

**THE CHILD RIGHTS
(ENFORCEMENT PROCEDURE)
RULES 2015**

THE CHILD RIGHTS ACT (ENFORCEMENT PROCEDURE) RULES 2013

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PREAMBLE:

CHILD RIGHTS ACT (ENFORCEMENT PROCEDURE) RULES 2013

Title

In the exercise of the powers conferred on me as the Chief Judge of the High Court of the Federal Capital Territory, under Section 259 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), and in giving effect to Section 49(1) of the Child Rights Act 2003, I, **LAWAL HASSAN GUMMI (OFR)** hereby make these Rules of Procedure for the enforcement of child rights in the Family Courts within the Federal Capital Territory.

*Establishment of
Child Rights Act.
(Enforcement
Procedure) Rules*

OVERRIDING OBJECTIVES

*Overriding
Objectives*

1. The Court shall constantly and conscientiously seek to give effect to the overriding objectives of these Rules at every stage of child rights proceedings, especially whenever it exercises any power given it by these Rules or any other law or enactment, and whenever it applies or interprets any rule.
2. The best interest of a child shall be of paramount consideration in all actions or decisions of the Court and all proceedings shall be conducted in an atmosphere of understanding for the child to participate and express himself/herself freely.
3. Cases shall be dealt with in ways which are proportionate to the nature, importance and complexity of the issues and to the needs of the child and society.
4. The Court shall constantly and conscientiously interpret the Act in a manner that will safeguard the interest of the child at all times, especially their personality, talents, mental and physical ability and their overall development.

PART 1

ORDER 1: APPLICATION

1. These Rules shall apply to child rights proceedings within the Family Court in the Federal Capital Territory.

Application

ORDER 2: COMPOSITION OF THE FAMILY COURT

1. The Court at the High Court Level shall be duly constituted if it consists of a Judge and two assessors not below the rank of a Chief Child Development Officer, one of whom has attributes of dealing

*Composition of
Family Court at the
High Court Level*

with children and matters relating to children preferably in the area of child psychology education.

2. The Court at the Magisterial level shall be duly constituted if it consists of a Magistrate and two assessors not below the rank of Senior Child Development Officer, one of whom shall be a woman and the other person who has attributes of dealing with children and matters relating to children preferably in the area of child psychology education. *Composition of Family Court at the Magistrate Court Level*
3. (a) The Assessors shall assist in dealing with the matters before the Court in respect of which the Assessors have skill and experience. *Duties of Assessors*
(b) Assessors may take such part in the proceedings as the Judge or Magistrate may direct.

ORDER 3: CASE MANAGEMENT POWERS OF THE COURT

1. In addition to the powers given by any other enactment, Rules or Practice Direction, or any powers it may otherwise have, the Court may – *Power of court in case management*
 - (a) extend or shorten the time for compliance with the Rules, Practice Direction or court order;
 - (b) make such order for disclosure and inspection, including specific disclosure of documents, as it deems fit;
 - (c) adjourn or bring forward a hearing;
 - (d) require a party or a party's legal representative to attend the Court;
 - (e) hold a hearing and receive evidence;
 - (f) direct that part of any proceedings be dealt with as separate proceedings;
 - (g) stay the whole or part of any proceedings or judgment either generally or until a specified date or event;
 - (h) consolidate proceedings;
 - (i) hear two or more applications on the same occasion;
 - (j) direct a separate hearing of any issue;
 - (k) decide the order in which the issues are to be heard;

- (l) exclude an issue from consideration;
 - (m) dismiss or grant an application on a preliminary issue;
 - (n) direct any party to file and serve an estimate of cost;
 - (o) take any other step or make any other order for the purpose of managing the case and furthering the overriding objectives of these Rules.
2. Where the Court makes an order, it may –
- (a) make it subject to conditions, including a condition to pay a sum of money into Court; and
 - (b) specify the consequence of failure to comply with the order or condition.
3. The Court may upon application under Section 41 of the Act appoint one or more persons to conduct assessment and submit a report on the state of health or development of the child or of the way in which the child has been treated to determine whether or not the child is suffering, or is likely to suffer significant harm. *Assessment Orders*
4. The power of the Court to make an order under these Rules includes a power to vary or vacate the order.

ORDER 4: FORMS AND COMMENCEMENT OF ACTION

1. Subject to the provision of any enactment, proceedings under the Child Rights Act shall be commenced by an application in the prescribed form as contained in Form 1 of the Schedule to these Rules. *Mode of Commencement*
2. The forms set out in the Schedule to these Rules shall be used where applicable with such variations as the circumstances of a particular case may require. *Forms as set out in the Schedule*
3. A Form must not be varied so as to leave out any information or guidance which the form gives to the recipient.
4. Subject to any Rule, unless the Court directs otherwise, a form must have attached to it any document which, in the form, are: *Forms to have documents attached to it*
- (a) Stated to be required; or
 - (b) Referred to.

5. Proceedings are commenced when the Registrar or other authorized officer of the court, issues an application at the request of the applicant and the application is issued on the date entered in the application form by the Registrar or other authorized officer of the Court. *When proceedings are said to be commenced*
6. An application Form shall be authenticated with the signature of the Registrar or other officer of the Court authorized to sign the form. *Application Form to be authenticated*
7. The sealing of any application form may not be necessary in addition to the signature of the Registrar or other authorized officer by whom the application form shall be signed, except where sealing is expressly required by these Rules or any written law. *Sealing of applications not necessary*
8. In addition to the application form, the Applicant may also serve on the Respondent a Notice to Admit Facts as in Form 6 of the Schedule to these Rules. Where such a Notice is served on the Respondent, he shall file a response to the Notice within seven days. *Notice to Admit Facts*

ORDER 5: EFFECT OF NON-COMPLIANCE

1. Where in commencing the proceedings or at any stage in the course of the proceeding there appeared a failure to comply with the provision of these Rules, in respect of time, place, manner, form or content or other, the failure may be treated as an irregularity which shall not nullify the respective proceedings, document, judgment or order. *Effect of non compliance with rules*

ORDER 6: NON LIMITATION OF ACTION

1. No action filed for the enforcement of the rights of the child under the Act shall be affected by any limitation statute.

ORDER 7: SERVICE OF PROCESS

Service within Jurisdiction

1. Subject to these Rules an application shall be served personally by delivering to the person to be served a copy of the document duly certified by the Registrar as being a true copy of the original process filed. *Personal service*
2. Service of all processes and notices of which service is required *Persons who may effect service*

shall be made by:-

- a. Bailiff or other officer of court authorized by the court or
 - b. A person appointed (either specially or generally) by a court or Judge or Magistrate in chambers; or
 - c. A solicitor who gives an undertaking to a Registrar receiving the process at the time of filing that his chambers shall serve the process on the other party or his solicitor, and would also file with the Registrar a proof of the service effected signed by the other party or his solicitor; or
 - d. Order of a Judge or Magistrate in chambers of the mode of service.
3. Where a party is represented by a legal practitioner and personal service is not required, service of notice may be made by or on such legal practitioner or his clerk under his control. *Where represented, personal service not required*
4. No service of an application or other process on the defendant shall be necessary when the defendant by his legal practitioner undertakes in writing to accept service. *Service on police officer*
5. Where a process is directed to a police officer or a prison superintendent or other public official, it may be served by leaving it with any other officer working in the office of the police officer, prison superintendent or public official to whom the process is directed. *Where cannot be effected*
6. Where it appears to the court, with or without an attempt at personal service, that for any reason personal service cannot be conveniently effected the court may order that service be effected either -
- (a) By delivery of the document to some person being an agent of the person to be served or to some other person, on it being proved that there is reasonable probability that the process shall in the ordinary course come to the knowledge of the party to be served; or
 - (b) By delivery of the document or process to an adult person at the usual or last known place of abode or business of the person to be served; or
 - (c) By advertisement as in the Federal Government Official Gazette; or in some newspapers circulating within the jurisdiction; or
 - (d) By notice put up at the principal court house or some other place of public resort in the judicial division where the proceedings in respect of which the service is made is

instituted or at the last known place of abode or business of the party to be served; or

- (f) By courier service or any other means convenient to the court.
7. An application to a court for an order of substituted service may be made ex-parte and shall be supported by an affidavit setting the grounds on which the application is made. *Application to be made ex-parte*
8. Where a party to be served is in the service of government, the court may transmit the document to be served with a copy of it to a senior officer of that Government agency in the judicial division or elsewhere and that officer shall cause the service of the document to be served on the proper party accordingly. *Service on Government official*
9. Service of documents, notices, summons and other processes shall be effected between the hours of six in the morning and six in the evening. *Time within which to effect service*
10. Except in exceptional cases as may be authorised by the court, service shall not be effected on Sunday and public holidays. *Service not to be effected on Sunday or public holiday*
11. Where the respondent is a child, the application or other process must be served on:
- (a) one of the child's parents, guardian or guardian ad litem
- (b) if there is no parent, guardian or guardian ad litem, an adult with whom the child resides or in whose care the child is.
- (c) Where the respondent is a protected party, the application must be served on the protected party's guardian ad litem, or the person or institution with whom the protected party resides or in whose care the protected party is.
- (d) Any other document which would otherwise be served on or by a child or protected party must be served on or by the guardian ad litem, parent, guardian or solicitor conducting the proceedings on behalf of the child or protected party.

