

“प्रति पालकत्व” (Foster Care), “प्रायोजकत्व” (Sponsorship) व “अनुरक्षण” (After care) या संस्थेत्तर सेवांच्या अमंलबजावणीच्या अनुषंगाने मार्गदर्शक सूचना निर्गमित करणेबाबत.

महाराष्ट्र शासन

महिला व बाल विकास विभाग

शासन निर्णय क्रमांक-संकीर्ण-२०१९/प्र.क्र.२८/का-०८

नविन प्रशासन भवन, तिसरा मजला,  
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,  
मंत्रालय, मुंबई-४०० ०३२.  
तारीख-१९ जून, २०१९.

### शासन निर्णय :-

राष्ट्रीय बाल धोरणानुसार बालकांचे संगोपन कुटुंबात होण्यास प्राधान्य देण्यात आले असून कुटुंब हा बालकाचा हक्क असल्याचे मान्य करण्यात आले आहे. बाल न्याय (मुलांची काळजी व संरक्षण) अधिनियमातील मार्गदर्शक सूचनांनुसार बालकांना संस्थेत दाखल करणे हा अंतिम पर्याय म्हणून निवडणे अपेक्षित आहे.

२. बाल न्याय (मुलांची काळजी व संरक्षण) अधिनियम, २०१५ अंतर्गत “काळजी व संरक्षणाची गरज असलेली बालके” आणि “विधी संघर्षग्रस्त बालके” यांचे पुनर्वसन व पुनर्स्थापना करणे अपेक्षित आहे. सदर पुनर्वसन व पुनर्स्थापनेसाठी अधिनियमामध्ये “संस्थांतर्गत सेवा” व “संस्थेत्तर सेवा” नमूद आहेत. संस्थेत्तर सेवांमध्ये कुटुंबाधारित “प्रति पालकत्व” (Foster Care), “प्रायोजकत्व” (Sponsorship) यांचा तसेच संस्थांमधून बाहेर पडणाऱ्या वय वर्षे १८ ते २१ मधील मुलांसाठी “अनुरक्षण” (After care) यांचा समावेश होतो.

३. सदर शासन निर्णयान्वये बालकासंबंधातील आंतरराष्ट्रीय व राष्ट्रीय बाल धोरण, बाल न्याय (मुलांची काळजी व संरक्षण) अधिनियम, २०१५ व महाराष्ट्र राज्य बाल न्याय (मुलांची काळजी व संरक्षण) नियम, २०१८ “बाल संरक्षण सेवा” (ICPS) या केंद्र पुरस्कृत योजनेच्या मार्गदर्शक सूचना यांच्या आधारे आयुक्त, महिला व बाल विकास आयुक्तालय, पुणे यांच्या स्तरावर गठित तज्ञ समितीने तयार केलेल्या “प्रति पालकत्व” (Foster Care) याबाबतच्या मार्गदर्शक सूचना “परिशिष्ट-अ” नुसार “प्रायोजकत्व” (Sponsorship) याबाबतच्या मार्गदर्शक सूचना “परिशिष्ट-ब” नुसार व “अनुरक्षण” (After care) याबाबतच्या मार्गदर्शक सूचना “परिशिष्ट-क” नुसार मान्य करण्यात येत आहेत.

४. सदर मार्गदर्शक सूचनांतील विहित निकष, पद्धती यांचे आधारे “प्रति पालकत्व” (Foster Care), “प्रायोजकत्व” (Sponsorship) व “अनुरक्षण” (After care) ह्या संस्थेत्तर सेवांचे लाभ पात्र बालकांना देणेबाबत आवश्यक कार्यवाही करण्यात यावी. सदर सूचनांनुसार जिल्हास्तरावर Sponsorship and Foster Care Advisory Committee (SFCAC) चे गठन संबंधित जिल्हा महिला व बाल विकास अधिकारी यांनी करावे. संबंधित बालकांस सदर सेवांचे लाभ देणेबाबत “बाल संरक्षण सेवा” ह्या केंद्र पुरस्कृत योजनेत उपलब्ध होणाऱ्या निधीतून खर्च करण्यात यावा.

५. सदर शासन निर्णय महाराष्ट्र शासनाच्या [www.maharashtra.gov.in](http://www.maharashtra.gov.in) या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा सांकेतांक २०१९०६१९१७२०१९६६३० असा आहे. हा शासन निर्णय डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

सोबत- मार्गदर्शक सूचना.

( विनिता वेद सिंगल )

सचिव,

महिला व बाल विकास विभाग

प्रत,

१. मा.राज्यपाल, यांचे सचिव,राजभवन,मुंबई
२. मा. मुख्यमंत्री यांचे प्रधान सचिव, मंत्रालय,मुंबई .
३. मा.अध्यक्ष/उपाध्यक्ष विधानसभा ,महाराष्ट्र विधानमंडळ. मुंबई .
४. मा.सभापती/उपसभापती विधानपरिषद ,महाराष्ट्र विधानमंडळ. मुंबई .
५. मा.विरोधी पक्ष नेता, विधानसभा /विधानपरिषद,महाराष्ट्र विधीमंडळ, विधानभवन, मुंबई.
६. मा.मंत्री (म. व बा. वि.)/ राज्यमंत्री (म. व बा. वि.),यांचे खाजगी सचिव, मंत्रालय ,मुंबई .
७. मा.मुख्य सचिव,महाराष्ट्र राज्य यांचे उपसचिव,मंत्रालय, मुंबई
८. अपर मुख्य सचिव, नियोजन विभाग यांचे वरिष्ठ स्वीय सहायक, मंत्रालय, मुंबई
९. सचिव, महिला व बाल विकास विभाग, नवीन प्रशासकीय भवन, मुंबई.
१०. प्रधान सचिव (व्यय),वित्त विभाग,मंत्रालय,मुंबई
११. प्रधान सचिव (ले. व को.), वित्त विभाग, मंत्रालय, मुंबई
१२. आयुक्त , महिला व बाल विकास आयुक्तालय,म.रा. पुणे.
१३. संचालक,स्थानिक निधी लेखा परीक्षा,कोकण भवन,नवी मुंबई
१४. महालेखापाल १, महाराष्ट्र राज्य (लेखापरीक्षा / लेखा व अनुज्ञेयता),मुंबई
१५. महालेखापाल २, महाराष्ट्र राज्य (लेखापरीक्षा / लेखा व अनुज्ञेयता),नागपूर
१६. सर्व उपसचिव, सर्व अवर सचिव, महिला व बाल विकास विभाग, मंत्रालय, मुंबई
१७. उपायुक्त (बाल विकास), महिला व बाल विकास आयुक्तालय, म.रा.पुणे.
१८. कार्यक्रम व्यवस्थापक, महाराष्ट्र राज्य बाल संरक्षण सोसायटी, पुणे.
१९. वित्त विभाग (व्यय-६/अर्थसंकल्प-७/कोषा-प्रशा-२), नियोजन विभाग (का-१४७२), मंत्रालय,मुंबई.
२०. सर्व जिल्हा महिला व बाल विकास अधिकारी.
२१. सर्व कार्यासने, महिला व बाल विकास विभाग, नवीन प्रशासकीय भवन , मुंबई
२२. निवड नस्ती, का-०८.

## APPENDIX-A

### Department of Women and Child Development, Government of Maharashtra Policy and Guidelines for the Integrated Programme of Non-Institutional Family-based Services for Child Protection

#### GUIDELINES FOR THE FAMILY FOSTER CARE SERVICE

##### Introduction

##### International Policy for Family Foster Care

##### Prevention of Removal of the Child from the Family:

According to the United Nations (UN) Guidelines for the Alternative Care of Children (2009):

- Removal of a child from the care of the family should be seen as a measure of last resort and should, whenever possible, be temporary and for the shortest possible duration.
- Removal decisions should be regularly reviewed and the child's return to parental care, once the original causes of removal have been resolved or have disappeared, should be in the best interests of the child.
- Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from parental care, for receiving a child into alternative care, or for preventing his/her reintegration, but should be seen as a signal for the need to provide appropriate support to the family.

##### Child Rights to Alternative Care Placement:

According to Article 20 of the United Nations Convention on the Rights of Child (UNCRC, 1989), "A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. States Parties shall in accordance with their national laws ensure alternative care for such a child. Such care could include, inter alia, foster placement, Kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background."

##### Principles for Decision-making for Placement in Substitute Care:

Following are the principles of the 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):

**Article 3:** The first priority for a child is to be cared for by his or her own parents.

**Article 4:** When care by the child's own parents is unavailable or inappropriate, care by relatives of the child's parents, by another substitute - foster or adoptive - family or, if necessary, by an appropriate institution should be considered.

**Article 5:** In all matters relating to the placement of a child outside the care of the child's own parents, the best interests of the child, particularly his or her need for affection and right to security and continuing care, should be the paramount consideration.

**Article 6:** Persons responsible for foster placement or adoption procedures should have professional or other appropriate training.

##### National Mandate for Family Foster Care

##### Juvenile Justice Act:

According to section 39 of the JJ Act, the process of rehabilitation and social integration of children under this Act shall be undertaken, based on the individual care plan of the child, preferably through family-based care such as by restoration to family or guardian with or without supervision or sponsorship, or adoption or foster care. The children in need of care and protection who are leaving institutional care or children in conflict with law leaving special homes or place of safety on attaining eighteen years of age, may be provided financial support as specified in Section 46, to help them to reintegrate into the mainstream of the society.

## **Integrated Child Protection Scheme:**

The Integrated Child Protection Scheme (ICPS, 2009) also reflects the international child rights policy by emphasising the expansion of family and community-based services as against institutional ones. According to ICPS, fostering is an arrangement whereby a child lives, usually on a temporary basis, with an extended or unrelated family member. Such an arrangement ensures that the birth parents do not lose any of their parental rights or responsibilities. This arrangement shall cater to children who are not legally free for adoption, and whose parents are unable to care for them due to illness, death, desertion by one parent or any other crisis. The aim is to eventually re-unite the child with his/her own family when the family circumstances improve, and thus prevent institutionalization of children in difficult circumstances.

According to the ICPS, the foster care programme shall be carried out in line with the provisions laid down under JJ Act and its Rules notified by the Central and State Governments.

### **Family Foster Care in Maharashtra**

Like in other states, in Maharashtra also, institutional care has been the dominant approach, also being used as hostels by families that face economic hardships, as parents are working, or when they migrate, or due to challenges faced with parenting and/ or controlling the behaviour of their child, for the purpose of education and for supervised adult care for children. While the State of Maharashtra has evolved and implemented some effective non-institutional care options, these efforts have remained fragmented. Two of the pilot projects of the foster care scheme of the Central Social Welfare Board were implemented in Mumbai with the help of non-government organisations (NGOs). The NGOs in Maharashtra have been among the most active in implementing and advocating for family and community-based services for children, such as sponsorship and kinship care with support of funds from international aid organisations.

