KANO STATE CHILD PROTECTION LAW, 2023 (1444 A.H)

A LAW TO PROVIDE FOR THE PROTECTION, RIGHTS AND NEED OF A CHILDREN LAW, 2023 (1444 A.H) AND FOR OTHER MATTERS CONNECTED THEREWITH.

Be it enacted by the Kano State House of Assembly and by the authority of same as fellows:

Title and Commencement

1. This Law may be cited as child's Protection Law 2023 (1444 A.H) and shall come into operation on 24th Day of ...May....2023 (1444 A.H).

Interpretation

2. In this Law unless the context otherwise requires:-

"Accommodation" mean accommodation provided for a continuous period of more than 24 hours,

"**Appropriate Authority**" means the Government or body responsible looking after the protection, welfare of children and the management of community home for or on behalf of the Government.

"**Appropriate Education Authority**" means the Ministry of Education of a State or Local Government Education Authority or any department of Government for the time being charge with the responsibility of child education.

"Appropriate Officer" means such officers as may be assigned by the Commissioner with the responsibility for carrying out the investigation.

"**Approved Accommodation**" incudes community home, registered children's home, an educational institution to which children are committed by an order under the provisions of this Law, and any other form of accommodation which the Government may provide for children under part X of this Law.

"Approved Institution" has the meaning assigned to it in section 81 of this Law.

"Chief Registrar" means Chief Registrar of the High Court Kano State and shall include the Chief Registrar of the Shari'ah Court of Appeal.

"Child" means a person below the age of 18 years and is physiologically, physical and psychologically matured.

"Child in Need" means any child declared to be in need by the Fostering Committee.

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

"Commissioner" means the commissioner charge with the responsibility for matters relating to children in the state, and "ministry" shall be construed accordingly.

"**Community home**" has the meaning assigned to it under section 80 of this Law.

"Court" means the family court established under section 63 of this Law.

"**Criminal Responsibility**" The minimum age of criminal responsibility of a child shall be 12 years in line with section 50 of the penal code.

"Culture" means tradition, values, norms and social behavior in the society which include religion

"Development" in relation to child means physical, intellectual emotional, social or behavioral development.

"Domestic Premises" means any premises which is wholly or partially used as a private dwelling.

"Educational Supervision Order" means an order under section 33 of this Law

Exploitation

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

"Family Proceedings" means proceeding under the jurisdiction of a court under this Law with respect yo children.

"Foster Parent" means a person appointed by the Government to foster a child, or with whom a child has been placed for fostering.

"Functions" include powers and duties

"Government" means Government of Kano State and shall include Local Government.

"Government Hospitals" means a hospital established or manage by the state local Government or the Government of the Federation.

"Governor" means Governor of Kano State

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

"Health" means physical, emotional or mental health

"Health Authority" means the Ministry responsible for health matters in the state and the department responsible for health matters in the local Government.

"Kano State Shari'ah Law 2000" means the Kano State Shari''ah Law of year 2000. The provisions of this Law shall be applicable where it does not contradict the Kano State Shari'ah Law 2000.

"Limitation of Punishment"- No sentence of imprisonment shall be passed on any person in the opinion of the court under 14 years of age. (in line with the section 69 penal code)

"Manager" means the supervisor, principal or person in charge of an approved institution

"Ministry" means the Ministry being responsible for child welfare.

"Mumayyiz" Means a child who can understand distinguish between right and wrong.

"Necessity" means pressure of physical, moral or economic circumstances in such a way that it cannot be otherwise.

Non-Institutional Order" means an order, made by the Court on the disposal of a case, which does not involve a child offender being placed in an institution.

"Parent" means a father or guardian of a child; and "guardian" includes both male and female.

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

"Person" include organization, corporate bodies.

"Protection" includes all measures intended to protect, preserve and enforce all the rights of children in accordance with the law.

"Puberty" means the age at which a person is physically, physiologically and psychologically capable of consummating a marriage.

"Register of Birth" means the register of birth kept by the National Population Commission.

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

"Secured Accommodation" means accommodation which is provided in a community home for the purpose of protecting and restricting liberty of the child.

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

"Special provision for juvenile offenders" Section 71

"Special Education" has the meaning assigned to it in the Education (National Minimum Standards and Establishment of Institutions) Act;

"Special Educational Needs" means the needs of children who are receiving special education;

"State" means Kano State of Nigeria.

"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 under this Law.

"Supervised Activity" means an activity supervised by a responsible person.

"Supervision Order" means an order issued by the Court for the supervision of a child under the provisions of this Law and includes any order which by or under any enactment has the effect of, or is deemed to bea supervision order for the purpose of this Law; and any reference to a child who is in the care of an authority is a reference to a child who is in its care by virtue of a supervision order.

"Tattoo" means the insertion into the skin of coloring material designed to leave permanent marks.

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

"Zaure" means Zauren Sulhu or a mediation committee of a ward or Local Government.

PART I –
BEST INTEREST OF A CHILD TO BE OF PARAMOUNT CONSIDERATION IN ALL ACTIONS

Best interest of the child to be considered in all action.

3(1) In every action concerning a child, whether undertaken by an individual, the public, private body, institutions, Court of law, or administrative or legislative authority, the best interest, of the child shall be of primary consideration.

(2) 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,

guardians, or other individuals, institutions, services, agencies, organizations or bodies legally responsible for the child.

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

PART II –
RIGHTS AND RESPONSIBILITIES OF A CHILD

Application of Chapter IV of the 1999 Constitution.

4(1) The provisions in Chapter IV of the Constitution of the Federal Republic of Nigeria 1999, or any successive constitutional provisions relating to Fundamental Rights, shall apply in relation to the child as if those provisions were expressly stated in this Law.

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

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

(4) The duty of parents and, where applicable legal guardians to provide guidance and direction in the enjoyment of the rights in subsections (1) and (2) of this section by their child or ward shall be respected by all persons, bodies, institutions and authorities.

(5) Whenever the fostering, custody or guardianship of a child is in issue, the right of the child to be brought up in and to practice his religious persuasion or belief shall be of a paramount consideration.

Right to survival and development

5 (1) Every child has a right to survival and development from when he is a fetus in his mother's womb or in the case of his mother's death.

(2) Abortion is hereby prohibited except under necessity warranted by protecting the life of the mother, or to prevent her from permanent mental and physical impairment by a qualified medical practitioner.

Right to name.

(6) A child shall from birth, have right to a good name, to be registered with authorities concerned, to have his nationality determined and to know his parents and all his relatives provided an illegitimate child shall not be denied such rights from his mother's side.

Right to dignity.

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

a. subjected to physical, mental or emotional injury, abuse neglect or maltreatment, including sexual abuse;

b. subjected to torture, inhuman or degrading treatment

c. subjected to punishment save for the proper guidance and upbringing of the child as dictated by the culture and religious instructions,

d. subjected to attacks upon his honour or reputation.

e. Held in slavery or servitude, while in the care of a parent, legal guardian or school authority or any other person or authority having the care of the child.

Right to leisure and recreation e.t.c.

8(1) Every child is entitled to rest and leisure and to engage in play, sports and recreational activities appropriate to his age, culture and religion.

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

Right to good health.

9(1) Every child is entitled to enjoy the best attainable state of physical, mental and spiritual health.

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

(3) The State and Local Government shall:

a. endeavour to reduce infant and child mortality rate;

b. ensure the provisions of necessary medical assistance and health care services to all children with emphasis on the development of primary health care;

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

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

e. combat disease and malnutrition within the frame work of primary health care through the application of appropriate technology;

f. ensure appropriate health care for expectant and nursing mothers; and

g. support, through technical and financial means the mobilization of state and local community resources in the development of primary health care for children.

(4) Every parent, guardian or person having the care and custody of a child under the age of two years shall ensure the child is provided with full and safe immunization.

Right to parental care.

10(1) Subject to the provisions of section 22 of this Law, every child has a right to parental care and protection and

accordingly, no child shall be separated from his parents against the wish of the child except: -

a. for the purpose of his education and welfare; or

b. in the exercise of a judicial determination in accordance with provisions of this Law or other relevant laws, in the best interest of the child.

(2) Every child has the right to maintenance by his parents or guardians in accordance with the extent of their means.

Right to education.

11(1) Every child has the right to free, compulsory and universal basic education and it shall be the duty of the State and Local Government s to provide such education. Provided that education for the purpose of this section includes Quranic education.

2) Every parent or guardian shall ensure that his child or ward attends and is educated up to junior secondary school level, or its equivalent.

(3) Every parent, guardian or person who has the care and custody of a child shall endeavour to send the child to a senior secondary school, except as, provided for in subsection (4) of this section.

(4) Where a child to whom subsection (3) of this section applies is not sent to senior secondary school, the child shall be engaged to learn an appropriate trade.

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

(6) The State and Local Government Councils shall make adequate provisions for child learning the trade including vocational training facilities in their areas of jurisdiction.

(7) A parent, 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;

b. on second conviction to a fine of two thousand Naira or imprisonment for a term not exceeding one month or both such fine and imprisonment; and

c. on any subsequent conviction to a fine not exceeding five thousand Naira or imprisonment for a term not exceeding two months or to both such fine and imprisonment.

(8) Where the State or a Local Government fails to comply with the provision of sub-section (5) of this section, the Commissioner responsible for education or Chairman of the Local Government concern or any other person who is authorized on that behalf commits an offence and is liable on conviction to a ban from contesting any elective office or appointment to any post for a period of ten years, or an imprisonment for a term not exceeding three years.

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

Right of a child in need of special care.

12(1) Every child who is in need of special protection measures has the right to such measure of protection as 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.

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

Right to own property

13 Every child has a right to own property, moveable or immoveable, tangible or intangible. Subject to the provision of the extent laws.

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

14(1) A child may bring an action against a person or an institution for harm or injury caused to the child willfully, recklessly, negligently or through neglect before, during or after the birth of that child.

(2) The power to bring an action under subsection (1) of this section is vested in the parents, guardians, or the Attorney-General of the State.

(3) Where the legal father of an unborn child dies, the unborn child shall, be included in the distribution of the estate of the deceased father, if he is born alive.

(4) Where the mother of an unborn child dies before the child is delivered, the unborn child shall, if he survives his mother, be included in the distribution of the estate of the deceased mother.

(5) Where relative of an unborn child dies, the unborn child, if born alive, shall inherit him if he is an heir to the deceased

Responsibilities of a child.

15(1) Every child has responsibilities towards his family and society, the Nigeria nation and other legally recognized communities, nationally and internationally.

(2) A child shall, subject to his age and ability and such other limitations as may be contained in this Law:

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

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

c. serve the Federal Republic of Nigeria by placing his physical and intellectual abilities at his service;

d. contribute to the moral well-being of the society;

e. preserve and strengthen religious, social and national solidarity;

f. preserve and strengthen the independence and integrity of the Federal Republic of Nigeria;

g. respect the ideals of democracy, freedom, equality, humaneness, honesty and justice for all persons;

h. relate with other members of the society, with different cultural values in the spirit of tolerance, dialogue and consultation;

i. contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of Nigeria, African and world peace; and

j. Contribute to the best of his abilities, at all times and at all levels, to the solidarity of the African people and the human race.

