

ABIA STATE OF NIGERIA

THE ABIA STATE CHILD'S RIGHTS LAW, 2006

LAW NO. 5 OF 2006

The Abia State Child's Rights Law, 2006

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ABIA STATE OF NIGERIA

LAW NO. 5 OF 2006

Long Title *A Law to make provision for the rights and responsibilities of a child in Abia State of Nigeria and a System of Child Justice Administration and Matters Connected therewith.*

Enactment **BE IT ENACTED** by the Abia State House of Assembly as follows:-

PART I - PRELIMINARY

Citation and Commencement **1.** This Law may be cited as **The Abia State Child's Rights Law, 2006** and shall come into force on the **25th day of April, 2006.**

Interpretation **2.** For the purpose of this Law, unless the context otherwise requires:

"accommodation" in subsection (1) of section 183 means an accommodation which is provided for a continuous period of more than 24 hours;

"act" includes an omission.

"adoption service" means an adoption service established under section 128 of this law.

"age majority" means the age at which a person attains the age of eighteen years.

"appropriate authority" in section 194, means the State Government or voluntary organization responsible for the management of a community home.

"appropriate authority" means the commissioner charged with the responsibility for matter relating to education or the authority in charge of an approved institution for treatment and training of the child.

"appropriate authority" in section 59 of this law means –

(I) in the case of a child who is being provided with accommodation by or on behalf of the State Government; and

(II) in any other case, the Government of the State in which the child concerned lives, or will live.

"appropriate authority" in Part VI of this Law, unless the context otherwise requires, means any person, authority or body authorized by order of the Commissioner to bring proceedings under this part of this law and any officer of a body which is so authorized.

"appropriate authority" in section 180 – means the State Government or any other body having responsibility for the welfare of children looked after by the State Government.

"Appropriate authority" in section 62 means :–

(a) the commissioner 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.

"appropriate authority" in section 128 – means the State Government.

"the appropriate education authority" in section 61, means the Ministry of Education of the state.

"appropriate officers" in section 222 means such officers as may be assigned by the Ministry with the responsibility for carrying out the investigation referred to in subsection (1) of this section.

"approved child care training" means child care training which is approved by the Commissioner.

"care order" means an order made under section 56(1) (a) of this Law and except where express provision to the contrary is made, Includes an interim care order made under section 56 of this law.

"care order" also includes any order which by or under any enactment has the effect of or is deemed to be a care for the purpose of this law, and any reference to a child who is in the care of an authority is a reference to a child who is in its care by virtue of a care order;

"child" means subject to paragraph 6 of schedule 1 to this Law, a person under the age of eighteen years.

"child in need" means –

(i) the child who is unlikely to achieve or maintain or 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 of services provided for under this Law, or

(iii) the child is disabled, internally displaced, a refugee or is otherwise in specially difficult circumstances.

"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.

"development" means physical, intellectual, emotional, social or behavioural development.

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

"health" means physical, emotional or mental health.

"a child in need of special protection measures" includes a child who is mentally or physically disabled and a street child.

"child care training" means training undergone by any person with a view to, or in the course of -

(a) his/her employment for the purposes of any of the functions mentioned in section 205(7) 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

(b) his/her employment by a voluntary organization or similar purposes.

"a child is of compulsory school age", if he/she is not below six years old and not above eighteen years old.

"child of the family" in relation to the parties 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 organization, who has been treated by both of those parties as a child of their family.

"children's home" means children's home registered under section 201 of this law.
"commission" means the National Population Commission established under the National Population Commission Law.
"commissioner" means the commissioner charged with responsibility for matters relating to children in the state.
" Community home" has the meaning assigned to it under section 192 of this Law.
"Contact order" means an order requiring the person with whom a child lives, or is to live, allow the child to visit or stay with the person named in order, or for that person and the child concerned to have contact with each other.
"court" means the family court established under section 152 of this law.
"day care" in section 175 and other sections of the part of this law 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 behavioural development.
"director" means the State Director responsible for matters relating to children in the ministry.
"disabled" in relation to a child has the same meaning as the section 178 (1) (b) of this Law.
"domestic premises" in section 171 means any premises which is wholly or mainly used as a private dwelling.
"education supervision order" means an order under section 61 (1) of this law.
"education authority" means the ministry of education of a state.
"emergency protection order" means an order under section 46 (1) of this Law.
"family proceedings' means proceedings under the jurisdiction of a court under this law with respect to children.
"family genital mutilation" includes any procedure which involves partial or total removal of the external female genitalia or injury to female genital organs whether for culture or any other therapeutic reasons; and
"procedure" includes –

(i) cliotoridectomy which involves the removal of the prepuce of the hood of the clitoris leaving the clitoris itself and the posterior;
(ii) excision which involves the removal of the clitoris along with parts of the labia minora or all of it;
(iii) infibulations otherwise known as " pharonic circumcision" which involves the removal of the clitoris, the labia minora and the adjacent medical part of the Labia majora in their anterior two-thirds, whether or not the two sides of the vulva are stitched together or merely an opening of the size of a pin head to allow for the flow of urine and menstrual blood.
(iv) introcision, including "gishiri cuts";
(v) pricking, piercing or incising of the clitoris or labia;
(vi) " angurya cuts" , that is , scrapping or cutting of the vagina;
(vii) stretching of the clitoris or labia;
(viii) cauterization, that is , searing of the clitoris, Labia and vagina with hot iron or caustic, in order to make same callous;
(ix) introduction of corrosive substance and herbs in the vagina, in order to desensitize; and
(x) other forms of female genital mutilation.

"fit and proper person" includes an appropriate authority.

"nursing mother" means a mother whose child is not more than two years old.

"foster parents" means a person, with whom children are placed, from time to time, by an appropriate authority or a voluntary organization.

"foster parents" for the purpose of part XI of this Law means a person:-

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

"functions" in section 205 includes powers and duties which a person has otherwise than by virtue of any enactment.

"Government hospital" means a hospital established or managed by the State Government.

"Governor" means the Governor of the State.

"guardian of a child" means a guardian other than a guardian of the estate of a child appointed in accordance with the provisions of section 87 of this Law.

"Guardian" in the part IX of this Law, unless the context otherwise requires, 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 of health or development.

"harm" means ill-treatment or the impairment of physical, mental, intellectual, emotional or behavioural health or development.

"harm " in section 214 includes the use of harsh languages, physical violence, exposure to the environment and any consequential physical, psychological or emotional, injury or hurt.

"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 picture or stories which portray harmful information, such as:–

(a) the commission of crimes; or
(b) laws of violence or cruelty; or
(c) incidents of a repulsive or horrible nature; or
(d) laws of words of an immoral character; or
(e) obscene and indecent representation.

In such a way that the work as a whole tend to corrupt or deprave a child into whose hands it may fall.

"health" means physical or mental health.

"health authority" means the ministry of health of the State.

"ill-treatment" includes physical abuse, sexual abuse and other forms of ill-treatment which may or may not be physical.

"impressionable offence" means an offence punishable, in the case of an adult, with the death penalty or imprisonment only without the opinion of fine.

"Independent school" means privately owned school.

"manager" for the purpose of section 235 means the supervisor, principal or person in charge of an approved institution.

"ministry" means the ministry charged with responsibility for matters relating to children in the state.

"non- institutional order" in section 237 means an order, made by the Court on the disposal of a case, which dies not involve a child offender being placed in an institution.

"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 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 whatever situation which the child is entitled to receive or recover.

"parental responsibility agreement" has the meaning assigned to it under Section 71 of this Law.

"a person authorize to seek access" means :-

(a) in the case of an application by the state Government –

(i) an officer of the state Government , or

(ii) a person authorized by the state Government to act on its behalf in connection with enquiries, or

(b) in the case of an application by an appropriate authority, a person authorized by the appropriate authority.

"The person responsible for the child" means a person who, for the time being, has care of the child by virtue of a care order.

"Photographic film" includes photographic plate.

"Photographic plate" means any plate treated as to produce or be intended to reproduce an image of a subject when photographed.

"Plate" except where it occurs in the expression " photographic plate" includes any book, mould matrix and stencil.

" Premises" includes vehicles, caravan and cabin.

"Prescribed" means prescribed by regulations made under this law.

"Prohibited steps order" means an order that no step, which could be taken by a parent in meeting his/her parental responsibility for a child and which is a kind specified in order, shall be taken by any person without the consent of the court.

"Register of Birth" in part XII of this Law means the register of Birth kept by the commission.

"Relative" in relation to a child, means a grandparents, brother, sister, uncle, niece, or nephew, aunt whether of the full blood or half blood or by infirmity or step- parent.

"Relevant establishment" in section 179 means any establishment which is mentioned in paragraph 3 and 4 of schedule 6 to this law and includes a hospital, school and other establishments, exempted from the registration requirements which apply in relation to the provision of day care.

"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.

"The relevant period" in subsection (4) (b) of section 63 means:

(a) the period of six weeks beginning with the date of 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" has the meaning assigned to it.

"Residence order" means an order setting out the arrangements to be made as to the person with whom a child is to live.

"Scientific sample" in part VI of this Law 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 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"** in section 224 have the meanings assigned to them in the relevant code of Criminal law.
"Signed" in relation to any person, includes the making by person of his mark.
"Skin mark" means any ethnic or ritual cuts on the skin which leaves permanent marks.
"Special education" means the assigned to it in the education (National Minimum Standards and Establishment of Institution) Act.
"Special education 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 arisen, or which may arise, in connection with any aspect of parental responsibility for a child.
"Specified proceedings" means any proceedings:–

(a) in an application for a care order or supervision order;
(b) in which the court has given a direction under section 65(1) of this law 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 to variance or discharge of a supervision order;
(d) on an application under section 67 of this Law;
(e) in which the court is considering whether to make a residence order with 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 order and any other person;
(g) under Part VIII of this Law;
(h) on an appeal against:–
(i) the making of, or refusal to make a care order, supervision order or any order under section 63 of this Law;
(ii) the making of, or refusal to make a residence order with respect to a child who is the subject of a care order, or
(iii) the variation or discharge, or refusal of an application to vary or discharge, an order of a kind mentioned in sub-paragraph (i) or (ii) of this subsection,
(iv) the refusal of application under section 69 of this Law, or
(v) the making of, or refusal to make an order under Part VIII of this Law which are specified for the time being, for the purposes of this section, by rules of court.

"Statement Government accommodation" means accommodation provided by or on behalf of the State Government within the meaning of part XV of this Law.
" Street child" include:–

(a) a child who is homeless and forced to live on the streets, market places, under bridges; and
(b) a child who, though not homeless, is on streets engaged in begging for arms, child labour prostitution and other criminal activities, which

are detrimental to the 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, means respectively, the child who is, or is to be under the supervision and the person under whose supervision he/she is, or is to be by virtue of the order.

"Supervision order" means an order made in subsection (1) (b) of section 56 of this Law and except where express provision to the contrary is made includes an interim supervision order made under section 65 of this Law.

"Tattoo" means the insertion into the skin of colouring materials designed to leave permanent marks.

"Upbringing" in relation to any child, includes the care of the child but not his maintenance.

" Voluntary home" means any home or other institution providing care and accommodation for children which is managed by a voluntary organization but does not include:–

a nursing home, mental nursing home or residential care home;

a school, a health service hospital; a community home;

any home or other institution provided, equipped and maintained by the Commissioner; and any home, which the commissioner may, from time to time, by regulations exempt for the purpose of this section.

"voluntary organization" means a body other than a public or State authority whose activities are not carried on for profit; with reference in this Law to:-

(a) a person with whom a child lives, or is to live, as the result of a residence order; or

(b) 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.

"ordinary residence" of a child for any purpose of this Law implies that there shall be disregarded any period in which the child lives in a place –

(a) which is a school or other situation;

(b) In accordance with the requirement of a supervision order under this law or any other enactment; or

(c) while he is being provided with accommodation by or on behalf of the State Government.

PART II: RIGHTS AND RESPONSIBILITIES OF A CHILD

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

3. 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.

Child to be given protection and care necessary for his well-being

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

(2) Every person, institution, Service, agency, organization and body responsible for the care or protection of Children shall conform with the standards established by the appropriate authorities, particularly in the areas of safety, health, welfare, number and suitability of their staff and

competent supervision.

Application of Chapter IV of 1999 Constitution

5. 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 the 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.

Right to survival and development.

6. Every child has the right to survival and development.

Right to name.

7.(1)Every child has the right to a name and, accordingly, shall be given a name on his birth or on such other date as is dictated by the culture of 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) Law 1992.

Freedom of association and peaceful assembly.

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

Freedom of thought, Conscience and religion

9. (1) Every child has the right to freedom of thought, conscience and religion.

(2) Parents and, where applicable, legal guardians shall provide guidance and direction in the exercise of these rights having regard to the evolving capacities and best interest of the child.

(3) The duty of parents and, where applicable legal guardians to provide guidance and direction in the enjoyment of the right in Subsection (1) of this section by their child or ward shall be respected by all persons, bodies, institutions and authorities.

(4) Wherever 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.

Right to private and Family life

10. (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) & (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.

Right to freedom of movement

11. (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 over the movement of the child in the interest of the education, safety and welfare of the child.

Right to freedom from discrimination

12. (1) A child shall not be subjected to any form of discrimination merely by reason of his belonging to a particular community or ethnic 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.

Right to dignity of the child.

13. 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; or

(b) subjected to torture, inhuman or degrading treatment or punishment:; or

(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.

Right to leisure, recreation and cultural activities

14. (1) Every child is entitled to rest and leisure and to engage in play, sports and recreational activities appropriate to this age.

(2) Every child is entitled to participate fully in the cultural and artistic activities of the Nigerian, African and world communities.

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

Right to health, health Services and offences

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

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

(3) The State Government 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;

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

(g) support, through technical and financial means, the mobilization 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 or a child under the age of two years shall ensure that the child is provided with full immunization.

(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 the 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 immunized.

Right to parental care, Protection and maintenance

16. (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 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 right in the family court.

Right of child to free, Compulsory and Universal Primary education, etc.

17. (1) Every child has the right to free, compulsory and Universal Basic Education and it shall be the duty of the State Government 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 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.

Right to child in need of special protection measures

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

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

Right of the unborn child to protection against harm, etc.

19. (1) A child may bring an action for damages against a person for harm or injury caused to the child willfully, restlessly, negligently or through neglect before, during or after the birth of that child.

(2) Where the father of an unborn child dies interstate, the unborn child is entitled, if he was conceived during the lifetime of his father, to be considered in the distribution of 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.

Contractual rights of child

20. (1) Except as provided in this section, no child is capable of entering into a contract.

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

(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.

Responsibilities of the child and parent

Responsibilities Of the child.

21. (1) Every child has responsibilities towards his family and society, the State and the Federal Republic of Nigeria and other legally recognized communities, nationally and internationally.

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

(a) work towards the cohesion of his family and community;

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

(c) serve the State and 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 State and Federal Republic of Nigeria and;
(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/her abilities, at all times and at all levels, to the promotion and achievement of the State, Nigeria, Africa, 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.

Parent, etc. to provide guidance with respect to child's responsibilities

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

PART III – PROTECTION OF THE RIGHTS OF THE CHILD

Prohibition of Child Marriage

Prohibition of Child marriage

23. No person under the age of 18 years is capable of contracting a valid marriage; and accordingly, a marriage so contracted is null and void and of no effect whatsoever.

Prohibition of Child betrothal

24. (1) No parent, guardian or any other person shall betroth a child to any person.
(2) A betrothal in contravention of sub-section (1) of this section is null and void.

Punishment for child marriage and betrothal

25. 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 N500,000 (five Hundred Thousand Naira) or imprisonment for a term of five years or to both such fine and imprisonment.

Tattoos and Skin marks

26. (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 of one year or to both such fine and imprisonment.

Prohibition of Female Genital mutilations

27. (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.

(1) No person shall cause a female genital mutilation.
(2) A person who causes a female child to be subjected to female genital mutilation commits an offence and is liable on conviction to a fine not exceeding fifty thousand Naira or imprisonment for a term of one year or to both such fine and imprisonment.

Exposure to use, production and trafficking of narcotic drugs, etc.

28. (1) No person shall, expose or involve a child in the use of narcotic drugs and psychotropic substances.
(2) No person shall, expose or involve a child in the production or trafficking of narcotic drugs or psychotropic substances.
(3) A person who contravenes the provisions of Sub-section (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.

Use of children in other criminal activities

29. (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.

Abduction, removal and transfer from lawful custody

Abduction, removal and transfer from lawful custody

30. (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, to imprisonment for a term of ten years;
(c) In any other case, to imprisonment, for a term of seven years.

Child Labour

Prohibition of exploitative labour

31. (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 life, 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 and 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, a 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.

Application of Labour Law (Cap.) 198 of LFN

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

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

33. (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 scale or trafficking of the child, debt bondage or serfdom and forces 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 compulsory; Free 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 drugs and any other activity relating to illicit drugs as specified in the National Drug Law Enforcement Agency Law.

(4) 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 ten years.

Unlawful sexual intercourse, etc.

Unlawful sexual intercourse with a child, etc.

34. (1) No person, shall have unlawful 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.

Other forms of sexual abuse and exploitation

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

Other forms of exploitation

Other forms of exploitation

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

Recruitment into the Armed Forces

Prohibition of recruitment of children into the Armed Forces

37. (1) No child shall be recruited into any of the branches of the Armed Forces of the Federal Republic of Nigeria.

(2) The Government or any other relevant agency or body shall ensure that no child is directly involved in any military operation or hostilities.

Harmful publication

Prohibition of importation of the harmful publication

38. (1) No person shall import any harmful publication as defined in section 40 of this law.

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

Penalty for harmful publication

39. (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.

Power to issue warrants of arrest, summons, Search, etc. for harmful publications

40. (1) Where an information is brought before a court that a person has committed or is suspected of committing an offence under Section 38 or 39 of this Law with respect to any 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 committing an 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 authorizing 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, vehicles, 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 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 of any harmful publication.

Power of court to order forfeiture, etc.

41. (1) The Court by or before which a person is convicted of an offence under section 38 or 39 of this Law may order for any copy of the harmful publication and any place 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 extend to a case where the accused person has successfully raised a defence against the charge.

(3) No order made under Subsection (1) of this section by a Magistrate Court, or a High Court in case of an appeal from a 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 be stated 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 for the harmful publication if he so wishes.

Miscellaneous

Removal of jurisdictional limitation of magistrates, etc.

42. 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.

Application of criminal law provisions

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

PART IV – PROTECTION OF CHILDREN

Child assessment orders

44. (1) The State Government 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 satisfied that :-

(a) the applicant has reasonable cause to suspect that the child is suffering, or likely to suffer, significant harm; and

(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;

(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 fit 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 to live 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; or

(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, or

(d) a person in whose favour a contact is in force with respect to the child; or

(d) a person who is allowed to have contact with the child by virtue of an order made under section 55 of this Law; or
(e) the child concerned.

(11) Rules of Court may make provision as to the circumstances in which:-
(a) any of the persons mentioned in Subsection (10) of this section; or
(b) such other persons as may be specified in the Rules, may apply to the court for a child assessment order to be varied or discharged.

Emergency Protection orders

45. (1) The State Government 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 Government 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) enquires with respect to the welfare of the child are being frustrated by access to the child being unreasonably refused to a person authorized 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 authorized 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) authorizes the removal of the child at any time to accommodation provided by or on behalf of the applicant and his being kept there; or
(d) prevents the child from being removed from any hospital, or other place, in which he was being accommodated immediately before the making of the order.

(4) Where an 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) Sub-section 3(d) of this Section but it appears to the applicant that it is safe for the child to be allowed to be removed from the place in question, the applicant shall return the child or allow the child to be so removed, as the case may be.

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

(11) Where the applicant has returned a child or allowed a child to be removed as required by Sub section (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 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.

Duration of Emergency Protection orders, etc.

46. (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.

(3) Where an emergency protection order is made on an application under section 47(6) of this Law, the period of nine days mentioned in Subsection (2) of this section shall begin with the first day on which the child was taken into police protection under section 47 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 it 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 of, or in connection with, hearing; or

(b) any evidence given during the hearing, which is, in the opinion of the Court, relevant to the application.

(8) Any of the following persons may apply to the Court for the discharge of an emergency protection order:-

(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 (10) 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 been extended under Subsection (7) of this section.

(12) A Court making any emergency protection order may direct that the applicant may, in exercising any power which he has by virtue of the order, be accompanied by a registered medical practitioner, registered nurse or registered health visitor, if he so chooses.

Children taken Into Police *protection in* cases of emergency

47. (1) Where the specialized children police in the State has reasonable cause to believe that a child is otherwise likely to suffer significant harm, a specialized children police officer may take the child into police protection by:-
(a) removing the child to an Emergency Protection Centre or any other approved suitable accommodation and keeping the child there; or
(b) taking such steps as are reasonable to prevent the child from being removed from any hospital, or other place, in which the child is then being accommodated.

(2) As soon as is reasonably practicable after taking a child into police protection, the police officer concerned shall:-
(a) inform the State Government 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; and
(ii) further steps that may be taken with respect to him under this section;
(d) take such steps as are reasonably practicable to discover the wishes and 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 specialized children police in the State; and
(f) 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 Government,
(ii) as a refuge, in compliance with the requirements of section 51 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, was living immediately before being taken into police protection, of the steps

that the police officer has taken under this section with respect to the child, the reasons 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) (b) 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 45 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 designated officer shall do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the welfare of the child, having regard in particular to the length of the period during which the child will be so protected.

(9) Where a child has been taken into police protection, the designated officer shall allow: -

(a) the parents of the child; 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; or

(d) 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 58 of this Law; or

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

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

Duty of the State Government to investigate

48. (1) Where the Commissioner in charge of Children: –

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

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

(ii) has been taken into police protection; or

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

(2) Where the Commissioner has obtained an emergency protection order with respect to a child, he/she 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 enquires made under Subsection (2) of this section shall, in particular, be directed towards establishing:-

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

(b) whether, in the case of a child: –

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

(ii) who is not in accommodation provided by or on behalf of the appropriate authority, it would be in the best interest of the child, while an emergency protection order remains in force for the child to be in 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 46 (6) of this Law.

(4) Where enquires are being made under Subsection (1) of this section with respect to a child, the Commissioner concerned shall, with a view to enabling it to determine what action, if any, to take with respect to the child, take such steps as are reasonably practicable to:-

(a) obtain access to the child; or

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

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

(6) Where, in the course of enquiries under this section; an officer of the State Government or a person authorized by the Commissioner to act on his/her 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 officer 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 Commissioner decides not to apply for an emergency protection order, a child assessment order, a care order for a supervision order, he/she shall: -

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

(b) if he/she 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 Commissioner concludes that he/she should take action, to safeguard or promote the welfare of the child, he/she shall take that action, if the action is within his/her power and it is reasonably practicable for it to do so.

(9) Where the Commissioner is making an enquiry under this section, the State Government 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 Commissioner to do so.

(10) Subsection (9) of this section does not oblige the State Government to assist any other State Government where doing so would be unreasonable in all circumstances of the case.

(11) Where the Commissioner is making an enquiry under this section with respect to a child who appears to it to be ordinarily resident within another State, he/she shall consult the Government of that other State and the Government of that other State may undertake the necessary enquiry in the place of the Commissioner that commenced the enquiry.

Disclosure of whereabouts, etc. of children who may be in need of emergency protection

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

(a) is not available to the applicant for the emergency protection order; or

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

(2) No person shall be excused from complying with a requirement under Subsection (1) of this section on the grounds that complying might incriminate him or his spouse of an offence, but a statement or admission made in compliance with the requirement shall not be admissible in evidence against either of them in proceedings for an offence, other than perjury.

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

Abduction of children in care, etc.

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

(2) This section applies in relation to a child who is :–
(a) in care;
(b) the subject of an emergency protection order; or
(c) taken into police protection.

Refuge for children at risk

51. (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 organization 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) compelling, 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 organization.

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

Rules and regulations under this Part

52. (1) Without prejudice to section 168 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 of extension, of an emergency protection order, or
(ii) the making of an application under section 45 (4) or (5) or 46(6) of this Law; and
(c) as to the content of any notification and the manner in which, and the person by whom, it is to be given.

(3) The appropriate 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; and
(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 be transferred to it, the appropriate authority shall, subject to its having complied with any conditions imposed by the

regulations, be treated, for the purpose of this Law, as though it and not the original applicant had applied for, and been granted, the order.

(4) Regulations made under subsection (3) of this section may, in particular, make provisions as to -

(a) the considerations to which the appropriate authority is to have regard in informing an opinion as mentioned in Subsection (3) (c) of this section; and

(b) the time at which responsibility under any emergency protection order is to be treated as having been transferred to an appropriate authority.

