

Abstract

The sole purpose of foster care is to create a safe haven for children, who by varying circumstances are unable to live under the care of their biological parents. However, what happens when safety eludes children, even under foster care? Is foster care automatic for children whose parents are unavailable by reasons of poverty, abandonment, divorce, death, neglect or imprisonment? Should there be preconditions fulfilled before a child is boarded out to foster care? This article focuses on these dynamics of foster care in the light of the negative realities faced by children placed therein. It is noted that the current wave of abuse of children under foster care in Nigeria, particularly those fostered informally, calls for introspection on the part of government, families and other stakeholders to consider the principles of necessity and suitability before a child is boarded out to fosterage. This is particularly important in Nigeria where there is widespread placement of children under informal foster care without recourse to whether such placement is necessary or suitable bearing in mind the best interest of the child. The methodology used for this research is doctrinal. It relied on primary and secondary sources such as the Child Rights Act, Statutes, Conventions, Guidelines as well as dictionaries, articles, journals, and the internet respectively. This article concludes that foster care should be a matter of last resort. It proposes the exhaustion of primary, secondary and tertiary preventive measures in the bid to avoid foster care and unnecessary placement of children but where placement is inevitable, there should be suitable foster care homes to meet the peculiar needs of children in need of care.

Keywords: Foster Care, Unregulated Practices, Woes, Nigeria

1. Introduction

Generally, the ideal environment to raise children is under the care and nurture of their biological parents and so they should never be separated from them except where there are adverse situations working against the best interest of the child such as abuse and neglect by the parents.¹ While family unity is crucial, there are numerous circumstances that may disrupt this pattern and provide an opportunity for parents or child protective authorities to pursue alternative/foster care for children. Factors such as high-level poverty, imprisonment or death of one or both parents, abandonment, neglect, divorce, permanent relinquishment, administrative or Court decision to remove parental care in the best interest of the child, medical treatment and other specialized care for a child (for instance-disability), ensuring access to education,² mandated or voluntary reports of suspected child maltreatment³ as well as application by an intending foster parent.⁴ When these circumstances occur, foster care, being a species of alternative care becomes a safe haven for nurturing, caring, and protecting children. Notwithstanding, these extenuating circumstances have also increasingly plunged children into mysterious homes shrouded in sheer abuse, misery and violations of their human and fundamental rights. Thus, it is best practice to avoid unnecessary foster care through preventive approaches. By establishing preventive preconditions to child fosterage, the risk of children to certain vulnerabilities can be avoided or better managed, depending on prevailing circumstances. To this extent, foster care should ordinarily be an option of last resort and subject to the principles of necessity and suitability.⁵

This study explores the subject of foster care in Nigeria, highlighting practices and realities of children under foster care. The practice of foster care in Nigeria is firmly rooted in the culture and religion of the people. It is an expression of persistent traditional kinship solidarity and it is instrumental in creating and enforcing ties between individuals or social groups.⁶ It encourages fulfilment of religious obligations being that most religious beliefs have an underpin value of caring for children. Albeit, due to the current trends in developing countries like Nigeria especially in cities, there now exists a departure from the way and manner of raising, caring, nurturing and protecting children. The quest for materialism and the increasing level of poverty has now exposed children to many risk factors within the informal foster care system in Nigeria. Some of these risk include poverty, deprivations from access to education and health facility, maltreatment, child labour, child trafficking, mental health difficulties, sexual and physical abuse and other forms of vulnerability. This article argues that these existing practices are characteristically harmful to the formation and upbringing of the Nigerian Child. The lack of a comprehensive legal regime on foster care and the slow-paced response of the government to the menace attributed to foster care as currently practiced, lack of standardized care homes to suit the individual needs and peculiarities of a child are underscored as some of the key challenges militating against the institution of a sustainable foster care system. On the sidelines, social, cultural, and economic factors are

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¹ Article 9, United Nations General Assembly, Guidelines for the Alternative Care of Children', Resolution/ Adopted by the General Assembly, A/RES/64/142 of 24 February 2010 [2010] <<https://www.refworld.org/docid/4c3acd162.html>> accessed on 23, June 2025.

² Getting Care Right for All Children: Implementing the UN Guidelines for the Alternative Care of Children' - <<https://www.futurelearn.com/courses/alternative-care/4/steps/621529>> accessed on 5 July 2022

³ S.A.Font and E.T Gershoff, 'Foster Care and Best Interest of a Child Integrating Research, Policy and Practice' (Springer Nature Switzerland AG, Gewerbestrasse, Switzerland 2020) 3.

⁴ s.100 of the Child Rights' Act, (CRA) Cap C50 Laws of the Federation of Nigeria (LFN) 2004(was passed by the National Assembly on 31st July,2003 as Act No.26. An Act to provide and protect the Rights of the Nigerian Child and Other Related Matters)

⁵ (n 2)

⁶ C. Vandermeersch 'Child Fostering under Six in Senegal in 1992-1993', *Population (English Edition)*, [2002] (57) (4/5) 659-685. <<https://doi.org/10.2307/3246661>> accessed 25 January 2023.

deemed contributive to the current spate of child trafficking and all sorts of child rights violations that are currently experienced daily. This article further highlights the need to address the menace of unnecessary placement of children under foster care, suggesting that all conditions and prerequisites to avoid fostering must be exhausted before it is considered for a child under strict regulatory foster care laws, socio-economic policies and properly built foster care homes that are suitable and meet the peculiar needs of children in need of care.

