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Law No. of 2020

BE IT ENACTED by the House of Assembly of Katsina State Enactment
of Nigeria as follows —————

PART 1

1. This Law shall be cited as 'Child Protection Law' and shall be deemed to have come into operation on the.....day of....., 2020.	Title, Commencement and interpretation
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(2) In this Law:

“adoption” means the process of accepting a child as one’s own;

“appropriation authority” means the Government, traditional institutions, voluntary organizations 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 Local Government Education Authority, or any Department of the Government for the time being charged with the responsibility of child education.

"appropriation officers" means such officers as may be assigned by the Commissioner with the responsibility of carrying out investigation;

"approved institution" means an institution established pursuant to section 233 of this Law;

"approved accommodation" include community home, registered voluntary home, registered children's home or any 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 XVII of this Law;

"child" means a person below the age of eighteen years;

"child minder" has the meaning assigned by section 151 of this Law;

"child fostered privately" and to foster a child privately have the same meaning as in section 109 of this Law;

"child of the family" means a child of both parties to a marriage or any other child, being a child who is placed with those parties as a foster parent by local authority or voluntary organization, or who has been treated by both parties to a marriage as child of their family'

"commissioner" means the Commissioner of the State or any other officer charged with the responsibility for matter relating to children in the State and the word 'ministry' shall be construed accordingly;

"community home" means a home set up pursuant to section 172 of this Law;

"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;

"custody" means the legal right to take care of a child;

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

“fostering” means raising a child to be an accepted member of a family;

“government” means Katsina Stat Government;

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

“harmful publication” means any publication which, if viewed or read by a child, is likely to corrupt the mind of the child;

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

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

“parental child” means all the rights, duties, powers, responsibilities and authority which by this Law or any other existing Law, a parent of a child has in relation to the child and his property;

“protected child” means a child who is subject to the processes laid down in part V of this Law;

“registered children home” means a home set up pursuant to section 181 of this Law;

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

“residence order” means an Order made pursuant to the provisions 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 same meaning assigned to it in the Education (National Minimum Standards and Establishment of Institution) Act;

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

“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 XVI of this Law, includes a facility;

“signature” includes the making by the person of his mark;

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

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

“special mother’s centre” means a centre as established pursuant to section 232 of this Law;

“supervised child” and “supervisor” in relation to a supervision Order or an education supervision Order, means, 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 an Order;

“supervision Order” means an Order made pursuant to section 42 (1) (b) of this Law;

“supervision Inspection Service” means the supervision service provided under section 225 subsection (4) of this Law;

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

“specific Issue Order” means an Order given 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 this Law;

“special proceeding” means any proceeding —

- (a) on an application for a Care Order or Supervision Order;
- (b) in which the Court has given a direction under section 48 (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) on an application made under the provisions section 50 of this Law;
- (e) in which the Court is considering whether to make a Residence Order with respect to a child who is a subject to a Care Order;
- (f) with respect to a contract between a child who is subject to Care Order and any other person;
- (g) under Part IX of this Law;
- (h) on an appeal against —
 - (i) the making of or refusal to make a Care Order, Supervision Order or any other under section 47 of this Law;
 - (ii) the making 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 made pursuant to the provision of this Law;
- (iv) the dismissal of an application under section 51 of this Law;
- (v) the making of or refusal to make an Order under Part IX of this Law which are specified for the time being, for the purpose of this section, by Rules of Court.

“supervision” means supervision as is provided for in Part XXII to this Law;

“State” means Katsina State of Nigeria;

“tattoo” means the insertion into the skin of colouring material designed to leave a permanent mark;

“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 47 of this Law as the case may be;

“wardship” means the state of taking care and protection of a child on appointment by a court for specified purpose.

PART II

INTEREST OF THE CHILD TO BE THE PARAMOUNT CONSIDERATION IN ALL ACTIONS

3.(1) The provision of the Sharia Law shall be supreme over the provision of this Law with respect to a Muslim Child.

(2) 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 the primary consideration.

Best interest of the
child

(3) 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, service, agencies; organizations or bodies legally responsible for the child.

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

PART III

RIGHTS AND RESPONSIBILITIES OF A CHILD

4.(1) The provisions of 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 the Law.

(3) parents or where applicable, legal guardians shall provide guidance and directions in the exercise of these rights, having regard to the evolving capacities and the best interest of the child.

(4) The duty of the parents and where applicable, legal guardians with respect to their child and ward, to provide guidance and directions in the enjoyment of the rights specified in Sub-Section (1) and (2) of this section, 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 practice his religious persuasion or belief shall be paramount consideration.

5. Every child has right to survival and development, including while it is in the womb and abortion is hereby prohibited except under necessity warranted by protecting the life of the mother or to prevent her from mental injury or physical impairment.

Right to survival and development

6. Every child has a right to a name accordingly, shall be given a name of his birth or on such other date as is directed by the culture of his parents or guardians.

Right to a name

7. Every child is entitled to respect for dignity of his person, and accordingly no child shall be:

Right to dignity

- a) Subjected to attend any school without adequate provision for his food, clothing, shelter and healthcare;
- b) Subjected to physical, mental or emotional injury, abuse, neglect or maltreatment, including sexual abuse;
- c) Subjected to torture, inhuman or degrading treatment or punishment;
- d) Subjected attacks upon his honour or reputation or;
- e) Held in slavery or servitude, while in the care of parent, legal guardian or school authority or any other legal 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 for his age.

Right to Leisure and Recreation

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

9.(1) Every child is entitled to enjoy the best attainable state of physical and mental 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 expectant mothers and 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 the mobilization of state and local community resources in the development of primary health care.

(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 and safe immunization.

10.(1) Every child has a right to parental care and protection and accordingly, no child shall be separated from his parent or guardian, except, subject to sub-section (2), for the purpose of his education and welfare or in the exercise of a judicial determination in accordance with the provisions of this Law or other relevant Laws in the best interest of the child.

Right to parental care

(2) If the separation from the parent or guardian referred to in sub-section (1) is for the purpose of education, such parent or guardian shall maintain care and provision for food, clothing, shelter and other necessities as may be required by the child for attainment of such education.

(3) Every child has the right to maintenance by his parent or guardian or any relation or appropriate officers in accordance with the extentt of their means, and the right of the child shall be enforced by his relatives or appropriate officers in appropriate circumstances in any 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.

(2) Every parent, guardian, organization or any individual shall have the right to educate any child or ward in any private primary, secondary, Islamiyya or Qur'anic School or any other religious institution;

Provided that, the exercise of the right of the parent, guardian or organization to privately educate a child or ward, shall be subject to ensuring that they provide such a child or ward with all his needs and requirements in terms of care, food, clothing, shelter and all other necessities as may be required by the child or ward for his welfare while attending such private school.

(3) Every parent or guardian shall ensure that his child or ward attends and complete his primary school and junior secondary school.

(4) Every parent, guardian or a 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 sub-section (5) of this section.

(5) Where a child to whom sub-section (4) of this section applies, is not sent to senior secondary school or has not attended any school, the child shall be encouraged to learn an appropriate trade or skill.

(6) 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.

(7) A parent or guardian who fails in the duty imposed upon him by sub-section (2) of this section commits an offence and is liable:

- (a) on a first conviction to be reprimanded and warned and ordered to pay such amount as will be required for the care and support of the child;

- (b) on a second conviction to pay such amount as will be required for the care and support of the child and to undertake community service;
- (c) on any subsequent conviction to a fine of not less than fifteen thousand Naira with an order to undertake community service or imprisonment for not less than two months or to both such fine and imprisonment.

(8) A parent, guardian or person who has the care and custody of a child and fails in the duty imposed on him under Sub-section (3) of this Section, commits an offence and is liable:

- (a) on a first conviction to be reprimanded and ordered to undertake community service;
- (b) on second conviction to a fine of five 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 ten thousand Naira or imprisonment for a term not exceeding two months or both such fine and imprisonment.

(9) The provisions of this Section shall not apply to children with mental disabilities which prevents them from having an education.

12.(1) Every child who is in need of special protection measures has the right to such measures of protection as appropriate to his physical, social, economic, emotional and mental needs under conditions which ensure his dignity, promote his self-reliance.

Right of a child in need of special protection

(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 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, individual development and his cultural and moral development.

(3) For the purposes of Sub-Section (2) of this Section, the State and Local Governments shall make adequate provisions to achieve the above objectives.

13.(1) A child may through his relative or appropriate authority, bring an action for damages against a person for harm or injury caused to the child willfully, recklessly or negligently before, during or after the birth of the child.

Right of unborn child to protection and inheritance

(2) Where the father of an unborn child dies intestate, the unborn child is entitled subject to the personal Law of the father if he survives the father, to be considered in the distribution of the 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, subject to the personal Law of the mother if he survives the mother, to be considered in the distribution of the estate of the deceased mother.

14.(1) Every child has responsibility towards his family, society, the Nigerian nation and other legally recognized communities.

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:

- (a) work towards the cohesion of his family and the community;
- (b) respect his parent, superior and elders at all times and in case of need; contribute to the moral well-being of his family and the society;
- (c) preserve and strengthen the independence and integrity of the Federal Republic of Nigeria;
- (d) relate with other members of the society with different cultural values in the spirit of tolerance, dialogue and consultation;
- (e) contribute to the best of his abilities, at all

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

(3) Every parent, guardian, institution, person and authority responsible for the care, maintenance upbringing, education, training, socialisation, 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 IV

PROTECTION OF THE RIGHTS OF A CHILD

15.(1) A child who is a Muslim, who has not attained the age of 18 years shall with the consent of his parents or Guardian as the case may be, have the right to contract a marriage in accordance with Islamic Law and marriage so contracted shall be valid and shall not be liable for any offence under this Section.

Prohibition and punishment for child marriage

(2) A person who marries or promotes the marriage of a child who is a Muslim without the consent of the child's parent or guardian, commits an offence and is liable on conviction to a fine of two hundred thousand Naira (N200,000.00) or imprisonment for a term of two (2) years or both.

(3) In any other case, a person:

- (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 two hundred thousand Naira (N200,000.00) or imprisonment for a term of two (2) years or both.

16.(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 or causes any tattoo or skin mark to be made on a child commits an offence under this Law and is liable on conviction to a fine not exceeding twenty thousand Naira (N20,000.00) or imprisonment for a term not exceeding four months or to both such fine and imprisonment.

17.(1) No person shall expose or involve a child in the use, production or trafficking of narcotics and psychotropic substances

Prohibition from exposing a child to use, production or trafficking of narcotics

(2) A person who contravenes the provision of Sub-Section (1) of this Section commits an offence and shall on conviction to imprisonment for life.

18.(1) No person shall employ, use or involve a child in an activity leading to the commission of any offence not already specified in this part of the Law.

Use of children in other criminal activities

(2) A person who contravenes the provisions of Sub-Section (1) of this Section commits an offence and is liable on conviction to imprisonment for a term of fourteen years.

19.(1) Whoever unlawfully takes, seizes, confines, conceals or detains a child forcefully or by threat or coercion is said to abduct that child.

Abduction and unlawful removal from Lawful custody

(2) Whoever abducts a child commits an offence and shall be liable on conviction to imprisonment for a term of not less than fifteen years.

(3) 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.

(4) A person who contravenes the provision of Sub-Section (3) 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 five 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 three years;

- (c) in any other case, to imprisonment for a term of two years.

CHILD LABOUR

20.(1) Subject to this Law, no child shall be subjected to any forced 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 Sub-Section shall apply to work done by children in technical schools or similar approved institutions if the work is supervised by the appropriate authority

(3) Any person who contravenes the provision of Sub-Section (1) or (2) of this Section commits an offence and is liable on conviction to a fine not exceeding two hundred thousand Naira (₦200,000) or imprisonment for a term of five years or to both such fine and imprisonment.

(4) Where an offence under this Section 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 be deemed to have jointly and severally committed the offence and shall be liable on conviction to a fine of two hundred and fifty thousand (₦250,000.00) Naira.

BUYING, SELLING, FOR THE PURPOSE OF BEGGING AND PROSTITUTION

21.(1) A person who sexually harasses or abuses or sexually exploits or uses or expose the child to prostitution or for the production of pornography or phonographic performance in any manner commits an offence.

Sexual exploitation

(2) "Sexual harassment" means an unwelcomed sexual advance or request for sexual favors whether visual, verbal or by physical conduct which when submitted to or rejected:

- (a) implicitly or explicitly affects a child's educational or other life opportunities or unreasonably interferes with the child's educational or other performance; or

- (b) implicitly or explicitly affects academic decision in respect of a person;
- (c) creates an intimidating hostile or offensive learning or other environment.

(3) Whoever sexually harasses a child is guilty of an offence and shall be liable on conviction to a term of imprisonment of not exceeding ten years and a fine of not less than two hundred thousand (N200,000.00) Naira.

(4) Whoever forcefully or by threat or intimidation or coercion by himself or by another has sexual intercourse with a child is said to commit sexual abuse.

(5) Whoever sexually abuses a child commits an offence and shall be liable on conviction to be sentenced to death.

(6) Whoever by deceit or inducement or trick or by such other means by himself or another has sexual intercourse with a child or with him or with such other person is said to sexually exploit a child.

(7) Whoever sexually exploits a child by whatever means commits an offence and shall be liable on conviction to a term of imprisonment for life.

(8) Whoever by inducement or enticement or seduction or by such other means exposes a child to unlawful, illicit or corrupt sexual intercourse is said to expose the child to prostitution.

(9) Whoever exposes a child to prostitution commits an offence and shall be liable on conviction to imprisonment for life.

(10) Whoever uses or expose a child to the production of pornography or phonographic performance in any manner commits an offence and shall be liable on conviction to imprisonment for life.

22. A person who exploits a child or uses the 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 and shall be liable on conviction to a fine of twenty thousand Naira or imprisonment for a term of six months or to both such fine and imprisonment.

Prejudicial
exploitation

23.(1) No person shall buy, sell, hire, dispose or obtain possession of or otherwise deal in a child, and whoever procure a child for slavery or sale, trafficking, debt, bondage serfdom, forced or compulsory labour, commits an offence and on conviction shall be liable to imprisonment for a term of not less than five years.

Prohibition of use of a child for begging, hawking, slavery

(2) Whoever procures a child for purposes of begging for alms or guiding beggars thereby depriving the child from the opportunity to attend or remain in school, commits an offence and shall be liable on conviction to a fine of not less ten thousand Naira and imprisonment for not less than one month or to both of such fine and imprisonment.

(3) Whoever procures a child for hawking of goods and services commits an offence and shall be liable on conviction to a fine of ten thousand Naira and on any subsequent offence to a fine of not less than fifteen thousand Naira and community service.

PROHIBITION OF PUBLICATIONS THAT ARE HARMFUL TO CHILDREN

24.(1) No person shall convey or carry any harmful publication into the State.

Prohibition of harmful publications

(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 one hundred thousand Naira or imprisonment for a term of five years or to both such fine and imprisonment.

25.(1) A person who prints, publishes, sells, let on hire or displays or exhibits or has in his possession for the purpose 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 two hundred and fifty thousand Naira or imprisonment for a term of seven years or to both such fine and imprisonment.

Printing of harmful publications 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.

26.(1) Where information is brought before a Court that a person has committed or is suspected of committing offence under Section 24 or 25 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 or any electronic device 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 authorising 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 or any electronic device 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.

27.(1) The Court by or before which a person is convicted of an offence under Section 24 or 25 of this Law, may order for any copy of the harmful publication and any plate or photographic film or material or any electronic device 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 Sub-Section (1) of this Section shall not extend to a case where the accused person has successfully raised a defense against the charge.

(3) No order made under Sub-Section (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

- (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 may hear the author, copyright owner or main publisher of the harmful publication if he so wishes.

28. Notwithstanding any limitation on the jurisdiction of the Magistrate or Sharia Court or any other Court in relation to the imposition of fines or terms of imprisonment contained in any Law, the Magistrate or Sharia 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.

Jurisdiction of
the Court

29. 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 the provision has not been specifically provided for by this Law.

Extension of
jurisdiction

PART V

PROTECTION OF CHILDREN

30.(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:

Application for 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 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, 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 the child 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 Sub-Section (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 only if it is necessary for the purpose of the assessment and for such period as may be specified in the order.

(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;
- (c) any other person having the care of the child;
- (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 44 of this Law; or
- (f) the child concerned.

(11) Rules of Court may make provisions as to the circumstances in which:

- (a) any the persons mentioned in Sub-Section (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.

31.(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
emergency
protection order

- (a) that there is reasonable cause to believe that the child is likely to suffer significant harm if he is not removed to an emergency protection center, 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 being accommodated;
- (b) in the case of an application made by the Commissioner or an authority or person acting on behalf of the Commissioner, 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 or enquiries with respect to the welfare of the child are being frustrated by access to the child being unreasonably denied to a person authorised to seek access.

(2) A person seeking access to a child in connection with enquiries of the kind mentioned in Sub-Section (1) of this Section or purporting to be a person authorised to do so, shall on being asked to do so, produce duly authenticated documents as evidence that he is such a person.

- (3) While the Order is in force it:
- (a) confers on 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) authorises the removal of the child at any time to an 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 accommodated immediately before the making of the Order.
- (4) Where the Order is in force, the applicant shall:
- (a) exercise the power given by virtue of Sub-Section (3) (c) or (d) of this Section in order to safeguard the welfare of the child;
 - (b) take only such action in fulfilling his parental responsibility for the child, as it 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 Sub-Section (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 Sub-Section (5) (a) of this Section may impose such conditions as the Court considers appropriate and a direction under Sub-Section (5) (b) of this Section may:

- (a) prohibit the examination or assessment of the child; or
- (b) permit the examination or assessment of the child only when the Court so directs.

(8) A direction under Sub-Section (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 people prescribed by the rules of Court for the purposes of this Sub-Section.

(9) Where an Order is in force in respect of a child and the applicant has exercised the power conferred by:

- (a) Sub-Section (3) (c) of this Section, but it appears to the applicant that it is safe for the child to be so returned; or
- (b) Sub-Section (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 Sub-Section (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 consent of the Court considers appropriate.

(11) Where the applicant has returned a child or a child is allowed to be removed as required by Sub-Section (9) of this Section, the applicant may exercise the powers conferred by Sub-Section (3) paragraphs (e) 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 Sub-Section (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 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; and
- (f) a person acting for and on behalf of any of the persons specified in paragraph (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 obstruct any person from exercising the power under Sub-Section (3) paragraphs (e) and (d) of this Section to remove or prevent the removal of a child, commits an offence and shall be liable on conviction to a fine of five thousand naira or imprisonment for a term of three months or to both such fine and imprisonment.

32.(1) An Order shall have effect for such period as may be specified in the Order.

Specification of
period of the order

(2) A person who has parental responsibility for a child as 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.

(3) On an application made under Sub-Section (2) of this Section, the Court may extend the period during which the Order is to have effect, if it has reasonable cause to believe that the child concerned is likely to suffer significant harm, if the Order is not extended.

(4) An Order may only be extended once.

(5) 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) a 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.

(6) Any of the following persons may apply to the Court for an Order to discharge the Order of the Court:

- (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.

(7) No application for the discharge of an Order shall be heard by the Court before the expiry of the period of seventy-two hours from the commencement of the Order.

(8) 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.

(9) Sub-Section (6) 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 Sub-Section (3) of this Section.

(10) A Court making an Order may direct that the applicant, in exercising any power which he has by virtue of the Order, shall be accompanied by a registered medical practitioner, registered nurse or registered health worker.

33.(1) Where the specialized children police unit 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:

Children taken into police protection in cases of emergency

- (a) taking the child to an Emergency Protection Centre or any other approved suitable accommodation and keeping the child there; or
- (b) taking such action as may be reasonable to prevent the child from being removed from any hospital, or other place, in which the child is being accommodated.

(2) As soon as is reasonably practicable after taking a child into police protection, the police officer concerned shall:

- (a) inform the Commissioner of the action that has been, and is being taken with respect to the child under this Section and the reason for taking such action;
- (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 action that has been taken with respect to him under this Section and the reasons for taking that action; and
 - (ii) other actions that may be taken with respect to him under this Section.
- (d) take action as may be 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 by the officer in charge of the specialized children police; and
- (f) where a child is 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.

(3) As soon as it is reasonably practicable after taking a child into police protection, the police officer concerned shall take such action 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 of the reasons for taking such action.

(4) A police officer designated under Sub-Section (2) (e) of this Section shall, on completing an enquiry under that Sub-Section, 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 31 of this Law with respect to the child.

(7) An application may be made under Sub-Section (6) of this Section whether or not the appropriate authority knows of it or permits it to be made.

(8) While a child is being kept in police protection, the police officer concerned or 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 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 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 44 of this Law; or
- (f) a person acting on behalf the persons specified in paragraphs (a) to (e) of this Sub-Section, 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, Sub-Section (9) of this Section shall have effect as if references to designated officer were references to the appropriate authority.

