3.2.3: PROCESS FOR EMPANELMENT OF SUPPORT PERSONS:

i. **ADVERTISEMENT:** For the purpose of empanelment or engagement of Support Persons, an advertisement maybe published on the official website as well as leading newspaper for purpose of calling applications.

ii. **SCRUTINY OF APPLICATIONS:** For the purpose of short-listing of the eligible candidates, the DCPO shall scrutinize eligible applications meeting the criteria and further call the eligible candidates for a personal interview.

iii. **SELECTION COMMITTEE:** For the purpose of conducting personal interviews, a Selection Committee shall be formulated by the Quorum comprising of any three (3) of the following functionaries–

   i. Ld. Special Judge (POCSO)
   ii. District Magistrate or his representative not below the rank of Additional District Magistrate.
   iii. Chairperson, Child Welfare Committee
   iv. Subject Expert –
      i. Head of Government District Mental Health Program/HOD of Government College Psychology/Sociology Department.
      ii. District Education Officer, Principal DIET, CMHO, Renowned Experts in the field of Psychiatry and Psychology.
   v. DCPO; as the Convener of the Committee

iv. **INTERVIEW:** All the short-listed eligible candidates shall the becalled for a personal interview which shall be conducted by afore- stated Selection Committee. The Selection Committee

shall engagement of Support Persons, an advertisement maybe published on the official website as well as leading newspaper for purpose of calling applications.

vi. **TERM OF ENGAGEMENT/EMPANELMENT:** The selected Support Persons shall be engaged for a period of three years which shall be yearly reviewed by the DCPO and shall be extended beyond 3 years on the basis of the recommendation after review conducted by the DCPO. The said recommendation must be approved by the District Magistrate.

vii. **REMUNERATION OF SERVICES OF SUPPORT PERSONS:**

Monthly Allowance: The Support Person shall submit a report at the end of each month to the DCPO for review and remuneration as prescribed in Form A. (The Remuneration for the services of a support person whose name is enrolled in the register maintained under rule 5(1) or otherwise, shall be made by the State Government from the Fund maintained under Section 105 of the Juvenile Justice Act, 2015 (2 of 2016), or from other funds placed at the disposal of the DCPU.)

- Any support person engaged for the purpose of assisting a child under this Act, shall be paid on a pro-rata basis, determined by the number of days worked or in-person visits conducted to locations such as Hospitals, Child Welfare Committee, police station, childcare institutions, the victim's family, educational institution, court, government department, banks etc. The Monthly remuneration based on assigned cases, shall be

prescribed by the State Government, but which shall be calculated in a prorated manner basis the amount prescribed for a skilled worker under the Minimum Wages Act, 1948 (11 of 1948).

- Further, if a person empaneled as a support person has not been assigned any case or has not been providing support to a child, he/she shall not be entitled to claim remuneration.

b. Travel Allowance: The support person shall be provided reimbursement as per actuals for the travel undertaken with the minor victim on production of bills duly verified by CWC.

viii. **RATIO FOR EMPANELMENT OF SUPPORT PERSONS:** The empanelment of Support Persons shall be in the Ratio of 1:10 of the number of cases in each district. However, Support Persons shall not handle more than 10 cases at a time. The CWC shall consider the following factors while assigning cases to Support Persons:

a. Cases from the same Police Station to be assigned to the same Support Person, as far as possible.

b. In case where the number of cases exceeds the number of available Support Person, then at the discretion of CWC and under the order of District Magistrate, the number of cases assigned may be increased, but in any event not exceeding 20 cases per Support Person.

ix. **GENDER CONSIDERATION ASSIGNMENT:** While assigning a Support Person, consideration maybe given to a female victim if a request has been put forth for a female support person by the victim herself or her family member. Subsequently, in cases

involving a male child victim, consideration maybe given to the male victim if a request for a male support person is made by the victim himself or his family member.

x. **BACKGROUND VERIFICATION OF SUPPORT PERSONS:** Once the Support person is shortlisted, a thorough background verification of the Support Person shall be mandatorily conducted by the DCPO before empanelment of the Support Person. This shall involve Police Verification for the purpose of criminal background check.

3.3 : DUTIES OF SUPPORT PERSONS:

The child and family should be protected from external pressure and supported in their journey within the criminal justice system. A trained support person can ease the child and family's journey through the criminal justice and child protection systems. As the support person can provide information and updates the child and his family from time to time, facilitates emotional and psychological support and assists with rehabilitation. Hence, the support person becomes a vital liaison between stakeholders, the child, and the family by assisting them through the various stages of the case.