2. Foster Care in Nigeria: Practice and Realities

The Child's Rights Act⁷ which is the primary legislation pertaining to the rights of children in Nigeria, does not define child fosterage or foster care, neither does it define the various typologies of foster care. Nevertheless, foster care means to give care to something or someone.⁸ It is the parental care given by someone not related by blood or legal adoption; giving or receiving parental care to or from someone not related by blood or legal adoption.⁹ Fosterage is the act of caring for another's child, the entrusting of a child to another. Similarly, it means the condition of being in the care of another.¹⁰ Furthermore, foster care also means a federally funded child welfare program providing substitute care for abused and neglected children who have been removed by Court order from their parents' or guardians' care or children voluntarily placed by their parents in the temporary care of the state because of family crises.¹¹ Foster care placement likewise involves the act of placing a child in a home with a person or persons who provide parental care for the child.¹² A foster home, which could be a group or individual home, can be defined as a household in which foster care is provided to a child who has been removed from his or her birth or adoptive parents, usually because of abuse or neglect. Group Foster care is the placement of a child in an intimate or homelike setting in which a number of related or unrelated children live for a varying period of time with a single set of house parents or with a rotating staff of trained caregivers.¹³ Foster care generally means the formal and informal custodial care of children outside their biological family home when their parents are unable, unwilling, or prohibited from caring for them.¹⁴ Fostering could as well be described as the undertaking by a family to look after someone else's child for a few days, weeks, months, even sometimes many years, for an allowance or fee¹⁵ or even voluntarily.

Flowing from the above definitions, Foster Care is made up largely of two components: formal care and informal care. While Formal care means all care provided in a family setting, as ordered by a competent authority as well as care provided in a residential facility, whether or not it has been ordered or approved by a competent authority.¹⁶ On the other hand, Informal Care includes all arrangements made privately whereby a child is looked after by extended family members or others in the community who have known the child without the intervention of competent authorities.¹⁷ It refers to a process whereby birth parents agree with relatives to care for their child, and it is generally unregistered, uncounted, and unevaluated.¹⁸ Competent Authorities mean any officially designated body, for instance, a court, social service, or other State or non-State body, delegated with the right and obligation to make decisions relating to alternative care.¹⁹ Informal care can further be branded into two sub-categories *to wit*: -a) Informal Kinship Care: This involves a situation where parents place their children under the care and supervision of extended family members or relatives; b) Informal Foster Care: This means typically placing the children under the care of someone close to the family without any legal proceeding or regulation by the Government.²⁰

In Nigeria, despite the CRA's²¹ provisions of formal foster care, most child fostering cases are based on informal care, which is not supervised or regulated, making it prone to child abuse. The informal child fosterage system is one where children are transferred or relocated from their biological parents or made to live with relatives and non-relatives, also known as foster parents, and it is very largely practiced in West Africa²² and Nigeria inclusive. This customary system of child fosterage is largely unguided and unregulated by any law in Nigeria and therefore subject to abuse. There are no established or organized

⁷ (n.5)

⁸ B.A Garner, (ed) *Black's Law Dictionary* (9thedn Thomson Reuters:2014) 727

⁹ Ibid

¹⁰ Ibid

¹¹ Ibid

¹² Ibid.

¹³ Foster Family Renewed hope and a New Life: A Study on the Practice of Foster Care for Children in India, a Paper Presented by The Australian National Imams Council (ANIC). National Research and Documentation Center, Bangalore- India <<https://www.anic.org.au/wp-content/uploads/2021/07/Islamic-Position-On-Foster-Care-Adoption-Guardianship.pdf>> accessed on 10 March , 2024

¹⁴ Foster Care is the Formal and Informal Custodial Care of Children, <<https://www.ipl.org/essay/Foster-Care-Is-The-sFormal-And-Informal-F3QNZC6HESCFR>>accessed on 2 February, 2023

¹⁵ Ibid

¹⁶ Introduction to Terminology of Alternative Care of Children, <<https://www.futurelearn.com/courses/alternative-care/4/steps/621537>> accessed on 26 June, 2025

¹⁷ Ibid

¹⁸ U.C Isiugo-Abanihe, 'Child Fosterage in West Africa' [1985] (11)(1) *Population and Development Review* 53-73. <<https://doi.org/10.2307/1973378>> accessed 27 June, 2025.

¹⁹ Ibid

²⁰ Non-Formal Mechanisms for Children's Care and Protection < <https://bettercarenetwork.org/library/social-welfare-systems/non-formal-mechanisms-for-childrens-care-and-protection>> accessed on 30 May 2025.

²¹ (n4) which provides that a person who wants to foster a child should apply to court within the jurisdiction in which the person and the child reside at the date of the application.

