

This Child Protection Bill is a modification of the Child Rights Act to suit the needs, interest and circumstances of the Northern States of Nigeria, and the religious sensitivities of both Muslims and Christians. It was developed as a consensus basic draft by an inclusive group of representatives of States, communities, organizations and religious bodies from all over the northern states. Each State will further modify it to fit its peculiarities in the process of consultation and adoption as the State's Child Protection Law, as some States like Jigawa, Kaduna, Kano, and Yobe have done.

ADAMAWA STATE OF NIGERIA

ADAMAWA STATE CHILD PROTECTION BILL 2020

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ADAMAWA STATE OF NIGERIA CHILD PROTECTION LAW – 2020

Be it enacted by the Adamawa State House of Assembly and by the authority of same as follows:

1. This Law may be cited as the Child Protection Law 2020 and shall be deemed to have come into operation on day of 20.... *Title and commencement*

- 2 (1) In this law unless the context otherwise requires: - *Interpretation.*

“appropriate authority” means the Government, voluntary organization or body responsible for looking after the welfare of children and the management of community homes for or on behalf of the Government;

“appropriate education authority” means the Ministry of Education of the State or any department of Government for the time being charged with the responsibility of child education;

“approved institution” has the meaning assigned to it in section 231 of this Law;

“approved accommodation” includes community home, voluntary home, registered children’s home, an educational institution to which children are committed by an order under the provisions of this Law, and any other form of accommodation which the Government may provide for children under Part XV of this Law;

“child”, subject to the provisions of section 15 of this Law, means, a person below 18 years of age;

“child minder” has the meaning given by section 153 of this Law;

“child fostered privately” and “to foster a child privately” have the same meaning as in section 112 of this Law;

“child of the family” in relation to the parties to a marriage, means a child of both of those parties or any other child, being a child who is placed with those parties as foster parents by a local authority or voluntary organization, or who has been treated by both of those parties as a child of their family;

“Chief Registrar” means Chief Registrar of the High Court Adamawa State and shall include the Chief Registrar of the

Shariah Court of Appeal, and the Chief Registrar of the Customary Court of Appeal, as the case may be.

“commissioner” means the Commissioner charged with the responsibility for matters relating to children in the State, and “ministry” shall be construed accordingly;

“community home” has the meaning assigned to it under section 174 of this Law;

“contact order” has the meaning assigned to it under section 47 of this Law;

“court” means the family court established under section 141 of this Law;

“day care” has the meaning assigned to it under section 153(2) of this Law;

“domestic premises” has the meaning assigned to it under section 156(1) (a) of this Law;

“education supervision order” means an order under section 49(1) of this Law;

“education authority” means the Ministry of Education of the State;

“emergency protection order” means an order under section 33(1) of this Law;

“family proceedings” means proceeding under the jurisdiction of a court under this Law with respect to children;

“functions” includes powers and duties;

“Government Hospital” means a hospital established or managed by the state local Government or the Government of the Federation;

“Guardian of a child” means a guardian (other than a guardian of the estate of a child) appointed in accordance with the provisions of section 75 of this Law;

“health authority” means the Ministry responsible for health matters in the State;

‘parental responsibility’ means all the rights, duties, powers, responsibilities and authority which by this Law a parent of a child has in relation to the child and his property; and the rights, powers and duties which a guardian of the estate of the child appointed, before the commencement of the Law generally would have had in relation to the child and his property, and includes, in particular, the right of the guardian to recover or receive in his own name, for the benefit of the child, property of whatever description and wherever situated which the child is entitled to receive or recover;

“parental responsibility agreement” has the meaning assigned to it under section 59 of this Law;

“protected child” has the same meaning as in Part IV of this Law;

“Protection” includes all measures intended to protect, preserve and enforce all the rights of children in accordance with the law.

“puberty” means the age at which a person is physically and physiologically capable of consummating a marriage;

“registered children’s home” has the meaning assigned to it under section 180 of this Law.

“relative” in relation to a child, means a grandparent, brother, sister, uncle, niece nephew or aunt whether of the full blood or half blood or by affinity or step-parent;

“residence order” has the meaning assigned to it under section 59 of this Law;

“responsible person” in relation to a child who is the subject of a supervision order, has the meaning assigned to it under paragraph 1 of the Second Schedule to this Law;

“school” has the meaning assigned to it in the Education (National Minimum Standards and Establishment of Institution,) Act;

“secure accommodation” means accommodation which is provided in a community home for the purpose of restricting liberty;

“service” in relation to any provision made under Part XV of this Law, includes a facility;

“signed” in relation to any person, includes the making by the person of his mark;

“special education” has the meaning assigned to it in the Education (National Minimum Standards and Establishment of Institutions) Act;

“special educational needs” means the needs of children who are receiving special education;

“supervision order” means an order issued by the Court for the supervision of a child under the provisions of this Law and includes any order which by or under any enactment has the effect of, or is deemed to be, a supervision order for the purpose of this Law; and any reference to a child who is in the care of an authority is a reference to a child who is in its care by virtue of a supervision order;

“Government foster parent” has the same meaning assigned to it under part XI of this Law;

“supervised child” and “supervisor” in relation to a supervision order or an education supervision order, means respectively, the child who is, or is to be under the supervision and the person under whose supervision he is, or is to be, by virtue of the order;

“supervision order” has the meaning assigned to it under section 44(b) of this Law;

“supervision/inspection service” has the meaning assigned to it under section 223 of this Law;

“upbringing” in relation to any child, includes the care of the child but not his maintenance;

“voluntary organization” means a body other than a public or State authority whose activities are not carried on for profit;

- (2) Reference in this Law to a person with whom a child lives, or is to live, as a result of a residence order or a person in whose favour a residence order is in force, shall be construed as reference to the person named in the order as the person with whom the child is to live.
- (3) References in this Law to a child who is looked after by the Government have the same meaning as they have by virtue of

Section 180 of this Law.

- (4) References in this Law to accommodation provided by the or on behalf of the Government are references to accommodation so provided in the exercise of functions assigned to the Commissioner.
- (5) In determining the “ordinary residence” of a child for the purpose of this Law there shall be disregarded any period in which the child is in school or other institution while he is being provided with accommodation by or on behalf of the Government or in accordance with the requirement of a supervision order under this Law or any other enactment.
- (6) References in this Law to a child ‘in need of special protection measures” includes a child who is mentally or physically disabled and a street child or a child who is homeless and forced to live on the streets in market places, or under bridges; and a child who, though not homeless, is on the streets engaged in begging for alms, child labour prostitution, and other criminal activities which are detrimental to the well being of the child.

“skin mark” means any ethnic or ritual cuts on the skin which leaves permanent marks; and

“Tattoo” means the insertion into the skin of colouring material designed to leave permanent marks;

“harmful publication” means any book, magazine, film, picture, Video or audio tape or print or other medium which is a kind targeted at or likely to fall into the hands of children and which consists wholly or mainly of stories told in picture, with or without the addition of written matter or video film and cassette tape, which contains pictures or stories which portray harmful information, such as:

- (a) the commission of crime; or
- (b) acts of violence or cruelty; or
- (c) incidents of a repulsive or horrible nature;
- (d) acts of words of an immoral character; or
- (e) obscene and indecent representation, in such a way that the work as a whole would tend to corrupt or deprave a

child into whose hands it may fall;

“photographic film” includes photographic plate;

“photographic plate” means any plate treated as to reproduce or be intended to reproduce an image of a subject when photographed

“the person responsible for the child” means a person who, for the time being has care of the child by virtue of a care order, or under section 58 of this Law, as the case may be;

“contact order” means an order requiring the person with whom a child lives, or is to live, to allow the child to visit or stay with the person named in the order, or for that person and the child concerned to have contact with each other;

“prohibited steps order” means an order that no step, which could be taken by a parent in meeting his parental responsibility for a child and which is of a kind specified in the order, shall be taken by any person without the consent of the court;

“residence order” means an order setting out the arrangements to be made as to the person with whom a children is to live; and

“specific issue order” means an order giving directions for the purpose of determining a specific question which has arisen, or which may arise, in connection with any aspect of parental responsibility under Law

“scientific test” means any test carried out under this Law, and includes any test made with the object of ascertaining the inheritable characteristics of blood tissue, or any other sample;

“special proceedings” means any proceedings –

- (a) on an application for a care order or supervision order;
- (b) in which the court has given a direction under section 51(1) of this Law and has made, or is considering whether to make, an interim care order;
- (c) an application for the discharge of a care order or the variation or discharge of a supervision order;
- (d) an application under section 61 of this Law;

- (e) in which the court is considering whether to make a residence order with respect to a child which is subject to a care order;
- (f) with respect to a contract between a child who is subject to a care order and any other person;
- (g) under Part VIII of this Law;
- (h) on an appeal against –
 - (i) the making of, or refusal to make a care order, supervision order or any order under section 51 of this Law;
 - (ii) the making of or refusal to make a residence order with respect to a child who is the subject of a care order, or
 - (iii) the variation or discharge, or refusal of an application to vary or discharge, an order of a kind mentioned in the sub-paragraph (i) or (ii) of this sub-section;
 - (iv) the refusal of an application under section 53 of this Law; or
 - (v) the making of or refusal to make an order under Part VIII of this Law which are specified for the time being, for the purposes of this section, by Rules of Court;

“Guardian” means a person who is the guardian of a child by virtue of the provisions of this Law or a person lawfully appointed to be guardian of the child by deed or will or by an order of a court of competent jurisdiction or by operation of law;

“foster parent” means a person –

- (a) appointed by the Government to foster a child; or
- (b) with whom a child has been placed, by a voluntary organization, for fostering; or
- (c) with whom a child has been placed to be fostered privately;

“register of birth” means the register of birth kept by the National Population Commission;

“domestic premises” means any premises which is wholly or partially used as a private dwelling; and “premises” includes vehicle, caravan and cabin;

“development” in relation to child means physical, intellectual, emotional, social or behavioral development;

“family” in relation to a child, includes a person who has parental responsibility for the child and a person with whom the child is living or has been living;

“health” means physical, emotional or mental health;

“day care” means any form of care or supervised activity provided for children during the day, whether or not it is provided on a regular basis;

“supervised activity” means an activity supervised by a responsible person;

“relevant establishment” means any establishment which is mentioned in paragraphs 3 and 4 of schedule 6 to this Law and includes a hospital, school and other establishments, exempted from the registration requirements which apply in relation to the provision of day care; and

“review period” means the period of one year beginning with the commencement of this Law and each subsequent period of three years beginning with an anniversary of that commencement;

“accommodation” means an accommodation which is provided for a continuous period of more than 24 hours;

“harm” means ill-treatment or the impairment of physical, mental, intellectual, emotional, or behavioural health or development;

“the appropriate education authority” means the Ministry of Education of the State;

“voluntary home” means any home providing care and accommodation for children which is managed by a voluntary organization.

“child care training” means training undergone by any person with a view to, or in the course of his employment for the purposes of

any of the functions mentioned in this Law or in connection with the adoption of children or with the accommodation of children in a residential care home, nursing home or mental nursing home or his employment by a voluntary organization for similar purposes;

“secure accommodation” means accommodation provided in a community home for the purpose of restricting liberty;

“imprisonable offence” means an offence punishable, in the case of an adult, with the death penalty or imprisonment only, without the option of fine;

“secure accommodation” means accommodation which is provided in a relevant code of criminal law or individual liberty restricted or denied;

“appropriate officers” means such officers as may be assigned by the Commissioner with the responsibility for carrying out the investigation.

“nursing mother” means a mother whose child is not more than two years old;

“supervision” consists of such supervision as is provided for in Part XXI to this Law; a

“manager” means the supervisor, principal or person in charge of an approved institution;

“non-institutional order” means an order, made by the Court on the disposal of a case, which does not involve a child offender being placed in an institution;

“director” means the State Director responsible for matters relating to children in the Ministry;

“State” means Adamawa State of Nigeria.

PART I – INTEREST OF A CHILD TO BE OF PARAMOUNT CONSIDERATION IN ALL ACTIONS

- 3(1) In every action concerning a child, whether undertaken by an individual, the public, private body, institutions, court of law, or administrative or legislative authority, the best interest, of the child shall be primary consideration. *Best interest of the child to be considered in all action.*
- (2) A child shall be given such protection and care as is necessary for

the well-being of the child, taking into account the rights and duties of the child's parents, legal guardians, or other individuals, institutions, services, agencies, organizations or bodies legally responsible for the child.

- (3) Every person, institution, service, agency, organization and body responsible for the care or protection of children shall conform with the standards established by the appropriate authorities, particularly in the areas of safety, health, welfare, number and suitability of their staff and competent supervision.

PART II – RIGHT AND RESPONSIBILITIES OF A CHILD

Right of a Child

- 4 (1) The provisions in Chapter IV of the Constitution of the Federal Republic of Nigeria 1999, or any successive constitutional provisions relating to Fundamental Rights, shall apply in relation to the child as if those provisions were expressly stated in this Law. *Application of Chapter IV of the 1999 Constitution.*
- (2) In addition to the rights guaranteed under Chapter IV of the Constitution of the Federal Republic of Nigeria 1999, or under any successive constitutional provisions, every child has the rights set out in this part of this Law.
- (3) Parents and, where applicable, legal guardians shall provide guidance and direction in the exercise of these rights having regard to the evolving capacities and best interest of the child.
- (4) The duty of parents and, where applicable legal guardians to provide guidance and direction in the enjoyment of the rights in subsections (1) and (2) of this section by their child or ward shall be respected by all persons, bodies, institutions and authorities.
- (5) Whenever the fostering, custody or guardianship of a child is in issue, the right of the child to be brought up in and to practice his religious persuasion or belief shall be a paramount consideration.
5. Every child has a right to survival and development. *Right to survival and development.*
- 6 Every child has a right to a name and, accordingly, shall be given a name on his birth or on such other date as is dictated by the culture of his parents or guardian. *Right to name.*
7. Every child is entitled to respect for the dignity of his person, and *Right to dignity.*

accordingly, no child shall be –

- (a) subjected to physical, mental or emotional injury, abuse neglect or maltreatment, including sexual abuse;
- (b) subjected to torture, inhuman or degrading treatment or punishment;
- (c) subjected to attacks upon his honour or reputation; or
- (d) held in slavery or servitude, while in the care of a parent, legal guardian or school authority or any other person or authority having the care of the child.

8 (1) Every child is entitled to rest and leisure and to engage in play, sports and recreational activities appropriate to his age. *Right to leisure and recreation e.t.c.*

(2) Every person, institution, service, agency, organization and body, responsible for the care and welfare of a child shall, at all times, ensure adequate opportunities for the child in the enjoyment of his rights provided in subsections (1) of this section.

9 (1) Every child is entitled to enjoy the best attainable state of physical, mental and spiritual health. *Right to good health.*

(2) Every parent, guardian, institution, service, agency, organization or body responsible for the care of a child shall endeavour to provide for the child the best attainable state of health.

(3) The State Government and every Local Government in the State shall –

- (a) endeavour to reduce infant and child mortality rate;
- (b) ensure the provisions of necessary medical assistance and health care services to all children with emphasis on the development of primary health care;
- (c) ensure the provision of adequate nutrition and safe drinking water;
- (d) ensure the provision of good hygiene and environmental sanitation;
- (e) combat disease and malnutrition within the frame work of primary health care through the application of appropriate

technology;

(f) ensure appropriate health care for expectant and nursing mothers; and

(g) support, through technical and financial means the mobilization of state and local community resources in the development of primary health care for children.

(4) Every parent, guardian or person having the care and custody of a child under the age of two years shall ensure the child is provided with full safe immunization.

10 (1) Every child has a right to parental care and, protection and accordingly, no child shall be separated from his parents against the wish of the child except – *Right to parental care.*

(a) for the purpose of his education and welfare; or

(b) in the exercise of a judicial determination in accordance with provisions of this Law or other relevant laws, in the best interest of the child.

(2) Every child has the right to maintenance by his parents or guardians in accordance with the extent of their means, and the child has the right, in appropriate circumstances, to enforce this right in the Family court.

11 (1) Every child has the right to free, compulsory and universal basic education and it shall be the duty of the State to provide such education. *Right to education.*

(2) Every parent or guardian shall ensure that his child or ward attends and completes his primary school and junior secondary education.

(3) Every parent, guardian or person who has the care and custody of a child shall endeavour to send the child to a senior secondary school, except as, provided for in subsection (4) of this section.

(4) Where a child to whom subsection (3) of this section applies is not sent to senior secondary school, the child shall be employed to learn an appropriate trade and the employer of the child shall provide for learning the trade.

- (5) A child who becomes pregnant under special circumstances before completing her education shall be given the opportunity after delivery to continue with her education on the basis of individual ability.
- (6) A parent, guardian or person who has care and custody of a child and fails in the duty imposed on him under subsection (2) of this section, commits an offence and is liable –
- (a) on first conviction to be reprimanded and ordered to undertake community services;
 - (b) on second conviction to a fine of two thousand Naira or imprisonment for a term not exceeding one month or both such fine and imprisonment; and
 - (c) on any subsequent conviction to a fine not exceeding five thousand Naira or imprisonment for a term not exceeding two months or to both such fine and imprisonment.
- (7) The provisions of this section shall not apply to children with mental disabilities.
- 12 (1) Every child who is in need of special protection measures has the right to such measure of protection as appropriate to his physical, social, economic, emotional and mental needs and under conditions which ensure his dignity, promote his self-reliance and active participation in the affairs of the community. *Right of a child in need of special care.*
- (2) Every person, authority, body or institution that has the care or the responsibility for ensuring the care of a child in need of special protection measures shall endeavour, within the available resources, to provide the child with such assistance and facilities which are necessary for his education, training, preparation for employment, rehabilitation, and recreational opportunities in a manner conducive to his achieving the fullest possible social integration and individual development and his cultural and moral development.
- 13 (1) A child may bring an action for damages against a person for harm or injury caused to the child willfully, recklessly, negligently or through neglect before, during or after the birth of the child. *Right of an unborn child to protection and inheritance.*
- (2) Where the father of an unborn child dies intestate, the unborn child is entitled if he survives the father and was conceived during

the lifetime of his father, to be considered in the distribution of estate of his deceased father.

- (3) Where the mother of an unborn child dies intestate before the child is delivered, the unborn child is entitled, if he survives his mother, to be considered in the distribution of the estate of the deceased mother.

The provisions of this section shall not apply to derogate the principles of Islamic Law on inheritance.

- 14(1) Every child has responsibilities towards his family and society, the Nigeria nation and other legally recognized communities, nationally and internationally. *Responsibilities of a child.*

- (2) A child shall, subject to his age and ability and such other limitations as may be contained in this Law and any other Law, to –

- (a) work towards the cohesion of his family and community;
- (b) respect his parents, superior and elders at all times and assist them in case of need;
- (c) serve the Federal Republic of Nigeria by placing his physical and intellectual abilities at his service;
- (d) contribute to the moral well-being of the society;
- (e) preserve strengthen social and national solidarity;
- (f) preserve and strengthen the independence and integrity of the Federal Republic of Nigeria;
- (g) respect the ideals of democracy, freedom, equality, humaneness, honesty and justice for all persons;
- (h) relate with other members of the society, with different cultural values in the spirit of tolerance, dialogue and consultation;
- (i) contribute to the best abilities, at all times and at all levels, to the promotion and achievement of Nigeria, African and world unity; and
- (j) contribute to the best of his abilities, at all times and at all

levels, to the solidarity of the African people and the human race.

- (3) Every parent, guardian, institution, person and authority responsible for the care, maintenance, upbringing, education, training, socialization, employment and rehabilitation of a child has the duty to provide the necessary guidance, discipline, education and training for the child in his or its care such as will equip the child to secure his assimilation, appreciation and observance of the responsibilities set out in this part of the Law.

PART III – PROTECTION OF THE RIGHT OF A CHILD

- 15 (1) The provisions of section 15 and 16 of this law shall apply subject to the Personal Law applicable to the child in question. *Meaning of a child and prohibition of child marriage*
- (2) No child is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void and of no effect whatsoever; .
- 16(1) No parent, guardian or any other person shall betroth a child to any person. *Prohibition of child betrothal.*
- (2) A betrothal in contravention of subsection (1) of this section is null and void.
17. A person – *Punishment for child marriage and betrothal.*
- (a) who marries a child; or
- (b) to whom a child is betrothed; or
- (c) who promotes the marriage of a child; or
- (d) who betroths a child;
- commits an offence and is liable on conviction to a fine of N5,000.00; or imprisonment for a term of one year or to both such fine and imprisonment.
- 18(1) No person shall tattoo or make a skin mark or cause any tattoo or skin mark to be made on a child. *Prohibition of tattoo and skin mark.*
- (2) A person who tattoos or makes a skin mark on a child commits

an offence under this Law and is liable on conviction to a fine not exceeding five thousand Naira or imprisonment for a term not exceeding one month or to both such fine and imprisonment.

- 19(1) No person shall expose or involve a child in the use, production or trafficking of narcotics drugs and psychotropic substances. *Exposure to use and trafficking of narcotics drugs e.t.c.*
- (2) A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to imprisonment for life.

USE OF CHILDREN IN OTHER CRIMINAL ACTIVITIES

- 20(1) No person shall employ, use or involve a child in an activity leading to the commission of any other offence not already specified in this part of the Law. *Prohibition of the use of a child in criminal offence.*
- (2) A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to imprisonment for a term of fourteen years.
- 21(1) No person shall remove or take a child out of the custody or protection of his father or mother, guardian or such other person having lawful care or charge of the child against the will of the father, mother, guardian or that other person. *Abduction e.t.c. from lawful custody.*
- (2) A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction:
- (a) where the child is unlawfully removed or taken out of Federal Republic of Nigeria with the intention to return the child to Nigeria, to imprisonment for a term of fifteen years and if there is no intention to return the child to Nigeria to imprisonment for a term of twenty years;
 - (b) where the child is unlawfully removed or taken out of the State in which the father, mother, guardian or such other person who has lawful care of the child is ordinarily resident, to imprisonment for a term of ten years; or
 - (c) in any other case, to imprisonment for a term of seven years.

CHILD LABOUR

- 22(1) Subject to this Law, no child shall be subjected to any forced or exploitative labour, or employed to work in any capacity, as domestic help outside his home or family environment where there is reasonable risk of abuse or exploitation except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character. *Prohibition of child labour.*
- (2) No child shall be employed or work in an industrial undertaking and nothing in this subsection shall apply to work done by children in technical school or similar approved institution if the work is supervised by the appropriate authority.
- (3) Any person who contravenes the provision of subsection (1) or (2) of this section commits an offence and is liable on conviction to a fine not exceeding fifty thousand Naira or imprisonment for a term of five years or to both such fine and imprisonment.
- (4) Where an offence under this section is committed by a body corporate, any person who at the time of the commission of the offence was a proprietor, director, general manager or other similar officer, servant or agent of the body corporate shall be deemed to have jointly and severally committed the offence and may be liable on conviction to a fine of two hundred and fifty thousand Naira.

BUYING, SELLING, E.T.C. FOR THE PURPOSE OF BEGGING AND PROSTITUTION, E.T.C.

- 23(1) No person shall buy, sell, hire, dispose or obtain possession of or other wise deal in a child, and accordingly whoever procures a child: *Prohibition of use of a child for begging, hawking e.t.c.*
- (a) for the purpose of prostitution, sexual labour or for any unlawful immoral purpose; or
 - (b) for slavery or practices similar to slavery such as sale or trafficking of the child, debt bondage or serfdom, forced or compulsory labour; or
 - (c) for the purpose of begging for alms, guiding beggars, or street hawking of goods or services where such action results in abuse, neglect or exploitation; or
 - (d) for any purpose that deprives the child of the opportunity to attend or remain in school as provided for under the Compulsory, Free Universal Basic Education Act; or

(e) for prostitution or for the production of pornography or for any pornographic performance; or

(f) for any activity in the production or trafficking of illegal drugs and any other activity relating to illicit drugs as specified in the National Drugs Law Enforcement Agency Law commits an offence.

- (2) Whoever commits an offence under this section shall be liable on conviction to imprisonment for a term of five years.

SEXUAL EXPLOITATION

24(1) A person who sexually abuses or sexually exploits a child in any manner not already mentioned under this part commits an offence. *Sexual exploitation.*

- (2) A person who commits an offence under subsection (1) of this section is liable on conviction to imprisonment for a term of fourteen years.

OTHER FORMS OF EXPLOITATION

25(1) A person who exploits a child in any other form or way not already mentioned in this part which is prejudicial to the welfare of the child commits an offence. *Other forms of exploitation.*

- (2) A person who commits an offence under subsection (1) of this section is liable on conviction to a fine of five thousand Naira or imprisonment to a term of five years, or to both such fine and imprisonment.

HARMFUL PUBLICATION

26(1) No person shall convey or carry any harmful publication into the State under this Law. *Import of harmful publication into the state prohibited.*

- (2) A person who conveys or carries any harmful publication into the State commits an offence and is liable on conviction to a fine of thirty thousand Naira or imprisonment for a term of three years or to both such fine and imprisonment.

27(1) A person who prints, publishes, sells, lets on hire or displays or *Printing of harmful*

exhibits or has in his possession for the purposes of selling or letting on hire or display or exhibition any harmful publication commits an offence and is liable on conviction to a fine of fifty thousand Naira or imprisonment for a term of five years or such fine and imprisonment. *publication prohibited.*

- (2) Where a person is charged with an offence under this section, it is immaterial that the person had not examined the contents of the publication and has no reasonable cause to suspect that the publication was one to which this Law applies.

- 28(1) Where information is brought before a court that a person has committed or is suspected of committing offence under section 26 or 27 of this Law with respect to any harmful publication, the court may issue a warrant for the arrest of the person. *Court to issue warrant of arrest.*

- (2) The court may, on information substantiated, on oath, that there is reasonable ground for suspecting that a person charged with or suspected of committing an offence has in his possession or under his control copies of harmful publication or any plate or material prepared for the purpose of printing or displaying copies of any harmful publication or any photographic film or material prepared for that purpose, grant warrant authorizing a police officer named therein to enter (if necessary by force) any premises specified in the warrant and any vehicle, shop or stall used by the said person for any purpose to search the vehicle, shop or stall.

- (3) The police officer on searching the premises may seize any copies of the harmful publication and any plate or photographic film or material which the police officer has reasonable cause to believe to have been prepared for the purposes of printing or displaying copies of any harmful publication.

- 29(1) The court by or before which a person is convicted of an offence under section 26 or 27 of the Law may order for any copy of the harmful publication and any plate or photographic film or material prepared for the purpose of printing or displaying the harmful publication found in the possession of the convicted person under his control, to be forfeited. *Court to order forfeiture.*

- (2) The power to order forfeiture under subsection (1) of this section shall not extend to a case where the accused person has successfully raised a defence against the charge.

- (3) No order made under subsection (1) of this section by the Court

shall have effect –

- (a) until the expiration of the ordinary time within which an appeal may be lodged, whether by giving notice of appeal or applying for a case to be stated for the opinion of the High Court or Sharia Court of Appeal or Customary Court of Appeal, as the case may be; or
 - (b) where an appeal is duly lodged, until the appeal is finally decided or abandoned.
- (4) Before a forfeiture order is made under this section, the court shall hear the author, copyright owner or main publisher of the harmful publication if he so wishes.

MISCELLANEOUS

30. Notwithstanding any jurisdictional limitation on the powers of a Magistrate, Area Court and any other Court in relation to the imposition of fines or terms of imprisonment contained in any law, the Magistrate, Area Court or any other court before which the offences created in this part are tried shall have full jurisdiction and powers to impose up to the maximum penalties prescribed for the offence. *Extension of jurisdiction.*
31. Any provision in any other law securing the protection of the child, whether born or unborn, shall continue to apply and is hereby adopted for the protection of the child by this Law, notwithstanding that the provision has not been specifically provided for by this Law. *Savings.*

PART IV – PROTECTION OF CHILDREN

- 32(1) The Commissioner or an authority or person acting on the Commissioner's behalf may apply to the court for a child assessment order (referred to as 'the order' in this section) with respect to a child and the Court may make the order, if it is satisfied that – *Child assessment order.*
- (a) the applicant has reasonable cause to suspect that the child is suffering, or likely to suffer significant harm;
 - (b) an assessment of the state of the health or development of the child or the way in which the child has been treated, is required to enable the applicant to determine whether or not the child is suffering, or is likely to suffer,

significant harm; and

- (c) it is unlikely that such assessment will be made, or be satisfied in the absence of an order under this section.
- (2) A court may treat an application under this section as an application for an emergency protection order.
- (3) No Court shall make a child assessment order if it is satisfied that –
 - (a) there are grounds for making an emergency protection order with respect to the child; and
 - (b) it ought to make an emergency protection order rather than a child assessment order.
- (4) An order shall –
 - (a) specify the date on which the assessment is to begin; and
 - (b) have effect for such period, not exceeding nine days beginning with that date as may be specified in the order.
- (5) Where an order is in force with respect to a child it shall be the duty of any person who is in a position to produce the child to –
 - (a) produce him to such person as may be named in the order; and
 - (b) comply with such directions relating to the assessment of the child as the court thinks fits to specify in the order.
- (6) An order shall contain an authority to the person carrying out the assessment, or any part of the assessment, to do so in accordance with the terms of the order.
- (7) Notwithstanding subsection (6) of this section if the child has sufficient understanding to make an informed decision, he may refuse to submit to medical or psychiatric examination or any other assessment.
- (8) A child may be kept away from home in accordance with the directions specified in the order and only if it is necessary for the purpose of the assessment.
- (9) Where a child is to be kept away from home, the order shall

contain such directions as the court thinks fit with regard to the contact that the child must be allowed to have with other persons while away from home.

(10) A person, making an application for a child assessment order shall, before the hearing of the application, take such steps as are reasonably practicable to ensure that notice of the application is given to –

- (a) the parents of the child;
- (b) the person who, though not a parent of the child, has parental responsibility for the child; or
- (c) any other person having the care of the child;
- (d) a person in whose favour a contact is in force with respect to the child;
- (e) a person who is allowed to have contact with the child by virtue of an order made under section 46 of this Law; or
- (f) the child concerned.

(11) Rules of court may make provision as to the circumstances in which –

- (a) any of the persons mentioned in subsection (10) of this section; or
- (b) such other persons as may be specified in the Rules, may apply to the court for an order to be varied or discharged.

33 (1) The Commissioner or an authority or person acting on the Commissioner's behalf may apply to the court for an emergency protection order (referred to as "the order" in this section) with respect to a child and the court may make the order if it is satisfied -

*Application for
child emergency
protection order.*

- (a) that there is reasonable cause to believe the child is likely to suffer significant harm if he is not removed to an Emergency Protection Centre, or any other approved suitable accommodation provided by or on behalf of the applicant or does not remain in the place in which he is then being accommodated;

- (b) in the case of an application made by the Commissioner or an authority, acting on his behalf that the applicant has reasonable cause to believe that the child is suffering or is likely to suffer significant harm or access to the child is required as a matter of urgency and enquires with respect to the welfare of the child are being frustrated by access to the child being unreasonably denied to a person authorized to seek access.
- (2) A person seeking access to a child in connection with enquiries of the kind mentioned in subsection (1) of this section or purporting to be a person authorized to do so shall on being asked to do so produce some duly authenticated documents as evidence that he is such person.
- (3) While the order is in force it:
 - (a) gives the applicant parental responsibility for the child;
 - (b) operates as a direction to a person who is in a position to do so to comply with any request to produce the child to the applicant; and
 - (c) authorizes the removal of the child at any time to accommodation provided by or on behalf of the applicant and his being kept there; or
 - (d) prevents the child from being removed from any hospital, or other place, in which he was being accommodated immediately before the making of the order.
- (4) Where the order is in force, the applicant shall –
 - (a) only exercise the power given by virtue of subsection (3)(c) or (d) of this section in order to safeguard the welfare of the child;
 - (b) take only such action in meeting his parental responsibility for the child, as is reasonably required to safeguard or promote the welfare of the child, having regard, in particular, to the duration of the order; and
 - (c) comply with the requirements of any regulation made by the Commissioner for the purposes of this section.
- (5) Where the court makes the order, it may give such directions as it

considers appropriate with respect to –

- (a) the contact which is, or is not, to be allowed between the child and any named person; or
 - (b) medical or psychiatric examination or any other assessment of the child.
- (6) Where a direction is given under subsection (5) (b) of this section, the child may, if he has sufficient understanding to make an informed decision, refuse to submit to the examination or other assessment.
- (7) A direction given under subsection (5) (a) of this section may impose such conditions as the court considers appropriate and a direction under subsection (5) (b) of this section may –
 - (a) prohibit the examination or assessment of the child; or
 - (b) allow the examination or assessment of the child only when the court so directs.
- (8) A direction under subsection (5) of this section may be given when the order is made or at any time while it is in force and may be varied at any time on application of any class of persons prescribed by the rules of court for the purposes of this subsection.
- (9) Where an order is in force in respect of a child and the applicant has exercised the power conferred by –
 - (a) subsection (3) (c) of this section, but it appears to the applicant that it is safe for the child to be so returned; or
 - (b) subsection (3) (d) of this section, but it appears to the applicant that it is safe for the child to be allowed to be removed from the place in question, the applicant shall return the child or allow the child to be so removed, as the case may be.
- (10) Where the applicant is required by subsection (9) of this section to return the child, the applicant shall –
 - (a) return the child to the care of the person from whose care the child was removed; or

- (b) if that is not reasonably practicable return the child to the care of –
 - (i) a parent of the child; or
 - (ii) a person who, though not a parent of the child, has parental responsibility for the child; or
 - (iii) such other person as the applicant, with the agreement of the court considers appropriate.
- (11) Where the applicant has returned a child or allowed a child to be removed as required by subsection (9) of this section, the applicant may again, exercise the powers conferred by subsection (3) (c) and (d) of this section at any time while the order remains in force, if it appears to the applicant that a change in the circumstances of the case make it necessary for him to do so.
- (12) Where an order is in force, the applicant shall, subject to any direction given under subsection (5) of this section, allow the child reasonable contact with –
 - (a) the parent of the child;
 - (b) a person who, though not a parent of the child has parental responsibility for the child;
 - (c) a person with whom the child was living immediately before the making of the order;
 - (d) a person in whose favour a contact order is in force with respect of the child;
 - (e) a person who is allowed to have contact with the child by virtue of an order made under section 46 of this Law; and
 - (f) a person acting for and on behalf of any of the persons specified in paragraphs (a) to (e) of this section.
- (13) Whenever it is reasonable to do so, an order shall name the child, and where it does not name the child it shall describe the child, as clearly as possible.
- (14) A person who willfully obstructs any person exercising the power under subsection (3) (c) and (d) of this section to remove, or prevent the removal of a child commits an offence and is liable

on summary conviction to a fine of two thousand five hundred Naira or imprisonment for a term of three month or both such fine and imprisonment.

- 34 (1)** An order shall have effect for such period, not exceeding nine days, as may be specified in the order. *Effect and duration of the order.*
- (2) Where the court making an emergency protection order would, but for this subsection specify a period of nine days as the period for which the order is to have effect, but the last of those nine days is a public holiday or a Sunday, the court may specify a period which ends at noon on the first later day which is not a public holiday or a Sunday.
- (3) Where an order is made on an application under section 42 of this Law, the period of nine days mentioned in subsection (2) of this section shall begin with the first day on which the child was taken into police protection under section 44 this Law.
- (4) A person who has parental responsibility for a child as a result of an order; and is entitled to apply for a care order with respect to the child, may apply to the court for the extension of the period during which the order is to have effect.
- (5) On an application under subsection (4) of this section, the court may extend the period during which the order is to have effect, by such period, not exceeding seven days, if it has reasonable cause to believe that the child concerned is likely to suffer significant harm if the order is not extended.
- (6) An order may only be extended once.
- (7) Notwithstanding any enactment or rule of law which would otherwise prevent it from doing so, a court hearing an application for, or with respect to an order may take account of –
- (a) any statement contained in any report made to the Court in the course of, or in connection with, the hearing; or
 - (b) any evidence given during the hearing, which is, in the opinion of the court, relevant to the application.
- (8) Any of the following persons may apply to the court for an order to discharge –
- (a) the child;

- (b) a parent of a child;
 - (c) a person who has parental responsibility for the child; or
 - (d) a person with whom the child was living immediately before making of the order.
- (9) No application for the discharge of an order shall be heard by the court before the expiry of the period of seventy-two hours beginning with the making of the order.
- (10) No appeal may be made against the making of, or refusal to make, an order or against any directions given by the court in connection with an order.
- (11) Subsection (8) of this section does not apply where the person who would otherwise be entitled to apply for the discharge of the emergency protection order was given notice in accordance with the Rules of Court of the hearing at which the order was made or was present in court, or to any emergency protection order the effective period of which has been extended under subsection (5) of this section.
- (12) A court making an order may direct that the applicant may, in exercising any power which he has by virtue of the order, be accompanied by a registered medical practitioner, registered nurse or registered health visitor, if he so chooses.
- 35 (1) Where the specialized children police in the State has reasonable cause to believe that a child is otherwise likely to suffer significant harm, a specialized children police officer may take the child into children police protection by –
- Removal of a child under protection by the police.*
- (a) removing the child to an Emergency Protection Centre or any other approved suitable accommodation and keeping the child there; or
 - (b) taking such steps as are reasonable to prevent the child from being removed from any hospital, or other place, in which the child is then being accommodated.
- (2) As soon as is reasonably practicable after taking a child into police protection, the police officer concerned shall –
- (a) inform the Government of the steps that have been, and

are to be taken with respect to the child under this section and the reason for taking those steps;

- (b) give details of the case to the appropriate authority within whose area the child is ordinarily resident, that is, the appropriate authority of the place in which the child is being accommodated;
 - (c) inform the child, if he appears capable of understanding of –
 - i) the steps that have been taken with respect to him under this section and of the reasons for taking those steps; and
 - ii) further steps that may be taken with respect to him under this section;
 - (d) take such steps as are reasonably practicable to discover the wishes and feeling of the child;
 - (e) ensure that the case is enquired into by an officer designated for the purpose of this section by the officer in charge of the specialized children police in the State concerned; and
 - (f) where the child was taken into protection by being removed to an accommodation which is provided –
 - i) by or on behalf of the Commissioner;
 - ii) as a refuge, in compliance with the requirements of section 49 of this Law, ensure that he is moved to an Emergency Protection Centre or any other approved suitable accommodation.
- (3) As soon as is reasonably practicable after taking a child into police protection, the police officer concerned shall take such steps as are reasonable to inform –
- (a) the parent of the child;
 - (b) a person who, though not a parent of the child, has parental responsibility for the child; and
 - (c) any other person with whom the child was living

immediately before being taken into police protection, the reasons for taking those steps and the further steps.

- (4) A police officer designated under subsection (2) (e) of this section shall, on completing an enquiry under that subsection, release the child from police protection unless he considers that there is still reasonable cause for believing that the child is likely to suffer significant harm if released.
- (5) No child may be kept in police protection for more than seventy-two hours.
- (6) While a child is being kept in police protection, the designated officer may apply on behalf of the appropriate authority for an emergency protection order to be made under section 33 of the Law with respect to the child.
- (7) An application may be made under subsection (6) of this section whether or not the appropriate authority knows of it or agrees to its being made.
- (8) While a child is being kept in police protection, the police officer concerned or the designated officer shall not have parental responsibility for him, but the designated officer shall do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the welfare of the child, having regard in particular to the length of the period during which the child will be so protected.
- (9) Where a child has been taken into police protection, the designated officer shall allow –
 - (a) the parents of the child;
 - (b) a person whom though not a parent of the child has parental responsibility for the child;
 - (c) a person with whom the child was living immediately before he was taken into police protection;
 - (d) a person in whose favour a contact order is in force with respect to the child;
 - (e) a person who is allowed to have contact with the child by virtue of an order made under section 46 of this Law; or

- (f) a person acting on behalf the persons specified in paragraphs (a) to (e) of this subsection, to have such contact if any, with the child as, in the opinion of the designated officer, is reasonable and in the best interest of the child.

- (10) Where a child who has been taken into police protection is in an accommodation provided by, or on behalf of, the appropriate authority, subsection (9) of this section shall have effect as if references to designated officer were references to the appropriate authority.

36 (1) Where the Commissioner –

*Power of the
Commissioner
to investigate*

- (a) is informed that a child who lives, or is found:

- i) is the subject of an emergency protection order;
or

- (ii) has been taken into police protection; or

- (b) has reasonable cause to suspect that a child who lives, or is found, in the state is suffering, or is likely to suffer, significant harm, the Commissioner shall make, or cause to be made, such enquiries as he considers necessary to enable it decide whether it should take any action to safeguard or promote the welfare of the child.

- (2) Where the Commissioner has obtained an emergency protection order with respect to a child, he shall make, or cause to be made, such enquiries as he considers necessary to enable him to decide what action should be taken to safeguard or promote the welfare of the child.

