

IN THE MATTER OF:

**COMMISSION OF INQUIRY INTO THE
CIRCUMSTANCES SURROUNDING THE
DEATH OF PHOENIX SINCLAIR**

**ADMISSION AS TO FACTS OF
THE DEPARTMENT OF FAMILY SERVICES AND LABOUR**

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Steve Sinclair Child in Care History

1. Nelson Draper Steve Sinclair (“Steve Sinclair”) is the subject of a Child in Care File held by Winnipeg Child and Family Services (“Winnipeg CFS”), number 935858C (“the Sinclair CIC File”).
2. Steve Sinclair’s date of birth is recorded within the Sinclair CIC File as May 15, 1980.
3. A Children in Care form in the Sinclair CIC file states that Steve Sinclair came into care as of July 12, 1989.

4. The reason that Steve Sinclair came into care was due to the disclosure by another family member of sexual abuse within the family, as well as a history of violence and alcohol abuse in the family.
5. A Children in Care Review Form dated November 4, 1996, in the Sinclair CIC File states that Steve Sinclair became a permanent ward of Winnipeg CFS on December 3, 1991.
6. The Sinclair CIC file discloses the following placements for Steve Sinclair:
 - a. Between August 1989 and December 1989 Steve Sinclair was in several placements;
 - b. Commencing in January 1990 Steve Sinclair was placed with his first foster family for a period of approximately 15 months; and
 - c. Commencing in April 1991, Steve Sinclair was with his second foster family for a period of approximately 6 months.
7. Commencing in October 1991, Steve Sinclair was with his third foster family for a period exceeding 6 years. On February 3, 1998 Steve Sinclair went AWOL and would not disclose his whereabouts.
8. A Child in Care Review Form dated April 15, 1998 contained in the Sinclair CIC File (**Appendix A**), recorded that Steve Sinclair's relationship with his third foster family broke down as he attempted to assert himself for autonomy. The Child in Care Review

Form further states that Steve Sinclair had been the victim of childhood sexual, physical and emotional abuse and was addicted to alcohol. It was also noted: "Steven remains a highly disturbed individual who should not be left in charge of dependent children. He has numerous unresolved abuse issues."

9. On February 9, 1998, Steve Sinclair was established in an Independent Living Program in an apartment on his own in Winnipeg.
10. The Sinclair CIC File was closed effective May 15, 1998, when Steve Sinclair reached the age of majority.

Samantha Kematch Child in Care File

11. Samantha Dawn Kematch is the subject of a Child in Care File held by Winnipeg CFS, number 941471D ("the Kematch CIC File").
12. Samantha Kematch's date of birth is recorded in the Kematch CIC File as September 9, 1981.
13. The Kematch CIC File contains the following information:
 - a. Samantha Kematch was apprehended by Winnipeg CFS (East) on June 21, 1993, after Winnipeg CFS received a report that her mother drank heavily, had drinking parties, and physically and emotionally abused her.

- b. On June 21, 1993, Samantha Kematch was placed in a home designated as a Place of Safety. The Place of Safety was subsequently licensed as a foster home.
- c. Winnipeg CFS (East) obtained a Temporary Order of Guardianship with respect to Samantha Kematch, from February 16, 1994 to February 16, 1995.
- d. By order dated July 26, 1995, Samantha Kematch was made a permanent ward of Cree Nation Child and Family Caring Agency.
- e. As of December 19, 1995, Samantha Kematch continued to stay in the foster home in which she had been originally placed on June 21, 1993.
- f. The Kematch CIC File was closed on February 23, 1996, with the following note:
“As Samantha is now a permanent ward of Cree Nation Child and Family Services, her file with us can now be closed.”

Child and Family Services Information System (CFSIS)

- 14. At present, all 28 child and family service agencies and the four authorities have access to a computer system known as the Child and Family Services Application (CFSA), which consists of two main databases:
 - a. The Child and Family Services Information System (CFSIS); and
 - b. The Intake Module.
- 15. CFSIS was created in 1993 and was provided to child and family services agencies thereafter.