PART V – CHILDREN IN NEED OF CARE AND PROTECTION

Power of certain persons to bring children in need of care and protection before a court in certain cases

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

(a) is an orphan or is deserted by his relatives; or

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

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

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

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

(f) if the daughter of a father who has been convicted of the offence of defilement or indecent treatment of any of his daughters; or

(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; or

(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; or

(i) accompanies any person when that person is begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise; or

(j) frequents the company of a reputed thief or common or reputed prostitute; or

(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; or

(l) is a child in relation to whom an offence against morality has been committed or attempted; or

(m) is otherwise exposed to moral or physical danger; or

(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 or guardian of the child to enter into a recognizance to exercise proper care and guardianship over the child; or

(b) make a corrective order :-

(i) committing the child to the care of any first 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 exception circumstances where a non-institutional measure is impracticable or inappropriate;

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

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

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

(a) destitute or wandering, without any settled place of abode and without visible means of subsistence; or

(b) begging or receiving alms, whether or not there is any pretence of singing, playing, performing or offering anything for sale or otherwise; or

(c) loitering for the purpose of begging or receiving alms; or

(d) hawking or street trading; or

(e) living in the street, under bridges, in market places, in motor parks or in other public places, is evident that the child is exposed to moral danger.

(6) A Court, before which a person is convicted of having committed, in respect of a child, any offence referred to in paragraph *(f)* or *(i)* of Subsection (l) of this section, may: -

(a) direct that the child be brought before a Court with a view to that Court making such order under Subsection (2) of this section as may be proper; or

(b) if satisfied that the evidence before it is sufficient to enable it properly exercise jurisdiction, notwithstanding anything to the contrary in Part XIII of this Law, make any order which the court has power to make.

Power of Court to make Order where Parent or Guardian is unable to exercise control

54. 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 from 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, not exceeding three years under the supervision of an appropriate supervisory child development officer or of some other person appointed for the purpose by the Court.

Power of Court to Order Parent, etc. Contribute to Maintenance

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

(a) to the care of an individual under this Law; or

(b) in exceptional circumstances, to an approved institution or any other institution,

and the Court is satisfied that the need for the order arose from the neglect on the part of any of the persons named in Subsection (2) of this section, the Court may order that person to make such contribution towards the maintenance of the child as it may think fit, having regard to all the circumstances of the case, including the means of the person ordered to make the contribution.

(2) The person referred to in Subsection (1) of this section are:-

(a) the father, step-father, mother or step mother of the child, or

(b) a person who is co-habiting 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 proceeding the date of the order of committal.

(3) The Court shall order the contribution of such amount per week, per month or per cash such period as it deems proper having regard to the means and earning capacity of the person ordered to make the contribution and other relevant circumstances.

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

(5) The Court which has the jurisdiction over the place in which the person or persons liable to make contribution may, at any time, on the application of the person or persons or on the application of an officer of the appropriate authority or other authorized officer, and on proof of a change of circumstances in the person or persons so required to make the contribution, increase or reduce the contribution or rescind any order as the Court may seem just.

PART VI – CARE AND SUPERVISION

Care and Supervision Orders; General

56. (1) The Court may, on the application of the Commissioner, or appropriate authority or any other authorized person, make a: -

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

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

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

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

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

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

(5) The Court may, on an application:-
(a) for a care order, make a supervision order;
(b) for a supervision order, make a care order.

(6) An authorized 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 Commissioner 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 authorized person shall not be entertained by the Court if, at the time when it is made, the child concerned is:-
(a) the subject of an earlier application for a care order or supervision order, which has not been disposed of; or
(b) subject to a care order or supervision order.

(8) The State designated in a care order or supervision order shall:-
(a) be the State 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 on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a child of similar circumstances.

Period within which Application for Order under this Part must be disposed of

57. (1) A Court before which an application for an order is brought under this Part of this 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 to the proceeding; and
(b) make other provisions with respect to the proceedings for the purpose of ensuring, as far as is reasonably practicable, that the proceedings are disposed of without delay.

Effect of Care Order

58. (1) Where a care order is made, the State Government and the appropriate authority designated by the order shall receive the child into its care and keep the child in its care while the order remains in force.

(2) Where: -
(a) a care order has been made on the application of an authorized person; and

(b) the Commissioner 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 Government or the appropriate authority.

(3) While a care order is in force, the State Government 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 any 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 Government 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 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 Government or the appropriate authority designated by the order shall not: -

(a) cause the child to be brought up in any religious persuasion, other than that in which he would have been brought up if the order had not been made; or

(b) have the right to :–

(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, without either the written consent of every person who has parental responsibility for the child or the leave of the Court.

(8) Subsection (7) (b) of this section shall not: -

(a) prevent the removal of a child from the state, for a period of less than one month; by the authority in whose care he is; or

(b) apply to arrangements for a child to live outside the State, if the required written consent or the leave of the Court had been obtained.

(9) The making of a care order with respect to a child who is subject to a contact order, a prohibited steps order, a residence order or a specific issue order, discharges the contact order, the prohibited steps order, the residence order or the 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 72 or 87 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 73 of this Law, and

(b) appointment under section 87(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.

Schedule I

(14) The provisions of Schedule 1 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 child 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; or

(b) the discharge of a supervision order; or

(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 paragraph (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 61 of this law has been refused; and

(b) a period of less than six months has elapsed since the refusal, the person who made the application shall not make a further application for such an order with respect to the same child, unless he has obtained the leave of the court.

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

Parental Contacts, etc. with Children in care.

59. (1) The State Government 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 guardians 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 Government, appropriate authority or the child, the court may make such order as it considers appropriate with respect of the contact which is to be allowed between the child and a named person.

(3) On an application made by –
(a) a person mentioned in paragraphs (a) to (d) of subsection (1) 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 Government or the appropriate authority with respect to the child, the Court may make an order authorizing the State Government or the appropriate authority with respect to the child, the Court may make an order authorizing the State Government or the appropriate authority to refuse to allow contact between the child and a person who is mentioned in paragraphs (a) to (d) of Subsection (1) 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 the State Government, 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 Government or appropriate authority may refuse to allow the contact that would otherwise be required by virtue of Subsection (1) of this section or an order made under this section if: -
(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 Government 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 Government 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 steps to be taken by the State Government or an appropriate authority that has exercised 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 to whom the order is made;

(c) notification by the State Government 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 who this Section applies

Duty of Supervisors while Supervision Orders are in Force

60. (1) While a supervision order is in force it shall be the duty of the supervisor to :–

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

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

(c) where-

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

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

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

Education Supervision Orders

61. (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 is not being properly educated.

(3) For the purpose of this section, a child is being properly educated only if he is receiving efficient full-time education suitable to his age, 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 Government if the court deems it necessary in the interest of the child.

(6) The appropriate education authority designated in an education supervision order shall be:-

(a) the authority within whose area the child concerned is living or will live; or

(b) the authority within whose area a school is situated if –

(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 service committee or unit of the appropriate authority.

(8) The supplementary provisions set out in Part III of Schedule 2 to this Schedule 2

Law shall apply with respect to education supervision orders.

Power of Court in proceedings where question of welfare of child arises.

62. (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; or

(b) provide services or assistance for the child and his family; or

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

(3) Where the appropriate authority undertakes an investigation under this section and decides not 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 or supervision order with respect to the child, the appropriate authority shall consider whether it would be appropriate to review the case at a later date.

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

Interim Orders **63.** (1) Where: –

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

(b) the Court gives a direction under section 62(1) of the Law, the Court may make an interim care order or an interim supervision order with respect to the child concerned.

(2) The Court shall not make an interim care order or interim supervision order under this section unless it is satisfied that there are reasonable grounds for believing that the circumstances with respect to the child are as mentioned in section 56(2) of this Law.

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

(4) An interim order made under or by virtue of this section shall have effect for such period as may be specified in the order, but shall cease to have effect on whichever of the following events first occurs:

(a) the expiry of the period of ten weeks beginning with the date on which the order is made;
(b) if the order is the second or is subsequent to an order made with respect to the same child in the same proceedings, the expiry of the relevant period;
(c) in a case which falls within Subsection (1) (a) of this section, the disposal of an application;
(d) in a case which falls within Subsection (1) (b) of this section, the disposal of an application for a care order or supervision order made by the appropriate authority with respect to the child;
(e) in a case which falls within Subsection (1) (b) of this section and in which: -
(i) the Court has given a direction under section 65 (1) of this Law; but
(ii) 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.

Schedule 2

(9) The provisions set out in paragraphs 4 and 5 of Schedule 2 to this Law shall not apply in relation to an interim supervision order.

Discharge and variation, etc. of Care Orders and Supervision Orders.

64. (1) The Court may vary or discharge a care order on the application of:
(a) a person who has parental responsibility for the child; or
(b) the child himself; or
(c) the State Government or appropriate authority designated by the order.

(2) The Court may vary or discharge a supervision order on the application of:-
(a) a person who has parental responsibility for the child;
(b) the child himself; or
(c) the supervisor.

(3) On the application of a person who is not entitled to 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 55 (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.

Orders pending Appeals in cases relating to Care or Supervision Orders

65. (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 :-

(a) its decision is not to have effect; or

(b) the care order or supervision order is to continue to have effect, subject to the 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.

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

(a) the period between the making of the decision against which the appeal is made and the determination of the appeal; and

(b) the period during which an appeal may be made against the decision.

PART VII – PROVISIONS FOR USE OF SCIENTIFIC TESTS IN DETERMINING PATERNITY OR MATERNITY, ETC

Power of Court to Require use of Scientific tests

66. (1) In any civil proceedings in which the paternity or maternity of a person fails to be determined by the court hearing the proceedings, the court may, on any application by a party to the proceedings, give a direction for: –

(a) the use of scientific tests, including blood test and DNA test, to ascertain whether the tests show that a party to the proceedings is or

is 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 a person would be contrary to any provision of regulations made under the section 68 of this law 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, 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 determine; and

(c) if the party is so indicated, the value, if any, of the results in determining whether the 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 68 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 report to the court under this section, but the amount paid shall be treated as costs incurred by the party in the proceedings.

Consents, etc. required for taking scientific samples

67. (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 66 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 a 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 the child consents.

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

(a) is suffering from mental disorder within the meaning of any 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 will not be prejudicial to his care and treatment.

(5) The provisions of this Section are without prejudicial to the provisions of Section 69 of this Law.

Power of Commissioner to provide for Manner of giving effect to Directors for use of scientific tests

68. The Commissioner may by regulations make provisions as to the manner of giving effect to directions given under section 62 of this law and, 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 taken, identification and transporting of the scientific samples.

(c) require the production, at the time when 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 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 manner in which they are carried out;

(g) regulate the changes that may be made for the taking and testing of the scientific samples for the making of a report to a court under section 62 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 62 of this Law are tested by the same person;

(i) prescribe the form of the report to be made to a court under section 62 of this law.

Failure to comply with direction for taking of scientific tests

69. (1) Where the court gives a direction under section 62 of this law and a person fails to take any step required of him/her for the purpose of giving effect to the direction, the court may draw such inferences, if any, from the facts as it appear proper in the circumstances.

(2) Where, in any proceedings in which the paternity or maternity of a child fails to be determined by the court hearing the proceedings, there is a presumption of law that the person is legitimate then if:–

(a) a direction is given under section 62 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/her 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/her claim for relief notwithstanding the absence of evidence to rebut the presumption.

(4) Where a person named in a direction under section 62 of this law fails to consent to the taking of scientific sample from himself/herself or from a child named in the direction of whom he/she has the care and control, the person shall be deemed for the purpose of the section to have failed to take a step required of him/her for the purpose of giving effect to the direction.

Penalty for impersonating another, etc. for purpose of providing scientific sample

70. If, for the purpose of providing scientific sample for a test required to give effect to a direction under section 62 of this Law, a person impersonates another, or proffers a child knowing that it is not the child named in the directions, he/she commits an offence and is liable on conviction to a fine not exceeding ten thousand Naira or imprisonment.

PART VIII – POSSESSION AND CUSTODY OF CHILDREN

Acquisition of parental responsibility

71. (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 156 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 purposes of this Law, unless it is made in the form and manner prescribed by regulations made by the Chief Judge of the State under this section.

(3) Subject to Subsection (4) of this section, an order under Subsection (1) (a) of this section, or a parental responsibility agreement, may only be brought to an end by an order of the Court made on the application -
  (a) of a person who has parental responsibility for the child or
  (b) of the child himself, with leave of the Court.

(4) The Court may only grant leave under Subsection (3) (b) of this section if it is satisfied that the child has sufficient understanding to make the proposed application.

(5) Where the court makes a residence order in favour of the father or the mother of a child it shall, if the father or mother would not otherwise have parental responsibility for the child, also make an order under Subsection (1) of this section giving the father or mother that responsibility.

(6) Where the Court makes a residence order in favour of a person who is not the parent or guardian of the child concerned, that person shall have parental responsibility for the child while the residence order remains in force.

(7) Where a person has parental responsibility for a child as a result of Subsection (5) of this section, he shall not have the right to:-
  (a) consent or 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/she may have in relation to the child, including a statutory duty to maintain the child; or
  (b) any right which, in the event of the death of the child, he/she 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.

Power of the Court to make order in respect to custody or rights of access to a child

72. (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 to the child 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 of the child;

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

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

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

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

Orders as to custody **73** No agreement contained in any separation deed made between the father and the mother of a child shall be invalid by reason only of its providing that the father of the child gives up the custody or control of the child to the mother.

Validity of custody Agreed to in Separation deeds **74.** 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.

Principle on which questions relating to custody, upbringing, etc. of child is to be decided **75.** Where the parent of the 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.

Court to have Regard to conduct Of parents **76.** 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/herself that the Court should refuse to enforce his/her right to the custody of the child, the Court may, in its discretion, decline to issue the writ or the order.

Power of court as to production of child **77.** If at the time of the application for a writ or an order for the production of a child, the child is being brought up by another person, the Court may, in its

discretion, if it orders that the child be given up to the parent, further order that the parent pays to that other person the whole of the costs properly incurred in bringing up the child, or such petition of the costs as seems to the Court to be just and reasonable, having regard to the circumstances of the case.

Power of court to Consult child's wishes

78. Nothing contained in section 75, 76 and 77 of this Law interferes with or affects the power of the Court to consult the wishes of the child in considering what order ought to be made under section 77 of this Law or diminishes the right which a child has to exercise his on own free choice.

Power of court to child's religious education

79. 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 person 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 orders as it may deem fit to ensure that the child is brought up in the religion in which the parent requires the child to be brought up.

Enforcement of Order of payment Of money by attachment of income

80. 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.

Notice of change of address by Person ordered to pay money

81. 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.

Power to make Orders, etc. as to custody of children

82 (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 a 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.

Prohibition against Acquiring custody Etc. of child for the Purpose of Dealing in the child

83. (1) No person shall hire, give or acquire the custody, possession, control or guardianship of a child whether or not for pecuniary or other benefit in circumstances that it may reasonably be inferred that the child has been hired, sold or 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 a child has been given to or acquired by a person other than a person who is a member of the family of the child, it shall be presumed by the Court that the child has been given or acquired in contravention of the provisions of Subsection (1) of this section.

(3) It shall be a defence to this section to provide that the child concerned was given and 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.

Penalties for contravening Sections 82 and 83

84. A person who contravenes the provisions of sections 82 and 83 of this Law or of any rules made under those sections commits an offence and is liable on conviction to a fine of ten thousand Nara or imprisonment for a term of one year or to both such fine and imprisonment.

PART IX - GUARDIANSHIP

Parental responsibility of a guardian

85. (1) Except as provided in section 72 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 *ad litem* under section 93 of this Law shall be a guardian only for the purpose of representing the child and his/her interest in certain proceedings, but shall otherwise have no parental responsibility for the child.

Guardianship of a Child

86. (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 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 even 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 Law 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.

Guardianship of a Child

87. (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/her; 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 in Subsection (1) of this section shall 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.

Requirement of Consent **88.** The consent of a person appointed as a guardian is necessary for the appointment to have effect.

Revocation of Guardianship **89.** The appointment of a guardian under sections 88 and 93 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; or

(b) on the application of the child concerned, with leave of the Court; or

(c) in any family proceedings, if the Court considers that it should be brought to an end notwithstanding that no application has been made; or

(d) on the application of an appropriate authority.

Power of Guardians Over estate of child **90.** 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.

Disputes between Joint Guardians **91.** 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.

Appointment of Guardian *ad litem* **92.** (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 satisfied, the Court may appoint a legal practitioner to represent the child.

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

(a) no guardian *ad litem* has been appointed for the child;

(b) the child has sufficient understanding to instruct a legal practitioner and wishes to do so;

(c) it appears to the court that it would be in the best interest of the child for him to be represented by a legal practitioner.

(5) A legal practitioner appointed under or by virtue of this section shall represent the child, in accordance with the Rules of Court.

(6) Notwithstanding any enactment or rules of law to the contrary, the court

may take account of:-

(a) any statement contained in a report made by a guardian *ad litem* who is appointed under this section for the purpose of the proceedings in question; and

(b) any evidence given in respect of the matters referred to in the report, in so far as the statement or evidence, is in the opinion of the Court, relevant to the question which the Court is considering.

Establishment of Panels of persons From which Guardians *ad Litem* may be appointed

93. (1) The Commissioner may by regulations provide for the establishment of panels of persons from which guardians *ad litem* 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 Government of expenses incurred by members of panels;

(d) for the payment by the State Government 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 panel;

(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 litem.*

(3) Rules of Court may make provisions as to the -

(a) assistance which a guardian *ad litem* may be required by the Court to give to it;

(b) consideration to be given by a guardian *ad litem*, where an order of a specified kind has been made in the proceedings in question, as to whether to apply for the variation of discharge of the order.

(c) participation of guardians *ad litem* in any review, of the kind specified in the Rules of Court, conducted by the Court.

Right of Guardian *Ad Litem* to have Access to records

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

(a) any record held by the State Government or the appropriate authority which was compiled in connection with the making, or proposed making, by any person of any application under this Law with respect to the child concerned; or

(b) any other record held by the State Government or the appropriate authority which was compiled in connection with any function which have been referred to their social service committee, so far as those records relate to the child.

(2) Where a guardian *ad litem* takes a copy of a record which he/she 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/she makes to the Court in the proceedings in question; or

(b) evidence which he/she gives in those proceedings.

Saving of existing Orders and Jurisdiction of the court

95. (1) Notwithstanding the provisions of this Law, an order lawfully made by any court relating to the guardianship or custody of a child before the commencement of this Law and which is in force at the time of the commencement of this Law and is not inconsistent with this Law 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 appoint or remove guardians by virtue of the High Court Law or any other written law, until the Court has been established in the relevant jurisdictions.

PART X – WARDSHIP

Jurisdiction of Court

96. The Court shall have jurisdiction in all matters pertaining to making a child a ward of court.

Wardship Order

97. (1) Subject to the provisions of this section, no child shall be made a ward of court except by virtue of an order, to that effect, made by the Court.

(2) Where application is made for an order in respect of a child, the child becomes a ward of court on the making of the order or on the expiration of such period as may be prescribed, unless within that period another order is made in accordance with the new application.

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

Maintenance Of a Ward Of Court

98. (1) Subject to the provisions of this section, the Court may make order: –

(a) requiring either parent of a ward of court to pay to the other parent;

(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 reward 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.

Committal of Ward to care of appropriate authority, etc.

99. (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 as the court thinks fit, order that the ward be under the supervision of a child development officer or other appropriate authority.

(3) The Court shall have power, from time to time by an order under this section, to vary or discharge any previous order made under this section.

Matrimonial cases

100. A Court hearing a matrimonial case in which a child may be involved may direct that proper proceedings be taken in the Court at the High Court level for making the child a ward of court.

Dismissal of Application for Wardship

101. Where the Court is of the opinion that an application for wardship is an abuse of the court process, it shall dismiss the application forthwith.

Rules for Application for Wardship Schedule 3

102. An application for wardship shall be made in compliance with the rules contained in Schedule 3 to this Law.

PART XI – FOSTERING

Application for Fostering

103. A person may foster a child by making an application to the Court within the jurisdiction in which the person and the child reside at the date of the application.

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

Children to be fostered

104. 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: –

(a) deserted by his relatives; or

(ii) voluntarily presented by his relatives for fostering, or

(iii) voluntarily presents himself for fostering, where no relatives of his can be found; or

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

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

(e) is found destitute; or

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

(g) is voluntarily presented by his parents for fostering.

Making a Fostering Order

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

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

Limit on Number of Children who may Be fostered

106. (1) The number of children who may be fostered by a person shall not exceed *three unless exceptional circumstances are shown.*

Schedule 4

(2) The provisions of Part 1 of Schedule 4 to this Article shall have effect for the purpose of supplementing the provisions of this section.

Restriction on the Making of Fostering Order

107. (1) A fostering order shall not be made by the Court unless:-

(a) the application 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) 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 the same sex as the applicant.

Consent to Fostering

108. (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 persons whose consent would have been required:-

(a) has abandoned, neglected or persistently ill-treated the child; or
(b) cannot be found or is incapable of giving his consent or is unreasonably withholding his consent.

Further conditions For making of Fostering orders

109. (1)Before making a fostering order, the Court shall be satisfied that –

(a) every consent under section 110 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 may think fit and, in particular, may require the foster parent by bond or otherwise to make for the child such provisions as in the opinion of the Court is just and expedient.

Interim Orders

110. (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 of the Court.

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

(4) An interim order shall not be made in any case where the making of a fostering order would be unlawful by virtue of Section 130 of this Law.

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

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

Rules of Court **111.** (1) The Chief Judge of the State may make Rules of Court providing generally for the practice and procedure of the Court in respect of the fostering of children under this Law.

(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) proceeding 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 110 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.

Appeal **112.** 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 applicant for the order or to make an interim order.

Rights and Duties of Foster Parents and other Persons **113.** (1) On the making of a fostering order:-
   (a) all rights, duties, obligations and liabilities, including:-
      (i) any arising under customary law applicable to the parents of the child, or any other person or persons in relation to the custody, maintenance and education of the child, and
      (ii) all rights to appoint a guardian and to consent or give notice of consent or marriage, shall be suspended; and
   (b) there shall vest in and be exercisable by 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.

Effect of Fostering On Maintenance Order

114. Where at the time of 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 in force, the fostering order shall prevail.

Fostered Children Register

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

(2) A fostering order shall contain a direction to the Chief Register and appropriate child development service to make in the Fostered Children. Register the entry in the form specified in Part II of Schedule 4 to this Law.

Schedule 4

(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 are identical with a child to whom an entry in the Register of Births kept by the National Population Commission relates, the fostering order shall contain a further direction to the Chief Registrar and the appropriate child development service to cause the entry in the Register of Births to be marked "fostered".

(4) Where a fostering order is made in respect of a child who has been the subject of a previous fostering order made under this Law, the fostering order shall contain a direction to the Chief Registrar and the appropriate child development service to cause the previous entry in the Fostered Children Register and the Register of Births in respect of that child to be marked "Re-fostered".

(5) The Court shall cause a copy of every foster order to be communicated to the Chief Registrar and the appropriate child development service and on receipt of the order, the Chief Registrar and the appropriate child development service shall comply with the directions contained therein.

(6) A certified copy of an entry in the Fostered Children Register if purporting to be stamped or sealed with the seal of office of the Chief Registrar shall be prima facie proof of the facts contained therein, including the date of birth of a child to whom it relates without any further evidence as if the same were certified copy of any entry in the Register of Births.

(7) The Chief Registrar shall cause an index of the Fostered Children register to be made and kept in the registry.

(8) A copy of extract of an entry in any register, being an entry, which is cancelled under this sections, shall be a prima facie evidence of the cancellation.

(9) A register, record or book as is mentioned in Subsection (8) of this section or an index thereof shall not be liable to be searched by any member of the public, and the Chief Registrar shall not make a certified copy thereof or furnish any information therein contained to a person except under 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 service who shall cancel or cause to be cancelled:-

(a) the entry in the Fostered Children Register relating to the fostered child; and

(b) the word "Fostered" or "Re-fostered" in the entry relating to the fostered child in the Register of Births.

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

Visit to Fostered Child by Child Development Officers

116. (1) It shall be the duty of the appropriate child development service to keep itself informed, from time to time, of the condition and welfare of each child fostered under this Law and for that purpose, arrange for child development officers to do all or any of the following things, that is:-

(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 presentation of the fostered child or that information be given regarding the condition of the child.

Revocation of a Foster Order on grounds of the Interest of the child

117. 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 respect of the child; and

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

Prohibition of Receiving money or Reward as Inducement to Foster a child

118. (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.

Prohibition of Taking, Sending fostered Child out of the State of Nigeria

119. (1) Where a foster parent intends to take a fostered child outside the State or Nigeria, he/she 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; or
(b) outside Nigeria, with intent to getting that child fostered by that person commits an offence.

(3) A person who commits an offence under Subsection (2) of this section is liable on conviction in the case of an offence under:-
(a) Subsection (2) (a) of this section, to imprisonment for a term of fifteen years.
(b) Subsection (2) (b) of this Section, to imprisonment for a term of fifteen years.

Prohibition of withdrawal of a Child from the Care of the applicant

120. While an application for a 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 applicant without the leave of the Court and the Court shall in granting the leave, have regard to the welfare of the child.

Fostering parent prohibited from Marrying fostered child

121. (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 under this Law and is liable on conviction to imprisonment for a term not exceeding fourteen years.

Non-compliance with lawful directives

122 A person who:-
(a) without reasonable excuse, fails to comply with a lawful directive given by 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 not exceeding two thousand five hundred Naira or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Private arrangement for fostering children

123. (1) For the purpose 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/she 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 to foster a child privately if he/she cares for the child in circumstances in which the child is fostered privately as defined under paragraph(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.
Schedule 4 (3) The provisions in Part III of Schedule 4 to this Law shall have effect for the purposes of supplementing the provisions of this section.

