



# Foster Care in India - Findings, Analysis and Suggestions

*M. Sharon Lopez, Ahalya Narayanan, Anuja Sinha, Sanskriti Bist,*

## Abstract

This article aims to present a comprehensive view of the Foster Care system in Karnataka, the matter of the adaptation of State Guidelines, the implementation of these guidelines and the loopholes within the current system. The strategy of this presentation has been to offer the two major case studies - one that looks at the current status of Foster Care in Karnataka (Home State to the researchers, currently), and then at the current system of Foster Care in Rajasthan (one of the only States in India reputed for having a fully functioning, government authorised system).

As a result of these discussions, the chapter will propose a new model of Foster Care - one that takes into consideration the existence of Foster Care as a system of child care and protection, separate from the model of adoption. It will also look at the link between adoption and Foster Care, and whether this link should exist. This model also aims at providing solutions for the current limitations of the system as well as some form of risk analysis, that may present as warning signs for the system in the future.

**Keywords-** System, Participant, JJ Act, Foster Care Model Guidelines, BOSCO, SOS Village, Foster Care India, Daughters of Divine Providence, Canara Welfare Relief Society.

## Introduction

Foster Care, according to the JJ Act, 2016, can be defined as “an arrangement whereby a child is placed for the purpose of alternate care in the domestic environment of a family, usually on a short term or extended period of time, with unrelated family members for purpose of care and protection.”<sup>184</sup> It is, therefore, easily explained that, currently, in all Indian contexts, Foster Care, specifically in the individual model, is considered only to be an alternative model of child care and protection, and is never really thought of as a legitimate form of family building. This very debate - Foster Care as a model of family building vs. a model of child care and protection - is what this chapter further hopes to discuss. Further, the different models of practicing Foster Care - individual, kinship and group - will also be looked at. It is vital to mention that since this chapter is the only one discussing Foster Care, terms such as ‘System’ and ‘Guidelines’, amongst others, are used in a different light, as they may hold different meanings from the context of adoption.

This chapter attempts at giving the reader as comprehensive a view of the current system and understanding of Foster Care in India as the researchers found possible within the logistical, conceptual and personal constraints of the research as well as the researchers themselves.

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<sup>184</sup> JJ Act 2015. CARA, 31 Dec. 2015. Web. Aug. 2018.

## Presentation of Case Studies

### Karnataka

According to the Juvenile Justice Rules in Karnataka of 2010, in Rule 37(1), Foster Care is defined as and is considered an option over institutional care<sup>185</sup>. According to research conducted by FCI<sup>186</sup> in 2014, the Karnataka guidelines are supposed to have the establishment of certain regulatory bodies, separate from those provided in the JJ Act. An example of such a regulatory body is the Foster Care Approval Committee which, if officially established, would consist of:

1. District Child Protection Officer

2. CWC Chairperson,
3. Protection officer, and
4. A representative from an NGO.

If one were to assess the operation of the Foster Care system within the hierarchy discussed above, it would be found that many external (referring to non-government or outside the government) bodies of people and workers play a significant role in the operation, regulation and facilitation of Foster Care within the State. This analysis would also extend itself to the legitimisation of that role, allowing said bodies to participate in the workings of the system in some official capacity. For example, NGOs would have to be given sufficient importance and would be given the title of “Foster Care Facilitation Agency” – a regulatory and participatory body that can operate through the respective DCPU.

<sup>185</sup> JJ Act 2015. CARA, 31 Dec. 2015. Web. Aug. 2018.

<sup>186</sup> *FOSTER CARE IN INDIA: POLICY BRIEF*, Centre for Law and Policy Research, 2014. Web. Aug. 2018

Apart from the encouragement towards the involvement of more participants, the draft also rules the inclusion of SARA to monitor state level Foster Care – an additional step that would supposedly lend itself to the prevention of any sort of abuse within the system and otherwise.

It is clear from the few proposals discussed above that, on implementation, it is possible that there might occur a grass-root level change – not just in the way that the system itself functions, but, over an extended period of time, a growth in the general perception of Foster Care as a mode of child care and protection may also be documented. However, it is important to note that the State Guidelines have not yet been adapted and implemented in Karnataka – meaning that there are no official, uniform Guidelines, under which any practicing body of Foster Care in the State must operate. The State has, however, been in the process of revising the Central Guidelines for the past three years.<sup>187</sup>

## Findings

The matter of State-exclusive Guidelines has been of much importance amongst the various NGOs and institutions currently practicing or facilitating Foster Care in Karnataka. Though some

organisations/persons remain less affected than others, it is safe to assume that the lack of any real implementation of State Guidelines affects all participants of the field in some way or the other.

Many of the NGOs in question currently follow the Central Guidelines and are adapting them to be suitable to their own needs. For instance, BOSCO Mane - the only institution that currently facilitates individual Foster Care in the State, is currently in the process of amending and adapting the guidelines. However, there has been no progress.<sup>188</sup> In addition, further conversation with officials of the institution indicate some serious issues within the Central system itself - the newly appointed CWC

<sup>187</sup> Mallu, Shiva. Personal interview. 11. Sep. 2018.

