



Adoption and Muslims in England



Toolkit 3: For Imams, Leaders and
Influencers In The Muslim Community

Contents

- 3 Who We Are
- 4 About The National Adoption Recruitment Steering Group (NARSG)
- 5 Why We Decided To Develop Toolkits For The Adoption Sector
- 7 For Imams, Leaders and Influencers In The Muslim Community
- 8 Demographic Statistics About Muslims In England
- 9 What Islam Says About Caring For The Children Of Others
- 11 The Importance Of Promoting Kafālah
- 13 What Is Adoption?
- 14 Islamic Jurisprudence And Adoption
- 16 Changes In The Way Contemporary Issues Are Being Dealt With By Muslim Scholars
- 18 The Child-Centred Approach Stressed In Islamic Teachings
- 19 Understanding The Rules And Criteria Around Adopter-Adoptee Interactions
 - 19 - The Mahram
 - 20 - The Hijab
 - 21 - The Radha'ah
- 22 Bonding With A Child
- 24 Preserving Lineage And Name Change
- 24 Inheritance
- 25 Addressing Challenges Facing Muslim Adopters
- 27 What support does My Adoption Family provide local Muslim communities and adopters?
- 29 A Word Of Caution To Prospective Muslim Adopters And Their Extended Families
- 30 In Conclusion
- 31 Glossary
- 32 Resources And Further Reading
- 33 References

Who We Are

My Adoption Family was launched in 2019 with the primary aim to raise awareness about the need for more adopters from Black, Asian and Minority Ethnic (BAME) and Muslim communities and to improve the experience and support available to these families throughout the adoption process.

My Adoption Family is a member of the National Adoption Recruitment Steering Group (NARSG) and the Adoption and Special Guardianship Leadership Board (ASGLB) Racial Disparity Group.

We hope you find this toolkit useful. On pages 14–24 you will find details of contemporary issues around adoption from an Islamic jurisprudent perspective.

Muslim adopters may require guidance and reassurance as adoption often brings up specific concerns regarding lineage and naming, inheritance, Hijab, Mahram wet nursing and concerns about privacy and boundaries (see glossary on page 29 for definitions). My Adoption Family offers clear and confidential guidance around these areas to Imams, adoptive parents and professionals.

My Adoption Family has an advisory panel of experts by experience, social workers, academics and imams with an established understanding of Adoption practice in England and Islamic jurisprudence that are able to advice on individual circumstances. This Toolkit may not cover guidance for individual cases and we would recommend imams and prospective adopters to email us where confidential advice is required at imam@myfosterfamily.com



About the National Adoption Recruitment Steering Group (NARSG)

The NARSG brings together all the major stakeholders in the delivery of adoption services across England and is made up of representatives from regional and voluntary adoption agencies together with the Consortium of Voluntary Adoption Agencies (CVAA), Adoption UK and CoramBAAF with representation from Home for Good, My Adoption Family and New Family Social.

The NARSG are working towards four ambitions:



Ambition 1: Reducing Delay



To reduce delay in children moving to their permanent family: we will reduce the time from entry into care to children moving in with their adopters, by recruiting the right adopters to meet their needs.

Ambition 2: Diversity



To increase the diversity of adopters to better meet the specific and emerging identity needs of all children: we strive to ensure that adopters are prepared to understand and address the needs of the diversity of children with adoption as their plan for permanency.

Ambition 3: The Adopter Journey



We will welcome all potential adopters and will ensure that everyone is treated with respect and receives an open, honest and caring response throughout their journey.

We will create a service that is inclusive of our diverse communities and groups, ensuring all feel equally supported and enable to adopt. We will build on the strengths and needs of applicants to prepare and support them to meet the lifelong needs of the children they will care for.

Ambition 4: Raising The Profile And Understanding Of Adoption



We will raise the profile of adoption, by recognising and valuing the experiences of adopted people and their families. We will reach out to new audiences from all socio-economic and ethnic backgrounds to explain the life changing possibilities of adoption for children and families and increase the number of adopters registering their interest.

Why We Decided To Develop Toolkits For The Adoption Sector

We developed Toolkits for the adoption sector with the aim to support prospective Muslim adopters, social workers, recruitment professionals, and Imams and other influencers who have an interest in adoption.

The Toolkits are designed with multiple audiences in mind. They intend to give professionals in the field a deeper understanding of the interplay between cultural and jurisprudential matters.



At a communal level it will give community leadership, Imams, scholars and other influencers a better insight into UK legal frameworks, policies and procedures, and the challenges around them. It will also help quantify the care sector and the mammoth challenge of addressing the needs of the

estimated 4,500 children of Muslim heritage¹ and other 102,000 children in care².

We have extensive knowledge and experience of the challenges faced by Muslim communities around adoption. Over the past few years we have engaged with over 60 leading figures from across the Muslim community, including researchers, adopters, faith leaders, influencers, care professionals and politicians. We have held three successful focus-group meetings on adoption and Islam, and documented first-hand accounts and life stories from over 30 care professionals and social workers, as well as 10 Muslim adopters and a range of Imams and faith leaders from across the UK. We have continuing engagement with a number of scholars from the Muslim community giving us access to a range of scholarly views and fatawa (ruling points on Islamic law) on topics related to adoption, and we have compiled a large number of questions and answers from our regular monthly Q&A sessions with Muslim adopters, social workers and faith advisors.

We identified a need to develop Toolkits for the adoption sector in order to meet recommendations that had been raised in various NARSG ambition group discussions and to address challenges that had been raised in several previous reports (Kutty, 2014, O'Halloran 2015, Karim, 2017, Karim et. al. 2018, Cheruvallil-Contractor & Halford, 2019, Miller & Butt, 2019).

1 Cheruvallil-Contractor, S.; Halford, A.; Phiri, M.B. (2021) 'The Saliency of Islam to Muslim Heritage Children's Experiences of Identity, Family, and Well-Being in Foster Care'. Religions 12 (6):381.

