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## Rehabilitation of institutionalized children under integrated child protection scheme: A scoping review

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### Abstract

Child care and protection have undergone considerable changes when seen from a historical perspective. This paper provides scoping review of thirty articles collected through various search engines. A critical evaluation of the systematic literature review has been done by analyzing published articles, reports, and chapters, to bring out the thematic conceptualization of the article. The objective of the paper is to bring out the post-release perspective of institutionalized children with regard to the integrated child protection scheme in India. Follow-ups of the rehabilitated children are a must and there is a need to elaborate on how to execute the post-follow-ups of children mentioned in the existing juvenile justice act and child protection schemes in India, so as to bring out a meaningful and constructive follow-up in sync with the best interest of the child.

**Keywords:** Children, rehabilitation, child care institutes, non-institutional services, individual care plan

### Introduction

One of the most important factors that not only helps people develop the necessary India with 1.21 billion people constitutes as the second most populous country in the world, while children represent 39% of total population of the country. It is home to the largest number of children in the world. The development of Children is as important as the development of material resources and the best way to develop national human resources is to take care of children. They constitute the most vulnerable strata of the society so far as rights and exploitative structure that exist in the fast-growing economy is concerned. Children being vibrant and creative in their ideas and are considered a supremely important asset of our nation. Children in need of care and protection include several categories of children with varying needs. Children who are destitute, missing or runaway, abandoned, orphan, abused, street children, child beggars, children working under hazardous conditions. The children who are debilitated are forcefully indulged in child labour and beggary. Poverty and lack of social security are the main causes of child labour and beggary. The growing phenomenon is using children as domestic workers in urban areas are now very common these days. The conditions in which children work is completely unregulated and they are often made to work without food, and very low wages, resembling situations of slavery. There are cases of physical, sexual and emotional abuse of child domestic workers and thus are prone to the vulnerability and when rescued by various helplines, child protection units, police and NGOs are rehabilitated to child care institutions.

People migrate in large number from rural to urban areas in search of employment. The agricultural base of rural areas does not provide employment to all the people living in rural areas. Even the small-scale and cottage industries of the villages fail to provide employment to the entire rural community. Contrary to this, urban areas provide vast scope for employment in industries, trade, transport and services. Most of the migration is seasonal. Families travelling from one place to the other in search of work is the common scenario in the cities. Children are therefore at higher risk. They indulge in various works for a short period of time as child labour or beg around the cities and are also prone to various kinds of abuses and exploitation. These children when rescued from the various hazardous conditions are placed in the institutions. Thereafter, these children are sent back to the families or to the fit person as decided by the child welfare committee, after due-enquiry, they again migrate with their families. These children are at higher risk of vulnerability as there is no prescribed

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guidelines to have a post release follow up of them. These rehabilitated children are never found in the same area or at the given address after one or two follow ups. As it is seen that most of the children are migrant who are engaged in the higher risk activities, there is need to have a constant follow up of these children as they are an important segment of population who are in need of care and protection. The child welfare committee has the authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care and protection, as well as to provide for their basic needs and protection. But there is lack of set guidelines as when the child is migrated to other state, there is a breakdown of follow up with these children.

Each child has a right to survival, development and participation in order to be an active contributor to the world. The mere fact that all children do not realize this ideal situation calls for their care and protection. With reference to care and protection in India, children are broadly divided in to two categories i.e. Children in Need of Care and Protection (CNCP) and Children in Conflict with Law (CCL). Children who do not have family or have a disturbed family background or any such situations arising in the society which hampers their physical, social, cultural and psychological development are in need of care and protection. In India the policies related to children are formed keeping in mind the Constitutional provisions as prescribed in Articles 15 (3), 39 (e) and (f), 45 and 47 of Constitution of India (Devarmani 2017) <sup>[3]</sup>.

It is considered that child protection is a step towards prevention from the incidences of abuse, exploitation, violence and neglect of children. This includes commercial sexual exploitation, trafficking, child labour and harmful traditional practices and child marriage. Child protection also allows children to have access to their other rights of survival, development, growth and participation. Its absence leads children to have higher risks of death, poor physical and mental health, educational problems, displacement, homelessness, poor parenting skills later in life. Child protection is about ensuring that children have a security net to depend on, and if they happen to fall through the holes in the system, the system has the responsibility to provide the child with the necessary care and rehabilitation to bring them back into the safety net. The child lives in society which has an environment of different facets like, family, school, peer group etc. The collapse or dysfunction of any of these systems arises the need of care and protection for the child.

