

CHAPTER 7 -ADOPTION LAW

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CHAPTER 7

ADOPTION LAW

A Law to make provisions for the adoption of juveniles and for related matters.

[27th August 1991]

PART I -PRELIMINARY

L This Law may be cited as the Adoption Law.

Shot! title

2. In this Law —

Interpretation

"adoption order" means an order made under subsection (1) of section 3;

"court" means a court having jurisdiction to make adoption orders under this Law;

"father" in relation to an illegitimate child means the natural father,

"juvenile" means a person who is under the age of seventeen years;

"parent" includes a father as defined by this Law and a guardian,

PART II.—GENERAL

3. (1) Subject to this Law, the Court may, upon an application made in the prescribed manner, make an order authorizing the applicant to adopt a juvenile.

Power to make
adoption orders

(2) An adoption order may be made on the application of a man and his wife authorizing them jointly to adopt a juvenile.

(3) An adoption order may be made authorizing the adoption of a juvenile by the mother or father of the juvenile either alone or jointly with her husband or his wife, as the case may be.

4. (1) An adoption order shall not be made unless the applicant or, in the case of a joint application, one of the applicants—

Restriction on
making adoption
orders

- (a) has attained the age of twenty-five and is at least twenty- one years older than the juvenile; or
- (b) has attained the age of twenty-one and is a relative of the juvenile; or
- (c) is the mother or father of the juvenile.

(2) An adoption order shall not be made in favour of a sole applicant who is a male unless the juvenile is a son of the applicant or the Court is satisfied that there are special circumstances which justify, as an exceptional measure, the making of an adoption order.

(3) Except as provided by subsection (2) of section 3, an adoption order shall not be made authorizing more than one person to adopt a juvenile.

(4) An adoption order shall not be made in respect of a juvenile unless—

(a) the applicant and the juvenile reside in Enugu State; and

(b) the juvenile has been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order; and

(c) the applicant has, at least three months before the date of the order, notified the Chief Welfare Officer of his intention to apply for an adoption order in respect of the juvenile

Consent of
parents to
adoption

5. (1) Subject to this section, an adoption order shall not be made except with the consent of every person who is a parent of the juvenile

(2) The Court may dispense with the consent of a parent if the Court is satisfied that he has abandoned, neglected or persistently ill-treated the juvenile or that he cannot be found or is incapable of giving his consent or that his consent is unreasonably withheld.

(3) Where, in the case of an application made within one year from the date of commencement of this Law, it is shown to the satisfaction of the Court that during the period of two consecutive years immediately preceding that date the juvenile has been brought up, maintained and educated under a *de facto* adoption (whether by one person or by a husband and wife jointly) the Court may dispense with the consent of any parent of the juvenile

(4) A consent under this section may be given (either unconditionally or subject to condition

with respect to the religious persuasion in which the juvenile is to be brought up) without knowing the identity of the applicant for the adoption order; and where consent so given to any person is subsequently withdrawn on the ground only that he does not know the identity of the applicant, his consent shall be deemed for the purposes of this section to be unreasonably withheld.

(5) While an application for an adoption order in respect of a juvenile is pending in a Court, a parent of the juvenile who has specified his consent to the making of an adoption order in pursuance of the application is not entitled, except with the leave of the Court, to remove the juvenile from the care and possession of the applicant, and in considering whether to grant or refuse such a leave, the Court shall have regard to the welfare of the juvenile.

6. (1) Where it appears to the Court that a person who is not the parent of the juvenile has, under an order of a court or agreement, or under customary law, or otherwise, any rights or obligations in respect of the juvenile the Court may, if it thinks fit, require that person's consent be obtained before the adoption order is made. Other consents

(2) Where a married man or woman is the sole applicant for an adoption order, the Court may, if it thinks fit, require that the consent of any wife or husband of the applicant be obtained before the adoption order is made.

(3) The Chief Welfare Officer shall in every case prepare a report to assist the Court on an application for an adoption order to determine whether any person who is not a parent of the juvenile has any rights or obligations in respect of the juvenile and whether the consent that person ought to be obtained.

7. (1) The Court before making an adoption order shall be satisfied that- Functions of court

(a) every person, where consent is required under sections 5 and 6 and where consent is not dispensed with, has consented to and understands the nature and effects of the adoption order and in particular, in the case of a parent, understands that the effect of the adoption will be permanently to deprive him of his parental rights;

(b) the order if made will be for the maintenance, care, education and welfare of the juvenile, due

consideration for these purposes being given to the wishes of the juvenile having regard to the age and understanding of the juvenile

the applicant has not received or agreed to receive, and no person has made or agreed to make to the applicant, any payment or other reward in consideration of the adoption except such as Court may sanction, and

(d) the applicant is a person of good repute and commendable character.