²² (n18)

regulatory or legal procedures to govern this highly practiced informal child fostering care system. The Nigerian government also lacks an established system that funds foster care or aids vulnerable families, preventing handicapped parents from enrolling their children in foster care. This laxity in regulating informal child fostering has led to the current level of abuse and social injustice against children in Nigeria's polity. According to Nnama-Okechukwu,²³ there is no denying the fact that informal fostering brings tremendous benefits for the child and the extended families. However, the current trend of abuse within the system cannot in any way be swept under the carpet. Unlike the formal system of child fostering under the CRA where the foster parents are accountable to the court, a disobedience of which can lead erring foster parents to conviction, foster parents under the informal system are less accountable to such institution, at best what is obtainable is a relative accountability to the concerned family head with no legal authority to advance the welfare of fostered children placed under alternative care.²⁴

According to research conducted,²⁵ informal care was the most common form of care in Nigeria and involved a traditional practice where children are assimilated into extended family circles. The child could also be placed under the care of a family friend known as informal foster care.²⁶ The National Human Right Commission also identified that there have been an avalanche of complaints stemming out from the informal foster child care system and a lot of human/child rights abuses and violations take place under this guise.²⁷ Similarly, other research reveal that children in informal care have lower rates of school attendance than children in parental custody.²⁸ For instance, many children are taken away from their biological parents with a firm promise to provide care and education to the children as a result of the inability of their parents to cater for them, but in most cases, these children are used as domestic servants and are subjected to all manner of forced labour and deprivation from education. There are instances where the child or youth may be saddled with too many tasks or encounter intra-household discrimination thereby occasioning absence from school. There could also be incidences of misconceptions and discrimination by teachers and school administrators resulting in children dropping out of school. The enrolment rates of students at schools could vary greatly from the actual attendance rate owing to expulsion for failure to pay fees and other costs.²⁹

Furthermore, on informal foster care, while nearly all states in Nigeria have taken a cue from the CRA³⁰ by enacting provisions in their Child's Rights Laws which provide for the formal conditions precedent before a child can be fostered. For instance, the CRA³¹ provides for who may foster, the need for a fostering plan and preparation for and supervision of the placement, on the other hand, a detailed examination of the CRA³² clearly reveals that the available legal framework on foster care is in favour of institutionalized or formal based care. There is no provision to regulate informal foster care. In other words, the scope for informal foster care is still largely limited and services not administered. Foster parents in the informal setting are still not assisted with training³³ to enable them properly cater for children. Many parents for several reasons allow their children to live with relatives or strangers for different beliefs based on socio-economic reasons and the strengthening of family ties based on the African belief that it takes a community to raise a child.

Foster care practice in Nigeria can therefore be described as an intricate and dynamic phenomenon, influenced by the interplay of cultural, social, and economic factors. Conventionally, it is commonplace for extended family members or community caregivers to undertake caregiving responsibilities for children who are orphaned, abandoned, or for other reasons, are unable to cohabitate with their biological parents. The practice is still largely underdeveloped, considering that many children in need of care and protection are not adequately supported. In 2018, it was estimated that about 13.2 percent of Nigerian households had children being raised without the presence of either their mother or their father.³⁴ Similarly, it was recorded that 7.3 percent of all households had children with one dead parent and an unknown survival status of the other parent. The foregoing statistics show the far-reaching situation of children from Nigerian households.

One of the significant challenges facing foster care in Nigeria is the lack of a comprehensive and well-coordinated system. Many children are placed in informal care arrangements, often without any assessment or monitoring, which can lead to

²³ C. Nnama-Okechukwu and U. Okoye, 'Informal Foster Care Practice in Anambra State, Nigeria and Safety Concerns' [2020] (122) *Children and Youth Services Review*, 104889 <<https://doi.org/10.1016/j.childyouth.2020.104889>> accessed on 23 February 2023

²⁴ Ibid

²⁵ F. Abraham, (2015). *Assessment Report of the Alternative Care System for Children in Nigeria*. Lagos: SOS Children's Villages International, p.11

²⁶ Ibid

²⁷ G. Connelly and S. Ikpaahind, 'Alternative Child Care and Deinstitutionalization: A case study of Nigeria' <<https://www.sos-childrensvillages.org/getmedia/dd26f0b6-fe9f-4769-8c29-03551237a883/Nigeria-Alternative-Child-Care-and-Deinstitutionalisation-Report.pdf>> accessed on 26 May, 2023

²⁸ J.L.Roby, (2011) 'Children in Informal Alternative Care', New York: UNICEF. <<https://codeofgoodpractice.com/wp-content/uploads/2019/05/UNICEF-Children-in-Informal-Alternative-Care.pdf>> accessed on 2 April, 2023

²⁹ R.K Amolo and others (2003) 'Vulnerable children project, Benue State, Nigeria' <https://pdf.usaid.gov/pdf_docs/Pdabz417.pdf> accessed on 26 May, 2023

³⁰ (n 4) ss.100-123

³¹ Ibid.

³² (n4)

³³ 'Introduction to Fostering Policy', Federal Ministry of Women Affairs and Social Development (ND-b). Handbook on Foster Care in Nigeria, Abuja. p.5

³⁴ Statista, 'Nigeria: Households with Orphans and Foster Children' (2022) <<https://www.statista.com/statistics/1124446/households-with-orphans-and-foster-children-in-nigeria/#:~:text=About%2013.2%20percent%20of%20households,status%20of%20the%20other%20parent.>>> accessed 30 May 2025

exploitation, abuse, neglect, and abuse of rights.³⁵ Even though the CRA³⁶ provides that the Chief Registrar of the Court of a State is to establish a register of all fostered children. It is also doubtful that there is compliance with this provision especially as it relates to children fostered informally since the informal foster system is mostly unregulated and uncounted with no robust data sources. Additionally, the absence of standardized laws, policies, and procedures for foster care can result in inconsistent and inadequate care for children. The lack of resources, including funding, trained personnel, and infrastructure, further exacerbates these challenges. Owing to the attendant children's rights breaches, it is imperative that unnecessary child fosterage should be avoided except as a matter of last resort. The onus of ensuring that fosterage is not flagrantly considered, rests on both government and non-government actors. This is in view of the sometimes laxities of government initiatives in dealing with social issues, as in this case.