<sup>188</sup> Ibid

officials have no idea of the concept of Foster Care, and neither do they have any specialised and particular training in the practice of Foster Care.<sup>189</sup>

From these findings, it is evident that BOSCO Mane has had to find their own way around the system and come up with their own specific strategies that would allow them to continue their work in the field of Foster Care. They even run their own campaigns, giving them the opportunity to spread awareness within the CWC, thus allowing them the chance to get permissions to pass certain rules.<sup>190</sup>

However, as discussed previously, some institutions have remained more affected than others. The degree of effect varies further based on the exact nature of the work being done by the institutions, their basic operating principles, the nature of the institution itself, and other factors. It is important to acknowledge that the lack of a singular set of Guidelines may affect BOSCO Mane, more than it affects group Foster Care Homes. An example of this would be the Group Home “Daughters of Divine Providence” – an institution that exists as a branch of “Dream India Network” – an NGO that has set up a network of Foster Care institutions in the State. In their case, it is believed that the Central Guidelines are being followed very thoroughly and effectively.<sup>191</sup>

Thus, this gap that is clearly visible between institutions, but also between institutions and the Government, can largely be attributed towards the inefficient implementation of the State Guidelines - ones that have been a work in progress for the past three years, but have never gone beyond that. It is also a matter of danger that many institutions themselves are clueless as to why these implementations have

been postponed since 2014. At a more practical level, it is also important to acknowledge the inefficiency of the various Government/State bodies that have been put in place to regulate or participate in the system of Foster Care. As it seems, the very process of setting up a Home

<sup>189</sup> Mallu, Shiva. Personal interview. 11. Sep. 2018.

<sup>190</sup> Ibid

<sup>191</sup> Sr. Mary Thumbalan. Personal interview. 3. Sep. 2018.

or running an institution may be compromised due to a certain level of carelessness and lack of interest from the side of some members of the State. An example to back this claim can be seen in the case of Maria G - the founder of a Foster Home Trust - “We go there, submit everything, then they say you have to come back and then take all the acknowledgements, then they don’t give you the certificate, and like that, we have submitted the same documents 4 times.”<sup>192</sup>

Through these findings, it seems plausible that some of the main factors presenting themselves as obstacles to the practice of Foster Care in Karnataka are government inefficiency and the lack of knowledge and awareness – both amongst members of the child care system as well as the general public.

## **Institutions, Homes and Organisations - the case studies**

As looked at previously, all institutions are currently functioning under the Central Guidelines and JJ Act rules. There are various different modes of practice amongst the various institutions and organisations set up in the State that practice Foster Care. Here are a few case studies from Karnataka.

### **A. BOSCO Mane**

Their Foster Care project began as a pilot project in 2012 after an extended period of research, surveying and data collection. Currently, they have successfully placed five children in two to three Homes.<sup>193</sup> In their current practice of Foster Care, they only follow the individual and kinship models.

<sup>192</sup> G, Maria. Anonymous Source. Telephonic interview. 14. Aug. 2018.

<sup>193</sup> Mallu, Shiva. Personal interview. 11. Sep. 2018.

The mode of practice with regards to individual Foster Care in BOSCO Mane is an extremely involved and carefully documented one, being preventative at every step, so as to minimise any harm to the child they are protecting. First, they identify a “Kappa” – a husband and wife that are willing to look after the children. BOSCO finds a house near their premises and puts children under their care.

The detailed process set in place is as follows<sup>194</sup>:

1. First, parents must submit a letter to their office. This letter is passed through the DCPU, who in turn submit it to the CWC. Following this, the CWC collects personal details such as medical certificates, police verification, HSR and other details required for the matching process.
2. Once all the formalities for parent verification are completed, the next big, and arguably the most important step within BOSCO’s placement process is the **matching of the parent to the child**. It is a very long procedure and criterion such as the financial status of the family, religion, skin colour and even things as detailed as food preferences are all taken into consideration while making the decision.
3. Once the matching process is completed and confirmed, there is what they call a **waning period**. In this period, the child is sent to the prospective foster parent in an attempt to familiarise both the child and the parents with each other. It is important to note that this process too is done in an extremely calculated, systematic fashion, so as to avoid any harmful complications.
4. First, BOSCO sends the child to the prospective foster parent once a month, then once in 15 days, and then gradually for one entire day, followed by a one-night stay. This process has been put into place so as to make the children and parents comfortable each other’s behaviour and styles of interaction – a gradual process of relationship building if you will. This entire period – right from the matching

<sup>194</sup> Mallu, Shiva. Personal interview. 11. Sep. 2018.

process, all through the waning period – is documented very carefully by the BOSCO officials themselves.

