

ଜିଲ୍ଲା ଶିଶୁ ସୁରକ୍ଷା ଯୁନିଟ , ନୟାଗଡ

ବିଜ୍ଞପ୍ତି

ଏତଦ୍ୱାରା ସର୍ବସାଧାରଣଙ୍କ ଅବଗତ ନିମନ୍ତେ ଜଣାଇ ଦିଆଯାଉଅଛି କି ପ୍ରତିପାଳକ ଯତ୍ନ (Foster Care) ବ୍ୟବସ୍ଥା କେନ୍ଦ୍ର ଓ ରାଜ୍ୟ ସରକାରଙ୍କ ମିଳିତ ଉଦ୍ୟମରେ ପ୍ରଚଳନ କରାଯାଇଅଛି । ଏହି ପ୍ରଚଳିତ ବ୍ୟବସ୍ଥାର ଲକ୍ଷ୍ୟ ହେଲା ଯତ୍ନ ଓ ସୁରକ୍ଷା ଆବଶ୍ୟକ କରୁଥିବା ଶିଶୁ ମାନଙ୍କୁ ଅସ୍ଥାୟୀ ଭାବରେ ଅଣସମ୍ପର୍କୀୟ ପରିବାର ସହିତ ସ୍ୱଚ୍ଛ କିମ୍ବା ଦୀର୍ଘ ସମୟ ପାଇଁ ରଖିବା ଏବଂ ଆବଶ୍ୟକସ୍ଥଳେ ପାରିବାରିକ ପରିସ୍ଥିତି ପରିବର୍ତ୍ତନ ହେଲେ ପୁନଶ୍ଚ ସେମାନଙ୍କୁ ପରିବାର ସହିତ ମିଳିତ ହେବାର ବ୍ୟବସ୍ଥା କରିବା । କିଶୋର ନ୍ୟାୟ ଆଇନ ୨୦୧୫ ଅନ୍ତର୍ଗତ ଧାରା ୪୪ ଓ କିଶୋର ନ୍ୟାୟ ନିୟମ ୨୦୧୬ ଅନ୍ତର୍ଗତ ଅଧିନିୟମ ୨୩ ଏବଂ ମଡେଲ ଗାଇଡ ଲାଇନ ପ୍ରତିପାଳକ ଯତ୍ନ(Foster Care) ୨୦୧୬ ଅନୁଯାୟୀ ଶିଶୁ ମାନଙ୍କୁ ଅଭିଧାନ କରାଯିବା ପାଇଁ ଏହି ବ୍ୟବସ୍ଥା ରହିଅଛି । ପ୍ରତିପାଳନ ନିମନ୍ତେ ଇଚ୍ଛୁକ ସଂଗଠନ/ପିତାମାତା ମାନେ ଜିଲ୍ଲା ଶିଶୁ ସୁରକ୍ଷା ଅଧିକାରୀ, ଜିଲ୍ଲା ଶିଶୁ ସୁରକ୍ଷା ଯୁନିଟ, ଜିଲ୍ଲାପାଳଙ୍କ କାର୍ଯ୍ୟାଳୟ, ନୟାଗଡ, ଫୋନ ନମ୍ବର-୯୭୭୭୭୧୪୯୧୪ କୁ ଆବେଦନ କରନ୍ତୁ । ପ୍ରତିପାଳକ ଯତ୍ନ ଚୟନର ମାନବଣ୍ଡ www.nayagarh.nic.in ରେ ଉପଲବ୍ଧ ଅଛି ।

ସୋନା ଚନ୍ଦ୍ର

ସ୍ୱା- ଜିଲ୍ଲାପାଳ, ନୟାଗଡ

C. All words and expressions used but not defined in these Guidelines shall have the same meaning as assigned to them in the Juvenile Justice (Care and Protection of Children) Act, 2015.