(2) The Court in an adoption order may impose such terms and conditions as the Court may think fit and in particular may require the adopter by bond or otherwise to make for the juvenile such provisions (if any) as in the opinion of the court are just and expedient.

Interim order 8. (1) Subject to this section, the Court may upon an application for an adoption order, postpone the determination of the application and make an interim order giving the custody of the juvenile to the applicant for a period not exceeding two years by way of probationary period upon such terms as regards provisions for the maintenance and education and supervision of the welfare of the juvenile and otherwise as the Court may think fit.

(2) The Court shall impose the following as conditions under subsection (1)—

(a) that the juvenile shall be under the supervision of an officer appointed by the Chief Welfare Officer; and

(b) that the juvenile shall not be taken out of Enugu State without the leave of the Court.

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

(4) An interim order shall not be made in any case where the making of an adoption order would be unlawful by virtue of subsection 14) of section 4.

Application by person who is not a citizen of Nigeria 9. Where the applicant, or in the case of a joint application, either of the applicants, is not a citizen of

Nigeria, the Court shall refuse the application.

10. An adoption order or an interim order may be made in respect of a juvenile who has already been the subject of an adoption order and the adopter under the previous adoption shall; if alive, he deemed to be the parent of the juvenile for all the purposes of this Law.

11. (1) Subject to any rules made under this section an application for an adoption order may be made to the High Court or at the option of the applicant to a Magistrate's Court within the jurisdiction of which the applicant or the infant resides at the date of the application

(2) The Chief Judge may make rules in regard to any matter to be prescribed under this Law and dealing generally with all matters of procedure and incidental matters arising out of this Law or for carrying this Law into effect,

(3) Rules under this section shall provide for—

(a) the proceedings to hold otherwise than in open court and, where the application is made to a Magistrates Court, the hearing and determination of the application in a Juvenile Court, and may make provision for excluding or restricting the jurisdiction of any court where a previous application made by same applicant in respect of the same infant has been refused by that or other court;

(b) the admission of documentary evidence of any consent required under section 5 or 6;

(c) requiring the Chief Welfare Officer to represent the interests of the juvenile in any proceedings with respect to an adoption order or an interim order;

(d) requiring the Chief Welfare Officer to prepare for the consideration of the Court on an application for an adoption order, report for the assistance of the Court in determining whether the order will be in the overall interest and for the welfare of the juvenile, having regard to the ability of the applicant to maintain, care for, and educate the juvenile.

12. On any decision by a Magistrate's Court on an application for the making of an adoption order, other than a decision to postpone the application and make an interim order, a person aggrieved may, subject to rules of Court, appeal to the High Court.

Appeals

Rights and duties

13. (1) Upon the adoption order being made —

(a) all rights, duties, obligations and liabilities, including any arising under customary law, of the parents of the juvenile or any other person, in relation to the juvenile (including all rights to appoint a guardian and to consent or give notice of dissent to marriage) shall be extinguished; and

(b) a reference (whether expressed or implied) to the child or children of the adopted person's parents or either of them shall, unless the contrary intention appears, be construed as not being, or as not including, a reference to the adopted person; and

(c) a reference (whether expressed or implied) to a person related to the adopted person in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to him in that degree if he were the child of the adopter and were not the child of any other person.

15. (1) For the purposes of the application Of the Law in force in Enugu State on the administration of estates in the devolution of property in accordance with the provisions of section 14, and for the purpose of the construction of such disposition as is mentioned in the section, an adopted person shall be deemed to be related to any other person being the child or adopted child of the adopter or (in the case of a joint adoption) of either of the adopters—

Provisions
supplementary
to section 14

(a) where he or she was adopted by two spouses jointly, and that other person is the child or adopted child of both of them, as brother or sister of the whole blood;

(b) in any other case as brother or sister of the half blood.

(2) For the purposes of subsection (2) of section 14, a disposition made by will or codicil shall be treated as made on the date of the death of the testator.

(3) Notwithstanding anything in section 14, trustees or personal representatives may convey or distribute real or personal property to or among the persons entitled thereto without having ascertained that no adoption order has been made by virtue of which a person is or may be entitled to an interest therein, and shall not be liable to the person of whose claim they have not had notice at the time of the conveyance or distribution; but nothing in this subsection prejudices the right of such person to follow the property, or

other property representing it, into the hands of a person, other than a purchaser, who may have received it.

Prohibition of
certain payments

17. (1) It shall not be lawful for an adopter, or for a parent of a juvenile, to receive, except with the sanction of the Court, any payment or other reward in consideration of the adoption of a juvenile under this Law, or for any person to make or give or agree to make or give an adopter or parent any payment or reward the receipt of which is prohibited under this subsection.

