

A Series on Alternative Care

Foster *Care*



A Series on Alternative Care

Foster *Care*



Contents

| | |
|--|-----------|
| Preface | v |
| Acronyms and Abbreviations | vi |
| 1. The Concept | 01 |
| 2. Legal and Policy Instruments | 02 |
| 3. Fundamental Principles and Key Aspects | 03 |
| 4. Procedures for Placement in Foster Care | 07 |
| 5. Monitoring, Review and Termination | 10 |
| 6. Prescribed Formats, Tools and Material | 13 |
| 7. Foster Care in India and Some Select Countries | 15 |
| Resources List | 17 |



Preface

The year 2015 was a significant year in the history of child rights in India with the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015. Globally also, this was the same year when members of the United Nations adopted the Sustainable Developmental Goals to end poverty and ensure prosperity for all. With these developments, the post-2015 framework for child protection in India has attained a strong rights-based orientation. Against this backdrop, Udayan Care is conscious of the fact that protecting the rights of out-of-home care children is critical in the overall scheme of child protection. The number of children in need of care and protection is continuously on the rise and adoption rate in India is still very low. It is estimated that the number of such children is likely to be 24 million by 2020. Thus, India faces a humongous task of caring and protecting a large number of out-of-home care children and giving them the opportunities to grow to their full potential. A robust system on Alternative Care that works to restore, protect and reintegrate them needs to be a priority with all stakeholders.

Awareness of the prescriptions of laws and policies is a prerequisite for a robust system of Alternative Care. However, we often witness gaps in the knowledge of people working in the domain of child care with respect to the latest laws and policies. This at times can result in deficiencies of services or compromises with child care, thus putting the rights of children to a back seat. The issue of Alternative Care is still an evolving subject in India. Keeping this gap in view, Udayan Care felt the importance of developing a set of information, education and communication material on different aspects relating to Alternative Care. This publication, **A Series on Alternative Care**, containing four booklets, viz., Standards of Care in Child Care Institutions, Foster Care, Adoption and Aftercare, is an attempt in the above direction. These booklets cover the latest legal and policy framework on Alternative Care in India, which has been presented in an easy-to-understand style so that they can be used as an effective reference material by all the stakeholders. All the four booklets in the Series have been updated according to the Juvenile Justice (Care and Protection of Children) Act, 2015, the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, and the latest guidelines on foster care and adoption issued by the Government of India. The relevant provisions of the Convention on the Rights of the Child and the UN Guidelines for the Alternative Care of Children (UNGACC) 2009 have also been kept in view while preparing the booklets.

The booklets contain no complicated legal jargons. The purpose is to make people in the field of child protection comprehend the scope and basic facts on the four thematic areas. All the four booklets follow a similar style of presentation, first introducing the concept, then a chapter on legal and policy instruments, followed by a chapter on practices in India and some other select countries. Each booklet also has a listing of references for those who are interested in further reading on the given subject.

These booklets have been written for child care practitioners, those working in the government offices, members of District Child Protection Units, Child Welfare Committees and Juvenile Justice Boards, social workers, caregivers, staff and management at child care institutions, State agencies as well as by beginners and volunteers in the field of Alternative Care. However, it is pertinent to note that the booklets are not the replacement of any law. For any further understanding of the law, reading of relevant Acts and Rules are strongly recommended.

This publication on Alternative Care would not have been possible without the support of UNICEF. Udayan Care is immensely thankful to them for the support.

We highly appreciate the invaluable inputs provided by several experts including Tannistha Datta, UNICEF, Delhi; Swagata Raha, Centre for Child and the Law, National Law School of India University (NLSIU), Bengaluru; Premoday Khakha, Assistant Director, Integrated Child Protection Scheme, Government of NCT of Delhi and Ian Anand Forber Pratt, National Program Director, Centre of Excellence in Alternative Care of Children, India.

Needless to say, the hard work of the entire team at Udayan Care has indeed ensured the completion of this project successfully.

Udayan Care
December 2016



Acronyms and Abbreviations

| | |
|---------------|--|
| CARINGS | Child Adoption Resource Information and Guidance System |
| CCI/CCIs | Child Care Institutions |
| CSR | Child Study Report |
| CWC | Child Welfare Committee |
| DCPO | District Child Protection Officer |
| DCPU | District Child Protection Unit |
| GFC | Group Foster Care |
| HIV/AIDS | Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome |
| HSR | Home Study Report |
| ICP | Individual Care Plan |
| ICPS | Integrated Child Protection Scheme |
| IEC | Information, Education and Communication |
| JJ Act 2015 | Juvenile Justice (Care and Protection of Children) Act, 2015 |
| JJ Rules 2016 | Juvenile Justice (Care and Protection of Children) Model Rules, 2016 |
| MGFC 2016 | Model Guidelines for Foster Care, 2016 |
| NPC | National Policy for Children, 2013 |
| NGOs | Non-Governmental Organizations |
| SAA | Specialised Adoption Agency |
| SFCAC | Sponsorship and Foster Care Approval Committee |
| SCPS | State Child Protection Society |
| SFCF | Sponsorship and Foster Care Fund |
| TB | Tuberculosis |
| USA | United States of America |
| UN | United Nations |
| UNGACC | UN Guidelines for the Alternative Care of Children |

The Concept

Foster care is a system of non-institutional family-based care under which a child lives with a family other than his/her biological family. This happens when a child is without biological family or with family that is incapable of providing care, or for whom the benefit of extended family or kinship care is also not available. Foster families should preferably have cultural, tribal and/or community identities that are similar to that of the child.

