

Dehr No. 1-OZ-172 of 1= zabii Il J423 (July 13, 3002)
promulgated Law No. 15-01 relating to the care (kafala) of
abandoned children.

PRAISE BE TO GOD ALONE!

(Great Seal of His Majesty Mohamed VI)

Let it be known by this document—may God preserve and
strengthen its contents!

That Our Cherifian Majesty,

Vu la Constitution, notamment ses articles 26 et 58 ,

A DÉCIDÉ CE QUI SUIT :

Est promulguée et sera publiée au *Bulletin officiel*, à la suite hereby promulgates Law No. 15-01 relating to the care of abandoned children, as adopted by the Chamber of Councillors and the Chamber of Representatives.

Fait à Rabat, le 1^{er} rabii II 1423 (13 juin 2002).

Pour contresigner :

The Acting Minister.

AØiænzstionØ YousoUrt.

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Loi n° 15-01

relative to Ig pTzsg ea chazBe (Is kafala)

des enfants abandonnés

CHAPTER ONE

GENERAL PROVISIONS

Article premier

Any child of either parent who has not reached the age of majority shall be considered an infant, whether born to unknown parents or to a complete stranger, and shall be subject to the provisions of this Act.

situations suivantes :

- unknown parents or a complete stranger and a known mother who abandoned them of her own free will;
- being an orphan or having parents who are unable to provide for their children because they do not have the means to support themselves.
- having parents of bad character who are not **leur responsabilité de protection et d'orientation en vue de** Jc coadiuro dane 14 bonftc 'voia. ronlmc when these have fallen from the tuzçlle lçgale or que one of the two. after the death or incapacity of the other, proves to be unfaithful and does not relinquish his or her right to the estate. l'enfant.

Article 2

The care of a child born out of wedlock, a child of the present moment, The commitment to provide care, education, and upbringing for an abandoned child is no less than that which a parent would provide for their own child. The family does not **donne pas de droit à la filiation ni à la succession.**

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Article 4

The prosecutor of the Eoi near the trial court in the jurisdiction where the child is located or where he or she was found shall provisionally place the child in one of the establishments or centers referred to in Article É c •descouc, on his own initiative or after consulting with the authorities. The public prosecutor shall proceed to an inquiry into the matter. l'enfant.

The public prosecutor shall submit the request for a declaration of abandonment to the court of first instance in whose jurisdiction the child is located. the child's place of residence. the place where he or she was found or the place where the social center where he or she lives is located.

Article 5

The public prosecutor shall take over the child's case and take the necessary steps to register the child on the civil status register before the request for a declaration of abandonment is made, including legal action and compliance with the provisions of the legislation applicable to the civil status.

The King's prosecutor presents to the court the findings of the investigation conducted to determine whether the child has been abandoned.

Article 6

The court shall proceed, where appropriate, after taking note of the results of the investigation presented by the King's prosecutor, with any additional investigation or expertise it deems necessary.

If it appears to the court that the child's parents are incapable, he shall issue a ruling before the court, taking into account the necessary measures for the identification of the child, particularly in cases where the child has been physically abused or where he or she has been subjected to sexual abuse. The King's representative is authorized to take the necessary measures to enforce the judgment, particularly in the community where the child was found. In this case, ččitčanf. dads l'un dcs deux

licensed institutions referred to in 2 above or in the dsuc at times or in iouf avtrc lice gcč the túbunal jÿgo uüile, and ee for a period of three months during which les parems de í'enfanf peux»i « rii < <onnatlrç ei Octamer sa **restitution.**

í CA dčl4í 4ftplTç 8ür15 Aüç @ OnnC ns Sç prú5çale to prove his parentage with regard to the child and to claim the rrslituLiur», The court will issue a judgment by which it will declare **l'enfant abandonné.**

The judgment is, dß pleic diDř, aiiioill dz t'ekéçjiiion poxismicemonobst*nitoutmcouss.

