

The Criminal Protection of Foster Children in the Jordanian Legislation

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Abstract

Jordanian society has grown concerned as the number of children with unknown parentage has gradually increased. It is important to note that when we refer to a foster child, we really mean a child whose parents are unknown and who is nurtured, raised, protected, and supported by an alternative family known as a foster family. These families have various commitments and responsibilities to uphold. For example, fosterers shall not give their family name to the foster child as a member of their natural family, placing him in endangerment, neglecting him, or abusing him. In the case that a child was a victim of such crimes, the legislator mandated that he have many guarantees, including being represented by the Public Prosecution office, quick decision of the crimes committed against him, and being transferred to a safe location. The current study aimed to shed light on the areas of criminal protection established in the Jordanian legislation, to show the extent of its adequacy and integration, and the success of the legislator in deciding adequate legal protection for the child in custody. The first chapter presented the concept of criminal protection for the foster child, its definition, and its reasons. The second topic dealt with the objective and procedural aspects of criminal protection for the foster child. Finally, the last chapter includes the results, conclusion, and recommendations.

Keywords: Criminal Protection, The Foster Child, Unknown Parentage, Childcare.

INTRODUCTION

This study addresses the issue of child criminal protection under Jordanian legislation. Criminal protection represents the protection endorsed by the Jordanian criminal legislature for a child of unknown parentage when an alternative family embraces him, as he may be exposed to their abuse or negligence. From this standpoint, the importance of this study lies in shedding light on the criminal protection, both objective and procedural, that this child enjoys, especially since the Jordanian legislator did not single out a particular law or independent texts for crimes against the fostered child, but instead included general texts in more than one law to which recourse is made when there is an assault on the child from the foster family.

The study's significance also stems from the fact that it is the first study that addresses this topic in the Hashemite Kingdom of Jordan. Moreover, the number of children with unknown parentage has substantially increased, and most of these children are in foster care. Hence, looking at this problem from the criminal protection perspective became imperative.

The current paper seeks to identify the deficiencies and ambiguities in Jordan's legal system regarding the protection of foster children, specifically the most significant crimes that are thought to be committed against them. It also aims to clarify the procedural criminal protection granted to the child in the event of abuse by the foster family by utilising the legal analytical method, as it is the most appropriate to this research subject. Finally, the legal texts related to the subject of the study will be presented, analysed, and concluded to answer the study questions.

The problem of the current study lies in determining whether Jordanian legislative texts are adequate and successful in protecting foster children from a penal standpoint. This has led to various queries, one of which is: Is there a law protecting foster children? What role did the general rules play in ensuring the foster child's legal protection? What are the perceived crimes against the foster child? In the absence of a specific statute or independent texts to safeguard the foster child, what laws can be used to protect the child?

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The study devoted two chapters to address this issue:

First: The concept of criminal protection for a foster child

Second: Aspects of criminal protection for a foster child

First: The Concept of Criminal Protection

To understand the concept of criminal protection for the foster child, the researchers divided this chapter into two sections. The first section presents the definition of child criminal protection, and in the second section, the reason for establishing criminal protection.

The Concept of the Child Criminal Protection

If the terms "the child," "the custody," and "the foster child" are not previously understood, it is impossible to understand and define criminal protection for a foster child.

First: The Child

It should be noted that the term "child" has frequently been referred to by other names in Jordanian law, including al-tefil, al-sabii, and al-Saghir (youngster, minor). This case is clearly viewed as confusion or a legal discrepancy that requires clarification and correction using a more specific label, such as "child." A child is legally defined as any person under eighteen. Under Article Two of the Child Care System from Birth to the Age of Eighteen. This term covers a child from birth until he is seventeen. Nevertheless, it is different from the definition included in Article 2 of the Juvenile Law, which states that a child is someone who has aged seven and is under the age of eighteen.

Second: Foster Care (Ihtidan)

Although the Hashemite Kingdom of Jordan has particular regulations for fostering children, including the Ministry of Social Development law, the child care system from birth to age eighteen, and Foster Care Instructions, also known as (the Ihtidan Instructions), there was no clear and concise definition of foster care in the legislation. But it is possible to infer from the text of Article 2 of the Ihtidan Instructions and the articles that followed that a foster care program akin to adoption provides foster care for children with unknown parentage by an alternative family under specific terms, criteria, and guidelines.

