



White Paper

**The paradox of diminishing
numbers©**

A study on adoptions in India

April 2016

Mumbai, India

THE PARADOX OF DIMINISHING NUMBERS

A WHITE PAPER ON ADOPTION IN INDIA

Introduction

Adoption stakeholders unanimously agree that the Adoption system in India leaves much desired. Periodically, during the last decade, the Government of India has sought to improve matters - changes in law, process and practice, implementation directives and organizational re-structuring have attempted to create an environment that complements the 'Best Interests of the Child'. Recently (August 2015), the Guidelines were revised for the 3rd time, with relaxations in norms and improvements in procedure. Given that backdrop, there is little to explain the continuing problems particularly, the low numbers of adoptions. Never ever, except for the years 2010-12 have the number of adoptions during a year exceeded 5000.

The new Adoption Guidelines have set an expectation for larger numbers. The Hon. Minister for Women and Child Welfare, has in that context, set for herself an encouraging target of 15000 adoptions/year. Such ambitious intentions, though well-meant however, can hardly be expected to yield results unless matched by execution initiatives on the ground. In terms of implementation and execution, unfortunately, except for a stern warning from the Minister and implementation-directives by her Ministry, there is little visible action on the ground. Expecting summons and threats to trigger dynamic change seems like an underestimation and attempt to over simplify the issue; much more than that is required.

This Whitepaper serves to give an overall explanation of the adoption blue-print, inquiring into some of the impediments that could perhaps, explain the negative picture. While addressing some related issues, our paper focuses on the core problem of dwindling numbers- the inadequate flow of children into the adoption stream. It also, seeks to explain the critical elements of existing practice as well as proposes a solution to the problem- specific steps that both the Government and stakeholders associated with child adoptions, could take jointly or severally, in seeking a satisfactory conclusion.

The research relies to a large extent, on primary data and our field experience gained over a decade of work at the grassroots- with children, the institutes that care for them and the government machinery that is involved in the process. Some of the observations/ conclusions are in addition, based on personal interviews with representatives of Child Care Institutes (CCI)/ Adoption Agencies (SAA), District officials, CWC members and other stakeholders. We have also, relied on secondary data that are public documents. Particular mention must be made to the study "Child Welfare Committees in India -A comprehensive analysis aimed at strengthening the Juvenile Justice System for children in need of care and protection - on behalf of the National Commission for Protection of Child Rights (NCPCR) 2013. The Report extensively analyses the issues that relate to the functioning

of the CWCs. Their findings and recommended solutions are similar and have been used to reinforce some of our own.

The Problem of Inadequate Numbers

The table below indicates the number of adoptions across CARA-registered agencies. From 2001-2009 the figures have remained at an average of 3000 adoptions/ year with 2008 and 2009 showing a sharp decline and 2010 and 2011 showing a spurt in numbers. 2012-15 again records a decline. The increase in numbers in 2010-12 is perhaps, explained by the inclusion of several state level agencies, (which were already placing children within the state), as a part of the CARA network.

Number of adoptions in India (across CARA-registered agencies)

