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THE INVISIBLE FAMILY: SINGLE PARENTING, LEGAL LACUNAE, AND THE IMPERATIVE FOR REFORM IN NIGERIA

***Rosemary Asimegbe Roseline Alenoghena**

Department of Family Law, Faculty of Law, Delta State University, Oleh Campus, Nigeria.

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***Corresponding Author: Rosemary Asimegbe Roseline Alenoghena**

Department of Family Law, Faculty of Law, Delta State University, Oleh Campus, Nigeria.

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ABSTRACT

This article examines the socio-legal dimensions of single parenting in Nigeria, with particular focus on Delta State, interrogating the adequacy of existing legal frameworks in addressing the unique vulnerabilities of single-parent households. Drawing upon doctrinal and analytical methodology, the study evaluates the gap between the de jure provisions of family law and the de facto lived experiences of custodial parents and children. The research reveals that the rise in single parenting has created a supervision gap and chronic financial instability, contributing significantly to juvenile delinquency, academic underperformance, and long-term economic scarring. Furthermore, the study identifies systemic failures in the enforcement of maintenance orders, effectively shifting the burden of child support from non-custodial parents to an already strained state infrastructure. The article concludes that the best interest of the child principle remains a statutory platitude in the absence of robust administrative machinery, and recommends urgent legislative, judicial, and policy reforms, including the enactment of dedicated single parenting legislation, automated maintenance recovery mechanisms, and the integration of family support systems into national security and public policy frameworks.

KEYWORDS: Single parenting, child rights, maintenance enforcement, legal reform, Nigeria, Delta State, family law

1. INTRODUCTION

The family, universally acknowledged as the fundamental unit of society, bears primary responsibility for the physical, emotional, moral, and intellectual development of children. Within the Nigerian socio-legal context, the traditional family structure has historically been

conceived as a dual-parent household wherein both parents jointly undertake the responsibilities of upbringing, economic support, and socialization. However, contemporary socio-economic realities, including urbanization, economic hardship, migration, and evolving cultural values -have significantly altered this structure, precipitating a marked rise in single-parent households across Nigeria, and particularly in Delta State.

Single parenting, defined as a family arrangement in which one parent assumes sole primary responsibility for the upbringing, welfare, and maintenance of a child, may arise from divorce, separation, death of a spouse, abandonment, desertion, non-marital births, or voluntary parenthood. In Delta State's urban centres Asaba, Warri, and Sapele,there has been a noticeable increase in households headed by single parents, generating legal, social, and policy concerns regarding implications for child development and societal stability.

The child remains the most affected stakeholder within the single-parent family structure. Studies have linked single parenting to emotional instability, psychological distress, reduced academic performance, and behavioural challenges. At the societal level, single parenting has been associated with broader socio-economic concerns including poverty, juvenile delinquency, and weakened social cohesion concerns particularly relevant in Delta State, where economic disparities and unemployment exacerbate the vulnerabilities of single-parent households.

From a legal perspective, single parenting raises important questions relating to child custody, maintenance, parental responsibility, and protection against discrimination. While Section 42 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) prohibits discrimination on the basis of circumstances of birth, and the Child Rights Act 2003 provides that the best interest of the child shall be paramount in all actions concerning the child, there exists no comprehensive legal framework specifically addressing the peculiar challenges of single-parent families in Nigeria.

This article critically examines the impact of single parenting on the child and society, the challenges and stigmatization associated with it, and the adequacy of the legal framework in Delta State, proposing reforms to address identified gaps.

2. Conceptual and Theoretical Framework

2.1 Defining Single Parenting

"Single parenting" denotes a legal and domestic arrangement wherein one individual exercises primary responsibility for the day-to-day care, maintenance, and overall upbringing of a child. Under the Child Rights Act, a child is defined as any person under eighteen years. The legal essence of single parenting lies in the management of the rights and welfare of a minor by a solitary parent, to the exclusion of a co-habiting or functionally supportive spouse.

2.2 Distinguishing Single Parenting from Related Concepts

Sole custody is a specific power granted by a court under the Matrimonial Causes Act, whereas single parenting describes the actual situation at home where one person performs the work of two. Co-parenting (or joint custody) involves both parents, though separated, working together to make major decisions for the child. Guardianship differs in source of authority: a parent's right to their child is natural and constitutionally protected, while a guardian is appointed by law to act as a parent.