5. After the review of this documentation, and a presentation of the parents’ and child’s case, if the parents are considered fit by the CWC, their papers are processed.

During the Fostering period, the institution themselves provide the foster parents with the required funding for rent, electricity, cable bills, etc. Even a budget for vegetables, school fees, and stationary is set in place.

The other model practiced by BOSCO is that of kinship Foster Care. The requirement here is that the child be placed with an extended relative – someone with biological ties to the child, be it in any proximity or distance. In such an agreement, the kin must be willing to take care of the child, and be held responsible for them in the view of the law.

These models of practice – individual and kinship – have always been a matter of discussion amongst participants of the system in that, it has been extensively debated upon whether the individual model or kinship model works in favour of the child's best interest. On presenting this debate to officials at BOSCO, it was found that they were of the view that the kinship model, by and large works better. The reason being that the child can be with their own relatives and the capability of adjustment is easier there.

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So far, BOSCO has only placed orphaned boys for fostering. This year they will commence the fostering of orphaned girls.

BOSCO currently follows the JJ Act and are only taking orphaned children that have been rejected through adoption after the age of six.

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<sup>195</sup> Mallu, Shiva. Personal interview. 11. Sep. 2018.

A noteworthy aspect of BOSCO's mode of practice is with regard to their policies on counselling and psychological support both for the children as well as parents. BOSCO has counsellors that necessarily hold a Masters in Social Work and also hire psychiatrists – both of whom are at the disposal of the parents and children. The reason that this setup can be considered noteworthy is because many institutions, not just within the Foster Care system but also the adoption system, do not allow for the professional counselling of either the children or parents by trained professionals. This has proven to be extremely harmful in many cases – for one, it hinders the rehabilitation and recovery of the children in the system and works against their best interest. Further, parents who have either fostered children or

adopted them, sometimes believe that they are in a position to further advise other PAPs or Prospective Foster Parents on the various processes and practices of child care – something that does more harm than good.<sup>196</sup>

As imagined, Foster Care, being a model of temporary care for children, could bring up many adjustment and attachment issues for the child. However, on further interaction with the officials at the institution, research showed that one of the biggest issues faced is actually with regard to the parents – they tend to be impatient and believe that the child should adjust immediately. Of course, that is an unfair and challenging ask for a child who has lived the last few years of their life in an institution or displaced from any kind of domestic/family environment. This issue manifests itself similarly with the children in the system – on being found and placed in an institution, they express their eager desire for a “family”. But, since it is a long process that takes from six months to a year, they get comfortable in the environment the institution provides them, and so, after visiting the PPs, they want to back to the institution.

<sup>196</sup> Lobo, Alomo. Personal interview. 17. Aug. 2018.

In cases where the child has been placed with their foster parents successfully, BOSCO continues to carry out detailed follow ups of the family. The parents, the children and all the officials at BOSCO meet together once in three months, gathering to share their problems and experiences. Further, once in six months, the parents and the children go to the CWC for follow up and review.

## **B. Daughters of Divine Providence:**

They are a fairly new group foster care institution that works under an organization called Dream India Network. They established themselves in 2014 with 16 children and currently take care of only 12 children, aged 7-11. Daughters of Divine Providence specifically takes in children that come from broken families, poor backgrounds, and children that have lived in slums<sup>197</sup>. They, however, do not take in orphans. Further, the children currently living in the Home are not “available for adoption” as they have living parents, or relatives – making them ineligible for adoption.



Once the children complete their studies (there is no age bar for this), they are required to go back to their families. There is one Mother assigned for all of the children that takes care of their needs and helps them with their studies. The Mothers are chosen on the basis of their education and training. In addition to them, there is a tuition teacher, a cook, a doctor that is on call, and a counsellor that comes from the Dream India Network once a month.

The parents are supposed to and allowed to come visit but the children cannot go visit them when they would like.

Regular inspection is a major part of their model of practice. They follow the JJ Rules and have maintained detailed records of specifics such as nutrition, time tables of studies, attendance of the

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<sup>197</sup> Sr. Mary Thumbalan. Personal interview. 3. Sep. 2018

parents when they visit etc. The children are all recognized by the CWC. The CWC are also given a list of the children with their details every single year that Home continues to operate.

In terms of the adjustment and rehabilitation of the children, the institution stated that they haven't faced any issues with the children yet as they are all still very young. But, that being said, adjustment problems are something that they are afraid of. They emphasised their fear of not being able to provide technological facilities that will keep them updated with the rest of the society.<sup>198</sup>

The CWC meets every six months for an inspection and since they function as a religious Home, the CWC are extra cautious with them. When they find something is not done properly, they do reprimand them. However, the institution maintains that the CWC and other State bodies are very cooperative and helpful.

### **C. Maria G (name changed on request):**

She is the founder of a Foster Home Trust with nine children in Bangalore. The researchers' interest in her case stems from the fact that she has persisted in taking care of her children, despite all the legal and administrative troubles she and her husband have had to face.