The duties of Support persons are:

a. Ensuring the continuation of education, including facilitating a change of school if required in the best interest of the child if the incident occurred at school, and obtaining the victim's last attendance records.

b. Assessing the presence of any threat, coercion or pressure and invoking victim/witness protection scheme as necessary.

c. Identifying if the child is in need of care and protection and alerting the CWC if the child should be moved to Child Care Institutions.

d. Ensuring the relocation of the victim, if required.

e. Conducting regular home visits to the child survivor.

f. Identify any specific requirements the child might have due to his/her disability and ensure these needs are met throughout the process.

g. To raise the concern in case the child friendly procedures (*inter-alia* child friendly court procedures) are not followed.

h. Informing the CWC in monthly report if the witness turns hostile, which shall thereafter be shared with the prosecution and the trial court. Failure to report such instances shall lead to inquiry against the corresponding Support Person.

i. Maintain confidentiality of all information pertaining to the child.

j. Addressing any concerns, the child and the family may have.

k. Accompany the child during statement recording, medical examination and trial. Accompanying the child victim to court, particularly for compensation, bail, and prosecution evidence etc.

l. From the day support person is appointed, it is his duty to facilitate the child with medical assistance and treatment, counselling to come out of the trauma, and inform the victim about the availability of the legal aid assistance through DLSA, and the provision of interim compensation for medical and other expenses.

m. Address safety concerns that the child may have concerning the accused.

n. For a child without parental/familial support, the support person can play the major role by providing the assistance and access to protection, rehabilitation, reintegration, healing and justice to the child by informing and getting recommendations from CWC and concerned authorities.

o. Provide information promptly to the child and the family about the procedural steps involved in a criminal prosecution, which includes but is not limited to:

(i) the availability of public and private emergency and crisis services.;

(ii) provision of private counsel as per Section 40 of the POCSO Act.

(iii) the procedural steps involved in a criminal prosecution;

(iv) the availability of victim's compensation benefits;

(v) the status of the investigation of the crime, to the extent it is appropriate to inform the victim and to the extent that it will not interfere with the investigation;

(vi) the arrest of a suspected offender;

(vii) the filing of charges against a suspected offender;

(viii) the schedule of court proceedings that the child is either required to attend or is entitled to attend;

(ix) the bail, release or detention status of an offender or suspected offender;

(x) the rendering of a verdict after trial; and

(xi) the sentence imposed on an offender.

p. Submit monthly updates to the CWC on the child's well-being,

including physical, emotional, and mental health, collaborate with medical facilities for necessary care, and facilitate the child's education, potentially relocating them to a new school as needed.

q. The Support Person appointed shall be unbiased and impartial and shall disclose any real or perceived conflict of interest and shall render a complete and accurate interpretation or translation without any additions or omissions, in accordance with section 282 of the Code of Criminal Procedure, 1973 (2 of 1974).

r. For the purpose of tracking, and monitoring of each case assigned to him on the NCPCR's "POCSO Tracking Portal", the Support Person shall be provided with login credentials so as to facilitate the process of rehabilitation and upload the status on the portal.

s. The Support Person shall in coordination with the CWC, police and DCPU, take appropriate steps for the child's safety and security.

t. While dealing with the incest cases, the support person shall assist the child and the family in finding alternate residences and will make efforts to connect child with people who can provide support and facilitate relocation.

u. The support person, with the help of DLSA or public prosecutor, shall submit an application to the appropriate authority for the relocation of the victim and their family, if required.

v. The Support Person shall seek immediate assistance of CWC or the police if he believes that the child is under the influence of the accused and/or their associates and also intimate the same to the Court.

w. The Support Person shall assist the child in accessing facilities suchas education, health services, and public distribution system.

x. That in cases where the child is pregnant, the Support Person shall connect the child with the hospitals to address to the child's healthcare needs. In cases where the child has contacted or is infectedby Sexually Transmitted Infections or has become HIV positive then the support persons can connect the child to services and organizations with necessary expertise.

y. Normalization of the child's routine could often mean resuming education. The support person shall ensure that the child resume his or her studies and get the child enrolled for education by ascertaining when the child is ready to resume school and facilitate the same. If the child has dropped out of school, the same must be discussed and resolved, by encouraging the child to resume education. Support Persons can assist the child in accessing the Education Department's sponsorship programs.

z. A support person shall also assist the child in obtaining admission in government-run schools or private school as per need and requirement. The Support person shall also educate the family and the child regarding the child's right to receive free and compulsory education till completion of elementary education under the Right to Education Act, 2009.

aa. In case of financial difficulty, support persons may connect the child and his/her family with philanthropic organizations or individuals willing to sponsor the child or refer to the government scheme in their region to fund their education, etc. while maintaining utmost confidentiality.

