

Adoption and Parental Consent

Extracts from Letters Written on Behalf of the Universal House of Justice September 2003

The House of Justice sympathizes with the deep feelings you have expressed concerning the relations of adoptive parents to their children and affirms your view that the role of such parents in nurturing the development of these children is as valuable as that of natural parents. The noble standing of both natural and adoptive parents is affirmed by Bahá'u'lláh in the Kitáb-i-Aqdas in the benediction He invokes for parents who raise their own and other children. He states: "He that bringeth up his son or the son of another, it is as though he hath brought up a son of Mine; upon him rest My Glory, My loving kindness, My Mercy, that have compassed the world."

It is in this same Book of Laws that Bahá'u'lláh enunciated the law requiring parental consent to marriage. Shoghi Effendi interpreted this law as applying to natural parents, one purpose being "to place a certain gratitude and respect in the hearts of children for those who have given them life and sent their souls out on the eternal journey towards their Creator". Surely God is just, and the absence of a legal requirement that adoptive parents give consent to marriage does not in any way detract from the high spiritual merit of their parental role; nor should it diminish the love and unity between the adoptive parents and their adoptive child. In this regard, the House of Justice has stated previously that the adoptive child, while not obligated to obtain consent of his adoptive parents, may well choose to do so, out of a sense of love and respect for them.

In cases where the civil law prevents the disclosure of the names of the natural parents, the child is, of course, under no obligation to seek their consent to marriage, but in those where it is possible for the child to know his natural parents, consent must be obtained provided there is nothing in the law or in the adoption contract which prevents him from doing so.

The pattern of adoption varies widely from place to place, even from family to family. In many countries the civil law takes no cognizance of child adoption and no formal arrangements apply. From a purely practical point of view, it is not difficult to sense the immense complexity of the issues that could arise on a global scale if the Bahá'í law requiring parental consent to marriage were to be applied to adoptive parents. It is a matter which calls for a great deal of thought and understanding.

(22 May 1989 to two individuals)

[1]

The Bahá'í law concerning the consent of parents to marriage states quite clearly that it is the natural parents whose consent must be obtained. Where contact with the natural parents has been lost through adoption, every effort must be made to ascertain their whereabouts, unless such an effort is not permitted by the civil law under which the adoption occurred. The Spiritual Assembly, under whose aegis the Bahá'í marriage is taking place, may offer its assistance if needed to identify and locate the missing parent; should this endeavour be unsuccessful, the marriage can take place without the consent of that parent....

Although the consent of foster parents is not required under Bahá'í marriage law, these foster parents assume a great and meritorious responsibility by the act of adoption. They should not hesitate to counsel the child about his marriage when the time comes, just as they would

give their loving advice in any other major decision in the life of the child when they feel this is required. It is quite possible, and indeed praiseworthy, that the child, while not obliged to seek the consent of the foster parents, may well choose to do so, out of a sense of love and gratitude to them.

The unity of the family group in which the adopted child has been reared need not be imperiled because this child must obtain the consent of the natural parents when contemplating marriage. Just as love for one person need not diminish the love one bears for another, so unity with the foster parents need not diminish the unity a child may achieve with the natural parents, or vice-versa. The character and attitudes of the individuals concerned will be the determining factors in establishing and preserving this unity.

(21 August 1989 to an individual believer)

[2]

The act of adopting a child is regarded by the Blessed Beauty as among the most meritorious of deeds; in the *Kitáb-i-Aqdas*, Bahá'u'lláh affirms that “He that bringeth up his son or the son of another, it is as though he hath brought up a son of Mine; upon him rest My Glory, My loving kindness, My Mercy, that have compassed the world.”

Children are obliged under Bahá'í law to seek the permission of their natural parents before marriage, except in a very few cases, as when the adoption contract has in accordance with civil law provided for the complete suspension of the rights and privileges of the natural parents—which incidentally is a different matter from the redrafting of the birth certificate and transfer of legal responsibility. Other times when this law would not be binding are when the civil law forbids the release of the names of the natural parents, or when it can be established that the natural parent has legally disowned his or her child, or when after a reasonable search it is concluded that the natural parents are missing and must be presumed dead.

Although the consent of adoptive parents is not required under Bahá'í marriage law, you should not hesitate to counsel your child about his marriage when the time comes, just as you would give your loving advice in any other major decision in his life when you feel this is required. As you point out in your letter, you have assumed a tremendous responsibility for the guidance and education of your son. It is quite possible that when the time comes he may well choose to seek your consent, even though he is not obliged to, out of a sense of love and gratitude....

With respect to your question as to whether or not the Bahá'í law in this instance does not introduce more anguish and disunity than it serves to ameliorate, we would draw your attention to the observation that Bahá'u'lláh is indeed the Most Merciful and the All-Knowing Physician; often it has happened when a child raised by adoptive parents gets in contact with his or her natural parents that a great healing takes place both in the hearts and lives of the birth parents as well as for the child who may achieve a sense of wholeness by knowing something of his roots. The Universal House of Justice is confident that your wholehearted acceptance of the law of Bahá'u'lláh, together with prayerful meditation about it over an extended period of time, will provide you with further insights into its wisdom and purpose, and will bring reassurance and contentment to you. Prayers will be offered in the Holy Shrines for your inspiration and guidance.

(1 May 1990 to two individuals)

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The fact that children are not required to obtain consent for marriage from their foster parents does not indicate any lack of honour or respect for these parents. It is simply that

Bahá'u'lláh has given this right and duty to the natural parents of all children. Parents are permitted to surrender their rights, and to give their children for adoption, but they do not have the authority to convey to anyone else this right of consenting to marriage. A child who has been brought up by just and loving foster parents may well wish to obtain their consent to marriage, but he is not required to do so.

In the case of your daughter, you should ascertain whether in the deed of adoption, or whatever is the equivalent document in ..., her natural parents surrendered all parental rights; whether, in fact, they disowned her in giving her for adoption. If they did, then she does not have to seek their consent for her marriage. If they did not, then an attempt will have to be made to contact them. You could, for example, at the time consent is required, place an advertisement in a ... newspaper. If it proves impossible to establish contact, then your daughter would be permitted to proceed with her marriage without their consent.

(5 December 1991 to an individual believer)

[4]

In response to your query, the Bahá'í law concerning the consent of parents to marriage clearly states that it is the natural parents whose consent must be obtained. However, the relationship between an adopted child and the natural parents varies from country to country and case to case and would have bearing on the application of this law. In some countries, an adopted child is prohibited by civil law or by the terms of the adoption agreement from even attempting to trace his natural parents. In that event, no attempt should be made to do so, and the child is not required to obtain the consent of the natural parents. In other cases, where the law or the agreement does not go this far, the natural parents nevertheless renounce all rights and responsibilities towards the child in the adoption process. In such cases, likewise, the child is not required by Bahá'í law to obtain their consent.

If such a complete severing of ties was not established in the process of your adoption, you should make a genuine effort to locate your natural parents in order to obtain consent for marriage. Should these attempts prove to be unsuccessful, and the Spiritual Assembly which is to sanction the marriage is satisfied that a reasonable effort has been made to find the parents, a Bahá'í wedding ceremony may be conducted without obtaining the consent, provided all other requirements have been met. Although seeking the consent of your adoptive parents is not required under Bahá'í marriage law, you may choose to do so out of a sense of love and respect for them.

(3 September 1997 to an individual)

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