**CHAPTER C7**

**CHILD'S RIGHTS LAW**

ARRANGEMENT OF SECTIONS

PART I

*Best Interest of a Child to be of Paramount Consideration in all Actions*

SECTION
1. Best interest of a child to be of paramount consideration in all actions.
2. A child to be given protection and care necessary for his well-being.

PART II
Rights and Responsibilities of a Child
*Rights of a Child*
3. Application of Chapter IV of 1999 Constitution, etc.
4. Right to survival and development.
5. Right to name.
6. Freedom of association and peaceful assembly.
7. Freedom of thought, conscience and religion.
8. Right to private and family life.
9. Right to freedom of movement.
10. Right to freedom from discrimination.
11. Right to dignity of the child.
12. Right to leisure, recreation and cultural activities.
13. Right to health and health services.
14. Right to parental care, protection and maintenance.
15. Right of a child to free, compulsory and universal primary education, etc.
16. Right of a child in need of special protection measures.
17. Right of the unborn child to protection against harm, etc.
18. Contractual rights of a child.
19. Responsibilities of a child and parent.
20. Parent, etc., to provide guidance with respect to child's responsibilities.

PART Ill
Protection of the Rights of a Child
21. Prohibition of a child marriage.
22. Prohibition of a child betrothal.
23. Punishment for child marriage and betrothal.
24. Tattoos and skin marks.
25. Exposure to use, production and trafficking of narcotic drugs, etc.

Use of Children in other Criminal Activities
SECTION
26. Use of children in other criminal activities.
27. Abduction, removal and transfer from lawful custody.

Child Labour
28. Prohibition of exploitative labour.

29. Application of labour Act, Cap. 198 of LFN 1990.

Buying, Selling, etc., for the Purpose of Begging and Prostitution, etc.
30. Prohibition of buying, selling, hiring or otherwise dealing in children for the purpose hawking or begging for alms or prostitution, etc.

Unlawful Sexual Intercourse, etc.
3 1. Unlawful sexual intercourse with a child, etc.

Other Forms of Sexual Abuse and Exploit a/ion
32. Forms of sexual abuse and exploitation.
33. Other forms of exploitation.

Recruitment into the Armed Forces
34. Prohibition of recruitment of children into the Armed Forces.

Harmful Publications
35. Prohibition of importation of harmful publication.
36. Penalty for harmful publication.
37. Power to issue warrant of arrest, summons, search, etc., for harmful publications.
38. Power of Court to order forfeiture, etc.

Miscellaneous
39. Removal of jurisdictional limitation of magistrates, etc.
40. Application of Criminal Law provisions.

PART IV
Protection of Children
41. Child assessment orders.
42. Emergency protection orders.
43. Duration of emergency protection orders, etc.
44. Children taken into police protection in cases of emergency.
45. Duty of a State Government to investigate.
46. Disclosure of whereabouts, etc., of children who may be in need of emergency protection.
47. Abduction of children in care, etc.
48. Refuge for children at risk.
49. Rules and regulation under this Part.

PART V
Children in Need of Care and Protection
SECTION
50. Power of certain persons to bring children in need to care and protection before a Court in certain cases.
51. Power to make order where parent or guardian is unable to exercise control.
52. Power of court to order parent, etc., to contribute to maintenance.

PART VI
Care and Supervision
53. Care and supervising order, in general.
54. Period within which application for order under this Part must be disposed of.
55. Effect of care order.
56. Parental contacts, etc., with children in care.
57. Duty of supervisor while supervision orders are in force.
58. Education supervision orders.
59. Power of court in proceedings where question of welfare of a child arise.
60. Interim orders.

61. Discharge and variation, etc., of care orders and supervision orders.
62. Orders pending appeals in case relating to care or supervision orders.

PART VII

Provisions for use of Scientific Tests in Determining Paternity or Maternity, etc.

63. Power of court to require use of scientific tests.
64. Consents, etc., required for taking scientific sample.
65. Power of Commissioner to provide for manner of giving effect to directions for use of scientific tests.
66. Failure to comply with directions for taking to scientific tests.
67. Penalty for impersonating another, etc., for purpose of providing scientific sample.

PART VIII

Possession and Custody of Children

68. Acquisition of parental responsibilities.
69. Power of the Court to make order in respect to custody or rights of access to a child.
70. Orders as to custody.
71. Validity of custody agreed to in separation deeds.
72. Principle on which questions relating to custody, upbringing, etc., of child is to be decided.
73. Country to have regard to conduct of parent.
74. Power of Court as to production of child.
75. Power of Court to consult child's wishes.
76. Power of Court to child's religions education.
77. Enforcement of order for payment of money by attachment of income.
78. Notice of change of address by person ordered to pay money.
79. Power of the Commissioner to make orders, etc., as to custody of children.
80. Prohibition against acquiring custody, etc., of child for the purpose of dealing in the child.
81. Penalties for contravening sections 79 and 80.

PART IX

Guardianship

SECTION

82. Parental responsibility of a guardian.
83. Guardianship of a child.
84. Order for guardianship of a child.
85. Consent of a person appointed as a guardian.
86. Revocation of guardianship.
87. Power of guardians over estate of a child.
88. Disputes between joint guardians.
89. Appointment of guardian ad/item.
90. Establishment of panels of persons from which guardians ad/item may be appointed.
91. Right of guardian ad /item to have access to records.
92. Saving of existing orders and jurisdiction of the court.

PART X

Wardship

93. Jurisdiction of Court.
94. Wardship order.
95. Maintenance of a ward of Court.
96. Committal of ward to care of appropriate authority, etc.
97. Matrimonial causes.
98. Dismissal of application for wardship.
99. Rules for application for wardship.

PART XI

Fostering

100. Application for fostering.
101. A child to be fostered.
102. Making a fostering order.
103. Limit on number of children who may be fostered.
104. Restriction on the making of fostering order.
105. Consent to fostering.
106. Further conditions for making of fostering orders. q
107. Interim orders.
108. Rules of court.
109. Appeal.
110. Rights and duties of foster parents and other persons.
111. Effect of fostering on maintenance order.
112. Fostered children register.
113. Visit to fostered child by child development officers.
114. Revocation of a foster order on grounds of the interest of the child.
115. Prohibition of receiving money or reward as inducement to foster a child.
116. Prohibition of taking, sending fostered child out of State or Nigeria.

SECTION
117. Prohibition of withdrawal of a child from the care of the applicant.
118. Foster parent prohibited from marrying fostered child.
119. Non-compliance with lawful directives.
120. Private arrangement for fostering children.
121. Welfare of a child fostered privately.
122. A person disqualified from fostering a child privately.
123. Power of State Government to prohibit private fostering.
124. Offence under this Part.

PART XII
Adoption

125. Establishment of adoption services, etc.
126. Application for adoption, etc.
127. Religious upbringing of adopted child.
128. Persons who may be adopted.
129. Persons who may adopt.
130. Power to make adoption order.
131. Restrictions on the making of adoption orders.
132. Required consent.
133. Conditions preceding the making of adoption order.
134. Power of Court to impose terms and conditions.
135. Interim orders, pending adoption orders.
136. Jurisdiction of the Court.
137. Rules of the Court for adoption of a child.
138. Appeals to the High Court.
139. Adoption when corrective orders are in force.
140. Adoption where maintenance order is in force.
141. Effect of adoption.
142. Establishment of the adopted children register.
143. Prohibition of certain payments for adoption.
144. Restriction on inter-state adoption.
145. Licence to give child for inter-state adoption.
146. Recognition of other adoption.
147. Adopted parents, etc., prohibited from marrying adopted child.
148. Visit of adopted child by child development officers.

PART XIII
The Family Court

149. Establishment of the Family Court.

150. Court to have two levels.
151. General jurisdiction.
152. Family Court at the High Court level.
153. Family Court at the Magistrate level.
154. Professionalisation and training of Court personnel.

SECTION
155. Right to legal representation and legal aid.
156. Exclusion of persons from attending Court.
157. Prohibition of publication of child's name, etc.
158. Proceedings to be in the interest of the child.
159. Attendance of parents, guardians or child at the hearing in the Court.
160. Evidence giving by a child.
161. Rules for procedures, fee, etc.
162. Exclusive jurisdiction.

PART XIV
Child Minding and Day Care of Young Children
163. Registration, etc., of child minding and day care centre.
164. Conditions to be complied with by child minders.
165. Conditions to be complied with by persons providing day care for children.
166. Cancellation of registration of a child minder.
167. Protection of children emergency cases for cancellation of registration, etc.
168.. Power of the State Government to inspect premises, etc.
169. State Government to give notice of action it intends to take.
170. Offences under this Part.

PART XV
State Government Support for Children and Families
171. Provisions of services for children in need, etc.
172. Day care for pre-school children.
173. Review of provision for day care, children minding, etc.
174. Provision of accommodation for children in general.
175. Provision of accommodation for children in police protection, detention or remand, etc
176. Reference to child looked after by State Government.
177. Duty of State Government to provide for the welfare of children looked after by it.
178. Provision of accommodation and maintenance by State Government for children looked after by it.
179. Advice and assistance for certain children, etc.
180. Use of accommodation for restricting liberty.
181. Review of cases and inquiries representatives.
182. Co-operation between authorities.
183. Consultation with the education authorities.
184. Recipient of cost of providing services, etc.
185. Miscellaneous.

PART XVI
Community Homes
186. Securing of Community Homes.
187. Directives by Commissioner to discontinue the use of premises as a community home.
188. Determination of disputes relating to controlled and assisted community homes.
SECTION
189. Discontinuance of controlled or assisted community homes.

190. Closure by State Government of controlled or assisted community homes.

PART XV1I
Voluntary Homes and Voluntary Organisations
191. Provision of accommodation by voluntary organisations.
192. Registration and regulation of voluntary homes.
193. Duties of voluntary organisations.
194. Duties of the State Government.

PART XVIII
Registered Children ‘s Homes
195. Registration, etc., of children’s homes.
196. Welfare, etc., of children in homes.
197. Persons disqualified from managing or being employed in children’s homes.

PART XIX
Supervisory Functions and Responsibilities of the Commissioner
198. Inspection of children’s home, etc., by authorised persons.
199. Inquiries.
200. Commissioner may direct inquiries to be held in camera.
201. Financial support by Commissioner.
202. Research and returns of information.
203. Power of Commissioner to declare State Government, etc., to be in default.

PART XX
Child Justice Administration Generally
204. Child to be subjected to only child justice system and processes.
205. Protection of privacy.
206. Professional education and training.
207. Specialisation within the Nigeria Police Force.
208. Use of direction.
209. Disposal of case without resort to formal trial.
210. Respect of the legal status and rights of the child.
Investigation
211. Initial contact with the child.
212. Detention pending trial.
Adjudication
213. Jurisdiction of Court to try child offenders.
214. Rights to fair hearing and compliance with due process.
215. Guiding principles in adjudication.
216. Parents, guardians to attend Court.
217. Child justice procedure in Court.
218. Remands and committals to State Government accommodation.
219. Social inquiry report.

SECTION
220. Power of Court to order parent or guardian to pay fine, etc.
221. Restriction on punishment.
222. Detention in case of certain crimes.
223. Methods of dealing with child offender.
224. Government to provide accommodation.
225. Procedure on failure to observe condition of recognisance.
226. Binding over of a parent or guardian.
227. Forms for corrective orders.
228. Operation of corrective order may be suspended.
229. Power to vary corrective order may be suspended.
230. Power of manager of an approved institution to grant leave of absence to a child in detention.

231. Apprehension without warrant.
232. Procedure in case of unruly or depraved child.

Non-Institutional Treatment

233. Effective implementation of non-institutional orders.
234. Assistance during rehabilitation.
235. Mobilisation of voluntary service.

Institutional Treatment

236. Objective of institution treatment.
237. Recourse of condition release.

Research, Planning, Policy Formulation and Evaluation

238. Research as a basis for planning, policy formulation, etc.

PART XXI

Supervision

239. Appointment of supervision officer.
240. Supervision inspectors and supervision inspection service.
241. Default power where the supervision service fails to discharge its statutory duty.
242. Court to make conditional discharge order and supervision order.
243. Person to be named in supervision order.
244. Supervision officer may be relieved of duties.
245. Duties of supervision officer.
246. Power of Court to vary suspension order.

PART XXII

Approved Institutions and Post-Release Supervision, etc.

247. Approved institution.
248. Establishment of approved institutions.
249. Declaration of building, etc., as an approved institution.
250. Children attendance centre, etc.
251. Responsibilities for approved institutions.
252. Officers of approved institutions.
253. Visitors and visiting committees.
254. Appointment of voluntary visitor.
255. Facilities for observation of children in approved institutions.

SECTION

256. Transfer from Children Correctional Centre to Special Children Centre.
257. Release from approved institution, etc.

Release and Post-Release Supervision

258. Release and supervision of after training at the Children Centre.
259. Post-release supervision of children offenders.

PART XXIII

State Child's Rights Implementation Committee

260. Establishment and membership of State Child's Rights Implementation Committee.
261. Functions of the State Committee.
262. Procedure at meetings.
263. Secretariat of the State Committee.

Local Government Child's Rights Implementation Committee

264. Establishment and membership of the Local Government Child's Rights Implementation Committee.
265. Functions of the Local Government Committee.
266. Procedure, etc., at meetings.
267. Secretariat of the Local Government Committee.

PART XXIV

Miscellaneous

268. Offences by bodies corporate.
269. Service of documents.
270. Suspension and inconsistency.
271. Delegation of powers by the Commissioner.
272. Forms in the Eleventh Schedule.
273. Interpretation.
274. Citation.

FIRST SCHEDULE
Financial Provision for Children
SECOND SCHEDULE
Supervision Orders
THIRD SCHEDULE
Application for Wardship
FOURTH SCHEDULE
Foster Parents: Limits on Number of Foster Children
FIFTH SCHEDULE
Final Adoption Order
SIXTH SCHEDULE
Child Minding and Day Care for Young Children
SEVENTH SCHEDULE
The State Government Support for Children and Families

EIGHTH SCHEDULE
Management and Conduct of Community Homes
NINTH SCHEDULE
Voluntary Homes and Voluntary Organisations
TENTH SCHEDULE
Registered Children ‘s Homes
- ELEVENTH SCHEDULE
Forms in Relation to Parts VI, XX and XXI of this Law

# CHILD’S RIGHTS LAW

**A Law to provide and protect the rights of a child in Ekiti State and other related matters.**

[Date of commencement: 17th December, 2OO

## PART I

Best Interest of a Child to be of Paramount Consideration in all Actions

**1. Best interest of a child to be of paramount consideration in all actions**

In every action concerning a child, whether undertaken by an individual, public or private body, institutions or service, court of law or administrative or legislative authority, the best interest of the child shall be the primary consideration.

**2. A child to be given protection and care necessary for his well-being**

(1) A child shall be given such protection and care as it is necessary for the well-being of the child, taking into account the rights and duties of the child’s parents, legal guardians or other individuals, institutions, services, agencies, organisations or bode legally responsible for the child.

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

## PART II

*Rights and Responsibilities of a Child*

*Rights of a Child*

**3. Application of Chapter IV of 1999 Constitution, etc.**
(1) The provisions in Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 or any successive constitutional provisions relating to fundamental rights, shall' apply as if those provisions are expressly stated in this Law.

(2) In addition to the rights guaranteed under Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999, or under any successive constitutional provisions, every child has the rights set out in this Part of this Law.

**4. Right to survival and development**
Every child has a right to survival and development.

**5. Right to name**
(1) Every child has a right to a name and, accordingly, shall be given a name on his birth or on such other date as is dictated by the culture of his parents or guardian.
(2) The birth of every child shall be registered in accordance with the provisions of the Birth, Death, etc., (Compulsory Registration) Act, 1992.

**6. Freedom of association and peaceful assembly**
Every child has a right to freedom of association and peaceful assembly in conformity with the law and in accordance with necessary guidance and directions of his parents or guardians.

**7. Freedom of thought, conscience and religion**
(1) Every child has a right to freedom of thought, conscience and religion.
(2) Parents and, where applicable, legal guardians shall provide guidance and in exercise of these rights having regard to the evolving capacities and best interest of the child.
(3) The duty of parents and where applicable of legal guardians to provide guidance and direction in the enjoyment of the rights in subsection (1) of this section by their child or ward shall be respected by all persons, bodies, institutions and authorities.
(4) Whenever the fostering, custody, guardianship or adoption of a child is in issue, the right of the child to be brought up in and to practice his religions shall be a paramount consideration.

**8. Right to private and family life**
(1) Every child is entitled to his privacy, family life, home, correspondence, telephone conversation and telegraphic communications, except as provided in subsection (3) of this section.
(2) No child shall be subjected to any interference with his right in subsection (1) of this section, except as provided in subsection (3) of this section.
(3) Nothing in the provision of subsections (1) and (2) of this section shall affect the rights of parents and, where applicable, legal guardians, to exercise reasonable supervision and control over the conduct of their children and wards.

**9. Right to freedom of movement**
(1) Every child is entitled to freedom of movement subject to parental control which is not harmful to the child.
(2) Nothing in subsection (1) of this section shall affect the right of a parent and where applicable, a legal guardian or other appropriate authority to exercise control

overthe movement of the child in the interest of the education, safety and welfare of the child.

**10. Right to freedom from discrimination**
(1) A child shall not be subjected to any form of discrimination merely by reason of his belonging to a particular community or group or by reason of his place of origin, sex, religion or political opinion.
(2) No child shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

**11. Right to dignity of the child**
Every child is entitled to respect for the dignity of his person and accordingly, no child shall be—
(a) subjected to physical, mental or emotional injury, abuse, neglect or maltreatment, including sexual abuse;
(b) subjected to torture, inhuman or degrading treatment or punishment;
(c) subjected to attacks upon his honour or reputation; or
(d) held in slavery or servitude, while in the care of a parent, legal guardian or school authority or any other person or authority having the care of the child.

**12. Right to leisure, recreation and cultural activities**
(I) Every child is entitled to rest and leisure and to engage in play, sports and recreation activities appropriate to his age.
(2) Every child is entitled to participate fully in the cultural and artistic activities of Nigeria, African and World comm9nities.
(3) The State person, institution, service, agency, organisation and body, responsible for the care and welfare of a child shall, at all times, ensure adequate opportunities for the child in the enjoyment of the rights provided for the child in subsections (1) and (2) of this section.

**13. Right to health and health services**
(1) Every child is entitled to enjoy the best attainable state of physical, mental and spiritual health.
(2) The State, parent, guardian, institution, service, agency, organisation 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 adequate nutrition and safe drinking water;

(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;
(J) ensure appropriate health care for expectant and nursing mothers; and
(g) support, through technical and financial means, the mobilisation of national and local community resources in the development of primary health care for children.
(4) Every parent, guardian or person having the care and custody of a child under

the age of two years shall ensure that the child is provided with full immunisation.
(5) Every parent, guardian or person having the care of a child who fails in the duty imposed on him under subsection (4) of this section commits an offence and is liable on conviction for—
(a) a first offence, to a fine not exceeding five thousand naira; and
(b) a second or any subsequent offence, whether in respect of that child or any other child, to imprisonment for a term not exceeding one month.
(6) The Court may make, in substitution for or addition to any penalty stipulated under subsection (5) of this section, an order compelling the parent or guardian of a child to get the child immunised.

**14. Right to parental care, protection and maintenance**
(1) Every child has a right to parental care and, protection and accordingly, no child shall be separated from his parents against the wish of the child except—
(a) for the purpose of his education and welfare; or
(b) in the exercise of a judicial determination in accordance with the provisions of this Law, in the best interest of the child.
(2) Every child has the right to maintenance by his parents or guardians in accordance with the extent of their means and the child has the right, in appropriate circumstances, to enforce this in the family court.

**15. Right of a child to free, compulsory and universal primary education, etc.**
(1) Every child has the right to free, compulsory and universal basic education it shall be the duty of the State to provide such education.
(2) Every parent or guardian shall ensure that his child or ward attends and completes his—
(a) primary school education; and
(b) junior secondary education.
(3) Every parent, guardian or person who has the care and custody of a child who has completed his basic education, shall endeavour to send the child to a senior secondary school, except as provided for in subsection (4) of this section.

(4) Where a child to whom subsection (3) of this section applies is not sent to senior secondary school, the child shall be encouraged to learn an appropriate trade and the employer of the child shall provide the necessaries for learning the trade.
(5) 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.
(6) Where a parent, guardian or person who has the care and custody of a child, fails in the duty imposed on him under subsection (2) of this section, he commits an offence and is liable
(a) on first conviction to be reprimanded and ordered to undertake community service;
(b) on second conviction to a fine of two thousand naira or imprisonment for a term not exceeding one month or to both such fine and imprisonment; and
(c) on any subsequent conviction to a fine not exceeding five thousand naira or imprisonment for a term not exceeding two months or to both such fine and imprisonment.
(7) The provisions of this section shall not apply to children with mental disabilities.

**16. Right of a child in need of special protection measures**
(1) Every child who is in need of special protection measures has the right to such

measure of protection as is appropriate to his physical, social, economic, emotional and marital needs and under conditions which ensure his dignity promote his self-reliance and active participation in the affairs of the community.
(2) Every person, authority, body or institution that has the care or the responsibility for ensuring the care of a child in need of special protection measures shall endeavour. with the available resources, to provide the child with such assistance and facilities which are necessary for his education, training, preparation for employment, rehabilitation and recreational opportunities in a manner conducive to his achieving the fullest possible social integration and individual development and his cultural and moral development.

**17. Right of the unborn child to protection against harm, etc.**
(1) A child may bring an action for damages against a person for harm or injury caused to the child willfully, recklessly, negligently or through neglect before, during or after the birth of that child.

(2) Where the father of an unborn child dies intestate, the unborn child is entitled. J he was conceived during the lifetime of his father, to be considered in the distribution o the estate of the deceased father.

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

**18. Contractual rights of a child**
(1) No child shall enter into a contract, except as provided in this section.
(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.
(3) Accordingly—
(a) no action shall be brought against a child by a person after the child has attained the age of majority, to pay a debt contracted before majority or ratified on majority or any promise of contract made by the child before majority, whether or not there was new consideration for the promises or ratification after the child attained majority;
(b) if a child who has entered into a contract for a loan which is void agrees after majority to pay the loan, the agreement in whatever form it may be, shall be void so far as it relates to money which is payable in respect of the loan.

**19. Responsibilities of a child and parent**
(1) Every child has responsibilities towards his family and society, the State, the Federal Republic of Nigeria and other legally recognised communities nationally and internationally.
(2) A child shall, subject to his age and ability and such other limitations as may be contained in this Law and any other law, to—
(a) work towards the cohesion of his family and community;
(b) respect his parents, superiors and elders at all times and assist them in case of need;
(c) serve the Federal Republic of Nigeria by placing his physical and intellectual abilities at her service;
(d) contribute to the moral well-being of the society;
(e) preserve and strengthen social and national solidarity;
(f) preserve and strengthen the independence and integrity of the Federal Republic of Nigeria;
(g) respect the ideals of democracy, freedom, equality, humaneness, honesty and

justice for all persons;
(h) relate with other members of the society, with different cultural values in the spirit of tolerance, dialogue and consultation;
(i) contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of Nigeria, African and world unity; and
(j) contribute to the best of his abilities, at all times and at all levels, to the solidarity of the African people and the human race.

**20. Parent, etc., to provide guidance with respect to child's responsibilities**
Every parent, guardian, institution, person and authority responsible for the care, maintenance, upbringing education, training, socialisation, employment and rehabilitation of a

child has the duty to provide the necessary guidance, discipline, education and training for the child in his or its care such as will equip the child to secure his assimilation, appreciation and observance of the responsibilities set out in this Part of this Law.

PART III
*Protection of the Rights of a Child*

**21. Prohibition of a child marriage**
No person under the age of 18 years shall be capable of contracting a valid marriage and accordingly, a marriage so contracted shall be null and void and of no effect whatsoever.

**22. Prohibition of a child betrothal**
(1) No parent, guardian or any other person shall betroth a child to any person.
(2) A betrothal in contravention of subsection (1) of this section shall be null and void.

**23. Punishment for child marriage and betrothal**
A person—
(a) who marries a child; or
(b) to whom a child is betrothed; or
(c) who promotes the marriage of a child; or
(d) who betroths a child,
commits an offence and is liable on conviction to a fine of #200,000 or imprisonment for a term of five years or to both such fine and imprisonment.

**24. Tattoos and skin marks**
(1) No person shall tattoo or make a skin mark or cause any tattoo or skin mark to be made on a child.
(2) A person who tattoos or makes a skin mark on a child commits an offence under this Law and is liable on conviction to a fine not exceeding five thousand naira or imprisonment for a term not exceeding one month or to both such fine and imprisonment.

**25. Exposure to use, production and trafficking of narcotic drugs, etc.**
(1) No person shall—
(a) expose or involve a child in the use of narcotic drugs and psycho tropic substances; or
(b) expose or involve a child in the production of trafficking of narcotic drugs or psychotropic substances; or
(2) (a) A person who contravenes the provisions of subsection (1) or (2) of this section commits an offence and is liable on conviction to imprisonment for life.

*Use of Children in other Criminal Activities*

**26. Use of children in other criminal activities**

(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 Part of the Law.

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

**27. Abduction, removal and transfer from lawful custody**

(1) No person shall remove or take a child out of the custody or protection of his father or mother, guardian or such other person having lawful care or charge of the child against the will of the father, mother, guardian or other person.

(2) A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction—

(a) where the child is unlawfully removed or taken out of Federal Republic of Nigeria—

(i) with intention to return the child to Nigeria, to imprisonment for a term of fifteen years; or

(ii) with no intention to return the child to Nigeria, to imprisonment for a term of twenty years;

(b) where the child is unlawfully removed or taken out of the State in which the father, mother, guardian or such other person who has lawful care of the child is ordinarily resident, to imprisonment for a term often years; or

(c) in any case, to imprisonment for a term of seven years.

*Child Labour*

**28. Prohibition of exploitative labour**

(1) Subject to this Law, no child shall be—

(a) subjected to any forced or exploitative labour; or

(b) employed to work in any capacity except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character; or

(c) required, in any case, to lift, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development; or

(d) employed as a domestic help outside his own home or family environment.

(2) No child shall be employed or work in an industrial undertaking provided nothing in this subsection shall apply to work done by children in technical schools or similar approved institutions if the work is supervised by the appropriate authority.

(3) Any person who contravenes any provision of subsection (1) or (2) of this section commits an offence and is liable on conviction to a fine not exceeding fifty thousand naira or imprisonment for a term of five years or to both such fine and imprisonment.

(4) Where an offence under this section is committed by a body corporate, any person who at the time of the commission of the offence was a proprietor, director, general manager or other similar officer, servant or agent of the body corporate shall be deemed to have jointly and severally committed the offence and may be liable on conviction to a fine of two hundred and fifty thousand naira.

**29. Application of labour Act, Cap. 198 of LFN 1990**

The provisions relating to young persons in sections 58, 59, 60, 61, 62 and 63 of the Labour Act shall apply to children under this Law.

*Buying, Selling, etc., for the Purpose of Begging and Prostitution, etc.*

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

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

(2) A child shall not be used—

(a) for the purpose of begging for alms, guiding beggars, prostitution, domestic or sexual labour or for any unlawful or immoral purpose; or

(b) as a slave or for practices similar to slavery such as sale or trafficking c the child, debt bondage or serfdom and forced or compulsory labour;

(c) for hawking of goods or services on main city streets, brothels or highways;

(d) for any purpose that deprives the child of the opportunity to attend and remain in school as provided for under the Universal Basic Education Law

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

(f) procured or offered for any activity in the production or trafficking of illegal and any other activity relating to illicit drugs as specified in the National Drug Law Enforcement Agency Act.

[LFN 1990, Cap. 253.]

(3) Any person who contravenes the provisions of subsections (1) and (2) of this section commits an offence and is liable on conviction to imprisonment for a term of ten years or to a fine not exceeding N50,000.00 or both.

*Unlawful Sexual Intercourse, etc.*

**31. Unlawful sexual intercourse with a child, etc.**

(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.

(3) Where a person is charged with an offence under this section, it is immaterial that—

(a) the offender believed the person to be of or above the age of eighteen years; or

(b) the sexual intercourse was with the consent of the child.

*Other Forms of Sexual Abuse and Exploitation*

**32. Forms of sexual abuse and exploitation**

(1) A person who sexually abuses or sexually exploits a child in any manner not already mentioned under 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 years.

**33. Other forms of exploitation**

(1) A person who exploits a child in any other form or way not already mentioned in this Part of this Law which is prejudicial to the welfare of the child commits an offence.
(2) A person who commits an offence under subsection (1) of this section is liable on conviction to a fine not exceeding ₦50,000.00 or imprisonment to a term of five years, or to both such fine and imprisonment.
Recruitment into the Armed Forces

**34. Prohibition of recruitment of children into the Armed Forces**
(1) No child shall be recruited into any of the branches of the armed forces of the Federal Republic of Nigeria.
(2) The State or any other relevant agency or body shall ensure that no child is directly involved in any military operation or Hostilities.
Harmful Publications

**35. Prohibition of importation of harmful publication**
(1) No person shall import any harmful publication under this Law.
(2) A person who imports any harmful publication commits an offence and is liable on conviction to a fine not exceeding thirty thousand naira or imprisonment for a term of three years or to both such fine and imprisonment.

**36. Penalty for harmful publication**
(1) A person who—
(a) prints, publishes, sells or lets on hire any harmful publication; or

(b) has in his possession for the purpose of selling or letting on hire any harmful publication, commits an offence and is liable on conviction to a fine of fifty thousand naira or imprisonment for a term of five years or to both such fine and imprisonment.
(2) Where a person is charged with an offence under this section, it is immaterial that the person had not examined the contents of the publication and has no reasonable cause
to suspect that the publication was one to which this Law applies.

**37. Power to issue warrant of arrest, summons, search, etc., for harmful publications**
(I) Where an information is brought before a court that a person has committed or is suspected of committing an offence under sections 35 or 36 of this Law with respect toany harmful publication, the Court may issue a warrant for the arrest of that person.
(2) The Court may, if satisfied by the information, substantiated on oath, that there is reasonable ground for suspecting that a person charged with or suspected of committingan offence has in his possession or under his control—
(a) copies of any harmful publication; or
(b) any plate prepared for the purpose of printing copies of harmful publication or any photographic film prepared for that purpose, grant a search warrant authorising a police officer named therein to enter (if necessary by force) any premises specified in the warrant and any vehicle or shop or stall used by the said person for the purpose of any trade or business and to search the premises, vehicle, shop or stall.

(3) The police officer on searching the premises, may seize any of the following items—

(a) any copy of the harmful publication and any other copies which the police officer has reasonable cause to believe to be a harmful publication; and
(b) any plate or photographic film which the police officer has reasonable cause to believe to have been prepared for the purpose of printing copies ofany harmful publication.

**38. Power of Court to order forfeiture, etc.**
(1) The Court by or before which a person is convicted of an offence under section 35 or 36 of this Law may order for any copy of the harmful publication and any plate or photographic film prepared for the purpose of printing the harmful publication found in the possession of the convicted person under his control, to be forfeited.
(2) The power to order forfeiture under subsection (1) of this section shall not extendto a case where the accused person has successfully raised a defence against the charge.
(3) No order made under subsection (1) of this section by a Family/Magistrate Court or a High Court in case of an appeal from a Family/Magistrate Court to the High Court shall take effect—
(a) until the expiration of the ordinary time within which an appeal may be lodged, whether by giving notice of appeal or applying for a case to bestated for the opinion of the High Court; or
(b) where an appeal is duly lodged, until the appeal is finally decided or abandoned.
(4) Before a forfeiture order is made under this section, the Court shall hear the author, copyright owner or main publisher of the harmful publication if he so wishes.

*Miscellaneous*

**39. Removal of jurisdictional limitation of magistrates, etc.**
Notwithstanding any jurisdictional limitation on the powers of a Magistrate Court 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.

**40. Application of Criminal Law provisions**
Any provision in any other law securing the protection of the child, whether born or unborn, shall continue to apply and is hereby adopted for the protection of the child by this Law, notwithstanding that the provision has not otherwise been specifically provided by this Law.

*PART IV*
*Protection of Children*

**41. Child assessment orders**
(1) The State or an appropriate authority may apply to the Court for a child assessment order with respect to a child and the Court may make the order, if it is satisfiedthat—
(a) the applicant has reasonable cause to suspect that the child is suffering, or likely to suffer significant harm;
(b) an assessment of the state of the health or development of the child or of the way in which the child has been treated, is required to enable the applicant to determine whether or not the child is suffering, or is likely to suffer, significant harm; and
(c) it is unlikely that such assessment will be made, or be satisfactory, in the absence of an order under this section.
(2) A court may treat an application under this section as an application for an emergency protection order.
(3) No court shall make a child assessment order if it is satisfied that—
(a) there are grounds for making an emergency protection order with respect to the child; and

(b) it ought to make an emergency protection order rather than a child assessment order.
(4) A child assessment order shall—
(a) specify the date on which the assessment is to begin; and

(b) have effect for such period, not exceeding nine days beginning with that date, as may be specified in the order.
(5) Where a child assessment order is in force with respect to a child, it shall be the duty of any person who is in a position to produce the child to—
(a) produce him to such person as may be named in the order; and
(b) comply with such directions relating to the assessment of the child as the Court thinks fits to specify in the order.
(6) A child assessment order shall contain an authority to the person carrying out the assessment, or any part of the assessment, to do so in accordance with the terms of the order.
(7) Notwithstanding subsection (6) of this section, if the child has sufficient understanding to make an informed decision, he may refuse to submit to medical or psychiatric examination or any other assessment.
(8) A child may only be kept away from home—
(a) in accordance with directions specified in the child assessment order;
(b) if it is necessary for the purpose of the assessment; and
(c) for such period or periods as may be specified in the assessment order.
(9) Where a child is to be kept away from home, the order shall contain such directions as the Court thinks fit with regard to the contact that the child must be allowed t:
have with other persons while away from home.
(10) A person making an application for a child assessment order shall, before the hearing of the application, take such steps as are reasonably practicable to ensure that notice of the application is given to—
(a) the parents of the child;
(b) a person who, though not a parent of the child, has parental responsibility for the child; or
(c) any other person having the care of the child;
(d) a person in whose favour a contact is in force with respect to the child;
(e) a person who is allowed to have contact with the child by virtue of an order made under section 55 of this Law; or
(f) the child concerned.
(11) Rules of court may make provision as to the circumstances in which—
(a) any of the persons mentioned in subsection (10) of this section; or
(b) such other persons as may be specified in the Rules, may apply to the Co.ii1J for a child assessment order to be varied or discharged.

**42. Emergency protection orders**
(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—

(i) he is not removed to an Emergency Protection Centre or any other approved suitable accommodation provided by or on behalf of the applicant; or
(ii) he does not remain in the place in which he is then being accommodated; and
(b) in the case of an application made by the State or any appropriate authority, that —
(i) the applicant has reasonable cause to suspect that the child is suffering, or is likely to suffer, significant harm;
(ii) enquiries with respect to the welfare of the child are being frustrated by access to the child being unreasonably refused to a person authorised to seek access; and
(iii) the applicant has reasonable cause to believe that access to the child is required as a matter of urgency.

(2) A person—
(a) seeking access to a child in connection with enquires of any kind mentioned in subsection (1) of this section; and
(b) Purporting to be a person authorised to do so, shall, on being asked to do so, produce some duly authenticated document as evidence that he is such a person.

(3) While an emergency protection order is in force, it—
(a) gives the applicant parental responsibility for the child;
(b) operates as a direction to a person who is in a position to do so to comply with any request to produce the child to the applicant; and
(c) authorised the removal of the child at any time to accommodation provided by or on behalf of the applicant and his being kept there; or
(d) prevents the child from being removed from any hospital, or other place, in which he was being accommodated immediately before the making of the order.

(4) Where all emergency protection order is in force applicant shall—
(a) only exercise the power given by virtue of subsection (3) (c) or (d) of this section in order to safeguard the welfare of the child;
(b) take only such action, in meeting his parental responsibility for the child, as is reasonably required to safeguard or promote the welfare of the child,
having regard, in particular, to the duration of the order; and
(c) comply with the requirements of any regulations made by the Commissioner for the purposes of this subsection.

(5) Where the Court makes an emergency protection order, it may give such directions as it considers appropriate with respect to—
(a) the contact which is, or is not, to be allowed between the child and any named person; or
(b) medical or psychiatric examination or any other assessment of the child.

(6) Where a direction is given under subsection (5) (b) of this section, the child may, if he has sufficient understanding to make an informed decision, refuse to submit to the examination or other assessment.
(7) A direction given under subsection 5 (a) of this section may impose such conditions as the Court considers appropriate and a direction under subsection (5) (b) of this section may—

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

(8) A direction under subsection (5) of this section may be—

(a) given when the emergency protection order is made or at any time while it is in force; and
(b) varied at any time of the application of any class of persons prescribed by rules of court for the purposes of this subsection.

(9) Where an emergency protection order is in force in respect of a child and the applicant has exercised the power conferred by—
(a) subsection (3) (c) of this section, but it appears to the applicant that it is safe for the child to be so returned; or
(b) subsection (3) (ci) of this section, but it appears to the applicant that it is safe for the child to be allowed to be removed from the place in question. the applicant shall return the child or allow the child to be so removed, as the case may be.

(10) Where the applicant is required by subsection (9) of this section to return the child, the applicant shall—
(a) return the child to the care of the person from whose care the child was removed; or
(b) if that is not reasonably practicable, return the child to the care of—
(i) a parent of the child; or
(ii) the person who though not a parent of the child, has parental responsibility for the child; or
(iii) such other person as the applicant, with the agreement of the Court.
considers appropriate.

(11) Where the applicant has returned a child o'r allowed a child to be removed as required by subsection (9) of this section, the applicant may again, exercise the powers conferred by subsection (3) (c) and (d) of this section at any time while the emergency protection order remains in force, if it appears to the applicant that a change in the circumstances of the case makes it necessary for him to do so.

(12) Where an emergency protection order is in force, the applicant shall, subject to any direction given under subsection (5) of this section, allow the child reasonable contact with—
(a) the parent of the child;

(b) a person who, though not a parent of the child has parental responsibility for the child;
(c) a person with whom the child was living immediately before the making of the order;
(d) a person in whose favour a contact order is in force with respect to the child;
(e) a person who is allowed to have contact with the child by virtue of an order made under section 55 of this Law; and
(f) a person acting on behalf of any of the persons specified in paragraphs (a) to (e) of this subsection.

(13) Whenever it is reasonably practicable to do so, an emergency protection order shall name the child and where it does not name the child, it shall describe the child, as clearly as possible.
(14) A person who willfully obstructs a person exercising the power under subsection (3) (c) and (d) of this section to remove, or prevent the removal of a child, commits an offence and i liable on summary conviction to a fine of two thousand five hundred naira or imprisonment for a term of three months or to both such fine and imprisonment.

**43. Duration of emergency protection orders, etc.**
(1) An emergency protection order shall have effect for such period, not exceeding nine days as may be specified in the order.

(2) Where the Court making an emergency protection order would, but for this subsection, specify a period of nine days as the period for which the order is to have effect, but the last of those nine days is a public holiday or a Sunday, the Court may specify a period which ends at noon on the first later day which is not a public holiday or a Sunday.
(3) Where an emergency protection order is made on an application under section 42 of this Act, the period of nine days mentioned in subsection (2) of this section shall begin with the first day on which the child was taken into police protection under section 44 of this Law.
(4) A person who—
(a) has parental responsibility for a child as a result of an emergency protection order; and
(b) is entitled to apply for a care order with respect to a child may apply to the Court for the extension of the period during which the emergency protection order is to have effect.
(5) On an application under subsection (4) of this section, the Court may extend the period during which the order is to have effect, by such period not exceeding seven days, if it has reasonable cause to believe that the child concerned is likely to suffer significant harm if the order is not extended.

(6) An emergency protection order may only be extended once.

(7) Notwithstanding any enactment or rule of law which would otherwise prevent from doing so, a court hearing an application for, or with respect to an emergency protection order may take account of—
(a) any statement contained in any report made to the Court in the course ot in connection with, hearing; or
(b) any evidence given during the hearing, which is, in the opinion of t Court, relevant to the application.
(8) Any of the following persons may apply to the Court for an emergency protect order to discharge—
(a) the child; or
(b) a parent of a child; or
(c) a person who has parental responsibility for the child; or
(d) a person with whom the child was living immediately before making of the order.

(9) No application for the discharge of an emergency protection order shall be heard by the Court before the expiry of the period of seventy-two hours beginning with the making of the order.
(10) No appeal may be made against the making of, or refusal to make an emergency protection order or against any directions given by the Court in connection with the emergency protection order.
(11) Subsection (8) of this section does not apply—
(a) Where the person who would otherwise be entitled to apply for the discharge of the emergency protection order—
(i) was given notice, in accordance with the rules of court, of the hearing at which the order was made; and
(ii) was present at the hearing; or
(b) to any emergency protection order, the effective period of which has extended under subsection (5) of this section.
(12) A court making an emergency protection order may direct that the applicant may, in exercising any power which he has by virtue of the order, be accompanied registered medical practitioner, registered nurse or registered health visitor, if he so chooses.

**44. Children taken into police protection in cases of emergency**

(1) Where the specialised children police in the State has reasonable cause to believe that a child is otherwise likely to suffer significant harm, specialised children police officer may take the child into police protection by—

(a) removing the child to an Emergency Protection Centre or an approved suitable accommodation and keeping the child there; or

(b) taking such steps as are reasonable to prevent the child from being removed from any hospital, or other place, in which the child is then being accommodated.

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

(a) inform the local Government within whose area the child was taken of the steps that have been and are to be taken with respect to the child under this section and the reasons for taking those steps;

(b) give details of the case to the appropriate authority within whose area the child is ordinarily resident, that is, the appropriate authority of the place in which the child is being accommodated;

(c) inform the child, if he appears capable of understanding of—

(i) the steps that have been taken with respect to him under this section and of the reasons for taking those steps;

(ii) further steps that may be taken with respect to him under this section;

(d) take such steps as are reasonably practicable to discover the wishes and feelings of the child;

(e) secure that the case is enquired into by an officer designated for the purpose of this section by the officer in charge of the specialised children police in the State; and

(J) where the child was taken into protection by being removed to an accommodation which is not provided—

(i) by or on behalf of the State;

(ii) as a refuge in compliance with the requirements of section 48 of this Law, secure that he is moved to an Emergency Protection Centre or any other approved suitable accommodation which is so provided.

(3) As soon as is reasonably practicable after taking a child into police protection, the police officer concerned shall take such steps as are reasonably practicable to inform—

(a) the parents of the child;

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

(c) any other person with whom the child was living immediately before being taken into police protection, the reason for taking those steps and the further steps that may be taken with respect to the child under this section.

(4) A police officer designated under subsection (3) (c) of this section shall, on completing an enquiry under that subsection, release the child from police protection unless he considers that there is still reasonable cause for believing that the child is likely to suffer significant harm if released.

(5) No child may be kept in police protection for more than seventy-two hours.

(6) While a child is being kept in police protection, the designated officer may apply on behalf of the appropriate authority for an emergency protection order to be made

under section 42 of this Law with respect to the child.

