

ADOPTION PRACTICE UNDER THE CHILD'S RIGHTS LAW OF ANAMBRA STATE*

Abstract

Children are the life wire of a marriage; they bring joy and feeling of accomplishment to marriages. It is in a bid to remedy the malady of Childlessness in marriages, and to give life to marriages that couples who are unable to conceive resort to adoption of children. Also, people of many religious backgrounds believe that their religion calls on them to adopt in order to help children, even people who aren't religious choose adoption to help make the world a better place. However, a child in Anambra State cannot be lawfully adopted through mere religious, traditional, customary or communal process faulted with illegality. As such, adopting a child without adherence to Anambra State Child's Rights Law, 2004 is kidnapping and child trafficking. Using a doctrinal research methodology, this paper analyzed the adoption practice under the Anambra State Child's Right Law, 2004. The paper found out that the procedure for adoption practice under the Anambra State Child's Right Law, 2004 is relatively cumbersome. The provisions require adopters to complete various processes before adopting a child from an authorized and regulated child care facility or orphanage. In view of the foregoing, this paper recommended among others that active measures should be taken to make child adoption process more effective and less cumbersome.

Keywords: Adoption practice, Child, Child's Right Law, Anambra State, Review.

1. Introduction

Prior to Nigeria's independence,¹ there was no statutory provision for adoption in any part of Nigeria. This Lacuna in Law created hardship in determining the legal relationship between persons who wrongly believed that they had adopted a child. Thus, the first known legislation enacted to guide adoption issues was by the Eastern Region House of Assembly in 1965² and this was followed by the 1968 adoption Law of Lagos State³. Most other states have also made their own Laws⁴ to guide adoption⁵. No state in the Northern part of Nigeria has any legislation on adoption. Indeed, the enactment of the Child's Rights Act⁶ appears to harmonize these laws and clarify adoption practice. However, because the rights and welfare of Children in general, are matters within the legislative competence of the states under the 1999 Constitution of the Federal Republic of Nigeria, the Act is enforceable only in the Federal capital territory (FCT), Abuja. Anambra State therefore domesticated the Child's Right Act by the enactment of Child's Right Law, 2004. The Anambra State Child's Rights Law⁷ is in *pari materia* with the provisions of Child's Rights Act⁸ with little modification to suit Anambra State⁹ and remains the primary legislation for the protection of the rights of children in Anambra State. Perhaps with a possible intention of discouraging illicit adoption practice, the law boldly provides for the procedure for the adoption of children in Anambra State.

2. What is adoption?

Adoption is the statutory process of terminating a child's legal rights and duties towards the natural parents and substituting similar rights and duties towards adoptive parents.¹⁰ It is also the taking of a child of a known or unknown parentage, but known for sure not to be that of the adopter as his or her own child.¹¹ Thus, it is a legal process pursuant to State statute in which a child's legal rights and duties towards its natural parents are terminated and similar rights and duties towards his adoptive parents are substituted thereby vesting the parental rights and duties relating to a child in the adopters, made on their application by an authorized court.¹² Moreover, the Court

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¹ 1960 Independence of the Federal Republic of Nigeria.

² Eastern Religion Adoption Law 1965 (No. 12 of 1965).

³ Now Cap A5 Laws of Lagos State 2003.

⁴ Old Bendel State Adoption Law 1979 (No. 5 of 1979, applicable in Edo and Delta States, Cross River State's Adoption Law 1981 (No. 7 of 1981) Ogun State's Adoption Law 1983 (No. 13 of 1983), Oyo State's Adoption Law 1983 (No. 13 of 1983).

⁵ M Attah, *Family Welfare Law in Nigeria* (Benin: AMBIK Press Ltd, 2016) p 202.

⁶ 2003, Cap C50, Laws of the Federation of Nigeria, 2011.

⁷ Child's Rights Law, 2004. Hereinafter referred to as CRL.

⁸ Child's Right's Act 2003.

⁹ Adoption is provided for in part XII (Sections 128-151) of the CRL of Anambra State.

¹⁰ BA Garner, *Black's Law Dictionary* (11th edn U.S.A: West Group 1999) p199.

¹¹ T O Ibraheem, 'Adoption Practice in Nigeria-an Overview', (2013) 19 *Journal of Law, Policy and Globalization*, 7.

