

**STANDARD OPERATING  
PROCEDURES FOR  
RESTORATION OF “FOUND”  
CHILDREN FOR FUNCTIONARIES  
WORKING IN  
CHILD CARE INSTITUTIONS  
2014**

**Department of Women and Child Development  
Government of NCT of Delhi**

## **STEPS INVOLVED IN RESTORATION OF CHILDREN**

While dealing with children in need of care and protection, the functionaries working in child care institutions would abide by the following steps, 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 : -

### **Step I : Child's Admission in the institution :**

1. As soon as a child enters the institution, all efforts for tracing his/her family would commence immediately without waiting for CWC orders.

2. Full size photograph of the child in the same set of clothes he was wearing at the time of entry in the institution would be taken immediately. Subsequent to change of clothes another passport size photograph would also be taken. The initial photographs would be kept in case files at all times.

3. At the time of admission during 'jama talashi' procedure any valuables, money or articles of personal use found with the child would be kept in safe custody and an entry of list of articles taken into possession would be made in his case file as well as 'jama talashi' register. All the personal belongings of the child would be handed over to him/her at the time of discharge from the institution or would be disposed of as per Juvenile Justice Rules 52 and 53.

4. As soon as a child enters a government institution, his case would be assigned to a specific Welfare Officer who would look after his needs in a holistic manner. A mechanism for immediate allocations of cases would be developed and the same could be done by assigning specific age groups to specific Welfare Officers.

5. Preliminary interview with the child would be conducted by the Welfare Officer and the child would be presented before the CWC within 24 hrs of his arrival or on the next working day whichever is earlier. If the CWC is not in session, intimation about the arrival of the child would be given to CWC Chairperson / Member on phone. In absence of the concerned Welfare Officer his link officer would do the needful along with filling up of the intake form.

6. Wherever feasible, physical segregation of new incoming children from children who have been committed for long term care in the institution would be ensured. The needful could be facilitated by making living/sleeping arrangements of newly admitted children in a separate dormitory till their cases are pending before the Child Welfare Committees.

### **Step II : Interview and counseling :**

The concerned Welfare Officer would conduct detailed interview with the child to gather maximum information about his family background and address including major landmarks around his house for tracing his family within two working days of the child's admission. The Superintendent would make a House Father responsible for familiarizing the child with the institutional set up and ensuring that articles of daily use like clothes, locker, bedding, utensils, soap etc. are made available to him immediately to ease his stay in the institution. An older child could also be made his guide/mentor/friend to further help him deal with issues related with day to day life in the institution.

A counseling session would be conducted by the concerned Welfare Officer /qualified counselor/psychologist as per availability within twenty four hours of admission or next working day whichever is earlier for facilitating his/her adjustment in the institutional life and taking care of his emotional needs. A child requiring long term psychological intervention would be referred to the mental health unit for sustained counseling sessions.

### **Step III : Tracing the family :**

Steps for tracing the families of children and processes involved therein have been worked out for four categories of children in need of care and protection which are as under : -

- (i) Children whose families are residing in Delhi**
- (ii) Children belonging to states other than Delhi**
- (iii) Children belonging to foreign countries**
- (iv) Children with special needs**

**(i) Children whose families are residing in Delhi :**

1. If the child is able to give exact address or telephone number of the family, the Welfare Officer would contact his/her family within two working days and inform the guardians/parents about the child's arrival in the institution. The child would also be allowed to talk to his family members on phone unless otherwise directed by the Child Welfare Committee.
2. If the child is able to identify a broad geographical area but is not able to provide his exact address he would be taken for a spot visit to the area within one week of his admission. Help from the concerned District Child Protection Unit (DCPU) or local police station could also be taken for conducting spot / home visits.
3. 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 and the same would be updated by the concerned Welfare Officer subsequently if needed and later at the time of restoration/transfer/long term commitment of the child.
4. In case of children who are unable to give specific details of their background or address on account of mental/hearing/speech disability or due to any other reason and whose families remained untraced even after making above efforts, personal details and photographs would be sent for publication in newspapers and telecast on Doordarshan to RGO Branch, HQ (WCD) on completion of fifteen days. In such cases, the RGO Branch would ensure publication / telecast within fifteen days of receipt of the request on priority. The Welfare Officer / Superintendent would ensure that publication/telecast is done for a minimum of three times with a gap 15 days in case the family remains untraced.

