



June 6, 2011

VIA EMAIL

REFERENCE NO:

107695-0012

PLEASE REPLY TO:

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**Attention: Sherri Walsh**

Dear Madam:

**Re: Application for Standing of the First Nations of Southern Manitoba Child and Family Services Authority in the matter concerning the Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair**

LEGAL ASSISTANT:

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We represent the First Nations of Southern Manitoba Child and Family Services Authority (the "Southern Authority").

Please consider this letter as a formal Application for Standing at the above captioned Inquiry on the part of the Southern Authority.

The Southern Authority is responsible for administering and providing for the delivery of child and family services in Manitoba. It provides "oversight" and direction to ten (10) southern First Nation child protection agencies, including Child and Family All Nations Coordinated Response Network (ANCR), operating in the City of Winnipeg and throughout Manitoba.

The powers and duties exercised by the Southern Authority are set out in The Child and Family Services Act (the "Act") and Regulations. They include, without limitation:

- Protection of children.
- Administering and enforcing the Act and Regulations.
- Ensure the development of standards of services and practices and procedures to be followed where services are provided to children and families.
- Ensure CFS agencies are providing the standard of services established by the Act and Regulations
- Advising and issuing directives to agencies.
- Ensuring that agencies follow standards.
- Establishing complaint procedures and hearing complaints about agencies.
- Powers of inspection and investigation.
- Appointing an administrator for an agency.

As outlined below, it is our submission that the Southern Authority has a direct and substantial interest in the subject matters of the Inquiry and therefore ought to be granted standing.

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1. The Honourable Commissioner has been appointed to inquire into the circumstances surrounding the death of Phoenix Sinclair and, in particular, to inquire into:

- i) *the child welfare services provided or not provided to Phoenix Sinclair and her family under The Child and Family Services Act;*

The Southern Authority is legislatively responsible to promote the safety, security and well-being of children and families, and for the protection of children. Any findings of the Inquiry which may comment on the provision of child welfare services, systemic child welfare issues, provincial or cultural CFS standards and case management practices could have a direct and substantial impact on the Southern Authority and its CFS agencies.

- ii) *other circumstances, apart from the delivery of child welfare services, directly related to the death of Phoenix Sinclair;*

The Southern Authority is ultimately responsible for the protection of children, therefore any finding of the Inquiry which may comment on other circumstances related to the death of Phoenix Sinclair could directly and significantly impact the Southern Authority and its CFS agencies.

We understand that the Commissioner may inquire into federal/provincial funding and jurisdictional issues related to First Nation children, and into urban/reserve issues relative to the safety and security of children and families. The Southern Authority, being responsible for the provision of child and family services to people who are members of southern First Nations (on and off reserve) in Manitoba, has a significant and direct interest in these issues.

- iii) *why the death of Phoenix Sinclair remained undiscovered for several months.*

The Southern Authority oversees ten (10) First Nation CFS agencies that have hundreds of children in care. The delay in discovering Phoenix Sinclair is deeply troubling to the Southern Authority. We understand that findings of the Inquiry may comment on the role that the child welfare system had or should have had with respect to this subject matter. Such findings could directly and substantially affect the Southern Authority and its CFS agencies.

2. Pursuant to paragraph 2 of the Order in Council, the Commissioner must report his findings and make such recommendations to better protect Manitoba children. Given the Southern Authority's duty to protect children and "oversight" responsibility, any recommendations by the Commissioner to better protect children will directly and significantly impact the Southern Authority. We also submit that the Southern

Authority and ANCR (an agency mandated by the Southern Authority and successor agency to the Joint Intake Response Unit at Winnipeg Child and Family Services), will be instrumental in the implementation of the recommendations that flow from the Inquiry.

3. In making his recommendations, the Commissioner must have regard to the recommendations, as subsequently implemented, made in the reports done after the death of Phoenix Sinclair. The Southern Authority has been instrumental in the implementation and oversight of those recommendations primarily at ANCR. Evidence of what changes have already taken place and their effectiveness in the wake of this tragedy will be relevant to this portion of the Inquiry.

Should you require anything further by way of formal written application, please let me know. Otherwise, we will attend the standing hearing scheduled for June 28<sup>th</sup> and, if necessary, June 29<sup>th</sup>, 2011.

Yours truly,  
**D'ARCY & DEACON LLP**  
Per:



**HAROLD COCHRANE**

HC / ph