CHAPTER C7

CHILD'S RIGHT LAW

ARRANGEMENT OF SECTIONS

Section

1. Paramount interest of a child
2. Protection and care of a child
3. Right to survival
4. Right to name
5. Freedom of association and peaceful assembly
6. Freedom of thought, conscience and religion
7. Right to private, home and family life
8. Right to freedom of movement
9. Right to freedom from discrimination
10. Right to the dignity of the child
11. Right to leisure, recreation and cultural activities
12. Right to health services
13. Right to parental care
14. Right to education
15. Right of a child in need of special protection measures
16. Right of the unborn child to protection against harm, etc.
17. Contractual rights of the child
18. Responsibilities of the child
19. Duty of parents with respect to child responsibilities
20. Prohibition of child marriage
21. Prohibition of child betrothal
22. Exposure of a child to use of any psychotropic substances
23. Use of children in other criminal activities
24. Abduction or unlawful removal or transfer of a child from lawful custody
25. Prohibition of exploitative labour
26. Abuse of children, e.g. buying, selling, hiring, etc.
27. Sexual intercourse with a child
28. Other forms of sexual abuse and exploitation
29. Other forms of exploitation
30. Prohibition of recruitment of children into armed forces
31. Prohibition of importation of harmful publication
32. Power to issue warrant of arrest
33. Power of Court to order forfeiture, etc.
34. Removal of jurisdictional limitation of Magistrates, etc.
35. Application of criminal law provisions
36. Child assessment orders
37. Order for emergency protection of children
38. Duration of emergency protection orders

39. Children taken into police protection in cases of emergency
40. Duty of State Government to investigate
41. Disclosure of children in need of emergency protection
42. Refuge for children at risk
43. Rules and regulations under this Law
44. Children in need of care
45. Power of Court to issue order
46. Power of Court to order parent
47. Care and supervision orders
48. Time limit for care order
49. Effect of care order
50. Parental contacts with children in care
51. Duty of supervisors
52. Education supervision orders
53. Power of Court proceedings
54. Interim care orders
55. Discharge and variation
56. Orders pending appeals in cases relating to care or supervision orders
57. Power of Court to require use of scientific tests
58. Consents required for taking of blood and other scientific samples
59. Directions for the use of blood
60. Failure to comply with direction for taking of scientific samples
61. Acquisition of parental responsibility
62. Orders as to custody
63. Validity of custody agreed to in separation deeds
64. Principle relating to custody
65. Court to have regard to conduct of parent
66. Power of Court as to production of child
67. Power of Court to order repayment of cost of bringing up child
68. Power of Court to consult child's wishes
69. Power of Court as to child's religious education
70. Enforcement of order for payment of money by attachment of income
71. Notice of change of address
72. Power to make orders, etc., as to custody of children
73. Prohibition against acquiring custody of a child
74. Effect of guardianship
75. Guardianship of a child
76. Appointment of guardians
77. Requirement of consent
78. Revocation of guardianship
79. Power of guardians over estate of child
80. Disputes between joint guardians
81. Appointment of guardian ad litem
82. Regulations of appointment of guardians ad litem
83. Right of guardian ad litem to have access to records
84. Saving of existing orders and jurisdiction of the Court
85. Jurisdiction of Court

86. Wardship proceedings
87. Maintenance of ward of court
88. Committal of ward to care of appropriate authority, etc.
89. Matrimonial causes
90. Dismissal of application for wardship
91. Rules for application for wardship
92. Application for fostering
93. Children to be fostered
94. Making a fostering order
95. Limit on number of children who may be fostered
96. Restriction on the making of a fostering order
97. Consent to fostering
98. Further conditions for making of fostering orders
99. Interim orders
100. Rules of Court
101. Appeal
102. Rights and duties of foster parents and other persons
103. Effect of fostering on maintenance order
104. Fostered Children's Register
105. Visit to fostered child by Child Development Officers
106. Revocation of the foster order on grounds of interest of the child
107. Prohibition of receiving money or reward as inducement to foster a child
108. Prohibition of taking or sending fostered child out of State or Nigeria
109. Prohibition of withdrawal of a child from the care of the applicant
110. Foster parent prohibited from marrying fostered child
111. Private arrangement for fostering children
112. Welfare of children fostered privately
113. Persons disqualified from fostering children privately
114. Power of State Government to prohibit private fostering
115. Establishment of adoption services
116. Application for adoption
117. Religious upbringing of adopted child
118. Persons who may be adopted
119. Persons who may adopt
120. Power to make adoption orders
121. Restrictions on the making of adoption orders
122. Required consent
123. Conditions preceding the making of an adoption order
124. Power of Court to impose terms and conditions
125. Interim orders pending adoption orders
126. Jurisdiction of the Court
127. Rules of Court
128. Appeals
129. Adoption where corrective order is in force
130. Adoption where maintenance order is in force
131. Effect of adoption
132. Establishment of the Adopted Children's Register

133. Licence to give child for inter-State adoption
134. Recognition of other adoption
135. Visit to adopted children by Child Development Officers
136. Establishment of the Family Court
137. Court to have two levels
138. General jurisdiction
139. Family Court at the High Court level
140. Family court at the magisterial level
141. Training of Court personnel
142. Right to counsel
143. Exclusion of persons from attending Court
144. Prohibition of publication of child's name
145. Proceedings to be in the interest of the child
146. Attendance of parents, guardian or child at the hearing in the Court
147. Evidence given by a child
148. Rules
149. Exclusive jurisdiction
150. Child minders
151. Conditions for child minders
152. Conditions to be complied with by persons providing day care of children
153. Cancellation of registration
154. Protection of children in emergency in cases of cancellation of registration, etc.
155. Inspection of premises
156. Notice of intent
157. Offences
158. Provision for children with special needs
159. Provision of care for preschool children with special needs
160. Review of day care and child minding centres
161. Provision of accommodation for children
162. Provision of accommodation for children in police protection, detention or on remand
163. Children being cared for by the State
164. Duty of the State
165. Provision of accommodation
166. Advice and assistance
167. Restriction of liberty
168. Review of cases and inquiries into representation
169. Co-operation between authorities
170. Educational authorities
171. Cost of providing services
172. Miscellaneous
173. Establishment of community homes
174. Discontinuance of homes
175. Determination of disputes relating to controlled and assisted community homes
176. Closure of community homes
177. Provision of accommodation by voluntary organisations
178. Registration and regulation of voluntary homes

179. Duties of voluntary organisations
180. Duties of the State
181. Registration of children's homes
182. Welfare of children's homes
183. Disqualification of employees
184. Inspection of children's homes
185. Inquiries
186. Private inquiry
187. Financial support
188. Research and returns of information
189. Default local government
190. Child to be subjected to only child justice system and process
191. Protection of privacy
192. Professional education and training
193. The Nigeria Police Force
194. Discretion
195. Disposal of cases
196. Legal rights of a child
197. Arresting a child
198. Detention
199. Jurisdiction of Court
200. Right to fair hearing and compliance with due process
201. Guiding principles in adjudication
202. Attendance in Court
203. Child justice procedure
204. Remands and committals
205. Social inquiry reports
206. Order of fine
207. Restriction on punishment
208. Detention in certain crimes
209. A child offender
210. Penalty
211. Accommodation duty of the state
212. Recognisance
213. Binding over
214. Corrective orders
215. Suspension of corrective orders
216. Extension of corrective order
217. Leave of absence in detention
218. Arrest without warrant
219. Unruly and depraved children
220. Implementation of non-institutional orders
221. Assistance during rehabilitation
222. Voluntary service
223. Institutional treatment
224. Conditional release
225. Research

226. Supervision officers
227. Supervision inspectors and Supervision Inspection Service
228. Supervision order of the Commissions
229. Discharge and supervision order of the Court
230. Person named in a supervision order
231. Supervision officer may be relieved of duties
232. Duties of supervision officer
233. Vary supervision order
234. Approved institutions
235. Establishment of approved institutions
236. Declaration of building, etc., as an approved institution
237. Children Attendance Centres, etc.
238. Director to charge approved institution
239. Officers
240. Visitors and visiting committees
241. Appointment of voluntary visitors
242. Facilities for observation of children and youths in approved institutions
243. Transfer from Children or Youth Correctional Centre to Special Children or Special Youth Correction Centre
244. Release from approved institutions, etc.
245. Release and post-release supervision. Release and supervision after training at the Children or Youth Correctional Centres
246. Post-release supervision of children or youth offenders
247. State Implementation Committee
248. Functions of the State Committee
249. Procedure at meetings
250. Secretariat of the State Committee
251. Local Government Implementation Committee
252. Functions of the Local Government Committee
253. Procedure, etc., at meetings
254. Secretariat of Local Government Committee
255. Offences by bodies corporate
256. Service of documents
257. Supersession and inconsistency
258. Law to apply throughout the State
259. Delegation of powers by the Commissioner
260. Forms in Schedule 11
261. Interpretation
262. Repeal
263. Citation and commencement

CHAPTER C7

CHILD'S RIGHTS LAW

A LAW TO ENFORCE THE RIGHTS AND ADVANCE THE WELFARE OF THE CHILD, AND TO AMEND AND CONSOLIDATE ALL LEGISLATIONS RELATING TO THE PROTECTION AND WELFARE OF THE CHILD IN LAGOS STATE AND FOR OTHER CONNECTED AND INCIDENTAL PURPOSES

[Commencement] [28th May 2007]

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

1. Paramount Interest of a Child

As from the commencement of this Law, every action concerning a child, undertaken by any Individual, Public or Private Body, Institution, Court of Law, Administrative or Legislative Authority, the best interest of the child must be the primary consideration.

2. Protection and Care of a Child

(1) A child must be given protection and care as necessary for the wellbeing of the child, taking into consideration the rights and duties of the child's parents, legal guardians, individuals, institutions, services, agencies, organisations or bodies legally responsible for the child.

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

3. Right to survival

Every child has the right to life, survival and development.

4. Right to name

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

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

5. Freedom of association and peaceful assembly

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

6. Freedom of thought, conscience and religion

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

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

(3) The duty of parents and, where applicable, legal guardians to provide guidance and direction in the enjoyment of the right in subsection (1) of this section by their child or ward shall be respected by all Persons, Bodies, Institutions and Authorities.

(4) Whenever the fostering, custody, guardianship or adoption of a child is in issue, the right of the child on how to practise the child's religion must be of paramount consideration.

7. Right to private home, and family life

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

(2) A child must not be subjected to any interference with the child's right in subsection (1) of this section.

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

8. Right to freedom of movement

(1) Every child is entitled to freedom of movement in conformity with the law.

(2) Nothing in subsection (1) of this section will affect the right of a parent, and where applicable, a legal guardian or other appropriate authority to exercise control over the movement of the child in the interest of the education, safety and welfare of the child.

9. Right to freedom from discrimination

(1) A child must not be subjected to any form of discrimination merely by reason of the child's parents belonging to a particular community or ethnic group or by reason of the child's place of origin, sex, religion or political opinion.

(2) A child must not be subjected to any disability or deprivation merely by reason of the circumstances of the child's birth or that of the child's parents.

10. Right to the dignity of the Child

(1) Every child is entitled to respect and the dignity of person, and accordingly, a child shall not be—

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

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

(c) subjected to attacks upon the child's honour or reputation; or

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

(2) (a) Any person who co-habits with a child commits an offence and is liable on conviction to imprisonment for seven (7) years.

(b) A parent, guardian or any other person in parental authority who gives away or consents to the giving away of a child commits an offence and is liable on conviction to imprisonment for seven (7) years.

(c) Any person to whom a child is given or who receives a child contrary to subsection (2)(b) commits an offence and is liable on conviction to imprisonment for seven (7) years.

(3) For the purpose of subsection (2)(b) of this section, a child is deemed to be givenaway to another where such a child is given away to another with the intention to enter into a contract or an engagement to marry.

11. Right to leisure, recreation and cultural activities

(1) Every child is entitled to rest and leisure and to engage in play and recreational activities appropriate to the child's age.

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

(3) Every Government, Person, Institution, Service, Agency, Organisation and Body, responsible for the care and welfare of a child must, at all times, ensure adequate opportunities for the child in the enjoyment of the rights provided for the child in subsections (1) and (2) of this section.

12. Right to health services

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

(2) Every parent, guardian, Institution, Service, Agency, Organisation or Body responsible for the care of a child must endeavour to provide for children the best attainable state of health.

(3) Every Local Government Area and Local Council Development Area in Lagos State must—

(a) endeavour to reduce infant mortality rate;

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

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

(d) ensure the provision of good hygiene and environmental sanitation;

(e) combat disease and malnutrition within the framework of primary health care through the application of appropriate technology;

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

(g) support, through technical and financial means, the mobilisation of national and local community resources in the development of primary health care for children.

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

(5) The Court may grant, in substitution for or in addition to any penalty stipulated under subsection (5) of this section, an order compelling the parent or guardian to get the child immunised.

13. Right to parental care

(1) Every child has a right to parental care and protection and accordingly, a child must not be separated from the child's parents against the wish of the child except—

(a) for the purpose of the child's education and welfare; or

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

(2) Every child has the right to maintenance by the child's parents or guardians in accordance with the extent of their means, and the child will have the right, in appropriate circumstances, to enforce this right in the Family Court.

14. Right to Education

(1) Every child has the right to free, compulsory and universal basic education and it is the duty of the Lagos State Government to provide such comprehensive education.

(2) Every parent or guardian must ensure that his or her child or ward attends and completes basic school education.

(3) Every parent or guardian must encourage his or her child or ward to attend and complete secondary school education.

(4) Every parent, guardian or person who has the care and custody of a child below the age of eighteen (18) years, must endeavour to send the child to a secondary school, except as provided for in subsection (5) of this section.

(5) Where a child to whom subsection (4) of this section applies is not sent to secondary school, the child must be encouraged to learn an appropriate trade and the parent or guardian or any other person or authority in charge of the child must provide the necessaries for learning.

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

15. Right of a child in need of special protection measures

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

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

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

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

(2) Where the father of an unborn child dies intestate, the unborn child is entitled to be considered in the distribution of the estate of the deceased father.

(3) If the mother of a new born child dies intestate before, the child is entitled to be considered in the distribution of the estate of the deceased mother.

17. Contractual rights of the child

(1) Except as provided in this section, a child is not capable of entering into any contract.

(2) All contracts, except contracts for necessaries, entered into by a child for repayment of money lent or for payment of goods supplied to the child, will be absolutely void.

(3) Accordingly—

(a) an action cannot be brought against a child by a person after that child has attained the age of maturity, to pay a debt contracted as a child or ratified or any promise of contract made as a child before maturity whether there was consideration for the promise or not after the child attained maturity.

(b) if a child having contracted a loan which is void agrees after maturity to pay the loan, the agreement in whatever form will be void, inasmuch as it relates to money which is payable in respect of the loan.

18. Responsibilities of the child

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

(2) It is the duty of a child, subject to the age and ability of the child and such other limitations as contained in this Law and any other law, to—

(a) work for the cohesion of family;

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

(c) serve Lagos State and Nigeria as a whole by placing his physical and intellectual abilities at its service;

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

(e) preserve and strengthen social and national solidarity;

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

(g) respect the ideals of democracy, freedom, equality, humaneness 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 or her ability, at all times and at all levels, to the promotion and achievement of Lagos State, Nigerian, African and World unity; and

(j) contribute to the best of his or her abilities at all times and at all levels, to the solidarity of Lagosians and the Human Race.

19. Duty of parents with respect to child responsibilities

Parents, guardians, institutions, persons and authorities having responsibility for the care, maintenance, upbringing, education, training, socialisation, employment and rehabilitation of children have the duty to provide the necessary guidance, education and training for children in their care such as will equip the children to secure their assimilation, appreciation and observance of the responsibilities set out in this Law.

20. Prohibition of child marriage

A child will not be capable of contracting a valid marriage. Accordingly, a marriage so contracted will be null and void and of no effect whatsoever.

21. Prohibition of child betrothal

(1) A parent, guardian or any other person will not betroth a child to any person.

(2) A betrothal in contravention of subsection (1) of this section will be null and void and of no effect whatsoever.

22. Exposure of a child to use of any psychotropic substances

(1) A person must not employ, expose or involve a child in the production or distribution of narcotic drugs and drugs psychotropic substances.

(2) A person must not employ, expose or involve a child in the use of narcotic drugs or psychotropic substances.

23. Use of children in other criminal activities

A person must not employ, use or involve a child in any activity involving or leading to the commission of any other offence not already specified in this part of this Law.

24. Abduction or unlawful removal or transfer of a child from lawful custody

A person must not remove or take a child out of the custody or protection of the child's father or mother, guardian or such other person having lawful care or charge of the child against the will of the father, mother, guardian or other person.

25. Prohibition of exploitative labour

(1) Subject to this Law, a child must not be—

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

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

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

(d) employed as a domestic help outside the child's own home or family environment.

(2) A child must not be employed or work in an industrial undertaking and nothing in this subsection will apply to work done by children in technical schools or similar approved institutions if the work is supervised by the appropriate authority.

26. Abuse of children, e.g. buying, selling, hiring, etc.

A person must not buy, sell, hire, let on hire, dispose of, obtain possession of or deal in a child—

(a) with intent that the child will be employed or used for the purpose of hawking, begging for alms, or prostitution or for any unlawful or immoral purpose; or

(b) knowing that the child, will likely be employed or used for any purpose specified in subsection (a) of this section.

27. Sexual intercourse with a child

(1) A person must not have sexual intercourse with a child.

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

(a) the offender believed the person to be of or above the age of eighteen (18) years, or

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

28. Other forms of sexual abuse and exploitation

A person must not sexually abuse or sexually exploit a child in any manner not already specified under this Law.

29. Other forms of exploitation

A person must not exploit a child in any other form or way not already specified in this part of this Law which is prejudicial to the welfare of the child.

30. Prohibition of recruitment of children into armed forces

(1) No child must be recruited into any of the branches of the Armed Forces in the Federation.

(2) The Government or any other relevant agency or body must ensure that a child is not directly involved in any military operation or hostilities.

31. Prohibition of importation of harmful publication

No person must import any harmful publication as defined in this Law.

32. Power to issue warrant of arrest

(1) Where an information is brought before a Magistrate that a person has committed or is suspected of committing an offence under section 31 of this Law with respect to any harmful publication, the Magistrate may issue a warrant for the arrest of that person.

(2) A Magistrate, if satisfied by the information substantiated on oath, that there is reasonable ground for suspecting that a person charged with or suspected of committing an offence has possession of—

(a) copies of any harmful publication; or

(b) any photographic plate prepared for the purpose of printing copies of any harmful publication may grant a search warrant authorising a Police Officer named to enter (if necessary by force) any premises specified in the warrant and any vehicle, shop or stall or any place where such harmful publication may be kept, used by the said person for the purpose of any trade or business, and to search the premises, vehicle, shop or stall or any place where such harmful publication may be kept.

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

(a) any copy of the harmful publication; and

(b) any plate or photographic film which have been prepared for the purpose of printing copies of any harmful publication.

33. Power of Court to order forfeiture, etc.

(1) The Court by or before which a person is convicted of an offence under section 31 of this Law, may order for any copy of the harmful publication and any plate or photographic film prepared for the purpose of printing of the harmful publication found in the possession or under the control of the person, to be forfeited.

(2) The power to order forfeiture under subsection (1) of this section will not extend to a case where the accused person has successfully raised a defence against the charge.

(3) An order made under subsection (1) of this section by a Magistrates' Court, or a High Court in case of an appeal from a Magistrates' Court to the High Court, will not take effect—

(a) until the expiration of the ordinary time within which an appeal may be lodged, whether by giving notice of appeal or applying for a case to be stated for the opinion of the High Court; or

(b) where an appeal is duly lodged, until the appeal is finally decided or abandoned.

(4) Before a forfeiture order is made under this section, the Court must hear the author, copyright owner or main publisher of the harmful publication.

34. Removal of jurisdictional limitation of Magistrates, etc.

Notwithstanding any jurisdictional limitations on the powers of Magistrates' Court and any other court in relation to the imposition of fines or terms of imprisonment, contained in any law, a Magistrates' Court or any other Court before which the offences created in this Law are tried will have the full jurisdictional powers to impose up to the maximum penalties prescribed for the offences created in this Law.

35. Application of criminal Law provisions

All criminal law provisions securing the protection of the child, whether born or unborn, will continue to apply and are hereby adopted for the protection of the child by this Law, notwithstanding that they have not otherwise been specifically provided for by this Law.

36. Child assessment orders

(1) The State Government or an appropriate authority may apply to the Court for a child assessment order with respect to a child, and the Court may issue the order, if it is satisfied that—

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

(b) an assessment of the state of health or development of the child or of the way in which the child has been treated, is required to enable the applicant determine whether or not the child is suffering, or is likely to suffer, significant harm; and

(c) it is unlikely that such an assessment will be made, or be satisfactory, in the absence of an order under this section.

(2) A Court may treat an application under this section as an application for an emergency protection order.

(3) A Court must not make a child assessment order, if it is satisfied that there are grounds for making an emergency protection order with respect to the child; and that it ought to make an emergency protection order rather than a child assessment order.

(4) A child assessment order must—

(a) specify the date by which the assessment is to begin; and

(b) have effect for such period, not exceeding nine days beginning with that date, must be specified in the order.

(5) Where a child assessment order is in force with respect to a child, it will be the duty of any person who is in a position to produce the child to—

(a) produce him to such person named in the order; and

(b) comply with such directions relating to the assessment of the child as the Court thinks fit to specify in the order.

(6) A child assessment order must authorise a person carrying out the assessment, or any part of the assessment, to do so in accordance with the terms of the order.

(7) Notwithstanding subsection (6) of this section, if the child has sufficient understanding to make an informed decision, the child may refuse to submit to medical or psychiatric examination or any other assessment.

(8) A child may only be kept away from home—

(a) in accordance with directions specified in the child assessment order;

(b) if it is necessary for the purposes of the assessment; and

(c) for such period or periods as may be specified in the assessment order.

(9) Where a child is to be kept away from home, the order will contain such directions as the Court thinks fit with regard to the contact that the child must be allowed to have with other persons while away from home.

(10) A person making an application for a child assessment order shall take such steps as are reasonably practicable to ensure that notice of the application is given to—

(a) the parents of the child; or a person not being a parent of the child, but who has parental responsibility for the child;

(b) any other person having the care of the child;

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

(d) a person who is allowed to have contact with the child by virtue of an order made under section 56 of this Law; or

(e) the child concerned, before the hearing of the application.

(11) Rules of Court may make provision as to the circumstances in which

(a) any of the persons mentioned in subsection (10) of this section; or

(b) such other person as will be specified in the Rules, may apply to the Court for a child assessment order to be varied or discharged.

37. Order for emergency protection of children

(1) The State Government or an appropriate authority may apply to the Court for an emergency protection order with respect to a child and the Court will issue the order, where it is satisfied—

(a) that there is reasonable cause to believe that the child is likely to suffer significant harm if—

(i) the child is not removed to an accommodation provided by or on behalf of the applicant, or

(ii) the child does not remain in the place in which the child is being accommodated;

(b) in the case of an application made by the State Government that—

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

(i) enquiries with respect to the welfare of the child are being frustrated by access to the child being unreasonably refused to a person authorised to seek access, and

(iii) the applicant has reasonable cause to believe that access to the child is required as a matter of urgency; or

(c) in the case of an application made by an appropriate authority, that—

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

(ii) enquiries with respect to the welfare of the child are being frustrated by access to the child being unreasonably refused to a person authorised to seek access, and

(iii) the applicant has reasonable cause to believe that access to the child is required as a matter of urgency.

(2) A person—

(a) seeking access to a child in connection with enquiries of any kind mentioned in subsection (1) of this section; and

(b) purporting to be a person authorised to do so must, on being asked to do so, produce some duly authenticated document as evidence that he or she is such a person.

(3) While an emergency protection order is in force, it—

(a) operates as a direction to a person who is in a position to do so to comply with any request to produce the child to the applicant;

(b) authorises—

(i) the removal of the child at any time to accommodation provided by or on behalf of the applicant;

(ii) the prevention of the removal of a child from any hospital, or other place, in which he was being accommodated immediately before the making of the order; and

(c) gives the applicant parental responsibility for the child.

(4) Where an emergency protection order is in force with respect to a child, the applicant must—

(a) only exercise the power given by virtue of subsection (3)(b) of this section in order to safeguard the welfare of the child;

(b) take only such action, in meeting his parental responsibility for the child, as is reasonably required to safeguard or promote the welfare of the child, having regard in particular to the duration of the order; and

(c) comply with the requirements of any regulation made by the Commissioner for the purposes of this subsection.

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

(a) the contact which should be allowed or disallowed between the child and any named person; or

(b) the medical or psychiatric examination or any other assessment of the child.

(6) Where any direction is given under subsection (5)(b) of this section, the child may, if he has sufficient understanding refuse to submit to the examination or other assessment.

(7) A direction given under subsection (5)(a) of this section may impose such conditions as the Court considers appropriate and a direction under subsection (5)(b) of this section may specify that there will be—

(a) no examination or assessment of the child; or

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

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

(a) given when the emergency protection order is issued or at any time while it is in force; and

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

(9) Where an emergency protection order is in force in respect of a child and the applicant has exercised the power conferred by—

(a) subsection (3)(b)(i) of this section but it appears to the applicant that it is safe for the child to be returned; or

(b) subsection (3)(b)(ii) of this section but it appears to the applicant that it is safe for the child to be allowed to be removed from the place in question, the applicant must return the child or allow the child to be so removed, as the case may be.

(10) Where the applicant is required by subsection (9) of this section to return the child, the applicant shall—

(a) return the child to the care of the person from whose care the child was removed; or

(b) return the child to the care of

(i) a parent of the child, or

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

(iii) such other person as the applicant, with the agreement of the Court, considers appropriate.

(11) Where the applicant has been required by subsection (9) of this section to return the child or allow the child to be removed, the applicant may again exercise the powers conferred by subsections (3)(b)(i) and (3)(b)(ii) of this section at any time while the emergency protection order remains in force, if it appears to the applicant that a change in the circumstances of the case makes it necessary to do so.

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

(a) the parents of the child;

(b) a person who is not a parent of the child but who has parental responsibility for the child;

(c) a person with whom the child was living immediately before the making of the order;

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

(e) a person who is allowed to have contact with the child by virtue of an order made under section 56 of this Law; and

(f) a person acting on behalf of any of the persons specified in subsections (a)–(e) of this section.

(13) Wherever it is reasonably practicable to do so, an emergency protection order must name the child, and where it does not name the child, it must describe the child, as clearly as possible.

38. Duration of emergency protection orders

(1) An emergency protection order will have effect for such period, not exceeding nine days, as will be specified in the order.

(2) Where the Court making an emergency protection order specifying a period of nine days as the period for which the order is to have effect; but the last of those nine days is a public holiday or a Sunday, the Court will specify a period which ends at noon on the first later day which is not a public holiday or Sunday.

(3) Where an emergency protection order is issued on an application under section 47(7) of this Law, the period of days mentioned in subsection (2) of section 40 of this section will begin with the first day on which the child was taken into police protection under section 40 of this Law.

(4) A person who—

(a) has parental responsibility for a child as a result of an emergency protection order; and

(b) is entitled to apply for a care order with respect to the child, must apply to the Court for the extension of the period during which the emergency protection order is to have effect.

(5) On an application under subsection (4) of this section, the Court will extend the period during which the order is to have effect, by such period, not exceeding seven days, if it has reasonable cause to believe that the child concerned is likely to suffer significant harm if the order is not extended.

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

(7) Notwithstanding any enactment or rule of law which would otherwise prevent it from doing so, a Court hearing an application for, or with respect to, an emergency protection order may take account of—

(a) any statement contained in any report made to the Court in the course of, or in connection with, the hearing, or

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

(8) Any of the following persons may apply to the Court for an emergency protection order to be discharged—

(a) the child;

(b) a parent of the child; or

(c) a person who has parental responsibility for the child; or a person with whom the child was living immediately before the making of the order.

(9) An application for the discharge of an emergency protection order must be heard by the Court before the expiration of seventy-two (72) hours beginning with the making of the order.

(10) Appeal may be made against the making of, or refusal to make, an emergency protection order or against any direction given by the Court in connection with the emergency protection order.

(11) Subsection (8) of this section does not apply—

(a) where the person who would otherwise be entitled to apply for the emergency protection order to be discharged—

(i) was given notice, in accordance with the Rules of Court, of the hearing at which the Order was made, and

(ii) was present at that hearing; or

(b) to any emergency protection order, the effective period of which has been extended under subsection (5) of this section.

(12) A Court making an emergency protection order may direct that the applicant may, in exercising any power by virtue of the order, be accompanied by a registered medical practitioner, registered nurse or registered health visitor, of the applicant's choice.

39. Children taken into police protection in cases of emergency

(1) For the purposes of this Law, a child with respect to whom specialised children police officer has exercised powers under this section is referred to as having been taken into police protection.

(2) Where the specialised children police in the State have reasonable cause to believe that a child would likely suffer significant harm, a specialised children police officer may—

(a) remove the child to a suitable accommodation and keep the child there; or

(b) take such steps as are reasonable to ensure that the removal from any hospital, or other place, in which the child is being accommodated is prevented.

(3) As soon as it is practicable after taking a child into police protection, the Police Officer concerned must—

(a) inform the State Government of the steps that have been, and are proposed to be taken with respect to the child under this section and the reasons for taking those steps;

(b) give details of the case to the appropriate authority within whose area the child is ordinarily resident, or accommodated;

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

(i) the steps that have been taken on behalf of the child under this section and the reasons for taking those steps, and

(ii) further steps that may be taken under this section;

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

(e) secure that the case is enquired into by an officer designated by the Chief Officer of the specialised children police in Lagos State; and

(f) where the child was taken into police protection by being removed to an accommodation—

(i) by or on behalf of a State Government;

(ii) as a refuge, in compliance with the requirements of section 47 of this Law.

(4) Where a child is taken into police protection, the Police Officer concerned shall take such steps as are reasonably practicable to inform—

(a) the parents of the child;

(b) every person who is not a parent of the child but who has parental responsibility for the child; and

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

(5) On completing an enquiry under subsection (3)(e) of this section, the Police Officer who conducted the enquiry must release the child from police protection, unless he considers that there is still reasonable cause for believing that the child would be likely to suffer significant harm if released.

(6) A child must not be kept in police protection for more than seventy-two (72) hours.

(7) While a child is being kept in police protection, the designated officer must apply on behalf of the appropriate authority for an emergency protection order to be issued under section 42 of this Law with respect to the child.

(8) An application may be made under subsection (7) of this section whether or not the appropriate authority knows of it or agrees to its being made.

(9) While a child is being kept in police protection, the Police Officer concerned or the designated officer will not have parental responsibility for him, but the designated officer will do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the welfare of the child, having regard in particular to the length of the period during which the child will be so protected.

(10) Where a child has been taken into police protection, the designated officer must allow—

(a) the parents of the child;

(b) a person who is not a parent of the child but who has parental responsibility for the child;

(c) a person with whom the child was living immediately before he was taken into police protection;

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

(e) a person who is allowed to have contact with the child by virtue of an order made under section 56 of this Law; and

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

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

40. Duty of State Government to investigate

(1) Where the State Government—

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

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

(ii) is in police protection; and

(b) has reasonable cause to suspect that a child who lives, or is found in the State, is suffering or is likely to suffer significant harm, the State

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

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

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

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

(b) whether, in the case of a child—

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

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

(d) whether, in the case of a child who has been taken into police protection, it would be in the best interest of the child for the appropriate authority to ask for an application to be submitted under section 47(7) of this Law.

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

(a) obtain access to the child; or

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

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

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

(a) is refused access to the child concerned, or

(b) is denied information as to the whereabouts of the child,

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

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

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

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

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

(9) Where the State Government is conducting an enquiry under this section, it will be the duty of the State Government referred to in subsection (11) of this section to assist it with the enquiry, in particular, by providing relevant information and advice, if called upon by the State Government to do so.

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

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

41. Disclosure of children in need of emergency protection

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

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

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

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

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

(4) Where—

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

(b) the child concerned has been found on the premises; and

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

42. Refuge for children at risk

(1) Where it is proposed to use a voluntary home or registered children's home to provide a refuge for children who appear to be at risk of harm, the Commissioner will issue a certificate under this section with respect to that home.

(2) Where an appropriate authority or a voluntary organisation arranges for a foster parent to provide such a refuge, the Commissioner may issue a certificate under this section in respect of that foster parent.

(3) Where a certificate is in force in respect of a home, none of the provisions contained in this Law or any other law relating to—

(a) the harbouring of children who have absconded from residential establishments; or

(b) compelling, persuading, inciting or assisting any child to be absent from detention; or

(c) the abduction of children, will apply in relation to any person providing refuge for any child in that home.

(4) Where a certificate is in force in respect of a foster parent, none of the provisions referred to in subsection (3) of this section will apply in relation to the provision of refuge for any child in accordance with arrangements made by the appropriate authority or voluntary organisation.

(5) The Commissioner may by regulations—

(a) make provision as to the manner in which certificates may be issued;

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

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

43. Rules and regulations under this Law

(1) Without prejudice to section 148 of this Law or any other power to make such rules, Rules of Court may be made with respect to the procedure to be followed in connection with proceedings under this Law.

(2) The rules will, in particular, grant provisions—

(a) as to the form in which any application is to be granted or a direction is to be given;

(b) prescribing the persons who are to be notified of—

(i) the making, or extension, of an emergency protection order, or

(ii) the making of an application under sections 38 and 39 of this Law; and

(c) as to the content of any such notification and the manner in which, it is to be given.

(3) The Commissioner will, by regulations provide that, where—

(a) an emergency protection order has been granted with respect to a child;

(b) the applicant for the order was not the appropriate authority within whose area the child is ordinarily resident; and

(c) the appropriate authority is of the opinion that it would be in the best interest of the child for the applicant's responsibilities under the order to

be transferred to it, the appropriate authority will, subject to its having complied with any condition imposed by the regulations, be treated, as though it and not the original applicant had applied for, the order and was granted.

(4) Regulations made under subsection (3) of this section will, in particular, grant provisions as to—

(a) the considerations for which the appropriate authority will have regard, in forming an opinion as mentioned in subsection (3)(c) of this section; and

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

44. Children in need of care

(1) An officer of an appropriate authority, a Police Officer or an authorised officer must bring a child before the Court if he has reasonable ground for believing that the child—

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

(b) has been neglected or ill-treated or battered by the person having 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 surviving parent, mentally disordered or otherwise severely incapacitated or undergoing a term of imprisonment;

(e) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to take care of the child or; is the daughter of a father who has been convicted of the offence of defilement or indecent treatment of any of his daughters;

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

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

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

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

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

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

(l) who is otherwise exposed to moral or physical danger;

(m) is otherwise in need of care, protection or control; or

(n) is beyond the control of parents or guardians.

(2) The person or appropriate authority making an application under subsection (1) of this section must take such steps as are reasonably practicable to ensure that notice of the application is given to—

(a) the parents of the child;

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

(c) any other person having the care of the child; and

(d) the child concerned, before the hearing of the application.

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

(a) cause the parent or guardian of the child to enter into a recognisance to exercise proper care and guardianship over the child; or

(b) make a corrective order—

(i) committing the child to the care of any fit person whether a relative or not, who is willing to undertake the care of the child; or

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

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

(4) For the purposes 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 or receiving alms, whether or not there is any pretence of singing, playing, performing or offering anything for sale or otherwise;

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

(d) hawking or street trading; or

(e) living in the streets, under bridges, in market places, in motor parks or in other public places, will be 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, must—

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

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

45. Power of Court to issue order

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

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

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

46. Power of Court to order parent

(1) Where a child is committed—

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

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

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

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

(b) any person who is cohabiting with the mother or stepmother of the child, whether or not he is the putative father of the child; or

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

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

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

(5) A Court having jurisdiction over the place in which the person or persons liable to give a contribution may, at any time, on the application of such person or persons or on the application of an officer of the appropriate authority or any other authorised officer, and on proof of a change of circumstances in the person or persons so required to give the contribution, increase or reduce the contribution or rescind any order as the Court may deem just.

47. Care and supervision orders

(1) On the application of the State Government, or an appropriate authorised person, must issue an order—

(a) placing a child with respect to whom an application is granted in the care of a designated authorised person;

(b) putting the child under the supervision of a designated appropriate authority or supervision officer.