The Department of Women and Child Development (DWCD) of Maharashtra is known for its pioneering flagship scheme of family assistance for child care namely the Bal Sangopan Yojana (BSY) which aims to support families in crisis, thus reducing institutionalization of children. The Scheme provides financial assistance of Rs.425/- per month by cheque for care of a child towards food, education and medical expenses. Along with financial assistance for child care, the scheme provides for supportive services such as counselling, guidance, programmes for holistic development of children and capacity building of the family towards long-term empowerment and ability to independently fulfill the needs of its children. As the first priority, assistance is given to biological families in crisis to address the educational, health and other needs of their children. Where biological parents are unable to take care of their children despite support, the child is placed with the extended family, and supported through this assistance. Where extended family is unavailable, the option of an unrelated foster family for care of the child is considered and is given this assistance. The scheme adopts an integrated approach that combines family strengthening, options of kinship care or foster care where necessary and appropriate for the child. This Scheme also promotes deinstitutionalisation by directing assistance to families for reintegrating children who are in institutional care when in the best interest of the child.

### **Guidelines for the Family Foster Care Service**

The Department of Women and Child Development (DWCD), Government of Maharashtra, has prepared these Guidelines for the Foster Care Service in accordance with the following international policy documents and the national mandate:

- The United Nations Convention on the Rights of Child (UNCRC), 1989;
- The United Nations (UN) Guidelines for the Alternative Care of Children, 2010;
- The United Nations (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
- The Juvenile Justice(Care and Protection of Children) (JJ) Act, 2015;
- The Maharashtra State Juvenile Justice (Care and Protection of Children) (JJ) Rules, 2018; and
- The Integrated Child Protection Scheme (ICPS), 2009

### **These Guidelines for the Foster Care Service comprise the following sections:**

1. Definitions and Types of Family Foster Care
2. Objectives of Family Foster Care
3. Eligibility Criteria for Family Foster Care

4. Structures and Roles for Family Foster Care Placement
5. Funding for Family Foster Care
6. Selection and Training of Foster Families
7. Procedure for Family Foster Care Placement
8. Case Management in Family Foster Care
9. Documentation for Family Foster Care
10. Monitoring and Evaluation of Family Foster Care Placement
11. Termination of Family Foster Care Placement

These Guidelines may be reviewed and revised based on its monitoring and evaluation.

## **1. Definitions and Types of Family Foster Care**

### **1.1 Definitions of Family Foster Care**

According to Section 2(29) of the JJ Act, “foster care” means placement of a child, by the Child Welfare Committee (CWC) for the purpose of alternative care in the domestic environment of a family, other than the child’s biological family, that has been selected, qualified, approved and supervised for providing such care. According to the ICPS, fostering is an arrangement whereby a child lives, usually on a temporary basis, with an extended family or unrelated family.

According to Section 44 of the JJ Act, children in need of care and protection may be placed in foster care, in an unrelated family recognised as suitable for the purpose by the State Government, for a short or extended period of time.

It is important to differentiate foster care from adoption, as both are alternative family-based care options. Adoption is a permanent placement of a child in a family, whereby the rights and responsibilities of biological parents are transferred to the adoptive parents. On the other hand, foster care is a temporary placement, where the biological parents’ rights and responsibilities are retained.

To differentiate the foster care service from pre-adoption foster care, the definition given of pre-adoption foster care in the Adoption Regulations framed by the Central Adoption Resource Authority in 2017 can be referred to. It says, “pre-adoption foster care” means a stage when the temporary custody of a child is given to prospective adoptive parents, till the adoption order is granted by the competent court.

### **1.2 Types of Foster Care**

Foster care can be provided in the extended family as kinship care, with an unrelated family as family foster care. These guidelines pertain to family foster care and not kinship care which will continue as it is traditionally practiced in the country and will not be formalised. In case such non-formal kinship care requires financial support it will be considered under the sponsorship service.

According to the JJ Rules of Maharashtra (2018), foster care may be for short term or long term depending upon the needs of the child. The duration of short term foster care shall be for a period of not more than one year. Long term foster care shall be for a period exceeding one year.

## **2. Objectives of Family Foster Care**

The objectives of the foster care service are to:

1. Place children in foster care with appropriate and matching foster family as close to the biological family as possible.
2. Ensure that the child’s rights to care, health, nutrition, education, recreation, and vocational guidance and training and interaction with the open community are met when placed in foster care.
3. Encourage the biological parents to visit the child in foster care to ensure that they do not lose any of their parental rights or responsibilities.
4. Strengthen the capabilities of the biological families to care for their children through a range of support services so that the children can return to stay with their biological family.
5. Reintegrate the children with their biological families, in the shortest possible duration.

### 3. Eligibility Criteria for Family Foster Care

Children are eligible for family foster care in the following situations.

#### Children Entering the Juvenile Justice System:

Children in need of care and protection (CNCP) and children in conflict with law (CCL) as defined under the JJ Act, may be considered for placement in foster care instead of institutional care by the CWC/ Juvenile Justice Board (JJB), if:

- The biological family is in a temporary crisis such as illness, death, desertion, incarceration, domestic violence, emergency, etc. and can take the child back after the crisis is resolved; or
- The efforts for strengthening the biological family's capability to care for the child through sponsorship or kinship care are not adequate/ possible; or
- The family is the perpetrator of abandonment, abuse and commercial exploitation such as child marriage, child labour, sale, trafficking, and commercial sexual exploitation; conflict with law, armed conflict, etc.; or
- An orphan/ abandoned child is not free for adoption or not adoptable for whatever reason.

According to the ICPS, special efforts shall be made to ensure either foster care or sponsorship for children infected and affected by HIV/AIDS and children affected by disaster and natural calamities.

#### Children being Deinstitutionalised:

Children in the child care institutions (CCIs) may be deinstitutionalized and reintegrated with the biological family, and if that is not possible, placed in foster care, until the biological family is ready to reintegrate them.

### 4. Structures and Roles for Family Foster Care Placement

#### 4.1 Advisory Committee for Non-Institutional Services

According to the ICPS, every district shall have a Sponsorship and Foster Care Approval Committee (SFCAC) to review and sanction sponsorship (for preventive settings only) and foster care fund. The SFCAC shall meet every month and total time taken to dispose of a case shall not exceed three months from the date of the receipt of the application. The composition of SFCAC is given below:

- (i) District Child & Women development officer, Chairperson
- (ii) Chairperson/Member, Child Welfare Committee, Member
- (iii) District Child Protection officer, Member
- (iv) Protection Officer (Non-Institutional Care), Member
- (v) Representatives of Voluntary Organisations providing sponsorship, foster care or aftercare services, Members

According to this policy, the SFCAC may function as the Advisory Committee for all the Non-Institutional Family-based Services, including family foster care, to:

1. Identify families for foster care services.
2. Monitor cases under family foster care services
3. Make recommendations to the CWC and the JJB for orders for sanction, revision, termination, etc. for family foster care, and
4. Take action for implementation of CWC orders for family foster care, and
5. Monitor and evaluate the implementation of the family foster care service.

Representatives from other relevant service providers may be invited for the meetings of this committee as and when needed for ensuring convergence of the services.

#### 4.2 Protection Officer for (Non-Institutional Care)

According to the ICPS, under the supervision of the DCPO, the Protection Officer, Non-Institutional Care (PO-NIC) would ensure effective implementation of the non-institutional components of ICPS including foster care. The PO-NIC shall carry out the following tasks for family foster care at the district level:

1. Work under the advice of and report to the SFCAC/ DCPU
2. Prepare a resource directory for family-strengthening services available in the district and update it every two years.
3. Identify credible voluntary organizations to identify families for the family foster care programme;
4. Supervise and monitor the implementation of the family foster care service;
5. Supervise the staff who are allocated the family foster care service.
6. Conduct group workshops for biological parents, children in foster care and foster parents in the areas of life skills development and child rights education.
7. Conduct at least one meeting in a year with the biological parents, children in foster care and foster parents for obtaining their feedback.
8. Maintain the documents of the family foster care service.

### **4.3 Social Workers for Case Management**

Foster care requires the case management method at the child level, for a one-stop or single-window approach, not only to ensure comprehensiveness and integration of services, but also for prevention of duplication of services, cost-efficiency, and continuity of care. It can provide child-centred services that are tailored for each child's needs, preferences, and goals, through the stages of assessment, planning, intervention, monitoring, evaluation, termination and follow up carried out by the same person. The DCPU/NGO will appoint social workers to carry out case management as given in details later in the chapter, after obtaining approvals from appropriate authorities.

### **5. Funding for Family Foster Care**

The ICPS supports the creation of a Sponsorship and Foster Care Fund that will be placed at the disposal of the DCPU. The State Governments may give additional grants to the SCPS under Sponsorship and Foster Care Fund.

### **6. Selection and Training of Foster Families**

#### **6.1 Criteria for Selection of Foster Families**

The selection of the foster family shall be based on family's ability, intent, capacity and prior experience of taking care of children. According to the JJ Rules of Maharashtra (2018), the criteria for selection of foster families are:

1. Both the spouses must be Indian citizens;
2. Both the spouses must be willing to foster the same child;
3. Both the spouses must be above the age of thirty-five years and must be in good physical, emotional and mental health;
4. Ordinarily the foster family should have an income from regular sources/gainful employment with which they are able to meet the needs of the child and should have healthy savings practices.
5. Medical reports of all the members of the foster family residing in the premises should be obtained including reports for Human Immuno Deficiency Virus (HIV), Tuberculosis (TB) and Hepatitis B etc., to determine that they are medically fit; and
6. The foster family should have adequate space and basic facilities.
7. The foster family should have good reputation and no criminal record.
8. Single parent shall not be selected for foster care services.

#### **6.2 Procedure for Selection of Foster Families**

##### **The PO-NIC will:**

1. Create awareness on the family foster care service in the district through schools, civil society organisations, etc., calling for applications from prospective foster parents, with the following documents:

- a. Adhar card,
- b. Doctor's certificates,
- c. Employment certificates,
- d. Document supporting parents' stay in the same location for at least last two years, and
- e. Two references from individuals of good standing from the community.
- f. House owner ship/Rent agreement
- g. Pan card and saving history

2. Prepare a Home-Study Report (Form 31 of the JJ Rules of Maharashtra, 2018) of the identified foster families on social and economic status, family background, description of home and atmosphere, and health status, after at least two home visits, interviews with the foster parents and others in the household with the help of the social workers.

3. Select prospective foster parents, based on the criteria given above and maintain a list of selected foster families with contact details.

4. Train the foster parents for life skills, child rights and parenting skills.

5. Facilitate associations of foster parents.

6. PO NIC we obtain approval of the SFCAC on the list of foster care families to be selected by CWC as and when required.