Her Home started off functioning as a CCI but currently functions as a Foster Home. This change can be traced back to the realisation on the couple's part that the children they were intent on caring for, needed family care and not institutionalised rehabilitation and protection. In the period that they operated as a CCI, the children would bond with the staff and make the effort to form a connection with them. However, the staff would often have to leave and the attachment the children developed would immediately be disturbed. For children who had already faced instances of trauma and had severe attachment issues, this entire process was proving to be harmful. It is for this reason that Maria

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<sup>198</sup> Sr. Mary Thumbalan. Personal interview. 3. Sep. 2018 G and her husband decided to move into an apartment and take care of the nine children themselves – as if they were their own sons and daughters.<sup>199</sup>

With regards to the legality of the situation, the Georges have been asking for the official State recognition of being a Foster Home, but haven't received any encouragement with the process from the government. A major reason for this, is that the concept of Foster Care is new to India and the State has no real idea of the concept or how to go about it.<sup>200</sup> On further conversation with her, it became clear that the administration process is inefficient.<sup>201</sup> This inefficiency is only exacerbated because workers from the DCPU and CWC are constantly assigned and reassigned, making it impossible for the registration process to be completed.

In researching the exact process one has to go through while setting up a CCI, information of the CCI-specific Guidelines as ruled by the JJ Act were brought to light – These many sets of clothes, these many bathrooms, the size of the dorms, the number of bunker beds, the number of staff – every single detail has been mentioned in the guidelines and the JJ Act. And along with that, we even have all the information about the registers and documents we need to keep a track of – like a visitor's log and a log of the staff working with the children.<sup>202</sup> At the George's Home, the staff also has to read and sign a document regarding the child protection policy one has to follow.

Once the Home was set up, and started functioning in its full capacity, they did not go for reviews. According to Maria G, it was found that Foster Homes don't necessarily have to be reviewed periodically; that follow-up process only applies to the CCIs. The only real interaction between the

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<sup>199</sup> G, Maria. Anonymous Source. Telephonic interview. 14. Aug. 2018

<sup>200</sup> Ibid

<sup>201</sup> Ibid

<sup>202</sup> Ibid

State and the Foster Home is in the initial stages - when one receives their children, they need to present the children's files to the CWC. If they're satisfied, all goes well. If not, they call you.<sup>203</sup>

#### **D. SOS Villages:**

These setups aren't directly a part of the Foster Care system but rather an alternative method of child care and protection. Along with their centre in Karnataka, SOS Villages also have a huge network across the rest of the country as well.

In the case of Karnataka, when children can no longer stay with their families, they can be shifted to one of the 16 SOS families, where they grow up with other children and attend school. In this model too, one Mother is appointed by SOS. She is trained and takes responsibility of 10-12 children. The Mother is required to take care of all their needs and cooking as well. The Mothers are supported by a team of co-workers who live on the premises and are also available for counselling. It is also important to acknowledge the system of payment in this set up - the Mothers are paid according to the number of children that live in their house.

After a stipulated period of care, it is required that the boys move to a youth hostel, while the girls are required to stay in the village till they are married. The village also has a community school where all the children are educated collectively.<sup>204</sup>

#### **E. Canara Welfare Relief Society:**

This society no longer practices Foster Care but were the first ones in the State to establish a full-fledged Foster Care Project in 2005, and now have more than 50 children that are grown up and lead lives of their own outside of the Project.

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<sup>203</sup> G, Maria. Anonymous Source. Telephonic interview. 14. Aug. 2018

<sup>204</sup> *Our Vision & Mission*. SOS, Web. Sept. 2018.

In the pilot stage, it was noticed that one of the main reasons that people were even interested in

becoming Foster Parents was because, at the time, they didn't meet the requirements of being APs.

Further, in the case of the children, when the claimants for children for adoption were impossible to find, they were placed within the Foster Care system. Almost all of the children under Foster Care have stayed with their Foster families till they were 18 years old and consider their Foster Parents as equivalent to their biological parents – recognising no difference between the two. However, an important implication of this remains – the Parents are recognised only as Guardians of the child, and are not endowed by the State with the rights that a biological parent would possess.<sup>205</sup>

The recognition of the child by the State has been discussed previously, but, in this case, it is important to look at the recognition of the parent(s) within the legal framework. A legal, confirmed, and processed adoption would mean that the State hands over the rights of the child to the now APs. Thus, affording the APs all the same rights that a “biological parent” has over a child. This includes matters of property and inheritance as well. However, in the case of Foster Parents, in the eyes of the law, regardless of how long the child has been fostered by the parents, the parents are only recognised as Guardians of the child. This would mean that regardless of the quality and nature of the care provided to child, the parents only have a Guardian's rights.

In one instance during the Society's Project, the grandmother of one of the boys in the project once asked to see him but he was not comfortable and stayed with his foster family.<sup>206</sup> In fact, many a times Foster Families, despite the temporary nature of this model of child care, form an attachment to their children, and vice versa.

