

## **ADOPTION LAW**

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#### **SECTION**

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## **ADOPTIONLAW**

### **A Law to provide for the adoption of certain juveniles and for purposes connected therewith.**

#### Application of Law

##### **1. Adoption of certain juveniles**

- (1) This Law applies only to the adoption of a person under the age of seventeen years who is abandoned, or whose parents and other relatives are unknown or cannot be traced after due enquiry certified by a juvenile court.
- (2) All references in this Law to a juvenile shall be construed as references to a person to whose adoption this Law applies of Adoption Orders.

#### Making of adoption Orders

##### **2. Power to make adoption orders**

- (1) Subject to the provisions of this Law the court may, upon the application of any person in the prescribed manner, make an order (hereafter in this Law referred to as an "adoption order authorizing such person to adopt a juvenile;
- (2) An adoption order may be made upon the application of two spouses authorizing them jointly to adopt a juvenile; but in no other case shall an adoption order authorize more than one person to adopt a juvenile.
- (3) Any child above the age of one year made voluntarily given out for adoption by his parents.

[1990 No. 8]

##### **3. Restrictions on the making of adoption orders.**

- (1) An order shall not be made in respect of a juvenile unless -
  - (a) the applicant, or in the case of joint applicants, one of them is not less than twenty-five years old and is at least twenty-one years older than the juvenile;
  - (b) the applicant and the juvenile are resident in Lagos State;
  - (c) the juvenile had been in the care of the applicant for a period of at least three consecutive months immediately preceding the date on which the order is made; and
  - (d) the applicant has at least three months before the making of the order informed the Probation Officer of his intention to adopt the juvenile.

(2) An adoption order shall not be made in respect of a female juvenile where the sole applicant is a male unless there are exceptional circumstances which the court thinks justify the making of such an order.

(3) (a) An abandoned child shall not be taken into custody by any person or any institution without reference to the Police and the Social Development Department charged with the responsibility of the treatment of such children.

[1990 No. 8.]

(b) the social officer has the duty to arrange for formal adoption or placement of any abandoned child in the State.

(c) Any person who fails to comply with the requirement of this subsection shall be liable to a fine of one thousand naira (N1,000.00) in the case of an individual and five thousand naira (5,000.00) in the case of an organization or six months imprisonment or both.

#### **4. Consents to adoption**

(1) Where a married man or woman is the sole applicant for an adoption order the court may, if it thinks fit, refuse to make the order unless the consent of the wife or husband, as the case may be, to the making of the order is first obtained.

(2) Where it appears to the court that any person other than the father or mother or relative of a juvenile has any rights or obligations in respect of the juvenile under any order of a court or any agreement or under customary law the court may, if it thinks fit; refuse to make the adoption order unless the consent of that person is first obtained.

(3) It shall be the duty of the Probation Officer on an application for an adoption order in respect of a juvenile to prepare a report to assist the court in determining whether any person who is not a parent or relative of the juvenile has any rights or obligations in respect of that juvenile and whether the consent of any such person ought first to be obtained.

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

(a) unconditionally; or

(b) subject to conditions 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 by anyone is subsequently withdrawn on the ground only that he does not know the identity of the applicant, the consent shall be treated for the purposes of this section as having been unreasonably withheld.

#### **5. Functions of court as to adoption orders**

(1) Before making an adoption order the court shall be satisfied that -

(a) Every consent required by section 4 of this Law which has not been dispensed with has been obtained, and that every person who has given his consent understands the nature and effect of the adoption order for which the application is made;

- (b) The order, if made, will be for the welfare of the juvenile, due consideration for this purpose being given to the wishes of the juvenile having regard to his age and understanding; and
  - (c) the applicant has not received or agreed to receive/and no person has made or agree to make or give to the applicant any payment or other reward in consideration of the adoption other than what the court may approve.
- (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 provision (if any) as, in the opinion of the court, is just and expedient.

