



Summary of Key Provisions of the Model Guidelines on Foster Care, 2024 in Comparison with the 2016 Guidelines

On 26th April, 2024, the Ministry of Women and Child Development, Government of India issued the **Model Guidelines for Foster Care, 2024**, revised in light of the 2021 amendment to the Juvenile Justice (Care and Protection of Children) Act, 2015, and the 2022 amendment of the Juvenile Justice (Care and Protection of Children) Model Rules. The 2024 Foster Care Guidelines have introduced several new provisions in alignment with the amended JJ Act, JJ Model Rules, and Adoption Regulations, 2022, and have simplified many other provisions which were existing in the 2016 Foster Care Guidelines.

This document **concentrates on key provisions of the 2024 Foster Care Guidelines and compares it with the 2016 version**. For ease of reference, the **paragraph number** of the respective Guidelines where particular provisions can be found has been highlighted, since only a shortened version is included in this document.

Please note that the following table does **NOT** contain all provisions of the Guidelines that may have been revised. You are requested to refer to the completed Guidelines for a detailed understanding.

While care has been taken to ensure accuracy of information, there might be some inadvertent errors. If you come across any errors or have any suggestion / feedback, please reach out to satyajeet.mazumdar@csa.org.in or niyati.trivedi@csa.org.in.

Hope you find this document useful.

S. No.	Term / Provision / Procedure	Key Changes / Summary	Model Guidelines For Foster Care, 2016	Model Guidelines For Foster Care, 2024
1	Act, Rules, Regulations	<i>Model Guidelines 2024 refer to the latest amended JJ Act, JJ Model Rules and Adoption Regulations.</i>	<p>Act: Juvenile Justice (Care & Protection of Children) Act 2015;</p> <p>Rules: Juvenile Justice (Care & Protection of Children) Model Rules, 2016;</p> <p>Regulations: Adoption Regulations, 2016;</p>	<p>Act: Juvenile Justice (Care and Protection of Children) Act, 2015 (as amended in 2021);</p> <p>Rules: Juvenile Justice (Care and Protection of Children) Model Rules, 2016 (as amended in 2022);</p> <p>Regulations: Adoption Regulations, 2022;</p>
3	"Children having Unfit Guardian"	<i>New definition introduced in 2024 Guidelines.</i>	Not defined;	Defined as child whose parent or guardian is unable or unwilling for parenting, indulging in substance (drug) abuse, abuse or alcohol , known to have abused or neglected the child , having a criminal record , in need of care themselves, mentally unsound etc; [Para 2(3)]

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4	Eligibility criteria for children	<p><i>Eligibility criteria has been simplified in the 2024 Guidelines to include all children in need of care and protection above six years living in CCIs or living in Community, unlike the 2016 Guidelines which grouped children who are Legally Free for Adoption (LFA) age wise, and suggested Group Foster Care as one of the options for those in CCIs who are not LFA.</i></p> <p><i>Specific mention has been made in the eligibility criteria of the 2024 Guidelines to "children with no visitation", "children having unfit guardian", and "hard to place child".</i></p>	<p>A. Children who are Legally Free for Adoption (LFA)</p> <ul style="list-style-type: none"> - Between the age of 6 to 8 years who do not get a family within a period of two years of being LFA; - Between the age of 8 to 18 years not selected by any Prospective Adoptive Parent within a period of one year of being LFA; - Children with special needs, irrespective of age, who do not get a family within a period of one year of being LFA; <p>[Para 7. A.]</p> <p>B. Children who are in CCI and have not been declared LFA, may be placed in Group Foster Care</p> <ul style="list-style-type: none"> - Between 6-18 years in CCIs may be placed in on the basis of their individual care plan; - If parents are terminally ill and have submitted a request to the CWC or DCPU for taking care of their child; - Children identified by DCPU whose parents are mentally ill, one or both parents are in jail, victims of physical, emotional or sexual abuse, natural /manmade disasters, agrarian distress and domestic violence etc.; <p>[Para 7. C.]</p> <p>C. Children not to be considered for foster care</p> <p>Children in age group of 0 to 6 years who are being considered as LFA, or are LFA shall not as far as possible be considered for placement in foster care;</p> <p>[Para 7]</p>	<p>A. All children in need of care and protection above six years living in CCIs or living in Community [as per Rule 23 (4) JJ Model Rules 2016, amended in 2022] including children under the category 'children with no visitation' and 'children having unfit guardian';</p> <p>B. All children who do not get a family either in in-country adoption or in inter-country adoption and are placed under the category of hard to place or children having special needs as provided in the Adoption Regulations; [Para 4]</p> <p><i>Note: Clause 2(13) of Adoption Regulation, 2022 provides for the procedure for identifying a child as a "Hard to place child";</i></p>

