

Information for Decision Making in Child Protection: A Study of Decision Making in Delhi

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Abstract

Decision making is a complex phenomenon which is usually defined as a process or a sequence of activities involving the stages of problem recognition, search for information, definition of alternatives and the selection of one from two or more alternatives with the highest degree of reward. Best Interest of the Child is one of the guiding principles under the UNCRC Article 3).

Decision making in the 'Best Interest of the Child' in the field of child protection is necessary as the life of the child revolves around the decisions taken for him/her. In normal circumstances, the onus of taking decision for the child is on the biological parents. However, due to certain circumstances which push the children out of the safety net, the decision-making shifts to the state which has the duty to preserve the rights of the children. It is therefore important to examine the dynamics of decision making in the area of child protection by the state.

Data was collected from key functionaries involved in decision making in child protection, including District Child Protection Units and Child Welfare Committee members on various aspects of their decision making. Results of the study revealed that decision makers often face difficulties in taking decisions ensuring the Best Interest of the Child due to insufficient, inaccurate and lack of quality information about the child.

Keywords: Decision Making, Child protection, Decision Making Tools, Information, Best Interest of the Child.

Introduction:

Child protection (CP) is a term used for efforts which safeguards children from actions or situations that place their healthy development and well-being at risk (Medrano & Tabben-Toussaint, 2012). UNICEF defines child protection as "preventing and responding to violence, exploitation and abuse against children" (UNICEF, 2021). This includes physical and mental violence, neglect, maltreatment, and sexual exploitation. UNICEF's child protection framework emphasizes that all children have the right to be protected from harm, regardless of their circumstances. It states that "child protection systems comprise the set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks" (UNICEF, 2021). Effective child protection requires a multi-sectoral approach, involving coordination between governments, international organizations, civil society, communities, and families (UNICEF, 2021). The onus of child protection is on the biological family however due to certain circumstances which put the child at risk of harm, abuse or neglect, the responsibility shifts to the state.

UNCRC Article 3 mandates that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration (Convention on the Rights of the Child, 1989).

India ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1992, demonstrating its commitment to protecting and promoting children's rights (Lama, 2024). This ratification obligated India to align its laws, policies, and practices with the principles outlined in the UNCRC, which emphasizes the best interests of the child in all actions concerning them.

In order to fulfil its obligations under the UNCRC, India established the National Commission for Protection of Child Rights (NCPCR) in 2007 (NCPCR, 2022). The NCPCR is mandated to monitor the implementation of child rights in the country and to ensure that all laws, policies, and programs are in accordance with the child rights perspective outlined in the Constitution of India and the UNCRC. Additionally, State Commissions for Protection of Child Rights (SCPCRs) have been set up in various states to decentralize and strengthen child rights protection at the regional level (Ministry of Women and Child Development, 2021).

The Juvenile Justice (Care and Protection of Children) Act, 2015 is a key piece of legislation that provides for the protection and rehabilitation of children in conflict with the law and children in need of care and protection (Government of India, 2015). The Act emphasizes restorative justice and provides for child-friendly procedures in dealing with matters concerning children.

To implement child protection measures at the grassroots level, District Child Protection Units (DCPUs) have been established across the country (Ministry of Women and Child Development, 2020). These units are responsible for implementing various child protection schemes, coordinating with different stakeholders, and ensuring that child protection services are accessible at the district level.

India has also launched several schemes aimed at child protection and welfare including the Integrated Child Protection Scheme (ICPS), which aims to create a protective environment for children through Government-Civil Society partnership, and the Integrated Child Development Services (ICDS), which provides for holistic early childhood development (NITI Aayog, 2021).

Best Interest of the Child

The concept of the best interest of the child is a fundamental principle in decision-making for child with varying meaning and context across different legal and cultural systems. Article 3 of the UNCRC emphasise that “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration” (Convention on the Rights of the Child, 1989). This includes provisions which aims at supporting the need of child for safety, health, wellbeing, family relationships, physical, psychological and emotional development, identity, freedom of expression, privacy and agency to form their own views and have them heard. The United Nations Convention on the Rights of the Child emphasizes this principle as a cornerstone, guiding national policies and legal frameworks (Jacqueline et. Al, 2006)(Zermatten ,2010). The concept of Best Interest of the Child is used extensively in the child protection decision making, however there is no clear definition. There is lack of universality and thus different working professionals understand it differently (Parker, 1994, Hansen, 2011).