34.(1) Where the Commissioner

Enquiries by the
Commissioner

- (a) is informed that a child who lives, or is found in the state
 - (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 inquiries as he considers necessary to enable him decide whether he 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, the Commissioner shall make, or cause to be made, such inquiry as may be considered 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 Sub-Section (2) of this Section shall, in particular, be directed towards establishing whether the Commissioner should make 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 authority or taken into police protection, if it will be in the best 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 Sub-Section (1) of this Section with respect to a child, the Commissioner shall, with a view to determining what action if any to take with respect to the child, take such actions as may be reasonably practicable to obtain access to the child or ensure that access to the child is obtained on his behalf.

(5) Where as a result of enquiry 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 course of enquiries under this Section, the Commissioner or a person authorised by him to act in connection with those enquiries, is refused access to or denied information as to the whereabouts of a child, the Commissioner or a person authorised by him 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 in which the review shall begin.

(8) Where, as a result of complying with this Section, the Commissioner concludes that he should take action to safeguard or promote the welfare of the child, he shall take that action within its powers as is reasonably practicable to do so.

35.(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 of 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 he may have as to the whereabouts of the child.

Order for disclosure
of information

(2) No person shall be excused from complying with the requirement under Sub-Section (1) of this Section on the ground 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 the prosecution for an offence, other than perjury.

(3) An Emergency Protection Order may authorise 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 the premises with respect to whom an Emergency Protection Order ought to be made, make an Order, authorising the applicant to search for the other child on the premises.

(4) Where an Order has been made under Sub-Section (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 Sub-Section (3) of this Section, commits an offence and is liable on conviction to a fine of twenty thousand naira or imprisonment for a term of three months or to both such fine and imprisonment.

36.(1) A person who knowingly and without Lawful or reasonable excuse:

Keeping a child away from the person responsible

- (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.

REPUGE FOR CHILDREN AT RISK

37.(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.

Refuge for children at risk

(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 establishment; or
- (b) compelling, persuading, inciting or assisting a child to absent himself from detection or 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 Sub-Section (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 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 provide for the withdrawal of certificate in prescribed circumstances.

38.(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 is 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 31 (4), or (5), 32 (6) of this Law; and
 - (c) as to the content of any notification the manner in which, and the person by whom it is to be given.

(3) The Commissioner 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 ordinarily resident; and
- (c) the appropriate authority is of the opinion that it would be in the best interest of the child for the applicant responsibility under the order to be transferred to it; and
- (d) 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 had been granted, the Order.

(4) Regulations made under Sub-Section (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 Sub-Section (3) (c) of this Section; and
- (b) the time at which responsibility under an Emergency Protection Order is to be treated as having been transferred to an appropriate authority.

PART VI

CHILDREN IN NEED OF CARE AND PROTECTION

39.(1) A child development officer, a police officer or any other person authorised 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 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 incapacitate;

- (e) is under the care of a parent or guardian who, by reason of criminal or drunken habits, drug or substance abuse, 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, sexual abuse, sexual exploitation 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;

save that this Section shall not apply to a child who frequents the company of a common or reputable prostitute who happens to be his mother and it is proved that she exercises proper guidance and due care to protect the child from moral danger;

- (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 in need of care, protection or control; or
- (o) is beyond the control of his parents or guardians.

(2) The person making an application under Sub-Section (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;
- (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 Sub-Section (1) of this Section may:

- (a) cause the parent or guardian of the child to enter into a recognisance to exercise proper care and guardianship over the child; or
- (b) make 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;
 - (iii) repatriating the child to his family, community, local government council or his State.
- (c) without making any other Orders, or in addition to making an Order under paragraph (b) of this Sub-Section, 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 that purpose by the Court.

(4) For the purpose of paragraph (m) of Sub-Section (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, playing 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 public places,
- is evidence that the child is exposed to moral danger.

(5) 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 this Section, may:

- (a) direct that the child be brought before a Court with a view to that Court making such Order under Sub-Section (20) 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 XIV of this Law, make any order which it has power to make.

40. Where the Court is satisfied that the parent or guardian of a child is unable to control the child, the Court may, if it is expedient to deal with the child and 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 a specific period, not exceeding three years under the supervision of an appropriate supervisory child development officer appointed for that purpose by the Court.

Corrective order

41.(1) Where a child is committed:

Contribution for the
maintenance of
a child

- (a) to the care of an individual under this Law;
- (b) in exceptional circumstances, to an approved institution or any other institution, and the Court is satisfied that the need for the Order have arose from the neglect on the part of any of the persons and in Sub-Section (2) of this Section,

the Court may Order that person to make such contribution toward 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 person referred to in Sub-Section (1) of its Section are:

- (a) the father, step father, mother or step mother of the child;
- (b) a person who bears the responsibility for the up keep of the child;and
- (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 such other period as it deems proper having regard to the means and earning capacity of the person to make the contribution and other relevant circumstances.

(4) If a person fails or neglects to comply with an Order made under Sub-Section (3) of this Section, the Court may for every breach of the Order direct the amount due to be levied in the manner provided for levying distraint in the enforcement of damages ordered by a Court in civil proceedings

(5) The Court which has 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 an officer of the appropriate authority or other authorised 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 VII
CARE AND SUPERVISION

42.(1) The Court may, on the application of the Commissioner, the appropriate authority, any authorised person or body make:

Care and
supervision order

- (a) a care Order, placing a child with respect to whom an application is made, in the care of a designated authorised person, authority or the Commissioner;
- (b) a 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 authorised 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 authorised person, shall not be entertained by the Court if, at 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 or Supervision Order shall be the local government in which the child is ordinarily resident, or the local government in which the 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.

43.(1) A Court before which an application for an Order is brought under this part shall, in consideration of any rules made pursuant to Sub-Section (2):

Direction of the Court in respect of an application for an order

- (a) draw up a time table 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 time table 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 proceeding for the purpose of ensuring as far as is reasonably practicable, that the proceedings are disposed of without delay.

44.(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.

Receiving a child into care

(2) Where a Care Order has been made on application of an authorised 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 Law; and
- (b) the power, subject to the provisions of this Section, to determine the extent to which a parent or guardian of the child may meet his responsibility for the child.

(4) The Commissioner or the authority shall not exercise the power specified in Sub-Section (3) of this Section unless he is satisfied that it is necessary to do so in order to safeguard or promote the welfare of the child.

(5) Nothing in Sub-Section (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 circumstances of the case for the purpose of safeguarding 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 would have been brought up if the Order had not been made; or
- (b) have the right to 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 child.

- (8) Sub-Section (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 arrangement 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 of a child, who is subject to a Contact Order, or any other relevant order, discharge the existing Contact Order, or other relevant order.

(10) The making of a Care Order with respect to a child who is:

- (a) the subject of a Supervision Order, discharge the Supervision Order;
- (b) award of Court, brings that wardship to an end; and
- (c) the subject of a school attendance Order, 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 57 or 62 of this Law shall continue to be in force until the child attains the age of 18 or it is brought to an end earlier.

(13) An:

- (a) agreement under Section 59 of this Law; and
- (b) appointment under Section 72 of this Law, shall continue to be in force until the child attains the age of 18 or it is brought to an end earlier.

(14) The provisions of the 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 provision 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 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; or
- (e) a Child Assessment Order,

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

- (f) the provisions of this Sub-Section does not apply to application made in relation to Interim Orders of the Court.

(20) Where:

- (a) an application made for an Order under Section 47 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 Order with respect to the same child, unless he has obtained the leave of the Court.

(21) 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.

45.(1) The Commissioner or any authorised person or body, shal subject to the provision of this Section allow a child under his care reasonable contact with:

Authorized contacts
with parent or
guardian

- (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; or
- (d) a person who immediately before the Order was made, had care of the child by virtue of a 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 that person.

(3) On an application made by a person mentioned in paragraph (a) to (d) of Sub-Section (1) of this Section, or by 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 mentioned in paragraph (a) to (d) of Sub-Section (1) of this Section and named in the Order.

(5) When making a Care Order or in any family proceedings in connection with the 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 the appropriate authority may refuse to allow the contact that would otherwise be required by virtue of Sub-Section (1) of this Section or an Order made under

this Section, if it is satisfied that it is necessary 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.

(10) The Court shall, before making a Care Order:

- (a) consider any agreement which the Commissioner or the appropriate authority has made or propose to make for affording a person contact with a child to whom this Section applies; and
- (b) invite the parties to the proceeding to comment on the arrangement.

46.(1) While a Supervision Order is in force, the supervision shall:

- (a) advise and assist the supervised child;
- (b) take such action as are reasonable to give effect to the Order; and
- (c) where the Order is not wholly complied with or the supervisor is of the opinion that the Order may no longer be necessary whether or not to apply to the Court for its variation or discharge.

(2) The supplementary provisions set out in part I and II in the Second Schedule to this Law, shall apply with respect to Supervision Order.

47.(1) On the application of an appropriate education authority, the Court may make an Order to be known as Education Supervision Order putting the child with respect to whom the application is made under the supervision of a designed appropriate education authority.

Education
supervision order

(2) The Court shall only make an 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 education suitable to his age, abilities 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, the authority mentioned in paragraph (a) of this Sub-Section and the authority within whose area the school is situated.

(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.

48.(1) Where it appears to the Court in the 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 the child, the Court may direct the appropriate authority to undertake an investigation of the child's circumstances.

Directives for
investigation

(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;
- (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 to 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 Sub-Section (3) of this Section, shall be given to the Court before the end of the period of eight weeks beginning with the 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 to 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 Sub-Section (5) of this Section it shall determine the date on which that review shall begin.

49.(1) Where:

Interim Order

- (a) in any proceeding on an application for a Supervision Order, the proceeding is adjourned; or
- (b) the Court gives direction under Section 48 (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 42 (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 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 commencing from 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, at the expiry of the relevant period;
- (c) in a case which falls within Sub-Section (1) of this Section, the disposal of an application;
- (d) in a case which falls within Sub-Section (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; or
- (e) in a case which falls within Sub-Section (1) 9b) of this Section, and in which the Court has given a direction under Section 51 (1) of this Law, but no application for a Care Order or Supervision Order has been made with respect to the child, at the expiry of the period fixed by the direction.

(5) Where the Court makes an interim Care Order or interim Supervision Order, it may give such direction, 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 Sub-Section (50 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) Direction under Sub-Section (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 purpose of this Sub-Section.

(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.

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

50.(1) The Court may vary or discharge a Care Order on the application of:

Discharge and variation of care and supervision orders

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

(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 supply 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 Sub-Section (4) of this Section, any provision of this Law which would otherwise require Section 41 (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 Residence Order with respect to a child who is the subject of a Care Order discharges the Care Order.

51.(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 such directions, if any, as the Court may deem fit to include in the Order.

Effect of dismissal
of a care or
supervision order

(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 to the child to have effect subject to such direction, 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 the Court may deem fit 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 VIII

PROVISION FOR USE OF SCIENTIFIC TESTS IN DETERMINING PATERNITY OR MATERNITY

52.(1) In any civil proceedings in which the paternity or maternity of a person is required to be determined, 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 test

- (a) the use of scientific tests (DNA), including blood tests and Deoxyribonucleic Acid tests, to ascertain whether the test 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 person and any person 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 any direction previously given by it under Sub-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 under the age of eighteen (18) when the application is made, the direction shall specify who is to carry out the test.

(4) In the case of a direction made on an application to which Sub-Section (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 it considers that it would be inappropriate to specify the person referred to in paragraph (a) of this Section if it would be contrary to any provision or regulations made under Section 56 of this Law or for any reason, decline to give the direction applied for.

(5) If a person responsible for carrying out blood test 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 test;
- (b) whether the party to whom the report relates is or is not indicated by the result, as the father or mother of the person whose paternity or maternity, as the case may be, is to be determined; and
- (c) 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 Sub-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 54 of this Law.

(7) Where a report has been made to the Court under Sub-Section (5) of this Section, any party to the proceeding may, with the leave of the Court, or shall where the Court 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 Sub-Section (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 test for the purposes of giving effect to the direction, or
- (b) any person who did anything necessary for the purpose of enabling the test to be carried out, unless within fourteen days after receiving a copy of the report, that party serve notice on the other party to the proceedings or on such of those other persons 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 the 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.

53.(1) Subject to the provisions of Sub-Sections (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 52 of this Law shall not be taken from that person except with his consent.

Consent for taking
scientific sample

(2) The consent of a child who has not attained the age of eighteen years, to be taken from himself of a scientific sample, shall be as effective as it would be if he had attained the age of eighteen years and where a child has by virtue of this Sub-Section given an effective consent to the taking of a scientific sample, it shall not be necessary to obtain any consent from any other person.

(3) Scientific sample may be taken from a child under the age of eighteen years not being a child referred to in Sub-Section (4) of this Section, if the person who has the care and control of the child consents.

(4) A scientific sample may taken from a child who:

- (a) is suffering from mental disorder within the meaning of asny 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 55 of this Law.

54. The Commissioner may by regulations, make provision as to the manner of giving effect to directions given under Section 52 of this Law and, in particular, the regulations may:

Power to make
Regulations

- (a) provide that the 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 regulation;
- (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 specified, 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 as transfusion of blood;
- (e) provided that scientific tests shall not be carried out except by such person, and at such places, as may be appointed by the Commissioner;
- (f) prescribe the scientific test 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 sample and for the making of a report to a Court under Section 52 of this Law;
- (h) make provision for securing that, so far as practicable, the sample to be tested for the purpose of giving effect to a direction under Section 52 of this Law, are tested by the same person; and
- (i) prescribe the form of the report to be made to Court under Section 52 of this Law.

55.(1) Where the Court gives a direction under Section 52 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 inference if any, from that failure as appear proper in the circumstances.

Effect of failure to take steps on direction

(2) Where in any proceeding in which the paternity or maternity of a child is required to be determined by the Court hearing the proceedings, there is presumption of Law that the person is legitimate if:

- (a) a direction is given under Section 52 of this Law in the proceeding; 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 Sub-Section (2) of this Section, the person fails without reasonable cause to take the step required, the Court may without prejudice to Sub-Section (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 52 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 purpose of this Section, to have failed to take a step required of him for the purposes of giving effect to the direction.

56. If for the purpose of providing scientific sample for a test required to give effect to a direction under Section 52 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 of fifty thousand Naira or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Penalty for
Contravening
Section 52

PART IX

CUSTODY OF CHILDREN

57. (1) Subject to the personal Law of the parties involved, where the father and mother of a child were divorced at the time of the birth of the child, the Court may:

Authorized access
to a child

- (a) on the application of the father or mother of a child, make 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 conduct of the parents;
 - (ii) the wishes of the mother and father of the child;
- (b) alter, vary or discharge an Order made under paragraph (a) of this Sub-Section 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 other case, make such Order with respect to costs as it may think just.

(2) Notwithstanding anything to the contrary in this Law, custody of a child shall be resolved by the Court in accordance with the provisions of Sub-Section (1) of this Section.

58.(1) Where the Court makes an Order under Section 57 (1) of this Law, giving the custody of the child to the mother, the Court may make a 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 think reasonable having regard to the means of the father.

Order for periodical payment

(2) Subject to this Section, no Order whether for custody or maintenance shall be enforceable and no liability thereunder 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.

(3) 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.

59. No agreement contained in any divorce made between the father and mother of a child, shall be invalid by reason only of its providing that the father of the child gives up the custody or control of the child to the mother

Effects of agreement on custody

60. 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.

Court to have regard to the welfare of the child

61. Where the parent of a child has:

Power of the Court with regard to abandoned or deserted child

- (a) abandoned or deserted the child; or
- (b) allowed the child to be brought up by another at the expense of that other person, for such length of time and under such circumstances as to satisfy the Court that the parent is 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.

62. 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 for an order for the production of a child

- (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 to issue the writ or make the Order.

63. 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, Order that the child be given up to the parent and 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.

Discretion of court on production order

64. Nothing contained in Section 61, 62 and 63 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 63 of this Law or diminishes the right which any child has to exercise his own free choice.

Court to have regard to the wishes of the child

65. 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 to child's religious education

- (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 that in which the parent has brought the child up, make such Order as it may deem fit to ensure that child is brought up in the religion in which the parent requires the child to be brought up.

66. Where the Court makes an Order for the payment of money in pursuance to this Law, the Court shall, in addition to all 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 order of payment of money by attachment of income

67. 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.

Notice of change of address by person ordered to pay money

68. The Commissioner shall where there is proof that an act will be detrimental to the child make rules for the purposes of this Section prohibiting:

Power of Commissioner to make rules for the custody of children

- (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 the State.

69.(1) No person shall hire, give or acquire the custody, possession, control or guardianship of a child whether or not for pecuniary or other benefit in circumstances that it may reasonably be inferred that the child has been hired, sold or acquired, or that by reason of the hiring, giving or acquiring, the child may reasonably be inferred to be placed in any danger, whatsoever.

Provision against dealing in child for any benefit

(2) In any prosecution for the contravention of Sub-Section (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 has the custody of the child, it shall be presumed by the Court that the child has been given or acquired in contravention of the provision of Sub-Section (10) of this Section.

(3) It shall be a defense to this Section to prove that the child concerned, was given or acquired in accordance with the personal Law of the parents.

70. A person who contravenes the provisions of Section 68 and 69 of this Law or of any rules made under those Sections commits an offence and is liable on conviction to a fine of thirty thousand Naira or imprisonment for a term of one year or to both such fine and imprisonment.

Penalties for
contravening
Section 68 and 69

PART X

GUARDIANSHIP

71.(1) The provisions in this part shall apply subject to the persona Law of the child governing questions of guardianship and custody.

Parental
responsibility
of a guardian

(2) Except; as provided under Section 58 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 temporary guardian under Section 77 of this Law shall be a guardian only for the purpose of representing the child and his interest in certain proceedings, but shall otherwise have no parental responsibility for the child.

72.(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.

Appointment of a
guardian by Court

(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 be deed appoint a guardian for the child in case of the death of the parent.

(4) Where a guardian is appointed jointly with a parent or parents of child under Sub-Section (2) of this Section and the guardian so appointed considers the parent or parents unfit to have 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 to 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.

(5) The Court may under Sub-Section (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.

(6) 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 guardian of the child if:

- (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.

(7) The power conferred under Sub-Section (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.

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

(9) An appointment made by a will shall not be invalidated only by the reason that it has not been signed.

73. The consent of a person appointed as a guardian is necessary for the appointment to have effect

Consent of a
person appointed
as a guardian

74. The appointment of a guardian under Section 72 and 77 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;
- (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.

75. 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.

Powers of the guardian over estate of the child

76. 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 guardian

77.(1) The Court may for the purpose of any specified proceedings, appoint a temporary guardian for the child concerned to safeguard the interest of the child.

Appointment of a temporary guardian

- (2) the temporary guardian shall:
 - (a) be appointed in accordance with the rules of Court; and
 - (b) be under a duty to safeguard the interest of the child in the manner prescribed by those rules.
- (3) Where:
 - (a) the child concerned is not represented by a legal practitioner, the court may appoint a legal practitioner to represent the child; and
 - (b) any of the conditions mentioned in Sub-Section 94) of this Section is satisfied.

(4) The conditions under which an appointment may be made under Sub-Section (3) of this Section are that:

- (a) no temporary guardian has been appointed for the child;
- (b) the child has sufficient understanding to instruct a legal practitioner and wishes to do so; and
- (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 rule of Law to the contrary, the Court may take account of:

- (a) any statement contained in a report made by a temporary guardian 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.

78.(1) The Commissioner may by regulations provide for the establishment of panel of persons from which a temporary guardian appointed under this Section shall be selected.

Provision for panel of persons for selection as temporary guardian

(2) The regulations may in particular make provisions:

- (a) as to the composition, administration and procedures of 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 the panel;
- (d) for the qualification for membership of a panel;
- (e) for the training to be given to members of the panel;

- (f) for the co-operation required of specified local government in the provisions of panel in specified areas; and
 - (g) for monitoring the work of a temporary guardian.
- (3) Rules of Court may make provisions for:
- (a) assistance which a temporary guardian may be required by the Court to give;
 - (b) consideration to be given by a temporary guardian, where an Order of a specified kind has been made in the proceedings in question as to where to apply for the variation or discharge of the Order;
 - (c) participation of a temporary guardian in any review of the kind specified in the Rules of the Court.

79.(1) Where a person has been appointed as a temporary guardian under this Law, he shall have the right at all reasonable times to examine and take a copy of:

Right of temporary guardians to access 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 in 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 the social service committee, so far as those records relate to that child.

(2) Where a temporary guardian 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 rule, be admissible as evidence of any matter referred to in any report made to the Court in the proceedings in question or evidence which is given in those proceedings.

80.(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 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 on the orders and jurisdiction of the Court

(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 Law, Islamic Law or any other written Law until the Court has been established.

