CHAPTER-VI

STANDARD OPERATING PROCEDURE FOR CHILD WELFARE COMMITTEES WITH RESPECT TO FOUND CHILDREN HOUSED IN GOVT. & NGO RUN CHILD CARE INSTITUTIONS
INTRODUCTION

Child Welfare Committee is the competent authority for taking final decisions in the matter of children in need of care and protection under the Juvenile Justice Act 2000. It is a statutory body for ensuring the rights and addressing the needs of the children who are presented before it. The committee is empowered to take a variety of decisions on case to case basis including restoration of children back to their families, transfer of children to their native states/countries as well as placing the children for long term care in a child care institutions.

While dealing with children in need of care and protection, the Child Welfare Committees would abide by the following procedures and timelines for safeguarding the best interest of the child in compliance of provisions contained in the Juvenile Justice Act 2000 and Rules thereof. The SOPs enumerated below stipulate some generic guidelines whereas some are intended for a particular category of children having specific requirements:

1. Child’s admission in the institution:

   i. The Child Welfare Committee would ensure that the procedure and time lines stipulated in the SOPs for functionaries of the institutions are complied by the concerned officials like preliminary interview, counseling, orientation and ‘jamatalashi’ of the child within 24 hours of admission, exploring all relevant steps for tracing a child’s family within one week etc.

   ii. The CWC would ensure that a DD entry* is made in the local police station under whose jurisdiction the child was found and a wireless message has been flashed across all the police stations in Delhi giving personal details of the child within two working days of the child’s admission. A compliance report regarding wireless message would also be obtained from the concerned police station/investigating officer (IO) within one week.

   *If the child is being produced by NGO/Childline/police personnel, the needful would be ensured by them and a copy of the DD entry would be obtained from the person admitting the child in the institution. If the child is being produced by a public spirited citizen and DD entry has not been made before bringing the child to the institution, the CWC would get the needful done.
iii. Till the time a child’s family remains untraced the CWC would seek weekly feedback from the concerned I.C. regarding the status of the case and efforts made for tracing the family of the child.

iv. In case a child is not able to give details of his background or address, the committee would give directions to the Missing Persons Squad (MPS) enclosing personal details and photograph of the child for adding the same in their database of ‘found children’, matching the profile of the ‘found child’ with complaints of missing children registered by families as well as on trackthemissingchild website, screening their database of missing children for the next few days and furnishing a report about the same within 15 days.

v. Follow up and coordination with the MPS and the concerned I.O. would also be done by the committee. The concerned Welfare Officer who has been assigned specific responsibility of the child would document in the case file whether the requisite action has been taken by the MPS. If the needful has not been done, he/she would apprise the Superintendent and CWC in writing for taking necessary action under intimation to the Child Protection Unit (HQ).

vi. The details of the child along with the photograph would be uploaded on trackthemissingchild website by the concerned Child Welfare Committee within two working days of the child’s production. An intimation to the childline would also be sent giving the personal details of the child.
II. Restoration and transfer of children within and outside Delhi:

The Child Welfare Committees would adhere to the following processes while dealing with the six categories of children in need of care and protection enumerated as under:

- **Children below six years of age:**
  
  In case of children below six years of age whose families remain untraced, the committee would declare them abandoned and legally free for adoption after thorough inquiry/investigation. Such children would be admitted in child care institutions being run by licensed adoption agencies for further placement/adoption/rehabilitation.

- **Children belonging to states other than Delhi:**
  
  i. In case a child’s family members have been traced and address has been confirmed but they are not able to come to Delhi for taking custody of the child, the committee would issue an order immediately on receipt of inquiry report from the Welfare Officer to the DCP (Third Battalion) for deputing police personnel for escorting the child to his native place. CWC would also coordinate with DCP (IIIrd Battalion) for deputing police escorts within 10 days of receipt of the order.

  ii. Wherever there is ambiguity over exact address, confirmation of the same would not be mandatory. In such cases where the family remains untraced, the CWC would issue an order for transferring the child to a child care institution in his/her native district through DCP (IIIrd Battalion) for further rehabilitation within 30 days of admission under section 38 of the Juvenile Justice Act.

  iii. The same process would be followed in case of a child whose family has been traced but is unable/unwilling to take his/her responsibility.