(7) An application may be made under subsection (6) of this section whether or not the appropriate authority knows of it or agrees to its being made.
(8) While a child is being kept in police protection, the police officer concerned or the designated officer shall not have parental responsibility for him, but the designated officer shall do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the welfare of the child, having regard in particular to the period during which the child will be so protected.
(9) Where a child has been taken into police protection, the designated officer shall allow—
(a) the parents of the child; or
(b) a person who, though not a parent of the child has parental responsibility for the child; or
(c) a person with whom the child was living immediately before he was taken into police protection;
(d) or a person in whose favour a contact order is in force with respect to the child; or
(e) a person who is allowed to have contact with the child by virtue of an order made under section 55 of this Law; or
(f) a person acting on behalf of the person specified in paragraphs (a) to (e) this subsection, to have such contact, if any, with the child as, in the opinion of the designated officer, is reasonable and in the best interest of the child.
(10) Where a child who has been taken into police protection is in an accommodation provided by or on behalf of, the appropriate authority, subsection (9) of this section shall have effect as if references to the designated officer were references to the appropriate authority.

**45. Duty of a State Government to investigate**
(1) Where a State—
(a) is informed that a child who lives, or is found, in the State—
(i) is the subject of an emergency protection order; or (ii) has been taken into police protection; or
(b) has 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 make, or cause to be made, such enquiries as it considers necessary to enable it to decide whether it should take any action to safeguard or promote the welfare will the child.
(2) Where the State has obtained an emergency protection order with respect to a child, it shall make, or cause to be made, 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, m particular, be directed towards 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 remain in force for the child to be in an accommodation so provided; and
(c) whether in the case of a child who has been taken into police protection, it would be in the best interests of the child for the appropriate authority to
ask for an application to be made under section 43 (6) of this Law.

(4) Where enquiries are being made 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, totake 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 authorised by it for the purpose, unless the State is satisfied that it already has sufficient information with respect to 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, itshall consult the relevant education authority.

(6) Where in the course of enquiries under this section an officer of the State or a Personal authorised by the State to act on its behalf in connection with those enquiries is—
(a) refused access to the child concerned; or
(b) denied information as to the whereabouts of the child, the state shall 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) If, on conclusion of any enquiry or review made 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, if the actions is within its power and it is reasonably practicable for it to do.

(9) Where the State is making an enquiry under this section, the State Government of another State referred to in subsection (11) of this section shall assist it with the enquiry, in particular, by providing relevant information and advice, if called on by the State to do so.
(10) Subsection (9) of this section does not oblige the State to assist any other State Government where doing so would be unreasonable in all circumstances of the case.
(ii) Where the State is making an enquiry under this section with respect to a child who appears to it to be ordinarily resident within another State, it shall consult the Government of that State and the Government of that other State may undertake the necessary enquiry in the place of the State that commenced the enquiry.

**46. Disclosure of whereabouts, etc., of children who may be in need of emergency protection**
(1) Where it appears to a court making the emergency protection order that adequate information as to the whereabouts of a child—
(a) is not available to the applicant for the emergency protection order; or
(b) is available to another person who is not the applicant, the Court ma' include, in the order, a provision requiring that other person to disclose, if asked to do so by the applicant, any information that he may have as to the whereabouts of the child.
(2) No person shall be excused from complying with a requirement under

subsection (1) of this section on the ground that complying might incriminate him or his spouse of an offence, but a statement or admission made in compliance with the requirement shall not be admissible in evidence against either of them in proceedings for an offence other than perjury.

(3) An emergency protection order may authorise the applicant to enter premise% specified by the order and search for the child with respect to whom the order is made and the Court may, if satisfied that there is reasonable cause to believe that there may be another child on those premises with respect to whom an emergency protection order ought to be made, make an order authorising the applicant to search for the other child on those premises.

(4) Where—
(a) an order has been made 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.

(5) A person who willfully obstructs a person exercising the power of entry and search under subsection (3) of this section commits an offence and is liable on summary conviction to a fine of twenty thousand naira or imprisonment for a term of three months or to both such fine and imprisonment.

**47. Abduction of children in care, etc.**
(1) A person who knowingly and without lawful authority or reasonable excuse—
(a) takes or keeps a child to whom this section applies away from the person responsible for the child; or

(b) induces, assists or incites a child to whom this section applies to run away or stay away from the person responsible for the child, commits an offence under this section and shall be liable on conviction to a fine not exceeding twenty five thousand naira or imprisonment for a term not exceeding a year or to both such fine and imprisonment.
(2) This section applies in relation to a child who is—
(a) in care;
(b) the subject of an emergency protection order; or
(c) taken into police protection.

**48. Refuge for children at risk**
(1) Where it is proposed to use a voluntary home or registered children's home to provide refuge for children who appear to be at risk of harm, the Commissioner may issue a certificate under this section with respect to that home.
(2) Where an appropriate authority or a voluntary organisation arranges for a foster parent to provide such a refuge, the Commissioner may issue a certificate under this section with respect to that foster parent.
(3) Where a certificate is in force with respect to a home, none of the provisions contained in this Law or any other law relating to—
(a) the harbouring of a child who has absconded from residential establishments; or
(b) completing, persuading, inciting or assisting a child to be absent from detention; or
(c) the abduction of a child,
shall apply in relation to a person providing refuge for a child in that home.
(4) Where a certificate is in force with respect to a foster parent, the provisions referred to in subsection (3) of this section shall not apply in relation to the provision by him of a refuge for a child in accordance with arrangements made by the appropriate authority or voluntary organisation.
(5) The Commissioner may by regulations—
(a) make provisions as to the manner in which certificates may be issued;

(b) impose conditions which shall be complied with while a certificate is in force; and
(c) provide for the withdrawal of certificates in prescribed circumstances.

**49. Rules and regulation under this Part**
(1) Without prejudice to section 165 of this Law or any other power to make such rules, the Court may make rules specifying the procedure to be followed in connection with the proceedings under this Part of this Law.
(2) The rules may, in particular, make provisions—
(a) as to the form in which an application is to be made or a direction is to be given;

(b) prescribing the persons who are to be notified of—
(i) the making or extension of an emergency protection order; or
(ii) the making of an application under section 42 (4) or (5) or 43 (6 this Law; and
(c) as to the content of any notification and the manner in which and the pc' son by whom it is to be given.
(3) The Ministry may, by regulations, provide that, where—
(a) an emergency protection order has been made with respect to a child;
(b) the applicant for the order was not the appropriate authority within whose area the child is ordinarily resident;
(c) the appropriate authority is of the opinion that it would be in the best interest of the child for the applicant's responsibilities under the order to transformed to it, the appropriate authority shall, subject to its having complied with any conditions imposed by the regulations, be treated, for purpose of this Law, as though it and not the original applicant had applied for and been granted, the order.
(4) Regulations made under subsection (3) of this section may, in particular, mi provisions as to—
(a) the considerations to which the appropriate authority is to have regard informing an opinion as mentioned in subsection (3) (c) of this section; aw
(b) the time at which responsibility under any emergency protection order it to be treated as having been transferred to appropriate authority.

## PART V
*Children in Need of Care and Protection*

**50. Power of certain persons to bring children in need to care and protection before a Court in certain cases**
(1) A child development officer, a police officer or any other person authorised by the Commissioner may bring a child before the Court if he has reasonable grounds tin believing that the child—
(a) is an orphan or is deserted by his relatives;
(b) has been neglected or ill-treated or battered by the person having the care and custody of the child;
(c) has parent or guardian who does not exercise proper guidance and control over the child;
(d) if found destitute, having both parents or his surviving parent, undergoing imprisonment or is mentally disordered or otherwise severely incapacitated
(e) is under the care of a parent or guardian who, by reason of criminal u drunken habits, is unfit to have the care of the child;
(f) is the daughter of a father who has been convicted of the offence of defilement or indecent treatment of any of his daughter;

(g) is found wandering or has no home or settled place of abode, is on the street or other public place, or has no visible means of subsistence;
(h) is found begging 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 beginning or receiving alms;
(i) accompanies any person when that person is begging or receiving alms, whether or not there is any pretence of singing, playing, offering anythingfor sale, or otherwise;
(J) frequents the company of a reputed thief or common or reputed prostitute;
(k) is lodging or residing in a house or the part of a house used by a prostitute for the purpose of prostitution, or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the child;
(1) is a child in relation to whom an offence against morality has been committed; or
(m) is otherwise exposed to moral or physical danger;
(n) is otherwise in need of care, protection or control; or
(o) is beyond the control of his parents or guardians.

(2) The person making an application under subsection (1) of this section shall, before the hearing of the application take such steps as are reasonably practicable to ensure that notice of the application is given to—
(a) the parents of the child; or
(b) a person who, though not a parent of the child has parental responsibility for the child; or
(c) any other person who has the care of the child; and
(d) the child concerned, if he has sufficient understanding.

(3) The Court, if satisfied that a child brought before it comes within any of the paragraphs of subsection (1) of this section may—
(a) cause the parent of guardian of the child to enter into a recognisance to exercise proper care and guardianship over the child; or
(b) make a corrective order—
(i) committing the child to the care of any fit person whether a relative or not, who is willing to undertake the care of the child; or
(ii) sending the child to an approved institution, in exceptional circumstances where non-institutional measure is impracticable or inappropriate;
(c) without making any other order, or in additional to making an order under paragraph (b) of this subsection, make an order placing the child for a specified period, not exceeding three years, under the supervision of a supervision officer, or of some other person appointed for that purpose by the Court.

(4) A child shall not be deemed to come within the scope of subsection (1) (j) of this section, if the only common or reputed prostitute whose company the child frequent is the mother of the child and it is proved that she exercises proper guidance and due ca protect the child from moral danger.

(5) For the purpose of subsection (1) (m) of this section, but without prejudice to lilt. generality of the words thereof, the fact that a child is found—
(a) destitute or wandering, without any settled place of abode and without visible means of subsistence;
(b) begging or receiving alms, whether or not there is any pretence of singing, playing, performing or offering anything for sale or otherwise;
(c) loitering for the purpose of begging or receiving alms;
(d) hawking or street trading; or
(e) living in the street, under bridges, in the market places, in motor parks other public places, is evidence that the child is exposed to moral danger

(6) A court, before which a person is convicted of having committed, in respect of a child, any offence referred to in subsection (I) (J) or (i) of this section, may—
(a) direct that the child be brought before a Court with a view to that Court making such order under subsection (2) of this section as may be proper
(b) if satisfied that the evidence before it is sufficient to enable it properly exercise jurisdiction, notwithstanding anything to the contrary in Part XIII
of this Law, make any order which the Court has power to make.

**51. Power to make order where parent or guardian is unable to exercise control**
Where the Court is satisfied that the parent or guardian of a child is unable to control the child the Court may, if further satisfied—
(a) that it is expedient so to deal with the child; and
(b) that the parent or guardian understands the results which will follow thus the consents to the making of the order, make a corrective order in respect of the child or order the child to be placed for a specified period exceeding three years, under the supervision of an appropriate supervisory child development officer or of some other person appointed for the pose by the Court.

**52. Power of court to order parent, etc., to contribute to maintenance**
(I) 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 toward the maintenance of the child as it may think fit, having regards to all the circumstances of the case, including the means of the person ordered to make the contribution.

(2) The persons referred to in subsection (1) of this section are—
(a) the father, step father, mother or step-mother of the child; or
(b) a person who is cohabiting with the mother or step-mother of the child, whether or not he is the putative father of the child; or
(c) the person in whose care and custody the child has been during the two years immediately preceding the date of the order of committal.
(3) The Court shall order the contribution of such amount per week, per month or per each such period as it deems proper having regard to the means and earning capacity of the person ordered to make the contribution and other relevant circumstances.
(4) If a person fails or neglects to comply with an order made under subsection (1) of this section, the court may for every breach of the order direct the amount due to be levied in the manner provided by law for levying distress in the enforcement of damages or other awards ordered by a court in a civil proceeding.
(5) The Court which has the jurisdiction over the place in which the persons liable to make contribution may, at any time, on the application of the person or persons

or on the application of an officer of the appropriate authority or other authorised officer and on proof of a change of circumstances in the person or persons so required to make the contribution, increase or reduce the contribution or rescind any order as the Court may seem just.

## PART VI

*Care and Supervision*

**53. Care and supervising order, in general**

(1) The Court may, on the application of the State, an appropriate authority or any other authorised person, make a—

(a) care order, placing a child with respect to whom an application is made in the care of a designated authorised person, appropriate authority or the State;

(b) supervision order, placing a child under the supervision of a designated appropriate authority or supervision officer.

(2) A court may make a care order or supervision order if it is satisfied that—

(a) the care given to the child, or likely to be given to the child if the order were not made, is not what a parent would reasonably be expected to give to the child; or

(b) the child is beyond parental control.

(3) No care order or supervision order shall be made with respect to a person who has attained the age of eighteen years.

(4) An application under this section may be made on its own or in any other family proceedings.

(5) The Court may, on an application—

(a) for a care order, make a supervision order;

(b) for a supervision order, make a care order.

(6) An authorised person who proposes to make an application under this section shall—

(a) if it is reasonably practicable to do so; and

(b) before making the application, consult the State or the appropriate authority appearing to him to be the authority in whose jurisdiction the child concerned is ordinarily resident.

(7) An application for a care order or a supervision order, made by an authorised person shall not be entertained by the Court if at 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.

(8) The State designated in a care order or supervision order shall—

(a) be the State Government in which the child is ordinarily resident; or

(b) where the child does not reside in the State, be the State in which any circumstances arose in consequence of which the order is being made.

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

**54. Period within which application for order under this Part must be disposed of**

(1) A court before which an application for an order is brought under this Part of the Law shall, in consideration of any rules made pursuant to subsection (2) of this

section—
(a) draw up a timetable with a view to disposing of the application without delay; and
(b) give such directions as it considers appropriate for the purpose of ensuring, so far as is reasonably practicable, that the timetable, is adhered to.
(2) The Court may by rules—
(a) specify the period within which specified steps must be taken in relation u the proceedings; and
(b) make other provisions with respect to the proceedings for the purpose of ensuring, so far as is reasonably practicable, that the proceedings aredisposed of without delay.

**55. Effect of care order**
(1) Where a care order is made, the State and the appropriate authority designated y the order shall receive the child into its care and keep the child in its care while the order remains in force.

(2) Where—
(a) a care order has been made on the application of an authorised person; and
(b) the State or appropriate authority designated by the order was not informed of the application, the child may be kept in the care of that person until received into the care of the State or the appropriate authority.
(3) While a care order is in force, the State or appropriate authority designated by the order shall have—
(a) parental responsibility for the child, subject to any right, duty power, responsibility or authority which a parent or guardian of the child has in relation to the child and his property by virtue of the other enactment; and
(b) the power, subject to the following provisions of this section to determine the extent to which a parent or guardian of the child may meet his parental responsibility for the child.
(4) The State or appropriate authority shall not exercise power in subsection (3) (b) of this section unless it is satisfied that it is necessary to do so in order to safeguard or promote the welfare of the child.
(5) Nothing in subsection (3) (b) of this section shall prevent a parent or guardian of the child who has care of the child from doing what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the welfare of the child.
(6) While a care order is in force with respect to a child, the State or the appropriate authority designated by the order shall not—
(a) cause the child to be brought up in any religious persuasions, other than that in which he would have been brought up if the order had not beenmade; or
(b) have the right to—
(i) consent or withhold consent to the making of an application with respect to the child under the adoption provisions of this Law; or
(ii) appoint a guardian for the child.

(7) While a care order is in force with respect to a child, no person shall— (a) cause the child to be known by a new surname; or
(b) remove the child from the State of jurisdiction, without either the written consent of every person who has parental responsibility for the child or theleave of the Court.
(8) Subsection (7) (b) of this section shall not—
(a) prevent the removal of a child from the state of jurisdiction, for a period of less than one month, by the authority in whose care he is; or

(b) apply to arrangements for a child to live outside the State, if the required written consent or the leave of the Court has been obtained.
(9) The making of a care order with respect to a child who is subject to a contact ordera prohibited steps order, a residence order or a specific issue order.

(10) The making of a care order with respect to a child who is—
(a) the subject of a supervision order, discharges the supervision order;
(b) a ward of court, brings that wardship to an end; and
(c) the subject of a school attendance order, discharges the school attendance order.

(11) Where an emergency protection order is made with respect to a child who is in care, the care order shall have effect subject to the emergency protection order.
(12) Any order made under section 69 or 84 of this Law shall continue in force until the child attains the age of eighteen years, unless it is brought to an end earlier.

(13) An—
(a) agreement under section 70 of this Law; and
(b) appointment under section 84 (3) or (4) of this Law, shall continue in force until the child attains the age of eighteen, unless it is brought to an end earlier.

(14) The provisions of the First Schedule to this Law shall have effect with respect to financial relief for children.

(15) Subject to this Law an order made under this section shall, if it would otherwise continue in force, cease to have effect when the child attains the age of eighteen years
(16) Where an order, under this section has effect with respect to a child who has attained the age of sixteen, it shall if it would otherwise continue in force, cease to have effect when the child attains the age of eighteen years.
(17) A care order, other than an interim care order, shall continue in force until the child attains the age of eighteen years, unless it is brought to an end earlier.
(18) An order made under any other provisions of this Law in relation to a shall, if it would otherwise continue in force cease to have effect when he attains the age of eighteen years.

(19) Where an application (in this section referred to as “the previous application” has been made for—
(a) the discharge of a care order;
(b) the discharge of a supervision order;
(c) the discharge of an education supervision order; or
(d) the substitution of a supervision order; for a care order; or
(e) a child assessment order,
no further application of a kind mentioned in paragraphs (a) to (e) of this subsection may be made with respect to the child concerned, without leave of the court, unless the period between the disposal of the previous application and the making of the further application exceeds six months

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

(21) Where—
(a) an application made for an order under section 58 of this Law has been refused; and
(b) a period of less than six months has elapsed since the refusal, the person who made the application shall not make a further application for such an order with respect to the same, unless he has obtained the leave of the Court.
(22) On disposing of an application for an order under this Law, the Court may, whether or not it makes another order in response to the application, order that no application for an order under this Law of any specified kind may be made with respect to the child concerned by any person named in the order without leave of the Court.

[First Schedule.]

**56. Parental contacts, etc., with children in care**

(1) The State or an appropriate authority, shall, subject to the provisions 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 previously made immediately before a care order was made; and
(d) a person who, immediately before the care order was made, had care of the child by virtue of an order made by the court.
(2) On an application made by the State, appropriate authority or the child, the Court may make such order as it considers appropriate with respect to the contact that is to be allowed between the child and a named person.
(3) On an application made by—
(a) a person mentioned in subsection (1) (a) to (d) of this section; or
(b) a person who has obtained leave of the Court to make the application, the Court may make such order as it considers appropriate with respect to the contact which is to be allowed between the child and that person.
(4) On an application made by the State or the appropriate authority with respect to the child, the Court may make an order authorising the State or the appropriate authority to refuse to allow contact between the child and a person who is mentioned in subsection (l)(a) to (d) of this section and named in the order.
(5) When making a care order, or in any family proceeding in connection with a child who is in the care of a State, the Court may make an order under this section, notwithstanding that no application for the order has been made with respect to the child, if it considers that the order should be made.
(6) The State or appropriate authority may refuse to allow the contact that would otherwise be required by virtue of subsection (1) of this section or an order made under this action if—
(a) it is satisfied that it is necessary to do so in order to safeguard or promote the welfare of the child; and

(b) the refusal—
(i) is decided on as a matter of urgency; and (ii) does not last for more than seven days.
(7) An order made under this section may impose such conditions as the Court considers appropriate.
(8) The Court may vary or discharge an order made under this section on the application of the State or appropriate authority, the child concerned or the person named in the order.
(9) An order under this section may be made at the same time as the care order itself or later.
(10) The Court shall, before making a care order—

(a) consider the arrangement which the State or appropriate authority has made or proposes to make, for affording a person contact with a child to whom this section applies; and
(b) invite the parties to the proceedings to comment on the arrangement.
(11) The Commissioner may by regulations make provisions as to—
(a) the step to be taken by the State or an appropriate authority that has exercise its powers under subsection (6) of this section;
(b) the circumstances in which and conditions subject to which, the terms and conditions of an order made under this section may be departed from by agreement between the appropriate authority and the person in relation whom the order is made; and
(c) notification by the State or an appropriate authority of any variation or suspension of arrangements made, otherwise than under this section, with a view to affording a person contact with a child to whom this section applies.

**57. Duty of supervisor while supervision orders are in force**
(1) While a supervision order is in force the supervisor shall—
(a) advise, assist and befriend the supervised child;
(b) take such steps as are reasonably necessary to give effect to the order:, :
(c) where—
(1) 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 discharge.
(2) The supplementary provisions set out in Parts I and II of the Second Schedulethis Law shall apply with respect to supervision orders.
[Second Schedule.]

**58. Education supervision orders**
(1) On the application of an appropriate education authority, the Court may make an order to be known as an education supervision order putting the child with respect to whom the application is made under the supervision of a designated appropriate education authority.
(2) The Court shall only make an education supervision order if it is satisfied that the child concerned is of compulsory school age and he is not being properly educated.
(3) For the purposes of this section, a child is being properly educated only if he is receiving efficient full-time education suitable to his age, ability and aptitude and any special educational needs he may have.
(4) Where a child is—
(a) the subject of a school attendance order which is in force and which has not been complied with; or
(b) a registered pupil at a school which he is not attending regularly, it shall be assumed that he is not being properly educated unless the contrary is proved.
(5) An education supervision order may be made with respect to a child who is in the care of the State if the Court deems it necessary in the interest of the child.
(6) The appropriate education authority designated in an education supervision order shall be—
(a) the authority within whose area the child concerned is living or will live; or (b) the authority within whose area a school is situated if—

(i) the child is a registered pupil at that school; and
(ii) the authority mentioned in paragraph (a) of this subsection and the authority within whose area the school is situated agree.
(7) An appropriate education authority which proposes to make an application for an education supervision order shall, before making the application, consult the child services committee or unit of the appropriate authority.
(8) The supplementary provisions set out in Part III of the Schedule to this Law shall apply with respect to education supervision orders.

[Second Schedule.]

**59. Power of court in proceedings where question of welfare of a child arise**
(1) Where it appears to the Court in proceedings in which a question arises as to the welfare of a child, that it may be appropriate for a care or supervision order to be made with respect to that child, the Court may direct the appropriate authority to undertake an investigation of the child's circumstances.
(2) Where the Court gives a direction under this section, the appropriate authority concerned shall when undertaking the investigation, consider whether it should—
(a) apply for a care order or a supervision order with respect to the child;

(b) provide service or assistance for the child and his family; or (c) take any other action with respect to the child.
(3) Where the appropriate authority undertakes investigation under this section and decides not to apply for a care order or supervision order with respect to the child concerned, the appropriate authority shall inform the court of—
(a) its reasons for so deciding;
(b) any service or assistance which it has provided, or intends to provide, for the child and his family; and
(c) any other action which it has taken or proposes to take, with respect to the child.
(4) The information referred to in subsection (3) of this section shall be given to the Court before the end of the period of eight weeks, beginning with the date of the direction, unless the Court otherwise directs.
(5) If, on the conclusion of any investigation or review under this section, the appropriate authority decides not to apply for a care order a supervision order with respect to the child, the appropriate authority shall consider whether it would be appropriate to review the case at a later date.
(6) If the appropriate authority decides that it would review the case pursuant to subsection (5) of this section, it shall determine the date on which that review is to begin.
(7) In this section, "**appropriate authority**" means—
(a) the authority in whose State the child is ordinarily resident; or
(b) where the child does not reside in the State, the authority within whose State any circumstances arose in consequence of which the direction is being given.

**60. Interim orders**
(1) Where—
(a) in any proceeding on an application for a care or supervision order the proceeding is adjourned; or
(b) the Court gives a direction under section 59(1) of this Law the Court may make an interim care order, or an interim supervision order with respect tothe child concerned.
(2) The Court shall not make an interim care order or interim supervision order under this section unless it is satisfied that there are reasonable grounds for believing the circumstances with respect to the child are as mentioned in section 53 (2) of this Law.

(3) Where, in any proceeding on an application for a care order or supervision order. the Court makes a residence order with respect to the child concerned, it shall also make an interim supervision order with respect to the child unless it is satisfied that the child will be satisfactorily safeguarded without an interim supervision order being made.

(4) An interim order made under or by virtue of this section shall have effect for such period as may be specified in the order, but shall cease to have effect on whichever of the following event first occurs—
(a) the expiry of the period of ten weeks beginning with the date on which the order is made;
(b) if the order is the second or is subsequent to an order made with respect to the same child in the same proceedings, the expiry of the relevant period;
(c) in a case which falls within subsection (1) (a) of this section, the disposal of an application;
(d) in a case which falls within subsection (1) (b) of this section, the disposal of an application for a care order or supervision order made by the appropriate authority with respect to the child;
(e) in a case which falls within subsection (1) (b) of this section and in which the court has given a direction under section 62 (1) of this Law, but no application for a care order or supervision order has been made with respect to the child, the expiry of the period fixed by that direction.

(5) Where the Court makes an interim care order or interim supervision order, it may give such directions, if any, as it considers appropriate with regard to the medical examination, including psychiatric examination, or other assessment of the child, but if the child has sufficient understanding to make an informed decision he may refuse to submit to the examination or other assessment.
(6) A direction under subsection (5) of this section may provide that there shall be—
(a) no examination or assessment; or
(b) no examination or assessment unless the Court directs otherwise.
(7) A direction under subsection (5) of this section may be—
(a) given when the interim care order or interim supervision order is made or at any time while it is in force; and
(b) varied at any time on the application of any person falling within any class of persons prescribed by rules of court for the purposes of this subsection.
(8) Where the Court makes an order under or by virtue of this section it shall, in determining the period for which the order is to be in force, consider whether any party who was, or might have been, opposed to the making of the order was in a position to argue his case against the order in full.
(9) The provisions set out in paragraphs 4 and 5 of the Second Schedule to this Law shall not apply in relation to an interim supervision order.
[Second Schedule.]

**61. Discharge and variation, etc., of care orders and supervision orders**
(I) The Court may vary or discharge a care order on the application of—
(a) a person who has parental responsibility for the child; or
(b) the child himself; or
(c) the State or appropriate authority designated by the order.

(2) The Court may vary or discharge a supervision order on the application of—
(a) a person who has parental responsibility for the child;
(b) the child himself; or
(c) the supervisor.
(3) On the application of a person who is not entitled to apply for the order to be discharged, but who is a person with whom the child is living, the Court may vary a supervision order in so far as it imposes a requirement which affects that person.
(4) Where a care order is in force, the Court may, on the application of any person entitled to apply for the order to be discharged, substitute a supervision order for the care order.
(5) When the Court is considering whether to substitute one order for another under subsection (4) of this section, any provision of this Law which would otherwise require section 52 (2) of this Law to be satisfied, at the time when the proposed order is substituted or made, shall be disregarded.
(6) The making of a residence order with respect to a child who is the subject of a care order discharges the care order.

**62. Orders pending appeals in case relating to care or supervision orders**
(1) Where the Court dismisses an application for a care order in respect of a child who is also the subject of an interim, care order, the Court may make a care order with respect to the child to have effect subject to such directions, if any, as the Court may deem fit to include in the order.
(2) Where the Court dismisses an application for a care order or supervision order in respect of a child who is also the subject of an interim supervision order, the Court may make a supervision order with respect to the child to have effect subject to such directions, if any, as the Court may deem fit to include in the order.

(3) Where a Court grants an application to discharge a care order or supervision order, it may order that—
(b) the care order or supervision order is to continue to have effect, subject to such directions as the Court may deem fit to include in the order.

(4) An order made under this section shall only have effect for such period not exceeding the appeal period, as may be specified in the order.

(5) Where—
(a) an appeal is made against any decision of a court under this section; or
(b) an application is made to the appellate Court in connection with a proposed appeal against that decision, the appellate Court may extend the period for which the order in question is to have effect, but not so as to extend it beyond the end of the appeal period.
(a) its decision is not to have effect; or

(6) For the purposes of this section, the appeal period includes—
(a) the period between the making of the decision against which the appeal is made and the determination of the appeal; and
(b) the period during which an appeal may be made against the decision.

PART VII
*Provisions for use of Scientific Tests in Determining Paternity or Maternity, etc.*

**63. Power of court to require use of scientific tests**

(1) In any civil proceedings in which the paternity or maternity of a person falls to be determined by the Court hearing the proceedings, the Court may, on application by a party to the proceedings, give a direction for—

(a) the use of scientific tests, including blood tests a Deoxyribonucleic Acid tests, to ascertain whether the tests show that a party to the proceedings is or not the father or mother of that person; and

(b) for the taking, within a period to be specified in the direction, of blood or other samples from that person, the mother of that person, the father of that person and any party alleged to be the father or mother of that person or from any two of those persons.

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

(3) Where—

(a) an application is made for a direction under this section; and

(b) the person whose paternity or maternity is in issue is under the age of eighteen when the application is made, the application shall specify who is to carry out the tests.

(4) In the case of a direction made on an application to which subsection (3) of this section applies, the Court—

(a) shall specify that the person who is to carry out the test is the person specified in the application; or

(b) may, where the court considers that it would be inappropriate to specify the person referred to in paragraph (a) of this subsection, because specifying that person would be contrary to any provision of regulations made under section 65 of this Law or for any other reason decline to give the direction applied for.

(5) The person responsible for carrying out blood tests taken for the purpose of giving effect to a direction under this section shall make, to the Court which gave the direction, a report in which he shall state—

(a) the result of the tests;

(b) whether the party to whom the report relates is or is not indicated by the results as the father or mother of the person whose paternity or maternity. as the case may be, is to be determined; and

(c) if the party is so indicated, the value, if any, of the results in determining whether that party is actually the father or mother of that person.

(6) The report made under subsection (5) of this section shall be—

(a) received by the Court as evidence in the proceedings of the matters stated in the report; and

(b) in the form prescribed by regulations made under section 65 of this Law.

(7) Where a report has been made to the Court under subsection (5) of this section, any party to the proceedings may, with the leave of the Court, or shall if the Court so directs, obtain from the person who made the report a written statement explaining or amplifying any statement made in the report and that statement shall be deemed for the purposes of this section, except subsection (5) (b) of this section, to form part of the report made to the Court.

(8) Where a direction is given under this section in any proceedings, a party to the proceedings, shall not, unless the Court otherwise directs, be entitled to call as a witness—

(a) the person who carried out the tests taken for the purpose of giving effect to the direction; or

(b) any person who did any thing necessary for the purpose of enabling those tests to be carried out, unless within fourteen days after receiving a copy of the report that party serves notice on the other parties to the proceedings or on such of those other

parties as the Court may direct, of his intention to call that person and where a person is called as a witness the party who called the person shall be entitled to cross-examine that person.
(9) Where a direction is given under this section, the party on whose application the direction is given shall pay the cost of taking and testing blood or other samples for the purpose of giving effect to the direction, including any expenses reasonably incurred by any person—
(a) in taking any step required of the person for the purpose; and
(b) in making a report to the Court under this section, but the amount paid shall be treated as costs incurred by the party in the proceedings.

**64. Consents, etc., required for taking scientific sample**
(1) Subject to the provisions of subsections (3) and (4) of this section, scientific sample which is required to be taken from any person for the purpose of giving effect to a direction under section 63 of this Law shall not be taken from that person except with his consent.
(2) The consent of a child who has attained the age of sixteen years to the taking from himself of a scientific sample shall be as effective as it would be if he had attained the age of majority and where a child has by virtue of this subsection given an effective consent to the taking of scientific sample, it shall not be necessary to obtain any consent for it from any other person.
(3) A scientific sample may be taken from a child under the age of sixteen years, not being a child as is referred to in subsection (4) of this section, if the person who has the care and control of this child consents.

(4) A scientific sample may be taken from a child who—
(a) is suffering from mental disorder within the meaning of any relevant law in Nigeria; and
(b) is incapable of understanding the nature and purpose of the scientific tests, if the person who has the care and control of the child consents and the medical practitioner in whose care he is has certified that the taking of the scientific sample from the child shall not be prejudicial to his proper care and treatment.
(5) The provisions of this section are without prejudice to the provisions of section 66 of this Law.

**65. Power of Commissioner to provide for manner of giving effect to directions for use of scientific tests**
The Commissioner may be regulations make provisions as to the manner of giving effect to directions given under section 63 of this Law, in particular, the regulations may—
(a) provide that scientific samples shall not be taken except by such medical practitioners as may be appointed by the Commissioner;
(b) regulate the taking, identification and transporting of the scientific samples;
(c) require the production, at the time when a scientific sample is to be taken, of such evidence as to the identity of the person from whom it is to be taken as may be prescribed by the regulations;
(d) require any person from whom a scientific sample is to be taken, or in such cases as may be prescribed by the regulations, such other person as may be so prescribed, to state in writing whether he or the person from whom the sample is to be taken, as the case may be, has during such period as may be specified in the regulations, suffered from any such illness as may be so specified or received a transfusion of blood;
(e) provide that scientific tests shall not be carried out except by such persons and at such places as may be appointed by the Commissioner;

(f) prescribe the scientific tests to be carried out and the manner in which they are to be carried out;
(g) regulate the charges that may be made for the taking and test of the scientific samples and for the making of a report to a Court under section 63 of this Law;
(h) make provision for securing that, so far as practicable the samples to be tested for the purpose of giving effect to a direction under section 63 of this Law are tested by the same person;
(I) prescribed the form of the report to be made to a Court under section 63 of this Law.

**66. Failure to comply with directions for taking to scientific tests**
(1) Where the court gives a direction under section 63 of this Law and a person fails to take any step required of him for the purpose of giving effect to the direction, the Court may draw such inferences if any, from that fact as appears proper in the circumstances.

(2) Where, in any proceedings in which the paternity or maternity of a child falls to be determined by the Court hearing the proceedings, there is a presumption of Law that the person is legitimate then if—
(a) a direction is given under section 63 of this Law in those proceedings; and
(b) a party who is claiming any relief in the proceedings and who for the purpose of obtaining that relief is entitled to rely on the presumption fails to take any step required of him for the purpose of giving effect to the direction, the Court may adjourn the hearing for such period as it thinks fit to enable that party to take the step required.
(3) If at the end of the period referred to in subsection (2) of this section, the person fails without reasonable cause to take the step required, the Court may, without prejudice to subsection (1) of this section, dismiss his claim for relief notwithstanding the absence of evidence to rebut the presumption.
(4) Where a person named in a direction under section 63 this Law fails to consent to the taking of scientific sample from himself or from a child named in the direction of whom he has the care and control, the person shall be deemed for the purposes of this section to have failed to take a step required of him for the purposes of giving effect to the direction.

**67. Penalty for impersonating another, etc., for purpose of providing scientific sample**
If, for the purpose of providing scientific sample for a test required to give effect to a direction under section 63 of this Law, a person impersonates another, or proffers a child knowing that it is not the child named in the direction, he commits an offence and is liable on conviction to a fine not exceeding ten thousand naira or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

\

## PART VIII
*Possession and Custody of Children*

**68. Acquisition of parental responsibilities**
(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 established under section 149 of this Law may—
(i) on the application of the father, order that he shall have parental responsibility for the child; or
(ii) on the application of the mother, order that she shall have parental responsibility for the child; or
(b) the father and mother may by agreement have joint parental responsibility for the child.

(2) No parental responsibility agreement shall have effect for the purpose of this Law, unless it is made in the form and manner prescribed by regulations made by the Chief Judge of the State under this section.

(3) Subject to sub section (4) of this section, an order under subsection (1) (a) of this section or a parental responsibility agreement, may only be brought to an end by an order of the Court made on the application—
(a) of a person who has parental responsibility for the child; or
(b) of the child himself, with leave of the Court.
(4) The Court may only grant leave under subsection (3) (b) of this section if it is satisfied that the child has sufficient in understanding to make the proposed application.
(5) Where the Court makes a residence order in favour of the father or the mother of a child it shall, if the father or mother would not otherwise have parental responsibility for the child, also make an order under subsection (1) of this section giving the father or mother that responsibility.
(6) Where the Court makes residence order in favour of a person who is not the parent of or guardian of the child concerned, that person shall have parental responsibility for the child while the residence order remains in force.
(7) Where a person has parental responsibility for a child as a result of subsection (5) of this section, he shall not have the right to—
(a) consent to refuse to consent, to the making of an application in respect of the child under Part XII of this Law; or
(b) agree, or refuse to agree, to the making of an adoption order, or any other order under Part XII of this Law with respect to the child; or
(c) appoint a guardian for the child.
(8) Where subsection (5) of this section requires the Court to make an order under subsection (1) of this section in respect of the father or mother of a child, the court shall not bring that order to an end at any time while the residence order concerned remains in force.
(9) The fact that a person has, or does not have, parental responsibility for a child shall not affect—
(a) any obligation which he may have in relation to the child; including a statutory duty to maintain the child; or
(h) any right which, in the event of the death of the child, he or any other person may have in relation to the property of the child.
(10) A person who does not have parental responsibility for a particular child but has care of the child may, subject to the provisions of this Law do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the welfare of the child.

**69. Power of the Court to make order in respect to custody or rights of access to a child**
(1) The Court may—
(a) on the application of the father or mother of a child, make such order as it may deem fit with respect to the custody of the child and the right of access of either parent, having regard to—
(i) the welfare of the child and the conduct of the parent; and

(ii) the wishes of the mother and father of the child;
(b) alter, vary or discharge an order made under paragraph (a) of this subsection on the application of:
(i) the father or mother of the child; or

(ii) the guardian of the child, after the death of the father or mother the child; and
(c) in every case, make such order with respect to costs as it may think just.
(2) The power of the Court under subsection (1) of this section to make an order as the custody of a child and the right of access to the child may be exercised notwithstanding that the mother of the child is at that time not residing with the father of the child.
(3) Where the Court makes an order under subsection (I) of this section giving t custody of the child to the mother the Court may further order that the father shall pay: the mother towards the maintenance of the child such weekly or other periodical sum the Court may, having regard to the means of the father think reasonable.
(4) Where the Court makes an order under subsection (I) of this section giving custody of the child to the father, the Court may further order that the mother has to pay the father towards the maintenance of the child such weekly or other periodical sum may, having regard to the means of the mother, think reasonable.
(5) Subject to this section, no order whether for custody or maintenance shall enforceable and no liability there under shall accrue while the mother of the child resides with the father and any such order shall cease to have effect if for a period of three months after it is made, the mother of the child continues to reside with the father.
(6) An order made under this section may on application of the father or mother the child be varied or discharged by a subsequent order.

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

**71. Validity of custody agreed to in separation deeds**
Where in any proceedings before a Court the custody or upbringing of a child or the administration of any property belonging to or held in trust for a child or the application of the income thereof, is in question, the Court shall, in deciding that question, regard the welfare of the child as the first and paramount consideration.

**72. Principle on which questions relating to custody, up bringing, etc., of child is to be decided**
Where the parent of a child has—
(a) abandoned or deserted the child; or

(b) allowed the child to be brought up by another person at the expense of that other person, for such a length of time and under such circumstances as to satisfy the Court that the parent was unmindful of his parental responsibilities, the Court shall not make an order for the child to be delivered to the parent unless the parent satisfies the Court that, having regard to the welfare of the child, the parent is a fit and proper person to have the custody of the child.

**73. Country to have regard to conduct of parent**
Where the parent of a child applies to the Court for a writ or an order for the production of a child and the Court is of the opinion that the parent—
(a) has abandoned or deserted the child; or
(b) had otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child, the Court may in, in its discretion, decline to issue the writ or make the order.

**74. Power of Court as to production of child**
If at the time of the application for a writ or an order for the production of a child, the child is being brought up by another person, the Court may, in its discretion, if it orders that the child be given up to the parent, further order that the parent pays to that person the whole of the costs properly incurred in bringing up the child, or such portion of the costs as seems to the Court to be just and reasonable, having regard to the circumstances of the case.

**75. Power of Court to consult child's wishes**
Nothing contained in sections 72, 73 and 74 of this Law shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made under section 74 of this Law or diminishes the right which any child has to exercise on his own free choice.

**76. Power of Court to child's religions education**
The Court may, 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 make such order as it may deem fit to ensure that the child is brought up in the religion in which the parent requires the child to be brought.

**77. Enforcement of order for payment of money by attachment of income**
Where the Court makes an order for the payment of money in pursuance of this Law, the court shall, in addition to any other powers for enforcing compliance with the order, have power, in any case where pension or income, which is capable of being attached, is payable to the person against whom the order is made after giving the person by whom

the pension or income is payable an opportunity of being heard, order that such part of the pension or income as the Court may deem fit be attached for the payment of any money under this law.

**78. Notice of change of address by person ordered to pay money**
A person who for the time being is under an obligation to make payment in pursuance of an order for the payment of money under this Law shall give notice of any change in his address to the person, if any as may be specified in the order.

**79. Power of the Commissioner to make orders, etc., as to custody of children**
(1) The Commissioner may, by order, notwithstanding any customary law to the contrary, prohibit—
(a) the giving or acquiring of the custody, possession, control or guardianship of a child; or
(b) the removal of a child from any part of the State.
(2) Where an order is made by the Commissioner in pursuance of subsection (1) of this section, no person shall give or acquire the custody, possession or control of or remove a child from any part of the State specified in the order except in accordance with rules made by the Commissioner and such rules may be in general or in respect of any particular part of the State.
(3) An appeal from the order of the Commissioner shall lie to the appropriate level of the Court.

**80. Prohibition against acquiring custody, etc., of child for the purpose of dealing in the child**
(1) No person shall hire, give or acquire the custody, possession, control or

guardianship of a child whether or not for pecuniary or other benefit in circumstance that it may reasonably be inferred that the child has been hired, sold, bartered, or that by reason of the hiring, giving or acquiring, the child may reasonably be inferred to be placed in any danger, whatsoever.
(2) In any prosecution for the contravention of subsection (1) of this section, where it is proved that the custody, possession, control or guardianship of child has been given to or acquired by a person other than a person who is a member of the family of the child, it shall be presumed by the Court that the child has been given or acquired in contravention of the provisions of subsection (1) of this section.
(3) It shall be a defence to this section to prove that the child concerned was given or acquired in accordance with customary law, provided that the customary Law is not repugnant to natural justice, morality or humanity or inconsistent with any written law.

**81. Penalties for contravening sections 79 and 80**
A person who contravenes the provisions of section 79 and 80 of this Law or of any rules made under those sections commits an offence and is liable on conviction to a fine often thousand naira or imprisonment for a term of one year or to both such fine and imprisonment.

## PART IX
*Guardianship*

**82. Parental responsibility of a guardian**
(1) Except as provided under section 69 of this Law, a person appointed a guardian under this part of this Law shall have parental responsibility for the child.
(2) A person appointed as guardian under section 90 of this Law shall be a guardian only for the purposes of representing the child and his interest in certain proceedings, but shall otherwise have no parental responsibility for the child.

**83. Guardianship of a child**
(1) The parents of a child shall have guardianship of the child and, in the event of the death of a parent, the surviving parent shall be the guardian of the child.
(2) Where the parents of a child are not fit to be guardians of a child jointly or severally, the Court shall, on the 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 may make—
(a) an order that the guardian be the sole guardian of the child: and
(b) such order regarding the custody and right of access of the parents to the child as the Court may think fit, having regard to the welfare of the child.
(6) The Court may under subsection (2) of this section. order that a parent or parents of a child make a payment to a joint guardian towards the maintenance of the child.

