Mother Witness Statement About the Child Daily Care Requirements

Educational sample 187 | 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 HIGH COURT AT NAIROBI MILIMANI CIVIL DIVISION

CAUSE CIVIL SUIT OR APPLICATION NO [correct reference]

[CLAIMANT PLAINTIFF OR APPELLANT] v [RESPONDENT OR DEFENDANT]

WITNESS STATEMENT

1. I am [mother], an adult claimant and next friend of [minor]. I describe my experience of admission, labour and the later care arrangements from personal knowledge. Hospital records and clinical diagnoses are identified [pages] and remain matters for their qualified authors.

2. After delivery the child required transfer and hospital care. I identify the admission and discharge records and expenses I actually paid [references]. I do not infer the physiological cause solely from my recollection; the medical reports address it.

3. The child needs assistance with feeding, mobility, hygiene and daily activities, as reflected in the clinical assessments and my daily care. I set out the actual frequency and assistance provided [verified particulars] and distinguish existing equipment from recommended future replacements.

4. I identify the actual therapist, caregiver, school and consultation expenses, their dates and receipts. Historic school fees and report estimates may differ; the applicable rate and period must be stated. Any recommended medication remains subject to the treating clinician’s instructions.

5. The liability consent is identified separately from my factual evidence about quantum. I do not claim that every proposed cost or multiplier has been awarded. Public copies protect the child’s identity, while the court receives the verified information necessary to decide the claim.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected party and address].

Use and evidence notes

Use the witness own first-person account, distinguish observed events from information supplied by others and give sequential bundle-page references. ELRC rules 7 and 35 govern witness statements; additional statements require the applicable leave. In civil suits follow the case directions and required witness pack. A statement is not a substitute for expert evidence and remains subject to adoption, document production and cross-examination. Protect the minor and obtain Order 32 leave and directions where required. Historical care figures are not present medical advice or prices.

Supporting material schedule: [document date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach only genuine available records and mark missing records accurately.

Source and procedural limits

A mother alleged inadequate labour monitoring and delayed intervention in May 2007. The child suffered birth asphyxia and permanent cerebral palsy requiring extensive care. Liability was fixed at 90% against the defendants by consent in July 2015; the remaining hearing assessed damages. Medical reports, the mother's evidence and future-care estimates were considered. The second adult plaintiff did not testify.

The Court awarded KSh 60,791,198 before a 10% deduction, producing the stated judgment total KSh 54,712,078 jointly and severally, plus costs and interest. It used a 40-year rather than requested 50-year multiplier for several care heads, and twenty school years. In the 24 March 2021 ruling PKM & another v Nairobi Women's Hospital & another, the Court allowed execution before costs taxation under section 94, recording that the liability judgment appeal had been dismissed in November 2020. Receiving the minor's money still required Order 32 protection.

A next friend must comply with Order 32. Liability already settled by consent is not retried during assessment. Future care needs clinical and cost evidence; the historical amounts and multipliers are not current prices or medical prescriptions. Section 94 distinguishes execution of principal from untaxed costs. Order 32 rule 6 separately controls receipt of a minor's money. The source judgment rounds the 10% deduction; preserve its stated order and obtain the decree for enforcement.

[2018] eKLR — Civil Case 186 of 2009 — 16 May 2018. Original judgment: https://sheriahub.com/cases/ke/caselaw/p-k-m-suing-on-own-behalf-and-as-next-friend-of-a-j-b-g-s-m-v-nairobi-women-hospital-mutinda-2018-eklr

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.