2 Statistics briefing looked after children, 2021, NSPCC

These challenges include:

- A lack of targeted marketing reflecting diversity within the Muslim community
- A sense of additional scrutiny for those of Muslim backgrounds and how they are perceived
- Experiences of an unfair approach to questioning during the assessment process
- A lack of trust in authorities; fear of discrimination, prevent policies and Islamophobia
- The impact of poverty, multigenerational households, and lack of fluency in the English language
- Gaps in knowledge and understanding of the children's care sector and the adoption process
- A perception that Muslims will not consider or are not suited to adopting children of different backgrounds
- Stigma in the community about adoption
- Concerns around compatibility of Islamic laws with English adoption laws and policies
- The misconception that adoption is not permissible in Islam
- Lack of support for recruitment teams and social workers in managing faith and culturally sensitive questions
- A need for peer led support networks for Muslim Adopters
- The need to establish a safe space for social workers for reflective practice

We found that these challenges related to three distinctive areas of concern, each requiring its own Toolkit specifically aimed at audiences within that area and addressing the challenges that they faced.

We therefore developed three separate Toolkits:

Toolkit 1

Aimed towards **recruitment and marketing professionals and social workers** from within the adoption sector.

This Toolkit will have a specific focus on addressing barriers to recruiting adopters and give advice on improving the journey and experience of BAME and Muslim potential adopters through the system.

Toolkit 2

Aimed towards the **general Muslim community and wider population** to address issues around the process of adoption, Islamic perspectives on adoption practical guidance on adoption from a faith-based perspective.

Toolkit 3

Aimed towards **Imams, leaders, and influencers in the Muslim community** and how they can promote adoption and raise awareness amongst their communities around the topic and need.

For Imams, Leaders and Influencers In The Muslim Community

The role of faith leaders, Imams, scholars, community activists and academics is crucial in raising awareness and making real progress in the adoption sector.

As well as the listed interventions within this Toolkit, My Adoption Family plan to:



Hold a series of **road shows, focus group events, dedicated Friday sermons and workshops** at mosques and community centres



Expand our advisory panel of scholars to include a wider range of sector professionals and adult adoptees and cater for the growing number of Muslim adopters.



Use online interactive tools and the physical presence of faith and community leadership to **champion the cause of adoption at community events.**

A green poster for Adoption Friday. At the top left is the 'My Adoption Family' logo with a house icon and a heart containing the word 'ADOPTION'. At the top right are the hashtags '#AdoptionFriday' and '#YouCanAdopt'. The central graphic features a yellow crescent moon and a white mosque with a dome. Below this, the words 'ADOPTION FRIDAY' are written in large, bold, yellow and white letters. The text below reads: 'Sign up your Mosque today to take part in the national #AdoptionFriday campaign. Help raise the profile of adoption in the Muslim community by delivering a Friday Sermon at your Mosque.' At the bottom, a yellow banner says 'Register your Mosque at www.myadoptionfamily.com'.


A white poster for a 'Monthly Q&A Fostering & Adoption' session. The title is in purple and red. Below the title are three photographs of diverse families. A red rounded rectangle contains the text: 'Every second Friday of the month Live on Zoom at 7pm'. Below this, it says 'To register email: info@myadoptionfamily.com'. At the bottom are the logos for 'My Foster Family', 'My Adoption Family', and 'YOU CAN ADOPT!'.

Demographic Statistics About Muslims In England

The Muslim community is one of the fastest growing demographics in England and accounts for sizeable proportions of the BAME communities.

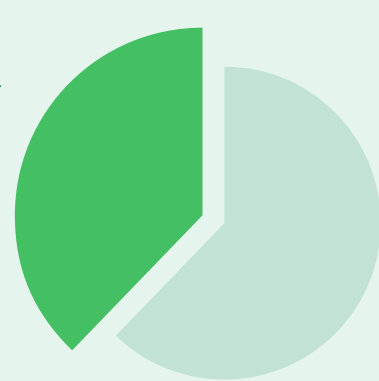
In 2001, there was an estimated 1.7 million Muslims living in England, this grew to 2.7 million in 2011. Based on this growth rate, we can estimate this number to grow to 3.5 million in 2021, and that would mean 6.5% of the 56 million people living in England are Muslims. Some council wards in England have over 50% Muslim populations and 12% of the people living in London are Muslim.

BAME Population In England



14%
of England's
population is
BAME, that's
7.84 million

38%
of the BAME population
of England is Muslim



Based on ONS 2011 Census data

What Islam Says About Caring For The Children Of Others



'Verily, there is a beautiful role model for you in the example of the Prophet of Allah' (Qur'an chapter 33: verse 21).

Taking good care of children deprived of a family environment is at the heart of Islamic teachings.

The Qur'an mentions the term '**Yateem**' 22 times. While this refers to orphans the reward for looking after a child extends to all children that are left alone and helpless in society and are need of care. At particular points in the Qur'an, the mistreatment of orphans is described as a serious sin, while their nurturing and sponsoring them has been described as an immensely valuable good deed. The act of caring for such children was particularly dear to the Prophet Muhammad's heart due to his own life experiences and there are plentiful sayings of the Prophet to emphasise the collective responsibility of taking care of orphans and vulnerable children.

The most famous **Yateem** in Islamic history was the Prophet Muhammad himself. By the age of eight, he had lost both his parents and his grandfather in whose care he was. The dynamics of communal living and survival in the hostile Arabian environment required protective alliances and so he was subsequently raised by his uncle Abu Talib who continued to be

The Prophet said, "The one who cares for a Yateem, myself and him will be together in Paradise like this", and he held his two fingers together to illustrate.

- Sahih Bukhari, 6005

his protector until the time the Prophet was nearly fifty years old. During his lifetime, the Prophet himself looked after children needing care, thereby presenting a living example for his companions and a legacy for future generations. One can read the story of the companion Zayd for a deeper insight into this.

