

AN EXAMINATION OF MAINTENANCE OF ESTRANGED AND DIVORCED SPOUSES IN NIGERIA AND UNITED STATES OF AMERICA

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ABSTRACT

Marriage by mankind is a very good union but it encounters obstacles in every race especially when the two parties have to quit the union despite happy days spent together and not minding the effect of such a step on their children. The major obstacle encountered is how the maintenance of the dependent spouse will be accomplished. This is necessary, especially in Nigeria where there are numerous people that cannot enjoy the benefit of maintenance available in marriage under the Act such as those who married under the customary law or religious law only. This paper examined the Law in Nigeria, the common law position and that of the United States of America on the maintenance of estranged and divorced spouses. It examined the law on the maintenance of husband and wife living together in the same room but not in a cordial relationship. It also looked into that of those not living together but yet to finalise a divorce and of those who have legally divorced. The paper relied on both primary and secondary sources of information. The primary source included the statutory and case law in Nigeria and the United States, and other statutes. The secondary source included textbooks, journals and internet materials. It was further discovered that in Nigeria there are customary marriages and religious marriages which do not make provision for maintenance. They are different from marriage under the Act that provided for maintenance. In all the jurisdictions, the financially stronger spouses maintain the weaker ones despite the marred relationship. The paper concluded that fear of maintenance or inability to take care of oneself should not prevent separation or divorce. Besides, a divorce proceeding may take some time before it is decided in court but maintenance of the lesser-income spouse is essential. When the marital union is being affected by separation or during divorce proceedings or immediately after divorce the

care should not be stopped by the party maintaining the family. Consequently, maintenance should be extended to every dependent spouse irrespective of the type of marriage that joined them together.

Keywords: Income, Maintenance, Marriage, Separation, Divorce, Estranged Spouse, Family, Marital Union

INTRODUCTION

There are many problems confronting marriage in this generation that need to be nipped in the bud. It requires a lot of necessary caution and focus to save institution of marriage from derailing from its original celestial design. An in-depth knowledge of marriage is however necessary in order to save the situation.ⁱ It is globally allowed that couples that can no longer sustain the relationship can take steps to divorce except in Philistine and the Vatican City where divorce is illegal. Yet separation and annulment are allowed.ⁱⁱ

Divorce affects more than one million American children yearly and it results in irreparable damage to the family but the children are most affected. It affects religious practice through a reduction of the rate of worship and prayer; reduction of educational assimilation and academic advancement; reduction of income within the family individually and collectively; it increases crime rate, and drug abuse among others and it affects the health of the children, behaviour, emotion, and psychiatric tendencies.ⁱⁱⁱ There is also increasing benefit for children that are with their two biological parents than those living with either of the separated parents. This takes place in many homes. Those with their two biological parents enjoy better education, socialisation and other welfare benefits than other children.^{iv} Sorrow and shame pervade divorce. The two partners who have been together for some time will have to part and leave everything jointly owned.^v

Family estrangement takes place when a member of the family deliberately separates himself or herself from the family because of a sour relationship.^{vi} An estranged wife is different from a divorced one. When divorced she becomes an ex-wife. When estranged she has all the rights against the husband and his property. She is still a wife but has become a stranger. They can be in the same house or living separately and not in talking relationship. The wife can as well be coming to the house at times.^{vii}

Maintenance of a spouse in the United States of America and some countries is different from what is obtainable in Africa particularly Nigeria. This is because there are other types of marriages different from that of Marriage under the Act. Marriage under the Act provides for maintenance but customary and religious marriages do not make provision for such. Dependent women who do not marry under the Act are exposed to poverty, depression and ridicule because there is no provision for such in the marriage they had. They prefer to stay in their husband's homes in tears even if they are suffering and not ready to separate or divorce.

The objective of this paper is to examine the Law on the maintenance of estranged and divorced spouses which is part of the benefit of marriage under the Act and compare the implementation of it in Nigeria, a common law country to that of the United States of America another common law country. It is also to examine the possibility of extending the law on maintenance to other people that do not marry under the Act such as those whose marriages are under custom or religion.