The system of foster care is meant for **children in need of care and protection**. Keeping in view the needs of a child, foster care may be of short or long duration. While short-term foster care is for a period not exceeding one year, **long-term** foster care exceeds one year and can be extended periodically till the child attains 18 years of age.¹

India's foster care system has **two variants** namely **individual foster care** and **group foster care**. The first variant refers to the care of a child under a foster family, as is defined above. Group foster care (GFC), on the other hand, is a family-like care in a fit facility for children in need of care and protection who are without parental care.² The system provides personalized parental care in a family-like environment to a group of unrelated children in a community setting. It is considered suitable for street children who pass through a weaning period³ prior to their placement in individual foster care or any other form of family-based care. According to JJ Rules 2016, **the number of children in a group foster care unit should not exceed eight children**, including biological children of the foster caregiver.

It is important to bear in mind that foster care system is in sync with the family or community-based childcare approach that is enshrined in Indian legal and policy documents, including the National Policy for Children, 2013 (NPC) and the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act 2015). As aptly stated in Para 4.10 of the NPC, in order to "secure the rights of children temporarily or permanently deprived of parental care, the State shall endeavour to ensure family and community-based care arrangements including sponsorship, kinship, foster care and adoption, with institutionalization as a measure of last resort, with due regard to the best interests of the child and guaranteeing quality standards of care and protection."

All children have the right to grow in a family environment. Unless the situation so compels and separation from parents is necessary in the best interest of a child, no child should be deprived of parental care. The strength of foster care lies in its ability to prevent children's destitution and to promote their holistic protection in a family setting.

Takeaway: Foster care is a non-institutional system of child care that allows children to grow in a family or family-like environment other than the biological family.

¹ Juvenile Justice (Care and Protection of Children) Model Rules, 2016

² Model Guidelines for Foster Care, 2016

³ Weaning period, in this context, refers to weaning of children from street life and high risk behavior.



Legal and Policy Instruments

Foster care in India is governed by certain legal and policy instruments. The table below contains brief description, relevant to the present context, of Indian legal and policy instruments that govern foster care in the country.

| Legal and policy instruments | Brief descriptions |
|--|--|
| Model Guidelines for Foster Care, 2016 | This comprehensive document contains, <i>inter alia</i> , relevant concepts, words and phrases, principles, responsibilities of foster carers/ parents, procedures for placement of children in foster care, monitoring and review, roles of authorities and agencies, formats for different components of foster care administration like child study report, application form for foster carers/ parents, counseling of children, foster families, biological families and monitoring tools for foster care placement and other activities |
| Juvenile Justice (Care and Protection of Children) Model Rules, 2016 | Rule 23 deals with various aspects foster care like role of DCPU and CWC, preconditions to be conformed by foster care families, criteria for selecting group foster care setting, duties of foster carers, and other procedural matters. |
| Juvenile Justice (Care and Protection of Children) Act, 2015 | The JJ Act 2015 prescribes foster care as a measure for rehabilitation and social reintegration of children in need of care and protection. Section 44 of the Act deals with different aspects foster care that include, <i>inter alia</i> , selection of foster family, monthly funding, responsibilities of foster family and inspection of foster families. |
| Integrated Child Protection Scheme (ICPS), 2014 | ICPS strongly advocates family-based care of children. It deals, <i>inter alia</i> , with procedures for sanction and release of funds under foster care programme, Sponsorship and Foster Care Fund, and Sponsorship and Foster Care Approval Committee. |
| National Policy for Children, 2013 | It accords primacy to family and community-based care of children under which foster care is one of the arrangements. |

Since the State Government is required to notify the process of selection of foster family or group foster setting under Rule 23(14), care givers may keep themselves updated with any such notification.

There are also international legal instruments that deal with foster care.

International legal instruments dealing with Foster Care

UN Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, 1986

UN Convention on Rights of the Child, 1989

UN Guidelines for the Alternative Care of Children (UNGACC), 2009

Takeaway: Foster care is based on robust national and international legal and policy instruments.