**84. Order for guardianship of a child**
(1) Where an application for the guardianship of a child is made to the Court by a person, the Court may, by order, appoint that person to be the guardian of the child if—
(a) the child has no parent with parental responsibility for him; or
(b) a residence order has been made in respect to the child in favour of a parent or guardian of the child who has died while the order was in force.
(2) The power conferred under subsection (1) of this section may also be exercised in

any family proceedings if the Court considers that the order should be made 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 his death.

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

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

**86. Revocation of guardianship**
The appointment of a guardian under sections 85 and 90 of this Law may be brought to an end at any time by an order of the 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.

**87. Power of guardians over estate of a child**
A guardian under this Law shall have all such powers over the estate, as the case may be, of a child as a guardian appointed by will or otherwise by virtue of the rules of common law, equity, or appropriate personal law.

**88. Disputes between joint guardians**
Where two or more persons act as joint guardians of a child and they are unable to agree on any question affecting the welfare of the child, any of them may apply to the Court for its direction and the Court may make an order regarding the question in dispute

**89. Appointment of guardian *ad litem***
(1) The Court may, for the purpose of any specified proceedings, appoint a guardian ad litem for the child concerned to safeguard the interests of the child unless it is satisfied that it is not necessary to do so.
(2) The guardian ad litem shall—
(a) be appointed in accordance with the rules of court; and
(b) be under a duty to safeguard the interests of the child in the manner prescribed by those rules.
(3) Where—
(a) the child concerned is not represented by a legal practitioner; and
(b) any of the conditions mentioned in subsection (4) of this section is san-fled, the Court may appoint a legal practitioner to represent the child.

(4) The conditions under which an appointment may be made under subsection (3) of this section are that—
(a) no guardian ad i/tern has been appointed for the child;
(b) the child has sufficient understanding to instruct a legal practitioner and wishes to do so;
(c) it appears to the Court that it would be in the best interest of the child for him to be represented by a legal practitioner.
(5) A legal practitioner appointed under or by virtue of this section shall represent the child, in accordance with the rules of court.
(6) Notwithstanding any enactment or rules of law to the contrary, the Court may take account of—
(a) any statement contained in a report made by a guardian ad litem who is appointed under this section for the purposes of the proceedings in question; and
(b) any evidence given in respect of the matters referred to in the report, in so far as the statement or evidence is, in the opinion of the Court, relevant to the question which the Court is considering.

**90. Establishment of panels of persons from which guardians *ad litem* may be appointed**
(1) The Commissioner may by regulations provide for the establishment of panels of persons from which guardians ad them appointed under this section shall be selected.
(2) The regulations may, in particular, make provisions—
(a) as to the constitution, administration and procedures of the panels;
(b) requiring two or more specified Local Governments to make arrangements for the joint management of a panel;
(c) for the defrayment by the State of expenses incurred by members of panels;
(d) for the payment by the State of fees and allowances to members of panels;
(e) as to the qualifications for membership of a panel;
(f) as to the training to be given to members of the panels;
(g) as to the co-operation required of specified Local Governments in the provision of panels in specified areas; and
(h) for monitoring the work of guardians ad/item.
(3) Rules of court may make provisions as to the—
(a) assistance which a guardian ad litem may be required by the Court to give to it;
(b) consideration to be given by a guardian ad/item, where an order of a specified kind has been made in proceedings in question, as to whether to apply for the variation or discharge of the order;

(c) participation of guardian ad litem in any review, of the kind specified in the rules of court.

**91. Right of guardian *ad litem* to have access to records**
(1) Where a person has been appointed as a guardian ad item under this Law he shall have the right at all reasonable times to examine and take a copy of—
(a) any record held by the State or the appropriate authority which was compiled in connection with the making, or proposed making by any person of
any application under this Law with respect to the child concerned; or
(b) any other record held by the State or the appropriate authority which was compiled in connection with any function which has been referred to their

social service Department, so far as those records relate to that child.
(2) Where a guardian ad litem takes a copy of a record which he is entitled to examine under this section, that copy or any part of it shall, notwithstanding anything to the contrary in any enactment or rules, be admissible as evidence of any matter referred to in any—
(a) report which he makes to the Court in the proceeding in question; or (b) evidence which he gives in those proceedings.

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

PART X
*Wardship*

**93. Jurisdiction of Court**
The Court shall have jurisdiction in all matters pertaining to making a child a warJ Court.

**94. Wardship order**
(1) Subject to the provisions of this section, no child shall be made a ward of C:u except by virtue of an order, to that effect, made by the Court.

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

**95. Maintenance of a ward of Court**
(1) Subject to the provisions of this section, the Court may make an order—
(a) requiring either parent of a ward of court to pay to the other parent; or
(b) requiring either parent or both parents of a ward of court to pay to any other person having the care and control of the ward, such weekly or other periodical sums towards the maintenance and education of the ward as the Court thinks reasonable, having regard to the means of the person or persons making the payment.
(2) An order under subsection (1) of this section may require such sums as are mentioned in that subsection to continue to be paid in respect of any period but not beyond the date on which the ward of Court attains the age of majority and such order if made may provide that any sum which is payable for the benefit of that ward, having regard to the age of the child, be paid directly to that ward.
(3) No order shall be made under subsection (1) (a) of this section and no liability under an order made under this section, shall accrue, at a time when the parents of the ward of Court or former ward of court as the case may be, are residing together and if they so reside for a period of three months after an order has been made, the order shall cease to have effect.
(4) The Court shall have power, from time to time, by an order under this section, to vary or discharge any previous order made under this section.

**96. Committal of ward to care of appropriate authority, etc.**
(1) Where it appears to the Court that there are exceptional circumstances making it impracticable or undesirable for a ward of Court to be, or to continue to be, under the care of either of his parents or any other person, the Court may, if it thinks fit, make an order committing the care of the ward to an appropriate authority.
(2) Where it appears to the Court that there are exceptional circumstances making it desirable that a ward of court, not being a ward who in pursuance of an order under subsection (1) of this section, is in the care of an appropriate authority, should be under the supervision of an independent person, the Court may, with regard to such period the Court thinks fit, order that the ward be under the supervision of a child development officer or other appropriate authority.
(3) The Court shall have power, from time to time by an order under this section, to vary or discharge any previous order made under this section.

**97. Matrimonial causes**
A Court hearing a matrimonial case in which a child may be involved may direct that proper proceeding be taken in the Court at the High Court level or making the Child a ward of Court.

**98. Dismissal of application for wardship**
Where the Court is of the opinion that an application for wardship is an abuse of t} Court process it shall dismiss the application forthwith.

**99. Rules for application for wardship**
An application for wardship shall be made in compliance with the rules contained the Third Schedule to this Law.

PART XI
*Fostering*

**100. Application for fostering**
(1) A person may foster a child by making an application to the Court within jurisdiction in which the person and the child reside at the date of the application.
(2) An application for fostering shall be made in accordance with the procedure am. in the manner prescribed by the rules made under the provisions of this Law.

**101. A child to be fostered**
A child who may be fostered under this Law includes a child who—
(a) is abandoned by his parents; or
(b) is an orphan and is—
(i) deserted by his relatives; or
(ii) voluntarily presented by his relatives for fostering; or
(ii) voluntarily presents himself for fostering, where no relatives of can be found; or
(c) has been abused, neglected or ill-treated by the person having care and today of him; or
(d) has a parent or guardian who does not or cannot exercise proper guardian over him; or
(e) is found destitute; or
(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 his parents for fostering.

**102. Making a fostering order**
(1) Subject to the provisions of this Law, the Court may, on receipt of the application for fostering, make an order authorising the application to foster the child.
(2) Except where a man and his wife have applied jointly to foster a child, a fostering order shall not authorise more than one person to foster a child.

**103. Limit on number of children who may be fostered**
The number of children who may be fostered by a person shall not exceed three unless exceptional circumstances are shown.

**104. Restriction on the making of fostering order**
(1) A fostering order shall not be made 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 years old and is at least twenty-one years older than the child to be fostered;
(b) the applicant and the child are resident in the State;
(c) the applicant is a citizen of Nigeria;
(d) the applicant has the means to maintain the child;
(e) the applicant is a person of unquestionable integrity; and
(f) the applicant is certified by a medical officer to be physically and mentally fit.
(2) The Court may dispense with the provisions in subsection (1) (b) and (c) of the section and make a fostering order in respect of an applicant not resident in the State or Nigeria where;
(a) the State does not have social structure to take care of the difficult circumstance of the child; or
(b) the child being fostered;
(c) suffers disability; or
(d) is of known parents who cannot exercise proper guardianship.
(3) A fostering order shall not be made in favour of a sole applicant who is unmarried, unless the applicant has attained the age of thirty-five years and the child to be fostered is of the same sex as the applicant.

**105. Consent to fostering**
(1) Where a married person is the sole applicant for a fostering order, the application shall be accompanied with the consent, in writing, of the other spouse that the order be made.
(2) Where it appears to the Court that a person, other than the father or mother or relative of a child has any right or obligation in respect of the child under an order of Court or an agreement or under customary law, the Court may refuse to make the fostering order until the consent of that person is first obtained.
(3) The Court may dispense with any consent required under this section if it is satisfied that the person whose consent would have been required—
(a) has abandoned, neglected or persistently ill-treated the child; or
(b) cannot be found or is incapable of giving his consent or unreasonably withholding his consent.

**106. Further conditions for making of fostering orders**

(1) Before making a fostering order, the Court shall be satisfied that—

(a) every consent under section 107 of this Law, which has not been dispensed with, had been obtained and every person who has given his consent understands the nature and effect of the fostering order for which the application is made;

(b) the order, if made, will be for the maintenance, care, education and general welfare and best interest of the child; and

(c) the applicant has not received or agreed to receive and no person has made or given or agreed to make or give to the applicant, any payment or other reward in consideration of the fostering.

(2) The Court may, in a fostering order, impose such terms and conditions as it ma) think fit and, in particular may require the foster parent by bond or otherwise to make for the child such provisions as in the opinion of the Court just and expedient.

**107. Interim orders**

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

(2) The Court shall impose the following conditions under subsection (1) of this section that is—

(a) that the child shall be under the supervision of an officer appointed by the Court; and

(b) that the child shall not be taken out of the State without the prior consent c the Court,

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

(4) An interim order shall not be made in any case where the making of a foster: order would be unlawful by virtue of section 127 of this Law.

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

**108. Rules of court**

(1) The Chief Judge of the State may make rules of court providing generally for practice and procedure of the Court in respect of the fostering of children under this Law.

(2) The power to make rules conferred under subsection (1) of this section shall, without prejudice to the generality of that subsection, include power to make provisions for—

(a) proceedings to be held in camera in determining the application in the Court;

(b) excluding or restricting the jurisdiction of any court where a previous application made by the applicant in respect of the same child has been refused by that or any other Court;

(c) the admission of documentary evidence of any consent required under section 105 of this Law; and
(d) a report for the assistance of the Court in determining whether or not the fostering order will be in the overall interest and welfare of the child having regard to the ability of the applicant to maintain, care for and educate the child.

**109. Appeal**
An appeal shall lie to the Court at High Court level from the Court at the Magisterial level in respect of a decision on an application for a fostering order, other than a decision to postpone the determination of an application for the order or to make an interim order.

**110. Rights and duties of foster parents and other persons**
(1) On the making of a fostering order—
(a) all rights, duties, obligations and liabilities, including—
(i) any right arising under customary law applicable to the parents of the child, or any other person or persons in relation to the custody, maintenance and education of the child; and
(ii) all rights to appoint a guardian and to consent or give notice of consent or marriage, shall be suspended; and
(b) there shall vest in and be exercisable by and enforceable against the foster parents, all such rights, duties, obligations and liabilities in relation to custody, maintenance and education of the child as if the child were a child born to the foster parent in lawful marriage.
(2) A child shall, in respect of his custody, maintenance and education, stand to the foster parent exactly in the position of a child born to the foster parent in lawful marriage.
(3) Where a husband and wife are joint foster parents, they shall, in respect of the custody, maintenance and education of the child and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of a right of access to the child, stand to each other and to the child in the same relationship as they would have stood if the child were a child born to them in lawful marriage.

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

**112. Fostered children register**
(1) The Chief Registrar and the appropriate child development officer shall each keep and maintain a register to be known as the Fostered Children Register in which shall made such entries as may be directed by a fostering order to be made therein.
(2) A fostering order shall contain a direction to the Chief Registrar and the appropriate child development officer to make in the Fostered Children Register the entry in the form specified in Part II of Fourth Schedule to this Law.
(3) If, on an application to the Court for a fostering order, it is proved to the satisfaction of the Court that the date of birth of the child and other particulars of the child identical with a child to whom an entry in the Register of Births kept by the National Population Commission relates, the fostering order shall contain a further direction to Chief Registrar and the appropriate child development officer to cause the entry in Register of Births to be marked “Fostered”.
(4) Where a fostering order is made in respect of a child who has been the subject of a previous fostering order made under this Law, the fostering order shall contain a direction to the Chief Registrar and the appropriate child development officer to cause the previous entry in the Fostered Children Register and the Register of Birth in respect of child to be marked “Re-fostered”.

(5) The Court shall cause a copy of every foster order to be communicated to the Chief Registrar and the appropriate child development Officer and on receipt of the Chief Registrar and appropriate child development Officer shall comply with directions contained therein.
(6) A certified copy of an entry in the fostered Children Register if purporting to be stamped or sealed with the seal of office of the Chief Registrar shall be prima fade p:ir of the facts contained therein, including the date of birth of a child to whom it relates without any further evidence as if the same were a certified copy of an entry in the Registrar of Births.
(7) The Chief Registrar shall cause an index of the Fostered Children register i made and kept in the registry.
(8) A copy of extract of an entry in any register being an entry which is cancelled under this section, shall be a *primafacie* evidence of that cancellation.
(9) A register, record or book as is mentioned in subsection (8) of this section or an index thereof shall not be liable to be searched by any member of the public and the Chief Registrar shall not make certified copy thereof or furnish any information herein contained to a person except under an order made by the Court.
(10) On the revocation of a fostering order, the Court shall cause the fact of the revocation to be communicated to the Chief Registrar and the appropriate child development officer who shall cancel or cause to be cancelled—
(a) the entry in the Fostered Children Register relating to the fostered child and
(b) the word "Fostered" or "Re-fostered" in the entry relating to the fostered child in the Register of Birth.

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

**113. Visit to fostered child by child development officers**
(1) The appropriate child development officer shall keep himself informed, from time to time, of the condition and welfare of each child fostered under this Law and for that purpose, arrange and do 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 years; and
(b) to enter any premises for the purpose of ascertaining whether there is any contravention by a person of any condition of the fostering or of any other provision of this Law.
(2) During a visit under this section, the officer conducting the visit may require the production of the fostered child or that information be given regarding the condition of the child.

**114. Revocation of a foster order on grounds of the interest of the child**
Where it is proved 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 the respect of the child; and
(b) proceed to make other necessary action pursuant to the provisions of this Law.

**115. Prohibition of receiving money or reward as inducement to foster a child**
(1) A person who—
(a) receives or agrees to receive money or a reward as an inducement to foster a child; or
(b) receives or agrees to receive money or any reward in order to facilitate arrangements to foster a child; or

(c) gives or agrees to give money or reward to secure consent of a person to foster a child, commits an offence under this Law.
(2) A person who commits an offence under subsection (1) of this section is liable on conviction to a fine not exceeding thirty thousand naira or imprisonment for a term not exceeding three years or to both such fine and imprisonment.

**116. Prohibition of taking, sending fostered child out of the State or Nigeria**
(1) Where a foster parent intends to take a fostered child outside the State or Nigeria, he shall give notice to the Court of his intention to do so and shall on return to the State or Nigeria notify the Court of their return.
(2) A person who permits or causes or procures the possession of a child to be given to any person—
(a) outside the State in which the fostering order was made; or
(b) outside Nigeria, with intent to getting that child fostered by that person commits an offence.

(3) A person who commits an offence under subsection (2) of this section is liable or conviction in the case of an offence under—
(a) subsection (2) (a) of this section, to imprisonment for a term of ten years and
(b) subsection (2) (b) of this section, to imprisonment for a term of fifteen years.

**117. Prohibition of withdrawal of a child from the care of the applicant**
While an application for the fostering order is pending in a Court, no person who has given his consent to a fostering order being made in respect of a child shall withdraw the child or cause the child to be withdrawn from the care and possession of the application without the leave of the Court and the Court shall, in granting the leave have regard to ü welfare of the child.

**118. Foster parent prohibited from marrying fostered child.**
(1) No foster parent shall marry any child fostered by him pursuant to this Law.
(2) A foster parent who marries a child fostered by him commits an offence un this Law and is liable on conviction to imprisonment for a term not exceeding fourteen

**119. Non-compliance with lawful directives**
A person who—
(a) without reasonable excuse, fails to comply with a lawful directive given a child development officer; or
(b) obstructs a social welfare officer in the exercise of the powers conferred by this Law commits an offence and is liable on conviction to a fine exceeding five thousand naira or to imprisonment for a term not exceeding three months or both fine and imprisonment.

**120. Private arrangement for fostering children**
(1) For the purposes of this part of this Law and subject to subsection (2) of this section—
(a) a child shall be deemed to be fostered privately if he is cared for and provided with accommodation by a person other than—
(i) a parent of the child; or
(ii) any other person who has parental responsibility for the child; or
(iii) a relative of the child; and
(b) a person shall be deemed for foster a child privately if he cares for the child in circumstances in which the child is fostered privately as defined underparagraph (a) of this subsection.
(2) A child is not fostered privately if the person caring for and accommodating the child has done so for a period of less than twenty-eight days and does not intend to do so for any longer period.

(3) The provisions in Part III of the Fourth Schedule to this Law shall have for the purposes of supplementing the provisions of this section.

[Fourth Schedule.]

**121. Welfare of a child fostered privately**

(1) The State shall—

(a) satisfy itself that the welfare and best interest of a child who is fostered privately within the State are satisfactorily safeguarded and promoted; and

(b) ensure that persons caring for that child are given such advice as appears to the State to be needed.

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

(3) A person exercising the power under subsection (2) of this section shall, if so required, produce some duly authenticated document showing his authority to do so.

(4) Where an officer of the State is not satisfied that the welfare of a child who is fostered privately within the State is satisfactorily safeguarded or promoted, he shall—

(a) unless he considers that it would not be in the best interest of the child, take such steps as are reasonably practicable to secure that the care and accommodation of the child are undertaken by——

(i) a parent of the child; or

(ii) any other person who has parental responsibility for the child; or

(iii) a relative of the child; and

(b) consider the extent to which, if at all, they shall exercise any of their powers under this Law with respect to the child.

(5) The Commissioner may make regulations—

(a) requiring every child who is fostered privately within the State to be visited by an officer of the State—

(i) in prescribed circumstances; and

(ii) on specified occasions or within specified periods; and

(b) imposing requirements, which are to be met by any officer of the State in carrying out his functions under this section.

**122. A person disqualified from fostering a child privately**

(1) A person shall not foster a child privately if he disqualified from doing so by regulations made by the Commissioner for the purposes of this section, unless he has disclosed the fact to the appropriate authority and obtained its written consent.

(2) The regulations shall, in particular, provide for a person to be so disqualified where —

(a) an order of a kind specified in the regulations has been made at any time— (i) with respect to that person; or

(ii) with respect to a child who has been in the care of that person;

(b) a requirement of a kind so specified has been imposed by an enactment;

(c) he has been convicted of an offence of a kind so specified or has been placed on probation or discharged absolutely or conditionally for any offence;
(d) a prohibition has been imposed on him at any time under section 123 of this Law or under any other specified enactment;
(e) his rights and powers with respect to a child have at any time been vested in a specified authority under a specified enactment.
(3) A person shall not foster a child privately if—
(a) he lives in the same household as a person who is himself prevented from fostering a child by subsection (I) of this section; or
(b) he lives in a household at which any such person is employed, unless he has disclosed the fact to the appropriate authority and obtained their written consent.
(4) Where an appropriate authority refuses to give its consent under this section, i shall inform the applicant by a written notice—
(a) the reason for the refusal;
(b) the applicant's rights to appeal against the refusal; and
(c) the time within which he may appeal.
(5) The form set out in Part VI of the Fourth Schedule to this Law and the provisions contained in Parts V and VII of that Schedule shall be used and have effect for the purposes of this section and this Part of this Law.

[Fourth Schedule.]

**123. Power of State Government to prohibit private fostering**
(1) This section applies where a person—
(a) proposes to foster a child privately; or
(b) is fostering a child privately.
(2) Where the State is of the opinion that—
(a) a person is not a suitable person to foster a child; or
(b) the premises in which the child will be or is being accommodated are ne suitable; or
(c) it would be prejudicial to the welfare of the child for him to be or continue to be, accommodated by that person in those premises, the State may impose on him a prohibition specified under subsection (3) of this section.
(3) A prohibition imposed on a person under subsection (2) of this section may prohibit him from fostering privately—
(a) any child in any premises within the State; or
(b) any child in premises specified in the prohition; or
(c) a child identified in the prohibition, in premises specified in the prohibition.
(4) The State which has imposed a prohibition on any person under subsection (2 this section, may, if it thinks fit, cancel the prohibition—
(a) of its own motion; or

(b) on an application made by that person, if it is satisfied that the prohibition is no longer justified.
(5) A prohibition imposed under this section shall be imposed by notice in writing addressed to the person on whom it is imposed and informing him of—
(a) the reason for imposing the prohibition;
(b) his right to appeal against the prohibition; and
(c) the time within which he may appeal.

**124. Offences under this Part**
(1) A person who—
(a) being required, under any provision made by or under this Part of this Law to give any notice or information—

(i) fails without reasonable excuse, to give the notice within the time specified in that provision; or
(ii) fails, without reasonable excuse, to give the information within a reasonable time; or
(iii) makes, causes or procures another person to make any statement in the notice or information which he knows or believes to be false or misleading in a material particular; or
(b) refuses to allow a child fostered privately to be visited by a duly authorised officer of the State Government; or
(c) intentionally obstructs another person in the exercise of the power conferred by section 118 (2) of this Law; or
(a) contravenes section 120 of this Law; or
(e) fails, without reasonable excuse, to comply with any requirement imposed by a Local Government under this Part of this Law; or
(j) accommodates a child fostered privately in any premises in contravention of a prohibition known to him to have been imposed by a Local Government under this Part of this Law; or
(g) knowingly publishes or causes to be published, an advertisement which he knows contravenes paragraph 8 of Part III of the Fourth Schedule of this Law commits an offence under this Law.
(2) Where a person contravenes section 124 (3) of this Law, he does not commit an offence under this section if he proves that he did not know and had no reasonable ground fix believing, that a person to whom section 124 (1) applies was living or employed in the premises in question.
(3) A person who commits an offence—
(a) Under subsection (1) (a) of this section, is liable on summary conviction to a fine not exceeding five thousand naira;
(b) Under subsection (1) (b), (c), (d), (e), (f) or (g) of this section, is liable on summary conviction to a fine not exceeding five thousand naira or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(4) If a person who is required under any provision of this Part of this Law to givc notice fails to give the notice within the time specified in that provision, proceedings fo an offence may be brought at any time within six months from the date when evidence o the offence came to the knowledge of the State.

## PART XII
*Adoption*

**125. Establishment of adoption services, etc.**
(1) The State shall, for the purpose of adoption, establish and maintain within it service designed to meet the needs of—
(a) a child who has been or may be adopted;
(b) parents and guardians of the child specified in paragraph (a) of this subsection; and
(c) persons who have adopted or who may adopt a child and for this purpose the State shall provide the requisite facilities or ensure that the facilities ar. provided by the Ministry in charge of adoption as may be prescribed by the appropriate authority.
(2) The facilities to be provided as part of the services maintained under subsec tion (1) of this section include—
(a) temporary board and lodging, where needed by a child and in exception circumstances, the mother of a child;
(b) arrangements for assessing a child and prospective adopters and placing c the child for adoption; and
(c) counselling for persons with problems relating to adoption.

**126. Application for adoption, etc.**
(1) An application for adoption shall be made to the Court in such form as may k prescribed and shall be accompanied with—
(a) where the applicant is a married couple, their marriage certificate or sworn declaration of marriage;
(b) the birth certificate or sworn declaration of age of each applicant;
(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 n require for the purposes of the adoption.
(2) On receipt of an application under subsection (1) of this section the Court sh. order an investigation to be conducted by—
(a) a child development officers;
(b) a supervision officer; and
(c) such other persons as the Court may determine, to enable the Court assess the suitability of the applicant as an adopter and of the child to adopted.

(3) The Court shall, in reaching a decision relating to the adoption of a child, have regard to all the circumstances, first consideration being given to—
(a) the need to safeguard and promote the welfare and the best interest of the child throughout the childhood of that child; and
(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.

**127. Religious upbringing of adopted child**
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.

**128. Persons who may be adopted**
The Court shall not make 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 why he should be adopted.

**129. Persons who may adopt**
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 years; and
(ii) there is an order authorising them jointly to adopt a child,
(b) a married couple, if he has obtained consent of his spouse, as required under section 132 of this Law; or
(c) a single person, if he has attained the age of thirty-five years, provided that the child to be adopted is of the same sex as the person adopting; or
(d) in all cases specified in paragraphs (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.

**130. Power to make adoption order**

(1) Subject to the provisions of this Law, the Court may on the application of a person stated in section 126 of this Law in the prescribed manner make an order under this Law referred to as an "adoption order".
(2) An adoption order shall be made in the form specified in the Fifth Schedule to this Law.
131. Restrictions on the making of adoption orders
(I) An adoption order shall not be made in respect of a child unless—
(a) The applicant or in the case of a joint applicant one of them, is not less than twenty-five years old and is at least twenty-one years older than the child:
(b) the applicant, or in the case of a joint application, both or at least, one of them and the child are resident in the same State;

(c) the applicant has been resident or, in the case of a joint application both o then have been resident in the State in. which the application is made for a period of, at least, five years;
(d) the applicant is a citizen or in the case of a joint applicants are citizens of Nigeria;
(e) the child has been in the care of applicant for a period of at least three consecutive months immediately preceding the date on which the order made; and
(f) the applicant has, at least three months before the making of the order informed the social welfare officer of his intention to adopt the child.
(2) On the application of married couple, if they consist of a parent and a step parent of the child, the Court shall dismiss the application if it considers that the matter would be better dealt with under Part VIII of this Law.
(3) The Court may dispense with the restrictions in subsection (1) (b), (c) and (ci) c this section and make an adoption order to an applicant who is not resident in the State. c a citizen of Nigeria where;
(a) the State does not have social structure to take care of the difficult circumstance of the child; or
(b) the child suffers disability; or
(c) the child is of known parents who cannot exercise proper guardianship.

**132. Required consent**
(1) Where a married person is the sole applicant for an adoption order, the Court may, if it thinks fit, refuse to make the order if the consent of the spouse of the application to the making of the order is not first obtained.
(2) Where it appears to the Court that a person other than the parent or relative of a child has any right or obligation in respect of the child under an order of the Court or any agreement or under customary Law the Court may if it thinks fit refuse to make the adoption order if the consent of the person is not first obtained.
(3) The Child Development Officer, on an application for an adoption order respect of a child, shall prepare a report to assist the Court in determining whether a person who is not child and whether the consent of the person ought first to be obtained. in respect
(4) A consent under this section may be given either—
(a) unconditionally; or
(b) subject to conditions with respect to the religious persuasion in which child is to be brought up.
(5) In giving a consent under this section, it may not be necessary for the person g ing the consent to know the identity of the applicant for the adoption order.
(6) The Court may dispense with any consent required under this section if it is sa: fled that the person whose consent is required cannot be found or is incapable of gi his consent or is withholding his consent unreasonably.

(7) While an application for an adoption order is pending in any court no person who has given his consent to an adoption order to be made in respect of a child shall withdraw the child from the care and possession of the applicant without the leave of Court and the Court shall have regard to the welfare of the child in considering whether or not to grant the leave.

**133. Conditions preceding the making of adoption order**

The Court shall, before making an adoption order, satisfies itself that—

(a) every consent required under section 132 of 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 made and for this purpose the relevant adoption officer shall provide adequate counselling for the parties involved in the adoption;

(c) the order, if made, shall be for the welfare and best interest of the child, due consideration for this purpose being given to the wishes of the child having regard to his age and understanding; and

(d) the applicant has not received or agreed to receive and no person has made, given or agreed to make or give to the applicant any payment or other reward in consideration of the adoption other than what the Court may approve.

**134. Power of Court to impose terms and conditions**

The Court may, in making an adoption order impose such terms and conditions as the Court may think fit in particular, may require the adopter by bond or other wise to make for the child such provisions, if any, as in the opinion, of the Court, are just and expedient.

**135. Interim orders, pending adoption orders**

(1) Subject to the provisions of this section, the Court may, on an application for an adoption order, postpone the determination of the applicant and make an interim order giving the custody of the child to the applicant for a period not exceeding two years on such terms and conditions as the Court thinks fit as regards provision for the maintenance, education and supervision of the welfare of the child and otherwise.

(2) The Court shall, in making an interim order under subsection (1) of this section, specify; that the child shall—

(a) be under the supervision of such child development officer as the Commissioner may appoint; and

(b) not be taken out of the State concerned without the consent of the Court.

(3) The consent to the making of an adoption order which are required under section 132 of this Law shall be required to the making of an interim order and the power of the Court to dispense with any such consent shall also apply in the case of an interim order.

(4) An interim order shall not be made in any case where the making of an adoption order would be unlawful under the provisions of this Law.

(5) An interim order shall not be deemed to be an adoption order within the meaning of this Law.

**136. Jurisdiction of the Court**

Subject to rules of the Court made under section 137 of this Law the Court shall have exclusive jurisdiction to deal with an application for an adoption order.

**137. Rules of the Court for adoption of a child**

(1) The Chief Judge of the State may make rules of court for regulating generally the practice and procedure of the Court in respect of the adoption of a child.

(2) The power to make rules conferred by subsection (1) of this section, shall, without prejudice to the generality of that subsection, include power to make provisions for—

(a) application for the adoption orders being heard and determined otherwise than in open Court;

(b) the admission of documentary evidence of any consent required under section 132 of this Law; and

(c) requiring the child development officer to prepare for the consideration :

the Court, on an application for an adoption order, a report, for the assistance of the Court in determining whether the order will be for the welfar and best interest of the child.

**138. Appeals to the High Court**

(I) An appeal shall lie to the Court at the High Court level from the Court at the Magisterial level in respect of a decision on any application for an adoption order, other than decision to postpone the determination of the application for such an order and make interim order.

(2) Where the High Court exercises original or appellate jurisdiction, appeal shall I: to the Court of Appeal.

(3) Proceedings in respect of an appeal under this section shall be conducted in chambers.

**139. Adoption when corrective orders are in force**

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

(2) On the application for an adoption order being made in a case under subsection of this section and on being satisfied that the adoption would be for the welfare and be interest of the child concerned, the Court shall suspend the corrective order so as enable the applicant to have the child in his case for a period of at least three consecutive months immediately preceding the date of the adoption order.

**140. Adoption where maintenance order is in force**

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

(2) Where, at the time when an adoption order is made in respect of a child, a maintenance order requiring a person to contribute towards the, maintenance of that ci under this Law or any other law is in force, the maintenance order shall cease to ha effect at that time.

**141. Effect of adoption**

(1) On an adoption order being made—

(a) all rights, duties, obligations and liabilities, including any other order under the personal law applicable to the parents of the child or any other person in relation to the future custody, maintenance, supervision and education of the child, including all religious rights, right to appoint a guardian and to consent or give notice of dissent to marriage, shall be extinguished; and

(b) there shall vest in and be exercisable by and enforceable against the adopter—

(i) all rights, duties obligations and liabilities in respect of the duties. custody, maintenance, supervision and education of the child; and

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

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

(a) in respect of the matters specified under this section; and

(b) for the purpose of the jurisdiction of the Court to make orders as to the custody and

maintenance of and rights of access to the children, stand to each other and to the child in the same relationship as they would have stood if the child were their natural child and in respect of those matters, the child shall stand to them in the relationship of a child born to the adopter.
(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 the contrary intention appears be construed as a reference to the person who would be related to him in that degree if he were the natural child of the adopter and were not the child of any other person.

**142. Establishment of the adopted children register**
(1) The Chief Registrar and the appropriate Child Development Officer shall each establish and maintain a register to be called and known as the "Adopted Children Register" in which shall be made such entries as may be directed by an adoption order to be made therein but no other entries.
(2) An adoption order shall contain a direction to the Chief Registrar and the National Population Commission (in this Part of this Law referred to as "the Commission") to make in the Adopted Children Register entry in the form specified in the Fifth Schedule to this Law.

[Fifth Schedule.]

(3) If on any application to the Court for an adoption, there is proof to the satisfaction of the Court that—

(a) the date of birth of the child; and

(b) the identity of the child is identical to, a child, to whom any entry in the Register of Births kept by the Commission relates, the adoption order shall contain a further direction to the Chief Registrar to cause that birth entry in the Register of Birth to be marked "Adopted" and to include in the entry relating to the adoption of the child in the Adopted Children Register the day of the child's birth.

(4) Where an adoption order is made in respect of a child who had been the subject of a previous adoption order made by the Court under this Law, the order shall contain a direction to the Chief Registrar and the Commission to cause the previous entry in the Adopted Children Register in respect of that child to be marked "Re-adopted".
(5) The Court shall cause a copy of every adoption order to be communicated to the Chief Registrar and the Commission and on receipt of the order, the Chief Registrar and the Commission shall comply with the directions contained therein.
(6) A certified copy of an entry in the Adopted Children Register if purporting to h stamped or sealed by the Chief Registrar's office shall be proof of the adoption as
therein specified and where the copy of the entry includes the date of the birth of the child to whom it relates, it shall be proof also of the date without any further evidence a though the same were also a certified copy of an entry in the Register of Births.
(7) The Chief Registrar shall cause an index of the Adopted Children Register to b. made and kept in the Registry.
(8) The Chief Registrar shall, in addition to the Adopted Children Register and index thereof keep such other registers and books and make such entries therein as may be necessary to record, in connection with an entry in the Register of Births which la been marked "Adopted".
(9) Any such Register or books as are mentioned in subsection (8) of this section or any index thereof if any, shall not be liable to searches by members of the public and the Chief Registrar shall make a certified copy thereof or furnish any information therein contained to any person except under an order made by the Court.
(10) On the revocation of an adoption order, the Court shall cause the fact of the revocation to be communicated to the Chief Registrar who shall cause to be cancelled

—
(a) the entry in the Adopted Children Register relating to the adopted child;
and
(b) the marking with the word "Adopted" or "Re-adopted" of any entry related to the child in the Register of Births.
(11) A copy of an extract of an entry in any register being an entry the markingof which is cancelled under this section shall be deemed to be an accurate copy if both the marking and the cancellation are omitted there from.

**143. Prohibition of certain payments for adoption**
(1) No adopter or any other person shall—
(a) except with the sanction of the Court receive or agree to receive any payment or reward, in consideration for or for the facilitation of the adoption of a child under this Law;
(b) make or give or agree to make or give to an adopter any payment or reward the receipt of which is prohibited by this subsection.
(2) A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine not exceeding thirty thousand naira or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.
(3) Notwithstanding the provisions of subsection (2) of this section, an adoption order affected by the payment prohibited under subsection (1) of this section may be allowed to continue or be resolved at the discretion of the Court having regard to all the circumstance of the case particularly the best interest of the child.

**144. Restriction on inter-state adoption**
(1) Except under a license issued pursuant to section 145 of this Law no person shall permit or cause or procure the care and possession of a child to be given to any person outside the State in which the adoption order was made outside Nigeria with a view to getting the child adopted by any person.
(2) a person who permits or causes or procures the possession of a child to be given to any person commits an offence—
(a) outside State in which the fostering order was made; or
(b) outside Nigeria, with intent to getting that child fostered by that person.
(3) A person who contravenes the provisions of subsection (1) of this section commits and offence an is liable on conviction to a fine of thirty thousand naira or imprisonment for a term not exceeding one year on to both such fine and imprisonment.
(4) A person who commits an offence under subsection (2) of this section is liable on conviction to a term of—
(a) in the case of an offence under subsection (2) (a) of this section, an imprisonment for a term often years;
(b) in the case of an offence under subsection (2) (b) of this section, to imprisonment for a term of fifteen years.

**145. Licence to give child for inter-state adoption**
(1) Subject to this section, the Commissioner may grant a licence for a child to be transferred to a person, subject to such conditions and restrictions as he may think fit, authorising the care and protection of a child for whom inter-state or foreign adoption arrangements have been made.
(2) A licence shall not be granted under subsection (1) of this section unless the Commissioner is satisfied as respect every person whose consent is required under section 132 of this Law to the making of an adoption order for the child, that—

(a) the application for the licence is made with the consent of that person; or

(b) the consent of that person can properly be dispensed with on any ground on which the Court could dispense with a consent to an adoption order under that section.
(3) A licence shall not be granted under this section unless the Commissioner is satisfied—
(a) that the person to whom the care and possession of the child is proposed to be transferred is a suitable person, under the provision of this Law to be entrusted with the child; and
(b) that the transfer is for the welfare and best interest of the child.
(4) The Commissioner shall, in granting a licence under this section, give consideration to the wishes of the child having regard to the age and understanding of the child.

**146. Recognition of other adoption**
Where a person has been adopted under any Law in force in any part of Nigeria, or under the Law of any other country other than Nigeria, the adoption shall have the likely validity and effect as if the adoption has been effected by an adoption order under this Law.

**147. Adopted parents, etc., prohibited from marrying adopted child**
(1) A marriage between a person who has adopted a child under this Law or a natural child of the person who adopted the child and the adopted child is hereby prohibited and any such marriage shall be null and avoid.
(2) A person who marries an adopted child in violation of subsection (I) of this section commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

**148. Visit of adopted child by child development officers**
(1) The Director of Child Development in the State shall keep himself informed from time to time, of the condition and welfare of a child adopted by any person in the State and 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 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 ‘is’ may require production of the adopted child or that information be given regarding condition of the child.
(3) A person who—
(a) without reasonable excuse, fails to comply with a requirement imposed ‘ a Child Development Officer; or

(b) obstructs a Child Development Officer in the exercise of the powers conferred by this section, commits an offence and is liable on conviction to a fine not exceeding five thousand naira; or
(c) imprisonment not exceeding three months or to both such fine and impnsonment.

**149. Establishment of the Family Court**

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

**150. Court to have two levels**

The Court shall be at two levels—

(a) the Court as a Division of the High Court at the High Court Level; and

(b) the Court as a Magistrate Court, at the Magistrate level.

**151. General jurisdiction**

(1) Subject to the provisions of this Law and in addition to such other jurisdiction as may be conferred on it by any other law, the Court shall have unlimited jurisdiction to hear and determine—

(a) any civil proceeding in which the existence or extent of a legal right, power, duty, liability, privilege, interest, obligation or claim in respect of a child is in issue; and

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

(2) The reference to civil or criminal proceedings in this section include a reference to a proceeding which originates in the Court and that which is brought by the Court at the High Court level to be dealt with by the Court in the exercise of its appellate or supervisory jurisdiction.

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

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

(i) the child;

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

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

and

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

**152. Family Court at the High Court level**

(1) The court at the High Court level shall consist of such number of—

(a) Judges of the High Court of the State;

(b) Assessors, who shall be officers not below the rank of Chief Child Development Officers, as shall enable the court to effectively perform its functions under this Law.

(2) The members of the Court at the High Court level shall be appointed by Chief Judge of the State.

(3) The Court at the High Court level shall be duly constituted if it consists of—

(a) a judge; and

(b) two assessors, one of whom has attributes of dealings with children an matters relating to children preferably in the area of child psychology educated.

(4) The Court at the High court level shall have power to---
(a) deal with all the matters relating to the enforcement of the rights of the child as set out in this Law on the application for redress by a child who alleges that a right has been, is being, or is likely to be infringed in respect of him;
(b) deal with all offences punishable with—
(i) death; or
(ii) terms of imprisonment for a term of ten years and above;
(c) deal with other matters relating to a child where the claim involves uii amount of fifty thousand naira and above;
(d) deal with divorce and custody of the child; and
(e) hear appeals from the Court at the Magistrate level.
(5) Appeals shall lie to the Court of Appeal on any matter decided by the Court at the High Court level in the same manner as appeals. i.e. in respect of matters decided by the High Court.

**153. Family Court at the Magistrate level**
(1) The Court at the Magisterial level shall consist of such number of—
(a) magistrates, not below the rank of Chief Magistrate; and
(b) assessors, who shall be officers not below the rank of Senior Child Development Officer, as shall enable the Court to effectively perform its functions under this Law.
(2) The members of the Court at the magisterial level shall be appointed by the Chief Judge of the State.
(3) The Court at the magisterial level shall be duly constituted if it consists of—
(a) a magistrate;
(b) two assessors, one of whom shall be a woman and the other person who has attributes of dealing with children and matters relating to children, preferably in the area of child psychology education.
(4) The Court at the Magisterial level has power to try offences and deal with all matters not specifically assigned to the Court at the High Court level under section 152 of this Law.
(5) Appeals lie to the court at the High Court level from a decision of the court at the Magisterial level in the same manner as appeals lie from the decisions of Magistrate Courts to the High Court of the state.

**154. Professionalisation and training of Court personnel**
(1) The personnel of the Court shall be afforded professional education, in service training, refresher courses and other modes of instruction to promote and enhance the necessary professional competence they require.
(2) The contents of the education, training and courses referred to in subsection (1) of this section shall be such as shall reflect the diversity of the children who come into contact with and the diversity and complexity of matters dealt with by the Court.
(3) In constituting a court handling a matter concerning a child, consideration shall be given to the circumstances and the needs of the child, particularly the age, sex, religion or other special characteristics of the child.

**155. Right to legal representation and legal aid**
A child has the right to be represented by a legal practitioner and to free legal aid in the hearing and determination of any matter concerning the child in the Court.

**156. Exclusion of persons from attending Court**
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 guardian of the child; and

(d) other person directly concerned in the case, shall be allowed to attend the Court and, accordingly, members of the press are excluded from attending the Court.

**157. Prohibition of publication of child's name, etc.**

(1) No person shall publish the name, address, school, photograph, or anything likely to lead to the identification of a child whose matter is before the Court, except in so far as is required by the provisions of this Law.

(2) A person who acts in contravention of the provisions of this section commits an offence and is liable on conviction to a fine of fifty thousand naira or imprisonment for a term of five years or to both such fine and imprisonment.

**158. Proceedings to be in the interest of the child**

The proceedings in the court shall be conducive to the best interest of the child and shall be conducted in an atmosphere of understanding, allowing the child to express himself and participate in the proceedings.

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

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

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

(3) Where an order made under subsection (1) of this section has not been complied with or the court has reasonable cause to believe that it will not be complied with, the Court may—

(a) make an order authorising a police officer or such 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 to bring the child to the Court.

(4) Where the Court has reason to believe that a person has information about whereabouts of a child, it may, by order, require the person to disclose such information to the Court.

(5) A person who refuses to comply with an order made under this section commits an offence and is liable on conviction to a fine not exceeding fifteen thousand naira or to imprisonment for a term not exceeding eighteen months or to both such fine and imprisonment.