Legally, there is more than one definition of Ihtidan. Still, it can be said that the Minister of Social Development entrusts the guardianship of a child of unknown parentage to an alternative family that meets the required conditions.

Ihtidan is a form of sponsorship and care provided to a child of unknown parentage by an alternative family known as a foster family. It is deemed the best program to take care of those of unknown parentage in light of Islamic law's non-recognition of the adoption system. This definition combines sponsorship and fostering, despite the different provisions and controls, mainly since sponsorship may be provided for children of unknown and known parents. At the same time, Ihtidan is limited to unknown parents. The family that fosters the child is regarded as his alternative family.

The researchers define *Ihtidan* as an Islamic, legal, social, and humane system that guarantees the guardianship of a child of unknown parentage to a Muslim family upon its request—provided that it offers him care, education, welfare, and protection. This family is considered his alternative family, but the child can not have the right to take the name of the family.

Foster care is described as a social and human system due to the human and social aspects of fostering. Because a family's commitment to caring for, raising, and protecting a child of unknown parentage demonstrates the depth of that family's humanity and serves as an example of the social solidarity system, it would be better if the legislator provided an explicit definition of foster care.

Third: The Fostered Child

Article 2 of the Ihtidan instructions defines a fostered child as a " child who meets the conditions for foster care in accordance with the provisions of the Child Care System." These conditions can be summarised as follows:

A Child with Unknown Parentage

According to Article 2 of the Ihtidan Instructions, the child to be fostered is a child whose parents are unknown; this child is usually referred to as a foundling child. *The availability of a foster family*

A foster family is an alternative family that the Minister of Social Development entrusts with fostering a child of unknown parentage under the provisions contained in the Instructions, or at least three years have passed since their conversion to Islam.

Signing A Written Pledge

The couple must sign a written pledge before the committee to provide the child with all forms of care; educational, health, psychological, material, and social.

Conditions Related to the CoupleS

The couples should be of the Islamic religion, or at least three years have passed since their conversion to Islam; the husband's age is not less than (35) and not more than (55) years, and the wife's age should not be less than (30) years and not more than (50) years, they must reside together in a common place of residence, a period of no less than five years must have passed since the start of the marriage, and their monthly income must be not less than 500 dinars. In addition, the child's age to be fostered must not be under five years if the wife is over (45) years old and the husband exceeds (50) years; the spouses should enjoy healthy physical and psychological conditions that enable them to be able to raise the child properly, and they have not been convicted of a felony or misdemeanour violating public morals.

The instruction also assures that family relationships between spouses shall be characterised by affection, bonding, and harmony. Moreover, if the foster child is a boy, a woman from the husband's kin shall breastfeed him, and if she is a girl, a woman from the wife's kin should breastfeed her. This will fulfil the legal sanctity of the child. Additionally, the family who requested foster care should not its family name to the foster child.

The current study contends that the legislator should have defined the foster child as the child of unknown parentage who is cared for, raised, and protected by the foster family rather than the child who satisfies the standards of Ihtidan.

As a result, it is now required to define what "criminal protection for the foster child" literally entails. Generally, criminal protection is the safeguarding of a person's life, safety, freedom, honour, respect, consideration, wealth, position, rights, and interests against all unlawful acts that endanger, prejudice, or violate them in violation of the penal law, particularly the penal code or any other objective law. The formal procedural law, the Code of Criminal Procedure, and the guarantees, penalties, and punishments outlined in these statutes.

The criminal protection for the foster child, in particular, is the protection established and stipulated in the procedural laws such as the Code of Criminal Procedure, the Law on Protection from Domestic Violence, and the substantive penal laws such as the Penal Code, which is to protect the rights of unknown parentage from any sinful and unlawful assault. To protect them from criminalisation, punishment, and guarantees in their favour. It is a unique form of protection designed by the legislature to safeguard a group of individuals of unknown parentage who do not bear any guilt for being in this situation. The Penal Code's criminal proceedings and punishments aim to defend the rights of the child of unknown parentage who has been fostered from any crimes that have been perpetrated against him or allegedly committed against him.

Reasons For Criminal Protection for A Foster Child

Undoubtedly, the safety of the kid was in consideration when the Jordanian criminal legislator established and regulated the penal protection of the foster child. And it was for this reason that he criminalised and punished everyone who offended him. From this perspective, the justification for granting criminal protection to a foster child can be summed up as follows:

The phenomenon of foster children is increasingly growing.