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5	Eligibility criteria for prospective foster parents	<i>The 2024 Guidelines allow any person to foster a child, irrespective of their marital status, as against the 2016 Guidelines which only allowed a married couple to take a child in foster care. It also makes Prospective Adoptive Parents registered for adoption with CARA ineligible for foster care, and also introduces age criteria for married couples and individuals, making them eligible to accept only children within a specific age-bracket in foster care.</i>	<p>A. Requires both the spouses to be Indian citizens, willing to foster the same child, above the age of 35 years, to be in good physical, emotional and mental health. Individuals are excluded from being eligible for foster care;</p> <p>B. Requires family to have sufficient income to meet child's needs, to be medically fit, to have adequate space in the house, to not be convicted of any crime, to have supportive ties with friends and neighbours;</p> <p>C. Requires foster family to be willing to follow rules laid for foster care, and attend orientation programs organised by DCPU;</p> <p>[Para 10.1]</p>	<p>A. Allows "Any person(s), irrespective of their marital status (Single / Unmarried / Widow / Widower / Divorcee / Legally Separated) and whether or not they have biological son or daughter" to foster a child;</p> <p>B. Allows single females to foster a child of any gender; single males are ineligible to foster a girl child;</p> <p>C. Requires a couple to have a stable marital relationship of at least two years;</p> <p>D. Excludes Prospective Adoptive Parents registered for adoption CARINGS from being eligible for foster care;</p> <p>E. Introduces age criteria for married couples and singles will to foster a child: - Age limit for person who is single is specified to be between 35 to 55 for children between 6 to 12, and 35 to 60 between 12 to 18; - Composite age of couple specified as 70 to 110 in case of children aged between 6 to 12 years, and 70 to 115 in case of children aged between 12 to 18;</p> <p>F. Other criteria are similar to 2016 Guidelines;</p> <p>[Para 13]</p>

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6	Identification of Children for Placement in Foster Care	<i>The 2024 Guidelines makes the CWC/DCPU responsible for identifying children from CCIs who are eligible and recommended for foster care, as against the 2016 Guidelines which made the CCI staff responsible. It requires all children identified for foster care, whether from the community or from CCIs, to be registered in the designated portal.</i>	<p>A. For children living in Child Care Institutions, responsibility for identification of children for placement in foster care rests with CCI staff, including:</p> <ol style="list-style-type: none"> 1. Preparation of Individual Care Plan (ICP) and Child Study Report (CSR); [Para 2.1.1, 2.1.2] 2. Recommendation for placement of child in Foster Care on basis of ICP and CSR; 3. Forwarding the list of such identified children in CCIs to the District Child Protection Unit; [Para 2.1.3] <p>B. For children living in the community, the responsibility rests with the District Child Protection Unit (DCPU). Steps include:</p> <ol style="list-style-type: none"> 1. Creating awareness in the community on the foster care programme; 2. Identifying children without parental support and maintaining a list of such children while conducting vulnerability mapping and district need assessment, or on the basis of CSR; [Para 2.2.1] 	<p>A. For children living in CCIs, provides that those eligible and recommended for the placement in foster care shall be identified by CWC/DCPU on the basis of the monthly inspections conducted by them in the CCIs; [Para 14.1]</p> <p>B. For children living in the community, provides that those living in community who are children in need of care and protection may be considered for placement in foster care based on Child Study Report in Form 31 prepared by DCPU; [Para 14.2]</p> <p>C. Identification by DCPU is to be on the basis of the Social Investigation Report (SIR) in Form 22, Individual Care Plan (ICP) in Form 7, Child Study Report (CSR) in Form 31 and consent of the child; [Para 14.3]</p> <p>D. All children identified from CCIs and from the community shall be registered in designated portal; [Para 14]</p> <p>E. DCPU to submit to CWC:</p> <ul style="list-style-type: none"> - SIR and ICP of children eligible for foster care residing in CCIs; - CSR and ICP of children eligible for foster care who are living in community; [Para 16.5]

