

2015-16

**DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI**

STANDARD OPERATING PROCEDURES

- **Children in need of Care & Protection**
- **Juvenile in conflict with law**

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STANDARD OPERATING PROCEDURES

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Restoration

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)

STANDARD OPERATING PROCEDURE FOR CHILD WELFARE COMMITTEE

F. No. 61(SOP)/CWC/DD(CPU)/DWCD/2010-11/4001-4010

Dated: 10.05.2013

SOP FOR CHILD TRAFFICKED FOR COMMERCIAL
SEXUAL EXPLOITATION

Trafficking of children for commercial sexual exploitation – Trafficking is associated with various forms of exploitation including labour, domestic help, adoption and other illegal activities. The Commercial Sexual Exploitation of a child is sexual abuse of minor for economic gain.

"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."

While dealing with child victim of Trafficking, CWC will strictly follow the followings:-

1. Age Verification/Determination

Age verification / determination must be done as per **Rule 12** of the Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009.

2. Visitation of parents/ guardians/ relatives

- a) In a case where the CWC is of the opinion that the parents/ guardian/relatives may be responsible for subjecting the child to violence, abuse or exploitation, CWC will record its observations in its order, a copy of which will be sent to the officer in-charge of the Institution enabling him/her to exercise his/ her

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- b) power under Rule 58 (1) of Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009.
 - c) All the orders passed by CWC should be supported by the relevant provisions of Juvenile Justice (Care & Protection of Children) Act, 2000 and Rules therein and other relevant Rules and guidelines. It should be ensured that CWC should pass speaking orders in all respect.
 - d) The child victim of trafficking should be allowed to meet his/her parents/relative in accordance with the Rule 58(1) of Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009 under the supervision of the Official of the Institution after verification of the identity documents of the parents/ guardians/ relatives.
 - e) In case of foreign national the verification of parents' identity will be done through the concerned High Commission /Embassy / recognized local NGO of that country in writing. In case of refugee children, coordination be done through the UN High Commission for Refugees.

3. Ensure comprehensive police investigation


- a) At the time of production, CWC must check whether the child has been influenced by somebody or under someone's pressure for not agreeing for medical examination (gynecological examination/medical examination for sexual assault). If found so, CWC must order for fresh medical examination specifying the reasons thereof.
- b) Inquiry should be done from the Source State from where the child has been trafficked. Linking the inquiry to the source area, the CWC should inform the District Child Protection Unit / Police of that State about the child and seek written report. The relevant documents should be given to the concerned I.O. to strengthen the case in the best interest of children.
- c) All children victims of trafficking should be provided with Legal Aid Counsel deputed by Delhi Legal Services Authority for free legal aid services. (Rule 27(13) of Delhi JJ Rules, 2009).
- d) CWC should provide all the relevant documents and information to the Legal Aid Counsel including the details of the NGO involved in the rescue operation.
- e) The CWC should provide the names of all accused persons involved in the trafficking and abuse of the child - the brothel owner, pimp, agent/trafficker, *naika (Manager) etc.* to the police for registration of FIR and investigation.

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4. Restoration /Transfer of Child

While passing orders regarding restoration/transfer of child the CWC should seriously take note of the following in the best interest of the child.

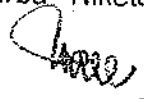
- a) If prostitution is source of livelihood of the parents or any member of the extended family has been involved in trafficking.
- b) Willingness of the child.
- c) **SIR/Home Study report** must be sought from the concerned CWC/District Authorities before deciding on transfer/restoration in the native State.
- d) CWC must transfer case file to the concerned CWC/District Authorities for further follow up at the time of restoration/transfer and keep a copy for its own records.


(RAJIV KALE)
Director, WCD

F. No. 61(SOP)/CWC/DD(CPU)/DWCD/2010-11 4001 - 4010
Copy to :-

Dated: 10 MAY 2013

1. PS to Joint Secretary, M/o Women & Child Development, Govt. of India, Shastri Bhawan, New Delhi.
2. PS to Secretary to MWCD, (WCD&SW), 8th Level, A-Wing, Delhi Secretariat, New Delhi.
3. PA. to Dy. Commissioner of Police, Crime (Women Cell), P.S. Nanakpura, Delhi.
4. The Chairperson/Members, Child Welfare Committee, Sewa Kutir Complex, Kingsway Camp, Delhi.
5. The Chairperson/Members, Child Welfare Committee, Sanskar Ashram Complex, Dilshad Garden, Delhi
6. The Chairperson/Members, Child Welfare Committee, Nirmal Chhaya Complex, Jail Road, Delhi.
7. The Chairperson/Members, Child Welfare Committee, Asha Kiran Complex, Awantika, Rohini, Delhi.
8. The Chairperson/Members, Child Welfare Committee-VII, Nirmal Chhaya Complex, Jail Road, Delhi.
9. The Chairperson/Members, Child Welfare Committee, NPS School, Near Delhi Police Apptt. Mayur Vihar Phase- I, Delhi.
10. The Chairperson/Members, Child Welfare Committee, Kasturba Niketan Complex, Lajpat Nagar, Delhi.


(RAJIV KALE)
Director, WCD

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)

STANDARD OPERATING PROCEDURE FOR CHILD WELFARE COMMITTEE

F. No. 61(SOP)/CWC/DD(CPU)/DWCD/2010-11/4011-4020

Dated: 10.05.2013

SOP FOR VICTIMS OF SEXUAL ABUSE

Sexual Abuse - It includes all forms of sexual assault, exploitation, harassment and pornography related offences as referred under the provisions of Protection of Children from Sexual Offences Act, 2012.

Role of Child Welfare Committee

- (A) When information is received by a CWC from any source including the media regarding sexual abuse of a child under its jurisdiction the committee should take the following steps:
1. Acknowledge receiving the information on record, take suo-motu cognizance of cases brought to notice and seek a report from local police within shortest possible time.
 2. A copy of such order should be mailed/faxed or sent by hand to the Police Station and to the State/District Child Protection Unit seeking necessary support in dealing with the cases.
 3. In case of no response from Police, there must be a follow-up in a time bound manner. Matter must be brought to the knowledge of the senior police officers for necessary action. The State/District- CPU should also be kept informed about action taken.

4. Make efforts to locate the whereabouts of the victim and provide assistance by way of counseling; medical, etc.

(B) When a child victim of sexual abuse is produced before the Committee by any person, the Committee is required to do the following :-

- a) If the child is in an institutional care (recognized or unrecognized) action as contained in, Rule 60 (2) of the Delhi J.J. Rules,2009 should be strictly followed by all concerned and CWC should ensure compliance. The Committee should seek a detailed report from the Head of the Institution within two days of having received such information regarding abuse of child in writing from any person or verbally from the child at the time of production or inspection of the institution.
- b) Child should be interviewed by a female member (s) separately. In case female member is not available only then the female Welfare Officer / Counselor should interview the child in the presence of a CWC Member.
- c) Opinion of the family members and / or relatives should be sought before taking any decision about the child's care , protection and rehabilitation. The opinion sought should be mentioned in the order.
- d) The version of the child must be taken on record, identifying the abuser clearly, nature of abuse and need of the child for medical, psychological and psychiatric treatment. The name of the CWC Member and/or Welfare Officer / Counselor who interviewed the child should be placed on record.
- e) In case, the child is not in a position to speak due to age, mental and physical condition, Committee should make such observation referring to the medical examination report.
- f) In case committee finds any discrepancy in the statement of the child and the version recorded in the F.I.R and/or medical examination report, the same must be indicated in the observation of the CWC in writing.

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g) In accordance with Rule 27(9), the Committee shall facilitate filing of police complaint and F.I.R. in all cases of sexual violence, exploitation and abuse of child.

h) The Committee should also arrange for required legal aid through the legal aid counsel deputed by Delhi Legal Services Authority (DLSA) with the Committee and a copy of CWC order should be given to the concerned person.

(C) **Directions/Guidelines issued by Hon'ble High Court of Delhi in the matter W.P. (Crl.) No. 696/2008 (Delhi Commission for Women vs Delhi Police) should be strictly followed as and where applicable in pursuance to the High Court's Order. The CWC is required to do the following:-**

- (i) In cases of incest and children in need of care and protection, the Child Welfare Committee shall examine the victim to ascertain the nature of support she is getting from her family and initiate steps for ensuring best interest of the child. In such cases the Child Welfare Committee shall conduct a home study to assess and ensure the safety of the victim.
- (ii) In cases where the child is placed in an Institution, the Committee shall monitor the condition of the victim closely.
- (iii) In cases of incest, while the victim stays in the children home the family members should be allowed to meet the victim only in the presence of the support person and care be taken by the staff of the home that the meeting is not used to pressurize/influence the victim to change her statement.
- (iv) Child Welfare Committee shall ensure that rehabilitation facilities are provided to the victim in appropriate cases. In cases of prolonged stay, the victim should be given educational and vocational training in order to enable the victim to support herself after she leaves the children home.
- (v) Before passing any order of restoration of custody of child to the family, the Child Welfare Committee shall conduct an inquiry to assess the suitability of the victim being restored to the family. The Custody of the child will be altered by the Child Welfare Committee only after consultation with the stake holders;

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- (vi) Child Welfare Committee shall ensure that the victim is provided with necessary medical and psychological aid during her stay in Children Home for the purpose of her rehabilitation;
- (vii) Child Welfare Committee shall maintain a list of all registered Child Care Homes providing residential support, special services and rehabilitation facilities to the victim.


(D) The role of CWC in handling cases of sexual abuse is well defined and prescribed under the provisions of the J.J. Act, Delhi JJ Rules, 2009 and POCSO Act and Rules, 2012. The same must be complied with in letter and spirit of the Act and the Rules. The provisions under the POCSO Rules are as under:

1. Take cognizance of the children produced by Police/SJPU, NGOs Child Line or by any person including child himself/herself under the provisions of JJ Act and the POCSO Act.
2. To provide a detailed assessment of the child produced by Police/SJPU under Rule 4 (3) of the POCSO Rules, 2012 to the State Commission.
3. In case child is a victim of abuse within a family or shared household, the CWC should decide within three days whether he/she needs to be taken out of the family/ shared household and placed in a children home/shelter home.
4. CWC must take into account consent of the child and considerations listed I to VII under Rule 4 (5) of the POCSO Rules, 2012.
5. CWC shall inform the parent/guardian/support person about the decision taken regarding the custody and also explain the reasons.
6. As per Rule 4(7) of the POCSO Rules 2012, the CWC has to provide a support person to each child to render assistance through the process of investigation and trial. The CWC may designate W.O. of CWC/CIC Counselor/ W.O. SJPU/W.O. DCPU/ Social Worker of NGO. as support person. The CWC must explain to the support person his/her role and responsibilities. In case of a non Govt. person, CWC must ensure willingness and competence of the person before designating him/her a support person.

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7. While deciding about the support person CWC must take into account the opinion of the child/parent/guardian and ensure that he/she enjoys the trust and confidence of the child/parent/guardian.
8. Compensation – CWC should facilitate the child's parents/guardians in seeking the compensation under victim compensation fund through DLSA as provided under section 33 of the POCSO Act, 2012. The W.O. posted in CWC should provide all required support to the persons applying for compensation.

(E) **Crisis Intervention Centre** - CWC should coordinate with the crisis intervention centre programme of the Delhi Commission for Women and Delhi Police and refer all cases of Child sexual abuse for their intervention in writing and seek progress reports periodically.



