



ALLEN & MARYLEBONE LAW FIRM

CUSTODY OF CHILDREN IN NIGERIA: SALIENT POINTS TO NOTE



1. A child in Nigeria is anyone below the age of 18 years.
2. Custody of a child can be awarded to the mother or father or even someone who is neither the father nor mother of the child. In exceptional cases, despite the presence of the parents of the child, the court can award custody of the child to another person, if it will serve the best interest of the child.
3. You can sue for custody of a child even when you and your partner (co-parent) are not married. This happens mostly when the child was had outside wedlock.
4. You can also sue for custody even when you both are not divorced or undergoing divorce. This means that if you haven't made up your mind to file for divorce, you can simply file for custody of the child(ren) of the marriage.
5. There is no law that says that the man automatically has custody of the children born to him during a customary marriage. There is also no law that says that a man cannot have custody of a child born to him outside wedlock, so long as there is evidence to show that he is the father of the child and that it will be in the best interest of the child if he is awarded custody.
6. An order for custody of a child can be varied if there are subsequent developments that make it necessary to vary the previous court order on custody in order to protect the best interest of the child.
7. An order for custody can be made together with an order for child support.
8. The fact that one parent stays overseas does not automatically mean that the parent in Nigeria gets custody of the child. In deserving cases, the court can award custody to a parent living outside Nigeria.
9. Custody of children of tender age is usually awarded to the mother, but this is not automatic.
10. The Court usually award joint custody to the parents, with the children staying with one parent during school days and the other parent with the children during holidays.

CONTACT US

Abuja Office: Ventures Park, No 5 Kwaji Close, Maitama, Abuja.

Onitsha Office: No 9 Tasia Road, Off Awka Road by ABS Junction, Onitsha, Anambra State, Nigeria.

Telephone: +234 906 715 8192, +234 803 510 5706

Email: info@allen-marylebone.com

Website: www.allen-marylebone.com