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## Morocco

November 5, 2012

### Notice: Ministry of Justice Provides Prosecutors New Instructions on Kafala Guardianship Decrees

On September 21, 2012, Justice Minister El Mostapha Ramid published a notice instructing Moroccan Prosecutors to formally oppose a petition filed with a juvenile judge seeking the granting of Kafala guardianship decrees to prospective adoptive foreign parents who are not resident in Morocco. In his notice, he asks the Prosecutors to emphasize the importance of in-country residency for the Kafala guardianship with the court judges, verify whether the prospective adoptive parents reside in Morocco, and request that judges not issue Kafala orders to foreign prospective adoptive parents (PAPs) who are not residing in Morocco. The notice states that it is difficult for the courts to ensure that conditions of the Kafala guardianship are met when the child is taken abroad by foreign parents and notes it needs to be possible for courts to cancel the guardianship in cases of failure to comply. The Minister's notice appears to indicate that Kafala guardianship should only be granted to Muslim families who are long-term residents in Morocco.

The notice states that its purpose is to ensure the implementation of the existing law. It does not contain any provisions addressing already pending Kafala guardianship petitions. At this time, it is unclear whether prosecutors will formally oppose petitions for Kafala guardianship decrees filed by U.S. citizens which were already pending with the Court at the time the notice was issued.

U.S. citizens wishing to obtain Kafala guardianship of Moroccan children should be aware that the Prosecutors are now obligated to confirm the prospective parents' Moroccan residency and the courts are requested to deny Kafala orders to foreign PAPs who do not reside in Morocco. Please continue to monitor [adoption.state.gov](#) for updated information.