(RAJIV KALE)
Director, WCD

F. No. 61(SOP)/CWC/DD(CPU)/DWCD/2010-11 4011-4020

Dated: 10 MAY 21

Copy to :-

1. PS to Joint Secretary, M/o Women & Child Development, Govt. of India, Shastri Bhawan, New Delhi.
2. PS to Secretary to MWCD, (WCD&SW), 8th Level, A-Wing, Delhi Secretariat, New Delhi.
3. PA. to Dy. Commissioner of Police, Crime (Women Cell), P.S. Nanakpura, Delhi.
4. The Chairperson/Members, Child Welfare Committee, Sewa Kutir Complex, Kingsway Camp, Delhi.
5. The Chairperson/Members, Child Welfare Committee, Sanskar Ashram Complex, Dilshad Garden, Delhi
6. The Chairperson/Members, Child Welfare Committee, Nirmal Chhaya Complex, Jail Road, Delhi.
7. The Chairperson/Members, Child Welfare Committee, Asha Kiran Complex, Awantikā, Rohini, Delhi.
8. The Chairperson/Members, Child Welfare Committee-VII, Nirmal Chhaya Complex, Jail Road, Delhi.
9. The Chairperson/Members, Child Welfare Committee, NPS School, Near Delhi Police Apptt. Mayur Vihar Phase- I, Delhi.
10. The Chairperson/Members, Child Welfare Committee, Kasturba Niketan Complex, Lajpat Nagar, Delhi.


(RAJIV KALE)
Director, WCD

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)

STANDARD OPERATING PROCEDURE FOR CHILD WELFARE COMMITTEE

F. No. 61(SOP)/CWC/DD(CPU)/DWCD/2010-11/4021-4030

Dated:10.05.2013

GENERAL PROCEDURES APPLICABLE TO ALL
CHILD WELFARE COMMITTEES

These Rules of procedure in regards to transaction of business by the CWCs are prepared in compliance of Section 30(1) of the Juvenile Justice (Care & Protection of Children) Act, 2000. All the Chairpersons and Members will ensure that the prescribed Administrative Procedure and Protocol is followed for the smooth functioning of the Child Welfare Committees.

1. The CWC is a bench of Magistrate and Chairperson and Members are jointly expected to maintain proper decorum during the conduct of the proceedings.
2. Jurisdiction as decided by the Govt. Must be followed by the CWCs and no matter pertaining to jurisdiction of another CWC should be dealt with unless in emergency or in the best interest of the child. However, the CWC may guide the child/agency concerned to the appropriate CWC. Where a CWC finds it imperative to deal with a case otherwise belonging to a different jurisdiction, it shall record in writing the reasons and special circumstances under which the case was attended.

- 2
3. The Chairperson of all the CWCs must work out a time-table in such a manner that necessary and adequate time is allotted for dealing with cases as well as preparation for the next day and for consultation among the CWC members, administrative matters and other functions of the Committee.
 4. The Committee should keep one hour towards the end of the day for staff to prepare list of cases for the following day. The members should utilize this time for consultation and taking decisions in cases where the final orders have been reserved.
 5. There should be specific time allotted for taking up new cases i.e. production of children for the first time. In cases where the production of the children is already scheduled, a list should be prepared in advance.
 6. The CWC should meet every Saturday to review its working and take decisions regarding functioning of the CWC. Weekly minutes of the review meeting should be recorded on a regular basis. Issues pertaining to functioning of CWC and consultation on specific cases should be taken up in the review meeting.
 7. As specified in Rule 26(1) of Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009 regarding quorum for the meeting shall be two members attending which may include the Chairperson or the officiating Chairperson. Hence the Committee should deal with two cases at a time and take interim/final decisions collectively or by majority vote.
 8. Atleast two members should be present at the time of taking an interim decision and at the time of taking final decision the Chairperson/ officiating Chairperson should be present during disposal of case.
 9. No favour should be granted to any person in terms of attending to their case as a matter of preference.
 10. In case the Committee is not sitting, the child may be produced at the residence of the Chairperson /Members. **Rule - 27(5)**
 11. While talking to the child, members should speak one by one giving the child or the persons accompanying the child sufficient time to respond.
 12. Generally Committee should not give long dates in pending inquiry cases. On an average the dates should not exceed the time period of one week to ten days.

13. Individual case file should be opened for each child containing all relevant documents. The code of categories of children will be indicated on the case file/register. If the child falls in more than one category, same code should be indicated against his name in the case file / register. The code of categories of children is placed at Annexure-I.
14. When a child is produced before the Committee the Members must interact with the child directly specially in case of Child Abuse and Missing Children.
15. (a) The decision making process should involve a compulsory consultation between the Chairperson and other members of the Child Welfare Committee.
(b) Such a consultation and/or the discussion on a particular case should not be carried out in the presence of parties. Final orders should be reserved for another date only in cases where consultations are required.
16. Orders passed by the CWC should be based on the provisions of the law i.e. it should contain legal reference as far as possible especially in the context of the JJ Act, 2000, the Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009 and other relevant laws.
17. CWCs are required to pass written orders in every case /complaint / representation given to it. The version of the child must be recorded in every case.
18. The dissenting opinion of the Member (s) if any should also be taken on record while passing an order.
19. Attendance of the persons present before the Committee should find a mention in the orders of the CWC.
20. CWC must refer to the previous orders of the CWC while passing further orders.
21. CWC should avoid writing decisions / orders on the reports /documents submitted by Police Officials/ NGOs.
22. The CWC must ensure that the MPR for the previous month must reach CPU/ICPS in the 1st week of every subsequent month. The MPR should also indicate a column of missing children. The data of the same shall be

sought from the Police Stations in the jurisdiction of CWC. Annexure-II & III.

23. Atleast two members should inspect an institution for reviewing the condition of the children kept there or for recommending to the Govt. for grant of license under the provisions of the JJ Rules. (Rule -25(p) & 71)
24. Chairpersons/Members should give a patient hearing to NGOs and Police Officials, when contacted on phone for seeking guidance or support regarding children in need of care and protection.

The aforesaid General Principles have been laid down to simplify and to bring uniformity in the functioning of Child Welfare Committees and to develop the existing practices in the best interest of the child.



(RAJIV KALE)
Director, WCD

F. No. 61(SOP)/CWC/DD(CPU)/DWCD/2010-11 4021-4030

Dated: 10 MAY 2011

Copy to :-

1. PS to Joint Secretary, M/o Women & Child Development, Govt. of India, Shastri Bhawan, New Delhi.
2. PS to Secretary to MWCD, (WCD&SW), 8th Level, A-Wing, Delhi Secretariat, New Delhi.
3. PA. to Dy. Commissioner of Police, Crime (Women Cell), P.S. Nanakpura, Delhi.
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8. The Chairperson/Members, Child Welfare Committee-VII, Nirmal Chhaya Complex, Jail Road, Delhi.
9. The Chairperson/Members, Child Welfare Committee, NPS School, Near Delhi Police Apptt. Mayur Vihar Phase-I, Delhi.
10. The Chairperson/Members, Child Welfare Committee, Kasturba Niketan Complex, Lajpat Nagar, Delhi.


(RAJIV KALE)
Director, WCD

Annexure-I

The following code of categories of children will be indicated in the case file/ register.

Category of Children	Code Number
(a) Homeless/Abandoned Child	01
(b) Missing/ Run Away Child	02
(c) Child found begging	03
(d) Victim of Sexual Abuse	04
(e) Street Child	05
(f) Trafficked Child	06
(g) Child of Substance/Drug Abuse	07
(h) Victim of Natural Calamities/Civil Commotion /Armed Conflict	08
(i) Incapacitated Parents	09
(j) Mentally/Physically Challenged	10
(k) Mentally/Physically ill	11
(l) Suffering from Terminal diseases	12
(m) AIDS/HIV infected/affected	13

PROFORMA FOR MPR FOR CWC's: Month- Year-2013

Name of the CWC	Number of cases at the beginning of the month	New cases received	Total 1 to 2	Rehabilitation/Disposal						Total 4 to 9	Cases related				Pending on the last date
				Restored to parents directly	Transfered to other states	Restoration through escort	Declaring children legally free for adoption	Restoration to institution for CWC's	Transferred to other CWC's		Run Away	Death	Foster Care	Missing Children in the Jurisdiction	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
CWC-I, Nirmal Chhaya Complex, Jail Road,															
CWC-II, Kasturba Nirketan Complex,															
CWC-III, Sewa Kutir Complex, Kingsway															
CWC-IV, Community Centre, Shankar Market, New Delhi and															
CWC-V, Sanskar Ashram Complex,															
CWC-VI, Asha Kiran Complex, Avantika,															
CWC-VII, Nirmal Chhaya Complex, Jail															
Grand Total															

Chairperson/Members

[Signature]

Monthly Reporting format of Child Welfare Committee(CWCs)

For the month of _____

Name of the chairperson : _____

Office Address of CWC : _____

Email Address: _____

Contact No: _____

Report Submitted on: _____

Tenure of the CWC : _____ from _____ to _____

Total number of sittings of CWC in the reported month : _____

A) Status of CNCP** cases before CWC

S.NO	Girls	Boys	Total	Remarks
1				Number of CNCP** cases before CWC carried forward from the last month
2				Number of CNCP** new cases before CWC as on 1st day of the month
3				Number of CNCP** cases disposed of by the CWC during the month
4				Number of CNCP** cases carried forward for next month
5				Number of CNCP** cases pending before the CWC as on last day of the month

B) Details of Disposal of Cases:

S.No	Girls	Boys	Total	Remarks
1				Number of children restored to their family during the month
2				Number of children sent to children's homes

Signature

3	Number of children sent to SAA			
4	Number of children sent to other Districts			
5	Number of children sent to other States.			
6	Any Other, give details			

C) Number of Children declared "Free for Adoption"

S.No		Girls	Boys	Total	Remarks
1	Number of pending cases carried forward from the previous month				
2	Number of new cases during the month				
3	Number of cases declared 'free for adoption' during the month				
4	Number of cases carried forward to the next month				
5	Cases pending as on last day of month for declaring a child 'free				

D) Details of Children referred to Sponsorship & Foster Care Committees

S.No		Girls	Boys	Total	Remarks
1	Number of Children referred for sponsorship committee				
2	Number of Children referred for foster care committee				

E) Training of Members

S.No	Topic	Organised by	Attended by	Date & days	Remarks
1					

Any other : _____

Signature with stamp

Handwritten signature

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Quarter no:

Duration:

Office Address:

Name of the Chairperson:

Phone Number:

Contact number:

Email Address:

	Status of CNCP** cases before CWC	Girls	Boys	Total
1	Number of CNCP cases before CWC as on 1 st day of the quarter reported upon			
2	Number of CNCP new cases before the CWC during the quarter reported upon			
2	Number of CNCP cases disposed of by the CWC during the quarter reported upon			
3	Number of CNCP cases pending before the CWC as on last day of the quarter reported upon			

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)

F. No. 61(SOP)/CWC/DD(CPU)/DWCD/2010-11/21538-549 Dated:11.11.2013

STANDARD OPERATING PROCEDURE
FOR CWC ON DECLARING A CHILD LEGALLY FREE FOR ADOPTION

The primary aim of rehabilitation and social reintegration is to help children in restoring their dignity and self-worth and mainstream them through rehabilitation within the family where possible, or otherwise through alternate care- programmes and long –term institutional care shall be of last resort.

