

A Series on Alternative Care

Aftercare



A Series on Alternative Care

Aftercare

Contents

Preface	v
Acronyms and Abbreviations	vi
1. The Concept	01
2. Legal and Policy Instruments	02
3. Legal and Schematic Prescriptions	03
4. Aftercare Practices in India	06
5. Aftercare Practices in Some Select Countries	09
Resources List	12

Preface

The year 2015 was a significant year in the history of child rights in India with the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015. Globally also, this was the same year when members of the United Nations adopted the Sustainable Developmental Goals to end poverty and ensure prosperity for all. With these developments, the post-2015 framework for child protection in India has attained a strong rights-based orientation. Against this backdrop, Udayan Care is conscious of the fact that protecting the rights of out-of-home care children is critical in the overall scheme of child protection. The number of children in need of care and protection is continuously on the rise and adoption rate in India is still very low. It is estimated that the number of such children is likely to be 24 million by 2020. Thus, India faces a humongous task of caring and protecting a large number of out-of-home care children and giving them the opportunities to grow to their full potential. A robust system on Alternative Care that works to restore, protect and reintegrate them needs to be a priority with all stakeholders.

Awareness of the prescriptions of laws and policies is a prerequisite for a robust system of Alternative Care. However, we often witness gaps in the knowledge of people working in the domain of child care with respect to the latest laws and policies. This at times can result in deficiencies of services or compromises with child care, thus putting the rights of children to a back seat. The issue of Alternative Care is still an evolving subject in India. Keeping this gap in view, Udayan Care felt the importance of developing a set of information, education and communication material on different aspects relating to Alternative Care. This publication, **A Series on Alternative Care**, containing four booklets, viz., Standards of Care in Child Care Institutions, Foster Care, Adoption and Aftercare, is an attempt in the above direction. These booklets cover the latest legal and policy framework on Alternative Care in India, which has been presented in an easy-to-understand style so that they can be used as an effective reference material by all the stakeholders. All the four booklets in the Series have been updated according to the Juvenile Justice (Care and Protection of Children) Act, 2015, the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, and the latest guidelines on foster care and adoption issued by the Government of India. The relevant provisions of the Convention on the Rights of the Child and the UN Guidelines for the Alternative Care of Children (UNGACC) 2009 have also been kept in view while preparing the booklets.

The booklets contain no complicated legal jargons. The purpose is to make people in the field of child protection comprehend the scope and basic facts on the four thematic areas. All the four booklets follow a similar style of presentation, first introducing the concept, then a chapter on legal and policy instruments, followed by a chapter on practices in India and some other select countries. Each booklet also has a listing of references for those who are interested in further reading on the given subject.

These booklets have been written for child care practitioners, those working in the government offices, members of District Child Protection Units, Child Welfare Committees and Juvenile Justice Boards, social workers, caregivers, staff and management at child care institutions, State agencies as well as by beginners and volunteers in the field of Alternative Care. However, it is pertinent to note that the booklets are not the replacement of any law. For any further understanding of the law, reading of relevant Acts and Rules are strongly recommended.

This publication on Alternative Care would not have been possible without the support of UNICEF. Udayan Care is immensely thankful to them for the support.

We highly appreciate the invaluable inputs provided by several experts including Tannistha Datta, UNICEF, Delhi; Swagata Raha, Centre for Child and the Law, National Law School of India University (NLSIU), Bengaluru; Premoday Khakha, Assistant Director, Integrated Child Protection Scheme, Government of NCT of Delhi and Ian Anand Forber Pratt, National Program Director, Centre of Excellence in Alternative Care of Children, India.

Needless to say, the hard work of the entire team at Udayan Care has indeed ensured the completion of this project successfully.

