

Child Care Institutions (CCIs) under JJ Act

Module 6



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Abbreviations

CCI	Child Care Institution
CCL	Child in Conflict with Law
CNCP	Child in Need of Care and Protection
CSO	Civil Society Organisation
CWC	Child Welfare Committee
CWO	Child Welfare Officer
DCPO	District Child Protection Officer
DCPU	District Child Protection Unit
DIC	District Inspection Committee
FS	Family Strengthening
JJA	Juvenile Justice Act
JJB	Juvenile Justice Board
NGO	Non-governmental Organisation
NIAC	Non-Institutional Alternative Care
OSCPS	Odisha State Child Protection Society
PO IC	Protection Officer Institutional Care
PO	Probation Officer
SAA	Specialised Adoption Agency
UNCRC	United Nations Convention on the Rights of the Child



Child Care Institutions (CCIs) under JJ Act

Recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding” - Preamble of the Convention on the Rights of the Child, 1989 United Nations Convention on the Rights of the Child (UNCRC).

“There can be no keener revelation of a society's soul than the way in which it treats its children.” - Nelson Mandela

Overview

The Juvenile Justice (JJ) Act provides for the setting up of institutional care structures for children. The institutions are separate for children in need of care and protection (CNCP) and children in conflict with law (CCL). In this section we try to understand, what are these institutions, what are their functioning processes and how do they undertake the rehabilitation of children.

As per international standards as well as the JJ Act, placing a child in institutional care should be a measure of last resort. Children are to be placed in institutions only when it is found that the restoration of the child to parents or family may not be in the best interest of the child. For example, institutional care becomes essential for taking care of children who do not have parents, whose parents are not suitable to raise them, or whose parents are unable or incapacitated to take care of their children.¹ In such circumstances, the Child Welfare Committee (CWC) can order the child to be placed in a home run or recognised by the government² (Registered u/s 50 of the JJ Act).

The JJ Act provides a range of options for residential care for different categories of children. The residential categories can be divided into two categories broadly:

- ♦ Homes - Observation Homes, Special Homes, Place of Safety for CCL and Children’s Homes for CNCP
- ♦ Open Shelter, Fit Facility, Fit Persons who are to provide community-based residential care to children. These are different from adoption, foster care and sponsorship, which fall in the category of non-institutional care.

¹ Ved Kumari. 2017. *The Juvenile Justice (Care and Protection of Children) Act. Critical Analysis*. Universal Law Publishing.

² Section 2 (19): “Children’s Home” means a Children’s Home, established or maintained, in every district or group of districts, by the State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such for the purposes specified in Section 50.

Under Section 46, the JJ Act addresses After Care for children leaving institutions. It provides any child leaving a Child Care Institution (CCI) on completion of 18 years of age with financial support in order to facilitate their re-integration into mainstream society.

At the end of this section, few exercises and case studies are given for the readers/ participants along with a note for the facilitator.



Objectives

At the end of the module, participants will be able to describe:

- ◆ What is a CCI?
- ◆ Types of CCIs under the Juvenile Justice Act, 2015 (JJ Act)
- ◆ Characteristics of various CCIs
- ◆ Functioning and process of various CCIs
- ◆ Managing and monitoring procedures of CCIs
- ◆ Specific roles and responsibilities of officials and staff of various CCIs.

Institutions under JJ Act – Definition, Composition and Purpose



Time
60 Minutes



Step 1: What is Child Care Institution?

Definition

CCI means Children's Home, Open Shelter, Observation Home, Special Home, Place of Safety, Specialised Adoption Agency (SAA) and a Fit Facility recognised under this Act for providing care and protection to children, who are in need of such services" (Section 2 (21), JJ Act, 2015).

CCL are provided residential care and protection in Observation Homes, Special Homes and Places of Safety.



Compulsory Registration of Institutions [Section 2 (51)]³

The JJ Act allows institutional facilities for children to be set up by both government and non-government organisations (NGOs). However, as per law, all CCIs, whether they are for CNCP or for CCL, are required to be compulsorily registered under JJ Act, 2015 within six months of the Act having been enacted. This requirement for registration is irrespective of who is running such homes - government, voluntary organisation or NGO. Even those institutions that are not receiving government funds are required to register.

Getting a Registration is an Obligation and not a Right

State Government may refuse or withhold registration. In case institutions fail to meet the necessary standards as laid out in the law and elucidated in the rules, the State Government has the duty to cancel the registration. In case the registration of an institution is cancelled, the management of the institution will be passed on to the State Government till the registration is renewed or granted. This is to ensure that children in the institution are not displaced and are cared for properly till necessary remedial actions have been taken.

Penalty for Non-Registration of CCI (Section 42)

As per the JJ Act, those persons who are in charge of institutions and who fail to comply with the provisions of sub-section (1) of Section 41 shall be punished with imprisonment which may extend to one year or a fine of not less than one lakh rupees or both. As it is a continuing offence, delay of 30 days in moving an application for registration from the date of establishment or from the date when renewal of registration becomes due, will be considered as a separate offence. In effect, if an institution fails to move an application for registration for 90 days, it will be liable to three offences of non-registration.

“Person-in-charge” means a person appointed for the control and management of the CCI.



Step 2: What is the need and purpose of CCIs?

Observation Homes and Special Homes have a unique objective and purpose for the services provided for CCL, and hence, the approach of each would be different. Place of Safety functions as an Observation Home or a Special Home for children

³ Section 2 (51) “registered”, with reference to CCIs or agencies or facilities managed by the State Government, or a voluntary or non-governmental organisation, means observation homes, special homes, place of safety, children’s homes, open shelters or SAA or fit facility or any other institution that may come up in response to a particular need or agencies or facilities authorised and registered under Section 41, for providing residential care to children, on a short-term or long-term basis.

between the age of 16-18 years of age, who are accused or found guilty of having committed heinous offences.

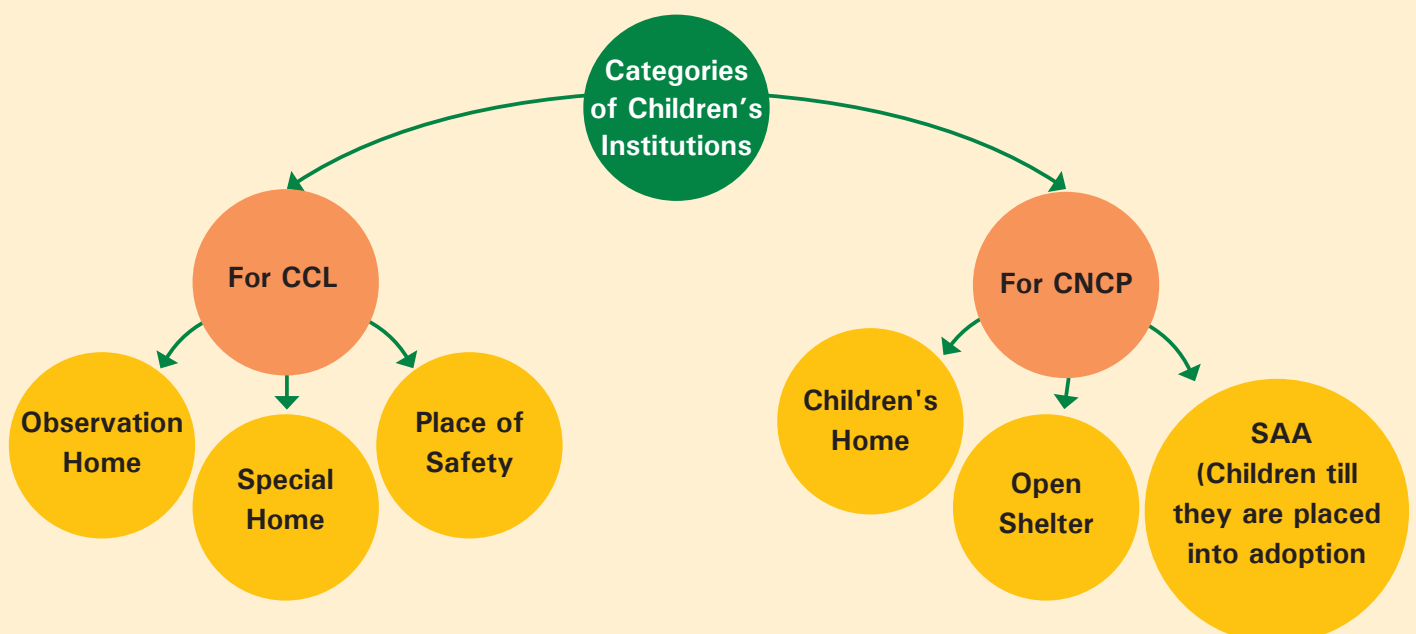
Every child and young person should live in a supportive, protective and caring environment that promotes his/her full potential. Children with inadequate or no parental care are at special risk of being denied such a nurturing environment.

Where the child's own family is unable, even with appropriate support, to provide adequate care for the child, or abandons or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorised civil society organisations (CSOs). It is the role of the State, through its competent authorities, to ensure supervision of the safety, well-being and development of any child placed in alternative care and regular review of appropriateness of the care arrangement provided.



