in the loop</li> <li>✓ Secure Rescue certificate from Labour department</li> </ul>

8)	Children affected by HIV/AIDS	<ul style="list-style-type: none"> <li>✓ Police, Citizens, Child-line, Hospital, CCI, NGOs, Parents, Child himself/herself</li> </ul>	<ul style="list-style-type: none"> <li>✓ If parents alive/around, meet them</li> <li>✓ Medical report of child</li> <li>✓ Maintain confidentiality</li> <li>✓ If parents dead, procedure for orphaned children to be followed</li> </ul>	<ul style="list-style-type: none"> <li>✓ A Home Enquiry report by PO</li> </ul>	<ul style="list-style-type: none"> <li>✓ If family is not in a position to take care of child, the child can be admitted to a CCI</li> <li>✓ CCI should have facilities for HIC children</li> <li>✓ If parents are willing, provide them support to take care of the child</li> </ul>	
9)	Child Beggars	<ul style="list-style-type: none"> <li>✓ Rescue of victims by police, concerned citizens etc.</li> <li>✓ Age verification</li> <li>✓ Medical attention</li> </ul>	<ul style="list-style-type: none"> <li>✓ Take to CCI</li> </ul>	<ul style="list-style-type: none"> <li>✓ Enquiry report by PO</li> <li>✓ File charges through police</li> <li>✓ If parents found and if willing and fit individuals, handover child.</li> <li>✓ If parents not found during enquiry then follow procedures for missing child.</li> <li>✓ If child is begging for survival, then assess whether street child or abandoned child and</li> </ul>	<ul style="list-style-type: none"> <li>✓ Consult child on rehabilitation</li> <li>✓ Draw long term rehabilitation plan</li> <li>✓ Transfer child to a CCI near to his/her native place</li> <li>✓ Follow-up</li> </ul>	<ul style="list-style-type: none"> <li>✓ Repatriation to other state/country – contact CWC of that area and keep WCD department in the loop</li> </ul>

10)	Children of Unfit Parents	<ul style="list-style-type: none"> <li>✓ In case child produced by parents, counsel parents</li> <li>✓ If brought by others, meet parents</li> </ul>	<ul style="list-style-type: none"> <li>✓ Place child in CCI with age and gender appropriate facilities</li> </ul>	<ul style="list-style-type: none"> <li>✓ Ask for a home enquiry report from PO/VPO</li> </ul>	<ul style="list-style-type: none"> <li>✓ Parents to apply to CWC with reasons</li> <li>✓ Offer to provide support to parents to keep the child in the family</li> <li>✓ If not alternative look at other support systems like foster care, CCI etc.</li> <li>✓ Parents to visit child once a month to maintain a close relationship</li> <li>✓ Follow-up every year</li> <li>✓ Continuous support to the family to become fit.</li> </ul>	
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## **Chapter 4: Children in Need of Care and Protection**

The Juvenile Justice System recognizes every human being below the age of 18 years of age as a child. The various categories of Children in Need of Care and Protection given below have been derived from Chapter 1, Section 2 (d) of the JJ (C&P) Act:

### Children in Need of Care and Protection

- i. Children without parental care/adult support
- ii. Abandoned children
- iii. Surrendered children
- iv. Missing/runaway children
- v. Street child
- vi. Working child
- vii. Child beggars
- viii. Trafficked Victim
- ix. Differently-abled children
- x. Emotionally disturbed child
- xi. Children affected by HIV/AIDS
- xii. Children in conflict with law
- xiii. Physically, mentally and sexually abused children
- xiv. Children of disturbed families
- xv. Children affected by natural or manmade disasters
- xvi. Children affected by armed conflict
- xvii. Refugee children
- xviii. Children involved in commercial sex work
- xix. Children of commercial sex workers
- xx. Children of prisoners
- xxi. Children with terminal diseases
- xxii. Children inducted into drug abuse

The above mentioned twenty two categories may overlap. For example children who are into drug abuse are also in conflict with law. Children of disturbed families might be emotionally disturbed also. Similarly



a number of overlaps can be found across all the categories. Hence, the CWC will have to examine all the dimensions of each case presented before it.

The CWC should work in convergence with the Police, Labour Department etc. and call upon them to make use of the provisions under other specific legislations (CLPRE, ITPC, CrPc, and IPC) to offer protection to children in a wider sense

#### **4.1 Abandoned Child**

The section covers procedures to be followed when an abandoned child is produced before the Child Welfare Committee.

##### **4.1.1 Apprehending and Production**

An abandoned child is generally apprehended by the police, aware citizens, child-line, hospital authorities, children homes, and NGO representatives and brought to the notice of CWC.

The child should be produced before CWC within 24 hours (Section 32 (1), JJ (C&P) Act) excluding the travel hours. In case the child is unwell or hospitalized, relaxation can be granted with due information to CWC.

##### **4.1.2 Enquiry**

If the child is not brought by police (SJPU), then the CWC needs to first verify if an FIR or missing complaint exists for the child. If not, then the CWC needs to ensure that a Police diary (within 24 hrs) with a photograph of the child is maintained at the nearest police station in order to trace the child's parents or relatives.

To trace the family of the child, wireless messages should be sent to all the police stations, missing children's bureau etc. The photograph of the child must be published in at least one leading local and national newspaper. The CWC should also order a Television Order Memo (TVM) for police to advertise the abandoned child over the TV mass media. All these efforts should be in local language and concentrated in and around the local area and home state. Announcements should immediately be made at the place where the child has been located e.g. at railway stations as well as in religious places like temples, mosques etc. This should be done urgently, within a week, as the family is likely to be looking for the child.

##### **4.1.3 Ensure Safety of the Child**

The child should be admitted to the nearest children's home. In case the child is able to indicate his/her place of residence or provide some clue about the place of residence or parents:

- ♦ CWC can issue an order to SJPU / POs / NGOs /to verify the information.
- ♦ CWC can issue an order to SJPU/PO/NGO to escort the child to his place of residence and verify the information.

##### **4.1.4 Restoration**

- ♦ During the process of inquiry, if the parents are traced, the CWC shall give summons to them to appear before the CWC within a week.

#### **Definition of an Abandoned Child**

An abandoned child refers to a child left alone for an extended period of time in a public or private setting with the intent to dispose of the child. The parents of abandoned children choose to willfully withhold physical, emotional, and financial support from the minor children.

- ◆ The CWC will try and understand the causes for which the child was abandoned and assess whether the parents are fit to take responsibility of the child and if so, the parents/extended family will be counseled to assume responsibility of the child.
- ◆ CWC should assess the case based on the documents produced by the claimants, the report of the police and the report of the PO recommending restoration of the child to the claimants. Based on this assessment, the committee should decide whether the parents/guardians are fit to look after the child. If the parents and guardians are found to be fit individuals, then the CWC can pass an order that they find the parents/guardian fit and handover the child to the parents/guardians (JJ (C&P) Act 39-3(a)). The parents/relatives/guardians have to sign an undertaking in Form-IX outlining their responsibility as parents.

#### **4.1.5 Documents for Verification**

- i. Birth certificate of the child, his/her school leaving certificate, and family photographs (if available).
- ii. CWC should cross question the parents and verify using different means to establish the authenticity of the parents such as a telephonic call to the Sarpanch of the village etc.

#### **4.1.6 Unique Circumstances**

##### **If parents are not willing to take custody of the child**

In case during the process of interaction, the CWC establishes that there is substantial evidence indicating that the parents/claimants are not fit individuals or unwilling to take responsibility of the child, the CWC can order to house the child in the Children's Home for not more than one year. The CWC should clearly indicate the reasons for the decision such as care, treatment, education and rehabilitation. The CWC should recommend counseling or other support services for the parents so that their capacities are enhanced to take care of the child and the child can be reintegrated with the family in the shortest possible time.

##### **If the child does not have a claimant**

If parent/parents fail to respond to the advertisement issued in the regional and national newspaper, the TV announcements or are not located through the police or NGO missing person links, the CWC shall come to the conclusion that the child has been abandoned by the parents.

Once the CWC is satisfied that all possible efforts have been made to locate the parents/guardians, the CWC can declare the child legally free for adoption, and place the child in a Children's Home which is licensed for adoption (SAA).

##### **Repatriation for abandoned child from another State or Country**

If the child's residence is in a different state/country then after verification of the information given by the child, the nodal department of the State will be informed of the details given by the Child. CWC can send the child to the CWC of the district nearest to the child's home in the other state, with intimation to the nodal department (DWCD). The procedures related to transfer will have to be followed.

## 4.2 Surrendered Child

### 4.2.1 Production

In the case of a surrendered child the biological mother /parents come to an institution or come directly to the CWC and want to surrender the child.

### 4.2.2 Counseling

The CWC will interact with the biological mother/ parents and assess the reasons because of which the mother/parents want relinquish the child.

The following three major reasons are usually cited in such cases:

1. Social stigma.
2. The parents are unable to take care of the child owing to some crisis in the family or one of the parents is dead or absconding.
3. The child is a victim of some special circumstances (Physically, mentally challenged, affected by congenial or terminal illness, affected by HIV/AIDS) and parents are unable to take care of the child.

In all such cases the CWC will inform the parents about the different schemes (sponsorship, short term institutional care, IGP schemes and welfare schemes of the government) that the family can avail if they are willing to keep the child.

CWC may refer her/them to DCPC/any local recognized child care institution for professional counseling to strengthen their coping capacities to deal with the situation. CWCs should give the parents some time to consider various options.

### 4.2.3 Deed of Surrender (DOS)

The deed of surrender (DOS) has to be signed before the committee. The interim order passed by the members present, must be ratified in the next sitting.

Documents to be attached with the DOS.

- ◆ In case of a married couple then the certificate of marriage, if available.
- ◆ The birth certificate of the child, if available.
- ◆ Ration card, Electric bill, BPL card
- ◆ Statement of the biological mother for surrendering the child

A Surrendered Child is a child who is “given up or given away” on account of physical, emotional and social factors beyond the control of the biological parent. Some of the situations which lead to a surrendered child are:

- ◆ born as a consequence of a non-consensual relationship;
- ◆ born of an unwed mother or out of wedlock;
- ◆ one of the biological parents is dead and the living parent is incapacitated to take care; or both the parents are dead

a child where the parents or guardians are compelled to relinquish him/her due to physical, emotional, economical and social factors beyond their control.

#### 4.2.4 Final Order

The order for surrender by CWC is noted at the end of the surrender deed. It must contain the following facts and documents:

- i. Original surrender document in prescribed format.
- ii. Interview of the parents by CWC.
- iii. Statement of the biological mother for surrendering the child.

The order must state that due to completion of all these processes, the child was given an admission order to the Specialized Adoption Agency (SAA) and the NGO (adoption agency) is asked to commence the enquiry in Form XIII.

#### **If within 60 days, the mother comes back to claim the child:**

- ◆ CWC must carefully examine the reasons because of which the minor mother has changed her mind and whether there are vested interests at play, compelling her to take back the child. (It could be persons involved in illegal sale of children etc).
- ◆ The CWC should ask the PO to enquire into all facts of the case especially verify if the parent/s is/are capable of taking care of the child.
- ◆ After receipt of a satisfactory report, the child can be handed over to the parent/s, after execution of a bond by all parties (minor mother, her parent/guardians and NGO involved at the time of surrender of the child).

### 4.3 Missing or Runaway Child

#### 4.3.1 Production

A missing/runaway child is usually apprehended by the police, concerned citizen/s, child-line, hospital authorities, NGO representatives and brought to the notice of CWC.

The child should be produced before CWC within 24 hours (Section 32 (1), JJ (C&P) Act) excluding the travel hours. In case the child is unwell or hospitalized, relaxation can be granted with due information to CWC.

#### 4.3.2 Ensure Safety

The child should be admitted to the nearest shelter home for temporary care and treatment. In case the child is able to indicate his/her place of residence or provide some clue about the place of residence or parents:

- ◆ CWC can issue an order to SJPU / POs / NGOs /to verify the information.
- ◆ CWC can issue an order to SJPU/PO/NGO to escort the child to his place of residence and verify the information.

#### Missing Child

A child found without any adult accompanying him/her. A missing child is usually unable to express verbally or non-verbally his/her whereabouts and whose parents cannot be located.

### **4.3.3 Enquiry**

If the child is not brought by police (SJPU), then the CWC needs to first verify if an FIR or missing complaint exists for the child. If not, then the CWC needs to ensure that a Police diary (within 24 hrs) with a photograph of the child is maintained at the nearest police station in order to trace the child's parents or relatives.

To trace the family of the child, wireless messages should be sent to all the police stations, missing children's bureau etc. The photograph of the child must be published in at least one leading local and national newspaper. The CWC should also order a Television Order Memo (TVM) for police to advertise the abandoned child over the TV mass media. All these efforts should be in local language and concentrated in and around the local area and home state. Announcements should immediately be made at the place where the child has been located e.g. at railway stations as well as in religious places like temples, mosques etc. This should be done urgently, within a week, as the family is likely to be looking for the child especially if the child is a runaway child or missing child.

