

**Legislative Decree No. (22) of 2000
with respect to Family Custody**

We, Salman bin Hamad bin Isa Al Khalifa, Acting Emir of the State of Bahrain.

Having reviewed the Constitution,
the Emiri Order No. (4) of 1975,
the Emiri Order No. (20) of 2000,
the Bahraini Nationality Law promulgated in 1963, as amended by
Legislative Decree No. (10) of 1981,
Legislative Decree No. (6) of 1970 regulating The Registration of Births
and Deaths, as amended,
Law No. (11) of 1975 regarding Passports, as amended,
Law No. (2) of 1975 with respect to The Identification Card, as amended,
the Penal Code promulgated by Legislative Decree No. (15) of 1976, as
amended,
Legislative Decree No. (17) of 1976 with respect to Juveniles,
the Law on Associations, Social and Cultural Clubs, and Private Bodies
Operating in The Field of Youth, Sports and Private Institutions
promulgated by Legislative Decree No. (21) of 1989,
and upon the submission of the Minister of Labor and Social Affairs,
and after consulting the Shura Council,
and after the approval of the Council of Ministers:

Hereby Decree the following Law:

Article One

Family custody, in the application of this Law, shall mean the handing over of one or more children of an unknown father or parents or orphans, or those with similar conditions and are in need of care to a Bahraini Muslim family in order to house and provide them with social and health

care and bear responsibility for their development in accordance with the conditions set forth in this Law.

Article Two

Foster family, in the application of this Law, shall mean the family which takes care of a child deprived of his family or the custody of his relatives on behalf of the State.

Article Three

The foster family shall be comprised of married spouses who are righteous, morally and socially mature and of sound body and mind, whose age shall not be less than twenty five years of age and shall not exceed fifty years of age, they shall be of good conduct and behavior and neither of them has been sentenced to a penalty in a felony or misdemeanor that violates honor or honesty or public morals, and that they are financially able to raise and care for the child.

An exception may be made in the event of necessity which shall be determined by the Family Custody Committee to grant custody to an unmarried, divorced or widowed woman or has an intermittently absent husband, provided that she shall not be less than thirty years of age and shall not exceed forty five years of age.

The Family Custody Committee may add special conditions to guarantee the best interest of the child and his care in such cases in a manner that does not contradict the provisions of this Law.

The Minister of Labor and Social Affairs may, upon the recommendation of the Family Custody Committee, exclude the aforementioned conditions if that is in the interest of the foster child.

Article Four

A committee called the "Family Custody Committee" shall be formed by a decision of the Minister of Labor and Social Affairs, to supervise the family custody system, and to coordinate between the administrative authorities

working in the field of child care in general, and other specializations required to implement this Law, especially the following matters:

A- Setting a general policy for a family custody system which guarantees the proper care and development of the foster child and ensure their wellbeing and their needs provided.

B- Look into research, studies and recommendations related to family custody issues.

C- Accept or reject requests for those seeking family custody.

D- Revoke family custody decisions.

E- Coordinating the services of the Ministry and other administrative authorities working in the field of foster care for children of an unknown father or parents or orphans or those with similar conditions and are in need of care.

F- Examining the affairs of those who were previously fostered other than through the Ministry of Labor and Social Affairs, and the provisions of this Law shall be applied to them.

G- Determining the most suitable guardian in the event of the dissolution of the marital relationship of the foster family.

The decision to form the committee includes organizing its work, the procedures which it follows, the venue and how its decisions are issued and implemented.

H- Confirmation of the name of a child whose father or parents are unknown in accordance with Article Seven of this Law.

The decision to form the committee includes organizing its work, the procedures that follow it, the venue, and how its decisions are issued and implemented.

The committee may seek the aid of any technicians and specialists it deems appropriate without them having the right to vote.

Article Five

The Minister of Labor and Social Affairs shall, upon the recommendation of the Family Custody Committee, issue a decision regarding the terms and conditions for acceptance or rejection of the custody request, the conditions and obligations of the foster family, and the means for revoking the custody.

Article Six

Individuals, institutions and civil organizations are prohibited from performing any work related to family custody, and any person or family is prohibited from taking custody of a child whose father or parents are unknown, without following the rules and procedures stipulated for in this Law.

Article Seven

The child whose father or parents are unknown shall be given a quadrant name like other members of society, which prevents the possibility of mixing lineages or the possibility of the foster child being linked to the foster family.

The Ministry of Labor and Social Affairs shall register the child in official papers, and issues a birth certificate and any other identification papers in accordance with the system and laws in force.

Article Eight

The Ministry of Labor and Social Affairs may take any preventive measures to protect the foster child even before a decision is issued by the Family Custody Committee relating to such child, and to achieve this it may take custody of the foster child, and the guardian may not refrain from handing over the foster child

Article Nine

The foster child whose custody was canceled shall be returned to the Ministry of Labor and Social Affairs, and the guardian shall hand over the foster child upon notification of the decision to revoke the custody.

The Ministry of Labor and Social Affairs shall continue the care of fostered children whom have returned in such a way as to achieve their integration into society.

Article Ten

The Ministry of Labor and Social Affairs has the right to supervise and follow-up on fostered children, and this right continues throughout the foster care period and until the foster child reaches the age of legal majority.

Supervision and follow-up procedures shall be organized by a decision of the Minister of Labor and Social Affairs based upon the recommendation of the Family Custody Committee.

The Ministry shall provide the necessary care after the end of the custody, in necessary cases.

Article Eleven

The guardian may not request amounts or any other expenses spent upon the foster child during the duration of the custody.

Article Twelve

Without prejudice to any more severe punishment stipulated for in another law, a penalty of imprisonment for a period not exceeding six months and a fine not exceeding five hundred dinars, or either of these two penalties, shall be imposed on anyone who violates the provisions of this Law or the decisions issued in implementation thereof.

The same penalty shall be imposed on anyone who prevents competent employees of the Ministry of Labor and Social Affairs from carrying out their duties stipulated for in this Law or the decisions issued in implementation thereof.

Article Thirteen

The provisions of this Law shall apply to family custody cases which were decided prior to its effective date, and every text which contradicts its provisions shall be nullified.

Article Fourteen

The Minister of Labor and Social Affairs shall issue the necessary decisions to implement this Law.

Article Fifteen

The ministers – each within his jurisdiction – shall implement this Law and it shall come into force from the date of its publication in the Official Gazette.

Acting Emir of the State of Bahrain

Salman bin Hamad bin Isa Al Khalifa

Issued in Riffa Palace:

Date: 28 of Rabi` Al Thani 1421 AH

Corresponding to 30 July 2000