**(ii) Children belonging to states other than Delhi :**

1. In case a child is not able to speak or understand Hindi, the Resident Commissioners of concerned States would be contacted for providing translators for conducting detailed interview.
2. If the child is able to give telephone number of his/her family, the Welfare Officer would contact the family within two working days and inform the guardians/parents about the child's arrival in the institution. The child would also be allowed to talk to his family members on phone unless otherwise directed by the Child Welfare Committee.

3. 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 and the same would be updated by the concerned Welfare Officer subsequently if needed and later at the time of restoration/transfer/long term commitment of the child.
4. Based on the information given by the child, the concerned Welfare Officer would contact Superintendent of Police / Childline / CWC / Probation Officer / Child Protection Officer of his/her native district on phone within one week for tracing the child's family or verification of address. Wherever needed, a formal communication along with photograph of the child would also be sent through email or post.
5. In case a child's family is traced and address is confirmed, the Welfare Officer would invite the family to Delhi for taking custody of the child and would provide necessary information for facilitating the same. The Welfare officer would also submit an inquiry report detailing efforts made by him/her and outcome of the same to the concerned CWC on the next working day.
6. In case a family belonging to poor economic background arrives in Delhi to take custody of the child, the actual travel expenses of two family members and the child would be reimbursed by the Superintendent of the institution where the child has been residing on directions of CWC.
7. After restoration / repatriation, a safe reaching report of the child would be submitted by the police escorts to the child care institution and actual expenditure incurred during travel of the child including cost of tickets and incidentals would be reimbursed by the concerned Superintendent to the escorts.

**(iii) Children belonging to foreign countries :**

1. After conducting detailed interview, a communication would be sent to the concerned Embassy and the NGO authorized by the embassy for repatriation enclosing the child's photograph, personal details and information regarding his address along with the request for initiating efforts for tracing the child's family in his/her native country with help of local authorities. The same would be done within one week of the child's admission.

2. In case a child is not able to speak or understand Hindi, the concerned Embassy would be contacted for providing translators for conducting detailed interview within two days of the child's admission.
3. If the child is able to give contact number of the family in his native place or any other relative, the Welfare Officer would telephonically contact the family and inform the guardians/parents about the child's arrival in the institution within two working days of the child's admission. The child would also be allowed to talk to his family members on phone unless otherwise directed by the Child Welfare Committee.
4. The Welfare Officer would regularly follow up with the concerned Embassy / NGO regarding progress made in the case (at least thrice a month) and keep the CWC apprised of the latest developments.
5. After restoration, a safe reaching report of the child would be submitted by the Embassy / NGO to the concerned Child Care Institution / CWC.

**(iv) Children with special needs :**

The procedure for restoration of a child with special needs would remain the same as mentioned at categories (i) and (ii) above for Delhi based children as well as those belonging to other states. However, following additional efforts would be made for taking care of their special needs : -

1. While the case of a child with special needs is pending with the Child Welfare Committee and till the time he/she is transferred to a specialized institution, all rights of the child would be co-terminus with that of other children residing in the institution and such children would not be discriminated on account of their disability.
2. The Superintendent concerned would ensure that adequate arrangements are made for looking after special needs of such children in consultation with specialists such as special educator, occupational therapist, speech and language therapist, physiotherapists etc. A plan for short term care of such children would be prepared by the concerned Welfare Officer and the same may include special diet, medical care, aids and appliances as per need.
3. Staff of the institution would be trained / sensitized towards children with special needs to enable them to look after them in a holistic manner.

**Miscellaneous :**

1. The Superintendents would take weekly review meetings with the Welfare Officers regarding cases pending before CWC to assess progress made, set work agenda on case to case basis and to help in resolving difficulties being faced by the staff in terms of logistics. The superintendents would also be responsible for ensuring that the steps involved in restoration process as mentioned above are carried out within stipulated timelines and all CWC orders pertaining to restoration of a child are complied with.
2. Once a child is committed for long term care in an institution, the concerned Welfare Officer would continue to make efforts for tracing his/her family to ensure that maximum number of children are re-united with their families.

**STANDARD OPERATING  
PROCEDURES FOR  
RESTORATION OF  
“FOUND” CHILDREN FOR  
CHILD WELFARE COMMITTEES  
2014**

**Department of Women and Child Development  
Government of NCT of Delhi**



## **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. 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.
- iv. 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)
- v. 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.

○ ***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 and 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 through 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.

**Feedback is invited on the SOPs from all the stake holders working in the field of child welfare latest by 31<sup>st</sup> October 2014 at the following e-mail address: -**

**[dwcddt@gmail.com](mailto:dwcddt@gmail.com)**