

# An important ruling on putting a child up for adoption

## Darulifta Ahlesunnat (Dawateislami)

### Question

What do the scholars of Islām and Muftīs of the blessed Sharī'ah guide regarding the matter that Zayd had put up his two sons for adoption by his sister-in-law by the wish of his wife. The age of children was one day at the time. Now their ages are eight and ten years. Now Zayd wants to take his children back. Does he own the right to take them back or not? The relationship of breastfeeding had not been established with the children.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ


In our society, when a person puts his son up for adoption by someone dear, it is considered that he will not take him back, that child will always be with the one who has adopted him, and the responsibility for his complete education and development will be assumed by him as well. It is as if after putting the child up for adoption, it is norm that there is a commitment not to take it back; and *الْبَعْرُوفُ كَالنَّشْرُوطِ* meaning, anything proved by the norm is like it is made a condition. Hence, in the aforementioned case, Zayd must abide by the commitment and should not take children back, unless there is no harm in their education and development. In case their education and development is not being done correctly, he should take the children back. This will not be regarded as a breach of commitment, provided that he had the mindset of not taking them back at the time of giving them.




Keep in mind that it is permissible to put your child up for adoption. However, putting up for adoption is not such a contract by which the child gets no connection with the real father, the one who adopted becomes his, or he becomes his real son so that it is said that the real father cannot take him back. However, it is just that the father gave his right of upbringing to someone else and this right can be taken back after giving to someone. As an example of this, the blessed Jurists have stated that the woman who has the right of upbringing, if she waives her right and gives it to some other woman, and then she wants to take her children back and she is also capable of upbringing them, she can take them back. In case there is a fear for the breach of an Islamic ruling due to giving the child to the one who brings him up, then the child must be taken back.



When Imam e Ahl e sunnat, Imam Ahmad Razā Khān رَحِمَهُ اللهُ was asked a similar question, which mentioned an adopted girl, who was about to become an adult or had become an adult, and the one who adopted her was a Non Mahram (stranger); since her father wanted to take her back, Imam e Ahle sunnat said in reply with emphasis: 'Now she is an adult or about to reach adulthood, she should live with her father until she is married. Even after the age of nine (according to the Islamic - Lunar - calendar), the girl will leave her real mother and will live with her father, not with a stranger, living with whom is not permissible in any case. A daughter never becomes a real daughter by being adopted. Whatever he spent, he did so after making her his child, not as a loan; hence, he is not even deserving of the amount being returned. (Fatawa Razawiyah, vol. 13, p. 413)

وَاللّٰهُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللهُ تَعَالَى عَلَيْهِ وَاٰلِهِ وَسَلَّمَ

**Answered by : Mufti Muhammad Hashim Khan Attari**

 *Dar-ul-Ifta Ahlesunnat (Dawat-e-Islami)*

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