## **6. Interim orders**

- (1) Subject to the provisions of this section, the court may, upon any 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 a probationary period upon such terms as the court thinks fit as regards provision for the maintenance, education and supervision of the welfare of the juvenile and otherwise.
- (2) The court shall impose as conditions under subsection (1) of this section-
- (a) that the juvenile shall be under the supervision of such welfare officer as the Commissioner may appoint; and

[1983N0.3]

- (b) that the juvenile shall not be taken out of Lagos State without the consent of the court.
- (3) The consents to the making of an adoption order which are required by section 4 of this Law shall be required to the making of an interim order, and the power of the court to dispense with any such consent shall apply in the case of an interim order as it applies in the case of an adoption order.
- (4) An interim order shall not be made in any case where the making of an adoption order would be unlawful under section 3 of this Law.
- (5) An interim order shall not be deemed to be any adoption order within the meaning of this Law.

## **7. Application by a person who is not a citizen of Nigeria**

Where the applicant for an adoption order, or in the case of a joint application one of the applicants, is not a citizen of Nigeria the court shall in the exercise of its powers under section 6 of this Law postpone the determination of the application for a period of not less than six months and make an interim order in respect of period.

## **8. Jurisdiction of the court**

Subject to any rules of court made under section 9 of this Law an application for an adoption order may be made to a juvenile court only.

## **9. Rules of Court**

(1) The chief Judge of Lagos State may make rules of court for regulating generally the practice and procedure of the court in respect of the adoption of juveniles.

[1983 No. 3.]

(2) The power to make rules conferred by subsection (1) of this section, shall, without prejudice to the generality of that subsection, include power to make provision for-

- (a) applications for adoption orders being heard and determined otherwise than in open court;
- (b) the admission of documentary evidence of any consent required under section 4 of this Law; and
- (c) requiring the Probation Officer to prepare for the consideration of the court, on an application for an adoption order, a report, for the assistance of the court in determining whether the order will be for the welfare of the juvenile.

#### **10. Appeals**

An appeal shall lie to the High Court of Lagos State from the juvenile court in respect of any decision on any application for an adoption order other than a decision to postpone the determination of the application for such an order and make an interim order.

#### **11. Corrective orders**

(1) Arrangements may be made for the adoption of any juvenile in respect of whom a corrective order made under section 26 (2) of the Children and Young Persons Law committing him to the care of an individual (not being a relative) is in force.

[Cap.C10]

(2) In every such case; on the application for an adoption order being made, and on being satisfied that the adoption would be for the welfare of the child or young person concerned, the juvenile court shall suspend the corrective order so as to enable the applicant to, have the child or young person in his care for a period of at least three consecutive months immediately preceding the date of the adoption order.

#### **Effect of Adoption Orders**

#### **12. Rights and duties of parents and other persons**

(1) Upon an adoption order being made-

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

(b) there shall vest in, and be exercisable by and enforceable against, the adopter all rights, duties, obligations and liabilities in respect of the future custody, maintenance and education of the juvenile as would vest in him if the juvenile were a child born to the adopter in lawful marriage; and, in respect of

the matters aforesaid, the juvenile shall stand to the adopter exclusively in the relationship of a child so born.

(2) In the case where a man and his wife are joint adopters of a juvenile the man and his wife shall, in respect of the matters aforesaid, and for the purpose of the jurisdiction of the court to make orders as to the custody and maintenance of and rights of access to children, stand to each other and to the juvenile in the same relation as they would have stood if the juvenile were a child born to them in lawful marriage; and, in respect of the matters aforesaid, the juvenile shall stand to them exclusively in the relationship of a child so born.

### **13. Intestacy**

For the purpose of the devolution of property on the intestacy of an adopter, an adopted person or any other person, the adopted person shall be treated as the lawful child of the adopter and not as the child of any other person.

### **14. Construction of settlements and wills**

In any disposition of property made after the date of an adoption order any reference (whether express or Implied) to -

- (a) the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted person; and
- (b) 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 born in lawful marriage and were not the child of any other person.

### **15. Effect of adoption on maintenance orders**

Where at the time when an adoption order is made in respect of a juvenile an order requiring a person to contribute towards the maintenance of that juvenile under the Children and Young Persons Law is in force the last mentioned order shall cease to have effect at that time.

