

11 Eligibility Requirements to Adopt An Ethiopian Child on the New Directive Number 976/2023 and few Comparisons

Description

By Dagnachew Tesfaye, Managing Director at DMLF



Here are the 10 eligibility requirements to adopt an Ethiopian child as per Article 46 of the Directive Number 976/2023 Directive on Alternative Childcare and Support. The person requesting to adopt an Ethiopian child:

1. Be an Ethiopian National;
2. Live in Ethiopia for at least two years prior to application being submitted to adopt.
3. Be aged 25 years and above if single, or if adoption is requested by spouses, at least one of spouses must be 25 years and above;
4. Has the age difference between the adoptive family and the adopted child not be below 18 years

- as well as above 50 years of age;
5. Produce a document from the relevant authority of having an income that is sufficient to raise the child;
 6. Produce a document from health authority attesting the adopter is free from health problems that can impede his/her qualification to provide care and custody for the child;
 7. Produce evidence that shows he/she is free from criminal activities related to human rights violations;
 8. Produce a marriage certificate or written consent of the applicant's spouse.
 9. Provide proof if you are not married;
 10. Provide a character reference letter from a religious entity, the applicant's employer and member of the immediate community who have known the applicant(s) for at least two years and
 11. Is given priority to adopt if he/she is extended family or in their absence of extended family shall be given to married couples. However, a child can be adopted by a widower/widow, unmarried person or divorced person.

Let's compare the current Directive with the previous and repealed Directive Number 48/2020 on Foster Family and Domestic Adoption Services. The current Directive embodies an additional requirement of residing two years in Ethiopia prior to application to adopt. The repealed Directive doesn't have such a requirement. When could the two years be counted is contentious. Is the immediate two years from application to adoption is the intention or could any other two years prior to application suffice?

The second addition is for the adoptive family to produce character reference letters from three places namely a religious entity, the applicant's employer and member of the immediate community. The requirement of references is a new introduction which has not been there in the previous Directive.

Home study has been there in the previous Directive as one of the requirements. In the current Directive home study is compiled by adoption service providers in their assessment through home visits or home study visits.

Neither the previous nor the current Directives are clear about foreign nationals of Ethiopian origin ID holders. On Proclamation Number 270/2002, foreign nationals of Ethiopian Origin Id holders are considered Ethiopians for economic, social and administrative services. Restrictions imposed on foreign nationals shall not be applicable to such Id holders. So not mentioning foreign nationals of Ethiopian origin by the current Directive creates ambiguity and could be considered a contradiction with a Proclamation.

Furthermore, the Directive lacks to deal with Ethiopian nationals married to foreigners. Can these types of married couples adopt an Ethiopian child? The Directive needs to be transparent in these areas.

To sum up, eleven requirements have been set in the Alternative Childcare and Support Directive for adoption of an Ethiopian child. Few of the requirements need clarity and few others require conformity with existing legislation. The majority of the requirements are those that are recognized in the practice of adoption namely marriage certificate or non-marital certificate or legal divorce certificate, birth certificate, police clearance or certificate of good conduct, income status evidence, and medical check up certificate.

For any inquires on adoption related issues, you may contact us at info@dmethiolawyers.com

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