

**GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
(CHILD PROTECTION UNIT)
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI - 110006**

F.61(1543)/Fit Person-Foster Parent/ICPS/DWCD/2021/4111

Dated: 18.06.2021

GUIDELINES ON FIT PERSON AND FOSTER PARENT

Whereas Department of Women and Child Development, GNCT of Delhi is the nodal Department for implementation of the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 and Model Rules 2016 in the NCT of Delhi and to protect the rights of children by providing them care and protection.

And Whereas as per the provisions of Section 27(1) Juvenile Justice (Care and Protection of Children) Act, 2015, the Department has established ten Child Welfare Committees in the NCT of Delhi for exercising the powers and to discharge the duties conferred on such Committees in relation to children in need of care and protection under this Act.

And Whereas section 2(28) of the Juvenile Justice (Care and Protection of Children) Act, 2015 describes 'Fit Person' as:

"fit person" means any person, prepared to own the responsibility of a child, for a specific purpose, and such person is identified after inquiry made in this behalf and recognised as fit for the said purpose, by the Committee or, as the case may be, the Board, to receive and take care of the child

And Whereas Section 52(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 prescribes as under:

"The Board or the Committee shall, after due verification of credentials, recognise any person fit to temporarily receive a child for care, protection and treatment of such child for a specified period and in the manner as may be prescribed".

And Whereas Rule 28(1) of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 confers as under:

"Any individual who is fit to temporarily receive a child for care, protection or treatment, for a period as may be necessary, may be recognised by the Board or the Committee as a fit person".

And Whereas the Juvenile Justice Boards and the Child Welfare Committees have discretionary powers to recognise and declare persons as 'Fit Person' willing to temporarily receive a child for care, protection and treatment for the period, as may be, necessary on need basis for a child or children after verifying the credentials of such person, and wherever possible, after getting police verification done on such a person.

Now therefore, in view of the aforesaid provisions and rules prescribed under the Juvenile Justice (Care & Protection of Children) Act, 2015 and Model Rules, 2016, the following guidelines are issued with intent to effectively implement the foster care services as non-institutional alternative care for the children deprived of family care or where parents of the children have been found unfit or incapacitated by the Committee to care for and protect the safety and well-being of the child.

A. Procedures in relation to Child Welfare Committee:

1. A child shall be received by the Child Welfare Committee with a report in Form 17 of the Juvenile Justice (Care & Protection of Children) Model Rules, 2016 (hereinafter called Model Rules) containing the particulars of the child as well as the circumstances in which the child was received or found.
2. The Committee or the member on duty shall order immediate medical examination of the child produced before the Committee or the member on duty, if such examination is needed.
3. The Committee shall interact with the child and may issue directions for placing the child with the parent or guardian or Children's Home where order for placement of a child in a Child Care institution shall be made in Form 18 of the Model Rules.
4. The Committee shall inquire into the circumstances under which the child is produced and accordingly declare such child to be a child in need of care and protection under Sub-Section (1)(a) of Section 37 of the Juvenile Justice (Care & Protection of Children) Act, 2015 (hereinafter called Act).
5. The Committee shall, prima facie determine the age of the child following the procedures prescribed under section 94 of the Act.
6. The Committee shall issue order in Form 21 of the Model Rules for conducting Social Investigation which shall be completed within fifteen days so as to enable the Committee to pass final order within four months of first production of the child.
7. The Committee, after taking into account the risk factors, and in the best interest of the child, may direct the publication of the particulars and photograph of an orphan or abandoned child in