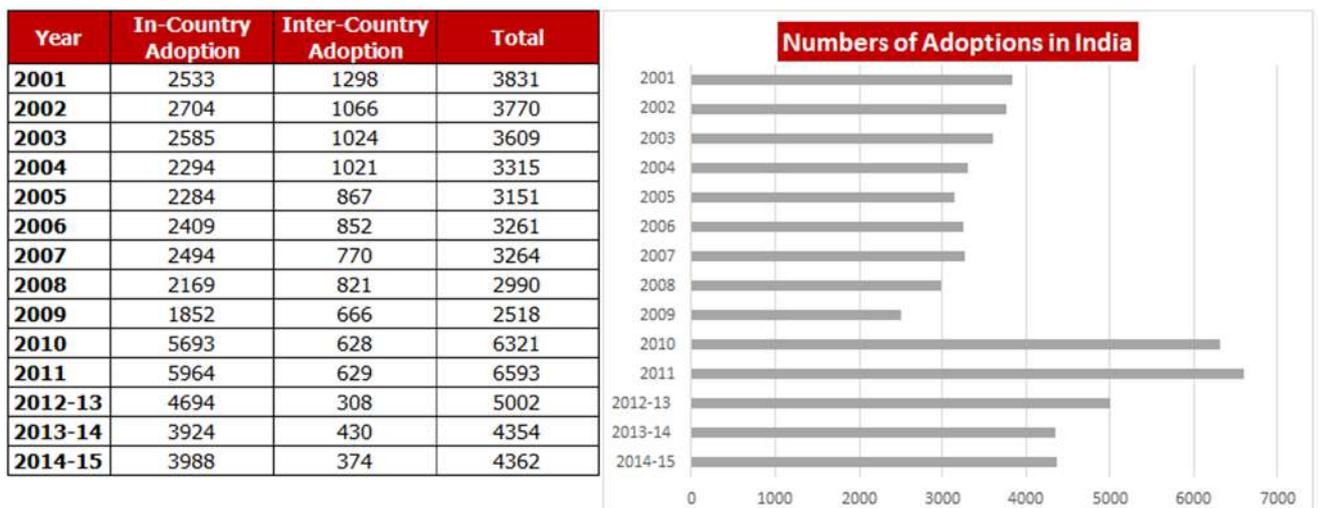


Table-1 Source: Adoption Statistics-CARA

Adoption stakeholders agree that the inflow of children into the adoption stream is inadequate; while we have a significant number of children in Child Care Institutions, a very large number of orphans do not reach the adoption stream at all. We have attempted to look at some of the likely reasons that can explain the position.

Adoption Agencies (AA's) in rural areas

When we started work in adoption way back in 2005-06, our organization came face to face with the reality that city- AAs had lists of waiting parents. The waiting time averaged from a year to two or three years. Our hypothesis was that there are children languishing in rural AAs. We looked for them and indeed we found them! Latur District in Maharashtra, had 137 adoptable children across 10 agencies. Twelve of those children were in the 3-6 years age group. Due to the preference of Indian parents to adopt younger children, They had been left out by Indian parents and could not be placed internationally because the respective agencies were not authorized to place children abroad.

With the active participation of the WCD, Maharashtra, the older children were transferred into Recognized Indian Placement Agency (RIPAs) to be placed internationally. All the remaining children were soon adopted with our facilitation. We also worked on building capability of the Adoption agencies.

CSA has worked with AAs to build and maintain infrastructure, worked on clean water, sanitation. Capacity building of Child care and Social workers, training and capacity building on putting systems in place like proper documentation and procedures

With these inputs, there have been a significant change in the conditions of adoption agencies, and numbers of adoption have gone up.

Our -success story in rural Maharashtra took us to the rural agencies in Odisha and Madhya Pradesh. There too, we found children out of adoption stream languishing in each of the adoption agencies that we worked with. Again, with capability building of the agencies along with referral of parents, the cycle of adoption started.

What is interesting is that once the cycle of adoption starts in an adoption agency, it continues and even gathers momentum. Thus across the agencies that we worked with, the number of adoptions per year increased manifold. This is because once an agency becomes viable and starts to place children, it get known in the local community and children are brought to the agency by stakeholders like police, Anganwadi workers, local NGO's etc. Thus a virtuous and self-sustaining cycle starts and leads to growing adoption numbers.

It is safe to say that, the situation is not much different in rest of the country, since the patterns of gap in number of adoptions and children in institutions, are similar. We thus would like to suggest that capability building initiatives should be started for agencies in rural areas. This includes review and improvement of their infrastructure, as well as soft areas like training for child care and social workers. The agencies may require computers, or proper connectivity or training on use of CARINGS. These bottlenecks need to be removed so that children can be made available for adoption quickly and also placed faster.

