

ADOPTION AND FOSTER CARE AS PANACEA TO STREET CHILDREN SYNDROME IN NIGERIA

By

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Abstract

The problem of street children is one of the challenges facing countries with high population density. In Nigeria, the syndrome is so notorious that it perhaps needs no proof in court, just like some principles of our customary law. Researchers have found that this social menace has been on the increase especially in the urban and metropolitan parts of the country. Experts have also argued that the problem of street children is a major contributor to the increased crime rate in the country. An end to this social menace seems not in sight, despite the efforts of various governmental and non-governmental agencies working day and night to eradicate this syndrome. This study employs both doctrinal and empirical research methodologies; it is derived from interactions with stakeholders involved in the field of this phenomenon; social workers, adoption agencies and the street children themselves. It also made use of primary and secondary textual sources and data. The study found that the problems of street children are multidimensional and if stakeholders are to make meaningful progress, they need to use more seemingly unconventional methods to tackle the problem. Consequently, the article explores adoption and foster care system as practiced in some developed countries as a possible solution to the problem of street children in Nigeria and suggested some measures that can make the system work for the country.

Keywords: Street children, crime rate, Adoption, Foster Care, Al Majiri

Introduction

The problems associated with street children syndrome is multi-dimensional starting with the definition and conceptualization of the term. Experts and researchers have postulated various definitions of street children. The definition goes a long way in assisting stakeholders ascertain who exactly is a street child and then, who is entitled to the intervention from the menace of street living. It is necessary to examine some definitions and point out the issues associated with each definition before moving to causal effects of the syndrome.

UNICEF¹ defines street children as any boy or girl, for whom the street (in the widest sense of the work, including unoccupied dwellings, wastelands etc.) has become his or her habitual abode and/or source of livelihood; and who is inadequately protected, supervised or directly by responsible adults.

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¹ United Nations International Children Emergency's Fund "study on Street children in Zimbabwe" sequence Number 2001/805 Available at https://www.unicef.org/evaldatabase/index_14411.html Last accessed 3rd April 2018

A group of researchers under the United Nations project² defined street children as:

Children less than 18, males or females, who spend all or most of their time on the street, who maintain minimal contact with their families, or have no contact all, and who Lack supervision, protection, or guidance, which makes them vulnerable to a wide range of health and psychological hazards.

This definition is not based on the social or economic backgrounds of the children, or the types of activities they perform (which are mostly viewed as survival behaviors for living), but rather on the physical contact with the street setting as compared to their contact with their families.³

According to the popular online resource, *Wikipedia*, the term Street children is used as a catch-all term but covers children in a wide variety of circumstances and with a wide variety of characteristics. Policymakers and service providers struggle to describe and assist such a sub-population. Individual boys and girls of all ages are found living and working in public spaces and are visible in the great majority of the world's urban centers.⁴

For the purpose of this article, however, the definition of UNICEF will be adopted. That is street children *as any boy or girl, for whom the street (in the widest sense of the work, including unoccupied dwellings, wastelands etc.) has become his or her habitual abode and/or source of livelihood; and who is inadequately protected, supervised or directly by responsible adults.*

The Problems of Definition

The differences in the definitions of street children led to a challenge for stakeholders in the eradication of this syndrome. This is so because the stakeholders have to be able to pinpoint those children who will be targets of their interventions. As a possible solution to this conflict in definition, the stakeholders have decided to divide street children into two major groups. The first group of street children is referred to as *children on the street* while the second group of children is called *children of the street*. These two groups will now be discussed in seriatim.

Children of the street

This term refers to children who are homeless, and streets in urban areas are their source of livelihood, where they sleep and live. They may be displaced due to poverty, wars, or natural disasters. The families often live a nomadic life, carrying their possessions with them. Children in this case often work on the streets with other members of their families. In Nigeria, typical examples of these children can be seen on the streets of major cities and metropolitan areas. They can be seen under the bridges in states like Lagos, Ogun, and Oyo. You can also find them in designated charity sheds all over the states.

