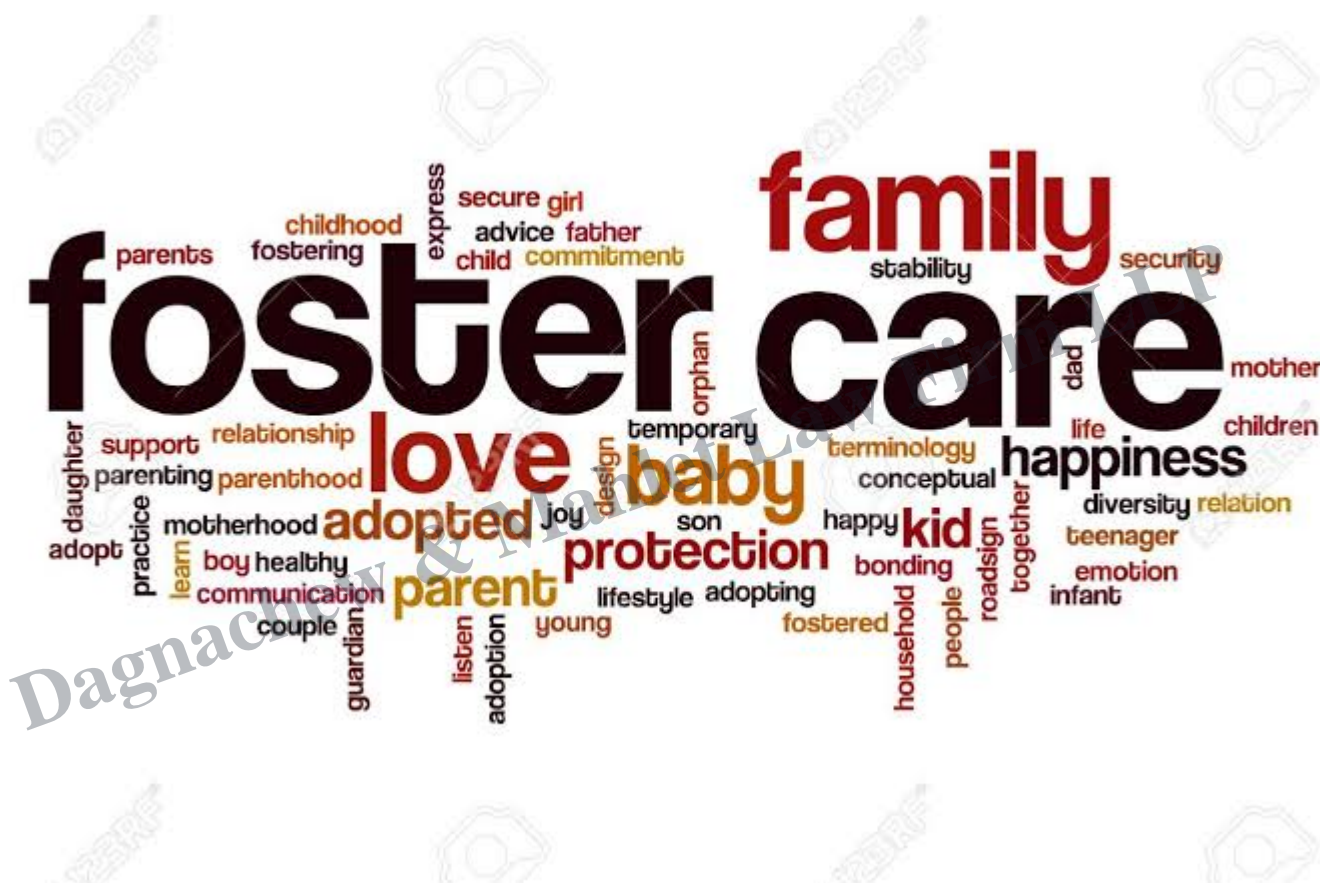


By Mahlet Mesqanaw, Partner at DMLF



As part of family based care systems, foster care is a **temporary form** of care where a child is placed by foster care provider to foster carer. The latter shall make an application to be registered as a foster carer by submitting an application to the relevant bureau. The foster care provider shall select, train and approve the foster carer. The foster carer cannot be the child's parent(s), relative or guardian. Rather the foster carer is an outsider who is interested in undertaking care and maintenance of a child.

Foster care bases itself on a **contract agreement**. The foster care contract has to specify the rights and obligations of the child, the foster family, the biological parents(if alive) and of the foster family care service provider organization.