Welfare of a Child Fostered privately

124. (1) It shall be the duty of the State Government to:-
(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 advise as appears to the State Government to be needed.
(2) Where a person who is authorized by the State Government 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, he/she 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 Government 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 is 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 Government:-
(i) in prescribed circumstances, and
(ii) on specified occasions or within specified periods; and

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

Persons disqualified From fostering a Child privately

125. (1) A person shall not foster a child privately if he/she is disqualified from doing so by regulations made by the Commissioner for the purposes of this section, unless he/she 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/she 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 126 of this Law or under any other specified enactment;

(e) his/her 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/she lives in the same household as a person who is himself prevented from fostering a child by Subsection (1) of this section; or

(b) he/she 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, it 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/ she may appeal.

Schedule 4

(5) The form set out in Part IV of Schedule 4 to this Law and the provisions contained in Part V and VI of that Schedule shall be used and have effect for the purposes of this section and this Part of this Law.

Power of State Government to Prohibit private fostering

126. (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 Government 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 not suitable; or
(c) it would be prejudicial to the welfare of the child for him/her to be, or continue to be, accommodated by that person in those premises, the State Government may impose on him/her 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/her from fostering privately: -
(a) any child in any premises within the State; or
(b) any child in premises specified in the prohibition; or
(c) a child identified in the prohibition, in premises specified in the prohibition.

(4) The State Government may, if it thinks fit, cancel the prohibition -of its own motion; or
(a) 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/her right to appeal against the prohibition; and
(c) the time within which he/she may appeal.

Offences under this part

127. (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 or causes or procures another person to make any statement in the notice or information which he/she 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 authorized officer of the State Government; or
(c) intentionally obstructs another person in the exercise of the power conferred by section 124 (2) of this Law; or
(d) contravenes section 125 of this Law; or
(e) fails, without reasonable excuse, to comply with any requirement imposed by the State Government under this Part of this Law; or
(f) accommodates a child fostered privately in any premises in contravention of a prohibition known to him to have been imposed by the State Government under this Part of this Law; or

(g) knowingly publishes or causes to be published, an advertisement which he/she knows contravenes paragraph 8 of Part III of Schedule 4 to this Law, commits an offence under this Law.

(2) Where a person contravenes section 125 (3) of this Law, he/she does not commit an offence under this section if he/she proves that he/she did not know, and had no reasonable ground for believing, that a person to whom section 125 (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 give notice fails to give the notice within the time specified in that provision, proceedings for an offence may be brought at any time within six months from the date when evidence of the offence came to the knowledge of the State Government.

PART XIII – ADOPTION

Establishment of adoption services, etc.

128. (1) The State Government shall, for the purpose of adoption, establish and maintain a 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 Government shall provide the requisite facilities or ensure that the facilities are provided by approved adoption services as may be prescribed by the appropriate authority.

(2) The facilities to be provided as part of the services maintained under Subsection (1) of this section include: -

(a) temporary board and lodging, where needed by a child and, in exceptional circumstances, the mother of a child;

(b) arrangements for assessing a child and prospective adopters and placing of the child for adoption; and

(c) counseling for persons with problems relating to adoption.

Application for adoption, etc.

129. (1) An application for adoption shall be made to the Court in such form as may be prescribed, and shall be accompanied with: –

(a) where the applicant is a married couple, their marriage certificate or a 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 the fitness of the applicant from a Government hospital; and

(e) such other documents, requirements and information as the Court may require for the purposes of the adoption.

(2) On receipt of an application under Subsection (1) of this section, the Court shall order an investigation to be conducted by:-

(a) a child development officer

(b) a supervision officer; and

(c) such other persons as the Court may determine, to enable the Court

to assess the suitability of the applicant as an adopter and of the child to be adopted.

(3) The Court shall, in reaching a decision relating to the adoption of a child, have regard to all the circumstances, first consideration being given to: -

(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.

Religious upbringing of adopted child

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

Persons who may be adopted

131. 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 parents, 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.

Persons who may adopt

132. 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 authorizing them jointly to adopt a child; or

(b) a married person if he/she has obtained consent of his spouse as required under Section 135 of this Law; or

(c) a single person, if he/she 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.

Power to make adoption order

133. (1) Subject to the provisions of this Law, the Court may, on the application of a person stated in Section 129 of this Law in the prescribed manner make an order under this Law referred to as an "adoption order".

Schedule 5

(2) An adoption order shall be made in the form specified in Schedule 5 to this Law.

Restrictions on the making of adoption orders

134. (1) An adoption order shall not be made in respect of a child unless:-

(a) the applicant or, in the case of a joint application, one of them, is not less than twenty-five years old and is, at least, twenty-one years older than the child;

(b) the applicant, or in the case of a joint application, both or, at least, one of them and the child are resident in the State;

(c) the applicant has been resident or, in the case of a joint application, both of them have been resident or, in the case of a joint application is made for a period of, at least, five years.

(d) the applicant is a citizen or, in the case of a joint application, both applicants are citizens of Nigeria;

(e) the child has been in the care of the applicant for a period of at least three consecutive months immediately preceding the date on which

the order is made; and

(f) the applicant has, at least twelve months before the making of the order, informed the social welfare officer of his intention to adopt the child.

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

Required consent

135. (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 applicant 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 or if the consent of that person is not first obtained.

(3) It shall be the duty of the child development officer, on an application for an adoption order in respect of a child, to prepare a report to assist the Court in determining whether a person who is not a parent or relative of the child has any right or obligation in respect of that child and whether the consent of the person ought first to be obtained.

(4) A consent under this section may be given either -

(a) unconditionally; or

(b) subject to conditions with respect to the religious persuasion in which the child is to be brought up.

(5) In giving a consent under this section, it may not be necessary for the person giving 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 satisfied that the person whose consent is required cannot be found or is incapable of giving 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 the court and the Court shall have regard to the welfare of the child in considering whether or not to grant the leave.

Conditions preceding the making of adoption order

136. The Court shall, before making an adoption order, satisfy itself that :-

(a) every consent required under Section 135 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, for this purpose the relevant adoption service shall provide adequate counseling 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.

Power of court to impose terms and conditions

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

Interim orders pending adoption orders

138. (1) Subject to the provisions of this section, the Court may, on an application for an adoption order, postpone the determination of the application and make an interim order giving the custody of the child to the applicant for a period not exceeding two years on such terms and conditions as the Court thinks fit as regards provision for 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 without the consent of the Court.

(3) The consents to the making of an adoption order which are required under Section 135 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 and the provisions of this Law.

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

Jurisdiction of the court

139. Subject to Rules of the Court made under Section 140 of this Law the Court shall have exclusive jurisdiction to deal with an application for an adoption order.

Rules of the court for adoption of a child

140. (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 the 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 135 of this Law; and

(c) requiring the child development officer to prepare for the consideration of the Court, on an application for an adoption order, a report, for the assistance of the Court in determining whether the order will be for the welfare and best interest of the child.

Appeals

141. (1) 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 a decision to postpone the determination of the application for such an order and make an interim order.

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

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

Adoption when corrective order is in force

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

(2) On the application for an adoption order being made in a case under Subsection (1) of this section and on being satisfied that the adoption would be for the welfare and best interest of the child concerned, the Court shall suspend the corrective order so as to enable the applicant to have the child in this case for a period of at least three consecutive months immediately preceding the date of the adoption order.

Adoption when maintenance order is in force

143. (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 child under this Law or any other law is in force, the maintenance order shall cease to have effect at that time.

Effect of adoption

144. (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 future custody, maintenance, supervision and education of the child, and

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

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

(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/she were the natural child of the adopter and were not the child of any other person.

Establishment of the adopted children register

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

Schedule 5

(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 Schedule 5 to this Law.

(3) If on any application to the Court for an adoption, there is proved to the satisfaction of the Court that :-

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

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

(4) Where an adoption order is made in respect of a child who had been the subject of a previous adoption order made by the Court under this Law, the order shall contain a direction to the Chief Registrar and the Commission to 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 directions contained therein.

(6) A certified copy of an entry in the Adopted Children Register if purporting to be stamped or sealed by the Chief Registrar's Office shall be proof of the adoption as is therein specified, and where the copy of the entry includes the date of the birth of the child to whom it relates, it shall be proof also of the date without any further evidence as though the same were also a certified copy of an entry in the Register of Births.

(7) The Chief Registrar shall cause an index of the Adopted Children Register to be made and kept in the Registry.

(8) The Chief Registrar shall, in addition to the Adopted Children Register and the index thereof keep such other registers and books and make such entries therein as may be necessary to record in connection with an entry in the Register of Births which has been marked "Adopted".

(9) Any such register or books as are mentioned in 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 any 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 work "Adopted" or "Re-adopted" of any entry relating to the child in the Register of Births.

(11) A copy of an extract of an entry in any register being an entry the marking of which is cancelled under this section shall be deemed to be an accurate copy if both the marking and the cancellation are omitted

therefrom.

Prohibition of certain payments for adoption

146. (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 for 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 circumstances of the case particularly the best interest of the child.

Restriction on inter-State adoption

147. (1) Except under a licence issued pursuant to section 148 of this Law, no person shall permit or cause or procure the care and possession of a child to be given to any person outside the State with a view to getting the child adopted by any person.
(2) A person who permits or causes or procures the possession of a child to be given to any person:-
(a) outside the State; or
(b) outside Nigeria, with intent to getting that child fostered by that person commits an offence.
(3) A person who contravenes the provisions of Subsection (1) of this section commits an offence and is liable on conviction to a fine of thirty thousand Naira or imprisonment for a term not exceeding one year or to both such fine and imprisonment.
(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) of this section, to imprisonment for a term of ten years.
(b) In the case of an offence under Subsection (2) (b) of this section, to imprisonment for a term of fifteen years.

Licence to give child for inter-State adoption

148. (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/she may think fit, authorizing the care and protection of a child for whom inter-State adoption arrangements have been made.
(2) A license shall not be granted under Subsection (1) of this section unless the Commissioner is satisfied, as regards every person whose consent is required under section 135 of this Law to the making of an adoption order for the child, that:-
(a) the application for the licence is made with 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 trusted 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.

Recognition of Other adoptions **149.** 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.

Adopted parents etc. prohibited from marrying adopted child **150.** (1) A marriage between a person who has adopted a child under this Law or a natural child of the person who adopted the child and the adopted child is hereby prohibited and any such marriage shall be null and void.

(2) A person who marries an adopted child in violation of Subsection (1) of this section commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

Duty of adopted child development officers **151.** (1) It shall be the duty of the Director of Child Development in the State Ministry to 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 conditions of adoption imposed in any adoption order or any provision of this Law in relation to an adopted child.

(2) During any visit under Subsection (1) of this section, the officer paying the visit may require production of the adopted child or that information be given regarding the condition of the child.

(3) A person who:-

(a) without reasonable excuse, fails to comply with a requirement imposed by a child development officer; or

(b) obstructs a child development officer in the exercise of the power conferred by this section, commits an offence and is liable on conviction to a fine not exceeding five hundred Naira or imprisonment not exceeding three month or to both such fine and imprisonment.

PART XIII – THE FAMILY COURT

Establishment of the family court **152.** There shall be established for the State a Court to be known as the Family Court (in this Law referred to as "the Court") for the purposes of hearing and determining matters relating to children.

Court to have two levels **153.** 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 magisterial level.

General Jurisdiction **154.** (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 proceedings in which the existence or extent of a legal right, power, duty, liability, privilege, interest, obligation or claim in respect of a child is in issue; and

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

(2) the reference to civil or criminal proceedings in this section includes 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 and a family and at all stages of any proceedings before it: -

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

(i) the child;

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

(iii) any other person having parental or other responsibility to the child, and

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

Family court at the High Court level

155. (1) The Court at the High court level shall consist of such number of :–

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

(b) assessors, who shall be officers not below the rank of chief child Development Officers;

(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 shall have attributes of dealing with children and matters relating to children preferably in the area of child psychology education.

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

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

(b) deal with all offences punishable with:-

(i) death; or

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

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

(d) deal with divorce and custody of the child; and

(e) hear appeals from the court at the Magisterial 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 lie in respect of matters decided by the High Court.

Family court at the Magisterial level

156. (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 who 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 specially assigned to the court at the High court level under section 155 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 Magistrates courts to the High court of the State.

Professionalisation and training of court personnel **157.** .(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.

Right to counsel, etc. **158.** 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.

Exclusion of persons from attending court **159.** 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

other persons directly concerned in the case shall be allowed to attend the court, and, accordingly, members of the press are excluded from attending a Court.

Prohibition of publication of child's name, etc. **160.** (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.

Proceedings to be in the interest of the child **161.** 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.

Attendance of parents, guardians or child at the hearing in the court **162.** (1) 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 stage or stages of the proceeding as may be specified in the order.

(2) The power conferred by subsection (1) 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 authorizing 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) cater 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 the whereabouts of a child, it may by order, require the person to disclose such information.

(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.

Evidence given by a child **163.** (1) In any proceedings, whether civil or criminal, the evidence of a child may be 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.

Rules for procedures, Fees, etc. **164.** (1) The Chief Judge of the State may make rules regulating the procedure in the court, the parties entitled to participate in any proceedings, the fee to be charged and the forms to be used in proceedings.

(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.

Exclusive jurisdiction **165.** No other court, except the Court, shall exercise jurisdiction in any matter relating to children as are specified in this Law.

PART XIV – CHILD MINDING AND DAY CARE OF YOUNG CHILDREN

Registration, etc. of child minding and day care centre **166.** (1) The State Government 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 appropriate authority.

(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 child in any day exceeds two hours, and

(b) provides day care for children if the period, or the total of the periods during

she is employed to look after the child by –
(a) a parent of the child, or
(b) a person who, though is not a 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.

Schedules 4 & 6

(15) The provisions of Part VI of Schedules 4 and 6 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.

Conditions to be complied with by child minders

167. (1) Where the State Government registers a person under section 166 (1) (a) of this Law, it shall, in addition to the requirement 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 Government shall on registering :–
(a) Specify that the maximum number of children, or the maximum number of children with 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/she 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 Government,
(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 Government in writing of any change in the names and addresses of persons mentioned in paragraph (c) (ii) and (iii) of this subsection.

(3) The State Government may, at any time vary, any condition imposed by it under this section.

(4) The Commissioners may, by regulations, make provisions as to: –
(a) conditions which shall be imposed by the State Government under this Section in prescribed circumstances;
(b) conditions of such descriptions as may be prescribed which shall not be imposed by the State Government under this Section;
(c) the annual fees payable in respect of registration and inspection of premises.

Conditions to be complied with by persons providing day care for children

168. (1) Where the State Government registers a person under Section 166 (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 166 (1) (b) of this Law with respect to different premises within the state, this section shall apply separately in relation to each registration.

(3) The state Government shall on registering a person providing day care for children-

(a) specify the maximum number of children, or the maximum number of children within specified age groups, who may be looked after on the premises;
(b) require the person to secure that the premises on which he/she 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 Government in writing of any change in the facilities which he/she provides or in the period during which he/she 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 assists 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 Government 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 Government shall take account of the number of other children who may at any time be on the premises.

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

(6) A commissioner may, by regulations, make provision as to conditions -
(a) which shall be imposed by the State Government under this section in prescribed circumstances;
(b) of such descriptions as may be described which shall not be imposed by the State Government under this section.

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

Cancellation of registration of a child minder

169. (1) The State Government may at any time cancel the registration of a child minder if: -
(a) it appears to the State Government that the circumstances of the case are such that the State Government 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 Government, 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 of or condition imposed on him under section 167 of this Law,
(ii) failed to pay any annual fee within the prescribed time.

(2) the State Government 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 Government that the circumstances of the case are such that it would be justified in refusing to register that person as a person providing day care;
(b) the care provided by that person when on the premises is, in the opinion of the State Government, 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 conditions imposed on him under section 167 of this Law, or
(ii) failed to pay any annual fee under paragraph 7 of schedule 6 to this Law within the prescribed time.

Schedule 6

(3) The State Government 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 or make alterations or additions has been imposed on a registered person under section 167 or 168 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) at 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 a child for the purposes of subsection (1) (b) or (2) (b) of this section, the State Government shall, in particular have regard to the religious persuasion and cultural and linguistic background of the child.

Protection of children in emergency cases of Cancellation of registration, etc.

170. (1) Where an application is made to the court for an order:-
(a) Canceling a registered persons registration
(b) varying any condition imposed on a registered person under section 167 or 168 of this Law, or
(c) removing a condition or imposing an additional condition on such a person, the court may make the order if it appears to the court that a child who is being, or may be, looked after by a person, or as the case may be, in accordance with the provision for day care or child minding, is suffering, or is 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) Where an order is made under this section, the State government shall serve on the registered person as soon as reasonably practicable, after the making of the order -
(a) notice of the order and of its terms; and
(b) a copy of the statement of the State Government's reasons, which supported its application for the order.

(5) Where the court impose or varies any condition under subsection (1) of this section, the condition, or the condition as varied, shall be treated for all purposes, other than for the purpose of section 176 of this law, as if it had been imposed under section 167 or 168 of this Law, by the State Government.

Power of State government to inspect premises, etc.

171. (1) A person authorized to do so by the State Government may, at any reasonable time, enter
(a) any domestic premises within the State in which child minding is, at any time, carried on; or
(b) any premises within the State in which daycare for children is, at anytime provided.

(2) Where the State Government has reasonable cause to believe that a child is being looked after on any premises within the State in contravention of

this Part of this Law, a person authorized to do so by the State Government may enter the premises at any reasonable 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 record 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 any 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 conferring by this section shall, if so required, produce some duly authenticated document showing his authority to do so.

(6) The State Government 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.

State Government to give applicant notice of action it intends to take Schedule 6

172. (1) The State Government shall, less than fourteen days before taking any of the following steps:-

(a) refusing an application for registration under section 170 of this Law, or

(b) canceling any registration under section 166 of this Law; or

(c) refusing consent under paragraph 3 of schedule 6 to this Law; or

(d) imposing, removing or varying any condition under section 171 or 172 of this Law;

(e) refusing to grant any application for the variation or removal of any condition; 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 State government's reasons for proposing to take the step; and

(b) Inform the person concerned of his/her rights under this section.

(3) Where the recipient of a notice informs the State Government in writing of his/her desire to object to the step being taken, the State Government 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 Government, after giving the person concerned an opportunity to object to the step being taken, decides 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.

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 that 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 his/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 Government to be so registered.

(8) The State Government may refuse to register an applicant under Subsection (1) (a) 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 Government 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 Government may refuse to register an applicant under Subsection (1) (b) of this section if it satisfied that a person looking after, or likely to look after, children on the premises to which the application relates is not fit to look after children under the age of six years.

(11) The State Government 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 applicant relates, is not fit to be in the proximity of children under the age of six years.

(12) The State Government 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 the premises on which the applicant is, or is likely to be, child minding; or

(b) in the case of an applicant under subsection (1) (b) of this section, that the premises to which the applicant 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

(7) Where the court allows an appeal against a refusal or cancellation of any registration under section 169 of this Law, it may impose any condition under section 167or 168 of this law or such other condition as it may deem fit.

(8) Where the court allows an appeal against a condition it may, instead of canceling the condition, vary it.

(9) Where the court imposes or varies any condition under subsection (7) or (8) of this section, the condition, as varied, shall be treated for all purposes, other than this section, as if it had been imposed by the State Government.

(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 or where such an appeal is brought, before its determination.

Offences under this part

173. (1) No person shall provide day care for children under the age of six years in any premises within the State unless he/she is registered by the State Government under section 166 (1) (b) of this 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/she is registered by the State Government under section 166 (1) (a) of this Law.

(4) Where it appears to the State Government 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 Government, 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 167 or 168 of this Law, commits an offence.

Schedule 6

(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 schedule 6 to this Law; or

(b) Contravenes any provision of sub-paragraph (3), (4) or (5) of paragraph 2 of schedule 6 to this Law, commits an offence.

(10) A person who contravenes sub-paragraph (3) of paragraph 2 of schedule 6 to this Law is not guilty of an offence under this section if he/she proves that he/she 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 sub-paragraph (5) of paragraph 2 of schedule 6 to this Law is not guilty of an offence under this section if he/she proves that he/she did not know that the person whom he/she 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 thousand, five hundred Naira or imprisonment for a term of three months or to both such fine and imprisonment.

PART XV – STATE GOVERNMENT SUPPORT FOR CHILDREN AND FAMILIES

Provisions of services for children in need, etc.

174. (1) The State government 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 duly, 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 Government shall also encourage private organizations that may wish to provide services for children in need to provide such services as may be permitted by the State Government.

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

(4) The State Government shall, for the purpose of facilitating the discharge of its general duty under this section, have the duties and powers set out in Part 1 of schedule 7 to this Law.

Schedule 7

(5) The Commissioner may by order amend duties and powers set out in Part 1 of Schedule 7 to this Law.

(6) The State Government --

(a) shall facilitate the provision by Voluntary Organizations and other bodies of services which the State Government has power to provide by virtue of sections 180, 181, 185 and 186 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 the State Government in the discharge of its duty under this section may include the giving of assistance in kind or in exceptional case, in cash, and the assistance may be conditional or unconditional.

(8) Before giving assistance or imposing any condition under this section, the State Government shall have regard to the means of the child concerned and of each of his parents.

(9) No person shall be liable to make 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.

Day care for pre-school children

175. (1) the State Government 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 Government 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 Government may provide facilities, including training, advice, guidance and counseling for persons: -
(a) caring for children in day care; or
(b) who at any time accompany those children while they are in day care.
(4) The State Government shall provide for a child in need within the State who is attending any school such care or supervised activities for children:-
(a) outside school hours; or
(b) during school holidays.
(5) The State Government 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.

Review of provision for day care, child minding, etc.

176. (1) The State Government shall review: -
(a) services provided by it under section 178 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; 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, required to register under section 166 (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) at least once every review period.
(3) The State Government shall, at least once in every review period, review:-
(a) the provision made for day care within the State made for children under the age of six years by the appropriate authority and by persons required to register under section 166 (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 conducting a review under this section, the State government shall have regard to the provision made with respect to the children under the age of six years in relevant establishments within the State.
(5) Where the State Government conducts a review under this section. It shall publish the result of the review -
(a) as soon as is reasonably practicable;
(b) in such form as it considers appropriate; and
(c) together with any proposals it may have with respect to the matters reviewed.
(6) The State government 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.

Provision of accommodation for children in need

177. (1) The State Government shall provide accommodation for a child in need within the State who appears to it to 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 whatever, from providing the child with accommodation or care.
(2) Where the State Government provided accommodation under subsection (1) of this section for a child who is ordinarily resident in another State, that other State Government 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 Government shall provide accommodation for a child within the State:-

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

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

(4) Before deciding to provide accommodation under this section the State Government 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) given 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 Government 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 Government 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 Government.

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

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

178. (1) The State Government 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 detailed under Subsection (1) of this section, is not being provided with accommodation by the State Government or in a government hospital, any reasonable expenses of accommodating the child shall be recoverable from the State Government in whose State the child is ordinarily resident.

Reference to child looked after by the State Government

179. Where, in this Part of this Law, a reference is made to a child who is looked after by the State Government, that reference is to a child who is:-

(a) in the care of the State Government, or

(b) provided with accommodation by the State Government in the exercise of any functions under this Part of this Law;

Duty of the State Government to provide for the welfare of children looked after by it

180. (1) The State Government in 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 parent as appears to the State Government reasonable in each case.

(2) In making a decision referred to in Subsection (3) of this section, the State Government shall give due consideration:-
(a) having regard to the age and understanding of the child, to such wishes and feeling of the child as it has been able to ascertain;
(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 linguistic background of the child.

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

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

(5) If the Commissioner considers it necessary, for the purpose of an appropriate authority with respect to the exercise of its powers 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.

Provision of accommodation and maintenance by the State Government for children looked after by her

181. (1) The State Government 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 Government shall provide accommodation and maintenance for a child under this section by: -
(a) placing him, subject to Subsection (5) of this section and any regulations made by the Commissioner, with:–
(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 Government and otherwise as the State Government 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 Government foster parent unless he/she falls within Subsection (4) of this section.

(4) A person falls within this section if he/she 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 Government, the State Government may only allow him to live with a person who falls within Subsection (1) 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 Government in looking after a child shall make arrangements to enable the child to live with:–

(a) 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 Government 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/her welfare, secure that: -

(a) the accommodation is near the home of the child.

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

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

Schedule 7

(9) Part II of Schedule 7 to this Law has effect for the purposes of making further provisions as to children looked after by the State Government and in particular as to the regulations that may be made under Subsections (2) (a), (2) (c) and (5) of this section.

Advice and assistance for certain children, etc.

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

(2) A person qualifies for advice and assistance under this section, if he/she 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/she was:–

(a) looked after by the State government; or

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

(c) accommodated in a registered children home; or

(d) accommodated: -

(i) by 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 Government 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 Government can give under this section;

the State Government shall, if the person was being looked after by the State government or was accommodated by or on behalf of a voluntary organization and, may in any other case, advise and befriend the child.

