

Transition from orphanages to family care: the need for deinstitutionalization and foster care for orphaned children in India

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Abstract

There has been growing interest in the Transition of orphaned children from institutional care to family-based care in India. This can be mainly attributed to the recent revisions in the Model Foster Care Guidelines in 2024. Estimated at 30 million orphans, reliance on Child Care Institutions (CCIs) has been considered insufficient, and thus, foster care has emerged as a more viable alternative. Legal framework: This shift finds a legal footing in the Juvenile Justice (Care and Protection of Children) Act, 2015, which clearly states that the care home shall be considered an institution for admission only as a last resort. To increase the potential pool of foster parents, eligibility has been broadened under the new rules to anyone who is above 35 and less than 60 years old, irrespective of being married or unmarried². It took five years for foster care to embrace transitions into adoption, decreased to two years in order to have a more prompt placement of children. Despite these advances, significant challenges persist in foster care, including the persistent cultural stigma against foster parenting and the requirement of reaching out to the community through education to shift attitudes toward foster parenting. To change this new trend, the Supreme Court has emphasized that all children have the right to grow up in family-like settings. The other positive efforts include programs funded by organizations such as UNICEF, which help fewer children be in institutions due to the encouragement of fostering family-based care options. New definitions of children with no visitation and those with unfit guardians in the 2024 guidelines are also emphasized to give special attention to vulnerable groups. This paper will advance the argument that fostering is beneficial not only for children in the short term but also for the long-term outcomes of their lives because they are cared for in a nourishing environment.

With these reforms, India must adequately train the foster parents and have robust monitoring systems to ensure child welfare. Ultimately, fostering is a promising solution for the pressing issue of orphaned children in India.

Keywords: *Foster Care, Orphaned Children, Deinstitutionalization, Juvenile Justice Act 2015, Family-Based Care, India.*

Introduction:

Since the country of India has witnessed 30 million orphaned children, it is indicative of a grave social and humanitarian challenge. However, demanding the legislative process may result in overcrowded and underprovided orphanages; children need more psychosocial care to promote healthy growth and development. There have been increasing criticisms of dependency on institutional care. Thus, the deinstitutionalization

process demands critical review with encouragement in alternative care in a family context, especially foster care, which has received much thrust lately.

The Juvenile Justice (Care and Protection of Children) Act of December 31, 2015, is a landmark policy concerning child welfare in India. This Act acknowledges the other care options outside of institutional care, noting that institutional care is only relevant when all else fails. The Act identifies various alternatives to non-institutional care, such as foster care and adoption, thus making a base for a better humane and workable child welfare system. Yet, despite these legal frameworks, the adoption of foster care remains limited, mainly by cultural stigmas and a need for more awareness of the benefits of foster care.

The traditional view of orphanages as safe havens for children has been challenged by research indicating that children raised in institutional settings often experience higher rates of emotional and behavioural issues compared to their peers raised in family environments. Studies have found that children, when placed in institutions for long periods, develop problems related to attachment disorders and anxiety. In addition to these issues, social adjustment is also hampered.

Thus, the studies emphasize family-based alternatives in the immediate order, providing individualized and emotional care, which does not occur in institutes.

Family-based care models have been more emphasized in recent times. Model Foster Care Guidelines were launched in 2016 and then amended in 2024. The Model Foster Care Guidelines are a massive leap toward developing foster care systems in India. It widens the scope of foster care eligibility and opens it to a much larger group of eligible foster parents; the guideline has expanded the scope by considering people above 35 years of age and up to 60 years, either with or without marriage. The guidelines further abbreviate the time required

to complete foster care transitions to adoption to two years from five years previously, thus expediting the placement of needy children.

In this respect, although the past couple of years have been surprisingly upbeat in foster care, much has yet to be discussed and dealt with. Societal stigma about foster care continues to be the most significant impediment. The greatest apprehension of the individuals still is a societal judgment upon themselves for choosing to bring up a child that isn't biologically their own; other people still see it as an unnatural thing to do. Once more, there is a pressing need to reach communities and eliminate negative conceptions of foster care to enlighten the minds of society toward its goodness.

The Supreme Court of India also focused on children's rights to be raised in family environments rather than institutions. Such judicial policy aligns with the international best practices advocated by organizations like UNICEF, emphasizing that children thrive the best in a nurturing family environment. This is precisely what the newly revised foster care guidelines reflect in their commitment to prioritize children's rights and welfare.

Given the complexity of issues connected to orphaned children, fostering is bound to offer more hope to orphaned children because the country has failed to solve this problem. Early intervention support can enhance long-term outcomes by ensuring family stability and improving the living conditions of many children from various parts of the nation. This paper will discuss deinstitutionalization requirements and argue for a robust foster care system as a practical alternative to traditional orphanages to create a more humane child welfare framework in India.