Udayan Care
December 2016



Acronyms and Abbreviations

CC	Children's Court
CCI/CCIs	Child Care Institutions
CWC	Child Welfare Committee
DCPU	District Child Protection Unit
ICPS	Integrated Child Protection Scheme
JJ Act 2015	Juvenile Justice (Care and Protection of Children) Act, 2015
JJB	Juvenile Justice Board
JJ Rules 2016	Juvenile Justice (Care and Protection of Children) Model Rules, 2016
NGOs	Non-Governmental Organizations
SCPS	State Child Protection Society
TILA	Transition to Independent Living Allowance
USA	United States of America
UN	United Nations
UNGACC	UN Guidelines for the Alternative Care of Children

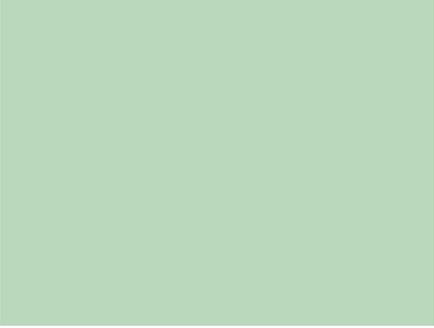
The Concept

Aftercare is a measure for rehabilitation and social reintegration of young adults who leave institutional childcare system on attaining certain age, as specified in law. It is still an evolving area in the domain of child and youth care in India. According to the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act 2015), aftercare in India means 'making provision of support, financial or otherwise, to persons, who have completed the age of eighteen years but have not completed twenty-one years, and have left any institutional care to join the mainstream of society' [Section 2(5)]. This system is based on the premise that children aging out from child care institutions (CCIs) are vulnerable to unemployment, psychological stress, physical and mental illness, homelessness and dependency, in view of the absence of family or dependable adults who can act as a pillar of support. Unless they are assisted in key matters like finance, employment, accommodation etc., the process of their transition from protected institutional care to independent adulthood and life thereafter may derail.

Seen in above light, aftercare can be termed as a preparatory stage for young adults during which they are provided financial support, training in skills, handholding for career development, counseling for managing emotions and such other measures that contribute to the process of their social mainstreaming. It is the final stage in the continuum of care of institutionalized children. They are not left alone after completion of stay in institutions, but are helped for certain duration in order to make them reintegrated with the society.

Takeaway: Aftercare is the final stage in a continuum of care of institutionalized children that facilitates their rehabilitation and social reintegration after they age out from CCIs.





Legal and Policy Instruments

Aftercare is a recent inclusion into the India's legal and policy framework. It was first stated in the now repelled the Juvenile Justice (Care and Protection of Children) Act, 2000 as an alternative measure for rehabilitation and social reintegration, applicable for children leaving institutional care. Presently, aftercare services are prescribed in the following legal and policy instruments. Besides, there is an international legal instrument that acts as a guide for the system of aftercare.

Indian Legal and Policy Instruments

- Juvenile Justice (Care and Protection of Children) Act, 2015
- Integrated Child Protection Scheme (ICPS), 2014
- Juvenile Justice (Care and Protection of Children) Model Rules, 2016

International legal instrument

- UN Guidelines for the Alternative Care of Children (UNGACC), 2009

Takeaway: Aftercare system in India has legal and schematic backing.

Legal and Schematic Prescriptions

The following sections contain legal and schematic prescriptions for providing aftercare services in India. Besides national instruments, prescriptions of UNGACC have also been presented at the end.

JJ Act 2015

Aftercare is stated in Section 46 of the JJ Act, 2015. According to this Section, any child leaving a CCI on completion of 18 years age 'may be provided with financial support in order to facilitate child's reintegration into the mainstream of the society in the manner as may be prescribed'.

The focus of the above Section and Section 2(5) of the JJ Act, 2015, that defines aftercare, are the following:

- Aftercare services are meant for persons who have completed 18 years age, but not above 21 years.
- These services are both financial and non-financial in nature.
- Aftercare services are meant for persons who have completed their stay in CCI on attaining 18 years of age.
- Successful mainstreaming of young adults with society lies at the core of aftercare.

ICPS

According to the prescriptions of ICPS, identification of voluntary organizations for aftercare programme is done by DCPU. But the order for placement of young adults in aftercare programme is given by JJB/CWC. The order is then sent to DCPU, which in turn ensures that aftercare services are available for the young adults. The voluntary organization managing aftercare programme receives grants up to a maximum of Rs. 2000 per person per month from the State Child Protection Society (SCPS). This monthly grant is spent for meeting individual needs of young adults like food, clothing, health care and shelter, age appropriate and need-based education and vocational training, and stipend.



