

Can a Child that has both Parents be Adopted?

Description



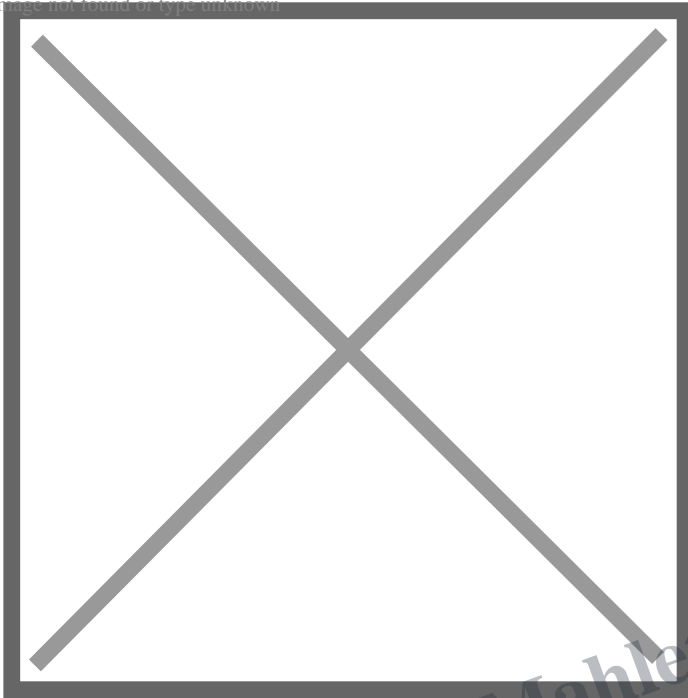
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A person less than 18 years of age(including conceived child) and under guardianship can be adopted. The parties to the adoption agreement are the adopter and the guardian of the adopted child. The guardians of the adopted child being his both biological parents, can the child still be adopted? The answer is found in the Revised Family Code Proclamation No 213/2000 and Directive No 48/2020 on Foster Care and Domestic Adoption Services (Directive).

The Revised Family Proclamation on Article 191(1) requires the consent of both the father and mother of the adopted child to be given where both biological parents are alive and known. Then it is up to the court to decide whether or not the adoption is for the best interest of the child. The considerations the

court shall take into account include the opinion of the child himself, the capability of the adopter to raise and take care of the child and the availability of information which will enable the court to know that the adopter will handle the adopted child as his own child and will not abuse him.

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On the other hand the Directive on Article 28 state that children that have both parents who are eligible for adoption in the following conditions : a) *If both parents are living with terminal illness provided that this is medically proven;* and b) *Upon the submission of a legal evidence issued from the relevant government body that confirms they are economically inefficient to properly care for the child and due to the failure to observe the safety of the child in addition to other mandatory causes.* Therefore, the above two conditions have to be fulfilled and evidence has to be submitted in order for the adoption of a child with both parents.

To sum up, a child that has a father and a mother can be given in adoption to an adopter as long as either the biological parents have provided proof that they are affected by terminal illness or the biological parents have no sufficient economic means to raise their child in a proper way. The court shall ascertain the existence of the conditions from the side of the adoption givers and also confirm that the adopter is also capable of raising the child in a manner that enhances the adopted child's life. Hence the answer to the question is YES, a child that has a father and mother can still be adopted.

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