

# Time to Rethink Foster Care in India

## **Abstract:**

Foster Care, as a family-based alternative to institutional child care, has great potential to foster the purposes of inclusive development in India. Insofar as it provides protection, participation, and a favorable environment for children deprived of their parents' support, foster care is consistent with the larger vision of equity and social justice enshrined in the Indian Constitution. Yet, despite policy support in the form of the Juvenile Justice (Care and Protection of Children) Act, 2015, Model Guidelines on Foster Care, 2016, and the Mission Vatsalya scheme, significant gaps persist in the slow and uncertain development, partial implementation, and limited integration of foster care into India's child protection systems.

This paper analyses key policy gaps that have inhibited the development and accessibility of foster care in India, while considering how both democratic institutions (the legislature, judiciary, executive, and civil society) have responded to the foster care needs. The study relies on secondary sources to frame its argument that India needs an inclusive, rights-based child welfare strategy through a national Policy on Foster Care to deal with the crisis of children in agony.

The paper is hoped to contribute to policy formulation to improve institutional responses, accountability, and local engagement with the foster care system, which would help position foster care as more than a protective measure, but also as an empowering strategy for inclusive development. The study is a call to democratically organized efforts to make sure that every child, irrespective of background, gets a chance to grow and prosper and be grounded in a family-like structure.

**Keywords:** Foster Care, National Policy, Policy gaps, Rights-based welfare, deinstitutionalization

## **Introduction**

India is home to approximately 431 million children, with 25.06 percent in the 0-14 years age group (UNICEF, 2023). The number was around 472 million in 2011 (Census, 2011), constituting 39 percent of the population. The share of India's population of children in the world population is around 26 percent (World Population Review, 2025). Every year, the country adds around 23 million children to this pool (World Population Prospects, 2024).

These children can become productive and self-sufficient adults only when their socioeconomic and emotional needs are catered to.

India has made significant progress towards children's rights with several key policies and legislations aiming at securing their legal and human rights. These changes have led to improving infant and child mortality rates, schooling etc. (Menachery, 2016). However, despite progress on several fronts, children in India, like many other countries in the global south, are caught in the quagmire of poverty and neglect. A small percentage of these children stay within the systems of power, while the rest of them struggle at the periphery. A significant number of these children ultimately reside on the streets, facing exploitation and neglect; others find themselves in orphanages, while millions participate in the informal market as child laborers (Rather, 2022). Several circumstances, as consequences of poverty, unemployment, natural disasters, trafficking, etc., lead to the abandonment of children by parents or extended families. India, a declared welfare state, is required to take care of such children through alternative or institutional care. India passed the Juvenile Justice (Care and Protection of Children) Act, 2015, as a significant step towards ensuring institutional care for neglected or orphaned children (Pradhan, 2015). In 1995, the International Foster Care Organization (IFCO) – which exchanges ideas and shares information about foster care on a global basis – defines it as 'a way of providing a family life for children who cannot live with their own parents'. Foster care is often used to provide temporary care while parents get help sorting out problems, or to help children or young people through a difficult period in their lives.

This paper is based on the analysis of secondary sources available on the issue under consideration including review reports by organizations working in the area, research papers, government reports and laws and guidelines approved by the government. The objective is to attempt to address the gap in formulating and implementing foster care in India due to a lack of policy level intervention, while also trying to add to the understanding of the unexplored role of democratic institutions in implementing foster care to benefit maximum number of children.

## **Contextualizing Foster Care in India**

‘Foster Care’ is a term which means the children living in Child Care Institutions (CCI) or any other statutory or non-statutory institutional facility are to be placed in a family-based environment, which is unrelated to their biological family, for a limited period of time. The system of foster care for the children above the age of six years comes into relevance when their biological families seem to be unwilling, neglecting, abandoning, and surrendering them to the CCIs because of several intricate reasons prevailing in those particular families, like poverty, fatal diseases, separation, quarrel, etc., and also, the extended kinship care facility is not possible for them. (Mazumdar, 2024). In the overall process of identifying, selecting, and finally placing the child in prospective foster families, the things to be kept in mind are that the cultural, caste-based, religious, and tribal identities should always be in accordance with the prospective foster children’s identities(India Alternative Care Network, 2022).