bb. In cases where the child is not keen or is reluctant to resume school, the support person shall connect the child with vocational training/skill development center that help develop a skill that enables the child's financial independence.

cc. Support person shall facilitate the family or the minor victim to obtain identity documents like Aadhar, PAN card, ration card, BPL card, and open bank accounts in coordination with and assistance from the CWC/ DCPU/CCI.

dd. The Support Person shall assist the families in collecting documents related to the case, such as copies of the FIR, medical reports, statements, and charge sheet.

ee. The Support Person to ensure Form A and B of POCSO Rules 2020 have been duly filled and submitted by Special Juvenile Police Unit (SJPU) before CWC and the victim and family are aware of the entitlements to receive information and services mentioned in Form A.

3.5. REVIEW OF SERVICES OF SUPPORT PERSONS:

i. The DCPO shall conduct a yearly review of the support person which includes review with respect to handling and management of the cases assigned, successful rehabilitation of the victim minor etc. The DCPU shall thereafter submit its report to the concerned District Magistrate/ District Officer deputed by the District Magistrate, who shall be the final reviewing authority. The District Magistrate shall take necessary action after review. However, at the time of renewal of contract of the Support person, which shall be after 3 years, the renewal shall be based on the basis of the report of the review of all three years.

ii. That in case of any complaint by the victim or by the victim's family or by any other person against the Support Person or in cases where the witness has turned hostile, an inquiry shall be initiated against the support person by the DCPO and the DCPO after giving an opportunity to both the parties to be heard in the matter equally, the DCPO shall submit its report of the inquiry initiated to the District Magistrate. The said inquiry shall be completed and disposed of with 15 days of

receiving such complaint and the Support Person during the course of inquiry shall remain suspended from the engagement.

3.6. TERMINATION OF ENGAGEMENT OF SUPPORT PERSONS

The empanelment of the support person may, at any point of time, be terminated by the DCPO upon completion of its inquiry and submission of its inquiry report to the District Magistrate. The District Magistrate shall be the final approving authority against termination;

i. The empanelment of the support persons may be terminated incases where the services provided by the support persons is found unsatisfactory in the yearly Review report submitted by the DCPO to the District Magistrate;
ii. In the event of termination of the Support person, CWC shall immediately appoint another support person for the victim.

3.6.1 : GROUNDS FOR TERMINATIONS

i. Upon the child's request.
ii. Breach of trust or unethical/immoral conduct guidelines.
iii. Unsatisfactory performance that significantly affects their ability to fulfill their roles and responsibilities effectively.
iv. Any behavior or action that is detrimental to the best interests and welfare of the child or the family if proved in the inquiry.

Persistent non-confirmation of duties or inability to submit the monthly report.

3.7 : INDUCTION TRAINING OF SUPPORT PERSONS

The Support Persons must be mandatorily trained in the following aspects before starting interventions in cases:

- Mandatorily refresher training of the support person
- Provisions of POCSO Act, Rules
- Specific roles and responsibilities as a support person in POCSO cases
- Understanding of psychological first aid, and basic counseling with dos and don'ts
- Understanding the rights and entitlements of victim and family and how

to access them.

- Rights and responsibilities of a support person
- Understanding how to deal with media personnel including social media and media spotlight in POCSO cases without revealing the identity of victim/family.
- Understanding measures to be undertaken in cases involving child pornography
- In dealing with situations of victim/family facing threat, coercion or force
- Facilitating protection and re-location with the help of police when victim/family is facing hostility/inducement etc.

Facilitating monetary relief including immediate/interim/final compensation to victim in the form of victim compensation

3.8 : GRIEVANCE REDRESSAL MECHANISM

i. **Grievance Redressal Authority**: The District Magistrate shall be the Grievance Redressal Authority. All complaints against the Support persons shall be made to the District Magistrate, who shall resolve them. The District Magistrate shall dispose of the said complaint within a period of one month from the date of receipt of such complaint.

ii. **Appeal:** All appeals against the resolution of complaint passed by the District Magistrate shall lie with the State Commission for Protection of Child Rights.

3.9 : MONITORING AND IMPLEMENTATION OF THE GUIDELINES

i. The SCPCR shall be the State Level Monitoring Authority of the guidelines and the NCPCR shall be the National Level Monitoring Authority for the implementation of the said guidelines.

ii. SCPCR shall assess the effectiveness of the Support Persons' engagement in accordance with the established model guidelines.

iii. The NCPCR, shall prepare a training module in consultation with the State Child Protection Society for effective implementation.