

**PATERNITY DISPUTES AND THEIR SOCIO-LEGAL IMPLICATIONS: A
FORENSIC SOCIAL WORK PERSPECTIVE**

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Abstract

Paternity disputes are multifaceted issues that span ethical, social, psychological, and legal dimensions. With the growing availability of direct-to-consumer DNA testing, hidden discrepancies between presumed and biological fathers are increasingly being uncovered, often resulting in emotional distress, strained relationships, and prolonged legal battles. DNA profiling is the universally accepted gold standard technique for human identification in forensics, and paternity testing plays a crucial role in determining biological relationships and resolving both legal and personal disputes. While a child's right to know their biological origins is crucial for identity formation and psychological wellbeing, this often conflicts with parental concerns about privacy and family stability. Paternity disputes have been linked to depression, anxiety, financial strain, and family breakdown, particularly when men are legally compelled to provide for children who are not biologically theirs. In Nigeria, studies suggest that about 27 percent of paternity test results reveal discrepancies, a rate significantly higher than in the United Kingdom and Canada. Contributing factors include cultural practices, unintended pregnancies, child swapping, and pressures to sustain family lineage. This study employs Systems Theory to demonstrate how paternity disputes affect individuals at the micro level, families and communities at the mezzo level, and legal as well as institutional frameworks at the macro level. Forensic social work plays a vital role by bridging scientific evidence with family realities through counselling, mediation, and advocacy that prioritise children's welfare. To mitigate the psychosocial and legal consequences of paternity disputes, mandatory pre- and post-test counselling should be implemented to prepare families for outcomes, while forensic social workers should be formally integrated into family courts as mediators and expert witnesses to promote culturally sensitive and equitable resolutions.

Keywords: Paternity disputes, forensic social work, systems theory, family stability, resolution

1. Introduction

Paternity dispute presents complex ethical and legal difficulties with opposing interests. On the one hand, the child's right to identity, including knowledge of biological origins, is vital for personal development and psychological well-being (Avni et al., 2023; Jonhera et al., 2021; Willie, 2025). On the other hand, the right to parental privacy protects individuals and families from intrusive inquiries and potential stigma associated with genetic information. Balancing the child's right to truth with parents' interests in family integrity and privacy is therefore essential. Once regarded as a private family matter, paternity dispute has now become a significant socio-legal issue.

The widespread availability of direct-to-consumer DNA testing has exposed hidden paternal facts with profound social and psychological consequences, including numerous instances of differences between assumed and biological fathers (Avni et al., 2023). Such revelations have uncovered paternity dispute, often associated with serious mental health challenges such as anxiety, panic, and depression, particularly when compounded by strained maternal relationships. Conversely, candid acceptance of results may help reduce negative outcomes (Turney & Carlson, 2011). These developments highlight the complex social, emotional, and moral dimensions of paternity that extend beyond biological bonds (Draper & Ives, 2009). DNA testing has challenged traditional approaches to establishing fatherhood by exposing the frequency of paternal discrepancies, raising concerns about the reliability of assumed paternity and the deliberate misrepresentation of biological ties, with legal and financial consequences for affected men (Efut & Chiagoziem, 2021).

While paternity deception represents deliberate misrepresentation by the mother to falsely attribute fatherhood, paternity dispute also includes unintentional cases where a man is incorrectly identified as the father due to medical errors or misconceptions about conception (Draper, 2007). In both developed and developing countries, paternity dispute remains widespread with significant implications. Discovering the truth can inflict emotional distress on men, create identity crises for children, and impose financial burdens on non-biological fathers, thereby raising issues of fairness and the adequacy of family law (Anderson, 2006; Gilding, 2005). Yet legal systems often adopt a narrow genetic definition of paternity, overlooking its wider social and emotional realities.

Paternity dispute rates as high as 27 per cent have been observed in Nigeria, reflecting the socio-cultural and legal complexities that sustain the problem. These estimates are often based on anecdotal DNA testing data and lack systematic confirmation (News Agency of Nigeria, 2024). Research indicates that unintended pregnancies, child-swapping errors, and cultural pressures are leading contributors to paternity dispute in Nigeria (Efut & Chiagoziem, 2021). Although lower in developed countries such as the United Kingdom and Canada (1.6 per cent and 2.8 per cent respectively), the prevalence remains notable (Silva, 2024).