Foster children comprise a large segment of society and are essential.

To alleviate the issue of parentage unknown.

The foster child has no sin because they are a human being with all the privileges that go along with it.

Covenants, charters, and global and regional accords eager to protect the foster child conform with and are consistent with Islamic Sharia.

Healthy human nature requires protecting the foster child.

To criminalise and punish anyone tempted to give up the lineage of his child, whether by abandonment or replacement.

The increased rate of crimes committed against foster children.

Given that legislation by states to implement what has been endorsed and addressed by international charters and mandated by international declarations and treaties for the protection of children's rights is the only way for states to ensure the protection of the rights of a child of unknown parentage.

Because children are helpless beings with fundamental human rights, governmental authorities and civil society organisations should ensure that they are upheld. Of these, the most significant is the right to lineage, which rights him to inheritance, care, and immunity. Anyone who attempts to deny a child of this right must be made an offence and punished to ensure that this right is protected. In addition to those above, the researchers also include:

Because a foster child is a youngster whose parents are unknown, he feels vulnerable and needs extra protection. Developing legislative frameworks that prosecute and punish individuals responsible for the phenomenon of unknown parentage

To prevent the parents from forsaking their child, whether born legally or illegally, outside marriage bonds.

The Aspects of Criminal Protection for the Foster Child

Naturally, a child is born within the framework of a legal relationship based on a valid marriage bond between a man and a woman. But, unfortunately, even though this child may have been born in the context of a legal and respectable marriage, one or both of his parents may abandon him by leaving him in a hospital, in front of a mosque, in a public area, or close to foster care facilities rather than caring for him, protecting him, and registering him in civil records. For not granting him his family name or the right to paternity and motherhood, instead acquiring the status of unknown parentage because the child may be born with severe disease or a disability or unsure of his gender, or he may be delivered a female rather than a male and without the parents' or one's consent.

However, a child can be born in an illicit relationship. This can lead one or both parents to get rid of the child to avoid embarrassment, scandal, and fear rather than correcting their error and sin by getting married and having the child with them, especially if the child was the result of an incestuous relationship (*zīnā bi'l-mahārim*). Therefore, regardless of whether the child is legitimate or illegitimate, once one of his parents abandons him, he is referred to as a child of unknown parentage.

The researcher discusses this issue in two sections: The objective and the procedural criminal aspects of protecting the foster child.

The Objective Criminal Aspects

As mentioned previously, a child may be born under illegal sexual relations, and due to the parents' weakness or lack of religious, moral and human motives, both or one of them deliberately get rid of the illegitimate child by leaving him in a public place. In addition, sometimes parents abandon their child due to his health status, disability or gender for fear of stigma. Because such incidents are many and expected, the Jordanian legislator was keen to address them, as it stipulated:

Whoever finds a newborn child must hand him over to the police station in the cities and to the village mayor in villages where there is no police station, indicating the time, place and circumstances in which he was found, along with handing over his clothes and other items found with him.

The police station or the mayor must write a report of the incident showing the age of the newborn after consulting the opinion of the government doctor and the distinguishing marks in it so that the newborn can be handed over to one of the institutions or persons entrusted by the Ministry of Social Development...".

According to this statute, the child's destiny is to be in one of the foster care facilities for children of unknown parentage that the Ministry of Social Development has authorised, which is a facility that provides the care and social, psychological, medical, professional, and educational needs for children under the age of eighteen. The child resides there until he reaches the age of majority, which is the age of eighteen, unless he is fostered by one of the custodial families, which is known as an alternative family, before he reaches the age of majority.

However, it can be concluded that the objective criminal protection for a foster child starts as soon as the child of unknown parentage resides in a foster care institution for children of unknown parentage, and it lasts for the duration of that child's stay there or under the custody of the foster family. Regardless of the type of custody, the child must always be under criminal protection until he reaches the age of majority. Therefore, the focus of research in this area will be solely on the foster child's legal protection. The objective and criminal aspects of protecting a foster child are as follows:-

The Criminalising Ascribing a Foster Child to Someone who Isn't His Biological Parent

Article 287 of the Penal Code stipulated: "Whoever commits an act that leads to falsely attributes a minor to a mother who did not give birth to him or someone other than his father shall be punished with temporary hard labour".