Contextual Background

The concept of foster care in India is very recent as compared to other countries where it has been well established as a component of child welfare systems. As the most essential institution of yesteryear, the orphanage provided shelter and minimum facilities to abandoned or orphaned children. However, society's perceptions regarding children's development and emotional wellbeing improved gradually; only then did people realize that an institutional environment fails to satisfy the psychological needs of children.

According to the report, 2.38 lakh orphans are at present living in the Child Care Institutions in India. These institutions cover government orphanages as well as private ones. At least one

family member in around 80% of these cases is alive. Still, the child remains in an institution primarily because of a lack of family resources or simply because the family cannot afford to maintain them. Families do not leave behind their children. It's an economic condition or a social compulsion where families must make harsh decisions.

These systemic issues brought legal amendments to encourage other caregiving options, such as kinship and foster care. The Juvenile Justice (Care and Protection of Children) Act emphasizes that institutionalization should be resorted to only after all other avenues have been exhausted. The changes are also based on international best practices recommended by UNICEF, amongst others, and with the ratification of international instruments on child protection treaties signed by India.

This has been done considering schemes to enhance community-based solutions that prevent unnecessary separation from families and provide support systems to foster familial ties wherever possible. For example, NGOs like Miracle Foundation India have collaborated with governmental bodies to improve conditions within CCIs and develop models to promote family-based alternatives across multiple states - Maharashtra and Gujarat.

The new rules under the Model Foster Care framework symbolize the ongoing efforts that involve deinstitutionalization in paving straightforward ways for prospective foster families and reducing barriers posed earlier to single people willing to participate.

Although there have been developments toward reforming child welfare policy in the Indian social context, deep-seated cultural stigmas associated with foster care practices themselves and conceptions particular to nonbiological parenting arrangements continue to be a challenge that should be attended to with some urgency if real progress is to be made in this regard.

The Need for Deinstitutionalization:

Deinstitutionalization refers to the targeting of systemic change focused on reducing reliance on large-scale residential facilities, such as orphanages while promoting more individualized forms of supportive housing arrangements tailored to each child's unique needs throughout their developmental journey. In India today, about 370 thousand children live in various CCIs. These numbers show a solid need to reassess the current practices that govern how society approaches caring for vulnerable youth populations who need help now! Evidence in research suggests that those growing up in institutional settings generally tend to have higher incidence rates of emotional and behavioral disorders compared to their peers brought up in family-based environments. These stark contrasts highlight the critical significance of giving preference to family-based alternatives that can afford the personalized attention required to ensure that healthy development trajectories are witnessed in young lives that bear a direct impact due to failures witnessed historically in child welfare policies currently operational across this country today!

International studies also demonstrate positive correlations between placements into familial arrangements and better education and socialization capabilities compared to those left behind in the system. This speaks to a greater sense of necessity; attention is paid to changing and moving forward from more entrenched models, which prevail more today, toward newer innovations premised on principles honoring every child's dignity and rights regardless of the circumstance by which a child faced upon entering the system, the circumstances with which the journey began and that prevailed ultimately leading to a more fantastic possible future that is conceived!

Moreover, the most recent judgments gave more critical weight to the rights of every child growing up to receive an environment traumatized, not traumatizing, conditions most commonly experienced within large-scale residential facilities. The concept resonates well with international best practices policy recommendations by organizations, such as UNICEF, which greatly emphasize returning the young as soon as possible to life in loving families rather than solely to institutional settings, which lack critical components necessary for healthy emotional development!

With the rising awareness regarding the significance of promoting ventures, community-oriented programs, and projects are coming forward all around various areas across a country to establish reproducible examples that can be scaled up by showing how the grassroots interventions designed and set to prevent the factors that lead to the extreme neglect and desertion of such numerous unprivileged youth population groups as are living in the prevailing era already exist outside their family setup prevalent in society at this present moment within any country in this world!!!

Finally, deinstitutionalization stands for more than a policy change - it represents necessary growth on the path to better welfare practices in line with universal standards and best interests of all individual children, without any discrimination in terms of background or previous circumstances, yet experienced on the way thus far and leading towards their future!

Argument for Foster Care

Foster care is one much-needed component of the broader policy intervention related to the pressing issue of orphaned, abandoned, and neglected youth populations who are currently residing outside the available familial structures across the country today! It may be able to provide an immediate response that complements better the longer-term outcomes within stable settings that can help support growth and development to ensure healthy trajectories in the lives of the young people most directly affected because of failures in the systems that have been witnessed over time through child welfare policies operational across the country today!