(3) 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 set out in this part of the Law; and such other responsibilities which are of the best interest of the child.

(4) Where there is failure the provisions of sub-section 8 on page 12 applies.

PART III
PROTECTION OF THE RIGHTS OF A CHILD

Meaning of a child and prohibition of child marriage

16(1) For the purposes of this section and section 17 of this Law 'child' means a person below the age of puberty.

(2) No child is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void and of no effect whatsoever, except where the culture of the child permits.

(3) Where the question of puberty is an issue the matter is to be determined by the Court, considering the circumstances of the case.

16) Act of Child-No act is an offence which is done-

a) By a child under 7 years of age or

b) By a child above 7 years of age but under 12 years of age who has not attained sufficient maturity of understanding to judge the nature and consequences of such act.

c) An act by inducement, threat, intimidation, undue influence, duress and or coercion.

Limitation of Punishment- No sentence of imprisonment shall be passed on any person in the opinion of the court under 14 years of age. (in line with the Section 69 penal code.)

the issue under **Special provision for juvenile offenders** section should be in line with the provision of section 71 of the Penal code law including reintegration, and or reunification with;

a) Family/guardian
b) Caregiver

In a circumstance of a victim of rape that result to an unwanted pregnancy care and the attention shall be given to her by;

a) Parent/family of the alleged and or convicted person.
b) Her Family/guardian
c) Authority/Government

Prohibition of permanent tattoo and skin mark.

17(1) No person shall tattoo or cause any tattoo to be made on a child. Provided that such tattoo is indelible.

(2) No person shall make a skin mark or cause a skin mark to be made on a child except for medicinal purposes

(3) A person who tattoos on a child commits an offence and is liable on conviction to a fine not exceeding twenty thousand Naira shall also be committed to non-custodial sentence up to 6 months.

(4) A person who makes a skin mark on a child commits an offence and upon conviction he is liable to a fine of Five Thousand Naira and he shall also be committed to non-custodial sentence up to one month.

Exposure to use and trafficking of narcotics drugs e.t.c.

18(1) No person shall expose or involve a child in:

a. the use of narcotic drugs or psychotropic substances.
b. the production or trafficking in narcotics drugs and psychotropic substances; or
c. any other activity relating to illicit drugs as specified in the NDLEA Act.

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

(3) For any activity in the production or trafficking of illegal drugs and any other activity relating to illicit drugs as specified in the National Drugs Law Enforcement Agency Act commits an offence.

(4) For the purposes of this section "drugs" shall have the same meaning as contained in the Penal Code Law.

Prohibition of the use of a child in criminal offence.

19(1) No person shall employ, use or involve a child in an activity leading to the commission of any other offence not already specified in this part of the Law.

(2) A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

Abduction e.t.c. from lawful custody.

20(1) No person shall remove or take a child out of the custody or protection of his father or mother, guardian or such other person having lawful care or charge of the child against the will of the father, mother, guardian or that other person.

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

(a) where the child is unlawfully removed or taken out of the State in which the father, mother, guardian or such other person who has lawful care of the child is ordinarily resident, to imprisonment for a term not exceeding ten years; or

(b) in any other case, to imprisonment for a term not exceeding seven years.

(3) No person shall engage, employ the services of a child for the purpose of carrying out political activity.

(4) For the purpose of this section, the expression "Political activity" shall include but not limited to:

a. applying for or obtaining membership of a political party;
b. attendance at a meeting organized by or in respect of a political party or for a political purpose;
c. wearing a badge, emblem or uniform issued by or associated with a political party;
d. carrying banner, flag, emblem or symbol issued by or associated with a political party;
e. shouting in a public place or at a public meeting a slogan, name, word or phrase associated with political party or any of its leaders or with its policy or programme;
f. distributing literature which has been issued by a political party to which contains matter supporting the policy or programme of a particular political party or attacking or criticizing those of another political party.

(5) A person who contravenes the provisions of subsection (1), (2) and (3) of this section commits an offence and is liable on conviction:

a. where the child is unlawfully removed or taken out of the State in which the father, mother, guardian or

such other person who has lawful care of the child is ordinarily resident, to imprisonment for a term not exceeding ten years; or

b. in any other case, to imprisonment for a term not exceeding seven years.

Prohibition of child labour

21(1) Subject to this Law no child shall be-

a. subjected to any forced or exploitative labour; or

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

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

employed as domestic help outside his own home or family environment, unless compelled by the economic conditions of his parents.

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

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

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

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

Prohibition of use of a child for begging, hawking

22(1) No Person shall buy, sell, hire, let on hire, dispose or obtain possession of or otherwise deal in a child

(2) A child shall not be used-

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

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

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

d) for any purpose that deprives the child of the opportunity to attend and remain in school as provided for under the Compulsory, Free Universal Basic Education Act, or any other similar or relevant Law in Kano State,

e) to procure of offer for any activity in the production or trafficking of illegal drugs and any other activity relating to illicit drugs as specified in the National Drugs Law Enforcement Agency (NDLEA) Act; and

f) To procure of offer for any activity in contravention of the provisions of the National Agency for the Prohibition of Traffic in Persons (NAPTIP)

(3) Whoever commits an offence under this section shall be liable on conviction to imprisonment for a term of five years and shall liable to probationary measures.

Prohibition of Sexual exploitation and Prostitution.

23(1) No person shall

a) have extra-marital intercourse with a child

b) procure or offer a child for prostitution or for the production of pornography or for any pornographic performance.

(2) A person who contravenes the provision of Subsection (1) of this section commits an offence of rape and is liable on conviction to imprisonment for life

No person shall use, receive or influence a child to commit:-

a. Prostitution
b. Lesbianism
c. Sodomy;
d. Sexual labour
e. Production of pornography or any pornographic performance;
f. Sexually abuse or exploits a child in any manner; or
g. Any other unnatural offence not mentioned in this law.

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

(4) Any person who contravenes provision of subsection (3) of this section commits an offence and shall be liable on conviction to the provisions of Kano State Sharia Law 2000 as provided for in section 26 of this Law.

Section 21(1) to 23 has been compared with existing Kano Child Labor Prohibition Law and Child Street Begging Prohibition Law. It is Cleared

Other forms of exploitation.

24(1) A person who exploits a child in any other form or way not already mentioned in this part which is prejudicial to the welfare of the child commits an offence.

(2) A person who commits an offence under subsection (1) of this section is liable on conviction to a fine of five thousand Naira or imprisonment to a term of Six months, or to both such fine and imprisonment.

Extension of jurisdiction

25 Notwithstanding any jurisdictional limitation on the powers of a Magistrate or Shari'a Court and any other Court in relation to the imposition of fines or terms of imprisonment contained in any law, the Magistrate or

Shari'a Court or any other Court before which the offences created in this Part are tried shall have full jurisdiction and powers to impose up to the maximum penalties prescribed for the offence.

Savings.

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

PART IV

CHILDREN IN NEED OF CARE AND PROTECTION

Who may bring a child in need of care e.t.c. to Court.

27(1) The Zaure, a child development officer, a Hisbah Corps, a police 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 and is deserted by his relatives;

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

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

d. if found destitute, has both parents or his surviving parent, undergoing imprisonment or treatment for mental disorder or otherwise severely incapacitated;

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

f. is the child of a father who has been convicted of the offence of defilement or indecent treatment of any of his children;

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

h. is found begging, under circumstances which show risk of abuse, neglect or exploitation, whether or not there is any pretence of singing, playing, performing, provided the child is not compelled by economic necessities;

i. accompanies any person, under circumstances which show risk of abuse, neglect or exploitation, when that person is begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise;

j. frequents the company of a notorious criminal or any person of immoral character;

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. person who, though not a parent of the child, has parental responsibility for the child;

c. any other person who has the care of the child; and

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

(3) The Court, if satisfied that a child brought before it comes within any of the paragraphs of subsection (1) of this section may –

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

b. making a corrective order:-

i. committing the child to the care of any fit person whether a relative or not, who is willing to undertake the care of the child regard being had to the provision under Part 9 of this Law; or

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

iii. repatriating the child to his family and the Local Government council where the child is found shall be responsible for the cost of such exercise.

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

(4) For the purpose of paragraph (m) of subsection (1) of this section, but without prejudice to the generality of the words thereof, the fact that a child is found –

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

b. begging in circumstances which show risk of neglect, abuse or exploitation, whether or not there is any pretence of singing, play or offering anything for sale or otherwise;

c. loitering for the purpose of begging or receiving alms, in circumstances which show risk of neglect, abuse or exploitation;

d. hawking or street trading; or

e. living in the streets, under bridges, in market places, in motor parks or in other public places,

is evidence that the child is exposed to moral danger.

(5) A Court before which a person is convicted of having committed in respect of a child, any offence referred to, in paragraph (f) or (i) of 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.

(6) Notwithstanding the provision of subsection (1) of this section if the commissioner refused to grant the application within one month of making such an application, an individual or organization, may with the leave of the court file an action on behalf of the child.

Power of the Court to make corrective order committing a child

28 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 that it is expedient to deal with the child and that the parent or guardian understands the results

which will follow from the consent to making the order, make a corrective order in respect of the child to be placed for specific period, not exceeding three years under the supervision of an appropriate supervisory child development officer appointed for that purpose by the Court.

Power of Court to order contribution for the maintenance of a committed child.

29(1) Where a child is committed:-

a. to the care of an individual; or

b. in exceptional circumstances, to an approved 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 and his relatives, mother and her relatives; or

b. a person who bears responsibility for the upkeep of the child.

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

(3) The Court shall order the contribution of such amount per week, per month or such 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 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 fit.

PART V–
CARE AND SUPERVISION

Power of the Court to make care or supervision order.

30(1) The Court may, on the application of the Commissioner, any authorized person or body make a:-

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

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

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

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

b. the child is beyond parental control.

(3) No care order or supervision order shall be made with respect to a person who has attained the age of eighteen years. Provided they are not mentally retarded.

(4) The Court may on its own or upon an application make an order in any family proceeding.

(5) The Court may, on an application for a care order make a supervision order, and may on an application for a supervision order make a care order.

(6) An authorized person, who proposes to make an application under this section, shall, if it is reasonably practicable to do so and before making the application, consult the Commissioner or any authority appearing to him to be the authority in whose jurisdiction the child concerned is ordinarily resident.

(7) The authority designated in a care order or supervision order shall be the Local Government in which the child is ordinarily resident, or the Local Government in which circumstances arose in consequence of which the order is being made.

(8) Where the question as to whether harm suffered by a child is significant to retard the child's health or development, his health or development shall be compared with that which could reasonably be expected of a child of similar circumstances.

Power of the Court to make rules.

31 (1) A Court before which an application for an order is brought under this part shall, in consideration of any rules made pursuant to subsection (2) of this section:-

a. draw up a timetable with a view to disposing of the application without delay; and

b. give such directions as it considers appropriate for the purpose of ensuring, as far as is reasonably practicable, that the timetable is adhered to.