ORDER 8: SERVICE OF PROCESS OUT OF JURISDICTION

1. The provisions of any written law relating to the practice and procedure in the High Court or Magistrate Court, as the case may be, not inconsistent with the provisions of these Rules shall apply with respect to service of process out of jurisdiction. *Service out of jurisdiction*

ORDER 9: APPEARANCE

1. In addition to the provisions of the Rules of Court relating to appearance, where a child is involved in the proceedings, the parent, guardian, guardian ad litem or any person or institution responsible for taking care of the child may appear along with the child. *Persons who may appear with the child*
2. Where none of the persons mentioned in sub rule (1) appears along with the child, the Court may appoint a guardian ad litem for the child concerned to safeguard the interest of the child. *Guardian ad-litem to be appointed*
3. Where at the time and place appointed for a hearing, the Applicant appears but one or more of the respondents do not, the Court may proceed with the hearing. *Non Appearance of one or more defendants*
4. The Court will not begin to hear an application in the absence of a respondent unless it is satisfied that:
 - (a) the respondent received reasonable notice of the date of the hearing; or
 - (b) the circumstances of the case justify proceeding with the hearing.
5. Where, at the time and place appointed for a hearing, one or more of the Respondents appear but the Applicant does not, the Court may:
 - (a) Refuse the application; or
 - (b) If sufficient evidence has previously been received, proceed in the absence of the applicant.*Non appearance of the Applicant*
6. Where at the time and place appointed for a hearing neither the Applicant nor any Respondent appears, the Court may strike out the application. *Non appearance of the parties*
7. The Court may where necessary make an order to enforce the attendance before it of the parent or guardian. *Order to enforce Attendance*
8. Where in the opinion of the Court it is not in the interest of the child that his parent or guardian should attend, the Court shall by order exclude such parent or guardian from so attending. *Order to exclude Attendance*

ORDER 10: PARTIES

1. The Court shall encourage and welcome public interest litigations in child rights proceedings and no case relating to child rights shall be dismissed or struck out for want of locus standi. In particular, child rights activists, advocates or groups, as well as non-governmental organizations may institute child rights proceedings on behalf of any child.
2. In child rights litigations the parties may include any of the following:

Who may be made parties

 - (a) Any child acting in his own interest;
 - (b) Any one acting on behalf or in the interest of any child;
 - (c) Any one acting as a member of or in the interest of a group or class of children;
 - (d) Anyone acting in the public interest
 - (e) Government authorities or non-governmental organisations acting in the interest of children.
3. In any proceedings relating to Part IV of the Child Rights Act, the party instituting the proceedings shall, before the hearing of the proceedings take such steps as are reasonably practicable to notify:

Persons to be notified for proceedings under Part IV of the Act

 - (a) The parent(s) of the child; or
 - (b) the person who, though not the parent of the child, has parental responsibility for the child; or
 - (c) any other person having the care of the child; or
 - (d) a person in whose favour a contact order is in force with respect to the child; or
 - (e) the person who is allowed to have contact with the child by virtue of an order made under section 55 of the Child Rights Act; or
 - (f) the child concerned, if he has sufficient understanding.
4. In any proceedings relating to Part V of the Child Rights Act, the party instituting the proceedings shall, before the hearing of the proceedings take such steps as are reasonably practicable to notify—

Persons to be notified for proceedings under Part V of the Act

- (a) The parents of the child; or
 - (b) the person who, though not the parent of the child, has parental responsibility for the child; or
 - (c) any other person who has the care of the child; and
 - (d) the child concerned if he has sufficient understanding.
5. A party applying for care or supervision order shall if it is reasonably practicable to do so and before making the application, consult the State Government or the appropriate authority appearing to him to be the authority in whose jurisdiction the child concerned is ordinarily resident. *Government or appropriate authority to be consulted*
 6. The Court may at any time before judgment direct that any person or body be made a party to the proceedings or direct that a party be removed. *Persons may be joined or removed by court*
 7. Where the Court makes a direction for the addition or removal of a party under Rule 4 above, it may give consequential order or orders as to the service of the processes on the new party. *Consequential order for service on party joined*

ORDER 11: DEFAULT IN RESPONSE TO APPLICATION

1. Where the Respondent intends to oppose the application, he shall file his response within 14 days of the service on him of the application and may accompany it with relevant materials on which he intends to rely. *Default in response*
2. Where the Respondent elects not to appear or file a response to the main application, the Court shall presume that the Respondent has accepted the facts as presented by the Applicant.

ORDER 12: AMENDMENT OF PROCESS

1. No grounds shall be relied upon or relief sought at the hearing of the application except the grounds and the reliefs as set out in the application form. *Only relief set out in application to be relied on*
2. The Court may, before or at the hearing of the application allow the application to be amended and may allow further documents to be used if they deal with the new matters arising from the submission of any of the parties. *Court may allow amendment before hearing*

3. The application for amendment shall be supported by an exhibit of the proposed amendment and may be allowed by the Court upon such terms or otherwise as may be just.
4. Where a party who obtained an order to amend fails to comply with the order within the time allowed by the order of Court, such party shall be deemed to have abandoned the amendment unless he obtains an order of Court for extension of time to file same. *Where parties fail to amend*
5. Where the applicant intends to ask to be allowed to amend his statement or use further materials, he must put the other party or parties on notice of his intention to amend.

ORDER 13: PRELIMINARY OBJECTIONS

1. A Respondent may raise preliminary objection as to the competence of an application or the jurisdiction of the Court to hear the application and may seek for an order striking out the application or setting aside the proceedings. *Preliminary Objections*
2. The Respondent's preliminary objection shall state the ground or grounds upon which the objection is based.
3. The Respondent shall file his preliminary objection along with his response to the main application.
4. After the hearing of a preliminary objection, the Court may make the following orders:
 - (i) Strike out the application for want of jurisdiction; or
 - (ii) Set aside the proceedings; or
 - (iii) Refuse to decline jurisdiction and proceed to hear and determine the substantive application.

ORDER 14: GENERAL CONDUCT OF PROCEEDINGS

1. The application shall be fixed for hearing within 7 days from the day the application was filed. *When Application is to be heard*
2. The hearing of the application may from time to time be adjourned where extremely expedient, depending on the circumstances of each case or upon such terms as the Court may deem fit, provided the Court shall always be guided by the urgent nature of the application and the interest of the child concerned. *Adjournment of Applications*

3. Where the parties have filed their processes and on the day of the hearing a party fails to appear, the Court may deem the processes of the party as adopted and proceed with the hearing of the case. *Hearing in absence of a party.*
4. A child has the right to be represented by a legal practitioner and where necessary to free legal aid in the hearing and determination of any matter concerning the child in the Court. *Child's right to representation*
5. In proceedings where a child is involved, no person other than the members and the officers of the Court, the parties to the case, their solicitors and counsel, the parents or guardian of the child and other persons directly concerned with the case shall be allowed to attend Court and accordingly, members of the press are excluded from attending Court. *Exclusion of certain persons in proceedings involving a child*
6. No person shall publish the name, address, school, photograph or anything likely to lead to the identification of a child whose matter is before the Court, except in so far as is required by the provisions of the Child Rights Act. *Prohibition of publication of proceedings involving a child*
7. In the conduct of its proceedings, the Court may where circumstances require, order
 - (a) that proceedings be held in camera;
 - (b) for a report from bodies, institutions and experts in areas that may assist the court in the determination of issues before it.*Proceedings may be held in camera*

ORDER 15: INTERIM AND INTERLOCUTORY APPLICATIONS

1. Where the Court is satisfied that the requirements of the Act has been complied with, the Court may, on the application of either party or of its own accord, make such interim or interlocutory orders as the circumstances of each case may permit. *Interim and interlocutory orders*
2. Applications for interim or interlocutory order shall be accompanied with an affidavit specifying the facts as to why the order is necessary. *Application for interlocutory order*
3. In the case of an application for interim order, the evidence in support of the application must explain the urgency and the reasons why notice to the other party is not given.