The voluntary organizations providing aftercare support prepare plan for a period of three years for each young adult. ICPS prescribes a list of key services and activities, as noted below, that an aftercare plan should contain.

- Community group housing on a temporary basis for groups of 6-8 young persons
- Encouragement to learn a vocation or gain employment and contribute towards the rent as well as the running of the home
- Encouragement to gradually sustain themselves without state support and move out of the group home to stay in a place of their own after saving sufficient amount through their earnings
- Provision for a peer counsellor to stay in regular contact with these groups to discuss their rehabilitation plans and provide creative outlets for channelizing their energy and to tide over the crisis periods in their lives
- Providing stipend during the course of vocational training until the youth gets employment
- Arranging loans for youth aspiring to set up entrepreneurial activities

In essence, the focus of above prescriptions is on:

- Independent living
- Making youth capable to face critical situations of life
- Making them skilled or capable for employment
- Guidance for successful rehabilitation and social reintegration

Under ICPS, funds for aftercare programmes have been provided to the States according to the scale noted below:

- i) States with less than 15 districts: Rs. 15 lakhs
- ii) States with more than 15 districts: Rs. 30 lakhs
- iii) States with more than 30 districts: Rs. 45 lakhs

JJ Rules 2016

JJ Rules 2016, formulated for administration of provisions of the JJ Act 2015, are in consonance with the provisions of the ICPS and provide further clarity to management of aftercare programme in the country. The key highlights of Rule 25 which deals with aftercare programme are noted below.

- The State government shall prepare a programme for education of young adults, giving them employable skills and placement. Places for stay will also be provided to them in order to facilitate their rehabilitation and reintegration into the mainstream of the society.
- Order for placement of young adults under aftercare schemes will be passed by the Child Welfare Committee (CWC) or the Juvenile Justice Board (JJB) or the Children's Court (CC) as per Form 37. Aftercare services are provided till the age of 21 years, and in exceptional circumstances, two more years after completion of 21 years.
- DCPU shall prepare a list of organizations, institutions and individuals interested for aftercare services as per their areas of interest like education, medical support, nutrition, vocational training etc., and the list shall be forwarded to the CWC or JJB and all CCI's of the district for their record.
- A post-release plan shall be prepared by the probation officer or child welfare officer or case worker or social worker, keeping in view the needs of the child, two months before the child's due date of departure from CCI.

- The power of monitoring post-release plan and examining effectiveness of aftercare programmes remains with the JJB or CWC or the Children’s Court. Effectiveness of the programme is judged by the extent to which it has served its purpose and the progress made by the child due to the intervention.
- The services provided under aftercare programme include the following:
 - Funds by the State Government, which are transferred directly to the bank accounts of beneficiaries, for meeting their essential expenses.
 - Temporary community group housing for 6 to 8 persons
 - Stipend during vocational training, scholarship for higher education and support till employment
 - Skills training and placement in commercial establishments through coordination with National Skill Development Programme, Indian Institute of Skill Training and other Central or State Government programmes and corporates
 - Provision of a counselor to stay in regular contact with the beneficiaries to discuss their rehabilitation plans
 - Creative outlets for channelizing their energy and to make them face crisis situations effectively
 - Loans and subsidies for entrepreneurial activities
 - Encouragement to sustain themselves without external support from State or other institutions

UNGACC

The prescriptions of the United Nations Guidelines for the Alternative Care of Children for strengthening aftercare programme are the following:

- Childcare agencies and facilities should ‘systematically aim at preparing children to assume self-reliance and to integrate fully in the community’. The focus of actions should be on acquisition of social and life skills through participation in the life of the local community.
- The process of transition from care to aftercare should take into consideration children’s gender, age, maturity and particular circumstances.
- Children leaving care should be encouraged to take part in the planning of aftercare life. Children with special needs, such as disabilities, should benefit from an appropriate support system. Both the public and the private sectors should be encouraged to employ children from different care services, particularly children with special needs.
- Special efforts should be made to allocate to each child, whenever possible, a specialized person who can facilitate the child’s independence when leaving care.
- Aftercare should be prepared as early as possible, well before the child leaves the care setting.
- In order to make the young people financially independent, they should be imparted educational and vocational training. This should be considered as part of their life skills education.
- Young people should have access to social, legal, health and financial services.