The Arabic term given to this type of parental care is known as '**kafālah**', which literally means sponsorship and comes from the root word meaning 'to provide for'. Through **kafālah**, a family takes in an abandoned child whose natural parents or family are incapable of raising him or her. The concept of **kafālah** encompasses numerous terms we use in English such as adoption, fostering, guardianship and other means of meeting the needs of children in care. A core element of **kafālah** involves a 'commitment to take care of the maintenance, nurturing and protection of a minor, in the same way as a father would do for his child.'

The Prophet also said, 'The best house among the Muslims is the house in which Yateems are well-treated. The worst house among the Muslims is the house in which Yateems are ill-treated'.

- Ibn Majah, 3679

Ultimately, the status of 'best house' is not achieved by anything material such as property value, a beautiful garden or an expensive refurbishing. The best home is one that shows care and concern for orphans and by extension, children in care.



The Importance Of Promoting Kafālah

Children come into care for a number of reasons, some beyond human control. Global events, political upheaval, mass migration, even death of parents due to Covid-19 have brought the plight of vulnerable children into sharp focus.

There are at present an estimated 4,500 children of Muslim heritage in care in England representing 5% of the 102,000 children in care. From amongst them nearly 3,000 are waiting to be adopted.¹ Most children who are waiting to be adopted have been removed from their birth families because their parents and wider families were deemed to be unable to provide the necessary care, in these cases the local authority would step in as the corporate parent and a court would decide that adoption would be in the best interest of the child. Like most children in the care system, a sizeable number of children waiting to be adopted have also gone through some form of trauma.

There are an estimated 4,500 children of Muslim heritage in care in England.

Adoption and fostering are different and many people usually confuse the two.

The need for carers and adopters to come forward from the community has never been greater. However, despite the act of **kafālah** and caring for children as something at the heart of Islam, the community response has so far been slow and mixed, and in some circles the discussion of whether adoption is **harām** or **halāl** is still taking place.

My Adoption Family has worked with scholars in the Muslim community with a clear aim to meet the needs and address the plight of vulnerable



children in care by promoting promoting a better understanding of the link between **kafālah** and adoption practice in England. With this aim in mind we have produced three Toolkits for the adoption sector, each designed for certain audiences, to clarify misunderstandings around adoption and to address the challenges that stand in the way of Muslim adopters who want to come forward and provide care. We hope that this particular Toolkit will give Imams, scholars, community leadership and influential Muslim professionals in England a deeper understanding of the interplay between cultural practices and jurisprudential considerations.

We have built on the work that has already been done by scholars in the sector to enable better insight into English legal frameworks, policies and protocols to filter down to the grassroots level of Muslim communities. We hope that this Toolkit provides helpful reference points on religious teachings and ethical considerations for potential adopters and we believe that greater clarity will certainly lead to more people in the UK coming forward as adopters and being encouraged to get involved in this noble responsibility of caring for vulnerable children.

Care sector professionals may also find this Toolkit useful alongside Toolkit 1 as it helps quantify the mammoth challenge around promoting adoption in the Muslim community as well as highlighting the need to focus energies on finding innovative ways and means of engaging with faith communities.



What Is Adoption?

In England, adoption is the legal process in which parental responsibility for a child is transferred from their birth parent to their adopter.

Adoption is different to fostering in many ways. Adoption is a permanent arrangement and children who are waiting for adoption have been permanently removed from their birth parents whereas children in foster care may return after a period of time. An adopted child loses all their legal ties with their birth parents while assuming the same rights and privileges as if they had been born to the adoptive family. In contrast, a foster carer is not considered to be a child's legal parent and would therefore receive an income for providing care.

Whilst children in foster care may be of any age, most children who are waiting for adoption are between 1 and 6 years of age. Furthermore, fostering commonly involves caring for a number of children on a temporary basis, whereas adoption is a lifelong connection and usually involves one child.

Kashif and Samira decided to adopt a child after experiencing problems having a child of their own. They said they had a positive experience with the adoption process and told us that;

“We adopted our first child many years ago after we were told that me and my wife could not have children. After adopting two children and being a parent to them I can't see my life without them and would do it all again.

For us the process was relatively straightforward which is why we chose adoption for our second child. Sometimes people in the community have apprehension about adopting or fostering a child or do not know enough about it, but from my experience of having been through adopting children at the end of the day and the bond you establish with them is truly rewarding.”

There are various regulations and requirements surrounding adoption that applies to all prospective adoptive parents who wish to adopt a child in the UK and these are covered in Toolkit 2.



Islamic Jurisprudence And Adoption

Islam is a dynamic way of life that can adapt to emerging challenges easily. It is important to understand the religious framework Muslims try to adhere to in making major decisions in life, especially when discussions are around **harām** or **halāl**.

It is also paramount to accept that religious teachings can sometimes be misunderstood or misinterpreted when presented through the lenses of cultural influences, unintentional bias or simply a lack of jurisprudential knowledge. The following is a commonly agreed outline of Islamic jurisprudence intended to support Imams to challenge the view that adoption is **harām**.

For a more detailed reading on this topic we would recommend **'Adoption and Foster Care From Legal, Linguistic and Islamic Perspectives'**, 2017 by Shaykh Zuber Karim.

The **Qur'an** and the **Sunnah** are seen as the main primary scriptural sources for Muslims. The secondary sources are **Ijma'** and **Qiyas**.

- a) The **Qur'an** is seen as the literal word of God (Allah in Arabic).
- b) The **Sunnah** consists of authenticated sayings and actions of the Prophet Muhammad.

Both sources were preserved during the Prophet's lifetime and communicated intact through generations of scholars over the centuries. Both sources are still available today.

- c) **Ijma'** consists of the unanimous view religious scholars arrive at on matters through scholarly deliberations based on primary sources, though not explicitly mentioned in primary sources.
- d) **Qiyas** is the use of analogous reasoning to find common denominators that can help interpret general principles found in primary sources in order to reach conclusions on issues not common during the time of the Prophet.