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

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

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

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

(7) Assistance given under Subsections (1) and (6) of this section may be in kind or, in exceptional circumstances, in cash.

(7) The State Government 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 Government is assisting a person under Subsection (8) of this Section by making a contribution or grant with request 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; and

(b)disregard any interruption in this attendance on the course of training if he/she resumes it as soon as it is reasonably practicable.

(10) Subsection (7) and (9) of section 181 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 Government that a person it had been advising and befriending under this section, is a person who qualifies for advice and assistance proposes to live, or is living, in another State, it shall inform that other State Government.

(12) Where a child who is accommodated by -

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

(b) any health authority or education authority; or

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

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.

Use of accommodation for restricting liberty

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

(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/she absconds;

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

(2) The Court hearing an application under this section shall determine whether any relevant criteria for keeping a child in secure accommodation as specified under subsection (1) of this section are satisfied in this case.

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

(4) On any adjournment of the hearing of an application under this section, the court may make an interim order permitting the child to be kept during the period of the adjournment in 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/her age and understanding; and

(b) the parents of the child; or

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

(d) any other person it considers relevant, having had the opportunity to do so, had refused or failed to apply.

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

(7) The commissioner may, by regulations: -

(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 authorize a child to be kept in secure accommodation;

(b) empower the court, from time to time, to authorize a child to be kept in secure accommodation for such further period as the regulations may specify;

(c) provide that applications to the court under this section shall be made only by the State Government; and

(d) providing that:-

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

(ii) this 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 181 (6) of this Law.

Review of cases and inquiries into representations

184. (1) The Commissioner may make regulations requiring the case of each child who is being looked after by the State Government 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 Government 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 Government, before conducting any review, to seek the views of:-

(i) the child, having regard 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 considers 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 Government to consider, in the case of a child who is in its care, whether an application should be made for care order;

(f) requiring the State Government to consider, in the case of a child in accommodation provided by the State Government, whether the accommodation accords with the requirements of this part of this Law;

(g) requiring the State Government 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/she may take under this Law;

(h) requiring the State Government to make arrangements, including arrangements with such other bodies providing services as it considers appropriate, to implement any decision which it proposes to take in the course, or as a result, of the review;

(i) requiring the State Government to monitor the arrangements which it has made with a view to ensuring that it complies with the regulations;

(j) requiring the State Government to notify details of the result of the review and of any decision taken by it in consequence of the review to -

(i) the child,

(ii) the parents of the child,

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

(iv) any other person whom it considers ought to be notified.

(3) The State Government 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 Government 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 Government foster parent;

(e) such other person as the State Government 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 the 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 Government takes part in the -

(a) consideration; 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 of representations under this section, the State Government 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 Government 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 Government under this section, the State Government 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 Government considers that he/she has sufficient understanding; and

(iii) the parents of the child; or

(iv) such other persons, if any, as appears to the State Government to be likely to be affected, by that State Government's decision in the matter and its reasons for taking that decision and any action which it has taken or proposes to take.

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

Co-operation between authorities

185. (1) Where it appears to the State government that any authority or other person mentioned in subsection (3) of this section could, by taking any specified action, help in the exercise of any of its functions under this part, it may request the help of that 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 persons 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 Government;

(b) an education authority;

(c) a housing authority;

(d) a health authority; and

(e) a person authorized by the Commissioner for the purposes of this section.

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

Consultation with the education authorities

186. (1) where: -
(a) a child is being looked after by the State Government; and
(b) the State Government 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 Government 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) of this section, the State Government shall inform the appropriate education authority, accordingly.

Recoupment of cost of providing services, etc.

187. (1) Where the State Government provides any service under section 178 or 180 of this Law, other than advice, guidance or counseling, it may recover from a person specified in subsection (4) of this section such charges for the services as may be considered reasonable.

(2) Where the State Government is satisfied that the means of the person specified in subsections (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/she can reasonably be expected to pay.

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

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

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

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

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

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

(6) where the State Government provides an accommodation under section 181 (1) of this Law for a child who was, immediately before it began to look after him, ordinarily resident within the area of another State Government, that State Government may recover from the State Government any reasonable expenses incurred by it in providing the accommodation and maintaining the child.

(7) Where the State Government provides accommodation under section 181 (1) and (2) (a) of 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 Government any reasonably expenses incurred by it in providing the accommodation and maintaining the child.

(8) Where the State Government complies with any request under sections (181) (2) and 189 (1) of this Law in relation to a child or other person who is not ordinarily resident in the State, it may recover from that State Government in whose State the child or person is ordinarily resident any expenses reasonably incurred by it in respect of that child or person.

Schedule 8

(9) Part III of schedule 8 to this Law contains provisions for contributions towards the maintenance of children who are being looked after by the State Government.

Miscellaneous

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

(2) Any question arising under section 181 (2), 182 (2) or 191 (6) to (8) of this Law as to the ordinary residence of a child shall be determined by agreement between the State Governments concerned or, in default of agreement, by the commissioner in charge of children.

(3) Where the functions conferred on the State Government by this Part of this Law and the functions of an education authority are concurrent, the Commissioner may by regulations 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 to be looked after by the State Government is to be treated for purposes so specified, as child of parents of sufficient resources or as a child of parents without resources..

PART XVI – COMMUNITY HOMES

Establishment of community homes

189. (1) The State Government shall make such arrangements as it considers appropriate for establishing homes, to be known as community homes, are established in the State: -

(a) for 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 Government shall have regard to the need for securing availability of accommodation -

(3) A community home may be:-

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

(b)provided by a voluntary organization but in respect of which the State Government and the organization –

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

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

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

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

Government shall designate the home as an "assisted community home".

Schedule 8

(6) Schedule 8 to this Law shall have effect for the purpose of supplementing the provisions of this Part of this Law.

Directives by Commissioner to discontinue the use of premises as community homes

190. (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 Schedule 8 to this Law, or

Schedule 8

(ii) is otherwise unsatisfactory,

he or she may, by notice in writing served on the body concerned, direct that, as from such date as may be specified in the notice, the premises shall not be used for the purposes of a community home.

(2) Where :-

(a) the Commissioner has given a direction under Subsection (1) of this section; and

(b) the direction has not been revoked.

he/she may at any time by order revoke the instrument of management for the community home concerned.

(3) For the purposes of Subsection (1) of this section the body concerned shall in relation to -

(a) a community home provided by the State Government, be the State;

(b)a controlled community home, be the State Government as specified in the instrument of management of the community home; and

(c) an assisted community home, be the voluntary organization which provided the community home.

Determination of disputes relating to controlled and assisted community homes

191. (1) Where a dispute relating to a controlled community home arises between the State Government and:–

(a) the voluntary organization which provided the community home; or

(b) any other State Government has placed, or desire or is required 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 determination.

(2) Where a dispute relating to an assisted community home arises between the voluntary organization which provided the community home and officers of 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/she may, in order to give effect to this determination of the dispute, give such direction as he/she thinks fit to the officer or voluntary organization concerned.

Schedule 8

(4) This section applies notwithstanding that the matter in dispute may be one which under or by virtue of Part II of Schedule 8 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 organization which provided the community home, as the case may be.

Discontinuance of controlled or assisted community home.

192. (1) A voluntary organization which has provided or is managing a controlled or an assisted community home shall not cease to provide or manage the

home unless it has given to the Commissioner 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 organization 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 then cease to have effect on that date and the community home shall then cease to be a controlled or an assisted community home as the case may be.

(4) Where a notice is given under Subsection (1) of this section and the voluntary organization gives notice in writing to the Commissioner that it is unable or unwilling to continue to provide or manage the community home 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 well:-

(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 6paragraph in the order, as if it were a community home provided by the State Government.

(5) Where the Commissioner imposes a requirement under Subsection (4)(b) of this section:-

(a) nothing in the instrument of management of the community home shall affect the management of the community home by the State Government;

(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 enactment relating to community homes, other than this section, as a community home provided by the State Government, 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.

Closure by the State Government of controlled or assisted community homes

193. (1) The State Government may give to – the voluntary organization 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 (1) of this section in respect of a controlled or an assisted community home; and

(b) the appropriate authority managing the community home: -
(i) gives notice in writing to the Commissioner that it 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 voluntary organization 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 home shall then cease to be a controlled or an assisted community home, as the case may be.

PART XVII – VOLUNTARY HOMES AND VOLUNTARY ORGANISATIONS

Provision of accommodation by voluntary organisations

194. (1) Where a voluntary organization 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.
(i) any other suitable persons, on such terms as to payment by the voluntary organization and otherwise as the voluntary organization may determine, or
(b) maintaining the child in -
(i) voluntary home, or
(ii) community home, or
(iii) a registered children's home, or
(iv) a home provided by the Commissioner under Section 204(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)(b) of this section as seem appropriate to it.

(2) The Commissioner may make regulations: -
(a) as to the placing of children with foster parents by voluntary organizations and the regulations may, in particular, make provision, which with, any necessary modification, are similar to the provisions that may be made under Section 184(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 184(2) of this Law.
(c) requiring any voluntary organization 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 regulation.

by any person falling within a prescribed class of person; in accordance with the provisions of the regulation.

Registration and regulation of voluntary homes

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

Schedule 4

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

Schedule 9

(3) Part VI of Schedule 4 and 9 to this Law shall have effect for the purpose of supplementing the provisions of this Part of this Law.

Duties of voluntary organisations

196. (1) Where a child is accommodated by or on behalf of a voluntary organization, the voluntary organization 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 appears to the voluntary organization 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 organization 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 feeling the voluntary organization considers to be relevant, regarding the matter to be decided.

(3) A voluntary organization shall, in making a decision under this section, give due consideration to -

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

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

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

Duties of the State Government

197. (1) The State Government shall satisfy itself that any voluntary organization 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 Government shall arrange for children who are accommodated within the State by or on behalf of voluntary organizations to be visited, from time to time, in the interest of the welfare of the children.

(3) Subsection (2) of this section does not apply in relation to community homes.

(4) Where the State Government is not satisfied that the welfare of a child who is accommodated by or on behalf of a voluntary organization is being satisfactorily safeguarded or promoted, it shall:-

(a) unless it considers that it would not be in the best interest of the child, take such steps as are reasonably practicable to secure that the

(c) a relative of the child; and
(b) consider the extent to which, if at all, it could exercise any of its powers with respect to the child.

(5) A person authorized by a State Government may for the purpose of enabling the State Government 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 Schedule 9 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.

Schedule 9

(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 so.

(7) A person authorized to exercise the power conferred by Subsection (5) of this section to inspect records:-
(a) shall be entitled, at any reasonable time, to have access to, and inspect and check the operation of any computer and associated apparatus or material which is or has been in use in connection with the records in question; and
(b) may require -
(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 assistance as he/she 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 and is liable on summary conviction to a fine not exceeding two thousand five hundred Naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

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

PART XVIII – REGISTERED CHILDREN'S HOMES

Registration, etc. of children's homes

198. (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 (1) of this section in such form as he/she may, from time to time, specify, including by means of a computer.

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

any one time.

(4) An independent school is a children's home if:-

(a) it provides accommodation for not more than fifty children; and

(b) it is not approved by the Ministry of Education or other education authority established under the appropriate laws on education applicable in the State.

(5) A home is not a children's home for the purposes of this Part of this Law if it is:-

(a) a community home;

(b) a voluntary home;

(c) a residential care home, nursing home or mental nursing home;

(d) a health services hospital;

(e) a home provided, equipped 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 parents,

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

(iii) his relatives; 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:-

Schedule 10

(a) Schedule 10 to this law shall have effect with respect to children's homes; and

Schedule 4

(b) part 1 of schedule 4 to this law sets out the circumstances in which a person may foster more than three children without being treated as managing a children's home.

(9) In this sections," home" includes an institution.

Welfare, etc. of children in homes

199. (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 use of 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) advice, assist and befriend the child with a view to promoting his welfare when he ceased to be so accommodated.

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

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

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

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

(c) to the religious persuasion, racial origin , cultural and linguistic

background of the child.

(4) section 201 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 a voluntary organization.

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

200. (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/she is so disqualifies ; 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.

Schedule 10

(3) Where a responsible authority refuses to give its consent under this section, it shall inform the applicant by a written notice which states -the reason for the refusal:

(a) the applicant's right to appeal against the refusal to the court under paragraph 8 of schedule 10 of this law; and

(b) the time within which he/she may appeal.

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

PART XIX – SUPERVISORY FUNCTIONS AND RESPONSIBLITIES OF THE COMMISSIONER

Inspection of children's home, etc. by authorized persons

201. (1) The commissioner may cause to be inspected, from time to time, any:-

Schedule 4

(a) children's home;

(b) premises in which a child who is being cared for by an appropriate authority is living;

(c) premises in which a child who is being accommodated by or on behalf of an education authority or voluntary organization is living;

(d) premises in which a child is living with a person with whom he/she 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 as a fostered child by virtue of paragraph 9 of part III of schedule 4 to this Law, is or will be living;

(g) premises on which a person is acting as a child minder;

(h) premises with respect to which a person is registered under section 171(1) (b) of this Law;

(i) a residential care home, nursing home;

(j) premises which are provided by the state Government and in which any service is provided by the state Government under part XV of this law;

(k) independent school providing accommodation for child.

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

(3) An officer of this section shall not be authorized as provided in subsection (3) of this section except with the consent of the state Government.

(4) The Commissioner may require a person specified in subsection (5) of this

section to furnish him 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 this functions under this law; or
(d) the discharge by the state Government of any of its functions under this Law, as the commissioner may, from time to time, direct.

(5) The person referred to in subsection (4) of this section are -

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

(6) 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 put in the home or premises as he/she thinks fit.

(7) A person authorized by the Commissioner to exercise the power to inspect records conferred by subsection (4) of this section -

(a) shall be entitled at any reasonable time to have access to and inspect and check the operation of, any computer, any associated apparatus or material which is or has been in use in connection with the records in question; and
(b) may require –
(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/her such reasonable assistance as he/she may require.

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

(9) A person who willfully obstruct another person in the exercise of a power conferred by this section commit 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.

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

Inquiries **202.** (1) The Commissioner may cause an inquires 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 organization, in so far as those functions relates 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.

Commissioner may direct inquiry to be held in camera **203.** (1) The Commissioner may direct that an inquiry under section 206 of this Law shall be held in camera.
(2) where no direction has been given the person holding the inquiry may, if he/she thinks fit hold it or any part of it in private

Financial support by Commissioner **204.** (1) The Commissioner may with the necessary consent, delay 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 child care training.
(3) The Commissioner may make grants to a voluntary organization towards;-
(a) expenditure incurred by it in connection with the establishment. maintenance or improvement of voluntary homes which at the time when the expenditure was incurred.
(i) were assisted community homes; or
(ii) were designated as assisted community 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 under this section shall be of such amount and shall be subject to such conditions as the Commissioner may determine.

Research and returns of information **205.** (1) the Commissioner may conduct , or assist other persons in conducting research into any matter connected with his functions or the function of the State Government under this Law, including-
(a) adopting; and
(b) the accommodation of children in a residential care home, nursing home or mental nursing home.
(2) The State Government may conduct, or assist other persons in conducting, research into any matter connected with its functions under the enactment mentioned in subsection (7) of this section.
(3) The State Government shall, at such times and in such forms as the Commissioner may direct, transmit to the Commissioner such particular as he/she may require with respect to -

(a) the performance by the state Government of all or any of its functions:-
(i) under this Law , or
(ii) in connection with the accommodation of children in a residential care home, nursing home or mental nursing home; and
(b) the children in relation to whom the State Government has exercised the functions referred to in paragraph (a) of this subsection.

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

(7) 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 Works; and
(b) the National Council of the appropriate authority responsible for matters relating to children;
(c) such other persons or organization as may appear to him/her to be appropriate, concerning the provision of such training.

(8) The enactments referred to in subsection (2) of this section are -
(a) this Law;
(b) the codes of Criminals Law and procedure; and
(c) the relevant legislation on mental health relating to children cared for by appropriate State authorities.

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

206. (1) If the Commissioner is satisfied that 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 authority to be in default with respect to that duty.

(2) An order under Section (1) of this Section shall state the Minister's reasons for making it.

(3) An order under Subsection (1) of this section may contain such direction 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 ADIMINSTRATION (GENERAL)

Child to be subjected to only child justice system and processes

207. 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/she were an adult shall be subjected only to the child justice system and processes set out in this Law.

Protection of privacy

208. (1) The right of the child to privacy specified in section 10 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 labeling.

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

(3) Records of a child offenders shall: –

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

Professional education and training

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

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

(3) Persons employed in the child justice system shall reflect the diversity of children who came into contact with the child justice system and efforts shall be made by those concern 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.

Specialization within the Nigeria Police Force

210. (1) There shall be established, in the Nigeria Police Force, a specialized unit of the force, to be known as the Specialized Children Police Unit (in this Law referred to as the "unit") which shall consist of police officers who :-
(a) frequently or exclusively deal with children; or
(b) are primarily engage in the prevention of child offences.
(2) The unit shall be charged with the following functions, that is
(a) the prevention and control of child offences;
(b) the apprehension of child offenders;
(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.
(3) Members of the unit shall be continually trained and instructed specially for the functions conferred on the unit under subsection (2) of this section.

Use of discretion

211. (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/she 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 the discretion judiciously and in accordance with this functions and powers.

Disposal of case without resort to formal trial

212. (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, prosecutors or other person referred to in subsection (1) of this section may exercise the power conferred under that subsection if the offences involved is of a non- serious nature and:-

(a) there is need for reconciliation; or

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

(c) where, in any other 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.

Respect of the legal status and rights of the child

213. 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;

(d) the right to the presence of a parent or guardian;

(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

Initial contact with the child

214. (1) On the investigation of a child:–

(a) the parents or guardian of the child shall:–

(i) be immediately notified, or

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

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

(c) contacts between the police and the child shall be managed in such a way as to ;-

(i) respect the legal status of the child,

(ii) 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 the circumstances of the case.

Detention Pending trial

215. (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 replacement with a family or in an educational setting or home.

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

(3) Where the court authorizes 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 Government accommodation.

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

ADJUDICATION

Jurisdiction of court to try child offenders **216.** (1) A child who is accused of having committed an act such as is contemplated in section 212 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.

Right to fair hearing and compliance with due process **217.** (1) In the trial of a child under this Law, the observance of his right to fair hearing, and compliance with due process shall be observed.

(2) The procedures established by the child justice system under this law shall, in relation to the trial of the child offender, as during the initial contact with the child under section 219 of this Law:-

(a) respect the legal status of the child;

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

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

Guiding principles in adjudication **218.** (1) where a child offender is brought before the court, the court shall ensure that :–

(a) the proceedings is conducive to the best interest of the child and is conducted in an atmosphere of understanding which allows the child to participate therein and express himself freely;

(b) the reaction taken is always in promotion not only to the circumstances and the gravity of the offence but also to the circumstances and needs of the child and the needs of society;

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

(d) the child is not deprived of his personal liberty unless he is found guilty of: –

(I) a serious offence involving violence against another person, or

(ii) persistence in committing other serious offences, and there is no other appropriate response that will protect the public safety;

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

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

Parents, guardians to attend court **219.** (1) The parents or guardian, 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 (1) of this section, where in the opinion of the court, it is not in the interest of a child that his parent or guardian should attend, the court shall, by order, exclude the parent or guardian from so attending.

Child Justice Procedure in Court

220. (1) where a child is brought before the court, the court shall , as soon as possible explain to him and his parent or guardian in a language the child or his parent or guardian understands, the substance of the alleged offence.

(2) Subject to the provisions of section 155(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/she consents that the child be dealt with in the court.

(3) If the child does not admit the fact of an alleged offence the court shall proceed to hear the evidence of the witnesses in support of the facts and at the close of evidence of each witness, the court shall ask the child, if the court sees fit, the parent or guardian of the child, whether he/she wishes to put any question to the witness.

(4) If the child, instead of asking questions, wishes to make a statement, he/she 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 prima facie 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/she 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 227 of the Law and medical history, as may enable it deal with the case in the best interest of the child; and

(b) may put to the child any question arising out of such information.

(7) For the purposes of obtaining an information under sub-section 6 of this section or for special medical examination or observation, the court may from time to time, release the child on bail or remand the child 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 purpose of inquiry or observation, the court may cause an entry to be made in the records that the charge is proved and that the child has been remanded for inquiry 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.

Remands and committals to State Government accommodation

221. (1) Where the court does not release on bail a child who admits to committing

one or more offences charged against him/her, 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 the state Government shall:–

(a) in the case of a child who is already being looked after by state Government, be the 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 retain him.

(4) Subject to sub-section 5 of this section the court remanding a child to the State Government accommodation may, after consultation with officers of the 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 of fifteen years, then only if:-

(a) he/she is charged with or has been found to have committed a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or

(b) he/she has a recent history of absconding while remanded to the state Government accommodation and is charged with or has been found to have committed an offence punishable with imprisonment while he/she was so remanded: and

(c) the court is of the opinion that only such a requirement would be adequate to protect the public from serious harm from the child.

(6) Where a court imposes a security requirement in respect of a child, it shall -

(a) state that it 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 that 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 the State Government accommodation without imposing a security requirement may, after consultation with the officers of the State Government, require that the child complies with any such conditions as could be imposed if he/she were being granted bail.

(8) Where a court imposed 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 the State Government accommodation without imposing a security requirement may, after consultation with officers of the state Government, imposed on the 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/she shall not be placed with a named person.

(10) Where a child is remanded to the State Government accommodation the court may -

(a) on the application of the State Government, impose on that child any

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 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.

Restrictions on punishment **224.** (1) No child shall be ordered to be:–
(a) imprisoned: or
(b) subjected to corporal punishment;
(c) subjected to the death penalty or have the death penalty recorded against him/her.

(2) No expectant 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-constitutional 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 be held at special mother's center.

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

(6) Where -

(a) a mother is released from a special Mother Center 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 is at a Special Mothers Center, the mother shall be brought before the court which passed the original sentence to review the case and deal with her as appropriate, having regards to all the circumstances of the case.

(7) Where a mother is further given a sentence of imprisonment as a result of a review under subsection (6) of this section, the child shall be treated as a child in need for purposes of section 181 of this law, may be committed to the care of either –
(a) his/her father, or
(b) a fit and proper person, by a committal order.

Detention in case of certain crimes **225.** (1) Notwithstanding anything in this Law to the contrary, where a child is found to have attempted to commit treason, robbery and 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 any thing in the other provisions of this Law, be liable to be detained in such place and on such conditions as the court may direct, and the child whilst so detained shall be deemed to be in legal custody.

Methods of dealing with child offender **226.** (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 recognizance; or
(c) placing the child offender under care order, guidance order and supervision order, including:–

(i) discharge the child offender and placing him/her 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 counseling and similar activities;
(ii) pay a fine, damages, compensation or costs; or
(iii) undertake community service under supervision; or
(e) ordering the parent or guardian of a child offender to:–
(i) pay a fine , damages, compensation or costs; or
(ii) give security of his/her good behaviour; or
(iii) enter into a recognizance to take proper care of him/her 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 for making the order.
(3) Where an order under this section is made by the court, the order shall, for the purposes 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 order 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.
(6) In this section -
(a) "supervision" consists of such supervision as is provided for in part XXI to this Law;
(b) an "approved accommodation" includes -

Schedule 8

(i) a community home as provided for in part XVI of and Schedule 8 to Law;

Schedule 9

(ii) a voluntary home as provided for in part XVII of and schedule 9 of this Law.
(iii) a registered children's home as provided for in part XVIII
of this schedule 10 to this Law;
(i) 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 Government may provide for children within its boundaries under part XV of this Law.

Duty of the State Government to provide accommodation

227. (1) The State Government shall secure that it is in a position to comply with any security requirement which may be imposed on it under this Law.

(2) The State Government may discharge its duty under subsection (1) of this section by providing secure accommodation itself or making arrangements with any other authority for the provision of the accommodation.

(3) The Commissioner may by regulations make provision as to the cooperation required of the State Government in the provision of secure accommodation.

Procedure on failure to observe condition of recognizance

228. (1) If the Court before which an offender is bound by his/her recognizance to appear to be further dealt with, is satisfied by information on oath that the child offender has failed to observe any of the conditions of his recognizance, it may issue:–

(a) 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 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/she is bound by his/her recognizance to appear to be further dealt with, be brought before another Court.

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

(4) The Court before which a child is bound by his/her recognizance to appear to be further dealt with shall, on being satisfied that the child has failed to observe any condition of his/her recognizance, forthwith, without any further proof of his/her guilt, deal with him/her as for the original offence.

Binding over of parent or guardian

229. (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 circumstances of the case, that their exercise would be desirable in the interest of preventing the 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 power 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 recognizance to take proper care of the child and exercise proper control over the child; and

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

(3) An order under this section shall not require the parent or guardian to enter into a recognizance:–

(a) for an amount exceeding thirty thousand naira; or
(b) for a period exceeding three years or, where the child will attain the age of eighteen years in a period shorter than three years, for a period not exceeding that shorter period.