- (3) The enquiries made under subsection (2) of this section shall, in particular, be directed towards establishing whether the Commissioner should make an application to the court or exercise any of his powers under this Law in respect of a child to whom an order has been made or who is not in an accommodation provided by or on behalf of the an authority, or taken into police protection, it would best in the interest of the child while an emergency protection order remains in force for the child to be provided an accommodation.

- (4) Where enquiries are being made under subsection (1) of this section with respect to a child, the Commissioner shall, with a

view to enabling him to determine what action if any, to take with respect to the child, take such steps as are reasonably practicable to obtain access to the child or ensure that access to the child is obtained on its behalf.

- (5) Where, as a result of enquiries under this section, it appears to the Commissioner that there are matters connected with the education of the child which should be investigated, he shall direct the relevant education authority to do so.
 - (6) Where, in the cause of enquiries under this section, the Commissioner or a person authorized by him to act in connection with those enquiries is refused access to or denied information as to the whereabouts of the child shall apply for an emergency protection order, a child assessment order, a care order or a supervision order unless he is satisfied that the welfare of the child will be safeguarded without doing so.
 - (7) If, on conclusion, of any enquiry or review under this section, the Commissioner decides not to apply for any order he shall consider whether to review the case at a later date and determine the date on which the review is to begin.
 - (8) Where, as a result of complying with this section, the Government concludes that it should take action to safeguard or promote the welfare of the child; it shall take that action if the action is within its power and it is reasonably practicable for it to do so.
- 37(1) Where it appears to a court making an emergency protection order that adequate information as to the whereabouts of a child is not available to the applicant for the emergency protection order or is available to another person who is not the applicant, the Court may include, in the order, a provision requiring that other person to disclose, if asked to do so by the applicant, any information that may have as to the whereabouts of the child.
- Disclosure of information to the court by third party.*
- (2) No person shall be excused from complying with a requirement under subsection (1) of this section on the grounds that complying might incriminate him or his spouse of an offence, but a statement or admission made in compliance with the requirement shall not be admissible in evidence against either of them in prosecution for an offence, other than perjury.
 - (3) An emergency protection order may authorized the applicant to enter premises specified by the order and search for the child with

respect to whom the order is made, and the court may, if satisfied that there is reasonable cause to believe that there may be another child on those premises with respect to whom an emergency protection order ought be made, make an order authorizing the applicant to search for the other child on those premises.

- (4) Where an order has been made under subsection (3) of this section, the child concerned has been found on the premises, and the applicant is satisfied that the grounds for making emergency protection order exist with respect to the child he shall notify the court accordingly.
- (5) A person who willfully obstructs a person exercising the power of entry and search under subsection (3) or this section commits an offence and is liable on summary conviction to a fine of twenty thousand Naira or imprisonment for a term of three months or to both such fine and imprisonment.

- 38 (1)** A person who knowingly and without lawful or reasonable excuse: *Punishment for unlawful custody or incitement.*
- (a) takes or keeps a child to whom this section applies away from the person responsible for the child; or
 - (b) induces, assists or incites a child to whom this section applies to run away or stay away from the person responsible for the child, commits an offence under this section and shall be liable on conviction to a fine not exceeding seventy thousand Naira or imprisonment for a term not exceeding three years or to both such fine and imprisonment.
- (2) This section applies in relation to a child who is in care or the subject of an emergency protection order or taken into police protection.

- 39 (1)** Where it is proposed to use a voluntary home or registered children's home to provide refuge for children who appear to be at risk of harm, the Commissioner may issue a certificate under this section to that home. *Power of the Commissioner to issue certificate.*
- (2) Where an appropriate authority or a voluntary organization arranges for a foster parent to provide such a refuge, the Commissioner may issue a certificate under this section with respect to that parent.

(3) Where a certificate is in force with respect to a home, none of the provisions contained in this Law or any other law relating to:

- (a) the harbouring of a child who has absconded from residential establishments; or
- (b) compelling, persuading, inciting or assisting a child to absent himself from detection; or
- (c) the abduction of a child;

shall apply in relation to a person providing refuge for a child in that home.

(4) Where a certificate is in force with respect to a foster parent, the provisions referred to in subsection (3) of this section shall not apply in relation to the provision by him of a refuge for a child in accordance with arrangements made by the appropriate authority or voluntary organization.

(5) The Commissioner may by regulations:

- (a) make provisions as to the manner in which certificates may be issued;
- (b) impose conditions which shall be complied with while a certificate is in force; and
- (c) provide for the withdrawal of certificate in prescribed circumstances.

40 (1) Without prejudice to the provisions of this Law on powers to make rules, the Court may make rules specifying the procedure to be followed in connection with the processes under this part.

Power of the court to make rules.

(2) The rules may, in particular, make provisions as to the:

- (a) form in which an application is to be made or a direction to be given;
- (b) prescribing the persons who are to be notified of:
 - i) the making or extension, of an emergency protection order; or
 - ii) the making of an application under section 33(4)

or (5), 34(6) of this Law; and

- (c) as to the content of any notification and the manner in which, and the person by whom it is to be given.

(3) The Ministry may, by regulations, provide that, where:

- (a) an emergency protection order has been made with respect to a child;
- (b) the applicant for the order was not the appropriate authority within whose area the child is ordinary resident; and
- (c) the appropriate authority is of the opinion that it would be in the best interest of the child for the applicant's responsibility under the order to be transferred to it,

the appropriate authority shall, subject to its having complied with any conditions imposed by the regulations, be treated, for the purpose of this Law, as though it and not the original applicant had applied for, and been granted, the order.

(4) Regulations made under subsection (3) of this section may, in particular, make provisions for:

- (a) the considerations to which the appropriate authority is to have regard in forming an opinion as mentioned in subsection (3) (c) of this section; and
- (b) the time at which responsibility under any emergency protection order is to be treated as having been transferred to an appropriate authority.

PART V – CHILDREN IN NEED OF CARE AND PROTECTION

41 (1) A child development officer, a police officer or any other person authorized by the Commissioner may bring a child before the court if he has reasonable grounds for believing that the child –

Who may bring a child in need of care e.t.c. to court.

- (a) is an orphan or is deserted by his relatives;
- (b) has been neglected or ill-treated or battered by the person having the care and custody of the child;
- (c) has a parent or guardian who does not exercise proper

guidance and control over the child;

- (d) if found destitute, has both parents or his surviving parent, undergoing imprisonment or treatment for mental disorder or otherwise severely incapacitated;
- (e) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child;
- (f) is the child of a father who has been convicted of the offence of defilement or indecent treatment of any of his children;
- (g) is found wandering or has no home or settled place of abode, is on the street or other public place, or has no visible means of subsistence;
- (h) is found begging, under circumstances which show risk of abuse, neglect or exploitation, whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise or is found in any street, premises or place for the purpose of so begging or receiving alms;
- (i) accompanies any person, under circumstances which show risk of abuse, neglect or exploitation, when that person is begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise;
- (j) frequents the company of a reputed thief or common or reputed prostitute;
- (k) is lodging or residing in a house or the part of a house used by a prostitute for the purpose of prostitution, or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the child;
- (l) is a child in relation to whom an offence against morality has been committed or attempted;
- (m) is otherwise exposed to moral or physical danger;
- (n) is otherwise to need of care, protection or control; or

- (o) is beyond the control of his parents or guardians.
- (2) The person making an application under subsection (1) of this section shall, before the hearing of the application, take such steps as are reasonably practicable to ensure that notice of the application is given to –
- (a) the parents of the child; or
 - (b) a person who, though not a parent of the child, has parental responsibility for the child;
 - (c) any other person who has the care of the child; and
 - (d) the child concerned, if he has sufficient understanding.
- (3) The court, if satisfied that a child brought before it comes within any of the paragraphs of subsection (1) of this section may –
- (a) cause the parent or guardian of the child to enter into a recognizance to exercise proper care and guardianship over the child; or
 - (b) making a corrective order –
 - i) committing the child to the care of any fit person whether a relative or not, who is willing to undertake the care of the child; or
 - ii) sending the child to an approved institution in exceptional circumstances where a non-institutional measure is impracticable or inappropriate;
 - (c) without making any other order, or in addition to making an order under paragraph (b) of this subsection, make an order placing the child for a specified period, not exceeding three years, under the supervision of a supervision officer or of some other person appointed for the purpose by the court.
- (4) A child shall not be deemed to come within the scope of paragraph (j) of subsection (1) of this section, if the only common prostitute whose company the child frequents is the mother of the child and it is proved that she exercises proper guidance and due care to protect the child from moral danger.

(5) For the purpose of paragraph (m) of subsection (1) of this section, but without prejudice to the generality of the words thereof, the fact that a child is found –

- (a) destitute or wandering, without any settled place of abode and without visible means of subsistence;
- (b) begging in circumstances which show risk of neglect, abuse or exploitation, whether or not there is any pretence of singing, play or offering anything for sale or otherwise;
- (c) loitering for the purpose of begging or receiving alms, in circumstances which show risk of neglect, abuse or exploitation;
- (d) hawking or street trading; or
- (e) living in the streets, under bridges, in market places, in motor parks or in other public places,

is evidence that the child is exposed to moral danger.

(6) A court before which a person is convicted of having committed in respect of a child, any offence referred to, in paragraph (f) or (i) of subsection (1) of this section, may –

- (a) direct that the child be brought before a court with a view to that court making such order under subsection (2) of this section as may be proper; or
- (b) if satisfied that the evidence before it is sufficient to enable it properly exercise jurisdiction, notwithstanding anything to the contrary in Part XIII of this Law, make any order which the court has power to make.

42. Where the court is satisfied that the parent or guardian of a child is unable to control the child, the Court may, if further satisfied that it is expedient to deal with the child and that the parent or guardian understands the results which will follow from the consent to making the order, make a corrective order in respect of the child to be placed for specific period, not exceeding three years under the supervision of an appropriate supervisory child development officer appointed for that purpose by the court.

Power of the court to make corrective order committing a child

43 (1) Where a child is committed:

Power of court to order

*contribution for
the maintenance
of a committed
child.*

- (a) to the care of an individual under this Law; or
 - (b) in exceptional circumstances, to an approved institution or any other institution, and the court is satisfied that the need for the order arose from the neglect on the part of any of the persons named in subsection (2) of this section, the court may order that person to make such contribution towards the maintenance of the child as it may think fit, having regard to all the circumstances of the case, including the means of the person ordered to make the contribution.
- (2) The persons referred to in subsection (1) of this section are –
- (a) the father, step-father, mother or step-mother of the child; or
 - (b) a person who bears responsibility for the upkeep of the child, whether or not he is the putative father of the child; or
 - (c) the person in whose care and custody the child has been during the two years immediately preceding the date of the order of committal.
- (3) The court shall order the contribution of such amount per week, per month or per each such period as it deems proper having regard to the means and earning capacity of the person ordered to make the contribution and other relevant circumstances.
- (4) If a person fails or neglects to comply with an order made under subsection (1) of this section, the court may for every breach of the order direct the amount due to be levied in the manner by law provided for levying distress in the enforcement of damages or other awards ordered by a court in a civil proceeding.
- (5) The court which has the jurisdiction over the place in which the person or persons liable to make contribution may, at any time, on the application of the person or persons or on officer of the appropriate authority or other authorized officer, and on proof of a change of circumstances in the person or persons so required to make the contribution, increase or reduce the contribution or rescind any order as the court may deem fit.

PART VI – CARE AND SUPERVISION

- 44 (1) The court may, on the application of the Commissioner, any authorized person or body make a
- Power of the court to make care or supervision order.*
- (a) care order, placing a child with respect to whom an application is made in the care of a designated authorized person, authority or the Commissioner;
 - (b) supervision order, placing a child under the supervision of a designated appropriate authority or supervision officer.
- (2) A court may make a care order or supervision order if it is satisfied that:
- (a) the care given to the child, or likely to be given to the child if the order were not made is not what a parent would reasonably be expected to give to the child; or
 - (b) the child is beyond parental control.
- (3) No care order or supervision order shall be made with respect to a person who has attained the age of eighteen years.
- (4) An application under this section may be made on its own or in any other family proceedings.
- (5) The court may, on an application for a care order make a supervision order, and may on an application for a supervision order make a care order.
- (6) An authorized person, who proposes to make an application under this section, shall, if it is reasonably practicable to do so and before making the application, consult the Commissioner or any authority appearing to him to be the authority in whose jurisdiction the child concerned is ordinarily resident.
- (7) An application for a care order or a supervision order made by an authorized person shall not be entertained by the court if, at the time when it is made, the child concerned is the subject of an earlier application for a care order or a supervision order or subject to a subsisting care order or supervision order.
- (8) The authority designated in a care order or supervision order shall be the local government in which the child is ordinarily resident, or the local government in which circumstances arose in consequence of which the order is being made.

- (9) Where the question as to whether harm suffered by a child is significant to retard the child's health or development, his health or development shall be compared with that which could reasonably be expected of a child of similar circumstances.
- 45 (1) A court before which an application for an order is brought under this part shall, in consideration of any rules made pursuant to subsection (2) of this section. *Power of the court to make rules.*
- (a) draw up a timetable with a view to disposing of the application without delay; and
 - (b) give such directions as it considers appropriate for the purpose of ensuring, as far as is reasonably practicable, that the timetable is adhered to.
- (2) The court may by rules specify the period within which specific steps must be taken in relation to the proceedings, and make other provisions with respect to the proceedings for the purpose of ensuring, as far as is reasonably practicable, that the proceedings are disposed of without delay.
- 46 (1) Where a care order is made, the Commissioner or the authority designated by the order shall receive the child into its care and keep the child in its care while the order remains in force. *Effect of care order.*
- (2) Where a care order has been made on application of an authorized person and the Commissioner or the authority designated by the order was not informed of the application, the child may be kept in the care of that person until received into the care of the Commissioner or the authority.
- (3) While a care order is in force, the Commissioner or the authority designated by the order shall have:
- (a) parental responsibility for the child, subject to any right, duty, power, responsibility or authority which a parent or guardian of the child has in relation to the child and his property by virtue of any other law; and
 - (b) the power, subject to the following provisions of this section, to determine the extent to which a parent or guardian of the child may meet his parental responsibility for the child.
- (4) The Commissioner or the authority shall not exercise power in

subsection (3) (b) of this section unless he is satisfied that it is necessary to do so in order to safe guard or promote the welfare of the child.

- (5) Nothing in subsection (3) (b) of this section shall prevent a parent or guardian of the child who has care of the child from doing what is reasonable in all the circumstances of the case for the purpose of safe guarding or promoting the welfare of the child.
- (6) While a care order is in force with respect to a child, the Commissioner or the authority designated by the order shall not –
 - (a) cause the child to be brought up in any religious persuasion, other than that in which he will have been brought up if the order had not been made; or
 - (b) have the right to:
 - i) consent or withhold consent to the making of an application with respect to the child under the adoption provisions of this Law where applicable; or
 - ii) appoint a guardian for the child
- (7) While a care order is in force with respect to a child, no person shall –
 - a) cause the child to be known by a new surname; or
 - b) remove the child from the State, without either the written consent of every person who has parental responsibility for the child or the leave of the Court.
- (8) Subsection (7) (b) of this section shall not –
 - (a) prevent the removal of a child from the State, for a period of less than one month, by the authority in whose care he is; or
 - (b) apply to arrangements for a child to live outside the state, if the required written consent or the leave of the court has been obtained.
- (9) The making of a care order in respect to a child who is subject to a contact order, a prohibited steps order, a residence order or a specific issue order, discharges the contact order, the prohibited

steps order, the residence order or a specific issue order.

- (10) The making of a care order with respect to a child who is:
- (a) the subject of a supervision order, discharges the supervision order;
 - (b) a ward of court, brings that ward ship to an end; and
 - (c) the subject of a school attendance orders, discharges the school attendance order.
- (11) Where an emergency protection order is made with respect to a child who is in care, the care order shall have effect subject to the emergency protection order.
- (12) Any order made under section 60 or 75 of this Law shall continue in force until the child attains the age of 18, unless it is brought to an end earlier.
- (13) An –
- (a) agreement under section 61 of this Law; and
 - (b) appointment under section 75 (3) or (4) of this Law, shall continue in force until the child attains the age of 18, unless it is brought to an end earlier.
- (14) The provisions of First Schedule to this Law shall have effect with respect to financial relief for children.
- (15) Subject to this Law, an order made under this section shall, if it would otherwise continue in force, cease to have effect when the child attains the age of 18 years.
- (16) Where an order under this section has effect with respect to a child who has attained the age of 16, it shall, if it would otherwise continue in force, cease to have effect when the child attains the age of 18 years.
- (17) A care order, other than an interim care order, shall continue in force until a child attains the age of 18 years, unless it is brought to an end earlier.
- (18) An order made under any other provisions of this Law in relation to a child shall, if it would otherwise continue in force, cease to

have effect when he attains the age of 18 years.

(19) Where an application (in this sub-section referred to as “the previous application”) has been made for –

- (a) the discharge of a care order;
- (b) the discharge of a supervision order;
- (c) the discharge of an education supervision order; or
- (d) the substitution of a supervision order for a care order;
- (e) a child assessment order,

no further application of any kind mentioned in paragraphs (a) to (e) of this subsection may be made with respect to a child concerned, without leave of the court, unless the period between the disposal of the previous application and making of the further application exceeds six months.

(20) Subsection (19) of this section does not apply to applications made in relation to interim orders.

(21) Where –

- (a) an application made for an order under section 49 of this Law has been refused; and
- (b) a period of less than six months has elapsed since the refusal, the person who made the application shall not make a further application for such an order with respect to the same child, unless he has obtained the leave of the court.

(22) On disposing of an application for an order under this Law, the court may, whether or not it makes any other order in response to the application, order that no application for an order under this Law of any specified kind may be made with respect to the child concerned by any person named in the order without leave of the court.

47 (1) The Commissioner or any authorized person or body, shall subject to the provisions of this section allow a child under his care reasonable contact with –

*Parental contact
e.t.c. with a child
under care.*

- (a) the parents of the child;
 - (b) the guardian of the child;
 - (c) a person in whose favour a residence order was previously made immediately before a care order was made; and
 - (d) a person who, immediately before the care order was made had care of the child by virtue of an order made by the court.
- (2) On an application made by the Commissioner, or any authorized person or body or the child, the court may make such order as it considers with respect to the contact which is to be allowed between the child and a named person.
 - (3) On an application made by a person mentioned in paragraph (a) to (d) of subsection (1) of this section; or a person who has obtained leave of the court to make the application, the court may make such order as it considers appropriate with respect to the contact which is to be allowed between the child and that person.
 - (4) On an application made by the Commissioner or the authority with respect to the child, the court may make an order authorizing the Commissioner or the authority to refuse to allow contact between the child and a person who is mentioned in paragraph (a) to (d) of subsection (1) of this section and named in the order.
 - (5) When making a care order or in any family proceedings in connection with a child who is in the care of the Commissioner, the Court may make an order under this section notwithstanding that no application for the order has been made with respect to the child if it considers that the order should be made.
 - (6) The Commissioner or appropriate authority may refuse to allow the contact that would otherwise be required by virtue of subsection (1) of this section or an order made under this section if it is satisfied that it is necessary to do so in order to safeguard or promote the welfare of the child, and the refusal is based on urgency and does not last for more than seven days.
 - (7) An order made under this section may impose such conditions as the Court considers appropriate.
 - (8) The Court may vary or discharge an order made under this section on the application of the Commissioner or appropriate authority,

the child concerned or the person named in the order.

(9) An order under this section may be made at the same time as the care order itself or later.

(10) The court shall, before making a care order –

(a) consider the arrangement which the Commissioner or the appropriate authority has made, or proposes to make, for affording a person contact with a child to whom this section applies; and

(b) invite the parties to the proceedings to comment on the arrangement.

48 (1) While a supervision order is in force the supervisor shall –

(a) advise, assist and befriend the supervised child;

(b) take such steps as are as reasonable to give effect to the order; and

(c) where the order is not wholly complied with, or the supervisor considers that the order may no longer be necessary, consider whether or not to apply to the court for its variation or discharge.

Duty of supervisors while supervision orders are in force.

(2) The supplementary provisions set out in parts I and II of the Second Schedule to this Law shall apply with respect to supervision orders.

49(1) On the application of an appropriate education authority, the court may make an order to be known as an education supervision order putting the child with respect to whom the application is made under the supervision of a designated appropriate education authority.

Education supervision orders

(2) The court shall only make education supervision order if it is satisfied that the child concerned is of compulsory school age and is not being properly educated.

(3) For the purpose of this section, a child is being properly educated only if he is receiving efficient full-time educational suitable to his age, ability and aptitude and any other special needs he may have.

(4) Where a child is –

- (a) the subject of a school attendance order which is in force and which has not been complied with; or
 - (b) a registered pupil at a school which he is not attending regularly, it should be assumed that he is not being properly educated unless the contrary is proved.
- (5) An education supervision order may be made with respect to a child who is in the care of the government if the court deems it necessary in the interest of the child.
- (6) The appropriate education authority designated in an education supervision order shall be –
 - (a) the authority within whose area the child concerned is living or will live; or
 - (b) the authority within whose area a school is situated if the child is registered at that school, and the authority mentioned in paragraph (a) of this subsection and the authority within whose area the school is situated agree.
- (7) An appropriate education authority which proposes to make an application for an education supervision order shall, before making the application consult the child services committee or unit of the appropriate authority.
- (8) The supplementary provisions set out in part III of the Second Schedule to this Law shall apply with respect to education supervision orders.
- 50 (1) Where it appears to the court in proceedings in which a question arises as to the welfare of a child, that it may be appropriate for a care or supervision order to be made in respect of that child, the court may direct the appropriate authority to undertake an investigation of the child's circumstances. *Power of the court where the proceedings involves welfare of a child.*
- (2) Where the court gives a direction under this section, the appropriate authority concerned shall, when undertaking the investigation, consider whether it should –
 - (a) apply for a care order or a supervision order with respect to the child; or
 - (b) provide services or assistance for the child and his family;

or

(c) take any other action with respect to the child.

(3) Where the appropriate authority undertakes an investigation under this section and decides not apply for a care order or supervision order with respect to the child concerned, the appropriate authority shall inform the court of –

(a) its reasons for so deciding;

(b) any service or assistance which it has provided, or intends to provide, for the child and his family; and

(c) any other action which it has taken or proposes to take, with respect to the child.

(4) The information referred to in subsection (3) of this section shall be given to the court before the end of the period of eight weeks beginning with date of the direction, unless the court otherwise directs.

(5) If, on the conclusion of any investigation or review under this section, the appropriate authority decides not apply for a care order or supervision order with respect to the child, the appropriate authority shall consider whether it would be appropriate to review the case at a later date.

(6) If the appropriate authority decides that it would review the case pursuant to subsection (5) of this section, it shall determine the date on which that review is to begin.

(7) In this section, “the appropriate authority”, means the authority in whose care the child is.

51(1) Where –

Interim orders.

(a) in any proceeding on an application for a care or supervision order, the proceeding is adjourned; or

(b) the court gives a direction under section 50(1) of this Law, the Court may make an interim care order or an interim supervision order with respect to the child concerned.

(2) The court shall not make an interim care order or interim supervision order under this section unless it is satisfied that

there are reasonable grounds for believing that the circumstances with respect to the child are as mentioned in section 44(2) of this Law.

- (3) Where, in any proceeding on an application for a care order or supervision order, the court makes a residence order with respect to the child concerned, it shall also make an interim supervision order with respect to the child unless it is satisfied that the welfare of the child will be satisfactorily safeguarded without an interim supervision order being made.
- (4) An interim order made under or by virtue of this section shall have effect for such period as may be specified in the order, but shall cease to have effect on whichever of the following events first occurs –
 - (a) the expiry of the period of ten weeks beginning with the date on which the order is made;
 - (b) if the order is the second or is subsequent to an order made with respect to the same child in the same proceedings, the expiry of the relevant period;
 - (c) in a case which falls within subsection (1) (a) of this section, the disposal of an application;
 - (d) in a case which falls within subsection (1) (b) of this section, the disposal of an application for a care order or supervision order made by the appropriate authority with respect to the child;
 - (e) in a case which falls within subsection (1) (b) of this section and in which the court has given a direction under section 53(1) of this Law, but no application for a care order or supervision order has been made with respect to the child, the expiry of the period fixed by that direction.
- (5) Where the court makes an interim care order or interim supervision order, it may give such directions, if any, as it considers appropriate with regard to the medical examination, including psychiatric examination, or other assessment of the child, but if the child has sufficient understanding to make an informed decision he may refuse to submit to the examination or other assessment.
- (6) A direction under subsection (5) of this section may provide that

there shall be –

- (a) no examination or assessment; or
- (b) no examination or assessment unless the court directs otherwise.

(7) A direction under subsection (5) of this section may be –

- (a) given when the interim care order or interim supervision order is made or at any time while it is in force; and
- (b) varied at any time on the application of any person falling within any class of persons prescribed by rules of Court for the purposes of this subsection.

(8) Where the court makes an order under or by virtue of this section it shall, in determining the period for which the order is to be in force, consider whether any party who was or might have been opposed to the making of the order was in a position to argue his case against the order in full.

(9) The provisions set out in paragraphs 4 and 5 of the Second Schedule to this Law shall not apply in relation to an interim supervision order.

52 (1) The court may vary or discharge a care order on the application of –

- (a) a person who has parental responsibility for the child; or
- (b) the child himself; or
- (c) the Government or appropriate authority designated by the order.

Discharge, variation e.t.c. of care orders and supervision orders.

(2) The court may vary or discharge a supervision order on the application of –

- (a) a person who has parental responsibility for the child;
- (b) the child himself; or
- (c) the supervisor.

(3) On the application of a person who is not entitled to apply for the

order to be discharged, but who is a person with whom the child is living, the Court may vary a supervision order in so far as it imposes a requirement which affects that person.

- (4) Where a care order is in force, the Court may, on the application of any person entitled to apply for the order to be discharged, substitute a supervision order for the care order.
 - (5) When the court is considering to substitute one order for another under subsection (4) of this section, any provision of this Law which would otherwise require section 43(2) of this Law to be satisfied, at the time when the proposed order is substituted or made, shall be discharged.
 - (6) The making of a resident order with respect to a child who is the subject of a care order discharges the care order.
- 53 (1) When the court dismisses an application for a care order in respect of a child who is also the subject of an interim care order the court may make a care order with respect to the child to have effect subject to directions, if any, as the court may deem fit to include in order. *Orders pending appeal in cases relating to care or supervision orders.*
- (2) Where the court dismisses an application for a care order or supervision order in respect of a child who is also the subject of an interim supervision order, the court may make a supervision order with respect of the child to have effect subject to such directions, if any, as the court may deem fit to include in the order.
 - (3) Where a court grants an application to discharge a care order or supervision order, it may order that –
 - (a) its decision is not to have effect; or
 - (b) the care order or supervision order is to continue to have effect, subject to such directions as the court may deem for to include in the order.
 - (4) An order made under this section shall only have effect for such period, not exceeding the appeal period, as may be specified in the order.
 - (5) Where –
 - (a) an appeal is made against any decision of a court under this section; or

- (b) an application is made to the appellate court in connection with a proposed appeal against the decision, the appellate court may extend the period for which the order in question is to have effect, but not so as to extend it beyond the end of the appeal period.

(6) For the purpose of this section, the appeal period includes –

- (a) the period between the making of the decision against which the appeal is made and the determination of the appeal; and
- (b) the period during which an appeal may be made against the decision.

PART VII – PROVISIONS FOR USE OF SCIENTIFIC TESTS IN DETERMINING PATERNITY ETC.

54(1) In any civil proceedings in which the paternity or maternity of a person falls to be determined by the court hearing the proceedings, the court may, subject to the personal law of the parties, on an application by a party to the proceeding, give a direction for:

Use of scientific Tests in paternity Proceedings

- (a) the use of scientific tests, including blood tests and Deoxyribonucleic Acid tests, to ascertain whether the tests show that a party to the proceedings is or is not the father or mother of the person; or
- (b) for the taking, within a period to be specified in the direction, of blood or other samples from that person, the mother of that person, the father of that father of that person and any party alleged to be the father or mother of that person or from any two of those persons.

(2) The court may at any time revoke or vary a direction previously given by it under section (1) of this section.

(3) Where –

- (a) an application is made for a direction under this section; and
- (b) the person whose paternity or maternity is in issue is under the age of eighteen when the application is made, the

application shall specify who is to carry out the tests.

- (4) In the case of a direction made on an application to which subsection (3) of this section applies, the court –
- (a) shall specify that the person who is to carry out the test is the person specified in the application; or
 - (b) may, where the court considers that it would be inappropriate to specify the person referred to in paragraph (a) of this subsection, because specifying that person would be contrary to any provision of regulations made under section 56 of this Law or for any other reason, decline to give the direction applied for.
- (5) The person responsible for carrying out blood tests taken for the purpose of giving effect to a direction under this section shall make, to the court which gave the direction, a report in which he shall state –
- (a) the result of the tests;
 - (b) whether the party to whom the report relates is or is not indicated by the results as the father or mother of the person whose paternity or maternity, as the case may be, is to be determined, and if the party is so indicated, the value, if any, of the results in determining whether that party is actually the father or mother of that person.
- (6) The report made under section (5) of this section shall be –
- (a) received by the court as evidence in the proceedings of the matters stated in the report; and
 - (b) in the form prescribed by regulations made under section 56 of this Law.
- (7) Where a report has been made to the court under subsection (5) of this section, any party to the proceedings may, with the leave of the court, or shall, if the court so directs, obtain from the person who made the report a written statement explaining or amplifying any statement made in the report, and that statement shall be deemed for the purposes of this section, except subsection (5) (b) of this section, to form part of the report made to the court.
- (8) Where a direction is given under this section in any proceedings, a

party to the proceedings, shall not, unless the court otherwise directs, be entitled to call as a witness –

- (a) the person who carried out the tests taken for the purpose of giving effect to the directions; or
 - (b) any person who did any thing necessary for the purpose of enabling those tests to be carried out, unless within fourteen days after receiving a copy of the report that party serves notice on the parties to the proceedings or on such of those other parties as the court may direct, of his intention to call that person, and where a person is called as a witness, the party who called the person shall be entitled to cross examine that person.
- (9) Where a direction is given under this section, the party on whose application the direction is given shall pay the cost of taking and testing blood or other samples for the purpose of giving effect to the direction, including any expenses reasonably incurred by any person:
 - (a) in taking any step required of the person for the purpose; and
 - (b) in making a report to the court under this section, but the amount paid shall be treated as costs incurred by the party in the proceedings.
- 55 (1) Subject to the provisions of subsection (3) and (4) of this section, scientific sample which is required to be taken from any person for the purpose of giving effect to a direction under section 54 of this Law shall not be taken from that person except with his consent. *Consent e.t.c. required before taking samples.*
- (2) The consent of a child who has attained the age of sixteen years to the taking from himself of a scientific sample shall be as effective as it would be if he had attained the age of majority and where a child has by virtue of this section given an effective consent to the taking of scientific sample, it shall not be necessary to obtain any consent for it from any other person.
- (3) A scientific sample may be taken from a child under the age of sixteen years not being a child as is referred to in subsection (4) of this section, if the person who has the care and control of the child consents.

- (4) A scientific sample may be taken from a child who –
- (a) is suffering from mental disorder within the meaning of any law; and
 - (b) is incapable of understanding the nature and purpose of the scientific tests, if the person who has the care and control of the child consents and the medical practitioner in whose care he is has certified that the taking of the scientific sample from the child shall not be prejudicial to his proper care and treatment.
- (5) The provisions of this Section are without prejudice to the provisions of section 57 of this Law.

56 The Commissioner may by regulations make provisions as to the manner of giving effect to directions given under section 54 of this Law and, particular, the regulations may –

Power of the Commissioner to make regulations, for taking scientific samples e.t.c.

- (a) provide that scientific sample shall not be taken except by such medical practitioner as may be appointed by the Commissioner;
- (b) regulate the taking, identification and transporting of the scientific samples;
- (c) require the production, at the time when a scientific sample is to be taken, of such evidence as to the identity of the person from whom it is to be taken as may be prescribed by the regulations;
- (d) require any person from whom a scientific sample is to be taken, or, in such cases as may be prescribed by the regulations, such other person as may be so prescribed, to state in writing whether he or the person from whom the sample is to be taken, as the case may be, has during such period as may be specified in the regulations, suffered from any such illness as may be so specified or received a transfusion of blood;
- (e) provided that scientific tests shall not be carried out except the such persons, and at such places, as may be appointed by the Commission;
- (f) prescribe the scientific tests to be carried out and the manner in which they are to be carried out;

- (g) regulate the charges that may be made for the taking and testing of the scientific samples and for the making of a report to a court under section 54 of this Law;
- (h) make provision for securing that, so far as practicable the samples to be tested for the purpose of giving effect to a direction under section 54 of this Law are tested by the same person.
- (i) Prescribed the form of the report to be made to a court under section 54 of this Law.

- 57 (1)** Where the court gives a direction under section 54 of this Law and a person fails to take any step required of him for the purpose of giving effect to the direction, the court may draw such inferences, if any, from that failure as appear proper in the circumstances. *Failure to comply with directions for taking of scientific tests*
- (2)** Where, in any proceedings in which the paternity or maternity of a child fails to be determined by the court hearing the proceedings, there is a presumption of law that the person is legitimate then if –
- (a) a direction is given under section 54 of this Law in those proceedings; and
 - (b) a party who is claiming any relief in the proceedings and who for the purpose of obtaining that relief is entitled to rely on the presumption fails to take any step required of him for the purpose of giving effect to the direction, the court may adjourn the hearing for such period as it may think fit to enable that party to take the steps required.
- (3)** If at the end of the period referred to in subsection (2) of this section, the person fails without reasonable cause to take the step required, the court may, without prejudice to subsection (1) of this section, dismiss his claim for relief notwithstanding the absence of evidence to rebut the presumption.
- (4)** Where a person named in a direction under section 54 of this Law fails to consent to the taking of scientific sample from himself or from a child named in the direction of whom he has the care and control, the person shall be deemed for the purposes of this section to have failed to take a step required of him for the purpose of giving effect to the direction.

58. If, for the purpose of providing scientific sample for a test required to give effect to a direction under section 54 of this Law, a person impersonates another, or proffers a child knowing that it is not the child named in the direction, that person commits an offence and is liable on conviction to a fine not exceeding ten thousand Naira or imprisonment for a term not exceeding one year or to both such fine and imprisonment.
- Penalty for impersonation e.t.c. for purpose of providing scientific sample*

PART VIII – POSSESSION AND CUSTODY OF CHILDREN

- 59.(1) Subject to the law governing the personal status of the parties involved, where the father and mother of a child were not married to each other at the time of the birth of the child –
- Acquisition of parental responsibilities.*
- (a) the family court established under 141 of this Law may –
 - i) on the application of the father, order that he shall have parental responsibility for the child, or
 - ii) on the application of the mother, order that she shall have parental responsibility for the child; or
 - (b) the father and mother may by agreement have joint parental responsibility for the child.
- (2) No parental responsibility agreement shall have effect for the purpose of this Law, unless it is made in the form and manner prescribed by regulations made by the Chief Judge of the State under this section.
- (3) Subject to subsection (4) of this section, an order under subsection (1) (a) of this section, or a parental responsibility agreement, may only be brought to an end by an order of the court made on the application –
- (a) of a person who has parental responsibility for the child; or
 - (b) of the child himself, with leave of the court.
- (4) The court may only grant leave under subsection (3) (b) of this section if it is satisfied that the child has sufficient understanding to make the proposed application.
- (5) Where the court makes a residence order in favour of the father or the mother of a child it shall, if the father or mother would not otherwise have parental responsibility for the child, also make an

order under sub-section (1) of this section giving the father or mother that responsibility.

- (6) Where the court makes a residence order in favour of a person who is not the parent or guardian of the child concerned, that person shall have parental responsibility for the child while the residence order remains in force.
 - (7) Where a person has parental responsibility for a child as a result of subsection (5) of this section, he shall not have the right to –
 - (a) refuse to consent, to the making of an application in respect of the child under part XII of this Law; or
 - (b) agree, or refuse to agree, to the making of an adoption order, or any other order under part XII of this Law with respect to the child; or
 - (c) appoint a guardian for the child.
 - (8) Where subsection (5) of this section requires the court to make an order under subsection (1) of this section in respect of the father or mother of a child, the court shall not bring that order to an end at any time while the residence order concerned remains in force.
 - (9) The fact that a person has, or does not have, parental responsibility for a child shall not affect –
 - (a) any obligation which he may have in relation to the child, including a statutory duty to maintain the child; or
 - (b) any right which, in the event of the death of the child, he or any other person may have in relation to the property of the child.
 - (10) A person who does not have parental responsibility for a particular child but has care of the child may, subject to the provision of this Law, do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the welfare of the child.
- 60(1) The court may, while giving due regard to the personal law of the child:
- (a) on the application of the father or mother of a child, make
- Power of the court to make order for custody or right of access*

such order as it may deem fit with respect to the custody of the child and the right of access to the child of either parent, having regard to –

- i) the welfare of the child and the conduct of the parents; and
 - ii) the wishes of the mother and father of the child;
- (b) alter, vary or discharge an order made under paragraph (a) of this subsection on the application of –
 - i) the father or mother of the child; or
 - ii) the guardian of the child, after the death of the father or mother of the child; and
- (c) in every case, make such order with respect to costs as it may think just.

(2) The power of the court under subsection (1) of this section to make an order as to the custody of a child and the right of access to the child may be exercised notwithstanding that the mother of the child is at the time not residing with the father of the child.

(3) Where the court makes an order under subsection (1) of this section, giving the custody of the child to the mother, the court may further order that the father shall pay to the mother towards the maintenance of the child such weekly or other periodical sum as the court may, having regard to the means of the father, think reasonable.

Orders as to custody.

(4) Subject to this section, no order whether for custody or maintenance shall be enforceable and no liability there under shall accrue while the mother of the child resides with the father, and any such order shall cease to have effect if for a period of three months after it is made, the mother of the child continues to reside with the father.

(5) An order made under this section may, on the application of the father or mother of the child be varied or discharged by a subsequent order.

61. No agreement contained in any separation deed made between the father and the mother of a child shall be invalid by reason only of its providing that the father of the child gives up the custody or

Validity of custody agreed to in separation deed.

control of the child to the mother.

62. Where in any proceedings before a court the custody or upbringing of a child or the administration of any property belonging to or held in trust for a child, or the application of the income thereof, is in question, the court shall, in deciding that question, regard the welfare of the child as the first and paramount consideration. *Principles on which questions on custody e.t.c. are to be decided by the court.*
63. Where the parent of a child has: *Court to have regard to the conduct of parent.*
- (a) abandoned or deserted the child; or
 - (b) allowed the child to be brought up by another person at the expense of that other person, for such a length of time and under such circumstances as to satisfy the court that the parent was unmindful of his parental responsibilities, the court shall not make an order for the child to be delivered to the parent, unless the parent satisfied the court that, having regard to the welfare of the child, the parent is a fit and proper person to have custody of the child.
64. Where the parent of a child applies to the court for a writ or an order for the production of a child, and the court is of the opinion that the parent – *Application of writ for production*
- (a) has abandoned or deserted the child; or
 - (b) has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the child, the court may, in its discretion, decline to issue the writ or make the order.
65. If at the time of the application for a writ or an order for the production of a child, the child is being brought up by another person, the court may, in its discretion, if it orders that the child be given up to the parent, further order that the parent pays to that other person the whole of the costs properly incurred in bringing up the child, or such portion of the costs as seems to the court to be just and reasonable, having regard to the circumstances of the case. *Power of the court to order parent to pay the cost of up bringing of a child.*
66. Nothing contained in section 63, 64 and 65 of this Law shall interfere with or affect the power of the court to consult the wishes of the child in considering what order to make under section 65 of this Law or diminishes the right which any child has *Court to consult the wishes of the child.*

to exercise on his own free choice.

67. The court may, on an application by a parent for the production or custody of a child, if it is of the opinion:
- Power of court as to the production of the child.*
- (a) that the parent ought not to have the custody of the child; and
 - (b) that the child is being brought up in a different religion other than in which the parent has brought the child up, make such order as it may deem fit to ensure that the child is brought up in the religion in which the parent requires the child to be brought up.
68. Where the court makes an order for the payment of money in pursuance of this Law, the court shall, in addition to any other powers for enforcing compliance with the order, have power, in any case where pension or income, which is capable of being attached, is payable to the person against whom the order is made, after giving the person by whom the pension or income is payable an opportunity of being heard, order that such part of the pension or income as the court may deem fit be attached for the payment of any money under this Law.
- Enforcement of an order for the payment of money.*
69. A person who for the time being is under an obligation to make payment in pursuance of an order for the payment of money under this Law shall give notice of any change in his address to the person, if any, as may be specified in the order.
- Change of address of the person ordered to pay money.*
- 70 (1) The Commissioner may, by order, prohibit where there is proof that such an act will be detrimental to the child.
- Powers of the Commissioner to make orders as to custody.*
- (a) the giving or acquiring of the custody, possession, control or guardianship of a child; or
 - (b) the removal of a child from any part of a state.
- (2) Where an order is made by the Commissioner in pursuance of subsection (1) of this section, no person shall give or acquire the custody, possession or control of or remove a child from any part of the State specified in the order except in accordance with rules made by the Commissioner and such rules may be in general or in respect of any particular part of a State.
- 71 (1) No person shall hire, give or acquire the custody, possession, control or guardianship of a child whether or not for pecuniary or
- Prohibition against acquiring custody e.t.c. for*

other benefit in circumstances that it may reasonably be inferred that the child has been hired, sold or bartered, or that by reason of the hiring, giving or acquiring, the child may reasonably be inferred to be placed in any danger, whatsoever.

the purposes of dealing in the child..

