

DRAFT DELHI FOSTER CARE RULES (2009) FOR NCT OF DELHI AS PART OF THE DRAFT DELHI JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) RULES, 2009

34. Foster Care. (1) For children who cannot be placed in adoption, order shall be issued by the competent authority in **form XVII** for carrying out foster care, as given in sub-section (2) of section 42 of the Act under the supervision of a probation officer or case worker or social worker, as the case may be, and the period of foster care shall depend on the need of the child.

(2) Role of the Child Welfare Committee

- i) To select appropriate voluntary organization/s who shall assist the committee in all reports about the foster care programme including first social investigation report in form XVI, periodical follow up reports etc.
- ii) To declare fit person for foster placement of the child.
- iii) To send the child to the children home for an initial period of one month for speedy inquiry.
- iv) To order placing of the child in foster care if found appropriate, in form XVII, initially for a period upto one year. A copy of the order shall be sent to the officer incharge of the institution concerned, voluntary organization, foster parents and the State Govt.
- v) Follow up and supervision of the child with the foster parents shall be done by the committee at such intervals as may be prescribed. Form XVI may be used.
- vi) To periodically review the foster care placements on the basis of any information received by it including the periodical reports of a probation officer or case worker or social worker or voluntary organization, as the case may be.
- vii) On the basis of the aforesaid review and after giving the foster parents proper opportunity, the committee may extend the period of foster placement or may revoke the foster placement of the child in the foster family, duly explaining the reasons in its order. The committee may also consider issuing orders under Section 23 to 28 of the Act, if necessary.
- viii) To encourage and arrange pre-foster placement meetings of the foster parents and the child with appropriate linkage and co-ordination with the probation officer or case worker or social worker concerned.

- ix) To maintain complete records regarding foster placements.
- x) The child placed in foster care may be encouraged to spend few days in the children home to relate his experiences.
- xi) To order the DDO concerned to release the supplementary maintenance grant to the foster parents and also the prescribed fees to the voluntary organizations, as per the existing norms.
- xii) Foster parents who wish to provide long term foster care for the child may be encouraged legal guardianship of the child if the committee is satisfied with the progress of the child in the first two years of foster placement.
- xiii) Siblings, if any, may be placed together with the same foster parents, wherever possible.

(3) **Engagement of Voluntary Organization**

- i) Any organization desiring engagement under these rules shall make an application together with a copy each of the rules, by laws, articles of association, list of members of the society or the association running the organization, office-bearers and a statement showing the status and past record of specialized child care services provided by the organization to the Child Welfare Committee who shall after verifying the capacity of the organization, in this regard may approve the engagement of the voluntary organization under these rules on the condition that the organization shall always comply with the standards of services laid down under the Act and the rules framed thereunder, from time to time.
- ii) The voluntary organization shall submit to the Child Welfare Committee concerned all reports as directed by the committee in connection with the foster care placement, in the time prescribed by the committee. These reports shall give all necessary details including the points covered in form XVI.
- iii) The Child Welfare Committee shall ensure payment of the prescribed fee to the voluntary organization for all reports submitted by it, as per directions of the committee.

(4) **Recognition of fit persons for foster placement**

- i) Any person desiring recognition under these rules as foster parent shall make an application to the Child Welfare Committee. He/she shall enclose (with the application) consent of the other spouse, if any, a certificate from a registered

medical practitioner about the health condition of all members of his/her family, a certificate of income from the employer or an affidavit about the income attested by a magistrate in case of self-employed person, a character certificate from a gazetted officer and recommendations from the local resident welfare association.

- ii) The decision to grant or withdraw the above recognition shall be taken by the committee after thorough examination of the reports submitted by the welfare officer and/ or voluntary organization.
- iii) The committee may transfer the custody of a child kept in foster care from one fit person to another duly explaining reasons therefor. The person concerned shall transfer custody of the child within 48 hours of such order by the committee, failing which the committee shall take appropriate action under the law.
- iv) The foster parents shall
 - a) treat the child with love and affection and ensure a suitable atmosphere conducive to the child overall growth and development.
 - b) ensure that the child is provided proper education.
 - c) allow the visits of biological parents of the child and respect their views on the child's care and development.
 - d) comply with the directions given by the Child Welfare Committee and the State Government with due urgency.
 - e) attend the Child Welfare Committee whenever called to discuss the future plan in respect of the child.
 - f) submit to the Welfare Officer or the authorized voluntary organization information about the child's health, education, behaviour, conduct and any such matters concerning the child as may be required from time to time.
 - g) return the child to the Child Welfare Committee whenever so directed by the committee.
 - h) intimate immediately the welfare officer, Child Welfare Committee and the voluntary organization in case the child is seriously ill.
 - i) intimate about the change of residential address to the Child Welfare Committee and the voluntary organization concerned.
 - j) take written permission of the Child Welfare Committee before taking the child out of station for more than a week.
 - k) Immediately inform the Police and the committee if the child placed in foster care goes missing.

35. Criteria for selection of families for foster care. (1) In case of the children covered under rule 34 of these rules, the following criteria shall apply for selection of families for foster care, namely:-

- (i) foster parents should have stable emotional adjustment within the family;
- (ii) foster parents should have an income in which they are able to meet the needs of the child and are not dependent on the foster care supplementary maintenance payment;
- (iii) medical reports of all the members of the family residing in the premises should be obtained including checks on Human Immuno Deficiency Virus (HIV), Tuberculosis (TB) and Hepatitis B to determine that they are medically fit;
- (iv) the foster parents should have experience in child caring and the capacity to provide good child care;
- (v) the foster parents should be physically, mentally and emotionally stable;
- (vi) the home should have adequate space and basic facilities;
- (vii) the foster care family should be willing to follow rules laid down including regular visits to pediatrician, maintenance of child health and their records;
- (viii) the family should be willing to sign an agreement and to return the child to the specialized adoption agency or the committee whenever called to do so;
- (ix) the foster parents should be willing to attend training or orientation programmes; and
- (x) the foster parents should be willing to take the child for regular (at least once a month in the case of infants) checkups to a registered pediatrician.
- (xi) Foster Parents should have been residing within the territorial limits of NCT of Delhi for atleast three years on the day of making a request for having a foster child.

(2) There shall be no discrimination in selection of foster-parents on the basis of caste, religion, ethnic status, disability, or health status and the best interest of the child shall be paramount in deciding foster-care placement.