Adoption :

1. The primary aim of adoption is to provide a child who cannot be cared for by his/her biological parents with a permanent substitute family. The best interest of the child is served by providing him or her, an opportunity to be placed with a family within his or her own socio-cultural milieu.
2. For all matters relating to adoption, the "Guidelines Governing the Adoption of Children, 2011" issued by Central Adoption Resource Authority (CARA) and notified by the Central Government on 24th June, 2011 shall be adhered to.
3. Section 41 of JJ Act : The children's homes and the institutions run by the State Government or a Voluntary Organization for children in need of care and protection shall ensure that orphan, abandoned or surrendered children and declared legally free for adoption by the Child Welfare Committee and all such cases shall be referred to the Specialized Adoption Agency (SAA) in that district for placement of such children in adoption in accordance with the Provisions of the JJ Act, 2000, Delhi JJ Rules, 2009 and CARA guidelines.

Role of Child Welfare Committee (CWC)

A. In the case of Abandoned Children:

1. Whenever information is received from the police or NGO or Child Line or Hospital or Nursing Home or any other institution or person about an abandoned or orphan child, arrangements shall be made to provide immediate medical assistance, care and shelter as per the need of the child.
2. The child shall be produced by any of the above person/organization before the Child Welfare Committee (CWC) within 24 hours excluding journey time.
3. In case the child is medically unfit, the person or the organization shall send a written report along with the photograph of the child to the CWC within 24 hours and produce the child before the CWC as soon as the child is medically fit along with a medical certificate to that effect.
4. Child below 6 yrs will preferably be placed in children's home recognized as the Specialized Adoption Agency by the CWC.
5. The CWC shall ensure that the Specialized Adoption Agency gives intimation in writing to the local police station along with photograph and other details of the child. The CWC shall also ensure that FIR or DD entry as per need of the case is made with regard to the child.
6. The CWC shall direct the police to register case under section 317 IPC if the child is found in unsafe place in the opinion of the CWC.
7. The CWC shall ensure that the Specialized Adoption Agency has published photograph and other details of the child in at least one leading national newspaper and one regional newspaper for children below two years of age. For children above two years, an additional television or radio announcement and notification to the missing person squad or bureau should be made by the SAA.
8. The CWC shall ensure that Specialized Adoption Agency has made all the efforts to trace the parents or relatives of the child at their own level and conducted an independent enquiry for the same purpose.
9. During the process of enquiry, the child below the age of 4 years need not to be produced before the CWC on every date of hearing. However, the CWC may direct SAA to produce such children as and when required.
10. Prior to declaring the child legally free for adoption, the CWC shall ensure that-
 - a) The Specialized Adoption Agency gives a declaration in writing that no claimant has come for the custody of the child even after making all efforts.

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- b) In cases where only DD entry is made, the Specialized Adoption Agency has procured status or action taken report from the police stations.
 - c) In cases registered under section 317 IPC, investigation officer obtains and submits a copy of court order from Metropolitan Magistrate duly accepting the untraced report.
11. The CWC shall ensure that in case of children below 2 years of age, the aforesaid steps are completed within a period of **sixty days** from the date of the child found abandoned and in case of children above two years, within a period **four months**.
 12. During the process of enquiry, CWC shall seek a report from govt. appointed Welfare Officer within one month regarding the efforts made by SAA to trace the family of the child and all steps taken as required under the Delhi JJ rules, 2009 and CARA guidelines.
 13. The CWC shall declare child legally free for adoption as per format XIV as prescribed in the Delhi JJ Rules 2009. The child must be produced before the Committee on the day of issue of the certificate declaring the child legally free for adoption.
 14. The CWC shall ensure in coordination with Adoption agencies that no child above seven years who can understand and express his or her opinion shall be declared free for adoption without his or her consent.

B. In case of Surrendered Children:

1. The CWC shall ensure that optimum efforts have been made by them for counselling the parents, explaining consequences of adoption and explore the possibilities of retaining the child with the family through Foster care and Sponsorship.
2. In case of single mother unwilling to appear before the Committee one lady member of CWC should meet the mother separately. In case of biological parents this procedure shall be carried out before at least a two member bench.
3. The details of biological parents or single mother shall be submitted to the CWC by SAA.
4. The CWC shall ensure that a deed of surrender has been executed as per Rules 33 (4) and in schedule 2 of CARA guidelines in the presence of the CWC if the surrender is inevitable. (Copy enclosed)
5. If CWC is informed that one of the parents or both the parents are dead, the death certificate should be obtained. In case of non-availability of death certificate or if the whereabouts of the parents are not known, child shall be treated as abandoned and further procedure shall be followed accordingly.

6. The CWC shall ensure that the parent/s have been informed about the two month's reconsideration period and after due enquiry the Child Welfare Committee shall declare the surrendered child legally free for adoption, as per the Delhi JJ Rules and CARA guidelines.
7. If surrendered by any other person than biological parents, the child be treated as abandoned and further procedure shall be followed accordingly.
8. In case of mentally challenged or mentally ill destitute mother, where there is no one in the family or relatives to provide care and protection to the child, CWC shall ensure that Medical Board of Govt. Hospital issues a certificate declaring the mother as unfit to take care of her child, prior to declaring the child legally free for adoption. The CWC shall ensure all relevant legal aspects related to the matter.
9. If a child who is to be surrendered is a child of a minor biological mother (below 18 years), then the parents/guardian (in the absence of parents) of the minor are to be involved in the process of surrender. The surrender deed will be jointly executed by the parents/guardians and the minor mother. If there is a dispute about surrendering the child between the parents and the minor mother, the decision of the minor mother will prevail. If however, the CWC feels that the safety of the child is in danger, then the CWC can deny the custody of the child to the minor mother.
10. In case of a minor biological mother the CWC will order the child to be placed in SAA until such time that the CWC is convinced that the mother is in a position to take care of the child. In this matter, the Document of Surrender (DOS) cannot be executed under any circumstances. CWC will make an inquiry to assess the situation and take steps if there were other violations against the minor mother, who has appeared before the CWC. All the details revealed by the minor are to be kept confidential.
11. The minor mother should be given full information about the process of surrender including that her child would be placed in a SAA. That she is free to claim her child within a period of 60 days, which is a period of reconciliation. That after 60 days she would have no rights over her child and the process of surrender would be complete and final. After speaking to the minor mother, her parents/guardians and verifying the circumstances the CWC would proceed with the process of surrender by giving an order on the surrender deed.
12. The Document of Surrender to be signed by the parents/ guardians of the minor mother also. The minor biological mother should sign the Document of Surrender stating that the document has been explained to her and that she is giving her consent to the surrender. The NGO/ Social Activist who has brought the case to the CWC is also required to sign as witness.

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13. If for any reason the procedure towards the surrender deed cannot be completed as detailed above, the procedure as required for abandoned child should be initiated.

14. Final order: The CWC shall make its final orders at the end of the Surrender Deed Document.

The CWC shall ensure that the order should contain the following facts and documents:

- a) Original Surrender document
- b) Interview of the parents/guardians of the minor mother by CWC
- c) Statement of the biological mother for surrendering the child

The order should also mention the details as follows:


- (i) date and time when the child was produced before the CWC
- (ii) that the biological mother was interviewed and explained the implications of surrendering her child
- (iii) the documents such as hospital card/birth certificate of the child, age proof of the minor mother, proof of residence of the mother- ration card, electricity bill, election card and other documents to be listed and attached, were verified

The order must state that due to completion of all these processes, the child was given an admission order to the SAA and the SAA was asked to commence the process for the child to be declared free for adoption. The CWC and SAA shall wait for completion of 60 days reconsideration time given to the biological parent or parents after surrender.

After declaration of a child legally free for adoption:

1. After declaration of the child as legally free for adoption, he or she shall stay in the safe custody of the SAA, till the adoption process is completed.
2. The SAA can give the child in Pre-adoption Foster Care after taking an affidavit from the Prospective Adoptive Parent's as per rule 22 of CARA guidelines.
3. The CWC would monitor the progress of the Child till the time the child is given in adoption.

4. The adoption formalities shall be completed by the Specialized Adoption Agency as per Section 41 of JJ Act and CARA guidelines, before obtaining the final order of placement of child in adoption from the Court of District & Sessions Judge.
5. If a SAA is not in a position to identify a suitable family for a child, the State Adoption Resource Agency (SARA) will come to their assistance by identifying a suitable family from another SAA.
6. If after declaring a child legally free for adoption and before the finalization of the adoption process by the concerned Session court, the biological parents claim custody of the child, the CWC shall review the decision, in the best interest of the child. After due verification of reasons, as claimed in custody application of the parents and home study, child's custody may be given to the biological parent under supervision of CWC.
7. After declaring the child legally free for adoption and till the completion of adoption process, status of child remains as Child in Need of Care and Protection (CNCP). SAA should provide status and progress report of the child in writing on regular basis to CWC.
8. Under normal circumstances siblings cannot be separated for adoption (refer CARA guidelines).


 (RAJIV KALE)
 Director, WCD

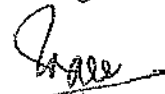
Encl: As above

F.No.61(SOP)/CWC/DD(CPU)/DWCD/2010-11 21538-549

Dated: 19 NOV 2013

- Copy to:
1. P.S. to Joint Secretary, M/o. Women & Child Development, Govt. of India, Shastri Bhawan, New Delhi
 2. PS to Secretary, MWCD (WCD & SW), 8th Level, A-Wing, Delhi Secretariat, New Delhi
 3. PS to the Secretary, DWCD & SW, GLNS Complex, Behind Ferozshah Kotla Ground, Delhi Gate, New Delhi
 4. Deputy Commissioner of Police, SPUW & C, Nanakpura, New Delhi.
 5. The Chairperson, Child Welfare Committee - I, Nirmal Chhaya Complex, Jail Road, New Delhi
 6. The Chairperson, Child Welfare Committee - II, Kasturba Niketan Complex, Lajpat Nagar, New Delhi
 7. The Chairperson, Child Welfare Committee - III, Sewa Kutir Complex, Kingsway Camp, Delhi
 8. The Chairperson, Child Welfare Committee - IV, NPS School for Deaf, Phase - I, Near Delhi Police Apartment, Mayur Vihar, New Delhi
 9. The Chairperson, Child Welfare Committee - V, Sanskar Ashram Complex, Dilshad Garden, Delhi

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10. The Chairperson, Child Welfare Committee – VI, Asha Kiran Complex, Awantika, Rohini, Delhi.
 11. The Chairperson, Child Welfare Committee – VII, Nirmal Chhaya Complex, Jail Road, New Delhi
 12. Programme Manager, SARA, Dept. of WCD, GNCTD, 1, Canning Lane, K.G. Marg, New Delhi.



(RAJIV KALE)
Director, WCD

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)

F. No. 61(761)/Restoration/DD(CPU)/DWCD/2014/5373-98 Dated: 08.05.2015

STANDARD OPERATING PROCEDURE
FOR FUNCTIONARIES WORKING IN CHILD CARE INSTITUTION WITH
RESPECT TO FOUND CHILDREN HOUSED IN GOVT. & NGO RUN CCI.

