



## AN APPRAISAL OF SINGLE PARENTHOOD AND ITS SOCIAL-LEGAL IMPLICATIONS IN NIGERIA

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### Abstract

*Single parenthood has become a pervasive phenomenon in Nigeria, affecting millions of families. The institution of marriage, once considered sacrosanct, is faced with significant challenges, leading to an increase in single-parent households. This trend has far-reaching social implications, affected not only the individuals involved but also the broader society. In Nigeria, single parenthood can arise from various factors, including divorce, separation, death of a spouse, unwed motherhood, and adoption. The social implications of single parenthood are multifaceted, influencing economic stability, child well-being, and social relationships. This paper aimed to examine the social implications of single parenthood in Nigeria, with a focus on the economic, emotional, and social challenges faced by single parents and their children. The paper investigated the causes and prevalence of single parenthood in Nigeria, examined the economic implications of single parenthood on families, analyse the emotional and psychological effects of single parenthood on children, explored the social support systems available to single parents in Nigeria and provide recommendations for addressing the social implications of single parenthood. This paper employed a doctrinal research methodology, utilizing both primary and secondary sources. The dissertation found out that despite the increasing prevalence of single parenthood in Nigeria, there is a dearth of comprehensive understanding and effective legal and social support systems addressing the unique challenges faced by single-parent families. The paper concluded that single parenthood has profound social implications in Nigeria, affecting economic stability, child well-being, and social relationships. The dissertation highlighted the need for comprehensive policies and programs to support single parents, including economic empowerment, psychological counselling, and social support systems. The dissertation recommended amongst others that government should establish a national policy framework to address single parenthood, economic empowerment programs, such as vocational training and microfinance schemes, should be implemented, psychological counselling services should be made available to single parents and their children, community-based social support systems should be strengthened, public awareness campaigns should be conducted to reduce stigma associated with single parenthood.*

**Keywords:** Single parenthood, Socio-Legal Implications, and Child

### Introduction

Single parenthood in Nigeria has several legal implications that touch on various aspects of law and social policy. The Constitution of the Federal Republic of Nigeria (CFRN) as the supreme law of the land, recognizes the rights of every child to parental care and protection, regardless of the marital status of their parents.<sup>1</sup> It places a legal obligation on the state to ensure the welfare and best interests of

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children, including those in single-parent households. This provision underscores the importance of supporting single parents in fulfilling their parental responsibilities and providing a nurturing environment for their children. Similarly, section 34(1)(a) of the CFRN guarantees the right to dignity of the human person, which encompasses the right to personal autonomy and freedom from discrimination. Single parents have the right to be treated with dignity and respect, free from stigmatization or marginalization based on their family status. This provision reinforces the need to combat social prejudices and stereotypes that may adversely affect single-parent families.

Nigerian law, particularly the Child Rights Act 2003, addresses custody issues, emphasizing the best interests of the child. It recognizes the importance of providing a nurturing and supportive environment for children, including those in single-parent households. Hence, there is a legal obligation of both parents, whether single or married to fulfil their parental responsibilities and ensure the well-being of their children. Already the Child Rights Act prohibits discrimination against children based on their birth status, including whether they are born within or outside of wedlock.<sup>2</sup>

Single parents may face legal battles over custody, especially if paternity or maternity is contested.<sup>3</sup> Single parents often need to establish legal guardianship, particularly in cases of the father's absence or dispute over the child's welfare. Furthermore, both parents are legally obligated to support their children. The law provides mechanisms for single parents to claim child support from the non-custodial parent. However, enforcing child support can be challenging, with issues related to proving paternity and the non-custodial parent's financial capacity.<sup>4</sup>

The legal status of a child born out of wedlock can affect inheritance rights. Nigerian law traditionally favours legitimate children, but recent reforms and court decisions have increasingly recognized the rights of all children to inherit from their parents.<sup>5</sup> Single parents must ensure their wills clearly outline their wishes to protect their children's inheritance rights, single parents may have access to social services and welfare programs, though these are often limited and underfunded.<sup>6</sup> There are legal provisions aimed at protecting single parents from discrimination and ensuring they receive necessary support, but implementation is inconsistent. Also, single parents may face discrimination in the workplace.<sup>7</sup> Nigerian labour laws provide some protections, but enforcement is often weak.<sup>8</sup> In addition, legal provisions for maternity leave exist, but paternity leave is less common, impacting single fathers differently. Single parents can adopt children, but they must meet specific legal requirements and undergo rigorous scrutiny and legal frameworks for foster care exist, but they are not as robust, often

<sup>1</sup> CFRN 1999 (As amended) s 18(3).

<sup>2</sup> CRA 2003 s 2(1).

<sup>3</sup> J Wajim, 'Single Parenting and its Effects on the Development of Children in Nigeria' [2020] (7) (4) *The International Journal of Social Sciences and Humanities Invention* 50-60.

<sup>4</sup> A S Ekpenyong, 'Single Parenthood and its Effect on the Nigerian Child: A Case Study of Amassoma Community in Bayelsa State' [2019] (3) (7) *International Journal of Research and Innovation in Social Science* 156-162.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> J C Mbah, 'Legal, Social and Economic Implications of Single Parenting' [2019] (9) *Journal of Development Research* 40-56.



leaving single parents with limited support in fostering children.<sup>9</sup> Overall, while Nigerian law provides a framework for addressing the legal issues faced by single parents, practical challenges and societal attitudes often complicate their application and enforcement.

