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# Juvenile Adoption in the Context of the Criminal Justice System

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ANUSRI. K<sup>1</sup> AND DIVIYAA SRI. R<sup>2</sup>

## ABSTRACT

*By examining the relationship between adoption and the juvenile justice system, this abstract provides an overview of a unique aspect of the issue of juveniles adopting children for minors. This study focuses on juveniles who have encountered the criminal justice system and their prospects for adoption.*

*The brief begins by discussing the demographics of juveniles involved in the criminal justice system who are then considered for adoption. Additionally, delving deeper into the legal and ethical aspects of adopting minors who have been involved in the justice system. It explores the rights of biological parents, the responsibilities of adoptive families, and the considerations of child welfare agencies when assessing the best interests of the child in this particular context. Emphasizing the importance of comprehensive assessment of the child's needs and potential therapeutic interventions.*

*The potential for positive outcomes through adoption, highlighting cases in which the adoption of a minor has provided a second chance for rehabilitation and integration into a stable and nurturing family environment. It recognizes the important role of adoptive families, social workers, and counsellors in facilitating the successful admission of juveniles into the criminal justice system.*

**Keywords:** *Child, Juvenile, Disputes, Rehabilitation, crime, love, reform*

## I. INTRODUCTION

Juvenile adoption is a ray of hope amid the darkness of the criminal justice system, but it faces many difficult obstacles. About giving youth who have gotten into contact with the law a second chance via adoption and the harsh reality they must confront. It aims to analyse the difficulties that arise when the criminal justice system and child welfare systems are combined. This study is a cry for reform as much as an intellectual endeavour, with the goal of improving the chances of kids who are torn between the strict legal system and the need for a loving household.

According to the latest National Crime Record Bureau (NCRB) report, seven out of 100 juveniles in the country were involved in some criminal activity. In all. 37,444 juveniles were

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<sup>1</sup> Author is a student at Sastra Deemed University, India.

<sup>2</sup> Author is a student at Sastra Deemed University, India.

apprehended. Of these 32654 were taken in under sections of the Indian Penal Code, and 4790 under state and local laws.

The reason children take part in criminal activity itself is due to lack of proper growth and care. Childhood psychological trauma, assault, impersonation of criminal authorities, and other factors are suggested as causes of adolescent delinquency. Most delinquents lack parental care. There are other factors even by which they commit crime but whatever the reason maybe a juvenile or a child here is not of complete knowledge, the child acts the way it wants as it does not know the difference between wrong and right.

### **(A) What is Adoption?**

Adoption is the process by which a person acquires parental responsibility for another person, generally a child, from that person's biological or legal parent or parents. Legal adoptions permanently transfer all rights and duties from biological parents to adoptive parents, as well as kinship.

Adoption, unlike guardianship or other institutions created to care for children, is intended to achieve a permanent change in status and, as such, requires society acceptance, either via legal or religious permission. Historically, some civilizations adopted particular laws governing adoption, while others utilised fewer formal mechanisms. Modern adoption systems, which emerged in the twentieth century, are often controlled by extensive rules and regulations.

#### **• What is Juvenile Justice Act?**

The Juvenile Justice Act of 2015 is an Indian law that addresses child care and safety. It took effect in 2015, replacing the preceding Juvenile Justice Act of 1986. A child is defined by the Act as someone under the age of 18. It also describes several types of children. The law was enacted by the Lok Sabha on May 7, 2015, despite strong opposition from numerous members of Parliament. The Rajya Sabha approved it on December 22, 2015.

To improve the efficiency of adoption procedures for orphaned, abandoned, and surrendered children, the existing Central Adoption Resource Authority was elevated to the level of statutory authority. A separate chapter on Adoption contains extensive laws on adoption as well as penalties for noncompliance. Timelines for both in-country and inter-country adoption, including declaring a child legally free for adoption, have been simplified.

This Act was further revised by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, which went into effect on January 1, 2021. This Act was revised further by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, which went

into effect on September 1, 2022.