(2) A Court will only issue 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 granted, is not what a parent would reasonably be expected to give to the child; or

(b) the child is beyond parental control.

(3) A care order or supervision order must not be issued with respect to a person who has attained the age of eighteen (18).

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

(5) The Court will, on an application—

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

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

(6) Where an authorised person proposes to issue an application under this section, the authorised person shall—

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

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

(7) An application made by an authorised person must not be entertained by the Court if, at the time made, the child concerned is—

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

(b) subject to a care order or supervision order.

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

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

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

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

48. Time limit for care order

(1) A Court hearing an application for an order under this Law must, in consideration of any rules made by virtue of subsection (2) of this section—

(a) draw up a time-table with a view to disposing of the application without delay; and

(b) give such directions as it considers appropriate for the purpose of ensuring, that the time-table is adhered to.

(2) The Rules of Court may—

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

(b) grant other provisions with respect to the proceedings for the purpose of ensuring, practicable, that they are disposed of without delay.

49. Effect of care order

(1) Where a care order is granted with respect to a child, it will be the duty of the State Government and the appropriate authority designated by the order to receive the child into its care while the order remains in force.

(2) Where—

(a) a care order has been made with respect to a child on the application of an authorised person; and

(b) the State Government or appropriate authority designated by the order was not informed of the application, the child must be kept in the care of that person until received into the care of the State Government or the appropriate authority.

(3) While a care order is in force with respect to a child, the State Government or appropriate authority designated by the order will—

(a) have 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 the child's property by virtue of any other enactment; and

(b) have the power, to determine the extent to which a parent or guardian of the child will meet parental responsibility for the child.

(4) The State Government or appropriate authority will not exercise the power in subsection (3)(b) of this section, unless it is satisfied that it is necessary to do so in order to safeguard or promote the welfare of the child.

(5) Nothing in subsection (3)(b) of this section will prevent a parent or guardian of the child who has care of the child from doing what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the welfare of the child.

(6) While a care order is in force with respect to a child, the State Government or the appropriate authority designated by the order must not—

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

(b) have the right—

(i) to consent or refuse to consent to the making of an application of the child under the adoption provisions of this Law, or

(ii) to appoint a guardian for the child.

(7) While a care order is in force, no person must—

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

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

(8) Subsection (7)(b) of this section will not—

(a) prevent the removal of the child, for a period of less than one month, by the authority in whose care the child 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 granting of a care order with respect to a child who is subject to a contact order, a prohibited order, a residence order or a specific issue order, discharges the contact order, prohibited order, residence order or specific issue order.

(10) The drafting of a care order with respect to a child who is—

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

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

(c) the subject of a school attendance order, discharges the school attendance order.

(11) Where an emergency protection order is granted with respect to a child who is in care, the care order will have effect subject to the emergency protection order.

(12) Any order granted under section 62 or 76 of this Law will continue in force until the child attains the age of eighteen (18) years, unless it is discontinued.

(13) Any—

(a) agreement under section 62 of this Law; and

(b) appointment under section 75(3) or (4) of this Law, will continue in force until the child attains the age of eighteen (18) years, unless it is brought to an end earlier.

(14) The provisions of Schedule I to this Law will have effect with respect to financial relief for children.

(15) Subject to this Law, an order granted under this section will, if it would otherwise still be in force, cease to have effect when the child attains the age of eighteen (18) years.

(16) Where an order under this section has effect with respect to a child who has attained the age of sixteen (16), it will, still be in force, cease to have effect when the child attains the age of eighteen (18) years.

(17) A care order, other than an interim care order, will continue in force until the child attains the age of eighteen (18) years, unless it is discontinued.

(18) An order made under any other provision of this Law in relation to a child will, still be in force and cease to have effect when the child attains the age of eighteen (18) years.

(19) Where an application (in this section referred to as "the previous application") has been made for—

(a) the discharge of a care order;

(b) the discharge of a supervision order;

(c) the discharge of education supervision order;

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

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

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

(21) Where—

(a) an application made for an order under section 50 of this Law has been refused; and

(b) a period of less than six (6) months has elapsed since the refusal, the person who made the application must not make a further application for such an order with respect to the same child, unless he has obtained the leave of the Court.

(22) On disposing of an application for an order under this Law, the Court will order that no application for an order under this Law of any specified kind must be granted with respect to the child concerned by any person named in the order without leave of the Court.

50. Parental contacts with children in care

(1) Where a child is in the care of the State Government or an appropriate authority, it must, allow the child reasonable contact with—

(a) the parents of the child;

(b) a guardian of the child;

(c) a person in whose favour a residence order was previously granted immediately before a care order was granted; and

(d) a person who, had care of the child by virtue of an order made by Court.

(2) On an application made by the State Government, appropriate authority or the child, the Court will grant such order as it considers appropriate with respect to the contact which is to be allowed between the child and a named person.

(3) On an application made by—

(a) a person mentioned in paragraphs (a)–(d) of subsection (1) of this section; or

(b) a person who has obtained leave of the Court to make the application, the Court will grant such order as it considers appropriate with respect to the contact which is to be allowed between the child and that person.

(4) On an application made by the State Government or the appropriate authority with respect to the child, the Court will grant an order authorising the appropriate authority to refuse to allow contact between the child and a person who is mentioned in paragraphs (a) to (d) of subsection (1) of this section and named in the order.

(5) When granting a care order with respect to a child, or in any family proceeding in connection with a child who is in the care of a State Government, the Court will grant an order under this section, even where no application for the order has been requested for with respect to the child.

(6) The State Government or appropriate authority may refuse to allow the contact that would be required by virtue of subsection (1) of this section or an order made under this section if—

(a) it is satisfied that it is necessary to do so in order to safeguard or promote the welfare of the child; or

(b) the refusal—

(i) is decided as a matter of urgency, and

(ii) does not last for more than seven days.

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

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

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

(10) Before granting a care order in respect of a child, the Court must—

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

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

(11) The Commissioner must by regulations make provisions as to—

(a) the steps to be taken by a State Government or an appropriate authority that has exercised its powers under subsection (6) of this section;

(b) the circumstances in which the terms and conditions of any order granted under this section may be departed from by agreement between the appropriate authority and the person in relation to whom the order is granted;

(c) notification by a State Government or an appropriate authority of any variation or suspension of arrangements granted under this section, with a view to affording a person contact with a child to whom this section applies.

51. Duty of supervisors

(1) While a supervision order is in force, it will be the duty of the supervisor to—

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

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

(c) where—

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

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

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

52. Education supervision orders

(1) On the application of an appropriate education authority, the Court will grant an order to be known as an education supervision order putting the child in respect of whom the application is granted under the supervision of a designated appropriate education authority.

(2) The Court will only grant an education supervision order if it is satisfied that the child concerned is of compulsory school age and is not being properly educated.

(3) A child is being properly educated only if the child is receiving efficient full-time education suitable to the child's age, ability and aptitude and any special educational needs the child 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 the child is not attending regularly, it will be assumed that the child is not being properly educated unless the contrary is proved.

(5) An education supervision order will be granted with respect to a child who is in the care of the State Government if the Court deems it necessary in the interest of the child.

(6) The appropriate education authority designated in an education supervision order will be—

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

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

(i) the child is a registered pupil of that school, and

(ii) the authority mentioned in paragraph (a) of this subsection and the authority within whose area the school is situated agree.

(7) Where an appropriate education authority proposes to request for an education supervision order, it must, before applying, consult the child services committee or unit of the appropriate authority.

(8) The supplementary provision set out in Part III of Schedule 2 to this Law will apply in respect of education supervision orders.

53. Power of Court proceedings

(1) Where, in a Court proceedings a question arises with respect to the welfare of a child and it appears appropriate for a care or supervision order to be granted with respect to that child, the Court will 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 must, when undertaking the investigation, consider whether it should—

(a) apply for a care order or a supervision order in respect of the child;

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

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

(3) Where the appropriate authority undertakes an investigation under this section and decides not to apply for a care order or supervision order with respect to the child concerned, the appropriate authority must 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 the child's 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 must be given to the Court before the end of the period of eight weeks, beginning with the date of the direction, unless the Court otherwise directs.

(5) The appropriate authority named in a direction under subsection (1) of this section must be—

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

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

(6) Where, 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 will consider whether it would be appropriate to review the case at a later date.

(7) Where the appropriate authority decides that it would review the case pursuant to subsection (6) of this section, it will determine the date on which that review is to begin.

54. Interim care Orders

(1) Where—

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

(b) the Court gives a direction under section 53(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 must not grant 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 47(2) of this Law.

(3) Where, in any proceeding on an application for a care order or supervision order, the Court grants a residence order with respect to the child concerned, it must 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 order being granted.

(4) An interim order granted under this section will have effect for such period as will be specified in the order, but will in any event 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 granted with respect to the same child in the same proceedings, the expiry of the relevant period;

(c) in a case of the disposal of an application;

(d) in a case of 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 in which the Court has given a direction under section 53(1) of this Law, but no application for a care order or supervision order has been made in respect of the child, the expiry of the period fixed by that direction.

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

(6) A direction under subsection (5) of this section will be to the effect that there must be—

(a) no such examination or assessment; or

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

(7) A direction under subsection (5) of this section must be—

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

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

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

(9) In subsection (4)(b) of this section, "the relevant period" means—

(a) the period of six weeks beginning with the date on which the order in question is made; or

(b) the period of ten weeks beginning with the date on which the first order was made if that period ends, other than the period mentioned in paragraph (a) of this subsection.

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

55. Discharge and Variation

(1) The Court may vary or discharge a care order on the application of—

(a) a person who has parental responsibility for the child;

(b) the child; or

(c) the State Government or appropriate authority designated by the order.

(2) The Court may vary or discharge a supervision order on the application of—

(a) a person who has parental responsibility for the child;

(b) the child; or

(c) appropriate authority.

(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 as it imposes a requirement which affects that person.

(4) Where a care order is in force with respect to a child, the Court may, on the application of any person entitled to apply for the order to be discharged, substitute a supervision order for the care order.

(5) When the Court is considering whether to substitute one order for another under subsection (4) of this section, any provision of this Law which would otherwise require section 47(2) of this Law to be satisfied, at the time when the proposed order is substituted or granted, must be disregarded.

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

56. Orders pending appeals in cases relating to care or supervision orders

(1) Where the Court dismisses an application for a care order in respect of a child who is also the subject of an interim care order, the Court will grant a care order with respect to the child to have effect subject to such directions, if any, as the Court may deem fit to be included 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 will grant a supervision order with respect to the child to have effect subject to such directions, if any, as the Court may deem fit to be included in the order.

(3) Where a Court grants an application to discharge a care order or supervision order, it must 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 will deem fit to be included in the order.

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

(5) An appellate Court may extend the period for which an order is to have effect where—

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

(b) any application is made to the appellate Court in connection with a proposed appeal against that decision.

(6) For the purposes of this section, the appeal period will include—

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

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

57. Power of Court to require use of scientific tests

(1) In any civil proceeding in which the paternity of a child fails to be determined by the Court hearing the proceedings, the Court may, on an application by any party to the proceedings, give a direction for—

(a) the use of scientific tests, including blood tests and DNA tests, to ascertain whether the tests show that a party to the proceeding is or is not the father or mother of that child; and

(b) for the taking of blood or other samples from that child, the mother of that child and any party alleged to be the father of that child or from any two of those persons.

(2) In the application of the provisions of subsection (1) of this section, religious precepts must be taken into consideration.

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

(4) The application must specify who is to carry out the test where—

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

(b) the child whose paternity or maternity is in issue is under the age of eighteen (18) when the application was made.

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

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

(b) not specify the person referred to in subsection (a) of this subsection, because specifying the person would be contrary to any provision of regulations granted under section 68 of this Law.

(6) The person responsible for carrying out blood tests taken for the purpose of giving effect to a direction under this section must give the Court a report in which he must state—

(a) the results of the tests;

(b) whether the party to whom the report relates is or is not indicated by the results as the father or mother of the child whose paternity is to be determined; and

(c) the value of the results in determining whether that party is actually the father or mother of that person.

(7) The report given under subsection (6) of this section will be—

(a) received by the Court as evidence in the proceedings of the matter; and

(b) in the form prescribed by regulations issued under section 59 of this Law.

(8) Where a report has been given to the Court under subsection (6) of this section, any party to the proceedings may, with the leave of the Court, or may, if the Court so directs, obtain from the person who made the report a written statement explaining or amplifying any statement written in the report, and that statement will be deemed for the purposes of this section, to form part of the report given to the Court.

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

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

(b) any person by whom anything necessary for the purpose of enabling those tests to be carried out was done, unless within fourteen (14) days after receiving a copy of the report he serves notice on the other parties to the proceedings or on such of them as the Court may direct, of his intention to call that person and where a person is called as a witness the party who called him will be entitled to cross-examine him.

(10) Where a direction is given under this section, the party on whose application the direction is given must pay the cost of taking and testing blood or other samples for the purpose of giving effect to the direction, including any expenses reasonably incurred by any person—

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

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

58. Consents required for taking of blood and other scientific samples

(1) Subject to the provisions of subsections (3) and (4) of this section, blood or other scientific sample which is required to be taken from any person for the purpose of giving effect to a direction under section 57 of this Law will not be taken from that person except with the person's consent.

(2) The consent of a child who has attained the age of sixteen (16) years will be as effective as it would be if the child had attained the age of maturity and where a child has by virtue of this subsection given an effective consent to the taking of the child's blood sample or some other scientific sample, it will not be necessary to obtain any consent for it from any other person.

(3) The blood or some other sample may be taken from a person under the age of sixteen (16) years, not being a person as is referred to in subsection (4) of this section, if the person who has the care and control of the child consents.

(4) The sample of blood or some other sample may be taken from a person who—

(a) is suffering from mental disorder within the meaning of any relevant Law in Nigeria; and

(b) is incapable of understanding the nature and purpose of blood tests, if the person who has the care and control of such person consents and the medical practitioner in whose care he is has certified that the taking of the blood or other sample from such person will not be prejudicial to the person's proper care and treatment.

(5) The foregoing provisions of this section are without prejudice to the provisions of section 60 of this Law.

59. Directions for the use of blood

The Commissioner may by regulations make provision as to the manner of giving effect to directions under section 57 of this Law and, in particular, the regulations may—

(a) provide that blood or other samples must be taken except by such medical practitioners as must be appointed by the Commissioner;

(b) regulate the taking, identification and transporting of the blood or other samples;

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

(d) require any person from whom a scientific sample is to be taken, or, in such cases as may be prescribed by the regulations, to state in writing whether he or the person from whom the sample is to be taken, has during such period as may be specified in the regulations, suffered from any illness or received a transfusion of blood;

(e) provide that blood and other tests shall not be carried out except by such persons, and at such places, as shall be appointed by the Commissioner;

(f) prescribe the blood or other tests to be carried out and the manner in which they are to be carried out;

(g) regulate the charges that may be required for the taking and testing of the blood or other samples and for the giving of a report to a Court under section 57 of this Law;

(h) make provision for securing that the samples to be tested for the purpose of giving effect to a direction under section 57 of this Law are tested by the same person;

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

60. Failure to comply with direction for taking of scientific samples

(1) Where the Court gives a direction under section 57 of this Law and a person fails to take any step required for the purpose of giving effect to the direction, the Court may draw such inferences, if any, from that fact as appear proper in the circumstances.

(2) Where, in any proceeding in which the father or mother of any child fails to be determined by the Court hearing the proceedings, there is a presumption of law that the child is legitimate, then if—

(a) a direction is given under section 57 of this Law in those proceedings; and

(b) a party who is claiming any relief in the proceedings and who for the purpose of obtaining that relief is entitled to rely on the presumption fails to take any step required of him for the purpose of giving effect to the direction, the Court may adjourn the hearing for such period as it deems fit to enable that party to take the step required.

(3) If at the end of the period referred to in subsection (2) of this section, the person has failed without reasonable cause to take the step required, the Court will, without prejudice to subsection (1) of this section, dismiss his claim for relief notwithstanding the absence of evidence to rebut the presumption.

(4) Where a person named in a direction under section 57 of this Law fails to consent to the taking of a blood or other sample from himself or from any person named

in the direction of whom he has the care and control, the person will be deemed for the purposes of this section to have failed to take a step required of him for the purpose of giving effect to the direction.

61. Acquisition of parental responsibility

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

(a) the Family Court established under section 136 of this Law, may—

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

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

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

(2) No parental responsibility agreement will have effect for the purposes of this Law, unless it is granted in the form and manner prescribed by regulations ordered by the Chief Judge of Lagos State under this section.

(3) Subject to subsection (4) of this section, an order under subsection (1)(a) of this section, or a parental responsibility agreement, will only be brought to an end by an order of the Court granted on the application—

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

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

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

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

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

(7) Where a person has parental responsibility for a child as a result of subsection (5) of this section, the person will not have the right—

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

(b) to agree, or refuse to agree, to the making of an adoption order, or any other order under the adoption section of this Law with respect to the child; or

(c) to appoint a guardian for the child.

(8) Where subsection (5) of this section requires the Court to make an order under subsection (1) of this section in respect of the father or mother of a child, the Court must not bring that order to an end at any time while the residence order concerned remains in force.

(9) The fact that a person has parental responsibility for a child will not affect—

(a) any obligation which the person may have in relation to the child, such as a statutory duty to maintain the child; or

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

(10) A person who does not have parental responsibility for a particular child but has care of the child may, subject to the provisions of this Law, do what is reasonable in all the circumstances of the case for the purpose of safeguarding or the welfare of the child.

62. Orders as to custody

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

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

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

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

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

(i) the father or mother of the child,

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

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

(2) The power of the Court under subsection (1) of this section to grant an order as to the custody of a child and the right of access to the child must be exercised notwithstanding that the mother of the child is at that time not residing with the father of the child.

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

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

(5) Subject to this section, no order whether for custody or maintenance will be enforceable and no liability will accrue while the mother and the child resides with the father, and any such order shall cease to have effect if for a period of three (3) months after it is granted, the mother of the child continues to reside with the father.

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

63. Validity of custody agreed to in separation deeds

An agreement contained in any separation deed made between the father and the mother of a child will not be invalid by reason only of its providing that the father of the child will give up control of the child to the mother.

64. Principle relating to custody

Where in any proceeding before a Court, the custody of a child or the administration of any property belonging to or held in trust for a child, or the application of the income is in question, the Court must, in deciding that question, regard the welfare of the child as the first and paramount consideration.

65. Court to have regard to conduct of Parent

The Court must not grant an order for the child to be delivered to the parent unless the Court is satisfied that the parent is a fit person to have custody of the child where the parent of a child has—

(a) abandoned or deserted the child; or

(b) allowed the child to be brought up by another person at the expense of that other person, for such a length of time and under such circumstances as to satisfy the Court that the parent was unmindful of parental responsibilities.

66. Power of Court as to production of child

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

(a) has abandoned or deserted the child; or

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

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

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

68. Power of Court to consult child's wishes

Nothing contained in sections 65, 66 and 67 of this Law will interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be granted under section 67 of this Law or diminish the right which any child has to exercise his own free choice.

69. Power of Court as to child's religious education

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

(a) that the parent ought not to have the custody of the child; and

(b) that the child is being brought up in a different religion other than that in which the parent has brought the child up, grant such order as it shall deem fit to ensure that the child is brought up in the religion in which the parent requires the child to be brought up.

70. Enforcement of order for payment of money by attachment of income

Where the Court grants an order for the payment of money in pursuance of this Law, the Court may, in addition to other powers for enforcing compliance with the order, where pension or income, capable of being attached, is payable to the person against whom the order is granted, after collection of the pension or income order that such part of the pension or income as the Court may deem fit, be attached for the payment of any money under this Law.

71. Notice of change of address

A person who for the time being is under an obligation to make payment in pursuance of an order for the payment under this Law must give notice of any change to such person, if any, as may be specified in the order.

72. Power to make orders, etc. as to custody of children

(1) The Commissioner may, by order, notwithstanding any customary law to the contrary, prohibit—

(a) the giving or acquiring of the custody, possession, control or guardianship of a child; or

(b) the removal of a child from any part of Lagos State.

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

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

73. Prohibition against acquiring custody of a child

(1) No person must hire, give or acquire the custody, possession, control or guardianship of a child whether or not for pecuniary or other benefit in circumstances that may be inferred that the child has been hired, sold or bartered, the hiring, giving or acquiring, of the child will reasonably be inferred to be in any danger.

(2) In any prosecution for the contravention of subsection (1) of this section, where it is proved that the custody, possession, control or guardianship of a child has been given

to or acquired by a person other than a person who is a member of the family of the child, it will be presumed by the Court that the child has been given or acquired in contravention of the provisions of subsection (1) of this section.

74. Effect of guardianship

(1) Except as provided in section 61 of this Law, a person appointed as guardian under this section of this Law will have parental responsibility for the child.

(2) A person appointed as guardian *ad litem* under section 81 of this Law will be a guardian only for the purposes of representing the child and the interests of the child in certain proceedings, but will otherwise have no parental responsibility for the child.

75. Guardianship of a child

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

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

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

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

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

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

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

(6) The Court will under subsection (2) of this section order that a parent or parents of a child make a payment to a joint guardian towards the maintenance of the child.

76. Appointment of guardians

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

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

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

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

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

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

77. Requirement of consent

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

78. Revocation of guardianship

The appointment of a guardian under section 76 of this Law will be brought to an end at any time by an order of Court—

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

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

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

(d) on the application of an appropriate authority.

79. Power of guardians over estate of child

A guardian under this Law will have all such powers on the estate, as the case may be, of a child as a guardian appointed by will or otherwise by virtue of the rules of common Law, equity, or appropriate personal Law.

80. Disputes between joint guardians

Where two or more persons act as joint guardians of a child and they are unable to agree on any question affecting the welfare of the child, any of them may apply to the Court and the Court may grant an order regarding the question in dispute.

81. Appointment of guardian ad litem

(1) The Court will, for the purpose of any specified proceedings, appoint a guardian ad litem for the child concerned to safeguard the interests of the child, unless it is satisfied that it is not necessary to do so.

(2) The guardian ad litem must be—

(a) appointed in accordance with the Rules of Court; and

(b) under a duty to safeguard the interests of the child in the manner prescribed by those rules.

(3) The Court may appoint a legal practitioner to represent the child where—

(a) the child concerned is not represented by a legal practitioner; and

(b) any of the conditions mentioned in subsection (1) of this section is satisfied.

(4) The conditions under which an appointment will be granted under subsection (3) of this section are that—

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

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

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

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

(6) Notwithstanding any enactment or rules of law to the contrary, the Court may take account of—

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

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

82. Regulations of Appointment of guardians *ad litem*

(1) The Commissioner may by regulations provide for the establishment of panels of persons from which guardians *ad litem* may be appointed under this section.

(2) The regulations must, in particular, make provisions—

(a) as to the constitution, administration and procedures of the panels;

(b) requiring two or more specified Local Governments to make arrangements for the joint management of a panel;

(c) for the defrayment by the State Government of expenses incurred by members of panels;

(d) for the payment by the State Government of fees and allowances to members of panels;

(e) as to the qualifications for membership of a panel;

(f) as to the training to be given to members of the panels;

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

(h) for monitoring the work of guardians *ad litem*.

(3) Rules of Court may make provision as to the—

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

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

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

83. Right of guardian *ad litem* to have access to records

(1) Where a person has been appointed as a guardian ad litem under this Law, the person will have the right at all reasonable times to examine and take a copy of—

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

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

(2) Where a guardian *ad litem* takes a copy of a record which he is entitled to examine under this section, that copy or any part of it will, notwithstanding anything to the contrary in any enactment or rules, be admissible as evidence of any matter referred to in any—

(a) report which the guardian *ad litem* makes to the Court in the proceedings in question; or

(b) evidence which the guardian *ad litem* gives in those proceedings.

84. Saving of existing orders and jurisdiction of the Court

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

(2) Nothing in this Law will restrict or affect the jurisdiction of a court to appoint or remove guardians by virtue of the High Court Law or any other written law, until the Court has been established in the relevant jurisdictions.

85. Jurisdiction of Court

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

86. Wardship proceedings

(1) Subject to the provisions of this section, a child must not be made a ward of court except by virtue of an order of Court to that effect.

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

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

87. Maintenance of ward of court

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

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

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

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

(3) No order will be made under subsection (1)(a) of this section, and no liability under an order made under this section, will accrue, at a time when the parents of the ward of court or former ward of court, as the case may be, are residing together and if they so reside for a period of three months after an order has been made, the order will cease to have effect.

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

88. Committal of ward to care of appropriate authority, etc.

(1) Where it appears to the Court that there are exceptional circumstances making it impracticable or undesirable for a ward of court to be, or to continue to be, under the care of either of the ward's parents or any other person, the Court may, if it thinks fit, make an order committing the care of the ward to an appropriate authority.

(2) Where it appears to the Court that there are exceptional circumstances making it desirable that a ward of court, not being a ward who in pursuance of an order under subsection (1) of this section, is in the care of an appropriate authority, should be under the supervision of an independent person, the Court may, with regard to such period as the Court thinks fit, order that the ward be under the supervision of a child development officer or other appropriate authority.

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

89. Matrimonial causes

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

90. Dismissal of application for wardship

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

91. Rules for application for wardship

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

92. Application for Fostering

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

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

93. Children to be fostered

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

(a) is abandoned by his or her parents;

(b) is an orphan and is—

(i) deserted by his relatives,

(ii) voluntarily presented by his or her relatives for fostering; voluntarily presents himself or herself for fostering, where no relatives can be found;

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

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

(e) is found destitute;

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

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

94. Making a fostering order

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

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

95. Limit on number of children who may be fostered.

(1) The number of children who may be fostered by a person must not exceed three.

(2) The provisions of Part 1 of Schedule 4 to this Law will have effect for the purpose of implementing the provisions of Schedule 4.

96. Restriction on the making of a fostering order

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

(a) the applicant or, in the case of a joint application, each of the applicants is not less than twenty-five (25) years old and is at least twenty-one (21) years older than the child to be fostered;

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

(c) the applicant is a citizen of Nigeria;

(d) the applicant has the means to maintain the child;

(e) the applicant is a person of unquestionable integrity; and

(f) the applicant is certified by a medical officer to be physically and mentally fit.

(2) A fostering order must not be granted in favour of a sole applicant who is unmarried, unless the applicant has attained the age of twenty-five (25) years and the child to be fostered is of the same sex as the applicant.

97. Consent to fostering

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

(2) Where it appears to the Court that a person, other than the father or mother or relative of a child, has any right in respect of the child under an order of court or under customary law, the Court may refuse to make the fostering order until the consent of that person is first obtained.

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

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

(b) cannot be found or is incapable of giving the consent or is unreasonably withholding the consent.

98. Further conditions for making of fostering orders

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

(a) every consent under section 97 of this Law, which has not been dispensed with, has 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 as it deems fit and, in particular, may require the parent by bond or otherwise to make for the child, such provisions as in the opinion of the Court is just and expedient.

99. Interim orders

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

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

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

(c) 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 will be necessary for an interim order but subject to a similar power on the part of the Court to dispense with any such consent.

(4) An interim order must not be made in any case where the making of a fostering order would be unlawful by virtue of section 96 of this Law.

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

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

100. Rules of Court

(1) The Chief Judge of Lagos State may grant 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 grant rules conferred under subsection (1) of this section will, without prejudice to the generality of that subsection, include power to make provisions for—

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

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

(d) the admission of documentary evidence of any consent required under section 97 of this Law; and

(e) 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.

101. Appeal

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

102. Rights and duties of foster parents and other persons

(1) On the making of a fostering order—

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

(i) any rights arising under customary law applicable to the parents of the child, or any other person or persons in relation to the custody, maintenance and education of the child; and

(ii) all rights to appoint a guardian and to consent or give notice of consent or marriage, must be suspended; and

(b) there must vest in and be exercisable by and enforceable against the foster parents, all such rights, duties, obligations and liabilities in relation to custody, maintenance and education of the child as if the child were a child born to the foster parent in lawful marriage.

(2) A child must, in respect of his or her custody, and maintenance and education stand to the foster parent exactly in the position of a child born to the foster parent in lawful marriage.

(3) Where a husband and wife are joint foster parents, they must in respect of the custody, maintenance and education of the child and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of a right of access to the child, stand to each other and to the child in the same relationship as they would have stood if the child was a child born to them in lawful marriage.

103. Effect of fostering on maintenance order

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

104. Fostered Children's Register

(1) The Chief Registrar and the Ministry of Youth, Sports and Social Development, and the appropriate child development service must each keep and maintain a register to be known as the Fostered Children's Register in which there may be such entries as may be directed by a fostering order to be made in it.

[SCHEDULE 4]

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

(3) Where an application to the Court for a fostering order, 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 Commission relates, the fostering order must contain a direction to the Chief Registrar and the appropriate child development service to cause the entry in the Register of Births to be marked "Fostered".

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

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

(6) A certified copy of an entry in the Fostered Children Register, if purporting to be stamped or sealed with the seal of the Office of the Chief Registrar will be prima facie proof of the facts contained 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 Births.

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

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

(9) A register, record or book as is mentioned in subsection (8) of this section or an index must not be liable to be searched by any member of the public, and the Chief Registrar must not issue a certified copy or furnish any information contained to a person except under an order granted by the Court.

(10) On the revocation of a fostering order, the Court must cause the fact of the revocation to be communicated to the Chief Registrar and the appropriate child development service who will either amend or cause to be cancelled—

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

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

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

105. Visit to fostered child by Child Development Officers

(1) It will be the duty of the appropriate Child Development Service to keep itself informed, from time to time, of the condition and welfare of each child fostered under this Law and for that purpose, arrange for Child Development Officers to do all or any of the following things, that is—

(a) to pay periodic visits at reasonable times to each child fostered under this Law until the child attains the age of eighteen (18) years; and

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

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

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

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

(a) revoke the fostering order in respect of the child; and

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

107. Prohibition of receiving money or reward as inducement to foster a child

A person is guilty of an offence under this Law, if the person—

(a) receives or agrees to receive money or a reward as an inducement to foster a child;

(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.

108. Prohibition of taking or sending fostered child out of State or Nigeria

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

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

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

(b) outside Nigeria with intent to getting that child fostered by that person is guilty of an offence.

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

(a) in the case of an offence under subsection (2)(a) of this section, to imprisonment for a term of ten (10) years; and

(b) in the case of an offence under subsection (2)(b) of this section, to imprisonment for a term of fifteen (15) years.

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

While an application for a fostering order is pending in a Court, no person who has given consent to a fostering order being made in respect of a child will 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 must, in granting the leave, have regard to the welfare of the child.

110. Foster parent prohibited from marrying fostered Child

A foster parent must not marry any child fostered by him pursuant to this Law.

111. Private arrangement for fostering children

(1) For the purposes of this Part of this Law and subsection (2) of this section—

(a) a child will be deemed to be fostered privately if the child is cared for, and provided with accommodation by a person other than—

(i) a parent of the child;

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

(iii) a relative of the child; and

(b) a person will be deemed to foster a child privately if he cares for the child in circumstances in which the child is fostered privately as defined under paragraph (a) of this subsection.

(2) A child is not fostered privately if the person caring for and accommodating the child has done so for a period of less than twenty-eight (28) days and does not intend to do so for any longer period.

(3) The provisions in Part III of Schedule 4 to this Law will have effect for the purposes of supplementing the provisions of this section.

[SCHEDULE 4]

112. Welfare of children fostered privately

(1) It will be the duty of the State Government to—

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

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

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

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

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

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

(i) a parent of the child,

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

(iii) a relative of the child and consider the extent to which, if at all, they should exercise any of their powers under this Law with respect to the child.

(5) The Commissioner may make regulations—

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

(i) in prescribed circumstances, and

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

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

113. Persons disqualified from fostering children privately

(1) A person must not foster a child privately if the person is disqualified from doing so under regulations made by the Commissioner, unless the person has disclosed the fact to the appropriate authority and obtained written consent.

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

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

(i) with respect to that person; or

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

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

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

(d) a prohibition has been imposed on him at any time under section 114 of this Law or under any other specified enactment;

(e) the person's rights and powers with respect to a child have at any time been vested in a specified authority under a specified enactment.

(3) Where an appropriate authority refuses to give its consent under this section, it must inform the applicant in writing of—

(a) the reason for the refusal;

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

(c) the time within which he may appeal.

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

114. Power of State Government to prohibit private fostering

(1) This section applies where a person—

(a) proposes to foster a child privately; or

(b) is fostering a child privately.

(2) Where the State Government is of the opinion that—

(a) a person is not a suitable person to foster a child;

(b) the premises in which the child will be, or is being accommodated, are not suitable;

(c) it would be prejudicial to the welfare of the child to be, or continue to be, accommodated by that person in those premises; and

(d) the State Government may impose on the person a prohibition specified under subsection (3) of this section.

(3) A prohibition imposed on a person under subsection (2) of this section will prohibit the person from fostering privately—

(a) any child in any premises within the State;

(b) any child in premises specified in the prohibition; or

(c) a child identified in the prohibition, in premises specified in the prohibition.

(4) Where the State Government has imposed a prohibition on any person under subsection (2) of this section, may if it deems fit, cancel the prohibition—

(a) of its own motion; or

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

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

(a) the reason for imposing the prohibition;

(b) the person's right to appeal against the prohibition; and

(c) the time within which the person may appeal.

115. Establishment of adoption services

(1) The State Government must, establish and maintain within the State, a service designed to meet the needs of—

(a) children who have been or may be adopted;

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

(c) persons who have adopted or who may adopt a child and for this purpose, the State Government must provide the requisite facilities, or ensure that the facilities are provided by approved adoption services as may be prescribed by the appropriate authority.

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

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

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

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

116. Application for adoption

(1) An application for adoption must be made to the services in such form as will be prescribed, and must be accompanied with—

(a) the marriage certificate or a sworn declaration of marriage;

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

(c) two passport photographs of each applicant;

(d) a medical certificate of fitness of the applicant from a Government hospital; and

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

(2) On receipt of an application under subsection (1) of this section, the Court must order an investigation to be conducted by—

(a) Social Welfare Officers;

(b) supervision officers; and

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

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

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

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

117. Religious upbringing of adopted child

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

118. Persons who may be adopted

The Court must not grant an adoption order in respect of a child unless—

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

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

119. Persons who may adopt

The following persons may apply for an adoption order—

(a) a married couple where—

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

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

(b) a married person, if he or she has obtained consent of his or her spouse, as required under section 124 of this Law;

(c) a single person, if he or she attained the age of thirty-five (35) years; or

(d) in all cases specified in subsections (a), (b) and (c) of this section, the adopter or adopters must be persons found to be suitable to adopt the child in question by the appropriate investigating officers.

120. Power to make adoption orders

(1) Subject to the provisions of this Law, the Court may, on the application, in the prescribed manner, of any person stated in section 119 of this Law to adopt a child, grant an order under this Law referred to as an "adoption order".

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

121. Restrictions on the making of adoption orders

(1) An adoption order must not be granted in respect of a child unless—

(a) the applicant or, in the case of joint applicants, one of them, is: fit and proper and not less than twenty-five (25) years old; and

[SCHEDULE 5]

(b) the applicant has, at least twelve (12) months before the granting of the order, informed the social welfare officer of his intention to adopt the child.

(2) On the application of a married couple, if they consist of a parent and a step parent of the child, the Court will dismiss the application if it considers that the matter would be better dealt with under possession and custody of children.

122. Required consent

(1) Where a married person is the sole applicant for an adoption order, the Court may, if it deems fit, refuse to grant the order if the consent of the spouse of the applicant to the granting of the order is not first obtained.

(2) Where it appears to the Court that a person other than the parent or relative of the child has any right or obligation in respect of the child under an order of the Court or any agreement or under customary law, the Court shall, if it deems fit, refuse to make the order if the consent of that person is not first obtained.

(3) It will be the duty of the Social Welfare Officer, on an application for an adoption order in respect of a child, to prepare a report to assist the Court in determining whether a person who is a parent or relative of the child has any right or obligation in respect of that child and whether the consent of the person ought first to be obtained.

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

(a) unconditionally; or

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

(5) In giving consent under this section, it may not be necessary for the person giving the consent to know the identity of the child for the adoption order.

(6) The Court may dispense with any consent required under this section if it is satisfied that the person whose consent is required cannot be found or is incapable of giving the consent or is withholding the consent unreasonably.