### **Changing landscape of institutional care in India**

The practice of child care and protection has undergone considerable change when seen from the historical perspective and with a globally realized importance of protecting the rights of children. The traditional approach of institutional care in child care institution has been replaced because the need was felt that the right to the family is the most basic right of the child. Understanding this basic right, the government felt the importance of the rehabilitation of the children in family. The physical, social, emotional, educational needs of the child can be met in the secure and nurturing family environment. The institutions were considered in the best interest of the child in need of care and protection for rehabilitation, sadly even the best child care institution cannot be a replacement for the individual

care and love that family can provide. Before placing the child in the institution, the agency and the care givers should be ensured that the institution should be the last resort for the child. The concerned officials of the child care institution should make ensure children coming under missing category should be re-united with the family as soon as possible. The efforts should be made to trace the family. The decision taken by the care givers, institution, regarding the child in the best interest is to ensure fulfillment of his/her basic rights and needs identity, social well-being and physical, emotional and intellectual development.

### **Situational analysis of children in India**

India is a nation with almost 1/3<sup>rd</sup> of its population comprising of children. The socio-cultural contexts and the changing societal dimensions in the country brings various challenges to societies in order to adjust and make room for its survival. Children are the most vulnerable segment of these societies who constantly thrive on the support systems created by these ever-changing societies. There are various reasons due to which the care and protection of children is hampered. Death of a family member, death of any of or both parents, abandonment by parents, unwanted child, child labour, human trafficking, use of children in pornography, use of children in begging, children working in hazardous processes, working in zari making industries, domestic workers etc. are the forms of exploitation which children go through whose care and protection is compromised. There is a huge number of these children who are unnoticed of which, very few reach to institutions.

The deprivation of maternal love during early childhood can have an adverse impact on the mental health of a child. It hampers the physical, social and psychological development and functioning of a child. It may also result in appearance of physical as well as mental illness among children who are deprived of maternal love during their early childhood developmental years (Ridenour 1952) <sup>[11]</sup>.

Institution is to be considered as last resort because of its far-reaching ill effects on the personality of an institutionalized child. Family being the best place for a child's optimal and all-round development has been given preference in the Juvenile Justice system of India. The options of foster care, sponsorship and adoption are all focused on providing a familial environment to a child. Children who are institutionalized may have chances to be seen with stereotypies which are exhibited in terms of repetitive or invariant movements which are most commonly associated with mental conditions like autism and mental retardation. Options of non-institutional care like foster care, adoption and sponsorship can significantly mellow down and remove these effects in the behaviour of children in the long run (Bos *et al.* 2010) <sup>[12]</sup>.

Most of the institutions meet the basic needs of children which include food, clothing, shelter, education and medical care but they do lack the sensitive and caring atmosphere which a family provides. This neglect of care has long term effects in the later lives of children who have institutional history (Nair and Sharma 2016) <sup>[9]</sup>.

In a study conducted to assess the development of children who were adopted and had history of institutionalization and those who were living with their both parent as a family since beginning of the childhood, it was found that the children who had a history of institutionalization scored low

as compared to children having family. It is also seen that insecurity of attachment, less emotional understanding, behavioral problems etc. are seen in children who have an institutionalized history. The same can be worked on effectively through providing familial environment through adoption or foster care (Vorría *et al.* 2006) <sup>[14]</sup>.

### Types and Nature of Child Care Institutions in India:

The mandate of Constitution of India ensures that every state shall direct its policy toward providing opportunities of healthy, safe and developing childhood. The huge amount of child population in India requires concentrated and sincere efforts on the part of Government to ensure their care and

protection. This becomes pertinent to those children whose lack a stable home and family to live by. These children become vulnerable in terms of exploitation, abuse, tortures, labour etc.

In this reference, different types of child care institutions play a crucial role in catering the diverse needs in terms of cure and rehabilitation of children whose care and protection is compromised. As per the provisions laid down under Juvenile Justice (Care and Protection of Children) Act, 2015, following are the different types of homes designated for children according to the nature of situation and circumstances in which the child is found in India.