Decision Making in Child Protection

Decision making refers to making choices among alternative courses of action—which may also include

inaction. It is often argued that management *is* decision making, but half of the decisions made by managers within organizations fail (Ireland & Miller, 2004; Nutt, 2002; Nutt, 1999). Individuals throughout organizations use the information they gather to make a wide range of decisions. Decision making helps in identifying and defining problems, developing alternative solutions, evaluating them in terms of possible consequences choosing the best solution among them, and implementing the decisions effectively. Decision maker considers various factors while making decision which involves their capacity to implement the action, the organization's nature, the existing work environment, the objectives of the organization, and time factors. The decision-making process is an intellectual process that helps to select the most feasible option out of a number of alternatives. The decision making involves identifying the problems, analysing it, developing alternatives, evaluating all the alternatives and selecting the best alternative. Decisions are made by authority, either through a majority vote or a consensus.

Decision-making in child protection is a complex and high-stake process that relies heavily on the collection, analysis, and interpretation of information. The quality and comprehensiveness of this information directly impact the effectiveness of interventions and, ultimately, the safety and well-being of vulnerable children (Gillingham, 2017). One crucial feature of information in child protection is its multi-faceted nature and thus child protection workers must gather reliable data meticulously and in detail from various sources, including the child, its family members, teachers, healthcare providers, and other professionals and stakeholders involved in the child's life. This multi-source approach helps create a complete picture of the child's circumstances and potential risks (Roesch-Marsh et al., 2017). However, the large volume of information can be overwhelming, and child protection workers need to have the skills for collating, analysing and processing the useful information (Helm, 2017). Child protection workers often face difficulties in cases which require urgent intervention as due to the criticality there is limited time available to gather data and thus may lead to a bad decision. The use of standardized assessment tools and frameworks can aid in organizing and analysing information consistently. These tools help ensure that critical factors are not overlooked and that decision-making is based on a structured evaluation of risks and protective factors (Bartelink et al., 2015). It is also important to note that information regarding the child is not static. Situations can change rapidly, and new information may emerge that significantly alters the assessment of a case. Therefore, continuous information gathering and reassessment are essential components of effective child protection practice (Léveillé & Chamberland, 2010). The ethical handling of information is paramount in child protection. Child protection workers must navigate complex issues of confidentiality, consent, and information sharing across agencies, always balancing the need for comprehensive information with respect for privacy and legal requirements (Parton, 2017).

Process of Decision Making in Child Protection in India

Juvenile Justice (Care and Protection of Children) Act, 2015, is the primary legislation for governing child protection in India. It provides a framework for addressing children in conflict with the law, ensuring care and protection for children in need of care and protection and establishing child-friendly procedures for adjudication and disposal of cases. JJ ACT, 2015 provides a comprehensive definition of the children in need of care and protection. It mandates the establishment of Child Welfare Committee (CWC) in every districts for exercising the powers and to discharge the duties conferred on such Committees in relation to children in need of care and protection. CWCs consists of a chairperson and 4 members who are expert in health, education or welfare activities pertaining to children different field of child protection. CWC plays a key role in decision making for child protection. It determines the whether the child presented before the

committee qualifies as a child in need of care and protection and directs their decisions for ensuring the best interest of the child. District Child Protection Unit (DCPU) formed under ICPS (now Mission Valsalya) are formed in every districts. They are responsible for coordinating and implementing child protection related services at the district level. They help in identifying children in need of care and protection. DCPU also provide support CWCs in their functioning so that decision can be taken in the best interest of the child.

Decision Making Tools

Decision Making tools helps the child protection worker to make informed decisions and provide appropriate interventions. The goal is to create a comprehensive picture of a child's situation to ensure their safety and well-being and to ensure the principle of best interest of child is met.

1. Social Investigation Report (SIR):

A Social Investigation Report is a comprehensive document prepared by . It's a crucial tool in the Indian child protection system, typically used in cases involving juvenile justice or child welfare decisions. Key aspects include:

- Detailed background of the child and family
- Assessment of the child's physical, mental, and social condition
- Family history and current living situation
- Educational and health status
- Recommendations for intervention or care

2. Home Study Report:

A Home Study Report is an in-depth assessment of a family's living situation, usually conducted when considering placement options for a child. It's commonly used in adoption processes but also in child protection cases. The report typically covers:

- Family composition and relationships
- Physical home environment and safety
- Financial stability
- Parenting capabilities
- Community resources and support systems
- Motivation for adoption or fostering (if applicable)