16. The Intake Module was created in 2004 and provided to child and family service agencies and Authorities thereafter.
17. From 2000 to March 2005, social workers at Winnipeg CFS had access to CFSIS. The Intake Module was not yet operational for Winnipeg CFS.
18. Both CFSIS and the Intake Module collect personal data with respect to children and adults, such as the reasons for child welfare services, the services provided by child and family service agencies in Manitoba, and any child protection concerns brought to the attention of child and family service agencies. The information stored in CFSIS about an individual may contain copies of documents originating from that individual's paper file; and/or documents originating from the paper file of another person to whom the individual is linked in CFSIS; and/or information stored electronically in CFSIS.
19. There are 20 case categories in the CFSA. Attached as **Appendix B** is a description of each of the 20 case categories.
20. A common search done on CFSIS and the Intake Module is known as a "Prior Contact Check" (PCC). A PCC allows one to determine if a given person has had prior contact with the child welfare system, as recorded on CFSA. A PCC can also be used to find a given person's open or closed child welfare cases, as recorded on the CFSA.
21. PCC searches are conducted by entering the individual's first name and last name, any other "known as" names, gender and approximate age/date of birth. As of 2000-2005, the

PCC search created a list of 50 closest matches based on variations of those names that are based on spelled-alike, sound-alike, age-alike as well as gender-alike. The individual conducting the PCC search may then review the results generated by the search, and the information contained in CFSIS, to determine which, if any, of the closest matches is the person he or she is looking for.

After-Hours Unit

22. The After-Hours Unit (AHU) is a unit of Winnipeg CFS, which receives referrals of children in need of protection after close of normal business hours.
23. AHU was operational in 2004 and 2005. At that time, the AHU did not maintain a log of telephone calls that it received.

Family Support Worker

24. A Family Support Worker (FSW) provided in-home services to Samantha Kematch and Steve Sinclair in 2000. This was a service provided by the Family Support Program through Winnipeg CFS.
25. The Family Support Program does not have a copy of the FSW's contact notes relating to services provided to Samantha Kematch and Steve Sinclair. Winnipeg CFS cannot locate a copy of the FSW's contact notes.

Appendix A

CHILD IN CARE REVIEW FORM

Review _____

Transfer _____

Closing X

Date Completed:

April 15, 1998

NAME OF CHILD: STEVEN SINCLAIR
BIRTHDATE: Winnipeg, Manitoba
BIRTHPLACE: May 5, 1980
SEX: Male
FILE NUMBER: 935858C
STATUS: Permanent Ward - Age of Majority
EXPIRY DATE:
DATE CHILD CAME INTO CARE: July 12, 1989
DATE OF PRESENT PLACEMENT: February 9, 1998
TYPE OF PLACEMENT: Independent Living
PREVIOUS PLACEMENTS
(Number & Length of Time): 4
CHILD'S PRESENT ADDRESS: [REDACTED]
PHONE NUMBER: N/A
NAME OF CAREGIVER: Independent Living
M.H.S.C. NUMBER: [REDACTED] / PHIN [REDACTED]
SOCIAL ALLOWANCE NUMBER: [REDACTED]
SCHOOL: N/A - Attempts at R.B. Russell
GRADE: 10
CHILD'S ETHNIC ORIGIN: Native
BAND RESERVE AND NUMBER: Lake St. Martin #260
NATURAL MOTHER: [REDACTED]
NATURAL FATHER: [REDACTED]
IMPORTANT RELATIVES: 1.) [REDACTED] 2.) [REDACTED]
3.) [REDACTED] 4.) [REDACTED]
CHILD'S PHYSICIAN:
ADDRESS: Unknown
CHILD'S DENTIST:
ADDRESS: Unknown
CHILD'S OPTOMETRIST:
ADDRESS: Unknown
OTHER AGENCIES OR PROFESSIONALS:
(Psychiatrist, Play Therapist etc.) 1.) Adrian Anderson - Independent Living Worker
SIGNIFICANT OTHERS: 1.)

1. **Reason for Last Admission to Care:**
Parental lifestyle dangerous to the wellbeing of the child.
2. **Placement History (Number of Placements, Length, Reasons for Being In Care):**

October 1991	-	[REDACTED]
		Moved as Steven beyond their control
December 23, 1998	-	[REDACTED] (Family Placement - Place of Safety)
		[REDACTED]
February 3, 1998	-	AWOL - Would not disclose his whereabouts
February 9, 1998	-	Independent Living Program, [REDACTED]
		Support Worker - Adrian Anderson [REDACTED]
- 3a. **Record of Recent Contact with Birth Family:**
Steven has regular, unsupervised contact with his sister.
- b. **Record of Contact: (Phone Calls, Interviews/Visits - Child Seen Alone):**
Worker had contact with Steven on November 27, 1997, January 8, 1998, February 10, 1998 and March 30, 1998. He is very hostile with authority figures and oppositional in behaviour.
- c. **Major Changes in Circumstances/Caregiver Since Past Review (other tasks, special rate):**
Steven was quickly approaching age of majority. He was anxious to be involved in the Agency's Independent Living Program. He has had conflict about drinking in his suite since being established on Independent Living. He is not allowed to consume alcohol in his suite or he will be evicted.