PART XI WARDSHIP

81.(1) Any person may at any time apply to the court for the worship of an orphan, abandoned or deserted by his parent or relatives whether or not the child is in custody of a social welfare officer.

Application for wardship

(2) The Court may grant such application having satisfied itself that the applicant:

- (a) is a married person;
- (b) has good moral character;
- (c) has reasonable means to maintain the child;
- (d) undertakes to provide reasonable maintenance and education for the child;
- (e) undertakes to provide good moral upbringing for the child.

(3) An application under this Section shall be supported by the written consent of the District head of the Area where the applicant resides and the social welfare officer in the Local Government where the applicant resides.

(4) The district head, social welfare officer or any other relevant officer may at any time apply to the Court to vary any Order made pursuant to Sub-Section(1) of this Section, after an enquiry on the well being of the child or on breach of any conditions under which the wardship is granted.

82.(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 a new application.

(3) The Court may, either upon an application in that behalf or a without an application, order that a child who is for the time being a ward of Court ceases to be a ward of the Court.

83.(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.

(2) An Order under Sub-Section (1) of this Section, may require such sums to be paid in respect of any period but not beyond the date on which the ward of Court attains the age 18 years and such Order if made, may provide that any sum which is payable for the benefit of that ward having regard to the child, be paid directly to that ward.

(3) No Order under shall be made under Sub-Section (1) 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.

84.(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 parent or any other person, the Court may if it thinks fit, make an Order committing the care of ward to an appropriate authority.

Committal to Care
of appropriate
authority

(2) When 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 Sub-Section (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 fit, 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.

85. A Court hearing a matrimonial case in which a child may be involved, may direct that proper proceedings be taken at the High Court, Sharia Court or Magistrate Court for making the child a ward of the Court under this part.

Matrimonial cases

86. 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

87. An application for wardship shall be made in compliance with the rules contained in the third Schedule to this Law.

Rules of application for wardship

PART XII FOSTERING

88. The provisions of this part shall apply to Muslims only to the extent that they are not inconsistent with Islamic Law.

The extent of application to Muslims

89.(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 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 rule made under the provisions of this Law.

90. A child who may be fostered under this Law, includes a child who is abandoned, an orphan deserted by his relatives, or voluntarily presented by this relative for fostering, or who voluntarily presents himself for fostering, where no relatives of his can be found or he:

A child to be fostered

- (a) has been abused, neglected or ill-treated by the person having the 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;
- (e) is voluntarily presented by his parents for fostering.

91.(1) Subject to the provisions of this Law, the Court may, on receipt of the application for fostering, make an Order authorizing the applicant to foster the child.

Fostering Order

(2) Except where a man and his wife have applied jointly to foster a child, a fostering Order shall not authorise more than one person to foster a child

92. The number of children who may be fostered by a person shall not exceed three, unless exceptional circumstances are shown.

Limit on the number of children who may be fostered

93.(1) A fostering Order shall not be made by the Court, unless:

Restriction on making a 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 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;
- (g) the applicant is of the same religion with the child; and
- (h) the traditional leader of the area where the child and the applicant reside or where the applicant or the child reside, endorses the application.

(2) A Fostering Order shall not be made in favour of a sole applicant who is unmarried.

94.(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 to
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 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.

95.(1) Before making a fostering Order, the Court shall be satisfied that:

Additional
conditions for
fostering

- (a) every consent under Section 94 of this Law which has not been dispensed with, had been obtained and every person who has given his consent, understand the nature and effect of the Fostering Order for which the application is made;
- (b) the Order, if made will be for the maintainance, care, education, 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 given to the applicant, any payment or other reward in consideration of the fostering.

(2) The Court may in a Fostering Order, impose such terms and conditions as it may think fit and in particular, may require the foster parent by bond or otherwise to make for the

child such provisions as in the opinion of the Court is just and expediant.

96.(1) Subject to this Section, the Court may 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 Orders

(2) The Court, while making an Interim Order under Sub-Section (1) of this Section, shall impose as a condition 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.

97.(1) The Chief judge or the Grant Khadi of the State,as the case may be, may make rules of Courts over which they have supervisory powers for the practice and procedure of the Court in respect of fostering of children under this Law.

Rules of the Court

(2) The power to make rules conferred under Sub-Section (1) of this Section shall, without prejudice to the generality of that Sub-Section, include power to make provision 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 94 of this Law, and a report for the assistance of the Court in determining whether or not the Order will be in the overall best interest and welfare of the child having regard to the ability of the applicant to maintain, care for and educate the child.

98. An appeal shall lie to the High Court or Sharia Court of Appeal from the Magistrate or Sharia Courts 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.-

Appeal

99.(1) On the making of a Fostering Order:

Rights and duties
of foster parents

- (a) all right, duties, obligations and liabilities, including:
 - (i) any arising under personal 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 for marriage, shall be suspended; and
- (b) there shall vest in and be exercisable by 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 of the foster parents in provided that with respect to persons of Islamic Faith, the Fostering Order shall be subject to the limites imposed by Islamic Law on fosterage and that no rights, duties obligations and liabilities arising from a Fostering Order shall affect the provision of Islamic Law on fosterage.

100. 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.

Effects of fostering
on maintenance
Order

101.(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 enteries as may be directed by a Fostering Order to be made therein.

Fostered children
Register

(2) A Fostering Order shall contain a direction to the Chief Registrar and the appropriate Child Development Service Officer to make in the Fostered Children Register the entry in the Form specified in the Part 1 of Fourth Schedule to this Law.

(3) If on an application to the Court for a Fostering Order, it is proved to the satisfaction of the Court that the date of birth and 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 officer to cause the entry in the register of births to be marked "Fostered".

(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 Officer and on receipt of the Order, the Chief Registrar and the appropriate Child Development Service Officer shall comply with 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 of the facts contained 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 canceled under this Section, shall be prima facie evidence of that cancellation.

(9) A register, record or book as is mentioned in Sub-Section (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 of 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:

- (a) the entry in the fostered children register relating to the fostered child; and
- (b) 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.

102.(1) The appropriate child development service shall keep itself informed, from time to time of the condition and welfare of the child fostered under this Law and for that purpose arrange for child development service officers to do all or any of the following:

Visit of fostered child by development service officers

- (a) to pay periodic visit at reasonable times to each child fostered under this Law until the child attain 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.

103. Where it is proved to the satisfaction of the Court that the fostered 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 provision of this Law.

Revocation of a foster Order in the interest of the child

104.(1) A person who:

- (a) receives money or reward as an inducement to foster a child; or
- (b) receives or agrees to give money or any reward in order to facilitate arrangements to foster child; or
- (c) gives or agrees to give money or reward to secure the consent of a person to foster a child, commits an offence under this Law.

Prohibition for receiving money or reward as inducement to foster a child

(2) A person who commits an offence under Sub-Section (10 of this Section is liable on conviction to a fine of not less than fifty thousand Naira or imprisonment for a term not exceeding three years or to both such fine and imprisonment.

105.(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 of taking a fostered child outside the State

(2) A person commits an offence if he permits or causes or procures the possession of a child to be given to any person with the intent to getting that child fostered by that person:

- (a) beyond one hundred and thirty kilometers within the State;
- (b) outside the State in whom a Fostering Order was made; or
- (c) outside Nigeria with intent to getting that child fostered by that person commits an offence.

(3) A person who commits an offence under Sub-Section (2) of this Section is liable on conviction in the case of an offence under:

- (a) Sub-Section (2)(a) of this Section, to imprisonment for a term of one year or a fine of fifty thousand Naira (₦50,000) or both;
- (b) Sub-Section (2)(b) of this Section to imprisonment for a term of three years or a fine of one hundred thousand Naira (₦100,000) or both; and
- (c) Sub-Section (2)(c) of this Section to imprisonment for a term of five years or fine of five hundred thousand Naira (₦500,000) or both.

106. 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 withdraw 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 of withdrawal of a child from the care of the applicant

107.(1) No foster parent shall marry any child fostered by him pursuant to the provision of this Law without permission of the Court.

Foster parent prohibited from marrying fostered children

(2) A fostered parent who marries a child fostered by him without permission of the Court, commits an offence under this Law and is liable on conviction to imprisonment for a term not exceeding one year or a fine of thirty thousand Naira or both.

108. A person who is without reasonable excuse fails to comply with a lawful directive given by a Child Development Service 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 five thousand Naira or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Non-compliance with lawful directives

109.(1) For the purposes of this part of this Law and subject to Sub-Section (2):

Private arrangement for fostering

- (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 the Fourth Schedule to this Law shall have effect for purposes of supplementing the provisions of this Section.

110.(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 the persons caring for the child are given such advice as appears to the Government to be needed.

Welfare of a child fostered privately

(2) Where a person who is authorized by the Government to visit a child who is fostered privately, have a reasonable cause to believe that a child who is or is proposed to be fostered privately is being accommodated in premises, he may at any reasonable time inspect those premises, and any child accommodated therein.

(3) A person exercising the power under Sub-Section (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 the child who is fostered privately is satisfactorily safeguarded or promoted, he shall 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 the 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 of which they shall exercise any of their powers under this Law with respect to the child.

(5) The Commissioner may make regulations requiring every child who is fostered privately within the State to be visited by an officer of the Government in prescribed circumstances and on specified occasions or within specified periods and imposing such requirements which are to be met by any State officer in carrying out his functions under this Section.

111.(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.

A person
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 regulations has been made at any time:
 - (i) with the respect to that person; or
 - (ii) with respect to the child who has been in 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 112 of this Law or 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 Sub-Section (1) of this Section or if he lives in a household at which any such person is employed, unless he has disclosed 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 of the reason for the refusal; the applicant's right to institute an action against the refusal and the time within which he may do so.

(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.

112.(1) This Section applies where a person to foster a child privately, or is fostering a child privately.

Power of the
Commissioner to
prohibit private
fostering

(2) Where the Commissioner is of the opinion that a person is not 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, the Commissioner may impose on that person a prohibition from fostering privately.

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

(4) The Commissioner imposing a prohibition on any person under Sub-Section (2) of this Section may if he thinks fit cancel the prohibition on 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 action.

113.(1) A person who, being required under the provision made by or under this part of Law, to give any notice or information, fails without reasonable excuse to give the notice within the time specified in the provision, or fails, without reasonable excuse to give the information within a reasonable time or makes any statement in the notice or information which he knows or believes to be false or misleading in a material particular commits an offence.

Offences under this part

(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 110 (2) of this Law or contravenes the provision of the Section 111 of this Law, 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 the Fourth Schedule to this Law commits an offence.

(4) A person who commits an offence under the provisions of this Section shall be liable on conviction to a fine of not less than five thousand Naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(5) 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 knowledge of the State Government.

PART XIII *ADPTION*

114. The provisions of this part shall not apply to persons of Islamic Faith where they are inconsistent with Islamic Law.

Limitation of
adoption under
Islamic Law

115.(1) The Government shall for the purpose of adoption, establish and maintain within the State and in the case of Local Government, within a Local Government, a service designed to meet the needs of:

Adoption services

- (a) a child who has been or may be adopted;
- (b) parents and guardians of the child specified in paragraph (a) of this Sub-Section; and
- (c) persons who have adopted or who may adopt a child, and for this purpose, every Government shall provide the requisite 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 service maintained under Sub-Section (1) of this Section include:

- (a) temporary board and lodging, where needed by a child and in exceptional circumstances, mother of a child;
- (b) arrangements for assessing a child and prospective adopters and placing of the child for adoption; and
- (c) counselling for persons with problems relating to adoption.

116.(1) An application shall be made to the court in such form as may be prescribed and shall be accompanied with:

Application for
Adoption

- (a) where the applicant is a married couple, the marriage certificate or an affidavit of marriage,
- (b) the birth certificate or sworn declaration of age of each applicant;
- (c) two passport photographs of each applicant;
- (d) Medical certificate of 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 Sub-Section (1) of this Section, the Court shall order an investigation to be conducted by:

- (a) a Child Development Service Officer;
- (b) a Supervision Officer; and
- (c) other person as the Court may determine, to enable the court to assess the suitability and all the circumstances.

(3) The Court shall in reaching a decision relating to the adoption of a child, have regard to the need to safeguard, promote the welfare, education and the best interest of the child throughout his childhood and, as far as practicable, the wishes and feelings of the child given the due consideration having regard to the age and understanding of the child.

117. The Court shall, in placing a child for adoption, ensure that the child to be adopted and the prospective adopter are of the same religious faith.

Religious upbringing

11.8 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

Provided that a Muslim child shall not be subject to an order of adoption.

119.(1) 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 years, and there is an order authorising them jointly to adopt a child; or
- (b) a married person, if he has obtained the consent of his spouse, as required under Section 122 of this Law.

(2) In all cases specified in Sub-Section (1) 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.

120.(1) Subject to the provision of this Law, the Court may, on the application of a person stated in Section 119 of this Law, make an order referred to in this Law as an "Adoption Order".

Adoption Order

(2) An Adoption Order shall be made in the Form specified in the Fifth Schedule to this Law.

121.(1) An Adoption Order shall not be made in respect of a child unless:

Restriction on adoption

- (a) the applicant or, in the case of a joint application, one of them, is not less than twenty-five years old 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 indigene of the same state;
- (c) 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
- (d) the applicant has, at least ninety days before 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 Couple shall dismiss the application if it considers that the matter would be better dealt with under part IX of this Law.

122.(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.

Power of Court to refuse application without consent of a spouse

(2) where it appears to the Court that a person other than the parent or relative of a child has any right or obligation in respect of the child under an Order of the Court or any agreement or under any other Law, the Court may, if it thinks fit, refuse to make the Adoption Order if the consent of that person is not first obtained.

(3) The Child Development Service Officer shall prepare a report to assist the Court in determining whether a person who is not a parent or a 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 not be necessary for the person giving the consent to know the identity of the applicant.

(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 is incapable of giving the consent or is withholding his consent unreasonably.

(7) While an application for an Adoption Order is pending in any 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.

123.(1) The Court shall, before making an Adoption Order, satisfy itself that every consent required under Section 122 of this Law which has not been dispensed with has been obtained and every person who has given his consent understands the nature and effect of the of the Adoption Order for which the application is made and for this purpose the relevant adoption service shall provide adequate counselling for the parties involved in the adoption.

Condition precedent for Adoption Order

(2) The order, if made, shall be for the welfare and best interest of the child, due consideration for this make or give the applicant any payment or other reward in consideration of the adoption.

(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.

124. 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.

Terms of Adoption
Order

125.(1) Subject to the provision 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 six months on such terms and conditions as the Court thinks fit as regards provision for the maintenance, education, supervision and welfare of the child.

Interim Order

(2) The Court shall, in making an Interim Order under Sub-Section (1) of this Section, specify that the child shall be under the supervision of such Child Development Service Officer as the Commissioner may appoint and not to 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 122 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.

126. Subject to the rules of the Court made under Section 127 of this Law, the Court shall have exclusive jurisdiction to deal with an application for an Adoption Order.

Jurisdiction of the
Court on adoption
Of an application

127.(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.

Power of Chief Judge to make rules

(2) The power to make rules conferred by Sub-Section (1) of this Section, shall without prejudice to the generality of that Sub-Section, include power to make provisions for:

- (a) application for the Adoption being heard and determined otherwise than in open Court;
- (b) the admission of documentary evidence of any consent under Section 122 of this Law; and
- (c) requiring the Child Development Service 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.

128.(1) An appeal shall lie to the High Court or Sharia Court of Appeal as the case may be in respect of a decision on any application for an Adoption Order, other than a decision to postpone the determination of the application for such an order and make an Interim Order.

Appeal against Adoption Order

(2) Where the High Court or Sharia Court of Appeal exercises appellate jurisdiction, appeal shall lie to the Court of Appeal.

(3) Proceedings in respect of an appeal under this Section shall be conducted in private.

129.(1) A Child may be adopted notwithstanding that a corrective order is in force in respect of the child.

Adoption when corrective orders are in force

(2) On the application for an Adoption Order being made in a case under Sub-Section (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 the Adoption Order.

130.(1) Child may be adopted notwithstanding that a Maintenance Order is in force in respect of the child.

Adoption when Maintenance Order is in force

(2) Where, at the time when an Adoption Order is made in respect of a child, a Maintenance Order requiring a person to contribute towards the maintenance of that child under this Law or any other Law, is in force, the Maintenance Order shall cease to have effect at that time.

131.(1) On an Adoption Order being made:

Effect of adoption
order

- (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 of dissent to marriage, shall be extinguished; and
- (b) there shall vest in, and be exercisable by and enforceable against the adopter:
 - (i) all rights, duties, obligations and liabilities in respect of the 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 of the adopter.

(2) Where a husband and wife are joint adopters of a child, they shall:

- (a) in respect of the matters specified under this Section; and
- (b) 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 child, stand to each other and to the child in the same relationship as they would have stood if

the child were their natural child, and in respect of those matters, the child shall stand to them in relationship of a child of the adopters.

(3) For the purposes of the devolution of the property on the intestacy of the adopter, an adopted child shall be treated as a child of the adopter, in so far as this is permitted under the adopter's personal Law.

(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, to be considered as including, a reference to the adopted child in so far as this is permitted under the adopter's personal Law; and
- (b) a person related to the adopted child in any degree shall, unless contrary intention appears, be construed as a reference to the person who would be related to him in that degree if he were the child of the adopter and were not the child of any other person, in so far as this is permitted under the adopter's personal Law.

132.(1) The Chief Registrar shall establish and maintain a register to be called and known as the "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.

Adopted Children
Register

(2) An Adoption Order shall contain a direction to the Chief Registrar and the National Population Commission (in this Part of this 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 proven 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 any 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 the 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 the Commission to ensure 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 contained therein.

(6) A certified copy of 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 or books as are mentioned in Sub-Section (8) of this Section or any index thereof, if any, shall not be liable to searches by members of the public, 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 the 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 if both the marking and the cancellation are omitted there from.

133.(1) No adopter or any other person shall:

Prohibition of
payment

- (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 is prohibited by this Sub-Section.

(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 not exceeding seventy-five thousand Naira or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(3) Notwithstanding the provisions of Sub-Section (2) of this Section, an Adoption Order affected by the payment prohibited under Sub-Section (1) of this Section may be allowed to continue or be resolved at the discretion of the Court having regard to all the circumstances of the case particularly the best interest of the child.

134.(1) Except under a license issued pursuant to Section 135 of this Law, no person shall permit, cause to procure the care and possession of a child to be given to any person outside the State in which the Adoption Order was made with a view to getting the child adopted by any person.

Restriction of Inter-
State 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.

135.(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 for Inter-State Adoption

(2) A license shall not be granted under Sub-Section (1) of this Section unless the Commissioner is satisfied, as respects every person whose consent is required under Section 123 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 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.

136. 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 validity and effect as if the adoption has been effected by an adoption under this Law.

Recognition of other Adoption

137.(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 of adopted child

(2) A person who marries an adopted child in violation of Sub-Section (1) of this Section commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine of five thousand Naira or to both such fine and imprisonment.

138.(1) The Director of 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 strange for officers of his department to do all or any of the following:

Visit to adopted child by child development service officer

- (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 Sub-Section (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 Service Officer; or
- (b) obstructs a Child Development Service 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 to a term not exceeding three months or to both such fine and imprisonment.

PART XIV *FAMILY COURT*

139. There is hereby established for the State a Court (for the purpose of hearing matters relating to children) to be known as the Family Court (in this Law referred to as ;'the Court').

Establishment of the Court

140.(1) The Court shall consist of a Magistrate Court and a Sharia Court.

Categories of Family Court

(2) The Court shall be presided over by a serving Magistrate, or serving Sharia Court Judge respectively who shall be designated as such by the Chief Judge or the Grand Khadi as the case may be.

(3) The Court shall sit with two assessors at each level who shall be persons of unquestionable character and reasonably respected in the community to be appointed by the Chief Judge or Grand Khadi, as the case may be.

141.(1) Subject to the provisions of this Law, and in addition to such other jurisdiction as may be conferred on it by any other Law, the Court shall have 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 a child.

(2) The reference to the civil or criminal proceedings in this Section include a reference to proceedings which originate in the Court and that which is brought to the High Court or Sharia Court of Appeal to be dealt with by the Court in the exercise of their respective 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) their parents or guardian of the child; or
 - (iii) any other person having parental or any other responsibility for the child.

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

142.(1) The personnel of the Court shall be afforded professional training, in-service training, refresher courses and other modes of instruction to promote and enhance the necessary professional competence required of them.

Requirement for training of court personnel

(2) The content of the training and courses referred to in Sub-Section (1) of this Section shall be such as shall reflect the diversity of the children who come into contact with the Court and the diversity and complexity of the 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.

143. 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.

Representation by a legal practitioner

144. No person, other than the member and officers of the Court, parties to the case, their solicitors and parents or guardians of the child and other person 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.

Exclusion of public from Court proceedings

145.(1) No person shall publish 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 provision of this Law.