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7	Identification / Registration of Foster Parents	<i>Both Guidelines have similar provisions. The 2024 Guidelines provides for an online process for registration of prospective foster parents (PFP), as against 2016 Guidelines which required PFPs to apply in prescribed format.</i>	<p>Steps for identification include:</p> <p>A. Periodic advertisement in local newspapers by DCPU calling for applications for family foster care in prescribed format (Annexure A of Guidelines); [Para 2.1.4.i.]</p> <p>B. Shortlisting of applications by DCPU, followed by interview for assessment, and assessment report in prescribed format (Annexure B of Guidelines). [Para 2.1.4.ii.] Assessment to include thorough check of the family's economic status to ensure that they are able to meet the needs of the child and are not dependent on the foster care maintenance payment for the child; [Para 2.1.4.iv]</p> <p>C. DCPU to verify two references from individuals of good standing from the community that are provided by the foster family; [Para 2.1.4.iii]</p>	<p>Steps for identification include:</p> <p>A. Registration on designated portal by prospective foster parents (PFP) willing to foster care a child, by uploading required documents as provided in Schedule-I of the Guidelines; [Para 15]</p> <p>B. Verification of application by DCPU, followed by Home Study Report for prospective foster parents in Form 30 considering social, economic and educational background of the family, and upload the same on designated portal; [Para 16 (1)(2)(3)]</p>

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8	Matching	<i>Both Guidelines have similar provisions with respect to the process of matching, with minor changes introduced in the 2024 Guidelines. The 2024 Guidelines provides for PFPs to be able to access information of children through the designated online portal, and to 'reserve' such children.</i>	<p>A. DCPU to maintain a roster/panel of prospective foster families with details. The list is to be forwarded to the CWC for placement of children in foster care; [Para 2.1.4.v]</p> <p>B. The DCPU shall initiate preparation of the child for placement in foster care and initiate the matching process for foster parent and foster child and prepare report for the same. These reports are to be submitted with a written covering letter for the match to the CWC; [Para 2.1.4.vi]</p> <p>C. On receipt of list of prospective foster families, the CWC shall ask the DCPU to conduct home study as per Form 30 of the JJ Rules, 2016; [Para 2.1.5]</p> <p>D. DCPU to recommend to CWC the placement of child with prospective foster family based on HSR of foster family, CSR and matching report; [Para 2.1.6]</p>	<p>A. After verification, PFPs to be able to access online the information of children available from "immediate placement" and "special needs" category, and can 'reserve' such children; [Para 16 (4)]</p> <p>B. DCPU to recommend the suitability of PFP as well as the selected child/ children to CWC; [Para 16 (6)]</p>