In South Africa, delayed paternity revelations exposed through public awareness campaigns and court proceedings have revealed the emotional toll of paternity dispute, prompting calls

for reforms such as compulsory DNA testing at birth (Jonhera et al., 2021; Silva, 2024). However, limited laboratory facilities, financial constraints, and cultural barriers particularly in countries like Nigeria pose significant challenges to addressing this pressing issue. Younger parents, socioeconomically disadvantaged groups, and certain ethnic communities are most vulnerable to the financial and emotional effects of paternity dispute (Bellis, 2005; Jonhera et al., 2021).

Studies further suggest that unresolved paternity dispute may lead to significant financial hardship, particularly when men are compelled to provide child support for children with whom they share no biological connection. Shepard et al. (2022) highlighted the psychological distress that often follows such revelations, ranging from grief and frustration to struggles with identity and belonging. The experiences vary depending on the circumstances of discovery, but the effects frequently extend to co-parenting relationships, fuelling greater conflict and reducing positive outcomes for children (Turney & Carlson, 2021).

Recent findings from the News Agency of Nigeria (2024) provide additional insight into the nation's social and family dynamics. The report revealed that 27 per cent of paternity tests produced negative results, indicating that more than one in four men tested were not the biological fathers of the children concerned. It further showed that over half of the children tested (54.0 per cent) were between zero and five years of age, suggesting a growing preference for early paternity verification. The largest proportion of requests came from men aged 41 and above (45.6 per cent), followed by those aged 31–40 (37.0 per cent), a trend possibly linked to financial capacity or heightened concerns about paternity in later life. A slight gender disparity was also noted, with more male children (52.8 per cent) tested than female children (47.2 per cent), hinting at cultural preferences for confirming the paternity of male offspring. Strikingly, most tests (85.9 per cent) were conducted for reasons of 'peace of mind' rather than legal requirements, underlining the deeply personal and emotional motivations driving paternity dispute inquiries (News Agency of Nigeria, 2024).

Theoretical Framework

The theoretical foundation for this paper is Systems Theory, developed by Ludwig von Bertalanffy in the mid-20th century (Bertalanffy, 1968). Initially rooted in biology, the theory was later extended to the social sciences by scholars such as Urie Bronfenbrenner (1979), whose ecological systems model demonstrated how individuals' lives are shaped by constant interactions with their environments. In social work, Systems Theory has long been applied to examine how personal challenges are embedded within wider social, cultural, and institutional networks (Pincus & Minahan, 1973). This makes it particularly relevant to paternity disputes, where the matter extends beyond biological evidence to encompass legal processes, family dynamics, and societal expectations.

Systems Theory rests on the idea that every system whether a family, a community, or an organization comprises interconnected parts that influence one another. A change in one part

inevitably affects the whole. Systems contain key elements such as subsystems, boundaries, inputs, outputs, feedback loops, and mechanisms that maintain stability or enable adaptation. In the case of a paternity dispute, the family constitutes the primary subsystem, connected to external systems such as the courts, forensic investigation agencies, cultural norms, and welfare services. A challenge to paternity often disturbs the family's equilibrium, altering roles, responsibilities, and emotional bonds. The legal system then becomes an active subsystem, shaping family life through procedures, evidentiary requirements, and judicial decisions, while forensic social work serves as a bridge between lived experience and the demands of the law.

One of the strengths of Systems Theory in this context lies in its ability to demonstrate how paternity disputes unfold across different levels. At the micro level, disputes affect individuals directly involved, influencing emotional well-being, parent-child bonding, and identity formation. At the mezzo level, they extend to wider family relations, community perceptions, and social networks. At the macro level, disputes are shaped by legislation, judicial practice, and public policy on parental rights, child welfare, and inheritance law. Forensic social workers often engage across all these levels, ensuring that legal requirements are satisfied, emotional needs are considered, and systemic reforms are contemplated when necessary.

Nonetheless, Systems Theory is not without its critics. Some argue that it is overly broad and descriptive, offering limited practical tools for addressing entrenched problems (Berrien, 1976). Feminist and critical theorists note that its focus on stability may obscure issues of inequality, injustice, or cultural bias (Payne, 2014), all of which can be central in paternity disputes. However, these limitations can be mitigated when Systems Theory is combined with approaches that foreground power relations, cultural meaning, and social justice.

