



**Federal Negarit Gazetta of the Federal Democratic Republic of  
Ethiopia**

# **The Revised Family Code**

**Federal Negarit Gazetta Extra Ordinary Issue No. 1/2000 The Revised Family  
Code Proclamation No. 213/2000**

**Addis Ababa 4<sup>th</sup> Day of July, 2000**

**PROCLAMATION No.213/2000**

THE REVISED FAMILY CODE  
PROCLAMATION OF 2000

**Preamble**

WHEREAS, the family, being the natural basis of society, shall be protected by the society and the state, and that one of the means of protection is effected by regulating and governing family relation by law;

WHEREAS, it has become essential to make the existing Ethiopian family law in accordance with the socio-economic development of the society and, above all, with the Constitution of the country, and, in particular, realizing that marriage shall be based

on the free consent of the spouses, and that it is necessary to provide the legal basis which guarantees the equality of the spouses-during the conclusion, duration and dissolution of marriage;

WHEREAS, it has become necessary to amend the existing law in such a way that it gives priority to the well-being, upbringing and protection of children in accordance with the Constitution and International Instruments which Ethiopia has ratified;

WHEREAS, it is found necessary to settle disputes arising in family by a competent organ in a just and efficient manner;

WHEREAS, in order to realize these objectives, it has become essential that a family law be enacted by the House of Peoples Representatives to be applicable in administrations that are directly accountable to the Federal Government;

NOW, THEREFORE, in accordance with Article 55 (1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

1. Short Title

This proclamation may be cited as the "Revised Family Code Proclamation No. 213/2000."

2. Effective Date

The Revised Family Code of 2000, as published in a separate volume appearing as Extraordinary Issue No. 1 of 2000 of the Federal Negarit, Gazeta, shall come into force as of the 4<sup>th</sup> day

Done at Addis Ababa, this 4<sup>th</sup> day of July, 2000.

**NEGASO GIDADA (DR.)**  
**RESIDENT OF THE FEDERAL DEMOCRATIC**  
**REPUBLIC OF ETHIOPIA**

The adultery of the mother or her admission that the child has another father are not sufficient, by themselves, to constitute serious circumstantial evidence.

Article 174. — Plaintiff in the Suit.

- 1) Only the person to whom the paternity of the child is attributed by legal presumption may institute an action to disown.
- 2) No action to this effect may be made by the mother or by a man who claims the paternity of the child or by the public prosecutor or by the child himself.

Article 175. —Judicially Interdicted Person.

- 1) An action to disown may, with permission of the court, be instituted by the judicially interdicted person himself.
- 2) The action may, with the same permission, be instituted in the name of the interdicted person by his guardian.

Article 176. — Time (1) Principle.

- 1) An action to disown shall be instituted by the man to whom the paternity of the child is attributed by law within 180 days following the day he knew or he should have known the birth of the child.
- 2) Where the maternal filiation is established by an action to claim a status, the action to disown shall be instituted within 180 days from the judgement deciding on the action to claim a status having become final.

Article 177. — (2) Exception.

- 1) Where the person to whom the paternity of the child is attributed by law dies or becomes incapacitated within the time fixed by law for instituting the action to disown, one of his descendants, in his stead, may institute an action to disown.
- 2) In default of descendants, the right to disown may be exercised by his father, or mother, or in their default, by one of his ascendants.
- 3) In default of ascendants, it may be exercised by one of his brothers or sisters, to the exclusion of any other heir or representative.

Article 178. —Inadmissibility of Action.

Disowning shall not be allowed where it is proved that the child has been conceived by means of artificial insemination with the written consent of the husband.

Article 179. — Defendant in the Suit.

- 1) The action to disown shall be instituted against the child or, where he is dead, against his heirs.
- 2) The mother of the child shall be joined in the suit.
- 3) Where the child is minor, he shall be represented by a tutor ad hoc appointed by the court for this purpose.

CHAPTER TEN  
ADOPTION

Article. 180. —Adoptive Filiation. (1) Principle.

Adoptive filiation, may he created by an agreement between a person and a child.

Article.181.— (2) Effects.

Without prejudice to the provisions of Article 182, an adopted child shall, for all purposes, be deemed to be the child of the adopter.

Article 182. — (3) Saving Clauses

- 1) Adoption shall he of no effect with regard to the ascendants or collaterals of the adopter who have expressly opposed the adoption.
- 2) The opposition referred to in Sub-Art. (1) of this Article shall lie of no effect unless it is registered in a court registry within one year from the approval of the agreement of adoption by the court.

Article 183. — Relationship of the Adopted Child with the Family of Origin.

- 1) The adopted child shall retain his bonds with the family of origin.
- 2) The same shall apply to the spouse and the descendants of the adopted child.
- 3) Wherever a choice has to be made between the family of adoption and the family of origin, the family of adoption shall prevail.

Article 184. —Age of Adopter.

- 1) Any person whose age is not less than twenty-five years may adopt.
- 2) Where an adoption is made by two spouses, it is sufficient that one of them he of the full age of twenty-five years.

