

## Adoption Practice in Nigeria- an Overview

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### Abstract

Adoption is the taking of a child of a known or unknown parentage, but known for sure not to be that of the adopter as his or her own child. Adoption takes different forms and may be done under Statutory or Customary laws. What is the procedure involved in adoption? Who may be adopted? What are the legal effects of adoption? Does Islamic Law make provisions for adoption? This paper seeks to provide answers to the above questions. It takes a look at the current legal regime relating to adoption in Nigeria. Where necessary, suggestions for improvement are made.

**Keywords:** adoption, child, court, family, law, parents

### Introduction

Child care in this part of the world is different from what obtains in some other parts of the world because it is seen more as a communal responsibility than that of the nuclear family. In the old days it was the extended family system that took care of the child and ensured that he was never deprived nor ever in a state of want. Despite this fact, the nuclear family remains a very important factor in the life of every child. It is mostly from this immediate family that a child enjoys some security and most importantly some warm parental care and affection, which are elements every child needs in order to develop properly. When these elements are lacking, the child is deprived. Often times it is this deprived child that is in need of fostering or adoption or other forms of institutional care.

These days, family ties are waning due to globalization, economic instability, poverty and limited resources, among others. The prevailing poverty has made it difficult to sustain the communal spirit of the extended family members. The resultant effect is that the number of juveniles in need of adoption keeps rising at skyrocketing rates.

### What is adoption?

Adoption is a procedure by which people legally assume the role of parents in respect of a person who is not their biological child. It is a legal process pursuant to State statute in which a child's legal rights and duties towards its natural parents are terminated and similar rights and duties towards his adoptive parents are substituted. It is also an order vesting the parental rights and duties relating to a child in the adopters, made on their application by an authorized court.

Adoption is the assumption of full legal and parental responsibility for a child. It is a commitment for life. Adoption, which is the taking of a child of a known or unknown parentage, but known for sure not to be his or hers, as his or her own child, differs from acknowledgment by a parent of a child, of hitherto unknown parentage, as his or hers.

Adoption is not the right option for all children. In some cases, some children who cannot live with their birth families need a secure, loving home throughout childhood and beyond without the necessity of the legal link to their birth family being severed. In these cases, the solution may be permanent fostering or special guardianship. Under the 1989 United Nations Convention on the Rights of the Child, adoption is recognized as one of the forms of alternative care for children who have been temporarily or permanently deprived of their family environment, and also for children who are unable to remain in their family environment. (Note 1)

The factors that necessitate the adoption of a child range from the mere fact of being childless to the desire to replace a dead child, to acquire a companion for an only child, to stabilize a marriage, to legitimate an illegitimate child, to sustain a particular line of descent, to rescue a child who is in an irreversible situation of abandonment or to relieve parents who are unable to take care of their child. (Note 2) Many people adopt simply to give a home and family to children who might not otherwise have them.

Adoption is important in society because it touches on status and therefore affects the rights and obligation of an adopted person. In most legal systems of the world, adoption is a statutory creation. Thus, for example, it was unknown to the English Common Law. Likewise, the practice is not recognized under Islamic law. Adoption is a common practice throughout the world and throughout history. However, the laws regulating it vary from country to country.

In Nigeria, adoption may be effected either under statutory law or customary law. But the rules regulating it differ from State to State. It is one of the most life-transforming experiences that can happen to a child and their adoptive parents. The government office responsible for adoption in Nigeria is the civil court. (Note 3)

Adoption procedures may be open or closed. A closed adoption is one in which the natural and adoptive families have no knowledge of or contact with the adoptive family. An open adoption, on the other hand, is an adoption in which the birth family and the adoptive family have direct contact with each other. In most cases, the adopted child will also have contact with his birth family. This type of adoption enables the birth family to see the child as he grows. It also provides the adoptive family the opportunity to find out about any medical conditions and other information about the birth family. However, an open adoption also has disadvantages that must be taken into consideration. (Note 4)

#### **Adoption under Statutory law**

Up to 1965, there was no statutory basis in any part of Nigeria for the adoption of a person. This caused a lot of hardship, because even when couples took children into their household on the understanding that they were being adopted, it could not be regarded as legal adoption. They were regarded as guardians or foster parents. The result was that the child's natural parents might at any time assert their natural rights by demanding the return of the child. This was notwithstanding any close relationship that might have developed between the child and the foster parents or guardians.

