

CHILD ADOPTION IN ANAMBRA STATE OF NIGERIA AND THE PERCEPTION IN SOME OTHER JURISDICTIONS*

Abstract

Child adoption in Nigeria generally, has been officially recognized by virtue of its inclusion in the Child's Right Act, 2003 and the Child's Right Law of states respectively, but its acceptability and practicability become another hurdle. People in urban areas tend to adopt with ease than those in rural areas where the requisite knowledge and information in most cases are not imbibed. Adoption of children is an alternative means of acquiring children, this is because it gives childless couples children just the same way as biological parents, thereby curbing childlessness if both parties to it agree. At the same time providing comfortable home and care for the adopted child. This study seeks to revenue adoption in Anambra State of Nigeria, then takes a look at how it is been perceived by other jurisdictions, whilst considering the laws and its acceptability in Nigeria. It is recommended that workshops should be organised, especially within most rural areas to sensitize the rural people about the Legality of adoption so as to enhance the acceptability of Child adoption in Anambra State of Nigeria. It is hoped that this measure and others will encourage child adoption on the part of intending adopters and boost the self confidence of the couples, as well as the adopted child.

Keywords: Child Adoption, Perception and Acceptance, Legal System Jurisdiction, Nigeria

1. Introduction

Since 400AD, Adoption has been in practice one way or the other among orphans. The Romans formed their first orphanages around 400 AD. Jewish law prescribed care for the widow and the orphan, and Athenian law supported all orphans of those killed in military service until the age of eighteen¹. Plato Laws, 927) says: 'Orphans should be placed under the care of public guardians. Men should have fear of the loneliness of orphans and of the souls of their departed parents. A man should love the unfortunate orphan of whom he is guardian as if he were his own child. He should be as careful and as diligent in the management of the orphan's property as of his own or even more careful still.'² The care of orphans was referred to Bishops and, during the Middle Ages, to Monasteries. As soon as they were old enough, children were often given as apprentices to households to ensure their support and to learn an occupation. In recent times, the healthiest living condition for a child is obviously with a family who will love and nurture as well as provide food, shelter and clothing that will ensure the child's survival. Unfortunately, this is not the reality for many of the world's children. Today's international orphans usually have parents but they have abandoned them or their parental rights have been terminated. Orphanages are part of every societal culture. How good or how bad an orphanage is depends on the particular country outlook on abandoned children and obviously the financial situation of these countries. Most children whose parents' rights are terminated are adopted within 13 months.³ However, since numbers of adoptions have not kept pace with numbers of terminations each year, more and more children are left in legal limbo destined to live life as 'legal orphans'(children without legal parents).⁴ Consequently adoption has been made a government affair in Nigeria and the processes differ from State to State. The different and varying Ministries of Women Affairs of various States of Nigeria control, regulate and supervise adoption.

In Anambra State, which is one of the States in the South Eastern Nigeria, orphanages are commonly known as community children's home. According to section 189⁵ the State government shall see to the establishment of a community home which entails the care and accommodation of children looked after by it. Section 189(4)(5)⁶distinguished the different types of homes, which are the controlled and assisted home. A controlled home emanates where the state government is responsible for the management of the community home provided usually by a voluntary organization, while an assisted home emanates where the voluntary organization is

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¹ C.G Herbermann, E A Pace, C B Pallen, T TShaheen, and J J Wynne *'The Catholic Encyclopedia, Volume XI'. Encyclopedia press INC 1913, New York.*

²C.G Herbermann, E A Pace, C B Pallen, T TShaheen, and J J Wynne *'The Catholic Encyclopedia, Volume XI'. Encyclopedia press INC 1913, New York.*

³The AFCARS Report #20. The mean time elapsed from termination of parental rights to adoption is 13.1 months. The median is 9.2 months.

⁴ . 'Juvenile Courts, Etc.' § 63, *American Jurisprudence* 2d (2008).

⁵ Childs Right Law of Anambra State 2006

⁶ ibid

responsible for the management of the community home provided by the voluntary organization. Section 190⁷ further stipulates that the commissioner has the right to discontinue the use of any community home found unsuitable. We had the opportunity of meeting the desk officer in the Ministry of Women and Child Welfare Anambra state, who provided us with the practicable requirements for a standard orphanage to include thus; neatness of the environment and home, it must have been registered with the Corporate Affairs Commission (CAC), and the building structure should be standard.