Prohibition from disclosing identity of a 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 two hundred and fifty thousand Naira or imprisonment for a term of five years or to both such fine and imprisonment.

146. The proceeding 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.

Court environment to be conducive for the child

147.(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 parents, guardian or the child concerned to attend such stages of the proceeding as may be specified in the Order.

Attendance at
Court proceedings
by parent or
guardian

(2) the power conferred by Sub-Section (1) of this Section shall be exercised in accordance with rules of the Court.

(3) Where an Order made under Sub-Section (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, enter and search the premises specified in the Order if he has reasonable cause to believe that the child may be found on any premises;
- (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 that 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 three months or to both such fine and imprisonment.

149. 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.

Rules governing
proceeding of the
Court

150.(1) No other Court, except the Courts provided in this Law, shall exercise jurisdiction in any matter relating to children.

Prohibition from
exercise of
jurisdiction by other
Court

(2) The provisions of Sub-Section (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 IV of this Law or any other Law.

PART XV
CHILD MINDERS AND DAY CARERS

151.(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 person who provides day care for children under the age of six years (6) on premises other than domestic premises within the State.

Registration of child
minders and day
care centers

(2) A person acts as child minder if the person look 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 of 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 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 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 by two different employers, he does not act as a child minder when looking after any of the children concerned wholly or mainly in the home of either of the employers.

(6) Where a person is employed by two different employers, he does not act as a child minder when looking after any of the children concerned wholly or mainly in the home of either of the employers.

(7) A person who wishes to be entered in the register kept under Sub-Section (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 Sub-Section (1) of this Section, if 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 six years.

(9) The Commissioner may also refuse to register an applicant under Sub-Section (1) of this Section, if 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 Sub-Section (1) of this Section, if satisfied that a person looking after, or likely to look after children on the premises to which the applicant relates, is not fit to look after children under the age of six years(6) .

(11) The Commissioner may refuse to register an applicant under this Section if satisfied:

- (a) in the case of application under that premises on which the application is, or is likely to be child minding; or
- (b) in the case of an application under this, the premises to which the application relates, not fit to be used for looking after children under age of six years, whether because of the condition of the premises or the condition of any equipment used in the premises or for an reason connected with the situation, construction, style or location of the premises.

(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 and 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 times and may be kept by means of a computer.

(14) The provisions of part VI of the 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 the particular further provisions for exemption from the requirement to be registered and provisions for disqualification.

152.(1) Where the Commissioner registers a person under Section 151 (1) of this Law, he shall, in addition to the requirement set out in Sub-Section (2) of this Section, impose such reasonable conditions on the person as he considers appropriate in each case.

Additional condition
to be complied with
by child minder

(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 minder, shall be five;
- (b) require the child minder to ensure 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; and
- (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 Sub-Section.

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

153.(1) Where the Commissioner registers a person under Section 151 (1) of this Law, he shall, in addition to the requirements set out in Sub-Section (3) of this Section, impose such reasonable conditions on the person as he considers appropriate in each case.

Additional condition
to be complied with
by persons
providing day care

(2) Where a person is registered under Section 151 (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 day care 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 the period during which he provides those facilities;
- (d) specify 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 look after a child; persons who assists in looking after the child and persons who live or are likely at any time to live, on the registered premises; and
- (f) require the person to notify him in writing of any change in the names and addresses of the persons mentioned in paragraph (c) of this Sub-Section.

(4) In determining the maximum number of children to be specified under Sub-Section (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 Sub-Section (3) of this Section, reference to children looked after are reference to children looked after in accordance with the provision of day care made by the registered person.

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

Cancelation of
registration of a
child minder

- (a) the care provided by that person 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 or condition imposed on him under Section 153 of this Law or failed to pay any annual fees 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 day care for children, if it appears that the circumstances of the case are such that it would be justified in refusing to register that person with respect at any premises.

(3) Where the condition to carry out repair or make alterations or additions has been imposed on a registered person under Section 152 of this Law, the 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 children for the purpose of Sub-Section (1) (a) of this Section, the Commissioner shall, in particular, have regard to the religious pursuit, cultural and linguistic background of the child.

155.(1) Where an application is made to the Court for an Order:

Cancelation of
registration in
emergency cases

- (a) cancelling a registered person`s registration ;
- (b) varying any condition imposed on a registered person under Section 152 and 153 of this Law; or
- (c) removing a condition or imposing an addition 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 persons, or as the case may be, in accordance with the provision for child minding or day care, 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 Sub-Section (1) of this Section may be made ex-parte and shall be supported by a written statement 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 making of the Order:

- (a) notice of the Order and its terms; and
- (b) a copy of the reasons which supported the application for the Order.

(5) Where the Court impose or varies any condition under Sub-Section (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 160 of this Law.

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

Power of
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 day care for children is at any time provided.

(2) Where the Commissioner has reasonable cause to believe that a child is being looked after on any premises within the State contravention of this part of this Law, a person authorized to do so by Commissioner may enter the premises at any time.

(3) A person entering any premises under this Section may inspect the premises the child is being looked after, the arrangements made for the health and welfare of the child and any record relating to the child being looked after in the premises, which are kept pursuant to the 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 produce some duly authenticated document showing his authority to do so.

(6) The Commissioner shall exercise the power to inspect the premises mentioned in Sub-Section (3) of this Section at least twice 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 conviction to a fine of twenty five thousand naira or imprisonment for a term of three months or to both such fine and imprisonment.

157.(1) The Commissioner shall not less than fourteen days:

Notice of intention
to take action

- (a) an application for registration under Section 151 of this Law;
- (b) cancelling any registration under Section 154 of this Law;
- (c) consent under paragraph 3 of the Sixth Schedule to this Law;
- (d) imposing, removing or varying any condition under Sections 152 and 153 of this Law; or
- (e) to grant any application for the variation or removed of any condition,

sent to the applicant, or as the case may be, the registered person, notice in writing of the intention to take action.

(2) A notice sent under Sub-Section (1) of this Section shall give the Commissioner's reasons for proposing to take the action 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 action taken, he shall be afforded the opportunity to do so.

(4) Any objection made under Sub-Section (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 action being taken, decides nevertheless to take any action, he shall send written notice of his decision.

(6) A person aggrieved by the taking of any action mentioned in Sub-Section (1) of this Section may institute an action before the Court.

(7) Where the Court allows an action against a condition, it may instead of cancelling the condition, vary it.

(8) Where the Court imposes or varies any condition under Sub-Section (7) 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.

(9) A step referred to in Sub-Section (1) of this Section, shall not take effect until the expiry of the time within an action may be brought under this Section or where such an action is brought, before its determination.

158.(1) No person shall provide day care for children under the age of six years 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 Sub-Section (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 151 of this Law.

(4) Where it appears to the Commissioner that a person has contravened Sub-Section (3) of this Section, he may serve an enforcement notice on him.

(5) An enforcement notice shall have effect for a period of six months beginning with the date on which it is served.

(6) A person with respect of whom an enforcement notice is in force who contravenes Sub-Section (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 152 or 153 of this Law commits an offence.

(8) A person who:

- (a) acts as a child minder on 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 provision 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 contrave subparagraph (5) of the Sixth Sheduled to this Law is not guilty of an offence under this Section, if he proves that he did not know that the person whom he was employing was disqualified.

(11) a person who commits an offence under this Section is liable on conviction:

- (a) in the case of an offence under Sub-Section (7) of this Section, to a fine not exceeding fifty thousand naira (N50,000) or imprisonment for a term not exceeding six month or to both such fine and imprisonment and fine;
- (b) in the case of an offence under Sub-Section (8) of this Section, to a fine not exceeding fifty thousand naira (N50,000) or imprisonment for a term not exceeding one year or to both such fine and imprisonment;
- (c) in the case of any other offence, to a fine not exceeding ten thousand Naira or imprisonment for a term of three months or to both such fine and imprisonment.

PART XVI
SUPPORT FOR CHILDREN AND FAMILIES

Provision of services
for children in need

159.(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.

(2) The Government shall also encourage private organisations who may wish to provide services for the children in need of 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 Commisioner may by Order amend the duties and powers set out in part 1 of the Seventh Schedule to this Law.

(6) The Government shall facilities the provision by voluntary organisations of services which it has power to provide by virtue of Section 143, 144, 147 and 148 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 the State shall have regard to the means of the child concerned and of each of his parents.

(9) No person shall be liable to make any 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 of this Law:

- (a) a child shall be taken to be in need if:
 - (i) the child is unlikely to achieve or maintain or to have the 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;
 - (ii) 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 Law; or
 - (iii) the child is disabled internally displaced, a refugee or is otherwise in a specially difficult circumstances;
- (b) a child is disabled if the child is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenial deformity or any other disabling as may be prescribed.

160.(1) The Commissioner shall provide such day care of children in need who are:

Day care for
Pre-school children

- (a) not more than six years old, and
- (b) not yet attending school.

(2) The Commissioner may provide day care for children who satisfy the condition mentioned in Sub-Section (1) (a) and (b) of this Section notwithstanding that those children are not in need.

(3) The Commissioner may provide facilities, including training, advice, guidance, and counseling for persons:

- (a) caring for children in day care; or
- (b) who at any time accompany those children while they are in day care.

(4) The Commissioner shall provide for a child in need who is attending any school such care or supervised activities as is appropriate;

(5) The Commissioner may provide such care or supervised activities for children who are attending any school notwithstanding that those children are not in need.

161.(1) The Commissioner shall review:

Review of provision
for day care and child
minding

- (a) services provided under Section 159 of this Law;
- (b) the extent to which the services of child minders are available to children under the age of six years; and
- (c) the provision of day care made for children under the age of six years by persons other than the authority required to register under Section 151 of this Law

(2) A review under Sub-Section (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 Commissioner shall, at least once in every review period, review:

- (a) 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 163(1) (b) by this Law; and
- (b) the extent to which the services of child minders are available with respect to children under the age of six years.

(4) In conducting a review under this Section the Commissioner, shall have regard to the provisions made with respect to the children under the age of six years in relevant establishment.

(5) Where the Commissioner conduct a review under this Section, the result of the review shall be published:

- (a) as soon as is reasonably practicable;
- (b) in such form as he considers appropriate; and
- (c) together with any proposal with respect to the matters reviewed.

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

162.(1) The Commissioner shall provide accommodation for a child in need, who appears to require same 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 Commissioner shall provide accommodation for a child:

- (a) whose welfare the appropriate authority consider is likely to be seriously prejudiced if the Commissioner does not provide the child with accommodation; or
- (b) if the Commissioner 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 Commissioner 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 a accommodation; and
- (b) give due consideration, having regard to his age and understanding, to such wishes as it has been able to ascertain.

(4) The Commissioner 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 Commissioner under this Section.

(6) Sub-Section (4) and (5) of this Section do not apply where a person, in whose favour a Residence Order is in force with respect to a child, or who has care of the child by virtue of an Order made in the exercise of the jurisdiction of the Court with respect to children, agrees that the child be cared for in an accommodation provided by or on behalf of the Commissioner.

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

163.(1) The Commissioner shall make provision for the reception and accommodation of children who are removed or kept away from home:

Accommodation for children protection, detention or remand

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

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

164. Where in this part a reference is made to a child who is looked after by the Commissioner, that reference is to a child who is:

Reference to a child looked after by the Commissioner

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

165.(1) The Commissioner, when looking after a child, shall:

Provision of welfare For a child being looked after

- (a) safeguard and promote the welfare of the child; and

- (b) make use of such services available for children looked after by their own parent as it appears to the Commissioner reasonable in each case.

(2) In making a decision referred to in Sub-Section (3) of this Section, the Commissioner shall give due consideration:

- (a) having regard to the age and understanding of the child, to such wishes and feeling of the child as has been ascertained;
- (b) to such wishes and feelings of any person mentioned in Sub-Section (3) (b) to (c) of this Section as it has been able to ascertain; and
- (c) to the religious persuasion, ethnic, cultural and linguistic background of the child.

(3) The Commissioner, before making any decision with respect to a child being looked after or proposed to be looked after 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 Commissioner considers to be relevant on the matter to be decided.

(4) If it appears necessary the Commissioner may, for the purposes of protecting members of the public from serious injury, exercise his powers with respect to a child who he is looking after in a manner which may not be consistent with his duties under this Section.

(5) The Commissioner may, for the purposes of protecting members of the public from serious injury give directions to the appropriate authority with respect to his power regarding a child who is being looked after.

(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.

166.(1) The Commissioner while looking after a child shall:

Accommodation
and maintenance of
a child being looked
after

- (a) when taking care of such child, provide accommodation for him; and
- (b) maintain the child in other respects in addition to providing accommodation for him;

(2) The Commissioner shall provide accommodation and maintenance for a child under this Section by:

- (a) placing him, subject to Sub-Section (5) of this Section and any regulations made by the Commissioner:
 - (i) with a family;
 - (ii) a relative of the child; or
 - (iii) any other suitable person; on such terms as to payment as may be determined by the Commissioner;
- (b) maintaining the child in:
 - (i) a community home;
 - (ii) a voluntary home;
 - (iii) a registered children home; or
 - (iv) a home provided under Sub-Section (5) of this Section, on such terms as the Commissioner may from time to time determine; or
- (c) making such other arrangements which may seem appropriate, and comply with the regulation made by the Commissioner

(3) A person with whom a child has been placed under Sub-Section (2) (a) of this Section is deemed to be a foster parent unless he falls within Sub-Section (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) a person who had the child in his care and there was a Residence Order in force with respect to him immediately before the Care Order was made.

(5) Where a child is in the care of the Commissioner, he may only be allowed to live with a person who falls within Sub-Section (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 Sub-Section, the Commissioner looking after a child shall make arrangements to enable the child to live with a person falling within Sub-Section (4) of this Section or a 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 Commissioner provides accommodation for a child who is being looked after, the Commissioner shall subject to the provision of this Law and so far as is reasonably practicable and consistent with his welfare, ensure that the accommodation is near the home of the child and where the Commissioner is also providing accommodation for a sibling of the child, ensure that they are accommodated together.

(8) Where the Commissioner provides accommodation for a disabled child, the Commissioner shall, so far as 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 for children looked after by the Commissioner and in particular regulations that may be made under Sub-Section (5) of this Section.

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

Advice and
assistance for
certain children

(2) A person qualifies for advice and assistance under this Section, if he is under twenty-one years and assists at any time before attaining eighteen years:

- (a) looking after by the Commissioner;
- (b) accommodated by or on behalf of a voluntary organisation;

- (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 months; or is fostered privately, but has ceased to be so looked after, accommodated or fostered.

(3) Sub-Section (2) (d) of this Section applies if the period of three months mentioned in that Sub-Section began before the child attained the age of eighteen years(18) .

(4) Where the Commissioner knows that there is within the State a person qualifying for advice and assistance, conditions in Sub-Section (5) of this Section are satisfied, and a person has asked for help of a kind which the Commissioner can give under this Section, the Commissioner shall if the person was being looked after or was accommodated by or on behalf of a voluntary organisation may in any other case advise and assist the child.

(5) The conditions which shall be satisfied under Sub-Section (4) of this Section are that:

- (a) it appears to the Commissioner that the person concerned is in need of advice and assistance; and
- (b) where the person was not being looked after by the Commissioner, is in need of advice or assistance, that the person looking after him does not have the necessary facilities to advise or assist him.

(6) Where, as a result of this Section, the Commissioner is under a duty or is empowered, to advise and assist the person the assistance given under Sub-Sections (1) and (4) of this Section may be in kind or in exceptional circumstances in cash.

(7) the commissioner may give assistance to a person who qualifies for advice and assistance by virtue of Sub-Section (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.

(8) Where the Commissioner is assisting the person under Sub-Section (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 is reasonably practicable.

(9) Sub-Section (6) and (8) of Section 166 of this Law shall apply in relation to assistance given under this Section, as they apply in relation to assistance given under that Section.

(10) Where the child who is accommodated by:

- (a) a voluntary organisation or in a registered children home;
- (b) any health authority or education authority; or
- (c) any residential care home or mental nursing home,

ceases to be so accommodated, after the age of eighteen years, the organisation, authority or as the case may be, the person managing the home shall inform the Commissioner.

(11) Sub-Section (10) of this Section only applies, by virtue of paragraph (b) or (c) of that Sub-Section, if the accommodation has been provided for a consecutive period of at least three months.

6

168.(1) Subject to the provision of this Section, a child who is being looked after by the Commissioner 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 abscond;
- (b) if 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 Sub-Section (1) of this Section are satisfied.

(3) Where the Court determine that the relevant criteria are satisfied, it shall make an Order authorising the child to be kept in secure accomodation as 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 accomodation 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;
- (b) the parents of the child;
- (c) person who though not a parent of the child, parental responsibility for the child; or
- (d) any other person it considers relevant, having been 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 be 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 that a secure accommodation be provided for such further period as the regulations may specify and application to the Court under this Section shall be mae only by the Commissioner.

(9) The regulations may provide that this Section shall or shall not apply to any child specified in the regulation or that the Section shall apply to a child 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 whether a child of any description specified in the regulation may placed or kept in secure accommodation.

169.(1) Where it appears to the Commissioner that any authority or other person mentioned in Sub-Section (3) of this Section could, by taking any specified action, help in the exercise of any of the functions under this Part, the Commissioner may request the help of that authority or person specifying the action in question.

Cooperation
between authorities

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

(3) Sub-Section (2) of this Section refers to:

- (a) a Commissioner;
- (b) education authority;
- (c) housing authority;
- (d) health authority; and
- (e) any other person authorised 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.

170.(1) Where a child is being looked after by the Commissioner who proposes to provide accommodation for the child in an establishment at which education is provided for children who are accommodated, the Commissioner shall, so far as is reasonably practicable, consult the appropriate education authority.

Consultation with
education authority

(2) Where a proposal under Sub-Section (1) of this Section is carried out, the Commissioner shall, as soon as is reasonably practicable, inform the appropriate education authority of the arrangement that has been made for the child's accommodation.

Where a child ceases to be accommodated as mentioned in Sub-Section (1) of this Section, the Commissioner shall form the appropriate education authority accordingly.

171.(1) Where the Commissioner provides any service under Section 163 or 165 of this Law, other than advice, guidance or counselling, it may recover from a person specified in Sub-Section (4) of this Section such charges for the service as may be considered reasonable.

Recovery of cost
for providing
services

(2) Where the Commissioner is satisfied that the means of the person specified in Sub-Section (4) of this Section, 167 are insufficient to be reasonably practicable to pay the charges under Sub-Section (1) of this Section, he shall not be required to pay more than he can reasonably be expected to pay.

(3) No person shall be liable to pay any charge under Sub-Section (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 Sub-Section (1) 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, himself; and
- (c) a member of the child's family, that member.

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

PART XVII

COMMUNITY HOMES

172.(1) The Commissioner shall make such arrangement as he considers appropriate for securing homes, to be known as "community homes" for:

Securing
community homes

- (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, the Commissioner 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 Commissioner, or provided by a voluntary organisation but in respect of which the Commissioner and the Organisation propose that in accordance with an instrument of management, the managing, equipping and maintaining of the home shall be the responsibility of the Commissioner or the voluntary organisation.

(4) Where the commissioner is to be responsible for the management of a community home provided by a voluntary organisation, the commissioner shall designate the home as a "controlled community home".

(5) Where a voluntary organisation is to be responsible for the management of a community home provided by the voluntary organisation, the commissioner shall designate the home as an "assisted community home".

(6) The Eighth Schedule to this Law shall have effect for the purpose of supplementing the provisions of this part of this Law.

173. (1) Where it appears to the commissioner that:

Directive to
discontinue the use
of premises as
community home

- (a) any premises used for the purposes of a community home is unsuitable for those purposes; or
- (b) the conduct of a community home:
 - (i) is not in accordance with regulations made by the Commissioner under paragraph (4) of the Eighth Schedule to this Law;
 - (ii) is otherwise unsatisfactory, the Commissioner may by notice in writing, served on the body concerned direct that as from such date as may be specified in the notice, the premises shall not be used for the purposes of a community home.

(2) Where:

- (a) the commissioner has given a direction under Section 1 of this Section; and

- (b) the direction has not been revoked, the commissioner may at any time by Order revoke the instrument of management for the community home concerned.

(3) For the purpose of Sub-Section (1) of this Section, the body concerned shall in relation to:

- (a) a community home provided by the commissioner;
- (b) a controlled community home, as the commissioner specified in the instrument of management of the community home; and
- (c) an assisted community home, be the voluntary organisation which provided the community home.

174.(1) Where a dispute relating to a controlled community home arises between the Commissioner specified in the instrument of management of the community home and:

Determination of disputes relating to controlled and assisted community homes

- (a) the voluntary organisation which provided the community homes; or
- (b) any other person that has placed, or desires or is required to place in the community home, a child who is being looked after, the dispute may be referred by either party to the Court,

(2) Where a dispute relating to an assisted community home arises between the voluntary organisation which provided the community home and the Commissioner that has placed, or desires to place in the community homes, a child being looked after, the dispute may be referred by either party to the Court.

