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N. S. L. N. No. 26 of 2021 - A LAW TO REPEAL CHILD RIGHT LAW 2010 AND RE-ENACT NIGER STATE CHILD'S RIGHT LAW 2021 TO ESTABLISH CHILD RIGHT PROTECTION AND ENFORCEMENT AGENCY, PROVIDE AND PROTECT THE RIGHTS OF CHILDREN IN NIGER STATE AND OTHER MATTERS CONNECTED THERETO

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A LAW TO REPEAL CHILD RIGHT LAW 2010 AND RE-ENACT NIGER STATE CHILD'S RIGHT LAW 2021 TO ESTABLISH CHILD RIGHT PROTECTION AND ENFORCEMENT AGENCY, PROVIDE AND PROTECT THE RIGHTS OF CHILDREN IN NIGER STATE AND OTHER MATTERS CONNECTED THERETO

BE IT ENACTED by the House of Assembly, of Niger State of Nigeria and by the Authority of the same in this present State Assembly as follows:

TITLE AND INTERPRETATION

Citation and Commencement

1. This Law may be cited as the Niger State Child's Right Law 2021 and shall come into operation on 22nd day of September, 2021.

Interpretation

2. In this Law, unless the context otherwise requires,

"Agency" means Child Right Protection and Enforcement Agency.

"Appropriate authority" means the Commissioner charged with the responsibility for matters relating to the Welfare and Care for Children;

"Betroth" means an arrangement made by the two parties who are desirous of becoming future partners in marriage or through their parents;

"Commissioner" means Commissioner or Commissioners in charge of Social Welfare Matters and Women Affairs in the State.

"Child" includes children or wards under the age of eighteen (18) years;

"Court" Means any court established by Law in Niger State.;

"Culture" includes religious way of life.

"Education Authority" means the Ministry of Education of the State;

"Foster parent" means a person:

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(a) Appointed by the State to foster a child or;
(b) With whom a child has been placed in a voluntary organization, for fostering or;
(c) With whom a child has been placed to be fostered privately.

"Government" means Niger State Government;
"Governor" means the Governor of Niger State;
"Guardian" means a person who is the guardian of a child by virtue of the provisions of this Law or a person lawfully appointed to be guardian
of the child by head or will or by an order of a court of competent jurisdiction or by operation of law.
"Harm" means ill treatment or impairment of physical and mental development;
"Health Authority" means the Ministry of Health of the state;
"Home" includes an institution;
"Nursing mother" means a mother whose child is not more than two years old;
"Parent" includes father, mother or guardian of a child;
"Premises" include, vehicles, caravan and cabin;
"Person responsible for the Child" means a person who for the time being has care of the child by virtue of a care order;
"Pornography" means a display of material of an erotic nature;
"Rape" is the intentional penetration of the vagina, anus or mouth of another person with any other part o f

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his/her body or anything else without the consent of the victim or if the consent is obtained by force, or means of threat or intimidation of any kind or by fear o f harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or addictive capable of taking away the will of such person or by inducement through gift etc i n the case of a child or in the case of a married person by impersonating his/her spouse;

"Relative" means a grandparent, brother, sister, uncle, niece, or nephew, aunt, whether of the full blood or half blood or by affinity or step parents;

"Sodomy" means immorality, or any of various forms of sexual intercourse held to be unnatural, particularly bestiality or anal sex;

"State" means Niger State of Nigeria or Niger State Government;

RIGHTS AND RESPONSIBILITIES OF A CHILD, CHILD RIGHT PROTECTION AND ENFORCEMENT AGENCY, FAMILY COURT, FOSTERING AND ADOPTION

Paramount Interest of a Child

3. (1) As from the commencement of this Law, every action concerning a child, undertaken by any Individual, Public or Private Body, Institution, Court of Law, Administrative or Legislative Authority, the best interest of the child shall

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be the primary consideration.

(2) Every person, institution, service, agency, organization and body responsible for the care or protection of a child shall conform with the standards laid down by the appropriate authorities, particularly in the areas of safety, health, welfare, and suitability of their staff and competent supervision.

Right to Name

4. (1) Every child has the right to a name and, accordingly, shall be given a name on his birth or on such other date as is dictated by the culture of the child's parents or guardians.

(2) The birth of every child shall be registered.

Right to Private home and Family Life

5. (1) Every child is entitled to his privacy, family life, home, correspondence, telephone conversation and telegraphic communications.

(2) Nothing in the provisions of subsections (1) of this section shall affect the rights of parents and legal guardians, to exercise reasonable supervision and control over the conduct of their children and wards.

6. (1) Every child is entitled to rest, leisure and to engage in play, sport and recreational activities appropriate to his age.

(2) Every child is entitled to participate fully in the Cultural artistic activities of Nigeria, Africa and World communities.

(3) Every Person, Institution, Service, Agency, Organization and Body responsible for the care and welfare of a child shall, at all times, ensure adequate opportunities for the child in the rights provided for the child in sub-section (1) and (2) of this Section.

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Right to Health and Health Services

7. (1) Every child is entitled to enjoy the best attainable State of physical, mental and spiritual health.

(2) Every parent, guardian, institution, Service, Agency, or 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 Shall: -

a. Endeavour to reduce infant and child mortality rate;

b. Ensure the provision of necessary Medical Assistance and health care services to all children with emphasis on the development of Primary Health Care;

c. Ensure the provision of safe drinking water and adequate nutrition;

d. Ensure the provision of good hygiene and environmental sanitation;

e. Combat disease and malnutrition within the framework of Primary Health Care through the application of appropriate technology;

f. Ensure appropriate health care for expectant and Nursing mothers;

g. Support through technical and financial means the mobilization of National and Local Community resources in the development of Primary Health Care for children.

Right of a Child to be immunized

8. Government shall ensure that a child below the age of six is immunized against the communicable diseases, for example (Polio, measles, whooping cough, etc).

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Right to Free and Basic Education

9. (1) Every child has the right to free compulsory and Universal Basic Education and it shall be the duty of the Government to provide such education.

(2) Subject to the provisions of subsection 3 every parent or guardian shall ensure that his child or ward attends and completes his:

a. Primary School Education;
b. Junior Secondary Education; and
c. Senior Secondary Education.

(3) Where a child to whom subsection (2) of this Section applies is not sent to Senior Secondary School, the child shall be encouraged to learn an appropriate trade and the parent of the child shall provide the necessaries for learning the trade.

(4) A female child who becomes pregnant before completing her education shall be given the opportunity, after delivery to continue with her education, on the basis of her individual ability.

(5) Where a parent, guardian or person who has care and custody of a child fails in the duty imposed on him under subsection (2) of this section to send a child to school is guilty of an offence and is liable on first conviction.

a. To be reprimanded;
b. On subsequent conviction to a fine of not less than Twenty Thousand Naira (N20,000.00) or one-month imprisonment or both;

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c. On any subsequent conviction to a fine not less than Fifty Thousand Naira (N50,000.00) only or two months imprisonment or both.

(6) The provisions of this Section shall not apply to children with mental disabilities.

Right of the child to protection against harm after birth

10. (1) Subject to this Law, a child may through a legal representative, bring an action for damages against any person for injury caused to the child willfully, recklessly or negligently before, during or after the birth of the child.

(2) Where the father or mother of an unborn child dies intestate, before the child is delivered, the child is entitled, if he survives his father or mother in the distribution of the estate of the deceased father or mother.

Contractual right of the child

11. (1) Except as provided for in this Section, no child is capable of entering into a contract.

(2) Any contract except a contract for necessaries entered into by a child for repayment of money lent or for payment of goods supplied to the child, shall be void;

Accordingly:

a. No action shall be brought against a child by a person after the child has attained the age of maturity, to pay a debt contracted before maturity or ratified on maturity or any promise of contract made by the child before maturity, whether or not there was

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consideration for the promises or ratification after the child attained maturity.

b. If a child who has entered into a contract for a loan which is void agrees after maturity to pay the loan, the agreement in whatever form, shall be respected in so far as it relates to money which is payable in respect of the loan.

Responsibilities of the child and parent

12. (1) Every child has responsibilities towards his family and society, the State and other legally recognized communities, nationally and internationally.

(2) It is the duty of the child, subject to his age, and ability and such other limitations as may be contained in this Law, and any other Law, to:-

a. work towards the cohesion of his family and community;

b. respect his parents, superiors and elders at all times and assist them in case of need;

c. contribute to the moral well being of the society;

d. preserve and strengthen social and national solidarity;

e. preserve and strengthen the independence and integrity of Federal Republic of Nigeria.

f. relate with the members of the society with different cultural values in the spirit

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of tolerance, dialogue and consultation.

Right to education discipline and training of the child

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

Right of a child in need of special protection

14. (1) Every child who is in need of special protection measures has the right to such measure that is appropriate to physical, social, economic, emotional and mental needs and under conditions which ensure the child's dignity, promotes the child's self-reliance and active participation in the affairs of the community.

(2) Every person, authority, body or institution having the care or the responsibility for ensuring the care of a child in need of special measure of protection must endeavor within the available resources, to provide the child with such assistance and facilities which are necessary for the child's education, training, preparation for employment, rehabilitation, and recreational opportunities of the child in a manner conducive to the child's achieving the fullest possible social integration, individual, cultural and moral development.

15. (1) Subject to the provisions of this Law, no person shall remove or take a child out of the custody or protection of his father, mother, guardian or such

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person having lawful care of the child.

(2) Any person who contravenes the provisions of Section 15 (1) above commits an offence and liable on conviction to imprisonment for a term not less than 6 months or an option of fine not less than Two Hundred Thousand Naira N200,000.

Prohibition of child marriage

16. (1) No child is capable of contracting a valid marriage. Accordingly, any marriage so contracted is null and void and of no effect.

(2) A parent, guardian or any other person shall not betroth a child to any person;

(3) A person who contravenes the provision of subsections (1) or (2) of this section commits an offence and is liable on conviction to a fine of not less than Fifty Thousand (N50,000.00) Naira or imprisonment for a term not less than Six (6) months or both.

Exposure to use production and trafficking of narcotic drugs etc.

17. (1) No person shall: -

(a) expose or involve a child in the use of narcotic drugs and psychotropic substances; or

(b) expose or involve a child in the production or trafficking of narcotic drugs or psychotropic substances;

(c) "engage a child in pornographic activities.

(2) A person who contravenes the provision of Subsection (1) of this Section commits an offence and i s liable on conviction to imprisonment for a term not less than 5 years without option of fine.

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Use of child in other criminal activities.

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

(2) A person who contravenes the provision of subsection (1) of this Section commits an offence and is liable on conviction to imprisonment for a term not less than Five years (5).