(2) It shall not be lawful for any person who is not the parent of a juvenile to receive or agree to receive any payment or other reward for making or facilitating arrangements under which a juvenile is placed in the care and possession of a person who is also not the parent of the juvenile, whether or not the arrangement will lead to the adoption of the juvenile.

(3) A person contravening this section is guilty of an offence and liable for commission to imprisonment for three months or a fine of two hundred naira or both such imprisonment and fine.

Adoption Law

ADOPTION (JUVENILE COURTS) RULES

(section 11)

Short title

I. These rules may be cited as the Adaption (Juvenile Courts) Rules.

2. In these rules.—

Interpretation.

“application” means an application for an adoption order and

“applicant” shall be construed accordingly;

“court” means court having jurisdiction to make adoption orders under the law;

“determination of an application” includes a refusal to proceed with the application under rule 7 of these rules or a withdrawal of the application;

“father” in relation to an illegitimate child means the natural father;

“interim order” means an interim order made under section 8 of the

Law;

"juvenile" means a person who is under the age of seventeen;

“ Law” means the Adoption Law.

“officer of the court” includes the Judge. Magistrate, and registrar, as the case may be of the court.

Form of application
Form I.

3. (1) An application to adopt a juvenile shall be in Form I, and shall be made to a court of competent jurisdiction in the area in which the applicant or the juvenile resides at the date of the application by delivering it or sending it by post, to the registrar of the court for that area, together with all documents referred to in the application as attached thereto.

(2) The application shall supply to the registrar of the court a copy of his application at the same time as he makes his application.

Serial number

4, (I) If any person proposing to apply to a court for an adoption order desires that his identity be kept confidential, he may, before making his application, apply to the registrar of the court, for a serial number to be assigned to him for the purpose of the proposed application, and the registrar shall assign a number to him accordingly.

(2) Any report on the health of the juvenile which is to be used for the purposes of an application shall be supplied by the applicant to the registrar of the court at the same time as he makes his application

Form 2

(3) The report if the applicant so desires shall be in Form 2.

(4) Where the applicant does not provide a report on the health of the juvenile, the court may take evidence as to the juvenile's health in order to determine that the

adoption order would be for the welfare of the juvenile.

Consent documents
Form 3.

5, Any document signifying the consent of any person to the making of an adoption order for the purposes of section 5 of the Law shall as far as possible be in Form 3.

Court not to proceed
with application
previously
considered by
another

6, If it appears that the applicant has previously made an application in respect of the same juvenile to the High Court, the Magistrate s Court, or Juvenile Court and that court, after having heard the case, dismissed the application on its merits, the court shall not proceed with the unless it is satisfied that there has been a substantial change in the circumstances since the previous application or that there are compelling reasons not considered by.

Guardian

7. If owing to special circumstances any application appears to the court to be more fit to be dealt with by the High Court, the court may, at any stage of the proceedings, refuse on that ground expressly, to proceed with the application.

8.(1) Subject to the provisions of rules 6 and 7, the court shall, as soon as practicable after an application is made, appoint a guardian *ad litem* of the juvenile and shall furnish him with a copy of the application together with the documents attached thereto.

(2) The person appointed guardian *ad litem* shall be—

- (a) the Chief Welfare Officer or the Welfare Officer, as the case may be, in charge of the area w here the juvenile resides:
- (b) a probation officer; or
- (c) if in any particular case the court considers that it is not reasonably practicable, or that it would be undesirable, to appoint one of the aforesaid persons, some other person who appears to the court to be suitably qualified:

Provided that no person shall be appointed guardian *ad litem* if—

- (i) he has the rights and powers of a parent of the juvenile, or has taken part in the arrangements for the adoption of the juvenile,
- or

- (ii) he is a member, officer or servant of an adoption society or other body of persons which has the rights and powers of a parent of the juvenile or which has taken part in the arrangements for the adoption of the juvenile.

(3) Where the Chief Welfare Officer, or a Welfare Officer is appointed guardian *ad litem*, he may carry out his duties and appear before the court personally or by any other officer who assists him in the exercise of his functions.

9. (1) With a view to safeguarding the interests of the juvenile before the court the guardian *ad litem* shall, so far as it is reasonably practicable—

Investigation or relevant circumstances relating to an adoption: Second Schedule-

- (a) investigate all circumstances relevant to the proposed adoption, including the matters alleged in the application and those specified in the Second Schedule;

(b) perform such other duties as are specified in the said Schedule or as the court may direct..

- (2) On completing his investigations the guardian *ad litem* shall make a confidential report in writing to the court.