Introduction :-

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) which includes the right of the child to be reintegrated into the society without judicial proceedings, where avoidable. Government of India ratified the UNCRC in 1992 and replaced the old law with the Juvenile Justice (Care & Protection of Children) act in the year 2000 which was subsequently amended in August 2006.

The Juvenile Justice 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 settlement of matters keeping in view the developmental needs of the child, thus ringing about a paradigm shift in the approach to juvenile welfare.

In compliance of the provisions stipulated in the Juvenile Justice Act, 2000, Department of Women & Child Development is running several residential custodial institutions for care, protection and rehabilitation of minor boys and girls. Children who are found living at public places like streets/markets/railway platforms etc. without any guardian or who have been abandoned by their parents or have run away from home or got separated from their families are brought to these institutions where efforts are made to reintegrate them back into their respective families and mainstream of the society while taking care of all their needs in a holistic manner.

The Standard Operating Procedures document is meant to act as a guidebook for practitioners in the field of child welfare. The document has been developed on basis of experience and practices of functionaries working in both Government and NGO run child care institutions. It primarily aims at clearly defining various procedures that needs to be followed by the functionaries working in child care institutions and the Child Welfare Committees for ensuring that prompt efforts are made in a time bound manner for re-uniting maximum number of children with their families in minimum possible time.

OBJECTIVES

1. To formulate guidelines / modalities for facilitating restoration of children back to their families in an expeditious manner.
2. To develop a rapid response policy for officials working in the custodial institutions being run by the Department so that maximum number of children are reunited with their families in the shortest possible time
3. To clearly define various procedures to be followed by the functionaries working in child care institutions being run by the Department.
4. To streamline / standardize the process of restoration being followed in all the residential institutions being run by the Department under Juvenile Justice Act 2000.
5. To specify timelines for each and every action required to be carried out at various stages of restoration process so that all work is carried out in a time bound manner.

STEPS INVOLVED IN RESTORATION OF CHILDREN

While dealing with children in need of care and protection, the functionaries working in child care institutions would abide by the following steps, procedures and timelines for safeguarding the best interest of the child in compliance of provisions contained in the Juvenile Justice Act 2000 and Rules thereof. The SOPs enumerated below stipulate some generic guidelines whereas some are intended for a particular category of children having specific requirements :-

Step I : Child's Admission in the institution :

1. As soon as a child enters the institution, all efforts for tracing his/her family would commence immediately without waiting for CWC orders.
2. Full size photograph of the child in the same set of clothes he was wearing at the time of entry in the institution would be taken immediately. Subsequent to change of clothes another passport size photograph would also be taken. The initial photographs would be kept in case files at all times.
3. At the time of admission during 'jama talashi' procedure any valuables, money or articles of personal use found with the child would be kept in safe custody and an entry of list of articles taken into possession would be made in his case file as well as 'jama talashi' register. All the personal belongings of the child would be handed over to him/her at the time of discharge from the institution or would be disposed of as per Juvenile Justice Rules 52 and 53.
4. As soon as a child enters a government institution, his case would be assigned to a specific Welfare Officer who would look after his needs in a holistic manner. A mechanism for immediate allocations of cases would be developed and the same could be done by assigning specific age groups to specific Welfare Officers.
5. Preliminary interview with the child would be conducted by the Welfare Officer and the child would be presented before the CWC within 24 hrs of his arrival or on the next working day whichever is earlier. If the CWC is not in session, intimation about the arrival of the child would be given to CWC Chairperson / Member on phone. In absence of the concerned Welfare Officer his link officer would do the needful along with filling up of the intake form.

6. Wherever feasible, physical segregation of new incoming children from children who have been committed for long term care in the institution would be ensured. The needful could be facilitated by making living/sleeping arrangements of newly admitted children in a separate dormitory till their cases are pending before the Child Welfare Committees.

Step II : Interview and counseling :

The concerned Welfare Officer would conduct detailed interview with the child to gather maximum information about his family background and address including major landmarks around his house for tracing his family within two working days of the child's admission. The Superintendent would make a House Father responsible for familiarizing the child with the institutional set up and ensuring that articles of daily use like clothes, locker, bedding, utensils, soap etc. are made available to him immediately to ease his stay in the institution. An older child could also be made his guide/mentor/friend to further help him deal with issues related with day to day life in the institution.

A counseling session would be conducted by the concerned Welfare Officer /qualified counselor/psychologist as per availability within twenty four hours of admission or next working day whichever is earlier for facilitating his/her adjustment in the institutional life and taking care of his emotional needs. A child requiring long term psychological intervention would be referred to the mental health unit for sustained counseling sessions.

Step III : Tracing the family :

Steps for tracing the families of children and processes involved therein have been worked out for four categories of children in need of care and protection which are as under :-

- (i) Children whose families are residing in Delhi
- (ii) Children belonging to states other than Delhi
- (iii) Children belonging to foreign countries
- (iv) Children with special needs

(i) Children whose families are residing in Delhi :

1. If the child is able to give exact address or telephone number of the family, the Welfare Officer would contact his/her family within two working days and inform the guardians/parents about the child's arrival in the institution. The child would also be allowed to talk to his family members on phone unless otherwise directed by the Child Welfare Committee.
2. If the child is able to identify a broad geographical area but is not able to provide his exact address he would be taken for a spot visit to the area within one week of his admission. Help from the concerned District Child Protection Unit (DCPU) or local police station could also be taken for conducting spot / home visits.
3. The details of the child along with the photograph would be uploaded on trackthemissingchild website by the concerned Child Welfare Committee within two working days and the same would be updated by the concerned Welfare Officer subsequently if needed and later at the time of restoration/transfer/long term commitment of the child.
4. In case of children who are unable to give specific details of their background or address on account of mental/hearing/speech disability or due to any other reason and whose families remained untraced even after making above efforts, personal details and photographs would be sent for publication in newspapers and telecast on Doordarshan to RGO Branch, HQ (WCD) on completion of fifteen days. In such cases, the RGO Branch would ensure publication / telecast within fifteen days of receipt of the request on priority. The Welfare Officer / Superintendent would ensure that publication/telecast is done for a minimum of three times with a gap 15 days in case the family remains untraced.

(ii) Children belonging to states other than Delhi :

1. In case a child is not able to speak or understand Hindi, the Resident Commissioners of concerned States would be contacted for providing translators for conducting detailed interview.
2. If the child is able to give telephone number of his/her family, the Welfare Officer would contact the family within two working days and inform the guardians/parents about the child's arrival in the institution. The child would also be allowed to talk to his family members on phone unless otherwise directed by the Child Welfare Committee.



3. The details of the child along with the photograph would be uploaded on trackthemissingchild website by the concerned Child Welfare Committee within two working days and the same would be updated by the concerned Welfare Officer subsequently if needed and later at the time of restoration/transfer/long term commitment of the child.
4. Based on the information given by the child, the concerned Welfare Officer would contact Superintendent of Police / Childline / CWC / Probation Officer / Child Protection Officer of his/her native district on phone within one week for tracing the child's family or verification of address. Wherever needed, a formal communication along with photograph of the child would also be sent through email or post.
5. In case a child's family is traced and address is confirmed, the Welfare Officer would invite the family to Delhi for taking custody of the child and would provide necessary information for facilitating the same. The Welfare officer would also submit an inquiry report detailing efforts made by him/her and outcome of the same to the concerned CWC on the next working day.
6. In case a family belonging to poor economic background arrives in Delhi to take custody of the child, the actual travel expenses of two family members and the child would be reimbursed by the Superintendent of the institution where the child has been residing on directions of CWC.
7. After restoration / repatriation, a safe reaching report of the child would be submitted by the police escorts to the child care institution and actual expenditure incurred during travel of the child including cost of tickets and incidentals would be reimbursed by the concerned Superintendent to the escorts.

(iii) Children belonging to foreign countries :

1. After conducting detailed interview, a communication would be sent to the concerned Embassy and the NGO authorized by the embassy for repatriation enclosing the child's photograph, personal details and information regarding his address along with the request for initiating efforts for tracing the child's family in his/her native country with help of local authorities. The same would be done within one week of the child's admission.

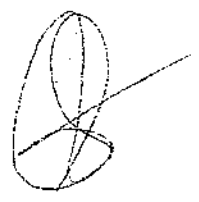


2. In case a child is not able to speak or understand Hindi, the concerned Embassy would be contacted for providing translators for conducting detailed interview within two days of the child's admission.
3. If the child is able to give contact number of the family in his native place or any other relative, the Welfare Officer would telephonically contact the family and inform the guardians/parents about the child's arrival in the institution within two working days of the child's admission. The child would also be allowed to talk to his family members on phone unless otherwise directed by the Child Welfare Committee.
4. The Welfare Officer would regularly follow up with the concerned Embassy / NGO regarding progress made in the case (at least thrice a month) and keep the CWC apprised of the latest developments.
5. After restoration, a safe reaching report of the child would be submitted by the Embassy / NGO to the concerned Child Care Institution / CWC.

(iv) Children with special needs :

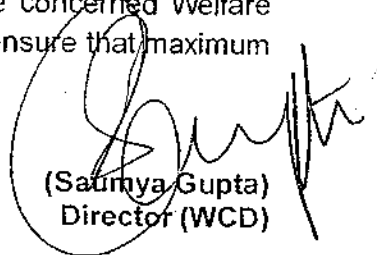
The procedure for restoration of a child with special needs would remain the same as mentioned at categories (i) and (ii) above for Delhi based children as well as those belonging to other states. However, following additional efforts would be made for taking care of their special needs :-

1. While the case of a child with special needs is pending with the Child Welfare Committee and till the time he/she is transferred to a specialized institution, all rights of the child would be co-terminus with that of other children residing in the institution and such children would not be discriminated on account of their disability.
2. The Superintendent concerned would ensure that adequate arrangements are made for looking after special needs of such children in consultation with specialists such as special educator, occupational therapist, speech and language therapist, physiotherapists etc. A plan for short term care of such children would be prepared by the concerned Welfare Officer and the same may include special diet, medical care, aids and appliances as per need.
3. Staff of the institution would be trained / sensitized towards children with special needs to enable them to look after them in a holistic manner.



Miscellaneous :

1. The Superintendents would take weekly review meetings with the Welfare Officers regarding cases pending before CWC to assess progress made, set work agenda on case to case basis and to help in resolving difficulties being faced by the staff in terms of logistics. The Superintendents would also be responsible for ensuring that the steps involved in restoration process as mentioned above are carried out within stipulated timelines and all CWC orders pertaining to restoration of a child are complied with.
2. Once a child is committed for long term care in an institution, the concerned Welfare Officer would continue to make efforts for tracking his/her family to ensure that maximum number of children are re-united with their families.