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9	Interim Order	<i>2024 Guidelines has done away with the provision of interim order which was included in the 2016 Guidelines, which allowed the child and the foster family to have restricted interaction in the presence of a social worker for a period of one month.</i>	<p>A. After matching, CWC, through an interim order, to allow the child and the foster family to have restricted interaction in the presence of social worker for a period of one month, including short / long outing, followed by child's visit to the foster family's home; [Para 2.1.9.A.i]</p> <p>B. Compatibility of the child with foster family to be evaluated by DCPU, and report to be submitted to CWC within 15 days, including whether financial support is needed by family; [Para 2.1.9.A.ii]</p>	No equivalent provision
10	Final Order	<i>Provisions regarding Final Order are similar in both versions of the Guidelines. The 2024 Guidelines adds provision allowing any person aggrieved by a foster care order made by the CWC to appeal to the District Magistrate.</i>	<p>A. After review of the compatibility report submitted by DCPU, the CWC to make a final order in Form 32 of JJ Rules for placement of child in family foster care or in group foster; [Para 2.1.10.i]</p> <p>B. The order is to be passed within 60 days of interim order where no financial assistance is required, or within 75 days where financial assistance is required; [Para 2.1.10.ii, iii]</p> <p>C. The foster parent / care givers of the fit facility shall be required to sign an undertaking (Form 33 of JJ Rules) for foster-care of the child; [Para 2.1.11]</p>	<p>A. Before finalising placement, PFP required to submit an undertaking (Form 33 of JJ Rules); [Para 16 (7)]</p> <p>B. CWC to pass final order of placement of child with foster parents in Form 32 of JJ Rules; [Para 16 (8)]</p> <p>C. Any person aggrieved by order made by the Committee may appeal to the District Magistrate as per Section 101 of JJ Act 2015 (as amended in 2021); [Para 16 (8)]</p>

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11	Suo Motu Care	<i>The 2016 Guidelines includes a provision on suo motu care which allows foster families / foster care givers to apply to the CWC if they wish to take care of a child in need of urgent care. This provision has been done away with in the 2024 Guidelines.</i>	Where foster families or the foster care givers of the fit facility wish to suo motu take care of a child in situations where the child is in urgent need of care , they may file an application before the Child Welfare Committee. The Child Welfare Committee after due diligence and as per prescribed procedures may approve the placement of the child in their care - family or Group Foster care in a fit facility within 60 days. [Para 2.2.3]	No equivalent provision

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12	Financial Support	<p><i>Provisions regarding the process of availing financial support are largely similar in both versions of the Guidelines, with the 2024 Guidelines introducing minor changes in the process.</i></p> <p><i>The 2024 Guidelines requires foster parents to apply for financial assistance through the SFCAC, and provides for support as stipulated in Mission Vatsalya. It empowers the District Magistrate (who is also the ex-officio Chairperson of the SFCAC) to sanction the release of the amount.</i></p> <p><i>The 2024 Guidelines also encourages the government to give additional grants to the SCPS under Sponsorship and Foster Care Fund, and to engage Panchayati Raj Institutions (PRIs) and Urban Local Bodies(ULBs) to proactively identify children who need protection.</i></p>	<p>A. Provides for financial support to foster parents or fit facility in case of group foster care, including support for higher studies. [Para 2.1.4.iv]. The financial support should not be less than Rs. 2000 per month per child, including for children in group foster care; [Para 2.4]</p> <p>B. Evaluation regarding need for financial support is to be carried out by the DCPU, and report regarding the same is to be submitted to CWC within 15 days of interim order. If financial support is required, DCPU to initiate; [Para 2.1.9.A.ii]</p> <p>C. The financial support shall be directly transferred from the DCPU's bank account to the Post Office/bank account in the name of the child to be jointly operated by the child and one of the foster parent, at the beginning of every quarter; [Para 2.3]</p> <p>D. The joint bank account is to be transferred into the child's name at the time of termination of foster care; [Para 3.5.iv]</p> <p>E. Empowers the Sponsorship and Foster Care Approval Committee (SFCAC) to review and sanction sponsorship and foster care fund; [Para 2.8]</p>	<p>A. Requires foster parents to apply for financial assistance through Sponsorship & Foster Care Approval Committee (SFCAC), following which the DCPU shall consider necessary assistance and upload the relevant orders on the portal; [Para 16(10)]</p> <p>B. Provides for financial support as stipulated in Mission Vatsalya Scheme, as per eligibility of caregiver;</p> <p>C. Requires opening of bank account within a month of final order by the CWC, and the financial support to be directly transferred to the account;</p> <p>D. Empowers the District Magistrate for sanctioning the release of amount, and provides for monthly credits for the child's account, operated jointly with one of the foster parents.</p> <p>E. Provides for financial assistance to be discontinued if child is institutionalised.</p> <p>F. Encourages government to give additional grants to the SCPS under Sponsorship and Foster Care Fund and initiate steps to proactively identify children who need protection with the support of Panchayati Raj Institutions (PRIs) and Urban Local Bodies(ULBs)</p> <p>[Para 8]</p>