[Cap. C10]

### **16. Adopted Children Register**

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

(2) Every adoption order shall contain a direction to the Principal Registrar to make, in the Adopted Children Register, entry in the form of the Schedule hereof.

(3) If upon any application to the court for an adoption order there is proved to the satisfaction of the court-

- (a) the date of birth of the juvenile; and

(b) the identity of the juvenile of Births relates; the adoption order shall contain a further direction to the Principal 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 juvenile in the Adopted Children Register the date of the juvenile's birth in the manner specified in the Schedule hereof.

(4) Where an adoption order is made in respect of a juvenile who had been the subject of a previous adoption ordered by the court under this Law the order shall contain a direction to the Principal Registrar to cause the previous entry in the Adopted Children Register in respect of that juvenile to be marked "Readopted".

(5) The court shall cause a copy of every adoption order to be communicated to the Principal Registrar and upon receipt thereof the Principal Registrar shall comply with the directions contained therein.

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

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

(8) "The Principal Registrar in addition to the Adopted Children Register and the index thereof shall keep such other registers and books and make such entries therein as it may be necessary to record and make traceable the connection between any entry in the Register of Births which has been marked "Adopted" and any corresponding entry in the Adopted Children Register.

[L.S.LN,16 of 1972.]

(9) Any such registers or books as are mentioned in subsection (8) of this section or any index thereof (if any) shall not be liable to searches by members of the public nor shall the Principal Registrar make a certified copy thereof or furnish any information therein contained to any person except under an order made by any court.

(10) Upon the revocation of any adoption order the court shall cause the fact of the revocation to be communicated to the Principal Registrar who shall cause to be cancelled -

(a) the entry in the Adopted Children Register relating to the adopted person; and

(b) the marking with the word "Adopted" of any entry relating to him in the Register of Births.

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

Miscellaneous and General

## **17. Prohibition of certain payments**

(1) It shall not be lawful for an adopter or any other person to receive or agree to receive any payment or reward, except with the sanction of the court, in consideration for the adoption of a juvenile under this Law or for the facilitation of the arrangement thereof, or for any person to 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.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred naira or to imprisonment for a term not exceeding six months or to both.

#### **18. Restriction on sending juvenile away for adoption**

(1) Except under a licence issued under section 19 of this Law it shall not be lawful for any person to permit or cause or procure the care and possession of a juvenile to be given to any person outside Lagos State with a view to getting the juvenile adopted by any person.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred naira or to imprisonment for a term not exceeding six months or to both.

#### **19. Licence to send juvenile away for adoption**

(1) Subject to the provisions of this section, the Commissioner may

grant a licence, subject to such conditions and restrictions as he may think fit, authorising the care and protection of a juvenile for whose adoption elsewhere arrangements have been made to be transferred to a person resident whether within or outside Nigeria.

[LS.L.N. 16 of 1972.1983 No. 3.]

(2) A licence shall not be granted under this section unless the

Commissioner is satisfied as respects every person whose consent would be required under section 4 of this Law to the making of an adoption order for the adoption of the juvenile that-

(a) the application for the aforesaid licence is made 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 under the said section 4.

(3) A licence shall not be granted under this section unless the Commissioner is satisfied that the person to whom the care and possession of the juvenile is proposed to be transferred is a suitable person to be entrusted therewith, and that the transfer is likely to be for the welfare of the juvenile, consideration being, for this purpose, given to the wishes of the juvenile having regard to the age and understanding of the juvenile.

[LS.N.L 16 of 1972.1983 No. 3.]

#### **20. Recognition of other adoptions**

Where any person has been adopted under the law of any part of Nigeria other than Lagos State, or under the law of any country other than Nigeria, the adoption shall have the like validity and effect as if it had been effected by an adoption order under this Law.

#### **21. Withdrawal of juvenile from care of applicant**

While an application for an adoption order is pending in any court, no person who has given his consent to an adoption order being made in respect of a juvenile shall withdraw the juvenile from the care and possession of the applicant without the leave of the court; and the court shall have regard to the welfare of the juvenile in considering whether or not to grant such leave.