Foster care is fundamentally designed to meet the essential needs of children, and it is classified into two major categories: short-term and long-term. Short-term foster care lasts up to an year, while long-term foster care extends beyond an year and can be renewed periodically until the child reaches the age of eighteen years (Ministry of Women & Child Development, 2024). In India, the foster care structure comprises two prominent forms: individual and group foster care. Individual foster care provides a child with a nurturing environment in a foster family setting. Meanwhile, group foster care offers an experience similar to family in a specialized facility for children in need of care and support who lack parental support (Centre for Law and Policy Research, 2014). This approach ensures that a group of unrelated children receives personalized parental care within a community environment. It is particularly effective for street children, serving as an essential transitional phase before their induction in individual foster care or other family-based arrangements(Center of Excellence in Alternative Care, 2018).

Family based settings are considered superior to institutional environment since it gives children who cannot live with their biological families a new family. With this community-based strategy, local families are able to offer care for children, fostering a shared belief that all children deserve the chance to grow up in a loving home and the individual attention they need(Naaz et al, 2023).Foster children benefit from improved communication, socialization, trust building, stability, educational support and identity formation as they grow physically and mentally in the care of loving families. It doesn't matter if the arrangements are temporary or permanent; you can tailor them to the needs of each youngster(Sevita, 2023).

A study on the practice found that many people in India support using foster care instead of institutional care for orphaned and abandoned children. But there are still problems, like getting families to join and receive assistance from the community (National Research and Development Foundation, BOSCO, 2012). These findings demonstrate the need for cooperation between non-governmental and governmental entities to create improved options for foster and adoptive care (Joining Forces for Children-India, 2019).

The rights of children in India are shaped by legal obligations and the impacts of globalization. Over the past decade, countries have increasingly adopted economic models that prioritize free market principles through liberalization, privatization, and globalization (Pradhan, 2025). Even if the effects of free trade on children aren't usually clear right away, it's clear that India is getting worse in terms of health, nutrition, and housing circumstances (UNICEF, 2023). Policies that make it harder for families and communities to get to important resources like land, forests, and water, as well as cuts to financing for social policies and programs, are the main drivers of these problems (Desai, 2012).

Recent developments have led to concerning outcomes: children are increasingly deprived of essential social benefits, displaced due to forced migration, and many are living on the streets or without parental care (Teachers Institute, 2023). Child trafficking occurs on both domestic and international scales, and there is an increasing number of individuals engaged in full-time or part-time work (UNICEF, 2025). Since even small changes can have a big impact, children's status is rapidly declining in India. Children, regardless of their social situation, economic status, or geographic location, could be significantly and permanently impacted by such large-scale changes (Likhar et al, 2022). Losing one or both parents takes away a child's primary caregiver and protector, making it frequently the most detrimental change for them. This separation may result from illness, parental divorce, death, incarceration, relocation, or disagreements deemed essential for the child's welfare. Because of abuse or neglect, children may also choose to leave home or be removed from their families (SOS Children's Village, 2025). When parents aren't there, children are more likely to be abused, exploited, or neglected. Many of them end up on the streets because their families have ongoing issues. It is nevertheless good to see that people are trying to go around these problems, which will eventually lead to a better situation (World Health Organization, 2024).

The joint family system, which provides its members with a strong support network, has been maintained in India for a long time. These large, close-knit families offered elderly people,

widows, orphans, single women, and those living in poverty safety, affection, and care(Udayan Care, 2016). This social structure made sure that no one had to face challenges alone, emphasizing the value of foster care or kinship in Indian culture.However, the emergence of independent, nuclear households has replaced the joint family system, driven by the intense speed of modernization(Centre for Law and Policy Research, 2014). As the nuclear family model has gained popularity in modern India, working parents are finding it more and more difficult to fulfill the obligations involved in raising children(Mahrukh,2006).

Offering alternative family care helps to protect a child's right to a family(India Alternative Care Network, 2022). When the original family can not give the fundamental needs for care and safety, adoption is the greatest thing for legally recognized orphans to undertake(Centre for Policy Research and Foster Care India, 2017). Foster care is a suitable family-based care option when adoption is not feasible and the child is unable to live with their biological parents, either permanently or temporarily (Model Foster Care Guidelines, 2024).

#### **Government Interventions**

In 2009, more than 31,000 children in India were left without parents, based on UNICEF findings.Lacking significant alternatives, an umpteen children have their residence in large government run orphanages or in small NGO managed homes or facilities (UNICEF, 2025). Foster care in India has been in existence for over five decades, beginning in 1964 with a pilot program initiated by the Central Social Welfare Board during the Third Five-Year Plan. Furthermore, the state of Maharashtra pioneered non-institutional child care by launching the very first scheme of its kind in 1972(Udayan Care, 2016).