ORDER 16: ALTERNATIVE DISPUTE RESOLUTION (ADR)

1. The Court shall in any matter relating to or affecting a child or a family and at all stages of any proceedings before it:
Encourage settlement of any matter(s) before it by either
 - i. Conciliation;
 - ii. Mediation; or
 - iii. Any other lawfully recognized method of alternative dispute resolution

Alternative Dispute Resolution (ADR)

2. Where the court considers that alternative dispute resolution is appropriate, the court may direct that the proceedings or a hearing in the proceedings be adjourned for such specified period as it considers appropriate:-
 - a. To obtain advice about alternative dispute resolutions;
 - b. Where the parties agree, to enable alternative dispute resolution to take place.

Adjournment of proceedings for ADR

3. The court shall give directions about the timing and method by which the parties must inform the court if any of the issues in the proceedings have been resolved.

4. Where the parties fail to inform the court or agree on the issues, the court shall adjourn the matter for hearing on the merit.

5. Where the parties agree on terms of settlement, the court shall upon receipt of the terms of settlement;
 - a. review the terms of settlement to determine whether it is in the best interest of the child.
 - b. where the terms of settlement is in the best interest of the child, enroll the terms of settlement as consent judgment of the court.
 - c. where the terms of settlement is not in the best interest of the child, the court shall reject the terms of settlement and proceed to hear the matter on the merit.

Enrolment of Terms of Settlement

ORDER 17: DISCONTINUANCE OR WITHDRAWAL

1. The parties may before commencement of hearing of an application, apply orally to the court to discontinue or withdraw the matter before it.

Applications for Discontinuance or Withdrawal

2. Where the proceedings have commenced, the parties shall apply with the leave of court to discontinue or withdraw the matter

before it.

3. The court shall in considering the application be guided by the overriding interest of the child.
4. The Court shall have the power to discontinue any proceedings at any time if the circumstances arise which make the discontinuance of the proceedings the best way to dispose of the proceedings.

ORDER 18: EVIDENCE

1. The Court may control the evidence giving direction as to-
 - a. The issues on which it requires evidence;
 - b. The nature of the evidence which it requires to decide those issues; and
 - c. The way in which the evidence is to be placed before the court

Power of court to control evidence
2. The court may use its power under this rule to exclude evidence that would otherwise be admissible.

Power of court exclude evidence
3. Civil proceedings for the enforcement of child rights under the Act shall be conducted by affidavit evidence and written addresses.

Proceedings to be conducted on affidavits and written addresses
4. Where there is conflict in the affidavit of the parties that cannot be resolved, the Court shall call for oral evidence.

Oral evidence
5. In all proceedings, whether civil or criminal where oral evidence is to be given, the evidence of a child may be given unsworn, and a deposition of a child's unsworn evidence shall be taken for the purpose of any proceedings, whether civil or criminal, as if that evidence had been given on oath.

Use of Unsworn Evidence of a Child
6. The Court may where appropriate order medical or psychiatric examination or any other assessment of the child, but the Child may, if he has sufficient understanding to make an informed decision, refuse to submit to the examination or assessment.

Medical psychiatric examination or assessment of a child
7. Where an order for examination or assessment is opposed, the Court shall in determining the period for which the order is to be in force consider whether any party who was or might have been, opposed to the making of the order was in a position to argue his case against the order.

8. Where the paternity or maternity of a child is in issue, the Court may on the application of a party to the proceedings direct that scientific tests be carried out in accordance with Section 63 and 64 of the Act. *Scientific tests*
9. Where the Court decides that a case against a child would be best disposed of by the imposition of a fine, damages, compensation or costs, whether with or without any other measure, the Court shall order that the fine, damages, compensation or costs awarded be paid by the parents or guardian of the child, unless the Court is satisfied that the parent or guardian of the child cannot be found, or the parent or guardian had not condoned the commission of the offence by neglecting to exercise due care, guidance of and control over the child. *Imposition of fine, damages, compensation or costs.*
10. Where a child is charged with an offence, the Court may order his parent or guardian to give security for his good behavior, and where the Court thinks that the charge is proved, the Court may make an order on the parent or guardian for the payment of damages or costs or require him to give security for good behavior without proceeding to find that the child committed the act. *Security for Good behaviour*
11. An order under Rule 9 above may be made by the Court against a parent or guardian who, having been required to attend the Court failed to do so, but no such order shall be made without the Court giving the parent or guardian an opportunity of being heard. *Consequence of Parents/Guardian not attending court*
12. A sum imposed or ordered to be paid by a parent or guardian under Rule 9 above or any forfeiture or security as given under the Rule may be recovered from the parent or guardian in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child was charged. *Enforcement of order of payment*
13. A parent or guardian may appeal against an order made under Rule 9 to the High Court or the Court of Appeal as the case may be. *Parents may appeal*

ORDER 19 - EXPERT EVIDENCE

1. The Court or a party may make use of the evidence of experts to assist in the conduct of proceedings. The Court shall however restrict such expert evidence to that which is reasonably required *Use of Expert Evidence*

for the determination of the issues before it.

2. No party may call an expert or make use of expert evidence without the leave of the Court. The party applying for leave, shall state the field in which the expert evidence is required and where practicable, the name of the expert. *Leave required for use of Expert evidence by a party*
3. Any leave granted under Rule 2 shall be restricted only to the expert named and the field or areas in respect of which the leave is sought.
4. Where two or more parties wish to submit expert evidence on a particular issue, the Court may direct that the evidence on that issue be given by a single joint expert agreed upon by the parties. *Use of single Joint Expert*
5. Where the parties who wish to submit expert evidence cannot agree on a single joint expert, the Court may –
 - (a) select the expert from a list prepared or identified by the instructing parties.
 - (b) direct that the expert be selected in such other manner as the Court thinks appropriate.
6. Where the court gives the direction as in Rule 5 above, it shall order that the named expert be served with a copy of the directions.
7. The Court may give directions with respect to:
 - (a) the amount of fees or expenses to be paid to an expert by and fees or expenses of an expert to be recovered from any party;
 - (b) any inspection, examination or assessment which the expert wishes to carry out.*Direction on Expert fees and Expenses and on inspection, examination or assessment*
8. Unless otherwise directed by the Court, the instructing parties shall be jointly and severally liable for the payment of the experts' fees and expenses.
9. The duty of experts shall be only to assist the Court in matters within their expertise and this duty shall override any obligation to the persons who have engaged them. *Duty of Experts*
10. Unless the Court directs otherwise, the evidence of experts shall be made in a written report which shall contain a statement that the expert has understood the instructions and had complied with *Report by Experts*

his duty to the Court as well as the requirements of this Order or any Practice Direction.

11. Instructions to experts shall not be privileged from disclosure.
12. Any party may make use of a disclosed expert report as an evidence at the hearing for the purpose for which it was made. *Use of Expert Reports*
13. The Court may where appropriate and at any stage of the proceedings direct a discussion between experts with a view to discussing the issues in respect of which expert evidence is required and where possible reaching an agreed opinion on those issues. *Directions by Court to Experts*
14. In issuing a direction under Rule 13 above, the Court may specify the issues which the experts must discuss and where appropriate require them to specify the issues on which they have agreed and/ or disagreed with reasons for the disagreement.
15. The experts may file written requests to the Court for direction for the purpose of carrying out their functions. *Request for direction by Experts*
16. Where an expert intends to file a written request to the Court for direction under Rule 15 above, he shall, unless the Court otherwise directs, serve copies of his written request –
 - (a) on the party instructing him at least 7 days before the request is filed; and
 - (b) on the other parties at least 4 days before the request is filed.
17. Where the Court gives direction under Rule 16 above, it may also direct that a party be served with a copy of the direction.

