

Guidance for strengthening collaboration between State Governments and Civil Society to support vulnerable Children affected by COVID-19¹

Children residing in Child Care Institutions (CCIs) established under the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015), hail from vulnerable situations, and are additionally vulnerable due to the pandemic. The Hon'ble Supreme Court of India, has drawn attention to the situation of children in protection homes in its order *In re Contagion of COVID 19 Virus in Children Protection Homes*.² In para 6.2 the Court observed that the COVID-19 pandemic. “warrants urgent attention and action to pre-empt emergency and disaster situation from arising with regard to children in State care,” and passed the following directions to State Governments-

“Begin preparing for a disaster/emergency situation that may arise. Work with Persons in Charge of CCIs and District Child Protection Units to plan staffing rotations or schedules to reduce in-person interaction by CCI staff, where feasible. Begin developing a system for how to organise trained volunteers who could step in to care for children, when the need arises.”

The Supreme Court Juvenile Justice Committee (SC-JJC) has consistently recognized and encouraged the active participation of civil society. Hon'ble Justice Madan B. Lokur, former judge Supreme Court of India and Chairperson of the SC-JJC and Hon'ble Justice Deepak Gupta judge Supreme Court of India and, member of the SC-JJC at the time, highlighted the need to “Encourage community involvement as envisaged in JJ Act, 2015 and ICPS, particularly experts, NGOs, corporates, academic institutions...”³

In pursuance of the above SC direction and recommendations of the SC-JJC, such collaborative partnerships between state and civil society need to be prioritized so as to ensure timely and effective response by the State to children affected by the pandemic. Some services may require in-person contact between such volunteers with the child/children, and these would require the District administration to arrange for passes that would enable such engagement. Other interventions may be undertaken through distance mode *via* video conferencing, bearing in mind the need for physical distancing.

Due diligence needs to be undertaken to ensure that child protection concerns are addressed while engaging volunteers/NGO service providers, during this crisis. **All volunteers/NGOs need to be screened by the DCPO/Person in Charge of the CCI, or the CWC/JJB as appropriate, and granted official permission to provide such voluntary services and prevent any harm to children in the CCIs.** Orientation and induction of

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² Suo Motu Writ Petition (Civil) No.4 of 2020 decided on 03.04.20, available at https://images.assettype.com/barandbench/2020-04/bd046839-2543-48bf-8b97-0d779cbfe18f/IN_RE_CONTAGION_OF_COVID_19_VIRUS_IN_CHILDREN.pdf

³ UNICEF - India office, Effective Implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015 - Focus on Integrated Child Protection Scheme, Consolidated Report, Fourth Round of Regional Round Table Consultations, 2018, Way Forward, Observations of the SC-JJC, clause iii, p. 10.

these volunteers also needs to be undertaken to ensure that they understand the obligations arising out of the fundamental principles and the to work from a rights based approach.

The JJ Act, 2015 and the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, (JJ Model Rules, 2016), provide numerous opportunities for representatives of civil society to collaborate with the State Governments and/or the Juvenile Justice Boards (JJBs)/Child Welfare Committees (CWCs) /Children's Courts in performing their functions, during the unprecedented crisis resulting from the COVID-19 pandemic. Public spirited individuals and representatives from NGOs with the requisite training and experience could be engaged to support the CCIs. Two of the broad enabling legal provisions that provide for **individuals to be engaged to perform 'any other function' or 'tasks'** as assigned to such person under the Act or the Rules are as follows:

- (i) **'Social workers'** may be engaged to perform any function assigned to them by the CCI, the District Child Protection Unit (DCPU) or State Child Protection Society (SCPS) or State Adoption Resource Agency (SAA) or Central Adoption Resource Authority (CARA).⁴
- (ii) **Case Workers:** may be engaged to perform tasks that may be assigned to them by the JJBs/CWCs.⁵

A list of areas in which individual and/or representatives of NGOs can offer urgent and necessary support in the administration of juvenile justice during the COVID-19 pandemic is provided below :

1. **Vulnerability mapping:** The DCPU, with support from social workers and recognized NGOs working with children in the District could collaborate to identify families at risk and children in need of care and protection,⁶ **particularly those affected by COVID-19** requiring food, shelter, protection, or other assistance by the State. Additionally, **the DCPU could take the assistance of researchers/academic institutions** to work closely with the Nodal Department, the Department of Health and Family Welfare, the Department of Social Justice and Tribal Welfare, the Labour Department, etc., to assess the number of children affected by COVID-19 and **create district-specific databases to monitor trends and patterns in COVID-19 affected areas**⁷ so as to facilitate timely action where appropriate.
2. **Probation services:** Trained individuals or representatives from NGOs can be asked to provide probation services for children in conflict with law (CICLs).⁸ This may include telephonic guidance and mentoring for children alleged or found to be in conflict with law, linking them to mental health services and COVID - 19 helplines, etc.