If a kid is found guilty of committing a crime, the Juvenile Justice Board takes the following procedures to help the minor reform:

Allowing the kid to return home after receiving adequate advice and caution about the offence that the child has done and the consequence for that crime under the law. Juvenile justice boards may also order minors to participate in social work and social welfare in order to instil positive social values in the accused youngster. It also keeps youngsters as active as possible with group therapy and group activities so that they may learn the importance of working together and how to collaborate with one another. If the kid has committed a serious offence, he or she can be sent to a reform house for a minimum of three years, which can be extended if necessary. If a guilty kid is judged to display positive behaviour towards society or an individual, the Juvenile Justice Board may release the child on trial.

## **II. CHILDREN THAT ARE IN DISPUTE WITH LAW**

The new law increases the juvenile justice system's reaction to children who have broken the law as well as children who require care and protection. A "minor" in violation of the law was categorised as a "child" in violation of the law by the Juvenile Justice Act of 2015. Offences were classified as minor, major, or annoying. In the event of significant offences, minors between the ages of 16 and 18 can be prosecuted as adults after a preliminary investigation by the juvenile justice commission.

A child who has breached the law will be placed in an observation house during the investigation. The child will be separated depending on his or her age, gender, physical and mental health, and the seriousness of the offence. If the Juvenile Justice Commission convicts a child of a crime, he or she will be placed in a special home.

A secure facility will be built for youth over the age of 18 or those aged 16 to 18 who have been charged or convicted of a severe crime. The safe haven will have a different structure and facilities for both youth on trial and those who have been convicted. The juvenile justice commission will undertake frequent inspections of adult jails to establish whether a child is being detained there and will move quickly to transfer the child to an observation home [Section 8(3)].

Before sending the matter to juvenile court, the Juvenile Justice Council will conduct a preliminary evaluation within three months. The legislation requires that the final order contain an individual plan for the child's rehabilitation, as well as a follow-up by the probation officer,

the District Child Protection Unit, or a worker. When the juvenile court considers the youngster to be an adult. The juvenile court guarantees that the youngster is kept secure until he or she reaches the age of twenty-one.

Once it reaches the age of death and the sentence is still unresolved, the juvenile court must decide whether it should be moved to jail or whether it has experienced reform changes and might be rescued by incarceration. The legislation prohibits the use of the death penalty or life imprisonment without the chance of parole for juvenile criminals who are handled as adults by juvenile justice. After reaching the age of 21, the juvenile court decides whether the youngster should be freed or incarcerated.

- **Why do children get into disputes**

Children are still learning to manage their emotions, so this is not uncommon. youngsters dispute frequently begin because youngsters see an unjust situation, attempt to assert what they believe to be their rights, believe that others do not understand their point of view, or perceive the same circumstance in various ways.

Even at home, you can notice how your child dresses, spends their time, and if they follow your cultural norms, which may conflict their own parents. They tend to be stubborn against things they don't like since they are immature. For example, we may witness children being rebellious and demanding behaviour at stores.

### **III. THE CONTEXT OF JUVENILE ADOPTION IN THE CRIMINAL JUSTICE SYSTEM**

The juvenile justice system is a particular legal framework created to handle the peculiar requirements and situations of people who have been accused of a crime but are not yet considered adults. The underlying tenet of this method is that juvenile offenders need a different approach than adult criminals because of their continuous growth and ability to reform.

**(A) Children, or juveniles, are properly cared for here and are only sent after-**

- Rehabilitation

Rehabilitation, not punishment, is the juvenile justice system's main objective. The focus is on assisting juvenile offenders in becoming law-abiding members of society again.

- Juvenile Courts

To address cases involving juveniles, several jurisdictions have created distinct juvenile courts. When compared to adult courts, these courts are more informal and flexible.

- Juvenile Detention Centre

These institutions seek to address the fundamental causes of delinquency via education, counselling, and other services.

**(B) The main challenges faced:**

After being released from prison, juveniles are typically not adopted; instead, their own parents may sell or discard them. As a result of their diminished social standing, these kids are subsequently readily persuaded to commit crimes; yet, they are innocent people doing crimes that they may not have planned to commit. It's possible that they were affected; children are easily distracted. Juveniles are kids, and treating them like criminals just serves to agitate them further. No one even tries to take care of them. Together, the community rejects them and treats them poorly, which might affect their criminal history in the future by contributing to it. Everyone aspires to be accepted by society and lead a happy life. Usually, crimes are committed only for publicity. "A man is a social animal," meaning that he is reliant and yearns for affection. There is a proverb that states, "Happiness is a man's wealth," however a man can never be happy in the modern world because of feelings like ego, greed, and hunger. A man's expectations might leave you disappointed. The same applies to children, but since they lack wisdom, they rely more on their instincts. They make every effort to obtain it if they desire it. In other words, the environment the child grew up in will be blamed rather than the child itself.