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

123. Conditions preceding the making of an adoption order

The Court must, before making an adoption order, satisfy itself that—

(a) every consent required under section 122 of this Law which has not been dispensed with has been obtained;

(b) every person who has given his consent understands the nature and effect of the adoption order for which the application is granted and for this purpose the relevant adoption service must provide adequate counselling for the parties involved in the adoption;

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

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

124. Power of Court to impose terms and conditions

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

125. Interim orders pending adoption orders

(1) Subject to the provisions of this section, the Court on an application for an adoption order, may postpone the processing of the application and grant an interim order giving custody of the child to the applicant for a period not exceeding two (2) years on such terms and conditions as the Court deems fit as regards provision for the maintenance, education and supervision of the welfare of the child and otherwise.

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

(a) be under the supervision of such Child Development Officer as the Commissioner will appoint; and

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

(3) The consent to the making of an adoption order which is required under section 122 of this Law will be required for the making of an interim order, and the power of the Court to dispense with any such consent will also apply in the case of an interim order.

(4) An interim order must not be granted in any case where the granting of an adoption order would be unlawful under the provisions of this Law.

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

126. Jurisdiction of the Court

Subject to Rules of the Court issued under section 127 of this Law, the Court will have exclusive jurisdiction to deal with an application for an adoption order.

127. Rules of Court

(1) The Chief Judge of the State must issue Rules of Court for regulating generally the practice and procedure of the Court in respect of the adoption of children.

(2) The power to grant rules conferred by subsection (1) of this section, must, without prejudice to the generality of that subsection, include power to grant provision for—

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

(b) the admission of documentary evidence of any consent required under section 122 of this Law; and

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

128. Appeals

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

(2) Where the High Court exercises an appellate jurisdiction, appeal will lie to the Court of Appeal.

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

129. Adoption where corrective order is in force

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

(2) On the application for an adoption order being granted under subsection (1) of this section and on being satisfied that the adoption would be for the welfare and in the

best interest of the child concerned, the Court must suspend the corrective order so as to enable the applicant to have the child in his or her care for a period of at least three (3) consecutive months immediately preceding the date of the adoption order.

130. Adoption where maintenance order is in force

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

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

131. Effect of adoption

(1) On an adoption order being granted—

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

(b) there must vest in, and be exercisable by and enforceable against the adopter as if the child were a natural child of the adopter, and in respect of those matters, the child must stand to the adopter in the relationship of a child born to the adopter—

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

(ii) all rights to appoint a guardian and to consent or give notice of dissent to marriage of the child, as would vest in the adopter.

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

(3) For the purposes of the devolution of the property on the intestacy of the adopter, an adopted child must be treated as a child born to the adopter.

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

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

(b) a person related to the adopted child in any degree must, unless a contrary intention appears, be construed as a reference to the person who would be related to the adopted child in that degree as if he or she were the natural child of the adopter and were not the child of any other person.

132. Establishment of the Adopted Children's Register

(1) The Chief Registrar must establish and maintain a register to be called and known as the "Adopted Children's Register" in which will be made, such entries as will be directed by an adoption order to be granted.

(2) An adoption order must contain a direction to the Chief Registrar and the National Population Commission to result in the Adopted Children's Register entry in the form specified in Schedule 5 to this Law.

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

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

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

(4) Where an adoption order is granted in respect of a child who had been the subject of a previous adoption order granted under this Law, the order must contain a direction to the Chief Registrar and the Commission to cause the previous entry in the Adopted Children's Register in respect of that child to be marked "Re-adopted".

[SCHEDULE 5]

(5) The Court must cause a copy of every adoption order to be forwarded to the Chief Registrar and the Commission and on receipt of the order, the Chief Registrar and the Commission must comply with the directions contained in the order.

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

(7) The Chief Registrar must cause an index of the Adopted Children's Register to be kept in the Registry.

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

(9) Any such Register or books as are mentioned in subsection (8) of this section or any index will not be liable to searches by members of the public and the Chief Registrar will not issue a certified copy or furnish any information contained to any person except under an order granted by the Family Court.

(10) On the revocation of an adoption order, the Court will cause the fact of the revocation to be communicated to the Chief Registrar who will cause to be cancelled—

(a) the entry in the Adopted Children's Register relating to the adopted person; and

(b) the marking with the word "Adopted" or "Re-adopted" of any entry relating to him or her in the Register of Births.

(11) A copy of an extract of an entry in any register under this section will be deemed to be an accurate copy if both the marking and the cancellation are omitted.

133. Licence to give child for inter-State adoption

(1) Subject to this section, the Commissioner will grant a licence for a child to be transferred to a person, subject to such conditions and restrictions as the Commissioner will deem fit, authorising the care and protection of a child for whom inter-State adoption arrangements have been granted.

(2) A licence must not be granted under subsection (1) of this section unless the Commissioner is satisfied, as respects every person whose consent is required under section 122 of this Law to the granting of an adoption order for the child, that—

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

(b) the consent of that person can properly be dispensed with on any ground on which the Court could dispense with a consent to an adoption order under that section.

(3) A licence must not be granted under this section unless the Commissioner is satisfied—

(a) that the person to whom the care and possession of the child is proposed to be transferred is a suitable person, under the provision of this Law, to be entrusted with the child; and

(b) that the transfer is for the welfare of and in the best interest of the child.

(5) The Commissioner must, in granting a licence under this section give consideration to the wishes of the child having regard to the age and understanding of the child.

134. Recognition of other Adoption

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

135. Visit to adopted children by Child Development Officers

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

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

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

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

136. Establishment of the Family Court

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

137. Court to have two levels

The Court will be at two levels, that is—

(a) the Court as a Division of the High Court of a State; and

(b) the Court as a Magistrates' Court, at the Magisterial level.

138. General jurisdiction

(1) Subject to the provisions of this Law and to such other jurisdiction conferred by any law, the Court shall have unlimited jurisdiction to hear and determine—

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

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

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

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

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

(iv) encourage or facilitate the settlement of the matter before it in an amicable manner.

139. Family Court at the High Court level

(1) The High Court will consist of such number of—

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

(b) assessors, who must be officers not below the rank of Chief Social Welfare Officers, as enable the Court to effectively perform its functions under this Law.

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

(3) The High Court must be duly constituted if it consists of—

(a) a Judge; and

(b) two assessors, one of whom is experienced in matters relating to children preferably in the area of child psychology education.

(4) The High Court will—

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

(b) hear appeals from the Court at the Magisterial level.

(2) Appeals lie to the Court of Appeal on any matter from the High Court in the same manner as it lies from the decisions of Magistrates' Courts to the High Court of the State.

140. Family Court at the Magisterial level

(1) The Court at the Magisterial level must consist of a number of—

(a) Magistrates, not below the rank of Chief Magistrate; and

(b) assessors, who must be officers not below the rank of Senior Child Development Officer, as will enable the Court to effectively perform its functions under this Law.

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

(3) The Court at the Magisterial level must be duly constituted and consist of—

(a) a Magistrate,

(b) two assessors; one of whom must be a woman and the other a person who is experienced in matters relating to children, preferably in the area of child psychology education.

(4) The Court at the Magisterial level will have power to try and determine all matters not specifically assigned to it at the High Court level under section 139 of this Law.

(5) Appeals will lie to the High Court from decisions of the Court at the Magisterial level in the State.

141. Training of Court personnel

(1) The personnel of the Court will be afforded professional education, in-service training, refresher courses and modes of instruction to promote and enhance the necessary professional competence required of them.

(2) The content of the education, training and courses referred to in subsection (1) of this section must be such as will reflect the diversity of the children the personnel must come into contact with the diversity and complexity of matters that will be dealt with by the Court.

(3) In constituting a Court handling a matter concerning a child, consideration must be given to the circumstances of the child, particularly the age, sex, religion or other special characteristics of the child.

142. Right to Counsel

A child will have the right to be represented by a legal practitioner and to free legal aid in the hearing and determination of a matter concerning the child in the Court.

143. Exclusion of persons from attending Court

No person must be allowed to attend a Court other than—

(a) the members and officers of the Court;

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

(c) parents or guardian of the child; and

(d) other persons directly concerned in the case.

144. Prohibition of publication of child's name

No person must publish the name, address, school, photograph, or anything likely to lead to the identification of a child in a matter before the Court, except as required by the provisions of this Law.

145. Proceedings to be in the interest of the child

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

146. Attendance of parents, guardian or child at the hearing in the Court

(1) In any proceedings in which the Court is hearing an application for an order under this Law, or is considering whether to grant an order, the Court must order the parent, guardian and the child concerned to attend such or stages of the proceedings as must be specified in the order.

(2) The power conferred by subsection (1) of this section will be exercised in accordance with the Rules of Court.

(3) Where an order granted 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 must—

(a) grant an order authorising a police officer or such person as must be specified in the order—

(i) to take charge of the child and to bring him or her to the Court, or

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

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

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

147. Evidence given by a child

(1) The evidence of a child may be given un-sworn in any proceedings, whether civil or criminal.

(2) A deposition sworn by a child shall be taken for purposes of any proceedings, whether civil or criminal, as evidence given on oath.

148. Rules

The Chief Judge must make rules for the procedure of the Court, the provisions of any written law, the procedure in Magistrates' Court and the High Court which are not inconsistent with the provisions of this Law will be applicable in the Court.

149. Exclusive Jurisdiction

(1) No other court, except the Family Court, must exercise jurisdiction in any matter relating to children as specified in this Law.

(2) The provisions of subsection (1) of this section will not affect the jurisdiction of criminal courts to try cases involving an adult.

150. Child minders

(1) The State Government will keep a register which shall contain the names and other particulars of persons qualified to—

(a) act as child minders within the area covered by the appropriate authority; and

(b) provide day care for children under the age of six (6) years on premises other than domestic premises within the State.

(2) A person is qualified to—

(a) act as child minder if—

(i) the person looks after one or more children under the age of six (6) years, for a reward; and

(ii) the period, or the total periods, spent in looking after the children exceeds two (2) hours in each day.

(b) provide day care for children if the period, spent in looking after the children exceeds two (2) hours in each day.

(3) Where a person provides day care for children under the age of six (6) years on more than one premises situate within the same area, the person must make a separate application with respect to each of those premises.

(4) A person who—

(a) is the parent, or a relative, of a child;

(b) has parental responsibility to a child; or

(c) is a foster parent of a child is not a child minder for the purpose of this Part.

(5) Where a person is employed as a nanny for a child, she is not a child minder anticipated by this Law where she looks after the child in the home of such employer.

(6) Where a person is employed by two different persons, she is a child minder where she looks after any of the children wholly in the home of either of her employers.

(7) A person who wishes to be entered in the register kept under subsection (1) of this section must apply in writing to the State to be so registered.

(8) The State may refuse to register an applicant under subsection (1)(a) of this section, if it is satisfied that—

(a) the applicant; or

(b) a person looking after, or likely to be looking after children on any of the premises on which the applicant is, or is likely to be child minding, is not fit to look after children under the age of six years.

(9) The State may also refuse to register an applicant under subsection (1)(a) of this section, if it is satisfied that—

(a) a person living, or likely to be living on any premises on which the applicant is, or likely to be, child minding; or

(b) a person employed, or likely to be employed, on those premises, is not fit to be in the proximity of children under the age of six (6) years.

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

(11) The State Government may also refuse to register an applicant under subsection (1)(b) of this section, if it is satisfied that—

(a) a person living, or likely to be living on the premises to which the application operates; or

(b) a person employed, or likely to be employed, on those premises, is not fit to be in the proximity of children under the age of six (6) years.

(12) The State Government may refuse to register an applicant under this section if it is satisfied that—

(a) the premises on which the applicant is, or is likely to be, child minding and;

(b) the premises on which the applicant operates are not fit to be used for the operation of a centre whether because of their condition or the condition of any equipment used on the premises or for any reason connected with their situation, construction, style or location.

(13) For the purposes of this Law, a person is employed as a nanny for a child if she is employed to look after the child by—

(a) a parent of the child; or

(b) a person who is not a parent of the child but who has parental responsibility for his care.

(14) A register kept under this section—

(a) shall be open to inspection by members of the public at all reasonable time; and

(b) may be kept by means of a computer.

(15) The provisions to this Law shall give room for the making of further provisions with respect to registration, including, further provisions for exemption from the requirement and provisions for disqualification.

151. Conditions for child minders

(1) Where the State registers a person under section 150 of this Law, it may in addition to the requirements set out in subsection (2) of this section, impose such reasonable conditions on the person as it considers appropriate in each case.

(2) The State on registering a child minder must—

(a) specify the maximum number of children, or the maximum number of children within specified age groups, that the child minder may look after;

(b) require that any premises, the equipment used on those premises, where the business of a child minder is being carried out are adequately maintained and kept safe;

(c) require that the child minder keeps a record of the name and address of every—

(i) child under the child minder's care;

(ii) person who assists in looking after the children; and

(iii) persons living, or likely at any time to be living, on those premises;

(d) require the child minder to notify the State in writing of any change in the names and addresses of persons mentioned in paragraphs (c)(ii) and (iii) of this subsection.

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

(4) The Commissioner may, by regulations make provisions as to—

(a) conditions to be imposed by the State under this section in prescribed circumstances;

(b) conditions which will not be imposed by the State Government under this section;

(c) annual fees payable in respect of registration and inspection of premises.

152. Conditions to be complied with by persons providing day care of children

(1) Where the State registers a person under section 150 of this Law, it may, in addition to the requirement set out in subsection (3) of this section, impose such reasonable conditions as it considers appropriate.

(2) Where a person is registered under section 150 of this Law, this section will apply separately in relation to each registration.

(3) The State will, on registering a person providing day care for children—

(a) specify the maximum number of children, or the maximum number of children within specified age groups, that may be admitted to the day care;

(b) require that the premises of the centre and the equipment used on

those premises, are adequately maintained and kept safe;

(c) require notification to the State in writing of any change in the facilities which he provides;

(d) specify the number of persons required to assist at the centre;

(e) the name and address of every—

(i) child admitted to the centre,

(ii) persons assisting at the centre, and

(iii) persons living or likely to live within the centre;

(f) require notification to the State in writing of any change in the names and addresses of persons mentioned in subparagraphs (e)(ii) and (iii) of this subsection.

(4) In determining the maximum number of children to be admitted under subsection (3)(a) of this section, the State will take into account the number of other children who may at any time be on the premises.

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

(6) The Commissioner may, by regulations, make provision as to—

(a) conditions which shall be imposed by the State under this section in prescribed circumstances;

(b) conditions so prescribed which must not be imposed by the State under the provisions of this Law.

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

153. Cancellation of registration

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

(a) it appears justifiable to refuse the registration of such person as a child minder; or

(b) the care provided by such person, in the opinion of the State is inadequate, having regard to the needs of a child; or

(c) the child minder has—

(i) contravened or failed to comply with any requirement or condition imposed on the child minder under section 152 of this Law,

(ii) failed to pay any annual fee within the prescribed time.

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

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

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

(c) that person has—

(i) contravened or failed to comply with any requirement of or condition imposed on him or her under section 152 of this Law, or

(ii) failed to pay any annual fee under paragraph 7 of Schedule 6 of this Law within the prescribed time.

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

(4) Where a condition to carry out repairs or make alterations has been imposed on a registered person under section 151 or 152 of this Law, the person's registration will not be cancelled on the grounds that the premises is for child minding where—

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

(b) it is shown that the condition of the premises is due to the repairs or addition yet to be carried out.

(5) A cancellation under this section must be in writing.

(6) In considering the needs of any child for the purposes of subsection (1)(b) or (2)(b) of this section, the State must, have regard to the religious, cultural and linguistic background of the child.

154. Protection of children in emergency in cases of cancellation of registration, etc.

(1) Where it has been proved that a child is likely to suffer any harm attending a minding, the Court would grant an application for an order—

(a) cancelling a registered person's registration;

(b) varying any condition imposed on a registered person under section 152 of this Law; or

(c) removing a condition or imposing an additional condition on such person.

(2) Any cancellation, variation, removal or imposition order under this section will have effect from the date the order is made.

(3) An application made under subsection (1) of this section may be made ex-parte and must be supported by an affidavit stating reasons for the application.

(4) Where an order is made under this section, the State must serve on the registered person, as soon as is reasonably practicable:

(a) notice and terms of the order; and

(b) a copy of the affidavit in support of the application for the order.

(5) Where the Court imposes or varies any conditions under subsection (1) of this section, the conditions, or the conditions varied, must be treated, as if it had been imposed under section 152 of this Law.

155. Inspection of premises

(1) A person authorised by the State to enter into any premises will have the power to inspect the day care and minders' premises at any reasonable time where—

(a) a child minding centre is located in any domestic premises within the State;

(b) a day care centre is located in any premises within the State;

(2) Where the State has reasonable cause to believe that a day care or child minding centre is being operated within the State in a manner contrary to the provisions of this Law, the State Inspector may enter such premises at any reasonable time.

(3) The Inspector under this section may inspect—

(a) the premises;

(b) any child being looked after on the premises;

(c) the arrangements made for the health and welfare of the children on being inspected on the premises; and

(d) any record relating to the children admitted by the centre under the provisions of this Law.

(4) A person inspecting any record under this section—

(a) must be entitled at any reasonable time to have access to and inspect and check the operation of any computer and any associated apparatus or material which is or has been in use in connection with the records in question; and

(b) may require—

(i) the person in custody of the computer or any other apparatus or material; or

(ii) any person concerned with the operation of the computer, apparatus or material to afford him or her such reasonable assistance as may be required.

(5) A person exercising any power conferred by this section must, if so required, produce some duly authenticated document showing the authority to do so.

(6) The State will have the right to inspect premises mentioned in subsection (1) of this section at least once in every year.

156. Notice of intent

(1) The State will notify an applicant, not less than fourteen (14) days before taking any of the following steps—

(a) refusing an application for registration under section 152 of this Law;

[SCHEDULE 6]

(b) cancelling any registration under this Law;

(c) refusing consent under the provisions to this Law;

(d) imposing, removing or varying any condition under section 151 or 152 of this Law;

(e) refusing to grant any application for the variation or removal of any such condition, to the applicant or, as the case may be, a registered person, in writing of its intention to take the step in question.

(2) A notice sent under subsection (1) of this section must—

(a) state the reasons for proposing to take the step; and

(b) inform the person concerned of his rights under this section.

(3) Where the recipient of a notice informs the State in writing of his desire to object to the step being taken, the State must afford him the opportunity to do so.

(4) Any objection made under subsection (3) of this section may be made in person or by a representative.

(5) If the State, after giving the person an opportunity to object to the step being taken, decided to take any step, it must send written notice of such decision to the person concerned.

(6) Person aggrieved by the taking of any step mentioned in subsection (1) of this section may appeal against it to the Court and may impose any condition under section 151 or 152 of this Law or such other condition as it deems fit or vary the condition.

(7) Where the Court imposes or varies any condition under subsection (6) of this section, the person may appeal on the condition, as varied.

(8) A step referred to in subsection (1)(b) or (d) of this section will not take effect until the expiration of the time within which appeal may be brought under this section or where such an appeal is brought, before its determination.

157. Offences

(1) No person must provide day care for children under the age of six years in any premises within the State unless the person is registered by the State Government under section 150(1)(b) of this Law.

(2) A person who contravenes subsection (1) of this section, without reasonable cause shall be guilty of an offence.

(3) No person shall act as a child minder on domestic premises within the State unless he is registered by the State under section 151(1)(a) of this Law.

(4) Where it appears to the State that a person has contravened subsection (3) of this section, it may serve an enforcement notice on such person.

(5) An enforcement notice shall have effect for a period of one (1) month commencing from the date it was served.

(6) A person served with an enforcement notice for being in contravention of subsection (3) of this section, will be guilty of an offence.

(7) Subsection (6) applies whether or not the subsequent contravention occurs within the area of the State Government in which the enforcement notice is served.

(8) A person who without reasonable excuse contravenes or fails to comply with any condition imposed on him or her under section 152 of this Law will be guilty of an offence.

(9) A person who acts as a child minder on domestic premises at any time when disqualified by regulations made under the provisions of this Law will be guilty of an offence.

(10) A person who contravenes the provisions of this Law will not be guilty of an offence under this section if the person can prove that he or she is ignorant and had no reasonable ground to believe that the person in question is living or employed in the household.

[SCHEDULE 6]

(11) Any person who contravenes the provisions of this Law, will not be guilty of an offence under this section if he can prove that he or she was ignorant of the fact that the person whom he employed was disqualified.

158. Provision for children with special needs

(1) It is the general duty of the State Government to—

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

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

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

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

(4) The State will, for the purpose of facilitating the discharge of its duty under this section, have the duty and power as set out in section 149 of this Law.

[SCHEDULE 7]

(5) The Commissioner may by order amend the duties and powers set out in this Law.

(6) (a) The State Government must facilitate the provision by voluntary organisations and other bodies, of services which the State has power to provide by virtue of sections 161, 162, 163 of this Law; and

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

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

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

(9) A person will not be liable to make any repayment of assistance or of its value at any time when the person is in receipt of income support or any other form of support from public funds.

159. Provision of care for preschool children with special needs

(1) The State will provide day care for children with special needs who are—

(a) residents within the State;

(b) not more than six years old; and

(c) not yet attending any school.

(2) The State may provide day care for children who satisfy the conditions stated in subsection (1).

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

(a) caring for children with special needs; or

(b) who at any time accompany such children to the day care.

(4) The State will provide for children with special needs within the State who are attending any school, as appropriate—

(a) outside school hours; or

(b) during school holidays.

(5) The State will provide such care or supervise such activities for children within the State who are attending any school.

160. Review of day care and child minding centres

(1) The State will review—

(a) the services under section 159 of this Law;

(b) the extent to which the services of child minders are available within the State with respect to children under the age of six (6) years; and

(c) the provision of day care centres within the State for children under the age of six (6) years by persons, other than the authority, required to be registered under section 150(1)(b) of this Law.

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

(a) by the appropriate local education authority; and

(b) at least once in every review period.

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

(a) the provisions made for day care centres within the State for children under the age of six (6) years by the appropriate authority and by persons required to be registered under section 150(1)(b) of this Law;

(b) the extent to which the service of child minders are available within the State with respect to children under the age of six (6) years.

(4) In conducting a review under this section, the State shall have regard to the provisions relating in respect of children under the age of six years in relevant establishments within the State.

(5) Where the State has conducted a review under this section, it will publish the result of the review—

(a) as soon as practicable;

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

(c) together with any proposal it may have with respect to the matter reviewed.

(6) The State, when conducting a review under this section, must have regard to—

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

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

161. Provision of accommodation for children

(1) The State will provide accommodation for a child in need as a result of—

(a) there being no person to provide parental responsibility for the child;

(b) the child being lost or having been abandoned by the parent or guardian ; or

(c) the person who has been caring for the child could not for any reason from providing the child with accommodation or care.

(2) Where the State Government provides accommodation under this section for a child who is in another State, that other State Government may take over the provision of accommodation for the child within—

(a) three (3) months of being notified in writing that the child is being provided with accommodation; or

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

(3) The State will provide accommodation for a child—

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

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

(4) Before deciding to provide accommodation under this Law, the State will, so far as reasonably practicable and consistent with the welfare of the child—

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

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

(5) The State will not provide accommodation under this section for a child if a person who has parental responsibility for the child, is willing and able to—

(a) provide accommodation for him, or

(b) arrange for accommodation to be provided for the child.

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

(7) Subsections (5) and (6) of this section do not apply to a person—

(a) in whose favour a residence order is in force with respect to the child; or

(b) who has responsibilities to care for the child by virtue of an order granted in the exercise of the jurisdiction of the Court.

162. Provision of accommodation for children in Police protection, detention or on remand

(1) The State Government will make provision for the reception and accommodation of children who are removed from detention, on remand, or kept from home—

(a) under the provisions of this Law;

(b) under police protection;

(c) on remand or a supervision order; or

(d) for any other reason, by the appropriate authority.

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

163. Children being cared for by the State

(1) Where a reference is made to a child who is being cared for by the State such child will be deemed to be—

(a) in the care of the State; or

(b) provided with accommodation by the State in the exercise of any functions under this section of this Law.

164. Duty of the State

(1) It will be the duty of the State Government looking after any child to—

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

(b) make use of such services available to children with parental care as it deems fit in each circumstance.

(2) In making a decision referred to in subsection (3) of this section, the State must give due consideration—

(a) to the age and understanding of the child,

(b) to such wishes and feelings of any person mentioned in subsection (2)(b)–(d) of this section as reasonably ascertainable;

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

(3) The State Government, before making any decision with regard to a child being looked after or proposed to be looked after by it, must, as far as is practicable, ascertain the wishes and feelings of—

(a) the child;

(b) the parents or guardian of the child;

(c) any other person whose wishes and feelings the State Government considers to be relevant, regarding the matter to be decided.

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

(5) An appropriate authority must comply with a direction given to it under this section notwithstanding that doing so will be inconsistent with its duties.

165. Provision of accommodation

(1) It will be the duty of the State—

(a) to provide accommodation for children under its care; and

(b) to maintain the child in other respects.

(2) The State will provide accommodation and maintenance for a child under this section by—

(a) placing the child, subject to the provisions of subsection (5) of this section and any regulations made by the Commissioner, with—

(i) a family,

(ii) a relative, or

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

(b) maintaining the child in—

(i) a community home,

(ii) a voluntary home,

(iii) a registered children's home, or

(iv) a home provided by the Commissioner under subsection (5) of this section, on such terms as the Commissioner may, from time to time, determine;

(c) making such other arrangement which—

(i) may seem appropriate, and

(ii) comply with such regulations made by the Commissioner.

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

(4) A person that falls within the provision of this section by being—

(a) a parent of the child;

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

(c) in care and there was a residence order in force with respect to the child immediately before the care order was granted.

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

(6) Subject to any regulation made by the Commissioner for the purpose of this subsection, the State looking after a child will make arrangements to enable the child to live with—

(a) a person falling within subsection (4) of this section; or

(b) a relative, friend or other person connected with the child, unless that would not be reasonably practicable or consistent with his welfare.

(7) Where the State provides accommodation for a child it must, subject to the provisions of this Law and with the child's welfare in mind, ensure that—

(a) the accommodation is near the home of the child; and

(b) where the State Government is providing accommodation for a sibling of the child, they will be accommodated together.

(8) Where the State Government provides accommodation for a child who is disabled, it must ensure that the accommodation is suitable to his particular needs.

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

166. Advice and assistance

(1) Where a child is being looked after by the State, it will be the duty of the State to advise, and assist the child with a view to promoting the child's welfare.

(2) A person qualifies for advice and assistance under this Law, if under the age of twenty-one (21) years and was, at any time before reaching the age of eighteen (18) years, while still a child was—

(a) looked after by the State;

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

(c) accommodated in a registered children's home; or

(d) accommodated—

(i) by any health authority or education authority, or

(ii) in any residential care home, nursing home or mental nursing home for a consecutive period of at least three months; or

(e) fostered privately, but has ceased to be so looked after, accommodated or fostered.

(3) Subsection (2)(d) of this section applies if the period of months mentioned there began before the child attained the age of eighteen (18) years.

(4) The State will advise where—

(a) there is within the State, a person who qualifies for advice and assistance;

(b) the conditions in subsection (5) of this section are satisfied; and

(c) the person has asked for help of a kind which the State can give under this section.

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

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

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

(6) Where, as a result of the provisions of this section, the State is under a duty, or is empowered, to advise and assist a person, it must give such person assistance.

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

(8) The State may give assistance to any person who qualifies for advice and assistance by virtue of subsection (2)(a) of this section by—

(a) contributing to expenses incurred in living in a particular place for the purpose of—

(i) been employed or seeking employment, or

(ii) receiving education or training;

(b) offering a grant to enable the person to meet educational or training expenses.

(9) Where the State is assisting a person under subsection (8) of this section by offering contribution or grant towards education or training, it will—

(a) continue to do so notwithstanding that the person attains the age of twenty-one (21) years before completing the course; and

(b) disregard any interruption in the person's attendance as long as the person remained in school or training.

(10) Subsections (7) and (9) of section 173 of this Law will apply in relation to assistance given under this section.

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

(12) Where a child accommodated by—

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

(b) any health authority or education authority; or

(c) any residential care home, nursing home or mental home, ceases to be so accommodated, after reaching the age of eighteen (18), the organisation, authority or, persons managing the home, will inform the State Government in whose State the child proposes to live.

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

167. Restriction of liberty

(1) Subject to the provisions of this section, a child who is being looked after by the State must not be restricted and if so placed, must not be kept, in an accommodation provided for the purpose of restricting liberty known as secured accommodation unless it appears that—

(a) the child—

(i) has a history of absconding and is likely to abscond from accommodation of any other description, and

(ii) is likely to suffer significant harm if he or she absconds;

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

(2) It will be the duty of the Court hearing an application under this section to determine whether any relevant criteria for keeping a child in secured accommodation as specified under subsection (1) of this section are satisfied in this case.

(3) Where the Court finds that the relevant criteria are satisfied, it will grant an order authorising the child to be kept in secured accommodation and shall specify the maximum period for which the child will be kept.

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

(5) A Court must not exercise the powers conferred by this section in respect of a child who is not legally represented in Court, unless—

(a) the child, having regard to the age and understanding;

(b) any person who is not a parent but who has parental responsibility for the child; or

(c) any other person it considers relevant, having been informed of the right of the child to apply for legal aid and having had the opportunity to do so, had refused or failed to apply.

(6) The authority given under this section will not prejudice any other directives of any Law relating to the child.

(7) The Commissioner may, by regulations—

(a) specify the maximum period—

(i) within which a child must not be kept in secured accommodation without the authority of the Court, or

(ii) for which the Court will authorise a child to be kept in secured accommodation;

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

(c) provided that applications to the Court under this section will be made only by the State. This section will apply—

(i) to any description of children specified in the regulations,

(ii) in relation to children of a description specified in the regulations subject to such modifications as may be specified, and

(iii) as may be specified and have effect for the purpose of determining whether a child of a description specified in the regulations may be placed or kept in secured accommodation.

(8) This section is subject to section 165 of this Law.

168. Review of cases and inquiries into representation

(1) The Commissioner may make regulations requiring the case of each child who is being looked after by the State Government to be looked into for the purpose of being reviewed in accordance with the provisions of the regulations.

(2) The regulations may, in particular, make provisions—

(a) as to the manner in which each case is to be reviewed;

(b) as to the considerations of the State in reviewing each case;

(c) as to the time when each case is to be reviewed and the frequency of subsequent reviews;

(d) requiring the State, before conducting any review, to seek the views of—

(i) the child, having regard to his age and understanding,

(ii) the parents of the child,

(iii) any person who is not a parent of the child but who has parental responsibility for the child; and

(iv) any other person it considers relevant, including, in particular, the views of those persons in relation to any particular matter which is to be considered in the course of the review;

(e) requiring the State to consider, in the case of a child who is in its care, whether an application should be made to discharge the care order;

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

(g) requiring the State to inform the—

(i) child, as far as practicable,

(ii) the parents of the child,

(iii) any person who is not a parent of the child but who has parental responsibility for the child, and

(iv) any other person it considers relevant, of any steps the person may take under this Law;

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

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

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

(i) the child,

(ii) the parents of the child,

(iii) any person who is not a parent of the child but who has parental responsibility for the child, and

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

(3) The State will establish a procedure for considering any representation including any complaint, made to it by—

(a) a child who is being looked after by it or who is not being looked after by it but is in need;

(b) a parent of the child;

(c) any person who is not a parent of the child but who has parental responsibility for the child;

(d) any State Government foster parent;

(e) such other person as the State may consider necessary has a sufficient interest in the child's welfare to warrant the person's representation being considered by it, about the discharge by the State of any of its functions under the provisions of this Law in relation to the child.

(4) The procedure must ensure that at least one person who is not a member or officer of the State Government takes part in—

(a) the considerations; and

(b) the discussions which may be held by the State about the action, if any, to be taken in relation to the child in the light of the considerations.

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

(6) The Commissioner may make regulations requiring the State to monitor the arrangements that it has made with a view to ensuring that it complies with regulations made for the purpose of subsection (5) of this section.

(7) Where any representation has been considered under the procedure established by the State under this section, the State Government must—

(a) have due regard to the findings of those considering the representation;

(b) take such steps as are reasonably practicable to notify, in writing—

(i) the person making the representation,

(ii) the child, if the State believes that the child has sufficient understanding, and

(iii) the parents of the child, or

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

(8) The State will give such publicity to its procedure for considering representations under this section as it deems fit.

169. Co-operation between authorities

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

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

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

(a) the State Government;

(b) an educational authority;

(c) a housing authority;

(d) a health authority; and

(e) any person authorised by the Commissioner for the purposes of this section.

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

170. Educational Authorities

(1) The State must consult the appropriate educational authority where—

(a) a child is being looked after by the State; and

(b) the State proposes to provide accommodation for the child in an establishment at which education is provided for children.

(2) Where a proposal under subsection (1)(b) of this section is carried out, the State must, as soon as practicable, inform the appropriate educational authority of the arrangements that have been made for the child's accommodation.

(3) Where the child ceased to be accommodated as mentioned in subsection (1)(b) of this section, the State must inform the appropriate educational authority accordingly.

171. Cost of providing services

(1) Where the State provides any service under section 158, other than advice, guidance or counselling, it may recover from a person specified in subsection (4) of this section such charges for the service as may be considered reasonable.

(2) Where the State Government is satisfied that the means of the person specified in subsection (4) of this section are insufficient to pay the charges under subsection (1) of this section, it must not require the person to pay more than he or she can reasonably be required to pay.

(3) A person will not be liable to pay any charge under subsection (1) of this section at any time when the person is in receipt of income support or family credit under any law.

(4) The persons referred to in subsections (1), (2) and (3) of this section and where the services are provided for—

(a) a child under the age of eighteen (18) years, who is not in gainful employment,

(b) a child who has attained the age of eighteen (18) years, who is in gainful employment; and

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

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

(6) Where the State provides accommodation under section 161(1) of this Law for a child who was, immediately before the State began to look after him, resident within another State, it may recover from that other State Government any reasonable expenses incurred by it in providing the accommodation and maintaining the child.

(7) Where the State provides accommodation under section 161(1) and (2)(a) of this Law for a child who is resident in another State and it is not maintaining the child in—

(a) a community home;

(b) a controlled community home; or

(c) a Government hospital, it may recover from that other State Government any reasonable expenses incurred by it in providing the accommodation and maintaining the child.

(8) Where the State complies with any request under sections 161(2) and 169(1) in relation to a child or other person who is not ordinarily resident in the State, it may recover from the Government of the State where the child or person is ordinarily resident, any expenses reasonably incurred by it in respect of that child or person.

(9) Part III of Schedule 7 to this Law contains provisions for contributions towards the maintenance of children who are being looked after by the State Government.

[SCHEDULE 7]

172. Miscellaneous

(1) Nothing in this Law will affect any duty imposed on the State Government by or any other enactment not inconsistent with this Law.

(2) Any question arising under sections 161(2), 162 or 171 of this Law as to the ordinary residence of a child will be determined by agreement between the State Governments concerned or, in default of agreement, by the Commissioner.

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

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

173. Establishment of community homes

(1) The State must make such arrangements as it considers appropriate for ensuring that homes, to be known as community homes, are established within the State—

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

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

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

(a) of different descriptions; and

(b) which are suitable for different purposes and the requirements of different descriptions of children.

(3) A community home may be—

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

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

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

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

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

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

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

[SCHEDULE 8]

174. Discontinuance of Homes

(1) The Commissioner may at any time by order, revoke the instrument of management for the community home where it appears to the Commissioner that—

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

(b) the conduct of a community home—

(i) is not in accordance with regulations made by the Commissioner under paragraph 4 of Schedule 8 to this Law, or

[SCHEDULE 8]

(ii) is otherwise unsatisfactory, the Commissioner may, by notice in writing served on the body concerned, direct that, as from such date as must be specified in the notice, the premises must cease to be used for the purposes of a community home.

(2) For the purposes of subsection (1) of this section, the body concerned will—

(a) in relation to a community home, be that of a Local Government;

(b) in relation to a controlled community home, be the Local Government specified in the instrument of management of the community home; and

(c) in relation to an assisted community home, be the voluntary organisation which provided the community home.

175. Determination of disputes relating to controlled and assisted Community homes

(1) Dispute may be referred to the Commissioner where a dispute relating to a controlled home arises between—

(a) the voluntary organisation which provides for the community home; or

(b) any other Local Government that has placed, or desires or is required to place, in the community home, a child who is looked after by it.

