

Types and Effects of Kids' Adoption Decree in New Law to Protect Children and Young Orphans and Irresponsible Act 2013

Esmail Ghamari¹ and Mehrab Heidari Zadeh²

Master criminal Azad University Khorramabad

ABSTRACT

Any society against children and adolescents who have a parent or legal guardian or parents and guardians have the responsibility to carry out their administrative tasks, not least, Was responsible for legislation in this regard as Iran's sponsorship of such persons shall be assigned to other families. The family as a child or adolescent must have the applicant under Article 6 of the Law on the protection of children and young people, orphans and irresponsible approved on 31.06.2013 the Been stated. On the other lawmakers have called for a pilot headed to the applicants and the child is placed during this period the duties of the applicant (head) and the satisfaction of the parties is established. Trial custody period is six months. After this period, the court is obliged due to the circumstances of the parties and how the relationship and how their tasks, supervision and disconnect to terminate their legal mandate to act but the satisfaction of performing the duties and qualification for constant supervision, constant supervision over the sentencing act. The decree of permanent guardianship, adoption begins and it also works with titles provincial adoption, custody, commitment to charity, inheritance and the sanctity of marriage. In this article, all of the above in detail and relying on the new law (Law for the Protection of Children and Young orphans and irresponsible Act of 31.06.2013 Parliament) will be analyzed.

Original Article:

Received 15 Feb. 2014

Accepted 20 May. 2014

Published 30 May 2015

Keywords: children, teenagers, law, guardianship, adoption

1. Introduction

There are moral and material support for kids that age and his salary is not rational to natural and necessary. Children are found in every society is there any reason to favor the mainstay of his parents are deprived of their so the Holy Legislator of Islam, Verses and frequency diversity to address orphans and orphans has been sanctified. In this context, Zr 29 Persian date Esfand 1974 the legislature. Been paid to legislation supporting orphans and nearly thirty years after it was determined that the strengths and weaknesses of the 06.31.2013 with major modifications and additions of note was passed in parliament. As an example, one of the things that were wrong with the place of silence, former legislator of the law is adopted, according to the head of the marriage act 31/02/2013. VN allowed been the subject of was the place of the law 26 amendment of orphans and unaccompanied children says:

((... Married either during or after its custody is prohibited between supervisors and stepson unless after obtaining the advice of a competent court, it will recognize the interest of the adopted child)).

Issue such a license as several recent legislation deals with criticism is some of these bugs are noteworthy. This paper presents an analysis of the rules above, with emphasis on the accessory, to explore a variety of test and continuous supervision death of a child or children under the care and supervision with a supervisor or administrator and also works with Aqrbay sentence supervisor or supervisors and the child or children has been a real family.

Trial and permanent supervision:

After referring the theory and application of expert supervision of the Welfare Organization, the judge is obliged to apply the conditions set forth in the Act are to establish, then considering expert opinion welfare organization, the discretion and lack of legal prohibition issued a six-month trial custody action. The court

is required to be issued to the prosecution; the applicant shall convey Adoption and Welfare. The test set is revocable. If the court declining or failing to meet any of the conditions prescribed in this Act, the Administrator shall establish a pilot may request the Attorney or limited guardian or guardian of the child or adolescent, with prior notification to the termination of the sentence can also be organized on request. Six months after the end of the trial custody, the court cited the superior performance of the Welfare Organization's competence or incompetence; he proceeded to the sentencing permanent homes for children. The court is obliged by law to protect children and adolescents materials 14 and 15 orphans and irresponsible in this regard observe and all his rulings on the issue of the prosecutor's supervision, organization of supervision and notified to the applicant. During the test administration supervisor unique (if the child has a guardian) or guardian of the child or adolescent child should ensure appropriate back end of the trial period to hand over to prosecutors. Recognize their responsibility to ensure the appropriate amount of attorney. In this case, the welfare organization is required to take action in any way the rights of the child or adolescent to ensure the win. But if the child is traveling abroad as travel is essential or indispensable Hajj due to illness or treats the child, prosecutors agreed to provide a guarantee, and will not be required. As mentioned the Hajj, the mirror opposite meaning is inferred that the pilgrims perform Hajj and Umrah is not obligatory upon the parties, so in this case, and prosecutors agreed to provide a guarantee on behalf of the limited guardian or guardian is required to prosecutors.