PART 2

ORDER 20: PROTECTION OF CHILDREN

1. In an application under this Parts: IV, V, VI, VII and VIII of the Act, the Court may, where it is satisfied that the requirements (provisions) of the Act have been complied with, grant the orders sought, or having reference to the circumstances of the case, substitute the orders sought with any other order or orders or make additional orders, as may be just. *Court's discretion in proceedings under this Part.*

2. An application under Rule 1 shall be as the Form 3 specified in the Schedule to these Rules, supported by an Affidavit specifying the facts giving rise to the application.

ORDER 21: PROCEDURE RELATING TO GUARDIANSHIP, WARDSHIP, FOSTERING AND ADOPTION

1. An application under this Part may be made to the Court in accordance with the provisions of the appropriate sections of the Act. *Application to be brought under appropriate Sections of the Act*
2. Subject to the provisions of the Act, the Court may, in an application made under this Part, postpone the determination of the application and make an interim order giving custody of the child to the applicant for a period not exceeding two years on such terms and conditions as the Court thinks fit as regards provision for the maintenance, education, supervision and the welfare of the child or otherwise. *Postponement of Application and interim Orders*

ORDER 22: POSSESSION AND CUSTODY OF CHILDREN

1. Where the father and mother of a child were not married at the time of the birth of the child, the father or mother of the child may apply to the Court for parental responsibility for the child, or the father and mother may agree to have joint parental responsibility under a parental responsibility agreement, as specified in Form of the Schedule to these Rules. *Parental responsibility*
2. The Court may on an application by a person who has parental responsibility for the child, or the child himself with leave of Court, bring to an end a parental responsibility order. *Termination of parental responsibility*

ORDER 23: GUARDIANSHIP:

1. An application for the guardianship of a child may be made under Section 84 of the Act. *Application for guardianship*
2. Where an application is made by a person for guardianship of a child, the application shall be supported by – *Application to be supported by affidavit*
 - (a) an affidavit showing:
 - (i) that the child has no parent with parental responsibility for him; or
 - (ii) that a residence order has been made in respect of the child

in favour of a parent or guardian of the child who has died while the order was in force.

(b) Written consent of the applicant.

3. The Court may in any family proceedings appoint a guardian for a child where it considers that the order should be made whether or not an application for such appointment has been made. *Court may appoint a guardian for a child*
4. Appointment of a guardian under the Act shall have effect only if the consent of the person appointed has been obtained. *Consent to be obtained*
5. Where two or more joint guardians of a child are unable to agree on any question affecting the welfare of the child, any of them may apply to the Court for directions and the Court may after considering the application, make an order regarding the question in dispute. *Direction by Court where guardians are unable to agree*
6. The Court may for the purpose of specified proceedings appoint a guardian ad litem unless it is satisfied that it is not necessary to do so or where no such guardian ad litem is appointed, appoint a legal practitioner to represent the child, if the child has sufficient understanding to instruct a legal practitioner or if it is in the best interest of the child to do so. *Guardian ad-litem or legal practitioner may be appointed by Court*
7. Where it appears to a guardian ad litem that the child is instructing a legal practitioner, directs or intends to conduct and is capable of conducting the proceedings on his own behalf, the guardian ad litem shall inform the Court of that fact and the Court may make necessary directives with regard to any other duties which may be performed by the guardian ad litem. *Directions by Court where a child intends to conduct his case*
8. At any stage in the proceedings a party may apply ex parte, unless the Court directs otherwise for the appointment of a guardian ad litem or the Court may of its own initiative appoint a guardian ad litem. *A party may apply ex parte for appointment of guardian ad-litem*
9. Where the Court refuses an application under Rule 5 above, it will give and record reasons for the refusal and as soon as practicable notify the parties.
10. When appointing a guardian ad litem, the Court may consider the appointment of anyone who has previously acted as guardian ad litem of the same child or may appoint from the Panel of Persons established by the Minister to act as guardians ad litem. *Persons to be appointed guardian ad litem*

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|-----|--|--|
| 11. | Where the Court appoints a guardian ad litem, the Court will record the appointment and inform the parties and send the guardian ad litem so appointed copies of the application and other processes filed in Court. | <i>Right of Guardian ad litem to court processes filed</i> |
| 12. | The appointment of a guardian ad litem shall continue for such time as specified in the appointment or until terminated by the Court, and when terminating such appointment the Court shall give reasons for doing so. | <i>Appointment to continue until terminated by Court</i> |
| 13. | An application for the revocation the appointment of a guardian or guardian ad litem may be made by: | <i>Revocation of Appointment of guardian/guardian ad-litem</i> |
| | (a) a natural parent of the child or any person who has parental responsibility for the child; or | |
| | (b) the child concerned, with the leave of the Court; or | |
| | (c) in any family proceedings if the Court considers that the guardianship should be brought to an end notwithstanding that no application has been made; | |
| | (d) by an appropriate authority. | |

ORDER 24: WARDSHIP:

- | | | |
|----|--|---|
| 1. | An Application for wardship shall be made to the Court in the form prescribed as in Form 2 of the Schedule to these Rules and shall be supported by an affidavit showing the relationship of the applicant to the ward. | <i>Application by originating summons</i> |
| 2. | The Court may, by an order, make a child a ward of Court either upon the making of such an order or at the expiration of a period specified in the order. | <i>Wardship Order</i> |
| 3. | Upon the making of such an order under Rule 2 above, or the expiration of the period specified in the order, the child shall remain a ward of court unless the Court orders otherwise. | <i>Child to remain a ward of court</i> |
| 4. | The Court may upon application or without any application order that a child who is for the time being a ward of court ceases to be a ward of court. | <i>Revocation of Wardship</i> |
| 5. | The Court shall have power to order for maintenance of a ward of Court under Section 95 of the Act. | <i>Power of court to order maintenance</i> |
| 6. | Where there are exceptional circumstances making it impracticable or undesirable for the ward to remain under the care of either parent or any other person, the Court may make an order committing the ward to the care of an appropriate authority or to the supervision of a child development officer or other appropriate | <i>Committal of a ward to care of appropriate authority</i> |

authority.

ORDER 25: FOSTERING:

1. An application for the fostering of a child shall be made to Court as prescribed in Form 2 to the Schedule to these Rules. *Application for fostering*
2. The application shall be accompanied by -
 - a. Birth Certificate or Age Declaration showing that the applicant, or in the case of a joint application, each of the applicants is not less than twenty-five years old. *Documents to accompany application*
 - b. Two passport photographs of the applicant or each of the applicants, as the case may be.
 - c. Birth Certificate or Age Declaration of the Child to be fostered;
 - d. An affidavit showing:
 - (i) The child to be fostered is one who falls within any of the conditions stated in Section 101 of the Act;
 - (ii) The applicant and the child are resident in the Federal Capital Territory;
 - (iii) The applicant is a citizen of Nigeria;
 - (iv) Where the applicant is married, a written consent of the other spouse.
 - (v) Where the applicant is unmarried, that he has attained the age of thirty-five years and the child to be fostered is of the same sex with him.
 - (vi) The means by which the applicant will maintain the child.
 - (vii) The applicant is a person of unquestionable integrity;
 - (viii) That there is no other person who has a right or obligation in respect of the child to be fostered under an order of Court, or by agreement or customary law.
 - e. Written consent of any person who has right or obligation in respect of the child to be fostered by virtue of an order

of court or by agreement or customary law.

- f. A Completed Form of Declaration of Suitability to Foster Children Privately by all members of the household over 16 years as specified in Form of the Schedule to this Rules
 - g. A medical certificate showing that the applicant is or applicants as the case may be are physically and mentally fit.
3. The Court may dispense with the consent required in Rule 2 (d)(iv) and in (e) above where the Applicant has deposed and the Court is satisfied that the person whose consent would have been required –
- (a) Has abandoned, neglected or persistently ill-treated the child; or
 - (b) Cannot be found or is incapable of giving his consent or is unreasonably withholding his consent.
4. Where the applicant is married, notice of the application shall be given to the other spouse and in all cases, to any person who has right or obligation in respect of the child to be fostered by virtue of an order of court or by agreement or customary law, requiring their attendance in Court.
5. The court may, on an application for fostering order postpone the determination of the application and make an interim order giving the custody of the child to the applicant for a period not exceeding two years, as a probationary period, on such terms and condition as the court deems fit as regards provision for the maintenance, education and supervision of the child.
6. The Court shall in granting an application under Rule 5 above impose the following conditions:
- (a) that the child shall be under the supervision of an officer appointed by the Court.
 - (b) that the Child shall not be taken out of the Federal Capital Territory without the prior consent of the Court.
- When court will dispense with consent*
- Notice to be given to spouse*
- Fostering order by Court*
- Conditions for Fostering Order*