The first known attempt at providing a statute on adoption was a private member's bill presented to the then Eastern House of Assembly in April 1958. Unfortunately, the bill was not well received in the House and had to be withdrawn. (Note 5)

The first adoption legislation in Nigeria was enacted in the then Eastern Nigeria in 1965, and was known as the Eastern Nigeria Adoption Law, 1965 which came into force on 20<sup>th</sup> May, 1965. (Note 6) This law now applies in Anambra, Imo, Ebonyi, Abia, Rivers and Bayelsa States. In 1968 an adoption law was promulgated for Lagos State. Subsequent to this, other States followed with their own laws. (Note 7) There are lots of similarities in these laws, just as there are some striking similarities between the Nigerian laws generally and the English Statutes on the topic. By contrast, none of the States in the Northern part of the country (which are in the majority) has any legislation on adoption. Ironically the largest number of adoptable children, i.e., children in dire need of care and protection, come from that part of the country. They are commonly found all over the country as street urchins and beggars being exposed to all kinds of abuse, danger and criminal influences. (Note 8) Though there are no adoption enactments in the Northern part of the country, there are adoption procedures being carried out there.

The Child's Rights Act 2003 was enacted by the National Assembly with a commencement date of 31st July, 2003. As stated in the Explanatory Memorandum annexed to the Act, it "sets out the rights and responsibilities of a child in Nigeria and provides for a system of child justice administration and the care and supervision of a child, among other things". Specifically, Part XII makes far-reaching provisions regulating adoption throughout Nigeria. However, although the Act is deemed to have come into force since 2003, the Adoption Laws enacted by the States are still extant. The reason is that adoption, in particular, and the rights and welfare of children, in general, are matters within the legislative competence of the States under the Constitution of the Federal Republic of Nigeria 1999. Hence, the National Assembly has no constitutional power to foist the Act on the States. The Act is enforceable as such only in the Federal Capital Territory, Abuja for which the National Assembly has the powers to make laws. Indeed, some States Houses of Assembly have already passed the Child's Rights Bill into law (Note 9) while others are in the process of doing so. Apparently as a means of checking child trafficking under the guise of adoption, the Act (Note 10) prohibits inter-country adoption as well as the giving and receiving of any payment or reward as a consideration for or to facilitate adoption.

The current state of International human rights law is that adoption should be regarded principally as a child care device rather than as a means of providing succour to childless persons or relief to incapable parents, as it was conceived under the old international legal order. Thus, the Act duly recognizes the paramountcy of the welfare and best interests of the child in adoption proceedings, as indeed in "every action concerning a child".

#### **Who may be adopted?**

In Africa and Nigeria in particular, poverty has made it impossible for a people hitherto rich and public spirited to continue to contribute towards communal care of children. Poverty also leads to inability to afford quality ante and post natal care thus leading to higher rates of maternal mortality which in turn leads to higher numbers of motherless babies in need of foster care or outright adoption.

Generally, it is those children who are abandoned, neglected or persistently abused or ill-treated who are in need of adoption. Some of these babies are born by imbeciles, drug addicts and other types of disabled mothers. Usually, only a juvenile under the age of eighteen years who is not or has not been married can be adopted.

In Nigeria the Statutes on adoption make provisions for juveniles to be adopted. But the term "juvenile" has no uniform definition. In at least five laws (Note 11) a juvenile is defined as a person less than seventeen years of age; in Edo and Delta States it is eighteen years.