In Nigeria, the death of a parent is a significant cause of single parenthood, leading to various legal, social, and economic implications.<sup>10</sup> This is evidently so because there is a high degree of reliance and dependence that has been taken away by reason of death. The effects of this cause are multifaceted, impacting the surviving parent, children, and the extended family.<sup>11</sup> If the surviving parent is alive and known, they typically gain custody of the child. However, if deemed unfit or unable to care for the child, the court may intervene to appoint a legal guardian.<sup>12</sup> In cases where both parents are deceased or the surviving parent is unable to assume responsibility, a legal guardian must be appointed.<sup>13</sup> This can be outlined in the deceased parent's will or decided by the court based on the best interests of the child. When a parent dies without a will, the child is entitled to inherit under Nigerian intestate succession laws.<sup>14</sup> This can become complicated if there are disputes over the legitimacy of the child or competing claims from extended family members. To ensure the child's financial security, it is crucial for parents to have a clear and legally binding will. Setting up trust funds can also provide ongoing financial support managed by a trustee.<sup>15</sup>

Economically, the death of a parent, especially the primary breadwinner, can lead to significant financial hardship for the family.<sup>16</sup> This often results in a reduction of the household's standard of living and access to essential services such as education and healthcare. Extended family members often step in to provide financial support. In some cases, the surviving parent may need to seek additional employment or rely on social welfare programs, which are often limited and underfunded.<sup>17</sup> Furthermore, the loss of a parent can have profound emotional and psychological effects on children, including grief, trauma, and feelings of insecurity. Access to counselling and mental health support is crucial for helping children cope with their loss.<sup>18</sup> In some Nigerian communities, single parenthood can carry social stigma and discrimination, affecting the surviving parent's social interactions and support systems. Children from single-parent households may face bullying or exclusion, impacting their social development and self-esteem.<sup>19</sup> This may arise as a result of the deprivations they face and the status they occupy as

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> P E Akah and Others, 'Single Parenthood and Support Strategies in Calabar, Cross River State, Nigeria' [2022] (7) (6) *European Journal of Social Sciences*, 115-130.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> B E Falana and Others, 'Single-Parent Family Structure, Psychological, Social and Cognitive Development in Children in Ekiti State, Nigeria' [2012] (2) *Journal of Educational Psychology*, 158-164.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> A Garriga and Others, 'Mother's Educational Level and Single Motherhood: Comparing Spain and Italy' [2015] (33) (42) *Journal of Demographic Research*, 120-130.

<sup>19</sup> *Ibid.*



children of single parenthood. Such state also makes the children more vulnerable to societal discrimination which may affect their self-worth.

### **Causes of Single Parenthood and their Social Implications in Nigeria**

Single parenthood can arise from various circumstances, each with distinct implications. Here are the primary causes and their examples, along with the corresponding implications within the Nigerian context.

#### **i. Death of a Parent**

Death of a parent is one of the causes of single parenthood. An example is where a father or mother dies in a car accident, leaving the partner to raise their children alone.<sup>20</sup> The surviving parent typically gains custody, but if both parents are deceased or the surviving parent is unfit, a guardian must be appointed by the court. The family may face financial hardships due to the loss of the primary breadwinner, necessitating reliance on extended family, life insurance, or limited government benefits. Children may experience grief and trauma, requiring psychological support and counselling to cope with their loss.<sup>21</sup>

The death of a parent has a crucial impact on the growth and development of such a child. The child is first of all deprived of necessary parenting that would have come from the deceased parent. Thus the values the child is left with to imbibe is that of the surviving parent. More critically, the child's upbringing is totally affected where the surviving parent lacks good morals with which to train the child. Death of a parent turns the child to a victim of circumstance especially where the economic fortune of the family rests on the deceased parent. This may affect the quality of food, shelter, education, clothing among other things that the child would have accessed better but for the demise of the deceased parent.

The current state of the Nigerian economy could also impact on the child where the surviving parent is unemployed or not gainfully employed. Such a surviving parent would have leveraged on the support of his or her partner to be able to survive the economic hardship. Unfortunately, the support no longer exist and so the child is at the receiving end since he or she must depend on the parents for survival and good upbringing.

#### **ii. Divorce or Separation**

Divorce or separation is another factor to be considered as it can also bring about single parenthood. Where divorce or separation occurs which could be as a result of irreconcilable differences between the man and woman, the custody of the child most often becomes an issue in the circumstance. Custody battles can arise, necessitating court intervention to decide on the best interests of the child. Child support arrangements must also be made. The single parent might struggle with financial burdens, often requiring additional employment or support from social welfare programs. Divorce can cause emotional stress for both the parent and children, impacting mental health and necessitating counselling services.<sup>22</sup>

<sup>20</sup> U E Eyo, 'Divorce: Causes and Effects on Children' [2018] (6) (5) *Journal of Humanities and Social Studies* 172-177.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

In *Okoli v. Okoli*,<sup>23</sup> the appellant (mother) sought custody of her child after the death of her husband. The Court of Appeal held that the mother's right to custody was paramount, considering the child's best interests. This case highlights the court's consideration of the child's welfare in single-parent households following a parent's death. In the case *Njoku v. Njoku*,<sup>24</sup> the appellant (father) contested paternity and child support for a child born out of wedlock. The Court of Appeal ruled that the father's acknowledgement of paternity and payment of child support were mandatory. This case emphasizes the importance of establishing paternity and providing financial support for children born out of wedlock. In *Eze v. Eze*<sup>25</sup> the appellant (mother) sought maintenance and custody of her child born from rape. The Court of Appeal held that the mother's right to maintenance and custody was paramount, considering the child's best interests. This case highlights the court's consideration of the mother's trauma and the child's welfare in cases of rape.

In the case of *Ojo v. Ojo*<sup>26</sup> the appellant (wife) sought divorce and custody of her children. The Court of Appeal granted the divorce and awarded custody to the wife, considering the children's best interests. This case emphasizes the importance of considering the children's welfare in divorce proceedings. Also, in *Adeyemo v. Adeyemo*,<sup>27</sup> the appellant (husband) contested desertion and child support. The Court of Appeal ruled that the husband's desertion constituted abandonment, warranting child support payments. This case highlights the court's consideration of the father's responsibility to provide financial support.