2.3 Theoretical Framework

This study is anchored on four interrelated theoretical pillars:

Family Systems Theory (Bowen) posits that a family is an emotional and structural unit where members are intensely connected. When a parent is removed from the household, the system loses a functional pillar responsible for financial, emotional, and supervisory stability. This theory justifies court intervention through maintenance and custody orders as attempts to restore the "financial link" that was broken.

Feminist Legal Theory examines how legal structures have historically been built around patriarchal norms favouring the male "breadwinner" model while marginalizing the female experience. In Nigeria, where single parenting is deeply gendered, this theory exposes the "double burden" placed on single mothers.

Social Stigma Theory (Goffman) describes the process by which an individual is "marked" by society as different or diminished due to a specific attribute or life circumstance. In Nigeria, single parents, particularly women often face a "spoiled identity" that creates invisible barriers to accessing justice.

The Best Interest of the Child Doctrine is the paramount legal doctrine governing modern family law, statutorily anchored in Section 1 of the Child Rights Act. This doctrine argues that regardless of how a single-parent home was formed, the state has a fiduciary duty to ensure the child receives the same quality of protection, stability, and care as a child in a dual-parent household.

3. Impact of Single Parenting on the Child

3.1 Psychological and Emotional Effects

In the Nigerian cultural context, a child's identity is inextricably linked to lineage and "the father's name." Where a child is raised in a single-parent home particularly in cases of birth out of wedlock they often face an "identity vacuum." This confusion regarding their place in the traditional family tree can lead to chronic emotional instability.

There is a documented correlation between single parenting and increased levels of anxiety and depression in children. The trauma of a parental split, or the persistent gloom in a bereaved household, can manifest as clinical withdrawal or aggressive behavioural disorders. In the absence of state-funded school counselling in most Nigerian public schools, these emotional struggles are often misdiagnosed as mere "stubbornness" or "delinquency."

The absence of a parent whether physical or emotional often leads to insecure attachment styles. When a single parent is forced to work multiple jobs to stay afloat, the child loses that primary "emotional mirror." This lack of consistent presence can create a deep-seated fear of abandonment, making it difficult for the child to form stable, trusting relationships as they grow into adulthood.

3.2 Educational Attainment and Academic Performance

School attendance becomes irregular when a single parent struggling to balance a demanding job with sole domestic responsibilities cannot manage school runs, or when a child is "sent home" because a maintenance check from the non-custodial parent was delayed or dishonoured. With the custodial parent often away at work for extended hours to bridge the "income gap," there is a vacuum in homework supervision and academic mentorship. The cumulative effect of this lack of oversight, paired with frequent financial "shocks," leads to higher rates of school dropouts, representing a significant loss of human capital.

3.3 Social Behaviour and Juvenile Delinquency

Because the custodial parent statistically more often the mother is frequently occupied with the economic survival of the unit, the child may experience a "supervision gap." This gap is often filled by peer groups, which become the child's primary source of social validation. From a criminological perspective, Social Control Theory suggests that strong bonds with parental figures act as a deterrent to deviant behaviour. In a single-parent household where the parent is "lawfully absent" due to labour demands, the child may lack the immediate disciplinary feedback loop necessary to navigate the temptations of anti-social behaviour.

3.4 Physical Health and Well-being

Children in single-parent units frequently face "nutritional poverty." When a single income, often a dwindling one in the face of Nigeria's current inflationary pressures must be stretched to cover rent, school fees, and utilities, the quality of nutrition is frequently the first casualty. Furthermore, the "household stress" characteristic of many single-parent homes can manifest physically in psychosomatic illnesses, including chronic headaches, digestive issues, and sleep disorders.

3.5 Long-term Effects: Prospects into Adulthood

One of the most profound long-term effects is the "intergenerational transmission" of family structure. Sociological data suggests a "cycle of single parenting," where children raised in such homes are statistically more likely to become single parents themselves not due to a lack of moral willpower, but rather a lack of a successful dual-parent model for conflict resolution and domestic cooperation. Furthermore, the "economic scarring" of a precarious childhood can severely limit an individual's career trajectory.

