



Vathsalya
CHARITABLE TRUST

**A Guide on adoption in India
of Indian Children for
Indian Prospective Adoptive Parents**

ALL YOU NEED TO KNOW ABOUT ADOPTION

No. 717, 5th Cross, HRBR Layout,
Kalyan Nagar, Bangalore - 560 043.

Tel : 25457360 / 25452749
Fax : 25452671



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Introduction

In accordance with God's plan Vathsalya is committed to finding families for homeless children, as every child deserves a permanent home of its own.

"Every child has a right to love, and be loved and to grow up in an atmosphere of love, affection and of moral and material security. This is possible only if the Child is brought up in a family."

Adoption is a chosen way to build a family. The relationship between Parent and child is the same as with birth children. The major difference, of course, is that your adopted child is not biologically born to you.

Vathsalya means mother's love in Sanskrit. And it is here that abandoned and relinquished children find love and a feeling of belonging. It is from here that Vathsalya Charitable Trust aims at fulfilling its mission statement.

Vathsalya is pleased to give priority to adoption applicants born in India. We believe that first preference for an adoptable child is placement with a family of the same cultural and ethnic background.

Licensed Indian Agencies

Adoption Agencies are given special license to do adoption or Child placement, strictly within India and subjected to periodic monitoring by the State Government. An agency must have qualified social workers, who will be responsible to counsel biological parents when they receive the child, take steps to secure necessary documents to set the child legally free for adoption and find suitable prospective adoptive parents after careful evaluation done through the home study report. The child is placed with the adoptive family after the petition is filed in court.

It is the duty of the Agency to ensure that Adoption is legalized and a follow-up for a period of 2 years to ensure that the adoption is successful.

AGE: Two-parent families-each parent at least 25 years old, and a maximum of 45 years for a child below one year.

MARITAL STATUS: Married for a minimum of 3 years.

MONTHLY INCOME: Minimum Rs. 8000/- per month.

An adoption home study must be completed by a trained social worker from your State of residence if Vathsalya is unable to do it.

What are the Basic requirements for adopting?

Vathsalya seeks adoptive families who have a warm and mature love for children and who have the desire and flexibility to love, accept and raise a child not born to them. Parents should be in good physical and emotional health and have reasonable financial stability to care for the child.

What are the legal aspects of child placements or adoption?

Acts that deal with child placement in Adoption:

- The Hindu Adoptions and Maintenance Act 1956
- The Guardians and Wards Act of 1890

The Hindu Adoptions and Maintenance Act 1956

Description

The Hindu Adoptions and Maintenance Act 1956 describes People Professing Hindu religion, including Buddhists, Jains and Sikhs are governed by this Act. Children of either sex, of unknown parentage, abandoned, but brought up as Hindus are also covered under the definition of this Act.

Who may adopt?

A Hindu male who is over twenty-one years old and of sound mind may adopt for himself, if he is single, and with the consent of his wife, if married. A female Hindu, who is single in status that is either unmarried, divorced, or widowed and is over twenty-one years old and is of sound mind may adopt a child. A married woman does not have the right to adopt but has right to consent for adoption, when her husband adopts a child. Her right to adopt can be exercised only when her husband loses his capacity to adopt.

Who may be adopted?

Any child below eighteen years of age who is a Hindu or brought up as a Hindu may be adopted. Such a child should not have been already adopted or married to somebody.

Other Conditions

- When an adoptive parent wishes to adopt a child of the opposite sex, he/she must be twenty-one years older than that of the child
- An adoptive parent cannot adopt a son, if he/she already has a son, grandson, great grandson
- Adopted child gets all the rights of a biological child. Such adoption is irrevocable, and an adopted child cannot be placed in adoption Once again.

The Guardians and Ward Act 1890

Description

All Non Hindus can take a child under GAWA(Guardians and Wards Act). This Act of 1890 gives legal guardianship to the couple. The disadvantage is that the child does not become a natural inheritor. The legal document is valid until the child becomes 21 years of age.

When is a child considered legally free for adoption?

A Child is considered to be legally free for adoption under the following circumstances:

SURRENDERED CHILD

Biological parent/parents voluntarily surrender their right over the child in favour of an agency giving their consent for adoption of the child to any person, by executing a document of surrender. This is executed in the presence of the child welfare committee. Biological parents are counselled and duly informed by the agency and the committee members the effect of their consent for adoption and the alternative facilities available for the care and maintenance of the child, if they wish to keep the child. They are also given two months time to reconsider their decision. At the expiry of that period, the surrender deed becomes irrevocable. The child welfare committee then gives us the adoption release order

ABANDONED CHILD

Whenever a child is found abandoned, the agency will inform the police and remand the child at the Government. observation home. After the media publicity and enquiry, if the committee is satisfied that there are no claimants for the child and he/she is deliberately abandoned, the child welfare committee would issue an adoption release order setting the child legally free for adoption.

Application, Home Study and Dossier Processing

After review of the completed application, a home study will have to be completed. This is done by our agency social worker. The home study is an interview process where you learn about adoption and a social worker helps you determine your ability to parent an adopted child.

The following documents are mandatory for the court process

1. Birth Certificate or School Board Marks Card of the Adoptive Couple
(Photocopy attested)
2. Marriage Certificate (Photostat attested) Affidavit of wedding invitation of the Adoptive family (original)
3. Health Certificate from a Registered Medical Practitioner (original, separate for Husband and Wife)
4. Gynecological Reports (original letter).
5. A recent photograph of the Adoptive families (5 copies post card size)
6. Letters of recommendations from family and friends(3 letters, originals)
7. Employment and Income Certificate from the Employer and Tax return papers (Photostat attested) and latest pay slip (original)
8. Property statements (Assets like Bonds, Shares etc Photostat attested)
9. A Bank reference (Original letter from the Manager)
10. Adoption Decree of previous adopted children (if applicable, Photostat attestec)

Home Study Report

It is a crucial document prepared by the social worker of a placement agency to evaluate a prospective adoptive parent and must include information on the following:

- ❖ Social status and family background
- ❖ Description of home
- ❖ Standard of living
- ❖ Current relationship between husband and wife
- ❖ Relationship of couple and members of their extended families