**160. Evidence giving by a child**

(1) In any proceedings, whether civil or criminal, the evidence of a child may given unsworn.

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

**161. Rules for procedures, fee, etc.**
(1) The Chief Judge may make rules regulating the procedure in the Court the parties entitled to participate in any proceedings, the fees to be charged and the forms to be used in proceeding.
(2) The provisions of any written law relating to the practice and procedure in Magistrate Courts or High Courts, as the case may be, not inconsistent with the provisions of this Law shall have effect with respect to proceedings in the Court.

**162. Exclusive jurisdiction**
(I) No other court, except the Court, shall exercise jurisdiction in any matter relating to children as specified in this Law.
(2) The provisions of subsection (1) of this section shall not affect the jurisdiction of the normal criminal courts to try cases or offences by adult offenders as specified in Part III of this Law or any other law.

*PART XIV*
*Child Minding and Day Care of Young Children*
**163. Registration, etc., of child minding and day care centre**
(1) The State shall keep a register into which shall be entered the names and other particulars of persons who—
(a) act as child minders on domestic premises within the area of the appropriate authority; and
(b) provide day care for children under the age of six years on premises other than domestic premises within the areas of the state.
(2) A person—
(a) acts as child minder if—
(i) the person looks after one or more children under the age of six years, for reward; and
(ii) the period, or the total of the periods, which the person spends in looking after the children in a day exceeds two hours; and
(b) provides day care for children if the period, or the total of the periods during which children are looked after by the person in any day exceeds two hours.
(3) Where a person provides day care for children under the age of six years on different premises situated within the State, the person shall make a separate application with respect to each of those premises.
(4) A person who—
(a) is the parent, or a relative, of a child;

(b) though, not the parent of a child, has parental responsibility for the child; or
(c) is a foster parent of a child, is not a child minder for the purposes of this Part when looking after the child.
(5) Where a person is employed as a nanny for a child, she does not act as a child minder when looking after the child wholly or mainly in the home of the person so employing her.
(6) Where a person is employed by two different employers, she does not act as a child minder looking after any of the children concerned wholly or mainly in the home of either of her employers.
(7) A person who wishes to be entered in the register kept under subsection (1) of this section shall apply in writing to the State to be so registered.
(8) The State may refuse to register an applicant under subsection (1) of this section. if it is satisfied that—

(a) the applicant; or
(b) a person looking after, or likely to be looking after, children on the premises on which the applicant is, or is likely to be, child minding, is not fit to look after children under the age of six years.
(9) The State may also refuse to register an applicant under subsection (1) (a) of this section, if it is satisfied that—
(a) living, or likely to be living; or
(b) employed, or likely to be employed, at any premises on which the applicant is, or likely to be child minding is not fit to be in the proximity of children under the age of six years.
(10) The State may refuse to register an applicant under subsection (1) (b) of this section if it is satisfied that a person looking after, or likely to look after, children on the premises to which the application relates is not fit to look after children under the agesix years.
(11) The State may also refuse to register an applicant under subsection (1) (b) of this section, if it is satisfied that a person—
(a) living; or likely to be living; or
(b) employed, or likely to be employed, at the premises to which the application relates, is not fit to be in the proximity of children under the age ofyears.
(12) The State may refuse to register an applicant under this section if it is satisfied—
(a) in the case of application under subsection (1) (a) of this section that premises on which the applicants, is or is likely to be, child minding; or
(b) in the case of an application under subsection (1) (b) of this section, that inn premises to which the application relates, is not fit to be used for looking after children under the age of six years whether because of the condition of

the premises or the condition of any equipment used on the premises or for any reason connected with the situation, construction, style or location of the premises.
(13) For the purposes of this section, a person acts as a nanny for a child if she is employed to look after the child by—
(a) a parent of the child; or
(b) a person who, though is not the parent of the child has parental responsibility for the child.
(14) A register kept under this section—
(a) shall be open to inspection by members of the public at all reasonable times; and
(b) may be kept by means of a computer.
(15) The provisions of Part VI of the Fourth Schedule and Sixth to this Law shall have effect for the purpose of making further provisions with respect to registration under this section, including, in particular, further provisions for exemption from the requirement to be registered and provisions for disqualification.

[Fourth Schedule and Sixth Schedule.]

**164. Conditions to be complied with by child minders**

(1) Where the State registers a person under section 163 (1) (a) of this Law, it shall, in addition to the requirements set out in subsection (2) of this section impose such reasonable conditions on the person as it considers appropriate in each case.
(2) The State shall on registering a child minder—
(a) specify that the maximum number of children, or the maximum number of children within specified age groups, whom the child minder may look after when acting as child minder shall be five;
(b) require the child minder to secure that any premises on which he so looks after the

children and the equipment used on those premises, are adequately maintained and kept safe;
(c) require the child minder to keep a record of the name and address of every—
(i) child being looked after by him on any premises within the area of the State;
(ii) person who assists in looking after the child; and
(iii) person living, or who is likely at any time to live on those premises;
(d) require the child minder to notify the State in writing of any change in the names and address of persons mentioned in paragraph (c) (ii) and (iii) of this subsection.
(3) The State may, at any time vary, any condition imposed by it under this section.
(4) The Commissioner may, by regulations, make provisions as to—
(a) conditions, which shall be imposed by State under this section in prescribed circumstances;

(b) conditions of such descriptions as may be prescribed which shall not be imposed by the State under this section;
(c) the annual fees payable in respect of registration and inspection of premises.

**165. Conditions to be complied with by persons providing day care for children**
(I) Where the State registers a person under section 163 (1) of this Law it shall, in addition to the requirements set out in subsection (3) of this section, impose such reasonable conditions on the person as it considers appropriate in each case.
(2) Where a person is registered under section 163 (1) (b) of this Law with respect to different premises within the area of the same State, this section shall apply separately in relation to each registration.
(3) The State shall on registering a person providing day care for children—
(a) specify the maximum number of children, or the maximum number of children within specified age groups, who may be looked after on the premises;
(b) require the person to secure that premises on which he so looks after the children and the equipment used on those premises, are adequately maintained and kept safe;
(c) require the person to notify the State in writing of any change in the facilities which he provides or in the period during which he provides those facilities;
(d) specify the number of persons required to assist in looking after children on the premises;
(e) require the person to keep a record of the name and address of every——
(i) child looked after;
(ii) person who assist in looking after the child; and
(iii) person who lives or is likely at any time to live, on the registered premises;
(f) require the person to notify the state in writing of any change in the names and address of a person mentioned in paragraph (e) (ii) and (iii) of this subsection.
(4) In determining the maximum number of children to be specified under subsection (3) (a) of this section the State shall take account of the number of other children who may at any time be on the premises.
(5) The State may at any time vary, remove or add to any of the conditions imposed under this section.
(6) The Commissioner may, by regulations, make provision as to conditions— (a) which shall be imposed by the state under this section in prescribed circumstances;
(b) of such descriptions as may be prescribed which shall not be imposed by the State under this section.

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

**166. Cancellation of registration of a child minder**

(I) The State may at any time cancel the registration of a child minder if—

(a) it appears to the State that the circumstances of the case are such that the State would be justified in refusing to register that person as a child minder; or

(b) the care provided by that person when looking after any child as a child minder is, in the opinion of the state, seriously inadequate having regard to the needs of that child; or

(c) the child minder has—

(i) contravened or failed to comply with any requirement or condition imposed on him under section 155 of this Law;

(ii) failed to pay any annual fee under paragraph 7 of the Sixth Schedule to this law within the prescribed time.

(2) The State may at any time cancel the registration of a person providing day care for children with respect to particular premises if—

(a) it appears to the state that the circumstances of the case are such that it would be justified in refusing to register that person providing day care;

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

(c) that person has—

(i) contravened or failed to comply with any requirement of or condition imposed on him under section 165 of this law; or

(ii) failed to pay any annual fee under paragraph 7 of the Sixth Schedule to this Law within the prescribed time.

[Sixth Schedule]

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

(4) Where a condition to carry out repairs to make alterations or addition has been imposed on a registered person under section 164 or 165 of this Law, his registration shall not be cancelled on the ground that the premises are not fit to be used for looking after children if—

(a) the time set for complying with the condition has not expired; and

(b) it is shown that the condition of the premises is due to the repairs not having been carried out or the alteration or additions not having been made.

(5) A cancellation under this section shall be in writing.
(6) In considering the needs of subsection (1) (b) or (2) (b) of this section, the Stai shall, in particular, have regards to the religious persuasion and cultural and linguis background of the child.

**167. Protection of children emergency cases for cancellation of registration, etc.**
(1) Where an application is made to the Court for an order—
(a) cancelling a registered person's registration;
(b) varying any condition imposed on a registered person under section 164 165 of this Law; or
(c) removing a condition or imposing an additional condition on such a person the Court may make the order if it appears to the Court that a child who
being, or may be, looked after by a person, or as the case may be, in accordance with the provision for child minding or day care is suffering, or
likely to suffer, significant harm.
(2) Any cancellation, variation, removal or imposition order made under this section shall have effect from the date on which the order is made.
(3) An application under subsection (I) of this section may be ex parte and shall be supported by a written statement of the State with reasons for making it.
(4) Where an order is made under this section, the State shall serve on the registered person, as soon as reasonably practicable, after the making of the order—
(a) notice of the order and of terms; and
(b) a copy of the statement made by the State with reasons which supported i:s application for the order.
(5) Where the Court imposes or varies any condition under subsection (1) of this section, the condition, or the condition as varied, shall be treated for purposes, other than fc the purpose of section 173 of this Law, as if it had been imposed under section 164 or 165 of this Law by the State concerned.

**168. Power of the State Government to inspect premises, etc.**
(1) A person authorised to do so by a State may, at any reasonable time, enter—
(a) any domestic premises within the State in which child minding is, at an time, carried on; or
(b) any premises within the State in which day care for children is, at any time provided.
(2) Where the State has reasonable cause to believe that a child is being looked after on premises within the State in contravention of this Part of this Law a person authorised to do so by the State may enter the premises at any reasonably time.

(3) A person entering any premises under this section may inspect—
(a) the premises;
(b) child being looked after on the premises;
(c) the arrangements made for the health welfare of the child being looked after on the premises; and
(d) any records relating to the child being looked after on the premises which are kept as a result of this part of this Law.
(4) A person inspecting any record under this section—

(a) shall be entitled at any reasonable time to have access to and inspect and check the operation of any computer and an associated apparatus or material which is or has been in use in connection with the records in question; and
(b) may require—
(i) the person by whom or on whose behalf the computer is or has been so used; or
(ii) any person having charge of or otherwise concerned with the operation of the computer, apparatus or material, to afford him such reasonable assistance as he may require.
(5) A person exercising any power conferred by this section shall, if so required, produce some duly authenticated document showing his authority to do so.
(6) The State shall exercise its power to inspect the premises mentioned in subsection (1) of this section at least once every year.
(7) A person who intentionally obstructs another person in the exercise of any power conferred under this section, commits an offence and is liable on summary conviction to a fine of two thousand five hundred naira or imprisonment for a term of three months or to both such fine and imprisonment.

**169. State Government to give notice of action it intends to take**
(1) The State shall, not less than fourteen days before taking any of the following steps —
(a) refusing an application for registration under section 167 of this Law; or
(b) cancelling any registration under section 163 of this Law; or
(c) refusing consent under paragraph 3 of the Sixth Schedule to this Law; or
(d) imposing, removing or varying any condition under section 168 or 169 of this Law;
(e) refusing to grant any application for the variation or removal of any conditions, send to the applicant, or, as the case may be, a registered person, notice in writing of its intention to take the step in question.

(2) A notice sent under subsection (1) of this section shall—
(a) give the reasons why the State is proposing to take the step; and
(b) inform the person concerned of his rights under this section.
(3) Where the recipient of a notice informs the State in writing of his desire to object to the step being taken, the State shall afford him an opportunity to do so.
(4) Any objection made under subsection (3) of this section may be made in person or by a representative.
(5) If the State after giving the person concerned an opportunity to object to the step being taken, decided nevertheless to take any step it shall send written notice of its decision.
(6) A person aggrieved by the taking of any step mentioned in subsection (1) of this section may appeal against it to the Court.
(7) Where the Court allows an appeal against a refusal or cancellation of any registration under section 166 of this Law, it may impose any condition under section 164 or 165
of this Law or such other conditions as it may deem fit.
(8) Where the Court allows an appeal against a condition it may, instead of cancelling the condition, vary it.
(9) Where the court imposes or varies any condition under subsection (7) or (8) of this section, the condition, as varied, shall be treated for all purposes, other than this

section, as if it had been imposed by the State concerned.
(10) A step referred to in subsection (1) (b) or (d) of this section shall not take effect until the expiry of the time within which an appeal may be brought under this section orwhere such an appeal is brought, before its determination.

**170. Offences under this Part**
(1) No person shall provide day care for children under the age of six years in any premises within the State unless he is registered by the State under section 163 (1) (b) ofthis Law with respect to the premises.
(2) A person who contravenes subsection (1) of this section, without reasonable excuse, commits an offence.
(3) No person shall act as a child minder on any domestic premises within the State unless he is registered by the State under section 163 (1) (a) of this Law.
(4) Where it appears to the State that a person has contravened subsection (3) of this section, it may serve an enforcement notice on him.
(5) An enforcement notice shall have effect for a period of six months beginning with the date on which it is served.
(6) A person with respect to whom an enforcement notice is in force who contravenes subsection (3) of this section without reasonable excuse, commits an offence.

(7) Subsection (6) applies whether or not the subsequent contravention occurs within the area of the State which served the enforcement notice.
(8) A person who without reasonable excuse contravenes or otherwise fails to comply with any condition imposed on him under section 164 or 165 of this Law commits an offence.
(9) A person who—
(a) acts as a child minder on any domestic premises at any time when he is disqualified by regulations made under paragraph 2 of the Sixth Schedule to this Law; or
[Sixth Schedule.]
(b) contravenes any provision of subparagraph (3), (4) or (5) of paragraph 2 of the Sixth Schedule to this Law commits an offence.
(10) a person who contravenes subparagraph (3) of paragraph 2 of the Sixth Schedule to this Law is not guilty of an offence under this section if he proves that he did not know and had no reasonable ground for believing, that the person in question was living or employed in the household.
(11) a person who contravenes subparagraph (5) of paragraph 2 of the Sixth Schedule to this Law is not guilty of an offence under this section if he proves that he did not know that the person whom he was employing was disqualified.
(12) A person who, commits an offence under this section is liable on summary conviction—
(a) in the case of an offence under subsection (8) of this section, to a fine not exceeding five thousand naira or imprisonment for a term not exceeding six months or to both such fine and imprisonment;
(b) in the case of an offence under subsection (9) of this section, to a fine not exceeding ten thousand naira or imprisonment for a term not exceeding one year or to both such fine and imprisonment;
(c) in the case of any other offence, to a fine not exceeding two thousands, five hundred naira or imprisonment for a term of three months or to both such fine and imprisonment.

**171. Provisions of services for children in need, etc.**
(1) The State shall, generally—
(a) safeguard and promote the welfare of the children in need within the State; and
(b) so far as is consistent with that duty, promote the upbringing of those children by their families, by providing a range and level of services appropriate to the needs of the children.

(2) The State shall also encourage private organisations who may wish to provide services for children in need to provide such services as may be permitted by the State.
(3) Any service provided by the State in the discharge of its duty under this section may be provided for the family of a particular child in need or for a member of the family of the child, if the service is provided with a view to safeguarding or promoting the welfare of the child.
(4) The State shall, for the purpose of facilitating the discharge of its general duty under this section, have the duties and powers set Out in Part I of the Seventh Schedule tothis Law.

[Seventh Schedule.]

(5) The Commissioner may by order amend duties and powers set out in Part I of the Seventh Schedule to this Law.

[Seventh Schedule.]

(6) The State—
(a) shall facilitate the provision by voluntary organisations and other bodies of services which the State Government has power to provide by virtue of sections 177, 178, 182 and 183 of this Law; and
(b) may make such arrangements as it deems fit for any person to act on its behalf in the provision of any of those services.
(7) The services provided by state in the discharge of its duty under this section may include the giving of assistance in kind or in exceptional cases, in cash and the assistancemay be conditional or unconditional.
(8) Before giving assistance or imposing any conditions under this section, the state shall have regard to the means of the child concerned and of each of his parent.
(9) No person shall be liable to make any repayment of assistance or of its value at anytime when he is in receipt of income support or any form of support from public funds.
(10) for the purpose of this section and other sections of this part of this law—
(a) a child shall be taken to be in need if—
(i) the child is unlikely to achieve or maintain or to have the opportunity of achieving or maintaining a reasonable standard of health or development without the provision, for the child, of services by the State Government under this Part of this Law; or
(ii) the health and development of the child is likely to be significantly impaired or further impaired without the provision, for the child, ofservices provided for under this Part of this Law; or
(iii) the child is disabled, internally displaced, a refugee or is otherwise inespecially difficult circumstances; and
(b) a child is disabled if the child is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or any other disability as may be prescribed.

**172. Day care for pre-school children**

(1) The State shall provide such day care for children in need within the State who are —

(a) not more than six years old; and (b) not yet attending school, as is appropriate.

(2) The State may provide day care for children within the state who satisfy the conditions mentioned in subsection (1) (a) and (b) of this section notwithstanding that those children are not in need.

(3) The State may provide facilities, including training, advice, guidance and counselling for persons—

(a) caring for children in day care; or

(b) who at any time accompany those children while they are in day care.

(4) The State shall provide for a child in need within the State who is attending any school, such care or supervised activities as is appropriate—

(a) outside school hours; or

(b) during school holidays.

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

**173. Review of provision for day care, children minding, etc.**

(1) The State Government shall review—

(a) services provided by it under section 175 of this Law;

(b) the extent which the services of child minders are available within the State with respect to children under the age of six years; and

(c) the provision for day care within the State made for children under the age of six years by persons, other than the authority, require under section 163 (1) (b) of this Law.

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

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

(b) such other longer period as may be prescribed;

(c) at least once in every review period.

(3) The State shall at least once in every review period, review—

(a) the provisions made for day care within the State made for children under the age of six years by the appropriate authority and by persons require to register under section 163 (1) (b) of this Law;

(b) the extent to which the services of child minders are available within the State with respect to children under the age of six years.

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

(5) Where the State conducts a review under this section, it shall publish the result of the review –

(a) as soon as is reasonably practicale;

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

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

(6) the State conducting a review under this section shall have regard to –

(a) any representations made to it by any relevant health authority or health board; and

(b) any other representations which it considers to be relevant.

**174. Provision of accommodation for Children in general**

(1) The State shall provide accommodation for a child in need within the State who appears to it require accommodation where –

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

(b) the child is lost or has been abandoned or runs away from home; or

(c) the person who has care for the child is prevented, for any reason whatsoever, from providing the child with accommodation or care.

(2) Where the State provides accommodation under subsection (1) of this section for a child who is ordinarily resident in another state, that other state may take over the provision of accommodation for the child within –

(a) three months of being notified in writing that the child is being provided accommodation; or

(b) such other longer period as may be prescribed.

(3) The State shall provide accommodation for a child in the State -

(a) whose welfare the appropriate authority considers is likely to be seriously prejudiced if the State does not provide the child with accommodation; or

(b) if the State considers that to provide the child accommodation would safe-guard or promote the welfare of the child notwithstanding that the person who has parental responsibility for the child is able to provide him accommodation.

(4) Before deciding to provide accomodation under this section, the State shall, so far as is reasonably practicable and consistent with the welfare of the child -

(a) ascertain the wishes of the child regarding the provision of accommodation; and

(b) give due consideration, having regard to his age and understanding, to such wishes of the child as it has been able to ascertain.

(5) The State shall not provide accommodation under this section for a child if a person who—
(a) has parental responsibility for the child; and
(b) is willing and able to—
(i) provide accommodation for the child; or
(ii) arrange for accommodation to be provided for the child, objects.

(6) A person who has parental responsibility for a child may at any time remove the child from the accommodation provided by or on behalf of the State under this section.

(7) Subsections (5) and (6) of this section do not apply where a person—
(a) in whose favour a residence order is in force with respect to the child; or
(b) who has care of the child by virtue of an order made in the exercise of the jurisdiction of the Court at the High Court Level with respect to children, agrees that the child be cared for in an accommodation provided by or on behalf of the State.

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

**175. Provision of accommodation for children in police protection, detention or remand, etc.**

(1) the State shall make provision for the reception and accommodation of children who are removed or kept away from home—
(a) under Part IV of this Law;
(b) under police protection;
(c) on remand or a supervision order; or
(d) for any other reason, by the appropriate authority.

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

**176. Reference to child looked after by State Government**
Where, in this Part of this Law, a reference is made to a child who is looked after by the State that reference is to a child who is—
(a) in the care of the State; or
(b) provided with accommodation by the State in the exercise of any functions under this part of this Law.

**177. Duty of State Government to provide for the welfare of children looked after by it**
(1) The State looking after a child shall—
(a) safeguard and promote the welfare of the child; and
(b) make such use of services available for children looked after by their own parents as appear to the State reasonable in each case.

(2) In making a decision referred to in subsection (3) of this section the state shall give due consideration—
(a) having regard to the age and understanding of the child, to such wishes and feeling of the child as it has been able to ascertain;
(b) to such wishes and feelings of any person mentioned in subsection (3) (b) to (d) of this section as it has been able to ascertain; and
(c) to the religious persuasion, racial origin, ethnic, cultural and linguistic background of the child.

(3) The State, before making any decision with respect to a child being looked after or proposed to be looked after by it shall, so far as is reasonably practicable, ascertain the wishes and feelings of—
(a) the child;
(b) the parents of the child;
(c) a person who, though not a parent of a child, has parental responsibility for the child; or
(d) any other person whose wishes and feeling the State considers to be relevant; regarding the matter to be decided.

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

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

(6) An appropriate authority shall comply with a direction given to it under this section

notwithstanding that doing so is inconsistent with its duties under this section.

**178. Provision of accommodation and maintenance by State Government for children looked after by it**

(1) The State looking after a child shall—
(a) when the child is in its care provide accommodation for him; and
(b) maintain the child in other respects in addition to providing accommodation for him.

(2) The State shall provide accommodation and maintenance for a chi'd under this section by—
(a) placing him, subject to subsection (5) of this section and any regulation made by the Commissioner, with—
    (i) a family; or
    (ii) a relative of the child; or
    (iii) any other suitable person, on such terms as to payment by the state and otherwise as the State may determine; or
(b) maintaining the child in—
    (i) a community home; or
    (ii) a voluntary home; or
    (iii) a registered children home; or
    (iv) a home provided by the Commissioner under subsection (5) of this section, on such terms as the Commissioner may, from time to time determine; or
(c) making such other arrangements which—
    (i) may seem appropriate to it; and
    (ii) comply with regulations made by the Commissioner.

(3) A person with whom a child has been placed under subsection (2) (a) of this section shall be referred to in this Law as the State foster parent unless he falls within subsection (4) of this section.

(4) A person falls within this section if he is—
(a) a parent of the child; or
(b) a person who though not a parent of a child, has parental responsibility for the child; or
(c) where the child is in care and there was a residence order in force with respect to him immediately before the care order was made, a person in whose favour the residence order was made. -

(5) Where a child is in the care of the State, the State may only allow him to live with person who falls within subsection (4) of this section in accordance with regulations made by the Commissioner.

(6) Subject to any regulations made by the Commissioner for the purposes of this subsection, the state looking after a child shall make arrangements to enable the child

to live with a person falling within subsection (4) of this section; or a relative, friend or other person connected with the child, unless that would not be reasonably practicable or consistent with the welfare of the child.

(7) Where the State provides accommodation for a child who it is looking after, it shall, subject to the provisions of this Part of this Law and so far as is reasonably practicable and consistent with his welfare, secure that—
(a) the accommodation is near the home of the child;

(b) where the State is also providing accommodation for sibling of the child, they are accommodated together.

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

(9) Part II of the Seventh Schedule to this Law have effect for the purposes of making further provisions as to children looked after by state and in particular as to the regulations that may be made under subsections (2) (a), (2) (c) and (5) of this section.
[Seventh Schedule]

**179. Advice and assistance for certain children, etc.**
(1) Where a child is being looked after by the State, the State shall advise, assist and befriend the child with a view .to promoting his welfare when he ceases to be looked after by it.

(2) A person qualifies for advice and assistance under this section, if he is under the age of twenty-one years and was, at any time after attaining the age of eighteen years, but while still a child he was—
(a) looked after by the state; or
(b) accommodated by or on behalf of a voluntary organisation; or
(c) accommodated in a registered children home; or
(d) accommodated—
(i) in any health authority or education authority; or
(ii) in any residential care home, nursing home or mental nursing home, for a consecutive period of at least three months; or
(e) fostered privately, but has ceased to be so looked after, accommodated or fostered.

(3) Subsection (2) (d) of this section applies if the period of three months mentioned in that subsection began before the child attained the age of eighteen years.

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

(5) The conditions which shall be satisfied under subsection (4) of this section are that —

(a) it appears to the State that the person concerned is in need of advice and being befriend;

(b) where the person was not being looked after by the State, if it is satisfied
that the person looking after him does not have the necessary facilities toadvise or befriend him.

(6) Where as a result of this section the State is under duty, or is empowered, to advise and befriend that person, it may also give that person assistance.

(7) Assistance given under subsections (I) and (6) of this section may be in kind or, in exceptional circumstances, in cash.

(8) The State may give assistance to a person who qualifies for advice and assistance by virtue of subsection (2) (a) of this section by—
(a) contributing to expenses incurred by him in living near the place where he
is, or will be—
(i) employed or seeking employment; or
(ii) receiving education or training;
(b) making a grant to enable him to meet expenses connected with his education or training.

(9) Where the State is assisting a person under subsection (8) of this section by making a contribution or grant with respect to a course of education or training, it may—
(a) continue to do so notwithstanding that the person attains the age of twenty- one years before completing the course;
(b) disregard any interruption in his attendance on the course of training if he resumes it as soon as it as reasonably practicable.

(10) Section 178 (7) and (9) of this Law shall apply in relation to assistance given under this section, as they apply in relation to assistance given under that section.

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

(12) Where a child who is accommodated by—
(a) a voluntary organisation or in a registered children home; or
(b) any health authority or education authority; or
(c) any residential care home, nursing home or mental nursing home, ceases to
be so accommodated after attaining the age of eighteen years, the organisation, authority or, as the case may be, person managing the home shallinform the State Government in whose State the child proposed to live.

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

**180. Use of accommodation for restricting liberty**
(1) Subject to the following provisions of this section, a child who is being looked after by the State shall not be placed and, if placed, may not be kept, in accommodation provided for the purpose of restricting liberty known, as secure accommodation unless it appears that—
(a) the child—
(i) has a history of absconding and is likely to abscond from accommodation of any other description; and
(ii) is likely to suffer significant harm if he absconds;

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

(2) The Court hearing an application under this section shall determine whether any relevant criteria for keeping a child in secure accommodation as specified under subsection (I) of this section are satisfied in this case.

(3) Where the Court determines that the relevant criteria are satisfied, it shall make an order authorising the child to be kept in secure accommodation and specifying the maximum period for which the child may be kept.

(4) On any adjournment of the hearing of an application under this section, the Court may make an interim order permitting the child to be kept during the period of the adjournment in secure accommodation.

(5) No Court shall exercise the powers conferred by this section in respect of a child who is not legally represented in the Court, unless—
(a) the child, having regard to his age and understanding; and
(b) the parents of the child; or
(c) person who, though not a parent of a child, has parental responsibility for the child; or
(d) any other person it considers relevant, having been informed of the right of the child to apply for legal aid and having had the opportunity to do so, had
refused or failed to apply.

(6) The giving of an authorisation under this section shall not prejudice any other court to give directions relating to the child to whom the authorisation relates.

(7) The Commissioner may, by regulations—
(a) specify a maximum period—
(i) beyond which a child shall not be kept in secure accommodation without the authority of the Court; or
(ii) for which the Court may authorised a child to be kept in secure accommodation;
(b) empower the court from time to time, to authorised a child to be kept in secure accommodation for such further period as the regulations may specify;

(c) provide that applications to the Court under this section shall be made only by the State; and
(d) providing that—

(i) this section shall or shall not apply to any description of children specified in the regulations;

(ii) section shall apply in relation to children of a description specified in the regulations subject to such modifications as may be so specified; and

(iii) such other provisions, as may be so specified, shall have effect for the purpose of determining whether a child of a description specified in the regulations may be placed or kept in secure accommodation.

(8) This section is subject to section 178 (6) of this Law.

**181. Review of cases and inquiries representatives**
(1) The Commissioner may make regulations requiring the case of each child who is being looked after by the state to be reviewed in accordance with the provisions of the regulations.

(2) The regulations may, in particular, make provisions—
(a) as to the manner in which each case is to be reviewed;
(b) as to the considerations to which the State is to have regard in reviewing each case;

(c) as to the time when each case is first to be reviewed and the frequency of subsequent reviews;
(d) requiring the State before conducting any review, to seek the views of—
(i) the child, having regards to his age and understanding;
(ii) the parents of the child;
(iii) a person who though not a parent of a child, has parental responsibility for the child; and
(iv) any other person it considered relevant, including, in particular, the views of those persons in relation to any particular matter which is to be considered in the course of the review;
(e) requiring the State to consider, in the case of a child who is in its care, whether an application should be for the care order;
(f) requiring the State to consider, in the case of a child in accommodation provided by the State whether the accommodation accords with the requirements of this Part of this Law;
(g) requiring the State to inform—
(i) the child, so far as is reasonably practicable;
(ii) the parents of the child;
(iii) a person who, though not a parent of a child has parental responsibility for the child; and

(iv) any other person it considers relevant, of any steps he may take under this Law.
(h) requiring the State to make arrangements, including arrangements with such other bodies providing services as it consider appropriate, to implement any decision which it proposes to take in the course, or as a result of the review;
(i) requiring the state to monitor the arrangements which it has made with a view to ensuring that it complies with the regulations;
(j) requiring the state to notify details of the result of the review and of any decision taken by it in consequence of the review—
(i) the child; (ii) the parents of the child; (iii) a person who, though not a parent of a child has parental responsibility for the child; and
(iv) any other person whom it considers ought to be notified.

(3) The State shall establish a procedure for considering a representation including a complaint, made to it by—
(a) a child who is being looked after by the State or who is not being looked after by it, but is in need;
(b) a parent of the child;
(c) a person who, though not a parent of a child has parental responsibility for the child;
(d) any State foster parent;
(e) such other person as the State considers has a sufficient interest in the child's welfare to warrant his representations being considered by it, about the discharge by the State Government of any of its functions. Under this Part of this Law in relation to the child.

(4) The procedure established pursuant to subsection (3) of this section shall ensure that at least one person who is not a member or officer of the State takes part in the—
(a) considerations; and
(b) discussions which are held by the State Government about the action. If any, to be taken in relation to the child in the light of the considerations.

(5) In carrying out any consideration or representations under this section the State shall comply with any regulations made by the Commissioner for the purpose of regulating the procedure to be followed.

(6) The Commissioner may make regulations requiring the State to monitor the arrangements that they have made with a view to ensuring that they comply with regulations made, for the purposes of subsection (5) of this section.

(7) Where a representation has been considered under the procedure established by the State under this section, the State shall—
(a) have due regard to the findings of those considering the representation;
(b) take such steps as are reasonably practicable to notify, in writing—
(i) the person making the representation;
(ii) the child, if the State considers that he has sufficient understanding; and
(iii) the parents of the child; or
(iv) such other persons, if any, as appear to the State to be likely to be affected, that State decision in the matter and its reason for taking that decision and of any action which has taken or proposes to take.

(8) The State shall give such publicity to its procedure for considering representations under this section as it considers appropriate.

**182. Co-operation between authorities**
(1) Where it appears to the State that any authority or other person mentioned in subsection (3) of this section could, by taking any specified action, help in the exercise of any of its functions under this Part it may request the help of that other authority or person, specifying the action in question.
(2) An authority or a person whose help is requested under subsection (1) of this section shall comply with the request if it is compatible with the authority's or person's own statutory or other duties and obligations and does not unduly prejudice the discharge of any of the authority's or person's functions.
(3) Subsection (2) of this section refers to—
(a) the State;
(b) an education authority;
(c) a housing authority;
(d) a health authority; and
(e) a person authorised by the Commissioner for the purposes of this section.
(4) The State shall assist an education authority with the provision of services for a child within its State who has special educational needs.

**183. Consultation with the education authorities**
(1) Where—
(a) a child is being looked after by the state; and
(b) the State proposes to provide accommodation for a child in an establishment at which education is provided for children who are accommodated there, it shall, so far as is reasonably practicable, consult the appropriate education authority before doing so.

(2) Where a proposal under subsection (1) (b) of this section is carried out, the State shall, as soon as is reasonably practicable, inform the appropriate education authority of the arrangements that have been made for the child's accommodation.
(3) Where the child ceases to be accommodated as mentioned in subsection (1) (b) o this section, the State shall inform the appropriate education authority, accordingly.

**184. Recipient of cost of providing services, etc.**
(1) Where the State provides any service under section 175 or 177 of this Law other than advice, guidance or counselling, it may recover from a person specified in subsection (4) of this section such charges for the service as may be considered reasonable.

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

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

(4) The persons referred to in subsections (1), (2) and (3) of this section are, where the service is provided for—
(a) a child under the age of eighteen years who is not in gainful employment each of his parents;
(b) a child who has attained the age of eighteen years, who is gainful employment, the child himself; and
(c) a member of the child's family, that member.

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

(6) Where the State provides an accommodation under section 178 (1) of this Law for a child who was, immediately before it began to look after him, ordinarily resident with1 the area of another State the State may recover from that other State any reasonable expenses incurred by it in providing the accommodation and maintaining the child.

(7) Where the State provides an accommodation under section 178 (1) and (2) (a this Law for a child who is ordinarily resident in another state and it is not maintaining the child in—
(a) a community home provided by it;
(b) a controlled community home; or
(c) a Government hospital, it may recover from that other State, any reasonable expenses incurred by it in providing the accommodation and maintaining the child.
(8) Where the State complies with any request under sections 178 (2) and 186 (1 this Law in relation to a child or other person who is not ordinarily resident in the State. may recover from the State Government in whose State the child or person is ordinarily resident any expense reasonably incurred by it in respect of that child or person.

(9) Part III of the Eighth Schedule to this Law contains provisions for contributions towards the maintenance of children who are being looked after by the State.
[Eighth Schedule.]

**185. Miscellaneous**

(1) Nothing in this Part of this Law shall affect any duty imposed on the State by or under any other enactment not inconsistent with this Law.

(2) Any question arising under section 178 (2), 179 (2) or 188 (6) to (8) of this Law as to the ordinary residence of a child shall be determined by agreement between the State and the child or, in default of agreement, by the Commissioner.

(3) Where the functions conferred on the State by this Part of this Law and the function of an education authority are concurrent, the Commissioner may by regulation specify which of them is to perform the functions.

(4) The Commissioner may make regulations for determining, as respect any education authority functions specified in the regulations, whether a child who is being looked after by the State is to be treated, for purposes so specified, as a child of parents of sufficient resources or as a child of parents without resources.

PART XVI

*Community Homes*

**186. Securing of Community Homes**

(1) The State shall make such arrangements as it considers appropriate for securing homes, to be known as community homes for—

(a) the care and accommodation of children looked after by it; and

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

(2) In making such arrangements, the State shall have regard to the need for securing the availability of accommodation.

(3) A community home may be—

(a) provided, managed, equipped and maintained by the state; or

(b) provided by a voluntary organisation but in respect of which the State and the organisation—

(i) propose that, in accordance with an instrument of management, the management, equipment and maintenance of the home shall be the responsibility of the State Government; or

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

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

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

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

[Eighth Schedule.]

**187. Directives by Commissioner to discontinue the use of premises as a community home**

(1) Where it appears to the Commissioner that—

(a) any premises used for the purposes of a community home is unsuitable for those purposes; or

(b) the conduct of a community home—

(i) is not in accordance with regulations made by him under paragraph 4 of the Eighth Schedule to this Law; or

(ii) is otherwise unsatisfactory, he may, by notice in writing served on the body concerned, directed that, as from such date as may be specified in the notice, the premises shall not be used for the purposes of a community home.

(2) Where—
(a) the Commissioner has given a direction under subsection (1) of this section; and
(b) the direction has not been revoked, he may at any time by order revoke the instrument of management for the community home concerned,

(3) For the purposes of subsection (I) of this section, the body concerned shall in relation to—
(a) a community home provided by the State, be that State;
(b) a controlled community home, be the State specified in the instrument > management of the community home; and
(c) an assisted community home, be the voluntary organisation which provides the community home.

**188. Determination of disputes relating to controlled and assisted community home**
(1) Where a dispute relating to a controlled community home arises between the St specified in the instrument of management of the Community home and—
(a) the voluntary organisation which provided the community home; or
(b) any other State that has placed, or desires or is required to place, in community home, a child who is looked after by it, the dispute ma referred by either party to the Minister for his determination.

(2) Where a dispute relating to an assisted community home arises between the voluntary organisation which provided the community home and the State Government that has placed, or desires to place, in the community home, a child who is looked after by it, the dispute may be referred by either party to the Commissioner for his determinations.

(3) Where a dispute is referred to the Commissioner under this section, he may, in order to give effect to his determination of the dispute, give such direction as he thinks fit to the State Government or voluntary organisation concerned.
(4) This section applies notwithstanding that the matter in dispute may be one which, under or by virtue of Part II of the Eighth Schedule to this Law, is reserved for the decision, or is the responsibility, of—
(a) the State Government specified in the instrument of management of the community home; or
(b) the voluntary organisation which provided the community home, as the case may be.

[Eighth Schedule.]

**189. Discontinuance of controlled or assisted community homes**
(1) A voluntary organisation which has provided or is managing a controlled or an assisted community home shall not cease to provide or manage the home unless it has given to the Commissioner and the appropriate authority specified in the instrument of management of the community home not less than two years notice in writing of its intention to do so.

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

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

(4) Where a notice is given under subsection (1) of this section and the voluntary organisation gives notice in writing to the Commissioner that it is unable or unwilling to continue to provide or manage the community home until the date specified in the notice given under subsection (1) of this section, the Commissioner may by order—
(a) revoke the instrument of management of the community home; and
(b) require the State Government specified in the instrument of management to manage the home until—

(i) the date specified in the notice given under subsection (1) of this section; or
(ii) such earlier date, if any, as may be specified for the purposes of this paragraph in the order, as if it were a community home provided by the State.

(5) Where the Commissioner imposes a requirement under subsection (4) (b) of this
(a) nothing in the instrument of management of the community home shall affect the management of the community home by the State;
(b) the Commissioner may by order direct that, for the purposes of any provision specified in the direction made by or under any enactment relating to community homes, other than this section, the community home shall until

the date or earlier date referred to in subsection (4) (b) of this section, be treated as a controlled or an assisted community home;
(c) except in so far as the Commissioner so directs, the community home shall, until the date or earlier date referred to in subsection (1) (b) of this section, be treated for the purposes of any department relating to community homes, other than this section, as a community home provided by the State; and
(d) the community home shall, on the date or earlier date referred to in subsection (4) (b) (1) or (ii) of this section, cease to be a community home.

**190. Closure by State Government of controlled or assisted community homes**
(1) The State Government specified in the instrument of management of a controlled or an assisted community may give to—
(a) the Commissioner; and
(b) the voluntary organisation which provided the home, not less than two years notice in writing of its intention to withdraw its designation of the home as a controlled or an assisted community home.

(2) A notice given under subsection (1) of this section shall specify the date to be known as the specified date on which the designation is to be withdrawn.

(3) Where—
(a) a notice is given under subsection (11) of this section in respect of a controlled or an assisted community home; and
(b) the appropriate authority managing the community—

(i) gives notice in writing to the Commissioner that it is unable or unwilling to continue to manage the community home until the specified date; and
(ii) does not withdraw the notice, the Commissioner may, by order. revoke the instrument of management of the community home from such date earlier than the date specified in the notice given under subsection (1) of this section as may be specified in the order.

(4) The Commissioner shall, before making an order under subsection (3) of this section, consult the State and the voluntary organisation concerned.

(5) Where a notice has been given under subsection (1) of this section and is not withdrawn, the instrument of management of the community home shall cease to have effect—
(a) on the date specified in the notice; or
(b) where an earlier date has been specified under subsection (3) of this section, on the earlier date and the community shall then cease to be a controlled or an assisted community home, as the case may be.

## PART XVII
*Voluntary Homes and Voluntary Organisations*

**191. Provision of accommodation by voluntary organisations**
(1) Where a voluntary organisation provides accommodation for a child, it shall do so by—
(a) placing the child, subject to subsection (2) of this section, with—
(i) a family;
(ii) a relative of the child;
(iii) any other suitable person, on such term as to payment by the voluntary organisation and otherwise as the voluntary organisation may determine; or
(b) Maintaining the child in—
(i) a voluntary home; or
(ii) a community home; or
(iii) a registered children's home; or
(iv) a home provided by the Commissioner under section 201 (4) of this Law, on such terms as the Commissioner may, from time to time, determine; or
(c) making such other arrangements, subject to subsection (2) of this section as seem appropriate to it.

(2) The Commissioner may make regulations—
(a) as to the placing of children with foster parents by voluntary organisations and the regulations may, in particular, make provision, which with, any necessary modification are similar to the provisions that may be made under section 181 (2) (a) of this Law;
(b) as to the arrangements which may be made under subsection (1) (c) of this section and the regulations may in particular, make provisions which, with any necessary modifications are similar to the provisions that may be made under section 181(2) (c) of this Law;
(c) requiring any voluntary organisation which is providing accommodation for a child to—
(i) review his case; and
(ii) consider any representation, including any complaints, made to it by any person falling within a prescribed class of person, in accordance with the provisions of the regulations.

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

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

**193. Duties of voluntary organisations**

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

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

(3) A voluntary organisation shall, in making a decision under this section, give due consideration to—
(a) such wishes and feelings of the child as it has been able to ascertain, having regard to the age and understanding of the child;
(b) such wishes and feelings mentioned in subsection (2) of this section as it has been able to ascertain; and
(c) the religious persuasion, ethnic or racial origin, cultural and linguisticbackground of the child.

**194. Duties of the State Government**

(1) The State Government shall satisfy itself that any voluntary organisation which provides accommodation for a child—
(a) within the State; or
(b) outside the State on behalf of the State satisfactorily safeguards and promotes the welfare of the child which it provides with accommodation.
(2) The State shall arrange for children who are accommodated within the State by or on behalf of voluntary organisations to be visited, from time to time, in the interest of the welfare of the children.
(3) Subsection (2) of this section does not apply in relation to community homes.

(4) Where the State is not satisfied that the welfare of a child who is accommodated by or on behalf of a voluntary organisation is being satisfactorily safeguard or promoted, it shall—
(a) unless it considers that it would not be in the best interest of the child, take such steps as are reasonably practicable to secure that the care and accommodation of the child is undertaken by—
    (i) a parent of the child;
    (ii) a person who, though not a parent of a child, has parental responsibility for the child; or
    (iii) a relative of the child; and
(b) consider the extent to which, if at all, it could exercise any of its powers with

respect to the child.