Step 3: Institutions under the JJ Act, Composition and Purpose

The JJ Act, 2015 provides for institutional care mechanism (in addition to non-institutional/family-based mechanism) for rehabilitation and reintegration of CCL and CNCP (illustration adapted).



Fit Facility and Fit Person (Community based residential care of (children) (these two categories to be added for CNCP) illustration to be re-designed

Institutions for CCL

Observation Home [Section 2 (40), JJ Act, 2015]

“‘Observation Home’ means an institution established and maintained in every district or group of districts by a State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such for the purposes specified in sub-section (1) of Section 47.”

Special Home [Section 2 (56), JJ Act, 2015]

“‘Special Home’ means an institution established by a State Government or by a voluntary or non-governmental organisation, registered under Section 48, for housing and providing rehabilitative services to children in conflict with law, who are found, through inquiry, to have committed an offence and are sent to such institution by an order of the Board.”

Place of Safety [Section 2 (46), JJ Act, 2015]

“‘Place of Safety’ means any place or institution, not being a police lock-up or jail, established separately or attached to an Observation Home or a Special Home, as the case may be, the person in-charge of which is willing to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children’s Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order.”



Step 4: What is the composition and purpose of Observation Home?

Observation Home [Section 47 & Section 39 (2), JJ Act, 2015; Rule 29 (i), JJ Model Rules, 2016]

1. The State Government shall establish and maintain in every district or a group of districts, either by itself, or through voluntary organisations or NGOs, Observation Homes, which shall be registered under Section 41 of this Act, for temporary reception, care and rehabilitation of any child alleged to be in conflict with law, during the pendency of any inquiry under this Act.
2. Every child alleged to be in conflict with law sent to an Observation Home shall be segregated according to the child’s age and gender, after giving due consideration to physical and mental status of the child and degree of the offence committed.
3. The State Government by rules made under the JJ Act, provide for the management and monitoring of Observation Homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a child alleged to be in conflict with law and the circumstances

under which, and the manner in which, the registration of an Observation Home may be granted or withdrawn.

4. For CCL, the process of rehabilitation and social integration shall be undertaken in the Observation Homes, if the child is not released on bail, or in Special Homes or Place of Safety or Fit Facility or with a fit person, if placed there by the order of the Board.
5. There shall be separate Observation Homes for girls and boys.
6. Classification and segregation of children will be done according to their age group, preferably 7-11 years, 12-16 years and 16-18 years, giving due consideration to physical and mental status and the nature of the offence committed.



What is the composition and purpose of Special Home?

Special Home [Section 48 & Section 18 (1) (g), JJ Act, 2015; Rule 29 (ii), JJ Model Rules, 2016]

1. The State Government may establish and maintain, either by itself or through voluntary organisations or NGOs, Special Homes, which shall be registered as such, in the manner as may be prescribed, in every district or a group of districts, as may be required for rehabilitation of those CCL who are found to have committed an offence and who are placed there by an order of the Juvenile Justice Board (JJB) made under Section 18.
2. Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of 16 years has committed a heinous offence, the Board may, if it thinks fit, direct the child to be sent to a Special Home, for such period, not exceeding three years, for providing reformatory services including education, skill development, counselling, behaviour modification therapy, and psychiatric support during the period of stay in the Special Home.
3. There shall be separate Special Homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years.
4. Classification and segregation of children will be on the basis of age and nature of offences and their mental and physical status.



What is the composition and purpose of Place of Safety?

Place of Safety [Section 49 and Section 19, JJ Act, 2015; Rule 29 (iii), JJ Model Rules, 2016]

1. In every district or for a group of districts, the State government shall either by itself or through voluntary organisations or NGOs establish and maintain "Place of Safety" in accordance with the provisions of Section 49 to ensure the care, treatment, protection and developmental process of CCL who are above the age of 18 years or those who have committed heinous crimes and are above the age of 16 years at the time of commission of crime.
2. Provided that the reformatory services including educational services, skill development, alternative therapy such as counselling, behaviour modification therapy, and psychiatric support shall be provided to the child during the period of his stay in the Place of Safety.
3. Separate facility shall also be provided for keeping CCL alleged to have committed heinous crimes and are above the age of 16 years or have completed 18 years of age, and the inquiry is pending before the Board or the Children's Court, as the case may be.
4. For children in the age group of 16 to 18 years alleged to have committed heinous offence pending inquiry.
5. For children in the age group of 16 to 18 years found to be involved in heinous offence upon completion of inquiry.
6. For persons above 18 years alleged to have committed offence when they were below the age of 18 years pending inquiry.
7. For persons above 18 years found to be involved in offence upon completion of inquiry.
8. For children as per the orders of the Board under clause (g) of sub-section (1) of Section 18 of the Act.



Step 5: Institutions for CNCP

Children's Home [Section 2 (19), JJ Act, 2015]

"Children's Home" means a Children's Home, established or maintained, in every district or group of districts, by the State Government, either by itself, or through a voluntary organisation or NGO, and is registered as such for the purposes specified in Section 50."

Open Shelter [Section 2 (41), JJ Act, 2015]

"Open Shelter" means a facility for children, established and maintained by the State Government, either by itself, or through a voluntary organisation or NGO under sub-section (1) of Section 43, and registered as such, for the purposes specified in that Section."

Specialised Adoption Agency [Section 2 (57), JJ Act, 2015]

"Specialised Adoption Agency" means an institution established by the State Government or by a voluntary organisation or NGO and recognised under Section 65, for housing orphans, abandoned and surrendered children, placed there by order of the Committee, for the purpose of adoption."

What is the composition and purpose of Children's Home?

Children's Home (Section 50, JJ Act, 2015)

1. The State Government may establish and maintain, in every district or group of districts, either by itself or through voluntary organisations or NGOs, Children's Homes, which shall be registered as such, for the placement of CNCP for their care, treatment, education, training, development and rehabilitation.
2. The State Government shall designate any Children's Home as a home fit for children with special needs delivering specialised services, depending on requirement.
3. The State Government may, by rules, provide for the monitoring and management of Children's Homes, including the standards and the nature of services to be provided by them, based on individual care plans for each child.

What is the composition and purpose of Open Shelter?

Open Shelter (Section 43, JJ Act, 2015; Rule 22, JJ Model Rules, 2016)

1. The State Government may establish and maintain, by itself or through voluntary organisations or NGOs, as many Open Shelters as may be required, and such Open Shelters shall be registered as such, in the manner as may be prescribed.
2. The Open Shelters shall function as a community-based facility for children in need of residential support, on short term basis, with the objective of protecting them from abuse or weaning them, or keeping them away from a life on the streets.
3. The Open Shelters shall send every month, information in the manner as may be prescribed, regarding children availing the services of the shelter, to the District Child Protection Unit (DCPU) and the Committee.
4. The Open Shelters shall be registered as provided under sub-section (1) of Section 41 of the JJ Act.
5. The services provided in the Open Shelters may include day care and night residential facilities including food, washing facilities and toilets, and any other facility as the State Government may deem fit.
6. The Open Shelter shall not refuse admission to any CNCP at any time.

What is the composition and purpose of Specialised Adoption Agency (SAA)?

Specialised Adoption Agency (Section 65, JJ Act, 2015)

1. The State Government shall recognise one or more institutions or organisations in each district as an SAA, in such manner as may be provided in the adoption regulations framed by the Authority, for the rehabilitation of orphaned, abandoned or surrendered children, through adoption and non-institutional care.
2. The State Agency shall furnish the name, address and contact details of the SAAs along with copies of certificate or letter of recognition or renewal to Authority, as soon as the recognition or renewal is granted to such agencies.
3. The State Government shall get every SAA inspected at least once in a year and take necessary remedial measures, if required.

Functioning Processes of Various CCI



Time
90 Minutes



Step 1: What is the functioning process of various CCI?

Restoration of CNCP (Section 40, JJ Act, 2015)

1. The restoration and protection (to the parents, adoptive parents, foster parents, guardian or fit person) of a child shall be the prime objective of any Children's Home, SAA or Open Shelter.
2. The Children's Home, SAA or an Open Shelter, as the case may be, shall take such steps as are considered necessary for the restoration and protection of a child deprived of his family environment, temporarily or permanently, where such child is under their care and protection.
3. The Committee shall have the powers to restore any CNCP to his parents, guardian or fit person, as the case may be, after determining the suitability of the parents or guardian or fit person to take care of the child, and give them suitable directions.