#### **22. Prohibition of marriage of adopter, etc, with adopted juvenile**

(1) To the extent to which marriage is a matter within the legislative competence of Lagos State, a marriage between any person who has adopted a juvenile under this Law or between a natural child of such person and the adopted juvenile is hereby prohibited.

(2) Any person who acts in contravention of the provisions of subsection (1) shall be guilty of an offence and shall be liable to a term of imprisonment of five years.

#### **23. Visits to adopted person by Social Welfare Officer**

(1) It shall be the duty of the Director of Youth and Social Welfare Services of the State to keep himself informed from time to time of the condition and welfare of each person adopted under this Law and for that purpose the Director of Youth and Social Welfare Services of the State shall arrange for the Probation Officers in his Ministry to do all or any of the following things; that is-

(a) to pay periodical visits at reasonable times to each person adopted under this Law until such person attains the age of 18;

(b) to enter any premises for the purpose of ascertaining whether there is any contravention by any person of any condition or of any provision of this Law, and during any visits under this section the officer conducting the visit may require the production of the adopted person or that information be given regarding the condition of such person.

(2) A person who-

(a) without reasonable excuse fails to comply With a requirement imposed by a Probation Officer; or

(b) obstructs a Probation Officer in the exercise of the powers conferred by this section;

shall be guilty of an offence under this section and be liable on conviction to a fine not exceeding N200 or imprisonment not exceeding six months or to both such fine and imprisonment.

#### **24. Citation and interpretation**

(1) This Law may be cited as the Adoption Law. \_

(2) In this Law, unless the content otherwise requires -

"adoption order" means an order made under section 2 of this Law;

"Commissioner" means the Commissioner of the Lagos State Ministry responsible for social welfare;

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

"father" in relation to a child means the natural father; [1983 No. 3.]

"juvenile" means a person who is under the age of seventeen years to whose adoption this Law applies;

"juvenile court" means a court constituted under the provisions^ section 6 of the Children and Young Persons Law for the hearing and determination of cases relating to children and young persons;

"Principal Registrar" means the Principal Registrar appointed under section 4 of the Births, Deaths and Burials Law; ;

"Probation Officer" has the same meaning as in the Children and Young Persons Law;

"relative" in relation to a juvenile means a grandparent, brother, sister, uncle or aunt whether of the full blood or half blood or by affinity and includes, where the juvenile is illegitimate, the father of the juvenile and any person who would be a relative of the juvenile within the meaning of this definition if the juvenile were the legitimate child of his mother and father.

#### SCHEDULE

S. 16

1	2	3	4	5	6	7
No. of entry	Date of entry	Name of adopted (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 child (Enter date of birth (if any) directed by the adoption order to be entered, but otherwise no entry)	Date of adoption order and description of court by which made (entry to be made as appearing in the adoption order)

## **SUBSIDIARY LEGISLATION**

### **List of Subsidiary Legislation**

1. Adoption (Juvenile Court) Rules

### **ADOPTION (JUVENILE COURT) RULES**

#### Commencement of Proceedings

1. An application for an adoption order or an interim order shall be made by way of a Typed Application as in Form 1 contained in Schedule 1 and accompanied by a statement as in Form 3 or as near to it as not to derogate from the material parts thereof.
2. If an applicant proposing to apply for an adoption order desires that his identity shall be kept confidential, he may, before making the application to the court, apply in writing to the Chief Judge of Lagos State, for a serial number to be assigned to him for the purposes of the proposed application, setting out his reasons for such request, and the Chief Judge may assign to him a number for the purposes of the proposed application.

#### Appointment of Guardian and Litem

3. The Probation Officer shall be the guardian ad litem of the juvenile for the purposes of the application, and a copy of the Typed Application shall be served on him, together with an undertaking by the applicant in Form 2 to pay the proper costs of the officer for expenses incurred on behalf of the juvenile. The Probation Officer shall, on the giving of the undertaking by the applicant, thereon appear before the juvenile court for such juvenile.