3. Premise

i. Non- formal Kinship

In India, non- formal kinship care is strong. Children without families or with families who are unable to care for them are provided care by the members of the joint/extended family members. In case a relative is not available or willing to take care of the child, then the child is placed with a willing family who shares a cultural, tribal and /or community connection same to that of the child including friends of the parents, neighbours and members of the same community/clan. This arrangement is not to be formalized in these guidelines as such care is embedded in our social milieu. Such non formal kinship will continue as it is traditionally practiced in the country and will not be covered under these guidelines. In case such non formal Kinship care requires financial support it shall be considered under sponsorship program as provided for under the Act or any other program of the State Government.

ii. National Policy for Children, 2013

The National Policy for Children adopted in 2013 recognises that all children have the right to grow in a family environment, in an atmosphere of happiness, love and understanding. The family or family environment is most conducive for the all-round development of children and they should not to be separated from their parents, except where such separation is necessary in their best interest.

4. Foster care

Foster care according to Section 44 of the JJ Act, 2015 children in need of care and protection may be placed in foster care, including group foster care for their care and protection through orders of the Committee. Placement may be

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- (a) in a family which does not include the child's biological or adoptive parents i.e. in an unrelated family recognised as suitable for a short or extended period of time;
- (b) in a fit facility recognised under the Act for group foster care

4.1. Foster care is an arrangement whereby a child is placed for the purpose of alternate care in the domestic environment of a family, usually on a short term or extended period of time, with unrelated family members for purpose of care and protection.

4.1.1. While placing a child in foster care, preference is given to those families that share similar cultural, tribal and /or community connection. Foster care can be short term or for extended period of time depending upon the needs of the child. The situations under which Foster care can be given will rest on the CWCs based on their assessment of the individual case presented before them.

Definition

- i. Foster care for short term period means for a period of not more than one year.
- ii. Foster care for extended period of time is placement of a child by the Committee for a period exceeding one year. The duration whether short or long term will also be based on the assessment of the compatibility of the child with the foster care parents the period of placement can be periodically extended by the Committee till the child attains 18 years of age.

4.1. 2 Group foster care is defined as a family like care in a fit facility for children in need of care and protection who are without parental care. The aim is to provide personalised care and a sense of belonging, identity and emotional security.

(h)

Group foster care is also practiced as an intermittent arrangement suitable for children picked up from streets before placing them in family foster care. Such placements help to make seamless transition from group to family care. This placement aims to wean the children from street life. It can also help in de-institutionalising a child in providing alternate care to the child. Hence, Group Foster care is practiced as a family setting where a group of unrelated children are placed under the care of foster care givers in a fit facility.

4.1.3 There are various models of group foster care which are being practiced across the Country. These models are providing both short term and extended security and stability to a limited number of children in as close as possible family like settings or atmosphere. But they all must be registered as fit facility under J J Act and the placement of children is to be as per the orders of CWCs.

5. Fundamental Principles of Foster Care

- i. Family or a family like environment is most conducive for a child and every child has the right to grow in such an environment;
- ii. Recognizing that every child has the right to grow in a family environment, every attempt must be made to reunite the child with his biological family by strengthening the biological family through a planned process;
- iii. All decisions, initiatives and approaches falling within the scope of the present Guidelines are to be made on a case-by-case basis, based on the principles of necessity and appropriateness with a view, to ensure the child's safety and security, and must be grounded in the best interests of the child; He/she should be informed and prepared throughout the process;
- iv. All decisions, initiatives and approaches falling within the scope of the present Guidelines must respect the child's right to be consulted and to have child's views duly taken into account in

accordance with his evolving capacities; with full participation of families and legal guardians where available;

- v. Siblings and twins should be placed in one family or fit facility; the limit on number of children to be placed in a single family or fit facility can be relaxed in such a case.

6. Placement of the child in family or group foster care

- i. The appropriateness of placement of a child in family foster care or in group foster care in a fit facility may be determined by CWC. Some of the factors to be borne in mind while taking the decision are given below:
- level of trauma experienced by a child,
 - history of drug addiction,
 - level and type of disability,
 - social behavior,
 - requirement of any specialized care, terminal illness etc. and
 - need to de institutionalize a child
 - availability of facilities including
- ii. Preference and consent of the child, or parents or guardians, as the case may be
- iii. Availability of the option
- iv. Suitability of the option

7. Children eligible for foster care

Children in the age group of 0 to 6 years who are being considered by the Committee as legally free for adoption, and those who have been declared legally free for adoption shall not as far as possible be considered for placement in foster care. Such children shall be provided a permanent family through adoption as per Adoption Regulations.