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<sup>205</sup> JJ Act 2015. CARA, 31 Dec. 2015. Web. Aug. 2018.

<sup>206</sup> Mohan, Malti. Personal interview. 23. Aug. 2018.

### **Analysis of Karnataka's Foster Care System:**

Through the presentation of the previously discussed case studies, a wide spectrum of different practices within the system, as well as models of practice within Foster Care have been explored and analysed. These presentations, in providing in-depth background information, have also implicitly

brought to the fore some important matters. Following is an analysis by the researchers of what these implications could be –

1. There is a serious lack of awareness in Karnataka about the very concept of Foster Care, and subsequently the models through which it can be practiced. Further, a major gap in understanding amongst State and District officials themselves makes it even harder to establish a system(s) of Foster Care.

2. Currently, all organisations or persons practicing Foster Care within the State are left to their own devices. This means that every participant is following any set of rules that applies closest to them, without any singular regulatory Guidelines for all participants.

3. Inter-organisational politics and tense dynamics affect the ground-level practitioners of Foster Care. The misunderstandings and miscommunications that take place within the State officials, affects the workers on a very large scale, presenting as obstacles in major administrative and legal processes – the completion of which is required for the facilitation of Foster Care.

4. Organisations like the SOS Villages aren't registered either as CCIs or as Foster Homes, but operate within their own separate framework; this means that though every organisation/ home has to abide by the rules closest to them, SOS Villages are entirely different model of Foster Care.

5. A major component of any sort of child care and protection model is the process of follow ups. If carried out correctly, it ensures safety, prevents (to a large extent) child abuse and any harm to the child, and assures the best possible environment for the child. However, if carried out insufficiently, it can result in serious trauma for the child. Currently, in Karnataka, CCIs are regularly followed up on,<sup>207</sup> but Foster Homes aren't. This means that the happenings within the Foster Homes go unchecked.

6. There are more parents applying as Foster Parents, than there are children in the system.<sup>208</sup>

7. There is a massive insufficiency of funds, or even some basic framework for funding from the State.

At the time of research every single institution, person, or organisation interviewed has had to set up their own ways of collecting and managing funds, by and large.

## Udaipur, Rajasthan

As mentioned previously, the case study of Rajasthan's Foster Care system is being presented for the purpose of a comparative analysis, and has been chosen as it is currently reputed to be one of the best functioning models of Foster Care in the country.

Ian Anand Forber Pratt, the founder of Foster Care India (now known as Foster Care Society), started the organisation in 2012 in Udaipur, Rajasthan. The organisation, at the time, was the first system to be introduced in Rajasthan, and despite being the oldest setup, the model remains one of the most successful ones in all of India.

In 2011, Mr. Pratt came back to India with the sole purpose of exploring the state of Foster Care in India, and subsequently working on establishing a full-fledged, established system of Foster Care in the country. This process began by interacting with State and Government officials to try and understand the reasons why this attempt of establishing Foster Care could or couldn't work. On having these interactions, he acknowledged the lack of cooperation on the State's side – something that he had

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<sup>207</sup> G, Maria. Anonymous Source. Personal interview. 14. Aug. 2018

<sup>208</sup> Mallu, Shiva. Personal interview. 11. Sep. 2018.

previously anticipated, but also went on to cite the following as their understanding of why Foster Care wouldn't work as a way of family-building as well child care and protection:

1. The prevalence of the cultural nuances of taking the child into a Home are many, and cannot be left unaccounted for.
2. Family should be first, i.e., biological families are given preference and the general belief is that that is how a family should be. Thus, any other model of a family is seen as illegitimate and will not be easily accepted socially.

From the above, it is visible that, at the time, there was a lot of social stigma attached to the concept of Foster Care, let alone its practice; the social perception comes to light.

Through Mr. Pratt's further research, there were many other layers that began to reveal themselves. In particular, one interesting perspective offered by Mr. Pratt comes into play when one

begins to analyse the background or “type” of children that are usually placed within the Foster Care system. As we saw in Karnataka’s case study – the Daughters of Divine Providence: an established, up and running Foster Care institution only take care of children from the lower socio-economic background. Thus, operating on the assumption that such a background is incapable of providing the child with a sustainable environment. Mr. Pratt, on the other hand, offers another way of addressing the issue – in such cases, the issue of poverty itself needs to be addressed. A lower socio-economic background doesn’t necessarily suggest an incapability of parenthood, but rather poses a difficulty in being able to provide material wellness for the child. In this scenario, the solution isn’t to take the child away from their biological environment – the environment they were born into – but rather, for the State or any other capable body to help alleviate them out of the financial struggles that stop them from being provided for. He stands firm in his belief that to whatever extent it is possible, and unless there is abuse or the child is in an unsafe and harmful environment, the biological family shouldn’t be separated.<sup>209</sup>

Through his extensive research, he concluded that, in any context, there is more to Foster Care than placing missing children with families. And thus, his work expanded to “family preservation and family strengthening”.<sup>210</sup>

### **Foster Care Society**

Besides Foster Care not being widely socially accepted, it is also not a model that either the government officials or citizen know much about - research conducted by Foster Care India concluded that only 3% of the population had heard of Foster Care. After an extended period of research, government visits and reviews literature, mostly to identify the needs of the children.<sup>211</sup> Foster Care India drafted their own Guidelines in 2014. Although the basic framework and laws had been discussed in the JJ Act, it was still a challenge to set up an effective set of Guidelines that were sure to work because every State (at the time) was following the rules differently.