DEFINITION OF TERMS

There are ancillary reliefs for spouses being estranged. Spouses become estranged when they are in the process of separation as husband and wife. Ancillary is defined as auxiliary, subsidiary, supplementary, additional, or adjuvant.^{viii}

Meaning of Estrangement:

The word estranged is an unfriendly word with a negative connotation. The word strange within it seems to suggest an alienation of affection, and that a loving relationship has not only soured but turned distant and even somewhat hostile.^{ix}

Maintenance under family law is also referred to as alimony and it has been defined "as a court-ordered allowance that one spouse pays to the other spouse for maintenance and support while they are involved in a matrimonial lawsuit, or after they are divorced. Also termed support; maintenance..."^x

The word 'alimony' has its source in a Latin word called *alimonia* which means 'sustenance' in English. It emanated from the right of a wife to material support in common law. There have been efforts by courts to distinguish between the two and this can best be done in jurisdictions using the two words.^{xi}

Section 8.001, chapter: 8 of the Family Code of Texas provides that:

"Maintenance" means "an award in a suit for dissolution of a marriage of periodic payments from the future income of one spouse for the support of the other spouse".

BRIEF HISTORICAL BACKGROUND

Maintenance of a spouse during the processing of divorce had been in practice since the period of Hammurabi the Sixth in Mesopotamia. The code of Hammurabi (1754) BC declares that husband should provide for the maintenance of his spouse who borne children for him so that she can take care of them:

137. The Code of Hammurabi provides that where a man intends to separate from a woman that has procreated children for him, the woman should be given her dowry, a share of his usufruct of field, garden, and chattels for the upbringing of the children. When they have been bought up, a portion of what has been given to the children equivalent to that of a son shall be given to her. Thereafter she is free to marry any other person that pleases her. ^{xii}

Modern alimony was practised in English Ecclesiastical Courts. It was a practice that was being applied to married couples that were undergoing separation and divorce. *Alimony pendente lite* was taking place whereby the husband would have to be maintaining the spouse based on his role in the maintenance of the family. ^{xiii}

WHO IS AN ESTRANGED WIFE?

An estranged wife is different from a separated wife or a divorced or an ex-wife. The woman has every right on the property of her spouse exactly like that of an average wife since she is married to the husband. She is a wife but is now in the status of a stranger. This can be as a result of a lack of talking relationships making them not to be talking to themselves any longer. ^{xiv}

THE DISTINCTION BETWEEN A DIVORCED WIFE AND AN ESTRANGED WIFE

When divorced, a legal status is established by the court and there are documents to prove it. There is no issue left to be resolved. There is a final decision on custody of children, their support, distribution of property or inheritance and alimony. Both of them are now single and free to

remarry. On the other hand, an estranged spouse does not have legal status. It is clear that they are couples separately living as strangers. They do not communicate as they were before. They have not been able to resolve some issues on the wife's rights and inheritance among others. This is because they have not been legally divorced. The wife has all the rights of a wife that is still in a good relationship with the husband. There is also an absence of love between the couples but cannot be an ex-wife. This is because the status is still married and none of them is free to marry another person until they are properly and officially divorced. When this is done they will be issued a necessary document to prove it. ^{xv}

BASIS FOR MAINTENANCE

Law and society do not acknowledge the role played by women as key in the economic empowerment of the home. Despite all efforts of women in the upkeep of the children and showing affection for a long time to them, when the marriage cannot continue, the husband is the only person recognized as the sole owner of their wealth and property. The non-acknowledgement of women's contribution to the home or the union relegates the women when the marriage collapses.

It is not a surprise that a woman sees it as a last result to seek divorce. She does so not minding the fact that society frowns at such. She also does so only when there is no more avenue to reconcile the couple. Since the government is compelled to give recognition to the economic deficiency which is consequential to divorce and desertion, the law compels that little amount should be provided to alleviate the suffering that the women parting ways with their husband may encounter. The law has compelled husbands to provide maintenance to their spouse. The intention was more on the prevention of social problems such as wandering from place to place and promiscuity. It is really on the preservation of woman's dignity. The maintenance awarded to the spouse is meagre just for assistance and not intended to make divorce a lucrative proposition. This will preserve and strengthen the purpose of marriage. ^{xvi}

MAINTENANCE TO HUSBAND

Matrimonial law does not discriminate. The maintenance to support a spouse paid after the divorce is usually paid by men to women. Changes are reflecting that some women that earn more than their husbands are the ones taking care of the family. It was published that about 40% of homes headed by women in United States of America are being taken care of by women that are breadwinners of the family. Out of 400,000 people that are receiving maintenance in the United States, only 3% are men. Invariably, this means that there are several men that suppose to receive alimony but are not getting it. It is discovered that men find it difficult to stoop to the extent that their former spouse will take care of them. There are many reasons why men do not request for maintenance. These include gender roles, bigot judges, pride in men and optimism that men can support themselves.^{xvii}

ELIGIBILITY FOR SPOUSAL MAINTENANCE IN THE UNITED STATES

It is only the spouse specified by the provision of the United States law that can receive an award for maintenance.