A. Children who are not being adopted after being declared legally free for adoption by CWC

(1) The following categories of such children may be considered for Foster Care in following circumstances

- i. If adoptable children between the age of 6 to 8 years do not get a family either in in-country adoption or in inter-country adoption within a period of two years after they are declared legally free for adoption by Child Welfare Committee, such children to be eligible to be placed in family foster care or group foster care, as the case may be, by the Committee on the recommendation of District Child Protection Unit or Specialised Adoption Agency.
- ii. Children in the age group of 8 to 18 years, who are legally free for adoption but have not been selected by any Prospective Adoptive Parent (PAP) for one year are eligible to be placed in family foster care or group foster care, as the case may be, by the Committee on the recommendation of District Child Protection Unit or Specialised Adoption Agency.
- iii. Children with special needs, irrespective of the age, who do not get a family either in in-country adoption or in inter-country adoption within a period of one year after they are declared legally free for adoption by Child Welfare Committee, such children are eligible to be placed in family foster care or group foster care, as the case may be, by the Committee on the recommendation of District Child Protection Unit or Specialised Adoption Agency, provided the Home Study Report of the foster family supports their fitness and group setting has facilities for care of such children.
 - a) The capacities of the foster family to manage the child shall determine the placement of special need children in that family.
 - b) Similarly, the placement of special need children in a fit facility shall be determined by the availability of facilities required for such children in a fit facility

B. Children not declared legally free for adoption by CWC

Where the child has remained with a foster family for a minimum of five years other than in pre-adoption foster care, the foster family may apply for adoption of the child. Such foster parents will have to register on a separate page created on Child Adoption Resource Information and Guidance System under the Adoption Regulations, 2016.

C. Children who may be deinstitutionalized and placed in Group Foster care

- i. Children in the age group of 6-18 years who have been staying in child care institutions and have not been declared legally free may be placed in foster care based on their individual care plan developed in the institution;
- ii. Children whose parents are terminally ill and have submitted a request to the Committee or the District Child Protection Unit for taking care of their child as they are unable to take care of their child; Such children may be preferably placed in group foster care in a fit facility;
- iii. Children identified by DCPU such as those
 - whose parents are mentally 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 and domestic violence etc.

8. Rights and Responsibilities of foster family/ care givers of the fit facility

8.1 Rights of a Child under Foster care

- i. Child Welfare Committee, in conjunction with district and state functionaries shall ensure that the foster child's best interest is

upheld and his views are taken into consideration as far as possible in his placement as well as the individual care plan developed;

- ii. Child shall have access to information on the situation of his biological family;
- iii. Child shall have information/ access regarding government schemes and programs for his/her development.

8.2 The foster parents have following rights:

- i. Right to be heard and respected;
- ii. Right of non-discrimination on the basis of their social origin
- iii. Right to adopt the same child following procedure prescribed in JJ rule 44 (v)

8.3 The care givers of the fit facility have following rights:

- i. Right to be heard and respected;
- ii. Right of non-discrimination on the basis of their social origin
- iii. Right to undergo trainings and counseling
- iv. Right to resign as per the terms and conditions of appointment and entitled to pay PF/retirement allowances

9. The foster family has the following responsibilities towards the child placed in their care:

9.1 The Foster family shall

- provide adequate food, clothing, shelter and education
- provide care, support and treatment for child's overall physical, emotional and mental health;
- provide vocational training according to the age, developmental needs and interests of the child;
- support higher education requirements;
- ensure protection from exploitation, maltreatment, harm, neglect and abuse and that child's whereabouts are known always;