Sentence of supervision:

Adoption decree issued by the court and started it on the child, the child's legal (not natural) but the ruling family is the no credit towards third parties. Of the adoption decree follows the titles province, custody obligation to give to charity, inheritance and the sanctity of marriage should be checked.

A) Guardianship:

Note that on this view of Article 11 of the former Act to protect children unsupervised province built over the heads of the couple headed to the agreement, and share application who the law is meant to represent the province and the couple will head to the mother and no father do not read. This idea has been delivered. The first question in this regard is the fact that the decisions of any father or mother did not read the instructions and decided they preferred over another stepchild of legal value, are the same. However, the assumption that the two (adoptive parents) are two conflicting decisions or orders to different stepchild, foster child what homework?

For example, the child's mother decided to enroll in a computer training class and his father in extracurricular physical education classes to register or the parents about the child's education where there is disagreement, decided in what order the child to be?

What is obviously the sacred religion of her husband's function is known, except Aststayy the other side of the family, but in some cases different from normal families do not have real and the family of the man whose job. For those reasons and other reasons that prevent them from expressing Prolongation word to be avoided, surely such a normal family takes a couple of decisions in the event of a conflict, prevail man certainly, such a difference if the legislator had similar ideas in the discussion as a family of natural family inheritance and privacy has stated, in this regard, as stated. So different legal families, natural families about adoption as exceptions only in cases have been expressed by the legislature. Coma after entering foster child's family with the couple's name for his birth certificate is issued. Furthermore, the relationship between paternal guardians of the adopted child is not causing the death of his father, a guardian should be appointed.

B) Custody:

There is a difference between legal custody of the child and the child's natural. Whatever the child was the natural expression of the child Sari is legal. The assumption that the couple separate or divorce court is obliged to make decisions such as natural children for adoption. Headed stepchild is responsible for all costs related to maintenance and training and education of the person or persons under their supervision needs. In case of death of a parent, the cost of custody is maintained until a new head set. Legislator to ensure the financial support of a foster child or guardian is mandated with the sole guardian of their welfare organization with a branch of health insurance for children, to life insurance. Obviously supervisor observing all obligations required or necessary to implement the non-custodial fee will recognize the court. All obligations of parents towards their natural child, stepchild than this will be. It is also required as well as a foster child's natural parent or guardian respects their dignity commensurate with their supervisors to observe. In case of death of the pension funds are subject to the guardian or guardians, foster child as his natural child of the sentence and to determine the new head of pension benefits have duty to the survivors going to be. Supervisor or supervisors and legislators to support a child or adolescent under Article 21 of the Act provide:

((The person who takes care of people, under the protection of the law protecting children and maternity leave benefits to care for children under three years (the period of maternity leave) will be granted. Child or teenager under the supervision of the collection of insurance benefits and supplemental insurance law will have to adjust.))

C) Obligation to spend:

Rules and regulations that exist for other people spend on the adopted child will be well established. Law Alimony knows anyone deserving of First and Second do not gain their livelihood by providing employment to the job. Required to give the other person knows that without the support of the property to suffer hardship as a condition of their livelihoods. To recognize all obligations and conditions persons should be

considered in the individual's life. But this causes the supervisor or supervisors to go because they are not paying alimony before accepting supervision in accordance with article 15 of law committed to pay all costs associated with the maintenance and training and education of the person or persons are under their supervision. The interpretation of this obligation only to guardian has read and paternal parenting, children and grandchildren and other relatives, orphans, the adoption will not have any commitment.