3. Individual Care Plan (ICP):

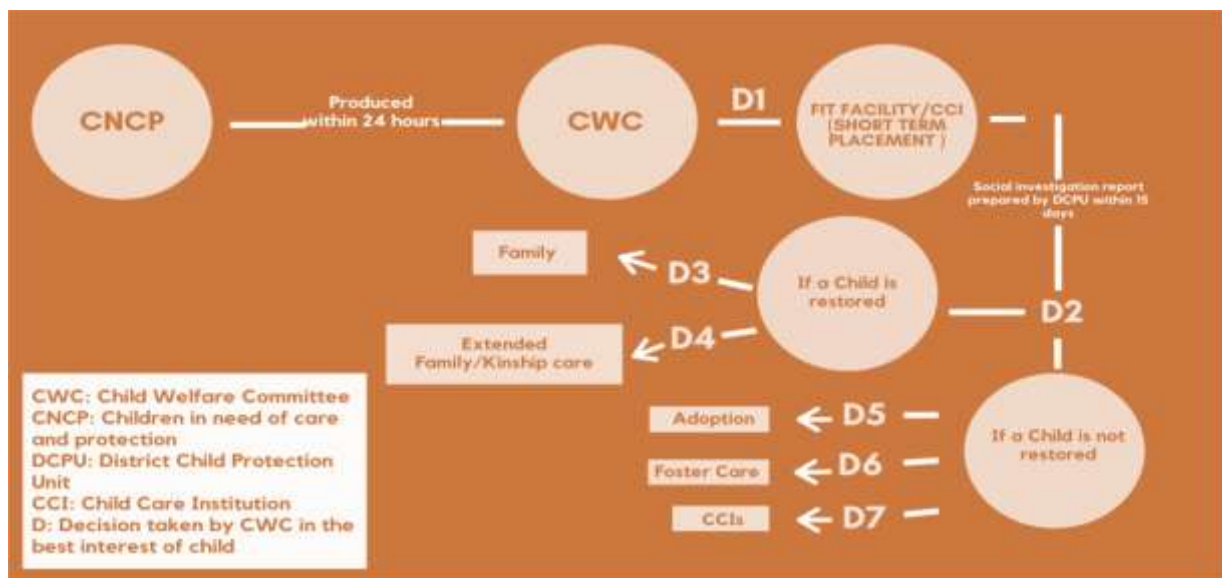
An Individual Care Plan is a tailored strategy for addressing a child's specific needs and ensuring their well-being. It's a dynamic document that evolves with the child's circumstances. Key components often include:

- Short-term and long-term goals for the child's development
- Specific interventions or services required
- Timelines for achieving objectives
- Roles and responsibilities of various stakeholders
- Regular review and update mechanisms

The process of decision making in child protection starts from the time the child is first presented before the child welfare committee. The production of the child before the committee can be done by police, child line or any other stakeholders within 24 hours. CWC conducts the initial assessment based on the informa-

tion provided at the time of the presentation.

The initial information is provided by different sources which includes the person who is presenting the child, form 17 filled which contains information regarding the child and the circumstances under which the child is being presented before the CWC , the child itself. Form 17 needs to be filled in by the person who is presenting the child. Legal aid volunteers and the staffs from DCPU placed in the CWC helps the person presenting the child in filling up these forms. Once the CWC is satisfied with the initial information, they are expected to take decisions for the child by adhering to the principle of best interest of the child. The information is required at each stage until the final disposal of the case. The information collected through different medium and tools provide a basis for the CWC to take decision in the best interest of the child.



Nodes	Information Need
D1	Information from form 17, from the person presenting the child, from the child themselves
D2	Information is gathered through decision making tools such Social Investigation Report, Home Study Report
D3	Information is gathered through decision making tools such Social Investigation Report, Home Study Report, Need Assessment Report, Counselling of the child and from other stakeholders.
D4	Information is gathered through decision making tools such Social Investigation Report, Home Study Report, Need Assessment Report, Counselling of the child and from other stakeholders.
D5	Information is gathered through Home Study Report
D6	Information is gathered through Home Study Report, Social Investigation Report, Matching form.
D7	Information gathered through Individual Care Plan.

The onus of taking decision in child protection is on the Child Welfare Committee (CWCs) in India. Child Welfare Committees are statutory bodies formed under Juvenile Justice (Care and Protection of Children) Act, 2015, Section 27. CWCs conduct thorough assessments of a child's situation, gathering information from various sources to make informed decisions about the child's care and protection (Bhargava, 2018).