Takeaway: Legal and schematic prescriptions on aftercare emphasize on holistic handholding of young people that includes domains like housing, education, legal aid, health, skill development, finance and marriage.





Aftercare Practices in India

As noted earlier, the system of aftercare is a recent one in India. It is important to note that the CCI that implement aftercare programme as a continuum of care are old institutions that take care of children up to the age of 18, as children leaving such institutions can be eligible for aftercare services. Also, because of the nascent nature of aftercare system, the number of institutions and organizations providing these services is few in the country. The sections below contain examples of aftercare systems, as implemented by governmental and non-governmental initiatives, which highlight the dynamic aspects of the system.

SOS Children's Villages of India

Since the establishment of first SOS Children's Village in 1964, SOS Children's Villages of India has been providing care and support services to thousands of orphaned and abandoned children in a family-like environment in its Children's Villages located in different parts of the country. With so many years of existence, many of its former children are now leading settled life. The organization's Youth Programme, which is part of its flagship programme called Family Based Care, implements various activities for youth who leave Children's Villages after certain age. The highlights of the Youth Programme are noted below.

- The youth facility wing of a SOS Children's Village has three divisions namely Arunodaya, Sopan and Gharonda, as explained below.
 - **Arunodaya Stage:** Arunodaya stands for care. It is meant for boys aged 14-18 years.
 - **Sopan Stage:** Sopan stands for exposure. It is meant for youth in college or undergoing professional/higher education
 - **Gharonda Stage:** Gharonda stands for integration. It is meant for working professionals.
- The upper limit of extending support to under Youth Programme is 25 years of age.
- Under each of the three phases, children/youth are counseled and guided by professionals for adjusting well to a new family environment. During **Arunodaya**, the focus of counseling remains on quality of education and career planning. The **Sopan Stage** assists the youth in exploring various career options. They receive vocational training, coaching for entrance examinations and higher education in this stage. **Gharonda** offers learning and growth opportunities to young boys. During this stage, the adult boys acquire attitudes, confidence and skills that are needed to take on responsibility of building their own future independently.
- Unlike boys who are moved out to Youth Homes and are supported under the three stages noted above, the girls continue to live with their SOS Mothers in the homes till they move out for higher studies or other forms of settlement like marriage or employment. However, they are provided all types of assistance leading to settlement in life like boys.
- The support provided by SOS Children's Villages of India under the Youth Programme includes, *inter alia*, employment, medical insurance, marriage and continuing education.

- There is a provision called Money Gift Balance under which money deposited in the name of the child is disbursed when the child turns 25 years old or within five years from departure notice, whichever is earlier. This money is often used as seed capital for procuring assets or starting own enterprise.
- During the process of settlement, boys and girls are given stipend up to Rs. 2000 per month in order to supplement their income, considering the critical situations that people generally face during this phase.

Udayan Care

Udayan Care has been working for empowerment of vulnerable children, women and youth since 1996 when its first Udayan Ghar (home) started functioning in Delhi for orphaned and abandoned children. Since then the organization has expanded its activities to 14 cities across nine Indian States. It has an elaborate aftercare programme for children who leave Udayan Ghars on completing 18 years of age. The following are the highlights of the organisation's aftercare system:

- The young adults are provided handholding support under the guidance and supervision of their Mentor parents and the overall organizational support of Udayan Care.
- While there is an aftercare residential facility for older girls called Jagshanti Udayan Ghar, the boys stay in flats or hostels of their educational institutions.
- These youth are provided support for higher education, professional training and career development. They are encouraged to take up part time jobs and manage an independent kitchen as part of the process of equipping them for future independent life.
- Aftercare support of Udayan Care is not limited to three years as prescribed under the JJ Act, but it continues till final settlement of youth. The organization makes sustained efforts with the help of Mentor Parents for successful social reintegration of young adults.