D) Inheritance:

The Children's Protection Act of orphans and irresponsible lawmakers on legal rules of inheritance between the adopted child and the guardian or guardian is silent. But given that the financial security of children is obligatory on the legislature of an individual applicant or the applicant's Article 15 obliged and committed to provide for all and maintenance costs, training and education under the supervision of them.

On the other hand, Article 14 of the Sentencing Act permanent custody after the expiration of the six month trial supervision condition of the property or rights to acquire part of their child or teen is headed. Reference identifying the type and amount of property or the rights of the court issued the adoption decree. However, if the court determines that the applicant may obtain an objective assurance and aegis of the child or adolescent, or is deemed to be necessary, order to obtain a written commitment to acquire part of the property or rights issue in the future and then accept the request and order, adoption decree, issued does. Obviously, if the interest of the court in awarding custody of the child or adolescent, he cannot carry out the provisions of this Article shall apply to the administrative adjudication.

E) The sanctity of marriage:

One important unaccompanied children, adopted Protection Act of 12.29.1974. Sh silent on whether or not to respect the sanctity of marriage, foster child with a parent or other relative Aqrbay was his blood or marriage. In the absence of other causes of female legislators lion eat a day sees kinship foster children (Article 1046 BC. M) and the adopted child's name on the birth certificate and other documents are legally registered parents Sjly and other ethics laws, and such marriages are contrary to public order, Silent legislator and former law causes confusion and underlying problems in the courts and judicial procedure. But legislators have realized the flaw in the old law and the law children orphans and irresponsible 10/07/92 Article 26 and Clause herein has been approved: ((If a supervisor tries to cope with marriage, the profile of the person concerned and the competent court to declare. In the event of marriage, the court is obliged to report the marriage to obtain provisions, than the more common form of supervision or decision to terminate it. Note - both during the marriage and after its custody is prohibited between supervisors and foster child unless the court, after obtaining an advisory opinion, it deems expedient adopted.)) Based on marriage between a supervisor and supervisors and stepson has been addressed by the legislature. Marriage or adoption of a foster child with the relative Aqrbay his legal family is perfect.

Stepchild relationship and effects of child and adolescent death with his real family:

Adoption decree issued by the court is valid only on the relation between caretaker and child No effect on the child's relationship with his family and relatives will be key. Accordingly, the sanctity of marriage and inheritance laws between the child and his family will remain true, but only in respect of custody of the child; his real family will lose their priority.

Obligation to give up when the child is under the care of his legal guardian will remain in force however, if the transfer of the child's natural family, as the family's legal obligation is transferred to a normal family.

Conclusions:

Given the circumstances of the applicant and demanders child simply as a citizen and would appear to be considerable, it is the legislator's first six-month trial will proceed to sentencing custody. The trial period should your child to try out for the financial and emotional commitments to the law has claimed if confirmed in his functions under the Act by the competent agencies, the court may, after the expiration of the six-month period of supervision, they can issue a warrant permanent homes. After issuing the warrant, the child's natural parents to the custody, he will lose his priorities, therefore, all the obligations of parents towards their natural child; this will be compared to the adopted child. The rules on guardianship, custody, foster caregivers and the obligation to give this and would be sari. Permanent adoption decree was valid only between the supervisor and the child and to third parties such as family members and relatives are no longer original. Guardianship and custody of the child in the absence of his father and stepmother, he is responsible.

References:

- [1] The constitution of the Islamic Republic of Iran
- [2] Civil Code of the Islamic Republic of Iran
- [3] Legal Affairs of the Islamic Republic of Iran's non-litigious
- [4] Imam - Mir Syed Hassan - Civil Rights - Volume V - Publications Fayed - Eighteenth Edition 2012
- [5] Katoozian - Nasser - Civil Rights - Family Justice Publishing - Printing - Fall 2000
- [6] Peivandi - Gholamreza - Child Rights - Organization of Islamic Thought and Culture Research Publications - First Edition 2011
- [7] Abadi - Shirin - Rights of the Child - Publishing enlightenment and women's studies - Seventh Edition 2008