

Rwanda

## Ministerial Order determining Procedures for Guardianship of a Minor by the State

Ministerial Order 2 of 2017

Legislation as at 16 January 2017

FRBR URI: /akn/rw/act/mo/minister-of-gender-and-family-promotion/2017/2/eng@2017-01-16

There may have been updates since this file was created.

PDF created on 21 February 2024 at 16:11.

[Check for updates](#)



### About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

[www.laws.africa](http://www.laws.africa)  
[info@laws.africa](mailto:info@laws.africa)

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

## Ministerial Order determining Procedures for Guardianship of a Minor by the State

### Contents

Article One – Purpose of this Order .....	1
Article 2 – Identification of minors under the guardianship of the State .....	1
Article 3 – Validation of the list of minors under the guardianship of the State .....	1
Article 4 – Registration of the guardianship in civil registers .....	1
Article 5 – Location for hosting the minor .....	1
Article 6 – Budget to cater for minors under the guardianship of the State .....	2
Article 7 – Supervision of the social welfare of minors under the guardianship of the State .....	2
Article 8 – Management of the property of minors under the guardianship of the State .....	2
Article 9 – Acts of disposing of or selling the property belonging to a minor under the guardianship of the State .....	2
Article 10 – Termination of guardianship of a minor under the guardianship of the State .....	2
Article 11 – Repealing provision .....	2
Article 12 – Commencement .....	2

## Rwanda

# Ministerial Order determining Procedures for Guardianship of a Minor by the State

## Ministerial Order 2 of 2017

Published in Official Gazette 3 on 16 January 2017

**Assented to on 16 January 2017**

**Commenced on 16 January 2017**

*[This is the version of this document from 16 January 2017.]*

### **The Minister of Gender and Family Promotion;**

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 121, 122 and 176;

Pursuant to Law n° 32/2016 of 28/08/2016 governing persons and family, especially in Article 128;

After consideration and approval by the Cabinet, in its session of 11/11/2016;

### **HEREBY ORDERS:**

### **Article One – Purpose of this Order**

This Order determines the procedures for guardianship of a minor by the State.

### **Article 2 – Identification of minors under the guardianship of the State**

The Village General Assembly identifies minors to be under the guardianship of the State and submits them to the Cell level; the authority of the Cell in turn submits them to the Sector level, the Sector submits them to the District and the District submits them to the State Organ in charge of children.

Every organ referred to in Paragraph One of this Article must assess if identified minors meet the requirements provided for by laws.

### **Article 3 – Validation of the list of minors under the guardianship of the State**

The State Organ in charge of children validates the list of minors under the guardianship of the State.

### **Article 4 – Registration of the guardianship in civil registers**

After approval of a minor to be under the guardianship of the State, the State Organ in charge of children submits to the District of origin of the minor the identification of the minor in order for registration in the register of guardianship records.

### **Article 5 – Location for hosting the minor**

The District in collaboration with the State Organ in charge of children determines the place where the minor under the guardianship of the State is hosted as follows:

- 1° in family, if there is a family that agrees to take care of the minor;

- 2° in a center that ensures the welfare of children, if there is no family that manifests the will to take care of the minor.

### **Article 6 – Budget to cater for minors under the guardianship of the State**

The State organ in charge of children plans a budget to support families and centers responsible for social welfare of the minors who are under the State custody.

### **Article 7 – Supervision of the social welfare of minors under the guardianship of the State**

The District authorities regularly supervise the social welfare and the general status of health of minors under the State guardianship and submit a quarterly report to the State organ in charge of children.

The State organ in charge of children is required in every quarter and at any time it is considered necessary to regularly supervise social welfare of minors in families and centers in charge of them on the basis of the report submitted by the District.

### **Article 8 – Management of the property of minors under the guardianship of the State**

The District authorities manage the property of children under state guardianship in the District's jurisdiction and submit to the State organ in charge of children a report indicating any change regarding the property in every six (6) months and at any time it is considered necessary.

### **Article 9 – Acts of disposing of or selling the property belonging to a minor under the guardianship of the State**

The property of a minor under State guardianship shall not be disposed of, sold, given as security or any other act that may reduce it without authorization of the State organ in charge of children.

### **Article 10 – Termination of guardianship of a minor under the guardianship of the State**

State guardianship terminates in accordance with laws governing guardianship or upon appearance of another person or family willing to take up the guardianship of the minor.

If there is another person to take up the guardianship of a minor who was under State guardianship, the District will carry out the transfer of property to the new guardian.

In a period not exceeding two (2) months after the end of guardianship, the District carries out the transfer of property to the minor, his/her parent or new guardian and hands over a document indicating how management of the property was carried out and the transfer is done in presence of the State organ in charge of children.

### **Article 11 – Repealing provision**

All prior provisions contrary to this Order are repealed.

### **Article 12 – Commencement**

This Order comes into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.