Prohibition to exploitat-l've labour

19. (1) Subject to the provision of this Law, no child shall be subjected to any force or exploitative labour except where he is: -

a. employed to work by a member of his family on light work of an agricultural or domestic character.

b. employed as a domestic help outside his own home or family environment.

(2) Any person who contravenes the provisions of subsection (1) of this section commits an offence and shall be liable on conviction to imprisonment for a term not less than 5 years or to a fine not less than N50,000.00 or both.

Prohibition of buying, selling, hiring or otherwise dealing in children for the purpose of hawking or begging for alms or prostitution etc.

20. (1) No person shall buy, sell, hire, let, dispose of, obtain possession of or otherwise deal with a child:

a. for the purpose of prostitution, domestic or sexual labour or for any unlawful or immoral purpose;

b. as a slave or for practices similar to slavery such as trafficking of the child, debt bondage, serfdom, forced or compulsory labour;

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c. for any purpose that deprives the child of the opportunity to attend and remain in school as provided for under the compulsory, Free Universal Basic Education Law;

d. for begging for alms, guiding beggars and hawking.

(2) Any person who contravenes the provisions of this Section commits an offence and is liable on conviction to imprisonment for a term not less than ten years or a fine not less than N200,000.00 or both.

Withdrawal of a child from school

21. (1) No child shall be withdrawn from any school for marriage or for any purpose before the period of completion of his or her course.

(2) Any person who withdraws any child from school within the state shall be guilty of an offence and shall be liable on conviction to a fine not less than N20,000.00 or imprisonment for a term not less than 12 months or both.

(3) The provision of subsections (1) (2) shall not apply to any person who transfers his child from one school to another on medical grounds.

22. Any person who impregnates any female child who is pupil or student shall if the male partner is a pupil or student be suspended from his school for the period, which the girl is away from school.

23. Without prejudice to the provisions of Section 22 of this Law, parents of the impregnated pupil or student shall have right to claim damages from such male partner.

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24. Without prejudice to the provisions of this Law, a pupil or student may be withdrawn from any school within the state if the parent or guardian of such pupil or student is transferred from one town to another.

Ill treatment of a child

25. Any person who has attained the age of eighteen years (18) and who has the custody, charge, care of any child and who willfully ill-treats, neglects, abandons, exposes him or her, causes, procures him or her to be assaulted, ill-treated, neglected, abandoned, exposes him or her in a manner that leads to injury, loss of sight, loss of hearing, loss of limb or any organ of the body, exposes him to the risk of burning by allowing him or her to be in any place near an open fire without any protection, guard against the risk of being burnt, scalded without taking any reasonable precaution against the risk, shall be guilty of an office and is liable upon conviction to a fine not less than Fifty Thousand (N50,000.00) Naira or to a term of imprisonment not less than Six (6) months.

Unlawful sexual intercourse with a child

26. (1) No person shall have sexual intercourse with a child.

(2) A person who contravenes the provision of subsection (1) of this section commits an offence of Rape and is liable on conviction to imprisonment for life and shall be lashed publically.

(3) Where a person is charged with an offence under this section, it is immaterial that the sexual intercourse was with the consent of the child.

(4) Notwithstanding the provision of sub-section (2) of this section, any person who had sexual intercourse with a child shall compensate the victim in monetary terms.

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Other forms of sexual abuse and exploitation

27. (1) A person who sexually abuses or exploits a child in any manner not already mentioned in this Law commits an offence.

(2) A person who commits an offence under subsection (1) of this section is liable on conviction to imprisonment for a term of fourteen (14) years.

Emergency protection orders

28. (1) The State or an appropriate authority may apply to the court for an emergency protection order with respect to a child and the court may make the order if it is satisfied:-

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.

(2) While an emergency protection order is in force, it gives the applicant parental responsibilities for the child in order to safe guard the welfare of the child.

(3) Where the Court makes an emergency protection order, it may give such directions, as it considers appropriate with respect to:-

a. contact which is or is not, to be allowed between the child and any named person or;

b. Medical, Psychiatric examination, or any other assessment of the child.

(4) Where an emergency protection order is in force in respect of a child and it appears to the applicant that it

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is safe for the child to be returned to the care of the person from whose care the child was removed, the applicant shall return the child to the care of the person from whose care the child was removed.

Duration of emergency protection order etc.

29. An emergency protection order shall have effect until evacuation of such children to their states or last place of abode.

Duty of State to investigate

30. (1) Where the State—

a. is informed that a child who lives, or is found, in the State—

(i) is the subject of an emergency protection, or

(ii) is in police protection; and

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 State shall order, such enquiries as it considers necessary to enable it to decide whether it should take any action to safeguard or promote the welfare of the child.

(2) Where the State has obtained an emergency protection order with respect to a child, it shall order, make, such enquiries as it considers necessary to enable it to decide what action it should take to safeguard or promote the welfare of the child.

(3) The enquiries made under subsection (2) of this section shall, in particular, be directed towards

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establishing—

a. whether the State should make an application to the Court, or exercise any of its other powers under this Law with respect to the child;

b. whether, in the case of a child—

(i) with respect to whom an emergency protection order has been made, and

(ii) who is not in accommodation provided by or on behalf of the appropriate authority, it would be in the best interest of the child, while an emergency protection order remains in force, for the child to be in such accommodation; and

(4) Where enquiries are being ordered under subsection (1) of this section with respect to a child, the State shall, with a view to enabling it to determine what action, if any, to take with respect to the child, take such steps as are reasonably practicable to—

a. obtain access to the child; or

b. ensure that access to the child is obtained, on its behalf, by a person authorized by it for the purpose, unless the State is satisfied that it already has sufficient information in respect of the child.

(5) Where, as a result of enquiries under this section, it appears to the State that there are matters connected with the education of the child which should be investigated, it shall consult the relevant Education

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Authority.

(6) Where, in the course of enquiries order under this section, an officer of the State, or a person authorized by the State to act on its behalf in connection with those enquiries—

a. is refused access to the child concerned, or

b. is denied information as to the whereabouts of the child, the State will apply for an emergency protection order, a child assessment order, a care order or a supervision order with respect to the child, unless it is satisfied that the welfare of the child can be satisfactorily safeguarded without its doing so.

(7) Where, on the conclusion of any enquiry or review ordered under this section, the State decides not to apply for an emergency protection order, a child assessment order, a care order or a supervision order, it shall—

a. consider whether it would be appropriate to review the case at a later date; and

b. if it decides that it would be appropriate to review the case, determine the date on which that review is to begin.

(8) Where, as a result of complying with this section, the State concludes that it should take action to safeguard or promote the welfare of the child, it shall take that action, provided it is within its powers and reasonably practicable for it to do so.

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Disclosure of children in need of emergency protection

31. (1) Where it appears to a Court making an emergency protection order that adequate information as to the whereabouts of a child—

a. is not available to the applicant for the order; or

b. is available to another person who is not the applicant, the Court must include, in the order, a provision requiring any person to disclose, if asked to do so by the applicant, any information that such person may have as to the whereabouts of the child.

(2) A person will not be excused from complying with a requirement under subsection (1) of this section on the grounds that complying might incriminate him or his spouse of an offence, but a statement or admission given in compliance with the requirement will not be admissible in evidence against either of them in proceedings for an offence, other than perjury.

(3) An emergency protection order will authorize the applicant to enter premises specified by the order and search for the child in respect of whom the order is granted, and if the Court is satisfied that there is reasonable cause to believe that there may be another child on those premises with respect to whom an emergency protection order ought to be granted, it shall grant an order authorizing the applicant to search for that other child on those premises.

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(4) Where—

a. an order has been granted under subsection (3) of this section;

b. the child concerned has been found on the premises; and

c. the applicant is satisfied that the grounds for making emergency protection order exist with respect to the child, the applicant shall notify the Court accordingly.

Protection of child from police custody

32. (1) No child shall be kept in police custody. However, where a child is being tried jointly with an adult, a child shall not be kept in the same custody with the adult.

(2) The term "Conviction" and "Sentence" shall not be used in relation to a child brought before a court of law.

Conflict between the Provisions of this Law and Islamic Law

33. Where there is a conflict involving questions of Islamic Personal Law involving person(s) of Islamic Faith with any of the provisions of this Law, Islamic Personal Law shall prevail.

ESTABLISHMENT OF CHILD RIGHT PROTECTION AND ENFORCEMENT AGENCY

Establishment of the Agency

34. (1) There is hereby established the Child Right Protection and Enforcement Agency.

(2) The Agency:

a. shall be a body corporate with perpetual succession and a Common Seal and may sue or be sued in its corporate name;

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b. may acquire, hold and dispose of any property or interest in any property movable or immovable for the purpose of carrying out its functions under this Law; and

c. shall have such powers and duties as may be conferred on it by this Law or any other Law or by regulations made pursuant to this Law.

(3) The Agency shall consist of the following units:

a. Administration;
b. Legal;
c. Social service;
d. Medical;
e. Education/orientation.

Appointment and Removal of Director - General

35. (1) The Agency shall be headed by a Director General who shall be appointed by the Governor as the Chief Executive Officer of the Agency and shall be a Legal Practitioner of not less than Ten years post qualification experience.

(2) The Director General shall be responsible for implementing policies, overall administration and day-to-day activities of the Agency;

(3) The Director-General shall be removed from office by the Governor if it is in the interest of the public to do so on grounds of inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for gross misconduct.

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Establishment of the Governing Council of the Agency.

36. There is hereby established for the Agency a Governing Council (to be known as "the Council") consisting of the following members:-

a. A Chairman who shall be a person of unquestionable character and be appointed by the Governor;

b. The Director-General of the Agency;

c. A representative of the Ministry of Justice;

d. A representative of the Ministry for the time being responsible for Women affairs and Social development;

e. A representative of the Ministry of Health;

f. A representative of Ministry of Education; and

h. Two persons, to be appointed by the Governor one of whom shall be a person knowledgeable and experienced in Social Welfare or Psychology.

i. A representative of civil society organisation whose activities relates to welfare of children

j. A representative of the Chairman of Traditional Council of Chiefs, Niger State.

k. A representative of Bureau for Religious Affairs Provided that Three (3) of the Council Members shall be women.

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Tenure of office of Director-General and Council members

37. The Director-General and other members of the Council shall hold office for a single term of five (5) years and no more from the date of Appointment.

Resignation from office of Council members

38. A member of the Council may at any time resign from his office in writing addressed to the Governor through the Chairman of the Council.

Removal from office of Council members

39. A member of the Council may be removed before the expiration of his tenure by the Governor if:

a. such member is incapacitated by some physical or mental infirmity from the performance of the duties for which he was appointed;

b. he is indicted for fraud, embezzlement or dishonest conduct; or

c. by his conduct, his continuous membership of the Council is considered inimical to the smooth running of the Agency or the attainment of the objectives for which the Agency was established.