² Rapid Situation Assessment (RSA) project conducted on behalf of three United Nations Agencies: Office of Drug Control and Crime Prevention (ODCCP), the United Nations International Children's Emergency Fund (UNICEF), and the World Food Programme (WFP),

³ Characteristics Of Street Children Abdelfatah Ibrahim, Dec 11 2012, Available at <http://www.e-ir.info/2012/12/11/characteristics-of-street-children/> last accessed 13th January, 2018

⁴ https://en.wikipedia.org/wiki/street_children#definitions

Children on the street

These are children who work and live on the streets in the daytime but return home at night where they sleep, although some of them sleep occasionally on the streets. For these types of children, the street is only a means of livelihood. It is seen as a type of business and an effort to make ends meet.

While the differences between children “on the street” and “of the street” have been useful in the past, there is, no clear distinction between the two groups as they often deviate from their common definition. Some children “of the street” may have been abandoned and rejected by their families while others may have left their families due to prevailing economic or social circumstances.

Al Majiri as street children

In Northern Nigeria, the problem of street children took another form by the proliferation of the society by the popular *Alma Jiri* system. For clarity and an all-encompassing definition, it is also important to examine the *Alma Jiri* children and see if there are any differences between them and the popular street children in the southern part of the country.

A team of researchers funded by ECOWAS to conduct a research into this social menace defined *Al Majiri* children as children who are “are forced to abandon their homes in the quest for seeking the teachings of the Koran under the tutelage of a “*Mallam*”. During their apprenticeship, the children are sent out to the streets to fend for themselves by begging for alms. Often times, they are also compelled to hand over some or the entire collection to the « *Mallam* » and are punished severely if they fail to do so”.⁵

Even though these children may not be sleeping on the street, they are classified as street children because the street has become their habitual abode and their source of livelihood. They only go to the *Mallam* at night. For the *Alma Jiri*, the street is a place of business or hustle in an attempt to make ends meet. This qualifies them as *children on the street* within the definition adopted by UNICEF.

A distinctive feature of this system that differentiates it from the conventional Street children syndrome in the south is that unlike the south, the *Mallams* in the North cloak themselves with the garment of religion to dabble into extortion of innocent children. While the validity of the *Al Majiri* system under Islamic law is not the subject of this paper, it must be submitted, with utmost due respect, that the *Al Majiri* system as operated in the North totally has no Islamic basis and as such should not be worn with a religious garment. Two theories are advanced for this, in the first instance, as Suleiman Yusuf⁶ asserted, the *Alma Jiri* who is thought to be pious pupil in search of knowledge becomes rather a social problem in the society, begging for food which takes most of his time instead of learning. *Alma iris* are overpowered by the glitters of the city life and never

⁵ Eradication of the Street Children Syndrome in West Africa - Dakar June 2015 Available at <http://www.ecowas.int/eradication-of-the-street-children-syndrome-in-west-africa-dakar-june-2015/> last accessed 13th January, 2018

⁶ Suleiman, Y. (2004). “*Education for sustainable development in Nigeria*” In Halimah Isah, *Integrating Basic Primary Education Curriculum into Qur’anic Education for Children in Minna, Niger State*. M.ed Thesis, University of Nigeria, Nnsuka Virtual Library.

went back to their villages (a graduate beggar moves around hotels, market). This shows that more often than not, the *Alma Jiri* has taken up begging as an occupation and a means of livelihood. This is contrary to the *Hadith*⁷ where the Prophet expressly forbade begging as a profession in a response to the question by Qabeesah⁸:

O Qabeesah, asking for help is not permissible except in one of three cases: a man who has incurred a debt (in order to reconcile between two parties), for whom it is permissible to ask for help until he has paid it off, then he should refrain; a man who has been stricken by a calamity that has destroyed all his wealth, for whom it is permissible to ask for help until he gets enough to get by – or he gets enough to meet his basic needs; and a man who is stricken by poverty and three men of wisdom among his people acknowledge that So and so has been stricken by poverty, then it becomes permissible for him to ask for help until he gets enough to get by – or to meet his basic needs. Apart from these cases asking for help, O Qabeesah, is haraam and the one who begs is consuming something haraam.