### **4.3.4 Restoration**

- ◆ During the process of inquiry, if the parents are traced, the CWC shall give summons to them to appear before the CWC within a week.
- ◆ The CWC will try and understand the causes for which the child was abandoned and assess whether the parents are fit to take responsibility of the child and if so, the parents/extended family will be counseled to assume responsibility of the child.
- ◆ CWC should assess the case based on the documents produced by the claimants, the report of the police and the report of the PO recommending restoration of the child to the claimants. Based on this assessment, the committee should decide whether the parents/guardians are fit to look after the child. If the parents and guardians are found to be fit individuals, then the CWC can pass an order that they find the parents/guardian fit and handover the child to the parents/guardians (JJ (C&P) Act 39-3(a)). The parents/relatives/guardians have to sign an undertaking in Form-IX outlining their responsibility as parents.

### **4.3.5 Documents of verification**

- i. Birth certificate of the child, his/her school leaving certificate, and family photographs (if available).
- ii. CWC should cross question the parents and verify using different means to establish the authenticity of the parents such as a telephonic call to the Sarpanch of the village etc.

### **4.3.6 Unique Circumstances**

#### **If parents are not willing to take custody of the child**

In case during the process of interaction, the CWC establishes that there is substantial evidence indicating that the parents/claimants are not fit individuals or unwilling to take responsibility of the child, the CWC can order to house the child in the Children's Home for not more than one year. The CWC should clearly indicate the reasons for the decision such as care, treatment, education and rehabilitation. The CWC should recommend counseling or other support services for the parents so that their capacities are

enhanced to take care of the child and the child can be reintegrated with the family in the shortest possible time.

The CWC should review the decision of institutionalization of the child at least once in a year instructing the institutions to prepare the Individual Care Plan for each child. Each procedure should be recorded in writing.

#### **If the child does not have a claimant**

If parent/parents fail to respond to the advertisement issued in the regional and national newspaper, the TV announcements or are not located through the police or NGO missing person links, the CWC shall come to the conclusion that the child has been abandoned by the parents.

Once the CWC is satisfied that all possible efforts have been made to locate the parents/guardians, the CWC can declare the child legally free for adoption, and place the child in a Children's Home which is licensed for adoption (SAA).

#### **Procedure to be followed for a child missing/run away from an institution**

If a child is missing from an institution, the institution shall inform the CWC. CWC will initiate an inquiry into the matter and as part of the inquiry take the statements of the institution staff and other children to understand the circumstances, reasons and details of the child's escape. CWC will submit the report to the Commissioner, WCD and SCPS. The CWC will also ensure that the matter has been reported to the police. In case the child has escaped from an institution and the child is found or returns back, the CWC shall be informed and the Superintendent of the institution shall send a report of the return of the child to the Commissioner, DWCD.

#### **Repatriation for missing children from another State or Country**

If the child's residence is in a different state/country then after verification of the information given by the child, the nodal department of the State will be informed of the details given by the Child. CWC can send the child to the CWC of the district nearest to the child's home in the other state, with intimation to the nodal department (DWCD). The procedures related to transfer will have to be followed.

### **4.4 Child with Special Needs (Mental & Physical)**

#### **4.4.1 Production**

a. A child with special needs(mental and physical) is generally brought by police, concerned citizen/s, child-line, hospital authorities, and NGO representatives.

b. The child is produced before the CWC.

The child should be produced before the CWC within 24 hours (Section 32 (1), JJ (C&P) Act) excluding the travel hours. In case the child is unwell or hospitalized, relaxation can be granted with due information to CWC.

#### **Child with Special Needs**

Children with identified disability, health, or mental health conditions requiring early intervention, special education services, or other specialized services and supports

#### 4.4.2 Ensure Safety

- ◆ In both the cases the child should be admitted to the nearest children's home for temporary care and treatment till the enquiry process is over. Extension of stay can also be made, if required.
- ◆ If the parents of the child are unwilling to take back the child, then the child will be considered as a surrendered child and the DOS will be executed.
- ◆ In case the parents want to keep the child for shelter and treatment then the order will be executed vide Form VIII and the parents will give an undertaking vide FORM IX.
- ◆ In case of urgent need for medical care, the CWC can write a letter to the concerned medical authority to provide medical facilities to the child.

It is mandatory to give admission to each and every child round the clock by the authority responsible for the management of Children's Home

#### 4.4.3 Enquiry

**If the child is brought by the parents then no enquiry will be executed. In all cases an enquiry is mandatory.**

If the child is not brought by police (SJPU), then the CWC needs to first verify if an FIR or missing complaint exists for the child. If not, then the CWC needs to ensure that a Police diary (within 24 hrs) with a photograph of the child is maintained at the nearest police station in order to trace the child's parents or relatives.

To trace the family of the child, wireless messages should be sent to all the police stations, missing children's bureau etc. The photograph of the child must be published in at least one leading local and national newspaper. The CWC should also order a Television Order Memo (TVM) for police to advertise the abandoned child over the TV mass media. All these efforts should be in local language and concentrated in and around the local area and home state. Announcements should immediately be made at the place where the child has been located e.g. at railway stations as well as in religious places like temples, mosques etc. This should be done urgently, within a week, as the family is likely to be looking for the child.

#### 4.4.4 Restoration

Depending on the report of the PO and efforts at tracing the family, the CWC must give its final decision, in writing.

If the family is in a position to take care of the child, and the child is willing, the child may be handed over after proper counseling of the parents.

In case the family is not traced or the child does not want to go back to the family, a long term plan for rehabilitation through transfer to a fit institution that offers long-term care and is able to meet the developmental needs of the child.

Arrangements for care such as sponsorship, foster care, and adoption could also be made.

#### **4.4.5 Rehabilitation**

If the child is surrendered then the child must be placed in a children's/special home for care and it is the duty of the PO to draw an age- and ability - appropriate Individual Care Plan for the child with the help of a special educator or rehabilitation professional experienced in working with children with disabilities and report progress to the CWC from time to time.

Staff and children of the children's home must be sensitized on the needs of the child. Every effort must be made to treat the children atpar with other children in the home. The child must not be discriminated on account of her/his ability.

An appropriate educational and rehabilitation programme needs to be initiated, in consultation with specialists such as special educators, occupational therapists, physiotherapists, speech and language therapists, communication therapists, counselors etc. Required aids and appliances should be provided for the child.

#### **4.5 Child Victim of Abuse**

Special care has to be taken in case of children who have been abused. In some cases the child is being abused by another child then the victim is considered as a child in contact with law and the offender is considered as child in conflict with law (to be presented before the JJ Board)

The World Health Organization defines child abuse as “all forms of physical and/or emotional ill treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.”

##### **4.5.1 Production**

It is important that the issue is dealt with sensitivity. The child should be placed in a comfortable and friendly environment when being interviewed. The child should not be pressurized to answer any questioning s/he is not willing to. During the interview, a representative from the NGO associated with the CWC or the child should be present. In the case of a female child, a female member must be present. A family member (if available) should also accompany the child.

The CWC first needs to determine the identity of the abuser and the nature of abuse. The CWC may come up with following cases:

- ◆ Child is being abused by family members, extended family members or neighbours.
- ◆ Child is being abused by a stranger, teacher or outsider.
- ◆ Child is being abused by the employer at workplace.
- ◆ Child has been abused in an institution.

The CWC should also refer to the medical report of the child. The CWC may also ask the police to lodge an FIR against the perpetrator and proceed under CrPc.



#### 4.5.2 Ensure Safety

- ◆ In case the abuser is a part of the immediate surroundings of the child, like family or in the case of a child who has no adult supervision, the CWC may place the child in the nearest children's home for temporary care and treatment.
- ◆ In case the child needs urgent medical attention; the CWC may refer him/her to the concerned medical authority.
- ◆ CWC may take help of professional counselor for counseling the child and his/her parents.

#### 4.5.3 If the child is abused in institutional care?

The CWC should immediately inform the police regarding the person who has allegedly committed a sexual offence against the minor in the custody of the home.

1. In the event of physical, sexual or emotional abuse in the institution, the CWC should immediately report the incident to the officer-in-charge under the Secretary, DWCD.
2. The CWC must order a special investigation of the abuse.
3. The CWC should instruct the local police station to file an FIR and conduct necessary investigations.
4. CWC may seek the support of DCPS.
5. The CWC may seek assistance from relevant voluntary organizations, legal experts, child rights experts, mental health experts or crisis intervention centres for the care and protection of the child and prosecution of the perpetrator.
6. The child should be transferred to another institution or a place of safety or to a fit person, if required.

The CWC should promote that every institution in its jurisdiction has systems of ensuring that there is no abuse, neglect and maltreatment and this shall include the staff being aware of what constitutes abuse, neglect and maltreatment and how to respond to the same. All other procedures pertaining to medical examination, age verification, police investigation charge sheet as well as rehabilitation will be the same as outlined in section 4.6.

#### 4.6 Child Victim of Trafficking

Trafficking is associated with various forms of exploitation, including labour, slavery, organ trade, adoption, and other illegal activities and for the purpose of commercial sexual exploitation. This section addresses protocols for dealing with children being trafficked for sexual exploitation.

##### 4.6.1 Rescue & Production

The child may be rescued by the police or NGOs and produced before the CWC. CWC shall coordinate and liaison with the police, NGOs and other stakeholders. In case of mass rescue operations, the victims will generally be produced before the magistrate of a

#### Trafficking

“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”.

Sessions Court; unless there is a clear indication that the rescued victim is a minor. In this case, the child will be produced before the CWC. In cases where the victim is found to be a minor after the age verification is undertaken on the orders of the Sessions court, the court will issue an order for the child to be produced before the CWC.

#### **4.6.2 Ensure Safety**

- ◆ Care should be taken that the child at no time is in touch with the family members, pimps, and brothel keepers as they could be the traffickers or their agents or representatives. It is important that the child meets her family only under competent supervision of the Superintendent or PO so that the child is not pressurized by the family to turn hostile and return home.
- ◆ The child should be placed in a place of safety, and the CWC should exercise its powers of interpretation and allow the child to continue in the same home or place the child in fit institutions for continuation of care beyond 18. This will not be considered as illegal detention. A girl can be kept till she attains 20 years of age. The child can also be placed in a protective home after she completes 18 years, under the provision of ITPA. However if the girl turns 18 years and wishes to leave the protective custody, she has the right to do so and the exit procedures have to be initiated.
- ◆ The CWC should direct the Medical Officer to conduct a detailed physical and gynecological examination specifically looking for signs of physical and/ or sexual abuse and to check any missing organs. The process of medical examination has to commence within 24 hours, especially for the collection of evidence in matters of rape. HIV testing with the consent of the victim, and when advised by the medical officer, will also be conducted. Consent includes counseling of the child by the professional counselors at Voluntary Counseling Testing Center. It is important that the findings are recorded in writing.
- ◆ The CWC must direct the police to collect all forms of evidence that shall be used in the legal proceedings like photographs, statements of the children and NGOs present during rescue and any other important evidence. The interview at the police station must be carried out by the woman police constable or conducted in the presence of a female representative of an NGO, as mandated u/s 15(6A) of the ITPA 1956. The statement should be recorded before the CWC. CWC should verify the forwarding report, injury report, FIR copy along with the statement of the woman police officer, Case Diary, belongings of the victims against the list provided by the police. CWC should also avoid giving repeated permissions for interviews by the police that could increase the trauma and distress faced by the child.

#### **4.6.3 Rehabilitation and Social reintegration**

- ◆ The CWC must direct the Probation Officer (PO) or Voluntary Probation Officer (VPO) to prepare an individual care plan, for the immediate and long term rehabilitation of the child. Under no circumstances should the child be sent back, if there is a likelihood of the parents, members of the extended families being involved in the trafficking or if the child is not willing to go back. The CWC must also ensure that the PO/VPO takes into account the wishes of the child while determining rehabilitation plan. It must be borne in mind that marriage of the child is not always the best rehabilitation. Other options like education, vocational training etc. should be considered by CWC as viable options.

- ◆ The parents should be made to sign a bond which details out their responsibility for the care and protection of the child.
- ◆ If the child's residence is not within the jurisdiction of the CWC, an order for an Inter-district, Inter-State, as the casemay be, needs to be passed. The child must be transferred as per the provisions of Sec 38 of the JJ (C&P) ct.

Specific Legislation to Prevent Child Trafficking Immoral Traffic (Prevention) Act 1956: Offences under the Act include: (i) punishment for keeping a brothel or allowing premises to be used as a brothel (S.3) (ii) punishment for living on the earnings of prostitution (S. 4) (iii) procuring, inducing or taking persons for the sake of prostitution (S. 5) (iv) detaining a person in premises where prostitution is carried on (S. 6) (v) prostitution in or the vicinity of public places (S. 7) (vii) seduction of a person in custody (S. 9). Under this Act, wide powers are conferred on the concerned authorities in matters of rescue and rehabilitation of victims and survivors. The Act also provides for stringent action against exploiters and aggravated punishment when the offences are committed on children.

5 Articles & 3 UN Protocols to prevent suppress and punish Trafficking in Persons, especially Women and Children Supplementing the UN Convention against Transnational Organized Crimes, 2000.