2. Concept of Child Adoption

The free legal dictionary defines adoption as ‘a two-step judicial process in conformance to state statutory provisions in which the legal obligations and rights of a child towards the biological parents are terminated and new rights are created between the child and the adoptive parents’⁸. It has also been further defined as an order vesting the parental rights and duties relating to a child in the adopters made on their application by an authorized party⁹. Child adoption is a universal concept that provides legal rights for adopter and adoptee to become a family. An adopted child is a child in respect of which an adoption order has been made¹⁰. Adoption is effected by a court order which vests parental responsibility for a child in the adopter(s) and extinguishes the parental responsibility of the birth parent.¹¹ The effect of an adoption order is that the child is treated as if he or she is born as a child of the marriage of the adopter(s) and not as the child of anyone else, and is prevented from being illegitimate¹². It is 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 that provide substitute family/home to a child¹³. In our own view, Child adoption is a legal procedure that permits a child born to a person, or people to become in legal terms the son or daughter of another.

There are two basic forms of adoption in Nigeria. These are Customary and Statutory Adoption. Customary adoption may be formal or informal.¹⁴ The purpose of formal adoption is to formally transfer the parents’ rights and duties of the child to the person seeking to adopt the child, which is a crucial aspect of the adoption. Upon such transfer, the adopter then publicly declares his intention to regard the child in question as his own. In *Akinwande v. Dogbo*¹⁵ X took the child of his deceased sister into his household and the child lived there over a long period of time. During this time, X was responsible for the child’s maintenance and upbringing. Thompson, J. held that the child was adopted by X under customary law, this decision brings out the defects of customary law adoption. For instance X’s responsibility for the maintenance and upbringing of the child is capable of several interpretations including evidence of guardianship or adoption. On the other hand, an informal adoption is not characterized by any formalities. It occurs upon the person seeking to adopt the child, usually the child of a relation, into his own family and treats the child as his own¹⁶.

Statutory adoption is the formal and legal type of adoption governed by the provisions of the statutes i.e., written laws. Such laws usually provide for the qualifications of persons eligible to adopt and be adopted, conditions for adoption, consents required before adoption, procedures to be followed in adoption matters and the legal effects in adoption. Notably, Statutory adoption permanently extinguishes all the rights, liabilities and duties of parents in relation to the child, while customary adoption does not permanently sever the legal relationship between the child and its natural parents.¹⁷ Rather the relationship between the child and the Parents remains intact. There are different types of adoption amongst the Igbos which includes Anambra State of Nigeria and they are domestic adoption, foster-care adoption, open adoption and close adoption.¹⁸

⁷ ibid

⁸The free Legal dictionary, ‘Definition of Adoption’ (2005) www.legaldictionary.thefreedictionary.com/adoption(accessed)25 January 2021.

⁹ ibid

¹⁰*Sheila Bone Law Dictionary* By Osborns Concise, 9th edition, page 19

¹¹Section 12(1) of the Adoption Act, 1976

¹²*Ibiam V Ibiam & Anor* (2017) LPELR-42028(CA)

¹³Aniebue, P.N, & Aniebue, U.U. (2008). Adoption practices in Enugu, Nigeria. *Nigerian Journal of Clinical Practice*, 11(1), 5-8.

¹⁴A.C. Osondu, *Modern Nigerian Family Law & Practice*. Lagos, Printable Publishing Company, 2012, p.257 (1974) 8 Nig.L.J 134

¹⁶A. C. Osondu *Modern Nigerian Family Law & Practice*. Lagos, 2012, p. 257.

¹⁷*Ibid*.p258

¹⁸Oluwatosin O. Ogwezy, *op cit*. pp. 59. Igbo Culture and Socialization, (Uzoma Onyebuchi, University of Michigan, Ann Arbor); In www.kwenu.com, Igbo People, A Free Wikipedia Encyclopedia; In www.wikipedia.com

Domestic Adoption: Domestic adoption is the adoption of a child who resides in the vicinity or country. For instance, adopting a child who resides in the area where the adoptee parents also lives.

Foster-Care Adoption: Foster-care adoption is the adoption of children in state care whose reunification with their parents is not possible for their safety. Children whose safety is not guaranteed by their parents are kept in foster homes so that they will not be hurt by their parents. Usually, people can go and adopt such children to help them.