7. The Court shall in granting orders affecting children under this Part, have regard, as far as practicable, to the wishes, if any, of the parents or guardian of the child as to the child's religious upbringing. *Religious upbringing of a child to be considered*
8. Except on appeal, a Court shall not entertain an application for the fostering of a child where a previous application in respect of the same child had been refused by it or by any other Court. *Prohibition where a previous application has been refused*
9. In considering an application for the fostering of a child, the Court may order for a report from the appropriate child development service on the ability of the applicant to take care of the child and whether or not granting a fostering order will be in the overall interest of the child. *Power of court to order for report from appropriate child development service*
10. A fostering order made by the Court shall contain: *Directions to be made in a Fostering Order*
- (a) a direction to the Chief Registrar and the appropriate child development service to make in the Fostered Children Register the entry specified in Section 112(2) and of the Fourth Schedule to the Act.
- (b) a requirement that the foster parent shall give prior notice to the Court if he intends to take the foster child outside jurisdiction and notify the Court of their return.
11. The Court shall revoke a fostering order in respect of a child and take other necessary action where it is proved that: *Power of court to revoke a fostering order*
- (a) the foster parent has abandoned or neglected the child; or
- (b) persistently ill-treated or assaulted the child.

ORDER 26: ADOPTION

1. An application for adoption shall be made to the Court as prescribed in Form 2 to the Schedule to these Rules and shall be accompanied with the following: *Form 2 of the Schedule*
- (a) Where the applicant is a married couple, their marriage certificate or a sworn declaration of marriage; *Documents to accompany the application*
- (b) birth certificate or sworn declaration of age of the applicant or each of the applicants, as the case may be;

- (c) two passport photographs of the applicant or each of the applicants, as the case may be.
 - (d) A medical certificate of fitness of the applicant or each of the applicants from a Government hospital.
 - (e) Written consent of the parents of the child and where there is no surviving parent, the guardian of the child.
 - (f) Evidence that the applicant(s) are citizen(s) of Nigeria
 - (g) Evidence that the applicant or in the case of a joint application, both of the applicants have been resident in the Federal Capital Territory for at least five years and the child is also resident in the Territory;
 - (h) Evidence that the applicant, or in the case of a joint application, one of them is not less than twenty-five years of age and is at least twenty one years older than the child.
 - (i) Evidence that the applicant is married and written consent of the other spouse.
 - (j) Where the applicant is unmarried, evidence that he has attained the age of thirty-five years and the child to be adopted is of the same sex with him.
 - (k) Evidence of means by which the applicant will maintain the child.
 - (l) The applicant is a person of unquestionable integrity;
 - (m) That there is no other person who has a right or obligation in respect of the child to be adopted under an order of Court, or by agreement or customary law.
2. An application for adoption may be heard and determined in chambers by the Judge or Magistrate of the Court, as the case may be. In determining whether an application shall be heard in open court or in chambers, the Court shall exercise its discretion based on the circumstances of each case. *Application may be determined in chambers*
3. In considering an application for the adoption of a child, the Court shall order an investigation to be conducted by a child development officer and a supervision officer on the character and suitability of the applicant as an adopter, as well as of the child to be adopted. *Report from child development officer*

4. Where an adoption order is made or revoked by the Court, the order shall contain: *Directions to be made in an Adoption or revocation of an Adoption order.*
- (a) a direction to the Chief Registrar and the appropriate child development service to make in the Adopted Children Register the appropriate entry specified in Sections 142 (10) and in the Fifth Schedule to the Act.
5. The Court shall in placing the child for adoption, have regard, as far as is practicable to the wishes, if any, of the parent or guardian of the child as to the religious upbringing of the child. *Court shall have regards to wishes of parent or guardian*
6. The Court shall revoke an adoption order in respect of a child and take other necessary action where it is proved that: *Power of court to revoke adoption order*
- (a) the adoptive parent has abandoned or neglected the child; or
- (b) persistently ill-treated or assaulted the child.

ORDER 27: FINANCIAL PROVISIONS FOR CHILDREN

1. An application for financial relief for a child may be made by a parent or guardian or any other person in whose favour a residence order is in force with respect to a child. *Person who may apply for financial relief*
2. An application for periodical payments may be made by a person who has attained the age of eighteen years if – *Application for periodic payment*
- (a) no subsisting order for periodical payment has been made in his favour immediately before he attained the age of sixteen years; and
- (b) his parents are not living with each other in the same household.
3. An application under this Order shall comply with the relevant requirements stated in First Schedule to the Act and shall be as prescribed in Form 18 of the Schedule to these Rules *Application as stated under the Schedule of the Act*
4. Where the Court is satisfied that the requirement specified in the First Schedule to the Act had been complied with, the court may grant the financial relief sought on such terms and conditions as it *Power of court to grant Financial Relief*

thinks fit, having reference to the circumstances of each case.

PART 3

ORDER 28: PROCEEDINGS RELATING TO CHILD OFFENDERS

1. In proceedings relating to child offenders, the Court shall ensure compliance with the provisions of Part XX of the Act. *Compliance with Part XX of the Act*
2. A child accused of committing a criminal offence shall be tried in the Court. *Child to be tried in court*
3. Where the child is charged with a criminal offence, the parent or guardian shall attend and participate in all stages of the proceedings.
4. In every criminal proceeding in which a child is involved, the Court shall ensure that words like “conviction” and “sentence” or other words offensive to the child are not used in the proceedings. *Prohibition on use of offensive words*
5. Criminal proceedings in the court shall respect the legal status of the child, his best interest and well being and avoid harm to the child, having due regard to the circumstances of the case. The Court shall also ensure that the reaction taken is proportionate not only to the circumstance and gravity of the offence, but also to the circumstances and needs of the child and the needs of the society. *Court to act in best interest of the child*
6. The Court shall ensure that the personal liberty of the child is restricted only after a careful consideration of the case, including the possibility of use of alternative methods of dealing with the child and that the restriction is kept to the barest minimum. *Personal liberty of child to be restricted*
7. A child shall not be deprived of his personal liberty unless he is found guilty of a serious offence involving violence against others or of persistently committing serious offences and there is no other appropriate response that will protect the public safety. *Where personal liberty is not to be restricted*
8. Where a child is brought before the Court, the Court shall, as soon as practicable, explain to him or his parents or guardian in a language the child and the child’s parent or guardian understand, the substance of the alleged offence. *Nature of case to be explained to the court*

9. Where a child is brought before the Court for an offence, other than one that is punishable with death, the case shall be finally disposed of in the Court, and it shall not be necessary to ask the parent or guardian of the child whether he consents that the child be dealt with in the Court. *Consent of parents or guardian not required*

10. Where the child does not admit the facts of the offence with which he is charged, the Court shall proceed to hear the evidence of witnesses in support of the facts and at the close of the evidence of each witness, the Court shall ask the child, or if the Court deems it fit, the parent or guardian of the child, whether he or she wishes to put any questions to the witnesses. *Where the child does not admit part of offense*

11. Where the child, instead of asking questions, wishes to make a statement, the child shall be allowed to do so and it shall be the duty of the Court to put to the witnesses such of the questions as appear to be necessary and the Court may put to the child such questions as may be necessary to explain anything in the statement of the child. *Where a child wishes to make statement*

12. Where it appears to the Court that a prima facie case is made out against the child, the evidence of the witnesses for the defence shall be heard and the child shall be allowed to give evidence or to make any statement. *Where a prima facie case is made out against the child*

13. Where a child admits the offence or the Court is satisfied that the offence is proved, the Court shall ask the child if he desires to say anything in explanation of the reason or reasons for his conduct before deciding on how to deal with him. *Where a child admits offense*

14. The Court shall obtain such information as to the child's general conduct, his surroundings, school record, including a social enquiry report referred in Section 219 of the Act and medical history as may enable it deal with the case in the best interest of the child. The Court may also put to the child any question arising out of such information. *Court to obtain general information as to conduct of the child*

15. The Court may, for the purposes of obtaining information under Rule 14 above, or for special medical examination or observation, remand, from time to time, the child on bail or to a place of detention.