The Adoption Laws of Lagos State (ALLS) applies to

*“adoption of certain juveniles under the age of 17 years, who are abandoned, or whose parents and other relatives are unknown or cannot be traced after due enquiry certified by a juvenile court.” (Note 12)*

In Ogun, Delta, Edo and Lagos States, before an adoption order can be made, such a juvenile must have been abandoned and the parents and other relatives are unknown and cannot be traced by a juvenile court.

The adoption of a married person is almost unknown both under Statutory and Customary laws. But only the Oyo State law expressly requires that the child to be adopted must in addition to the age limit be a person who has never been married. In the absence of such restriction in the other States, it seems that a married juvenile may be adopted in those States. (Note 13) Under the Oyo State Adoption of Child Edict, (Note 14) an adoption order cannot be made in respect of a child who is not an indigene of the state.

In the United States, many States allow the adoption of adults. Adults are usually adopted to ensure that they will inherit the estate of their adoptive parents. Some States preserve the rights of an adopted adult to inherit from his or her biological parents after the adoption. (Note 15)

Adoption is most suitable for children who are in irreversible situations of abandonment.

### **Who may adopt?**

Section 2(1) ALLS succinctly answers this question. It states that

*“the court may upon the application of **any person** in the prescribed manner, make an adoption order, authorizing such a person to adopt a juvenile.”*

It also states in Section 2(2) that

*“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.”*

The above section on spousal adoption is open to varying interpretations, and might very well depend on the ideology and leanings of a judge. (Note 16) For example, if read literally, it could mean that a couple living together without being legally married according to the Law might be exempt from the adoption process. Furthermore, based on the Nigerian definition of marriages, this law can be read to prohibit homosexual or lesbian couples, or even a male and female sibling jointly seeking to adopt children. In other jurisdictions, for example in the United Kingdom, the Laws of England very recently began to recognize the rights and indeed give guidelines for the adoption of children by gays. This is probably because the Laws of England recognizes gay unions and has legalized the practice of same sex marriage. Therefore, its adoption laws have been amended to reflect the practice of these jurisdictions. However, our laws are not that advanced yet and so it is safe to assume that the Laws of Lagos State expressly forbids any couple of any kind apart from a husband and wife from seeking to adopt a child.

Generally, any person may adopt a juvenile. Except in the case of a joint application by a husband and wife for an adoption order, in no case will more than one person be allowed to adopt a juvenile. (Note 17) An order shall not be made in respect of a female juvenile where the sole applicant is a male unless exceptional circumstances exist which would justify the making of such an order. (Note 18) Most of the laws prescribe that in the case of joint applicants, one of the applicants must not be less than twenty-five years old and at least twenty-one years older than the juvenile. (Note 19) In Anambra, Imo and Rivers States an exception to this rule exists - the applicant must be the father or mother of the juvenile or a relative who has attained twenty one years of age.

An applicant or, in the case of a joint application, both applicants, must be of Nigerian origin. (Note 20) Under the Lagos State Law, where an applicant is a non-Nigerian, the court shall postpone the determination of the application for a period of not less than six months. The law is however silent on what would happen after the expiration of the six months.

### **Procedure for Adoption**

The laws in most parts of the country provide that an application for an adoption order must be made in the prescribed form and submitted to the registrar of the competent court. The court will appoint a guardian ad litem for the Juvenile to represent him or her in the adoption proceeding. The person appointed as the guardian ad litem is the welfare officer in charge of the area where the juvenile resides; or a probation officer or some other person suitably qualified in the opinion of the court of assignment.

The guardian ad litem investigates the circumstances relevant to the proposed adoption and reports in writing to the court. Prospective adoptive parent (s) must inform the chief welfare officer of their intention to adopt at least three months before the court order is made. For at least three consecutive months immediately preceding an adoption order, the juvenile must have been in the care and custody of the applicant. The applicant for adoption must be resident in Nigeria during this entire period.

