

THE EASTERN CARIBBEAN SUPREME COURT
COMMONWEALTH OF DOMINICA

IN THE HIGH COURT OF JUSTICE
(Civil Division)

CLAIM NO. DOMHCV2024/0128

IN THE MATTER OF SECTION 10(1) (A), (B) and (D) OF THE STATUS OF CHILDREN
ACT, ACT 10 OF 2023 OF THE LAWS OF THE COMMONWEALTH OF DOMINICA

AND

IN THE MATTER OF THE APPLICATION OF KIMRAH SHALIQUA SEVERIN FOR A
DECLARATION THAT KEVIN JULIUS PATMORE MATTHEW IS THE FATHER OF
KIMRAH SHALIQUA SEVERIN AND/OR THAT THE RELATIONSHIP OF FATHER AND
CHILD EXISTS BETWEEN KEVIN JULIUS PATMORE MATTHEW, DECEASED AND
KIMRAH SHALIQUA SEVERIN

BETWEEN:

KIMRAH SHALIQUA SEVERIN

Applicant

and

[1] KEVIN JULIUS PATMORE MATTHEW (Deceased)
[2] KEVIN JUNIOR HESKEITH MATTHEW

Respondents

Appearances:

Mrs. Kathy Buffong-Royer for the Applicant
Mr. David Bruney for the 2nd Respondent

2024: July 30, November 25
2025: March 18, September 30
October 28, December 09
2026: March 03, 16

Declaration of paternity, Section 5(1) of the Status of Children Act

JUDGMENT

[1] **JAWARA-ALAMI, J.:** The Applicant, Kimrah Shaliqua Severin of Marigot, claims to
be the daughter of Kevin Julius Patmore Matthew ("the Deceased"). The 2nd

Respondent, Kevin Juniour Heskeith Matthew of Marigot, is the son of the Deceased.

[2] The Applicant herein applies to the Court by Fixed Date Claim Form for the following orders:

- (1) That time be abridged for the hearing of the application;
- (2) A declaration that Kevin Julius Patmore Matthew, deceased, who died intestate on the 22nd day of August, 2023 at the Dominica China Friendship Hospital, Goodwill in the Commonwealth of Dominica is the father of Kimrah Shaliqua Severin;
- (3) Further and/or in the alternative, that the relationship of father and child exists between Kevin Julius Patmore Matthew, deceased who died intestate on the 22nd day of August, 2023 at the Dominica China Friendship Hospital, Goodwill in the Commonwealth of Dominica and Kimrah Shaliqua Severin.

[3] The application was supported by affidavits filed on 21st June 2024 by the Applicant; Caryl Paul, a biological sister of the Deceased; Hazel Maria Cadette, also a biological sister of the Deceased; and Shezan Severin, the mother of the Applicant. On 25th July 2024, Keith Samuel Matthew, a biological brother of the Deceased, also filed an affidavit in support of the application.

[4] In his response to this application which was filed on the 2nd February 2025, the 2nd Respondent asked the court to deny the application of the Applicant. His response was supported by affidavits of himself; Catherine Stephen, his maternal grandmother; Claire Bedminister, the mother of his common-law spouse; and Jessica Bedminister, his common law spouse.

Procedural History

[5] The matter commenced on the 21st June 2024 when the Applicant filed the Fixed Date Claim Form, Affidavits in Support, and Exhibits. It first came on for hearing on

the 30th July 2024, where an order was made to notify the other children of the Deceased of the application, and to allow them to make representations. The 2nd Respondent filed his Response to the application on 2nd February 2025. By Order of the Court dated 27th May 2025, paragraphs 9, 16, and 18–21 of the 2nd Respondent's Affidavit, paragraph 6 of Jessica Bedminister's Affidavit, and paragraphs 6, 10, and 11 of Catherine Stephen's Affidavit were struck out following an application by the Applicant.