Remuneration of Director-General and Council members

40. There shall be paid to the Director General and members of the Council such salaries and allowances as is payable to other Directors General or members of any Council in the State.

Secretary of the Agency

41. (1) There shall be a Secretary/Legal Adviser for the Agency who shall be a legal practitioner with not less than Eight years post qualification experience.

(2) The Secretary shall:

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a. issue notices of meetings of the Council and the Agency;

b. keep record of proceedings of the Council and the Agency;

c. summon meeting of the Council as provided by this Law or as business requiring attention of the Council warrants or on the request of the Director General;

d. subject to the direction of the Director General and this Law, handle and coordinate all legal matters of the Agency including prosecution; and

e. carry out such duties as the Council or the Director General may from time to time direct.

(3) The supplementary provision in the First Schedule shall apply to meetings of the Council and other matters therein specified.

Staff of the Agency

42. (1) The Secretary and other members of staff of the Agency shall be pulled from the Civil Service of the State.

(2) Subject to subsection (3) of this section and the approval of the Civil Service Commission, the Agency may seek and deploy such officers and other employees as it may require.

(3) Any instrument relating to the conditions of service of officers and employees in the Civil Service of the State shall be applicable to the officers and employees of the Agency.

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(4) Service in the Agency shall be approved service for the purposes of the Pensions Law and accordingly, officers and employees of the Agency shall be entitled to pensions, gratuity and other benefits as are prescribed thereunder.

(5) Notwithstanding the provisions of subsection (3), the Agency may appoint a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

Functions of the Council

43. The functions of the Council shall be as follows:-

a. to make or approve policies of the Agency and to ensure their implementation;

b. to make regulations for the discharge of the functions and exercise of the powers of the Agency;

c. to approve budget of the Agency before submission to the appropriate authority and to ensure that records of Account of the Agency are properly kept, certified and audited; and

d. to ensure that the Agency adheres to or comply with the general directions of the Commissioner.

Functions of the Agency

44: The functions of the Agency shall be as follows:

a. to encourage, liaise and monitor relevant Agencies of Government, private and public Institutions and Organizations for the purposes of facilitating or promoting the creation and provision of facilities and

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conducive atmosphere for a Child to rest, play and participate in sporting, recreational and cultural activities;

b. to identify pressing and collective health care need of children in a Community requiring immediate attention and to promptly make a report to the relevant Government healthcare Institution in the Community and the State and to give first aid treatment to a deserving child;

c. to direct public and private educational and other Institutions to address any observed lapses in or activities of the Institutions which threatens or poses threat to the physical, mental and spiritual health of a Child on their premises or on a premises with proximity to their premises or propinquity to their activity or under their control;

d. to accept and act on any report of neglect or default of a parent or person or Organization or Institution responsible for the care of a Child which neglect or default affects or threatens the physical, mental or spiritual health of a Child under their care;

e. to act on any report of abandonment of a Child by a parent or person or Organization or Institution responsible for the care of a Child;

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f. to identify or ascertain the cause of failure of a Child to attend School or learn any trade:

(I) if the failure to attend school or learn trade is noticed in several children in a community, to make a report to the relevant Local Government Council and the State with recommendation for addressing same; and

(ii) if the failure is noticed in a child, to take necessary step for ensuring that the Child attends School or learn a trade;

g. to embark on public enlightenment of the responsibility of a Child to his Community and of the need for guidance, discipline, education and training of a Child;

h. to accept and subject to the provision of this or any other law, act on any report of the involvement of any person in any act which is a violation of the right of a Child or an offence committed against a Child under this Law or any other Law;

i. to cause, facilitate or ensure medical examination and treatment, counseling and reintegration of a Child victim of unlawful sexual intercourse;

j. to ensure that the person who impregnates a Child through unlawful sexual

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intercourse assumes the prenatal and post natal expenses of the pregnant Child;

k. to assume the medical, prenatal and post natal expenses of pregnant indigent Child victim of unlawful sexual intercourse if the offender is not known or is also an indigent person that is not capable of bearing such expenses;

l. to render to the public technical, advisory and other support services in respect of its functions and powers and to ensure compliance with this Law;

m. to organize or participate in seminar, workshop, conference and other activities including networking with other organizations within or outside Nigeria on Child protection.

n. to recommend Child sensitive social protection policies that addresses Child poverty, vulnerability and risks;

o. to monitor and analyse patterns and trends of Child violation in the State and make recommendations to Government for prevention and mitigation;

p. to undertake studies, research etc, on all matters relating to the protection of a Child and submit report of findings therefrom and

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recommendations to Government;

q. to compile data on Child right violation and make public of its findings;

r. to monitor provision of victim assistance or support and recommend measures for correcting or eliminating lapses in its administration; and

s. to deal with all matters relating to the protection of a Child under this Law or any other Law.

Powers of the Agency

45. (1) The Agency, for the purposes of discharging its functions under this Law or ensuring compliance with this Law, shall have the following powers:-

a. to inspect any premises subject to obtaining search warrant or permission from the Court only in exceptional circumstances and in doing so cause any of Its officers:-

(i) to enter any premises on which the Agency received report of violation or reasonably believes that there is violation or likely violation of this Law; and

(ii) to examine any premises which appears to the Agency to be the premises in which violation of this Law took place or is taking place or is about to take place or is likely to take place or to which any regulations made pursuant to this Law applies or contains anything which the Agency reasonably believes has been used, is used or

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is being used or is procured for use for violation of this Law;

b. to inquire into any report of violation or likely violation of Child's Right and for that purpose, to invite or Summon any person to attend any of its meetings for the purposes of producing any document, supplying any information answering any question or interview;

c. to issue any Notice or order to any person concerned with violation or likely violation of this Law to do or refrain from doing anything violating or capable of or likely to violate this Law pending a contrary order or its setting aside;

d. to temporarily hold or keep in its custody or care any Child who is or likely to be a victim of Child Right violation;

e. for completing and filing of forms;

f. to commence civil action on behalf of a Child to enforce the right of a Child under this Law;

g. to implement or enforce the regulation made by the Commissioner under section 34; and

h. to do such other things as are reasonably necessary for the discharge of its functions.

(2) The Invitation, Notice, Summons or Order referred to in this section may, subject to necessary

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modification, be as contained in the Second Schedule to this Law.

(3) The Agency shall be deemed to be a public servant for the purpose of prosecuting a person under the Penal Code Law for failure to-

a. honour any Invitation of the Agency;
b. obey any Summons of the Agency;
c. produce any document demanded by the Agency;
d. supply any information demanded by the Agency;
e. answer any question put to him by the Agency; or
f. comply with any Notice or Order of the Agency.

(4) In this section - "temporarily hold or keep" means to keep or hold a Child until the cessation or prevention of violation of a right or a period not less than one month, whichever is earlier.

Borrowing Powers

46. (1) The Agency shall open and operate an account.

(2) The Agency may receive and collect gift, testamentary disposition and endowments or contribution from philanthropic persons or organizations for the purpose of discharging its functions.

(3) The Agency may, borrow by way of loan or overdraft against its monthly allocation from any source any monies required by the Agency for meeting its

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obligations and discharging its functions under this Law where the sum or the aggregate of the sums involved does not exceed N200, 000.00 in a month but where the amount involved exceeds N200,000.00, the approval of the council must be sought.

Audit and Reports

47. (1) The Agency shall cause to be prepared not later than 30th June in each year an estimate of the expenditure and income of the Agency during the next succeeding year and when prepared they shall be submitted to the Appropriate Authority.

(2) The Agency shall cause to be kept proper accounts of the Agency and the records in relation thereto and when certified such accounts shall be audited as provided in subsection (3) of this section.

(3) Subject to the direction of the Auditor General of the State, the Agency shall cause to be audited the account of the Agency immediately at end of each year.

(4) The Agency shall, not later than 30th September in each year, submit to the Appropriate Authority a report on the activities of the Agency and its administration during the immediately preceding year and shall include in such report the audited accounts of the Agency.

Prosecution

48. (1) Subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999 as Amended (which relates to the power of the Attorney-General of the State to institute, continue or discontinue criminal proceedings against any person in a Court of Law), any

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Legal Practitioner engaged by the Agency other than the Law Officer from the office of the Attorney General shall with the consent of the Attorney-General of the State, conduct criminal proceedings in respect of offences under this Law or regulations.

(2) In any judicial proceeding for an offence under this Law or any regulation made under it, the provisions of the Criminal Procedure Code or any law replacing it shall, with such modifications as the circumstance may require, apply in respect of such matter to the same extent as they apply to the trial of offences generally.

Pre-action Notice

49. (1) No suit shall be commenced against the Agency until after one month's written notice of intention to commence same has been served on the Secretary by the intending plaintiff or his agent.

(2) Such notice shall state the cause of action and the relief, which he claims.

Establishment of Family Court

50. (1) There shall be established for the State a court to be known as the Family Court (in this Law referred to as "the court") for the purpose of hearing and determining matters relating to children.

(2) The Court shall be at two levels –

a. The Court as a Magistrate and Sharia Courts being Courts with original jurisdiction; and

b. High Court as a court with appellate jurisdiction.

Jurisdiction of the court

(3) Any Magistrate or Shariah Court of any grade

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shall have jurisdiction to try offences under this Law.

Appointment of members of the court and composition

(4) Other members of the court with original jurisdiction, apart from the Magistrate and Judge of the Sharia Court shall be appointed by the Chief Judge and Grand Khadi of the State and the court shall be duly constituted if it consists of:

a. A Magistrate; or Judge of the Sharia Courts; and

b. Two assessors as members one of whom shall be a woman and the other person who has attributes of dealing with children preferably in the area of child psychology education.

Jurisdiction of High Court

(5) High Court shall only exercise appellate and supervisory jurisdiction on cases from the court with original jurisdiction.

(6) Judges and members of the High Court shall be appointed by the Chief Judge of the State and shall consist of such number of:-

a. Three Judges of the High Court, and

b. Two Assessors consisting of:

(i) Chief Child Development officer from the Ministry responsible for the Welfare of a Child; and

(ii) Person who has attributes of dealing with children and matters relating with children preferably in the area of child psychology education.

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Right to Counsel etc.

°(7) A child has the right to be represented by a legal practitioner and free legal aid in the hearing and determination of any matter concerning the child in the Court.

Exclusion of persons from attending Courts.

(8) No person, other than: -

a. The members and officers of the Court.

b. The parties to the case, their solicitors and counsel.

c. Parents or guardians of the child; and

d. Other persons directly concerned in the case shall be allowed to attend the Court, and accordingly members of the press are excluded from attending the Courts.

