

# Neglecting the Neglected: Encumbrances to Children's Successful Transitioning From Orphanages to Adoptive Homes in Nigeria

SAGE Open  
January-March 2022: 1–10  
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DOI: 10.1177/21582440221079914  
journals.sagepub.com/home/sgo  


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## Abstract

The majority of children living within institutional care have a history of neglect. Past studies have identified developmental challenges with children in institutional care, for which reasons, orphanages must be transitional. However, placement of some children living in the orphan homes remains difficult. Through an in-depth interview with orphanage managers, social workers, prospective and successful adopters, and foster mothers, the study situates the diverse encumbrances to child placement in observed irregularities within three stages (entry, within the home, and at the exit point) of children's contact with the orphan homes. The study found that unresolved regulation on the duration for custody of children in orphan homes impedes the placement of children who are merely kept for care and protection. Lack of response to the basic care needs of children within orphan homes poorly influence their chances for adoption, and sometimes disrupt placement processes. Also the legal preference for domestic adoption discourages and sabotages efforts toward inter-country placement of children who are not locally desired. These result into prolonged stay of children in orphan homes, and as such, children outgrow either adoption or fosterage. Child protection policy direction must, therefore, be value-laden, and informed by the unique system/society realities. This study, specifically, makes a case for more political interest in children living in orphan homes.

## Keywords

child institutionalization, child neglect, orphan home, child protection, Nigeria

## Introduction

### *Background to the Study*

The majority of children within institutional care (used interchangeably with Orphan homes) already have had a history of neglect, or abandonment of a kind before their contact with the institutional care. Sometimes, these children are victims of abusive behaviors and have experienced parental loss (McDonald & Brook, 2009). Following these experiences, these children are further exposed to placement-related neglect and rejection at different three broadly categorized stages: at their entry into the institutional care, during their stay within Orphan homes (an experience of care neglect that sometimes lead to their rejection or dissolution of adoption after the completion of their adoption; Onayemi, 2019; Selwyn et al., 2014) and lastly, while at the verge of being placed within homes where their growth and security may be ascertained.

Children who are raised in Orphan homes may experience a bleak future (Aniebue & Aniebue, 2008), given that they are

at a high risk of poor developmental growth (Johnson, 2002). For instance, a number of studies have identified children within institutional care to run at a high risk of; being excluded from school, being homeless in their later life (Mooney et al., 2016; Warren, 1999), demonstrating difficult behaviors and in conflict with the law (McSherry et al., 2016), and suffering from mental health problems (Department of Health Social Services and Public Safety [DHSSPS], 2006; McSherry et al., 2015; Stein & Dumaret, 2011), owing to their experiences of early age developmental deficit. However, in spite of the recognition of the ill consequences of prolonged contact of institutional home on children's development, the influx of children

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entering into the orphan homes continues to take place in the face of diverse social, economic, political, and material circumstances (Gerrand & Nathane-Taulela, 2015; Johnson et al., 2006). This prolonged stay results in difficulties in placing some children into an adoptive family, as well as presenting challenges relating to achieving placement stability.

Following these observed irregularities with children in orphan homes, some countries such as Ethiopia and Zimbabwe, have attempted deinstitutionalization of children through community care. However, in some cases, this move has recorded diverse challenges such as limited financial resources to integrate children, difficulties in identifying children's origins, children running away from their relatives and foster parents after re-integration, negative attitudes of community members toward children from institutions, and the abuse of children in the relatives' homes (Gebru & Atnafou, 2000). Hence, adoption of these children might be the live-saving option. Although Onayemi (2019) found that an adopted child's security may be challenged by some cultural beliefs and events such as a breach of an adopter's expectations by the child, or by adopter's later fertility. However, Konijn et al. (2019) posit that in most cases, adoption guarantees permanency. Adoption is one of the broad arrays of alternate care with permanency for children placed in out-of-home care after all efforts toward their reunification with their birth parents have proved abortive (Bell & Romano, 2015; Butlinski et al., 2019). The practice offers the adopted children the maximum legal protection when placed within the new family, and also rescues them from the harms that accompany institutionalization (Adoption and Children Act 2002 (UK), 2002; Adoption and Safe Families Act 1997 (USA), 1997).