#### Previous Proceedings

4. If it appears that the applicant has previously made an application for an adoption order in respect of the same juvenile and that the court dismissed the application it shall be the duty of the guardian ad/Hem to bring such proceedings to the attention of the juvenile court, and the proceedings shall not be proceeded with unless the court is satisfied, the onus of which lies on the applicant, that there has been a substantial change in the circumstances since the previous application.

#### Evidence in Support of Application

5. Evidence in support of an application for an adoption order shall be given on oath in open court and shall be conducted in substantial conformity with ordinary proceedings before that court without paying attention to the formalities and technicalities of proceedings of courts of record but having regard to substantial justice being done.

6. Any document signifying the consent of a person to the making of an adoption order for the purposes of section 4 of the Law shall be in Form 4 and shall be an exhibit in the proceedings and attached to the Typed Application.
7. There shall also be exhibited with the Typed Application a certificate of a registered medical practitioner as to the applicants health which shall contain full particulars of same.
8. Any report on the health of the juvenile which is to be used for the purposes of an application for an adoption order shall be exhibited with the Typed Application. .
9. (a) An applicant for adoption who is not domiciled in Nigeria though resident in Lagos State shall provide evidence of the law of adoption in the country in which he is domiciled.  
  
(b) The court may accept as evidence of that law an affidavit sworn by a person who is conversant with it and who practices, or has practised, as a barrister or solicitor in that country or is a duly accredited representative of the government of that country in Nigeria.  
  
(c) When the applicant desires to make use of such affidavit he shall file it with his Typed Application and serve a copy on the Probation Officer.

#### Duties of the Probation Officer

10. (a) With a view to safeguarding the interests of the juvenile before the court the Probation Officer shall, as far as is reasonably practicable, Investigate all circumstances relevant to the proposed adoption including the matters alleged in the applicant's Typed Application and matters exhibited with it.  
  
(b) On completing his investigations the Probation Officer shall make a confidential report in writing to the court which shall be sealed and retained by the court under confidential cover and shall not be available to the applicant  
  
(c) With a view to obtaining the directions of the court in any particular matter the Probation Officer may at any time make such interim report to the court as appears to him to be necessary.

#### Hearing of the Application

11. (a) The court shall, on receiving the report of the Probation Officer under rule 10 (b) above notify the applicant and the Probation Officer of the day fixed for the hearing of the application.  
  
(b) It shall be the duty of the applicant and the Probation Officer to secure the attendance of their respective witnesses required on the hearing of the application.  
  
(c) On the hearing of the application any person required by the parties to attend and on Whom a subpoena ad *testificandum* or subpoena *aduces tecum* has been issued shall attend and be heard on the question of whether an adoption order should be made.

(d) If a serial number has been assigned to the applicant under rule 2 of these rules the proceedings shall be conducted with a view to securing that he is not seen by or made Known to any party who is not already aware of his identity, except with his consent.

(e) Under no circumstances shall an application be adjourned sine die.

#### Form and Transmission of Orders

12. Within 30 days after an adoption order has been passed and entered, the registrar of the court shall send an office copy to the Principal Registrar of Births and to the applicant.

13. Within 30 days after an interim order has been passed and entered, the registrar of the court shall send an office copy to the applicant.

14. The registrar shall not supply a copy of an order or of an interim order except-

(a) in accordance with the provisions above;

(b) at the request of the Principal Registrar of Births or the applicant or one of the applicants or on the application of any other person under an order of the court.

15. Where an adoption order is made or refused, or an interim order is made, the Probation Officer shall serve notice to that effect on all parties who were not present when the order was made or refused.

#### Keeping & Documents and Information

16. All documents relating to proceedings under the Law shall, while they are in the custody of the court, be kept in a place of special security.

17. Any information obtained by any person in the course of, or 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.

#### Service of Documents

18. Unless otherwise directed, any document under these rules may be served –

(a) on a corporation or body of persons by delivering it at or sending it by post to, the registered or principal office of the corporation or body;

(b) on any other person, by delivering it to him, or by sending it by post to him at his last known or usual place of abode.

#### Fees

19. The fees prescribed in Schedule2 hereto shall be payable In respect of any act to be done or any proceedings to be filed under these rules.