Foreigners must seek private legal assistance to facilitate the process of adoption. The confidential report of the welfare officer will be written after several visits to the home of the adoptive parents and after he or she is

satisfied that the juvenile is settled and that the prospective adoptive parents are capable of looking after him or her. In such a case a positive recommendation will be sent to the court.

In some states, after the adoption has been granted, leave of court must be obtained by the adoptive parents before the child can be taken out of the jurisdiction of the court either temporarily or permanently. In addition, a letter from the social welfare officer to the immigration officer, informing the immigration officer that the adoptive parents are now the legal parents of the juvenile, must be obtained before the adoptive parents will be permitted to obtain a passport to take an adopted child out of Nigeria.

Every action taken in an adoption proceeding and its final outcome must be entered into the Adoption Register. A certified copy of an entry in the Adopted Children's Register if stamped or sealed by the registrar's office shall be proof of such adoption as is specified therein. (Note 21) In *Olaiya v. Olaiya* (Note 22) the 1st respondent, Mrs. Cornelia Olaiya, married Solomon Kayode Olaiya in 1963 under the Marriage Act in England. The couple lived together in England and later returned to Nigeria where they cohabited until the husband died intestate in 1981. There was no biological child of the marriage. Upon the death of the husband, the 2nd and 3rd respondents (his brothers) took over the deceased's estate and continued to manage the same without any reference to the deceased's widow. She sued them claiming, among other reliefs, a declaration that the plaintiff and the children of the deceased namely Emmanuel Olaiya, Sarah Olaiya and Remilekun Olaiya were the exclusive beneficiaries of the intestate estate of the deceased. In her pleadings, the plaintiff claimed that the first two children were both children of the deceased by legal and valid adoption under the applicable law and were brought up and recognized as such prior to the deceased's death in 1981. However, the defendants denied the averment that their deceased brother ever adopted the children. The trial court accepted the plaintiff's oral evidence that she and her deceased husband adopted the two children. Accordingly, it held that the children were entitled to share in the intestate estate of the deceased and the Court of Appeal upheld the decision. On further appeal to the Supreme Court, it was held that the mere ipse dixit of the plaintiff/1st respondent was insufficient proof of the alleged adoption. The apex court held that where a child is alleged to have been adopted under an Adoption Law, the best evidence of the adoption should come from the Adopted Children Register established under the Law. Since the adoption of the two children in question had not been proved in the manner required by the Law, the Supreme Court held that they were not entitled to share in the intestate estate of the deceased.

### **The Negative side of Adoption**

Adoption is not just about embracing a parentless child and giving him/her a new identification. It is, in fact, an emotional process that demands a lot of patience, determination and will power. (Note 23) Many couples hesitate to go through the process because of the prolonged time taken. There are a lot of legal hassles that couples need to cross before being able to actually take a child home. In India, for example, domestic adoption is governed by stringent guidelines and the process to qualify as a family for the purpose of adopting a child is very difficult. The couples are scrutinized very strictly before being given the permission to adopt. Though this is for the welfare of both the child and the couple planning to adopt, the rules most of the times are off-putting and may act contradictorily to the whole issue of adoption. (Note 24)

People interested in adopting a child must weigh them against the negative aspects in order to make a decision that works best for them. (Note 25) Adoption agencies typically employ stringent criteria for adopters in order to ensure that the children go to good homes. There can also be long waiting lists for children, especially newborns. Every open adoption will have situation-specific boundaries that the birth family and adoptive family must follow. These can be set by both the birth family and the adoptive family; however, in most states, these boundaries are not enforceable by law without an appearance in court. For example, if the adoptive family states that the birth family will have visitation with the child only on special occasions, but the birth family shows up to see the child more often, without going to court again, the adoptive family's wishes are not enforceable because the terms of an open adoption are voluntary and can be changed at any time. This can cause confusion for the child, and may cause the child to feel rejected by part of the extended family. (Note 26)