According to the co-founder, Ms. Shilpa Mehta, there were a lot of mixed reactions from the public in the initial stages, owing to the fact that Foster Care as a model is a temporary system, and not permanent. In the process of identifying children that needed care and protection, they faced many

problems in terms of negotiations with government stakeholder and police departments.<sup>212</sup>

Even for something as simple as a Home Report – simple, yet integral to the ethical placement of a child – they had to build a team from scratch. As it stands now, they have a system in

<sup>209</sup> Anand Forber-Pratt, Ian. Personal interview. 16. Aug. 2018.

<sup>210</sup> Ibid

<sup>211</sup> Mehta Shilpa. Telephonic interview. 13. Sept. 2018.

<sup>212</sup> Ibid

place for every aspect of Foster Care – right from the HSR to documentation and other areas as well. A noteworthy component of their set up is that of the pre and post training given to the parents. Here, they are trained in the area of Care specific to this model of child care and on the general processes involved in the foster care system if child care. Currently, there are 10 foster families in Udaipur, while the State is coming out with the 2018 rules.

Currently, after years of trial and revision, the major goals of Foster Care Society are to:

1. Develop and implement policy
2. Practice Foster Care in Rajasthan and
3. To establish a freedom-centred work environment where all persons are treated with respect and dignity.

### **System in Udaipur:**

The Foster Care system in Udaipur only has individual Foster Homes where families are either lower or middle class. At present, the children being fostered are between the age of 4 months to 9 years, and are either previously reported missing, physically challenged or parentless children. The matching process within their system isn't through an analysis like BOSCO's, but mainly through the correspondence of age and image, i.e., the parents and children are matched according to the age.<sup>213</sup> Then, photographs of the children are shown to the parents, and if the match is approved, a meeting between them is facilitated after 24 hours.

FCI also follows a rigorous follow up procedure. After each visit, a detailed report is drawn up and subsequently submitted directly to the CWC, and not the DCPU, like in many other cases.



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<sup>213</sup> Mehta Shilpa. Telephonic interview. 13. Sept. 2018.

From the presentation of facts above, it is clear that a lot of drastic and important work is being done in Rajasthan through FCI. However, the system in place hasn't reached a point where there aren't any problems that remain to be tackled.

On further examination, it is quick to come to view that the general perception regarding Foster Care hasn't seen a massive change. The major implication of this fact is that even though the child is now placed with a caring and nurturing family, and in a safe environment, treatment from the public still continues to be cruel and traumatic for the child. This means that the child is still being subjected to ill treatment. An example of this is a case of two professors in Rajasthan,<sup>214</sup> who had a biological child, were further licensed to foster a child. But, after they were matched with a young girl they rejected her solely on the basis of her complexion – she was dark skinned. Their main concern was that their community was going to say horrible things to the girl as soon as they stepped out of their house. And so, one can see that the general perception of Foster Care also adversely affects the child, causing further harm and trauma to the child.

On the other hand, one of the main reasons the current Foster Care system works successfully in Udaipur is because of the guidance that FCI themselves provide. Fostering children is a societal change. It isn't just the responsibility of the government; the matter also lies on the shoulders of the external guidance people can and should receive.<sup>215</sup> However, as in most cases, here too, there have been cases where the government has been inefficient. An example of this can be found in the counselling process that needs to be followed. On paper, it's supposed to be the job of the DCPU. However, on further interaction with Ms. Mehta, it was found that they don't really have the resources to carry out the counselling in the capacity it is required to be practiced in. As a result of this, most

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<sup>214</sup> Anand Forber-Pratt, Ian. Personal interview. 16. Aug. 2018.