Rulings on aspects of adoption and fostering need to be considered in the context of English law. Islamic laws specific to adoption trace back to over 14 centuries. In England however, there had been no specific laws on adoption until the 1920s. Likewise, Islamic law has been clear from the start that an adopted child should be made aware of their birth parents and true lineage, whereas in England, it was only through the passing of the Adoption Act 1976 that adopted children once 18 had the right to this knowledge, via access to their original birth certificate. In practice, the Islamic laws around preserving the lineage of an adopted child can now be applied. Moreover, Muslims in England have long seen Islamic inheritance laws applied side by side with English inheritance laws and even though adoption in England still involves changing the legal status of the child, Islamic inheritance law can easily be applied.

From a jurisprudential perspective it can be concluded that adoption practice in England can fit within the guidance of the Islamic law and **kafālah**. This being the case, our attention now needs to focus on the importance of promoting adoption.

Both the preservation of faith and the preservation of life are overarching principles within the Shari'a. This being the case, scholars of Islamic jurisprudence would need to consider the implications of the 4,500 Muslim children in the care system having moved from the care of Muslim parentage to a care system that is not developed on the basis of a particular religion.

In addition to this, consideration would also need to be given to the shortage of Muslim carers and the impact that would have on Muslim children in care. The reason why many children of Muslim heritage end up in the care of non-Muslim adopters is mainly because of the shortage of Muslim adopters.

Given these two considerations, jurists would see the principle of **Dharurah** (necessity) emerging here from the perspective that a Muslim child's faith and identity would need to be supported. These facts along with helpful

insights from sector professionals can support Muslim scholars from their diverse backgrounds of jurisprudence to consider not only promoting adoption as a collective responsibility but also consider relaxing some of the rulings around interaction between adopters and their adoptees who are not closely related by virtue of blood, marriage or wet-nursing.

**On the 29th of November 2019
The Muslim News ran an article by
Dr Sariya Cheruvallil-Contractor
and Alison Halford titled '100
Muslim scholars say adoption and
fostering is a communal obligation'**



Changes In The Way Contemporary Issues Are Being Dealt With By Muslim Scholars

In recent years there have been positive changes in the way scholars have begun to address contemporary challenges. When we compare earlier edicts against subsequent rulings, it is encouraging to note there is a healthy respect for variation in opinion. This is due to greater clarity on detail and a pragmatic application of the principle of **Dharurah**.

Keeping the 'best interest of the child' as the guiding principle, there has been a gradual change in the stances taken by Muslim academics. Traditionally held views have begun to shift towards more nuanced considerations, leading many people to consider adoption and fostering more seriously. This is both to fulfil their desire to care for vulnerable children as well as to address the shortage of Muslim adopters and foster carers in the England.

While this has raised some awareness of issues for those involved in the sector, it has also exposed gaps in knowledge and resource amongst the wider Muslim community. A lack of concerted effort to clarify reasons for the variation and context of some of these more recent rulings has served to confuse prospective adopters at a grassroots level. This is where we hope this Toolkit will play a key role and help 'de-mystify' these issues.

Multi-faceted challenges faced by those keen to assist vulnerable young people need to be properly understood within our context here in England and supported accordingly. Instead of allowing ignorance and confusion to exist among Muslims and others, our scholars, Imams, mosques and community organisations need to be proactive in providing clarity on the topic of adoption as a communal responsibility and that varying opinions are understood better, respected and appreciated within their correct contexts.

"We now need a national strategy around dealing with the challenges of children in care"

- Shaykh Dr Haitham al-Haddad, Chair of the Fatwa Committee for The Islamic Council of Europe



If the Muslim scholarly community considers the **Dharurah** aspect of adoption, this would mean that they would also need to consider relaxing some of the rulings around interaction between adopters and their adoptees. What we have seen over the past few years is that while the scholarly community continue to adopt stringent criteria regarding adopter-adoptee interactions, they are consequently placing a barrier and in effect discouraging many prospective Muslim adopters from coming forward to fulfil this collective responsibility.

On a positive note, we have also witnessed that there is a growing leaning in many circles of the Muslim scholarly community towards the relaxation of rules and criteria around adopter-adoptee interactions. This has been on the basis of giving priority to the principle of **Dharurah** in order to safeguard the faith of vulnerable children of Muslim heritage and we are now seeing a lot more work in this area of jurisprudence.



The Child-Centred Approach Stressed In Islamic Teachings

The cultural norms of the pre-Islamic era involved slavery. These norms dictated that a male child who was abducted and enslaved and later willingly adopted would lose connection and reference to his biological relatives. Birth parents could not simply claim him back and he would be referred to as the slave or adopted son of the new clan. Those who were slaves would be inherited as property and adopted sons would often lose their 'son' status and be reverted back to inherited property if their adoptive father passed away.

When the Prophet Muhammad was gifted a slave named Zayd, not only did he free the young man, he also raised him as if he were his own son. People began to call the freed slave by the name ibn Muhammad (son of Muhammad) but this was changed by revelation and the Prophet would remind people that Zayd should be known as the son of his birth father Harithah and not as the son of Muhammad. At the same time, Zayd's treatment would be the same as though he was a son by birth.

This change was new to society and through it Islam introduced a child-centred approach that insisted that a child's heritage and biological identity should not be erased but rather preserved. The new norm meant that any explicit statement or name change that favoured the adoptive parents should not distort or cause ambiguity for the courts or the child in terms of their birth parents and biological family origins. At the same time, adoptive parents would be expected to treat the child as their own.

By referring to the adopted child as the son or daughter of his or her biological parent, the change promoted the view that true lineage should be preserved, thus ensuring the child's right to inheritance from biological relatives as well as their right to maintain a true sense of identity and belonging. In cases where the biological identity of a child remained unknown,

the child would be referred to as brother or sister in faith instead of associating the child with the adoptive family name. While in some cultures it is common to camouflage the true heritage of an adopted child by severing biological links completely, this is not permitted in Islam. A child's heritage is seen as the child's birthright and he or she cannot be deprived of it.

