

JIGAWA STATE OF NIGERIA

CHILD PROTECTION LAW

LAW NO. 06, 2021

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A LAW TO PROVIDE FOR THEWELFARE AND PROTECTION OF CHILDREN FROM VIOLENCE, NEGLECT AND MALTREATMENT IN JIGAWA STATE

ENACTED by the Jigawa State House of Assembly:

PART I
PRELIMINARY

1. This Law may be cited as Child Protection Law, 2021. — Short Title

2. This Law shall come into operation on the 22nd day of December 2021. — Date of Commencement

3. In this Law: — Interpretation

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

"act" includes an omission;

"Age of criminal responsibility" means no act is an offence which is done by a child under 7 years of age; by a child above 7 years of age but under 12 years of age who has not attained sufficient understanding to judge the nature and consequence of such act;

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

"appropriate authority" means the State Government, persons, or body of persons having the responsibilities for the welfare of children protected under this Law;

"appropriate education authority" means the Ministry of Education of the State or the Local Education Authority of a local government area;

"approved accommodation" means any accommodation provided in the State or any other body for the welfare of a child as provided under this law;

"approved institution" shall include a children attendance centre, a children centre, a children residential centre, a special children's correctional centre and special mothers' centre;

"Care Order" means an order placing a child in care of a designated person, authority or the State Government.

"child" means a person who has not attained the age of 18;

"Child Assessment Order" means an order made by the Government for the protection of the child's welfare as provided under this Law;

"Child Fostered Privately" means a child who is cared for and provided accommodation by a person other than a parent or any other person who has parental responsibilities for the child or a relative of the child;

"Child Minder" means the person who looks after a child for a specific period of not less than two hours;

"child of the family" in relation to the parties to a marriage, means:

(a) a child of both those parties; or
(b) any other 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 a home which provides or usually provides or is intended to provide care and accommodation wholly or mainly for more than three children at one time;

"Child in Need of Special Protection Measures" includes a child who is mentally or physically disabled and a street child;

"Child With Special Needs" means a child who has been certified to have a mental challenge due to circumstances of birth, accident, environment, heredity resulting in reduction of function which affects the child's learning processes, vocational skills acquisition and job performance;

"Commission" means the National Population Commission;

"Commissioner" means Commissioner charged with responsibility for matters relating to children in the State;

"Community home" means accommodation provided, equipped and maintained by the State Government or any other organization for the welfare of the child;

"Comptroller-General" means the Comptroller-General of the Nigeria Correctional Services;

"Court" means the designated Family Court at the High Court, Magistrate Court and Shari'a Court levels exclusively charged with the responsibility of adjudicating on matters under this Law ;

"Domestic Premises" means any premises in which child minding or day care for children is carried on;

"Director" means the State Director responsible for matters relating to children in the Ministry;

"Education Supervision Order" means an order given by a Court putting the child under the supervision of the designated education authority;

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

"Emergency Protection Order" means an order given by the Court to the State Government or an appropriate authority in respect to a child;

"Emotional Violence" means being subjected to any act or treatment which may diminish the sense of identity, dignity and self-worth in a clear and consistent pattern in an effort to demean; it also includes threat to life or to inflict injuries or other kinds of harm, which causes significant emotional distress to the child.

"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 and has been living;

"Fit and Proper Person" includes an appropriate authority;

"Fostering" means taking custody of a child for a period of time without becoming the child's legal parent.

"Foster Parent" means a person, with whom children are placed, from time to time by an appropriate authority or voluntary organization;

"Function" includes powers and duties;

"Government Hospital" means a hospital established or managed by the State or Local Government;

"Governor" means the Governor of Jigawa State;

"Government Accommodation" means accommodation provided by or on behalf of the State or Local Government for the welfare of the child;

"Harm" means ill-treatment or the impairment of physical, mental, intellectual, emotional, or behavioral health or development;

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

(a) the commission of crimes; or

(b) acts of violence or cruelty; or

(c) incidents of a repulsive or horrible nature; or

(d) acts or words of an immoral nature ; or

(e) obscene and indecent representations, in such a way that the work as a whole would tend to corrupt or deprave a child into whose hands it may fall;

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

"Independent School" means a privately owned school;

"Legal Guardian" means a person who is the guardian of a child by virtue of the provision 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;

"Ministry" means Ministry charged with responsibility for matters relating to children in the State

"Parental Responsibility" means all the rights, duties, power, responsibilities and authority which by Law, a parent of a child has in relation to the child and his property; and

"Parental Responsibility Order" means an order taking to bear the responsibilities of the child as ordered in the Court;

"Person Authorized 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 the enquiries, or

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

"Prohibited Steps Order" means an order that no step, which could be taken by a parent in meeting his parental responsibility for a child and which is of a kind specified in the order shall be taken by any person without the leave of the Court;

"Photographic Film" include photographic plate;

"Photographic Plate" means any plate treated as to reproduce or intended to reproduce an image of a subject when photographed;

"Child with disability" means a child who has been certified to have a physical or mental form of disability due to circumstances of birth, accident, environment, heredity resulting in reduction of function which affects the child's learning processes, vocational skills acquisition and job performance;

"Physical Violence" includes physical acts of violence such as punching, kicking, beating with or without any object, choking, smothering, trying to drown, burning intentionally or using or threatening to use a gun, knife or other weapons regardless of whether or not it resulted in obvious physical or mental injury;

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

"Registered Children's Home" means an accommodation registered under this Law for the caring of a child;

"Relative" in relation to a child, means a grandparent, brother, sister, uncle, aunt, niece, nephew and cousin whether of the full blood or half blood or by affinity or step-parent;

"Residence Order" means an order made by a court conferring residential rights on a child in respect of a named premises for a specified period;

"Responsible Person" in relation to a child is a person who has parental responsibilities for the child or any other person with whom the child is living;

"Scientific Sample" means any blood, tissue or any other sample taken for the purpose of conducting a scientific test;

"Scientific Test" means any test carried out with the object of ascertaining the inheritable characteristics of blood, tissue or any other sample;

"School" has the meaning assigned to it in the Education (National Minimum Standards and Establishment of Institution) Act, 1985;

"Secure Accommodation" means accommodation which is provided in a Community home for the purpose of restricting the movement of the child;

"Sexual Offence" means the intentional and unlawful touching, striking or causing of bodily harm or fear to a child in a sexual manner and includes having sexual intercourse or conducting any sexual act with a child by any means;

"Signature or signed" includes the making by a person of his mark;

"Skin Mark" means any ethnic or ritual cuts on the skin which leaves permanent marks;

"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) on an application for a care order or supervision order;

(b) in which the Court has given a direction or is considering whether to make an interim care order;

(c) on an application for the discharge of a care order or the variation or discharge of a supervision order;

(d) 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;

(e) with respect to a contract between a child who is the subject of a care order and any other person

(f) on an appeal against:

(i) the making of, or refusal to make a care order, supervision order or any order under 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

"Street Child" includes:

(a) a child who is homeless and forced to live on the streets, in market places and under bridges; and

(b) a child who, though not homeless, is on the street engaged in begging for alms, child labour, prostitution and criminal activities which are detrimental to the well-being of the child;

"Supervised Child" in relation to a supervision order or an education supervision order, means respectively the child who is, or is to be under the supervision is, or is likely to be, by virtue of the order;

"Supervision Inspection Service" means an Inspector appointed to inspect and report to the Commissioner on the activities of supervision service;

"Supervision Order" means an order placing a child with respect to whom an application is made in the care of a person, appropriate authority or the State Government;

"Voluntary Home" means any home or other institution providing care and accommodation for children which is managed by a voluntary organization

"Voluntary Organization" means a body other than a public or State Government whose activity is not carried on for profit making;

PART II

BEST INTEREST OF A CHILD TO BE OF PARAMOUNT CONSIDERATION IN ALL ACTIONS.

Best interest of the child to be of paramount importance

4. 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.

Children entitled to protection and care

5. (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, organisation and body responsible for the care or protection of children shall conform with the standards established by the appropriate authorities, particularly in the areas of safety, health, welfare, number and suitability of their staff and competent supervision.

PART III

PROTECTION OF THE RIGHTS OF A CHILD

Application of Chapter IV of the 1999 Constitution

6. The provisions in Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) or any successive constitutional provisions relating to Fundamental Rights, shall apply as if those provisions are expressly stated in this Law.

Right to survival and development

7. Every child has a right to survival and development.

Right to name

8. (1) Every Child has a right to a good name, which shall be given at birth or on such other date as is dictated by the religion or culture of his parents or guardian.

(2) The birth of every child shall be registered in accordance with the provisions of the Births, Deaths, etc (Compulsory Registration) Act Cap B9 LFN 2004 or any other lawinforce.

Freedom of association and peaceful assembly

9. Every child has a 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.

10. Subject to the religion or culture of the parent or legal guardian:

Freedom of thought, conscience and religion

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

(2) Parents or 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 or 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.

11. (1) Every child is entitled to love and care by the family.

Right to private and family life

(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 subsection (1) and (2) of this section shall affect the right of parents or legal guardians to exercise reasonable supervision and control over the conduct of their children and wards.

12. (1) Every child is entitled to freedom of movement subject to parental control which is not harmful to the child.

Right to Freedom of movement

(2) Nothing in subsection (1) of this section shall affect the right of a parent, 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.

13. (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, status, religion or political opinion.

Right against discrimination

(2) No child shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

(3) Notwithstanding the provisions of sub-sections (1) and (2) of this section, the Islamic law of succession shall apply where the child is born to Muslim parents.

Right to dignity of the child

14. 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 abuse, neglect or maltreatment, including sexual abuse;

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

(c) subjected to attacks upon his honour or reputation; or

(d) held in slavery or servitude, while in the care of a parent, legal guardian or school authority or any other person or authority having the care of the child.

Rights to Leisure, Recreation and cultural activities

15. (1) Every child is entitled to rest and leisure and to engage in play, sports and recreational activities appropriate to his age, subject to parental guidance and control which conforms to societal values.

(2) Every child is entitled to participate in the cultural and artistic activities of his immediate community and beyond subject to parental guidance and control.

Right to healthcare services

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

(2) The State Government shall:

(a) endeavour to reduce infant and child mortality rate;

(b) ensure access to health care services to all children with emphasis on the development of primary health care;

(c) ensure access to adequate nutrition and safe drinking water;

(d) ensure access to 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.

(3) Every parent, legal guardian or person having the care and custody of a child under the age of five years shall ensure that the child is provided with full immunization.

(4) Every parent, legal guardian or person having the care of a child who fails in the duty imposed on him under subsection (3) of this section commits an offence and is liable for:

(a) a first offence, to community service or a fine of not less than five thousand Naira; (₦5,000.00) and

(b) a second or any subsequent offence, whether in respect of that child or any other child, to community service or to a fine of five thousand Naira.

(5) The court may make, in substitution for or in addition to any penalty stipulated under subsection (4) of this section, an order compelling the parent or legal guardian of a child to get the child immunized.

Right to parental care, protection and maintenance

17. (1) Every child has a right to parental care and protection, accordingly, no child shall be separated from his parents except:

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

(b) in the exercise of a judicial determination in accordance with the provisions of this Law in the best interest of the child.

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

Right of a child to free, compulsory and universal primary education, etc

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

(2) Every parent or legal guardian shall ensure that his child or ward attends and completes his:

(a) primary school education;

(b) junior secondary education; and

(c) religious and moral education.

(3) Every parent, guardian or person who has the care and custody of a child who has completed his basic education, shall endeavor 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 parent or legal guardian shall support the child to learn an appropriate vocation or trade.

(5) A female child who becomes pregnant, before completing her education shall be given the opportunity, after delivery, to continue with her education.

(6) A parent, legal guardian or person who has care and custody of a child and fails in the duty imposed on him under subsection (2) of this section, commits an offence and is liable:

(a) on first conviction to be reprimanded and ordered to undertake community service; and

(b) on second conviction or any subsequent conviction to a fine of not less than five thousand Naira, (₦5,000.00) or imprisonment for a term of not less than two months or both.

(7) The provisions of this section shall not apply to children with mental disabilities.

Right of a child in need of special protection measure

19. (1) Every child who is in need of special protection measure has the right for such measures 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 unborn child to protection against harm, etc

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

(2) Where the father of an unborn child dies intestate, the unborn child is entitled, 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 a child

21. (1) No child shall enter into a contract, except as provided in this section.

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

(3) Accordingly:

(a) no action shall be brought against a child by a person after the child has attained the age of majority, to pay a debt contracted before majority or ratified on majority or any promise of contract made by the child before majority, whether or not there was new consideration for the promise 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.

(4) A child who is not below the age of 16 years may enter into a contract of employment, and shall be bound by it where it is for his general benefit.

Responsibilities of a child

22. (1) Every child has responsibilities towards his family and society.

(2) A child shall, subject to his age and ability:

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

(b) serve the State by placing his physical and intellectual abilities at its service;

(c) contribute to the moral well-being of the society;

(d) preserve and strengthen the independence and integrity of the State;

(e) respect the ideals of democracy, freedom, equality, humanness, honesty and justice of all persons;

(f) relate with other members of the society, with different cultural values in the spirit of tolerance, dialogue and consultation;

(g) contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of the State and national unity; and

(h) contribute to the best of his abilities, at all times and at all levels, to the solidarity of the people and the human race.

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

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

PART IV

PROTECTION OF THE CHILD AGAINST HARMFUL PRACTICES

Prohibition Tattoos and skin mark

24. (1) No person shall tattoo or make a skin mark or cause any tattoo or skin mark to be made on a person who has not attained the age of 18 years.

(2) A person who tattoos or makes a skin mark on a child commits an offence and is liable on conviction to community service or a fine of Five thousand naira or both.

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

25. (1) No person shall expose or involve a child in the use of narcotics and psycho-tropic substances;

(2) A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine of not less than Five Hundred Thousand Naira (₦500, 000.00) or imprisonment of not less than seven years or both.

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

(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 not less than Two (2) years.

27. (1) No person shall remove or take a child out of the custody or protection of his parents, legal guardian or such other person having lawful care or charge of the child against the will of the parents, legal guardian or other person. Abduction, removal and transfer from lawful custody

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

(a) where the child is unlawfully removed or taken out of the Federal Republic of Nigeria, to imprisonment for not less than Ten (10) years; or

(b) where the child is unlawfully removed or taken out of the State in which the father, mother or such other person who has lawful care of the child is ordinarily resident, to imprisonment for a term not less than Five (5) years.

28. (1) No person shall subject a child to emotional and physical violence. Violence against children

(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 not less than Two (2) years or fine of not less than (₦100,000.00) or both.

CHILD LABOUR

29. (1) Subject to this Law, no child shall be: Prohibition of exploitative labour

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

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

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

(2) No child below the age of 16 years shall be employed to 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 of not less than fifty thousand Naira, (₦50,000.00) or imprisonment for a term of five years or both.

(4) Where an offence under this section is committed by a body corporate, any person who at the time of the commission of the offence was a proprietor, director, general manager or other similar officer, servant or agent of the body corporate shall be deemed to have jointly and severally committed the offence and may be liable on conviction to a fine of not less than five hundred thousand (N500,000.00) Naira.

BUYING, SELLING OF CHILDREN, ETC. FOR THE PURPOSE OF PROSTITUTION, ETC.

Prohibition of dealing in children

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

(2) A child shall not be used:

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

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

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

(d) procured or offered for any activity in the production or trafficking of illegal drugs and any other activity relating to illicit drugs

(3) A person who contravenes the provisions of subsection(1) or (2) of this section commits an offence and is liable on conviction to imprisonment for a term of not less than Ten (10) years.

UNLAWFUL SEXUAL INTERCOURSE ETC.

Unlawful sexual intercourse with a child, etc

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

(2) A person who has sexual intercourse with a child commits an offence of rape and shall on conviction be punished with imprisonment for life and where the child is under the age of ten years the offender shall on conviction be punished with death.

32. Where a person is charged with an offence under section 31, 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 exploitation

33. (1) A person who exploits a child in any other form or way not already mentioned in this Law which is prejudicial to the welfare of the child commits an offence.

(2) A person who commits an offence under subsection (1) of this section is liable on conviction to a fine not less than one hundred thousand Naira, (₦100,000.00) or imprisonment to a term of not less than five (5) years, or both.

PROHIBITION OF RECRUITMENT OF CHILDREN INTO ARMED GROUP

Prohibition of recruitment of children into Armed Groups

34. (1) No child shall be conscripted into any armed group, gang of armed robbers or kidnappers or other non-State actors.

(2) The Government or any other relevant agency or body shall ensure that no child is involved in any armed group.

HARMFUL PUBLICATION

Prohibition of importation of harmful publication

35. (1) No person shall circulate or distribute any harmful publication under this Law.

(2) A person who transports, circulates or distributes any harmful publication to a child commits an offence and is liable on conviction to a fine of not less than five hundred thousand Naira,

(₦500,000.00) or imprisonment for a term of not less than three (3) years or both.

(3) A corporate body that imports, distributes or otherwise make available any harmful publication to a child commits an offence and is liable on conviction to a fine of not less than three million Naira, (₦3,000,000.00) and shall be banned from publishing for a period of not less than one (1) week.