Rehabilitation and reintegration services in institutions registered under this Act and management thereof (Section 53, JJ Act, 2015)

1. The services that shall be provided by the institutions registered under this Act in the process of rehabilitation and re-integration of children, may include:
 - i. basic requirements such as food, shelter, clothing and medical attention as per the prescribed standards; and



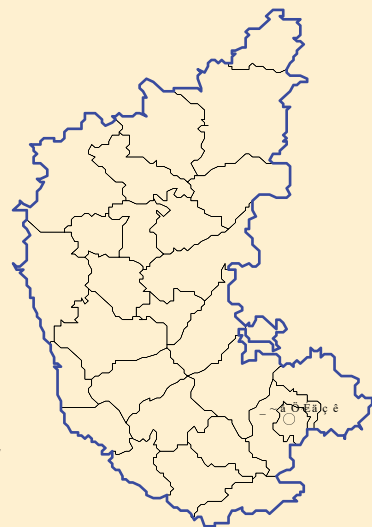
- ii. equipment such as wheel chairs, prosthetic devices, hearing aids, Braille kits, or any other suitable aids and appliances as required, for children with special needs;

- iii. appropriate education, including supplementary education, special education, and appropriate education for children with special needs (provided that for children between the age of six to 14 years, the provisions of the Right of Children to Free and Compulsory Education Act, 2009 shall apply);
- iv. skill development;
- v. occupational therapy and life skill education;
- vi. mental health interventions, including counselling specific to the needs of the children;
- vii) recreational activities including sports and cultural activities;
- viii. legal aid where required;
- ix. referral services for education, vocational training, de-addiction, treatment of diseases where required;
- x. case management including preparation and follow up of individual care plan;
- xi. birth registration;
- xii. assistance for obtaining proof of identity, where required; and
- xiii. any other service that may reasonably be provided in order to ensure the well-being of the child, either directly by the State Government, registered or fit individuals or institutions or through referral services.



As a best practice, example of ECHO Bangalore which run a special home for CCL and which is one of the best models in the country.

ECHO was started to empower CCL and CNCP, under the Indian Juvenile Justice (Care & Protection of Children) Act, 2000. The implementation of the JJ Act forms the framework of their activities. ECHO gave voices to thousands of neglected and delinquent children through legal aid, counselling, and releasing children from Government Observation Homes, Reception Centres and Children's Homes. Legal proceedings for the transition of children to ECHO's Transitional Home and Rehabilitation Centre are undertaken by ECHO. The Centre also provides informal education, vocational training, job placements and follow ups to monitor the released juveniles. Through their successful network of NGOs, they lobby at Central and State Government levels to implement laws concerning Child Rights. More details can be seen at <https://echoindia.org/about-us/>.



The model is now being adopted by UP and Bihar through an exchange programme.



Note for the facilitator

The facilitator must read the document - Living conditions in institutions for CCL for discussing minimum standards of care at CCI (https://wcd.nic.in/sites/default/files/Final%20Manual%2024%20April%202017_5.pdf)

Functioning of various CCIs

- ◆ The CCIs for CCL and CNCP shall function from separate premises as per the criteria elaborated.
 - ◆ Be child-friendly and in no way shall they look like a jail or lock-up.
 - ◆ Keep a copy of the Act and the rules framed by the State Government, for use by both the staff and children residing therein.
 - ◆ Have a Management Committee for the management of the institution and monitoring the progress of every child in the home.
 - ◆ Prepare an individual care plan for every child in institutional care with the ultimate aim of the child being rehabilitated and re-integrated based on their case history, circumstances and individual needs. Individual care plan shall be based on the guidelines in following sections.
2. Every institution shall have a Management Committee, to be set up in a manner as may be prescribed, to manage the institution and monitor the progress of every child.
 3. The officer in-charge of every institution, housing children above six years of age, shall facilitate setting up of children's committees for participating in such activities as may be prescribed, for the safety and well-being of children in the institution.



Step 2: Standards of Care and Protection in CCI (Rule 29 (4))

The standards of care and protection for all children in CCIs, whether they are CCL or CNCP, are the same and laid out in Model Rule 29

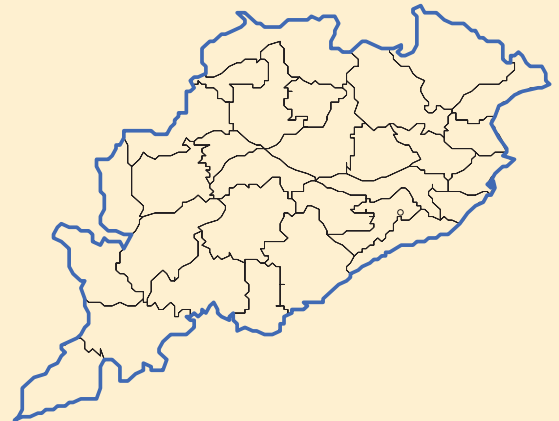
CCIs shall be child-friendly and in no way resemble a jail or lock-up. While children of both sexes below 10 years may be kept in the same home, separate bathing and sleeping facilities shall be maintained for boys and girls in the age group of 5-10 years, and separate facilities for children up to the age of six years with appropriate facilities for infants.

Separate Children's Homes for boys and girls in the age group of 7-11 years and 12-18 years. The CCIs for CCL and CNCP shall function from separate premises.

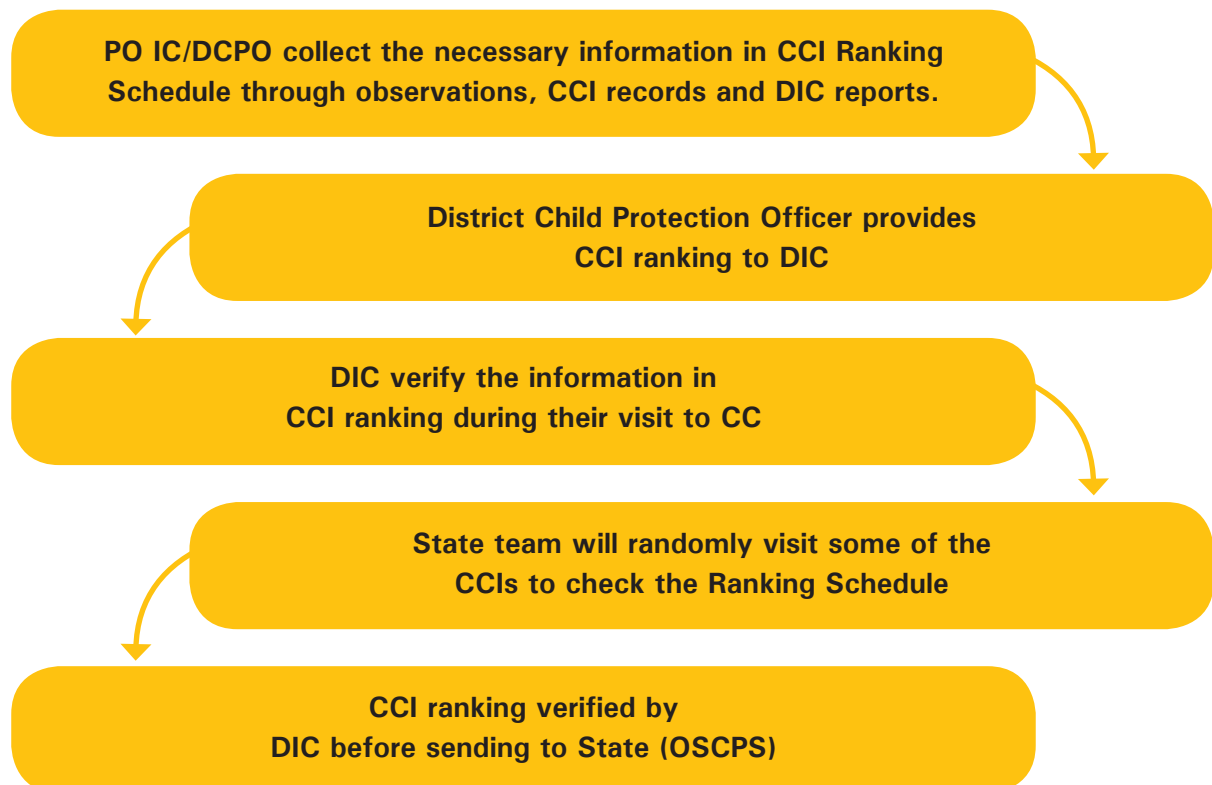
Best Practices example from Odisha

Odisha follows CCI ranking exercise by using a monitoring tool to track the performance of CCIs with the objective of enhancing accountability and transparency in the selection of CCIs and identifying areas for improvement. The ranking follows criteria as below:

Criteria	Weightage
Outcomes for Children	25
Human Resource and Capacity Building	15
Infrastructure and Services	30
Governance and Financial Capacity	30



Following steps are followed to carry out the ranking:





Step 3: Process of registration of CCI

Registration of institutions (Section 41, JJ Act, 2015; Rule 21, JJ Model Rules, 2016)

- ♦ All institutions, whether run by a State Government or by voluntary organisations or NGOs, which are meant, either wholly or partially, for housing CNCP or CCL, shall be registered under this Act within a period of six months from the date of commencement of this Act, regardless of whether they are receiving grants from the Central Government, as the case may be, the State Government or not. Institutions having valid registration under the JJ Act, 2000 on the date of commencement of this Act shall be deemed to have been registered under this Act.
- ♦ The State Government shall grant provisional registration of CCIs within one month from the date of receipt of application for a maximum of six months, in order to bring such institutions under the purview of the Act.
- ♦ If the said institution does not fulfill the prescribed criteria for registration, within the period specified, the provisional registration shall stand cancelled.
- ♦ If the application for registration is not disposed of within six months by any officer or officers of any State Government, it shall be regarded as dereliction of duty.
- ♦ The State Government may not grant provisional registration where adequate facilities do not exist in the institution applying for registration, and the State Government shall issue an order before the expiry of one month from the date of receipt of the application that the institution is not entitled for even provisional registration.
- ♦ The period of registration of an institution shall be five years, and it shall be subject to renewal every five years.
- ♦ All institutions shall be bound to seek renewal of registration three months prior to the expiry of the period of registration.
 - When an institution ceases to be an institution registered under the Act or has failed to apply for registration within the time frame laid down in the said provision or has not been granted provisional registration, the said institution shall be managed by the State Government, or the children placed therein shall be transferred by the order of the Board or the Committee to some other institution.
 - The State Government may, after following the procedure as may be prescribed, cancel or withhold registration, as the case may be, of such institutions which fail to provide rehabilitation and reintegration services as specified in Section 53 of the JJ Act.
 - Any CCI registered under this Section shall be duty bound to admit children, subject to the capacity of the institution, as directed by the Committee, whether they are receiving grants from the Central Government or, as the case may be, the State Government or not.
 - Ensuring that CCIs set up under separate categories are all registered separately, even if run by the same NGO or voluntary organisation.
 - All institutions shall be bound to seek renewal of registration three months prior to the expiry of the period of registration.
 - An application for renewal of registration of an institution shall be disposed of within 60 days from the date of receipt of application.



