

Cabinet Resolution No. (54) of 2024
Concerning the Executive Regulations of the Federal Decree-Law
No. (24) of 2022 Concerning Children of Unknown Parentage

The Cabinet,

- Upon reviewing the Constitution; and
- Federal Law No. (1) of 1972, Concerning the Competences of Ministries and the Powers of Ministers, and amendments thereto; and
- Federal Decree-Law No. (24) of 2022, Concerning Children of Unknown Parentage; and
- Based on the Proposal of the Minister of Community Development, and the Cabinet Approval,

Has resolved the following:

Article (1)

Definitions

In applying the provisions of this resolution, the terms and expressions therein shall bear the identical definitions as prescribed in Article (1) of the aforementioned Federal Decree-Law No. (24) of 2022. Moreover, the subsequent terms and expressions shall bear the meanings ascribed to them, unless the context requires otherwise:

- Neglect** : Failure to take the necessary measures to preserve the life and physical, psychological, mental, or moral integrity of the child of unknown parentage, and to protect his various rights.
- Violence** : The intentional use of force against a child of unknown parentage that may lead to actual harm to his health, development, or survival.
- Maltreatment** : Any statement, action, or inaction that may harm, insult, or intimidation to a child of unknown parentage, preventing them from being raised and growing in a sound, safe, and healthy manner.

Registry : The electronic record established in the Ministry in accordance with the provisions of Article (20) of the Decree-Law.

Decree-Law : Federal Decree-Law No. (24) of 2022 regarding Children of Unknown Parentage.

Article (2)

Actions Taken when A Child is Found

Taking into account the controls stipulated in Article (3) of the Decree-Law, the authorities mentioned in this Article shall take the following measures when a child of unknown parentage is found:

1. Immediately after receiving a report that a child has been found, the competent police station shall do the following:
 - a. Ensure the child is transferred to the nearest health facility, conduct the necessary police investigations, and inform the forensic laboratory to collect a DNA sample.
 - b. Examine and record the location where the child was found in a detailed report.
 - c. Notify the authority and the competent public prosecution within (24) twenty-four hours of receiving the report that the child has been found.
 - d. Prepare the minutes and report on all the facts and data obtained.
 - e. Refer the report prepared in this regard, and all reports related to the incident, including the medical report referred to in Paragraph (d) of Clause (2) of this Article, to the competent public prosecution immediately upon completion and within a period not exceeding one month from the date of receipt of the report.
2. Upon receiving the child, the health facility shall do the following:
 - a. Receive the child and open a health file in the name of the police station from which the child was transferred, including the report number provided by the police station.
 - b. Conduct all necessary medical examinations and provide urgent health care to preserve the life and safety of the child.

- c. Estimate the child age and prove this in a birth notification issued to the child in accordance with applicable legislation.
 - d. Prepare a comprehensive medical report on the child health condition and send it to the police station from which he is referred for referral to the Public Prosecution.
 - e. Keep the child in the health facility if his health condition requires it.
 - f. Notify the competent public prosecutor if the child is in good health and free from communicable diseases. The prosecutor shall then issue a decision to refer the child to the appropriate ministry or local authority. This decision shall be documented in the child health file, and the police station that transferred the child shall be informed.
3. Immediately after receiving a report of finding a child, the Public Prosecution shall take the following measures:
- a. Take investigative measures related to the incident of finding the child and determining their parentage.
 - b. Issue a decision to refer the child and all of his belongings from the health facility to the ministry or local authority according to the health condition thereof and according to the report prepared by the health facility.
 - c. Provide the ministry or local authority with the report on the incident where the child was found. This report shall include information on the child lineage and any related documents. It shall be submitted within six months from the date of notification by the police station and kept in the child record.

Article (3)

Controls for Choosing the Full Name

The ministry or local authority, in coordination with the Authority and other concerned authorities, shall choose a full name for the child in accordance with the following controls:

1. It shall not indicate in any way that the child is of unknown parentage.
2. The name shall not be derogatory or insulting to dignity.

3. The name shall be compatible with names commonly used in Emirati society and in accordance with applicable legislation and public order in the state.

Article (4)

Procedures for Obtaining Official Documents

The ministry or local authority shall do the following:

1. Propose a full name for a child of unknown parentage in coordination with the Authority and other relevant authorities in accordance with the controls stipulated in Article (3) hereof.
2. Submit a request to the competent court to issue a child naming certificate within (10) ten working days of adopting the full name.
3. Submit a request to the competent authority to obtain the child birth certificate, and to the competent health authority to obtain the health card within (10) ten working days from the date of issuance of the child naming certificate.
4. Address the Authority to issue an identity card and any other necessary documents for a child of unknown parentage in accordance with the legislation in force in this regard.
5. Address the competent court to issue a certificate to the custodial family or woman in accordance with the committee decision to accept the custody request.