(4) The court has the power to declare the recognizance entered into by virtue of subsection (2) of this section to be forfeited, and adjudge the parent or guardian of the child to pay the whole sum in which he/she 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 228 of this law shall apply for the purposes of subsection (2) (b) of this section as if the refusal to enter into a recognizance were a summary offence punishable by a fine not exceeding ten thousand naira, and a fine imposed under that subsection shall be deemed for purpose of any enactment to be a sum adjudged to be paid by virtue of a conviction.

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

(7) A parent or guardian may appear to –
(a) the court at the High Court level against an order under the 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 circumstances since the order was made, to be in the interest of justice to do so.

Forms for corrective orders

230. (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 Commissioner and the third copy shall be sent with the child named in it to the approved institution to which or the person to whom the child is to be sent under the corrective order.

Operation of corrective order may be suspended

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

Power to vary corrective order in certain cases

232. (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, or occupation;
(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 .

Power of manager of an approved institution to grant leave of absence to a child in detention

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

(2) During the period of leave granted a child under subsection (1) of this section, the child shall, for purpose 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/her to return to the approved institution.

Apprehension without warrant

234. A child shall, whilst he/she 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/she may be apprehended without warrant and brought back to the approved institution.

Procedure in case of unruly or depraved person

235. If the manager of an approved institution is satisfied that a child committed to the approved institution is of so unruly or depraved a character that it is undesirable for the child to remain at that institution, he/she 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

Effective implementation of non-institutional orders

236. (1) The State Director responsible for child matters shall:–

(a) Have the responsibility for ensuring the implementation of every non-institutional order of the court;
(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.

Assistance during rehabilitation

237. A child in respect of whom an order referred to in section 230 of this Law is made, shall be provided, where appropriate, with necessary assistance, including accommodation, education or vocational training, employed and any

other helpful and practical assistance, during the period the order is in force.

Mobilization of voluntary services

238. Voluntary and other organizations 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

Objectives of institutional treatment, etc.

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

(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 be her personal needs and problems.

(4) The parents and guardian of a child offender placed in an institution shall have the right to access to the child in the interest and well-being of the child.

(5) Inter- ministerial and inter-Department co-operation shall be encouraged for the purpose of providing adequate academic or vocational training for any child offender placed in an institution or ensure that the child does not leave the institution at an educational disadvantage.

Recourse to educational release

240. 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. Research, Planning, Policy Formulation and Evaluation

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

241. (1) Without prejudice to section 210 of this Law, the state Government shall:-

(a) organize and promote necessary research as a basis for effective planning and policy formulation on child justice administration;

(b) review and appraise periodically the trends, problem 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;

(e) systematically plan and implement, as an integral part of national development efforts, the delivery of services in child justice administration.

PART XXI - SUPERVISION

Appointment of supervision officer

242. (1) The Commissioner may appoint:–
(a) fit and proper persons by name of ex-officio to be supervision officers for such areas as may be specified in each letter of appointment;
(b) deputy supervision officers to assist and also act in absence or during the illness or incapacity of supervision officers; and
(c) assistant supervision officers assist supervision officer in the performance of their functions.
(2) A supervision officer shall, when acting under a supervision order, be subject to the control of the court in the State in which he/she is appointed.

Supervision inspectors and supervision inspection service

243. (1) The Commissioner may appoint such number of supervision inspectors as, he/she may, with the approval of the Governor of the State , determine for all purposes of this part of this Law.
(2) The supervision inspectors appointed under Subsection (1) of this section, together with the supervision officer appointed under section246 of this Law, shall constitute the State Supervision Inspection Service (in this part of this Law referred to as " the Supervision Service"
(3) The Commissioner shall appoint one of the supervision inspectors to be the Chief Supervision Inspector of the Supervision Service.
(4) The 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 Commissioner may, from time to time, direct.
(5) The Commissioner shall make to or in respect of Supervision Inspectors such payments by way of remuneration, allowances or otherwise as he/she may, with the approval of the Governor, determine.

Default power where the supervision service fails to discharge its statutory duty

244. (1) The Commissioner may make an order under this section if he/she 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; or
(b) has so failed and likely to do so again.
(2) An 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.

Power of court to make conditional discharge order and supervision order

245. (1) Where a child is charged with an offence, other than homicide, and the court is satisfied that the charge is proved, the court may make an order discharging the child offender conditionally on his entering into recognizance, with or without sureties to: –
(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 recognizance 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/her recognizance shall in this Law be referred to as a supervision order

Person to be named in supervision order **246.** The person named in supervision order shall be:–

(a) a supervision officer appointed by the Commissioner; 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 render it desirable, or if no person has been appointed supervision officer, any other person who has not been appointed supervision officer for the state.

Supervision officer may be relieved of duties **247.** The person named in a supervision order may at any time be relieved of his duties as specified in section 253 of this law, and where the person is relieved of his/her duties or he/she dies, another person may be substituted by the court before which the offender is bound by his/her recognizance to appear to be further dealt with.

Duties of supervision officer **248.** 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, as the supervision officer may think fit;

(b) see that the child observes the conditions of his recognizance;

(c) make a report to the court on the behaviour of the child;

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

Power of court to vary supervision order **249.** The court before which a child is bound by his/her recognizance under this Law to appear to be further dealt with may, on the application of the supervision officer, and after notice to the child offender, vary the conditions of the recognizance and may, on being satisfied that the conduct of that child has been such as to make it necessary that he should remain under supervision, discharge the recognizance.

PART XXII – APPROVED INSTITUTIONS AND POST-RELEASE SUPERVISION, ETC.

Approved institutions **250.** Approved Institutions consist of approved children institutions and Special Mothers Centers, all of which shall be established as provided in this part of this law.

Establishment of approved institutions **251.** (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 Center,

(II) a Children Center,
(III) a Children Residential Center,
(IV) a Children Correctional Center,
(V) a Special Children Correction Center, and
(VI) Such other institutions as the commissioner may, from time to time establish, 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 know as Special Mothers Centers; and
(b) make rules for the management, upkeep and inspection of the Special Mothers Centers.

(3) The supplementary provisions contained in schedule 11 of this Law shall have effect with respect to approved institutions established by the Commissioner under Subsection (1) (2) of this section.

Declaration of building, etc. as an approved institution

252. (1) The Commissioner may by order declare any building, place or land within the state, as the case may be:-
(a) a Children Attendance Center,
(b) a Children Center,
(c)a Children Residential Center,
(d) a Children Correctional Center,
(e) an Emergency Protection Center,
(f) a Special Children Correctional Center; 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 Center.

Children Attendance Centres, etc.

253. (1) A children Attendance Center shall be a non-residential place at which 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
(b) be given such training and instruction as may be conducive to their reformation and re-socialization and the removal or reduction, in terms of their tendency to commit anti- social acts and such other acts which violate the criminal Law.

(2) A Children Center 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 Center 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 – socialization and removal or reduction, of their tendency to commit anti – social act and such other acts which violate the criminal law.

(4) A Children Correctional Center shall be place in which child offenders may be detained and given such training and instructions as will be conducive to their formation and re –socialization, and the removal or reduction, in term, of their tendency to commit anti – social acts and such other acts which violate the criminal law.

(5) An Emergency Protection Center 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 Center 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 Correction Center may be detained.

(7) A Special Mothers Center shall be a place in which expectant and nursing mothers are held for purpose of remand, re-socialization and rehabilitation 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 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 institution

(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

such other matters as are required for the better carrying out of the purposes of this section.

Responsibility for approved institutions **254.** (1) The State Director responsible for child development in the Ministry or such other officers as the Commissioner may designate, shall have the general charge and superintendence of all approved child institutions within the state.

(2) The Comptroller of prisons shall have the general charge and superintendence of all approved youth institutions in all parts of the state.

Officers of approved institutions **255.** (1) Child development officers shall be appointed to carry out duties in relation to approved children institutions situated within their areas of Jurisdiction.

(2) Women Affairs Officers shall be appointed to carry out duties in relation to Special Mother Centers.

(3) All officers appointed to all the approved institutions defined in section 255 of this law and specified in this section shall be persons with background training in criminology, criminal justice, sociology, psychology, social psychology, guidance and counseling, or social work.

Visitors and visiting committees **256.** (1) The Commissioner may, by notice in the Gazette , appoint such persons as he/she may think fit to be visitors in relation to such approved institution 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) a justice of the Court of Appeal

(b) the Chief Judge of the State,

(c) judges of the Court at the High Court Level; and

(d) member of the Court at the Magisterial Level.

(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 Commissioner may, by notice in the Gazette, delegate the powers conferred by this section to appoint visitors, and visiting committees in respect of approved institutions in the state to any officer of the state government.

(6) The provisions of this section which give the Commissioner power to appoint persons as visitors shall not come into operation until the commissioner has signified in the Gazette the consent of the Governor of the state to the appointment.

Appointment of voluntary visitors

257. The Director may authorize such persons as he/she may think fit as voluntary visitors to carry out such functions and duties in relation to approved institutions as may be prescribed.

Facilities for observation of children in approved institutions

258. The Commissioner shall cause to be provided in approved institutions facilities for 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 this case.

Transfer from children correctional centre to special children centre

259. (1) If the Director reports to the Commissioner, that a child detained in a children correctional center 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 center 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 center as the court may determine.

(2) A child committed to a special children correctional center under subsection (1) of this section shall, for the purposes of this law, be treated as if he/she has been ordered to be committed to the children correctional center for that term.

(3) No report made under Subsection (1) of this section by the Director or the Comptroller _ General to the commissioner, as the case may be, shall be made earlier than six months following the date of the order committing the child concerned to the Children correctional center

Release from approved institutions, etc.

260. (1) A child detained in a children Attendance center or a children correctional center shall, on attaining the age of eighteen years, be released, unless he/she is considered to require further training and instruction in a youth correctional center, in which case, he/she shall be transferred to a youth correctional center.

(2) where the Director reports to the Commissioner that a child detained in a special children correctional center Is attaining the age of eighteen years and is still incorrigible or is still exercising an influence on other inmates, the Commissioner may direct that the child be committed to a special youth correctional center.

Release and Post-release Supervision

Release and supervision after training at the Children Centre

261. (1) Subject to the provisions of Section 260 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 262 of this Law.

Post-release supervision of children offenders

262. (1) A child shall:–

(a) after his/her release from an approved institution and until the expiration of four years from the date of the order committing him to the approved institution be under the supervision of such after-care association or person as may be specified in a notice to be given him/her by the Director on his release, and

(b) while under that supervision, comply with such requirements as may be so specified, so however, that the Director may at any time modify or cancel any of those requirements, or order that the child shall cease to be under supervision.

(2) If, before the expiration of four years from the date of the order committing a child to an approved institution, the Director is satisfied that the child, after his release from the approved institution under Section 260 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 expiation of four years from the date of the order committing the child to the approved institution, cease to have effect unless the child to whom it relates is then in custody thereunder.

(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 260 of this Law.

(6) If a child while under supervision, or after recall to an approved institutions 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/she is so imprisoned under that sentence shall count as part of the period for which he/she is liable to be detained in an approved institution under his/her original sentience.

(7) The Director shall, in exercising his/her functions under this section, act in accordance with any general or special directions of the Commissioner, 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/her order or sentence, be construed as a reference to the date on which the order or sentence was finally affirmed.

PART XXIII – THE STATE AND LOCAL GOVERNMENT CHILD RIGHTS IMPLEMENTATION COMMITTEE

State Child Rights Implementation Committee

Establishment and membership of State Child Rights Implementation Committee

263. (1) There shall be established a committee to be known as the State Child 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 responsible for children as Chairman;

(b) one person to represent each of the following State Ministries and Governmental bodies, that is:–

(i) Women Affairs,
(ii) Education,
(iii) Information,
(iv) Health,
(v) Justice
(vi) Youth and Sports,
(vii) Labour and Productivity,
(viii) Nigerian Immigration Service,
(ix) Nigeria Police Force,
(x) Nigeria Prisons Service,
(xi) State Agency for Mass Literacy,
(xii) Family Court Judges at the High Court level,
(xiii) Family Court Magistrate,

(c) one childcare 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 persons to represent the State Branch of the National Council of Women Societies;

(h) one person to represent the State Council of Ndi Eze ;

(i) one person to represent the State Branch of Christian Women Organization;

(j) three persons to represent Market Associations in the State;

(k) one person to represent the Parents/Teachers Association in the State;

(l) persons to represent organizations involved in the protection of the rights of the child in the state; and

(m) one person to represent the State Branch of the National Union of Teachers.

Functions of the State Committee

264. The functions of the State Committee are to:-

(a) initiate actions that will ensure the observance and popularization of the rights and welfare of the child as provided for in:–

(i) this Law,
(ii) the United Nations Convention on the rights of the Child,
(iii) the Organization of African Unity Charter on the rights and Welfare of the child,
(iv) the declaration of the world summit for children,
(v) the Dakar Consensus and National Program of Action,
(vi) such other International Conventions, Charters and Declaration relating to children to which Nigeria is or becomes a signatory;

(b) continuously keep under review, the state of implementation of the rights of the child;
(c) develop and recommend to the state and local Government, through their respective Local Government Child Rights Implementation Committees, specific programmes and projects that shall enhance the implementation of the rights of the child.
(d) collect and document information on all matters relating to the rights and welfare of the child;
(e) commission inter-disciplinary assessments of the problems relating to the rights and welfare of the child in the State;
(f) encourage and coordinate the activities of State and Local Government institutions, organizations and bodies concerned with the rights and welfare of the child;
(g) organize meeting, conference, symposia and other enlightenment fora on the rights and welfare of the child;
(h) coordinate the activities of and collaborate with the local Government Committees;
(i) prepare and summit 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 to it.

Procedure of meetings

265. The State Committee shall determine its own quorum and regulate its own proceedings at any meetings.

Secretariat of the State Committee

266. The Secretariat of the State Committee shall be the Ministry responsible for children.

Local Government Child Rights Implementation Committee

Establishment and membership of local government child rights implementation committee

267. (1) There shall be established a committee to be known as the local Government Child 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 Chairperson;
(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
(f) one person to represent Village Heads in the Local Government;
(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/ Teachers Association in the Local Government Area;
(j) two persons to represent Market Association in the Local Government Area.
(k) one person to represent the National Council of Women Societies in the Local Government Area.

Functions of the local government committee

268. The functions of the Local Government Committee are to –
(a) Initiate actions that shall ensure the observance and popularization of the rights and welfare of the child as provided for in -
(i) this Law;
(ii) the United Nations Convention on the Rights of the Child,

(iii) the organization of African Unity Charter on the Rights and Welfare of the Child,
(iv) the Declaration of the World Summit for Children,
(v) the Dakar Consensus and National Programme of Action; and
(vi) such other international Conventions, Charters and Declarations relating to the children to which Nigeria is or becomes a signatory.

(b) continuously keep under review, the State of implementation of the rights of the child;
(c) develop and recommend to the Local Government, specific programmes and projects that will enhance the implementation of the rights of the child;
(d) collect and document information on all matters relating to the rights and welfare of the child;
(e) commission inter- disciplinary assessment of the problems relating to the rights and welfare of the child in the Local Government Area;
(f) encourage and coordinate the activities of Local Government institutions, organizations and bodies concerned with the rights and welfare of the child;
(g) organize meetings conference, symposia and other enlightenment for the rights and welfare of the child;
(h) prepare and submit periodic reports on the state of implementation of the rights of the child for submission to the state committee; and
(i) perform such other functions relating to the rights of the child as may from time to time be assigned to it.

Procedure, etc. at meetings **269** The Local government Committee shall determine its own quorum and regulate its own proceedings at any of its meetings.

Secretariat of the Local Government Committee **270.** The secretariat of the Local Government Committee shall be the office of the secretary of the Local Government.

PART XXV – MISCELLANEOUS

Offences by bodies corporate **271.** 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/she as well as the body corporate commits an offence and is liable to be proceeded against and punished accordingly.

Service of documents **272.** (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 purpose 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 person to be served.

Supercession

273. (1) The provisions of this law supercedes the provisions of all enactments relating to:–

(a) children;
(b) adoption, fostering, guardianship and wardship;
(c) approved institution, remand centers 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 Sub-section (1) of this section, the provision of this Law shall prevail and that other provision shall, to the extent of its inconsistency, be void.

Delegation of powers by the Commissioner

274. 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 Officers in the state.

Forms in Schedule II

275. The forms set out in part 1 of schedule 11 to this Law shall have effect with respect to the matter specified therein.

First schedule

Financial Provision for Children

Orders for Financial relief against parents

1- (1) On an application made by a parent or guardian of a child, or 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 sub-paragraph (2) of this paragraph;

(b) In the case of an application to the Court at the Magisterial Level, make one or both of the order mentioned in paragraphs (a) and (c) of that sub- paragraph.

(2) The orders referred to in sub-paragraph (1) of this paragraph are:

(a) an order requiring either or both parents of a child;

(i) to make to the applicant for the benefit of the child; or

(ii) to make to the child himself; such periodical payments, for such term, as may be specified in the order;

(b) an order requiring either or both parents of a child -

(i) to secure to the applicant for the benefit of the child, or

(ii) to secure to the child himself, such periodical payments, for such term, as may be so specified.

(c) an order requiring either or both parents of a child: –

(i) to pay to the applicant for the benefit of the child, or

(ii) to pay to the child himself, such lump sum as may be so specified;

(d) an order requiring settlement to be made for the benefit of the child, and to the satisfaction of the court, of property -

(i) to which either parents is entitled or both parents of a child -

(ii) which is specified in the order;

(e) an order requiring either or both parents of a child -

(i) to transfer to the applicant, for the benefit of the child, or

(ii) to transfer to the child himself, such property to which the 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 sub-paragraph (2) (a) or (b) of this paragraph may be varied or discharged by a subsequent order made on the application of any person by or to whom payment 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 sub-paragraph (2) (a), (b) or(c) of this paragraph with respect to the child concerned if he has not attained the age of eighteen years;

(b) it may not make more than one order under sub-paragraph (2) (d) or(e) of this paragraph against the same person in respect of the same child.

(6) On making, varying or discharging a residence order, the court may exercise any of its powers under this schedule notwithstanding that no application has been made to it under this schedule.

2-(1) If on an application by a person who has attained the age of eighteen years, it appears to the court :–

(a) that the applicant is, will be or (if an order were made under this paragraph) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or

(b) that there are special circumstances, which justify the making or an order under this paragraph; the court may make one or both of the orders mentioned in sub-paragraph (2) of this paragraph.

(2) The orders referred to in sub-paragraph (1) of this paragraph are:-

(a) an order requiring either or both of the applicant's parents to pay to the applicant such periodic payments for such term, as may be specified in the order;

(b) an order requiring either or both of the applicant's parents to pay the applicant such periodic payments or 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 payments order was in force with respect to him.

(4) No order shall be made under this paragraph at a time when the parents of the applicant are living with each other in the same household.

(5) An order under sub-paragraph (2)(a) of this paragraph may be varied or discharged by a subsequent order made on the application of any person by or to whom payments were required to be made under the previous order.

(6) The powers conferred by this paragraph shall be exercisable at any time,

(7) When the court makes an order under this paragraph it may, from time to time while that order remains in force make a further such order.

(8) In sub- paragraph (3) of this paragraph "periodic payments order" means an order made under this schedule for making or securing of periodical payments.

Duration of orders for financial relief

3-(1) The term to be specified in an order for periodical payments made under paragraph 1(2) (a) or (b) of this schedule in favour of a child may begin with the date of the making of an application for the order in question or any later date but shall not:–

(a) in the first instance extend beyond the child's seventeenth birthday unless the court thinks it right in the circumstances of the case to specify a later date; and

(b) Shall not in any event extend beyond the child's eighteenth birthday.

(2) Sub-paragraph (1)(b) of this paragraph shall not apply in the case of a child if it appears to the court that -

(a) the child is or will be or if any order were made without complying with that sub-paragraph would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or

(b) there are special circumstances, which justify the making of an order without complying with that paragraph.

(3) An order for periodical payments made under paragraph 1 (2) (a) or 2 (2) (a) of this schedule shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order.

(4) Where an order is made under paragraph 1 (2) (a) or (b) of this schedule requiring periodical payments to be made or secure to the parent of a child, the order shall cease to have effect if parent making or securing the payments and parents to whom the payments are made or secured, live together for a period of more than six months.

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

4-(1) In deciding whether to exercise its powers under paragraph 1or 2 of this schedule and if so, in what manner, the court shall have regard to all the circumstances of the case, including:–

(a) the income, earning capacity, property and other financial resources which each person mentioned in sub- paragraph (4) of this paragraph has or is likely to have in the foreseeable future;

(b) the financial needs, obligations and responsibilities which each person mentioned in sub-paragraph (4) of this paragraph has or is likely to have in the foreseeable future;

(c) the financial needs of the child;

(d) the income, earning capacity (if any) property and other financial resources of the child;

(e) any physical or mental disability of the child,

(f) the manner in which the child was being, or was expected to be, educated or trained

(2) In deciding whether to exercise its 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 regards to:-

(a) whether that person had assumed responsibility for the maintenance of the child and, if so, the extent to which and basis on which he assumed that responsibility and the length of the period during which he met that responsibility.

(b) whether he/she did so knowing that the child was not his/her child; and

(c) the liability of any other person to maintain the child.

(3) Where the court makes an order under paragraph 1 of this schedule against a person who is not the father of the child it shall record in the order that the order is made on the basis that the person against whom the order is made is not the child's father.

(4) The persons mentioned in sub-paragraph (1) of this paragraph are -

(a) in relation to a decision whether to exercise its power under paragraph 1 of this schedule, any parent of the child;

(b) in relation to a decision whether to exercise its power under paragraph 1 of this schedule, the mother and father of the child;

(c) the applicant for the order;

(d) any other person in whose favour the court proposes to make the order.

Provisions relating to lump sums

5-(1) Without prejudice to the generality of paragraph 1 of this schedule, an order under that paragraph for the payment of a lump sum may be made for the purpose of enabling any liability 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 large amount as the Commissioner may from time to time, by order fix for the purpose of this sub-paragraph.

(3) The power of the court under paragraph 1 or 2 of this schedule to vary or discharge an order for the making or securing of periodical payments by a parent shall include power to make an order under that provision for payment of a lump sum by that parent.

(4) The amount of any lump sum which a parent may be required to pay by virtue of sub-paragraph (3) of this paragraph shall not, in the case of an order made by the court at the Magisterial level, exceed the maximum amount that may at the time of the making of the order be required to be paid under sub-paragraph (2) of this paragraph, but the Court at the Magisterial level may make an order for the payment of a lump sum not exceeding that amount even though the parent was required to pay a lump sum by a previous order under this Law.

(5) An order made under paragraph 1 or 2 of this schedule for the payment of a lump sum may provide for the payment of that sum by installments.

(6) Where the court provides for the payment of a lump sum by installments, the court shall on an application made either by the person liable to pay or the person entitled to receive that sum, have power to vary that order by varying:-

(a) the number of installments payable;

(b) the amount of any installment payable;

(c) the date on which any installments become payable.

6-(1) In exercising its power 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 payment required to be made under that order, the court may provide that the payments as so varied shall be made from such date as the Court may specify, not being earlier than the date of the making of the application.

(4) An application for the variation of an order made under paragraph 1 of this schedule for the making or securing of periodical payments to the benefit of a child may, if the child has attained the age of sixteen years, be made by the child himself/herself.

(5) Where an order for the making or securing of periodical payments made under paragraph 1 of this schedule ceases to have effect on the date on which the child attains the age of sixteen years, or at any time after that date on before or on the date on which the child attains the age of eighteen years, the child may apply to the court which made the order for an order for its revival.

(6) If an application under sub-paragraph (5) of the paragraph it appears to the court that :-

(a) the child is, will be or (if an order were made under this sub-paragraph) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or

(b) there are special circumstances which justify the making of an order under this paragraph; the court shall have power by order to revive the order from such date as the court may specify, not being earlier than the date of the making of the application.

(7) An order which is revived by an order under sub-paragraph 5 of this paragraph may be varied or discharged under that subparagraph, on the application of any person by whom payments are required to be made under the revived order.

(8) An order for the making or securing of periodical payments made under paragraph 1 of this schedule may be varied or discharged, after the death of either parents, on the application of a guardian of the child concerned.

Variation of orders for secured periodical payments after death of a parent

(7) – (1) Where the parent liable to make payments under a secured periodical payments order has died, the persons who may apply for the variation or discharge of the order include the personal representatives of the deceased parent.

(2) No application for the variation of the order shall, except with the permission of the court, be made after the end of the period of six months from the date on which representation in regard to the 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 sub-paragraph (2) of this paragraph on the ground that they ought to have taken into account

the possibility that the court might permit an application for variation to be made after period by the person entitled to payments under the order.

(4) Sub-paragraph (3) of this paragraph shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the variation of an order in accordance with this paragraph.

(5) Where an application to vary a secured periodical payments order is made after the death of the parent liable to make payments under the order, the circumstances to which the court is required to have regard under paragraphs 6 (1) of this schedule include the changed circumstances resulting from the death of the parent.

(6) In considering for the purpose of sub-paragraph (2) of this paragraph the question when representation was first taken out, a parent 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 payment order" means an order for secured periodical payments under paragraph 1(2) (b) of this schedule.

FINANCIAL RELIEF UNDER OTHER ENACTMENTS

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

(2) where this paragraph applies, the court may, on the application of –

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

(b) any person in whose favour 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.