⁴Rule 2(1)(xviii) defines the term 'social worker' as a 'person with post graduate degree in Social Work or Sociology or Psychology or Child Development or a graduate with minimum seven years of experience in child education and development or protection issues, who is engaged by a Child Care Institution or authorized by District Child Protection Unit or State Child Protection Society or State Adoption Resource Agency or Central Adoption Resource Authority for preparing social investigation report or individual care plan of the child, child study report, home study report of prospective adoptive parent or foster parents, rendering post-adoption services, and performing any other functions as assigned to such person under the Act or these rules. Explanation: For the purposes of this definition, it is clarified that the qualifications of the social worker member of the Board shall be as under section 4 of the Act.'

⁵ Rule 2(1)(iii), JJ Model Rules, 2016 defines the term 'case worker' as 'a representative from a registered voluntary or non-governmental organization who shall accompany the child to the Board or the Committee and may perform such tasks as may be assigned to him by the Board or the Committee.'

⁶ Rule 85(1)(vii), JJ Model Rules, 2016.

⁷ Rule 85(1)(viii), JJ Model Rules, 2016.

⁸ Rule 8(8), JJ Model Rules, 2016.

3. **Preparation of Social Investigation Reports:** Social workers or Case Workers (as defined above) can come forward to prepare SIRs for children in need of care and protection (CNCP).⁹
4. **Case work:** CWCs and JJBs may consider seeking the assistance of individuals or representatives from NGOs with experience and knowledge on juvenile justice to undertake case work or provide para-legal services for CICL and CNCP.¹⁰ They could be asked to perform any of the following:
 - a. Offer telephonic support to children residing in CCIs or discharged/released to ascertain their well-being;
 - b. Ascertain whether they require legal, medical or other assistance and submit reports online to the respective CWC/JJB;
 - c. Trace and contact parents/guardians/extended family members and connect them to the concerned probation officer/child welfare officer;
 - d. Prepare a report or a home study report for a child which has to be considered during the inquiry on the matter related to such a child;¹¹
 - e. Follow up on the Individual Care Plan that has been included in the final orders that have been passed;
 - f. Help resolve barriers that may arise in the way of restoring children for whom such orders have already been passed, etc., including accompanying the child back to the family for restoration.¹²Such assistance could include supporting the person in charge of the CCI in networking with government functionaries, helplines, civil society organizations/individuals in the home state, taking due care to ensure safety related to COVID-19.¹³ The CWCs could also consider directing the DCPU to coordinate with such NGOs,¹⁴ and provide them the necessary support, such as accessing passes, etc., during the lockdown.
 - g. Contact parents and collect relevant social and rehabilitative information.¹⁵
5. **Fit person:** Individuals prepared to own the responsibility of a child, for a specific purpose¹⁶, (such as escorting a child back home during the pandemic) could be identified and recommended to the CWC/JJB for consideration as a 'fit person'. Individuals willing to receive and take charge of a child being released from a Children's Home or Special Home, to educate and train the child for some useful trade or calling or to look after the child for rehabilitation (temporarily or otherwise) and found fit to perform such a role may also be authorized by the CWC/JJB in the orders passed for a particular child.¹⁷
6. **Education:** Extra coaching has to be made available to school going children in CCIs by encouraging volunteer services or tying up with coaching centres or tutors.¹⁸ DCPUs are obligated to

⁹ Rules 2(1)(xviii), 19(3), 19(8), 8(3)(e), 10(2), 10(9), 11(2), 62(4), JJ Model Rules, 2016.

¹⁰ Rule 8(8), JJ Model Rules, 2016.

¹¹ Rule 82(2), JJ Model Rules, 2016.

¹² Rules 82 sub-clauses (5), (3) and (9), JJ Model Rules, 2016.

¹³ Rule 85(1)(xi), JJ Model Rules, 2016.