(9) 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 by the provisions of this Law.

(10) Any person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine of Fifty Thousand Naira or imprisonment for a term of Six Months or to both such fine and imprisonment.

Attendance of parents, guardians or child at the hearing in the Court

(11) In any proceedings in which the Court is hearing an application for order under this Law, or is considering whether to make an order, the Court may order the parents, guardians or the child concerned to attend such stage or stages of the proceeding as may be specified in the order.

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(12) The power conferred by subsection (1) of this section shall be exercised in accordance with the rules of Court.

(13) Where an order made under subsection (1) of this section has not been complied with or the court has reasonable cause to believe that it was not complied with, the court may: -

a. Make an order authorizing a police officer or such other person as may be specified in the order to: -

(i) Take charge of the child and to bring him to the court; and

(ii) Enter and search any premises specified in the order if he has reasonable cause to believe that the child may be found on the premises; or

b. Order any person who is in a position to do so bring the child to the Court.

(14) 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.

(15) A person who refuses to comply with an order made under this section commits offence and is liable on conviction to a fine not less than Ten Thousand Naira or to imprisonment for a term not less than Eight months or to both such fine and imprisonment.

Evidence given by a child

(16) In any proceeding, whether civil or criminal, the evidence of a child may be given un-sworn.

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(17) A deposition of a child's un-sworn evidence shall be taken for the purposes of any proceeding, whether civil or criminal, as if that evidence had been given on oath.

Rules

(18) The Chief Judge of the State may make rules regulating the proceedings in the court, the parties entitled to participate in any proceedings, the fee to be charged and forms to be used in proceedings.

(19) The provisions of any written Law relating to the practice and procedure in magistrate, Sharia court or High Courts as the case may be, not inconsistent in the court shall apply to the family court.

Removal of jurisdiction limitation of magistrate

(20) Notwithstanding any Jurisdictional limitation on the powers of magistrate and Shaira courts and any other court in relation to the imposition of fines or terms of imprisonment contained in any law, a magistrate court or any other court before which the offences created in this part of this Law are tried shall have the full jurisdictional powers to impose up to the maximum penalties prescribed for the offences created in this part of this Law.

Application of criminal law provision

(21) Any provision in any other law securing the protection of the child, shall continue to apply and are hereby adopted for the protection of the child by this Law, notwithstanding that the provision has not otherwise been specifically provided for by this Law.

Power to make regulation

51.The Commissioner may make regulations for effective implementation of this Law for:

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a. Prohibiting the employment of children in any particular trade, occupation, business or calling; and

b. Securing the health and welfare of children.

Power to bring a Child before a Court

52. (1) The Agency, a police officer or any other person authorized by the commissioner may bring a child before the court if he has reasonable grounds for believing that the child: -

a. is an orphan or is deserted by his relatives; or

b. has been neglected or ill-treated or battered by the person having the care and custody of the child; or

c. has a parent or guardian who does not exercise proper guidance and control, over the child; or

d. if found destitute, has both parents or his surviving parents, undergoing imprisonment or mentally disordered or otherwise severely incapacitated; or

e. Is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or

f. is otherwise exposed to moral or physical danger; or

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g. is otherwise in need of care, protection or control; or

h. is beyond the control of his parents or guardians.

i. is found wandering or has no home or settled place of abode, is off the street or other public place, or has no visible means of subsistence;

j. is found begging or receiving alms, 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;

k. accompanies any person 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;

l. frequents the company of a reputed thief or reputed prostitute;

m. is lodging or residing in a house used by any prostitute for the purpose of prostitution, or is otherwise living in circumstances calculated to cause,

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encourage or favour the seduction or prostitution of the child;

n. is a child in relation to whom any offence against morality has been committed or attempted;

(2) The person making an application under subsection (1) of this section shall before hearing of the application, take such steps as are reasonably practicable to ensure that notice of the application is given to:-

a. The parent of the child; or

b. A person who, though not parent of the child, has parental responsibility for the child; or

c. Any other person who has the care of the child; or

d. The child concerned, if he has sufficient understanding.

(3) The Court, if satisfied that a child brought before it comes within any aspect of subsection (1) of this section, will—

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

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(ii) sending the child to an approved institution, or in exceptional circumstances where a non-institutional measure is impracticable or Inappropriate;

c. without making any other order, in addition to making an order under paragraph (b) of this subsection, grant an order placing the child for a specified period, not less than three years, under the supervision of a supervision officer, or of some other person appointed for the purpose by the Court.

Power of court to order parents etc to contribute to maintenance of the child

53. (1) Where a child is committed: -

a. To the care of an individual under this Law; or

b. In exceptional circumstances, to an approved institution or any other institution, and the court is satisfied that the need for the order arose from the neglect on the part of any of the persons named in subsection (2) of this section, the court may order that person to make such contribution towards the maintenance of the child as it may think fit having regards to all circumstances of the case, including the means of the person ordered to make the contribution.

(2) The persons referred to in subsection (1) of this section are:

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a. The father, step father, mother or step mother of the child or

b. 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 specify certain amount of money to be contributed by the person ordered to make the contribution.

(4) If any person fails or neglects to comply with an order granted under subsection (1) of this section, the Court will for every breach of the order, direct the amount due to be levied in the manner by law provided for levying distress in the enforcement of damages or other awards ordered by a court in a civil proceeding.

Care and supervision Orders general

54. (1) The court may on the application of the Agency, an appropriate authority or any authorized person, make a care order, placing a child with respect to whom an application is made in the care of a designated authorized person, authority or the Agency.

(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

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b. The child is beyond parental control

(3) An authorized person who proposes to make an application under this section shall before making the application, consult the Agency or the appropriate authority in whose jurisdiction the child concerned is resident.

(4) An application for a care or a supervision order made by an authorized person shall not be entertained by the court if, at the time when it is made the child concerned is: -

a. the subject of an earlier application for a care order or supervision order which has not been disposed of; or

b. subject to a care order or supervision order.

(5) The state designated in care order or supervision order shall:

a. be the state in which the child is resident; or

b. where the child does not reside in the state, be the state which any circumstances arose in consequences of which the order Is being made.

(6) Where the question as to whether harm suffered by a child is significant on 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.

Period within which application for order under this part must be disposed

55. (1) A court before which an application for an order is brought under this Law shall in consideration of any rules made pursuant to subsection (2) of this section: -

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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 so far as is reasonably practicable, that the timetable is adhered to.

(2) The Court may by rules:-

a. Specify the period within which steps must be taken in relation to the proceeding; and

b. Make other provisions with respect to the proceedings for the purpose of ensuring so far as is reasonably practicable, that the proceedings are disposed of without further delay

Effect of care order etc.

56. (1) Where a care order is made, the Appropriate 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.

(2) While a care order is in force the appropriate authority designated by the order shall:-

a. make adequate arrangement within their reach to make the child comfortable by providing basic needs of the child;

b. not commit the child to enter in to any form of contract;

c. cause the child to be brought up in the religion in which the child would have

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been brought up if the order had not been made; and

d. do any other thing that will be in the interest of the child.

Parent contact etc with children in care.

57. The appropriate authority, shall subject to the provision of this section, allow a child under its care, reasonable contact with: -

a. the parents of the child;
b. the guardian of the child;
c. a person in whose favour a residence order was immediately made before a care order was made; and
d. a person who immediately before the care order was made, had care of the child by virtue of an order made by the court.

Duty of supervisor while supervision orders are in force.

58. While a supervisory order is in force, it shall be the duty of the supervisor to:

a. advise, assist and be friendly with the supervised child;
b. take such steps as are reasonably necessary to give effect to the orders; and
c. where: -

(i) the order is not wholly complied with; or

(ii) the supervisor considers that the order may no longer be necessary, consider whether or not to apply to the court for its variation or discharge.

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Power of court to issue order

59. Where the Court is satisfied that the parent or guardian of a child is unable to control the child, the Court will, if satisfied—

a. that it is expedient to so deal with the child; and

b. that the parent or guardian understands the results which will follow from the consent to the making of the order, issue a corrective order in respect of the child or order the child to be placed for a specified period, not less than three (3) years, under the supervision of an appropriate supervisory child development officer or of some other person appointed for the purpose by the Court.

Acquisition of parental responsibility

60. (1) Where the father and mother of a child were not married to each other at the time of the birth of the child—

a. the Family Court may—

(i) on the application of the father, order that he will have parental responsibility for the child, or

(ii) on the application of the mother, order that she will have parental responsibility for the child; or

b. the father and mother may by agreement have joint parental responsibility for the child.

(2) Subject to subsection (3) of this section, an order

under subsection (1)(a) of this section, or a parental responsibility agreement, will only be brought to an end by an order of the Court granted on the application—

a. of any person who has parental responsibility for the child; or

b. of the child, with leave of the Court.

(3) The Court will only grant leave under subsection (2)(b) of this section if it is satisfied that the child has sufficient understanding of the proposed application.

Orders as to custody

61. (1) The Court may, on the application of the father or mother of a child—

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

(i) the welfare of the child and the conduct of the parents, and

(ii) the wishes of the mother and father of the child;

b. alter, vary or discharge the order on the application of—

(i) the father or mother of the child,

(ii) the guardian of the child, after the death of the father or mother of the child, and

c. in every case, make such order with respect to costs as it will deem just.

(2) The power of the Court under subsection (1) of this section to grant an order as to the custody of a child

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and the right of access to the child must be exercised notwithstanding that the mother of the child is at that time not residing with the father of the child.

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

(4) Where the Court grants an order under subsection (1) of this section giving custody of the child to the father, the Court may further order that the mother must pay to the father towards the maintenance of the child such weekly or other periodical sum as the Court may, having regard to the means of the mother, deem reasonable.

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

Power of Court as to production of child

62. Where the parent of a child applies to the Court for an order for the production of a child, and the Court is of the opinion that the parent—

a has abandoned or deserted the child; or

b. had so conducted himself that the Court should refuse to enforce his right to the custody of the child, the Court may, in its discretion, decline to grant the order.

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Power of Court to order repayment of cost of bringing up child

63. Where 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, the Court may, in its discretion, where it orders that the child be given up to the parent, it may order that the parent pays to that other person the whole of the costs properly incurred in bringing up the child, or such portion as may seem to the Court to be just and reasonable, having regard to the circumstances of the case.

Power of court as to child's religious education

64. The Court shall, on an application by a parent for the production or custody of a child, if it is of the opinion—

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, grant such order as it shall deem fit to ensure that the child is brought up in the religion in which the parent requires the child to be brought up.