4. Impact of Single Parenting on Society

4.1 Economic Dimensions

There is an undeniable correlation between single parenting and the deepening of the poverty trap in Nigeria. Because the burden of child-rearing usually falls on one parent, the household's per capita income is frequently halved while the cost of maintenance remains constant or increases. In the absence of a robust state-sponsored welfare system, "welfare dependency" in Nigeria manifests as heightened reliance on overstretched public services such as state-funded primary healthcare and public schools.

The labour market in Nigeria is generally not structured to accommodate the unique pressures faced by single parents. Single parents often find themselves relegated to the informal sector or lower-tier jobs that offer the flexibility needed for childcare but provide no pension, health insurance, or job security. On a national scale, this means a significant portion of the workforce is operating at sub-optimal levels, leading to lost productivity and a reduced tax base.

4.2 Moral and Social Dimensions

Across the diverse ethnic landscapes of Delta State, the "sanctity of marriage" has historically been the moral compass of the community. However, there is a visible shift in these social norms. Single parenting, once viewed through a lens of extreme social stigma, is increasingly becoming "normalized." While this reduces the immediate ostracization of the parent, it also signals a shift in the perceived necessity of the formal marital union for family formation.

The traditional family structure in Delta State was never just about the biological parents; it was a complex web of "extended" responsibilities where grandparents, uncles, and aunts served as moral guardians. The rise of single parenting, compounded by the harsh economic realities of the Niger Delta, is systematically dismantling this structure. Where family elders once mediated domestic disputes, parties now bypass the "kindred" and head straight to the High Courts of Delta State - a direct consequence of the breakdown of the traditional family.

4.3 Community Cohesion and Social Capital

In contemporary Delta State, particularly in rapidly urbanizing areas like Asaba and the oil-hub of Warri, communal cohesion is being replaced by a "nuclearized" and isolated existence. Single parents, often overwhelmed by the economic and emotional demands of solo parenting, frequently withdraw from community activities, religious associations, and town union meetings. Consequently, the child is raised in a vacuum, deprived of the traditional mentors who once reinforced societal values.

4.4 Implications for the Nigerian State and Public Policy

The systemic failure of the family as the primary social unit forces the State to pivot from a role of "support" to one of "crisis management." The current inefficiency in enforcing maintenance orders allows non-custodial parents to abdicate their financial responsibilities, effectively shifting the burden of the child's survival onto the State's social infrastructure. The

"best interest of the child" principle remains a "paper tiger" if the State does not provide the administrative machinery to ensure financial accountability.

Furthermore, the "supervision gap" in single-parent homes has direct implications for national security. The Nigerian State must integrate family support systems into its national security strategy, investing in community-based youth mentorship programs and reforming the juvenile justice system to be more "restorative" than "punitive."

5. Challenges and Stigmatization of Single Parents

5.1 Financial Challenges

The most immediate problem facing single parents is the loss of a second income. A major legal hurdle is getting the other parent to pay child support. Even when a court orders a father or mother to pay, there is no easy way to track their income or force compliance if they refuse. For the parent seeking help from the law, the cost of hiring a lawyer and going back to court repeatedly is often more expensive than the actual money they are trying to collect. This makes the legal right to child support feel like a "paper tiger" it exists in the books but rarely works in real life.

5.2 Social and Emotional Challenges

Raising a child alone is emotionally draining. Without a partner to share the daily stress, many single parents suffer from burnout and anxiety. In the past, the extended family helped raise children. Today, because of migration to cities and economic hardship, that support is disappearing, leaving the single parent to handle childcare and work without the safety net that once existed in Nigerian culture.

5.3 Parenting Burden and Work-Life Balance

The dual role of being both primary breadwinner and sole caregiver creates an overwhelming "parenting burden." Nigerian employers often view the domestic responsibilities of single parents as a liability. The need to leave work early for school runs or take days off for a child's illness is frequently met with disciplinary action or passed over for promotions. This "career penalty" ensures that the single parent remains in low-level positions with stagnant wages, reinforcing the cycle of financial instability.