- (2) In any prosecution for the contravention of subsection (1) of this section, where it is proved that the custody, possession, control or guardianship of a child has been given to or acquired by a person other than a person who is a member of the family of the child, it shall be presumed by the court that the child has been given or acquired in contravention of the provisions of subsection (1) of this section.
- (3) It shall be a defence to this section to prove that the child concerned was given or acquired in accordance with customary law, provided that the customary law is not repugnant to natural justice, morality or humanity or inconsistent with any written law.

72. A person who contravenes the provisions of section 70 and 71 of this Law or of any rules made under those sections commits an offence and is liable on conviction to a fine of ten thousand Naira or imprisonment for a term of one year or to both such fine and imprisonment.

Penalty for contravening sections 70 and 71

PART IX – GUARDIANSHIP

- 73(1) The provisions in this Part shall apply subject to the personal law of the child governing questions of guardianship and custody.

Application subject to personal law, and parental responsibility of a guardian

- (2) Except as provided under section 60 of this Law, a person appointed as a guardian under this part of this Law shall have parental responsibility for the child.
- (3) A person appointed as guardian ad litem under section 80 of this Law shall be a guardian only for the purpose of representing the child and is interest in certain proceedings, but shall otherwise have no parental responsibility for the child.

- 74 (1) The parents of a child shall have guardianship of the child and, in the event of the death of a parent, the surviving parent shall be the guardian of the child.

Guardianship of a child.

- (2) Where the parents of a child are not fit to be guardians of a child jointly or severally, the court shall, on application of a member of

the family or an appropriate authority, appoint a person to be joint guardian with the parent or parents of the child.

(3) A surviving parent who has guardianship of a child may, by deed, appoint a guardian for the child in the event of the death of the parent.

(4) A single parent may, by deed, appoint a person to be the guardian of the child upon the death of that single parent.

(5) Where a guardian is appointed jointly with a parent or parents of a child under subsection (2) of this section and the guardian so appointed considers the parents unfit to have the custody of the child the guardian may apply to the court, and the court may make –

(a) an order that the guardian be the sole guardian of the child; and

(b) such order regarding the custody and right of access of the parents to the child as the court may think fit, having regard to the welfare of the child.

(6) The court may under subsection (2) of this section, order that a parent or parents of a child make a payment to a joint guardian towards the maintenance of the child.

75(1) Where an application for the guardianship of a child is made to the court by a person, the court may, by order, appoint that person to be the guardian of the child if – *Order for guardianship of a child.*

(a) the child has no parent; or

(b) a residence order has been made in respect to the child in favour of a parent or guardian of the child who has died while the order was in force.

(2) The power conferred under subsection (1) of this section may be exercised in any family proceedings if the court considers that the order should be made notwithstanding that no application were made for it.

(3) A guardian of a child may, by deed, appoint another person to be the guardian of the child in the event of his death.

(4) An appointment made by a will shall not be invalidated only by

reason that it has not been signed.

76. The consent of a person appointed as a guardian is necessary for the appointment to have effect. *Effect of consent of guardian.*
77. The appointment of a guardian under section 74 and 80 of this Law may be brought to an end at any time by an order of the court – *Revocation of guardianship.*
- (a) on the application of a natural parent or any person who has parental responsibility for the child; or
 - (b) on the application of the child concerned, with leave of the court;
 - (c) in any family proceedings, if the court considers that it should be brought to an end notwithstanding that no application has been made; or
 - (d) on the application of an appropriate authority.
78. A guardian under this Law shall have all such powers over the estate, as the case may be, of a child as a guardian appointed by will or otherwise by virtue of the rules of common law, equity, or appropriate personal law. *Power of the guardian over the estate of a child.*
79. Where two or more persons act as joint guardians of a child and they are unable to agree on any question affecting the welfare of the child any of them may apply to the court for its direction and the court may make an order regarding the question in dispute. *Disputes between joint guardians*
- 80 (1) The court may, for the purpose of any specified proceedings, appoint a guardian *ad litem* for the child concerned to safeguard the interest of the child. *Appointment of guardian ad litem.*
- (2) The guardian *ad litem* shall –
- (a) be appointed in accordance with the Rules of Court; and
 - (b) be under a duty to safeguard the interests of the child in the manner prescribed by those rules.
- (3) Where –
- (a) the child concerned is not represented by a legal practitioner; and

- (b) any of the conditions mentioned in subsection (4) of this section is satisfied, the court may appoint a legal practitioner to represent the child.
- (4) The conditions under which an appointment may be made under subsection (3) of this section are that –
 - (a) no guardian *ad litem* has been appointed for the child;
 - (b) the child has sufficient understanding to instruct a legal practitioner and wishes to do so;
 - (c) it appears to the court that it would be in the best interest of the child for him to be represented by a legal practitioner.
- (5) A legal practitioner appointed under or by virtue of this section shall represent the child, in accordance with the rules of Court.
- (6) Notwithstanding any enactment or rules of law to the contrary, the court may take account of –
 - (a) any statement contained in a report made by a guardian ad litem who is appointed under this section for the purpose of the proceedings in question; and
 - (b) any evidence given in respect of the matters referred to in the report, in so far as the statement or evidence is, in the opinion of the court, relevant to the question which the court is considering.
- 81 (1) The Commissioner may by regulations provide for the establishment of panels of persons from which a guardian ad litem appointed under this section shall be selected. *Establishment of panels of persons from which guardians ad litem may be appointed.*
- (2) The regulations may, in particular, make provisions –
 - (a) as to the constitution, administration and procedures of the panels;
 - (b) requiring two or more specified Local Governments to make arrangements for the joint management of a panel;
 - (c) for the defrayment by the Government of fees and

allowances to members of panels;

- (d) as to the qualification for membership of a panel;
- (e) as to the training to be given to members of the panels;
- (f) as to the co-operation required of specified Local Governments in the provision of panels in specified areas; and
- (g) for monitoring the work of guardian ad litem.

(3) Rules of court may make provisions as to the –

- (a) assistance which a guardian ad litem may be required by the court to give to it;
- (b) consideration to be given by a guardian ad litem, where an order of a specified kind has been made in the proceedings in question, as to where to apply for the variation of discharge of the order;
- (c) participation of guardian ad litem, in any review, of the kind specified in the Rules of Court, conducted by the court.

82 (1) Where a person has been appointed as a guardian ad litem under this Law, he shall have the right at all reasonable times to examine and take a copy of –

Rights of guardian ad litem to have access to records.

- (a) any record held by the State Government or the appropriate authority which was compiled in connection with the making, or proposed making, by any person of any application under this Law with respect to the child concerned; or
- (b) any other record held by the State Government of the appropriate authority which was compiled in connection with any function which have been referred to their social service committee, so far as those records relate to that child.

(2) Where a guardian ad litem takes a copy of a record which he is entitled to examine under this section, that copy or any part of it shall, notwithstanding anything to the contrary in any enactment or rules, be admissible as evidence of any matter referred to in any report which he makes to the court in the proceedings in

question or evidence which he gives in those proceedings.

- 83 (1)** Notwithstanding the provisions of this Law, an order lawfully made by any court relating to guardianship or custody of a child before the commencement of this Law and which is in force; at the time of the commencement of this Law and is not inconsistent with this Law shall continue in force until other provisions are made under and by virtue of this Law. *Savings orders in force.*
- (2)** Nothing in this Law shall restrict or affect the jurisdiction of a court to appoint or remove guardians by virtue of the High Court Laws, Islamic Laws or any other written law, until the court has been established in the relevant jurisdiction.

PART X – WARDSHIP

- 84.** The court shall have jurisdiction in all matters pertaining to making a child a ward of court, and in carrying out this role shall, within the general objectives of this Law, pay due regard to relevant provisions of the personal law of the parties involved in the matter before it.. *Jurisdiction of court.*
- 85 (1)** Subject to the provisions of this section, no child shall be made a ward of court except by virtue of an order, to that effect, made by the court. *Wardship order.*
- (2)** Where application is made for an order in respect of a child, the child becomes a ward of court on the making of the order or on the expiration of such period as may be prescribed, unless within that period another order is made in accordance with the new application.
- (3)** The court may, either upon an application in that behalf or without an application, order that a child who is for the time being a ward of court ceases to be a ward of court.
- 86(1)** Subject to the provisions of this section, the court may make an order requiring the father of a ward of court to pay to the mother or to any other person having the care and control of the ward, such weekly or other periodical sums towards the maintenance and education of the ward as the court thinks reasonable, having regard to the means of the person or persons making the payment. *Maintenance of a ward of court.*
- (2)** An order under subsection (1) of this section may require such sums as are mentioned in the subsection to continue to be paid in

respect of any period but not beyond the date on which the ward of court attains the age of majority and such order if made may provide that any sum which is payable for the benefit of that ward, having regard to the age of the child, be paid directly to that ward.

- (3) No order shall be made under subsection (1) (a) of this section, and no liability under an order made under this section, shall accrue, at a time when the parents of the ward of court or former ward of court, as the case may be, are residing together and if they so reside for a period of three months after an order has been made, the order shall cease to have effect.
- (4) The court shall have power, from time to time by an order under this section, to vary or discharge any previous order made under this section.
- 87 (1) Where it appears to the court that there are exceptional circumstances making it impracticable, or undesirable for a ward of court to be, or to continue to be, under the care of either of his parents or any other person, the court may, if it thinks fit, make an order committing the care of the ward to an appropriate authority. *Power of the court to commit ward of court to the care of appropriate authority or person.*
- (2) Where it appears to the court that there are exceptional circumstances making it desirable that a ward of court, not being a ward who in pursuance of an order under subsection (1) of this section, is in the care of an appropriate authority, should be under the supervision of an independent person, the court may, with regard to such period as the court thinks fits, order that the ward be under the supervision of a child development officer or other appropriate authority.
- (3) The court shall have power, from time to time by an order under this section, to vary or discharge any previous order made under this section.
88. A court hearing a matrimonial case in which a child may be involved may direct that proper proceedings be taken at the High Court, Magistrate court or Area Court for making the child a ward of court. *Matrimonial causes.*
89. Where the court is of the opinion that an application for wardship is an abuse of the court process, it shall dismiss the application forthwith. *Dismissal of application for wardship*
90. An application for wardship shall be made in compliance with the rules contained in Third Schedule to this Law. *Application for wardship Third Schedule.*

PART XI – FOSTERING

91. The provisions of this part shall apply to Muslims only to the extent that they are not inconsistent with Islamic law. *Application.*
- 92 (1) A person may foster a child by making an application to the court within the jurisdiction in which the person and the child reside at the date of the fostering application. *Application for fostering.*
- (2) An application for fostering shall be made in accordance with the procedure and in the manner prescribed by the rules made under the provisions of this Law.
- 93 (1) A child who may be fostered under this Law includes a child who is abandoned, an orphan, deserted by his relatives, voluntarily presented by his relatives for fostering, or voluntarily presents himself for fostering, where no relatives of his can be found; or *A child to be fostered.*
- (a) has been abused, neglected or ill-treated by the person having care and custody of him; or
 - (b) has a parent or guardian who does not or cannot exercise proper guidance over him; or
 - (c) is found destitute; or
 - (d) is found wandering, has no home or settled place of abode, is on the streets or other public place, or has no visible means of subsistence; or
 - (e) is voluntarily presented by his parents for fostering.
- 94 (1) Subject to the provisions of this Law, the court may, on receipt of the application for fostering, make an order authorizing the application to foster the child. *Making a fostering order.*
- (2) Except where a man and his wife have applied jointly to foster a child, a fostering order shall not authorize more than one person to foster a child.
95. The number of children who may be fostered by a person shall not exceed three, unless exceptional circumstances are shown. *Limit on number of children who may be fostered.*
- 96(1) A fostering order shall not be made by the court unless – *Restriction on making fostering order.*

- (a) the applicant or, in the case of a joint application, each of the applicants is not less than twenty-five years old and is at least twenty-one years older than the child to be fostered;
 - (b) the applicant and the child are resident in the State;
 - (c) the applicant is a citizen of Nigeria;
 - (d) the applicant has the means to maintain the child;
 - (e) the applicant is a person of unquestionable integrity;
 - (f) the applicant is certified by a medical officer to be physically and mentally fit; and
 - (g) the applicant is of the same religion with child.
- (2) A fostering order shall not be made in favour of a sole applicant who is unmarried, unless the applicant has attained the age of thirty-five years and the child to be fostered is of the same sex as the applicant.
- 97(1)** Where a married person is the sole applicant for a fostering order, the application shall be accompanied with the consent, in writing of the other spouse that the order be made. *Consent for fostering.*
- (2) Where it appears to the court that a person, other than the father or mother or relative of a child, has any right or obligation in respect of the child under an order of court or an agreement or under customary law or Islamic law, the court may refuse to make the fostering order until the consent of that person is first obtained.
- (3) The court may dispense with any consent required under this section if it is satisfied that the person whose consent would have been required –
- (a) has abandoned, neglected or persistently ill-treated the child; or
 - (b) cannot be found or is incapable of giving his consent or is unreasonably withholding his consent.
- 98(1)** Before making a fostering order, the court shall be satisfied that – *Further conditions for making fostering*

- (a) every consent under section 99 of this Law, which has not been dispensed with, had been obtained and every person who has given his onset understands the nature and effect of the fostering order for which the application is made;
- (b) the order, if made, will be for the maintenance, care, education and general welfare and best interest of the child; and
- (c) the applicant has not received or agreed to receive and no person has made or given or agreed to make or give to the applicant, any payment or other reward in consideration of the fostering.

99(1) Subject to this section, the court, on application for a fostering order by a person, postpone the determination of the application and make an interim order giving the custody of the child to the applicant for a period not exceeding two years, as a probationary period, on such terms and conditions as the court thinks fit as regards provision for the maintenance, education and supervision of the child and otherwise. *Interim fostering order.*

(2) The court, while making an interim order under subsection (1) of this section, shall impose as conditions that the child shall be under the supervision of an officer appointed by the court and that the child shall not be taken out of the State without the prior consent of the court.

(3) All consents as are required for the making of a fostering order shall be necessary for an interim order but subject to a like power on the part of the court to dispense with any such consent.

100(1) The Chief Judge of the State or the Grand Kadi, as the case may be, may make rules of court providing generally for the practice and procedure of the court in respect of the fostering of children under this Law. *Rules of court.*

(2) The power to make rules conferred under subsection (1) of this section shall, without prejudice to the generality of that subsection include power to make provisions for proceedings to be held in camera in determining the application in the court, the admission of documentary evidence of any consent required under section 97 of this Law, and a report for the assistance of the court in determining whether or not the fostering order will be in the overall interest and welfare of the child having regard to the

ability of the applicant to maintain, care for and educate the child.

101. An appeal shall lie at High Court or Shari'a Court of Appeal from the court at the Magisterial or Shari'a court levels, as the case may be, in respect of a decision on an application for a fostering order, other than a decision to postpone the determination of an application for the order or to make an interim order. *Appeals.*

- 102(1) On the making of a fostering order – *Right and duties of foster parent and others*

- (a) all rights, duties, obligations and liabilities, including –
- i) any arising under customary law applicable to the parents of the child, or any other person or persons in relation to the custody, maintenance and education of the child; and
 - ii) all rights to appoint a guardian and to consent or give notice of consent or marriage, shall be suspended; and
- (b) there shall vest in and be exercisable by the enforceable against the foster parents, all such rights, duties, obligations and liabilities in relation to custody, maintenance and education of the child as if the child were a child born to the foster parent in lawful marriage provided that it shall be subject to the limits imposed by Islamic law on fosterage and that no rights, duties, obligations and liabilities arising from fostering order shall affect the provision of the Islamic law on fosterage.

103. Where at the time a fostering order is made in respect of a child, an order requiring a person to contribute towards the maintenance of that child under this Law is in force, the fostering order shall prevail. *Effect of maintenance on fostering order*

- 104(1) The Chief Registrar and the appropriate child development service officer shall each keep and maintain a register to be known as the Fostered Children Register in which shall be made such entries as may be directed by a fostering order to be made therein. *Fostered child register.*

- (2) A fostering order shall contain a direction to the Chief Registrar and the appropriate child development service to make in the Fostered Children Register the entry in the form specified in Part I of Fourth Schedule to this Law.

- (3) If, on an application to the court for a fostering order, it is proved to satisfaction of the court that the date of birth of the child and other particulars of the child are identical with a child to whom an entry in the Register of Births kept by the National Population Commission relates, the Fostering order shall contain a further direction to the Chief Registrar and the appropriate child development service to cause the entry in the Register of Births to be marked "FOSTER".
- (4) Where a fostering order is made in respect of a child who has been the subject of a previous fostering order made under this Law, the fostering order shall contain a direction to the Chief Registrar and the appropriate child development service to cause the previous entry in the Fostered Children register and the Register of Births in respect of that child to be marked "Re fostered".
- (5) The court shall cause a copy of every foster order to be communicated to the Chief Registrar and the appropriate child development service and on receipt of the order, the Chief Registrar and the appropriate child development service shall comply with the directions contained therein.
- (6) A certified copy of an entry in the Fostered Children Register if purporting to be stamped or sealed with the seal of office of the Chief Registrar shall be prima facie proof of the facts contain therein, including the date of birth of a child to whom it relates without any further evidence as if the same were a certified copy of an entry in the Register of Birth.
- (7) The Chief Registrar shall cause an index of the Fostered Children register to be made and kept in the registry.
- (8) A copy of extract of an entry in any register, being an entry which is cancelled under this section, shall be prima facie evidence of that cancellation.
- (9) A register, record or book as is mentioned in subsection (8) of this section or an index thereof shall not be liable to be searched by any member of the public, and the Chief Registrar shall not make a certified copy thereof or furnish any information therein contained to a person except under order made by the court.
- (10) On the revocation of a fostering order, the court shall cause the fact of the revocation to be communicated to the Chief Registrar and the appropriate child development service who shall cancel or

cause to be cancelled the entry in the Fostered Children Register relating to the fostered child, and the word “Fostered” or “Re-fostered” in the entry relating to the fostered child in the Register of Births.

- (11) The Chief Registrar may keep such record books and make such other entries therein as may be consistent with the particulars contained in the Fostered Children Register.

- 105(1) The appropriate child development service shall keep itself informed, from time to time, of the condition and welfare of each child fostered under this Law and for that purpose, arrange for child development officers to do all or any of the following things, that is – *Visit to fostered child by child development officer*

- (a) to pay periodic visits at reasonable times to each fostered child under this Law until the child attains the age of eighteen years; and
- (b) to enter any premises for the purpose of ascertaining whether there is any contravention by a person of any condition of the fostering or of any other provision of this Law.

- (2) During a visit under this section, the officer conducting the visit may require the production of the fostered child or that information be given regarding the condition of the child.

106. Where it is proved to the satisfaction of the court that a foster parent has abandoned, neglected or persistently ill-treated or assaulted a fostered child, the court shall revoke the fostering order in respect of the child and proceed to take other necessary measures pursuant to the provisions of this Law. *Revocation of fostering order.*

- 107(1) A person who – *Prohibition for taking money or inducement to foster a child.*
- (a) receives money or a reward as an inducement to foster a child; or
 - (b) receives or agrees to receive money or any reward in order to facilitate arrangements to foster a child; or
 - (c) gives or agrees to give money or reward to secure consent of a person to foster a child, commits an offence under this Law.

- (2) A person who commits an offence under subsection (1) of this section is liable on conviction to a fine not exceeding thirty thousand Naira or imprisonment for a term not exceeding three years or to both such fine and imprisonment.
- 108(1) Where a foster parent intends to take a fostered child outside the State he shall give notice to the court of his intention to do so and shall, on return to the State notify the court of their return. *Prohibition for taking or sending a fostered child out of the State or the country.*
- (2) A person who permits or causes or procures the possession of a child to be given to any person –
- (a) outside the State in which the fostering order was made; or
- (b) outside Nigeria, with intent to getting that child fostered by that person commits an offence.
- (3) A person who commits an offence under subsection (2) of this section is liable on conviction to the case of an offence under –
- (a) subsection (2) (a) of this section, to imprisonment for a term of two years or fine of five thousand or both; and
- (b) subsection (2) (b) of this section, to imprisonment for a term of three years or fine of seven years or both.
109. While an application for a fostering order is pending in the court, no person who has given his consent to a fostering order being made in respect of a child shall withdraw the child or cause the child to be withdrawn from the care and possession of the applicant without the leave of the court and the court shall, in granting the leave, have regard to the welfare of the child. *Prohibition for withdrawal of a child from the care of the applicant.*
- 110(1) No foster parent shall marry any child fostered by him pursuant to this Law without permission of the court. *Prohibition of marriage to foster child.*
- (2) A foster parent who marries a child fostered by him without permission of the court commits an offence under his Law and is liable on conviction to imprisonment for a term, which may exceed two years or fine of five thousand naira or both.
- 111 A person who without reasonable excuse fails to comply with a lawful directive given by a child development officer or obstructs a social welfare officer in the exercise of the powers conferred by this Law, commits an offence and is liable on conviction to a fine not exceeding two thousand naira or to imprisonment for a *Non-compliance with lawful directives*

term not exceeding three months or to both such fine and imprisonment.

- 112(1) For the purposes of this part of this Law and subject to subsection (2) of this section- *Private arrangement for fostering a child.*
- (a) a child shall be deemed to be fostered privately if he is cared for, and provided with accommodation by a person other than a parent of the child, any other person who has parental responsibility for the child, or a relative of the child; and
 - (b) a person shall be deemed to foster a child if he cares for the child in circumstances in which the child is fostered privately as defined under paragraph (a) of this section.
- (2) A child is not fostered privately if the person caring for and accommodating the child has done so for a period of less than twenty-eight days and does not intend to do so for any longer period.
- (3) The provisions in part III of Fourth Schedule to this Law shall have effects for purposes of supplementing the provisions of this section.
- 113(1) The Government shall satisfy itself that the welfare and best interest of a child who is fostered privately within the State are satisfactorily safeguarded and promoted, and ensure that persons caring for that child are given such advice as appears to the Government to be needed. *Government to be satisfied of the welfare of a child fostered privately*
- (2) Where a person who is authorized by the Government to visit a child who is fostered privately has a reasonable cause to believe that a child who is or is proposed to be fostered privately is being accommodated in premises may, at any reasonable time, inspect those premises and any child accommodated therein.
 - (3) A person exercising the power under subsection (2) of this section shall, if so required, produce some duly authenticated document showing his authority to do so.
 - (4) Where an officer of the government is not satisfied that the welfare of a child who is fostered privately is satisfactorily safeguarded or promoted, he shall-
 - (a) unless he considers that it would not be in the best interest of the child, take such steps as are reasonably

practicable to ensure that the care and accommodation of the child is undertaken by a parent of the child, or any other person who has parental responsibility for the child, or a relative of the child, and consider the extent to which, if at all, they shall exercise any of their powers under this Law with respect to this child.

- 114 (1) No person shall foster a child privately if he is disqualified from doing so by regulations made by the Commissioner for the purposes of this section, unless he has disclosed the fact to the appropriate authority and obtained its written consent. *Persons disqualified from fostering a child privately.*
- (2) The regulations shall, in particular provide for a person to be disqualified where-
- (a) an order of a kind specified in the regulations has been made at any time-
 - (i) with respect to that person, or
 - (ii) with respect to a child who has been in the care of that person;
 - (b) a requirement of a kind so specified has been imposed by an enactment;
 - (c) he has been convicted of an offence of a kind so specified, or has been placed on probation or discharged absolutely or conditionally for any offence;
 - (d) a prohibition has been imposed on him at any time under section 115 of this Law or under any other specified enactment;
 - (e) his rights and powers with respect to a child have at any time been vested in a specified authority under a specified enactment.
- (3) A person shall not foster a child privately if he lives in the same household as a person who is himself prevented from fostering a child by subsection (1) of this section; or if he lives in a household at which any such person is employed, unless he has disclosed the to the appropriate authority and obtained their written consent.
- (4) Where an appropriate authority refuses to give its consent under

this section, it shall inform the applicant by a written notice the reason for the refusal, the applicant's rights to appeal against the refusal, and the time within which he may appeal.

- (5) The form set out in part IV of the Fourth Schedule to this Law and the provisions contained in part V and VI of that Schedule shall be used and have effect for the purposes of this section and this Part of this Law.

- 115 (1) This section applies where a person proposes to foster a child privately; or is fostering a child privately.

Power of the government to prohibit private fostering.

- (2) Where the Commissioner is of the opinion that a person is not a suitable person to foster a child or the premises in which the child will be, or is being accommodated, are not suitable or it will be prejudicial to the welfare of the child for him to be, or continue to be, accommodated by that person in those premises, he may impose on that person prohibition under subsection (3) of this section

- (3) A prohibition imposed on a person under subsection (2) of this section may prohibit him from fostering privately any child in any premises within the State or any child in the premises specified in the prohibition or a child identified in the prohibition, in the premises specified in the prohibition.

- (4) The Commissioner imposing a prohibition on any person under subsection (2) of this section, may, if he thinks fit, cancel the prohibition of his own motion or on an application made by that person, if he is satisfied that the prohibition is no longer justified.

- (5) A prohibition imposed under this section shall be imposed by notice in writing addressed to the person on whom it is imposed and informing him of the reason for imposing the prohibition, his right to appeal against the prohibition and the time within which he may appeal.

- 116 (1) A person who, being required under provision made by or under this Part of this Law to give any notice or information, fails, without reasonable excuse, to give the notice within the time specified in that provision, or fails, without reasonable excuses, to give the information within a reasonable time or makes or causes or procures another person to make any statement in the notice or information which he knows or believes to be false or misleading in a material particular,

Failure to give required notice or information or giving false information

commits an offence.

- (2) Whoever refuses to allow a child fostered privately to be visited by a duly authorized officer, or intentionally obstructs another person in the exercise of the power conferred by section 113 (2) of this Law or contravenes the provision of section 116 of this Law, or fails, without reasonable excuse, to comply with any requirement imposed by the Commissioner under this part of this Law, commits an offence.
- (3) Whoever accommodates a child fostered privately in any premises in contravention of a prohibition known to him to have been imposed by the Government under this Part of the Law or knowingly publishes or causes to be published an advertisement which he knows contravenes paragraph 8 of part III of Schedule 4 to this Law, commits an offence under this Law.
- (5) A person who commits an offence under the provisions of this section shall be liable on summary conviction to a fine not exceeding five thousand Naira or imprisonment for a term not exceeding six months or to both such fine and imprisonment.
- (4) If a person who is required under any provision of this Law to give notice fails to give the notice within the time specified in that provision, proceedings for an offence may be brought against him at any time within six months from the date when evidence of the offence came to the knowledge of the State Government.
- (5) Reference to the Commissioner in this part shall mean reference to the Commissioner responsible for child welfare in the State.

PART XII-ADOPTION

- 117 The provisions of this part shall not apply to Muslims or any other person whose personal law does not recognize adoption. *Application of this part.*
- 118 (1) The Government shall for the purpose of adoption, establish and maintain within the State and in the case of local government, within Local Government, a service designed to meet the needs of: *Establishment of adoption services.*

- (a) a child who has been or may be adopted.
 - (b) parents and guardian of the child specified in paragraph (a) of this subsection; and
 - (c) persons who have adopted or may adopt a child, and, and for this purpose every Government shall provide the requisites facilities or ensure that the facilities are provided by approved adoption services as may be prescribed by the appropriate authority.
- (2) The facilities to be provided as part of the services maintained under subsection (1) of this section include:
 - (a) a temporary board and lodging, where need by a child and, in exceptional circumstances, the mother of the child.
 - (b) arrangements for accessing a child and prospective adopters and placing of the child for adoption; and
 - (c) counseling for persons with problems relating to adoption.
- 119 (1) An application for adoption shall be made to the court in such form as may be prescribed and shall be accompanied with; *Application for an adoption.*
 - (a) where the applicant is a married couple, the marriage certificate or a sworn declaration of marriage;
 - (b) the birth certificate or sworn declaration of age of each applicant;
 - (c) two passport photograph of each applicant;
 - (d) a medical certificate of the fitness of the applicant from a Government hospital; and
 - (e) such other documents, requirements and information as the Court may require for the purposes of the adoption.
- (2) On receipt of an application under subsection (1) of this section, the Court shall order an investigation to be conducted by-

- (a) a child development officer;
 - (b) a supervision officer; and
 - (c) such other persons as the Court may determine, to enable the Court to assess the suitability of the applicant as adopter and of the child to be adopted;
- (3) The Court shall, in reaching a decision relating to the adoption of a child, have regard to all the circumstances, first consideration being given to the need to safeguard and promote the welfare and the best interest of the child throughout the childhood of that child, ascertaining, as far as practicable the wishes and feeling of the child regarding the decision and giving due consideration to those wishes and feeling, having regard to the age and understanding of the child.
- 120 The Court shall, in placing a child for adoption, have regard, as far as is practicable to the wishes, if any, of the parents or guardian of the child as to the religious upbringing of the child. *Religious upbringing of an adopted child.*
- 121 The court shall not make an adoption order in respect of a child unless the parents of the child, or where there is no surviving parent, the guardian of the child consents to the adoption, or the child is abandoned, neglected or persistently abused or ill-treated, and there are compelling reasons in the interest of the child why he should be adopted. *Persons who may be adopted.*
- 122 (i) The following persons may apply for an adoption order;- *Persons who may adopt*
- (a) a married couple where each of them has attained the age of twenty-five year, and there is an order authorizing them jointly to adopt a child; or
 - (b) a married person, if he has obtained the consent of his spouse, as required under section 126 of this Law;
- (ii) in both the cases specified in paragraphs (a) and (b) of this section, the adopter or adopters shall be persons found to be suitable to adopt the child in question by the appropriate investigating officers.
- 123 (1) Subject to the provision of this Law, the Court may, on the application of a person stated in section 119 of this Law in the prescribed manner make an order under this Law referred to *Making and form of an adoption order.*

as an “adoption order”.

- (2) An adoption order shall be made in the form specified in the Fifth Schedule to this Law.

- 124 (1) An adoption order shall not be made in respect of a child unless;- *Condition to be met by applicants*

- (a) the applicant, or in the case of a joint application, one of them, is not less than twenty-five years old and is, at least, twenty one years older than the child;
- (b) the applicant, or in the case of a joint application, both or, at least, one of them and the child are resident in the state;
- (c) the applicant has been resident or, in the case of a joint application, both of them have been resident in the state for a period of, at least, five years;
- (d) the applicant is a citizen or, in the case of a joint application, both applicants are citizens of Nigeria;
- (e) the child has been in the care of the applicant for a period of at least three consecutive months immediately preceding the date on which the order is made; and
- (f) the applicant has, at least twelve months before the making of the order, informed the social welfare officer of his intention to adopt the child.

- (2) On the application of a married couple, if they consist of a parent and a step parent of the child, the Court shall dismiss the application if it considers that the matter would be better dealt with under part VII of this Law.

- 125 (1) Where a married person is the sole applicant for an order, the Court may, if it thinks fit, refuse to make the order if the consent of the spouse of the applicant to the making of the order is not first obtained. *Consent of the spouse of a married applicant.*

- (2) Where it appears to the court that a person other than the parent or relative of the child has any right or obligation in respect of the child under an order of the Court or any agreement or under customary law, the Court may, if it thinks fit, refuse to make the adoption order if the consent of that

person is not obtained.

- (3) The child development officer, on application for an adoption order in respect of a child, shall prepare a report to assist the court in determining whether a person who is not a parent or relative of the child has any right or obligation in respect of that child and whether the consent of the person ought first to be obtained.
- (4) Consent under this section may be given either unconditionally; or subject to conditions with respect to the religious persuasion in which the child is to be brought up.
- (5) In giving consent under this section, it may be necessary for the person giving the consent to know the identity of the applicant for the adoption.
- (6) The court may dispense with any consent required under this section if it is satisfied that the person whose consent is required cannot be found or incapable of giving consent or is withholding his consent unreasonably.
- (7) While an application for an adoption order is pending in the court, no person who has given his consent to an adoption to be made in respect of a child shall withdraw the child from the care and possession of the applicant without the leave of the court and the court shall have regard to the welfare of the child in considering whether or not to grant the leave.

126 The court shall, before making an adoption order, satisfy itself that - *Required consent*

- (1) Every consent required under section 125 of this Law which has not been dispensed with has been obtained, every person who has given his consent understands the nature and effect of the adoption order for which the application is made and for this purpose the relevant adoption service shall provide adequate counseling for the parties involved in the adoption.
- (2) The order, if made. Shall be for the welfare and best interest of the child, due consideration for this purpose being given to the wishes of the child having regard to his age and understanding; and
- (3) The applicant has not received or agreed to receive, and no

person has made, given or agreed to make or give the applicant any payment or other reward in consideration of the adoption other than what the Court may approve.

- 127 The Court may, in making an adoption order, impose such terms and conditions as the court may think fit, and in particular, may require the adopter, by bond or otherwise, to make for the child such provisions, if any, as in the opinion of the Court, are just and expedient. *Power of Court to impose condition etc.*
- 128 (1) Subject to the provisions of this section, the court may, on an application for an adoption order, postpone the determination of the application and make an interim order giving the custody of the child to the applicant for a period not exceeding two years on such terms and conditions as the Court thinks fit as regards provision for maintenance, education and supervision of the welfare of the child and otherwise. *Interim orders pending adoption order.*
- (2) The court shall, in making an interim under subsection (1) of this section, specify that the child shall be under the supervision of such child development officer as the Commissioner may appoint; and not be taken out of the state without the consent of the Court.
- (3) The consents to the making of an adoption order which are required under Section 126 of this Law shall be required to the making of an interim order, and the power of the Court to dispense with any such consent shall also apply in the case of an interim order.
- (4) An interim order shall not be made in any case where the making of an adoption order would be unlawful under the provisions of this Law.
- (5) An interim order shall not be deemed to be an adoption order within the meaning of this Law.
- 129 Subject to rules of the court made under section 130 of this Law, the court shall have exclusive jurisdiction to deal with an application for an adoption order. *Jurisdiction of the Court.*
- 130 (1) The Chief Judge may make rules of Court for regulating generally the practice and procedure of the Court in respect of the adoption of a child. *Rules of Court.*
- (2) The power to make rules conferred by subsection (1) of this

section, shall without prejudice to the generality of that subsection, include power to make provisions for:

- (a) application for the adoption order to be heard and determined otherwise than in open court;
- (b) the admission of documentary evidence of any consent required under section 126 of this Law; and
- (c) requiring the child development officer to prepare for the consideration of the Court, on an application for an adoption order, a report, for the assistance of the Court in determining whether the order will be for the welfare and best interest of the child.

- 131 (1)** A child may be adopted notwithstanding that a corrective order is in force in respect of the child;- *Adoption when corrective order is in force.*
- (2)** On application for adoption order being made in a case under subsection (1) of this section and on being satisfied that the adoption would be for the welfare and best interest of the child concerned, the Court shall suspend the corrective order so as to enable the applicant to have the child in his care for a period of at least three consecutive months immediately preceding the date of adoption order.
- 132 (1)** A child may be adopted notwithstanding that a maintenance order is in force in respect of the child. *Adoption where maintenance order is in force.*
- (2)** Where at the time when adoption order is made in respect of a child, a maintenance order requiring a person to contribute towards the maintenance of the child under this Law or any other law is in force, the maintenance order shall cease to have effect at that time.
- 133 (1)** On adoption order being made;- *Effect of adoption.*
- (a) all rights, duties, obligations and liabilities, including any other order under the personal law applicable to the parents of the child or any other person in relation to the future custody, maintenance, supervision and education of the child including all religious rights, right to appoint a guardian and to consent or give notice to dissent to marriage, shall be extinguished; and
 - (b) there shall vest in, exercisable by and enforceable against the adopter;-

(i) all rights, duties, obligations and liabilities in respect of future

custody, maintenance, supervision and education of the child,
and

ii) all rights to appoint a guardian and to consent or give notice of dissent to marriage of the child, as would vest in the adopter as if the child were a natural child of the adopter, and in respect of those matters, the child shall stand to the adopter in the relationship of a child born to the adopter.

(2) Where a husband and wife are joint adopters of a child, they shall in respect of the matters specified under this section and for the purpose of the jurisdiction of the court to make orders as to the custody and maintenance of and rights of access to the children, stand to each other and to the child in the same relationship as they would if the child were their natural child, and in respect of those matters, the child shall stand to them in the relationship of a child born to the adopters.

(3) For the purposes of the devolution of the property in the intestacy of the adopter, an adopted child shall be treated as a child born to the adopter.

(4) In a disposition of property made after the date of an adoption order, reference, whether express or implied to;-

(a) the child or children of the adopter shall, unless the contrary intention appears, be considered as including ,
a reference to the adopted child, and

(b) a person related to the adopted child in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to him in that degree if it were the natural child of the adopter and were not the child of any other person.

134 (1) The Chief Registrar shall establish and maintain a register to be called and known as "Adopted Children Register" in which shall be made such entries as may be directed by an adoption order to be made therein, but no other entries.

Establishment of adopted children registered.

- (2) An adoption order shall contain a direction to the Chief Registrar and the National Population Commission (in this part of the Law referred to as “the commission”) to make in the Adopted Children Register entry in the form specified in the Fifth Schedule to this Law.
- (3) If on any application to the Court for an adoption, there is proof to the satisfaction of the Court that;-
- (a) the date of birth of the child; and
 - (b) the identity of the child is identical to, a child, to whom the entry in the register of births kept by the Commission relates, the adoption order shall contain a further direction to the Chief Registrar to cause that birth entry in the Register of births to be marked “Adopted” and to include in the entry relating to the adoption of the child in Adopted Children Register the day of the child’s birth.
- (4) Where an adoption order is made in respect of a child who had been the subject of a previous adoption order made by the Court under this Law, the order shall contain a direction to the Chief Registrar and Commission to cause the previous entry in the Adopted Children Register in respect of that child to be marked “Re-adopted”.
- (5) The Court shall cause a copy of every adoption order to be communicated to the Chief Registrar and the Commission and they shall Comply with the directions contain therein.
- (6) A certified copy of an entry in the Adopted Children Register purporting to be stamped or sealed by the Chief Registrar’s office shall be proof of the adoption as is therein specified, and where the copy of the entry includes the date of the birth of the child to whom it relates, it shall be proof also of the date without any further evidence as though the same were also a certified copy of an entry in the Register of Births.
- (7) The Chief Registrar shall cause an index of the Adopted Children Register to be made and kept in the registry.
- (8) The Chief Registrar shall, in addition to the Adopted Children Register and the index thereof keep such other registers and books and make such entries therein as may be necessary to record, in connection with an entry in the Register of Births

which has been marked "Adopted".

- (9) Any such Register, in addition to the Adopted Children Register and the index thereof, if any, shall not be liable to searches by members of the public and the Chief Registrar shall not make a certified copy thereof or furnish any information therein contained to any person except under an order made by the Court.
- (10) On revocation of an adoption order, the Court shall cause the fact of the revocation to be communicated to the Chief Registrar who shall cause to be cancelled-
- (a) the entry in the Adopted Children Register relating to the adopted child: and
 - (b) the marking with the word "Adopted" or "Re-adopted" of any entry relating to the child in the Register of Births.
- (11) A copy of an extract of an entry in any register being an entry the marking of which is cancelled under this section shall be deemed to be an accurate copy of both the marking and the cancellation are omitted there from.
- 135 (1) No adopter or any other person shall;-
- (a) except with the sanction of the Court, receive or agree to receive any payment or reward, in consideration for or for facilitation of the adoption of a child under this Law;
 - (b) make or give or agree to make or give to an adopter any payment or reward the receipt of which prohibited by this subsection.
- (2) A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine not exceeding thirty thousand Naira or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.
- (3) Notwithstanding the provisions of subsection (2) of this section, an adoption order affected by the payment prohibited under subsection (1) of this section may be allowed to continue or be resolved at the discretion of the Court having regard to all circumstances of the case particularly the best

*Prohibition for
receiving reward to
facilitate adoption*

interest of the child.