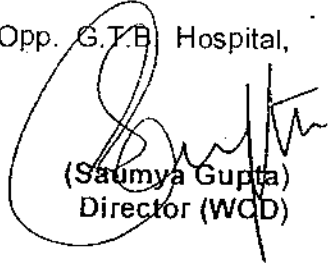

(Saumya Gupta)
Director (WCD)

F. No. 61(761)/Restoration/ DD(CPU)/DWCD/2014 5373-98
Copy to :-

Dated:
08 MAY 2015

1. PS to Pr. Secretary, Department of WCD & SW, GLNS Complex, Delhi Gate, Delhi.
2. PA. to Dy. Commissioner of Police, Crime (Women Cell), P.S. Nanakpura, Delhi.
3. The Chairperson, Child Welfare Committee-I, Nirmal Chhaya Complex, Jail Road, New Delhi.
4. The Chairperson, Child Welfare Committee-II, Kasturba Niketan Complex, Lajpat Nagar, Delhi.
5. The Chairperson, Child Welfare Committee-III, Sewa Kutir Complex, Kingsway Camp, Delhi.
6. The Chairperson, Child Welfare Committee-IV, N.P.S. Mayur Vihar, Phase-I, Delhi.
7. The Chairperson, Child Welfare Committee-V, Sanskar Ashram, Dilshad Garden, Delhi.
8. The Chairperson, Child Welfare Committee-VI, Asha Kiran Complex, Avantika, Rohini, Delhi.
9. The Chairperson, Child Welfare Committee-VII, Nirmal Chhaya Complex, Jail Road, New Delhi.
10. The Chairperson, Child Welfare Committee-VIII, VCH Complex, B-Block, PWD Barracks, Kalkaji, Delhi.
11. The Superintendent, Phulwari Children Home for Boys-I, Alipur, Delhi.
12. The Superintendent, Ashiana Children Home for Boys-II, Alipur, Delhi.
13. The Superintendent, Ujjawal Children Home for Boys-I, Lajpat Nagar, New Delhi.
14. The Superintendent, Uday Children Home for Boys-II, Lajpat Nagar, New Delhi.
15. The Superintendent, Anupama Children Home for Girls-I, Nirmal Chhaya Complex, Jail Road, New Delhi.
16. The Superintendent, Anukriti Children Home for Girls-II, Jail Road, New Delhi.
17. The Superintendent, Sharda Greh, Children Home for Girls-III, Nari Niketan, Jail Road, New Delhi.
18. The Superintendent, Children Home for Girls-IV, Room No. 5, Short Stay Home for Women, Nirmal Chhaya Complex, Jail Road, New Delhi.
19. The Superintendent, Village Cottage Home-I, (for Boys & Girls), Kasturba Niketan Complex, Lajpat Nagar, New Delhi.

- 30
20. The Superintendent, Village Cottage Home-II, (for Boys & Girls), PWD Barracks, B-Block, Kalkaji, New Delhi.
 21. The Superintendent, Village Cottage Home-III, (for Boys & Girls), Kasturba Niketan Complex, Lajpat Nagar, New Delhi.
 22. The Superintendent, Home for Healthy Children (Male & Female) of Leprosy Affected Person, Nirmal Chhaya Complex, Jail Road, New Delhi.
 23. The Superintendent, Home for Healthy Female Children of Leprosy Patients, Nirmal Chhaya Complex, Jail Road, New Delhi.
 24. The Superintendent, Sanskar Ashram for Boys-I, Dilshad Garden, Opp. G.T.B. Hospital, Delhi.
 25. The Superintendent, Sanskar Ashram for Boys-II, Dilshad Garden, Opp. G.T.B. Hospital, Delhi.
 26. The Superintendent, Sanskar Ashram for Girls, Dilshad Garden, Opp. G.T.B. Hospital, Delhi.


(Saumya Gupta)
Director (WCD)

**DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)**

F. No. 61(761)/Restoration/DD(CPU)/DWCD/2014/5399-404 Dated: 08.05.2015

**STANDARD OPERATING PROCEDURE
FOR CHILD WELFARE COMMITTEES WITH RESPECT TO FOUND
CHILDREN HOUSED IN GOVT. & NGO RUN CHILD CARE INSTITUTIONS**

Introduction :-

Child Welfare Committee is the competent authority for taking final decisions in the matter of children in need of care and protection under the Juvenile Justice Act, 2000. It is a statutory body for ensuring the rights and addressing the needs of the children who are presented before it. The Committee is empowered to take a variety of decisions on case to case basis including restoration of children back to their families, transfer of children to their native states/countries as well as placing the children for long term care in a child care institutions.

While dealing with children in need of care and protection, the Child Welfare Committees would abide by the following procedures and timelines for safeguarding the best interest of child in compliance of provisions contained in the Juvenile Justice Act, 2000 and Rules thereof. The SOPs enumerated below stipulate some generic guidelines whereas some are intended for a particular category of children having specific requirements :-

1. Child's admission in the institution :

- i. The Child Welfare Committee would ensure that the procedure and time lines stipulated in the SOPs for functionaries of the institutions are complied by the concerned officials like preliminary interview, counselling, orientation and 'jamatalashi' of the child within 24 hours of admission, exploring all relevant steps for tracing a child's family within one week etc.
- ii. The CWC would ensure that a DD Entry* is made in the local police station under whose jurisdiction the child was found and a wireless message has been flashed across all the police stations in Delhi giving personal details of the child within two working days of the child's admission. A compliance report regarding wireless message would also be obtained from the concerned police station/ investigating officer (IO) within one week.

*If the child is being produced by NGO/Childline/Police personnel, the needful would be ensured by them and a copy of DD entry would be obtained from the person admitting the child in the institution. If the child is being produced by a public spirited citizen and DD entry has not been made before bringing the child to the institution, the CWC would get the needful done.

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- iii. Till the time a child's family remains untraced the CWC would seek weekly feedback from the concerned I.C. regarding the status of the case and efforts made for tracing the family of the child.
- iv. In case a child is not able to give details of his background or address, the committee would give directions to the Missing Persons Squad (MPS) enclosing personal details and photograph of the child for adding the same in their database of 'found children', matching the profile of the 'found child' with complaints of missing children registered by families as well as on trackthemissingchild website, screening their database of missing children for the next few days and furnishing a report about the same within 15 days.
- v. Follow up and coordination with the MPS and the concerned I.O. would also be done by the committee. The concerned Welfare Officer who has been assigned specific responsibility of the child would document in the case file whether the requisite action has been taken by the MPS. If the needful has not been done, he/she would apprise the Superintendent and CWC in writing for taking necessary action under intimation to the Child Protection Unit (HQ)
- vi. The details of the child along with the photograph would be uploaded on trackthemissingchild website by the concerned Child Welfare Committee within two working days of the child's production. An intimation to the childline would also be sent giving the personal details of the child.

II. Restoration and transfer of children within and outside Delhi :

The Child Welfare Committees would adhere to the following processes while dealing with the six categories of children in need of care and protection enumerated as under :-

o *Children below six years of age :*

In case of children below six years of age whose families remain untraced, the committee would declare them abandoned and legally free for adoption after thorough inquiry / investigation. Such children would be admitted in child care institutions being run by licensed adoption agencies for further placement / adoption / rehabilitation.

o *Children belonging to states other than Delhi :*

i. In case a child's family members have been traced and address has been confirmed but they are not able to come to Delhi for taking custody of the child, the committee would issue an order immediately on receipt of inquiry report from the Welfare Officer to the DCP (Third Battalion) for deputing police personnel for escorting the child to his native place. CWC would also coordinate with DCP (IIIrd Battalion) for deputing police escorts within 10 days of receipt of the order.

ii. Wherever there is ambiguity over exact address, confirmation of the same would not be mandatory. In such cases where the family remains untraced, the CWC would issue an order for transferring the child to a child care institution in his/her native district through DCP (IIIrd Battalion) for further rehabilitation within 30 days of admission under section 38 of the Juvenile Justice Act.

iii. The same process would be followed in case of a child whose family has been traced but is unable / unwilling to take his/her responsibility.

iv. A child who belongs to a state other than Delhi would not be placed for long term care in Delhi based institutions as local authorities in his/her native place are in a better position to facilitate his restoration.

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○ ***Children belonging to foreign countries :***

i. When the concerned Embassy communicates confirmation of the child's address, an order would be passed by the CWC immediately authorizing a representative of the embassy / NGO to take custody of the child and escort the child to his family in his native country. However, no objection certificate and visa from the concerned embassy would be obtained by the NGO and custody of the child would be handed over to it after completion of the said formalities.

ii. In case a child's family/address remains untraced, an order would be passed by the CWC to the concerned Embassy/NGO to escort the child to a child care institution in his/her native district or capital of the country for further care, protection and rehabilitation.

iii. A child belonging to a foreign country would not be placed for long term care in Delhi based institutions as local authorities in his/her native country/district are in a better position to facilitate his restoration.

iv. Efforts would be made for completing the process of restoration / repatriation to the native country within four months of the child's admission in the institution.

○ ***Children with special needs :***

i. If the parents of a child with special needs have been traced, they would be counseled to take custody of the child. The committee would inform the parents / guardians about various relevant government and non-government schemes and would also facilitate access to the required support services for enhancing the parents' capacity to take care of the child so that he/she is re-integrated into the family.

ii. In case family of a child suffering from mental or any other disability could not be traced or where the parents are not willing to take his/her responsibility in spite of all efforts necessitating long term institutional care, he/she would be transferred to a suitable specialized institution that offers long term care for meeting the specific needs of the child. CWC would also ensure that the inheritance rights of children whose families have been traced are protected.

Children rescued from child labour :

- i. During preliminary interview, the possibility of sexual abuse while in employment would be explored by the Child Welfare Committee and if abuse is confirmed by the child, appropriate action would be initiated as per law.
- ii. The Child Welfare Committee would coordinate with the Investigating Officer (IO) from the concerned police station for submitting the following documents in a time bound manner :-
 - (a) Copy of child's statement recorded by the SDM / copy of child's statement under section 164 CrPc as the case may be within one week, preferably within three working days.
 - (b) Age proof as per Rule 12(3) of Juvenile Justice Act (Rules) 2009 within one week for children residing in Delhi and within fifteen days for children residing outside Delhi
- iii. The procedure for recovery of wages from the employer would be initiated within one week as per the Minimum Wages Act.
- iv. If recovery of wages is getting delayed and the child wishes to go back home, he/she would be resorted back to his/her family immediately. If the child belongs to a state other than Delhi, an escort order for accompanying the child to CWC / child care institution of his native place for restoration to family and rehabilitation would be issued by the CWC. The case for recovery of wages from the employer would continue after restoration.
- v. In case of children residing in Delhi, whose wages have been recovered, a savings account in the child's name would be opened in a nationalized bank and recovered wages of the child would be placed in a fixed deposit for a period as deemed fit by the CWC.
- vi. An assessment would be made regarding immediate needs of the child by the committee and if deemed fit a part of the wages earned by him/her would be handed over to the child labourer at the time of discharge.

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vii. In case of children who are being restored to their families outside Delhi and whose wages have been recovered, a savings account in the child's name would be opened in a nationalized bank and recovered wages of the child would be placed in a fixed deposit for a period as deemed fit by the CWC. Alternatively, a cheque or demand draft for the recovered amount could be handed over to the parents for making a fixed deposit in the child's name in a local bank of their native place under intimation to the local and Delhi based CWC. Either of these two options could be exercised in consultation with the child and his family.

viii. The original fixed deposit document would be handed over to the child / parents / guardians at the time of restoration and a copy of the same would be retained in the case file.

ix. If a child has been restored back to his/her family out of Delhi without recovery of wages, the amount recovered subsequently from his employer would be sent to the CWC of his/her native place for making a fixed deposit in the name of the child in a local bank for a period till the child attains 18 yrs of age or allowing partial/full payment to the parents/guardians as per needs of the child.

x. For child labour cases, office of the Labour Commissioner and in case of trafficking of children Anti Human Trafficking Unit would be involved by the concerned Child Welfare Committee for expeditious disposal of cases and completion of formalities.

xi. Whenever a group of children is rescued through raids, the committee would coordinate with the concerned hospital to ensure that children whose age proofs are not available are allotted one or two dates by the hospital concerned for conducting bone age verification test of all the rescued children together within a week of their admission and for submitting a report of the same within ten working days of conducting the test.