(2) The Court may by order specify the period within which specific steps must be taken in relation to the proceedings, and make other provisions with respect to the proceedings for the purpose of ensuring, as far as is reasonably practicable, that the proceedings are disposed of without delay.

Effect of care order.

32(1) Where a care order is made, the Commissioner or the authority designated by the order shall receive the

child into its care and keep the child in its care while the order remains in force.

(2) Where a care order has been made on application by an authorized person and the Commissioner or the authority designated by the order was not informed of the application, the child may be kept in the care of that person until received into the care of the Commissioner or the authority.

(3) While a care order is in force, the Commissioner or the authority designated by the order shall have:

a. parental responsibility for the child, subject to any right, duty, power, responsibility or authority which a parent or guardian of the child has in relation to the child and his property by virtue of any other law; 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 Commissioner or the authority shall not exercise power in subsection (3) (b) of this section unless he is satisfied that it is necessary to do so in order to safeguard or promote the welfare of the child.

(5) Nothing in 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 Commissioner or the authority designated by the order shall not:-

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

b. have the right to appoint a guardian for the child.

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

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

b. remove the child from the State, without either the written consent of any person who has parental responsibility for the child or the leave of the Court.

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

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

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

(9) The making of a care order in respect to a child who is subject to a contact order, a prohibited steps order, a residence order or a specific issue order, discharges all these orders.

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

(13) Subject to this Law, an order made under this section shall, if it would otherwise continue in force, cease to have effect when the child attains the age of 18 years.

(14) Where an order under this section has effect with respect to a child who has attained the age of 16, it shall, if it would otherwise continue in force, cease to have effect when the child attains the age of 18 years.

(15) A care order, other than an interim care order, shall continue in force until a child attains the age of 18 years, unless it is brought to an end earlier.

(16) 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 18 years.

(17) Where an application (in this sub-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;

e. a child assessment order,

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

(18) Where an application made for an order under section 48 of this Law has been refused; and 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.

(19) 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 contact e.t.c. with a child under care.

33(1) The Commissioner or any authorized person or body, shall subject to the provisions of this section allow a child under his care reasonable contact with:-

a. the parents of the child;

b. the guardian of the child;

c. a person in whose favour a residence order was previously made immediately before a care order was made; and

d. a person who, immediately before the care order was made had care of the child by virtue of an order made by the Court.

(2) On an application made by the Commissioner, or any authorized person or body the Court may make such order as it considers with respect to the contact which is to be allowed.

(3) On an application made by a person mentioned in paragraph (a) to (d) of subsection (1) of this section; or a person who has obtained leave of the Court to make the application, the Court may make such order as it considers appropriate with respect to the contact which is to be allowed between the child and that person.

(4) On an application made by the Commissioner or the authority with respect to the child, the Court may make an order authorizing the Commissioner or the authority to refuse to allow contact between the child and a person

who is mentioned in paragraph (a) to (d) of subsection (1) of this section.

(5) When making a care order or in any family proceedings in connection with a child who is in the care of the Commissioner, the Court may make an order under this section notwithstanding that no application for the order has been made with respect to the child if it considers that the order should be made.

(6) The Commissioner or 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 it is satisfied that it is necessary to do so in order to safeguard or promote the welfare of the child, and the refusal is based on urgency and does not last for more than seven days.

(7) An order made under this section may impose such conditions as the Court considers appropriate.

(8) The Court may vary or discharge an order made under this section on the application of the Commissioner or appropriate authority, or the person named in the order.

(9) An order under this section may be made at the same time as the care order itself or later.

(10) The Court shall, before making a care order:-

a. consider the arrangement which the Commissioner or the appropriate authority has made, or proposes to make, for affording a person contact with a child to whom this section applies; and

b. invite the parties to the proceedings to comment on the arrangement.

Duty of supervisors while supervision orders are in force

34(1) While a supervision order is in force the supervisor shall:-

a. advise, assist and counsel the supervised child;

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

c. where the order is not wholly complied with, or 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 order

35(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 authority.

(2) The Court shall only make 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 educational instruction suitable to his age, ability and aptitude and any other special needs he may have.

(4) Where a child is:-

a. the subject of a school attendance order which is in force and which has not been complied with; or

b. a registered pupil at a school which he is not attending regularly, it should be assumed that he is not being properly educated unless the contrary is proved.

(5) An education supervision order may be made with respect to a child who is in the care of the Ministry if the Court deems it necessary in the interest of the child.

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

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

b. the authority within whose area a school is situated if the child is registered at that school, and the authority mentioned in paragraph (a) of this subsection and the authority within whose area the school is situated agree.

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

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

Power of the Court where the proceedings involves welfare of a child.

36(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 in respect of 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 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 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 the authority in whose care the child is.

Interim orders.

37(1) Where:-

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

b. the Court gives a direction under section 33(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 27(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 37(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.

(6) A direction under subsection (5) of this section may prove that there shall be no examination or assessment unless the Court directs otherwise.

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

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

b. varied at any time on the application of any person falling within any class of persons prescribed by rules of Court for the purposes of this subsection.

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

Discharge, variation e.t.c. of care orders and supervision orders.

38(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 Ministry 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 to substitute one order for another under subsection (4) of this section, any provision of this Law which would otherwise require section 22(2) of this Law to be satisfied, at the time when the proposed order is substituted or made, shall be discharged.

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

Orders pending appeal in cases relating to care or supervision orders.

39(1) When the Court dismisses an application for a care order in respect of a child who is also the subject of an interim care order the Court may make a care order with respect to the child to have effect subject to 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 of 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.

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

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

PART VI
FOSTERING

Establishment and composition of the Fostering Committee.

40(1) There shall be established for the purpose of this Law a Committee to be known as the Kano State Fostering Committee.

(2) The Committee shall consist of:-

a. a Chairman who shall be a person with considerable experience in social welfare matter and shall come from Ministry of Women Affairs and Social Development.
b. Director Child Development.
c. Director Nursing Services.
d. a representative of the State Ministry of Education.
e. a representative of the State Ministry of Justice.
f. a representative of the State Ministry for Local Government.
g. a representative of the Hisbah Board.
h. a representative of Shari'ah Commission.
i. a representative of Public Complaints and Anti-Corruption Commission.

j. a representative of the Nigeria Police Force who shall be a woman;
k. a representative of Emirate Council;
l. a representative of the Council of Ulama;
m. a representative of Women Muslim Groups;
n. a representative of Association of Social Workers;

o. a representative of the International Federation of Women Lawyers (FIDA);
p. a representative of the Youth Council of Nigeria;

q. a representative of the Nigeria Immigration Service; and
r. a representative of the Civil society Organization in Kano.

(3) The officer in charge of Nasarawa Children's Home shall be the Secretary of the Committee.

(4) Except in the case of ex-officio members, the members of the Committee shall be appointed by the State Commissioner

Tenure of Office and Removal

41 A member of the Committee other than ex-official member:-

a. shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for the same period and no more;

b. may resign his appointment by notice in writing addressed to the Commissioner; and

c. may be removed from office for inability to discharge the functions of his office or for misconduct.

Functions

42 The functions of the Committee shall be:-

a. To screen all applications for fostering a child made to the Court pursuant to this Law and to submit its findings to the Courts;

b. To perform all other functions and exercise all other powers conferred upon it by this Law and the rule made pursuant to this Law.

c. To provide from time to time guidelines for the running of Children's Home;

d. To advise the Government generally from time to time on matters concerning fostering of a child;

e. To liaise with the Emirate Councils or Government Establishments in the performance of its duties;

f. To write quarterly and annual reports on its activities for submission to the Commissioner;

g. To perform such other functions as may be ordered by the Court or assigned to it by the Commissioner.

Procedure

43(1) The Committee may determine its own quorum and regulate its proceedings

(2) The Committee shall sit at least quarterly in a year

(3) Without prejudice to (2) of this Section, the Committee may call for an emergency meeting.

(4) No act or other proceedings of the Committee shall be invalidated by reason of any defect in the appointment of any member or by the fact that a person not entitled to do so took part in the proceedings of the Committee.

Allowances

44 Members of the Committee other than ex-officio member shall be paid such sitting allowances as the Governor may approve.

Application for fostering.

45(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 procedure and in the manner prescribed by the rules made under the provisions of this Law.

A child to be fostered.

46(1) A child who may be fostered under this Law includes a child who is abandoned or an orphan, abandoned by his relatives where no relatives of his can be found; or

a. has been abused, neglected or ill-treated by the person having care and custody of him; or
b. has a parent or guardian who cannot exercise proper guidance over him; or
c. is found destitute; or
d. is found wandering, has no home or settled place of abode, is on the streets or other public place, or has no visible means of subsistence.

Making a fostering order.

47(1) Subject to the provisions of this Law, the Court may, on receipt of the application for fostering, make an order authorizing the application to foster the child.

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

Limit on number of children who may be fostered.

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

Restriction on making fostering order.

49(1) A fostering order shall not be made by the Court unless –

a. the applicant or, in the case of a joint application, each of the applicants is not less than twenty-five years old and is at least twenty-one years older than the child to be fostered;
b. the applicant and the child are resident in the State;
c. the applicant is a citizen of Nigeria;
d. the applicant has the means to maintain the child;

e. the applicant is a person of unquestionable integrity;
f. the applicant is certified by a medical officer to be physically and mentally fit; and
g. the applicant is of the same religion with the child.

(2) A fostering order shall not be made in favour of a sole applicant who is unmarried; unless the applicant is a woman who has attained the age of forty years and the child to be fostered is of the same sex as the applicant or in the case of male child is *Mahram* to the woman applicant..

Consent for fostering.

50 (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, mother or relative of a child, has any right or obligation in respect of the child under an order of Court or an agreement or under customary law or Islamic law, the Court may refuse to make the fostering order until the consent of that person is first obtained.

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

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

Further conditions for making fostering order.

51(1) Before making a fostering order, the Court shall be satisfied that –

a. every consent under section 48 and 53 (a) of this Law, which has not been dispensed with, had been obtained and every person who has given his consent understands the nature and effect of the fostering order for which the application is made;

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

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

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

Interim fostering order.

52(1) Subject to this section, the Court, on application for a fostering order by a person, may postpone the determination of the application and make an interim order giving the custody of the child to the applicant for a period not exceeding two years, as a probationary period, on such terms and conditions as the Court deems fit as regards provision for the maintenance, education and supervision of the child or otherwise.

(2) The Court, while making an interim order under subsection (1) of this section, shall impose as conditions that the child shall be under the supervision of an officer appointed by the Court and that the child shall not be taken out of the State without the prior consent of the Court.

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

Rules of Court.

53(1) The Chief Judge of the State or the Grand Kadi, of the State, as the case may be, 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 proceedings to be held in camera in determining the application in the Court, the admission of documentary evidence of any consent required under section 48 and 53 (a) ii of this Law, and 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.

Appeals.

54 An appeal shall lie at High Court or Shari'a Court of Appeal from the Court at the Magisterial or Shari'a Court levels, as the case may be, in respect of a decision on an application for a fostering order, other than a decision to postpone the determination of an application for the order or to make an interim order.