Penalty for harmful publication

36. (1) A person who:

(a) prints, publishes, sells or lets on hire any harmful publication to a child; or

(b) has in his possession for the purpose of selling or letting on hire any harmful publication to a child, commits an offence and is liable on conviction to a fine of not less than one million Naira, (₦1,000,000.00) or imprisonment for a term of not less than five (5) years or both

(2) A corporate body that:

(a) prints, publishes, sells or lets on hire any harmful publication; or

(b) has in its 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 not less than five million Naira, (₦5,000,000.00) and sanctioned to stop publication for not less than one (1) year.

(3) 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 warrant of arrest, summons, search, etc. for harmful publications

37. (1) Where an information is brought before a court that a person has committed or is suspected of committing an offence under Section 35 or 36 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 or any other law enforcement agent named therein to enter (if necessary by force) any premises specified in the warrant and any vehicle, or shop or stall used by the said person for the purpose of any trade or business, and to search the premises, vehicle, shop or stall.

(3) The police officer or any other law enforcement agent 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 or any other law enforcement agent has reasonable cause to believe to be harmful publication; and

(b) any plate or photographic film which the police officer or any other law enforcement agent 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.

38. (1) The Court before which a person is convicted of an offence under Section 35 or 36 of this Law may order for any copy of the harmful publication and any plate or photographic film prepared for the purpose of printing the harmful publication found in the possession of the convicted person under his control, to be forfeited.

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

(3) No order made under subsection (1) of this section by a Magistrate 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 of the harmful publication if he so wishes.

MISCELLANEOUS

Removal of jurisdictional limitation of magistrates, etc

39. 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 the Law are tried shall have the full jurisdiction, powers to impose up to the maximum penalties prescribed for the offences created in this part of the Law.

Application of criminal law provisions

40. All criminal law provisions securing the protection of the child, whether born or unborn, shall continue to apply and is hereby adopted for the protection of the child by this Law, notwithstanding that the provision has not otherwise been specifically provided for by this Law.

PART V

PROTECTION OF CHILDREN

Abduction of children in care, etc

41. (1) A person who knowingly and without lawful authority or reasonable cause:

(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 less than seventy thousand Naira, (₦70,000.00) or imprisonment for a term of not less than three (3) years or both.

Refuge for children at risk

42. (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 the 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 harboring of a child who has absconded from residential establishment; 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 provision as to the manner in which the certificate may be issued;

(b) impose conditions which shall be complied with while a certificate is in force; and

(c) provide for the withdrawal of certificates in prescribed circumstances.

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

43. (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;

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

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

(d) if found destitute, has both parents or his surviving parent, undergoing imprisonment or mentally incapacitated or other-wise severely incapacitated;

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

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

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

(h) is found begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise or is found in any street, premises or place for the purpose of begging or receiving alms;

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

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

(k) is lodging or residing in a house or the part of a house used by a prostitute for the purpose of prostitution, or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the child;

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

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

(n) is otherwise 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 legal 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 person whether a relative or not, who is willing to undertake the care of the child; or

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

(iii) make an order placing the child for a specified period, not exceeding three years under supervision of a supervision officer, or of some other person appointed for the purpose by the Court.

(4) A child shall not be deemed to come within the scope of paragraph (j) of subsection (1) of this section, if the only common 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 assistance;

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

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

(d) hawking or street trading; or

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

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

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

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

Make order where parent or guardian is unable to exercise control

44. 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 his consent 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

45. (1) Where the 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 persons referred to in subsection (1) of this section are:

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

(b) a person who is married with the mother or step-mother of the child, whether or not he is the supposed father of the child; or

(c) the person in whose care and custody the child has been during the two years immediately preceding the date of the order of committal.

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

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

(5) The Court which has the jurisdiction over the place in which the person or persons liable to make contribution may, at any time, on the application of the person or persons or on 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 deem just.

PART VI

CARE AND SUPERVISION

Care and supervision order,

46. (1) The Court may, on the application of the State Government, an 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 the State Government;

(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) A 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 so do; and

(b) before making the application, consult the State Government 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 order is being made.

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

Application for order for disposal under this part

47. (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 direction as it considers appropriate for the purpose of ensuring, so far as is reasonably practicable, that the timetable is adhered to.

(2) A court may by rules:

(a) specify the period within which specified steps must be taken in relation to the proceedings; and

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

48. (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. Effect of care order

(2) Where a care order has been made on the application of an authorized person, and the State Government 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 affected 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 the circumstances of the case for the purpose of safeguarding or promoting the welfare of the child.

(6) While a care order is in force with respect to a child, the State 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; or

(ii) appoint a guardian for the child.

(7) While a care order is in force with respect to a child, no person shall:

(a) cause the child to be known by a new surname; or

(b) remove the child from the State of jurisdiction without either the written consent of every person who has parental responsibility for the child or the leave of the Court.

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

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

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

(9) Where a care order is made with respect to a child, it discharges any contact order, a prohibited steps order, a residence order or a specific issue order that may have been made previously.

(10) The making of a care order with respect to a child who is:

(a) the subject of a supervision order, discharges the supervision order;

(b) a ward of court, brings that ward ship to an end; and

(c) the subject of a school attendance 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 63 or 72 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 agreement under section 64 of this Law and appointment under sections 77 or 78 of this Law, shall continue in force until the child attains the age of eighteen, unless it is brought to an end earlier.

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

(15) Subject to this Law, an order made under this section shall, if it would otherwise continue in force, cease to have effect when the child attains the age of eighteen years.

(16) Where an order under this section has effect with respect to a child who has attained the age of sixteen, it shall, if it would other-wise 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;

(b) the discharge of a supervision order;

(c) the discharge of an education supervision order; or

(d) the substitution of a supervision order for a care order; or

(e) a child assessment order,

no further application of a kind mentioned in 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 application made in relation to interim orders.

Leave of court required for fresh application

49. (1) Where:

(a) an application made for an order under section 50 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.

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

Parental contacts, etc with children in care

50. (1) The State Government or an appropriate authority, shall, subject to the provision of this section, allow a child under its care, reasonable contact with:

(a) the parents of the child;

(b) the legal guardian of the child;

(c) a person in whose favour a residence order was previously made immediately before a care order was 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 to 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 paragraph (a) to (c) 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 to refuse to allow contact between the child and a person who is mentioned in paragraph (a) to (c) of subsection(1) of this section and named in the order.

(5) When making a care order in any family proceeding in connection with a child who is in the care of a 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 declared 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:

(a) the court shall, before making a care order:

(b) consider the arrangement which the State Government or appropriate authority that has exercised its powers under subsection (7) of this section;

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

(d) the Commissioner may by regulations make provisions so as to:

(i) the steps to be taken by a State Government or an appropriate authority that has exercised its powers under subsection (7) of this section;

(ii) 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; and

(iii) notification by a State Government or an appropriate authority of any variation or suspension of arrangement made, otherwise than under this section, with a view to affording a person contact with a child to whom this section applies.

Duty of supervising while supervision orders are in force

51. (1) While a supervision order is in force the supervisor shall:

(a) advise, assist and be kind to 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 the Second Schedule to this Law shall apply with respect to supervision orders.

Education Supervision orders

52. (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 a 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 agrees.

(7) An appropriate education authority which proposes to make an application for an education supervision order shall, before making the application, consult the child services unit of the appropriate authority.

(8) The supplementary provisions set out in Part III of the Second Schedule to the Law shall apply with respect to education supervision orders.

Power of court where welfare of child is in question

53. (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.

(7) In this section, "the appropriate authority", means:

(a) the authority in whose State the child is ordinarily resident; or

(b) where the child does not reside in the State, the authority within whose State the circumstances arose in consequence of which the direction is being given.

54. (1) Where: Interim orders

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

(b) the court gives a direction under section 60 (1) of this Law, the Court may make an interim care order or an interim supervision order with respect to the child concerned.

(2) The Court shall not make an interim care order or interim supervision order under this section unless it is satisfied that there are reasonable grounds for believing that the circumstances with respect to the child are as mentioned in Section 53(2) of this Law.

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

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

(a) the expiry of the period of ten weeks beginning with the date on which the order is made;

(b) if the order is the second or is subsequent to an order made with respect to the same child in the same proceedings the expiry of the relevant period;

(c) in a case which falls within subsection (1) (a) of this section, the disposal of an application;

(d) in a case which falls within subsection (1) (b) of this section, the disposal of an application for a care order or supervision order made by the appropriate authority with respect to the child;

(e) in a case which falls within subsection (1) (b) of this section and in which the court has given a direction under section 63(1) of this Law, but no application for a care order or supervision order has been made with respect to the child, the expiry of the period fixed by that direction.

(5) Where the Court makes an interim care order or interim supervision order, it may give such directions, if any, as it considers appropriate with regard to the medical examination, including psychiatric examination, or other assessment of the child, but if the child has sufficient understanding to make an informed decision he may refuse to submit to the examination or other assessment.

(6) A direction under subsection (5) of this section may provide that there shall be:

(a) no examination or assessment; or

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

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

(a) given when the interim care order or interim supervision order is made or at any time while it is in force; and

(b) varied at any time on the application of any person falling within any class of persons prescribed by Rules of Court for the purposes of this section.

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

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

Discharge and variation, etc of care orders and supervision orders

55. (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 52(2) of this Law to be satisfied, at the time when the proposed order is substituted or made, shall be disregarded.

(6) The making of a residence order with respect to a child who is the subject of a care order discharges the care order.

Orders pending appeals in cases relating to care or supervision order

56. (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 such directions as the Court may deem fit to include in the order.

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

(5) Where:

(a) an appeal is made against any decision of a Court under this section; or

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

(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
USE OF SCIENTIFIC TEST IN DETERMINING PATERNITY OR MATERNITY OF A CHILD

57(1) Subject to the personal law of the parties, in any civil proceeding in which:

(a) the Paternity or Maternity of a Child falls to be determined by the Court hearing the proceedings; and

(b) other evidence is not sufficient to determine the parentage of the child,

(c) the Court may, on an application by a party to the proceedings, or on its own motion, make a directive for a Deoxyribonucleic Acid (DNA) or other medical test to be undertaken to determine the child's parentage.

(2) Where the Court orders a DNA test, a sample, as determined by the DNA testing body, shall be provided by the mother, any person claiming or denying paternity of the child.

(3) The DNA report shall include the following information -

(a) the names of the tested parties;

(b) the date and circumstances of the specimen collection for each tested party;

(c) the probability of paternity following a DNA test; and

(d) a statement of conclusion on Paternity.

(4) Where a report has been made to the Court under subsection (3) 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 to form part of the report made to the Court.

(5) Where a directive is given under this section in any proceedings, a party to the proceedings shall not, unless the Court otherwise directs, be entitled to be called as a witness:

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

the directive; or

(b) any person who did anything necessary for the purpose of enabling those tests to be carried out, unless within fourteen days after receiving a copy of the report a 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.

(6) Where a directive is given under this section, the party on whose application the direction is given shall pay the cost of taking and testing samples, including any expenses reasonably incurred by any person:

(a) in taking any step required of the person for the purpose; and

(b) in making a report to the Court under this section, but the amount paid shall be treated as costs incurred by the party in the proceedings.

(7) DNA test shall be subject to the following conditions:

(a) it must be in compliance with a court order;

(b) it must be done by professionals that are trained, trusted and matured;

(c) there must be the need to do it;

(d) it shall be done in a recognized facility recommended by a medical officer of a government hospital; and

(e) There shall be confidentiality in the process.

58. Consents required for taking scientific samples

(1) Subject to the provisions of subsections (3) and (4) of this section, a scientific sample which is required to be taken from any person for the purpose of giving effect to a directive under section 46 of this Law shall require the consent of that person.

(2) A child who has reached the age of sixteen years may consent to the taking of a scientific sample and it shall not be necessary to obtain any consent from any other person.

(3) A scientific sample may be taken from a child under the age of sixteen years who does not fall under 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 proper care and treatment.

(5) The provisions of this section are without prejudice to the provisions of Section 56 of this Law.

59. Power of Commissioner to provide for manner of giving effect to directives for use of scientific tests

The Commissioner may by regulations make provisions as to the manner of giving effect to directives given under section 57 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 taking, identification and transporting of the scientific samples;

(c) require the production, at the time when a scientific sample is to be taken, of such evidence as to the identity of the person from whom it is to be taken as may be prescribed by the regulations;

(d) provide that scientific tests shall not be carried out except by such persons, and at such places, as may be appointed by the Commissioner;

(e) prescribe the scientific test to be carried out and the manner in which they are to be carried out;

(f) regulate the charges that may be made for the taking and testing of the scientific samples, and for the making of a report to a Court under section 57 of

this Law;

(g) 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 57 of this

Law are tested by the same person;

(h) prescribe the form of the report to be made to a Court under section 57 of this Law.

60. Failure to comply with directives for taking of scientific tests

(1) Where the Court gives a directive under section 57 of this Law and a person fails to take any of the steps required by the directive, the Court may draw such inferences, if any, from that facts as appear proper in the circumstances.

(2) Where a person named in a directive under section 57 of this Law fails to consent to the taking of scientific sample from himself or from a child named in the directive of whom he has the care and control, the person shall be deemed for the purposes of this section to have failed to take a step required of him for the purpose of giving effect to the directive.

61. Penalty for impersonating another for purpose of providing scientific sample

If, for the purpose of providing scientific sample for a test required to give effect to a directive under Section 57 of this Law, a person impersonates another, or proffers a child knowing .that it is not the child named in the directive, that person commits an offence and is liable on conviction to a fine of not less than two hundred thousand naira or imprisonment for a term not less than fourteen years or to both such fine and imprisonment.

PART VIII

POSSESSION AND CUSTODY OF CHILDREN

Acquisition of parental responsibility

62. (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) A Court may:

(i) Order that the father bear full financial responsibilities of the child; or

(ii) on the application of the mother, order that she has parental responsibility of the child if the father does not have sufficient means, 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 or Grand Kadi of the State.

(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) refuse to consent, to the making of an application in respect of the child; or

(b) agree, or refuse to agree, to the making of an adoption order, or any order with respect to the child; or

(c) appoint a guardian for the child.

(8) Where subsection (3) of this section requires the Court to make an order under subsection (1) of this section in respect of the father or mother of a child, the Court shall not bring that order to an end at any time while the residence order concerned remains in force.

(9) The fact that a person has, or does not have, parental responsibility for a child shall not affect:

(a) any obligation which he may have in relation to the child, including a statutory duty to maintain the child; or

(b) any right which, in the event of the death of the child, he or any other person may have in relation to the property of the child.

(10) A person who does not have parental responsibility for a particular child but has care of the child may, subject to the 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 the custody or right of access to a child

63. (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 the 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; and

(c) in every case, make such order with respect to costs as it may think just.

(2) The power of the Court under subsection (1) of this section to make an order as to the custody of a child and the right of access to the child may be exercised notwithstanding that the mother of the child is at 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 if the father does not have sufficient means,further order that the

mother 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 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

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

Validity of custody agreed to in separation deeds

65. 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 the child is to be decided

66. Where the parent of a child has:

(a) abandoned or deserted the child; or

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

Court to have regard to conduct of parent

67. Where the parent of a child applies to the court for a writ or an order for the production of a child, and the Court is of the opinion that the parent:

(a) has abandoned or deserted the child; or

(b) had otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child, the Court may, in its discretion, decline to issue the writ or make the order.

Power of the Court as to production of child

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

Power of court to child's religious education

69. The Court may, on an application by a parent for the production or custody of a child, if it is of the opinion:

(a) that the parent ought not to have the custody of the child; and
(b) that the child is being brought up in a different religion other than that in which the parent has brought the child up, make such order as it may deem fit to ensure that the child is brought up in the religion in which the parent requires that child to be brought up.

Enforcement of order for payment of money by attachment of income

70. 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 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

71. 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 of the Commissioner to make orders, etc. as to custody of Children

72. (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 a state.

(2) Where an order is made by the Commissioner in pursuance of subsection (1) of this section, no person shall give or acquire the custody, possession or control of or remove a child from any part of the State specified in the order except in accordance with rules made by the Commissioner and such rules may be in general or in respect of any particular part of a state.

(3) An appeal from the order of the Commissioner shall lie to the appropriate level of the Family Court.

Prohibition Against Acquiring custody, etc of Child for the purpose of dealing in the child

73. (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 prove that the child concerned was given or acquired in accordance with custom provided that the custom is not repugnant to natural justice, morality or humanity or inconsistent with any written law.

Penalties for contravening Sections 72 and 73

74. A person who contravenes the provisions of section 72 and 73 of this Law or of any rules made under those sections commits an offence and is liable on conviction to a fine of not less than ten thousand Naira, (₦10,000.00) or imprisonment for a term of not less than one (1) year or to both.

PART IX

GUARDIANSHIP

Parental responsibility of a guardian

75. (1) Except as provided under Section 63 of this Law, a person appointed as 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 84 of this Law shall be a guardian only for the purpose of representing the child and his interest in certain proceedings, but shall otherwise have no parental responsibility for the child.

Guardianship of a Child

76. (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 event of the death of that parent.