Section.8.051 of the Family Code of the United States of America provides a remedy on legal action in court on dissolution of marriage or when there is a suit for maintenance in any court that has personal jurisdiction over a former couple whose marriage has been dissolved by a court that does not have jurisdiction over an absent spouse. It provides that the court may order maintenance only when the spouse does not have enough property to procure things reasonably needed.

Also:

- 1) The spouse being requested to pay maintenance was a convict or recipient of differed adjudication for a crime of family violence provided under Title 4 of the code and the offence took place:
 - (a) Under two years preceding the day of filing a dissolution of the marriage suit.
 - (b) During the pendency of the marriage suit. Or
- 2) The marriage spans up to 10 years or more and the spouse that is seeking maintenance does not have enough property. This will include property distributed to the spouse as provided by the code for the spouse's minimum needs reasonably needed.

The spouse should (i) be unable to support himself with employment because of lack of good health physically and mentally or (ii) Is in custody of a child born through the marriage and of any age but requires great care and personal supervision by virtue of physical or mental disability which makes it necessary for the spouse to be employed, considering the needs of the child. Or (iii) It is very difficult for the spouse to have enough income to take care of his or her needs reasonably needed. ^{xviii}

FACTORS TO BE CONSIDERED WHEN DETERMINING MAINTENANCE IN UNITED STATES OF AMERICA

Section 8.052. provides that when a court is to establish whether or not a spouse qualifies for maintenance, it has to determine the nature, amount, duration, and manner of periodic payments through consideration of all relevant factors which include the following:

- (1) Ability of each spouse to provide for that spouse's minimum reasonable needs independently, and his or her financial resources when the marriage is dissolved should be considered;
- (2) The academic qualification and job skills of the spouses, the sufficient period necessary to acquire knowledge to earn income, and the availability and the possibility of acquiring the knowledge.
- (3) The period of the marriage;
- (4) The age of the spouse requesting maintenance, his or her employment record, what he or she is capable of earning, and the physical and emotional condition.
- (5) The effect on a spouse's ability to provide for his or her minimum reasonable needs during periodic payments of child support or maintenance, where such is applicable;
- (6) Acts of either spouse which can result in too much or irregular expenditures or damage, concealment, or fraudulent disposition of property of the community, joint tenancy, or other property jointly owned;
- (7) The individual contribution of a spouse to the education, training, or increment in the earning power of the second spouse;
- (8) The asset acquired by each spouse before the marriage and the amount contributed individually to the marriage;
- (9) The contribution of the spouse that stays at home and takes care of the house;

(10) Misconduct in marriage such as adultery and cruelty, by husband and wife when the marriage subsists; and

(11) Any history or pattern of violence in the family, as provided under Section 71.004.

MAINTENANCE OF A SPOUSE IN THE UNITED STATES OF AMERICA

In the United States of America, maintenance of a spouse is referred to as Alimony. The law in the United States varies from state to state. In some states which include Texas, Montana, Kansas, Utah, Kentucky and Maine, guideline and duration is given to Judges. It is granted to spouse of marriage or civil union that has lasted up to ten years in some places such as Texas, Mississippi and Tennessee. In these states, payment is limited to three years unless there are special justifying factors. Payment is less than two thousand five hundred dollars per month or 40% of the Payee's gross income.^{xix}

Section 17 under Chapter 208 of Massachusetts Divorce Law states that:

The court may require either party to pay into court for the use of the other party during the pendency of the action, an amount to enable him to maintain or defend the action and to pay to him alimony during the pendency of the action. When the court makes an order for alimony on behalf of a party, and such party is not a member of a private group health insurance plan, the court shall include in such order for alimony a provision relating to health insurance, which provision shall be in accordance with section thirty-four.