Right and duties of foster parent and others

55 On the making of a fostering order:-

a. all rights, duties, obligations and liabilities, including:-
i. any arising under customary law applicable to the parents of the child, or any other person or persons in relation to the custody, maintenance and education of the child;
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.

Effect of maintenance on fostering order

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

Fostered child register.

57(1) The Chief Registrar and the Fostering Committee shall each keep and maintain a register to be known as the Fostered Children Register in which shall be made such entries as may be directed by a fostering order to be made therein.

(2) A fostering order shall contain a direction to the Chief Registrar and the Fostering Committee to make in the Fostered Children Register the entry in the form specified in Part I of Third 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 and the Fostering Committee to cause the entry in the Register of Births to be marked **"FOSTERED"**.

(4) Where a fostering order is made in respect of a child who has been the subject of a previous fostering order made under this Law, the fostering order shall contain a direction to the Chief Registrar and the Fostering Committee to cause the previous entry in the Fostered Children register and the Register of Births in respect of that child to be marked **"RE-FOSTERED"**.

(5) The Court shall cause a copy of every foster order to be communicated to the Chief Registrar and the Fostering Committee and on receipt of the order; the Chief Registrar and the Fostering Committee shall comply with the directions contained therein.

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

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

(8) A copy of extract of an entry in any register, being an entry which is cancelled under this section, shall be 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 copy thereof or furnish any information therein contained to a person except under order made by the Court.

(10) On the revocation of a fostering order, the Court shall cause the fact of the revocation to be communicated to the Chief Registrar and the Fostering Committee who shall cancel or cause to be cancelled the entry in the Fostered Children Register relating to the fostered child, and the word "Fostered" or "Re-fostered" in the entry relating to the fostered child in the Register of Births.

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

Visit to fostered child by child development officer

58(1) The Fostering Committee shall keep itself informed, from time to time, of the condition and welfare of each child fostered under this Law and for that purpose may arrange for Child Development Officers to do all or any of the following:-

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

b. 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; and

c. In the case of death of Foster parent, the relations to such foster parents should be given the opportunity to continue to foster the child, unless there is no such request from them, then the Court may order as appropriately.

(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 fostering order.

59 Where it is proved to the satisfaction of the Court that a foster parent has abandoned, neglected or persistently ill-treated or assaulted a fostered child, the Court shall revoke the fostering order in respect of the child and proceed to take other necessary measures pursuant to the provisions of this Law.

Prohibition for taking money or inducement to foster a child.

60(1) A person who:-

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

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

Condition for taking or sending a fostered child out of the State or the country.

61(1) Where a foster parent intends to take a fostered child outside the State he shall give notice to the Court of his intention to do so and shall, on return to the State notify the Court of their return. (the Court may grant approval)

(2) A person who permits, 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. Provide the person on whose behalf order is made is not related to the child.

(3) A person who commits an offence under subsection (2) of this section is liable on conviction under –

a. subsection (2) (a) of this section, to imprisonment for a term not less than 1year and not more than three years or fine of fifty thousand Naira or both; and

b. subsection (2) (b) of this section, to imprisonment for a term not less than 1year and not more than 5years or a fine of one hundred thousand Naira or both.

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

62 While an application for a fostering order is pending in the Court, no person who has given his consent to a fostering order being made in respect of a child shall withdraw the child or cause the child to 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.

Foster parent marrying fostered person

63(1) A foster parent may marry a person fostered by him pursuant to this Law with the consent of the fostered person and the permission of the Court in writing.

(2) A foster parent who marries a child fostered by him without the consent of her parents or permission of the Court commits an offence under this Law and is liable on conviction to a fine of a fifty thousand Naira.

Non-compliance with lawful directives

64(1) A person who without reasonable excuse fails to comply with a lawful directive given by a child development officer or obstructs a social welfare officer in the exercise of the powers conferred by this Law,

commits an offence and is liable on conviction to a fine not exceeding ten thousand naira or to imprisonment for a term not exceeding three months or to both such fine and imprisonment

(2) Whoever fosters a child other than in accordance with the provision of this law or other extant laws commits an offence, and shall be liable upon conviction to a term of imprisonment of not less than five years.

PART VII –
DETERMINING PATERNITY AND MATERNITY OF A CHILD BORN OUT OF WEDLOCK

Court to order for DNA Test

65(1) Scientific tests including blood tests and deoxyribonucleic acid tests (DNA) shall only be ordered by the Court to ascertain the paternity, maternity or both of a child, as the case may be under the following circumstances:

a. A child of unknown paternity due to:
   i. Lack of evidence establishing the child's paternity;
   ii. Conflicting claims; or
   iii. Accidential sexual relationship with a married woman

b. Inability to determine paternity or maternity of newborn babies in hospital nurseries or test tube babies

c. Inability to identify the paternity or maternity of children lost as a result of war or natural disasters

(2) No test mentioned under subsection (1) of this section shall be conducted without an order of the Court.

(3) Whoever fails or refuses to comply with an order of the Court under subsection (1) of this section commits an offence and shall be liable upon conviction to imprisonment for a term not exceeding one year, or in case of an institution a fine not exceeding five hundred thousand Naira.

(4) Whoever subjects a child to any paternity test without an order of the Court commits an offence and shall be liable on conviction to imprisonment for a term not exceeding five years, or in the case of an institution a fine not exceeding one million Naira.

PART VIII
FAMILY COURT

Establishment of the Court.

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

Levels of Court.

67(1) The Court shall be in four levels namely:

(a) the High Court

(b) the Shari'a Court of Appeal

(c) Magistrate`s Court and

(d) Shari'a Court

(2) The Chief Judge and Grand Kadi shall each designate a Senior Magistrate and a Judge of the Sharia Court not below the rank of a Principal Judge to preside over the Courts created under subsection (1) of this section.

Jurisdiction of the Court.

68(1) The Court shall exercise jurisdiction in respect of the following matters:

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.
b) Maintenance of child where divorce occurred outside a Court
c) Custody of child where divorce occurred outside a Court.
d) Inheritance involving a child
e) 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 the child.
f) May review any committal order from time to time

(2) The Court upon dissolving a marriage may proceed to consider and determine the issues of maintenance and or custody of children involved in a dissolved marriage and make appropriate order in that respect.

(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;
iii. Any other person having parental or other responsibility for the child; and

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

Training of the personnel of the Court.

69(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 required of them.

(2) The Court shall have consideration to the needs of the child, particularly the age, sex, religion or other special characteristics of the child.

Legal representation.

70 A child has the right to be represented by a legal practitioner and to free legal services in the hearing and determination of any matter concerning him in the Court. Provided the matter does not involve his parents.

Exclusions of persons from attending the Court.

71 No person, other than the members and officers of the Court; the parties to the case, their solicitors and parents or guardians of the child; and other persons directly concerned in the case, shall be allowed to attend the Court.

Prohibition of publication of names etc of the child

72 (1) No person shall publish the name, address, school, photograph, or anything likely to lead to the identification of a child whose matter is before the Court.

(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 onehundred thousand naira or imprisonment for a term of five years or to both such fine and imprisonment.

Proceedings to be in the best interest of the child.

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

Attendance of parent, guardian or child at the hearing.

74(1) In a proceeding in which the Court is hearing an application for an order under this Law, or is considering whether to make an order, the Court may order the parents, guardian of the child concerned to attend such stage or stages of the proceedings as may be specified in the order.

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

a. make an order authorizing a Police officer accompanied by Hisba Corps or such person as may be specified in the order to take charge of the child and bring him to Court, and 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 position to do so to bring the child to the Court.

(3) 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.

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

Evidence of a child.

75(1) Without prejudice of the provisions of the Evidence Act, in any criminal proceedings, the testimony of a child may be received and acted upon on the following conditions:

a. where the children were found on the scene of the crime; and

b. where there is no any form of interference, intervention or contact in-between them by an adult.

(2) However in civil proceeding no such evidence will be received and acted upon except if the child is a Mumayyiz

Chief Judge or Grand Kadi to make rules.

76 The Chief judge and the Grand Kadi, shall jointly make rules and practice directions regulating the procedure of the Court and the parties before the court.

Exclusive Jurisdiction of the Court.

77 The Court established under this law shall to the exclusion of all other Courts exercise jurisdiction except where expressly provided by any other law.

PART IV
SUPPORT FOR CHILDREN AND FAMILIES

Provision of services for children in need etc.

78(1) The Ministry shall generally safeguard and promote the welfare of children in need within the state and so far as is consistent with this duty, promote the upbringing of those children by their families through the provision of services appropriate to the needs of the children.

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

(3). The Ministry shall for the purpose of facilitating the discharge of its duty under this section, have the duties and powers set out in part 1 of the Fourth Schedule to this Law.

(4) The Ministry may revise any of the duties and powers set out in part 1 of the Fourth Schedule to this Law.

(5) The services provided by the Ministry in the discharge of its duties under this section may include giving assistance in kind or in exceptional cases, in cash, which may be conditional or unconditional.

(6) No person shall be liable to make repayment of assistance or its value at any time when he is in receipt of an income or any form of support from public funds.

(7) For the purposes of this section and other sections of this Part of this Law-

(a) a child shall be taken to be in need if:

(i) the child is unlikely to achieve or maintain or to have the opportunity of achieving or maintaining a reasonable standard of health or development without the provision, for the child, of services by the Ministry under this Part of this law, or

(ii) the health and development of the child is likely to be significantly impaired or further impaired without the provision, for the child, of services provided for under this Part of this Law, or

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

(b) a child is disabled if the child is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or other disability as may be prescribed.

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

(9) The State Government may make such arrangements as it deems fit for any person to act on its behalf in the provision of any of those services.

(10) (a) The services provided by the State Government in the discharge of its duty under this section may include the giving of assistance in kind or in exceptional cases, in cash, and the assistance may be conditional or unconditional.

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

Provision of accommodation for children

79(1) The Ministry shall provide accommodation for a child in need where:-

a. there is no person having parental responsibility for the child;
b. the child is lost or has been abandoned or runs away from home;
c. the person who has care for the child is prevented, for any reason whatsoever, from providing the child with accommodation or care
d. Where it appears to the appropriate authority that his welfare is likely to be prejudiced.

(2) The Ministry shall not provide accommodation under this section for a child if a person who-

(*a*) has parental responsibility for the child; and

(*b*) is willing and able to

(i) provide accommodation for the child, or

(ii) Arrange for accommodation to be provided for the child, objects.