### **6.3 Training of Foster Families**

The shortlisted foster families will be trained to meet the needs and rights of the child as listed below:

1. Facilitate child's adjustment in the foster family/ home.
2. Provide nutritious food and personal clothing and other belongings.
3. Facilitate their education in the same school or another school in the community.
4. Provide care and support for child's overall physical, emotional and mental health.
5. Provide/ Facilitate age appropriate facilities for recreation and cultural activities, such as sports, music, dance, drama, art, etc.
6. Provide age-appropriate vocational guidance and training according to the interests, aptitude and capacity of the child.
7. Respect the privacy of the child and his/her biological family or guardian, and acknowledge that any information provided about them is confidential and is not to be disclosed to another party without prior consent.
8. Ensure protection from neglect, abuse and commercial exploitation.
9. Provide treatment in situations of abuse or emergency and inform the DCPU and the biological family about the same.
10. Support contact between the child and his/her biological family, unless it is not in the child's best interest.
11. Share and discuss the information pertaining to the progress of the child periodically with the social worker of the DCPU and the child's biological family.
12. Produce the child before the CWC as and when directed by the CWC.
13. Ensure that the child's whereabouts are known at all times, including reporting any changes of address, holiday plans and any episodes of running away of the child to the DCPU/ CWC.

## **7. Procedure for Family Foster Care Placement**

### **7.1 Referral**

The DCPUs will receive the following types of referral for foster care placement:



1. **Pre-Institutional Referral through the Juvenile Justice System:** The CWCs shall refer the CNCP who meet the eligibility criteria, for placement in foster care, thus preventing their institutionalisation. The SAA shall also refer non-adoptable children for placement in foster care to CWC.
2. **Referrals for Deinstitutionalisation/ Rehabilitation through the Juvenile Justice System:** Based on the Individual Care Plan (ICP) prepared in Form 7, the Probation Officer (in case of Children in Conflict With Law/ CIL) or Child Welfare Officer (in case of CNCP) of the CCIs shall identify children who can be deinstitutionalised and restored to their biological or alternative family. The CCIs shall recommend these services for exiting a child from the institution and the JJ system, together with its ICP, to the CWC/ JJB/ Children's Court as the case may be. The CWC/ JJB/ Children's Court shall review the ICP and then send an Order for preparing an SIR (Form 5/ 21) to the DCPU.

## 7.2 Preparation of the SIR and the Child Study Report

1. The PO-NIC will fill the Intake form for every referral made for the family foster care service and submit to CWC.
2. The CWC will discuss the referral and instruct the PO-NIC to make a visit to the child and his/ her family and prepare a comprehensive SIR (Form 6/ 22 of the JJ Rules of Maharashtra, 2018) that includes the child's personal physical, mental and emotional health and details of his/ her family, school, friends, employment, problems and previous case history and the recommendations of the person who fills the form.
3. Children in need of care and protection who are living in community may also be considered for placement in foster care based on the Child Study Report in Form 30 (of the JJ Rules of Maharashtra, 2018) prepared by the District Child Protection Unit.
4. The PO-NIC will identify a social worker for each child who will carry out the visit and prepare the SIR and the Child Study Report.

## 7.3 Preparation and Submission of the IFCP

All the decision-making for a child should follow Article 3(1) of the UNCRC which states that "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

**Sources:** The PO-NIC will prepare an integrated Foster Care Plan for each child, with the help of the social worker, which will be based on:

1. The SIR and the Child Study Report,
2. The eligibility criteria for the foster care service,
3. The needs identified by the child and the family during the home visit, and discussed and modified in consultation with the child and his/her parents, and
4. In the best interest of the child.

The Foster Care Plan should recommend matching foster family, provision of services to the child, biological parents and the foster parents, and the criteria for termination and the duration.

### Matching Foster Family :

It is important to identify a foster family that matches the child needing foster care:

- Preference should be given to those families/ settings that share similar cultural, tribal and/or community connection.
- Foster care for young children, especially those under the age of three years, should be provided in a family.
- Children with special needs may be considered either for placement in foster family, provided the Home Study Report of the foster family supports their fitness or group setting has facilities for care of such children.

According to the JJ Rules of Maharashtra (2018), a "Home Study Report" means a report containing details of prospective adoptive parents or foster parents, and shall include social and economic status, family background, description of home and atmosphere, and health status.

According to section 39(1) of the JJ Act, all efforts shall be made to keep siblings placed in institutional or noninstitutional care, together, unless it is in their best interest not to be kept together.

### **Services:**

The child and the biological family may be provided the following services as needed at the community level for increased access and relevance to vulnerable children and families with strong linkages to the Panchayati Raj Institutions (PRIs):

- Childplacement in family foster care.
- Biological family's access to services to strengthen the family through counselling, parenting education, poverty alleviation programmes, legal aid, etc.;
- Child's access to services needed such child care, birth registration, health, nutrition, education, recreation, vocational guidance and training, life skills and child rights education, etc.

### **Timeframe:**

The Timeframe for reintegration of the child with the biological family will depend on the needs of the child and the family. According to the JJ Rules of Maharashtra (2018), foster care may be for short term or long term depending upon the needs of the child. The duration of short term foster care shall be for a period of not more than one year. Long term foster care shall be for a period exceeding one year. This can be periodically extended by the CWC till the child attains eighteen years of age on the basis of assessment of the compatibility of the child with the foster care parents. No child regarded as adoptable by the CWC shall be given for long-term foster care.

The PO-NIC will submit the Foster Care Plan for the child, to the CWC, which will:

1. Discuss, modify and finalise the Foster Care Plan with reference to the SIR and the Child Study Report, and
2. Forward them to the CWC or the JJB or the Children's Court, as the case may be.
3. Review Implementation of FCP by SFCAC will done every 6 months.

### **7.4 Order and Sanction of Funds**

According to the JJ Rules of Maharashtra, 2018, the CWC shall take into consideration the ICP if the child is in CCI and the opinion of the child before deciding the nature of foster care with due regard to his age and maturity. The child shall be informed throughout the process.

The CWC shall:

1. Study the Foster Care Plan and take the opinion of the child before deciding the nature of foster care with due regard to his age and maturity.
2. Determine the appropriateness of placement of a child in family foster care.
3. Review the compatibility report submitted by the DCPU.
4. Make a final order in Form 33(of the JJ Rules of Maharashtra, 2018), for placement of the child in family foster care, specifying the period.
5. Send a copy of the final order to DCPU for appropriate action.

Financial support of up to Rs. 2000 may be provided per child placed in foster care after obtaining approvals of SFCAC.

### **7.5 Consent by Biological Parents**

Consent from biological or adoptive parent (s) or legal guardian for placement of the child in foster care shall be obtained in Form 32 (of the JJ Rules of Maharashtra, 2018).

### **7.6 Undertaking by Foster Parents**

The foster parents shall be required to sign an undertaking for providing foster care to the child in Form 34 of the JJ Rules of Maharashtra, 2018.

## **8. Case Management in Foster Care**

### **8.1 Overall Tasks**

Social workers employed by the DCPU or the voluntary organisation providing the foster care service, will carry out the following tasks for case management,:

- Carry out an assessment of the child in his/her environment, through the SIR and the Child Study Report.
- Prepare the Foster Care Plan for the child, based on his/her SIR/ Child Study Report.
- Find potential foster parents matching to child's ethnic, religious, cultural and linguistic background.
- Carry out a Home Study Report to assess and select matching foster parents.
- Implement the CWC/JJB Order.
- Facilitate child's separation from the biological family.
- Escort the child to the foster family.
- Facilitate child's adjustment in the foster family.
- Conduct group workshops for life skills education and child rights education for children, the biological parents and foster parents.
- Conduct group workshops on parenting education for the biological parents and foster parents.
- Provide support and counselling to the child, biological parents, foster parents and foster caregivers as needed.
- Facilitate inter-organisational collaboration to meet the varied needs of the child, the biological family, and foster parents.
- Make monthly visits to monitor the foster placement of the child, by interacting with the foster child, the foster parents, the biological children of the foster parents, neighbours, the child's school teachers and the biological parents (Form 35 of the JJ Rules of Maharashtra, 2018) and submit to the PO-NIC.
- Some meetings can be held in the DCPU for counselling and review of progress.
- Carry out Quarterly Inspection of Foster Families/Group Foster Care, fill the Form 36 of the JJ Rules of Maharashtra, 2018 and submit to the PO-NIC.
- Evaluate when the case is ready for termination of foster care placement and report to the PO-NIC.

### **8.2 Facilitation of Child's Separation from the Biological Family and Entry into Foster Care**

In order to facilitate child's separation from the biological family and entry into foster care, the social worker needs to:

- Prepare the child by explaining the reason and the timeframe for separation, and what the child should expect in the foster family.
- Introduce the child to the foster parents who can be allowed to spend some time together before the placement.
- Provide counselling to the child if necessary.
- Encourage the biological parents to give a 'parting message' to the child.
- Encourage the foster parents/ foster caregivers to give a 'welcoming message' to the child.
- As far as possible, maintain the child in the same school unless placement in another school would be in the child's best interest or is the wish of the child.
- Explain the school authorities about the foster placement and its possible impact on the child.

### **8.3 Strengthening the Biological Family**

According to Section 44 of the JJ Act (2015), in cases where children have been placed in foster care for the reason that their parents have been found to be unfit or incapacitated by the CWC, the child's parents may visit the child in the foster family at regular intervals, unless the CWC feels that such visits are not in the best

interest of the child, for reasons to be recorded therefor; and eventually, the child may return to the parent's homes once the parents are determined by the CWC to be fit to take care of the child. In order to strengthen the biological family, the social worker needs to:

DCPU will refer this families for strengthening programme/scheme already implementing by government through various departments.

#### **8.4 Facilitation of Reintegration of the Child with Biological Family**

In order to reintegrate the child with the biological family, the social worker needs to carry out the following tasks:

- Develop regular and appropriate contact between the child and his/her family specifically for the purpose of reintegration.
- Make a home visit and assess the biological parents' readiness and willingness to take the child back.
- Assess the child's readiness and willingness to return to the parents.
- Prepare the child and the family for the reintegration, especially if the separation has been long.
- Make plans on where, when, and how the reintegration of the child with the biological family will take place, in consultation with the child.
- If the child and the parents are in different districts, the process of reintegrating the child with the biological family requires coordination across districts and the decision should be taken in the best interest of the child.
- Design the reintegration of the child in his/her family as a gradual and supervised process.
- Provide support and counselling to help the family and the child to adjust to the new situation.
- Make phone calls and follow-up visits to the family after the reunion to make sure all is going well, both emotionally and in the material support of the child.