¹² *Ibid*.

of Appeal in *Ibiam v Ibiam & anor*,¹³ defined adoption as the creation of a parent- child relationship by judicial order between two parties who usually, are unrelated; the relation of parent and child created by law between persons who are not infact parent and child. This relationship is brought about only after a determination that the child who is in an orphanage home has been abandoned, or that the persons parental rights have been terminated by court order. Moreover, under the 1989 United Nations Convention on the Rights of the Child, adoption is recognized as one of the forms of alternative care for children who have been temporarily or permanently deprived of their family environment, and also for children who are unable to remain in their family environment.¹⁴ It is described as a unique form of child care because it does provide permanent care and parenting for the adopted child as compared to other child care institutions like guardianship which is a temporary action don not terminate the parental rights of the biological parents. Indeed, there are three sets of participants in an Adoption, the adoptive parent seeking the adoption order, the child to be adopted and the birth parents of the child.

3. Adoption Distinguished from Fosterage and Guardianship

Adoption and fosterage can sometimes seem rather similar but they in fact have very significant and fundamental differences. Fosterage is a relationship involving parental care given by someone not related by blood or legal adoption. Fosterage unlike adoption involves giving parental care to a child who is not one's natural or legally adopted child¹⁵. It is a temporary arrangement for a child's care while adoption is permanent. A child that is not properly cared for by his parents can be taken away to a foster home or institution where proper care and nurturing can be given to him. Part II of the Anambra State Child's Right law 2004 provides for fosterage. An applicant for fosterage like in adoption must be at least 21 years older than the child to be fostered.¹⁶ The foster parent is thus placed in the position of a natural parent. Guardian on the other hand is one who has legal authority and duty to care for another person or property especially because of the others infancy, incapacity or disability.¹⁷ When someone, in most cases a child, is adopted, that means that all the rights and benefits of being that person's parent will be transferred to another person or couple. Unlike adoption, the biological parent still maintains the parental rights of the child in question. Indeed, one of the most important difference between adoption and guardianship is permanency. Adoption permanently places a child with a new family while guardianship is usually a temporary arrangement that places the child with a close friend or family member. In adoption, the parental rights of the biological parents are terminated. In other words, there is an absolute severance of the parenthood of a child from his natural/biological parents and same is vested on the adoptive parents. Conversely, guardianship only confers control, maintenance, custody and other privileges but does not terminate the parental rights of the biological parents. The child in this context is an unmarried person below 21 years. A guardian may be appointed by Court and the High Court has the power to appoint guardians to act jointly with a parent or parents of a child where the court is satisfied that they are unfit to act alone¹⁸ the court may order the parent or parents of a child to make payment to a joint guardian towards maintenance of the child.¹⁹ The power of the court to appoint a guardian can be exercised even when the parents are alive if the court is of the opinion that the parent/ parents are unfit or have abandoned the child²⁰ Adoption may be effected either under statutory law or customary law. However, the rules regulating adoption differ from state to state and section 125 of the Child's Right Act 2003 mandates every state to have its adoption law.

4. Adoption and Customary Law

Adoption may be effected under customary law and can either be formal or informal. Informal adoption takes the form of the adopter taking into his family the child of a relative or an orphan. The child is brought up and treated as the other children of the adopter. This arrangement if continued over a long period may mature into an adoption.²¹ Informal adoption is therefore the process by which foster parentage matures with time into adoption. Also, where a widow with a child or a single mother (re)marries, she may bring her child into the marriage. The child is then brought up by the step-father whose name he may take and with time the relationship crystallizes into an adoption.²² While in formal customary adoption; for instance, among the Esans of Edo State, a meeting

¹³ (2017) LPELR 42028 (CA).

¹⁴ T Akinlawon, 'Adoption of Children- National and International Perspectives', <https://akinlawonajomo.org/mrs-titilola-akinlawon-san-delivers-a-paper-on-adoption-of-children-national-and-international-perspectives-at-a-2-day-interactive-seminar-organised-by-the-nba-ikeja-branch-between-5th-and-6th-may-20/>accessed 27/6/22>.

¹⁵ B A Garner, *Black's Law Dictionary* (8th edn U.S.A, West Grop) P 681

¹⁶ Section 107 CRL, 2004, Anambra State

¹⁷ B A Garner, *op cit*, P 725.

¹⁸ CRL,s 86 (2,5).

¹⁹ *Ibid*, s 86 (6).

²⁰ *Enwonwu v Enwonwu* (1965) 2 All NLR 239.

²¹ T O Ibraheem, 'Adoption Practice in Nigeria- an Overview', (2013) 19 *Journal of Law, Policy and Globalization* 11.