(3) A person who has parental responsibility for a child may at any time remove the child from the

accommodation provided by or on behalf of the Ministry under this section after the Ministry has been satisfied that the reasons that led to him being accommodated have been resolved

Provision of accommodation for children on Police protection, remand etc

80(1) The Ministry shall make provision for the reception and accommodation of children who are removed or kept away from home:-

a. under Police protection;
b. on remand or supervision order;
c. for any other reason, by the appropriate authority
d. Under Part IV of this Law

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

Safeguarding the welfare of children looked after by the Ministry

81(1) The Ministry, when looking after a child, shall:

a. safeguard and promote the welfare of the child; and

b. have regard to the age and understanding of the child

c. have regard to the religious persuasion, ethnic and linguistic background of the child

d. in the case of disabled child provides as reasonably as practicable a suitable accommodation for his needs.

e. in case of a child who enjoys the assistance, contribution or grant from Ministry with respect to a course of education or training, the Ministry may continue to do so not withstanding that the person attains the age of twenty one years before completing the course and disregard any interruption in his attendance on the course of training if he resumes it as soon as is reasonably practicable

(2) The Ministry, before making any decision with respect to a child being looked after or proposed to be looked after

by it shall, so far as is reasonably practicable, ascertain the wishes and feelings of:-

a. the child:
b. the parents of the child;
c. a person, who though not the parent of the child, has parental responsibility for the child; or
d. any other whose wishes and feelings the Ministry considers to be relevant.

(3) Where the child who is accommodated by any Ministry Agency ceases to be so accommodated after attaining the age of eighteen years the Ministry shall issue him a certificate of discharge, empowerment and shelter under the supervision of an officer appointed by the ministry.

Co-operation between authorities.

82(1) The Ministry may request the assistance and cooperation from any Ministry, organization or Agency in the discharge of its functions under this Law.

(2) Subject to the provision of subsection (1) of this section the Agencies so required to assist shall oblige such request as soon as practicable.

(3) Where a child ceases to be accommodated as mentioned in subsection (1) and (2) of this section the Ministry shall inform the appropriate authority accordingly.

PART X –
COMMUNITY HOMES

Securing community homes.

83(1) Each Local Government of the state shall make such arrangements as it considers appropriate for securing homes to be known as Community Homes for:

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

b) purposes connected with the welfare of the children whether or not looked after by it;

(2) A community home established under subsection (1) of this section shall be managed, equipped and maintained by the Local Government.

(3) The Fifth Schedule of this Law shall have effect for the purpose of supplementing the provisions of this Law.

PART XI –
SUPERVISORY FUNCTIONS AND RESPONSIBILITIES OF THE MINISTRY

Powers of the commissioner to order inspection.

84(1) The Ministry shall establish, manage, supervise and inspect from time to time the following:-

a. Children's home;
b. Torrey home;
c. Children's remand home; and
d. Any licensed private orphanage

(2) No person or institution shall establish or operate a private orphanage without a license issued under the hand of the Commissioner.

(3) Any person or institution who establishes or operates a private orphanage without the license of the Commissioner commits an offence and shall be liable on conviction to a term of imprisonment not exceeding three years, or to a fine not less than two hundred and fifty thousand Naira.

Power of the Ministry to declare a Local Government or an appropriate authority in default.

85(1) Notwithstanding any provision contained in this Law, if the Ministry is satisfied that a Local Government or any appropriate authority has failed to comply with the provision of this Law, the Ministry shall issue an administrative order declaring such Local Government or authority to be in default.

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

(3) An order under subsection (1) of this section may contain such direction for the purposes of ensuring that the duty is complied with, within such period as may be specified in the order.

(4) Any direction given by the Ministry under subsection (3) of this section shall on the application by the Ministry to the Court, be enforced against the defaulting Local Government or authority.

PART XII –
CHILD JUSTICE ADMINISTRATION

Child to be subjected only to the child justice system.

86 No child shall be subjected to the criminal justice process unless he is reasonably alleged to have committed a criminal offence.

Protection of privacy.

87(1) The right of the child to privacy shall be respected at all stages of child justice administration in order to avoid harm being caused to the child.

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

(3) Subject to the provisions of any other Law, records of a child offender shall be kept strictly confidential and away from third parties, and made accessible only to persons directly concerned with the disposition of the case at hand or other duly authorized persons, and shall not be used in adult proceedings in subsequent cases involving the same child offender.

Professional education and training.

88 Professional education, in-service training, refresher courses and other appropriate modes of instruction shall be utilized to establish and maintain the necessary professional competence of all persons, including Judges, Qadis, Magistrates, officers of the specialized Children Police Unit, Hisba Corps, Supervisors and child development officers, dealing with child offenders.

Specialization within the Hisbah Corps.

89(1) There shall be established, in the Hisba Corps, a specialized unit of the Corps, to be known as the Specialized Children Unit (in this Law referred to as the "Unit") which shall include at least of two (2) police officers who:-

a. frequently or exclusively deal with children cases; or

b. are primarily engaged in the prevention of child offences.

(2) The Unit shall be charged with supporting the Police in prevention and control of child offences, the apprehension of child offenders, the investigation of child offences, and such other functions as may be referred to the Unit by this Law, or by regulations made under this Law.

(3) Members of the Unit shall be continually trained and instructed specially for the function conferred on the Unit under subsection (2) of this section.

Use of discretion.

90 A person who makes determination on child offenders shall exercise such discretion, as he deems most appropriate on each case.

Disposing of cases without resort to formal trial.

90(1) The Court shall have the power to dispose the case without resorting to formal trial by using other means of settlement as it deems appropriate.

(2) Adjudication by the Court shall be used only as measures of last resort.

Respect of legal status and rights of the child.

92 The legal status and fundamental rights of the child, provided for in Part II of this Law, and in particular:-

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

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

Investigation and Initial contact with the child.

93 (1) On the apprehension of a child-

a) the parents or guardian of the child shall-

(i) be immediately notified; or

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

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

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

(i) respect the legal status of the child;

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

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

(iv) Inducement cannot be used.

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

Detention before trial.

94(1) Detention pending trial shall be used only as measure of last resort and for the shortest possible period of time and wherever possible, be replaced by alternative measures, including close supervision, care by and placement with a family or in children's remand home.

(2) While in detention a child shall be given care, protection and all necessary individual assistance that he may require having regard to age, sex and personality.

Jurisdiction of the Court to try child offences.

95(1) A child who is accused of having committed an offence under this Law shall be tried by the Court

(2) The term "conviction and sentence" shall not be used in relation to a child dealt with in the Court and any reference in any enactment or other law to a person convicted, a conviction or sentence shall, in the case of a child, be construed as including a reference to a person found guilty of an offence, or to a finding of guilt or to an order made upon such a finding, as the case may be.

Right to fair hearing and compliance with due process.

96 In the trial of a child under this Law, his rights to fair hearing and compliance with due process shall be observed.

Guiding principles in adjudication.

97(1) Where a child offender is brought before the Court, the Court shall ensure that-

a. The proceeding is conducted in the best interest of justice and is conducted in an atmosphere of understanding which allows the child to participate therein and express himself freely;

b. the action taken is always in proportion not only to the circumstances and gravity of the offence but also to the circumstances and needs of the child, the victim and the needs of the society;

c. the personal liberty of the child is restricted only after careful consideration of the case, including the use of alternative methods of dealing with the child, and the restriction is limited to the possible minimum;

d. the child is not deprived of his personal liberty unless he is found guilty of a serious offence against another person, or persistent in committing other offences, and there is no other appropriate measure that protects the public safety;

(2) The Court shall handle each case brought before it expeditiously without unnecessary delay.

Parents Guardian to attend the Court.

98(1) The parent or guardian of a child offender who is charged before the Court for an act which constitutes a criminal offence, may attend at all stages of the proceedings and may be allowed to participate in the proceedings.

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

(3) Notwithstanding subsection (1) of this section, where in the opinion of the Court, it is not in the interest of a child that his parent or guardian should attend; the Court shall, by order, exclude the parent or guardian from so attending.

Substance of the offence to be explained to child, parents or guardian.

99(1) Where a child is brought before the Court, the Court shall, as soon as possible, explain to him and in the presence of his parents, or guardian in a language the child and the child's parent or guardian understands, the substance of the alleged offence.

(2) If the child does not admit the facts of an alleged offence, the Court shall proceed to hear and determine the case on merit.

(3) Notwithstanding the provision of subsection (2) of this section the Court shall allow a child to make a statement instead of asking questions at any stage of the proceedings.

(4) If a child admits the offence or the Court is satisfied that the offence is proved, the Court shall then ask the child if he desires to say anything in explanation of the reason or reasons for his conduct, and before deciding on how to deal with him, the Court shall obtain information from the appropriate officers as to his general conduct, home surroundings, school record, including the social inquiry reports, and medical history as may enable it deal with the case in the best interest of the child; and may put to the child any question arising out of such information.

(5) For the purposes of obtaining information under sub-section (4) of this section or for special medical examination or observation, the Court may from time to time grant the child bail or remand him to a place of detention.

Power of the Court to order parents or guardian to pay compensation.

100(1) Where a child is charged before the Court with an offence and the Court decides that the case would be best disposed of by the imposition of restitution, damages, or compensation, whether with or without any other measure, the Court shall order that the restitution,

damages or compensation shall be paid by child's parent or guardian as the case may be

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

(3) An order under this section may be made by the Court against a parent or guardian who, having been required to attend the Court failed to do so, but no such order shall be made without the Court giving the parent or guardian an opportunity of being heard.

(4) A parent or guardian may appeal against an order under subsection (3) of this section to the High Court or Shari'a Court of Appeal as the case may be.

Causing death

101 Where a child causes the death of another person, the Court shall upon counseling apply the provisions of the Kano State Penal Code, Children and Young Persona Law, Sharia Law, and other relevant Laws as the case may be.

Gross indecent assault

Where a child commits the offence of gross indecent assault, the Court shall upon counseling make an order:-

a. for the payment of appropriate diyya; or compensation

b. shall be committed to approved institution for a period not less than 3 months and not more than 6 months for reformation

c. placing the parent, guardian, relative or any authorized officer on bond for ensuring that the child be of good behavior.

Robbery

103 Where a child is involved in the Commission of the offence of robbery, the Court shall upon counseling make an order;

a. for restitution of the lost or damaged property,

b. for rehabilitation and reformation in any of the approved institution; and

c. for bond to be of good behavior to be entered by the child, parents, or guardians.

Causing bodily injury

104 Where a child causes bodily injury on another person, the Court shall upon counseling make an order:

a. for the payment of ***diyya***, compensation or medical expenses in the treatment of victim as the case may be

b. placing the child on bond to be entered by the child, parents, or guardians.

Theft

105 Where a child commits the offence of theft, the Court shall upon counseling, make an order for:

a. the return of the stolen property to the lawful owner,

b. compensation for the lost or damaged property,

c. committal to any of the approved institution for reformation for a period not less than 1 month and not more than 3 months; and

d. upon discharge of the committal order be placed on bond for a special period.

Detention in case of certain crimes.

106(1) Notwithstanding anything in this Law to the contrary, where a child is found to have attempted to commit any capital offence or wounded a person with intent to cause grievous harm, the Court may order the child to be detained for such period as may be specified in the order.

(2) Where an order is made under subsection (1) of this section, the child shall, during that period, notwithstanding anything in the other provisions of this Law, be liable to be detained in such place and on such conditions as the Court may direct, and the child whilst detained shall be deemed to be in legal custody.

Method of dealing with child offender.