### **Legal effects of adoption**

Most foster placements are made with the intention of reuniting the biological family at a later time whereas adoption is done with the aim of permanently severing the relationship between the child and his natural family. Perhaps the most obvious legal effect of an adoption order is that it severs all parental rights and obligations between the juvenile and his natural parents. It establishes the legal relationship of parents and legitimate child between the adopter and the adopted juvenile. It also includes all rights, duties, obligation and liabilities, including any arising under customary law of the parents of the juvenile or any other person in relation to the future custody, maintenance and education of the juvenile. (Note 27)

An adoption order severs all legal ties with the birth family and transfers the same to the new adoptive family. The child becomes a full member of the adoptive family, takes their surname and assumes the same rights and

privileges as if he had been born to that family, including the right of inheritance. The adopted child inherits on the intestacy of the adopter.

There vests in and is exercisable by and enforceable against the adopter all such rights, duties, obligations and liabilities in relation to the future custody, maintenance and education of the juvenile as if the juvenile were a child born to the adopter in lawful marriage. (Note 28)

There is a deemed relationship of consanguinity between the adopter and the adopted child. Such a relationship is equally created between an adoptee and a natural child of the adopter. Accordingly, marriage between the adopter or between his natural child and the adoptee is absolutely prohibited and rendered null and void. An adopted child cannot marry the daughter or son of his adoptive parents, because the effect of the adoption order is to create blood relationship between them. A person related to the adopted person in any degree shall, unless a contrary intention appears, be regarded as if he would be related to him in that degree if he were the child of the adopter.

An adoption order made in respect of a child automatically revokes any subsisting order requiring a person to contribute towards the maintenance of the child under the Act or any other law. (Note 29) Since adoption severs the relationship hitherto existing between the adopted child and his birth parents, the latter are no longer obliged to maintain the child. Consequently, the obligation to maintain the child henceforth devolves upon and is enforceable against the adopter. (Note 30)

Adoption is a sealed and irrevocable act. Once an adoption order is made in favour of any applicant, such an order is beyond recall and cannot be cancelled subsequently. The only probable exception is where it is discovered that fraud, duress, or undue influence was exerted on any party to the proceedings.

#### **Adoption under Customary law**

Customary law adoption in Nigeria differs from one custom to another. In the real sense what is obtained under customary law is guardianship or foster parenting. Traditionally, children are regarded as the gift of God bestowed on a couple or family, and so parents are reluctant to part with their child or to lose all parental rights and obligations. Where parents are too poor to properly maintain their children, members of the extended family usually come to their assistance. Cases of guardianship under customary law are common, while adoption cases are rare. Most, if not all, of such adoptions are between blood relations. (Note 31)

Informal adoption takes the form of the adopter taking into his family the child of a relative or an orphan. The child is brought up and treated as the other children of the adopter. This arrangement if continued over a long period may mature into an adoption. The process is one by which foster -parentage matures in time into adoption. Also, where a widow with a child or a single mother (re)marries, she may bring her child into the marriage. The child is then brought up by the step-father whose name he may take and with time the relationship crystallizes into an adoption.

Customary law adoption does not seem to effect a clear and permanent severance of the parental rights and obligations between the infant and his natural parents. He may succeed to property both in the family of his adopter and also in respect of his natural parents.

Under customary law, no matter the length of time an individual is cared for by another individual or family, the link between that individual and his roots can never be severed. (Note 32) No writer is yet to identify any system of customary law in Nigeria which recognizes adoption as a concept that entails a permanent and irreversible severance of the parent-child relationship existing between a child and his biological parents and the extinction of the consanguineous relationship between the child and his original family. (Note 33) This is the singular hallmark of adoption that distinguishes it from the other alternative child care devices. Therefore what is being referred to as adoption is in the real sense, foster parenting.

