**How to Adopt A Child In Nigeria: The Compulsory Legal Steps.**

A misconception millions of people have is the belief that once a person has the money and is in need of a child, he can simply walk into a Motherless Baby’s home, pay some millions of Naira and take a child home as his. In reality, child adoption isn’t that simple; there is complexity of legal procedure that must be meticulously followed for the adoption to be valid in law, a procedure that requires the service of an experienced attorney to navigate through.

Child adoption takes painstaking legal guidelines and procedure because it is the statutory process of terminating a child’s legal right and duties towards the natural parenting and vesting those rights and duties towards the adoptive parents. Such a process that diverts from a child, the legal rights and obligations to their biological parents can’t possibly be as easy as taking a walk in the park. The process is governed by laws, such as the Child Rights Act 2003, the immigration laws (for international child adoption), Rules of Court and the applicable state laws.

The following are the legal steps to follow in adopting a child in Nigeria:

1. **Determine If The Applicant(s) Is Legible To Adopt the Child.**

The first thing an applicant for child adoption should do it to determine if they eligible to adopt the child. The applicant should do this by engaging the service of a lawyer with expertise in child adoption.

The Child Rights Act, the principal law governing child adoption in Nigeria, outlines the requirements and qualifications for adoption of child in Nigeria. Subject to the provisions of the Act, both single individuals and married couples are eligible to apply for child adoption.

**Section 129 of the Child Rights Acts** provides that a couple can jointly apply to adopt a child if each of the spouses has attained the age of twenty five (25) years. Also, a married person who has attained 25 years of age can apply to adopt a child independently only if such applicant has obtained the consent of their spouse to that effect. In some states in Nigeria, married couple must adopt a child jointly, not independently.

A single person who has attained thirty five (35) years of age can apply to adopt a child. However, a single person is not allowed to adopt a child of opposite gender, except in a very special circumstances. That is to say, an unmarried man can’t adopt a girl (woman).

According to **Section 131** **of the Child Rights Act**, an application for child adoption shall not be granted if the applicant, or one of the applicants (in case of joint application by a couple) is not at least 21 years older than the child intended to be adopted. The application will not be granted if the applicant, or at least one of the applicants (in case of joint application by a couple) is not residing in the particular state which the application for adoption is made.

The applicants must be a citizen of Nigeria. An order for adoption shall not be made by a court unless the child to be adopted has been in the care of the applicant for a period of at least three consecutive months immediately before the date the order for adoption is made. It therefore goes to say that an applicant for child adoption ought to be fostering the child even before bringing the application for formal adoption as that will assist the court in determine if the child is comfortable or compatible with the applicant.

1. **Application To A State Welfare Agency for Pre-approval:**

A person desirous of adopting a child has to first make an application to a welfare agency of the particularly state wherein he resides. In Lagos State, the relevant agency is the Ministry of Youth and Social Development. The applicant must make the application for pre-approval even before proceeding to search for a child to adopt. It is a kind of “go ahead” approval.

The purpose of the application to the agency for the pre-approval is for the agency to determine whether the prospective adopt is suitable to adopt a child. To confirm the suitability of the prospective adopter, the agency will conduct compulsory pre-counselling sessions and other evaluation sessions with the prospective adopter.

If the agency, upon being satisfied with the applicant’s suitability, granted the pre-adoption approval, the perspective adopter can then proceed to search for an adoptable child in any government approved children home. It is on the strength of the pre-adoption approval that the prospective adopter can take the child home for fostering before proceeding on formal application for adoption.

1. **Application To The Court:**

This is the most critical stage in child adoption. This is because it is only a court of law that can make an order or decree for child adoption, thereby exstinguishing the child’s rights and duties towards his natural parents and vesting those rights and obligations towards the adopter(s) who then becomes the legal parent(s).

**Section 126 (1) of the Child Rights Act** provides that an application for child adoption shall be made to court in a prescribed form, and the application shall be accompanied with the following documents:

1. Marriage certificate, or sworn affidavit of marriage (in a case of an application made by a married couple).
2. Birth certificate or sworn declaration of age of each applicant.
3. Two passport photographs of each applicant.
4. A medical certificate of fitness of the applicant from the government hospital.
5. Such other documents, requirements and information as the court may require for the purpose of the adoption.

The court referred to by **section 126** cited above is the family court of the particularly state wherein the child is to be adopted.

The court will then assign a *guardian ad litem* to represent and protect the interest of the child in the adoption suit. The *guardian ad litem* may either be a social welfare officer in charge of the place the child resides, a probate officer or any other person who, in the opinion of the court, is suitable and qualified to act as a guardian.

1. **Court-Ordered Investigation by the government welfare agency:**

In line with the provision of **Section 126 (2)** of the Child Rights Act, upon the receipt of the application for child adoption, the court shall order an investigation to be conducted by a child development officer (Ministry of Youth and Social development if it is in Lagos State) and any other person as the court may determine to enable the Court assess the suitability of the prospective adopter and that of the child to be adopted.

While the *guardian ad litem* is conducting the investigation on the circumstances surrounding the application for the adoption of the child in order to protect the child’s rights and interest, the welfare agency, on the other hand, will continuously be visiting the home of the prospective adopter and conduct other evaluation and assessment on prospective adopter in order to determine his suitability and compatibility with the child.

At the end of their investigations both, the *guardian ad litem* and the welfare agency will made recommendations to the court on their findings in order to assist the court to either make or refuse to make the order for adoption.

1. **Court Order For Adoption:**

After assessing the suitability of the adoptive parents in an open court *visa vis* the recommendations of the *guardian ad litem* and the welfare agency, the court, if satisfied of the suitability of the adoptive parents, will make an order of adoption.

In making the order in respect of the adoption of the child, the court shall have regards to all the circumstances of the child, placing much consideration on the welfare and the overall best interest of the child.

1. **Proper documentation.**

After the Court has made the order of adoption, the adoptive parents should take steps to obtain proper documentations for the child. This include obtaining the Certified True Copy of the adoption order of court, obtaining a new birth certificate for the child, which certificate will contain their names as the parents of the child, and ensuring that the adoption is entered into the Adoption Register. If the child is to be taken out of Nigeria, the adoptive parents must make sure they process all relevant immigration documents for the child.

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