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

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

77. (1) Where an application for the guardianship of a child is made to the Court by a person, the Court may, by order, appoint that person to be the guardian of the child if: Order for guardianship of a child

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

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

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

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

78. An appointment made by an oral will, in the presence of at least two witnesses, though not made in writing, shall have effect as if it is a written will signed by the testator. Guardian may be appointed by oral will

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

80. The appointment of a guardian under sections 75 and 78 of this Law may be brought to an end at any time by an order of the Court: Revocation of guardianship

(a) on the application of a natural parent or any person who has parental responsibility for the child; or

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

81. (1) A legal guardian under this Law shall have all such powers over the estate, as the case may be, of a child as a guardian appointed by will or otherwise by virtue of the rules of common law, equity, or appropriate personal law. Powers of a guardian over estate of a child

(2) A legal guardian shall exercise his power under subsection (1) of this section, subject to the supervision of the Family Court of the appropriate level.

Dispute between joint guardians

82. 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*

83. (1) The Court may, for the purpose of any specific 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

84. (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 panels;

(g) as to the co-operation required of specified local governments in the provision of panels in specified areas; and

(h) for monitoring the work of guardians *ad 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 or 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

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

(a) any record held by the State Government or the appropriate authority which was compiled in connection with the making or proposed making, by a person or 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 has been referred to its 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 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 he makes to the Court in the proceedings in question; or

(b) evidence he gives in these proceedings.

Saving of existing orders and jurisdiction of the Court

86. (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 its commencement and is not inconsistent with it, 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 Laws or any other written law.

PART X

WARDSHIP

Jurisdiction of Court

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

Ward ship orders

88. (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 ceases to be a ward of court.

Maintenance of a ward of court

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

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

(b) requiring either parent or both parents of a ward of court to pay to any other person having the care and control of the ward, such weekly or other periodical sums towards the maintenance and education of the ward as the Court thinks reasonable, having regard to the means of the person or persons making the payment.

(2) An order under subsection (1) of this section may require such sums as are mentioned in that subsection to continue to be paid in respect of any period but not beyond the date on which the ward of court attains the age of majority and such order if made may provide that any sum which is payable for the benefit of that ward, having regard to the age of the child, be paid directly to that ward.

(3) No order shall be made under subsection (1) (a) of this section, and no liability under an order made under this section, shall accrue, at a time when the parents of the ward or 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.

90. (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 for a 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 causes

91. 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 or Sharia Court level for making the child a ward of court.

Dismissal of application for wardship

92. 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.

Application must comply with the rules under third schedule

93. An application for ward ship shall be made in compliance with the rules contained in the Third Schedule of this Law.

PART XI

FOSTERING

Application for fostering

94. (1) A person may foster a child by making an application to the court within the jurisdiction in which the person and the child reside at the date of the application.

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

A child to be fostered

95. A child who may be fostered under the Law includes a child who:

(a) is abandoned by his parents; or

(b) is an orphan and is:

(i) deserted by his relatives, or

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

(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

96. (1) Subject to the provisions of this Law, the court may, on receipt of the application for fostering make an order authorising the application to foster the child.

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

Limit on number of children to be fostered

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

Restriction on the making of Fostering Order

98. (1) A fostering order shall not be made by the court unless:

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

(b) the applicant and the child are resident in the same State;

(c) the applicant is a citizen of Nigeria;

(d) the applicant has the means to take care of the child;

(e) the applicant is a person of unquestionable character; 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.

Consent of fostering

99. (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 that child under an order of court or an agreement or under customary law or Islamic law, the court may refuse to make the fostering order until the consent of that person is first obtained.

(3) The court may dispense with any consent required under this section if it is satisfied that the person whose consent would have been required:

(a) has abandoned, neglected or persistently ill-treated the child; or

(b) cannot be found or is unreasonably withholding his consent.

Further conditions for making of fostering orders

100. (1) Before making a fostering order, the court shall be satisfied that:

(a) every consent under 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

101. (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 of not less than two (2) 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 or 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 120 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.

Powers to make rules of Court

102. (1) The Chief Judge and Grand Kadiof 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) proceedings to be held in camera in determining the application in the Court;

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

(c) the admission of documentary evidence of any consent required under 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

103. An appeal shall lie to the High court in respect of a decision on an application for a fostering order, other than a decision to postpone the determination of an application for the order or to make an interim order.

Rights and duties of foster parents and other Persons

104. (1) On the making of a fostering order:

(a) all rights, duties, obligations and liabilities, including:

(i) any issue 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.

Effects of fostering on maintenance order

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

Fostered children register

106. (1) The Chief Registrar of the High Court and the appropriate authority for child development shall each keep and maintain a register to be known as the Fostered Children's 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 Registrar of the High Court and the appropriate child development service to

make in the Fostered Children's Register the entry in the form specified in Part II of the Fourth Schedule to this Law.

(3) If, on an application to the Court for a fostering order, it is proved to the satisfaction of the Court that the date of birth of the child and other particulars of the child 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 of the High Court and the appropriate authority for child development 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 of the High Court and the appropriate child development service to cause the previous entry in the Fostered Children's 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 authority for child development and on receipt of the order, the Chief Registrar of the High Court and the appropriate authority for child development shall comply with the directions contained therein.

(6) A certified copy of an entry in the Fostered children's Register if purporting to be stamped or sealed with the seal of office of the Chief Registrar High Court 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 a certified true copy of an entry in the Register of Births.

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

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

(9) A register, record or book as is mentioned in subsection (8) of this section or an index thereof shall not be liable to be searched by any member of the public, and the Chief Registrar shall not make a certified true 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

of the High Court and the appropriate authority for child development who shall cancel or cause to be cancelled:

(a) the entry in the Fostered Children's 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.

Visit to fostered child

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

(a) to pay periodic visits at reasonable times to each child fostered under this Law until the child attains the age of eighteen years; and

(b) to enter any premises for the purpose of ascertaining whether there is any contravention by a person of any condition of the fostering or of any other provision of this Law.

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

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

108. 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

109. (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 of not less than thirty thousand Naira, (N30,000.00) or imprisonment for a term of not less than three (3) years or both.

Prohibition of taking, sending fostered child out of State or Nigeria

110. (1) Where a foster parent intends to take a fostered child outside the State or Nigeria, he shall give notice to the Court of his intention to do so and shall, on return to the State or Nigeria, notify the Court of their return.

(2) A person who permits or causes or procures the possession of a child to be given to any person:

(a) outside the State in which the fostering order was made; or

(b) outside Nigeria, with intent to getting that child fostered by that person commits an offence.

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

(a) subsection (2)(a) of this section, to imprisonment for a term of ten years; and

(b) subsection (2)(b) of this section, to imprisonment for a term of fifteen years.

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

111. 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.

Non-compliance with lawful directives

112. 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 of not less than five thousand Naira, (N5,000.00) or to imprisonment for a term of not less than three (3) months or both.

Private arrangement for fostering children

113. (1) For the purposes of this Part of the Law and subject to subsection (2) of this section:

(a) a child shall be deemed to be fostered privately if he is cared for, and provided with accommodation by a person other than:

(i) a parent of the child; or

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

(iii) a relative of the child; and

(b) a person shall be deemed to foster a child privately if he 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

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

Welfare of a child fostered privately

114. (1) The State Government shall:

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

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

(2) Where a person who is authorised 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, may, at any reasonable time, inspect such premises and any child accommodated therein.

(3) A person exercising the power under subsection (2) of this section shall, if so required, produce duly authenticated documents 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 reasonable to ensure 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;

(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.

A person disqualified from fostering a child privately

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

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

(a) an order of a kind specified in the regulations has been made at any time:

(i) with respect to that person; or

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

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

(c) he has been convicted of an offence of a kind so specified, or has been placed on probation or discharged absolutely or conditionally for any offence;

(d) a prohibition has been imposed on him at any time under section 108 of this Law or under any other specified enactment;

(e) his rights and powers with respect to a child have at any time been vested in a specified authority under a specified law

(3) A person shall not foster a child privately if:

(a) he lives in the same household as a person who is himself prevented from fostering a child by subsection (1) of this section; or

(b) he lives in a household at which 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 stating:

(a) the reason for the refusal;

(b) the applicant's rights to appeal against the refusal; and

(c) the time within which he may appeal.

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

Power of Stateand local Government to prohibit private fostering

116. (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 in which the child is proposed to be, or is being fostered, 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, is not suitable; or

(c) it would be prejudicial to the welfare of the child, or is being accommodated by that person in those premises, the State Government may impose on him a prohibition specified under subsection (3) of this section.

(3) A prohibition imposed on a person under subsection (2) of this section may prohibit him from fostering privately:

(a) any child in 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) Where the State Government imposes a prohibition on any person under subsection (2) of this section, it may cancel the prohibition, if it deems fit:

(a) of its own motion; or

(b) on an application made by that person, if it is satisfied that the prohibition is no longer justified.

(5) A prohibition imposed under this section shall be imposed by notice in writing addressed to the person on whom it is imposed and informing him of:

(a) the reason for imposing the prohibition;

(b) his right to appeal against the prohibition; and

(c) the time within which he may appeal.

Offences under Part**X1**

117. (1) A person who:

(a) being required, under any provision made by or under this Part of the 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 knows or believes to be false or misleading in a material particular; or

(b) refuses to allow a child fostered privately to be visited by a duly authorised officer of the State Government; or

(c) intentionally obstructs another person in the exercise of the power conferred by section 114(2) of this Law; or

(d) contravenes section 117 of this Law; or

(e) fails, without reasonable excuse, to comply with any requirement imposed by the State Government under this Part of the 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 the Law; or

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

(2) Where a person contravenes Section 117 (3) of this Law, he does not commit an offence under this section if he proves that he did not know, and had no reasonable ground for believing, that a person to whom section 117 (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;

(c) 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 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 XII

THE FAMILY COURT

Establishment of the Family Court

118. There is hereby established for the State at the High Court, Magistrate Court and Shari'a Court 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

119. For the purpose of hearing and determining matters relating to the provisions of this law, the court shall be at two levels:

(a) the Court as a division of the High Court at the High Court level,

(b) the court at the level of:

(i) the Magistrate Court,

and

(iii) the Shari'a Court.

General jurisdiction

120. (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

(a) 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 at the High Court to be dealt with by the court in the exercise of its appellate or supervisory jurisdiction, subject to the appellate jurisdiction of the Sharia Court of Appeal provided under the law.

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

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

(i) the child,

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

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

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

Family Court at the High Court level

121. (1) For the purpose of exercising any jurisdiction conferred upon it under this law, a High court shall be duly constituted if it consists of at least one Judge of that Court.

(2) The Court at the High Court level shall have power to:

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

(b) deal with all offences punishable with:

(i) death, or

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

(c) deal with other matters relating to a child where the claim involves an amount of fifty thousand Naira (₦50,000.00) and above,

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

(e) hear appeals from the Court at the Magisterial, and Shari'a Court level.

(3) 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 Magistrate Court

122. (1) For the purpose of exercising any jurisdiction conferred upon it under this law, a Magistrate court shall be duly constituted if it consists of at least one Magistrate.

(2) The Court at the magisterial level has power to try offences and deal with all matters not specifically assigned to the Court at the High Court level under Section 121 of this Law.

(3) 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 appeal lie from the decisions of Magistrate Courts to the High Court of the State.

Family Court at the Sharia Court

123. (1) The Court at the Shari'a Court level shall consist of Sharia Court Judge, not below the rank of an Upper Shari'a Court Judge

(2) The Court at the Sharia Court has power to try offences and deal with all matters not specifically assigned to the Court at the High Court level under Section 121of this Law.

(3) Appeals lie to the Court at the High Court levelfromadecision of the Court at the Sharia Court.

Professionalization and training for court personnel

124. (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 diversityand 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

125. 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 court.

Exclusion of persons from attending court

126. No person, other than:

(a) the members and officers of the Court;

(b) the parties to the case and their counsel;

(c) parents or guardian of the child; and

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

Prohibition of publication of child's name, etc

127. (1) No person shall publish through conventional or new media 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 not less than fifty thousand Naira (₦50,000.00) or imprisonment for a term of five years or both.

Proceedings to be in the interest of the child

128. The proceedings in the court shall be conducted in a manner that is in the best interest of the child and 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

129. (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 proceedings 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 authorising a police officer or such person as may be specified in the order to:

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

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

(b) order any person who is in a position to do so to bring the child to the court.

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

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

Rules for procedures, fees, etc.

130. (1) The Chief Judge or the Grand Kadi as the case may be of the State may make rules regulating the procedure in the Court, the parties entitled to participate in any proceedings, the fees to be charged and the forms to be used in the proceedings.

(2) The provisions of any written law relating to the practice and procedure in Family Court at the Magistrate Court level, Sharia Court or Family Court at the High Court level, as the case may be shall have effect with respect to proceedings in the court.

PART XIII
COMMUNITY HOMES

Securing Community Homes

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

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

(b) purpose 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 the availability of accommodation.

(3) A community home may be:

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

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

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

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

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

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

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

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

132. (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

(a) the conduct of community home:

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

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

(2) Where:

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

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

(3) For the purposes of subsection (1) of this section, the body concerned shall in relation to:

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

(b) a controlled community home provided by the State or Local Government specified in the instrument of management of the community home; and

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

Determination of disputes relating to controlled and assisted Community Homes

133. (1) Where a dispute relating to a controlled community home arises between the State or Local Government specified in the instrument of management of the community home and:

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

(b) any other organization that has placed, or desires 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 organizations which provided the community home and the State and Local 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 determination.

(3) Where a dispute is referred to the Commissioner under this section, he may, in order to give effect to his determination of the dispute, give such direction as he thinks fit to the State and Local Government or voluntary organization concerned.

(4) This section applies notwithstanding that the matter in dispute may be one which, under or by virtue of Part II of the Eight Schedule to this Law is reserved for the decision, or is the responsibility of:

(a) the State and Local Government; or

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

Discontinuance of controlled or assisted Community Home

134. (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 instrucment 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 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 or Local Government to manage the home until:

(i) the date specified in the notice given under subsection (1) of this section, or

(ii) such earlier date, if any, as may be specified for the purposes of this paragraph in the order, as if it were a community home provided by the State 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 Government;

(b) the Commissioner may by order direct that, for the purpose 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 desires, the community home shall, until the date or earlier date referred to in subsection (4) (b) of this section, be treated for the purpose 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) (i) or (ii) of this section, cease to be a community home.

Closure by State and Local Government of controlled or assisted community homes

135. (1) The State Government may in respect to a controlled or an assisted community home give to:

(a) the Commissioner; and

(b) the voluntary organization which provided the home,

not less than two year's 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; or

(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 State, Local Government and 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 that earlier date, and the community home shall then cease to be a controlled or an assisted community home, as the case may be.

PART XIV

VOLUNTARY HOMES AND VOLUNTARY ORGANIZATIONS

Provision of accommodation by voluntary organization

136. (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,

(iii) any other suitable person, on such terms as to payment by the voluntary organization may determine; or

(b) maintaining the child in:

(i) a voluntary home, or

(ii) a community home, or

(iii) a registered children's home, or

(iv) a home provided by the Commissioner 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 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 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 persons, in accordance with the provisions of the regulations.

Registration and regulation of voluntary homes

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

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

Duties of voluntary organizations

138. (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 parent as appears to the voluntary organization reasonable in the case of the child; and

(c) advise, assist and be kind to 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 the child has parental responsibility for the child; and

(d) any other person whose wishes and feelings 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 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 State and Local Government

139. (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 ensure that the care and accommodation of the child is undertaken by

(i) a parent of the child,

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

(iii) a relative of the child; and

(b) consider the extent to which, if at all, it could exercise any of its powers with respect to the child

(5) A person authorized by the State Government may for the purpose of enabling the State Government to discharge its duties under this section:

(a) enter, at any reasonably 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 the kind required to be kept in whatever form they are held, or allow him to inspect such records, as the Commissioner may, from time to time, direct.

(6) A person exercising the power conferred by subsection (5) of this section shall, if asked to do so, produce 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 device 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, device or material, to afford him such assistance as he may reasonably require.

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

(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 XV
REGISTERED CHILDREN'S HOMES

Registration, etc of children's homes

140. (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 the 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 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 purpose of this subsection, a home is a children's home if it provides, or unusually 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 no more than fifty children; and

(b) it is not approved by the Commissioner 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 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 of the child, has parental responsibility for the child,

(b)his relative;

(c) a person mentioned in paragraph (a) (i) or (ii) of this section is living in the home; or

(d) 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 of not less than ten thousand naira(₦10,000.00) or imprisonment for a term of not less than six (6) months, or both.

(8) The provisions of: Tenth Schedule

(a) the Tenth Schedule to this Law shall have effect with respect to children's homes; and

(b) part of the Fourth Schedule 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.

141. (1) Where a child is accommodated in a children's home, the person managing the children's home shall: Welfare etc. of children in homes

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

(b) make such use of the services and facilities available for children cared for by their own parents as appear to that person reasonable in the case of the child; and

(c) advise, assist and be kind to the child with a view to promoting his welfare when he ceases to be so accommodated.

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

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

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

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

142. (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: Persons disqualified from managing, or being employed in children's home

(a) disclosed to the appropriate authority the fact that he is so disqualified; and

(b) obtained the written consent of the appropriate 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 appropriate authority the fact that he is so disqualified; and

(b) obtained the written consent of the appropriate authority.

