

Danish National ID Centre

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

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² November 2023

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.

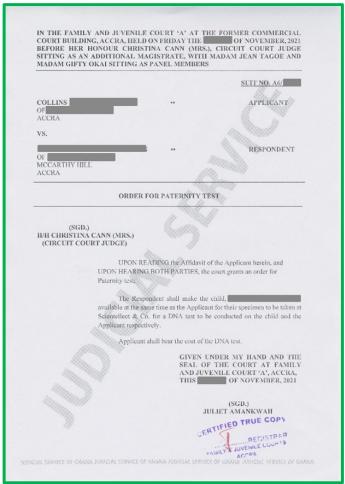


Image 1: Order for paternity test. (NIDC reference material)

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 JEVENILE COURT 'A' AT THE FORMER COMMERCIAL COURT BUILDING, ACCRA, HELD ON TUESDAY THE 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. 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, TO HIS BIOLOGICAL FATHER, THE CHILD, ORDER FOR LEGAL CUSTODY (SGD.) H/W MS. BENARDINE S. A. SENOO (MAGISTRATE) (MAGISTRATE) LPON READING the Motion on Notice for Legal Custody and the Affidavit in Support of the Application for Legal Custody of filed on the 2020 by AND UPON READING the Social Enquiry Report by Reginald Boye, the Probation Officer, AND UPON READING the Affidavit of Consent by application is granted. IT IS HEREBY ORDERED that Legal Custody of is granted to the Applicant. GIVEN UNDER MY HAND AND THE SEAL OF THE COURT AT THE FAMILY AND JUVENILE COURT AT, ACCRA THIS IS THE DECEMBER, 2020

(SCD.) (SGD.) , JULIET ABUTIATE (MRS.) REGISTRAR
FAMILY & JUVENILE COURTS
ACCPA

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

References

Oral sources

Supreme Court (December 2021): Interviewed in Accra, Ghana.

Written sources

- Accra Metropolitan Assembly (2021): Accra Metropolitan Assembly, https://ama.gov.gh/theassembly.php, retrieved 16 May 2022.
- Children's Act No. 560 of 1998 (30 December 1998): Children's Act, Ghana, https://www.refworld.org/docid/44bf86454.html, retrieved 16 May 2022.
- CIA World Factbook (10 May 2022): Ghana, https://www.cia.gov/the-world-factbook/countries/ghana/, retrieved 16 May 2022.
- The Republic of Ghana Judiciary (year of issue not available): District court, https://judicial.gov.gh/index.php/the-district-court, retrieved 16 May 2022.
- Transparency International (2021): Corruption Perceptions Index, https://www.transparency.org/en/cpi/2021, retrieved 16 May 2022.