What we are trying to achieve here, is something that cannot be achieved in isolation, it would take the whole system, all stakeholders and nothing less to work together and work actively. In this very slow bureaucratic process we are losing out on the age limit that is mostly desirable for adoptive parents, and the probability of a child finding a home drops each passing year. Thus, It is crucial to sensitize local stakeholders – police, judiciary, NGO's, CWC's, doctors, Anganwadi workers etc about adoption process to be followed for orphans or children at risk. The need for sensitization is discussed further in this paper in a later section.

Children eligible for adoption in Child Care Institutes (CCI's)

In the process of our work with CCIs, we came face to face with another shocking reality. Working with an orphanage in Odisha, we found first, that the orphanage was not registered-neither as an NGO nor under the State. Second, that there were a handful of children who were orphans below the age of 6 years and were without any parental contact and should have been in adoption stream.

Third, that the orphanage had in fact, 'placed' a couple of children with parents after having obtained an affidavit on stamped paper duly authorized by the District Collector.

The irony of the situation is, the District authorities believed that there was nothing wrong with the process! The newly recruited CWC was altogether unaware both, of the existing practice and of the correct procedure.

We embarked on an exercise to transfer the children from orphanages to adoption agency and it proved to be a harrowing task. Consistent persuasion of the Orphanage owner, a near-by adoption agency, the District authorities including the CWC coupled with education through workshops finally resulted in the children being moved and subsequently adopted. The practice should have been institutionalized-as a Standard Operating Process (SOP) but did not. The concerned officials were transferred sometime thereafter and the process forgotten. More recently, we once again, repeated the exercise to move and place another 8 such children from the same orphanage.

The difference this time was that the stakeholders (the orphanage, adoption agency, CWC and District Officials), were a little more informed than before. However, the experience was just as tormenting!

The aforesaid narration is a case study that sums up the reality of the situation. Based on our research, adoption patterns and data available, we are inclined to believe that what is true of the particular orphanage/district is equally true of other orphanages across the state-even the country. Adoptable children do exist in orphanages. However, the lack of knowledge coupled with lack of effort prevents the emergence of a practice that prioritizes adoption over institutional care.

Based on the experience with adoptable children in orphanages, we conducted a need based study of orphanages and get a status of parental contact or lack thereof. Focusing on the states of Odisha, Goa and MP, we selected a sample of 63 CCIs across 5 districts in 3 states supporting a child-population of 2341 children; 54% of the children are boys and 46% girls. 3% are under the age of 6 years and 23% between the age of 6 and 10 years. Thus close to 30% are under the age of 10 years.

CHILD DATA COLLECTED									
STATE	GENDER			AGE GROUP (in years)					
	BOYS	GIRLS	Total	< 6	6 - 10	10 - 14	14 - 18	18 >	Total
Odisha, Goa & Madhya Pradesh	1273	1068	2341	68	534	1046	583	110	2341
	54%	46%	100%	3%	23%	45%	25%	5%	100%

In this population we tried to identify children who had no parental contact for prolonged periods. A qualified Social Worker did a detailed study through interviews with the Institute authorities, checking their records and, with each individual child. It also included a preliminary search for the parent/relative or any other contact at the address as per the official records. The results of the study are summarized below:

PARENTAL CONTACT STATUS									
STATUS of the child	GENDER			AGE GROUP (in years)					
	BOYS	GIRLS	Total	< 6	6 - 10	10 - 14	14 - 18	18 >	Total
With Parental Contact	1060	758	1818	33	420	835	449	81	1818
Without Parental Contact	104	174	278	13	63	106	78	18	278
Needs Social Investigation	109	136	245	22	51	105	56	11	245
Total	1273	1068	2341	68	534	1046	583	110	2341

The data indicates that 78% of the children have parental/family contact. This means that the children have someone in their family and they are in the CCI to receive better care, protection, nutrition, education and livelihood /rehabilitation outcomes. The extent to which these objectives are achieved is another topic for study and review.