Children rescued from immoral traffic:

In cases of elopement and children rescued from immoral traffic, restoration to family would be done by the Child Welfare Committee after careful consideration of all relevant factors including assessment of specific circumstances of the child and family for ensuring her wellbeing. The committee would adhere to the following guidelines while dealing with such cases :-

i. If the child is a resident of Delhi, the Child Welfare Committee would give directions to the concerned Welfare Officer for conducting a home study for assessing her family background and submitting a report within one week of issue of the order.

ii. The Child Welfare Committee would take into consideration the social investigation report of the Welfare Officer, while taking a decision whether it is in the interest of the child to be restored back to her family or she is in need of long term institutional care.

iii. If the rescued child belongs to a state other than Delhi, she would be transferred to the CWC / child care institution in her native place for further restoration, rehabilitation and follow up.

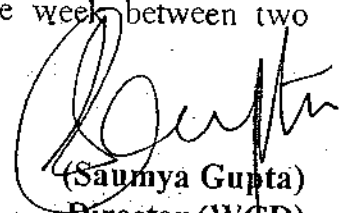
iv. After restoration of a child who resides in Delhi, the concerned Child Welfare Committee would follow up the case through home visit, phone call or inviting the child for a meeting. Towards this purpose support from probation services and District Child Protection Units may also be solicited.

v. The committee would ensure recovery of valuables, money or articles of personal use left behind by the child at the place she was rescued from. The same would be kept in safe custody and an entry of list of articles taken into possession would be made in her case file. All the personal belongings of the child would be handed over to her at the time of discharge from the institution.



Miscellaneous:

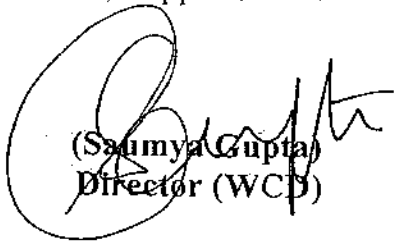
- i. Once a child's family is traced, the Child Welfare Committee would ensure early restoration of the child without any delay so that maximum number of children are re-united with their families in shortest possible time.
- ii. In case of all restorations in Delhi, CWC would counsel the parents/guardians for continuation of the child's education. Necessary information would be provided and intervention would be made to get the child admitted in local mainstream school under Right to Education Act. Towards this purpose, the case could also be referred to the CWC under whose jurisdiction the child is residing and the concerned District Child Protection Unit for the required intervention and follow up.
- iii. Only those children would be admitted for long term care in the institutions whose families are reportedly staying in Delhi but remain untraced or whose parents though residing in Delhi are unable to look after basic needs of their children.
- iv. Before committing a child whose age proof is not available for long term care institutional care, his/her bone age determination test would be conducted as per Rule 12 of the Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009 to avoid ambiguity about the child's age at a later stage.
- v. Wherever needed, the committee would follow up the case after restoration to ensure that the child is well adjusted in the family through home visit, phone call or inviting the child for a meeting. Towards this purpose support from probation services, District Child Protection Units or local police stations could be solicited.
- vi. The committee should not give a gap of more than one week between two hearings.


 (Saumya Gupta)
 Director (WCD)

F. No. 61(761)/Restoration/ DD(CPU)/DWCD/2014 5399-4040 Dated: 2015
 Copy to :-

- 1. PS to Pr. Secretary, Department of WCD & SW, GLNS Complex, Delhi Gate, Delhi.
- 2. PA. to Dy. Commissioner of Police, Crime (Women Cell), P.S. Nanakpura, Delhi.
- 3. The Chairperson, Child Welfare Committee-I, Nirmal Chhaya Complex, Jail Road, New Delhi.
- 4. The Chairperson, Child Welfare Committee-II, Kasturba Niketan Complex, Lajpat Nagar, Delhi.

5. The Chairperson, Child Welfare Committee-III, Sewa Kutir Complex, Kingsway Camp, Delhi.
6. The Chairperson, Child Welfare Committee-IV, N.P.S. Mayur Vihar, Phase-I, Delhi.
7. The Chairperson, Child Welfare Committee-V, Sanskar Ashram, Dilshad Garden, Delhi.
8. The Chairperson, Child Welfare Committee-VI, Asha Kiran Complex, Avantika, Rohini, Delhi.
9. The Chairperson, Child Welfare Committee-VII, Nirmal Chhaya Complex, Jail Road, New Delhi.
10. The Chairperson, Child Welfare Committee-VIII, VCH Complex, B-Block, PWD Barracks, Kalkaji, Delhi.
11. The Superintendent, Phulwari Children Home for Boys-I, Alipur, Delhi.
12. The Superintendent, Ashiana Children Home for Boys-II, Alipur, Delhi.
13. The Superintendent, Ujjawal Children Home for Boys-I, Lajpat Nagar, New Delhi.
14. The Superintendent, Uday Children Home for Boys-II, Lajpat Nagar, New Delhi.
15. The Superintendent, Anupama Children Home for Girls-I, Nirmal Chhaya Complex, Jail Road, New Delhi.
16. The Superintendent, Anukriti Children Home for Girls-II, Jail Road, New Delhi.
17. The Superintendent, Sharda Greh, Children Home for Girls-III, Nari Niketan, Jail Road, New Delhi.
18. The Superintendent, Children Home for Girls-IV, Room No. 5, Short Stay Home for Women, Nirmal Chhaya Complex, Jail Road, New Delhi.
19. The Superintendent, Village Cottage Home-I, (for Boys & Girls), Kasturba Niketan Complex, Lajpat Nagar, New Delhi.
20. The Superintendent, Village Cottage Home-II, (for Boys & Girls), PWD Barracks, B-Block, Kalkaji, New Delhi.
21. The Superintendent, Village Cottage Home-III, (for Boys & Girls), Kasturba Niketan Complex, Lajpat Nagar, New Delhi.
22. The Superintendent, Home for Healthy Children (Male & Female) of Leprosy Affected Person, Nirmal Chhaya Complex, Jail Road, New Delhi.
23. The Superintendent, Home for Healthy Female Children of Leprosy Patients, Nirmal Chhaya Complex, Jail Road, New Delhi.
24. The Superintendent, Sanskar Ashram for Boys-I, Dilshad Garden, Opp. G.T.B. Hospital, Delhi.
25. The Superintendent, Sanskar Ashram for Boys-II, Dilshad Garden, Opp. G.T.B. Hospital, Delhi.
26. The Superintendent, Sanskar Ashram for Girls, Dilshad Garden, Opp. G.T.B. Hospital, Delhi.


(Saumya Gupta)
Director (WCD)

DEPARTMENT OF WOMEN & CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)

STANDARD OPERATING PROCEDURE FOR STREET CHILDREN

F. No. 61(543)/AD(ICPS)/DWCD/W.P.(CrI.)/1179/2012-13/8368-94 Dated: 25.05.2015

Street Children: - Street Children are children who live and work on the streets with little or no family support. Some of them may be abandoned, some may have a family but may not want to be reunited with the family. Some may be runaway children, living alone on the street.

A. Procedure to be adopted by the Child Welfare Committee in handling street children and their family.

1. The Child Welfare Committees should treat mothers of homeless children with respect and courtesy at all time. They should not be judgmental about the mother's vocation and homeless status, or the child's life on the streets. It shall be the duty of the monitoring authority to view the recorded proceedings to extrapolate that the mothers and children are being treated with respect.
2. Even if it is deemed necessary by the Child Welfare Committee to factually acquaint itself with a mother's vocational and housing status, this should be done respectfully and non-judgmentally, and never in the presence of their children.
3. The Child Welfare Committee should facilitate and ensure a child friendly environment for children in its proceedings.
4. Before passing any order, the Child Welfare Committee shall discuss and hear the views of the child and parents and record the same. If the decision of the Child Welfare Committee is contrary to the views or decisions of the child and parents, the reasons thereof shall be explained in writing in order by the Child Welfare Committee.
5. In taking a decision about a child's future, the wishes of the homeless mother/parent (and child) should be respected, unless in exceptional circumstances, there are strong reasons to conclude that the mother/parent is unfit to take care of the child and decide about the child's future, and these reasons should be explained to the mother/parent and recorded in writing.

6. The mere fact that a mother/parent is homeless, destitute or in begging should not be ground enough to deny her choice about where she wants to place her child. However, CWC will take the final decision regarding institutionalization. However, institutionalization shall be the option as last resort after exhausting all available options.

7. A suggestion/complaint box shall be prominently placed and displayed in every Child Welfare Committee. The Chairperson and one Member alongwith DDO of concerned CWC shall open the complaint box fortnightly. The complaints shall be documented and addressed and a report of action taken shall be sent to the concerned authority/person.

B. Respecting parents and children's views in decision making and transparency / reasonability in issuance of speaking orders.

1. In taking a decision about a child's future, the views of the homeless mother and child should be respected by CWC unless in exceptional circumstances, if there are strong reasons to conclude that the mother is unfit to take care of the child and decide about the child's future, and these reasons should be explained to the mother and recorded in writing by CWC. Even if a mother is homeless, destitute or in begging the CWC should take into consideration the decision of the mother for institutionalization of the child.

2. The Child Welfare Committee should adhere to the principle of Best Interest of the Child which would be possible only if the child actively participants in the decision making process of the Child Welfare Committee.

3. The DSLSA Legal Aid Counsel should be made available to parents and children at the Child Welfare Committee to enable them to understand the law and access their rights under the Juvenile Justice (Care and Protection of Children) Act, 2000. The Child Welfare Committee may also facilitate the family with the understanding of the welfare of the child.

4. In the event that Child Welfare Committee is confronted with compelling circumstances which force them to take a decision in the best interest of the child to separate the child from the mother, against wishes of mother and child, even in these circumstances, the child should be allowed to maintain regular contact, through different modes of communication, and visits, with the mother which may be administratively organized by the superintendent, as per the exigencies.

5. Parents should have access at all times to meet a child in care of need and protection in a children's home unless CWC deems the same to be against best interest of the child. Also, timings of the Institution, should be adhered to by the parents. The Parents may be

allowed to take the child for outings, as per the policy of the institution, unless the parents are accused of neglect or abuse, with the permission of CWC.

6. While writing the Orders for sending a child to a Children Home by the Child Welfare Committee, they shall hear the parents, record their views in the order and assign a reason as to why Child Welfare Committee thinks that sending a child to a Children Home is in his/her best interest. If parents/ guardian or the person seeking release of the child is not giving the consent for child to be committed to a Home, such fact should be recorded in the order.
- C. Shifting children from one institution to other institution without information to the parents and without their consent.
1. No transfer of children from one home to another (for example Children Home, Shelter Home, Dropping Shelter, Open Shelter, Nigh Shelter, Residential Bridge Schools, etc.) should occur without the knowledge and consent of the parents. Child Welfare Committee will finally decide which Children's Institution child is to be placed in. However, the parents will be informed if their child is transferred from one Institution to another and the reason for transfer.
 2. The CWC can sent the child to another Institution in another district in the best interest of the child in case requisite facilities are not available in originating district and for further follow up the nearest CWC shall be the concerned CWC.
 3. Prior to passing an order transferring a child under Rule 60 (2)(ii) of the Delhi Juvenile Justice (Care and Protection) Rules 2009, a Child Welfare Committee shall take into account all the relevant factors into consideration and take a decision in the best interest of the child.