- (3) With a view to obtaining the directions of the court on any particular matter, the guardian *ad litem* may, at any time, make such interim report to the court as appears to him to be necessary

10. At the time of appointing the guardian *ad litem* the court shall fix a time for the hearing of the application.

11. (1) After the time of the hearing of the application has been fixed, the court shall serve a notice in Form 4 on the applicant,

- (2) If the guardian *ad litem* reports to the court that in his opinion

the juvenile is able to understand the nature of an adoption order, the court shall inform the applicant that the personal attendance of the juvenile at the hearing of the application is required.

12. (1) After the time of the application has been fixed, the court shall serve a notice in Form 5 on the following persons—

- (a) every person, not being an applicant whose consent to the making of the adoption order is required under subsection (I) of section 5 of the Law;
- (b) any person liable by virtue of any order or agreement to contribute to the maintenance of the juvenile;
- (c) any society or body of persons named in the application or in a form of consent as having taken part in the arrangements for the adoption of the juvenile:

(d) any other person, not being the juvenile, who in the opinion of the court ought to be served with notice of the hearing of the application.

(2) Any person on whom a notice is required to be served under the foregoing provisions of this rule shall be a respondent to the application.

13. The court shall not make an adoption order or an interim order except after the personal attendance before the court of the applicant:

Applicant to
attend court in
person

Provided that where the application is made by two spouses jointly, the court may dispense with the personal attendance of one of the applicants if the application is verified by a declaration made by that applicant and attested by a registrar of a court, Commissioner for Oaths or a Notary Public

Personal
attendance of
juvenile.

14. If the applicant has been informed that the personal attendance of the juvenile at the hearing is required the court shall not make an adoption order or an interim order unless—

- (a) the juvenile has so attended or the court decides that there are special circumstances making his attendance unnecessary; and
- (b) the court is satisfied that the juvenile has been informed of the nature of the order.

15. If a serial number has been assigned to the applicant under rule 4, the proceedings shall be conducted with a view to securing that he is not seen by, or made known to any respondent who is not already aware of his identity, except with his consent.

Procedure after assignment of serial numbers.

16. (1) Where proof of the identity of the juvenile is required for any purpose, any fact tending to establish his identity with a juvenile to whom a document relates may be proved by affidavit.

Affidavit evidence to prove identity of juvenile.

(2) Where any such fact is proved by affidavit the attendance of a witness at the hearing to prove that fact shall not be compelled unless the fact is disputed or for some special reason his attendance is required by the court

17. (1) Where the determination of an application is postponed and an interim order is made, the court shall, on making the order or at any time thereafter but not less than one month before the expiration of the period during which the applicant has the custody of the juvenile in accordance with the interim order whether or not the applicant makes an application for the purpose, fix a time for further hearing of the application.

When hearing postponed new date must be fixed From 6, 7.

(2) On fixing a time for the further hearing of an application, the court shall-

- (a) serve on the applicant a notice in Form 6; and

(b) serve on each respondent to the application a notice in Form 7.

Form of adoption
Form 8.

18. An adoption order shall be drawn up in form 8.

Copy of adoption
to be sent to
Registrar-

19. Within seven days after the making of an adoption order the registrar shall send a copy of the order to the Registrar-General.

Abridged copy
of adoption order
to be served on
applicant Form 9

20. Within seven days after the making of an adoption order the registrar shall serve on the applicant an abridged copy of the adoption order in Form 9 signed by an officer of the court

Form of interim
order Form 10.

21. (I) An interim order shall be drawn up in Form 10.

(2) Within seven days after the making of an interim order the registrar shall serve on the applicant a copy of an interim order.

When registrar
adoption order

22. The registrar shall not supply a copy of an adoption order or of an interim order or an abridged copy of an adoption order except—

(b) in accordance with the provisions of rules 19, 20 and 21; or

(c) on the application of any other person under an order of a Juvenile Court acting for the same High Court area as the Juvenile Court which made the adoption order or interim order.

23. Where an adoption order is made in respect of a juvenile who is illegitimate then, unless The applicant is his mother and she is a single woman the registrar shall serve notice of the order on any other court which appears to have made an affiliation order or decree of affiliation and ailment which is still in force with respect to the juvenile.

Adoption order
In respect of
application.

24. On the determination of an application or on the making of an interim order, the registrar shall serve notice to that effect on all parties who were present when the court made its determination or order.

Notice of
determination
of application.

25. On the determination of an application or on the making of an interim order, the court

Costs

may make such order as to costs as it thinks just and in particular may order the applicant to pay —

- (a) the out-of-pocket expenses incurred by the guardian *ad litem*; and
- (b) the expenses incurred by any respondent in attending the hearing or such part of those expenses as the court thinks proper,

26. The book kept in pursuance of subsection (1) of section 16 of the Law, and all other documents relating to the proceedings mentioned in the Law while they are in custody of the court shall be kept in a place of special security.