- 136 (1)** Except under a license issued pursuant to section 137 of this Law, no person shall permit or cause or procure the care and possession of a child to be given to any person outside the State with a view to getting the child adopted or fostered by any person. *Prohibition of an interstate adoption.*
- (2)** A person who contravenes the provisions of sub section (1) of this section commits an offence and is liable on conviction to a fine of thirty thousand Naira or imprisonment for a term not exceeding one year or to both such fine and imprisonment.
- 137 (1)** Subject to this section, the Commissioner may grant a license for a child to be transferred to a person, subject to such conditions and restrictions as he may think fit, authorizing the care and protection of a child for whom inter state adoption arrangements have been made. *License to give a child for interstate adoption.*
- (2)** A license shall not be granted under subsection (1) of this section unless the Commissioner is satisfied, as respects every person whose consent is required under section 126 of this Law to the making of an adoption order for the child that-
- (a)** the application for the license is made with the consent of that person; or
 - (b)** the consent of that person can properly be dispensed with on any ground on which the Court could dispense with a consent to an adoption order under that section.
- (3)** A license shall not be granted under this section unless the Commissioner is satisfied;-
- (a)** that the person to whom the care and possession of the child is proposed to be transferred is a suitable person, under the provision of this Law, to be entrusted with the child; and
 - (b)** that the transfer is for the welfare and the best interest of the child.
- (4)** The Commissioner shall, in granting a license under this section, give consideration to the wishes of the child having regard to the age and understanding of the child.

- 138 Where a person has been adopted under any law in force in any part of Nigeria, or under the law of any other country other than Nigeria, the adoption shall have likely validity and effect as if the adoption has been effected by an adoption order under this Law. *Recognition of adoption under a different law.*
- 139 (1) A marriage between a person who has adopted a child under this Law or a natural child of the person who adopted the child and the adopted child is hereby prohibited and any such marriage shall be null and void. *Prohibition of marriage to adopted child*
- (2) A person who marries an adopted child in violation of subsection (1) of this section commits an offence and is liable on conviction to imprisonment for a term of not exceeding fourteen years.
- 140 (1) The Director responsible for Child Development in the State shall keep himself informed, from time to time, of the condition and welfare of a child adopted by any person in the State and arrange for officers of his department to do all or any of the following;- *Visit of child development officers offences.*
- (a) to pay periodic visits, at reasonable times, to every child adopted under this Law;
- (b) to enter into any premises for the purpose of ascertaining whether there is any contravention by any person of any condition of adoption imposed in the adoption order or any provision of this Law in relation to an adopted child.
- (2) During any visit under subsection (1) of this section, the officer paying the visit may require production of the adopted child or that information be given regarding the condition of the child.
- (3) A person who-
- (a) without reasonable excuse, fails to comply with a requirement imposed by a child development officer; or
- (b) obstructs a child development officer in the exercise of the powers conferred by this section, commits an offence and is liable on conviction to a fine not exceeding five thousand Naira or imprisonment not exceeding three months or to both such fine and

imprisonment.

- (4) For the purposes of this part and part XIV, XV and XVI, the Government shall include the local Governments in the State.

PART XIII - FAMILY COURT

- 141 There is hereby established for the State a court to be known as the Family Court (in this Law referred to as “the Court”) for the purposes of hearing matters relating to children. *Establishment of the court.*
- 142 (1) The court shall be in the following levels namely;- *Levels of Court.*
- a) the High Court, Sharia Court of Appeal and Customary Court of Appeal; and
 - b) the Magistrate and Area Court
- (2) The Chief Judge, Grand Kadi or President of the Customary Court of Appeal shall each designate a High Court Judge or a Sharia Court of Appeal Judge or a Customary Court of Appeal Judge, as the case may be, to preside over the Court at the High Court, Sharia Court of Appeal and Customary Court of Appeal levels.
- (3) The Court at the Magistrate and Area Court levels shall be presided over by a serving Magistrate or serving Area Court Judge respectively, who shall be designated as such by the Chief Judge.
- (4) The Court shall sit with two assessors at each level who shall be persons of unquestionable character and have competence in matters relating to children to be appointed by the Chief Judge at the High Court, Magistrate Courts or Area courts levels; by the Grand Kadi at the Sharia Court of Appeal; and by the President of the Customary Court of Appeal at the Customary Court of Appeal level.
- 143 (1) Subject to the provision of this Law and in addition to such other jurisdiction as may be conferred on it by any other law, the Court shall have **exclusive** jurisdiction to hear and determine:- *Jurisdiction of the Court.*
- (a) any civil proceedings in which the existence or extent of a legal right, power, duty, liability, privilege, interest,

obligation or claim in respect of a child is in issue; and, provided that all matters relating to personal law shall be heard and determined by the appropriate courts established for that purpose;

(b) any criminal proceedings involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by a child, against a child or against the interest of the child.

(2) The reference to civil or criminal proceedings in this section includes a reference to proceedings which originate in the Court and that which is brought to the Court at the High Court level, Sharia Court of Appeal level or Customary Court of Appeal level to be dealt with by the Court in the exercise of its appellate or supervisory jurisdiction.

(3) The Court shall, in any matter relating to or affecting a child or a family and at all stages of any proceedings before it:-

(a) be guided by the principle of conciliation of the parties involved or likely to be affected by the result of the proceedings, including:-

(i) the child;

(ii) the parents or guardian of the child; or

(iii) any other person having parental or other responsibility for the child; and

(b) encourage and facilitate the settlement of the matter before it in an amicable manner.

(4) The Court at the High Court level shall **exclusive** have power to:-

(a) deal with all matters relating to the enforcement of the rights of the child as set out in this Law on the application for redress by a child who alleges that a right had been, or is likely to be infringed in respect of him;

(b) deal with all offences punishable with:-

(i) death; or

(ii) terms of imprisonment for a term of ten years and above;

(c) deal with other matters relating to a child where the claim involves an amount of fifty thousand Naira and above;

(d) subject to the provisions of any other law relating to jurisdiction over matters of personal law, deal with divorce and custody of the child; and

(e) hear appeals from the Court at the Magistrate Court level.

(5) The Court at the Shari'a Court of Appeal level shall have the exclusive power to hear appeals on any matter relating to the child decided by the Court at the Shari'a Court level..

(6) Appeals shall lie to the Court of appeal on any matter decided by the Court at the High Court level, or at the Shari'a Court of Appeal level in the same manner as appeals lie in respect of matters decided by the High Court or by the Shari'a Court of Appeal.

(7) Subject to the provisions of any other law, the Court at the Magistrate Court level shall have power to try and deal with all matters not specifically assigned to the Court at the High Court level under this Section.

(8) Subject to the provisions of any other law the Court at the Area Court level shall have power to deal with divorce and custody of children or such other matters relating to or affecting children in which jurisdiction is vested in them by law.

(9) Appeals shall lie to the Court;-

(a) at the High Court level from a decision of the Court at the Magistrate court level in the same manner as appeals will lie normally from the decisions of the Magistrate Court to the High Court;

(b) at the Shari'a Court of Appeal level from a decision of the Court at the Area Court level in the same manner as

appeals will lie normally from the decisions of the Area Courts where the issue in question involves Shari'a Law;

(c) at the Customary Court of Appeal level from a decision of the Court at the Area Court level in the same manner as appeals will lie normally from the decisions of the Area Courts where the issue in question involves customary law;

- 144 (1) The personnel of the Court shall be afforded professional education, in-service training, refresher courses and other modes of instruction to promote and enhance the necessary professional competence required of them. *Training of the personnel of the Court.*
- (2) The contents of the education, training and courses referred to in subsection of this section shall be such as shall reflect the diversity of the children who come into contact with and the diversity and complexity of matters dealt with by the Court.
- (3) In constituting a Court handling a matter concerning a child, consideration shall be given to the circumstances and the needs of the child, particularly the age, sex, religion or other special characteristics of the child.
- 145 A child has the right to be represented by a legal practitioner and to free legal aid in the hearing and determination of any other matter concerning him in the court. *Legal representation.*
- 146 No person, other than the members and officers of the Court; the parties to the case, their solicitors and parents or guardians of the child; and other persons directly concerned in the case, shall be allowed to attend the court and, accordingly, members of the press are excluded from attending the proceedings of the court. *Exclusions of persons from attending the Court.*
- 147 (1) No person shall furnish the name, address, school, photograph, or anything likely to lead to the identification of a child whose matter is before the court, except in so far as is required or permitted by the provisions of this Law. *Prohibition of publication of names etc of the child*
- (2) A person who acts in contravention of the provisions of this section commits an offence and is liable on conviction to a fine of fifty thousand naira or imprisonment for a term of five years or to both such fine and imprisonment.

- 148 The proceedings in the court shall be conducive to the best interest of the child and shall be conducted in an atmosphere of understanding; allowing the child to express himself and participate in the proceedings. *Proceedings to be in the best interest of the child.*
- 149(1) In a proceeding in which the court is hearing an application for an order under this Law, or is considering whether to make an order, the court may order the parents, guardian or the child concerned to attend such stage or stages of the proceedings as may be specified in the order. *Attendance of parent, guardian or child at the hearing.*
- (2) The power conferred by subsection (1) of this section shall be exercised in accordance with rules of the Court.
- (3) Where an order made under subsection (1) of this section has not been complied with or the Court has reasonable cause to believe that it will not be complied with, the Court may-
- (a) make an order authorizing a police officer or such person as may be specified in the order to take charge of the child and bring him to Court, and enter and search any premises specified on the order if he has reasonable cause to believe that the child may be found on the premises; or
 - (b) order any person who is in position to do so to bring the child to the Court.
- (4) Where the court has reason to believe a person has information about the whereabouts of a child, it may, by order, require the person to disclose such information to the court.
- (5) A person who refuses to comply with an order made under this section commits an offence and is liable on conviction to a fine not exceeding fifteen thousand naira or to imprisonment for a term not exceeding eighteen months or to both such fine and imprisonment.
- 150(1) In any proceedings, whether civil or criminal, the evidence of a child may be given unsworn. *Evidence of the child.*
- (2) A deposition of a child's sworn evidence shall be taken for the purposes of any proceedings, whether civil or criminal, as if that evidence had been given on oath.

- 151 (1) The Chief Judge or the Grand Kadi, as the case may be, may make rules regulating the procedure in the Court, the parties entitled to participate in any proceedings, the fees to be charged and the forms to be used at the proceedings. *Chief Judge or Grand Kadi to make rules.*
- (2) The provisions of any written law relating to the practice and procedure in Magistrate Courts, Area Courts, High Court, Sharia Court of Appeal, or Customary Court of Appeal level, as the case may be, not inconsistent with the provision of this Law, shall have effect with respect to proceedings in the court.
- 152 (1) No other court, except the Court, shall exercise jurisdiction in any matter relating to children as are specified in this Law.
- (2) The provisions of subsection (1) of this section shall not affect the jurisdiction of the normal criminal courts to try cases or offences by adult offenders as specified in Part III of this Law or any other law.

PART XIV-CHILD MINDING AND DAY CARE

- 153 (1) The Commissioner shall keep a register into which shall be entered the names and other particulars of persons who act as child minders on domestic premises within the area of the appropriate authority, and of persons who provide day-care for children under the aged of six years on premises other than domestic premises within the State. *Child minding register.*
- (2) A person acts as child minder if the person looks after one or more children under the age of six years for reward and the period, or the total of the periods, which the person spends in looking after the children in a day exceeds two hours; and a person provides day care for children if the period, or the total of the periods during which children are looked after by him on any day exceeds two hours.
- (3) Where a person provides daycare for children under the age of six years on different premises situated within the State, he shall make a separate application with respect to each of those premises.
- (4) A person who is the parent, or relative, of a child though not the parent of a child, has parental responsibility for the child or is a foster parent of the child, is not a child minder for the

purposes of this part when looking after the child.

- (5) Where a person is employed as a nanny for a child, she does not act as a child minder when looking after that child wholly or mainly in the home of the person so employing her.
- (6) Where a person is employed by two different employers, he does not act as a child minder looking after any of the children concerned wholly or mainly in the home of either of her employers.
- (7) A person who wishes to be entered in the register kept under subsection (1) of this section shall apply in writing to the Commissioner to be so registered.
- (8) The Commissioner may refuse to register an applicant under subsection (10) of this section, if he is satisfied that, the applicant, or person looking after , or likely to be looking after children on the premises on which the applicant is, or is likely to be child minding, is not fit to look after children under the age of six years.
- (9) The Commissioner may also refuse to register an applicant under subsection (1) of this section, if he is satisfied that some other person living, likely to be living or employed, or likely to be employed, at any premises on which the applicant is, or likely to be child minding is not fit to be in the proximity of children under the age of six years.
- (10) The Commissioner may refuse to register an applicant under subsection (1) of this section if he is satisfied that a person looking after, or likely to look after children on the premises to which the application relates is not fit to look after children under the age of six years.
- (11) The Commissioner may refuse to register an applicant under this section if he is satisfied:-
 - (a) in the case of application under subsection (1) of this section that premises on which the applicant is , or is likely to be, child minding, or the premises to which the application relates, is not fit to be used for looking after children under the age of six years, whether because of the condition of the premises or the condition of any equipment used in the premises or for any reason connected with the situation, construction style or

location of the premises.

(b)

(12) For the purposes of this section, a person acts as a Nanny for a child if she is employed to look after the child by a parent of the child or a person who is a relation of a parent of the child has parental responsibility for the child.

(13) A register kept under this section shall be opened for inspection by members of the public at all reasonable time and may be kept by means of a computer.

(14) The provision of part VI of fourth and sixth Schedules to this Law shall have effect for the purposes of making further provisions with respect to registration under this section, including, in particular, further provisions for exemption from the requirements to be registered and provisions for disqualification.

154 (1) Where the Commissioner registers a person under section 153(1) of this Law, he shall, in addition to the requirements set out in subsection (2) of this section, impose such reasonable conditions on the person as he considers appropriate in each case.

*Power of the
Commissioner to
impose conditions
on registration*

(2) The Commissioner shall on registering a child minder:-

(a) specify that the maximum number of children, or the maximum number of children within specified age groups, whom the child minder shall look after when acting as a child minder shall be five.

(b) require the child minder to secure that any premises on which he looks after the children and the equipment used on those premises, are adequately maintained and kept safe;

(c) require the child minder to keep record of the name and address of every child being looked after by him on any premises within the State, every person who assists in looking after the child, and every person living, or who is likely at any time to live on those premises;

(d) require the child minder to notify the Government in writing of any change in the names and addresses of persons mentioned in paragraph (c) of this subsection.

(3) The Commissioner may, at any time vary any condition imposed by him under this section.

155 (1) Where the Commissioner registers a person under section 153 (1) of this Law, he shall, in addition to the requirements set out in subsection (3) of this section, impose such reasonable conditions on the person as he considers appropriate in each case. *Imposition of further conditions*

(2) Where a person is registered under section 153 (1) of this Law with respect to different premises within an area, this section shall apply separately in relation to each registration.

(3) The Commissioner shall on registering a person providing daycare for children:-

(a) specify the maximum number of children, or the maximum number of children within specified age groups, who may be looked after on the premises;

(b) require the person to secure that the premises on which he so looks after the children and the equipment used on those premises, are adequately maintained and kept safe;

(c) require the person to notify him in writing of any change in the facilities which he provides or in period during which he provides those facilities;

(d) specified the number of persons required to assist in looking after children on the premises;

(e) require the person to keep record of the names and addresses of persons who looked after a child, persons who assist in looking after a child, and persons who live or are likely at any time to live, on the registered premises;

(f) require the person to notify him in writing or any change in the names and addresses of the persons mentioned in paragraph (e) of this subsection.

(4) In determining the maximum number of children to be specified under subsection (3) (a) of this section, the Commissioner shall take account of the number of other

children who may at any time be on the premises.

(5) The Commissioner may at any time vary, remove or add to any of the conditions imposed under this section.

(6) In subsection (3) of this section, references to children looked after are references to children looked after in accordance with the provision of daycare made by the registered person.

156 (1) The Commissioner may at any time cancel the registration of a child minder if it appears to him that the circumstances of the case are such that it would be justified in refusing to register that person as a child minder where:-

Cancellation of registration of a child minder.

(a) the care provided by that person when on the premises is, in the opinion of the Commissioner seriously inadequate having regard to the needs of the children concerned; or

(b) the child minder has contravened or failed to comply with any requirement of or condition imposed on him under section 155 of this Law or failed to pay any annual fee under paragraph (7) of the Sixth Schedule to this Law within the prescribed time.

(2) The Commissioner may at any time cancel the registration of any person providing daycare for children if it appears to him that the circumstances of the case are such that it would be justified in refusing to register that person with respect to any premises.

(3) Where a condition to carry out repairs or make alterations or additions has been imposed on a registered person under section 154 of this Law, his registration shall not be cancelled on the ground that the premises are not fit to be used for looking after children if the time set for complying with the condition has not expired and it is shown that the condition of the premises is due to the repairs not having been carried out or the alteration or additions not having been made.

(4) A cancellation under this section shall be in writing.

(5) In considering the needs of child for the purposes of subsection (1) (a) of this section, the Commissioner shall, in particular have regard to the religious pursuit, cultural and linguistic background of the child.

157 (1) Where an application is made to the court for an order:-

*Power of Court to
cancel or vary
registration etc*

- (a) canceling a registered person's registration;
- (b) varying any condition imposed on a registered person under sections 154 and 155 of this Law, or
- (c) removing a condition or imposing an additional condition on such a person, the court may make the order if it appears to the Court that a child who is being, or may be looked after by the person, or as the case may be, in accordance with the provision for child minding or daycare, is suffering, or likely to suffer, significant harm.

(2) Any cancellation variation, removal or imposition order made under this section shall have effect from the date on which the order is made.

(3) An application under subsection (1) of this section may be ex-parte and shall be supported by a written statement of the of the Commissioner's reasons for making it.

(4) Where an order is made under this section, the Commissioner shall serve on the registered person, as soon as reasonably practicable, after the making of the order:-

- (a) notice of the order and its form; and
- (b) copy of the his reasons which supported its application for the order.

(5) Where the Court imposes or varies any condition under subsection (1) of this section, the condition or the condition as varied, shall be treated as binding for all purposes other than the purpose of section 163 of this Law.

158 (1) A person authorized to do so by the Commissioner may, at any reasonable time enter:-

*Power of the
Commissioner to
inspect premises.*

- (a) any domestic premises within the state in which child minding is, at any time, carried on; or
- (b) any premises within the State in which daycare for child is at any time provided.

- (2) Where the Commissioner has reasonable cause to believe that a child is being looked after on any premises in contravention of this Part of this Law, a person authorized to do so may enter the premises at any reasonable time.
- (3) A person entering any premises under this section may inspect the premises, the child being looked after on the premises and the arrangements made for the child being looked after on the premises which are kept in compliance with provisions of this Law.
- (4) A person inspecting any record under this section shall at any reasonable time have access to, inspect and check the operation of any computer and any associated apparatus or material which is or has been in use in connection with the records in question and may require the person by whom or on whose behalf the computer is or has been so used or any person having charge of, or otherwise concerned with the operation of the computer, apparatus or material, to afford him such reasonable assistance as he may require.
- (5) A person exercising any power conferred by this section shall, if so required produced some duly authenticated document showing his authority to do so.
- (6) The Commissioner shall exercise his power to inspect the premises mentioned in subsection (1) of this section at least once every year.
- (7) A person who intentionally obstructs another person during the exercise by that other person of any power conferred under this section, commits an offence and is liable on summary conviction to a fine of two thousand five hundred naira or imprisonment for a term of three months or to both such fine and imprisonment.
- 159 (1) The Commissioner shall not less than fourteen days before refusing an application for registration under section 153 of this Law, canceling any registration under section 156 of this Law, refusing consent under paragraph 3 of the Sixth Schedule to this Law, imposing, removing or varying any condition under sections 154 and 155 of this Law; or refusing to grant any application for the variation or removal of any condition, send to the applicant, or, as the case may be, the registered person, notice in writing of its intention to take the step in question.

*Commissioner to
give applicant
notice of actions
he intends to take.*

- (2) A notice sent under subsection (1) of this section shall give the Government's reasons for proposing to take the step; and inform the person of his rights under this section.
- (3) Where the recipient of a notice informs the Commissioner in writing of his desire to object to the step taken, he shall be afforded the opportunity to do so.
- (4) Any objection made under subsection (3) of this section may be made in person or by a representative.
- (5) If the Commissioner, after giving the person concerned an opportunity to object to the step being taken, decides nevertheless to take any step he shall send written notice of his decision.
- (6) A person aggrieved by the taking of any step mentioned in subsection (1) of this section may appeal against it to the Court.
- (8) Where the Court allows an appeal against a condition it may, instead of canceling the condition, vary it.
- (9) Where the Court imposes or varies any condition under subsection (7) or (8) of this section, the condition as varied, shall be treated for all purposes, other than this section as if it had been imposed by the Commissioner.
- (10) A step referred to in subsection (1) of this section shall not take effect until the expiry of the time within which an appeal may be brought under this section or where such appeal is brought, before its determination.

- 160 (1)** No person shall provide daycare for children under the age of six year in any premises unless he is registered by the Commissioner under this Law with respect to the premises. *Offences under this part*
- (2) A person who contravenes subsection (1) of this section, without reasonable excuse, commits an offence.
 - (3) No person shall act as a child minder on any domestic premises unless he is registered by the Commissioner under section 153 of this Law.

- (4) Where it appears to the Commissioner that a person has contravened subsection (3) of this section, he may serve an enforcement notice on him.
- (5) An enforcement notice shall have effect for a period of six month beginning with the date on which it is served.
- (6) A person with respect of whom an enforcement notice is in force who contravenes subsection (3) of this section without reasonable excuse commits an offence.
- (7) A person who without reasonable excuse contravenes or otherwise fails to comply with any condition imposed on him under section 154 or 155 of this Law, commits an offence
- (8) A person who:-
- (a) acts as a child under any any domestic premises at any time when he is disqualified by regulations made under paragraph 2 of the Sixth Schedule to this Law; or
 - (b) contravenes any position of subparagraph (3), (4) or (5) of paragraph of the Sixth Schedule to this Law, commits an offence.
- (9) A person who contravenes subparagraph (3) of paragraph 2 of the sixth Schedule to this Law is not guilty of an offence under this section if he proves that he did not know, and had no reasonable ground for believing, that the person in question was living or employed in the household.
- (10) A person who contravenes subparagraph (5) of paragraph 2 of the Sixth Schedule to this Law is not guilty of an offence under this section if he proves that he did not know that the person who he has employed was disqualified.
- (11) A person who commits an offence under this section is liable on summary conviction:-
- (a) in the case of an offence under subsection (7) of this section, to a fine not exceeding five thousand naira or imprisonment for a term not exceeding six months or both such fine and imprisonment;
 - (b) in the case of an offence under subsection (8) of this section, to a fine not exceeding ten thousand naira or

imprisonment for a term not exceeding one year or both such fine and imprisonment;

- (c) in the case of any other offence, to a fine not exceeding two thousand, five hundred naira or imprisonment for a term of three months or to both such fine and imprisonment.

PART XV- SUPPORT FOR CHILDREN AND FAMILIES

- 161 (1) The Government shall, generally safeguard and promote the welfare of children in need within the state and so far as is consistent with this duty, promote the upbringing of those children by their families by providing a range and level of services appropriate to the needs of the children. *Provision of services for children in need etc.*
- (2) The Government shall also encourage private organizations who may wish to provide services for the children in need to provide such services as may be permitted by it.
- (3) Any service provided by the Government in the discharge of its duty under this section may be provided for the family of a particular child in need or for a member of the family of the child, if the service is provided with a view to safeguarding or promoting the welfare of the child.
- (4) The Government shall, for the purpose of facilitating the discharge of its general duty under this section, have the duties and power set out in part 1 of the Seventh Schedule to this Law.
- (5) The commissioner may by order amend duties and powers set out in part 1 of the Seventh Schedule to this Law.
- (6) The Government shall facilitate the provision by voluntary organizations and other bodies of services which it has power to provide by virtue of section 167, 168, 171 and 172 of this Law and may make such arrangements as it deems fit for any person to act on its behalf for the provision of any of those services.
- (7) The services provided by the Government in the discharge of its duty under this section may include the giving of assistance in kind or in exceptional cases, in cash, and the assistance may be conditional or unconditional.

- (8) Before giving assistance or imposing any condition under this section, a State Government shall have regard to the means of the child concerned and of each of his parents.
- (9) No person shall be liable to make repayment of assistance or its value at any time when he is in receipt of an income, support or any form of support from public funds.
- (10) For the purpose of this section and other sections of this Part a child shall be taken to be in need if he is unlikely to maintain or to have opportunity of achieving or maintaining a reasonable standard of health or development without the provision, for the child, of services by the Government under this Part; or the health and development of the child is likely to be significantly impaired or further impaired without the provision, for the child, of services provided under this Part; or the child is disabled, internally displaced, a refugee or is otherwise especially in difficult circumstances.
- 162 (1) The Government shall provide such daycare for children in need who are not more than six years and not yet attending school, as is appropriate. *Day care for pre school children.*
- (2) The Government may provide day care for children within the State who satisfy the condition mentioned in subsection (1) of this section notwithstanding that those children are not in need.
- (3) The Government may provide facilities, including training, advice, guidance and counseling for persons caring for children in day care or who at any time accompany those children while they are in day care.
- (4) The Government shall provide for a child in need who is attending any school such care or supervised activities as is appropriate outside school hours or during school holidays.
- (5) The Government may provide such care or supervised activities for children who are attending any school notwithstanding that those children are not in need.
- 163 (1) The Government shall review the services provided by it under section 165 of this Law, the extent to which the services of child minders are available within the state, with respect to children under the age of six years and the provision for day *Review of provisions for day care minding etc.*

care for children under the age of six years by persons, other than the authority, required to register under section 153 (1) of this Law.

(2) A review under subsection (1) of this section shall be conducted:-

(a) together with the appropriate local education authority;
and

(b) at least once in every review period.

(3) The Government shall, at least once in every review period, review the provisions made for day care for children under the age of six years by the appropriate authority and by persons required to register under section 153 (1) of this Law, and the extent to which the services of child minders are available within the state with respect to children under the age of six years.

(4) In conducting a review under this section, the Government shall have regard to the provision made with respect to the children under the age of six years in relevant establishments within the State.

(5) Where the Government conducts a review under this section, it shall publish the result of the review:-

(a) as soon as is reasonably practicable;

(b) in such form as it considers appropriate; and

(c) together with any proposals it may have with respect to the matters reviewed.

(6) The Government conducting a review under this section shall have regard to any representations made by relevant health authority or health board and any other representations which it considers to be relevant.

164(1) The Government shall provide accommodation for a child in need who appears to it to require accommodation where:-

*Provision of
accommodation
for children*

(a) there is no person having parental responsibility for the child; or

- (b) the child is lost or has been abandoned or runs away from home; or
 - (c) the person who has care for the child is prevented, for any reason whatsoever, from providing the child with accommodation or care.
- (2) The Government shall provide accommodation for a child:-
 - (a) whose welfare the appropriate authority considers is likely to be seriously prejudiced if the Government does not provide the child with accommodation; or
 - (b) if the Government considers that to provide the child accommodation would safeguard or promote the welfare of the child notwithstanding that the person who has parental responsibility for the child is able to provide him accommodation.
- (3) Before deciding to provide accommodation under this section, the Government shall, so far as reasonably practicable and consistent with the welfare of the child:-
 - (a) ascertain the wishes of the child regarding the provision of accommodation; and
 - (b) give due consideration, having regard to his age and understanding, to such wishes of the child as it has been able to ascertain.
- (4) The Government shall not provide accommodation under this section for a child if a person who has parental responsibility for the child is willing and able to provide accommodation for the child, or arrange for accommodation to be provided for the child.
- (5) A person who has parental responsibility for a child may at any time remove the child from the accommodation provided by or on behalf of the State Government under this section.
- (6) Subsections (4) and (5) of this section do not apply where a person in whose favour a residence order is in force with respect to the child, or who has care of the child by virtue of an order made in the exercise of the jurisdiction of the court at the High Court, Sharia Court of Appeal or Customary Court of

Appeal level with respect to children, agrees that the child be cared for in an accommodation provided by or on behalf of the Government.

- (7) Where there is more than one such person as is mentioned in subsection (6) of this section, all of those persons shall agree.

- 165 (1) The Government shall make provision for the reception and accommodation of children who are removed or kept away from home:-

Provision of accommodation for children on police protection,, remand etc

- (a) under Part IV of this Law;
- (b) under police protection;
- (c) on remand or supervision order;
- (c) for any other reason, by the appropriate authority.

- (2) Where a child, who has been removed or detained under subsection (1) of this section, is not being provided with accommodation by the Government or in a Government hospital, any reasonable expenses of accommodating the child shall be recoverable from the Government.

- 166 Where, in this Part a reference is made to a child who is looked after by the Government, that reference is to a child who is:-

Reference to a child looked after by the Government.

- (a) In the care of the Government; or
- (b) provided with accommodation by the Government in the exercise of any functions under this Law.

- 167 (1) The Government, when looking after a child, shall:-

Safeguarding the welfare of children looked after by the Govt

- (a) safeguard and promote the welfare of the child; and
- (b) make such use of services available for children looked after by their own parent as appears to the Government reasonable in each case.

- (2) In making a decision referred to in subsection (3) of this section, the Government shall give due consideration:-

- (a) having regard to the age and understanding of the child, to such wishes and feeling of the child as it has been able to ascertain; and

(b) to such wishes and feelings of any person mentioned in subsection (3) (b) to (c) of this section as it has been able to ascertain; and

(c) to the religious persuasion, and ethnic, cultural and linguistic background of the child.

(3) The Government, before making any decision with respect to a child being looked after or proposed to be looked after by it shall, so far as is reasonably practicable, ascertain the wishes and feelings of:-

(a) the child:

(b) the parents of the child;

(c) a person, who though not the parent of the child, has parental responsibility for the child; or

(d) any other person whose wishes and feelings the Government considers to be relevant; regarding the matter to be decided.

(4) If it appears to the Government that it is necessary, for the purposes of protecting members of the public from serious injury to exercise its powers with respect to a child whom it is looking after in a manner which may not be consistent with its duties under this section, it may do so.

(5) If the Commissioner considers it necessary, for the purposes of protecting members of the public from serious injury to give directions to appropriate authority with respect to the exercise of its power regarding a child whom it is looking after, he may give such directions to the appropriate authority.

(6) An appropriate authority shall comply with a direction given to it under this section notwithstanding that doing so is inconsistent with its duties under this section.

168 (1) The Government looking after a child shall:-

Provision of accommodation and maintenance by the Government for children looked after by it.

- (a) when the child is in its care, provide accommodation for him; and
 - (b) maintain the child in other respects in addition to providing accommodation for him.
- (2) The Government shall provide accommodation and maintenance for a child under this section by:-
 - (a) placing him, subject to subsection (5) of this section and any regulations made by the Commissioner, with a family, a relative of the child or any other suitable person, on such terms as to payment by the Government and otherwise as the Government may determine; or
 - (b) maintaining the child in a community home, a voluntary home, a registered children home, or a home provided under subsection (5) of this section, on such terms as the Government may from time to time determine; or
 - (c) making such arrangements which may seem appropriate to it, and comply with regulations made by the Commissioner.
- (3) A person with whom a child has been placed under subsection (2) (a) of this section shall be referred to in this Law as a Government foster parent unless he fails within subsection (4) of this section.
- (4) A person falls within this section if he is:-
 - (a) a parent of the child;
 - (b) a person who though not a parent of the child, has parental responsibility for the child; or
 - (c) where the child is in care and there was a residence order in force with respect to him immediately before the care order was made, a person in whose favour the residence order was made.
- (5) Where a child is in the care of the Government, it may only allow him to live with a person who falls within subsection (4) of this section in accordance with regulations made by the Commissioner.

(6) Subject to any regulations made by the Commissioner for the purposes of this subsection, the Government looking after a child shall make arrangements to enable the child to live with a person falling within subsection (4) of this section; or relative, friend or other person connected with the child, unless that will not be reasonably practicable or consistent with the welfare of the child.

(7) Where the Government provides accommodation for a child who it is looking after, it shall, subject to the provision of this Law and so far as is reasonably practicable and consistent with his welfare, secure that the accommodation is near the home of the child and where the Government is also providing accommodation for sibling of the child, they are accommodated together.

(8) Where the Government provides accommodation for a disabled child under its care it shall, so far as is reasonably practicable, ensure that the accommodation is suitable for his particular needs.

(9) Part II of the Seventh Schedule to this Law shall have effect for the purposes of making further provisions as to children looked after by the Government and in particular as to the regulations that may be made under subsection (5) of this section.

169 (1) Where a child is being looked after by the Government, it shall advise, assist and befriend the child with a view to promoting his welfare when he ceases to be looked after by it.

Advice and assistance for certain children.

(2) A person qualifies for advice and assistance under this section, if he is under the age of twenty-one years and was at any time after attaining the age of eighteen years, but while still a child he was;-

(a) looked after by the Government; or

(b) accommodated by or on behalf of a voluntary organization; or

(c) accommodated in a registered children home; or

(d) accommodated by any health authority or education authority; or in any residential care home, nursing home

or mental nursing home, for a consecutive period of at least three month; or is fostered privately, but has ceased to be so looked after, accommodated or fostered.

- (3) Subsection (2) (d) of this section applies if the period of three months mentioned in that subsection began before the child attained the age of eighteen years.
- (4) Where the Government knows that there is, within the state a person qualifying for advice and assistance, conditions in subsection (5) of this section are satisfied, and a person has asked for help of a kind which the Government can give under this section, the Government shall, if the person was being looked after by it or was accommodated by or on behalf of a voluntary organization and may, in any other case, advise and befriend the child.
- (5) The conditions which shall be satisfied under subsection (4) of this section are that-
 - (a) it appears to the Government that the person concerned is in need for advice and being befriended;
 - (b) where the person was not being looked after by the Government, is in need for advice or friendship that the person looking after him does not have the necessary facilities to advise or befriend him.
- (6) Where, as a result of this section, the Government is under a duty, or is empowered, to advise and befriend a person, it may also give that person assistance.
- (7) Assistance given under subsection (1) and (6) of this section may be in kind or, in exceptional circumstances, in cash.
- (8) The Government may give assistance to a person who qualifies for advice and assistance by virtue of subsection (2) (a) of this section by contributing to expenses incurred by him in living near the place where he is or will be employed or seeking employment or receiving education or training, or by making a grant to enable him to meet expenses connected with his education or training.
- (9) Where the Government is assisting the person under subsection (8) of this section by making a contribution or

grant with respect to a course of education or training, it may continue to do so notwithstanding that the person attains the age of twenty-one years before completing the course and disregard any interruption in his attendance on the course of training if he resumes it as soon as it reasonably practicable.

(10) Subsections (7) and (9) of section 168 of this Law shall apply in relation to assistance given under this section, as they apply in relation to assistance given under that section.

(11) Where it appears to the Government that a person it had been advising and befriending under this section, is a person who qualifies for advice and assistance and proposes to live, or is living, in another State, it shall inform that other State Government.

(12) Where the child who is accommodated by-

(a) a voluntary organization or in a registered children home; or

(b) any health authority or education authority; or

(c) any residential care home or mental nursing home, ceases to be so accommodated, after attaining the age of eighteen years, the organization, authority or, as the case may be, the person managing the home shall inform the Government or any other State Government in whose State the child proposes to live.

(13) Section (12) of this section only applies, by virtue of paragraph (b) or (c) of that subsection, if the accommodation has been provided for a consecutive period of at least three months.

170 (1) Subject to the following provision of this section, a child who is being looked after by the Government shall not be placed, and, if placed, may not be kept in accommodation provided for the purpose of restricting liberty known as secure accommodation unless it appears that-

Use of accommodation for restricting liberty.

(a) the child has a history of absconding from accommodation of any other description, and is likely to suffer significant harm if he absconds; or

(b) if he is kept in accommodation of any other description, he is likely to injure himself or other persons.

- (2) The court hearing an application under this section shall determine whether any relevant criteria for keeping a child in secure accommodation as specified under subsection (1) of this section are satisfied.
- (3) Where the court determine that the relevant criteria are satisfied, it shall make an order authorizing the child to be kept in secure accommodation and specifying the maximum period for which the child may be kept.
- (4) On any adjournment of the hearing of an application under this section, the Court may make an interim order permitting the child to be kept during the period of the adjournment in accommodation that is secure.
- (5) No Court shall exercise the powers conferred by this section in respect of a child who is not legally represented in the Court, unless-
 - (a) the child, having regard to his age and understanding;
and
 - (b) the parents of the child; or
 - (c) person who, though not a parent of the child, has parental responsibility for the child; or
 - (d) any other person it considers relevant, having informed of the right of the child to apply for legal aid and having had the opportunity to do so, had refused or failed to apply.
- (6) The grant of an authorization under this section shall not prejudice any other court to give directions relating to the child to whom the authorization relates.
- (7) The Commissioner may, by regulations specify a maximum period beyond which a child shall not be kept in secure accommodation without the authority of the court, or for which the court may authorize a child to be kept in secure accommodation.
- (8) The regulations may empower the court, from time to time, to authorize a child to be kept in secure accommodation for such further period as the regulations may specify and provide

that application to the court under this section shall be made only by the Government.

- (9) The regulations may provide that this section shall or shall not apply to any description of children specified in the regulation, or that the section shall apply to children of a description specified in the regulation subject to such modification as may be specified, or may provide that such other provisions, as may be so specified, shall have effect for the purposes of determining whether a child of any description specified in the regulation may be placed or kept in secure accommodation.

- 171 (1) Where it appears to the Government that any authority or other person mentioned in subsection (3) of this section could, by taking any specified action, help in the exercise of any of its functions under this Part, it may request the help of that of that other authority or person, specifying the action in question. *Co-operation between authorities.*

- (2) An authority or a person whose help is required under subsection (1) of this section shall comply with the request if it is compatible with the authority's or person's own statutory or other duties and obligations and does not unduly prejudice the discharge of any of the authority's or person's functions.

- (3) Subsection (2) of this section refers to
- (a) the Government;
 - (b) education authority;
 - (c) housing authority;
 - (d) health authority;
 - (e) any other person authorized by the Commissioner for the purposes of this section.

- (4) The Government shall assist the education authority with the provision of services for a child who has special educational needs.

- 172 (1) Where a child is being looked after by the Government and it proposes to provide accommodation for the child in an establishment at which education is provided for children who are accommodated there, it shall, so far as is reasonably practical, consult the appropriate education authority before *Consultation with education authority.*

doing so.

(2) Where a proposal under subsection (1) (b) of this section is carried out, the Government shall, as soon as is reasonably practicable, inform the appropriate education authority of the arrangement that have been made for the child's accommodation.

(3) Where a child ceases to be accommodated as mentioned in subsection (1) of this section, the Government shall inform the appropriate education authority, accordingly.

173 (1) Where the Government provides any service under section 165 or 167 of this Law, other than advice, guidance or counseling, it may recover from a person specified in subsection (4) of this section such charges for the service as may be considered reasonable. *Recouping cost of services provided.*

(2) Where the Government is satisfied that the means of the person specified in Subsection (4) of section are insufficient for it to be reasonably practicable for him to pay the charges under Subsection (1) of this section, it shall not require him to pay more than he can reasonably be expected to pay.

(3) No person shall be liable to pay any charge under subsection (1) of this section at any time when he is in receipt of income support or family credit under any law.

(4) The person referred to in subsections (1), (2) and (3) of this section are, where the service is provided for-

(a) a child under the age of eighteen years who is not in gainful employment, each of his parents.

(b) a child who has attained the age of eighteen years, who is in gainful employment, the child himself; and

(c) a member of the child's family, that member.

(5) Any charge under subsection (1) of this section may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.

PART XVI-COMMUNITY HOMES

174 (1) The Government shall make such arrangements as it *Securing community*

considers appropriate for securing homes, to be known as *homes*.
community homes for-

- (a) the care and accommodation of children looked after by it, and
 - (b) purposes connected with the welfare of children, whether or not looked after by it.
- (2) In making such arrangements, Government shall have regard to the needs for securing the availability of accommodation.
- (3) A community home may be provided, managed, equipped and maintained by the Government; or provided by a voluntary organization but in respect of which the Government and the organization propose that, in accordance with an instrument of management, the managing, equipping and maintaining of the home shall be responsibility of the Government or the voluntary organization.
- (4) Where the Government is to be responsible for the management of a community home provided by a voluntary organization, it shall designate the home as a "controlled community home".
- (5) Where a voluntary organization is to be responsible for the management of a community home provided by the voluntary organization, the Government shall designate the home as an "assisted community home".
- (6) The Eighth Schedule of this Law shall have effect for the purpose of supplementing the provisions of this Law.
- 175 (1) A voluntary organization which has provided or is managing a controlled or an assisted community home shall not cease to provide or manage the home unless it has given to the Commissioner specified in the instrument of management of the community home not less than two years notice in writing of its intention to do so.
- (2) A notice given under subsection (1) of this section shall specify the date from which the voluntary organization intends to cease to provide or manage the community home.
- (3) Where a notice given under subsection (1) of this is not withdrawn before the date specified in it, the instrument of

*Discontinuance of
controlled or
assisted
community homes.*

management of the community home shall cease to have effect on that date and the community home shall then cease to be a controlled or an assisted community home, as the case may be.