107(1) Where a child charged with an offence is tried by the Court and the Court is satisfied that the child actually committed the offence, the Court shall take into consideration the manner in which, under the provisions of this Law, the case should be dealt with, namely by dismissing the charge or discharging the child offender on his entering into a recognizance, or placing the child under care order, guidance order or supervision order.

(2) The Court may discharge the child offender, place him under the supervision of a supervision officer, commit him by means of a corrective order to the care of a guardian and supervision of a relative or any other fit and proper person or send the child offender by means of a corrective order to an approved accommodation or institution.

(3) In place of subsection (1) and (2) above, the Court may order the child offender to participate in group counseling and similar activities; pay damages, compensation; or the Court may order the parent or guardian of the child offender to pay damages compensation or costs, or enter into recognizance to take proper care of the child and exercise proper control over him; or commit the child offender to custody in a place of detention provided under this Law.

(4) Where an order under this section is made by the Court, the order shall, for the purpose of restoring stolen property and enabling the Court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connection with the restitution or delivery, have the like effect as a restitution order upon a conviction of an adult offender, subject however to any protection provided for the child under this Law.

(5) A Court shall not make an institutional order in respect of a child unless it is satisfied that there is a vacancy in the approved institution to which it intends to commit the child.

Forms of corrective order.

108(1) A corrective order under this Law shall be in such form as may be prescribed by rules of Court.

(2) One copy of the corrective order, duly completed shall be kept by the Court which issued the corrective order, the second copy shall be sent to the Ministry and the third copy shall be sent to the institution or the person to whom the child is to be sent under corrective order.

Operation of corrective order may be suspended.

109 The operation of a corrective order may be:-

a. suspended pending completion of arrangements for the reception of the child into an approved institution; or

b. on account of ill health of the child; or

c. for any other good and sufficient reasons, and in such case, the Court may remand him in custody or may order him to be committed to the care of some fit and proper person willing to undertake his custody, or may release him on bail.

Power to vary corrective order in certain order.

110 (1) The Court which issued a corrective order may:-

a. if it is satisfied that the corrective order is about to expire and that the child would benefit by further care or training, extend the period of the corrective order subject to the provision of this Law; or

b. order a child whose period of detention has exceeded twelve months to be discharged or be released from an approved institution on condition that the child shall be of good behavior and live under the charge of any trustworthy and respectable person named in the order of release who is willing to receive and take charge of the child, keep the child at school or released to approved institution or person.

(2) An order under this section may, in the discretion of the Court making the order be revoked and thereupon the

original corrective order shall remain in full force and effect.

Apprehension without warrant.

111 A child, while being detained in an approved institution in accordance with the provision of this Law and also being conveyed to or from the institution, be deemed to be in legal custody and, if the child escapes, he may be apprehended without warrant and brought back to the institution.

Effective implementation of non-institutional order.

112 (1) The Director responsible for child matters shall have responsibility for ensuring the implementation of every non-institutional order of the Court, and shall make quarterly reports to the Court having jurisdiction in the area on how the order is being implemented, including the response of the child offender to the treatment specified in the order.

(2) The Court to which a report is made under subsection (1) of this section has the power to modify the non-institutional order, from time to time, as it deems fit, having regard to the circumstances of the case.

Assistance during rehabilitation.

113 A child in respect of whom an order referred to in section 105 of this Law is made shall be provided where appropriate, with necessary assistance including accommodation, education or vocational training, employment and any other helpful and practical assistance during the period the order is in force.

Mobilization of Voluntary Service.

114 The Government and its Agencies shall encourage individuals and communities to contribute effectively to the rehabilitation and development programmes for child offenders.

Objective of institutional treatment.

115(1) The objective of training and treatment of a child offender placed in an institution shall be to provide care, protection, education and vocational skill with a view to assisting the child to assume socially constructive and productive roles in the society.

(2) A child offender in an institution shall be given care, protection and all necessary assistance, including social,

educational vocational, psychological, medical and physical assistance, that he may require, having regard to his age, sex, personality and in the interest of his development.

(3) The parents and guardian of a child offender placed in an institution shall have the right to access to the child in the interest and well-being of the child.

(4) Inter-Ministerial and inter-Departmental co-operation shall be encouraged for the purpose of providing adequate academic or vocational training for any child offender placed in an institution and ensure that the child does not leave the institution educationally disadvantaged.

Recourse to conditional release.

116(1) The Court shall use conditional release from an institution to the greatest possible extent and grant it at the earliest possible time.

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

PART XIII –
APPROVED INSTITUTIONS AND POST RELEASE SUPERVISION

Supervision

118(1) Approved institutions are institutions established under this law.

(2) Pursuant to the provision of subsection (1) of this section the Ministry may make rules for the management, upkeep and inspection of such institutions throughout the State

Transfer from children correctional center to special children center.

119(1) Where the Ministry receives report that a child detained in a Children Correction Center is incorrigible, or is exercising a bad influence on the other inmates of the institution, may direct that the child be committed to a Special Child Correctional Centre for such term, not exceeding the un-expired portion of the term for which the child is then liable to be detained, as the Court may determine.

(2) For the purpose of subsection (1) of this section there shall be established in the State an institution to be known as Special Child Correctional Centre.

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

(4) No report made under subsection (1) of this section to the Ministry, shall be made earlier than three months following the date of the order committing the child concerned to the Child Correctional Center.

Transfer or release of detained children on maturity.

120 A child detained in a Correctional Centre shall, on attaining the age of puberty, be released, unless he is considered to require further training and instruction he shall be transferred to appropriate institution.

Post-release supervision of children offenders.

121(1) A child shall on his release from an approved institution be handed to his parent through the Zaure of his ward and shall continue to be observed by the said Zaure. Provided the Zaure has partake in guiding and counseling the parents before reporting to an established institutions.

(2) A child while under supervision, as provided by subsection (1) of this section, shall comply with such requirements as may be specified, so however, that the Ministry may at any time modify or cancel any of those requirements, or order that the child shall cease to be under supervision.

(3) A child who is recalled into an approved institution is liable to be detained in the approved institution until the expiration of three years from the date of the order committing the child to the approved institution or six months from the date of his being taken into custody under the direction, whichever is the later, and, if at large shall be deemed to be unlawfully at large.

(4) If a child, while under supervision, or after recall to an approved institution is ordered to be committed to an approved institution or is committed by the Court to an approved institution for training the original order or committed shall cease to have effect, and 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 previous order.

(5) 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 XIV – MISCELLANEOUS

Offences by bodies corporate

122 If an offence under this Law is proved to have been committed by a child with the consent or connivance of or to be attributable to any neglect on the part of an officer or 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 prosecuted against and punished accordingly.

Service of documents.

123 Any notice or other documents required under this Law to be served on any person shall be served on him in accordance with the provisions of the Sheriff and Civil Processes Act, the Rules of the Court and other relevant Laws and Rules pertainingto service of processes.

Forms in the Eleventh Schedule.

124 The forms set out in Part I of the Sixth Schedule to this Law shall have effect with respect to the matters specified therein.

FIRST SCHEDULE

The State and Local Government Child Protection Implementation Committees

State Child Protection Implementation Committee

Committees

Establishment and membership of State Child Protection Implementation Committee.

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

(2) The State Committee shall comprise -

(a) the Permanent Secretary of the Ministry of Women and Children Affairs as Chairperson;

(b) one person to represent each of the following State Ministries and Governmental bodies, that is:

i. Women and Children Affairs
ii. Education
iii. Information,
iv. Health,
v. Youth and Sports,
vi. Ministry of Justice
vii. Nigerian Immigration Service
viii. Nigeria Police Force,
ix. Nigerian Correctional Services,
x. National Agency for the Prohibition of Traffic in Persons (NAPTIP)
xi. Child Protection Network (CPN),
xii. State Agency for Mass Education,
xiii. Family Court Judges at the High Court and Sharia Court of Appeal Court levels,
xiv. Juvenile Cases Magistrate Designate
xv. National Human Rights Commission
xvi. Nation Bureau of Statistics

xvii. National Population Commission

(c). Representation from Civil Social Oganisations

i. one person to represent the State approved children institutions;
ii. one person to represent Road Transport Union
iii. one person to represent Traditional Institutions
iv. one person to represent Council of Ulamas
v. one person to represent the State branch of the Nigerian Union of Journalists;
vi. one person to represent the State Branch of the National Council of Women Societies;
vii. one person to represent Trade Union Association
viii. one person to represent Hisbah Board
ix. one person to represent Market Women Associations;
x. one person to represent the Parents/Teachers Association in the State;
xi. two persons to represent organisations involved in the protection of the rights of the child
xii. one person to represent the Nigerian Bar Association
xiii. one person to represent the Muslim Lawyers Association of Nigeria (MULAN)
xiv. one person to represent the International Organisation of Women Lawyers (FIDA)
xv. one person to represent Federation of Muslim Women Association of Nigeria (FOMWAN)

Functions of the State Committee.

195. The functions of the State Committee are to –

(a) initiate actions that will ensure the observance and popularization of the rights, protection 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 Convention on the Elimination of All Forms of Discrimination against Women (***CEDAW***), (iii) the African Charter on the Rights and Welfare of the Child,
iv. the Declaration of the World Summit for Children,
v. the Dakar Consensus and National Programme of Action,
vi. such other International Conventions, Charters and Declarations relating to children to which Nigeria is or becomes a signatory;

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

(c) develop and recommend to the State and Local Governments, through their respective Local Government Child Protection Implementation Committees, specific programmes and projects that shall enhance the implementation of the child protection law.

(d) collect and document information on all matters relating to the rights, protection and welfare of the child;

(e) commission inter-disciplinary assessments of the problems relating to the rights, protection 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 fora on the rights and welfare of a 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 protection of the child f or submission to the National Committee; and

(j) perform such other functions relating to the protection of the child as may from time to time be assigned to it.

Procedure at meetings.

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

Secretariat of the State Committee.

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

The state committee shall report, quarterly, to the state Executive Council

Local Government Child Protection Implementation Committee

Establishment and membership of the Local Government Child Protection Implementation Committee.

198. (1) There shall be established a committee to be known as the Local Government Child 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 Supervisor for Health and Social Welfare in the Local Government;
(c) the Supervisor for Education in the Local Government;
(d) the Information Officer in the Local Government;
(e) the Children Development Officer in the Local Government Area;
(f) one representative of traditional rulers from the local government to be appointed by the council of Ulamas or his representative;
(g) a Community Development Officer in the Local Government Area;
(h) the representative of the National Union of Teachers in the Local Government Area;
(i) the representative of the Parents/Teachers Association in the Local Government Area;
(k) one person to represent the Heads of Market Women;
(l) one person to represent the opinion leaders in the Local Government Area;
(m) two person to represent two community based organisations sensitive to the child concern;
(n) one person to represent the National Council of Women Societies in the Local Government Area.
(o) one person from National Council of Youth Society in the Local Government

Functions of the Local Government Committee.

