
Federal Law No. 1 of 2012

Issued on 24/05/2012 AD

Corresponding to 3 Rajab 1433 AH

CONCERNING THE CUSTODY OF CHILDREN OF UNKNOWN PARENTAGE

We, Khalifa bin Zayed Al Nahyan President of the UAE

After perusal of the Constitution,

The Federal Law No. 1 of 1972 concerning the Ministries' competencies and the Ministers' powers, as amended,

The Federal Law No. 17 of 1972 concerning the Nationality and Passports, as amended,

The Civil Transactions Law issued under the Federal Law No. 5 of 1985, as amended,

The Penal Code issued under the Federal Law No. 3 of 1987, as amended,

The Criminal Procedure Law issued under the Federal Law No. 35 of 1992, as amended,

The Federal Law No. 18 of 2009 concerning the regulations of birth and death certificates,

The Federal Law No. 2 of 2001 concerning the Social Security,

The Federal Law No. 28 of 2005 concerning Personal Status,

And based on the proposal of the Minister of Social Affairs, the approval of the Council of Ministers and the Federal National Council, and the ratification of the Supreme Council of the Union,

Issued the following law:

Article 1- Definitions

In the application of the provisions of this law, the following terms and expressions shall have the meanings stated beside them, unless the context requires otherwise:

State:	United Arab Emirates
Ministry:	Ministry of Social Affairs
Minister:	Minister of Social Affairs
Concerned authorities:	Federal authorities concerned with the implementation of the provisions of this Law
Competent authorities:	Local authorities concerned with the implementation of the provisions of this Law
Home:	Home for the care of children of unknown parentage
Committee:	Custodial Families Committee
Child of unknown parentage:	Child of unknown parentage found within the State
Custodial family:	The family entrusted with the custody of the child of unknown parentage
Custody:	Taking care of a child of unknown parentage, upbringing and raising him by the Home or the custodial family
Adopted child:	Child of unknown parentage under the custody of the Home or the custodial family
Custodial person:	The person entrusted with the custody of the child of unknown parentage

Article 2

This Law aims at:

- 1- Organizing the care for the children of unknown parentage at the State by establishing and developing care homes and ensuring custodial families to provide health, psychological, social, entertainment and educational care for them.
- 2- Ensuring the rights and civil liberties of the children of unknown parentage and protecting their private lives and their right of personal security while preserving their best interests.
- 3- Protecting the children of unknown parentage from abuse, inhumane treatment and neglect.
- 4- Creating and ensuring the living conditions necessary for their normal growth and their upbringing according to the Islamic principles and social values.

Article 3

- 1- Whoever finds a child of unknown parentage shall reach the nearest police station or hand him/her over immediately, with the clothes (s) he is wearing and all other things found with or near him/her.
- 2- The police officer shall take the child and send him/her to the nearest health centre to conduct the necessary medical examinations, notify the Public Prosecution of the same, and file a report of the circumstances and conditions in which (s) he was found, the place, time and date where (s) he was found and the name, profession and address of the person who found him/her.
- 3- The health centre shall conduct medical examinations on the child and take necessary actions to preserve his/her health and safety, while the specialized physician estimates his/her age.
- 4- The Public Prosecution shall refer the child to the Home in coordination with the Ministry and the Ministry of Interior.
- 5- The Home shall choose a full name for the child and in all cases, it shall not refer, in any way, to the fact that the child is of unknown parentage, whether in the birth certificate or any other identification papers.
- 6- The Home shall take necessary actions to register the child in the official papers according to the laws and regulations in force at the State in coordination with the Ministry of Interior.

Article 4

The Ministry shall, in coordination with the Ministry of Interior, supervise the Home for the care of children of unknown parentage at the State from all procedural and regulatory aspects. The competent authorities shall coordinate with the Ministry in this regard.

