

Law on Supporting Guardianless and Uncared Children and Juveniles*

Article 1 – The guardianship of guardianless children and juveniles for the purpose of satisfying their material and spiritual needs is subject to the authorization of the Supreme Leader and in compliance with provisions of this Law.

Article 2 – Affairs related to the guardianship of guardianless children and juveniles rest with the State Welfare Organization, hereinafter referred to as the Organization.

Article 3 – All Iranian nationals residing in Iran can volunteer for the guardianship of children and juveniles subject of this Law, in compliance with the provisions set out herein and under the ruling of competent court.

Article 4 – Iranian nationals residing in foreign countries can submit their request for guardianship to the Organization via Embassies or Interests Sections of the Islamic Republic of Iran. The Embassies or the aforesaid Sections are bound to cooperate with the Organization in the enforcement of this Law and the Organization is bound to consider requests by applicants under the ruling of competent court.

Article 5 – Individuals listed hereunder can submit a request to the Organization for the guardianship of children and juveniles:

- a) Husband and wife who have no children five years after their marriage, on condition that at least one of them would be of more than 30 years of age.
- b) Husband and wife with children, on condition that at least one of them would be of more than 30 years of age.
- c) Widows and unmarried girls, who are at least of 30 years of age, shall exclusively be entitled to guardianship of girls.

* This is an unofficial translation and any liability whatsoever shall lie upon user in person. Islamic Parliament of Iran

Note 1 – In cases that at the discretion of the Office of Forensic Medicine a couple is not able to conceive a child the applicants shall be exempt from the five-year condition set out in Clause A of this Article.

Note 2 – In cases the applicants for guardianship are relatives of child or juvenile the court can exempt them from certain conditions set forth hereto after winning the consent of the Organization and in respect of the interests of child and juvenile.

Note 3 – The priority in granting guardianship belongs respectively to childless couples, childless widows and unmarried girls, and finally couple with a child.

Note 4 – Applicants of less than 50 years of age and applicants of more than 50 years of age are equal in priority.

Note 5 – In case both husband and wife file application for guardianship the request must be jointly drawn up and submitted.

Note 6 – Applicants for guardianship are under obligation to satisfy requirements set hereunder:

- a) Commitment to perform religious obligations and refrain from forbidden acts
- b) No effective criminal conviction in respect of the provisions set forth in the Islamic Penal Code
- c) Financial ability
- d) Absence of incapacity
- e) Necessary physical and mental health and capacity to look after and educate children and juveniles under guardianship
- f) Absence of addition to narcotics, psychedelic drug and alcohol
- g) Moral competence
- h) Non-affliction with contagious and or refractory diseases
- i) Belief in one of religions stipulated in the Constitution of the Islamic Republic of Iran

Note 1 – Observing common religious beliefs between the guardian and subjects under guardianship is obligatory. The competent court grants the guardianship of non-Muslim child and juvenile to Muslim applicants by observing interests thereof.

Note 2 – In case the guardianship applicant claims to have found a child and his claim is proven in court he enjoys priority for guardianship on condition that he satisfies requirements set out therein for guardianship.

Article 7 – Applicants cannot request guardianship of more than two children or juveniles unless, as the case may be, children or juveniles under guardianship belong to the same family.

Article 8 – Granting guardianship of subjects stipulated in this Law is required to satisfy one of conditions set hereunder:

- a) It is impossible to identify their father, mother or paternal grandfather.
- b) Their father, mother, paternal grandfather and testamentary executor named by their natural guardianship are all dead.
- c) Subjects whose guardianship is granted to the Organization under the ruling of competent authorities and two years thereafter no father or mother and or paternal grandfather and testamentary executor appointed by their natural guardianship has not referred to court
- d) None of their father, mother, parental grandfather and testamentary executor appointed by their natural guardianship is competent for guardianship and at the discretion of competent court this objective has not been achieved even by adding a trustee or supervisor.

Note 1 – In cases father, mother or parental grandfather of the child or juvenile and testamentary executor appointed by natural guardianship refers to court and in case they are determined by the court to be competent for guardianship even after adding a trustee or guardianship and the child or the juvenile is threatened with no corruption, the court shall obtain the Organization's consent and repeal previous guardianship in consideration of the priority of mother's custody; otherwise, the guardianship order must be reinstated.

Note 2 – If second-degree relatives are competent and apply they shall be granted guardianship. If there are numerous applications by equally qualified candidates the guardian shall be chosen through lottery. In case of non-existence of second-degree relatives, the same rule shall apply to third-degree relatives.

Article 9 – All minors as well as majors of under 16 years of age, whose immaturity and or need for a guardian is ascertained by court and satisfies conditions set out in Article 8 of this Law shall be subject to the provisions set forth herein.