**Table 1:** Types and Nature of Child Care Institutions in India

Type	Nature
Children's Home	For children in need of care and protection during initial investigation and for their subsequent care, education, training and rehabilitation.
Observation Home	For temporary reception of any juvenile in conflict with law during pendency of inquiry.
Special Home	For reception and rehabilitation of juveniles in conflict with law who are awarded sentence by the Juvenile Justice Board or Children's Court.
Place of Safety	Special provision other than police lockup or jail to receive those juveniles which are apprehended in heinous crimes.
Home for special needs children	Home designated for children with special needs like infected/affected by HIV/AIDS, mentally and physically challenged, etc.
Open Shelter	For street children, homeless, children with drug dependence, beggars etc. These are formed in semi urban and urban spaces which are temporary in nature.
Fit facility	For temporary taking responsibility of child for specific purpose.
Specialized Adoption Agency	For residence of orphan, abandoned and surrendered children duly ordered by Child Welfare Committee in reference to adoption.

**Source:** Ministry of Women and Child Development 2018

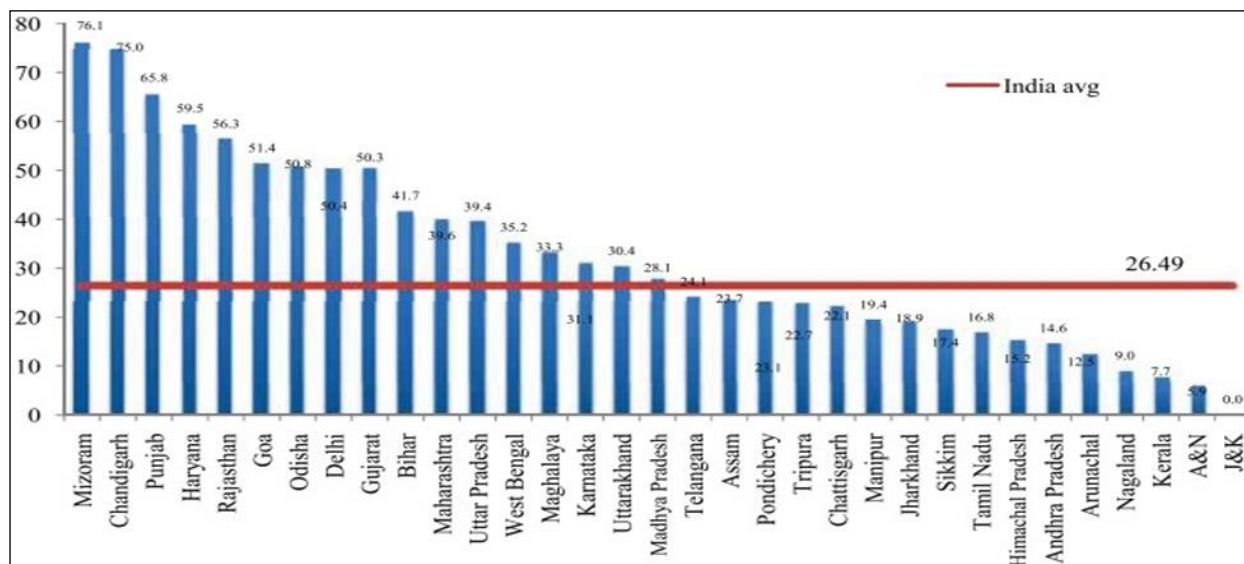
A study was undertaken by MWCD in the year 2018, where in out of 9589 total child care institutions, there are around 6368 children homes, 373 shelter homes and 366 Specialized Adoption Agencies (SAA) functioning in India (Ministry of Women and Child Development 2018). This shows the magnitude of children that are institutionalized in the Government as well as NGO run homes. The guiding principles of Integrated Child Protection Scheme (ICPS) states that the child protection is a primary responsibility of family, which is supported by community, government and civil society. Institutionalization of children should be the last resort. Keeping in mind the best interest of the child, restoration and protection to a child shall be the prime objective of any children's home.