Their primary function is to safeguard the rights and interests of children in need of care and protection (Khurana, 2019). The decision-making process of CWCs is guided by the principle of the best interests of the child. This involves considering multiple factors such as the child's safety, emotional and physical well-being, family circumstances, and long-term development needs (Bhargava, 2018). CWCs face challenges in their decision-making role, including high caseloads, limited resources, and sometimes insufficient training or expertise among committee members. These factors can impact the quality and timeliness of decisions (Mohanty & Pati, 2020).

District Child Protection Unit (DCPU) also plays a crucial role in the context of decision-making for child protection cases, even though it doesn't make final decisions. The DCPU gathers information about children in need of care and protection through social investigations, home visits, and through interaction with different stakeholders. The information gathered forms the foundation for informed decision-making by Child Welfare Committee (CWC) (Mathur, 2019). DCPU prepares and presents case reports to the CWC which provides a detailed analysis of the child's situation, including family background, risk factors, and recommended interventions. The quality and comprehensiveness of these reports directly influence the decisions made (Sinha, 2018). High quality information is necessary for making sound judgement in child protection (Munro, 2011). Fluke et.al (2014) in their Decision Making Ecology framework highlighted the role of quality information throughout the process of decision making in child protection and the impact of lack of quality information on the outcome. Helm (2016) highlighted the importance of contextual information in the child protection decision making. It is important to consider the perspectives of all the stakeholders for processing the information in the best interest of the child (Keddell, 2017).

Objective

To understand the role of information on the decision-making process in the Best Interest of the Child

Methodology

The present study employed a mixed method approach to understand the role of information on the Decision-Making Process and dependency of the decision-makers on Structured Decision-Making Tools and other sources for obtaining information about the CNCP. The study was conducted in the CWCs and DCPU of the NCT of Delhi. 35 members from CWC and 34 professionals from DCPU were interviewed with the help of semi-structured interview schedule.

Results

The present section presents the major findings on the different aspect of information in the child protection system in India. The information about the child and the case is necessary to take decision in the best interest of the child. The information is sought throughout the process of child protection decision making until the final disposition of the case. The information is gathered through various sources and with the help of decision-making tools.

The respondents strongly believe that information about the case of the child in need of care and protection is necessary for the effective decision making in the best interest of the child. 97.1 percent of the respondents from District Child Protection Unit and all the respondents from Child Welfare Committee agreed that information about the case of CNCP is essential for making effective decision.

Table 1: Importance of information about the case of Child in need of Care & Protection is essential for making effective decision.

	Percentage
Response from DCPU	97.1
Response from CWC	100

94.1 percent (Table 2) of the respondents from District Child Protection Unit and 100 percent (Table 2) of the respondents from Child Welfare Committee considers Individual Care Plan prepared by the case worker/ probation officer as an important tool for the purpose of rehabilitation and social reintegration of the child in need of care and protection. All the respond from both District Child Protection Unit and Child Welfare Committee considers social investigation report and home study report as an important decision-making tool for ensuring the best interest of the child.

Table 2: Importance of individual Care Plan for rehabilitation and reintegration of the Child in need of Care & Protection

	Percentage
Response from DCPU	94.1
Response from CWC	100

Table 3: Importance of social investigation report and home study report for making decision in the best interest of the child for Child in need of Care & Protection

	Percentage
Response from DCPU	100
Response from CWC	100

District Child Protection Unit and NGOs working in the field of child protection helps the Child Welfare Committee in gathering information about the child in need of care and protection. 54.1 percent (Table 4) of the respondents from Child Welfare Committee reported that District Child Protection Unit helps them in gathering information and 88.2 percent (Table 5) of the respondents from District Child Protection Unit reported that they help the Child Welfare Committee by gathering information about the child in need of care and protection. However, only 25.7 percent (Table 6) of the respondents from Child Welfare Committee reported that NGOs working in field of child protection helps them in gathering information about the child in need of care and protection.