Fundamental Principles and Key Aspects

Fundamental Principles

The system of foster care in India is guided by five fundamental principles:

- Primacy of family or family-like environment in which every child has a right to live in
- Recognition of the child's right to grow in a family environment, reunification of the child with the biological family, and strengthening of biological family through a planned process
- Principles of necessity and appropriateness to be the basis of all decisions regarding foster care so that safety, security and best interests of the child (i.e. fulfillment of basic rights and needs, identity, social wellbeing, and physical, emotional and intellectual development) are ensured
- Respect for the child's right to be consulted
- Placement of siblings and twins preferably in one family

Placement of the Child in Family or Group Foster Care

The decision of CWC regarding appropriateness of family or group foster care for a child is based on the following factors:

- Level of trauma experienced by the child
- History of drug addiction
- Level and type of disability
- Social behaviour of the child
- Requirement of any specialized care, terminal illness etc.
- Need for the child's deinstitutionalization
- Preference of the child, or parents of guardians
- Availability and suitability of the facilities

Categorisation of Children Eligible for Foster Care

The Model Guidelines for Foster Care, 2016 (MGFC 2016) have categorized children in need of **care and protection** who are eligible for foster care, as noted below.

Children in 0-6 years age group: As far as possible, these children are **not considered** for foster care, as they are either being considered by CWC for adoption or have been declared as such.



Children who are not being adopted after being declared legally free for adoption by CWC: These children are eligible for foster care under the following circumstances:

- Children between the age group of 6 to 8 years who are not adopted within two years after the declaration by the CWC
- Children in the age group of 8 to 18 years who are not adopted within one year after the declaration by the CWC
- Children with special needs, irrespective of age, who are not adopted within one year after the declaration by the CWC

In all the above cases, children are placed in family foster care or group foster care by CWC on the recommendation of DCPU or SAA. In case of children with special needs, capacities of foster family or fit facility (for group foster care) to manage such children are also judged by the CWC.

Children not declared legally free for adoption by CWC: This is meant for the child who has remained with a foster family for a minimum of five years other than in pre-adoption foster care. Such foster family may apply for adoption of the child by registering on a separate page created on Child Adoption Resource Information and Guidance System (CARINGS) under the Adoption Regulations, 2016.

Children who may be deinstitutionalized and placed in group foster care: Following categories of children are considered for group foster care:

- Children in the age group of 6-18 years staying in CCI but have not been declared legally free
- Children whose parents are terminally ill, and the parents have requested to CWC or DCPU for taking care of their children
- Children identified by DCPU such as those:
 - Whose parents are terminally ill and are unable to take care of the child
 - Whose one or both parents are in jail
 - Who are victims of physical, emotional or sexual abuse, natural/manmade disasters, agrarian distress, domestic violence etc.

Rights of a Child under Foster Care

- Fulfillment of the best interests and consideration of his/her views as far as possible for placement and preparation of individual care plan (This should be ensured by the CWC in conjunction with child welfare officials in the district and state.)
- Access to information on the situation of his/her biological family
- Information and access to government schemes and programmes that result in the child's development

Rights and Responsibilities of Foster Family/ Care Givers of the Fit Facility (Group Foster Care)

Rights of foster parents in foster family

- To be heard and respected
- Non-discrimination on the basis of their social origin
- To adopt the same child according to due procedures, after keeping that child in foster care for a minimum period of five years, other than in pre-adoption foster care (JJ Rule 44 (v))

Rights of Care Givers of the Fit Facility/GFC

- To be heard and respected
- Non-discrimination on the basis of their social origin
- To undergo training and counseling
- To resign as per the terms and conditions of appointment and entitled to pay provident fund/retirement allowances

Responsibilities of Foster Family towards the Child

- Provide the child adequate food, clothing, shelter and education
- Provide care, support and treatment for child's physical, mental and emotional health
- Ensure that the child receives vocational training according to age, developmental needs and interests
- Support higher education requirements
- Ensure protection from exploitation, maltreatment, harm, neglect and abuse, and the whereabouts of the child are always known
- Respect privacy of the child and his biological family or guardian, and confidentiality of information in this regard
- Provide treatment during emergency situations and inform the matter to CWC and biological family
- Share and discuss the progress of the child periodically with CWC and biological family, and produce the child before the CWC as and when directed by CWC
- Support contact between the child and DCPU staff during home visits
- Support contact between the child and biological family in consultation with CWC, keeping in view the best interest of the child

Responsibilities of the Care Givers of the Fit Facility/GFC

- Provide the child adequate food, clothing, boarding, lodging and education
- Maintain standards of care in the fit facility
- Share and discuss the progress of the child periodically with CWC and biological family, and produce the child before the CWC as and when directed by CWC
- Support contact between the child and DCPU staff during home visits
- Support contact between the child and biological family in consultation with CWC, keeping in view the best interest of the child
- Seek approval of CWC through DCPU in advance for serious medical matters such as operatic procedures and the use of anesthesia
- Ensure that that the child's whereabouts are known all the times including reporting any changes in holiday plans and any episode of running away of the child to CWC.
- Report to DCPU in case of any critical incidents such as injuries, abuse, and criminal or self-harming behaviour by the child
- Support initiatives to provide life skills, vocational training and higher education