Islam also recognises that in cases there may be a need to conceal the true identity of a child due to safeguarding concerns. Such cases would consider it permissible or even a necessity 'in the best interest of the child' to conceal the identity, provided that as soon as the safeguarding concerns are no longer there or at the earliest opportunity, the child is made aware of their heritage in an appropriate and age-sensitive manner.

The Prophet said, "All of you are guardians and responsible for your wards and the things under your care."

- Sahih Bukhari, 5200

Understanding The Rules And Criteria Around Adopter-Adoptee Interactions

The topic of Hijab, wet-nursing and its impact on considerations for Mahram (close relatives) are regular features of any discussion on adoption and fostering. There is a tendency to see rules of engagement regarding gender segregation as being the main hurdle to considering adoption and fostering as viable options. We maintain that this should not be the case.

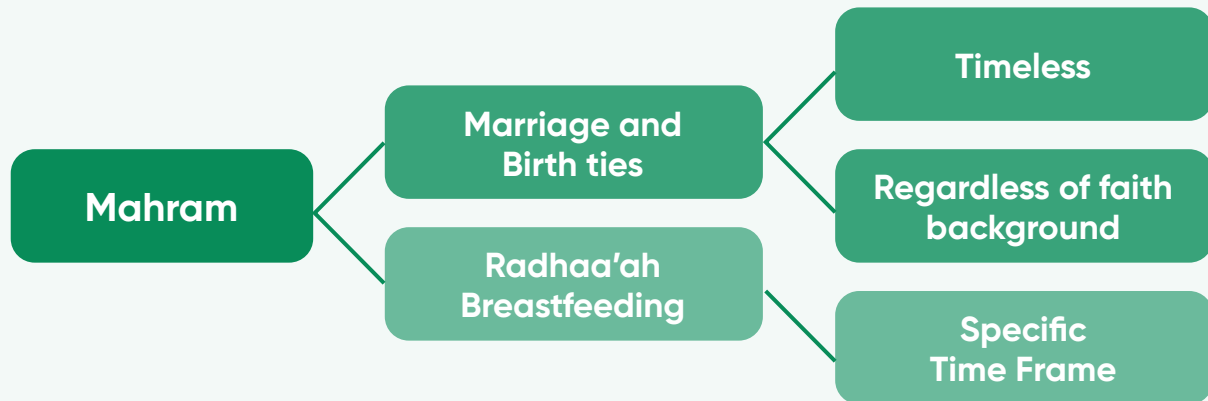
The Mahram

The word **Mahram** includes individuals that are so closely related to each other that it is deemed impermissible to inter-marry and where the rules of **Hijab** are relaxed. These include connections such as parent to child, brother to sister, uncle to niece or aunt to nephew and others.

A person can be deemed a close relative by virtue of blood, marriage or through breast milk. The status of being a **Mahram** is not time-bound. Relations established through marriage can extend upwards, downwards as well as sideways.

According to Muslim scholars, a **Mahram** relationship may also be established through breast milk if wet-nursing has been done within a specific time frame and this will be discussed in detail later on.

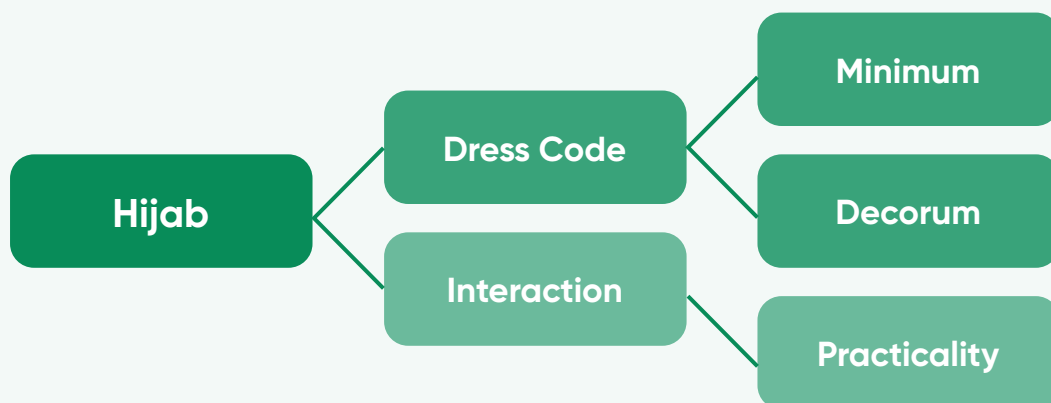




The Hijab

The word Hijab means to hide, maintain decorum or create a barrier. It is not just about covering one's body modestly, it is also about behaviours, maintaining dignity and respect and avoiding encroachment on the personal space of others. It includes a dress code as well as sensitivity in interaction between male and female relatives and between unrelated individuals. When the adoptive child is a minor, the requirements of Hijab are relaxed. In situations of Dharurah these can be relaxed and extended beyond the minor stage.

General rules of maintaining modesty, decorum and behaviour are applicable not just in adoption scenarios but also when interacting with close relatives and others. However an important point is that these considerations are also linked to the age of a child and the practice of wet-nursing being completed below a certain age.