- (4) Where a notice is given under subsection (1) of this section and the voluntary organization gives notice in writing to the Commissioner that it is unable or unwilling to continue to provide or manage the community home the community home shall revert to the control and management of the Government as if it is a community home provided by it.

PART XVII VOLUNTARY HOMES AND VOLUNTARY ORGANIZATIONS

- 176 (1)** Where a voluntary organisation provides accommodation for a child, it shall do so by- *Provision of accommodation by voluntary organisations*

(a) placing the child, subject to subsection (2) of this section, with-

- (i) a family,
- (ii) a relative of the child, or
- (iii) any other suitable person, on such terms as to payment by the voluntary organisation and otherwise as the voluntary organisation may determine; or

(b) maintaining the child in-

- (i) voluntary home, or
- (ii) a community home, or
- (iii) a registered children's home, or
- (iv) a home provided by the Commissioner under section 186(3) of this Law;

on such terms as the Commissioner may, from time to time, determine; or

(c) making such other arrangements, subject to subsection

(2) (b) of this section as seem appropriate to it.

(2) The Commissioner may make regulations-

(a) as to the placing of children with foster parents by voluntary organisations;

(b) as to the arrangements which may be made under Subsection (1) (c) of this section;

(c) requiring any voluntary organisation which is providing accommodation for a child to-

(i) review his case; and

(ii) consider any representation, including any complaints, made to it by any person falling within a prescribed class of persons, in accordance with the provisions of the regulations;

177 (1) No person shall establish or manage a voluntary home unless the home is registered in a register to be kept for the purposes of this section by the Commissioner.

Registration and regulation of voluntary homes.

(2) The register shall be kept in such form as the Commissioner may, from time to time, specify.

178 (1) Where a child is accommodated by or on behalf of a voluntary organization, it shall safeguard and promote the welfare of the child, make such use of the services and facilities available for children cared for by their own parents as appears to the voluntary organization reasonable in the case of the child, and advise, assist and befriend the child with a view to promoting the welfare of the child when the child ceases to be accommodated.

Duties of voluntary organizations..

(2) Before making any decision with respect to the child under subsection (1) of this section, the voluntary organization shall, so far as is reasonably practicable, ascertain the wishes and feeling of the child, his parent and any other person who, though not a parent of the child has parental responsibility for the child and any person whose wishes and feeling the voluntary organization considers to be relevant, regarding the matter to be decided.

(3) A voluntary organization shall, in making a decision under this

section, give due consideration to such wishes and feelings of the child as it has been able to ascertain, having regard to age and understanding of the child, and the religious persuasion, ethnic or cultural and linguistic background of the child.

- 179 (1) The Government shall satisfy itself that any voluntary organization which provides accommodation for a child satisfactorily safeguards and promotes the welfare of the child which it provides with accommodation. *Duties of the Government..*
- (2) The Government shall arrange for children who are accommodated by or on behalf of voluntary organizations to be visited, from time to time, in the interest of the welfare of the children.
- (3) Subsection (2) of this section does not apply in relation to community homes.
- (4) Where the Government is not satisfied that the welfare of a child who is accommodated by or on behalf of a voluntary organization is being satisfactorily safeguarded or promoted, it shall-
- (a) unless it considers that it would not be in the best of the child, take such steps as are reasonably practicable to secure that the care and accommodation of the child is undertaken by-
 - (i) a parent of the child,
 - (ii) a person who, though not a parent of the child, has parental responsibility for the child, or
 - (iii) a relative of the child; and
 - (b) consider the extent to which, if at all, it could exercise any of its powers with respect to the child.
- (5) A person authorized by the Government may for the purpose of enabling it to discharge its duties under this section-
- (a) enter, at any reasonable time, and inspect any premises in which children are being accommodated as mentioned in subsection (1) or (2) of this section;
 - (b) inspect the children in those premises; and

- (c) require any person to furnish him with such records of a kind required to be kept by regulations made under paragraph 7 of the Ninth Schedule to this Law, in whatever form they are held, or allow him to inspect such records, as the Commissioner may, from time to time, direct.
- (6) A person exercising the power conferred by subsection (5) of this section shall, if asked to do so, produce some duly authenticated document showing his authority to do so.
- (7) A person authorized to exercise the power conferred by subsection (5) of this section to inspect records-
- (a) shall be entitled, at any reasonable time, to have access to, and inspect and check the operation of any computer and associated apparatus or material which is or has been in use in connection with the records in question; and
- (b) may require the person by whom or on whose behalf the computer is or has been so used, or the person having charge of , or otherwise concerned with the operation of the computer, apparatus or material, to afford him such assistance as he may reasonably require.
- (8) Whoever intentionally obstructs any other person in the exercise of any power conferred by subsection (5) or (7) of this section commits an offence and is liable on summary conviction to a fine not exceeding two thousand five hundred naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment.
- (9) The Commissioner may make regulations requiring every child who is accommodated within the State, by or on behalf of a voluntary organization, to be visited by an officer of the Government in prescribed circumstances, and on specified occasions or within specified periods as may be contained in the regulations.

PART XVIII-REGISTRATION OF CHILDREN'S HOME

- 180 (1) No Child shall be cared for or provided with accommodation in a children's home unless the home is registered under this

*Prohibition for
accommodating a
child in an*

Part.

unregistered home.

- (2) The Commissioner may cause a register to be kept for the purpose of subsection (1) of this section in such form as he may, from time to time, specify, including by means of a computer.
- (3) Subject to any exemption by or under this section and regulations made by the Commissioner for the purposes of this subsection, a home is a children's home if it provides, or usually provides or is intended to provide care and accommodation wholly or mainly for more than three children at any one time.
- (4) An independent school is a children's home if-
- (a) it provides accommodation for not more than fifty children; and
 - (b) it is not approved by the Ministry of Education or other education authority established under the appropriate laws on education applicable in the State.
- (5) A home is not a children's home for the purposes of this Part of this Law if it is-
- (a) a community home;
 - (b) a voluntary home;
 - (c) a residential care home, nursing home or mental nursing home;
 - (d) a health services hospital;;
 - (e) a home provided, equipped an maintained by the Commissioner; or
 - (f) a school, but subject to subsection (4) of the section.
- (6) A child is not cared for and accommodated in a children's home when he is cared for and accommodated by his parents, or by a person who, though not a parent of the child, has parental responsibility for the child, or by a relative of the child, or when any of the persons mentioned above is living in the home, or when the person caring for the child is doing so in his personal capacity and not in the course of carrying out his

duties in relation to the home.

(7) A person who, without reasonable excuse, cares for and accommodates a child in a children's home or who manages a children's home which is not a registered children's home, commits an offence and is liable on conviction to a fine not exceeding ten thousand naira or imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(8) The provisions of Tenth Schedule to this Law shall have effect with respect to children's home, and Part 1 of the Fourth Schedule of this Law sets out the circumstances in which a person may foster more than three children without being treated as managing a children's home.

181 (1) Where a child is accommodated in a children's home, the person managing the children's home shall safeguard and promote the welfare of the child and make such services and facilities available as for children cared for by their own parents as appear to that person reasonable in the case of the child; and advise, assists and befriend the child with a view to promoting his welfare when he ceases to be so accommodated.

Welfare of the child to be promoted etc in children's homes

(2) Before making any decision with respect to a child accommodated in a children's home, the person managing the children's home shall, so far as is reasonably practicable, ascertain the wishes and feeling of the child.

(3) In making the decision, the person concerned shall give due consideration-

(a) having regard to the child's age and understanding, to such wishes and feelings of the child as the person has been able to ascertain;

(b) to such other wishes and feelings mentioned in subsection (2) of this section as he has been able to ascertain; and

(c) to the religious persuasion, ethnic origin, and cultural and linguistic background of the child.

182 (1) A person who is disqualified from fostering a child privately shall not work in a children's home unless he has disclosed to the responsible authority the fact that he is so disqualified and

Person disqualified from managing or being employed in children homes.

obtained the written consent of the responsible authority.

- (2) No person shall employ in a children's home a person who is disqualified from fostering a child privately unless he disclosed to the responsible authority the fact that he is so disqualified and obtained the written consent of the responsible authority.
- (3) Where a responsible authority refuses to give its consent under this section, it shall inform the applicant by a written notice which shall state the reason for the refusal, the applicant's right to appeal against the refusal to the Court under paragraph 8 of the Schedule 10 of this Law and the time within which he may appeal.
- (4) A person who contravenes subsection (1) or (2) of this section commits an offence and is liable on summary conviction to a fine not exceeding ten thousand naira or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

PART XIX-SUPERVISORY FUNCTIONS AND RESPONSIBILITIES OF THE COMMISSIONER

- 183 (1)** The Commissioner may order to be inspected, from time to time, any:-
- (a) children's home;
 - (b) premises in which a child who is being cared for by an appropriate authority is living;
 - (c) premises in which a child who is being accommodated by or on behalf of an education authority, health authority or voluntary organization is living;
 - (d) premises in which a child is living with a person with whom he has been placed pending an adoption order;
 - (e) premises in which a child who is a protected child, is or will be living;
 - (f) premises in which a child is fostered privately, or a child who is treated as a fostered child by virtue of paragraph 9 of Part III of the Fourth Schedule to this Law, is or will be living;

Powers of the commissioner to order inspection.

- (g) premises on which a person is acting as a child minder;
 - (h) premises with respect to which a person is registered under section 153 of this Law;
 - (i) a residential care home, nursing home mental nursing home;
 - (j) premises which are provided by the Government and in which any service is provided by the Government under Part XV of this Law; and
 - (k) independent school providing accommodation to a child.
- (2) An inspection under this section shall be conducted by a person authorized to do so by the Commissioner.
- (3) The Commissioner may require a person specified in subsection (4) of this section to furnish him with such information, or allow to inspect such records, in whatever form they are held, relating to:-
- (a) any premises to which subsection (1) of this section applies; or
 - (b) a child who is living in any of the premises to which subsection (1) of this section applies.
- (4) The person referred to in subsection (3) of this section are:-
- (a) appropriate authorities of the Government;
 - (b) a voluntary organization;
 - (c) a person managing a children's home;
 - (d) the proprietor of an independent school;
 - (e) a person fostering a child or providing accommodation for a child on behalf of the Government, education authority health authority or voluntary organization;
 - (e) an education authority providing accommodation for a

child;

(f) a person employed in a teaching or administrative capacity;

(g) a person who occupies any premises in which a person acts a child minder, within the meaning of Part XIV of this Law, or provides by day care for young children, within the of that Part;

(h) a person managing any home of a kind mentioned in subsection (1) (f) of this section.

(6) A person inspecting any home or other premises under this section may inspect the children kept in the home or premises and make such examination into the state and management of the home or premises and treatment of the children kept in the home or premises as he thinks fit.

(7) A person authorized by the Commissioner to exercise the power to inspect records conferred by Subsection (3) of this section:-

(a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer, any associated apparatus or material which is or has been in use in connection with the records in question; and

(b) may require the person by whom or on whose behalf the computer is or has been so used, or any person having charge of or otherwise concerned with the operation of the computer, apparatus or material, to afford him such reasonable assistance as he may require.

(8) A person authorized to inspect any premises under this section shall have a right to enter the premises for that purpose and for any purpose, specified in subsection (4) of this section, at any reasonable time and, if so required, shall produce some authenticated document showing his authority to do so.

(9) A person who willfully obstructs another person in the exercise of a power conferred by this section commits an offence and is liable on summary conviction to a fine not exceeding two thousand naira or imprisonment for a term not exceeding three months or to both such fine and

imprisonment.

(10) The Commissioner may by order provide that subsection (1), (4) and (6) of this section, shall not apply in relation to such homes, or other premises, as may be specified in the order and the order may make different provisions with respect to each of those subsections.

(11) Reference to 'the Government' shall be construed to include reference to local government unless the context provides otherwise.

184 (1) The Commissioner may order an inquiry to be held into any matter concerned with:-

Powers of the Commissioner to order inquiry

(a) the functions of the supervision inspection service in the State;

(b) the function of an adoption service;

(c) the functions of a voluntary organization, in so far as those functions relate to children;

(d) a registered children's home or voluntary home;

(e) a residential care home, nursing home or mental nursing home, so far as it provides accommodation for children; and

(f) the detention of a child under this Law.

(2) In this section; "function" includes powers and duties which a person has, otherwise than by virtue of any enactment.

185 (1) The Commissioner may direct that an inquiry under section 184 of this Law shall be held in camera.

Powers of the Commissioner to order of inquiry to be held in camera.

(2) Where no direction has been given, the person holding the inquiry may, if he thinks fit, hold it or any part of it, in private.

186 (1) The Commissioner may, with the necessary consent, defray or contribute towards any fees or expenses incurred by a person undergoing approved child care training or by a person providing approved child care training or preparing material

Financial support by the Commissioner.

for use in connection with the training, and the cost of maintaining a person undergoing approved care training.

(2) The Commissioner may make grants to a voluntary organization towards expenditure incurred by it in connection with the establishment, maintenance or improvement of voluntary homes which, at the time when the expenditure was incurred were assisted community homes, or were designated as assisted community homes and expenses incurred in respect of the borrowing of money to defray any of those expenditure.

(3) The Commissioner may arrange for the provision, equipment and maintenance of homes for the accommodation of children who are in need of particular facilities and services which are or will be provided in those homes and his opinion, are unlikely to be readily available in community homes.

(4) Any grant made under this section shall be of such amount, and shall be subject to such condition as the Commissioner may determine.

187 (1) The Commissioner may conduct, or assist, other persons in conducting research into any matter concerned with his functions or the functions of the Government under this Law, including adoption and the accommodation of children in a residential care home, nursing home or mental nursing home.

*Conduct of
research and return
of information.*

(2) The Government may conduct or assist other persons in conducting research into any matter connected with its functions under the enactments mentioned in subsection (7) of this section.

(3) The appropriate authorities of the Government shall, at such times and in such form as the Commissioner may direct, transmit to the Commissioner such particulars as he may require with respect to the performance by the Government of all or any of its functions under this Law or in connection with the accommodation of children in a residential care home, nursing home or mental nursing home, and the children in relation to whom the Government has exercised the function referred to in of this subsection.

(4) Every voluntary organization shall, at such times and in such form as the Commissioner may direct, transmit to the Commissioner such particulars as he may require with

respect to children accommodated by it or in its behalf.

- (5) The Commissioner may institute research designed to provide information on which requests for information under this section may be based.
 - (6) The Commissioner shall keep under review the adequacy of the provision of child care training and for that purpose shall receive and consider any information from or representation made by the appropriate authority or such persons or organizations as may appear to him to be relevant concerning the provision of such training.
 - (7) The enactments referred to in subsection (2) of this section are this Law, the Code of Criminal Law and Procedure; and the relevant legislation on mental health relating to children cared for by appropriate authorities.
- 188 (1) If the Commissioner is satisfied that a Local Government , or an appropriate authority has failed, without reasonable excuse, to comply with any of the duties imposed on it by or under this Law, he may make an order declaring that authority to be in default with respect to that duty.
- (2) An order under subsection (1) of this section shall state the Commissioner's reasons for making it.
- (3) An order under subsection (1) of this section may contain may such direction for the purposes of ensuring that the duty is complied with, within such period as may be specified in the order, as appears to the Commissioner to be necessary.
- (4) Any direction given by the Commissioner under subsection (3) of this section shall, on the application by him to the Court, be enforceable by an order of mandamus.

Power of the Commissioner to declare a local government or an appropriate authority in default.

PART XX- CHILD JUSTICE ADMINISTRATION GENERAL

- 189 No child shall be subjected to the criminal justice process or to criminal sanctions, but a child alleged to have committed an act which would constitute a criminal offence if he were an adult shall be subjected only to the child justice system processes set out in this Law.
- 190 (1) The right of the child to privacy shall be respected at all stages of child justice administration in order to avoid harm

Child to be subjected only to the child justice system.

Protection of privacy.

being caused to the child by publicly or by the process of labeling.

(2) Accordingly, no information that may lead to the identification of a child offender shall be published.

(3) Records of a child offender shall be kept strictly confidential and closed to third parties, and made accessible only to person directly concerned with the disposition of the case at hand or other duly authorized persons, and not used in adult proceedings in subsequent cases involving the same child offender.

191 (1) Professional education, in-service training, refresher course and other appropriate modes of instruction shall be utilized to establish and maintain the necessary professional competence of all persons, including Judges, Kadis, Magistrates, officers of the specialized children police unit, supervisors and child development officers, dealing with child offenders.

Professional education and training.

(2) Every Judge, Kadi, Magistrate, and other judicial officers, appointed to the Court shall be trained in sociology and behavioral sciences to ensure affective administration of the child justice system.

(3) Person employed in the child justice system shall reflect the diversity of children who come into contact with the justice system and efforts shall be made by those concerned with the appointment of those persons to ensure the fair representation of women and minorities in the appointment.

(4) Subject to subsection (2) there shall be no discrimination whatever in the selection, appointment and promotion of person employed in the child justice system.

192 (1) There shall be established, in the Nigerian Police Force, a specialized unit of the Force, to be known as the Specialized Children Police Unit (in this Law referred to as the "Unit") which shall consist of police offices who:-

Specialization within the Nigerian Police Force.

(a) frequently or exclusively deal with children; or

(b) are primarily engage in the prevention of child offences.

(2) The Unit shall be charged with the following functions, that is,

the prevention and control of child offences, the apprehension of child offenders, the investigation of child offences, and such other functions as may be referred to the Unit by this Law, or by regulations made under this Law, or by any other enactment.

- (3) Members of the Unit shall be continually trained and instructed specially for the function conferred on the Unit under subsection (2) of this section.

- 193 (1) In view of the varying special needs of children and the variety of measures available, a person who makes determination on child offenders shall exercise such discretion, as he deems most appropriate on each case, at all stages of the proceedings and at all levels of child justice administration, including investigation, prosecution, adjudication and the follow-up dispositions. *Use of discretion.*

- (2) Every person who exercises discretion shall be specially qualified or trained to do so judiciously and in accordance with his functions and power.

- 194 (1) The police, prosecutor or any other person dealing with a case involving a child offender shall have the power to dispose of the case without resorting to formal trial by using other means of settlement, including supervision, guidance, restitution and compensation of victims, and encourage the parties involved in the case to settle the case, as provided for in this section. *Disposing of cases without resort to formal trial.*

- (2) The police, prosecutor or other person referred to in subsection (1) of this section may exercise the powers conferred under that subsection if the offence involved is of a non-serious nature and there is need for reconciliation; or if the family, the school or other institution involved has reacted or is likely to react in an appropriate or constructive manner; or where in any other circumstances, the police prosecutor or other person deems it necessary or appropriate in the interest of the child offender and parties involved to exercise the power.

- (3) Police investigation and adjudication before the court shall be used only as measures of last resort.

- 195 The legal status and fundamental rights of of the child, provided for in Part II of this Law, and in particular:- *Respect of legal status and rights of the child.*

- (a) the presumption of innocence;
- (b) the right to be notified of charge;
- (c) the right to remain silent;
- (d) the right to the presence of a parent or a guardian;
- (e) the right to legal representation and free legal aid, shall be respected in the administration of the child justice system.

INVESTIGATION

- 196 (1)** On the apprehension of a child the parents or guardian of the child shall be immediately notified, or where immediate notification is not possible, be notified within the shortest time possible after the apprehension, of the apprehension; and the Court or the police as the case may be shall consider the issue of bail of the apprehended child without delay. *Initial contact with the child.*
- (2)** Management of contact between the police and the child shall be in such a way as to respect the legal status of the child, promote the interest and well-being of the child and avoid harm to the child having due regard to the situation of the child and the circumstances of the case.
- (3)** In this section “harm” includes the use of harsh language, physical violence, exposure to the environment and any consequential physical, psychological or emotional injury or hurt.
- 197 (1)** Detention pending trial shall be used only as measure of last resort and for the shortest possible period of time and wherever possible, be replaced by alternative measures, including close supervision, care by and placement with a family or in educational setting or home. *Detention before trial.*
- (2)** While in detention a child shall be given care, protection and all necessary individual assistance, including social, educational, vocational, psychological, medical and physical assistance, that he may require having regard to age, sex and personality.
- (3)** Where the Court authorizes an apprehended child to be kept in police detention, the Court shall, unless it certifies that by

reason of such circumstances as specified in the certificate, it is impracticable for him to do so, or in the case of an apprehended child who has attained the age of fifteen years, that no secure accommodation is available and that keeping him in some other authority's accommodation would not be adequate to protect the public from serious harm from the child, secure that the apprehended child is moved to a State Government accommodation.

- (4) Classification in the place of detention pending trial shall take account of the social, educational, medical and physical characteristics and condition of the child, including his age, sex and personality.

ADJUDICATION

- 198 (1) A child who is accused of having committed an act such as is contemplated in Section 194 of this Law shall be tried in the court. *Jurisdiction of the court to try child offences.*
- (2) The term "conviction and sentence" shall not be used in relation to a child dealt with in the Court and any reference in any enactment or other law to a person convicted, a conviction or sentence shall, in the case of a child, be construed as including a reference to a person found guilty of an offence, or to a finding of guilt or to an order made upon such a finding, as the case may be.
- 199 (1) In the trial of a child under this Law, his rights to fair hearing and compliance with due process shall be observed. *Right to fair hearing and compliance with due process.*
- (2) The procedures established by the child justice system under this Law shall, in relation to the trial of the child offender, as during the initial contact with child under section 202 of this Act, shall respect the legal status of the child, promote the best interest and well being of the child and avoid harm to the child, having due regard to the situation of the child and the circumstances of the case.
- 200 (1) Where a child offender is brought before the court, the court shall ensure that- *Guiding principles in adjudication.*
- (a) the proceeding is conducive to the best interest of the child and is conducted in an atmosphere of understanding which allows the child to participate therein and express himself freely;
- (b) the reaction taken is always in proportion not only to the

circumstances and gravity of the offence but also to the circumstances and needs of the child and the needs of the society;

(c) the personal liberty of the child is restricted only after careful consideration of the case, including the use of alternative methods of dealing with the child, and the restriction is limited to the possible minimum;

(d) the child is deprived of his personal liberty unless he is found guilty of a serious offence involving serious violence against another person, or persistence in committing other serious offences, and there is no other appropriate response that protects the public safety;

(e) the well-being of the child is the guiding factor in the consideration of his case.

(2) The Court shall have power to discontinue any proceedings at any time if circumstances arise which makes discontinuation of the proceedings the best way to dispose of the case.

(3) The Court shall handle each case brought before it expeditiously without unnecessary delay.

201 (1) The parents or guardian of a child offender who is charged before the Court for an act which constitutes a criminal offence, may attend at all stages of the proceedings and shall be entitled to participate in the proceedings.

Parents Guardian to attend the court.

(2) The Court may, where necessary, make an order to enforce the attendance of a parent or guardian before it.

(3) Notwithstanding subsection (1) of this section, where in the opinion of the Court, it is not in the interest of a child that his parent or guardian should attend, the Court shall, by order, exclude the parent or guardian from so attending.

202 (1) Where a child is brought before the Court, the Court shall, as soon as possible, explain to him and his parents, or guardian in a language the child and the child's parent or guardian understands, the substance of the alleged offence.

Substance of the offence to be explained to child, parents or guardian.

(2) Subject to the provision of section 143 of this Law, where a child is brought to the Court for an offence, the case shall be finally disposed of in the court, and it shall not be necessary to ask the parent or guardian of the child whether he consents that the child be dealt with in Court.

- (3) If the child does not admit the facts of an alleged offence, the Court shall proceed to hear the evidence of the witnesses in support of the facts and at the close of the evidence of each witness, the Court shall ask the child or if the Court see it, the parent or guardian of the child, whether he or she wishes to put any question to the witness.
- (4) If the child, instead of asking questions, wishes to make a statement, the child shall be allowed to do so and it shall be duty of the Court to put to the witnesses such of the questions as appear necessary and the court may put to the child such questions as may be necessary to explain anything in the statement of the child.
- (5) If it appears to the Court that a prima facie case is made out against the child, the evidence of the witnesses for the defense shall be heard, and the child shall be allowed to give evidence or to make any statement.
- (6) If a child admits the offence or the Court is satisfied that the offence is proved, the court shall then ask the child if he desires to say anything in explanation of the reason or reasons for his conduct, and before deciding on how to deal with him, the Court shall obtain such information as to his general conduct, home surroundings, school record, including the social inquiry reports referred to in section 204 of this Law, and medical history as may enable it deal with the case in the best interest of the chil;; and may put to the child any question arising out of such information.
- (7) For the purposes of obtaining information under sub-section (6) of this section or for special medical examination or observation, the Court may from time to time grand the child bail or remand him to a place of detention.
- (8) If a child admits the offence or the Court is satisfied that the offence is proved, and the Court decides that a remand is necessary for purposes of injury or observation, the Court may cause an entry to be made in the Court records that the charge is proved and that the child has been remanded for enquiry or observation.
- (9) The Court before which a child who has been remanded is brought may, without further proof of the commission of the offence, make any order in respect of the child which could

have been made by the Court which remanded the child.

- 203 (1) Where the court does not release on bail a child who admits to committing an offence, the Court shall remand the child to a Government accommodation. *Remand and committal to State government accommodation.*
- (2) A court remanding a child to a Government accommodation shall designate the authority which is to receive him.
- (3) Where a child is remanded to Government accommodation, it shall be lawful for any person acting on behalf of the Government to detain him.
- (4) Subject to subsection (5) of this section, the Court remanding a child to a Government accommodation may, after consultation with the Government, require that it complies with a security requirement, which is that the person in question be placed and kept in secure accommodation.
- (5) A court shall not impose a security requirement except in respect of a child who, is charged with or has been found to have committed a violent or sexual offence or an offence punishable in the case of an adult with imprisonment for a term for a term of fourteen years or more; or a child who has a record history of absconding while remanded to a Government accommodation, and is charged with or has been found to have committed an offence punishable with imprisonment while he was so remanded; and in either case the Court is of the opinion that only such a requirement would be adequate to protect the public from serious harm from the child.
- (6) Where a court imposes a security requirement in respect of a child, it shall explain to the child in ordinary language the reason the Court is of that opinion and the Court shall cause thereason stated by it under this subsection to be specified in the warrant of commitment and to be entered on the Court register.
- (7) A court remanding a child to Government accommodation without imposing a security requirement may, after consultation with the Government, require that the child complies with any such condition as could be imposed if were being granted bail.
- (8) Where a Court imposes on a child any condition as is

mentioned in subsection (7) of this section , it shall explain to the child in ordinary language the reason it is imposing the condition, and the court shall cause a reason stated by it under this subsection to be specified in the warrant of commitment and to be entered in Court register.

(9) A Court remanding a child to Government accommodation without imposing a security requirement may, after consultation with the Government, impose on that Government requirements for securing compliance with any condition imposed on that person under subsection (7) of this section or stipulating that he shall not be placed with a named person.

(10) Where a child is remanded to a Government accommodation, the court may on the application of the Government, impose on that child any condition as could be imposed under subsection (7) of this section, as if the Court were then remanding him to such accommodation, and impose on the Government any requirement for securing compliance with the condition so imposed.

(11) Where a child is remanded to a Government accommodation, the Court may, on the application of the Government vary or revoke any condition or requirement imposed under subsection (7), (9) or (10) of this section.

204 The appropriate officers shall, before a case, other than that involving a minor offence, is finally disposed of by the court properly investigate the background of the child, the circumstances in which the child is living, the conditions under which the offence has been committed; and inform the Court of all relevant facts, relating to the child, including his social and family background, school career and educational experience, arising out of the investigation under paragraph (a) of this section. *Social enquiry report.*

205 (1) Where a child is charged before the Court with an offence and the court decides that the case would be best disposed of by the imposition of a fine, damages, compensation or costs, whether with or without any other measure, the Court shall order that the fine, damages compensation or costs awarded be paid by the parent or guardian of the child. *Power of the court to order parents or guardian to pay fine.*

(2) Where the parent or of the child cannot be found; or the parent or guardian has not condoned the commission of the

offence by neglecting to exercise due care, guidance of and control over the child, any order made by the court under subsection (1) shall be borne by the child.

(3) Where a child is charged with an offence, the Court may order his parent or guardian to give security for his good behaviour.

(4) Where the Court thinks that a charge against a child is proved, the Court may make an order on the parent or guardian under this section for the payment of damages or costs or requiring him to give security for good behaviour, without proceeding to find that the child committed the act.

(5) An order under this section may made by the Court against a parent or guardian who, having been required to attend the court failed to do so, but no such order shall be made without the Court giving the parent or guardian an opportunity of being heard.

(6) A sum imposed and ordered to be paid by a parent or guardian under this section, or any forfeiture or any security a given under this section, may be recovered from the parent or guardian by distress in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child was charged.

(7) A parent or guardian may appeal against an order under this section to the Court at the High Court, Sharia Court of Appeal or Customary Court of Appeal level, or the Court of Appeal, as the case may be.

206 (1) No child shall be ordered to be imprisoned, or subjected to the death penalty or have the death penalty recorded against him. *Restriction on punishment.*

(2) No expectant mother or nursing mother shall be subjected to the death penalty or have the death recorded against her.

(3) A court shall, on sentencing an expectant or a nursing mother, consider the imposition of a non-institutional sentence as an alternative measure to imprisonment.

(4) Where institutional sentence is mandatory or desirable, an expectant or a nursing mother shall be committed to and be held or detained at a Special Mothers Centre.

- (5) No mother and child shall be held or detained at a Special Mothers Centre for a period longer than the time the child would have attained the age of six years.
- (6) Where a mother is released from a Special Mothers Centre due to the age of her child being six years before she has completed her sentence, or where a child dies while with the mother at a Special Mothers Centre, the mother shall be brought before the court which passed the original sentence to review the case and deal with her as appropriate, having regard to all the circumstances of the case.
- (7) Where a mother is further given a sentence of imprisonment as a result of a review under subsection (6) of this section, the child shall be treated as a child in need for purposes of section 168 of this Law and may be committed to the care of either his father or a fit and proper person, by a committal order.
- 207 (1) Notwithstanding anything in this Law to the contrary, where a child is found to have attempted to commit treason, murder, robbery or manslaughter, or wounded another person with intent to do grievous harm, the court may order the child to be detained for such period as may be specified in the order. *Detention in case of certain crimes.*
- (2) Where an order is made under subsection (1) of this section, the child shall, during that period, notwithstanding anything in the other provisions of this Law, be liable to be detained in such place and on such conditions as the Court may direct, and the child whilst detained shall be deemed to be in legal custody.
- 208 (1) Where a child charged with an offence is tried by the Court and the Court is satisfied that the child actually committed the offence, the Court shall take into consideration the manner in which, under the provisions of this Law, the case should be dealt with, namely by dismissing the charge or discharging the child offender on his entering into a recognizance, or placing the child under care order, guidance order and supervision order. *Method of dealing with child offender.*
- (2) The Court may discharge the child offender, place him under the supervision of a supervision officer, commit him by means of a corrective order to the care of a guardian and supervision of a relative or any other fit and proper person or send the child offender by means of a corrective order to an approved

accommodation or approved institution.

- (3) In place of (1) and (2) above, the Court may order the child offender to participate in group counseling and similar activities; pay a fine, damages, compensation or costs; or undertake community service under supervision; or the court may order the parent or guardian of the child offender to pay damages compensation or costs, or enter into recognizance to take proper care of the child and exercise proper control over him; or commit the child offender to custody in a place of detention provided under this Law.
- (4) The court may make such other orders provided for under this Law as it deems expedient taking into consideration the interest of the child and the community in which he is living.
- (5) The placement of a child in an approved accommodation or Government institution shall be a disposition of last resort and shall not be ordered unless there is no other way of dealing with the child, in which event the Court shall state, in writing, the reason or reasons for making the order.
- (6) Where an order under this section is made by the Court, the order shall, for the purpose of restoring stolen property and enabling the Court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connection with the restitution or delivery, have the like effect as a restitution order upon a conviction of an adult offender, subject however to any protection provided for the child under this Law.
- (4) A Court shall not make an institutional order in respect of the child unless it is satisfied that there is a vacancy in the approved institution to which it intends to commit the child.
- 209 (1) If the Court before which an offender is bound by his recognizance to appear to be further dealt with, is satisfied by information on oath that the child offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for the apprehension of the child or a summons to the child and his sureties, if any, requiring him and them to be present at the Court and at such time as may be specified in the summons.
- (2) A child offender, when apprehended, shall, if not brought forthwith before the court before which he is bound by his

*Procedure on
child's failure to
observe conditions
of recognizance.*

recognizance to appear to be further dealt with, be brought before another Court.

(3) The Court before which a child offender on apprehension is brought, or before which he appears in pursuance of a summons, may, if it is not the Court in which the child offender is bound by his recognizance to appear to be further dealt with, remand him in custody or on bail until he can be brought before the Court in which he is bound by his recognizance to appear.

(4) The Court before which a child is bound by his recognizance to be further dealt with shall, on being satisfied that the child has failed to observe any condition of his recognizance, forth with without any further proof of his having violated the Law or otherwise, deal, with him as for the original offence.

210 (1) Where a child is found to have committed an offence, the power conferred by this section shall be exercisable by the Court before which the case is brought, and the Court shall exercise those powers if it is satisfied, having regard to the circumstances of the case, that their exercise would be desirable in the interest of preventing the commission by that child of any further offence. *Binding over a parent or guardian.*

(2) The powers conferred by this section on the Court are as follows:-

(a) with the consent of the parent or guardian of the child, to order the parent or guardian to enter into recognizance to take proper care of the child and exercise proper control over the child; and

(b) if the parent or guardian of the child refuses to give consent and the Court considers the refusal unreasonable, to order the parent or guardian to pay a fine not exceeding ten thousand naira.

(3) An order under this section shall not require the parent or guardian to enter into recognizance for an amount exceeding thirty thousand naira or for a period exceeding three years or, where the child will attain the age of eighteen years in a period shorter than three years, for a period not exceeding that shorter period.

(4) The Court shall have the power to declare the recognizance

entered into by virtue of Subsection (2) of this section to be forfeited an adjudge the parent or guardian of the child to pay the whole sum in which he is bound or part of the sum and the payment of the sum so adjudged to be forfeited shall be enforced by means of a warrant of distress to be levied against the property of the parent or guardian.

(5) Section 209 of this Law shall apply for the purposes of subsection (2) (b) of this section as if the refusal to enter into recognizance were a summary offence punishable by a fine not exceeding ten thousand Naira, and a fine imposed under that subsection shall be deemed for the purpose of any enactment to be a sum adjudged to be paid by virtue of a conviction.

(6) In fixing the amount of a recognizance under this section, the Court shall take into account, among other things, the means of the parent or guardian of the child so far as they appear or are known to the Court and this subsection applies whether or not taking into account the means of the parent or guardian has the effect of increasing or reducing the amount of the recognizance.

(7) A parent or guardian may appeal to:-

(a) the Court, at the High Court or Shari'a Court of Appeal level against an order under this section made by the Court or Shari'a Court at the Magistrate level; and to the Court of appeal against an order under this section made by the Court at the High Court or Shari'a Court level.

(8) A Court may revoke an order made by it under this section if, on the application of the parent or guardian, it appears to the Court, having regard to any change in the circumstances since the order was made to be in the interest of justice to do so.

211 (1) A corrective order under this Law shall be in such form as may be prescribed. *Forms of corrective order.*

(2) One copy of the corrective order, duly completed shall be kept by the Court which issued the corrective order, the second copy shall be sent to the Commissioner and the third copy shall be sent with the child named in it to the approved institution to which or the person to whom the child is to be sent under corrective order.

212 (1) The operation of a corrective order may be:-

- (a) suspended pending completion of arrangements for the reception of the child into an approved institution; or
- (b) on account of ill health of the child; or
- (c) for any other good and sufficient reasons, and in such case, the Court may remand him in custody or may order him to be committed to the care of some fit and proper person willing to undertake his custody, or may release him on bail.

Operation of corrective order may be suspended.

213 (1) The court which issued a corrective order may:-

- (a) if it is satisfied that the corrective order is about to expire and that the child would benefit by further care or training, extend the period of the corrective order subject to the provision of this Law; or
- (b) order a child whose period of detention has exceeded twelve months to be discharged or be released from an approved institution on condition that the child shall be of good behavior and live under the charge of any trustworthy and respectable person named in the order of release who is willing to receive and take charge of the child, keep the child at school or employed at some trade, occupation or calling or be released from one approved institution or person to another institution or person.

Power to vary corrective order in certain order.

(2) An order under this section may, in the discretion of the Court making the order be revoked and thereupon the original corrective order shall remain in full force and effect.

214 (1) At any time during the period of a child's detention in an approved institution, the manager of the approved institution may grant leave to the child to be absent from the approved institution and the manager may, at any time, require him to return to the approved institution.

Power to grant leave of absence to a child in detention.

(2) During the period of leave granted a child under subsection (1) of this section, the child shall, for the purposes of this Law, be deemed to be under the care of the manager of the approved

institution and the manager may, at any time require him to return to the approved institution.

- 215 (1) A child, whilst he is detained or on leave from an approved institution in accordance with the provision of this Law and also being conveyed to or from the institution, be deemed to be in legal custody and, if the child escapes, he may be apprehended without warrant and brought back to the approved institution. *Apprehension without warrant.*
- 216 If the manager of the approved institution is satisfied that a child committed to the approved institutions is of unruly or depraved character that it is undesirable for the child to remain at that institution, he may cause the child to be brought before the court which made the committal order, and that court may make such further order which it has power to make under this Law, or to be brought before the Court having jurisdiction in the place where the institution is situated, and the Court may, in respect of the child, make an order or further order which could have been legally made by the Court which made the committal order under the provisions of this Law. *Procedure in case of unruly or depraved child.*
- ### NON-INSTITUTIONAL TREATMENT
- 217 (1) The Director responsible for child matters shall have responsibility for ensuring the implementation of every non-institutional order of the Court, and shall make quarterly reports to the Court having jurisdiction in the area on how the order is to be implemented, including the response of the child offender to the treatment specified in the order. *Effective implementation of non-institutional order.*
- (2) The Court to which a report is made under subsection (1) of this section has the power to modify the non-institutional order, from time to time, as it deems fit, having regard to the circumstances of the case.
- 218 A child in respect of whom an order referred to in section 211 of this Law made shall be provided where appropriate, with necessary assistance including accommodation, education or vocational training, employment and any other helpful and practical assistance during the period the order is in force. *Assistance during rehabilitation.*
- 219 Voluntary and other organizations and agencies, individuals and communities shall be encouraged by the Government and its departments and agencies responsible for child welfare to contribute effectively to the rehabilitation and development *Mobilization of Voluntary Service.*

programmes for child offenders.

INSTITUTIONAL TREATMENT

- 220(1)) The objective of training and treatment of a child offender placed in an institution shall be to provide care, protection, education and vocational skill with a view to assisting the child to assume socially constructive and productive roles in the society. *Objective of institutional treatment.*
- (2) A child offender in an institution shall be given care, protection and all necessary assistance, including social, educational vocational, psychological, medical and physical assistance, that he may require, having regard to his age, sex, personality and in the interest of his development.
- (3) A female child offender placed in an institution shall –
- (a) be treated fairly;
 - (b) receive no less care, protection, assistance, treatment and training than a male child; and
 - (c) be given special attention as to her personal needs and problems.
- (4) The parents and guardian of a child offender placed in an institution shall have the right to access to the child in the interest and well-being of the child.
- (5) Inter-Ministerial and inter-Departmental co-operation shall be encouraged for the purpose of providing adequate academic or vocational training for any child offender placed in an institution or ensure that the child does not leave the institution at an educational disadvantage.
- 221(1)) The court shall use conditional release from an institution to the greatest possible extent and grant it at the earliest possible time. *Resource of conditional release.*

- (2) A child granted a conditional release from an institution shall be assisted and supervised as provided under Part XXI of this Law.

PART XXI - SUPERVISION

222(1) The Commissioner may appoint-

Appointment of supervision officer.

- a) fit and proper person by name or office to be supervision officers for such areas as may be specified in each letter of appointment;
- b) a deputy supervision officers to assist and also act in the absence or during the illness of incapacity of supervision officers; and
- c) an assistant supervision officers to assist supervision officers in performance of their function.

- (2) A supervision officer shall, when acting under a supervision order, be subject to the control of the court.

223(1) The Commissioner may appoint such number of supervision inspectors, as he may, with the approval of the Governor, determine for all purposes of this Law.

Supervision inspectors and supervision inspection service.

- (2) The supervision inspectors appointed under subsection (1) of this section, together with the supervision officers appointed under section 222 of this Law, shall constitute the State supervision Inspection Service (in this Part of this Law referred to as "the Supervision Service").

- (3) The Commissioner shall appoint one of the supervision inspectors to be the Chief Supervision Inspector of the Supervision Service.

- (4) The Chief Supervisionnspector shall inspect and report to the Commission on the activities of supervision service and the activities carried out by or on behalf of the supervision service and discharge such functions in connection with the provision of supervision or related service, whether or not provided by or on behalf of the supervision for any area, as the Commissioner may, from time to time, direct.