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

(3) Where the Commissioner imposes a requirement under subsection (2) of this section—

(a) nothing in the instrument of management of the community home will affect the management of the community home by the Local Government;

(b) the Commissioner may by order direct that, for the purpose of any provision specified in the direction made by or under any enactment relating to community homes, other than this section, the community home must, until the recommended date or earlier date be treated as a controlled or an assisted community home;

(c) except insofar as the Commissioner so directs, the community home must, until the date or earlier date referred to in subsection (b) of this section, be treated for the purpose of any enactment relating to community homes, other than this section, as a community home provided by the Local Government; and

(d) the community home must, on the recommended date or earlier date referred to in subsection (b) of this section, cease to be a community home.

176. Closure of Community Homes

(1) The Local Government specified in the instrument of management of a controlled or an assisted community home may give to—

(a) the Commissioner; and

(b) the voluntary organisation which provides for the home, not less than two years notice in writing of its intention to withdraw its designation of the home as a controlled or an assisted community home.

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

(3) The Commissioner may by order revoke the instrument of management of the community home from such date earlier than the date specified, where—

(a) a notice is given under subsection (1) of this section in respect of a controlled or an assisted community home; and

(b) the appropriate authority managing the community home—

(i) gives notice in writing to the Commissioner that it is unable or unwilling to continue to manage the community home until the specified date; and

(ii) does not withdraw the notice to the Commissioner.

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

(5) Where a notice has been given under subsection (1) of this section and it is not withdrawn, the instrument of management of the community home will cease to have effect—

(a) on the date specified in the notice; or

(b) where an earlier date has been specified under subsection (3) of this section, on that earlier date.

177. Provision of accommodation by voluntary organisations

(1) Where a voluntary organisation provides accommodation for a child, it must do so by—

(a) placing the child, subject to subsection (2) of this section, with—

(i) a family,

(ii) a relative of the child,

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

(b) maintaining the child in—

(i) a voluntary home;

(ii) a community home;

(iii) a registered children's home; or

(iv) a home provided by the Commissioner under section 187 of this Law on such terms as the Commissioner may, from time to time, determine; or

(c) making such other arrangements, subject to subsection (2)(b) of this section as seem appropriate to them.

(2) The Commissioner may make regulations—

(a) as to the placing of children with foster parents by voluntary organisations and the regulations may, in particular, make provision, which, with any necessary modification, are similar to the provisions that may be made under section 165(2) of this Law;

(b) as to the arrangements which may be made under subsection (1)(c) of this section and the regulations may, in particular, make provisions which, with any necessary modifications are similar to the provisions that may be made under section 165(2) of this Law;

(c) requiring any voluntary organisation which is providing accommodation for a child to—

(i) review his case, and

(ii) consider any representation, including any complaints, made to it by any person falling within a prescribed class of persons, in accordance with the provisions of the regulations.

178. Registration and regulation of Voluntary Homes

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

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

Part VI of Schedule 4 and Part 9 of Schedule 4 to this Law will have effect for the purpose of supplementing the provisions of this Part of this Law.

[SCHEDULE 9]

179. Duties of Voluntary Organisations

(1) Where a child is accommodated by or on behalf of a voluntary organisation, it will be the duty of the voluntary organisation to—

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

(b) make such use of the services and facilities available for children cared for by their own parent as appears to the voluntary organisation reasonable in the case of the child; and

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

(2) Before making any decision with respect to a child under subsection (1) of this section, the voluntary organisation shall as far as is reasonably practicable, ascertain the wishes and feelings of—

(a) the child;

(b) the parents of the child;

(c) a person who is not a parent of the child but who has parental responsibility for the child; and

(d) any other person whose wishes and feelings the voluntary organisation considers to be relevant, regarding the matter to be decided.

(3) A voluntary organisation must, in making a decision under this section, give due consideration—

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

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

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

180. Duties of the State

(1) The State will satisfy itself that any voluntary organisation providing accommodation for a child—

(a) within the State; or

(b) outside the State on behalf of the State, are satisfactorily safeguarding and promoting the welfare of the child so provided with accommodation.

(2) The State will arrange for children who are accommodated within the State by or on behalf of voluntary organisation to be visited, from time to time, in the interest of the welfare of the children.

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

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

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

(i) a parent of the child,

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

(iii) a relative of the child; and

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

(5) A person authorised by the State may for the purpose of enabling it to discharge duties under this section—

(a) enter, at any reasonable time, and inspect any premises in which children are being accommodated as mentioned in subsection (1) or (2) of this section;

(b) inspect the children in those premises; and

(c) require any person to furnish such records of a kind required to be kept by regulations made under the provisions of this Law, in whatever form they are held, or allow him or her to inspect such records, as the Commissioner may, from time to time, direct.

(6) A person exercising the power conferred by subsection (5) of this section must produce some duly signed document showing the authority to do so.

(7) A person authorised to exercise the power conferred by subsection (5) of this section to inspect records—

(a) must be entitled, at any reasonable time, to have access to, and inspect and check the operation of any computer and associated apparatus or material which is or has been in use in connection with the records in question; and

(b) may require—

(i) the person by whom or on whose behalf the computer is or has been so used, or

(ii) a person having charge of, or otherwise concerned with the operation of the computer apparatus or material, to afford such assistance as may reasonably require.

(8) A person who intentionally obstructs any other person in the exercise of any power conferred by subsection (5) or (7) of this section is guilty of an offence and liable on summary conviction to a fine not exceeding Two Thousand Five Hundred Naira (₦2,500.00) or imprisonment for a term not exceeding three (3) months or to both such fine and imprisonment.

(9) The Commissioner may make regulations—

(a) requiring every child who is accommodated within the State, by or on behalf of a voluntary organisation, to be visited by an officer of the State Government—

(i) in prescribed circumstances; and

(ii) on specified occasions or within specified periods.

(b) imposing requirements which must be met by the State Government, or officer of the State Government, carrying out functions under this section.

181. Registration of children's homes

(1) A child must not be cared for or provided with accommodation in a children's home unless the home is registered under this Part of this Law.

(2) The register may be kept in such form as the Commissioner may, from time to time, specify, including by means of a computer.

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

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

(a) it provides accommodation for not more than fifty (50) children; and

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

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

(a) a community home;

(b) a voluntary home;

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

(d) a health services hospital;

(e) a home provided, equipped and maintained by the Commissioner; or

(f) a school, but subject to subsection (4) of this section.

(6) A child is not cared for and accommodated in a children's home when—

(a) the child is cared for and accommodated by—

(i) the child's parent,

(ii) a person who is not the child's parent but who has parental responsibility for the child, or

(iii) the child's relative; or

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

(c) the person caring for the child is doing so in his or her personal capacity and not in the course of carrying out duties in relation to the home.

(7) The provisions of—

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

(b) Part I of Schedule 4 to this Law sets out the circumstances in which a person may foster more than three children without being treated as managing a children's home.

[SCHEDULE 4]

182. Welfare of children's homes

(1) Where a child is accommodated in a children's home, it will be the duty of the person managing the children's home to—

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

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

(c) advise, assist and befriend the child with a view to promoting the child's welfare when the child ceases to be so accommodated.

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

(3) In making the decision, the person concerned must give due consideration—

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

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

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

183. Disqualification of Employees

(1) A person who is disqualified from fostering a child must not manage, or be otherwise concerned in the management of, or have any financial interest in, a children's home unless the person has—

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

(b) obtained its written consent.

(2) A person must not employ a person who is disqualified from fostering a child privately in a children's home unless he or she has—

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

(b) obtained its written consent.

(3) Where appropriate authority refuses to give its consent under this section, it must inform the applicant by a written notice stating—

(a) the reason for the refusal;

(b) the applicant's right to appeal against the refusal to the Court under paragraph 8 of Schedule 10 to this Law; and

[SCHEDULE 10]

(c) the time within which the person may appeal.

184. Inspection of children's homes

(1) The Commissioner may cause to be inspected, from time to time, any—

(a) children's home;

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

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

(d) premises in which a child who is being accommodated by or on behalf of a health authority is living;

(e) premises in which a child is living with a person with whom the child has been placed pending an adoption order;

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

(g) premises in which a child, fostered privately, or a child who is treated as a fostered child by virtue of Schedule 4 to this Law, is or will be living;

[SCHEDULE 4]

(h) premises in which a person is acting as a child minder;

(i) premises with respect to which a person is registered to provide day care services under section 150(1)(b) of this Law;

(j) a residential care home, nursing home or mental nursing home; and

(k) premises which are provided by a State Government and in which any service is provided by that State under the provisions of this Law;

(2) independent school providing accommodation for children.

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

(4) An officer of the State must not conduct an inspection except with the consent of the State Government.

(5) The Commissioner may require any person specified in subsection (6) of this section to furnish information, or allow the inspection of any records, relating to—

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

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

(c) the discharge by the Commissioner of any of his functions under this Law; or

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

(6) The persons referred to in subsection (5) of this section include—

(a) the State Government;

(b) a voluntary organisation;

(c) a person managing a children's home;

(d) the proprietor of an independent school;

(e) a person fostering a child or providing accommodation for a child on behalf of the State, educational authority, health authority or voluntary organisation;

(f) an education authority providing accommodation for a child;

(g) a person employed in a teaching or administrative capacity;

(h) a person who occupies any premises in which a person acts as a child minder, or provides day care for young children, within the meaning of the section on child minder; and

(i) a person managing any home of a kind mentioned in subsection (1)(j) of this section.

(7) A person inspecting any home or other premises under this section may—

(a) inspect the children kept in the home or premises; and

(b) make such examination into the state and management of the home or premises and the treatment of the children kept in the home or premises.

(8) A person authorised by the Commissioner to exercise the power to inspect records conferred by subsection (5) of this section—

(a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer, any associated apparatus or material which is or has been in use in connection with the records in question; and

(b) may require—

(i) the person by whom or on whose behalf the computer is or has been so used, or

(ii) any person having charge of or otherwise concerned with the operation of the computer, apparatus or material, to afford reasonable assistance as may require.

(9) A person authorised to inspect any premises under this section will have a right to enter the premises for that purpose, and for any purpose specified in subsection (5) of this section, at any reasonable time and, if so required, must produce some authenticated document showing his authority to do so.

(10) The Commissioner may by order provide for subsection (1), (5) and (7) of this section not to apply in relation to such homes, or other premises, as may be specified in the order and any such order may make different provisions with respect to each of those subsections.

185. Inquiries

(1) The Commissioner may cause an inquiry to be made into any matter connected with—

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

(b) the functions of an adoption service;

(c) the functions of a voluntary organisation, insofar as those functions relate to children;

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

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

(f) a home provided by the Commissioner under section 187(4) of this Law;

(g) the detention of a child under this Law.

(2) In this section—

"functions" include powers and duties which a person has otherwise than by virtue of any enactment.

186. Private Inquiry

(1) The Commissioner may direct that an inquiry under section 185 of this Law must be held in camera.

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

187. Financial support

(1) The Commissioner may, with the necessary consent, defray or contribute towards—

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

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

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

(2) The Commissioner may make grants to a Local Government in respect of any secured accommodation; but if the grant is not used for the purpose for which it was made or the accommodation is not used as, or ceased to be used as, secured accommodation, the Commissioner may require the Local Government concerned to repay the grant in whole or in part.

(3) The Commissioner may make grants to a voluntary organisation towards—

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

(i) were assisted community homes, or

(ii) were designated as assisted community homes;

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

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

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

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

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

188. Research and returns of information.

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

(a) adoption; and

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

(2) A Local Government may conduct, or assist other persons in conducting research into any matter connected with its functions under the enactments mentioned in subsection (7) of this section;

(3) Every Local Government must, at such times and in such manner as the Commissioner may direct, transmit to the Commissioner such particulars as may be required with respect to—

(a) the performance by the Local Government of its functions—

(i) under this Law, or

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

(b) the children in relation to whom the Local Government has exercised those functions.

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

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

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

(a) the National Council for Education and training in social works; and

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

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

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

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

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

189. Default Local Government

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

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

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

(4) Any such direction will, on the application of the Commissioner be enforceable by an order of mandamus.

190. Child to be subjected to only child justice system and processes

A child must not be subjected to the criminal justice process or to criminal sanctions, but a child alleged to have committed an act which would constitute a criminal offence if the child were an adult, will be subjected only to the child justice system and processes set out in this Law.

191. Protection of privacy

(1) The right of the child to privacy specified in section 7 of this Law must be respected at all stages of child justice administration in order to avoid harm being caused to the child by undue publicity or by the process of labelling.

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

(3) Records of a child offender must—

(a) be kept strictly confidential and closed to third parties;

(b) be made accessible only to persons directly concerned with the disposition of the case at hand or other duly authorised persons; and

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

192. Professional education and training

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

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

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

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

193. The Nigeria Police Force

(1) There will be established, in the Nigeria Police Force a specialised unit, to be known as the Specialised Children Police Unit (in this Law referred to as "the Unit") which will consist of police officers who—

(a) frequently or exclusively deal with children; or

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

(2) The Unit will be charged with the following functions—

(a) the prevention and control of child offences;

(b) the apprehension of child offenders;

(c) the investigation of child offences; and

(d) such other functions as may be referred to the Unit by this Law or by regulations made under this Law or by any other enactment.

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

194. Discretion

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

(2) Every person who exercises discretion must be specially qualified or trained to exercise the discretion judiciously and in line with his functions and powers.

195. Disposal of cases

(1) The police, prosecutor or any other person dealing with a case involving a child offender shall—

(a) have the power to dispose of the case without resorting to formal trial by using other means of settlement, including supervision, guidance, restitution and compensation of victims; and

(b) encourage the parties involved to settle the case, accordingly.

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

(a) there is need for reconciliation; or

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

(c) where, in any other circumstance, the police, prosecutor or other person deems it necessary or appropriate in the interest of the child offender and parties involved to exercise the power;

(d) Police investigation and adjudication before the Court must only be utilised as measures of last resort.

196. Legal Rights of a child

The legal status and fundamental rights of the child set out in this Law, and in particular—

(a) the presumption of innocence;

(b) the right to be notified of the charges;

(c) the right to remain silent;

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

(e) the right to legal representation and free legal aid, must be respected in the administration of the child justice system set out in this Law.

197. Arresting a child

(1) On the arrest of a child—

(a) the parents or guardian of the child must—

(i) be immediately notified, or

(ii) where immediate notification is not possible, within the shortest time possible thereafter;

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

(c) contacts between the police and the child must 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, and

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

(2) In this section—

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

198. Detention

(1) Detention pending trial must—

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

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

(2) While in detention, a child must be given care, protection and all necessary individual assistance, including social, educational, vocational, psychological, medical and physical assistance, that may be required having regard to his or her age, sex and personality.

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

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

(b) in the case of an arrested child who has attained the age of fifteen (15) years, that no secured accommodation is available and that keeping the child in some other accommodation would not be adequate to protect the public from serious harm from the child, ensure that the arrested child is moved to a State Government accommodation.

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

199. Jurisdiction of Court

(1) A child who is accused of having committed an act such as is contemplated in section 190 of this Law must be tried in the Court of Law.

(2) The terms "conviction" and "sentence" must not be used in relation to a child dealt with in the Court and any reference in any enactment or other law to a person convicted, a conviction or a sentence must, 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.

200. Right to fair hearing and compliance with due process

(1) In the trial of a child under this Law, the observance of the child's right to fair hearing, and compliance with due process must be observed.

(2) The procedures established by the child justice system under this Law must, in relation to the trial of the child offender, as during the initial contact with the child under section 203 of this Law—

(a) respect the legal status of the child;

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

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

201. Guiding principles in adjudication

(1) Where a child offender is brought before the Court, the Court must ensure that—

(a) the proceedings is conducive to the best interest of the child and is conducted in an atmosphere of understanding which allows the child to participate and express himself or herself freely;

(b) the reaction taken is always in proportion not only to the circumstances and the gravity of the offence but also to the circumstances and needs of the child and the needs of 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 time;

(d) the child is not deprived of his or her personal liberty unless the child is found guilty of—

(i) a serious offence involving violence against another person, or

(ii) persistence in committing other serious offences, and there is no other appropriate response that will protect the public safety;

(e) the well-being of the child is the guiding factor in the consideration of his case.

(2) The Court have the power to discontinue any proceedings at any time if circumstances arise which make discontinuation of the proceeding the best way to dispose of the case.

(3) The Court must handle each case brought before it without unnecessary delay.

(4) Where the State Government is not satisfied that the welfare of a child who is accommodated by or on behalf of a voluntary organisation is being satisfactorily safeguarded or promoted, it must take such steps as are reasonably practicable to ensure that the best interest of the child is considered.

202. Attendance in Court

(1) The parents or guardian of a child offender who is charged before the Court for an act which constitutes a criminal offence must attend all stages of the Court proceedings and must be entitled to participate in the proceedings.

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

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

203. Child justice procedure

(1) Where a child is brought before the Court, the Court must, as soon as possible, explain to the child and his or her parents or guardian in a language the child and his or her parents or guardian understands the substance of the alleged offence.

(2) Subject to the provisions of section 139 of this Law where a child is brought before the Court for an offence, the case must be finally disposed of in the Court, and it will not be necessary to ask the parent or guardian of the child whether they consent that the child be dealt with in the Court.

(3) If the child does not admit facts of an alleged offence, the Court must proceed to hear the evidence of the witnesses in support of the facts and at the close of the evidence of each witness, the Court may ask the child or if the Court deems fit, the parent or guardian of the child whether he or she wishes to put any question to the witnesses.

(4) Where a child wishes to make a statement, the child must be allowed to do so and it will be the duty of the Court to put to the witnesses such questions as appear necessary and the Court may put to the child such questions as may be necessary to explain anything in the statement of the child.

(5) If it appears to the Court that a prima facie case has been made out against the child, the evidence of the witnesses for the defence must be heard, and the child must be allowed to give evidence or to make any statement.

(6) If a child admits the offence or the Court is satisfied that the offence is proved, the Court must then ask the child if he desires to say anything in explanation of the reason or reasons for his or her conduct, and, before deciding on how to deal with the child, the Court—

(a) must obtain such information as to the child's general conduct, home surroundings, school records, including the social inquiry reports referred to in section 207 of this Law and medical history, as may enable it deal with the case in the best interest of the child; and

(b) may put to the child any question arising out of such information.

(7) For the purposes of obtaining an information under subsection (6) of this section or for special medical examination or observation, the Court may from time to time remand the child in a place of detention.

(8) If the child admits the offence or the Court is satisfied that the offence has been proved, and the Court decides that a remand is necessary for purposes of inquiry or observation, the Court may cause an entry to be made in the Court records that the charge is proved and that the child has been remanded for enquiry or observation.

(9) The Court before which a child who has been remanded is brought may, without further prove of the commission of the offence, make any order in respect of the child which could have been made by the Court which remanded the child.

204. Remands and committals

(1) Where the Court does not release on bail a child who admits to committing one or more offences charged against the child, the Court must remand the child to a State accommodation.

(2) A Court remanding a child to a State accommodation must designate the authority which is to receive the child and that authority must—

(a) in the case of a child who is already being looked after by the State be that State; and

(b) in any other case, be the State within which it appears to the Court that the child resides or in which the offence or one of the offences was committed.

(3) Where a child is remanded to the State it will be lawful for any person acting on behalf of the State to detain the child.

(4) Subject to subsection (5) of this section, the Court remanding a child to a State accommodation may, after consultation with the State require that the Government complies with a security requirement, which is that the person in question be placed and kept in secured accommodation.

(5) A Court must not impose a security requirement except in respect of a child who has attained the age of fifteen (15) years, and then only if—

(a) the child is charged with or has been found to have committed a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen (14) years or more; or

(b) the child has a recent history of absconding while remanded in a State accommodation, and is charged with or has been found to have committed an offence punishable with imprisonment while the child was so remanded; and

(c) the Court is of the opinion that only such detention would be adequate to protect the public from serious harm from the child.

(6) Where a Court imposes a security requirement in respect of a child, it must—

(a) state that it is of such opinion as is mentioned in subsection (5) of this section; and

(b) explain to the child in ordinary language why it is of that opinion, and the Court must cause a reason stated by it under paragraph (b) of this subsection to be specified in the warrant of committal and to be entered in the Court register.

(7) A Court remanding a child to a State accommodation without imposing a security requirement may, after consultation with the State require that person to comply with any such conditions as could be imposed if the child were being granted bail.

(8) Where a Court imposes on a person any such conditions mentioned in subsection (7) of this section, it will be its duty to explain to the person in ordinary language why it is imposing those conditions and the Court will cause a reason stated by it under this subsection to be specified in the warrant of commitment and to be entered in the Court register.

(9) A Court remanding a child to a State accommodation without imposing a security requirement may, after consultation with the State impose on the State requirements—

(a) for securing compliance with any condition imposed on that person under subsection (7) of this section; or

(b) stipulating that the child must not be placed with a named person.

(10) Where a child is remanded to State accommodation, the Court—

(a) may, on the application of the designated State impose on that child any condition as could be imposed under subsection (7) of this section, as if the Court were then remanding the child to such accommodation; and

(b) where it does so, may impose on that State Government any requirement for securing compliance with the condition so imposed.

(11) Where a child is remanded to a State accommodation, the Court may, on the application of the State vary or revoke any condition or requirement imposed under subsection (7), (9) or (10) of this section.

(12) A reference in this section—

(a) to a person who is being looked after by a State will be construed in accordance with the provisions of this Law;

(b) to consultation, will be construed as a reference to such consultation, if any, as is reasonably practicable in all the circumstances of the case; and

(c) in relation to a child charged with or convicted of a violent or sexual offence, to protecting the public from serious harm from the child, will be construed as a reference to protecting members of the public from death or serious personal injury, whether physical or psychological, occasioned by further commission by the child of a similar offence.

205. Social inquiry Reports

(1) The appropriate officers must, before a case, except that involving a minor offence, is finally disposed of by the Court—

(a) properly investigate—

(i) the background of the child,

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

(iii) the conditions under which the offence has been committed;

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

206. Order of fine

(1) Where a child is charged before the Court with an offence and the Court decides that the case would be best disposed of by the imposition of a fine, damages, compensation or costs, whether with or without any other measure, the Court will order that the fine, damages, compensation or costs awarded be paid by the parent or guardian of the child instead of the child unless the Court is satisfied that—

(a) the parent or guardian of the child cannot be found; or

(b) the parent or guardian has not condoned the commission of the offence by neglecting to exercise due care, guidance of and control over the child.

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

(3) Where the Court thinks that a charge against a child is proved, the Court may make an order for the parent or guardian under this section to damages or costs or require the child to give security for good behaviour, without proceeding to find that the child committed the offence.

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

(5) A sum imposed and ordered to be paid by a parent or guardian under this section, or any forfeiture of any security given under this section, may be recovered from the parent or guardian by distress in like manner as if the order had been made on the conviction of the parent or guardian, of the offence with which the child was charged.

(6) A parent or guardian may appeal against an order under this section to the High Court or the Court of Appeal, as the case may be.

207. Restriction on punishment

(1) A child must not be ordered to be—

(a) imprisoned; or

(b) subjected to corporal punishment; or

(c) subjected to the penalty or have a death penalty recorded against him.

(2) No expectant or nursing mother must be subjected to a death penalty or have the death penalty recorded against her.

(3) A Court must, on sentencing an expectant or a nursing mother consider the imposition of a non-institutional sentence as an alternative measure to imprisonment.

(4) Where institutional sentence is mandatory or desirable, an expectant or a nursing mother must be committed to and be held or detained at a Special Mothers' Centre.

(5) A mother and child must not be held or detained at a Special Mothers' Centre for a period longer than the time the child would have attained the age of six (6) years.

(6) Where—

(a) a mother is released from a Special Mothers' Centre due to the age of her child being six (6) years before she has completed her sentence; or

(b) a child dies while with the mother at a Special Mothers' Centre, the mother must be brought before the Court which passed the original sentence to review the case and deal with her as appropriate, having regard to all the circumstances of the case.

(7) Where a mother is further given a sentence of imprisonment as a result of a review under subsection (6) of this section, the child must be treated as a child in need and may be committed to the care of either—

(a) the father; or

(b) a fit and proper person; by a committal order.

(2) In this section, a "fit and proper person" includes an appropriate authority.

208. Detention in certain crimes

(1) Notwithstanding anything in this Law to the contrary, where a child is found to have attempted to commit treason, murder, robbery or manslaughter, or wounded another person with intent to do grievous harm, the Court may order the child to be detained for such period as may be specified in the order.

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

209. A Child Offender

(1) Where a child charged with an offence is tried by a Court and the Court is satisfied that the child actually committed the offence, the Court must take into consideration the manner in which, under the provisions of this Law, the case should be dealt with, namely, by—

(a) dismissing the charge; or

(b) discharging the child offender on entering into a recognisance; or

(c) placing the child under care, guidance and supervision including—

(i) discharging the child and placing the child under the supervision of a supervision officer; or

(ii) committing the child by means of a corrective order to the care of a guardian and supervision of a relative or any other fit person, or

(iii) sending the child offender by means of a corrective order to an approved accommodation or approved institution; or

(d) ordering the child to—

(i) participate in group counselling and similar activities;

(ii) pay a fine, damages, compensation or costs, or

(iii) undertake community service under supervision; or

(e) ordering the parent or guardian of the child offender to—

(i) pay a fine, damages, compensation or costs, or

(ii) give security for his good behaviour, or

(iii) enter into a recognisance to take proper care of him and exercise proper control over him; or

(f) committing the child offender to custody in a place of detention provided under this Law; or

(g) making a hospital order or an order prescribing some other forms of intermediate treatment; or

(h) making orders concerning foster care, guardianship, living in a community or other educational setting; or

(i) dealing with the case in any other manner in which it may be legally dealt with under this Law.

(2) The placement of a child in an approved accommodation or Government institution must be a disposition of last resort and must not be ordered unless there is no other way of dealing with the child and the Court must state in writing, the reason or reasons for making the order.

(3) Where an order under this section is made by the Court, it will have, for the purpose of reverting or 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 return of money upon or in connection with the restitution or delivery, the like effect as a restitution order upon a conviction of an adult offender, subject, however, to any protection provided for the child offender under this Law.

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

(5) An approved institution may refuse to accept or admit a child or youth where there is no vacancy in the institution for the child or youth, notwithstanding an order of a Court committing the child or youth to that institution.

(6) In this section—

(a) "supervision" consists of such supervision as is provided for in this Law;

(b) an "approved accommodation" includes—

a community home;

[SCHEDULE 8]

a voluntary home;

[SCHEDULE 9]

(iii) a registered children's home;

(i) an educational institution to which a child is committed by an order;

[SCHEDULE 10]

(v) any other form of accommodation which the State Government may provide for children within its boundaries; as provided for under relevant provisions of this Law.

210. Penalty

(1) A parent, guardian or person having care and custody of a child who fails in the duty imposed on him under subsection (2) of section 21 of this Law, is guilty of an offence and liable on conviction to a fine of Ten Thousand Naira (₦10,000.00) or to imprisonment for a term of one (1) year or to both such fine and imprisonment.

(2) A person who contravenes the provisions of subsection (1) or (2) of section 22 is guilty of an offence and liable on conviction to imprisonment for life.

(3) A person who contravenes the provision of section 23 of this Law is guilty of an offence and liable on conviction to imprisonment for a term of fourteen (14) years.

(4) A person who contravenes the provision of section 24 of this Law is guilty of an offence and liable on conviction—

(a) where the child is unlawfully removed or taken out of the State or out of Nigeria;

(b) with intention to return the child to the State or to Nigeria, to imprisonment for a term of fifteen (15) years, or

(c) with no intention to return the child to Nigeria, to imprisonment for a term of twenty (20) years;

(d) where the child is unlawfully removed or taken out of the State in which the father, mother, guardian or such other person having lawful care of the child is ordinarily resident, to imprisonment for a term of ten (10) years;

(e) in any other case, to imprisonment for a term of seven (7) years.

(5) Any person who contravenes any provision of subsection (1) or (2) of section 25 is guilty of and liable on conviction to a fine not exceeding Fifty Thousand Naira (₦50,000.00) or imprisonment for a term of five (5) years or to both such fine and imprisonment.

(6) 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 will 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 (₦250,000.00).

(7) A person who contravenes the provision of section 26(a) and (b) of this Law will be guilty of an offence and liable on conviction to imprisonment for a term of ten (10) years.

(8) A person who contravenes the provisions of section 27 of this Law will be guilty of an offence and liable on conviction to imprisonment for life.

(9) A person who imports any harmful publication is guilty of an offence and liable on conviction to a fine of Thirty Thousand Naira (₦30,000.00) or imprisonment for a term of three (3) years or to both such fine and imprisonment.

A person who—

(a) prints, publishes, sells or lets on hire any harmful publication in which a child has used for any immoral or unlawful purpose, or

(b) has in his possession for the purpose of selling or letting on hire any harmful publication in which a child has been used for any immoral or unlawful purpose, is guilty of an offence and is liable on conviction to a fine of Fifty Thousand Naira (₦50,000.00) or to imprisonment for a term of five (5) years or to both such fine and imprisonment.

(10) It will not be a defence for a person charged with an offence under this section to prove that he had not examined the contents of the publication and had no reasonable cause to suspect that the book or magazine was one to which this Law applies.

(11) A prosecution for an offence under this Law must not be instituted except by or with the consent of the Attorney-General.

(12) A person who wilfully obstructs a person exercising the power under subsection (4)(b) of this section to remove, or prevent the removal of a child, is guilty of an offence and is liable on summary conviction to a fine of Two Thousand Five Hundred Naira (₦2,500.00) or imprisonment for a term of three (3) months or to both such fine and imprisonment.

(13) Anyone who wilfully obstructs a person exercising the power of entry and search under subsection (3) of section 32 is guilty of an offence and is liable on summary conviction to a fine not exceeding Two Thousand Five Hundred Naira (₦2,500.00) or imprisonment for a term of three (3) months or to both such fine and imprisonment.

(14) A person who knowingly and without lawful authority or reasonable excuse—

(a) takes or keeps a child to whom this section applies away from the person responsible for the child; or

(b) induces, assists or incites a child to whom this section applies to run away or stay away from the person responsible for the child, is guilty of an offence under this section and liable on conviction to a fine not exceeding Seventy Thousand Naira (₦70,000.00) or to imprisonment for a term not exceeding seven (7) years or to both such fine and imprisonment.

(15) If, for the purpose of providing a blood or other sample for a test required to give effect to a direction under section 58 of this Law, a person personates another, or proffers a child knowing that it is not the child named in the direction, he is guilty of an offence and liable on conviction to a fine not exceeding Ten Thousand Naira (₦10,000.00) or to imprisonment for a term not exceeding five (5) years or to both such fine and imprisonment.

(16) A person who contravenes the provisions of sections 72 and 73 of this Law or of any rule made under those sections is guilty of an offence and is liable on conviction to a fine of Ten Thousand Naira (₦10,000.00) or to imprisonment for a term of one (1) year or to both such fine and imprisonment.

(17) A foster parent who marries a child fostered by him is guilty of an offence under this Law and is liable on conviction to imprisonment for a term not exceeding fourteen (14) years without an option of a fine.

A person who—

(a) without reasonable excuse, fails to comply with a lawful directive given by subsection (q); or

(b) obstructs a social welfare officer in the exercise of the powers conferred by this Law, is guilty of an offence and is liable on conviction to a fine not exceeding Two Thousand Five Hundred Naira (₦2,500.00) or to imprisonment for a term not exceeding three (3) months or to both such fine and imprisonment.

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

(18) A person must not foster a child privately if—

(a) the person lives in the same household as a person who is himself prevented from fostering a child; or

(b) the person lives in a household in which any such person is employed, unless the person has disclosed the fact to the appropriate authority and obtained their written consent.

(c) An adopter or any other person must not—

(i) except with the sanction of the Court, receive or agree any payment or reward, in consideration of or for the facilitation of the adoption of a child under this Law;

(ii) make or give or agree to make or give to an adopter, any payment or reward the receipt of which is prohibited by this subsection.

(d) A person who contravenes the provisions of subsection (c) of this section is guilty of an offence and is liable on conviction to a fine not exceeding Thirty Thousand Naira (₦30,000.00) or to imprisonment for a term not exceeding three (3) years or to both such fine and imprisonment.

(e) Notwithstanding the provisions of subsection (d) of this section, an adoption order effected by the payment prohibited under subsection (c) of this section may be allowed to continue or be resolved at the discretion of the Court having regard to all the circumstances of the case, particularly the best interest of the child.

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

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

(b) outside Nigeria, with intent to getting that child adopted by that person is guilty of an offence.

(20) (1) Except under a licence issued under section 133 of this Law, no person must permit or cause or procure the care and possession of a child to be given to any person outside the State in which the order was made with a view to getting the child adopted by any person.

(2) A person who contravenes the provisions of subsection (1) is guilty of an offence and is liable on conviction to a fine of Thirty Thousand Naira (₦30,000.00) or to imprisonment for a term of not more than one (1) year or both such fine and imprisonment.

(21) A person who is guilty of an offence under subsection (19) of this section is liable on conviction to a term of—

(a) in the case of an offence under subsection (2)(a) of this section, to imprisonment for a term of ten (10) years;

(b) in the case of an offence under subsection (2)(b) of this section, to imprisonment for a term of fifteen (15) years.

(22) A marriage between any person who has adopted a child under this Law or a natural child of the person and the adopted child is and any such marriage will be null and void.

(23) A person who marries an adopted child in violation of subsection (22) of this section is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding fourteen (14) years without an option of a fine.

A person who—

(a) without reasonable excuse, fails to comply with a requirement imposed by a Social Welfare Officer; or

(b) obstructs a child development officer in the exercise of the powers conferred by this Law is guilty of an offence and liable on conviction to a fine not exceeding Five Thousand Naira (₦5,000.00) or to imprisonment not exceeding three (3) months or to both such fine and imprisonment.

(24) A person who acts in contravention of the provisions of subsection (1) of section 144 is guilty of an offence and is liable on conviction to a fine of Fifty Thousand Naira (₦50,000.00) or to imprisonment for a term of five (5) years or to both such fine and imprisonment.

A person to whom a child is betrothed; or who—

(a) marries a child;

(b) promotes the marriage of a child; or

(c) betroths a child, is guilty of an offence and liable on conviction to a fine of Fifty Thousand Naira (₦50,000.00) or imprisonment for a term not exceeding five (5) years or to both such fine and imprisonment.

(25) (1) No person will tattoo or make a skin mark or cause any tattoo or skin mark to be made on a child.

(a) A person who tattoos or marks the skin of a child commits an offence under this Law and is liable on conviction to a fine not exceeding Thirty Thousand Naira (₦30,000.00) or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(b) It will be a defence for a person charged with an offence under this section to show that at the time the tattoo or skin mark was performed, he had reasonable cause to believe that the person tattooed or skin marked was over the age of eighteen (18) years.

(c) A person who contravenes a provision of subsection (1) of this section is guilty of an offence and liable on conviction to imprisonment for a term of fourteen (14) years.

(26) (a) A person who contravenes the provisions of subsection (1) of section 28 is guilty of an offence and liable on conviction to a fine not exceeding Fifty Thousand Naira (₦50,000.00) or to imprisonment for a term not exceeding five (5) years, or to both such fine and imprisonment.

(27) (1) A person who is guilty of an offence under section 98 of this Law is liable on conviction to a fine not exceeding Thirty Thousand Naira (₦30,000.00) or to imprisonment for a term not exceeding three (3) years or to both such fine and imprisonment.

(2) A person who—

(a) being required, under any provision made by or under this Part of this Law, to give any notice or information:

(b) fails, without reasonable excuse, to give the notice within the time specified in that provision, or

(c) fails, without reasonable excuse, to give the information within a reasonable time, or

(d) makes or causes or procures another person to make any statement in the notice or information which he knows or believes to be false or misleading in a material particular; or

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

(f) intentionally obstructs another person in the exercise of the power conferred by this Law; or

(g) contravenes section 113 of this Law; or

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

(i) accommodates a child fostered privately in any premises in contravention of a prohibition known to the person to have been imposed by the State Government under this Part of this Law; or

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

A person found guilty of an offence—

(a) under subsection (1)(a) of this section, is liable on summary conviction to a fine not exceeding Five Thousand Naira (₦5,000.00);

(b) under subsection (1)(b), (c), (d), (e), (f) or (g) of this section, is liable on summary conviction to a fine not exceeding Five Thousand Naira (₦5,000.00) or to imprisonment for a term not exceeding six (6) months or to both such fine and imprisonment.