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Urtr copic uc Jugczmnt visa 6 l'allick 6 above csl adrcs5çc, at the dmæxc of the pzoçurcur of the Roí óu dç of the person who dçmaodc the ksfala of the child, 1u judge ões tuieñles prys 1e tríbunat co- pçient.

The judge of guardianship shall ensure the guardianship of abandoned children in accordance with the provisions relating to legal representation provided for in the Personal Status Code and the Civil Code.

Article 8

The public prosecutor shall provisionally place the child in question in a psychiatric institution or in a center or /tablis scmeni rin prntectinn socialø . 'occuji+ant dc l*<ntanss. relevant to l'EtaL, local communities or organizations. Organizations and associations with sufficient material and human resources to ensure the protection of abandoned children or children in need of care or protection, provided that these persons meet the conditions set out in Article 9 below, until a decision is made on the kafala of the child.

CT2A PITRE IN

The situation of abandoned children

Section première. – Les conditions de la kafala d'un enfant abandonné

Article 9

The kafala of children declared abandoned by a court decision shall be entrusted to the persons and organizations designated below.

1 - Yes épou z mnsulmBns renipl'Ûssant conditions

a) ay avoir atteint l'âge de la majorité légal<. être moralémçnl çt sufficiently capable of ensuring the child's kafala and have sufficient material resources to support the child.

b) has not been convicted of an offense punishable by imprisonment for a term of at least six months for acts committed against minors

c) be not be suffering from contagious diseases or be incapable of assuming their responsibilities;

d) not be opposed to the child whose custody is sought by a cohabitant or by a relative who is subject to legal proceedings or by a doctor who is responsible for the child's welfare.

2 - The military commission shall fulfill the four conditions set forth in paragraph 1 of this article.

3 - Public institutions responsible for protecting the environment, as well as organizations organizations, and associations of a social nature recognized as being of public utility and having the material means, resources, and human skills necessary to ensure the protection of children, to provide them with a good and raise them in accordance with the Convention.

Article 10

In the event of a conflict between the requests of the parents of a child, priority shall be given to Héordée àtlX eQOB1 8ñnS Infants 0 tã to the Opens, which offer the best conditions and are in the best interests of the child.

Article 11

The fact that the parents of infants are married does not constitute an obstacle to the adoption of abandoned children, provided that they are all capable of providing adequate care, in accordance with the law. dont dispose la famille

Article 12

The care of a child under the age of twelve years shall be subject to his or her personal consent.

The consent of the abandoned child is not required if the applicant for kafala is a public institution responsible for child protection, an agency, an organization, or an association recognized as being of public utility.

Article 13

The care of a child cannot be entrusted to several people. personnes à la fois.

Section 11n [[. - The precedence of the kafala of an abandoned child Article 14

The guardianship judge of the district in which the place of residence of the abandoned child shall be responsible for granting kafala to the person or persons wishing to provide care in accordance with Article 9 above.

Article 15

The person or persons wishing to adopt a child must submit an application to the judge of the competent court. accoinpago çe de dncuinc-rite áðblisçant qu'elle rempl't tes c onü tiofts ptçyues à l'arcicil 9 ri-dessus ct of the role of the birth certificate l'enfant à prcndre çn charge.

The person wishing to assume the kafala of an abandoned child has the right to obtain a copy of the birth certificate of that child.

Article 16

The guardianship judge shall gather information and data relating to the circumstances in which the kafala of the abandoned child will be provided, by conducting a special inquiry carried out by a commission composed as follows:

- a representative of the public prosecutor's office;
- a representative of the government authority responsible for housing and social affairs
- a representative of the local authority;
- a representative of the government agency responsible for children.

The procedures for appointing members of the commission are governed by specific regulations.

The oath may, depending on the nature of the investigation, be required. Any person who refuses to take the oath shall be deemed to have acted in bad faith for this purpose.

The purpose of the investigation is to determine whether the person is able to meet the conditions set out in Article 9 above.

Article 17

The judge of the court shall issue an order entrusting the kafala of the abandoned child to the person who made the request, if the inquiry has revealed that all the conditions required by the law have been met.

