



Foster Care in Islam

Introduction

Islam places a great importance on the proper care, well-being, and upbringing of children, especially those in vulnerable situations.

Sacred Law has well-defined rules that govern the various situations of a child, whether he or she is an orphan [*yatīm*] or has been abandoned and neglected [*laqīṭ*].

Prophetic Connection

Foster care of children is not only established in jurisprudence but also played an active role in the life of the Prophet (peace and blessings be upon him), who himself was raised in the house of his uncle Abu Ṭālib after the demise of his grandfather. Moreover, the Prophet (peace and blessings be upon him) also raised Zayd (may Allah be pleased with him) like his own son. In fact, the latter became known as Zayd ibn Muhammad (may Allah be pleased with him) until the rules regarding lineage association were revealed mandating that any adopted child's lineage would always be attributed to his biological parents and he would not become a *mahram* by virtue of being adopted.

Encouraging Others to Foster

It has also been related in books of prophetic history [*sīrah*] that there was a period of time when the Quraysh suffered severe economic difficulties, including drought and hunger, and Abu Ṭālib, the uncle of the Prophet (peace and blessings be upon him), had a lot of dependents under his care. Seeing this, the Prophet (peace and blessings be upon him) went to his other uncle, 'Abbās (may Allah be pleased with him), who was one of the richer members of Banū Hāshim, and requested him to assist in easing the burden on Abu Ṭālib. He (peace and blessings be upon him) suggested that each of them should take one child of Abu Ṭālib under their care. Thereafter, they visited Abu Ṭālib together and put forward their suggestion, to which Abu Ṭālib agreed. As a result, 'Abbās (may Allah be pleased with him) took Ja'far (may Allah be pleased with him) into his care, while the Prophet (peace and blessings be upon him) took Ali (may Allah be pleased with him) into his care.¹

Abandoned & Neglected Children

As mentioned in the introduction, the books of jurisprudence [*fiqh*] also address the case of abandoned and neglected children. This shows the concern and care Islam has placed on nurturing children and looking after their welfare regardless of their economic or social background.

For example, in the time of Umar (may Allah be pleased with him), a man brought a child who was abandoned [*laqīt*] to him, to which Umar (may Allah be pleased with him) responded, “His expenditure is on us [the state].”ⁱⁱ

This established an important principle that the needs of such children are to be met by the state. So long as this child is a dependent, the state would fulfill all his needs and all the child’s rights would be preserved - none having the right to take advantage of him. Further, if the person who is fostering him voluntarily chooses to spend on the child himself instead, it would be a highly rewardable act.

In this way, Islam has emphasized the care and concerns for any and all children in need with a special emphasis on the most vulnerable, such as orphans and girls, whose care and proper upbringing garners a very high rank in Paradise, as evidenced by numerous hadiths of the Prophet (peace and blessings be upon him), including his statement, “Whoever takes care of two girls until they reach puberty, he and I will come like this on the Day of Resurrection” – and he held his two fingers together.”ⁱⁱⁱ

Fostering Older Children & Hijab

No doubt, with an increasing number of Muslim households in America, there is a growing need for foster care – for children who are not able to be with their parents for the time being. Knowing that their children are placed in a Muslim home where they will feel comfortable and at home is the at least one solace to the biological parents as they work through the process of regaining custody of their children.

At the same time, in situations where older boys and girls are placed in foster care, it is important that proper safeguards are put in place so that one does not do a good deed at one end only to corrupt it at the other. There are a number of solutions to address the issue of fostering older boys and girls:

1. A number of contemporary jurists have issued guidelines regarding joint-living arrangements where non-*mahrams* are also residing. This is similar to the situation where older children are placed in a Muslim foster care home. In such cases, if precaution is taken

to avoid seclusion [*khalwah*] between the unrelated males and females, and the older boys are told to lower their gazes and limit communication to that which is necessary and the women of the household observe *hijab*, then such temporary fostering would be permissible due to the need, especially since the alternative could mean being transferred to a non-Muslim foster home.

2. The situation becomes more relaxed if the woman who is fostering the teenage boy is a much older woman [*ajuz*].
3. Likewise, another solution would be to have, for example, older girls placed in homes where only single women are present (i.e. divorced, widowed, etc.). Many U.S. states allow single parents to be foster care parents, so the marital status of a potential foster parent should not be a hindrance.
4. Another option is the placement of older boys and girls in Muslim residential care facilities. While these facilities are scarce at the present, they are much needed so that proper care be provided to these children without encroaching on the rules regarding interaction between unrelated males and females.

Conclusion

To take care of children in need of temporary foster care and provide them a comfortable, inviting home is an important part of social welfare and a highly rewardable act. We hope from the Mercy of Allah that such a foster parent's effort and sacrifice to be there in someone's time of need will reap immense rewards in the Hereafter. *Āmīn*.

ⁱ قال ابن إسحاق: وحدثني عبد الله بن أبي نجيح، عن مجاهد بن جبر أبي الحجاج، قال: كان من نعمة الله على علي بن أبي طالب، ومما صنع الله له، وأراد به من الخير، أن قريشا أصابتهم أزمة شديدة، وكان أبو طالب ذا عيال كثير، فقال رسول الله صلى الله عليه وسلم للعباس عمه، وكان من أيسر بني هاشم، يا عباس: إن أخاك أبا طالب كثير العيال، وقد أصاب الناس ما ترى من هذه الأزمة، فانطلق بنا إليه، فلنخفف عنه من عياله، آخذ من بنيه رجلا، وتأخذ أنت رجلا، فنكلهما عنه، فقال العباس: نعم. فانطلقا حتى أتيا أبا طالب، فقالا له: إنا نريد أن نخفف عنك من عيالك حتى ينكشف عن الناس ما هم فيه، فقال لهما أبو طالب: إذا تركتما لي عقيلا فاصنعا ما شئتما - قال ابن هشام: ويقال: عقيلا وطالبا. فأخذ رسول الله صلى الله عليه وسلم عليا، فضمه إليه، وأخذ العباس جعفر فضمه إليه، فلم يزل علي مع رسول الله صلى الله عليه وسلم حتى بعثه الله تبارك وتعالى نبيا، فاتبعه علي رضي الله عنه، وآمن به وصدقته، ولم يزل جعفر عند العباس حتى أسلم واستغنى عنه. (السيرة النبوية لابن هشام، ١ / ٢٤٦)

ⁱⁱ وينبغي للإمام أن يعطي نفقته من بيت المال، وأنه يكون حرا كما قال عمر - رضي الله عنه - نفقته علينا، وهو حر (المبسوط، ١٠ / ٢١٠)

ⁱⁱⁱ من عال جاريتين حتى تبلغا، جاء يوم القيامة أنا وهو. وضم أصابعه. (صحيح مسلم، الرقم ٢٦٣١)