Narrated by Ahmad, Muslim, an-Nasaa'i and Abu Dawood. The scholars of Hadith⁹ graded is Sahih (Authentic)

The second theory is based on the fact that begging for a sane and healthy individual with the capacity to work is strictly forbidden because of the Hadith:

“Charity is not permissible for a rich person, or for one who is strong and healthy.”¹⁰

While explaining the Hadith Above, the Grand Mufti of Saudi Arabia (as he then was) Sheik Abdul Azeez bn AbduLlah Bn Baaz stated that:

In this hadeeth the Prophet (blessings and peace of Allah be upon him) described the permissible kinds of asking; anything other than that is haraam. If a person has enough to meet his needs whether it is from the salary of a job, or from trade, or income from some property set aside as a waqf for his benefit by a relative, or real estate, or earnings from a craft such as carpentry or blacksmithing, or from farming and the like, it is haraam for him to beg. But if a person is compelled to do that, there is nothing wrong with him asking for as much as he needs. The same applies to one who incurs a debt in order to reconcile between people, or to spend on his family and children. There is nothing wrong with him asking for help to pay off this debt. What is wrong is to take this as a job done on a daily basis.¹¹

⁷ Communication of the Islamic Prophet Muhammad, peace, and blessings on him.

⁸ Qabeesah ibn Mukhaarq al-Hilaali is a companion of the Prophet who incurred a debt (in order to reconcile between two parties)

⁹ Among them Imam Muslim, Imam Ahmad bn Muhammad Bn Ambal and Sheik Al Albaani graded it Sahih in his *Silsilatul Hadith Sahiha* 2/554

¹⁰ Reported by Bukhari, Muslim, Ibn Majah, Attirimidhi. Ibn majah stated that it is authentic in his *sunnan Ibn Majah* 8/57

¹¹ Majmooh Fatawah Ibn Baaz Volume 14, p.320

It would not be out of place for the children to engage in craft or menial jobs to support their learning.

Causes of street children syndrome in Nigeria

Authors and researchers have tried to pinpoint the causes of street children syndrome in Nigeria in order to find a long-lasting solution to them. Abdelfatah Ibrahim¹² stated that economic stress and poor conditions that family's face due to industrialization and urbanization as well as changes in the traditional family structure, especially when women became the main contributor to households' economies.

Other scholars have stated that the factors of poverty cannot stand alone as the only reason behind the phenomenon of street children. After a close look at many of the existing theories, it is perceived that causes of street children syndrome therefore include the following:

- Family breakdown
- Armed conflict
- Poverty
- Natural and man-made disasters
- Famine
- Physical and sexual abuse
- Exploitation by adults
- Dislocation through migration
- Urbanization and overcrowding
- Acculturation
- Disinheritance or being disowned
- HIV/AIDS¹³

A study conducted by the United Nations stated that generally, the problem of street children in Most African Nations cannot be related to a single cause or factor. Unlike the situation in other areas of the world where a single cause such as extreme poverty, civil wars, or natural disasters might be the leading cause, the problem of street children in Africa is multi-dimensional in which a combination of factors often leads to a single child ending up being on the street. Research carried out on street children in some African countries show a multiplicity of factors leading to the emergence and development of the problem. Most research seems to agree that the leading causes of the problem are poverty, unemployment, family breakdown, child abuse and neglect, dropping out of schools, child labor, the effect of peers, and other social and psychological reasons related to the social environment or to the personality of the child such as behavioral disorders or sensation seeking¹⁴

¹²Abdelfatah Ibrahim *Characteristics of Street Children* available at <http://www.e-ir.info/2012/12/11/characteristics-of-street-children/> last accessed 13th January, 2018

¹³ This is included in a study conducted by WHO, in 1993.

¹⁴ Street children report authored by UN for the city of Alexandria Available at https://www.unodc.org/documents/egypt/egypt_street_children_report.pdf last accessed 13th January 2018

To avoid such generalizations, research and interviews conducted revealed that the reasons behind the emergence and development of the problem can be divided into two main sets of factors: paving or indirect causes which pave the way for the emergence of the phenomenon but do not directly cause the child being on the street, and direct and immediate causes which lead to the problem of the child residing on the street away from home, which were indicated by street children themselves as reasons for being on the street.

This research was carried out in two of the major areas populated with street children in the south western part of Nigeria; Ibadan, Oyo state and Abeokuta, Ogun State. The researcher spoke to more than 10 children in each of the cities. Seun – A car windshield washer – who the researcher found sipping Fanta and groundnut at Total Garden area of Ibadan metropolis, said that he is on the street because he had to fend for himself. He noted further that his mother is equally on the street at Iwo Road going about her “business”. When the researcher enquired about the nature of his mother’s business, he simply said “*Agbe*” which is translated to mean “Begging”. When asked why they could not find other craft or work, he said “who will sponsor us?”