When a child of unknown parentage is found, he is placed in a childcare institution of unknown parentage. Then, the Department of Civil Status and Passports are addressed to issue a birth certificate for that illegitimate child and to choose a name for him and his. If it is approved by the Minister of Social Development, based on the placement of the Ihtidan Committee of the Directorate of Family and Childhood in the Ministry of Social Development, for one of the families to foster a child of unknown parentage, then that family will be transferred to the Personal Status and Passports Department to proceed with the procedures for obtaining the birth certificate, provided that the fostered child is not attributed to that alternative family.

The alternative (foster) family is legally prohibited from attributing the foster child to it or the child's non-biological mother and father.

It should be highlighted that, in most cases, the crime of assigning the foster child to an alternative family occurs after the foster process has been completed. For example, when a doctor or hospital falsely certifies that the child was born for the foster family, the foster family submits this fake report to the Civil Status and Passports Department to formally register the child in the foster family's name. Similarly, if this foster family gives that child to another family and this family performs the same previous procedures. As a result, we are faced with one result, which is that the foster child's lineage has been manipulated, as he was attributed to a family other than his biological family, to a family that falsely and slanderously claimed that the foster child her biological child while he is not.

It is worth noting that the crime of attributing a foster child to a woman or a father other than his biological parents is established when the material and moral elements are available. The material aspect of this crime is the attribution of this child to someone other than his biological mother. The moral pillar is based on the availability of knowledge, will and particular intent. That is, the offender knows and voluntarily intends to attribute the foster child to him without having a blood bond between them. Therefore, the Jordanian legislator has increased the penalty for this crime and made it hard labour.

Criminalising Endangerment of a Foster Child

The Jordanian legislator criminalises and punishes 1. whoever unlawfully abandons or exposes any child under the age of fifteen years whereby the life of the child is endangered, or its health has been or is likely to be permanently injured, they shall be punished by imprisonment from one to three months to a year. 2. the penalty shall be imprisonment from one to three years if the minor has not completed twelve years of age or has a disability, regardless of age.

Exposing a child to risk is illegal since a child is unable to protect himself against threats to his safety and life due to his organic development. He also lacks the mental maturity to fully understand the dangers that he faces or to which he may be exposed.

It is important to note that the penal legislator left it up to the judge to determine whether the custodial or non-custodial child is in danger. In actuality, the legislator made the right decision in this regard since it is practically challenging to identify the instances of endangering the custodial or non-custodial child and limiting the identification of such actions to the judge's discretion to protect the child and prevent the offender from escaping punishment. Child endangerment examples include: residing an infant girl under construction and endangering the infant's life in peril. In addition, leaving the child incubated in an area devoid of people or close to a location where dangerous or predatory animals are present, or leaving him alone near a pond, well, or on the beach, or leaving him close to fire stoves or magical or caustic devices, or leaving him close to a busy street with pedestrians and vehicles, or leaving him in the hot sun or the cold weather, among other scenarios.

Finally, it must be noted that the punishment prescribed for endangering the child also applies to the foster family whenever it commits such an offence because it is sufficient and includes public and private deterrence and justice. Therefore, it would be better if the legislator singled out this penalty in a special provision for the foster family and the foster child. He can also add another sentence, such as cancelling the child's custody or considering the repetition of this offence as an aggravating reason for the penalty with the final abolition of foster care for that family.

Criminalising Foster Childcare Negligence

The Jordanian penal legislator did not single out a particular and independent text for the crime of neglecting the care of the custodial child. Still, it included a general text that criminalises and punishes neglect of child care. Since the foster child is a child under the care, covenant and responsibility of a foster family, there is nothing to legally prevent the application of the legal text regulating the crime of neglecting the maintenance of the child because the term "minor" or "child" has been used in general without specification.

Article (290) stated: "The following shall be punished by imprisonment from three months to one year:

A) Any person who is the parent or guardian or any other person having the lawful care or charge of any child who does not complete the age of 15 or is disabled and he is unable to provide for himself refuses or neglects (being able to do so) to provide sufficient food, clothes, bedding and other necessities for such child. Hence, as thereby injure the health of this child. B) Any person who is the parent or guardian or any other person having the lawful care or charge of any child under the age of fifteen years or with disability and willingly abandons – without any reasonable reason - such child even though he/she is able to provide for it, and left it without any mean of living. T

The penalty in any of the cases mentioned in Paragraph (1) of this Article shall be imprisonment from six months to two years if the minor has not completed twelve years of age.