## 4.7 Working Child/Child Labour

The Child Labour (Prohibition and Regulation) Act, 1986 (CLPRA) is the central legislation governing child labour in India. The Department of Labour is the enforcer of this Act. The Act bans the employment of children below 14 years of age in specified 'hazardous' occupations or processes and regulates the working conditions of children in other areas of employment.

### 4.7.1 Rescue & Production

- ◆ Generally the child labour/working child is rescued and produced by the police, child line, concerned citizens, hospital authorities, NGO representatives, the child himself/herself or by family members.
- ◆ CWC must act immediately to rescue the child and place it in the nearest Shelter Home or at a safe place.
- ◆ The CWC should use the powers given to it by Sec. 49 of the JJ (C&P) Act to determine the age of the child. This becomes important in cases of child labour since the definition of age as per the JJA (18 years) differs from the CLPRA (14 years).
- ◆ Looking at the urgent need as medical support the CWC may write letter to concern medical authority to avail clinical care to the child in special need.
- ◆ The CWC must direct the police to collect all forms of evidence that shall be used in the legal proceedings like documents of employment, attendance musters, photographs of the workplace, statements of children, family members, NGOs who participated in the rescue and others and any other important evidence. This would help in the process of prosecution.

#### 4.7.2 Repatriation and Rehabilitation

- ◆ Ensure Individual Care Plan for the child is prepared Based on the processes of home inquiry and discussions with the child; the PO prepares the rehabilitation plan for the child. Immediate rehabilitation can begin through education, recreation activities. Counseling facilities will be important for children who have faced abuse, exploitation, separation from family.
- ◆ Repatriation and Reintegration In terms of the Plan, after necessary investigation, the CWC would first need to determine whether the child can be reintegrated with his/her biological family or not. This would depend on whether the child is willing to go back to his/her family, the circumstances within the family that determine whether the family is a safe place for the child. The process of integration of the child with the family would differ based on whether the child is from within the district of jurisdiction of CWC or from another district or state or country. If the child cannot be repatriated, the CWC must initiate short and long term rehabilitation in its jurisdiction.
- ◆ If child is from within the district of jurisdiction of CWC, The CWC should see whether parents are fit to care for the child, so that the child can be sent back home. This should be the first option to be exercised. If they are found fit, the parents should be counseled and made to sign a bond in which they agree that they will not send the child back to work, but to school. To make this agreement binding, the CWC can ask the parents to sign a bond (See chapter 5 of this Document). If the family is not found fit, the CWC can explore a range of options while making its decision for the child. Family based alternative care approaches like counseling, sponsorship, foster care could help keep the child within the biological family; where this is not appropriate, the CWC should explore appropriate institutional care options, or education hostels run by different departments of the state, so that the full rehabilitation of the child from the world of labour is completed through education.
- ◆ Repatriation and Reintegration If the child's residence is not within the jurisdiction of the CWC, an order for an Inter-district, Inter-State or Inter-country transfer, as may be the case, needs to be passed. The child must be transferred as per the provisions of Sec 38 of the JJ (C&P) ACT with the relevant sections of the Rules. (Refer Chapter 5 of this document on Transfer). The CWC must secure the Rescue Certificate from the Labour Department that should be taken with the child along with the other documents (See Chapter 3) at the time of repatriation.
- ◆ Follow up After the order is given, particularly for children from within the same district, for the first three months, follow up should be done by the CWC once every month to see that the child is in school and has not started working again. For the period of the next one year, follow up needs to be done every three months.

How can Child Labour Prohibition and Regulation Act be used by the CWC The CWC members can give directives to the relevant enforcement agencies (in most cases the police and the Labour Departments of the State Government) to use provisions of CLPRA for children below 14 years who are found working in occupations and processes that are prohibited under the Act. The CWC can direct the Labour Department and police to pursue the prosecutions and convictions against employers, to collect fines (police) and furnish the rescue certificate (labour) for the child so that the child can benefit from rehabilitation schemes and programmes like NCLP, enrolment in school, economic rehabilitation programmes for their families for the rehabilitation of the child and family.

## **4.8 Child Affected by HIV/AIDS**

### **4.8.1 The Target Group**

Children affected by HIV/AIDS have emerged as an important group of CNCP. The vision of the Government of India for preventing and mitigating the effect of HIV/AIDS is defined in the National AIDS Control Programme 2007-2012 (NACP III).

Non-stigmatization is the key guiding principle for children belonging to this group. The goal of the CWC members should be to ensure that HIV affected children are not excluded from or treated differentially in the public or private sector. The CWC should also see to it that they receive care and protection provided to other children and where necessary special services to address their special needs.

Children affected by HIV/AIDS include those who are HIV positive, those who have been orphaned by AIDS, those who are living in a household which is affected by HIV/AIDS usually because their parent is HIV positive.  
(SAARC Regional Framework for programming for children affected by HIV/AIDS, 2007)

### **4.8.2 Production**

The child with HIV/AIDS is apprehended by the police, child line, concerned citizens, hospital authorities, NGO representatives. The child can present himself before the committee or can also be brought in by his/her family members.

### **4.8.3 Ensure Safety**

#### **Procedures to be followed by the CWC, if the child's parents are alive**

If the child's parents are alive, then the CWC must have a meeting with the parents to determine their HIV status, the support systems available, capacity for undertaking care including medical care of the child etc. The CWC can ask for a medical report of the surviving parent to ascertain his/her sero-positive status.

It is also advisable to obtain a medical report of the child being presented before the CWC. However, this can be ordered for by the Medical Officer, and not by the CWC. The purpose of this report will be to ensure access to pediatric ART and treatment for opportunistic illnesses. Under no circumstances should the HIV positive status of the child result in violation of his/her right to protection and development.

#### **If the child's parents are not alive**

If the child's parents are dead, the procedures to be followed for orphaned children should be followed. CWC should ensure that social protection measures are in place for these children to protect their rights and entitlements.

The CWC can help protect rights and entitlements by linking the child to legal aid services to deal with legal issues, transfer of property. In addition, the medical and other procedures for HIV children should also be followed.

### **4.8.2 Enquiry**

The CWC should order the PO to submit a Home Enquiry report that should cover, in addition to the aspects to be covered for surrendered children, aspects such as attitudes and relationships of the family with neighbours, village/community where the family resides. The PO should also assess the assets of the family and the rights of the child in relation to property or assets. The PO should make a special note of

vulnerabilities of the child arising from being HIV affected/infected, and if there are extended members of the family who could look after the child.

### 4.8.3 Rehabilitation and Social reintegration

Depending on the PO's report, if the CWC feels that the family is not in a position to care for the child due to ill health, poverty, stigma, lack of community support etc., the CWC can pass an order for institutionalizing the child as a last resort.

Similar procedure can be followed for children with no family at all, who require institutional care. If the child is infected, s/he should be placed in an institution that has facilities for the care of HIV children.

If the child is affected, the child can be placed in any Children's Home. The CWC can follow procedures for declaring the child free for adoption, if the child has been surrendered by the parents or the child is an AIDS orphan. If the committee finds that the parents of the child are fit to take care of the child and are willing, he can be sent back to his/her home.

The following alternatives may be considered by CWC while issuing an order for an HIV affected child:

- i. In keeping with the spirit of the JJ (C&P) Act, the option of placing the child within his/her family should be the first priority and consideration. For the parents to fulfill their role as care givers, CWC can direct the PO to link the family to quality treatment to prolong their life; so that they are able to play the role of parents effectively;
- ii. To link the family with alternative care services if required such as foster care, sponsorship, counseling, legal aid and enhancing their access to other relevant social protection schemes.

## 4.9 Child Beggars

Children may be found begging to support themselves or their families. They may also be forced to beg by gangs that thrive on their exploitation. The difference in circumstances between these two categories would have to be kept in mind by the CWC while deciding the case. Section 24 of the JJ (C&P) Act empowers the CWC to bring justice to the child, who was compelled to beg

As per the Indian Penal Code, 1860, begging refers to 'the practice of soliciting or receiving alms in a public or private place by any means'.

Using a minor as an exhibit for the purpose of soliciting or receiving alms is considered as begging and is punishable under Section 363 A of the IPC

### 4.9.1 Production

- ◆ On noticing a child begging, a concerned citizen, NGO representatives, police can inform the CWC or produce the child before the CWC. The producer should submit a report on the circumstances under which the child came to their notice.
- ◆ The producer should also have a report on the efforts made by them to inform the police.
- ◆ The CWC should establish the age of the child under Sec. 49 of the JJ (C&P) Act.
- ◆ In case the child requires urgent medical attention; the CWC may write a letter to concerned medical authority to avail clinical care to the child in special need.

#### 4.9.2 Ensure Safety

CWC shall send the child to a designated place of safety, such as a Children's Home, with age and gender appropriate facilities.

#### 4.9.3 Enquiry

Ensure comprehensive inquiry into the case through the PO or VPO. The report of the inquiry must provide an assessment of the family situation of the child in detail, and an explanation of whether it will be in the best interest of the child to restore him/ her to his/ her family. Ensure that verification of the Parents is conducted and if there is any history of harassment of the child by the parent.

#### Filing charges

In the case of children being exploited for begging by family or others, the CWC should direct the police to undertake necessary legal action by filing an FIR. In the case the parent /family of the child cannot be located after due inquiry, the child shall be considered a missing child and the procedures pertaining to missing children will be carried out to trace the family. In the case of a child begging for his/her own survival, the CWC should investigate and find out if the child is a street child or an abandoned child. The CWC should then follow the specific procedures as listed under these sections in this SOP.

#### 4.9.4 Rehabilitation and Social Reintegration

- i. The CWC must direct the Probation Officer (PO), Voluntary Probation Officer (VPO), and Social worker to prepare an individual care plan for the immediate and long term rehabilitation of the child.
- ii. An individual care plan is necessary in both contexts when child is being institutionalized and when child is handed over to the family. This would include rehabilitation of child through education, linking the child to services of counseling or sponsorship as required.
- iii. In terms of the Plan, after necessary investigation, if the child can be reintegrated with the family, the CWC should see whether parents are fit to care for the child in the child's best interest. This should be the first option to be exercised. The child should be **handed over to the family after proper counseling of the parents and signing a bond.**
- iv. The CWC may decide that it is in the best interest of the child to be kept in a fit institution. The child shall be placed in an institution closest to where his/her parents or guardians belong as far as possible, unless the child has been subjected to abuse or exploitation by parents or guardians.
- v. **Repatriation to family** If the child's residence is not within the jurisdiction of the CWC and if the child can be repatriated then he/she should be handed over to the CWC of his home district with intimation to the WCD Department. If the child cannot be repatriated, the CWC must initiate short and long term rehabilitation in its jurisdiction.
- i. **Follow up:** After the order is given, for the first three months, follow up should be done by the CWC once every month to ascertain that the child is not being used for begging, but is in school.

If the child is to continue in the Children's Home, the Committee shall direct the Officer-in-charge of the home to submit quarterly progress report of the child and produce the child before the

**Specific legislation for begging** Section 2 (i), of the Bombay Prevention of Begging Act, 1959 defines Begging as: a. soliciting or receiving alms, in a public place whether or not under any pretence such as singing, dancing, fortunetelling, performing or offering any article for sale; b. entering on any private premises for the purpose of soliciting or receiving alms. c. exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity of diseases, whether of a human being or animal. d. having no visible means of subsistence and wandering about or remaining in any public place in such condition or manner as makes it likely that the person doing so exists on soliciting or receiving alms. Section 2 (iv)- Child has the meaning assigned to it in the Children's Act, which has been replaced by the JJ (C&P) Act 2000 Section 9 (2)- of the Bombay Prevention of Begging Act states that the Court may order detention of persons wholly dependent on beggar. Where the dependent person is a child, the Court shall forward him to a CWC constituted under the JJ (C&P) Act and if the child is under 5 years of age, the child can be kept with the mother in the Beggars Home. Section 11

**Penalty for employing or causing persons to beg or using them for purposes of begging-** whoever employs or causes, any person to solicit or receive alms, or whoever having the custody, charge or care of a child, connives at or encourages the employment or the causing of a child to solicit, or receive alms or whoever uses another person as an exhibit shall be imprisoned for a term which may extend to three years but which shall not be less than one year. In this context, the CWC may ensure that the provisions of this Act are enforced along with **Section 24 of the JJ (C & P) Act** by the concerned authority and the Police to bring justice to the child, who was compelled to beg.



## 4.10 Children of Unfit Parents

### **Who is an Unfit Parent?**

Either the CWC can rule the parents unfit or the parents themselves may express their inability to look after the child. The family cannot be termed as permanently unfit. They are “currently” unfit, which means at the time that they approach the CWC for support to care and protect their child, they are in a phase of life that is crisis ridden and where internal or external circumstances has lowered their capacity to take care of their child. This aspect needs to be ascertained and reviewed by the CWC through their interviews with the parents and the home inquiry report of the PO. The JJ (C&P) Act upholds that if parents are given some support by way of counseling or an opportunity to earn a livelihood if they are unemployed or linked with an appropriate scheme of the government that helps fulfill a financial need, or medical treatment they could become fit and in a position to once again care for their child.