¹⁴ Rule 19(16), JJ Model Rules, 2016.

¹⁵ Rule 7(1)(x), JJ Model Rules, 2016.

¹⁶ Section 2(48), JJ Act, 2015.

¹⁷ Section 97(1), JJ Act, 2015.

¹⁸ Rule 36(3), JJ Model Rules, 2016.

encourage CCIs to engage volunteers or tie up with coaching centres/ tutors/special educators and could help with their identification.¹⁹

7. **Mental Health services:** Every CCI is required to have the services of trained counselors or collaboration with external agencies such as child guidance centres, psychology and psychiatric departments or similar Government and non-Governmental agencies, for specialised and regular individual therapy for the child.²⁰ Individuals and NGOs associated with a CCI may also be called upon to assist the staff in working with all children, while ensuring that only trained individuals offer mental health services in-person and/or through video-conferencing as appropriate.²¹
8. **Recreational Facilities:** Regular recreational activities have to be maintained with support of institutions and NGOs.²² Individuals and NGOs who are able to conduct interactive sessions with children (such as storytelling, magic, art, craft, singing, etc.) should be encouraged to conduct sessions with the children. Such recreational sessions would be particularly important because the staff of CCIs would have been reorganized into smaller batches, and would also be overwhelmed by the challenges posed by the pandemic.
9. **Capacity Building:** Experts from Universities and reputed organisations may be approached for online sessions for the staff working from home on COVID-19 prevention, psycho-social care, activities for children, ensuring care and protection of children during the lockdown, etc.
10. **Children's Committees:** Involving children in managing the CCI during the pandemic could not only provide them an opportunity to air their views, needs and grievances, it could also help them exercise agency and contribute to addressing problems with support from caring adults. Local NGOs or child participation experts could assist the person in charge of the CCI in setting up and supporting the functioning of Children's Committees.²³ These organizations/experts need to work closely with the DCPU²⁴ and the State Child Protection Society who have an obligation to look into the complaints and suggestions of the children as contained in the children's suggestion box and take appropriate action.²⁵ Children could be encouraged and supported to join hands with the CCI staff in the management of the CCI, while recognizing the reduced staff and minimal resources available during this time.
11. **Vocational training:** Some simple vocational training skills may be facilitated via distance mode video-conferencing (E-Typewriting Computer course offered by the National Institute of Open Schooling,²⁶ the Computer and Office Applications course,²⁷ etc.), with support from staff in the CCI and for this purpose companies, organisations, etc., may be approached.²⁸

¹⁹ Rule 36(3) and (4), JJ Model Rules, 2016.

²⁰ Rule 35(5), JJ Model Rules, 2016.

²¹ Rule 69 M(5), JJ Model Rules, 2016.

²² Rule 38(8), JJ Model Rules, 2016.

²³ Rule 40(1)(5), JJ Model Rules, 2016.

²⁴ Rule 40(2), JJ Model Rules, 2016.

²⁵ Rule 85(1)(xv), JJ Model Rules, 2016.

²⁶ National Institute of Open Schooling,

[https://nios.ac.in/media/documents/vocational/Training_sch_vocational/E_Typewriting_\(384\).pdf](https://nios.ac.in/media/documents/vocational/Training_sch_vocational/E_Typewriting_(384).pdf)

²⁷ National Institute of Open Schooling,

https://nios.ac.in/media/documents/vocational/Training_sch_vocational/Computer_and_Office_Applications_631.pdf

²⁸ Rule 65(3)(iii) and (iv), JJ Model Rules, 2016.

12. **Financial Contributions:** Voluntary donations, contributions or subscriptions may be made by any individual or organisation to the Juvenile Justice Fund that is to be established by all State Governments.²⁹
13. **Translation:** Individuals who are willing and able could provide assistance for translation during the pandemic.³⁰ Children of migrant families in the community as well as children housed in CCIs hailing from other States, would benefit immensely from such services, helping to enhance their emotional well-being, and perhaps in updating family members in the child's home state, etc., in their own language.
14. **Aftercare services:** Organisations, institutions and individuals interested in providing after care services to children who are soon to attain or have attained the age of 18 years and being/discharged from a CCI, could offer such services.³¹
15. **Support to Special Juvenile Police Units and Child Welfare Police Officers:** NGOs with the relevant experience may come forward to support and coordinate with the police in dealing with children coming under the purview of the JJ Act, 2015.³²