Enforcement of order for payment of money by attachment of income

65. Where the Court grants an order for the payment of money in pursuance of this Law, the Court may, in addition to other powers for enforcing compliance with the order, where pension or income, capable of being attached, is payable to the person against whom the order is granted, after collection of the pension or income, 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.

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Guardianship of a child

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

(2) Where the parents of a child are not fit to be guardians of a child jointly or severally, the Court will, on application of a member of the family or an appropriate authority, appoint a person to be a joint guardian with the parent or parents of the child.

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

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

(5) Where a guardian is appointed to act jointly with a parent or parents of a child under subsection (2) of this section and the guardian so appointed considers the parents unfit to have the custody of the child, the guardian may apply to the Court, and the Court shall grant—

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

b. such order regarding the custody and right of access of the parents to the child as the Court may deem fit, having regard to the welfare of the child.

(6) The Court will under subsection (2) of this section order that a parent or parents of a child make a payment

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to a joint guardian towards the maintenance of the child.

Appointment of guardians

67. (1) Where an application for the guardianship of a child is made to the Court by a person, the Court will, by order, appoint that person to be the guardian of the child if—

a. the child has no parent with parental responsibility for him; or

b. a residence order has been granted in respect of the child in favour of a parent or guardian of the child who had died while the order was in force.

(2) The power conferred in subsection (1) of this section shall also be exercised in any family proceeding if the Court considers that the order should be granted notwithstanding that no application was made for it.

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

(4) An appointment made by a will which is not signed by testator, shall have effect only if it is signed at the direction of the testator.

Requirement of consent

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

Revocation of guardian-ship

69. The appointment of a guardian under section 64 of this Law shall be brought to an end at any time by an order of Court—

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.

Power of guardians over estate of child

70. A guardian under this Law will have all such powers on 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 Islamic personal Law.

Dispute between joint guardians

71. 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 and the Court may grant an order regarding the question in dispute.

Saving of existing orders and jurisdiction of the court

72. Notwithstanding the provisions of this Law, an order lawfully made by any court relating to the guardianship or custody of a child before the commencement of this Law and which is in force at the time of the commencement of this Law and is not inconsistent with this Law will continue in force until other provisions are made under and by virtue of this Law.

Application for fostering

73. (1) A person may foster a child by making an application to the Court within the jurisdiction in which the person applying to foster the child resides at the date of the application.

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(2) An application for fostering shall be made in accordance with the procedure and in the manner prescribed by the rules provided in this Law.

(3) Whoever fosters a child without applying to the court in accordance with this section is guilty of an offence and is liable on conviction to imprisonment for a period not less than Six months or a fine not less than N50,000 or both.

Children to be fostered

74. A child who may be fostered under this Law is a child who—

a. is abandoned by his or her parents;

b. is an orphan and is—

(i) deserted by his relatives,

(ii) voluntarily presented by the child's relatives for fostering or voluntarily presents himself for fostering, where no relatives can be found;

c. has been abused, neglected or ill-treated by the person having care and custody of him;

d. has a parent or guardian who does not or cannot exercise proper guidance over him;

e. is found destitute;

f. is found wandering, has no home or settled place of abode, is on the street or other public place, or has no visible means of subsistence; or

g. is voluntarily presented by the child's parents for fostering.

Making a fostering order

75. (1) Subject to the provisions of this Law, the Court on receipt of the application for fostering, may grant an order for the applicant to foster the child;

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(2) Except where a man and his wife have applied jointly to foster a child, a fostering order must not authorize more than one person to foster a child.

Restriction on the making of a fostering order

76. (1) A fostering order must not be granted by the Court unless—

a. the applicant or, in the case of a joint application, each of the applicants is not less than twenty-five (25) years old;
b. the applicant and the child are resident in the same 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; and
f. the applicant is certified by a medical officer to be physically and mentally fit.

(2) A fostering order must not be granted in favour of a sole applicant who is unmarried, unless the applicant has attained the age of thirty-five (35) years and the child to be fostered is of the same sex as the applicant.

Consent to fostering

77. (1) Where a married person is the sole applicant for a fostering order, the application must be accompanied with the consent in writing, of the other spouse that the order be made.

(2) Where it appears to the Court that a person, other than the father or mother or relative of a child, has any right in respect of the child under an order of court or

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under customary 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 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 the consent or is unreasonably withholding the consent.

Interim orders

78. (1) Subject to this section, the Court may, on application for a fostering order by a person, postpone the determination of the application and issue an interim order giving the custody of the child to the applicant for a period not less than two (2) years, as a probationary period, on such terms and conditions as the Court deems fit as regards the provision for the maintenance, education and supervision of the child and otherwise.

(2) The Court may impose the following conditions under subsection (1) of this section, that is, that the child will—

a. be under the supervision of an officer appointed by the Court; and

b. 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 similar power on the part of the Court to dispense with any such consent.

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(4) An interim order shall not be made in any case where the making of a fostering order would be unlawful by virtue of section 73 of this Law.

(5) An interim order shall not have the same effect as a fostering order under this Law.

(6) An interim order may be revoked by the Court if the foster parent fails to comply with any condition imposed on him by the interim order pursuant to this section.

Effect of fostering on maintenance order

79. Where, at the time a fostering order is granted 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 will prevail.

Fostered children register

80. (1) The Agency must keep and maintain a register to be known as the Fostered Children Register in which there shall be such entries as may be directed by a fostering order to be made in it.

(2) Where a fostering order is granted in respect of a child who has been the subject of a previous fostering order made under the law, the fostering order shall contain a direction to the Agency to cause the entry in the Fostered Children Register and the Register of Births in respect of that child to be marked "Re-fostered".

(3) The Court shall cause a copy of every foster order to be communicated to the Agency. On receipt of the order the Agency shall comply with the directions contained.

(4) On the revocation of a fostering order, the Court shall cause the fact of the revocation to be communicated

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to the Agency who shall either amend 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.

Visit to fostered child by Child Development Officers

81. (1) It shall be the duty of the Agency to keep itself informed, of the condition and welfare of each child fostered under this Law and for that purpose, arrange for all or any of the following things, that is—

a. to pay periodic visits at reasonable times to each child fostered under this Law until the child attains the age of eighteen (18) 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 request the production of the fostered child or that information be given regarding the condition of the child.

Revocation of the foster order on grounds of interest of the child

82. Where it is proven to the satisfaction of a Court, that a foster parent has abandoned, neglected or persistently Ill-treated or assaulted a fostered child, the Court shall—

a. revoke the fostering order in respect of the child; and

b. proceed to take other necessary action pursuant to the provisions of this Law.

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Prohibition of taking or sending fostered child out of State or

83. (1) Where a foster parent intends to take a fostered child outside the State or Nigeria for a period not less than 3 months, he shall give notice to the Court of intention to do so and shall, on return to the State or Nigeria, notify the Court of their return.

(2) Any person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to imprisonment for a term not less Six months or a fine not less than Fifty Thousand Naira or both.

Prohibition of withdrawal of a child from the care of the applicant

84. While an application for a fostering order is pending in a Court, no person who has given consent to a fostering order being made in respect of a child shall withdraw the child or cause the child to be withdrawn from the care and custody 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.

Foster parent prohibited from marrying fostered child

85. (1) A foster parent shall not marry any child fostered by him Pursuant to this Law.

(2) A person who is guilty of an offence under subsection (1) of this section is liable on conviction to imprisonment for a term not less than fourteen (14) years without an option of a fine.

Establishment of adoption services

86. (1) The Appropriate Authority shall, establish and maintain within the Three Senatorial Districts of the State, a service designed to meet the needs of—

a. children who have been or may be adopted;

b. parents and guardians of the children specified in paragraph (a) of this subsection; and

c. persons who have adopted or who may adopt a child and for this purpose, the Appropriate Authority shall provide the requisite facilities, or ensure that the facilities are provided by approved adoption services as may be prescribed by it.

(2) The facilities to be provided as part of the services maintained under subsection (1) of this section include—

a. temporary board and lodging, where needed by children and, in exceptional circumstances, their mothers;

b. arrangements for assessing children and prospective adopters and placing of the children for adoption; and

c. counseling for persons with problems relating to adoption.

Application for adoption

87. (1) An application for adoption shall be made to the Court and shall be accompanied with—

a. the marriage certificate or a sworn declaration of marriage;

b. the birth certificate or sworn declaration of age of each applicant;

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c. two passport photographs of each applicant;

d. a 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 subsection (1) of this section, the Court shall order an investigation to be conducted by—

a. Social Welfare Officer;

b. the Agency; and

c. such other person as the Court may determine, to enable the Court assess the suitability of the applicant as an adopter and of the child to be adopted.

(3) The report of the investigation under subsection (2) of this section is to assist the Court in determining whether a person who is a parent or relative of the child has any right or obligation in respect of that child and whether the consent of the person ought first to be obtained.

(4) The Court shall, in reaching a decision relating to the adoption of a child, have regard to all the circumstances being given to—

a. the need to safeguard and promote the welfare and the best interest of the child throughout the childhood of that child; and

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b. ascertaining, as far as practicable, the wishes and feelings of the child regarding the decision and giving due consideration to those wishes and feelings, having regard to the age and understanding of the child.

Religious upbringing of adopted child

88. The Court shall, in placing a child for adoption, have regard, as far as is practicable, to the wishes, if any, of the parents or guardian of the child as to the religious upbringing of the child.

Persons who may be adopted

89. The Court shall not grant an adoption order in respect of a child unless—

a. the parents of the child or, where there is no surviving parent, the guardian of the child consents to the adoption; or

b. the child is abandoned, neglected or persistently abused or ill-treated, and there are compelling reasons in the interest of the child.

Persons who may adopt

90. The following persons may apply for an adoption order—

a. a married couple where—

(i) each of them has attained the age of twenty-five (25) years, and

(ii) there is an order authorizing them jointly to adopt a child;

b. a married person, if he or she has obtained consent of his or her spouse;

c. a single person, if he or she attained the age

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d. of thirty-five (35) years; or

in all cases specified in subsections (a), (b) and (c) 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.

Power to make adoption orders

91. The Court may, on the application of any person stated in section 87 of this Law to adopt a child, grant an order under this Law referred to as an "Adoption Order".

Conditions preceding the making of an adoption order

92. The Court shall, before making an adoption order, satisfy itself that—

a. every consent required under this Law which has not been dispensed with has been obtained;

b. every person who has given his consent understands the nature and effect of the adoption order for which the application is granted and for this purpose the appropriate authority shall provide adequate counseling for the parties involved in the adoption;

c. the order, if granted, shall be for the welfare of and in the best interest of the child, with due consideration being given to the wishes of the child having regard to the child's age and understanding; and

d. the applicant has not received or agreed to receive, and no person has agreed to grant

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or to give to the applicant any payment or other reward in consideration of the adoption other than what the Court may approve.