#### **9. Documentation for Foster Care**

The PO-NIC will maintain the following documents, with the help of the social workers:

##### **9.1 Intake Form**

The Intake Form may include the following data of children referred for the family foster care service:

- Child's name, sex and birthdate
- Address of the child at the time of referral
- Source of referral
- Date of referral
- Reason for referral
- Decision taken

##### **9.2 Master Register**

The Master Register may include the following data and progress of children registered under the NIC programme:

- Child's name, sex and birthdate
- Address of the child at the time of referral
- Source of referral
- Date of referral
- Reason for referral (problem/ need/ services)
- Priorities for immediate action
- Languages spoken

- Date of registration
- Name of the social worker allotted
- Date of CWC/JJB/ Children's Court Order
- Services Provided
- Foster care address of the child
- Date and reasons of termination of the service
- Remarks

### **9.3 Register of Disbursement of Foster Care Grant**

### **9.4 Individual Child File**

With filling of the intake form, the child's confidential case file is opened. Children should be told why information is collected and how privacy and confidentiality are ensured. This file may include identity and datewise documents starting with the referral letter and ending with the termination letter, such as the following:

- Photograph of the child
- Birth certificate
- Aadhar card number of the child
- Referral letter
- Individual Care Plan
- SIR/ Child Study Report and Foster Care Plan
- Child's medical report
- Child's disability certificate
- Child's educational status (currently studying or dropped out in which standard) and name and address of the school
- If child is working, child's work status, name and address of the employer
- Family's ration and BPL cards
- Child's family information (information about the child's parents and siblings)
- Child's household information (with whom the child is currently staying)
- Child's/ Family's bank account details
- Number of children receiving NIC in the family
- The CWC/ JJB/ Children's Court Order
- Biological Parents' Consent
- Foster Parents/ Caregivers' Undertaking
- Form 35: Record of a Child in Foster Care
- Form 36: Quarterly Inspection of Foster Families/Group Foster Care
- Annual reports
- Date and reason for termination of the service
- Termination Order

### **9.5 Confidentiality of Documents**

For maintaining confidentiality of children, the above registers, files and reports should be kept in a secure location, with restricted access, such as a locked filing cabinet or digi-lockers. Children's individual files should be accessible only to the respective social worker and the PO-NIC. A code (that does not identify the

child) maybe allocated to each case file and marked on the front of the case file (names should not be recorded on the front of case files). This supports confidentiality and tracking of individual cases. A list which links the case file codes with the children's names should be stored in a different location from where the files are stored.

## **10. Monitoring and Evaluation of Family Foster Care Placement**

### **10.1 Indicators for Monitoring and Evaluation**

The monitoring and evaluation indicators for implementation of the child's Foster Care Plan are:

- Participation by child and family in the decision-making process.
- Child continues to go to the same school or another school nearby.
- Child's needs for nutritious food and personal clothing and other belongings, care, health, recreation and cultural activities, etc. are met.
- Child is protected from neglect, abuse and commercial exploitation.
- Services received by the biological family through one-stop and one-window.
- Child is in touch with his/her biological family and returns to them as soon as possible.
- The child and the biological family are satisfied with the foster care placement.

### **10.2 Monitoring and Evaluation**

The above indicators will be used for monitoring and evaluation of each case which will be carried out as follows:

- The PO-NIC will monitor and evaluate the progress of all children registered for family foster care with the help of the social workers and submit the quarterly and annual reports to the NIC Advisory Committee.
- The NIC Advisory Committee will check the master register and quarterly and annual reports of each child, revise the Foster Care Plan accordingly, and request a revised order from the CWC/ JJB/ Children's Court if necessary.
- Whenever a foster family is found lacking in taking care of the child, the child shall be removed from that foster family and shifted to another foster family as the CWC may deem fit.
- The NIC Advisory Committee will forward the reports to the CWC, DCPC and the SCPS for review.

## **11. Termination of Foster Care Placement**

### **11.1 Criteria for Termination**

The following criteria for termination of foster care placement is drawn from the Model Guidelines for Foster Care, 2016:

1. When the child attains the age of 18, foster care is deemed to have concluded and the child has the option to avail services of aftercare programme. The joint bank account opened in the name of the child and one of the foster parent for transferring financial support under foster care shall be transferred into the child's name.
2. When a child is placed in foster care due to non-availability of biological parent (e.g. due to imprisonment or institutionalisation for treatment of mental illness), the foster care placement may be terminated when the biological parent is released and requests the Committee for the custody of the child. The CWC shall issue a specific order if deemed fit for the reunification of the child with biological parent.
3. When a legally free child above the age of six years during his placement in foster care also finds a suitable adoptive family, the CWC after obtaining the child's willingness, may terminate the foster care placement and may give him in adoption.
4. When a complaint is made by either the child, relatives, or member(s) of the community, and after due inquiry by the DCPU observes the following during a home visit to the family or fit facility
  - The child has stopped going to school or the attendance of the child in school is below 75% (special circumstances such as disability or illness of the child shall be considered as an exception).

- The child has been/ is being subjected to physical, emotional, sexual abuse and/or neglect in the foster home.
  - The child has been/ is engaged in labour in violation of labour laws
  - Misappropriation of the foster care financial support for the child in family or fit facility by the parent/ caregivers
5. When a complaint or request is made by either the child, caregivers/ parents, or relatives, or when the DCPU observes the following during a home visit to the family or fit facility
    - Foster parents or the caregivers of the fit facility and the child are unable to adjust in the placement in spite of counselling.
    - Foster parents or the caregivers of the fit facility are no longer 'fit' to adequately meet the child's social, emotional and developmental needs.
    - In a fit facility the child is unable to adjust and requires special support (for example, the de-addiction facilities)
  6. Disruption due to death, divorce or separation of the Foster parents, the child shall be sent back to the CCI till further orders of the placement to another foster family or fit facility by the CWC.

### **11.2 Procedure of Termination**

The following procedure of termination of foster care placement is drawn guidelines, drawn from the Model Guidelines for Foster Care, 2016:

1. The NIC Advisory Committee will evaluate when the case is ready for termination of the services, in consultation with the child and his/her parents, and send the report to the CWC/JJB/ Children's Court, giving reasons for the same through PO NIC
2. The CWC/JJB/ Children's Court will examine such report of the PO NIC Advisory Committee and if considers necessary, may meet the child and his/her family.
3. The CWC/JJB/ Children's Court will pass the order for termination of the services in the prescribed format, and a copy of the same will be shared with the DCPU for appropriate action.
4. The CWC shall give notice in writing and consider the views of the foster families/ caregivers of the fit facility before termination of the foster care placement;
5. Once the review has been conducted and the foster parents/caregivers of the fit facility have been given proper notice, the CWC shall record the date and reasons for terminating the placement in the order issued along with an order to place the child in another suitable foster family;
6. Children and the foster parents/ foster caregiver need additional support if the foster care placement has to be terminated in an unplanned manner.

### **List of Forms for the Foster Care Service included in the JJ Rules of Maharashtra, 2018**

Form 5: Order for Social Investigation Report for Children in Conflict with Law

Form 6: Social Investigation Report for Children in Conflict with Law

Form 7: Individual Care Plan

Form 20: Undertaking by the Parent or Guardian or 'Fit Person'

Form 21: Order for Social Investigation Report of Child in Need of Care and Protection

Form 22: Social Investigation Report for Child in Need of Care and Protection

Form 30: Child Study Report

Form 31: Home Study Report for Prospective Foster Parents

Form 32: Consent from Biological or Adoptive Parent(s) while Placing the Child in Foster Care

Form 33: Order of Foster Care Placement with a Family or Group Foster Care

Form 34: Undertaking by the Foster Family/Group Foster Care Organisation

Form 35: Record of a Child in Foster Care

Form 36: Quarterly Inspection of Foster Families/Group Foster Care

Form 39 Application for Fit Facility including Group Foster Care

Form 40 Certificate of Recognition of Fit Facility including Group Foster Care

**APPENDIX-B**  
**Department of Women and Child Development**  
**Government of Maharashtra**  
**GUIDELINES FOR SPONSORSHIP SERVICE**

**Introduction**

**Importance of Sponsorship**

According to Section 2(58) of the Juvenile Justice (Care and Protection of Children), Act 2015(JJAct), “Sponsorship means provision of supplementary support, financial or otherwise, to the families to meet the medical, educational and developmental needs of the child.” Thus, sponsorship is a family based supportive service directed to vulnerable families to meet the care, protection and developmental needs of their children.

Supplementary support to families in their role of caring for their children is crucial when families are faced with stresses and strains that are manifested as an outcome of various circumstances such as death of a parent/ parents, terminal illness, accident or imprisonment of a parent/s desertion by a parent etc. When families living in such situations are unable to cope with the crisis, the result is family dysfunction and increased child vulnerability to abuse, neglect and exploitation. This could result in situations such as children dropping out of school, being forced to work, children being married early, children being trafficked or being sexually abused or institutionalised.

Sponsorship therefore does not aim at alleviating family poverty but is a service that is directed to low income families that are unable to cope with crisis resulting in family dysfunction leading to neglect, abuse and exploitation of their children.

**International Policy**

The UN Convention on the Rights of the Child ratified by India in 1992, in its preamble recognizes 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. Article 7.1 of the UN CRC upholds the child’s right to be cared for by his or her parents as far as possible.

The Preamble to the UN Convention on the Rights of the Child, further recognises “... that the family, as the fundamental group of society and the natural environment for the growth and wellbeing of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities ...” .

Article 18 of the UN CRC states: “For the purpose of guaranteeing and promoting the rights set forth in the present Convention, State Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.”

**National Mandate**

**Juvenile Justice Act :** The fundamental principles in Section 3 of the JJ Act (2015) also highlight the principle of family responsibility of care, nurture and protection of the child by the biological family by including the following:

- (v) *Principle of family responsibility:* The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.
- (xii) *Principle of institutionalisation as a measure of last resort:* A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.
- (xiii) *Principle of repatriation and restoration:* Every child in the juvenile justice system shall have the right to be reunited with his family at the earliest and to be restored to the same socio-economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his/her best interest.

According to Section 39 (1) of the JJ Act (2015), the process of rehabilitation and social integration of children under this Act shall be undertaken, based on the individual care plan of the child, preferably through family-based care such as by restoration to family or guardian with or without supervision or sponsorship, or adoption or foster care.



**Integrated Child Protection Scheme (ICPS) :** The ICPS was approved and launched by the Ministry of Women and Child Development, Government of India in 2009. ICPS integrates different child protection related schemes under one umbrella and provides implementation mechanisms for child protection services that are mandated by the Juvenile Justice Act. Sponsorship is one such service under the ICPS directed towards the vulnerable family to support and enable the family to care for and protect its children who are at risk.