These horrendous experiences of institutionalized children continue to gain traction in the discourses and policies on child protection throughout the world. However, little is known about the reasons why children are retained than necessary within such environment despite its harmful impact on children, hence, leaving much to be explained on the reasons that play this situation into reality. This study conceives such a prolonged stay of children as neglectful, and, therefore, seeks to explore reasons behind the situation of children's neglect. This is particularly necessary, given that in Nigeria, the demands for child adoption is still greatly unmet (Onayemi & Aderinto, 2019a; Sonubi, 2014; Thomas & Ojo, 2019). It attempts to fill these gaps by exploring factors which encumber successful child placement, leading to the prolonged contact of children with the notoriously harmful institutional care when they should have been placed within adoptive homes.

### *The Context of Child Placement in Nigeria*

Section 128 of the Child's Right Act (CRA, 2003) provides for two categories of children who may be adopted. According to Section 128(a), the first category of children who may be

adopted are those whose parents, or in the absence of a surviving parent, the guardian, consent to their adoption. The second category of children who may be adopted are children who are neglected, abandoned, and persistently abused, and there are compelling reasons, in the interest of this child, why she/he should be adopted {Section. 128(b) CRA, 2003}. Adoption of this kind of children needs no parental consent, under the law (Chukwu, 2012). This category of children constitutes the larger percentage of children available for adoption in Nigeria. Although, according to Chukwu (2012), the provision of Section 128(b) needs some amendment in such a way that it would restrict its application to those children who are orphans and, the abandoned whose parents and other relatives are not known or could not be traced. In Nigeria, the official child placement efforts revolve around four major actors. These are: 1. The State Ministry handling social welfare matters, 2. The Nigerian Police Force (NPF), 3. The Magistrate/Family court, and 4. The Orphanages.

When a child is found, the case is reported to the police. It is from the police that the extract is gotten. This extract contains the history of this child, and specifically circumstances surrounding the found child. Regardless of how the child was found, the extract is a major key for the social worker to proceed in the adoption process. With this extract, the child is granted custody at the orphanage, and without it, the officials at the orphanage would not attend to anyone who may be bringing the found child. The social welfare officer acts as *guardian ad litem* in all matters appertaining to the child.

In Nigeria, there are two kinds of orphanages. The most common form of orphanage is the government-own orphanages, followed by the privately operated orphanages which may be owned by Individuals, and/or Faith-based Organizations. Regardless of the kind, all necessary protocols appertaining to securing or holding custody of any child must be observed. Also, just like the government orphanages, the private orphanages also may receive license for child placement provided that its goals cover child adoption and fosterage. However, this is done under the State Ministry's monitoring. Hence, children who are to be placed for adoption may be in custody of either the private or public orphanage. Nevertheless, these orphanages cannot conduct the adoption of any child without the approval of the respective State Ministry where adoption matters are domiciled in the concerned State. This is given that all the processes, including necessary investigations are usually done by the Ministry. Also, orphanage houses all kinds of children, based on their care type or statuses. There are children placed just for care and protection either by their impoverished parents or relatives. This kind of children constitutes one component of the unadoptable children in Nigeria (CRA, 2003). Also, children for whom efforts are still being made for their unification constitute another component.

Aside the general role of coordinating all activities regarding the placement, the Ministry which coordinates adoption matters in the concerned state represents the State government in matters such as advertising the incident of a

found child in prominent mass media outfits. This is usually done within a stipulated time. This is done with the goal of securing the possibilities of re-uniting the found child with the biological family. If no one comes claiming the child, at the expiration of this period, child placement processes may commence immediately.

## Theoretical Framework

This study used the Grounded theory approach developed by (Strauss & Corbin, 1990). Taking a grounded theory approach allows a researcher to understand the context in which a phenomenon thrives (Dougherty, 2017). Grounded theory approach deals with generating explanations of a phenomenon of interest from a systematic analysis of raw data (Glaser & Strauss, 2017). In other words, it is a theoretical exposition that is grounded in the data systematically collected and analyzed. This theoretical approach provides explanations into the processes that lead to the protracted stay of children in institutional care which are supposed to be transitional. Adopting this approach, therefore, unearthed the major encumbrances to timely placement as cutting across irregularities within different stages of a child's contact with the institutional homes. Within these stages, major concepts and constructs inductively emerged that further provide detailed explanations of these encumbrances. For instance, at the entry stage, issues relating to the absence of legal time frame on how long a parent could formally abandon a child in the home before their parents' rights are terminated, and such a child is placed was found. Within the institutional care, social and health care neglect was noted as reasons for placement process disruption and dissolution, where children were returned to their former orphan homes. At the exit stage, issues with discriminatory placement strategy and poor legal attitude to intercountry placement provide explanations for the prolonged stay of children—especially of children unattractive to the domestic intending adopter.