The data shows that 12% are without any parental contact. They were either found abandoned or left by someone and there has been no contact with the family after that. This is 278 children and 76 of those children are below the age of 10 years. These children are clear cases of potential adoptees. These children should be with families rather than being brought up in an institution.

The study also showed another 10% (245 children) where parental contact is irregular or data is incomplete in the case files in selected 63 CCIs.. What we should note is that 73 of these children are below the age of 10 years. Even if half of them are eligible for adoption, we would have changed the life of another 36 children.

To summarize the study, 22% of the children are with no parental contact or irregular parental contact. Of these, 35 children, 1.5% of the total orphanage population are below the age of 6 and another 114, i.e. 4.8% are in the age group of 6-10 years. This means that 6.3% of children could potentially be in the adoption stream! Of these about half (3.2%) have no parental contact and the remaining half would need a careful investigation and decisions made in the "Best interest of the Child. We are convinced that between 2% and 3% of the children in orphanages at a minimum should be and can be put in the adoption stream.

Why are children in orphanages and not in adoption stream? This is because if a child enters an orphanage (and not an adoption agency), then the child is probably never going to be even considered for adoption. It is of critical importance that Orphanages and adoption agencies should work closely to bridge this gap. On the contrast Orphanages and adoption agencies are two "silo's" and most orphanages are not licensed for adoption and do not have the adoption mindset. There is also no methodical review by the Child Welfare Committees of the children under their care to identify children eligible for adoption. The net result is that children languish in orphanages instead of being with loving families! This is a tragedy for these children and in contravention of the UN and stated Government policy of considering adoption as a preferred means of rehabilitation.

To declare a child free for adoption or otherwise, a process needs to be followed. The child data study needs to be investigated further case by case. Where required police investigation/ advertisements / visits to last known addresses etc. can be done to establish the parents of the child and contact with family members. The CWC can then decide on a case to case basis and declare child free for adoption where it would be in the Best interest of the Child. The child can then either be shifted to an adoption agency or registered with an adoption agency even while living in the CCI. The child should then be listed on the CARA Central data base and efforts made to find adoptive parents.

We do recognize that many of these children would be in the age group of above 3 years and most Indian parents prefer younger children. However, we believe that this scenario is changing even in India and more and more adoptions for older children will happen within the country. However, in the meanwhile, there are many takers among NRI's and foreigners for older children. We also believe that in most Western countries there are good supervision by the Social Welfare departments as well as facilities to handle children with learning and physical disabilities. Thus, in balance, inter-country adoption offers a brighter future for these children and should be made available to all eligible children.

There are approximately 500,000 children living in Child Care Institutions in the country. The child data when extrapolated to CCI's across the country would suggest that 10,000 children (approx. 2%) below the age of 10 could potentially be moved into adoption stream. This number would increase if we take into account older children, beyond the age of 10 years.

It is important to note that all data available in the public domain relates to state-recognized CCIs. There are many more that are not registered with the State. Those Institutions house thousands of children. A case in point is a study conducted in the state of Odisha (A Resource Book on Childcare Institutions published by Basundhara, Odisha). In a survey done across 15 districts, the researchers have identified 161 unrecognized institutions with 9633 children. Surely, a large component of this phenomenal number contains a sizeable child-population of those who can and should be in adoption. If we include the unregistered orphanages run by NGO's, individuals and local religious bodies that remain outside the jurisdiction of the Government, the number of children made available for adoption stream could double.

There is thus an urgent need to first, list all institutions that house orphaned children. This must be followed through with a head-count of all children and an identification of those that are potential adoptees because they have no parental contact. Then by applying the principle of "Best interest of the Child", Child Welfare Committee (CWC) should move all eligible children into the Adoption stream on an urgent basis.

Further, Inter-NGO-CWC coordination must be initiated as a standard process so that even in future, irrespective of where the children are kept, an evaluation is done to see if the child is eligible for adoption and if so moved into adoption stream. In addition, orphanages should be encouraged to obtain licenses for adoption.