The BalSangopan Scheme's guidelines were first established in 1975 and revised in 2005, leading to its renaming as the 'BalSangopan Scheme – Non-Institutional Services.' This initiative has allowed numerous children from 18 organizations in Maharashtra to benefit from foster family care.The model outlined in the scheme was successfully implemented during the 1993 Latur earthquake, facilitating the rehabilitation of approximately 200 orphaned children with their relatives or neighbors. The initiative was subsequently mobilized during the 2001 Gujarat earthquake, extending support to approximately 350 children(Bhimani, 2017).Measures to de-institutionalize children were introduced by the Karnataka State Council in 1996, utilizing both family and group foster care models. This led to big improvements in foster care(Udayan Care, 2016). People eventually gave up on these plans because they could not get enough traction. The Integrated Child Protection Scheme

(ICPS) and the JJ Act of 2000 are important because they support services that are based on families (Ministry of Women and Child Development, Government of India, 2014). These programs want to make sure that institutionalization is only used as a last resort by putting family and community-based care first whenever possible (UNICEF, 2022).

A group foster care unit is restricted to a maximum of eight children, which includes the biological children of the foster caregiver, as stipulated by the JJ Rules of 2016 (Catalysts for Social Action, 2024). The foster care system is in line with the family- and community-based childcare model that is represented in important Indian legal and policy documents like the JJ Act 2015 and the National Policy for Children, 2013 (Model Guidelines on Foster Care, 2024). According to the NPC's Paragraph 10, "the State shall ensure family and community-based care arrangements, including sponsorship, kinship, foster care, and adoption, with institutionalization as a last resort," in order to "secure the rights of children temporarily or permanently deprived of parental care" (Foster Care Society, 2018). Every child has the right to develop in a family setting. No child should be separated from parental care unless it is essential for the child's welfare. Foster care is particularly effective because it safeguards children from deprivation and ensures their protection by placing them in a familial environment (Udayan Care, 2016).

A 2006 investigation by the International Foster Care Organization (IFCO) examined alternative care models for children lacking parental support in rural India. The research concluded that foster care, specifically the group model, is the most effective solution. Notably, the study argued that for differently-abled children, group foster care serves as a superior alternative to institutional confinement. Institutions provide training for routine activities, yet they often neglect to meet emotional needs. On the other hand, group foster care ensures that the children's rights to survival, protection, participation, and development are respected by providing care, protection, rehabilitation, and support in a setting that resembles a family (UNICEF, 2022).

## **Discussion**

Foster care is still a comparatively minor and underutilized part of India's child-protection system, despite decades of experimentation and a number of legislative initiatives. This presence on the edges is not caused by just one thing; it is a result of a complicated mix of administrative problems, societal and cultural barriers, policy gaps, and the uneven way that

political institutions work. To make a child care system that works better for everyone, it is essential to recognize these barriers and navigate the way around them.

The financial and policy domains exhibit the most apparent challenges. India's 'Integrated Child Protection Scheme' (ICPS) legally acknowledges the significance of non-institutional care, including foster care, as an alternative to huge residential institutions. In actuality, foster care funding remains very limited and often fluctuates significantly across states and districts. This underfunding has consequences. Ambiguity or inadequacy in financial support may deter prospective foster families from assuming the duties of fostering. Thus, like National Policy for Children, 2013, a National Policy on Alternative Care, or to be more specific a National Policy for Foster Care would cater a well-structured, family-based alternatives for the children who cannot live with their biological families, entitling targeted benefits alike those achieved through National Policy for Children, 2013, but with a customized aim on the distinctive needs of children without parental care. Simultaneously, Child Welfare Committees (CWCs), mandated by law to oversee placements, encounter challenges in providing adequate supervision, training, and follow-up. Thus, the lack of steady funding reduces the number of foster families available as well as the system's ability to adequately monitor them. Over time, this financial vulnerability deters foster care from becoming a more commonplace substitute for institutionalization or adoption.

The administrative aspect presents a second, equally important challenge. Right now, non-governmental organizations, state departments, and district-level CWCs often work in silos, switching off every now and then and not having a defined division of labor. The steps for deciding which children need foster care, checking and approving potential foster families, and making sure that help continues are still not working well together. The absence of a centralized, real-time data system worsens these weaknesses. Without accurate and up-to-date information on how many children need help and how many families are ready to foster, planning becomes more of a reaction than a proactive process. For instance, authorities sometimes don't have the resources to quickly find foster homes or put children in the right care when there are unexpected events, like natural disasters or mass relocation. These administrative lapses erode public trust and deter potential foster families.