Osaiywu³⁷ maintains that the failure of government-led intervention in promoting children welfare is dominant in the poor implementation of Nigerian legal frameworks on children-related matters, which resultant effect are the many plights children face in current times.³⁸ As such, this article would further make a case that unnecessary foster placement should be avoided by employing preventive mechanisms that would strengthen and encourage family unity but where foster care is imminent, in the best interest of the child, it should be considered under strict regulatory foster care laws, socio-economic policies and properly built foster care homes that are suitable and meet the peculiar needs of children in need of care. The contention is that fosterage cannot and will never be a fit for purpose substitute to the biological home upbringing of children. This is true in view of the uncertainties characterizing child fosterage within the purview of alternative/foster care system.

3. Addressing the Bane of Unnecessary Foster Placement in Nigeria

Where a child is faced with the consequences of poverty, abandonment, death of a parent, divorce or separation of parents or such other circumstances, his/her placement under foster care should not be automatic. It should be subjected to certain preconditions or considerations. The stipulation of procedures to foster care technically points to the intention of the lawmaker to ensure that all conditions within the home front are exhaustive before the boarding out of the child from his biological home into foster care. This is consequent upon the fact that the importance of familial upbringing of children cannot be overemphasized. The United Nations Guidelines on Alternative Care,³⁹ provides that the family is the fundamental group of society and the natural environment for the growth, well-being and protection of children and that efforts should primarily be directed at enabling the child to remain in or return to the care of his/her parents, or when appropriate, other close family members. The United Nations (UN) Guidelines further enjoins State parties to ensure that families have access to all forms of support in the execution of their caregiving role.⁴⁰ The implication of this is that the separation of children from their biological families (on the ground of fosterage) may not be necessary if the State provides adequate support and such other preventive mechanisms as may be from time to time be put forward by Non-governmental organizations, civil societies, volunteer groups and communities. To achieve the goal of prevention into unnecessary foster care, placement would entail provisions of universal basic services for the children as well as having a screening process or mechanism known as 'Gatekeeping.' Gatekeeping is a mechanism that involves making the right decision for children's care in relation to their best interests. It typically entails thorough assessment of the child's needs and circumstances, consideration of alternative support options, and careful planning for the child's care and reunification with their family whenever possible. By implementing effective gatekeeping, the Nigerian government can significantly reduce the number of children unnecessarily entering the foster care system, minimize the risks associated with out-of-home care, and promote more effective and supportive family preservation strategies.

This study proposes a three-tier prevention measure which are geared towards avoiding foster care in Nigeria. They include: Primary, Secondary, and Tertiary levels of prevention.⁴¹

³⁵ (n 27)

³⁶ (n.), s 112(1)

³⁷ A.B Osaiywu, 'Exploring the Challenges of Child Protection in Nigeria in *Routledge Handbook of African Social Work Education*'. (Routledge, 2024) p.107-117

³⁸ Ibid.

³⁹ Guideline 3, UN General Assembly, *Guidelines for the Alternative Care of Children: Resolution / Adopted by the General Assembly*, A/RES/64/142 of 24 February 2010, <<https://www.refworld.org/docid/4c3acd162.html>> accessed 24 January 2024.

⁴⁰ Ibid.

⁴¹ (n2)

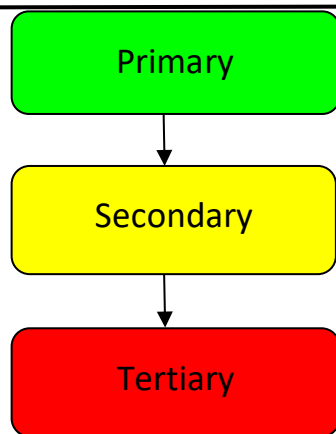


Diagram 1: The three tiers of Foster Care Prevention

The above diagram paints a picture of how preventive measures of foster care should be properly routed in Nigeria. Firstly, the primary preventive measures rank first and forms the basis of core preventive measures, followed by the secondary and tertiary preventive measures. It follows therefore, where measures under the primary segment fails in precluding a child from being subjected to fosterage, the secondary option should take preeminence and where the secondary options prove inadequate, preventive measures under the tertiary parlance should be applied. The primary level of prevention encompasses a situation whereby the government, NGOs and all authorities involved in child welfare provide assistance to indigent parents through the provision of universal basic services available to all without discrimination and in accordance with human rights. Examples of universal basic services include access to education, health and medical treatment, social security, and the legal system. These services constitute the foundation upon which everyone in society should depend. Specialist services to assist vulnerable families and children, such as programs to support young and single mothers or child-headed households, are projects that prevent exploitation of children and child trafficking are all considered to be primary levels of prevention of unnecessary separation. The sanctity of this preventive approach is built on the rights of children as etched in the provisions of international law such as the United Nations Convention on the Rights of a Child (CRC) which has captured the basic rights of children and admonishes all state parties to provide access to health care,⁴² education,⁴³ birth registration,⁴⁴ to protection,⁴⁵ freedom from exploitation,⁴⁶ social security⁴⁷ and non-discrimination.⁴⁸ Nigeria is a signatory to the CRC and has domesticated same through the Child Rights Act⁴⁹.