The attempt of the CWC should therefore be to refer them to all services necessary, so that the parents are rendered fit in the shortest possible period. The access to services such legal aid, rehabilitation services for parents, medical treatment, counseling, sponsorship etc will have to be facilitated by the District Women and Child Development Officer. The reasons why the parents are declared as unfit needs to be clearly documented by the CWC.

### **CWC declaring parents to be unfit**

A parent / parents may be declared unfit by the CWC on the following grounds such as:

- i. Physical or sexual abuse of the child by the parent i.e. if a parent neglects or abuses or inflicts violence on the child or exploits his or her child.
- ii. Parents found to be drug users
- iii. Parents who are terminally ill and are unable to take care of the child
- iv. Parents suffering from severe mental illness

#### 4.10.1 Production

##### **In case of child produced by the parent themselves**

When the CWC receives such an application, it should fix a meeting with the parents to explain to them the importance of a family and home in a child's life and that institutionalization should be the last resort. The option of placing the child with a relative may also be explored by the CWC.

##### **In case of a child produced by anybody other than the parent**

The CWC shall at first try to evaluate the situation and ask for reasons from the producer (relatives, NGO, concerned citizen, police etc.) that brought the child whether it thinks that the parents are unfit and the child needs to be institutionalized. The CWC, if possible, shall meet the parents in order to get to the root of the matter.

#### 4.10.2 Ensure Safety

CWC shall send the child to a designated place of safety, such as a Children's Home, with age and gender appropriate facilities or also explore option of temporary rehabilitation with relatives or extended family.

#### 4.10.3 Enquiry

The CWC should direct the PO to conduct a home enquiry based on the application by the parent or the report submitted by the NGO or the reason given by the relative or concerned citizen. The CWC shall also speak to the child in order to consider the wishes of the child.

#### 4.10.4 Rehabilitation & Social Reintegration

- i. The parents should first make an application to the CWC expressing the reasons why they are not able to care for the child, thus requesting admission for their child to the Children's Home.
- ii. Based on the above, the CWC shall pass the necessary orders keeping in mind the principle of family responsibility and the fact that institutionalization of the child should be the last resort. For this reason the CWC can refer the case of such a child non institutional services that will address the needs of the child as well as strengthen the family's capacity to take care of the child.
- iii. If the CWC feels that the child is in need of protection and care and that there is no alternative (other support system, foster care etc.) than to keep him or her in an institution, then the CWC can pass an order for admitting the child into the Children's Home.
- iv. The child should be admitted in the Children's Home during which period the family is strengthened with the help of other Government schemes or NGO programmes, to once again become fit for the care of their child.

- v. The CWC can pass an order to insist that parents visit the child in the institution at least once a month, so as to maintain a close relationship with the child. The PO may be directed to bring to the CWC's notice if parents violate this order.
- vi. **Follow up:** The CWC must review the case every year by asking the PO to undertake home visit and prepare a Home Enquiry Report. The CWC can change the decision of institutionalization and send the child back to the family depending on the family circumstances, or withdraw the child from the non institutional alternative care services if the family is once again empowered

**Parents expressing inability to care for the child** Parents on their own initiative may express their inability to look after their child and request the CWC to admit the child in the Children's Home. A few examples of circumstances which may lead to such a situation are when the single mother is a domestic help staying with the employers or the single mother has odd duty hours, or due to trauma caused by a serious crisis such as death or desertion the mother feels incapable of taking responsibility of the child. In such cases the parent/s may feel the need to hand over their child, but the CWC can convince the parents that the crisis is a passing phase in their life and they need not consider themselves unfit to care for their child. Through non institutional, family based alternatives like day care, counseling, placement of child in the care of a close relative the child can be prevented from being institutionalized. Please note the above examples are not exhaustive.

## Chapter 5: Record Keeping, Reporting & MIS

### 5.1 Individual File

Every child is an individual and unique in its nature. So dignifying the child rights CWC should create individual files of each child produced before the CWC:

- i. This file will carry the detailed case history of the child
- ii. Photo-graphs of the child and the person accompanied the child.
- iii. Documents like birth certificate, hospital release order, and certificate of disability, marriage certificate of parents, recommendation of sarpanch and other official documents etc.
- iv. Baby-card contains the detailed description of the child in one format and must be maintained while the child is produced before the CWC.
- v. Family study report.
- vi. Photo copy of paper publication
- vii. And others

### 5.2 General Diary

This is a universal register for every child brought before CWC and should contain

- i. Date
- ii. Case Number
- iii. Name of the Child
- iv. Age
- v. Sex
- vi. Child Admitted or not to children's home
- vii. Date of admission to children's home
- viii. Name of children's home
- ix. Produced by
- x. Reason for admission (as per section 2D)
- xi. Order issued by
- xii. Name of the PO
- xiii. Closing date
- xiv. Remarks

### 5.3 Register for Children to be placed for adoption (Placement to agencies happens by rotation).

- i. Case No
- ii. Produced by
- iii. Police station
- iv. Agency referred to

- v. Date of free for adoption order
- vi. Order by
- vii. Date of completion of adoption process
- viii. Closing date

#### 5.4 Register for visits to institutions

- i. Date
- ii. Sr. No
- iii. Date of visit
- iv. Name of Institution visited
- v. Visited by
- vi. Findings
- vii. Remarks for follow up

#### 5.5 CWC Chairperson and Member's Attendance Register

- i. Date
- ii. Name
- iii. Time in
- iv. Time Out
- v. Signature

#### 5.6 Minutes Register

A Minutes register will be maintained for all special meetings of the CWC. These special meetings may be held by the CWC to discuss different cases and the approach that should be taken, discussion on the procedures of work and setting systems of work, distribution of case load, and participation at trainings, for sharing, reviewing and monitoring the process of work of the CWC. The Minutes book is not to be used to record the regular sittings of the CWC.

#### 5.7 Inward and Outward register and file

For correspondence received and sent by email and ordinary post or courier.

## 5.8 Reporting Protocol

Information Conveyed	Reporting deadline	Reports to be submitted by	Reports to be submitted to	Attached Vide
Details of children produced before CWC during the month	1st day of every month	CWC chairperson/members	District Child Protection Officer	<b>Annexure II</b>
Details of cases pending before CWC	1 <sup>st</sup> day of every month	CWC chairperson/members	District Child Protection Officer	<b>Annexure III</b>
Quarterly/ Annual fact sheet for CWC reporting	1 <sup>st</sup> day of every quarter	CWC chairperson/members	District Child Protection Officer	<b>Annexure IV</b>
Format for claim by CWC members	1 <sup>st</sup> week of every month	CWC chairperson/members	Chairperson CWC	<b>Annexure V</b>

## 5.9 Management Information System

A MIS has been developed by the department for the CWC members. The Management Information System has already been piloted in the districts of Sundergarh and Ganjam. The system covers each and every step to be followed by the CWCs as a part of the Standard Operating Procedure. The system also records all the information related to children in need of care and protection and all the forms as per the JJ (C&P) Act has also been inbuilt into the system.

The MIS is also web enabled and would be connecting all CWCs and JJBs for ultimate repatriation & rehabilitation of children in need of care and protection. The MIS, when fully operational, will be accessed by all focal points at the district level, and can be connected to the Central Project Support Unit's Child Tracking System.

## 5.10 Child Tracking System

The issue of missing and untraced children has become a matter of deep concern over the years. But, the chances of tracing these children have increased significantly because of introduction of computerized databases and computerized search related to lost and found children, created and maintained by various states/UTs through the Missing Person Bureau under the state police and the child care institutions maintained by the State women and children departments under the Integrated Child Protection Scheme (ICPS), and the Juvenile Justice Act which are linked and converged.

The TrackChild portal developed by MWCD and NIC is dedicated to the cause of tracking missing and vulnerable children. The portal holds the database of children who are staying at different Child Care Institutions (CCI) and is an initiative of the Women and Child Development, Government of India to track the progress of children of every CCI in the country. It also aims to track missing children of the country.

The TrackChild Portal has been launched in the State of Odisha and the information is being uploaded by various Child Care Institutions across all Districts. The CWCs of the respective Districts have to ensure that all the children residing in CCIs in their District are produced before the Committee with the support of the District Child Protection Unit and information related to them is uploaded on the Track Child Portal in the prescribed formats.

## Chapter 6: Protocol for Transfer of Children

### **Excerpts from Operational Guidelines for maintaining Standards of Care in Child Care Institutions issued by Women and Child Development Department.**

Institutionalization of children should be considered as the last resort as children need a family like environment for their growth and overall development. The Department stresses on not admitting children with single parents or with extended kinship to institutions. Rather the extended family should leverage benefits from other social protection schemes so that the child can stay in the family itself. In no case should the children's home or special schools be promoted as hostels for children whose families are too poor to take care of them, as that is not the purpose of running these institutions.

Where possible, children (especially children representing SC and ST of single parents) may be enrolled in ashram schools, if eligible or in regular schools.

Decisions and action regarding rehabilitation of any child in need of care and protection should be done only through the Child Welfare Committee of the concerned district. In case institutionalization is the preferred/only resort available; children should be rehabilitated in institutions from the same geographical area for limited periods. During this period, the child care institution should prepare individual care plan keeping in mind the best interests of the child and explore a more permanent solution.

Considering the above mentioned guidelines issued by the Government of Odisha and the current situation in the State where a number of children from various Districts are residing in CCIs of other Districts and children from other Districts, States and neighboring Countries are being rescued on a daily basis, a protocol for transfer of such children to their home District, State and Country has been developed by the W&CD Department in line with the Juvenile Justice (Care and Protection of Children) Act 2000 and amendment Act 2006.

The protocol for transfer of children covers the following scenarios:

### 6.1 Transfer within the District

#### 6.1.1 Transfer of children from one CCI to another CCI (including to a SAA, RIPA)

Children can be transferred from one CCI to another within the District under the following circumstances:

- The child has special needs which need a specialized facility. The CWC may pass an order and request DCPU to facilitate the physical transfer from the CCI where the child is residing to the specialized unit.
- If child is under 6 years of age and has no claimants in spite of the procedure followed for missing children. In such a situation the child may be enrolled in the nearest SAA and the CCI may be asked to initiate the process for declaring the child legally free for Adoption. The order for physical transfer should be passed only after the child is declared legally free for adoption. A copy of the transfer order should also be provided to the State Adoption Resource Agency and the concerned SAA also.



### 6.1.2. Transfer of children from CCI back to the family ( in cases other than Adoption and Pre Adoption Foster Care)

This case may arise during deinstitutionalization of children from CCIs. The CWC should ensure that the child and parents/extended family have received adequate counseling and the parents/extended family are in a position and are willing to take care of the child. The CWC can pass an order for release and handing over of the Child to the parent/ extended family. Recommendation for release of sponsorship, enrolment in school, free/subsidized medical facility or other family strengthening initiatives like linkage to Government Schemes can also be suggested. Periodic follow-up reports on the progress of the child should be submitted by the DCPU to the CWC in such cases.

## 6.2 To another District

### 6.2.1 Incase of Trafficked, Runaway or Missing Child

If a trafficked, runaway or missing child from another District is rescued in your District, the SOP for runaway and missing children has to be followed by the CWC. The CWC of the District along with Childline and DCPU should coordinate with the CWC, Childline, and DCPU of the District to which the Child belongs to. The CWC of the District where the child has been rescued will pass an order for handing over of the rescued Child to the CWC of the home District. The CWC of the home District will further pass and order to rehabilitate the child within the home District

### 6.2.2 Transfer to SAA and RIPA in another District

If the child is under 6 years of age and has no claimants inspite of the procedure followed for missing children. In such a situation the child may be enrolled in the nearest SAA and the CCI may be asked to initiate the process for declaring the child legally free for Adoption. Incase there is no SAA in the District; the child may be transferred to the SAA in the nearest District. The order for physical transfer should be passed only after the child is declared legally free for adoption by the CWC of the District to which the child belongs to.

The CWC of the District along with the DCPU from where the child will be transferred should coordinate with the CWC and DCPU of the District where the SAA is located. The CWC of the home District will pass and order for handing over of the Child to the CWC of the destination District. A copy of the transfer order should also be provided to the State Adoption Resource Agency and the concerned SAA.

The transfer of children who have not been placed by SAAs in in-country adoption can also be transferred to the 3 RIPAs (as per the guidelines issued by CARA) following similar procedures.

### 6.2.3 Deinstitutionalization of children from CCIs

This case may arise during deinstitutionalization of children from CCIs. A number of children from one District are also residing in other Districts. The CWC of the District where the child has been residing in a CCI will pass an order for handing over of the Child to the CWC of the home District. The CWC of the home District will further pass and order to rehabilitate the child within the home District

Incase family restoration is possible, the CWC of the home District should ensure that the child and parents/extended family have received adequate counseling and the parents/extended family are in a position as well as willing to take care of the child. The CWC of the home District can pass an order for release and handing over of the Child to the parent/ extended family. Recommendation for release of sponsorship, enrolment in school, free/subsidized medical facility or other family strengthening initiatives like linkage to Government Schemes can also be suggested. Periodic follow-up reports on the progress of the child should be submitted by the DCPU of the home District to the CWC of the home District in such cases.

Incase family restoration is not possible; the CWC of the home District should pass an order for providing suitable institutional care to the Child within the home District.