Open adoption: In this type of adoption, there is free flow of information between the biological parents and the adoptee's parents.

Close adoption: Is the type of adoption that prevents all identifying information from being shown between the adoptive parents and the adoptee. Generally, in Anambra State close adoption is the type of adoption that is legal. This is because the adopter parents do the necessary paper work which must be in line with the legal procedures. The adopter parents will have no knowledge of the biological parents and the biological parents will not also have any knowledge of the adopter parents. This arrangement is to avoid the biological parents from coming to claim paternity of the adopted child later in life. Meanwhile, the expensive nature of this type of adoption makes it unpopular for the middle class and the poor in the society.¹⁹

3. Acceptability of Child Adoption in Anambra State

Due to the effect of globalization, economic instability, poverty, limited resources, there has over the years been increase in the number of juveniles in need of adoption in Nigeria. There also exist those that may as a result of the necessity to get a companion for an only child, stabilize a marital union, replace a late child or sustain a specific line of descent, need a child for adoption. The method of adoption in Nigeria is thus one that permits for people or couples who would rather be without a child to assume parentage over a child who might either be of known or unknown origin, while at an equivalent time, presenting the adopted child the chance of a secured, loving home throughout childhood and beyond. In the Adoption Law of Anambra State, a parent adopts and integrates a child adopted into his/her family, and the child is entitled to all the rights, privileges and obligations in the estate of the Adaptor, including right to inherit or share in inheritance of the adopting parent. The Traditional/Customary Law of the Igbos in the South Eastern Nigeria which includes Anambra State acknowledges this practice of accepting a child of an unmarried daughter as one of the members of the family of the father of the mother. However, this practice appears to be accepted all over Nigeria and it accords with our national Constitution which abhors discrimination of a child or citizen of Nigeria because of the circumstance of his birth. In *Igbozuruike v. Onuador*²⁰ the court held: Thus;

The 1999 Constitution of the Federal Republic of Nigeria must have had the likes of the Plaintiff Appellant in contemplation, when it enacted in Section 42 (1) (a) and (2) as follows: (1) (a) citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person - (a) Be subjected either expressly by or in the practical application of any law... to disabilities or restriction to which citizens of Nigeria of other communities ethnic groups, places of origin, circumstances of birth, sex, religious or political opinions are not made subject, or (b)...(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.²¹

The Court in *Alake v. Pratt*²²; *Bamgbose v Daniel*²³ opines that where the child is adopted or 'acknowledged' by the parent, the same is entitled to share in the estate.

4. Legal Implications of Child Adoption in Nigeria

Nigerian did not until 1965 enact any provisions as regards adoption. This lacuna in most cases usually resulted in legal conundrums because when couples took children into their household with the understanding that they were being adopted, such arrangement could not be regarded as legal adoption as the biological parents of the supposedly adopted child could still take legal actions to assert their natural rights over the child. However, since the enactment of the Eastern Adoption law of 1965 and the subsequent enactment of the Adoption Law of Anambra State 1991 and the Child's Right Act 2003, legal provisions have been made as regards adoption and

¹⁹ Uzoma Onyebuchi, *Igbo Culture and Socialization*, (University of Michigan, Ann Arbor); Inwww.kwenu.com, Igbo People, A Free Wikipedia Encyclopedia; Inwww.wikipedia.com

²⁰ (2015) LPELR - 25530 (CA)

²¹ *Duru v Duru* (2016) LPELR-CA/OW/306/2013

²² 15 WACA 20

²³ 14 WACA 116

its consequent implications in Nigeria. Drawing directly from the provision of Part XIII of the Child Rights Act 2003, the following are the implications of adoption in Nigerian:

Total Transfer of Rights to the Adopting Parents

Adoption implies that the adopting parents shall acquire all rights concerning the adopted child and can now make unrestricted decisions concerning the life of the child. This would also imply that the natural parents of the child shall forfeit all their rights as regards such a child and cannot in future proceed to claim any such rights under the law. Examples of the rights acquired by the adopting parents over the child after adoption includes religious rights, right to appoint a guardian and the right to consent or give notice of dissent to marriage. Section 145²⁴

Right to Inherit from the Adopting Parents

Adoption confers on the adopted child a right to inherit the property of the adopter in the instance of his\her intestacy²⁵; or for the purpose 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. It is pertinent at this point to note that this same rule also will apply, except explicitly stated otherwise, with regards to relatives of the adopted child. Thus, a reference to the brother of the adopted child would be construed as a reference to the person who would be related to him in that degree if he were the natural child of the adopter and not the child of another person.²⁶

Assumption of Parental Duties and Obligations

The process of adoption also sees a complete transfer of all duties, obligations and liabilities under personal law, applicable to the natural parents of the child. This would also translate to mean that all duties in relation to maintenance, supervision and education of the child would now be performed by the adopting parents, we shall now begin to act as if they were the natural parents of the adopted child.