<sup>215</sup> Mehta Shilpa. Personal Telephonic interview. 13. Sept. 2018.

foster parents receive no counselling, which can be very harmful in the long run. Another misstep as a

result of the lack of professionally capable counsellors is that, many PPs are told that the process of fostering a child is just like that of adopting a child.<sup>216</sup>

## **Analysis of Rajasthan:**

Through the presentation of the previously discussed case study, a wide spectrum of different practices within the system, as well as models of practice within Foster Care have been explored and analysed. These presentations, in providing in-depth background information, have also implicitly brought to the fore some important matters. Following is an analysis by the researchers of what these implications could be –

1. It was found that one of the main reasons that the reception of Foster Care has been more open in Rajasthan, as compared to Karnataka, may be attributed to the fact that the State, previous to the entry of FCI, had various family schemes set in place. This may have aided the process of understanding other ways of family building.
3. FCI is funded by the ICPS – a State body. This makes the model a lot more sustainable as compared to the ones currently operating in Karnataka, which are purely self-funded.
4. The Guidelines are updated on a regular basis, allowing the constant accommodation of the cultural nuances of parenting and family building.
5. The State bodies themselves aren't necessarily aware or equipped with the resources to facilitate ethical and holistic Foster Care, but an NGO like FCI lends their support in order to allow that facilitation.

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<sup>216</sup> Mehta Shilpa. Personal Telephonic interview. 13. Sept. 2018.

## **Solutions**

### **1. Professional training:**

One of the major problems that all participants within the Foster Care system are affected by is the lack of professionally trained counsellors. The concept of pre and post foster counselling that has been

set in place, in theory, can be cited as one of the most important steps in the whole process, and can even be thought of as a determinant of how well both the child and the parents adjust to the whole process. With respect to counselling, there is no varying degree of importance; it is just as essential for the parents as it is for the child.

Pre-foster counselling ensures that the child is gradually familiarised with the idea of being fostered, while for the parents, the counselling helps fully prepare them for the kind of Care they will give. Pre-foster counselling is especially important for parents as it helps them manage their expectations for what is to come.

Post- foster care placement, counselling plays an equally important role in order to ensure that the child and parents are adjusting well to each other, as well as to aid healthy relationship building between the two. In theory, the importance of counselling stems from the fact that Foster Care is a temporary model of Foster Care.

In reality however, as discussed previously in the chapter, counselling is rarely ever treated with the importance it necessitates, and is almost never carried out by trained professionals. This causes serious harm to the children, and works against their best interest.

In conversation with Mr. Pratt, he indicates that most social workers lack the basic understanding required to facilitate Foster Care ethically. He even cites an example of one such instance - When you first meet the child, the child shouldn't know that they're meeting potential Foster Parents. They should just be people that they meet and then they'll see what happens so that you don't create all these big expectations and the child doesn't get hurt. So, the first case we had, the first parents were introduced, and the social workers said, "Come meet your new parents"<sup>217</sup>.

Such insensitive and callous behaviour on the part of the social workers and counsellors can cause a great deal of problems for the child. This whole situation can be easily avoided if proper training facilities are made accessible, prioritised and included as mandatory requirements of participating in the system.

## **2. Parent specialization:**

Providing a child with appropriate and right care and protection is no easy task. It is no secret

that many biological parents aren't equipped to take care of their children, and in the same way, there are many parents in both the adoption and Foster Care ecosystems that are just eager to become parents, not necessarily indicating that they are equipped to provide proper care for the children. This is where Parent Specialisation comes in, acting as a corrective measure.

In other countries, a common practice within the Foster Care system is that of Parent Specialisation. For example, in the United States of America, Foster Parents are matched to children based on their ability to take care of the children's needs. This means that children with special needs, disabilities, or of other specific dispositions, will necessarily be matched with Parents who are trained, experienced and capable of providing for those very needs.<sup>218</sup>

This kind of matching process will not just ensure that the children are appropriately taken care of and given the best possible care, but would, in the future, also include a larger number of children in the Foster Care System, i.e., children with disabilities and special needs would be in the

<sup>217</sup> Anand Forber-Pratt, Ian. Personal interview. 16. Aug. 2018.

<sup>218</sup> Ibid

hands of care that could take care of them, thus allowing them the opportunity to experience the care and protection that many of them are currently being denied.

### 3. Funding:

Despite the Guidelines stating that any Foster Parent or participant of the System has to receive rupees 2,000 every month<sup>219</sup>, the funding process, as it stands today, doesn't work efficiently. This creates major problems in being able to cater to the children and take sufficient care of them, and further protect them.

Through research and data analysis, it was found that many of the institutions/ persons/ organisations that have been presented previously have to rely on themselves for funding. The George's in Karnataka, for example, consciously took the decision to set up their home as a Trust so as to create their own funding network. They do not rely on the State at all. BOSCO Mane too has to scramble for its own funds every single month, as it provides funding to the Foster Parents, but receives no legitimate State

support in terms of sponsorship. To overcome this challenge, a well-regulated and well-framed funding mechanism needs to be set up.

#### 4. Returns:

Within the Foster Care System, there is an increasing trend in “returns of the child”. Children, once placed with the Foster Parents, on not adjusting quickly enough, are returned to the Home or Institution that they came from. This has a long-term impact on the child’s state of mind and causes

<sup>219</sup> *Foster Care Model Guidelines 2016*, Department of Woman and Child Welfare, 11. Nov. 2016. Web. Aug. 2018. undue trauma. Thus, it is advised that “returns” be made legally criminal, making the process of care much more ethical.