In keeping with the above obligation, the Department of Women and Child Development (DWCD), Government of Maharashtra is committed to the children's right to grow up in a family and to be cared by biological parents as far as possible. It therefore supports their biological family so that they grow up in a safe, loving and nurturing environment enabling them to realise their full potential. This would help in preventing separation of children from their biological family and their unnecessary institutionalisation or placement in alternative care arrangements. Additionally, children in institutional care need to be reintegrated with their families, wherever possible and when in their best interest. Sponsorship is a vital service to meet these goals.

### **State Context**

Since 1995, the Department of Women and Child Development, Government of Maharashtra is implementing a pioneering flagship scheme called the Bal Sangopan Yojana (BSY). The Scheme provides financial assistance to the biological parent for child care. The BSY aims at supporting families in crisis to address the educational, health and other needs of their children thereby preventing institutionalization. Where biological parent is unable to take care of their child despite support; the kin family is encouraged and supported through assistance. Where kin family is unavailable, the option of an unrelated foster family for care of the child is considered and is given assistance. This Scheme also promotes deinstitutionalisation by directing assistance to families for reintegrating children who are in institutional care when in the best interest of the child. The scheme adopts an integrated approach that combines family strengthening, options of kinship care or foster care where necessary and appropriate for the child.

non-government organisations (NGOs) in Maharashtra have pioneered sponsorship services in India through child sponsorship and community sponsorship. The latter has incorporated measures of community development, economic empowerment and family strengthening towards self-reliance. Such programmes have been supported through individual donors, corporates, national charities and international aid organisations.

### **Guidelines for the Sponsorship Service**

These guidelines for the sponsorship service draw upon the expertise developed through this long-standing government and non-government experience of Maharashtra in relation to sponsorship programmes in the State.

These guidelines for the sponsorship service are issued for the use of the District Child Protection Units (DCPUs), Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs), Children's Courts, and Child Care Institutions (CCIs) under the JJ Act, Sponsorship and Foster Care Approval Committee (SFCAC) set up in every district in accordance with the ICPS, and other stakeholders for providing sponsorship service to children in need of care and protection, children in conflict with law and other children at risk.

### **The guidelines for the sponsorship service comprise the following sections:**

1. Definition and Types of Sponsorship
2. Objectives of Sponsorship
3. Eligibility Criteria for Sponsorship
4. Entitlements under Sponsorship
5. Structures and roles for Implementation of Sponsorship
6. Funding for Sponsorship
7. Procedures for Referral for Sponsorship
8. Procedure for Sanction of Sponsorship
9. Parent's Undertaking
10. Release of Funds
11. Case Management in Sponsorship

12. Documentation for Sponsorship
13. Monitoring and Evaluation of Sponsorship
14. Termination of Sponsorship

## 1. Definition and Types of Sponsorship

### 1.1 Definition of Sponsorship

According to Section 2(58) of the Juvenile Justice (Care and Protection of Children) Act 2015 (JJ Act, 2015), "sponsorship" means provision of supplementary support, financial or otherwise, to the families to meet the medical, educational and developmental needs of the child.

As detailed in the Introduction to these Guidelines, sponsorship means provision of financial assistance or other supplementary support services to children at risk in vulnerable families. Supplementary support provided to the family includes counselling and parenting education. Additionally, this support includes linkages to social protection schemes for family strengthening as per the need. For children, supplementary support includes life skills education, counselling and linkages to day care, health, nutrition, recreation, vocational guidance etc.

### 1.2. Types of Sponsorship

Section 45(1) of the JJ Act, 2015, identifies various types of sponsorship namely individual sponsorship, group sponsorship and community sponsorship. Further, Section 45 (4) mentions that the sponsorship programme may provide supplementary support to families, to children's homes and to special homes to meet medical, nutritional, educational and other needs of the children, with a view to improving their quality of life.

These guidelines pertain to sponsorship to the families to meet the medical, educational and developmental needs of their children as defined in Section 2(58) of the JJ Act, 2015 and as per the provisions under the ICPS.

### 1.3 Purpose of Sponsorship

As put forth in the ICPS, the purpose of sponsorship is two fold : Preventive and Rehabilitative.

**Preventive Sponsorship** is sponsorship support provided to a vulnerable family to enable a child to continue to remain in the family and continue his or her education. It aims at preventing children from dropping out of school, entering into alternative care arrangements including institutions, running away, forced into child marriage, trafficking, labour or begging etc.

**Rehabilitative Sponsorship** is sponsorship support provided to children within institutions or in foster care for being restored and reintegrated with their own or kinship families. Sponsorship support is also useful to rehabilitate children rescued from child marriage, child labour, trafficking etc. Children in conflict with the law can also be rehabilitated through sponsorship.

## 2. Objectives of Sponsorship

The objectives of the sponsorship service are to:

1. To provide supplementary support to vulnerable families to care for and protect their children.
2. Ensure the child's right to biological family, education, health, nutrition and recreation.
3. Protect the children of vulnerable families from neglect, abuse and exploitation.
4. Prevent children from entering into alternative care arrangements.
5. Reintegrate children in alternative care arrangements with their biological or Kin families wherever possible and when in the best interest of the child.
6. Rehabilitate children rescued from abandonment, child marriage, child labour, trafficking, conflict with law etc. in their biological families or in kinship care whenever possible and when in the best interest of the child.

## 3. Eligibility Criteria for Sponsorship

A family will be eligible for sponsorship if it fulfils all the criteria mentioned below.

**Age :** A child from birth to 18 years of age is eligible for sponsorship.

**Family Income :** Children in conditions of extreme deprivation based on the “proxy parameters”<sup>1</sup> of types of residential locality, social deprivation and occupation shall be selected, whose family income is not exceeding<sup>2</sup>:

- (a) Rs 36,000 per annum for metro cities
- (b) Rs 30,000 per annum for other cities
- (c) Rs 24,000 per annum for rural areas

**Family situation :** Children whose families belong to situations mentioned below, based on Section 45 (2) of the JJ Act, 2015, and shall include:

- (i) where mother is a widow or divorced or abandoned by family;
- (ii) where children are orphan and are living with the extended family;
- (iii) where parents are victims of life-threatening disease;
- (iv) where parents are incapacitated due to accident and unable to take care of children; and will also include
- (v) children covered in Section 2 (14) of the JJ Act as Children in Need of Care and Protection (CNCP) but living with families.

The parent or caregiver in family situations mentioned above should have the physical and mental capacity and willingness to give care and parent a child.

A child receiving support in the form of assistance (cash or kind) under any other Scheme of State/Central Government, which is equivalent to sponsorship support, shall not be eligible. A family receiving child care assistance under Bal Sangopan Yojana of the State Government, shall not be eligible to receive sponsorship assistance.

**Supportive Documents:** The following documents are required to support the eligibility criteria as applicable:

- Age and address proof of the child
- School bonafide certificate
- Income certificate issued by the competent authority
- The following documents as applicable:
  - Death certificate of child’s parent/s
  - Document establishing single status of the parent
  - Medical certificate stating child’s parents are suffering from a disability or a terminal illness
  - Medical certificate of the child stating he or she is suffering from a disability or a terminal illness.
  - Certified copy of CWC Court Order regarding imprisonment of a parent

#### 4. Entitlement under sponsorship

1. A family covered under sponsorship shall be entitled to receive upto Rs. 2000 per month for a child.
2. The duration of sponsorship will be a minimum of three months and a maximum of three years, to be reviewed annually.
3. In exceptional situations, a family may receive sponsorship for two children.

#### 5. Structures and Roles for Implementation of Sponsorship

##### 5.1 Implementing Agency

The District Child Protection Unit under the supervision of District Collector shall provide the Sponsorship Service.

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1 Section 3.2 (ii) of the Integrated Child Protection Scheme.

2 As per the norms prescribed by ICPS.

## 5.2 Sponsorship and Foster Care Approval Committee

The DCPU shall set up a Sponsorship and Foster Care Approval Committee (SFCAC) in the district.

### The composition of the SFCAC is given below:

- (i) District Women and Child Development Officer will be the Chairperson
- (ii) Chairperson or Member of Child Welfare Committee, Member
- (iii) District Child Protection Officer, Member
- (iv) Protection Officer (Non-Institutional Care) (PO-NIC), Member
- (v) 2 Representatives of Voluntary Organisations working in the area of Child Protection, Members

### The role of the SFCAC shall be to:

1. Approve sponsorship to the children of families referred to the DCPU directly for preventive sponsorship and recommend them to the CWC for their decision.
2. Implement the orders of the CWC/JJB/Children's Courts for sponsorship.
3. Provide guidance for case management to the PO –NIC for all families receiving sponsorship service.
4. Oversee implementation and monitoring of the sponsorship service in the district.
5. Liaison with District Collector to improve monitoring services delivery

Representatives from other relevant service providers may be invited for the meetings of this committee as and when needed for ensuring convergence of the services.

## 5.3 Protection Officer for Non-Institutional Care

According to the ICPS, under the supervision of the DCPO; the Protection Officer Non-Institutional Care (PO-NIC), would ensure effective implementation of family based non-institutional services of sponsorship, foster care and aftercare. The PO-NIC shall carry out the following tasks for sponsorship at the district level:

1. Register children for sponsorship and work with the families and children with guidance from the SFCAC.
2. Supervise the cases under the Sponsorship Service in the district.
3. Maintain the documents of the sponsorship service.
4. Prepare a resource directory of likely sponsors for the sponsorship programme in the district.
5. Prepare a resource directory for family-strengthening and child development services available in the district and update it every two to three years.
6. Conduct group workshops for children and parents in the areas of life skills development and parenting.
7. Report progress of the cases to the SFCAC under the sponsorship service.

## 5.4 Social Workers

The Social Workers in the DCPU will be responsible for the management of the cases of sponsorship. They will work under the supervision of the PO – NIC. They will manage the cases of sponsorship assigned to them, as detailed in Section 9 of these guidelines "Case Management in Sponsorship"

## 6. Funding for Sponsorship

A Sponsorship and Foster Care Fund of the ICPS shall be placed at the disposal of the DCPU. An amount of Rs.10 Lakhs per district per annum shall be provided under the ICPS or as prescribed by the scheme from time to time.

The DCPU may also raise funds from individuals, families, groups, corporates and other organisations interested in sponsoring children. DCPU may coordinate with corporate/organizations to sponsor useful facilities or activities in CCI. The DCPU will maintain a list or panel of sponsors and forward it to the CWC, JJB and the Children's Court.

The State Government may give additional grants to the State Child Protection Society (SCPS) for the Sponsorship and Foster Care Fund. The SCPS will allocate the funds to districts in accordance with the needs of each district.