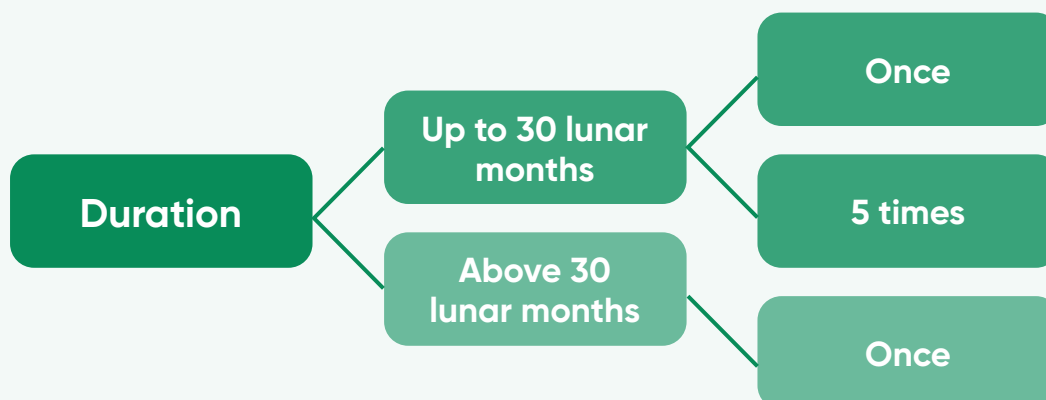
The Radha'ah

Radha'ah translates as breastfeeding or wet-nursing in English. Islam confers the honorific status of mother to any woman who breastfeeds a child with her milk during infancy - this has given rise to the term 'milk mother'. Islam considers the bond created by nourishing a child in infancy similar to being related to each other through blood ties. Scholars interpret the period of infancy for breastfeeding to mean anytime during the first 30 lunar months of a child's life.

There is variety of opinions among Muslim scholars from different schools of thought regarding the number of times a child needs to be fed by a woman for the establishment of a **Mahram** relationship and for her to be conferred the honorific title of 'milk mother' to the child. By extension, any biological child of a woman and all other children nourished by her during infancy are deemed to be siblings to each other and therefore prohibited from inter-marriage.

Schools of jurisprudence have flourished from the early era of Islam in both **Sunni** and **Shia** traditions, and these include the **Hanafi, Shafi'ee, Maaliki, Hanbali** and **Ja'fari** schools of thought. The largest numbers of adherents worldwide belong to the **Hanafi** school of thought followed by the **Shafi'ee** school of thought.

The majority view of the **Hanafi** school of thought regarding the relevant period for breastfeeding or wet-nursing is 30 lunar months. Also the **Hanafi** and **Shafi'ee** schools differ on the number of feeding occasions necessary in order for the **Mahram** relationship to be established. The **Shafi'ee** view is that a child must be fed breast milk on at least 5 separate occasions while the **Hanafi** view holds that just one occasion of feeding will suffice in establishing the **Mahram** relationship. Beyond these schools of thought there are scholars who have also given opinions on the matter. Including a minority view that states that in the case of necessity, feeding breast milk beyond 30 lunar months can establish the **Mahram** relationship.



Bonding With A Child



Through the act of breastfeeding a mother or 'milk-mother' builds a close connection and bond with a child. In Islam, this means that all those related through blood and milk, whether siblings through **Radha'ah**, or mother's husband or brothers all enjoy a special relationship with the child and whereby they may interact with one another in an informal manner where the rules of **Hijab** are relaxed.

Radha'ah provides more than simply nutritional nourishment. It also provides emotional nourishment to create a bond. However, it should be acknowledged that as well as the physical act of breastfeeding, mothers who bottle-feed their child are also able to create this bond, and Islam recognises that it is the act of feeding and nourishment rather than the breastfeeding that is important. As well as this, emotional nourishment can be provided in other ways for older children who might have missed out on this important interaction as a baby.

It is common for Muslim adoptive mothers to want to produce breast milk to establish

a **Mahram** relationship and guidance from midwives and lactation consultants (breast-feeding advisers) should be sought for this. Muslim scholars are aware that not all hormone-induced lactation will be successful and in some cases may have undesired side effects for the mother. While individual cases of this nature may need specific guidance, they should not be a factor in deciding not to adopt a child.

We have repeatedly pressed upon above that when jurisprudential perspectives consider the notion of **Dharurah** there may be cases where the rules of **Hijab** and the formality and segregated interaction this brings should

be relaxed. Experts argue that if the rules of **Hijab** are strictly applied and the adoptive parent observes the formality and segregated interaction that exists in non-Mahram relationships with the adolescent child, this could be emotionally damaging, and may be experienced as painful rejection, potentially compounding a sense of rejection that the child at that age is likely to already carry.

We strongly advise that these discussions need to consider individual circumstances and that you contact imam@myfosterfamily.com for further detail and specific guidance.



“When we began the adoption process we had a birth daughter aged 3 and birth son aged 1 and a ½. We wanted to adopt but the Mahram issue was a big one for us. I didn’t want my birth daughter to have to cover up in her own house in front of an adopted son or my adopted daughter to cover in front of my birth son. We didn’t feel it was fair to put that restriction on them.

We sought scholarly advice and I carried on breastfeeding my birth son until he was 2 and a ½ so that I could still be producing milk for an adopted daughter. She came to us at the age of 15 months by which time I still had my milk to feed her.

Even though we felt really awkward approaching this subject with our social worker, we were open and upfront about it from the beginning. We explained why we needed to adopt a child quickly and, as young as possible and she understood our circumstances. The social worker wanted a gap of at least 1 year between our youngest birth child and our adopted child to preserve the family dynamic, and given that my birth son was still young it worked in our favour.”

- Muslim adoptive mother

Preserving Lineage and Name Change

When a child is adopted, reference to birth parents in the child's legal status clarifies that no real lineal relationship is established between the adoptive parents and the adopted child.

However, while changing a child's name is often a part of adoption and can be done through the Adoption Order, it is well known that this is a contentious issue for Muslims. This can be resolved by minor adjustments that do not blur lineage or compromise safety concerns through consultation with scholars and sector practitioners. In sum, changing a name would be fine if it was done in a way that ensured the lineage of the child to the birth parents would not be severed.



Inheritance

The guidance in Islam around good treatment of children in care stipulates that just as one gives consideration for their own child's financial security in adulthood, consideration should also be given to children that one cares for.