Still emphasizing on the primary level of prevention of unnecessary foster care to be applied in Nigeria, The Guidelines⁵⁰ states that financial and material poverty should never be the only justification for separating a child from his or her family and boarding them into foster care or preventing reintegration, instead, these factors should be viewed as a signal indicating that such family needs assistance. This principle of keeping families together emphasizes the importance of preventing family separation and placement in alternative/foster care settings. Therefore, the Nigerian government through functional laws, budgetary allocations and its socio-economic policies can render support services to aid the children, families, and care providers to keep families together. Examples of support include providing financial assistance, livelihood support, access to health services, education, parenting education, and providing short breaks or respite for the kinship or foster family. Community support within the community from village or clan heads, religious leaders, teachers, healthcare providers, NGOs, community members, or the extended family can also be of great assistance. Supports should be tailored to each family's situation and include household chores, counseling, recreational activities, and basic material support.

The Nigerian Government, parents, guardians, religious bodies, institutions and organizations in charge of child care have a role to play in ensuring this primary level of prevention of foster care. Where the government fails to provide these universal basic services, parents, guardians, NGOs and civil societies can bring an action to Court on behalf of the child to ensure that the child has access to universal services. Child care authorities may also come to the rescue of the children by providing volunteer services to ensure that children have rights to basic services, thereby preventing unnecessary separation from their parents. As stated earlier, the provision of the universal basic services is not meant for the government alone. NGOs, civil societies and individuals can contribute their own quota. Good examples of practices that prevent alternative/foster care

⁴² CRC, Art. 24.

⁴³ Ibid. Art. 28.

⁴⁴ Ibid. Art. 7.

⁴⁵ Ibid. Arts.3 and 19.

⁴⁶ Ibid. CRC Art. 32, 33, 34, 35.

⁴⁷ Ibid. Art. 25.

⁴⁸ Ibid. Art. 2, 30.

⁴⁹ Child's Rights Act (CRA), Cap C50 LFN, 2004(was passed by the National Assembly on 31st July,2003 as Act No.26. An Act to provide and protect the Rights of the Nigerian Child and Other Related Matters).

⁵⁰ Guideline 14, UN General Assembly, *Guidelines for the Alternative Care of Children: Resolution / Adopted by the General Assembly*, A/RES/64/142 of 24 February 2010, <<https://www.refworld.org/docid/4c3acd162.html>>accessed 24 January 2024

arrangements for children are seen in a project in South Africa named 'Isibindi' and in Rwanda's 'Nkundabana' Program.⁵¹ Under the Isibindi project of South Africa which was launched by the National Association of Childcare Workers as a program for the recruitment and training of child and youth care, vulnerable children including the orphaned and those living in child-headed households as a result of HIV/AIDS, have care workers who regularly pay visit to the homes of these children and help support their access to education, health, and other government services; provide psychological support and material assistance as well as draw up developmental plans with such families. These group of children are also granted access to opportunities in skill acquisition bothering on topics as health, hygiene, children's rights, budgeting, and nutrition. Young people in child-headed households are able to attend skills training courses designed to equip them with the necessary skills and knowledge to care for their siblings and for themselves.⁵²

In the case of Rwanda, which has a world record as one of the countries with high number of orphans, their communities are struggling with social fragmentation, the impact of the HIV/AIDS pandemic on labour, and poverty. Extended family support is insufficient, thus leaving children to fend for themselves. The 'Nkundabana' model mobilizes trained adult volunteers from the community to support children living without adult caregivers. These volunteers, skilled in counseling and life skills, offer guidance and care, helping children access education, medical assistance, and psychosocial support. The project has significantly benefited many children in need.⁵³

In Nigeria, it is in doubt whether established and organized social programs exist like the 'Isibindi' project of South Africa and the 'Nkundabana' program of Rwanda. The similitude of social intervention programs that seek to prevent alternative/foster care are from faith-based organizations, international and local non-governmental organizations (NGOs) who invest a lot of income and resources to assist vulnerable families who are unable to cater for their children.⁵⁴ The sad reality is that these interventions are most times not properly coordinated and the impact is usually not popularized for the knowledge of the general public. The duties of the social agencies in Nigeria are largely performed by NGOs, new government department⁵⁵ and volunteers. This is largely due to inadequate recruitment of social workers to perform the onerous task in social welfare agencies. Even when they are recruited at all, an atmosphere that would ensure visibility of their practice is not encouraged. Also, when social intervention programs are to be implemented, the contributions of the relevant stakeholders are not involved thus leading to the failure in the implementation of programs and projects. Social workers and social welfare officers are key players in addressing issues of child vulnerability in any country.

Many poor families in Nigeria lack social services and struggle to provide the needs of their children. The active advocacy on the rights of children and participation by social workers in government ministries and agencies as well as social welfare agencies can never be overemphasized as it is their primary duty to ensure child and family welfare as well as give support services. In Nigeria, it was only recently that the Institute of Social Workers of Nigeria was given statutory recognition.⁵⁶ However, the major challenge presently is that the Social Workers Act⁵⁷ is yet to be domesticated by the individual states of the Federation. But, because the legal regime regulating social workers is yet to be fully determined, there are no uniform adopted method across the Country as to how best to handle vulnerable children in alternative care. The resultant effect is unprofessionalism and quackery. It is expedient therefore for the government to prioritize resources, social intervention programs and the trainings of social workers to address the issues of child protection.