(3) Where an appropriate authority refuses to give its consent under this section, it shall inform the applicant by a written notice which states:

(a) reasons for the refusal;

(b) right to appeal against the refusal to Court; and

(c) the time within which he may appeal.

(4) A person who contravenes subsection (1) or (2) of this section commits an offence and is liable on conviction to a fine of not less than ten thousand naira (₦10,000.00) or imprisonment for a term of not less than one (1) year or to both.

PART XVI
SUPERVISORY FUNCTIONS AND RESPONSIBILITIES OF THE COMMISSIONER

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

143. (1) The Commissioner may cause to be inspected, from time to time, any:

(a) children's home;

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

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

(d) premises in which a child is living with a person with whom he has been placed pending a court order;

(e) premises in which a child who is protected is or will be living;

(f) premises which a child, fostered privately, or a child who is treated as a fostered child by virtue of paragraph 9 of Part III of the Fourth Schedule to this Law, is or will be living;

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

(h) premises with respect to which a person has registered under this Law;

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

(j) premises which are provided by the State or Local Government and in which any service is provided by the State or Local Government;

(k) independent school providing accommodation for a child.

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

(3) An officer of the State Government shall not be authorized as provided in sub-section (2) 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 with such information, or allow him to inspect such records, in whatever form they are held, relating to:

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

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

(c) the discharge by the Commissioner of any of these functions of law; or

(d) the discharge by the State Government of any of this functions under this Law, as the Commissioner may, from time to time, direct.

(5) The persons referred to in subsection (4) of this section are:

(a) the State or Local 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, or provides day care for young children, within the meaning of Part XIV; and

(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 kept in the home or premises as he thinks fit.

(7) A person authorized by the Commissioner to exercise the power to inspect records conferred by subsection (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 device 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,

device or material, to afford such reasonable assistance as he may require.

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

(9) A person who wilfully obstructs another person in the exercise of a power conferred by this section commits an offence and is liable on conviction to a fine of not less than fifty thousand naira or imprisonment for a term of not less than six months or both.

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

Inquiries

144. (1) The Commissioner may cause an inquiry to be held into any matter connected with:

(a) the functions of the Supervision Inspection Service in the State;

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

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

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

(e) the detention of a child under this Law;

(2) In this section:

"function" includes powers and duties which a person has, other than by virtue of any enactment.

Commissioner may direct Inquiries to be held in camera.

145. (1) The commissioner may direct that an inquiry under Section 144 of this Law shall be held in camera.

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

Financial support by Commissioner

146. (1) The Commissioner may, with the necessary consent, defray or contribute towards:

(a) any fees or expenses incurred by a person undergoing approved child care training;

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

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

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

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

(i) were assisted community homes, or

(ii) were designated as assisted community homes;

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

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

(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.

(4) Any grant made 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

147. (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 on 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 enactments mentioned in subsection (5) of this section.

(3) Every voluntary organization or government institutions shall at such times and in such form as the Commissioner may direct, transmit to the Commissioner such particulars as he may require with respect to;

(a) the performance of all or any of its functions:

(i) under this law, or

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

(b) the children in relation to whom the voluntary organization or government institution has exercised the functions referred to in paragraph (a) of this subsection

(4) 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) Ministry of Education;

(b) the appropriate state authority responsible for matters relating to children;

(c) the appropriate state authority responsible for regulating training and standards in social welfare; and

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

(5) The Enactments referred to in Subsection (2) of this section are:

(a) this Law;

(b) the Penal Code;

(c) Children and Young Persons Law;

(d) Violence Against Persons Protection Law; and

(e) the relevant legislation on mental health relating to children cared for by appropriate State Authorities.

Power of Commissioner to declare State and Local Government etc. to be default

148. (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 State Government or authority to be in default with respect to that duty.

(2) An order under Subsection (1) of this section shall state the Commissioner's reason 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) Directions given by the Commissioner under subsection (3) of this section shall, on the application be enforced by an order of mandamus.

PART XVII

SUPERVISION

Appointment of supervision officer

149. (1) The Commissioner may appoint:

(a) fit and proper persons on ex-officio basis 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 the absence or during the illness or incapacitation of supervision officers; and

(c) assistant supervision officers to assist supervision officers 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.

Supervision inspectors and supervision inspection service

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

(2) The supervision inspectors appointed under subsection (1) of this section, together with the supervision officers 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 services, whether or not provided by or on behalf of the Supervision Service of 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, allowance or otherwise as he may determine, with the approval of the Governor.

Default power where the supervision service fails to discharge its statutory duty

151. (1) The Commissioner shall make an order under this section if he is of the opinion that, without reasonable excuse, the Supervision Inspector:

(a) has failed to discharge any of the duties under this Law or any other enactment; or

(b) has so failed and is 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 Inspector.

(3) The Supervision Inspector shall comply with the provision of any order made under subsection (1) of this section.

Power of Court to make conditional discharge order and supervision order

152. (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 a 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 recognizance shall in this Law be referred to as a supervision order.

Person named in supervision order

153. The person named in supervision order shall be:

(a) a supervision officer appointed by the Commissioner of the State in or for which the Court acts; or

(b) if the Court considers it expedient on account of the place of residence of the offender or for any other special reason, a supervision officer appointed by the Commissioner.

Supervision officer may be relieved of duties

154. (1) The person named in a supervision order may at any time be relieved of his duties and where the person is relieved of his duties or he dies, another person may be substituted by the Court before which the offender is bound by his recognizance to appear to be further dealt with.

(2) 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; and

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

Power of Court to vary order

155. The Court before which a child is bound by his recognizance under this Law to appear to be further dealt with may, on the application of the supervision officer, and after notice to the child offender, vary the 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 XVIII

APPROVED INSTITUTIONS AND POST-RELEASE SUPERVISION

Approved institutions

156. Approved Institutions consist of approved children's institutions and Special Mothers' Centres, all of which shall be established as provided in this Part of the Law.

Establishment of approved institutions

157. (1) The Commissioner may:

(a) establish, in any part of the State, the following institutions to be known as approved children's institutions:

(i) a Children's Attendance Centre,

(ii) a Children's Centre,

(iii) a Children's Residential Centre,

(iv) a Children's Correctional Centre,

(v) a Special Children's Correction Centre, 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's institutions.

(2) The Commissioner responsible for matters relating to children shall:

(a) establish in any part of the State institutions to be known as Special Mothers' Centres; and

(b) make rules for the management, upkeep and inspection of the Special Mothers' Centres.

(3) The supplementary provisions contained in the Eleventh Schedule to this Law shall have effect with respect to approved institutions established by the Commissioner under subsection (1) and (2) of this section.

Declaration of building, etc as an approved institution

158. (1) The Commissioner may by order declare any building, place or land within the State, as the case may be to be:

(a) a Children's Attendance Centre;

(b) a Children's Centre;

(c) a Children's Residential Centre;

(d) a Children's Correction Centre;

(e) an Emergency Protection Centre;

(f) a Special Children's Correctional Centre; or

(g) such other children's institutions as may be established by the Commissioner.

(2) The Commissioner responsible for matters relating to children may by order declare any building, place or land within the State, to be a Special Mothers' Centre.

Children attendance centres, etc

159. (1) A Children's Attendance Centre shall be a non-residential place at which children shall 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.

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

Residential Centre

160. (1) A Children's Residential Centre shall be a place in which child offenders may be detained and given regular school education and such other training and instructions as may be conducive to their reformation and re-socialization and the removal or reduction, of

their tendency to commit anti-social acts and such other acts which violate the criminal law.

(2) A Children's Correctional Centre shall be a place where child offenders may be detained and given such training and instructions as will 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.

161. (1) An Emergency Protection Centre shall be a place where 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.

(2) A Special Children's Correction Centre shall be a place where children, who are found to be incorrigible or to be exercising bad influence on other inmates detained in a Children's Correctional Centre may be detained.

(3) A Special Mothers' centre shall be a place where expectant and nursing mothers are held for purposes of remand, re-socialization in the society in an atmosphere devoid of the regime of institutional confinement which may be damaging for the proper development of their children.

162. The Commissioner may, by regulations, prescribe or provide for: Regulations

(a) the regulation and governance of the approved institutions;

(b) the appointment, powers, duties, conduct, training and disciplinary control of the officers and other persons employed in approved institutions;

(c) the functions and duties of visitors, visiting committees and voluntary visitors to approved institutions;

(d) the classification, treatment, diet, clothing, maintenance, employment, discharge, discipline, instruction and control of inmates of approved institutions;

(e) the release of inmates on parole;

(f) the establishment of after-care association, for the welfare and reformation of children discharged from approved institutions;

(g) the form in which any order shall be made and

(i) such other matters as are required for the better carrying out of the purposes of this section.

Responsibilities for approved institutions Officers

163. The Director responsible for child development in the Ministry or such other officer as the Commissioner may designate, shall have the general charge and superintendence of all approved children's institutions belonging to the State.

Children approved institutions

164. (1) Child development officers shall be appointed to carry out duties in relation to approved children's institutions situated within their areas of jurisdiction.

(2) Women Affairs officers shall be appointed to carry out duties in relation to Special Mothers' Centres.

(3) All officers appointed to all the approved institutions maybe persons with background training in criminology, criminal justice, sociology, psychology, social psychology, guidance and counselling, Islamic studies or social work.

Visitors and visiting committees

165. (1) The Commissioner may, by notice in the Gazette, appoint such persons as he may think fit to be visitors in relation to such approved institutions as may be specified in the notice.

(2) In addition to persons appointed under subsection (1) of this section, the following persons shall be ex-officio visitors to all approved children's institutions:

(a) the Governor;

(b) the Chief Judge of the State;

(c) the Grand Khadi of the State;

(d) the Attorney General;

(e) Judges of the High Court;

(f) the Chief Magistrates in the State;and

(g) the Upper Sharia Court Alkalis in the State

(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 institution 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 State approved institutions.

(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 published in the Gazette the consent of the Governor to the appointment.

Appointment of voluntary visitors

166. The Director may authorize such persons as he may think fit as voluntary visitors to carry out such functions and duties in relation to approved institutions as may be prescribed.

Facilities for observation of children in approved institution

167. The Commissioner shall cause to be provided in approved institutions facilities for the observation of any child detained therein, whose physical or mental condition a medical report is required for the assistance of a Court in determining the most suitable method of dealing with his case.

Transfer from Children Correctional Centre in Special Children Centre

168. (1) If the Director reports to the Commissioner, that a child detained in a Children's Correctional Centre is incorrigible, or is exercising a bad influence on the other inmates of the institution, the commissioner may direct that the child be committed to a Special Children's Correctional Centre for such term, not exceeding the unexpired portion of the term for which the child is then liable to be detained in the Children's Correctional Centre as the Court may determine.

(2) A child committed to a Special Children's Correctional Centre under subsection (1) of this section shall, for the purposes of this Law be treated as if he has been ordered to be committed to the Children's Correctional Centre for that term.

(3) No report made under subsection (1) of this section by the Director to the Commissioner, as the case may be, shall be made earlier than six months following the date of the order committing the child concerned to the Children's Correctional Centre.

Release from approved institution, etc

169. (1) A child detained in a Children's Attendance Centre or a Children's Correctional Centre, shall, on attaining the age of eighteen years, be released, unless he is considered to require further training and instructions in a Youth's Correctional Centre, in which case, he shall be transferred to a Youth's correctional Centre.

(2) Where the Director reports to the commissioner that a child detained in a Special Children's Correctional centre is attaining the age of eighteen years is still incorrigible or is still exercising an influence

on other inmates, the Commissioner may direct that the child be committed to a Special Youth's Correctional Centre.

Release and Post Release Supervision

Release and supervision after training at the ChildrenCentre.

170. Subject to the provisions of Section 195 of this Law, a child ordered to be detained in a Children's Correctional Centre shall, after his release from the Children's Centre, be subject to supervision.

Post-release supervision of children offenders

171. (1) A Child shall:

(a) after his release from an approved institution and until the expiration of four years from the date of the order committing him to the approved institution be under the supervision of such after-care association or person as may be specified in a notice to be given to him 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 has failed to comply with any requirement for the time being specified in the notice given to him under subsection (1) of this section, the Director may direct the child to be recalled to an approved institution.

(3) A child who is recalled into an approved institution is liable to be detained in the approved institution until the expiration of :

(a) three years from the date of the order committing the child to the approved institution; or

(b) six months from the date of his being taken into custody under the direction, whichever is the later, and, if at large, shall be deemed to be unlawfully at large.

(4) A direction by the Director recalling a child to an approved institution shall, at the expiration of four years from the date of the order committing the child to the approved institution, cease to have effect unless the child to whom it relates is then in custody there under.

(5) The Director may with the leave of court, 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.

(6) If a child while under supervision, or after recall to an approved institution is ordered to be committed to an approved institution or is sentenced by the Court or any other court to an approved institution for training, the original order or sentence:

(a) shall cease to have effect; and

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

(7) The Director shall, in exercising his functions under this section, act in accordance with any general or special directions of the Commissioner whether it is advisable to release the child from an approved institution.

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

PART XIX
CHILD WELFARE AND PROTECTION COMMITTEES
State Child Welfare and Protection Implementation Committee

Establishment and membership of State Child Rights implementation Committee

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

(2) The State Committee shall comprise:

(a) the Permanent Secretary in the Ministry responsible for child matters;

(b) one person to represent each of the following Ministries and Governmental bodies responsible for:

(i) Women affairs,

(ii) Education,

(iii) Information, Youth and Sports,

(iv) Health,

(v) Justice,

(c) One person to represent each of the following institutions:

(i) Immigration,

(ii) Police Force,
(iii) Department of State Services
(iv) National Security and Civil Defence Corps

(v) Nigerian Correctional Services,
(vi) National Agency for the Prohibition of Trafficking in Persons

(v) Sexual Assault and Referral Centre,

(vi) Family Court at the High Court level,

(vi) Family Court at Magistrate level,
(vii) Sharia Court
(viii) Hisbah Committee
(ix) one person to represent the State approved children's institution;
(x) one person to represent the State Community homes;

(xi) one person to represent the State branch of the Nigeria Union of Journalists;

(xii) one person to represent a non-governmental organisation with capacity to provide free legal aid to children including free legal representation in a court of law;

(xiii) one person to represent the State Council of Chiefs;

(xiv) one person to represent Council of Ulama;

(xv) Special Advisor to the Governor on Religious Affairs;

(xvi) one person from Civil Society Organisations.

(3) The Council may co-opt any person or persons to be a member of such meetings of the council and the person or persons so co-opted shall have the rights and privileges of a member save that such person shall not be entitled to vote upon any question.

Functions of the State Committee

173. (1) The functions of the State Committee are to:

(a) initiate actions that will ensure the observance and popularisation of the rights and welfare of the child as provided for in:

(i) this Law,

(ii) the United Nations Convention on the Rights of the Child,

(iii) the Organisation 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,

(vi) such other International Conventions, Charters and Declarations relating to children to which Nigeria is or becomes a signatory;

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

(c) develop and recommend to the State and Local Governments, through their respective Local Government Child Welfare 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, organisations and bodies concerned with the rights and welfare of the child;

(g) organise meeting, conference, symposia and other enlightenment on the rights and welfare of the child;

(h) coordinate the activities of and collaborate with the Local Government Committees;

(i) prepare and submit periodic reports on the State of implementation of the rights of the child 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.

(2) The Committee shall submit a quarterly progress report of its activities to the Governor.

Procedure at meetings

174. The State Committee shall determine its own quorum and regulate its own proceedings at any of its meetings.

Secretariat of the State Committee

175. The Secretariat of the State Committee shall be the Ministry responsible for Children.

LOCAL GOVERNMENT CHILD WELFARE AND PROTECTION IMPLEMENTATION COMMITTEE

Establishment and membership of the Local Government implementation Committee

176. (1) There is hereby established a committee to be known as the Local Government Child Welfare and Protection Implementation Committee (in this Part of this Law referred to as "the Local Government Committee).

(2) The Local Government Committee shall comprise:

(a) the Secretary of the Local Government as Chairman;

(b) the Supervisory Councillor responsible for Community and Social Development in the Local Government;

(c) the Supervisory Councillor for Education in the Local Government;

(d) the Information Officer in the Local Government;

(e) all District Heads in the Local Government Area;

(f) Woman Development Officer in the Local Government Area;

(g) two person to represent Islamic Scholars;

(h) one person to represent a non-governmental organisation with capacity to provide free legal aid to children including free legal representation in a court of law.

Functions of the Local Government Implementation Committee

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

(a) initiate actions that shall ensure the observance and popularisation 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 Organisation 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 children to which Nigeria is or becomes a signatory;

(b) continuously keep under review, the State of implementation of the welfare and protection 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 assessments 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, organisations and bodies concerned with the rights and welfare of the child;

(g) organise meetings, conferences, symposia and other enlightenment for a on 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 be assigned to it.

Procedure at Meetings

178. 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

179. The Secretariat of the Local Government Committee shall be the Local Government Secretariat.

Members of Implementation Committee to be trained

180. The members of the Child Welfare and Protection Implementation Committee at the State and Local Government level shall be trained in child protection issues before assuming duty as members of the Committee.