New Model Foster Care Guidelines New Guidelines Foster Care Demonstrate Continuous Efforts to Enhance Opportunities for Access to this Critical Service Sectors-Potential Carers- including singles aged between 35 to 60 years old will be qualified to apply for fostering posts to expand the pool of willing carers to open their homes to those in need when the nation needs them most in crisis moments!

Further, the recent amendment concerning the minimum number of years required to transition a child from foster adoption decreased significantly from five to two years, so more youngsters in urgent care could be placed faster. It streamlined the process in which more children could come into loving homes without a long period of uncertainty typical of lengthy procedures in earlier traditional adoption processes!

Despite all the good, There are still a lot of issues, especially the cultural stigma concerning fostering practice, which seems to dissuade some potential caregivers from stepping forward to participate in the system. Most of the people still regard fostering as an unconventional choice. They fear societal judgment about choosing to raise children who are not biologically theirs. Perception must be dealt with through community engagement initiatives to change attitudes while educating the public about the benefits of participating in such programs!

Moreover, bureaucratic hurdles, insufficient support systems, and prospective foster families create hindrances and make the process less productive in implementing the fostering scheme. A quality monitoring scheme that would take care to ensure wellbeing for placements under temporary guardianship makes all the difference in assuring that standards of services are kept intact in service delivery and that the resources needed and training given are effective in enabling the caregivers appropriately to address specific needs about each child they care for!

This means that advocating a robust, comprehensive framework supporting sustainable fostering practices represents a crucial step toward creating more compassionate, inclusive environments that address urgent needs within vulnerable youth populations outside familial structures available nationwide today! The prioritization of family-based alternatives over institutionalization allows for healthier developmental trajectories among young lives impacted directly because of systemic failures witnessed historically throughout child welfare policies currently operational across the nation today!

The Transition to family-based care is fundamental to child development

The Transition from institutional care to family-based care, where foster care is highly focused, plays a vital role in the emotional and psychological rehabilitation of orphaned children in India. According to many studies, children's emotional and psychological wellbeing increases significantly when placed in a family environment, compared with those growing up in an institutional setup. For instance, research in Child Abuse & Neglect (2018) reveals that children in orphanages are usually more anxious, have attachment disorders, and find it hard to integrate into the social setup. This emotional problem is due to a lack of personalized care and nurturing relationships typically found in family settings.

The Juvenile Justice (Care and Protection of Children) Act of 2015 makes institutional care only when a child's "own care and protection may not be possible." Today, almost 370,000

children live in Child Care Institutions (CCIs) that are very overcrowded and under-resourced. The Model Foster Care Guidelines, updated in 2024, address these issues by expanding eligibility for foster parents and streamlining the adoption process. This is intended to minimize the adverse effects of prolonged institutionalization by allowing quicker placements into loving homes.

Besides these, emotional security from family unit membership forms a vital component for positive development. It's via family settings that a child acquires more than merely the barest necessity in life; family situations only provide the necessary resources for support, guidance, and socialization, fundamental essentials to wholesome development for any child. Thus, shifting toward family-based care cannot be just a policy initiative but an evolutionary requirement, as society needs the wellbeing of its most vulnerable members. India can better improve life trajectories for orphaned children by focusing on family-based care.

Family Environments are Indispensable to Healthful Development

The influence of a fostered familial environment cannot be overruled while considering the children's healthy development. Science has repeatedly pointed out that a child grows the best in stable and loving households. Institutional setups hardly prove beneficial when considering their individual emotional and psychological developments. Orphaned children are mostly neglected because of low staff-child ratios, and meager provisions scarcely provide them with the proper attention they need.

Organizational studies, such as those conducted by UNICEF, show that children brought up in families have more desirable behavioral outcomes and social competencies than those brought up in institutions. The United Nations Guidelines for Alternative Care of Children also recommend family-based care as the best practice for child welfare and state that every child has the right to grow up in a family environment whenever possible. It reminds me of the recent judicial decisions in India that have stressed the child's right to a caring environment. Negative Impacts of Institutionalization. As already recognized, the children within such institutions have a habit of growing with attachment as well as trust disorders mainly linked to variable caregiving. On the other hand, families have stability, love, and security; those positive foundations of healthy emotional development must be

grounded in them. Such favorable impacts could thus be realized with care by creating an atmosphere where each child gets concerned and supports matching the child's unique needs. This nature of fostering ensures continuity in social and community ties. Models of family-based care, such as promotion, ensure that children will always benefit from growing up in their given environment so their overall growth is perfect.