The mere fact that a Nigerian is married under the Act does not deprive him of the capacity to adopt children under customary law.

#### **Adoption under Islamic law**

Adoption is prohibited under the Quranic edict. (Note 34) Thus in areas which practice the Islamic Personal Law, adoption is unacknowledged.

Under Islamic law it is the issue of guardianship that is recognized. The religious authorities that talk about guardianship under Islamic law are contained in different verses of the Holy Qur'an. (Note 35) Any Muslim who is sane, adult and responsible may be a guardian under appropriate circumstances. (Note 36)

Islam has developed its own concept known as kafalah under which a child who cannot be cared for by his biological parents may be taken by another family to live with them permanently but the child is not entitled to adopt the family name or to inherit from the family.

It is enlightening to note that even predominantly Moslem countries, such as Tunisia and Somalia, have adoption legislations. Moreover, when it is realized that a substantial proportion of the inhabitants of the States concerned are non-Moslems, the need for the States to enact adoption legislation becomes even more compelling so as to afford those non-Moslems who wish to adopt children the opportunity to do so. By so doing, they will reduce



the ever growing number of abandoned and homeless children from those States who ubiquitously loiter in the streets all over the country begging for alms.

### **Conclusion/Recommendations**

In the course of this paper, the author has taken an in-depth look at the legal regime relating to adoption in Nigeria. Where necessary, few comparisons were made with the practice in other jurisdictions. It must however be noted that provisions barring foreigners from adopting within the country place an unnecessary fetter on the likelihood of adoptable children being adopted. Foreigners should therefore, be enabled to adopt. Again, the practice of adoption seeks to permanently sever the relationship between the adoptee and his natural family. What if the adoptee wants to go back to his natural family in the future? Adoption should therefore be reserved only for children whose parents are unknown but for some other categories of children, foster parenting or guardianship would be preferable as such juveniles would be free to maintain contact, no matter how trivial, with their natural families.

### **References**

1. Chukwu, op. cit.; referring to Uzodike, E.N.U., "Law and Procedure for Adoption in Nigeria" (1991) Nig. J. Contemp. Law
2. Oyebanji, M.B., "Adoption Law in Nigeria" 18 N.B.J.
3. Van Bueren, G., *The International Law on the Rights of the Child* (The Hague: Kluwer Law International, 1998)
4. T, Ibraheem, "An Appraisal of Child Adoption in Nigeria", *Akungba Law Journal*, Vol. 1, No. 2 January 2008
5. Online sources