Article 10 – In all cases wherein father, mother or paternal grandfather or testamentary executor appointed by natural guardian are not competent, even by adding a trustee or supervisor, to be granted guardianship, the court can by virtue of this Law and on the strength of Articles 1184 and 1187 of Civil Code and in the light of the Organization's advisory opinion, grant the responsibility of the tutor or trustee stipulated therein to one of applicants for guardianship.

Article 11 – The application for guardianship must be submitted to the Organization and the Organization is bound to submit its expert's opinion to competent court within two months at the latest. After ascertaining conditions stipulated in this Law and taking into consideration the Organization's opinion the court shall order six-month probationary guardianship. The Prosecutor, the applicant and the Organization shall be notified of the court decree.

Article 12 – The court throughout the period of probationary guardianship in case the conditions set out in this Law are not satisfied can reverse its decree on the request of Prosecutor, sole guardian or guardians of child or juvenile with prior knowledge of the Organization and also on the request of the Organization

Article 13 – After the expiry of the period of probationary guardianship, the court shall rule on guardianship and notice the decree on subjects stipulated in Article 11 after considering the opinion of the Organization and in respect of the provisions of Articles 14 and 15 of this Law.

Article 14 – The court shall issue guardianship decree in case the applicant for guardianship transfers portion of his assets or properties to the child or juvenile under guardianship. It shall rest with the court to decide about the type and amount of asset or property. In cases the court determines that obtaining objective guarantee from the applicant is impossible or inexpedient and the guardianship of child or juvenile is necessary it shall order obtaining written pledge for the future transfer of portion of assets or properties and as soon as the applicant accepts and executes the order the court shall issue the guardianship decree.

Note – In case the court determines that granting guardianship regardless of the provisions of this Article is in the interest of the child or juvenile it must issue a ruling in favor of guardianship.

Article 15 – The sole applicant or applicants of guardianship must undertake to provide all costs for the care, education and schooling of subjects under guardianship. This order shall apply even after the death of the sole guardian or guardians until new guardians are determined for the children or juvenile. To that effect, the sole guardian or the guardians are bound to file for life insurance in favor of the child or juvenile under guardianship with one of insurance companies in the light of the Organization's advisory opinion.

Note – In case the court determines that granting guardianship without enforcing the provisions of this Article is in the interest of child or juvenile it shall issue guardianship decree.

Article 16 – The administration of property in the possession of minor under guardianship shall be granted to the guardian described in this Law on condition that the child is devoid a natural guardian or his natural guardian has not appointed anyone to administer his property and the competent judicial authority has granted the tutelage of the child to the guardian.

Article 17 – The obligations assigned to the guardian with regard to the child or juvenile in terms of care, education and maintenance, are the same as duties assigned to parents with regard to their children in respect of Note of Article 15. The child or juvenile under guardianship is also obligated to respect the guardian proportionate with the status of the latter.

Article 18 – Issuing the guardianship decree shall by no means cause any halt in the payment of pensions to child or juvenile by act of this Law.

Article 19 – In case of the death of the sole guardian or guardians subscribed to a pension fund the subjects under guardianship shall be deemed as the deceased's dependents and shall enjoy the pensions paid to survivors until a new guardian is appointed.

Article 20 – In case of death, independent life or separation of one of guardians or divorce between them, the court can, on the request of the Organization and on the strength of the provisions of this Law, grant the guardianship of the child or juvenile to one of spouses or a third party. Respecting the opinion of the majors in this regard is necessary.

Article 21 – The person who accepts the guardianship of subjects protected by this Law shall benefit from child support allowance and under-3 childcare leave (equivalent of maternity leave). The child or juvenile under guardianship shall also benefit from insurance and supplementary insurance privileges by virtue of legal regulations.

Article 22 – After the final guardianship decree has been issued, the Court shall notify the Civil Status Registry Office and the Organization of the provisions of the decree. The Civil Status Registry Office is bound to insert full name of the child or juvenile under guardianship as well as the provisions of the guardianship order in the identity documents and the birth certificate of the guardian or the guardian couple. The Civil Status Registry Office is also bound to issue a new birth certificate for the child or juvenile under guardianship by inserting full name of the guardian or guardian couple and stipulate the provisions of the guardianship order as well as full name of the real parents of the child or juvenile, in case they are known, on the final page of the birth certificate.

Note 1 – The Civil Status Registry Office is bound to protect the identity records as well as the child's real affinity in his/her file.

Note 2 – After reaching 18 years of age, the child or juvenile under guardianship can file a demand with the Civil Status Registry Office for the issuance of a new birth certificate in which the full

name of his real parents, in case they are known, or his/her desired family name, in case his/her real parents remain unknown, is inserted.