Article 185. — Age of the Adopted Child.

Any person who is less than eighteen years of age and under guardianship may be adopted.

Article 186. —Adoption by Married Person.

- 1) Where the adopter is married, an agreement of adoption may not be made unless the two spouses conjointly adopt the child.
- 2) The provisions of Sub-Art. (1) of this Article shall not apply where a person adopts the child of his or her spouse.
- 3) Nor shall it apply where one of the spouses is not in a position to manifest his will.

Article 187. —Adoption of Child Merely Conceived.

- 1) A child merely conceived may be adopted.
- 2) Notwithstanding the provisions of Sub-Art. (1) of this Article, the adoption agreement may be revoked unilaterally at the will of the mother within six months following the birth of the child.

Article 188. — Children of adopter.

- 1) The existence of children of the adopter shall not constitute an obstacle to

adoption.

- 2) Notwithstanding the provisions of Sub-Art. (1) of this Article, the court, before approving the adoption, shall take into consideration the effects of the existence of children of the adopter on the well being and interest of the adopted child.

Article 189. —Impossibility of Adoption by Several Persons.

- 1) No child may be adopted by several persons unless these are two spouses.
- 2) However, in the case of death of the adopter a new adoption is possible.
- 3) Where a child has been adopted by two spouses and one of such spouses dies, the child may be adopted by the new spouse of the survivor.

Article 190. — Parties to the Agreement.

The agreement of adoption shall be made between the adopter and the guardian of the adopted child.

Article 191. — Consent of Parents of the Adopted Child.

- 1) Both the father and the mother of the adopted child must give their consent to the adoption where they are alive and known.
- 2) Where one of them is dead, absent, unknown or incapable to manifest his will, the other parent shall give his consent.
- 3) Notwithstanding the provisions of Sub-Art. (1) of this Article, where one of the parents is not willing to give his consent and the child is ten and above years of age, the court may approve the adoption upon hearing the opinion of the other parent and of the child.
- 4) Where the child has no ascendant capable of giving his consent, the court may approve the adoption agreement taking into account the interest of the child.

Article 192. — Government or private Orphanages.

- 1) Government or private orphanages may give any child under their custody to adopters.
- 2) The above mentioned orphanages shall, before giving the child for adoption, provide sufficient information to the government organ having authority to follow up the well being of children as to the identity of the child, how the orphanage received him and about the personal, social and economic position of the adopter.

Article 193. — Where the Adopter is a Foreigner.

- 1) Where the adopter is a foreigner, the court may not approve the adoption unless an authority empowered to follow the well being of children, after collecting \_\_\_\_\_ and analyzing relevant information about the personal, social and economic position of the adopter, gives its opinion that the agreement is beneficial to the child.
- 2) Notwithstanding the provisions of Sub-Art. (1) of this Article, where the court thinks that the agreement is not beneficial to the child, it may disregard the opinion of the authority and reject the agreement.

- 3) Where the court finds that the information provided by the concerned authority is insufficient, it may order the authority to conduct further investigation and submit additional information. It may also order other individuals or organizations to provide any relevant information in their possession or to give testimony.

Article 194. —Power of [he Court.

- 1) An agreement of adoption shall be of no effect unless it is approved by the court.
- 2) Before approving the agreement of adoption, the court shall decisively verify that the adoption is to the best interest of the child.
- 3) Without prejudice to the provisions of Articles 192, 193 and Sub-Art. (2) of this Article, the court, before approving the agreement of adoption, shall take the following into consideration:
  - (a) the opinion of the child about the adoption,
  - (b) the opinion of the guardian or tutor of the child if he has not previously given his consent;
  - (c) The capability of the adopter to raise and take care of the child;
  - d) where the adopter is a foreigner, the absence of access to raise the child in Ethiopia;
  - e) the availability of information which will enable the court to know that the adopter will handle the adopted child as his own child and will not abuse him.
- 4) The court shall take special care in investigating the conditions provided in Sub-Art. (3) (e) of this Article, where the adopter is a foreigner.

Article 195. —Irrevocability of Adoption.

- 1) Adoption may not be revoked for any reason other than that provided in Sub-Art. (2) of this Article.
- 2) Where the adopter, instead of looking after the adopted child as his own child, handles him as a slave, or in conditions resembling slavery, or makes him engage in immoral acts for his gain, or handles him in any other manner that is detrimental to his future, the court may revoke the adoption.

Article 196. —Petition for Revoking the Adoption.

- 1) The adopted child, a government organ authorized to follow up the well being of children, or any other interested person, may petition to the court for revoking the adoption on the basis of the preceding Article.
- 2) When a petition is submitted to it under Sub-Art. (1) of this Article, the court shall, before summoning the adopter to appear before it, determine whether the grounds for the petition are real and sufficient to warrant revocation.

CHAPTER ELEVEN  
OBLIGATION TO SUPPLY MAINTENANCE

Article 197 — Subject Matter of the Obligation.