

## Module 5: Child Welfare Committee (CWC)

### Session 2: Procedure Related to CNCP

**Duration: 9:11 Minutes**

#### Session 2: Procedure Related to CNCP

In session-2, you will learn in detail the procedure followed by CWC upon receiving a CNCP.

Let us try to understand the process as prescribed in the JJ Act with help of few case studies involving CNCP in different situations.

#### Procedure in relation to CNCP

The JJ Act prescribes the process to be adopted by CWC to deal with CNCP during production, reporting, and inquiry such as:

- Production before the Committee as per Section 31, JJ Act, 2015
- Reporting Process of a Child found Separated from the Guardian
- Inquiry on production of a child on receipt of a report

Let's now discuss the procedures in detail.

#### Production before the Committee as per Section 31, JJ Act.

1. In the earlier session we had seen the people who can bring a child to a CWC. Now let us revisit and see the complete list of individuals who may produce any CNCP before the Committee these include:

- Any police officer or SJPU or a designated Child Welfare Police Officer (CWPO) or any officer of DCPU or inspector appointed under any labour law for the time being in force.
- Any public servant
- CHILDLINE Services or any voluntary or NGO or any agency recognised by the State Government
- CWO or PO
- Any social worker or a public spirited citizen
- By the child himself
- Any nurse, doctor or management of a nursing home, hospital or maternity home.

As we discussed, the next important procedure is Reporting of Children. Let us now learn the Reporting Process of a Child found Separated from the Guardian.

1. It is mandatory to report about a child found separated from the guardian as per Sec. 32, JJ Act, 2015

- Any individual or a police officer or any functionary of any organisation or a nursing home or hospital or maternity home, who or which finds and takes charge, or is handed over a child who appears or claims to be abandoned or lost; Or a child who appears or claims to be an orphan

- without family support; shall within 24 hours (excluding the time necessary for the journey), give information to the CWC
- If not possible, give information to the Child Line Services or to the nearest police station or to the DCPU
- Or hand over the child to a child care institution registered under this Act.

Do you know what will happen if information regarding a child as required under section 32 is not given within the period specified in the said section. In that case, such act shall be regarded as an offence.

It shall be liable to imprisonment up to six months or fine of 10,000 rupees or both, as per Section 33 & 34, JJ Act, 2015.

### **Surrendered child (Section 35, JJ Act, 2015)**

You know there are many parents who are unable to take care of their children. Such parents often surrender their children for adoption. What are the procedures to be followed in such cases? Let's learn.

As per Section 35 of the JJ Act,

- Parents or guardians who, for physical, emotional and social factors beyond their control, wish to surrender a child, shall produce the child before the Committee.
- After the process of inquiry and counselling, if the Committee is satisfied, a surrender deed shall be executed by the parents or guardians.

It's important to know that the CWC would put all the efforts to avoid surrendering the child in the best interest of the child. So,

- The parents or guardians shall be given two months' time to reconsider their decision;
- In the intervening period the Committee shall either allow, after due inquiry, the child to be with the parents or guardians under supervision, or place the child in a Specialised Adoption Agency (SAA), if he or she is below six years of age;
- Or a children's home if he is above six years.

Let us now review a situation where if the biological mother/biological parents want to surrender her/their child what should they do?

- The mother/parents come directly to the CWC or through any agency
- The CWC must interview the biological mother/parents and assess the reasons why the mother/parents want to give away the child.
- If the reason for wanting to surrender the child is due to a crisis that can be overcome through other forms of non-institutional support such as foster care, sponsorship or short term institutional care or other schemes of the Government, the CWC should not only provide this information, but also must make efforts to counsel parents to make it workable.

- If it is required, the CWC may refer her/ them to an agency for professional counselling to strengthen their coping capacities to deal with the crisis that they are facing.
- It may also be that parents are simply not willing to take responsibility of the child.
- Here too, counselling will prove useful. The CWC should not rush into a decision, but use counselling to support the child to remain with the biological family.
- The detailed assessment report by the counsellor should be taken on record and considered before final decision.

Now you know the procedure in relation to Children In Need of Care and Protection. Let's now learn the procedure of CWC related to the inquiry.

### **What inquiry should be done on production of a child or on receipt of a report?**

Inquiry is a very important process based on which the CWC passes its order. Let us understand this in detail.

#### **As per Section 36, JJ Act, 2015,**

On production of a child or receipt of a report, the CWC shall hold an inquiry on its own or on the receipt of the report and may pass an order

- to send the child to the Children's Home or a fit facility or fit person
- for speedy social investigation by a social worker or CWO or CWPO
- send children below six years of age, who are orphan, Surrendered or appear to be abandoned shall be placed in an SAA, where available.

The social investigation shall be completed within 15 days so as to enable the Committee to pass final order within four months of first production of the child.

Let us understand what is the process adopted by CWC in case of orphan/abandoned child.

- In case of orphan, abandoned or surrendered children, the Committee shall complete the inquiry as specified under section 38 and declare a child legally free for adoption.
- After completion of the inquiry, if the Committee is of the opinion that the said child has no family or ostensible support or is in continued need of care and protection, it may send the child to an SAA if the child is below six years of age; children's home or to a fit facility or person or foster family, till suitable means of rehabilitation are found for the child, or till the child attains the age of 18 years.

Let us see what happens after the child is placed. You already know that JJ Act gives ample focus on review and follow up of the child even after his/her placement.

- The situation of the child placed in a children's home or with a fit facility or person or a foster family, shall be reviewed by the Committee.
- The Committee shall submit a quarterly report on the nature of disposal of cases and pendency of cases to the DM for review of pendency of cases.

### **Process in pendency of cases**

The JJ Act prescribes systems to address the pending cases on priority. Let us see how.

- After review the DM shall direct the Committee to take necessary remedial measures to address the pendency, if necessary and send a report of such reviews to the State Government, which may constitute additional Committees, if required.
- If the pendency of cases continues to be unaddressed by the Committee even after three months of receiving such directions, the State Government shall terminate the said Committee and shall constitute a new Committee.
- In case of any delay in the constitution of a new Committee, the CWC of a nearby district shall assume responsibility in the intervening period.

In this session we learnt all the Procedures of CWC in relation to Children In Need of Care and Protection such as Production before the Committee (Section 31, JJ Act, 2015); reporting process of a child found separated from the guardian; and inquiry on production of a child on receipt of a report and pendency of cases.

Let's now move on to the Evaluation Exercise and assess how much we have learned.