Book and documents to be kept in a place of special security

27. Any information obtained by any person in the cause of, relating to, proceedings under the Law shall be treated as confidential and shall not be disclosed by him except so far as may be necessary for the proper execution of his duty;

Information to be confidential.

28. Any respondent being a local authority or other body of persons, may appear and be heard at proceedings under the Law by any officer or servant of that authority or body duly authorized in that behalf.

Appearance by local authorities or other bodies

29. Unless otherwise directed, service of a document under these rules—

- (a) on a corporation or a body of persons may be effected by delivering it at, or sending it by post to, the registered or principal office of the corporation or body of persons,
- (b) on any other person may be effected by delivering it to him or by sending it by post to him at his last known or usual place of abode.

Mode of service.

30. Save in so far as special provision is made by these rules, proceedings on an application shall be regulated in the same manner as proceedings on complaint, and accordingly for the purposes of this rule the application shall be deemed to be a complaint, the applicant to be a complainant, the respondents to be defendants and any notice served under these to be a summons; but nothing in this rule shall be construed as to enable a warrant of arrest to be issued for failure to appear in answer to any such notice

31. The court shall serve on the guardian ad litem a copy of every notice served

Proceedings in
b Copy of every
s notice to be
p served on
c guardian and
litem

Copy of
every
notice to

on an applicant or respondent,

32. In these rules a form referred to by number means the form so numbered in the First Schedule or a form to the like effect and any such form may be used with such variation as the circumstances may require.

33. Subject to the provision of rule 30, whenever, in any proceeding on an application, it is necessary for the court to do a thing but the court cannot do that thing by reason of absence in these rules of any provision for the doing of the thing, the court may apply, with such modification as it deems fit, such provision of the Rules of the Magistrate's Court or of the Rules of the High Court as the court thinks it most suitable to give effect to the doing of that thing.

FIRST SCHEDULE

FORM I

Application for Adoption Order

(This Form must be lodged in duplicate, but duplicate of the attached documents need not be lodged. Every paragraph must be completed or deleted, as the case may be.)

To the -----Juvenile Court.

1. Name of first Applicant in full -----

Address -----

Date of Birth -----

Relationship (if any) to juvenile -----

Name of Second Applicant in full -----

Address -----

Reference to
form by
members

Procedure in the
absence of
special provision

Occupation -----

Date of Birth -----

Relationship (if any) to juvenile -----

2 I am/we are resident in ----- in ----- Local Government Area and
domicile in -----

3. I am a widow/widower/unmarried/ I am married -----of -----/ We are
married to each other and our marriage certificate (or other evidence of marriage) is attached

*4. The consent of my husband/wife to the making of an adoption authorizing
me to adopt the Infant is attached or I request the court to dispense with the
consent of my husband/wife on the ground that he/ she cannot be found is
incapable of giving consent / we have separated and are living apart and the
separation is likely to be permanent

5 I/We attached a certificate as to my health/the health of each of us signed by
a duly registered medical practitioner.

♦Delete if a joint application or if applicant not married

PART II

Particular of infant

6. Name in full -----

7. The infant is of the ----- sex and is not and has not been married

8. The infant is the person to whom the attached birth or adoption certificate
relates, the juvenile was born in ----- on or about -----

9. I/We attach a report as to the health of the juvenile

10. The Juvenile is the child of

Name of Mother -----

Address -----

Name of Father -----

Address -----

11. The guardian, if any, of the juvenile is

Name -----

Address -----

12. I/We attache *a* document/documents signifying the consent of the juvenile's mother/father/guardian to the making of an adoption order authorizing me/us to adopt the juvenile

13. I/We request the court to dispense with consent of the juvenile's mother/father/guardian on the ground that -----

14. The following body or person has the rights and powers of a parent of the Juvenile:

Name -----

Address -----

15. The following person is liable by virtue of an order of a court or an agreement to contribute to the maintenance of the juvenile

Names -----

Address -----

Particular of Court Order or Agreement

Name of Court -----

Date of Order -----

Or date of Order -----

16. If an adoption order is made in pursuance of this application the juvenile is to be known by following name:

Surname -----

Other names -----

17. The juvenile was received into my/our care and possession on the ----- day of -----20----- and has been continuously in/my our care and possession since that date

18. I/We notified the ----- council on the -----day of -----20 - ----- of my/our intention to apply for an adoption order in respect of the juvenile

19. I have not made/neither of us has made a previous application for an adoption order in respect of the juvenile or (name of applicant) made an application