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13	Adoption of child in foster care by same foster family	<p><i>While the 2016 Guidelines requires child to have remained with a foster family for a minimum of five years for the family to apply for adoption of the child, the 2024 Guidelines reduces this period to two years. The 2024 Guidelines refers to the Adoption Regulations 2022 and emphasizes early deinstitutionalisation of children through non-institutional care methods. It also highlights the additional efforts required to place "Hard to Place Children" in adoption through foster care.</i></p> <p><i>The 2024 Guidelines do not make a mention of the foster parents having a "right to adopt the same child" as the 2016 Guidelines, but states that the foster families will be given a preference to adopt.</i></p>	<p>A. Provides that where the child has remained with a foster family for a minimum of five years other than in pre-adoption foster care, the foster family may apply for adoption of the child. Such foster parents will have to register on a separate page created on Child Adoption Resource Information and Guidance System under the Adoption Regulations, 2016; [Para 7. B.]</p> <p>B. Foster parents have a right to adopt the same child following procedure prescribed in Rule 44(v) of JJ Rules, 2016; [Para 8.2 (iii)]</p>	<p>Provides detailed process and eligibility criteria:</p> <p>A. Refers to provisions of Adoption Regulations 2022 emphasizing early desinstitutionalisation of children through adoption and other non-institutional care, and the need for additional efforts to place "Hard to Place Children" in adoption through foster care; [Para 18 (1),(2)]</p> <p>B. Eligibility criteria for children and family: Requires child be be LFA, to have stayed with same foster family for a minimum of two years, and the child and family to be well adjusted with each other. Consent of child and family is required for initiating adoption; [Para 18 (3), 19, 20]</p> <p>C. States that the foster family will be given preference to adopt the same child after being declared LFA; [Para 18(4)]</p> <p>E. Specifies responsibilities of State Adoption Resource Authority (SARA) and Central Adoption Resource Authority (CARA) with respect to facilitating the adoption; [Para 22(4)]</p>

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14	Regarding Kinship Care, or care within extended / joint family	<i>As against the 2016 Guidelines, the 2024 Guidelines do not mention the term "kinship care". However, the 2024 Guidelines set clear order of preference of placement of children in a family, with first preference being given to extended family of the child, so that the child is placed in a similar socio-cultural milieu.</i>	<p>Defines "Kinship Care" as "...family-based care within the child's extended or joint family"; [Para 2.A.(xviii)]</p> <p>Para 3(1) titled "Non-formal kinship", setting the premise states that non-formal kinship "arrangement is not to be formalized in these guidelines as such care is embedded in our social milieu. Such non formal kinship will continue as it is traditionally practiced in the country and will not be covered under these guidelines." It further states that where there is a requirement of financial support in non-formal kinship care, it shall be provided through sponsorship program;</p>	<p>Makes no mention of kinship care.</p> <p>Specifies the order of preference for placement of a child in foster care, ensuring the child is placed in a similar socio-cultural milieu:</p> <ul style="list-style-type: none"> - First preference given to the extended family of the child, which does not include child's biological or adoptive parents, except where they are alleged accused / perpetrators of abuse on the child; - Second preference shall be given to an unrelated family known to the child; - Third preference shall be given to an unrelated foster family; and - Fourth preference shall be given to Group Foster Care. <p>[Para 6]</p>