PART XX
MISCELLANEOUS

Offence by bodies corporate

181. If an offence under this Law is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of a body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, commit an offence and are liable to be proceeded against and punished accordingly.

Service of documents

182. (1) Any notice or other document required under this Law to be served on any person may be served on him by being delivered personally to him, or being sent by post to him by registered post or by the recorded delivery service at his proper address.

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

(3) For the purposes of this section, the proper address of a person shall:

(a) in the case of a secretary or clerk of a body corporate, be that of the registered or principal office of that body;

(b) in the case of a partner of a firm, be that of the principal office of the firm; and

(c) in any other case, be the last known address of the person to be served.

Delegation of powers by the Commissioner

183. 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 an appropriate officer in the Ministry.

Forms in the Eleventh Schedule

184. The forms set out in Part I of the Eleventh Schedule to this Law shall have effect with respect to the matter specified therein.

Child Protection law subject to Islamic Law

185. Notwithstanding the provisions of this law, if any provision of this law contradicts the provision of Islamic law, Islamic law shall prevail.

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 by any person in whose favour a residence order is in force with respect to a child, the Court may:

(a) in the case of an application to the Family 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 Family Court at the Magistrate Court/Sharia Court level, make one or both of the orders mentioned in paragraph (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 the application 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 ensure to the applicant for the benefit of the child, or

(ii) to secure for 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:

(e) to pay to the applicant for the benefit of the child, or

(ii) to pay to the child himself;

(d) an order requiring a settlement to be made for the benefit of the child, and to the satisfaction of the Court of property:

(i) to which either parent is entitled (either in possession or in reversion) and

(ii) which is specified in the order,

(e) an order requiring either or both parents of a child:

(i) to transfer to the applicant for the benefit of the child, or

(ii) to transfer to the child himself; such property to which the parent is, or the parents are, entitled (either in possession or in reversion) as may be specified in the order.

(3) The power 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 payments were required to be made under the previous order.

(5) Where the Court makes an order under this paragraph:

(a) it may at any time make a further order under sub-paragraph (2) (a), (b) or (c) of this paragraph with respect to the child concerned if he has not attained the age of eighteen years;

(b) it may not make more than one order under sub-paragraph (2) (d) or (e) of this paragraph against the same person in respect of the same child.

(6) On making, varying or discharging a residence order, the Court may exercise any of its powers under this Schedule notwithstanding that no application has been made to it under this Schedule.

2. (1) If on an application by a person who has attained the age of eighteen years, it appears to the Court:

(a) that the applicant is, 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 of an order under this paragraph; that Court may make one or both of the orders mentioned in sub-paragraph (2) of this paragraph.

(2) The orders referred to in sub-paragraph (1) of this paragraph are:

(a) an order requiring either or both of the applicant's parents to pay to the applicant such periodical payments, for such term, as may be specified in the order;

(b) an order requiring either or both of the applicant's parents to pay to the applicant such periodical payments, for such term as may be specified in the order.

(3) An application may not be made under this paragraph by any person if, immediately before he attained the age of sixteen years, a periodical payments order was in force in respect to him.

(4) No order shall be made under this paragraph at a time when the parents of the applicant are living with each other in the same household.

(5) An order under sub-paragraph (2) (a) of this paragraph may be varied or discharged by a subsequent order made on the application of any person by or to whom payments were required to be made under the previous order.

(6) The powers conferred by this paragraph shall be exercisable at any time.

(7) Where the court makes an order under this paragraph it may, from time to time while that order remains in force make a further order.

(8) In sub-paragraph (3) of this paragraph, "periodical payment order" means an order made under this Schedule for the making or securing of periodical payments.

Duration of Orders for Financial Relief

3. (1) The term to be specified in an order for periodical payments made under paragraph 1 (2) (a) or (b) of this Schedule in favour of a child may begin with the date of the making of an application for the order in question or any later date but shall not:

(a) in the first instance extend beyond the child's seventeenth birthday unless the Court thinks it right in the circumstances of the case to specify a later date;

(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 an order were made without complying with that sub-paragraph would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or

(b) there are special circumstances which justify the making of an order without complying with that paragraph.

(3) An order for periodical payments made under paragraph 1 (2) (a) or 2 (2) (a) of this Schedule shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order.

(4) Where an order is made under paragraph 1 (2) (a) or (b) of this Schedule requiring periodical payments to be made or secured to the parent of a child, the order shall cease to have effect if the parent making or securing the payments and the parent to whom the payments are made or secured, live together for a period of more than six months.

Matters to Which Court is to Have Regard in Making Orders for Financial Relief

4. (1) In deciding whether to exercise its powers under paragraph 1 or 2 of this Schedule and if so, in what manner, the Court shall have regard to all the circumstances of the case, including:

(a) the income, earning capacity, property and other financial resources which each person mentioned in sub-paragraph (4) of this paragraph has or is likely to have in the foreseeable future;

(b) the financial needs, obligations and responsibilities which each person mentioned in sub-paragraph (4) of this paragraph has or is likely to have in the foreseeable future;

(c) the financial needs of the child;

(d) the income, earning capacity (if any), property and other financial resources of the child;

(e) any physical or mental disability of the child;

(f) the manner in which the child was being, or was expected to be educated or trained.

(2) In deciding whether to exercise its powers under paragraph 1 of this Schedule against a person who is not the mother or father of the child, and if so in what manner, the Court shall in addition have regard to:

(a) whether that person had assumed responsibility for the maintenance of the child and, if so, the extent to which and basis on which he assumed responsibility and the length of the period during which he met that responsibility;

(b) whether he did so knowing that the child was not his child; and

(c) the liability of any other person to maintain the child.

(3) Where the Court makes an order under paragraph 1 of this Schedule against a person who is not the father of the child, it shall record in the order that the order is made on the basis that the person against whom the order is made is not the child's father.

(4) The persons mentioned in sub-paragraph (1) of this paragraph are:

(a) in relation to a decision whether to exercise its powers under paragraph 1 of this Schedule, any parent of the child;

(b) in relation to a decision whether to exercise its powers under paragraph 2 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 liabilities or expenses:

(a) incurred in connection with the birth of the child or in maintaining the child; and

(b) reasonably incurred before the making of the order; to be met.

(2) The amount of any lump sum required to be paid by an order made by the Family Court at the Magistrate level under paragraph 1 or 2 of this Schedule shall not exceed twenty five thousand naira or such larger amount as the Commissioner may from time to time, by order fix for the purposes of this sub-paragraph.

(3) The power of the Court under paragraph 1 or 2 of this Schedule to vary or discharge an order for the making or securing of periodical payments by a parent shall include power to make an order under that provision for the payment of a lump sum by that parent.

(4) The amount of any lump sum which a parent may be required to pay by virtue of Sub-paragraph (3) of this paragraph shall not, in the case of an order made by the Family Court at the Magistrate 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 Family Court at the Magistrate level may make an order for the payment of a lump sum not exceeding that amount even though the parent was required to pay a lump sum by a previous order under this Law.

(5) An order made under paragraph 1 or 2 of this Schedule for the payment of a lump sum may provide for the payment of that sum by instalments.

(6) Where the Court provides for the payment of a lump sum by instalments, the Court shall on an application made either by the person liable to pay or the person entitled to receive that sum, have power to vary that order by varying:

(a) the number of instalments payable;

(b) the amount of any instalments payable;

(c) the date on which any instalment becomes payable.

6. (1) In exercising its powers under paragraph 1 or 2 of this Schedule to vary or discharge an order for the making or securing of periodical payments, the Court shall have regard to all the circumstances of the case, including any 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 discharging of an order for the making or securing of periodical payments, the court varies the payments required to be made under that order, the Court may provide that the payments as so varied shall be made from such date as the court may specify, not being earlier than the date of the making of the application.

(4) An application for the variation of an order made under paragraph 1 of this Schedule for the making or securing of periodical payments to or for the benefit of a child may, if the child has attained the age of sixteen years, be made by the child himself.

(5) Where an order for the making or securing of periodical payments made under paragraph 1 of this Schedule ceases to have effect on the date on which the child attains the age of sixteen years, or 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 on an application under sub-paragraph (5) 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 under sub-paragraph (5) of this paragraph may be varied or discharged under that sub-paragraph, 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 was 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 are 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 the period by the person entitled to payments under the order.

(4) Sub-paragraph (3) of this paragraph shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the variation of an order in accordance with this paragraph.

(5) Where an application to vary a secured periodical payment order is made after the death of the parent liable to make payment under the order, the Court is required to have regard under paragraph 6 (1) of this Schedule of the changed circumstances resulting from the death of the parent.

(6) In considering for the purposes of Sub-paragraph (2) of this paragraph the question when representation was first taken out, a grant limited to settled land or to trust property shall be left out of account and a grant limited to real estate or to personal estate shall be left out of account unless a grant limited to the remainder of the state has previously been made or is made at the same time.

(7) In this paragraph, "secured periodical payments order" means an order for secured periodical payments under paragraph 1 (2) (b) of this Schedule.

Financial relief under other Laws

6. (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 law 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

7. (1) Where an application is made under paragraph 1 or 2 of this Schedule, the Court may, at any time before it disposes of the application, make an interim order:

(a) enquiring either or both parents of a child to make such periodical payments, at such time and for such term as the Court thinks fit; and

(b) giving any direction which the Court thinks fit.

(2) An interim order made under this paragraph may provide for payments to be made from such date as the Court may specify, not being earlier than the date of the making of the application under paragraph 1 or 2 of this Schedule.

(3) An interim order made under this paragraph shall cease to have effect when the application is disposed of or, if earlier, on the date specified for the purposes of this paragraph in the interim order.

(4) An interim order in which a date has been specified for the purpose of sub-paragraph (3) of this paragraph may be substituting a later date.

Alteration of maintenance agreements

8. (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 agreements".

(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 Court for an order under this paragraph.

(3) If the Court to which the application is made is satisfied:

(a) that, by reason of a change in the circumstances in the light of which any financial arrangements contained in the maintenance agreement were made (including a change foreseen by the parties when making the maintenance agreement), the maintenance agreement shall be altered so as to make different financial arrangements; or

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

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

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

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

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

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

(6) The Family Court at the Magistrate level shall not entertain an application under sub-paragraph (2) of this paragraph unless both the parties to the maintenance agreement are resident in the state and shall not have power to make any order on such an application except:

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

(b) in a case where the maintenance agreement includes provisions for the making by one of the parties of periodical payments, an order increasing or reducing the rate of, or terminating, any of those payments.

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

9. (1) Where a maintenance agreement provides for the continuation, after the death of one of the parties, of payments for the maintenance of a child, the surviving party or the personal representatives of the deceased party may apply to the court for an order under paragraph 10 of this schedule.

(2) If a maintenance agreement is altered by a Court on an application under this paragraph, the maintenance agreement shall have effect thereafter as if the alteration had been made, immediately before the death, by agreement between the parties and for valuable consideration.

(3) An application under this paragraph shall not, except with leave of the Court, be made after the end of the period of six months beginning with the day on which representation in regard to the estate of the deceased is first taken out.

(4) In considering for the purposes of sub-paragraph (3) the question when representation was first taken out, a grant limited to settled land or to trust property shall be left out of account and a grant limited to real estate or to personal estate shall be left out of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.

(5) The provision of this paragraph shall not render the personal representative of the deceased liable for having distributed any part of the estate of the deceased after the expiry of the period of six months referred to in sub-paragraph (3) of this paragraph on the ground that he ought to have taken into account the possibility that a Court might grant leave for an application by virtue of this paragraph to be made by the surviving party after that period.

(6) Sub-paragraph (5) of this paragraph shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the making of an order in pursuance of this paragraph.

(7) In this paragraph, "maintenance agreement" and "financial arrangements" have the same meaning assigned to them in paragraph 10(1) of this Schedule.

Enforcement of orders for maintenance

10. (1) Any person for the time being under an obligation to make payments in pursuance of any order for the payment of money made by a Court at the Magisterial level under

this Law shall give notice of any change of address to such person (if any) as may be specified in the order.

(2) A person who fails without reasonable excuse to give a notice commits an offence and is liable on summary conviction to a fine of two thousand 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 Family 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 or settlement of property, it may direct that the matter be referred to one of the registrars of the court to provide a proper instrument to be executed by all necessary parties.

Financial provisions for child resident in a state other than Jigawa State

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

(a) his other parent; or

(b) his guardians; or

(c) a person in whose favour a residence order is in force with respect to the child, the Court shall have power, on an application made by the parent, guardian or person to make one or both of the orders mentioned in paragraph 1 (2) (a) and (b) of this Schedule against the parent living in that State.

(2) Any reference in this Law to the powers of the Court under paragraph 1 (2) of this Schedule or to an order made under paragraph 1 (2) of this Schedule 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 contribution to that person towards the cost of the accommodation and maintenance of the child.

Interpretation

16. In this Schedule:

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

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

SECOND SCHEDULE

PART I - GENERAL

Meaning of "Responsible Person"

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

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

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

Power of supervisor to give directions to supervised child

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

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

      (b) to present himself to a person or persons specified in the direction at a place or places and on a day 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 direction and to decide the form of any direction which he gives.

   (3) Sub-paragraph (1) of this paragraph does not confer 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 the supervised child complies with any requirement included in the order under paragraph 4 or 5 of this Schedule;

(c) that he complies with any direction given by the supervisor requiring him to attend at a place specified in the direction for the purpose of taking part in activities so specified.

(2) A direction given under 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 responsible person in relation to the supervised child to keep the supervisor informed of his address, if it differs from that of the child.

Psychiatric and medical examination

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

(a) to submit to a medical or psychiatric examination; or

(b) to submit to any such examination from time to time as may be directed by the Supervisor.

(2) An examination under sub-paragraph (1) of this paragraph shall be required to be conducted:

(a) by or under the direction of such medical practitioner as may be specified in the order;

(b) at a place specified in the order and at which the supervised child is to attend as non-resident patient; or

(c) at:

(i) a health service hospital;

(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) (c) of this paragraph shall not be included unless the Court is satisfied, on the evidence of a medical practitioner that:

(a) the child may be suffering from a physical or mental condition that requires, and may be susceptible to, treatment; and

(b) a period as a resident patient is necessary if the examination is to be carried out properly.

(4) No Court shall include a requirement under this paragraph in a supervision order unless it is satisfied that:

(a) where the child has sufficient understanding to make an informed decision, he consents to its inclusion; and

(b) satisfactory arrangements have been, or can be, made for the examination.

(5) In this paragraph and in paragraph 5 of this Schedule, "medical practitioner" means a medical practitioner registered under the Medical and Dental Practitioners Act, Cap. M8, Laws of the Federation, 2004.

Psychiatric and medical treatment

5. (1) Where a Court which proposes to make or vary a supervision order is satisfied, on the evidence of a medical practitioner that the mental condition of the supervised child:

(a) is such as requires, and may be susceptible to, treatment; but

(b) is not such as to warrant his detention in pursuance of a hospital order;

the court may include in the order a requirement that the supervised child shall, for a period specified in the order, submit to such treatment as is so specified.

(2) The treatment specified in accordance with 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.

(3) Where a court which proposes to make or vary a supervision order is satisfied, on the evidence of a medical practitioner; that the physical condition of the supervised child is such as requires, and may be susceptible to treatment, the Court may include in the order a requirement that the supervised child shall, for a period specified in the order, submit to such treatment as is so specified.

(4) The treatment specified in accordance with sub-paragraph (3) of this paragraph shall be:

(a) by, or under the direction of, such medical practitioner as may be specified in the order; and

(b) as a non-resident patient at such place as may be so specified, or

(c) as a resident patient in a Government hospital.

(5) No Court shall include a requirement under this paragraph in a supervision order unless it is satisfied:

(a) where the child has sufficient understanding to make an informed decision, that he consents to its inclusion; and

(b) that satisfactory arrangements have been or can be made for the treatment.

(6) If a medical practitioner by whom or under whose direction a supervised person is being treated in pursuance of requirement included in a supervision order by virtue of this paragraph is unwilling to continue to treat or direct the treatment of the supervised child or is of the opinion that:

(a) the treatment should be continued beyond the period specified in the order, or

(b) the supervised child needs different treatment, or

(c) he is not susceptible to treatment, or

(d) he does not require further treatment, the medical practitioner shall make a report in writing to that effect to the supervisor.

(7) On receiving a report under this paragraph, the supervisor shall refer it to the Court, and on such a reference, the Court may make an order cancelling or varying the requirement.

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

PART II - MISCELLANEOUS

Life of Supervision Order

6. (1) Subject to sub-paragraph (1) of paragraph 2 of Part I of this Schedule, 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 direction

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.

Information to be given to supervisor, etc.

8. (1) A supervision order may require the supervised child:

(a) to keep the supervisor informed of any change in his address; and

(b) to allow the supervisor to visit him at the place where he is living.

(2) The responsible person in relation to any child with respect to whom a supervision order is made shall:

(a) if asked by the supervisor, inform him of the child's address (if it is known to him); and

(b) if he is living with the child, allow the supervisor reasonable contact with the child.

Selection of supervisor

9. (1) A supervision order shall not designate 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 requires; and

(b) a supervision officer is already exercising or has exercised, in relation to member of the household to which the child belongs, duties imposed on supervision officers under this Law.