The following factors may be taken into consideration:


- a. Whether child is also willing to be transferred from the institution?
- b. If a child has been admitted into an institution by the parents, then whether such parents are agreeable to the transfer of their child to the other institution?
- c. Whether transfer of child will deprive child from school to which he or she was attending or any other educational or vocational options which child was availing in the institution?
- d. In case transfer is due to an incident of child abuse, it may be examined that :-

- i. whether abuse is by staff or by co-inmate?
 - ii. Whether institution has taken steps to adequately safeguard the child within the institution and is cooperating in the investigation?
 - iii. whether transfer from the child's comfort zone is in best interest of the child?
 - iv. whether there is a possibility that the child's continuance in same institution may impede with process of investigation including pressurizing the child to exchange his statement ?
4. When after considering above-said factors, including the wishes of the child and his/her parents, a competent authority holds a view that transferring a child is in the best interest of child, reasons thereof shall be recorded in the order, explained to the children and parent(s), and the child shall be provided counseling in order to prepare him to deal with the trauma caused by such sudden transfer.
 5. Such transfer under Rule 60(2)(ii) shall be resorted as a last measure and should be merely a temporary transfer, for the purpose of ensuring fair investigation. Once investigation by police is over, the competent authority should ordinarily transfer the child back to the institution if this is the child and parents' wish unless the statements of the child indicate culpability, laxity or any other negligence of the institution.

F. Procedure to be followed by the Child Welfare Committee

1. All orders whether telephonic or oral shall be reduced to writing as soon as possible and the written order shared with the Police, Children's Home and parents.
2. No member or chairperson of Child Welfare Committee shall use private email for any communication related to a judicial proceeding in Child Welfare Committee. The Child Welfare Committees should only use an official email address for communication etc..
3. If required, a lawyer representing a child or representing parents of child shall be entitled to file an application for inspection of case file maintained by the Child Welfare Committees and also to apply for the required documents, which shall be accepted by the Child Welfare Committee and decided as per applicable laws and rules.
4. If any organization/Social Worker intends to seek information regarding any particular case / child they may forward the application to the CWC for appropriate decision.
5. Every order made by Child Welfare Committee shall record the presence of people present during the proceeding and shall also record the details of proceedings conducted, submissions made by any of the parties and the details of documents submitted to Child Welfare Committee during such hearing.

- 6. All the proceedings in the Child Welfare Committee should be recorded. Views expressed by the child, child's parent/ guardian/ child's chosen support person and all others who participate in the proceeding shall be noted verbatim and the order given shall be a speaking order. Order-sheet in each proceeding shall record the presence of all the Child Welfare Committees members/ Chairperson who are present during the proceedings and it shall record presence of anyone else who is present and participating in the proceeding.
- 7. All decisions taken about a child's future should be recorded in writing in speaking orders giving full reasons, and these reasons should be explained to the mother and the child, and their views and response also duly recorded.
- 8. While writing the Orders for sending a child to a Children Home, Child Welfare Committee shall hear the parents, record their views in the order and assign a reason as to why Child Welfare Committee thinks that sending a child to a Children Home in his/her best interest. If parents/ guardian or the person seeking release of the child is not giving the consent for child to be committed to a Home, such fact should be recorded in the order.
- 9. Child Welfare Committees shall maintain judicial file of each child in whose respect proceeding is initiated. Such files shall be properly indexed, page numbered and be kept in a safe record place.
- 10. Child Welfare Committees shall display a daily cause list at a prominent place, indicating therein only the case number which are scheduled to be heard by the Child Welfare, Committee on that given day.
- 11. On receipt of any application by anyone, the person in charge of managing the office of Child Welfare Committee shall enter the particulars of such application in a register, record a diary number to it, communicate such Diary number to the person filing such application and then shall immediately proceed to place it before the Child Welfare Committee for passing appropriate order.


 (Saumya Gupta)
 Director (WCD)

836894


Dated: 25 MAY 2015

F. No. 61(543)/AD(ICPS)/DWCD/W.P.(CrI.)/1179(2012)/2013

Copy to :-

- 1. PS to Pr. Secretary, Department of WCD & SW, GLNS Complex, Delhi Gate, Delhi.
- 2. PA. to Dy. Commissioner of Police, Crime (Women Cell), P.S. Nanakpura, Delhi.
- 3. The Dy. Director (Lic.), Department of Women & Child Development, Govt. of NCT of Delhi, 1-A, Canning Lane, K.G. Marg, New Delhi.
- 4. The Chairperson, Child Welfare Committee-I, Nirmal Chhaya Complex, Jail Road, New Delhi.

5. The Chairperson, Child Welfare Committee-II, Kasturba Niketan Complex, Lajpat Nagar, Delhi.
6. The Chairperson, Child Welfare Committee-III, Sewa Kutir Complex, Kingsway Camp, Delhi.
7. The Chairperson, Child Welfare Committee-IV, N.P.S. Mayur Vihar, Phase-I, Delhi.
8. The Chairperson, Child Welfare Committee-V, Sanskar Ashram, Dilshad Garden, Delhi.
9. The Chairperson, Child Welfare Committee-VI, Asha Kiran Complex, Avantika, Rohini, Delhi.
10. The Chairperson, Child Welfare Committee-VII, Nirmal Chhaya Complex, Jail Road, New Delhi.
11. The Chairperson, Child Welfare Committee-VIII, VCH Complex, B-Block, PWD Barracks, Kalkaji, Delhi.
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26. The Superintendent, Sanskar Ashram for Boys-II, Dilshad Garden, Opp. G.T.B. Hospital, Delhi.
27. The Superintendent, Sanskar Ashram for Girls, Dilshad Garden, Opp. G.T.B. Hospital, Delhi.


 (Saumya Gupta)
 Director (WCD)

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)

F. No. 61(623)WP(C)-5137/13/DD(CW)/DWCD/2013/26437-445 Dated:21.12.2013

STANDARD OPERATING PROCEDURE

**(Rule 94 of Delhi Juvenile Justice Care & Protection of Children)
Rules, 2009**

Rule 94 of the Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009 related to Openness and Transparency in the Homes. It encourages the visits of representatives of local self government; voluntary organization, social workers, researchers, medicos, academicians etc. However, the officer in-charge/superintendent have to keep in view, security welfare and the interest of the children while giving permission to such persons to visit the home. Apart from the security of the residents the security of the visitor is also of utmost importance.

The following SOPs are being issue to provide guidance to the in-charge/superintendent for complying with the Rule 94 of Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009.

1. The officer-in-charge of the Institution should encourage the visit of such visitors as specified in Rule 94(1) of Juvenile Justice (Care & Protection of Children) Rules, 2009 who work towards the welfare and the best interest of the children.
2. The officer-in-charge shall allow only the visitors who he deems appropriate in the institution keeping in view the security, welfare and the interest of the juvenile. The officer-in-charge may refuse entry of the visitor whose visit he considers not appropriate in view of the best interest of the juveniles.
3. The visitors will seek permission in writing prior to the visit citing the reason for visiting the institution.
4. All visitors will make entries in the gate register with date and time upon receipt of the permission letter of officer-in-charge.

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5. The officer-in-charge of the Juvenile Homes should keep a record of the visits of the visitors to assess their overall contribution towards the security, welfare and best interest of the children.
6. To ensure security of the visitors who enter the Juvenile Homes, The visitors shall be accompanied by a responsible officer so deputed by the officer-in-charge of the institution during their visit and their interaction with the Juveniles.
7. The officer-in-charge while permitting the visitors shall inform the visitor of the provisions of the Rule 94(4) of the Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009. A board at the entrance on all the institutions should be placed by the officer-in-charge informing the visitors of the provisions of Rule 94(4) of the Delhi Juvenile Justice (Care & Protection of Children) Rule, 2009.
8. The visitors should adhere to the provision under rule 94(4) of the Delhi Juvenile Justice (Care & Protection of Children) Rule, 2009.

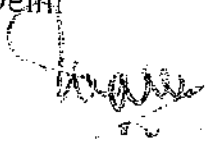


(RAJIV KALE)
Director (W&CD)

F.No.61(623)/WP(C)-5137/13/DD(CW)/DWCD/2013/26437-445 Dated: 21 DEC 2013

Copy to:

1. PS to the Pr. Secretary (SW/WCD), Govt. of NCT of Delhi, GLNS Complex, Delhi Gate, New Delhi
2. PS to Special Secretary, (SW/WCD), Govt. of NCT of Delhi, GLNS Complex, Delhi Gate, New Delhi.
3. All Officer-in-charge/Superintendents of the institutions of Juveniles in conflict with law.
4. Dy. Director (CPU), Department of W&CD, Govt. of NCT of Delhi



(RAJIV KALE)
Director (W&CD)

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)

F. No. 61(623)WP(C)-5137/13/DD(CW)/DWCD/2013/26791-801 Dated: 30.12.2013


**STANDARD OPERATING PROCEDURE
FOR VISIT OF FAMILY MEMBERS OF JUVENILES**

The 'mulakat' of the juveniles with their family members is vital for their psychological support and mental well-being. In the best interest of the juveniles and the security environment of the home the officer-in-charge would require to follow the following procedure for mulakat :-

1. The date and time for the parents/guardians/blood relatives of the juvenile for mulakat shall be fixed by the officer incharge of the institution. All concerned would be informed of the same by the officer so deputed by the officer-in-charge.
2. The Welfare Officer assigned the duty of care and protection of a juvenile in the home would ensure that the person desiring to meet the juvenile is/are parents /guardians/blood relatives of the juvenile.
3. The details/particulars of all visitors visiting the juvenile shall be entered in the gate register at the time of entry and in the mulakat register maintained in the institution.
4. All visitors would be frisked/searched by the security staff. Women visitors would be frisked/searched by female security guards.
5. If the family members of the juvenile refuse to disclose their particulars or be searched then they should be denied mulakat.
6. The security guard posted at the access control gate would ensure that no prohibited articles are carried by the visitor's visiting the juvenile.
7. Prohibited articles would include mobile phones, i-pods, belts, metal objects, psychotropic substances, money, jewellery item, medicines, band or any other object as identified by the officer-in-charge as prohibited.
8. The current list of prohibited articles would be displayed at the notice board to be placed at the access gate of the institution.

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9. All visitors would be advised to deposit the prohibited articles with the security staff on duty.
10. Mulakat shall be allowed only on the date and time fixed for the same. Special permission of the officer-in-charge would be required in case the mulakat is requested for at any other day/time.
11. Mulakat would only be allowed in a part of the home specially identified for this purpose, preferably near the main gate.
12. All mulakat shall take place in the presence of an official of the home, who shall be responsible to see that no irregularity occurs and who shall be so placed that he is able to see and to prevent any article being passed between the parties.
13. The time allowed for the mulakat shall not exceed 30 minutes, but may be extended by the Superintendent at his discretion.
14. Any juvenile who abuses any privilege relating to the holding of a mulakat shall be liable to be denied such privilege for such time as the Superintendent may direct.