According to support worker, Adrian Anderson, Steven has a drinking problem but is not motivated to address his problem is impeding his ability to function in a school environment.
- d. **Psychological:**
There are two assessments on file dated November 2, 1990 and February 7, 1992 completed by Dr. Linda Rhodes. Please refer to documents for details.
- e. **Health (last medical/eye/dental check-up, special needs, illness, etc.):**
No mention of any unusual illness or injury found in file or case notes. Steven is essentially healthy but is addicted to alcohol.
- f. **Physical Description of Child (weight, height, eye/hair colour, birthmarks, etc.):**
Steven is a very pleasant Native featured individual with medium, olive complexion. He has brown hair and eyes and is approximately 5'8" in height, weighing about 140 pounds. He generally is unkempt with poor personal hygiene.
4. **Relationships:**
 - a. **In the home (child to foster parent/foster parent to child):**
Steven's relationship with [REDACTED] broke down as he attempted to assert himself for autonomy. He is a very difficult young male to relate to as he is highly reactive and tends to react aggressively. Prior to loosing

total control, he will evacuate the environment.

b. Role of Foster Parent/Caregiver:

Steven is now at age of majority and residing independently. It is hoped that when he is ready to recover from alcoholism and childhood sexual, physical and emotional abuse, he will reach out to [REDACTED] for supportive guidance.

c. In the Community (school, friends, etc.):

Steven is hanging out with others of the party crowd right now. He is not allowed visitors and alcohol in his suite. To do otherwise will cause his eviction.

d. With Birth Family:

Steven remains to be highly involved with [REDACTED] and to a lesser part, [REDACTED]. They continue to victimize each other. An example of such was that Steven stole \$50.00 from [REDACTED] while he was living with her.

e. With Social Worker

Not applicable as Steven is now of age. He appears to have problems with women in authority and preferred to discuss his issues and needs with Independent Living worker, Adrian Anderson.

5. Activities/Interests:

a. School Participation/Progress:

Steven is unable to function within the expected confines of a school due to his addiction issues.

b. Hobbies:

Steven liked to build things as a younger child but worker does not know how Steven fills his free time presently.

c. Other Community Activities (church, recreation, etc.):

Unknown

6. Child's Concept of Self (knowledge of background, attitude to care):

See psychological reports on file.

7. Worker's Assessment of Child (include child's level of functioning, special needs, strengths, area of concern, etc.):

Steven remains to be a highly disturbed individual who should not be left in charge of dependent children. He has numerous unresolved abuse issues.

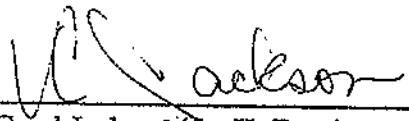
8. Short Term Plans (goals for specific needs):

To transition Steven to adult financial services.

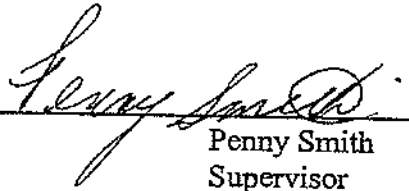
9. Long Term Plans (goals achieved, not achieved): See attached Child Care Review List)

Case can be closed as child has reached age of majority.

10. Structure of Visits (how often, supervised or unsupervised, etc.):
N/A



Carol Jackson (for K. Epps)
Family Service Worker



Penny Smith
Supervisor

/bc

APPENDIX B: CASE CATEGORIES

The VOLUNTARY FAMILY SERVICES (VFS) category consists of voluntary requests for service, including some expectant parent services. Usually, VFS cases are cases in which there are no children in care. The exception to this is those situations in which, in accordance with Provincial Program Standards, children are placed at St. Amant, or children who are placed with an agency while awaiting the signing of a VSG. These cases can include abuse incidents where the child is not at risk in its own home. Also included in this category are incidental, assessment, brief services, and ongoing active services.

PROTECTION (Prt) cases are those where a child is at risk or potential risk, including some expectant parent services. In protection cases children of the family may or may not be in care. The legal record of admission of children to care (by agreement or court) is maintained in the family case. Services regarding abuse incidents, incidental services, assessment and brief services, and ongoing, active services are also included.

CHILD IN CARE (CIC) cases include the services and activities directed toward children in agency care. Abuse incidents (such as abuse reported in a child care facility) can be included in this case category. Also included are services and activities directed toward children returned to their caregiver under an order of supervision. Cases in which a child is repatriated from Manitoba are also categorized as Child in Care. A permanent ward can be recorded as an Adoptive Child (formerly a case category in CFSIS).