Step 4: Security measures adopted in CCI

Security measures (Rule 67, JJ Model Rules, 2016)

- ♦ Adequate number of security personnel shall be engaged in every CCI, keeping in mind the category of children housed in the CCI, age group of children and the purpose of the CCI, and the risk factor to and from the child.
- ♦ In CCIs housing girls, female security guards would be provided for the security inside the CCI and male security guards may be engaged for security of the CCI from outside.
- ♦ Any child, who complains of a medical problem or any other problem at night, shall report to the caregiver concerned.
- ♦ A duty roster shall be prepared and displayed at some prominent place in the premises of the CCI by the person in-charge.



Step 5: What will happen if an employee of the institute subjects a child to corporal punishment?

Corporal Punishment (Section 82, JJ Act, 2015)

Any person in-charge of or employed in a CCI, who subjects a child to corporal punishment with the aim of disciplining the child, shall be liable, on the first conviction, to a fine of 10,000 rupees and for every subsequent offence, shall be liable for imprisonment which may extend to three months or fine or both.



Management and Monitoring of CCIs (Rule 26, JJ Model Rules, 2016)

1. The personnel strength of a CCI shall be determined according to the duty, posts, hours of duty and category of children that the staff is meant to cater to.
2. The staff of the CCI shall be subject to control and overall supervision of the person in-charge who, by order, shall determine their specific duties and responsibilities in keeping with the statutory requirements of the Act and these rules.
3. The number of posts in each category of staff shall be fixed on the basis of capacity of the institution and shall proportionately increase with the increase in the capacity of the institution.
4. In case of CCIs housing girls, only female person in charge and staff shall be appointed.
5. Any person associated with a CCI should not have been convicted of an offence or have been involved in any immoral act or in the act of child abuse or employment of child labour or in an offence involving moral turpitude or hold any office in any political party during his tenure.
6. No person shall be appointed to or work in a CCI without police verification.



Specific roles and responsibilities of officials and staff of various institutions



Note for the facilitator

Before discussing specific roles and responsibilities of officials and staff of CCIs, the Facilitator must talk about soft skills such as empathy, building rapport, being non-judgemental, understand the situation of each child holistically and make all efforts to tailor Individual child centric Care Plan in each and every case.



Step 6:

Divide the participants into three groups. Ask each group to jot down the specific responsibilities of one of the officials given below and present it to others:

- ◆ Superintendent of the institution
- ◆ Probation Officer
- ◆ Child Welfare Officer

After the presentation from the groups, discuss with them further from the points given below.

The Probation Officer (PO) needs to understand child psychology and keep in mind various facts that can affect a child since they are responsible for social investigation.

Additionally, liaising with other stakeholders and team work between CCI functionaries is necessary.

Superintendent

- ◆ The primary responsibility of the Superintendent/Officer in-charge is to maintain the functioning of the home.
- ◆ Ensure compliance with the orders of the Board.
- ◆ Ensure all legal compliances are met; a nurturing environment is created, where every child's basic needs are catered to and each is given opportunities to develop and be heard.
- ◆ Ensure all arrangements for water storage, power plant, emergency electrical power back up are in place; and handling of equipment is done with care.

Prepare the budget and maintain control over financial matters on monthly basis, and submit to proper authority.

Probation Officer

“Probation Officer” means an officer appointed by the State Government as a PO under the Probation of Offenders Act, 1958 or the Legal-cum-Probation Officer appointed by the State Government under DCPU [Section 2 (48), JJ Act, 2015].

- ♦ To conduct social investigation within 15 day from the date of first production on directions of JJB.

Individual Care Plan for a child is prepared in consultation with Superintendent of the Home, the PO, the counsellor, the doctor who has examined the child, the family of the child and any other stakeholders who would contribute productively towards a better understanding of the child's needs and requirements.

- ♦ To do follow up of child as per Individual Care Plan.
- ♦ To evaluate the progress of child in Place of Safety and ensure that there is no ill treatment to child in the CCI.
- ♦ Do follow up to evaluate if the child kept in Place of Safety has undergone reformatory changes (and if the child can be a contributing member of the society) on attaining the age of 21 years and is yet to complete the term of stay.

Child Welfare Officer (CWO)

“Child Welfare Officer” means an officer attached to a Children's Home, for carrying out the directions given by the Committee or the Board” [Section 2 (17), JJ Act, 2015].

- ♦ The CWO will conduct social investigation and must provide an assessment of the family situation of the child in detail, and explain in writing whether it will be in the best interest of the child to restore him to his family.
- ♦ The CWO discharges the duties of a PO when one is not available.
- ♦ The CWO is responsible for acting as a bridge between the children housed in an institution and the JJB, the staff of the institution as well as other external stakeholders.
- ♦ He or she contributes to the design and implementation of activities and programmes aimed at rehabilitation and social re-integration of the CCL.



Step 7: Exercises

Divide the participants into four groups and give them a case study each. Ask the groups to discuss and list out the process of rehabilitation of children discussed in respective case studies given below:

Case Study 1: 'B' is a 14 year old boy, who was a school dropout. He has very little supervision from his mother as she spends a lot of time in the small market where she sells firewood. He was reported to the police by his mother after repeatedly stealing small amounts of money from her.



Case Study 2: A 15 year old boy was arrested on charge of theft for the third time. Although his parents were informed of his arrest, they refused to visit him. He was held for eight days in prison separated from adults before being transferred to the juvenile centre.



Case Study 3: When social workers of a well-known city were doing a survey near a railway station, they came across Sonal, a small girl who was begging. She was staying in a hutment with six family members. Her mother used to take her for begging because she felt that people give more money when they see a small girl. They used to move from one platform to another. She was noticed by a social worker.

Case Study 4: 'R' was staying with his uncle as he lost his parents when he was very young. His uncle used to send him for grazing his goats in the forest. When he used to see children going to school, he would recall how he used to study in the village school when his parents were alive. One day he met a member from NGO who had visited their village to carry out a survey on child labour.



Divide the participants into two groups and ask them to discuss whether institutional care provided to children is the last resort for providing support to children. Ask them to note their responses and reasons for the same. Give them 10 minutes to come up with their responses. Add the missing points and elaborate as below:



Note for the facilitator

The facilitator must read UN Alternative Care Guidelines before taking up this part for facilitation. https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf.



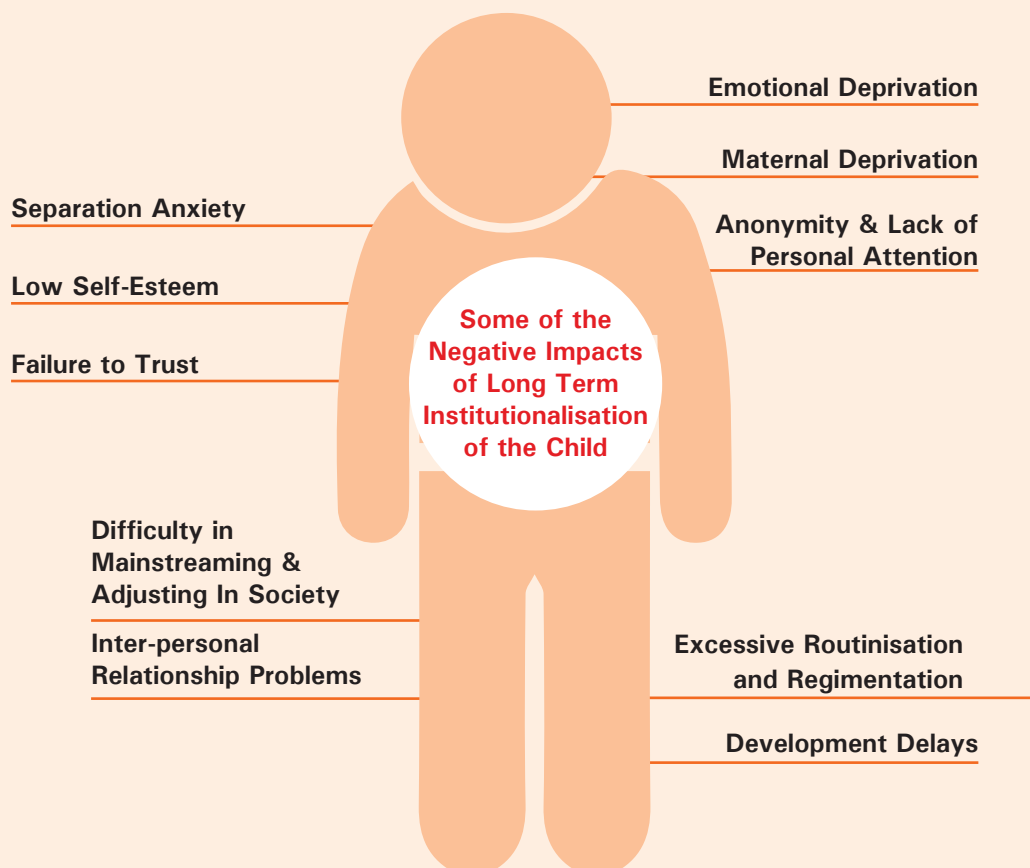
Step 8: Why institutional care should be the last alternative