## Methods

### Study Locations

The study was carried out in two States located in the Southwestern region of Nigeria—Lagos and Oyo States. These two States were among the first set of States created in Nigeria. The choice of Lagos State was predicated on the fact that legally approved institutional adoption in the Southwestern region of Nigeria, according to family law, started with Lagos State adoption law of 1968 which came after the twelve-State structure of 1967. Till now, the adoption laws of Lagos State remain the basis from which many other Southwestern adoption laws were fashioned. Oyo State, according to the 2006 Census, emerged as the second (after Lagos State) most populated State in Southwestern Nigeria, and also the largest state, in Nigeria. Oyo State

passed its adoption law in 1984, No 4 of 1985, and since then has been deeply involved in the practice of child adoption.

### Study Participants

Data from this study were experiences as reported by Child adopters (CA), Social workers (SW), Orphanage managers (OrM), Foster mothers (FM), and Legal practitioners (LP) of Magistrates or Family courts within the study areas. Only OrMs of orphanages and LPs of courts that involve in child fosterage or adoption were included in the study. Altogether, 26 individuals, comprising of five (5) LPs; Six (6) OrMs; Eight (8) SWs, two (2) FMs, and Five (5) CAs participated in the study. Four (4) of the OMs operate from Private orphanages and Two (2) from the Government (state-owned) orphanages. All of the SWs were from the State Ministry of social welfare services. The two FMs had filed for the dissolution of the fostering arrangement at the time of the interview. Three of the CAs had successfully adopted a child, while two were prospective adopters at the time of the data collection. None of the adoption officials had less than 5 years of work experience at the time of data collection.

### Participants Recruitment

The SWs, LPs, and OrMs were recruited using a purposive sampling technique. The participants, among some others, were duly informed about the aims and purpose of the study, however, those few who consented constituted the research respondents for this study. After their consents were secured, the first author sought an appointment with these individuals, requesting for their most convenient time and place for the interview. Adopters' recruitment was through referral. As for the FMs, the researchers incidentally came across one, who was initially introduced as an adopter. However, it was later discovered that the child was already 10 years at the time of award, hence, would not have been an adoption but fosterage. The other was introduced by an adopter who considered her case suitable to buttress dissolution of adoption or fosterage.

### Data Collection

Data were collected through a face-to-face qualitative interview method, with the aid of two differently designed semi-structured in-depth interview guides. These two guides contained questions on respondents' opinions and experience-laden views on encumbrances to the placements of these children within adoptive homes where their safe and secure growth and development may be achieved. This also borders on difficulties noted with achieving stability when placed within an adoptive home. One of these interview guides was designed for adoption officials; the SWs, LPs, OrMs, and includes items such as: are there issues that make children stay longer than necessary within the institutional

care? Have children ever been returned to the home? If “yes,” what do you consider as responsible for the return in most of the cases you have experienced? The second Interview guide was designed for the adopters, items in the interview guide included, among others: can you share with me, generally, what do you think about adopting children? Have you a child to adopt? If “yes,” are you satisfied with this child you have adopted? How much are you bonding with this child? If “No,” why do you find it difficult to bond?

### Data Analysis

Data were transcribed not later than 24 hours after collection in order to recollect the latent ideas, such as facial expressions that accompanied verbal submission of respondents. Data cleaning was done by removing all information that possibly could breach the principle of anonymity. Following this, data sense was accomplished with the adoption of thematic analysis. In this wise, transcripts were read over and over to ensure an in-depth understanding of respondents’ opinions (Glaser & Strauss, 2017). After this stage, intra-coder reliability of codes was adopted, here, the first author generated themes and sub-themes, and ran through the data twice to check for the accuracy of item placements. There was no observable difference between the first and second round of item placement. Grounded theory approach was adopted to generate the themes or codes. These codes emerged inductively through the open coding procedure; during this stage, emerging data generally appealed as stage-wise. Three broad themes emerged at this stage, identifying the neglect as occurring at the entry point, within the orphan homes, and at the exit points during placement attempts. Hence, each identified neglect was first categorized into stages where they were observed. i.e., whether such neglect leading to prolonged stay of children in orphanages is identified with how they were admitted into the orphanage, their experiences within the orphanages, or during efforts made toward their adoption from the orphanage. Following this, was an axial coding, here, efforts were made to put the data together in a way that collates data into more definite concepts (Corbin & Strauss, 2014). At this stage, new categories of codes were generated by drawing a connection between related ideas.