In practice, Systems Theory equips forensic social workers to identify the relevant systems involved in a paternity dispute, locate sources of conflict, and design interventions to restore balance. This may include considering how a court ruling affects a child's sense of identity, how it aligns with cultural expectations within the family, and how it intersects with the state's child welfare policies. By adopting a broad perspective and recognising that no system functions in isolation, Systems Theory ensures that paternity disputes are addressed not only as legal cases but also as complex human situations requiring coordinated, compassionate, and well-informed responses.

Overview of Paternity Dispute

At birth, a child inherits genetic material from both parents, rendering them jointly responsible for the child's existence. The man whose sperm contributed to conception is the biological father. However, the **legal father** is the man recognised by law as the child's father, and this

may not necessarily be the biological parent. Legally, paternity refers to the recognition of fatherhood under the law. While every child has a biological father, not all have a legally recognised one. A legal father assumes rights and responsibilities, including financial support and care for the child (Khaganwal et al., 2012; Millogo et al., 2021).

In many societies, when a child is born to unmarried parents, the biological father is not automatically recognised as the legal father. Even if his name appears on the birth certificate, legal recognition must often be established through formal procedures such as the Recognition of Paternity (ROP) process or a court order. A paternity dispute arises when a man denies biological fatherhood and refuses related responsibilities, while the mother asserts otherwise. Such disputes commonly occur in cases of illegitimacy, posthumous birth, child substitution, annulment of marriage, divorce, inheritance claims, guardianship, and child maintenance (Khaganwal, 2012; Millogo et al., 2021).

Legitimacy plays a crucial role in inheritance rights, as traditionally only legitimate children were entitled to inherit property. In *Lohit v. Radhika Singh*, the Supreme Court of India held that if an unmarried man and woman live together for an extended period and present themselves as a married couple, their relationship may be presumed to constitute a valid marriage, granting legitimacy to any children born to them, along with full inheritance rights.

In practice, paternity is often assigned to a man primarily on the mother's assertion, creating a potential gap between the socially or legally recognised father and the biological father. This gap often comes to light during genetic testing. Paternity disputes may be uncovered by chance, for example, when genetic testing is conducted for medical reasons unrelated to questions of parentage (Turney & Carlson, 2011). In other instances, suspicions may arise when a man doubts his biological connection to a child presumed to be his, prompting him to seek DNA testing to establish the truth (Shepard et al., 2020).

The causes of paternity disputes are varied. They may arise from overlapping sexual relationships around the time of conception, infidelity, intentional deception by the mother, unplanned pregnancies, or cases of male infertility where another partner is sought for conception. Other causes include child trafficking, administrative or medical mistakes during assisted reproduction, and errors during childbirth such as child swapping (Khaganwal, 2012). Outside reproductive technology, such discoveries are frequently interpreted as conclusive evidence of infidelity (Anderson, 2006).

Causes of Paternity Dispute in Nigeria

Dakuku (2021) observed that concerns about the prevalence of paternity dispute in Nigeria are not without foundation. He cited a DNA specialist at the Lagos University Teaching Hospital,

who reported that around 30 per cent of Nigerian men who sought paternity testing discovered that they were not the biological fathers of the children they were raising. Further accounts suggest that Nigeria ranks second globally in cases of paternity dispute, following Jamaica. Statistics from the American Association of Blood Banks indicate that worldwide, about one in three men unknowingly raise children who are not biologically theirs. These findings underscore the widespread nature of the problem and the need to consider its underlying causes.

