Parent Affidavit Identifying the Responsibility Agreement and Competing Orders

Educational sample 112 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA

PETITION OR APPLICATION NO [reference]

[APPELLANT OR APPLICANT] v [RESPONDENT]

AFFIDAVIT

1. I am [parent reference] and identify the agreement and court records below. I omit the child’s name, school, medical records and private residential details from this public specimen.

2. P1 contains the parental responsibility agreement. Its provisions address joint legal custody, actual care, schooling, medical cover and monthly maintenance; the authentic document must determine the actual obligations.

3. P2 is the Kenyan order adopting the agreement. P3 contains the complete foreign orders relied upon, including their dates, jurisdictional statements and later variations, if any.

4. I disclose the foreign proceedings and allegations appearing in those orders. I distinguish what a court recorded from my own knowledge and do not conceal an adverse order because I disagree with it.

5. The child’s verified birth date and date of attaining eighteen are stated in the confidential filing at [reference]. The public sample uses bracketed fields. This affidavit adds no new custody evidence to the appellate record.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [Commissioner for Oaths]. This sample has not been sworn.

Use and evidence notes

This is an illustrative affidavit identifying existing records, not permission to add fresh appellate evidence. State the deponent's authority, personal knowledge and source of information. Verify each exhibit and page reference. Obtain leave or directions where an additional affidavit is required; new evidence requires the applicable admission procedure. Complete the jurat before a competent Commissioner for Oaths. The public sample is unsworn and contains no exhibits. An affidavit is not legal submissions.

Exhibit schedule: [label]; [document date]; [description]; [existing record pages or basis of admission]. Do not append invented or missing records.

Source and procedural limits

Divorced parents had a parental responsibility agreement covering custody, schooling, medical care and maintenance. It was later adopted as a Kenyan High Court order. English family proceedings produced competing directions. The Kenyan courts rejected the mother's constitutional claim. During the Supreme Court proceedings the child reached eighteen.

The Supreme Court allowed the appeal and set aside the Court of Appeal judgment. It held that the Kenyan agreement and order could not simply be disregarded through reliance on the foreign findings. Each party bore its own costs. Once eighteen, the young adult could choose where to live and whether to have contact.

Constitution Article 53 and Article 163(4)(a); status and variation of a parental responsibility agreement; fair hearing and treatment of foreign decisions. The judgment discusses the repealed Children Act. Adapt current applications to the Children Act 2022 and the person's actual age; do not demand minor custody over an adult.

[2023] KESC 21 (KLR) — 2 March 2023. Original judgment: https://supremecourt.judiciary.go.ke/wp-content/uploads/2025/01/Supreme-Court-Law-Reports-2023-Vol-1.pdf#page=371

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.