Criteria for Selection of Foster Family

Selection of foster family may be based on family's ability, intent, capacity and prior experience in taking care of children. [Section 44(2) of JJ Act 2015]

DCPU shall consider the following criteria while selecting a foster family:

- Both the spouses must be Indian citizens
- Both the spouses must be willing to foster the same child
- Both the spouses must be above the age of 35 years and must be in good physical, mental and emotional health
- Income to meet the needs of the child
- Members of foster family should be medically fit and free from HIV/AIDS, TB and Hepatitis B (medical report of all family members should be obtained)
- adequate space and basic facilities in foster family
- Willingness to follow rules of foster care like regular visit to doctors, maintenance of child health and their records
- Willingness to attend foster care orientation programmes of DCPU
- No record of criminal conviction or indictment
- Supportive community ties with friends and neighbours

Criteria for Selection of Group Foster Care Setting

DCPU shall consider the following criteria while selecting a group foster care setting:

- Registration of the group setting under the JJ Act 2015
- Recognition as a fit facility by CWC for placement of children in group foster care
- Registration of the NGO on NITI Ayog website
- Existence of child protection policy
- Medical reports of all care givers of the fit facility should be obtained including checks for HIV/AIDS, TB, Hepatitis B and other communicable diseases
- No conviction or indictment of care givers
- Sufficient space and proper amenities for children (maximum eight), and adequate space to ensure privacy as fit facility could have children of both genders
- In-house kitchen, separate toilets and bathrooms (at least one toilet for four children)
- Fit facility should have look and feel of a house rather than institutional setting
- Location should be within existing neighbourhood to encourage local interaction
- Recruitment of care givers according to qualifications prescribed by state government
- Care givers must have empathy towards children
- Pre-service training for each foster care giver of the fit facility
- Fit facility should have retirement policy for the care givers

Takeaway: Fundamental principles and the key aspects, as given in the MGFC 2016, act as enablers for the best interests of foster children.

Procedures for Placement in Foster Care

The **nodal authority** responsible for implementing foster care programme in a district is the DCPU. The CWC of the district decides all matters in regard to placement of the child in foster care. Placement in foster care involves elaborate procedures which these agencies implement in association with other stakeholders. The sections below contain the procedures for placement of children living in CCIs and in communities, and the key aspects related to placement in foster care in general.

Procedures for Placement of Children Living in Child Care Institutions

Preparation of Individual Care Plan: Individual care plan (ICP) is prepared by the case worker/social worker/probation officer who has been assigned the case of the child on the prescribed form (Form 7 of the JJ Rules 2016). ICP is reviewed periodically.

Preparation of Child Study Report: A detailed child study report (CSR) for each child identified for placing in foster care is prepared on Form 31 of the JJ Rules 2016.

Recommendation of child for foster care: Recommendation for foster care is made by child welfare officer/social worker of CCI keeping in view the ICP and CSR. A list of identified children is forwarded to the DCPU by the CCI person-in-charge.

Identification of Foster Carers: The table below presents identification procedures and some other related aspects separately for foster families and fit facilities for group foster care.

| Foster Families | Fit Facilities for GFC |
|--|--|
| <p>Identification of Foster Families: This task is performed by DCPU. The steps involve advertisement in local newspapers periodically, short-listing of applicants⁴ on the basis of selection criteria (see earlier section), their interviews, and preparation of an assessment report. DCPU also verify credentials from two references from the community that are provided by every prospective foster family. The assessment process involves, <i>inter alia</i>, thorough checking of the family's economic status to know its capability to meet the needs of child without foster care maintenance payment. Financial support may be provided on the recommendation of a committee constituted for the purpose.</p> | <p>Identification of Fit Facilities for GFC: This task is performed by DCPU. The steps involve advertisement in local newspapers seeking applications from organizations which maintain the fit facility, interview of office bearers of organisations, verification of credentials from two references from the community that are provided by every fit facility.</p> |

Contd...

⁴ A model application format to be submitted by foster family is given in Annexure-A of MGFC 2016.



| Foster Families | Fit Facilities for GFC |
|--|---|
| <p>DCPU prepares a roster/panel of prospective foster families every year, and it is forwarded to the CWC for placement of children in foster care.</p> <p>DCPU initiates preparation of the child for placement in foster care by starting a matching process for foster parent and foster child. A matching report is prepared on the basis of this process and is submitted to the CWC.</p> <p>Preparation of Home Study Report of the Prospective Foster Family: CWC asks DCPU to prepare home study report (HSR) of the prospective foster families on the prescribed format (Form 30 given in JJ Rules 2016).</p> <p>Matching Child with Foster Family: The DCPU recommends placement of the child on the basis of HSR, CSR and matching report. The CWC initiates the process of giving order for placement of the child on the recommendation of DCPU.</p> | <p>The verification process also involves cross-checking of the organisation’s registration under JJ Act 2015, its recognition as fit facility, child protection policy, medical reports of care givers, police verification, NITI Ayog registration, FCRA registration and other criteria noted in earlier chapter.</p> <p>Matching Child with Care Givers of Fit Facility: The DCPU recommends placement of the child in group foster care in a fit facility on the basis of results of inspection of fit facility, CSR and compatibility of the child with care givers of the fit facility.</p> |