### 6.3 Restoration to another State

If the child's residence is in a different state then after verification of the information given by the child, W&CD will be informed of the details given by the Child. CWC can send the child to the CWC of the district of other State to which the Child belongs, with intimation to the nodal department (DWCD). The procedures related to transfer will have to be followed.

### 6.4 Restoration to another Country

If the child's residence is in a different country then after verification of the information given by the child, the W& CD of the State will be informed of the details given by the Child. The W&CD Department will contact the principal resident commissioner of the State in New Delhi who will in turn get in touch with the concerned High Commission for restoration of the child to his/her home country. The CWC should pass an order for provision of temporary care, protection and shelter for the rescued child during the interim period.

## Chapter 7: Handing Over Protocol for the Child Welfare Committees

The tenure of the Child Welfare Committees is renewed every 3 years. During the transition of responsibilities between the incoming and outgoing Child Welfare Committees, the following handing over protocol needs to be followed:

1. The outgoing Child Welfare Committee (at least 2 members including Chairperson) should handover charge of the following to the new Child Welfare Committee within 15 days of the date of notification or from the date of joining of the new CWC:
  - a. CWC Office/Sitting Space Keys, Computers, Furniture etc.
  - b. All Case Files and registers mentioned in Chapter 5
  - c. Details of CWC Accounts (statement of expenditure till date), Bank Passbook, Cheque Book
  - d. Petty Cash withdrawn, if any
  - e. Seal, Letter Head
  - f. Details of all pending cases especially where immediate action is required.
  - g. All handouts, manuals, SOPs, books and other resource material provided by the Department from time to time.
  - h. A charge report may be prepared and both the outgoing and incoming chairpersons should put their signatures as a token of handing over and taking over of the charge.
2. The Handing over process should be done in the presence of at least two staff of the District Child Protection Unit.
3. The District Child Protection Unit should also arrange for an interactive session between the outgoing and incoming CWC.
4. A newspaper advertisement should be taken out in any local newspaper with the names of the new CWC members in the District. This information should also be put up on the notice boards of all District Offices and the District Website for at least 3 months.
5. The authorized signatory for the CWC bank accounts should be changed with immediately after the handing over the charge.
6. All dues of the outgoing CWC members should be cleared within 30 days of the handing over.
7. The outgoing Child Welfare Committee members should be engaged as resource persons in various sensitization and capacity development programmes in the District and State level.
8. The DCPU should introduce the new CWC members to other stakeholders in the District like the JJB, CCIs, Childline, and SAA etc.
9. The new CWC members should attend the induction programme organized by the Department and NIPCCD as and when organized.

The District Child Protection Unit should facilitate the entire process and provide handholding support to the new CWC members.

## Chapter 8: Role of Child Welfare Committee under the Protection of Children from Sexual Offences Act 2012

The Protection of Children from Sexual Offences (POCSO) Act 2012 is in force in the State of Odisha. The POCSO Act 2012 defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years from sexual abuse. It also intends to protect the child through all stages of judicial process and gives paramount importance to the principle of "best interest of the child".

Penetrative and aggravated penetrative sexual assault, sexual and aggravated sexual assault, sexual harassment, and using a child for pornographic purposes are the five offences against children that are covered by this act.

An exhaustive guideline for the stakeholders in this regard is under issue by the MWCD which would facilitate the implementation of the Act. The Child Welfare Committees (CWC) has to play a vital role at various stages as prescribed under the POCSO Act:

### 8.1 Production before CWC

1. As per Section 19(6) of the POCSO Act, 2012 where an F.I.R. has been registered before the Special Juvenile Police Unit (SJPU) or local police station in respect of any offence committed against a child under the said Act, the case should be reported by the SJPU or the local police to the Child Welfare Committee (CWC) within 24 hours.
2. Additionally, as per Rule 4(3), a child is to be produced before the CWC in the following three situations:
  - i) There is a reasonable apprehension that the offence has been committed or attempted or is likely to be committed by a person living in the same or shared household with the child, or
  - ii) The child is living in a child care institution and is without parental support, or
  - iii) The child is found to be without any home and parental support.

### 8.2. Inquiry

3. When a child is produced before the CWC in the three situations described above, the relevant CWC must proceed, in accordance with its powers under sub-section (1) of section 31 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act), to make a determination within three days, either on its own or with the assistance of a Social Worker /Probation Officer/Non-Governmental Organization (NGO)/any other person found fit by the CWC, as to whether the child needs to be taken out of the physical custody of his/her family or shared household and placed in a Children's Home or a Shelter Home.

As per Rule 4(5) of the POCSO Rules, 2012, the CWC should take into account any preference or opinion expressed by the child on the matter together with best interest of the child.

4. Also, prior to making such determination, an inquiry should be conducted in such a way that the child is not unnecessarily exposed to injury or inconvenience. This inquiry may therefore be conducted either by the CWC itself or with the assistance of a Social Worker/Probation Officer/Non-Governmental Organization (NGO)/any other person found fit by the CWC to be appointed for this purpose.

Where a support person has been appointed for the child, the same person may be engaged to conduct the inquiry under Rule 4(5) to assist the CWC in its inquiry.

### 8.3 Engagement of Support Professionals

5. Rule 4(7) of the POCSO Rules states that the Child Welfare Committee, on receiving a report under sub-section (6) of section 19 of the Act or on the basis of its assessment under sub-rule (5), and with the consent of the child and his/her parent or guardian or other person in whom the child has trust and confidence, may provide a support person to render assistance to the child through the process of investigation and trial. Such support person may be a person or organisation working in the field of child rights or child protection, or an official of a children's home or shelter home having custody of the child, or a person employed by the DCPU. However, the support person may be appointed either by the Child Welfare Committee or by the child and his/her family themselves.

The Central Guidelines for engagement of Support Professionals may be referred on this issue. The State Guidelines are currently being finalized.

### 8.4. Child Protection Plan

6. After the support person has had an opportunity to interact with the child, the support person should formulate a Child Protection Plan (CPP) in respect of the child. CPP may be submitted to the CWC and can serve as a working tool that should enable the family and professionals to understand what is expected of them and what they can expect of others. The aims of the plan are to safeguard the interests of the child, to support the child's wider family and to care for the child and promote his/her welfare.
7. In cases where the child is produced before the CWC under Rule 4(3) of the POCSO Rules, 2012, and an Individual Care Plan (ICP) as defined in Rule 2 (h) of the Juvenile Justice (Care and Protection of Children) Rules, 2007, is being developed for the child, the above mentioned CPP would supplement such Individual Care Plan (ICP).

Chapter 9: Other Guidelines issued for Child Welfare Committees by W &CD Department

<b>Sl.No</b>	<b>Letter No</b>	<b>Guideline issued</b>
1)	No. 12624 dated 26-7-2012 of WCD Department	All children residing in Swadhaar and Ujjwala homes should also be produced in front of the Child Welfare Committee of the respective Districts
2)	No. 11213 dated 7-9-2013 of Labour and ESI Department	A member of the District Child Welfare Committee will be a member of the District Level Task Force on combating Child Labour and also the rescue team for child labourers

## Chapter 10: Guidelines for making the Child Welfare Committee's Office Child Friendly

As per the Odisha State Rules 25 (5), the premises where the Committee holds its sittings shall be child-friendly and shall not look like a court room in any manner whatsoever; for example, the Committee shall not sit on a raised platform and the sitting arrangement shall be uniform and there shall be no witness boxes. In addition to this the District Child Protection Unit of every District should ensure the following child friendly features in all CWC offices:

- ♦ The office of the Child Welfare Committee should be located at an easily accessible location in the District headquarters. The office should be accessible by public mode of transport. The address should be advertised with the help of banners, posters, wall paintings at prominent locations in the District.
- ♦ A prominent Sign Board should also be put up outside the CWC office.
- ♦ A minimum of 3 rooms and an independent bathroom should be made available for the functioning of the Child Welfare Committee waiting area, sitting room, a room for holding confidential discussions with the children.
- ♦ The waiting area should have the following :
  - ♦ Comfortable sitting arrangement
  - ♦ Drinking Water
  - ♦ Toys, games, crayons, chart paper, and other educational materials which can be sourced from Sarva Sikhshya Abhiyan with the help of DCPUs.
  - ♦ Information, Education and Communication material providing information and positive messages on Child Protection
- ♦ The Sitting room should have an informal setting preferably a round table seating arrangement. In case of sensitive cases where the child might not be comfortable in talking in front of all the members, the discussion can be done in the room for holding confidential discussions.
- ♦ The entire premises should be bright and cheerful and should convey a feeling of safety and security to the child.

## Chapter 11: Flash Sheet

Sl. No	Category	Production	Placement	Enquiry	Individual Care Plan	Deed of Surrender	Free for Adoption	After care	Sponsorship	Foster Care
1)	Orphaned Children	U/S 32/JJA SR - 26	Children Home SR - 26, Form VIII Restoration in	U/S 33/JJA SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	SR - 36, Form-XIX	SR-35 Form XVIII	Form XVII
2)	Abandoned Children	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	SR - 36, Form-XIX	SR-35 Form XVIII	Form XVII
3)	Surrendered Children	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	SR - 33 Form - XV	SR - 33 Form - XIV	SR - 36, Form-XIX	SR-35 Form XVIII	Form XVII
4)	Missing /Runaway Children	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	SR - 36, Form-XIX	SR-35 Form XVIII	Form XVII
5)	Street Children	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	SR - 36, Form-XIX	SR-35 Form XVIII	Form XVII



6)	Child Labourers	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	SR - 36, Form-XIX	SR-35 Form XVIII	Form XVII
7)	Child Beggars	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	SR - 36, Form-XIX	SR-35 Form XVIII	Form XVII
8)	Trafficked Victims	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	SR - 36, Form-XIX	SR-35 Form XVIII	Form XVII
9)	Children with Special Needs	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	SR - 36, Form-XIX	SR-35 Form XVIII	Form XVII
10)	Emotionally Disturbed Child	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	SR - 36, Form-XIX	SR-35 Form XVIII	Form XVII

11)	Children affected by HIV/AIDS	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	NA	SR -36, Form-XIX	SR-35 Form XVIII	Form XVII
12)	Children in Conflict with Law	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	NA	SR -36, Form-XIX	SR-35 Form XVIII	Form XVII
13)	Abused Children	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	NA	SR -36, Form-XIX	SR-35 Form XVIII	Form XVII
14)	Children of disturbed families	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	NA	SR -36, Form-XIX	SR-35 Form XVIII	Form XVII
15)	Children affected by manmade or natural disasters	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	NA	SR -36, Form-XIX	SR-35 Form XVIII	Form XVII
16)	Children affected by armed conflict	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	NA	SR -36, Form-XIX	SR-35 Form XVIII	Form XVII

17)	Refugee Children	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJ (C&P)A SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	SR - 36, Form - XIX	SR-35 Form XVIII	Form XVII
18)	Children of Commercial workers	U/S 32/JJ (C&P)A SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJA SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	SR - 36, Form - XIX	SR-35 Form XVIII	Form XVII
19)	Children of Prisoners	U/S 32/JJA SR - 26	Children Home SR - 26, Form VIII Restoration in Family Form - IX	U/S 33/JJA SR - 27, Form XII	SR - 4(7) Form - XXI	NA	NA	SR - 36, Form - XIX	SR-35 Form XVIII	Form XVII

## References

- 1) Integrated Child Protection Scheme Guidelines, Government of India
- 2) Juvenile Justice ( Care and Protection of Children ) Act 2000 and its subsequent amendments
- 3) Standard Operating Procedures for Child Welfare Committee (CWC), Department of Women and Child Development, Government of Maharashtra 2009.
- 4) Training Module on Juvenile Justice Board and Child Welfare Committee, Impulse NGO Network ( Shillong, Meghalaya)and UNICEF
- 5) Child Protection and Juvenile Justice System for Children in need of Care and Protection by Dr. Neelima Mehta
- 6) Module on Non-Institutional Forms of Child Care, Taskforce on Non-Institutional forms of Child Care
- 7) The Protection of Children from Sexual Offences Act 2012 and Model Rules 2012
- 8) Compendium of Letters issued by W&CD Department on Child Protection
- 9) Standard Operating Procedures for Child Welfare Committee issued by DWCD, Govt. of NCT of Delhi
- 10) Central Guidelines for hiring support professionals under POCSO Act 2012.

# Annexures

**FORM VIII**  
[See Rule-26(2) (g)]

**SUPERVISION ORDER**

When the child is placed under the case of a parent guardian or other fit person

Case No.....of.....20.....

Whereas (name of the child)..... has this day been found to be in need of care and protection, and has been placed under the care and supervision of (name) .....(address) .....on executing a bond by the said.....and the Committee is satisfied that it is **expedient** to deal with the said child **by making** an order placing him/her under supervision.