Prayas Juvenile Aid Centre Society

Prayas Juvenile Aid Centre Society (Prayas) has been working since 1988 in nine Indian States/ Union Territories in the domain of care, protection and development of vulnerable and needy children. Its activities also cover, *inter alia*, empowerment of women and youth, trafficking of women and children, income generation, and micro-credit.

The organisation's aftercare programme titled 'YUVA Connect' was launched in Delhi in May 2011 with focus on juveniles. Under the initiative, the children are provided with education and vocational training leading to their employment and consequent social reintegration.

As Our Own

As Our Own is a USA-based charity working in India exclusively for care of girl children in India. The organization rescues girls in vulnerable conditions like extreme poverty and destitution and victims of human trafficking, violence etc. and takes care of them in a family setting permanently. The girls are not up for adoption, as they are considered as part of As Our Own family.

Care is provided to them under eight steps. While the first six steps cover childhood care, the last two steps equip the girls for career and family life as they pursue higher education and earn their own living. The organization provides complete support for education, employment, marriage etc. and helps them in their rehabilitation. In view of permanency of care, the girls even after final settlement in life remain in regular touch with As Our Own. As such, parenting never ends for the organization, and every girl receives support for the entire duration of her life.



Don Bosco Snehalaya

Don Bosco Snehalaya operates an aftercare home for youth in the age group of 18 to 21 years in Gujarat. Facilities like food, clothing, shelter, lessons on coping skills, vocational training and job placements are provided by the aftercare home. The purpose of these activities, like any other aftercare programme, is to make the youth independent and settled in life.

Governmental Initiatives

By following legal and schematic prescriptions, the State governments have been implementing aftercare programmes for rehabilitation of institutionalized children who complete 18 years of age. The following are some of the highlights of aftercare programmes of Indian States:

- Job oriented training on technical and non-technical courses
- Assistance in placement
- Collaboration with external agencies for different aftercare services
- Aftercare Homes
- Counseling of youth
- Sensitization of stakeholders like members of CWC about aftercare system

Although the States have been working for aftercare, the programme has not yet received the kind of momentum that it requires. For example, an aftercare was launched in Odisha on a pilot basis only in 2014 by selecting six girls from Utkal Balashram for the services. The State still has no aftercare rehabilitation and no mechanism in place for tracking juveniles who are released on completing 18 years of age. There is also the problem of inadequate aftercare infrastructure in Indian States. For example, Karnataka has only five aftercare homes for men and two aftercare homes for mentally retarded women. Tamil Nadu has only three aftercare organizations—2 for men and 1 for women managed by the Government of the State.

Takeaway: Aftercare interventions by NGOs are focused, need-based and target-oriented. But initiatives of the governments need momentum with focus on aspects like tracking of care leavers, strengthening of aftercare infrastructure, and synergy with NGOs and civil society stakeholders.

Aftercare Practices in Some Select Countries

Examples of aftercare practices in some select countries are meant to acquaint the readers with the nature and dynamics of different systems. The purpose is to broaden their worldview on the issue.

Australia

In Australia, aftercare services are available for young people between the ages of 15 and 25 years after they formally leave care. These services are decided keeping in view the wishes of targeted people and by assessing their individual circumstances. The types of aftercare assistance include the following:

- Information and advice about other government or non-government agencies which can help with family searching, family mediation and family reunion services
- Referral and financial assistance for finding accommodation, education or vocational training, counselling, employment, legal advice, health services or professional services
- Help with viewing file of youth and accessing personal documentation

Transition to Independent Living Allowance (TILA): TILA is a one-off payment of up to \$1500 to each eligible youth by the Australian Government to help them cover basic expenses as they leave statutory out-of-home care. The allowance is also meant for young people who continue to live with foster carers after their care order expires. The amount is used for spending/paying for:

- Essential items like fridge, couch etc.
- Rent
- Counseling, education and training courses
- Medical expenses
- Driving license
- Items or services agreed between the young person and his/her caseworker

Application for TILA is submitted by the caseworker on behalf of young person. A leaving care plan needs to be in place in order to claim this support.