²² *Ibid*.

of the families of the prospective adopter and the infant to be adopted is held. At this meeting, a formal transfer of parental rights and obligations is effected with the approval of both families. This is often followed by ceremonies performed to initiate the child to be adopted into the new family. Indeed, adoption under customary law usually takes place between members of the immediate or extended family, although it may also involve people close to these families, such as friends or community members. By its nature, customary adoption varies from one custom to another, but it is common for the birth parents to give their consent and to maintain a role in the child's life. Perhaps, no matter the length of time an individual is cared for by another individual or family, the link between that individual and his roots can never be severed. As such, customary adoption unlike statute does not permanently terminate the biological parent's right because it is believed that a child cannot be cut from its root. Indeed, no writer is yet to identify any system of customary law in Nigeria which recognizes adoption as a concept that entails a permanent and irreversible severance of the parent-child relationship existing between a child and his biological parents and the extinction of the consanguineous relationship between the child and his original family.²³ As such, adoption under customary law can be likened to the English notion of foster parentage.

5. The Practice of Adoption under the Child's Rights Law of Anambra State.

Adoption in Anambra State is guided by the provisions of the Child's Right Law of Anambra State 2004. Salient or Prominent provisions of this Law are to be considered.

Persons who may be adopted

Section 131 of the Child's Rights Law of Anambra State provides that the court shall not make an adoption order in respect of a child unless the parents of the child or, where there is no surviving parent, the guardian of the child consents to the adoption; or the child is abandoned, neglect or persistently abused or ill-treated, and there are compelling reasons in the interest of the child why he should be adopted. Indeed, there are three categories of children that can be adopted²⁴.

- i) Orphan - a person who has lost one or both parents
- (ii) Abandoned by unknown parent;
- (iii) Abused, neglected or there are compelling reasons why the child should be adopted.

Perhaps, with respect to the abandoned child, if such a child is found, he/she does not go to the home of anybody. It is rather reported to the police and there must be a care order before the child proceeds into the orphanage. The order is by a court within the Jurisdiction where the child is to be kept pending the outcome of the investigation process and if the investigation comes out stating that the child is of no parentage, in other words, treat as abandoned, at that point the child would be declared eligible to be adopted and the bonding starts. The bonding starts through tripartite process. One is administrative private foster care by the ministry and/or placement order from the court otherwise known as Fostering Order. This lasts from three months to a maximum of eighteen months and after which, the adoption process will then be completed in the court. The Court does the placement and determines the duration of the time. It could be three months six months depending on the court's discretion which is exercised in the best interest of the child. However, there are cases where orphanages set up to give care and support to abandoned children facilitate their adoption through sharp practice for financial benefits. Some of these homes are registered with relevant government agencies and conversant with the rules guiding their operations but venture into the human trade for money.

Persons who may adopt

Three categories of persons are eligible to adopt. They include;

1. A married couple who have attained the age of 25 years and have obtained an order authorizing them to adopt a child²⁵.
2. A married person, if he/she has obtained the consent of the other spouse²⁶.
3. A single person if he/she has attained the age of 35 years and the child to be adopted is of the same sex with the adopter²⁷.

It is further provided that in all the above cases, the adopter or adopters shall be persons found to be suitable to adopt the child by the appropriate investigating officer²⁸.

²³ Ibraheem, art cit, p 11.

²⁴ *Ibid*, s 131.

²⁵ CRL, s 132 (a).

²⁶ *Ibid*,s 132 (b).

²⁷ *Ibid*,s 132 (c).

²⁸ CRL, s 132 (d).

Procedure for Adoption

A valid adoption requires an application for adoption to be made to the state welfare agency by the prospective adopter. In practice, such application for adoption is done in sequences and it is usually in the best interest of the child. This is because under the Child's Rights Law, in everything pertaining to a child, the best interest of the child shall be paramount consideration,²⁹ hence in learning about adoption the prospective adopters need to access their emotional readiness. The pre-approval application³⁰ is made to the office of the ministry in charge of children matters and that is Ministry for Women and Children Affairs Anambra State. The services of this ministry is found in section 128 of the Child's Rights Law which provides that for the purpose of adoption, the State Government shall establish and maintain a service designed to meet the needs of a child who has been or may be adopted, parents and guardians of the child, who has been or may be adopted; persons who have adopted or who may adopt a child. Thus, on receipt of such application, it is acknowledged and the applicant would be invited to hold interview with director social welfare representative on appointed date; there would be screening session, certain documentary requirements will be collected and perused to determine whether the person is fit or suitable to adopt a child.³¹ The duration of time from the application to determining the outcome of the application does not take less than 6 to 9 months. The Child's Rights Law of Anambra State prescribes that an adoption process must not take less than 12 months³². If approval is granted, the prospective adopter is then able to search for an adoptable child in a government approved home³³. Perhaps, when a child to be adopted is available, the court will make a fostering order, the bonding beings and at the end of the fostering process, application is then made to the court for adoption order. The writers are therefore of the opinion that most times before the welfare officer makes the application for adoption, some prospective adopter who are naive, unscrupulous absconds with the child; sometimes the secret disappearance of the adopter is done with the knowledge of welfare officer after collecting certain sum of huge amount of money. The victim may think that legal adoption is completed through the assistance of welfare officer. Thus, there is need for prospective adopters to 'Shine their eyes'³⁴. It is also important to know that the social welfare officer appointed by the ministry is duty bound to move an application for adoption before the court. The application for the adoptive order is provided for under section 129 of the Anambra State Child's Rights Law, 2004.