Procedures prior to Final Placement Order by the CWC: The MGFC 2016 prescribes separate procedures for placement with foster family and in group foster care, as stated in the table below.

| Foster Family | Group Foster Care |
|---|---|
| <p>CWC initially passes an interim order allowing the child and the foster family to have restricted interaction in the presence of social worker for a period of one month. Restricted interaction includes a short meeting followed by an outing, and subsequently the child’s visit to home of foster family to meet family members.</p> <p>Following interim order, compatibility of the child with foster family is evaluated by the DCPU, and a report, along with a note on the foster family’s need for financial support, is submitted to the CWC within 15 days.</p> <p>For cases requiring financial support, in the absence any alternative, DCPU initiates the procedures for approval by referring the cases to Sponsorship and Foster Care Approval Committee (SFCAC) set up in the district under ICPS. This process is completed within 15 days, and the cases are then referred back to CWC for final order.</p> | <p>After matching a child with prospective care givers of the fit facility, the CWC passes an interim order that allows restricted interaction between the child and the care givers in the presence of social worker.</p> <p>The restricted interaction involves short meeting, which is followed by the child’s visit to the fit facility to meet other children.</p> |

Final Placement Order by the CWC: CWC passes its final order, for placement in family foster care or group foster care, after reviewing the compatibility report submitted by DCPU, and sends a copy of the order to DCPU for action. While final order is passed ordinarily within 60 days of passing the interim order in cases which do not require financial support, the corresponding time for cases requiring financial support is 75 days.

Undertaking by Foster Carers/Parents: The foster parent and care givers of the fit facility sign an undertaking for foster care of the child in the prescribed format (Form 33 in JJ Rules 2016).

Procedure for Placement of Children Living in Community

Identification of Eligible Children: DCPU creates awareness on foster care programme. It is mandated under MGFC 2016 and ICPS to conduct vulnerability mapping and district need assessment leading to identification of children without parental support. Such vulnerable children may be placed under foster care on the basis of child study report prepared using Form 31 of the JJ Rules 2016.

Compliance with Other Procedures: All other procedures namely preparation of child study report, identification and recommendation of child for foster care, identification of foster families, preparation of HSR of prospective foster families, matching of children, foster care placement and undertaking by foster care parents and care givers of the fit facility are complied according to the details stated in earlier section.

Suo Motu Care by Foster Carers/parents: This is applicable for children in need of urgent care. The foster families or foster care givers of the fit facility, willing to suo motu take care of such a child, file an application before CWC. The CWC, after conducting due diligence, may approve the case for individual or group foster care within 60 days, as per prescribed procedures.

Key Aspects Related to Placement

Counselling of the child while deinstitutionalizing: The purpose of counselling is to prepare the child for the new environment in the foster family or fit facility, so that living in the new set up becomes less stressful. Role of counseling is especially crucial for children whose biological parents are either imprisoned or undergoing prolonged hospitalization. Such children should also be given every opportunity to maintain contact with their biological parent(s). Counselling guides the child for holistic adjustment with foster family, including biological children of that family.

Counselling of the care givers in the fit facility/GFC: The purpose of counseling of the care givers is to enable them to effectively shoulder their responsibilities. Counselling should also cover biological children of care givers who may be staying in the fit facility.

Counselling of the child and biological parents: Counselling of biological parents is meant to orient them for their future reunion with the child. MGFC 2016 recommends this in recognition of the right of the child to grow in a family environment.

Financial Support: Financial support of not less than Rs. 2000 per month per child is given to foster parents if requested, and in accordance with due procedure. Similar financial support is also applicable for children in group foster care.

Safeguards of Foster Care: MGFC 2016 contains certain safeguards, as noted below, that guide the process of placement of children under foster care.

- Not more than two children shall be placed at a time with a foster family.
- Number should not exceed 4 children, including biological children, in family foster care.
- Number should not exceed 8 children, including biological children, in group foster care with one set of care givers in one unit. There can be exception in case of extraordinary circumstances.
- Notwithstanding the above safeguards, exceptions can be made in case of siblings, who should be preferably placed together in a single family or same fit facility.
- If relevant and necessary, consent of biological parents for foster care is required.
- If a family has biological special need child, no special need child should be placed as foster child in that family. Such children should be placed in a fit facility that has the facilities for special children.
- The socio-cultural milieu and ethnic identity of the foster families should as far as possible be the same as that the child to be placed under foster care.

Takeaway: Besides elaborate procedures for placement of children in foster care, there are provisions for counselling, financial support and safeguards which facilitate and guide the process of placement.





Monitoring, Review and Termination

Monitoring, review and termination are important activities of institutions responsible for administration of foster care programme. The section below contains salient aspects of these activities.