Recommendations for consideration by the State Child Protection Society and District Child Protection Units to operationalize the above

1. State Governments may consider constituting a **COVID-19 Task force specifically for children in the juvenile justice system** by empaneling suitable individuals and NGOs and facilitate networking and convergence meetings along with all the concerned Departments specifically focused on timely and strategic support to both staff and children.³³ Sub-groups on various thematic could also be established as per the need - for eg. a **COVID-19 Support Group for CCIs**, etc.
2. **The DCPUs at the district level could also form similar District level Task Force, in order to network and coordinate with civil society organisations,**³⁴ communities and corporates³⁵ more effectively during the pandemic. They could also ensure **inter-departmental coordination** and **liaise with the relevant departments** of the State Government, the State Child Protection Society **and other DCPUs** in the State.³⁶
3. A **database of individuals/NGOs who could provide services to children (and staff of CCIs where required) during the pandemic, either in person or through online support,** could be made and updated regularly. These could include lists of authorized private medical hospitals, counselling centres offering online tele-counseling/telepsychiatry, de-addiction centres willing to take in patients during the pandemic, private schools/NGOs working in the field of education willing to conduct online classes, education facilities, vocational training centres willing to conduct online courses, recreational facilities such as performing arts, fine arts and facilities for children with special needs and other such facilities

²⁹ Rule 105(2), JJ Model Rules, 2016.

³⁰ Rule 85(1)(xx) JJ Model Rules, 2016.

³¹ Rule 25(3), JJ Model Rules, 2016.

³² Rule 107(1), JJ Model Rules, 2016.

³³ Rule 84(1) (vii) and (vii), JJ Model Rules, 2016.

³⁴ Rule 85(1)(xiii), JJ Model Rules, 2016.

³⁵ Rule 85(1)(xxvii), JJ Model Rules, 2016.

³⁶ Rule 85(1)(xii), JJ Model Rules, 2016.

at the State and district level.³⁷ Similarly, a **database of special educators, mental health experts, translators, interpreters, counsellors, psychologists or psycho-social workers or other experts who have experience of working with children in difficult circumstances at the district level** who are willing and able to provide assistance during the pandemic, needs to be prepared by the DCPU and forwarded to the JJBs/CWCs/Children’s Court and the State Child Protection Society.³⁸ Finally, a **database of CCIs, specialised adoption agencies, open shelters, fit persons and fit facilities, registered foster parents, after care organisations and institutions**, etc., at the district level, who are willing and able to provide assistance during the pandemic, also needs to be made by the DCPU and forwarded to the JJBs/CWCs/Children’s Courts and the State Child Protection Society, as the case may be.³⁹

4. State Government should **develop and notify a COVID-19 Sponsorship Scheme**,⁴⁰ and ensure that the DCPUs implement⁴¹ the same efficiently and effectively.
5. SCPS should monitor and administer the **Juvenile Justice Fund** including prioritizing the framing of financial rules and Guidelines for disbursement of funds to children and their families affected by COVID-19,⁴² to the DCPUs, SJPU, and police stations, as the case may be.⁴³
6. Bring together trainers and subject specialists to **develop training modules and train community volunteers through video-conferencing**,⁴⁴ on how they could collaborate with various government agencies to assist children and families coming under the purview of the JJ Act, 2015, during the pandemic as provided for under the law.
7. **Coordinate with State Legal Services Authority and law schools**,⁴⁵ to ensure access to justice for all children and families coming under the purview of the Act.
8. **Review the reports submitted by Inspection Committees**,⁴⁶ bearing in mind the unique challenges posed by the pandemic. DCPU staff should be sensitive to the fact that many CCIs may be facing extraordinary challenges because of limited staff, problems related to access to provisions, reduced funding, etc., and provide support to help them to resolve bottlenecks where possible.
9. The SCPS, DCPUs and persons in charge of CCIs, could authorize corporates (through Corporate Social Responsibility initiatives), NGOs and public spirited citizens from civil society to support CCIs in **conducting online activities and sessions with children**. Such support could include providing technical support and resources such as laptops, dongles, funding for internet charges, routers, speakers, overhead projectors, etc., in order to enable and enhance the quality of such distance mode engagement. Guidelines for conducting such online activities and sessions could be issued, as per the guidelines given in Annexure 1.