(3) Where a dispute is referred to the Court under this Section, the Court may in order to give effect to the determination of the dispute, give such direction as it thinks fit to the commissioner or voluntary organisation concerned.

(4) This Section applies notwithstanding that the matter in dispute may be one which, by virtue of part II of the Eighth Schedule of this Law, is reserved for the decision or is the responsibility of:

- (a) the Commissioner specified in the instrument of the community home; or

- (b) the voluntary organisation which provided the community home, as the case may be.

175.(1) A voluntary organisation 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.

Discontinuance of controlled or assisted community home

(2) A notice given under Sub-Section (1) of this Section shall specify the date from which the voluntary organisation intends to cease to provide or manage the community home.

(3) Where a notice given under Sub-Section (1) of this Section is not withdrawn before the date specified in it, the instrument of management of the community home shall cease to have effect on that date and the community home shall cease to be a controlled or an assisted community home as the case may be.

(4) Where a notice is given under Sub-Section (1) of this Section and the voluntary organisation gives notice in writing to the Commissioner, that it is unable or unwilling to continue to provide or manage the community home until the date specified in the notice given under Sub-Section (1) of this Section, the Commissioner may:

- (a) revoke the instrument of management of the community home; and
- (b) require the Commissioner to manage the home until;
 - (i) the date specified in the notice given under Sub-Section (1) of this Section; or
 - (ii) Such earlier date as may be specified for the purpose of this paragraph as if it were a community home provided by the commissioner.

(5) Where the commissioner imposes a requirement under Sub-Section (4) paragraph (b) of this Section:

- (a) Nothing in the instrument of management of the community home shall affect the management of community home by the Commissioner;
- (b) The Commissioner may direct that for the purposes of any provision specified in the direction made by or under this Law, the community home shall until the date or earlier date referred to in Sub-Section (4) (b) of this Section, be treated as a controlled or an assisted community home;
- (c) except in so far as the Commissioner direct, the community home shall until the date or earlier date referred to in Sub-Section (4) (b) of this Section, be treated for the purposes of this law as a community home provided by the Commissioner;
- (d) the community home shall on the date or earlier date refers to in Sub-Section (4) (b) of this section, cease to be a community home.

176.(1) The Commissioner, as provided in the instrument of management of a controlled or an assisted community home, may give to a voluntary organisation which provided the home not less than two years notice in writing of this intention to withdraw the designation of the home as a controlled or an assisted community home.

Closure by the commissioner of controlled or assisted community home

(2) A notice given under Sub-Section (1) of this Section shall specify the date on which the designation shall be withdrawn.

(3) Where:

- (a) a notice is given under Sub-Section (1) of this Section in respect of a controlled or an assisted community home; and
- (b) the appropriate authority managing the community home;
 - (i) gives notice in writing to the commissioner that it unable or unwilling to continue to manage the community home until the specified date; and

(ii) does not withdraw the notice, the commissioner may revoke instrument of management of the community home from such date earlier than the date specified in the notice given under Sub-Section (1) of this Section or as may be specified in the instrument.

(4) The Commissioner before taking action under Sub-Section (3) of this Section shall consult the voluntary organisation concerned.

(5) Where a notice has been given under Sub-Section (1) of this Section and it is not withdrawn, the instrument of management of the community home shall cease to have effect:

- (a) on the date specified in the notice; or
- (b) where an earlier date has been specified under Sub-Section (3) of this Section, on that earlier date and the community home shall cease to be a controlled or an assisted community home as the case may be.

PART XVIII

VOLUNTARY HOMES AND VOLUNTARY ORGANISATIONS

177.(1) Where a voluntary organisation provides accommodation for a child, it shall do so by:

Accommodation by
voluntary
organizations

- (a) playing the child, subject to Sub-Section (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;
- (b) maintaining the child i:
 - (i) a voluntary home; or
 - (ii) a community home;
 - (iii) a registered children's home; or
 - (iv) a home provided by the Commissioner under Section 162 (3) of this Law, on such terms as the Commissioner may, from time to time, determine; or

- (c) making such other arrangements, subject to Sub-Section (2) (b) of this Section as may seem appropriate.

(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 Sub-Section (1) of this Section; and
- 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 by any person falling within a prescribed class of persons, in accordance with the provisions of the regulations.

178.(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.

179.(1) Where a child is accommodated by or on behalf of a voluntary organisation, it shall:

Duties of voluntary organisations

- (a) safeguard and promote the welfare of the child;
- (b) make such use of the services and facilities available for children cared for by their own parent as appears to the child with a view to promoting the welfare of the child; and
- (c) advise and assist the child with a view to promoting the welfare of the child when the child ceases to be accommodated.

(2) Before making any decision with respect to the child under Sub-Section (1) of this Section, the voluntary organisation shall, so far as is reasonably practicable, ascertain the wishes and feelings of:

- (a) the child;
- (b) the parents of the child;

- (c) any other person who though not a parent of the child has parental responsibility for the child; and
- (d) any person whose wishes and feelings the voluntary organisation considers to be relevant, regarding the matter to be decided.

(3) A voluntary organisation shall, in making a decision under this Section, give due consideration to:

- (a) such wishes and feelings of the child as it has been able to ascertain, having regard to the age and understanding of the child;
- (b) such other wishes and feelings mentioned in Sub-Section (2) of this Section as has been ascertained; and
- (c) the religious persuasion, ethnic or cultural and linguistic background of the child.

180.(1) The Commissioner shall be satisfied that any voluntary organisation which provides accommodation for a child, satisfactorily safeguards and promotes the welfare of the child.

Duties of the Commissioner on provision for accommodation by voluntary organisation

(2) The Commissioner 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 their welfare.

(3) Sub-Section (2) of this Section does not apply in relation to community homes.

(4) Where the Commissioner is not satisfied that the welfare of a child who is accommodated on behalf of voluntary organization is being satisfactorily safeguard or promoted, he shall:

- (a) unless 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:
 - (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, the Commissioner could exercise any of the powers with a respect to the child.

(5) A person authorised by the Commissioner may for the purpose of discharging the duties under this Section:

- (a) enter, at any reasonable time, and inspect any premises in which children are being accommodated as mentioned in Sub-Section (1) or (2) of this Section;
- (b) inspect the children in those premises; and
- (c) require any person to furnish such records of a kind required to be kept by any regulations made under paragraph 7 of the Ninth Schedule to this Law in whatever form they 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 Sub-Section (5) of this Section shall, if require, produce some duly authenticated documents showing his authority to do so

(7) A person authorised to exercise the power conferred by Sub-Section (5) of this Section to inspect records:

- (a) shall be entitled, at any reasonable time, to have access to, inspect and check the operation of any computer and associated apparatus or materials 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 materials, to afford him such assistance as he may reasonably require.

(8) Whoever internationally obstructs any other person in the exercise of any power conferred by Sub-Section (5) or (7) of this Section commits an offence and is liable on conviction to a fine not exceeding five thousand naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(9) the Commissioner may make regulations:

- (a) requiring every child who is accommodated within the State, by or on behalf of a voluntary organisation, to be visited by an officer assigned by the Commissioner:
 - (i) in prescribed circumstances; and
 - (ii) on specified occasions or within specified periods as may be contained in the regulations.
- (b) imposing requirement which shall be made by the Commissioner in carrying out the functions under this Section.

PART XIX

REGISTERED CHILDREN'S HOME

181.(1) No child shall be cared for or provided with accommodation in a children's home unless the home is registered under this part.

Registration of
children's home

(2) The Commissioner may cause a register to be kept for the purpose of Sub-Section (1) of this Section, in such form as may, from time to time, be specified.

(3) Subject to any exemption by this Section and regulations made by the Commissioner for the purposes of this Sub-Section, 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 time.

(4) A home is not a children's home for the purpose of this part of the 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 and maintained by the Commissioner; or
- (f) a school, but subject to Sub-Section (4) of this Section.

(5) 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 in this Section is living in the home, or when the person caring for the child is doing so in a personal capacity and not in the course of carrying out his duties in relation to the home.

(6) A person who without reasonable excuse, cares for and accommodated 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 of imprisonment not exceeding six months, or to both such fine and imprisonment.

(7) The provisions of the 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.

182.(1) Where a child is accommodated in a children's home, the person managing the children's homes shall safeguard, 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 child.

Welfare of children
in 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 feelings 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 Sub-Section (2) of this Section, as he has been able to ascertain; and
- (c) to the religious persuasion, ethnic origin, cultural and linguistic background of the child.

183.(1) A person who is disqualified from fostering a child privately, shall not work in a children home unless he has disclosed to the responsible authority the fact that he is so disqualified and obtained the written consent of the responsible authority.

Persons disqualified from managing or being employed in children's home

(2) No person shall employ in a children's home a person who is disqualified from fostering a child privately unless he has disclosed to the responsible authority the fact he is so disqualified from fostering and obtained the written consent

(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 institute an action against the refusal to the Court under paragraph 8 of the Tenth Schedule to this Law and the time within which he may institute the said action.

(4) A person who contravenes Sub-Section (1) or (2) of this Section commits an offence and is liable on conviction to a fine of Ten Thousand Naira (N10,000) or imprisonment for a term not exceeding Three Months or to both such fine and imprisonment.

PART XX
SUPERVISORY FUNCTIONS AND RESPONSIBILITIES OF
THE COMMISSIONER

184.(1) The Commissioner may order to be inspected, from time to time any:

Inspection of children's home by authorized person

- (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 organisation 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 who 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;
- (g) premises in which a person is acting as a child minder;
- (h) premises with respect to which a person is registered under Section 151 of this Law;
- (i) a residential care home, a nursing home or a mental nursing home; and
- (j) premises which are provided by the Commissioner and in which any services are provided by the Commissioner under Part XV of this Law.

(2) An inspection under this Section shall be conducted by a person authorised to do so by the Commissioner.

(3) The Commissioner may require a person specified in Sub-Section (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 Sub-Section (3) of this Section applies; or
- (b) a child who is living in any of the premises to which Sub-Section (1) of this Section applies.

(4) The persons referred to in Sub-Section (3) of this Section are:

- (a) appropriate authorities of the Government;
- (b) a voluntary organisation;

- (c) a person managing a children's home;
- (d) a person fostering a child or providing accommodation for a child on behalf of the Commissioner, education authority, health authority or voluntary organisation;
- (e) an education authority providing accommodation for a child;
- (f) person employed in a teaching or administrative capacity;
- (g) a person who occupies any premises in which a person acts as a child minder, within the meaning of Part XIV of this Law, or provides day care for young children, within the meaning of that part; and
- (h) a person managing any home of a kind mentioned in Sub-Section (1) of this Section.

(5) 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 in to the state and management of the home or premises and treatment of the children kept in the home or premises as he thinks fit.

(6) A person authorised by the Commissioner to exercise the power to inspect records conferred by Sub-Section (3) of this Section:

- (a) shall be entitled at any reasonable time, to have access to inspect and check the operation of any Computer, any associated apparatus or materials 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 have 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.

(7) A person authorised to inspect any premises under this Section shall have a right to enter the premises for that purpose and for any purpose , specified in Sub-Section (3) of this

Section at any reasonable time and , if so required shall produce some authenticated document showing his authority to do so.

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

(9) The Commissioner may be Order, provide that Sub-Section (1), (3) 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 Sub-Sections.

(10) Reference to the Commissioner shall be construed to include reference to Local Government unless the context provides otherwise.

185.(1) The Commissioner may order an inquiry to be held into any matter concerned with: Inquiries

- (a) the functions of the supervision inspection service in the State;
- (b) the function of an adoption;
- (c) the functions of a voluntary organisation, 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.

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

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

187.(1) The Commissioner may, 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 for use in connection with the training, and the cost of maintaining a person undergoing approved care training.

Financial support

(2) The Commissioner may make grants to a voluntary organisation 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 in the opinion of the Commissioner

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

188.(1) The Commissioner may conduct or assist other persons in conducting research into any matter concerned with his functions under this Law.

Research and
returns of
information

(2) The Commissioner may conduct or assist other persons in conducting research into any matter connected with functions specified under subsection (7) of this section.

(3) The appropriate authorities shall, at such times and in such as the Commissioner may direct, transmit to the Commissioner such particulars as may be required with respect to the performance by the Commissioner of all or any of the functions under this Law or in Nursing Home and the children in relation to whom the Commissioner has exercised the function referred to in this sub-section.

(4) Every voluntary organisation shall, at such times and in such form as the Commissioner may direct, transmit to the Commissioner such particulars as may be required with respect to children that are accommodated by it.

(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 providers of such training.

(7) The commissioner may conduct or assist other persons in conducting research into any matter connected with her functions provided in:

- (a) this Law;
- (b) the penal Code Law; and
- (c) Administration of Criminal Justice Law; and
- (d) The relevant legislation on mental health relating to children cared for by the appropriate authorities.

189.(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, the Commissioner may declare that authority to be in default with respect to that duty.

Power of the Commissioner to declare default

(2) The declaration under sub-section (1) of this section shall state the Commissioner's reasons for making it.

(3) The declaration under sub-section (1) of this section may contain such direction for the purposes of ensuring that the duty is complied with, within such period as may be specified in the declaration, as appears to the Commissioner to be necessary.

(4) Any direction given by the Commissioner under sub-section (3) of this section shall, on the application by the commissioner to the Court, be enforceable by an Order of mandamus.

PART XXI

CHILD JUSTICE ADMINISTRATION GENERAL

190. 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 and process set out in this Law.

Child to be subjected to only child justice system and processes

Provided that a child shall be punished for capital offences which includes: Treason, Murder, Homicide, Rape, Arm Robbery, Kidnapping e.t.c

191.(1) The right of the child to privacy shall be respected at all stages of child justice administration in order to avoid harm being caused to the child by publicity or by the process of labeling.

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

Protection of
privacy

(3) Records of a child offender shall be kept strictly confidential and closed to third parties, and made accessible only to persons directly concerned with the disposition of the case at hand or other duly authorised persons

192.(1) Professional education, in-service training, refresher courses and other appropriate modes of instruction shall be utilized to establish and maintain the necessary professional competence of all persons, including judges, kadis, Magistrates and Sharia Court judges, officers of the specialised 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 effective administration of the child justice system.

(3) Persons employed in the justice system shall reflect the diversity of the 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 sub-section (2) of this section, there shall be no discrimination whatever in the selection, appointment and promotion of persons employed in the child justice system.

193.(1) The Commissioner shall liaise with the State police Command on the operation of the specialised children police Unit as provided under section 207 of the Child's Right Act 2003.

Specialized
children police unit

194.(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 direction

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

195.(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.

Disposal of cases without resort to formal trial

(2) The police, prosecutor or other person referred to in sub-section (1) of this section, may exercise the powers conferred under that sub-section 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.

196. The legal status and fundamental rights of the child provided for in II of this Law and in particular:

Report of the legal status and the rights of the child

- (a) the presumption of innocence;
- (b) the right to be notified of the charge;
- (c) the right to remain silent;
- (d) the right to the presence of a parent or a guardian; and
- (e) the right to legal representation and free legal aid,

shall be respected in the administration of the child justice system.

INVESTIGATION

197.(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 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

(2) The contact between the police and the child shall be 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 circumstance 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

198.(1) Detention pending trial shall be used only as a 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 pending trial

Provided that the application of this section shall be read in conjunction with the proviso to section 190 of this Law.

(2) While in detention, the child shall be given care, protection and all necessary assistance, including social, educational, vocational, psychological, medical and physical, as he require having regard to his age, sex and personality.

(3) Where the Court authorises 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, ensure that the apprehended child is moved to a Government accommodation.

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

ADJUDICATION

199.(1) A child who is accused of having committed an act shall be tried in the Court.

jurisdiction of the Court to try child offenders

(2) the term "conviction and sentence" shall be 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.

200.(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

(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 203 of this Law, 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.

201.(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 understating 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 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 not deprived of his personal liberty unless he is found guilty of an 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; and
- (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.

202.(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.

Parents, guardians
to attend Court

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

(3) Notwithstanding Sub-Section (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..

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

Child justice
procedure in Court

(2) Subject to the provision of Section 119 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 fact 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 deem fit the parent or guardian of the child whether he wishes to put questions to any of the witnesses.

(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 the duty of the Court to put to the witnesses such 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 witness 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 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:

- (a) shall obtain such information as to his general conduct, home surroundings, school record, including the social inquiry reports referred to in Section 205 of this Law and medical history as may enable it deal with the case in the best interest of the child; and
- (b) may put to the child any question arising out of such information.

(7) For the purpose of obtaining information under Sub-Section (6) of this Section for special medical examination or observation, the Court may from time to time grant 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 inquiry 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.

204.(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
government
accommodation

(2) A Court remanding a child to 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 Sub-Section (5) of this Section, the Court remanding a child to a Government accommodation may, after consultation with the Commissioner, 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 may impose a security requirement in respect of a child who:

- (a) 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 of ten years or more;
- (b) is a child who has a record or 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, 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 the reason stated by it under this Sub-Section to be specified in the warrant of committal and to be entered in the Court 's register.

(7) A Court remanding a child to Government accommodation without imposing a security requirement may, after consultation with the Commissioner require that the child complies with any condition as could be imposed if he were granted bail.

(8) Where a Court imposes on a child any condition mentioned in Sub-Section (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 Sub-Section to be specified in the warrant of commitment and to be entered in the Court register.

(9) A Court remanding a child to a Government accommodation without imposing a security requirement may, after consultation with the Commissioner, impose on the Commissioner requirements for securing compliance with any condition imposed on that child under Sub-Section (7) of this Section or stipulating that the child 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 Commissioner, impose on that child, any condition as could be imposed under Sub-Section (7) of this Section as if the Court were remanding him to such accommodation, and impose on the Commissioner 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 Commissioner vary or revoke any condition or requirement imposed under Sub-Section (7), (9) or (10) of this Section.

205. 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

Social inquiry
report

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 investigation under this Law.

206.(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 imposing 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 parents or guardian of the child.

Power of Court to order parent or guardian to pay the fine

(2) Where the parents 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 Sub-Section (1) shall be borne by the child.

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

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

(5) An order under this Section may be 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 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.

207.(1) (a) No child shall be ordered to be imprisoned, or subjected to the death penalty or have the death penalty recorded against him.

Restriction of
punishment

(b) the provision in subsection (1) (a) of this section shall not be applicable to capital offences as stipulated under the proviso to section 190 of this Law.

(2) 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 mother's center.

(3) No mother and child shall be held or detained at a special mother's center for a period longer than the time the child would have attained the age of six years.

(4) Where a mother is released from special mother's center due to 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 mother's center, 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.

(5) Where a mother is further given a sentence of imprisonment as a result of a review under Sub-Section (4) of this Section, the child shall be treated as a child in need for purposes of Section 166 of this Law and may be committed to the care of either his father or a fit and proper person by a committal Order.

208.1 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 cause 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 Sub-Section (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.

209.(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 recognisance or placing the child under Care Order, Guidance Order or Supervision Order.

(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 Sub-Section, (1) and (2) above, the Court may order the child offender to participate in group counseling and similar activities, pay a fine, damages, compensation of 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 recognisance 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 further orders provided for under this Law as it deems expedient taking into consideration the interest of the child.

(5) The placement of a child in an approved accommodation or government institution shall be a disposition of last resort and 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 Order 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.

(7) 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.

210.(1) If the Court before which an offender is bound by his recognisance 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 recognisance, 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.

Procedure on failure to observe conditions of recognisance

(2) A child offender, when apprehended, shall, if not brought forthwith before the Court before which he is bound by his recognisance 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 recognisance 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 recognisance to appear.

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

211.(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 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 of 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 recognisance to take proper care of the child and exercise proper control over the child; and
- (b) if the parent or guardian of the child refuse 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 recognisance 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 exceeding that shorter period.

(4) The Court shall have the power to declare the recognisance entered into by virtue of Sub-Stance (2) of this Section, to be forfeited and 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 210 of this Law shall apply for the purposes of Sub-Section (2) (b) of this Section as if the refusal to enter into recognisance was an offence punishable by a fine not exceeding ten thousand naira, and a fine imposed under that Sub-Section 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 recognisance under this Section, the Court shall take into account, among other things, the means of the parent or guardian of the child.

(7) 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.

212.(1) A corrective Order under this Law shall be in such form as may be prescribed.

Form for
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 the Order.

213.(1) The operation of a Corrective Order may:

Suspension of
Corrective Order

- (a) be suspended pending completion of arrangements for reception of the child into an approved institutions;
- (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.

214.(1) The Court which issued a Corrective Order may:

Variation of
Corrective Order

- (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;
- (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 behaviors 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
- (c) be released from one approved institution or person to another institution or person.

(2) An Order this Section may, in the direction of the Court making the Order be revoked and thereupon the original Corrective Order shall remain in full force and effect.