In this reference, during the mapping study of Government, it was found that, there were 5931 children from 0 to 6 years of age who can be linked to non-institutional services like adoption, sponsorship and foster care (Ministry of Women and Child Development 2018). The Juvenile Justice (Care and Protection of Children) Act, 2015 states that child care institution shall take such steps as considered necessary for the restoration of and protection to a child deprived of her/his family environment temporarily or permanently. The fundamental principles of the Act also states the principle of repatriation and restoration i.e. every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be reintegrated to the same socio-economic and cultural status that the child was in, before coming under the purview of this Act, unless such restoration and repatriation is not in her/his best interest. The Child Welfare Committee as given in, The Juvenile Justice (Care and Protection of Children) Act, 2015, have the powers to restore any child in need of care and

protection to his parent, guardian, fit person or fit institution, as keeping in the view the best interest of the child.

### Process of Rehabilitation at the Child Care Institution

A child is found in need of care and protection, goes through anxiety, apprehensions and various kinds of traumas and reaches to the institution. The child then is produced before child welfare committee within twenty-four hours. The enquiry is marked by the committee to child welfare officers or child protection officers or social workers for providing enquiry within fifteen days. Till the social enquiry report is received the child is placed in the institution under short term placement orders. The assigned officer without delay conducts social investigation of the child through personal interviews with the child and his family members, social agencies and other sources; inquire into antecedents and family history of the child and collect such other material as may be relevant, and submit the Social Investigation Report to the Child Welfare Committee within fifteen days. After receiving the orders by the Child Welfare Committee, the child is then rehabilitated in the institution. The concerned officer as assigned by the institution also develops an individual care plan for the child's rehabilitation, including follow up by the Child Welfare Officer or the District Child Protection Unit or a member of a non-governmental organization. According to the MWCD report, 2018, out of 33 States and UTs the average of maintaining Individual Care Plan of each child in child care institutions across India is 26.49% which is not even close to half in ratio of children who are residing in child care institutions. The same can be seen from the chart given below.



Source: Ministry of Women and Child Development 2018

**Fig 1:** Individual Care Plan of child in child care institutions across India

Individual Care Plan is one of the important documents which not only shows the past but the present progress of the child. It also sheds light on the needed areas of intervention in order to plan a constructive rehabilitation of child. It also includes the pre-release plan for the child which should highlight the needed areas of intervention for successful rehabilitation of the child. It is supposed to be implemented well in advance and before the restoration of the child takes place from an institution to the family or within the society at large. But these aspects are rarely taken care off for each child requires a specific assessment of her/his immediate, intermediate and long-term needs. Furthermore, the infrastructural and institutional setups also act as impediment to implement the plan in action. The griming low levels of percentage in maintaining this document at institutional level (as seen in previous graphical presentation) brings out the importance of family as an institution for overall and conducive development of a child. This also sheds light on the non-institutional care parameters which are solely based on providing familial atmosphere to the child which is ultimately the goal of successful rehabilitation according to the provisions of JJ Act, 2015. The act also says that rehabilitation of child can be done outside the institution also which is in her/his best interest.

### Process of Rehabilitation outside the Child Care Institution

The best interest of the child has its base in family being the best place for child's overall development. Children are institutionalized due to a sudden collapse of support system which enables the child to develop and advance socially, psychologically, academically and competently as a societal human being. Institution has to constantly look up for the enabling system through which the child can be rehabilitated to the society. The institution has to offer timely and periodically services of counseling, therapeutic (at psychological and psychiatric level) to the child on need basis. The individual care plans are then made by the concerned officials (Counsellors, Medical staff, Child welfare officer or the case worker) of the institution which includes the social details, progress of the child at the

institution. Pre-release follow up of the child which is made by the child welfare officer of the children's home. It also specifies the rehabilitation of the concerned child. The Child Welfare Committee after the due enquiry, verification of credentials, recognize any person fit to temporarily receive a child for care, protection and thus declare the fit person and then the child is rehabilitated to his family or the fit person. Besides this, children who come under orphaned, abandoned or surrendered category, efforts are made on the basis of due pending enquiries and following the required statutory procedures laid down under JJ Act, 2015 to put the child for adoption. If the child has family or relative or due to any circumstance the child is residing in institution, then the options of foster care and sponsorship is also explored keeping in mind the socio-economic background of the child. Adoption, foster care and sponsorship are the non-institutional measures laid down under the JJ Act, 2015 in order to successfully rehabilitate child by giving a familial atmosphere. This is why, it becomes pertinent to know and explore these options for children residing in institutions.