Article 5

1- The Ministry shall ensure custodial families for the children of unknown parentage, in coordination with the Ministry of Interior, who meet the conditions set forth in this Law and it may create Homes in cooperation with the concerned and competent authorities to take care of the children of unknown parentage and provide them with comprehensive care, in particular the following:

- a- Ensuring the living necessities such as food, clothing and housing.
- b- Providing them with social, health and psychological care, in a way convenient to their various ages.
- c- Inculcating noble values in them and teaching them Islamic principles and ethics.
- d- Providing equal educational opportunities in the various education stages at all regulatory or specialized institutions.
- e- Strengthening the national identity and building the sense of belonging to the State.
- f- Developing their creative, artistic and intellectual abilities and investing them in the refinement of their personality.
- g- Integrating them with other children at the sports and cultural centres and clubs, as well as camps, and providing them with the appropriate activities.

2- The executive by-law of this Law shall specify the sections, competencies and work system of the Home in a way that is in line with the modern systems of social support and care for children of unknown parentage.

Article 6

The executive by-law of this Law shall specify the conditions of accepting the child of unknown parentage at the Home.

Article 7

By a decision from the Minister, and in coordination with the competent authorities, a committee shall be formed in every Emirate to select the custodial family, under the name "Custodial Families Committee", provided that one of its members is from the Ministry of Interior.

Article 8

The Custodial Families Committee shall be specialized in:

- 1- Developing the necessary criteria to select the custodial families as determined by the executive by-law.

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- 2- Creating a record at every Emirate, in coordination with the Ministry of Interior, registering all information related to the children of unknown parentage. This record shall not be accessed nor copies thereof shall be obtained except by the competent persons.
 - 3- Follow the adopted child at the custodial family, provided that the executive by-law specifies the periodic follow-up rules.
 - 4- Participating in the preparation and implementation of the programs necessary to raise awareness of the custodial families and the society members for the rights and needs of the children of unknown parentage and the provisions of this Law.

The executive by-law shall specify the Committee's work system.

Article 9

The family wishing to adopt a child of unknown parentage shall submit an application to the Ministry, accompanied with the documents specified by the executive by-law of this Law.

The Minister or his authorized representative shall, upon the Committee's recommendation, issue a decision to hand over the child to the custodial family on a temporary basis and for a trial period of six months. This period may be extended to another six months according to the periodic follow-up reports. If it was found that the custodial family is eligible to adopt the child, the Minister shall issue a final decision allowing the custody of the child by the family.

Article 10

The custodial family shall:

- 1- Be Muslim, Emirati and residing in the State.
- 2- Consist of a couple not younger than 25 years old.
- 3- Have its couple never convicted of a crime involving moral turpitude or dishonesty.
- 4- Be proved free of infectious diseases or psychological and mental disorders that may affect the child's health and safety, through a report issued by an official medical authority.
- 5- Be able to support its members and the adopted child financially.
- 6- Undertake to treat the child well and raise him/her in a good manner, taking care of his/her health, education, protection and growth.
- 7- Any other conditions decided by the Minister upon the Committee's recommendation, in a way not inconsistent with the provisions of this Law.

The Minister may exempt some custodial families from the condition of being free of diseases that do not pose a threat on the adopted child's health.

Article 11

Without prejudice to the provisions set forth in Articles 9 and 12 of this Law, the Minister may, upon the Committee's recommendation, entrust the custody of the child of unknown parentage to a female Muslim Emirati, residing in the State, not younger than 30 years old, if she was single, divorced, widowed or her husband was missing for a long period, and she was financially able to support the child of unknown parentage.

Article 12

The custodial family shall:

- 1- Notify the Ministry of the new address in case of changing the place of residence.
- 2- Not hand over the adopted child to another family even if temporarily, without the approval of the Ministry. The latter shall issue its decision in this regard within the period prescribed by the executive by-law of this Law.
- 3- Not abandon the custody of the adopted child unless after notifying the Ministry and handing over the adopted child within thirty days from the date of notification thereof.
- 4- Reveal the real lineage to the adopted child, in coordination with the Ministry and according to the conditions set forth in the executive by-law.
- 5- Provide an annual medical report of the child's health status, issued by a medical facility, as specified by the executive by-law.