TYPES OF ALIMONY GENERALLY IN THE UNITED STATES

There are four types of alimony:^{xx}

- (i) **Temporary Alimony:** This is a type of alimony granted when the couples are separated before the divorce. It is known in Latin as *alimony pendente lite*, which means "Pending the suits"
- (ii) **Rehabilitative Alimony:** This is the type of support granted to a lesser-earning spouse for a period of time that will be necessary for him or her to acquire a job outside the home.
- (iii) **Permanent alimony:** This is support given to a lesser-earning spouse until the death of the payer or when the payee remarries.

- (iv) **Reimbursement Alimony:** Support given by a spouse to a lesser earning spouse on expenses incurred during the marriage by the spouse such expenses include payment on education.
- (v) **Lump Sum Alimony:** It is also referred to as Alimony in gross. It is a fixed amount agreed at once to be paid to the spouse. It is an acceptable option which prevents dependence of the payee on the spouse responsible to pay.

The Summary^{xxi} of some of the possible factors that determine the amount and duration of the support are stated below:

Length of marriage: Alimony support that spans for a longer period of ten years is qualified for permanent support.

Duration of separation: Separation is treated as part of marriage where separation is allowed while in some states a two-year marriage with subsequent eight-year separation will be treated like that of ten years.

Age: Young couples are believed to have a better chance of quick relief, hence has a shorter period of support.

Income: The income of the parties is adjusted to a commensurate amount they are used to.

Future Finance: A spouse with a propensity to have higher future income is likely to pay higher support.

Health: Courts avoid impecunious circumstances accompanying poor health.

Fault: Fault generally affects support by reducing or nullifying or increasing it. It is not considered in most states but in Georgia, a spouse that caused division is not entitled to alimony.

MAINTENANCE UNDER CUSTOMARY LAW

There is no maintenance under Customary Law in Nigeria even if both of them are living separately as a result of a dispute between the two of them. This is in contrast with the marriage under the Act whereby a woman can apply to the court for maintenance when a man deserts his wife.^{xxii} Maintenance will still be granted even if it was the wife that caused the desertion. In *Coker v Coker*^{xxiii} Udo-Udoma J held that it is strange in Nigeria whereby a married woman that had broken up with her husband would decide to ask that court should order her ex-spouse to pay for her maintenance. Such practice is strange in marriage divorce in Africa.

RELUNCTANCE OF COURT TO AWARD MAINTENANCE

The court in Nigeria is reluctant to award maintenance and this is maintained by Thomson J in *Akinsemoyin v Akinsemoyin*^{xxiv} where it was maintained that the antecedent of maintenance in England is different from that of Nigeria. The statutory maintenance emanated from England. It is strange and different from that of Nigeria and contradicts it. An English man received a dowry from the parents of the bride and pay maintenance in turn when the marriage is dissolved. Such booty is not paid to the Nigerian man who instead pays bride price on his wife when marrying her. It is laughable and not objective for a man who made huge expenses on his wife during marriage to be subjected to maintenance unless there is an unavoidable need for such to be done. Oputa J also said in *Okafor v Okafor*^{xxv} that a woman who prayed to the court to sever a marital relationship should not still be financially connected with her spouse that had ceased to be her spouse. If there is dissolution, it is wise to extend it to all previous financial obligations and financial bonds between them.

In *Achugbue v Achugbue*,^{xxvi} Ogbobine J ordered that £2 only monthly be awarded for maintenance of the petitioner. It should be given to her by her husband until she remarried; it should be stopped when cohabiting with any other person or if she borne a child for another man.

MAINTENANCE AT COMMON LAW

It is expected of a man under the Common law to take care of his wife. Where he is not able to do this, the wife can pledge credit as an Agent of necessity of the husband if she does not have enough to take care of herself. Her action will be justified based on the fact that she finds it difficult to take care of herself or the children because they lack basic necessities such as food, clothing and health care that are suitable to her condition in life and also the status of the husband^{xxvii} This rule of becoming an Agent of the husband cannot be applied if it is proved that the spouse is supplied of necessities regularly. The rule of pledging as an Agent of necessity is terminated on the occurrence of the following:

- (a) When adultery is committed by the wife with a third party as held in *Wilson v Ghossop*^{xxviii}
- (b) When the wife is guilty of desertion^{xxix}.
- (c) On the death of the husband^{xxx}
- (d) When there is a decree of nullity or a divorce is made by the court^{xxxi}