## Results

### *Child-Custody-Related Encumbrances to Child Placement Decisions*

On the child-custody-related cause of children’s prolonged stay in orphan homes, two major factors inductively emerged. These have to do with the children’s mode of entry and officials’ apathy in responding to care order matters. A child’s mode of entry into the institutional care is in many ways a necessary determinant of the child’s length of stay as well as

informing major decisions especially as relating to the care type decision that is taken for such a child. For instance, In Lagos state, the social welfare officers commented that there is a particular period that a child can spend in the orphanage; when a child is spending 6 months in the orphanage, and it is total abandonment, the child can be presented to the court for adoption. This is because it is considered that a day-old child cannot get lost, hence, such a child must have been abandoned. However, some SWs made it known that despite the huge number of children in orphan homes, adoptable children are very scarce given that many of the children in the orphanages are simply for care and protection. Some of these children are placed in orphan homes until their care is assured and their safety is guaranteed with their biological family.

*Absence of legal time frame on the custody of formally abandoned children.* One notable component of neglect reported has to do with parents who seek custody for their children within the care institutions pending a period, without looking back. A notable hitch is reported around the silence in child care policies on the need to place a duration limit for parents who come to place their children—either formally or informally—within the institutional care for reasons relating to their economic conditions or otherwise. An OrM gave an experience-based illustration of an informal arrangement where a mother dumped her child, yet expecting to have the baby on return:

In the CRA as it is today, there is no time frame as to when a child can be given out when the parents are not forthcoming. Because some children have encumbrance. For instance, we had a case of a child that was abandoned with a note attached by the biological mother that she is not financially okay but that she would come back to claim the child when she is, how long are we going to wait? Are we going to place the child’s life on hold? Often time, we find out that this kind of child stays very long in the home. OrM 3

This kind of abandonment happens in various ways as another OrM submits:

Some parents abandon children here without coming to visit. They brought a child here on account of maltreatment by the mother. The child has been living here for years. . . We don’t know when their case would be resolved. OrM.6

The prolonged stay of many children within institutional care today is traceable to this form of neglect. Lamenting over this kind of situation and stating how this condition further reinforces the stay of this category of children in the institutional care, an OrM explains:

Some of these children have been here for more than 2 years, and you still cannot give them up for adoption. Most of the people that come here for adoption want little kids, by the time these children stay here and piling age by the day, they are older

than the preferred age of people who wants to adopt them before you know; they've got a permanent stay here. OrM2

Supporting while in Nigeria such children could end up permanently in the institutional care, almost all the adoption officials commented on how most adopters in Nigeria prefer children they could disguise as their biological children. Hence, children who have grown old within the orphanage are not always preferred:

A typical Nigerian parent would want a month's old child so that they would think they were the ones who gave birth to the child. . .Grown-up children lack the attention of Nigerian parents. LP3

In addition to these, some structural analysis of respondents advances the explanation for this encumbrances to capture official's ineffectuality and apathy.

. . . Oftentimes, the way, and manner police write their extracts always cause problems and cause difficulty at the court. For instance, the child might be found abandoned, police would say 'found child'. Meanwhile, "found child" is different from "abandoned". . . . You see, when the extract is faulty, placing a child within adoptive homes may be difficult or almost impossible. . . OrM5.

*Officials' lethargy as an encumbrance in the placement procedure.* Also, several comments were made regarding issues of securing a care order for a child. It is expected that the orphanages where the children are kept before their placement decision work with the Magistrate/family court to obtain/renew a care order for the child to be placed/retained in the home. This care order is what guarantees the child stay in the home, without which, an OrM has no authority to harbor the child, not to think of making placement decisions over such a child:

The last meeting we had in the past months, so many orphanages complained that they might not attend to them on time; sometimes you go and they would ask you to come back. OrM3;

. . . There are cases of delay at the courts too. . . there was this particular child in whose behalf we went to court on four different occasions and the court did not sit. OrM5;

### *Life in the Institutional Home: Care Deficit as an Impediment to Successful Child Transitioning*

This section reveals how the neglect of children's various socialization and Health care needs may contribute to their prolonged stay in institutional care. The institutional care is transitional and therefore by design, a first-aid mechanism for abandoned children.