- [6] Pursuant to a further Order of the Court dated 2nd December 2025, an Amended Fixed Date Claim Form was filed to add Kevin Junior Heskeith Matthew as a Respondent to the suit. The matter was thereafter set down for an expedited trial and scheduled for 16th March 2026

Applicant's Facts

- [7] The Applicant states that she is the daughter of Shezan Severin and Kevin Julius Patmore Matthew (the Deceased), who died intestate on 22nd August 2023 at the Dominica China Friendship Hospital. She was born on 19th August 2001 at Princess Margaret Hospital in Goodwill. Her father's details were not included on her birth certificate because he was not in Dominica when the birth was registered. At the time of his death, he was a single man domiciled in Tortola, British Virgin Islands
- [8] Despite this, the Applicant states that the Deceased always acknowledged her as his daughter. They had a close relationship: she called him "Daddy," he called her "Kimmy," and he supported her financially by sending barrels with food, clothing, and school supplies from Tortola. They also spoke daily by phone.
- [9] She states that the Deceased attended her high school graduation from the Wesley High School and later sent a barrel with baby items after the birth of her daughter. They also celebrated birthdays together, including her last birthday when he was visiting Dominica before his tragic death.

- [10] The Applicant further states that the Deceased's family acknowledged her as his daughter. She was listed as his daughter in his death announcement and funeral program, maintained a good relationship with her siblings, including the 2nd Respondent, and received gifts from the Deceased such as a cellphone. She also spent vacations with him in Tortola, attended family gatherings, visited her paternal grandparents, and states that the Deceased's siblings recognise her as their niece.

2nd Respondent's Facts

- [11] The 2nd Respondent, Kevin Junior Heskeith Matthew, states that he is the son of Iana Jean Pierre and the Deceased, and that he lived with both parents in Marigot from 1996 until 2003, when the Deceased left Dominica to work in Tortola.
- [12] He acknowledges having a brother, Kelvin Kemuel Julius Matthew, who is registered as a child of the Deceased, but denies that the Deceased ever told him that the Applicant was his sister. He also states that he has no recollection of the Applicant visiting the family home during his childhood.
- [13] According to the 2nd Respondent, after the Deceased moved to Tortola in 2003, he returned to Dominica annually and stayed at the family home, but never spoke about the Applicant except to say that the claims linking him to her were gossip. The 2nd Respondent further states that between 2010 and 2014, when he lived with his paternal grandparents, he never saw the Applicant visit them.
- [14] He also asserts that after visiting the United States in 2018, he and the Deceased would visit Dominica annually and worked together to improve the family home. He questions the authenticity of a photograph showing the Applicant with the Deceased at her graduation, noting that the photo does not appear among those posted on her Facebook page, and that neither he nor other family members were informed of, or attended the event.

- [15] Finally, the 2nd Respondent states that during the Deceased's last visit to Dominica, the Applicant's birthday was never mentioned, and the purpose of the visit was to attend the burial of his uncle and address matters concerning land. He denies that the Applicant ever visited the Deceased in Tortola or attended family gatherings with the family.

The Law

- [16] Relevant to this application is **Section 5(1) of the Status of Children Act**, which contains subparagraphs (a) to (j) outline the conditions and situations utilized by the Court in determining this application but relevant to this application is Section 5(1)(f)¹ which provides that:

(1) Unless there is proof to the contrary, on a balance of probabilities, there is a presumption that a person is, and shall be recognised in law to be, the biological father of a child if —

“(j) the person who is alleged to be the father of the child has by his conduct implicitly and consistently acknowledged that he is the father of the child. (my emphasis)”

- [17] The Act does not require the standard of proof to be beyond a reasonable doubt; rather, the Court must be satisfied on a balance of probabilities that the relationship exists, and in determining an application for a declaration of paternity, the court must consider all relevant evidence placed before it. This will include all the documentary evidence, evidence of acknowledgment by the alleged parent, the nature of the relationship between the parties, and the conduct of the alleged parent toward the child. The court may also take into account whether the alleged parent treated or held out the Applicant as his or her child, as well as any evidence from family members or other persons familiar with the relationship.

- [18] In saying this, what evidence therefore is before this court for consideration?