Monitoring of Placement

The DCPU and CWC conduct periodic review of placement of children in foster either directly or through social workers attached to a CCI, leading to either extension or termination of placement. While the DCPU maintains a record of each child in foster care, the CWC conducts monthly inspection of the foster families or foster care givers. All monitoring data should be maintained electronically. There are prescribed forms and monitoring tools given in the JJ Rules 2016 and MGFC 2016, which have been listed in the next chapter.

Tracking Progress of the Child

The responsibility of tracking progress of the foster child lies with the DCPU, or an NGO or social worker identified by the DCPU. Either a representative of the DCPU or the NGO or social worker visits each foster family at least once a week for the first month followed by monthly visits for next six months. Thereafter, visit becomes bi-annual till foster care is complete.

Tracking progress of the child involves some other actions as noted below:

- Creation and maintenance of Individual Case Files for each child
- Monthly visit to school every month in first quarter, quarterly visit for a period of one year, and six monthly visit till completion of foster care placement
- Obtain and maintain school attendance certificates or report cards in child's records
- Record the general wellbeing including health of the child, and general family environment
- Recommend extension or termination of foster care based on progress of the child

Records to be Maintained by DCPU

DCPU is required to maintain following physical and computerized records:

1. A master register containing complete and disaggregated picture including:
 - a. Details of the foster child
 - i. Photographs of the child, foster parent/care giver of the fit facility, biological parents, if available, and age of the child at the time of placement (birth certificate, if available). Photographs to be refreshed every year.

- ii. Gender
- iii. Parental status
- iv. Aadhar card number of the child
- b. Details of placement
 - i. Individual or group
 - ii. Date of placement as per CWC orders
 - iii. Period of placement as per CWC orders
 - iv. Date and reasons for extension or termination of placement, as applicable
- c. Details of disbursement of foster care grant as per minutes of Sponsorship and Foster Care Approval Committee meetings including reasons for financial support
2. Individual Case File of every foster child shall include the following:
 - i. Source of referral of the child
 - ii. HSR of the biological family, with photograph where applicable
 - iii. HSR of the foster family, with photograph
 - iv. Matching report of the child with foster family/ care givers of the fit facility
 - v. CSR
 - vi. Individual Care Plan
 - vii. Placement order of the CWC
 - viii. Record (including number and important details) of visits to the child, foster family, biological family (if available), and child's school.
 - ix. Record of the perception, opinion and suggestions of the child regarding his/her placement
 - x. Record of all reviews of the placement including observations, extent and quality of compliance with Care Plan, developmental milestones and academic progress of the child and changes in family environment, if any
 - xi. Record of date and reason for termination, if it happens

Termination of Foster Care

Termination of foster care is done by CWC on the basis of the recommendations of the SFCAC and the report of DCPU. CWC sends a notice in writing to foster families/care givers of the fit facility, and consider their views before termination. The order of CWC also contains order to place the child in another suitable foster family or in a CCI or another fit facility for group foster care.

The grounds on which termination can take place are the following:

- The child attaining 18 years of age⁵
- On availability of biological parents (like return of parents from imprisonment or cure of mental illness) and their request for the child's custody

⁵ Child has the option to avail services of aftercare programme after end of foster care. The joint bank account of the child and foster parent, for managing financial support under foster care, shall be transferred to the child's name.



- On recommendation for placement of foster child, who is legally free for adoption and is above six years of age, in adoption (consent of child is essential)
- On receipt of complaints from the child, relatives or community members or when DCPU observes the following during home visit to the family or fit facility–
 - The child has stopped going to school or attendance is below 75%, except due to special circumstances like disability or illness
 - Physical, emotional, sexual abuse/neglect of the child in the foster home
 - Engagement of child in labour in violation of labour laws
 - Misappropriation of foster care financial support
 - Inability of foster carers/parents to meet social, emotional and developmental needs of the child
 - Inability of foster parents or care givers of the fit facility and the child to adjust in the placement despite counseling
 - Foster parents or care givers of the fit facility are no longer fit to adequately meet the child’s social, emotional and developmental needs
 - The child is unable to adjust in a fit facility and is in need of special support like de-addiction
 - Death, divorce or separation of the foster parents leading to disruption in foster care⁶

Takeaway: Monitoring, tracking of progress of foster child and termination of foster care are meant for maintaining the quality of foster care services and safeguarding the best interests of foster children.

⁶ The child is sent back to the CCI till further order by the CWC for placement in another foster family or fit facility.

Prescribed Formats, Tools and Material

The **Model Guidelines for Foster Care, 2016** contain various formats for performing different activities and obtaining particulars necessary for administration of foster care. The following table contains the names of prescribed formats and brief explanatory note, wherever essential.