Power of court to impose terms and conditions

93 The Court may, in making an adoption order, impose such terms and conditions as the Court may deem fit, and it may require the adopter, by bond or otherwise, to provide for the child such provisions, if any, as in the opinion of the Court are just and expedient.

Effect of adoption

94. (1) On an adoption order being granted—

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 as if the child were a natural child of the adopter, and in respect of those matters, the child shall stand to the adopter in the relationship of a child born to the adopter—

(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.

(2) Where a husband and wife are joint adopters of a child, they shall support the child in the same relationship as they would have supported if the child were their natural child, in respect of those matters, the child will need their support, in the relationship of a child born to 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 born to the adopter.

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

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

b. a person related to the adopted child in any degree shall, unless a contrary intention appears, be construed as a reference to the person who would be related to the adopted child in that degree as if he or she were the natural child of the adopter and

were not the child of any other person.

(5) Where any of the parties is a Muslim, and conflict arises between Islamic Personal Law and the provisions of this Law, Islamic Personal Law shall prevail.

Establishment of the Adopted Children Register

95. The appropriate authority 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 granted.

Recognition of other adoption

96. Where a child has been adopted under any law in force in any part of Nigeria, or under the law of any other country than Nigeria, the adoption shall have the validity as if the adoption has been effected by an adoption order under this Law.

Visit to adopted children by the Ministry

97 (1) It shall be the duty of the Director charged with the responsibility for children in the Ministry responsible for the Welfare of Children to keep himself or herself informed of the condition and welfare of a child adopted by any person in the State and arrange for officers of his department to do all or any of the following—

a. to pay periodic visits, at reasonable times, to every child adopted under this Law;

b. to enter any premises for the purpose of ascertaining whether there is any contravention by any person of any condition of adoption imposed in an adoption order or any provision of this Law in relation to an adopted child.

(2) During any visit under subsection (1) of this section, the officer paying the visit may require

production of the adopted child, that information be given regarding the condition of the child.

Provision for children with special needs

98. (1) It is the general duty of the Appropriate Authority to—

a. safeguard and promote the welfare of children with special needs within the State; and

b. promote the upbringing of those children by their families, by providing a range of services appropriate for such children.

(2) The Appropriate Authority may encourage private persons who wish to provide services for children with special needs to provide such services as may be permitted by the State.

(3) Any service provided by the Appropriate Authority in the discharge of its duty under this section may be provided for the need of a particular child or for a member of the family of the child, if the service is provided with a view to safeguarding and promoting the welfare of the child.

(4) The Appropriate Authority may:-

a. facilitate the provision by voluntary organisations and other bodies, of services which the State has power to provide by virtue of this Law; and

b. order such arrangements as it deems fit for any person to act on its behalf in the provision of any of those services.

(5) The services provided by the Appropriate

Authority in the exercise 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.

(6) Before giving any assistance or imposing any condition under this section, the Appropriate Authority shall have regard to the condition of the child concerned and of each of his parents.

Co-operation between authorities

99. (1) Where it appears to the Appropriate authority that any other authority or other person mentioned in subsection (3) of this section could, by taking any specified action, help in the exercise of any of its functions under this Law, it may request the help of that other authority or person, specifying the action in question.

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

(3) The persons referred to in subsection (2) of this section are—

a. the State;
b. an educational authority;
c. a housing authority;
d. a health authority; and
e. any person authorised by the Commissioner for the purposes of this section.

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(4) The appropriate authority may assist educational authorities with the provision of services for any child within the State who has special educational needs.

Registration of child minding and day care centre

100. (1) The Agency shall keep a register into which shall be entered the names and particulars of persons who:

a. Act as child minders in domestic premises within the area of the appropriate authority;

b. Provide day care for children under the age of six years in premises other than domestic premises within the areas of the appropriate authority.

(2) A person may act as child minder if the person:-

a. looks after one or more children under the age of six years for reward; and

b. provides day care for children where the period or the total period during which children are looked after by the person in any day exceeds two hours.

(3) The appropriate authority shall issue guidelines in respect of child minding and day care for children which shall be complied with.

Establishment of community homes.

101. (1) The appropriate authority shall make such arrangements as it considers appropriate for securing the homes to be known as community homes, established within the state:-

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a. For the care and accommodation of children looked by it; and

b. For purposes connected with the welfare of children, whether or not looked after by it.

(2) In making arrangements, the appropriate authority shall have regard to the need for securing availability of accommodation: -

(3) A community home may be:-

a. Provided, managed, equipped and maintained by the appropriate authority; or

b. Provided by a voluntary organization but in respect of which the appropriate authority and the organization: -

(i) Propose that, in accordance with an instrument of management, the management, equipment and maintenance of the home shall be the responsibility of the appropriate authority; or

(ii) Propose that the management, equipment and maintenance of the home shall be the responsibility of the voluntary organization.

The community homes

102. (1) Where the appropriate authority is to be responsible for the management of a community home provided by a voluntary organization then it shall designate the home as a "controlled community home

(2) Where a voluntary organization is to be responsible for the management of a community home provided by the voluntary organization, the appropriate

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authority shall designate the home as an "assisted community home"

Regulation for establishment and use of community homes.

103. The commissioner shall make regulations in respect of community homes.

Directives by commissioner to discontinue the use of premises as community home

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

a. any premises used for the purpose of a community home is unsuitable for that purpose; or

b. the conduct of a community home:-

(i) is not in accordance with regulations made by the commissioner under section 100 of this Law.

(ii) is otherwise unsatisfactory, he 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 purpose of a community home.

Registered Children's Home

105. (1) No child shall be cared for or provided with accommodation in a children home unless the home is registered.

(2) The commissioner may cause a register to be kept for the purpose of subsection (1) of this section.

Child to be subjected to only child system and in processes

106. No child shall be subjected to the criminal sanctions, but a child alleged to have committed an act which constitute a criminal offence if he were an adult shall be subjected only to the child system and processes set out in this Law.

Privacy

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

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

(3) Record of a child offender shall:-

a. be kept strictly confidential and closed to third parties;

b. made accessible only to persons directly concerned with the disposition of the case at hand or other duly authorized persons; and

c. not to be used in adult proceedings in subsequent cases involving the same child offender.

(4) Any person who contravenes the provisions of subsections (1)(2) and (3) of this section, commits an offence and shall be liable on conviction to imprisonment for a term not less than 3 months or to a fine not less than N20,000 or both.

Use of direction

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

(2) Every person who exercises discretion shall be specially qualified or trained to exercise the discretion judiciously.

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109. (1) The Agency, office of the Attorney-General, police prosecutor or any other person dealing with a case involving a child shall:

a. have the power to dispose of the case without resorting to formal trial except in rape cases by using means of settlement, including supervision, guidance restitution and compensation of victims; and

b. encourage the parties involved in the case to settle the case, as provided in paragraph (a) of this section.

2) The Agency, police prosecutor or other person referred to in subsection (1) of this section may exercise the power conferred under that subsection if the offences involved is of a non-serious nature and

a. there is need for reconciliation; or

b. the family, the school or other institution involved has reacted or is likely to react in an appropriate or constructive manner; or

c. where in any other circumstances, the Agency, 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) Adjudication before the court shall be used only as measures of last resort.

(4) The Police Prosecutor shall before exercising his powers under subsection (1) and (2) consult with the Agency.

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Initial contact with the child

110. (1) On the apprehension of a child:-

a. the parents or guardian of the child shall

(i) be immediately notified; or

(ii) where immediate notification is not possible, be notified within the shortest time possible after the apprehension of the child;

b. the court or the police as the case may be, shall without delay consider the issue of release

c. contacts between the police and the child shall be managed in such a way as to: -

(i) respect the legal status of the child;

(ii) avoid harm to the child, having due regards to the situation of the child and the circumstances of the case; and

(iii) promote the best interest and well-being of the child.

Detention pending trial

111. (1) Detention pending trial shall if possible, be replaced by alternative measures, including close supervision care and placement with a family or in an educational setting or home.

2) While in close supervision, a child 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 and personality.

Rights to fair hearing compliance with the process

112. In trial of a child under this Law his right of fair hearing, other rights and compliance with due process shall be observed.

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Social inquiry report

113. The appropriate officer shall before a case other than that involving a minor offence is finally disposed of the court-

a. properly investigate: -

(i) the background of the child;

(ii) the circumstances in which the child is living; and

(iii) the condition under which the offence has been committed; and

b. inform the court of all relevant facts, relating to the child including his social and family background, school career and educational experience arising out of the investigation under paragraph (a) of this section.

Inspection of children's home etc by authorized persons

114. (1) The commissioner may cause to be inspected any:-

a. children's home

b. premises which a child is being cared for by an appropriate authority is living.

c. premises in which a child who is being accommodated by or on behalf of an education authority, health authority or voluntary organization is living.

d. premises on which a person is acting as a child minder.

e. independent school providing accommodation for a child.

(2) An inspection under this section shall be conducted by a person authorized to do so by the commissioner.

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(3) The commissioner may require a person specified in subsection (4) of this section to furnish him with such information, or allow to inspect such records, in whatever form they are held, relating to: -

a. any premises to which subsection (1) of this section applies; or

b. a child who is living in any of the premises to which subsection (1) of this section applies; or

c. the discharge by the commissioner of any of these functions under this Law; or

d. the discharge by the appropriate authority of any of his functions under this Law, as the commissioner may direct

(4) The people referred to in subsection (3) of this section are: -

a. The Appropriate authority;

b. A voluntary organization;

c. The proprietor of an independent school;

d. A person managing children's home;

e. An education authority providing accommodation for a child.

f. A person employed in a teaching or administrative capacity.

(5) A person inspecting any home or other premises under this section may: -

a. inspect the children kept in the home or premises; and

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b. premises; and
make such examination into the state and management of the home or premises and the treatment of the children put in the home or premises as he thinks fit.

(6) A person authorized to inspect any premises under this section shall have a right to enter the premises for that purpose and for any purpose specified in subsection (3) of this section at any reasonable time and, if so required shall produce some authenticated documents showing his authority to do so.

(7) A person who willfully obstructs another person in the exercise of a power conferred by this section commits an offence and is liable on summary conviction to a fine not less than Twenty Thousand Naira or imprisonment for a term not less than three months or to both such fine and imprisonment.

Inquiries

115. The commissioner may cause an inquiry to be held into any matter connected with: -

a. the functions of the supervision inspection service in the state;

b. the functions of a voluntary organization, in so far as those functions relate to children;

c. a registered children's home or voluntary homes; and

d. a residential care home, nursing home or

mental nursing home, so far as it provides accommodation for children.