  iv. A child who belongs to a state other than Delhi would not be placed for long term care in Delhi based institutions as local authorities in his/her native place are in a better position to facilitate his restoration.
Children belonging to foreign countries:

i. When the concerned Embassy communicates confirmation of the child’s address, an order would be passed by the CWC immediately authorizing a representative of the embassy/NGO to take custody of the child and escort the child to his family in his native country. However, no objection certificate and visa from the concerned embassy would be obtained by the NGO and custody of the child would be handed over to it after completion of the said formalities.

ii. In case a child’s family/address remains untraced, an order would be passed by the CWC to the concerned Embassy/NGO to escort the child to a child care institution in his/her native district or capital of the country for further care, protection and rehabilitation.

iii. A child belonging to a foreign country would not be placed for long term care in Delhi based institutions as local authorities in his/her native country/district are in a better position to facilitate his restoration.

iv. Efforts would be made for completing the process of restoration/repatriation to the native country within four months of the child’s admission in the institution.

Children with special needs:

i. If the parents of a child with special needs have been traced, they would be counseled to take custody of the child. The committee would inform the parents/guardians about various relevant government and non-government schemes and would also facilitate access to the required support services for enhancing the parents’ capacity to take care of the child so that he/she is re-integrated into the family.

ii. In case family of a child suffering from mental or any other disability could not be traced or where the parents are not willing to take his/her responsibility in spite of all efforts necessitating long term institutional care, he/she would be transferred to a suitable specialized institution that offers long term care for meeting the specific needs of the child. CWC would also ensure that the inheritance rights of children whose families have been traced are protected.
Children rescued from child labour:

i. During preliminary interview, the possibility of sexual abuse while in employment would be explored by the Child Welfare Committee and if abuse is confirmed by the child, appropriate action would be initiated as per law.

ii. The Child Welfare Committee would coordinate with the Investigating Officer (IO) from the concerned police station for submitting the following documents in a time bound manner:

(a) Copy of child’s statement recorded by the SDM / copy of child’s statement under section 164 CrPc as the case may be within one week, preferably within three working days.

(b) Age proof as per Rule 12(3) of Juvenile Justice Act (Rules) 2009 within one week for children residing in Delhi and within fifteen days for children residing outside Delhi

iii. The procedure for recovery of wages from the employer would be initiated within one week as per the Minimum Wages Act.

iv. If recovery of wages is getting delayed and the child wishes to go back home, he/she would be resorted back to his/her family immediately. If the child belongs to a state other than Delhi, an escort order for accompanying the child to CWC / child care institution of his native place for restoration to family and rehabilitation would be issued by the CWC. The case for recovery of wages from the employer would continue after restoration.

v. In case of children residing in Delhi, whose wages have been recovered, a savings account in the child’s name would be opened in a nationalized bank and recovered wages of the child would be placed in a fixed deposit for a period as deemed fit by the CWC.

vi. An assessment would be made regarding immediate needs of the child by the committee and if deemed fit a part of the wages earned by him/her would be handed over to the child labourer at the time of discharge.
vii. In case of children who are being restored to their families outside Delhi and whose wages have been recovered, a savings account in the child’s name would be opened in a nationalized bank and recovered wages of the child would be placed in a fixed deposit for a period as deemed fit by the CWC. Alternatively, a cheque or demand draft for the recovered amount could be handed over to the parents for making a fixed deposit in the child’s name in a local bank of their native place under intimation to the local and Delhi based CWC. Either of these two options could be exercised in consultation with the child and his family.

viii. The original fixed deposit document would be handed over to the child / parents / guardians at the time of restoration and a copy of the same would be retained in the case file.

ix. If a child has been restored back to his/her family out of Delhi without recovery of wages, the amount recovered subsequently from his employer would be sent to the CWC of his/her native place for making a fixed deposit in the name of the child in a local bank for a period till the child attains 18 yrs of age or allowing partial/full payment to the parents/guardians as per needs of the child.

x. For child labour cases, office of the Labour Commissioner and in case of trafficking of children Anti Human Trafficking Unit would be involved by the concerned Child Welfare Committee for expeditious disposal of cases and completion of formalities.

xi. Whenever a group of children is rescued through raids, the committee would coordinate with the concerned hospital to ensure that children whose age proofs are not available are allotted one or two dates by the hospital concerned for conducting bone age verification test of all the rescued children together within a week of their admission and for submitting a report of the same within ten working days of conducting the test.
Children rescued from immoral traffic:

In cases of elopement and children rescued from immoral traffic, restoration to family would be done by the Child Welfare Committee after careful consideration of all relevant factors including assessment of specific circumstances of the child and family for ensuring her wellbeing. The committee would adhere to the following guidelines while dealing with such cases:

i. If the child is a resident of Delhi, the Child Welfare Committee would give directions to the concerned Welfare Officer for conducting a home study for assessing her family background and submitting a report within one week of issue of the order.

ii. The Child Welfare Committee would take into consideration the social investigation report of the Welfare Officer, while taking a decision whether it is in the interest of the child to be restored back to her family or she is in need of long term institutional care.

iii. If the rescued child belongs to a state other than Delhi, she would be transferred to the CWC / child care institution in her native place for further restoration, rehabilitation and follow up.

iv. After restoration of a child who resides in Delhi, the concerned Child Welfare Committee would follow up the case through home visit, phone call or inviting the child for a meeting. Towards this purpose support from probation services and District Child Protection Units may also be solicited.

v. The committee would ensure recovery of valuables, money or articles of personal use left behind by the child at the place she was rescued from. The same would be kept in safe custody and an entry of list of articles taken into possession would be made in her case file. All the personal belongings of the child would be handed over to her at the time of discharge from the institution.
Miscellaneous:

i. Once a child’s family is traced, the Child Welfare Committee would ensure early restoration of the child without any delay so that maximum number of children are re-united with their families in shortest possible time.

ii. In case of all restorations in Delhi, CWC would counsel the parents/guardians for continuation of the child’s education. Necessary information would be provided and intervention would be made to get the child admitted in local mainstream school under Right to Education Act. Towards this purpose, the case could also be referred to the CWC under whose jurisdiction the child is residing and the concerned District Child Protection Unit for the required intervention and follow up.

iii. Only those children would be admitted for long term care in the institutions whose families are reportedly staying in Delhi but remain untraced or whose parents though residing in Delhi are unable to look after basic needs of their children.

iv. Before committing a child whose age proof is not available for long term care institutional care, his/her bone age determination test would be conducted as per Rule 12 of the Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009 to avoid ambiguity about the child’s age at a later stage.

v. Wherever needed, the committee would follow up the case after restoration to ensure that the child is well adjusted in the family though home visit, phone call or inviting the child for a meeting. Towards this purpose support from probation services, District Child Protection Units or local police stations could be solicited.

vi. The committee should not give a gap of more than one week between two hearings.

(Saumya Gupta)
Director (WCD)

F. No. 61(761)/Restoration/ DD(CPU)/DWCD/2014  
Dated: 08 May 2015

Copy to:
1. PS to Pr. Secretary, Department of WCD & SW, GLNS Complex, Delhi Gate, Delhi.
2. PA to Dy. Commissioner of Police, Crime (Women Cell), P.S. Nanakpura, Delhi.
3. The Chairperson, Child Welfare Committee-I, Nirmal Chhaya Complex, Jail Road, New Delhi.
11. The Superintendent, Phulwari Children Home for Boys-I, Alipur, Delhi.
12. The Superintendent, Ashiana Children Home for Boys-II, Alipur, Delhi.
14. The Superintendent, Uday Children Home for Boys-II, Lajpat Nagar, New Delhi.
15. The Superintendent, Anupama Children Home for Girls-I, Nirmal Chhaya Complex, Jail Road, New Delhi.
16. The Superintendent, Anukriti Children Home for Girls-II, Jail Road, New Delhi.
17. The Superintendent, Sharda Greh, Children Home for Girls-III, Nari Niketan, Jail Road, New Delhi.
18. The Superintendent, Children Home for Girls-IV, Room No. 5, Short Stay Home for Women, Nirmal Chhaya Complex, Jail Road, New Delhi.
20. The Superintendent, Village Cottage Home-II, (for Boys & Girls), PWD Barracks, B-Block, Kalkaji, New Delhi.
22. The Superintendent, Home for Healthy Children (Male & Female) of Leprosy Affected Person, Nirmal Chhaya Complex, Jail Road, New Delhi.
23. The Superintendent, Home for Healthy Female Children of Leprosy Patients, Nirmal Chhaya Complex, Jail Road, New Delhi.
24. The Superintendent, Sanskar Ashram for Boys-I, Dilshad Garden, Opp. G.T.B. Hospital, Delhi.
25. The Superintendent, Sanskar Ashram for Boys-II, Dilshad Garden, Opp. G.T.B. Hospital, Delhi.
26. The Superintendent, Sanskar Ashram for Girls, Dilshad Garden, Opp. G.T.B. Hospital, Delhi.

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