Application to Court for Adoption Order

Section 129 of Child's Rights Law, 2004 provides to the effect that an application shall be made to the court in such form as may be prescribed, and shall be accompanied with marriage certificate or sworn declaration of marriage where the applicants are married couples, the birth certificate or sworn declaration of age of each applicant, two passport photographs of each applicant, a medical certificate of the fitness of the applicant from a government hospital, and such other requirement and information as the court may require for the purposes of the adoption process. An application is then made to the court for adoption order and the court on the receipt of such shall order an investigation to be conducted by a child development officer, a supervision officer; and such other persons as the court may determine, to enable the court to assess the suitability of the applicant as an adopter and of the child to be adopted³⁵. The court in reaching a decision relating to the adoption of a child shall therefore have regard to all the circumstances, including the need to safeguard and promote the welfare and the best interest of the child throughout the childhood of that child; and ascertaining, as far as practicable, the wishes and feelings of the child regarding the decision and giving due consideration to those wishes and feelings, having regard to the age and understanding of the child³⁶. Moreover, adoption made in due process is recognized in foreign jurisdiction as in the case of *ELO v CLO*,³⁷ where the applicants sought the recognition of a Nigerian (Anambra State) adoption order made in March 2014 in respect of their daughter, V. The applicants had come to the UK from Nigeria as adults, CLO as a refugee and ELO under a marriage visa to a former partner, and been living in the UK for several years. V was a child adopted by the applicants from ELO's home state, and who had been living in Nigeria with ELO's sister, A, pending the outcome of proceedings and the consequent immigration application for leave to enter the UK. As a consequence of the removal of Nigeria, as of 4 January 2014, from this jurisdiction's list of countries whose orders for adoption are automatically recognised, the applicants were required to seek a

²⁹ *Ibid*, ss 2 & 1.

³⁰ *Ibid*, s 128.

³¹ The information elicited are: the name of adopter, date of birth, occupation, marital status, Religion, Highest Education purpose of adoption, official address of the adopter, residential address, telephone number, preferred age of the child sought to be adopted (adoptee), passport photograph and any other information that may assist the adoption process.

³² CRL, s 134 (1) (F).

³³ The child is then allowed to stay with the prospective adopter for a period of three months

³⁴ This is a Nigerian expression, meaning 'wake up', 'look at what's really happening'.

³⁵ CRL, s 129.

³⁶ *Ibid*, s 129.

³⁷ (2017) EWHC 3574 (Fam).

declaration of recognition of the foreign adoption order and application to that effect was brought before the UK Court. Accordingly, the Court made a declaration recognising the Nigerian adoption order.

Consent Required for Adoption

By virtue of section 135 of the Child's Rights Law, consent is required to be given by the parents of the child where they are alive; otherwise, the guardian of the child will give consent to the adoption and the guardian may be a care institution. Where a married person is the sole applicant for an adoption order, the court may require the consent of his spouse. Also, the court may require the consent of any person other than the parent or relation of the child who has any right or obligation towards the child under an order of court or any agreement or under customary law section³⁸. The court will be assisted to make the determination whether such person's consent should be obtained first with the assistance of a report by the child development office³⁹. Indeed, where any of the aforementioned persons has given consent, that person cannot withdraw the child from the care and possession of the applicant while the application is pending except with the leave of court⁴⁰. It is worthy to note that under certain circumstances, the court may dispense with the requirement of consent. This will be the case where the person whose consent is required cannot be found such as where he is dead or missing. It may also be that the person cannot be traced and this will occur where the child is abandoned and the abandoner absconds; the person whose consent is required is incapable of giving it because he/she is a minor or insane or is mentally disabled;⁴¹ and the person is unreasonably withholding consent such on receiving monetary consideration. Under section 135 (4), consent may be given unconditionally or subject to conditions with respect to the religious persuasion in which the child is to be brought up and the person giving consent need not know the identity of the applicant for the adoption order⁴².