Note 3 – Enforcement of this Article is subject to a regulation, which is drawn up by the Civil Status Registry Office in cooperation with the Organization and which shall be approved by Cabinet ministers within three months following the enforceability of this Law.

Article 23 – Issuance of passport for the child or juvenile under guardianship and his/her exit of the country is contingent upon the consent of the sole guardian or guardians and Prosecutor. The Prosecutor shall make a decision after obtaining the expert opinion of the Organization and observing the best interests.

Note 1 – In case exit from the country coincides with the probationary period, the sole guardian or guardians must deposit with the Prosecutor's Office an appropriate security guaranteeing the return of child or juvenile before the expiry of the probationary period. In the meantime, the Organization is bound to take necessary measures in a reliable way for the protection of the rights of child or juvenile outside the country.

Note 2 – In case the child or juvenile's foreign trip is a religious obligation, like the hajj pilgrimage, the provisions of this Article shall not be enforced. In any case, the guardian or the guardians must notify the Organization and the Prosecutor of the issue.

Article 24 – The Prosecutor and the Organization shall notify competent court of any possible necessity of revocation of the guardianship order in their own discretion.

Article 25 – The guardianship order is revoked in the cases hereunder after obtaining the expert opinion of the Organization:

- a) Each of conditions stipulated in Article 6 of this Law is no longer valid.
- b) Demand by the sole guardian or guardians in case the child or juvenile's bad behavior becomes intolerable for each of them.

- c) The child reaches agreement with the sole guardian or guardians after maturity.
- d) The father or mother or paternal grandfather of the child or juvenile and or the testamentary executor appointed by his natural guardian are known and the court establishes their competence for guardianship even after adding a trustee or supervisor.

Article 26 – If the guardian decides to get married he is required to inform the competent court of the particulars of future spouse. In case of occurrence of marriage, the Organization is bound to report the marriage to court to decide about the continuation of guardianship jointly or its revocation after the conditions set herein are satisfied.

Note – Marriage between the guardian and the adopted child is forbidden both during the period of custody and afterwards unless the competent court determines this issue to be in the best interests of the adopted child in the light of the Organization's advisory opinion.

Article 27 – In case of revocation of the guardianship order, no change shall take place in the civil status particulars of subjects under guardianship until a new guardian or new guardians are determined.

Article 28 – Subjects who have been placed under guardianship before the enactment of this Law are subject to the provisions set forth herein.

Article 29 – Individuals who have illegally placed eligible subjects under guardianship before the enactment of this Law are bound to request the Organization and court to decide about the continuation of guardianship over six months after the enactment of this Law. Refusal to refer to the Organization and court after the expiry of deadline set herein shall be deemed illegal and shall be prosecuted.

Article 30 – Individuals who, relying on justified reasons or under special conditions, became guardians of a child or juvenile at least one year before they were declared to the Organization shall be prioritized for guardianship in case of satisfying the conditions set forth in this Law.

Article 31 – Submission of documents and information pertaining to child or juvenile under guardianship to individuals other than the guardian or guardians is possible only in case of necessity by observing the interests of child or juvenile and obtaining the court permission.

Article 32 – The competent court to deal with affairs related to guardianless child and juvenile care is the court based in the place of living of the applicant.

Article 33 – In all cases in which the competent court determines a guardian for children or juveniles on the strength of this Law, the court is bound to inform the Organization by sending a copy of the decree. The Organization is bound to monitor these cases throughout guardianship.

Article 34 – Objecting to decrees issued by courts must be subject to rules and regulations in effect the procedure rule, as the case may be.

Article 35 – The Organization is bound to set up a Religious Advice Office centered on adoption affairs in cooperation with the Directorate of Seminary in order to provide advisory advice to guardians of children and juveniles. Assignment of guardianship of children and juveniles shall be contingent upon the confirmation of the said Office.

Article 36 – In order for the Organization to accurately fulfill the responsibility of admission, care, custody and guardianship of guardianless and ill-cared children and to grant their guardianship to qualified families and institutes, the executive regulation for this Law shall, within three months following the enactment of this Law, be drawn up upon the proposal of Ministry of Cooperative, Labor and Social Welfare, Ministry of Justice and Ministry of Interior and approved by Cabinet ministers

Article 37 – Clause 3 of Article 4 of Law on Protection of Guardianless Women and Children, enacted on 15/11/1992 and Law on Supporting Guardianless Children, enacted on 20/03/1975 are hereby annulled.

The above Law, drawn up in 37 Articles and 17 Notes, was enacted in the public session of the Islamic Parliament of Iran on 2/10/2013 and endorsed by the Council of Guardians on the same day.

President of Islamic Parliament of Iran

Ali Larijani