*Child's behavioral deficit: Setting the stage for placement dissolution.* Evidence within the institutional home spheres points to the neglect of some social responsibilities. These

FMs recount their experiences with children they later returned to the institutional home on ground of children's behavioral deficit:

. . . One of the nights he ran out, he told people that I am not his mother that I just came to the orphan home to pick him, and I started calling him my child. Somebody who knows I'm not his mother would misbehave. . . So we had difficulty bonding. . . I later went to dissolve the arrangement. . . FM1

. . . No home training. I wanted her to learn how to wash. When you ask her to wash her clothes, she cries. When you want her to take her bath, she is crying. Anytime I wanted to teach her, she would be crying. . . And you know at age 11, a mother cannot say she wants to be washing for you. FM2

The fact that the above-stated children were placed at a relatively old age, qualified them for fosterage, and not adoption. This is because The Child Rights Acts of Nigeria, and also States adoption law stipulates that any child who is above the age of 7 can be no longer placed in a permanent system of care such as adoption.

These cases also spell the impact of prolonged contact with the orphan home given that the children in question could no longer be placed for adoption but fosterage, at the time their foster parents received them. It also foregrounds the narratives of FMs that point to lack of proper upbringing/supervision as leading to the dissolution of placement.

*Children's health neglect: Poor health scheme leading to poor placement chances and placement dissolution.* There is some evidence on the many rejections of children on health ground. Sometimes, children are returned to the home for reasons relating to their poor health status, while at times, there are cases of disruptions of adoption processes for related reasons. An OrM said: ". . . I had a baby in this orphanage that was suffering from hernia and many Nigerian couples who came were not ready to adopt him" (OrM3).

Buttressing this, an intending adopter commented:

I was presented with a child that had some health challenges, but I don't want to go through such stress. . . I don't mind sending money to the orphanage to take care of such children, I would wait till I have a suitable child. AD5.

Some of them are mentally retarded, while some are physically impaired, and the adopter would not be able to cope, so they return the baby (OrM2).

A family court magistrate further makes an explanation for intending adopters' resistance to adopt children with such health challenges:

Africans have a particular culture; when it has to do with children. . . in Nigerian culture, a man could marry more than one wife, and even in the event of infertility, he is encouraged to marry another wife. Such a man now manages to opt for

adoption, and you still want him to adopt a child with an ailment. . . so people would find it difficult to adopt such a child LP 2.

Meanwhile, Some OrMs commented on how some of the ailments that lead to rejections of these children are curable, however, for lack of the financial wherewithal, the situation persists, leaving many of these children in this condition until some are fortunate to receive assistance from individuals and organizations:

Sometimes, we see Nigerians living abroad taking children with mild medical challenges that an average Nigerians would not take. Because Nigerians generally want a perfect baby. More often than not, they opt out at the notice of any slight medical challenges. OrM3

The resultant effect of such rejection is a prolonged stay or even a permanent stay of such children in the orphanages. Meanwhile, a lot of the health neglects could be attributed to the poor political will toward ensuring that children within the orphanages are given the best of care:

. . . when you have a new-born baby who has been thrown away, the rain has fallen, the dew has fallen on the child. When we take them in that cold, at times their noses are blocked, the first thing is to take them to the hospital, and we may need to put them under intensive care because some of their parents did not take them through anti-natal care, so we need to take them to the hospital and we pay for these bills. . . We always communicate to the government that at least there must be an allocation to carry out all these things. . . No allocation at all, not even from the adoption charges gotten from adopters, every fund they pay, they pay to the Ministry of social welfare, yet, they ask adopters to come and take children from our orphanages. How do they expect us to take care of these children? OrM6.

This stated instances of poor political will draw more attention given the cultural conception of abandoned children among the Yoruba predominating Southwest Nigeria—the study settings—as “*omo ijoba*” literally meaning, Government’s children. Therefore, it is expected that the government takes responsibility, at least in part, in the financial requirement to cater for the protection of these children who live in the orphanages. Many of the OrMs mentioned lack or insufficient support from the government. A private OrM narrated her experience:

For instance, they asked us to have private hospitals around for emergency cases, and government hospitals for cases that are not urgent. Even those government hospitals are not free, you pay for the card. I remember telling an attendant at one government hospital that we were from an orphanage and then she replied, “What now concerns me with that one; please, pay for the card you have collected!” OrM1.

Supporting the opinion that the care of children living in orphanages in Nigeria is not well funded to deliver the

expected result, an adopter compares the observed reality in some developed countries:

It is very bad; it is very bad because abroad, they pay you to adopt and care for a child. They would even be begging you. I have a friend there; they bought her home to take care of a child. Here, it is like a market thing for them; you suffer so much. If people start to tell you what they have gone through. . . Here in Nigeria, we are money conscious. AD3.