16. Where a child admits the offence, or the Court is satisfied that the *Where a child*

- offence is proved, and the Court decides that a remand is necessary for purposes of enquiry or observation, the Court may cause an entry to be made in the Court's records that the child has been remanded for enquiry or observation. *admits offense*
17. The Court before which a child remanded by another court is brought, may without further proof of the commission of the offence, make any order in respect of the child, which could have been made by the Court which remanded the child. *Power of court to make order in respect of child remanded by another court*
18. Where the Court does not release on bail a child who admits to committing one or more offences, the Court shall remand the child to a State Government accommodation. The Court shall, in so doing, designate the authority which is to receive him, and in the case of a child already being looked after by the State Government, it shall be that State Government, and in any other case, the Government of the State within which the child resides or in which the offence or one of the offences was committed. *Where a court does not release on bail a child who admit committing offense*
19. Where a child is remanded to a State Government accommodation, it shall be lawful for any person acting on behalf of the designated State to detain him. *Where child is remanded by State Government*
20. The Court may, in remanding a child to a State Government accommodation, impose security requirements, but such requirements shall not be imposed unless the child has attained the age of 15 years and only if he is charged with or had been found to have committed a violent or sexual offence or an offence punishable with imprisonment for a term of 14 years or more, or he has a recent history of absconding while on remand in a state Government accommodation and he is charged with or has been found to have committed on offence punishable with imprisonment while on remand and the Court is of the opinion that only such requirement will be adequate to protect the public from serious harm from the child. *Power of court to impose security as attained*
21. Where the Court imposes a security requirement in respect of a child, it shall state it is of such opinion as is mentioned in Rule 20 above and explain to the child in ordinary language the reason the Court is of that opinion, and the Court shall cause a reason stated by it under Rule 20 above to be specified in the warrant of committal and to be entered in the Court Register. *Court to state his opinion in imposing security*

22. A Court remanding a child to a state Government accommodation without imposing a security requirement may after consultation with the designated State Government require that the child complies with any such conditions as could be imposed if he were being granted bail. *Where no security is imposed*
23. Where a Court imposes on a child any condition as is mentioned in Rule 22 above, it shall explain to the child in ordinary language the reason it is imposing the condition and the Court shall cause the reason stated by it under this Rule to be specified in the warrant of committal and to be entered in the Court Register. *Reasons for imposing security to be explained to the child*
24. A Court remanding a child to a State Government accommodation without imposing security requirement, may after consultation with the designated State Government, impose on that State Government requirements for securing compliance with any condition imposed on that person under Rule 23 above or stipulate that he shall not be placed with a named person. *State Government to secure compliance*
25. Where a child is remanded to the State Government accommodation, the Court may, on the application of the designated State Government, impose, vary or revoke any condition under Rules 22, 23 and 24 above. *Power of court to revoke conditions*
26. Before a case against a child, other than those involving minor offences, is finally disposed, a social enquiry under Section 219 of the Act shall be ordered by the Court to be conducted by the appropriate officers and information relating to such enquiry submitted to the Court. *Social enquiry required*

PART 4

ORDER 29: APPEALS

1. Appeals shall lie to the Court at the High Court level from the decision of the Court at the Magistrate Level in the same manner as appeal lie from the decisions of Magistrate Court to the High Court in the Federal Capital Territory. *Appeal from magistrate court to high court*
2. An appeal shall lie to the Court at the High Court level from the Court at the Magistrate level in respect of a decision on any application for an adoption or fostering order, other than a decision to postpone the determination of the application for such

order and make an interim order.

3. Appeals shall lie to the Court of Appeal on any matter decided by the Court at the High Court level in the same manner as appeals lie in respect of matters decided by the High Court.

Appeal from high court to court of appeal

ORDER 30: TRANSITIONAL PROVISIONS

1. From the commencement of these Rules, pending cases involving children shall not be defeated in whole or in part, or suffer any judicial censure or be struck out or dismissed or otherwise prejudiced for failure to comply with these Rules. Such cases shall continue to be heard as if they had been brought under these Rules.
2. Where in the course of proceedings brought under these Rules any situation arises for which there appears to be no adequate provision in these Rules, the Court may have recourse to the provisions of the Matrimonial Causes Rules, the Civil Procedure Rules of the Court or the Criminal Procedure Code as appropriate, and where no such provisions exist, adopt such a procedure as would enable it do substantial justice between the parties concerned.
3. In proceedings relating to child offenders, the provisions of Part XX of the Act relating to Child Justice Administration shall apply. The provisions of the Criminal Procedure Code shall only apply to such proceedings where no adequate provision has been made by the Act.
4. A reference in these Rules to anything done under these Rules includes a reference to anything done before the commencement of these Rules under any other rule or enactment.

No case involving children shall be defeated struck and dismissed

Where there is no adequate provisions

Where there is no adequate provisions

ORDER 31: INTERPRETATION

1. In these Rules:-

“**Act**” means the Child Rights Act, No. 26 of 2003.

“**act**” includes omission.

“**Adoption Service**” means an adoption service established under Section 128 of the Child Rights Act.

“**Age of Majority**” means the age at which a person attains the age of 18 years.

Interpretation

“Appropriate Education Authority” means the Education Secretariat of the Federal Capital Territory.

“Approval Institution” has the meaning assigned to it in Section 2 “Alternative Dispute Resolution” (ADR) – Means Methods of resolving a dispute including mediation, other than through the normal court process.

“Adoption Proceedings” – Means proceedings for an adoption Order in the Child’s Right Act 2003.

“Assembly” – Means the National Assembly for Federal Republic

“Assessors” Means persons sitting along with a Judge or a Magistrate in the course of the proceedings under these Rules. of Nigeria.⁷⁷ of the Child Rights Act.

“Business Day” – Means any day other than a Saturday, Sunday or any other day declared to be a public holiday by the National Assembly or appropriate Ministry.

“Care Order” includes any order which by or under any enactment has the effect of or is deemed to be Act; and any reference to a child who is in the care of an authority is a “Civil Restraint Order” – Means an Order restraining a party:

(a) From making any further applications in current proceedings in the Family Court.

(b) From making certain application in family Court (an extended civil restraint Order); or

(c) From making any application in Family Courts (a general Civil restraint order)

“Committee” – Means the National/State Right’s implementation Committee.

“Consent Order” – Means an Order in the terms applied for to which the Respondent agrees.

“Contact Order” has the meaning assigned to it by Section 59 (a) of the Child’s Right Act.

“Care Order” – has the meaning assigned to it by Section 52 (1) (a) of the Child’s Right Act.

“Child” – Means a person under the age of 18 years who is the subject of the proceedings except that –

(a) In adoption proceedings, it also includes a person who has attained 18 years before the proceedings are concluded.

“Child of the Family” – Has the meaning giving to it by the interpretation Section of the Child’s Right Act at Pg 108.

“Court Officer” – means

- (a) In the High Court, a member of court staff, and
- (b) In a magistrates Court, the designated officer;

“Contention” – has the meaning giving to it by Section to the interpretation section of the Child’s Right Act at Pg 108. reference to a child who is in its care by virtue of a care order.

“Child” means, a person under the age of 18 years.

“Child assessment order” means an order under see 41us of the Child’s Right Act.

“Children Home” means a children home requested under sec. 195 of child’s Right Act.

“Commissioner” means commissioner charged with responsibility for matters relating to children in the state.

“Court” – Means a designated Family Court which include:

- (a) A designated High Court of the Federal Capital Territory, Abuja; and
- (b) A Designated Magistrate Court in the Federal Capital Territory, Abuja.

“Education authority” means the Ministry of Education.

“Expert evidence” is a reference to person who has been instructed to give or prepare expert evidence for the purpose of family proceedings.

“Family proceedings” means proceedings under jurisdiction of a court under the Child’s Right Act with request to children.

“Foster parent” means a person with whom child are placed from time to time, by an appropriate authority or a voluntary organization.

“Filing” – Means delivering a document by post or otherwise to

the court office.

“Financial Sanction” - Means fine, fees as imposed by the court.

“Guardian of a Child” means a guardian (other than a guardian of the estate of a child) appointed in accordance with the provisions of the sec 85 (1) of Child’s Right Act.

“Harmful publication” means any book, magazine, film, picture, video or audio tape or print or other median which is a land targeted or likely to fall into the hands of children and which consists wholly or mainly of stories told in pictures with or without the addition of written matter or video film and cassette tape which contains picture stories which portray harmful information.

“Hearing” – includes a directions appointment;

“Hearsay” – Means a statement made, otherwise than by a person while giving oral evidence in proceedings, which is tendered as evidence of the matter stated, and inferences to hearsay include hearsay of whatever degree;

“Independent School” means a privately owned school.