(28) Where any person who is required under any provision of this Law to give notice fails to give the notice within the time specified in that provision, proceedings for an offence may be brought at any time within six (6) months from the date when evidence of the offence came to the knowledge of the State Government.

(29) The High Court will have power to—

(a) deal with divorce cases and matters incidental to divorce;

(b) all offences punishable with—

(i) death, or

(ii) terms of imprisonment for a term of ten (10) years and above;

(c) deal with other matters relating to children where the claim involves an amount of One Hundred Thousand Naira (₦100,000.00) and above;

(30) A refusal to comply with an order granted under section 146 of this Law constitutes an offence which is punishable with a fine not exceeding Fifteen Thousand Naira (₦15,000.00) or to imprisonment for a term not exceeding eighteen (18) months or to both such fine and imprisonment.

(31) A person who intentionally obstructs another in the exercise of any power conferred under section 155, is guilty of an offence and liable on summary conviction to a fine of Five Thousand Naira (₦5,000.00) or to imprisonment for a term of three (3) months or to both such fine and imprisonment.

(32) A person who is guilty of an offence under section 150 shall be liable on summary conviction—

(a) in case of an offence under section 151 or 152 to a fine not exceeding Five Thousand Naira (₦5,000.00) or to imprisonment for a term not exceeding six (6) months or to both such fine and imprisonment;

(b) in case of an offence under section 157(3) and (4) to a fine not exceeding Ten Thousand Naira (₦10,000.00) or to imprisonment for a term not exceeding one (1) year or to both such fine and imprisonment;

(c) in case of any other offence under section 157 to a fine not exceeding Two Thousand Five Hundred Naira (₦2,500.00) or to imprisonment for a term of three (3) months or to both such fine and imprisonment.

(33) A person who, without reasonable excuse, cares for and accommodates a child in a children's home or who manages a children's home which is not a registered children's home, is guilty of an offence and liable on conviction to a fine not exceeding Ten Thousand Naira (₦10,000.00) or to imprisonment for a term not exceeding six (6) months, or to both such fine and imprisonment.

(34) A person who contravenes subsection (1) or (2) of section 183 of this Law is guilty of an offence and shall be liable on summary conviction to a fine not exceeding Ten Thousand Naira (₦10,000.00) or to imprisonment for a term not exceeding one (1) year or to both such fine and imprisonment.

(35) A person who wilfully obstructs another person in the exercise of a power conferred by this section is guilty of an offence and will be liable on summary conviction to a fine not exceeding Two Thousand Five Hundred Naira (₦2,500.00) or to imprisonment for a term not exceeding three (3) months or to both such fine and imprisonment.

(36) Every parent, guardian or person having the care of a child who fails in the duty imposed on him or her under this Law will be guilty of an offence and liable on conviction—

(a) to a fine of Five Thousand Naira (₦5,000.00); and

(b) to imprisonment for a term of one (1) month.

211. Accommodation duty of the State

(1) It is the duty of the State Government to ensure that it is in a position to comply with any security which may be imposed on it under this Law.

(2) The State Government may discharge its duty under subsection (1) of this section by providing secured accommodation or making arrangements with any other authority or State Government for the provision of the accommodation.

(3) The Commissioner may by regulations make provision as to cooperation required of State Governments in the provision of accommodation.

212. Recognisance

(1) If the Court before which an offender is bound by recognisance to appear to be further dealt with, is satisfied by information on oath that the child offender has failed to observe any of the conditions of his recognisance, it may issue—

(a) a warrant for the apprehension of the child; or

(b) a summons to the child and the sureties, if any, requiring him and them to attend at the Court at such time as may be specified in the summons.

(2) A child offender, when apprehended, if not brought before the Court where he or she is bound by his or her recognisance, must be brought before another Court.

(3) The Court before which a child offender is brought on apprehension, or before which the child appears in pursuance of a summons, if it is not the Court in which the child offender is bound by his or her recognisance to appear will remand him or her in custody or on bail until he or she can be brought before the Court in which he or she is bound by his or her recognisance to appear.

(4) The Court before which a child is bound by his recognisance to appear to be further dealt with, on being satisfied that the child has failed to observe any condition of his or her recognisance will, without any further proof of his or her guilt, deal with the child as for the original offence.

213. Binding over

(1) Where a child is found to have committed an offence, the powers conferred by this section will be exercisable by the Court before which the case is brought and it is the duty of the Court—

(a) to exercise the powers if it is satisfied, having regard to the circumstances of the case, that their exercise would be desirable in the interest of preventing the commission by the child of any further offence; and

(b) where it does not exercise them, to state that it is not satisfied as mentioned in paragraph (a) of this subsection and why it is not so satisfied.

(2) The powers conferred by this section on the Court are as follows—

(a) with the consent of the parent or guardian of the child, to order the parent or guardian to enter into a recognisance to take proper care of the child and exercise proper control over the child; and

(b) if the parent or guardian of the child refuses to give consent and the Court considers the refusal unreasonable, to order the parent or guardian to pay a fine not exceeding Ten Thousand Naira (₦10,000.00).

(3) An order under this section must not require the parent or guardian to enter into recognisance—

(a) for an amount exceeding Thirty Thousand Naira (₦30,000.00); or

(b) for a period exceeding three (3) years or, where the child will attain the age of eighteen (18) years in a period shorter than three (3) years, for a period not exceeding that shorter period.

(4) The Court will have the power to declare the recognisance entered into by virtue of subsection (2) of this section forfeited, and adjudge the parent or guardian of the child to pay the whole sum.

(5) Section 206 of this Law will apply for the purposes of subsection (2)(b) of this section as if the refusal to enter into a recognisance were a summary offence punishable by a fine not exceeding Ten Thousand Naira (₦10,000.00), and a fine imposed under that section will be deemed for the purpose of any enactment to be adjudged to be paid by virtue of a conviction.

(6) In fixing the amount of a recognisance under this section, the Court must take into account, amongst other things, the means of the parent or guardian of the child so far as they appear or are known to the Court, and this subsection applies whether or not taking into account that the means of the parent or guardian has the effect of increasing or reducing the amount of the recognisance.

(7) A parent or guardian may appeal to—

(a) the High Court against an order under this section made by the Magistrates' Court; and

(b) the Court of Appeal against an order made under this section by the High Court.

(8) A Court may vary or revoke an order made by it under this section if, on the application of the parent or guardian, it appears to the Court, having regard to any change in the circumstances since the order was made, to be in the interest of justice to do so.

214. Corrective orders

(1) A corrective order under this Law will be in such form as may be prescribed.

(2) One copy of the corrective order, duly completed, must be kept by the Court which issued the corrective order, another of such must be sent to the appropriate State Commissioner, and the third must be sent with the child named to the approved institution or person to which or to whom the child is to be sent under the corrective order.

215. Suspension of corrective orders

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 reason, and in such case, the Court may remand the child in custody or may order the child to be committed to the care of some fit and proper person willing to undertake such custody, or may release the child on bail.

216. Extension of corrective order

(1) The Court which issued a corrective order may—

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

(a) order a child—

(i) whose period of detention has exceeded twelve (12) months to be discharged;

(ii) to be released from an approved institution on condition that the child will be of good behaviour and live under the charge of any

trustworthy and respectable person named in the order of release who is willing to receive and take charge of the child and keep the child at school or employed at some trade, occupation or calling;

(iii) to be released from one approved institution or person to another institution or person;

(2) An order made under this section may, in such discretion of the Court making the order, be revoked and the original corrective order will remain in force.

217. Leave of absence in detention

(1) At any time during the period of a child's detention in approved institution, the Manager of the approved institution may grant leave to the child to be absent in the charge of a trustworthy and respectable person and for such period as the Manager may think fit.

(2) During the period of leave granted to a child under subsection (1) of this section, the child will, for the purposes of this Law, be deemed to be under the care of the Manager of the approved institution and the Manager may, at any time, require him to return to the approved institution.

(3) For the purposes of this section—

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

218. Arrest without warrant

A child, while detained in or on leave from an approved institution in accordance with the provisions of this Law and whilst being conveyed to or from such institution will be deemed to be in legal custody and, if the child escapes, he or she may be apprehended without warrant and brought back to the approved institution.

219. Unruly and depraved children

If the Manager of an approved institution is satisfied that a child committed to the approved institution is of unruly behaviour or depraved character and it is undesirable that the child should remain in that institution, the Manager may cause the child to be brought before—

(a) the Court which made the committal order; or

(b) the Court having jurisdiction in the place where the institution is situated may, in respect of the child, make an order or further order which could have been legally made by the Court which made the committal order under the provisions of this Law.

220. Implementation of non-institutional orders

(1) The appropriate State Director responsible for child matters will—

(a) have the responsibility for ensuring the implementation of every non-institutional order of the Court;

(b) make quarterly reports to the Court having jurisdiction in the area on how the order is to be implemented, on the progress of the implementation of the non-institutional order, including the response of the child offender to the treatment specified in the order.

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

(3) In this section—

"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.

221. Assistance during rehabilitation

A child in respect of whom an order referred to in section 220 of this Law is made, must 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.

222. Voluntary service

Voluntary and other organisations and agencies, individuals and communities must be encouraged by the Departments and agencies responsible for child welfare to contribute effectively to the rehabilitation and development programmes for child offenders.

223. Institutional treatment

(1) The objective of training and treatment of a child placed in an institution must be to provide care, protection, educational and vocational skills with a view to assisting the child to be socially constructive and play productive roles in the society.

(2) A child offender in an institution must be given care, protection and all necessary assistance, including social, educational, vocational, psychological, medical and physical assistance, that the child offender may require, having regard to the age, sex, personality and in the interest of his or her development.

(3) A female child offender placed in an institution must—

(a) be treated fairly;

(b) receive no less care, protection, assistance, treatment and training than a male child; and

(c) be given special attention as to her personal needs and problems.

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

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

224. Conditional release

(1) The Court must 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 must be assisted and supervised as provided by this Law.

225. Research

(1) Without prejudice to the provisions of section 188 of this Law, the Federal Government and the State Government must—

(a) organise and promote necessary research as a basis for effective planning and policy formulation on child justice administration;

(b) review and appraise periodically the trends, problem and causes of child delinquency and crime and the varying particular needs of children in custody;

(c) establish a regular evaluation research mechanism built into the child justice administration system;

(d) collect and analyse relevant data and information for appropriate assessment and future improvement and reform of the child justice administration system;

(e) systematically plan and implement, as an integral part of national development efforts, the delivery of services in child justice administration.

226. Supervision officers

(1) The appropriate Commissioner of a State may appoint—

(a) fit and proper persons by name or ex-officio to be supervision officers for such areas as may be specified in each letter of appointment;

(b) deputy supervision officers to assist and also act in the absence of or during the illness or incapacity of supervision officers; and

(c) assistant supervision officers to assist supervision officers in the performance of their functions.

(2) A supervision officer when acting under a supervision order may be subject to the control of the Court in the State in which he or she is appointed.

227. Supervision Inspectors and Supervision Inspection Service

(1) The Commissioner may appoint such number of supervision inspectors, with the approval of the Governor.

(2) The supervision inspectors appointed under subsection (1) of this section together with the supervision officers appointed under section 226 of this Law, will constitute the State Supervision Inspection Service (referred to in this Law as "the Supervision Service").

(3) The Commissioner will appoint one of the supervision officers to be the Chief Supervision Inspector of the Supervision Service.

(4) It will be the duty of the supervision inspectors to—

(a) inspect and report to the Commissioner on the activities of the Supervision Service and the activities carried out by or on behalf of the Supervision Service; and

(b) discharge such other functions in connection with the provision of supervision or related service, whether or not provided by or on behalf of the Supervision Service for any area, as the Commissioner may, from time to time, direct.

(5) The Commissioner will make in respect of supervision inspectors such payments by way of remuneration, allowances or otherwise as he may, with the approval of the Governor, determine.

228. Supervision order of the Commissions

(1) The Commissioner may make an order under this section if the Commissioner is of the opinion that, without reasonable excuse, the Supervision Service—

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

(b) has so failed and is likely to do so again.

(2) An order under subsection (1) of this section shall—

(a) state that the Commissioner is of the said opinion; and

(b) make such provision as is considered requisite for the purpose of securing that the duty is properly discharged by the officer of the Supervision Service.

(3) It will be the duty of the Supervision Service to comply with the provisions of any order made under subsection (1) of this section.

229. Discharge and Supervision order of the Court

(1) Where a child is charged for an offence, other than homicide, and the Court is satisfied that the charge is proved, the Court may make an order discharging the child offender conditionally on his entering into a recognisance, with or without sureties to—

(a) be of good behaviour; and

(b) to appear to be further dealt with when called upon at any time during such period, not exceeding three (3) years, as may be specified in the order.

(2) A recognisance entered into under subsection (1) of this section must, if the Court orders, contain—

(a) a condition that the child offender be placed under the supervision of such person as may be named in the order during the period specified in the order; and

(b) such other conditions for securing such supervision as may be specified in the order.

(3) An order containing a condition that a child offender be under supervision in his or her recognisance must in this Law be referred to as a supervision order.

230. Person named in a supervision order

The person named in a supervision order must be—

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

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

(c) if the Court considers that the special circumstances of the case render it desirable, or if no person has been appointed as a supervision officer, any other person who has not been appointed supervision officer for any State.

231. Supervision officer may be relieved of duties

The person named in a supervision order may at any time be relieved of duties as specified in this Law, and where the person is relieved of duties or dies, another person may be substituted by the Court before which the offender is bound by his or her recognisance to appear to be further dealt with.

232. Duties of supervision officer

It will be the duty of a supervision officer, subject to the discretion of the Court, to—

(a) visit or receive reports from the child under supervision at such reasonable intervals as may be specified in the supervision order or, subject thereto, as the supervision officer may think fit;

(b) see that the child observes the conditions of his or her recognisance;

(c) make a report to the Court on the behaviour of the child;

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

233. Vary supervision order

The Court before which a child is bound by his recognisance under this Law to appear to be further dealt with may, on the application of the supervision officer, and after notice to the child offender, vary the conditions of the recognisance and on being satisfied that the conduct of that child has been such to make it unnecessary that he should remain under supervision, discharge the recognisance.

234. Approved Institutions

Approved institutions consist of approved children's institutions, approved youth's institutions and Special Mothers' Centres, all of which must be established as provided for in this Law.

235. Establishment of approved institutions

(1) The Commissioner must—

(a) establish in any part of the State, or any part of the Local Government

Area, the following approved children's institutions—

(i) Children Attendance Centre,

(ii) Children Centre,

(iii) Children Residential Centre,

(iv) Children Correctional Centre,

(v) Special Children Correctional Centre; and

(vi) such other institutions as the Commissioner may from time to time establish.

(b) make rules for the management, upkeep and inspection of the approved children institutions.

(2) The Commissioner for Home Affairs must—

(a) establish in any part of the State, the following Institutions to be known as approved youth institutions—

(i) Youth Attendance Centre,

(ii) Youth Correctional Centre,

(iii) Special Youth Correctional Centre; and

(iv) such other youth institutions as the Commissioner shall from time to time establish.

(b) make rules for the management, upkeep and inspection of the approved youth institutions.

(3) The Commissioner for Women Affairs must—

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

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

(4) The supplementary provisions contained in Schedule II to this Law will have effect with respect to approved institutions established by the appropriate Commissioner under subsections (1), (2) and (3) of this section.

236. Declaration of building, etc., as an approved Institution

(1) The Commissioner may by order declare any building, place or parcel of land within the State or Local Government Area, as the case be, as—

(a) Children Attendance Centre;

(b) Children Centre;

(c) Children Residential Centre;

(d) Children Correctional Centre;

(e) Special Children Correctional Centre and such other institutions as may be established by the Commissioner for Home Affairs.

(2) The Commissioner for Home Affairs may by order declare any building, place or parcel of land within the State or a Local Government Area as—

(a) Youth Attendance Centre;

(b) Youth Remand Centre;

(c) Youth Correctional Centre;

(d) Special Youth Correctional Centre; and

(e) such other institutions as may be established by the Commissioner for Home Affairs.

(3) The Commissioner for Women Affairs may by order declare any building, place or parcel of land within the State or Local Government Area to be a Special Mothers' Centre.

237. Children Attendance Centres, etc.

(1) Children Attendance Centre will be a non-residential place at which children will—

(a) attend, on a daily basis or on such days only as will be prescribed, on the orders of the Court which dealt with the case of the child concerned; and

(b) be given such training and instruction as will be conducive to their reformation and re-socialisation and the removal or reduction, in terms of their tendency to commit anti-social acts and such other acts which violate the criminal law.

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

(3) Children Residential Centre will be a place in which offenders will be detained and given regular school education or such other training and instructions as will be conducive to their reformation and re-socialisation, and the removal or reduction of their tendency to commit anti-social acts and such other acts which violate the criminal law.

(4) Children Correctional Centre will be a place in which offenders shall be detained and given such training and instruction as shall be conducive to their reformation and re-socialisation, and the removal or reduction, in terms of their tendency to commit anti-social acts and such other acts which violate the criminal law.

(5) Special Children Correctional Centre will be a place in which a child, who is found to be incorrigible or is exercising bad influence on other inmates detained in children correctional centre, may be detained.

(6) Youth Attendance Centre will be a non-residential place at which a youth will—

(a) attend, on a daily basis or on such days only as shall be prescribed, on the orders of the Court which dealt with the case of the youth concerned; and

(b) be given such training and instruction as shall be conducive to their formation and re-socialisation and the removal or reduction, in terms of their tendency to commit anti-social acts and such other acts which violate the criminal law.

(7) Youth Remand Centre will be a place for the detention of youths who are remanded in or committed to custody for trial or for the making of a disposition order after trial.

(8) Youth Correctional Centre will be a place to which youths who on their attainment of the age of eighteen (18) years but before their attainment of the age of twenty-one (21) years—

(a) will be detained and given such training and instructions as will be conducive to their reformation and re-socialisation and the removal or reduction, in terms of their tendency to commit anti-social acts and such other acts which violate the criminal law;

(b) who had been in Children Centre, Children Residential Centre or Children Correctional Centre and may be transferred with a view to—

(c) (i) effecting the continuation of such training and instruction given to them in the Children Centre, Children Residential Centre or Children Correctional Centre; and

(ii) effecting their reformation and rehabilitation in the society, where such is considered to be required in each case.

(9) Special Youth Correctional Centre will be a place in which a youth, who is found to be incorrigible or to be exercising bad influence on other inmates detained in a Youth Correctional Centre may be detained.

(10) Special Mothers Centre will be a place in which expectant and nursing mothers are held for purposes of remand, re-socialisation and rehabilitation in the society in an atmosphere devoid of the regime of institutional confinement which may be damaging for the proper development of their children.

(11) The appropriate Commissioner may, by regulations, prescribe or provide for the—

(a) regulation and governance of the approved institutions;

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

(c) functions and duties of visitors, visiting committees and voluntary visitors;

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

(e) release of inmates on parole;

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

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

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

238. Director to Charge Approved Institution

(1) The State Director of Youth and Sports in the Ministry will have the general charge and superintendence of all State approved child institutions in Lagos State.

(2) The State Director of Youth and Sports, Ministry or Commission will have the general charge and superintendence of all approved child institutions within the State.

(3) The Controller-General of Prisons will have the general charge and superintendence of all approved youth institutions in all parts of the State.

239. Officers

(1) Child Development Officers will be employed to carry out duties in relation to approved children institutions situate in their areas of jurisdiction.

(2) Youth Correctional Officers will be employed in the Nigerian Prisons Service to carry out duties in relation to the approved youth institutions.

(3) Women Affairs Officers will be employed to carry out duties in relation to Special Mothers' Centres.

(4) All officers employed in all the approved institutions in section 234 of this Law and specified in this section will be persons with background training in criminology, criminal justice, sociology, psychology, social psychology, guidance and counselling, or social work.

240. Visitors and visiting Committees

(1) The Commissioner for Home Affairs by notice in the Gazette, will appoint such persons as shall deem fit as visitors in relation to such approved institutions as shall be specified in the notice.

(2) In addition to persons appointed under subsection (1) of this section, the following persons will be ex-officio visitors in relation to all approved children institutions—

(a) the President and the Justices of the Court of Appeal;

(b) the Chief Judge and Judges of the High Court; and

(c) members of the Court at the Magistrates' Court.

(3) The Commissioner may, where necessary, by notice in the *Gazette* appoint such number of visitors to constitute a Visiting Committee in relation to such approved institutions as will be specified in the notice, without prejudice to the general right of visiting on the part of other visitors.

(4) Visitors and Visiting Committees will perform such functions and duties in relation to approved institutions as may be prescribed.

(5) The Commissioner may, by notice in the *Gazette*, delegate the power conferred by this section to appoint visitors and Visiting Committees in respect of State approved institutions in the State to the appropriate Commissioner of the State.

(6) The provisions of this section which give the Commissioner power to appoint persons as visitors will not come into operation until the Commissioner has signified in the *Gazette* the consent of the Governor of the State to the appointment.

241. Appointment of voluntary visitors

The Director or Controller-General, as the case may be, will authorise the necessary persons as voluntary visitor to carry out such functions and duties in relation to the approved institutions as will be prescribed.

242. Facilities for observation of children and youths in approved institutions

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

243. Transfer from Children or Youth Correctional Centre to Special Children or Special Youth Correction Centre

(1) If a child detained in Children Correctional or Youth Correctional Centre is reported to the Commissioner by the Director or the Controller-General to be incorrigible, or to be exercising a bad influence on the other inmates of the institution, the Commissioner or Controller-General must direct that the child be committed to—

(a) Special Children Correctional Centre; or

(b) Special Youth Correctional Centre, for such term, not exceeding the unexpired portion of the term for which the said child is then liable to be detained in the Children Correctional Centre or Youth Correctional Centre, as the Court will determine.

(2) A child or youth committed to a Special Children Centre or a Special Youth Correctional Centre under subsection (1) of this section will be treated for the purposes of this Law, as if the child or youth had been ordered to be committed to the Children Centre or Youth Correctional Centre for that term.

(3) No report made under subsection (1) of this section by the Commissioner or the Controller-General to the Commissioner as the case may be, must be made earlier than six months following the date of the order committing the child to the Children Correctional Centre or the Youth Correctional Centre.

244. Release from approved institutions, etc.

(1) A child detained in Children Attendance Centre or Children Correctional Centre will, on attaining the age of eighteen (18) years, be released, unless the child is considered to require further training and instruction in a Youth Correctional Centre, in which case, should be transferred to a Youth Correctional Centre.

(2) A youth detained in a Youth Correctional Centre will at the age of twenty-one (21) years be released.

(3) Where a child detained in a Special Children Correctional Centre, on attaining the age of eighteen (18) years, is reported to the Commissioner by the Director to still be incorrigible or still exercising a bad influence on other inmates, the Commissioner must direct that the child be committed to a Special Youth Correctional Centre.

(4) Where a youth detained in a Special Youth Correctional Centre on attaining the age of twenty-one (21) years is reported to the Commissioner for Home Affairs by the Controller-General as exercising bad influence on other inmates, the Commissioner for Home Affairs shall direct that the youth be committed to prison.

(5) A child or youth committed to a Youth Correctional Centre or a Special Youth Correctional Centre or prison under subsection (1), (3) or (4) of this section must, for the purposes of this Law, be treated as if the child or youth had been ordered to be committed to the Youth Correctional Centre, Special Youth Correctional Centre or prison for the remainder of the original term.

245. Release and post-release supervision. Release and supervision after training at the Children or youth Correctional Centres

Subject to the provisions of section 243 of this Law, a child ordered to be detained must be subject to supervision in accordance with the provisions of section 227 of this Law after release from—

(a) Children Correctional Centre; or

(b) Youth Correctional Centre.

246. Post-release supervision of children or youth offenders

(1) A child or youth will—

(a) after the release from an approved institution and until the expiration of four (4) years from the date of the order committing the child or youth to the approved institution, be under the supervision of such after-care association or person as specified in a notice to be given by the Director or Controller-General on the child or youth's release; and

(b) while under that supervision, comply with such requirements as will be specified, the Director or Controller-General may at any time modify or cancel any of those requirements, or order that the child or youth will cease to be under supervision.

(2) If before the expiration of four (4) years from the date of the order committing a child or youth to an approved institution, the Director or Controller-General is satisfied that after the child or youth has been released from the approved institution under section 236 of this Law, has failed to comply with any requirement for the time being specified in the notice given to the child or youth under subsection (1) of this section, the Director or Controller-General will direct the child or youth to be recalled to an approved institution.

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

(a) three (3) years from the date of the order committing the child to the approved institution; or

(b) six (6) months from the date of his being taken into custody under the direction, whichever is the later, and, if at large, shall be deemed to be unlawfully at large.

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

(5) The Director or Controller-General may, at any time, release a child or youth who is detained in an approved institution under this section and the provisions of this section will apply in case of a child or youth so released as they apply in the case of a released child or youth under section 244 of this Law.

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

(a) must cease to have effect; and

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

(7) The Director or Controller-General must, in exercising the powers under this section, act in accordance with any general or special directions of the Commissioner, as the case may be, on whether it is advisable to release a child or youth from an approved institution.

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

247. State Implementation Committee

(1) There is hereby established a Committee to be known as the State Child's Rights Implementation Committee (referred to in this Law as "the State Committee").

(2) The State Committee will comprise of—

(a) the Permanent Secretaries in the Ministry of Women Affairs and Youth and Sports.

(b) one (1) person to represent each of the following State Ministries and Governmental bodies

(i) Ministry of Women Affairs,

(ii) Education,

(iii) Information and Strategy,

(iv) Health,

(v) Justice,

(vi) Youth and Sports,

(vii) Establishments and Training;

(c) one (1) person to represent each of the following bodies in the States—

(i) Nigeria Immigration Service,

(ii) Nigeria Police Force,

(iii) Nigerian Prisons Service,

(iv) State Agency for Mass Literacy,

(v) Family Court Judges at the High Court level,

(vi) Family Court Magistrates;

(d) a child care expert from one of the Universities;

(e) one (1) person to represent the State approved children institutions;

(f) one (1) person to represent the State Community Homes;

(g) one (1) person to represent the State Branch of the Nigerian Union of Journalists;

(h) one (1) person to represent the State Branch of the National Council of Women Societies;

(i) one (1) person to represent the State Council of Chiefs;

(j) one (1) person to represent the State Branch of the Christian Women Organisation;

(k) one (1) person to represent the State Branch of the Federation of Muslim Women Association of Nigeria;

(l) one (1) person to represent Market Men Associations;

(m) one (1) person to represent Market Women Associations;

(n) one (1) person to represent the Parents/Teachers Association of the State;

(o) two (2) persons to represent organisations involved in the protection of the rights of the child in the State; and

(p) one (1) person to represent the State Branch of the National Union of Teachers.

248. Functions of the State Committee

The functions of the State Committee are to—

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

(i) this Law,

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

(iii) the Organisation of African Unity (now African Union) Charter on the Rights and Welfare of the Child,

(iv) the Declaration of the World Summit for children,

(v) the Dakar Consensus and National Programme of Action,

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

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

(c) develop and recommend to the State and Local Governments, through their respective Local Committees, specific programmes and projects that will enhance the implementation of the rights of the child;

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

(e) commission inter-disciplinary assessments of the problems relating to the rights and welfare of the child in the State;

(f) encourage and co-ordinate the activities of State and Local Government institutions, organisations and bodies concerned with the rights and welfare of the child;

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

(h) co-ordinate the activities of and collaborate with the Local Government Committees;

(i) prepare and submit periodic reports on the state of implementation of the rights of the child for submission to the National Committee; and

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

249. Procedure at meetings

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

250. Secretariat of the State Committee

The Secretariat of the State Committee will be the Ministry of Youth and Sports.

251. Local Government Implementation Committee

(1) There is established a Committee to be known as the Local Government Child's Rights Implementation Committee (referred to in this Law as "the Local Government Committee").

(2) The Local Government Committee will comprise of—

(a) the Secretary who shall be the Chairman of Local Government;

(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 Child Development Officer in the Local Government area;

(f) one (1) person to represent the District or Village Heads in the Local Government Area;

(g) a Community Development Officer in the Local Government Area;

(h) the representative of the National Union of Teachers in the Local Government Area,

(i) the representative of the Parents/Teachers Association in the Local Government Area;

(j) one (1) person to represent the Heads of Market Men;

(k) one (1) person to represent the Heads of Market Women;

(l) the Head of the Christian Youth Association in the Local Government Area;

(m) the Head of the Muslim Youth Association in the Local Government Area;

(n) one (1) person to represent Opinion Leaders in the Local Government Area;

(o) two (2) persons to represent two (2) community-based organisations; and

(p) one (1) person to represent the National Council of Women Societies in the Local Government Area.

252. Functions of the Local Government Committee

The functions of the Local Government Committee are to—

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

(i) this Law;

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

(iii) the Organisation of African Unity Charter (now African Union) on the Rights and Welfare of the Child;

(iv) the Declaration of the World Summit for Children;

(v) the Dakar Consensus and National Programme of Action; and

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

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

(c) develop and recommend to the Local Government, specific programmes and projects that will enhance the implementation of the rights of the child;

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

(e) commission inter-disciplinary assessments problems relating to the rights and welfare of the child in the Local Government Area;

(f) encourage and co-ordinate the activities of Local Government institutions, organisations and bodies concerned with the rights and welfare of the child;

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

(h) prepare and submit periodic reports on the state of implementation on the rights of the child for submission to the State Committee; and

(i) perform such other functions relating to the rights of the child as will from time to time be assigned to it.

253. Procedure, etc., at meetings

The Local Government Committee will determine its own quorum and regulate its own proceedings at any of its meetings.

254. Secretariat of Local Government Committee

The Secretariat of the Local Government Committee will be the Office of the Chairman of the Local Government.

255. Offences by bodies corporate

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

256. Service of documents

(1) Any notice or document required under this Law to be served on any person it must be served personally to the person, or be sent by post to the person in a registered letter or by the recorded delivery service at the proper address.

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

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

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

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

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

257. Supersession and inconsistency

(1) The provisions of this Law supersedes the provisions of all enactments relating to—

(a) children and young persons;

(b) adoption, fostering, guardianship and wardship;

(c) approved institutions, remand centres and Borstal institutions; and

(d) any other matter pertaining to children already provided for in this Law.

(2) Accordingly, where any provision of this Law is inconsistent with that of any of the enactments specified in subsection (1) of this section, the provision of this Law will prevail and that other provision must be void to the extent of its inconsistency.

258. Law to apply throughout the State

This Law will have effect in every Local Government of the State.

259. Delegation of powers by the Commissioner

The Commissioner must, by order published in the Gazette, delegate any of his powers under this Law, other than the power to make regulations, for the appropriate Secretaries of the Local Governments.

260. Forms in Schedule 11

The forms set out in Part 1 of Schedule 11 to this Law shall have effect with respect to the matter in them specified.

261. Interpretation

In this Law, unless the context otherwise requires—

"act" includes an omission;

"Governor" means the Executive Governor of the State;

"adoption service" means an adoption service established under section 115 of this Law;

"age of maturity" means the age at which a person attains the age of eighteen (18) years;

"appropriate education authority" means the Ministry of Education of the State;

"approved institution" has the meaning assigned to in section 236 of this Law;

"care order" has the meaning given by section 47(1)(a) of this Law and also includes any order which, by or under any enactment has the effect of, or is deemed to be, a care order for the purposes of this Law; and any reference to a child who is in the care of an authority is a reference to a child who is in its care by virtue of a care order;

"child" means a person under the age of eighteen (18) years;

"child assessment order" means an order made under section 36 of this Law;

"child minder" has the meaning given by section 150 of this Law;

"child fostered privately" and "to foster a child privately" have the same meaning as in section 111 of this Law;

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

(a) a child of both of those parties;

(b) any other child, not being a child who is placed with those parties as foster parents by a local authority or voluntary organisation, who has been treated by both of those parties as a child of their family;

"children fostered privately" and "to foster a child privately" have the same meaning as in section 111 of this Law;

"children's home" means a children's home registered under section 181 of this Law;

"Commissioner" means the Commissioner charged with responsibility for matters relating to children in the State and "Ministry" shall be construed accordingly;

"community home" has the meaning assigned to it under section 173 of this Law.

"contact order" has the meaning assigned to it under section 50 of this Law;

"Court" means the Family Court established under section 136 of this Law;

"day care" has the meaning assigned to it under section 150 of this Law;

"disabled" in relation to a child has the same meaning as in section 150 of this Law;

"domestic premises" has the meaning assigned to it under section 155 of this Law;

"education supervision order" means an order under section 52 of this Law;

"education authority" means the Ministry of Education of the State;

"emergency protection order" means an order under section 37 of this Law;

"family proceedings" means proceeding under the jurisdiction of a Court under this Law with respect to children;

"foster parent" has the meaning assigned to it under section 102 of this Law;

"functions" includes powers and duties;

"Government hospital" means a hospital established or managed by any Government of the Federation;

"guardian of a child" means a guardian (other than a guardian of the estate of a child) appointed in accordance with the provisions of section 76 of this Law;

"harm" has the meaning assigned to it under section 47 of this Law and the question of whether harm is significant shall be determined in accordance with section 47 of this Law;

"health authority" means the Ministry of Health of the State;

"ill-treatment" has the meaning assigned to it under section 44 of this Law;

"independent school" means a privately-owned school;

"parental responsibility" means—

(a) all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property; and

(b) the rights, powers and duties which a guardian of the estate of the child appointed, before the commencement of this Law to act generally would have had in relation to the child and his property, and includes, in particular, the right of the guardian to cover or receive in his own name, for the benefit of the child, property of whatever description and wherever situated which the child is entitled to receive or recover;

"parental responsibility acquisition" has the meaning assigned to it under section 61 of this Law;

"prescribed" means prescribed by regulations made under this Law;

"prohibited steps order" has the meaning assigned to it under section 49 of this Law;

"protected child" has the same meaning as in sections 37 and 154 of this Law;

"registered children's home" has the meaning assigned to it under section 181 of this Law;

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

"residence order" has the meaning assigned to it under section 49 of this Law;

"responsible person" in relation to a child who is the subject of a supervision order, has the meaning assigned to it under paragraph 1 of Schedule 2 to this Law;

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

"secured accommodation" means accommodation which is provided in a community home for the purpose of restricting liberty;

"service" in relation to any provision made under sections 150 to 160 of this Law, includes a facility;

"signed" in relation to any person, includes the making by that person of his mark;

"special education" means the meaning assigned to it in the Education (National Minimum Standards and Establishment of Institutions) Act, 1985;

"special educational needs" means the needs of children who are receiving special education;

"specific issue order" has the meaning assigned to it under section 49(9) of this Law;

"State Government foster parent" has the same meaning as in section 168;

"supervised child" and "supervisor" in relation to a supervision order or an education supervision order, mean respectively, the child who is, or is to be under the supervision and the person under whose supervision he is, or is to be, by virtue of the order;

"Supervision Inspection Service" has the meaning assigned to it under section 227 of this Law;

"upbringing" in relation to any child, includes the care of the child but not his maintenance;

"voluntary home" has the meaning assigned to it under section 178 of this Law;

"voluntary organisation" means a body (other than a public or State authority) whose activities are not carried on for profit.

(2) References in this Law to—

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

(b) a person in whose favour a residence order is in force, shall be construed as references to the person named in the order as the person with whom the child is to live.

(3) References in this Law to a child who is looked after by the State Government have the same meaning as they have by virtue of section 178 of this Law.

(4) References in this Law to accommodation provided by or on behalf of the State Government are references to accommodation provided in the exercise of functions assigned to the Ministry.

(5) In determining the "ordinary residence" of a child for any purpose of this Law, there will be disregarded any period in which the child lives in a place—

(a) which is a school or other institution;

(b) in accordance with the requirements of a supervision order under this Law or any other enactment; or

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

(6) References in this Law to children who are in need will be construed in accordance with section 44 of this Law.

"children in need of special protection measures" includes children who are mentally or physically disabled, and street children;

"street children" include—

(i) children, who by virtue of being in extremely difficult circumstances are homeless and forced to live on the streets, in market places, under bridges, etc.; and

(ii) children who, though not homeless, are on the streets engaging in hawking, begging for alms, child labour, prostitution and other criminal activities, which are detrimental to their well-being.