The common Law allows the two of them to agree to live separately. If this is done, none of them is deserted. Failure of the husband to fulfill his obligation in the agreement can make the spouse to take action that the husband should maintain the home. The wife can also pledge the husband's credit if he fails to fulfil his obligation. The court can also give an order for the husband to fulfil his obligation of maintaining the wife. They cannot oust the jurisdiction of the court in any of their agreement.^{xxxii} This is in conformity with public policy, and the 1999 constitution of the Federal Republic of Nigeria.^{xxxiii}

MAINTENANCE UNDER THE MATRIMONIAL CAUSES ACT OF NIGERIA

The Matrimonial Causes Act 1990 does not use “alimony” but it used the word “maintenance” to refer to payment of allowance made to a spouse by his or her spouse during or after a divorce. Nigerian courts sometimes use the two words interchangeably. The two words mean the same thing because the same legal principles governing the assessment and determination of maintenance of alimony also regulate the assessment and determination of maintenance.^{xxxiv}

Under Chapter IV of the Matrimonial Causes Act, a court can make an order for maintenance of a party or children produced through the marriage and this can be the wife or the husband or the children. Invariably, a man can seek an order for maintenance from his wife. This is progressive since the Common Law position of making the wife to be inferior has been removed.^{xxxv}

ELIGIBILITY FOR MAINTENANCE

Both Nigerian law and the law on maintenance in the United States of America made provisions for eligibility for maintenance during dissolution of marriage. Both spouses and children of the marriage are to be entitled to maintenance. They are to be taken into consideration when awarding maintenance. The Matrimonial Causes Act defines marriage in order to show those that will be eligible as follows:

Marriage includes an alleged marriage which is void but excludes Muslim marriage and the one under customary law. The children of a marriage are in three categories: (a) the adopted one by both the couple at the period they are married or by either of the couples and approved by his or her spouse (b) the one borne by the two of them before their marriage and legalized by their

marriage or not; and (c) any child of either of them even if it is illegitimate or adopted child if at the relevant time, the child had normally become a member of their family.^{xxxvi}

Consequently, a child of the couple before or during the marriage legitimately or not, and adopted by any other person(s) shall be presumed to be a child that is not of the marriage. The “relevant time” intended in the Act is either:

- (a) The time immediately before the time when the husband and wife stop living together or, if they have stopped living together on more than one occasion, the time immediately prior to the time when they last stopped living together before the time the proceedings was instituted; or
- (b) If the husband and wife were living together at the time of instituting the proceedings, the time immediately before the time of instituting the proceeding.

FACTORS TO BE CONSIDERED WHEN DETERMINING MAINTENANCE IN NIGERIA

The court has discretion in granting orders for the maintenance but there are clear principles that are considered^{xxxvii} and these will be discussed as follows:

Section 70(1) of the Matrimonial Causes Act provides for the maintenance of a spouse in a suit by the spouse mainly for his or her maintenance. It also provides in Section 70(2) that the court can also grant an order that a spouse should be maintained until an outcome of a matrimonial suit is known. Such proceedings are dissolution of marriage, nullity of marriage and judicial separation.^{xxxviii}

In the two situations above the Act provides that the court should consider the means, the income of the spouse and the conduct exhibited by the couple in addition to all other circumstances.

In order to understand these provisions, it is better to explain some terms in the above provisions.

Four factors were prescribed to guide the court when exercising its discretion.^{xxxix}

Means of the parties

Means of the parties includes all the resources of the parties which are regarded as his income. It also covers assets such as structures, share in a company, equity, contingent and prospective assets.^{xl} The court does this by considering all the financial resources of the parties which are invested or realized income. It can be contingent or actual.^{xli}

Earning Capacity

The court has to take cognizance of the earning capacity of the parties in order to determine the ability to take care of the spouse and their issues. The earning capacity can be determined by what the party concerned is actually earning and what he or she can earn^{xlii} The actual potential earning capacity is also taken into consideration. In *McEwang v McEwang*^{xliii}, a retired police constable was directed by the court to be paying his wife for maintenance of the home, the whole £6 that he was earning weekly as a pension from the police. He was 59 years old and he was unemployed. His potential earning capacity was considered based on the fact that he could still get a job.

