**PROCESS FOR ADOPTION IN INDIA**

**Conditions to be Fulfilled by Parents**

CARA(Central Adoption Resource Authority) has defined the eligibility criteria for prospective adoptive parents in order to be able to adopt a child. They are as follows:

* The prospective adoptive parents need to be physically, emotionally and mentally stable.
* They should be financially stable.
* The prospective parents should not be suffering from any life-threatening diseases.
* Couples with three or more kids are not considered for adoption except in case of special-needs children.
* A single female can adopt a child of any gender. However, a single male is not eligible to adopt a girl child.
* A single parent cannot be more than 55 years of age.
* A couple cannot have a cumulative age of more than 110 years.
* The age of the parents as on date of registration should be as per CARA guidelines in order to be eligible for adoption.

**Procedure to Adopt a Child in India**

The adoption process in India is governed by multiple laws and adherence to the same is overseen by the Central Adoption Resource Authority.

The procedure for adoption of a child in India can be understood in the following steps:

1. Registration

Prospective adoptive parents need to get registered with an authorized agency. Recognised Indian Placement Agencies (RIPA) and Special Adoption Agency (SPA) are the agencies which are allowed to make such registrations in India. The prospective adoptive parents can visit the Adoption Coordination Agency in their area where the social worker will explain the process and take you through the formalities, paperwork and general preparation required for registration.

2. Home Study and Counseling

A social worker for the registration agency will make a visit to the home of the prospective adoptive parent in order to do a home study. The agency might also need the parents to attend counselling sessions in order to understand the motivation, preparation, strengths and weaknesses of the prospective parents. As per CARA regulation, the home study needs to be completed within 3 months from the date of registration.

The conclusion from the home study and counselling sessions is then reported to the honourable court.

3. Referral of the Child

The agency shall intimate the interested couple when-ever there is a child ready for adoption. The agency will share medical reports, physical examination reports and other relevant information with the couple and also allow them to spend time with the child once they are comfortable with the details shared.

4. Acceptance of the Child

Once the parents are comfortable with a child, they will have to sign a few documents pertaining to acceptance of the child.

5. Filing of Petition

All necessary documents are submitted to a lawyer who prepares a petition to be presented to the court according to Section 2 (23) of the Juvenile justice Act. Once the petition is ready, the adoptive parents will have to visit the court and sign the petition in front of the court officer.

6. Pre-Adoption Foster Care

Once the petition is signed in the court, the adoptive parents can take the child to a pre-adoption foster care centre and understand the habits of the child from the nursing staff before taking the child home.

7. Court Hearing

The parents have to attend a court hearing along with the child. Procedure before the Court shall not be bound by the procedure laid down in the CPC, 1908. The hearing is held in a closed room with a judge disposed within 2 months of the date of filing according to Sec 61 (2) of the JJ Act. The judge may ask a few questions and will mention the amount which needs to be invested in the name of the child.

8. Court Order

Once the receipt of investment made is shown, the judge shall pass the adoption orders as according to 61(1) of the JJ Act.

9.Follow Up

Post completion of the adoption, the agency needs to submit follow up reports to the court on the child’s well-being. This may continue for 1-2 years.

In the case of Shabnam Hashmi v. Union of India and Otrs[[1]](#footnote-0).In the instance case, the question came up regarding the right of Muslim’s to adopt. The Court took a liberal view and awarded adoptive right to Muslims under the J. J. Act. It upheld the status of J. J. Act as a secular law of adoption in India and granted the right to adoption across all religious communities in India, irrespective of what their personal laws said. However, the Court rejected the stance that the right to adoption was a right envisaged under the right to life of Art. 21

In Amarendra Man Singh Bhramarbar v. Sanatan Singh[[2]](#footnote-1) the Court held that the foundation of the doctrine of adoption is the duty which every one owes to his ancestor to provide for the continuance of the line and the solemnization of the necessary rites

In Master Divyansh Arora Minor vs Union Of India[[3]](#footnote-2) the Supreme Court also held that since the best interest of the child has to be protected scrupulously, safeguards must be put in place to ensure that adoptions are not resorted to by persons who would mistreat the child. The Supreme Court noted that a Central Adoption Resource Agency must be created to oversee the process of adoption and ensure the sanctity of the adoption process is observed.

**Documents are Required for Adopting a Child**

Following is the list of documents to be prepared for the adoption process:

* Adoption application
* 4 x 6 size photographs – 4 copies of husband and wife together
* Marriage certificate and proof of age
* Reason for adoption
* Latest HIV and Hepatitis B report of the couple
* Income certificate
* Proof of residence
* Investment details
* Reference letter from 3 people
* Any other document which may be required by the agency or the court

1. AIR 2014 SC 1281 [↑](#footnote-ref-0)
2. (1933) 35 BOMLR 859 [↑](#footnote-ref-1)
3. W.P.(C) 6759/2016 [↑](#footnote-ref-2)