**FAMILY/ DOMESTIC MATTERS**

**RIGHTS OF A CHILD, CUSTODY AND PROTECTION OF THE CHILD**

**WHO IS A CHILD?**

The Child’s Right Act defines a child as “a person under the age of eighteen years. The paramount consideration in the award of child custody is the interest of the child in question.

**BEST INTEREST OF THE CHILD**

A decision in “the best interests of the child” requires considering the age and sex of the child, the wishes of the child’s parents, the wishes of the child, and the child’s relationship with each of the parents, siblings, other persons who may substantially impact the child’s best interests, the child’s comfort in his home, school, and community, and the mental and physical health of the involved individuals. The parent with custody controls decisions pertaining to the child’s education, religious upbringing, and health care.

**CHILD SUPPORT**

Child support is an ongoing periodic payment made by a parent for the financial benefit of a child (or parent, caregiver, guardian, or state) following the end of a marriage or other relationship.

A child of the marriage for the purposes of maintenance is not confined to child born to a lawful marriage between the spouses. It covers natural but illegitimate or legitimated child born by the two spouses. A child adopted since the marriage jointly by the spouses is also a child of the marriage. The children of the marriage for which a maintenance order can be made are those who are less than 21years old.

**Can children make direct claims against their parents?**

Under the Child’s Right Act (section 14(2), a child has a right to maintenance from the parents and can maintain an independent action for it against the parents. This is not so under the Matrimonial Causes Act because there must be a matrimonial cause before ancillary reliefs for maintenance can be claimed by the parents on behalf of the children (*Ugbah v Ugbah (2009) 3 NWLR (pt. 1127) 108*).