The story with Friday¹⁵ was almost the same except that he came from a large family which could not support him any longer because of their relative poverty so he decides to join a cattle truck heading for Ibadan because he heard he could be employed as a gateman. His story supports the theory that one of the major causes of Street children syndrome was unplanned urban migration.

The stories of the other children samples were similar and identifies various factors as being responsible for the syndrome. Ahmed¹⁶ stated that his father and his mother are living apart and he doesn’t even know where his father is. He noted further that he took to the streets because his mother doesn’t have enough to feed him from her job. He said, however, that he plans to go to school and someday ride in a car like the ones he washes.

The field study done is similarly carried out by various other researches done on street children and child labors in Africa and the researcher agrees that the causes can be classified into the following:¹⁷

a) **Indirect causes:** Interviews with the sample of 50 street children revealed that the paving or indirect causes or factors were:

1. Low income and educational level of the family (98% of the sample come from low income level families, whereas 66% of them were low educational level families),
2. Family breakdown (62% of the sample come from broken families due to divorce, separation, the death of one or both parents, imprisonment of a parent or both, or extreme sickness of a parent or both),

¹⁵ Friday Musa came from Benue in search for work as a gateman but was told he is too young to be a gateman and since he has no family in Ibadan, he decided to sell the Analgesic “Robb” in traffic.

¹⁶ Ahmed who doesn’t know his surname is another boy who washes car windshields in traffic for a token at Mokola Roundabout in Ibadan.

¹⁷ *ibid*

3. Dropping out of schools or education (70% of the sample dropped out of schools, whereas 30% of them have never been to school),
4. Family size (the average family size of the sample was 5.94 persons per family),
5. Unplanned rural-urban migration (18% of the families of children were originally from other governorates before moving to reside in Cairo or Alexandria), and
6. The declining role of the extended families, especially in urban areas (46% of the sample indicated that they had no relatives to turn to when facing problems).

b) **Direct and Immediate Causes:** These are the causes which street children of the sample referred to as the direct reasons for their street existence, and included:¹⁸

1. Child Abuse whether by the family or at work (82%). Most street children indicated that they were forced to escape or leave their homes and reside in the street because of the maltreatment, abuse and exploitation they witnessed from both parents, fathers, step fathers or mothers, older brothers, or relatives, and while working informally in shops and workshops. Abuse, in most cases, took the form of severe beating and insults for trivial mistakes.
2. Neglect (62%). Most children explained that neglect led them to have direct daily contact with street life due to various reasons including parents' constant work and lack of supervision, parents' attitudes to them as burdens due to large family size, sickness of a parent/guardian especially fathers, favoring females to males or the opposite, and neglect due to divorce or separation.
3. Peer pressure (36%). Many street children indicated that peers acted as supportive means for their existence on the street and helped develop their ability to cope with street life, with regard to food, shelter, entertainment, earning money, and protection, especially during their early days on the street.
4. Sensation seeking (16%). Many street children explained that street life is free from social constraints. They believe that they enjoy a certain amount of freedom; away from routine jobs or life they had to cope with while staying with their families. A child explained that "the street is better than home. You can move freely, go to the cinema, and play games. It is not that bad".
5. Existence of other brothers or sisters on the street (8%). Many children have been affected by the existence of other older brothers or sisters on the street, who acted as "role models" for them to follow. Sometimes, brothers or sisters, due to being exposed to similar family problems, move together, and protect one another.

These findings were reproduced to prove the point that the causes of street children syndrome are well known, it also proves further that a lot of efforts being put into the eradication of the causes of the syndrome will not yield immediate fruits. How does the government intend to tackle the problems of unemployment, poverty, domestic abuse, neglect, and social pressure in time to curb this generation of children from becoming public nuisances? Or how will the government eradicate

¹⁸ *ibid*

and punish the Islamic teachers in the north for using the children as betters and street urchins within a short period of time? The end is really not in sight if we were to adopt these long-term measures especially with the kind of political structure we have in place.

This fact and many more are what drives the author to seek some temporary means to reduce this unfortunate turn in the lives of the leaders of tomorrow.