#### Interpretation

20. (1) In these rules, unless the context otherwise requires-

"the Law" means the Adoption Law;

"adoption order" includes an order within the meaning of section 7 of this Law;

"Interim order" means an interim order made under section 6 of the Law.

(2) In these rules a form referred to by number means the form so numbered in Schedule 1 to these rules or a form to the like effect, and any such form may be used with such variations as the circumstances may require.

21. The Interpretation Law shall apply to the interpretation of these rules.

Citation

22. These rules may be cited as the Adoption (Juvenile Court) Rules.

**FIRST SCHEDULE**

**FORM NO. 1**

**Typed Application**

In the matter of the Adoption Law in the Juvenile Court of Lagos State

Holden at .....

IN THE MATTER OF (a)..... a Juvenile

I / We..... of ..... Hereby give notice of my / our application for an order:

- 1. That the Probation Officer be appointed the purpose of safeguarding the interests of the said
- 2. That the applicant be authorised to adopt (or be granted an interim adoption order in respect of) the said
- 3. That an order be made as to the costs of this application.

DATED at Lagos this..... day of..... 20.....

(a) Name and surname juvenile is to bear after the adoption.

.....

**Applicants name**

**or Legal Practitioner Representing Applicant**

**FORM NO.2**

Undertaking to pay costs of Probation Officer when Acting as Guardian ad Litem

In consideration of your acting as the guardian and litem of ..... a juvenile, I, the undersigned hereby personally undertake and agree that as such guardian ad Bern (or as legal practitioner of the said guardian ad litem) you will duly receive and be paid all costs, charges and expenses which may be earned or incurred by you in relation to such guardianship or the duties thereof.

DATED at Lagos this ..... day of..... 20.....

Signed.....

**FORM NO.3**

Statement in Support of Typed Application for an Adoption Order or an Interim Order

(Heading as in Form No: 1)

(Every paragraph must be completed or deleted, as the case may be.)

I, the undersigned ...../ We, the undersigned ..... being desirous of adopting (or obtaining an interim order in respect of) ..... a juvenile, under the Adoption Law hereby give the following particulars in support of my/our application.

**PART 1**

**Particulars of the applicant (s)**

1. Name of (first) applicant in full.....

Address .....

Occupation .....

Date of Birth .....

Relationship (if any) to the juvenile .....

2. Name of (second) applicant in full.....

Address.....

Occupation .....

Date of Birth

Relationship( if any) to the juvenile .....

3. I am / We are resident and domiciled in Lagos State, Nigeria (or I am/ We are resident In Lagos State but domiciled in

4. I am unmarried/a widow/widower/I am married under the Marriage

Actor under customary law to..... of...../ (We are married to each other under the Marriage Act or under customary law and are the persons described as and.....in the marriage certificate (or other evidence of marriage if under customary if under customary law) herein exhibited)

5. The consent of my husband/wife to the making of an adoption order/ an interim order in pursuance of my application is herein exhibited (or I request the court to dispense with the consent of my husband/wife on the ground that ..... )

6. A certificate as to my/bur health signed by a fully registered medical practitioner is herein exhibited.

## **PART 2**

### **Particulars of the Infant**

7. The juvenile is of the ..... sex and is not and has not been married. He/She was born on the..... day of ..... 20 and is the person to whom the birth/baptismal certificate herein exhibited relates (or was bom on or about the day of.;..... 20.....,)

8. (A report on the health of the juvenile made by a registered medical practitioner on the ..... day of 20 ..... is hereby exhibited).

9. The juvenile is the child/adopted child of..... whose last known address was .....(or deceased)..... and whose last known address was..... (or deceased).

10. The guardian(s) of the infant is/are .....of ..... (and ..... of..... .)

11. A document/documents signifying the consent of the said..... to the making of an adoption order/an interim order in pursuance of my / our application is/are herein exhibited.

12. (I/We request the court to dispense with the consent of on the ground that) .....

13. If an adoption order/an interim order is made in pursuance of this application the juvenile is to be known by the following names:

Surname .....

Other names .....

**PART 3**

**General**

14. 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.