Furthermore, in providing support, the principles of necessity and suitability must also be applied. The principle of necessity ensures that foster care is necessary and genuinely needed and that children are not unnecessarily separated from their families. If initial family supports are unsuccessful, placement in foster care should be preceded by an assessment of the child's physical, emotional, intellectual, and social needs, followed by frequent monitoring and follow-up visits. While the principle of suitability ensures that if placement in foster care is deemed necessary, the care option should be appropriate for the child's needs and meet the minimum standards of authorities. Family-based solutions should however be preferred over interim or short-term care placement and institutional care placement in which case, contracts between children in alternative care and their families should clearly explain the care arrangement, roles, and responsibilities of all stakeholders.

⁵¹ Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children,' <<https://www.alternativecareguidelines.org/Portals/46/Moving-forward/Moving-Forward-implementing-the-guidelines-for-web1.pdf>> accessed on 21 February, 2025

⁵² Ibid.

⁵³ Ibid.

⁵⁴ C.U Nnama-Okechukwu and E.A Erhumwunse 'Factors Responsible for Child Vulnerability in Nigeria: Suggestion for Program Development' [April 2021] 3(1),1-17 *Journal of Social Work in Developing Societies* ISSN: 1115-3946 <https://www.researchgate.net/publication/357990611_Factors_responsible_for_child_vulnerability_in_Nigeria_Suggestion_for_programme_development#fullTextFileContent> accessed on 23 February 2024; See also C.U Nnama-Okechukwu and U. Okoye 'Social Workers and Sustainable Programme Intervention in Nigeria' in *Submission to The Social Lens: A Social Work Action Blog, Department of Social Work, University of Nigeria, Nsukka*. <<https://socialwork.ubc.ca/news/social-workers-and-sustainable-programme-intervention-in-nigeria/>> accessed on 23 February, 2024

⁵⁵ Okoye, U.O (2013). Trend and Challenges in Social Work Practice in Nigeria, in Cree V.E (eds). *Becoming a Social Worker: Global Narrative* London, UK: Routledge. Taylor and Francis Group, p 149-157. See also Social Workers and sustainable programme intervention in Nigeria, <<https://socialwork.ubc.ca/news/social-workers-and-sustainable-programme-intervention-in-nigeria/>> accessed on 23 February, 2024

⁵⁶ A. Adedapo, 'Social Workers Seek Domestication of ISOWN Act By States' <<https://leadership.ng/social-workers-seek-domestication-of-isown-act-by-states/>> accessed on 29 December, 2022

⁵⁷ Act No. 25, 2022

Writing on the next level of prevention, the secondary level of prevention focuses on establishing a 'safe haven' for individuals and families who are particularly vulnerable and may not benefit from primary prevention measures. This approach aims to support children at risk of being relinquished or those who may need to be removed from their parental homes for protection reasons.⁵⁸ Secondary level of prevention aim to assist vulnerable families and individuals by providing support and resources. Examples include parent support groups for coping with parenting challenges, respite care for families with children who have special needs, home visiting programs for expectant and new mothers, family resource centers for low-income neighborhoods, and support programs for parents dealing with issues like substance abuse.⁵⁹ A lot of times, many parents may consider relinquishing their children as a result of poverty, frustrations, drug or other forms of addictions, as well as on health grounds. Secondary level of prevention therefore focuses on identifying vulnerable families and offering tailored solutions to address their specific needs, particularly in health, finance, education, and nutrition. Family support programs aim to create a supportive environment for these families until their situations improve.

However, where the secondary tier of prevention is insufficient or practically inadequate, the tertiary tier of prevention may be applied. Tertiary prevention in child welfare refers to efforts made after primary and secondary prevention methods have failed to keep a child with their family. It involves working with both the family and the care setting to ensure a safe and sustainable return of the child to their biological home. The goal is to prevent further family breakdown and avoid future placements in alternative care. This approach emphasizes the importance of reintegrating children into their families under conditions that support their long-term stability and well-being, thereby reducing the likelihood of needing foster care again.

In the application of the above tiers or levels of fosterage preventions, it is essential to consider and factor in the key principles on necessity and suitability⁶⁰ that will not only guide actions to be taken but also provide the best interventions for children who are at risk of losing parental care. While the necessity principle stems from the fact that many times, children are boarded out to formal care or other forms of care situations even when it is unnecessary. In other words, it is unnecessary for children to be taken into care settings, especially residential care, when it is possible that, if given better support to the family/home front or within the community, such separation between children and their biological parents could have been averted. Thus the necessity principles is about the provision of support to parents by local actors, authorities, governments, communities, volunteer groups and civil societies, all geared at preventing the perceived need for children to be put into foster care. Therefore, the removal of children from parental care should be an option of last resort, which involves a thorough participatory assessment of the situation.⁶¹