Criminalising Domestic Violence Against a Foster Child

The Jordanian legislator deemed the foster child a member of the foster family, which is covered by the criminal legal protection stipulated in the Law on Protection from Domestic Violence. According to the researchers, this results from attempts to consider the foster child's psychological and social circumstances and dispel any notion that he is an illegally born child or a child of unknown parentage.

In light of the absence of legal texts specific to the forms of domestic violence, a part of the jurisprudence attempted to define the types of domestic violence. Since the foster child is considered a family member, several forms of family violence perceived to be practised on him by the custodial family can be inflicted, including physical violence, sexual violence, or psychological violence.

The researchers claim that slander and humiliation, delivering a message that contains utterances of slander and scandal, threats of all types, and extortion may be included in the psychological violence that is seen to occur in the child in the foster family. Finally, the expression "he is an illegitimate child, an unknown parentage, a foundling, or the offspring of fornication" is arguably the hardest to use when referring to the child in the foster family's care.

Criminal Procedural Aspects of Protecting a Foster Child

By the criminal procedural aspects of protecting the foster child, the researchers mean the rights, guarantees and formal mechanisms that the legislator established to protect the foster child. However, the substantive protection of the foster child is no less critical. Through the Jordanian legislative system, the procedural aspects of protecting the foster child during his foster care by the foster family can be summarised as follows:

Public Prosecution Represents the Foster Child

The Public Prosecution is the party that represents the child, submits the complaint, and pursues it if the foster family assaults the minor under fifteen and does not have a guardian. Because it is forbidden to accept a criminal complaint for a person under fifteen, it was especially considering that the foster parents abused this child, who is of unknown parentage.

Considering the Custodial Child as a Member of the Family

This allows the child to be protected from domestic violence and thus benefits from this law and the guarantees contained therein.

Obliging health, educational or social service providers in public and private sectors to report any case of domestic violence that occurs to the child from his foster family.

Obligating the Family Protection Department to respond to every complaint, news, and request for assistance or protection related to domestic violence against a foster child, as he is a family member and is covered by the protection stipulated in the Law on Protection from Domestic Violence.

Transfer the abused foster child to a safe place, if necessary, and in coordination with the Ministry of Social Development.

If necessary, transfer the child to the nearest hospital or health centre in case of an assault by his foster family.

Take the necessary and prompt measures by the Family Protection Department to protect the child in case of an assault by the foster family.

The Family Protection Department prevents the settlement of any delinquent dispute between the foster and his foster family except in the presence of a representative appointed by the Sharia court.

Obliging the Family Protection Department to refer all felony-type crimes against the foster child to the competent public prosecutor.

Granting the criminal court the power to refuse any settlement of a misdemeanour dispute between the child and his foster family.

Authorising the criminal court the power to take measures against the foster family whenever it perpetrates domestic violence on the foster child, among which are: the obligation to work for a certain period for the public benefit and the danger of going to a specific place or place, and enrolling the perpetrator of violence in psychological and social rehabilitation programs.

Enrolling the foster child in programs for psychological and social rehabilitation to protect him from the impacts of domestic violence he experienced in his foster family.

Using remote technology means in the investigation and trial stages with the foster child, i.e. hearing testimony by the public prosecutor and by the criminal court remotely via electronic connection devices, which is expressed in the remote preliminary investigation, and remote criminal litigation, taking into account the age of the child and his social and psychological conditions.

Obliging the Family Protection Department to follow up on the foster family's implementation of the measures imposed on it by the court because of the violence it practised on the foster child.

Giving an urgent status to cases arising from crimes against a fostered child by his alternative family and creating specialised judicial bodies for cases of domestic violence against this child by his foster family.

Granting the criminal court to consider cases arising from crimes committed against the foster child from his alternative family on weekends, holidays, and outside official working hours.

Establish a special paper and electronic record to document the crimes committed against the custodial child from his family.

In light of Jordanian law, the researchers thus addressed the question of criminal protection for foster children. There is no question that this protection was effective in certain areas while inadequate in others, as the researchers will mention in the conclusion section.