It is universally accepted that even the best institution cannot substitute the nurturing care that a family can give to a child. However, there are some children for whom that may be the only option. So, it is important to improve the quality of child care in institutions, develop small "Group Homes" and simultaneously develop family based alternative services. Studies and experiences have shown that a child who has been deprived of family care and brought up in a large impersonal institution may show some of the following problems:

- ♦ Lack of individual attention, individualisation, one-to-one caring and interaction makes it difficult for a child to feel secure and bonded to one caregiver.

- ◆ “Multiple Mothering” syndrome - when a child is cared for by changing staff, the child is unable to form an attachment with any one person. This leads to a lot of emotional isolation and insecurity in the child.
- ◆ Excessive “Routinisation” and “Regementisation” does not take into account individual needs of the child and hence, the child either becomes very reticent and submissive or may react by becoming defiant and rebellious.
- ◆ Inability to form lasting, meaningful relationships. The child finds it difficult to trust people in authority or even peers when he has had too many negative experiences. These negativities have been shown to be carried on in adult life in various researches as much as that children coming out of institutions are maladjusted in the society.
- ◆ Due to the psychological, emotional and nutritional deprivation, these children may also show poor academic performance, and other behavioural problems.
- ◆ The “Institutionalised Child Syndrome” is sometimes evident in the child’s “self-esteem”. Some children may develop poor self-worth, which may reflect later in inter-personal relationship problems.

Why institutional care as a last alternative





Step 9: The Way Forward

A paradigm shift in national policies has now been made to promote alternative forms of family strengthening and protection programmes for children. There will probably be certain situations for some children where there are no feasible options other than institutional placement. Existing institutions should therefore be improved in such a way as to provide individualised quality standards of care and safeguard the rights of the child. Comprehensive measures should be provided for support to families at risk, in order to assist them in their child-rearing responsibilities in the light of articles 18 and 27 of the UNCRC.

Short term institutional care can be considered as an option during an interim period when other alternatives are being explored. Large institutions need to give way to small personalised “Group Homes” that provide a nurturing family like environment. A paradigm shift from the “Welfare” to the “Developmental”, from the “Needs” to the “Rights”, and from “Institutional Care” to “Non-Institutional Alternative Care” are significant changes in intervention for “Families at Risk” and CNCP.

The UN Alternative Care Guidelines are applicable to formal care (kinship, foster care, other forms of family-based care, residential care, supervised independent living) and also encouraged for care in other settings (boarding schools, hospitals, centres for children with disabilities, etc.) However these are not applicable to children deprived of liberty, adopted children and informal arrangements.

Some highlights of guidelines are as below:

- ◆ Best Interest of the Child
- ◆ Principles of ‘Necessity’ and ‘Appropriateness’
- ◆ Equity and Care
- ◆ Gatekeeping
- ◆ Prevention & Family Preservation
- ◆ Deinstitutionalisation and Reintegration
- ◆ Approach based on Learning from Action
- ◆ Child Participation

Framed by the alternative care guidelines

Q1

Is care genuinely needed?

Reduce the perceived need for formal after native care

Discourage recourse to alternative care

The Necessity Principle

Q2

Is the care appropriate for the child?

Ensure formal alternative care settings to meet minimum standards

Ensure that the care setting meets the needs of the child

The Sustainability Principle

Alternative care?

Alternative care refers to the spectrum of services available to children whose parents are no longer able to provide adequate care. Children outside parental care often live with their extended families in kinship care arrangements or in other types of alternative care, such as adoption and foster care, and many other variations of family and community based care. There are growing concerns about the situation of children outside parental care and the provision of suitable alternatives that are preventive, community oriented and family based.

Inadequate care environment can impair a child's emotional and social development, and leave children extremely vulnerable. They are at high risk of violence, exploitation, abuse and neglect, and their well-being is often insufficiently monitored. Kinship care is the spontaneous arrangement of care for a child within his or her extended family, and it represents the primary response to children outside parental care. Kinship care often protects child's identity through the preservation of family relationships, cultural norms and social networks.

However, living with relatives could remain unsupervised and provides no guarantee of a child's protection while in care. The move away from residential forms of care has, to a large extent, been prompted by a growing awareness of the potentially damaging effect on children, specially young children, due to some of the characteristic features of institutions. These have also been motivated by financial consideration, based on a cost benefit analysis, which show that rehabilitation of a child in a family environment is far more effective and is in the best interest of the child.

Gatekeeping and prevention of family separation: Gatekeeping is about having policies, procedures and services to restrict the flow of children into institutions and contribute to their onward progression back to families or substitute families. Articles 9, 18 & 19 of the UNCRC articulate four components to gatekeeping:

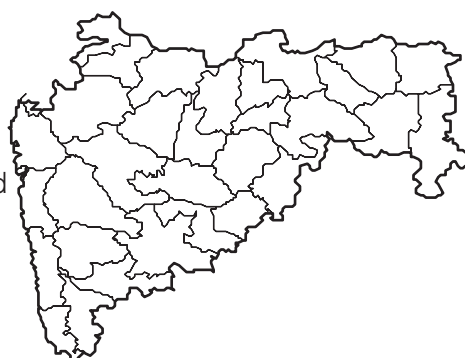
- ◆ An agency responsible for coordinating the assessment of the child's situation
- ◆ A range of family support services in the community, including foster care and adoption that are alternatives to care in an institution
- ◆ Decision-making based on assessment of the child's needs and circumstances
- ◆ Information systems to monitor and review decisions and their outcomes.

Governments are under a CRC obligation to support parents to care for their children and to ensure that children are only removed from their parents when it is in the best interests of the child and the decision is subject to regular review. Gatekeeping is more a matter of attitude and philosophy rather than availability of resources. It is a recognised and systematic process to ensure that alternative care for children is used only when necessary, and that children receive the most suitable support to meet their individual needs. If undertaken effectively, gatekeeping can result in:

- ◆ Preventing separation of children from families
- ◆ Political commitment and accountability in Alternative Care for Children
- ◆ Assessment and documentation of the child and family situation in a multi-sectoral context
- ◆ Engagement with and empowerment of family members and community
- ◆ Regular review and complaint mechanism, reunification with family, wherever possible
- ◆ High quality, accessible, and affordable services for all, targeted and specialised for those in need
- ◆ Child budgeting, measuring the costs and social return of well-being of children
- ◆ Supporting transition of children successfully
- ◆ Placing children in alternative care in the best way possible
- ◆ Monitoring all children in alternative care
- ◆ Gatekeeping by CWCs to prevent unnecessary institutionalisation of children.

A good practice example of gatekeeping and de-institutionalisation is Maharashtra where a lot of children who were unnecessarily in institutions were restored back to families:

- ◆ Number of children in institutional care reduced from 64,000 to 19,000
- ◆ Jalna – Alternative community based care model for children
- ◆ Preventing children from migrating by



providing them safe and secure accommodation through the alternative community care programme

- ♦ Ensuring access to services like protection, nutrition, healthcare and education, among others, to all children at the source
- ♦ Making migration safe for children who migrate with their families.

Some of the alternate care programmes are

Adoption aims to provide a child who cannot be cared for by his biological parents with a permanent substitute family.

Foster Care for children who cannot be placed in adoption. The foster parents should have stable emotional adjustment within the family, physically, mentally and emotionally, and shall be declared 'fit person' by the Committee before placing the child as per provisions laid down in the Act.

Sponsorship is a necessary support service provided to those families and children which have been identified as families at risk. The support is given for the child's education, health, nutrition and other developmental needs. After Care Organisations provide services for care of juveniles or children after they leave Special Homes and Children's Homes.

Rehabilitation is a treatment or treatments designed to facilitate the process of recovery from mental or physical injury, illness, or disease to as normal a condition as possible. A proper and adequate rehabilitation programme can reverse many disabling conditions or can help children to cope with deficits that cannot be reversed by medical care. Rehabilitation addresses the physical, psychological, and environmental needs of the person.