## **7. Procedure for Referral for Sponsorship**

All the decision-making for a child should follow Article 3(1) of the UNCRC which states that “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

### **7.1 Referrals for Preventive Sponsorship**

(i) **Direct Referrals** : The DCPUs shall sensitize Government organisations/departments, village child protection committees, Child -line, CBOs, NGOs, hospitals, HIV centres, jail administration, counselling centres, special cells for women and other organisations working with vulnerable families, about sponsorship service for receiving appropriate referrals. These children shall be directly referred to the DCPU.

(ii) **Identification of children through the Child Welfare Committees** : In accordance with Section 37 of the JJ Act 2015, the CWCs shall identify children in need of care and protection whose families can be strengthened to care for their child through sponsorship, thus preventing their institutionalisation or entry into other forms of alternative care and direct DCPU to take appropriate action.

### **7.2 Referral for Rehabilitative Sponsorship**

Referral for rehabilitative sponsorship will be through the Juvenile Justice system. Based on the updated Individual Care Plan (ICP) in Form 7 (of the Maharashtra State Rules, 2018) and the SIR, the Probation Officer (in case of children in conflict with law) or Social Workers (in case of CNCP) of the CCIs shall identify children who can be deinstitutionalised and reintegrated with their biological family or kin family through sponsorship. Also, PO-NIC, on the basis of updated ICP and SIR shall identify children in Alternative Care arrangements such as Foster Care and Group Foster Care who can be restored to their biological or kin family through sponsorship.

The CCI or Probation officer or PO-NIC as the case may be, shall recommend rehabilitative sponsorship for such children to the CWC/ JJB/ Children’s Court as the case may be along with the updated ICP and SIR.

Additionally, the CWC/ JJB/ Children’s Court may review the ICPs regularly and initiate processes for reintegration of children in CCIs, and in alternative care arrangements such as Foster Care and Group Foster Care, in biological or kin family through sponsorship.

CWC can also refer child victims rescued from child marriage, child labour, trafficking for rehabilitation through sponsorship.

## **8 Procedure for Sanction of Sponsorship**

### **8.1 Procedure for Sanction of Preventive Sponsorship**

1. On receipt of the referrals as described above (7.1), the Protection Officer, Non-Institutional Care (PO-NIC) of the DCPU shall assign the family to the social worker (NIC) who will conduct SIR of the family and assess the eligibility of the family as per the eligibility criteria mentioned in 3, to receive sponsorship for the care and protection of the child.

2. The PO-NIC will place the SIR and all relevant documents pertaining to eligibility before the SFCAC for review and approval of preventive sponsorship.

3. SFCAC will review the SIR and documents received from the PO-NIC, if required interact with the family and child, and assess the suitability of the family to receive sponsorship. If satisfied, SFCAC will approve sponsorship to the concerned family stating the duration of the sponsorship and recommend the family to the CWC for their review and order along with the SIR and relevant documents. This procedure will be completed within 45 days from the date of receiving referral.

4. The recommendation of the SFCAC will be reviewed by the CWC and if the CWC is satisfied, it will pass an order for sponsorship stating the duration of the sponsorship assistance.

5. The decision of the CWC will be informed to the SFCAC by the PO – NIC. SFCAC will ensure availability of funds and start the procedure for disbursement. In case of non-availability of funds, the family will be waitlisted.

6. After the release of the sponsorship assistance, the PO- NIC will place a progress report (as per Annexure 1) of the child before the SFCAC and CWC once every six months or earlier if required. If the duration of sponsorship is less than six months, the progress report will be placed before the SFCAC and CWC before the completion of the sponsorship period.

7. When CWC has identified a child under Section 37 and as explained in 7 1(ii) of these guidelines, the CWC will pass an order of sponsorship service to the family for the child. The decision of the CWC will be informed to the SFCAC by the PO – NIC. SFCAC will ensure availability of funds and start the procedure for disbursement. In case of non-availability of funds, the family will be waitlisted.

## **8.2 Procedure for Sanction of Rehabilitative Sponsorship**

1. The Probation Officer or Case worker of the Child Care Institution as the case may be, shall identify children for reintegration with their family through sponsorship. This will be based on the updated ICP and updated SIR (Form 6 or 22 as the case may be, of the Maharashtra State Rules, 2018). The assessment would be presented to the CWC/JJB/Children's Court, as the case may be, along with the updated ICP and SIR; for their review and decision.

2. The CWC or the JJB or the Children's Court, as the case may be, shall assess the documents placed before it and meet the child and parent/guardian and if found necessary and appropriate, make a reasoned order for placement of the child under the sponsorship service stating the duration of sponsorship in the prescribed form (Form 37 of the Maharashtra State Rules, 2018). The child shall be explained and heard for his/her opinion before an order for restoration and placement under sponsorship service is formally issued by the CWC or the JJB or the Children's Court as the case may be.

3. The PO-NIC shall place before the SFCAC the Order of the CWC/JJB/Children's Court as the case may be and the SFCAC will initiate the process of disbursing the sponsorship assistance to the family.

4. In case of non-availability of funds, the family will be waitlisted and the PO–NIC will inform the CWC/ JJB/Children's Court as the case may be and the family accordingly. Under such circumstances, the CWC /JJB/ Children's Court as the case may be, will take appropriate decision for the care and protection of the child.

5. After the release of sponsorship assistance, the PO–NIC shall place a progress report (as per the prescribed format in Annexure 1) of the child three months before the CWC/JJB/Children's Court as the case may be, and to the SFCAC.

For the preventive and rehabilitative sponsorship, the duration of the sponsorship support shall be decided on a case to case basis by the CWC/JJB/Children's Court as the case may be. The duration of sponsorship may be for a minimum of three months and shall not exceed three years except under exceptional circumstances, with a reasoned order. The total time taken to dispose- off a case shall not be more than 45 days from the date of referral /identification.

## **9. Parents' Undertaking**

The parents/ guardian shall sign an undertaking (Form 20 of the Maharashtra State Rules, 2018) stating that they take responsibility for the care of the child and will ensure that the child is not admitted in an institution, attends Anganwadi/ school, receives nutrition, health care, is not engaged in labour, is not married before legal age and is protected from violence. They further undertake to appear with the child before the SFCAC and CWC/JJB/Children's Court as the case may be. They also agree to share with the social worker utilization of financial assistance received under sponsorship and meet her/him regularly in the office of the DCPU along with the child for counselling to address the needs of the child and to work towards strengthening themselves. The undertaking shall be endorsed by well known /respectable person in the locality where the person where the parents/guardian reside along with his contact details.

## **10. Release of Funds to the Family**

Following shall be the procedure for release of funds for sponsorship:

- (i) The PO-NIC may assist the family to open the Bank/Post Office account in the name of the child, to be operated preferably by the mother/ female caregiver.
  - The funds shall be released to the family within one month of the order of sponsorship.
- (ii) There shall be no cash transfer. The money shall be directly transferred from the DCPU's bank account to the Bank/Post Office account of the child.

## **11. Case Management in Sponsorship**

The PO–NIC in consultation with SFCAC and CWC/ JJB/ children’s Court shall recommend measures to the social worker for strengthening the family and for the holistic development of the child. This may include counselling and parenting education and facilitating linkages with social protection programmes, legal aid etc. For the child, it may include counselling, life skills education and facilitating access to services such as day care, health, nutrition, education, vocational guidance, etc. The utilisation of sponsorship assistance given to the family will be discussed with the family and the child and monitored.

As far as possible, the same worker will carry out intake, assessment, intervention, follow up, evaluation and termination for each family so as to ensure quality of case management.

For rehabilitative sponsorship, the worker will make quarterly visits and for preventive sponsorship the social worker will make a visit at least once in six months or earlier if required. The family and child will also visit the Social Worker in the DCPU for counselling and review of progress.

The social worker will maintain an individual case file for family receiving sponsorship. Data of children being supported under sponsorship shall be maintained electronically by the DCPU.

## **12. Documentation for Sponsorship**

The PO–NIC will maintain the following documents where all registers will be paged and certified by the DCPO

### **12.1 Intake Register**

- Child’s name, sex and birthdate
- Address of the child at the time of referral
- Source of referral
- Date of referral
- Reason for referral
- Decision taken

### **12.2 Master Register**

**The Master Register of all the children receiving sponsorship will include:**

- Name of the child
- Date of birth
- Child’s gender
- Referring Agency
- Preventive/Rehabilitative sponsorship
- Name of the institution admitted earlier (where applicable)
- Date of placement under sponsorship
- Age of child at time of placement
- Name and address of the parent/care Giver
- Relationship with child
- Parental status
- Educational status of child
- Period of placement according to the order of the CWC/JJB/Children’s court
- Child’s health status
- Child’s educational progress
- Number of children receiving sponsorship in the family

- Date and reasons of termination of placement
- Remarks

### **12.3. Annual Register of children under Sponsorship<sup>3</sup>**

- Name of the child
- Date of birth
- Present Age of child
- Child's gender
- Preventive/Rehabilitative sponsorship
- Name of the institution admitted earlier (where applicable)
- Date of placement
- Name and address of the parent/care Giver
- Relationship with child
- Parental status
- Educational status of child
- Period of placement according to the order of the CWC/JJB/Children's Court
- Child's health status
- Child's educational progress
- Number of children receiving sponsorship in the family
- Name of the Social Worker
- Dates of follow-up visits
- Date follow-up submitted to CWC/JJB/Children's court
- Date and reasons of termination of placement
- Remarks

### **12.4 Register of Disbursement of Sponsorship Assistance**

### **12.5 Minutes of Meetings of the SFCAC**

### **12.6. Individual Child File**

- Letter of referral from the referring agency/ source
- Intake Form
- SIR/ ICP as applicable
- Documents of the child and the parent/care giver
- Approval of the SFCAC and order of the CWC/ JJB/ Children's Court as the case may be for placement of the child under sponsorship
- Reports of quarterly, six monthly visits to the child's family
- Recordings of the counselling sessions with the child and the parent/care-giver including the efforts for family strengthening
- Report of the progress of the child.
- Date and reason for termination.

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<sup>3</sup> If the registers are being maintained electronically, the Master Register and Annual Register may be merged.



### **13. Monitoring and Evaluation of Sponsorship**

The State Child Protection Society (SCPS) shall monitor implementation of the Sponsorship Service in each District. The SCPS shall train the staff at DCPU and orient the SFCAC. Further, the SCPS shall undertake a third party evaluation of the Sponsorship service once every three years.