(5) A person authorised by the State may for the purpose of enabling the State to discharge its duties under this section—
(a) enter, at any reasonable time and inspect any premises in which children are being accommodated as mentioned in subsection (1) or (2) of this section;
(b) inspect the children in those premises; and
(c) require any person to furnish him with such records of a kind required to be kept by regulations made under paragraph 7 of the Ninth Schedule to this Law, in whatever form they are held, or allow him to inspect such records, as the Commissioner may, from time to time, direct.

(6) A person exercising the power conferred by subsection (5) of this section shall, if asked to do so, produce some duly authenticated documents showing his authority to do.

(7) A person authorised to exercise the power conferred by subsection (5) of this section to inspect records—
(a) shall be entitled, at any reasonable time, to have access to and inspect and check the operation of any computer and associated apparatus or material which is or has been in use in connection with the records in question; and
(b) may require—
(i) the person by whom or on whose behalf the computer is or has been so used; or
(ii) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material, to afford him such assistanceas he may reasonably require.

(8) A person who intentionally obstructs any other person in the exercise of any power conferred by subsection (5) or (7) of this section commits an offence anti is liable on summary conviction to a fine not exceeding two thousand five hundred naira or Imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(9) The Commissioner may make regulations—
(a) requiring every child who is accommodated within the State, by or on behalf of a voluntary organisation, to be visited by an officer of the State—
(i) in prescribed circumstances; and
(ii) on specified occasions or within specified periods; and
(b) imposing requirements which shall be met by any voluntary organisation. carrying out the functions under this section.

## PART XVIII
*Registered Children's Homes*

**195. Registration, etc., of children's homes**
(1) No child shall be cared for or provided with accommodation in a children's home unless the home is registered under this Part of this Law.

(2) The Commissioner may cause a register to be kept for the purpose of subsection (J of this section in such form as he may, from time to time, specify, including by means a computer.

(3) Subject to any exemption by or under this section and regulations made by E Commissioner for the purposes of this subsection, a home is a children's home if it provides, or usually provides or is intended to provide care and accommodation wholly mainly for more than three children at any one time.

(4) An independent school is a children's home if—
(a) it provides accommodation for not more than fifty children; and
(b) it is not approved by the Ministry of Education or other education author established under the appropriate laws on education applicable in the Ste.::.

(5) A home is not a children's home for the purpose of this Part of this Law if it is—
(a) a community home;
(b) a voluntary home;
(c) a residential care home, nursing home or mental nursing home;
(d) a health services hospital;
(e) a home provided, equipped and maintained by the Commissioner; or
(f) a school, but subject to subsection (4) of this section.

(6) A child is not cared for and accommodated in a children's home when——
(a) he is cared for and accommodated by—
(i) his parent;
(ii) a person who, though not a parent of a child, has parental responsibility for the child; or
(iii) his relative; or

(b) a person mentioned in paragraph (a) (i) or (ii) of this section is living in the home; or
(c) the person caring for the child is doing so in his personal capacity and not in the course of carrying out his duties in relation to the home.

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

(8) The provisions of—
(a) the Tenth Schedule to this Law shall have effect with respect to Children's homes; and

[Tenth Schcdule]

(b) Part I of the Fourth Schedule to this Law sets out the circumstances in which a person may foster more than three children without being treatedas managing a children's home.

[Fourth Schedule]

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

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

(3) In making the decision, the person concerned shall give due consideration—
(a) having regard to the child's age and understanding, to such wishes and feelings of the child as the person has been able to ascertain; and
(b) to such other wishes and feelings mentioned in subsection (2) of this section as he has been able to ascertain; and
(c) to the religious persuasion, racial origin, ethnic origin, cultural and linguistic background of the child.

(4) Section 198 of this Law, except subsection (4) of that section, shall apply in relation to any person who is managing a children's home as it applies in relation to voluntary organisation.

**197. Persons disqualified from managing or being employed in children's homes**
(1) A person who is disqualified from fostering a child privately shall not manage, or be otherwise concerned in the management of, or have any financial interest in, a children's home unless he has—
(a) disclosed to the responsible authority the fact that he is so qualified; and
(b) obtained the written consent of the responsible authority.

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

(3) Where a responsible authority refuses to give its consent under this section, it shall inform the applicant by a written notice which states—
(a) the reason for the refusal;
(b) the applicant's right to appeal against the refusal to the Court under paragraph 8 of the Tenth Schedule of this Law; and
[Tenth Schedule.]
(c) the time within which he may appeal.

(4) A person who contravenes subsection (1) or (2) of this section commits a:
offence and is liable on summary conviction to a fine not exceeding ten thousand naira or imprisonment for a term not exceeding one year or to both fine and imprisonment.

PART XIX
*Supervisory Functions and Responsibilities of the Commissioner*

**198. Inspection of children's home, etc., by authorised persons**
(1) The Commissioner may cause to be inspected from time to time, any—
(a) children's home;
(b) premises in which a child who is being cared for by an appropriate authority is living;
(c) premises in which a child who is being accommodated by or on behalf an education authority, health authority or voluntary organisation is living.
(d) premises in which a child is living with a person with whom he has been placed pending an adoption order;
(e) premises in which a child who is a protected child, is or will be living:
(f) premises in which a child, fostered privately, or a child who is treated .i fostered child by virtue of paragraph 9 of Part III of the Fourth Schedulethis Law, is or will be living;
[Fourth Schedule.]
(g) premises on which a person is acting as a child minder;

(h) premises with respect to which a person is registered under section 168 (1) (b) of this Law;
(i) a residential care home, nursing home or mental nursing home;
(j) premises which are provided by the State and in which any service is provided by the State under Part XV of this Law;
(k) independent school providing accommodation for a child.

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

(3) The Commissioner may require a person specified in subsection (4) of this section to furnish him with such information, or allow him 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 his functions under this Law.

(4) The persons referred to in subsection (3) of this section are—
(a) a voluntary organisation;
(b) a person managing a children's home;
(c) the proprietor of an independent school;
(d) a person fostering a child or providing accommodation for a child on behalf of the State Government, education authority, health authority or voluntaryorganisation;
(e) an education authority providing accommodation for a child;
(f) a person employed in a teaching or administrative capacity;
(g) a person who occupies any premises in which a person acts as a child minder, within the meaning of Part XIV of this Law, or provides day carefor young children, within the meaning of that Part;
(h) a person managing any home of a kind mentioned in subsection (1) (i) and (j) of this section.

(5) A person inspecting any home or other premises under this section may—
(a) inspect the children kept in the home or premises; and
(b) make such examination into the State and management of the home or premises and the treatment of the children kept in the home or premises ashe thinks fit.

(6) A person authorised by the Commissioner to exercise the power to inspect records conferred by subsection (3) of this section—
(a) shall be entitled at any reasonable time to have access to and inspect and check the operation of, any computer, any associated apparatus or materialwhich is or has been in use in connection with the records in question; and

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

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

(8) A person who willfully obstructs another person in the exercise of a power

conferred by this section commits an offence and is liable on summary conviction to a fine not exceeding two thousands five hundred naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(9) The Commissioner may by order provide that subsections (1), (3) and (5) of this section, not apply in relation to such homes, or other premises, as may be specified in the order and the order may make different provisions with respect to each of those subsections.

**199. Inquiries**

(1) 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 an adoption service;
(c) the functions of a voluntary organisation, in so far as those functions relate to children;
(d) a registered children's home or voluntary home;
(e) a residential care home, nursing home or mental nursing home, so far as it provides accommodation for children;
(f) the detention of a child under this Law.

(2) In this section—
"**functions**" include powers and duties which a person has, otherwise than by virtue of any enactment.

**200. Commissioner may direct inquiries to be held in camera**

(1) The Commissioner may direct that an inquiry under section 203 of this Law shall be held in camera.
(2) Where no direction has been given, the person holding the inquiry may, if thinks fit, hold it or any part of it, in private.

**201. Financial support by Commissioner**

(1) The Commissioner may, with the necessary consent, 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 State shall be entitled to grants from the Minister in respect of any secure accommodation; but if the grant is not used for the purpose for which it was made or the accommodation is not used as, or ceases to be used as, secure accommodation, the Minister may, require the State concerned to pay the grant, in whole or in part.

(3) The Commissioner may make grants to a voluntary organisation 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 homes;
(b) expenses incurred in respect of the borrowing of money to defray any of those expenditure.

(4) The Commissioner may arrange for the provision, equipment and maintenance of homes for the accommodation of children who are in need of particular facilities and

services which—

(a) are or will be provided in those homes; and

(b) in the opinion of the Commissioner, are unlikely to be readily available in community homes.

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

**202. Research and returns of information**

(1) The Commissioner may conduct, or assist other persons in conducting research into any matter connected with his functions or function of the Local Governments under this Law, including—

(a) adoption; and

(b) the accommodation of children in a residential care home, nursing home or mental nursing home.

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

(3) The State shall, at such times and in such form as the Commissioner may direct, transmit to the Commissioner such particulars as he may require with respect to—

(a) the performance of its functions—

(i) under this Law; or

(ii) in connection with the accommodation of children in residential care home, nursing home or mental nursing home; and

(b) the children in relation to whom the State has exercised the functions referred to in paragraph (a) of this subsection.

(4) Every voluntary organisation shall, at such times and in such form as the Commissioner may direct, transmit to the Commissioner such particulars as he may require with respect to children accommodated by it, or in its behalf.

(5) The Commissioner may institute research designed to provide information on which requests for information under this section may be based.

(6) The Commissioner shall keep under review the adequacy of the provision of child care training and for that purpose shall receive and consider any information from or representations made by—

(a) the National Council for Education and Training in Social Work; and

(b) the National Council of the appropriate authority responsible for matters relating to children;

(c) such other persons or organisations as may appear to him to be appropriate, concerning the provision of such training.

(7) The enactment referred to in subsection (2) of this section are—

(a) this Law;

(b) the Codes of Criminal Law and Procedure; and

(c) the relevant legislation on mental health relating to children cared for b appropriate State authorities.

**203. Power of Commissioner to declare State Government, etc., to be in default**

(1) If the Commissioner is satisfied that the Local Government, or an appropriate authority has failed, without reasonable excuse, to comply with any of the duties imposed on it by or under this Law, the Commissioner may make an order declaring

that Local Government or authority to be in default with respect to that duty.

(2) An order under subsection (1) of this section shall state the Commissioner's reasons for making it.

(3) An order under subsection (1) of this section may contain such directions for the purpose of ensuring that the duty is complied with, within such period as may be specified in the order, as appears to the Commissioner to be necessary.

(4) Any direction given by the Commissioner under subsection (3) of this section shall, on the application of the Commissioner be enforceable by an order of mandamus.

## PART XX

*Child Justice Administration Generally*

**204. Child to be subjected to only child justice system and processes**

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

**205. Protection of privacy**

(1) The right of the child to privacy specified in section 8 of this Law shall be respected 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 labelling.

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

(3) Records 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 authorised persons; and
(c) not be used in adult proceedings in subsequent cases involving the same child offender.

**206. Professional education and training**

(1) Professional education, in-service training, refresher courses and other appropriate mode of instructions shall be utilised to establish and maintain the necessary professional competence of all persons, including Judges, Magistrates, officers of the Specialised Children Police Unit, supervisors and child development officers, dealing with child offenders.

(2) Every Judge, magistrate and other judicial officer, appointed to the Court shall be trained in sociology and behavioural sciences to ensure effective administration of the child justice system.

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

(4) Subject to subsection (2) of this section, political, social, sexual, racial, religious, cultural or any other kind of discrimination in the selection, appointment and promotion of persons employed in the child justice system shall be avoided in order to achieve impartiality in the administration of the child justice system.

**207. Specialisation within the Nigeria Police Force**

(1) The specialised children Police Unit of the Nigeria Police shall be exclusively

engaged in the prevention of child offences.

(2) The Unit shall be charged with the following functions—
(a) the prevention and control of child offences;
(b) the apprehension of child offences;
(c) the investigation of child offences; and
(d) such other functions as may be referred to the Unit by this Law or by regulations made under this Law or by any other enactment.

**208. Use of direction**
(1) In view of the varying special needs of children and the variety of measures available, a person who makes determination on child offenders shall exercise such discretion, as he deems most appropriate 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 and in accordance with his functions and powers.

**209. Disposal of case without resort to formal trial**
(1) The Police, Prosecutor or any other person dealing with a case involving a child offender shall—
(a) have the power to dispose of the case without resorting to formal trial by using other means of settlement, including supervision, guidance, restitution and compensation of victims; and
(b) encourage the parties involved in the case to settle the case, as provided in paragraph (a) of this section.
(2) The police, prosecutor or other person referred to in subsection (1) of this section may exercise the power conferred under that subsection if the offence 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 circumstance, the police, prosecutor or other person deems it necessary or appropriate in the interest of the child offender and
parties involved to exercise the power.
(3) Police investigation and adjudication before the Court shall be used only as measures of last resort.

**210. Respect of the legal status and rights of the child**
The legal status and fundamental rights of the child, set out in Part II of this Law and in particular—
(a) the presumption of innocence;

(b) the right to be notified of the charges;
(c) the right to remain silent;
(ci) the right to the presence of a parent or guardian; and
(e) the right to legal representation and free legal aid, shall be respected in the administration of the child justice system set out in this Law.

*Investigation*

**211. Initial contact with the child**
(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;

(b) the Court or police, as the case may be. shall, without delay, consider the issue of release;

(c) contact between the police and the child shall be managed in such a way as to—

(i) respect the legal status of the child;

(ii) promote the best interest and well-being of the child;

(iii) avoid harm to the child, having due regard to the situation of the child and circumstances of the case.

(2) In this section, "**harm**" includes the use of harsh language, physical violence, exposure to the environment and any consequential physical, psychological or emotional injury or hurt.

**212. Detention pending trial**

(1) Detention pending trial shall—

(a) be used only as a measure of last resort and for the shortest possible period of time;

(b) wherever possible, be replaced by alternative measures, including close supervision, care by and placement with a family or in an educational setting or home.

(2) While in detention, 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.

(3) Where the Court authorises an apprehended child to be kept in police detention. the Court shall, unless it certifies—

(a) that, by reason of such circumstances as specified in the certificate. it is impracticable for him to do so; or

(b) in the case of an apprehended child who has attained the age of fifteen years, that no secure accommodation is available and that keeping him in some other authority's accommodation would not be adequate to protect the public from serious harm from the child, secure that the apprehended child is moved to the State accommodation.

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

*Adjudication*

**213. Jurisdiction of Court to try child offenders**

(1) A child who is accused of having committed an act such as is contemplated in section 209 of this Law shall be tried in the Court.

(2) The terms "conviction" and "sentence" shall not be used in relation to a child dealt with in the Court and any reference in any enactment or other law to a person convicted, a conviction or a sentence shall, in the case of a child, be construed as including a reference to a person found guilty of an offence, or to a finding of guilt or to an order made upon such a finding, as the case may be.

**214. Rights to fair hearing and compliance with due process**

(1) In the trial of a child under this Law, the observance of his rights to fair hearing and compliance with due process shall be observed.

(a) respect the legal status of the child;

(b) promote the best interest and well being of the child; and

(c) a void harm to the child, having due regard to the situation of the child and the circumstances of the case.

**215. Guiding principles in adjudication**

(1) Where a child offender is brought before the Court, the Court shall ensure that—

(a) the proceedings is conducive to the best interests of the child and is conducted in an atmosphere of understanding which allows the child to participate therein and express himself freely;

(b) the reaction taken is always in proportion not only to the circumstances the gravity of the offence but also to the circumstances and the needs of the child and the needs of the society;

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

(d) the child is not deprived of his personal liberty unless he is found guilty of—

(i) a serious offence involving violence against another person; or

(ii) persistence in committing other serious offences and there is no appropriate response that will protect the public safety;

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

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

**216. Parents, guardians to attend Court**

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

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

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

**217. Child justice procedure in Court**

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

(2) Subject to the provisions of section 152 (4) (b) (i) of this Law, where a child is brought before the Court for an offence, the case shall be finally disposed of in the Court and it shall not be necessary to ask the parent or guardian of the child whether he

consents that the child be dealt with in the Court.

(3) If the child does not admit the facts of an alleged offence, the Court shall proceed to hear the evidence of the witnesses in support of the facts and at the close of the evidence of each witness, the Court shall ask the child or if the Court sees fit, the parent or guardian of the child, whether he or she wishes to put any questions to the witnesses.

(4) If the child, instead of asking questions, wishes to make a statement, the child shall be allowed to do so and it shall be the duty of the Court to put to the witnesses such of the questions as appear to be necessary and the Court may put to the child such questions as may be necessary to explain anything in the statement of the child.

(5) If it appears to the Court that a *primafacie* case is made out against the child, the evidence of the witnesses for the defence shall be heard and the child shall be allowed to give evidence or to make any statement.
(6) If a child admits the offence or the Court is satisfied that the offence is proved, the Court shall then ask the child if he desires to say anything in explanation of the reason or reasons for his conduct and, before deciding on how to deal with him, the Court—
(a) shall obtain such information as to his general conduct, home surroundings, school record, including the social inquiry reports referred to in section 224 of this Law and medical history, as may enable it deal with the case in the best interests of the child; and
(b) may put to the child any question arising out of such information.

(7) For the purposes of obtaining an information under subsection (6) of this section or for special medical examination or observation, the court may from time to time, remand the child on bail or to a place of detention.

(8) If a child admits the offence or the Court is satisfied that the offence is proved and the Court decides that a remand is necessary for purposes of inquiry or observation, the Court may cause an entry to be made in the Court records that the charge is proved and that the child has been remanded for enquiry or observation.

(9) The Court before which a child who has been remanded is brought may, without further proof of the commission of the offence, make any order in respect of the child which could have been made by the Court which remanded the child.

**218. Remands and committals to State Government accommodation**
(1) Where the Court does not release on bail a child who admits its to committing one or more offences charged against him, the Court shall remand the child to the State Government accommodation.

(2) A court remanding a child to the State Government accommodation shall designate the authority which is to receive him and State Government shall—
(a) in the case of a child who is already being looked after by the State, be that State Government; and
(b) in any other case, be the Government of the State within which it appears to the Court that the child resides or in which the offence or one of the
offences was committed.

(3) Where a child is remanded to the State Government accommodation, it shall be lawful for any person acting on behalf of the designated State to detain him.

(4) Subject to subsection (5) of this section, the court remanding a child to a State Government accommodation may, after consultation with the designated State Government, require that the State Government complies with a security requirement, which is that the person in question be placed and kept in secure accommodation.

(5) A court shall not impose a security requirement except in respect of a child who has attained the age fifteen years and then only if—
(a) he is charged with or has been found to have committed a violent or sexual offence, or an offence punishable in the case of an adult with imprisonmentfor a term of fourteen years or more; or

(b) he has a recent history of absconding while remanded to a State Government accommodation and is charged with or has been found to have committed an offence punishable with imprisonment while he was so remanded; and
(c) the Court if of the opinion that only such a requirement would be adequate to protect the public from serious harm from the child.

(6) Where a court imposes a security requirement in respect of the child, it shall-
(a) state that if is of such opinion as is mentioned in subsection (5) of this section; and
(b) explain to the child in ordinary language the reason the Court is of the opinion and the Court shall cause a reason stated by it under paragraph (b) of this subsection to be specified in the warrant of commitment and to be entered in the Court register.

(7) A court remanding a child to a State Government accommodation without imposing a security requirement may, after consultation with the designated state Government, require that the child complies with any such conditions as could be imposed if he were being granted bail.

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

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

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

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

**219. Social inquiry report**
(1) The appropriate officers shall, before a case, other than that involving a minor offence, is finally disposed of by the Court—
(a) properly investigate—
(i) the background of the child;
(ii) the circumstances in which the child is living; and

(iii) the conditions under which the offence has been committed;
(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 subsection.

**220. Power of Court to order parent or guardian to pay fine, etc.**
(1) Where a child is charged before the Court with an offence and the Court decides that the case would be best disposed of by the imposition of a fine, damages, compensation or costs, whether with or without any other measure, the Court shall order that the fine, damages, compensation or costs awarded be paid by the parent or guardian of the child instead of the child, unless the Court is satisfied that—
(a) the parent or guardian of the child cannot be found; or
(b) the parent or guardian has not condoned to the commission of the offence by neglecting to exercise due care, guidance of and control over the child.

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

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

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

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

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

**221. Restriction on punishment**
(1) No child shall be ordered to be—
(a) imprisoned; or
(b) subjected to corporal punishment: or
(c) subjected to the death penalty or have the death penalty recorded against him.

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

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

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

(5) No mother and child shall be held or detained at a Special Mothers Centre for a period longer than the time the child would have attained the age of six years.

(6) Where—
(a) a mother is released from a Special Mothers Centre due to the age of her child being six years before she has completed her sentence; or
(b) a child dies while with the mother at a Special Mothers Centre, the mother shall be brought before the court which passed the original sentence to review the case and deal with her as appropriate, having regard to all circumstances of the case.

(7) Where a mother is further given a sentence of imprisonment as a result of a review under subsection (6) of this section, the child shall be treated as a child in need for purposes of section 178 of this Law and may be committed to the care of either—

(a) his father; or
(b) a fit and proper person, by a committal order.

**222. Detention in case of certain crimes**
(1) Notwithstanding anything in this Law to the contrary, where a child is found to have attempted to commit treason, murder, robbery or manslaughter, or wounded another person with intent to do grievous harm, the Court may order the child to be detained for such period as may be specified in the order.
(2) Where an order is made under subsection (1) of this section, the child shall, during that period, notwithstanding anything in the other provisions of this Law, be liable to be detained in such places and on such condition as the Court may direct and the child whilst so detained shall be deemed to be in legal custody.

**223. Methods of dealing with child offender**
(1) Where a child charged with an offence is tried by a Court and the Court is satisfied that the child actually committed the offence, the Court shall take into consideration the manner in which, under the provisions of this Law, the case should be dealt with, namely, by—
(a) dismissing the charge; or
(b) discharging the child offender on his entering into a recognisance; or
(c) placing the child under care order, guidance order and supervision order, including —

(i) discharging the child offender and placing him under the supervision of a supervision officer; or
(ii) committing the child offender by means of a corrective order to the care of a guardian and supervision of a relative or any other fit person; or

(iii) sending the child offender by means of a corrective order to an approved accommodation or approved institution; or
(d) ordering the child offender to—
(i) participate in group counselling and similar activities; or
(ii) pay a fine, damages, compensation or costs; or
(iii) undertake community service under supervision; or
(e) ordering the parent or guardian of the child offender to—
(i) pay a fine, damages, compensation or costs; or
(ii) give security of his good behaviour; or
(iii) enter into a recognisance to take proper care of him and exercise proper control over him; or
(f) committing the child offender to custody in a place of detention provided under this Law; or
(g) making a hospital order or an order prescribing some other form of intermediate treatment; or
(h) making an order concerning foster care, guardianship, living in a community or other educational setting; or
(i) dealing with the case in any other manner in which it may be legally dealt with under this Law.

(2) The placement of a child in an approved accommodation or Government institution shall—
(a) be a disposition of last resort; and
(b) not be ordered unless there is no other way of dealing with the child and the Court shall state, in writing, the reason or reasons for making the order.

(3) where an order under this section is made by the Court, the order shall, for the purpose of—
(a) reverting or restoring stolen property; and
(b) enabling the Court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connection with the restitution or delivery, have the like effect as a restitution orde upon a conviction of an adult offender, subject however to any protection provided for the child offender under this Law.

(4) A court shall not make an institutional order in respect of a child unless it is satisfied that there is a vacancy in the approved institution to which it intends to commit the child.

(5) An approved institution may refuse to accept or admit a child where there is no vacancy in the institution for the child notwithstanding an order of a court committing the child to that institution.

**224. Government to provide accommodation**
(1) The State shall ensure that it is in a position to comply with any security requirement, which may be imposed on it under this Law.

(2) The State may discharge its duty under subsection (1) of this section by providing secure accommodation itself or making arrangements with any other authority or State Government for the provision of the accommodation.

(3) The Commissioner may by regulations make provision as to the co-operation required of others State Governments in the provision of secure accommodation.

**225. Procedure on failure to observe condition of recognisance**
(1) If the Court before which an offender is bound by his recognisance to appear to be further dealt with, is satisfied by information on oath that the child offender has failed to observe any of the conditions of his recognisance. it may issue—
(a) a warrant for the apprehension of the child: or
(b) a summons to the child and his sureties, if any, requiring him and them to be present at the Court and at such time as may be specified in the summons.

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

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

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

**226. Binding over of a parent or guardian**
(1) Where a child is found to have committed an offence, the powers conferred by this section shall be exercisable by the Court before which the case is brought and the Court shall—
(a) exercise those powers if it is satisfied, having regard to the circumstance of the

case, that their exercise would be desirable in the interest of preventingthe commission by the child of any further offence; and
(b) where it does not exercise those powers, state that it is not satisfied as mentioned in paragraph (a) of this subsection and why it is not so satisfied.

(2) The powers conferred by this section on the Court are as follows—
(a) with the consent of the parent or guardian of the child, to order the parent or guardian to enter into a recognisance to take proper care of the child andexercise proper control over the child; and
(b) if the parent or guardian of the child refuses to give consent and the Court considers the refusal unreasonable, to order the parent or guardian to pay afine not exceeding ten thousand naira.

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

(4) The Court has the power to declare the recognisance entered into by virtue of subsection (2) of this section to be forfeited and adjudge the parents or guardian of the child to pay the whole sum in which is bound or part of the sum and the payment of the sum so adjudged to be forfeited shall be enforced by means of a warrant of distress to be levied against the property of the parent or guardian.

(5) Section 225 of this Law shall apply for the purposes of subsection (2) (b) of this section as if the refusal to enter into a recognisance were a summary offence punishable by a fine not exceeding ten thousand naira and a fine imposed under that subsection shall be deemed for the purpose of any enactment to be a sum adjudged to be paid by virtue of a conviction.

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

(7) A parent or guardian may appear to—
(a) the Court at the High Court level against an order under this section made by the Court at the magistrate level; and
(b) the Court of Appeal against an order under this section made by the Court at the High Court level.

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

**227. Forms for corrective orders**
(1) A corrective order under this Law shall be in such form as may be prescribed.
(2) One copy of the corrective order, duly completed, shall be kept by the Court which issued the corrective order the second copy shall be sent to the appropriate State Commissioner and the third copy shall be sent with the child named in it to the approved institution into which or the person to whom the child is to be sent under the corrective order.

**228. Operation of corrective order may be suspended**
The operation of a correction order may be—

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

**229. Power to vary corrective order may be suspended**
(1) The Court which issued a corrective order may—
(a) if it is satisfied that the corrective order is about to expire and that the child would benefit by further care or training, extend the period of the corrective order subject to the provisions of this Law;
(b) order a child—
(i) whose period of detention has exceeded twelve months to be discharged;
(ii) to be released from an approved institution on condition that the child shall be of good behaviour and live under the charge of any trustworthy and respectable person named in the order of release who is willing to receive and take charge of the child and keep the child at school or employed at some trade, occupation or calling;
(iii) to be released from one approved institution or person to another institution or person.
(2) An order made under this section may, in the discretion of the Court making the order, be revoked and thereupon the original corrective order shall remain in full force and effect.

**230. Power of manager of an approved institution to grant leave of absence to a child in detention**
(1) At any time during the period of a child's detention in an approved institution, the manager of the approved institution may grant leave to the child to be absent from the approved institution and the manager may, at any time, require him to return to the approved institutions.
(2) During the period of leave granted to a child under subsection (1) of this section, the child shall, for the purposes of this Law, be deemed to be under the care of the manager of the approved institution and the manager may, at any time, require him to return to the approved institution.

**231. Apprehension without warrant**
A child shall, whilst he is detained in or on leave from an approved institution in accordance with the provisions of this Law and also being conveyed to or from the institution, be deemed to be in legal custody and, if the child escapes, he may be apprehended without warrant and brought back to the approved institution.

**232. Procedure in case of unruly or depraved child**
If the manager of an approved institution is satisfied that a child committed to the approved institutions is of so unruly or depraved a character that it is undesirable that the child to remain at that institution, he may cause the child to be brought before—
(a) the Court which made the committal order and that court may make such further order which it has power to make under this Law; or
(b) the Court having jurisdiction in the place where the institution is situated and the Court may, in respect of the child make an order or further order which could have been legally made by the Court which made the committal order under the provisions of this Law.

*Non-Institutional Treatment*

**233. Effective implementation of non-institutional orders.**

(1) The State Director responsible for child matters shall—
(a) have the responsibility for ensuring the implementation of every non-institutional order of the Courts; and
(b) make quarterly reports to the Court having jurisdiction in the area on how the order is to be implemented, on the progress of the implementation of the non-institutional order, including the response of the child offender to the treatment specified in the order.

(2) The Court to which a report is made under subsection (1) of this section has the power to modify the non-institutional order, from time to time, as it deems fit, having regard to the circumstances of the case.

**234. Assistance during rehabilitation**
A child in respect of whom an order referred to in section 227 of this Law is made, shall be provided, where appropriate, with necessary assistance, including accommodation, education or vocational training, employment and any other helpful and practical assistance, during the period the order is in force.

**235. Mobilisation of voluntary service**
Voluntary and other organisations and agencies, individuals and communities shall be encouraged by the Government Departments and agencies responsible for child welfare to contribute effectively to the rehabilitation and development programmes for child offenders.

*Institutional Treatment*

**236. Objective of institution treatment**
(1) The objectives of training and treatment of a child offender placed in an institution shall be to provide care protection, education and vocational skill with a view toassisting the child to assume socially constructive and productive roles in the society.

(2) A child offender in an institution shall be given care, protection and all necessary assistance, including social, educational, vocational, psychological, medical and physical assistance, that he may require, having regard to his age, sex, personality and in the interest of his development.
(3) A female child offender placed in an institution shall—
(a) be treated fairly;
(b) receive no less care, protection, assistance, treatment and training than a male child; and
(c) be given special attention as to her personal needs and problems.

(4) The parents and guardian of a child offender placed in an institution shall have the right of access to the child in the interest and well-being of the child.

(5) Inter-ministerial and inter-departmental co-operation shall be encouraged for the purpose of providing adequate academic or vocational training for any child offender placed in an institution to ensure that the child does not leave the institution at an educational disadvantage.

**237. Recourse of condition release**
(1) The Court shall use conditional release from an institution to the greatest possible extent and grant it at the earlier possible time.

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

(3) The supervision inspector shall—
(a) inspect and report to the Commissioner on the activities of Supervision Service and the activities carried out by or on behalf of Supervision service and;

(b) discharge such other functions in connection with the provision of supervision or related service, whether or not provided by or on behalf of the Supervision Service for any area, as the Commission may, from time to time, direct.

(4) The Commissioner shall make to or in respect of supervision inspectors such payments by way of remuneration, allowances or otherwise as he may, with the approval of the Governor, determine.

*Research, Planning, Policy Formulation and Evaluation*

**238. Research as a basis for planning, policy formulation, etc.**
(I) Without prejudice to section 207 of this Law, the State shall—
(a) organise and promote necessary research as a basis for effective planning and policy formulation on child justice administration;
(b) review and appraise periodically the trends, problems and causes of child delinquency and crime and the varying particular needs of children in custody;
(c) establish a regular evaluation research mechanism built into the child justice administration system;

(d) collect and analyze relevant data and information for appropriate assessment and future improvement and reform of the child justice administration
system; and
(e) systematically plan and implement, as an integral part of national development efforts, the delivery of services in child justice administration.

PART XXI
*Supervision*
**239. Appointment of supervision officer**
(1) The appropriate Commissioner of the State may appoint—
(a) fit and proper persons by name of ex officio to be supervisor officers for such areas as may be specified in each letter of appointment;
(b) deputy supervision officers to assist and also act in the absence or during the illness or incapacity of supervision officers; and
(c) assistant supervision officers to assist supervision officers in the performance of their function.

(2) A supervision officer shall, when acting under a supervision order, be subject tc the control of the State in which he is appointed.

**240. Supervision inspectors and supervision inspection service**
(1) The Commissioner may appoint such number of supervision inspectors, as may, with the approval of the Governor, determine for all purposes of this Part of the Law.

(2) The supervision inspectors appointed under subsection (1) of this section, together with the supervisor officers appointed under section 243 of this Law, shall constitute the State Supervision Inspection Service (in this Part of this Law referred to as “the Supervision Service.”)

(3) The Commissioner shall appoint one of the supervision inspectors to be the Chic Supervision inspector of the Supervision Service.

(4) The supervision inspector shall—
(a) inspect and report to the Commissioner on the activities of Supervision Services

and the activities carried out by or on behalf of Supervision Service; and
(b) discharge such other functions in connection with the provision of supervision or related service, whether or not provided by or on behalf of the Supervision Service for any area, as the Commission may, from time to time direct.

(5) The Commissioner shall make to or in respect of supervision inspectors such payments by way of remuneration, allowances or otherwise as he may, with the approval of the Governor, determine.

**241. Default power where the supervision service fails to discharge its statutory duty**
(1) The Commissioner may make an order under this section if he is of the opinion that, without reasonable excuse, the Supervision Service—
(a) has failed to discharge any of its duties under this Law or any other enactment;
(b) has so failed and he is likely to do so again.

(2) all order under subsection (1) of this section shall—
(a) state that the Commissioner is of the opinion referred to in subsection (1) of this section; and
(b) make such provision as is considered requisite for the purpose of securing that the duty is properly discharged by the Supervision Service.

(3) The Supervision Service shall comply with the provisions of any order made under subsection (1) of this section.

**242. Court to make conditional discharge order and supervision order**
(1) Where a child is charged with an offence, other than homicide and the Court is satisfied that the charge is proved, the Court may make an order discharging the child offender conditionally on his entering into recognisance, with or without sureties to—
(a) be of good behaviour; and
(b) appear to be further dealt with when called upon at any time during such period, not exceeding three years, as may be specified in the order.

(2) A recognisance entered into under subsection (1) of this section shall, if the Court so orders, contain—
(a) a condition that the child offender be under the supervision of person as may be named in the order during the period specified in the order; and
(b) such other conditions for securing such supervision as may be specified in the order.

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

**243. Person to be named in supervision order**
The person named in supervision order shall be—
(a) a supervision officer appointed by the appropriate Commissioner of the State in or for which the Court acts; or
(b) if the Court considers it expedient on account of the place of residence of the offender or for any other special reason, a supervision officer appointed by the Commissioner of some other State; or
(c) if the Court considers that the special circumstances of the case renders it desirable, or if no person has been appointed supervision officer, any other person who has not been appointed supervision officer for any State.

**244. Supervision officer may be relieved of duties**
The person named in a supervision order may at any time be relieved of his duties as specified in section 240 of this Law and where the person is relieved of his duties or he dies, another person may be substituted by the Court before which the offender is bound by his recognisance to appear to be further dealt with.

**245. Duties of supervision officer A supervision officer shall, subject to the discretion of the Court—**
(a) visit or receive reports from the child under supervision at such reasonable intervals as may be specified in the supervision order or, subject thereto, asthe supervision officer may think fit;
(b) see that the child, observes the conditions of his recognisance;
(c) make a report to the Court on the behaviour of the child; and
(d) advise, assist and befriend the child and, when necessary, endeavour to find the child suitable employment.

**246. Power of Court to vary suspension order**
The Court before which a child is bound by his recognisance under this Law to appear to be further dealt with may, on the application of the supervision officer and after notice to the child offender, vary the condition of the recognisance and may of being satisfied that the conduct of that child has been such as to make it necessary that he should remain under supervision, discharge the recognisance.

PART XXII
*Approved Institutions and Post-Release Supervision, etc.*

**247. Approved institution**
Approved institutions consist of approved children institutions and Special Mothers Centres, all of which shall be established as provided in this Part of this Law.

**248. Establishment of approved institutions**
(1) The Commissioner shall—
(a) establish in any part of the State, the following institutions to be known as approved children institutions—
(i) a Children Attendance Centre;
(ii) a Children Centre;
(iii) a Children Residential Centre;
(iv) a Children Correctional Centre;
(v) a Special Children Correctional Centre; and
(vi) such other institutions as the Commissioner may, from time to time. be established; and
(b) make rules for the management, upkeep and inspection of the approved Children institution.

(2) The Commissioner responsible for matters relating to women shall—
(a) establish in any part of the State institutions to be known as Special Mothers Centres; and Special Mothers Centres;
(b) make rules for the management, upkeep and inspection of the Special Mothers Centre.
(3) The supplementary provisions contained in the Eleventh Schedule to this Law shall have effect with respect to approved institutions established by the appropriate Commissioner under subsections (1) and (2) of this section.

**249. Declaration of building, etc., as an approved institution**

(1) The Commissioner may by order declare any building, place or land within the State, to be—

(a) a Children Attendance Centre;

(b) a Children Centre;

(c) a Children Residential Centre;

(a) a Children Correction Centre;

(e) an Emergency Protection Centre;

(f) a Special Children Correctional Centre; or

(g) such other children institutions as may be established by the Commissioner.

(2) The Commissioner responsible for matters relating to women may by order declare any building, place or land within the State, to be a Special Mothers Centre.

**250. Children attendance centre, etc.**

(1) A Children Attendance Centre shall be a non-residential place at which children shall—

(a) attend, on a daily basis or on such days only as may be prescribed, on the order of the Court which dealt with the case of the child concerned; and

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

(3) A Children Residential Centre shall be a place in which child offenders may be detained and given regular school education and such other training and instructions as may be conducive to their reformation and re-socialisation and the removal or reduction, of their tendency to commit anti-social acts and such other acts which violate the criminal Law.

(4) A Children Correctional Centre shall be a place in which child offenders may be detained and given such training and instructions as will be conducive to their reformation and re-socialisation and the removal or reduction, in terms, of their tendency to commit anti-social acts and such other acts which violate the criminal law.

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

(6) A Special Children Correction Centre shall be a place to which children, who are found to be incorrigible or to be exercising bad influence on other inmates detained in a Children Correctional Centre may be detained.

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

(8) The appropriate Commissioner may, by regulations, prescribe or provide for—

(a) the regulation and governance of the approved institutions;

(b) the appointment, powers, duties, conduct and disciplinary control of the officers and other persons employed in approved institutions;

(c) the functions and duties of visitors, visiting committees and voluntary visitors to

approved institutions;
(d) the classification, treatment, diet, clothing, maintenance, employment, discharge, discipline, instruction and control of inmates of approved institutions;
(e) the release of inmates on parole;
(f) the establishment of after-care associations, for the welfare and reformation of children discharged from approved institutions;
(g) the form in which any order shall be made; and
(h) such other matters as are required for the better carrying out of the purposes of this section.

**251. Responsibilities for approved institutions**
The State Director for child development in the appropriate Ministry or such other officers as the Commissioner may designate, shall have the general charge and superintendence of all approved children institution within the State.

**252. Officers of approved institutions**
(1) Children development officers shall be appointed to carry out duties in relation to approved children institutions situate within the State.
(2) Women affairs shall be appointed to carry out duties in relation to Special Mothers Centres.
(3) All officers appointed to all the approved institutions defined in section 248 of this Law and specified in this section shall be persons with background training in criminology, criminal justice, sociology, psychology, social psychology, guidance and counselling, or social work.

**253. Visitors and visiting committees**
(1) The Commissioner as the case may be, may, by notice in the Gazette, appoint such persons as he may think fit to be visitors in relation to such approved institutions as may be specified in the notice.

(2) In addition to persons appointed under subsection (1) of this section, the following persons shall be ex officio visitors to all approved children institutions—
(a) The Chief Judge of the State; or
(b) Judges of the State High Court; or
(c) Members of the Court at the Magisterial level; or
(d) Legal officers in the Department of Public Prosecution; or
(e) Legal officers in Citizens Right Department.

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

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

(5) The Minister may, by notice in the Gazette, delegate the powers conferred by this section to appoint visitors and visiting committees in respect of Federal approved institutions in a State to the appropriate Commissioner of State.

(6) The provisions of this section which give the Commissioner power to appoint persons as visitors shall not come into operation until the consent of the Governor is obtained to the appointment.

**254. Appointment of voluntary visitor**
The Director responsible for child development may authorize such persons as he may think fit as voluntary visitors to carry out such functions and duties in relation to approved institutions as may be prescribed.

**255. Facilities for observation of children in approved institutions**
The Commissioner shall cause to be provided in approved institutions facilities for the observation of any child or youth detained therein on whose physical or mental condition a medical report is required for the assistance of a court in determining the most suitable method of dealing with his case.

**256. Transfer from Children Correctional Centre to Special Children Centre**
(1) If the Director reports to the Commissioner that a child detained in a Children Centre is incorrigible, or is exercising a bad influence on the other inmates of the institution, the Commissioner may direct that the child be committed to a Special Children Correctional centre for such term, not exceeding the unexpired portion of the term for which the child is then liable to be detained in the Children Correctional Centre as the Court may determine.

(2) A chijd committed to a Special Children Correctional Centre under subsection (1) of this section shall, for the purposes of this Law, be treated as if he has been ordered to be committed to the Children Correctional Centre for that term.

(3) No report made under subsection (1) of this section by the Director to the Commissioner, as the case may be, shall earlier than six months following the date of the order committing the child concerned to the Children Correctional Centre.

**257. Release from approved institution, etc.**
(1) A child detained in a Children Attendance Centre or in a Children Correctional Centre shall, on attaining the age of eighteen years, be released, unless he is considered to require further training and instruction in a Youth Correctional Centre.

(2) Where the Director reports to the Commissioner that a child detained in a Special Children Correctional Centre is attaining the age of eighteen years, is still incorrigible or is still exercising an influence on other inmates, the Commissioner may direct that the child be committed to a Special Youth Correctional Centre.
Release and Post-Release Supervision

**258. Release and supervision after training at the Children Centre**
Subject to the provisions of section 257 of this Law, a child ordered to be detained in a Children Correctional Centre shall, after his release from the Children Centre, be subject to supervision in accordance with the provisions of section 259 of this Law.

**259. Post-release supervision of children offenders**
(1) A child shall—
(a) after his release from an approved institution and until the expiration of four years from the date of the order committing him to the approved institution be under the supervision of such aftercare association of person as may be specified in a notice to be given him by the Director on his release:and
(b) while under that supervision, comply with such as may be so specified. however, that the Director may at any time modify or cancel any of those requirement or order that the child shall cease to be under supervision.

(2) If, before the expiration of four years from the date of the order committing a child to an approved institution, the Director is satisfied that the child, after his release from the approved institution under section 257 of this Law, has failed to comply with any requirement for the time being specified in the notice given to him under subsection (1 of this section, the Director may direct the child to be recalled to an approved institution.

(3) A child who is recalled into an approved institution is liable to be detained in the approved institution until the expiration of—
(a) three years from the date of the order committing the child to the approved institution; or
(b) six months from the date of his being taken into custody under the direction, whichever is the later and, if at large, shall be deemed to be unlawfully at large.

(4) A direction by the Director recalling a child to an approved institution shall, at the expiration of four years from the date of the order committing the child to the approved institution, cease to have effect unless the child to whom it relates is then in custody there under.

(5) The Director may, at any time, release a child who is detained in an approved institution under this section and the provisions of this section shall apply in the case of a child so released as they apply in the case of a child released under section 257 of this Law.

(6) If a child while under supervision, or after recall to an approved institution is ordered to be committed to an approved institution or is sentenced by the Court or any other court to an approved institution for training, the original order or sentence —
(a) shall cease to have effect; and
(b) if imprisonment, any period for which he is so imprisoned under that sentence shall count as part of the period for which he is liable to be detained in an approved institution under his original sentence.