Interim Orders

9-(1) Where an application is made under paragraph 1or 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 1or2 of this schedule.

(3) An interim order made under this paragraph shall cease to have effect when the application is disposed of or, if earlier, on the date specified for the purposes of this paragraph in the interim order.

(4) An interim Order in which a date has been specified for the purpose of sub-paragraph (3) of this paragraph may be varied by substituting a later date.

Alteration of maintenance agreements

10(1) in this paragraph and in paragraph 11 of this schedule, "maintenance agreement" means any agreement in writing made with respect to a child, whether before or after the commencement of this paragraph, which –

(a) is or was made between the father and mother of the child, and

(b) contains provisions with respect to the making or securing of payments, or the disposition or use of any property, for the maintenance or education of the child and any such provisions

are in this paragraph and paragraph 11 of this schedule, referred to as "financial arrangements"

(2) Where a maintenance agreement is for the time being subsisting and each of the parties to the maintenance agreement is for the time being either domiciled or resident in the state, either party may apply to the court for an order under this paragraph.

(3) If the court to which the applications made is satisfied:-

(a) that, by reason of a charge in the circumstances in the light of which any financial arrangements; or

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

(c) that court may by order make such alternations 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 available 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 agreement of periodical payments for the maintenance of the child; or

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

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

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

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

(b) in the case where the maintenance agreement includes provision 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 the parties and for valuable consideration.

(3) An application under this paragraph shall not except with leave of the court, be made after the end of the period of six months beginning with the day on which representation in regard to the estate of the deceased is first taken out.

(4) In considering for the purposes of sub-paragraph (3) the question when representation in regards to the estate of the deceased is first taken out a grant limited to settle land or to trust property shall be left out of account and grant limited to real estate or to personal

estate shall he left out of account unless a grant limited to the remainder of the estate has previously been made at the same time.

(5) The provisions of this paragraph shall not render the personal representative of the deceased liable for having distributed any part of the estate of the deceased after the expiry of the period of six months referred to in sub-paragraph (3) of this paragraph on the ground that he ought to have taken into account the possibility that a court might grant leave for on application by virtue of this paragraph to be made by the surviving party after that period.

(6) Sub –paragraph (5) of this paragraph shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the making of an order in pursuance of this paragraph.

(7) In this paragraph, "maintenance arrangement" and "financial agreement" have the meaning assigned to them in paragraph 10(1) of this schedule.

Enforcement of orders for maintenance

12(1) Any person for the time being under an obligation to make payments in pursuance of any order for the payments 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 fail, without reasonable excuse to give a notice commits an offence and is liable on summary conviction to a fine of two thousand five hundred naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(3) An order for the payment of money made by the court under this Law shall be enforceable as a Magistrates 'court maintenance order.

Direction for settlement of instrument by registrar

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

Financial provisions for child resident in a country outside Nigeria.

14 – (1) Where one person of a child lives in a state and the child lives outside the state with:

(a) his other parents: or

(b) his guardians; or

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

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

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

State Government contribution to child's maintenance

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

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

Interpretation

1-(1) in this schedule: –
(a) "Child" includes, in any case where an application is made under paragraph 2 or 6 of this schedule in relation to a person who has not attained the age of eighteen years;
(b) except paragraph 2 and 15 of this schedule in relation to a person who has attained the age of eighteen years.

Second schedule

Sections 60(2), 61(8) and 63(9)

Supervision Orders

Part 1-General

Meaning of "responsible person"

1. 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.

Power of supervisor to give directions to supervised child

2-(1) A supervision order may require the child to comply with any direction given from time to time by the supervisor which requires the supervised child to do all or any of the following things :–
(a) to live at a place or places specified in the direction for a period or periods so specified;
(b) to present himself to a person or persons specified in the direction at a place or places and on a day so specified;
(c) to participate in activities specified in the direction on a day or days so specified
(2) It shall be for the supervisor to decide whether, and to what extent, he exercises his power to give directions and to decide the form of any direction, which he gives.
(3) Sub- paragraph (1) of this paragraph does not confer on a supervisor power to give directions in respect of any medical or psychiatric examination or treatment which are matters dealt with in paragraph 4 and 5 of this schedule.

Imposition of obligations on responsible person

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

Psychiatric and medical examination

4 – (1) A supervision order may require the supervised child:-
(a) to submit to 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 sub-paragraph (1) of this paragraph shall be required to be conducted –
(a) by or under the direction of such medical practitioner as may be specified in the order,
(b) at the place specified in the order and at which the supervised child is to attend as non resident patient; or is to attend as, a resident patient; or
(c) at :–
(i) a heath 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 sub-paragraph (2)© of this paragraph shall not be included unless the court is satisfied, on the evidence of a medical practitioner that -
(a) the child may be suffering from 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) the child has sufficient understanding to make an informed decision, he consents 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.

Psychiatric and medical treatment

5-(1) Where a Court which proposes to make or vary a supervision order is satisfied, on the evidence of a medical practitioner that the mental condition of the supervised child:–
(a) is such as required, and may be susceptible to, treatment; but
(b) Is not such as to warrant his detention in pursuance of a hospital order;
(c) the court may include in the order a requirement that the supervised child shall, for a period specified in the order, submit to such treatment as is so specified.
(2) The treatment specified in accordance with sub- paragraph (1) of this paragraph shall be: -
(a) by or under the direction of such medical practitioner as may be specified in the order, and
(b) as 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 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.
(3) The treatment specified in accordance with sub-paragraph (3) of this paragraph shall be: -
(a) by, or under the direction of such medical practitioner as may be specified in the order; and
(b) as a non-resident patient at such place as may be so specified, or
(c) as a resident patient in a Government hospital
(4) 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/she consents to its inclusion; and
(b) that satisfactory arrangements have been or can be made for the treatment.
(5) If a medical practitioner by whom or under whose direction a supervised person is being treated in pursuance of requirement included in a supervision order by virtue of this

paragraph is unwilling to continue to treat or direct the treatment of the supervised child or is of the opinion that: -

(a) the treatment should be continued beyond the period specified in order, or
(b) the supervised child needs different treatment, or
(c) he/she is not susceptible to treatment, or
(d) He/she does not require further treatment
(e) the medical practitioner shall make a report in writing to that effect to the supervisor.
(f) on receiving a report under this paragraph, the supervisor shall refer it to the court and on such a reference, the court may make an order canceling or varying the requirement.

(6) In this paragraph, "medical practitioner" has the same meaning assigned to it under paragraph 4 (5) of this schedule.

PARTII- MISCELLANEOUS

Life of supervision order

6(1) Subject to sub-paragraph (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.

Limited life of directions

7-(1) The total number of days in respect of which a supervised child or (as the case may be) a responsible person may be required to comply with directions given under paragraph 2 or 3 of this schedule shall not exceed ninety days or such lesser number (if any) as the supervision order may specify.

(2) For the purpose of calculating the total number of days, the supervisor may disregard any day in respect of which directions previously given in pursuance of the order was not complied with.

Information to be given to supervisor, etc.

8-(1) A supervision order may require the supervised child:–

(a) to keep the supervisor informed of any change in his/her address, and
(b) to allow the supervisor to visit him/her at the place where he/she is living

(2) The responsible person in relation to any child with respect to whom a supervision order is made shall: -

(a) if asked by the supervisor, inform him of the child's address (if it is known to him)' and
(b) if he is living with the child, allow the supervisor reasonable contact with the child.

Selection of supervisor

9-(1) A supervision order shall not designate the State Government as the supervisor unless –

(a) the State Government 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 Government so requests; and
(b) a supervision officer is already exercising or has exercised, in relation to another member of the household to which the child belongs, duties imposed on supervision officers under this Law.

(3) Where a supervision order places a person under the supervision of a supervision officer, the supervision officer shall be selected in accordance with arrangement made by the supervision service for the area in question.

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

Effect of supervision order on earlier order

10- the making of a supervision order with respect to a child brings to an end any earlier care order or supervision order which: –

(a) was made with respect to that child; and

(b) would otherwise continue in force.

State Government function and expenditure

11-(1) The Commissioner may make regulations with respect to the exercise by the state Government of its functions where a child has been placed under its supervision by a supervision order.

(2) Where a supervision order required 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 Government designated in the order.

PAT III –EDUCATION SUPERVISION ORDERS

Effect of orders

12-(1) where an education supervision order is in force with respect to a child, the supervision shall –

(a) Advise, assist and befriend and given direction to:–

(i)The supervised child; and

(ii)The parents of the supervised child, in such a way as may, in the option of the supervisor, secured that the child is properly educated

(b) Where any such direction given to :–

(i) The supervised child; or

(ii) A parent of his/hers, has not been complied with, consider what further steps to take in the exercise of the supervisor's powers under this law.

(2) Before giving any directions under sub-paragraph (1) of this paragraph, the supervisor shall, so far as is reasonably practicable ascertain the wishes and feelings of -

(a) the supervised child; and

(b) the parents of the supervised child,

including, in particular, their wishes as to the place at which the child should be educated.

(3) When setting the terms of any such directions, the supervisor shall give due consideration:

(a) having regard to the child's age and understanding to his wishes and feelings; 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 any time while the education supervision order is in force.

13-(a) An education supervision order may required the child:–

(a) To keep the supervisor informed of any change in his/her address and

(b) To allow the supervisor to visit him/her at the place where he/she 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/her of the child's address if it is known to him/her; and

(b) If he/she is living with the child, allow the supervisor reasonable contact with the child.

Discharge of orders

14-(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 the child.
15- (1) if a parent of the child with respect to whom an education supervision order is in force persistently fails to comply with a direction given under the order he/she commits an offence.
(2) It shall be a defense for any person charged with such an offence to prove that
(a) He/she took all reasonable steps to ensure that the direction was complied with;
(b) The direction was unreasonable, or
(c) He/she had complied with:–
(i) A requirement included in a supervision order made with respect to the child, or
(ii) Directions given under such a requirement and that it was not reasonably practicable to comply both with the direction and with the requirement or directions mentioned in this paragraph
(3) A person who commits an offence under this paragraph is liable on 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.

Persistence failure of child to comply with directions

16-(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 Government.
(2) Where the State Government has been notified under sub-paragraph (1) of this paragraph it shall investigate the circumstances of the child.

Miscellaneous

17 – The Commissioner may by regulations make provisions modifying, or placing, 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:-
(a) The supervised child; and
(b) The parents of the supervised child,
(including, in particular, their whishes as to the place at which the child should be educated.)
(2) When setting the terms of any such directions, the supervisor shall give due consideration:-
(a) Having regard to the child's age and understanding to his wishes and feelings; and
(b) To such wishes and feelings of the child's parents, as supervisor has been able to ascertain
(3) Directions may be given under this paragraph at any time while the education supervision order is in force.
18-(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 superceded by their duty to comply with any directions in force under the education supervision order.
(2) Where an education supervision orders 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 sub paragraph (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.

Effect where child also subject to supervision order

19. Where an education supervision order and a supervision order, are in force at the same time with respect to the same child, any failure to comply with a direction given by the supervisor under the education supervision order shall be disregard if it would not have been reasonably practicable to comply with it without failing to comply with a direction given under the other order.

Duration of orders

20 –(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 Government in whose favour the order was made) extended the period during which it is in force.
(3) Such an application shall not be made earlier than three months before the date on which the order would otherwise expire.
(4) The period during which an education supervision order is in force may be extended under sub-paragraph (2) of this paragraph on more than one occasion.
(5) No single extension may be made for a period of more than three years.
(6) An education supervision order shall cease to have effect on -
(a) the child's ceasing to be compulsory school age; or
(b) the making of a care order with respect to the child, and sub-paragraphs (1) to (4) of this paragraph are subjected to this sub-paragraph.
(c) The supervised child; and
(d) The parents of the supervised child,
(including, in particular, other wishes as to place at which the child should be educated.)

Information to be given to supervisor, etc

24-(1) An education supervision order may require the child
to keep the supervisor informed of any change he/she is living
to allow the supervisor to visit him/her at the place where he/she s 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/her of the child address if it is known to him/her and,
(b) if he/she is living with the child, allow the supervisor reasonable contact with the child.

THIRD SCHEDULE

Section 102

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 115(2), 123(3), 125(5)

FOSTER PARENTS LIMITS ON THE NUMBER OF FOSTER CHILDREN

Fostering Children

1. For the purpose of this schedule, a person fosters a child if:-

he/she is the State Government foster parent in relation to the child;

he /she is a foster parent with whom the child has been placed by a voluntary organization; or

he/she fosters the child privately.

The usual fostering limit

2. Subject to the following paragraph of this schedule, a person may not foster more than three children which is the usual fostering limit.

Siblings

3. A person may exceed the usual fostering limit if the child concerned are all sibling with respect to each other

Exemption by the State Government

4-(1) A person may exceed the usual fostering limit if he/she is exempted from it by the Government of the State he/she lives in

(2) In considering to exempt a person, the State Government shall have regard, in particular to:-

(a) the number of the children who the person proposes to foster;
(b) the arrangements which the person proposes for the care and accommodation of the fostered children;
(c) the intended and likely relationship between the person and the fostered children
(d) the period of time for which he/she proposes to foster the children; and
(e) whether the welfare of the fostered children (and any other children who are or will be living in the accommodation)will be safeguarded and be promoted.

(3) Where the State Government exempts a person, it shall inform him by notice in writing:-

(a) that he/she is so exempted;
(b) of the children, described by name, whom he/she may foster; and
(c) of any condition to which the exemption is subject.

(4) The State Government 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 consideration mention in sub-paragraph (2) of this paragraph.

(5) The Commissioner may make regulations amplifying 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.

Effect of exceeding fostering limit

(5)-(1) A person ceases to be treated as fostering the children and shall be treated as carrying on a children's home if-

he/she exceed the usual fostering limit; or
where he/she is exempted under paragraph 4 of this schedule
he/she fosters any child not named in exemption, and
in so doing he/she exceeds the usual fostering limit

(2) Sub-paragraph (1) of this paragraph does not apply if the children concerned are siblings in respect of each other

Complaints, etc

(6)-(1) The State Government shall establish a procedure for considering any representation (including any complaint) made to it about the discharge of its functions under paragraph 4 of this schedule by the person exempted or seeking to be exempted under that paragraph.

(2) In carrying out consideration of representation under sub-paragraph (1) of this paragraph, the State Government shall comply with any regulations made by the Commissioner for the purposes of this paragraph.

PART XI-SECTION 115

FORMS OF FOSTERED CHHILDREN REGISTER

Registry..... Town.....L.G.A.....State.....

1	2	3	4	5	6	7	8
No. of entry	Date of entry	Name of fostered child (enter name as stated) in fostering	Sex of fostered child (enter sex as stated in adoption order)	Name and surname and address and occupation of foster parents(enter name, address and occupation as stated in adoption)	Date of birth of child (enter date of birth if any, directed by the adoption Order to be entered or not entry)	Date of fostering Order and description of Court by which made (enter to be as appearing on the fostering order)	Signature of Officer deputed by Chief Registrar to attest entry

PART X1-SECTIONS 123 AND 124

CHILDREN FOSTERED PRIVATELY

Exemptions

1.A child is not fostered privately while he/she is being looked after by the state government.

2.-(1)A child is not fostered privately while he/she is in care of any person:-

(a) in premises in which:-
(i) parents of child; or
(ii)a person who though not a parent of a child has parental responsibility for the child
(iii) a person who is a relative of the child and who has assumed responsibility for his/her care, is for the time being living
(b) in a child's home;

(c) in an accommodation provided by or on behalf of any voluntary organization;
(d) in a school in which he/she is receiving full time education;
(e) in a residential care home, nursing home or mental nursing home; or
(f) in any home/institution not specified in this paragraph but provided, equipped and maintained by the government.

(2) Sub-paragraph (1) (b) to (g)of this paragraph does not apply where the person caring for the child is doing so in his/her personal capacity and not in the course of carrying out his duties in relation to the establishment mentioned in the sub-paragraph in question

3. A child is not fostered privately while :-
(a) he/she is placed in the care of a person who proposes to adopt him under this law, or
(b) he/she is a protected child.

Power of State Government to impose requirements

4-(1) Where a person is fostering a child privately, or propose to foster any child privately, the appropriate authority may impose on him/her requirements as to:-
(a) the number, age and sex of the children who may be fostered privately by him/her
(b) the standard of the accommodation and equipment to be provided for them
(c) the arrangement to be made with respect to their health and safety; and
(d) particular arrangement which shall be made with respect to the provision of care for them, and it shall be his duty to comply with any such requirement before the end of such period as the 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 sub-paragraph (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/her of:-
(a) the reason for imposing the requirement;
(b) his/her right under paragraph 6 of this part of this schedule to appeal against it; and
(c) the time within which he/she may do so.

(5)The State Government may at any time vary a requirement, impose any additional requirement or remove any requirement

(6) In this paragraph and other paragraphs of the part of this schedule
(a)"the appropriate authority" means
(i) the State Government in which the child is being fostered; or
(ii) in the case of proposal to foster a child, the State Government within which it is proposed that he/she will be fostered and
(d) "requirement" In relation to any person, means a requirement imposed on the person under this paragraph.

Regulations requiring notification of fostering, etc

5-(1)The Commissioner may by regulation 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 regulation may, in particular:-
(a) require any person who is, or proposes to be involved (whether or not directly)in arranging for a child to be fostered privately to notify the appropriate authority;
(b) require any person who is:-
(i) a parent of child; or

(ii) a person who, though not a parent of a child has parental responsibility for the child, and who knows that it is proposed that the child should be fostered privately, to notify the 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 proposes 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 offence of which he has been convicted;

(ii) any disqualification Imposed on him under Section 125 of the Law, or

(iii) any prohibition imposed on him under Section 126 of this Law,

(f) require any person who is fostering a child privately to notify the appropriate authority in writing 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 begins, or ceases, 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, the reason for the death).

Appeals

6-(1) A person aggrieved by:-

(a) a requirement imposed under paragraph 4 of this Part of this Schedule;

(b) a refusal of consent under section 125 of this law;

(c) a prohibition imposed under section 126 of this law;

(d) a refusal to cancel a prohibition imposed under section 126 of this law;

(e) a refusal to make an exemption under paragraph 4 Part 1 of this schedule;

(f) a condition imposed in an exemption under paragraph 4 of Part 1 of this schedule; or

(g) a variation of cancellation of an exemption,

(h) may appeal to the Court.

(2) The appeal shall be made within fourteen days from the date on which the person appealing is notified of the requirement, refusal, prohibition, condition, variation or cancellation.

(3) Where the appeal is against:-

(a) a requirement imposed under paragraph 4 of this schedule; or

(b) a condition imposed in an exemption under paragraph 4 of Part 1 of this Schedule, or

(c) a variation or cancellation of an exemption under paragraph 4 of part 1 of this Schedule; the requirement, condition, variation or cancellation shall not have effect while the appeal is pending.

(4) Where the Court allows an appeal against a requirement or prohibition, it may instead of canceling the requirement or prohibition:-

(a) vary 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 requirement as the State Government 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 purpose of Part XI of this law(other than this paragraph) to have been imposed by the State Government under paragraph 4 of this schedule or section 124 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 variation or cancellation of the exemption, it may

(a) make an exemption;

(b) impose a condition; or

(c) vary the exemption.

(7) An exemption made or varied under sub-paragraph (6) of this paragraph, or any condition imposed under that sub-paragraph, shall be deemed for the purpose of Part1 of this schedule(but not for the purposes of this paragraph)to have been made, varied or imposed under that schedule.

(8) Nothing in sub-paragraph (1) (e) to (g) of this paragraph confers any right of appeal on

(a) a person who is, or would, if exempted under Part 1 of this schedule be the State Government foster parent or

(b) a person who is, or would, if so exempted be, a person with whom a child is placed by voluntary organization

Extension of part XI to certain school children during holidays

(7)-(1) where a child under the age of sixteen years who is a pupil at a school which is not maintained by the State Government lives at the school during school holidays for a period of more than two weeks, Part XI of this law shall apply in relation to the child as if:-

(a) while living at school, he/she were a child fostered privately, and

(b) paragraph (2) (1) (d) and 4 of this part of this schedule were omitted.

(2) Sub-paragraph (3) of this paragraph applies to a person who proposes, to care for and accommodate one or more children at a school in circumstances in which some or all of them will be treated as children fostered privately by virtue of this paragraph

(3) The person referred to in sub-paragraph (2) of this paragraph shall, not less than two weeks before the first of those children is treated as a child fostered privately by virtue of this paragraph during the holiday in question, give written notice of this proposal to the State Government whose area the child is ordinary resident, stating the estimated number of the children

(4) The State Government may exempt a person from the duty of giving notice under sub-paragraph (3)of this paragraph.

(5) An exemption may be granted for a special period or indefinitely and may be revoked at any time by notice in writing, giving to the person exempted.

(6) Where a child who is treated as a child fostered privately by virtue of this paragraph dies, the person caring for him at the school shall, not later than 48 hours after the death, give written notice of the death:-

(a) to the 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 fostered 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 appropriate authority.

Prohibition of advertisements relating to fostering

8. No advertisement indicating that a person will undertake, or will arrange for, a child to be fostered privately shall be published, unless it states that person's name and address

Avoidance of insurance on lives of children fostered privately

9. A person who fosters a child privately and for reward shall be deemed for the purpose of the Insurance Act 1991 to have no interest in the life of the child.

PART IX SECTION 123- CHILD'S RIGHT LAW 2006

DECLARATION REGARDING SUITABLITY TO FOSTER CHILDERN PRIVATELY

(To be completed by all members of the house hold over 16 years)

Full Name.....

Date of birth.....

Address.....

HAVE YOU EVER	YES	NO
	Please tick	
1. Been convicted of any offence involving a child	( )	( )
2. Had a child removed from your care by the order of any court or State Government	( )	( )
3. Had registration under part XIV of the children law refused or cancelled (children minding)	( )	( )
4. Had your right and duties with respect to a child vested in the State Government	( )	( )
5. Had a prohibition imposed on you at any time	( )	( )
6. Disqualified from acting as a foster parent	( )	( )

If you have answered "yes" to any of the above question, please supply the date and circumstances.

Signed..... Date.....

Section 126 (3) (a) of the child's law,2006, provides that a person who makes any statement in this notice or information which he/she 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 123 (1) AND (2)

ADDITIONAL PROVISIONS RELATING TO PRIVATE ARRANGEMENTS FOR FOSTERING

General Welfare Of Children

1-(1) In carrying out functions under section 126 of this law, as to the welfare of children who are fostered privately within the State, the State Government (including an officer of the State Government making a visit under paragraph 2 of this part of this section) shall satisfy itself on such matters specified on sub-paragraph 2 of this paragraph as are relevant in the particular circumstances.

(2) The matters referred to in sub-paragraph (1) of this paragraph are:

(a) the purpose and intended duration of the fostering arrangement

(b) the child's physical, intellectual, emotion, social and behavioral development ;
(c) whether the child's notice arising from his religious persuasion, racial origin and cultural and linguistic background are being met;
(d) the financial arrangements for the care and maintenance of the child;
(e) the suitability of 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;
(l) 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 arrangement.

Visits to children

2-(1) The State Government shall make arrangements for each child who is fostered privately within the State to be visited by an Officer of the State Government from time to time as the State Government considers necessary in order to safe guard 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 it 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 visit under this paragraph, the Officer shall, if he/she consider it appropriate, arrange to see the child alone.
(3) The officer shall make a written report to the State Government after each visit.

Notification by prospective and actual foster parents

3-(1) Any person who proposes to foster privately, a child for whom he/she is not already caring and providing accommodation, shall notify the appropriate authority not less than six weeks, nor more than thirteen weeks before he/she receives the child, unless he/she receive him in an emergency.
(2) A person who is fostering a child privately;
(a) whom he/she received in an emergency: or
(b) for whom he/she was already caring and providing accommodation when he/she become, a foster child, shall notify the appropriate authority not more than 48 hours after the fostering arrangement began.
(3) A notice under sub-paragraph (1) or (2) of this paragraph shall specify:
(a) the name, sex, date and place of birth, religious persuasion, racial origin and cultural 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 for whom the child was or is to be received;

(e) the name and address of any person, other than a person specified in sub-paragraph (3) (d) of this paragraph, who is involved directly or indirectly in making the fostering arrangement; and
(f) the intended date of the beginning of the fostering arrangement or, as the case may be, the date on which the arrangement actually began.

(4) A person giving notice under sub-paragraph (1) or (2) of this paragraph shall include in the notice particulars of:
(a) any offence of which he/she has been convicted;
(b) any disqualification of prohibition imposed on him/her under (as the case may be) section 125 or 126 of this law or under any previous enactment of either of those section ;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/her address;
(b) any person who begins or ceases, to be part of his/her household; and
(c) any further conviction, disqualification or prohibition as mentioned in sub-paragraph (3) (a), (b) and (c) of this paragraph.

(6) A notice under sub-paragraph (5) of this paragraph shall be given:
(a) in advance if practicable; and
(b) in any other case, not more than 48 hours after the change of the 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 sub-paragraph (30(a) and (d) of this paragraph.

Notifications by former foster parents

4-(1) Subject to paragraph (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 in the death of the child, the foster parent shall notify forthwith the State Government and also the person from whom the foster parent received the child.