Children outside the "system"

When we look at 25 million orphans and destitute children and only an estimated 500,000 children in Child Care Institutions (less than 2%), it is clear that there are many, many children who are in need of care and protection, but are "outside the system". Only a small fraction of orphaned children reach an Adoption Agency or a child care institution. Sometimes this is due to the absence of an adoption agency or a CWC in that location. More often, it is due to a lack of awareness amongst doctors, police, Anganwadi workers and other people who come across children in need of care and protection. Similarly NGO's working with street children, beggars, child labor, differently-abled children, children of commercial sex workers, etc should be made aware of the possibilities that adoption offers. They may not aware of the adoption processes and the reasons why it is a preferred mode of child rehabilitation.

Awareness campaigns covering District functionaries and all other stakeholders must be conducted. These awareness campaigns must be both deep and wide and must be sustained to bring about an attitudinal and mind set change. We believe that such improving the awareness could increase the

number of children that are brought into adoption stream by at least a factor of 10 in the next few years. The children that do not need adoptive families can be brought up in well run Child care institutions. Together, adoptions and Child care institutions can form a good safety net for children in need of protection and care.

More Adoption agencies need to be set-up in rural areas. There are a total of 392 adoption agencies listed on the CARA web-site that are licensed to do adoptions. Of these many of them are in the metros and state capitals/large cities. We believe that it is important to have a place locally available where young children can be brought to be given into adoption. Every district should have at least one adoption agency and ideally two or three. Thus, having 682 districts in India we should at least have 700-800 adoption agencies in the country – a doubling from the 392 that we have today.

The gap in adoption agencies could be met by encouraging orphanages and child care institutions to register as adoption agencies as well. Right now the orphanages and adoption agencies are treated as two silos and the registration/recognition process is different. It is very important (see next section) that eligible children in orphanages enter the adoption stream and thus one way to achieve both objectives is to recognize more orphanages as Adoption Agencies.

Illegal adoption is a common phenomenon where children are placed directly through private individuals/agencies/hospitals. While some of it is attributable to unethical practices, more often, such instances occur due to lack of knowledge about the legalized process. In our view, having Adoption agencies in every district, awareness and sensitization programs will bring down the number of illegal adoptions significantly.

Child Welfare Committee

This segment of the paper is based on our interaction with CWCs whom we have worked with, as a part of our work across 4 states, 16 districts and 63 CCI/AAs. In this White Paper it is also restricted to their role vis-à-vis adoption and does not cover to the wider function of child protection.

Time and again, we have come across situations that suggest lack of knowledge, absence of awareness about role and responsibility, skewed preferences and mis-interpretations and above all, lack of sensitivity towards the issue one deals with.

We have found resonance of our observations in the NCPCR 2013, as well. The Report states:

'Child Welfare Committees (CWCs) have been designated by law as the final district-level authorities for the care, protection, treatment, development and rehabilitation of Children in Need of Care and Protection (CNCP). They have the sole authority to deal with matters concerning CNCP and are bestowed with the powers of a first class judicial magistrate. This is an immense responsibility impacting the lives and future of many children. However, the smooth functioning of CWCs has remained a significant challenge across most parts of the country, despite its constitution nearly a decade ago. It is therefore vital to focus on ways in which the CWCs can be strengthened to perform their responsibilities with greater efficiency.'

Lack of Pro-active Participation

One of the key responsibilities of the CWC is to conduct periodic inspection of institutes under their jurisdiction. A necessary outcome of this responsibility would be that children should reach the appropriate rehabilitation destination. In other words, if a child needs restoration back to the family, the CWC must ensure so. Likewise a child eligible for adoption must reach adoption, institutionalized care being the last option.