Prescribed Formats given in Model Guidelines for Foster Care, 2015

| Annexure | Name of Format | Explanatory Note, if necessary |
|---------------|--|---|
| Annexure A | Application Form | To be submitted by foster parents in response to the advertisement given by DCPU or agency permitted by DCPU |
| Annexure B | Foster care assessment | This is meant for assessing the applications of prospective foster parents. |
| Annexure C-1 | Counseling the potential foster child before placement | To be filled during every counseling session with the child |
| Annexure C-2 | Counseling Template for foster child/carers/parents (in-placement) | To be filled during every counseling session with the child |
| Annexure C-3 | Counseling Template for biological families of foster children | To be filled during every visit to biological family |
| Annexure C-IV | Matching process of foster parent and foster child | To be filled continuously during the matching process and submitted with a written covering letter for the match submitted to the CWC |
| Annexure D-1 | Monitoring Tool (for foster care programme in the district) | The monthly monitoring report is to be submitted to CWC with copy to SCPS. |
| Annexure D-2 | Monitoring Tool | This deals with investigations and interventions for complaints by children of maltreatment, exploitation and abuse. |
| Annexure E-1 | Complaint Form | Complaint can be made to Chairperson/Member, CWC, DCPO, and department concerned of district administration |
| Annexure E-2 | Investigation Form | - |
| Annexure F | Case Visit Template | - |

Contd...



| Annexure | Name of Format | Explanatory Note, if necessary |
|------------|----------------|--|
| Annexure G | IEC Material | <p>The IEC material has four parts as noted below:</p> <ul style="list-style-type: none"> • Challenges of being a care giver/ parent • Helpful tips for care givers/parents • Rewards of being a foster parent • Steps to becoming a foster carer <p>The above IEC material can be used for making handouts, posters and other publicity tools for the benefits of prospective foster carers/parents</p> |

It is important to note that the **JJ Rules 2016** also contains Forms that are necessary for operationalisation of various foster care rules. These Forms also form part of MGFC 2016. The table below has the details:

Prescribed Forms given in JJ Rules 2016 for Foster Care Administration

| Form No. | Title | Concerned JJ Rule |
|----------|---|-------------------|
| Form 30 | Home Study Report for Prospective Foster Parents | Rule 23(9) |
| Form 31 | Child Study Report | Rule 23(4) |
| Form 32 | Order of Foster Care Placement with a Family or Group Foster Care | Rule 23(15) |
| Form 33 | Undertaking by the Foster Family/Group Foster Care Organisation | Rule 23(16) |
| Form 34 | Record of a Child in Foster Care | Rule 23(17) |
| Form 35 | Monthly Inspection of Foster Families/ Group Foster Care | Rule 23(18) |

Takeaway: The formats, tools and material noted above are essential for administration and promotion of foster care.

Foster Care in India and Some Select Countries

Foster Care in India

The history of foster care in India goes back to the year 1964 when the Central Social Welfare Board started a pilot project on foster care as part of its 'family and child welfare plans'. Subsequently, Government of Maharashtra introduced a non-institutional care scheme for children in 1972, which was later on renamed as Bal Sangopan Scheme- Non-institutional Services' with focus on promoting foster care. Government of Karnataka had introduced a Foster Care Scheme in 1996 for de-institutionalizing children through family and group foster care. An emergency foster care scheme was introduced in Gujarat after 2001 earthquake that resulted in rehabilitation of about 350 children with their relatives and community people.

Notwithstanding these examples, few Indian states have developed effective foster care programme. Thus, foster care is still in infancy. With the coming into force of the MGFC 2016, the JJ Act 2015 and other legal and policy prescriptions, which consider institutionalization of children as the last resort, foster care is now expected to gain momentum in the country.

Foster Care in Some Select Countries

United Kingdom: The United Kingdom has eight types of foster care, as noted below.

- **Emergency:** Applicable for children who need a safe place to stay for a few nights
- **Short-term:** Children are looked after by carers for a few weeks or months while plans are made for their future
- **Short Breaks:** Children with disability or special needs regularly stay for a while with a family, enabling their parents/foster carers to take some break
- **Remand:** A specially trained foster carer looks after young people after court remand
- **Fostering for Adoption:** When babies or small children stay with foster carers before their possible adoption
- **Long-term:** Children who want to live away from their birth families and do not want to be adopted, go into long-term foster till they become adults
- **Family and Friends or Kinship:** A child being cared for by the local council goes to live with some known person, usually a family member
- **Special Therapeutic:** For children with very complex needs and/or special behavior



According to national statistics, the country had 85,890 children and young people in foster placements between 1 April 2014 and 31 March 2015, which was an increase of 2 per cent from the previous year.⁷

United States of America: The USA has separate foster home licensing requirements for the States, which are generally under the control of each State's Department of Child Protective Services or Human Services. However, the services of States are monitored by the federal Department of Health and Human Services. Generally the licensing requirements include, *inter alia*, income verification, check of criminal records (at local, State and federal levels), check of health records of family members, and reference letter from an employer.