In *AB v. CD*,<sup>28</sup> the appellant (surrogate mother) sought custody of her child born through surrogacy. The Court of Appeal held that the surrogate mother's right to custody was paramount, considering the child's best interests. This case emphasizes the importance of considering the child's welfare in surrogacy arrangements. Furthermore, in the case of *Ekwelem v. Ekwelem*,<sup>29</sup> the appellant (first daughter) sought to challenge her family's cultural tradition prohibiting marriage. The Court of Appeal ruled that cultural traditions cannot supersede individual rights to marriage and family. This case highlights the importance of balancing cultural traditions with individual rights. In the case of *Onwuka v. Onwuka*,<sup>30</sup> the appellant (single mother) sought to adopt a child. The Court of Appeal granted the adoption, considering the child's best interests. This case emphasizes the importance of considering the child's welfare in adoption proceedings.

### **iii. Unplanned Pregnancy**

Unplanned pregnancy presents another point of consideration as it could lead to single parenthood. A woman could become pregnant outside of marriage and decides to raise the child alone. Establishing paternity can be crucial for securing child support. The mother may need to navigate legal recognition and custody issues. The single mother may face financial challenges, often lacking adequate support

<sup>23</sup> (2017) LPELR-42561(CA).

<sup>24</sup> (2015) LPELR-24817(CA).

<sup>25</sup> (2012) LPELR-7812(CA).

<sup>26</sup> (2019) LPELR-47081(CA).

<sup>27</sup> (2018) LPELR-45672(CA).

<sup>28</sup> (2017) LPELR-42314(CA).

<sup>29</sup> (2015) LPELR-25111(CA).

<sup>30</sup> (2019) LPELR-47239(CA).

from the father or social services. Social stigma and discrimination can affect the mother's social interactions and support systems, impacting her mental health and well-being.<sup>31</sup>

#### **iv. Adoption by a Single Parent**

Adoption by a single parent is another point worthy of note. In the case where a single woman or man decides to adopt a child from an orphanage, adoption laws require rigorous screening and legal processes to ensure the child's welfare. The single parent must meet specific legal criteria. The adoptive parent is solely responsible for the financial needs of the child, which can be a significant burden. Building a bond with an adopted child can be challenging, requiring emotional resilience and possibly professional support.<sup>32</sup>

#### **v. Incarceration of a Parent**

In a situation where a father is incarcerated for a long-term sentence, leaving the mother to care for their children alone or where the reverse is the case, custody typically defaults to the non-incarcerated parent. However, there may be legal hurdles if the custodial arrangement is contested. The single parent may face financial difficulties due to the loss of the other parent's income, requiring additional employment or social support. The incarceration of a parent can cause stigma and emotional distress for the children, affecting their social relationships and mental health.<sup>33</sup>

#### **vi. Parental Abandonment**

Clearly, parental abandonment can lead to single parenthood. A father leaves the family and cuts off all contact, leaving the mother to raise the children or vice versa, the abandoned parent may need to seek legal assistance to obtain sole custody and child support, though enforcing support can be difficult. Financial strain is common, as the single parent must provide for the family without the other parent's support. Abandonment can cause significant emotional distress for children, impacting their sense of security and requiring psychological support.<sup>34</sup>

#### **vii. Surrogacy or In Vitro Fertilization (IVF) by Choice**

A single woman chooses to have a child through IVF, without a partner, legal processes must ensure the recognition of the single parent's rights and the child's legal status. The parent must bear the full financial responsibility for raising the child, which can be substantial. The choice to be a single parent through surrogacy or IVF may face societal judgment and stigma, affecting the parent's social interactions and support systems.<sup>35</sup>

Under the Child Rights Act 2003, custody decisions are made in the best interests of the child. The court considers factors such as the child's age, health, emotional ties with each parent, and the ability of each parent to provide for the child's needs. Single parents often face custody battles, which can be

<sup>31</sup> Eyo (n 20).

<sup>32</sup> E O Alawode, 'Influence of Single-Parenting on the Academic Achievement of Adolescents in Secondary Schools: Implications for Counselling' [2009] (3) (5) *Journal of University of Ibadan*, 200-215.

<sup>33</sup> *Ibid.*

<sup>34</sup> Alawode (n 32).

<sup>35</sup> *Ibid.*

emotionally draining and financially taxing.<sup>36</sup> Fathers may sometimes be disadvantaged due to traditional gender roles that favour mothers as primary caregivers. Custodial parents may need support systems such as extended family, social welfare services, and community programs to assist in raising their children.

Adoption laws in Nigeria require stringent screening and approval processes to ensure the child's welfare. The prospective parent must demonstrate financial stability, emotional readiness, and a suitable home environment. Single parents might face societal bias or legal hurdles, as adoption agencies and courts may have preferences for two-parent households. However, the law does allow single individuals to adopt. Adoptive parents may need post-adoption support services, including counselling and community integration programmes, to help the child adjust to their new family.

Under Nigerian law, children born outside of wedlock may face challenges regarding legitimacy, which can impact their inheritance rights and social acceptance.<sup>37</sup> Illegitimacy can carry social stigma, affecting the child's and parent's interactions within their community. This can impact the child's self-esteem and the parent's support network. Recent legal reforms and judicial decisions have increasingly recognized the rights of all children, regardless of their parents' marital status, particularly regarding inheritance and custody.<sup>38</sup>

