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## INTER-COUNTRY ADOPTIONS UNDER JUVENILE JUSTICE (CARE & PROTECTION) ACT, 2015: ISSUES AND CHALLENGES

### Introduction:

Children make up around half of the world's population; they are our nation's most precious resource and our future. Although they have a right to a secure upbringing, ignorance may leave children open to many risks including abuse and criminality. Adoption is a strong solution that has been approved worldwide in response to these difficulties, providing a lifeline to children who might otherwise face a hazardous future. We help protect the rights of these vulnerable children by adopting them and giving them a stable, loving home.

For a long time, adoptive parents have thought of adoption as a fantastic way to give a kid a home and experience the joy of parenthood. Adoption is preferable to institutional care for children who have been abandoned or are impoverished, since it provides a pleasant and caring environment that is best experienced inside a family. These days, giving adopted children a loving and supportive family environment is the main priority.

Adoptive parents from one nation lawfully adopting a child from another is known as intercountry adoption, or transnational adoption. Through this procedure, any prior legal links with biological parents are dissolved and a new parent-child bond is formed. Strict requirements that guarantee the child's wellbeing and legal conformity in both participating nations must be fulfilled in order to pursue such an adoption.<sup>1</sup>

The emphasis of inter-country adoption is on the cross-border nature of the process and the establishment of a new parent-child attachment between the adopted parents and the adopted

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<sup>1</sup> Ipleaders, <https://blog.ipleaders.in/analysis-adoption-juvenile-justice-care-protection-children-act-2015/>, [(November 27<sup>th</sup> 2023)]

kid. The adoption procedure is governed by legal systems in both the sending and receiving countries, which ensure that the adopted child's rights and welfare are maintained during the whole adoption process.<sup>2</sup>

Like many other countries, India has laws protecting children's rights, including adoption-related rights. The Juvenile Justice Act of 2015, which prioritizes the welfare of children, regulates international adoption in India. International agreements that guarantee adoptees due process and protection include the Convention on the Rights of the Child (CRC) and the Hague Convention.

Intercountry adoption is not without its difficulties, despite its advantages. Adopted children may struggle with health challenges, cultural acclimatization, and identity issues. Adoptive families, who frequently encounter bureaucratic roadblocks and sensationalized media coverage, need assistance navigating these complications. To successfully address these issues, it is imperative to guarantee openness and resource accessibility. The difficulties are:

1. Multiracial and multiethnic homes are becoming more and more common, which is partly due to the specific obstacles that come with raising children from diverse racial and ethnic backgrounds. International adoption is helping to address these issues. Research indicates that children adopted into the same race as well as those adopted transracially begin to identify racial differences and their adoptive status as early as age 4 or 5. Transracial adoptees have both a growing sense of loss regarding their original culture and family history as they age, as well as an increased awareness of the physical differences between them and their adoptive parents. This awareness may lead to interactions with racism and discrimination that have a detrimental influence on their overall identity formation, self-esteem, and mental health.<sup>3</sup>
2. Poor and struggling financially, biological parents often give up on their kid for adoption, thinking that adoption will offer greater chances later on. This decision causes the kid's original family to be permanently divided, which makes it difficult for the

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<sup>2</sup> Researchgate,

[https://www.researchgate.net/publication/311922211\\_A\\_CONCEPTUAL\\_STUDY\\_BASED\\_ON\\_INTER\\_COUNTRY\\_CHILD\\_ADOPTION\\_VIS-A-VIS\\_HUMAN\\_RIGHTS\\_OF\\_CHILDREN](https://www.researchgate.net/publication/311922211_A_CONCEPTUAL_STUDY_BASED_ON_INTER_COUNTRY_CHILD_ADOPTION_VIS-A-VIS_HUMAN_RIGHTS_OF_CHILDREN) [(November 29<sup>th</sup>, 2023)]

<sup>3</sup> Brainbooster, <https://www.brainboosterarticles.com/post/adoption-under-juvenile-justice-care-and-protection-of-children-act-2015> [(November 29<sup>th</sup>, 2023 )]

youngster to adjust to a new and unusual family, culture, language, and ethnicity. These adjustments may result in a range of social and physical problems for the adopted kid.<sup>4</sup>

3. International adoption increases a child's risk of malnourishment, developmental delays, and exposure to infectious diseases. Adoptive parents may not always be fully aware of these health concerns or prepared to address them when they adopt a child. As they become used to their new cultural surroundings, children may exhibit symptoms of cognitive impairments, learning delays, and the need for specialized help.
4. Adopted children from overseas could go through comparable adjustment challenges as parents of adopted children from within their race. Experiences with social racism and prejudice, especially towards groups of individuals who are different from each other, can make children feel self-conscious about their appearance, which can lead to social anxiety and depression.
5. In an ideal world, potential parents would receive accurate and thorough information on the kid who is paired with them. It must be remembered, nevertheless, that certain countries lack the means to investigate a child's background; as a result, the adoptive parents may not always have access to correct or timely information. In certain countries, the social stigma associated with single parenthood can lead to insufficient or inaccurate documentation, which can affect both the adoption process and the child's circumstances.

In international adoption, the CRC and the Hague Convention are essential for maintaining children's rights. These agreements set guidelines, forbid child exploitation, and advance the kid's best interests. India's adherence to global standards and the wellbeing of children is demonstrated by its acceptance of several treaties.<sup>5</sup>

Working together and upholding moral principles are essential to resolving the challenges associated with international adoption. The Central Adoption Resource Agency (CARA) and other regulatory organizations are essential in overseeing and assisting with adoptions. Global

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<sup>4</sup> Researchgate,

[https://www.researchgate.net/publication/311922211\\_A\\_CONCEPTUAL\\_STUDY\\_BASED\\_ON\\_INTER\\_COUNTRY\\_CHILD\\_ADOPTION\\_VIS-A-VIS\\_HUMAN\\_RIGHTS\\_OF\\_CHILDREN](https://www.researchgate.net/publication/311922211_A_CONCEPTUAL_STUDY_BASED_ON_INTER_COUNTRY_CHILD_ADOPTION_VIS-A-VIS_HUMAN_RIGHTS_OF_CHILDREN) [(November 29<sup>th</sup>, 2023)]

<sup>5</sup> Halder, Debarati and Jaishankar, K., Inter-Country Adoption and Human Rights Violations in India (March 1, 2009). INTERNATIONAL PERSPECTIVES ON CRIME AND JUSTICE, p. 465, K. Jaishankar, ed., Cambridge Scholars Publishing, <https://ssrn.com/abstract=1728127>, (2009)

adoption processes can only be improved and adopted children's wellbeing guaranteed by constant communication, collaboration, and adaptability.<sup>6</sup>

**Conclusion:**

The process of adopting a child from another nation is complex and requires careful consideration of social, ethical, and legal issues. We are able to guarantee the protection of adopted children's rights and wellbeing by cooperating and upholding international accords. It need ongoing assessment and development to overcome obstacles and preserve the moral underpinnings of adoption. Let's stay dedicated to defending the rights of all children, no matter where they live. Let's keep researching this area.

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<sup>6</sup> Legalserviceindia, <https://www.legalserviceindia.com/article/I327-Adoption-under-Juvenile-Justice-Act.html> [(November 30th, 2023)]