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Custody or Trust

If someone gives his property to another person, and tells him that he has given it to him as a trust and the latter accepts it, then they must abide by the following rules:

The Rules Regarding Custody or Trust

Issue 411: It is not permissible for a person to accept something as a trust if he can not look after it.

Issue 412: Someone who gives something as a trust can take it back whenever he wants to. Similarly, the person who accepted to look after the thing can give it back to its owner whenever he wishes to do so.

Issue 413: If one does not have a safe and suitable place to look after an item that he has accepted as a trust, then he must prepare a place for it. For example, if the trust that one has been given, is an amount of money and he is not able to keep it in his house, then he must place it in the bank.

Issue 414: The person taking care of the trust must look after the item in such a way that the people would not say that he is being disloyal, or that he has fallen short in looking after the item.

Issue 415: In the event that the trust of a person is lost:

1. If the person looking after the trust did not pay attention in taking care of the trust, then he must give or repay the owner for that which was lost.
2. If in the taking care of the trust one was not negligent, and for other reasons that property was lost; for example, a wind took the item away, then the person who was the caretaker of the item will not be responsible to pay it back to the owner.

Issue 416: The person taking care of a property is not allowed to use the item, except with the permission of its owner.

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