Furthermore, under Nigerian law, children have the right to inherit from their deceased parent's estate. However, the process can be complicated by disputes over the legitimacy of children or claims from extended family members. To avoid disputes, single parents should create clear and legally binding wills outlining the distribution of their assets. Trusts can also be established to manage and protect the inheritance for minor children. Navigating the probate process can be complex and may require legal assistance to ensure the children's inheritance rights are upheld, particularly if there are competing claims or contested wills.<sup>39</sup> After a divorce, the mother seeks child support from the father to help with the children's expenses giving the fact that the responsibility of bringing up the child lies on both parent. Nigerian law obligates both parents to contribute to the financial support of their children. Single parents can seek legal recourse to secure maintenance payments from the non-custodial parent. Enforcing maintenance orders can be difficult, particularly if the non-custodial parent is uncooperative or has limited financial resources. This often leaves the custodial parent bearing the brunt of financial responsibilities.<sup>40</sup>

Custody, adoption, legitimacy, inheritance, and maintenance are critical issues in the context of single parenthood in Nigeria. Each carry distinct legal, economic, social, and emotional implications that single parents must navigate. Ensuring access to legal assistance, financial support, and social services is crucial for the well-being and stability of single-parent families. Societal attitudes and support

<sup>36</sup> *Ibid.*

<sup>37</sup> Eyo (n 20).

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*



systems also play a significant role in mitigating the challenges faced by single parents and their children.

When a child is under the custody of a parent in the absence of needed support by the other parent, it affects the financial upbringing of the child especially where the custodian lacks the financial capacity. In the case of adoption for a single parent, such parent is duty bound to be solely responsible for the financial needs of the child which may also constitute a significant burden especially in the face of economic hardship. For purposes of inheritance, especially where there is none for the child and the surviving parent, the difficulty of solely taking care of the child by the surviving parent sets in. Maintenance of a child with respect to his or her growth and development requires huge resources that may pose significant challenge for a single parent that is not financially buoyant.

### **Legal and Ethical Implications of Surrogacy Practice in Nigeria**

Surrogacy practice in Nigeria raises various legal and ethical considerations. From a legal standpoint, Nigeria lacks comprehensive legislation specifically addressing surrogacy, leading to ambiguity and potential exploitation of surrogates, and intended parents. The absence of clear regulations leaves both parties vulnerable to contractual disputes and inadequate protection of their rights.<sup>41</sup> Ethically, surrogacy can raise concerns about exploitation of women, particularly regarding the consent and autonomy of surrogate mothers. Without proper safeguards, there's a risk of coercion or exploitation, especially in cases of economic disparity between surrogate mothers and intended parents. Moreover, cultural, and religious beliefs in Nigeria may influence perceptions of surrogacy, leading to social stigma or resistance. Questions about the welfare of the child and the long-term implications for family dynamics and identity also warrant ethical consideration.<sup>42</sup> Overall, addressing the legal and ethical implications of surrogacy in Nigeria requires comprehensive legislation that protects the rights and well-being of all parties involved, while also respecting cultural and religious sensitivities.<sup>43</sup>

#### **a. Informed Consent**

In the context of surrogacy practice in Nigeria, informed consent plays a crucial role both legally and ethically.<sup>44</sup> Legally, ensuring that all parties involved surrogate mothers and intended parents fully understand the terms, risks, and implications of the surrogacy arrangement is essential for the validity of any contractual agreements.<sup>45</sup> Ethically, informed consent upholds the principle of autonomy, respecting the surrogate mother's right to make informed decisions about her body and participation in the surrogacy process.<sup>46</sup> Without adequate information and understanding of the potential physical, emotional, and legal ramifications, surrogate mothers may be susceptible to exploitation or coercion. Moreover, informed consent extends beyond the surrogate mother to include the intended parents, who should fully understand their responsibilities, legal rights, and financial obligations throughout the surrogacy journey. Ensuring informed consent in surrogacy practice in Nigeria requires clear

<sup>41</sup> F O Akinosun, *Healthcare Law & Ethics in Nigeria* (Malthouse Press Limited 2016) 20-25.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> O A Ogunrin, *Introduction to Health Law and Ethics in Nigeria* (Crownhill University Press 2018) 20-24.

<sup>45</sup> *Ibid.*

<sup>46</sup> M O Alabi, *Principles of Health Law and Ethics in Nigeria* (Macmillan Publishers 2015) 30-45.



communication, comprehensive counselling, and legal guidance for all parties involved. It serves as a fundamental safeguard against potential legal disputes, ethical dilemmas, and violations of individual rights.<sup>47</sup> Surrogates should be fully informed about the medical procedures involved in the surrogacy process, including the potential risks associated with fertility treatments, pregnancy, and childbirth.<sup>48</sup> Understanding these risks enables surrogate mothers to make informed decisions about their health and well-being. Surrogate mothers and intended parents must comprehend their legal rights and responsibilities under the surrogacy agreement. This includes issues related to parental rights, custody, and financial obligations. Clear documentation and legal guidance are essential to ensure that all parties understand their rights and obligations before entering a surrogacy arrangement.<sup>49</sup>

Surrogacy can have significant emotional and psychological implications for both surrogate mothers and intended parents. It's crucial for all parties to be aware of the potential emotional challenges they may face throughout the surrogacy journey, including attachment issues, grief, and identity concerns. Counselling and support services should be available to help individuals navigate these emotional complexities. Surrogacy arrangements often involve sensitive personal information about all parties involved. Ensuring informed consent includes respecting the confidentiality and privacy of individuals' personal and medical details. Clear guidelines should be established to protect the privacy rights of surrogate mothers, intended parents, and any children born through surrogacy.<sup>50</sup>

In a diverse country like Nigeria, cultural and religious beliefs may influence attitudes towards surrogacy. It is essential to take these factors into account and provide culturally sensitive information and support to individuals involved in surrogacy arrangements. Respecting individuals' cultural and religious beliefs is integral to obtaining truly informed consent. Overall, informed consent serves as a cornerstone of ethical surrogacy practice in Nigeria, ensuring that all parties involved have the necessary information and understanding to make autonomous decisions about their participation in the surrogacy process.<sup>51</sup>