5.4 Legal and Institutional Challenges

For many single parents, the courtroom is an expensive and intimidating place. While the Legal Aid Council exists, its resources are heavily focused on criminal cases, leaving many single parents in civil family disputes to navigate complex High Court rules on their own. Furthermore, most government welfare programs require documentation that many low-income single parents, especially those in the informal sector, cannot easily provide. These "paperwork barriers" effectively shut out the people who need government intervention the most.

5.5 Stigmatization: A Human Rights Concern

Stigmatization remains one of the most pervasive non-legal barriers to the well-being of single-parent families in Nigeria. Despite the increasing frequency of this family structure, society continues to view the dual-parent household as the only "morally upright" or "complete" unit.

From a legal and human rights perspective, stigmatization is not merely a social slight; it is a form of informal "social policing" that undermines the dignity of the individual. In many Nigerian communities, the single parent is burdened with a "spoiled identity," where their parenting capacity is questioned based on marital status rather than actual conduct. Furthermore, the "shame" associated with single parenting often prevents individuals from seeking legal protections, effectively keeping many single-parent households in a cycle of poverty and silence.

The experience of single parenting in Nigeria is heavily coloured by gender expectations. Single mothers bear the brunt of social judgment and economic hardship. If she is a "baby mama," she is often labelled as promiscuous; if she is a divorcee, she is frequently blamed for the failure of the marriage, regardless of the husband's conduct. The societal attitude toward single fathers is markedly different, often characterized by "sympathy" rather than "stigma." This contrast highlights a deep gender bias where a woman's struggle is seen as a consequence of her choices, while a man's struggle is seen as a burden he should be helped to carry.

From a legal standpoint, stigmatization constitutes a significant infringement on fundamental human rights. Section 34 of the Constitution guarantees the right to the dignity of the human person. Section 42 prohibits discrimination on the grounds of "circumstances of birth." To

treat a single parent as a second-class citizen is to violate the spirit of equality that underpins the Nigerian legal system.

6. The Legal Framework Governing Single Parenting in Nigeria

6.1 Constitutional Framework

Section 42 is the most vital constitutional safeguard for the single-parent unit, providing that no citizen shall be subjected to any disability or restriction based on their community, ethnic group, place of origin, sex, religion, or political opinion. Crucially, Section 42(2) states that "no citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth." This provision is a direct strike against the old common law concept of filius nullius (a child of no one), which used to deny rights to children born outside wedlock.

6.2 The Child Rights Act 2003

The Child Rights Act (CRA) 2003 represents a landmark shift in the Nigerian legal landscape, moving the focus from parental rights to the welfare of the child. Section 14 specifically grants a child the right to parental care and protection, emphasizing that even where parents are separated, the child should not be deprived of the basic needs for growth and development.

The cornerstone of the CRA is the "Best Interest Principle." Section 1 mandates that in every action concerning a child, the best interest of the child shall be the primary consideration. Section 55 allows the court to order a parent to make periodic payments for the child's education and upkeep. Despite its progressive provisions, the CRA faces significant hurdles. First, it is a federal law that only applies to the Federal Capital Territory unless specifically "domesticated" by a state house of assembly. Furthermore, the Act does not provide for a "Child Support Agency" to track down defaulting parents.

6.3 The Matrimonial Causes Act (MCA)

Under Section 70 of the MCA, the court has the power to make orders for the maintenance of a party to the marriage and the children. Section 71 reinforces the "welfare principle," stating that in proceedings with respect to custody, guardianship, or access, the court shall regard the interests of the children as the paramount consideration. The major weakness of the MCA for the single parent lies in the difficulty of enforcement. Many parents face "maintenance fatigue," where the non-custodial parent stops paying after a few months.

6.4 Customary Law and Islamic Personal Law

Under most Nigerian customary legal systems, the family unit is viewed through a patriarchal lens. Where a single parent emerges through divorce in a customary marriage, custody of older children is traditionally granted to the father. However, the courts have consistently ruled that any custom that automatically denies a mother custody without considering the child's well-being is "repugnant to natural justice" and must be set aside.