199. The functions of the Local Government Committee are to –

(a) initiate actions that shall ensure the observance and popularization of the rights, protection 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 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
(iii) the African Charter on the Rights and Welfare of the Child,
iv. the Declaration of the World Summit for Children,
v. the Dakar Consensus and National Programme of Action,
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 Child protection law;
(c) develop and recommend to the Local Government, specific programmes and projects that will enhance the implementation of the rights, protection and welfare 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, protection 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, protection and welfare of the child;
(g) organise meetings, conferences, symposia and other enlightenment for raising awareness on the rights, protection and welfare of the child;
(h) prepare and submit periodic reports on the state of implementation of the child protection law 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.

Procedure at meetings.

200. The Quorum for Local Government Committee shall be 2/3 and it shall regulate its proceedings at any of its meeting.

Secretariat of the Local Government Committee.

201. The Secretariat of the Local Government Committee shall be the office of the Chairman of the Local Government.

The local government committee shall report, quarterly, to the State Child Protection Committee

SECOND SCHEDULE

Section 30 (12)

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 Court at the High Court or Shari'a Court of Appeal level, make one or more of the orders mentioned in sub-paragraph (2) of this paragraph;
	b. in the case of an application to the Court at Magisterial level or Shari'a Court level, make one or both of the orders mentioned in paragraph (a) and (c) of that sub-paragraph.
(2)	The order referred to in sub-paragraph (1) of this paragraph are:
	a. an order requiring either or both parents of a child;
	i.to make to the applicant for the benefit of the child, or
	ii. to make to the child himself,
	:h periodical payments, for such term, as may be specified in the order;
	b. an order requiring either or both parents of a child:

	i.to secure to the applicant for the benefit of the child, or ii. to secure to the child himself, h periodical payments, for such sum, as may be so specified; c. an order requiring either or both parents of a child: i.to pay to the applicant for the benefit of the child, or ii. to pay to the child himself, h lump sum as may be so specified; d. an order requiring a settlement to be made for the benefit of a child, and to the satisfaction of the Court, of property – i.to which either parent is entitled (either in possession or in reversion), and ii. which is specified in the order; e. an order requiring either or both parents of a child: i.to transfer to the applicant, for the benefit of the child, or ii. to transfer to the child himself, h property to which the parents or the parents are entitled (either in procession or in reversion) as may be specified in the order.
(3)	The powers conferred by this paragraph may be exercised at any time.
(4)	An order under sub-paragraph (2) (a) or (b) of this paragraph may be varied or discharge 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, 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 justly the making of an order under this paragraph; the Court may make one or both of the orders mentioned in sub-paragraph (2) of this paragraph.
(2)	The orders referred to in sub-paragraph (1) of this paragraph are: (a) an order requiring either or both of the applicant's parents to pay to the applicant such periodical payments, for such term, as may be specified in the order; (b) an order requiring either or both of the applicant's parents to pay the applicant such periodical payments, for such term as may be specified in the order;
(3)	An application may not be made under this paragraph by any person if, immediately before he attained the age of sixteen years, periodic payments order was in force with respect to him.
(4)	No order shall be made under this paragraph at a time when the parents of the applicant are living with each other in the same household.
(5)	An order under sub-paragraph (2) (a) of this paragraph may be varied or discharged by a subsequent order made on the application of any person by or to whom payments were required to be made under the previous order.
(6)	The powers conferred by this paragraph shall be exercisable at any time.
(7)	Where the Court makes an order under this paragraph it may, from time to time while that order remains in force make a further such order.
(8)	In sub-paragraph (3) of this paragraph "periodical payments order" means an order 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; and (b) shall not in any event extend beyond the child's eighteenth birthday.
(2)	Sub-paragraph (1) (b) of this paragraph shall not apply in the case of 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 periodic payments made under paragraph 1(2) (a) or 2(2) (a) o 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 power under paragraph 1 of this Schedule against a person who is not the mother or the father of the child, and if so in what manner, the Court shall in addition have regard to:
	(a) whether that person had assumed responsibility for the maintenance of the child and, if so the extent to which and basis on which he assumed that responsibility and the length of the period during which he met that responsibility; (b) whether he did so knowing that the child was not his child; and (c) the liability of any other person to maintain the child.
(3)	Where the Court makes an order under paragraph 1 of this Schedule against a person who is not the father of the child, it shall record in the order that the order is made on the basis that the person against whom the order is made is not the child's father.
(4)	The persons mentioned in sub-paragraph (1) of this paragraph are:

	(a) in relation to a decision whether to exercise its powers under paragraph 1 of this Schedule, any parent of the child; (b) in relation to decision whether to exercise is powers under this paragraph 2 of this Schedule, the mother and the father of the child; (c) the applicant for the order; (d) any 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 Court at the Magisterial level under paragraph 1 or 2 of this Schedule shall not exceed twenty five thousand naira or such larger amount as the Commissioner may from time to time, by order fix for the purposes of this sub-paragraph.
(3)	The power of the Court under paragraph 1 or 2 of the 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 Court at the Magisterial or Shari'a Court level, exceed the maximum amount that may at the time of the making of the order be required to be paid under sub-paragraph (2) of this paragraph, but the Court at the Magisterial or Shari'a Court level may make an order for the payment of a lump sum not exceeding that amount even though the parent was required to pay a lump sum by a previous order under this Law.
(5)	An order made under paragraph 1 or 2 of this Schedule for the payment of a lump sum may provide for the payment of that sum by installments.
(6)	Where the Court provides for the payment of a lump sum by installments, the Court shall on an application made either by the person liable to pay or the person entitled to receive that sum, have power to vary that order by varying: (a) the number of installments payable; b) the amount of any installment payable; (c) the date on which any installment become 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 circumstance of the case, including any charge in any of the matters to which the Court was required to have regard when making the order;
(2)	The power of the Court under paragraph 1 or 2 of this Schedule to vary an order for the making or securing of periodical payments shall include power to suspend any provision of the order temporarily and to revive any provision so suspended.
(3)	Where, on an application under paragraph 1 or 2 of this Schedule for the variation or discharge of an order for the making or securing of periodical payments, the Court varies the payments required to be made under that order, the Court may provide that the payments as so varied shall be made from such date as the Court may specify, not being earlier than the date of the making of the application.
(4)	An application for the variation of an order made under paragraph 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 any time after that date, 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 application under sub-paragraph (5) of this paragraph it appears to the Court that: (a) the child is, will be or (if an order were made under this sub-paragraph) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while is gainful employment; or (b) there are special circumstances which justify the making of an order under this paragraph the Court shall have power by order to revive the order from such date as the Court may specify, not being earlier than the date of the making of the application.
(7)	An order which is revived by an order under sub-paragraph (5) of this paragraph may be varied if discharged under that sub-paragraph (5) of this paragraph on the application of any person by whom or to whom payments are required to be made under the revived order.
(8)	An order for the making or securing of periodical payments made under paragraph 1 of this Schedule may be varied or discharged, after the death of either parents, on the application of a guardian or the child concerned.
	Variation of Orders for Secured Periodical Payments After Death of Parent
7 (1)	Where the parent liable to make payments under a secured periodical payments order has died, the persons who may apply for the variation or discharge of the order include the personal representatives of the deceased parent.
(2)	No application for the variation of the order shall, except with the permission oft 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 the 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 payments order is made after the death of the parent liable to make payments under the order, the circumstances to which the Court is required to have regard under paragraph 6(1) of this Schedule include the changed circumstances resulting from the death of the parent.
(6)	In considering for the purpose of sub-paragraph (2) of this paragraph, the question when representation was first taken out, a grant limited to settled land or to trust property shall be left out of account and a grant limited to real estate or to personal estate shall be left of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.
(7)	In this paragraph "secured periodical payments order" means an order for secured periodical payment under paragraph 1(2) (b) of this Schedule.
	Financial Relief Under Other Enactments
8 (1)	This paragraph appliers where a residence order is made with respect to a child at a time when there is in force an order ("the financial relief order") made under any enactment other than this Law and requiring a person to contribute to the child's maintenance.
(2)	Where this paragraph appliers, 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 residence order with respect to the child is in force; make an order revoking the financial relief order, or varying it by altering the amount of any sum payable under that order or by substituting the applicant for the person to whom any such sum is otherwise payable under that order.
	Interim Orders
9 (1)	Where an application is made under paragraph 1 or 2 of this Schedule, the Court may, at any time before it disposes of the application, make an interim order: (a) requiring either or both parents of a child to make such periodical payments, at such time and for such term as the Court thinks fit; and (b) giving any direction which the Court thinks fit.
(2)	An interim order made under this paragraph may provide for payments to be made from such date as the Court may specify, not being earlier than the date of the making of the application under paragraph 1 or 2 of this Schedule.

(3)	An interim order made under this paragraph shall cease to have effect when the application is disposed of or, if earlier, on the date specified for the purposes of this paragraph in the interim order.
(4)	An interim order in which a date has been specified for the purpose of sub-paragraph (3) of this paragraph may be varied by substitution a later date.
	Alteration of Maintenance Agreements
10 (1)	In this paragraph and in paragraph 11 of this Schedule "maintenance agreement" means any agreement in writing, made with respect to a child whether before or after the commencement of this paragraph, which:
	(a) is or was made between the father and mother of the child; and (b) contains provisions with respect to the making or securing of payments, or the disposition or use of any property, for the maintenance or education of the child and any such provisions are in this paragraph and paragraph 11 of this Schedule, referred to as "financial arrangements".
(2)	Where a maintenance agreement is for the time being subsisting and each of the parties to the maintenance agreement is for the time being either domiciled or resident in the State, either party may apply to the Court for an order under this paragraph.
(3)	If the Court to which the 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 agreements 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 paragraph

	3(1) and (2) of this Schedule as if the order were an order under paragraph 1(2) (a) or (b) of this Schedule.
(6)	The Court at the Magisterial or Shari'a Court level shall not entertain an application under sub-paragraph (2) of this paragraph unless both the parties to the maintenance agreement are resident in the State and shall not have power to make any order on such an application except: (a) in a case where the maintenance agreement contains no provision for periodical payments by either of the parties, an order inserting provision for the making by one of the parties of periodical payments for maintenance of the child; and (b) in a case where the maintenance agreement includes provisions for the making by one of the parties of periodical payments, any of those payments.
(7)	For the avoidance of doubt, it is hereby declared that nothing in this paragraph affects any power of a Court before which any proceedings between the parties to a maintenance agreement are brought under any other enactment or applicable law to make an order containing financial arrangements or the right of either party to apply for such an order in the proceedings.
11 (1)	Where a maintenance agreement provides for the confirmation, after the death of one of the parties, of payment for the maintenance of a child, the surviving party or the personal representatives of the deceased party may apply to the Court for an order under paragraph 10 of this Schedule.
(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) 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 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 provisions of this paragraph shall not render the personal representative of the deceased liable for having distributed any part of the estate of the deceased after the expiry of the period of six months referred to in sub-paragraph (3) of this paragraph on the ground that he ought to have taken into account the possibility that a Court might grant leave for 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 meaning assigned to them in paragraph 10(1) of this Schedule.

