

Adopting and Fostering a child in Islam

Islam is a religion of rahmah (compassion).

In Islam, every child is born with a pure natural disposition (fitrah), as reflected in the Hadith of the Prophet pbuh which was reported by Imam Muslim: “Every child is born on natural disposition (fitrah).” As such it is important that each and every child is cared for with justice and compassion.

As such, Islam places extreme importance on the welfare of any child, whether in terms of their physical, emotional, intellectual and spiritual upbringing and well-being. Thus, in circumstances where it is needed, adoption and fostering has long been encouraged by Islam. In fact, Prophet Muhammad himself was fostered by his paternal Uncle Abu Talib. The Prophet was also known to adopt children, one of His Companions, Zaid ibn Haritha was brought up as an adopted child within his household. It is part of the Islamic tradition of contributing to the greater good of society.

Adopting a child and also fostering provides a safe and secure home to aid children in their recovery from trauma and to form positive relationships. A child should be best raised and nurtured in a home environment. As those raised in the institution would miss the opportunity of growing up in a family environment and may develop low self-esteem and losing his or her own identity.

Hence, those who are capable to do so to step forth to volunteer in this noble initiative of providing children with the best home environment for them to grow into well-rounded adults and contributing individuals.

Frequently Asked Questions

FAQ ON ADOPTION

1. What is The Fatwa Committee’s position on adoption?

The Fatwa Committee opines that adopting a child for families who are capable and ready to do so is a need that we cannot afford to ignore.



2. What are the Islamic guidelines on adoption which must be observed?

- a) Adoption must not be kept confidential.
- b) Orphans must be cared for with justice and compassion.
- c) Efforts need to be made to ensure that a Muslim child is adopted by a Muslim family.

These guidelines are in line with the objectives of Syariah. When the welfare of a Muslim child is taken care of by a Muslim family, it then follows that the child's faith and religion will also be protected and not compromised.

More details on adoption process in Singapore can be found at:

www.msf.gov.sg/Adoption/Pages/default.aspx

3. In order to solve the issue of 'awrah, am I allowed to breastfeed the child I am planning to adopt?

A couple who intends to adopt may consider breastfeeding the child if the adoptive mother is capable of doing so. Breastfeeding can either be done directly through direct latching, or indirectly through a tube or a bottle, and whether the milk was produced naturally or through induced lactation. Through breastfeeding, the adopted child will then become a *mahram* to the wet nurse, to her husband, and to their children.

However, this is not the only method to solve the issue of 'awrah, and couples need not force themselves to do so when considering adoption. Office of the Mufti has issued a fatwa to explain the matter (please see question 6 for more details).

4. What are the Islamic criteria for breastfeeding which must be observed?

Scholars have set certain criteria for breastfeeding in order to be considered as sufficient in making an adopted child a *mahram* to his or her adoptive family members.

- a) The milk given must be sufficient for at least five nursing sessions.
- b) The milk must reach the child's stomach.
- c) The child must not be more than two years of age.

5. I only managed to complete the legal process of adopting a child when he had reached the age of 2, can I not then breastfeed him to make him my *mahram*?

There are different scholarly opinions on this matter. If the child exceeds the age limit within a reasonable time period, concessions can be made. In such situations, you may wish to contact Office of the Mufti to clarify.



6. I have decided to adopt a child but I am unwilling to breastfeed due to my personal circumstances. However, I understand that there are 'awrah requirements in Islam. How then should I address this?

Islam has made it compulsory for 'awrah to be observed and abided by. However, in the context of the issue that was raised, 'awrah should not be one of the main factors which hinders Muslim families from adopting Muslim children. The Syariah has determined that not all who are *non-mahram* share the same ruling with regards to observing 'awrah. There are concessions given in several situations due to the need and demands for a greater good. Some examples given in the Quran where concessions were given are: 1) a man who no longer has desires for women, 2) a young boy who has yet to develop desires for women and 3) a woman who has reached menopause. Imam Ibn Kathir explained in his exegesis on verse 52 of surah An-Nur: "*It is because that they constantly 'circulate' around you, i.e. when they are of service to you and so on. Hence concession is given to those who constantly circulate around you, and this concession is not given to anyone else but them.*"

Based on these arguments, the Fatwa Committee is of the opinion that the same cause and reason can be applied on the adopted child and the adoptive family members. This is because they are considered as those who have constant interactions and dealings with the adoptive family members. It will thus be difficult to observe 'awrah amongst them, especially if the adopted child has been cared for since an early age. Hence for this consideration, the Fatwa Committee has decided that adopted family members do not have to observe 'awrah with each other.

7. Is this concession applicable to other situations, for example between me and someone I consider as my own sister although we are not related?

This concession as mentioned in the fatwa text is only applicable between adoptive children and their adoptive family members. Observing one's awrah is still a religious obligation. The fatwa only provides concession for a very specific situation as there is an urgent need to alleviate the difficulties in this situation. It is hence strictly not applicable in other contexts and situations.