Table 4: Assistance provided by DCPU to CWC in gathering information: A per the members of CWC

	Percentage
Yes, they help in gathering information	54.1
No, they do not help in gathering information	45.9

Table 5: Assistance given by DCPU to CWC in gathering information: As per the professionals from DCPU	
	Percentage
Yes, we help the CWC in gathering information	88.2
No, we do not help the CWC in gathering information	11.8

Table 6: Assistance given by NGOs to CWC in gathering information	
	Percentage
Yes, they help in gathering information	25.7
No, they do not help in gathering information	74.3

Important aspects of information	Key Findings from the members of CWC and professionals from DCPU.
Information during the initial presentation	<ul style="list-style-type: none"> • Information is provided through form 17, person presenting the child and the child themselves. • Generally, the information is not sufficient during the initial presentation. • It varies depending on the person who is presenting the child. • Information is sought through interaction with child by creating a protective environment where child can express them freely. <p><i>“If the police are presenting the child before the CWC, the information is mostly insufficient. However, if the child is being presented by the NGOs or ChildLine, they provide comprehensive information about the case”.</i></p> <p><i>“Children comes through long process before being presented before us and therefore they already know the process and reason they are apprehended. We generally interact with them on general topics and offer them biscuits or toffees and then slowly we assure them that they can talk. Generally. children tell their story once they are open and comfortable and thus, we can plan accordingly. we try to create environment where child can open up”.</i></p>
Actions taken to gather more information	<ul style="list-style-type: none"> • If the initial information is incomplete and insufficient, the information gathered through other sources.

	<ul style="list-style-type: none"> • Independent interaction with the child and family, SIR, HSR, counselling and medical examination report supplements the insufficient information. • Cross-verification of information from different stakeholders. <p><i>“It is important to interact independently with child and their family. Children are often hesitant to speak in front of their family and we try to create a secure environment or send the child for the individual counselling”.</i></p>
Sources of Information about the CNCP	<ul style="list-style-type: none"> • Information is gathered through various sources and with the help of different stakeholders. • Parents, school, peers, neighbors are the important source. • Information is gathered from the help of DCPUs, police, CCIs workers, Legal aid volunteers and Support person in POCSO cases. • Decision Making tools such as SIR and HSR also plays a key role in information gathering.
Role of Social Investigation Report	<ul style="list-style-type: none"> • If offers comprehensive view about the situation of the child. • Help in verifying the authenticity of cases by cross-referencing information from various sources, including neighbors and community members. • It helps in declaring if the child qualifies as CNCP. • Provide important information about the family environment and the surrounding in which the child resides. • It is very beneficial in decisions where restoration is required. <p><i>“SIR needs to prepared through proper interaction with all the stakeholders. Most of SIR are conducted through phone. The DCPU staff doesn’t go on field and hence the effectiveness of the SIR is compromised”- CWC member</i></p>
Role of Home Study Report	<ul style="list-style-type: none"> • Offer insights into the family's financial status, parental behavior, and overall home conditions.

	<ul style="list-style-type: none"> • HSRs help committees understand why a child may have entered the care system and what circumstances led to their current situation. • They are crucial in determining whether the home environment is conducive to the child's well-being and development. • They provide a snapshot of family dynamics, interaction patterns, and the physical living conditions. • This information is vital in making informed decisions about whether a child should be restored to their family, needs additional support, or requires alternative care arrangements.
<p>Role of Individual Care Plan</p>	<ul style="list-style-type: none"> • ICP provide valuable insights into a child's physical and mental health, educational progress, and overall development within Child Care Institutions. • It serves as a blueprint for rehabilitation, helping committee members make informed decisions about a child's future, including potential family restoration or continued institutional care. <p><i>“The ICP are mostly of the same kind. The person filling up the ICP do not interact with children. They sit in their room and prepare it. We often see a similar ICP for each child placed in a particular CCIs. Since it’s similar, we cannot base our decision on it”</i>. - CWC member</p>

Discussion

The findings of the study revealed that the Child Welfare Committees (CWCs) employ multi-faceted approach to gather information about Children in Need of Care and Protection (CNCP). The process typically begins with an initial presentation by the person presenting the child, often police or NGOs, who fill out preliminary forms (Form 17). CWC members then directly interact with the child, creating a comfortable environment to encourage open communication. Information is collected from various stakeholders, including the child, parents, police, District Child Protection Units, childcare institutions, NGOs, and legal aid counselors. The CWCs rely on several reports such as Social Investigation Reports, Home Study Reports, and counseling assessments. They sometime order further investigations, directing intense counseling sessions, conducting home visits, or seeking specialized assessments when necessary. This information-gathering process is often ongoing, with children sometimes placed in care institutions

while details are being collected. The CWCs emphasize creating a trusting environment and cross-checking information from multiple sources to form a comprehensive understanding of the child's situation before making decisions in their best interest.