Furthermore, regardless of Dharurah, there is sufficient guidance for adoptive parents to follow around writing a will that bequests financial provision for an adopted child. Similarly, there is no restriction concerning gifting an adopted child part of one's wealth during one's lifetime.

It is important for Imams, scholars and Muslim influencers to be aware of historical perspectives and emerging nuanced opinions in jurisprudence around Hijab, Mahram, Radha'ah, name change and inheritance. In the best interest of the child it is essential to stress once more that under the notion of Dharurah there is simply no reason to delay an adoption on any of the grounds listed above.

As previously stated, if there is a need for further detail and specific guidance we advise you to contact us at imam@myfosterfamily.com.

Addressing Challenges Facing Muslim Adopters

We believe that Imams and scholars in the Muslim community have a significant role to play in supporting professionals in the adoption sector understand traditional Muslim family models, customs and traditions.

In Toolkit 1 we share a number of life stories from Muslim adopters who have had a poor experience with adoption services. When these experiences are shared in the Muslim community they lead to a negative perception of adoption agencies in general and feelings that assessing social workers will be reluctant to approve prospective adopters because of the way their families live at home, their home set up and family models.

The Khans' TV Story

Many Muslim families choose not to have a television, for religious or other reasons. A number of individuals raised that they had faced an issue with the social worker around this.

In one example, a family felt they were misunderstood as to why they did not have a television and felt they were being judged as ultra-religious. They stated that they chose not to buy a television as they all watched their programmes on iPads and when they did have a television they simply did not watch much. They described how far the conversation went and how they felt obliged to say if they adopted a child who wanted to watch television, they would be happy to buy one.



Nadeem and Fatima's Story

A common concern from Muslim men was around feeling judged as being domineering characters.

In one example, during a home visit the social worker asked the wife a question and she turned to her husband. Seeing this, the social worker noted that 'the wife had to refer to husband on matters and seek his approval.' The couple were not approved and felt discriminated against by the social worker who they felt had wrongly assumed that the husband had a hold on his wife based on a stereotype that Muslim men are dominant and controlling. The man then stated that the real reason his wife turned to him was because she was not confident in how to respond to the question posed to her due to her poor English. He further stated that if it were him that was asked a question in Urdu, he would have turned to his wife for support.



A Good Practice Case Study - the Muslim Welfare Institute and local authorities and regional adoption agencies

A good example of partnership work between a local scholar and adoption agencies is the Muslim Welfare Institute (MWI) in Blackburn Lancashire.

Hanif Dudhwala, the CEO and a local scholar, served on the adoption panels as an advisor and worked with local authorities and adoption agencies to encourage and recruit adopters from local Muslim communities. The MWI successfully made connections between the adoption agencies and local Imams and scholars as well as mosques, madrasahs and other community organisations.

The MWI worked were involved in training the adoption teams on how to handle questions and parts of process that prospective Muslim adopters might struggle with in a sensitive way. Once the first Muslim family adopted and had a positive experience, the word got out into the community and more families came forward and this began to have a domino effect.

Awareness and recruitment events were held at local venues including the mosque and madrasah buildings on weekday evenings. Parents would drop off their children to learn how to read the Qur'an and join the event. Food was provided, so parents could have a bite to eat whilst learning about adoption and listening to stories of adopters and adopted children from the local community. As most parents doing the drop offs were women, they were specifically targeted in the marketing and encouraged to bring a friend. Today, many successful adopters have been recruited through these events.

Through the efforts of the MWI and local mosques and madrasahs the adoption teams were soon seen as part of their local diverse community, and learnt better ways of engaging with the community. Information sessions were soon held in Urdu and culturally specific case studies were compiled. Most importantly they found they had the local elders and locally respected influential people in the community ready to listen to and engage with them. Now, the local community is hearing voices that over time will legitimise, normalise and promote adoption as a community responsibility.

The process took time and almost 20 years on these events still take place, and the benefits of the positive engagement are still present in that Muslim families speak about their positive experiences.



What support does My Adoption Family provide local Muslim communities and adopters?



My Adoption Family offer support to help local Muslim communities to better engage with adoption agencies. We are not an adoption agency and we do not do assessments for prospective adopters. However, we do support them through the discovery phase of their journey, helping them understand the process, options and support available. The types of support and resources My Adoption Family offers are:

1 Free one-to-one telephone consultation service and a free consultation service with the Head of Recruitment.

This consultation service provides more in depth information on adoption and any queries you may have regarding adoption and the process. During this consultation service the Head of Recruitment will discuss factors such as being open-minded, which is very important if you want to become an adopter. After this call the Head of Recruitment will email you with mandatory requirements and a series of FAQs to help you develop more information on adoption. Within the email, there is also a link to the You Can Adopt website where you can add in your postcode and it will bring up all the adoption agencies which cover your area.

After this, you will be able to contact your nearest agency individually and set up a meeting with them to discuss the adoption process.

2 Support Network

My Adoption Family also offers a support network via Whatsapp.

This consists of senior team members as well as approved foster carers, adopters, social workers, faith leaders and people coming from professional backgrounds. The purpose of this support network is if any individual has a specific question which our recruitment team is unable to answer, a member of our team will get in touch with our advisory group who will then explore further and provide us with the correct information.

3 Buddy Service

This consists of a potential adopter connecting with an existing approved adopter who will provide support on adoption.

During this conversation, the potential adopter can discuss and learn more on various aspects of adoption such as panel meetings, anxiety on adoption and how the experience of adoption was for the adopter. The existing adopter can offer one-to-one support to the potential adopters to help them with their journey of adoption.

4 Adoption Webinars

In these webinars approved adopters as well as faith leaders are invited to give advice on adoption or answer any questions you may have prior to adopting

This webinar is an open forum where anyone involved in adoption can attend i.e. social workers, potential adopters, and people who work in the adoption sector. The webinar takes place on the last Wednesday of every month. These monthly webinars allow people easy access to ask questions without any hesitation and feel comfortable with speaking to our advisors.

