

Child Welfare Service And Foster Care

Child welfare services represent one of the most important pillars of social justice, designed to protect the most vulnerable members of society—children. Across the world, governments, international organizations, and civil society groups have developed different frameworks to ensure the survival, safety, health, and overall development of children who are deprived of a stable family environment. One of the most significant mechanisms developed for this purpose is foster care, a system where children who cannot live with their biological families are placed temporarily or permanently under the care of responsible foster families or institutions. While the global scenario presents a well-developed framework of child welfare services, with foster care deeply integrated into national policies, the Indian context remains at a transitional stage where institutional care is dominant and foster care is underutilized. This essay presents a detailed descriptive analysis of the global and Indian approaches to child welfare and foster care, contrasting the legal frameworks, institutional mechanisms, challenges, and potential reforms.

Globally, the concept of child welfare services is closely linked to the idea of child rights as enshrined in international law, most notably the United Nations Convention on the Rights of the Child (UNCRC, 1989). Ratified by almost every nation, the UNCRC lays down the right of every child to survival, development, protection, and participation. In this framework, child welfare services are designed to safeguard children from abuse, neglect, exploitation, and abandonment. Foster care emerges as a key strategy to provide children with a family-based environment when their biological families are unable or unwilling to care for them. In countries like the United States, the United Kingdom, Canada, and several European nations, foster care is the backbone of child welfare. Institutional care, such as orphanages or shelters, is considered a last resort, and state policy heavily encourages the integration of children into family-based alternatives.

The United States, for instance, has a highly evolved foster care system regulated by federal and state laws. The Adoption and Safe Families Act (1997) and the Foster Care Independence Act (1999) highlight the government's responsibility to secure safe and stable homes for children. As of 2021, over 391,000 children were in foster care in the United States, with placement options ranging from kinship care, non-relative foster care, to group homes when necessary. Emphasis is placed on reuniting children with their families whenever possible, but adoption is also encouraged when reunification fails. Importantly, there is extensive state support in the form of subsidies, training programs for foster parents, and regular monitoring to ensure that children's rights are protected.

In the United Kingdom, the Children Act of 1989 and subsequent reforms prioritize the "best interests of the child," encouraging foster care as a temporary measure while seeking permanent solutions. The UK model places emphasis on therapeutic foster care, where foster

families are trained to address the trauma and emotional needs of children who have experienced abuse or neglect. Similarly, Canada has an integrated system where provincial governments regulate foster care, with Indigenous communities playing an increasingly active role in shaping culturally sensitive child welfare practices. In Nordic countries such as Sweden and Norway, foster care is part of a larger welfare state framework, where child protection agencies collaborate with healthcare, education, and social services to ensure holistic development.

By contrast, developing countries face distinct challenges. In many parts of Africa, Latin America, and Asia, institutional care remains more common due to weak social support systems, limited awareness about foster care, and lack of state funding. For instance, in several African nations, the extended family system informally substitutes for foster care, with relatives taking in children whose parents have died from poverty, disease, or conflict. However, without formal legal recognition and support, such arrangements can leave children vulnerable. In Latin America, countries such as Brazil and Argentina have increasingly moved toward deinstitutionalization, promoting foster care programs with government incentives and training. Yet, challenges remain due to economic disparities and uneven implementation.

In this global landscape, India's situation stands in stark contrast. India is home to nearly 30 million orphaned and abandoned children according to UNICEF estimates, one of the largest populations of children in need of care and protection. However, the foster care system is still underdeveloped and not widely accepted either socially or institutionally. Indian child welfare has traditionally relied on institutional care, such as orphanages, shelter homes, and childcare institutions (CCIs). While these institutions are regulated under the Juvenile Justice (Care and Protection of Children) Act, 2015, concerns about overcrowding, lack of quality care, and the impersonal nature of institutional living have been raised repeatedly by child rights activists and judicial commissions.

The Juvenile Justice Act, 2015, for the first time provided a statutory basis for foster care in India, recognizing it as one of the alternative care options alongside adoption and sponsorship. According to Section 44 of the Act, children in need of care and protection may be placed in foster families, group foster care, or fit facilities. The Act also provides for both short-term and long-term foster care, depending on the child's best interests. However, despite this legal recognition, the implementation has been limited. State governments are required to frame rules and create mechanisms for foster care, but in most states, these mechanisms are either weak or absent.

One of the primary reasons for the underdevelopment of foster care in India is cultural resistance. Indian society traditionally places great value on blood relations, and adoption itself faces social stigma in many communities. Foster care, which does not involve legal parenthood, is often misunderstood or seen as a foreign concept. Additionally, there is limited awareness among potential foster families about their rights, responsibilities, and the support available from the state. Unlike the West, where foster parents receive financial assistance,

training, and psychosocial support, in India such incentives are minimal or absent. This discourages families from volunteering as foster carers.