### **b. Rights of Surrogate Mothers and the Child**

The rights of surrogate mothers and the child are critical legal and ethical considerations in surrogacy practice in Nigeria. Surrogate mothers have the right to autonomy and bodily integrity.<sup>52</sup> This includes the right to make informed decisions about their participation in the surrogacy process, including consenting to medical procedures and pregnancy-related interventions. They also have the right to fair and just compensation for their time, effort, and any associated risks.<sup>53</sup>

The child born through surrogacy has fundamental rights to care, protection, and identity. It is crucial to ensure that the child's best interests are prioritized throughout the surrogacy process, including

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<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> N I Chukwuemeka, *Health Law in Nigeria: An Introductory* (Amana Publications 2019) 20-25.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

decisions regarding custody, parental rights, and access to medical and genetic information.<sup>54</sup> Clear legal frameworks should be in place to safeguard the child's rights and ensure their well-being.<sup>55</sup> Intended parents have legal and ethical obligations towards the child born through surrogacy. This includes providing for the child's physical, emotional, and financial needs, as well as respecting the child's right to know their genetic and biological origins. Establishing parental rights and responsibilities through legal channels is essential to protect the interests of both the child and the intended parents.<sup>56</sup>

Surrogacy arrangements should be legally recognized to protect the rights of all parties involved, including the surrogate mother, intended parents, and the child. Legal documentation should clearly outline parental rights, custody arrangements, and any financial agreements to prevent disputes and ensure the child's welfare. Surrogate mothers and children are vulnerable to exploitation and trafficking in the absence of adequate legal protections.<sup>57</sup> Ethical surrogacy practices should prioritize the prevention of exploitation, coercion, and trafficking, ensuring that surrogate mothers are treated with dignity and respect, and that the child's rights are upheld throughout the surrogacy process.<sup>58</sup> The absence of comprehensive legislation specifically addressing surrogacy leaves both surrogate mothers and intended parents vulnerable to legal disputes and exploitation.<sup>59</sup> The lack of clear regulations contributes to uncertainty regarding parental rights, custody, and financial agreements.<sup>60</sup>

Surrogacy raises ethical questions regarding the autonomy and well-being of surrogate mothers, the welfare of the child, and the commercialization of reproduction. Without adequate safeguards, there's a risk of exploitation, coercion, and violation of individual rights. Cultural and religious beliefs in Nigeria may influence perceptions of surrogacy, leading to social stigma or resistance.<sup>61</sup> Traditional views on family, parenthood, and reproduction may clash with modern surrogacy practices, creating challenges in acceptance and implementation. Economic disparities between surrogate mothers and intended parents can exacerbate power differentials and inequalities in surrogacy arrangements.<sup>62</sup> Vulnerable women may be driven to become surrogate mothers due to financial incentives, raising concerns about exploitation and coercion. Surrogacy involves medical procedures and pregnancy-related risks for surrogate mothers, including physical, emotional, and psychological challenges. Ensuring access to quality healthcare and comprehensive support services is essential to address these risks and complications.<sup>63</sup> The absence of regulatory bodies and oversight mechanisms in the surrogacy industry contributes to a lack of accountability and transparency. Without proper regulation, there is a risk of exploitation, trafficking, and unethical practices within the surrogacy market. The globalization of surrogacy introduces additional challenges, such as cross-border legal issues, cultural differences,

<sup>54</sup> I A Okwoli, *Health Law and Ethics in Nigeria* (The Divine Pathway Publishers 2011) 30-35.

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> A Kolo, *Introduction to Nigerian Health Law and Ethics* (Spectrum Books 2018) 40-45.

<sup>62</sup> E A Nweke, *Nigerian Health Law* (Cambridge University Press 2017) 20-35.

<sup>63</sup> *Ibid.*

and disparities in healthcare standards.<sup>64</sup> Intended parents may seek surrogacy services abroad, leading to complex legal and ethical dilemmas.<sup>65</sup>

### **c. Psychological and Social Impact of Surrogacy**

The psychological and social impact of surrogacy practice in Nigeria can be significant for all parties involved, including surrogate mothers, intended parents, and children born through surrogacy.<sup>66</sup> Surrogacy can have both positive and negative psychological effects on surrogate mothers.<sup>67</sup> While some may experience a sense of fulfilment from helping others achieve parenthood, others may struggle with feelings of attachment and loss after carrying a child for another family. Surrogate mothers may also face societal stigma and judgment, impacting their mental well-being and social relationships.<sup>68</sup> Access to comprehensive psychological support and counselling is crucial to help surrogate mothers navigate these emotional challenges. For intended parents, surrogacy can bring immense joy and fulfilment as they realize their dream of having a child. However, the journey may also be emotionally taxing, characterized by stress, anxiety, and uncertainty. Intended parents may grapple with issues of genetic connection, identity, and bonding with the child. Support groups, counselling, and access to mental health services can help intended parents cope with the psychological impact of surrogacy and navigate the complexities of the process.<sup>69</sup>

Furthermore, children born through surrogacy may face unique psychological and social challenges related to their identity and origin.<sup>70</sup> Questions about genetic heritage, parental relationships, and understanding the surrogacy process may arise as children grow older. Open and honest communication about their conception and birth story is essential to help children develop a healthy sense of identity and self-esteem.<sup>71</sup> Additionally, children may encounter social stigma or discrimination related to their unconventional family structure, highlighting the importance of creating supportive and inclusive environments.<sup>72</sup> Surrogacy can also impact broader family dynamics and relationships within the surrogate mother's family, the intended parents' family, and the extended social network. Cultural and religious beliefs may influence acceptance and support for surrogacy, leading to tensions or conflicts within families and communities. Education and awareness-raising efforts can help foster understanding and acceptance of surrogacy as a legitimate means of family building.<sup>73</sup>

Overall, addressing the psychological and social impact of surrogacy practice in Nigeria requires a holistic approach that prioritizes the well-being of all individuals involved.<sup>74</sup> Access to mental health support, education, and community resources can help mitigate the challenges and promote positive

<sup>64</sup> *Ibid*

<sup>65</sup> *Ibid.*

<sup>66</sup> O Oguntoye, *Law and Medicine in Nigeria* (Lagos University Press 2016) 50-56.