Specialist Aftercare Services: In certain situations, Community Services, which is a division of the Department of Family and Community Services, Government of Australia, can provide specialist services to help the youth live independently, find accommodation, obtain income support, get education and training, develop living skills and access to healthcare services. Community Services can also provide casework support including advice, advocacy and referral.



Other Aftercare Resources: Community Services funds a number of NGOs to provide assistance to people who have been in care such as Relationships Australia, Burnside, Centacare, St Vincents Adolescent Care, Stretch-a-Family and Wesley Dalmar Youth Services. These services provide:

- Counselling, support and assistance for young people leaving care or who have left care
- Support in finding employment, health care, legal advice and education
- Assistance with access to personal history information
- Information and advice about financial assistance
- Advocacy on behalf of young people.

United States of America

Aftercare system in the USA has been in place since last over three decades. Aftercare services support young people in the age group of 18 to 21 years who age out of foster care or other court-ordered placement. The following section highlights the key aspects of aftercare services in the country as a whole, although there are variations in services and methods of implementation from State to State.

- Work on a plan for self-sufficiency
- Find and keep a safe place to live
- Pay for emergency and unexpected bills
- Find a doctor, dentist, or counselor
- Set and reach financial goals
- Go to college and/or get job training
- Find a job or career
- Connect with adult mentors or other community resources or opportunities
- Provide a stipend for an apartment, dormitory or continuation of foster home care
- Promotion of social and emotional adjustment, and life and independent living skills
- Elimination of destructive behavioural patterns

Russia

The following are the key highlights of aftercare system of Russia.

- The federal law of Russia guarantees full state support to care leavers aged 18 to 23 years who are pursuing their education and vocational training.
- The above support covers food, clothing, footwear, housing, social services, education and medical services.
- Support in the domains of housing, psychological and rehabilitation services are provided after 23 years of age, although this depends on each region's policies.
- Different models of aftercare support in the country are:
 - Aftercare centre within the municipal centre of social assistance to families and children
 - Social hostels for temporary accommodation for care leavers

- Aftercare services for groups of young people without parental care aged 15-18 years and 18-23 years, provided by the municipal residential care facility
- NGO-based aftercare services like youth facilities
- A 'club system' offering crisis accommodation, emergency hospital stays, or day centres

Takeaway: Aftercare services in countries like USA, Russia and Australia present systemic diversities as well as effectiveness of services for rehabilitation of care leavers.



Resources List

<http://asourown.org>

<http://indianexpress.com/article/india/india-news-india/odisha-doesnt-track-juveniles-after-release-cag>

http://dwcd.kar.nic.in/dwcd_english/prg_social_defense.html

<http://childrensquare.org/programs/child-welfare-emergency-services/aftercare-program>

<http://www.360kids.ca/programs-and-services/after-care>

<http://www.community.nsw.gov.au/parents,-carers-and-families/for-young-people/are-you-in-care/are-you-leaving-care/after-care-support>

<http://www.bigbrothersbigsisters.ca/en/home/YIC-section-00-youth-in-and-leaving-care/YIC-section-04.aspx>

<http://www.crin.org/en/docs/The%20Transitions%20Initiative%20-%20Youth%20Aging%20Out%20of%20Alternative%20Care.pdf>

http://shodhganga.inflibnet.ac.in/bitstream/10603/6951/13/13_chapter%208.pdf

<http://odisha.gov.in/e-magazine/Orissareview/2014/April-May/engpdf/134-140.pdf>

<http://www.thehindu.com/news/cities/Delhi/from-childhood-till-they-find-their-feet-in-the-world-aftercare-services-do-it-all/article6454411.ece>