215.(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

(2) During the period of leave granted a child under Sub-Section (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.

216.(1) A child shall, while he is detained or on leave from an approved institution in accordance with the provision of this Law and also while 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

217.(1) If the manager of the approved institution is satisfied that a child committed to the approved institution is of such unruly or depraved character that it is desirable 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 situate, 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 person

NON INSTITUTIONAL TREATMENT

218.(1) The Commissioner or any other responsible for child matters shall:

Effective
implementation of non-
institutional orders

- (a) have the responsibility for ensuring the implementation of every non-institutional order of the Court; and
- (b) make quarterly reports to the Court having jurisdiction in the area on how the order is to be implemented, on the progress of the

implementation of the non-institutional order, including the response of the child offender to the treatment specified in the order.

(2) The Court to which a report is made under Sub-Section (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.

219. A child in respect of whom an order referred to in Section 212 of this Law is 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

220. Voluntary and other organisations and agencies, individuals and communities shall be encouraged by the Government Departments and Agencies responsible for child to assume socially constructive and productive roles in the society.

INSTITUTIONAL TREATMENT

221.(1) the objective of training and treatment of a child offender placed in an institution shall be to provide care, protection, education and vocational skills with a view to assisting the child to assume socially constructive and productive roles in the society.

Objectives 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 or guardian of a child offender placed in an institution shall have the right to access to the child in the interest and wellbeing of the child.

(5) Inter-ministerial and Inter-departmental cooperation 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.

222.(1) The Court shall use conditional release from an institution to the greatest possible extent and grant it at the earliest possible time.

Recourse of
conditional release

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

RESEARCH, PLANNING, POLICY FORMULATION AND EVALUATION

223. The Commissioner shall:

Research as a
basis for planning,
policy formulation

- (a) organise and promote necessary research as a basis for effective planning and policy formulation on child justice administration;
- (b) review and appraise periodically the trends, problems and causes of child delinquency, crime and varying particular needs of children in custody;
- (c) establish a regular evaluation research mechanism built into the child justice administration system;
- (d) collect and analyse relevant data and information for appropriate assessment, future improvement and reform of the child justice administration system; and
- (e) systematically plan and implement as an integral part of development effort, the delivery of services in child justice administration.

PART XXII
SUPERVISION

224. The Commissioner may appoint:

Appointment of
supervision officer

- (a) a fit and proper person by name or office to be a supervision officer for such areas as may be specified in each letter of appointment;
- (b) a deputy supervision officer to assist and also act in the absence or during the illness or incapacity of the supervision officer; and
- (c) an assistant supervision officer shall, when acting under a Supervision Order, be subject to the control of the Court.

225.(1) The Commissioner may appoint such number of supervision inspectors as may be necessary for the purposes of this Law.

Supervision
Inspectors and
supervision
inspection service

(2) The supervision Inspectors appointed under Sub-Section (1) of this Section, with the supervision officers appointed under Section 224 of this Law, shall constitute the State Supervision Inspection Service (referred to in this Law 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 Supervision Inspector and report to the Commissioner on the activities of Supervision Service and the activities carried out by or on behalf of the Supervision Service and the discharge of 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 may, in respect of Supervision Inspectors make such payments by way of remunerations, allowances or otherwise as may be determined for the purposes of their function under this Law.

226.(1) The Commissioner may make an Order under this Section where 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.

Failure to discharge
duties

(2) The Supervision Service shall comply with the provisions of any Order made under Sub-Section (1) of this Section.

227.(1) Where a child is charged with an offence, other than capital offence, 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 recognisance, with or without sureties to be of good behavior 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.

Conditional
discharge
and Supervision
Order

(2) A recognisance entered into under Sub-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, and contain such other conditions for securing such supervision.

(3) An Order containing a condition that a child offender is under supervision in his recognisance shall in this Law be referred to as "Supervision Order".

228.(1) The person named in a Supervision Order shall be a Supervision officer appointed by the Commissioner or the Court.

Person named in
Supervision Order

229. 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 recognisance to appear to be further dealt with.

Supervision Officer
may be relieved
from duty

230. A Supervision Officer shall, subject to the discretion of the Court:

Duties of
Supervision officer

- (a) 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;
- (b) see the child, observe the condition of his recognisance;
- (c) make a report to the Court on the behaviour of the child; and

- (d) advise, assist and endeavour to find suitable employment for the child when necessary.

231. the court before which a child is bound by his recognisance under this Law to appear to be further dealt with 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 recognisance.

Power of Court to vary recognisance

PART XXIII

APPROVED INSTITUTIONS AND POST RELEASE SUPERVISION

232. Approved institutions consist of approved children institutions and special mother's center, all of which shall be established as provided in this part of the Law.

Approved institutions

233.(1) The Commissioner may with the approval of the Governor, establish in the State, as approved institutions, such number of children centers, children correctional centers, special children correctional centers, and such number of special mother's 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 in the State.

(3) The commissioner responsible for matters relating to women shall:

- (a) establish in any part of the State, institutions to be known as special mothers centres; and
- (b) make rules for the management, up keep and inspection of the special mothers centres.

(4) The supplementary provisions contained in the Eleventh Schedule to this Law shall have effect with respect to approved institutions established by the Commissioner under Sub-Section (1) of this Section.

234.(1) The Commissioner may on the approval of the Governor declare any building, place or land in the State as:

Declaration of building as an approved institution

- (a) a children attendance centre;
- (b) a children detention centre;
- (c) a children residential centre;
- (d) a children correction centre;
- (e) an emergency protection centre;
- (f) a special children correctional centre; or
- (g) such other children institution as may be established by the Commissioner.

(2) The Commissioner responsible for matters relating to women may on the approval of the Governor declare any building, place or land within the State to be a special mother's centre.

235.(1) A children attendance centre shall be a known residential place at which children shall attend on daily basis or such days only as may be prescribed on the order of the Court which the case of the child concerned.

Children
Attendance Centres

(2) A children detention centre shall be a place for the detention of children who are remanded in or committed to custody for trial or for the making of a disposition order after trial or awaiting adoption or fostering.

(3) A children residential centre shall be a place in which a child offender may be detained and given regular school education and such other training and institution as may be conducive to their reformation, re-socialisation, removal or reduction of their tendency to commit anti social act and such other acts which violate criminal law.

(4) A children correctional centre shall be a place in which child offenders may be detained and given such training and instruction as will be conducive to their reformation, re-socialisation, removal or reduction in term of their tendency to commit anti social acts and such other acts which violate criminal law.

(5) An emergency protection centre shall be a place in which a child taken into police protection or in respect of whom an emergency protection Order is made shall be accommodated until the expiration of the order.

(6) A special children correctional centre shall be a place to which children who are found to be incorrigible or exercising bad influence on other inmates detained in a children correctional centre may be detained.

(7) A special mothers centre shall be a place in which expectant and nursing mothers are held for purposes of remand, re-socialisation and rehabilitation in the society in an atmosphere devoid of the regime of institutional confinement which may be demanging for the proper development of their children.

(8) The Commissioner may by regulations provide for:

- (a) the regulation and governance of the approved institutions;
- (b) the appointment, power, duties, conduct and disciplinary control of the officers and other persons employed in the approved institutions;
- (c) the functions and duties of visitors, visiting committees and voluntary visitors to approved institutions;
- (d) the classification, tratment, diet, clothing, maintenance, employment, discharge, discipline, instruction and the control of inmates of Approved institutions;
- (e) the release of inmate on parole;
- (f) the establishment of after care association for the welfare and reformation of children discharged from approved institutions;
- (g) the form in which any order shall be made; and
- (h) such other matters as may be required for the carrying out of the responsibilities under this Section.

236 The director responsible for child development in the ministry with responsibility for matters related to children shall have the general charge and superintendence of approved children institutions in the State.

Responsibilities for
officers of
Approved
Institution
i

237.(1) The children development officers shall be appointed to carry out duties in relation to approved children institutions situate within their areas of jurisdiction.

Officers of
Approved
Institutions

(2) Women affairs officers shall be appointed to carry out duties in relation to special mother's centres

(3) All officers appointed to approved institutions as specified in this Section shall be persons with background training in criminology or criminal justice or sociology or psychology or social psychology or guardianship and counseling or social work or child education.

238.(1) The Commissioner may by notice in a gazette appoint such persons to be visitors in relation to such approved institutions as may be specified in a notice.

Visitors and visiting committees

(2) In addition to persons appointed under Su-Section (1) of this Section, the following persons shall be ex-officio visitors to all approved institutions:

- (a) the Chief Judge of the State;
- (b) the Judges of the High Court of the State;
- (c) the Judge of the Federal High court in the State;
- (d) Grand Kadi of the Sharia Court of Appeal of the State;
- (e) the Kadis of the Sharia Court of Appeal of the State;
- (f) the Attorney-General of the State;
- (g) the Magistrates; and
- (h) the Judges and members of the Sharia Court.

(3) The commissioner may where necessary by notice in a gazette appoint such other visitors to constitute a visiting committee in relation to such approved institutions as may be specified in the notice without prejudice to the general right of visitation on the part of other visitors.

(4) Visitors and visiting committees shall perform such functions and duties in relation to approved institutions as may be prescribed.

(5) The Commissioner may by notice in gazette, delegate the powers conferred by this Section to appoint visitors and visiting committees in respect institutions in the State.

239. 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 conditions a medical report is required for the assistance of a Court in determining the most suitable method of dealing with his case.

Facilities for observation of children in approved institution

240.(1) If the Commissioner receives a report that a child detained in a children correctional centre 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 liable to be detained, as the Court may determine.

Transfer from
correctional centre
to special children
centre

(2) A child committed to a special children correctional centre under Sub-Section (1) of this Section shall, for the purposes of this Law, be detained as if he has been ordered to be committed to the children correctional centre for that term.

(3) No report made under Sub-Section (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 centre.

241.(1) A child detained in a children centre or children correctional centre shall, on attaining the age of eighteen (18) years, 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.

Release from
Approved
institution

(2) Where the Commissioner receives a report that a detained child in a special children correctional center, has attained the age of eighteen years (18) , and is still incorrigible or is still exercising a bad influence on other inmates, the Commissioner may direct that the child be committed to a special Youth Correctional Centre.

RELEASE AND POST-RELEASE SUPERVISION

242. Subject to the provisions of Section 241 of this Law, a child ordered to be detained in children correctional centre shall, after his release, be subject to supervision in accordance with the provisions of Section 243 of this Law.

Release and
supervision after
training

243.(1) A child shall:

Post release
supervision of
children offenders

- (a) 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;

- (b) while under supervision, as provided by Sub-Section (1) (a) of this Section, shall comply with such requirements as may be specified 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.

(2) 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 approved institution under Section 241 of this Law, has failed to comply with any requirement for the time being specified in the notice given to him under Sub-Section (1) (b) of this Section, the Commissioner may direct the child to be recalled to an approved institution.

(3) A child who is recalled to an approved institution is liable to be detained in the approved 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 latter, and if at large shall be deemed to be unlawfully at large.

(4) 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 in custody thereunder.

(5) The commissioner may, at any time, release a child who is detained in an approved institution under this Section and this provision shall apply in the case of a child so released as they apply in the case of child released under Section 241 of this Law.

(6) 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 to an approved institution for training, the original order or sentence shall cease to have

effect and if in detention, any period for which he is so detained under that order shall count as part of the period for which he is liable to be detained in an approved institution under his original sentence.

(7) In this Section, any reference to the date of an Order committing child to an approved institution for training shall, in relation to a child who has appealed against his Order or sentence be construed as reference to the date on which the Order or sentence was finally affirmed.

PART XXIV
THE STATE CHILD PROTECTION IMPLEMENTATION
COMMITTEE

244.(1) There is hereby established a committee to be known as the State Child Protection Implementation Committee (in this Part of the Law referred to as the "State Committee")

State Child
Protection
Implementation
Committee

- (2) The committee shall comprise of:
- (a) A chairman who shall be appointed by the Governor;
 - (b) One person to represent each of the following State Ministries;
 - (i) Ministry of Women Affairs;
 - (ii) Ministry of Health;
 - (iii) Ministry of Education;
 - (iv) Ministry of Justice;
 - (v) Ministry of Rural and Social Development, and
 - (vi) Ministry of information;
 - (vii) Ministry of Religious affairs.
 - (c) One representative of the National Human Rights Commission (NHRC);
 - (d) One person to represent the Police (from the Juvenile Welfare Center {JWC} of the police);
 - (e) One representative from Nigerian Immigration Service;
 - (f) Two persons one each to represent the Katsina and Daura Emirate Councils;
 - (g) One representative from Parent Teachers Association (PTA);
 - (h) One child care expert;
 - (i) One person to represent the State Community Homes;

- (j) One person to represent the State branch of the Nigeria Union of Journalists (NUJ);
- (k) two persons to represent women associations in the State;
- (l) two persons to represent organisations involved in the protection of the rights of children in the State;
- (m) one person to represent the State Branch of the Nigeria Union of Teachers (NUT);
- (n) three persons to represent registered religious organisations;

(3) The remuneration of the members of the committee shall be determined by the Governor.

245. 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 welfare of the child as provided for in:
 - (i) this Law;
 - (ii) the United Nations Convention on the Rights and Welfare 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 implementation and protection of the child.
- (c) develop and recommend to the State and Local Governments, through their respective Local Government Child protection implementation Committees, programmes and projects that will enhance the implementation and protection of the child;
- (d) collect and document information on all matters relating to the welfare of the child;

- (e) commission inter-disciplinary assessment of the problems relating to the welfare of the child in the State;
- (f) encourage, monitor and coordinate the activities of the State and Local Government institutions, organizations and bodies concerned with the welfare of the child;
- (g) organise meetings, conferences, symposia and other enlightenment activities on the 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 welfare of the child;
- (j) perform such other functions relating to the welfare of the child as may from time to time be assigned to it.

246.(1) The State Committee shall determine its own quorum and regulate its own proceedings at any of its meetings.

Procedure at meeting and formation of Sub-Committee

(2) The Committee shall have the power to set up such Sub-Committees as may be necessary for the discharge of its functions under this Law.

247. The secretariat, budget and the remuneration of the members of the Committee shall be determined by the Governor.

Secretariat, Budget and remuneration of the State committee

LOCAL GOVERNMENT CHILD PROTECTION IMPLEMENTATION COMMITTEE

248.(1) There is hereby established a Committee to be known as the Local Government Child Protection Implementation Committee (referred to in this Law as the "Local Government Committee").

Establishment and membership

(2) The Local Government Committee shall comprise of:

- (a) the Chairman or any other officer for the time being in charge of the Local Government Council shall be the Chairman of the Committee;

- (b) the District Head of the Local Government, shall be the Vice Chairman of the Committee; and where there are more than one district heads in the Local Government Council Area, the most senior will be the Vice Chairman and others will be members;
- (c) the head of the Health Department in the Local Government Council;
- (d) the head of the Education and Social Services Department (as secretary of the Committee);
- (e) the information officer in the Local Government;
- (f) the representative of the Nigeria Union of Teachers in the Local Government Area;
- (g) the representative of the Parents Teachers Association (PTA) in the Local Government Area;
- (h) two respectable women to represent the mothers in the Local Government Area;
- (i) two persons to represent two registered religious organizations in the Local Government; and
- (j) two representatives from Civil Society Organisations, one of whom shall be a woman.

(3) The members of paragraph (h) shall be appointed by the chairman or any other officer for the time being in charge of the Local Government Council.

(4) The secretariat, budget and the remuneration of the members of the Committee shall be determined by the Governor.

249. The functions of the Local Government Committee are to:

Functions of the
Local Government
Committee

- (a) initiate actions that will ensure the observance of the protection and welfare of children as provided for:
 - (i) in 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 implementation of the welfare and protection of the child;
 - (c) develop and recommend to the Local Government, specific programmes and projects that shall enhance the implementation and protection of the child;
 - (d) collect and document information on all matters relating to the protection and welfare of the child;
 - (e) commission inter-disciplinary assessment of the problems relating to the protection and welfare of the child in the Local Government Area;
 - (f) encourage and coordinate the activities of the Local Government institutions, organizations and bodies concerned with the protection and welfare of the child;
 - (g) organize meetings, conferences, symposia and other enlightenment programmes for the protection and welfare of the child;
 - (h) prepare and submit periodic reports on the state implementation and protection of the child for submission to the State Committee; and
 - (i) perform such other functions relating to the protection of the child as may from time to time be assigned to it.

250. The Local Government Committee shall determine its own quorum, regulate its proceedings at any of its meeting and set up Sub-Committee as may be necessary for the discharge of its functions under this Law.

Procedure at meetings

251. The Secretariat, budget and remuneration of the Local Government Committee shall be as may be determined by the Chairman or any other officer for the time being in charge of the Local Government Council.

Secretariat, budget and remuneration of the Committee

PART XXV
MISCELLANEOUS

252. If an offence under this Law is proved to have been committed with the consent or connivance of or to be contributable to any neglect on the part of any director, manager, secretary or other similar officers of a body corporate or firm, or any person who was purporting to act in any such capacity, he as well as the body corporate or firm, commits an offence and shall be liable to be proceeded against and punished as follows:

Liability of a body
corporate or firm

- (a) in case of a director, manager, secretary or any similar officer, on conviction, he shall be liable imprisonment to a term not exceeding one year and with a fine of not less than one hundred thousand Naira;
- (b) in case of a body corporate or firm, on conviction, it shall be liable to a fine of five hundred thousand Naira.

253.(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 to him by registered post or by electronic mail.

Service of notice on
body corporate or
firm

(2) Any notice or other document required to be served on a body corporate or a firm, shall be deemed to be duly served, if it is served on the secretary or clerk or any other officer of that body or a partner or any other officer of that firm.

(3) For the purpose of this Section, the address of a person shall be:

- (a) in the case of secretary or clerk or any other officer of a body corporate, that of the registered or any principal or branch office of that body;
- (b) in the case of a partner of a firm, that of the principal or any branch office of the firm and
- (c) in any other case, the last known address, including electronic mail address of the person to be served.

254. The forms set out in the Eleventh Schedule to this Law shall have effect with respect to the matters specified therein. Forms

FIRST SCHEDULE

Section 44(14)

FINANCIAL PROVISIONS FOR CHILDREN

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: Orders for financial relief against parents

- (a) in the case of an application to the Court specified in this Law, make one or more of the Orders mentioned in sub-paragraph (2) of this paragraph.
- (b) in a case of an application to the Court at Magistrate or Shari'ah Court, make one or both of the orders mentioned in paragraph (a) and (c) in this sub-paragraphs.

(2) The Orders 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 are entitled (either in possession or reversion) as may be specified in the Order.

(3) The powers conferred by these paragraphs may be exercised at any time.

(4) An Order under sub-paragraph (2) (a) or (b) 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 in 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 as it appears to the Court;
- (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 as it appears to the Court:

Application by a person who has attained eighteen years old

- (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 applicant may not be made under this paragraph by a 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) 9a) 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 person 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 remain in force make such further Orders.

(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.

3.(1) The term to be specified in an Order for periodical payments made under paragraph 4(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:

Duration of Orders
for financial relief

- (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 attainment of 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 periodical 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 a 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, have been married for a period of more than six months.

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:

Matters to which Court is to have regard in making Orders for financial relief

- (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 need, obligations and responsibilities which each 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 expected to be educated or trained.

(2) In deciding whether to exercise its powers 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 the 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 a decision, whether to its powers under paragraph 2 of this Schedule the mother and the father of the child; and
- (c) the applicant for the Order; and
- (d) any person in whose favour the Court proposes to make the Order.

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 liabilities or expenses:

Provisions relating to lump sums

- (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 magistrate or Sharia Court under paragraph 1 or 2 of this Schedule, shall not exceed such amount as the Commissioner may from time to time, fix for the purposes of this Sub-Paragraph.

(3) The power of the Court under paragraph 1 or 2 of this Schedule to vary or discharge an Order for making or securing of periodical payment by a parents 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 virtue of Sub-Paragraph (3) of this Paragraph shall not in the case of an Order made by the Magistrate or Sharia Court exceed the maximum amount that any at the time of the making of the Order be required to be paid under Sub-Paragraph (2) of this Paragraph, but the magistrate or shari'ah Court 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; and
- (c) the date on which any installment becomes 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 circumstances of the case, including any charge in any of the matters to which the Court was required to have regard when making the Order;

Variations or discharge of an order for the making or securing of periodical payments

(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 payment to or for the benefit of a child may if the child has attained the age of 16 years be made by the child himself.

(7).(1) Where the parent liable to make payments under 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 by the parent.

Variation of Orders
for secured
periodical payments
after death of
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 representations in regard to the state 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 disturbed 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 this 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 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 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 on 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.

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 to the child's maintenance.

Financial relief
under other
enactments

(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 a 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.

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:

Interim Order

(a) requiring either or both parents of a child to make 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 sub-paragraph (3) of this paragraph may be varied by substitution at a later date.