Article (5)

Actions Taken when A Child of Unknown Parentage is Exposed to Violence, Abuse, or Neglect

1. In the event that a child of unknown parentage is exposed to violence, abuse, or neglect at home or with the custodial family, the specialist social researcher shall take the following measures:
 - a. Preparing a detailed report on an incident of violence, abuse, or neglect.
 - b. Determine the procedures taken by the care home or custodial family.

- c. Refer the child of unknown parentage to the health facility to conduct a medical examination and prepare a medical report on the case with a statement as to whether the child suffered any harm as a result of what he was exposed to.
 - d. Refer the report prepared thereby, including the medical report, to the ministry or the local authority to which the care home belongs or to the committee if the child is in custody with a custodial family.
2. The report shall include all data and information related to the incident to which the child of unknown parentage was exposed, including, for example:
 - a. The name of the abuser and relation thereof to the care home or custodial family, if known.
 - b. The name of the informant, if any, and his relationship to the abuser and to the child of unknown parentage.
 - c. The type of incident and its degree of seriousness.
 - d. The time and date of the incident, along with an indication of whether it was a repeated occurrence.
3. If, through examining the incident, it becomes clear that the child of unknown parentage was exposed to manifestations of violence, abuse, or neglect, the ministry or local authority shall notify the competent public prosecutor.
4. The local authority shall provide the Ministry with reports on incidents of violence, neglect, or abuse and the measures taken regarding them.

Article (6)

Parties Concerned with Membership in the Custodial Families Committee

The committee shall include representatives from the following entities:

1. Ministry.
2. The competent local authority and its affiliated care homes.
3. The Ministry of Interior or the relevant local police authority.
4. The Ministry of Interior or the relevant local judicial authority.

5. Federal Authority for Identity, Citizenship, Customs and Port Security.
6. The Ministry of Health and Prevention or the relevant local health authority.
7. The Ministry of Education or the relevant local educational authority.
8. The competent federal or local public prosecutor.

Article (7)

Data and Documents for the Custody Application

1. A family or woman who desires custody for a child of unknown parentage, and who meets the conditions stipulated in Article (9) of the Decree-Law, shall submit a request for custody to the ministry or local authority according to the form prepared for that purpose, including the following data:
 - a. Applicant name.
 - b. Names of family members.
 - c. Determine the relationship between family members.
 - d. The applicant employer.
 - e. Nationality of the applicant and family members
 - f. The residence address of the family or woman applying for custody.
 - g. Any other data specified by the ministry or local authority.
2. The following documents and papers shall be attached to the application referred to in Clause (1) of this Article:
 - a. A copy of the identity card of the woman submitting the application or of the spouses, and a copy of the identity card and passport with a valid residence permit in the state if either spouse is not an Emirati citizen.
 - b. A copy of the marriage certificate or proof of ongoing marriage, an acknowledgement from the applicant if she is unmarried, or a document proving she is divorced, widowed, or that her spouse is absent.
 - c. A copy of the account statement of the husband, wife or woman submitting the application for the last (6) six months issued by a licensed financial institution.

- d. A salary certificate from the employer of the husband or wife, or a salary certificate from the applicant, if applicable. Alternatively, a declaration of family income or a declaration of the applicant income signed by the custody applicant.
- e. Criminal case investigation certificate for the applicant and his family members.
- f. A copy of the latest educational qualification of the husband and wife or woman submitting the application.
- g. A copy of the home title deed or a copy of the rental contract for the house in which the family or the woman submitting the application resides.
- h. A health certificate stating that the applicant and family members are free of infectious diseases, issued by a health facility.
- i. A medical report issued by a health facility states that the applicant and members of the custodial family are free of any mental disorders and psychological and behavioral diseases that affect the health and safety of the child in custody.
- j. A personal photo of the husband, wife or woman submitting the application.
- k. Any other documents specified by the ministry or local authority.

Article (8)

Cases of Custody of More than One Child

The applicant for fostering may submit a request for custody of more than one child to the ministry or local authority, provided that the financial and social ability to custody is achieved, in any of the following cases:

1. One of the children shall have a disability.
2. The second child to be fostered shall be of the same gender as the first foster child.
3. If the genders of the adopted children differ, the fostering must occur during the breastfeeding period to fulfil the condition of the adopted children being considered siblings due to breastfeeding.