Invalid Marriage

It bears no need for repetition that after adoption, legal relationship, just like that between natural parents and the child is established pursuant to this by virtue of the provisions of section 147(1),²⁷ marriage between the adopter and the adopted child is prohibited. Also, marriage between the natural child of the person who adopted the child and the adopted child is deemed null and void. Section 147(2) of the Child's Right Act 2003, provides for punishment of imprisonment for a term not exceeding fourteen (14) years for anyone who in contravention of the above provision marries an adopted child.

5. Perception in Some Other Jurisdictions

Child Adoption Practices in United Kingdom

As in other developed jurisdictions, in England for instance, an adoption order results in the adopter(s) and the adopted child assuming the same legal relationship. You do not have to be a British citizen to adopt a child, but: you (or your partner, if you are a couple) must have a fixed and permanent home in the UK, Channel Islands or the Isle of Man. The said couple must have lived in the UK for at least 1 year before they begin the application process. If they are approved as suitable to adopt a child by a UK adoption agency, they will be guided through the following steps.

- i. Application will be sent to the Department for Education (DfE) or relevant UK Central Authority to check if it meets eligibility criteria.
- ii. DfE or the relevant UK Central Authority will issue a Certificate of Eligibility to Adopt and send it with your adoption application to the relevant overseas authority – some countries require adoption applications and supporting documentation to be notarized, legalized and translated.
- iii. Once matched, there is need to visit the child in their own country the said visited in writing and the intention to proceed with the adoption.
- iv. There is need to go through adoption court processes in the country one is adopting from and the UK. Once the placement has been finalized, you will need to arrange entry clearance for the child

²⁴ CHILDS RIGHT ACT 2003

²⁵ *Aduba & ors v. Aduba* (23Q2018) LPELR-CA/OW/90/2012

²⁶ S 141(3) of the child's Right Act 2003

²⁷ Child's Right Act 2003

to enter the UK.²⁸ The DfE charges a non-refundable fee of £1,975 for processing an application to adopt a child from overseas. The fee is exempt from VAT.

v. The fee is paid once the application is accepted.

The fee includes case management but does not include legalization, notarization or translation costs.

Child Adoption Practices in India: Adoption under Hindu Law

The Old Hindu Law saw post-independence reforms and one of them was in the form of the 1956 Hindu Adoptions and Maintenance Act (hereinafter referred to as HAMA) codified adoption legislation. It enabled anyone who falls within the definition of the term 'Hindu' as described in Section 2 of HAMA²⁹ to be eligible for adoption for a kid. There have been numerous gradual changes brought about by this new codified law, such as adoption by Hindu women, eligibility for adoption by girls, etc. The Shastric Hindu Law looked at adoption as more sacramental than secular act. Some judges think that time object of adoption is twofold: (1) to secure one's performance of one's funeral rites and (2) to preserve the continuance of one's lineage. Hindus believed that one who died without having a son would go to hell and it was only a son who could save the father from going to Poota. This was one of the reasons to beget a son. Currently, the adoption under Hindu is governed by the Hindu Adoption and Maintenance Act, 1956.³⁰ HAMA offers for the adoption of Hindu kids by Hindu parents. This does not apply to other groups such as Muslims, Christians and Parsis. In India, now several changes to the law regarding adoption have been made under the Hindu Adoption and Maintenance Act, 1956. The most important changes that this Act brought was that it reduced the aim of adoption to secular only and also gave women equal rights to men i.e. now, under this Act both boys and girls may be adopted³¹. Adoption is a noble cause that gives joy to children who have been abandoned or orphaned. This provides an opportunity to shine through the human side of civilization. It is a beneficial program where the child is treated as the natural born child and given all the love, care and attention. At the same time, it fills the void in the parents who yearned for Children, their laughter and mischief echoing off the walls of a home.

