

IN THE FAMILY AND JUVENILE COURT 'B', FORMER COMMERCIAL COURT BUILDING-ACCRA, HELD ON TUESDAY THE 20<sup>TH</sup> DAY OF SEPTEMBER 2022. BEFORE HER HONOUR MRS. MATILDA RIBEIRO SITTING AS AN ADDITIONAL MAGISTRATE WITH MADAM FELICIA COFIE AND MADAM REGINA TAGOE AS PANEL MEMBERS.

SUIT NO: A6/67/2023

SOLOMON QUAYNOR ... .. APPLICANT  
OF TESHIE - ACCRA.

**VRS:**

EUNICE AGBOGBATEY ... .. RESPONDENT

OF DANSOMAN - ACCRA.

Time: 9:12 am.

Parties: Present.

Counsel for Respondent: Absent. Present later.

## JUDGMENT

The parties herein cohabited and were blessed with a child by name Olive Quaynor aged 1 year 5 months old (hereinafter referred to as the issue). Applicant, the father of the about 18 months old issue applied to the Court on the 15<sup>th</sup> August, 2022 to be allowed access and visitation rights to the child in issue and for Respondent to be restrained from attacking him.

Respondent contended in her Affidavit in Opposition filed on 29<sup>th</sup> August, 2022 that she denied Applicant access to the child at some point in order to push him to take up his responsibilities for the child. According to her, the only costs covered by Applicant were

payment for scan, ante-natal, folder and calcium tablets. That though she is unemployed, Applicant left her to fend for herself and the pregnancy. She indicated her readiness to grant Applicant access to the issue as permitted by law once he starts taking up his full responsibilities towards the issue. She therefore prayed the Court to order Applicant to maintain the child.

The parties were referred to ADR on the 30<sup>th</sup> day of August, 2022 and before the Court is an ADR Terms of Agreement dated 13<sup>th</sup> September, 2022 showing agreements between the parties on custody, maintenance, education and health as follows:

CUSTODY: That Respondent shall have custody of the child.

MAINTENANCE: That Applicant shall pay a monthly maintenance of Two Hundred and Fifty Ghana Cedis (GH¢250.00) for the child. Maintenance shall be paid in Court on or before the last day of each month, effective September, 2022.

EDUCATION: That Applicant shall enrol the child into a school close to where Respondent lives and pay school fees, cost of text books and exercise books and school feeding fee.

That Respondent shall pay for the child's school uniforms and materials as well as extra classes. Applicant shall also provide clothing for church and the house twice a year for the child.

HEALTH: That Respondent shall renew the child's NHIS anytime it falls due. That Applicant shall pay medical bills not covered by NHIS.

MAINTENANCE AND MEDICAL BILL ARREARS (GH2,900.00): That Applicant shall pay One Hundred Ghana Cedis (GH¢100.00) a month till the amount is exhausted. The Hundred Ghana Cedis shall also be paid in Court alongside the maintenance making it Three Hundred and Fifty Ghana Cedis (GH¢350.00).

The above terms agreed on between the parties on the 13<sup>th</sup> day of September 2022 is adopted by the Court and incorporated into the judgment of this Court.

The parties were however unable to agree on Applicant's access to the child. Asked why, Respondent said her family expects Applicant to present some items to the child and some money to Respondent (suneshishi and otsi woo per Ga custom) before he can have access to the child in issue. That although Applicant named the issue in his uncle's house, he failed to fulfil certain customary requirements. She again stated that when he starts taking up his responsibilities, as contained in the ADR Terms of Agreement, then he can have access to the child.

On the issue of access to the child, it is the considered view of the Court that being the father with responsibilities to the child as contained in the ADR Terms of Agreement, he should be entitled to have reasonable access to the issue in accordance with **sections 44, and 57 of the Children's Act 1998 (Act 560)**.

Section 44 of Act 560 provides as follows;

*"A parent, family member or any person who has been caring for a child may apply to a Family Tribunal for periodic access to the child."*

#### *Section 57*

*"A non-custodian parent in respect of whom an application is made to a Family Tribunal for an order of parentage, custody, access or maintenance under this Part shall have access to the child who is the subject of the order"*

In fact the issue is also entitled to have access to the father as was held in the case of **Happee v. Happee (1974) 2 GLR 186** for bonding purposes. This is a right which should not be denied the issue

Accordingly, the Court grants Applicant reasonable access to the issue. Since the issue is currently under 2 years, he shall have visitation access to the issue on weekends with the right to step out with the child for a maximum of three (3) hours and return her back to Respondent's custody. This is subject to variation over time.

Upon hearing the prayer of Counsel for Respondent, Applicant is ordered to show Respondent his current residence at Teshie and also the family house at Odorkor in order to facilitate the access given. Additionally, Respondent may accompany Applicant and the issue when Applicant decides to step out with the issue when he visits, and the parties shall exercise decorum in their interactions.

**SGD.**

**H/H MATILDA RIBEIRO (MRS.)**

**CIRCUIT COURT JUDGE**