It is **herely** ordered that **the** said child be placed under the supervision of (name) .....(address).....for a period of.....subject to the following conditions that:

1. \_the child along with the copies of the order and the bond, if any, executed by the said .....shall be produced before the Committee as and when required by the person executing the bond
2. \_the child shall be placed under the supervision of the aforesaid parent/' guardian/ fit person
3. \_the child shall reside at..... for a period of.....
4. \_the child shall not be allowed to quit the district jurisdiction of.....with
5. \_the permission of the Committee.
6. \_the child shall go to school regularly/ endeavour to earn an honest livelihood.
7. \_the person under whose care the child is placed shall arrange for the proper care, education and welfare of the child.
8. \_the child shall not be allowed to associate with undesirable characters and shall be prevented from coming in conflict with law.
9. \_the child shall be prevented from **taking** narcotic drugs or psychotropic substances or any other intoxicants.
10. the directions given by the Committee from time to time, for the due observance of the conditions mentioned above, shall be carried out.

Dated this.....day of.....20.....

(Signature)

Chairperson, Child Welfare Committee

Additional conditions, if any may be interested by the Child Welfare Committee

**FORM IX**  
[See Rule-26 (2) (g)]

**UNDERTAKING BY PARENT OR 'FIT PERSON' TO WHOM**

**CHILD IS RESTORED**

I..... resident of House No..... street  
..... Village /Town ..... District ..... State .....  
do hereby declare that I am willing to take charge of (name of the child)  
..... Aged ..... Under the orders of the child Welfare  
Committee ..... subject to the following terms and conditions .

- (i) If his/her conduct is unsatisfactory I shall at once inform the Committee.
- (ii) I shall do my best for the welfare and education of the said child as long as he/ she remains in my charge and shall make proper provision for his/her maintenance.
- (iii) In the event of his/her illness, he she shall have proper medical attention in the nearest hospital.
- (iv) I undertake to produce him/her before the competent authority as and when required.

Date this .....day of.....20.....

Signature

**Signature and address of witness (es)**

**(Signed before me)**  
**Chairperson, Child Welfare Committee**

**FORM -X**  
[See Rule 22(8)]

**ORDER OF SHORT TERM PLACEMENT PENDING INQUIRY**

Name of the child .....

Sex

Age .....

Father's Name

Mother's Name .....

Address

Date of receiving by Organization/Institution:

Produced by.

This is to authorize and direct you to receive the said child in your charge, and keep her/him in the Shelter Home/Children's home for care and protection under section 33 (1) of the J.J. Act, 2000.

Next Date:

**(Signature)**

**Chairperson/ Member Child Welfare  
Committee**



**FORM XI**  
[See Rule 22(8)]

**ORDER OF RESTORATION OF A CHILD TO AN INSTITUTION**

To  
The Officer-in-Charge

Whereas on the.....day of.....20.....(name of the child)  
....., son/daughter of..... aged .....  
residing a..... being in care and protection  
under section 33(4) of the Juvenile Justice (Care and Protection) Act 2000 is ordered by the Child Welfare  
Committee....., to be kept in the \_\_\_\_\_Children's Home/ S h e l t e r  
Home..... for a period of.....

This is to authorize and require you to receive the said child in your charge, and to kept him/her  
in the Children's Home/ Shelter Home .....for the aforesaid order  
to be carried into execution according to law.

Given under my hand and the seal of Child Welfare Committee.

This.....day of.....20.....

**(signature)**  
**Chairperson /Member**  
**Child Welfare Committee**

Encl:

Copy of the orders, particulars of home and previous record, case history and individual care plan,  
whichever is applicable:

**FORM-XII**

[See Rule 27(2)]

**ORDER FOR ENQUIRY**

To

Child Welfare Officer/Person in-charge of Voluntary Organization/Social Worker/Case Worker

.....

Whereas a report under section..... of the Juvenile Justice (Care and Protection of children) Act, 2000 has been received from..... in respect of (name of the child)....., aged (approximate)....., Son/daughter, of..... residing at....., who has been produced before the Committee under section..... of the Juvenile Justice (Care and Protection of Children) Act, 2000.

You are hereby directed to enquire into the social and family background of the said child and submit your inquiry report on or before..... or within such time allowed to you by the Committee.

You are also hereby directed to consult an expert in child psychology, psychiatric treatment or counseling for their expert opinion if necessary and submit such report along with your inquiry Report.

You are hereby directed to enquire into the character and social antecedents of the said juvenile and submit your social investigation report on or before..... or within such time allowed to you by the Board/Committee.

Dated this.....day of.....20.....

(signature)  
**Chairperson/Member  
Child Welfare Committee**

SEAL

**FORM XIII**  
 [See Rule 27(5)]  
**FORMAT FOR INQUIRY REPORT**

Sl. No.....

Produced before the Child Welfare Committee.....

(address).

Case No.

Concerned Government Department/ Voluntary Organization

—Category of child in need of care and protection:—————

Name \_Religion

Father's Name

Caste

Permanent Address

Year of birth

Address of last residence

Age

FAMILY

Members of family	Name	Age	Health	Education	Occupation	Monthly Earnings	Disabilities	Any other eg. social habits
Father								
Step Father								
Mother								
Step Mother								
Siblings								
Any other legal guardian/ relative								

Sex

If married, relevant particulars

.....

Other near relatives or agencies  
interested .....

Attitude towards religion, normal and ethical code of the home etc.....

Social and economic status.....

Delinquency record of members  
of family

.....

Present living conditions.....

Relationship between parent/ parents and children especially with  
the said child .....

Other factors of importance if any.....

### **CHILD'S HISTORY**

---

Mental condition  
(Present and past) .....

Physical condition (Present and past) .....

Habits, interests (moral, recreational etc.) .....

Outstanding characteristics and  
personality traits.....

Companions and their.....

influence Truancy from home, if any

.....

School (attitude towards school,

teachers, class mates and vice-versa)

.....

Work record (jobs held, reasons for leaving vocational interests, attitude towards  
job or employers) .....

Neighborhood and neighbors report.....

Parent attitude towards discipline in the home land child's reaction.....

Any other remarks

.....

## **RESULT OF INQUIRY**

Emotional factors

Physical condition

Intelligence

Social and economic factors

Religious factors

Reasons for child's need for care and protection

Opinion of experts consulted

Recommendation of Child Welfare Officer/Case Worker/Social Worker regarding psychological  
support, rehabilitation and reintegration of the child and suggested plan

**Signature off the-Child Welfare Officer/Case Worker/Social Worker**

**FORM XIV**

[See Rule 33(9 )(d) ]

**ORDER FOR DECLARING CHILD LEGALLY FREE FOR ADOPTION**

1. In exercise of the powers vested in the Child Welfare Committee.....  
constituted under sub-section..... of section..... of the Juvenile Justice (Care and  
Protection of Children) Act 2000 and sub-rule..... of rule..... of these rules.

Minor.....born on (date).....placed in custody of  
Specialized Adoption Agency (name & address)..... ,  
.....vide order.....dated.....of the Chairperson,  
Child Welfare Committee....., has been declared legally  
free for adoption on the basis of details furnished through:

- a) Inquiry/home study conducted by Child Welfare Officer/Social Worker/ Case Worker
- b) Document of surrender executed by the parent(s) and surrender deed signed in the presence of the Committees under sub-rules..... of rule... of these rules
- c) Declaration submitted by the Specialized Adoption Agency under sub rules.....of rule.....of these rules

2. ....(name of the Specialized Adoption Agency) shall fulfill all conditions specified in Juvenile Justice ( Care and Protection of Children) Act, 2000 and the rules relating thereto and furnish a copy of adoption decree/guardianship order in respect of the minor as may be required by Committee and the concerned Department of the State Government of .

Date: \_\_Chairperson/Member

Place: \_Child Welfare Committee

For completion by the Specialized Adoption Agency.

- i. I have read and understood Chapters III and IV of Juvenile Justice (Care and Protection of Children) Act 2000 and the rules thereunder and agree to abide/be bound by the same while placing said minor in adoption.
- ii. I further declare that the particulars stated in the declaration submitted by me on.....true and correct. In case they are found to be false or incorrect.the Committee has right to suspend this Release Order for (name of the minor) .....and ask for production of said minor before the Committee.

**Date:**

**Place:**

**Child Welfare Officer/Social Worker**

**FORM XV**

[See Rule 33(9)(c )]

**DEED OF SURRENDER**

I.....d/o or s/o.....  
residing at.....am not in a position due to  
social reasons/ due to being single/ ill/ disabled to take care of my child (name, if  
any).....approximate age.....years, I am explained the  
consequences of surrendering my child by the Child Welfare Officer/Social Worker  
(name).....and the Child Welfare Committee  
....., In full knowledge of all these facts. I am surrendering my child before the  
Committee today, dated..... Within two months from this stated date if I do not  
revise my decision to take back my child and do not approach the said Committee for the same, the  
Committee shall declare my child legally free for adoption and I shall have no further claim on my  
child.

Signature of parent/guardian Bate

That I ..... Child Welfare Officer/Social Worker have  
explained the procedure and the consequences of surrendering the child to the concerned  
parent/guardian on (date).....

**Signature of Child Welfare Officer/Social Worker**

**Date:**

**(Signed before me)**

**Chairperson/ Member**

**Child Welfare Committee**

**FORM XVI**

[See Rule 34(5)]

**A FOSTER CARER'S ASSESSMENT**

**1. Agency Details**

Name of the Agency

Address

Telephone

Fax

E-mail

Name of the Social Worker

Tel

Date.....(Form Completed)

**2. Details of the Applicant**

Surname

Full Name

Date of Birth

Religion

Language(s) spoken at Home

Occupation

a) Nature of Work

b) Hours of Work

Address

Telephone

**3. Description of & preferred child**

The type of child, the foster-carer would consider

(To be filled after a full discussion with the Foster-carer)



Age Range    Under 2 Years    3-6 Years    7-12 Years    13-15 Years    16-18 Years

Sl. No.	Type of Placement	Duration
(i)		
(ii)		
(iii)		
(iv)		
(v)		

**The child an applicant can care for (please Tick )**

A. Child who is

- i. Neglected
- ii. Orphaned
- iii. With Physical impairment
- iv. Mental impairment
- v. Hearing impairment
- vi. Speech impairment
- vii. Special Education needs.
- viii. Learning difficulties
- ix. Physical abuse
- x. Sexual abuse
- xi. Who does not relate easily
- xii. Who needs control/may defy authority
- xiii. Born of rape/incest
- xiv. Who's parent(s) suffering from disease
- xv. Whose parent(s) is HIV positive?
- xvi. Whose parent(s) are AIDS, patient
- xvii. Whose parent(s) are alcoholic?
- xviii. Drug addicts
- xix. Are in jail
- xx. Relinquished
- xxi. Belong to another caste
- xxii. Are of different religion

#### 4. Profile of the Family

Brief family Profile					
Name	Gender	Approx. Age	Occupation	Education	Relationship with the applicant

(Give details of personalities, family life, experiences etc;. Also highlight specific qualities of the family that can match with a child's needs . The details should facilitate initial identification of a potential match with a specific child) .

Accommodation (House)

(Details of type, Size, own/rented space, amenities etc.)

Neighborhood

(Details of composition, Amenities and facilities, public transport etc.)

#### 5. Verification of applicant's identify

Place of residence

Period of stay

Nationality

Marital status (date/length of marriage)

Has either of the applicant had a previous marriage? Details

If children from previous marriage? Details

Specify documents seen with date

#### 6. Career History

(Details of education, employment voluntary work, part time work, leisure activities)

## **7. Agency Inquiries: Medical check**

Police check

Employer

8. Personal references (from 2 persons)

This section to be completed after interviews with two references; information gathered through these interviews should include:

- ♦ Length of time known
- ♦ Relationship to the applicant
- ♦ Provide evidence on the applicant's ability to perform the tasks involved
- ♦ Caring for children
- ♦ Providing a safe and caring environment
- ♦ Applicant as a neighbor
- ♦ interests, talents, personality

Assessment of the social worker for these references

## **B. HOME STUDY REPORT**

A Home Study Report of the foster carer (s) being a crucial document being prepared by the social worker of the Specialized Adoption Agency based on the information collected by the format given above should broadly include the following information:

- ♦ Social Status and family background
- ♦ Description of the home
- ♦ Standard of living as it appears in the home
- ♦ Current relations amongst the members in the home
- ♦ Status of development of the children already in the home
- ♦ Employment and economic status
- ♦ Health details
- ♦ Details of facilities of education, medical, vocational trainings available in the neighborhood
- ♦ Reasons for wanting a child in foster care
- ♦ Attitudes of the grandparent and other relatives
- ♦ Anticipated plans for the foster child
- ♦ Legal status of the foster carer (s)
- ♦ Willingness to undergo training,

## **C. DETAILS OF APPLICATION**

### **1. Background:**

Family structure with details of parents and siblings significant details of other family members childhood experience, etc.

### **2. Relationships:**

couple - Length of married life, what qualities does each applicant bring to the partnership, what makes the relationship positive for each other? Within the relationship how do applicants cope with problems/stress/anger? How do applicants support each other? What is each applicant's assessment of how the Foster placement will affect his or her relationship?

### **3. Decision making:**

How is decision - making exercised in this relationship and how does each of the applicants view this? Is there wider extended family involvement in the couple's decision-making process? If so, how will this affect the child to be placed?

What are the strengths and vulnerabilities of this partnership?