8. Should my adopted child carry my name as the adoptive father?

The adopted child should not carry the adopted father's name. This is as stated in the Quran: "*Call them by [the names of] their fathers; it is more just in the sight of Allah*". (Surah Al-Ahzab, verse 5).

9. Can I be the wali for my adopted child during her marriage?



The adopted father is not eligible to stand in as a *wali* for the adopted child during marriage. The status of child must be made known to ROMM, and solemnization has to be conducted by the *Wali Hakim*.

10. **Does the adopted child inherit from the members of the adopted family?**

The adopted child is not a *faraidh* beneficiary to the estate of the adoptive family, and hence does not inherit from them. Nevertheless, adoptive parents are encouraged to plan and manage their wealth for their adoptive child. This can either be done through various means, i.e. a will, CPF nomination or insurance nomination. You are encouraged to discuss this with any Muslim financial planners to explore possible wealth planning plans for your adopted child.

FAQ ON FOSTERING

1. **What are the religious stand on fostering a child?**

As in adoption, it is a noble act for families who are capable and willing to foster a child. Every child needs to be protected and brought up in a safe environment.

2. **What are the guidelines on fostering which must be observed?**

Although fostering a child is a temporary arrangement for the child as the child will be integrated back to his family when the situation permits, most of the principles and Islamic guidelines in adoption should be observed in foster care. Hence, foster children must be cared for with justice and compassion. Foster family is also responsible for the well-being of the child, and his educational, spiritual and physical needs.

It is also important to note that as foster care is a temporary arrangement, the biological parents of the child still have a say in making critical decisions for the child. Hence, it is best that foster parents inform the agencies of any key decisions they are planning to make. Details on fostering and its guidelines can be found at:

www.msf.gov.sg/Fostering/Pages/About-the-Fostering-Scheme.aspx

3. **What are the limits of 'awrah between a foster child and his/her foster family?**

Although the Fatwa Committee only addressed the issue of limits of modesty between adoptive families and child, the Office of The Mufti opines that this same position can be applied for foster children. The objectives are similar; we need to provide a safe and secure home for children. A child should be raised and nurtured in a home environment and we need to avoid, where possible, placing a child in an institution.



4. Does the concession on 'awrah apply to children who are taken into foster care after they have reached the age of puberty?

The concession on 'awrah is applicable to children who are taken into foster care before and after they reach the age of puberty. They are also considered as those who will have constant interactions and dealings with the foster family members, and hence it will be difficult to observe 'awrah amongst them.

5. Does coming in contact with a foster/adopted child nullify *wudhu'* (ablution)?

Although majority Muslims in Singapore hold on to the Shafie school of thought which states that coming into contact with a non-*mahram* nullifies one's *wudhu'*, we are of the opinion that this is a special situation where one should consider opinions of other scholars. There are other jurists, such as the Malikiyah and Hanabilah, are of the opinions that only when there is lust does it invalidate the *wudhu'*. However, if it is not a lustful touch, which is usually the case between family members and even between adoptive/foster parents and child, the *wudhu'* will still be considered valid. Sheikh Wahbah Al-Zuhaily is of the opinion that this view is believed to be the most correct.

6. Am I allowed to breastfeed my foster child?

Breastfeeding a child in Islam establishes *mahram* relations between the foster child and the foster family members. As such, one should always follow and adhere to the policy set by the responsible agencies. The current policy states that foster parents are not permitted to breastfeed the child without the consent of the biological parents. This is due to the fact that the status of the child remains to be the right of his/her original parents.

7. Can I perform rituals such as *Aqiqah* or shaving of the child's hair on behalf of the biological parents?

Rituals such as these are done as an act of expressing gratitude to God, or as an act of prayer for the child to be blessed. It is not an obligation, nor are there any specific deadline where one needs to adhere to.

As an act of courtesy, foster parents are encouraged to notify the biological parents should they decide to proceed with such rituals for the foster child.

8. What are the educational needs of a foster child?

Foster parents need to think of the long-term needs of the child's education. Therefore, the choice of school for the child must be carefully thought through, so that it will continue to be a viable option even when the child is returned to the original family.



9. What are the steps which must be taken to ensure a smooth transition of the child from foster care into his original family?

Cooperation between foster families, original family members and MSF is important for the child's social growth and public interaction, thus ensuring a smooth transition into society and back to the original families' care.

For more information on adoption and fostering, please refer to the following websites:

www.msf.gov.sg/Adoption/Pages/default.aspx

www.msf.gov.sg/Fostering/Pages/About-the-Fostering-Scheme.aspx



Majlis Ugama Islam Singapura
(Islamic Religious Council of Singapore)

Office
OF THE
MUFTI

Fatwa text on Adoption and the FAQ on Fostering is available at Muis website:

<http://www.muis.gov.sg/officeofthemufti/>

Any religious queries on the matter please send us an email at info@muis.gov.sg

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