(7) The Director shall, in exercising his functions under this section, act in accordance with any general or special directions of the Commissioner, as the case may be, in whether it is advisable to release a child from an approved institution.

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

## PART XXI II

*State Child's Rights Implementation Committee*

**260. Establishment and membership of State Child's Rights Implementation Committee**

(1) There is established a Committee to be known as the State Child's Rights Implementation Committee (in this Part of this Law referred to as "the State Committee.")
(2) The State Committee shall comprise—
(a) the Permanent Secretary of the Ministry of Women Affairs and Youth Development as Chairman;

(b) one person to represent each of the following State Ministries Departments and Governmental bodies, that is—
(i) Women Affairs;
(ii) Education;

(iii) Information;
(iv) Health;
(v) Justice;
(vi) Youth and Sports;
(vii) Office of Establishment and Training;
(viii) State Commissioner for Women;
(ix) Nigerian Immigration Service;
(x) Nigeria Police;
(xi) Nigeria Prisons Service;
(xii) State Agency for Mass Literacy;
(xiii) Family Court Judges at the High Court level;
(xiv) Family Court Magistrate;

(c) one child care expert;
(d) one person to represent the State approved children institutions;
(e) one person to represent the State Community homes;
(f) one person to represent the State branch of the Nigerian Union of Journalists;
(g) one person to represent the State Branch of the National Council of Women Societies;
(h) one person to represent the State Council of Obas;
(i) one person to represent the State Branch of Christian Women Organisation;
(j) one person to represent the State Branch of the Federation of Muslim Women Association of Nigeria;
(k) one person to represent Market Men Associations;
(1) one person to represent Market Women Associations;
(m) one person to represent the Parents/Teachers association in the State;
(n) two persons to represent organisations involved in the protection of the rights of a child in the State;
(o) one person to represent the State Branch of the National Union Teachers; (p) one person to represent Social welfare Department; and one person to represent the State branch of the Nigerian Bar Association.

**261. Functions of the State Committee**

(1) The Functions of the State Committee are to—
(a) initiate actions that will ensure the observance and popularisation of the rights and welfare of a child as provided for in—
(i) this Law;
(ii) the United National Convention of the Rights of the Child;

(iii) the organisation African Unity Chapter on the Rights and Welfare of the child;
(iv) the Declaration of the World Summit for children;
(v) the Dakar Consensus and National Programme of Action;
(vi) such other International Conventions, Charters and Declarations relating to children to which Nigeria is or becomes a signatory;

(b) continuously keep under review, the State of implementation of the rights of a child;
(c) develop and recommend to the Local Governments, through their respective Local Government Child Rights Implementation Committees, specific programmes and projects that shall enhance the implementation the rights of a child;
(d) collect and document information on all matters relating to the rights and welfare of a child;
(e) commission inter-disciplinary assessments of the problems relating to the rights and welfare of a child in the State;

(f) encourage and co-ordinate the activities of the Local Government institutions, organisations and bodies concerned with the rights and welfare of a Child;
(g) organise meeting, conference, symposia and other enlightenment for the rights and welfare a child;
(h) co-ordinate the activities of and collaborate with the Local Government Committees;
(i) prepare and submit periodic reports on the State of Implementation of the rights of the child for submission to the National Committee; and
(j) perform such other functions relating to the rights of the child as may from time to time be assigned out.

**262. Procedure at meetings**
The State Committee shall determine its own quorum and regulate its own proceedings at any of its meetings.

**263. Secretariat of the State Committee**
The Secretariat of the State Committee shall be the Ministry responsible for children.
Local Government Child's Rights Implementation Committee

**264. Establishment and membership of the Local Government Child's Rights implementation Committee**
(1) There is established a committee to be known as the Local Government Child's Rights Implementation Committee (in this Part of this Law referred to as "the Local Government Committee.")

(2) The Local Government Committee shall comprise—
(a) the Secretary of the Local Government as Chairman;
(b) the Supervisor for Health and Social Welfare in the Local Government;
(c) the Supervisor for Education in the Local Government;
(d) the Information Officer in the Local Government;
(e) the Children Development Officer in the Local Government Area;
(f) one person to represent/heads the District or Village Heads in the Local Government Area;
(g) a Community Development Officer in the Local Government Area;
(h) the representative of the National Union of Teachers in the Local Government Area;
(i) the representative of the Parents and Teachers Association in the Local Government Area;
(j) one person to represent the Heads of Market Men;
(k) one person to represent the Heads of Market Women;
(1) one person to represent the opinion leaders in the Local Government Area;
(m) two person to represent two community based organisations;
(n) one person to represent National Council of Women Societies in the Local Government Area;
(o) two persons to represent organisations involved in the protection of the rights of a child in the State;
(p) one person to represent the State Branch of the National Union Teachers; and
(q) one person to represent Social welfare Department.

**265. Functions of the Local Government Committee The functions of the Local**

**Government Committee are to—**

(a) initiative actions that shall ensure the observance and popularisation of the rights and welfare of a child as provided for in—

(i) the United Nations Convention on the Rights of the Child;

(ii) the Organisation of African Unity Charter on the Rights and Welfare of the Child;

(iii) the Declaration of the World Summit for Children;

(iv) the Dakar Consensus and National Programme of Action; and

(v) such other institutional Conventions, Charters and Declarations relating to children to which Nigeria is or becomes a signatory;

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

(c) develop programmes and projects that shall enhance the implementation of the rights of a child;

(d) collect and document information on all matters relating to the rights and welfare of a child in the Local Government Area;

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

(f) encourage and co-ordinate the activities of Local Government institutions, organisations and bodies concerned with the rights and welfare of a child;

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

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

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

**266. Procedure, etc., at meetings**

The Local Government Committee shall determine its own quorum and regulate its own proceedings at any of its meetings.

**267. Secretariat of the Local Government Committee**

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

## PART XXIV

*Miscellaneous*

**268. Offences by bodies corporate**

If an offence under this Law is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of a body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, commit an offence and are liable to be proceeded against and punished accordingly.

**269. Service of documents**

(1) Any notice or other document required under this Law to be served on any person may be served on him by being delivered personally to him, or being sent by post to him by registered post or by the recorded delivery service at his proper address.

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

of that firm.
(3) For the purposes of this section, the proper address of a person shall—
(a) in the case of a secretary or clerk of a body corporate, be that of the registered or principal office of that body;

(b) in the case of a partner of a firm, be that of the principal office of the firm; and
(c) in any other case, be the last known address of the person to be served.

**270. Suspension and inconsistency**
(1) The provisions of this Law supersede the provisions of all enactments relating to — (a) children;
(b) adoption, fostering, guardianship and wardship;
(c) approved institutions remand centres and borstal institutions; and
(d) any other matter pertaining to children already provided for in this Law.
(2) Accordingly, where any provision of this Law is inconsistent with that of any of the enactments specified in subsection (1) of this section, the provision of this Law shall prevail and that other provision shall, to the extent of its inconsistency, be void.

**271. Delegation of powers by the Commissioner**
The Commissioner may, by order published in the Gazette, delegate any of his powers under this Law, other than the power to make regulations, to the appropriate Commissioners in the State.

**272. Forms in the Eleventh Schedule**
The forms set out in Part I of the Eleventh Schedule to this Law shall have effect with respect to the matters specified therein.

**273. Interpretation**
In this Law— "act" includes an omission;
"**accommodation**" means an accommodation which is provided for a continuous period of more than 24 hours;
"**adoption** service" means an adoption service established under section 128 of this Law;
"**age of the majority**" means the age at which a person attains the age of eighteen years;
"**appropriate authority**" means the State or voluntary organisation responsible for the management of a community home;
"**appropriate authority**" in relation to a child who is being provided with accommodations by or on behalf of the State—
(i) means that State; and
(ii) in any other case, the Government of the State in which the child concerned lives or will live;
"**appropriate authority**", in relation to fostering, means the State Government in whose State it is proposed to foster the child concerned;

**"appropriate authority**" means the State Government or any other body having responsibility for the welfare of children looked after by the State Government;
"**appropriate authority**", for the purpose of section 52, means as defined in section 61(1) (c) of this Law;
"**appropriate educational authority**" means the Ministry of Education of the State;

"**approved accommodation**" includes—

(i) a community home as provided for in Part XVI of and Eighth Schedule of this Law;

(ii) a voluntary home as provided for in Part XVII of and Ninth Schedule of this Law;

(iii) a registered children's home as provided for in Part XIII and Tenth Schedule to this Law;

(iv) an educational institution to which a child is committed by an order under Part VI or XV of this Law; and

(v) any other form of accommodation which the State may provide for children within its boundaries under Part VI or XV of this Law;

"**approved child care training**" means child care training which is approved by the Commissioner;
**"care order**" has the meaning given by section 53 (1) (a) of this Law and also includes any order which by or under any enactment has the effect of, or is deemed to be, a care order for the purposes of this Law; and any reference to a child who is in the care of an authority is a reference to a child who is in its care by virtue of a care order;
"**child**" means a person under the age of eighteen years;
"**child assessment** order" means an order made under section 41 (1) of this Law;
"**child care training**" means training undergone by any person with a view to, or in the course of this employment for the purpose of any of the functions mentioned in section 206 of this Law or in connection with the adoption of children or with the accommodation of children in a residential care home, nursing home or mental nursing home; or
"**child fostered privately**" and "to foster a child privately" have the same meaning as in section 120 of this Law;
"**child in need of special protection measure**s" includes a child who is mentally or physically disabled;
"**child minder**" has the meaning given by section 163 of this Law;
"**child of the family**", in relation to the parents to a marriage, means—
(a) a child of both of those parties;
(b) any other child, not being a child who is placed with those parties as foster parents by a local authority or voluntary organisation, who has been treated by both of those parties as a child of their family;

"**children's home**" means a children's home registered under section 195 of this Law;
"**commission**" means the National Population Commission established under the National Population Commission Act;
"**Commissioner**" means the Commissioner charged with responsibility for matters relating to children in the State and "Ministry" shall be construed accordingly;
"**community home**" has the meaning assigned to it under section 186 of this Law;
"**contact order**" means an order requiring the person with whom a child lives, or is to live, to allow the child to visit or stay with the person named in the order, or for that person and the child concerned to have contact with each other;
"**Court**" means the Family Court established under section 149 of this Law;

**"day care"** means any form of care or supervised activity provided for children during the day, whether or not it is provided on a regular basis;
"**development**" means physical, intellectual, emotional, social or behaviour development;
"**Director**" means the State Director responsible for matters relating to children in the Ministry responsible for matters relating to children;
"**disabled**", in relation to a child, means a child with physical disability which incapacitate him from using any part of his body properly;
"**domestic premises**" means any premises which is wholly or mainly used as a private dwelling;
"**education authority**" means the Ekiti State Ministry of Education;
"**education supervision order**" means an order under section 58 (1) of this Law;
"**emergency protection centre**" includes children home, retarded home;
"**emergency protection order**" means an order made under section 42 (1) of this Law;
"**family**", in relation to a child, includes a person who has parental responsibility for the child and a person with whom the child is living or has been living;
"**family proceedings**" means proceeding under the jurisdiction of a court under this Law with respect to children;
"**Fit and proper person**" includes an appropriate authority;
"foster parent" means a person—
(a) appointed by the State to foster a child; or
(b) with whom a child has been placed, by a voluntary organisation, for fostering; or
(c) with whom a child has been placed to be fostered privately;
"**functions**" includes powers and duties;

"**Government hospital**" means a hospital established or managed by any Government of the Federation;
"**Governor**" means the Governor of Ekiti 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 deed or will or by an order of a court of competent jurisdiction or by operation of law;
"**harm**" means ill-treatment or the impairment of physical, mental, intellectual, emotional, or behavioural health or development;
"**harmful publication**" means any book, magazine, film, picture, video or audio tape or print or other medium which is a kind targeted at or likely to fall into the hands of children and which consists wholly or mainly of stories told in pictures, with or without the addition of written matter or video film and cassette tape, which contains pictures or stories which portray harmful information, such as—
(a) the commission of crimes; or
(b) acts of violence or cruelty; or
(c) incidents of a repulsive or horrible nature; or
(d) acts or words of an immoral character; or
(e) obscene and indecent representation, in such a way that the work as a whole would tend to corrupt or deprave a child into whose hands it may fall;
"**health**" means physical, emotional or mental health;
"**health authority**" means the Ekiti State Ministry of Health; "home" includes an institution;
"**ill-treatment**" means to be treated badly or cruelly;

"**imprison** able offence" means an offence punishable, in the case of an adult, with the death penalty or imprisonment only, without the option of fine;
"**independent school**" means a privately owned school;
"manager" means the supervisor, principal or person in charge of an approved institution;
"**Minister**" means the Minister charged with responsibility for matter relating to children;
"**Ministry**" means the Ministry in charged with the responsibilities for matters relating to children;
"**non-institutional order**" means an order, made by the Court on the disposal of a case, which does not involve a child offender being placed in an institution;
"**nursing mother**" means a mother whose child is not more than two years old;
"**ordinary residence**" in determining the ordinary residence of a child for the purposes of this law there shall be disregarded any period in which the child lives in a place—
(a) which is a school or other institution;

(b) in accordance with the requirement of a supervision order under this Law or any other enactment; and
(c) which he is being provided with accommodation by or an behalf of the State;
"**other State**" means other State Government in Nigeria;
"**parental responsibility**" means—
(a) all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property; and
(b) the rights, powers and duties which a guardian of the estate of the child appointed, before the commencement of this Law to act generally would have had in relation to the child and his property and includes, in particular, the right of the guardian to recover or receive in his own name, or the benefit of the child, property of whatever description and wherever situated which the child is entitled to receive or recover;
"**parental responsibility agreement"** means an agreement which contains all the rights duties powers responsibilities and authority which by Law the parent or guardian of a child has in relation to the child and his property;
"**person authorised to seek access**" means—
(a) in the case of an application by the State—
(i) an officer of the State; or
(ii) a person authorised by the State to act on its behalf in connection with the enquiries; or
(b) in the case of an application by an appropriate authority, a person authorised by the appropriate authority;
"**person responsible for the child**" means a person who, for the time being, has care of the child by virtue of a care order, or under section 58 of this Law as the case may be;
"**photographic plate**" means any plate treated as to reproduce or be intended to reproduce an image of a subject when photographed;
"**plate**", except where it occurs in the expression "**photographicplate**", includes any book, mould, matrix and stencil;
"**premises**" includes vehicle, caravan and cabin;
"**prohibited steps order**" means an order that no step, which could be taken by a parent in meeting his parental responsibility for a child and which is of a kind specified in the order, shall be taken by any person without the consent of the Court;

**"references to this Law to"—**
(a) a person with whom a child is to live as a result of a residence orders; or a person in whose favour a residence order is in force shall be construed as references to the person named in the order as the person with whom the child is to live;
(b) a child who is looked after by the State have the same meaning as they have by virtue of section 180 of the Law;

(c) accommodation provided by the State or on behalf of the State are references to accommodation so provided in the exercise of functions assigned to the Ministry; and
(d) children who are in need shall be construed in accordance with section 174 of this Law;
"**Register of Birth**" means the Register of Birth kept by the Commission;
"**relevant establishment**" means any establishment which is mentioned in paragraph 3 and 4 of the Sixth Schedule of this Law and includes a hospital school and other establishments excepted from the registration requirements which apply in relation to the provision of day care;
"**relevant period**" means—
(a) the period of six weeks beginning with the date on which the order in question is made; or
(b) the period of ten weeks beginning with the date on which the first order was made if that period ends, other than the period mentioned in paragraph (a) of this subsection;
"**residence order**" means an order setting out the arrangements to be made as to the person with whom a child is to live;
"**responsible person**", in relation to a child who is the subject of a supervision order, has the meaning assigned to it under paragraph I of the Second Schedule of this Law;
"**review period**" means the period of one year beginning with the commencement of this Law and each subsequent period of three years beginning with an anniversary of that commencement;
"**school**" has the meaning assigned to it in the National Minimum Standards and Establishment of Institution Act;
"**scientific sample**" means any blood, tissue or any other sample taken for the purpose of conducting a scientific test;
"**scientific test**" means any test carried out under this Part VII of this Law and includes any test made with the object of ascertaining the inheritable characteristics of blood, tissue, or any other sample;
"**secure accommodation**" means accommodation which is provided in a community home for the purpose of restricting liberty;
"**service**", in relation to any provision made under Part XV of this Law, includes a facility;
"**sexual offence**" and "**violent offence**" have the meanings assigned to them in the relevant code of criminal law;
"**Signed**", in relation to any person, includes the making by the person of his mark;
"**skin mark**" means any ethnic or ritual cuts on the skin which leaves permanent marks; and

"**special education**" means the meaning assigned to it in the Education (National Minimum Standards and Establishment of Institution Act;
"**special educational needs**" means the needs of children who are receiving special education;
"**specific issue order**" means an order giving directions for the purpose of determining a specific question which has risen, or which may arise, in connection with any aspect of parental responsibility for a child;
"**specified proceedings**" means any proceedings—
(a) on an application for a care order or supervision order;
(b) in which the Court has given a direction under section 58 (1) of this La and has made, or is considering whether to make, an interim care order;
(c) on an application for the discharge of a care order or the variation or discharge of a supervision order;
(d) on an application under section 61 of this Law;
(e) in which the Court is considering whether to make a residence order w respect to a child who is the subject of a care order;
(f) with respect to a contract between a child who is the subject of a care ord and any other person;
(g) under Part VIII of this Law;
(h) on an appeal against—

(i) the making of, or refusal to make a care order, supervision order any order under section 54 of this Law;
(ii) the making of, or refusal to make a residence order with respect:. child who is the subject of a care order; or
(iii) the variation or discharge, or refusal of an application to vary or
charge, an order of a kind mentioned in subparagraph (i) or (ii) of this paragraph;
(iv) the refusal of an application under section 62 of this Law; or
(v) the making or refusal to make an order under Part VIII of this which are specified for the time being for the purposes of this section by rules of court;

"**State**" means the Ekiti State of Nigeria;
"**State accommodation**" means accommodation provided by or on behalf of the State within the meaning of Part XV of this Law;
"**street child**" includes—
(a) a child who is homeless and forced to live on the streets; in market places and under bridges; and
(b) a child who, though not homeless, is on the streets engaged in begging alms, child labour, prostitution and other criminal activities which are detrimental to the well being of the child;

"**supervised activity**" means an activity supervised by a responsible person;
"**supervised child**" and "**supervisor**", in relation to a supervision order or an Education supervision order, mean respectively, the child who is, or is to be under the supervision and the person under whose supervision he is, or is to be by virtue of the order;
"**supervision**" consists of such supervision as is provided for in Part XXI to this Law;
"**Supervision Inspection Service**" has the meaning assigned to it under section 240

of this Law;
"**tattoo**" means the insertion into the skin of colouring material designed to leave permanent marks;
"**upbringing**", in relation to any child, includes the care of the child but not his maintenance;
"**voluntary home**" means home or other institution providing care and accommodation for children which is managed by a Voluntary Organisation but does not include—
(a) a nursing home, mental nursing home or residential care home;
(b) school;
(c) a health Service Hospital;
(d) a community home;
(e) any home or other institution provide, equipped and maintained by the Commissioner; and
(f) any home, which the Commissioner may from time to time, by regulations exempt for the purposes of this definition.

**274. Citation**
This Law may be cited as the Child's Rights Law, 2005.

FIRST SCHEDULE
*Financial Provision for Children*
[Section 55(14).]

**1. Orders for financial relief against parents**
(1) On an application made by a parent or guardian of a child, or by any person in whose favour a residence order is in force with respect to a child, the Court may—
(a) in the case of an application to the Court at the High Court level, make one or more of the orders mentioned in subparagraph (2) of this paragraph;
(b) in the case of an application to the Court at magisterial level, make one or both of the orders mentioned in paragraphs (a) and (c) of that subparagraph.

(2) The orders referred to in subparagraph (1) of this paragraph are—
(a) an order requiring either or both parents of a child—
(i) to make to the applicant for the benefit of the child; or
(ii) to make to the child himself; such periodical payments, for such term, as may be specified in the order;
(b) an order requiring either or both parents of a child—

(i) to secure to the applicant for the benefit of the child; or
(ii) to secure to the child himself such periodical payments, for such term, as may be specified;
(c) an order requiring either or both parents of a child—
(i) to pay to the applicant for the benefit of the child; or (ii) to pay to the child himself, such lump sum as may be so specified;
(d) an order requiring a settlement to be made for the benefit of the child and to the satisfaction of the Court, or property—
(i) to which either parents is entitled (either in possession or in reversion); and
(ii) which is specified in the order;
(e) an order requiring either or both parents of a child—
(i) to transfer to the applicant, for the benefit of the child; or
(ii) to transfer to the child himself fsuch property to which the parent is, or the parents are entitled (either in possession or in reversion) as may be specified in the order.

(3) The powers conferred by this paragraph may be exercised at any time.

(4) An order under subparagraph (2) (a) or (b) of this paragraph may be varied or discharged by a subsequent order made on the application of any person by or to whom payments were required to be made under the previous order.

(5) Where the Court makes an order under this paragraph—
(a) it may at any time make a further such order under subparagraph (2) (a), (b) or (c) of this paragraph with respect to the child concerned if he has not attained the age of eighteen years;
(b) it may not make more than one order under subparagraph (2) (a or (e) of this paragraph against the same person in respect of the same child.

(6) On making, varying or discharging a residence order, the Court may exercise any of its powers under this Schedule notwithstanding that no application has been made to it under this Schedule.

2.
(1) If on an application by a person who has attained the age of eighteen years, it appears to the Court—
(a) that the applicant is, will be or (if an order were made under this (paragraph) would be receiving instructions at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or
(b) that there are special circumstances which justify the making of an order under this paragraph the Court may make one or both of the orders mentioned in subparagraph (2) of this paragraph. (2) The orders referred to in subparagraph (I) of this paragraph are—
(a) an order requiring either of the applicant's parents to pay to the applicant such periodical payments, for such term, as may be specified in the order;
(h) an order requiring both of the applicant's parents to pay to the applicant such periodical payments, for such term, as may be specified in the order.

(3) An application may not be made under this paragraph by any person if, immediately before he attained the age of sixteen years, a periodical payment order was in force with respect to him.

(4) No order shall be made under this paragraph at a time when the parents of the applicant are living with each other in the same household.

(5) An order under subparagraph (2) (a) of this paragraph may be varied or discharged by a subsequent order made on the application of any person by or to whom payments were required to be made under the previous order.

(6) The powers conferred by this paragraph shall be exercisable at any time.

(7) Where the Court makes an order under this paragraph it may, from time to time while that order remains in force make a further such order.
(8) In subparagraph (3) of this paragraph, "**periodical payments order**" means an order made under this Schedule for the making or securing of periodical payments.

**3. Duration of orders for financial relief**
(1) The term to be specified in an order for periodical payments made under paragraph 1 (2) (a) or (b) of this Schedule in favour of a child may begin with the date of the making of an application for the order in question or any later date but shall not—(a) in the first instance extend beyond the child's seventeenth birthday unless the Court thinks it right in the circumstances of the case to specify a later date; and
(b) shall not in any event extend beyond the child's eighteenth birthday.
(2) Subparagraph (1) (b) of this paragraph shall not apply in the case of a child if it appears to the Court that—
(a) the child is or will be or if an order were made without complying with that subparagraph would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or
(b) there are special circumstances which justify the making of an order without complying with that paragraph.

(3) An order for periodical payments made under paragraph 1 (2) (a) or 2 (2) (a) of this Schedule shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order.

(4) Where an order is made under paragraph 1 (2) (a) or (b) of this Schedule requiring periodical payments to be made or secured to the parent of a child, the order shall cease to have effect if parent making or securing the payments and parent to whom the payments are made or secured, live together for a period of more than six months.

**4. Matters to which Court is to have regard in making orders for financial relief**
(1) In deciding whether to exercise its powers under paragraph 1 or 2 of this Schedule and if so, in what manner, the Court shall have regard to all the circumstances of the case, including—
(a) the income, earning capacity, property and other financial resources which each person mentioned in subparagraph (4) of this paragraph has or is likely to have in the foreseeable future;
(b) the financial needs, obligations and responsibilities which each person mentioned in subparagraph (4) of this paragraph has or is likely to have in the foreseeable future;
(c) the financial needs of the child;
(d) the income, earning capacity (if any), property and other financial resources of the child;

(e) any physical or mental disability of the child;
(f) the manner in which the child was being, or was expected to be, educated or trained.
(2) In deciding whether to exercise its powers under paragraph 1 of this Schedule against a person who is not the mother or father of the child and if so in what manner, the Court shall in addition have regard to—
(a) whether that person had assumed responsibility for the maintenance of the child and, if so, the extent to which and basis on which he assumed that responsibility and length of the period during which he met that responsibility;
(b) whether he did so knowing that the child was not his child; and
(c) the liability of any other person to maintain the child.

(3) Where the Court makes an order under paragraph I of this Schedule against a person who is not the father of the child, it shall record in the order that the order is made on the basis that the person against whom the order is made is not the child's father.

(4) The persons mentioned in subparagraph (1) of this paragraph are—
(a) in relation to a decision whether to exercise its powers under paragraph 1 of this Schedule, any parent of the child;
(b) in relation to a decision whether to exercise its powers under paragraph 2 of this Schedule, the mother and the father of the child;
(c) the applicant for the order;
(d) any other person in whose favour the Court proposes to make the order.

**5. Provisions relating to lump sums**
(1) Without prejudice to the generality of paragraph 1 of this Schedule, an order under that paragraph for the payment of a lump sum may be made for the purpose of enabling any liabilities or expenses—
(a) incurred in connection with the birth of the child or in maintaining the child; and
(b) reasonably incurred before the making of the order; to be met.

(2) The amount of any lump sum required to be paid by an order made by the Court at the Magisterial level under paragraph 1 or 2 of this Schedule shall not exceed twenty five thousand naira or such larger amount as the Commissioner may from time to time, by order fix for the purposes of this subparagraph.
(3) The power of the Court under paragraph 1 or 2 of this Schedule to vary or discharge an order for the making or securing of periodical payments by a parent shall include power to make an order under that provision for the payment of a lump sum by that parent.

(4) The amount of any lump sum which a parent may be required to pay by virtue of subparagraph (3) of this paragraph shall not, in the case of an order made by the court at the Magisterial level, exceed the maximum amount that may at the time of the making of the order be required to be paid under subparagraph (2) of this paragraph, but the Court at the Magistrate level may make an order for the payment of a lump sum not exceeding that amount even though the parent was required to pay a lump sum by a previous order under this Law.

(5) An order made under paragraph I or 2 of this Schedule for the payment of a lump sum may provide for the payment of that sum by instalments.
(6) Where the Court provides for the payment of a lump sum by instalments, the Court shall on an application made either by the person liable to pay or the person entitled to receive that sum, have power to vary that order by varying—
(a) the number of instalments payable;
(b) the amount of any instalment payable;
(c) the date on which any instalment becomes payable.

(1) In exercising its powers under paragraph 1 or 2 of this Schedule to vary or discharge an order for the making or securing of periodical payments, the Court shall have regard to all the circumstances of the case, including any change in any of the matters to which the Court was required to have regard when making the order.
(2) The power of the Court under paragraph 1 or 2 of this Schedule to vary an order for the making or securing of periodical payments shall include power to suspend any provision of the order temporarily and to revive any provision so suspended.
(3) Where on an application under paragraph 1 or 2 of this Schedule for the variation or discharge of an order for the making or securing of periodical payments, the Court varies the payments required to be made under that order the Court may provide that the payments as so varied shall be made from such date as the Court may specify, not being earlier than the date of the making of the application.
(4) An application for the variation of an order made under paragraph I of this Schedule for the making or securing of periodical payments to or for the benefit of a child may, if the child has attained the age of sixteen years, be made by the child himself.
(5) Where an order for the making or securing of periodical payments made under paragraph I of this Schedule ceases to have effect on the date on which the child attains the age of sixteen years, or at any time after date on or before or on the date which he attains the age of eighteen years, the child may apply to the Court which made the order for an order for its revival.
(6) If on application under subparagraph (5) of this paragraph it appears to the Court that—
(a) the child is, will be or (if an order were made under this subparagraph) would be receiving instruction at an educational establishment or undergoing training for atrade, profession or vocation, whether or not while in gainful employment; or
(h) there are special circumstances which justify the making of an order under this paragraph,the Court shall have power by order to revive the order from such date as the Court may specify, not being earlier than the date of the making of the application.
(7) An order which is revived by an order under subparagraph (5) of this paragraph may be varied or discharged under that subparagraph, on the application of any person by whom or to whom payments are required to be made under the revived order.
(8) An order for the making or securing of periodical payments made under paragraph I of this Schedule may be varied or discharged, after the death of either parents, on the application of a guardian of the child concerned.

**7. Variation of orders for secured periodical payments after death of a parent**
(1) Where the parent liable to make payments under a secured periodical payments order has died, the persons who may apply for the variation or discharge of the order include the personal representatives of the deceased parent.
(2) No application for the variation of the order shall, except with the permission of the Court, be made after the end of the period of six months from the date on which representation in regard to the state of that parent is first taken out.
(3) The personal representatives of a deceased person against whom a secured periodical payments order was made, shall not be liable for having distributed any part of the estate of the deceased person after the end of the period of six months referred to in subparagraph (2) of this paragraph on the ground that they ought to have taken into account the possibility that the Court might permit an application for variation to be made after the period by the person entitled to payments under the order.
(4) Subparagraph (3) of this paragraph shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the variation of an order in accordance with this paragraph.
(5) Where an application to vary a secured periodical payments order is made after the death of the parent liable to make payments under the order, the circumstances to which the Court is required to have regard under paragraph 6 (1) of this Schedule include the changed circumstances resulting from the death of the parent.
(6) In considering for the purposes of subparagraph (2) of this paragraph the question when representation was first taken out, a grant limited to settled land or to trust property shall

be left out of account and a grant limited to real estate or to personal estate shall be left out of account unless a grant limited to the remainder of the state has previously been made or is made at the same time.
(7) In this paragraph, "secured periodical payments order" means an order for secured periodical payments under paragraph 1 (2) (b) of this Schedule.

**8. Financial relief under other enactments**
(1) This paragraph applies where a residence order is made with respect to a child at a time when there is in force an order ("the financial relief order") made under any enactment other than this Law and requiring a person to contribute to the child's maintenance.
(2) Where this paragraph applies, the Court may, on the application of—
(a) any person required by the financial relief order to contribute to the child's maintenance; or
(b) any person in whose favour a residence order with respect to the child is in force; make an order revoking the financial relief order, or varying it by altering the amount of any sum payable under that order or by substituting the applicant for the person to whom any such sum is otherwise payable under that order.

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

**10. Alteration of maintenance agreements**
(1) In this paragraph and in paragraph 11 of this Schedule, "maintenance agreement" means any agreement in writing with respect to a child, whether before or after the commencement of this paragraph, which—
(a) is or was made between the father and mother of the child; and
(b) contains provisions with respect to the making or securing of payments, or the disposition or use of any property, for the maintenance or education of the child and any such provisions are in this paragraph and paragraph 11 of this Schedule, referred to as "financial arrangements".
(2) Where a maintenance agreement is for the time being substituting and each of the parties to the maintenance agreement is for the time being either domiciled or resident in the State, either party may apply to the Court for an order under this paragraph.
(3) If the Court to which the application is made is satisfied—
(a) that, by reason of a change in the circumstances in the light of which any financial arrangement were made (including a change foreseen by the parties when making the maintenance agreement), the maintenance agreement shall be altered so as to make different financial arrangements; or
(b) that the agreement does not contain proper financial arrangements with respect to the child; that Court may by order make such alterations in the maintenance agreement by varying or revoking any financial arrangements contained in it as may appear to it to be just having regard to all the circumstances of the case.
(4) If the maintenance agreement is altered by an order under this paragraph, the maintenance agreement shall have effect thereafter as if the alteration had been made by agreement between the parties and for valuable consideration.

(5) Where a court decides to make an order under this paragraph altering the maintenance agreement—
(a) by inserting provision for the making or securing by one of the parties to the maintenance of the child; or
(b) by increasing the rate of periodical payments required to be made or secured by one of the parties for the maintenance of the child.
The Court, in deciding the term for which under the agreement as altered by the order the payments or (as the case may be) the additional payments attributable to the increase are to be made or secured for the benefit of the child, shall apply the provisions of paragraphs 3 (1) and (2) of this Schedule as if the order were an order under paragraph 1 (2) (a) or (b) of this Schedule.
(6) The Court at the Magisterial level shall not entertain an application under subparagraph (2) of this paragraph unless both parties to the maintenance agreement are resident in the State and shall not have power to make any order on such an application except—
(a) in a case where the maintenance agreement contains no provision for periodical payments by either of the parties, an order inserting a provision for the making by one of the parties of periodical payments for the maintenance of the child:
and
(b) in a case where the maintenance agreement includes provisions for the making by one of the parties of periodical payments, an order increasing or reducing the rate of, or terminating, any of those payments.
(7) For the avoidance of doubt, it is hereby declared that nothing in this paragraph affects any power of a court before which any proceedings between the parties to a maintenance agreement are brought under any other enactment to make an order containing financial arrangements or the right of either party to apply for such an order in the proceedings.

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

**12. Enforcement of orders for maintenance**
(1) Any person for the time being under an obligation to make payments in pursuance of any order for the payment of money made by a court at the Magisterial

level under this Law shall give notice of any change of address to such person (if any) as may be specified in the order.
(2) A person who fails without reasonable excuse to give a notice commits an offence and is liable on summary conviction to a fine of two thousand naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment.
(3) An order for the payment of money made by the Court under this Law shall be enforceable as a Magistrates' Court maintenance order.

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

**14. Financial provisions for a child resident in a country outside Nigeria**
(1) Where one parent of a child lives in State and the child lives outside the State with—
(a) his other parent; or
(b) his guardians; or
(c) a person in whose favour a residence order is in force with respect to the child, the Court shall have power, on an application made by the parent, guardian or person to make one or both of the orders mentioned in paragraph 1 (2) (a) and (b) of this Schedule against the parent living in the State.
(2) Any reference in this Law to the powers of the Court under paragraph (2) of this Schedule or to an order made under paragraph 1 (2) of this Schedule and include a reference to the powers which the Court has by virtue of subparagraph (1) of this paragraph or (as the case may be) to an order made by virtue of subparagraph (1) of this paragraph.

**15. The State contribution to child maintenance**
(1) Where a child lives, or is to live, with a person as the result of a residence order, the State may make contributions to that person towards the cost of the accommodation and maintenance of the child.
(2) Subparagraph (1) of this paragraph does not apply where the person with whom the child lives, or is to live, is a parent of the child or the husband or wife of the child.

**16. Interpretation**
In this Schedule—
(a) "**child**" includes, in any case where an application is made under paragraph 2 of this Schedule in relation to a person who has attained the age of eighteen years;
(b) except paragraphs 2 and 15 of this Schedule, "**parent**" includes any party to a marriage (whether or not subsisting) in relation to whom the child concerned is a child of the family and for this purpose any reference to either parent or both parents shall be constituted as a reference to any parent of the child and to all of his parent.

## SECOND SCHEDULE
*Supervision Orders*
*PART I*

**1. Meaning of "responsible person"**
For the purpose of this Schedule, a responsible person, in relation to a supervised child—
(a) is a person who has parental responsibility for the child; and
(b) is any other person with whom the child is living.

**2. Power of supervisor to give directions to supervised child**
(1) A supervision order may require the supervised child to comply with any direction given from time to time by the supervision which requires the supervised

child to do all or any of the following things—
(a) to live at a place or places specified in the direction for a period or periods specified;
(b) to present himself to a person or persons specified in the direction at a place places on a day specified;
(c) to participate in activities specified in the direction on a day so specified.
(2) It shall be for the supervisor to decide whether and to what extent, he exercise.-power to give directions and to decide the form of any directions which he gives.
(3) Subparagraph (1) of this paragraph, does not confer on a supervisor power to gr directions in respect of any medical or psychiatric examination or treatment which are matters dealt with in paragraphs 4 and 5 of this Schedule.

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

**4. Psychiatric and medical examination**
(1) A supervision order may require the supervised child—
(a) to submit to a medical or psychiatric examination; or
(b) to submit to any such examination from time to time as directed by the supervisor.
(2) An examination under subparagraph (1) of this paragraph shall be required to be conducted—
(a) by or under the direction of such medical practitioner as may be specified in the order;
(b) at a place specified in the order and at which the supervised child is to attend as non-resident patient; or
(c) at—
    (i) a health service hospital; or
    (ii) in the case of psychiatric examination, a hospital or mental nursing home, at which the supervised child is, or is to attend as, a resident patient.
(3) A requirement of a kind mentioned in subparagraph (2) (c) of this paragrap shall not be included unless the Court is satisfied, on the evidence of a medical practitioner that—
(a) the child may be suffering from a physical or mental condition that requires and may be susceptible to treatment; and
(b) a period as a resident patient is necessary if the examination is to be carried out properly.
(4) No court shall include a requirement under this paragraph in a supervision order unless it is satisfied that—
(a) where the child has sufficient understanding to make an informed decision, he consents to its inclusion; and
(b) satisfactory arrangements have been, or can be, made for the examination.
(5) In this paragraph and in paragraph 5 of this Schedule, “medical practitioner” means a medical practitioner registered under the Medical and Dental Practitioners Act Cap. 221 Laws of the Federation of Nigeria 1990.

**5. Psychiatric and medical treatment**

(1) Where a court which proposes to make or vary a supervision order is satisfied, on the evidence of a medical practitioner that the mental condition of the supervised child—

(a) is such as requires and may be susceptible to, treatment; but

(b) is not such as to warrant his detention in pursuance of a hospital order, the Court may include in the order a requirement that the supervised child shall, for a period specified in the order, submit to such treatment as is so specified.

(2) The treatment specified in accordance with subparagraph (1) of this paragraph shall be—

(a) by, or under the direction of, such medical practitioner as may be specified in the order; and

(b) as a non-resident patient at such a place as may be so specified; or

(c) as a resident patient in a hospital or mental nursing home.

(3) Where a court which proposes to make or vary a supervision order is satisfied, on the evidence of a medical practitioner; that the physical condition of the supervised child is such as requires and may be susceptible to, treatment, the Court may include in the order a requirement that the supervised child shall, for a period specified in the order, submit to such treatment as is so specified.

(4) The treatment specified in accordance with subparagraph (3) of this paragraph shall be—

(a) by, or under the direction of, such medical practitioner as may be specified in the order; and

(b) as a non-resident patient at such place as may be so specified; or

(c) as a resident patient in a Government hospital.

(5) No court shall include a requirement under this paragraph in a supervision order unless it is satisfied—

(a) where the child has sufficient understanding to make an informed decision, that he consents to its inclusion; and

(b) that satisfactory arrangements have been or can be made for the treatment.

(6) If a medical practitioner by whom or under whose direction a supervised person is being treated in pursuance of requirement included in a supervision order by virtue of this paragraph is unwilling to continue to treat or direct the treatment of the supervised child or s of the opinion that—

(a) the treatment should be continued for the period specified in the order; or

(b) the supervised child needs different treatment; or

(c) he is not susceptible to treatment;

(d) he does not require further treatment, the medical practitioner shall make a report in writing to that effect, to the supervisor;

(e) on receiving a report under this paragraph, the supervisor shall refer ii to Court and on such a reference, the Court may make an order cancelling or varying the requirement.

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

PART II

*Miscellaneous*

**6. Life of supervision order**

(1) Subject to subparagraph (2) of this paragraph and section 54 of this Law, a supervision order shall cease to have effect at the end of the period of one year beginning with the date on which it was made.

(2) Where the supervisor applies to the Court to extend, or further extend, a supervision order the Court may extend the order, for such period as it may specify.

(3) A supervision order may not be extended so as to run beyond the end of the period of three years beginning with the date on which it was made.

**7. Limited life of directions**

(I) The total number of days in respect of which a supervised child or (as the case may be) a responsible person may be required to comply with directions given under paragraph 2 or 3 of this Schedule shall not exceed ninety days or such lesser number (if any) as the supervision order may specify.
(2) For the purpose of calculating the total number of days, the supervisor may disregard any day in respect of which directions previously given in pursuance of the order was not complied with.

**8. Information to be given to supervisor, etc.**
(1) A supervision order may require the supervised child—
(a) to keep the supervisor informed of any change in his address; and
(b) to allow the supervisor to visit him at the place where he is living.
(2) The responsible person in relation to any child with respect to whom a supervision order is made shall—
(a) if asked by the supervisor, inform him of the child's address (if it is known to him); and
(b) if he is living with the child, allow the supervisor reasonable contact with the child.

9.
(1) A supervision order shall not designate the State as the supervisor unless— (a) the State agrees; or
(b) the supervised child lives or will live within the State.
(2) A court shall not place a child under the supervision of a supervision officer unless—
(a) the State so requests; and
(b) a supervision officer is already exercising or has exercised, in relation to another member of the household to which the child belongs, duties imposed on supervision officers under this Law.
(3) Where a supervision order places a person under the supervision of a supervision officer, the supervision officer shall be selected in accordance with arrangements made by the supervision service for the area in question.
(4) If the selected supervision officer is unable to carry out his duties, or dies, another supervision officer shall he selected in the manner.

**10. Effect of supervision order on earlier orders**
The making of a supervision order with respect to a child brings to an end any earlier care order which—
(a) was made with respect to that child; and (b) would otherwise continue in force.

**11. The State function and expenditure**
(1) The Commissioner may make regulation with respect to the function of the State where a child has been placed under its supervision by a supervision order.
(2) Where a supervision order requires compliance with direction given by virtue of this Part of this Schedule, any expenditure incurred by the supervisor for the purposes of the directions shall be defrayed by the State designated in the order.

PART III
*Education Supervision Orders*

**12. Effects of orders**
(1) Where an education supervision order is in force with respect to a child, the supervisor shall—
(a) advise, assist and befriend and give direction to—
(i) the supervised child; and
(ii) the parents of the supervised child,in such a way as may, in the opinion of the supervisor, secure that the child is properly educated;
(b) where any such direction given to—
(i) the supervised child; or
(ii) a parent of his,

has not been complied with, consider what further steps to take in the exercise of the supervisor's power under this Law.
(2) Before giving any directions under subparagraph (1) of this paragraph, the supervisor shall, so far as is reasonably practicable ascertain the wishes and feelings of—
(a) the supervised child; and
(b) the parents of the supervised child, including, in particular, their wishes as to the place at which the child should be educated.
(3) When settling the terms of any such directions, the supervisor shall give due consideration—
(a) having regard to the child's age and understanding to his wishes and feelings; and
(b) to such wishes and feelings of the child's parents, as the supervisor has been able to ascertain.
(4) Directions may be given under this paragraph at anytime while the education supervision order is in force.

13.
(1) Where an education supervision order is in force with respect to a child, the duties of the child's parents under this Law to secure education for the child and to secure regular school attendance at school shall be superseded by their duty to comply with any directions in force under the education supervision order.
(2) Where an education supervision order is made with respect to a child—
(a) any school attendance order in force immediately before the making of the education supervision order shall cease to have effect;
(b) a supervision order made with respect to the child in criminal proceedings while the education supervision order is in force, shall not include an education requirement of the kind which could otherwise be required under this Law; and
(c) any education requirement of a kind mentioned in subparagraph (2) (b) of this paragraph, which was in force with respect to the child immediately before the making of the education supervision order, shall cease to have effect.