"appropriate authority" means the Commissioner charged with responsibility for matters relating to education or the authority in charge of an approved institution for treatment and training of the child;

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

(a) the commission of crimes;

(b) acts of violence or cruelty;

(c) incidents of a repulsive or horrible nature;

(d) acts or words of an immoral character;

(e) obscene and indecent representations,

(f) "Photographic film" which includes photographic plate—

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

"plate" except where it occurs in the expression "photographic plate" includes any block, mould, matrix and stencil in such a way that the work as a whole would tend to corrupt or deprive a child into whose hands it may fall.

"appropriate authority" means a person who is an appropriate authority for the purposes of section 47 of this Law;

"foster parent" means a person who is, or who, from time to time, is a foster parent with whom children are placed by an appropriate authority or a voluntary organisation;

"contact order" means an order requiring the person with whom a child lives, or is to live, to allow the child to visit or stay with the person named in the order, or for that person and the child concerned to have contact with each other;

"prohibited steps order" means an order that no step, which could be taken by a parent in meeting his parental responsibility or a child and which is of a kind specified in the order, will be taken by any person without the consent of the Court;

"residence order" means an order setting out the arrangements to be made as to the person with whom a child is to live; and

"specific issue order" means an order giving directions for the purpose of determining a specific question which has arisen, or which may arise, in connection with any aspect of parental responsibility for a child;

"appropriate authority" means—

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

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

(b) "education supervision order" means an order made under subsection (1) of this section; and

(c) a child is of compulsory school age, if he is not below six (6) years old or above eleven (11) years old.

"care order" means an order made under section 47 of this Law and except where express provision to the contrary is made, includes an interim care order made under section 99 of this Law;

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

"harm" means ill-treatment or the impairment of health or development;

"health" means physical or mental health;

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

"supervision order" means an order under subsection (1)(b) of section 47 of this Law and except where express provision to the contrary is made includes an interim supervision order made under section 99 of this Law.

"scientific samples" means any blood, tissue or any other sample taken for the purpose of conducting scientific tests;

"scientific tests" means any tests carried out under this Part of this Law, and includes any test made with the object of ascertaining the inheritable characteristics of blood, tissue, or any other sample.

"specified proceedings" means any proceedings—

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

(b) in which the Court has given a direction under section 55 of this Law and has made, or is considering whether to make, an interim care order;

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

(d) on an application under section 56 of this Law;

(e) in which the Court is considering whether to make residence order with respect to a child who is the subject of a care order;

(f) with respect to a contact between a child who is the subject of a care order and any other person;

(g) on an appeal against—

(i) the making of, or refusal to make a care order, supervision order or any order under section 229 of this Law;

(ii) the making of, or refusal to make a residence order with respect to a child who is the subject of a care order, or

(iii) the variation or discharge, or refusal of an application to vary or discharge, an order of a kind mentioned in subparagraph (i) or (ii) of this subsection,

(iv) the refusal of an application under section 56 of this Law, or the making of or refusal to make an order under sections 61 to 73 of this Law which are specified for the time being, for the purposes of this section, by Rules of Court.

"guardian" means a person who is the guardian of a child by virtue of the provisions of this Law, or a person lawfully appointed to be guardian of the child by deed or will or by an order of a court of competent jurisdiction or by operation of law.

"foster parent" means a person—

(a) appointed by the State Government to foster a child; or

(b) with whom a child has been placed, by a voluntary organisation, for fostering; or

(c) with whom a child has been placed to be fostered privately.

"Register of Births" means the Register of Births kept by the Commission;

"Commission" means the National Population Commission established under the National Population Commission Act 1989.

"domestic premises" means any premises which are wholly or mainly used as a private dwelling; and

"premises" includes any vehicle, caravan and cabin.

"relevant establishment" means any establishment mentioned in this Law and includes a hospital, school and other establishments, exempted from the registration requirements which apply in relation to the provision of day care centre;

"review period" means one year from the commencement of this Law and each subsequent three years starting from the anniversary date of the commencement;

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

"appropriate authority" means the State Government or any other body having responsibility for the welfare of children looked after by the State Government;

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

"the appropriate education authority" means the Ministry of Education;

"appropriate authority" must be the Local Government or voluntary organisation responsible for the management of a Community Home;

"voluntary home" means any home or other institution providing care and accommodation for children which is managed by a voluntary organisation but does not include—

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

(b) a school;

(c) a health service hospital;

(d) a community home;

(e) any home or other institution provided, equipped and maintained by the Commissioner; and

(f) any home which the Commissioner may, from time to time, by regulations, exempt for the purposes of this section.

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

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

(a) his employment for the purposes of any of the functions mentioned in section 187(1) of this Law or in connection with the adoption of children or with the accommodation of children in a residential care home, nursing home or mental nursing home; or

(b) his employment by a voluntary organisation for similar purposes;

"secured accommodation" means accommodation provided for the purpose of restricting the liberty of children.

"secured accommodation" means accommodation provided in a community home for the purpose of restricting liberty;

"State Government accommodation" means accommodation provided by or on behalf of the State Government within the meaning of this Law;

"imprisonable offence" means an offence punishable in the case of an adult by imprisonment only, without the option of a fine;

"sexual offence" and "violent offence" have the meanings assigned to them Criminal Law;

"appropriate officers" means such officers as may be assigned by the Ministry with the responsibility for carrying out the investigation referred to in this Law.

"Controller-General" means the Controller-General of the Nigeria Prisons Service;

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

"child" means a person who has not attained the age of eighteen (18) years;

"skin mark" means any ethnic or ritual cuts on the skin which leaves permanent marks; and "tattoo" means the insertion into the skin of colouring material designed to leave permanent marks.

(7) (a) A child taken to have special needs where—

(i) he is unlikely to achieve, maintain or the opportunity of achieving or maintaining a reasonable standard of health or development, without certain provisions,

(ii) health and development is likely to be significantly impaired or further impaired without the provision of certain services;

(iii) he is disabled, internally displaced, a refugee or in a difficult circumstances;

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

(b) "development" means physical, intellectual, emotional, social or behavioural development;

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

(d) "health" means physical, emotional or mental health.

(8) In this section and other sections of this Part of this Law—

"day care" means any form of care or supervised activity provided for children during the day, whether or not it is provided on a regular basis;

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

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

262. Repeal

The Children and Young Persons' Law, Cap. C10 Laws of Lagos State of Nigeria, 2003 is hereby repealed.

263. Citation and Commencement

This Law will be cited as the Child's Rights Law 2007 and will come into force on the 28th day of May 2007.

SCHEDULES

FIRST SCHEDULE

1. Orders of financial relief against parents

(1) On an application made by a parent or guardians of a child, or by any person in whose favour a residence order is in force with respect to a child, the Court will—

(a) in the case of an application to the Court at the High Court level, make one or more of the orders mentioned in subparagraph (2) of this paragraph;

(b) in the case of an application to Court at the Magisterial level, make one or both of the orders mentioned in paragraphs (a) and (c) of that sub-paragraph.

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

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

(i) to make to the applicant for the benefit of the child; or

(ii) to make to the child himself, such periodical payments, for such term, as may be specified in the order;

(b) an order requiring either or both parents of a child—

(i) to secure to the applicant for the benefit of the child; or

(ii) to secure to the child himself, such periodical payments, for such term, as may be so specified;

(c) an order requiring either or both parents of a child—

(i) to pay to the applicant for the benefit of the child; or

(ii) to pay to the child himself; such lump sum as may be so specified;

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

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

(ii) which is specified in the order;

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

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

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

(3) The powers conferred by this section may be exercised at any time.

(4) An order under subparagraph (2)(a) or (b) of this section may be varied or discharged by a subsequent order made on the application of any person by or to whom payments were required to be made under the previous order.

(5) Where the Court makes an order under this section—

(a) it will at any time make further order under subsection (2)(a), (b) or (c) of this section with respect to the child concerned if he has not attained the age of eighteen (18) years;

(b) it will not make more than one order under subsection (2)(d) or (e) of this section against the same person in respect of the same child.

(6) On making, varying or discharging a residence order, the Court must 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 (18) years, it appears to the Court—

(a) that the applicant is, will be or (if an order were made under this section) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or

(b) that there are special circumstances which justify the making of an order under this section, the Court must make one or both of the orders mentioned in subparagraph (2) of this section.

(2) The orders referred to in subsection (1) of this section 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 must be specified in the order;

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

(3) An application may not be made under this section by any person if, immediately before he attained the age of sixteen (16) years, a periodical payments order was in force with respect to him.

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

(5) An order under subsection (2)(a) of this section will 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 section will be exercisable at any time.

(7) Where the Court issues an order under this section, it may, from time to time while that order remains in force issue a further order.

(8) In subsection (3) of this section, "periodical payments order" means an order made under this Schedule for the making or securing of periodical payments.

3. Financial Relief

(1) The term to be specified in an order for periodical payments made under subsection 1(2)(a) or (b) of this Schedule in favour of a child will begin with the date of the making of an application for the order in question or any later date but must not—

(a) in the first instance extend beyond the child's 17th birthday unless the Court deems 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 18th birthday.

(2) Subsection (1)(b) of this paragraph will not apply in the case of a child if it appears to the Court that—

(a) the child is, or will be or (if an order were made without complying with that subsection) 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 section.

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

(4) Where an order is made under section 1(2)(a) or (b) of this Schedule requiring periodical payments to be made or secured to the parent of a child, the order will cease to have effect if—

(a) any parent making or securing the payments; and

(b) any parent to whom the payments are made or secured, live together for a period of more than six months.

4. Court Orders for Financial relief

(1) In deciding whether to exercise its powers under section 1 or 2 of this Schedule and in what manner, the Court must 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 subsection (4) of this section has or is likely to have in the foreseeable future;

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

(c) the financial needs of the child;

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

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

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

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

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

(b) whether the person 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 section 1 of this Schedule against a person who is not the father of the child, it will record 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 subsection (1) of this section are—

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

(b) in respect of a decision whether to exercise its powers under section 2 of this Schedule, the mother and father of the child;

(c) the applicant for the order;

(d) any other person in whose favour the Court proposes to make the order.

5. Provisions relating to lump sums

(1) Without prejudice to the generality of section 1 of this Schedule, an order under that section for the payment of a lump sum, will be made for the purpose of enabling any liability or expense—

(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.

(2) The amount of any lump sum required to be paid by an order made by the Court at the Magisterial level by section 1 or 2 of this Schedule shall not exceed Twenty Five Thousand Naira (₦25,000.00) or such larger amount as the Commissioner will from time to time, by order, fix for the purposes of this subsection.

(3) The power of the Court under section 1 or 2 of this Schedule to vary or discharge an order for the making or securing of periodical payments by a parent, must 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 subsection (3) of this section will not, in the case of an order made by the Court at the Magisterial level, exceed the maximum amount that will at the time of the making of the order be required to be paid under subsection (2) of this section, but the Court at the Magisterial level may make an order for the payment of a lump sum not exceeding that amount even though the parent was required to pay a lump sum by a previous order under this Law.

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

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

(a) the number of instalments payable;

(b) the amount of any instalment payable;

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

6.

(1) In exercising its powers under section 1 or 2 of this Schedule to vary or discharge an order for the making or securing of periodical payments, the Court shall have regard to all the circumstances of the case, including any change in any of the matters to which the Court was required to have regard when making the order.

(2) The power of the Court under section 1 or 2 of this Schedule, to vary an order for the making or securing of periodical payments must include power to suspend any provision of the order temporarily and to revive any provision so suspended.

(3) Where on an application under section 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 paid under that order, the Court will provide that the payments as varied must be paid from such date as the Court will specify, not being earlier than the date of the making of the application.

(4) An application for the variation of an order issued under section 1 of this Schedule for the making or securing of periodical payments to or for the benefit of a child shall, if the child has attained the age of sixteen (16) years, be given by the child himself.

(5) Where an order for the making or securing of periodical payments made under section 1 of these Schedules ceases to have effect on the date on which the child attains the age of sixteen (16) years, or after that date but before or on the date on which the child attains the age of eighteen (18) years, the child will apply to the Court which made the order for an order for its revival.

(6) If on such an application it appears to the Court that—

(a) the child is, will be or (if an order were made under this subsection) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not in gainful employment; or

(b) there are special circumstances which justify the making of an order under this section, the Court must have power by order to revive the order from such date as the Court will specify, not being earlier than the date of the making of the application.

(7) An order which is revived by an order under subsection (5) of this section may be varied or discharged under that subsection, on the application of any person by whom or to whom payments are required to be paid under the revived order.

(8) An order for the making or securing of periodical payments issued under section 1 of this Schedule may be varied or discharged, after the death of either parent, on the application of a guardian of the child concerned.

7. Variation of orders after death of a parent

(1) Where the parent liable to make payments under a secured periodical payments order has died, the persons secured periodical who may apply for the variation or discharge will include the personal representatives of the deceased parent.

(2) No application for the variation of the order will, except with the permission of the Court, be made after the end of the period of six (6) months from the date on which representation in regard to the estate of that parent is made.

(3) The personal representatives of a deceased person against whom a secured periodical payments order was made, will not be liable for having distributed any part of the estate of the deceased person after the end of the period of six (6) months referred to in subsection (2) of this paragraph, on the grounds that they ought to have taken into account the possibility that the Court might permit an application for variation to be applied for after that period by the person entitled to payments under the order.

(4) Subsection (3) of this section will 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 section.

(5) Where an application to vary a secured periodical payments order is made after the death of the parent liable to make payments, in compliance with the circumstances to which the Court is required to have regard under subsection 6(1) of this Schedule, must include the changed circumstances resulting from the death of the parent.

(6) In considering the purposes of subsection (2) of this section, the question when representation was first made, a grant limited to settled land or to trust property will be left out of account, and a grant limited to real estate or to personal estate will 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.

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

8. Financial relief under other enactments

(1) This section applies where a residence order is made with respect to a child at a time when there is in force an order ("the financial relief order"), made under any enactment other than this Law and requiring a person to contribute to the child's maintenance.

(2) Where this section applies, the Court may issue an order revoking the financial relief order or varying by altering the amount of any sum—

(a) any person required by the financial relief order to contribute to the child's maintenance; or

(b) any person in whose favour a residence order with respect to the child is in force, issue an order revoking the financial relief order, or varying it by altering the amount of any sum payable under that order or by substituting the applicant for the person to whom any such sum is otherwise payable under that order.

9. Interim orders

(1) Where an application is made under section 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 times and for such term as the Court deems fit; and

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

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

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

(4) An interim order in which a date has been specified for the purpose of subsection (3) of this section may be varied by substituting a later date.

10. Alteration of Maintenance Agreements

(1) In this section and in section 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 section, 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 section and section 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 then, either party may apply to the Court for an order under this section.

(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 will be altered so as to make different financial arrangement; or

(b) that the agreement does not contain proper financial arrangements with respect to the child, then 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) Where the maintenance agreement is altered by an order under this section, the maintenance agreement must 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 section altering the maintenance agreement—

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

(b) by increasing the rate of periodical payments required to be made or secured by one of the parties for the maintenance of the child, 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, the Court must apply the provisions of section 3(1) and (2) of this Schedule as if the order were an order under section 1(2)(a) or (b) of this Schedule.

(6) The Court at the Magisterial level will not entertain an application under subsection (2) of this section unless both the parties to the maintenance agreement are resident in the State and will not have power to make any order on such an application except—

(a) in a case where the maintenance agreement contains no provision for periodical payments by either of the parties, an order inserting provision for the making by one of the parties of periodical payments for the maintenance of the child; and

(b) in a case where the maintenance agreement includes provisions for the making by one of the parties of periodical payments, an order increasing or reducing the rate of, or terminating, any of those payments.

(7) For the avoidance of doubt, nothing in this section affects any power of a Court before which any proceedings between the parties to a maintenance agreement are brought under any other enactment to make an order containing financial arrangements, or the right of either party to apply for such proceedings.

11.

(1) Where a maintenance agreement provides for the continuation, after the death of one of the parties, of payments for the maintenance of a child, the surviving party or the personal representatives of the deceased party will apply to the Court for an order under section 10 of this Schedule.

(2) If a maintenance agreement is altered by a Court on an application under this section, the maintenance agreement must 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 section will not, except with leave of the Court, be made after the end of the period of six (6) months beginning with the day on which representation in regard to the estate of the deceased is first made.

(4) In considering for the purposes of subsection (3) the question when representation was first made, a grant limited to settled land or to trust property will be left out of account, and a grant limited to real estate or to personal estate shall be left out of account, unless a grant limited to the remainder of the estate has previously been made or is made at the same time.

(5) The provisions of this section must 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 (6) months referred to in subsection (3) of this section, on the grounds that they ought to have taken into account the possibility that a Court might grant leave for an application by virtue of this section to be made by the surviving party after that period.

(6) Subsection (5) of this section will 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 section.

(7) In this section, "maintenance agreement" and "financial arrangements" have the meaning assigned to them in section 10(1) of this Schedule.

12. Enforcement orders for Maintenance

(1) Any person being under an obligation to make any order for the payment of money made by a Court at the Magisterial level under this Law must give notice of any change of address to such person (if any), as may be specified in the order.

(2) Any person, failing without reasonable excuse to give such a notice is guilty of an offence and is liable on conviction to a fine of Two Thousand Five Hundred Naira (₦2,500.00) or to imprisonment for a term not exceeding three (3) months or to both such fine and imprisonment.

(3) An order for the payment of money made by the Court under this Law will be enforceable as a Magistrates' Court maintenance order.

13. Direction for settlement of instrument by Registrar

Where the Court decides to make an order under this Law, 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 by a proper instrument to be executed by all necessary parties.

14. Financial provision for child resident in country outside Nigeria

(1) Where one parent of a child lives in a State and the child lives outside the State with—

(a) one of the other parents; or

(b) guardian; 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 section 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) of this Schedule, will include a reference to the powers which the Court has by virtue of subsection (1) of this paragraph or (as the case may be) to an order made by virtue of subparagraph (1) of this section.

15. State Government contribution to child's maintenance

(1) Where a child lives, or is to live, with a person as the result of a residence order, the State Government may make contributions to that person towards the cost of the accommodation and maintenance of the child.

(2) Subsection (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.

SCHEDULE 2

1. Meaning of "responsible person"

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.

2. Power of supervisor to give directions to supervised child

(1) A supervision order may require the supervised child to comply with any direction given from time to time by the supervisor which requires the 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 be available to a person or persons specified in the direction at a place or places and on a day or days so specified;

(c) to participate in activities specified in the direction on a day or days so specified.

(2) It will be for the supervisor to decide whether, and to what extent, of exercising power to give directions and to decide the form of any direction.

(3) Subsection (1) of this paragraph does not confer on a supervisor power to give directions in respect of any medical or psychiatric examination, or treatment which are matters dealt with in sections 4 and 5 of this Schedule.

3. Imposition of obligations on a responsible person

(1) With the consent of any responsible person, a supervision order may include a requirement—

(a) that all reasonable steps are taken to ensure that the supervised child complies with any direction given by the supervisor under paragraph 2 of this Schedule;

(b) that all necessary steps are taken to ensure that the supervised child complies with any requirement included in the order under paragraph 4 or 5 of this Schedule;

(c) that the child complies with any direction given by the supervisor requiring the child to be available at a place specified in the direction for the purpose of taking part in activities so specified.

(2) A direction given under subparagraph (1)(c) of this paragraph may specify the time at which the responsible person is to attend and whether or not the supervised child is required to attend with the supervisor.

(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 the person's address, if it differs from that of the child.

4. Psychiatric and medical examinations

(1) A supervision order may require the supervised child—

(a) to submit to a medical or psychiatric examination; or

(b) to submit to any such examination from time to time as directed by the supervisor.

(2) An examination under subsection (1) of this section must be required to be conducted—

(a) by or under the direction of, such medical practitioner as may be specified in the order;

(b) at a place specified in the order and at which the supervised child is to attend as a non-resident patient; or

(i) a health service hospital, or

(ii) in the case of a psychiatric examination, a hospital or mental nursing home, at which the supervised child is, or is to attend as, a resident patient.

(3) A requirement of a kind mentioned in subparagraph (2)(c) of this paragraph must not be included unless the Court is satisfied, on the evidence of a medical practitioner, that—

(a) the child may be suffering from a physical or mental condition that requires, and may be susceptible to, treatment; and

(b) a period as a resident patient is necessary if the examination is to be carried out properly.

(4) A Court must not include a requirement under this paragraph in a supervision order unless it is satisfied that—

(a) where the child has sufficient understanding to make an informed decision, the child consents to its inclusion; and

(b) satisfactory arrangements have been, or can be, made for the examination.

5. Psychiatric and medical treatment

(1) Where a Court which proposes to make or vary a supervision order is satisfied, on the evidence of a medical practitioner, that the mental condition of the supervised child—

(a) is such as requires, and may be susceptible to, treatment; but

(b) is not such as to warrant the detention in pursuance of a hospital order, the Court may include in the order a requirement that the supervised child must, for a period specified in the order, submit to such treatment as is so specified.

(2) The treatment specified in accordance with subsection (1) of this paragraph must be—

(a) by, or under the direction of, such medical practitioner as may be specified in the order;

(b) as a non-resident patient at such a place as may be so specified; or

(c) as a resident patient in a hospital or mental nursing home.

(3) Where a Court which proposes to make or vary a supervision order is satisfied, on the evidence of a medical practitioner, that the physical condition of the supervised child is such as requires, and may be susceptible to, treatment, the Court may include in the order a requirement that the supervised child will, for a period specified in the order, submit to such treatment as is so specified.

(4) The treatment specified in accordance with subsection (3) of this section must be—

(a) by, or under the direction of, such medical practitioner as may be specified in the order;

(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) A Court must not include a requirement under this section in a supervision order unless it is satisfied that—

(a) where the child has sufficient understanding to make an informed decision, the child consents to its inclusion; and

(b) satisfactory arrangements have been or can be made for the treatment..

(6) If a medical practitioner by whom or under whose direction a supervised person is being treated, in pursuance of a 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, the Medical Director must issue a report in writing of the opinion that—

(a) the treatment should be continued beyond the period specified in the order; or

(b) the supervised child needs different treatment; or

(c) the supervised child is not susceptible to treatment; or

(d) does not require further treatment.

(7) On receiving a report under this paragraph, the supervisor must refer it to the Court, and on such a reference, the Court may make an order cancelling or varying the requirement.

6. Life of supervision order

(1) Subject to subsection (2) of this section and section 47 of this Law, a supervision order must cease to have effect at the end of the period of one year beginning with the date on which it was made.

(2) Where the supervisor applies to the Court to extend, or further extend a supervision order, the Court may extend the order, for such period as it may specify.

(3) A supervision order may not be extended so as to run beyond the end of the period of three years beginning with the date on which it was made.

7. Limited life of directions

(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 subsection 2 or 3 of this Schedule, must not exceed ninety (90) days or such lesser number of days (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 were not complied with.

8. Information to be given to Supervisor, etc.

(1) A supervision order may require the supervised child—

(a) to keep the supervisor informed of any change of address; and

(b) to allow the supervisor to visit at the place of abode.

(2) The responsible person in relation to any child with respect to whom a supervision order is made must—

(a) at the request of the supervisor, provide the child's address (if it is known); and

(b) if the person is living with the child, allow the supervisor reasonable contact with the child.

9. Selection of Supervisor

(1) A supervision order must not designate the State Government as the supervisor unless—

(a) the State Government agrees; or

(b) the supervised child lives or will live within the State.

(2) A Court must not place a child under the supervision of a supervision officer unless—

(a) the State Government so requests; and

(b) a supervision officer is already exercising or has exercised, in relation to another member of the household to which the child belongs, duties imposed on supervision officers under this Law.

(3) Where a supervision order places a person under the supervision of a supervision officer, the supervision officer must 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 the duties, or dies, another supervision officer will be selected in the same manner.

10. Effect of supervision order on earlier orders

The making of a supervision order with respect to a child brings to an end any earlier care order or supervision order which—

(a) was made with respect to that child; and

(b) would otherwise continue in force.

11. State Government functions and expenditure

(1) The Commissioner may make regulations with respect to the exercise by the State Government of its functions where a child has been placed under its supervision by a supervision order.

(2) Where a supervision order requires compliance with directions given by virtue of this Part of this Schedule, any expenditure incurred by the supervisor for the purposes of the directions will be defrayed by the State Government designated in the order.

12. Effect of Orders

(1) Where an education supervision order is in force with respect to a child, it must be the duty of the supervisor—

(a) to advise, assist in befriending and give directions to—

(i) the supervised child, and

(ii) the parents of the supervised child, in such a way as will, in the opinion of the supervisor, ensure that the child is properly educated;

(b) where any such directions given to—

(i) the supervised child, or

(ii) a parent of the supervised child; have not been complied with, to consider what further steps to take in the exercise of the supervisor's powers under this Law.

(2) Before giving any directions under subsection (1) of this section, the supervisor must, so far as is reasonably practicable, ascertain the wishes and feelings of—

(a) the supervised child; and

(b) the parents of the supervised child, including, in particular, their wishes as to the place at which the child should be educated.

(3) When settling the terms of any such directions, the supervisor must give due consideration—

(a) having regard to the child's age and understanding, to the child's wishes and feelings; and

(b) to such wishes and feelings of the child's parents, as the supervisor has been able to ascertain.

(4) Directions may be given under this paragraph at any time while the education supervision order is in force.

13.

(1) Where an education supervision order is in force with respect to a child, the duties of the child's parents under this Law to secure education for the child, and to secure regular attendance at school must be superseded by their duty to comply with any directions in force under the education supervision order.

(2) Where an education supervision order is made with respect to a child—

(a) any school attendance order in force immediately before the making of the education supervision order shall cease to have effect;

(b) a supervision order made with respect to the child in criminal proceedings, while the education supervision order is in force, shall not include an education requirement of the kind which could otherwise be required under this Law; and

(c) any education requirement of a kind mentioned in subsection (2)(b) of this section, which was in force with respect to the child immediately before the making of the education supervision order, must cease to have effect.

14. Effect where a child is 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. Duration of orders

(1) An education supervision order must have effect for a period of one (1) year, beginning with the date on which it is made.

(2) An education supervision order will not expire if, before it would otherwise have expired, the Court has (on the application of the State Government in whose favour the order was made) extended the period during which it is in force.

(3) Such an application will not be made earlier than three months before the date on which the order would otherwise expire.

(4) The period during which an education supervision order is in force may be extended under subsection (2) of this section on more than one occasion.

(5) No single extension may be for a period of more than three (3) years.

(6) An education supervision order will cease to have effect on—

(a) the child's ceasing to be of compulsory school age; or

(b) the making of a care order with respect to the child, and subparagraphs (1)–(4) of this paragraph are subject to this subparagraph.

16. Information to be given to supervisor, etc.

(1) An education supervision order may require the child—

(a) to keep the supervisor informed of any change of address; and

(b) to allow the supervisor to visit at the place of abode.

(2) A person who is the parent of a child with respect to whom an education supervision order has been made shall—

(a) if asked by the supervisor, provide the child's address if it is known; and

(b) if the person is living with the child, allow the supervisor reasonable contact with the child.

17. Discharge of orders

(1) The Court may discharge an education supervision order on the application of—

(a) the child concerned;

(b) a parent of the child concerned; or

(c) the education authority concerned.

(2) On discharging an education supervision order, the Court may direct the State Government within whose area the child lives, or will live, to investigate the circumstances of the child.

18.

(1) If a parent of a child with respect to whom an education supervision order is in force persistently fails to comply with a direction given under the order, such parent is guilty of an offence.

(2) It will be a defence for any person charged with such an offence to prove that—

(a) all reasonable steps to ensure that the direction was complied with;

(b) the direction was unreasonable; or

(c) the person had complied with—

(i) a requirement included in a supervision order made with respect to the child, or

(ii) directions given under such a requirement, and that it was not reasonably practicable to comply both with the direction and with the requirement or directions mentioned in this paragraph.

(3) A person who is found guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding Two Thousand Five Hundred Naira (₦2,500.00) or to imprisonment for a term not exceeding three (3) months or to both such fine and imprisonment.

19. Persistent failure of child to comply with directions

(1) Where a child with respect to whom an education supervision order is in force persistently fails to comply with any direction given under the order, the education authority concerned must notify the State Government.

(2) Where the State Government has been notified under subparagraph (1) of this paragraph, it will investigate the circumstances of the child.

20. Miscellaneous

The Commissioner may by regulations make provision modifying, or displacing, the provisions of any enactment about education in relation to any child with respect to whom an education supervision order is in force, to such extent as appears to the Commissioner to be necessary or expedient in consequence of the provision made by this Law with respect to such orders.

SCHEDULE 3

APPLICATION FOR WARDSHIP

1. Application for wardship

Application for wardship will—

(a) be by originating summons; and

(b) state the relationship of the plaintiff to the ward.

2. The "prescribed period" referred to in section 86(2) of this Law shall be twenty-one (21) days.

SCHEDULE 4

1. Fostering Children

For the purposes of this Schedule, a person fosters a child if the person is—

(a) a State Government foster parent in relation to the child;

(b) a foster parent with whom the child has been placed by a voluntary organisation; or

(c) fosters the child privately.

2. The usual fostering limit

(1) Subject to the following paragraphs of this Schedule, a person may not foster more than three (3) children which is the usual fostering limit.

(2) A person may exceed the usual fostering limit if the children concerned are all siblings with respect to each other.

3. Exemption by the State Government

(1) A person may exceed the usual fostering limit if the person is exempted from it by the Government of the State of residency.

(2) In considering whether to exempt a person, the State Government must 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 for which he proposes to foster the children; and

(e) whether the welfare of the fostered children (and of any other children who are or will be living in the accommodation) will be safeguarded and promoted.

(3) Where the State Government exempts a person, it must inform the person by notice in writing—

(a) that the person is exempted;

(b) of the children, described by name, whom the person may foster; and

(c) of any condition to which the exemption is subject.

(4) The State Government may at any time by notice in writing—

(a) vary or cancel an exemption; or

(b) impose, vary or cancel a condition to which the exemption is subject, and in considering whether to do so, it must have regard in particular to the considerations mentioned in subparagraph (2) of this paragraph.

(5) The Commissioner may make regulations amplifying or modifying the provisions of this paragraph in order to provide for cases where children need to be placed with foster parents as a matter of urgency.

4. Effect of exceeding fostering limit

(1) A person must cease to be treated as fostering children and will be treated as carrying on a children's home if—

(a) the person exceeds the usual fostering limit; or

(b) where the person is exempted under paragraph 4 of this Schedule—

(i) fosters any child not named in the exemption, and

(ii) in so doing, exceeds the usual fostering limit.

(2) Subparagraph (1) of this paragraph does not apply if the children concerned are all siblings in respect of each other.

5. Complaints, etc.

(1) The State Government must establish a procedure for considering any representation (including any complaint) made to it about the discharge of its functions under paragraph 4 of this Schedule by a person exempted or seeking to be exempted under that paragraph.

(2) In carrying out any consideration of representations under subparagraph (1) of this paragraph, the State Government must comply with any regulation made by the Commissioner for the purposes of this paragraph.

FORMS OF FOSTERED CHILDREN'S REGISTER

Registry . . . . . Town . . . . . L. G. A. . . . . State. . . . . .

1	2	3	4	5	6	7	8
No. of Entry	Date of Entry	Name of 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 of any) directed by the fostering order to be entered, but no other entry)	Date of fostering order and description of court by which made (entry to be as appearing on the fostering order).	Signature of officer deputed by Chief Registrar to attest entry.

CHILDREN FOSTERED PRIVATELY

1. Exemptions

(1) A child is not fostered privately while being looked after by the State Government.

(2) A child is not fostered privately while in the care of any person, in premises in which—

(a) parent of the child, or

(b) a person who is not a parent of the child but who has parental responsibility for the child,

(c) a person who is a relative of the child and who has assumed responsibility of care, is for the time being living—

(i) in a children's home;

(ii) in an accommodation provided by or on behalf of any voluntary organisation;

(iii) in a school in which the child is receiving full-time education;

(iv) in a residential care home, nursing home or mental nursing home; or

(v) any home or institution not specified in this paragraph but provided, equipped and maintained by the Government.

(3) Subsection (1)(b)–(g) of this section does not apply where the person caring for the child is doing so in his personal capacity and not in the course of carrying out his duties in relation to the establishment mentioned in the subparagraph in question.

(4) A child is not fostered privately while—

(a) placed in the care of a person who proposes to adopt the child under this Law; or

(b) the child is a protected child.

4. Power of State Government to impose requirements

(1) Where a person is fostering a child privately, or proposes to foster any child privately, the appropriate authority may impose on the person requirements as to—

(a) the number, age and sex of the children who may be fostered privately by the person;

(b) the standard of the accommodation and equipment to be provided for them;

(c) the arrangement to be made with respect to their health and safety; and

(d) particular arrangements will be made with respect to the provision of care for them, and it must be the person's duty to comply with any such requirement before the end of such period as the appropriate authority may specify unless, in the case of a proposal, the proposal is not carried out.

(2) A requirement may be limited to a particular child, or class of children.

(3) A requirement (other than one imposed under subsection (1)(a) of this section), may be limited by the appropriate authority so as to apply only when the number of the children fostered by the person exceeds a specified number.

(4) A requirement may be imposed by notice in writing addressed to the person, informing the person of—

(a) the reason for imposing the requirement;

(b) right under paragraph 6 of this Schedule to appeal against it; and

(c) the time within which he may do so.

(5) The State Government may at any time vary a requirement, and impose any additional requirement or remove any requirement.

5. Regulations requiring notification of fostering, etc.

(1) The Commissioner may by regulations make provisions as to—

(a) the circumstances in which notification is required to be given in connection with children who are, have been or are proposed to be fostered privately; and

(b) the manner and form in which such notification is to be given.

(2) The regulations may, in particular—

(a) require any person who is, or proposes to be, involved (whether or not directly) in arranging for a child to be fostered privately, to notify the appropriate authority;

(b) require any person who is—

(i) a parent of a child; or

(ii) a person who is not a parent of the child but who has parental responsibility for the child, and who knows that it is proposed that the child should be fostered privately, to notify the appropriate authority;

(c) require any parent of a child fostered privately, or person who is not a parent of the child but who has parental responsibility for him, to notify the appropriate authority of any change in address;

(d) require any person who proposes to foster a child privately to notify the appropriate authority of the proposal;

(e) require any person who is fostering a child privately, or proposes to do so, to notify the appropriate authority of—

(i) any offence of which he has been convicted,

(ii) any disqualification imposed on him under section 113 of this Law, or

(iii) any prohibition imposed on him under section 114 of this Law;

(f) require any person who is fostering a child privately to notify the appropriate authority of any change in address;

(g) require any person who is fostering a child privately to notify the appropriate authority in writing of any person who begins, or ceases, to be part of the household;

(h) require any person who has been fostering a child privately, but has ceased to do so, to notify the appropriate authority (indicating, where the child has died, the reason for the death).

6. Appeals

(1) A person aggrieved by—

(a) a requirement imposed under paragraph 4 of this Schedule;

(b) a refusal of consent under section 113 of this Law;

(c) a prohibition imposed under section 114 of this Law;

(d) a refusal to cancel a prohibition imposed under section 114 of this Law;

(e) a refusal to make an exemption under paragraph 4 of Part I of this Schedule;

(f) a condition imposed in an exemption under paragraph 4 of Part I of this Schedule; or

(g) a variation or cancellation of an exemption, may appeal to the Court.

(2) The appeal must be made within fourteen (14) days from the date on which the person appealing is notified of the requirement, refusal, prohibition, condition, variation or cancellation.

(3) Where the appeal is against—

(a) a requirement imposed under paragraph 4 of this Schedule; or

(b) a condition imposed in an exemption under paragraph 4 of Part I of this Schedule; or

(c) a variation or cancellation of an exemption under paragraph 4 of Part I of this Schedule, the requirement, condition, variation or cancellation shall not have effect while the appeal is pending.

(4) Where the Court allows an appeal against a requirement or prohibition, it may, instead of cancelling the requirement or prohibition—

(a) vary the requirement or allow more time for compliance with it; or

(b) if an absolute prohibition has been imposed, substitute for it a prohibition on using the premises after such time as the Court may specify, unless such specified requirements as the State Government had power to impose under paragraph 4 of this Schedule are complied with.

(5) A requirement or prohibition specified or substituted by a Court under this paragraph shall be deemed for the purposes of sections 92 to 101 of this Law (other than this paragraph), to have been imposed by the State Government under paragraph 4 of this Schedule or section 114 of this Law (as the case may be).

(6) Where the Court allows an appeal against a refusal to make an exemption, a condition imposed in the exemption or a variation or cancellation of the exemption, it may—

(a) make an exemption;

(b) impose a condition; or

(c) vary the exemption.