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

<sup>73</sup> S T Akoye and D Dokubo, *Law of Health, Medical and Sanitary Administration in Nigeria* (Libra Books 2016) 30-45.

<sup>74</sup> *Ibid.*



outcomes for surrogate mothers, intended parents, and children born through surrogacy. Surrogacy may face social stigma and discrimination in Nigerian society due to cultural and religious beliefs, traditional views on family, and societal norms. Surrogate mothers, intended parents, and children born through surrogacy may encounter prejudice and judgment from their communities, impacting their psychological well-being and social integration.<sup>75</sup> The lack of clear legal frameworks for surrogacy in Nigeria can contribute to stress and uncertainty for all parties involved. Surrogate mothers and intended parents may experience anxiety about their legal rights and responsibilities, leading to emotional distress and strain on their mental health. Legal challenges and disputes can further exacerbate the psychological impact of surrogacy arrangements.<sup>76</sup>

Surrogacy can present unique challenges in terms of bonding and attachment for both surrogate mothers and intended parents.<sup>77</sup> Surrogate mothers may struggle with separating from the child after birth, while intended parents may experience anxiety about bonding with a child who is not genetically related to them.<sup>78</sup> Building strong emotional connections and navigating the complexities of parent-child relationships require support and guidance from mental health professionals and counsellors. Surrogacy may involve experiences of loss and grief for all parties involved.<sup>79</sup> Surrogate mothers may experience feelings of loss when relinquishing custody of the child, while intended parents may grieve the loss of genetic connection or the inability to carry a child themselves. Acknowledging and processing these feelings of loss is essential for psychological healing and emotional well-being.<sup>80</sup> Surrogacy can have implications for marital and partner relationships, including increased stress, communication challenges, and shifts in roles and responsibilities. Couples may experience conflict or tension as they navigate the emotional and practical aspects of the surrogacy process. Access to couples counselling and support services can help strengthen relationships and promote healthy coping strategies.<sup>81</sup> In summary, the psychological and social impact of surrogacy practice in Nigeria is multifaceted and complex, requiring attention to individual, familial, and societal factors. Comprehensive support systems, including mental health services, legal guidance, and community education, are essential to address the challenges and promote positive outcomes for all individuals involved in surrogacy arrangements.

#### **d. Relationship Between Surrogacy and the Intended Parents**

The relationship between surrogacy and intended parents in Nigeria is characterized by a complex interplay of emotions, expectations, and practical considerations.<sup>82</sup> While surrogacy offers a pathway to parenthood for individuals or couples unable to conceive or carry a child themselves, it also presents several challenges within the Nigerian context. Intended parents may experience a range of emotions throughout the surrogacy journey, including excitement, anticipation, and anxiety.<sup>83</sup> Building a

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

<sup>79</sup> I E Ntui, *The Law of Health, Safety and Environment in Nigeria* (Pearl Publishers 2015) 20-25.

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> S Ekeke, *Health and Medical Law* (Spectrum Books Ltd 2015) 20-56.

<sup>83</sup> *Ibid.*



connection with the surrogate mother and the unborn child can be challenging, especially if there are cultural or language barriers between the parties involved.<sup>84</sup> Establishing trust and open communication is essential to foster a positive relationship between intended parents and the surrogate mother. Clarifying roles and boundaries within the surrogacy arrangement can be challenging, particularly regarding the level of involvement and decision-making authority granted to intended parents. Surrogate mothers may have their own preferences and expectations regarding the level of contact and interaction with intended parents during the pregnancy and after childbirth. Negotiating these boundaries and ensuring mutual respect is crucial to maintaining a healthy relationship.<sup>85</sup>

Cultural and religious beliefs in Nigeria may influence attitudes towards surrogacy and shape the dynamics of the relationship between intended parents and the surrogate mother.<sup>86</sup> Traditional views on family, parenthood, and reproduction may conflict with modern surrogacy practices, leading to challenges in acceptance and understanding.<sup>87</sup> Sensitivity to cultural differences and open dialogue about values and beliefs can help bridge these divides. The lack of clear legal frameworks for surrogacy in Nigeria can create uncertainty and ambiguity for intended parents.<sup>88</sup> Ensuring legal recognition of parental rights, custody arrangements, and financial agreements is essential to protect the interests of intended parents and provide stability for the family unit.<sup>89</sup> Navigating the legal landscape and ensuring compliance with relevant regulations can be daunting for intended parents, highlighting the need for legal guidance and support.<sup>90</sup> Surrogacy involves significant financial costs, including compensation for the surrogate mother, medical expenses, legal fees, and other associated expenses. Intended parents may face financial strain or uncertainty, particularly if they encounter unexpected challenges or complications during the surrogacy process. Access to financial resources and assistance programs can help alleviate some of these burdens and support intended parents throughout the journey.

In summary, the relationship between surrogacy and intended parents in Nigeria is shaped by various factors, including emotional dynamics, cultural beliefs, legal considerations, and financial realities. Addressing these challenges requires open communication, empathy, and collaboration between all parties involved, as well as access to supportive resources and services to navigate the surrogacy journey successfully. The intended parents in Nigeria may encounter various challenges throughout the surrogacy process, ranging from psychological stress and social stigma to legal uncertainties and relationship dynamics. Addressing these challenges requires a multi-faceted approach that prioritizes the well-being and support of intended parents, including access to counselling, legal guidance, and advocacy efforts to promote awareness and acceptance of surrogacy within Nigerian society.

<sup>84</sup> J N Nwosu, *Health and Medical Law in Nigeria* (Malthouse Press 2013) 20-35.

