

# BOOTH DENNEHY LLP

BARRISTERS & SOLICITORS V AVOCATS & NOTAIRES

G. MICHAEL DENNEHY\*  
J.R. NORMAN BOUDREAU\*  
SAM MALAMUD  
JANET JARDINE  
HAFEEZ A. KHAN \*\*

Legal services provided through  
\* Norman Boudreau Law Corporation  
\*\* Brian Kelsch Law Corporation

DONALD B. ERNST, Q.C.  
ROLAND E. RIVALIN, Q.C.  
GREGORY J. WELCH \*\*\*  
ANDREW P. KELLY  
JAMES BENSON  
(Articling Student-at-Law)

\* Also of the Saskatchewan Bar  
\*\* Also of the New York Bar  
\*\*\* Also of the Ontario Bar

BRIAN J. KELSCH\*\*  
DEREK ALEXANDER  
RAYMOND P. OAKES\*\*\*  
BRENT C.A. KANESKI  
KARAMJIT DHILLON  
(Articling Student-at-Law)

D.A. YANDERSKY, Q.C. (1925-2000)  
EDWARD PARZENIUK (1931-2004)  
AGRIAN GOLD (Retired)

387 Broadway  
Winnipeg, Manitoba  
R3C 0V5

Phone: (204) 957-1717  
Fax: (204) 943-6199

Website: [www.boothdennehy.com](http://www.boothdennehy.com)

E-mail: [hkhan@boothdennehy.com](mailto:hkhan@boothdennehy.com)

June 6, 2011

## Commission of the Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair

C/O Sherri Walsh, Commission Counsel

Hill Sokalski Walsh Trippier LLP  
2670-360 Main Street  
Winnipeg, MB R3C 3Z3

**Re: Request for Standing  
Intertribal Child and Family Services**

We are counsel for Intertribal Child and Family Services ("ICFS"). ICFS is a First Nations Child and Family Services Agency, established in April, 2001, serving the Kinonjeoshtegon (Jackhead), Dakota Tipi and Fisher River First Nations. The tragic death of Phoenix Sinclair occurred in Fisher River, a community served by ICFS.

ICFS is seeking full standing in the Inquiry into the circumstances surrounding the death of Phoenix Sinclair ("Inquiry"). ICFS submits that its participation as a party with full standing in the Inquiry is necessary to ensure that the Inquiry is fair, open and thorough. ICFS further submits that, as a First Nations child and family services agency, and given that the death of the child occurred within a community served by ICFS, ICFS has a unique perspective on the issues raised in the terms of reference of this Inquiry.

ICFS has a substantial and direct interest in the subject matter of the Inquiry as the abuse and death of Phoenix Sinclair occurred within its mandated area of service. ICFS also had contact with Phoenix Sinclair's family shortly after the time of her death and was the first agency to receive and report information concerning her death. A review of ICFS' involvement in this matter falls squarely within the Commission's mandate. In particular, the inquiry into the child welfare services provided (or not provided) to Phoenix Sinclair and her family, into any other circumstances directly related to the death of Phoenix Sinclair, and into why the death of Phoenix Sinclair remained undiscovered for several months, will all require a review of ICFS' involvement and activities during the relevant times in question. The subject matter of the Inquiry will undoubtedly have a direct affect on ICFS' interests. In addition, given the scope of the Commission's mandate, it is anticipated that ICFS will be called to testify during the inquiry. In this regard, ICFS may have vital information to provide to the Inquiry with respect to a number of issues concerning the subject matter of the Inquiry.

ICFS also has a substantial and direct interest in inquiring into the circumstances surrounding the death of a child within its jurisdiction. ICFS' interest in the Inquiry is far greater than a general concern in the subject matter of the Inquiry. The death of Phoenix Sinclair had had a deep and devastating impact on ICFS staff and the Fisher River community in general. The community and agency have not fully recovered from this tragedy; the anticipated publicity on the Inquiry will reopen old wounds and reignite emotions within the Fisher River community. ICFS submits that the healing process necessitates ICFS participation in the Inquiry. It is imperative that ICFS maintains the confidence and trust of the communities that it serves. The Fisher River community must see ICFS as a party to the Inquiry as a way of bringing this tragedy to a close. ICFS' very participation in the Inquiry will have a direct impact on its standing within the communities it serves and its ability to effectively serve those communities.

It is also submitted that the Commission's recommendations and findings will have a direct impact on ICFS' ability to effectively operate within the communities it serves. Adverse findings/recommendations will directly affect the public's perception and trust in ICFS as a child and family services agency. A breakdown in confidence in ICFS will affect every aspect of its operations. It is submitted that the principles of fairness dictate that ICFS should be granted full standing to ensure a fair Inquiry.

ICFS submits that it holds a unique perspective to the subject matter of the Inquiry and that its participation is essential to the Commission in the fulfillment of its mandate. The very locus of the tragedy distinguishes ICFS from all other parties to this Inquiry. Given the direct impact this tragedy has had on ICFS, we submit that ICFS has a unique view of the systemic and practical elements of child and family services, as they relate to the circumstances surrounding the death of Phoenix Sinclair. In particular, ICFS is best positioned to assist in inquiring into the practical applications of the child and family services system, any possible shortcomings and in arriving at recommendations for the future. This perspective is not shared with any other child and family services agency who may be a party to the Inquiry.

Yours truly,

**BOOTH DENNEHY LLP**

Per:



**HAFEEZ KHAN**

Counsel for Intertribal Child and Family Services