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:

Alteration of
maintenance
agreements

- (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 which 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 domicile 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 that:

- (a) 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) the agreement does not contain proper financial arrangements 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 for the payments or (as the case may be) the additional payments attribute to the increase 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 Magistrate or Sharia 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 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 to the Court for an Order under paragraph 10 of this Schedule.

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.

Maintenance
agreement

(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) For the purposes for 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 of 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 provision of this Paragraph shall not render the personal representative of a 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 arrangement" have the meaning assigned to them in paragraph 10(1) of this Schedule.

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 the Court at the Magistrate or Sharia Court level under this Law, shall give notice of any change of address to such persona (if any) as may be specified in the Order.

Enforcement of
Orders for
maintenance

(2) A person who fails without reasonable excuse to give notice, commits an offence and is liable on conviction to a fine of five thousand 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 a Magistrate or Sharia Court Order.

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 a proper instruments be executed by all necessary parties.

Directions for settlement of instrument by registrar

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

- (a) his other parent;
- (b) his guardian; 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) of this Schedule include 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.

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

Government contribution to child maintenance

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

16. In this Schedule:

Interpretation

- (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, that person;
- (b) Except in paragraph 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 shall be construed as a reference to any parent of the child or to all of this parents.

SECOND SCHEDULE

Section 46(2), 47 (8) and 49 (9)

SUPERVISION ORDERS

PART I-GENERAL

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

Meaning of
responsible person

- (a) is a person who has parental responsibility for the child; and
- (b) is any other person with whom the child is living.

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 directions for a period or periods so specified;
- (b) to present himself to a person or persons specified in a direction at a place or places and on a day specified;
- (c) to participate in activities specified in the directions on a day so specified.

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

(3) Sub-Paragraph (1) 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 in Paragraph 4 and 5 of this Schedule.

3.(1) With the consent of any responsible person, a supervision Order may include a requirement:

Imposition of obligations on responsible person

- (a) that he 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 he 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 required a person who is responsible person in relation to the supervised child to keep the supervisor informed of his address, if it differs from that

4.(1) A supervision Order may require the supervised child:

- (a) to submit to medical or psychiatric examination;
or
- (b) submit to 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 required 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 a nonresident patient; or

- (c) at a health services 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 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 properly.

(4) No Court include a requirement under this paragraph in a 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 arrangement have been 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.

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:

Psychiatric and
medical treatment

- (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; or

(2) The treatment specified in accordance with Sub-Paragraph 5 (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 a non-resident patient at such a place as may be so or specified; or
- (c) as a 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 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 named 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 a 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 continued beyond the period specified in the Order;
- (b) the supervised child needs different treatment;
- (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.

(7) 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.

(8) In this Paragraph, "Medical Practitioner" has same meaning assigned to it under paragraph 4(5) of this Schedule.

PART II
Section 46
MISCELLANEOUS

6.(1) Subject to paragraph 2 Sub-Paragraph (2) of Part I of the Second Schedule to this Law and section 46 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.

Life of Supervision
Orders

(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 extend so as to run beyond the end of the period of three years beginning with the date on which it was made.

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.

Limited Life of
Directions

(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.

8.(1) A Supervision Order may require the Supervised child:

Information to be
given to supervisor

- (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.

9.(1) A Supervision Order shall not designate the commissioner as the supervisor unless:

Selection of
supervision

- (a) The Commissioner agrees; and
- (b) The Supervised child lives or will live within the state.

(2) A Court shall not place a child under the supervision of supervision officer 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 officer shall be selected in accordance with arrangements made by the Supervision Service for the area in question.

(4) If the selected Supervision inspection officer is unable to carry out his duties, or dies, another supervision inspection officer shall be selected in the same manner.

10. The making of a Supervision Order with respect to a child brings to an end any earlier Care Order or Supervision Order which:

Effect of supervision order on earlier orders

- (a) Was made with respect to that child; and
- (b) Would otherwise continue in force.

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.

Government Expenditure

PART III

EDUCATION SUPERVISION ORDERS

12.(1) Where an Education Supervision Order is in force with respect to a child, the supervisor shall:

Effect of orders

- (a) Advise, assist 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 ensure that the child is properly educated:

- (b) Where any such direction given to the supervised child or any of his parents has not been complied with, consider what further steps to take in the exercise of the supervisor's powers under this Law.

(2) Before giving any direction under Sub-Paragraph (1) of this Paragraph, the supervisor shall, so far as is reasonably practicable, ascertain the wishes and feelings of:

- (a) the supervised child; and
- (b) the parents or guardian of the supervised child, in particular, their wishes as to the place at which a child should be educated

(3) When setting the terms of any such directions, the supervisor shall give due consideration:

- (a) to his wishes and feelings, having regard to the child's age and understanding;
- (b) to such wishes and feelings 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 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. Where an Education Supervision Order and 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.

Effect where child is also subject to Supervision Order

15.(1) An Education Supervision Order shall have effect for a period of one year beginning with the date on which it is made.

Duration of Orders

(2) An Education Supervision Order shall not 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 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 Paragraphs (1) to (4) of this Paragraph are subject to this Sub-Paragraph.

16.(1) An Education Supervision Order may require the child:

Information to be given to supervisor

- (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 an Education Supervision Order has been made shall:

- (a) if asked by the Supervisor, inform him of 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.

17.(1) The Court may discharge an Education Supervision Order on the application of: Discharge Orders

- (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 Commissioner 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. Failure to comply with the directions given under the order

(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 given 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 conviction to a fine not exceeding twenty thousand naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

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.

Persistent failure of child to comply with directions

(2) Where the Commissioner has been notified under Sub-Paragraph (1) of this Paragraph he shall investigate the circumstances of the child and take such necessary steps as he deems expedient.

20. The Commissioner may by regulations make provisions modifying or displacing the provisions of any State enactment about education 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.

Miscellaneous

THIRD SCHEDULE

Section 87

1. Application for wardship in the High Court Shall:

- (a) be by originating summons; and
- (b) state the relationship of the plaintiff to the ward;

(2) In a case of an application to either the magistrate or Sharia court, the appropriate rules of court in that respect shall apply.

FOURTH SCHEDULE

Section 101(2), 109(3), 111(5)

PART I

FOSTER PARENTS: LIMIT ON NUMBER OF FOSTER CHILDREN

1. For the purpose of this schedule, a person may foster a child if:

Fostering Children

- (a) he is assigned by the Commissioner to be a foster parent in relation to the child:
- (b) he is a foster parent with whom the child has been placed by a voluntary organisation; or
- (c) he fosters the child privately.

2.(1) Subject to the following paragraphs of this schedule, a person may not foster more than three children, which is the fostering limit if the children concerned are all siblings with respect to each other.

Fostering limit

3.(1) A person may exceed the fostering limit if he is exempted from it by the commissioner.

Exemption 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 arrangement which the person proposes for the care and accommodation of the fostered children;
- (c) the intended and likely relationship between the person and the children; and
- (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 the name, who he may foster; and
- (c) of any condition to which the exemption is subject to.

(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 to 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 of urgency.

4.(1) The Commissioner shall establish a procedure for considering any representation (including any complaint) made to him about the discharge of this functions under paragraph (3) of this schedule by a person exempted or seeking to be exempted under that paragraph. Complaint

(2) In carrying out any consideration of representation under sub-paragraph (1) of this paragraph, the Commissioner shall have due regards to the circumstance of each case.

PART II

Section 101

FORM 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 as Stated in fostering order)	Sex of Fostered child	Name, surname and occupation of foster parents	Date of birth of fostered child	Date of fostering Order and description of Court by which made	Signature of officer deputed by chief registrar to attest entry

PART III

Section 109 and 110

CHILDREN FOSTERED PRIVATELY

1. A child is not fostered privately while he is being looked after by the Government. Exemptions

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 organisation

- (d) in any home or institution not specified in this paragraph but provided, equipped and maintained by the Government.

(2) Sub-Paragraph (1) (b) to (e) 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.

3.(1) Where a person is fostering a child privately or purposes to foster any child privately, the Commissioner may impose on him requirements as to:

Power of the Government to impose requirements

- (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 institute an action 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.

4.(1) The Commissioner may by regulations make provisions as to:

Regulation requiring notification of fostering

- (a) the circumstances in which notification is required to be given in connection with children who 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 111 of this Law; or
 - (iii) any prohibition imposed on him under Section 112 of this Law;
- (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 ceases 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 including, whether the child has died and the reason for the death.

5.(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 holidays for a period of more than two weeks, Part XI of this Law shall apply in relation to the child as if while living at the school, he were a child fostered privately.

Certain school children during holidays

(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 specified period or indefinitely and may be revoked at any time by notice in writing 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:

Prohibition of advertisement relating to fostering

- (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.

6. 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.

Prohibition of advertisement relating to fostering

7. A person who fosters a child privately and for reward shall be deemed for the purposes of the Insurance Act, to have no interest in the life of the child.

Avoidance of insurance on lives of children fostered privately

8.(1) A person aggrieved by:

Institution of action

- (a) a requirement imposed under paragraph 4 of this part of this Schedule;
- (b) a refusal of consent under Section 111 of this Law;
- (c) a prohibition imposed under Section 112 of this Law;
- (d) a refusal to make an exemption under Section 112 of this Law;
- (e) a refusal to make an exemption under paragraph 4 of part I of this Schedule;
- (f) a condition imposed in an exemption under paragraph (4) of part 1 of this Schedule; or
- (g) a condition or cancellation of an exemption, may institute an action before the Court.

(2) The action shall be taken within fourteen days from the date on which the person instituting the action is notified of the requirement, refusal, prohibition, condition, variation or cancellation.

(3) Where the action is against:

- (a) a requirement imposed under paragraph 4 of this Schedule;
- (b) a condition imposed in an exemption under paragraph 4 of part 1 of this Schedule; or
- (c) a variation or cancellation of an exemption under paragraph 4 of Part 1 of this Schedule, the requirement, condition, variation or cancellation shall not have effect while the action is pending.

(4) Where the Court allows an action against a requirement or prohibition, it may, instead of cancelling the requirement or prohibition:

- (a) vary the requirement or allow more time for compliance with it; or
- (b) if an absolute prohibition has been imposed, substituted for it a prohibition on using the premises after such time as the Court may specify unless such specified requirements as the Commissioner has 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 112 of this Law (as the case may be).

(6) Where the Court allows an action 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 1 of this Schedule (but not for the purposes of this paragraph) to have been made, varied or imposed under that Schedule.

Nothing in sub-paragraph (1) (e) to (g) of this paragraph confers any right of appeals on a person who is or would if exempted be, a person whom a child is placed by a voluntary organization.

PART IV

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	Please tick	
		YES	NO
1.	Been convicted of any offence involving a child		
2.	Been convicted of any offence involving a child		
3.	Had a child been removed from your care by the Order of any Court or the Government?		
4.	Had registration under Part XV of the Child Rights Law refused or cancelled (children minding)		
5.	Had a prohibition been imposed on you at any time		
6.	Been disqualified from acting as a foster parent		
If you have answered 'yes' to any of the above question, please supply the dates and circumstances in a separate sheet.			
Signed:..... Date:..... <i>Section 113 of the Child Protection Law, provides that a person who makes any statement in the notice or information which he knows to be false or misleading commits an offence and is liable on conviction to a fine not exceeding twenty thousand Naira or imprisonment for a term not exceeding six months or to both such fine and imprisonment.</i>			

If you have answered yes to any of the above question, please supply the dates and circumstances.

Signed.....

Date:.....

Section 113 of the Child Protection Law, 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 conviction to a fine not exceeding twenty thousand Naira or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

PART V

ADDITIONAL PROVISIONS RELATING TO PRIVATE ARRANGEMENTS FOR FOSTERING

1.(1) In exercising his functions under Section 110 of this Law, as to the welfare of children who are fostered privately within the State, the Commissioner (including an office 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) as are relevant in the particular circumstances.

General welfare of children

(2) The matters referred to in sub-paragraph (1) of this paragraph are:

- (a) the purposes and intended duration of the fostering arrangements;
- (b) the child's physical, intellectual, emotional, social and behavioral development;
- (c) whether the child's needs arising from his religious persuasion, racial origin, 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 arrangements;
- (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 contact between the child and his parents or any person, with whom contact has been arranged, is satisfactory;
- (l) whether the child's parent's or any other person are exercising parental responsibility for the child; and
- (m) the ascertainable wishes and feelings of the child regarding the fostering arrangements.

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:

Visits to children

- (a) in the first year of the fostering arrangements, within one week from its beginning and at intervals of not more than six weeks; and
- (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.

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 or more than thirteen weeks before he receives the child, unless he receives him in an emergency.

Notification by prospective and actual foster parents

(2) A person who is fostering a child privately:

- (a) whom he receives in an emergency; or

- (b) for whom he was already caring and providing accommodation when he becomes a foster child shall notify the Commissioner not more than 48 hours after the fostering arrangement begins.

(3) A notice under sub-paragraph (1) or (2) of this paragraph shall specify:

- (a) the name, sex, date, place of birth, religious persuasion, racial origin, cultural and 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 arrangements;
- (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 arrangements; 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 Section 111 or 112 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-paragraph (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.

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.

Notification by
foster parents

(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 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.

5.(1) Any person who is or proposes to be, involved (whether directly or not) in arrangement for a child to be fostered privately, shall notify the Commissioner not less than six or not more than thirteen weeks before the fostering arrangement begins, unless the fostering arrangement is made in the emergency in which case the notification shall not be more than 48 hours after the fostering arrangement begins.

Other notifications

(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, or 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 arrangement for the care of any brother of the child who is not included in the fostering arrangement;
- (c) the name and address of any person involved (whether directly or not) in the fostering arrangement; and
- (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;
- (b) any change in his own address; and
- (c) any notice required under paragraph 3 to 5 shall be given in writing and may be sent by post.

PART XI

DISQUALIFICATION FROM CARING FOR CHILDREN

1. For the purpose of Section 111 of this Law (persons disqualified from fostering a child privately) 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 151 of this Law (registration for child-minding and day care) if:

Disqualification from fostering a child privately or registration under Part XII of this Law

- (a) he is the parent of a child who at any time has been made the subject of an Order under Section 42 of this Law (Care Order); or
- (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 42 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 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;
 - (iv) an Order removing a child from his care has been at any time under part V of this Law.
- (c) 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;
- (d) he is a person who carried on or was otherwise concerned with the management of or otherwise had any financial interest in a voluntary home which was removed from the register;
- (e) there has been a refusal to register a voluntary home in relation to an application made by him under this Law;
- (f) 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);
- (g) 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);

- (h) he is a person in respect of whom a prohibition has been imposed under Section 112 of this Law (power to regulate or prohibit private fostering); or
- (i) he has at any time been refused registration in respect of day care or child minding.

2.(1) A person who is disqualified under Section 111 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.

Disqualification in relation to voluntary homes

(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 the 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 shall inform the person carrying on or intending to carry on the voluntary home by a written notice stating:

- (a) the reason for the refusal;
- (b) the right to institute an action under paragraph 5 of Schedule 10 to this Law; and
- (c) the time within which he may do so.

(4) Any person who contravenes sub-paragraph (1) or (2) of this paragraph commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding ten thousand five hundred Naira or to both such imprisonment and fine.

FIFTH SCHEDULE

Form of Adopted Children's Register

Registry:.....Town:.....L.G.A.:.....State:.....

1	2	3	4	5	6	7	8
No of entry	Date of entry	Name of fostered child (enter name as stated in fostering	Sex of fostered child (enter sex as stated in adoption order)	Name and surname, address and occupation of foster parents (enter name, address and occupation as stated in adoption	Date of birth of child (enter date of birth (if any directed by the adoption order to be entered)	Date of fostering Order and description of Court by which made (entry to be as appearing on the fostering Order)	Signature of Officer deputed by Chief Registrar to attest entry

The Commissioner may design such other forms as are necessary to bring into effect the provisions of this Law.

SIXTH SCHEDULE

(Sections 154, 157(1) (c) and (d), and 158(9), (10) and (11)

CHILD MINDING AND DAY CARE FOR YOUNG CHILDREN

1.(1) An application for registration under Section 151 of this Law shall be of no effect unless it contains: Application for
Registration

- (a) a statement with respect to the application which complies with the requirements contained in Annex A to this Schedule and of regulations made for the purpose 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 such regulations.

(2) Where a person provides day care for children under the age of six years on different premisesd situate within the State, he shall make a separate application with respect to each of these premises.

(3) An application under Section 151 of this Law shall be accompanied by such fee as may be prescribed.

(4) On receipt of an application for registration under Section 151 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 and he is not otherwise entitled to refuse to do so.

2.(1) A person may not be registered under Section 151 of this Law if he is disqualified by the regulations made by the Commissioner for the purposes of this paragraph. Disqualification
from registration

(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 such a child who has been in his care;
- (c) a requirement of a prescribed kind which 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 offence of a prescribed kind or 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; or
- (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 in 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 person 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 the State.

3.(1) Section 156 of this Law does not apply in relation to any child looked after in any:

Exemption of
certain schools

- (a) school maintained or assisted by the Government;
- (b) school under the management of an Education Authority; or
- (c) an 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 the provision as part of the establishment's activities.

4.(1) Section 156 of this Law does not apply in relation to any child looked after in:

Exemption for other
establishment

- (a) a registered children's home;
- (b) a voluntary home;
- (c) a community home;
- (d) a residential care home, nursing home or mental nursing home;
- (e) a government hospital; or
- (f) such other home as may be prescribed under this paragraph.

(2) The exemption 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 authorised to make that provision as part of the establishment's activities.

5. Where day care for children under the age of six years is provided in particular premises for less than six days in any year, that provision shall be disregarded for the purposes of Section 156 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.

Exemption of
occasional facilities

6.(1) Where the Commissioner registers a person under Section 151 of this Law he shall issue him with a certificate of registration.

Certificate of
registration

(2) The certificate shall specify:

- (a) the registered person's name and address;
- (b) in a case falling within Section 151(1) of this Law, the address or situation of the premises concerned; and
- (c) any requirement imposed under Section 152 or 153 of this Law.

(3) Where due to a change of circumstances, 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.

7.(1) Where:

- (a) a person is registered under Section 151 of this Law; and
- (b) the Commissioner makes an annual inspection of the premises in question under Section 156 of this Law,

Fees for annual
inspection of
premises

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 151 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 (f) (a))

INFORMATION TO BE PROVIDED ABOUT THE APPLICANT

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, 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. Whether the premises at which the children are to be looked after is a domicile 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 number of toilets, bathrooms and wash basins, any separate facilities for adult workers and access to the premises for cars with a copy of the building plan.
5. Whether the applicant wishes to register as a child minder, or as a provider of day care, and if the latter whether he will provide full day care or seasonal day care.
6. In the case of day care, the proposed hours for which the applicant wishes to provide day care.
7. Relevant experiences 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 of the applicant's children or the persons in charge or any child for whom either is to be responsible.
9. Any relevant qualification (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 qualification.
10. The names of two referees for the applicant or the person in charge who may be contacted.
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 state of health of the applicant or person in charge, together with details of any ailment for which he is currently being treated by his medical practitioner or by a hospital and detail 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 the offence;
 - (b) the nature of the offence;
 - (c) the place where it occurred;
 - (d) the name of the Court which gave the conviction; and
 - (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 case 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 members of the family, lodgers, 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 applicant, names and date of birth of anyone 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 address.
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 the offence;
 - (b) the nature of the offence;
 - (c) the place where it occurred;
 - (d) the name of the Court which gave the conviction; and
 - (e) the penalty imposed.

SEVENTH SCHEDULE

Sections 39 and 159

GOVERNMENT SUPPORT FOR CHILDREN AND FAMILIES

PART 1

PROVISION OF SERVICES FOR FAMILIES

1.(1) The Commissioner shall take reasonable steps to identify the extent to which there are children in need within the State.

Identification of children in need and provision of information

(2) The Commissioner shall:

(a) publish information:

(i) about services provided by the government under Part XVI of this Law; and

(ii) where he considers it appropriate, about the provision by other (including in particular, voluntary organisations) of 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. The Commissioner shall open and maintain a register of disabled children within the State and the register may be kept by means of a computer.

Maintenance of children's needs

3. Where it appears to the Commissioner that a child is in need, the Commissioner may access his need for the purposes of this Law at the same time as any assessment of his need is being made under any other enactment.

Assessment of children's needs

4.(1) The Commissioner shall take reasonable steps, through the provision of services under Part XVI of this Law, to prevent children from suffering ill-treatment or neglect.

Prevention of neglect and abuse

(2) Where the Commissioner believes that a child:

- (a) is likely to suffer harm, but
- (b) lives or proposes to live in another State, 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.

5.(1) Where:

- (a) it appears to the Commissioner that a child 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.

Provision of accommodation in order to protect child

(2) Assistance given under this paragraph may be in cash.