No -----to the ----- Court on the date of -----20 ----- which was dealt with as follows: -----21. As far I/we know, no person or body has taken part in the arrangement for placing the juvenile in my/our care and possession, except:

Name -----

Address -----

22. For the purposes of this application reference may be made to ----- of -----

23. I/We desire that my/our identity should be kept confidential. The serial number of this application is -----

24. I/ We being desirous of adopting the juvenile apply for an adoption order in respect of the juvenile.

Dated the ----- the day of ----- 20 -----

Signature

FORM 2

(Rule 4)

Medical Report in to Health

Child's name -----

Date of birth ----- Sex ----- Weight ----- Height-----

A. General condition

Skin

Eyes (including vision)

Ears (including hearing)

Nose and throat

Speech

Cardio Vascular system

Respirator system

Alimentary system

Genito-urinary system (including examination of urine for albumen, sugar and phenylpyuric acid).

Skeletal and articular system (including examination for congenital dislocation of lip)

Nervous systems (including fits)

Lymphatic system

Any other comments.

Is the child physically normal having regard to his age?

B. Are there any items in the child's history' or examination which suggest that he may be mentally abnormal having regard to his age

C Particulars of any illness from which the child has suffered

D If known

weight at birth (if child is under one year of age).

Details of birth, including result of mother's serological tests for syphilis. Particulars, with dates, of vaccination or immunization against—

Tuberculosis (State result of mantoux test or whether child has been successfully vaccinated with B.C.G. vaccine)

Small pox.

Diphtheria

Whooping cough.

Poliomyelitis.

Tetanus (active)

Any other disease

E. Result of suitable serological test of the child's blood for syphilis taken 6 weeks or later after birth (please specify test)

F I examined the child on the -----day of -----20.----- and I have informed the adopters of the state of health of the child disclosed by the examination

Signature-----

Address -----

Qualification-----

FORM 3

(Rule 5)

1. I undemand that an application for an adoption order has been or is to be made in respect of A. B, to whom the birth/adoption certificate now produced and shown to me marked "A" relates (hereafter called the juvenile) by C.D/C.D and E.D or by a person or persons identified in the -----
-----Magistrate District under the serial number -----
----- (hereinafter called the applicant.

2. I am the mother, father guardian of the juvenile

3. I understand that the effect of an adoption order will be to deprive me permanently of my rights as a parent or guardian and to transfer them to the applicant, in particular i understand that if an order is made. I shall have no right to see or get in touch with the juvenile or to have the juvenile returned to me.

4. I further understand that the court cannot make an adoption order without the consent of each parent or guardian of the juvenile unless the court dispenses with on the ground that the person concerned has abandoned, neglected or persistently ill-health the juvenile, or cannot be found, or is incapable of giving his consent or is unreasonably withholding consent or has persistently failed without reasonable cause to discharge the obligations of a parent or guardian

5.I further understand that, when the application tor a adoption order is of the order unless I inform the court that I no longer consent

6. I hereby consent to the making of the order authorizing the adaption of the juvenile by the applicant.

7. As far as I know, no person or body has taken part in arranging for the juvenile to be placed in the care and possession of the applicant except —

Full name-----

Address-----

Signature-----

FORM 4

General Title(Rule 11)

Notice to applicant of time of hearing

To A B of

I have give notice that your application for an adoption order to be made in respect of(name of Juvenile) will be heard before the Juvenile Court sitting

at-----on the-----
-----day of-----20-----
-----at-----o'clock in the
-----Magisterial District aforesaid and that your attendance
(and) that of -----(name of juvenile) is required.
Date-----day of-----20-----
Signature-----
Registrar

FORM 5

General Title [Rule 12(1)]

Notice to respondent of application for Adoption Order

I hereby give notice that____

- (1) An application has been made by (Name and address of applicant) or under the serial number
----- for an adoption order to be make in respect of (identity the juvenile)
- (2) C.D of-----has been appointed guardian *ad litem*
- (3) The application will be heard before the Juvenile Court sitting at-----on the -----
----- day of-----20-----at-----
----- o'clock in the-----Magisterial District aforesaid and
you may the appear and you may then appear, write to the registrar of the court at-----
-----on or before the-----day of -----20-----
in order that a time may be fixed for your appearance

******(4) While the application is pending you are not entitled, if you have signified your
consent to the making of an adoption order in pursuance of the application, to remove the
juvenile from the care and possession of the applicant except with the leave of the court.