“Inherent Jurisdiction” - Means the High Court’s power to make any order or determine any issue in respect of a Child including in ward ship proceedings, where it would be just and equitable to do so unless restricted by legislation or case law;

“Judge” –Means a Judge designated to the Family Court at the High Court of Federal Capital Territory, Abuja.

“Jurisdiction” – Means unless the, contest required otherwise include the territory of Federal Republic of Nigeria.

“Legal Representative” -Means Legal Practitioner as recognised by the Legal Practitioners Act 2007 (CAP 20 LFN 1990)

“Magistrate” – Means a Magistrate designated to the Family Court at the Magistrate Court in the Federal Capital Territory, Abuja.

“Note” - Includes or record made by mechanical means;

“Order” – Includes direction of the court;

“Order for Maintenance pending suit” – means an order under the Act;

“Parental Order Proceedings” - has the meaning assigned to it by the Act;

“Parental Reasonability” – has the meaning assigned to it by the Act;

“Placement Proceedings” – Means proceedings for the making, varying or revoking of a placement order under the Act;

“Principal Registry” – Means the Principal Registry of the Family Division of the High Court;

“Proceedings” – Means unless the context requires otherwise proceedings as defined by the Act;

“Professional Acting in Furtherance of the Protection of Children” includes -

- (a) An officer of a Local Authority exercising Child Protection Function;
- (b) A Police officer who is –
 - (i) Exercising powers under Section 44 (1) of the Child’s Right Act 2003; or
 - (ii) Serving in a Child’s Protection Unit or a paedophile Unit of a police force;
- (c) Any Professional person attending a Child Protection Conference or review in relation to a child who is the subject of the proceedings to which the information regarding the proceedings held in private relates; or
- (d) An Officer of the National Society for the prevention of cruelty to children;

“Professional Legal Adviser” – Means a Legal Practitioner as recognised by the Legal Practitioner Act 2007 (CAP LFN 1990).

“Protected Child” - Means a party as in part 4 of these Child’s Right Act;

“Public Holiday” - Means a public holiday under the public holiday’s Act –

- (a) For the purpose of service of a document within the Federal Republic of Nigeria.

“Relative” in relation to a child means a grandparent, brother, sister, uncle, niece or nephew, aunty whether of full blood or half blood or by affidavits or step-parent.

“Registry” - Means the Registry of the High Court of the FCT
“Service” – Has the meaning giving by the Child’s Right Act 2003.Abuja.

“Upbringing” in relation to any child includes the care of the child but not his maintenance.

“Welfare Officer” – Means a person who has been asked to prepare a report under the Act.

ORDER 32: CITATION

1. These Rules shall be cited as the Child Rights (Enforcement *Citation* Procedure) Rules 2013.

SCHEDULE TO THE RULES

**FORM 1
GENERAL TITLE FORM**

IN THE FAMILY COURT OF.....DISTRICT HIGH COURT/
MAGISTERIAL/LEVEL

CASE No.....20.....
Between.....Complainant/Applicant and.....Defendant/Respondent

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA**

**FORM 2
APPLICATION FOR COMMENCEMENT**

Toof (Address).....
(Respondent)

Complaint has been made on day of20.....against you by
..... atin the
(Applicant)

Judicial division/magistrate level aforesaid;

.....
.....
.....

(State substance or particulars of the complaint and pursuant to the relevant provisions of the law).

You are therefore summoned to appear before the Family Court sitting at.....
on.....day of.....20....., at the hour of, and during all stages of the proceedings.

Dated thisday of 20

.....
Registrar.

N.B This application is to be served within twelve calendar months, from the
Date thereof, or if renewed, within six calendar months from the date of the last renewal, including the day of
such date and not afterwards.

The Respondent may enter appearance personally or by Legal Practitioner either by handling in the
appropriate forms, duly completed at the Registry of the Family Court Division of the High Court of the FCT,
Abuja at High Court/Magistrate court level in which the application is brought or by sending them to the
registrar by registered post.

This application was issued by of Whose address for
service is as referred to in Order 10).

(name and identifiable address of party or legal practitioner)

This Application was served byat
(Name of the Bailiff) (Address of Service)
on the Respondenton the20....
(Indicate mode of service) (Date of Service)
and was endorsed the day of20...
(Date service Acknowledged)

.....
Signed
(Court Bailiff)

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA**

**Form 3
ORIGINATING SUMMONS**

(For use in applications for Guardianship, Wardship, Fostering and Adoption)

Let Ofattend before the Judge /Magistrate in Chambers,
Family Court of the Federal Capital Territory, Abuja on theday of.....20..... At
..... o'clock in thenoon, on the hearing of an application on the part of.....
.....(state the reliefs sought).

Dated this.....day of.....20.....

This Summons was taken out by.....

Note:

It will not be necessary for you to enter an appearance in the Family Court of the Federal Capital Territory, Abuja, but if you do not attend either in person or by your legal practitioner at the time and place above mentioned (or at the time mentioned in the endorsement herein), such order will be made and proceedings taken as the Judge/Magistrate may think just and expedient.

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA**

**Form 4
AFFIDAVIT OF SERVICE**

I,of do swear or affirm as follows:
(full name) (address and occupation)

1. That on20....., I duly served on
.....
(date) (full name of the party served)
a copy of
.....

(specify each document served giving sufficient description to enable it to be identified)

By delivering them personally

at.....
(state address of service)

2. The party is personally known to me by reasons of the following facts:
.....
(state the facts establishing personal knowledge)

OR

3. The party is not personally known to me, but I believe that the person served by me is that party by reason of the following facts:.....
(state the facts on which the deponent relies)

.....
Signature of Deponent

Sworn to at.....this.....day of.....20.....

.....
Commissioner for Oath

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA**

**Form 5
NOTICE TO DEFEND**

I,of.....hereby give notice to defend the application
(full name) (address and occupation),
for.....
(specify the order(s) or declaration(s) sought in the Application)

In answer to the Application I state as follows:

1. State whether the facts given in the applications are accepted or rejected.
(If facts are rejected, state reasons).
2. Set out sufficient information to inform the court of the facts relied on in defence of the Application.
3. Set out facts relating to the application or to the circumstances that have existed or exist between the parties that the court should be informed about.

(Where there is a counter claim)

I hereby counter claim and seek the following reliefs:

.....
(specify the counter claims and list the reliefs sought)

(Where mediation or settlement is desired)

I request that the Court to refer the parties for mediation or settlement conference to resolve the matter.

.....
Signature of Respondent

.....20.....
Date

To;
The Registrar
Family Court at.....
(Address of Court)

For Service on:
[The Name and address of Applicant(s)]

This Notice is filed by.....whose address for services is
at.....
(full names) (full address)

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA**

FORM 6

WITNESS SUMMONS

To
(name, address and occupation of witness)

You are ordered to attend the Family Court No..... at.....on the.....day of
20.....

(state court number, address and date)

and then from day to day until you are discharged from attendance, to give evidence on behalf of
..... in

(state the

party)
the above-named proceedings.

- And you are ordered to bring with you and produce at the same time and place the following documents:

(set out details of the documents to be produced or delete if inapplicable).

This summons is issued by.....

(full names and state whether a party or legal practitioner)

.....
Registrar

.....
Date

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA**

**FORM 7
INTERLOCUTORY APPLICATIONS ON NOTICE**

I.....do hereby give you notice that I shall apply to

(full names and state whether a party or legal practitioner)

to Court on theday of.....20.... for the following order(s):

(specify the order(s) sought numbering them if more than one and grounds relied upon)

This application is made in pursuant to
(state any statutory provision, regulation, rule or principle of law relied upon).

Dated this20.....

.....
(signature and full name of party or legal practitioner)

To:
The Registrar,
Family Court at *(place)*

For Service on:
(List the names and addresses of the persons required or intended to be served with the application).

.....
Registrar

.....
Date

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA**

**FORM 8
INTERLOCUTORY APPLICATIONS EXPARTE**

I.....do hereby apply to Court for

(full names and state whether a party or legal practitioner)

for the following order(s).....

(specify the order(s) sought numbering them if more than one and grounds relied upon)

This application is made in pursuant to *(state any statutory provision,
regulation, rule or principle of law relied upon)*.

Dated this20.....

.....
(signature and full name of party or legal practitioner)

To:

The Registrar,

Family Court at *(place)*

.....
Registrar

.....
Date

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA**

**FORM 9
DECLARATION REGARDING SUITABILITY TO FOSTER CHILDREN PRIVATELY
(To be completed by all members of the household over 16 years)**

FULL
NAME.....
DATE OF
BIRTH.....
ADDRESS.....
....