However, follow-up queries appertaining to the roles of the States’ responsibility in rendering support suggests some measures of politicization of funding. One of the respondents supporting this view said:

They do it in quote. . . they support those who are their persons, such as their political associates, or the wives of prominent persons in the state who have NGOs OrM7.

### *Placement-Related Encumbrances*

Many of the comments concerning the prolonged stay of some children in institutional care had to do with the impediments experienced when exiting and seeking international adoption. This situation is what some adoption officials have tagged as government’s insensitivity to the plight of the majority of children in the affected category. It is further described by some as policy neglect that affects the lives of many children. For instance, Nigeria is not a signatory to Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption. Meanwhile, some foreigners from developed countries with evidence of medical facilities that could better the lots of these children are willing to adopt them. Despite the many strikes against intercountry adoption, evidence abounds that some children, particularly the locally “unadoptable” children still benefit from intercountry adoption arrangement:

I experienced a case where people came from overseas to adopt some children who were living with HIV. . . Usually, the Whites (foreigners) like to adopt physically challenged children due to the stigma that is attached to disability. SW2.

Commenting on the observed benefit of this to this category of children, a family court magistrate comments:

Children that have physical deformities are placed beyond Nigeria shores. There are cases that I know where the White men have come to adopt two children living with HIV. They take them up, train them, and become useful. There was one of the children that suffer Down syndrome, they came to adopt him. . . they have been monitoring them to see they become someone in life even though they are physically challenged. Some of these children live with any kind of deformity you can talk of, yet, they have been able to carry on with life after being adopted. LP1

We have had the course to do international adoptions, mostly some organizations are interested in rehabilitating special children. LP5

Mostly, the Whites come here to adopt children that are physically challenged. After some months of the child's stay over there, you discover that the child would look better than the previous state. SW6

There was a down-syndrome child, yet, a White man came to adopt him; those White people adopt children with any kind of deformity you can think of in a person and these children have been able to carry on with life after being adopted. SW7.

Apart from several other healthy children that are placed internationally (although officially, Nigerian adoption system is averse to intercountry adoption, in accordance to the principle of subsidiarity, a number of healthy children are still being placed beyond the shores of Nigeria), a good number of children placed for inter-country adoptions are reportedly special children that Nigerians would not want to adopt. On this note, some adoption officials made known their aversion to the extant rules that do not support intercountry adoption. Some SWs claim that those children are better cared for by these foreigners given that they have the medical and technological know-how to better the lives and conditions of these children who are not desired by the local intending adopters:

I posit we should not restrict from international adoption because what better arrangement has been made for such a child in this country? The court needs to allow it so that the children can benefit from advanced technology for their care. OrM5

On a similar note, an adoption official, in response to what she would do differently, projected the decision as morally questionable as lacking the interest of the children:

The first thing I would do is to review the Act. This silence on international adoption is a bad thing, and then Nigeria not being a signatory to the Hague Convention is also minus to us because some countries you would normally deal with, don't want to deal with Nigeria because we are not a signatory to the convention . . . So, my question now is, "are they morally right? What is the fate of those children with ailments that Nigerians would not want to identify with? We need to understand that law is one thing, and reality is another. OrM3

A SW made comments on the implications of this policy neglect on the effort toward securing the sound developmental growth of these children who could otherwise benefit from intercountry adoption:

. . .the courts are now refusing to do anything international adoption. Before such law is reviewed, in the main time, children who are unfortunate to be brought when such a law is in force would waste away in the orphanage. SW4.

These evidence that in spite of the fact that Nigeria is not a signatory to intercountry adoption, a number of children are still being given up for adoption beyond the shores of Nigeria. Meanwhile, the intent of the Hague Convention on

Protection of Children and Co-Operation in Respect of Intercountry Adoption is to regulate intercountry flow of children, and among other things, prevent sales of children/exploitation. This situation obviously prohibits formal adoption of children by individuals in countries that are signatory who would not interact with non-signatory countries. Hence, suggesting the current intercountry adoption flow of children from Nigeria a basically unregulated.