India's distinct social structure creates additional challenges beyond administration and policy. The joint family structure used to be an unofficial safety net for children who had been left behind or lost their parents. But these traditional kinship-based care systems have

222 been weakened by the rapid growth of cities and the shift toward nuclear households. In  
223 modern-day India, adoption is still more emotionally appealing and socially acceptable for  
224 families who want to add a child to their family. People often see temporary foster care as a  
225 transitory or second-best choice, and they often do not understand it or are wary of it. These  
226 ideas are made worse by long-standing caste and community divisions. Many families are  
227 still afraid to foster children from cultures different than their own because they are afraid of  
228 being rejected by others or having problems within their own family. These deep-seated  
229 biases, even if they are not often talked about in public, make it harder for people to become  
230 foster parents and make foster care less welcoming.

231 India's democratic institutions have a unique and necessary role to play in solving these  
232 difficult problems. When the legislature, executive branch, and judiciary all work together,  
233 foster care can go from being a little welfare program to a strong part of child protection.

234 Foster care needs to be a big part of the country's overall plan for inclusive growth. The duty  
235 of the legislature is more than just drafting laws. The JJ Act, 2015, lays the groundwork for  
236 the law, but its rules about foster care are still unclear and don't cover many important topics,  
237 such as how to keep an eye on things, what the requirements are for foster families, and how  
238 to pay for it all. Because of this, politicians need to go more than just the bare minimum and  
239 develop a rights-based legal system that makes sure everyone in each state has fair access to  
240 foster care. This would mean that foster families would need to get frequent and enough  
241 financial help, that caregivers would need to go through regular training and certification, and  
242 that independent evaluations and social audits would need to happen on a regular basis.

243 To make oversight a normal part of how the legislature works, parliamentary and state-level  
244 standing committees might be given the job of reviewing foster care systems on a regular  
245 basis. Such acts would send a strong political message of support for family-based child care  
246 as the basis for inclusive development. They would also make the legislation clearer and  
247 create a more welcoming climate for foster families.

248 The executive branch, which comprises the Ministry of Women and Child Development,  
249 state child protection units, and district-level CWCs, is in charge of turning these legal goals  
250 into successful and well-funded programs. For development to be inclusive, these institutions  
251 need to grow and be able to find and help disadvantaged children in both rural and urban  
252 areas. A diverse administrative reform strategy is essential.

In order to facilitate prompt and suitable placements, it is first necessary to create a centralized, real-time database that maps foster families and children in need. Second, professionalization of the social worker cadre requires specific training in trauma-informed care and foster care management.

Third, in order to prevent financial limitations from deterring potential foster parents, financial aid to foster family's needs to be provided promptly and openly. Public awareness initiatives at the neighborhood level are just as vital as those at the national level to dispel misunderstandings and make foster care a respected and socially useful practice. Collaborations between the public and private sectors, particularly with esteemed NGOs and community-based organizations, can enhance community stewardship of foster care initiatives, provide localized assistance, and promote trust. The executive can operationalize the constitutional promise of social justice and equality through these focused interventions, bringing foster care into line with India's broader child welfare system.

The judiciary, as the constitutional protector of rights and interpreter of the "best interest of the child" principle, is very important in making sure that the state's duties lead to real results. Foster care can be strengthened by drawing on Indian courts' longstanding tradition of utilizing public interest litigation to promote children's rights. Courts have the authority to order state governments to create independent monitoring committees, enforce the Juvenile Justice Act's foster care provisions strictly, and require frequent updates on the welfare of children in foster placements. If the courts interpret Article 21 of the Constitution's right to life and dignity to mean that every child has the right to grow up in a family-like setting, then foster care can go from being a voluntary welfare measure to a fundamental requirement. This kind of law would protect the rights of children who are at danger and support the larger goal of inclusive development by making sure that no child is left behind.

Along with the three departments of government, civil society is very important and active in helping the cause of foster care. Non-governmental organizations (NGOs), community-based organizations, professional social work associations, and the media are all important links between public policy and what happens in the real world. Their contributions are multifaceted.

They first get people to push for new policies and ideas. Civil society actors affect changes to the Juvenile Justice Act and programs related to it by doing detailed research, talking to people, and running pilot initiatives that provide them firsthand knowledge to contribute to

national deliberations. Foster care is kept in the public light and treated with the same respect as institutional or adoption care because of their work.