³⁷ Rules 84(1)(xi) and 85(1)(xix), JJ Model Rules, 2016.

³⁸ Rule 85(1)(xx) JJ Model Rules, 2016.

³⁹ Rule 85(1)(xviii), JJ Model Rules, 2016.

⁴⁰ Section 45, JJ Act, 2015 and Rules 24 and 84(1)(v), JJ Model Rules, 2016.

⁴¹ Rule 24(2), JJ Model Rules, 2016.

⁴² Rule 83(6), JJ Model Rules, 2016.

⁴³ Section 105(3), JJ Act 2015 and Rule 84(1)(xii), JJ Model Rules, 2016.

⁴⁴ Rules 89(4) and 84(1)(xv), JJ Model Rules, 2016.

⁴⁵ Rule 84(1)(xvii), JJ Model Rules, 2016.

⁴⁶ Rule 85(1)(xxv), JJ Model Rules, 2016.

Annexure 1:

Guidelines for Conducting Online Activities and Sessions with Children/Staff of Child Care Institutions⁴⁷

1. Ensure that a **staff member is present** during the session and the **children are not left unsupervised**.
2. **Ensure privacy and confidentiality**. No session should be recorded in any format or pictures of the children taken and circulated.
3. In the initial sessions, prepare the children for this new modality of online sessions, explaining how they are not the same as in-person interaction while highlighting the **limitations of video-conferencing**, including potential problems with Wi-Fi, electricity, etc.
4. Take **verbal consent from all participants** for conducting the session/activity online, assuring them that you will protect privacy and confidentiality.
5. **Plan for or conduct activities that help to build a sense of community and positive relationships**, those that are likely to help children and the CCI staff to cope better with the circumstances they are currently in, given the COVID-19 pandemic.
6. **Inform CCI staff in advance** about the contents of the online session.
7. Identify an **adult in the CCI who could support the children emotionally or in other ways**, if any exigencies arise during or after the session.
8. **Avoid conducting activities, or including content that is likely to exacerbate anxiety or distress related to COVID-19**. If such conversations do arise, try to be positive and speak the language of fact based possibilities, as appropriate.
9. Design sessions that enable all children to **participate meaningfully, bearing in mind language, age, disability, and limits of human resources etc., to the extent possible**.
10. **Do not exclude any child from online sessions, unless there are valid reasons for the same**. Discuss this with the other CCI staff, and keep a record of such situations.
11. **Do not conduct sessions that have more than a certain number of children participating**, to the extent that the online interactive experience becomes meaningless.
12. Try to **include physical activities, music, games, art, craft and other mediums** during these sessions. Be prepared to adapt based on the situation, time available, and connectivity issues.
13. Plan and **conduct short sessions (even 10 minutes) with staff**, to the extent that such sessions are possible, **to affirm the staff who are working on the frontline**, to motivate and boost their morale.
14. **Advise and encourage CCI staff and health-care personnel to practice self-care**, to stay connected with loved ones and to access mental health and psychosocial support, particularly given that they may themselves be at risk of stigmatization and social exclusion arising out of fears of COVID-19.
15. **Avoid criticizing or blaming any staff for lacunae in managing the CCIs during this time**.
16. If you **observe a staff member causing harm to a child during the session, take note of it and handle that situation sensitively**. Bring to the attention of the Person in Charge of the CCI, should you have any **concern about children being at risk of harm, or being harmed** in the CCI.

⁴⁷ Prepared by Arlene Manoharan and Shivangi Puri, with inputs from Swagata Raha and Dr. Sangeeta Saksena, Enfold Proactive Health Trust, revised on 29 April 2020.

Checklist to enable effective advance planning related to technical and other physical arrangements required for the Online audio-visual interaction

1. Laptop/desktop with a web camera
2. A stable internet connection - either a LAN cable or Wifi or a Dongle
3. Speakers with a microphone (if you want to talk to a large more number of children).
4. Electrical connection and availability of electricity during at the time of the planned activity.
5. Whether the room being used for the online interaction is suitable for the activity you have planned, bearing in mind the technical issues that may come up, such as availability of electrical connection, adequate light to enable visibility, etc.
6. Whether the CCI staff supporting you in conducting the session is familiar with the technical aspects of the audio-video call. If not, spend some time with the person prior to the call in order to give necessary instructions, and to allay any fears the person may have.
7. Availability of or printouts of the materials you would need for the proposed activity.