The order designates the person responsible for the kafala as the legal guardian of the child.

The purpose of the kafala is, in essence, to ensure of l'oskeuL'on proc iuoing nonob>tpst tout reçours.

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Article 18

The order to confirm 1st instance is executed by the court of first instance to which the judge who ordered the kafala refers within a period of fifteen days from the date on which it was issued,

A trial is held to determine the custody of the child subject to kafala to the person who will take charge of him or her.

The execution shall take place in the presence of a representative of the public prosecutor, the local authority, and the social worker.

concernée, le cas échéant.

The minutes must mention the identity of the person responsible for the kafala, that is, the person in charge of the child. The names of the persons who assisted in the handover of the child, as well as the place and time where the handover took place. It must be signed by the enforcement officer and the person responsible for the kafala. If the latter does not sign, they must affix their fingerprint.

The minutes shall be drawn up in duplicate, one copy to be sent to the judge responsible for guardianship matters, the second to be given to the person responsible for the kafala, and the third to be kept on file.

Section III. – Suivi de l'exécution de la kafala

Article 19

The judge, within whose jurisdiction the person concerned is located, is responsible for verifying the situation of the child who is the subject of the request and for ensuring that the person concerned is fulfilling the obligations incumbent upon them. To this end, he may carry out investigations

qu'il estime appropriées, par :

with the public prosecutor, the police, or the assistant qualified legal assistance for this mission, among others.

parties compétentes ;

B) the commission provided for in Article 16 above.

The parties concerned or the commission shall address the judge of first instance for the execution of the order.

The judge may, on the basis of the reports submitted to him, order the annulment of the adoption and take the measures necessary in the interests of the child.

The parties or the commission that establish the reports referred to above may propose to the judge the measures they deem appropriate, in particular the annulment of the kafala.

The judge's order shall be enforceable immediately.

The order is subject to appeal. The court shall rule on the appeal in chambers or in open court.

The court of first instance in the jurisdiction of the person providing the kafala is responsible for enforcing the order.

Article 20

If the person providing the kafala refuses to comply with the order referred to in Article 19 above, the guardianship judge shall refer the matter to the public prosecutor to ensure its enforcement by the police or by any other means he deems appropriate, while taking the necessary measures to safeguard the interests of the child. Subject to the 1st paragraph

CHAPTER II

Prise en charge d'un enfant abandonné
E A LA KEPALA D6 L'BLATANT ABANDONNE SUR US
REGISTRES UE L' BEAT CU IL

Article 21

Judge Yes lutllés adresse. within one month of the order relating to the kafala, upon its annotation or renewal, a copy of said order to the civil registrar with whom the birth certificate of the child taken into care is registered.

The order relating to the granting of kafala, upon its expiry or renewal, must be recorded in the margin of the birth certificate of the child concerned in accordance with the provisions of the Civil Code.

However, kafala shall not be mentioned on copies of documents issued to the person granting kafala or to the child taken into care in accordance with the law on civil status.

CHAPTER IV

EFFETS DE L'ORDONNANCE RELATIVE

A L'OCTROI DE LA KAFALA

Article 22

The order granting kafala shall have the following effects

- the insured person, the institution, the agency, association, or organization responsible for fulfilling obligations related to the care, custody, and protection of the child in its charge, ensuring that the child is raised in a healthy environment, by providing for its essential needs until it reaches the age of legal majority, in accordance with the legal provisions set out in the Personal Status Code relating to the care and upbringing of children:

— if the child born in wedlock is of the female sex, his or her inheritance rights shall continue until marriage. In accordance with the provisions of the Personal Status Code relating to the inheritance of the deceased:

- The provisions of the personal status code relating to the maintenance of children apply equally when the child is disabled or incapable of providing for his or her own needs.

- The person responsible for ensuring that IQ kaĒala bĕficiĕje dev ijxlgm nijés and social allowances aJuuiaG aug paren Is for their infants by the State, public institutions, local authorities, and other groups

— The person who is civilly responsible for the children in their care. The rules set out in Article 8 of the Code of Obligations and Contracts apply to this responsibility.