In the words of Nicole Schellenger,³² even though few changes could be made to make the laws regarding adoption a little uniform, the existing laws cannot be regarded as not having any positive impact, rather it is time to fill the lacunae with the evolving times and providing uniform law to bring about equal status and equal rights for all. There has been need for a uniform civil code, as the personal laws of all religions have become static and cannot alter at the same rate as the society. The kids of the nation are significantly supreme assets. Their nurturing and solitude are nation's obligations. Children's programs should play a prominent role in domestic human resource development plans to enable kids to grow up to become good citizens; physically fit, mentally alert and morally healthy with the abilities and motivation that society needs. The objective is to provide all kids with equal opportunities for growth, as this will serve bigger aims to reduce inequality and increase social justice. *'If there is a cause worth fighting for, it is this: Children belong in families'*³³ The discussion shows that law provides a status to the adopted child as well as the adoptive family. Communities other than the Hindus do not have a foolproof mechanism of governing adoptions at par with the Hindus. There is no prohibition of adoption in the religious laws of Parsis, Christian, etc., even though none of these communities have personal law of adoption or statutory law to that effect. It will be thus custom which governs adoption in their case. Adoption is a noble cause, which brings happiness to kids, who were abandoned, or orphaned. This gives a chance for the humane side of civilization to shine through. It's a beneficial program where the child is treated as the natural born child and given all the love, care and attention. Adoption is the creation of a new, permanent relationship between an adoptive parent and child. Once this happens, there is no legal difference between a child who is adopted and a child who is born into a family. Adoption once validly made is final and cannot be revoked. The adopted child could not renounce the adoption. The law has further made an express prohibition against the payment of money or other reward in consideration of adoption.

²⁸<https://www.gov.uk/child-adoption/adopting-a-child-from-overseas>

²⁹Hindu Adoption and Maintenance (Amendment) Act 2010

³⁰Docs.manupatra.in (2019),<http://docs.manupatra.in/newsline/articles/Upload/E8EFE493-114B-4E5B-A014682EB1729301.pdf> (last visited Aug 30, 2019).

³¹CHILD ADOPTION IN INDIA – ISSUES AND CHALLENGES, *120 International Journal of Pure and Applied Mathematics* (2019), <https://acadpubl.eu/hub/2018-120-5/4/358.pdf> (last visited Aug 31, 2019).

³² Nicole Schellenger, A former Executive Director of an intercounty adoption Agency, she is considered an authority in Adoption Agency compliance matters, http://www.foxrothschild.com/Nicole_Schellenger.

³³ Nicole Schellenger op Cit.

Child Adoption among African Countries (South Africa and Ghana)

Child Adoption in South Africa³⁴

Like any other societies, African societies have rules and regulations that govern their daily lives. These rules and regulations are intended to ensure both posterity and continuity in community life and customs. Families form the basis of society and each family is designed and fashioned by its members including, most importantly, the husband and wife. In African societies the husband and wife form part of a greater relationship/kinship³⁵ that affects its members. Procreation is, and has always been central to African society. It is believed that through reproduction the family line is preserved. However, other forms of preserving the family line are promoted, and these include adoption³⁶. The word 'adoption' is not defined in any South African statute. However, it has been described as a process by which a person assumes a parenting role over another, usually a child, from that person's biological or legal parent or parents; in so doing, the adopter permanently assumes all the rights and responsibilities of a parent³⁷. The process entails a person or persons taking over the rights and responsibilities of the natural parent of a child. It is a legal act that creates a legal relationship between a parent and a child³⁸. Once the adoption process has been finalized, all the rights and responsibilities of the biological parents cease. Equally, an adopted child loses all legal ties with their birth parents and becomes a legal member of the adoptive family, usually taking the family's name. This process should be differentiated from the concept of foster-parenting. Foster-parenting is a temporary arrangement in terms of which a child is placed in the care of another person without the rights and responsibilities of parenthood being transferred permanently to such a person³⁹.