Effect of Adoption Order

For Anambra State, this is provided for under Section 144 of the Child's Right Law, 2004. The section provides that upon the making of an adoption order, all rights, duties, obligations and liabilities, including any other order under the personal law applicable to the parents of the child or any other person in relation to the future custody, maintenance, supervision and education of the child, including all religious rights, right to appoint a guardian and to consent or give notice of dissent to marriage, shall be extinguished; and that there shall vest in, and by exercisable by and enforceable against the adopter all rights, duties, obligations and liabilities in respect of the future custody, maintenance, supervision and education of the child, and all rights to appoint a guardian and to consent or give notice of dissent to marriage of the child, as would vest in the adopter as if the child were a natural child of the adopter, and in respect of those matters, the child shall stand to the adopter in the relationship of a child born to the adopter. In essence, the adopter acquires all rights concerning the adopted child and can make unrestricted decisions concerning the life of the child. Indeed, the most obvious legal effect of an adoption order is that it severs all parental rights and obligations between the adopted child and his biological parents. It establishes the legal relationship of parents and legitimate child between the adopter and the adopted child and completely transfers all the duties, obligations and liabilities to the adopted parents who shall begin to act as if they were the natural parents of the adopted child. Moreover, the child becomes a complete member of the adopter's family, takes on the adopter's surname and assumes the rights and privileges of a biological child, including the right to inherit the property of the adopter. Thus, for the purposes of the devolution of the property on the intestacy of the adopter, an adopted child shall be treated as a child born to the adopter. Where a husband and wife are joint adopters of a child, they shall in respect of the matters specified under section 141 and for the purpose of the jurisdiction of the court to make orders as the custody and maintenance of and rights of access to the children stand to each other and to the child in the same relationship as they would have stood if the child were their natural child, and in respect of those matters, the child shall stand to them in, the relationship of a child born to the adopters. There is also a deemed relationship of consanguinity between the adopter and the adopted child. Indeed, marriage between the natural child of the adopter and adopted child is deemed null and void. In essence, such a relationship of consanguinity is equally created between an adoptee and a natural child of the adopter. Accordingly, marriage between the adopter or between his natural child and the adoptee is absolutely prohibited and rendered null and void.⁴³ Also, an adopted child cannot marry the daughter or son of his adoptive parents, because the effect of the adoption order is to create blood relationship between them.

³⁸ CRL, s 135 (2).

³⁹ *Ibid*, s 135 (3).

⁴⁰ *Ibid*, s 135 (7).

⁴¹ *Ibid*, 135 (6).

⁴² *Ibid*, 135 (5).

⁴³A Akinwumi, 'The practice of Child Adoption and its Legal Implication in Nigeria', <http://www.harlemsolicitor.com/2021/02/07/the-practice-of-child-adoption-and-its-legal-implication-in-NNigeria>>accessed 27 June 2022.

6. General Requirements for Adoption

In Nigeria, each state of the Federation has its own Law regulating the procedure for the adoption of children. However, in spite of the existence of diverse law on adoption in Nigeria, the following conditions are common with most states including Anambra state:

- (i) The process for adoption usually starts from designated state agency. Nigerians adopting from their native country can adopt family members or children legally available for adoption from orphanages through the state adoption authority. In Anambra State, it is the Ministry of Women Affairs and Social Development.
- (ii) The activities of state agencies are run by social welfare officers who ensure that an applicant is a proper person to adopt the child. This is condition precedent before seeking adoption order from court.
- (iii) A prospective adoption person or parent must not be less than twenty-five years of age and is, at least twenty-one years older than the child⁴⁴.
- (iv) The applicant or in the case of joint application both or at least one of them and the child should be resident in the state⁴⁵. The residency of the applicant or applicants in case of a joint application must have been for at least 5 years⁴⁶.
- (v) A single male may not be allowed to adopt a female child unless the court is satisfied that certain exceptional circumstances exist to justify such adoption.
- (vi) A child is only legally adopted after an adoption order has been made by a court of law.
- (vii) Adoption order will not be made unless a child has been in the care of a prospective adopter three months preceding the application for adoption⁴⁷.
- (viii) The consent of biological parents or guardian of a child for adoption must first be obtained before an adoption order can be made, unless the court is satisfied of the need to dispense with such consent⁴⁸.
- (ix.) An adopter must be ready to enter into a bound binding him or her to take good care of adopted child, give the child right to inheritance, take him or her out of the country only with the permission of the their social welfare officer and give social welfare officers access to inspect the home of the adoptive parents periodically.
- (x.) The child to be adopted and the prospective adopter must reside within the state where application is made and must be citizen of Nigeria⁴⁹.