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15	Group Foster Care	<i>While the 2016 Guidelines provides for group foster care in a "fit facility" recognised under the JJ Act, the 2024 Guidelines provides for a separate registration of Group Foster Care under the amended JJ Act and JJ Model Rules of 2022. Also, while the 2016 Guidelines specified children for whom Group Foster Care may be a preferred option, the 2024 Guidelines do not mention anything such.</i>	<p>A. Defined as family like care in a fit facility for children in need of care and protection who are without parental care. States that aim is to provide personalised care and a sense of belonging, identity and emotional security. Stated objectives include "seamless transition from group to family care", "to wean the children from street life"; [Para 4.1.2]</p> <p>B. Requires being registered as a fit facility recognised under the Act, and the placement of children is to be as per the orders of CWCs; [Para 4.1.3]</p> <p>C. Specifies children for whom Group Foster Care may be a preferred option; [Para 7.C.]</p> <p>D. Provides detailed guidelines for identification of fit facility by DCPU, including placing advertisement calling for applications, interviewing office bearers, verifying references. Also specifies process of "matching" child with care givers of the fit facility; [Chapter II, Para 2.1.7, 2.1.8]</p>	<p>A. Requires registration of Group Foster Care under the JJ Act 2015 (as amended in 2021) as provided in Rule 21 A of JJ Model Rules, 2016 (as amended in 2022);</p> <p>B. Specifies that the number of children under the group foster care shall not exceed eight children including biological children;</p> <p>C. Specifies responsibilities of the DCPU in process of placement of child in Group Foster Care, including submitting SIR, ICP and CSR to CWC;</p> <p>D. Requires Group Foster Care organisation to submit undertaking in Form 33 of JJ Rules, 2016 (as amended in 2022); [Para 25]</p>

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16	Sponsorship and Foster Care Approval Committee (SFCAC)	<i>The 2024 Guidelines provides roles and responsibilities of the SFCAC in much more detail than the 2016 Guidelines. Among others, specifies that it is the responsibility of the SFCAC to review if the DCPU has made adequate efforts for family strengthening.</i>	<p>Provides for SFCAC to be established in every district, to meet every month, and to review and sanction sponsorship and foster care fund;</p> <p>Requires SFCAC to dispose cases within 75 days from date of receipt of application, except in exceptional cases where it can take upto three months;</p> <p>[Para 2.8]</p>	<p>A. Specifies every district shall have a Sponsorship and Foster Care Approval Committee to review and sanction sponsorship (for preventive settings only) and Foster Care fund; [Para 9(1)]</p> <p>B. Specifies the composition of the SFCAC; [Para 9(2)]</p> <p>C. Requires quorum of four members including the chairperson for any decision; [Para 9(3)]</p> <p>D. Details out responsibility:</p> <ul style="list-style-type: none"> - Review and approve all cases of sponsorship and foster care support, following which deserving cases to be referred to CWC for the final order; - Sanction sponsorship and foster care support on receipt of final order from the CWC; - Conduct annual review for each child under Sponsorship/Foster Care support to determine well being of child, on the basis of which approval for continued foster care support will be given; - Review if the DCPU has made adequate efforts for family strengthening through convergence with other Departments and - Review and recommend the termination of the family based foster care service. <p>[Para 11]</p>

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17	Termination	<i>Grounds for termination of foster care are largely similar in the 2016 and 2024 Guidelines, except that a clause has been added which allows foster care to be terminated on any other ground which is considered inappropriate for the welfare of the child.</i>	<p>A. Gives CWC the right to terminate foster care placement after considering recommendations of the SFCAC and report of the DCPU;</p> <p>B. Requires CWC to give notice in writing and to consider views of the foster families / care givers of the fit facility before termination;</p> <p>C. Requires CWC to record the date and reasons for termination in the order issued along with an order to place the child in another suitable foster family or CCI or another fit facility for group foster care;</p> <p>D. Lists the reasons in which foster care placement may be terminated: - Child attains the age of 18; - When the biological parent is released (e.g. from imprisonment or treatment) and requests the Committee for the custody of the child; - If child who is legally free for adoption finds a suitable adoptive family; - On complaint by either the child, relatives, or member(s) of the community followed by inquiry by DCPU;</p> <p>[Para 3.5]</p>	<p>Specifies similar process to be followed for termination, and reasons.</p> <p>Includes "Any other ground that may be considered inappropriate for the welfare of the child observed by the DCPU or the CWC concerned." in reasons for termination. [Para 17.4.d.ix]</p>