(3) Sub-paragraph (1) of this paragraph shall not apply where the foster parent intends to resume the fostering arrangement after an interval of not more than 27 days but if:
(a) he/she subsequently abandons his/her intension or
(b) the interval expires without his/her having given effect to his/her intention, he/she shall thereupon give notice to the State Government within 48 hours of abandoning his/her intention or as the case may be, the expiry of the interval.

Other Notifications

5-(1) Any person who is, or proposes to be, involved (whether or not directly) in 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 not be more than 48 hours after the fostering arrangement begins.

(2) A parent of a child, and any other person who has parental responsibility for the child who knows that it is proposed that the child should be fostered privately shall notify the 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 not be more than 48 hours thereafter.

(3) Any notice under sub-paragraph (1) or (2) of this paragraph shall specify:

(a) the information mentioned in sub- paragraph (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 sub-paragraph (1) of this paragraph, the relationship to the child of the person given the notice and also the information specified in sub-paragraph (3) (d) of paragraph 3 of this schedule.

(4) Any parent of a child fostered privately and any other person who has parental responsibility for the child, shall notify the appropriate authority of:-
(a) the ending of the fostering arrangement; and
(b) any change in his/her own address.

(6). Any notice required under paragraph 3 to 5 shall be given in writing and may be sent by post.

PART V1-SECTION 125 AND 200 (1) (2) – DISQUALIFICATION FROM CARING FOR CHILDREN

Disqualification from fostering a child privately or registration under part XI of this law

(1) For the purpose of section 125 of this law (person disqualified from being private foster parents) and of paragraph 2 of the sixth schedule to this law (disqualification from registration) a person is disqualified from fostering a child privately or registering under section 166 of this law (registration for child-minding and day care) if:-

(a) he/she is the parent of a child who at any time has been made, subject of an order under section 55 (1) (a) of the 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 55 (1) (a) of this law
(ii) a supervision order which imposes a residence requirement under this law that a child offender lives in State Government accommodation;
(iii) an approved school order or a fit person order under this law;
(c) an order has been made at any time, for the purposes of removing a protected child who has been kept, or was about to be received by him under part IV of this law;
(d) an order removing a child from his/her care has been made at any time under part V of this law;
(e) he/she has been convicted of any sexual offence, any offence involving perjury or violence or such order offences as may be prescribed by the Commissioner;
(f) he/she 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 the register;
(g) there has been a refusal to register a voluntary home in relation to an application made by him/her under this law;
(h) there has been a refusal to register a registered children's home in relation to an application made by him/her under paragraph 1 of the tenth schedule to this law (application for registration);
(i) he/she 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 register under paragraph 4 of the tenth schedule to this law (cancellation of registration);
(j) he/she is a person in respect of whom a prohibition has been imposed under section 126 of this law (power to prohibit private fostering);
(k) he/she has at any time been refused registration in respect of day care or child minding.

Disqualification in relation to Voluntary Home

2-(1) A person who is disqualified under section 125 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/she has:-

(a) disclosed to the Commissioner the fact that he/she is so disqualified; and

(b) obtained his/her written consent.

(2) No person shall employ a person who is disqualified in a voluntary home unless he/she 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 refuse to give his/her consent under this paragraph he/she 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 schedule 10 to this law;

(c) the time within which he/she may do so.

(4) Any person who contravenes sub-paragraph (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 133 (2) and (145) (2)

FORM OF ADOPTED CHILDREN 15 REGISTER

Registry.....Town.....L.G.A.....State.....

1	2	3	4	5	6	7	8
No. of entry	Date of entry	Name of fostered child (enter name as stated in fostering)	Sex of fostered child (enter sex as stated in adoption order)	Name and surname and address and occupation of foster parents(enter name, address and occupation as stated in adoption)	Date of birth of child (enter date of birth if any directed by the adoption Order to be entered but other entry)	Date of fostering Order and description of Court by which made (entry to be as appearing on the fostering order)	Signature of Officer deputed by Chief Registrar to attest entry

SIXTH SCHEDULE

Section 169 (I) (II), 172 (c) (d) and 173 (9) (10) (11)

CHILD MINDING AND DAY CARE FOR YOUNG CHILDREN

Application for registration

1-(1) An application for registration under section 166 of this law shall be of no effect unless it contains:-

(a) a statement, with respect to the applicant which complies with requirements contained in ***Annex A*** to this Schedule and of regulations made for the purposes of this paragraph by the Commissioner; and

(b) a statement, with respect to any person assisting or likely to be assisting in looking after children on the premises in question, or living or likely to be living there, which complies with the requirement contained in ***Annex B*** to this schedule and of such regulations.

(2) Where a person provides, day care for the children under the age of six years on different premises situated within the State, he shall make a separate application with respect to each of those premises.

(3) An application under section 166 of this law shall be accompanied by such fee as may be prescribed.

(4) On receipt of an application for registration under section 166 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 Government shall register him/her if the application is properly made and it is not otherwise entitled to refuse to do so.

Disqualification from registration

2-(1) A person may not be registered under section 166 of this law if he is disqualified by regulations made by the Commissioner for the purpose of this paragraph.

(2) The regulation may, in particular provide for a person to be disqualified where:-

(a) an order of prescribed kind has been made at any time with respect to him/her;
(b) an order of a prescribed kind has been made at any time with respect to any child who has been in his/her care;
(c) a requirement of a prescribed kind has been imposed at any time with respect to such a child, under or by virtue or any enactment;
(d) he/she has at any time been refused registration under part XIV of this law or other prescribed enactment or had any such registration cancelled;
(e) he/she 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/she has at any time been disqualified from fostering a child privately;
(g) a prohibition has been imposed on him/her at any time under any prescribed enactment;
(h) his/her 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/herself disqualified by regulation made under this paragraph; or
(b) in a premises which any such person is employed;
(c) shall be disqualified unless he/she 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/she has

(a) disclosed the fact to the State Government ;and

(b) obtained its written consent.

(5) No person shall employ, in connection with the provision of day care, person who is disqualified unless he/she has:-

(a) disclosed to the State Government the fact that the person 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 Nigeria

Exemption of certain schools

3-(1) Section 171 of this law does not apply in relation to any looked after in any:

(a) school maintained or assisted by the State Government;

(b) school under the management of an education authority;

(c) independent school.

(2) The exemption provided by sub-paragraph (1) of this paragraph only applies where the child concerned is being looked after in accordance with provision for day care made by:-

(a) the person carrying on the establishment in question as part of the establishment's activities or

(b) a person employed to work at that establishment and authorized to make that provision as part of the establishment's activities.

Exemption for other establishments

4-(1) Section 171 (I) (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;

(e) a Government hospital;

(f) such other home as may be prescribed for exemption under this paragraph.

(2) The exemption provided by sub-paragraph (1) of this paragraph only applies where the child concerned is being looked after in accordance with provisions for day care made by:-

(a) the department, authority or other person carrying on the establishment in question as part of the establishment's activities; or

(b) a person employed to work at that establishment and authorized to make that provision as part of the establishment's activities.

Exemption for occasional facilities

5-(1) Where day care for the children under the age of six years is provided in particular premises in less than six days in any year, that provision shall be disregarded for the purpose of section 171 of this law if the person making it has notified the State Government in writing before the first occasion on which the premises concerned are so used in that year.

(2) In sub-paragraph (1) of this paragraph, "year" means the year beginning with the day on which the daycare in question is (after the commencement of this paragraph) first provided in the premises concerned and any subsequent year.

Certificate of registration

6- (1) Where the State Government registers a person under section 171 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 166 (1) (b) of this law, the address or situation of the premises concerned; and
(c) any requirement imposed under section 167 or 168 of this law.
(3) Where, due to a change of circumstance; any part of the certificate requires to be amended, the State Government shall issue an amended certificate.
(4) Where the State Government is satisfied that the certificate has been lost or destroyed, it shall issue a replacement copy, on payment by the registered person of such fees as may be prescribed.

Fees for annual inspection of premises

7-(1) Where:-
(a) a person is registered under section 166 of this law; and
(b) the State Government concerned makes an annual inspection of the premises in question under section 171 of this law;
(i) 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.
(ii) It shall be a condition in the continued registration of that person under Section 171 of this Law that the fee is so paid before the expiry of the period of twenty eight days beginning with the date on which the inspection is carried out.

Annex A paragraph 1(1) (a)

INFORMATION TO BE PROVIDED ABOUT THE APPLICANT

1. 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 the day care a description of the facilities available to the applicant for day care, including the number of rooms, their functions, the numbers of lavatories and washbasins, any separate facilities for adult workers and access to the premises for cars.

5. Whether the applicant wishes to register as child minder, or as a provider for day care, and if the latter whether he/she will provide full day care or sessional 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 children of the applicant or the person in charge or any other children for whom either is to be responsible.
9. Any relevant qualification (with dates) of the applicant or the person in charge giving the details of the organization running the course, the subject studied, the length of the course and the name of the qualification.
10. The names of the referees for the applicant or the persons in charge who may be contacted.

11. The names and address of the medical practitioner of the applicant or of the person in charge and whether he/she may be approached for details concerning the state of health of the applicant or person in charge, together with details of anything for which he/she is currently being treated by his/her medical practitioner or by a hospital and details of any hospital admissions during the last 2 years and of any serious illness in the last 5 years.
12. Details of any criminal conviction of the applicant or the person in charge, including;
    (a) the date of the offence;
    (b) the nature of the offence;
    (c) the place where it occurred;
    (d) the name of court which gave the conviction;
    (e) the penalty imposed.

Annex B paragraph

I(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 members of the family and lodges 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, name 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 the children on the premises in question, with their names and addresses.
3. Details of any criminal conviction of any of the person mentioned in sub-paragraph 1 and 2 of this Annex, including
    (a) the date of the offence;
    (b) the nature of the offence;
    (c) the place where it occurred;
    (d) the name of court which gave the conviction;
    (e) the penalty imposed.

SEVENTH SCHEDULE

Section 178 (4),(5) and 181 (9)

STATE GOVERNMENT SUPPORT FOR CHILDREN AND FAMILIES

PART I PROVISION OF SERVICES FOR FAMILIES

Identifying of children in need and provision of information

1-(1) The State Government shall take reasonable steps to identify the extent to which there are children in need within the State.
(2) The State Government shall:-
    (a) publish information:-
    (i) about services provided by them under section 178,179,181 and 186 of this law; and

(ii) where it considers it appropriate, about the provision by others (including, in particular, voluntary organizations) or services which the State Government has power to provide under those sections; and

(c) take such steps as are reasonably practicable to ensure that those who might benefit from the services received the information relevant to them.

Maintenance of a register of disabled children

2-(1) The State Government shall open and maintain a register of disabled children within the State.

(2) The register may be kept by means of a computer.

Assessment of children's needs

3. Where it appears to the State Government that a child within the State is in need, the State Government may asses his/her needs for the purposes of this law at the same time as any assessment of his/her needs is made under any other enactment.

Prevention of neglect and abuse

4-(1) The State Government 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 Government 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,

(c) it shall inform the State Government of that other State

(3) when informing that other State Government 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.

Provision of accommodation in order to protect child

5-(1) Where:

(a) it appears to the State Government 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 the premises, the State Government may assist that other person to obtain alternative accommodation.

(2) Assistance given under this paragraph may be in cash.

(3) Subsection (1) to (2) of section 178 of this law shall apply in relation to assistance given under this paragraph as they apply in relation to assistance given under that section.

Provision for disabled children

6. The State Government shall provide services designed:

(a) to minimize the effect on disable children within the State of their disabilities; and

(b) to give disable children the opportunity to lead live which are as normal as possible.

Provision to reduce need for care proceeding, etc.

7. The State Government 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 Government ;or
(iv) proceedings in the court with respect to children;
(b) to encourage children within the State not to commit criminal offences;
(c) to avoid the need for children within the State to be placed in secure accommodation.

Provision for children living with their families

8. The State Government shall make such provision as it considers appropriate for the following services to be available with respect to children in need within the State while they are living with their families:
(a) advice, guidance and counseling;
(b) occupational, social, cultural or recreational activities;
(c) home help (which may include laundry facilities);
(d) facilities for, or assistance with, traveling to and from home for the purpose of taking advantage of any other services provided under this law or of any similar service;
(e) assistance to enable the child concerned and his family to have a holiday.

Family centers

9- (1) The State Government shall provide such family centers as they consider appropriate in relation to children within the State
(2) Family centers is a center at which any of the person, mentioned in sub-paragraph(3) of this paragraph may:
(a) attend for occupational, social, cultural or recreational activities;
(b) attend for advice, guidance and counseling; or
(c) to be provided with accommodations while he is receiving advice, guidance or counseling.
(d) Sub-paragraph(2) (b) of this paragraph shall not require any person to inform the receiving authority of his address until he has been so informed
(3) The persons referred to in sub-paragraph 2 of this paragraph are:-
(a) a child;
(b) the parents of the child;
(c) any person who, thought not a parent of the child has parental responsibility for the child; and
(d) any other person who is looking after the child.

Maintenance of the family home

10. The State Government shall take such steps as are reasonably practicable, where any child within the State who is in need and who it is not looking after is living apart from his family:-
(a) to enable him/her to live with his/her family; or
(b) to promote contact between him/her and his family, if, in its opinion, it is necessary to do so in order to safeguard or promote his welfare.

Duty to consider religious persuasion, etc to which children in need belong

11. The state Government shall, in making any arrangement-
(a) for the provision of day care within the State; or
(b) designed to encourage person to act as State Government foster parents
(c) 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 GOVERNMENT

Regulations as to placing of children with State Government foster parents

12. Regulation under section 181 of this law may, in particular, make provisions:
(a) with regard to the welfare of children placed with State Government foster parents;
(b) as to the arrangement to be made by the State Government in connection with the health and education of the children;
(c) as to the records to be kept by the State Government;
(d) for securing that a child is not placed with the State Government foster parent unless that person is for the time being approved as a State Government foster parent by the State Government as may be prescribed.
(e) for securing that, where possible, the State Government foster parent with whom a child is to be placed is:-
(i) of the same religious persuasion as the child; or
(ii) gives an undertaking that the child will be brought up in that religious persuasion;
(f) for securing that children placed with the State Government foster parents, and the premises in which they are accommodated, will be supervised and inspected by the state Government and that the children will be removed from those premises if their welfare appears to require it;
(g) as to the circumstances in which State Governments may make arrangements for duties imposed on them by the regulation to be discharged, on their behalf.

Regulations as to arrangements under section 181

13. Regulations under section 181(2) of this law may, in particular, make provisions as to:-
(a) the person to be notified of any proposed arrangements;
(b) the opportunities such person are to have to make representations in relation to the arrangements proposed;
(c) the person to be notified of any proposed changes in the arrangements;
(d) the records to be kept by the State Government;
(e) the supervision by the State Government of the arrangement made.

Regulation as to conditions under which child in care is allowed to live with parents, etc

14. Regulations under section 181 of this law may, in particular, impose requirements on the State Government as to:-
(a) the making of any decision by the State Government to allow a child to live with any person falling within section 185 (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;
(b) the removal of the child, in such circumstances as may be prescribed, from the care of the person with whom he has been allowed to live;

Promotion and maintenance of contact between child and family

15-(1) Where a child is being looked after by the State Government, the State Government shall, unless it is not reasonably practicable or consistent with his welfare, endeavor to promote contact between the child and: –
(a) his parents;

(b) any person who, though not a parent of a child, has parental responsibilities 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 Government:-

(a) the State Government shall take such steps as are reasonably practicable to secure that:-

(i) the parents of the child, and

(ii) any person who, though not a parent of a child, has parental responsibilities for the child, are kept informed of where he/she is being accommodated; and

(b) every such person shall secure that the State Government is kept informed of his/her address.

(3) Where the State Government ("the receiving authority") takes over the provision of accommodation for a child from another State Government ("the transferring authority") under section 177 (2) of this law:

(a) the receiving authority shall (where reasonably practicable) inform:-

(i) the parent of the child;

(ii) any person who, though not a parent of a child, has parental responsibilities for the child

(b) sub-paragraph (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

(4) Nothing in this paragraph requires the State Government to inform any person of the whereabouts of a child if:-

(a) the child is in the care of the State Government ;and

(b) the State Government has reasonable cause to believe that informing the person would prejudice the child's welfare.

(5) A person who fails (without reasonable excuse) to comply with sub-paragraph (2) (b) of this paragraph commits an offence and is liable on summary conviction to a fine not exceeding two thousand five hundred naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment

(6) It shall be a defence in any proceeding under sub-paragraph (5) of this paragraph to prove that the defendant was residing at the same address as another person who the child's parent or had parental responsibilities 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 the address.

Visit to or by children: expenses

16-(1) This paragraph applies where:-

(a) a child is being looked after by the State Government: and

(b) the condition mentioned in sub-paragraph (3) of this paragraph are satisfied.

(2) The State Government may:

(a) make payment 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 of traveling, subsistence or other expenses incurred by that person in visiting the child, or

(b) makes payment to the child, or to any person on his behalf, in respect of traveling, subsistence or other expenses incurred by or on behalf of the child in visiting:-

(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

(3) The condition referred to in sub-paragraph (1) (b) of this paragraph are that:-

(a) it appears to the State Government that the visit in question could not otherwise be made without undue financial hardship, and
(b) the circumstance warrant the making of the payments.

Appointment of visitor for child who is not being visited

17-(1) Where it appears to the State Government in relation to a child that it is looking after that-
(a) communication between the child ;and
(i) his parents; or
(ii) any person who, though not a parent of a child, has parental responsibilities for the child has been infrequent; or
(b) the child has not visited or been visited by (or live with) any such person during the preceding twelve months, and that it would be in the child's best interests for an independent person to be appointed to be his/her visitor for the purpose 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 Government that 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/she gives notice in writing to the State Government who appointed him that he/she resigns the appointment; or
(b) the State Government gives him/her 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 further appointment .
(5) Where the State Government 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 Government 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 Government shall determine the appointment if-
(a) the child objects to its continuing; and
(b) the State Government is satisfied that the child has sufficient understanding to make an informed decision.
(7) The Commissioner may make regulation as to the circumstances in which a person appointed as a visitor under this paragraph is to be regarded as independent of the State Government appointing him/her

Power to guarantee apprenticeship deeds, etc

18-(1) While a child is being looked after by the State Government, or is a person qualifying for advice and assistance, the State Government may undertake any obligation by way of guarantee under a deed of apprenticeship which he enters into.
(2) where State Government 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

Arrangements to assist children to live abroad

19-(1) The State Government 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 Government may, with the approval of the person(s) who has parental responsibilities 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 sub-paragraph (1) of this paragraph unless it is satisfied that

(a) living outside the State would be in the child's best interest

(b) suitable arrangement have been or will be made for his reception and welfare in the State in which he/she will live.

Death of children being looked after by the State Government

20-(1) If a child who is being looked after by the State Government dies, the State Government:-

(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 responsibilities for the child;

(c) may, with the consent (so far as it is reasonably practicable to obtain it) of every person who has parental responsibilities for the child, arrange for the child's body to be buried or cremated; and

(a) may, if the condition mentioned in sub-paragraph (2) of this paragraph are satisfied, make payments to any person who has parental responsibilities for the child, or any relative, friend or other person connected with the child, in respect of traveling, subsistence or other expenses incurred by the that person attending the child's funeral.

(2) The condition referred in sub-paragraph (1) (d) of this paragraph are that:-

(a) it appears to the authority the person concerned could not otherwise attend the child's funeral without undue financial hardship ;and

(b) that the circumstances warrant the making of the payments.

(3) Sub-paragraph (1) of this paragraph does not authorize cremation where it does not accord with the practice of the child's religious persuasion .

(4) Where the State Government has exercised its power under sub-paragraph (1) (c) of this paragraph with respect to a child who was under the age of sixteen years when he/she 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 be, recoverable summarily as a civil debt..

(6) Nothing in this paragraph affects any enactment regulating or authorizing the burial, cremation or anatomical examination of the body of a deceased person.

PART III CONTRIBUTION TOWARDS MAINTENANCE OF CHILDREN LOOKED AFTER BY THE STATE GOVERNEMNT

Liability to contribute

21-(1) where the State Government is looking after a child (other than in the cases mentioned in sub-paragraph (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 Government may only recover contributions from a contributor if it considers it reasonable to do so.

(3) The person liable to contribute are:-

(a) where the child is under the age of sixteen years, each of his parents;

(b) Where he/she has attained the age of sixteen years, the child himself/herself.

(4) A parent is not liable to contribute during any period when he/she 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 Government in respect of any period during which the child is allowed by the State Government under section 181 of this law to live with a parent of the child.
(6) A contributor is not obliged to make any contribution towards a child's maintenance except as agreed or determined in accordance with this Part of this schedule.
(7) The cases referred to under sub-paragraph (1) of this paragraph are where the child is looked after by the State Government under
(a) section 181 of this law:
(b) an interim care order; or
(c) any prescribed enactment.

Agreed contributions

22- (1) Contributions towards a child's maintenance may only be recovered if the State Government has served a notice ("a contribution notice") on the contributor specifying:
(a) the weekly sum which it considers that he should contribute; and
(b) arrangement s for payment.
(2) The contribution notice must be in writing and dated.
(3) Arrangements for payment shall, in particular, include:
(a) the date on which liability to contribute begins, which shall not be earlier than the date of 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 Government; and
(c) the date on which the first payment is to be made.
(4)The State Government may specify in contribution notice a weekly sum which is a standard contribution determined by it for all children looked after by it.
(5) The State Government 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 Government foster parents; and
(b) it is reasonably practicable for the contributor to pay having regard to his means.
(6) The State Government may at any time withdraw a contribution notice without prejudice to its power to serve another.
(7) Where the State Government and the contributor agree:
(a) the sum which the contributor is to contribute; and
(b) arrangement for payments, whether as specified in the contribution notice or otherwise and the contributor notifies the State Government in writing that he/she so agrees, the State Government 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 Government, withdraw his/her agreement in relation to any period of liability falling after the date of service of the notice.
(9) Sub-paragraph (7) of this paragraph is without prejudice to any other method of recovery .

Contribution orders

23-(1) where a contributor has been served with a contribution notice and has-:-
(a) failed to reach any agreement with the 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 sub-paragraph (10) of this paragraph, the Court may make an order ("a contribution order") requiring the contributor to contribute a weekly sum towards the child's maintenance in accordance with arrangement for payment specified by the Court.

(3)A contribution order:

(a) shall not specified a weekly sum greater than that specified in the contribution notice, ;and

(b) shall be made with due regard to the contributor's means.

(4) A contribution order shall not:-

(a) take effect before the date specified in the contribution notice; 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 Government may not apply to the Court under sub-paragraph (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 Government serves another contribution notice; and

(c) the contributor and the State Government reach an agreement under paragraph 22 (7) of this schedule in respect of that other contribution notice, the effect of the agreement shall be to discharge the order from the date on which it is agreed that the agreement shall take effect.

(7) Where an agreement is reached under sub-paragraph (6) of this paragraph the State Government shall notify the Court:-

(a) of the agreement; and

(b) of the date on which it took effect.

(8) A contribution order may be varied or revoked on the application of the contributor or the State Government.

(9) In proceedings for the variation of a contribution order, the State Government shall specify:

(a) the weekly sum which, having regard to paragraph 22 of this schedule, it proposes that the contributor should contribute under the order as varies; 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 Government in the proceedings for variation; and

(b) shall be made with due regard to the contributor's means.

(11) An appeal shall lie in accordance with Rules of Court from any order made under this paragraph

Enforcement of contribution orders, etc

24 (1) A contribution order made by the Court at the Magisterial level shall be enforceable as a magistrate's Court maintenance order.

(2) where a contributor has agreed, or has been ordered, to make to the State Government, any other State Government within whose State the contributor is for the time being living may:-

(a) at the request of the State Government who served the contribution notice; 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 Government who served the notice.

(3) The power to collect sums under sub-paragraph (2) of this paragraph includes the power to:-

(a) receive and give a discharge for any contribution due; and

(b) if necessary enforce payment of any contribution, notwithstanding that those contribution may have fallen due at a time when the contributor was living elsewhere.

(4) Any contribution collected under sub-paragraph (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 purport to be:

(a) a copy of an order made by a Court under or by virtue of paragraph 23 of this schedule; and
(b) certified as a true copy by the Register of the Court, shall be evidence of the order.

(6) In any proceedings under this paragraph, a certificate which:-
(a) purport to be signed by a duly authorized officer of the State Government who obtained the contribution order: and
(b) state that any sum due to the State Government under the order is over due and unpaid, shall be evidence that the sum is overdue and unpaid.

Regulations

25. The Commissioner may make regulations:-
(a) as to the considerations which the State Government shall take into account in deciding;
(i) whether it is reasonable to recover contributions; and
(ii) what the arrangements for the payment should be;
(b) as to the procedure it must follow in reaching agreements with:-
(i) contributors (under paragraph 22 and 23 of this schedule); and
(ii) any other State Government (under paragraph 23 of this schedule).