In Northern Nigeria and among Muslim communities elsewhere, Islamic law (Sharia) provides a structured framework for single parenting. The concept of Hadanah (custody) generally favours the mother for young children. However, the financial responsibility for the child (Nafaqah) remains the absolute duty of the father.

6.5 International Framework

Nigeria is a signatory to several international and regional instruments that mandate the protection of children and the elimination of discrimination against women. The UN Convention on the Rights of the Child (UNCRC) establishes the "best interests of the child" as the primary consideration in all actions concerning children. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is critical for single mothers. The African Charter on the Rights and Welfare of the Child explicitly prohibits discrimination against children based on the "fortune" or "marital status" of their parents.

7. Critical Appraisal: Gaps and Inadequacies in the Legal Framework

7.1 Absence of Dedicated Single Parenting Legislation

A primary shortcoming of the Nigerian legal system is the lack of a standalone, comprehensive statute specifically tailored to the unique dynamics of single-parent households. Currently, single parents must navigate a convoluted maze of laws, including the Matrimonial Causes Act, the Child Rights Act, and various customary norms—none of which were designed to address single parenting as a distinct social and legal category.

Because there is no "Single Parent Act," the legal identity of such a family is often defined by how it was dissolved or created, rather than its current needs. This fragmentation creates a hierarchy of protection where some single parents enjoy statutory safeguards while others are left to the vagaries of traditional practices.

7.2 Conflict Between Customary Law and Statutory Protection

The coexistence of customary law and statutory law within the Nigerian legal system creates a "dualism" that often results in significant friction. Under many Nigerian customary laws, paternity is often linked to the performance of specific rites or the payment of dowry. This creates a legal conflict when a biological father who has not performed these rites attempts to claim—or avoid—responsibility for a child. For a single mother, this creates a "litigation trap" where seeking statutory maintenance may trigger a customary cross-petition for custody based on lineage.

7.3 Inadequate Social Protection and Welfare Infrastructure

The legal rights of single parents in Nigeria are often undermined by the near-absence of a functional social welfare infrastructure. Nigeria's social security system is largely underdeveloped and lacks specific provisions for single-parent households. Unlike many other jurisdictions where single parents receive "Child Benefit" payments or tax credits, the Nigerian state offers no such direct financial support. The government departments tasked with family welfare are frequently underfunded and understaffed.

8. Comparative Analysis: Lessons from Other Jurisdictions

8.1 South Africa: The Children's Act 38 of 2005

The South African Children's Act 38 of 2005 represents a modern, comprehensive approach to family law. A key institutional strength is the Office of the Family Advocate - a state-funded body that acts as a neutral mediator in disputes involving children. Before a single parent undergoes a gruelling court battle, the Family Advocate investigates the family's circumstances and provides a recommendation based solely on the child's best interests.

The Children's Act, read alongside the Maintenance Act 99 of 1998, allows for much more aggressive enforcement of support orders than is currently possible in Nigeria. South African courts can issue "Emolument Attachment Orders" (wage garnishment) as a first resort rather than a last one.

8.2 Ghana: Children's Act 560 of 1998

Ghana offers perhaps the most culturally and legally relevant comparison for Nigeria. A distinct feature of the Ghanaian system is the central role of the Department of Social Welfare. The Ghanaian Act allows a parent to first report a defaulting partner to a Social Welfare Officer. These officers have statutory power to mediate and settle maintenance

disputes outside the formal courtroom. This "administrative first" approach makes justice accessible to low-income single parents who cannot afford legal fees.

8.3 United Kingdom: Children Act 1989 and Support Framework

The UK's Children Act 1989 transformed family law by moving away from "parental rights" toward "parental responsibility." Perhaps the most significant departure from the Nigerian model is the UK's removal of child maintenance from the courtroom. The Child Maintenance Service (CMS) is an administrative body that calculates and collects payments based on a set formula tied to the non-custodial parent's actual income.