Another major challenge in the Indian scenario is the lack of trained professionals and monitoring mechanisms. Effective foster care requires regular home visits, counseling, and interventions by child welfare officers and social workers. However, India faces a chronic shortage of such professionals, and child welfare committees (CWCs) are often overburdened with cases. As a result, even when foster care placements are made, there is inadequate follow-up to ensure the well-being of children. Many children, therefore, remain in childcare institutions despite the recognized harms of institutionalization, such as emotional detachment, lack of individual attention, and difficulty in reintegration into society.

Comparing India with global best practices reveals the gaps clearly. While the United States and UK provide structured foster care with state funding, India lacks a robust financial framework. While Nordic countries emphasize community involvement and multi-sectoral support, India's system remains bureaucratic and underfunded. Moreover, while countries like Canada integrate foster care within cultural contexts, especially Indigenous communities, India has not sufficiently engaged with local cultural practices to design community-based foster care models.

At the same time, India has made some progress. Pilot projects in states such as Maharashtra, Kerala, and Gujarat have experimented with group foster care and financial assistance programs for foster families. Organizations like SOS Children's Villages have introduced models of family-like care, which demonstrate that alternatives to institutionalization are both feasible and beneficial. Judicial pronouncements, such as those of the Supreme Court in Bachpan Bachao Andolan cases, have also emphasized the need for deinstitutionalization and promotion of family-based care.

The way forward for India lies in learning from global experiences while adapting them to local realities. First, there must be stronger awareness campaigns to destigmatize foster care and promote it as a compassionate form of child welfare. Second, financial incentives, subsidies, and training programs should be introduced for foster parents, similar to Western models, ensuring that families are not burdened economically. Third, there is a pressing need to expand the cadre of trained child protection professionals who can monitor placements and provide psychosocial support to children and families. Fourth, community-based foster care models that involve local networks, NGOs, and extended families should be developed, blending traditional practices with formal state support. Finally, technology can play a role in tracking foster care placements, ensuring accountability, and preventing abuse.

In contrast to the global scenario where foster care is the first choice and institutional care is the last resort, India still follows an inverted pyramid where institutional care is the norm and foster care is rarely practiced. Bridging this gap requires not only legal reform but also cultural change, administrative commitment, and resource investment. Child welfare is not merely

about keeping children alive; it is about ensuring that they grow up in environments that nurture their emotional, psychological, and social development. Foster care, when implemented effectively, offers children not just shelter but a family, love, and a sense of belonging—things that no institution can fully provide.

Thus, the contrast between global and Indian approaches to child welfare and foster care underscores the urgent need for India to reorient its policies. While the world moves toward deinstitutionalization and family-based care, India must accelerate its journey in the same direction. With nearly 30 million children waiting for care and protection, the stakes are high. The international models show that with political will, resource allocation, and societal engagement, foster care can become the cornerstone of child welfare. For India, the path is clear: to move beyond the walls of institutions and place children where they belong—in families, in communities, and in the heart of society.

Laws and Loopholes in Global Foster Care Frameworks

Key Laws/Frameworks

- **United States:** Adoption and Safe Families Act, 1997; Foster Care Independence Act, 1999; Child Abuse Prevention and Treatment Act.
- **United Kingdom:** Children Act, 1989; Children and Families Act, 2014.
- **European Union:** European Convention on Human Rights (Article 8 – Right to Family Life) + national child welfare laws.
- **Canada:** Provincial foster care laws, Indigenous Child Welfare Acts.
- **International Standards:** UN Convention on the Rights of the Child (UNCRC, 1989); UN Guidelines for Alternative Care of Children (2009).

Loopholes/Challenges

1. **Overburdened Systems:** High caseloads of social workers often result in poor monitoring of foster placements (e.g., US, UK).
2. **Instability in Placements:** Children may move between multiple foster homes before permanent adoption, causing trauma.
3. **Insufficient Mental Health Support:** Many foster systems fail to provide adequate psychological care for abused/traumatized children.
4. **Commercialization Concerns:** In some countries, private foster care agencies run placements, raising fears of profit motives over child welfare.

5. **Cultural Disconnect:** In Canada, Indigenous children are disproportionately removed from families and placed in non-Indigenous foster homes, leading to cultural alienation.
6. **Age-Out Problems:** Children who "age out" of foster care at 18 face homelessness, unemployment, or lack of support due to weak transition programs.
7. **Lack of Uniformity:** No global uniform standard—laws vary widely across countries, leading to uneven protection of children.

Laws and Loopholes in Indian Foster Care Framework

Key Laws/Frameworks

- **Juvenile Justice (Care and Protection of Children) Act, 2015** (Section 44 specifically deals with foster care).
- **Central Model Rules, 2016** (lay down procedures for foster care placements).
- **National Policy for Children, 2013** (recognizes foster care as a child protection measure).
- **Integrated Child Protection Scheme (ICPS), 2009** (provides funding for alternative care).
- **Personal Laws** (Hindu Adoption and Maintenance Act, 1956; Guardians and Wards Act, 1890 – more relevant to adoption/guardianship, but linked).