The USA had 4,15,129 children in foster care on 30 September 2014, which was more than the 2013 data (i.e. 400989).⁸

Japan: The child care system in Japan focuses overwhelmingly on institutional care, as 85 per cent children live in different types of institutions. The number of children in foster care or semi-foster settings was a mere 5,407 in 2012, which was 14.8 percent of total children under alternative care.⁹ Although the Ministry of Health, Labour and Family Welfare has pledged in 2011 to increase the share of foster care to about 30 percent, overemphasis on institutionalization of children continues to be a reality in Japan.

South Africa: South Africa has an elaborate system for foster care. A child below the age of 18 is qualified for foster care if he/she is abandoned or orphaned, displays behavioural complications, lives on the streets or begs, is addicted to drugs, is either exploited or exposed to exploitative circumstances, and is at risk with parents/guardians/caregivers. A foster parent must be 18 years or older, fit and proper, willing and able to maintain a child and able to ensure the child's growth and development. The matters concerning foster care are handled by the Department Social Development.

In 2012, South Africa had about 5.3 million children aged 0–4 years which was 10.1 per cent of the country's total population. Children placed in foster care during that year comprised 0.3 percent infants, 0.5 percent aged 1–2 years, and 0.7 percent aged 3–4 years.¹⁰ The number of children who received foster child grant in 2015 was 4,99,774.

Sri Lanka: As a result of 26 years of civil war and 2004 tsunami, thousands of children have been rendered homeless and orphaned in Sri Lanka. While nearly 20,000 orphaned and abused children are housed in the country's 470 child care institutions, foster care is being increasingly emphasized by the government.¹¹ Presently, foster care is promoted through the government's Sevana Sarana Foster Parents Scheme, under the Ministry of Women and Child Affairs.

Takeaway: While countries like USA, UK and South Africa have quite developed foster care system; the system is used to a limited extent in Japan, Sri Lanka and India.

⁷ Retrieved from <https://www.gov.uk/government/collections/childrens-social-care-statistics#fostering>

⁸ Foster Care Statistics 2014: Numbers and Trends (March 2016). Retrieved from [https://www.childwelfare.gov/pubPDFs/foster.pdf#page=3&view=Children in, entering, and exiting care](https://www.childwelfare.gov/pubPDFs/foster.pdf#page=3&view=Children%20in,%20entering,%20and%20exiting%20care)

⁹ Retrieved from <http://www.japantimes.co.jp/news/2014/08/07/national/foster-parent-shortage-takes-growing-toll-children/#.V44Se1R97IV>

¹⁰ Retrieved from http://www.statssa.gov.za/wp-content/uploads/2015/03/Mbalo_Brief_March_2015.pdf

¹¹ <http://www.bbc.com/news/world-south-asia-14857783>

Resources List

Foster Family, Renewed Hope and a New Life: A Study on the Practice of Foster Care for Children in India (Bangalore: National Research and Documentation Centre, BOSCO MANE). Available at http://www.bettercarenetwork.nl/content/17382/download/clnt/47613_foster_care_research_PDF.pdf

Foster Care in India: Policy Brief (Bangalore: Centre for Law and Policy Research, 2014). Available at <http://www.bettercarenetwork.org/sites/default/files/attachments/Foster%20Care%20in%20India%20Policy%20Brief.pdf>

Integrated Child Protection Scheme (ICPS), 2014

Juvenile Justice (Care and Protection of Children) Act, 2015

Juvenile Justice (Care and Protection of Children) Model Rules, 2016

Model Guidelines for Foster Care, 2016

National Policy for Children, 2013

<http://www.csmonitor.com/The-Culture/Family/Modern-Parenthood/2014/0127/Foster-care-takes-root-in-India.-How-does-it-differ-from-adoption>

<http://www.dnaindia.com/analysis/standpoint-creating-a-system-of-foster-care-in-india-2124301>

<http://faithtoaction.org/2016/03/foster-care-india-redefining-indias-continuum-of-care/>

<http://timesofindia.indiatimes.com/city/goa/Vatsalya-Foster-care-scheme/articleshow/21113740.cms>

http://www.bettercarenetwork.nl/content/17382/download/clnt/47613_foster_care_research_PDF.pdf

<https://www.gov.uk/government/collections/childrens-social-care-statistics#fostering>

[https://www.childwelfare.gov/pubPDFs/foster.pdf#page=3&view=Children in, entering, and exiting care](https://www.childwelfare.gov/pubPDFs/foster.pdf#page=3&view=Children%20in,%20entering,%20and%20exiting%20care)

<http://www.japantimes.co.jp/news/2014/08/07/national/foster-parent-shortage-takes-growing-toll-children/#.V44Se1R97IV>

http://www.statssa.gov.za/wp-content/uploads/2015/03/Mbalo_Brief_March_2015.pdf

<http://www.bbc.com/news/world-south-asia-14857783>

UN Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, 1986

UN Convention on Rights of the Child, 1989

UN Guidelines for the Alternative Care of Children (UNGACC), 2009





Udayan Care

16/97-A, Vikram Vihar, Lajpat Nagar-IV

New Delhi-110024

Phone: +91-11-46548105/06

Website: www.udayancare.org