Second, professional groups and NGOs help build capability and put plans into action. They find children who are in danger, train social workers and possible foster parents, and give families and children follow-up help and counseling. Because they are so closely connected to the local community, they can deal with caste, religion, and other social issues in a way that state institutions often find difficult.

Thirdly, civil society acts as a vital oversight body. These organizations ensure state accountability while guaranteeing that foster care practices remain focused on the rights and best interests of the child. They do this by doing social audits, publishing independent assessments, and, when necessary, filing lawsuits in the public interest.

Finally, civil society has an effect on how the public thinks. It uses ads, workshops, and media strategy to clear up misunderstandings about foster care and get families from a variety of socioeconomic backgrounds involved. Civil society helps change foster care from a small welfare program to a well-known tool for child rights and inclusive development by using advocacy, service delivery, and social mobilization to make the state act more strongly.

So, India's bigger plan for inclusive growth can not be isolated from making foster care better. Foster care programs that work well fix systemic wrongs by giving children from disenfranchised groups—usually from the poorest communities—equal chances for emotional stability, education, and long-term growth. They also keep children safe. Foster care can become an important part of social justice if the legislative gives it a strong legal and financial underpinning, the executive sets up good delivery systems, the judiciary respects standards based on rights, and civil society keeps people involved and accountable.

This kind of unified democratic response would show India's commitment to the constitutional values of fairness, respect, and progress for all, as well as help the country meet its obligations under the UN Convention on the Rights of the Child. Foster care can be moved from the edges of child protection laws to the center of India's plan for inclusive development. This measure ensures that every child, irrespective of caste, creed, or economic status, is afforded the opportunity to thrive within a secure and nurturing family setting.

## Conclusion

Foster care represents a core element of India's commitment to child rights under the UNCRC 1989 and its constitutional vision of a welfare state. It provides children who cannot remain with their biological families a safe, nurturing, and family-like environment that supports emotional stability, identity formation, and holistic development—outcomes rarely achievable in institutional care.

However, the system remains significantly underdeveloped. Persistent policy gaps, uneven state-level implementation, limited administrative capacity, and cultural reservations about non-kin care have collectively hindered the expansion and accessibility of formal foster care in India. These challenges highlight the need for a coordinated response rooted firmly in democratic governance.

Strengthening foster care requires legislative clarity, administrative efficiency, and judicial oversight. The legislature must establish a coherent national policy on foster care that standardizes procedures, ensures adequate financial support, and mandates accountability mechanisms such as social audits and periodic reviews. The executive must operationalize these provisions through well-resourced child protection structures, trained personnel, real-time data systems, and sustained community-level awareness initiatives. Simultaneously, the judiciary must safeguard the constitutional promise of the child's best interests by treating family-based care as a right flowing from Article 21 and ensuring that bureaucratic delays do not impede timely placements.

Civil society—particularly NGOs, social work institutions, and community-based organizations—also plays a decisive role by providing training, counselling, monitoring support, and culturally sensitive advocacy. Their engagement is essential for shifting public attitudes and bridging the gap between policy vision and on-ground realities.

Ultimately, strengthening foster care should be viewed not merely as a child-welfare reform but as an integral component of India's inclusive development agenda. A robust national foster care policy, supported by legislative, executive, judicial, and community action, can ensure that vulnerable children—regardless of caste, creed, or socioeconomic status—have access to a safe, supportive, and empowering family environment. Such an approach will enable India to fulfil its obligations under the UNCRC while advancing its constitutional commitment to equity, social justice, and the protection of every child's dignity and well-being.

<sup>1</sup> Assistant Professor, Department of Social Work, Aligarh Muslim University, Aligarh, Uttar Pradesh, INDIA. ([saidandleeb@gmail.com](mailto:saidandleeb@gmail.com)) 9997421221

<sup>2</sup> Assistant Professor, Department of Social Work, Aligarh Muslim University, Aligarh, Uttar Pradesh, INDIA. ([mtahir.sw@amu.ac.in](mailto:mtahir.sw@amu.ac.in)) 9897069745

<sup>3</sup> Research Scholar, Department of Social Work, Aligarh Muslim University, Aligarh, Uttar Pradesh, INDIA. ([siddiqui.altaf.ahamed@gmail.com](mailto:siddiqui.altaf.ahamed@gmail.com)) 9651135135

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