Adoption and Foster Care as Panacea to Street Children Syndrome In Nigeria

Adoption defined

Adoption is a procedure by which people legally assume the role of parents in respect of a person who is not their biological child. 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. It is also an order vesting the parental rights and duties relating to a child in the adopters, made on their application by an authorized court.¹⁹

Adoption is the assumption of full legal and parental responsibility for a child. It is a commitment for life. Adoption, which is the taking of a child of a known or unknown parentage but known for sure not to be his or hers, as his or her own child, differs from acknowledgment by a parent of a child, of hitherto unknown parentage, as his or hers.²⁰

Contrary to the popular contention that adoption procedure in Nigeria is cumbersome, it is quick and simple. It is also contended in some quarters that street children may not qualify for adoption. For the avoidance of doubt, it is necessary to examine the dual concepts of who may be adopted and who may adopt in line with our laws.

Who may be adopted?

Generally, the laws provide that only juveniles under the age of 18 may be adopted. The adoption law in force in Lagos State provides that the law relates to:

“adoption of certain juveniles under the age of 17 years, who are abandoned, or whose parents and other relatives are unknown or cannot be traced after due enquiry certified by a juvenile court.”²¹

The Child Rights Act 2003 which is operational in most states of the federation²² also makes clear provisions for who may be adopted as follows:

A Court shall, not make an adoption order in respect of a child unless-

¹⁹ Tajudeen, Ojo Ibraheem “Adoption Practice in Nigeria- an Overview” *Journal of Law, Policy and Globalization* Vol.19, 2013

²⁰ *ibid*

²¹ See Section 1 Adoption Laws of Lagos State.

²² As at 2011, the Child Rights Act 2003 has been promulgated into Law (passed by the State Houses of Assembly and assented to by the State Governors) in 24 states: Abia, Akwa-Ibom, Anambra, Benue, Cross River, Delta, Ebonyi, Edo, Ekiti, Imo, Jigawa, Kwara, Lagos, Nassarawa, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, Niger, Bayelsa, Kogi and Taraba

- (a) The parents of the child or, where there is no surviving parent, the guardian of the child consents to the adoption; or
- (b) The child is abandoned, neglected, or persistently abused or ill-treated, and there are compelling reasons in the interest of the child why he should be adopted.²³

Subject to the provision of subsection (b) of the above section, there will be no need to seek the consent of any persons in the case of adoption with regards to abandoned children. From the wordings of Section 128 (b), the standard of proof of neglect and ill treatment of such a child will be high. It also follows that such a juvenile must have been abandoned and the parents and other relatives are unknown and cannot be traced by a juvenile court.²⁴

The provisions of these laws make it clear that “abandoned” children are very much qualified for adoption. This is because members of their families most often abandon the children especially the *children of the streets*. It is submitted therefore that the street children can very well come within the meaning of “abandoned children as intended by the draftsmen of these adoption laws and thus, they are qualified for adoption.

The second issue arose because of the growing debate on who can adopt these children. It is also submitted that the issue is well settled under our laws.

Who may adopt?

The adoption law of Lagos state has accurately answered this question. It states that “the court may upon the application of *any person* in the prescribed manner, make an adoption order, authorizing *such a person to adopt a juvenile.*”²⁵ It also states that “an adoption order may be made upon the application of two spouses authorizing them jointly to adopt a juvenile, but in no other case shall an adoption order authorize more than one person to adopt a juvenile.”²⁶

It follows from the above, therefore, that generally, any person may adopt a juvenile. Except in the case of a joint application by a husband and wife for an adoption order, in no case will more than one person be allowed to adopt a juvenile.²⁷ It should be noted, however, that an order shall not be made in respect of a female juvenile where the sole applicant is a male unless exceptional circumstances exist which would justify the making of such an order.²⁸

Most of the laws prescribe that in the case of joint applicants, one of the applicants must not be less than twenty-five years old and at least twenty-one years older than the juvenile.²⁹ An applicant or, in the case of a joint application, both applicants, must be of Nigerian origin.³⁰ Under the Lagos State Law, where an applicant is a non-Nigerian, the court shall postpone the determination of the

²³ Section 128 Child Rights Act 2003

²⁴ Ibid

²⁵ See S2 (1) Adoption law of Lagos state

²⁶ Section 2(2) ALLS Supra

²⁷ Section 3 (3) Eastern Laws, Section 2(1) Adoption Law of Lagos State 1994

²⁸ Section 3 (2) Eastern Laws

²⁹ Section 2, Eastern Region Law, Section 31, Lagos Law. 20.