The Nigerian government, as well as all involved in child rights care and support, must see prevention as key with respect to the 'Necessity' principle, whereby out-of-home placements should require evidence of genuine and impending risk of harm rather than being the almost automatic response for families in difficulty. In other words, in meeting with the obligations of the CRC and the United Nations Guidelines on Alternative Care, States, local actors, NGOs, and civil societies, volunteer groups must work assiduously towards ensuring that families do not disintegrate or break down by addressing the challenges of poverty and lack of access to basic services. This approach is well provided for by the CRC, which enjoins State parties to ensure that children are not deprived of their rights to health care,⁶² education,⁶³ support for parents in their role,⁶⁴ conditions, right to social security⁶⁵ and protection from discrimination.⁶⁶ The main thrusts of preventive effort have been determined in Nigeria by the Constitution⁶⁷ and the CRA,⁶⁸ which have developed approaches to supporting family unity that are in line with the socio-cultural and economic context, whilst always respecting the best interest of the child. Notably, the care and protection of the rights of children is the collective responsibility of the parents, the state, as well as the community in which they reside. The Convention on the Rights of the Child (CRC)⁶⁹ mandates parents, or where applicable, members of the extended family or community, to provide good care for their children. Furthermore, the State⁷⁰ is urged to support and assist children who are temporarily or permanently deprived of their family environment. Similarly, the CRC⁷¹ directs that States should, in concurrence with their national laws, provide alternative care for deprived or underprivileged children.

The above admonitions by the CRC underline a significant mandate on parents, the State and all involved in child care welfare to take proactive and preemptive measures to ensure that children are not unnecessarily placed under foster care. The reality is that poverty is the most prevalent factor necessitating the need to place children under foster care.⁷² The case is even prominent

⁵⁸ Introduction to Secondary Prevention, <<https://www.futurelearn.com/courses/alternative-care/4/steps/621552>> accessed on 30 May 2025.

⁵⁹ Ibid.

⁶⁰ (n 2)

⁶¹ Key Principles, UN General Assembly, *Guidelines for the Alternative Care of Children: Resolution / Adopted by the General Assembly*, A/RES/64/142 of 24 February 2010 <<https://www.refworld.org/docid/4c3acd162.html>> accessed 24 January 2024

⁶² (n 9) Art. 24.

⁶³ Ibid. Art. 28.

⁶⁴ Ibid. Art. 18.

⁶⁵ Ibid. Art. 25.

⁶⁶ Ibid. Art. 2.

⁶⁷ Constitution of the Federal Republic of Nigeria 1999 (as am1999)

⁶⁸ (n.4)

⁶⁹ CRC, Art. 5.

⁷⁰ Ibid. Art. 20(1).

⁷¹ Ibid, Art.20(2).

⁷² C. Nnama-Okechukwu and P. Agwu, and U. Okoye. 'Informal Foster Care Practice in Anambra State, Nigeria and Safety Concerns.' [2020] (122) *Children and Youth Services Review* 104889.

in Nigeria, where many parents are unable to provide for food, education, and other basic needs of their children and would usually find fosterage as a succor and an opportunity to be grabbed. Hence, if parents are comfortable and are properly aided by the state through the provision of universal services such as access to health care, education and security, alternative care or out of home placement would almost be unnecessary except where the separation of the child would be in the best interest of the child and same arose from the abuse and exploitation by the birth parents. Therefore, it is imperative that the Government or the State should provide effective mechanisms in the form of social services to prevent children from being admitted to foster care settings unjustifiably. This is invariably the crux of the necessity principle. The suitability principle relates basically to two aspects. The appropriateness of the care setting for children and the timing of their placement, as well as the environment's capability to meet the specific needs of the children.⁷³ The care environment into which the child is taken, or placed, must be appropriate or suitable for the particular child in terms of his or her characteristics, situation, circumstances, needs, and, wherever possible, his or her wishes.⁷⁴

The whole essence of the preventive approaches to child fostering except where necessary and in the best interest of the child is majorly due to the attendant risks and vulnerabilities faced by many children who have been boarded out of their immediate familial setting. There are reported cases in Nigeria where children were fostered informally with a promise of education and a better life but those promises never materialized, instead, the children were subjected to all forms of child rights violations including subjecting the children to child labour, street begging and deprivation of access to education, one of such cases was sometime reported in Delta State of Nigeria where twenty-two (22) children were rescued from the hands of seven (7) women who had hitherto misled the parents of the children that they were going to train them in school but later turned around, feigned blindness and began to use the said children to beg on the streets of Effurun-Warri, Delta State. Luck however ran out of them when members of the International Federation of Women Lawyers (FIDA), Warri Chapter in conjunction with the Delta State Ministry of Women Affairs rescued the 22 children and handed them over to the Police headquarters at the state capital, Asaba Delta State⁷⁵ from where efforts were made to reunite the children with their respective families who were from different states in the Country. It is worthy of note that while the children were rescued from their violators and abusers, they could not be placed in a befitting and suitable emergency shelter but were accommodated within the police station premises. A situation not good at all. This is owing to the fact that there are no government specialized emergency shelters to accommodate children within the given scenario. The scenario that occurred in Delta State is a one too many that are notoriously and frequently reported on the news across different states in Nigeria. There are no government owned emergency shelters suitable to accommodate the peculiar needs of children when rescued from deceitful abusers. It is therefore contingent on the government to provide emergency shelters as well as other residential foster homes that are suitable to meet the needs of a child in need of care. Evidence abounds that some NGOs, though scanty, have already ventured into this practice.⁷⁶ Emergency shelters play a critical role in providing immediate safety and protection for children in need of foster care or those who are already in foster care but facing abuse.⁷⁷ These shelters offer a temporary haven for children who have been subjected to physical, emotional, or psychological abuse, providing them with a secure environment where they can receive support, care, and protection.⁷⁸ In the same vein, there is need for the government of Nigeria to build other specialized forms of foster care home ranging from short term, long term, day-care and medical foster homes to cater for the specific and peculiar needs of a child in need of care. In situations where children are removed from their homes due to abuse or neglect, ill health amongst other reasons, a suitable care home to meet their specific need serve as a vital stopgap, offering a safe space until reunification with their families or until a more permanent arrangement can be made.