The data presented in Tables 2 and 3 above, indicating the availability of adoptable children in CCIs brings into focus the inadequacy of the CWC as a service-delivery medium. How do children eligible for adoption reach and remain in a CCI instead of an AA where they actually should be? And why do so many children who have entered CCIs continue to remain there despite their movement being possible and the CWC having the authority?

CWCs rarely take pro-active measures towards optimizing rehabilitation outcomes. Most often, they are concerned with the 'disposal' of only those cases that are brought before them. Further, many cases referred to CWCs are from areas in and around their location. Particularly where the area under the jurisdiction of a CWC is wide or, where a CWC is in charge of multiple districts, cases from far-away areas are rarely produced before CWCs.

Poor Capability Standards

CWCs are often handicapped by their lack of legal, regulatory or procedural knowledge. Many are not even clear about their role, authority and responsibility and are known to have sought training assistance. In case of ambiguity in the law or regulation, there is no fallback for seeking clarification. This accounts for varied interpretations of the same law/rule by different individuals.

Capability building opportunities available to CWCs is rather poor. The only available formal training is the CWC Orientation program that is offered at the NIPPCD centres. Informal discussions with some NIPCCD Officials suggest that even those programs are not well attended. Only in very few cases do the CWC Chairpersons attend the program. Invariably it is the junior members of the Committee that are deputed to such programs.

The NIPPCD Orientation program covers adoption very briefly. Workshops that are forums for exchange of experiences and sharing of ideas, are hardly held.

Lack of Accountability

Most importantly, CWCs seem to be accountable to no one. Enormous confusion exists about the status of the CWC in the organizational hierarchy. Many believe that they are autonomous self-sufficient bodies that need no supervision and can function as per the existing law. Though constituted by the WCD, it appears that the WCD has little control over them. On the other hand, equipped with the knowledge that they have the status of an Executive Magistrates, they often emerge as power centres.

A complaint mechanism to deal with complaints against CWCs members does not exist.

The NCPCR had referred to the structure of the CWC and their accountability. We agree with this view.

The judicial Committee proposed by the Supreme Court in its order dated 18/04/2011. ... Since the decisions of the CWC are judicial in nature, it is strongly recommended that CWCs too, like the JJBs be brought under the purview of the High Court'.

Recent Changes

Older Children

The recent CARA Guidelines have introduced significant changes in some of the conditions governing Adoption. First the age for a child to be placed in adoption has been revised from 6 years to 18 years. Secondly, all SAAs are now allowed to place children internationally. Earlier licenses to carry out inter-country adoption, was selective given to credible SAAs that were called RIPAs.

We welcome the above changes because they can dynamically alter the adoption scenario, particularly for older children. If the actions suggested earlier for identifying eligible older children in orphanages and moving them into adoption stream are taken up, the adoption numbers will go up very significantly. In our estimate, the number of older children (above 3 years) who could enter the adoption stream are between 10,000+ every year.

Thus it is important to find parents for this group of children as well as ensure adequate support system for the adoptive parents. Indian families generally prefer younger children-those in the 0-3 years' age-group. This scenario is changing, but in the short term, older children will have limited takers among Indian parents. It is thus likely that many of the older children will find adoption placements abroad.

Intercountry adoptions have challenges for children growing up in cultural milieu that is very different, loss of identity etc. However, in some countries (e.g. USA and Western Europe) there is a good process in place to monitor adoption cases and provide a safety net to children having adjustment problems. There is counseling available for both children and parents. In other countries, such processes are weak. Care should be taken that adoption of older children is done only to those countries where adequate child protection and care mechanisms exist in practice.

In the longer term, Adoptive Parents in India should have a support system in place for them to handle post-adoption issues. Counseling resources and Parent Support Groups are very much required to help both children and parents adjust better and this in turn will enable more adoptions of local children within the country.

Foster Care

It is quite likely that many of the older children particularly those above the age of 10 years will remain un-adopted despite being eligible for adoption. Foster Care Guidelines have recently been introduced and is meant to be a panacea for older children. It is likely that the program will be rolled out soon at the State/District.