¹ Act 10 of 2023

The Evidence

- [19] The evidence in this matter included Exhibits KS1 to KS14 which consists of a copy of a photograph of the Applicant and the Deceased at her graduation; a copy of a customs entry of a barrel from Kevin Julius Patmore Matthew from Tortola to Kimrah Severin in Dominica; copy of a family photograph with the Applicant featured; a copy of the funeral program, where the Applicant was listed as the Deceased's daughter and her daughter was listed as the granddaughter of the Deceased; a copy of a photograph with the Applicant and her male siblings; a photograph of the Applicant holding the new born baby of the 2nd Respondent; and, a photograph of the Applicant and the 2nd Respondent sitting together at the front of church during the Deceased's funeral, an area reserved for family.
- [20] The Applicant has also exhibited numerous social media posts by the 2nd Respondent himself, which refer to the Applicant as his "little sister", which are inconsistent with his present denial and amount to admission by conduct. Pictures of the two are also exhibited, as well as pictures of the Applicant holding the 2nd Respondent's newborn baby and visiting with the mother of the child.
- [21] In addition to documentary evidence, oral evidence was also received by the court. The Applicant's witnesses included Keith Matthew, the brother of the Deceased, who testified that the deceased had four surviving children, including the Applicant, Kimrah Shaliqua Severin. He testified that although the Deceased's name was not on the Applicant's birth certificate because the Deceased was residing in Tortola and was unable to travel to Dominica when the birth was registered. He maintained that the Deceased always acknowledged and recognised the Applicant as his biological daughter.
- [22] He confirms that the Deceased introduced the Applicant to the family as his daughter when she was a baby, and she was named by the Deceased's mother. Since then, the Deceased's siblings have treated her as their niece and included

her in family gatherings and events. He further stated that the Deceased loved the Applicant, maintained her financially, and shared a close relationship with her.

[23] The Applicant's mother, Shezan Severin, also gave evidence in support of the Applicant's claim and confirmed the relationship with the Deceased.

[24] Hazel Maria Cadette and Caryl Paul, sisters of the Deceased, similarly confirmed that their brother had been in a romantic relationship with the Applicant's mother and that the Applicant enjoyed a loving father-daughter relationship with him from birth. They explained that the Deceased was not present in Dominica at the time of the Applicant's birth because he was living in Tortola, which is why his name was not recorded on her birth certificate. They testified that despite this, the Deceased always maintained that the Applicant was his daughter and supported her. They recalled that he had travelled to Dominica to celebrate the Applicant's birthday around the time of his death. They lamented that they had encouraged their brother to have his name placed on the Applicant's birth certificate, but never did so.

[25] The 2nd Respondent's evidence included Affidavits of Jessica Bedminister, Claire Bedminister and Catherine Stephen. During cross-examination the 2nd respondent initially claimed that he recognised the Applicant as his sister at one point based on what people in the community said, but did not know her prior to 2015.

[26] He admits that he had a close relationship with the applicant based on having mutual friends from 2015 but insists that he never looked at it as a brother and sister relationship. He explains that based on this close relationship the applicant accompanied him to the funeral home and the autopsy after the death of the Deceased. He admitted to giving the Applicant a phone which had been in the Deceased's belongings, but said it was because he had two phones in his possession. I found the evidence of the 2nd Respondent to be neither credible nor consistent.

[27] Catherine Stephen, the maternal grandmother of the 2nd Respondent, alleged that the Applicant had denied that the Deceased was her father, but could not substantiate that claim. Claire Bedminister, the mother of the 2nd Respondent's common law wife, admitted that the Applicant had slept at her home, but claimed she had no knowledge of how her daughter came to know Applicant. Jessica Bedminister, the 2nd Respondent's common-law wife and mother of his child, denied that she knew the Applicant as the 2nd Respondent's sister, or that they were even close but acknowledged that the Applicant had held her newborn son, and had slept over at her home. I find the evidence of these witnesses inconsistent, contradictory and lacks credibility.

Findings of Fact

[28] Having said the foregoing I find as fact, that Kevin Julius Patmore Matthew ("the Deceased") died intestate on 22 August 2023 at the Dominica China Friendship Hospital. At the time of his death, he was a single man domiciled in Tortola, British Virgin Islands.

[29] I find as fact that the Deceased is not named on the Applicant's birth certificate.