Also in *Griffith v Griffith*^{xliv}, a 51-year-old man who was unemployed for three years before the hearing was considered to have the potential ability to pay a sum of £5,000 annually to his wife. The evidence adduced that he was a consulting Engineer when he was on remunerative employment, was considered at the trial by the court.

Some principles will determine the consideration of a woman's earning capacity. It is not compulsory for a woman to work and should not be expected to get a reduction of the amount for maintenance from her husband. If she has no child to take care of and she decides to work, her earning capacity will be taken into consideration. If she was working during her marital life and she is expected to work after the divorce, her potential earning will be taken into consideration. Her capacity to work should not be considered if she has young children to take care of.^{xlv}

Conduct of the Parties

Another factor that has to be taken into consideration in awarding maintenance is the conduct of the parties. The English court has interpreted the Matrimonial Proceedings and Property Act, 1970 that there should be regard for the conduct of the parties. In *Wachtel v Wachtel*^{xlvi} Lord Denning rejected the suggestions that what should be awarded for maintenance should be reduced by virtue of her conduct. The court recognized that despite her involvement in the breakdown of the marriage, she must have taken care of the family and looked after the home.

The court maintained that misdemeanours of a spouse should not impede the entitled benefit of maintenance unless such misbehaviour is palpable and grievous. Besides, it should be apparent that granting such would be inconsistent with legal reasoning.

There are grievous conducts which are to be considered by the court when considering maintenance.

Cases by English courts on the application of grievous conduct have been used^{xlvii} to explain the application of grievous harm. They are as follows:

- (i) Wife who fired a gunshot at her husband^{xlvi}
- (ii) Husband who inflicted grievous harm on his wife^{xlix}
- (iii) A situation where the husband committed adultery with daughter-in-law^l.

The conduct of the parties will be applicable in Nigeria when considering maintenance and if common justice requires it. ^{li}

All other Relevant Circumstances

Other relevant consideration is not defined in the Matrimonial Causes Act. Court's discretion can be applied and it can cover factors that are similar to the already explained factors. ^{lii}

Settlement of Property

Section 72(1) of the Matrimonial Causes Act provides for the spouse to also benefit from the property of his or her spouse considered as just and equitable according the circumstances of the case. It extends the benefit to the children as well. This provision enables both children and the lesser income spouse a share in the property of his or her spouse which was built by him or her or jointly built by them. Section 72(2) provides that the settlement may be ordered by the court in respect of the application brought for the benefit of all or either of the parties to the marriage and the children. The benefit of the settlement of property will be enjoyed by the children until they are 21 years old, in conformity with section 70(3) of the Matrimonial Causes Act.

CONCLUSION

The statutory law on maintenance of a spouse is a practice in English law on marriage traceable to the received English law which is a source of law to Nigeria. The law in Nigeria and the United States of America makes provision for the maintenance of an estranged spouse, a divorced and an ex-wife. It is pertinent to know how maintenance is carried out outside one's jurisdiction especially today where interracial marriage and migration are increasing. This is necessary for the purpose of knowledge and improvement on how the estranged spouse, ex-wife and the children affected by separation are treated.

This benefit of maintenance is enjoyed by either of the spouses in the USA but only in marriage under the Act in Nigeria. It is meant for the spouse caring for the family to continue his or her role so that maintenance should not be an impede separation from an irretrievably broken down

relationship. Unfortunately, those who marry under custom and religion are left out. Although it is a received English law and yet to be embraced by all, as far as it is beneficial to a dependent spouse whose marriage has been estranged or damaged, it is crucial to extend the same succour to spouses of such status in customary and religious marriages in Nigeria.

RECOMMENDATIONS

Age of marriage should be a factor that will determine an award of maintenance as it is done in Texas, Mississippi and Tennessee. Maintenance of a spouse should be on marriage that has lasted for about five years.

Generally alimony should have a fixed period. In Texas, Mississippi and Tennessee, payment on Alimony is for 10 years. Considering the indigenous value in Nigeria, where relationship after divorce is not cordial; where some people are still pursuing a refund of the bride price paid after divorce and where people are still finding it difficult to take care of the new spouse married to replace the divorced spouse, the provision for the divorced or ex-wife should not exceed one year but the children belonging to the two of them must be adequately provided for.

The children that will benefit from maintenance should be children that belong to the two of them and it should exclude children belonging to only one of them.

The law in Nigeria and other parts of the United States of America should make provision for group health insurance as done in Massachusetts.

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