Article (9)

Financial Support Controls

Taking into account the conditions stipulated in Clause (1) of Article (9) of the Decree-Law, the family is granted the right to custody provided that it shall be able to support its members and the child in custody financially, in accordance with the following controls:

1. The family shall have a fixed monthly income of no less than the amount determined by a decision of the Minister or the head of the local authority.
2. The family income shall exceed its basic needs, according to the committee estimate.
3. The applicant shall not have previously been judged insolvent or bankrupt in accordance with the legislation in force in this regard unless two (2) years have passed since the ruling was issued and the applicant has proven its financial solvency.

Article (10)

Controls for A Child Disclosure of His Social Reality

The family or custodial woman is obligated to disclose to the child in custody his social reality in accordance with the following controls:

1. The family or custodial woman shall pass the rehabilitation program determined by the ministry or local authority.
2. The age of the child in custody shall not be less than (4) four years and not more than (8) eight years.
3. Gradually preparing the child to inform him of his social reality, according to a mechanism determined by the ministry or local authority.
4. The disclosure shall be made under the supervision and control of the ministry or local authority and the custodian, or any other family member specified by the ministry or local authority.
5. No external party may be involved in disclosing to the child in custody about his social reality except in cases approved by the ministry or local authority.

Article (11)

Controls for Handing the Child in Custody to An Alternative Family for A Temporary Period

1. The custodial family or woman may hand over the child in custody to an alternative family within the extended family of the custodial family for a temporary period not exceeding (2) two months.
2. If the custodial family or woman wishes to hand over the child to an alternative family, she shall notify the ministry or local authority within a period of not less than (10) ten working days before the handover, according to a request that includes the following data and documents:
 - a. Statement of the reasons for delivery in detail.
 - b. Determine the period during which the child in custody will remain in the care of the alternative family.
 - c. Identify the person responsible in the alternative family for providing full care to the child in custody.
 - d. A copy of the Emirates ID card for the alternative family members.
 - e. A copy of the criminal status investigation certificate for the alternative family members.
 - f. Determine the address of residence of the alternative family.
 - g. Determine contact information with alternative family members.
 - h. Written approval of the alternative family members to temporarily embrace the child and provide him with full care.
 - i. The alternative family pledges to cooperate with the specialized social researcher and facilitate his entry into the home, meet the child in custody, and learn about his conditions.
3. The ministry or local authority shall issue its decision of approval or rejection within a period not exceeding five (5) working days from the date of submitting the application.
4. If the foster family is forced to extend the temporary period, it shall submit a request to the ministry or local authority that includes specifying the period and reasons for the extension.

Article (12)

Child Restitution Procedures

1. If the family or custodial woman wishes to return the child in custody to the care home, she shall notify the ministry or local authority of this within a period of no less than (30) thirty days before the return.
2. The competent social researcher shall hold sessions with the family or the custodial woman to determine the reasons for the restitution, and prepare a detailed report including a statement of the reasons for the restitution and an assessment of the risks to which he or she may be exposed in the event of continued custody, and submit it to the committee for a decision within a period not exceeding (10) Ten working days, unless there is harm to the child psychological or physical safety, in which case the committee shall issue its decision within (24) twenty-four hours.
3. The committee shall study the request and approves a response or not, along with a statement of the procedures for dealing with the child.
4. The specialist social researcher shall prepare the child psychologically and be frank with him about the decision to return to the care home or place him in another custodial family, if any.
5. The ministry or local authority shall receive the property, movables, documents, and any other items related to the child in custody.
6. The ministry or local authority shall secure another custodial family or enroll the child in care home.

Article (13)

Controls for Extending the Period of Care

The period of care may be extended for an adult of unknown parentage, in accordance with the following controls:

1. The specialized social researcher shall prepare a detailed report on the marital status of the person of unknown parentage and the extent of his need to extend the period of care.
2. The report referred to in Clause (1) of this Article shall include a statement of the justifications for extending the period of care and the duration of the extension, accompanied by all documents and documents supporting the validity of the justifications, if any.
3. The competent social researcher shall refer the report to the ministry or local authority, to study the report and issue its decision to recommend approval or rejection of the extension.
4. A resolution shall be issued by the Minister or the head of the local authority approving the extension.
5. Cases of extending the period of care for an adult of unknown parentage shall consist of any of the following:
 - a. Completing his academic or professional studies.
 - b. He does not have a monthly income, cannot meet his basic needs, or does not have a job.
 - c. If it is proven according to a medical report that he has an illness and needs to continue to stay at home.
 - d. If the person in custody is a female and she wishes to extend the period of care.
 - e. If he has a disability and is unable to carry out his daily affairs without the help of others.
 - f. In any other case, the Minister or the head of the local authority deems a reason to extend his stay in the care home.