The foster care grants the foster parent the parental responsibilities of maintaining and caring for the child. However, a foster carer cannot take the foster child outside of the jurisdiction of Ethiopia without the approval of leave from a court of law. Such leave shall only be granted upon **exceptional circumstances** being shown. Which court has jurisdiction to hear such cases i.e. the regional court or federal court is not mentioned. Principles and details of what constitutes an 'exceptional circumstances' to grant or disregard leave to travel outside of the jurisdiction of Ethiopia have not been provided by the Directive.

The foster care applicants have to fulfill the following conditions: they should be **Ethiopian nationals** and solely resident in Ethiopia permanently. If they are **foreign nationals of Ethiopian origin**, they have lived in Ethiopia for at least **two years** preceding the foster care placement. The minimum age for a foster carer is 25 and above. If married, the spouse has to give full consent. The consent of any other member of the household may also be necessary, including that of the prospective **foster parent's children**. In addition to these, documents such as Identification card or passport, marriage certificate, proof of income, police clearance certificate, medical certificate, two references of good character, photograph are required to be attached.

Long-term foster care is the placement of a child in foster care, potentially until the foster child reaches the age of **18 years**. A short-term foster care, on the other hand, is a placement of a child in foster care for up to twelve months, upon which the placement can be renewed on an annual basis by relevant bureau or Child Protection Expert for up to three (3) years. Another form of foster care is emergency foster care. In emergency foster care, the emergency foster carers are willing to provide care and protection for the child with short advance notice or on the same day or less than 24 hours. Emergency placement is established for up to ten (10) to fifteen (15) days prior to review by a Child Protection Expert, after which the placement may be converted into short-term foster care as suitable and necessary.

Hence, foster care has been recognized as one form of family based care services. However due to foster care's temporary nature, at least long term foster care is a recommended form of family care **after** reunification with birth parents, or placement in extended family or **adoption**. Community based care or residential care is treated as a last resort.

For any foster care related inquiries you may contact us at info@dmethiolawyers.com

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Retirement Visa: A Need for Incorporation into the Immigration Laws of Ethiopia

By DMLF in collaboration with Geda Yosef Introduction A retirement visa is a special type of visa issued by some nations that allows people with adequate financial resources to live in a specific foreign country for an extended period of time. Retirement visas bring

several advantages for developing countries like Ethiopia in terms of socio-economic...

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Electric Vehicles (EVs) in Ethiopia: Legal and Regulatory Implications

By Geda Yoseph, Associate at DMLF Introduction In recent years, Ethiopia has undergone several reforms in different sectors; among these, transport and logistics. The State has taken several reforms for the effective utilization of its resources, mainly by focusing on renewable energy and the introduction of electric vehicles. In order to achieve this plan, the...

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Ethiopia's Liberalization of Export, Import, Wholesale and Retail Trade for Foreign Investors

By Mahlet Mesganaw, Partner at DMLF Introduction The Ethiopian Investment Board by Directive Number 1001/2024, issued the "Directive to Regulate Foreign Investors' Participation in Restricted Export, Import, Wholesale and Retail Trade Investments"(the Directive). The Directive shall come into force as of the date when it is posted on the web pages of the Ministry of...

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Income Generating Business Activities for Civil Society Organizations

By Dagnachew Tesfaye, Managing Partner at DMLF The Ethiopian Civil Society Organization Proclamation Number 1113/2019(the Proclamation), done as of March

12,2019, is enacted to regulate civil society organization. This Proclamation has allowed civil society organizations to engage in income generating business activities. To regulate in detail the business engagement of civil society organizations, the Authority...

April 14, 2024

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Cassation Decision on Requirements of an Agreement made in an Irregular Union

By Geda Yoseph, Associate at DMLF Introduction The Federal Supreme Court Cassation Division on Cassation on File No. 185895 dated 24/02/2021, passed a binding decision as to whether an agreement on property of the man and woman made during an irregular union that lasted more than three years is required to be presented to court...

April 7, 2024

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Irregular Union under Federal Family Law

By Geda Yoseph, Associate at DMLF Irregular union is a relationship that is similar to marriage but actually it is not a marriage. Irregular union also produces legal effects. Ethiopian Federal Family Law recognizes the existence of irregular unions and as a result attached some legal consequences to the union. Some of these effects are...

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Date Created

December 3, 2023

Author

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