### Non-institutional services

#### Foster Care

It is a form of non-institutional care which is provided to children who cannot be sent in adoption. Here the child is placed with a family declared fit for foster care by the Child Welfare Committee (CWC) upon due enquiry of its social background, fitness of parents etc. It is a temporary and time bound placement of a child in the family which is willing to take care of the child. During this period of placement, the child can see one's biological parents and can also return back to her/his biological parents any time during the period. The attempt of this form of non-institutional service is to give child a conducive environment of family upbringing.

#### Adoption

Here, an institutionalized child is sent to a family who is willing to take full responsibility of a child as per provisions related to adoption laid down under JJ Act, 2015, by the Child Welfare Committee (CWC). Upon due enquiry of the physical, medical and social fitness of the family, the child



selected by parents is handed over to them following all the legal provisions laid down under the statutes of adoption. This form of non-institutional care is given to children who are orphaned, abandoned or are surrendered. Regular periodic review and follow up is also done by the CWC in order to assess the adjustment of child within the new family. The main aim is to provide a permanent family to a child whose biological parents are not there or they are not capable to take care of.

### **Sponsorship**

It is a temporary or supplementary support provided to the children's home or the family in order to meet the basic needs of medical, educational and nutritional needs of the child. Here, the CWC after assessing the fitness of the family and in the best interest of the child provides sponsorship to meet basic expenses of the child to a family or institution who takes care of that child. The main aim is to stop child coming in an institution and helping family to accommodate the child.

### **A Post - Release Perspective**

The post release follow up of the institutionalized children is the area of immense concern. The purpose of the post follow up is to ensure that the child does not return to vulnerable situation. The follow ups may be done by the concerned child care institution's Child Welfare Officers, Child Protection Officer or as per the orders of the Child Welfare Committee. There is a need of systematic follow up mechanism to monitor post release follow up of the children. The Model rules states that, a well-conceived programme of pre-release planning and follow up of children restored from children homes shall be organized in the institution as per the directions of the Child Welfare Committee. There is a need to define the parameters for post-release follow ups. The clear defined principles and guidelines are desirable as to identify the post-release assurance. Most of the children are migrants and thus there are also challenges to have a post release follow up of those children who migrate frequently and thus are more prone to susceptibility. There is a lack of follow-up when the child is transferred to the place of residence or to the other state. It has been observed that the post release follow up is also not marked by various child welfare committees in different states. Registering the children of child care institutes on track the missing child portal is also very important part of the Juvenile Justice (Care and protection of children), Act, 2015, which states that the mandatory filling up of the form – J and producing the child in front of child welfare committee when found in need of care and protection.

Somehow it does not have the essential quarterly, yearly follow ups records on the portal, which may be useful to the different levels of the child protection unit. It is the important portal to track the missing-found children and shows the progress made by the child during the stay in the child care institute but has failed to track the post release follow ups, which is the most central part for the restoration and reintegration process for the institutional children.

The post release follow up may be ordered by the child welfare committee to the concerned institute or as the committee may feel to appoint a social worker as the case may be, after the restoration and reintegration of the child. The planning of post-release or post-restoration rehabilitation programme and follow up for a period of two

years in collaboration with after care services, have already been provided in the statute of the Act but it further needs a concrete and clear elaboration about the facets that are to be considered while conducting the post follow-up of the child. Child once released or restored to the care and custody of a fit person is placed systematically within the paraphernalia of the society. The follow up demands a constant check and recheck about the social status and structure in which the child is placed post restoration and a misbalance in any of the supporting social system may lead a child to be reconsidered for need in care and protection.

The rehabilitation and reintegration of institutionalized children not only focus on the basic need of food, clothing and shelter for a child in need of care and protection but it also focuses on the constantly evolving complex social fabric that has a resultant effect on the child's overall development and wellbeing. Rehabilitation being an important link in the care and protection of children needs to be ensured by focusing more on defining the post follow up criteria laid down under the statute of the Juvenile Justice (Care and Protection of Children) Act, 2015. Further it needs an elaboration in terms of how to execute the post follow up so as to bring out a meaningful and constructive follow up in sync with the best interest of the child.

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