- national newspapers with wide circulation within seventy two hours from the time of receiving the child for the purposes of tracing out the biological parents or the legal guardian(s).
8. The Committee shall direct the person or organisation concerned to develop an individual care plan in Form 7 of the Model Rules including a suitable rehabilitation plan. The individual care plan prepared for every child in the institutional care shall be developed with the ultimate aim of the child being rehabilitated and re-integrated based on the case history, circumstances and individual needs of the child.
 9. The individual care plan shall be monitored by means of a rehabilitation card in Form 14 of the Model Rules issued for the purpose by the Committee passing the final order.
 10. In case of orphan and abandoned child, the Committee shall make all efforts for tracing the parents or guardians of the child and on completion of such inquiry, if it is established that the child is either an orphan having no one to take care, or abandoned, the Committee shall declare the child legally free for adoption. Provided that such declaration shall be made within a period of two months from the date of production of the child, for children who are up to two years of age and within four months for children above two years of age.
 11. Where the parents of the child are traced, the procedure for restoration of the child shall be followed as per rule 82 of the Model Rules to release and restore after hearing the child and his parents or guardian, and after satisfying itself as to the identity of the persons claiming to be the parents or the guardian.
 12. In case of surrendered child, the institution where the child has been placed by the Committee on an application for surrender or upon execution of the Surrender deed, shall bring the case before the Committee immediately on completion of the reconsideration period of two months allowed to the person who has surrendered the child, for declaring the child legally free for adoption.
 13. The Committee by following the procedure under the said Act may declare a child of a mentally retarded parents or a unwanted child of victim of sexual assault free for adoption and subsequently pass an order for placement in Foster Family.
 14. The decision to declare an orphan, abandoned or surrendered child as legally free for adoption shall be taken by opinion of the majority i.e. at least three members of the Committee and where there is no such majority, the opinion of the Chairperson shall prevail.
 15. After the completion of the inquiry, if Committee is of the opinion that the said child has no family or ostensible support or is in

- continued need of care and protection, it may pass an order for placement of the child preferably with the fit person in Foster Family, till suitable means of rehabilitation are found for the child or till the child attains the age of eighteen years.
16. The Committee shall make all efforts to keep the siblings together while making placement under Group Foster Care unless it is in their best interest not to be kept together.
 17. The Committee shall pass directions to Fit Person or Foster Family in whose care the child is placed, regarding care, protection and rehabilitation of the child, including directions relating to immediate shelter and services such as medical attention, psychiatric and psychological support including need-based counselling, occupational therapy or behaviour modification therapy, skill training, legal aid, educational services, and other developmental activities, as required, as well as follow-up and coordination with the District Child Protection Unit or State Government and other agencies.
 18. Children in need of care and protection who are living in community may also be considered for placement in foster care based on the child study report in Form 31 of the Model Rules prepared by the District Child Protection Unit.
 19. The Committee shall take into consideration the individual care plan and the opinion of the child before deciding the nature of Foster Care with due regard to his age and maturity. The child shall be informed and prepared throughout the process.
 20. Recognising that every child has the right to grow in a family environment, as far as possible, every attempt shall be made to reunite the child with his biological family or placement in adoption.
 21. Children with special needs may be considered for placement in Foster Family, provided group setting has facilities for care of such children.
 22. The number of children placed with Foster Family shall not exceed eight children in one unit including biological children of the foster parents.
 23. The Committee shall pass the final order in Form 32 of the Model Rules for placing the child with Foster Family, specifying the period for which the child is placed in foster care.
 24. All decisions related to placement of a child in foster care shall be taken by the Committee. Children in the age group of six years and above may be considered for placement in foster care and Children below six years of age shall be, as far as possible placed in adoption.

25. The Committee shall conduct monthly inspection of the foster families or foster care givers in Form 35 of the Model Rules to check the well-being of the child.

B. The roles and responsibilities of the Foster Family:

1. The Foster Family shall sign an undertaking for foster-care of the child in Form 33 of the Model Rules and shall:
2. meet the basic standards of care and protection to the child;
3. provide basic services to any child placed with it;
4. prevent child placed with it to any form of cruelty or exploitation or neglect;
5. provide adequate food, clothing and shelter and education;
6. provide care, support and treatment for child's overall physical, emotional and mental health; ensure protection from exploitation, maltreatment, harm, neglect and abuse;
7. provide age appropriate facilities for recreation, extra-curricular activities such as sports, music, dance, drama, art, etc.;
8. provide vocational training according to the interests of the child;
9. respect the privacy of the child and his biological family or guardian, and acknowledge that any information provided about them is confidential and is not to be disclosed to another party without prior consent;
10. provide treatment in emergent situations and inform the Committee and biological family about the same which may pass appropriate orders wherever necessary;
11. support contact between the child and his biological family in consultation with the Committee keeping in view the best interest of the child;
12. share and discuss the information pertaining to the progress of the child periodically with the Committee and biological family of the child and produce the child before the Committee as and when directed by the Committee; and
13. ensure that the child's whereabouts are known at all times, including reporting any changes of address, holiday plans and any episodes of running away of the child to the Committee; and
14. abide by the orders passed by the Committee.