**14. Effect where child is also subject to supervision order**
Where an education supervision order and a supervision order, are in force at the same time with respect to the same child, any failure to comply with a direction given by the supervision order shall be disregarded if it would not have been reasonably practicable to comply with it without failing to comply with a direction given under the other order.

**15. Duration of orders**
(1) An education supervision order shall have effect for a period of one year, beginning with the date on which it is made.
(2) An education supervision order shall not expire if, before it would otherwise have expired, the Court has (on the application of the State in whose favour the order was made) extended the period during which it is in force.
(3) Such an application shall not be made earlier than three months before the date on which the order would otherwise expire.
(4) The period during which an education supervision order is in force may be extended under subparagraph (2) of this paragraph on more than one occasion.
(5) No single extension may be made for a period of more than three years.
(6) An education supervision order shall cease to have effect on—
(a) the child's ceasing to be of compulsory school age; or
(b) the making of a care order with respect to the child,
and subparagraphs (1) to (4) of this paragraphs (1) to (4) of this paragraph are subject to this subparagraph.

**16. Information to be given to supervisor, etc.**
(1) An education supervision order may require the child—
(a) to keep the supervisor informed of any change in his address; and
(b) to allow the supervisor to visit him at the place where he is living.

(2) A person who is the parent of a child with respect to whom an education supervision order has been made shall—
(a) if asked by the supervisor, inform him of the child's address if it is known to him; and
(b) if he is living with the child, allow the supervisor reasonable contact with the child.

**17. Discharge of orders**
(1) The Court may discharge an education supervision order on the application of—
(a) the child concerned; or
(b) a parent of the child concerned; or
(c) the education authority concerned.
(2) On discharging an education supervision order, the Court may direct the State Government within whose area the child lives, or will live, to investigate the circumstances of thechild.

**18.**
(1) If a parent of a child with respect to whom an education supervision order is in force persistently fails to comply with a direction given under the order he commits an offence.
(2) It shall be a defence for any person charged with such an offence to prove that—
(a) he took all reasonable steps to ensure that the direction was complied with;
(b) the direction was unreasonable; or
(c) he had complied with—
(i) a requirement included in a supervision order made with respect to the child; or
(ii) direction given under such a requirement,
and that it was not reasonably practicable to comply both with the direction and with the requirement or directions mentioned in this paragraph.
(3) A person who commits an offence under this paragraph is liable on summary conviction to a fine not exceeding two thousand five hundred naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

**19. Persistent failure of child to comply with directions**
(1) Where a child with respect to whom an education supervision order is in force persistently fails to comply with any direction given under the order, the education authority concerned shall notify the State.
(2) Where the State has been notified under subparagraph (1) of this paragraph it shall investigate the circumstances of the child.

**20. Miscellaneous**
The Commissioner may by regulations make provisions modifying, or displacing, the provisions of any enactment about education in relation to any child with respect to whom an education supervision order is in force to such extent as appears to the Commissioner to be necessary or expedient in consequence of the provisions made by this Law with respect to such orders.

THIRD SCHEDULE

*Application for Wardship*
Application for wardship shall—
(a) be by originating summons; and
(b) state the relationship of the plaintiff to the ward.

FOURTH SCHEDULE
PART I
[Sections 112(2), 120 (3) and 122 (5).]
*Foster Parents: Limits on Number of Foster Children*
**1. Fostering children**

For the purposes of this Schedule, a person fosters a child if—
(a) he is the State foster parent in relation to the child;
(b) he is a foster parent with whom the child has been placed by a voluntary organisation; or
(c) he fosters the child privately.

**2. The usual fostering limit**
Subject to the following paragraphs of this Schedule, a person may not foster more than three children which is the usual fostering limit.

**3. Siblings**
A person may exceed the usual fostering limit if the children concerned are all siblings with respect to each other.
4. Exemption by the State
(1) A person may exceed the usual fostering limit if he is exempted from it by the State.
(2) In considering whether to exempt a person, the State shall have regard, in particular, t
(a) the number of children who the person supposes to foster;
(b) the arrangements which the person proposes for the child and accommodation of the fostered children;
(c) the intended and likely relationship between the person and the fostered children;
(d) the period of time for which he proposes to foster the children; and
(e) whether the welfare of the fostered children (and of any other children who are or will be living in the accommodation) will be safeguarded and promoted.
(3) Where the State exempts a person, it shall inform him by notice in writing—
(a) that he is so exempted;

(b) of the children, described by name, whom he may foster; and
(c) of any condition to which the exemption is subject.
(4) A state may at any time by notice in writing
(a) vary or cancel an exemption; or
(b) Impose, vary or cancel a condition to which the exemption is subject and in considering whether to do so, it shall have regard in particular to the considerations mentioned in subparagraph (2) of this paragraph.
(5) The commissioner may make regulations amplifying or modifying the provisions of this paragraph in order to provide for cases where children need to be placed with foster parents as a matter of urgency.

**5. Effect of exceeding fostering limit**
(1) A person shall cease to be treated as fostering children and shall be treated as carrying on a children's home if
(a) he exceeds the usual fostering limit; or
(b) where he is exempted under paragraph 4 of this Schedule
(i) he fosters any child not named in the exemption; and
(ii) in so doing, he exceeds the usual fostering limit.
(2) Subparagraph (1) of this paragraph does not apply if the children concerned are all siblings in respect of each other.

**6. Complaints, etc.**
(1) The State shall establish a procedure for considering any representation (including any complaints) made to it about the discharge of its function under paragraph 4 of this schedule by a person exempted or seeking to be exempted under that paragraph.

(2) in carrying out any consideration of representations under subparagraph the state shall comply with any regulations made by the commissioner for the purpose of this paragraph.

PART II

[Section 112.]

*Forms of fostered Children Registers*

Registry ..... Town ..... L.G.A. ..... State .....

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|
| No. of entry | Date of entry | Name of fostered child (enter name as stated in fostering order) | Sex of child (enter sex as stated in fostering order) | Name and surname address and occupation of foster parents (enter name address and occupation as stated in fostering | Date of birth of Child (enter date birth (if any directed by the fostering order to be entered but other entry) other entry | Date of fostering order and description of court which made (entry to be as appearing on the Fostering Order) | Signature of officer designated By chief Registrar child development to attest to entry |

PART III

[Sections 120 and 121.]

*Children Fostered Privately*

**1. Exemptions**

A child is not fostered privately while he is being looked after by the State Government.

2.

(1) A child is not fostered privately while he is in care of any person—

(a) in premises in which—

(i) parent of the child;

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

(iii) a person who is a relative of the child and who has assumed responsibility for his care is for the time being living;

(b) in a children home;

(e) in an accommodation provided by or on behalf of any voluntary organisation;

(d) in a school in which he is receiving full time education;

(e) in a residential care home, nursing home or mental nursing home; or

(f) in any home or institution not specified in this paragraph but provided, equipped and maintained by the Government.

(2) Subparagraph (1) (b) to (g) of this paragraph does not apply where the person caring for the child is doing so in his personal capacity and not in the course of carrying out his duties in relation to the establishment mentioned in the subparagraph in question.

**3.**

A child is not fostered privately while—

(a) he is placed in the care of a person who proposes to adopt him under this Law; or

(b) he is a protected child.

**4. Power of the State to impose requirements**

(1) Where a person is fostering a child privately, or proposes to foster any child privately, the appropriate authority may impose on him requirements as to—

(a) the number, age and sex of the children who may be fostered privately by him;

(b) the standard of the accommodation and equipment to be provided for them;

(c) the arrangement to be made with respect to their health and safety; and

(d) particular arrangements which shall be made with respect to the provision of care for them and it shall be his duty to comply with such requirement before the end of

such period as the appropriate authority may specify unless, in the case of a proposal, the proposal is not carried out.
(2) A requirement may be limited to a particular child, or class of children.
(3) A requirement (other than one imposed under subparagraph (1) (a) of this paragraph), be limited by appropriate authority so as to apply only when the number of the children fostered by the person exceeds a specified number.

(4) A requirement shall be imposed by notice in writing addressed to the person on whom it is imposed and informing him of—
(a) the reason for imposing the requirement;
(b) his right under paragraph 6 of this Part of this Schedule to appeal against it; and
(c) the time within which he may do so.
(5) The State may at any time vary a requirement, impose any additional requirement or remove any requirement.
(6) In this paragraph and the other paragraphs of this Part of this Schedule—
(a) "**appropriateauthority**" means—
(i) the State in whose State the child is being fostered; or
(ii) in the case of a proposal to foster a child, the State within which it is proposed that he will foster; and
(b) "**requirement**", in relation to any person, means a requirement imposed on the person under this paragraph.

**5. Regulations requiring notification of fostering, etc.**
(1) The Commissioner may by regulations make provisions as to—
(a) the circumstances in which notification is required to be given in connection with children who are, have been or are proposed to be fostered privately; and
(b) the manner and form in which such notification is to be given.
(2) The regulations may in particular—
(a) require any person who is, or proposes to be, involved (whether or not directly) in arranging for a child to be fostering privately to notify the appropriate authority;
(b) require any person who is—
(i) a parent of a child; or
(ii) a person who, though not a parent of child has parental responsibility for the child and who knows that it is proposed that the child should be fostered privately, to notify the appropriate authority;
(c) require any parent of a child fostered privately, or person who, though not a parent of a child has parental responsibility for the child, to notify the appropriate authority of any change in his address;
(d) require any person who proposed to foster a child privately to notify the appropriate authority of his proposal;
(e) require any person who is fostering a child privately, or proposes to do so, to notify the appropriate authority of—
(i) any to the offence of which he has been convicted;
(ii) any disqualification imposed on him under section 122 of this Law; or
(iii) any prohibition imposed on him under section 123 of this Law;
(f) require any person who is fostering a child privately to notify the appropriate authority of any change in his address;
(g) require any person who is fostering a child privately to notify the appropriate authority in writing of any person who being or cease to be part of his household;
(h) require any person who has been fostering a child privately, but has ceased to do so, to notify the appropriate authority (indicating, where the child has died and the reason for the death).

**6. Appeals**

(1) A person aggrieved by—
(a) a requirement imposed under paragraph 4 of this Part of this Schedule;
(b) a refusal of consent under section 122 of this Law;
(c) a prohibition imposed under section 123 of this Law;
(d) a refusal to cancel a prohibition under section 123 of this Law;
(e) a refusal to make an exemption under paragraph 4 of Part I of this Schedule;
(f) a condition imposed in an exemption under paragraph 4 of Part I of this Schedule; or
(g) a variation of cancellation of an exemption, may appeal to the Court.
(2) The appeal shall be made within fourteen (14) days from the date on which the person appealing is notified of the requirement, refusal, prohibition, condition, variation or cancellation.
(3) Where the appeal is against—
(a) a requirement imposed under paragraph 4 of this Schedule; or
(b) a condition imposed in an exemption under paragraph 4 of Part I of this Schedule; or
(c) a variation or cancellation of an exemption under paragraph 4 of Part I of this Schedule, the requirement, condition, variation or cancellation shall not have effect while the appeal is pending.
(4) Where the Court allows an appeal against a requirement or prohibition, it may, instead of cancelling the requirement or prohibition—
(a) vary the requirement or allow more time for compliance with it; or
(b) if an absolute prohibition has been imposed, substitute for it a prohibition on using the premises after such time as the Court may specify unless such specified requirements as the State had power to impose under paragraph 4 of this Schedule are complied with.
(5) A requirement or prohibition specified or substituted by a court under this paragraph shall be deemed for the purposes of Part III of this Law (other than this paragraph) to have been imposed by the State under paragraph 4 of this Schedule or section 123 of this Law (as the case may be).
(6) Where the Court allows an appeal against a refusal to make an exemption, a condition imposed in the exemption or a variation or cancellation of the exemption, it may—
(a) make an exemption;
(b) impose a condition; or
(c) vary the exemption.
(7) An exemption made or varied under subparagraph (6) of this paragraph, or any condition imposed under that subparagraph, shall be deemed for the purposes of Part I of this Schedule (but not for the purposes of this paragraph) to have been made, varied or imposed under that Schedule.
(8) Nothing in subparagraph (I) (e) to (g) of this paragraph confers any right of appeal on—
(a) a person who is, or would, if exempted under Part I of this Schedule, be the State foster parent; or

(b) a person who is, or would, if so exempted be, a person with whom a child is placed by a voluntary organisation.

**7. Extension of Part III to certain school children during holidays**
(1) Where a child under the age of sixteen years who is a pupil at a school which is not maintained by the State lives at the school during school holiday for a period of more than two weeks, Part III of this Law shall apply in relation to the child as if—
(a) while living at the school, he were a child fostered privately; and
(b) paragraph 2 (1) (d) and 4 of this Part of this Schedule were omitted.
(2) Subparagraph (3) of this paragraph applies to a person who proposes to care for and accommodate one or more children at a school in circumstances in which some or all of themwill be treated as children fostered privately by virtue of this paragraph.

(3) The person referred to in subparagraph (2) of this paragraph shall, not less than two weeks before the first of those children is treated as a child fostered privately by virtue of this paragraph during the holiday in question, give written notice if his proposal to the State whose areas the child or ordinarily resident, stating the estimated number of the children.
(4) The State may exempt a person from the duty of giving notice under subparagraph (3) of this paragraph.
(5) An exemption may be granted for a special period or indefinitely and may be revoked at any time by notice in writing given to the person exempted.
(6) Where a child who is treated as a child fostered privately by virtue of this paragraph dies, the person caring for him at the school, shall not later than 48 hours after the death, givewritten notice of the death—
(a) to the appropriate authority; and
(b) where reasonably practicable, to each parent of the child and to every person who, though not a parent of the child, has parental responsibility for the child.
(7) Where a child who is treated as a foster child by virtue of this paragraph ceases for any other reason to be a fostered child, the person caring for him at the school shall give written notice of the fact to the appropriate authority.

**8. Prohibition of advertisements relating to fostering**
No advertisement indicating that a person will undertake, or will arrange for, a child tobe fostered privately shall be published, unless it states that person's name and address.

**9. Avoidance of insurance on lives of children fostered privately**
A person who fosters a child privately and for reward shall be deemed for the purposesof the Insurance Act, 1991 to have no interest in the life of the child.

PART IV
[Section 120.]
CHILD'S RIGHT LAW
*Declaration Regarding Suitability to Foster Children Privately*
(To be completed by all members of the household over 16 years)
Full name …….
Date of Birth ……

PART IV—*Continued*
Address …….

| **HAVE YOU EVER** | **YES NO** |
|---|---|
| | Please tick |
| 1. Been convicted of any offence involving a child | ( )( ) |
| 2. Had a child removed from your care by the order of any court of the State | ( )( ) |
| 3. Had registration under part XIV of the Child's Right Law refused or cancelled (Children minding) | ( ) ( ) |
| 4. Had your right and duties with respect to a child vested in the State | ( )( ) |
| 5. Had a prohibition imposed on you at any time | ( )( ) |
| 6. Disqualified from acting as a foster parent | ( )( ) |

If you have answered "yes" to any of the above questions, please supply the dates and circumstances.

Signed …… Date ……

Section 24 (a) of the Child's Right Children Law, 2005 provides that a person who makes any statement in this notice or information which he knows to be false or

misleading commits an offence and liable on summary conviction to a fine not exceeding five thousand naira.

PART V

[Section 120 (1) and (2).]

*Additional Provisions Relating to Private Arrangements for Fostering*

**1. General welfare of children**

(1) In carrying out functions under section 123 of this Law, as to the welfare of children who are fostered privately within the State, the State (including an officer of the State) shall satisfy itself on such of the matters specified in subparagraph (2) of this paragraph as are relevant in the particular circumstances.

(2) The matters referred to in subparagraph (1) of this paragraph are—

(a) the purpose and intended duration of the fostering arrangement;

(b) the child's physical, intellectual, emotional, social and behavioural development;

(c) whether the child's notice arising from his religious persuasion, racial original and cultural and linguistic background are being met;

(d) the financial arrangement for the care and maintenance of the child;

(e) the suitability of the accommodation;

(f) the arrangements for the child's medical and dental care and treatment;

(g) the arrangements for the child's education and, in particular, that the local education authority has been informed of the fostering arrangement;

(h) the standard of care which the child is being given;

(i) the suitability of the foster parent to look after the child and suitability of the foster parent's household;

(j) whether the foster parent is being given any necessary advice;

(k) whether the contact between the child and his parents, or any person with whom contact has been arranged, is satisfactory;

(1) whether the child's parents, or any other person are exercising parental responsibility for the child; and

(m) the ascertainable wishes and feelings of the child regarding the fostering arrangements.

**2. Visits to children**

(1) The State shall make arrangements for each child who is fostered privately within the State to be visited by an officer of the State from time to time as the State considers necessary in order to safeguard and promote the welfare of the child and when reasonably requested by the child or foster parent and in particular—

(a) in the first year of the fostering arrangement, within one week from its beginning and then at intervals of not more than six weeks;

(b) in any second or subsequent year, at intervals of not more than three months.

(2) For the purpose of making visits under this paragraph, the officer shall, if he considers it appropriate, arrange to see the child alone.

(3) The officer shall make a written report to the State after each visit.

**3. Notifications by prospective and actual foster parents**

(1) Any person who proposes to foster privately, a child for whom he is not already caring and providing accommodation, shall notify the appropriate authority not less than six weeks, nor more than thirteen weeks before he receives the child, unless he receives him in an emergency.

(2) A person who is fostering a child privately—

(a) whom he received in an emergency; or

(b) for whom he was already caring and providing accommodation when he become a foster child, shall notify the appropriate authority not more than 48 hours after the fostering arrangements began.
(3) A notice under subparagraph (1) or (2) of this paragraph shall specify—
(a) the name, sex, date and place of birth, religious persuasion, racial origin and cultural and linguistic background of the child;
(b) the name and address of the person giving the notice and any previous address within the last five years;
(c) the purpose and intended duration of the fostering arrangement;
(d) the name and address of any parent of the child and of any other person who has parental responsibility for the child and (if different) of any person from whomthe child was or is to be received;
(e) the name and address of any person, other than a person specified in subparagraph (3) (d) of this paragraph, who is involved directly or indirectly in making the fostering arrangement or, as the case may be, the date on which the arrangement actually began.

(4) A person giving notice under subparagraph (1) or (2) of this paragraph shall include in the notice particulars of—
(a) any offence of which he has been convicted;
(b) any disqualification or prohibition imposed on him under (as the case may be) section 122 or 123 of this Law or under any previous enactment of either of those sections; and
(c) any such conviction, disqualification or prohibition imposed on any other person living in or employed at the same household.
(5) A person who is fostering a child privately shall notify the appropriate authority of—
(a) any change in his address;
(b) any person who begins or ceases, to be part of his household; and
(c) any further conviction disqualification or prohibition as mentioned in subparagraphs (3) (a), (b) and (c) of this paragraph.
(6) A notice under subparagraph (5) of this paragraph shall be given—-
(a) in advance if practicable; and
(b) in any other case, not more than 48 hours after the change of circumstances and if the new address is in another State the appropriate authority to whom the notice is given shall inform the State Government of the other State of the new address and of the particulars given to it under subparagraph (30) (a) and (d) of this paragraph.

**4. Notifications by former foster parents**
(1) Subject to subparagraphs (2) and (3) of this paragraph, any person who has been fostering a child privately, but has ceased to do so, shall notify the appropriate authority within 48 hours and shall include in the notice the name and address of the person into whose care the child was received.
(2) Where the reason for ending the fostering arrangement is the death of the child, the foster parent shall notify forthwith the State and also the person from whom the foster parent received the child.
(3) Subparagraph (1) of this paragraph shall not apply where the foster parent intends to resume the fostering arrangement after an interval of not more than 27 days but if —
(a) he subsequently abandons his intention; or
(b) the interval expires without his having given effect to his intention, he shall thereupon give notice to the State within 48 hours of abandoning his intention or as the case may be, the expiry of the interval.

**5. Other notifications**
(1) Any person who is, or proposes to be, involved (whether or not directly) in arranging for a child to be fostered privately shall notify the appropriate authority not less than six nor more than thirteen weeks before the fostering arrangement begins unless the fostering arrangement is made in an emergency in which case the

notification shall be not more than 48 hours after the fostering arrangement begins.
(2) A parent of a child and any other person who has parental responsibility for the child, who knows that it is proposed that the child should be fostered privately shall notify the appropriate authority not less than six, nor more than thirteen weeks before the fostering arrangement begins unless the fostering arrangement is made in an emergency in which case notification shall be not more than 48 hours thereafter.
(3) Any notice under subparagraph (1) or (2) of his paragraph shall specify—
(a) the information mentioned in subparagraph (3) (a), (b) and (c) of paragraph 3 of this Schedule;
(b) the arrangements for the care of any brother or sister of the child who is not included in the fostering arrangement;
(c) the name and address of any other person involved (whether or not directly) in the fostering arrangement;
(d) where the notice is given under subparagraph (1) of this paragraph, the relationship to the child of the person giving the notice and also the information specified in subparagraph (3) (ci) of paragraph 3 of this Schedule.
(4) Any parent of a child fostered privately and any other person who has parental responsibility for the child, shall notify the appropriate authority of—
(a) the ending of the fostering arrangement; and
(b) any change in his own address.

**6. Notice to be in writing**
Any notice required under paragraphs 3 to 5 shall be given in writing and may be sent bypost.

PART VI
[Sections 122 and 197 (1) (2).]
*Disqualification from Caring for Children*

**1. Disqualification from fostering a child privately or registration under Part XI of this Law**
For the purpose of section 122 of this Law (a person disqualified from being private foster parents) and of paragraph 2 of the Sixth Schedule to this Law (disqualification from registration) a person is disqualified from fostering a child privately or registering under section 160 of this Law (registration for child-minding and day care) if—
(a) he is the parent of a child who at any time has been made the subject of an order under section 53 (1) (a) of this Law (care order);
(b) one of the following orders has been made at any time with respect to a child so as to remove the child from his care or prevent the child living with him—
(i) an order under section 52 (1) (a) of this Law;
(ii) a supervision order which imposes a residence requirement under this Law that a child offender lives in the State accommodation;
(iii) an approved school order or a fit person order under this Law;
(c) an order has been made at any time, for the purposes of removing a protected child who was being kept, or was about to be received by him under Part IV of this Law;
(d) an order removing a child from his care has been made at any time under Part V of this Law;
(e) he has been convicted of any sexual offence, any offence involving perjury or violence or such other offences as may be prescribed by the Commissioner;

(f) he is a person who carried on, or was otherwise concerned with the management of or had any financial interest in a voluntary home which was removed from theregister;
(g) there has been a refusal to register a voluntary home in relation to an application made by him under this Law;

(h) there has been a refusal to register a registered children's home in relation to an application made by him under paragraph 1 of the Tenth Schedule to this Law (application for registration);
(i) he is a person who carried on or was otherwise concerned with the management of or had any financial interest in a registered children's home and that home was removed from the register under paragraph 4 of the Tenth Schedule to this Law (cancellation of registration);
(j) he is a person in respect of whom a prohibition has been imposed under section 123 of this Law (power to prohibition private fostering);
(k) he has at any time been refused registration in respect of day care or child minding.

**2. Disqualification in relation to voluntary homes**
(1) A person who is disqualified under section 122 of this Law from fostering a child privately shall not carry on, or be otherwise concerned in the management of or have any financial interest in a voluntary home unless he has—
(a) disclosed to the Commissioner the fact that he is so disqualified; and (b) obtained his written consent.
(2) No person shall employ a person who is disqualified in a voluntary home unless he has—
(a) disclosed to the Commissioner the fact that the person is so disqualified; and (b) obtained the written consent of the Commissioner.
(3) Where the Commissioner refuses to give his consent under this paragraph he shall inform the person carrying on or intending to carry on the voluntary home by a written notice which states—
(a) the reason for the refusal;
(b) the right to appeal against the refusal to the Court at the High Court level under paragraph 5 of the Tenth Schedule to this Law;
(c) the time within which he may do so.
(4) Any person who contravenes subparagraph (1) or (2) of this paragraph commits an offence and is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two thousand five hundred naira or to both such imprisonment and fine.

FIFTH SCHEDULE
[Section 130 (2).]

THE CHILD'S RIGHTS LAW

**IN THE FAMILY MAGISTRATE/HIGH COURT OF EKITI STATE**

*Final Adoption Order*

**Case No.: ……**

**LET THE BOY/GIRL KNOWN BY THE NAME**

……
Whose description appears hereunder be in the custody and care of …….. subject to the provision of the Child Rights Law, 2005.

This Adoption order shall remain in force from the
……..…… day of …… until it is revoked in accordance with the provisions of the said Law

**DESCRIPTION**

Name of the child: ……
Sex: ……
State: ……
Name and address of father: ……
Occupation of father: ……
Name and address of mother:
……
Name and address of adoption: ……
……
Occupation of adaptor:
……
Reason of issue of Adoption order:
……
Dated this …….. day of ……., 20 ……..

……
Judge/Magistrate

_____

.

FIFTH SCHEDULE-*continued*
*Form of Adopted Children's Register*

*Registry……..Town……L.G.A……..State……*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|
| No. of entry | Date of entry | Name of adoption child(enter name as stated in adoption order) | Sex of adoption child(enter sex as stated in adoption order) | Name and surname, address and occupation of adoption parents (enter name, address and occupation as stated in adoption) | Date of birth of child(enter date of birth if any)as directed by the adoption order to be entered but otherwise no entry | Date of adoption order and description of court by which order is made. entry to be made as appearing on the adoption order. | Signature of officer designated by the chief Registrar or child development officer to attest entry |

_____

SIXTH SCHEDULE
[Sections 166 (1) (c) (ii),169 (1) (c) (d) and 170 (9), (10) and (11).]
*Child Minding and Day Care for Young Children*

**1. Application for registration**

(1) An application for registration under section 163 of this law shall be of no effect unless it contains-
*(a)* a statement, with respect to the application which complies with the requirements contained in Annex A to this Schedule and of regulation made for the purposes of this paragraph by the commissioner;
*(b*) statement with respect to any person assisting or liking to be assisting in looking after children on the premises in question, or living or likely to be living there, which complies with the requirements contained in Annexure B to this Schedule and of such regulations.
(2) where a person provides, day care for children under the age of six years on different premises situated within the same state, he shall make a separate application with respect to each of those premises.
(3) An application under section 163 of this law shall be accompanied by such fee as may be prescribed.
(4) On receipt of an application for registration under section 163 of this law from any Person who is acting, or proposes to act, in any way which requires him to be registered under that section, the state shall register him if the application is properly made and it is not otherwise entitled to refuse to do so.

**2. Disqualification from registration**
(1) A person may not be registered under section 163 of this law if he is disqualified by Regulations made by the comm.issioner for the purposes of this paragraph.
(2) The regulations may, in particular provide for a person to be disqualified where —
(a) an order of a prescribed kind has been made at any time with respect to him;
(b) an order of a prescribed kind has been made at any time with respect to any child who has been in his care;
(c) a requirement of a prescribed kind has been imposed at any time with respect to such a child; under or by virtue of any enactment;
(d) he has at any time been refused registration under Part XIV of this Law or any other prescribed kind; or has been placed on probation or discharged absolutely or conditionally for any such offence;
(e) he has been convicted of any offence of a prescribed kind; or has been placed on probation or discharged absolutely or conditionally for any such offence;
(f) he has at any time been disqualified from fostering a child privately;
(g) a prohibition has been imposed on him at any time under any prescribed enactment;
(h) his rights and powers with respect to a child have at any time been vested in a prescribed authority under a prescribed enactment.
(3) A person who lives—
(a) in the same premises as a person who is himself disqualified by regulations made under this paragraph; or
(b) in a premises which any such person is employed,
shall be disqualified unless he has disclosed the fact to the State Government and obtained its written consent.
(4) A person who is disqualified shall not provide day care, or be concerned in the management of, or have any financial interest in, any provision of day care unless he has—
(a) disclosed the fact to the State; and (b) obtained its written consent.
(5) No person shall employ, in connection with the provision of day care, a person who is disqualified unless he has—
(a) disclosed to the State the fact that the persons is so disqualified; and (b) obtained its written consent.
(6) In this paragraph, “enactment” means any enactment having effect, at any time, in any part of the Nigeria.

**3. Exemption of certain schools**
(1) Section 168 of this Law does not apply in relation to any child looked after in any —

(a) school maintained or assisted by any Government in the Federation;
(b) school under the management of an education authority; and
(c) independent school.
(2) The exemption provided by subparagraph (1) of this paragraph only applies where the child concerned is being looked after in accordance with provision for day care made by—
(a) the person carrying on the establishment in question as part of the establishment's activities; or

(b) a person employed to work at that establishment and authorised to make that provision as part of the establishment's activities.

**4. Exemption for other establishments**
(1) Section 168 (1) (b) of this Law does not apply in relation to any child looked after in—
(a) a registered children's home; or
(b) a voluntary home; or
(c) a community home; or
(d) a residential care home, nursing home or mental nursing home; or
(e) a Government hospital; and
(f) such other homes as may be prescribed for exemption under this paragraph.
(2) The exemption provided by subparagraph (1) of this paragraph only applies where the child concerned is being looked after in accordance with provisions for day care made by—
(a) the department authority or other person carrying on the establishment in question as part of the establishment's activities; or
(b) a person employed to work at that establishment and authorised to make that provision as part of the establishment's activities.

**5. Exemption for occasional facilities**
(1) Where day care for children under the age of six years is provided in particular premises on less than six days in any year, that provision shall be disregarded for the purposes of section 168 of this Law if the person making it has notified the State in writing before the first occasion on which the premises concerned are so used in that year.
(2) In subparagraph (1) of this paragraph, "**year**" means the year beginning with the day on which the day care in question is (after the commencement of this paragraph) first provided in the premises concerned and any subsequent year.

**6. Certificate of registration**
(1) Where the State registers a person under section 163 of this Law it shall issue him with a certificate of registration.
(2) The certificate shall certify—
(a) the registered person's name and address;
(b) in a case falling within section 163 (1) (b) of this Law.
(3) Where, due to a change of circumstances, any part of the certificate requires to be amended, the State shall issue an amended certificate.
(4) Where the State is satisfied that the certificate has been lost or destroyed, it shall issue a copy, on payment by the registered person of such fee as may be prescribed.

**7. Fees for annual inspection of premises**
(1) Where—
(a) a person is registered under section 163 of this Law;
(b) the State makes an annual inspection of the premises in question under section 168 of this Law, it shall serve on that person a notice informing him that the inspection is to be carried out and requiring him to pay to it such fee as may be prescribed.

(2) It shall be a condition of the continued registration of that person under section 163 of this Law that the fee is so paid before the expiry of twenty-eight (28) days beginning withthe date on which the inspection is carried out.

## Annexure A

[Paragraph 1 (1) (a).]

*Information to be Provided about the Applicant*

1. The full name of the applicant, including (if different) name at birth and any other former names, or where day care is to be provided by a partnership, committee or body corporate or un-incorporate, the full names of the partners, members of the committee, Board of Directors, or the Board, identifying the Chairman, Secretary and Treasurer and the person in charge.
2. The address at which the children are to be looked after and the address of the applicant and of the person in charge, if different.
3. Whether the premises at which the children are to be looked after is a domestic premises.
4. In the case of day care, a description of the facilities available to the applicant for day care, including the number of rooms, their functions, the numbers of lavatories and washbasins, any separate facilities for adult workers and access to the premises for cared
5. Whether the applicant wishes to register as a child minder, or as a provider of day care and if the latter whether he will provide full day care or seasonal day care.
6. In the case of day care, the proposed hours for which the applicant wishes to provide day care.
7. Relevant experience of the applicant and any person in charge, including any previous work with children or with elderly or disabled persons, whether paid or not.
8. The number and ages of any children of the applicant or the person in charge or any children for whom either is to be responsible.
9. Any relevant qualifications (with dates) of the applicant or the person in charge giving details of the organisation running the course, the subjects studied, the length of the course and the name of the qualifications.
10. The names of two referees for the applicant or the person in charge who may be contacted.
11. The name and address of the medical practitioner of the applicant or of the person in charge and whether he may he approached for details concerning the state of health of the applicant or person in charge, together with details of anything for which he is currently being treated by his medical practitioner or by a hospital and details of any hospital admissions during the last two (2) years and of any serious illness in the last five years.
12. Details of any criminal convictions of the applicant or the person in charge, including—
(a) the date of offence;

(b) the name of offence;
(c) the place where it occurred;
(d) the name of the Court which gave the conviction; and
(e) the penalty imposed.

## Annexure B

[Paragraph 1 (l)(b).]

*Information to be Provided about any Person Assisting or Likely to Assist, or Living or Likely to Live in the Premises*

(1) In the case of child minders, names and date of birth of anyone living (or likely to be living) in the premises in which they intend to look after children, including

numbers of the family and lodge's and the name and address of any person assisting (or likely to be assisting) in looking after the children.
(2) In the case of day care applicants, names and dates of birth of anyone living (or likely to be living) on the premises to be used for a day care, details on how many staff will be employed in looking after the children and in what capacity, details of any person in charge, any other person assisting (or likely to be assisting) in looking after children on the premises in question, with their names and addresses.
(3) Details of any criminal conviction of applicant or the person in charge, including —
(a) the date of offence;
(b) the name of offence;
(c) the place where it occurred;
(d) the name of the Court which gave the conviction; and
(e) the penalty imposed.

## SEVENTH SCHEDULE
[Sections 175 (4) and (5) and 178 (9).]
*The State Government Support for Children and Families*

### PART I
*Provision of Services for Families*

**1. Identification of children in need and provision of information**
(1) The State shall take reasonable steps to identify the extent to which there are children in need within its area.
(2) The State shall—
(a) publish information—
(i) about services provided by them under sections 175, 176, 178 and 183 of this Law; and

(ii) where it considers it appropriate, about the provision by others (including, in particular voluntary organisations) or services which the State has power under those sections; and
(b) take such steps as are reasonably practicable to ensure that those who might benefit from the services received the information relevant to them.

**2. Maintenance of a register of disabled children**
(1) The State shall open and maintain register of disabled children within the State.
(2) The register may be kept by means of a computer.

**3. Assessment of children's needs**
Where it appears to the State that a child is in need, the State may assess his needs for the purposes of this Law at the same time as any assessment of his needs is made under anyother enactment.

**4. Prevention of neglect and abuse**
(1) The State shall take reasonable steps, through the provision of services under Part XV of this Law, to prevent children within the State from suffering ill-treatment or neglect.
(2) Where the State believes that a child who is at any time within the State—
(a) is likely to suffer harm; but

(b) lives or proposes to live in another State, it shall inform the State of that other State.
(3) When informing that other State it shall specify—
(a) the harm that it believes that child is likely to suffer; and
(b) if it can, where the child lives or proposes to live.

**5. Provision of accommodation in order to protect child**
(1) Where—
(a) it appears to the State that a child who is living on particular premises is suffering, or is likely to suffer, ill-treatment at the hands of another person who is living on those premises; and
(b) that other person proposes to move from that premises, the State may assist that other person to obtain alternative accommodation.
(2) Assistance given under this paragraph may be in cash.
(3) Subsections (1) and (2) of section 175 of this Law shall apply in relation to assistance given under this paragraph as they apply in relation to assistance given that section.

**6. Provision for disabled children**
The State shall provide services designed—
(a) to minimize the effect on disabled children within the State of their disabilities;
(b) to give disabled children the opportunity to live which are as normal as possible.

**7. Provision to reduce need for care proceedings, etc.**
The State shall take reasonable steps designed—
(a) to reduce the need to bring—
(i) proceedings for care or supervision orders with respect to children within the State;
(ii) criminal proceedings against the children;
(iii) any family or other proceedings with respect to the children which might lead to them being placed in the care of the State; or
(iv) proceedings in the Court with respect to children;
(b) to encourage children within the State not to commit criminal offences; and (c) to avoid the need for children within the State to be placed in secure accommodation.

**8. Provision for children living with their families**
The State shall make such provisions as it considers appropriate for the following services to be available with respect to children in need within the State while they are living with their families—
(a) advice, guidance and counselling;
(b) occupational, social, cultural or recreational activities;
(c) home help (which may include laundry facilities);
(d) facilities for, or assistance with, travelling to and from home for the purpose of taking advantage of any other service provided under this Law or of any similar service; and
(e) assistance to enable the child concerned and his family to have a holiday.

**9. Family Centres**
(1) The State shall provide such family centres as they consider appropriate in relation to children within the State.
(2) Family Centre is a centre at which any of the persons mentioned in subparagraph (3) of this paragraph may—
(a) attend for occupational, social, cultural or recreational activities;
(b) attend for advice, guidance or counselling; or
(c) be provided with accommodations while he is receiving advice, guidance or counselling.

(3) The persons referred to in subparagraph (2) of this paragraph are—
(a) a child;
(b) the parents of the child;
(c) any person who, though not a parent of the child, has parental responsibility; and
(d) any other person who is looking after the child.

**10. Maintenance of the family home**
The State shall take such steps as are reasonably practicable, where any child within the State who is in need and whom it is not looking after is living apart from his family—
(a) to enable him to live with his family; or

(b) to promote contact between him and his family, if, in its opinion, it is necessary to do so in order to safeguard or promote his welfare.

**11. Duty to consider religious persuasion, etc., to which children in need belong**
The State shall, in making any arrangement—
(a) for the provisions for day care within the State; or
(b) designed to encourage persons to act as State foster parents, have regard to the different religious persuasion, racial origin, ethnic and linguistic background of children within the State who are in need.

PART II
*Children Looked after by the State*

**12. Regulations as to placing of children with State foster parents**
Regulations under section 178 of this Law may, in particular, make provisions—
(a) with regards to the welfare of children placed with State foster parents;
(b) as to the arrangements to be made by State in connection with the health and education of the children;
(c) as to the records to be kept by the State;
(d) for securing that a child is not placed with the State foster parent unless that person is for the time being approved as the State foster parent by the State as may be prescribed;
(e) for securing that where possible, the State foster parent with whom a child is to be placed is—
    (i) of the same religious persuasion of the child; or
    (ii) gives an undertaking that the child will be brought up in that religious persuasion;
(f) for securing that children placed with the State foster parents and the premises in which they are accommodated, will be supervised and inspected by the State and that the children will be removed from those premises if their welfare appears to require it;
(g) as to the circumstances in which the State may make arrangements for duties imposed on them by the regulations to be discharged on its behalf.

**13. Regulations as to arrangements under section 178**
Regulations under section 178 (2) of this Law may, in particular, make provisions as to—
(a) the persons to be notified of any proposed arrangements;
(b) the opportunities such persons are to have to make representations in relatior the arrangement proposed;
(c) the persons to be notified of any proposed changes on the arrangements;
(d) the records to be kept by State;
(e) the supervision by State of the arrangements made.

**14. Regulations as to conditions under which child in care is allowed to live with parent, etc.**

Regulations under section 178 of this Law may, in particular, impose requirements on the State to—

(a) the making of any decision by the State to allow a child to live with any person falling within section 182 (4) of this Law (including requirements as to those who must be consulted before the decision is made and those who must be notified when it has been made);

(b) the supervision, or medical examination of the child concerned;

(c) the removal of the child, in such circumstances as may be prescribed, from the care of the person with whom he has been allowed to live.

**15. Promotion and maintenance of contact between child and family**

(1) Where a child is being looked after by the State, the State shall, unless it is not reasonably practicable or consent with his welfare, endeavour to promote contact between the child and—

(a) his parents;

(b) any person who, though not a parent of a child, has parental responsibility for the child; and

(c) any relative, friend or other person connected with the child.

(2) Where a child is being looked after by the State—

(a) the State shall take such steps as are reasonably practicable to secure that—

(i) the parents of the child; or

(ii) any person who, though not a parent of the child, has parental responsibility for the child, are kept informed of where he is being accommodated; and

(b) every such person shall secure that the State is kept informed of his or her address.

(3) Where the State ("the receiving authority") takes over the provision of accommodation for a child from another State Government ("the transferring authority") under section 174 (2) of this Law—

(a) the receiving authority shall (where reasonably practicable) inform—

(i) the parents of the child; and

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

(b) subparagraph (2) (a) of this paragraph shall apply to the transferring authority, as well as the receiving authority, until at least one such person has been informed of the change; and

(c) subparagraph (2) (b) of this paragraph shall not require any person to inform the receiving authority of his address until he has been so informed.

(4) Nothing in this paragraph requires the State to inform any person of the whereabouts of a child if—

(a) the child is in the care of the State; and

(b) the State has reasonable cause to believe that informing the person would prejudice the child's welfare.

(5) A person who fails (without reasonable excuse) to comply with subparagraph (2) (b) of this paragraph commits an offence and is liable on summary conviction to a fine not exceeding two thousand five hundred naira or imprisonment or a term not exceeding three months, or to both such fine and imprisonment.

(6) It shall be a defence in any proceedings under subparagraph (5) of this paragraph to prove that the defendant was residing at the same address as another person who

was the child's parent or had parental responsibility for the child and had reasonable cause to believe that the other person had informed the appropriate authority that both of them were residing at that address.

**16. Visits to or by children: expenses**

(1) This paragraph applies where—

(a) a child is being looked after by the State; and

(b) the conditions mentioned in subparagraph (3) of this paragraph are satisfied.

(2) The State may—

(a) make payments to—

(i) a parent of the child;

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

(iii) any relative, friend or other person connected with the child, in respect travelling, subsistence or other expenses incurred by that person in va:ing the child; or

(b) make payments to the child or to any person or to any person on his behalf. respect of travelling subsistence or other expenses incurred by or on behalf of child in his visiting—

(i) a parent of the child;

(ii) any person who though not a parent of a child has parental responsih:r for the child; or

(iii) any relative, friend or, other person connected with the child.

(3) The conditions referred to in subparagraph (1) (b) of this paragraph are that—

(a) it appears to the State that the visit in question could not otherwise be inaio without undue financial hardship; and

(b) the circumstances warrant the making of the payments.

**17. Appointment of visitor for child who is not being visited**

(1) Where it appears to the State in relation to a child that it is looking after that—

(a) communication between the child and—

(i) his parent; or

(ii) any person who, though not a parent of a child, has parental responsibility for the child, has been infrequent; or

(b) the child has not visited or been visited by (or lived with) any such person during the preceding twelve months and that it would be in the child's best interestfor an independent to be his visitor for the purposes of this paragraph, it shall appoint such a visitor.

(2) A person appointed as a visitor shall—

(a) have the duty of visiting, advising and befriending the child; and

(b) be entitled to recover from the State who appointed him any reasonable expenses incurred by him for the purposes of his functions under this paragraph.

(3) A person's appointment as a visitor in pursuance of this paragraph shall be determined if—

(a) he gives notice in writing to the State who appointed him that he resigns the appointment; or

(b) the State gives him notice in writing that it has terminated the appointment.

(4) The determination of an appointment shall not prejudice any duty under this paragraph to make a further appointment.

(5) Where the State proposes to appoint a visitor for a child under this paragraph, the appointment shall not be made if—

(a) the child objects to it; and

(b) the State is satisfied that the child has sufficient understanding to make an informed decision.