The Government has a responsibility to ensure that emergency shelters or other suitable shelters are available, accessible, and equipped to provide high-quality care and support to vulnerable children. This includes ensuring that shelters are staffed by trained professionals, provide trauma-informed care, and offer a range of services, including counseling, medical attention, and educational support. By providing suitable shelters, the government can help prevent further harm and trauma to children while also supporting their overall well-being and development. The suitability or appropriateness principles advocate that the care option must be tailored to the individual needs of the child, which could be for a short-term or long-term purpose.⁷⁹

4. Conclusion and Recommendations

The significance of addressing unnecessary placement lies in its potential to prevent child abuse and exploitation, harm and promote the well-being of children. When children are placed in care unnecessarily, they may experience instability, disruption, trauma and deprivations of their fundamental and universal basic rights which can have lasting effects on their development and life outcomes. This article submits that foster care should be considered an option of last resort in Nigeria to mitigate the risks of abuse, exploitation and trafficking of children. When children are placed in foster care, they become vulnerable to

⁷³ (n.50)

⁷⁴ (n 2).

⁷⁵ P. Osuyi, '7 Fake Blind Women Nabbed with 22 Trafficked Children in Delta' <<https://thesun.ng/7-fake-blind-women-nabbed-with-22-trafficked-children-in-delta-2/?amp> > assessed on 9 June, 2025

⁷⁶ Khadija Nuhu, 'Emergency shelter in Calabar helps survivors of violence against women and girls, (2021) <<https://www.unicef.org/nigeria/stories/emergency-shelter-calabar-helps-survivors-violence-against-women-and-girls>> accessed 6 June 2025.

⁷⁷ Beatini, Valentina, Heshachanaa Rajanayagam, and Keerthan Poologanathan. "Structural and spatial minimal requirement efficacy of emergency shelters for different emergencies." *Buildings* 13, no. 1 (2023): 32; Sharifi, Farangis, Zahra Hadizadeh Talasaz, and Mona Larki. "The establishment of shelters as a new paradigm towards struggling with violence against women: a literature review." *Journal of Family & Reproductive Health* 18, no. 1 (2024): 9.

⁷⁸ Ibid

⁷⁹ Ibid.

various forms of exploitation, including physical, emotional, sexual and psychological abuse. This is particularly well pronounced in Nigeria, where regulatory frameworks and oversight mechanisms are grossly inadequate or lacking, leading to a high level of risk of abuse and exploitation. This article proposes an exhaustive consideration of primary and secondary prevention approaches and where both fail, the tertiary preventive mechanism should be applied before a child may be considered for fosterage while further advocating for a stronger regulatory and legal framework on foster care as well as the building of suitable foster care homes to meet the peculiar needs of children in need of care. By prioritizing family support and preservation and ensuring that children are only placed in care when necessary and under strict legal and regulatory control, this article suggests that Nigeria can better protect its children and support their healthy development. This approach also acknowledges the importance of family and community ties in Nigerian culture, recognizing that children thrive best when supported by their loved ones and community.

In the light of the foregoing, the following recommendations are made thereto: It is recommended that the Nigerian government by itself or through collaborations with NGOs should ensure the provision or the increase in social services in order to reduce the reliance on foster care practices by empowering/strengthening indigent and vulnerable families to care for their children. This includes providing free universal basic education to secondary level, free access to health, formal and vocational to alleviate the burdens on less privileged parents. The importance of sustainability of the programs of the government and its partners in this regard is also key, for instance, the school feeding programme led by the Ministry of Humanitarian Services in Nigeria under the Buhari administration was not sustained post the Buhari-led presidency. The Nigerian government should institutionalize gatekeeping mechanisms in relation to foster care placements. In addressing the issue of unnecessary child placement, it will require a robust gatekeeping mechanism/screening process that ensures that children are only separated from their families when absolutely necessary and in their best interests. The implementation of a robust gatekeeping mechanisms in Nigeria's child welfare system can contribute to better outcomes for children and families. By prioritizing the best interests of children, promoting family preservation, and ensuring that children are admitted into foster care only when necessary, Nigeria can work towards a more child-centered and supportive approach to child welfare. This requires collaboration and coordination among government agencies, non-governmental organizations, and community stakeholders to develop and implement effective policies and practices that protect and support Nigeria's most vulnerable children. It is recommended that the Nigerian government should prioritize the establishment of emergency and specialized shelters at least in each state of the federation for children in need of care, particularly those rescued from abusive foster care givers. Currently, there is a significant gap in suitable government-owned facilities that can adequately address the unique needs of these vulnerable children. Emergency and specialized shelters are essential for providing immediate safety and protection, offering a secure environment and protection where children can receive necessary support and care. Sequel to the above, it is also recommended that the government should ensure that the specialized and emergency shelters are staffed by trained professionals who can provide trauma-informed care and a comprehensive range of services, including counseling and educational support. By investing in these facilities, the government can significantly mitigate further harm to children, promote their well-being, and support their development in a nurturing environment tailored to their individual needs.