8.4 Lessons and Adaptable Models for Nigeria

The comparative analysis reveals several successful strategies that Nigeria can adapt:

1. De-judicialization of Maintenance Claims: Establishing a National Child Support Agency could move maintenance calculations out of the courtroom and into a streamlined office environment.
2. Integration of "Maintenance Officers" and Social Welfare: Nigeria should empower Social Welfare Departments to act as "Maintenance Investigators" with statutory authority to subpoena financial records.
3. Automated Enforcement and Data Integration: Nigeria can adapt the UK and South African models by linking Family Court orders with the Bank Verification Number (BVN) and the National Identity Management Commission (NIMC).
4. Reconciling Custom with Statutory Best Interests: Ghana's use of community-based Family Tribunals offers a model for reconciling customary law with the CRA.

9. CONCLUSION AND RECOMMENDATIONS

9.1 Summary of Findings

This study has established that the existing Nigerian legal framework is inadequate in effectively addressing the peculiar realities and challenges associated with single-parent families, particularly within Delta State. The key findings include:

1. Legal Fragmentation: Nigerian law contains provisions relevant to child welfare but lacks the coherence of a dedicated statutory framework specifically tailored to single-parent families.
2. Enforcement Crisis: Practical enforcement remains weak, particularly in cases involving maintenance default and conflicts between statutory and customary law norms.

3. Absence of Dedicated Legislation: There is presently no dedicated legislation specifically addressing single parenting as a distinct family structure.
4. Plural Legal System Challenges: The interaction between statutory law, customary law, and Islamic personal law has created doctrinal inconsistencies.
5. Stigmatization as Rights Violation: The stigmatization of single parents raises serious concerns under the constitutional right to dignity and freedom from discrimination.

9.2 RECOMMENDATIONS

9.2.1 Legislative Reforms

1. Enactment of Single Parenting (Welfare and Protection) Law: The National Assembly and relevant State Houses of Assembly should enact a comprehensive law specifically designed to regulate the rights, obligations, and welfare concerns associated with single-parent families.
2. Amendment of the Child Rights Act 2003: The Act should be amended to strengthen provisions relating to maintenance enforcement and child welfare protection.
3. Review of the Matrimonial Causes Act: The MCA should be reviewed to provide more effective mechanisms for custody, access, and maintenance disputes.
4. Harmonization of Statutory and Customary Law: Legislative measures should ensure that no customary norm is permitted to override the best interest of the child principle.

9.2.2 Judicial and Institutional Reforms

1. Establishment of Specialized Family Courts: Specialized Family Courts should be established for expeditious determination of matters relating to custody, maintenance, access, and child welfare.
2. Stronger Enforcement Mechanisms: Courts should be empowered to adopt more effective enforcement procedures such as attachment of earnings, garnishee proceedings, and contempt proceedings.
3. Expanded Legal Aid: The Legal Aid Council should expand access to legal representation for single parents.
4. Creation of Family Welfare and Child Support Enforcement Unit: A dedicated unit should be created under the Ministry of Women Affairs and Social Development in Delta State.

9.2.3 Policy and Welfare Reforms

1. Single Parent Welfare Policy: The Delta State Government should formulate and implement a Single Parent Welfare Policy providing structured support including financial assistance, subsidized childcare, counselling, and educational support.
2. State-Supported Mediation and Family Counselling Centres: These should be established to provide non-adversarial dispute resolution mechanisms.
3. Non-Discriminatory Policies in Public Institutions: Schools and child welfare agencies should be required to adopt non-discriminatory policies.
4. Public Awareness and Legal Literacy Programs: Programs should be established to educate single parents on their rights and obligations under the law.

10. Contribution to Legal Knowledge

This study makes a significant contribution to legal scholarship in family law, child rights law, and welfare jurisprudence in Nigeria. First, it undertakes a focused doctrinal examination of the legal implications of single parenting in Nigeria, with particular reference to Delta State. Second, the study identifies and critically analyses the lacuna in the Nigerian legal framework concerning single-parent families. Third, the article contributes to legal jurisprudence by interrogating the doctrinal tensions between statutory law and customary law in matters affecting children and single-parent families.

11. Suggested Areas for Further Legal Research

Future research may focus on the drafting and feasibility of a proposed Single Parenting (Welfare and Protection) Bill. Additionally, comparative research on the effectiveness of administrative maintenance enforcement mechanisms in other African jurisdictions would enrich the discourse on legal reform. The harmonization of customary law and statutory child welfare principles merits further investigation.

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