³⁰ Anambra, Imo, Rivers and 67Cross Rivers States Laws. See also Section 145(2) of the Child Rights Act 2003 as quoted by Tajudeen, Ojo Ibraheem

application for a period of not less than six months. The law is however silent on what would happen after the expiration of the six months.

Procedure for Adoption in Nigeria

The laws in most parts of Nigeria provide that an application for an adoption order must be made in the prescribed form and submitted to the registrar of the competent court. The court will appoint guardian ad litem for the Juvenile to represent him or her in the adoption proceeding. The person appointed as the guardian ad litem is the welfare officer in charge of the area where the juvenile resides; or a probation officer or some other person suitably qualified in the opinion of the court of assignment.³¹

The guardian ad litem investigates the circumstances relevant to the proposed adoption and reports in writing to the court. Prospective adoptive parent (s) must inform the chief welfare officer of their intention to adopt at least three months before the court order is made. For at least three consecutive months immediately preceding an adoption order, the juvenile must have been in the care and custody of the applicant. The applicant for adoption must be resident in Nigeria during this entire period.³²

The procedure for adoption must be followed to the letter, otherwise, the court may rule such adoption irregular. In the case of *Olaiya v. Olaiya*,³³ the 1st respondent, Mrs. Cornelia Olaiya, married Solomon Kayode Olaiya in 1963 under the Marriage Act in England. The couple lived together in England and later returned to Nigeria where they cohabited until the husband died intestate in 1981. There was no biological child of the marriage. Upon the death of the husband, the 2nd and 3rd respondents (his brothers) took over the deceased's estate and continued to manage the same without any reference to the deceased's widow. She sued them claiming, among other reliefs, a declaration that the plaintiff and the children of the deceased namely Emmanuel Olaiya, Sarah Olaiya and Remilekun Olaiya were the exclusive beneficiaries of the intestate estate of the deceased. In her pleadings, the plaintiff claimed that the first two children were both children of the deceased by legal and valid adoption under the applicable law and were brought up and recognized as such prior to the deceased's death in 1981. However, the defendants denied the averment that their deceased brother ever adopted the children. The trial court accepted the plaintiff's oral evidence that she and her deceased husband adopted the two children. Accordingly, it held that the children were entitled to share in the intestate estate of the deceased and the Court of Appeal upheld the decision. On further appeal to the Supreme Court, it was held that the mere ipse dixit³⁴ of the plaintiff/1st respondent was insufficient proof of the alleged adoption. The Supreme Court held that where a child is alleged to have been adopted under an Adoption Law, the best evidence of the adoption should come from the Adopted Children Register established under the Law. Since the adoption of the two children in question had not been proved in the manner required by the Law, the Supreme Court held that they were not entitled to share in the intestate estate of the deceased.

³¹ Ibid n12

³² Ibid

³³ (2002) 5 S.C. (Pt. I) 122

³⁴ An assertion without proof; or a dogmatic expression of opinion.

The next issue related to adoption is the ascertainment of the children and who serves as guardians ad litem since the general rule about street children is that they are abandoned. This issue will be resolved in the recommendations after the discussion on foster care.

Foster Care Defined

Foster care has been defined in differently by many authors. The United Nations Convention on the Rights of a Child (CRC) defines adoption as placing “*A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment shall be entitled to special protection and assistance provided by the State.*”³⁵ While discussing the role of the state, it went further to state that “*State Parties shall, in accordance with their national laws, ensure alternative care for such a child. Such care could include; inter alia, foster placement, Kafala of Islamic law, adoption, or if necessary, placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.*”

McCutcheon³⁶ defines foster care as care is the provision of planned, time-limited, substitute family care for children whose guardian cannot properly care for them. Foster care simultaneously provides social services to these children and their families in order to resolve the problems that led to the need for placement. The placement of the child is normally arranged through the government or a social service agency. *The institution, group home or foster parent is compensated for expenses.*³⁷

Foster care is a way of providing a family life for children who cannot live with their own parents. It is often used to provide temporary care while parents get help sorting out problems, or to help children or young people through a difficult period in their lives. Often children will return home once the problems that caused them to come into foster care have been resolved and it is clear that their parents are able to look after them safely. Others may stay in long-term foster care, some may be adopted, and others will move on to live independently.