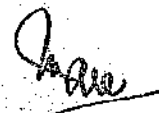

(RAJIV KALE)
 Director (W&CD)

F.No.61(623)/WP(C)-5137/13/DD(CW)/DWCD/2013/ 26-791-80) Dated:

30 DEC 2013

Copy to:-

1. The Principal Magistrate, JJB-I, Sewa Kutir Complex, Kingsway Camp, Delhi.
2. The Principal Magistrate, JJB-II, Prayas, Delhi Gate, New Delhi
3. PS to Pr. Secretary (SW/WCD), Govt. of NCT of Delhi, GLNS Complex, Delhi Gate, New Delhi
4. PS to Special Secretary (SW/WCD), Govt. of NCT of Delhi, GLNS Complex, Delhi Gate, New Delhi
5. All officer-in-charge/Superintendents of the Institutions of Juveniles in conflict with law.
6. Dy. Director (CPU), Department of WCD, Govt. of NCT of Delhi.
7. Guard file.


(RAJIV KALE)
 Director (W&CD)

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)


F. No. 61(623)WP(C)-5137/13/DD(CPU)/DWCD/2010-11/26974-984 Dated: 01.01.2014

STANDARD OPERATING PROCEDURE - For visitors- Non official / Staff

The Officer-in-charge of the Home can allow representatives of local self government, voluntary organizations, social workers, researchers, medicos, academicians, prominent personalities, media and any other persons as visitors in case he/she considers their visit appropriate keeping in view the Security, welfare and the interest of the Juveniles (Rule 94(1)) of Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009.

1. All such visitors should give prior request to the officer-in-charge for the visit.
2. The officer-in-charge will examine their request in light of Rule 94 (1) of the Delhi Juvenile Justice (Care & Protection of Children) Act, 2009.
3. If the request for the visit is approved by the officer-in-charge then while granting permission all visitors would be informed of the relevant provision of the Juvenile Justice (Care & Protection of Children) Rules, 2009 of Delhi and Juvenile Justice (Care & Protection of Children) Act, 2000 regarding safety, welfare, best interest of the juveniles, confidentially and specifically the provision of Rule 94(4), Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009.
4. The detailed particulars of the visitor shall be entered in the gate register at the time of entry.
5. The Security guards posted at the access gate would ensure that the visitor has the permission to visit the institution from the officer-in-charge.

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6. All visitors would be frisked /searched by the security at the access gate and prohibited articles would be deposited by the visitors with the security staff.
 7. The visitor would be escorted by the Home staff and all interactions with the juvenile would be under the supervision of the Welfare Officer so deputed by the officer-in-charge


(RAJIV KALE)
Director (WCD)


F. No. 61(623)WP (C) -5137/13/DD(CPU)/DWCD/2010-11

Dated:

26974-984
01 JAN 2014

Copy to:

1. The Principal Magistrate, JJB-I, Sewa Kutir Complex, Kingsway Camp, Delhi.
2. The Principal Magistrate, JJB-II, Prayas, Delhi Gate, New Delhi.
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6. Dy. Director (CPU), Department of WCD, Govt. of NCT of Delhi.
7. Guard File.


RAJIV KALE)
Director (WCD)

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)

F. No. 61(623)WP(C)-5137/13/DD(CPU)/DWCD/2010-11/29717-723

Dated: 28.01.2014

STANDARD OPERATING PROCEDURE
(Segregation of Inmates In Observation Home for Boys-II,
Sewa Kutir Complex, Kingsway Camp, Delhi)

As provided in section 8(4), "Every juvenile who is not placed under the charge of parent or guardian and is sent to an observation home shall be initially kept in a reception unit of observation home for preliminary inquiries, care and classification for juveniles according to his age group, such as seven to twelve years, twelve to sixteen year and sixteen to eighteen years, giving due consideration to physical and mental status and degree of the offence committed, for further induction into observation home."

Accordingly, the following Standard Operating Procedure is hereby laid down to be followed in the Observation Home for Boys-II at Sewa Kutir Complex, Kingsway Camp which is setup for the juveniles in conflict with law in the age group of 16 to 18 years for their proper segregation to ensure discipline and focused intervention based on individual assessment :-

- a) Every juvenile in the age group of 16-18 years who is in conflict with law and sent to Observation Home for Boys-II by the order of the Competent Authority for such period during the pendency of the inquiry shall be initially kept in the reception unit.
- b) On admission of a juvenile in conflict with law, at the Reception Unit, the Duty Officer i.e. Welfare Officer or House Father shall ensure entries of his particulars in the Central Register and a Case File of each juvenile maintained in the institution should contain information as prescribed under Rule 54 of Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009. In addition, following documents should also be placed in the file at the time of admission.
 - i. Face Sheet/Profile of the juvenile in conflict with law clearly indicating age (approximate age in case age determination is pending), family particulars with contact number/s, alleged offences, previous delinquency and history of institutionalization.

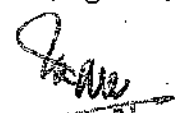
- ii. Search declaration by Security Guard that no prohibited article was found with the juvenile at the time of his entry to the institution,
 - iii. Copy of FIR/ DD Report/ production warrant,
 - iv. Medical Report/ prescription in case the juvenile is found sick or having any injury. However, if the juvenile is brought without the medical report/ prescription, a written submission may be obtained from the person accompanying him to the institution for the reason of his/ her inability to get him medically examined.
 - v. Copy of Social Background Report/ Report of Juvenile Welfare Officer/ I.O. indicating previous involvements in unlawful activities and suspected/ known association with adult perpetrators or criminal gangs, if any.
 - vi. A Report by the Duty Officer i.e. Welfare Officer or House Father whether the juvenile has been provided with all necessary articles such as clothing, bedding, toiletries, utensils as per norms of the institution.
 - vii. Recommendation for immediate segregation from Reception Unit to any other specified dormitory, if considered necessary.
- c) Every juvenile in conflict with law who enters the institution will be assessed on mental health parameters by mental health expert engaged by the Department. However, Superintendent at his liberty may also arrange for mental health assessment and counseling of the juveniles from Counselors/ Psychologists empanelled with the institution to provide such service voluntarily. A report of such assessment and counseling should be placed in the Case file and a copy should be sent to the Juvenile Justice board on or before the date fixed for hearing for necessary consideration.
- d) Subsequently, an individual assessment of every juvenile should be carried out by the concerned Welfare Officer on the basis of his age, physical & mental status, nature of offence, past involvements in unlawful activities, association with nefarious gangs, and accordingly recommend for segregation to the dormitory specified for such juveniles. However, the order of Segregation should be exercised only by Superintendent and consequently, appropriate instructions shall be issued for the Welfare Officer having charge on the juvenile for preparing an individual care plan.

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- e) Juveniles having history of habitual indulgence in unlawful activities or with aggressive or extreme difficult behavior which may cause risk of assault or bullying to other juveniles in the Reception Units shall be shifted to the dormitory earmarked for such juveniles.
- f) Juveniles from Central Jail or any other Jail meant for adult Offenders transferred to Observation Home upon declaration of being juvenile at the time of occurrence of offence shall not be kept in Reception Unit. They shall be shifted to a separate dormitory earmarked for such juveniles immediately. However, if such person is found above the age of 18 years at the time of admission to Observation Home, an application should be filed by the Superintendent before Juvenile Justice Board for transfer of such juveniles to Place of Safety or an institution recognized by the State for keeping such persons in protective custody.
- g) Juveniles having involvement in any unlawful act for first time and if the nature of offence is not very serious (minor offences), shall be kept in the Reception Unit for not more than 15 days. The Welfare Officer concerned during stay of such juveniles in the Reception Unit shall ensure their regular participation in constructive and remedial activities. However, participation in any group activities such as indoor or outdoor sports, recreation should not expose them to bad influence or any threat of bullying by the older juveniles and of those involved in heinous offences.
- h) Separate dormitories would be earmarked for segregation of all juveniles entering the Observation Homes as under:
 - i. Reception Unit for all juveniles sent to Observation Home for Boys – II where preliminary assessment will be done by the Duty Officer i.e. Welfare Officer or the House Father and if any juvenile required to be segregated on the basis of report on previous involvement in unlawful acts, extreme aggressive behavior or any other reason, will be kept in the dormitory earmarked for such juveniles. Subsequently, such juveniles should also be assessed by the Mental Health Expert/ Psychologist to confirm their segregation appropriately.
 - ii. Small Dormitory/ Room for those Juveniles having history of involvements in heinous offences and multiple cases and/or have association with known criminal gangs.

- iii. Dormitory with partitions for Juveniles shifted from Central Jail or any other Jail meant for adult offenders and/ or if their assessment reports/ previous report indicated aggressive or extreme behavioral difficulties which may raise threat of bullying other juveniles or to create nuisance that they may be kept in small group i.e. 2 – 3 persons.
- IV. Dormitory will also be earmarked for those having involvement in petty offences or reportedly involved for the first time in any unlawful activity and if they have shown good and disciplined behavior/ conduct during their stay in the Reception Unit.
- g. Juveniles above the age of 18 years whose inquiries are pending and have been sent to Observation Home under section 16 (1) (2), shall be placed in 'Place of Safety' under Protective custody for which appropriate order should be obtained from concerned Juvenile Justice Board.
- h. In case the juvenile is a perceived threat to other juveniles, bullying or assaulting them or has shown indiscipline and unruly behavior, caused damage of institutional property or has misbehaved or threatened the staff of the institution, he shall immediately be shifted to a separate accommodation specially created for such juveniles for the period considered appropriate or till he shows improvement in his behavior. However, such accommodation will not be solitary but should be in the Sewa Kutir Complex itself and the juveniles kept there shall be attended by the Welfare Officer and Counselor regularly to ensure that sufficient opportunities are given to them to correct their conduct and are encouraged in activities of reformation.
- i. Juveniles having history of drug-addiction or into substance-abuse should be referred to the 'Sahyog Centre' or to the Hospital for treatment under intimation to the Juvenile Justice Board along-with a report of behavioural assessment to be prepared by Welfare Officer or any Mental Health Expert/ Counselor.
- j. At Reception Unit, juveniles should also be assessed for identifying their areas of vocational interest or recreation that appropriate intervention can be recommended in individual care plan while their shifting to other Dormitories earmarked for different categories for juveniles:


 (RAJIV KALE)
 Director (WCD)

29717-723

F. No. 61(623)WP (C) -5137/13/DD(CPU)/DWCD/2010-11

Dated:

28 JAN 2014

17/3/20

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Copy to.

- 1) The Principal Magistrate, JJB-I, Sewa Kutir Complex, Kingsway Camp, Delhi.
- 2) The Principal Magistrate, JJB-II, Prayas, Delhi Gate, New Delhi.
- 3) PS to Pr. Secretary (SW/WCD), Govt. of NCT of Delhi, GLNS Complex, Delhi Gate, New Delhi
- 4) PS to Special Secretary (SW/WCD), Govt. Of NCT of Delhi, GLNS Complex Delhi Gate, New Delhi.
- 5) All officer-in-charge/ Superintendents of the Institutions of Juveniles in Conflict with Law.
- 6) Dy. Director (CPU), Department of WCD, Govt. of NCT of Delhi.
- 7) Guard File.

Rajiv Kale

RAJIV KALE)
Director (WCD)