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid.*

<sup>90</sup> *Ibid.*



## **Challenges Facing Institutions in Nigeria with Respect to Single Parenthood**

Single parenthood presents several challenges to various institutions in Nigeria, including legal, social welfare, educational, and healthcare systems.

### **I. Custody Disputes**

Courts are often overwhelmed with custody cases, leading to prolonged legal battles and delayed decisions. Legal systems struggle to enforce child support orders effectively, particularly when the non-custodial parent is uncooperative or financially unstable.<sup>91</sup> Legal institutions face challenges in resolving inheritance disputes, especially when the legitimacy of children is questioned or when wills are contested. For instance, a single mother fighting for custody of her children may face years of legal battles due to an overburdened court system, leading to emotional and financial strain.<sup>92</sup>

### **II. Insufficient Resource**

Social welfare programs are often underfunded and lack the necessary resources to support single-parent families adequately. Access to social welfare services can be inconsistent, with rural areas particularly underserved compared to urban centres.<sup>93</sup> Social welfare agencies may be influenced by societal biases against single parents, leading to unequal treatment and support. For instance, a single father in a rural area might struggle to access financial assistance or counselling services due to limited availability and resources in his community.<sup>94</sup>

### **III. Educational Institutions**

Children from single-parent families may face barriers to education, including inability to afford school fees, uniforms, and supplies.<sup>95</sup> Teachers and school counsellors may be ill-equipped to address the emotional and behavioural challenges faced by children from single-parent households. Single parents may have less time to engage with their children's education due to work and other responsibilities, impacting their academic performance and school participation. For instance, a single mother working multiple jobs might find it challenging to attend parent-teacher meetings, impacting her ability to support her child's education effectively.<sup>96</sup>

### **IV. Healthcare Institutions**

Single parents often struggle to access affordable healthcare for themselves and their children, particularly in rural areas. There is a lack of specialized mental health services for single parents and their children, who may face increased stress and emotional difficulties.<sup>97</sup> Healthcare institutions may not have adequate programs to support single mothers, especially regarding prenatal and postnatal care.

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<sup>91</sup> Eyo (n 20).

<sup>92</sup> Eyo (n 20).

<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*



For instance, a single mother with limited income may forgo necessary medical care for her child due to the high cost of healthcare services.<sup>98</sup>

## **V. Funding Limitations**

NGOs often operate with limited funding, restricting their ability to provide comprehensive support to single-parent families. Effective collaboration between NGOs and government institutions is often lacking, leading to fragmented and inefficient service delivery. NGOs may face challenges in addressing the cultural stigma and discrimination against single parents in their programmes. An NGO aiming to support single parents may struggle to secure sustainable funding and face difficulties in reaching those in need due to cultural barriers.<sup>99</sup>

## **VI. Employment Sector**

Single parents, especially mothers, may face discrimination in hiring, promotions, and job stability due to their caregiving responsibilities. Many workplaces do not offer flexible working hours, parental leave, or childcare support, making it difficult for single parents to balance work and family responsibilities. Single parents often earn less than their married counterparts, exacerbating financial instability and poverty. A single mother may be passed over for promotions or face job instability due to the perception that her caregiving responsibilities make her less committed to her job.<sup>100</sup> Institutions in Nigeria face significant challenges in supporting single-parent families. Addressing these challenges requires increased funding, better coordination between government and NGOs, the implementation of supportive workplace policies, and efforts to combat social stigma. Providing comprehensive and accessible services across legal, social welfare, educational, and healthcare systems is crucial for improving the well-being and stability of single-parent families.<sup>101</sup>

## **Lessons from Canada and their Application to the Legal Implications of Single Parenthood in Nigeria**

### **Comprehensive Family Law Framework**

Canada has a well-defined family law system that clearly addresses issues related to custody, child support, and parental responsibilities.<sup>102</sup> The Divorce Act and various provincial family laws ensure that the best interests of the child are paramount in legal decisions. Nigeria can benefit from codifying comprehensive family laws that explicitly outline the rights and responsibilities of single parents. This would reduce ambiguity and ensure consistent application of the law. Emphasizing the child's best interests in all legal decisions related to custody and support can help create more child-centric outcomes.<sup>103</sup>

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<sup>98</sup> *Ibid.*

<sup>99</sup> A Garriga and Others, 'Mother's Educational Level and Single Motherhood: Comparing Spain and Italy' [2015] (33) (42) *Journal of Demographic Research* 120-130.

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*

<sup>102</sup> J McCandles, 'Examination of Human Fertilization and Embryology Act, 2008 and Effects on Parenthood' [2013] (3) (4) *Journal of Biology* 20-25.

<sup>103</sup> *Ibid.*

### **Efficient Child Support Enforcement**

Canada has mechanisms in place to enforce child support orders effectively. The Maintenance Enforcement Programmes (MEPs) in various provinces ensure that non-custodial parents meet their financial obligations. Nigeria can develop and implement robust mechanisms to enforce child support orders.<sup>104</sup> This could involve setting up a centralized system to monitor and enforce payments. Introducing penalties for non-compliance with child support orders can deter non-custodial parents from neglecting their financial responsibilities.<sup>105</sup>

### **Accessible Legal Aid and Support Services**

In Canada, legal aid services are widely available to assist single parents in navigating the legal system. This includes access to lawyers, counselling, and other support services. Nigeria can expand its legal aid services to provide more support to single parents. This can include free or low-cost legal representation and counselling services. Establishing community legal clinics in both urban and rural areas can improve access to legal support for single parents.<sup>106</sup>

### **Integration of Social Services**

Canada integrates social services with legal support, ensuring that single parents receive holistic assistance. This includes access to housing, healthcare, and childcare services. Nigeria can create integrated support systems that provide single parents with access to various social services alongside legal support. This can help address the multifaceted challenges they face. Encouraging collaboration between government agencies and NGOs can enhance the delivery of comprehensive services to single parents.<sup>107</sup>