[30] I also find as fact that the 2nd Respondent, Kevin Junior Heskeith Matthew, is the son of the Deceased and was born on 29 December 1996 to Iana Jean Pierre.

[31] I find as fact that the Applicant's assertions that the Deceased acknowledged her as his daughter, maintained a close relationship with her, supported her financially, and participated in important events in her life are true.

[32] I find as fact that members of the Deceased's family recognised her as his daughter and that she spent time with the Deceased and his relatives during vacations and family gatherings.

[33] I also find as fact that the 2nd Respondent had a close relationship with the Applicant and acknowledged her as his sister until after the death of their father.

[34] I find further that the 2nd Respondent and his witnesses lacked the necessary credibility in their testimony to convince the court that this application instant should not be granted.

[35] Having regard to the foregoing, I return to the applicable standard of proof, namely proof on a balance of probabilities. This standard was clearly articulated in **Re “J.S”² (a minor) and quoted in Dain Dexton Damian Walters v Registrar of the High Court Office** *et al* that;

“The plaintiff (or the party on whom the burden rests) must satisfy the court that it is reasonably safe, in all the circumstances of the case, to act on the evidence before the court, bearing in mind the consequences which will follow.”

[36] In applying this standard to the evidence before the Court, the Court is satisfied, on a balance of probabilities, that the alleged parent is in fact the Applicant’s parent and that the applicant has discharged the burden of proof required in these proceedings.

[37] The Applicant has satisfied the court on a balance of probabilities that the alleged parent is in fact her parent and where the court is so satisfied, **section 10 (1) of the Status of Children Act** becomes relevant on the court’s next steps and provides that:

10. (1) A person who —

(a) alleges that any named person is a parent of a child;

(b) alleges that the relationship of father and child exists between him and another named person;

² ECSC Saint Vincent and The Grenadines SVGHCV2020/0067 at paragraph 13

(c) alleges that the relationship of mother and child exists between her and another named person; or

(d) having a proper interest in the result, wishes to have determined the question whether the relationship of parent and child exists between two named persons,

may apply to the Court for a declaration of parentage and the Court may, if it is satisfied that the relationship exists, make the declaration whether or not the mother, father or child is, or all of them are, living or dead.

(4) In any proceedings in the Court, a declaration or order made under this section shall be conclusive evidence of the matters contained in the declaration or order.

[38] Guided by **Section 10(1)(d)**, I find that the relationship of father and daughter under the Act exists and the deceased Kevin Julius Patmore Matthew is declared the father of the Applicant.

[39] Costs ordinarily follow the event, and it is well established that the successful party is entitled to recover his or her costs. In the circumstances, the 2nd Respondent is ordered to pay costs to the Applicant.

[40] Before I conclude, I must say that this case leaves an unfortunate and unpalatable impression. It concerns two siblings who once shared a close familial relationship, yet following the death of their father, that relationship deteriorated in a manner that is unbelievable. The Court cannot ignore that the 2nd Respondent has chosen to deny the Applicant's status as his sister, thereby causing her significant and unimaginable hurt, a position which appears to have been motivated by the prospect of material benefit from their father's estate. I can only hope that the siblings are able to move past this unfortunate incident, reconcile their differences, and restore the bonds of family that have been so deeply strained. Having said this, I order as follows;

IT IS HEREBY ORDERED THAT:

1. Kevin Julius Patmore Matthew, deceased, who died intestate on the 22nd day of August, 2023, at the Dominica China Friendship Hospital, Goodwill in the Commonwealth of Dominica, is the father of Kimrah Shaliqua Severin.
2. The Registrar of births is directed to insert the name of the Kevin Julius Patmore Matthew on the birth certificate of the Applicant under the heading "father".
3. Costs is awarded to the Applicant in the sum of \$5000 to be paid by the 2nd Respondent.

Zainab Jawara-Alami

High Court Judge



BY THE COURT

REGISTRAR

The court office is at Dame Eugenia Charles Blvd., Roseau Telephone Number ext. 266 3029, 4526, 3388 and 4528. The email address is registrydominica@gmail.com.