<http://southasia.oneworld.net/news/no-record-of-kids-moving-out-of-orphanages-indian-ngo>

http://www.prayaschildren.org/publications/yuva%20_connect_2012.pdf

Integrated Child Protection Scheme (ICPS), 2014

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

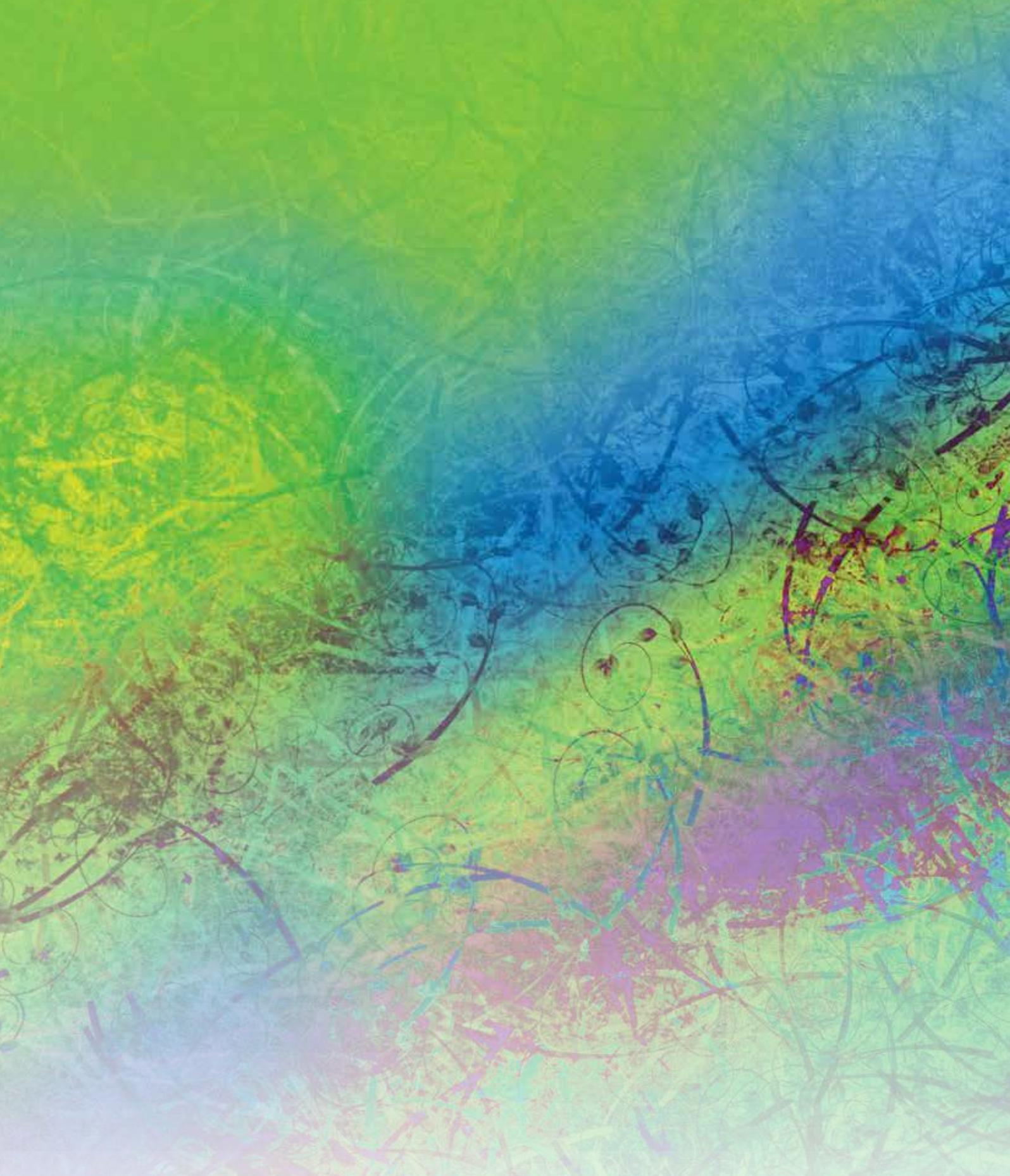
Juvenile Justice (Care and Protection of Children) Model Rules, 2016

National Policy for Children, 2013

SOS Messenger (April 2016), SOS Children's Villages of India

UN Convention on Rights of the Child, 1989

UN Guidelines for the Alternative Care of Children (UNGACC), 2009



Udayan Care

16/97-A, Vikram Vihar, Lajpat Nagar-IV

New Delhi-110024

Phone: +91-11-46548105/06

Website: www.udayancare.org