### **Educational and Awareness Programmes**

Canada invests in educational and awareness programs to inform single parents about their rights and available resources. Public campaigns and educational materials help parents navigate the legal system. Nigeria can implement public awareness campaigns to educate single parents about their legal rights and the resources available to them. This can empower parents to seek the support they need. Providing training for judges, lawyers, and social workers on the unique challenges faced by single parents can improve the sensitivity and effectiveness of legal interventions.<sup>108</sup>

### **Lessons from New Zealand and Their Application to the Legal Implications of Single Parenthood in Nigeria**

### **Family Dispute Resolution Services**

New Zealand provides Family Dispute Resolution (FDR) services, which offer mediation to resolve parenting and custody disputes outside of court. This process is less adversarial and focuses on the best interests of the child. Nigeria can set up mediation centres to handle family disputes. This would help

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.*

<sup>106</sup> B E Falana and Others, 'Single-Parent Family Structure, Psychological, Social and Cognitive Development in Children in Ekiti State, Nigeria' [2012] (2) *Journal of Educational Psychology* 158-164.

<sup>107</sup> *Ibid.*

<sup>108</sup> *Ibid.*

reduce the burden on the courts and provide a more amicable way to resolve custody and parenting issues. Providing training for mediators specializing in family law can ensure that disputes are resolved fairly and, in the child's, best interests.<sup>109</sup>

### **Child Support System**

New Zealand has a centralized and efficient child support system managed by the Inland Revenue Department. This system calculates, collects, and enforces child support payments, ensuring consistent financial support for children. Nigeria can establish a centralized agency responsible for managing child support payments. This agency would ensure timely and consistent enforcement of child support orders. Implementing automated payment systems can facilitate regular and reliable child support payments, reducing the risk of defaults.

### **Comprehensive Legal Aid**

New Zealand provides comprehensive legal aid to low-income individuals, including single parents. This ensures access to legal representation and advice for those who cannot afford it. Nigeria can expand its legal aid services to include more support for single parents. This could involve increasing funding for legal aid and providing pro bono legal services. Launching awareness campaigns to inform single parents about available legal aid services can help ensure they utilize these resources.

### **Integrated Social Services**

New Zealand offers integrated social services, ensuring that single parents receive holistic support, including housing, healthcare, and financial assistance, along with legal help. Nigeria can develop one-stop centres that provide comprehensive services for single parents, including legal, financial, and social support. These centres can streamline access to various forms of assistance. Encouraging partnerships between government agencies and NGOs can enhance the delivery of integrated services to single-parent families.<sup>110</sup>

### **Educational and Parenting Support Programmes**

New Zealand runs various educational and parenting support programs that help single parents develop skills for effective parenting and understand their legal rights and responsibilities. Nigeria can introduce parenting workshops and educational programs that provide single parents with the skills and knowledge needed to raise their children effectively.<sup>111</sup>

Establishing resource centres that offer information on legal rights, parenting techniques, and available support services can empower single parents to better manage their responsibilities. By adopting lessons from New Zealand, such as family dispute resolution services, a centralized child support system, comprehensive legal aid, integrated social services, and educational support programs, Nigeria can improve the legal and social framework for single parents. Implementing these strategies can help

<sup>109</sup> B E Falana and Others, 'Single-Parent Family Structure, Psychological, Social and Cognitive Development in Children in Ekiti State, Nigeria' [2012] (2) *Journal of Educational Psychology* 158-164.

<sup>110</sup> *Ibid.*

<sup>111</sup> *Ibid.*



ensure that single parents receive the support they need to provide stable and nurturing environments for their children.<sup>112</sup>

## **Conclusion**

Single parenthood in Nigeria presents both significant social and legal implications. Socially, single parents and their children may encounter stigma and challenges related to societal norms and support networks. Legal implications include navigating complex custody arrangements, child support enforcement, and inheritance rights within an often-inconsistent legal framework. Despite these challenges, there are opportunities for improvement through implementing comprehensive family laws that prioritize the welfare of children, expanding access to supportive services such as legal aid and social welfare programs, and promoting awareness and education to reduce stigma and empower single parents. By addressing these issues comprehensively, Nigeria can better support single-parent families, ensuring they receive the necessary legal protections and social support to thrive and contribute positively to society.

## **Recommendations**

The paper presents the following recommendations:

### **1. Strengthening Legal Frameworks**

The National Assembly should amend existing family laws or enact new legislation that explicitly protects the rights of single parents and their children. Ensure these laws prioritize the best interests of the child in custody, support, and inheritance matters, like the Child Rights Act 2003.

### **2. Enhance Access to Legal Aid**

The Federal Government should expand government-funded legal aid programs to provide free or affordable legal representation and advice to single parents. Establish legal clinics in both urban and rural areas to ensure accessibility, such as modelled after legal aid services in Canada.

### **3. Improve Child Support Enforcement**

The government should establish a centralized agency responsible for enforcing child support payments, similar to the Maintenance Enforcement Programs in New Zealand. Implement automated systems to track payments and enforce compliance.

### **4. Promote Social Welfare Integration**

The government at all levels should integrate social services such as healthcare, housing assistance, and educational support into comprehensive support packages for single-parent families. Develop partnerships between government agencies and NGOs to streamline service delivery, like integrated social services in New Zealand.

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<sup>112</sup> *Ibid.*



## 5. Raise Awareness and Combat Stigma

The government should launch public awareness campaigns to educate the public about the challenges faced by single parents and their children. Promote positive narratives and role models to combat stigma and discrimination, drawing lessons from awareness initiatives in Canada and New Zealand. Implementing these recommendations would require concerted efforts from policymakers, legal professionals, social workers, and community leaders to create a more supportive environment for single-parent families in Nigeria.