EIGHT SCHEDULE

Sections 187 (9) 189 (6)

MANGEMENT AND CONDUCT OF COMMUNITY HOMES

Instruments of management for controlled and assisted community homes

1-(1) The Commissioner or 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) Sub-paragraph (3) of this paragraph applies where two or more voluntary homes are designated as controlled community or as assisted community home

(3) If:
(a) those homes are, or are to be, provided by the same voluntary organization and,
(b) the State Government is to be represented on the body of managers for those homes,
(c) 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 instrument of management, constitute the body of managers for a voluntary home shall be such number(which must be a multiple of three) as may be specified in the instrument.

(5) The instrument shall provide that the State Government shall appoint:
(a) in the case of a voluntary home which is designated as a controlled community home, two-thirds of the managers; and
(b) in the case of a voluntary home which is designated as a assisted community home, one-third of the managers.

(6) An instrument of management shall provide that the foundation managers shall be appointed, in such manner and by such person as may be specified in the instrument
(a) so as to represent the interests of the voluntary organization by which the home is, or is to be provided; and
(b) for the purpose of securing that;

(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 it designation

(9) In this paragraph:-

"designated", means designated in accordance with section 193 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 sub-paragraph (5) of this paragraph.

2-(1) An instrument of management shall contain such provision as the Commissioner considers appropriate.

(2) Nothing in the instrument of management shall affect the purposes for which the premises comprising the home are held.

(3) Without prejudice to the generality of sub-paragraph (1) of this paragraph, an instrument of management may contain provisions:-

(a) specifying the nature and purpose of the home(or each of the homes) to which it relates;

(b) requiring a specified number or proportion of the places in that home(or those homes) to be made available to the State Government and to any other body specified in the instrument; and

(c) relating to the management of that home (or those homes) and the charging of fees with respect to:-

(i) children placed there; or

(ii) places made available to the State Government or other body.

(4) Subject to sub-paragraph (1) and (2) of this paragraph where there is any inconsistency between the provision of any trust deed and an instrument of management, the instrument of management shall prevail over the provisions of the trust deed in so far as they relate to the home concerned.

(5)After consultation with the voluntary organization concerned and with the State Government specified in its instrument of management , the Commissioner may by order vary or revoke any provision of the instrument.

PART II- MANAGEMENT OF CONTROLLED AND ASSISITEED COMMUNITY HOMES

3-(1) The management, equipment and maintenance of a controlled community homes shall be the responsibility of the State Government specified in its instrument of management

(2) The management, equipment and maintenance of an assisted community homes shall be the responsibility of voluntary organization by which the home is provided

(3) The functions of the 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) sub-paragraph (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 of reserving any matter, that matters shall be dealt with by the body and not by the manager.

(6) In dealing with any matter so reserved, the responsible body shall have regard to any representation made to the body by the manager.

(7) The employment of persons at a home shall be a matter for the decision of the responsible body.

(8) Where the instrument of management of a controlled community home so provides, the responsible body may enter into arrangement with the voluntary organization by which that home is provided whereby ,in accordance with such terms as may be agreed between them and the voluntary organization, persons who are not in the employment of the responsible body shall undertake duties at that home.

(9) Subject to sub-paragraph (10) of this paragraph:-

(a) where the responsible body for an assisted community home proposes to engage any person to work in that home or to terminate without notice the employment of any person at that home, it shall consult the State Government and, if the State Government so directs, the responsible body shall 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) Sub-paragraph (9) (a) and (b) of this paragraph shall not apply:-

(a) in such circumstances as may be specified by notice in writing given by the State Government to the responsible body; and

(b) in relation to the employment of any person, 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 receipts 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

(a) proper records in relation to the accounts.

(15) Where an instrument of management relates to more than one home, one set of accounts and records may be kept in respect of all the homes to which it relates.

(16) In this paragraph:-

" home" means a controlled community home or an assisted community home, as the case may be, and "managers" in relation to a home, means the managers constituted by its instrument of management, and

"responsible body", in relation to a home, means the State Government or voluntary organization, 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 regulation may, in particular:-

(a) prescribe standards to which the premises used for such homes are to conform;

(b) impose requirement as to the accommodation, staff and equipment to be provided in such homes, and as to the arrangement 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) imposes requirements as to the facilities which are to be provided for giving religious instructions to children in such homes;

(f) authorized 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 a controlled community home; or
(ii) the voluntary organization by which an assisted community home is provided,
to accommodate in the home a child looked after by a State Government for whom no place is made available in that home or to take such action in relation to a child accommodated in the home as may be specified in the directions;

(g) provide for consultation with the Commissioner as to applicants for appointment to take charge of a home;

(h) empower the Commissioner to prohibit the appointment of any particular applicant, except in the case(if any) in which the regulations dispense with such consultation by reason that the person to be appointed possesses such qualification as may be prescribed;

(i) require the approval of the Commissioner for the provision and use of accommodation for the purpose of restricting the liberty of children in such homes and impose other requirements in addition to those imposed by section 188 of this law, as to the placing of a child in accommodation provided for that purpose, including a requirement to obtain the permission of any State Government 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 regulation under this paragraph which is specified in the direction and makes any such provision as is referred to in sub-paragraph (2) (a) or (b) of this paragraph shall not apply in relation to a particular home or the premises used for it, and may provide for the variation or revocation of any such direction by the Commissioner.

(3) Without prejudice to the power to make regulation under this paragraph conferring functions on:-

(a) the State Government or voluntary organization by which a community home is provided; or

(b) the managers of a controlled or assisted community home, regulation under this paragraph may confer functions in relation to a controlled or assisted community home on the State Government named in the instrument of management for the home.

NINTH SCHEDULE

Section 197 (5) (c)

VOLUNTARY HOMES AND VOLUNTARY ORGANIZATIONS

PART I- REGISTRATION OF VOLUNTARY ORGANIZATION

General

1-(1) An application for registration under this paragraph shall:-

(a) be made by the person intending to carry on the home to which the application relates; and

(b) be made in such manner, and be accompanied by such particulars, as the Commissioner may prescribe.

(2) On an application duly made under sub-paragraph (1) of this paragraph, the Commissioner may:-

(a) grant or refuse the application, as he thinks fit; or
grant the application subject to such conditions as he/she 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/she may cancel the registration of the home and remove it from the register.

(5) A person, who, is without reasonable excuse, carries on a voluntary home in contravention of:-
(a) section 199 of this law; or
(b) a condition to which the registration of the home is for the time being by virtue of this Part of this schedule, commits an offence.

(6) A person convicted of an offence under this paragraph is liable on summary conviction to a fine not exceeding:
(a) one thousand naira, if his offence is under Sub-paragraph (5) (a) of the paragraph ;or
(b) five hundred naira, if it is under sub-paragraph (5) (b) of this paragraph.

(7) Where the Commissioner registers, a home under this paragraph, or cancel the registration of a home, he/she shall notify the State Government.

Procedure

2-(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 written notice of his proposal and of the conditions subject to which he proposes to grant the application

(2) The Commissioner needs not give notice if he/she proposes, to grant the application subject only to conditions which:
(a) the applicant specified in the application ;or
(b) the Commissioner and the applicant have subsequently agreed.

(3) Where the Commissioner proposes to refuse such an application he shall give notice of his/her proposal to the applicant.

(4)The Commissioner shall give any person carrying on a voluntary home notice of a proposal to:-
(a) cancel the registration of the home; or
(b) vary any condition for the time being in force with respect to the home by virtue of paragraph 1 of this schedule; or
(c) impose any additional condition.

(5) A notice under this paragraph shall give the commissioner's reasons for his proposal.

Right to make Representations

3-(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) a person on whom the notice was served has made representation to him concerning the matter; or
(b) the period during which any such person could have required the Commissioner to give him/her an opportunity to make representation has elapsed without the Commissioner being required to give such an opportunity or;
(c) the condition specified in sub-paragraph (3) of this paragraph are satisfied.

(3) Referred to in sub-paragraph (2) (c) of the paragraph are that:-
(a) a person on whom the notice was served has required the Commissioner to give him the opportunity to make representation to the Commissioner;
(b) the Commissioner has allowed him a reasonable period to make his representation; and

(c) he/she has failed to make them within that period

(4) The representation may be made, at the option of the person making them, in writing or orally.

(5) If the person informs the Commissioner that he/she desires to make oral representation, the Commissioner shall give him an opportunity of appearing before, and of being heard by, a person appointed by the Commissioner.

Decision of Commissioner

4-(1) If the Commissioner decides to adopt the proposal, he/she shall serve notice in writing of his/her decision on any person on whom he/she was required to serve notice of his/her 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 the Schedule; and

(b) if an appeal is brought, until it is determined or abandoned.

Appeals

5-(1) An appeal against a decision of the Commissioner under Part XVII of this Law shall lie to the court at the High Court level.

(2) An appeal shall be brought by notice in writing given to the Commissioner.

(3) No appeal may be brought by a person more than twenty-eight days after service on him of notice of the decision

(4) On an appeal, the court may confirm the Commissioner's decision or direct that it shall not have effect.

(5) The court shall also have power on an appeal 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 effect with respect to the home.

Notification of particulars with respect to voluntary homes

6(1) It shall be the duty of the person in charge of any voluntary home established after the commencement of this Law to send to the Commissioner within three months from the establishment of the home such particulars with respect to the home as the Commissioner may prescribe

(2) It shall be the duty of the person in charge of any voluntary home (whether established before or after the commencement of this Law) to send to the Commissioner such particulars with respect to the home as may be prescribed.

(3) The particulars shall be sent :–

(a) in the case of a home established before the commencement of this Law, in every year or

(a) in the case of a home established after the commencement of this Law, in every year subsequent to the year in which particulars are sent under sub-paragraph (1) of this paragraph by such date as the Commissioner may prescribe.

(4) Where the Commissioner by regulations varies the particulars which are to be sent to him under sub-paragraph (1) 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 sub paragraph (4) (a) of this paragraph shall be sufficient compliance with the requirement of sub- paragraph (1) of this 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 sub-paragraph (4) (a) of this paragraph by the person in charge of any voluntary home shall be sufficient compliance with the requirement of sub-paragraph (2) of this paragraph to send the prescribed particulars before the prescribed date in that year.

(5) If the person in charge of a voluntary home fails, without reasonable excuse, to comply with any of the requirements of this paragraph he commits an offence.

(6) Any person convicted of an offence under sub-paragraph 5 is liable on summary conviction to a fine not exceeding two thousand five hundred naira or imprisonment for a term not exceeding three months or both such fine and imprisonment.

PART II – **REGULATIONS AS TO CONDUCT OF VOLUNTARY HOMES**

7-(1) The Commissioner may make regulations :–

(a) as to the placing of children in voluntary homes;

(b) as to the conducting 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 premises used for the homes are to confirm;

(b) impose requirement as to the accommodation, staff and equipment to be provided in the home, 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 for 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

(ii)) other persons connected with the children, to visit and communicate with the children;

(e) authorize 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 requirement, as to the facilities which are to be provided for giving religious instruction to children in the voluntary homes;

(i) require notice to be given to the Commissioner of any change of the person carrying on or in charge of a voluntary home or of the premises used by the home.

(3) The regulations may provide that a contravention of, or failure to comply with, any specified provision of the regulations wthout 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.

Disqualification

8. The Commissioner may by regulations make provision with respect to the disqualification of persons in relation to voluntary homes of a kind similar to that made in relation to children's homes by section 204 of this Law.

TENTH SCHEDULE

Section 198(8)

REGISTERED CHILDREN'S HOMES

PART I – REGISRATION

Application for registration

1-(1) An application for the registration of a children's home shall be made:

(a) by the person carrying on, or intending to carry on, the home; and

(b) to the State Government.

(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 Government may determine.

(3) If the State Government 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 appear 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 Government shall comply with any prescribed requirement.

(5) Regulations made for the purpose of sub-paragraph (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 Government 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 Government is not satisfied as mentioned in sub-paragraph (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 Government shall be deemed to have been refused by it, and the applicant shall be deemed to have been notified of its refusal at the end of that period.

(9) Where a school to which section 198 of this Law applies is registered, it shall not cease to be a registered children's home by reason only of a subsequent change in the number of children for whom it provides accommodation.

Conditions imposed on regulation

2-(1) The State Government may grant an application for registration subject to such conditions relating to the conduct of the home as it thinks fit.

(2) The State Government 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) Imposed 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/she 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.

Annual review of registration

3-(1) In this Part of this schedule, "the responsible authority", in relation to a registered children's home means the State Government which registered the children's home.

(2) The responsible authority for a registered children's home shall, at the end of 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 canceled 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 sub-paragraph (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 Sub-paragraph (3) of this paragraph and the notice shall require him to pay to the responsible authority with respect to the reviews such reasonable fee as the responsible authority may determine.

(5) It shall be a condition of the home's continued registration that the fee is so paid before the expiry of the period of twenty-eight days beginning with the date on which the notice is received by the person carrying on the home.

Cancellation of Registration

4 - (1) The person carrying on a registered children's home may at any time make an application, in such manner and including such particulars as may be prescribed, for the cancellation by the 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 198(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, other wise than in accordance with the relevant requirements, it may determine that the registration of the home should be cancelled.

(4) The responsible authority may at any time determine that the registration of a home should be cancelled on the ground –

(a) that the person carrying on the home has been convicted of an offence under this part of this Law or any regulation made under paragraph 10 of this schedule; or

(b) that any other person has been convicted of such offence in relation to the home.

Procedure

5-(1) Where :–

(a) a person applies for registration of a children's home; and

(b) the State Government proposes to grant his application, it shall give him written notice of its proposal and of the conditions (if any) subject to which it purposes to grant his application.

(2) The responsible authority need not give notice if it proposes to grant the application subject only to conditions 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 of a proposal to refuse his application.
(4) The responsible authority shall give any person carrying on a registered children's home notice of a proposal:–
(a) to cancel the registration;
(b) to vary any condition for the time being in force with respect to the home by virtue of part XVII of this Law; or
(c) to impose any additional condition.
(5) A notice under this paragraph shall give the responsible authority reasons for its proposal.

Right to make representations

6-(1) A notice under paragraph 5 of this schedule shall state that within fourteen days of service any person on whom it is served may in writing require the State Government 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 Government shall not determine the matter until:-
(a) any person 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 Government 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 sub- paragraph (3) of this paragraph are satisfied.
(3) The conditions referred to in sub-paragraph (2) (c) of this paragraph are;-
(a) that a person on whom the notice was served has required the State Government to give him an opportunity to make representations to it concerning the matter;
(b) that the State Government 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 Government that he desires to make oral representations, that State Government shall give him an opportunity of appearing before and of being heard by its committee or sub-committee.

Decision of the State Government

7-(1) If the State Government 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 a state Government, other than a decision to grant an application for registration, subject only to such considerations as are mentioned in paragraph 5(2) of the schedule or to refuse an application for registration, shall not take effect.;
(a) If no appeal is brought, until the end of the period of twenty eight days referred to in paragraph 8(3) of this schedule; and
(b) If an appeal is brought, until it is determined or abandoned.

Appeals

8-(1) An appeal against a decision of the 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 State Government.

(3) No appeal shall be brought by a person more than twenty-eight days after service on him/her of notice of the decision.
(4) on appeal, the court may confirm the State Government's decision or direct that it shall not have effect.
(5) A court shall also have power on appeal:
(a) to vary any condition in force with respect to the home to which the appeal relates by virtue of paragraph 2 of this schedule;
(b) to direct that the condition shall cease to have effect; or
(c) to direct that any such condition as it thinks fit shall have effect with respect to the home.
(6) The State Government shall comply with any direction given by a court under this paragraph.

Prohibition of further applications

9-(1) where an application for the registration of a home is refused, no further application may be made within the period of six months beginning with the date when the applicant is notified of the refusal.
(2) Sub-paragraph (1) of this paragraph shall have effect, where an appeal against the refusal of an application is notified of the refusal were a reference to the date on which the appeal is determined or abandoned.
(3) Where the registration of a home is cancelled, no application for the registration of the home shall be made within the period of six months beginning with the date of cancellation.
(4) Sub- paragraph (3) of the paragraph shall have effect, where an appeal against the cancellation of the registration of a home is determined or abandoned, as if the reference to the date of cancellation were a reference to the date on which the appeal is determined or abandoned.

PART II – REGULATIONS AND INTERPRETATION

10-(1) The commissioner may make regulations:–
(a) as to the placing of children in registered children's homes;
(b) as to the conduct of the homes; and
(c) for securing the welfare of the children in the homes.
(2) The regulations may in particular :
(a) prescribe standards to which the premises used for the homes are to conform;
(b) imposed requirements as to the accommodation, staff and equipment to be provided in the homes;
(c) impose requirements as to the arrangements to be made protecting the health of children in the homes;
(d) provide for the control and discipline of children in the homes;
(e) require the furnishing to the responsible authority of information as to the facilities provided for:
(i) the parents of the children in such homes;
(ii) persons who, though not parents of the children, have parental responsibility for those children, and
(iii) other persons connected with the children, to visit and communicate with the children;
(f) imposed requirements as to the keeping of records and giving of notices with respect to children in the homes;
(g) impose requirements as to the facilities which are to be provided for giving religious instruction to children in the homes;
(h) make provision as to the carrying out of annual reviews under paragraph (3) of this schedule;
(i) authorized 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;

(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 of the premises used by the home;
(l) make provision similar to that made by regulations under section 181 of this Law.

(3) The regulations may provide that a contravention of or a failure to comply with any specified provision of the regulations, without reasonable excuse, constitutes an offence against the regulations.

(4) A person who commits offence under this paragraph is liable on summary conviction to a fine not exceeding two thousand five hundred naira or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

11. In this schedule:–

"relevant requirements" means any requirements of Part XVIII of this Law and of any regulations made under paragraph 10 of this schedule, and any conditions imposed under paragraph 2 of this schedule;

"responsible authority" in relation to a registered children's home means the state Government which registered the children's home.

ELEVENTH SCHEDULE

Section 275

FORMS IN RELATION TO PART 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 known by the name of .....whose description appears below be taken to ..... and be there

(Name of institution or person)

Detained in the custody and care of –

.....subject to the provision of this Law.

(the person in charge of the said institution or the name of the said person)

This committal order shall remain in force from the date thereof up to and inclusive of the ..... day of.....20 .....

Description

Name ..... Sex..... Age .....

Tribe or Community .....

Name and address of Father .....

Name and address of mother .....

Description of child .....

Reason for issue of committal order .....

Dated this ..... Day of ..... 20.....

Judge .....Division/Level

Magistrate .....District/Level

Confirmed this ..... Day of ..... 20 .....

.....
Judge/Magistrate

.....
* Delete as required

2. GENERAL TITLE FORM

IN THE FAMILY COURT OF ..... DISTRICT HIGH COURT/MAGISTRATE/LEVEL

Case No ..... 20 .....

Between ..... Complainant/ Applicant and .....Defendant / Respondent

3. FORM FOR WARRANT FOR APPREHENSION OF CHILD

(General Title –Form 2)

..... Complaint on oath been made on the..... Day of ....., by..... ...CD .. .. that AB, a child, on the ..... day of ....., 20 ..... at .....in the Judiciary Division/Magistrate District aforesaid did/has been/is*.....

* State the substance of the offence or the description as mentioned in section 159 or 160

You are therefore hereby commanded to bring the said AB before the Family Court aforesaid sitting at ..... forthwith to answer the said complaint.

Dated this ..... Day of ..... 20 .....

.....
Magistrate.

4. FORM FOR REMAND AND COMMITAL TO STATE ACCOMMODATION AND APPROVED INSTITUTIONS

Sections 250, 251, 252,and 253

(General Title – Form 2)

To ..... and to the person/officer in charge of the approved institution at..... herein after called the place of detention.

AB hereinafter called the defendant, being a child brought before the aforesaid Family Court sitting at ..... charge with having .....

* *State the substance of the offence*.....

The hearing of the case being adjourned.

You, the said Police Officer, are hereby commanded to convey the defendant to the place of detention, and there to deliver him/her to the person/officer in charge thereof together with this warrant, and 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 Officer, is required to convey him/her before the aforesaid Family Court sitting at ..... The hour of ..... In the ..... Noon, to be further dealt with according to Law, unless otherwise ordered in the meantime.

Dated this ..... day of ..... 20 .....

.....
Judge/Magistrate

5. FORM FOR SUMMONS FOR ATTENDANCE OF PARENT OR GUARDIAN

Section 219 (2)

(General Title -Form2)

To CD of .....

AB, a child of whom you are stated to be the Parents/Guardian is charge for that he/she on the ..... day of ..... 20..... at .....

In the .....Judiciary 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

6. FORM FOR NOTICE TO PARENT OR GUARDIAN: CARE OR PROTECTION

(GENERAL TITLE – FORM 2)

To CD of ..... the parent/ guardian of AB, a child. Take notice that AB, a child is to be brought before the Family Court sitting at ..... on ..... day, the ..... day of ....., 20 ....., at the hour of ..... In the .....noon, by virtue of the provisions of section ..... of the children Law on the ground that .....

* State the ground of application, and that you are warned to attend to the said court during all the stages of the proceedings.

Dated this ..... day of ..... 20 .....

.....
Police Officer/ Authorized Officer

Note – A copy of this notice is to be sent to the registrar of the Family Court.

7. FORM FOR SUMMONS TO PARENT TO CONTRIBUTE:

Section 55

(GENERAL TITLE – FORM 2)

To ..... of ..... Compliant has been made this day by ..... that you are the father/mother/step-mother/step-father (or person co-habiting with the mother) of AB, a child (a person in whose care and custody AB, a child, has been residing for two years immediately prior to the ..... Day of ..... 20 .....), said AB, and that on the (said) ..... day of ..... 20 ..... a committal order was accordingly made whereby the said AB was committed to ..... A Government Accommodation/ or to the care of CD.

You are therefore summoned to appear before the family court sitting ..... on ..... The day of ..... 20 ..... at the hour of ..... in the .....noon, to show cause why an order should not be made requiring you to contribute such monthly sum as the court, having regard to your means thinks fit dated this ..... day of .....20 .....

.....

Magistrate

8. FORM FOR DISPOSAL PENDING OPERATION OF COMMITTAL ORDER

Section 52 and 53

(GENERAL TITLE – FORM 2)

To ..... and to the person/officer in charge of the Approved Institution at (or to CD of .....) AB a child having been ordered by ..... sitting at ..... on the ..... Day of ..... 20 ..... to be sent to an Approved Institution, and the operation of such committal order being postponed.

It is ordered that AB be taken to the Approved Institution or to the custody of the said CD at ..... and be there or by him/her to the person in charge thereof or to the CD together with this warrant and you, the person/officer in charge of the said Approved Institution the said CD to receive him/her into custody and detain him/her as aforesaid.

Dated this ..... Day of ..... 20.....

.....

Judge/Magistrate

9. FORM FOR RECOGNIZANCE UNDER SUPERVISION ORDER

Section 246.

(GENERAL TITLE – FORM 2)

The undersigned principal party to this recognizance hereby binds himself/herself to perform the following obligations at all times during a period of ..... from the date hereof –

(To be of good behaviour)

To be and remain under the supervision of AB (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 AB of Supervision Officer): (and such further conditions as the case may require).

And the said Principal Party (together with the undersigned surety (or sureties) hereby acknowledges himself/herself (acknowledge themselves) bound to forfeit to the Governor the sum(s) following – the said Principal Party the sum of N : (and the said surety (or Sureties) the sum of N : (each) in the case the said Principal Party fails to perform the above obligations or any party thereof.

Principal Party .....

Surety .....

Taken before me at ..... This ..... day of ..... 20.....

....

Sworn interpreter Judge/Magistrate

10. FORM FOR NOTICE OF CHANGE OF SUPERVISION OFFICER:

SUPERVISION OFFICER

Section 242.

(GENERAL TITLE – FORM 2)

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 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 recognizance entered into by you thereupon.

Dated this ..... Day of .....20.....

.....

Judge/Magistrate

FORM A

This printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

.....
Mazi Orie Oji
Clerk of the House of Assembly
Abia State of Nigeria.

***DATED** this ..... day of 2006*

FORM B

I ASSENT

LS

.....
Dr Orji Uzor Kalu
Governor
Abia State of Nigeria

DATED this ..... day of 2006

FORM C

I WITHHOLD MY ASSENT

LS

.....
Dr. Orji Uzor Kalu
Governor
Abia State of Nigeria

DATED this ..... day of ....., 2006

FORM D

This Bill to which the Governor has by a letter Reference No. ..... dated the ..... day of ....., 2006 signified the Withholding of his Assent, has again been passed by the House of Assembly by a two-third majority this ..... day of ....., 2006

.....
Mazi Orie Oji
Clerk of the House
Abia State House of Assembly

DATED at Umuahia this ..... day of ....., 2006

FORM E

Assented to on the ..... day of ....., 2006

OR

Passed by the House of Assembly by a two-third majority this ..... day of ....., 2006

This printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly and found by me a true and correctly printed copy of the Bill.

.....
Mazi Orie Oji
Clerk of the House
Abia State House of Assembly

Dated ..... day of ....., 2006

SCHEDULE

FORM A

This printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

.....

Mazi Orie Oji
Clerk of the House of Assembly
Abia State of Nigeria.

DATED this 19TH *day of* OCTOBER *2006*

FORM B

I ASSENT

LS

.....

Dr Orji Uzor Kalu
Governor
Abia State of Nigeria

DATED this.. 13 *day of* 12 .....*2006*