**(C) Systems contribution**

The system is always changing as more people realise that modified, comprehensive approaches are needed to deal with the underlying causes of crime. Future developments in juvenile justice will be greatly influenced by further study, community participation, and a dedication to resolving systematic disparities as societies work towards justice and efficacy. The system aids in their reform and change. They are taught regular subjects that a youngster of that age would study even when they are imprisoned. This eases the child's adaptation after being released from prison. After that, they can return to college and have regular lives, but it's not like society would see them favourably. This mentality and way of thinking must change. A child does not have a full-grown mind to think and do something. They are not as capable of thinking and making decisions as adults are. Youngsters are more vulnerable to outside factors that might affect their behaviour, such family dynamics or peer pressure. Children are thought to be more receptive to rehabilitation because of their continuous developmental stages. Interventions that target the underlying reasons of their behaviour may have a positive effect on the decisions they make in the future.

**(D) Understanding circumstances:**

Love has the power to transform everything. A small amount of unconditional love may change a person in the same way that it can a kid. Encouraging a receptive mindset and embracing a child who has been incarcerated involves acknowledging the intricacy of the situations that led to their actions, valuing their potential for growth, and offering support.

- Comprehend the events in detail that preceded the child's contact with the criminal court system. Peer pressure, familial problems, or personal hardships might have been important factors. So, blaming them is ineffective.
- Note that the emotional and cognitive growth of children and teenagers is still ongoing. Think about how their age affects their capacity for impulse control and decision-making.
- A person's identity is not entirely defined by their deeds. Individuals are prone to error, and it's critical to keep the person apart from their previous actions.
- Establish a welcoming atmosphere that promotes open conversation. Letting the child express their ideas, emotions, and life experiences without worrying about being judged. As they have already a traumatic past.
- Offer the kid resources for dealing with any deeper problems that may have led to their engagement in the criminal justice system, as well as emotional support. Opportunities for education and counselling are a few examples of this.
- Provide the child with emotional support and services to address any underlying issues that may have contributed to their involvement with the criminal justice system. A few instances of these include educational and counselling opportunities.

Adopting a child who has spent time in jail requires empathy, compassion, and faith in their ability to turn their life around. People who have had hardships in the past may rise above them and create better futures if they have the correct environment and support.

**IV. ADOPTION WITH OPEN MIND**

A child who has lived in jail and found a new family is a story of resilience, optimism, and the essential conviction in second chances. When we examine the significance of adoption in these situations, it is clear that giving these young people a secure and loving home may serve as an indicator of hope, pointing them in the direction of a future full with possibilities. Adoption is an act of deep compassion and an unwavering belief in each individual's inherent capacity to

change. Choosing to adopt from the juvenile justice system means breaking away from societal stigma and replacing judgment with empathy and understanding. It is the recognition that past mistakes should not determine a child's infinite future possibilities. By welcoming children into our homes and hearts, we embark on a common journey of growing, learning, and supporting each other. Adoptive parents play a critical role in providing these children with the stability and guidance they need to overcome the challenges ahead. By choosing to adopt with a juvenile justice background, parents can become advocates for change and help rewrite the story of their child's life. The love and security provided within the family environment is the foundation upon which a new chapter unfolds, marked by hope, healing, and the pursuit of dreams.

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## **V. CONCLUSION**

In conclusion, adopting a child who has emerged from the shadow of a prison experience is a very important act. It is an investment in the belief that love, guidance and understanding can pave the way to a better and more promising future. As we encourage parents to open their hearts to these children, we embark on a common journey toward a society based on compassion, redemption, and the enduring capacity for transformation that resides within all of us. Adopting a child from a juvenile detention centre is more than just an act of kindness. It is a determination to rewrite the story of life, to offer an opportunity for a new beginning, and to prove that with love, every child has the potential to thrive and contribute meaningfully to the world. It even help achieve happiness.

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