Financial support

116. (1) The commissioner may, defray or contribute towards:

a. any fees or expenses incurred by a person undergoing approved child care training.

b. any fees charged and expenses incurred, by a person providing approved child care training or preparing material for use in connection with the training; and

c. the cost of maintaining a person undergoing approved child care training.

(2) The commissioner may make grants to a voluntary organization towards:

a. expenditure incurred by it in connection with the establishment, maintenance or improvement of voluntary homes which, at the time when the expenditure was incurred:

(i) were assisted community homes; or

(ii) were designated as assisted community home.

b. expenses incurred in respect of the borrowing of money to defray any of those expenditure.

(3) The commissioner shall arrange for the provision, equipment and maintenance of homes for the accommodation of children who are in need of particular

facilities and services which: -

a. are or will be provided in these homes; and

b. In the opinion of the commissioner is unlikely to be readily available in community homes.

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

Approved institution

(5) An approved institution consists of approved children institutions and special mother's centers.

Establishment of approved institution

(6) The commissioner may:-

a. establish, in any part of the state, the following institutions to be known as approved children institutions: -

(i) A child attendance centre

(ii) A child centre

(iii) A child residential centre

(iv) A child correctional centre

(v) A special child correction centre;

(vi) Such other institutions as the commissioner may establish and

b. make rules for the management, up keep and inspection of the approved child I institutions.

(7) The commissioner may perform any other functions in relation to execution of a child rights and protection of such rights provided by this Law.

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Powers to inspect Custodian places

117. The Agency shall inspect any custodial place at which a Child is held in custody in connection with an offence in order to ensure that the Child offender is not subjected to any system or processes other than those provided in this Law or any other law for a Child offender.

Powers to mediate dispute

118. (1) The Agency may subject to the agreement of the parties, Mediate any dispute in respect of any right, duty or obligation under this Law:

a. between parents of a Child, Persons, Institutions and Organizations, and

b. between a person and institution or organization, if it appears to the Agency hat unless the dispute is resolved timeously, the right or interest of a Child may be violated or adversely affected.

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(2) A Magistrate Court may on the application of either party refer any civil matter before it that concerns or affects the right of a Child or any issue in any such matter to the Agency for Mediation.

(3) The terms of settlement achieved by Mediation under this Law on any such matter or issue may be entered by the Magistrate as Judgement of the Magistrate.

Repeal

119. The Child Right Law 2010 is hereby repealed.

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FIRST SCHEDULE
SUPPLEMENTARY PROVISIONS RELATING TO COUNCIL MEETINGS AND PROCEEDINGS

1. (1) Subject to this Law and the Interpretation Law, the Council may make Standing Orders regulating the proceedings of the Agency or any of its Committees.

(2) The quorum of the Council shall be four members including the Chairman or in his absence the person elected to preside and the quorum of any Committee of the Agency shall be determined by the Council.

2. (1) The Council shall meet once in a quarter in each calendar year and subject thereto the Council shall meet whenever it is summoned by the Chairman where the Chairman is required to do so by notice given to him by not less than four other members, the Secretary shall summon a meeting of the Council to be held within fourteen (14) days from the date on which such notice is given.

(2) At any meeting of the Council, the Chairman shall preside, but if he is absent, the members present at the meeting shall nominate one of their members to preside at that meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may invite such person to be in attendance at the Council meeting for such period as it deems fit, but a person meeting for such period by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

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(4) The decision of the Council shall be by a simple majority of members present and voting, and in the event of an equality of votes, the Chairman or any other person presiding shall have a second or casting vote.

COMMITTEES

3. (1) The Council may appoint one or more Committees to carry out, on behalf of the Council, such of its function as the Council, may determine.

(2) A Committee appointed under this paragraph shall consist of such number or persons as may be determined by the Council, which may co-opt for this purpose non-Council members and a person other than a member of the Council shall be a member of such Committee in accordance with the terms of his appointment.

MISCELLANEOUS

4. (1) The fixing of the seal of the Agency shall be authenticated by the signature of the Director General.

(2) Any contract or instrument which if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Agency by the Director General.

(3) Any document purporting to be a document duly executed under the seal of the Agency shall be received in evidence and shall unless the contrary is proven be presumed to be so executed.

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5. The validity of any proceedings of the Council or of a Committee thereof shall not be adversely affected by any vacancy in the membership of the Council or Committee, or by any defect in the appointment of a member of the Council or of a Committee.

PROCEEDINGS-GENERAL

Act or conduct not requiring notice or order or prosecution:

6. When the Agency invites or Summons a person in respect of any matter that may not require issue of notice or order to do or refrain from doing a thing, the Agency shall -

(i) inform the person of the reason for his invitation or Summon; and

(ii) if clarification is required from the person invited or summoned, the Agency may, after informing him of the reason for his invitation or summons, put such question as is reasonably necessary to satisfy the Agency on the subject and the person shall be given opportunity to give such clarification or to answer any such question, the Agency shall thereafter decide as appropriate.

(iii) the presiding officer may postpone the proceedings as he considers appropriate.

Act or conduct requiring notice or order:

7. When the subject of invitation or summoning of a person concerns violation of the right of a Child by that person, but the act or conduct in issue is not an allegation or report of commission of an offence against a Child under this Law or any Law and notice or

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order to do or refrain from doing anything is normally issued by the Agency to the person invited or summoned in such circumstances, the Agency shall: -

(i) before seeking any clarification or putting any question to the person, present to him details of his alleged act or conduct that violates, is violating or is likely to violate the right of a Child under this or any Law and the Agency shall then call upon the person to make clarification or answer the allegation or report made against him or to answer any question put to him by the Agency as it may consider necessary; and

(ii) If it appears from the nature of the allegation or report, the clarification and answer of the person invited or summoned, it is necessary for the purpose of ascertaining the truth of the matter and ensuring that the person is duly heard on the matter, the Agency shall avail the person of any document it received in respect of the allegation or report, invite or summon the person from whom the document was received, the person who made the allegation or report leading to his invitation or summon and any other person concerned or familiar with the matter, to state or restate the allegation or report in the presence of the person against whom it was made, confirm the document presented to the Agency, make any statement in proof of the allegation and shall thereafter afford the person against whom the allegation or report was made, the opportunity to ask such person any question on the

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allegation, report or any statement or document received against him, the Agency may also ask such person any question if necessary,

(iii) the Agency shall based on the allegation, report, statements, clarifications, answers obtained by the Agency in respect thereof, decide as appropriate.

(iv) the presiding officer may postpone the proceedings as he considers appropriate.

Act or conduct requiring prosecution:

8. When the allegation or report of the act or conduct of the person invited or summoned is one of commission of an offence against a Child under this Law or any Law, the Agency shall -

(i) present to him details of his alleged act or conduct but before asking him for clarification or put any question to him, he shall be informed of his right to remain silent and to consult a Legal practitioner of his choice before making any clarification or answer any question put to him or make any statement in respect thereof; and

(ii) if the person invited or summoned decides to remain silent, the Agency shall in addition to the report, obtain statement from any other person who has knowledge or information of the alleged act or conduct of the person invited or summoned as such, thereafter decide whether to prosecute or not to prosecute the person for the alleged act or conduct;

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(iii) if the person decides to make clarification or statement or answer any question put to him, the Agency may receive such clarification, statement or answer orally or in writing; if the clarification, statement or answers were received orally, the Agency shall reduce such part of his clarification, statement or answer as it considers relevant to writing and any other statement to writing and then decide whether to prosecute or not; and

(iv) the presiding officer may postpone the proceedings as he considers appropriate.

9. (1) The proceedings of the Agency under paragraph 6 may be oral or recorded in writing but the proceeding under paragraphs 7 and 8 shall be recorded in writing.

(2) Subject to the provisions of this Law the Agency may regulate its own procedure.

(3) Where a period is fixed for the doing of a thing under this Law by any person, the Agency may extend such period as it deems fit.

10. (1) Where a notice to do or refrain from doing anything is issued to a person, the Agency shall on demand and subject to payment of the prescribed fee, give the party concerned with the notice or order, a copy of the record of proceedings leading to the issue of the notice or order by the Agency.

(2) The record of proceedings of the Agency to be given to a person under subparagraph (1) shall comprise -

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(i) the name of the party to the proceedings;
(ii) the allegation or report received by the Agency against a party;
(iii) a succinct record of relevant part of the statement received from any person in proof of the allegation or report;
(iv) a succinct record of clarification, statement or answer received by the Agency from the person in reply to the allegation or report and the statement made by any person against him;
(v) reasons for the decision of the Agency to issue a notice or order to a person; and
(vi) a copy of the notice or order issued by the Agency.

11. A person invited or summoned shall be entitled to be represented at any proceedings of the Agency and may make his clarification or give his answer or statement orally or in writing as the Agency may determine.

12. Proceedings of the Agency shall be held in public except if the presiding officer believes:
(i) it will not be in the interest of the Child involved to do so;
(ii) the act or conduct in issue does not require the Agency to issue a person notice or order to do or refrain from doing anything; or
(iii) the act or conduct in issue is an allegation or report of commission of an offence against a Child under this Law or any other Law.

13. The Evidence Act shall not apply to the proceedings of the Agency.

14. The procedure for service of civil process of a District Court shall

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apply to service of invitation, notice or summons of the Agency.

15. The Agency shall not proceed against a person for failure to -

(a) honour any Invitation of the Agency;

(b) obey any Summons of the Agency;

(c) produce any document demanded by the Agency;

(d) supply any information demanded by the Agency;

(e) answer any question put to him by the Agency; or

(f) comply with any Notice or Order of the Agency; unless there is presented to the Agency evidence of service of the invitation, notice or summons.

16. (1) The proceedings of the Agency shall be conducted by the Chairman sitting with:

(a) a representative of Ministry of Justice to be appointed by the Attorney-General ; and

(2) a representative of the Ministry responsible for the Welfare of the Child.

17. (1) The notice or order issued by the Agency shall have effect as if the same were issued by the Magistrate.

(2) Any Magistrate having jurisdiction in the place where the aforesaid notice or order was issued or where the person issued the notice or order resides or happen to be, may take necessary steps to enforce the carrying out of the notice or order in all respect as if the notice or order has in fact been issued by that Magistrate.

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MEDIATION:

18. (1) A party seeking Mediation by the Agency may apply to the Agency by completing form E and filing same with the Agency subject to payment of the prescribed fee.

(2) The Agency shall cause the said form E completed by the party seeking Mediation to be served on the party with whom the party seeking Mediation has dispute, for that party (if he consents to Mediation) to complete his portion of form E and return same within the period specified in the Form E.

(3) If the party on whom form E was served completes his portion of form E, he shall return it to the Agency for filing subject to payment of the prescribed fee, where upon the parties shall be deemed to have appointed the Agency to mediate in their dispute.