CHILD IN CARE - SUPERVISION (Sup) cases include the services and activities directed by a supervising agency toward children in the legal care of another agency. This category can include abuse incidents.

ADOPTIVE APPLICANT (AdA) cases are those in which families approach Child and Family Services with the intention of adopting a child. These cases cover agency involvement from the time of the application through to adoption finalization. The processing of a non-agency adoption is also covered in this case category. Adoptive applicants can transfer in from other provinces.

POST ADOPTION (Pa) cases involve the provision of non-identifying information, registration of parties on the post adoption registry, and reunions.

FOSTER CARE MANAGEMENT (FCM) cases includes the recruitment, development, assessment, coding, approval, evaluation, cost/rate determination, training, and support of foster homes, including special placements. Proctors, places of safety, and agency operated facilities are included in this case category. This category is included in Service Provider Facility Management.

IN-HOME SUPPORT MANAGEMENT (IHS) cases include the management of persons paid by an agency (contract or agency employee), to provide services in the family home where real or potential protection concerns exist; children in these families may or may not be in care. The

category includes parent aides, family aides, child care workers, homemakers, teaching homemakers. This category is included in Service Provider Person Management.

PLACEMENT SUPPORT MANAGEMENT (PSM) includes the management of persons paid by an agency (contract or agency employee - escorts, child care workers, etc.), to provide services in the child's placement and individuals who work directly with the child who is in care. This category includes employee recruitment, training and support. This category is included in Service Provider Person Management.

OUTREACH SERVICES (Out) include group services offered to communities and families. This category includes community/neighbourhood development, educational/skill development groups, and support/self-help groups. This category is included in Service Provider Facility Management.

GROUP TREATMENT - FAMILY SERVICES (GrF) cases include treatment, activity, and support groups involving adults or children who are mainly not in care. This category is included in Service Provider Facility Management.

GROUP TREATMENT - CIC (GrC) cases include treatment, activity, and support groups involving children who are mainly in care. This category is included in Service Provider Facility Management.

VOLUNTEER PROGRAM (VP) cases include the management of all volunteers involved with CFS, regardless of their function, role or focus. Volunteers include drivers, special friends, babysitters, tutors, resource centre workers, board and committee members, etc. This category includes recruitment, development, support, supervision and training of volunteers. This case category is included in Service Provider Person Management.

OTHER SERVICE PROVIDER MANAGEMENT (OSPM) cases include the documentation of those persons providing services to children and families, who are paid by an organization other than CFS, with no reimbursement from CFS. This category could include many professionals whose significant involvement in a case should be recorded. It could include psychiatrists, staff of Child Protection Centre, probation and police officers, school teachers, employees of other government departments, etc. This case category is included in Service Provider Person Management.

AGENCY EMPLOYEE MANAGEMENT (AEM) cases include the management of full-time or part-time employees of an agency. This case category is included in Service Provider Person Management.

ALERT (Al) cases include the activities required to keep track of children, parents or families who have left their usual location, and who are being sought by a particular agency in Manitoba or any other province. These cases will be managed only by the Interprovincial Coordinator at the Child and Family Support Branch.

PATERNITY REGISTRY (PR) cases include the activities required to keep track of those birth fathers registering an interest in the welfare of their child, or those birth fathers named by a mother who is filing a claim for support from the father. These cases will be managed only by the Paternity Registry Coordinator at the Child and Family Support Branch.

RESIDENTIAL CARE MANAGEMENT (RCM) cases include the management of licensed group facilities and their employees. This category is included in Service Provider Facility Management.

AGENCY, ORGANIZATION, OFFICE MANAGEMENT (AOO) cases are set up by the Child and Family Services System Administration and only senior agency administrators will be given the authority to manage them. Changes might include new phone numbers, addresses, contact person(s) etc. A separate case will be set up for each agency (organization) and for each facility (agency office). In addition, cases will be created to record court and organizations managing residential care facilities. This category is included in Service Provider Facility Management.

FAMILY ENHANCEMENT (FE) cases include those where, as a result of safety and a risk assessment, a worker and supervisor have concluded that there are no child protection concerns, but that a family is struggling with challenges that if left unaddressed could result in escalating risk, and the worker/supervisor agree the family should be offered the option of receiving family enhancement services. A DR/FE case receives voluntary, short-term prevention services, provided directly or through a contracted third part provider or jointly. These services may include: brief services, ongoing active services, educational/skill development groups and support/self-help groups, family team decision making or family group conferencing, counseling, parenting education (e.g., Triple P), and/or family support services (to increase the safety of the child within the family).