(6) Where a visitor has been appointed for a child under this paragraph, the State shall determine the appointment if—

(a) the child objects to its continuing; and

(b) the State is satisfied that the child has sufficient understanding to make an informed decision.
(7) The Commissioner may make regulations as to the circumstances in which a person appointed as a visitor under this paragraphs to be regarded as independent of the State appointing him.

**18. Power to guarantee apprenticeship**
(1) While a child is being looked after by the State, or is a person qualifying for advice and assistance, the State may undertake any obligation by way of guarantee under a deed of apprenticeship which he enters into.
(2) Where the State has undertaken an obligation under a deed it may at any time (whether or not it is still looking after the child concerned) undertake the like obligation under any supplemental deed.

**19. Arrangements to assist children to live abroad**
(1) A State may only arrange for, or assist in arranging for, any child in their care to live outside the State with the approval of the Court.
(2) The State may, with the approval of every person who has parental responsibility for the child arrange for, or assist in arranging for any other child looked after by it to live outside the State.
(3) The Court shall not give its approval under subparagraph (I) of this paragraph unless it is satisfied that—
(a) living outside the State would be in the child's best interests;
(b) suitable arrangements have been, or will be made for his reception and welfare in the State in which he will live;

(c) the child has consented to living in that State; and
(d) every person who has parental responsibility for the child has consented to his living in that State.
(4) Where the Court is satisfied that the child does not have sufficient understanding to give or withhold his consent, it may disregard subparagraph (3) (c) of this paragraph and give its approval if the child is to live in the country concerned with a parent guardian or other suitable person.
(5) Where a person whose consent is required by subparagraph (3) (d)of this paragraph fails to give his consent, the Court may disregard that provision and give its approval if it is satisfied that the person—
(a) cannot be found;
(b) is incapable of consenting; or
(c) is withholding his consent unreasonably.
(6) Where a court decides to give its approval under this paragraph it may order that its decision is not to have effect during the appeal period.
(7) In subparagraph (6) of this paragraph, "**appeal period**" means—
(a) where an appeal made against the decision, the period between the making of the decision and the determination of the appeal; and
(b) otherwise, the period during which an appeal may be made against the decision.

**20. Death of children being looked after by the State**
(1) If a child who is being looked after by the State dies, the State—
(a) shall notify the Commissioner;
(b) shall, so far as is reasonably practicable, notify the child's parents and every person who though not a parent of the child, has parental responsibility for the child;
(c) may, with consent (so far as it is reasonably practicable to obtain it) of every person who has parental responsibility for the child, arrange for the child's body to be buried or cremated; and
(d) may, if the conditions mentioned in subparagraph (2) of this paragraph are sati s fled, make payments to any person who has parental responsibility for the child. or any relative, friend or other person connected with the child, in respect of travelling,

subsistence or other expenses incurred by that person attending the child's funeral.
(2) The conditions referred to in subparagraph (1) (d) of this paragraph are that—
(a) it appears to the authority that the person concerned could not otherwise attend the child's funeral without undue financial hardship;
(b) that the circumstances warrant the making of the payments;
(c) the child has consented to living in that State; and
(d) every person who has parental responsibility for the child has consented to his living in that state.
(3) Subparagraph (1) of this paragraph does not authorise cremation where it does not accommodate with the practice of the child's religious persuasion.
(4) Where the State has exercised its power under subparagraph (1) (c) of this paragraph with respect to a child who was under the age of sixteen years when he died, it may recover from any parent of the child any expenses incurred by it.
(5) Any sum so recoverable shall, without prejudice to any other method of recovery. e recoverable summarily as a civil debt.
(a) Nothing in this paragraph affects any enactment regulating oratorical on the burial cremations or examination of the body of a deceased reason.

PART III

*Contribution towards Maintenance of Children Looked after by the State Government*

**21. Liability to contribute**

(1) Where the State is looking after a child (other than in the cases mentioned in subparagraph (7) of this paragraph) it shall consider whether it should recover contributions towards the child's maintenance from any person liable to contribute ("a contributor").
(2) The State may only recover contribution from a contributor if it considers it reasonable to do so.
(3) The persons liable to contribute t&—
(a) where the child is under the age of sixteen years, each of his parents;
(b) where he has attained the age of sixteen years, the child himself.
(4) A parent is not liable to contribute any period when he is in receipt of income support or public funds.
(5) A person is not liable to contribute towards the maintenance of a child in the care of the State in respect of any period during which the child is allowed by the State under section 177 of this Law to live with a parent of the child.
(6). A contributor is not obliged to make any contribution towards a child's maintenance except as agreed or determined in accordance with this Part of this Schedule.
(7) The cases referred to under subparagraph (1) of this paragraph are where the child is looked after by the State under—
(a) section 177 of this Law; or
(b) an interim care order; or
(c) any prescribed enactment.

**22. Agreed contribution**

(1) Contributions towards a child's maintenance may only be recovered if the State has served a notice ("a contribution notice") on the contributor specifying—
(a) the weekly sum which it considers that he should contribute; and
(b) arrangements for payment.
(2) The contribution notice must be in writing and dated.
(3) Arrangements for payment shall, in particular, include—
(a) the date on which liability to contribute begins, which shall not be earlier that the date of the notice;
(b) the date on which liability under the notice will end if the child has not before that date ceased to be looked after by the State; and
(c) the date on which the first payment is to be made.
(4) The State may specify in a contribution notice a weekly sum which is a standard contribution determined by it for all children looked after by it.
(5) The State may not specify in a contribution notice a weekly sum greater than that

which it considers—
(a) it would normally be prepared to pay if it had placed a similar child with State foster parents; and

(b) it is reasonably practicable for the contributor to pay having regard to his means.
(6) The State may at any time withdraw a contribution notice without prejudice to its power to serve another.
(7) Where the State and the contributor agree—
(a) the sum which the contributor is to contribute; and
(b) arrangements for payment, whether as specified in the contribution notice or otherwise and the contributor notifies the State in writing that he so agrees, the State may recover summarily as a civil debt any contribution which is overdue and unpaid.
(8) A contributor may, by serving a notice in writing on the State, withdraw his agreement in relation to any period of liability falling after the date of the notice.
(9) Subparagraph (7) of this paragraph is without prejudice to any other method of recovery.

**23. Contribution orders**
(1) Where a contributor has been served with a contribution notice and has—
(a) failed to reach any agreement with the State Government as mentioned in paragraph 22 (7) of this Schedule within the period of one month beginning with the day on which the contribution notice was served; or
(b) served a notice under paragraph 22 (8) of this Schedule withdrawing his agreement, the State Government may apply to the Court for an order under this paragraph.
(2) On such an application under subparagraph (1) of this paragraph, the Court may make an order ("a contribution order") requiring the contributor to contribute a weekly sum towards the child's maintenance in accordance with arrangements for payment specified by the Court.
(3) A contribution order—
(a) shall not specify a weekly sum greater than that specified in the contribution notice; and
(b) shall be made with due regard to the contribution's means.
(4) A contribution order shall not—
(a) take effect before the date specified in the contribution notice; or
(b) have effect while the contributor is not liable to contribute by virtue of paragraph 21 of this Schedule; or
(c) remain in force after the child has ceased to be looked after by the State Government which obtained the order.
(5) The State may not apply to the Court under subparagraph (1) of this Schedule in relation to a contribution notice which it has withdrawn.
(6) Where—
(a) a contribution order is in force;
(b) the State serves another contribution notice; and
(c) the contributor and the State reach an agreement under paragraph 22 (7) of this Schedule in respect of that other contribution notice, the effect of the agreementshall be to discharge the order from the date on which it is agreed that the agreement shall take effect.

(7) Where an agreement is reached under subparagraph (6) of this paragraph the State shall notify the Court—
(a) of the agreement; and
(b) of the date on which it took effect.
(8) A contribution order may be varied or revoked on the application of the State.

(9) In proceedings for the variation of a contribution of a contribution order, the State shall specify—
(a) the weekly sum which, having regard to paragraph 22 of this Schedule, it proposes that the contribution should contribute under the order as varied; and
(b) the proposed arrangements for payment.
(10) Where a contribution order is varied, the order—
(a) shall not specify a weekly sum greater than that specified by the State in the proceedings for variation; and
(b) shall be made with due regard to the contributor's means.
(11) An appeal shall lie in accordance with the rules of court from any order made under this paragraph.

**24. Enforcement of contribution orders, etc.**
(1) A contribution order made by the Court at the Magisterial level shall be enforceable as magistrates' Court maintenance order.
(2) Where a contributor has agreed, or has been ordered, to make contributions to the State, any other State Government within whose State the contributor is for the time being living may—
(a) at the request of the State who served the contribution notice; and
(b) subject to agreement as to any sum to be deducted in respect of services rendered, collect from the contributor any contributions due on behalf of the State who served the notice.
(3) The power to collect sums under subparagraph (2) of this paragraph includes the power to—
(a) receive and give a discharged for any contributions due; and
(b) if necessary enforce payment of any contribution, notwithstanding that those contributions may have fallen due at a time when the contributor was living elsewhere.
(4) Any contribution collected under subparagraph (2) of this paragraph shall be paid (subject to any agreed deduction) to the State Government who served the contribution notice.
(5) In any proceedings under this paragraph, a document which purports to be—
(a) a copy of an order made by a court under or by virtue of paragraph 23 of this Schedule; and
(b) Certified as a true copy by the Registrar of the Court, shall be evidence of the order.
(6) In any proceedings under this paragraph, a certificate which—
(a) purports to be signed by a duly authorised officer of the State who obtained the contribution order;

(b) state that any sum due to State under the order is overdue and unpaid, shall be evidence that the sum is over due and unpaid.

**25. Regulations**
The Commissioner may make regulations—
(a) as to the considerations which the State shall take into account in deciding—
(i) whether it is reasonable to recover contributions; and (ii) what the arrangements for payment should be;
(b) as to the procedures it must follow in reaching agreements with— (i) contributors (under paragraphs 22 and 23 of this Schedule); and (ii) any other State Government (under paragraph 23 of this Schedule).

EIGHTH SCHEDULE
PART I
[Sections 181 (9) and 183 (6).]

*Management and Conduct of Community Homes*

**1. Instruments of management for controlled and assisted community homes**

(1) The Commissioner may by order make an instrument of management providing for the constitution of a body of managers for any voluntary home which is designated as a controlled or an assisted community home.

(2) Subparagraph (3) of this paragraph applies where two or more voluntary homes are designated as controlled community homes or as assisted community homes.

(3) If—

(a) those homes are, or are to be, provided by the same voluntary organisation; and

(b) the State Government is to be represented on the body of managers for those homes a single instrument of management may be made by the Commissioner under this paragraph constituting one body of managers for the homes or for any two or more of them.

(4) The number of persons who, in accordance with an instrument of management, constitute the body of managers for a voluntary home shall be such number (which must be multiply of three) as may be specified in the instrument.

(5) The instrument shall provide that the State Government specified in the instrument shall appoint—

(a) in the case of a voluntary home which is designated as an assisted community home, one-third of the managers; and

(b) in the case of a voluntary home which is designated as a assisted community home, one-third of the managers.

(6) An instrument of management shall provide that the foundation managers shall he appointed, in such manner and by such persons as may be specified in the instrument—

(a) so as to represent the interest of the voluntary organisation by which the home is, or is to be, provided; and

(b) for the purpose of securing that—

(i) so far as is practicable, the character of the home as a voluntary home will be preserved; and

(ii) subject to paragraph 2 (3) of this Schedule, the terms of any trust deed relating to the home are observed.

(7) An instrument of management shall come into force on such date as it may specify.

(8) If any instrument of management is in force in relation to a voluntary home, the home shall be (and be known as) a controlled community home or as an assisted community home, according to its designation.

(9) In this paragraph—

"**designated**" means designated in accordance with section 190 of this Law; and

"**foundation managers**", in relation to a voluntary home, means those of the managers of the home who are not appointed by the State Government in accordance with subparagraph (5) of this paragraph.

**2.**

(1) An instrument of management shall contain such provisions as the Commissioner considers appropriate.

(2) Nothing in the instrument of management shall affect the purposes for which the premise comprising the homes are held.

(3) Without prejudice to the generally of subparagraph (1) of this paragraph, an instrument of management may contain provision—

(a) specifying the nature and purpose of the home (or each of the homes) to which it relates;

(b) requiring a specified number or proportion of the places in that home (or those

homes) to be made available to the State Governments and to any other body specified in the instrument; and
(c) relating to the management of that home (or those homes) and the charging of fees with respect to—
(i) children placed there; or
(ii) places made available to any State Government or other body.
(4) Subject to subparagraphs (1) and (2) of this paragraph where there is any inconsistency between the provisions of any trust deed and an instrument of management, this instrument of management shall prevail over the provisions of the trust deed in so far as it relates to the home concerned.
(5) After consultation with the voluntary organisation concerned or specified in its instrument of management, the Commissioner may by order vary or revoke any provision of the instrument.

PART II

*Management of Controlled andAssisted Community Homes*

**3.**

(1) The management, equipment and maintenance of a controlled community home shall be the responsibility of the State Government specified in its instrument of management.
(2) The management, equipment and maintenance of an assisted community home shall be the responsibility of the voluntary organisation by which the home is provided.
(3) The functions of a home's responsible body shall be exercised through the managers.
(4) Anything done, liability incurred or property acquired by a home's managers shall be done, incurred or acquired by them as agents of the responsible body.
(5) In so far as any matter is reserved for the decision of a home's responsible body by—
(a) subparagraph (7) of this paragraph; or
(b) the instrument of management; or
(c) the service by the body on the managers, or any of them, of a notice reserving any matter, that matter shall be dealt with by the body and not by the managers.
(6) In dealing with any matter so reserved, the responsible body shall have regard to any representation made to the body by the managers.
(7) The employment of persons at a home shall be a matter reserved for the decision of the responsible body.
(8) Where the instrument of management of a controlled community home so provides, the responsible body may enter into arrangement with the voluntary organisation by which that home is provided whereby, in accordance with such terms as may be agreed between them and the voluntary organisation, persons who are not in the employment of the responsible body shall undertake duties at that home.
(9) Subject to subparagraph (10) of this paragraph—
(a) where the responsible body for an assisted community home proposes to engage any person to work in that home or to terminate without notice the employment of any person at that home, it shall consult the State specified in the instrument of management and, if the State so directs, the responsible body shall not carry out its proposal without their consent; and
(b) the State Government may, after consultation with the responsible body, require that body to terminate the employment of any person at that home.
(10) Subparagraph (9) (a) and (b) of this paragraph shall not apply—
(a) in such or circumstances as may be specified by notice in writing given by the State to the responsible body; and
(b) in relation to the employment of any persons or class of persons specified in the home's instrument of management.
(11) The accounting year of the managers of a home shall be such as may be specified by the responsible body.
(12) Before such date in each accounting year as may be so specified, the managers of a home shall submit to the responsible body estimates, in such form as the body

may require, of
expenditure and receipt in respect of the next accounting year.
(13) Any expenses incurred by the managers of a home with the approval of the responsible body shall be defrayed by that body.
(14) The managers of a home shall keep—
(a) proper accounts with respect to the home; and
(b) proper records in relation to the accounts.
(15) Where an instrument of management relates to more than one home, one set of account and records may be depot in respect of all the homes to which it relates.

(16) In this paragraph— "home" means a controlled community home or an assisted community home as the case may be; and
"**manager**", in relation to a home, means the manager constituted by its instrument of management; and
"**responsible body**", in relation to a home, means the State or voluntary organisation as the case may be, responsible for its management, equipment and maintenance.

PART III
*Regulations*

**4.**
(1) The Commissioner may make regulations—
(a) as to the placing of children in community homes;
(b) as to the conduct of such homes; and
(c) for securing the welfare of children in such homes.
(2) The regulations may, in particular—
(a) prescribe standards to which the premises used for such homes are to conform;
(b) impose requirements as to the accommodation, staff and equipment to be provided in such homes and as to the arrangements to be made for protecting the health of children in such homes
(c) provide for the control and discipline of children in such homes;
(d) impose requirements as to the keeping of records and giving of notices in respect of children in such homes;
(e) impose requirements as to the facilities which are to be provided for giving religious instructions to children in such homes;
(f) authorised the Commissioner to give and revoke directions requiring—
    (i) the State Government by whom a home is provided or who is specified in the instrument of management for controlled community home; or
    (ii) the voluntary organisation by which an assisted community home is provided, to accommodate in the home a child looked after by the State Government for whom no place is made available in that home or to take such action to a child accommodated as may be specified in the directions;
(g) provide for consultation with the Commissioner as to applicants for appointment to take charge of a home;
(h) empower the Commissioner to prohibit the appointment of any particular applicant, except in the case (if any) in which the regulations dispense with such consultation by reason to be appointed possesses such qualifications as may be prescribed;
(i) require the approval of the Commissioner for the provision and use of accommodation for the purpose of restricting the liberty of children in such homes and impose other requirements in addition to those imposed by section 185 of this Law, as to the placing of a child in accommodation provided for that purpose,

including a requirement to obtain the permission of the State who is looking after the child;
(j) provide that, to such extent as may be provided for in the regulations, the Commissioner may direct that any provision or regulations under this paragraph which is specified in the direction and makes any provision as is referred to in subparagraph (2) (a) or (b) of this paragraph shall apply in relation to a particular home or the premises used for it and may provide for the variation or revocation of any such direction by the Commissioner.
(3) Without prejudice to the power to make regulations under this paragraph conferring functions on—
(a) the State or voluntary organisation by which a community home is provided; or
(b) the managers of a controlled or assisted community home, regulations under this paragraph may confer functions in relation to a controlled or assisted community home, on the State named in the instrument of management for the home.

## NINTH SCHEDULE
[Section 196 (4).]

*Voluntary Homes and Voluntary Organisations*

### PART I
*Registration of Voluntary Organisations*

**1. General**
(1) An application for registration under this paragraph shall—
(a) be made by the person intending to carry on the home to which the application relates; and
(b) be made in such manner and be accompanied by such particulars, as the Commissioner may prescribes.
(2) On an application duly made under subparagraph (1) of this paragraph, the Commissioner may—
(a) grant or refuse the application, as he thinks fit; or
(b) grant the application subject to such conditions as he considers appropriate.
(3) The Commissioner may, from time to time—
(a) vary any condition for the time being in force with respect to a voluntary home by virtue of this paragraph; or
(b) impose an additional condition, either on the application of the person carrying on the home or without such an application.
(4) Where at any time it appears to the Commissioner that the conduct of a voluntary home—
(a) is not in accordance with regulations made under paragraph 7 of this Schedule or

(b) is otherwise unsatisfactory, he may cancel the registration of the home and remove it from the register.
(5) A person who, without reasonable excuse, carries on a voluntary home in contravention of—
(a) section 196 of this Law; or
(b) a condition to which the registration of the home is for the time being subject by virtue of this Part of this Schedule, commits an offence.
(6) A person convicted of an offence under this paragraph is liable on summary conviction to a fine not exceeding—
(a) one thousand naira, if this offence is under subparagraph (5) (a) of this paragraph; or
(b) five hundred naira, if it is under subparagraph (5) (b) of this paragraph.

**2. Procedure**

(1) Where—

(a) a person applies for registration of a voluntary home; and

(b) the Commissioner proposes to grant the application, the Commissioner shall give him notice of his proposal and of the conditions subject to which he proposes to grant the application.

(2) The Commissioner needs not give notice if he proposes to grant the application subject only to conditions which—

(a) the applicant specified in the applications; or

(b) the Commissioner and the applicant have subsequently agreed.

(3) Where the Commissioner proposes to refuse such an application he shall give notice of his proposal to the applicant.

(4) The Commissioner shall give any person carrying on a voluntary home notice of a proposal to—

(a) cancel the registration of the home; or

(b) vary any condition for the time being in force with respect to the home by virtue of paragraph I of this Schedule; or

(c) impose any additional condition.

(5) A notice under this paragraph shall give the Commissioner reason for his proposal.

**3. Right to make representations**

(1) A notice under paragraph 2 of this Schedule shall state that within 14 days of service of the notice any person on whom it is served may (in writing) require the Commissioner to give him an opportunity to make representations to the Commissioner concerning the matters.

(2) Where a notice has been served under paragraph 2 of this Schedule, the Commissioner shall not determine the matter until—

(a) person on whom the notice was served has made representations to him concerning the matter; or

(b) the period during which any such person could have required the Commissioner to give him an opportunity to make representations has elapsed without the Commissioner being required to give such an opportunity; or

(c) the conditions specified in subparagraph (3) of this paragraph are satisfied.

(3) The conditions referred to in subparagraph (2) (c) of this paragraph are that—

(a) a person on whom the notice was served has required the Commissioner to give him an opportunity to make representations to the Commissioner;

(b) the Commissioner has allowed him reasonable period to make his representations; and

(c) he has failed to make them within that period.

(4) The representations may be made, at the option of the person making them, in writing or orally.

(5) If the person informs the Commissioner that he desires to make oral representations, the Commissioner shall give him an opportunity of appearing before and of being heard by, a person appointed by the Commissioner.

**4. Decision of Commissioner**

(1) If the Commissioner decides to adopt the proposal, he shall serve notice in writing of his decision on any person on whom he was required to serve notice of his proposal.

(2) A notice under this paragraph shall be accompanied by a notice explaining the right of appeal conferred by paragraph 5 of this Schedule.

(3) A decision of the Commissioner, other than a decision to grant an application for registration subject only to such conditions as are mentioned in paragraph 2 (2) of this Schedule or to refuse an application for registration, shall not take effect—

(a) if no appeal is brought, until the end of the period of twenty-eight days referred to in paragraph 5 (3) of this Schedule; and
(b) if an appeal is brought, until it is determined or abandoned.

**5. Appeals**
(1) An appeal against a decision of the Commissioner under Part XVII of this Law shall lie to the Court at the High Court level.
(2) An appeal shall be brought by notice in writing given to the Commissioner.
(3) No appeal may be brought by a person more than twenty-eight days after service on him of notice of the decision.
(4) On an appeal, the Court may confirm the Commissioner decision or directed that it shall not have effect.
(5) The Court shall also have power on an appeal to—
(a) vary any condition for the time being in force by virtue of Part XVII of this Law with respect to the home to which the appeal relates;
(b) direct that any such condition shall cease to have effect; or
(c) direct that any such conditions as it thinks fit shall have respect to the home.

**6. Notification of particulars with respect to voluntary homes**
(1) It shall be the duty of the person in charge of any voluntary home established after the commencement of this Law to send to the Commissioner within three months from the establishment of the home such particulars with respect to the home as the Commissioner may prescribe.

(2) It shall be the duty of the person in charge of any voluntary home (whether established before or after the commencement or this Law) to send to the Commissioner such particulars with respect to the home as may be prescribed.
(3) The particulars shall be sent—
(a) in the case of home established before the commencement of this Law, in every year; or
(b) in the case of a home established after the commencement of this Law. In every year subsequent to the year in which particulars are sent under subparagraph (1) of this paragraph, by such date as the Commissioner may prescribe.
(4) Where the Commissioner by regulations varies the particulars which are to be sent to him under subparagraph (I) or (2) of this paragraph by the person in charge of a voluntary home—
(a) that person shall send to the Commissioner the prescribed particulars within three months from the date of the making of the regulations;
(b) if any such home was established before, but not more than three months before, the making of the regulations compliance with subparagraph to send the prescribed particulars within three months from the establishment of the home;
(c) in the year in which the particulars are varied, compliance with subparagraph (4) (a) of this paragraph by the person in charge of any voluntary home shall be sufficient compliance with the requirement of subparagraph (2) of this paragraph to send the prescribed particulars before the prescribed date in that year.
(5) If the person in charge of a voluntary home fails, without reasonable excuse, to comply with any of the requirem5 of this paragraph he commits an offence.
(6) Any person Convicted of an offence under subparagraph (5) is liable on summary conviction to a fine not exceeding two thousand five hundred naira or imprisonment for a term not exceeding three months' or to both such fine and imprisonment.

PART II
*Regulations a to Voluntary Homes*

**7. Regulations as to conduct of voluntary homes**
(1) The Commissioner may make regulations
(a) as to the placing of children in voluntary homes;
(b) as to the conduct of the homes; and

(c) for securing the welfare of children in the homes.
(2) The regulations may, in particular_
(a) prescribe standards to which the premises used for the homes are to conform'
(b) impose requirements as to the accommodation, staff and equipment to be provided in the homes and as to the arrangements to be made for Protecting the health of children in the homes;
(c) provide for the control and discipline of children in the homes;
(d) require the furnishing to the Commissioner of information as to the facilities provided for—

(i) the parents of children in the homes; and

(ii) persons who, though not parents of the children, have parental responsibility for those children; and
(iii) other persons connected with the children, to visit and communicate with the children;

(e) authorise the Commissioner to limit the number of children who may be accommodated in any particular voluntary home;
(f) prohibit the use of accommodation for the purpose of restricting the liberty of children in the voluntary homes;
(g) impose requirements as to the keeping of records and giving of notices with respect to children in the voluntary homes;
(h) impose requirements as to the facilities, which are to be provided for giving religion instructions to children in the voluntary homes; and
(i) require notice to be given to the Commissioner of any change of the person carrying on or in charge of a voluntary home of the premises.
(3) The regulations may provide that a contravention of, or failure to comply with, any specified provision of the regulations without reasonable excuse shall be an offence against the regulations.
(4) Any person convicted of an offence under this paragraph is liable to a fine not exceeding two thousand five hundred naira or imprisonment for a term not exceeding three months' or to both such fine and imprisonment.

**8. Disqualification**
The Commissioner may by regulations make provisions with respect to the disqualification of persons in relation to voluntary homes of a kind similar to that made in relation to children's homes by section 197 of this Law.

TENTH SCHEDULE
[Section 195 (8).]
*Registered Children's Homes*

PART I
*Registration*

**1. Application for registration**
(1) An application for the registration of a children's home shall be made—
(a) by the person carry on, or intending to carry on, the home; and
(b) to the State.
(2) The application shall be made in the prescribed manner and shall be accompanied by——
(a) such particulars as may be prescribed; and
(b) such reasonable fee as the State may determine.

(3) If the State is satisfied that a children's home with respect to which an application has been made in accordance with this Schedule complies or (as the case may be) will comply—
(a) with such requirements as may be prescribed; and
(b) with such other requirements (if any) as appears to it to be appropriate, it shall grant the application, either unconditionally or subject to conditions imposed under paragraph 2 of this Schedule.
(4) Before deciding whether or not to grant an application, the State shall comply with any prescribed requirement.
(5) Regulations made for the purposes of subparagraph (5) of this paragraph may, in particular, make provision as to the inspection of the home in question.
(6) Where an application is granted, the State shall notify the applicant that the home has been registered under this Law as from such date as may be specified in the notice.
(7) If the State is not satisfied as mentioned in subparagraph (4) of this paragraph it shall refuse the application.
(8) For the purposes of this Law, an application which has not been granted or refused within the period of twelve months beginning with the date when it is served on the State shall be deemed to have been refused by it and the applicant shall be deemed to have notified of its refusal at the end of that period.
(9) Where a school to which section 195 of this Law applies is registered, it shall not cease to be a registered children's home by reason only of a subsequent change in the number of children for whom it provides accommodation.

**2. Conditions imposed on registration**
(1) The State may grant an application for registration subject to such conditions relating to the conduct of the home as it thinks fit.
(2) The State may, from time to time—
(a) vary any condition for the time being in force with respect to a home by virtue of this paragraph; or
(b) impose an additional condition, either on the application of the person managing the home or without such an application.
(3) If any condition imposed or varied under this paragraph is not complied with, the person carrying on the home if he has no reasonable excuse, commits an offence and is liable on summary conviction to a fine not exceeding two thousand five hundred naira or imprisonment for a term not exceeding three months' or to both such fine and imprisonment.

**3. Annual review of registration**
(1) In this Part of this Schedule, "**responsible authority**", in relation to a registered children's home, means the State.
(2) The responsible authority for a registered children's home shall, at the period of twelve months beginning with the date of registration and annually thereafter, review its registration for the purpose of determining whether the registration should continue in force or be cancelled under paragraph 4 (3) of this Schedule.
(3) If on any annual review the responsible authority is satisfied that the home is being carried on in accordance with the relevant requirements, it shall determine that, subject to subparagraph (4) of this paragraph, the registration should continue in force.
(4) The responsible authority shall give to the person managing the home notice of their determination under subparagraph (3) of this paragraph and the notice shall require him to pay to the responsible authority with respect to the review such reasonable fee as the responsible authority may determine.
(5) It shall be a condition of the homes continued registration that the fee is so paid before the expiry of the period of twenty-eight days beginning with the date on which the notice is received person carrying on the home.

**4. Cancellation of registration**

(1) The person carrying on a registered children's home may at any time make an application, in such manner and including such particulars as may be prescribed, for the cancellation by the responsible authority of the registration of the home.

(2) If the responsible authority is satisfied, in the case of a school registered by virtue of section 192 (4) of this Law, that it is no longer a school to which that provision applies, the responsible authority shall give to the person carrying on the home notice that the registration of the home has been cancelled as from the date of the notice.

(3) If on any annual review under paragraph 3 of this schedule, or at any other time, it appears to the responsible authority that a registered home is being carried on otherwise than in accordance with the relevant requirements, it may determine that the registration of the house should be cancelled.

(4) The responsible authority may at any time determine that the registration of a home should be cancelled on the ground—

(a) that the person carrying on the home has been convicted of an offence under this part of this Law or any regulations made under paragraph 10 of this Schedule; or

(b) that any other person has been convicted of such an offence in relation to the home.

**5. Procedure**

(1) Where—

(a) a person applies for the regulation of a children's home; and

(b) the State proposes to grant his application it shall give him written notice of its proposal and of the conditions (if any) subject to which proposes to grant hisapplication.

(2) The responsible authority need not give notice if it proposes to grant the application subject only to condition which—

(a) the applicant specified in the application; or

(b) the responsible authority and the applicant have subsequently agreed.

(3) The responsible authority shall give an applicant notice of a proposal to refuse his application.

(4) The responsible authority shall give any person carrying on a registered children home notice of a proposal—

(a) to cancel the registration;

(b) to vary any condition for the time being in force with respect to the home b virtue of Part XVIII of this Law;

(c) to impose any additional condition.

(5) A notice under this paragraph shall give the responsible authority's reasons for its proposal.

**6. Right to make representations**

(1) A notice under paragraph 5 of this Schedule shall state that within fourteen days of service any person on whom it is served may in writing require the State to give him an opportunity to make representations to them concerning the matter.

(2) Where a notice has been served under paragraph 5 of this Schedule, the State shall not determine the matter until—

(a) any person on whom the notice was served has made representations to it concerning the matter;

(b) the period during which the person could have required the State to give him an opportunity to make representations has elapsed without its being required to give such an opportunity; or

(c) the conditions specified in subparagraph (3) of this paragraph are satisfied.

(3) The conditions referred to in subparagraph (2) (c) of this paragraph are—

(a) that a person on whom the notice was served has required the State to give him an opportunity to make representations to it concerning the matter;

(b) that the State has allowed him a reasonable period to make his representations; and
(c) that he has failed to make the representations within that period.
(4) The representations may be made, at the option of the person making them, in writing or orally.
(5) If he informs the State that he desires to make oral representations, the State shall give him an opportunity of appearing before and of being heard by its committee or subcommittee.

**7. Decision of State**
(1) If the State decides to adopt its own proposal to grant an application, it shall serve notice in writing of its decision on any person on whom it is required to serve notice of its proposal.
(2) A notice under this paragraph shall be accompanied by an explanation of the right of appeal conferred by paragraph 8 of this Schedule.
(3) A decision of the State other than a decision to grant an application for registration subject only to such conditions as are mentioned in paragraph 5 (2) of this Schedule or to refuse an application for registration, shall not take effect—
(a) if no appeal is brought, until the end of the period of twenty-eight days referred to in paragraph 8 (3) of this Schedule; and
(b) if an appeal is brought, until it is determined or abandoned.

**8. Appeals**
(1) An appeal against a decision of the State Government under Part XVIII of this Law shall lie to the Court at the High Court level.
(2) An appeal shall be brought by notice in writing given to the Commissioner.
(3) No appeal shall be brought by a person more than twenty-eight days after service on him, of notice of the decision.

(4) On an appeal, the Court may confirm the Commissioner decision or direct that it shall not have effect.
(5) A court shall also have power on an appeal—
(a) to vary any condition in force with respect to the home to which the appeal relates by virtue of paragraph 2 of this Schedule;
(b) to direct that the condition shall cease to have effect; or
(c) to direct that any such condition as it thinks fit shall have effect with respect to the home.
(6) A State shall comply with any direction given by a court under this paragraph.

**9. Prohibition on further applications**
(1) Where an application for the registration of a home is refused, no further application may be made within the period of six months beginning with the date when the applicant is notified of the refusal.
(2) Subparagraph (1) of this paragraph shall have effect, where an appeal against the refusal of an application is determine or abandoned, as if the reference to the date when the applicant is notified of the refusal were a reference to date on which the appeal is determined or abandoned.
(3) Where the registration of a home is cancelled, no application for the registration of the home shall be made within the period of six months beginning with the date of cancellation.
(4) Subparagraph (3) of this paragraph shall have effect, where an appeal against the cancellation of the registration of a home is determined or abandoned, as if the reference to the date of cancellation were in reference to the date on which the appeal is determined or abandoned.

PART II
*Regulations and Interpretation*

**10.**

(1) The Commissioner may make regulations—
(a) as to the placing of children in registered children's homes;
(b) as to the conduct of the homes; and
(c) for securing the welfare of the children in the homes.
(2) The regulations may in particular—
(a) prescribe standards to which the premises used for the homes are to conform;
(b) impose requirements as to the accommodation, staff and equipment to be provided in the home;
(c) impose requirement as to the arrangements to be made for protecting the health of children in the homes;
(d) provide for the control and discipline of children in the home;
(e) require the furnishing to the responsible authority of information as to the facilities provided for—

(i) the parents of children in such homes;

(ii) person who, though not parent of the children, have parental responsibility for those children; and
(iii) other persons connected with the children, to visit and communicate with the children;

(f) impose requirements as to the keeping of records and giving of notices with respect to children in the home;
(g) impose requirement as to the facilities which are to be provided for giving religions instruction to children in the home;
(h) make provision as to the carry out of annual reviews under paragraph 3 of this Schedule
(i) authorize the responsible authority to limit the number of children who may be accommodated in any particular registered home;
(j) prohibit the use of accommodation for the purpose of restricting the liberty of children in the homes;
(k) require notice to be given to the responsible authority of any change of the person carrying on or in charge of a registered home or the premises used by the home; and
(l) make provision similar to that made by regulations under section 174 of this laws.
(3) the regulations may provide that a contravention of or failure to comply with any specified provision of the regulations, without reasonable excuse, constitutes an offence against the regulations.
(4) A person who commits an offence under this paragraph is liable on summary conviction to a fine not exceeding two thousand naira or to imprisonment for a term not exceeding three months' or to both such fine and imprisonment.

**11.**
In this schedule

**"relevant requirement "**means any requirements of Part XVIII of this law or any regulations made under paragraph 10 to this Schedule and any conditions imposed under paragraph 2 this Schedule;

**"responsible authority"** in relation to a registered children's home, means the state.

ELEVENTH SCHEDULE
[Section 276.]
*Form in Relation To Parts VI, XX and XXI of this Law*
*1.- form for committal order by the family Court*

In the family court of ..... state the ..... level..... town

let the * boy or girl know by the name of ..... whose description appears below be taken to ..... and be there

*1.- Form for Committal Order by the Family Court- continued*

..... ( Name of Institution or Person) detained in the custody and care of .....( the person in charge of the said institution or the name of the said person.) subject to the provision of this Law.
The Committal Order shall remain in force from the date thereof up to and inclusive of the ..... day of ....., 20 .....

DESCRIPTION
Name ..... Sex ..... Age.....
Tribe or Community.....
Name and address of father .....
Name and address of mother .....
Description of child .....
Reasons for issuance of committal Order .....
DADTED this ..... day of ....., 20 .....
Judge .....
Division
Magistrate .....District
Confirmed this ..... day of ....., 20 .....

.....
*Judge / Magistrate*

*Delete as required

*2- General Title From*
IN THE FAMILYCOURT OF ..... DISTRICT HIGH COURT/MAGISTRATE/LEVEL
Case No. ....., 20 .....
Between .....Complainant / Applicant
And ..... Defendant / Respondent

(GENERAL TITLE FORM 2)
*3- Form for Warrant for Apprehension of Child*
..... Complainant
on oath been made on the ..... day of .....
By ..... C.D. ..... that .....A.B., a child, on the .....Day of ....., 20 ..... at .....
in the judicial Division / Magisterial
District aforesaid did / has been/ is*
.....
(* state the substance of the offence or the description as mentioned) in section 151 or 157 you are therefore hereby commanded to bring the said A.B. before the family court sitting at..... forthwith to answer the said complaint.

*3. – Form for Warrant for Apprehension of Child –continued*

DATED this …… day of ……, 20 …….

……..
Magistrate

_____

(GENERAL TITLE FORM)
[SECTION 247, 248, 249, 251, and 252.]

*4.--- Form for remand and Committal to state Accommodation and Approved Institutions*

……and to the person /officers in charge of the approved Institution at …….…… hereinafter called the place of detention.

A.B. hereinafter called the defendant, being a child brought before the Family Court sitting at …..

…… charged with having*

……
……

*(*State the substance of the offence*)*

The hearing of the case being adjourned.

You, the said police Officers, are hereby commanded to covey the defendant to the place of detention and there to deliver him/her to the person/officer in charge thereof, together with this warrantand you, the person/officer in charge of the said place of detention, to receive him/her into your

Custody and unless he/she shall have been bailed in the meantime, keep him/her until the ……

……..….. day of ……., 20 …….. and on that day you, the said police Officers,

are required to convey him/her before the Family Court sitting at ……. the hour of ……. In the …… noon, to be further dealt with according to law, unlessotherwise ordered in the meantime.

Dated this ……. Day of …….. 20 ……

…….
Judge/ Magistrate

TITLE FORM

THE FAMILY COURT OF …… HIGH COURT / MAGISTERIAL /LEVEL
Case No. …… 20 …….

Between …….. Complainant /Applicant and ……. Defendant/Respondent

*Form for Warrant for Apprehension of Child*
(GENERAL TITLE –FORM 2)

…….. Complainant on oath been made on ……day of …… by …… C.D. …….. that ……. A.B.,A child, on the …… day of ……,20……., at …….. in the

*4. --- Form For Remand and Committal to State Accommodation and Approved Institution – continued*

Judicial Division/Magisterial district aforesaid did/has been/is

……
(State the substance of the offence or the description as mention in section 151 or 152)

You are therefore hereby commanded to bring the said A.B. before the Family Court aforesaid sitting at

…….. forthwith to answer the said complaint.

DATED this …….. day of …….., 20 ……

……
Magistrate

---

(GENERAL TITLE FORM 2)

[Section 215 (2). ]

*5.—Form for Summons for Attendance of Parent or Guardian*

To C.D of ……
A.P, a child of whom you are stated to be the parent/guardian is charged for that he on the ……Judicial Division/Magisterial District aforesaid, did*
……
*(State the substance of the offence)*
You are therefore summoned to appear before the Family Court sitting at …….. on….. day of ……., 20 ……, at the hour of ……..
in the …… noon and during all the stages of the proceedings.
Dated this …… day of ……., 20……..

……
*Judge/Magistrate*

---

(GENERAL TITLE FORM 2)

*6.—Form for Notice to Parent or Guardian: Care or Protection*

To C.D. of …….
the parent/guardian of A.B., a child take notice that A.B., a child is to be brought before the Family Court sitting at ……..
on …….. day, the …….. day of ……, 20 ……
at the hour of ……. in the ……
noon, by virtue of the provisions of section
…….. of the Child's Rights Law on the ground that *
……
(*State the ground of application) and that you are warned to attend the said Court during all the stages of the proceedings.
6. Form for notice to parent or guardian: Care or protection---continued

Dated this …….. Day of ……. 20 …….....

……
*Police Officer / Authorised Officer*
…….
Note:- A copy of this notice is to be sent to the Registrar of the Family Court.

---

(GENERAL TITLE FORM 2)

[Section 52.]

*7. ---Form for summons to Parent to contribute*

To …… of …… Complainant has been made this day by ……. that you are the father/step-father/mother/step-mother (or a person co-habiting with the mother) of A.B. a child has been residing for two years immediately prior to the ……. Day of ……. 20 ……) said A.B. and that on the (said) …….. Day of …….. 20 ……. A committal order was accordingly made whereby the said A.B. was committed to …….. the

State Government Accommodation or to the care of C.D.
You are therefore summoned to appear before the Family Court sitting …… on …….. the ……. Day of …… 20 …….. at the hour of …….. in the …….. 20 ……. At the hour of …….. in the ……. noon to show cause why an order should not be made requiring you to contribute such monthly sum as the Court, having regard to your means, thinks fit.

Dated this …… Day of …….. 20 ……

……
Magistrate

_____

(GENERAL TITLE FORM 2)

[Section 49 and 50.]

*8. Form for Disposal Pending Operation of Committal Order*

To …….. and to the person/ officer In charge of the approved institution at (or to C.D. of …… ) A.B a child having been ordered by …….. sitting at …… on the …… day of …… 20 …… to be sent to an approved institution and the operation of such Committal Order being postponed. I
It is ordered that A.B be taken to the approved institution or to the custody of the said C.D. at ……..... and be there of by him/her to the person in charge thereof or to the C.D. together with this warrant and you, the person/officer in charge of the said approved institution the said C.D. to receive him/her into custody and detain him/her as aforesaid.
Dated this …… Day of ……., 20……

…….
Judge/ Magistrate

_____

(GENERAL TITLE FORM 2)

[Section 242.]

*9 – Form for Recognizance under Supervision Order*

The undersigned principal party to this recognizance hereby binds himself to perform the following obligations at all times during a period of ……..

from the date hereof …….. (to be of good behavior)
To be and remain under the supervision of A.B. (or the Supervision Officer from time to time for the …….. area)
To appear before the Court at …… to be further dealt with any time when called upon by the Court (or when so directed by the said A.B. (of Supervision Officer) (and such further conditions as the case may require)
And the said principal party (together with the undersigned surety (or sureties) acknowledges himself (acknowledge themselves )bound to forfeit to the Governor the sum(s) following the said
Principal Party the sum of ₦ …… and the said surety (or sureties) the sum ₦……. (each) in case the said Principal Party fails to perform the
Principal Party ……
Surety ……
Taken before me at …….. this …….
Day of …… 20 …….

……..  ……

Interpreter  Judge/ Magistrate

(GENERAL TITLE FORM 2)

[Section 244.]

*10- Form for notice of change of Supervision Officer*

Take notice that ..... has been substituted by (or with the approval of) the family court to perform the duties of Supervision Officer in your case in place of ..... and that the name of the said ..... is substituted for that of that of the said ..... as from this date wherever the name of the said ..... occurs in the order made by the aforesaid court in your case on the ..... day of ....., 20 .....
And in the reconnaissance entered into by you there upon.

Dated this ..... day of ....., 20 .....

.....
*Judge / Magistrate*

# CHAPTER C7

# CHILD'S RIGHTS LAW

## SUBSIDIARY LEGISLATION

No Subsidiary Legislation