(4) If the party on whom form E was served does not agree with such Mediation, he shall enter the words "Mediation declined" in his portion of form E and shall return same to the Agency within the period specified therein.

(5) The Agency shall notify the person seeking Mediation of the refusal of the other party to participate in Mediation, by serving on that person a notice together with a copy of form E containing "Mediation declined".

(6) The Agency may initiate Mediation of a dispute by serving form A1 on the parties to a dispute, inviting them to a meeting with the Agency.

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(7) If the parties attend the meeting as specified in form A1, the Agency shall draw their attention to the negative effect of their dispute on the Child and the likelihood of the parties violating the Child Right law should the dispute continue to linger without settlement.

(8) The Agency may also enquire from the parties the steps they have taken or propose to take to resolve the dispute, if it appears to the Agency that the parties have not taken any step or shown intention of doing so or observes willingness on the part of one or all of the parties to have the dispute resolved as quickly as possible and the dispute is one that can be settled by Mediation, the Agency may advise the parties to agree to Mediation by completing form E and paying the prescribed fee.

(9) If one or all of the parties appear unwilling to settle the dispute by Mediation or the dispute is of a type that Mediation is inappropriate as a means of settlement, the Agency may advise them as appropriate based on the best interest of the child involved.

(10) The Council shall prescribe the fee payable as cost of Mediation.

(11) A party to Mediation may withdraw from the Mediation before terms of settlement is signed by the parties.

(12) Mediation proceedings may be done orally or in writing as the Mediator may determine, but the terms of settlement reached

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or agreed by the parties shall be in writing signed by the parties and attested by the Mediator.

(13) The Agency shall have a pool of Certified Mediators from which the parties are at liberty to nominate a mediator of their choice to settle their matter provided that the Chairman shall be the lead Mediator.

(14) The Terms of Settlement reached by the Mediators shall be communicated to the parties.

(15) The parties to Mediation Agreement under this Law shall keep confidential and privileged and not use for litigation or any collateral or ulterior purpose any document or correspondence or information of any nature produced for or arising in connection with the Mediation Agreement save as may be necessary to implement or enforce any settlement agreement.

(16) The Mediation shall:-

(a) take place at the office of the Agency or any other place the Agency may specify, and

(b) be concluded within fourteen days or within such other days as may be extended by the Mediator,

Provided that the total number of days for a Mediation including the extended days shall not exceed thirty days.

(17) A party to a Mediation process may attend the Mediation Sitting.

(18) In any Mediation before the Agency:-

(a) a party shall be deemed to have full and unlimited authority to negotiate, compromise and settle the dispute; and

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(b) the parties may agree on a bundle of relevant documents produced and supplied the mediators with all requested documents by the date appointed by the Mediators.

(19) The Mediators may use Conciliation to:

(a) assist the parties to compromise and resolve the dispute during Mediation;

(b) determine the procedure at the Mediation; and

(c) assist if requested by the parties, in drawing up any settlement agreement.

(20) A Mediation shall terminate when:-

(a) a written settlement is executed by the parties;

(b) written notice of withdrawal is given by any party;

(c) the time set for Mediation has expired without agreement for continuation or resumption; or

(d) the Mediators decide that continuing the Mediation is unlikely to result in a settlement, or is undesirable or inappropriate for any other reason.

(21) Any view expressed by a party or his representative or adviser during or in connection with Mediation is privileged.

(22). (a) Each party to the terms of settlement referred shall be given authenticated copy of the terms of settlement by the Mediators.

(b) Any or all of the parties to Mediation may file the terms of settlement referred to in paragraph (a) at a Magistrate Court for

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enforcement or for entry as the Judgment of the Magistrate on the matter or issue which was the subject of Mediation.

(c) The Magistrate shall, on confirming the terms of settlement from the parties to the terms of settlement, cause its enforcement or enter the terms of settlement as the Judgement of the Magistrate notwithstanding protest by the other party to the Settlement, unless the protest relates to the genuineness of the copy of the terms of settlement filed in the Magistrate Court.

(d) The terms of settlement filed in the Court shall be presumed to be genuine for the purposes of entry as the Judgement of the Magistrate if it is attested to by the Mediators and has affixed on it the Seal of the Agency.

23. The terms of settlement signed by the parties and attested by the Mediators may be reduced to an Order of the Agency made against all or any of the parties.

EXPLANATORY NOTE

THIS LAW IS FOR A LAW TO REPEAL CHILD RIGHT LAW 2010 AND RE-ENACT NIGER STATE CHILD'S RIGHT LAW 2021 TO ESTABLISH CHILD RIGHT PROTECTION AND ENFORCEMENT AGENCY, PROVIDE AND PROTECT THE RIGHTS OF CHILDREN IN NIGER STATE AND OTHER MATTERS CONNECTED THERETO

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SECOND SCHEDULE
FORMS OF INVITE, SUMMONS AND ORDER

INVITATION (FORM A)

To.....

.....

.....

INVITATION FOR CLARIFICATION

Report of.....
The Agency has received a complaint
from.....of.....that you are involved
in.....

The meeting is in respect of the said complaint.

You are invited to kindly report at the Child Right Protection and Enforcement Agency's office situated at the above address.

Date: / / 20.....

Time: am/pm

Please be informed that if you fail to answer to this invitation, the Agency will be left with no other option but to treat the report/complaint according to the provisions of the Child Right Law.

.....

(Issuing Officer)

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MEDIATION (FORM A1)

To.....

.....

.....

INVITATION TO A MEETING

1. In the matter of..... (state nature of dispute)

2. The Agency is informed of the above dispute between you and .....of .....

3. This invitation is to a meeting between you, the said ..... and the Agency at the office of the Agency stated above, or at .....on ..... at .....am/pm for the purpose of amicable settlement of the said dispute.

4. Please endeavor to attend the meeting in the interest of peace, welfare and interest of ..... (state name of Child)

.....

Officer issuing Invitation

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NOTICE (FORM B)

To.....

.....

.....

NOTICE TO ABATE ACTS/CONDUCTS VIOLATING OR LIKELY TO VIOLATE CHILD RIGHT LAW

The Niger State Child Right Protection and Enforcement Agency (the Agency) notes with concern that..... (state nature of act or conduct violating or likely to violate Child Right).

Of more concern to the Agency is the observation that such act/conduct may have continued or is likely to continue for so long without you abating or stopping the said act/conduct.

The Agency trust that this notice will direct your attention to the seriousness with which the Agency views the aforesaid act/conduct which violates or is likely to violate section.....of the Child Right Law and hereby give you notice to initiate or undertake measures to stop/prevent the violation of the said provision of the Child Right Law.

Should you fail to heed or abide by this notice and take measures as stated herein within.....days, the Agency shall forthwith deal with you in the manner and as provided in the Child Right Law and in addition cause

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your prosecution under the relevant provisions of the Penal Code Law that punishes a person who fails to heed/abide/comply with a notice from a public servant.

.....

(Officer issuing Notice)

SUMMONS (FORM C)

To.....

.....

.....

SUMMONS TO APPEAR BEFORE THE NIGER STATE CHILD RIGHT PROTECTION AND ENFORCEMENT AGENCY

You are hereby summoned to appear before the Niger State Child Right Protection and Enforcement Agency ("the Agency") at.....on the.....day of.....20... at hour of..... to answer.....(state the act/conduct in issue)

Should you fail to comply with this summons and appear on the date and time stated above, the Agency shall forthwith deal with you in the manner and as provided in the Child Right Law and in addition cause your prosecution under the relevant provisions of the Penal Code Law that punishes a person who fails to comply with a summons from a public servant.

.....

(Officer issuing Summons)

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ORDERS (FORM D)

To.....

.....

.....

ORDER OF THE NIGER STATE CHILD RIGHT PROTECTION AND ENFORCEMENT AGENCY

IN THE MATTER OF....., (describe subject of Order) the Agency after hearing the parties and considering the facts presented to it, HEREBY ORDER as follows:

(a) that.....

(b) that .....

(state the order of the Agency to a person to do or refrain from doing a thing)

Should you fail to heed/abide/obey this order and take measure or act as stated or directed herein within.....days, the Agency shall forthwith deal with you in the manner and as provided in the Child Right law and in addition cause your prosecution under the relevant provisions of the Penal Code Law that punishes a person who fails to heed/abide/obey with an order from a public servant.

.....

Signature.....

(State name of Director General Of the Agency)

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MEDIATION AGREEMENT (FORM E)

Mediation number:.....

Date of Agreement:.....

1. The Parties:

.....of.....

("the first party")

.....of.....

("the second party") both of who are herein collectively referred to as "the parties".

2. The Mediators:

a. Nominated by the first party

b. Nominated by the second party, and

c. Chairman of the Agency

Niger State Child Right Protection and Enforcement Agency.

3. The dispute:

.....

.....

.....

.....

4. IT IS AGREED THAT:

a. the dispute between the parties be resolved by Mediation.

b. Paragraphs 18(10) to 18(22) (both paragraphs inclusive) of the First

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Schedule shall be deemed to have been incorporated as part of the terms of this Mediation Agreement.

SIGNED by:

.....(first party)

.....(second party)

.....(Mediator 1)

.....(Mediator 2)

.....(Mediator Chairman)

TERMS OF SETTLEMENT (Model and optional)

1. The Parties:

.....of.....

("the first party")

.....of.....

("the second party") both of who are herein collectively referred to as "the parties".

2. The Mediators:

a. .....

b. .....

c. .....of the Niger State Child Right Protection and Enforcement Agency

3. Background (brief statement of the nature of the dispute):

4. The Parties have agreed to settle "the dispute" which has been the subject of Mediation by the Agency

5. TERMS:

It is agreed as follows:

a.

b.

c.

SIGNED by:

.....(first party)

.....(second party)

Attested by ..... (Mediator 1)

..... (Mediator 2)

..... (Mediator 3)

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FIRST SCHEDULE

I assented this 3rd day of November, 2021 Time 1:42pm

Alhaji Abubakar Sani Bello
Governor of Niger State

SECOND SCHEDULE

I withheld assent this ..... day of ..... 2021 Time .....

Alhaji Abubakar Sani Bello
Governor of Niger State

THIRD SCHEDULE

I, **Abdullahi M. Kagara,** Clerk to the Legislature of Niger State hereby certify that this Law has been passed in accordance with Sub-Section 3 of Section 100 of the Constitution of the Federal Republic of Nigeria 1999. This printed impression has been carefully compared by me with the Bill, which has been passed by the Legislature and found by me to be a true and correctly printed copy of the said Bill.



ABDULLAHI M. KAGARA
Clerk to the Legislature

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