India have a large population of child labor, and domestic help seems like a very mild form of that, (however its as exploitative and violating of child rights as any other form of labor) It cannot be ruled out that unless strict vigil is maintained, some of the older children will end up as domestic help. Further, child sexual abuse is not alien to our society. Several studies of child abuse have established that sexual abuse is more rampant within the family environment-the culprit often being a trusted relative.

Thus, while foster parenting is a good idea, if implemented without adequate safeguards, we could be putting the children at risk of abuse. Thus, It is far better that a child grows up in a good Child Care Institution than in circumstances that expose the child to risk. In fact we are of the view that strengthening the Child Care Institutions and making them deliver good outcomes in terms of child care, development and rehabilitation is a practical and doable solution for older children who are not eligible for adoption.

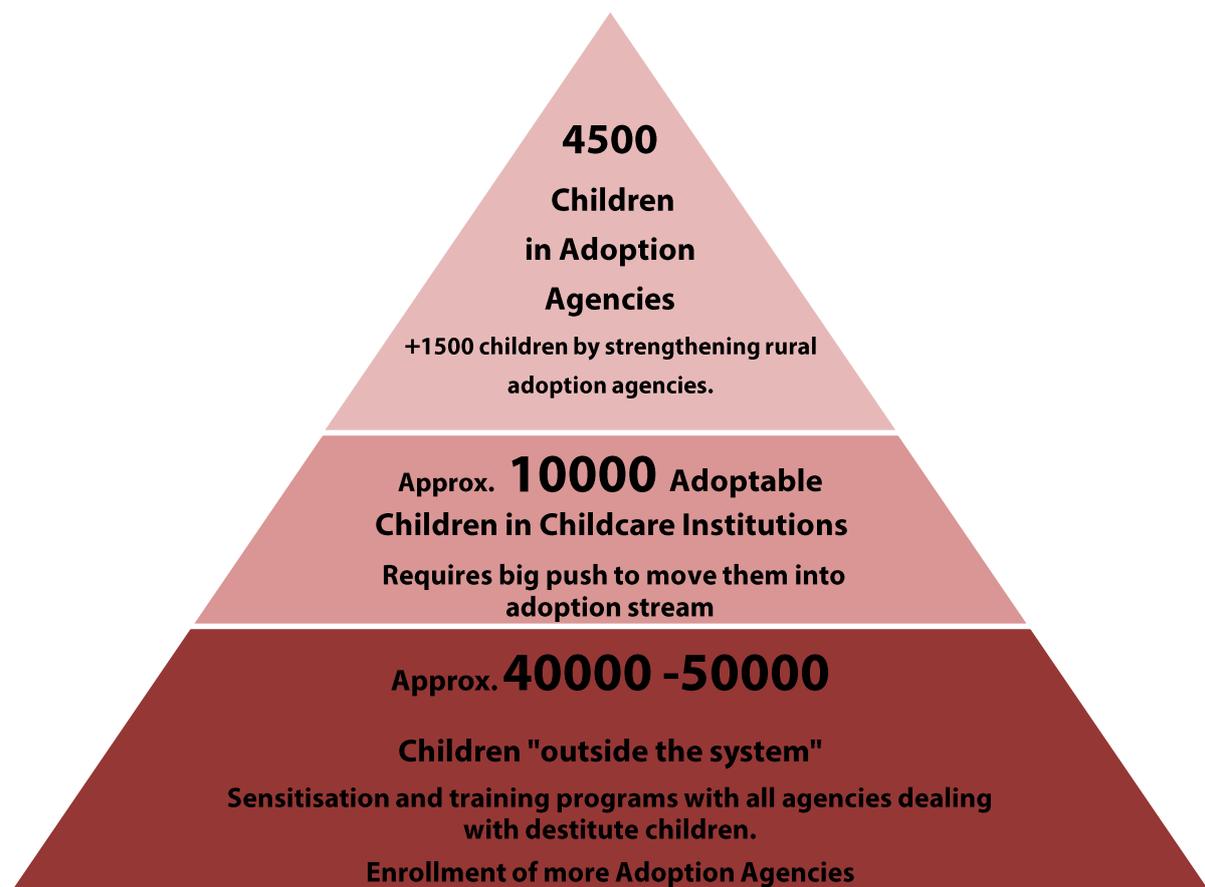
Conclusions and recommendations

To summarize the discussion, the Adoption scenario in the country is much like the “Tip of the iceberg”. The current adoption numbers are approx. 4500 per annum. In a country with 25 million orphaned children, adoption numbers should be much higher – by a factor of 10 – 40,000 to 50,000 adoptions every year in our considered opinion.

It is useful to consider strategies for children “in the system” and children “outside the system”. In the system are children either languishing in rural adoption agencies or child care institutions.

Improving the functioning rural adoption agencies could increase current number of 20-30% and the results could be quite fast (1-2 years). This could add 1500 children per annum.

The next opportunity is with children in orphanages – both registered and unregistered. The field data shows that at least 10,000 children can be made free from adoption from this population. Even after the “backlog” is cleared, we believe that at least 5000 adoptable children can be entering the adoption process from orphanages every year. If the action of identifying children is taken up on an urgent basis, this could yield results in the short term (1-2 years).



The base of the pyramid is the children “outside the system”. There must be systematic awareness and training campaigns for not only police, CWC, Healthcare workers, Doctors, Anganwadi workers but also other NGO’s working with destitute children child trafficking, child labor, beggars, children of sex workers etc. Along with the training and awareness programs, it is important to enlist/register

