

Guidelines for Registration of Births of Adopted Children

1. An application is to be made by the agency (Orphanage, Child Welfare agency etc.) to the local Magistrate along with any other relevant material in form of an affidavit made by responsible person belonging to the agency.
2. The Magistrate is to pass an order approving the particulars to be entered in the birth certificate and same is to be issued by the registrar of the area where the child was found.
3. The Chief Medical Officer of Health of the district is to be involved in ascertaining the age and the Magistrate would ordinarily act on the certificate granted by him.
4. Normally, the process should be initiated before the adoption is finalized, so that the particulars of adoptive parents are available for inclusion in the certificate.
5. If the child has attained three years of age and adoption has not been finalized, the agency is to obtain a birth certificate, if found necessary, after informing the court in the form of an affidavit giving the following details:
 - (a) that to the best of its knowledge the child has attained the age of three years;
 - (b) that his/ her adoption has not been finalized and is likely to take some time or may never be finalized in all probability.
 - (c) that a certificate is required for educational/ medical/ legal purposes or any other reasonable purpose which may be specified; and
 - (d) that person/ persons would stand in as local parents to the child (this person/ these persons should be a responsible person/ persons belonging to the placement agency) till such time as he/ she attains majority, or is adopted, whichever is earlier.
6. A second birth certificate is to be issued after adoption to provide for a change in name/ names of the child and the adoptive parent/ parents after obtaining an order to that effect from the court which had passed order for issuing the original birth certificate.
7. Although, under the guidelines, the CMOH is to be involved in ascertainment of age and the Magistrate is to act on the certificate granted by CMOH, it would be necessary to decide on the exact date of birth as mere mention of age in completed years or even years and months would not be sufficient. Therefore, on the certificate granted by the CMOH, the Magistrate should also arrive at a date of birth of the child while approving and ordering the other particulars to be entered in the certificate.
8. It may, however, be noted that the said guidelines pertain to only those children who are sponsored for adoption by the orphanages, child welfare agencies and other like agencies. There are large number of adoptions that take place outside these institutional arrangements, for example children taken on adoption from relatives or friends. It has been decided to extend the benefit to such children also. As formal adoptions of such nature are prevalent mostly in urban areas, it is more than likely that births of these children would have been registered and birth

certificates issued. In such cases, it would be sufficient if the Magistrate having jurisdiction over the area passes an order approving the particulars of the adoptive parents to be entered/ altered in the births register/ certificate and also pass an order for issuing a second birth certificate. If in case, the birth has not been registered the Magistrate passing the order has to determine the exact date of birth, which he can do on the basis of relevant proof or declaration from the natural parents and in their absence, on the basis of the certificate granted by the Chief Medical Officer of Health.

9. The Registrar, as he does in case of other court order, has to make an entry in the remarks column giving details of the court order (including date) which entering or correcting as per the particulars approved by the Magistrate.

10. If the birth is being registered after the normal reporting period all the procedures laid down under Section 13 of the RBD Act, 1969 have to be strictly followed.

[Source](#)