- Children
- Children and their parents' relationships
- Children's attitude and readiness for a foster placement sibling. Describe each child and their temperament, any special talent and need, how children have been involved in preparation.

### **4. Applicants support networks:**

Give a general picture of support systems currently used by the applicants including extended family, friends, neighbors, religious activities, community groups etc. include details of the location etc.

### **5. Other significant members of the family:**

Living in the house or not. Their relationship to the applicants, how much time they spent within the home, their attitude to the proposed placement? How important is their acceptance of placement to the applicant.

### **6. Description of the family life style :**

Outline what family considers important e.g. how important are religious & cultural practices. How is affection show in the family? How do the members spend their time? What expectations family members have with regard to personal space? What value is placed on education/Hobbies and leisure activities that the whole family undertakes?

### **7. Parenting Capacities:**

Experience of the applicants of caring and working with children. Describe their adjustment to parenthood. What is their understanding of how children develop?

Using their own childhood experiences what patterns of parenting would the repeat and what would they change? What is their understanding of their own parenting strengths/potentials and about

their parenting skills to meet the needs of individual child. to what extent they would expect other family members to be involved in parenting of their children/placed children.

How will they ensure that a child will be safe from physical sexual abuse in their family and within wider support networks?

### **8. Massaging Unacceptable Behavior:**

What are rules in the household? How do the applicants show approval/disapproval? What are discipline measures they use? Their attitude towards punishment?

What do they anticipate would be the issues and difficulties and themselves for their own children and for their support network? What do they anticipate would be the issues and difficulties for the child? Which changes do they anticipate would need in their lifestyle?

Social workers assessment :

It should provide an analysis of all the information collected through the format and its significance with regard to the capacity of the applicant to carryout fostering task:

(What skills do the applicants have in relating to and working with children? How well will the applicant work with the agency, with biological parents? What are the strengths and resources of the applicants and which are the areas where they may experience difficulty? Also the point of disagreement between the social worker and the applicants should be recorded here)

### **Recommendations of the Child Welfare Officer/Social Worker**

**(Signature)**

**FORM-XVII**

[See Rule 34(2)]

**ORDER OF FOSTER CARE PLACEMENT**

The child (name and address).....approximate  
Age.....d/o or s/o Mr.....and Mrs.....  
.....or Ms..... is  
in need of care and protection of a family. Mr.....and  
Mrs.....or Ms.....resident of  
(complete address and contact numbers).....  
.....is/ are  
declared fit person/persons for foster-care placement of the child based on the home study report of the  
Child Welfare Officer/Social Worker Ms./ Mr..... of the  
organization (address) .....

The child (name).....is placed in foster care for a period  
of.....(days/ months), under the supervision of the aforesaid Child Welfare  
Officer/Social Worker (name and contact).....

Chairperson/Member  
Child Welfare Committee

**FORM XVIII [See Rule 35(6)]**  
**ORDER OF SPONSORSHIP PLACEMENT**

The juvenile/child (name and address).....  
approximate age.....d/o or s/o Mr.....and Mrs.....  
.....or Ms..... has  
been identified by the State/ District Child Protection Unit as a juvenile/child at risk needing urgent care  
and protection. On the basis of the Inquiry Report submitted by the State/District Child Protection Unit/  
Child Welfare Officer/ Social Worker it is established that the said juvenile/child needs sponsorship  
support for education/ health/ nutrition/ other developmental needs  
.....(please specify). The State/District Child Protection Unit is  
hereby directed to release Rs.....per month/ Rs. ....as one time sponsorship  
support to the said juvenile/ child for a period of (days/month) and carryout necessary follow up.

The State/District Child Protection Unit is also directed to clearly lay down the terms and conditions for  
sponsorship support and follow up.

Principal Magistrate, Juvenile Justice Board/  
Chairperson/Member, Child Welfare Committee

Copy to: State/District Child Protection Unit or concerned Department of the State Government

**FORM XIX**

**[See Rule 36(8)]**

**ORDER OF AFTER CARE PLACEMENT**

The juvenile/child (name) ..... d/o or s/o.....has/ will be completing 18 years of age on (date)....., She/ he is still in need of care and protection for the purpose of rehabilitation and reintegration. She/he is placed in (name of organization).....for providing aftercare. The In-charge of the Organization is directed to admit the child and provide all possible opportunities for her/ his rehabilitation and reintegration in its truest sense. The person shall be provided all these opportunities maximum till the age of 21 years only or till reintegration in the society, whichever is earlier. The In-Charge will send half yearly report on the status of the child/youth to the Child Welfare Committee.

The State/District Child Protection Unit is hereby directed to arrange for aftercare for the said juvenile/child for a period of ..... (days/month) and carryout necessary follow up. The State/District Child Protection Unit is also directed to clearly lay down the terms and conditions for aftercare programme and carryout necessary follow up.

Principal Magistrate, Juvenile Justice Board /  
Chairperson/Member, Child Welfare Committee

Copy to: State/District Child Protection Unit or concerned Department of the State  
Government



**FORM XX**  
**[See Rule 4(4)]**

**CASE HISTORY FORM FOR CHILDREN IN NEED OF CARE AND PROTECTION**

Case/Profile No.....

Date & Time : .....

**A. PERSONAL DATA**

1. Name
2. Male / Female (tick the appropriate category )
3. (a) age at time of admission  
(b) present age :
4. Category :
  - Separated from family
  - Abandoned / deserted
  - Victim of exploitation and violence (give detail)
  - Run-away
  - Any other
5. Religion                      Hindu (OC / BC / SC / ST)  
    Muslim/ Christian (Pl. specify )
6. Location of Residence    Urban /Sub-urban /Rural /Slum /  
    Industrial /Other (Pl. specify )  
  
Native District & State :  
  
Description of the Housing  
(i) Concrete building Tiled (House / Hut /On the street /Others)  
(ii) Three bed room /two-bed room /one-bed room /no separate bed room  
(iii) Owned /rental
9. By whom the juvenile was brought before the Child Welfare Committee:
  - (i) Police-Local Police/Special Juvenile Police Unil/Railway Police/ Women Police
  - (ii) Probation Officers
  - (iii) Social Welfare Organization
  - (iv) Social Worker
  - (v) Parent(s)/Guardian (s)

(please Specify the relationship)

vi) Child himself/herself

10. Reasons for leaving the family

i) Abuse by parent(s)/guardian(s)/step parents(s)

ii) In search of employment

iii) Peer group influence

iv) Incapacitation of parents

v) Criminal behaviour of Parents

vi) Separation of Parents

vii) Demise of parents

viii) Poverty

ix) Others (please specify)

11. Types of abuse met by the child

i) Verbal abuse - Parents/siblings/  
employers/others (pl. specify)

ii) Physical abuse

iii) Sexual abuse Parents/Siblings/  
Employers/Others (Pl. Specify) iv) Others - parents/siblings/  
employers/others (pl. Specify)

12. Types of ill-treatment met by the child,

i) Denial of food - parents/siblings  
employers/other (pl. Specify) ii) Beaten mercilessly - parents/  
Siblings/employers/other (pl. specify)

iii) Causing injury - parents/  
Siblings/employers/other (pi. specify)

iv) Other (pl. specify) - parents/  
Siblings/ employers/others (pl. specify)

13. Exploitation faced by the child

i) Extracted work without payment

ii) Little (low) wages with longer duration of work

iii) Others (pl. specify)

14. Health Status of the Child before admission.
- i) Respiratory Disorders - present / not known / absent
  - ii) Hearing impairment - present / not known / absent
  - iii) Eye diseases - present / not known / absent
  - iv) Dental disease - present / not known / absent
  - v) Cardiac diseases - present / not known / absent
  - vi) Skin disease - present / not known / absent
  - vii) Sexually transmitted diseases - present / not known / absent
  - viii) Neurological disorders - present / not known / absent
  - ix) Mental handicap - present / not known / absent
  - x) Physical handicap - present / not known / absent
  - xi) Others (pl. specify) - present / not known / absent
15. With whom the child was staying prior to admission
- i) Parent(s) - Mother / Father / Both
  - ii) Guardian(s) - Relationship
  - iii) Friends
  - iv) On the Street
  - v) Night Shelter
  - vi) Orphanages / Hostels / Similar Homes
  - vii) Other (pl. specify)
16. Visit of the parents to meet the child
- i) Prior to institutionalization -  
Frequently / Occasionally / Rarely / Never
  - ii) After institutionalization -  
Frequently / Occasionally / Rarely / Never
17. Visit of the child to his family
- i) Prior to institutionalization -  
Frequently / Occasionally / Rarely / During festival times / During summer holidays / Whenever fallen sick / Never
  - ii) After institutionalization -  
Frequently / Occasionally / Rarely / During festival times / During summer holidays / Whenever fallen sick / Never
18. Correspondence with parents -
- i) Prior to institutionalization -

Frequently / Occasionally / Rarely / During festival times / During summer holidays / Whenever fallen sick / Never

ii) After institutionalization -

Frequently / Occasionally / Rarely / During festival times / During summer holidays / Whenever fallen sick / Never B.

**B. CHILDHOOD HISTORY (up to the age of 12 years)**

- 19. Diet of Mother during pregnancy:
  - i) Taken nutritious diet
  - ii) Ordinary diet
  - iii) Inadequate food intake
- 20. Health during pregnancy
  - i) Mother infected with contagious diseases
  - ii) Mother consumed/ used contraceptives
  - iv) Intake of antibiotics
  - v) No such details available
- 21. Birth details
  - i) Normal delivery/ prolonged delivery/ caesarian
  - ii) Under weight/ normal weight/ over weight
- 22. Details of immunization provided
- 23. Details of Handicap
  - i) Hearing impairment By birth/ After accident / diseases
  - ii) Speech impairment By birth/ After accident / diseases
  - iii) Physical impairment By birth / After accident / diseases
  - iv) Mental handicap By birth / After accident / diseases
  - v) Others (please specify)

**C. FAMILY DETAILS:**

24. Household Composition:

Sl. No.	Name & Relationship	Age	Sex	Education	Occupation	Income
1	2	3	4	5	6	7

Health	History of Mental illness	Handicap	Habit	Socialization
8	9	10	11	12

25. Type of family:

Nuclear family / joint family/ broken family

26. Relationship among the family members:

- i) Father & mother            Cordial /Non cordial /Not known
- ii) Father & child            Cordial /Non cordial /Not known
- iii) Mother & child            Cordial /Non cordial /Not known
- iv) Father & siblings            Cordial /Non cordial /Not known
- v) Mother & siblings            Cordial /Non cordial /Not known
- vi) Juvenile & siblings

27. History of crime committed by family members:

Sl.No.	Relationship	Nature of crime	Arrest if any made	Period of confinement	Punishment awarded
1	Father				
2	Step Father				
3	Mother				
4	Step Mother				
5	Brother (a) (b) (c) (d)				
6	Sister (a) (b) (c) (d)				
7	Child				
8	Others (uncle/ aunty/ grand parents)				

28. Properties owned by the family:

- i) Landed properties (pl. specify the area)
- ii) Household articles- Cows/ Cattle/ Bull
- iii) Vehicles- two wheeler/ three wheeler/ four

wheeler (lorry/ bus/ car/ tractor/jeep)

iv) Others (please specify)

29. Marriage details of family members:

i) Parents Arranged/ Special Marriage/ Local Union

ii) Brothers Arranged/ Special Marriage/ Local Union

v) Sisters Arranged/ Special Marriage/ Local Union

30. Social activities of family members:

i) Participate in social and religious functions

ii) Participate in cultural activities

iii) Does not participate in social and religious functions

iv) Not known

31. Parental care towards juvenile before admission: i) Over protection

ii) Affectionate

iii) Attentive

iv) Not affectionate

v) Not attentive

vi) Rejection

**D. ADOLESCENCE HISTORY ( Between 12 and 18 years)**

32. Puberty

Early

Middle age

Late

33. Details of delinquent behaviour if any

i) Stealing

ii) Pick pocketing

iii) Arrack selling

iv) Drug pedaling

v) Petty offences

vi) Violent crime

vii) Rape

viii) None of the above

ix) Others (please specify)

34. Reason for delinquent behaviour

- i) Parental neglect
- ii) Parental overprotection
- iii) Parents criminal behaviour
- vi) Parents influence (negative)
- vii) Peer group influence
- viii) To buy drugs/alcohol
- ix) Others (pl. specify)

35. Habits

A

- i) Smoking
- ii) Alcohol consumption
- iii) Drug use (specify)
- iv) Gambling
- v) Begging
- vi) Any other

B

- i) Watching TV /movies
- ii) Playing indoor/outdoor games
- iii) Reading books
- iv) Religious activities
- v) Drawing /painting/acting/ singing
- vi) Any other

**E. EMPLOYMENT DETAILS**

Employment details of the juveniles prior to entry into the Home :

SL No.	Details of employment	Duration	Wages earned
i)	Cooly		
ii)	Rag picking		
iii)	Mechanic		
iv)	Hotel Work		
v)	Tea shop work		
vi)	Shoe police		
vii)	House hold work		
viii)	Others (pl. specify)		

36. Details of income utilization :

- i) Sent to family to meet family need
- ii) For dress materials
- iii) For gambling
- iv) For prostitution
- v) For alcohol
- vi) For drug