Article 23

If the person responsible for the kafala decides to make a donation, bequest, or gift to the child in their care, the judge of the district court in the jurisdiction where the child resides shall ensure that a contract is drawn up for this purpose and that the child's interests are taken into account. **nécessaire**

Article 24

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informant le juge des tutelles compétent de tout manquement à**

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situation of the erzfartc ct ut lui au all relevant information that
the judge deems necessary, including the location of the 6caFala.

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**précités, prendre toutes mesures qu'il jugera dans l'intérêt de
l'enfant, d'office, ou à la demande du procureur du Roi ou de**
check box. The person may then resort to the
commission rogatoire.

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Article 25

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**mariée, ni à l'enfant handicapé ou incapable de subvenir à
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ia cjissojisiinn kri l'diahlistmment. l'organizrru•. l'nrganization
ou l'association assurant la kafala ;

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**mari ou de la femme, du ministère public ou d'office, soit de
maintenir la kafala en la confiant à l'une des deux parties, soit de**
pmn,dve Jes rrses u res cg u" il cst1cŷTe ŷŷŌdég -*afe s. Oarss de Cœ6, 1eG ŌisposiLions
Ōe i"arcicJe JOZ du cooe <Su saaEut Personnel s'appliquent b l*cnfanc.

Before issuing an order on kafalœ, the judge must conduct the investigation provided for in Article 1 above.

Article 27

Visitation **rights are granted, in** accordance with **the order** of the judge of the family court, in the best interests of the child **after hearing the child, if** he or she has reached **the age of discernment**.

, which grants visitation rights to the parents of J'eiyûa t, to his pro• nx, to the ùtoux d uux q ui dtaicxz\ ç:hzzrjgz\$t, dg sa kaÊola or to the rop'c csoriLanL 'c J* ali portizîaLi¥4n, Üu Î*vrgœsizime @G 1'6tabJisscmnt or Öc J'msscxz iatiort where he was placed, or & touze person s* occupaxc de 1" intêréL de t*enfant.

Article 28

If the right to Antaîa ceases, in accordance with Articles 25 and 3fi below, I shall rule on guardianship, where applicable, fa c1c•signntinn d"lin cuCex r **dalif** ysour **I"ensnt**, è la Öez anÖe de ïa psîsa ne intéréssée, Öu ministère-public Du d*ofTice.

Article 29

The parents of a child may, upon application to the court, obtain custody of the child by judicial decision on the grounds of abandonment.

The" trlbunal understands 1"eofant who has atzeint l"8ge dve di»c rnemen . If l"the child refuses to receive b 6esparsnza ozz b 1'cn d"eux, the tribunal makes its decision taking into account l ntçzdt **de l'enfant.**

CHAPITRE VI

DISPOSITIONS PÉNALES

Article 30

les cli vpsitinn« rtii cf criminal penalties for parents for offenses they commit against their children. apply to the person providing the guardian in the event of offenses committed against the child in their care.

L.cs di provisions of the Criminal Code punish offenses committed by children to the srurontr•s 4r leuca j teint s'npjliqunci ä)"erifont taken care of in this inftBcdons cOrnniSBs c Öntris lfl pOrsOGLäg AsslZrtlGflt ll kafala.

Article 31

Anyone who voluntarily refrains from bringing a newborn baby to the assistance center or informing the police must be reported to the authorities. ac g&odarinerie ou tcs autc•ritčs Jocalcs dc J' cndroit oti ita čOč tzouvč, **est paysibtc** dcs sBn uÊiOns prČvucs pač žc cočtc pčc3aš.

CHAPITRE VII

DzsPoSz'TcC I < F1N

Article 32

es öispoxruo«s of the oahîr p«xzant law «° 1-u i as of zz ræxiz i l41 s (TU September 1 } re1at t aux ect"ants abandoned sant afwogJe8.