- (5) The Commissioner shall make to or in respect of supervision

inspectors such payments by way of remuneration, allowances or otherwise as he may, with the approval of the Governor, determine.

- 224(1) The Commissioner may make an order under this section if he is of the opinion that, without reasonable excuse, the Supervision Service has failed to discharge any of its duties under this Law or any other enactment or has so failed and is likely to do so again. *Commissioner's power where the supervision service fails to discharge its statutory duty.*
- (2) An order under subsection (1) of this section shall state that the Commissioner is of the opinion referred to in subsection (1) of this section and makes such provision as is considered requisite for the purpose of securing that the duty is properly discharge by the Supervision Service.
- (3) The Supervision Service shall comply with the provisions of any order made under subsection (1) of this section.
- 225(1) Where a child is charged with an offence, other than homicide, and the court is satisfied that the charge is proved, the court may make an order discharging the child offender conditionally on his entering into recognizance, with or without sureties to be of good behaviour and to appear to be further dealt with when called upon at any time during such period, not exceeding three years, as may be specified in the order. *Power of court to make conditional discharge order and supervision order.*
- (2) A recognizance entered into under section (1) of this section shall, if the court so orders, contain a condition that the child offender be under the supervision of such a person as may be named in the order during the period specified in the order, and contain such other conditions for securing such supervision as may specified in the order.
- (3) An order containing a condition that a child offender is under supervision in his recognizance shall in this Law be referred to as a supervision order.
226. The person named in a supervision order shall be a supervision officer appointed by the Commissioner or by court. *Person named in supervision order.*
227. The person named in a supervision order may at any time be relieved of his duties, and where the person is relieved of his duties or he dies, another person may be substituted by the court before which the offender is bound by his recognizance to appear to be further dealt with. *Supervision officer may be relieved of duties.*

228. A supervision officer shall, subject to the discretion of the court, visit the child under supervision at such reasonable intervals as may be specified in the order or, subject thereto, as the supervision officer may think fit; see the child observe the condition of his recognizance; make a report to the court on the behaviour of the child; and advise, assist and befriend the child and, when necessary, endeavour to find suitable employment for the child. *Duties of supervision officer.*
229. The court before which a child is bound by his recognizance under this Law to appear to be further dealt with may, on the application of the supervision officer, and after notice to the child offender, vary the options of the recognizance and may, on being satisfied that the conduct of the child has been such as to make it necessary that he should remain under supervision, discharge the recognizance. *Power of court to vary suspension order.*

PART XXII – APPROVED INSTITUTIONS AND POST RELEASE SUPERVISION

230. Approved institutions consist of approved children institutions and Special Mothers Centre, all of which shall be established as provided in this part of this Law. *Approved institutions.*
- 231(1) The Commissioner may establish in the State, as approved institutions, such number of Children Centers, Children Correctional Centers, and Special Children Correctional Centers, and such number of Special Mothers Centers, as he may think necessary and adequate. *Establishment of approved institutions.*
- (2) The Commissioner may make rules for the management, up keep and inspection of the approved institutions and Special Mothers Centers in the State.
- (3) The supplementary provisions contained in the Eleventh Schedule to this Law shall have effect with respect to approved institutions established by the Commissioner under subsection (1) of this section.
232. The Commissioner shall cause to be provided in approved institutions facilities for the observation of any child or youth detained therein on whose physical or mental condition a medical report is required for the assistance of a court in determining the most suitable method of dealing with his case. *Provisions of approved institutional facilities*

- 233(1) If the Commissioner receives report that a child detained in a Children Correctional Center is incorrigible, or is exercising a bad influence on the other inmates of the institution, he may direct that the child be committed to a Special Child Correctional Centre for such term, not exceeding the un-expired portion of the term for which the child is then liable to be detained, as the court may determine. *Transfer from children correctional center to special children center.*
-)
- (2) A child committed to a Special Children Correctional Center under subsection (1) of this section shall, for the purposes of this Law, be retained as if he has been ordered to be committed to the Children Correctional Center for that term.
- (3) No report made under subsection (1) of this section to the Commissioner, shall be made earlier than six months following the date of the order committing the child concerned to the Child Correctional Center.
- 234(1) A child detained in a Children Centre or a Children Correctional Centre shall, on attaining the age of maturity, be released, unless he is considered to require further training and instruction in a Youth Correctional Centre, in which case, he shall be transferred to a Youth Correctional Centre. *Transfer or release of detained children on maturity.*
-)
- (2) Where the Commissioner receives a report that a child detained in a Special Children Correctional Centre is attaining the age of eighteen years, and is still incorrigible or is still exercising an influence on other inmates, the Commissioner may direct that the child be committed to a Special Youth Correction Center.

RELEASE AND POST-RELEASE SUPERVISION

235. Subject to the provisions of section 234 of this Law, a child ordered to be detained in a Children Correctional Centre shall, after his release from the Children Correctional Centre, be subject to supervision in accordance with the provisions of section 236 of this Law. *Release and supervision after training at the Children Centre.*
- 236(1) A child shall after his release from an approved institution and until the expiration of four years from the date of the order committing him to the approved institution be under the supervision of such after-care association or person as may be specified in a notice to be given by the Commissioner on his release. *Post-release supervision of children offenders.*
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- (2) A child while under supervision, as provided by subsection (1) of

this section, shall comply with such requirements as may be so specified, so however, that the Commissioner may at any time modify or cancel any of those requirements, or order that the child shall cease to be under supervision.

- (3) If, before the expiration of four years from the date of the order committing a child to an approved institution, the Commissioner is satisfied that the child, after his release from the approve institution under section 234 of this Law, has failed to comply with any requirement for the time being specified in the notice given to him under subsection (2) of this section, the Commissioner may direct the child to be recalled to an approved institution.
- (4) A child who is recalled into an approved institution is liable to be detained in the approve institution until the expiration of three years from the date of the order committing the child to the approved institution or six months from the date of his being taken into custody under the direction, whichever is the later, and, if at large shall be deemed to be unlawfully at large.
- (5) A direction by the Commissioner recalling a child to an approved institution shall, at the expiration of four years from the date of the order committing the child to the approved institution, cease to have effect unless the child to whom it relates is then in custody thereunder.
- (6) The Commissioner may, at any time, release a child who is detained in an approved institution under this section and the provisions of this section shall apply in the case of a child so released as they apply in the case of a child released under section 234 of this Law.
- (7) If a child, while under supervision, or after recall to an approved institution is ordered to be committed to an approved institution or is sentenced by the court or any other court to an approved institution for training the original order or sentence shall cease to have effect, and if imprisoned, any period for which he is so imprisoned under that sentence shall count as part of the period for which he is liable to be detained in an approved institution under his original sentence.
- (8) In this section, any reference to the date of an order committing a child to an approved institution for training shall in relation to a child who has appealed against his order or sentence be construed as a reference to the date on which the order or

sentence was finally affirmed.

PART XXIII – THE STATE AND LOCAL GOVERNMENT CHILD PROTECTION COMMITTEE

STATE CHILD PROTECTION COMMITTEE

237(1) There is established a committee to be known as the State Child Protection Committee (in this Part of this Law referred to as “the State Committee”).

*Establishment
and
membership of
the State and
Local
Government
Child
Protection
Committee.*

(2) The State Committee shall comprise:

- (a) the Commissioner responsible for Women Affairs and Social Development as Chairman;
- (b) one person to represent each of the following State Ministries responsible for:
 - (i) Health;
 - (ii) Education;
 - (iii) Justice;
- (c) one child care expert;
- (d) one person to represent the State approved children institutions;
- (e) one person to represent the State Community Homes;
- (f) one person to represent the State branch of the Nigeria Union of Journalists;
- (g) one person to represent women associations in the State;
- (h) one person to represent the State Council of Chiefs;
- (i) one person to represent Parents/Teachers Association in the State;

- (j) two person to represent organizations involved in the protection of the rights of children in the State;
- (k) one person to represent the State Branch of the National Union of Teachers;
- (l) one person to represent Nigerian Bar Association;
- (m) one person to represent Persons with Disabilities and
- (n) two persons each to represent the Adamawa State Muslim Council and Christian Association of Nigeria.

Provided any member appointed under S 237 (2) (e) to (n) his/her nomination must come from the organization he/she is representing and such member will serve for 3 years and may be renewed for only a term.

238(1
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The functions of the State Committee are to:

*Functions of
the State
Committee*

- (a) initiate actions that will ensure the observance and protection of the rights and welfare of the child as provided for in-
 - (i) this Law;
 - (ii) such other International Conventions, Charters and Declarations relating to children to which Nigeria is or becomes a signatory;
- (b) continuously keep under review the state of implementation of the rights of the child;
- (c) develop and recommend to the State and Local Governments, through their respective Local Government Child Protection Committees programmes and projects that will enhance the implementation of the rights of the child;
- (d) collect and document information on all matters relating to the rights and welfare of the child;
- (e) commission interdisciplinary assessments of the problems relating to the rights and welfare of the child in the State;

- (f) encourage and coordinate the activities of the State and Local Government institutions, organizations and bodies concerned with the rights and welfare of the child;
- (g) organize meeting, conferences, symposia and other enlightenment activities on the rights and welfare of the child;
- (h) coordinate the activities of and collaborate with the Local Government Committees;
- (i) prepare and submit periodic reports on the state of implementation of the rights of the child;
- (j) perform such other functions relating to the rights of the child as may from time to time be assigned to it.

239. The State Committee shall determine its own quorum and regulate its own proceedings at any of its meetings. *Procedure at meetings.*
240. The Secretariat of the State Committee shall be the Ministry responsible for children. *Secretariat of State Committee*

LOCAL GOVERNMENT CHILD PROTECTION COMMITTEE

- 241(1) There is established a committee to be known as the Local Government Child Protection Committee (in this Part of this Law referred to as "the Local Government Committee") *Establishment and membership of the Local Government Child Protection Committee.*

(2) The Local Government Committee shall comprise:

- (a) the Secretary or any other person in the Local Government Council acting in that capacity, or in charge of secretariat duties, or discharging such responsibilities as Chairman;
- (b) the Supervisory Councilor for Health and Social Welfare in the Local Government;
- (c) the Supervisory Councilor of Education in the Local Government;

- (d) the Information Officer in the Local Government;
- (e) the Children Development Officer in the Local Government Area;
- (f) one person to represent District or Village Heads in the Local Government Area;
- (g) a Community Development Officer in the Local Government Area;
- (h) the representative of the National Union of Teachers in the Local Government Area;
- (i) the representative of the Parents and Teachers Association in the Local Government Area;
- (j) one person to represent Heads of Market Women;
- (k) one person to represent the opinion leaders in the Local Government Area;
- (l) one person to represent women organizations in the Local Government Area;

242. The functions of the Local Government committee are to:

*Functions of
the Local
Government
Committee*

(a) initiate actions that shall ensure the observance and protection of the right and welfare of children as provided for in:

- (i) this Law;
- (ii) the United Nations Convention on the rights of the Child;
- (iii) the African Charter on the Rights and Welfare of the Child;
- (iv) the Declaration of the World Summit for Children;
- (v) the Dakar Consensus and National Programme of Action; and
- (vi) such other International Conventions, Charters and

Declarations relating to children to which Nigeria is or becomes a signatory;

(b) continuously keep under review, the state of implementation of the rights of the child;

(c) develop and recommend to that the Local Government, specific programmes and projects that shall enhance the implementation of the rights of the child;

(d) collect and document information on all matters relating to the rights and welfare of the child;

(e) commission inter-disciplinary assessment of the problems relating to the rights and welfare of the child in the Local Government Area;

(f) encourage and coordinate the activities of Local Government institutions organizations and bodies concerned with the rights and welfare of the child;

(g) organize meetings, conferences, symposia and other enlightenment for the rights and welfare of the child;

(h) prepare and submit periodic reports on the state implementation of the rights of the child for submission to the State Committee; and

(i) perform such other functions relating to the rights of the child as may from time be assigned to it.

243. The Local Government Committee shall determine its own quorum and regulate its proceedings at any of its meeting. *Procedure, etc at meetings.*

244. The Secretariat of the Local Government Committee shall be office of the Chairman of the Local Government. *Secretariat of the Local Government Committee*

PART XXIV – MISCELLANEOUS

245. If an offence under this Law is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other *Offences by bodies corporate*

similar officer of a body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate, commit an offence and are liable to be proceeded against and punished accordingly.

- 246(1)**) Any notice or other document required under this Law to be served on any person may be served on him by being delivered personally to him, or being sent by post to him by registered post or by the recorded delivery service at his proper address. *Service of documents.*
- (2)** Any notice or other document required to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.
- (3)** For the purposes of this section, the proper address of a person shall:
- (a) in the case of a secretary or clerk of a body corporate, be that of the registered or principal office of that body;
 - (b) in the case of a partner of a firm, be that of the principal office of the firm; and
 - (c) in any other case, be the last known address of the person to be served.
- 247.** The forms set out in Part I of the Eleventh Schedule to this Law shall have effect with respect to the matters specified therein. *Forms in the Eleventh Schedule.*

FINANCIAL PROVISION FOR CHILDREN

Orders for Financial relief against parents

- 1(1)** On an application made by a parent or guardian of a child or by any person in whose favour a residence order is in force with respect to a child, the court may:
- (a) in the case of an application to the court at the High Court, Sharia Court of Appeal or Customary Court of Appeal level, make one or more of the orders mentioned in sub-paragraph (2) of this paragraph;
 - (b) in the case of an application to the court at Magisterial level or Area Court level make one or both of the orders mentioned in paragraph (a) and (c) of that sub-paragraph.
- (2)** The order referred to in sub-paragraph (1) of this paragraph are:
- (a) an order requiring either or both parents of a child;
 - (i) to make to the applicant for the benefit of the child, or
 - (ii) to make to the child himself,such periodical payments, for such term, as may be specified in the order;
 - (b) an order requiring either or both parents of a child:
 - (i) to secure to the applicant for the benefit of the child, or
 - (ii) to secure to the child himself,such periodical payments, for such sum, as may be so specified;
 - (c) an order requiring either or both parents of a child:
 - (i) to pay to the applicant for the benefit of the child, or
 - (ii) to pay to the child himself,such lump sum as may be so specified;

- (d) an order requiring a settlement to be made for the benefit of a child, and to the satisfaction of the court, of property –
 - (i) to which either parent is entitled (either in possession or in reversion), and
 - (ii) which is specified in the order;
 - (e) an order requiring either or both parents of a child:
 - (i) to transfer to the applicant, for the benefit of the child, or
 - (ii) to transfer to the child himself,

such property to which the parents or the parents are entitled (either in possession or in reversion) as may be specified in the order.
- (3) The powers conferred by this paragraph may be exercised at any time.
- (4) An order under sub-paragraph (2) (a) or (b) of this paragraph may be varied or discharge by a subsequent order made on the application of any person by or to whom payments were required to be made under the previous order.
- (5) Where the court makes an order under this paragraph:
 - (a) it may at any time make a further order under sub-paragraph (2) (a), (b) or (c) of this paragraph with respect to the child concerned if he has not attained the age of eighteen years;
 - (b) it may not make more than one order under sub-paragraph (2) (d) or (e) of this paragraph against the same person in respect of the same child.
- (6) On making, varying or discharging a residence order, the court may exercise any of its powers under this Schedule notwithstanding that no application has been made to it under this Schedule.
- 2(1) If on an application by a person who has attained the age of eighteen years, it appears to the court:
 - (a) that the applicant is, or (if an order were made under this paragraph) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or
 - (b) that there are special circumstances which justify the making of an order under this paragraph;

the court may make one or both of the orders mentioned in sub-paragraph (2) of this paragraph.

- (2) The orders referred to in sub-paragraph (1) of this paragraph are:
- (a) an order requiring either or both of the applicant's parents to pay to the applicant such periodical payments, for such term, as may be specified in the order;
 - (b) an order requiring either or both of the applicant's parents to pay the applicant such periodical payments, for such term as may be specified in the order;
- (3) An application may not be made under this paragraph by any person if, immediately before he attained the age of sixteen years, periodic payments order was in force with respect to him.
- (4) No order shall be made under this paragraph at a time when the parents of the applicant are living with each other in the same household.
- (5) An order under sub-paragraph (2) (a) of this paragraph may be varied or discharged by a subsequent order made on the application of any person by or to whom payments were required to be made under the previous order.
- (6) The powers conferred by this paragraph shall be exercisable at any time.
- (7) Where the court makes an order under this paragraph it may, from time to time while that order remains in force make a further such order.
- (8) In sub-paragraph (3) of this paragraph "periodical payments order" means an order under this Schedule for the making or securing of periodical payments.

Duration of orders for financial relief

- 3(1) The term to be specified in an order for periodical payments made under paragraph 1(2) (a) or (b) of this Schedule in favour of a child may begin with the date of the making of an application for the order in question or any later date but shall not:
- (a) in the first instance extend beyond the child's seventeenth birthday unless the court thinks it right in the circumstances of the case to specify a later date; and
 - (b) shall not in any event extend beyond the child's eighteenth birthday.

- (2) Sub-paragraph (1) (b) of this paragraph shall not apply in the case of child if it appears to the court that:
- (a) the child is or will be or if an order were made without complying with that sub-paragraph would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or
 - (b) there are special circumstances which justify the making of an order without complying with that paragraph.
- (3) An order for periodic payments made under paragraph 1(2) (a) or 2(2) (a) of this Schedule shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order.
- (4) Where an order is made under paragraph 1(2) (a) or (b) of this Schedule requiring periodical payments to be made or secured to the parent of a child, the order shall cease to have effect if the parent making or securing the payments and the parent to whom the payments are made or secured, live together for a period of more than six months.

Matters to which court is to have regard in making orders for financial relief

- 4(1) In deciding whether to exercise its powers under paragraph 1 or 2 of this Schedule and if so, in what manner, the court shall have regard to all the circumstances of the case, including:
- (a) the income, earning capacity, property and other financial resources which each person mentioned in sub-paragraph (4) of this paragraph has or is likely to have in the foreseeable future;
 - (b) the financial needs, obligations and responsibilities which each person mentioned in sub-paragraph (4) of this paragraph has or is likely to have in the foreseeable future;
 - (c) the financial needs of the child;
 - (d) the income, earning capacity (if any), property and other financial resources of the child;
 - (e) any physical or mental disability of the child;
 - (f) the manner in which the child was being, or was expected to be, educated or trained;
- (2) In deciding whether to exercise its power under paragraph 1 of this Schedule

against a person who is not the mother or the father of the child, and if so in what manner, the court shall in addition have regard to:

- (a) whether that person had assumed responsibility for the maintenance of the child and, if so the extent to which and basis on which he assumed that responsibility and the length of the period during which he met that responsibility;
 - (b) whether he did so knowing that the child was not his child; and
 - (c) the liability of any other person to maintain the child.
- (3) Where the court makes an order under paragraph 1 of this Schedule against a person who is not the father of the child, it shall record in the order that the order is made on the basis that the person against whom the order is made is not the child's father.
- (4) The persons mentioned in sub-paragraph (1) of this paragraph are:
- (a) in relation to a decision whether to exercise its powers under paragraph 1 of this Schedule, any parent of the child;
 - (b) in relation to decision whether to exercise is powers under this paragraph 2 of this Schedule, the mother and the father of the child;
 - (c) the applicant for the order;
 - (d) any person in whose favour the court proposes to make the order.

Provisions relating to lump sums

- 5(1) Without prejudice to the generality of paragraph 1 of this Schedule, an order under that paragraph for the payment of a lump sum may be made for the purpose of enabling any liabilities or expenses –
- (a) incurred in connection with the birth of the child or in maintaining the child, and
 - (b) reasonably incurred before the making of the order, to be met.
- (2) The amount of any lump sum required to be paid by an order made by the court at the Magisterial level under paragraph 1 or 2 of this Schedule shall not exceed twenty five thousand naira or such larger amount as the Commissioner may from time to time, by order fix for the purposes of this sub-paragraph.

- (3) The power of the court under paragraph 1 or 2 of the Schedule to vary or discharge an order for the making or securing of periodical payments by a parent shall include power to make an order under that provision for the payment of a lump sum by that parent.
- (4) The amount of any lump sum which a parent may be required to pay by virtue of sub-paragraph (3) of this paragraph shall not, in the case of an order made by the court at the Magisterial or Area court level, exceed the maximum amount that may at the time of the making of the order be required to be paid under sub-paragraph (2) of this paragraph, but the court at the Magisterial, or Area court level may make an order for the payment of a lump sum not exceeding that amount even though the parent was required to pay a lump sum by a previous order under this Law.
- (5) An order made under paragraph 1 or 2 of this Schedule for the payment of a lump sum may provide for the payment of that sum by installments.
- (6) Where the court provides for the payment of a lump sum by installments, the court shall on an application made either by the person liable to pay or the person entitled to receive that sum, have power to vary that order by varying:
 - (a) the number of installments payable;
 - b) the amount of any installment payable;
 - (c) the date on which any installment become payable.
- 6(1) In exercising its powers under paragraph 1 or 2 of this Schedule to vary or discharge an order for the making or securing of periodical payments, the court shall have regard to all the circumstance of the case, including any charge in any of the matters to which the court was required to have regard when making the order;
- (2) The power of the court under paragraph 1 or 2 of this Schedule to vary an order for the making or securing of periodical payments shall include power to suspend any provision of the order temporarily and to revive any provision so suspended.
- (3) Where, on an application under paragraph 1 or 2 of this Schedule for the variation or discharge of an order for the making or securing of periodical payments, the court varies the payments required to be made under that order, the court may provide that the payments as so varied shall be made from such date as the court may specify, not being earlier than the date of the making of the application.
- (4) An application for the variation of an order made under paragraph 1 of this

Schedule for the making or securing of periodical payments to or for the benefit of a child may, if the child has attained the age of sixteen years, be made by the child himself.

- (5) Where an order for the making or securing of periodical payments made under paragraph 1 of this Schedule ceases to have effect on the date on which the child attains the age of sixteen years, or any time after that date, before or on the date on which the child attains the age of eighteen years, the child may apply to the court which made the order for an order for its revival.
- (6) If on application under sub-paragraph (5) of this paragraph it appears to the court that:
 - (a) the child is, will be or (if an order were made under this sub-paragraph) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while is gainful employment; or
 - (b) there are special circumstances which justify the making of an order under this paragraph the court shall have power by order to revive the order from such date as the court may specify, not being earlier than the date of the making of the application.
- (7) An order which is revived by an order under sub-paragraph (5) of this paragraph may be varied if discharged under that sub-paragraph (5) of this paragraph on the application of any person by whom or to whom payments are required to be made under the revived order.
- (8) An order for the making or securing of periodical payments made under paragraph 1 of this Schedule may be varied or discharged, after the death of either parents, on the application of a guardian or the child concerned.

Variation of orders for secured periodical payments after death of parent

- 7(1) Where the parent liable to make payments under a secured periodical payments order has died, the persons who may apply for the variation or discharge of the order include the personal representatives of the deceased parent.
- (2) No application for the variation of the order shall, except with the permission of the court, be made after the end of the period of six months from the date on which representation in regard to the estate of that parent is first taken out.
- (3) The personal representatives of a deceased person against whom a secured periodical payments order was made, shall not be liable for having distributed any part of the estate of the deceased person after the end of the period of six

months referred to in sub-paragraph (2) of the paragraph on the ground that they ought to have taken into account the possibility that the Court might permit an application for variation to be made after the period by the person entitled to payments under the order.

- (4) Sub-paragraph (3) of this paragraph shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the variation of an order in accordance with this paragraph.
- (5) Where an application to vary a secured periodical payments order is made after the death of the parent liable to make payments under the order, the circumstances to which the court is required to have regard under paragraph 6(1) of this Schedule include the changed circumstances resulting from the death of the parent.
- (6) In considering for the purpose of sub-paragraph (2) of this paragraph, the question when representation was first taken out, a grant limited to settled land or to trust property shall be left out of account and a grant limited to real estate or to personal estate shall be left of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.
- (7) In this paragraph “secured periodical payments order” means an order for secured periodical payment under paragraph 1(2) (b) of this Schedule.

Financial relief under other enactments

8(1) This paragraph applies where a residence order is made with respect to a child at a time when there is in force an order (“the financial relief order”) made under any enactment other than this Law and requiring a person to contribute to the child’s maintenance.

(2) Where this paragraph applies, the court may, on the application of:

(a) any person required by the financial relief order to contribute to the child’s maintenance; or

(b) any person in whose favour residence order with respect to the child is in force;

make an order revoking the financial relief order, or varying it by altering the amount of any sum payable under that order or by substituting the applicant for the person to whom any such sum is otherwise payable under that order.

Interim Orders

- 9(1) Where an application is made under paragraph 1 or 2 of this Schedule, the court may, at any time before it disposes of the application, make an interim order:
- (a) requiring either or both parents of a child to make such periodical payments, at such time and for such term as the court thinks fit; and
 - (b) giving any direction which the court thinks fit.
- (2) An interim order made under this paragraph may provide for payments to be made from such date as the court may specify, not being earlier than the date of the making of the application under paragraph 1 or 2 of this Schedule.
- (3) An interim order made under this paragraph shall cease to have effect when the application is disposed of or, if earlier, on the date specified for the purposes of this paragraph in the interim order.
- (4) An interim order in which a date has been specified for the purpose of subparagraph (3) of this paragraph may be varied by substitution a later date.

Alteration of maintenance agreements

- 10(1) In this paragraph and in paragraph 11 of this Schedule "maintenance agreement" means any agreement in writing, made with respect to a child whether before or after the commencement of this paragraph, which:
- (a) is or was made between the father and mother of the child; and
 - (b) contains provisions with respect to the making or securing of payments, or the disposition or use of any property, for the maintenance or education of the child and any such provisions are in this paragraph and paragraph 11 of this Schedule, referred to as "financial arrangements".
- (2) Where a maintenance agreement is for the time being subsisting and each of the parties to the maintenance agreement is for the time being either domiciled or resident in the State, either party may apply to the court for an order under this paragraph.
- (3) If the court to which the application is made is satisfied:
- (a) that, by reason of a change in the circumstances in the light of which any financial arrangements contained in the maintenance agreement were made (including a change foreseen by the parties when making the maintenance agreement), the maintenance agreement shall be altered so as to make different financial arrangements; or

(b) that the agreement does not contain proper financial agreements with respect to the child;

that court may by order make such alterations in the maintenance agreement by varying or revoking any financial arrangements contained in it as may appear to it to be just having regard to all the circumstances of the case.

(4) If the maintenance agreement is altered by an order under this paragraph, the maintenance agreement shall have effect thereafter as if the alteration had been made by agreement between the parties and for valuable consideration.

(5) Where a court decides to make an order under this paragraph altering the maintenance agreement:

(a) by inserting provisions for the making or securing by one of the parties to the maintenance agreement of periodical payments for the maintenance of the child; or

(b) by increasing the rate of periodical payments required to be made or secured by one of the parties for the maintenance of the child,

the court in deciding the term for which under the agreement as altered by the order the payments or (as the case may be) the additional payments attributable to the increase are to be made or secured for the benefit of the child, shall apply the provisions of paragraph 3(1) and (2) of this Schedule as if the order were an order under paragraph 1(2) (a) or (b) of this Schedule.

(6) The court at the Magisterial or Shari'a court level shall not entertain an application under sub-paragraph (2) of this paragraph unless both the parties to the maintenance agreement are resident in the State and shall not have power to make any order on such an application except:

(a) in a case where the maintenance agreement contains no provision for periodical payments by either of the parties, an order inserting provision for the making by one of the parties of periodical payments for maintenance of the child; and

(b) in a case where the maintenance agreement includes provisions for the making by one of the parties of periodical payments, any of those payments.

(7) For the avoidance of doubt, it is hereby declared that nothing in this paragraph affects any power of a court before which any proceedings between the parties to a maintenance agreement are brought under any other enactment or applicable law to make an order containing financial arrangements or the right of either party to apply for such an order in the proceedings.

- 11(1) Where a maintenance agreement provides for the confirmation, after the death of one of the parties, of payment for the maintenance of a child, the surviving party or the personal representatives of the deceased party may apply to the court for an order under paragraph 10 of this Schedule.
- (2) If a maintenance agreement is altered by a court on an application under this paragraph, the maintenance agreement shall have effect thereafter as if the alteration had been made, immediately before the death, by agreement between the parties and for valuable consideration.
- (3) An application under this paragraph shall not, except with leave of the court, be made after the end of the period of six months beginning with the day on which representation in regard to the estate of the deceased is first taken out.
- (4) In considering, for the purposes of sub-paragraph (3) of this paragraph the question when representation was first taken out, a grant limited to settled land or to trust property shall be left out account and a grant limited to real estate or to personal estate shall be left out of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.
- (5) The provisions of this paragraph shall not render the personal representative of the deceased liable for having distributed any part of the estate of the deceased after the expiry of the period of six months referred to in sub-paragraph (3) of this paragraph on the ground that he ought to have taken into account the possibility that a court might grant leave for an application by virtue of this paragraph to be made by the surviving party after that period.
- (6) Sub-paragraph (5) of this paragraph shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the making of an order in pursuance of this paragraph.
- (7) In this paragraph “maintenance agreement” and “financial arrangements” have the meaning assigned to them in paragraph 10(1) of this Schedule.

Enforcement of orders for maintenance

- 12(1) Any person for the time being under an obligation to make payments in pursuance of any order for the payment of money made by a court at the Magisterial or Shari’a Court level under this Law shall give notice of any change of address to such person (if any) as may be specified in the order.
- (2) A person who fails without reasonable excuse to give a notice commits an offence and is liable on summary conviction to a fine of two thousand five hundred naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

- (3) An order for the payment of money made by the court under this Law shall be enforceable as Magistrate or Area court maintenance order, as the case may be.

Direction for settlement of instrument by registrar

13. Where the court decides to make an order under this Law for the securing of periodical payments or for the transfer or settlement of property, it may direct that the matter be referred to one of the Registrars of the Court to settle a proper instrument to be executed by all necessary parties.

Financial provisions for child resident outside the State

- 14(1) Where one parent of a child lives in the State and the child lives in another State with:

(a) his other parents; or

(b) his guardians; or

(c) a person in whose favour a residence order is in force with respect to the child,

the court shall have power, on an application made by the parent, guardian or person to make one or both of the orders mentioned in paragraph 1(2) (a) and (b) of this Schedule against the parent living in the State.

- (2) Any reference in this Law to the powers of the court under paragraph 1(2) of this Schedule or to an order made under paragraph 1(2) or this Schedule includes a reference to the powers which the court has by virtue of sub-paragraph (1) of this paragraph or (as the case may be) to an order made by virtue of sub-paragraph (1) of this paragraph.

Government contribution to child's maintenance

- 15(1) Where a child lives, or is to live, with a person as the result of a residence order, the Government may make contributions to that person towards the cost of the accommodation and maintenance of the child.

- (2) Sub-paragraph (1) of this paragraph does not apply where the person with whom the child lives, or is to live, is a parent of the child or the husband or wife of a parent of the child.

Interpretation

16. In this Schedule:

(a) “child” includes, in any case where an application is made under paragraph 2 or 6 of this Schedule in relation to a person who has attained the age of eighteen years;

(b) except in paragraphs 2 and 15 of this Schedule, “parent” includes any party to a marriage (whether or not subsisting) in relation to whom the child concerned is a child of the family and for this purpose any reference to either parent or both parents shall be constituted as a references to any parent of the child and to all of his parents.

SECOND SCHEDULE

Section 48(2), 49(8) and 51(9)

SUPERVISION ORDERS

PART I – GENERAL

Meaning of “responsible person”

1. For the purposes of this Schedule, a responsible person, in relation to a supervised child –

(a) is a person who has parental responsibility for the child; and

(b) is any other person with whom the child is living.

Power of supervisor to give directions to supervised child

2(1) A supervision order may require the supervised child to comply with any direction given from time to time by the supervisor which requires the supervised child to do all or any of the following things:

(a) to live at a place or places specified in the direction for a period or periods so specified;

(b) to present himself to a person or persons specified in the direction at a place or places and on a day specified;

(c) to participate in activities specified in the direction on a day or days so specified.

(2) It shall be for the supervisor to decide whether, and to what extent, he exercises his power to give directions and to decide the form of any direction

which he gives.

- (3) Sub-paragraph (1) of this paragraph does not confer on a supervisor power to give directions in respect of any medical or psychiatric examination or treatment which is within matters dealt with in paragraphs 4 and 5 of this Schedule.

Imposition of obligations on responsible person

- 3(1) With the consent of any responsible person, a supervision order may include a requirement:
- (a) that takes all reasonable steps to ensure that the supervised child complies with any direction given by the supervisor under paragraph 2 of this Schedule;
 - (b) that takes all reasonable steps to ensure that the supervised child complies with any requirement included in the order under paragraph 4 and 5 of this Schedule;
 - (c) that he complies with any direction given by the supervisor requiring him to attend at a place specified in the direction for the purpose of taking part in activities so specified.
- (2) A direction given under sub-paragraph (1) (c) of this paragraph may specify the time at which the responsible person is to attend and whether or not the supervised child is required to attend with him.
- (3) A supervision order may require a person who is a responsible person in relation to the supervised child to keep the supervisor informed of his address, if it differs from that of the child.

Psychiatric and medical examination

- 4(1) A supervision order may require the supervised child:
- (a) to submit to medical or psychiatric examination; or
 - (b) to submit to a medical or psychiatric examination from time to time as directed by the Supervisor;
- (2) An examination under sub-paragraph (1) of this paragraph shall be require to be conducted:
- (a) by or under the direction of such medical practitioner as may be specified in the order;

- (b) at a place specified in the order and at which the supervised child is to attend as non-resident patient; or
 - (c) at a health service hospital or in the case of psychiatric examination, a hospital or mental nursing home, at which the supervised child is, to attend as, a resident patient.
- (3) A requirement of a kind mentioned in sub-paragraph (2) (c) of this paragraph shall not be included unless the court is satisfied, on the evidence of a medical practitioner that:
 - (a) the child may be suffering from physical or mental condition that requires, and may be susceptible to, treatment; and
 - (b) a person as a resident patient is necessary if the examination is to be carried out properly.
- (4) No court shall include a requirement under this paragraph in supervision order unless it is satisfied that:
 - (a) where the child has sufficient understanding to make an informed decision, he consents to its inclusion; and
 - (b) satisfactory arrangements have been, or can be made for the examination.
- (5) In this paragraph and in paragraph 5 of this Schedule, “medical practitioner” means a medical practitioner registered under the Medical and Dental Practitioners Act

Psychiatric and medical treatment

- 5(1) Where a court which proposes to make or vary a supervision order is satisfied, on the evidence of a medical practitioner that the mental condition of the supervised child:
 - (a) is such as requires, and may be susceptible to treatment; but
 - (b) is not such as to warrant his detention in pursuance of hospital order;

the court may include in the order a requirement that the supervised child shall, for a period specified in the order, submit to such treatment as is so specified.
- (2) The treatment specified in accordance with sub-paragraph (1) of this paragraph shall be:

- (a) by or under the direction of such medical practitioner as may be specified in the order; and
 - (b) as non-resident patient at such a place as may be so specified; or
 - (c) as resident patient in a hospital or mental nursing home.
- (3) Where a court which proposes to make or vary a supervision order is satisfied on the evidence of a medical practitioner, that the physical condition of the supervised child is such as requires, and may be susceptible, to treatment, the court may include in the order a requirement that the supervised child shall, for a period specified in the order, submit to such treatment as is so specified.
- (4) The treatment specified in accordance with sub-paragraph (3) of this paragraph shall be:
 - (a) by, or under the direction of, such medical practitioner as may be specified in the order; and
 - (b) as a non-resident patient at such place as may be so specified; or
 - (c) as a resident patient in a Government hospital.
- (5) No court shall include a requirement under this paragraph in supervision order unless it is satisfied:
 - (a) where the child has sufficient understanding to make an informed decision, that he consents to its inclusion; and
 - (b) that satisfactory arrangements have been or can be made for the treatment.
- (6) If a medical practitioner by whom or under whose direction a supervised person is being treated in pursuance of requirement included in a supervision order by virtue of this paragraph is unwilling to continue to treat or direct the treatment of the supervised child or is of the opinion that:
 - (a) the treatment should be continue beyond the period specified in the order; or
 - (b) the supervised child needs different treatment; or
 - (c) he is not susceptible to treatment; or
 - (d) he does not require further treatment,

the medical practitioner shall make a report in writing to that effect to the supervisor.

(e) on receiving a report under this paragraph, the supervisor shall refer it to the court, and on such a reference, the court may make an order canceling or varying the requirement.

- (7) In this paragraph, "Medical Practitioner" has the same meaning assigned to it under paragraph 4(5) of this Schedule.

PART II – MISCELLANEOUS

Life of Supervision order

- 6(1) Subject to paragraph 2 sub-paragraph (2), part I of Second Schedule to this Law and section 45 of this Law, a supervision order shall cease to have effect at the end of the period of one year beginning with the date on which it was made.
- (2) Where the supervisor applies to the court to extend, or further extend, a supervision order the court may extend the order, for such period as it may specify.
- (3) A supervision order may not be extended so as to run beyond the end of the period of three years beginning with the date on which it was made.

Limited life of directions

- 7(1) The total number of days in respect of which a supervised child or (as the case may be) a responsible person may be required to comply with directions given under paragraph 2 or 3 of this Schedule shall not exceed ninety days or such lesser number (if any) as the supervision order may specify.
- (2) For the purpose of calculating the total number of days, the supervisor may disregard any day in respect of which directions previously given in pursuance of the order was not complied with.

Information to be given to supervisor, etc

- 8(1) A supervision order may require the supervised child:
- (a) to keep the supervisor informed of any change in his address; and
 - (b) to allow the supervisor to visit him at the place where he is living.
- (2) The responsible person in relation to any child with respect to whom a supervision order is made shall:

(a) If asked by the supervisor, inform him of the child's address (if it is known to him); and

(b) if he is living with the child, allow the supervisor reasonable contact with the child.

Selection of supervisor

9(1) A supervision order shall not designate the Commissioner as the supervisor unless:

(a) the Commissioner agrees; or

(b) the supervised child lives or will live within the State.

(2) A court shall not place a child under the supervision of supervision office unless:

(a) the Government so requests; and

(b) a supervision officer is already exercising or has exercised, in relation to another member of the household to which the child belongs, duties imposed on supervision officers under this Law.

(3) Where a supervision order places a person under the supervision of supervision officer, the supervision office shall be selected in accordance with arrangements made by the Supervision Service for the area in question.

(4) If the selected supervision officer is unable to carry out his duties, or dies, another supervision officer shall be selected in the same manner.

Effect of supervision order on earlier orders

10. The making of a supervision order with respect to a child brings to an end any earlier care order or supervision order which:

(a) was made with respect to that child; and

(b) would otherwise continue in force.

Government expenditure

11 Where a supervision order requires compliance with direction given by virtue of this Schedule, any expenditure incurred by the supervisor for the purposes of the directions shall be defrayed by the Commissioner.

PART III – EDUCATION SUPERVISION ORDERS

Effect of orders

- 12(1) Where an education supervision order is in force with respect to a child, the supervisor shall:
- (a) advise, assist and befriend and give direction to:
 - (i) the supervised child; and
 - (ii) the parents of the supervised child, in such a way as may, in the opinion of the supervisor, secure that the child is properly educated;
 - (b) where any such direction given to the supervised child, or a parent of his has not been complied with, consider what further steps to take in the exercise of the supervisor's powers under this Law.
- (2) When setting the terms of any such directions, the supervisor shall give due consideration-
- (a) having regard to the child's age and understanding, to his wishes and feelings;
 - (b) to such wishes and feeling of the child's parents, as the supervisor has been able to ascertain.
- (4) Directions may be given under this paragraph at any time while the education supervision order is in force.
- 13(1) Where an education supervision order is in force with respect to a child, the duties of the child's parents under this Law to secure education for the child and to secure regular attendance at school shall be superseded by their duty to comply with any directions in force under the education supervision order.
- (2) Where an education supervision order is made with respect to the child:
- (a) any school attendance order in force immediately before the making of the education supervision order shall cease to have effect.
 - (b) a supervision order made with respect to the child in criminal proceedings, while the education supervision order is in force, shall not include an education requirement of the kind which could otherwise be required under this Law; and
 - (c) any education requirement of a kind mentioned in sub-paragraph (2) of this

paragraph, which was in force with respect to the child immediately before the making of the education supervision order, shall cease to have effect.

14 Effect where child also subject to supervision order

Where an education supervision order and a supervision order, are in force at the same time with respect to the same child, any failure to comply with a direction given by the supervisor under the education supervision order shall be disregarded if it would not have been reasonably practicable to comply with it without failing to comply with a direction given under the other order

Duration of orders

15(1) An education supervision order shall have effect for a period of one year beginning with the date on which it is made.

(2) An education supervision order shall expire if, before it would otherwise have expired, the court has (on the application of the Government in whose favour the order was made) extended the period during which it is in force.