Another related practice, at the exit point that contribute to the prolonged stay of children in the institution care deals with discriminatory placement strategy—a strategy that supports the selection of children based on the aesthetic values of the intending adopters. This was very recurrent in the narratives of most respondents. The resultant effect is that some children are left unwanted and rejected in the orphan homes:

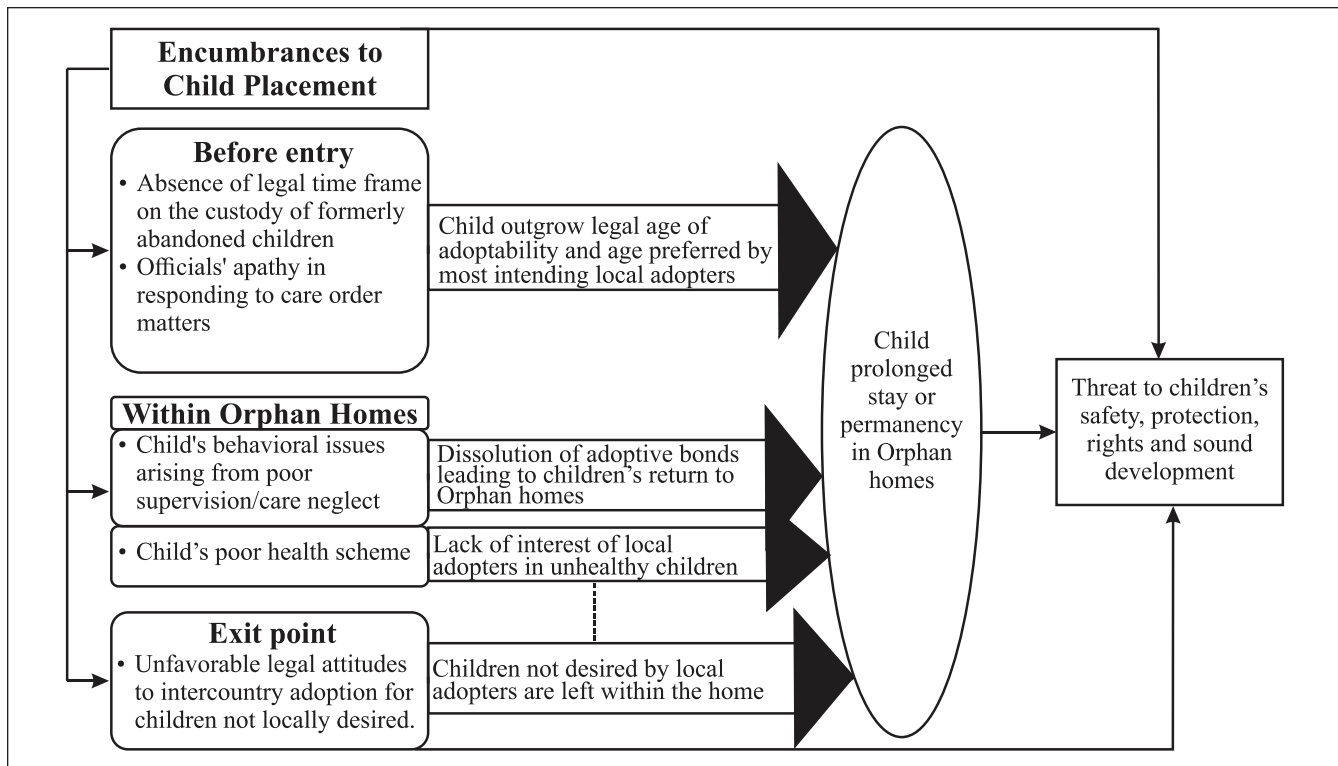
The prospective adopters have the opportunity of visiting the orphanages themselves. They decide what kind of child they want. So, if they are comfortable with the look of the child, they pick the child. If they are not, they drop the child. SW3.

This situation shows how the original purpose of adoption is defeated. Child adoption in real sense should focus on searching a family for a child, and not a child for a family (Figure 1).

## Discussion

This study explored factors that aid the prolonged stay of children in institutional care. It advances the explanation of the neglect of children in institutions beyond the overflooded, however, factual explanation that is based on the physical or dilapidated conditions that characterize many orphan homes. This study unveils diverse neglectful experiences of children at the entry, while within the institutional care, and at the exit point, which directly or indirectly lengthens children's stay in the institutional care. Besides this, respondents noted that the prolonged stay of children is sometimes rooted in some personnel's ineffectuality—specifically noted were, the police and court personnel in conducting an effective investigation and sound documentation of matters. This primarily culminates in a prolonged stay of children and sometimes, resulting in permanent stay, in which the children may eventually pass the age preferred by most intending domestic adopters.