C. Categories of children who may be considered for Foster Care:

1. Children who are not being adopted after being declared legally free for adoption may be eligible for Foster Care;
2. If adoptable children between the age of 6 to 8 years do not get a family either in in-country adoption or in inter-country adoption within a period of two years after they are declared legally free for

adoption by Child Welfare Committee, such children to be eligible to be placed in Group Foster Care by the Committee on the recommendation of District Child Protection Unit or Specialised Adoption Agency;

3. Children in the age group of 8 to 18 years, who are legally free for adoption but have not been selected by any Prospective Adoptive Parent (PAP) for one year to be eligible to be placed in Group Foster Care by the Committee on the recommendation of District Child Protection Unit or Specialised Adoption Agency;
4. Children with special needs, irrespective of the age, who do not get a family either in in-country adoption or in inter-country adoption within a period of one year after they are declared legally free for adoption by Child Welfare Committee, such children to be eligible to be placed in group foster care by the Committee on the recommendation of District Child Protection Unit or Specialised Adoption Agency, provided the Home Study Report of the foster family supports their fitness and group setting has facilities for care of such children.

D. Procedure for Recognition of a Fit Person and Foster Family:

1. Any individual who is fit to temporarily receive a child for care, protection or treatment, for a period as may be necessary, may be recognised by the Juvenile Justice Board or the Child Welfare Committee as a fit person and Foster Family.
2. The Board or the Committee may identify a panel of persons on the basis of their credentials, respectability, expertise, professional qualifications, experience of dealing with children and their willingness to receive the child and shall recognise them as fit persons and Foster Parents for the purposes of the Act:
Provided that such a person should not have been accused of an offence under the Act or have been involved in any immoral act or in act of child abuse or employment of child labour or in an offence involving moral turpitude.
3. The Board or the Committee may also appoint any person as a fit person and Foster Parents on need basis for a child or children after verifying the credentials of such person, and wherever possible, after getting police verification done on such a person.
4. A list of fit persons and Foster Parents recognised by the Board or the Committee shall be kept in the office of the Board and the Committee and the Children's Court and be sent to the Special Juvenile Police Unit, the District Child Protection Unit and the State Child Protection Society.

5. The Board or the Committee or the Children's Court may place the child with a fit person and Foster Family in cases wherever required, including where the child cannot be sent to a Child Care Institution due to distance and/ or odd time.
6. The fit person and Foster Family shall:
 - (i) have the capacity and willingness to receive the child; and
 - (ii) provide basic services for care and protection of the child.
7. The Board or the Committee or the Children's Court, depending on the need of the child and in consultation with the fit person and Foster Parents shall determine the period for which a child shall remain with the fit person.
8. The child shall not be placed with a fit person not recognised as Foster Parent for a period exceeding thirty days and in such cases where the child requires further care, the Committee may consider the placement of the child with foster family or may consider other rehabilitative alternatives for the child.
9. The Board or the Children's Court in such cases where the period of placement of the child may exceed thirty days, refer the matter to the Committee for further orders in respect of the child for placement in Foster Family.
10. Placement in Foster Family may be for short term or long term depending upon the needs of the child where the duration of short term Foster care shall be for a period of not more than one year.
11. Long term foster care, shall be for a period exceeding one year. This can be periodically extended by the Committee till the child attains eighteen years of age on the basis of assessment of the compatibility of the child in a Group Foster Care setting.

E. Withdrawal of recognition of fit person for Foster Parent:

1. The Board or the Committee may, if dissatisfied with the standard of care and protection provided or for any other reason, at any time, by a reasoned order withdraw the recognition of the person as a fit person for Foster Parent from the date specified in the order of the Board or the Committee.
2. Where the recognition of a fit person and Foster Parent is withdrawn by the Board or the Committee, intimation of the same shall be sent to the Children's Court, Special Juvenile Police Unit and District Child Protection Unit and the child placed with such a fit person and Foster Parent may be placed by the Board or the Committee or the Children's Court to another fit person and Foster Parent or with a fit facility or any Child Care Institution.