- vii) For smoking
  - viii) Savings
37. Details of Saving
- i) With employers
  - ii) With friends
  - iii) Bank /post Office
  - iv) Others (pl. specify)
38. Duration of working hours
- i) Less than six hours
  - ii) Between six and eight hours
  - iii) More than eight hours
- F. EDUCATION DETAILS**
39. The details of education of the juvenile prior to the admission to children's Home
- i) Illiterate
  - ii) Studied up to V Standard
  - iii) Studied above V Std but below VIII Standard
  - iv) Studied above VIII Std but below X Standard
  - v) Studied above X Standard
40. The reason for leaving the School
- i) Failure in the class last studied
  - ii) Lack of interest in the school activities
  - iii) Indifferent attitude of the teachers ...
  - iv) Peer group influence
  - v) To earn and support the family
  - vi) Sudden demise of parents
  - vii) Rigid school atmosphere
  - viii) Absenteeism followed by running away from school
  - ix) Others (Pl. specify)
41. The details of the school in which studied last
- i) Corporation/Municipal/Panchayat Union
  - ii) Government /SC welfare School/BC Welfare School
  - iv) Private management
  - v) Convents



42. Medium instruction:  
Hindi/English/Urdu/Tamil/Malayalam/Kannada/Telugu Other language (please specify)
43. After admission to Children's Home, the education! attainment from the date of admission till date;  
No. of years      Class studied      Promoted /detained
44. Vocational training undergone form the date of admission into Children's Home till date.  
No. of years      Name of Vocational Trade      Proficiency Attained
45. Extra curricular activities developed form the date of admission into the Children's Home till date
- i) Scout
  - ii) Sports (please specify)
  - iii) Athletics (please specify)
  - iv) Drawing
  - v) Painting
  - vi) Others (pl. specify)

**G. MEDICAL HISTORY**

46. Height and weight at the time of admission:
47. Physical condition:
48. Medical History of child (gist):
49. Medical History of parent/guardian (gist):
50. Present Health Status of the Child:
51. Present Health Status of the Child:

Sl. No.	Annual Observation	Ist Quarter	2nd Quarter	3rd Quarter	4th Quarter
1.	Date of review				
2.	Height				
3.	Weight				
4.	Nutritious diet given				
5.	Stress disease				
6.	Dental				
7.	ENT- Tonsils				
8.	External eye problem: vision				
	Left				
	Right				

Date , Month & Year	Height	Admissible weight	Actual Weight

**H. SOCIAL HISTORY**

- 52. Details of friendship prior to admission into Children's Home i. i. Co-workers
  - ii. School/Classmate
  - iii. Neighbours
  - iv. Others (pl. specify)
- 53. Majority of the friends are
  - 1. Educated
  - ii. Illiterate
  - iii. The same age group
  - iv. Older in age
  - V. Younger in age
  - vi. Same sex
  - vii. Opposite sex
- 54. Details of membership in group (please specify details)
  - i. Associated with cine fans association
  - ii. Association with Religious group
  - iii. Associated with arts and sports club
  - iv. Associated with gangs
  - v. Associated with voluntary social service league
  - vi. Others (please specify)

55. The position of the child in the groups/league
  - i. Leader
  - ii. Second level leader
  - iii. Middle level functionary
  - iv. Ordinary member
56. Purpose of taking membership in the group:
  - i. For social service activities
  - ii. For leisure time spending
  - iii. For pleasure seeking activities
  - iv. For deviant activities
  - v. Others (please specify)
57. Attitude of the group / league
  - i. Respect the social norms and follow the rules
  - ,ii. Interested in violating the norms
  - iii. Impulsive in violating the rules
58. The location/meeting point of the groups
  - i. Usually at fixed place
  - ii. Places are changed frequently
  - iii. No specific places
  - iv. Meeting point is fixed conveniently
59. The reaction of the society when the child first came out of the family
  - i. Supportive
  - ii. Rejection
  - iii. Abuse
  - iv. Ill-treatment
  - v. Exploitation
60. The reaction of the police towards children
  - i. Passionate
  - ii. Cruel
  - iii. Abuse
  - iv. Exploitation
  - v. ill-treatment

61. The response of the general public towards the child

**HISTORY OF THE CHILD(GIST)**

- i. Education
- ii. Health
- iii. Vocational training
- iv. Extra curricular activities
- v. Others

Suggestion of Child Welfare Officer/ Probation Officer after orientation to juvenile/child and the response towards orientation.

Follow up by Child Welfare Officer/ Probation Officer/ Case Worker/ Social Worker

Quarterly Review of Case History by Management Committee

**SUPERINTENDENT/  
WELFARE OFFICER/PROBATION OFFICER**

## FORM XXI

[See Rules 4(7)]

### INDIVIDUAL CARE PLAN

Individual care plan for each child shall be prepared following the principle of the best interest of the child. In preparing individual care plan the care options in the following order

of preferences shall be considered:

- (i) Preserving the biological family
- (ii) Kinship Care
- (iii) In-country adoption
- (iv) Foster Care
- (v) Inter-country Adoption
- (vi) Institutional Care

case/Profile No. \_\_\_\_\_ of 20.....(year) of the Board/Committee Admission No. \_\_\_\_\_

Date of Admission: \_\_\_\_\_

#### **A. PERSONAL DETAILS**

1. Name of the Child: \_\_\_\_\_
2. Age: \_\_\_\_\_
3. Sex: Male/Female \_\_\_\_\_
4. Father's/Mother's name: \_\_\_\_\_
5. Nationality: \_\_\_\_\_
6. Religion/caste: \_\_\_\_\_
7. Educational Attainment: \_\_\_\_\_
8. Summary of Case History:
  - ◆ Health needs
  - ◆ Emotional and psychological support needed
  - ◆ Educational and Training needs
  - ◆ Leisure, creativity and play Attachments and Relationships
  - ◆ Religious beliefs
  - ◆ Protection from all kinds of abuse, neglect and maltreatment
  - ◆ Social mainstreaming
  - ◆ Follow-up post release/restoration

**B. FORTNIGHTLY PROGRESS REPORT OF PROBATIONER**

**Part One**

- 1. Name of the Probation Officer/Case Worker
- 2. For the month of
- 3. Registration No.
- 4. Competent Authority
- 5. Profile No.
- 6. Name of the Child
- 7. Date of Supervision Order
- 8. Address of the Child
- 9. Period of Supervision

**Part Two**

Places of interview	Dates
.....	.....
.....	.....
.....	.....

- 1 .Where the child is residing?
- 2.Progress made in any educational/training course.
- 3.What work he/she is doing and his/her monthly average earning, if employed.
- 4.Savings kept in the Post Office.
- 5.Savings Bank Account in his/her name.
- 6.Remarks on his/her general conduct and progress.
- 7.Whether property cared for?

**Part Three**

- 1. Any proceedings before the competent authority of or
  - a)Variation of conditions of bond
  - b)Change of residence
  - c)Other matters
- 2. Period of supervision completed on
- 3. Result of supervision, with remarks (if any)
- 4. Name and Addresses of the parent or guardian or fit person under whose care the juvenile is to live after the supervision is over.

Date of report .....Signature of the Probation Officer/Case Worker

### C. PRE-RELEASE REPORT

Tick whichever is applicable

Final Release

Transfer

1. Details of place of transfer and concerned authority responsible in the place of transfer/release
2. Details placement of the juvenile/child in different institutions
3. Training undergone and skills acquired
4. Final progress report of the officer-in-charge/probation officer/child welfare officer/case worker/social worker (to be attached)
5. Date of release/transfer
6. Date of repatriation
7. Requisition for escort if required
8. Identification of escort
9. Recommended rehabilitation plan including possible placements
10. Sponsorship requirement and report, if applicable
11. Identification of Probation Officer/Case worker/social worker/non-Governmental organization for post-release follow-up
12. Memorandum of Understanding with non-governmental organization identified for post-release follow-up
13. Identification of sponsorship agency/individual-sponsor for the child post-release, if any
14. Memorandum of Understanding between the sponsoring agency and individual sponsor
15. Details of Savings Account of the child, if any
16. Details of child's earnings and belongings if any
17. Details of awards/rewards due to the child if any
18. Opinion of the child
19. Any other information

**Note:** Pre-release report shall be prepared 6 months prior to the date of release/transfer of juvenile/child and shall take into account the recommendations of the last review report and all other relevant information.

**FORM XXII**  
[See Rule 69(2)]  
**ESCORT ORDER**

Case No.....

In the matter of Boy/Girl Child

Aged about..... year taken

Charged for sole custody under Section  
33(3) of the Juvenile justice Act 2000

The Parents of the boy/girl child are reported to be residing at:

He/She therefore be sent under supervision of a proper police/ non-governmental organization escort to the.....

For tracing and for handing over to the parents or close relatives of the said Boy Child/Girl Child residing at the aforesaid address or at other Place which may be shown by the Child, if no such parents or relative are traced or if traced but they are unwilling to take charge of the boy/girl be

kept in the custody of the Superintendent.....Children's Home and the said Boy/Girl child be produced before the concerned Child Welfare Committee for further orders.

**Orders**

Pending Escort, the said Boy/Girl Child shall remain in Children's Home, residing at present. at.....The State/District Child Protection Unit, or Police Department or non-governmental organization/ Childline shall positively make immediate arrangement not less than 15 days from the date of receipt of this order by him and send the said Boy Child/Girl Child at his/her aforesaid place of residence.

"Dated this.....day of ..... 200

Chairperson/Member Child Welfare Committee CC to:

- 1 .The Superintendent. Children Home..
- 2.The State/District Child Protection Unit or non-governmental organization or Childline

Ref.: 1. Order of admission of minor.....born on.....Profile No.....



#### **D. POST-RELEASE REPORT**

1. Status of Bank Account: Closed / Transferred
2. Earnings and belongings of the child : handed over to the child or his/her parents/guardians - Yes/No
3. First interaction report of the probation officer/child welfare officer/case worker/social worker/non-governmental organization identified for follow-up with the child post-release
4. Placement of the juvenile/child if any
5. Family's behaviour towards the child
6. Social milieu of the child, particularly attitude of neighbors/community
7. How is the child using the skills acquired?
8. Whether the child has been admitted to a school or vocation? Give date and name of the school/institute/any other agency
9. Report of second and third follow-up interaction with the child after two months and six months respectively.”.

Note: \*24. FORM “I to IX” are replaced by Form “I to XXII” are inserted vide Notification No. 17459 dt. 12-10-2009.

**Annexure II- Details of children produced before CWC during the Month/Year**

Date of sitting	Purpose of sitting	Name of the Child	Date of Birth	Sex	Date of production before CWC and case no	Name of the person/institution produced the child	Category	Date of disposal	Nature of disposal	Reason for non-disposal, if applicable	Remarks

**Signature & Seal of Chairperson**

**Annexure III- Details of cases of children pending before CWC as on**

Duration of pendency	Name of the Child	Date of Birth	Sex	Date of production before CWC and case no	Name of the person/institution produced the child	Category	Action taken for disposal	Reason/s for non-disposal, if applicable	Remarks

**Signature & Seal of Chairperson**

**Note:**

Purpose of sitting: The purpose of CWC sitting can include any or combination of the following- Case hearing, Performance of Child Care Institution, Monitoring of individual care plan, Co-ordination meeting with JJB/Other line depts./DCPS, etc.  
 Category of child: Running children, Missing children, Orphan children, Child Labour, Child abuse, Victims of violence, Abandoned, Surrendered, Victim of HIV/AIDS, Victim of trafficking, Child Beggar, Victim of hunger, Victim of calamity  
 Nature of disposal of case: Restored to family, Referred for Foster care, referred for Sponsorship programme, Sent to institutional care, sent to other districts/state, Sent to SAA, Pending for enquiry, etc.

**Annexure IV- ANNUAL/QUARTERLY FACT SHEET FOR CWC REPORTING**

Category	Total No of cases pending as on _____		Total no of cases produced before CWC during the Quarter/Year _____		Total No of cases disposed of during the Quarter/Year _____		Nature wise disposal of cases during the Quarter/Year _____					
	Male	Female	Male	Female	Male	Female	Restored with family	Kinship care	Free for adoption	Foster care	Sponsorship	Institutional care
Runaway children												
Missing children												
Orphan children												
Child labour												
Child abuse												
Victims of violence												
Abandoned												
Surrender												
Victim of HIV/AIDs												
Victim of Trafficking												
Child Beggar												
Victim of hunger												
Victim of calamity												
Any other (please specify)												

**Signature & Seal of Chairperson**

**Annexure V- FORMAT FOR REPORTING /CLAIM BY INDIVIDUAL MEMBER OF CWC**  
**Details of sitting attended by Chairperson/Members of CWC during the month\_**

SlNo.	Date of sitting/ travelling	Hours spent for sitting/ travelling	No of cases dealt with	Details about the cases and action taken for disposal				Action taken for disposal of the case	Reason for non-disposal, if applicable Remarks
				Name of the Child with Case no.	Sex	Date of production before CWC & Name of the person / institution produced the child	Category		
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									

**Signature & Seal of Chairperson/Member of CWC**