more adoption agencies to ensure coverage of all districts. These measures can add 40,000-50,000 to the adoption numbers.

At the same time, we should be able to provide good protection and care to children in Child care institutions. We should thus simultaneously look at enhancing care standards and rehabilitation outcomes at Child care institutions so that we are providing all orphaned children a bright future.

The following actions need to be implemented in a phased manner;

1. Physical head-count and listing on CARINGS, of all children in rural adoption agencies. (Immediate)
2. Training on CARINGS and new processes and documentation needs for rural agencies (Immediate)
3. Registration of new Adoption agencies so that every district is covered (midterm)
4. Listing and head-count of all children in Child care institutes to identify orphans and children without parental care. An initiative of moving them into adoption wherever possible. (short / mid-term).
5. State-wise survey to identify all those homes that are 'unauthorised' but have children and bring them within the ambit of the state-government machinery (mid-term).
6. Evaluation of status of children in homes run by religious bodies (Yateem khanas, church-run orphanages and Ashrams.(mid- term)
7. Adoption Awareness programmes across all districts for multiple stakeholders, in each state (Immediate).
8. Extensive focus on Child Welfare Committees to address,
 - a. Orientation and Training Programmes both locally and through NPCCID (Immediate).
 - b. Standard Operating Procedures (in regional languages) (short-term)
 - c. Standardised record maintenance Mechanism and training on their usage (short-term)
 - d. Organizational hierarchy and reporting mechanism (Management Information System) including interface with CARINGS (short-term)
 - e. Fallback mechanism in case of need for clarity, interpretations, etc.(mid-term)
 - f. Constitution of a competent monitoring body that has the necessary expertise and authority to oversee the CWC (Implementation as recommended in the NCAER Report (long term).
9. Government-NGO-Corporate tie-ups to initiate some of the programmes (mid-term).
10. Centrally directed multi-stream initiatives with time-bound and clear delivery outcomes.

References

1. "Child Welfare Committees in India - A comprehensive analysis aimed at strengthening the Juvenile Justice System for children in need of care and protection on behalf of: the National Commission for Protection of Child Rights (NCPCR) 2013.
2. Bangalore Oniyavara Seva Coota (BOSCO) Report 2012
3. CARA Website (www.cara.nic.in)