*Adoption under the Children's Act 38 of 2005*⁴⁰

The Children's Act outlines adoption procedures and processes in South Africa. The Act regulates issues relating to consent to adopt⁴¹, procedures relating to the adoption of children born out of wedlock⁴², exclusions regarding consent, and the issue of who is eligible to adopt a child⁴³. Among those who are permitted to adopt a child are married couples, partners in a life-partnership (including same-sex partners), a person who has married the natural parent of a child, or a single person (a widow or widower or an unmarried or divorced person) with the consent of the Minister⁴⁴. Section 18 of the Act further requires that the adoption of a child shall be effected by a court order. This invariably means that an adoption that has not been endorsed as prescribed is not recognized as such. The Children's Act also defines an adopted child as a child adopted in terms of any other law⁴⁵. It further provides that an adoptive parent⁴⁶ includes a parent who has 'adopted a child in terms of any other law'. It provides further that a child is adopted if the child has been placed in the permanent care of a person in terms of a court order that is contemplated in terms of section 242⁴⁷ of the Act. Section 242 provides for the implementation of an adoption order, which includes terminating the responsibilities that any person may have had towards the child prior to the order. The order confers full parental responsibilities and rights in respect of the child upon the adoptive parent; allows the child to adopt the adoptive parents' surname, and prohibits marriage or sexual intercourse between the child and the adoptive parent. All property lawfully possessed by the child prior to the adoption remains theirs and is not transferred to the adoptive parents. The entire process gives

³⁴ Stephen Monye, *op cit.*,

³⁵ African cultures see kinship differently from Europeans. Kinship is created through cattle – not necessarily through procreation. Literally translated, '*Ngwana o tswalwakegomo*' means 'cattle not men begat children'. In custom, an adult man can be adopted into any family by giving a cow, a bull or an ox (*kgomo*). In marriage, a woman's child-bearing capacity is transferred to her husband's family through the giving of cattle.

³⁶ Stephen Monye, *Customary Law and Adoption: The 'O E Gapa Le Namane' Custom as a Reflection of Customary -Law Development In South Africa*, Journal of Law, Society and Development, Vol. 4, No. 1, pg. 1.

³⁷ D Singh, Adoption of children born out of wedlock, 1996 *De Jure* at 305. See further TL Mosikatsana 'Comment on the adoption by K and B' (1995) 31 CRR (20) 151 (OntProvDiv) 1996 at 582.

³⁸ See *Robb v Mealey's Executor* (1899) 16 SC 133–136.

³⁹ Stephen Monye, *Customary Law and Adoption: The 'O E Gapa Le Namane' Custom as a Reflection Of Customary -Law Development In South Africa*, Journal of Law, Society and Development, Vol. 4, No. 1, pg. 3.

⁴⁰ (Hereinafter referred to as the Children's Act).

⁴¹ Sections 233 and 236.

⁴² Sections 237 and 238.

⁴³ See s231.

⁴⁴ S231.

⁴⁵ S 1 of the Children's Act. It was initially defined as 'a child adopted under the provisions of Chapter 4 of this Act or of the Children's Act, 1960 (Act 33 of 1960), or of the Children's Act, 1937 (Act 31 of 1937), or of the Adoption of Children Act, 1923 (Act 25 of 1923)'.

⁴⁶ S1 of the Children's Act initially defined as 'a person who adopts or has adopted a child under the provisions of Chapter 4 of this Act or of the Children's Act, 1960 (Act 33 of 1960), or of the Children's Act, 1937 (Act 31 of 1937), or of the Adoption of Children Act, 1923 (Act 25 of 1923)'.

⁴⁷ S 242.

effect to the creation of a parent–child relationship between the adopting parties and the adoptee. The Act further regulates who may adopt a child. Of significance here is that a child may be adopted by a married person whose spouse is the parent of the child or by a person whose permanent domestic life partner is the parent of the child⁴⁸. The section further allows for the biological father to adopt a child born out of wedlock. This section also caters for instances where a male spouse sires a child while married or before marriage to another woman. The Act further allows foster-parents to adopt the children being fostered by them. Section 230 provides a list of children who are adoptable and makes any child adoptable if it is in the interests of the child to be adopted. The requirements for adoption are to be welcomed as they make it easier to identify formal adoptions. This is more apparent as a result of the fact that the order for adoption is made by the Children’s Court after it has considered the application for adoption in terms of section 240 of the Act.