Some of the successful Government and NGO level initiatives for sponsorship and foster care are as below:

Ensuring every child's right to a family

Adoption Sponsorship
Counselling



Community Outreach Programmes



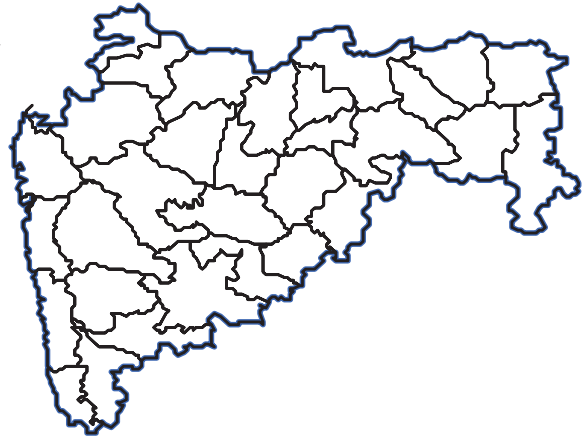
Foster-Care/After Care



Examples from State Governments

1. Bal Sangopan Scheme - Maharashtra

- ◆ Under this programme, substitute family care is provided for a temporary period to children whose parents are not able to take care of their children due to several reasons including illness, death, separation or desertion of one parent, or any other crisis.
- ◆ Since every child needs and has the right to be cared for in a family, foster care is a programme whereby a home is provided for the child for a short or extended period.
- ◆ A grant of Rs. 425 per child per month is given by the government to the foster parent(s) through an NGO for meeting the basic expenses of the child. The implementing NGO is given a supporting grant of Rs. 75 per month per child to meet administrative expenses, including home visits.



2. Palanhaar scheme - Rajasthan

The Palanhaar Scheme started as a scheme to cover orphan children of Scheduled Castes in 2005 but has been scaled up to cover orphan children of all castes, and also covers children of parents serving life time imprisonment or death sentence, children of widows, children of legally remarried widow, children of leprosy affected mother/father or children of HIV/AIDS infected mother/father or children whose mother has gone to follow Nata tradition, children having mother/father with disability (40% or above), children of abandoned/divorced woman.



The Scheme reduces the vulnerabilities of children by strengthening family based care and ensuring social, economic and overall development of children by providing financial support. The annual income of the family to be eligible under this Scheme is that they should not earn more than 1.20 lakhs and it is mandatory for children of age group 3 to 6 years to attend Anganwadi and 6 to 18 years to attend school. The assistance provided under the Scheme included Rs. 500 per month for a child (up to 6 years), and Rs. 1000 per month for a child (age group 6 to 18 years) with an annual grant of Rs. 2000 per family.

Some of the other highlights of the scheme, over the years, include:

- ♦ Transit of Scheme from offline to hassle free online system.
- ♦ Altogether, 1.14 lakh Palanhaar and 2.16 lakh children have been covered till date.
- ♦ Online application submission, process and sanction make the process speedy.
- ♦ Online system ensures monthly payment to beneficiaries on regular basis.
- ♦ Bhamashah and Aadhar have been included as mandatory documents.
- ♦ Under the 'Mukhya Mantri Hunar Vikas Yojana', children up to the age of 18 are included and Rs. 40,000 is guaranteed for every sponsored child under the Scheme.

News Report ON CCIs, New Delhi: Taking a serious view of increasing incidence of cases of sexual abuse of children, the Supreme Court directed setting up of CCIs to look after children, particularly those who are victims of sexual offences, and also those who are in conflict with law. A bench of Justices Madan B Lokur and Deepak Gupta directed that all such CCIs be registered by December 31, 2017. It also wanted governments to ensure a care plan for every child in each care institution by 2017-end. The bench also appealed to judges to play an active role in protecting the rights of children. It asked all HCs to set up a Juvenile Justice Committee to ensure effective implementation of the JJ Act.

References and Additional readings

[https://www.unicef.org/protection/files/UNICEF_Gatekeeping_V11_WEB_\(003\).pdf](https://www.unicef.org/protection/files/UNICEF_Gatekeeping_V11_WEB_(003).pdf)

https://www.unicef.org/protection/files/Moving_Foward_Implementing_the_Guidelines_English.pdf

http://www.fscmumbai.org/books/book_The_Family_Strengthening.pdf

http://oscps.nic.in/sites/default/files/guidelines_pdf/Standards%20of%20Care%20for%20Child%20Care%20Institutions.pdf

https://www.lbsnaa.gov.in/lbsnaa_sub/upload/uploadfiles/files/NGC/Publications/Final%20JJ%20Handbook.pdf

https://www.udayancare.org/sites/default/files/Workshop-Report_17-02-2017.pdf

<https://www.unicef-irc.org/publications/pdf/gatekeeping.pdf>

<https://ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=1607&lid=1546> - Do's and don'ts of person in-charge at CCI

FORM 27

[Rule 21(2) and 22 (2)]

APPLICATION FOR REGISTRATION OF CHILD CARE INSTITUTION UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

1. Detail of Applicant/ Institution which proposes to run the Child Care Institution:

- (i) Type of Institution
- (ii) Name of the Institution / Organization.....
- (iii) Registration number and date of Registration of the Institution/ Organization under the relevant Act (Annex- Relevant documents of registration and bye-laws, memorandum of association).....
- (iv) Period of validity to run the Institution / Organization.....
- (v) Complete address of the Applicant/ Institution/ organization.....
- (vi) STD code/ Telephone No.....
- (vii) STD code/ Fax No.....
- (viii) E-mail address.....
- (ix) Whether the organization is of all India character, if yes, give address of its branches, in other states.....
- (x) Whether the Institution/ Organization had been denied registration earlier
Yes/No
- (xi) Ref. No. of application which resulted in denial of registration as CCI
 - a) Date of denial.....
 - b) Which department has denied the registration.....
- (xii) Reason for denial of registration as CCI.....

2. Details of the proposed Child Care Institution

- (i) Name of the proposed Child Care Institution.....
- (ii) Type/Kind of Child Care Institution.....
- (iii) Complete address/ location of proposed child Care Institution or organization
- (iv) STD code/ Telephone No.....
- (v) STD code /Fax No.....
- (vi) E-mail address.....

3. Connectivity (Name and Distance from the proposed Child Care Institution):

- (i) Main Road.....
- (ii) Bus –stand.....
- (iii) Railway Station.....
- (iv) Any landmark.....

4. Infrastructure

- (i) No. of Rooms (Mention with measurement).....
- (ii) No. of toilets (mention with measurement).....
- (iii) No. of Kitchen (mention with measurement)
- (iv) No. of sick room.....
- (v) Annex -Copy of blue print of the building (authentic sketch plan of building)...
- (vi) Arrangement to deal with unforeseen disaster also mention the kind of arrangement made:
 - (i) Fire
 - (ii) Earthquake
 - (iii) Any other arrangement
 - (iv) Arrangement of Drinking water
 - (v) Arrangement to maintain sanitation and hygiene:
 - (vi) Pest Control
 - (vii) Waste disposal
 - (viii) Storage area
 - (ix) Any other arrangement
 - (x) Rent agreement/ building maintenance estimate (whichever is applicable)(Annex- copy of Rent agreement)

5. Capacity of the Institution/ Organization

- i. No. of children (0-6 years) present in the home , (if any)
- ii. No. of children (6-10 years) present in the home , (if any)
- iii. No. of children (11-15 years) present in the home , (if any)
- iv. No. of children (16-18 years) present in the home , (if any)
- v. No. of persons (18-21 years) present in the home , (if any)

6. Whether the Child Welfare Committee/Juvenile Justice Board has been informed about the children being housed in the Institution

Yes/ No

7. Facilities Available

- (i) Education facility.....
- (ii) Health Checkup arrangement, frequency of checkup, type of checkups proposed to be done.....
- (iii) Any other facility that shall impact on the overall development of the child

8. Staffing

- (i) Detailed staff list.....
- (ii) Education and Experience of the staff
- (iii) Name of partner organizations
- (iv) Name of the chief functionary of the organization

9. Background of the Applicant (Institution / Organization)

- (i) Major activities of the organization in last two years
 - a. (Annex copy of Annual Report)

- (ii) An updated list of members of the management committee/ governing body in the enclosed format (Annex- resolution of the annual meeting)
- (iii) List of assets/ infrastructure of the organization
- (iv) If the organization registered under the Foreign Contribution (Regulation) Act, 1976 (Annex – certificate of registration)
- (v) Details of foreign contribution received during the last two years (Annex- relevant documents)
- (vi) List of other sources of grant- in – aid funding (if any)with the name of the scheme / project , purpose amount, etc. (separately)
- (vii) Details of existing bank account of the agency indicating branch code account no.
- (viii) Whether the agency agree to open a separate bank account for the grant proposed
- (ix) Annex -Photocopy of Accounts of last three years:

i.	Auditors report
ii.	Income and expenditure account
iii.	Receipt and payment account
iv.	Balance sheet of the organization.

I have read and understood The Juvenile Justice (Care and Protection of Children) Act, 2015 and the Juvenile Justice (Care and Protection of Children) Rules, 2016.