Children were also reported to be rejected and returned to the orphan homes after a breach in adoptive expectations from the child. This disappointment also comes in the form of children's behavior deficit. The narratives of these FMs point to a lack of proper upbringing/supervision as the root cause of the dissolution of placement. This situation is consistent with Barth and Berry's (1988) position that the causes of adoption disruption within the framework of mismatch stems from a breach in the adoptive parent's expectations over the adopted child. Sometimes, adoptive children exhibit behaviors that were unknown to the carers or the prospective adoptive parents at the point of adoption filing. Such unno-



**Figure 1.** Conceptual framework explaining encumbrances to child placement.  
Source: Field report.

ticed negative behaviors of the child do precipitate disruption (Barth, 2017).

Also, the study found that the health neglect experiences of some children led to their rejections by intending adopters. Hence, prolonging their days within the institutional care. Such a State's poor attitude toward financing child protection was made evident (Onayemi & Aderinto, 2019b). In places where funds were made available, some orphanages mentioned the politicization of funds, a situation indicating unequal access to the little available child protection funds. This way, many of these children retain their vulnerable status while in institutional care.

These health neglects of children in institutional care place some of them at risk of being rejected by many domestic intending adopters, however, presenting an option for their adoption by foreign adopters who reportedly do not mind. The placement of children internationally has been contended by many given the way it engenders diverse social vices such as human exploitation. For others, the idea leads to a situation in which home is no longer sought for needy children, but the needy children for Western homes (Graff, 2009). The fact is such cases where some children are being adopted internationally when there are intending domestic adopters may support the earlier framing of the practice as new order imperialism (Onayemi & Aderinto, 2019a). However, the peculiarity of local reality may incite the need for intercountry adoption. For instance, children who do not

meet the aesthetic demands of many local adopters are rejected by the domestic adopter. Such kinds may need to be placed beyond the borders of their countries given the recorded overall benefits of intercountry placement—to their development.

However, the negative attitude of the national law to inter-country adoption fails to serve the interests of children who would have benefited from such an arrangement. Hence, children's well-being is framed by some crucial development-oriented questions in ways that are incongruous to their need for protection. Mezmur (2009), provides a reasonable interpretation of the subsidiarity clause to intercountry adoption and the concept of intercountry adoption "as a measure of last resort" by considering institutionalization of children as a measure of last resort that ranks after intercountry adoption.

The strict policy direction that disallows inter-country adoption of children, particularly of the special children who are usually "leftovers" within the institutional care may further reinforce their experiences of neglect, and perhaps acting in a manner inconsistent with the provision of the best interest of children. In this wise, ideologies, beliefs, values, and passions that, historically, have driven child advocacy is not sufficient to guide effective policy and practices. Empirical evidence on the very needs of children is, therefore, needed in child advocacy (Cascardi et al., 2015). This way, child protection policy direction would be informed by the unique



system/society realities. This situation, therefore, calls for adopting a critical approach to practices and beliefs that are presumed to afford children a better life (Cheney, 2012).

## Conclusion/Social implications/ Recommendations

Factors responsible for the prolonged stay of children in orphan homes cut across the different stages of their processing. These include absence of legal guidelines in determining the time limits for custody of children who are simply kept in institutional care for care and protection. The encumbrances also captured officials' apathy—mostly of the members of the judiciary—in providing care order. Also, care and supervision deficit for children within the institutional care also lead to dissolution of adoptive bonds that make already adopted children to be returned to orphan homes. The poor health scheme for children in orphanages also sometimes lead to rejection of unhealthy children by intending adopters, thereby prolonging their stay within the orphan home. Meanwhile, there are also placement-related problems relating to Nigerian legal attitude to intercountry adoption which could have served the interest of children who are not desired by local intending adopters. However, the contradiction in theory and practices, in which children are still placed beyond the shores of Nigeria despite the country not being signatory to such international regulatory instruments such as Hague Convention presents avenues of threat to the intercountry adoption supervision and ultimately, the protection and safeguard of the life and rights of children involved. Going by the operative language which presents intercountry adoption “as a measure of last resort,” it becomes instructive that intercountry adoption is harnessed to rescue some neglected children who as a result of falling below the desires of intending adopters are “locked up” in institutional care—without any hope of being adopted by intending domestic adopters. This idea resonates with the view of many advocates of international adoption who believe that the act would rescue children from life-threatening experiences and the horror of dismal orphanages.

## Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

## Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

## Ethical Approval

The authors also declare that all necessary ethical considerations were duly observed.

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