CONCLUSION

This study focused on the criminal protection of foster children under Jordanian law, which is a legal, humanitarian, and social issue. In addition to having unknown parents, foster children are helpless beings who require criminal legal protection to ensure their survival, safety, and security while living with the family who sought their fostering. The Jordanian legislator has attempted to provide the foster child with criminal legal protection through several laws and various scattered legal texts in multiple rulings. This protection was effective in some areas while failing in others. Therefore, it may be claimed that it is inadequate and insufficient. However, this protection is, in fact, deficient and insufficient.

RESULTS

The Jordanian criminal legislative system did not establish a special, independent law to protect the foster child despite the significance and risk of the spread of foster care. Instead, it left the problem of organising it to directives provided by the Minister of Social Development. As a result, similar general laws were used to apply to foster children. It should be noted that the term juvenile, minor, or child is occasionally used in the Jordanian legal system, particularly in texts relating to children. Still, the term minor or young child is more frequently used. There is no denying the legislative discrepancy in this situation. They had different concepts for defining a child as well. In some laws, a child is defined as someone under eighteen, but in others, like in juvenile law, a

child is defined as someone under seven who has not yet turned eighteen. However, the Jordanian legislator did not identify explicitly what is meant by foster care or a foster child.

The researchers defined foster care "Ihtidan" as an Islamic, legal, social, and human system that includes the care of a child of unknown parentage by a Muslim family at the request of that family, provided that it offers him care, maintenance, subsistence, upbringing, and protection and serves as an alternative family to that child's unknown biological family without ascribing the child to it. The researchers coined the term "foster child" to describe a child of unknown parentage who is taken care of, raised, supported, and shielded by a custodial family.

A foster child is not the same as an adopted child, and the fact that his parents are unknown does not necessarily imply that he is an illegitimate child. Although he might be a legitimate child, his parents chose to abandon him due to exceptional circumstances like poverty, mistrust, or a lack of their parents' religious, moral, and humanitarian principles. Therefore, it was necessary to protect this child in light of the spread of this phenomenon.

One example of objective penal protection for a foster child is the criminalisation of attribution to a man or woman who is not his biological parents, as well as the criminalisation of endangering him, failing to take care of him, and using domestic violence against him. While one of the manifestations of procedural criminal protection for the foster child is the Public Prosecution's representation of him, treating him as one of the family members protected from family violence, requiring many authorities to report any violence he witnesses, requiring the Family Protection Department to address his request for assistance or his complaint, and transferring him to a safe place or a hospital in the event of family violence.

RECOMMENDATIONS

The researchers propose that, in place of the current Ihtidan guidelines, a separate law be established to govern all matters relating to foster care, including the definition of the foster child as opposed to various labels and the age of the foster child (from birth to under the age of eighteen), as well as the terms, controls, and provisions of Ihtidan, the rights and guarantees that must be given to this child and the crimes that are believed to occur on the child by the foster family. The researchers also advocate for deterrent penalties for such crimes, such as the termination of foster care, mainly if it is established that the custodial family attributed the child to them or another family or if they used physical, sexual, or psychological abuse on the child in their care, or that the family neglected and failed to provide for the child.

The study suggests that to curtail the spread of unknown parentage and protect this group of children, it is necessary to strictly enforce the penalties for abandoning infants anywhere to get rid of them for whatever reason. Additionally, promoting the foster care concept through the media, emphasising its value and distinguishing it from adoption, and pleading with people to accept the idea in light of the foster child's rights.

The report advises including the following in any foster care-related legislation:

Stating the following actions illegal: utilising the foster child in begging, witchcraft or sorcery, prostitution, pornographic media, or in a way that diminishes the value of the family in the sphere of advertising and media. Or in pharmacological, clinical, medicinal, or laboratory tests. Or forcing the child to work hard or using him to work with or without pay for them or others. Depriving the custodial family's child of the opportunity to learn, engage in worship, interact with others, or be given to another family obligates him to take intoxicants and drugs.

Enforce strict sanctions for the foster family if they harm the child.

If a foster family violates any law regarding the foster child, they shall not be permitted to utilise discretionary mitigating circumstances, defer the imposition of the punishment, or apply alternative societal sanctions.

If it is established that the foster family was guilty of a crime against the fostered child, prohibiting them from fostering any children in the future.