### **14. Termination of Sponsorship**

Termination of sponsorship will be recommended based on the following criteria and through the following procedure:

1. The SFCAC may recommend termination for Preventive sponsorship to the CWC or CWC on its own may pass an order for termination of sponsorship after interacting with the child and the family. In the case of Rehabilitative sponsorship, CWC/JJB/Children's Court as the case may be, shall pass an order for termination of sponsorship after interacting with the child and the family. Termination of Sponsorship will be decided in the following circumstances:

- When the child has achieved the age of 18 years or where assistance has been provided for three years, whichever is earlier.
- When the family's economic position has improved, and it does not need this service for their child/children.
- The child has stopped going to school or special school except in special circumstances of disability or illness of the child which shall be verified by PO-NIC. The child does not have 75% attendance in school.
- Child has been admitted in an institution.
- In case both parents have become incapacitated or unfit to look after the child and the child needs alternative care.
- The family is receiving any assistance equivalent to sponsorship.
- In case the family is misusing the funds.

2. The CWC/JJB/ Children's Court will pass the order for termination of the sponsorship service, and a copy of the same will be shared with the PO - NIC for appropriate action by the SFCAC.

These guidelines of Sponsorship will be reviewed by the State Government from time to time to incorporate learnings from implementation of the sponsorship service and to align with changes in the ICPS; towards improving the effectiveness of the Sponsorship service.

### **List of Forms for the Sponsorship Service included in the JJ Rules of Maharashtra, 2018**

Form 5 : Order for Social Investigation Report for Children in Conflict with Law

Form 6 : Social Investigation Report for Children in Conflict with Law

Form 7 : Individual Care Plan

Form 20 : Undertaking by the Parent or Guardian or 'Fit Person'

Form 21 : Order for Social Investigation Report of Child in Need of Care and Protection

## APPENDIX-C

### Department of Women and Child Development, Government of Maharashtra Policy and Guidelines for the Integrated Programme of Non-Institutional Family-based Services for Child Protection

#### GUIDELINES FOR THE AFTERCARE PROGRAMME

#### Introduction

#### Importance of Aftercare

Aftercare is an important final stage in the continuum of care, as it ensures smooth rehabilitation and reintegration of a child in need of care and protection/conflict with law as she/he steps into adulthood. Preparing the youth leaving care for rehabilitation and social reintegration after they leave the care is an important area to work in India. However, due to inadequate planning and implementation of the aftercare programme, these children are usually among the most socially excluded and vulnerable people in society. The Aftercare Programme is necessary for children in need of care and protection and children in conflict with law who requires further assistance for completion of the process of rehabilitation from institutional care or attainment of self-sufficiency on their release from the child care institutions (CCIs). It is therefore necessary for the State Government to formulate guidelines to establish, manage and maintain the Aftercare Programmes in different districts.

#### International Policy for Aftercare

The United Nations (UN) Guidelines for the Alternative Care of Children (2009) recommend that for providing support for aftercare, “Agencies and facilities should have a clear policy and should carry out agreed procedures relating to the planned and unplanned conclusion of their work with children to ensure appropriate aftercare and/or follow-up. Throughout the period of care, they should systematically aim at preparing children to assume self-reliance and to integrate fully in the community, notably through the acquisition of social and life skills, which are fostered by participation in the life of the local community....The process of transition from care to aftercare should take into consideration children’s gender, age, maturity and particular circumstances and include counselling and support, notably to avoid exploitation. Children leaving care should be encouraged to take part in the planning of aftercare life.”

#### National Mandate for Aftercare

**Juvenile Justice Act :** According to Section 46 of the Juvenile Justice (Care and Protection of Children) Act (2015), “Any child leaving a child care institution on completion of eighteen years of age may be provided with financial support in order to facilitate child’s reintegration into the mainstream of the society in the manner as may be prescribed.”Section 27(1) of the Maharashtra State Juvenile Justice (Care and Protection of Children) Rules (2018) state that “The State Government shall prepare an aftercare programme for children who have to leave Child Care Institutions on attaining eighteen years of age by providing for their education, giving them employable skills and placement as well as providing them places for stay to facilitate their reintegration into the mainstream of society.”

**Integrated Child Protection Scheme :** The functions of the Integrated Child Protection Scheme (ICPS) of 2009 include supporting implementation of family-based non-institutional services that include aftercare by identifying suitable voluntary organisations that will run the Aftercare Programmes. These organisations shall formulate an aftercare programme for these children for a period of three years.

#### Aftercare Homes in Maharashtra

According to the *Economic Survey of Maharashtra* of 2017-18 (p. 203) at present there are six Government and three NGO-managed Aftercare Homes in Maharashtra with a total intake capacity of 600 and 110 respectively. However, the number of beneficiaries in the Government managed Aftercare Homes, appears to be 123, that is about 20% of the intake-capacity. The Government provides grant-in-aid of Rs 1215 per month per resident of these homes for providing residential facilities, food, clothes, education, medical facilities, counselling, vocational guidance, etc.

#### Guidelines for the Aftercare Programme

The Department of Women and Child Development (DWCD), Government of Maharashtra, has prepared these guidelines for running the Aftercare Programme in accordance with the following documents reflecting the national and state mandate:

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

The Maharashtra State Juvenile Justice (Care and Protection of Children) (JJ) Rules, 2018;

The Integrated Child Protection Scheme (ICPS), 2009.

These guidelines for the Aftercare Programme comprise the following sections:

1. Definitions and Types of Aftercare
2. Objectives of Aftercare
3. Eligibility Criteria for Aftercare
4. Structures and Roles for Implementation of Aftercare
5. Funding for Aftercare
6. Selection of Aftercare Organisations
7. Procedure for Implementation of Aftercare
8. Case Management for Aftercare
9. Documentation for Aftercare
10. Monitoring and Evaluation for Aftercare
11. Termination of Aftercare

These Guidelines may be reviewed and revised based on its monitoring and evaluation.

## **1. Definitions and Types of Aftercare**

### **1.1 Definitions of Aftercare**

According to Section 2(5) of the JJ Act (2015), “aftercare” means making provision of support, financial or otherwise, to persons, who have completed the age of eighteen years but have not completed the age of twenty-one years, and have left any institutional care to join the mainstream of the society.

In these guidelines, a child, after he/ she has entered the aftercare programme is referred to as “child” when below the age of 18 years, and on completing 18 years, is referred to as “youth”.

### **1.2 Types of Aftercare**

According to Section 27(7) of the JJ Rules of Maharashtra (2018):

(1) The services provided under the aftercare programme through a group approach may include:

- (1) aftercare home;
- (2) community group housing or group home on a temporary basis for groups of six to eight persons;

(2) Other aftercare support services provided to children discharged from institution on attainment of eighteen years may include:

- 1) provision of stipend during the course of vocational training or scholarships for higher education and support till the person gets employment;
- 2) arrangements for skill training and placement in commercial establishments through coordination with National Skill Development Programme, Indian Institute for Skill Training and other such Central or State Government programmes and corporate, etc.;
- 3) provision of a counsellor to stay in regular contact with such persons to discuss their rehabilitation plans ;
- 4) provision of creative outlets for channelizing their energy and to tide over the crisis periods in their lives;
- 5) arrangement of loans and subsidies for persons in aftercare, aspiring to set up entrepreneurial activities; and
- 6) Encouragement to sustain themselves without State or institutional support.

As far as the housing is concerned, the ICPS emphasises provision of community group housing on a temporary basis for groups of six to eight young persons. The ICPS also gives importance to provision for a peer counsellor to stay in regular contact with these groups to discuss their rehabilitation plans and provide creative outlets for channelizing their energy and to tide over the crisis periods in their lives.

## **2. Objectives of Aftercare**

The objective of the aftercare programme is to prepare children exiting the JJ system to:

1. Sustain themselves during the transition from the protected institutional life of the JJ system to the independent community life;
2. Enable such children smooth transition from childhood to adulthood by participation in the community life;
3. Develop qualifications and skills for apprenticeship/ jobs/ livelihood/ entrepreneurship for socioeconomic self-reliance;
4. Develop life skills for self-esteem, emotional intelligence, communication skills and relationship skills; and
5. Develop day-to-day living skills, and citizenship rights and responsibilities for the youth such as financial literacy, identity documents, etc.
6. Ensure that the youth leaving care is freed of any stigma attached to their association with the juvenile justice system.

## **3. Eligibility Criteria for Aftercare**

According to Section 27(2) of the Maharashtra JJ Rules (2018), "Any child who leaves a Child Care Institution may be provided aftercare till the age of twenty-one years on the order of the Committee or the Board or the Children's Court, as the case may be, as per Form 38 and in exceptional circumstances, for two more years on completing twenty-one years of age ."

On completion of 18 years of age, the child turned into youth leaving care will be restored to their parents/ guardians if possible. Aftercare Homes will be provided only to those youth who are orphans, or do not want to return to the biological family, or are not advisable to return to the biological family when it is not safe for the child due to the family being guilty of incest/sale/ trafficking. However, the non-residential aftercare services for personal, social and vocational guidance should be made available to all the youth exiting the CCIs until they are 21 years of age, based on their Individual Care Plan.

Children in institutions for mentally and physically challenged children, run under the Department of Social Justice/ Welfare should also be eligible for the Aftercare Programme run under the ICPS after due verification and certification by the CWC.

## **4. Structures and Roles for Implementation of Aftercare**

### **4.1 The Maharashtra State Probation and After care association will be Strengthened and given role of Nodal agency to coordinate aftercare services at District Level under the supervision of the DCPU. Its tasks will be :-**

1. Take action for implementation of orders by DCPU aftercare programme.
2. Guide the work of the PO NIC
3. Assist in Monitoring and Evaluation of the implementation of the aftercare programme
4. Implement After care programs/services for children.

The DCPU will be responsible for the implementation and Monitoring of the aftercare programs according to the directions issued by the State Governments/MSCPS from time to time.

The State Government/ MSCPS may be engage the services of NGOs/ Civil Society to implement/ monitor/ evaluate the After care programs.

## **4.2 Protection Officer for Non-Institutional Services**

According to the ICPS, under the supervision of the DCPO, the Protection Officer, Non-Institutional Care (PO-NIC) would ensure effective implementation of the non-institutional components of ICPS including aftercare. The PO-NIC shall carry out the following tasks for aftercare at the district level:

1. Prepare a resource directory for aftercare services available in the district and update it every two to three years.
2. Identify credible voluntary organizations to implement the aftercare programme;
3. Supervise and monitor the implementation of the aftercare programme;
4. Supervise the staff who are allocated the aftercare programme
5. Conduct group workshops for the youth registered for the Aftercare Programmes, in the areas of life skills development and rights education, including financial literacy.
6. Create public awareness about the special needs of the youth leaving care in terms of education, skill training, employment, housing and community-based mental health support.
7. Encourage both the public and the private sectors, to employ youth from different care services, particularly those with special needs.
8. Form a network of the youth who have registered for the Aftercare Programmes and conduct at least one meeting in a year for obtaining their feedback.
9. Maintain the documents of the aftercare programme.
10. Track the children from CCIs to aftercare and from aftercare to mainstream or after their reintegration.