Fostering May Not Suit Every Child

While fostering positively affects most orphaned children, it is unsuitable for every child or situation. Some children require special needs or complex familial connections that must be scrutinized before placement. Take, for instance, children who have special needs. This may require additional resources that not all foster families have. Some might have been traumatized by their biological families, making their process of adjusting to new environments or caregivers pretty challenging.

Such a decision to put a child in foster care should be made depending on the individual case or needs of the child, their age, and what stage of development they are undergoing. Past experiences with other caregivers should also be factored in to ensure that such fostering would be for betterment and not deterioration. At times, kinship care, one in which the child is kept with relatives-might prove more suitable for the child rather than the set up of foster care.

Even situations where cultural or community dynamics may be relevant in creating fostering arrangements. In some communities, there is a more pronounced stigma about not-biological parenting or fostering practices, which may affect the child's integration into a new home or community.

Therefore, although fostering can benefit most orphaned children insofar as giving a child a stable environment and sense of love, placements need to be made thoughtfully and with a perception of the individual circumstances related to the child. Proper assessments need to be done before placement so that the fostering would be in the best interest of the child concerned.

Stability fears and cultural stigma are now to be overcome

Mostly, critics are concerned that foster care placements may introduce the child to unstable situations. They argue that children change homes so often that those who have already been deserted or neglected suffer emotional disorders and attachment problems. Finally, cultural barriers to fostering discourage a potential caregiver from stepping up. Most people find fostering an unconventional decision, or they fear being judged by society for raising children who are not born biologically to them.

However, all these can be put right through adequate preparation for the foster parents to help them prepare for challenges. Such training programs would give the caregiver skills that can do with trauma-informed care and parenting techniques designed to take care of children who have experienced instability in their lives. In this regard, an agency can support a family if the placement is stable.

This public opinion for foster care should change equally due to other important community engagement initiatives that focus on spreading awareness for fostering campaigns, spreading the message about the positives, and eliminating the numerous present myths associated with nonbiological parenting arrangements. Local influence figures, activists, and influential voices can help popularise community acceptance to deal with the stigma-related problem.

The findings further show that stability placements, or when a child remains within the same foster family for an extended period, are linked with a good outcome and alleviate concerns over instability. With this, society strives to enhance the effectiveness of foster care while diminishing the apprehensions related to stability and cultural acceptance.

Financial Implications Favor Foster Care Over Institutionalization

The second critical argument is the cost implications of running an extensive orphanage network and providing the resources and means of support for fostering programs. Developing a healthy foster care system requires more input costs, such as the investment in training and other supporting services for the foster family. However, evidence reveals that the cost implications of institutional care over an extended period exceed the impact of fostering.

Maintaining an orphanage involves huge costs of staff, facilities, food, health care, and educational facilities, all multiplied by the number of children housed within these Institutions. Foster care taps into the existing structures of families in communities and offers direct financial support to caregivers who voluntarily assume that responsibility.

Governments can redirect funds siphoned from institutional settings toward upgrading community-based solutions such as fostering initiatives, such as providing stipends or tax incentives for potential caregivers, achieving more sustainable results while simultaneously reducing overall expenditure on child welfare systems in operation across India today.

Legal Frameworks Support Transitioning Towards Family-Based Care

The legal systems regarding child care also support the shift toward family-based care systems like foster care instead of the old institutionalized systems still found today! ⁹The Juvenile Justice (Care and Protection of Children) Act specifies provisions that encourage non-institutional alternatives focusing on the best interests of every child involved regardless of the background circumstances they have experienced in the past, confronted during their journey taken and ultimately leading to better futures envisioned ahead!

However, most regions within this country need more implementation of their set guidelines, and the case calls for further advocacy to ensure that existing norms are adhered to by establishing sustainable practices to better the urgent needs that involve assisting vulnerable youth populations currently in dire need. Enhancing partnerships among different governmental bodies and organizations through nonprofit organizations could

allow practical approaches to ensure the mutual benefit derived by parties within this case, as even the most vulnerable party concerned requires urgent assistance.

Suggestions for the Strengthening of Foster Care and Deinstitutionalization in India

1. Raise Awareness and Community Mobilization

Action Plan: Conduct nationwide awareness campaigns educating communities about the need and benefits of foster care. The campaign should break the fostering myths, clarifying that fostering is a possible and humane alternative to institutional care.

Targeted Outreach: Reach to various population segments through local media, social media, and local community events. Involving leaders, influencers, and regional organizations can be used in promoting fostering.

Success Stories: Foster care placements' success stories can be promoted through case studies and testimonials from happy parents. This may affect public perceptions and motivate more people to become foster parent.