Dated the -----day of-----20-----

*The second alterative should be struck out except where applicant desires that his identity

should not be disclosed to the person whom the notice is given, in which case the first alternative should be struck out

****Delete except where the notice is addressed to a parent or guardian**

REPLY FORM

To the Registrar of the-----Juvenile Court
(Address)-----

I have received notice of the hearing of the application for an adoption order in respect of ----
-----a juvenile

I do/do not wish to oppose the application

I do/do not wish to appear and be heard on the question whether an adoption order should be made

Date----- Signature-----

Address-----

FORM 6

General Title (Rules 12(2))

Notice to application of time of hearing further hearing after interims order made

To A B. of-----

I hereby give notice that your application for order to be made in respect of -
------(name of -----20-----at-----
o'clock in the District) aforesaid and that your attendance (and that of -----
----- name of juvenile) is required.

*(Take notice that an adoption order or interim order cannot be made unless the court is satisfied that the juvenile has been informed of the nature of the order) will

Dated the-----day of-----20-----

Registrar

•*Delete unless attendance of juvenile at further hearing is required*

FORM 7

General Title (Rules 17(1)(b))

Notice to applicant of time of further hearing after interim order is required

To A B. of-----

I hereby give notice that your application -----(state name and
address of applicant) or under the serial number-----for an
adoption order to be made in respect of (identify the Juvenile Court) sitting
at -----*on the-----day of-----20-----
---at-----o'clock in the-----Magistrate
District aforesaid; and you may then appear and be heard on the question
whether an adoption should be made; or

•And you may appear before the court and be heard on the question whether
an adoption order should be made, if you wish to appear, write to the
registrar of the court at-----on or before the-----
day of -----20-----.in order that a time may be
fixed for your appearance.

Dated the----- day of -----20-----

Registrar

REPLY FORM

To the Registrar of the Juvenile Court.

Address-----

I have received notice of the hearing of application for an order in respect of ----
-----a juvenile

I do /do not wish oppose the application. I do/ do not wish to appear and be
heard on the question whether an adoption order should be made

Date-----Signature-----
Address.....

**The second alternative should be struck out except where the applicant desires
that his identity should not be disclosed to the person whom the notice is given,
in which case the first alternative should be struck out.*

FORM 8

General Title (Rule 18)

WHEREAS an application has been made by-----

Of-----
-----Occupation----- (hereinafter called the applicant) for an
adoption order in respect of----- (enter name and surname as
shown in birth certificate or Adopted Children Registrar, or, if not so shown, by
which juvenile was known before being placed for adoption) a juvenile of the---
-----sex the child/adopted child of -----
-(hereinafter called the juvenile).

AND WHEREAS the name or names and surname by which the juvenile is to

be known are-----

AND WHEREAS the court is satisfied that the applicant is qualified in accordance with the provisions of the Adoption Law, to adopt the juvenile and that all conditions precedent to the making of an adoption order by the court have been fulfilled

IT IS ORDERED That the applicant be authorized to adopt the juvenile;(and as regards costs, it is ordered that((And the precise date of the juvenile's birth not having been proved to the satisfaction of the court, it is determined that the probable date of the juvenile's birth is-----

The country of birth of the juvenile not having been proved to the satisfaction of the court, the juvenile shall be treated as having been born in Nigeria, the particulars of the country of birth shall be omitted from the Schedule to this order.

The registration district in which the juvenile WAS born not having been proved to the satisfaction of the court, the infant shall be treated as having been born in the----- registration district.

And it is directed that the Registrar-General shall make in the Adopted children Register an entry recording the set out in the Schedule to this order;

And it having been proved to the satisfaction of the court that the juvenile is identical with (-----
-----to whom the entry numbered -----made on the-----day of-----
-----20_-----to whom the entry numbered-----made on the-----
-day of-----20 in which the registration of births for the Registration this print of -----
-----to whom the entry numbered-----or the-----in the
Adopted Children Register relates) it is directed that the said entry in die Registers of Birth be marked with the word “Adopted Children Register be marked with the word "Re-adopted”.

.....

Registrar

SCHEDULE

Date and Country of Birth	Registration district	Name and Surname of Juvenile	Sex Of Juvenile	Name, Surname, Address and	Date of adoption order and description

FORM 9

(Rule 20)

Adaption Order

WHEREAS an application has been made by-----

Of----- (hereinafter called the applicant) for an adoption order in respect of-----

---- (enter names and surname as in birth certificate or Adopted Children Register or if not shown, by which juvenile was known before being placed for adoption) a place for adoption) a juvenile of the-----sex herein after called the juvenile).

IT IS ORDERED that the applicant be authorized to adopt the juvenile.

And if is directed that the Registrar-General shall make in the Adopted Children Register an entry according to the particulars set out in the Schedule to this Order.

DATED the-----day of-----20-----

Registrar

SCHEDULE

Date and Country of Birth	Registration district	Name and Surname of Juvenile	Sex of Juvenile	Nome, Surname, Address and Occupation of adopter or adopters	Date of adoption order and description of Court by which made.