Article 13

The competent social researcher shall discuss and follow the adopted child's status, in coordination with the custodial family, and shall have the right to enter the house, meet him/her and check his/her conditions, and the custodial family shall facilitate this task.

Article 14

- 1- If the periodic follow-up reports prove that the custodial family needs help of any type to perform its duties towards the adopted child, the right decision shall be taken by the Ministry to provide the necessary assistance throughout the duration of the custody.
- 2- If it was proved that the custodial family has breached its obligations towards the adopted child resulting into a simple damage incurred by him/her whether from a health, moral, educational or psychological standpoint, the Ministry shall draw the attention of the custodial family about the matter, and if the breach was repeated, the Ministry shall send a warning of the need to meet its obligations towards the adopted child. In the event where the custodial family does not respond to the warning addressed to it, necessary measures shall be taken upon the Committee's recommendation and according to the Laws' executive by-law.
- 3- Without prejudice to the penalties set forth in any other law, if it was proved that the custodial family had breached its obligations towards the adopted child resulting into a serious damage incurred by the latter, whether from a health, physical, moral, educational or psychological standpoint – the gravity of breach shall be estimated according to the executive by-law of this Law – the Minister shall, upon the Committee's recommendation, issue a decision to recover the custody of the adopted child from the custodial family without the latter having the right to object to the same. In such event, the Committee shall search for another suitable custodial family and take the necessary legal procedures.

Article 15

The custody of the adopted child by the custodial family shall be considered a charity and voluntary act that is free of charge. It shall not have the right to require from the adopted child or the Ministry, after expiry of the custody period, any expenses it had spent on the adopted child during this period or any fees for its care throughout the period of custody.

Article 16

The Ministry shall, in coordination with the concerned authorities, prepare the necessary programs to raise the society's awareness of the children of unknown parentage in all that is related to their affairs, needs and rights set forth in this Law and the other laws in force at the State.

Article 17

If the sonship of the child of unknown parentage was proved pursuant to a final judgment, (s)he shall be re-registered in the name of his/her proven parent according to the laws in force in the State.

Article 18

The custody of the Home or the custodial family to the adopted child shall expire when the reasons of custody end, as per the executive by-law of this Law, including the rehabilitation controls after expiry of the custody.

Article 19

The Ministry shall make the necessary efforts in coordinating with the concerned and competent authorities, to provide opportunities to complete the education of the children of unknown parentage at the universities and higher institutes, to offer them job opportunities within a sufficient period before leaving the care homes or the custodial families

Article 20

- 1- In the event of decease of the adopted child during his/her presence at the Home or with the custodial family, the Ministry shall be notified immediately, after taking the actions set forth in the State Laws.
- 2- In the event of decease of one of the custodial couple or in case of separation, the Ministry shall decide if the other shall proceed with the custody of the adopted child.

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- 3- In the event of decease of the custodial person, any of his/her relatives may proceed with the custody according to the provisions of this Law, provided that the Ministry approves the same.

Article 21

No person shall have the right to do any act regarding the custody of the children of unknown parentage, without observing the rules and procedures set forth in this Law.

Article 22

Without prejudice to any more severe penalty set forth in any other law, whoever violates any provision of this Law shall be subject to imprisonment and a fine between AED ten thousand and one hundred thousand, or to any of these two penalties. The penalty shall be doubled in case of repetition.

Article 23

The Minister shall, in coordination with the Ministry of Interior, issue the executive by-law and the decisions necessary to implement the provisions of this Law within one year from its effective date.

The homes for the care of children of unknown parentage shall adjust their positions according to the provisions of this Law within two years from its effective date.

Article 24

Any provision that is contrary or inconsistent with the provisions of this Law shall be cancelled.

Article 25

This Law shall be published in the Official Gazette and shall enter into effect on the day following the date of its publication.

Issued by us at Abu Dhabi Presidential Palace:

On 3 Rajab 1433 AH

Corresponding to: May 24, 2012 AD

Khalifa bin Zayed Al Nahyan

President of the United Arab Emirates

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