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The second question of Fatwa no. 18397

Q 2: Some people who live in the Social Foster Home are being paid a monthly stipend of (one hundred and fifty Riyals), but most of them do not benefit from this money. This money is deposited in banks, such that when one of them dies, their possessions are transferred to Bayt-ul-Mal (Muslim treasury) and some others spend this stipend on their personal needs. The question here: Can this money be used after the handicapped's death and before being placed in Bayt-ul-Mal for charitable works inside the region where they lived and by trustworthy professionals? As for the living handicapped, is it permissible to take some of their money and spend it on charitable works, keeping in mind that most of them lack the ability to reason, speak, or move, and they have no heirs.

A: The stipend paid to the persons living in the Foster Home is considered their possession, and it is impermissible to dispose of it without their permission. Regarding those amongst them who lack the ability to reason, the home must spend the pension on them and if there is excess money, it should be saved for them. Thus, if they die leaving no one behind, this would be an inheritance that should be distributed among the legal heirs according to Shari`ah (Islamic Law). However, in the case where they have no known heirs, their possessions must be transferred to Bayt-ul-Mal. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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