

IN THE FAMILY AND JUVENILE COURT 'C' AT THE FORMER
COMMERCIAL COURT BUILDING, ACCRA HELD ON WEDNESDAY THE
8TH DAY OF MARCH 2023 BEFORE HER HONOUR HALIMAH EL-ALAWA
ABDUL-BAASIT SITTING AS AN ADDITIONAL MAGISTRATE WITH
~~MADAM FELICIA COFIE AND MR. WISDOM ATIASE AS PANEL~~
MEMBERS.

SUIT NO. A6/284/23

RUTH WIREDU
DANSOMAN, ACCRA

APPLICANT

VS.

STEPHEN OWUSU
TESANO POLICE STATION
ACCRA
RESPONDENT

Parties Present

No Legal representation for both parties

CONSENT JUDGMENT

The Applicant on the 3rd day of January 2023 filed an Application praying for the following reliefs;

- a) An order by the Honourable Court directed at the Respondent to hand over the child in issue to the Applicant to have custody of same.
- b) An order restraining the Respondent for enrolling the child into the boarding school.

- c) An order directed at the Respondent to maintain the child at GH c 1,000.00 a month, re-enroll the child into a new school; continue to pay school fees and other things connected to school.
- d) An order directed at the Respondent to see to the medical needs of the child.
- e) An order for the Respondent to reimburse the Applicant of the child's medical bills and maintenance arrears within the period the Respondent traveled to the peacekeeping mission and the balance of the upward monthly maintenance fee.
- f) An order for the Respondent to pay for the accommodation rent of the child and Applicant.
- g) Any other orders deemed fit by the Honorable court.

The basis of Applicant's Application is that she is married to the Respondent but now separated and have a Three (3) year old male child but the Respondent has refused to maintain. She deposed further that after an intervention by the Social Welfare Department, the Respondent that was ordered to maintain the child with a specified amount as well as have access to the child but has since failed to comply with the said orders.

The Respondent's Case

The Respondent in his Affidavit in Opposition filed on the 18th of January 2023 deposed that he was never married to the Respondent but only performed the knocking rite when the Respondent got pregnant. He deposed further that he made a standing order effective January 2020 to December 2020 for maintenance of the child when he travelled for peacekeeping but Applicant refused to take same to maintain the child. He further deposed that after returning from

peacekeeping, he requested to see the child but was told that, he would have to reimburse all the expenses made on the child before the child is handed over to him and same was the reason why he lodged a complaint to Social Welfare Department. He therefore prays the Honourable court grants him custody of the child and reasonable access to the Applicant.

DETERMINATION

The matter came up for hearing on 18th January, 2023 and the Court referred the parties to the Court connected Alternative Dispute Resolution (ADR) Centre to attempt an amicable resolution of the Applicant's reliefs. Following a successful resolution of the dispute, the parties appended their signatures to the Terms of Agreement.

The Terms of Agreement

Before the court is an ADR Terms of Agreement dated 23rd January 2023, where the parties agreed on the following;

1. **CUSTODY:** That Applicant shall have custody of the child.
2. **ACCESS:** That Respondent shall have access to the child during school vacation.
3. **MAINTENANCE:** That Respondent shall pay monthly maintenance of Three Hundred Ghana Cedis (Ghc300.00) for the child into Applicant's mobile account number 055207335 in the name of Ruth Wiredu, directly from Respondent's mobile account number 0244340881 in the name of Stephen Owusu on or before the last day of each month, effective.

4. EDUCATION: The Respondent shall pay the child's school fees and anything that is connected to his education.

5. HEALTH: That Applicant shall renew the child's health insurance anytime it fall due. That Respondent shall pay medical bill not covered by Health insurance.

The parties were however unable to resolve issues concerning accommodation and the ADR Centre referred that issue back to court. The Court shall therefore proceed to make Orders to that effect

ORDERS

Upon consideration of the Application, the evidence on record, the testimony of the parties and pursuant to the provisions of The Children's Act, 1998 (Act 560) which provides among others that the child's father shall be Responsible for the necessities of life of the child including shelter. In the circumstance, the parties are to share the cost of the rent as follows;

- i. The Applicant shall Sixty percent (60%) of the rent amount; and
- ii. The Respondent shall pay Forty percent (40%) of the rent amount.

BY COURT:

The Terms of Agreement dated 23rd January 2023, signed by both parties before the Mediator; MADAM DORIS KOTEY and confirmed by both parties is hereby

adopted as Consent Judgment. Both parties are advised to ensure effective communication so that the child can be brought up in a healthy environment.

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H/H HALIMAH EL-ALAWA ABDUL-BAASIT.
PRESIDING JUDGE

I AGREE

I AGREE

.....

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MR. WISDOM ATIASE
PANEL MEMBER

MADAM FELICIA COFFIE
PANEL MEMBER