(3) Such an application shall not be made earlier than the three months before the date on which the order would otherwise expire.

(4) The period during which an education supervision order is in force may be extended under sub-paragraph (2) of this paragraph on more than one occasion.

(5) No single extension may be made for a period of more than three years.

(6) An education supervision order shall cease to have effect on:

(a) the child's ceasing to be of compulsory school age; or

(b) the making of a care order with respect to the child, and sub-paragraphs (1) to (4) of this paragraph are subject to this sub-paragraph.

Information to be given to supervisor, etc

16(1) An education supervision order may require the child:

(a) to keep the supervisor informed of any change in his address; and

(b) to allow the supervisor to visit him at the place where he is living.

(2) A person who is the parent of a child with respect to whom a education supervision order has been made shall:

(a) if asked by the supervisor, inform him of the child's address if it is known to him; and

(b) if he is living with the child, allow the supervisor reasonable contact with the child.

Discharge of Orders

17(1) The court may discharge an education supervision order on the application of:

(a) the child concerned; or

(b) a parent of the child concerned; or

(c) the education authority concerned.

(2) On discharging an education supervision order, the court may direct the Government within whose area the child lives, or will live, to investigate the circumstances of the child.

18(1) If a parent of a child with respect to whom an education supervision order is in force persistently fails to comply with a direction given under the order he commits an offence.

(2) It shall be a defence for any person charged with such an offence to prove that:

(a) he took all reasonable steps to ensure that the direction was complied with;

(b) the direction was unreasonable; or

(c) he had complied with:

(i) a requirement included in a supervision order made with respect to the child; or

(ii) directions giving under such a requirement, and that it was not reasonably practicable to comply both with the direction and with the requirement or directions mentioned in this paragraph.

(3) A person who commits an offence under this paragraph is liable on summary conviction to a fine not exceeding two thousand five hundred naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Persistent Failure of Child to Comply with Directions

- 19(1) Where a child with respect to whom an education supervision order is in force persistently fails to comply with any direction given under the order, the education authority concerned shall notify the Commissioner.
- (2) Where the Commissioner has been notified under sub-paragraph (1) of this paragraph he shall investigate the circumstances of the child.

Miscellaneous

- 20 The Commissioner may by regulations make provisions modifying, or displacing the provisions of any State enactment about education in relation to any child with respect to whom an education supervision order is in force to such extent as appears to the Commissioner to be necessary or expedient in consequence of the provisions made by this Law with respect to such orders.

THIRD SCHEDULE

Section 90

Application for Wardship

Application for wardship in the High Court shall:

- (a) be by originating summons; and
- (b) state the relationship of the plaintiff to the ward.

FORTH SCHEDULE

PART I – SECTIONS 104(2), 112(3), 114(5)

FOSTER PARENTS: LIMITS ON NUMBER OF FOSTER CHILDREN

Fostering Children

1. For the purposes of this Schedule, a person fosters a child if:
- (a) he is the Government foster parent in relation to the child;
 - (b) he is foster parent with whom the child has been placed by a voluntary organization; or
 - (c) he fosters the child privately.

The usual fostering limit

2. Subject to the following paragraphs of this Schedule, a person may not foster more than three children which is the usual fostering limit.
3. A person may exceed the usual fostering limit if the children concerned are all siblings with respect to each other.

Exemption by the Commissioner

- 4(1) A person may exceed the usual fostering limit if he is exempted from it by the Commissioner.
- (2) In considering whether to exempt a person, the Commissioner shall have regard, in particular, to:
 - (a) the number of children who the person proposes to foster;
 - (b) the arrangements which the person proposes for the care and accommodation of the fostered children;
 - (c) the intended and likely relationship between the person and the fostered children;
 - (d) the period of time which he proposes to foster the children; and
 - (e) whether the welfare of the fostered children (and of any other children who are or will be living in the accommodation) will be safeguarded and promoted.
- (3) Where the Commissioner exempts a person, he shall inform him by notice in writing.
 - (a) that he is so exempted;
 - (b) of the children described by name, who he may foster; and
 - (c) of any condition to which the exemption is subject.
4. The Commissioner may at any time by notice in writing:
 - (a) vary or cancel an exemption; or
 - (b) impose, vary or cancel a condition to which the exemption is subject, and in considering whether to do so, he shall have regard in particular to the considerations mentioned in sub-paragraph (2) of this paragraph in order to provide for cases where children need to be placed with foster parents as a

matter or urgency.

Effect of exceeding fostering limit

- 5(1)** A person shall cease to be treated as fostering children and shall be treated as carrying on a children's home if:
- (a) he exceeds the usual fostering limit; or
 - (b) where he is exempted under paragraph 4 of this Schedule:
 - (i) he fosters any child not named in the exemption; and
 - (ii) in so doing, he exceeds the usual fostering limit.
- (2)** Sub-paragraph (1) of this paragraph does not apply if the children concerned are all siblings in respect of each other.

Complaints, etc

- 6(1)** The Commissioner shall establish a procedure for considering any representations (including any complaint) made to him about the discharge of his functions under paragraph 4 of this Schedule by a person exempted or seeking to be exempted under that paragraph.
- (2)** In carrying out any consideration of representations under sub-paragraph (1) of this paragraph, the Commissioner shall have due regards to the circumstances of each case.

PART XI – SECTION 104

FORMS OF FOSTERED CHILDREN REGISTER

Registry.....Town.....LGA.....State.....

1	2	3	4	5	6	7	8
No. of entry	Date of entry	Name of fostered child (enter name)	Sex of fostered child (enter sex as stated)	Name and surname, address and occupati	Date of birth of child (enter date of birth, if	Date of fostering order and description of court by which	Signature of officer deputed by Chief Registrar

		as stated in Fosterin g Order)	in Fosterin g Order)	on of foster parents (enter name, address and occupati on as stated in Fostering Order)	any, directed by the Fosterin g Order to be entered)	made (entry to be as appearing on the Fostering Order)	r to attest entry
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PART XI – SECTION 112 AND 113

CHILDREN FOSTERED PRIVATELY Exemptions

1. A child is not fostered privately while he is being looked after by the Government.
- 2(1) A child is not fostered privately while he is in care of any person:-
 - (a) in premises in which;
 - i) a parent of the child; or
 - ii) a person who, though not a parent of a child has parental responsibility for the child;
 - iii) a person who is a relative of the child and who has assumed responsibility for his care,

is for the time being living;
 - (b) in a children's home;
 - (c) in an accommodation provided by or on behalf of any voluntary organization;
 - (d) in a school in which he is receiving full time education;

- (e) in any home or institution not specified in this paragraph but provided, equipped and, maintained by the Government.
- (2) Sub-paragraph (1) (b) to (g) of this paragraph does not apply where the person caring for the child is doing so in his personal capacity and not in the course of carrying out his duties in relation to the establishment mentioned in the sub-paragraph in question.
- 3. A child is not fostered privately if he is a protected child:

Power of the Government to impose requirements

- 4(1) Where a person is fostering a child privately, or proposes to foster any child privately, the Commissioner may impose on him requirements as to:
 - (a) the number, age and sex of the children who may be fostered privately by him;
 - (b) the standard of the accommodation and equipment to be provided for them;
 - (c) the arrangement to be made with respect to their health and safety; and
 - (d) particular arrangement which shall be made with respect to the provision of care for them, and it shall be his duty to comply with any such requirement before the end of such period as the Commissioner may specify unless, in the case of a proposal, the proposal is not carried out.
- (2) A requirement may be limited to a particular child, or class of children.
- (3) A requirement (other than one imposed under sub-paragraph (1)(a) of this paragraph), may be limited by the Commissioner so as to apply only when the number of the children fostered by the person exceeds a specified number.
- (4) A requirement shall be imposed by notice in writing addressed to the person on whom it is imposed and informing him of:
 - (a) the reason for imposing the requirement;
 - (b) his right under paragraph 6 of this Part of this Schedule to appeal

against it; and

(c) the time within which he may do so.

- (5) The Commissioner may at any time vary a requirement, impose any additional requirement or remove any requirement.
- (6) In this paragraph and the other paragraphs of this Part of this Schedule a “requirement” in relation to any person means a requirement imposed on the person under this paragraph.

Regulations Requiring Notification of Fostering etc

5(1) The Commissioner may by regulations make provisions as to:

- (a) the circumstances in which notification is required to be given in connection with children who are, have been or are proposed to be fostered privately; and
- (b) the manner and form in which such notification is to be given.

(2) The regulations may, in particular:

- (a) require any person who is, or proposes to be involved (whether or not directly) in arranging for a child to be fostered privately to notify the Commissioner;
- (b) require any person who is:
- i) a parent of a child; or
 - ii) a person who, though not a parent of a child has parental responsibility for the child, and who knows that it is proposed that the child should be fostered privately, to notify the Commissioner;
- (c) require any parent of a child fostered privately, or person who, though not a parent of a child has parental responsibility for the child, to notify the Commissioner of any change in his address.
- (d) require any person who proposed to foster a child privately to notify the Commissioner of:
- i) any offence of which he has been convicted;
 - ii) any disqualification imposed on him under section 114 of

thisLaw, or

- iii) any prohibition imposed on him under section 115 of thisLaw;
- (e) require any person who is fostering a child privately to notify the Commissioner of any change in his address;
- (f) require any person who is fostering a child privately to notify the Commissioner in writing of any person who begins, or cease, to be part of his household;
- (g) require any person who has been fostering a child privately, but ceased to do so, to notify the Commissioner indicting, where the child has died, the reason for the death).

Appeals

6(1) A person aggrieved by:

- (a) a requirement imposed under paragraph 4 of this part of this Schedule;
- (b) a refusal of consent under section 114 of thisLaw;
- (c) a prohibition imposed under section 115 of thisLaw;
- (d) a refusal to make an exemption under section 115 of thisLaw;
- (e) a refusal to make an exemption under paragraph 4 of Part I of this Schedule; or
- (f) a condition imposed in an exemption under paragraph 4 of Part I of this Schedule; or
- (g) a variation of cancellation of an exemption,

may appeal to the court.

(2) The appeal shall be made within fourteen days from the date on which the person appealing is notified of the requirement, refusal, prohibition, condition, variation or cancellation.

(3) Where the appeal is against:

- (a) a requirement imposed under paragraph 4 of this Schedule; or
- (b) a condition imposed in an exemption under paragraph 4 of Part I of this

Schedule; or

- (c) a variation or cancellation of an exemption under paragraph 4 of Part I of this Schedule, the requirement, condition, variation or cancellation shall not have effect while the appeal is pending.
- (4) Where the court allows an appeal against a requirement or prohibition, it may, instead of canceling the requirement or prohibition:
 - (a) vary the requirement or allow more time for compliance with it, or
 - (b) if an absolute provision has been imposed, substitute for it a prohibition on using the premises after such time as the court may specify unless such specified requirements as the Commissioner had power to impose under paragraph 4 of this Schedule are complied with.
- (5) A requirement or prohibition specified or substituted by a court under this paragraph shall be deemed for the purposes of Part XI of this Law (other than this paragraph) to have been imposed by the Commissioner under paragraph 4 of this Schedule or section 115 of this Law (as the case may be).
- (6) Where the court allows an appeal against a refusal to make an exemption, a condition imposed in the exemption or a variation or cancellation of the exemption, it may:
 - (a) make an exemption;
 - (b) impose a condition; or
 - (c) vary the exemption.
- (7) An exemption made or varied under sub-paragraph (6) of this paragraph, or any condition imposed under that sub-paragraph, shall be deemed for the purposes of Part I of this Schedule (but not for the purposes of this paragraph) to have been made, varied or imposed under that Schedule.
- (8) Nothing in sub-paragraph (1) (e) to (g) of this paragraph confers any right of appeal on:
 - (a) a person who is, or would, if exempted under Part I of this Schedule, be a Government foster parent; or
 - (b) a person who is, or would, if so exempted be, a person with whom a child is placed by a voluntary organization.

Extension of Part XI to Certain School Children during Holidays

- 7(1) Where a child under the age of sixteen who is a pupil at a school which is not maintained by the Government lives at the school during school holidays for a period of more than two weeks, Part XI of this Law shall apply in relation to the child as if:
- (a) while living at the school, he were a child fostered privately; and
 - (b) paragraphs 2(1) (d) and 4 of this Part of this Schedule were omitted.
- (2) Sub-paragraph (3) of this paragraph applies to a person who proposes to care for and accommodate one or more children at a school in circumstances in which some or all of them will be treated as children fostered privately by virtue of this paragraph.
- (3) The person referred to in sub-paragraph (2) of this paragraph shall, not less than two weeks before the first of those children is treated as a child fostered privately by virtue of this paragraph during the holiday in question, give written notice of his proposal to the Commissioner, stating the estimated number of the children.
- (4) The Commissioner may exempt a person from the duty of giving notice under sub-paragraph (3) of this paragraph.
- (5) An exemption may be granted for a special period or indefinitely and may be revoked at any time by notice in writing given to the person exempted.
- (6) Where a child who is treated as a child fostered privately by virtue of this paragraph dies, the person caring for him at the school shall, not later than 48 hours after the death, give written notice of the death:
- (a) to the Commissioner; and
 - (b) where reasonably practicable, to each parent of the child and to every person who, though not a parent of the child, has parental responsibility for the child.
- (7) Where a child who is treated as a foster child by virtue of this paragraph ceases for any other reason to be a fostered child, the person caring for him at the school shall give written notice of the fact to the Commissioner.

Prohibition of Advertisement Relating to Fostering

8. No advertisement indicating that a person will undertake, or will arrange for, a

child to be fostered privately shall be published, unless it states that person's name and address.

Avoidance of Insurance on Lives of Children Fostered Privately

9. A person who fosters a child privately and for reward shall be deemed for the purposes of the Insurance Act, 1991 to have no interest in the life of the child.

PART IX DECLARATION REGARDING SUITABILITY TO FOSTER CHILDREN PRIVATELY

(To be completed by all members of the household over 16 years)

Full Name

Date of Birth

Address

HAVE YOU EVER

YES NO

Please tick

- | | | |
|--|-----|-----|
| 1. Been convicted of any offence involving a child | [] | [] |
| 2. Had a child removed from your care by the order of any court or the Government | [] | [] |
| 3. Had registration under part XIV of the Child Protection Law refused or cancelled (children minding) | [] | [] |
| 4. Had your right and duties with respect to a child vested in the Government | [] | [] |
| 5. Had a prohibition imposed on you at any time | [] | [] |
| 6. Disqualified from acting as a foster parent | [] | [] |

If you have answered "yes" to any of the above question, please supply the dates and circumstances.

Signed

Date

Section 116 of the ChildLaw, 200.., provides that a person who makes any statement in this notice or information which he knows to be false or

misleading commits an offence and is liable on summary conviction to fine not exceeding five thousand Naira.

PART V -ADDITIONAL PROVISION RELATING TO PRIVATE ARRANGEMENTS FOR FOSTERING

General Welfare of Children

- 1(1) In carrying out his functions under section 115 of this Law, as to the welfare of children who are fostered privately within the State, the Commissioner (including an officer of the Government making a visit under paragraph 2 of this Part of this Schedule) shall satisfy himself on such of the matters specified in sub-paragraph (2) of this paragraph as are relevant in the particular circumstances.
- (2) The matters referred to in sub-paragraph (1) of this paragraph are:
- (a) the purpose and intended duration of the fostering arrangement;
 - (b) the child's physical, intellectual, emotional, social and behavioural development;
 - (c) where the child's needs arising from his religious persuasion, racial origin and cultural and linguistic background are being met;
 - (d) the financial arrangements for the care and maintenance of the child;
 - (e) the suitability of accommodation;
 - (f) the arrangements of the child's medical and dental care and treatment;
 - (g) the arrangements for the child's education and, in particular, that the local education authority has been informed of the fostering arrangement;
 - (h) the standard of care which the child is being given;
 - (i) the suitability of the foster parent to look after the child and suitability of the foster parent's household;
 - (j) whether the foster parent is being given any necessary advice;
 - (k) whether the contract between the child and his parents, or any person, with whom contract has been arranged, is satisfactory;
 - (l) whether the child's parents, or any other person are exercising parental

responsibility for the child; and

(m) the ascertainable wishes and feeling of the child regarding the fostering arrangements.

Visits to children

- 2(1)** The Commissioner shall make arrangements for each child who is fostered privately within the State to be visited by an officer of the Government from time to time as the Commissioner considers necessary in order to safeguard and promote the welfare of the child and when reasonably required by the child or foster parent and in particular:
- (a) in the first year of the fostering arrangement, within one week from its beginning and then at intervals of not more than six weeks.
 - (b) in any second or subsequent year, at intervals of not more than three months.
- (2)** For the purpose of making visits under this paragraph, the officer shall, if he considers it appropriate, arrange to see the child alone.
- (3)** The officer shall make a written report to the Commissioner after each visit.

Notifications by prospective and actual foster parents

- 3(1)** Any person who proposes to foster privately, a child for whom he is not already caring and providing accommodation, shall notify the Commissioner not less than six weeks, nor more than thirteen weeks before he receives the child, unless he receives him in an emergency.
- (2)** A person who is fostering a child privately:
- (a) whom he received in an emergency; or
 - (b) for whom he was already caring and providing accommodation when he become a foster child,
- shall notify the Commissioner authority not more than 48 hours after the fostering arrangement began.
- (3)** A notice under sub-paragraph (1) or (2) of this paragraph shall specify:
- (a) the name, sex, date and place of birth, religious persuasion, racial origin and cultural linguistic background of the child;

- (b) the name and address of the person giving the notice and any previous address within the last five years;
 - (c) the purpose and intended duration of the fostering arrangement;
 - (d) the name and address of any parent of the child and of any other person who has parental responsibility for the child and (if different) of any person from whom the child was or is to be received;
 - (e) the name and address of any person, other than a person specified in sub-paragraph (3) (d) of this paragraph, who is involved directly or indirectly in making the fostering arrangement; and
 - (f) the intended date of the beginning of the fostering arrangement or, as the case may be, the date on which the arrangement actually began.
- (4) A person giving notice under sub-paragraph (1) or (2) of this paragraph shall include in the notice particulars of:
- (a) any offence of which he has been convicted;
 - (b) any disqualification or prohibition imposed on him under (as the case may be) section 114 or 115 of this Law or under any previous enactment of the provisions of those sections; and
 - (c) any such conviction, disqualification or prohibition imposed on any other person living in or employed at the same household.
- (5) A person who is fostering a child privately shall notify the Commissioner of:
- (a) any change in his address;
 - (b) any person who begins or ceases, to be part of his household; and
 - (c) any further conviction disqualification or prohibition as mentioned in sub-paragraphs (3) (a), (b) and (c) of this paragraph.
- (6) A notice under sub-paragraph (5) of this paragraph shall be given:
- (a) in advance if practicable; and
 - (b) in any other case, not more than 48 hours after the change of circumstances. .

Notifications by former foster parents

- 4(1) Subject to sub-paragraphs (2) and (3) of this paragraph, any person who has been fostering a child privately, but has ceased to do so, shall notify the Commissioner within 48 hours and shall include in the notice the name and address of the person into whose care the child was received.
- (2) Where the reason for ending the fostering arrangement is the death of the child, the foster parent shall notify forthwith the Commissioner and also the person from whom the foster parent received the child.
- (3) Sub-paragraph (1) of this paragraph shall not apply where the foster parent intends to resume the fostering arrangement after an interval of not more than 27 days but if:
- (a) he subsequently abandons his intention; or
 - (b) the interval expires without his having given effect to his intention,

he shall thereupon give notice to the Commissioner within 48 hours of abandoning his intention or as the case may be, the expiry of the interval.

Other Notifications

- 5(1) Any person who is, or proposes to be, involved (whether or not directly) in arrangement for a child to be fostered privately shall notify the Commissioner not less than six nor more than thirteen weeks before the fostering arrangement begins unless the fostering arrangement is made in an emergency in which case the notification shall not be more than 48 hours after the fostering arrangement begins.
- (2) A parent of a child, and any other person who has parental responsibility for the child, who knows that it is proposed that the child should be fostered privately shall notify the Commissioner not less than six weeks, nor more than thirteen weeks before the fostering arrangement begins unless the fostering arrangement is made in an emergency in which case notification shall be not more than 48 hours thereafter.
- (3) Any notice under sub-paragraph (1) or (2) of this paragraph shall specify:
- (a) the information mentioned in sub-paragraphs (3) (a), (b) and (c) of paragraph 3 of this paragraph;
 - (b) the arrangements for the care of any brother or sister of the child who is not included in the fostering arrangement;

- (c) the name and address of any person involved (whether or not directly) in the fostering arrangement;
 - (d) where the notice is given under sub-paragraph (1) of this paragraph, the relationship to the child of the person giving the notice and also the information specified in sub-paragraph (3) (d) of paragraph 3 of this Schedule.
- (4) Any parent of a child fostered privately and any other person who has parental responsibility for the child, shall notify the Commissioner of:
 - (a) the ending of the fostering arrangement; and
 - (b) any change in his own address.
- 6. Any notice required under paragraph 3 to 5 shall be given in writing and may be sent by post.

PART VI – DISQUALIFICATION FROM CARING FOR CHILDREN

Disqualification from fostering a child privately or Registration under Part XI of this Law

- 1. For purpose of section 114 of this Law (person disqualified from being private foster parents) and of paragraph 2 of the Sixth Schedule to this Law (disqualification from registration) a person is disqualified from fostering a child privately or registering under section 153 of this Law (registration for child-minding and day care) if:
 - (a) he is the parent of a child who at any time has been made the subject of an order under section 43 of this Law (care order).
 - (b) one of the following orders has been made at any time with respect to a child so as to remove the child from his care or prevent the child living with him:
 - (i) an order under section 43 of this Law;
 - (ii) a supervision order which imposes a residence requirement under this Law that a child offender live in State Government accommodation;
 - (iii) an approved school order or a fit person order under this Law;
 - (c) an order has been made at any time, for the purposes of removing a protected child who was being kept, or was about to be received by him under Part IV of this Law;

- (d) an order removing a child from his care has been made at any time under Part V of this Law;
- (e) he has been convicted of any sexual offence, any offence involving perjury or violence or such other offences as may be prescribed by the Commissioner;
- (f) he is a person who carried on, or was otherwise concerned with the management of or otherwise had any financial arrangement interest in a voluntary home which was removed from the register;
- (g) there has been a refusal to register a registered a voluntary home in relation to an application made by him under this Law;
- (h) there has been a refusal to register a registered children's home in relation to an application made by him under paragraph 1 of the Tenth Schedule to this Law (application for registration);
- (i) he is a person who carried on or was otherwise concerned with the management of or had any financial interest in a registered children's home and that home was removed from the register under paragraph 4 of the Tenth Schedule to this Law (cancellation of registration);
- (j) he is person in respect of whom a prohibition has been imposed under section 115 of this Law (power to regulate or prohibit private fostering);
- (k) he has at any time been refused registration in respect of day care or child minding.

Disqualification in relation to Voluntary Homes

- 2(1) A person who is disqualified under section 114 of this Law from fostering a child privately shall not carry on, or be otherwise concerned in the management of or have any financial interest in a voluntary home unless he has disclosed to the Commissioner the fact that he is so disqualified; and obtained his written consent.
- (2) No person shall employ a person who is disqualified in a voluntary home unless he has:
 - (a) disclosed to the Commissioner the fact that person is so disqualified; and
 - (b) obtained the written consent of the Commissioner.
- (3) Where the Commissioner refuses to give his consent under this paragraph he

SIXTH SCHEDULE
Section 156, 159(1)(c) and (d), and 160(9),(10) and (11).

CHILD MINDING AND DAY CARE FOR YOUNG CHILDREN

Applications for Registration

- 1(1)** An application for registration under section 153 of this Law shall be of no effect unless it contains:
- (a) a statement, with respect to the applicant which complies with the requirements contained in Annex A to this Schedule and of regulations made for the purposes of this paragraph by the Commissioner; and
 - (b) a statement with respect to any person assisting or likely to be assisting in looking after children on the premises in question, or living or likely to be living there, which complies with the requirements contained in Annex B to this Schedule and of such regulations.
- (2)** Where a person provides, day care for children under the age of six years on different premises situated within the State, he shall make a separate application with respect to each of these premises.
- (3)** An application under section 153 of this Law shall be accompanied by such fee as may be prescribed.
- (4)** On receipt of an application for registration under section 153 of this Law from any person who is acting, or proposes to act, in any way which requires him to be registered under that section, the Commissioner shall register him if the application is properly made he is not otherwise entitled to refuse to do so.

Disqualification from Registration

- 2(1)** A person may not be registered under section 153 of this Law if he is disqualified by the regulations made by the Commissioner for the purposes of this paragraph.
- (2)** The regulations may, in particular provide for a person to be disqualified where:
- (a) an order of a prescribed kind has been made at any time with respect to him;

- (b) an order of a prescribed kind was made at any time with respect to any child who has been in his care;
- (c) a requirement of a prescribed kind has been imposed at any time with respect to such a child; under or by virtue of any enactment;
- (d) he has at any time been refused registration under Part XIV of this Law or any other prescribed enactment or has had any such registration cancelled;
- (e) he has been convicted of any offences of a prescribed kind; or been placed on probation or discharged absolutely or conditionally for any such offence;
- (f) he has at any time been disqualified from fostering a child privately;
- (g) a prohibition has been imposed on him at any time under any prescribed enactment;
- (h) his rights and powers with respect to a child have at any time been vested in a prescribed authority under a prescribed enactment.

(3) A person who lives:

- (a) in the same premises as a person who is himself disqualified by regulations made under this paragraph; or
- (b) in a premises which any such person is employed;

shall be disqualified unless he has disclosed the fact to the Commissioner and obtained his written consent.

(4) A person who is disqualified shall not provide day care, or be concerned in the management of, or have any financial interest in, any provision of day care unless he has:

- (a) disclosed the fact to the Commissioner; and
- (b) obtained his written consent.

(5) No person shall employ, in connection with the provision of day care, a person who is disqualified unless he has:

- (a) disclosed to the Commissioner the fact that the persons is so disqualified; and
- (b) obtained his written consent.

- (6) In this paragraph, “enactment” means any enactment having effect, at any time, in any part of Nigeria.

Exemption of certain Schools

- 3(1) Section 158 of this Law does not apply in relation to any child looked after in any:
- (a) school maintained or assisted by the Government;
 - (b) school under the management of an education authority;
 - (c) independent school.
- (2) The exemption provided by paragraph (1) of this paragraph only applies where the child concerned is being looked after in accordance with provision for day care made by:
- (a) the person carrying on the establishment in question as part of the establishment’s activities; or
 - (b) a person employed to work at that establishment and authorized to make that provision as part of the establishment’s activities.

Exemption for other establishments

- 4(1) Section 158 of this Law does not apply in relation to any child looked after in:
- (a) a registered children’s home; or
 - (b) a voluntary home; or
 - (c) a community home; or
 - (d) a residential care home, nursing home or mental nursing home;
 - (e) a Government hospital;
 - (f) such other home as may be prescribed under this paragraph.
- (2) The exception provided by sub-paragraph (1) of this paragraph only applies where the child concerned is being looked after in accordance with provisions for day care made by:
- (a) the department, authority or other person carrying on the establishment in

question as part of the establishment's activities; or

(b) a person employed to work at that establishment and authorized to make that provision as part of the establishment's activities.

Exemption for occasional facilities

- 5(1) Where day care for children under the age of six years is provided in particular premises on less than six days in any year, that provision shall be disregarded for the purposes of section 158 of this Law if the person making it has notified the Commissioner in writing before the first occasion on which the premises concerned are so used in that year.
- (2) In sub-paragraph (1) of this paragraph, "year" means the year beginning with the day on which the day care in question is (after the commencement of this paragraph) first provided in the premises concerned and any subsequent year.

Certificate of registration

- 6(1) Where the Commissioner registers a person under section 153 of this Law he shall issue him with a certificate of registration.
- (2) The certificate shall certify:
- (a) the registered person's name and address;
 - (b) in a case falling within section 153(1)9b) of this Law, the address or situation of the premises concerned; and
 - (c) any requirement imposed under section 154 or 155 of this Law.
- (3) Where, due to a change of circumstance, any part of the certificate requires to be amended, the Commissioner shall issue an amended certificate.
- (4) Where the Commissioner is satisfied that the certificate has been lost or destroyed, he shall issue a copy, on payment by the registered person of such fee as may be prescribed.

Fees for annual inspection of premises

- 7(1) Where:
- (a) a person is registered under section 153 of this Law to provide any service; and
 - (b) the Commissioner makes an annual inspection of the premises in question

under section 158 of this Law,

he shall serve on that person a notice informing him that the inspection is to be carried out and requiring him to pay to him such fee as may be prescribed.

- (2) It shall be a condition of the continued registration of that person under section 153 of this Law that the fee is so paid before the expiry of the period of twenty eight days beginning with the date on which the inspection is carried out.

Annex A – Paragraph 1(1) (a)

INFORMATION TO BE PROVIDED ABOUT THE APPLICANT

- 1(1) The full name of the applicant, including (if different) name at birth and any other former names, or where day care is to be provided by a partnership, committee or body corporate or un-incorporate, the full names of the partners, members of the committee, Board of Directors, or the Board, identifying the Chairman, Secretary and Treasurer and the person in charge.
- (2) The address at which the children are to be looked after and the address of the applicant and of the person in charge, if different.
- (3) Where the premises at which the children are to be looked after is a domestic premises.
- (4) In the case of day care, a description of the facilities available to the applicant for day care, including the number of rooms, their functions, the numbers of lavatories and washbasins, any separate facilities for adult workers and access to the premises for cars.
5. Whether the applicant wishes to register as child minder, or as a provider of day care, and if the latter whether he will provide full day care or session day care.
6. In the case of day care, the proposed hours for which the applicant wishes to provide day care.
7. Relevant experience of the applicant and any person in charge, including any previous work with children or with elderly or disabled persons, whether paid or not.
8. The number and ages of any children of the applicant or the person in charge or any children for whom either is to be responsible.
9. Any relevant qualifications (with date) of the applicant or the person in charge giving details of the organization running the course, the subjects studied, the length of the course and the name of the qualifications.

10. The names of two referees for the applicant or the person in charge who may be contracted.
11. The name and address of the medical practitioner of the applicant or of the person in charge and whether he may be approached for details concerning the status of health of the applicant or person in charge, together with details of anything for which he is currently being treated by his medical practitioner or by a hospital and details of any hospital admissions during the last 2 years and of any serious illness in the last 5 years.
12. Details of any criminal convictions of the applicant or the person in charge including:
 - (a) the date of offence;
 - (b) the nature of offence;
 - (c) the place where it occurred;
 - (d) the nature of the court which gave the conviction;
 - (e) the penalty imposed.

Annex B – Paragraph 1(1)(b)

INFORMATION TO BE PROVIDED ABOUT ANY PERSON ASSISTING OR LIKELY TO ASSIST, OR LIVING OR LIKELY TO LIVE IN THE PREMISES

1. In the care of child minders, name and date of birth of anyone living (or likely to be living) in the premises in which they intend to look after children, including numbers of the family and lodgers and the name and address of any person assisting (or likely to be assisting) in looking after the children.
2. In the case of day care applicants, names and date of birth of any one living (or likely to be living) on the premises to be used for a day care, details on how many staff will be employed in looking after the children and in what capacity, details of any person in charge, any other person assisting (or likely to be assisting) in looking after children on the premises in question, with their names and addresses.
3. Details of any criminal conviction of any of the person mentioned in subparagraph 1 and 2 of this Annex, including:
 - (a) the date of offence;

- (b) the nature of offence;
- (c) the place where it occurred;
- (d) the name of the court which gave the conviction;
- (e) the penalty imposed.

SEVENTH SCHEDULE

Section 165(4),(5) and 168(9)

GOVERNMENT SUPPORT FOR CHILDREN AND FAMILIES

PART I – PROVISION OF SERVICE FOR FAMILIES

Identification of children in need and provision of information

- 1(1) The Commissioner shall take reasonable steps to identify the extent to which there are children in need within the State.
- (2) The Commissioner shall:
 - (a) publish information-
 - (i) about services provided by the Government under Part XV of this Law; and
 - (ii) where he considers it appropriate, about the provision by others (including, in particular, voluntary organizations) or services which the Government has power to provide under those sections; and
 - (b) take such steps as are reasonably practicable to ensure that those who might, benefit from the services received the information relevant to them.
- 2(1) The Commissioner shall open and maintain a register of disabled children within the State.
- (2) The register may be kept by means of a computer.

Assessment of Children's needs

- 3. Where it appears to the Commissioner that a child is in need, he may assess his needs for the purposes of this Law at the same time as any assessment of his needs is being made under any other enactment.

Prevention of neglect and abuse

- 4(1) The Commissioner shall take reasonable steps, through the provision of services under Part XV of this Law, to prevent children from suffering ill-treatment or neglect.
- (2) Where the Commissioner believes that a child:
- (a) is likely to suffer harm; but
 - (b) lives or proposes to live in another State;
 - (c) he shall inform the State Government of that other State;
- (3) When informing that other State Government he shall specify:
- (a) the harm that he believes that child is likely to suffer; and
 - (b) if he can, where the child lives or proposes to live.

Provision of accommodation in order to protect child

- 5(1) Where:
- (a) it appears to the Commissioner that a child is living on particular premises is suffering, or is likely to suffer ill treatment at the hands of another person who is living on those premises; and
 - (b) that other person proposes to move from the premises,
- the Commissioner may assist that other person to obtain alternative accommodation.
- (2) Assistance given under this paragraph may be in cash.
- (3) Subsection (1) to (2) of section 165 of this Law shall apply in relation to assistance given under this paragraph as they apply in relation to assistance given under that section

Provision for disabled children

6. The Government shall provide services designed:
- (a) to minimize the effect on disable children within the State of their disabilities; and

(b) to give disable children the opportunity to lead lives which are as normal as possible.

Provision to reduce need for care proceedings etc.

7. The Government shall take reasonable steps to reduce the need to bring proceedings for care or supervision orders with respect to children and avoid as much as possible criminal, family or other proceedings in court against or in respect of children.

Provision for children living with their families

8. The Government shall make such provision as it considers appropriate for the following services to be available with respect to children in need within the State while they are living with their families:
- (a) advice, guidance and counseling;
 - (b) occupational, social, cultural or recreational activities;
 - (c) home help (which may include laundry facilities);
 - (d) facilities for, or assistance with, traveling to and from home for the purposes of taking advantage of any other service provided under this Law or of any similar services;
 - (e) assistance to enable the child concerned and his family to have a holiday.

Family Centre

- 9(1) The Government shall provide such family centers as it considers appropriate in relation to children within the State.
- (2) Family centre is a centre at which any of the persons mentioned in sub-paragraph (3) of this paragraph may:
- (a) attend for occupational, social, cultural or recreational activities;
 - (b) attend for advice, guidance or counseling; or
 - (c) be provided with accommodations while he is receiving advice, guidance or counseling.
- (3) The persons referred to in sub-paragraph (2) of the paragraph are:

- (a) a child;
- (b) the parents of the child;
- (c) any person who, though not a parent of the child, has parental responsibility for child; and
- (d) any other person who is looking after the child.

Maintenance of the family home

10. The Government shall take such steps as are reasonably practicable, where any child within the State who is in need and whom it is not looking after is living apart from his family:
- (a) to enable him to live with his family; or
 - (b) to promote contact between him and his family if, in its opinion, it is necessary to do so in order to safeguard or promote his welfare.

Duty to consider religious persuasion, etc, to which children in need belong

11. The Government shall, in making any arrangements:
- (a) for the provisions of day care within the State; or
 - (b) designed to encourage persons to act as Government foster parents, have regard to the different religious persuasion, racial origin, ethnic and linguistic background of children within the state who are in need.

PART II – CHILDREN LOOKED AFTER BY THE GOVERNMENT

Regulations as to placing of children with Government foster parents

12. Regulations under this Law may, in particular, make provisions:
- (a) with regard to the welfare of children placed with Government foster parents;
 - (b) as to the arrangements to be made by the Government in connection with the health and education of the children;
 - (c) as to the records to be kept by the Government;
 - (d) for securing that a child is not placed with a Government foster parent

unless that person is for the time being approved as a Government foster parent.

(e) for securing that, where possible, the Government foster parent with whom a child is to be placed is:

(i) of the same religious persuasion as the child; or

(ii) gives an undertaking that the child will be brought up in that religious persuasion;

(f) for securing that children placed with Government foster parents, and the premises in which they are accommodated, will be supervised and inspected by the Commissioner and that the children will be removed from those premises if their welfare appears to require;

(g) as to the circumstances in which the Government may make arrangements for duties imposed on it by the regulations to be discharged on its behalf.

Regulations as to arrangements under Section 168

13. Regulations under this Law may, in particular, make provisions as to:

(a) the persons to be notified of any proposed arrangements;

(b) the opportunities such persons are to have to make representations in relation to the arrangement proposed;

(c) the person to be informed of any proposed changes in the arrangements;

(d) the records to be kept by the Government;

(e) the supervision by the Governments of the arrangements made.

Regulations as to conditions under which child in care is allowed to live with parent, etc.

14. Regulations under section 168 of this Law may, in particular, impose requirements on the Government as to:

(a) the making of any decision by the Government to allow a child to live with any person falling within section 171(4) of this Law (including requirements as to those who must be consulted before the decision is made, and those who must be notified when it has been made);

(b) the supervision or medical examination of the child concerned;

(c) the removal of the child, in such circumstances as may be prescribed, from the care of the person with whom he has been allowed to live.

Promotion and maintenance of contact between child and family

15(1) Where a child is being looked after by the Government the Commissioner shall, unless it is not reasonably practicable or consistent with the welfare of the child, endeavour to promote contact between the child and:

(a) his parent;

(b) any person who, though not a parent of a child, has parental responsibility for the child; and

(c) any relative, friend or other person connected with the child.

(2) Where a child is being looked after by the Government:

(a) the Commissioner shall take such steps as are reasonably practicable to secure that:

(i) the parents of the child; and

(ii) any person who, though not a parent of the child, has parental responsibility for the child, are kept informed of where he is being accommodated; and

(b) every such person shall secure that the Commissioner is kept informed of his other address.

(3) Where the Government takes over the provision of accommodation for a child from another Government under this Law, the Government shall (where reasonably practicable) inform:

(i) the parents of the child; and

(ii) any person who, though not a parent of the child but who has parental responsibility for the child;

(4) Nothing in this paragraph requires the Commissioner to inform any person of the whereabouts of a child if:

(a) the child is in the care of the Government; and

(b) the Government has reasonable cause to believe that informing the person would prejudice the child's welfare.

- (5) A person who fails (without reasonable excuse) to comply with sub-paragraph (2) (b) of this paragraph commits an offence and is liable on summary conviction to a fine not exceeding two thousand five hundred naira or imprisonment for a term not exceeding three months or to both each fine and imprisonment.
- (6) It shall be a defence in any proceedings under sub-paragraph (5) of this paragraph to prove that the defendant was residing at the same address as another person who was the child's parent or had parental responsibility for the child and had reasonable cause to believe that the other person had informed the Commissioner that both of them were residing at that address.

Visit to or by children: expenses

16(1) This paragraph applies where:

- (a) a child is being looked after by the Government;
- (b) the conditions mentioned in sub-paragraph (3) of this paragraph are satisfied.

(2) The Commissioner may:

(a) make payments to:

(i) a parent of the child;

(ii) any person who, though not a parent of the child, has parental responsibility for the child; or

(iii) any relative, friend or other person concerned with the child,

in respect of traveling subsistence or other expenses incurred by that person in visiting the child; or

(b) make payments to the child, or to any person on his behalf, in respect of traveling, subsistence or other expenses incurred by or on behalf of the child in his visiting:-

(i) a parent of the child;

(ii) any person who, though not a parent of a child has parental responsibility for the child; or

(iii) any relative, friend or other person concerned with the child.

(3) The condition referred to in sub-paragraph (1) (b) of this paragraph are that:

(a) it appears to the Commissioner that the visit in question could not otherwise be made without undue financial hardship; and

(b) the circumstances warrant the making of the payments.

Appointment of visitor for child who is not being visited

17(1) Where it appears to the Commissioner in relation to a child that the Government is looking after that:

(a) communication between the child and:

(i) his parent; or

(ii) any person who, though not a parent of the child, has parental responsibility for the child,

has been infrequent; or

(b) the child has not visited or been visited by (or lived with) any such person during the preceding twelve months, and that it would be in the child's best interests for an independent person to be his visitor for the purpose of this paragraph,

he shall appoint such a visitor.

(2) A person appointed as a visitor shall:

(a) have the duty of visiting and befriending the child;

(b) be entitled to recover from the Government any reasonable expenses incurred by him for the purpose of his function under this paragraph.

(3) A person's appointment as a visitor in pursuance of this paragraph shall be determined if:

(a) he gives notice in writing to the Commissioner that he resigns the appointment; or

(b) the Commissioner gives him notice in writing that he has terminated the appointment.