(7) An exemption made or varied under subparagraph (6) of this paragraph, or any condition imposed under that sub-paragraph, shall be deemed for the purposes of Part I of this Schedule (but not for the purposes of this paragraph) to have been made, varied or imposed under that Schedule.

(8) Nothing in subparagraph (1)(e)–(g) of this paragraph confers any right of appeal on—

(a) a person who is, or would, if exempted under Part I of this Schedule, be the State Government foster parent; or

(b) a person who is, or would, if so exempted be, a person with whom a child is placed by a voluntary organisation.

7. Extension of Part XI to certain school children during holidays

(1) Where a child under the age of sixteen (16) years who is a pupil at a school which is not maintained by the State Government lives at the school during school holidays, for a period of more than two weeks, sections 92 to 101 of this Law shall apply in relation to the child as if—

(a) while living at the school, he were a child fostered privately; and

(b) paragraphs 2(1)(d) and 4 of this Part of this Schedule were omitted.

(2) Subparagraph (3) of this paragraph applies to any person who proposes to care for and accommodate one or more children at a school in circumstances in which some or all of them will be treated as children fostered privately by virtue of this paragraph.

(3) The person referred to in subparagraph (2) of this paragraph shall, not less than two (2) weeks before the first of those children is treated as a child fostered privately by virtue of this paragraph during the holiday in question, give written notice of his proposal to the State Government whose area the child is ordinarily resident, stating the estimated number of the children.

(4) The State Government may exempt any person from the duty of giving notice under subparagraph (3) of this paragraph.

(5) An exemption may be granted for a special period or indefinitely and may be revoked at any time by notice in writing given to the person exempted.

(6) Where a child who is treated as a child fostered privately by virtue of this paragraph dies, the person caring for him at the school shall, not later than 48 hours after the death, give written notice of the death—

(a) to the appropriate authority; and

(b) where reasonably practicable, to each parent of the child and to every person who is not a parent of the child but who has parental responsibility for the child.

(7) Where a child who is treated as a foster child by virtue of this paragraph ceases for any other reason to be a fostered child, the person caring for the child at the school must give written notice of the fact to the appropriate authority.

8. Prohibition of advertisements relating to fostering

No advertisement indicating that a person will undertake, or will arrange for, a child to be fostered privately will be published, unless it states that person's name and address.

9. Avoidance of insurance on lives of children fostered privately

A person who fosters a child privately and for reward must be deemed for the purposes of the Insurance Law 1991 to have no interest in the life of the child.

DECLARATION REGARDING SUITABILITY TO FOSTER CHILDREN PRIVATELY

(To be completed by all members of the household over 16 years)

Full Name: . . . . . .

Date of Birth: . . . . . .

Address: . . . . . .

HAVE YOU EVER

Please Tick	YES	NO
1. Been convicted of any offences involving a child?	( )	( )
2. Had a child removed from your care by the order of any Court or State Government?	( )	( )
3. Had registration under sections 150 to 157 of the Child's Rights Law refused or cancelled, (children minding)?	( )	( )
4. Had your right and duties with respect to a child vested in the State Government?	( )	( )
5. Had a prohibition been imposed on you at any time?	( )	( )
6. Been disqualified from acting as a foster parent?	( )	( )

If you have answered "yes" to any of the above questions, please supply the dates and circumstances.

Signed . . . . . .

Date . . . . . .

Section 127 (1)(a) of the Child's Rights Law 2006, provides that a person who makes any statement in this notice or information which he knows to be false or misleading is guilty of an offence and liable on summary conviction to a fine not exceeding Five Thousand Naira (₦5,000:00).

SCHEDULE 5

1. General welfare of children

(1) In carrying out functions under section 112 of this Law, as to the welfare of children who are fostered privately within the States, the State Government (including an officer of the State Government making a visit under paragraph 2 of this Part of this Schedule) must satisfy itself on such of the matters specified in subparagraph (2) of this paragraph as are relevant in the particular circumstances.

(2) The matters referred to in subparagraph (1) of this paragraph are—

(a) the purpose and intended duration of the fostering arrangement;

(b) the child's physical, intellectual, emotional, social and behavioural development;

(c) whether the child's needs arising from his religious persuasion, racial origin and cultural and linguistic background are being met;

(d) the financial arrangements for the care and maintenance of the child;

(e) the suitability of the accommodation;

(f) the arrangements for the child's medical treatment and dental care;

(g) the arrangements for the child's education and, in particular, that the local education authority has been informed of the fostering arrangement;

(h) the standard of care which the child is being given;

(i) the suitability of the foster parent to look after the child and suitability of the foster parent's household;

(j) whether the foster parent is being given any necessary advice;

(k) whether the contact between the child and his parents, or any person with whom contact has been arranged, is satisfactory;

(l) whether the child's parents, or any other person are exercising parental responsibility for the child; and

(m) the ascertainable wishes and feelings of the child regarding the fostering arrangements.

2. Visits to children

(1) The State Government must make arrangements for each child who is fostered privately within the State to be visited by an officer of the State Government, from time to time as the State Government considers necessary in order to safeguard and promote the welfare of the child and when reasonably requested by the child or foster parent, and in particular—

(a) in the first year of the fostering arrangement, within one (1) week from its beginning and then at intervals of not more than six (6) weeks;

(b) in any second or subsequent year, at intervals of not more than three (3) months.

(2) For the purpose of making visits under this paragraph, the officer must consider it appropriate, arrange to see the child alone.

(3) The officer must make a written report to the State Government after each visit.

3. Notifications by prospective and actual foster parents

(1) A person who proposes to foster privately, a child for whom the person is not already caring and providing accommodation must notify the appropriate authority not less than six (6), nor more than thirteen (13) weeks before the reception of the child, unless the person in an emergency.

(2) A person who is fostering a child privately—

(a) whom was received in an emergency; or

(b) for whom the person was already caring and providing accommodation when the person became a foster child, must notify the appropriate authority not more than forty-eight (48) hours after the fostering arrangements began.

(3) A notice under subparagraph (1) or (2) of this paragraph must specify:

(a) the name, sex, date and place of birth, religious persuasion, racial origin and cultural and linguistic background of the child;

(b) the name and address of the person giving the notice and any previous address within the last five years;

(c) the purpose and intended duration of the fostering arrangement;

(d) the name and address of any parent of the child and of any other person who has parental responsibility for the child and (if different), of any person from whom the child was or is to be received;

(e) the name and address of any person, other than a person specified in subparagraph (3)(d) of this paragraph, who is involved directly or indirectly in making the fostering arrangement; and

(f) the intended date of the beginning of the fostering arrangement or, as the case may be, the date on which the arrangement actually began.

(4) A person giving notice under subparagraph (1) or (2) of this paragraph must include in the notice particulars of—

(a) any offence of which has been convicted;

(b) any disqualification or prohibition imposed on the person under (as the case may be) section 113 or 114 of this Law or under any previous enactment of either of those sections; and

(c) any such conviction, disqualification or prohibition imposed on any other person living in or employed at the same household.

(5) A person who is fostering a child privately must notify the appropriate authority of:

(a) any change in address;

(b) any person who is or ceases, to be part of the person's household; and

(c) any further conviction, disqualification or prohibition as mentioned in subparagraphs (3)(a), (b) and (c) of this paragraph.

(6) A notice under subparagraph (5) of this paragraph must be given—

(a) in advance, if practicable; and

(b) in any other case, not more than forty-eight (48) hours after the change of circumstances, and if the new address is in another State, the appropriate authority to whom the notice is given shall inform the State Government of the other State of the new address and of the particulars given to it under subparagraphs (3)(a) and (d) of this paragraph.

4. Notifications by former foster parents

(1) Subject to subparagraphs (2) and (3) of this paragraph, any person who has been fostering a child privately, but has ceased to do so, must notify the appropriate authority within forty-eight (48) hours and must include in the notice the name and address of the person into whose care the child was received.

(2) Where the reason for the ending the fostering arrangement is the death of the child, the foster parent must notify forthwith the State Government and also the person from whom the foster parent received the child.

(3) Subparagraph (1) of this paragraph must not apply where the foster parent intends to resume the fostering arrangement after an interval of not more than twenty-seven (27) days but if—

(a) the person subsequently abandons the intention; or

(b) the interval expires without the person having given effect to the intention, the person shall thereupon give notice to the State Government within forty-eight (48) hours of abandoning the person's intention or, as the case may be, the expiry of the interval.

5. Other notifications

(1) Any person who is, or proposes to be, involved (whether or not directly) arranging for a child to be fostered privately, shall notify the appropriate authority not less than six (6), nor more than thirteen (13) weeks before the fostering arrangement begins, unless the fostering arrangement is made in an emergency in which case the notification shall be not more than forty-eight (48) hours after the fostering arrangement begins.

(2) A parent of a child, and any other person who has parental responsibility for the child, who knows that it is proposed that the child should be fostered privately, must notify the appropriate authority not less than six (6), nor more than thirteen (13) weeks before the fostering arrangement begins, unless the fostering arrangement is made in an emergency in which case the notification must be not more than forty-eight (48) hours thereafter.

(3) Any notice under subparagraph (1) or (2) of this paragraph must specify—

(a) the information mentioned in subparagraphs (3)(a), (b) and (c) of paragraph 3 of this Schedule;

(b) the arrangements for the care of any brother or sister of the child who is not included in the fostering arrangement;

(c) the name and address of any other person involved (whether or not directly) in the fostering arrangement;

(d) where the notice is given under subparagraph (1) of this paragraph, the relationship to the child of the person giving the notice and also the information specified in subparagraph (3)(d) of paragraph 3 of this Schedule.

(4) Any parent of a child fostered privately and any other person who has parental responsibility for the child, must notify the appropriate authority of—

(a) the ending of the fostering arrangement; and

(b) any change in address.

(6) Any notice required under regulations 3–5 must be given in writing and may be sent by post.

SCHEDULE 6

SECTIONS 113(5), 150 AND 178(4)

1. Disqualification from fostering a child privately or registration under Part XIV of this Law

For the purpose of section 113 of this Law (person disqualified from being private foster parents) and of paragraph 2 of Schedule 6 to this Law (disqualification from registration), a person is disqualified from fostering a child privately or registering under section 150 of this Law (registration for child-minding and day care) if—

(a) he is parent of a child who at any time has been made the subject of an order under section 47(1)(a) of this Law (care order);

(b) one of the following orders has been made at any time with respect to a child so as to remove the child from the person's care or prevent the child from living with the person—

(i) an order under section 47(1)(a) of this Law,

(ii) a supervision order which imposes a residence requirement under this Law that a child offender live in State Government accommodation,

(iii) an approved school order or a fit person order under this Law;

(c) an order has been made at any time, for the purposes of removing a protected child who was being kept, or was about to be received by the person under sections 36 to 43 of this Law;

(d) an order removing a child from the person's care has been made at any time under sections 44 to 46 of this Law;

(e) the person has been convicted of any sexual offence, any offence involving perjury or violence or such other offence as may be prescribed by the Commissioner;

(f) the person is a person who carried on, or was otherwise concerned with the management of or had any financial interest in a voluntary home which was removed from the register;

(g) there has been a refusal to register a voluntary home in relation to an application made by the person under this Law;

(h) there has been a refusal to register a registered children's home in relation to an application made by him under paragraph 1 of Schedule 10 to this Law (application for registration);

(i) the person is a person who carried on or was otherwise concerned with the management of or had any financial interest in a registered children's home, and that home was removed from the register under paragraph 4 of Schedule 10 to this Law (cancellation of registration);

(j) the person is a person in respect of whom a prohibition has been imposed under section 114 of this Law (power to prohibit private fostering);

(k) the person has at any time been refused registration in respect of day care or child minding.

2. Disqualification in relation to voluntary homes

(1) A person who is disqualified under section 113 of this Law from fostering a child privately must not carry on, or be otherwise concerned in the management of or have any financial interest in a voluntary home unless the person has—

(a) disclosed to the Commissioner the fact that he or she is so disqualified; and

(b) obtained the Commissioner's written consent.

(2) A person shall not employ a person who is disqualified in a voluntary home unless he has—

(a) disclosed to the Commissioner the fact that person is so disqualified; and

(b) obtained the written consent of the Commissioner.

(3) Where the Commissioner refuses to give consent under this section, the Commissioner shall inform the person carrying on or intending to carry on the voluntary home by a written notice which states—

(a) the reason for the refusal;

(b) the right to appeal against the refusal to the Court at the High Court under section 5 of Schedule 9 to this Law;

(c) the time within which the person may do so.

(4) Any person who contravenes subsection (1) or (2) of this Law is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three (3) months or to a fine not exceeding Two Thousand Five Hundred Naira (₦2,500.00) or to both such imprisonment and fine.

SCHEDULE 7

SECTIONS 120(2) AND 132(2)

FORM OF ADOPTED CHILDREN'S REGISTER

Registry . . . . . City/Town. . . . . .L.G.A. State. . . . . .

1	2	3	4	5	6	7	8
No. of entry	Date of entry	Name of adopted child (enter name as stated in adoption order).	Sex of adopted child (enter sex as stated in adoption order).	Name and Surname, address and occupation of adopters (enter name, address and occupation as stated in adoption order).	Date of birth of adopted child (enter date of birth (if any) directed by the adoption order to be entered, but no other entry).	Date of adoption order and description of court by which made (entry to be as appearing on the adoption order).	Signature of officer deputed by Chief Registrar to attest entry.

SCHEDULE 8

SECTIONS 150(16), 153(2)(C), 156(1)(C), 157(9), (10) AND (11) AND 160(7)

1. Application for registration

(1) An application for registration under section 150 of this Law will be of no effect unless it contains—

(a) a statement, with respect to the applicant which complies with the requirements contained in Annexure A to this Schedule and of regulations made for the purposes of this section by the Commissioner; and

(b) a statement with respect to any person assisting or likely to be assisting in looking after children on the premises in question, or living or likely to be living there, which complies with the requirements contained in Annexure B to this Schedule and of such regulations.

(2) Where a person provides day care for children under the age of six (6) years on different premises situated within the same State, the person shall make a separate application with respect to each of those premises.

(3) An application under section 150 of this Law will be accompanied by such fees as shall be prescribed.

(4) On receipt of an application for registration under section 168 of this Law from any person who is acting, or proposes to act, in any way which requires the person to be registered under that section, the State Government will register the person if the application is properly made and it is not otherwise entitled to refuse to do so.

2. Disqualification from registration

(1) A person may not be registered under section 150 of this Law if the person is disqualified by regulations made by the Commissioner for the purposes of this section.

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

(a) an order of a prescribed kind has been made at any time with respect to the person;

(b) an order of a prescribed kind has been made at any time with respect to any child who has been in the person's care;

(c) a requirement of a prescribed kind has been imposed at any time with respect to such a child, under or by virtue of any enactment;

(d) the person has at any time been refused registration under sections 150 to 157 of this Law or any other prescribed enactment or had any such registration cancelled;

(e) the person has been convicted of any offence of a prescribed kind, or has been placed on probation or discharged absolutely or conditionally for any such offence;

(f) the person has at any time been disqualified from fostering a child privately;

(g) a prohibition has been imposed on the person at any time under prescribed enactment;

(h) the person's rights and powers with respect to a child have at any time been vested in a prescribed authority under a prescribed enactment.

(3) A person who lives—

(a) in the same premises as a person who is disqualified by regulations made under this paragraph; or

(b) in a premises which any such person is employed, will be disqualified unless he or she has disclosed the fact to the State Government and obtained its written consent.

(4) A person who is disqualified must not provide day care, or be concerned in the management of, or have any financial interest in, any provision of day care unless he has—

(a) disclosed the fact to the State Government; and

(b) obtained its written consent.

(5) A person must not employ, in connection with the provision of day care, a person who is disqualified unless he or she has—

(a) disclosed to the State Government the fact that the person is so disqualified; and

(b) obtained its written consent.

(6) In this section, "enactment" means any enactment having effect, at any time, in any part of Nigeria.

3. Exemption of certain Schools

(1) Section 150 of this Law does not apply in relation to any child looked after in any—

(a) school maintained or assisted by any Government in the Federation;

(b) school under the management of an education authority;

(c) independent school.

(2) The exemption provided by subparagraph (1) of this paragraph only applies where the child concerned is being looked after in accordance with provision for day care made by—

(a) the person carrying on the establishment in question as part of the establishment's activities; or

(b) a person employed to work at that establishment and authorised to make that provision as part of the establishment's activities.

4. Exemption for other Establishments

(1) Section 150(1)(b) of this Law does not apply in relation to any child looked after in—

(a) a registered children's home; or

(b) a voluntary home; or

(c) a community home; or

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

(e) a Government hospital;

(f) such other home as may be prescribed for exemption under this section.

(2) The exemption provided by subparagraph (1) of this section only applies where the child concerned is being looked after in accordance with the provisions for day care made by—

(a) the department, authority or other person carrying on the establishment in question as part of the establishment's activities; or

(b) a person employed to work at that establishment and authorised to make that provision as part of the establishment's activities.

5. Exemption for occasional facilities

(1) Where day care for children under the age of six (6) years is provided in particular premises for less than six (6) days in any year, that provision must be disregarded for the purposes of section 150 of this Law, if the person making it has notified the State Government in writing before the first occasion on which the premises concerned are so used in that year.

(2) In subsection (1) of this section, "year" means the year beginning with the day on which the day care in question is (after the commencement of this paragraph) first provided in the premises concerned and any subsequent year.

6. Certificate of registration

(1) Where the State Government registers a person under section 150 of this Law, it will issue the person with a certificate of registration.

(2) The certificate must specify—

(a) the registered person's name and address;

(b) in a case falling within section 150(1)(b) of this Law, the address or situation of the premises concerned; and

(c) any requirement imposed under section 151 or 152 of this Law.

(3) Where, due to a change of circumstance, any part of the certificate requires to be amended, the State Government must issue an amended certificate.

(4) Where the State Government is satisfied that the certificate has been lost or destroyed, it must issue a copy, on payment by the registered person of such fee as may be prescribed.

7. Fees for annual inspection of premises.

(1) Where—

(a) a person is registered under section 150 of this Law; and

(b) the State Government makes an annual inspection of the premises in question under section 154 of this Law, it will serve on that person a notice informing the person that the inspection is to be carried out and requiring the person to pay to it such fee as may be prescribed.

(2) It will be a condition of the continued registration of that person under section 150 of this Law that the fee is so paid before the expiry of the period of twenty-eight (28) days beginning with the date on which the inspection is carried out.

ANNEXURE A

SECTION 1(1)(A)

1. Information to be provided about the applicant

The full name of the applicant, including (if different) name at birth and any other former names, and where day care is to be provided by a partnership, committee or body corporate or unincorporated, the full names of the partners, members of the committee, Board of Directors, or the Board, identifying the Chairman, Secretary and Treasurer and the person in charge.

2. The address at which the children are to be looked after and the address of the applicant and of the person in charge, if different.

3. Whether the premises at which the children are to be looked after are domestic premises.

4. In the case of day care, a description of the facilities available to the applicant for day care, including the number of rooms, their functions, the number of lavatories and washbasins, any separate facilities for adult workers and access to the premises for cars.

5. Whether the applicant wishes to register as a child minder, or as a provider of day care, and if the latter, whether the applicant will provide full day care or sessional day care.

6. In the case of day care, the proposed hours for which the applicant wishes to provide day care.

7. Relevant experience of the applicant and any person in charge, including any previous work with children or with elderly or disabled persons, whether paid or not.

8. The number and ages of any children of the applicant or the person in charge or any children for whom either is to be responsible.

9. Any relevant qualifications (with dates) of the applicant or the person in charge, giving details of the organisation running the course, the subjects studied, the length of the course and the name of the qualification.

10. The names of two (2) referees for the applicant or the person in charge who may be contacted.

11. The name and address of the medical practitioner of the applicant or of the person in charge and whether he may be approached for details concerning the state of health of the applicant or person in charge, together with details of anything for which he

is currently being treated by his medical practitioner or by a hospital and details of any hospital admissions during the last two (2) years and of any serious illness in the last five (5) years.

12. Details of any criminal convictions of the applicant or the person in charge, including—

(a) the date of the offence;

(b) the nature of the offence;

(c) the place where it occurred;

(d) the name of the Court which gave the conviction;

(e) the penalty imposed.

ANNEXURE B

SECTION 1(1)(B)

1. Information to be provided about any person assisting or likely to assist, or living or likely to live in the premises

In the case of child minders, name and date of birth of anyone living (or likely to be living) in the premises in which they intend to look after children, including numbers of the family and lodges and the name and address of any person assisting (or likely to be assisting) in looking after the children.

2. In the case of day care applicants, name and date of birth of anyone living (or likely to be living) on the premises to be used for a day care, details or how many staff will be employed in looking after the children and in what capacity, details of any person in charge, any other person assisting (or likely to be assisting) in looking after children on the premises in question, with their names and addresses.

3. Details of any criminal conviction of any of the persons mentioned in subparagraphs 1 and 2 of this Annexure, including—

(a) the date of the offence;

(b) the nature of the offence;

(c) the place where it occurred;

(d) the name of the Court which gave the conviction;

(e) the penalty imposed.

SCHEDULE 9

SECTIONS 157(4) AND (5), 164(9) AND 170(9)

1. Identification of children in need and provision of Information

(1) The State Government will take reasonable steps to identify the extent of need of the children within the area.

(2) The State will—

(a) publish information—

(i) about services provided by it under sections 157, 160 and 165 of this Law; and

(ii) where it considers it appropriate, about the provision by others including voluntary organisations, or services which the State has power to provide under those sections; and

(b) take such steps as are reasonably practicable to ensure that those who might benefit from the services receive the information relevant to them.

2. Maintenance of a register of Disabled children

(1) The State will open and maintain a register of disabled children within the State.

(2) The register may be kept by means of a computer.

3. Assessment of children's needs

Where it appears to the State that a child within the State is in need, the State may assess the child's needs for the purposes of this Law at the same time as for any assessment of the child's needs is made under any other enactment.

4. Prevention of neglect and abuse

(1) The State must take reasonable steps, through the provision of services made under this Law, to protect children within the State who are suffering ill-treatment or neglect.

(2) When informing that other State, it must specify—

(a) the harm that it believes the child is likely to suffer; and

(b) if it can, where the child lives or proposes to live.

5. Provision of accommodation in order to protect child

(1) Where—

(a) it appears to the State that a child who is living on particular premises is suffering, or is likely to suffer, ill-treatment at the hands of another person who is living on those premises; and

(b) that other person proposes to move from the premises, the State may assist that other person to obtain alternative accommodation.

6. Provision for disabled children

The State must provide services designed—

(a) to minimise the effect on disabled children within the State of their disabilities; and

(b) to give disabled children the opportunity to lead lives as normal as possible.

7. Provision to reduce need for care proceedings, etc.

The State must take reasonable steps designed—

(a) to reduce the need to bring—

(i) proceedings for care or supervision orders with respect to children within the State;

(ii) criminal proceedings against the children;

(iii) any family or other proceedings with respect to the children which might lead to them being placed in the care of the State; or

(iv) proceedings in the Court with respect to children;

(c) to provide the need for children within the State to be placed in secured accommodation.

8. Provision for children living with their families

The State must make such provision as it considers appropriate for the following services to be available with respect to children in need within the State while they are living with their State families—

(a) advice, guidance and counselling;

(b) occupational, social, cultural or recreational activities;

(c) home help (which may include laundry facilities);

(d) facilities for, or assistance with, travelling to and from home for the purpose of taking advantage of any other service provided under this Law or of any similar service;

(e) assistance to enable the child concerned and the child's family to have a holiday.

9. Family centres

(1) The State Government will provide such family centres as they consider appropriate for children within the State.

(2) Family Centre is a Centre at which any of the persons mentioned in subparagraph (3) of this paragraph may—

(a) attend for occupational, social, cultural or recreational activities;

(b) attend for advice, guidance or counselling; or

(c) be provided with accommodation while the child is receiving advice, guidance or counselling.

(3) The persons referred to in subparagraph (2) of the paragraph are—

(a) a child;

(b) the parents of the child;

(c) any person who is not a parent of the child but who has parental responsibility for the child;

(d) any other person who is looking after the child.

10. Maintenance of family

The State Government must take such steps as are reasonably practicable, where any child within the State who is in need and whom it is not looking after is living apart from the child's family—

(a) to enable him to live with his family; or

(b) to promote contact between the child and his family, if, in its opinion, it is necessary to do so in order to safeguard or promote his welfare.

11. Religious Background

The State Government shall, in making any arrangement

(a) for the provision of day care within the State; or

(b) for persons designed as State foster parents, have regard to the different religious persuasions, racial origin, ethnic and linguistic background of children within the State who are in need.

12.

Regulations under section 164(2)(a) of this Law may, in particular, make provisions—

(a) with regard to the welfare of children placed with State Government foster parents;

(b) as to the arrangements to be made by the State in connection with the health and education of the children;

(c) as to the records to be kept by the State Government;

(d) for securing that a child is not placed with a State Government foster parent, unless that person is for the time being approved as a State Government foster parent by the State Government as may be prescribed;

(e) for securing that, where possible, the State foster parent with whom a child is to be placed is—

(i) of the same religious background as the child; or

(ii) gives an undertaking that the child will be brought up with that religious background;

(f) for securing that children placed with State Government foster parents, and the premises in which they are accommodated, will be supervised and inspected by the State Government and that the children will be removed from those premises if their welfare appears to require it;

(g) as to the circumstances in which the State may make arrangements for duties imposed on it by the regulations to be discharged, on its behalf.

13. Regulations as to arrangements

Regulations under section 164(2)(c) of this Law may, in particular, make provisions as to—

(a) the persons to be notified of any proposed arrangements;

(b) the opportunities such persons are to have to make representations in relation to the arrangements proposed;

(c) the persons to be notified of any proposed changes in the arrangements;

(d) the records to be kept by the State Government;

(e) the supervision by the State Government of the arrangements made.

14. Regulations allowing a child in care of the State to live with the parents

Regulations under section 165(5) of this Law may, in particular, impose requirements on the State Government as to—

(a) the making of any decision by the State Government to allow a child to live with any person falling within section 164(4) of this Law (including requirements as to those who must be consulted before the decision is made, and those who must be notified when it has been made);

(b) the supervision or medical examination of the child concerned;

(c) the removal of the child, in such circumstances as may be prescribed, from the care of the person with whom he has been allowed to live.

15. Promotion and maintenance of contact between child and family

(1) Where a child is being looked after by the State, the State Government must, unless it is not reasonably practicable or consistent with his welfare, endeavour to promote contact between the child and—

(a) parents;

(b) any person who is not a parent of the child but who has parental responsibility for the child; and

(c) any relative, friend or other person connected with the child.

(2) Where a child is being looked after by the State—

(a) the State must take such steps as are reasonably practicable to secure that

(i) the parents of the child, and

(ii) any person who is not a parent of the child but who has parental responsibility for the child, are kept informed of where the child is being accommodated; and

(b) every such person must ensure that the State Government is kept informed of address.

(3) Where the State Government ("the receiving authority") takes over the provision of accommodation for a child from another State Government ("the transferring authority") under s.179 of this Law—

(a) the receiving authority must (where reasonably practicable) inform—

(i) the parents of the child, and

(ii) any person who is not a parent of the child but who has parental responsibility for the child;

(b) subparagraph (2)(a) of this paragraph shall apply to the transferring authority, as well as the receiving authority, until at least when person has been informed of the change; and

(c) subparagraph (2)(b) of this paragraph will not require any person to inform the receiving authority of his address until he has been so informed.

(4) Nothing in this paragraph requires the State Government to inform any person of the whereabouts of a child if—

(a) the child is in the care of the State Government; and

(b) the State Government has reasonable cause to believe that informing the person would prejudice the child's welfare.

(5) Any person who fails (without reasonable excuse) to comply with subparagraph (2)(b) of this paragraph will be guilty of an offence and liable on summary conviction to a fine not exceeding Two Thousand Five Hundred Naira (₦2,500.00) or to imprisonment for a term not exceeding three (3) months or to both such fine and imprisonment.

(6) It will be a defence in any proceedings under subparagraph (5) of this paragraph to prove that the defendant was residing at the same address as another person who was the child's parent or had parental responsibility for the child and had reasonable cause to believe that the other person had informed the appropriate authority that both of them were residing at that address.

16. Visits to or by children expenses

(1) This section applies where—

(a) a child is being looked after by the State; and

(b) the conditions mentioned in subsection (3) of this section are satisfied.

(2) The State may—

(a) make payments to—

(i) a parent of the child;

(ii) any person who is not a parent of the child but who has parental responsibility for him; or

(iii) any relative, friend or other person connected with the child, in respect of travelling, subsistence or other expenses incurred by that person in visiting the child; or

(b) make payments to the child, or to any person on the child's behalf, in respect of travelling, subsistence or other expenses incurred by or on behalf of the child the person is visiting—

(i) a parent of the child;

(ii) any person who is not a parent of the child but who has parental responsibility for the child; or

(iii) any relative, friend or other person connected with the child.

(3) The conditions referred to in subparagraph (1)(b) of this paragraph are that—

(a) it appears to the State Government that the visit in question could not otherwise be made without undue financial hardship; and

(b) the circumstances warrant the making of the payments.

17. Appointment of visitor for child who is not being visited

(1) Where it appears to the State Government in relation to a child that it is looking after that–

(a) communication between the child and—

(i) the parent of the child; or

(ii) any person who is not a parent of the child but who has parental responsibility for the child's, has been infrequent; or

(b) the child has not visited or been visited by (or lived with) any such person during the preceding twelve (12) months, and that it would be in the best interest of the child for an independent person to be appointed to be his visitor for the purposes of this paragraph, it will appoint such a visitor.

(2) A person appointed as a visitor will—

(a) have the duty of visiting, advising and befriending the child; and

(b) be entitled to recover from the State Government who appointed the person any reasonable expenses incurred by the person for the purposes of the functions under this paragraph.

(3) A person's appointment as a visitor in pursuance of this paragraph must be determined if—

(a) the person gives notice in writing to the State Government who made the appointment that resigns the appointment; or

(b) the State Government gives the person notice in writing that it has terminated the appointment.

(4) The determination of an appointment will not prejudice any duty under this paragraph to make a further appointment.

(5) Where the State Government proposes to appoint a visitor for a child under this paragraph, the appointment will not be made if—

(a) the child objects to it; and

(b) the State Government is satisfied that the child has sufficient understanding to make an informed decision.

(6) Where a visitor has been appointed for a child under this paragraph, the State Government shall determine the appointment if—

(a) the child objects to its continuing; and

(b) the State Government is satisfied that the child has sufficient understanding to make an informed decision.

(7) The Commissioner may make regulations as to the circumstances in which a person appointed as a visitor under this paragraph may be regarded as being independent of the State Government who appointed him.

18. Power to guarantee apprenticeship deeds, etc.

(1) While a child is being looked after by the State Government, or is a person qualifying for advice and assistance, the State Government may also undertake an obligation under a deed of apprenticeship which he enters into.

(2) Where the State Government has undertaken an obligation under a deed, it may at any time (whether or not it still caters for the child concerned) undertake similar obligation under any supplemental deed.

19. Arrangements to assist children to live abroad

(1) The State Government may only arrange for, or assist in arranging for, any child in their care to live outside the State with the approval of the Court.

(2) The State Government may, with the approval of every person who has parental responsibility for the child, arrange for, or assist in arranging for any other child cared for by it to live outside the State.

(3) The Court will not give its approval under subparagraph (1) of this paragraph unless it is satisfied that—

(a) living outside the State would be in the child's best interests;

(b) suitable arrangements have been, or will be made for the child's reception and welfare in the State in which the child will live;

(c) the child has consented to living in that State; and

(d) every person who has parental responsibility for the child has consented to the child living in that State.

(4) Where the Court is satisfied that the child does not have sufficient understanding to give or withhold his consent, it may disregard subparagraph (3)(c) of this paragraph and give its approval if the child is to live in the country concerned with a parent; guardian, or other suitable person.

(5) Where a person whose consent is required by subparagraph (3)(d) of this paragraph fails to give his consent, the Court may disregard that provision and give its approval, if it is satisfied that the person—

(a) cannot be found;

(b) is incapable of consenting; or

(c) is withholding the consent unreasonably.

(6) Where a Court decides to give its approval under this paragraph, it may order that its decision is not to have effect during the appeal period if an appeal is made against its decision.

(7) In subparagraph (6) of this paragraph, "the appeal period" means—

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

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

20. Death of children being looked after by the State Government

(1) If a child who is being looked after by the State Government dies, the State Government—

(a) must notify the Commissioner;

(b) must, so far as is reasonably practicable, notify the child's parents and every person who is not a parent of the child but who has parental responsibility for the child;

(c) may, with the consent (so far as it is reasonably practicable to obtain it) of every person who has parental responsibility for the child, arrange for the child's body to be buried or cremated; and

(d) may, if the conditions mentioned in subparagraph (2) of this Law are satisfied, make payments to any person who has parental responsibility for the child, or any relative, friend or other person connected with the child, in respect of travelling, subsistence or other expenses incurred by that person in attending the child's funeral.

(2) The conditions referred to in subsection (1)(d) of this section are that—

(a) it appears to the authority that the person concerned could not otherwise attend the child's funeral without undue financial hardship; and

(b) that the circumstances warrant the making of the payments.

(3) Section 2(1) of this Law does not authorise cremation where it does not accord with the practice of the child's religious persuasion.

(4) Where the State Government has exercised its powers under the provisions of (1)(c) of this Law with respect to a child who was under the age of sixteen (16) years when he died, it may recover from any parent of the child any expenses incurred by it.

(5) Any sum so recoverable must, without prejudice to any other method of recovery, be recoverable summarily as a civil debt.

(6) Nothing in this paragraph affects any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person.

21. Liability to contribute

(1) Where the State Government is looking after a child (other than in the cases mentioned in the provisions of this Law, it must consider whether it should recover contributions towards the child's maintenance from any person liable to contribute ("a contributor").

(2) The State Government may only recover contributions from a contributor if it considers it reasonable to do so.

(3) The persons liable to contribute are—

(a) where the child is under the age of sixteen (16) years, each of his parents;

(b) where the child has attained the age of sixteen (16) years, the child himself.

(4) A parent is not liable to contribute during any period when he is in receipt of income support or public funds.

(5) A person is not liable to contribute towards the maintenance of a child in the care of the State Government in respect of any period during which the child is allowed by the State Government, under section 165(5) of this Law to live with a parent of the child.

(6) A contributor is not obliged to make any contribution towards a child's maintenance except as agreed or determined in accordance with this Part of this Schedule.

(7) The cases referred to in subparagraph (1) of this paragraph are where the child is looked after by the State Government under—

(a) section 161 of this Law; or

(b) an interim care order; or

(c) any prescribed enactment.

22. Agreed contributions

(1) Contributions towards a child's maintenance may only be recovered if the State Government has served a notice ("a contribution notice") on the contributor specifying—

(a) the weekly sum which it considers necessary that the contributor should contribute; and

(b) arrangements for payment.

(2) The contribution notice must be in writing and dated.

(3) Arrangements for payment must, in particular, include—

(a) the date on which liability to contribute begins, which must not be earlier than the date of the notice;

(b) the date on which liability under the notice will end if the child has not before that date ceased to be looked after by the State Government; and

(c) the date on which the first payment is to be made.

(4) The State Government may specify in a contribution notice a weekly sum which is a standard contribution determined by it for all children looked after by it.

(5) The State Government must not specify in a contribution notice a weekly sum greater than that which it considers—

(a) it would normally be prepared to pay if it had placed a similar child with State Government foster parents; and

(b) it is reasonably practicable for the contributor to pay having regard to his means.

(6) The State Government may at any time withdraw a contribution notice without prejudice to its power to serve another.

(7) Where the State Government and the contributor agreed—

(a) the sum which the contributor is to contribute; and

(b) arrangements for payment, whether as specified in the contribution notice or otherwise and the contributor notifies the State Government in writing that he or she agrees, the State Government may recover summarily as a civil debt any contribution which is overdue and unpaid.

(8) A contributor may, by serving a notice in writing on the State Government, withdraw his agreement in relation to any period of liability falling after the date of service of the notice.

(9) Subparagraph (7) of this paragraph is without prejudice to any other method of recovery.