1. **Pressure to Marry:** In many Nigerian societies, a man is automatically regarded as the father of a child born within marriage. The question of who impregnated the woman is rarely raised so long as she is married. Paternity is only likely to be disputed if the husband has strong grounds for suspicion. In some cases, unmarried women who fall pregnant marry hastily before childbirth, and the baby is assumed to belong to the new husband. Paternity dispute is sustained partly because Nigerian society places significant value on biological children. A marriage is often considered incomplete or unsuccessful if it does not produce children genetically linked to the couple (Adegoke & Oladeji, 2020).
2. **Desire for Family Continuity:** In many Nigerian cultures, extending the family line is regarded as essential for social acceptance. When a woman suspects her husband may be infertile, the fear of stigma or ridicule may drive her to conceive a child outside the marriage. This is often done with the belief that it protects her dignity, safeguards her husband's reputation, and secures their place in the community, even though the act itself is socially unacceptable (Okonofua, 2015).
3. **Cases of Child Swapping:** This is another factor contributing to paternity dispute in Nigeria, and indeed across Africa, is the accidental or deliberate swapping of babies in hospitals. Although relatively uncommon, such incidents have been documented. They are often the result of negligence or, in some cases, deliberate misconduct. A notorious example is the case in Zambia, where a nurse, Elizabeth Bwalya Mwewa, confessed on her deathbed to having swapped over 5,000 babies during her 12 years of service, simply for amusement (BBC News, 2019).
4. **Incidence of Unwanted Pregnancies:** The rising rates of unwanted pregnancy also contribute significantly to paternity dispute. According to the 2018 Global Family Planning Report by the International Conference on Family Planning (ICFP), Nigeria recorded over 1.3 million unwanted pregnancies in 2017. During the same period, only 13.8 per cent of Nigerian women reported using contraceptives. In an effort to avoid the stigma associated with unwanted pregnancy, and for other personal reasons, some women attribute pregnancies to men who are not the actual biological fathers (ICFP, 2018).
5. **Erosion of Religious and Traditional Morality:** Nigeria's traditional moral values are being steadily eroded, with society adopting more permissive attitudes towards sexuality. The strict disapproval once attached to premarital sex has weakened, while modern secular views that

encourage moral subjectivity have gained influence. Although Nigeria remains widely recognised as a deeply religious society, the authority of religious and cultural morality is declining. The increasing sexualisation of society has encouraged adultery and infidelity, both of which contribute to the persistence of paternity dispute (Adedini & Akinyemi, 2019).

6. **Other Contributing Factors:** Additional contributors include the stigma surrounding adoption, the criminalisation of abortion, and cultural expectations that place strong emphasis on reproduction and lineage. These factors collectively sustain the prevalence of paternity dispute in Nigeria (Fayehun & Isiugo-Abanihe, 2020).

Underlying Factors Influencing Maternal Non-Disclosure of Paternity

Women are frequently stigmatised and blamed for paternity dispute. However, there are several reasons why women may choose to conceal matters relating to paternity, whether they are aware of a misattributed case or themselves uncertain about the child's true parentage (Anderson, 2006; Shepherd et al., 2020). These factors include:

1. **Experiences of Domestic Violence or Sexual Assault:** Women who experience domestic violence may conceal doubts about paternity for fear of further abuse if the matter is disclosed. Similarly, women who have been victims of rape often withhold information about paternity to avoid reliving trauma or facing social repercussions (Shepherd et al., 2020).
2. **Uncertainty about the Child's Father:** In some cases, women themselves are uncertain of the child's biological father. This situation is more accurately described as *paternity uncertainty* rather than deliberate deceit. For example, where a woman has had multiple sexual partners or a one-night encounter within the same period, she may be unable to identify the father with certainty. In such circumstances, she may assume paternity lies with the man with whom she has the most stable relationship (Anderson, 2006).
3. **Passage of Time and Family Bonds:** Even if a woman feels a moral obligation to reveal the truth, doing so after many years may destabilise families and undermine established relationships. Many women remain silent to protect children from emotional harm, recognising the importance of the bond that has developed between the presumed father and the child (Turney & Carlson, 2011).
4. **Legal Considerations:** Legal implications also discourage disclosure. Courts and society often assume women deliberately conceal knowledge of paternity for selfish reasons. Draper (2007) argued that fraudulent intent exists whenever a woman gives birth while uncertain about paternity yet remains silent as her husband raises the child. However, contemporary scholarship challenges this view, highlighting that paternity secrets are complex, deeply personal, and shaped by emotional and social considerations that legal frameworks rarely acknowledge (Shepherd et al., 2020).

Socio-Legal Implications and Forensic Social Work Perspectives

It is essential that the authenticity of the relationship between the individual under investigation and the donors of reference samples is clearly established at the point of collection, during the evaluation of results, and at the stage of presenting evidence in court. This is because social or legal ties do not always correspond with biological relationships, which are most relevant in forensic investigations. For both the investigating officer responsible for collecting samples and the DNA analyst, the biological donor who contributes to the child's genetic composition is of greater significance than a socially or legally recognised relative (Butler, 2015; Kayser & de Knijff, 2011).