- (4) The determination of an appointment shall not prejudice any duty under this paragraph to make a further appointment.
- (5) Where the Commissioner proposes a visitor for a child under this paragraph, the appointment shall not be made if:
 - (a) the child objects to it; and
 - (b) the Commissioner is satisfied that the child has sufficient understanding to make an informed decision.
- (6) Where a visitor has been appointed for a child under this paragraph, the Commissioner shall determine the appointment if:
 - (a) the child objects to its continuing; and
 - (b) the Commissioner is satisfied that the child has sufficient understanding to make an informed decision.

Power to guarantee apprenticeship deeds, etc.

- 18(1) While a child is being looked after by the Government, or is a person qualifying for advice and assistance, the Commissioner may undertake on behalf of the Government any obligation by way of guarantee under a deed of apprenticeship which he enters into.
- (2) Where the Commissioner has undertaken an obligation under a deed he may at any time (whether or not the Government is still looking after the child concerned) undertake the like obligation under any supplemental deed.

Arrangements to assists children to live outside the State

- 19(1) The Commissioner may only arrange for, or assists in arranging for, any child in his care to live outside the State with the approval of the court.
- (2) The Commissioner may, with the approval of every person who has parental responsibility for the child arrange for, or assists in arranging for any child looked after by the Government to live outside the State.
- (3) The court shall not give its approval under sub-paragraph (1) of this paragraph unless it is satisfied that:
 - (a) living outside the State would be in the child's best interest;
 - (b) suitable arrangement have been, or will be made for his reception and

welfare in the place in which he will live;

(c) the child has consented to living in that place; and

(d) every person who has parental responsibility for the child has consented to his living in that place.

(4) Where the court is satisfied that the child does not have sufficient understanding to give or withhold his consent, it may disregard sub-paragraph (3) (c) of this paragraph and give its approval if the child is to live in the place concerned with a parent, guardian, or other suitable person.

(5) Where a person whose concerned is required by sub-paragraph (3) (d) of this paragraph fails to give his consent, the court may disregard that provision and give its approval if it is satisfied that the person:

(a) cannot be found;

(b) is incapable of consenting; or

(c) is withholding his consent unreasonably.

(6) Where a court decides to give approval under this paragraph it may order that its decision is not to have effect during the appeal period.

(7) In sub-paragraph (6) of this paragraph, "the appeal period" means:

(a) where an appeals made against the decision, the period between the making of the decision and the determination of the appeal; and

(b) otherwise, the period during which an appeal may be made against the decision.

Death of children being looked after by the Government

20(1) If a child who is being looked after by the Government dies, the Commissioner:

(a) shall notify the court if the child is subject to any order the court made pursuant to the exercise of its powers under this Law;

(b) shall so far as is reasonable, notify the child's parents and every person who, though not a parent of the child, has parental responsibility for the child;

(c) may, with the consent (so far as it is reasonably practicable to obtain it) of every person who has parental responsibility for the child, arrange for the child's body to be buried; and

- (d) may, if the conditions mentioned in sub-paragraph (2) of this paragraph are satisfied, make payments to any person who has parental responsibility for the child or any relative, friend or other person concerned by that person attending the child's funeral.
- (2) The conditions referred to in sub-paragraph (1) (d) of this paragraph are that:
- (a) it appears to the Commissioner that the person concerned could not otherwise attend the child's funeral without financial hardship; and
- (b) that the circumstances warrant the making of the payments.
- (3) Where the Commissioner has exercised his power under sub-paragraph (1)(c) of this paragraph with respect to a child who was under the age of sixteen years when he died, he may recover from any parent of the child any expenses incurred.
- (4) Any sum so recoverable shall, without prejudice to any other method of recovery, be recoverable summarily as a civil debt.
- (5) Nothing in this paragraph affects any enactment or law regulating or authorizing the burial or anatomical examination of the body of any deceased person.

PART III – CONTRIBUTIONS TOWARDS MAINTENANCE OF CHILDREN LOOKED AFTER BY THE GOVERNMENT

- 21(1) Where the Government is looking after a child (other than in the case mentioned in sub-paragraph (7) of this paragraph), the Commissioner shall consider whether he should recover contributions towards the child's upkeep from any person liable to contribute ("a contributor").
- (2) The Commissioner may only recover contributions from a contributor if he considers it reasonable to do so.
- (3) The persons liable to contribute are-
- (a) where the child is under the age of sixteen years, each of his parents;
- (b) where the child has attained the age of sixteen years, the child himself.
- (4) A parent is not liable to contribute during any period when he is in receipt of income support or public funds.

- (5) A person is not liable to contribute towards the maintenance of a child in the care of the Government in respect of any period during which the child is allowed by the Government under section 167 of this Law to live with a parent of the child.
- (6) A contributor is not obliged to make any contribution towards a child's maintenance except as agreed or determined in accordance with this Part of this Schedule.
- (7) The cases referred to under sub-paragraph (1) of this paragraph are where the child is looked after by the Government under
 - (a) section 167 of this Law; or
 - (b) an interim care order; or
 - (c) any law or prescribed enactment.

Agreed Contributions

- 22(1) Contribution towards a child's maintenance may only be recovered if the) Government has served a notice ("a contribution notice") on the contributor specifying:
 - (a) the weekly sum which it considers that he should contribute; and
 - (b) arrangement for payment.
- (2) The contribution notice must be in writing and dated.
- (3) Arrangements for payment shall, in particular, include:
 - (a) the date on which liability to contribute begins, which shall not be earlier than the date of the notice;
 - (b) the date on which liability under the notice will end if the child has not before that date ceased to be looked after by the Government; and
 - (c) the date on which the first payment is to be made.
- (4) The Commissioner may specify in contribution notice a weekly sum which is a standard contribution determined by him for all children looked after by the Government.
- (5) The Commissioner may not specify in a contribution notice a weekly sum greater than that which he considers:

- (a) he would normally be prepared to pay if he had placed a similar child with Government foster parents; and
 - (b) it is reasonably practicable for the contributor to pay having regard to his means.
- (6) The Commissioner may at any time withdraw a contribution notice without prejudice to his power to serve another.
- (7) Where the Commissioner and the contributor agree:
- (a) the sum which the contributor is to contribute; and
 - (b) arrangements for payment, whether as specified in the contribution notice or otherwise and the contributor notifies the Commissioner in writing that he so agrees,
- the Commissioner may recover summarily as a civil debt any contribution which is overdue and unpaid.
- (8) A contributor may, by serving a notice in writing on the Commissioner, withdraw his agreement in relation to any period of liability falling after the date of service of the notice.
- (9) Sub-paragraph (7) of this paragraph is without prejudice to any other method of recovery.

Contribution orders

- 23(1) Where a contributor has been served with a contribution notice and has:
- (a) failed to reach any agreement with the Commissioner as mentioned in paragraph 22(7) of this schedule within the period of one month beginning with the day on which the contribution notice was served; or
 - (b) served a notice under paragraph 22(8) of this schedule withdrawing his arrangement,
- the Commissioner may apply to the Court for an order under this paragraph.
- (2) On such an application under sub-paragraph (1) of this paragraph, the Court may make an order ("a contribution order") requiring the contributor to contribute a weekly sum towards the child's maintenance in accordance with arrangement for payment specified by the court.

- (3) A contribution Order:-
- (a) shall not specify a weekly sum greater than that specified in the contribution notice; and
 - (b) shall be made with due regard to the contributor's means.
- (4) A contributions order shall not:-
- (a) take effect before the date specified in the contribution notice; or
 - (b) have effect while the contributor is not liable to contribute by virtue of paragraph 21 of this schedule; or
 - (c) remain in force after the child has ceased to be looked after by the Government.
- (5) The Commissioner may not apply to the Court under sub-paragraph (1) of this Schedule in relation to a contribution notice which he has withdrawn.
- (6) Where:-
- (a) A contribution order is in force;
 - (b) The Commissioner serves another contribution notice; and
 - (c) The contributor and the Commissioner reach an agreement under paragraph 22 (7) of this Schedule in respect of that other contribution notice, the effect of the agreement shall be to discharge the order from the date on which it is agreed that the agreement shall take effect.
- (7) Where an agreement is reached under Sub-paragraph (6) of this paragraph the Commissioner shall notify the Court:-
- (a) of the agreement; and
 - (b) of the date on which it took effect.
- (8) A contribution order may be varied or revoked on the application of the contributor or the Commissioner.
- (9) In proceedings for the variation of a contribution order, the Commissioner shall specify:-
- (a) the weekly sum which, having regard to paragraph 22 of this Schedule, he proposes that the contributor should contribute under the order as varied; and

(b) the proposed arrangement for payment.

(10) Where a contribution order is varied, the order:-

(a) shall not specify a weekly sum greater than that specified by the Commissioner in the proceedings for variation; and

(b) shall be made with due regard to the contributor's means.

(11) An appeal shall lie in accordance with Rules of Court from any order made under this paragraph.

Enforcement of contribution orders, etc

24(1) A contribution order made by the Court at the Magisterial or Shari'a Court level shall be enforceable as a Magisterial or Shari'a Court maintenance order.

(2) In any proceedings under this paragraph, a document which purports to be:-

(a) a copy of an order made by a Court under or by virtue of paragraph 23 of this schedule; and

(b) certified as a true copy by the registrar of the court, shall be evidence of the order.

Regulations

25 The Commissioner may make regulations :-

(a) as to the consideration which the Government shall take into account in deciding;

(i) whether it is reasonable to recover contributions, and

(ii) what the arrangements for payment should be; and

(b) as to the procedures he must follow in reaching agreements with contributors under paragraph 22 and 23 of this schedule.

EIGHTH SCHEDULE

MANAGEMENT AND CONDUCT OF COMMUNITY HOMES

Instruments of Management for Controlled and Assisted Community Homes

- 1-(1) The Commissioner may by order make an instrument of management providing for the constitution of a body of managers for any voluntary home which is designed as a controlled or an assisted community home.
- (2) Sub-paragraph (3) of this paragraph applies where two or more voluntary homes are designated as controlled community homes or as assisted community homes.
- (3) If those homes are, or are to be, provided by the same voluntary organization a single instrument of management may be made by the Commissioner under this paragraph constituting one body of managers for the homes or for any two or more of them.
- (4) The number of persons who, in accordance with an instrument of management constitute the body of managers for a voluntary home shall be such number (which must be a multiple of three) as may be specified in the instrument.
- (5) The instrument shall provide that the Government shall appoint-
 - (a) in the case of a voluntary home which is designated as a controlled community home, two thirds of the managers; and
 - (b) in the case of a voluntary home which is designated as an assisted community home, one third of the managers.
- (6) An instrument of management shall provide that the foundation managers shall be appointed, in such a manner and by such persons as may be specified in the instrument
 - (a) so as to represent the interests of the voluntary organization by which the home is, or is to be, provided; and
 - (b) for the purpose of securing that so far as is practicable the character of the home as a voluntary home will be preserved, and subject to paragraph 2(3) of this Schedule, the terms of any trust deed relating to the home are observed.
- (7) An instrument of management is in force on such date as it may specify.
- (8) If any instrument of management is in force in relation to a voluntary home, the home shall be (and be known as) a controlled community home or as an assisted community home, according to its designation.
- (9) In this paragraph –
“foundation management” in relation to a voluntary home, means those of the

managers of the home who are not appointed by the Government in accordance with sub-paragraph (5) of this paragraph.

- 2(1) An instrument of management shall contain such provisions as the Commissioner considers appropriate.
- (2) Nothing in the instrument of management shall affect the purpose for which the premises comprising the home are held.
- (3) Without prejudice to the generality of sub-paragraph (1) of this paragraph an instrument of management may contain provisions;
 - (a) specifying the nature and purpose of the home (or each of the homes) to which it relates.
 - (b) requiring a specified number or proportion of the places in that home (or those home) to be made available to the Government and to any other body specified in the instrument; and
 - (c) relating to the management of that home (or those homes) and the charging of fees with respect to-
 - (i) children placed there,
 - (ii) places made available to the Government or other body.
- (4) Subject to sub-paragraph (1) and (2) of this paragraph where there is any inconsistency between the provisions of any trust deed and an instrument of management, the instrument of management shall prevail over the provisions of the trust deed in so far as they relate to the home concerned.
- (5) After consultation with the voluntary organization the Commissioner may by order revoke any provision of the instrument.

PART II – MANAGEMENT OF CONTROLLED AND ASSISTED COMMUNITY HOMES

- 3-(1) The management, equipment and maintenance of a controlled community home shall be the responsibility of the Government.
- (2) The management, equipment and maintenance of an assisted community hole shall be responsibility of the voluntary organization by which the home is provided.
- (3) The function of a home's responsible body shall be exercised through the managers.
- (4) Anything done, liability incurred or property acquired by a home's managers shall be done, incurred by them as agents of the responsible body.;

- (5) In so far as any matter is reserved for the decision of a home's responsible body by:
- (a) sub-paragraph (7) of this paragraph; or
 - (b) the instrument of management; to
 - (c) the service by the body on the managers, or any of them, of a notice reserving any matter,
- that matter shall be dealt with by the body and not by the managers.
- (6) In dealing with any matter so reserved, the responsible body shall have regard to any representation made to the body by the managers.
- (7) The employment of persons at a home shall be a matter reserved for the decision of the responsible body.
- (8) Where the instrument of management of a controlled community home so provides, the responsible body may enter into arrangement with the voluntary organization by which that home is provided whereby, in accordance with such terms as may be agreed between them and the voluntary organization, persons who are not in the employment of the responsible body shall undertake duties at the home.
- (9) Subject to sub-paragraph (10) of this paragraph;
- (a) where the responsible body for an assisted community home proposes to engage any person to work in that home, or to terminate without notice the employment of any person at that home, it shall consult the Commissioner and, if the Commissioner so directs, the responsible body shall not carry out its proposal without their consent; and
 - (b) the Commissioner may, after consultation with the responsible body, require that body to terminate the employment of any person at that home.
- (10) Sub-paragraph (9)(a) and (b) of this paragraph shall apply:-
- (a) in such cases or circumstances as may be specified by notice in writing given by the Commissioner to the responsible body; and
 - (b) in relation to the employment of any persons or class of persons specified in the home's instrument of management.
- (11) The accounting year of the managers of a home shall be such as may be specified by the responsible body.
- (12) Before such date in each accounting year as may be so specified, the managers of a

-) home shall submit to the responsible body estimates, in such form as the body may require, of expenditure and receipt in respect of the next accounting year.
- (13 Any expenses incurred by the managers of a home with the approval of the responsible body shall be defrayed by that body.
- (14 The managers of a home shall keep:-
)
- (a) proper accounts with respect to the home or an assisted community home, as the case may be, and
 - (b) proper records in relation to the accounts in respect of all the homes to which it relates.
- (15 In this paragraph:-
)
- “home” means a controlled community home or an assisted community home, as the case may be; and
- “managers” in relation to a home, means the Commissioner or voluntary organization, as the case may be responsible for its management, equipment and maintenance.

PART III – REGULATIONS

- 4- The Commissioner may make regulations:-
- (1)
- (a) as to the placing of children in community homes;
 - (b) as to conduct of such homes; and
 - (c) for securing the welfare of children in such homes.
- (2) The regulations may, in particular:-
- (a) prescribed standards to which the premises used for such homes are to conform;
 - (b) impose requirements as to the accommodation, staff and equipment to be provided in such homes, and as to the arrangements to be made for protecting the health of children in that home;
 - (c) provide for the control and discipline of children in such homes;
 - (d) impose requirements as to the keeping of records and giving of notices in respect of children in such homes;

- (e) impose requirements as to the facilities which are to be provide for giving religious instructions to children in such homes;
- (f) authorize the Commissioner to give and revoke directions requiring:-
 - (I) the Government, or
 - (II) the voluntary organization by which an assisted community home is provided,

to accommodate in the home a child looked after by the Government for whom no place is made available in that home or to take such action in relation to a child accommodation in the home as may be specified in the directions;

- (g) provide for consultation with the Commissioner as to applicants for appointment to take charge of a home;
- (h) empower the Commissioner to prohibit the appointment of any particular applicant, except in the case (if any) in which the regulations dispense with such consultation by reason that the person to be appointed possesses such qualification as may be prescribed;
- (i) require the approval of the Commissioner for the provision and use of accommodation for the purpose of restricting the liberty of children in such homes and impose other requirements in addition to those imposed under this Law, as to the placing of a child in accommodation provided for that purpose, including a requirement to obtain the permission of the Government.
- (j) Provide that, to such extent as may be provided for in the regulations, the Commissioner may direct that any provision or regulations under this paragraph which is specified in the direction and makes any such provision as is referred to in sub-paragraph (2) (a) or (b) of this paragraph shall not apply in relation to a particular home or the premises used for it, and may provide for the variation or revocation of any such direction by the Commissioner.

NINTH SCHEDULE – Section 177

VOLUNTARY HOMES AND VOLUNTARY ORGANISATIONS

PART 1 – REGISTRATION OF VOLUNTARY ORGANISATIONS

General

- 1- (1) An application for registration under this paragraph shall:-
 - (a) be made by the person intending to carry on the home to which the application

relates; and

(b) be made in such manner, and be accompanied by such particulars, as the Commissioner may prescribe.

(2) On an application duly made under sub-paragraph (1) of this paragraph, the Commissioner may:-

(a) grant or refuse the application, as he thinks fit, or

(b) grant the application subject to such conditions as he considers appropriate.

(3) The Commissioner may, from time to time:-

(a) vary any condition for the time being in force with respect to a voluntary home by virtue of this paragraph;

(b) impose an additional condition, either on the application of the person carrying on the home or without such an application.

(4) Where at any time it appears to the Commissioner that the conduct of a voluntary home:-

(a) is not in accordance with regulations made under paragraph 7 of this schedule;
or

(b) is otherwise unsatisfactory,

he may cancel the registration of the home and remove it from the register.

(5) A person who, without reasonable excuse, carries on a voluntary home in contravention of:-

(a) section 177 of this Law; or

(b) a condition to which the registration of the home is for the time being subject by virtue of this part of this schedule,

commits an offence.

(6) A person convicted of an offence under this paragraph is liable on summary conviction to a fine not exceeding;

(a) one thousand naira, if his offence is under sub-paragraph (5)(a) of this paragraph;
or

(b) five hundred naira, if it is under sub-paragraph (5)(b) of this paragraph.

Procedure

2- Where:-

- (1)
 - (a) a person applied for registration of a voluntary home, and
 - (b) the Commissioner proposes to grant the application, the Commissioner shall give him written notice of his proposal and of the conditions subject to which he proposes to grant the application.
- (2) The Commissioner needs not give notice if he proposes to grant the application subject only to conditions which:-
 - (a) the applicant specified in the application, or
 - (b) the Commissioner and the applicant have subsequently agreed.
- (3) Where the Commissioner proposes to refuse such an application he shall give notice of his proposal to the applicant.
- (4) The Commissioner shall give any person carrying on a voluntary home notice of a proposal to -
 - (a) cancel the registration of the home; or
 - (b) vary any condition for the time being in force with respect to the home by virtue of paragraph 1 of this Schedule; or
 - (c) impose any additional condition.
- (5) A notice under this paragraph shall give the Commissioner's reasons for his proposal.

Right to make Representations

- 3- A notice under paragraph 2 of this Schedule shall state that within 14 days of service of the notice any person on whom it is served may (in writing) require the Commissioner to give him an opportunity to make representations to the Commissioner concerning the matters.
- (1)
 - (2) Where a notice has been served under paragraph 2 of this Schedule, the commissioner shall not determine the matter until -
 - (a) person on whom the notice was served has made representations to him concerning the matter; or
 - (b) the period during which any such person could have required the Commissioner to give him an opportunity to make representations has elapsed without the Commissioner being required to give such an opportunity; or

- (c) the conditions specified in sub-paragraph (3) of this paragraph are satisfied.
- (3) The conditions referred to in sub-paragraph (2)(c) of the paragraph are that:-
- (a) a person on whom the notice was served has required the Commissioner to give him an opportunity to make representations to the Commissioner;
 - (b) the Commissioner has allowed him a reasonable period to make his representations; and
 - (c) he has failed to make them within the period.
- (4) The representations may be made, at the option of the person making them, in writing or orally.
- (5) If the person informs the Commissioner that he desires to make oral representations, the commissioner shall give him an opportunity of appearing before, and of being heard by, a person appointed by the Commissioner.

Decision of Commissioner

- 4- (1) If the Commissioner decides to adopt the proposal, he shall serve notice in writing of his decision on any person on whom he was require to serve notice of his proposal.
- (2) A notice under this paragraph shall be accompanied by a notice explaining the right of appeal conferred by paragraph 5 of this Schedule.
- (3) A decision of the Commissioner, other than a decision to grant an application for registration subject only to such conditions as are mentioned in paragraph 2(2) of this Schedule or to refuse an application for registration, shall not take effect:-
- (a) if no appeal is brought, until the end of the period of twenty-eight days referred to in paragraph 5(3) of his Schedule, and
 - (b) if an appeal is brought, until it is determined or abandoned.

Appeals

- 5- (1) An appeal against a decision of the Commissioner under Part XVII of this Law shall lie to the Court at the High Court level.
- (2) An appeal shall be brought by notice in writing given to the Commissioner.
- (3) No appeal may be brought by a person more than twenty-eight days after service on him of notice of the decision.

- (4) The Court shall also have power on an appeal to:-
- (a) vary any condition for the time being in force by virtue of part XVII of this Law with respect to the home to which the appeal relates;
 - (b) direct that any such condition shall cease to have effect; or
- direct that any such conditions as it thinks fit shall have effect with respect to the home.

Notification of Particulars with Respect to Voluntary Homes

- 6-
- (1) It shall be the duty of the person in charge of any voluntary home established after the commencement of this Law to send to the Commissioner within three months from the establishment of the home such particulars with respect to the home as the Commissioner may prescribe.
 - (2) It shall be the duty of the person in charge of any voluntary home (whether established before or after the commencement of this Law) to send to the Commissioner such particulars with respect to the home as may be prescribed.
 - (3) The particulars shall be sent:-(a) in the case of a home established before the commencement of this Law, in every year; or (b) in the case of a home established after the commencement of this Law, in every year subsequent to the year in which particulars are sent under sub-paragraph (1) of this paragraph, by such date as the Commissioner may prescribe.
 - (4) (a) where the Commissioner by regulations varies the particulars which are to be sent to him under sub-paragraph (1) or (2) of this paragraph by the person in charge of a voluntary home-that person shall send to the Commissioner the prescribed particulars within three months from date of the making of the regulations;

(b) if any such home was established before ,but not more than three months before, the making of the regulations , compliance with sub-paragraph (4) (a) of this paragraph shall be sufficient compliance with the requirement of sub-paragraph (1) of this paragraph to send prescribed particulars within three months from the establishment of the home;

(c)in the year in which the particulars are varied, compliance with sub-paragraph ((a) of this paragraph by the person in charge of any voluntary home shall be sufficient compliance with the requirement of sub-paragraph (2) of this paragraph to send the prescribed particulars before the prescribed date in that year .
 - (5) If the person in charge of a voluntary home fails, without reasonable excuse, to

comply with any of the requirements of this paragraph he commits an offence.

- (6) Any person convicted of an offence under sub-paragraph 5 is liable on summary conviction to a fine not exceeding two thousand five hundred naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

PART II – REGULATIONS AS TO VOLUNTARY HOME

Regulations as to Conduct of Voluntary Homes

- 7-
(1) (a) the Commissioner may make regulation:-as to the placing of children in voluntary homes;
- (b) as to the conduct of the homes ;and
- (c) for securing the welfare of children in the homes;
- (2) The regulations may, in particular :-
- (a) Prescribed standards to which the premises used for the homes are to conform;
- (b) impose requirement as to the accommodation, staff and equipment to be provided in the homes, and as to the arrangements to be made for protecting the health of children in the homes;
- (c) provide for the control and discipline of children in the homes;
- (d) require the furnishing to the Commissioner of information as to the facilities provided for :-
- (i) the parent of children in the home; and
- (ii) persons who, though not parents of the children , have parental responsibility for those children ; and
- (iii) other persons connected with the children,
- to visit and communicate with the children ;
- (e) limit the number of children who may be accommodated in voluntary home;
- (f) prohibit the use of accommodation for the purpose of restricting the liberty of

children in the voluntary homes;

- (g) impose requirement as to the keeping of records and giving of notice with regard to the children in the voluntary homes;
 - (h) impose requirement as to be the facilities which are to be provided for giving religious instruction to children in the voluntary homes;
 - (i) require notice to be given to the commissioner of any change of the person carrying on or in charge of a voluntary home or of the premises usedd by the home.
- (3) The regulations may provide that a contravention of, or failure to comply with, any specified provision of the regulations without reasonable excuse shall be an offence against the regulations.
- (4) Any person convicted of an offence under this paragraph is liable to a fine not exceeding two thousand five hundred naira or imprisonment for a term not exceeding three months or both such fine and imprisonment.

Disqualification

- (8) The commissioner may by regulations make provision with respect to the disqualification of persons in relation to voluntary homes of a kind similar to that made in relation to children's homes by section 182 of this Law.

TENTH SCHEDULE

REGISTERED CHILDREN HOMES - S180

PART 1- REGISTRATION

Application for registration

- 1- (a) An application for the registration of a children's homes shall be made to
(1) the Commissioner by the person carrying on, or intending to carry on, the home.
- (2) The application shall be made in the prescribed manner and shall be accompanied by:
-
(a) such particulars as may be prescribed ;and

- (b) such reasonable fee as the Commissioner may determine.
- (3) if the Commissioner is satisfied that children's home with respect to which an application has been made in accordance with this Schedule complies or (as the case may be), will comply:-
- (a) with such requirements as may be prescribed; and
 - (b) with such other requirements (if any) as appears to it to be appropriate,
- he shall grant the application, either unconditionally or subject to conditions imposed under paragraph 2 of this schedule.
- (4) Regulations made for the purposes of sub-paragraph (10) of this paragraph may, in particular, make provision as to the inspection of the home in question.
- (5) Where an application is granted, the Commissioner shall notify the applicant that the home has been registered under this Law as from such date as may be specified in the notice
- (6) If the Commissioner is not satisfied as mentioned in sub-paragraph (3) of this paragraph, he shall refuse the application.
- (7) For the purposes of this Law, an application which has not been granted or refused within the period of twelve months beginning with the date when it is served on the Commissioner shall be deemed to have been refused by him, and the applicant shall be deemed to have been notified of his refusal at the end of the period.
- (8) Where a school to which section 180 of this Law applies is registered it shall not cease to be a registered children's home by reason only of a subsequent change in the number of children for whom it provides accommodation.

Conditions Imposed on Registration

- 2- The Commissioner may grant an application for registration subject to such
- (1) conditions relating to the conduct of the home as he thinks fit.
- (2) The Commissioner may from time to time:-
- (a) vary any condition for the time being in force with respect to a home by virtue of this paragraph; or
 - (b) impose additional conditions, either on the application of the person managing

the home or without such an application.

- (3) If any condition imposed or varied under this paragraph is not complied with, the person carrying on the home, if he has no reasonable excuse, commits an offence and is liable on summary convictions to a fine not exceeding two thousand five hundred naira or imprisonment for a term not exceeding three months or to both such time and imprisonment.

Annual review of registration

- 3
- (1) The Commissioner shall, at the end of the period of twelve months beginning with the date of registration of a registered children's home, and annually thereafter, review the registration for the purpose of determining whether the registration should continue in force or be cancelled under paragraph 4 (3) of this Schedule.
- (2) The Commissioner shall give to the person managing the home notice of his determination under sub-paragraph (3) of this paragraph and the notice shall require him to pay to the Commissioner with respect to the review such reasonable fee as the Commissioner authority may determine.
- (3) It shall be a condition of the home's continued registration that the fee is so paid before the expiry of the period of twenty-eight days beginning with the date on which the notice is received by the person carrying on the home.

Cancellation of Registration

- 4-
- (1) The person carrying on a registered children's home may at any time make an application, in such manner and including such particulars as may be prescribed, for the cancellation by the Commissioner of the registration of the home
- (2) If the Commissioner is satisfied, in a case of a school registered by virtue of section 180 of this Law, that it is no longer a school to which that provision applies, the Commissioner shall give to the person carrying on the home notice that the registration of the home has been cancelled as from the date of the notice.
- (3) If on any annual review under paragraph 3 of this schedule, or at any other time, it appears to the Commissioner that a registered home is being carried on otherwise than in accordance with the relevant requirements, he may determine that the

registration of the home should be cancelled.

(4)

The responsible authority may at any time determine that the registration of a home should be cancelled on the ground:-

- (a) that the person carrying on the home has been convicted of an offence under this part of the this or any regulation made under paragraph 10 of this schedule; or
- (b) that any other person has been convicted of such an offence in relation to the home.

Procedure

5- where:-

(1)

(a) a person applies for the registration of a children's home; and

(b) the Commissioner proposes to grant his application, the Commissioner shall give him written notice of his proposal and of the conditions (if any) subject to which he proposes to grant his application.

(2)

The Commissioner need not give notice if he proposes to grant the application subject only to conditions which:-

- (a) the application specified in the application ;or
- (b) the Commissioner and the applicant have subsequently agreed.

(3)

The Commissioner shall give an applicant notice of a proposal to refuse his application.

(4)

The Commissioner shall give any person carrying on a registered children's home notice of a proposal:-

- (a) to cancel the registration;
- (b) to vary any condition for the time being in force with respect to the home by virtue of part XVII of this Law.
- (c) to impose any additional condition.

(5)

A notice under this paragraph shall give the Commissioner's reason for his proposal.

Rights to make representations

- 6- (1) A notice under paragraph 5 of this Schedule shall state that within fourteen days of service any person on whom it is served may in writing require the Commissioner to give him an opportunity to make representation to him concerning the matter.
- (2) Where a notice has been served under paragraph 5 of this schedule, the Commissioner shall not determine the matter until:-
- (a) any person on whom the notice was served has made representations to him concerning the matter;
 - (b) the period during which the person could have required the Commissioner to give him an opportunity to make representations has elapsed without his being required to give such an opportunity ;or
 - (c) the conditions specified in sub-paragraph 3 of this paragraph are satisfied.
- (3) the conditions referred to in sub-paragraph(2)(c) of this paragraph are:-
- (a) that a person on whom the notice was served has required the Commissioner to give him an opportunity to make representations to the Commissioner concerning the matter;
 - (b) that the Commissioner has allowed him a reasonable period to make his representations; and
 - (c) that he has failed to make the representation within that period.
- (4) The representations may be made, at the he option of the person making them, in writing or orally.
- (5) If he informs the Commissioner that he desires to make oral representations, the Commissioner shall give him an opportunity of appearing before and of being heard by a person appointed by the Commissioner to hear the representations.

Decision of the Commissioner

- 7- (1) If the Commissioner decides to adopt his own proposal to grant an application, he shall serve notice in writing of his decision on any person on whom it is requires to serve notice of his proposal.

- (2) A notice under this paragraph shall be accompanied by an explanation of the right of appeal conferred by paragraph 8 of this Schedule.
- (3) A decision of the Commissioner, other than a decision to grant an application for registration subject only to such conditions as are mentioned in paragraph 5(2) of this Schedule or to refuse an application for registration, shall not take effect -
- (a) if no appeal is brought, until the end of the period of twenty-eight days referred to in paragraph 8(3) of this schedule; and
- (b) if an appeal is brought, until it is determined or abandoned.

Appeals

- 8-
- (1) An appeal against a decision of the Commissioner under part XVII of this Law, shall lie to the court at the High Court level.
- (2) An appeal shall be brought by notice in writing given to the Commissioner.
- (3) No appeal shall be brought by a person more than twenty-eight days after service on him of notice of the decision.
- (4) On an appeal, the court may confirm the Commissioner's decision or direct that it shall not have effect.
- (5) The court shall also have power on an appeal:-
- (a) to vary any condition in force with respect to the home to which the appeal relates by virtue of paragraph 2 of this schedule;
- (b) to direct that the condition shall cease to have effect; or
- (c) to direct that any such condition as it thinks fit shall have effect with respect to the home.
- (6) The Commissioner shall comply with directions given by a court under this paragraph.

Prohibition of Further Application

9-

- (1) Where an application for the registration of a home is refused, no further application may be made within the period of six months beginning with the date when the applicant is notified of the refusal.
- (2) Sub-paragraph (1) of this paragraph shall have effect, where an appeal against the refusal of an application is determined or abandoned, as if the reference to the date when the applicant is notified of the refusal were a reference to the date on which the appeal is determined or abandoned .
- (3) Where the registration of a home is cancelled, no application for the registration of the home shall be made within the period of six months beginning with the date of cancellation.
- (4) Sub-paragraph (3) of this paragraph shall have effect, where an appeal against the cancellation of the registration of a home is determined or abandoned, as if the reference to the date of cancellation were a reference to the date on which the appeal is determined or abandoned.

PART II – REGULATIONS AND INTERPRETATION

10-

- (1) The Commissioner may make regulations:-
 - (a) as to the placing of children in registered children's homes;
 - (b) as to the conduct of the homes; and
 - (c) for securing the welfare of the children in the homes.
- (2) The regulations may in particular:-
 - (a) prescribed standards to which the premises used for the homes are to conform;

- (b) impose requirements as to the accommodation, staff and equipments to be provided in the homes;
- (c) impose requirements as to the arrangements to be made protecting the health of children in the homes;
- (d) provide for the control and discipline of children in the homes;
- (e) require the furnishing to the Commissioner of information as to the facilities provided for:-
 - (i) the parents of children in such homes;
 - (ii) persons who, though not parents of the children, have parental responsibility for those children; and
 - (iii) other persons connected with the children,to visit and communicate with the children;
- (f) impose requirements as to the keeping of records and giving of notices with respect to children in the home;
- (g) impose requirements as to the facilities which are to be provided for giving religious instruction to children in the homes;
- (h) make provision as to the carrying out of annual reviews under paragraph 3 of this schedule;
- (i) limit the number of children who may be accommodated in registered homes.
- (j) prohibit the use of accommodation for the purpose of restricting the liberty of children in the homes
- (k) require notice to be given to the Commissioner of any change of the person carrying on or in charge of a registered home or of the premises used by the home;
- (l) make provisions similar to that made by regulations under section 168 of this Law.

(3)

The regulations may provide that a contravention of or failure to comply with any specified provision of the regulations, without reasonable excuse, constitutes an offence against the regulation.

(4)

A person who commits offence under this paragraph is liable on summary conviction to a fine not exceeding two thousand five hundred naira or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

11

In this schedule "relevant requirements" means any requirements of part XVIII of this Law and of any regulations under paragraph 10 of this Schedule, and any conditions imposed under paragraph 2 of this Schedule;

ELEVENTH SCHEDULE

FORMS IN RELATION TO PARTS VI, XX AND XXI OF THIS LAW

1. FORM FOR COMMITTAL ORDER BY THE FAMILY COURT

In the Family Court of.....State

thelevel.....Town

Let the boy or girl known by the name ofwhose description appears below
be taken to.....and be there

(Name of institution or person)

detained in the custody and care of:-

.....subject to the provision of this Law
(the person in charge of the said institution or the name of the said person)

This committal order shall remain in force from the date thereof up to and

inclusive of theday of20...

DISCRIPTION

Name.....Sex.....Age.....

Tribe or community.....

Name and address of father.....

Name and address of mother.....

Description of child.....

Reason for issue of committal order.....

DATED this.....day of20,,,,,

JudgeDivision/level

Magistrate/Area Court.....District/level

Confirmed this.....day of20.....

.....
Judge/Magistrate

2 GENERAL TITLE FORM

IN THE FAMILY COURT OFDISTRICT, HIGH COURT / SHARIA COURT
OF APPEAL / CUSTOMARY COURT OF APPEAL/MAGISTRATE /AREA COURT LEVEL

Case No20.....

Betweencomplainant /Applicant

AndDefendant /Respondent

3. FORM FOR WARRANT FOR APPREHENSION OF CHILD

(GENERAL TITLE-FORM 2)

.....Complaint on oath been made on the
Day of byCD.....thatAB, a child, on theDay
.....of20.....at.....in the Judicial Division /Magisterial
District aforesaid did/ has been /is*

.....
*State the substance of the offence or the description as mentioned in section
156 or 157

You are therefore hereby commanded to bring the said AB before the Family court
aforesaid sitting atforthwith to answer the said complaint.

Dated this.....day of200.....

.....
Judge/Kadi/Magistrate

4.FORM FOR REMAND AND COMMITTAL TO STATE ACCOMMODATION AND APPROVED INSTITUTIONS

Section 230 ,231 232

Toand to the person/officer in charge of the Approved Institution athereinafter called the place of detention.

AB hereinafter called the defendant, being a child brought before the aforesaid Family Court

sitting atcharged with

having*
*state substance of the offence
the hearing of the case being adjourned:

You, the said Police Officer, are hereby commanded to convey the defendant to the place of detention, and there to deliver him/her to the person/officer in charge of the said place of detention, to receive him/her into your custody, and unless he/she shall have been bailed in the meantime, keep him/her until the day of20.....and on that day you the Police Officer, are required to convey him/her before the aforesaid Family Court sitting atthe hour ofin thenoon, to be further dealt with according to law, unless otherwise ordered in the meantime.

DATED thisday of.....20.....

.....
Judge/Kadi/Magistrate

5. FORMS FOR SUMMONS FOR ATTENDANCE OF PARENT OR GUARDIAN

Section 201

(GENERAL TITLE - FORM 2)

To CD of

AB, a child that you are stated to be the parent/guardian of is charged for that on the
.....day of20.....atin

theJudicial Division/Magisterial or Area court District/
aforesaid,

did*
**state substance of the offence*

You are therefore summoned to appear before the Family Court sitting aton
.....day of20.....

.....
Judge/Kadi/Magistrate

6. FORM FOR NOTICE TO PARENT OR GUARDIAN: CARE OR PROTECTION

(GENERAL TITLE – FORM 2)

To CD ofthe parent/guardian of AB, a child.

Take notice that AB, a child is to be brought before the Family Court sitting at

.....on theday of20....., at the hour of.....in the

.....noon, by virtue of the provisions of section.....of the Child Protection

Law on the ground that

.....
State the ground of application

and that you are warned to attend the said court during all the stages of the
proceedings.

DATED thisday of20.....

.....
Police Officer/Authorised Officer

Note. – A copy of this notice is to be sent to the Registrar of the Family Court

FORM FOR SUMMONS TO PARENTS TO CONTRIBUTE Section 43

(GENERAL TITLE – FORM 2) To of complaint has been made this day by that you are father /step –father /mother /step-mother of AB, a child (or a person in whose care and custody AB, a child, has been residing for two years immediately prior to the day of20.....), said AB, and that on the (said.....day of20.....a committal order was according made whereby the said AB was committed to a Government Accommodation /or the care of CD.

You are therefore to appear before the Family Court sittingontheday of20.....at the hour of in thenoon, to show cause why an order should not be made requiring you to contribute such monthly sum as the court, having regard to your means, think fit.

DATED thisday of20.....

.....

Judge/Kadi/Magistrate.

8. FORM FOR DISPOSAL PENDING OPERATION OF COMMITTAL ORDER

(GENERAL TITLE –FORM 2)

To.....and to the person /officer in charge of the Approved Institutional (or to CD of).

AB, a child having been ordered bysittingatontheday of20....., to be sent to an approved institution, and the operation of such committal order being postponed, it is ordered that AB be taken to the Approved Institution or to the custody of the said CD atand be there to deliver him /her to the person in charge thereof or to the said CD together with this warrant, and you, the person /officer in charge of the approved institution (or the said CD) to receive him/her into custody and detain him /her as aforesaid.

DATED thisday of20..... .

.....
Judge /Kadi/Magistrate

9. FORM FOR RECOGNISANCE UNDER SUPERVISION ORDER

Section 226

(GENERAL TITLE –FORM)

The undersigned principal party to this recognizance hereby binds himself to perform the following obligations at all times during a period offrom the date hereof.

(To be of good behavior)

To be and remain under the supervision of AB (or the Supervision Officer from time to time for thearea).

To appear before the Court atto be further dealt with any time when called upon by the court or when so directed by the said AB (or Supervision Officer), (and such further conditions as the case may require).

And the said Principal Party (together with the undersigned surety (or sureties) hereby acknowledges himself (acknowledge themselves) bound to forfeit to the Governor the sum (s)following:- the said principle party the sum of N , and the said surety(or sureties) the sum N (each) in case the said Principle Party fails to perform the above obligation or any part thereof.

Principle Party

Surety

Taken before me atthis.....day of20.....

.....
Sworn Interpreter

.....
Judge /Kadi/Magistrate

10. FORM NOTICE OF CHANGE OF SUPERVISION OFFICER

(GENERAL TITLE-FORM)

Take notice that has been substituted by (or with the approval

of) the Family Court to perform the duties of supervision officer to your case in the place ofand that the name of the saidis substituted for that of the saidas from this date wherever the name of the saidoccurs in the order made by the aforesaid court in your case on theday of20.....and in the recognizance entered into by you thereupon.

DATED thisday of200.....

.....
Judge/Kadi/Magistrate