23. Contribution orders

(1) Where a contributor has been served with a contribution notice and has—

(a) failed to reach any agreement with the State Government as mentioned in paragraph 22(7) of this Schedule within the period of one month beginning with the day on which the contribution notice was served; or

(b) served a notice under paragraph 22(8) of this Schedule withdrawing his agreement, the State Government may apply to the Court for an order under this paragraph.

(2) On such an application under subparagraph (1) of this paragraph, the Court may make an order ("a contribution order") requiring the contributor to contribute a weekly sum towards the child's maintenance in accordance with arrangements for payment specified by the Court.

(3) A contribution order—

(a) must not specify a weekly sum greater than that specified in the contribution notice; and

(b) must be made with due regard to the contributor's means.

(4) A contribution order will not—

(a) take effect before the date specified in the contribution notice; or

(b) have effect while the contributor is not liable to contribute by virtue of paragraph 21 of this Schedule; or

(c) remain in force after the child has ceased to be looked after by the State Government which obtained the order.

(5) The State Government may not apply to the Court under subparagraph (1) of this Schedule in relation to a contribution notice which it has withdrawn.

(6) Where—

(a) a contribution order is in force;

(b) the State Government serves another contribution notice; and

(c) the contributor and the State Government reach an agreement under paragraph 22(7) of this Schedule in respect of that other contribution notice, the effect of the agreement shall be to discharge the order from the date on which it is agreed that the agreement shall take effect.

(7) Where an agreement is reached under subparagraph (6) of this paragraph, the State Government shall notify the Court—

(a) of the agreement; and

(b) of the date on which it took effect.

(8) A contribution order may be varied or revoked on the application of the contributor or the State Government.

(9) In proceedings for the variation of a contribution order, the State Government will specify—

(a) the weekly sum which, having regard to section 22 of this Schedule, it proposes that the contributor should contribute under the order as varied; and

(b) the proposed arrangements for payment.

(10) Where a contribution order is varied, the order—

(a) shall not specify a weekly sum greater than that specified by the State Government in the proceedings for variation; and

(b) will be made with due regard to the contributor's means.

(10) An appeal will lie in accordance with Rules of Court from any order made under this section.

24. Enforcement of contribution, orders etc.

(1) A contribution order made by the Court at the Magisterial level will be enforceable as a Magistrates' court maintenance order.

(2) Where a contributor has agreed, or has been ordered, to make contributions to a State Government, any other State Government within whose State the contributor is living for the time being may—

(a) at the request of the State Government who served the contribution notice; and

(b) subject to agreement as to any sum to be deducted in respect of services rendered, collect from the contributor, any contributions due on behalf of the State Government who served the notice.

(3) The power to collect sums under subsection (2) of this paragraph includes the power to—

(a) receive and give a discharge for any contributions due; and

(b) if necessary enforce payment of any contribution, notwithstanding that those contributions may have fallen due at a time when the contributor was living elsewhere.

(4) Any contribution collected under subsection (2) of this section will be paid (subject to any agreed deduction) to the State Government who served the contribution notice.

(5) In any proceedings under this section, a document which purports to be—

(a) a copy of an order made by a Court under or by virtue of paragraph 23 of this Schedule; and

(b) certified as a true copy by the Registrar of the Court, will be evidence of the order.

(6) In any proceedings under this paragraph, a certificate which—

(a) purports to be signed by a duly authorised officer of the State Government who obtained the contribution order; and

(b) states that any sum due to the State Government under the order is overdue and unpaid, will be evidence that the sum is overdue and unpaid.

25. Regulations

The Commissioner may make regulations—

(a) as to the considerations which the State Government will take into account in deciding—

(i) whether it is reasonable to recover contributions, and

(ii) what the mode of payment should be;

(b) as to the procedures it must follow in reaching agreements with—

(i) contributors (under sections 22 and 23 of this Schedule); and

(ii) any other State Government (under section 23 of this Schedule).

SCHEDULE 10

SECTIONS 173(6), 174(1) AND 175(4)

MANAGEMENT AND CONDUCT OF COMMUNITY HOMES

1. Instruments of management for controlled and assisted community homes

(1) The Commissioner may by order make an instrument of management providing for the constitution of a body of managers for any voluntary home which is designated as a controlled or an assisted community home.

(2) Subsection (3) of this section applies where two or more voluntary homes are designated as controlled community homes or as assisted community homes.

(3) If—

(a) those homes are, to be provided by the same voluntary organisation; and

(b) the same Local Government is to be represented on the body of managers for those homes, a single instrument of management may be made by the Commissioner under this section constituting one body of managers for the homes or for any two or more of them.

(4) The number of persons who, in accordance with an instrument of management constitute the body of managers for a voluntary home will be such number as may be specified in the instrument.

(5) The instrument must provide that the Local Government specified in the instrument will appoint—

(a) in case of a voluntary home which is designated as a controlled community home, two-thirds of the managers; and

(b) in the case of a voluntary home which is designated as an assisted community home, one-third of the managers.

(6) An instrument of management must provide that the foundation managers will be appointed, in such manner and by such persons as may be specified in the instrument—

(a) so as to represent the interests of the voluntary organisation by which the home is, or is to be provided; and

(b) for the purpose of securing that—

(i) so far as is practicable, the character of the home as a voluntary home will be preserved, and

(ii) subject to section 2(3) of this Schedule, the terms of any trust deed relating to the home are observed.

(7) An instrument of management must come into force on such date as it may specify.

(8) If an instrument of management is in force in relation to a voluntary home, the home will be (known as) a controlled community home or as an assisted community home, according to its designation.

(9) In this section—

"designated", means designated in accordance with section 173 of this Law; and

"foundation managers", in relation to a voluntary home, means those of the managers of the home who are not appointed by the State Government in accordance with subsection (5) of this paragraph.

2.

(1) An instrument of management will contain such provisions as the Commissioner considers appropriate.

(2) Nothing in the instrument of management will affect the purposes for which the premises comprising the home are held.

(3) Without prejudice to the generality of subsection (1) of this section, an instrument of management may contain provisions—

(a) specifying the nature and purpose of the home (or each of the homes) to which it relates;

(b) requiring a specified number of the places in that home (or those homes) to be made available to Local Governments and to any other body specified in the instrument; and

(c) relating to the management of that home (or those homes) and the charging of fees with respect to—

(i) children placed there, or

(ii) places made available to any Local Government or other body.

(4) Subject to subsections (1) and (2) of this section where there is any inconsistency between the provisions of any trust deed and an instrument of management, the instrument of management will prevail over the provisions of the trust deed as far as they relate to the home concerned.

(5) After consultation with voluntary organisation concerned and with the Local Government specified in its instrument of management, the Commissioner may by order vary or revoke any provision of the instrument.

3. Management of controlled and assisted community homes

(1) The management, equipment and maintenance of a controlled community home will be the responsibility of the Local Government specified in its instrument of management.

(2) The management, equipment and maintenance of an assisted community home will be the responsibility of the voluntary organisation by which the home is provided.

(3) The functions of a home's responsible body shall be exercised through the managers.

(4) Anything done, liability incurred or property acquired by a home's managers shall be done, incurred or acquired by them as agents of the responsible body.

(5) Insofar as any matter is reserved for the decision of the home's responsible body by—

(a) subsection (7) of this section; or

(b) the instrument of management; or

(c) the service by the body on the managers, or any of them, of a notice reserving any matter, that matter shall be dealt with by the body and not by the managers.

(6) In dealing with any matter so reserved, the responsible body shall have regard to any representation made to the body by the managers.

(7) The employment of persons at a home shall be a matter reserved for the decision of the responsible body.

(8) Where the instrument of management of a controlled community home so provides, the responsible body may enter into arrangement with the voluntary organisation by which that home is provided whereby, in accordance with such terms as may be agreed between them and the voluntary organisation, persons who are not in the employment of the responsible body will undertake duties at that home.

(9) Subject to subsection (10) of this section—

(a) where the responsible body for an assisted community home proposes to engage any person to work at that home or to terminate without notice the employment of any person at that home, it must consult the Local Government specified in the instrument of management and, if that Local Government so directs, the responsible body will not carry out its proposal without their consent; and

(b) that Local Government may, after consultation with the responsible body, require that body to terminate the employment of any person at that home.

(10) Subparagraph (9)(a) and (b) of this paragraph will not apply—

(a) in such cases or circumstances as may be specified by notice in writing given by the Local Government to the responsible body; and

(b) in relation to the employment of any person or class of persons specified in the home's instrument of management.

(11) The accounting year of the managers of a home must be such as may be specified by the responsible body.

(12) Before such date in each accounting year as may be so specified, the managers of a home will submit to the responsible body, estimates in such form as the body may require, of expenditure and receipts in respect of the next accounting year.

(13) Any expenses incurred by the managers of a home with the approval of the responsible body will be defrayed by that body.

(14) The managers of a home must keep—

(a) proper accounts with respect to the home; and

(b) proper records in relation to the accounts.

(15) Where an instrument of management relates to more than one home, one set of accounts and records may be kept in respect of all the homes to which it relates.

(16) In this section—

"home" means a controlled community home or an assisted community home, as the case may be; and

"managers", in relation to a home, means the managers constituted by its instrument of management; and

"responsible body", in relation to a home, means the Local Government or voluntary organisation, as the case may be, responsible for its management, equipment and maintenance.

4. Regulations

(1) The Commissioner may make regulations—

(a) as to the placing of children in community homes;

(b) as to the conduct of such homes; and

(c) for securing the welfare of children in such homes.

(2) The regulations may, in particular—

(a) prescribe standards to which the premises used for such homes are to conform;

(b) impose requirements as to the accommodation, staff and equipment to be provided in such homes, and as to the arrangements to be made for protecting the health of children in such homes;

(c) the control and discipline of children in such homes;

(d) impose requirements as to the keeping of records and giving of notices in respect of children in such homes;

(e) impose requirements as to the facilities which are to be provided for giving religious instructions to children in such homes;

(f) authorise the Commissioner to give and revoke directions requiring—

(i) the Local Government by whom a home is provided or who is specified in the instrument of management for a controlled community home, or

(ii) the voluntary organisation by which an assisted community home is provided, to accommodate in the home a child being catered for by a Local Government for whom no place is made available in that home or to take such action in relation to a child accommodated in the home as may be specified in the directions;

(g) provide for consultation with the Commissioner as to applicants for appointment to take charge of a home;

(h) empower the Commissioner to prohibit the appointment of any particular applicant, except in the case (if any) in which the regulations dispense with such consultation by reason that the person to be appointed possesses such qualifications as may be prescribed;

(i) require the approval of the Commissioner for the provision and use of accommodation, for the purpose of restricting the liberty of children in such homes and impose other requirements in addition to those imposed by section 169 of this Law, as to the placing of a child in accommodation provided for that purpose, including a requirement to obtain the permission of any Local Government who is looking after the child;

(j) provide that, to such extent as may be provided for in the regulations, the Commissioner may direct that any provision or regulation under this section, which is specified in the direction and makes any such provision as is referred to in subparagraph (2)(a) or (b) of this section shall not apply in relation to a particular home or the premises used for it, and may provide for the variation or revocation of any such direction by the Commissioner.

(3) Without prejudice to the power to make regulations under this paragraph conferring functions on—

(a) the Local Government or voluntary organisation by which a community home is provided; or

(b) the managers of a controlled or assisted community home, regulations under this paragraph may confer functions in relation to a controlled or assisted community home on the Local Government named in the instrument of management for the home.

(1) An application for registration under this section will—

(a) be made by the person intending to carry on the home to which the application relates; and

(b) be made in such manner, and accompanied by such particulars, as the Commissioner may prescribe.

(2) On an application duly made under subsection (1) of this section, the Commissioner may—

(a) grant or refuse the application; or

(b) grant the application subject to such conditions as may be considered appropriate.

(3) The Commissioner may, from time to time—

(a) vary any condition for the time being in force with respect to a voluntary home by virtue of this section; or

(b) impose an additional condition, either on the application of the person carrying on the home or without such an application.

(4) Where, at any time, it appears to the Commissioner that the conduct of a voluntary home—

(a) is not in accordance with regulations made under this Law;

(b) is otherwise unsatisfactory, the Commissioner may cancel the registration of the home and remove it from the register.

(5) A person who, without reasonable excuse, carries on a voluntary home in contravention of—

(a) section 178 of this Law; or

(b) a condition to which the registration of the home is for the time being subject is guilty of an offence.

(6) A person guilty of such an offence will be liable on conviction to a fine not exceeding—

(a) Five Thousand Naira (₦5,000.00), if the offence is under subsection (5)(a) of this section; or

(b) Two Thousand Five Hundred Naira (₦2,500.00), if it is under subsection (5)(b) of this section.

(7) Where the Commissioner registers a home under this section, or cancels the registration of a home, the Commissioner shall notify the Local Government of the area where the home is situated.

5. Procedure for registering voluntary homes

(1) Where—

(a) a person applies for registration of a voluntary home; and

(b) the Commissioner proposes to grant the application, the Commissioner shall give written notice of the proposal and of the conditions subject to which the Commissioner proposes to grant the application.

(2) The Commissioner need not give notice if the proposition to grant the application is subject only to conditions which—

(a) the applicant specified in the application; or

(b) the Commissioner and the applicant have subsequently agreed.

(3) Where the Commissioner proposes to refuse such an application, and shall give notice of the proposal to the applicant.

(4) The Commissioner must give any person carrying on a voluntary home notice of a proposal to—

(a) cancel the registration of the home; or

(b) vary any condition for the time being in force with respect to the home; or

(c) impose any additional condition.

(5) A notice under this section must state the Commissioner's reasons for his proposal.

6.

(1) A notice under this Law must state that within fourteen (14) days of service of the notice, any person on whom it is served may (in writing) require the Commissioner to give the person an opportunity to make representations to the Commissioner concerning the matters.

(2) Where a notice has been served, the Commissioner will not determine the matter until—

(a) any person on whom the notice was served has made representations to him concerning the matter; or

(b) the period during which any such person could have required the Commissioner to give the person an opportunity to make representations has elapsed without the Commissioner being required to give such an opportunity; or

(c) the conditions specified in subsection (3) of this section are satisfied.

(3) The conditions referred to in subparagraph (2)(c) of this paragraph are that—

(a) a person on whom the notice was served has requested the Commissioner to give the person an opportunity to make representations to the Commissioner;

(b) the Commissioner has allowed the person a reasonable period to make representations; and

(c) the person has failed to make any representation within that period.

(4) The representations may be made, at the option of the person making them, in writing or orally.

(5) If the person informs the Commissioner that he desires to make oral representations, the Commissioner must give the person an opportunity to appear, and be heard by, a person appointed by the Commissioner.

7. Decisions of the Commissioner

(1) If the Commissioner decides to adopt the proposal, notice in writing of such decision must be served in writing on the proposal.

(2) A notice under this section must be accompanied by a notice explaining the right of appeal conferred by this Law.

(3) A decision of the Commissioner, other than a decision to grant an application for registration or to refuse an application for registration, must not take effect—

(a) if no appeal is brought, till the end of the period of twenty-eight (28) days; and

(b) if an appeal is brought, till it is determined or abandoned.

8. Appeals

(1) An appeal against a decision of the Commissioner will lie to the High Court.

(2) An appeal must be brought by notice in writing given to the Commissioner.

(3) An appeal may not be brought by a person more than twenty-eight (28) days after service on the person of notice of the decision.

(4) On appeal, the Court may confirm the Commissioner's decision or direct that it will not have effect.

(5) The Court must also have power to—

(a) vary any condition for the time being in force under this Law with respect to the home to which the appeal relates;

(b) direct that any such condition must cease to have effect; or

(c) direct that any such conditions as it deems fit will have effect with respect to the home.

9. Particulars of voluntary homes

(1) It will be the duty of the person in charge of any voluntary home established after the commencement of this Law to send to the Commissioner within three months from the establishment of the home, such particulars with respect to the home as the Commissioner may prescribe.

(2) It will be the duty of the person in charge of any voluntary home (whether established before or after the commencement of this Law) to send to the Commissioner such particulars with respect to the home as may be prescribed.

(3) The particulars must be sent—

(a) in the case of a home established before the commencement of this Law, in every year; or

(b) in the case of a home established after the commencement of this Law, in every year subsequent to the year in which particulars are sent under subsection (1) of this section on such date as the Commissioner may prescribe.

(4) Where the Commissioner by regulations varies the particulars which are to be sent to the person under subsection (1) or (2) of this section by the person in charge of a voluntary home—

(a) that person will send to the Commissioner the prescribed particulars within three months from the date of the making of the regulations;

(b) if any such home was established before, but not more than three months before, the making of the regulations, compliance with subsection (4)(a) of this paragraph will be sufficient compliance with the requirements of subsection (1) of this section.

(c) in the year in which the particulars are varied, compliance with subsection (4)(a) of this paragraph by the person in charge of any voluntary home must be sufficient compliance with the requirements of subparagraph (2) of this section.

(5) If the person in charge of a voluntary home fails, without reasonable excuse, to comply with any of the requirements of this section he will be guilty of an offence.

(6) Any person guilty of such an offence under subsection (5) of this section is liable on summary conviction to a fine not exceeding Forty-five Thousand Five Hundred Naira (₦45,500.00) or to imprisonment for a term not exceeding three (3) months or to both such fine and imprisonment.

10. Regulations as to conduct of voluntary homes

(1) The Commissioner may make regulations—

(a) as to the placing of children in voluntary homes;

(b) as to the conduct of the homes; and

(c) for securing the welfare of children in the homes.

(2) The regulations may, in particular—

(a) prescribe standards with which the premises used for the homes are to conform;

(b) impose requirements as to the accommodation, staff and equipment to be provided in the homes, and as to the arrangement to be made for protecting the health of children in the homes;

(c) provide for the control and discipline of children in the homes;

(d) require the furnishing of the Commissioner with information as to the facilities provided for—

(i) the parents of children in the homes, and

(ii) persons who are not parents of the children but who have parental responsibility for them, and

(iii) other persons connected with the children, to visit and communicate with the children;

(e) authorise the Commissioner to limit the number of children who may be accommodated in any particular voluntary home;

(f) prohibit the use of accommodation for the purpose of restricting the liberty of children in the voluntary homes;

(g) impose requirements as to the keeping of records and giving of notices with respect to children in the voluntary homes;

(h) impose requirements as to the facilities which are to be provided for giving religious instructions to children in the voluntary homes;

(i) require notice to be given to the Commissioner of any change of the person carrying on or in charge of a voluntary home or of the premises used by the home.

(3) The regulations may provide that a contravention of, or failure to comply with, any specified provision of the regulations without reasonable excuse will be an offence.

(4) Any person guilty of such offence will be liable to a fine not exceeding Forty-five Thousand Five Hundred Naira (₦45,500.00) or to imprisonment for a term not exceeding three (3) months or to both such fine and imprisonment.

11. Disqualification of persons in relation to voluntary homes

The Commissioner may by regulations make provision with respect to the disqualification of persons in relation to voluntary homes of a kind similar to that made in relation to children's homes by section 183 of this Law.

REGISTERED CHILDREN'S HOMES

1. Application for registration

(1) An application for the registration of a children's home will be made—

(a) by the person carrying on, or intending to run the home; and

(b) to the Government of the State in which the home is, or is to be, situated.

(2) The application must be made in the prescribed manner and will be accompanied by—

(a) such particulars as may be prescribed; and

(b) such reasonable fee as the State may determine.

(3) If the State Government is satisfied that a children's home with respect to which an application has been made complies or will comply with—

(a) such requirements as may be prescribed, and

(b) such other requirements (if any) as appear to it to be appropriate, it shall grant the application, either unconditionally or subject to certain conditions.

(4) Before deciding whether or not to grant an application, the State Government shall comply with any prescribed requirements.

(5) Regulations made for the purposes of subsection (5) of this section and, in particular, make provision as to the inspection of the home in question.

(6) Where an application is granted, the State Government must notify the applicant that the home has been registered under this Law as from such date as may be specified in the notice.

(7) If the State Government is not satisfied as mentioned in subsection (4) of this section, it will refuse the application.

(8) For the purposes of this Law, an application which has not been granted or refused within the period of twelve months beginning from the date it was served on the State, will be deemed to have been refused, and the applicant will be deemed to have been notified of its refusal, by the end of that period.

(9) Where a school to which section 181 of this Law applies is registered, it must not cease to be a registered children's home by reason only of a subsequent change in the number of children it is accommodating.

2. Conditions imposed on registration

(1) The State Government may grant an application for registration subject to certain conditions relating to the conduct of the home as it deems fit.

(2) The State Government may from time to time—

(a) vary any condition for the time being in force with respect to a home by virtue of this section; or

(b) impose an additional condition, either on the application of the person managing the home or without such an application.

(3) If any condition imposed or varied under this section is not complied with, the person running the home is, without reasonable excuse, guilty of an offence and liable on summary conviction to a fine not exceeding Forty-five Thousand Five Hundred Naira (₦45,500.00) or to imprisonment for a term not exceeding three (3) months or to both such fine and imprisonment.

3. Annual review of registration

(1) By the provisions of this Law, "the authority", in relation to a registered children's home means the State Government which registered the children's home.

(2) The concerned authority for a registered children's home must, at the end of the period of twelve (12) months beginning from the date of registration, and annually thereafter, review its registration for the purpose of determining whether the registration should continue to be in force or be cancelled.

(3) If, on any annual review, the responsible authority is satisfied that the home is being run in accordance with the relevant requirements, it shall determine that, subject to subsection (4) of this section, the registration should continue in force.

(4) The concerned authority will give to the person managing the home notice of their determination under subsection (3) of this section and the notice will require the person to pay to the concerned authority with respect to the review such reasonable fee as the concerned authority may determine.

(5) It must be a condition of the home's continued registration that the fee be paid before the expiry of the period of twenty-eight (28) days beginning from the date on which the notice is received by the person running the home.

4. Cancellation of registration

(1) The person carrying on a registered children's home may at any time make an application, in such manner and include such particulars as may be prescribed, for the cancellation by the concerned authority of the registration of the home.

(2) If the concerned authority is satisfied, in the case of a school registered by virtue of section 181(4) of this Law, that it is no longer a school to which that provision applies, the concerned authority must give to the person running the home, notice that the registration of the home has been cancelled from the date of the notice.

(3) If, on any annual review, or at any other time, it appears to the responsible authority that a concerned home is being run otherwise than in accordance with the relevant requirements, it may determine that the registration of the home should be cancelled.

(4) The concerned authority running the home may at any time determine that the registration of a home should be cancelled on the ground—

(a) that the person running the home has been convicted of an offence under this Law; or

(b) that any other person has been convicted of such an offence in relation to the home.

5.

(1) Where—

(a) a person applies for the registration of a children's home; and

(b) the State Government proposes to grant the person's application, it must give the applicant written notice of its proposal and of the conditions (if any) subject to which it proposes to grant the application.

(2) The responsible authority need not give notice if it proposes to grant the application subject only to conditions which—

(a) the applicant specified in the application; or

(b) the concerned authority and the applicant have subsequently agreed.

(3) The concerned authority will give an applicant notice of a proposal to refuse the application.

(4) The concerned authority must give any person carrying on a registered children's home notice of a proposal—

(a) to cancel the registration;

(b) to vary any condition for the time being in force with respect to the home; or

(c) to impose any additional condition.

(5) A notice under this section will give the responsible authority's reasons for its proposal.

6. Right to make representations

(1) A notice under this Law must state that within fourteen (14) days of service, any person on whom it is served may in writing require the State Government to give the person an opportunity to make representations to it concerning the matter.

(2) Where a notice has been served under this Law, the State Government must not determine the matter until—

(a) any person on whom the notice was served has made representations to it concerning the matter;

(b) the period during which the person could have required the State Government to give him an opportunity to make representations has elapsed without it being required to give such an opportunity; or

(c) the conditions specified in subsection (3) of this section are satisfied.

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

(a) that a person on whom the notice was served has requested the State Government to give an opportunity to make representations to it concerning the matter;

(b) that the State Government has allowed the person a reasonable period to make representations; and

(c) that the person has failed to make the representations within that period.

(4) The representations may be made, at the option of the person making them, in writing or orally.

(5) If the person informs the State Government of the desires to make oral representations, the State Government will give the person an opportunity of appearing before it and be heard by the State's committee or sub-committee.

7. Decisions of the State

(1) If the State decides to adopt its own proposal in granting an application, it must serve notice in writing of its decision on any person it is required to serve such notice.

(2) A notice under this section will be accompanied by an explanation of the right of appeal conferred by the provisions of this Law.

(3) A decision of the State, other than that to grant an application for registration subject to certain conditions to refuse an application for registration, will not take effect—

(a) if no appeal is brought, till at the expiration of twenty-eight (28) days; and

(b) if an appeal is brought, until it is determined or abandoned.

8. Appeals

(1) An appeal against a decision of the State under this Law will lie to the High Court.

(2) An appeal will be brought by notice in writing given to the State Government.

(3) No appeal must be brought by a person more than twenty-eight (28) days after service on the person of notice of the decision.

(4) On an appeal, the Court may confirm the State Government's decision or direct that it will not have effect.

(5) A Court must have power on an appeal—

(a) to vary any condition in force with respect to the home to which the appeal relates by virtue of subparagraph (2) of this Schedule;

(b) to direct that the condition must cease to have effect; or

(c) to direct that any such condition as it thinks fit will have effect with respect to the home.

(6) The State Government shall comply with any direction given by a Court under this paragraph.

9. Prohibition on further applications

(1) Where an application for the registration of a home is refused, no further application may be granted within the period of six (6) months beginning with the date when the applicant is notified of the refusal.

(2) Subsection (1) of this section must have effect, where an appeal against the refusal of an application is determined or abandoned, as if the reference to the date when the applicant is notified of the refusal were a reference to the date on which the appeal is determined or abandoned.

(3) Where the registration of a home is cancelled, no application for the registration of the home will be made within the period of six (6) months beginning with the date of cancellation.

(4) Subsection (3) of this section will have effect, where an appeal against the cancellation of the registration of a home is determined or abandoned, as if the reference to the date of cancellation were a reference to the date on which the appeal is determined or abandoned.

10. Regulations

(1) The Commissioner may make regulations—

(a) as to the placing of children in registered children's homes;

(b) as to the conduct of the homes; and

(c) for securing the welfare of the children in the homes.

(2) The regulations may, in particular—

(a) prescribe standards to which the premises used for the homes are to conform;

(b) impose requirements as to the accommodation, staff and equipment to be provided in the homes;

(c) impose requirements as to the arrangements to be made for protecting the health of children in the homes—

(d) provide for the control and discipline of children in the homes;

(e) require the furnishing to the responsible authority of information as to the facilities provided for—

(i) the parents of children in such homes,

(ii) persons who are not parents of the children but who have parental responsibility for them, and

(iii) other persons connected with the children, to visit and communicate with the children;

(f) impose requirements as to the keeping of records and giving of notices with respect to children in the homes,

(g) impose requirements as to the facilities which are to be provided for giving religious instructions to children in the homes;

(h) make provision as to the carrying out of annual reviews under section 3 of this Schedule;

(i) authorise the responsible authority to limit the number of children who may be accommodated in any particular registered home;

(j) prohibit the use of accommodation for the purpose of restricting the liberty of children in the homes;

(k) require notice to be given to the responsible authority of any change of the person carrying on or in charge of a registered home or of the premises used by the home;

(l) make provision similar to that made by regulations under section 169 of this Law.

(3) The regulations may provide that a contravention of or failure to comply with any specified provision of the regulations, without reasonable excuse, shall be an offence against the regulations.

(4) A person guilty of an offence will be liable on summary conviction to a fine not exceeding Forty-five Thousand Five Hundred Naira (₦45,500.00) or to imprisonment for a term not exceeding three (3) months or to both such fine and imprisonment.

11. Interpretation

In this Schedule—

"relevant requirements" means any requirements of sections 181 to 183 of this Law and of any regulations made under section 10 of this Schedule, and any conditions imposed under section 2 of this Schedule;

"responsible authority" in relation to a registered children's home means the State which registered the children's home.

SCHEDULE 11

SECTION 260

FORMS IN RELATION TO SECTIONS 47–56, 190–225 AND 226–233 OF THIS LAW

1. FORM FOR COMMITTAL ORDER BY THE FAMILY COURT

In the Family Court of. . . . . .State.

the . . . . . .Level. . . . . .Town

Let the boy or girl known by the name of. . . . . whose description appears below be taken to:

. . . . . .(Name of institution or person)

and be there detained in the custody and care of:

. . . . . (the person in charge of the said institution or the name of the said person) subject to the provisions of this Law.

This Committal Order must remain in force from the date there of up to and

inclusive of the . . . . . day of . . . . . 20 . . . . . .

DESCRIPTION

Name . . . . . Sex . . . . . .Age . . . . . .

Tribe or Community . . . . . .

Name and Address of Father . . . . . .

. . . . . .

Name and Address of Mother . . . . . .

Description of child . . . . . .

Reason for issue of Committal Order . . . . . .

DATED this . . . . . day of. . . . . 20 . . . . . .

Judge . . . . . .Division/Level . . . . . .

Magistrate . . . . . .District/Level . . . . . .

Confirmed this . . . . . day of . . . . . 20 . . . . . .

. . . . . .

Judge/Magistrate

*Delete as required.

2. GENERAL TITLE FORM

IN THE FAMILY COURT OF . . . . . HIGH COURT/

DISTRICT . . . . . .MAGISTERIAL LEVEL

CASE NO. 20 . . . . . .

Between

Complainant/Applicant

and

Defendant/Respondent

3. FORM FOR WARRANT FOR ARREST OF CHILD

(GENERAL TITLE—FORM 2)

. . . . . .Complaint on

Oath has been made on the . . . . . .day of . . . . . 20 . . . . . .

by CD that AB a child, on the . . . . . day of

. . . . . .20 . . . . . .at . . . . . .in the

Judicial Division/Magisterial District

aforesaid did/has been/is*

**State the substance of the offence or the description as mentioned in section 138 or 139.*

You are therefore hereby commanded to bring the said AB before the Family

Court aforesaid sitting at . . . . . .forthwith to answer the said complaint.

DATED this . . . . . day of . . . . . 20 . . . . . .

. . . . . .

Judge/Magistrate

4. FORM FOR REMAND AND COMMITTAL TO STATE ACCOMMODATION AND APPROVED INSTITUTIONS *SECTION 237(2)*

(GENERAL TITLE — FORM 2)

To . . . . . and to the person/officer in charge

of the Approved Institution at . . . . . hereinafter called

the place of detention.

AB hereinafter called the defendant, being a child brought before the aforesaid Family Court sitting at . . . . . charged with having*

**State the substance of the offence.*

The hearing of the case being adjourned:

You, the said Police Officer, are hereby commanded to convey the defendant to the place of detention, and there to deliver the child to the person/officer in charge thereof, together with this warrant, and you, the person/officer in charge of the said place of detention, to receive the child into your custody, and unless the child will have been bailed in the meantime, keep the child until the . . . . . day

of 20 . . . . .and on that day you, the said Police Officer, are required to convey him/her before the aforesaid Family Court sitting at

. . . . . at the hour of . . . . . in the . . . . . .noon, to be further dealt with according to law, unless otherwise ordered in the meantime.

DATED this . . . . . day of . . . . . 20 . . . . . .

. . . . . .

Judge/Magistrate

5. FORM FOR SUMMONS FOR ATTENDANCE OF PARENT OR GUARDIAN

SECTIONS 237, 241 AND 243

(GENERAL TITLE —FORM 2)

To CD of . . . . . the parent/guardian of AB, a child of whom you are stated to be the parent/guardian is charged for . . . . . .that he on the . . . . . day of . . . . . 20 . . . . . at . . . . . .in the . . . . . Judicial Division/Magisterial District aforesaid, did*

. . . . . .

**State the substance of the offence.*

You are therefore summoned to appear before the Family Court sitting at . . . . . on . . . . . .day, the . . . . . day of . . . . . 20 . . . . ., at the hour of . . . . . in the . . . . . noon, and during all the stages of the proceedings.

DATED this . . . . . .day of . . . . . , 20 . . . . .

. . . . . .

Judge/Magistrate

6. FORM FOR NOTICE TO PARENT OR GUARDIAN:CARE OR PROTECTION

(GENERAL TITLE —FORM 2)

To CD of . . . . . the parent/guardian of AB, a child.

Take notice that AB, a child is to be brought before the aforesaid Juvenile

Court sitting at . . . . . on . . . . . day, the . . . . . day of . . . . . 20 . . . . . .at the hour

of . . . . . in the . . . . . noon, by virtue of the provisions of section . . . . . of the

Child's Rights Law on the grounds that * . . . . . .
**State the grounds of application.*

and that you are warned to attend the said Court during all the stages of the proceedings.

DATED this . . . . . day of . . . . . 20 . . . . . .

. . . . . .

Police Officer/Authorised Officer

NOTE.–*A copy of this Notice is to be sent to the Registrar of the Family Court*

7. FORM FOR SUMMONS TO PARENT TO CONTRIBUTE

SECTIONS 46 AND 171

(GENERAL TITLE— FORM 2)

To . . . . . of . . . . . .

Complaint has been made this day by . . . . . .

that you are the Father/Step-father/Mother/step-mother (or a person co-habiting with the mother) of AB, a child (or a person in whose care and custody AB, a child, has been residing for two years immediately prior to the . . . . . day of

. . . . . 20 . . . . . .) and that on the (said) . . . . . .day of . . . . . ., 20 . . . . . .a Committal Order was accordingly made whereby the said AB was committed to . . . . . .

. . . . . .a Government Accommodation/or to the care of CD.

You are therefore summoned to appear before the Family Court sitting

at . . . . . .on . . . . . day, the . . . . . .day of . . . . . .

20 . . . . . .at the hour of . . . . . in the . . . . . noon, to show cause why an order should not be made requiring you to contribute such monthly sum as the Court, having regard to your means, thinks fit.

DATED this . . . . . day of . . . . . 20 . . . . . .

. . . . . .

Magistrate

8. FORM FOR DISPOSAL PENDING OPERATION OF COMMITTAL ORDER

SECTIONS 44 AND 45

(GENERAL TITLE —FORM 2)

To . . . . . .and to the person/officer in charge of the Approved

Institution at (or to CD of . . . . .) AB, a child

having been ordered by . . . . . sitting at . . . . . on

the . . . . . .day of . . . . . .20 . . . . . .to be sent to an Approved Institution, and the operation of such Committal Order being postponed.

It is ordered that AB be taken to the Approved Institution or to the custody of

the said CD at . . . . . and be there or by him/her to the person in charge thereof or to the said CD together with this warrant and you, the person/officer in charge of the said Approved Institution, the said CD to receive him/her into custody and detain him/her as aforesaid.

DATED this . . . . . day of . . . . . 20 . . . . . .

. . . . . .

Judge/Magistrate

9. FORM FOR RECOGNISANCE UNDER SUPERVISION ORDER

SECTION 229

(GENERAL TITLE —FORM 2)

The undersigned Principal Party to this recognisance hereby binds himself to perform the following obligations at all times during a period of . . . . . from the date hereof (To be of good behaviour).

To be and remain under the supervision of AB (or the Supervision Officer from time to time for the . . . . . .area).

To appear before the Family Court at . . . . . .to be further

dealt with at any time when called upon by the Court (or when so directed by the said AB (or Supervision Officer): (and such further conditions as the case may require).

And the said Principal Party (together with the undersigned surety (or sureties) hereby acknowledges himself (acknowledge themselves) bound to forfeit to the Governor the sum(s) following the said Principal Party the sum of ₦ : :

(and the said surety (or sureties) the sum of ₦ : . . . . . (each) in case the said Principal Party fails to perform the above obligations or any part thereof.

. . . . . .

Principal Party Surety

Taken before me at . . . . . this . . . . . day of . . . . . 20 . . . . . .

. . . . . .

Sworn Interpreter

. . . . . .

Judge/Magistrate

10. FORM FOR NOTICE OF CHANGE OF SUPERVISION OFFICER

SECTION 231

(GENERAL TITLE —FORM 2)

TAKE NOTICE that . . . . . has been substituted by (or with the approval of) the aforesaid Court to perform the duties of Supervision Officer in your case in place of . . . . . and that the name of the said . . . . . .is substituted for that of the said . . . . as from this date wherever the name of the said . . . . . occurs in the Order made by the aforesaid . . . . . .Court in your case on the . . . . . day of . . . . . .20 . . . . . .and in the recognisance entered into by you thereupon.

DATED the . . . . . .day of . . . . . 20 . . . . . .

. . . . . .

Judge/Magistrate