In forensic DNA cases, the donor of a reference sample may fall into several categories. First, the donor may know and disclose the true biological relationship, as is often the case in adoption, step-parenting, or assisted reproductive technologies (ARTs). Second, the donor may know the biological relationship of another donor and disclose it. Third, the donor may know the true biological relationship but deliberately conceal it, as is sometimes seen in cases of paternity dispute. Finally, the donor may be completely unaware of the biological truth, as may occur in cases of child swapping or through the use of ARTs. Conflicts often arise when biological parentage does not align with social or legal parentage, and such discrepancies create serious challenges in forensic investigations.

Sharma (2007) documents a case in which DNA testing excluded both the alleged father and the supposed mother as the biological parents of a child. Mitochondrial DNA analysis confirmed no maternal link. Even after a court-ordered re-examination, results remained unchanged, suggesting either undisclosed facts regarding the child's maternal origin or a case of child swapping. While the woman's complaint may have been genuine, DNA technology could not resolve the dispute and instead risked creating emotional strain between her and the child. Forensic social workers play a vital role in such cases, facilitating child protection, providing trauma counselling, and mediating between biological and social parents when identity disputes threaten family stability.

The Role of Forensic Social Work

Forensic social work emphasises the intersection of legal systems, human behaviour, and social justice. In DNA-related cases, social workers address the psychosocial, ethical, and legal dilemmas that arise when biological truths conflict with social or legal identities. Their key contributions include:

1. **Family Mediation and Counselling:** Helping families process painful revelations in paternity disputes, adoption, or ART cases, while prioritising child welfare.

2. **Courtroom Advocacy:** Assisting courts to understand the psychological and cultural implications of DNA evidence beyond the biological facts, ensuring children's best interests are central in custody or inheritance disputes.
3. **Policy and Ethics:** Advocating for ethical DNA practices, transparency in ART clinics, and safeguards against misuse of genetic data.
4. **Trauma Intervention:** Supporting individuals confronted with unexpected biological truths, such as learning through DNA tests that their legal father is not their biological father.
5. **Cultural Sensitivity:** Recognising that in many African and Asian societies, social parenthood is valued as much as, or more than, biological ties. Forensic social workers ensure that interventions are respectful of cultural norms while upholding legal rights (Schneider & Irizarry, 2020).

Thus, while DNA profiling provides scientific clarity in legal disputes, forensic social work humanises this clarity by addressing its far-reaching social consequences. Cases of paternity dispute, child swapping, and ART-related complexities underline the need for sensitive psychosocial intervention, as families often experience betrayal, mistrust, and grief that can fracture relationships. Social workers trained in forensic practice are crucial in navigating these emotions, protecting children from psychological harm, and supporting parents in adjusting to the reality of biological truth. Beyond individual support, forensic social workers act as intermediaries between the legal system, medical experts, and families, ensuring DNA findings are disclosed with empathy and clarity. They also advocate for systemic reforms such as mandatory counselling in DNA-related disputes, public awareness campaigns on paternity issues, and legal safeguards that balance scientific truth with social justice (Barsky, 2019; McCulloch & Lorenz, 2021).

Forensic Social Work Approaches to Managing Paternity Disputes

Paternity disputes are emotionally charged and legally sensitive situations that require both empathy and structure. Forensic social workers play a central role in managing such disputes by combining psychosocial interventions with legal awareness, ensuring that the welfare of children remains paramount (Sharma, 2007). Their work extends beyond mediation to include advocacy, structured parenting interventions, and collaboration with legal systems.

One of the key intervention strategies is mediation. Mediation provides a neutral and safe platform where parents can express concerns and negotiate solutions. Social workers trained in family mediation employ skills such as active listening, reframing, and empathy to de-escalate hostility and guide families towards constructive agreements (The Just Laws, 2024; Social Work Institute, 2023). This reduces the emotional burden that frequently arises when paternity is contested.

Another important responsibility of forensic social workers is advocating for the rights and welfare of children. In family law proceedings, children are often overshadowed by parental conflicts. Social workers ensure that children's voices and best interests are prioritised in decisions about custody, support, and visitation (LawNews, 2024; Gentle Terms, 2023). Such advocacy promotes stability, continuity of care, and emotional security for the child.

