

QuickLaw answers your questions

Adoption	Maintenance
Child access	Marriages
Civil Imprisonment	Microlending
Civil Procedure	Motor Vehicle Accidents
Consumer Protection Act	Restraining Orders
Dismissal	Strikes and Lockouts
Divorce	The Process of Civil Attachment in
Domestic Violence	Execution
Garnishee Application	Wills

Disclaimer. LegalWise has tried to include accurate and up to date information in this QuickLaw guide. However, it makes no representations and gives no warranties about the accuracy or suitability of the information contained in the QuickLaw guide. The information contained in this QuickLaw guide is not intended to be a definitive analysis of any specific legal topic nor must it be construed as legal advice. Professional legal advice should be taken from LegalWise or an attorney before any course of action is pursued. Under no circumstances whatsoever shall LegalWise be liable for any direct or consequential damages whether in contract or in delict arising out of or in connection with the use of information available from the QuickLaw guides.

Updated February 2025

GET A LAWYER ON YOUR SIDE

www.legalwise.co.bw

Legal Expense Insurance Company (Pty) Limited t/a Leza LegalWise Botswana (UIN BW00000622146) is a registered Insurer (No. 2/9/235) (NBFIRA)



Adoption

QUICKLAW GUIDE



Adoption

What is adoption?

Adoption is the process where a person applies in court to become legally accepted as the parent of a child.

Who can adopt a child?

- > A prospective parent must be at least twenty five (25) years of age in order to proceed with the adoption of a child.
- > A husband and his wife jointly.
- > A widower or widow or unmarried or divorced person.
- > A married person who is separated from his or her spouse by judicial decree.
- > A child of sixteen (16) years of age can only be adopted by parents who are at least twenty five (25) years older than that child.
- > A married person whose spouse, as at the time of the adoption, has been suffering from mental illness for a continuous period of more than seven years immediately preceding that time.
- > A person cannot adopt a child twenty five (25) years younger than their own selves unless the child is of the same sex as the adoptive parent.
- > As an exception to the above rules:
 - A widow or widower or unmarried or divorced person may adopt his/her biological child who was previously adopted by any person under the Act, whether or not he or she is under the age of twenty five (25) years or is less than twenty five (25) years older than the child.
 - A married couple may adopt a biological child of one of them even though they are under the age of twenty five (25) years and the child is sixteen (16) years or more. The husband, however, must be at least fifteen (15) years older than the child of his wife and the wife must be at least ten (10) years older than the child of the husband.

What is the process of adopting a child?

- > The individuals and families interested in adopting children in Botswana must submit a written application to the Civil Registry at the Magistrate's court.
- > Adoption of a child is ordered by any magistrate court in the district in which the adopted child resides on the application of the adoptive parent(s).
- > The application must be accompanied by a report of a social welfare officer which gives background information on all the affected parents and further confirms that the adoptive parents are qualified to adopt the child. This investigation and report by a social welfare officer can be requested at the Civil Registry at the Magistrate's Court.

- > At the Magistrate's Court, applicants can submit their request papers and attach the required documentation (described below).

What documents are required?

- > Potential parents must submit the following documentation at the Magistrate's court:
 - > Certified copy of their National Identity Card (Omang),
 - > Certified copy of the birth certificate for the child being adopted,
 - > If the adoptive parents are married, a certified copy of the marriage certificate,
 - > Proof of income (e.g. current pay slip, contract),
 - > Assessment by a social welfare worker of the parents' capabilities and home environment.

How long will this service take?

The adoption process can vary based on the time taken to complete applications and a social welfare officer visit.

How much does it cost?

A court fee of BWP 60.00 applies to processing adoption applications, whether successful or not.

Glossary of terms:

ADOPTED CHILD means a child adopted under this Act;

ADOPTIVE PARENT means a person who adopts or has adopted a child under this Act;

CHILD means a person under the age of 18 years;

How can LegalWise assist you?

Should you require an explanation of your rights on this topic, please contact your nearest Branch.