### **Notes**

1. Article 20(1) & (2). Article 20(3) of the convention recognizes other alternative child care devices including fostering, guardianship, custodianship and kafalah. See also S. 27(2)(a) of the Children and Young Persons Law, Cap. C10 Laws of Lagos State 2003.
2. See further, T, Ibraheem, "An Appraisal of Child Adoption in Nigeria", *Akungba Law Journal*, Vol. 1, No. 2 January 2008, page 81
3. Juvenile, Family or Magistrate courts handle adoption cases in most States in Nigeria
4. Casey Holley, "The Disadvantages of Open Adoption", available at <http://www.livestrong.com/article/57124-disadvantages-open-adoption/>; accessed on 17<sup>th</sup> August 2012
5. *Salome Konkat Kigbu (Mrs)*, "Child Adoption: Nature and Procedure under Nigerian Law", available at <http://dspace.unijos.edu.ng/bitstream/10485/384/1/502-523.pdf>
6. *Ibid*
7. Bendel State in 1979; Cross River State in 1981; Ogun in 1983 and Oyo in 1984.
8. Adoption of Children in Nigeria under the Child's Rights Act 2003 by Larry O.C. Chukwu, Esq., available at <http://www.law2.byu.edu/isfl/saltlakeconference/papers/isflpdfs/Chukwu.pdf>. Accessed on 26<sup>th</sup> June 2012
9. Adoption of Children in Nigeria under the Child's Rights Act 2003 by Larry O.C. Chukwu, Esq., available at <http://www.law2.byu.edu/isfl/saltlakeconference/papers/isflpdfs/Chukwu.pdf>. Accessed on 26<sup>th</sup> June 2012
10. As well as the States' adoption laws
11. Anambra, Ogun, Imo, Rivers and Lagos Laws
12. See Section 1 Adoption Laws of Lagos State.
13. *Child Adoption: Nature And Procedure Under Nigerian Law Salome Konkat Kigbu (Mrs)*
14. 1984
15. Sklar, Steven I., and Wasserman, Alan. "Adoption." Microsoft® Encarta® 2009 [DVD]. Redmond, WA: Microsoft Corporation, 2008.
16. <http://www.nigeriavillagesquare.com/articles/guest-articles/adoption-laws-of-lagos-state-practice-and-procedure.html>
17. Section 3 (3) Eastern Laws, Section 2(1) Adoption Law of Lagos State 1994
18. Section 3(2) Lagos Law
19. Section 2, Eastern Region Law, Section 31, Lagos Law.
20. This is stipulated in the Anambra, Imo, Rivers and Cross Rivers States Laws. See also Section 145(2) of the Child Rights Act 2003.
21. ER Law, Section 16, Lagos Section 16; Bendel Section 1 R; Cross River Section 14; Ogun Section 14.
22. (2002) 8 N.W.L.R.(Pt. 782) 652; (2005) 2 SMC 84

23. “Disadvantages Of Adoption”, available at <http://lifestyle.iloveindia.com/lounge/disadvantages-of-adoption-12715.html>, accessed on 17<sup>th</sup> August 2012
24. Disadvantages Of Adoption; available at <http://lifestyle.iloveindia.com/lounge/disadvantages-of-adoption-12715.html>, accessed on 17<sup>th</sup> August 2012
25. Chris Burke, “Advantages & Disadvantages of Adoption” , available at [http://www.ehow.com/info\\_8609944\\_advantages-disadvantages-adoption.html](http://www.ehow.com/info_8609944_advantages-disadvantages-adoption.html). Accessed on 17<sup>th</sup> August 2012
26. Casey Holley, “The Disadvantages of Open Adoption”, available at <http://www.livestrong.com/article/57124-disadvantages-open-adoption/>; accessed on 17<sup>th</sup> August 2012
27. Section 14(1)(a) Child Rights Act 2003. See Nwogugu E.I., Family Law in Nigeria, (Ibadan: Heinemann, 1990), p.312.
28. Ibid
29. Section 140(2) of the Child Rights Act 2003
30. Section 141 Child Rights Act 2003
31. <http://dspace.unijos.edu.ng/bitstream/10485/384/1/502-523.pdf>
32. Ibid
33. Chukwu, op. cit.; referring to Uzodike, E.N.U., “Law and Procedure for Adoption in Nigeria” (1991) Nig. J. Contemp. Law, 1, 6, citing Kasunmu, A.B. & Salacuse, J.W., Nigerian Family Law, (London: Butterworths, 1966), p.249; Oyebanji, M.B., “Adoption Law in Nigeria” 18 N.B.J., 18.
34. Not hath He made those whom ye claim to be your sons, your sons. This is a saying of your sons. This is a saying of your mouth ... Proclaim their real parentage. That will be more equitable in the sight of God. And if ye know not their fathers, then (proclaim them) your brothers in faith and your clients. See the Holy Koran, Sura Ahzab XXXIII vs. 4-5.
35. They include chapter XVII Verses 23 and 24; verses 220 and 223; XXXI Verse 14, IV Verses 3,5,6,8, and 127.
36. Van Bueren, G., The International Law on the Rights of the Child (The Hague: Kluwer Law International, 1998), p.95.

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