15. I have not made/neither of us has made a previous application for an adoption order/an interim order in respect of the juvenile (except an application order/an interim order No..... made to the juvenile court holden at ..... which was heard on the day of 20..... and was dealt with as follows .....)

16. I/We have not received or given any reward or payment for, or in consideration of, the adoption of the juvenile or for giving consent to the making of the adoption order/interim order (except as follows (give full particulars)..... )

17. As far as I/We know, no person or body has taken part in the arrangements for placing the juvenile in my/our care and possession (except (give full particulars).....).

18. (I/We desire that my/our identity should be kept confidential and the serial number of this application is .....)

DATED at Lagos this..... day of..... 20.....  
.....

Applicants) Signature

**FORM NO.4**

**Consent to an Adoption Order or an Interim Order**

Whereas an application is made by ..... / and ..... (or under the serial number .....) for an adoption order/an interim order in respect of ..... a juvenile;

And whereas the juvenile is the person to whom the birth/baptismal certificate attached to the Typed Application relates and which is not shown tome

I, the undersigned .....of ..... being the husband/wife of the applicant hereby state that:

1. I understand that the court may refuse to make an adoption order without the consent of the other spouse under s. 4 (1) of the Adoption Law.

2. I further understand that, when the application for an adoption order is heard, this document may be used as evidence of my consent to the making of the order unless I inform the court that I no longer consent

3. I hereby consent to the making of an adoption order/an interim order in pursuance of the application unconditionally or upon the following conditions ..... (Give full particulars of itemised conditions.)

.....

(Applicant(s) Signature)

This form, duly completed, was signed by the said ..... Before me

.....at.....on the.....day of

20..... After same had been read and/or interpreted to him/her in the..... language.

.....

(Signature)

**FIRST NO. 5**

**Consent to an Adoption Order or an Interim Order**

Whereas an application is made by...../and.....(or under the serial number ) for an adoption order/an interim order in respect of a juvenile;

And whereas the juvenile is the person to whom the birth/baptismal certificate attached to the Typed Application relates and which is now shown tome.

I, the undersigned..... of ..... being

( a person having rights or obligations in respect of the juvenile by virtue of s. 4 (2) of the Adoption Law) (give particulars of such rights and obligations) hereby state that -

1. I understand that the court may refuse to make an adoption order without the consent of a person having rights or obligations in respect of the juvenile under s. 4 (2) of the Adoption Law.

2. I further understand that, when the application for an adoption order is heard, this document may be used as evidence of my consent to the making of the order unless I inform the court that I no longer consent

3. I understand that the effect of an adoption order will be to deprive me permanently of my rights and obligations and to transfer them to the applicants) (or I understand that the effect of an interim order will be to enable the applicants) to remove the juvenile and to give the applicants) custody of the juvenile pending his (her) adoption) and in particular. I understand that, if an order is made, I shall have no rights whatever over the said juvenile.

4. I hereby consent to the making of an adoption order/an interim order in pursuance of the application unconditionally or upon the following conditions..... (Give full particulars of itemised conditions).

..... Signature

This form, duly completed was signed by the said..... Before me..... at..... on the..... day of..... 20.....

After the same had been read and/or interpreted to him/her in the..... language.

**FEES**

**Commencement of Adoption Proceedings**

	<b>N</b>	<b>K</b>
1. On filing of a Typed Application ...	2.	00
2. On filing and undertaking to pay costs of Probation Officer...	1.	05
3. On filing of affidavit	0.	40
4. On filing any other paper	0.	12
5. For the drawing up of Adoption Order or Interim Order	0.	62

Miscellaneous

	<b>N</b>	<b>K</b>
6. For every subpoena	0.	25
7. For certifying a copy as a true copy: per folio of 72 words or part thereof .....	0.	04
8. For the service of any document or process-Initial fee plus Mileage.....	0.	15
(a) If within an English mile from the court..	0.	15
(b) If beyond one mile but not beyond five -		
(i) for the first mile .....	0.	15
(II) for every subsequent mile or part thereof (one way) 0.	07	
(c) If beyond five miles: per day or part thereof of the time		

needed for travelling ..... 0. 40