F. Roles and Responsibilities of District Child Protection Unit:

1. The District Child Protection Unit shall be the nodal authority for implementing the foster care programme in a district.
2. The District Child Protection Unit, while selecting foster family shall consider the following, namely:
 - (i) both the spouses must be Indian citizens;
 - (ii) both the spouses must be willing to foster the same child;
 - (iii) both the spouses must be above the age of thirty-five years and must be in good physical, emotional and mental health;
 - (iv) ordinarily the foster family should have an income with which they are able to meet the needs of the child;
 - (v) medical reports of all the members of the foster family residing in the premises should be obtained including reports for Human Immuno Deficiency Virus (HIV), Tuberculosis (TB) and Hepatitis B etc. to determine that they are medically fit; and
 - (vi) the foster family should have adequate space and basic facilities.
3. The District Child Protection Unit shall maintain a record of each child in foster care in Form 34 of the Model Rules.

R Singh

**Dr. Rashmi Singh, IAS
Director**

Encl: As above

F.61(1543)/Fit Person-Foster Parent/ICPS/DWCD/2021/4111

Dated: 18.06.2021

To,

1. Juvenile Justice Boards.
2. Child Welfare Committees.

Copy to:

1. District Task Force, DWCD, GNCTD.
2. District Child Protection Units, DWCD, GNCTD.
3. OSD to Secretary, DWCD, GNCTD.

R Singh

**Dr. Rashmi Singh, IAS
Director**

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FORM 19
[Rule 18(8)]

ORDER FOR PLACEMENT OF CHILD UNDER THE CARE OF A PARENT,
GUARDIAN OR FIT PERSON PENDING INQUIRY

Case No.of20.....
In Re.....

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

Reason for the child being produced before the CWC.....
.....

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

1. the child along with the copies of the order and the bond, if any, executed by the said..... shall be produced before the Committee as and when required by the person executing the bond
2. the child shall reside at for a period of
3. the child shall not be allowed to quit the district jurisdiction of without the permission of the Committee.
4. the child shall go to school/ vocational training centre regularly. The child shall attend(name of) school/ vocational training centre (if already identified) at(address of school/ vocational training centre).
5. the person under whose care the child is placed shall arrange for the proper care, education and welfare of the child.
6. the child shall not be allowed to associate with undesirable characters and shall be prevented from coming in conflict with law.
7. the child shall be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants.
8. the directions given by the Committee from time to time, for the due observance of the conditions mentioned above, shall be carried out.

Dated this _____ day of _____ 20 _____

(Signature)
Chairperson/ Member
Child Welfare Committee

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

FORM 20

[Rule 18(8) and 19 (7)]

UNDERTAKING BY THE PARENT OR GUARDIAN OR 'FIT PERSON'

Iresident of House no.....Street
Village/TownDistrict Statedo hereby declare
that I am willing to take charge of (name of the child) Aged..... under
the orders of the Child Welfare Committee..... subject to the following
terms and conditions:

- 1. If his conduct is unsatisfactory I shall at once inform the Committee.
- 2. I shall do my best for the welfare and education of the said child as long as he remains in my charge and shall make proper provision for his maintenance.
- 3. In the event of his/her illness, he shall have proper medical attention in the nearest hospital.
- 4. I agree to adhere to the conditions that may be imposed by the Committee from time to time and also to keep the Committee informed about the compliance with the conditions.
- 5. I undertake to produce him/her before the Committee as and when required.
- 6. I shall inform the Committee immediately if the child goes out of my charge or control.

Date thisday of

Signature

Signed before Child Welfare Committee

APPLICATION SEEKING RECOGNITION AS FIT PERSON/FOSTER PARENT

- 1. Name :
- 2. Age (Attach proof) :
- 3. Sex :
- 4. Address :
- 5. Contact No. :
- 6. Aadhaar No. (Attach copy) :
- 6. Educational Status :
- 7. Occupation/Employment Details
(Attach copy of I-Card) :
- 8. Financial Stability
(Attach copy of ITR or Salary Slip) :
- 9. Family Details:

S.No.	Name & Relationship	Age	Sex	Education	Occupation	Income	Health Status

10. Present living conditions:

11. Declaration:

- i) I have the capacity and willingness to receive the child;
- ii) I shall provide basic services for care and protection of the child and
- iii) I shall ensure safety and well being of the child.
- iv) I shall ensure to provide enabling family environment.
- v) Neither I or any other member of the family has been convicted by any court of law for offence against a child or for any moral turpitude.

Date:

Place:

Signature of Applicant