I declare that no person associated with the organization has been previously convicted or has been involved in any immoral act or in any act of child abuse or employment of child labour and that the organization has not been blacklisted by the Central or the State Government at any point of time.

.....(Name of the Organization / Institution) has complied with all the requirements to be granted registration as a Child Care Institution under the Juvenile Justice (Care and Protection of Children) Act, 2015 and The Juvenile Justice (Care and Protection of Children) Rules, 2016.

I undertake to abide by all the conditions laid down by the Central/ State Act, Rules, Guidelines and Notifications in this regard.

Signature of the authorized signatory:

Name:.....

Designation:.....

Address.....

District.....

Date.....

Office stamp:

Signature of:

Witness no.1:

Witness no.2:

FORM 32

[Rule 23(15)]

ORDER OF FOSTER CARE PLACEMENT WITH A FAMILY

OR

GROUP FOSTER CARE

The child (name and address)approximate age..... d/o or s/o
Mr..... and Mrs.....is in need of care and protection of a family.
Mr..... and Mrs.....resident of (complete address and contact numbers)
.....are declared fit for foster-care placement of the child after
considering the Individual Care Plan, Child Study Report and Home Study Report.

OR

Child Care Institution (Name and address).....is declared fit for foster-care
placement of the child after considering the Individual Care Plan and Child Study Report.

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

Chairperson/ Member
Child Welfare Committee

FORM 33

[Rule 23(16)]

UNDERTAKING BY THE FOSTER FAMILY/GROUP FOSTER CARE ORGANISATION

I/Weresident(s) of House no.Street Village/Town
.....DistrictState/ care giver associated with foster care home run by -----
-----organization at(address), do hereby declare that I/We am/are willing to take charge of
(name of the child Aged.....under the orders of the Child Welfare
Committee.....subject to the following terms and conditions:

- i. If the conduct of the child is unsatisfactory I/we shall at once inform the Committee
- ii. I/We shall do my/our 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.
- iii. In the event of his illness, he shall have proper medical attention in the nearest hospital and a report of it followed by a fitness certificate shall be submitted before the Committee.
- iv. I/We shall inform the Committee about any change of address.
- v. I/We shall do my best to ensure that the child will not be subjected to any form of abuse.
- vi. I/We agree to adhere to the conditions laid by the Committee.
- vii. I/We undertake to produce him before the Committee as and when required.
- viii. I/We undertake to inform the Committee immediately if the child goes out of my charge or control.

Date thisday of

Signature and address of 2 witnesses

Signature of Applicant(s)

(Signed before me)

Chairperson/Member, Child Welfare Committee

FORM 34

[Rule 23(17)]

RECORD OF A CHILD IN FOSTER CARE

- a) Case no.....
- b) Name of the Child.....
- c) Age.....
- d) Gender.....
- e) Name and address of the Child Care Institution, if any from where the child has been given for foster care.....
- f) Individual Care Plan
- g) Any other source of referral.....
- h) Details of the child placed in foster care including Photograph of the child, foster care giver/parent, biological parents, if available.....
- i) Details of the placement - individual or group including date and period of placement
- j) Home Study Report of the biological family, where applicable with photograph
- k) Home Study report of the foster family- individual or group care, with photograph
- l) Child Study Report
- m) Address of the Child Welfare Committee
- n) Particulars of the order of the Committee placing the child in foster care
- o) Record (number and significant details) of each visit with the child, foster family, Biological family, if available and child's school
- p) Record of all reviews of the placement including observations, extent and quality of compliance with Care Plan, child's developmental milestones, child's academic progress, and any changes in family environment
- q) In the case of extension or termination of the placement, record of date and reason for termination
- r) Date of the child being handed over to the foster family:
- s) Financial assistance provided, if any
- t) Name of the Case Worker appointed

FORM 35**[Rule 23(18)]****MONTHLY INSPECTION OF FOSTER FAMILIES/GROUP FOSTER CARE**

(Fill as applicable)

Date of Visit:

a) Name :

b) Date of Birth & Age :

c) Gender

d) Date of Placement

1. Details of Foster Parents

a) Name of Foster Parents

b) Address

c) Contact details

i) Landline

ii) Mobile:

d) Aadhaar Card Number:

e) Photograph of Parents

(Affix Recent
Photo)

(Affix recent photo)

(Affix recent photo)

3. Interaction with the Foster Child

a)	Child's experience being part of the family (with reference to whether the child is properly cared for – physical, emotional and health) describe i) Health Indicators a) Present Health Status b) Any record of Illness c) Any other treatment that the child is undergoing ii) Emotional	<input type="checkbox"/> Happy and well-adjusted <input type="checkbox"/> In process of adjusting <input type="checkbox"/> maladjusted
b)	How is the child performing in his studies? (i) check in relation with the grades/marks the child achieved in previous examinations, (ii) Foster parents have regular	Yes <input type="checkbox"/> No <input type="checkbox"/> Sometimes <input type="checkbox"/>

	<p>conversations with the child regarding his/her studies, extra curricular activities</p> <p>(iii) Do they attend PTA meetings?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Sometimes <input type="checkbox"/></p>
c)	<p>i) The amount of time parents (foster) spend with the child either alone or together with their own children.</p> <p>ii) How do they spend time together as a family and for what?</p> <p>iii) Does the foster child share with the foster parent's problems he /she is facing either at home, school in the neighbourhood or emotionally feeling not happy?</p>	<p><input type="checkbox"/> Having conversations</p> <p><input type="checkbox"/> Dining</p> <p><input type="checkbox"/> Playing</p> <p><input type="checkbox"/> Watching TV</p> <p><input type="checkbox"/> Going to school</p> <p><input type="checkbox"/> Doing homework together</p> <p><input type="checkbox"/> Others (specify)</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Sometimes <input type="checkbox"/></p>
d)	<p>Does the child get support from foster parents' children? (do they mutually help each other)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Sometimes <input type="checkbox"/></p>
e)	<p>Has there been any incident that made the foster child feel discriminated against?</p>	
f)	<p>Has there been any incident/incidents that made you uncomfortable?</p> <p>i) The way a foster parent/older sibling/any other member touched you.</p> <p>ii)The conversations foster parents/older siblings/any other member had with you</p> <p>iii) Any materials- visuals, printed you were made to watch or read</p> <p>iv) Were you at any time sexually assaulted or abused?*</p> <p>*if the answers are "yes" immediate steps should be taken to remove the child and send to a place of safety and support the child with medical and psycho-social therapy.</p> <p>** Actions to be taken against the foster carers or parents according to the procedures laid down.</p> <p>*** Is similar treatment being meted out to their biological child also? Then the biological child should also be treated as a child in need of care and protection and appropriate action may be taken.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

g)	Whether the child keeps in contact with his/her family of origin (by telephone, letters, visits). Specify	Yes <input type="checkbox"/> No <input type="checkbox"/>
h)	Have you been beaten by the foster parent at any time?	Yes <input type="checkbox"/> No <input type="checkbox"/>
i)	Have you been spoken to in a manner that you felt humiliated?	Yes <input type="checkbox"/> No <input type="checkbox"/>
j)	Are you made to do household chores?	Yes <input type="checkbox"/> No <input type="checkbox"/>
k)	Do the biological children of the foster parents made to do the same household chores?	Yes <input type="checkbox"/> No <input type="checkbox"/>

5. Interaction with Foster Parents

a)	Parent's impressions about the behavior (emotional well-being) of the child in the family	<input type="checkbox"/> Happy and well-adjusted <input type="checkbox"/> In process of adjusting <input type="checkbox"/> Maladjusted
b)	Perception about his/her adjustment with the household and with other members in the family	<input type="checkbox"/> Happy and well-adjusted <input type="checkbox"/> In process of adjusting <input type="checkbox"/> Maladjusted
c)	How do you discipline the child?	<input type="checkbox"/> Reason with the child <input type="checkbox"/> Scolding , Chastise <input type="checkbox"/> Beat the child <input type="checkbox"/> Other Methods (Specify)
d)	What are the behavior traits that are of concern and how do you as parents deal with them?	<input type="checkbox"/> Lack of co-operation <input type="checkbox"/> Lack of Adjustment <input type="checkbox"/> Introvert <input type="checkbox"/> Aggressive

		<input type="checkbox"/> Not Communicative <input type="checkbox"/> Any Other
e)	Do you spend time together with the foster child and biological children? Describe.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Sometimes
f)	Views on the progress of Child's education and other talents i) Child is faring well in school ii) If the child is not faring well in school do you seek to find out the reasons a) from the child b) the school teacher iii) Do you attend PTA meetings?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Sometimes
g)	Do the foster parents consult the child while taking decisions on behalf of him/her?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Sometimes
h)	How does the child show his approval/disapproval to the foster parent's decisions?	<input type="checkbox"/> Accept the decision with happiness <input type="checkbox"/> Accept the decisions but unhappy <input type="checkbox"/> Refuse to accept the decision and shows aggressive behavior)
i)	Are the foster parents aware of the social networks of the child?	<input type="checkbox"/> Yes <input type="checkbox"/> No
j)	Views on child's social relationship with the neighbors, school friends and teachers.	<input type="checkbox"/> Good and regular interaction <input type="checkbox"/> Periodic Interactions
k)	What is their plan for the child?(To be noted down)	
l)	Does the foster child maintain the contact with his/her family of origin? (by telephone, letters, visits). Specify	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Sometimes
m)	Who maintains the bank account of the foster child as a parent?	