5 Social Media

My Adoption Family's social media accounts also provide support by providing all the latest information and updates on adoption.

You can visit our social media pages on Instagram, Facebook, LinkedIn and Twitter. As well as all the latest and updated information, we share various campaigns that can support you in your adoption journey.

6 Website

The My Adoption Family website has various information around adoption, including the Islamic perspective on adoption and about My Adoption Family's services.

Visiting the website will allow you to gain further insight and knowledge about the adoption sector and the different faith viewpoints.

7 Training

My Adoption Family has provided training for over 500 social workers and continues to provide educational training resources to help individuals enhance their skills within the adoptive sector.



A Word Of Caution To Prospective Muslim Adopters And Their Extended Families

Dealing justly with orphans and vulnerable children has been repeatedly stressed in the Qur'an and Sunnah. Huge rewards are promised in the scriptures for acts of kindness and generosity towards children along with stern warnings of severe punishment against ill-treatment of young people.

The humanitarian and noble practice of adopting children is highly rewarding but should never be motivated by material or worldly interests. That aside, there is nothing wrong in earning an honourable livelihood through taking care of children and accepting payment for the effort, whether teaching, child-minding or accepting payment for fostering children and being paid an allowance for the privilege.

While these are financial rewards and rewards in the life of this world. All of these occupations can be rewarded many times over if your intentions are properly aligned to pleasing Allah and seeking His reward in the hereafter.



The Prophet said,
"Treat your children fairly."

- Bukhari and Muslim

Is adoption allowed in Islam?

Yes, it is a collective responsibility and it brings with it great rewards.

Is adoption easy?

It is not easy. It requires effort and dedication.

Why should I adopt?

To gain Allah's pleasure by caring for a vulnerable child.

In Conclusion

With an estimated 4,500 children of Muslim heritage within the care system in England and over 95,000 children from other backgrounds, My Adoption Family believes that Muslim scholars, Imams, mosques and community organisations shoulder the responsibility to provide clarity on the topic of adoption and fulfil their duty in promoting it as a collective responsibility.

This responsibility also extends out to recognising the structural limitations and capacity issues within Muslim communities that stand in the way of adoption and fostering and to rise up and build confidence within the community to face the multi-faceted challenges of the care sector. This includes using this Toolkit to address the ignorance and stigma around adoption, a reluctance to engage with adoption services and a duty to oppose and challenge cultural practices or attitudes alien to Islamic teachings that contribute to children of Muslim heritage ending up in care.

"We need to promote the 'hero story' to the same level as the 'victim story'"

– Zara Mohamed, Secretary General,
Muslim Council of Britain

The negativity experienced by potential adopters has resulted in a lack of trust in authorities and a genuine fear of discrimination and islamophobia. These also need to be addressed in order to build a solid foundation to enable outreach work widely and Toolkit 1 addresses some of these issues.

Although My Adoption Family has taken a particular focus through this Toolkit on meeting the unmet needs of Muslim children and adoptive parents, this should not lead to limiting

our scope. The emphasis on preservation of life and preservation of faith are both over-arching aspects of our religious teachings and the practical role model of the Prophet Muhammad encourages Muslims to be entirely inclusive with respect to providing care for children.



Glossary

Hijab is the modest dress code. The Muslim dress code for both male and female emphasises modesty in the way we choose to dress. It includes decorum when dealing with strangers in public as well as behaviour in our interactions with one another in private.

Mahram are close relatives. The word 'Mahram' includes individuals that are so closely related to each other that it is deemed impermissible to inter-marry and where the rules of Hijab are relaxed. These include connections such as parent-child, siblings, uncle-niece, aunt-nephew, etc.

Radha'ah is the Arabic word for breast-feeding. Islam confers the honorific status of mother to any woman who breastfeeds a child with her own milk during infancy. Islam considers the bond created by nourishing a child in infancy similar to being related to each other through blood ties.

Shari'a is Islamic law. It literally means 'a path to life giving water' and is considered guidance on how one should live their life to be in complete harmony.

Yateem is an orphan child whose father, or both parents have died and is in need of care and is vulnerable.

Tabanni is where the adoptive parents bring up a child and claims it as their own while hiding the child's true identity from them, this is something prohibited in Islam.

Dharurah means necessity, as in something that is usually deemed as impermissible but is allowed when there is a pressing need out a necessity.

Fatawa are ruling points or edicts on Islamic law. A single ruling would be called a fatwa.

Kafālah literally means sponsorship and comes from the root word meaning 'to feed'. The idea in kafālah encompasses numerous terms we use in English such as adoption, fostering, guardianship and other means of meeting the needs of children in care. A core element involves a 'commitment to take care of the maintenance, nurturing and protection of a minor, in the same way as a father would do for his son'.

Harām means forbidden or not allowed, something that Allah does not want a person to do

Halāl means allowed, something Allah has made acceptable to consume.

Qur'an is the holy book for Muslims and the primary source of the religion. Muslims consider it as the literal word of God (Allah in Arabic).

Sunnah refers to the authenticated sayings, actions and tacit approval of the Prophet Muhammad.

Ijmaa' is the unanimous viewpoint of religious scholars on matters through scholarly deliberations based on primary sources though not explicitly mentioned in primary sources.

Qiyaas is the use of analogous reasoning to find common denominators that can help interpret general principles found in primary sources in order to reach conclusions on issues not common during the time of the Prophet.

Resources And Further Reading

For general advice on adoption

- <https://www.myadoptionfamily.com> (specialist Muslim advice)
- <https://www.youcanadopt.co.uk/>
- <https://www.adoptionuk.org/>

For financial support

- <https://www.gov.uk/adoption-pay-leave>
- <https://www.gov.uk/child-benefit>
- <https://www.gov.uk/child-tax-credit>

For international adoption

- <https://www.icacentre.org.uk/>

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Adoption and Muslims in England

Toolkit 3 – For Imams, Leaders and
Influencers In The Muslim Community

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