(3) Where a supervision order places a person under the supervision of a supervision officer, the supervision officer shall be selected in accordance with arrangements made by the Supervision Service for the area in question.

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

Effect of supervision order on earlier orders

10. The making of a supervision order with respect to a child brings to an end any earlier care order or supervision order which:

(a) was made with respect to that child; and

(b) would otherwise continue in force.

State Government function and expenditure

11. (1) The Commissioner may make regulations with respect to the exercise by a State Government of its functions where a child has been placed under its supervision by a supervision officer.

(2) Where a supervision order requires compliance with direction given by virtue of this Part of this Schedule, any expenditure incurred by the supervisor for the purposes of the directions shall be defrayed by the State Government.

PART III - EDUCATION SUPERVISION ORDER

Effect of orders

12. (1) Where an education supervision order is in force with respect to a child, the supervisor shall:

(a) advise, assist and be kind to and give direction to:

(i) the supervised child; and

(ii) the parents of the supervised child, in such a way as may, in the opinion of the supervisor, ensure that the child is properly educated;

(b) where any such direction given to:

(i) the supervised child; or

(ii) a parent of his, has not been complied with, consider what further steps to take in the exercise of the supervisor's powers under this Law.

(2) Before giving any directions under 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. (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 regular school attendance at School shall be superseded by their duty to comply with any directions in force under the education supervision order.

(2) Where an education supervision order is made with respect to a child:

(a) any school attendance order in force immediately before the making of the education supervision order shall cease to have effect;

(b) a supervision order made with respect to the child in criminal proceedings, while the education supervision order is in force, shall not include an education requirement of the kind which could otherwise be required under this Law; and

(c) any education requirement of a kind mentioned in 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 a child is also subject to supervision order

14. Where an education supervision order and a supervision order, are in force at the same time with respect to the same child, any failure to comply with a direction given by the supervisor under the education supervision order shall be disregarded if it would not have been reasonably practicable to comply with it without failing to comply with a direction given under the other order.

Duration of orders

15. (1) An education supervision order shall have effect for a period of one year, beginning with the date on which it is made.

(2) An education supervision order shall 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 ceasing to be of compulsory school age; or

(b) the making of a care order with respect to the child,
and sub-paragraph (1) to (4) of this paragraph are subject to this sub-paragraph.

Information to be given to the supervisor, etc.

16. (1) An education supervision order may require the child:

(a) to keep the supervisor informed of any change in his address; and

(b) to allow the supervisor to visit him at the place where he is living.

(2) A person who is the parent of a child with respect to whom an education supervision order has been made shall:

(a) if asked by the supervisor, inform him of the child's address if it is known to him; and

(b) if he is living with the child, allow the supervisor reasonable contact with the child.

Discharging of Orders

17. (1) The Court may discharge an education supervision order on the application of:
(a) the child concerned; or

(b) a parent of the child concerned; or

(c) the education authority concerned.

(2) On discharging an education supervision order, the court may direct the State Government within whose area the child lives, or will live, to investigate the circumstances of the child.

18. (1) If a parent of a child with respect to whom an education supervision order is in force persistently fails to comply with a direction given under the order he commits an offence.

(2) It shall be a defence for any person charged with such an offence to prove that:

(a) he took all reasonable steps to ensure that the direction was complied with;

(b) the direction was unreasonable; or

(c) he had complied with:

(i) a requirement included in a supervision order made with respect to the child; or

(ii) directions 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.

Persistent Failure of a Child to Comply with Directions

19. (1) Where a child with respect to whom an education supervision order is in force persistently fails to comply with any direction given under the order, the education authority concerned shall notify the 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

20. The Commissioner may by regulations make provisions modifying, the provisions of any law on education in relation to any child with respect to whom an education supervision order is in force to such extent as appears to the Commissioner to be necessary or expedient in consequence of the provisions made by this Law with respect to such orders.

THIRD SCHEDULE

Application for Wardship

Application for wardship shall:

(a) be by originating summons; and

(b) State the relationship of the plaintiff to the ward.

FOURTH SCHEDULE

PART I

FOSTER PARENTS: LIMITS ON NUMBERS OF FOSTER CHILDREN

Fostering Children

1. For the purposes of this Schedule, a person fosters a child if:

   (a) he is the State Government foster parent in relation to the child;

   (b) he is a foster parent with whom the child has been placed by a voluntary organization; or

   (b) he fosters the child privately.

The usual fostering limit

2. Subject to the following paragraphs of this Schedule, a person may not foster more than three children.

Exemption for Siblings

3. A person may exceed the usual fostering limit if the children concerned are all siblings with respect to each other.

Exemption by the State Government

4. (1) A person may exceed the usual fostering limit if he is exempted from it by the State Government.

(2) In considering whether to exempt a person, the State Government shall have regard, in particular to:

(a) the number of children who the person proposes to foster;

(b) the arrangements which the person proposes for the care and accommodation of the fostered children;

(c) the intended and likely relationship between the person and the fostered children;

(d) the period for which he proposes to foster the children; and

(e) whether the welfare of the fostered children (and of any other children who are or will be living in the accommodation) will be safeguarded and promoted.

(3) Where the State Government exempts a person, it shall inform him by notice in writing:

(a) that he is so exempted;

(b) the names of the children, whom he may foster; and

(c) of any condition to which the exemption is subject.

(4) A 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 considerations mentioned in sub-paragraph (2) of this paragraph.

(5) The Commissioner may make regulations amplifying or modifying the provisions of this paragraph in order to provide for cases where children need to be placed with foster parents as a matter of urgency.

Effect of exceeding fostering limit

5. (1) A person shall cease to be treated as fostering children and shall be treated as carrying on a children's home if:

(a) he exceeds the usual fostering limit; or

(b) where he is exempted under paragraph 4 of this Schedule:

(i) he fosters any child not named in the exemption, and

(ii) in so doing, he exceeds the usual fostering limit

(2) Sub-paragraph (1) of this paragraph does not apply if the children concerned are all siblings in respect of each other

Complaints, etc.

6. (1) The State Government shall establish a procedure for considering any representations (including any complaint) made to it about the discharge of its functions under Paragraph 4 of this Schedule by a person exempted or seeking to be exempted under that paragraph.

(2) In carrying out any consideration of representations under sub-paragraph (1) of this paragraph, a State Government shall comply with any regulations made by the Commissioner for the purposes of this paragraph.

PART II

FORMS OF FOSTERED CHILDREN'S REGISTER

Registry ..... Town ..... L.G.A. .....

1	2	3	4	5	6	7	8
No. of entry	Date of entry	Name of Fostered Child (enter name as stated in fostering order)	Sex of Fostered Child (enter sex as stated in fostering order)	Name and surname, address and occupation of foster parents (enter name, address and occupation as stated in fostering order)	Date of birth of child (enter date of birth if any, as directed by the adoption fostering order to be entered but other entry)	Date of Fostering order and description of Court which made (entry to be as appearing on the Fostering Order)	Signature of officer deputed by Chief Registrar to attest to entry

PART III

CHILDREN FOSTERED PRIVATELY

Exemptions

1. A child is not fostered privately while he is being looked after by the State Government.

2. (1) A child is not fostered privately while he is in care of any person:

(a) in premises in which:

(i) a parent of the child; or

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

(iii) a person who is a relative of the child and who has assumed responsibility for his care, is for the time being living;

(b) in a children's home;

(c) in an accommodation provided by or on behalf of any voluntary organization;

(d) in a school in which he is receiving full-time education;

(e) in a residential care home, nursing home or mental nursing home; or

(f) in any home or institution not specified in this paragraph but provided, equipped and maintained by the Government.

(2) Sub-paragraph (1) (b) to (f) of this paragraph does not apply where the person caring for the child is doing so in his personal capacity and not in the course of carrying out his duties in relation to the establishment mentioned in the sub-paragraph in question.

(3) A child is not fostered privately while:

(a) he is placed in the care of a person who proposes to adopt him under this Law; or

(b) he is a protected child.

Power of State Government to impose Requirements

4. (1) Where a person is fostering a child privately, or proposes to foster any child privately, the appropriate authority may impose on him requirements as to:

(a) the number, age and sex of the children who may be fostered privately by him;

(b) the standard of the accommodation and equipment to be provided for them;

(c) the arrangement to be made with respect to their health and safety; and

(d) particular arrangements which shall be made with respect to the provision of care for them, and it shall be his duty to comply with 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 when the number of the children fostered by the person exceeds a specified number.

(4) A requirement shall be imposed by notice in writing addressed to the person on whom it is imposed and informing him of:

(a) the reason for imposing the requirement;

(b) his right under paragraph 6 (i) of this Schedule to appeal against it; and

(c) the time within which he 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 the other paragraphs of this Part of this Schedule:

(a) "the appropriate authority means:

(i) the State Government in whose State 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 will be fostered; and

(b) "requirement", in relation to any person, means, a requirement imposed on the person under this paragraph.

Regulations Requiring Notification of Fostering, etc.

5. (1) The Commissioner may by regulations make provision as to:

(a) the circumstances in which notification is required to be given in connection with children who are, have been or are proposed to be fostered privately; and

(b) the manner and form in which such notification is to be given.

(2) The regulations may, in particular:

(a) require any person who is, or proposes to be, involved (whether or not directly) in arranging for a child to be fostered privately to notify the appropriate authority;

(b) require any person who is:

(i) a parent of the child; or

(ii) a person who, though not the 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 the child fostered privately, or person who, though not the parent of the 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 this Law; or

(iii) any prohibition imposed on him under this Law;

(f) require any person who is fostering a child privately to notify the appropriate authority of any change in his address

(g) require any person who is fostering a child privately, to notify the appropriate authority within a reasonable time (indicating, where the child has died and the cause of death).

Appeals

6. (1) A person aggrieved by:

(a) a requirement imposed under paragraph 4 of this Schedule;

(b) a refusal of consent under Law;

(c) a prohibition imposed under this Law;

(d) a refusal to cancel a prohibition imposed under Section 116 of this Law;

(e) a refusal to make an exemption under paragraph 4 of 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, 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 cancelling the requirement or prohibition:

(a) vary the requirement or allow more time for compliance with it; or

(b) if an absolute prohibition has been imposed, substitute for it a prohibition on using the premises after such time as the court may specify unless such specified requirements as the State 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 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 a variation or cancellation of the exemption, it may:

(a) make an exemption;

(b) impose a condition; or

(c) vary the exemption.

(7) An exemption made or varied under sub-paragraph (6) of this paragraph, or any condition imposed under that sub-paragraph, shall be deemed for the purposes of

Part I of this Schedule (but not for the purposes of this paragraph) to have been made, varied or imposed under that Schedule.

(8) Nothing in Sub-paragraph (1) (e) to (g) of this paragraph confers any right of appeal on:

(a) a person who is, or would, if exempted under Part 1 of this Schedule, be a 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 a 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 a State Government lives at the school during school holidays for a period of more than two weeks, this law shall apply in relation to the child as if:

(a) while living at the school, he were a child fostered privately; and

(b) paragraph 2 (1) (d) and 4 of this part of this Schedule were omitted.

(2) 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, given written notice of his proposal to the State Government whose area the child is ordinarily resident, stating the estimated number of the children.

(4) A 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 special period or indefinitely and may be revoked at any time by notice in writing, given to the person exempted.

(6) Where a child who is treated as a child fostered privately by virtue of this paragraph dies, the person caring for him at the school shall, not later than 48 hours after the death, give written notice of the death:

(a) to the appropriate authority; and

(b) where reasonably practicable, to each parent of the child and to every person who, though not a parent of the child, has parental responsibility for the child.

(7) Where a child who is treated as a foster child by virtue of this paragraph ceases for any other reason to be a fostered child, the person caring for him at the school shall give written notice of the fact to the appropriate authority.

Requirement for 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 2003 to have no interest in the life of the child.

PART IV
CHILD WELFARE AND PROTECTION

Declaration Regarding Suitability to Foster Children Privately

(To be completed by all members of the household over 16 years)

Full Name
.....

Date of Birth
.....

Address
.....

HAVE YOU EVER		(Please tick)	YES	NO
1.	Been convicted of any offence involving a child	–	( )	( )
2.	Had a child removed from your custody by the order of any Court or State Government	–	( )	( )
3.	Had registered under part XIV of the Children's 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 questions, please supply the dates and circumstances.

Signed ..... Date
.....

A person who makes any statement in this notice or information which he knows to be false or misleading commits an offence.

Signed ..... Date .....

A person who makes any statement in this notice or information which he knows to be false or misleading commits an offence.

PART V

ADDITIONAL PROVISIONS RELATING TO PRIVATE ARRANGEMENTS FOR FOSTERING

General Welfare of Children

1. (1) In carrying out functions under section 116 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 Schedule), shall satisfy itself on such matters specified in sub-paragraph (2) of this paragraph as are relevant in the particular circumstances.

(2) The matters referred to in sub-paragraph (1) of this paragraph are:

(a) the purposes and intended duration of the fostering arrangement;

(b) the child's physical, intellectual, emotional, social and behavioural development;

(c) whether the child's needs arising from his religious persuasion, racial origin and cultural and linguistic background are being met;

(d) the financial arrangements for the care and maintenance of the child;

(e) the suitability of the accommodation;

(f) the arrangements for the child's medical and dental care and treatment;

(g) the arrangement 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 arrangements.

Visit 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 safeguard and promote the welfare of the child and when reasonably requested by the child or foster parent and in particular:

(a) in the first year of the fostering arrangement, within one week from its beginning and then at intervals of not more than six weeks;

(b) in any second or subsequent year, at intervals of not more than three months.

(2) For the purpose of making visits under this paragraph, the officer shall, if he considers it appropriate, arrange to see the child alone.

(3) the officer shall make a written report to the State 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 is not already caring and providing accommodation, shall notify the appropriate authority not less than six weeks, nor more than thirteen weeks before he receives the child, unless he receives him in an emergency.

(2) a person who is fostering a child privately:

(a) whom he received in an emergency; or

(b) for whom he was already caring and providing accommodation when he become a foster child, shall notify the appropriate authority not more than 48 hours after the fostering arrangements began

(3) A notice under 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 from whom the child was or is to be received;

(i) 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

(ii) the intended date of the beginning of the fostering arrangement or, as the case may be, the date on which the arrangement actually began.

(4) A person giving notice under sub-paragraph (1) or (2) of this paragraph shall include in the notice particulars of:

(a) any offence of which he has been convicted;

(b) any disqualification or prohibition imposed on him under (as the case may be) Section 115 and 116 of this Law or under any previous law of either of those sections; and

(c) any such conviction, disqualification or prohibition imposed on any other person living in or employed at the same household.

(5) A person who is fostering a child privately shall notify the appropriate authority of:

(a) any change in his address;

(b) any person who begins or ceases, to be part of his household; and

(c) any further conviction disqualification or prohibition as mentioned in sub-paragraphs (3) (a), (b) and (c) of this paragraph.

(6) A notice under sub-paragraph (5) of this paragraph shall be given:

(a) in advance if practicable; and

(b) in any other case, not more than 48 hours after the change of circumstances, 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-paragraphs (30 (a) and (d) of this paragraph.

Notification by former foster parents

4. (1) Subject to sub-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 is 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 subsequently abandons his intention; or

(b) the interval expires without his having given effect to his intention he shall thereupon give notice to the State Government within 48 hours of abandoning his intention or as the case may be, the expiry of the interval.

Other Notification

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 and not more than thirteen weeks before the fostering arrangement begins unless the fostering arrangement is made in an emergency in which case the notification shall be not more than 48 hours after the fostering arrangement begins.

(2) A parent of a child, and any other person who has parental responsibility for the child, who knows that it is proposed that the child should be fostered privately shall notify the appropriate authority not less than six, and not more than thirteen weeks before the fostering arrangement begins unless the fostering arrangement is made in an emergency in which case notification shall be not more than 48 hours thereafter.

(3) Any notice under sub-paragraph (1) or (2) of this paragraph shall specify:

(a) the information mentioned in sub-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 giving the notice and also the information specified in sub-paragraph (3) (d) of paragraph 3 of this Schedule.

(4) Any parent of a child fostered privately and any other person who has parental responsibility for the child, shall notify the appropriate authority of:

(a) the ending of the fostering arrangement; and

(b) any change in his own address

6. Any notice required under paragraph 3 to 5 shall be given in writing and may be sent by post.

PART VI
DISQUALIFICATION FROM CARING FOR CHILDREN

Disqualification from fostering a child privately or Registration under Part XI of this Law

1. For the purpose of section 115 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 this Law (registration for child-minding and day care) if:

(a) he is the parent of a child who at any time has been made the subject of an order under section 46 (1) (a) of this Law (care order);

(b) one of the following orders has been made at any time with respect to a child so as to remove the child from his care or prevent the child living with him:

(i) an order under section 46(1) (a) of this Law;

(ii) a supervision order which imposes a residence requirement under this Law that a child offender live in the State Government accommodation;

(iii) an approved school order or a fit person order under this Law;

(c) an order has been made at any time, for the purposes of removing a protected child who was being kept, or was about to be received by him under Part IV of this Law;

(d) an order removing a child from his care has been made at any time under Part V of this Law;

(e) he has been convicted of any sexual offence, any offence involving perjury or violence or such other offences as may be prescribed by the Commissioner;

(f) he is a person who carried on, or was otherwise concerned with the management of or 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 under this Law;

(h) there has been a refusal to register a registered children's home in relation to an application made by him under paragraph 1 of the Tenth Schedule to this Law (application for registration);

(i) he is a person who carried on or was otherwise concerned with the management of or had any financial interest in a registered children's home and that home was removed from the register under paragraph 4 of the Tenth Schedule to this Law (cancellation of registration);

(j) he is a person in respect of whom a prohibition has been imposed under section 116 of this Law (power to prohibit private fostering);

(k) he has at any time been refused registration in respect of day care or child minding.

