The Fiqh of Adopting a Child

- Print

Image not readable or empty
/printsystem/images/printButton.png

{jb_quote}Adopting someone else's child, bringing it up, seeing to its education and training and being kind and good towards him/her is very virtuous and a commendable act. If the child is an orphan and has no support, then the reward is much more.{/jb_quote}

Print PDF

The Fiqh of Adopting a Child

By Shaykh (Mufti) Muhammad Ibn Adam (HA)

Question: What is the Fiqh of adopting a child?

Answer: In the Name of Allah, Most Compassionate, Most Merciful,

{jb_dropcap}A{/jb_dropcap}dopting someone else's child, bringing it up, seeing to its education and training and being kind and good towards him/her is very virtuous and a commendable act. If the child is an orphan and has no support, then the reward is much more.

In a Hadith recorded by Imam al-Bukhari in his Sahih, the Messenger of Allah (Allah bless him and give him peace) said:

{jb_bluebox}"I and the guardian of the orphan will be in Paradise like this" and the Prophet (Allah bless him and give him peace) joined his index finger with his middle finger. (Sahih al-Bukhari){/jb_bluebox}

Meaning that the one who looks after the orphan will be very close to the Prophet (Allah bless him and give him peace) in Paradise.

This is an extremely neglected Sunnah of our beloved Prophet (Allah bless him & give him peace), and we should definitely encourage ourselves and others towards this direction.

However, it should always be kept in mind that according to Shariah, the lineage of the adopted child does not become established with the adoptive parents. Adoption of a child has no legal effect in Shariah. The child should not be attributed except to the natural parents, and not to those who have adopted him/her.

This is a fundamental principle and ruling laid down by the Holy Qur'an. The people in the days of ignorance (Jahiliyya) used to treat an adopted child as the real one in all aspects. The Qur'an condemned this practice with

the following verse:

{jb_bluebox}"And He (Allah) did not make your adopted sons your sons. That is only your speech by your mouths. And Allah guides you to the right path. Call them by (the names of) their (real) fathers. It is more just in the sight of Allah." (Surah al-Ahzab, v: 4, 5){/jb_bluebox}

The Messenger of Allah (Allah bless him and give him peace) adopted the Companion Zaid ibn Haritha (Allah be pleased with him), thus the other companions (Allah be pleased with them) initially referred to him as "Zaid ibn Muhammad". When the abovementioned verse of the Qur'an was revealed, they reverted to calling him "Zaid ibn Haritha".

In view of this important principle of Shariah, the following points need to be taken in to consideration:

{jb_bluedisc}1{/jb_bluedisc} Legal adoption is not permissible. This means that one cannot change the lineage of an adopted child and substitute the names of his real parents with adoptive parents. The child should always be attributed to the real parents so that it becomes common knowledge amongst the people who the real parents are.

{jb_bluedisc}2{/jb_bluedisc} If the adoptive mother breastfeeds the adopted child, then it becomes their foster child. In this case the child will be similar to the real children with regards to the Nikah and Hijab rules, i.e. the child can not marry the foster parent, neither any of the foster parent's children. However with regards to inheritance, the child will not inherit from the family.

{jb_bluedisc}3{/jb_bluedisc} If the adoptive mother does not breastfeed the adopted child, then the relationship of fosterage will not be established and the child will be classed as other children with regards to Nikah and Hijab. An adopted child can marry its adoptive parents and their children. Also if a male child is adopted by a woman, she will have to observe Hijab from him after he reaches the age of puberty and visa versa. The adopted child will also (after puberty) observe Hijab with the adoptive parent's children.

{jb_bluedisc}4{/jb_bluedisc} An adopted child will not inherit from his adoptive parents and to regard an adopted child as a real child in the matter of inheritance is incorrect. However, it should be remembered that although the child cannot inherit from the adoptive parents, it is permissible, rather advisable to make a bequest in its favour in ones life time. This "will" for the child can be made up to one third of one's wealth, provided the child is not already included in the list of inheritors.

{jb_bluedisc}5{/jb_bluedisc} It is necessary to allow the adopted child to meet its real parents. Preventing him/her from meeting them and creating any obstacles will be considered as oppression.

{jb_bluedisc}6{/jb_bluedisc} Good behaviour and conduct should be displayed towards the adopted children, especially if they are orphans. If a person cannot look after the adopted child in a proper manner, then he should not adopt, otherwise he will earn punishment rather than reward.

{jb_bluedisc}7{/jb_bluedisc} The wealth of the adopted child, who has not yet reached puberty, should be kept safe. If there is a need to spend the money on the child, then one can utilize the child's money upon him. However it should be spent with extreme care and there should be no extravagance. Loans cannot be taken from the child's money, nor can it be given in charity.

From the foregoing, all your queries should be answered; nevertheless here are the answers to your questions:

> {jb_bluedisc}a{/jb_bluedisc} Yes, the boy will be considered a brother to the children whose mother breastfed him, and therefore all the rules Nikah will apply.
>
> {jb_bluedisc}b{/jb_bluedisc} Yes, the boy will be a Mahram to the woman who breastfed her and thus Nikah with her or her children will be not allowed.
>
> {jb_bluedisc}c{/jb_bluedisc} No, the boy will not be a Mahram to the adoptive mother and will have to observe Hijab with her after reaching puberty and also the rules of Nikah will apply.

And Allah Knows Best

[Mufti] Muhammad ibn Adam

Darul Iftaa

Leicester , UK