## **4.3 Social Workers for Case Management**

Aftercare requires the case management method at the individual level, for a one-stop or single-window approach, not only to ensure comprehensiveness and integration of services, but also for prevention of duplication of services, cost-efficiency, and continuity of care. It can provide individual-centred services that are tailor-made for each person's needs, preferences, and goals, through the stages of assessment, planning, intervention, monitoring, evaluation, termination and follow up carried out by the same person. The DCPU/NGO will appoint social workers to carry out case management as given in details later in the chapter.

## **5. Selection of Aftercare Organisations**

According to the ICPS, the DCPU shall identify suitable voluntary organizations that will run such Aftercare Programmes. These organizations shall formulate an aftercare programme for these children for a period of three years. Some of the key components may include:

- i) Community group housing on a temporary basis for groups of six to eight young persons.
- ii) Implement capacity building programs to enable the child to have gainful employment.
- iii) Counseling services to sustain themselves without state support and move out of the group home to stay in a place of their own after saving sufficient amount through their earnings.
- iv) Provision for a peer counselor to stay in regular contact with these groups to discuss their rehabilitation plans and provide creative outlets for channelizing their energy and to tide over the crisis periods in their lives;
- v) Facilitate children/ youth availing benefits of various schemes such as scholarships, Education Loans, business/entrepreneurship Loans etc.

## **6. Preparation by CCI for After care**

### **6.1 Preparation of the Child for After care and Individual Aftercare Plan**

According to the JJ Rules of Maharashtra (2018), throughout the period of care, the CCIs should systematically aim at preparing children from the age of 14/15 to assume self-reliance and to integrate fully in the community, notably through the acquisition of education, vocational guidance and training, life skills and child rights education, by participation in the life of the local community.

There is a need to plan an orientation programme for children at the 14 years of age about life after exiting from the CCI. Children may be trained in daily routine and chores such as marketing, cooking, cleanliness, maintenance of living premises, budgeting and money management, independent commuting, etc. through exposure to visits in the community: banks, markets, post office, local hospital, Aftercare Home, etc. Every CCI will be required to incorporate these aspects for children of 14 years and above in their ICP & ensure its implementation.

The JJ Rules further mention that the Caseworker/Child Welfare Officer/Probation Officer prepares an Individual Care Plan (ICP) for each child in the CCI. The ICP shall aim to rehabilitate and reintegrate the child based on his/ her case history, circumstances and individual needs. The ICP is defined by the JJ Rules of Maharashtra (2018) as: "individual care plan" is a comprehensive development plan for a child based on age and gender specific needs and case history of the child, prepared in consultation with the child, in order to restore the child's self-esteem, dignity and self-worth and nurture him into a responsible citizen and accordingly the plan shall address the following, including but not limited to, needs of a child, namely:

- a) health and nutrition needs, including any special needs;
- b) emotional and psychological needs;
- c) educational and training needs;
- d) leisure, creativity and play;
- e) protection from all kinds of abuse, neglect and maltreatment;
- f) restoration and follow up;
- g) social mainstreaming;
- h) life skill training.

Children in institutions for mentally and physically challenged children run under the Department of Social Justice/ Welfare should also undergo such preparation.

## **6.2 Submission of the Individual Aftercare Plan**

According to the JJ Rules (2018), the Probation Officer or the Child Welfare Officer or caseworker or social worker, shall prepare a post-release (aftercare) plan as part of the ICP and submit the same to the JJB or the CWC, two months before the child is due to leave the CCI, recommending aftercare for such child, as per the needs and wishes of the child. It may be prepared with active involvement of the children/ youth leaving care and comprise the services to be provided, keeping the best interest of the young person in mind.

The IAP may include the youth's need for accommodation, and services for personal, social and vocational guidance within a timeframe. The CWC shall on assessment of the IAP rule upon whether the child can be reunited with the parents/guardian or sent to After care home or any other suitable of action based on the Child's informed choice.

It is important that the aftercare services for young adults are provided in the familiar location where they have spent significant number of years and have opportunity to access the contact with the previous CCI which would support them to sustain their transition to the mainstream life, unless the child/youth want a different location.

Children in institutions for mentally and physically challenged children run under the Department of Social Justice/ Welfare should also undergo the same process of preparation of their Individual Aftercare Plan and approved by the CWC.

Before implementation of the order, the youth leaving care should be required to sign on undertaking that they will continue their education and not get married before the legal age.

## **6.3 Documents that Children/ Youth should be given on Exiting the CCI**

Children should be given the following documents on exiting the CCI:

- (a) Reference letter;
- (b) Education-related documents: Mark sheets, School Leaving Certificate, etc.;
- (c) Certificates of any achievement, vocational skills learnt, etc.;
- (d) Health/ Medical case papers;

(e) Aadhar Card, Pan Card, etc. identity documents;

(f) Orphan Certificate if relevant;

(g) Aftercare Plan;

(h) List of personal articles and belongings that were given to the child during his/ her stay in the CCI and that the same have been handed over to him / her;

(i) List of important contacts and welfare services such as the police, hospitals, lawyers, de-addiction services, help lines, shelters and hostels, job placement agencies, etc.

It is very important that when a child in conflict with law is exiting the JJ system, his/her records should be sealed or expunged to help them reintegrate with the society without stigma.

## **7. Case Management for Aftercare**

### **7.1 Tasks by the DCPU Social Workers**

**The DCPU Social Workers may :**

- Make monthly visits to the Aftercare Homes to monitor the implementation of the Individual Aftercare Plan and report to the PO-NIC.
- Some meetings can be held in the DCPU for counselling and review of progress.
- Carry out Quarterly Inspection of the Aftercare Homes and submit to the PO-NIC.
- Evaluate when the case is ready for termination of aftercare placement and report to the PO-NIC.

### **7.2 Tasks by the Aftercare Home Social Workers**

In aftercare, the youth are responsible for organizing their everyday lives. For case management, the Aftercare Homes will appoint social workers to carry out the following tasks:

- Facilitate the youth's transition from institutional care and adjustment in the new accommodation.
- Provide support and individual and group counselling to the youth.
- Provide career guidance and placement services.
- Encourage mentorship by a former beneficiary of the Aftercare Programme.
- Facilitate peer support and peer counselling, creative outlets, etc. for the youth.
- Guide the youth for starting a bank account and obtaining legal documents such as Aadhar Card, Pan Card, Election Card, ration card, etc.
- Provide inter-organisational collaborations to meet the varied health and legal needs of the youth.
- Provide the youth with linkages to governmental and non-governmental agencies/ schemes that could provide support on completion of the aftercare programme.
- Facilitate the youth's vocational training, higher education, apprenticeship, or loans and subsidies for setting up entrepreneurial activities.
- Facilitate their placement in commercial establishments through coordination with the National Skill Development Programme, Indian Institute for Skill Training and other such Central or State Government programmes and corporate, etc.
- The one percent reservation to orphans from the 'open' category by the State Government can be used for education and employment of orphans, on producing the orphan certificate.
- Facilitate training in computer skills and communication in English.
- Encourage creative outlets for channelizing their energy and to tide over the crisis periods in their lives.
- Provide pre-marital counselling and support for youth for getting a marital partner through referral services.
- Prepare the youth for termination of the services and provide follow up support.

## **8. Documentation for Aftercare**

### **8.1 Master Register**

The PO-NIC will maintain the Master Register which will include the following data and progress of youth registered for the Aftercare Programme:

- Youth's name, sex and birthdates
- Address of the youth at the time of referral
- Source of referral
- Date of referral
- Priorities for immediate action
- Languages spoken
- Date of registration
- Date of CWC/JJB/ Children's Court Order
- Name of the Aftercare Home
- Name of the social worker allotted
- Date and reasons of termination of the service
- Remarks

### **8.2 Register of Disbursement of Aftercare Grant**

### **8.3 Individual Youth File**

The Aftercare Organisations receiving the aftercare grant shall maintain confidential Individual Youth Files which may include identity and date wise documents starting with the referral letter and ending with the termination letter, such as the following :

- Photograph of the youth
- Birth certificate
- Aadhar card number of the youth
- Referral letter
- Individual Care Plan
- Youth's medical report
- Youth's disability certificate
- Youth's educational status and name and address of the school/ college
- If youth is working, youth's work status, name and address of the employer
- Youth's bank account details
- Youth's family information (information about the youth's parents and siblings)
- Youth's household information (with whom the youth is currently staying)
- Family's ration and BPL cards
- The CWC/ JJB/ Children's Court Order
- Youth's Undertaking
- Quarterly and annual reports
- Date and reason for termination of the service
- Termination Order



## **8.4 Confidentiality of Documents**

For maintaining confidentiality of children, the above registers, files and reports should be kept in a secure location, with restricted access, such as a locked filing cabinet or digi-lockers. Children's individual files should be accessible only to the respective social worker and the PO-NIC. A code (that does not identify the child) maybe allocated to each case file and marked on the front of the case file (names should not be recorded on the front of case files). This supports confidentiality and tracking of individual cases. A list which links the case file codes with the children's names should be stored in a different location from where the files are stored.

## **9. Monitoring, Evaluation and Termination for Aftercare**

### **9.1 Indicators for Monitoring and Evaluation**

Following are the monitoring and evaluation indicators for implementation of the youth's Individual Aftercare Plan:

- Participation by child/youth in the decision-making process.
- Youth continues education in a school/ college or undergoes vocational training.
- Youth is provided career guidance and placement services.
- Youth's needs for shelter, nutritious food and personal clothing and other belongings, care, health, recreation and cultural activities, etc. are met.
- Youth is protected from neglect, abuse and commercial exploitation.
- Services received by youth and family through one-stop and one-window.
- Youth is satisfied with the services received.

### **9.2 Monitoring, Evaluation and Termination**

The above indicators will be used for monitoring, evaluation and termination of each case and will be carried out as follows:

- The DCPU will monitor the progress of all children registered for aftercare with the help of the social workers and submit the quarterly and annual reports to the be reported to the CWC.
- The DCPU shall ensure that the master register and quarterly and annual reports are monitored and revise the Individual Aftercare Plan accordingly and request a revised order from the CWC/ JJB/ Children's Court if necessary.
- The DCPU will recommend termination of the Aftercare Programme to the CWC/JJB/ Children's Court when the youth turns 21 or before, in consultation with the youth. In exceptional circumstances, termination may be recommended earlier or be extended for two more years on completing twenty-one years of age, for justifiable reasons.
- The CWC/JJB/ Children's Court will examine the report of the DCPU/PO-NIC and if considers necessary, may meet the youth.
- The CWC/JJB/ Children's Court will pass the order for termination of the aftercare services for a youth, and a copy of the same will be shared with the DCPU for appropriate action.

### **List of Forms for the Aftercare Programme included in the JJ Rules of Maharashtra, 2018**

Form 7: Individual Care Plan

Form 38: Order of Aftercare Placement