Disqualification in relation to Voluntary Homes

2. (1) A person who is disqualified under section 115 of this Law from fostering a child privately shall not carry on, or be otherwise concerned in the management of or have any financial interest in a voluntary home unless he has:

(a) disclosed to the Commissioner the fact that he is so disqualified; and

(b) obtained his written consent.

(2) No person shall employ a person who is disqualified in a voluntary home unless he has:

(a) disclosed to the Commissioner the fact that that person is so disqualified; and

(b) obtained the written consent of the Commissioner.

(3) Where the Commissioner refuses to give his consent under this paragraph he 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 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 of not less than three months or to a fine of not less than two thousand five hundred naira or to both such imprisonment and fine.

FIFTH SCHEDULE

Form of Adopted Children's Register

Registry ..... Town ..... L.G.A ..... State .....

1	2	3	4	5	6	7	8
No of entry	Date of entry	Name of adopted Child (enter name as stated in adoption order)	Sex of adopted Child (enter sex as stated in adoption order)	Name and surname, address and occupation of 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 adoption Order and description of Court by which made (entry to be as appearing on the adoption Order)	Signature of Officer deputed by chief Registrar to attest entry

SIXTH SCHEDULE

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 the requirements contained in Annex A to this Schedule and of regulations made for the purposes of this paragraph by the Commissioner; and

(b) a statement with respect to any person assisting or likely to be assisting in looking after children on the premises in question, or living or likely to be living there, which complies with the requirements contained in Annex B to this Schedule and of such regulations.

(2) where a person provides, day care for children under the age of six years on different premises situated within the same 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 caring, or proposes to act, in any way which requires him to be registered under that section, the State Government shall register him if the application is properly made 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 purposes of this paragraph.

(2) the regulations 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;

(b) an order of a prescribed kind has been made at any time with respect to any child who has been in his care;

(c) a requirement of a prescribed kind has been imposed at any time with respect to such a child; under or by virtue of any law;

(d) he has at any time been refused registration under Part XIV of this Law or any other prescribed law or had any such registration cancelled;

(e) he has been convicted or any offence of a prescribed kind; or has been placed on probation or discharged absolutely or conditionally for any such offence;

(f) he has at any time been disqualified from fostering a child privately;

(g) a prohibition has been imposed on him at any time under any prescribed law;

(h) his rights and powers with respect to a child have at any time been vested in a prescribed authority under a prescribed law.

(3) A person who lives:

(a) in the same premises as a person who is himself disqualified by regulations made under this paragraph; or

(b) in a premises which any such person is employed;

shall be disqualified unless he has disclosed the fact to the State Government and obtained its written consent.

(4) A person who is disqualified shall not provide day care, or be concerned in the management of, or have any financial interest in, any provision of day care unless he has:

(a) disclosed the fact to the State Government; and

(b) obtained its written consent.

(5) No person shall employ, in connection with the provision of day care, a person who is disqualified unless he has:

(a) disclosed to the State Government the fact that the person is so disqualified; and

(b) obtained its written consent.

(6) In this paragraph, "law" means any law having effect, at any time, in any part of Nigeria.

Exemption of certain schools

3. (1) Section 166 of the Law does not apply in relation to any child looked after in any:

(a) school maintained or assisted by any Government in the Federation;

(b) school under the management of an education authority;

(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 178 of this Law does not apply in relation to any child being 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 children under the age of six years is provided in a particular premises for less than six days in any year, section 178 of this Law shall be disregarded if the person providing it notifies 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 day care in question is (after the commencement of this paragraph) first provided in the premises concerned and any subsequent year.

Certificate of Registration

6. (1) Where the State Government registers a person under section 140 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 138 (1) (b) of this Law, the address or situation of the premises concerned; and

(c) any requirement imposed under section 138 or 139 of this Law.

(2) Where, due to a change of circumstances, 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 certified true copy, on payment by the registered person of such fee as may be prescribed.

Fees for annual inspection of premises

7. (1) Where:

(a) a person is registered under section 138 of this Law; and

(b) the State Government makes an annual inspection of the premises in question under section 138 of this Law it shall serve on that person a notice informing him that the inspection is to be carried out and requiring him to pay such fee as may be prescribed.

(2) It shall be a condition of the continued registration of that person under section 138 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.

ANNEXURE 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 unincorporated, 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 domestic premises.

4. In the case of day care, a description of the facilities available to the applicant for day care, including the number of rooms, their functions, the number of lavatories and wash hand basins, any separate facilities for adult workers and access to the premises for cars.

5. Whether the applicant wishes to register as child minder, or as a provider of day care, and if the latter whether he will provide full day care or 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 any children of the applicant or the person in charge or any children for whom either is to be responsible.

9. Any relevant qualifications (with dates) of the applicant or the person in charge giving details of the organization running the course, the subjects studied, the length of the course and the title of the qualifications.

10. The names of two referees for the applicant or the person in charge who may be contacted.

11. The name and address of the medical practitioner of the applicant or of the person in charge and whether he may be approached for details concerning the state of health of the applicant or person in charge, together with details of anything for which he is currently being treated by his medical practitioner or by a hospital and details of any hospital admissions during the last 2 years and of any serious illness in the last 5 years.

12. Details of any criminal convictions of the applicant or the person in charge, including:

    (a) the date of offence;

    (b) the nature of offence;

(c) the place where it occurred;

(d) the name of the court which gave the conviction;

(e) the penalty imposed.

ANNEXURE B

INFORMATION TO BE PROVIDED ABOUT ANY PERSON ASSISTING OR LIKELY TO ASSIST, OR LIVING OR LIKELY TO LIVE IN THE PREMISES

1. In the case of child minders, names and date of birth of anyone living (or likely to be living) in the premises in which they intend to look after children, including numbers of the family and 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, names and dates of birth of anyone living (or likely to be living) in the premises to be used for a day care, details on how many staff will be employed in looking after the children and in which capacity, details of any person in charge, any other person assisting (or likely to be assisting) in looking after children in the premises in question, with their names and addresses.

3. Details of any criminal conviction of any of the person mentioned in sub-paragraphs 1 and 2 of this Section/Paragraph, including:

   (a) the date of offence;

   (b) the nature of offence

   (c) the place where it occurred;

   (d) the name of the court which gave the conviction;

   (e) the penalty imposed.

SEVENTH SCHEDULE

STATE GOVERNMENT SUPPORT FOR CHILDREN AND FAMILIES

PART I – PROVISION OF SERVICE FOR FAMILIES

Identification of children in need and provision of information

1. (1) The State Government shall take reasonable steps to identify the extent to which there are children in need within its area.

(2) The State Government shall:

(a) publish information:

(i) about its services as provided by 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

(b) 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 physically challenged and children with special needs

2. (1) The State Government shall open and maintain a register of physically challenged children and children with special needs 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 Government may assess his needs for the purposes of this Law at the same time as any assessment of his needs is made under any other law .

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, 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 a child

5. (1) Where:

(a) it appears to the State Government that a child who is living in a particular premises is suffering or is likely to suffer ill-treatment at the hands of another person who is living in the 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 150 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 physically challenged and children with special needs

6. The State Government shall provide services designed:

(a) to minimize on the physically challenged and children with special needs, the effect of their disabilities and

(b) to give physically challenged and children with special needs the opportunity to lead lives which are as normal as possible.

Provision to reduce need for care proceedings, 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 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; and

(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 counselling;

(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 service under this Law or of any similar service;

(e) assistance to enable the child concerned and his family to have a holiday.

Family Centres

10. (1) The State Government shall provide such family centres as it consider appropriate in relation to children within the State.

(2) Family centre is a centre at which any of the persons mentioned in sub-paragraph (3) of this paragraph may:

(a) attend for occupational, social, cultural or recreational activities;

(b) attend for advice, guidance or counselling; or

(b) be provided with accommodations while he is receiving advice, guidance or counselling.

(3) The person referred to in sub-paragraph (2) of this paragraph are:

(a) a child;

(b) the parents of the child;

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

(d) any other person who is looking after the child.

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 whom it is not looking after is living apart from his family:

(a) to enable him to live with his family; or

(b) to promote contact between him and his family, if, in its opinion, it is necessary to do so in order to safeguard or promote his welfare.

Duty to consider religious persuasion, etc. to which children in need belong

11. The State Government shall, in making any arrangements:

(a) for the provisions of day care within the State; or

(b) designed to encourage persons to act as State Government foster parents, have regard to the different religious persuasion, racial origin, ethnic and linguistic background of children within the State who are in need.

PART II – CHILDREN BEING LOOKED AFTER BY STATE GOVERNMENT

Regulations as to placing of children with the State Government foster parents

12. Regulations under section 162 of this Law, in particular, make provisions:

(a) with regard to the welfare of children placed with the State Government foster parents;

(b) as to the arrangements to be made by the State Governments in connection with the health and education of the children;

(c) as to the records to be kept by the State Governments;

(d) for ensuring that a child is not placed with the State Government foster parent unless that person is for the time being approved as the State Government foster parent by the state Government as may be prescribed;

(e) for ensuring that a child is not placed with 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 ensuring 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 that the children will be removed from those premises if their welfare appears to require it;

(g) as to the circumstances in which the State Governments may make arrangements for duties imposed on them by the regulations to be discharged, on their behalf.

Regulations as to arrangements under Section 162

13. Regulations under Section 162 of this Law may, in particular, make provisions as to:

(a) the persons to be notified of any proposed arrangements;

(b) the opportunities such persons are to have to make representations in relation to the arrangements proposed;

(c) the persons to be notified of any proposed changes in the arrangements

(d) the records to be kept by State Government;

(e) the supervision by the State Governments of the arrangements made.

Regulations as to conditions under which a child in care is allowed to live with parents, etc.

14. Regulations under Section 162 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;

(b) the supervision or medical examination of the child concerned;

(c) the removal of the child, in such circumstances as may be prescribed, from the care of the person with whom he has been allowed to live.

Promotion and maintenance of contact between child and family

15. (1) Where a child is being looked after by the State Government, the State Government shall, unless it is not reasonably practicable or consistent with his welfare, endeavour to promote contact between the child and:

(a) his parents;

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

(d) any relative, friend or other person concerned 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 practical to secure that:

(i) the parents of the child, and

(ii) any person who, though not a parent of the child, has parental responsibility for the child, are kept informed of where he is being accommodated; and

(b) every such person shall ensure that the State Government is kept informed of his her address.

(3) Where the State Government takes over the provision of accommodation for a child from another State Government under Section 16 (2) of this Law:

(a) the receiving authority shall (where reasonably practicable) inform:

(i) the parents of the child, and

(ii) any person who, though not a parent of the child but who has parental responsibility 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 of such person has been informed of the change; and

(c) 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.

(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 both.

(6) It shall be a defence in any proceedings under sub-paragraph (5) of this paragraph to prove that the defendant was residing at the same address as another person who was the child's parent or had parental responsibility for the child and had reasonable cause to believe that the other person had informed the appropriate authority that both of them were residing at that address.

Visits 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 conditions mentioned in sub-paragraph (3) of this paragraph are satisfied.

(2) The State Government may:

(a) make payments to:

(i) a parent of the child,

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

(iii) any relative, friend or other person connected with the child, in respect of travelling, subsistence or other expenses incurred by that person in visiting the child; or

(b) make payments to the child, or to any person on his behalf, in respect of travelling, subsistence or other expenses incurred by or on behalf of the child in his visiting:

(i) a parent of the child;

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

(iii) any relative, friend or other person connected with the child.

(3) The conditions 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 circumstances warrant the making of the payments.

Appointment of visitor for a 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 parent, or

(ii) any person who, though not a parent of a child, has parental responsibility for the child, has been infrequent; or

(b) the child has not visited or been visited by (or lived with) any such person during the preceding twelve months, and that it would be in the child's best interests for an independent person to be appointed to be his visitor for the purposes of this paragraph, it shall appoint such a visitor.

(2) A person appointed as a visitor shall:

(a) have the duty of visiting, advising and be kind toing the child; and

(b) be entitled to recover from the State Government who appointed him any reasonable expenses incurred by him for the purposes of his functions under this paragraph.

(3) A person's appointment as a visitor in pursuance of this paragraph shall be determined if:

(a) he gives notice in writing to the State Government who appointed him that he resigns the appointment; or

(b) the State Government gives him notice in writing that it has terminated the appointment.

(4) The determination of an appointment shall not prejudice any duty under this paragraph to make a further appointment.

(5) Where the State 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 regulations 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.

Power to guarantee apprenticeship deeds, etc.

18. (1) While a child is being looked after by the State Government or is a person Qualified 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 the 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 outside the State

19. (1) The State Government may only arrange for, or assist in arranging for, any child in its care to live outside the State with the approval of the Court.

(2) The State Government may, with the approval of every person who has parental responsibility for the child arrange for, or assist in arranging for any other child being 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 interests;

(b) suitable arrangements have been, or will be made for his reception and welfare in the State in which he will live;

(c) the child has consented to living in that State; and

(d) every person who has parental responsibility for the child has consented to his living in that State.

(4) Where the Court is satisfied that the child does not have sufficient understanding to give or withhold his consent, it may disregard sub-paragraph (3) (c) of this paragraph and give its approval if the child is to live in the State concerned with a parent, guardian or other suitable person.

(5) where a person whose consent is required by sub-paragraph (3) (d) of this paragraph fails to give his consent, the Court may disregard that provision and give its approval if it is satisfied that the person:

(a) cannot be found;

(b) is incapable of consenting; or

(c) is withholding his consent unreasonably.

(6) Where a Court decides to give its approval under this paragraph it may order that its decision is not to have effect during the appeal period.

(7) In Sub-paragraph (6) of this paragraph, "the appeal period" means:

(a) where an appeal made against the decision, the period between the making of the decision and the determination of the appeal; and

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

Death of children being looked after by a voluntary organization or Government institutions

20. (1) If a child who is being looked after by a voluntary organization or Government institution dies, the head of such institutions:

(a) shall notify the Commissioner;

(b) shall, so far as is reasonably practicable, notify the child's parents and every person who, though not a parent of the child, has parental responsibility for the child;

(c) may, with the consent (so far as it is reasonably practicable to obtain) of every person who has parental responsibility for the child, arrange for the child's body to be buried or cremated; and

(d) may, if the conditions mentioned in sub-paragraph (2) of this paragraph are satisfied, make payments to any person who has parental responsibility for the child, or any relative, friend or other person connected with the child, in respect of travelling, subsistence or other expenses incurred by that person attending the child's funeral.

(2) The conditions referred to in sub-paragraph (1) (d) of this paragraph are that:

(a) it appears to the authority that the person concerned could not otherwise attend the child's funeral without undue financial hardship; 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 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 law 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 STATE GOVERNMENT

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 has attained the age of sixteen years, the child himself.

(4) A parent is not liable to contribute during any period when he is in receipt of income support or public funds.

(5) The person is not liable to contribute towards the maintenance of a child in the care of a State Government in respect of any period during which the child is allowed by the State Government 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 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 153 of this Law; or

(b) an interim care order; or

(c) any prescribed law.

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) arrangements for payment.

(2) The contribution notice must be in writing and dated.

(3) Arrangements for payment shall, in particular, include:

(a) the date on which liability to contribute begins, which shall not be earlier than the date of the notice;

(b) the date on which liability under the notice will end if the child has not before that date ceased to be looked after by the 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 in its care.

(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 the 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) arrangements for payment, whether as specified in the contribution notice or otherwise and the contributor notifies the State Government in writing that he 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 agreement in relation to any period of liability falling after the date of service of the notice.

(9) Sub-paragraph (8) 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 (8) 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 (9) 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 (1) of this paragraph, the Court may make an order ("a contribution order") requiring the contributor to contribute a weekly sum towards the child's maintenance in accordance with arrangements for payment specified by the Court.

(3) A contribution order:

(a) shall not specify a weekly sum greater than that specified in the contribution notice; and

(b) shall be made with due regard to the 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

(e) the contributor and the State Government reach an agreement under paragraph 22 (8) 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 of:

(a) the agreement; and

(b) 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 varied; and

(b) the proposed arrangements for payment.

(10) Where a contribution order is varied, the order:

(a) shall not specify a weekly sum greater than that specified by the State 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 Family at the Magistrate level shall be enforceable as a magistrates' court maintenance order.

(2) Where a contributor has agreed, or has been ordered, to make contributions 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;

(b) subject to agreement as to any sum to be deducted in respect of services rendered, collect from the contributor any contribution 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 contributions due; and

(b) if necessary enforce payment of any contribution, notwithstanding that those contributions may have fallen due at a time when the contributor was living elsewhere.