Loopholes/Challenges

1. **Poor Implementation:** Though foster care is legally recognized, most states lack robust mechanisms to operationalize it.
2. **Preference for Institutional Care:** India still relies heavily on orphanages and childcare institutions; foster care is rarely practiced.
3. **Lack of Awareness:** Very few families know about foster care provisions; stigma around non-biological caregiving persists.
4. **No Strong Financial Support:** Unlike global models, India offers minimal to no subsidies to foster parents, making it financially unviable.
5. **Weak Monitoring:** Child Welfare Committees (CWCs) are overburdened, and follow-ups with foster families are irregular.
6. **Shortage of Professionals:** Trained social workers and psychologists are scarce, limiting the quality of placements.

7. **Legal Ambiguity:** Foster care in India is temporary and does not confer permanent parental rights; this creates insecurity for foster parents and children.
8. **Cultural Barriers:** Strong emphasis on blood relations and inheritance laws discourage acceptance of foster care.
9. **Urban-Rural Divide:** Even where foster care exists, it is concentrated in a few urban centers; rural children remain excluded.

Loopholes in Foster Care Legislation and Associated Laws

1. Global Context

United States

- **Law:** Adoption and Safe Families Act (1997), Foster Care Independence Act (1999).
- **Loopholes:**
 - The “**15/22 rule**” (termination of parental rights after 15 months in foster care) can sever ties too quickly, undermining family reunification efforts.
 - Heavy dependence on **private foster care agencies** risks commercialization of child welfare.
 - **Racial disparities:** African American and Latino children are disproportionately placed in foster care.
 - “Aging out” problem: insufficient support for children turning 18.

United Kingdom

- **Law:** Children Act (1989), Children and Families Act (2014).
- **Loopholes:**
 - Frequent placement breakdowns—children often shifted between multiple homes.
 - Foster carers often receive **insufficient training**, especially to handle trauma and special needs.
 - **Funding constraints** in local authorities undermine monitoring.

European Union

- **Framework:** UNCRC compliance; national child protection laws.
- **Loopholes:**

- Lack of **uniformity** across member states—some countries still heavily institutionalize children.
- Inconsistent application of the UN Guidelines for Alternative Care of Children.

Canada

- **Law:** Provincial child welfare acts, Indigenous Child Welfare Act.
- **Loopholes:**
 - Overrepresentation of **Indigenous children** in foster care, often placed outside their communities.
 - Weak enforcement of **cultural continuity rights** under UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples).

International Standards (UNCRC, 1989; UN Guidelines, 2009)

- **Loopholes:**
 - No **binding enforcement mechanism**; countries adopt selectively.
 - Lack of global reporting uniformity → hard to measure compliance.

2. Indian Context

Juvenile Justice (Care and Protection of Children) Act, 2015 (Section 44)

- **Loopholes:**
 - Foster care is treated as a **temporary arrangement**, not a long-term solution.
 - Ambiguity on **legal rights of foster parents**—no guardianship or inheritance rights.
 - Child Welfare Committees (CWCs) are **overloaded** and unable to conduct proper supervision.

Central Model Rules, 2016

- **Loopholes:**
 - Guidelines exist but **implementation is poor**—very few states have foster care registries.
 - Lack of **standardized monitoring protocols** → children vulnerable to neglect/abuse.

Integrated Child Protection Scheme (ICPS), 2009

- **Loopholes:**
 - Funding bottlenecks → foster parents receive little/no financial support.
 - Focus remains on **institutional care (CCIs)** rather than family-based care.

National Policy for Children, 2013

- **Loopholes:**
 - Recognizes foster care in principle but lacks **operational clarity**.
 - Fails to set **binding obligations** on states to develop foster care systems.

Other Associated Laws (Guardians and Wards Act, 1890; HAMA, 1956)

- **Loopholes:**
 - Favor **adoption/guardianship** over foster care, reducing its visibility.
 - Foster children cannot claim **inheritance rights** unlike adopted children.

3. Cross-Cutting Loopholes

- **Awareness Gap:** Both globally and in India, foster care remains under-publicized compared to adoption.
- **Monitoring Weakness:** Laws mandate supervision, but in practice, caseworker shortages make checks irregular.
- **Financial Incentives:** Inadequate subsidies discourage families from participating.
- **Cultural Barriers:** India emphasizes blood ties, while globally, racial/cultural disconnects persist (e.g., Indigenous children in Canada, African American children in the US).
- **Legal Ambiguity:** Foster care often lacks permanence, leaving children in **legal limbo**.