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- respect the privacy of the child and his biological family guardian, and acknowledge that any information provided about them is confidential and is not to be disclosed to another party without prior consent;
- provide treatment in emergency situations and inform the Committee and biological family about the same which may pass appropriate orders wherever necessary;
- share and discuss information pertaining to the progress of the child in adjusting to the home and school; periodically with the Committee and biological family of the child and produce the child before the Committee as and when directed by the Committee;
- support contact between the child and DCPU staff during home visits;
- support contact between the child and his biological family in consultation with the Child Welfare Committee keeping in view the best interest of the child;

9.2 Responsibilities of the care givers of the fit facility:

Besides providing food, boarding, lodging, education and maintaining the standards of care in the fit facility, the care givers shall

- share and discuss information pertaining to the progress of the child in adjusting to the home and school; periodically with the Committee and biological family of the child and produce the child before the Committee as and when directed by the Committee;
- support contact between the child and DCPU staff during home visits;
- support contact between the child and his biological family in consultation with the Child Welfare Committee keeping in view the best interest of the child;
- seek approval of the Committee through DCPU in advance for serious medical matters such as operative procedures and the use of anesthesia;
- ensure that the child's whereabouts are known at all times, including reporting any changes in holiday plans and any episodes of running away of child to the Committee;

- report to the DCPU in case of any critical incidents such as injuries (accidental or non-accidental), instances of alleged abuse by any person and any criminal or self-harming behaviors exhibited by the child;
- support initiatives to provide life skills, vocational and higher education to the child

10. Criteria for Selection of foster family

10.1 As per section 44(2) of the Act, the selection of the foster family may be based on family's ability, intent, capacity and prior experience of taking care of children.

The District Child Protection Unit, while selecting foster family may consider the following illustrative criteria:

- i. Both the spouses must be Indian citizens;
- ii. Both the spouses must be willing to foster the same child;
- iii. Both the spouses must be above the age of 35 years and must be in good physical, emotional and mental health;
- iv. Ordinarily the foster family should have an income with which they are able to meet the needs of the child;
- v. Medical reports of all the members of the foster care family residing in the premises should be obtained including checks on Human Immuno Deficiency Virus (HIV), Tuberculosis (TB) and Hepatitis B, any other communicable disease, cancer etc to determine that they are medically fit;
- vi. Should have adequate space and basic facilities;
- vii. Should be willing to follow rules laid down including regular visits; to doctors, maintenance of child health and their records;
- viii. Should be willing to attend foster care orientation programs organized by the DCPU;
- ix. Must be without criminal conviction or indictment;
- x. Should have supportive community ties with friends and neighbors

10.2 Criteria for selecting fit facility for group foster care:

The District Child Protection Unit, while selecting Fit facility for Group foster care may consider the following illustrative criteria:

- (i) Registration of the organisation under the Act;
- (ii) Recognition as fit facility by CWC for placement of children in group foster care;
- (iii) Registration as NGO on the NITI Aayog website;
- (iv) Existence of Child Protection Policy;
- (v) Medical reports of all the care givers of the fit facility should be obtained including checks on Human Immuno Deficiency Virus (HIV), Tuberculosis (TB) and Hepatitis B, any other communicable disease, cancer etc to determine that they are medically fit;
- (vi) The care givers shall be without criminal conviction or indictment;
- (vii) **Space required:** The accommodation shall be sufficiently spacious with proper amenities for a group of children (maximum 08 children) to reside; could have children from both genders, hence adequate space to ensure privacy;
- (viii) Sufficient space and proper amenities for children;
- (ix) Should have an in-house kitchen and separate toilets and bathroom. There should be at least 1 toilet for every 4 children;
- (x) Should preferably have the look and feel of a house providing a family environment, rather than an institutional setting;
- (xi) These fit facilities for group foster care shall be located within an existing neighbourhood to encourage local interaction;
- (xii) Recruitment procedures of care givers should in accordance with the qualifications as may be prescribed by State Government;
- (xiii) Generally they must have empathy and bonding with children;
- (xiv) Pre-service training should be provided for each foster care giver in the fit facility for group foster care;
- (xv) Should have retirement policy for care givers;