Child Welfare Committees (CWCs) employ a nuanced approach when considering information from children and parents in decision-making. They often rely on children's statements, adhering to principles of innocence and participation. However, CWCs recognize that children may not always provide accurate information, especially in initial interactions. Factors influencing reliance on a child's information include age, family background, psychological status, and the specific case context. CWCs use techniques like creating a comfortable environment, cross-questioning, and corroborating information with other sources to ensure accuracy. Regarding parental input, CWCs generally consider it valuable but not infallible. They assess factors such as the nature of the case, the child-parent relationship, and consistency with other reports. CWCs emphasize the importance of cross-verification, using their experience and judgment to weigh information from both children and parents. The overall goal is to gather a comprehensive, accurate picture of the child's situation to make decisions in their best interest, often involving multiple stakeholders and reports in the process.

Child Welfare Committees (CWCs) rely on various reports and assessments to make informed decisions about children in need of care and protection (CNCP). The Individual Care Plan (ICP), prepared by case workers or probation officers, provides insights into the child's progress, needs, and future plans, though its usefulness can vary based on the quality. The Home Study Report (HSR) offers crucial information about the child's home environment, which is particularly valuable in restoration cases. More than 90 percent of the respondents from both CWC and DCPUs consider these as an important tool for the decision making in the best interest of the child. These tools help CWCs understand family dynamics, financial status, and whether the home is conducive to the child's well-being. The Social Investigation Report (SIR) provides a comprehensive view of the child's social background, family situation, and environmental factors. It often includes details about the child's neighborhood, school, and extended family, offering a holistic picture that aids in decision-making. CWC members use these reports in conjunction with their own interactions with the child and family, applying their professional judgment to make decisions. CWCs often relies on a combination of these reports, their experience, and their understanding of each unique case to determine the best course of action for the child's welfare.

The absence of quality information significantly hampers the Child Welfare Committees' ability to make timely and appropriate decisions for children in need of care and protection. Incomplete initial data, especially from police sources, forces CWCs to rely on multiple, time-consuming information-gathering methods, delaying decision-making and potentially prolonging a child's uncertain situation. This lack of comprehensive data increases the risk of misinformation, complicates assessments of home environments, and makes it challenging to identify specific needs of each child. CWC members may have to rely more heavily on subjective judgment, which can lead to inconsistencies across cases. Furthermore, inadequate information hinders long-term planning, family reunification decisions, and inter-agency coordination. One of the members of the CWC pointed out that *“When the police is presenting the case, the information is mostly incomplete, and they do not comply with the orders of the CWC. The police take a long time in conducting investigation which is incomplete most of the time. This happens mostly in cases which is from other states. The delay from police officials results in delay in decision making and we have to rely on our instinct and incomplete information for making decision”*. The increased workload from gathering additional information can lead to case backlogs, while the potential for overlooking critical factors puts

children's wellbeing at risk. Ultimately, improving the quality and timeliness of information gathering and reporting processes is crucial for enhancing CWCs' effectiveness in safeguarding children's welfare.

Conclusion

The Study reveals that Child Welfare Committees (CWCs) in India employ a comprehensive and nuanced approach to gathering information and making decisions about Children in Need of Care and Protection (CNCP). The CWCs' decision-making process begins with an initial presentation of the child, followed by direct interactions with the child in a comfortable environment. This approach reflects a commitment to the principles of child participation and the presumption of innocence. However, the CWCs also recognize the complexities involved, understanding that children may not always provide accurate information initially. To address these challenges, CWCs employ a range of techniques and rely on various sources such as Social Investigation Reports (SIR), Home Study Reports (HSR), and Individual Care Plans (ICP). Each of these tools provides specific insights into different aspects of the child's life, from their home environment to their progress in childcare institutions. The CWCs' constantly cross-verify information from multiple sources. They consider input from parents, but with a critical eye, recognizing that parental information, while valuable, is not infallible. The committees use their experience and judgment to weigh different pieces of information, always keeping the child's best interest paramount. The quality and comprehensiveness of information available to Child Welfare Committees play a crucial role in their decision-making process and ultimately in safeguarding the well-being of children in need of care and protection. The current challenges stemming from incomplete or inadequate information highlight the need for systemic improvements in data collection, reporting, and inter-agency communication. Enhancing the quality of initial reports, Social Investigation Reports, Home Study Reports, and Individual Care Plans is essential. Additionally, streamlining information-gathering processes and improving coordination between various stakeholders such as police, childcare institutions, counselors, and social workers could significantly enhance the efficiency and effectiveness of CWCs. By addressing these information gaps, CWCs can make more informed, timely, and child-centric decisions, ensuring better outcomes for vulnerable children.

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