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Ghana: Paternity tests and custody certificates

Introduction

The following note describes the procedures related to paternity tests and custody certificates in Ghana.

The information in the note is primarily based on one interview conducted in Accra, Ghana in December 2021 with the Chief Justice, Supreme Court.

Administrative structure and legislation related to divorce

Ghana is divided into 16 administrative regions.¹ At the local level, Ghana is divided into 261 metropolitan, municipal and district assemblies.² The judicial system in Ghana consists of a five-layer hierarchy: district court, circuit court, high court, court of appeal and Supreme Court. The district court is the lowest in the hierarchy of the five courts while the Supreme Court is the highest.³

According to the Chief Justice from the Supreme Court, a family tribunal/family court is a district court that handles custody cases.⁴

Paternity certificates and paternity tests

Paternity certificates are only issued by the court and the informant must be present.⁵

The court may order the alleged parent to submit a DNA-test. The person's DNA is then tested at a clinic. The lab technician will afterwards show up at court to testify the result of the DNA-test. If the child is not the biological child of the person in question, the judge will make a ruling stating this conclusion. The ruling will contain

¹ CIA World Factbook, 18 January 2022.

² Accra Metropolitan Assembly, 2021.

³ The Republic of Ghana Judiciary, year of issue n/a.

⁴ Supreme Court, Accra, December 2021; Children's Act No. 560 of 1998.

⁵ Supreme Court, Accra, December 2021.

the date, when and where.⁶ The specimen below is not the said ruling but the order for paternity test. The layout is, however, similar.

IN THE FAMILY AND JUVENILE COURT 'A' AT THE FORMER COMMERCIAL COURT BUILDING, ACCRA, HELD ON FRIDAY THE [REDACTED] OF NOVEMBER, 2021 BEFORE HER HONOUR CHRISTINA CANN (MRS.), CIRCUIT COURT JUDGE SITTING AS AN ADDITIONAL MAGISTRATE, WITH MADAM JEAN TAGOE AND MADAM GIFTY OKAI SITTING AS PANEL MEMBERS

SUIT NO. AG/ [REDACTED]

COLLINS [REDACTED] ** APPLICANT
OF [REDACTED]
ACCRA

VS.

[REDACTED] ** RESPONDENT
OF [REDACTED]
MCCARTHY HILL
ACCRA

ORDER FOR PATERNITY TEST

(SGD.)
H/H CHRISTINA CANN (MRS.)
(CIRCUIT COURT JUDGE)

UPON READING the Affidavit of the Applicant herein, and
UPON HEARING BOTH PARTIES, the court grants an order for
Paternity test.

The Respondent shall make the child, [REDACTED]
available at the same time as the Applicant for their specimen to be taken at
Scientellect & Co. for a DNA test to be conducted on the child and the
Applicant respectively.

Applicant shall bear the cost of the DNA test.

GIVEN UNDER MY HAND AND THE
SEAL OF THE COURT AT FAMILY
AND JUVENILE COURT 'A', ACCRA,
THIS [REDACTED] OF NOVEMBER, 2021

(SGD.)
JULIET AMANKWAH
CERTIFIED TRUE COPY
[REDACTED] REGISTRAR
FAMILY & JUVENILE COURTS
ACCRA

JUDICIAL SERVICE OF GHANA JUDICIAL SERVICE OF GHANA JUDICIAL SERVICE OF GHANA JUDICIAL SERVICE OF GHANA

Image 1: Order for paternity test. (NIDC reference material)

Custody certificates

Legal disputes regarding custody is the sole responsibility of the courts. Usually the question about custody is decided during the divorce, which means that the court ruling regarding custody is found in the court order from the divorce.⁷

Verification of court documents

The way to verify the document is to check if the judge ruled the order on that day. This must be done by contacting the Judicial Secretary: Director of Court Services.⁸

⁶ Supreme Court, Accra, December 2021; Children's Act No. 560 of 1998.

⁷ Supreme Court, Accra, December 2021; Children's Act No. 560 of 1998.

⁸ Supreme Court, Accra, December 2021.

IN THE FAMILY AND JUVENILE COURT 'A' AT THE FORMER COMMERCIAL COURT BUILDING, ACCRA, HELD ON TUESDAY THE 15TH DECEMBER 2020 BEFORE HER WORSHIP MS. BENARDINE S. A. SENOO, RELIEVING MAGISTRATE; WITH HER ARE MADAM MAVIS ODOI AND MADAM JEAN TAGOE AS PANEL MEMBERS

SUIT NO. [REDACTED]

IN THE MATTER OF THE COURTS ACT, 1993 (ACT 459), SECTION 47(1)

AND

THE CHILDREN'S ACT, 1998 (ACT 560), SECTIONS 43 AND 45(1)(2)

AND

IN THE MATTER OF AN APPLICATION FOR GRANT OF LEGAL CUSTODY OF THE CHILD, [REDACTED] TO HIS BIOLOGICAL FATHER, [REDACTED]

ORDER FOR LEGAL CUSTODY

(SGD.)
H/W MS. BENARDINE S. A. SENOO
(MAGISTRATE)

UPON READING the Motion on Notice for Legal Custody and the Affidavit in Support of the Application for Legal Custody of [REDACTED] filed on the [REDACTED] 2020 by [REDACTED]

AND UPON READING the Social Enquiry Report by Reginald Boye, the Probation Officer,

AND UPON READING the Affidavit of Consent by [REDACTED] (the biological mother), the application is granted.

IT IS HEREBY ORDERED that Legal Custody of [REDACTED] is granted to the Applicant.

GIVEN UNDER MY HAND AND THE SEAL OF THE COURT AT THE FAMILY AND JUVENILE COURT 'A', ACCRA THIS 15TH DECEMBER, 2020

(SGD.)

JULIET ABUTIAE (MRS.)

CERTIFIED TRUE COPY
[REDACTED] REGISTRAR
FAMILY & JUVENILE COURT 'A'
ACCRA

JUDICIAL SERVICE OF GHANA JUDICIAL SERVICE OF GHANA JUDICIAL SERVICE OF GHANA JUDICIAL SERVICE OF GHANA

Image 2: Order for legal custody. (NIDC reference material)

References

Oral sources

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