(4) Any contribution collected under 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 purports to be:

(a) a copy of an order made by a Court under or by virtue of paragraph 23 of this Schedule; and

(b) certified as a true copy by the registrar of the Court, shall be evidence of the order.

(6) In any proceedings under this paragraph, a certificate which purports to be signed by a duly authorized officer of the State Government who obtained the contribution order and state that any sum due to the State Government under the order is overdue 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 payment should be;

(b) as to the procedures it must follow in reaching agreements with:

(i) contributions (under paragraph 22 and 23 of this Schedule), and

(ii) any other State Government (under paragraph 23 of this Schedule).

EIGHT SCHEDULE

MANAGEMENT AND CONDUCT OF COMMUNITY HOMES

Instruments of Management for Controlled and Assisted Community Homes

1. (1) The Commissioner may by order make an instrument of management providing for the constitution of a body of managers for any voluntary home which is 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 homes or as assisted community homes.

(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, a single instrument of management may be made by the Commissioner under this paragraph constituting one body of managers for the homes or for any two or more of them.

(4) The number of persons who, in accordance with an instrument of management, constitute the body of managers for a voluntary home shall be such number (which must be a multiple of three) as may be specified in the instrument.

(5) The 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 an assisted community home, one-third of the managers.

(6) An instrument of management shall provide that the foundation managers shall be appointed, in such manner and by such persons as may be specified in the instrument:

(a) so as to represent the interest of the voluntary organization by which the home is, or is to be provided;

(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 (1) 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 this designation.

(9) In this paragraph:

"designated", means designated in accordance with Section 165 of this Law; and

"foundation managers", in relation to a voluntary home, means managers of homes 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 provisions as the Commissioner considers appropriate.

(2) Nothing in the instrument of management shall affect the purposes for which the premises comprising the home is 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 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 provisions of any trust deed and an instrument of management, the instrument of management shall prevail over the provisions of the trust deed in so far as they relate to the home concerned.

(5) After consultation with the voluntary organization concerned, the Commissioner may by order vary or revoke any provision of the instrument.

PART II
MANAGEMENT OF CONTROLLED AND ASSISTED COMMUNITY HOMES

3. (1) The management, equipping and maintenance of a controlled community home shall be the responsibility of the State Government.

(2) The management, equipping and maintenance of an assisted community home shall be the responsibility of the voluntary organization by which the home is provided.

(3) The functions of a home's responsible body shall be exercised through the managers.

(4) Anything done, liability incurred or property acquired by a home's managers shall be done, incurred or acquired by them as agents of the responsible body.

(5) In so far as any matter is reserved for the decision of a home's responsible body by:

(a) 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 reserving any matter, that matter shall be dealt with by the body and not by the managers.

(6) In dealing with any matter so reserved, the responsible body shall have regard to any representation made on the body by the managers.

(7) The employment of persons at a home shall be a matter reserved for the decision of the responsible body.

(8) Where the instrument of management of a controlled community home so provides, the responsible body may enter into agreement 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 not carry out its proposal without its 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 cases or 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 persons or class of persons specified in the home's instrument of management.

(11) The accounting year of the managers of a home shall be such as may be specified by the responsible body.

(12) Before such date in each accounting year as may be so specified, the managers of a home shall submit to the responsible body estimates in such form as the body may require of expenditure and 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

(b) 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, equipping and maintenance.

PART III – REGULATIONS

4. (1) The Commissioner may make regulations:

(a) as to the placing of children in community homes;

(b) as to the conduct of such homes; and

(c) for securing the welfare of children in such homes.

(2) The regulations may, in particular:

(a) prescribe standards to which the premises used for such homes are to conform;

(b) impose requirements as to the accommodation, staff and equipment to be provided in such homes, and as to the arrangements to be made for protecting the health of children in such homes;

(c) provide for the control and discipline of children in such homes;

(d) impose requirements as to the keeping of records and giving of notice in respect of children in such homes;

(e) impose requirements as to the facilities which are to be provided for giving religious instructions to children in such homes;

(f) authorize the Commissioner to give and revoke directions requiring:

(i) a government provided 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 the 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 qualifications as may be prescribed;

(i) require the approval of the Commissioner for the provision and use of accommodation for the purpose of restricting the liberty of children in such homes and impose other requirements as to the placing of a child in accommodation provided for that purpose, including a requirement to obtain the permission of the State Government.

(j) provide that, to such extent as may be provided for in the regulations, the Commissioner may direct that any provision or regulations under this paragraph which is specified in the direction and makes any such provision as is referred to in sub-paragraph (2) (a) or (b) of this paragraph shall not

apply in relation to a particular home or the premises used for it, and may provide for the variation or revocation of any such direction by the Commissioner.

NINTH SCHEDULE

VOLUNTARY HOMES AND VOLUNTARY ORGANIZATIONS

PART I – REGISTRATION OF VOLUNTARY ORGANIZATIONS

General

1. (1) An application for registration under this paragraph shall:

(a) be made by the person intending to establish the home to which the application relates; and

(b) be made in such manner, and be accompanied by such particulars, as the Commissioner may prescribe.

(2) On an application duly made under sub-paragraph (1) of this paragraph, the Commissioner may:

(a) grant or refuse the application, as he thinks fit; or

(b) grant the application subject to such conditions as he considers appropriate.

(3) The Commissioner may, from time to time:

(a) vary any condition for the time being in force with respect to a voluntary home by virtue of this paragraph; or

(b) impose an additional condition, either on the application of the person carrying on the home or without such an application.

(4) Where at any time it appears to the Commissioner that the conduct of a voluntary home:

(a) is not in accordance with regulations made under paragraph 7 of this Schedule; or

(b) is otherwise unsatisfactory, he may cancel the registration of the home and remove it from the register.

(5) A person who, without reasonable excuse, carries on a voluntary home in contravention of:

(a) Section 136 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 of not less than ₦20,000.00.

(7) Where the Commissioner registers a home under this paragraph, or cancels the registration of a home, he shall notify the home.

Procedure

2. (1) Where:

(a) a person applies for registration of a voluntary home; and

(b) the Commissioner proposes to grant the applications, the Commissioner shall give him a written notice of his proposal and of the conditions subject to which he proposes to grant the application.

(2) The Commissioner needs not give notice if he proposes to grant the application subject only to conditions which:

(a) the applicant specified in the application; or

(b) the Commissioner and the applicant have subsequently agreed.

(3) Where the Commissioner proposes to refuse such an application he shall give notice of his proposal to the applicant.

(4) The Commissioner shall give any person carrying on a voluntary home notice of a proposal to:

(a) cancel the registration of the home; or

(b) vary any condition for the time being in force with respect to the home by virtue of paragraph 1 of this Schedule; or

(c) impose any additional condition.

(5) A notice under this paragraph shall give the Commissioner's reasons for his proposal.

Right to make Representations

3. (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 representations to him concerning the matter; or

(b) the period during which any such person could have required the Commissioner to give him an opportunity to make representations has elapsed without the Commissioner being required to give such an opportunity; or

(c) the conditions specified in sub-paragraph (3) of this paragraph are satisfied.

(3) The conditions referred in sub-paragraph (2) (c) of this paragraph are that:

(a) a person on whom the notice was served has required the Commissioner to give him an opportunity to make representations to the Commissioner;

(b) the Commissioner has allowed him a reasonable period to make his representations; and

(c) he has failed to make them within that period.

(4) The representations may be made, at the option of the person making them, in writing or orally.

(5) If the person informs the Commissioner that he desires to make oral representations, the Commissioner shall give him an opportunity of appearing before, and of being heard by, a person appointed by the Commissioner.

Decision of Commissioner

4. (1) If the Commissioner decides to adopt the proposal, he shall serve notice in writing of his decision on any person on whom he was required to serve the notice of his proposal.

(2) A notice under this paragraph shall be accompanied by a notice, explaining the right of appeal conferred by paragraph 5 of this Schedule.

(3) A decision of the Commissioner, other than a decision to grant an application for registration subject only to such conditions as are mentioned in paragraph 2(2) of this Schedule or to refuse an application for registration, shall not take effect:

(a) if no appeal is brought, until the end of the period of twenty-eight days referred to in paragraph 5 (3) of this Schedule; and

(b) if an appeal is brought, until it is determined or abandoned.

Appeals

5. (1) An appeal against a decision of the Commissioner shall lie to the Family 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 appeal to:

(a) vary any condition for the time being in force by virtue 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 any home established before the commencement of this Law, in every year; or

(b) in the case of a home established after the commencement of this Law, in every subsequent 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 paragraph 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 to imprisonment for a term not exceeding three months or both.

PART II – REGULATIONS AS TO VOLUNTARY HOMES

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 conduct of the homes; and

(c) for securing the welfare of children in the homes.

(2) The regulations may, in particular:

(a) prescribe standards to which the premises used for the homes are to conform;

(b) impose 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 home;

(b) provide for the control and discipline of children in the homes;

(d) require the furnishing to the Commissioner with information as to the facilities provided for:

(i) the parents of children in the homes, and

(ii) persons who, though not parents of the children, have parental responsibility for those children, and

(iii) other persons connected with the children, to visit and communicate with the children;

(e) 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 voluntary homes;

(g) impose requirements as to the keeping of records and giving of notices with respect to children in voluntary homes;

(h) impose requirements in respect to the facilities which are to be provided for giving religious instruction to children in 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 without reasonable excuse shall be an offence against the regulations.

(4) Any person convicted of an offence under this paragraph is liable to a fine of not less than two thousand naira or imprisonment for a term of not less than three months or both.

Disqualification

8. The Commissioner may by regulations make provisions with respect to the disqualification of persons in relation to voluntary homes of a kind similar to that made in relation to children's homes by Section 140 of this Law.

TENTH SCHEDULE

REGISTERED CHILDREN'S HOMES

PART I – REGISTRATION

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 appropriate authority of the State in which the home is, or is to be situated.

(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 purposes of sub-paragraph (4) 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.

(8) Where a school to which Section 140 (5) (f) of this Law applies is registered, it shall not cease to be a registered children's home by reason only of a subsequent change in the number of children for whom it provides accommodation.

Conditions Imposed on Registration

2. (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) impose an additional condition, either on the application of the person managing the home or without such an application.

(3) If any condition imposed or varied under this paragraph is not complied with, the person carrying on the home, if he has no reasonable excuse, commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred naira or imprisonment for a term of not less than three months (3) or both.

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.

(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 cancelled under paragraph 4 (3) of this Schedule.

(3) If on any annual review the responsible authority is satisfied that the home is being carried on in accordance with the relevant requirements, it shall determine that subject to 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 review 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 166 of this Law, that it is no longer a school to which that provision applies, the responsible authority shall give to the person carrying on the home notice that the registration of the home has been cancelled as from the date of the notice.

(3) If on any annual review under paragraph 3 of this Schedule, or at any other time, it appears to the responsible authority that a registered home is being carried on, otherwise than in accordance with the relevant requirements, it may determine that the registration of the 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 an offence in relation to the home.

Procedure

5. (1) Where:

(a) a person applies for the 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 proposes 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 notice 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 XV of this Law; or

(c) to impose any additional condition.

(5) A notice under this paragraph shall give the responsible authority's 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 on whom the notice was served has made representations to it concerning the matter;

(b) the period during which the person could have required the State Government to give him an opportunity to make representations has elapsed without it 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 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, the 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 approval.

(2) A notice under this paragraph shall be accompanied by an explanation of the right of appeal conferred by paragraph 8 of this Schedule.

(3) A decision of the State Government, other than a decision to grant an application for registration subject only to such conditions as are mentioned in paragraph 5 (2) of this Schedule or to refuse an application for registration, shall not take effect:

(a) if no appeal is brought, until the end of the period of twenty-eight days referred to in paragraph 8 (3) of this Schedule; and

(b) if an appeal is brought, until it is determined or abandoned.

Appeals

11. (1) An appeal against a decision of the State Government shall lie to the Family 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 of notice of the decision.

(4) On an 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;

(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 on further Application

11. (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 on which the applicant is notified of the refusal.

(2) Sub-paragraph (1) of this paragraph shall have effect, where an appeal against the refusal of an application is determined or abandoned, as if the reference to the date when the applicant is notified of the refusal were a reference to the date on which the appeal is determined or abandoned.

(3) Where the registration of a home is cancelled, no application for the registration of the home shall be made within the period of six months beginning with the date of cancellation.

(4) Sub-paragraph (3) of this paragraph shall have effect, where an appeal against the cancellation of the registration of a home is determined or abandoned, as if the reference to the date of cancellation were a reference to the date on which the appeal is determined or abandoned.

PART II – REGULATIONS AND INTERPRETATION

10. (1) The Commissioner may make regulations:

(a) as to the placing of children in registered children's home;

(b) as to the conduct of the homes; and

(c) for securing the welfare of the children in the homes.

(2) The regulations may in particular:

(a) prescribe standards to which the premises used for the homes are to conform;

(b) impose requirements as to the accommodation, staff and equipment to be provided in the homes;

(c) impose requirements as to the arrangements to be made protecting the health of the child 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 children in such homes;

(ii) persons who though not parents of the children, have parental responsibility for those children, and

(iii) other persons connected with the children, to visit and communicate with the children;

(f) impose requirements as to the keeping of records and giving of notices with respect to children in the homes;

(g) impose requirements as to the facilities which are to be provided for giving religious instruction to children in those homes;

(h) make provision as to the carrying out of annual reviews under paragraph 3 of this Schedule;

(i) authorize the responsible authority to limit the number of children who may be accommodated in any particular registered home;

(j) 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;

(k) make provision similar to that made by regulations under Section 188 of this Law.

(3) The regulations may provide that a contravention of or failure to comply with any specified provision of this 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 both.

11. In this Schedule:

"relevant requirements" means any requirement of Part XV 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 appropriate authority which registers the children's home.

ELEVENTH SCHEDULE

FORMS

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.....DISTRCT /HIGH COURT/ MAGISTERIAL/LEVEL
Case No.....20.....

Between.....Complainant/Applicant and.....Defendant/Respondent.

3. FORM FOR WARRANT FOR APPREHENSION OF A CHILD

(GENERAL TITLE – FORM 2)

.....Complainant on oath been made on

the.....day of.....by.....CD.....that.....AB,

a child, on the.....day of.....20.....at.....in the Judicial Division/Magisterial District aforesaid did/has been/is*

.....

*State the substance of the offence or the description

You are therefore hereby commanded to bring the said AB before the Family Court aforesaid sitting at.....forthwith to answer the said complaint
DATED this.....day of.....20.....

.....
Judge/Magistrate

4. FORM FOR REMAND AND COMMITTAL TO STATE ACCOMMODATION AND APPROVED INSTITUTIONS

(GENERAL TITLE – FORM)

To..... and to the person/officer in charge of the Approved Institution at .....

AB hereinafter called the defendant, being a child brought before the aforesaid Family Court sitting at.....

..... charged with having*

.....

**State the substance of the offence*

The hearing of the case being adjourned

You, said the 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, are required to convey him/her before the aforesaid Family Court sitting at.....the hour of.....in the .....noon, to be further dealt with according to law, unless otherwise ordered in the meantime.

DATED this.....day of.....20.....

.....

Judge/Magistrate

5. FORM FOR SUMMONS FOR ATTENDANCE OF PARENT OR GUARDIAN

(GENERAL TITLE – FORM 2)

To CD of.....
AB, a child of whom you are stated to be the parent/guardian is charged for that he on the

day of.....20.....at .....in the.....

.....Judicial Division/Magisterial District aforesaid, did*

.....

**State the substance of the offence*

You are therefore summoned to appear before the Family Court sitting at.....

on.....day of.....20.....at the hour of.....in the.....noon,
and during all the stages of the proceedings.

DATED this.....day of.....20.....

.....
Judge/Magistrate

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 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

(GENERAL TITLE – FORM 2)

To.....of.....Complaint has been made this day by.....that you are the father/step-father/mother/step-mother (or a person co-handing with the mother) of AB, a child (or a person in whose care and custody AB, a child, has been residing for two years immediately prior to the.....
day 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 monthly sum as the Court, having regard to your means, think fit.

DATED this.....day of.....20.....

.....
Judge/*Magistrate*

8. FORMS FOR DISPOSAL PENDING OPERATION OF COMMITTALS ORDER

(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 RECOGNISANCE UNDER SUPERVISION ORDER

(GENERAL TITLE – FORM 2)

The undersigned Principal Party to this recognizance hereby binds himself to perform the following obligations at all times during a period of.....from the date hereof:

(To be of good 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 anytime 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 they said Principal Party (together with the undersigned survey (or sureties) hereby acknowledge himself (acknowledge themselves) bound to forfeit to the Government the sum(s) following – the said Principal Party the sum of ₦..... (and the said surety (or sureties) the sum of ₦..... (each) in 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

(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

..... occurred, I hereby substitute 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

This printed impression has been compared by me with the bill which has been passed by the Jigawa State House of Assembly and found by me to be a true and correctly printed copy of the said bill.

.....

BR. MUSA ALIYU ABUBAKAR
Clerk to the House.

Assented to by me, this.....22nd.....**Day of**.....December.....**2021**

.....

MUHAMMAD BADARU ABUBAKAR, Mni, MON.
Governor of Jigawa State