Article (14)

Termination of Custody of the Child of Unknown Parentage at the Request of the Family or the Custodial Woman

Custody of a child of unknown parentage may be terminated upon the request of the family or the custodial woman in accordance with the following controls:

1. Cases of termination of child custody may include any of the following:
 - a. Inability to meet the needs of the child in custody based on changing financial capacity.
 - b. A change in marital status, such as marriage or divorce, resulting in the inability to continue the custody.
 - c. The child in custody reaches the age of eighteen (18) years.
 - d. Inability to deal with the behavior of the child in custody.
 - e. Any other cases determined by the ministry or local authority.
2. The family or custodial woman shall follow the procedures stipulated in Article (12) of this resolution to terminate custody.

Article (15)

Field Visits

1. The specialized social researcher shall conduct field visits to the child in custody with the family or the custodial woman and ensure the extent to which his living, educational and health needs are met.
2. The competent social researcher shall take into account the following controls when conducting field visits:
 - a. Pre-coordination with the family or foster woman to complete the visit at the custody home.
 - b. Prior coordination with the educational, training, or therapeutic bodies in which the child is located.

- c. The researcher commitment to professional ethics and maintaining the sanctity of the residence during the visit.
 - d. The duration of the visit should be appropriate for the purpose of the visit.
 - e. The number of visits shall not be less than (6) six visits annually for those under (4) four years of age and (4) four visits for those who are older.
 - f. Emergency visits shall be carried out if the child is exposed to any type of abuse, violence or neglect without the need for prior coordination.
3. The competent social researcher shall take into account the following controls when preparing reports related to field visits:
- a. Statement of the extent to which the child living, educational and health needs are provided.
 - b. A statement of the extent to which the family or custodial woman implements its obligations towards the child in custody.
 - c. Statement of the financial, living and social situation of the family or custodial woman.
 - d. The reports referred to in this Article shall be submitted to the Committee to take appropriate action thereon.

Article (16)

Electronic Registry Data and Information

The following data and information about children of unknown parentage shall be recorded in the registry:

1. Name in Arabic and English.
2. Gender and estimated date of birth.
3. The date, time, and location where the child was found.
4. The person who found the child and all his personal data.
5. A description of the clothes and things that were with the child, the distinguishing marks, and a personal photo of the child.

6. The name of the police station that received the child, the report number, and the case number.
7. The name of the health facility that performed the medical examination on the child, the file number, and a copy of the medical report.
8. The local entity and its affiliated care homes.
9. Data of the custodial family or woman.
10. Alternative family data, if available.
11. The educational and health status of the child of unknown parentage.
12. The duration of the care period, if extended.
13. End date of custody of the child of unknown parentage, if any.
14. Periodic follow-up reports and any other reports.

Article (17)

Controls for Obtaining an Extract from the Registry

1. Anyone with a capacity or interest may submit to the Ministry a request to obtain an extract from the data and information recorded in the electronic register, provided that the request includes a specification of the nature of the data and information required, along with a statement of the justifications for the need for it.
2. The extract shall not include any data or information that is of a confidential nature as it relates to the incident of the child of unknown parentage.
3. The extract referred to in Clause (1) of this Article may include the following data:
 - a. Name in Arabic and English.
 - b. Gender and date of birth.
 - c. The emirate.
 - d. Educational Status.
 - e. Health status.

Article (18)

Executive Resolutions

The Minister or the head of the local authority shall issue the necessary resolutions to implement the provisions hereof.

Article (19)

Repeals

Ministerial Resolution No. (368) of 2014 issued by the Minister of Social Affairs regarding the executive regulations of Federal Law No. (1) of 2012 regarding children of unknown parentage shall be repealed, and every provision that violates or conflicts with the provisions hereof shall be also repealed.

Article (20)

Publication and Enforcement

This Resolution shall be published in the Official Gazette and shall enter into force as of the day following the date of its publication.

Mohammed Bin Rashid Al Maktoum

Prime Minister

Issued by Us:

Dated: 26 / Duhl-Qi'dah / 1445 A.H.

Corresponding to: 06 / March / 2024 AD