6. Interaction with biological children of the Foster Parents:

a)	The things they do together with the foster child	<input type="checkbox"/> Dining <input type="checkbox"/> Playing <input type="checkbox"/> Watching TV <input type="checkbox"/> Going to school <input type="checkbox"/> Doing homework together
b)	Do they have quarrels or fights between themselves and the foster child? If yes, how often, on what issues, and how do they resolve it. Please note down.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Sometimes
c)	How do you feel when your parents show love, affection and care to the foster child?	<input type="checkbox"/> Happy <input type="checkbox"/> Unhappy <input type="checkbox"/> Angry <input type="checkbox"/> Jealous

7. Interaction with the School Teachers:

a)	Information about the academic performance of the child in the school (<i>verify with progress cards to see if the child has shown any progress</i>)	<input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Satisfactory <input type="checkbox"/> Poor
b)	Teacher's observation: if the child has adjusted to his/her foster parents	<input type="checkbox"/> Happy and well-adjusted <input type="checkbox"/> In process of adjusting <input type="checkbox"/> Maladjusted
c)	Do the foster parents attend parent-teacher meetings?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Sometimes
d)	Do they seem interested in the child's studies?(<i>by enquiring of his academic achievements, his relationship with teachers and classmates</i>)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Indifferent

e)	Observation on child's behavior in the school (<i>his relationship with teachers, classmates</i>)	<input type="checkbox"/> Happy and well-adjusted <input type="checkbox"/> In process of adjusting <input type="checkbox"/> Maladjusted
f)	Any concerns of the child in the school. If yes, give details	

8. Interaction with Parents of Origin

a)	Have the parents of origin maintained contact with their child (by telephone calls, letters, and visits? How frequently?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Sometimes
b)	Was the child happy to meet them?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Upset while meeting them
c)	Did the child raise any issues with regard to his or her foster carers/parents/family with them?	<input type="checkbox"/> Yes <input type="checkbox"/> No
d)	Do they have any interaction with the foster family regarding the wellbeing of the child?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Sometimes
e)	The family's status to receive back the child	<input type="checkbox"/> Family is interested and in a position to receive back the child. <input type="checkbox"/> Family is interested but not in a position to receive back the child. <input type="checkbox"/> Family is not interested to receive back the child.
f)	Received any support from the government or any other agency in helping them to receive back the child from the foster carers(If yes, give details)	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Interaction with Neighbours

a)	Knowledge about the neighbor fostering a child.	<input type="checkbox"/> Yes <input type="checkbox"/> No
b)	Information about the attitude and behavior of the foster family towards the child.	<input type="checkbox"/> Positive and Happy <input type="checkbox"/> Indifferent Attitude

		<input type="checkbox"/> Negative Attitude <input type="checkbox"/> Misbehavior towards foster children
c)	Observed any quarrel or issues between the family members and foster child or between neighborhood and the foster child (if yes, give detail)	<input type="checkbox"/> Yes <input type="checkbox"/> No

Prepared by

Signatures

FORM 36

[Rule 24(5)]

ORDER OF SPONSORSHIP PLACEMENT

The child (name and address)age..... d/o or s/o Mr..... and/or Mrs..... has been identified as a child needing sponsorship support for education/ health/ nutrition/ other developmental needs(please specify). The District Child Protection Unit is hereby directed to release Rs.....per month/ Rs..... as one time sponsorship support to the said child for a period of (days/month) and carryout necessary follow up and for the said purpose shall open a bank account in the name of the child..... to be operated by

Children's Court/ Principal Magistrate, Juvenile Justice Board/
Chairperson/Member, Child Welfare Committee

FORM 37

[Rule 25(2)]

ORDER OF AFTER CARE PLACEMENT

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

The State/ District Child Protection Unit is hereby directed to release Rs.....per month towards after-care support to the said person for a period of (days/month) and carryout necessary follow up and for the said purpose shall open a bank account in the name of the person.....

Children's Court/ Principal Magistrate, Juvenile Justice Board/
Chairperson/Member, Child Welfare Committee

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

FORM 38**[Rule 27(2)]****APPLICATION FOR FIT FACILITY INCLUDING GROUP FOSTER CARE**

1.	Detail of Institution/ Agency/ Organization which seeks recognition as fit facility	
1.a	Name of the Institution /Agency/ Organization	
1.b	Registration number and date of Registration of the Institution/ Organization under the relevant Act (Annex- Relevant documents of registration, bye-laws, memorandum of association)	
1. c	Complete address of the Applicant/ Institution/ organization	
1.d	STD code/ Telephone No.	
1.e	STD code Fax No.	
1.f	E-mail address	
1.g	Whether the organization is of all India character, if yes, give address of its branches, in other states	
1.h	If the Institution had been denied recognition earlier? If yes i. Reference No. of application leading to denial of recognition ii. Date of denial iii. Who had denied the recognition iv. Reason for denial of recognition	
2.	Details of the proposed fit facility:	
2.a	Complete address/ location of proposed Fit Facility	
2.b	STD code/ telephone no	
2.c	STD code fax no	
2.d	E-mail	
3.	Connectivity (Name and Distance from the proposed Fit Facility):	
3.a	Main Road	
3.b	Bus –stand	
3.c	Railway Station	
3.d	Any landmark	
4.	Infrastructure:	
4.a	No. of Rooms (Mention with measurement)	

4.b	No. of toilets (mention with measurement)	
4.c	No. of Kitchens (mention with measurement)	
4.d	No. of sick room	
4.e	Annex -Copy of blue print of the building (authentic sketch plan of building)	
4.f	Arrangement to deal with unforeseen disaster also mention the kind of arrangement made: i) Fire ii) Earth quake iii) Any other arrangement	
4.g	Arrangement of Drinking water Annex-Certified from public health engineering (PHE) Department.	
4.h	Arrangement to maintain sanitation and hygiene: i. Pest Control ii. Waste disposal iii. Storage area iv. Any other arrangement	
4.i	Rent agreement/ building maintenance estimate (whichever is applicable)(Annex- copy of Rent agreement)	
5.	Capacity of the Fit Facility	
6.	Facilities Available (would depend on the purpose for which recognition as fit facility is to be given)	
6.c	Any other facility that shall impact on the overall development of the child	
7.	Staffing	
7.a	Detailed staff list	
7.b	Name of partner organizations	
8.	Background of the Applicant	
8.a	Major activities of the organization in last two years	
8.b	An updated list of members of the management committee/ governing body in the enclosed format (Annex- resolution of the annual meeting)	
8.c	List of assets/ infrastructure of the organization	
8.d	If the organization is registered under the Foreign Contribution (Regulation) Act, 1976 (Annex – certificate of registration)	
8.e	Details of foreign contribution received last two years (Annex-relevant documents)	

8.f	List of other sources of grant- in – aid funding (if any)with the name of the scheme / project , purpose amount, etc. (separately)	
8.g	Details of existing bank account of the agency indicating branch code account no.	
8.h	Whether the agency agrees to open a separate bank account for the grant proposed	
8.i	Annex -Photocopy of Accounts of last three years: <ol style="list-style-type: none"> i. Auditors report ii. Income and expenditure account iii. Receipt and payment account iv. Balance sheet of the organization. 	

I have read and understood The Juvenile Justice (Care and Protection of Children Act), 2015; and the Juvenile Justice (Care and Protection of Children) Rules, 2016.

.....(Name of the Organization / Institution) has complied with all the requirements to be granted recognition as a Fit Facility under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Juvenile Justice (Care and Protection of Children) Rules, 2016.

I declare that no person associated with the organization has been previously convicted or has been involved in any immoral act or in any act of child abuse or employment of child labour or an offence involving moral turpitude and that the organization has not been blacklisted by the Central or the State Government at any point of time.

I undertake to abide by all the conditions laid down by the Central/ State Act, Rules, Guidelines and Notifications in this regard.

I undertake to abide by the orders passed by the Juvenile Justice Board or the Child Welfare Committee from time to time.

Signature of the authorized signatory:

Name:

Designation:

Address:

District:

Date:

Office stamp:

Signature of:

Witness no.1:

Witness no.2:

FORM 39

[Rule 27(4)]

CERTIFICATE OF RECOGNITION OF FIT FACILITY INCLUDING GROUP FOSTER CARE

After perusal of the documents and on the basis of an inspection of the Institution conducted on..... the..... (Name of the Institution) is recognized as a Fit Facility under Section 51 of the Juvenile Justice (Care and Protection of Children) Act, 2015 with effect from..... for a period ofyears.

The Facility shall remain bound to follow the Juvenile Justice (Care and Protection of Children) Act, 2015, the Juvenile Justice (Care and Protection of Children) Rules, 2016 and regulations framed by the appropriate Government from time to time.

The Facility shall remain bound to comply with the orders passed by the Juvenile Justice Board or the Child Welfare Committee from time to time.

Dated this.....day of20

(Signature)
(Seal)

Dated thisday of20.....

(Signature)

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