(3) Sub-Section (1) to (2) of Section of this Law shall apply in relation to assistance given under this paragraph as they apply in relation to assistance given under that Section.

6. The Government shall provide services designed:

Provision for disabled children

- (a) to minimize the effect on disabled children within the state of their disabilities; and
- (b) to give disabled children the opportunity to lead lives which are as normal as possible.

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 to reduce need for care proceedings

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:

Provision for children 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, travelling to and from home for the purpose of taking advantage of any other service provided under this Law or any similar services; and
- (e) assistance to enable the child concerned and his family to have a holiday.

9.(1) The Government shall provide such family centres appropriate in relation to children within the State. Family centres

(2) A 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 counselling; or
- (c) be provided with accommodations while he is receiving advice, guidance or counselling.

(3) The persons referred to in Sub-Paragraph (2) of this 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 the child; and
- (d) any other person who is looking after the child.

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: Maintenance of the family homes

- (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.

11. The Government shall, in making any arrangement

Duty to consider
religious persuasion

- (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

12. regulations under this law may in particular make
provisions:

Regulations as to
placing of children
with Government
foster parents

- (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 ensuring that a child is not placed with a
Government foster parent;
- (e) for ensuring 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 require
it;
- (f) as to the circumstances in which Government
may make arrangements for duties imposed on
it by the regulations to be discharged on its
behalf.

13. regulations under this Law may, in particular, make
provisions as to:

Regulation as to
arrangements
under section 166

- (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
arrangements proposed;

- (c) the person to be informed of any proposed change in the arrangements;
- (d) the record to be kept by the Government; and
- (e) the supervision by the government of the arrangements made.

14. Regulations under Section 166 of this law may in particular, impose requirements on the Government as to:

Regulations as to conditions under which child in care is allowed to live with parent

- (a) the making of any decision by the Government to allow a child to live with any person falling within Section 169(3) 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; and
- (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.

15. (1) Where a child is being after by the Government, the Commissioner shall, unless it is not reasonably practicable or consistent with the welfare of the child, endeavor to promote contact between the child and:

Promotion and maintenance of contact between child and family

- (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 reasonable to ensure 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 ensure that the commissioner is kept informed of his or her 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:

- (a) the parents of the child;
- (b) any person who, though not a parent of the child, has parental responsibility for the child; or
- (c) any relative, friend or another person concerned with the child.

(4) A person who fails (without reasonable excuse) to comply with Sub-Paragraph (3) of this Paragraph commits an offence and is liable on conviction to fine not exceeding ten thousand naira or imprisonment to a term of imprisonment not exceeding three months or to both such fine imprisonment.

16.(1) The paragraph applies wher:

Expenses of visit to
or by children

- (a) a child is being looked after by the Government;
and
- (b) the conditions mentioned in sub-paragraph (3) of this paragraph are satisfied.

(2) The Commissioner may make payment to:

- (a) a parent of the child;
- (b) any person who, though not a parent of the child, has parental responsibility for the child; or
- (c) any relative, friend or another person connected with the child.

(3) The conditionsreferred to in sub-paragraph (1) (b) of this paragraph are that:

- (a) it appears to commissioner that the visit in question could not otherwise be made without undue financial hardship; and
- (b) the circumstance warrant the making of the payments.

17.(1) Where it appears to the Commissioner in relation to a child that the Government is looking after that:

Appointment of
visitor for child
who is not being
visited

- (a) communication between the child and:
 - (i) his parents; or
 - (ii) any person who, though not a parent of the child, has parental responsibility for the child, has been infrequent;
- (b) the child has not visit 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 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.

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.

Power to guarantee
apprenticeship
deeds

(2) Where the commissioner has undertaken an obligation under a deed, he may any time (whether or not the government is still looking after the child concerned) undertake the like obligation under any supplemental deed.

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.

Arrangements to
assist children to
live outside the
State

(2) The commissioner may, with the approval of any person who has parental responsibility for the child arrange for or assist 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 has 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) any 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 parent, guardian or other suitable person.

(5) Where a person whose consent 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' means:

- (a) where an appeal is 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.

20.(1) If a child who is being looked after by the government dies, the commissioner:

Death of child
being looked after
by the Government

- (a) shall notify the Court if the child is subject to any order of the Court;
- (b) shall so far as is reasonable, notify the child's parents and any 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 any 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) the circumstances warrant the making of the payments.

(3) Where the Commissioner has exercised the 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 authorising the burial or anatomical examination of the body of any deceased person.

PART III
CONTRIBUTION 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 to recover contributions towards the child's upkeep from any person liable to contribute (hereby referred to in this part as the "contributor")

Liability to
contribute

(2) The commissioner may only recover contributions from if considered 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; and
- (b) where the child has attained the age of sixteen years, the child himself.

(4) A person 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 165 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 the 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 165 of this law;
- (b) an interim care Order; or
- (c) any law or prescribed enactment.

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:

Agreed
contributions

- (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 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 a 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 is a standard contribution determined by him for all children looked after by the Government which;

- (a) he would normally be prepared to pay if he had placed a similar child with a Government foster parent; 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 becoming due after the date of service of the notice.

(9) Sub-paragraph (7) of this paragraph is without prejudice to any other method of recovery.

23.(1) Where a contributor has been served with a contribution notice and has: Contribution orders

- (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, 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 an 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 Contribution Order shall not:

- (a) take effect before the date specified in the contribution notice;

- (b) have effect while the contributor is not liable to contribute by virtue of paragraph 23 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 and
- (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.

24.(1) A Contribution order made by the magistrate or Shari'a Court shall be enforceable as a Magistrate or Shari'a Court Maintenance order.

Enforcement of
Contribution Orders

(2) Where a contributor has agreed, or has been ordered, to make contributions the Government, any other Government within whose State the contributor is for the time being living may:-

- (a) at the request of the State Government who served the contribution notice;
- (b) subject to arrangement as to any sum to be deducted in respect of the services rendered; collect from the contributor any contribution due on behalf of the Government.

(3) The power to collect any sum under paragraph (2) of this paragraph include the power to:

- (a) receive and give a discharge for any contribution due; and
- (b) if necessary enforce payment of any contribution notwithstanding that those contribution may have fallen due at a time when the contributor is leaving else where

(4) Any contribution collected under sub-paragraph (2) of this paragraph shall be paid (subject to any agreed deduction) to the Government who served the contribution notice

(5) In any proceedings under this paragraph, a document which purport 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.

25. The Commissioner may make regulations:

Regulations

- (a) as to the factors which the Government shall take into account in considering:
 - (i) whether it is reasonable to recover contributions;
 - (ii) what the arrangements for payment should be; and
- (b) as to the procedures he must follow in reaching agreements with contributors under paragraphs 22 and 23 of this Schedule.

EIGHTH SCHEDULE

PART I

MANAGEMENT AND CONDUCT OF COMMUNITY HOMES

1.(1) The Commissioner may by Order make an instrument of management providing for the contribution of a body of managers for any voluntary home which is designated as a controlled community homes or as assisted community homes.

Instrument of management for controlled and 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 organisation 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 of a voluntary home shall be such number (which must be 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 third 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 interest of the voluntary organisation by which the home is to be provided; and
- (b) for the purpose of securing that so far as it 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 shall come into 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 known as a controlled community home or an assisted community home according to its designation.

(9) In this paragraph:

“Designated” means designation in accordance with Section 177 of this Law;

“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 Commission 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 homes to be made available to the Government and to any other 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; and
- (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 home shall be responsibility of the voluntary organisation by which the home is provided.

(3) The functions of a home's responsible body shall be exercised through the managers.

(4) Anything done, liability incurred or property acquired by a home manager shall be deemed to have been done, incurred by him as an agent of the responsible body.

(5) In so far any matter is reserved for the decision of a home's responsible body by:

- (a) Sub-paragraph (7) of this paragraph;
- (b) the instrument of management; or
- (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 as home managers 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 organisation by which that home is provided whereby, in accordance with such terms as may be agreed between them and the voluntary organisation, persons who are not in the employment of the responsible body shall undertake duties at that 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 his consent; and
- (b) The Commissioner may, after consultation with the responsible body, require that the body to terminate the employment of any person at that home.

(10) Sub-Paragraph (9) (a) 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 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 of 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) Where an instrument of management relate to more than one home, one set of accounts and records may be kept in respect of all the homes to which it relates.

(16) In this paragraph:

“home” means a controlled community home or assisted community home, as the case may be;

“managers” in relation to a home, means the community or voluntary organisations, as the case may be responsible for its management, equipment and maintenance.

PART III *REGULATIONS*

4.(1) The Commissioner may make regulations:

- (a) as to the placing of children in community homes;
- (b) as to conduct of such homes; and
- (c) for ensuring the welfare of children in such homes.

(2) The regulations may, in particular:

- (a) prescribe 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 keeping of records and giving of notice or giving of notices in respect of children in such homes;
- (e) impose requirements as to the facilities which are to be provided for giving religious instructions to children in such homes;
- (f) authorise the Commissioner to give and revoke directions requiring;
 - (i) the government, or
 - (ii) the voluntary organisation 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 accommodated 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 or class of applicants, except in the case, if any, in which the regulations dispense with such prohibition 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; and
- (j) provide that, to such extent as may be provided for in the regulations, the commissioner may direct that any provision or regulation under this paragraph which is specified in the direction and makes any such provision as it 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 I

REGISTRATION OF VOLUNTARY ORGANISATIONS

1.(1) An application for registration under this paragraph shall: Application

- (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, the Commissioner may cancel the registration of the home and remove it from the register.

(5) A person who, without reasonable excuse, carry on a voluntary home in contravention of:

- (a) section 153 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 conviction to fine of not less than:

- (a) fifty thousand naira, if his offence is under subparagraph (5) (a) of his paragraph; or
- (b) thirty thousand Naira, if it is under subparagraph (5) (h) of this paragraph.

2.(1) Where:

Procedure

- (a) a person applies for the 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 need not give notice if he proposes to grant the application subject only to the 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 a 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 of this Schedule; or
- (c) impose any additional condition or conditions.

(5) A notice under this paragraph shall give the Commissioner's reasons for the proposal.

3.(1) 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 representation to the Commissioner concerning the matters raised in the notice.

Right to make representation

(2) Where a notice has been served under paragraph 2 of this schedule, the Commissioner shall not determine the matter until:

- (a) the person on whom the notice was served has made representations to him concerning the matter;
- (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 requested 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) of this part 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 prescribed.

(4) If the person informs the commissioner that he desires to make oral representations, the Commissioner shall give him an opportunity of appearing before a person appointed by the Commissioner and of being heard.

4.(1) If the commissioner decides to adopt the proposal, the commissioner shall served notice in writing of his decision to any person on whom he was required to served the notice of his proposal.

Decision of the commissioner

(2) A notice 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 this schedule; and
- (b) if an appeal is brought, until it is determined or abandoned.

5.(1) An Action against a decision of the Commissioner under Part XVII of this Law shall be made to the High Court. Action

(2) An action shall be brought by notice in writing given to the Commissioner.

(3) No action may be brought by a person more than twenty-eight days after service on him of a notice of the decision.

(4) The Court shall also have power in an action to:

- (a) vary any condition for the time being in force by virtue of Part XVIII of this law with respect to the home to which the action relates;
- (b) direct that any such condition shall cease to have effect; or
- (c) direct that any such conditions as it thinks fits shall have effect with respect to the home.

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) Where the commissioner by regulations varies the particulars which are to be sent under sub-paragraph (1) (2) of this paragraph by the person in charge of a voluntary home:

- (a) that person shall send to the Commissioner the prescribed particulars within three months from the 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 (4) (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 who commits an offence under sub-paragraph 5 is liable on conviction to a fine of not less than fifty thousand Naira or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

PART II
REGULATIONS AS TO VOLUNTARY HOME

7.(1) The commissioner may make regulations:

Regulations as to
the conduct of
voluntary homes

- (a) as to the placing of children in voluntary homes;
- (b) as to the conduct of the homes; and
- (c) for ensuring the welfare of children in the homes.

(2) The regulations may, in particular:

- (a) prescribe 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 homes and as to the arrangement to be made for protecting the health of children in 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 parents of the children in the home;
 - (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 a voluntary home;
- (f) prohibit the use of accommodation for the purpose of restricting the liberty of a child in the voluntary homes;
- (g) impose requirements as to the keeping of records and giving of notice with regard to children in the voluntary homes;
- (h) impose requirements as to the facilities which are to be provided for giving religious instruction to children in the voluntary homes; and

- (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 used 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 of not less than fifty thousand naira or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(8) The Commissioner may by regulations make provisions with respect to the disqualification of persons in relation to children's homes by section 183 of this law. Disqualification

TENTH SCHEDULE

Section 181

REGISTERED CHILDREN HOMES

PART 1

REGISTRATION

(1) An application for the registration of a children's home shall be made to the Commissioner by the person carrying on or intending to carry on the home. Application for registration

(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 a 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 to 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 paragraph 10 of part II to this schedule may in particular make provisions as to the inspection of the home in question.

(5) Where an application is granted, the Commissioneer 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, the application shall be refused.

(7) For the purpose 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 and the applicant shall be deemed to have been notified of the refusal at the end of period.

(8) Where a school to which section 181 of this law applies is registered, it shall not cease to be a registered children home, by reason of a subsequent change in the number of children for whom it provides accommodation.

2.(1) The commissioner may grant an application for registration subject to such conditions relating to the conduct of the home.

Conditions imposed
on registration

- (a) Vary any condition for the time being in force with respect to a home by virtue of this paragraph; or
- (b) Impose additional condition, either on the application of the person managing the home or without such an application.

(3) If any condition imposed or valid 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 conviction to a fine of not less than fifty thousand naira or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

3.(1) The Commissioner shall at the end of the period of twelve months beginning with the date of registration of a registered children 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.

Annual review of
registration

(2) The Commissioner shall give 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 may determine.

(3) It shall be a condition of the home's continued registration that the fee is so paid before the expiry of twenty-eight days beginning with the date on which the notice is received by the person carrying on the home.

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.

Cancellation of
registration

(2) If on any the commissioner is satisfied, in a case of a school registered by virtue of Section 181 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 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 otherwised than in accordance with the relevant requirements; the Commissioner 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 Law 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.

5.(1) Where:

- (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 condition, if any, subject to which he proposes to grant his application.

(2) The Commissioner needs not give notice if he proposes to grant the application subject only to condition which:

- (a) the applicant 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 XVIII of this Law; and
- (c) to impose any additional condition.

(5) A notice under this paragraph shall give the Commissioner's reason for his proposal.

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.

Right to make representation

(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 representation to him concerning the matter;
- (b) the period during which the person could have required the Commissioner to give him an opportunity to make representation 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 representation to the Commissioner concerning the matter;
- (b) that the Commissioner has allowed him a reasonable period to make his representation; and
- (c) that he has failed to make the representation within that period.

(4) The representation may be made, at the 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.

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 required to serve notice of his proposal.

Decision of the
commissioner

(2) A notice under this paragraph shall be accompanied by an explanation of the right to institute an action before a Court 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.

8.(1) An action against a decision of the Commissioner under part XVII of this Law, shall lie to the High Court.

Institution of action

(2) An action shall be brought by notice in writing given to the Commissioner.

(3) No action shall be brought by a person more than twenty-eight days after service on him of notice of the decision.

(4) On an action, the Court may confirm the Commissioner's decision or direct that it shall not have effect.

(5) The Court shall also have power:

- (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 conditions 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.

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.

Prohibition of
further application

(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 application 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 home'
- (b) as to the conduct of the homes; and
- (c) for ensuring the welfare of the children in the homes.

(2) The regulations may in particular:

- (a) prescribe standards to which the premises used for the homes are to conform;
- (b) impose requirements as to the accommodation, staff and equipment to be provided in the homes;
- (c) impose requirements as to the arrangements to be made to protect 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) other persons who though not parents of the children have parental responsibility for those children; and
 - (iii) other persons connected with the children.
- (f) impose requirements as to the keeping of records and giving of notices with respect to children in the homes;
- (g) impose requirements as to the facilities which are to be provided for giving religious instruction to children in the homes;
- (h) make provisions as to the carrying out 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; and
- (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 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, constitutes an offence against the regulation.

(4) A person who commits an offence under this paragraph is liable on conviction to a fine of not less than fifty thousand Naira or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

11. In this Schedule "relevant requirements" means any requirement of Part XVIII of this Law and of any regulations under paragraph 10 of this Schedule, and any condition imposed under paragraph 2 of this Schedule.

ELEVENTH SCHEDULE

1. FORM FOR COMMITAL ORDER BY THE FAMILY COURT

In the Family Court.....State

The level.....Town

Let the boy or girl known by the name of.....

Whose description appears below be taken to.....

(Name of institution or person)

and be there 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 there of up to and inclusive of

the.....Day of.....20.....

DESCRIPTION

Name.....Sex.....Age.....

Tribe or community.....

Name and address of the father.....

Name and address of the mother.....

Description of the child.....

Reason for issue of committal Order.....

Date this.....day of 20.....

Judge.....district/level

Magistrate/Sharia Court.....district/level

Confirmed this.....days of.....20.....

Judge/Magistrate/Sharia Court Judge

*Delete as required _____

2. General Title Form

In the Family Court of.....District, High Court/Sharia
Court of Appeal/Magistrate/Sharia Court.

Case No.....20.....

Between.....Complaint/Applicant
and
.....Defendant/Respondent

3. Form for warrant for apprehension of child (General Title)

.....
A Complaint on oath been made on the day.....of
.....20.....by.....CD
.....that
..... AB, a child, on the.....day
of.....20.....at.....
.....in the Judicial Division/Magisterial district aforesaid did/has been/ is
*

*State the substance of the offence or the description as mentioned in the Law

You are therefore hereby commanded to bring the said AB before the family Court aforesaid sitting at
.....forthwith to answer the said complaint.

DATED this.....day of.....20.....

.....
Judge/Magistrate/Sharia Court Judge

*4. Form for remand and committal o State
Accommodation and Approved Institution*

4. FORM FOR REMAND AND COMMITAL TO STATE ACCOMMODATION AND
APPROVED INSTITUTIONS

To.....and to the person/officer in charge of
the approved institution at.....
.....hereinafter called the place of detention.
AB hereinafter called the defendant, being a child brought before their aforesaid family Court Sitting at
.....charged with having*
.....

**State substances 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 have³ been bailed in the meantime, keep him/her
until the.....
day of.....20..... and on that day you the police officer, are
required to convey him/her before the aforesaid family Court sitting at.....
the hour of.....in the noon to be further dealt
with according to law unless otherwise Ordered in the meantime.

DATED this.....day of.....20.....

.....
Judge/Magistrate/Sharia Court Judge

5. FORM OF SUMMONS FOR ATTENDANCE OF PARENT OR GUARDIAN

(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
of.....20 At.....in
the.....Judicial division/magistrate district aforesaid did*

**State substance of the office*

You are therefore summoned to appear before the family Court sitting at.....
on the day of.....20.....
at the hour of.....in the.....noon
and during all the stages of the proceedings.

DATED this.....day of.....20.....

.....
Judge/Magistrate/Sharia Court Judge

6. FORM OF NOTICE TO PARENT OR GUARDIAN : CARE OR PROTECTION

(General Title)

To CD of.....The parent/guardian of AB, a child.

Take notice that AB, a child is to be brought before the family Court sitting at.....
the day of.....20.....
at the hour of.....in the.....noon,
by virtue of the provisions of Section of this 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 this.....day of.....20.....

.....

Police Officer/Authorised Officer

NOTE: a copy of this notice is to be sent to the Registrar of the Family Court.

7. FORM OF SUMMONS TO PARENTS TO CONTRIBUTE

(General Title)

To.....

of.....

Complaint has been made this day of.....that you are the step father/step – father/step-mother of AB, A child (or a person in whose care and Custody of a child, has been residing for two years immediately prior to the.....day of 20.....a committal Order was accordingly 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 sitting.....

on.....the.....day of.....20.....

at the hour of.....in the noon,

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 this.....day of.....20.....

.....

Judge/Magistrate/Sharia Court Judge

8. FORM FOR DISPOSAL PENDING OPERATION OF COMMITAL ORDER

(General Title)

To.....
and to the person/officer in charge of the approved institutional (or to CD of.....).
AB, a child having been Ordered by.....sitting
at on the.....day of.....20.....
to be sent to an approved institution, and the operation of such committal Order being postponed. It is
ordered AB, be taken to approve institution or to the custody of the said CD
at.....and be there or by him/her to the person in the charge
there up or to the said CD together with this warrant and you, the person/officer in charge of the said
approved institution the said CD to received him/her into custody and detain him/her as aforesaid.

DATED this.....day of.....20.....

.....
Judge/Magistrate/Sharia Court Judge

MADE at Katsina this day of 2020.

.....
RT. HON. AMINU BELLO MASARI, CFR
GOVERNOR;
KATSINA STATE OF NIGERIA.