	Enforcement of Orders for Maintenance
12 (1)	Any person for the time being under an obligation to make payments in pursuance of any order for the payment of money made by a Court at the Magisterial or Shari'a Court 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 Magistrate or Shari'a 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 settle a proper instrument to be executed by all necessary parties.
	Financial Provisions for Child Resident Outside the State
14 (1)	Where one parent of a child lives in the State and the child lives in another State with: (a) his other parents; or (b) his guardians; or c. a person in whose favour a residence order is in force with respect to the child, the Court shall have power, on an application made by the parent, guardian or person to make one or both of the orders mentioned in paragraph 1(2) (a) and (b) of this Schedule against the parent living in the State.
(2)	Any reference in this Law to the powers of the Court under paragraph 1(2) of this Schedule or to an order made under paragraph 1(2) or this Schedule includes 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.
	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 Government may make contributions to that person towards the cost of the accommodation and maintenance of the child.
(2)	Sub-paragraph (1) of this paragraph does not apply where the person with whom the child lives, or is to live, is a parent of the child or the husband or wife of a parent of the child.
	Interpretation
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 puberty; (b) except in paragraphs 2 and 15 of this Schedule, "parent" includes any party to a marriage (whether or not subsisting) in relation to whom the child concerned is a child of the family and for this purpose any reference to either parent or both parents shall be constituted as a references to any parent of the child and to all of his parents.
	THIRD SCHEDULE Sections 32 (2), 33 (8) and 35 (8) SUPERVISION ORDERS 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 specified; (c) to participate in activities specified in the direction on a day or days so specified.
(2)	It shall be for the supervisor to decide whether, and to what extent, he exercises his power to give directions and to decide the form of any direction which he gives.
(3)	Sub-paragraph (1) of this paragraph does not confer on a supervisor power to give directions in respect of any medical or psychiatric examination or treatment which is within matters dealt with in paragraphs 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 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 takes all reasonable steps to ensure that the supervised child complies with any requirement included in the order under paragraph 4 and 5 of this Schedule; (c) that he complies with any direction given by the supervisor requiring him to attend at a place specified in the direction for the purpose of taking part in activities so specified.
(2)	A direction given under sub-paragraph (1) (c) of this paragraph may specify the time at which the responsible person is to attend and whether or not the supervised child is required to attend with him.
(3)	A supervision order may require a person who is a responsible person in relation to the supervised child to keep the supervisor informed of his address, if it differs from that of the child.
	Psychiatric and Medical Examination
4(1)	A supervision order may require the supervised child: (a) to submit to medical or psychiatric examination; or (b) to submit to a medical or psychiatric examination from time to time as directed by the Supervisor;
(2)	An examination under sub-paragraph (1) of this paragraph shall be require 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 a health service hospital or in the case of psychiatric examination, a hospital or mental nursing home, at which the supervised child is, to attend as, a resident patient.
(3)	A requirement of a kind mentioned in sub-paragraph (2) (c) of this paragraph shall not be included unless the Court is satisfied, on the evidence of a medical practitioner that: (a) the child may be suffering from physical or mental condition that requires, and may be susceptible to, treatment; and (b) a person as a resident patient is necessary if the examination is to be carried out properly.
(4)	No Court shall include a requirement under this paragraph in 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
	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 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 non-resident patient at such a place as may be so specified; or (c) as 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 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 satisfactorily 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 continue 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. (e) on receiving a report under this paragraph, the supervisor shall refer it to the Court, and on such a reference, the Court may make an order canceling or varying the requirement.
(7)	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 paragraph 2 sub-paragraph (2), part I of Second Schedule to this Law and section 45 of this Law, a supervision order shall cease to have effect at the end of the period of one year beginning with the date on which it was made.
(2)	Where the supervisor applies to the Court to extend, or further extend, a supervision order the Court may extend the order, for such period as it may specify.
(3)	A supervision order may not be extended so as to run beyond the end of the period of three years beginning with the date on which it was made.
	Limited Life of Directions
7(1)	The total number of days in respect of which a supervised child or (as the case may be) a responsible person may be required to comply with directions given under paragraph 2 or 3 of this Schedule shall not exceed ninety days or such lesser number (if any) as the supervision order may specify.
(2)	For the purpose of calculating the total number of days, the supervisor may disregard any day in respect of which directions previously given in pursuance of the order was not complied with.
	Information to be Given to Supervisor, etc
8(1)	A supervision order may require the supervised child: (a) to keep the supervisor informed of any change in his 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 the Commissioner as the supervisor unless: (a) the Commissioner 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 supervision office unless: (a) the Government so requests; and (b) a supervision officer is already exercising or has exercised, in relation to another member of the household to which the child belongs, duties imposed on supervision officers under this Law.
(3)	Where a supervision order places a person under the supervision of supervision officer, the supervision office shall be selected in accordance with arrangements made by the Supervision Service for the area in question.
(4)	If the selected supervision officer is unable to carry out his duties, or dies, another supervision officer shall 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.
	Government Expenditure
11	Where a supervision order requires compliance with direction given by virtue of this Schedule, any expenditure incurred by the supervisor for the purposes of the directions shall be defrayed by the Commissioner.
	PART III – EDUCATION SUPERVISION ORDERS **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 befriend and give direction to: i.the supervised child; and

	ii. the parents of the supervised child, in such a way as may, in the opinion of the supervisor, secure that the child is properly educated; (b) where any such direction given to the supervised child, or 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)	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; (b) to such wishes and feeling of the child's parents, as the supervisor has been able to ascertain.
(4)	Directions may be given under this paragraph at any time while the education supervision order is in force.
13(1)	Where an education supervision order is in force with respect to a child, the duties of the child's parents under this Law to secure education for the child and to secure regular attendance at school shall be superseded by their duty to comply with any directions in force under the education supervision order.
(2)	Where an education supervision order is made with respect to the child: (a) any school attendance order in force immediately before the making of the education supervision order shall cease to have effect. (b) a supervision order made with respect to the child in criminal proceedings, while the education supervision order is in force, shall not include an education requirement of the kind which could otherwise be required under this Law; and (c) any education requirement of a kind mentioned in sub-paragraph (2) of this paragraph, which was in force with respect to the child immediately before the making of the education supervision order, shall cease to have effect.
14	**Effect Where Child also Subject to Supervision Order** Where an education supervision order and a supervision order, are in force at the same time with respect to the same child , any failure to comply with a direction given by the 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
15(1)	**Duration of Orders** 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 expire if, before it would otherwise have expired, the Court has (on the application of the Government in whose favour the order was made) extended the period during which it is in force.

(3)	Such an application shall not be made earlier than the three months before the date on which the order would otherwise expire.
(4)	The period during which an education supervision order is in force may be extended under sub-paragraph (2) of this paragraph on more than one occasion.
(5)	No single extension may be made for a period of more than three years.
(6)	An education supervision order shall cease to have effect on: (a) the child's ceasing to be of compulsory school age; or (b) the making of a care order with respect to the child, and sub-paragraphs (1) to (4) of this paragraph are subject to this sub-paragraph.
	Information to be Given to 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 a 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.
	Discharge 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 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 giving 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 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 Commissioner.
(2)	Where the Commissioner has been notified under sub-paragraph (1) of this paragraph he shall investigate the circumstances of the child.
	Miscellaneous
20	The Commissioner may by regulations make provisions modifying, or displacing the provisions of any State enactment about education in relation to any child with respect to whom an education supervision order is in force to such extent as appears to the Commissioner to be necessary or expedient in consequence of the provisions made by this Law with respect to such orders.
	FOURTH SCHEDULE **SECTION 55 (2)** **FOSTER PARENTS:** **LIMITS ON NUMBER OF FOSTER CHILDREN** **Fostering Children**
1.	For the purposes of this Schedule, a person fosters a child if: (a) he is the Government foster parent in relation to the child; or (b) he is foster parent with whom the child has been placed by a appropriate authority.
	The Usual Fostering Limit
2.	Subject to the following paragraphs of this Schedule, a person may not foster more than three children which is the usual fostering limit.
3.	A person may exceed the usual fostering limit if the children concerned are all siblings with respect to each other.

	Exemption by the Commissioner
4(1)	A person may exceed the usual fostering limit if he is exempted from it by the Commissioner.
(2)	In considering whether to exempt a person, the Commissioner shall have regard, in particular, to: (a) the number of children who the person proposes to foster; (b) the arrangements which the person proposes for the care and accommodation of the fostered children; (c) the intended and likely relationship between the person and the fostered children; (d) the period of time which he proposes to foster the children; and (e) whether the welfare of the fostered children (and of any other children who are or will be living in the accommodation) will be safeguarded and promoted.
(3)	Where the Commissioner exempts a person, he shall inform him by notice in writing. (a) that he is so exempted; (b) of the children described by name, who he may foster; and (c) of any condition to which the exemption is subject.
4.	The Commissioner may at any time by notice in writing: (a) vary or cancel an exemption; or (b) impose, vary or cancel a condition to which the exemption is subject, and in considering whether to do so, he shall have regard in particular to the considerations mentioned in sub-paragraph (2) of this paraghraph in order to provide for cases where children need to be place with foster parents as a matter or 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 Commissioner shall establish a procedure for considering any representations (including any complaint) made to him about the discharge of his 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, the Commissioner shall have due regards to the circumstances of each case.

PART XI – SECTION 104

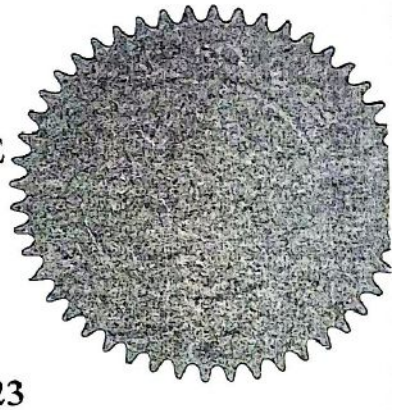
FORMS OF FOSTERED CHILDREN REGISTER

Registry.....Town.....LGA.....State.....

1	2	3	4	5	6	7	8
No. of entry	Date of entry	Name of fostered child (enter name as stated in Fostering Order)	Sex of fostered child (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, directed by the Fostering Order to be entered)	Date of fostering order and description of Court by which made (entry to be as appearing on the Fostering Order)	Signature of officer deputed by Chief Registrar to attest entry

AUTHENTICATION BY THE CLERK TO THE HOUSE OF ASSEMBLY

THIS PRINTED IMPRESSION HAS BEEN CAREFULLY COMPARED BY ME WITH THE BILL **KANO STATE CHILD PROTECTION LAW, 2023 (1444 A.H)** *WHICH WAS PASSED BY THE KANO STATE HOUSE OF ASSEMBLY AND FOUND BY ME TO BE A TRUE AND CORRECT PRINTED COPY OF THE SAID LAW.*



GARBA BAKO GEZAWA
CLERK/HEAD OF LEGISLATIVE SERVICE
KANO STATE HOUSE OF ASSEMBLY

ASSENTED TO THIS

24th **DAY OF** May **2023**

4th **DAY OF** Zulkida. **1444 (A.H)**

DR. ABDULLAHI UMAR GANDUJE, OFR
EXECUTIVE GOVERNOR
KANO STATE