HAVE YOU EVER

		YES	NO
		Please tick	
1.	Been convicted of any offence involving a child	-	()
2.	Had a child removed from your care by an order of any Court or State Government	-	()
3.	Had registration under Part XIV of the Child Rights Act refused or cancelled (child minding)	()	()
4.	Had your rights and duties with respect to a child vested in a State Government	-	()
5.	Had a prohibition imposed on you at anytime	-	()
6.	Disqualified from acting as a foster parent	-	()

If you have answered "yes" to any of the above question, please supply the dates and circumstances.

Signed.....
Date.....

NB: By Section 124(3) of the Child Rights Act, 2003 any person who gives false or misleading information commits an offence and is liable on conviction to fine not exceeding five thousand Naira.

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA**

**FORM 10
FORM FOR NOTICE TO PARENT OR GUARDIAN: CARE OR PROTECTION**

Toofthe parent/ guardian of, a child.

Take notice that, a child is to be brought before the Family Court sitting atonday, theday of20....., at the hour of in thenoon, by virtue of the provisions of section.....of the Child Rights Act on the ground that.....(State the ground of the application), and that you are warned to attend the said Court during all the stages of the proceedings).

Dated this.....day of.....20.....

.....
Police Officer/Authorized officer.

Note: A copy of this notice is to be sent to the Registrar of the Family Court.

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA**

FORM 11

FORM FOR NOTICE TO PARENT

FORMS IN RELATION TO PARTS VI, XX AND XXI OF THE ACT

Form for Committal Order By The Family Court

In the Family Court of state levellevel
.....town.....let the boy or girl known by the name of
.....whose description appears below be taken to.....(Name of
institution or Person).....and be there detained in the custody and care of-.....(the person in charge
.....subject to the provision of this Act

This committal order shall remain in force from the date of the date thereof up to and inclusive of the
.....day of.....20.....

DESCRIPTION

Name:.....Sex.....Age.....

Tribe or Community:.....

Name and address of father:.....

Name and address of mother:.....

Description of child:.....

Reason for the Committal Order:.....

Dated this.....day of.....20.....

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA**

FORM 12

FORM FOR SUMMONS FOR ATTENDANCE OF PARENT OR GUARDIAN

Section 216 (2)

To CD of

AB, a child of whom you are stated to be the parent/guardian is charged for that he on theday of20.....atin theJudicial Division/Magistrate District aforesaid, did..... (state the substance of the offence).....

You are therefore summoned to appear before the Family Court sitting at..... onthe.....day of20....., at the hour ofin the.....noon and during all the stages of the proceedings

.....

Judge /Magistrate

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA
FORM 13**

FORM FOR THE WARRANT FOR APPREHENSION OF CHILD

..... Complaint on oath been made on theday ofby CD.....that.....AB, a child, on the.....day of....., 20.....at.....in the Judicial Division/Magisterial District aforesaid did/has been/is.....

(State the substance of the offence or the description as mention in section 156 or 157)

You are therefore hereby commanded to bring the said AB before the Family Court aforesaid sitting at.....forthwith to answer the said complaint.

DATED this.....day of.....20.....

.....

Magistrate

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA
FORM 14**

**FORM FOR REMAND AND COMMITTAL TO STATE ACCOMMODATION AND APPROVED INSTITUTIONS
Sections 247,248,249,251 and 252**

TO.....and to the person/officer in charge of The Approved Institution at..... hereinafter called the place of detention.

AB hereinafter called the defendant, being a child brought before the aforesaid Family Court sitting at.....
.....charged with having.....
(State the substance of the offence)

The hearing of the case being adjourned:
You, the said Police Officer, are hereby commanded to convey the defendant to the place of detention, and there to deliver him/her to the person/officer in charge thereof, together with this warrant, and you, the person/officer in charge of the said place of detention to receive him/her into custody, and unless he/she shall have been bailed in the meantime, keep him/her until the.....day of.....20.....
And on that day you, the said Police Officer, are required to convey him/her before the aforesaid Family Court sitting at.....the hour of.....in the.....noon, to be further dealt with according to law, unless otherwise ordered in the meantime.
Dated this.....day of.....20.....

.....
Judge/Magistrate

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA
FORM 15**

FORM FOR SUMMONS TO PARENT TO CONTRIBUTE
(GENERAL TITTLE-FORM 2) Section 52

To.....of.....Complaint has been made this day by.....that you are the father/step –father/mother/step-mother (or a person co-habiting with the mother) of AB, a child (or a person in whose care and custody AB, a child, has been residing for two years immediately prior to the.....day of.....20.....), said AB, and that on the (said).....day of....., 20..... a committal order was accordingly made whereby the said AB was committed to.....a Government Accommodation/or to the care of CD.
You are therefore summoned to appear before the Family Court sitting.....on.....the.....day of.....20....., at the hour of.....in the.....noon, to show cause why an order should not be made requiring you to contribute such monthly sum as the Court, having regard to your means, thinks fit.
Dated this.....day of20.....

.....
Magistrate

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA**

FORM 16
FORM FOR DISPOSAL PENDING OPERATION OF
COMMITTAL ORDER
Sections 49 and 50

(GENERAL TITTLE-FORM 2)

To.....and to the person/officer in charge of the Approved Institution at (or to CD of.....) AB a child having been ordered by.....sitting at.....on the.....day of.....20.....to be sent to an Approved Institution, and the operation of such committal order being postponed.

It is ordered that AB be taken to the Approval Institution or to the custody of the said CD at.....and be there or by him/her to the person in charge thereof or to the CD together with this warrant and you, the person/officer in charge of the said Approved Institution the said CD to receive him/her into custody and detain him/her as aforesaid.

Dated this.....day of.....20.....

.....
Judge/Magistrate

**IN THE FAMILY COURT DIVISION OF THE
HIGH COURT /MAGISTRATE COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA
FORM 17
FORM FOR RECOGNISANCE UNDER SUPERISION ORDER**

SECTION 243

The undersigned Principal Party to this recognizance hereby binds himself to perform the following obligations at all times during a period of.....from the date hereof-

(To be of good behavior)

To be and remain under the supervision of AB(or the Supervision of AB(or the Supervision Officer from time to time for the.....area).

To appear before the Court at.....to be further dealt with anytime when called upon by the Court (or when so directed by the said AB (of Supervision Officer): (and such further conditions as the case may require).

And the said Principal Party (together with the undersigned surety (or sureties) hereby acknowledges himself (acknowledge themselves) bound to forfeit to the Governor the sum(s) following-the said Principal Party the sum of N (and the said surety (or sureties) the sum N (each) in case the said Principal Party fails to perform the above obligations or any part thereof.

Principal Party.....

Surety.....

Taken before me at.....this.....day of.....20

.....
Sworn Interpreter

.....
Judge/Magistrate

FORM 18

In the Family Court

.....

.....

Notice of (intention to proceed with) an application for a financial remedy (other than financial order) in the High Court or Magistrate Court of the Federal Capital Territory.

To be completed by the Applicant	
Name of Court	Case No.
Name of Applicant	
Respondent	

- The applicant intends:
 - to apply to the Court for:
 - to apply to vary:
 - a periodical payment order
 - a lump sum order
 - a secured periodical payment order
 - a settlement of property for the benefit of the Child(ren) *(please provide address below)*
 - a transfer of property for the benefit of the Child(ren) *(please provide address below)*
 - Others (please specify)

2. Applicant's details

Name of Applicant

Applicant's address

Telephone Number

Reference

E-mail Address

Applicant's details

Name of Respondent

Respondent's Address

Telephone Number

Reference

E-mail Address

- Have there been any previous Court orders or written agreements regarding financial agreement?

Yes No

If Yes, please attach a copy of the orders or if the order is not available, please state the date, the terms, the parties and the court below.

4. Are you applying for a financial remedy in relation to a Child?

Yes No (if No, please complete the statement of truth)

(If Yes complete the tables below for each of the child continuing on additional sheets if necessary, and then complete the verifying affidavit below.

Name of Child 1

Date of Birth

Gender Male Female

Relationship to Applicant

Relationship with Respondent

State of Residence if not Abuja

Name of Child 1

Date of Birth

Gender Male Female

Relationship to Applicant

Relationship with Respondent

State of Residence if not Abuja