FORM 10

(Rule 21(1))

Interim Order

WHEREAS an application has been made by-----of (hereinafter called the applicant) for an adaption order in respect of (enter names and surname of juvenile as shown in birth certificate or Adopted Children Register or if not so shown, by which juvenile was known before being placed for adoption), a juvenile of the-----sex (hereinafter called the juvenile).

WHEREAS the court is satisfied that the applicant is qualified in accordance with the provisions of the Adoption Law to adopt the juvenile and that all conditions precedent to the making of an interim order by the court having been fulfilled

IT IS ORDERED that the determination of the application be postponed and that the applicant do have the custody of the juvenile until-----day of-----20-----by way of a probationary period.

(On the following terms namely-----)
 (And as regards costs, it is ordered that-----)(And that application
 shall be further heard on-----)DATED the
 day of-----20-----

Registrar

◆Provision may be made for maintenance the education and supervision of the welfare of the
 juvenile and otherwise.

FORM II

(Rule 26)

Register of Adoption

Date and Country of Birth	Registration district	<i>Name and Surname of Juvenile</i>	1 Sex of Juvenile	Name, Surname, Address and Occupation of adopter or adopters	Dale of adoption order and description of Court by which made.
		-			
		1			

SECOND SCHEDULE

(Rule 9)

Particular Duties of Guardian Ad Litem

1. The guardian *ad litem* shall interview the applicant and shall ascertain—
 - (a) particulars of all members of the applicant's household and their relationship (if any) to the applicant;
 - (b) particulars of the accommodation in the applicant's home and the conduction of the home;
 - (c) the means of the applicant;

- (d) whether there is any history of tuberculosis, epilepsy or mental illness in the applicant's family;
- (e) in the case of an applicant by one only of two spouses, why the other spouse does not join in the application;
- (f) whether any person specified in the application as the person to whom reference may be made is a responsible person and whether he recommends the applicant with or without reservations;
- (g) whether the applicant understands the nature of an adoption order and in particular, that the order, if made, will render him responsible for the maintenance

2. The guardian *ad litem* shall ascertain and inform the applicant—

- (a) whether the infant has been baptized, and if so the date and place of baptism;
- (b) what treatment the infant has received with a view to immunizing him against disease;
- (c) whether the infant has any right to, interest in, any property;
- (d) whether an insurance policy for the payment on the death of the juvenile of money for funeral expenses has been effected.

3. (1) The guardian *ad litem* shall, as soon as is reasonably practicable, ascertain whether the juvenile is able to understand the nature of an adoption order.

(2) If the guardian *ad litem* is of opinion that the juvenile is able to understand the nature of an adoption order, he shall forthwith inform the court of his opinion and ascertain whether for juvenile wishes to be adopted by the applicant.

4. The guardian *ad litem* shall interview either in person or by an agent appointed by him for that purpose—

- (a) every individual who is a respondent to the application; and
- (b) every individual who appears to him to have taken part in the arrangements for the adoption of the juvenile.

5.(1) The guardian *ad litem* shall obtain from every respondent to the application, not being an individual, such information concerning the juvenile as they have in their possession and which they consider might assist the court in deciding whether or not the juvenile should be adopted by the applicant

(2) Where such information is given in the form of a written report, the guardian *ad litem* shall append it to his own report to the court.

6. The guardian *ad litem* shall ascertain when the mother of the juvenile ceased to have the care and possession of the juvenile and to whom the care and possession were transferred.

7. The guardian *ad litem* shall ascertain that every consent to the making of an adoption order authorizing the adoption of the juvenile by the applicant is freely given and with full understanding of the nature of an adoption order.

8. If either parent of the juvenile is dead, the guardian *ad litem* shall forthwith inform the court if he learns of any relation of the deceased parent who wishes to be heard by the court on the question whether an adoption order should be made.

9. Where for juvenile is illegitimate but no one is liable as the putative father to contribute to his maintenance by virtue of any order or agreement, the guardian *ad litem* shall forthwith inform the court if he learns of any person claiming to be the father who wishes to be heard by the court on for question whether an adoption order should be made.

10. Guardian *ad litem* shall forthwith inform the court if he learns of any other person or body who wishes, the ought in his opinion, to be heard by the court on the question whether an adoption order should be made

CHAPTER 8

ADVISORY COUNCIL ON PREROGATIVE OF MERCY LAW

Arrangement of sections

Section:

1. Short title

2 Interpretation

3. Establishment of Council

4. Tenure of office of appointed members

5. Consultation with Council

6. Functions of Council

7. Procedure for meetings of the Council