Terminating the foster family's custody of the child if it is established that they violated any laws while caring for him.

REFERENCES

- Sarah Mahmoud Al-Arasi, Muneer Mohammed Ofeishat, Samer Mohammed Al-Azzeh, Rights of Family Bond Losers in Jordan: Reality and Challenges, *Multicultural Education*, Volume 7, Issue 1, 2021, DOI: 10.5281/zenodo.4451478, P223.
- The Convention on the Rights of the Child. United Nations General Assembly Resolution No. 44/25 of November 20, 1989.
- Al-Kurdi, Akram Zadeh, Provisions for the Inclusion of the Young Child in the Iraqi and Jordanian Juvenile Law, research published in *Jiel Journal for Comparative Studies*, Jill Center for Scientific Research, Amman, Issue 8, December 2018, p. 55.
- Al-Qalhati, Balqis bint Abdullah and Othman, Abdul Rahman Suni and Al-Sharbiny, Muhammad Muhammad. Social and psychological problems of children of unknown parentages in alternative families in the Governorate of Muscat, Sultanate of Oman. *The Journal of Arts and Social Sciences*, Sultan Qaboos University, Oman, Volume 9, Issue 1, April 30, 2018.
- Ayoub, Abdel Ghaffar. *Criminal Protection for Newborns*. Scientific House for Publishing, Printing and Distribution, Cairo, 2017.
- Bilal, El-Sinawy. *Protection of the Rights of Unidentified Parents*. (n.p.), Menoufia, Egypt, 2019.
- The Ihtidan instructions.
- Al-Desouki. Ahmed Abdel Hamid. *Substantive and procedural protection of human rights in the pre-trial stage*, Dar Al-Nahda Al-Arabiya, Cairo, 1, 2007.
- Muhammad, Abdel Aziz. *Criminal Protection of the Fetus*, Dar Al-Nahda Al-Arabiya, Cairo, 1998.
- The 1924 Declaration of Rights.
- The 1954 Declaration of the Rights of the Child.
- The 1989 Convention on the Rights of the Child.
- Hajar, Bilal. *Protection of the Rights of Unknown Parentage*. Master's thesis submitted to the Faculty of Law and Political Science at Mohamed Boudiaf University, Algeria, unpublished dissertation, 2020.
- The Personal Status Law and its amendments No. 9 of 2001.
- Shahbaz, M., Hye, Q. M. A., Tiwari, A. K., & Leitão, N. C. (2013). Economic growth, energy consumption, financial development, international trade and CO2 emissions in Indonesia. *Renewable and sustainable energy reviews*, 25, 109-121.
- The Child Care System from birth to eighteen No. 34 of 1972.
- Al-Nakar, Mahmoud. *Criminal Protection of the Family*. Constantinople House, Algeria, 2010.
- Amman Court of Appeal Decision No. 711/1998 dated 28/2/1990, Adalah Information Systems Publications.
- Jam, F.A., Khan, T.I., Zaidi, B., & Muzaffar, S.M. (2011). Political Skills Moderates the Relationship between Perception of Organizational Politics and Job Outcomes.
- The Penal Code and its amendments No. 16 of 1960.
- Al-Nuaimi, Osama Ahmed Muhammad. *Criminal protection for the child at risk: A comparative study in the light of the Iraqi child protection bill*, research published in *Al-Rafidain Journal of Rights*, Vol. 16, No. 58, 2018.
- Court of Cassation, Penalty 240/2004, Adalah Publications.
- Dhaifallah, Alia. *Violence against women between jurisprudence and international conventions*, Dar Al-Mamoun Publishing, Amman, 2010.
- The Criminal Procedure Law and its amendments No. 9 of 1961.
- The Law on Protection from Domestic Violence. No. 15 of 2017.
- Al-Mazuri, and Uday Suleiman. *The Legislative Confrontation of Domestic Violence Crimes in the Kurdistan Region of Iraq: A Critical Analytical Study in the Light of Law No. 8 of 2011*. *Journal of Al-Mohaqiq Al-Hilli for Legal and Political Sciences*, Vol. 7, No. 4, December 2012.
- Al-Awawda, Amal Salem, *Violence against Women Working in the Health Sector*, Dar Al-Yazuri, Amman, Edition 1, 2009.