It became apparent from the definitions of adoption and foster care, that while the two concepts are similar, they are essentially different because an adoptive parent will bear the ultimate responsibility of taking care of the child, the foster parent is compensated for the obligations the states have placed on them. Foster care is also differentiated from adoption because when fostering takes place, the child is not **legally** separated from their birth parents as is the case with adoption.

Likely Problems of Fostering

It is admitted, however, that child fostering in Nigeria could have several challenges which may include problems associated with abandoned children into family homes, the recruitment and verification of foster parents, monitoring the condition of service by foster parents especially with

³⁵ Article 20, *United Nations Convention on the Rights of a child* adopted 20th November 1989

³⁶ James McCutcheon “Historical Analysis and Contemporary Assessment of Foster Care in Texas: Perceptions of Social Workers in a Private, non-Profit Foster Care Agency”. *M.A. thesis submitted to Department of Political Science, Texas State University- San Marcos, 2010*

³⁷ www.dictionary.com/browse/foster-care?s=t last accessed 13th January 2018

special regards to the Nigerian factor and lastly, ensuring quality of service in foster homes. There should also be a system to accredit the potential foster parents and see that they have the basic requirements for child fostering.

It is submitted that these challenges can be effectively managed by the provision of adequate and efficient compliance and monitoring system that will ensure that foster homes run according to laid down procedures. Furthermore, it seems that there is a lack of adequate legislation to lay down specific rules for the regulation of procedure to be taken for the process of fostering a street child. Government should therefore enact laws to take adequate care of the issue.

Making the Two Concepts Work and Recommendations

Having stated the meaning and definition of both concepts as well as the procedure for adoption, it is important to also suggest ways through which the dual concepts may be utilized to end the menace of street children in the south and *Al Majiri* children in the North.

1. Criminalizing the acts of abandoning children especially infants, holding the parents and legal guardians responsible for the upkeep especially shelter of the child. Enhancing the role of social workers to report and prosecute incidences of child abuse, molestation, and abandonment. This will ensure the adequate protection of the child against all forms of abuse because they know when they go contrary to the laws, the state can take charge of the welfare of the children in accordance with the provisions of the law. There should also be provision for public enlightenment for parents and guardians about the duty to the child.
2. Establishment of a special department of social work whose sole responsibility will be to ascertain, verify and account for the accurate – at least to the nearest possible degree – number of street children in Nigeria. This will enable the government direct to better efforts at eradicating the menace on these children.
3. Conducting a census of the street children and establishment of a data base for the enumeration of street children.
4. Enactment of regulatory laws that will enhance the ratio of success and establishment of a core monitoring department whose sole responsibility is to ensure compliance with set rules and regulations.
5. Registration and screening of potential foster parents and inspection of foster homes to make it at least habitable for the potential foster child.
6. Establishment of group homes maintained by the government that will accommodate the children pending the time they will be adopted or placed in foster homes.
7. Employment of career social workers and not political appointees to manage the departments. This will ensure continuity of the projects and programmes that will eventually rid our streets of the futures of tomorrow.
8. Establishment of independent sources of funding for the department running the group homes and for the foster parents.
9. Provision of adequate training for foster parents on the duties expected from them
10. The department of child services should treat foster care as a matter of contract breach if which will give rise to serious legal action.

Conclusion

The detrimental effects of street children syndrome on the children must be taken as a very serious concern deserving national and international attention always. If the syndrome is to be

eradicated or at least have the menace reduced there has to be more out of the box approaches by exploring some seemingly unconventional methods. The dual concepts Adoption and Foster care may seem like an unconventional means to provide for an end to this huge challenge, but with the right approach and commitment, they could work in Nigeria just as they are working fairly satisfactorily many other countries that have paid serious attention to the menace. More interestingly, Nigeria has the requisite financial and human resources to pull this off if the relevant agencies and departments would rise to the occasion and commit to the cause. This really begs the question: why in God's name are these children still on the street?