

PANEL BATS FOR EQUALITY IN CHILD'S GUARDIANSHIP

Relevant for: Developmental Issues | Topic: Rights & Welfare of Children - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

Section 7 of the same Act provides that the natural guardianship of an adopted son, who is a minor, passes on adoption to the adopted father and 'after' him to the adoptive mother.

Marital disputes

The parliamentary panel has also called for a relook at child custody in case of marital disputes and suggested empowering courts to award joint custody to both parents when conducive for the welfare of the child, or award sole custody to one parent with visitation rights to the other. "As the society is rapidly evolving, conjugal and familial relationships are becoming more and more complex. The basis for ending marriage has shifted from fault-finding divorce to mutual consent divorce. There is a need to lay down a framework within the legislation within which the divorcing parents and children can decide what custodial arrangement works the best for them," the panel has said. It has also proposed guardianship rights of those differently abled and suffering from autism or cerebral palsy, people suffering from mental health problems as well as senior citizens. In such cases where guardianship of minors is concerned, the panel says the law should consider "supported decision making" as an alternative to guardianship where a person appoints trusted advisers such as friends, family or professionals to serve as supporters.

On adoption, the committee has said the LGBTQ community should also be covered under the law.

Under the Juvenile Justice (Care and Protection of Children) Act, 2015, the prospective adoptive parents should be physically, mentally, emotionally stable, financially capable. While single men can adopt only boys, single women can adopt a child of any gender. It also says that no child should be given in adoption to a couple unless they have at least two years of stable marital relationship.

The committee has also suggested harmonising the provisions of the JJ Act, 2015 and the Hindu Adoptions and Maintenance Act (HAMA), 1956 as adoption under the former is tedious and time-consuming, and the latter has lacunae such as inability to trace the source of the child being given for adoption or lack of post-adoption follow-ups.

[Our code of editorial values](#)

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com