Forensic social workers also utilise family-centred models such as Family Group Conferencing (FGC). This restorative practice enables extended family members and professionals to participate in decision-making, thereby reducing adversarial processes and producing more sustainable outcomes (Family Group Conference, 2024). In paternity disputes, FGC can allow extended relatives to contribute to childcare arrangements, ensuring that children are not destabilised by parental conflict.

Where disputes persist, structured parenting or co-parenting programmes are introduced to help parents understand the harmful effects of conflict on children. In the UK, initiatives such as the Separated Parents Information Programme (SPIP) and *Planning Together for Children* equip parents with the skills to focus on children's needs while resolving disagreements (GOV.UK, 2024). Forensic social workers facilitate access to these programmes and reinforce their lessons during ongoing disputes.

Due to the fact that many paternity disputes extend into legal domains, forensic social workers sometimes operate within lawyer-supported mediation frameworks. This model combines legal advice with neutral facilitation, helping parents reach agreements that are both legally sound and emotionally considerate (Lawyer-Supported Mediation, 2024). Such an approach ensures that parents maintain autonomy in decision-making while achieving agreements that are less likely to be contested later.

Finally, forensic social workers collaborate with psychologists, family law solicitors, and healthcare professionals to provide courts with comprehensive assessments. These multidisciplinary perspectives ensure that custody or paternity decisions account not only for biological facts but also for the emotional and developmental needs of the child (Family Divorce Lawyer, 2024). This integrated approach strengthens the fairness and effectiveness of legal rulings in family disputes.

Conclusion

Paternity disputes remain deeply complex issues at the intersection of law, science, culture, and human emotion. Although DNA profiling has brought scientific precision to the determination of biological parentage, it has also revealed the fragility of social and legal understandings of fatherhood. Cases involving false declarations, child swapping, and

complications arising from assisted reproductive technologies demonstrate that fatherhood is not merely a biological reality but also a social and legal construct with profound implications for identity, family cohesion, and justice. The consequences of unresolved or poorly managed paternity disputes are far-reaching. For children, issues such as identity crises, confusion, and psychological distress may arise when biological truths come into conflict with established family narratives. This underscores the importance of adopting a holistic and compassionate approach to paternity resolution.

Forensic social work is central to this integrated framework. By combining psychosocial support with legal procedures, forensic social workers play a crucial role in mediating conflicts, safeguarding the rights and welfare of children, and advocating for policies that promote a balance between biological truth and social justice. Their position as intermediaries between families, courts, and medical experts ensures that DNA evidence is not regarded merely as cold data, but is contextualised within the broader human realities of love, belonging, and cultural meaning.

Ultimately, paternity disputes demand sensitivity, compassion, and systemic reform. They transcend legal concerns about inheritance or financial responsibility, touching on deeper human dilemmas such as trust, family continuity, and the right to identity. Therefore, the resolution of such disputes must be grounded in fairness, child-centred principles, and an appreciation of the cultural contexts that shape family relationships.

Recommendations

The following recommendations are proposed:

1. DNA testing in paternity disputes should be accompanied by psychosocial counselling to prepare families for possible outcomes and to mitigate trauma after results are disclosed.
2. Laws on paternity disputes should place the best interests of the child at the core, ensuring that decisions safeguard emotional wellbeing, continuity of care, and social stability, not merely biological truth.
3. Governments should enforce strict regulatory frameworks for ART clinics, including mandatory record-keeping of DNA profiles and transparent consent procedures, to prevent malpractice and protect children's rights to genetic identity.
4. Family courts should formally include forensic social workers as expert witnesses and mediators to interpret the psychosocial implications of DNA evidence, balancing scientific facts with cultural and emotional realities.
5. Governments, NGOs, and professional associations should initiate awareness campaigns to reduce stigma surrounding paternity testing, normalise discussions on reproductive rights, and educate families on the consequences of concealment.

6. In countries such as Nigeria, where socio-economic barriers hinder access, affordable and accredited DNA testing centres should be expanded, ensuring justice is not reserved for the wealthy.
7. Programmes should be developed to support women who conceal or struggle with disclosure of paternity uncertainties, recognising the structural pressures of domestic violence, stigma, and cultural expectations.

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