2. Foster Parent Comprehensive Training Programs

Implementation: Create training that should be a precondition for pre-foster parents on the issues of trauma-informed care, child development, and the best parenting strategy.

Curriculum Design: Involve the services of child psychologists, social workers, and experienced foster parents to develop a curriculum suited to the specific issues fostered by children in the foster system.

Continuous Support: Train and retrain existing foster parents by providing constant training and workshops to improve their skills and knowledge over time. This can be refresher courses on behavioral management techniques or updates on child welfare policies.

2. Increase Financial Support for Foster Families

Policy Advocacy: Advocate for government policies that offer financial incentives to families willing to become foster caregivers.

Stipends and Tax Relief: Implement stipends or monthly allowances to the foster families in light of the cost of raising children. This could also include tax relief or some form of deductions given to foster parents.

Resource Distribution: Proper resource distribution needs to be done about foster care programs, training programs, community outreach activities, and other support services.

3. Develop Comprehensive Monitoring and Evaluation Systems

Develop the framework to create a complete monitoring system that monitors children's welfare in foster care settings at regular intervals.

Regular Monitoring: This process should be carried out through checks by social workers trained and equipped to assess the child's welfare and the capacity of the foster caregiver. The checks should involve visits to the

home, interviewing the children, and feedback from the foster parents.

Data Collection: Create a core database to track children's progress in foster care versus those in institutions.

These data will be crucial in evaluating the effectiveness of foster care programs and policy decisions.

4. Foster Kinship Care as an Alternative

Policy Support: Kinship care whereby children are placed with their family members should be recognized as another acceptable alternative to general foster care placements.

Development of Policies: Develop policies that encourage kinship placements but, most importantly, are safe and welfare-compliant.

Support Services: Provide specific support services and resources for kinship caregivers, such as counseling, financial assistance, and training.

5. Engage Stakeholders in Collaboration

Multistakeholder Approach: Involve government agencies, NGOs, community groups, and private sector partners in collaborating.

Partnership Models: Design partnership models that utilize the strength of different stakeholders in promoting family-based care solutions. For example, NGOs can undertake community outreach while government agencies can work on policy implementation.

Shared Resources: Encourage sharing resources among the stakeholders for maximum impact. This could be shared training facilities or co-hosted community events that raise awareness about fostering.

6. Research Long-Term Outcomes of Foster Care

Research Projects: Research long-term effects of family-based care on child development.

Partnerships with Higher Learning Institutions: Engage universities and research institutions in conducting longitudinal studies on the outcomes for fostered children compared to those staying in institutions.

Publications: The results from the research conducted will be published widely, informing policymakers, practitioners, and the public of the success of fostering as an intervention to care for orphaned children.

Conclusion

Transference from institutional care to family-based care of orphaned children in India can be regarded as an evolutionary point in the practices dealing with child welfare, as they conform to the criteria at the national and international level of safeguarding children's wellbeing. Currently, there are around 30 million orphaned children, and so the call for more efficient and empathetic solutions in the treatment is the greatest ever today.

The Juvenile Justice (Care and Protection of Children) Act, 2015, and most recently, the model alterations to the Foster Care Guidelines in 2024 represent a serious commitment on the part of the Indian government to focus on family-based alternatives rather than institutional care. Therefore, The legislative frameworks under these acts clarify that institutional care remains a last resort and consequently opens up fostering as an alternative. Studies have often shown that children in family settings have better emotional, psychological, and

social results than their counterparts in orphanages. Moreover, the lack of individual care and nurturing attachment in the institution often takes a toll on the growth and development of the child, including anxiety and attachment disorders. Prioritizing family-based care will allow India to provide orphaned children with a stable, loving, and supportive environment where they can thrive.

However, successful foster care practice involves solving several problems. Stigmas associated with fostering must be demystified through community-based engagement programs to change perceptions. Secondly, there should be wholesome training programs for prospective foster parents so that they will be adequately equipped with skills to take care of traumatized children. Support systems for foster families will be necessary to ensure stable placements. A solid and sound foster care system involves various stakeholders, including governments, NGOs, and community organizations. All of these stakeholders can play together to enhance capacity building on improving standards of care and provide an awareness of the many benefits of family-based alternative options.

Therefore, the policy change from orphanages to family-based care is more than a policy. It is an ethical commitment to protect and nurture the vulnerable child. This may be done by introducing foster care as the preferred solution for orphaned children in the country. Such a strategy would help build a child welfare system in India that is more compassionate and effective, ensuring every child's right to be raised by a loving family. This Transition marks a commitment to the children's rights and future investment, which would only add up for society in time.

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