Child Adoption in Ghana

Ghana is one of the world’s fastest growing economies and does not have a lot of civil unrest in its history. It ranks in the top quarter of the world’s most peaceful countries, so families are sure to feel comfortable traveling for their adoption. Adoption in Ghana is handled by the Department of Social Welfare (DSW) - Client Services Unit, and the local court system. Families will work with CAN’s lawyer and local representatives to submit their dossier to the DSW, who issues the referral, and later to the court for final approval of the adoption. Adoptions in Ghana are only legal when the DSW approves them, and they are only complete once the court approves them. Ghana is not party to the Hague convention.

Child Adoption under the Ghana Children’s Act 1998⁴⁹

Fosterage and adoption is covered under part IV of the Children’s Act⁵⁰. This part is sub-divided into four sub-parts, sub-part 1 to sub-part 4 and covers section 62 to section 86. An application for an adoption order may be made jointly by a husband and his wife to adopt a child⁵¹. An application for an adoption order may be made by the mother or father of the child alone or by either of them jointly with a spouse.⁵² An application for an adoption order may be made by a single person subject to the provisions of this Sub-Part except that this shall only apply to a citizen of Ghana and with due regard to the best interest of the child.⁵³ Fundamentally adoption in Anambra State and other Jurisdictions provides the Child with a home where he or she would be properly taken care of and the adopter parents’ sadness of childlessness will be removed, bringing happiness in the said family.

6. Conclusion and Recommendations

From the foregoing, one could see the challenges of child adoption in the Igbo cultural heritage, South East, Nigeria. Though globalization has brought lots of changes into Igbo culture thereby making some families benefit from child adoption, homeless and motherless children are also given a home. Some hopeless children who were denied of parental care were adopted by families and were given hope. Again, the practice of adoption seeks to permanently sever the relationship between the adoptee and his natural family. What if the adoptee wants to go back to his natural family in the future? Adoption should therefore be reserved only for children whose parents are unknown but for some other categories of children, foster parenting or guardianship would be preferable as such juveniles would be free to maintain contact, no matter how trivial, with their natural families. It is of utmost necessity that the benefit of child adoption cannot be over emphasized. Therefore, there is the need to disabuse the wrong ideology of Igbo man over adoption. It is good that investing in a human being is the greatest investment one should embark on. From every possible indication, the need for orientation on child adoption and the values inherent in it cannot be played down on. Taking care of our fellow human being through child adoption is another way of helping each other and becoming a steward of our fellow humans and thus respecting the call of God in the book of Genesis. Adoption in some other Jurisdictions under discuss is basically to give a sense of belonging, care and family Life to the adopted child and wipe the tears of Childlessness from the adopter. Child adoption is supposed to give couples parental control of a child. It is also supposed to be an alternative for couples who have no child of their own, thereby giving them the opportunity to have a child of their own. Unfortunately, the idea has been misinterpreted or misunderstood and, in some cases, perception and cultural beliefs have affected the acceptability of adoption amongst the Igbos of Nigeria land. This paper therefore makes the following recommendations:

⁴⁸S 231(c).

⁴⁹ The Children’s Act 1998 (Act 560) of Ghana

⁵⁰ The Children’s Act 1998

⁵¹S.66(1) Children’s Act 1998.

⁵²S.66(2) Children’s Act 1998.

⁵³S.66(3) Children’s Act 1998.

- (a) The government, Non-governmental organizations, community based health education programmes should create awareness through workshops and seminar and educate the societies on the importance and benefits of adoption to infertile couples.
- (b) The hospitals, government's agencies that handle the process of adoption should be properly trained to keep proper records and maintain confidentiality of the adoptees and the child to be adopted, with this the adoptees will be confident and rest assured of the child they are adopting.
- (c) Adopters should also ensure that an adopted child automatically and legally becomes their own child, they should take proper care of the child the same way they will take care of their own biological child.
- (d) Government should give strict modalities and monitor any adopted child to make sure that the adopter parents are taking good care of the children in their custody.
- (e) A child who is not wanted by the parents, should be taken to the motherless babies home so that those who are in need of children can adopt them and give them a home. If eventually the biological parents come for him later in life, government legislation should be used against them.
- (f) The church and Non-governmental organizations should always preach on the importance of child adoption and the benefit of taking care of the adopted children.
- (g) Medical professionals should keep to the ethics of their profession by being truthful about child adoption, with this, the adopters will be confident about the child he/she is adopting.
- (h) Government, NGOs and missionaries should build more modern facilities for the homeless, orphans and less privilege. This will go a long way in keeping them off the streets and road. Such facilities should be extended also to the rural areas.