#### A revised model of Care

Foster Care, as has been discussed through this chapter, is both a new, and to some, an unimaginable way of family building as well child care and protection. On reflection, since it is so new, there are some suggestions that the researchers propose as new entries into the existing model of Foster Care:

##### 1. Separate body for Foster Care:

Just like CARA and SARA, there is a need for separate and external governing, and regulatory bodies that branch out from the CWC. These bodies need to necessarily specialise in Foster Care. This will ensure that Foster Care as a system of care and protection is given its due attention, subsequently allowing for its operation as an individual welfare system, separate from adoption. This doesn’t necessarily imply that the chain of command cannot bear any similarities to that of the Adoption System – CWC to CARA to SARA to DCPU. It is proposed that the chain of command, in fact, be similar to that followed in the adoption system as it would make regulation and the basic framework of functioning a lot easier.

## 2. ICPS as a Governor:

It is suggested that the ICPS compulsorily be the governing body of Foster Care in every State that has any existing practitioners of Foster Care. Record management will be made a lot easier this way as the ICPS have access to much wider databases. This would mean that documentation wouldn't have to be as complicated a process as it is now, and could be resolved a lot more efficiently. This would further imply that children within the system would be eligible for Fostering a lot sooner.

## 3. Comprehensive Follow-Ups:

In any large-scale model of child care and protection, and especially when the State is involved, it is absolutely essential that a strict system of follow-up be set in place, and also, that this process be followed diligently. The researchers propose that this suggestion be made mandatory for the functioning of any Foster Care body in the State. As discussed previously, Foster Homes don't necessarily have to be reviewed, but CCIs do. This implies that Homes aren't necessarily regulated by the State, even though the children aren't under the legal parenthood of the Foster Parents. Like BOSCO's practice, the follow ups must be maintained and followed so long as the children are still under the protection of the State or other Guardians.

## 4. Adoption vs. Foster Care:

The researchers fully acknowledge the fact that children within the system may at one point be eligible only for either Foster Care or Adoption. And though, in the future this could change, and the child could be eligible for care within both systems, it is suggested that the nuances and differences between both models of care be seriously considered and acknowledged by participants of the systems. During the Foster Care process, the children and parents alike must be counselled, and made aware of the temporary nature of the practice. This will avoid any trauma and long-term harm to all parties involved.

## 5. After-care:

A system of after care is vital for the sustainability of care and protection offered to the child.

This suggestion could follow the model set up by BOSCO, where the child receives vocational training, skill-based training and other forms of educational and practical aid in order to live a self-sufficient, well-adjusted life.

## **6. Adoption after Foster Care:**

After the mandated 5 years of Foster Care, if the child and parents meet all the conditions laid out by the CWC, the Central Guidelines recognise the Parents' right to legally adopt the child, thus being recognised as the child's legal parents, and not just a Guardian. However, the legal and administrative process required to make this happen hasn't been documented in any of the Guidelines, thus making the process of transitioning unclear and in many ways, inaccessible. It is therefore suggested that both the Centre and the State formulate a legal and administrative process specific to this transition.

## **7. Issue resolution for children:**

Abuse of children in many different institutions of child care haven't gone unnoticed, and have been a matter of major focus within the forums of child care and protection in the past few years. Though most Foster Care stories have been successful, it isn't unimaginable that abuse or other harm to the child could still take place. For this reason, it is suggested that some effective, and more importantly, an accessible channel of communication between the child and a State or Government official be established and left open at all times. This would allow the immediate reportage of a problem and in the future, if carried out effectively, could even minimise the occurrence of abuse and harm caused to the children within the system.

## **Conclusion**

Through this article, the researchers hope that they have presented an in-depth look into Foster Care as a model of child care and protection. Through the proposed model, other findings, and analysis, it has been attempted to situate Foster Care within the child welfare framework as well as look at its

participation within the adoption ecosystem.

In the course of researching this topic, it was found that several limitations posed as obstacles to the research and findings, and also brought to light limitations of the system itself. Finding experts in Foster Care in the State was a problem as there is no official set up in Karnataka yet. All findings have been through primary research conducted through interviews, allowing the research to stem from personal experiences as well. Much of the analyses is also a result of data analysis. However, since Foster Care is a new model of child care to the state, statistics in the field are limited and often inaccessible.

There is also a general lack of awareness of the concept of foster care among government bodies like DCPU and CWC in Karnataka which makes it harder for the concept to spread to the public.

Some of the strengths of the system with regards to Karnataka, as perceived by the research team, is that it is still moldable. It is a system that is new as compared to the others, thus allowing for the possibility of change. People are open to new changes and suggestions and are trying to reach out and create awareness.

The system of adoption in a country as diverse as India, presents various layers and complexities to be looked at. The system claims to work for the best interest of the children, but, in many cases, we see that claim taking a backseat. Foster Care is in itself uncharted territory.

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