7. Conditions and Consideration for Making Adoption Order in Nigeria (Eligibility Test)

In practice, the court prefers that an applicant must fulfill the condition precedent at the child welfare department and obtain a report stating that the applicant is proper person to adopt the child. However, the court needs to satisfy itself that the applicant has attained the age of twenty five years and at least the applicant must be twenty one years older than the child to be adopted. Thus, adoption is not restricted on marital status. Also, the applicant must be resident in the same state as the child and must have been resident in the applicant state for at least five years. The applicant must be a citizen of Nigeria and in the case of joint application; both parties and one of them must also be citizen of Nigeria. Moreover, the child must have been in the care of the applicant(s) at least 3 consecutive months preceding the date on which the order is made. The applicant must also have informed the social welfare officer of his intention to adopt the child at least twelve months before the making of the application. Perhaps, adoption in Nigeria is not restricted to any gender. However, the child must be the same sex as the person adopting.⁵⁰ In assessing the child suitability for adoption requires that the court ascertain as far as practicable the wishes and emotional feelings of the child regarding the adoption having regard to the age and understanding of the child. Moreover, no adoption order, can be made unless every required consent has been obtained and before making an adoption order, the court shall satisfy itself that every consent requires under the law has been obtain; that every person who has given his consent understands the nature and effect of adoption order, that those who must give consent must understand the nature effect of the adoption order⁵¹. Such consent must be full and therefore free. Where there is evidence of undue influence either way, the court will refuse to make an adoption order. Thus, an applicant must not have received or agreed to receive and no person must have made, give to the applicant except payments ordered by the court⁵² and consent may be obtained in writing.

⁴⁴ CRL, 34 (i) (a).

⁴⁵ *Ibid*, s 134 (i) (b).

⁴⁶ *Ibid*, s 134 (i) (c).

⁴⁷ *Ibid*,s 134 (i) (e).

⁴⁸ *Ibid*,s 134 (1).

⁴⁹ *Ibid*, s 134 (1) (d).

⁵⁰ CRL, s132 (c).

⁵¹ *Ibid*, 135.

⁵² *Ibid*, s 136 (d).

8. Conclusion and Recommendations

This paper has analyzed the Child's Right Law and adoption practice in Anambra State. The Child's Right Law 2004 is the principal legislation regulating adoption in Anambra State which sets out the required qualification a person must fulfill to be eligible to adopt a child. The writers found out that the procedure for adoption practice under the Anambra State Child's Right Law, 2004 is relatively cumbersome. The provisions require adopters to complete various processes before adopting a child from an authorized and regulated child care facility or orphanage thereby leading to illegalities, system vulnerabilities and corrupt practices within the child adoption domain; hoarding of adoptable children, request for extra adoption charges, diversion of already identified children and procedural circumventions. These acts have the tendency to threaten the consideration of the best interest of the child which should be the paramount consideration in the placement of children who are to be adopted. The writers therefore recommended that active measures should be taken to make child adoption process more effective and less cumbersome. Security personnel should enforce the criminalization of the provision of the law against sharp operation of adoptions and make sure that there is reliable adoption investigation. Courts too should not hesitate to annul adoption obtained illegally. Again, Government induced austerity and financial deprivation in the child care system create the opportunity for adoption officials to request for undue charges under the claims of deploying same for adoption investigation. Poor remuneration and poor logistic conditions of adoption official heightened the risk of corruption and Government should improve these service conditions. Most states in Nigeria that have not domesticated the Child's Right Act, should do so to realize adoption uniformity envisaged by the Act. The northern states do not support the practice of child adoption as in the Act. They rather have an alternative child placement arrangement called 'ka falah' which is rooted in the Islamic religion system. This Lacuna is constantly being leveraged on by unscrupulous elements to penetrate illicit adoption practices. Overtly explored, it is behooving of concerned stakeholders to take targeted steps towards implementing proactive strategies that would ensure a unified system of adoption in Nigeria and curb to the barest minimum illicit adoption practices.