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to protect herself due to her life experiences or that this was simply her style of presentation. The psychologist stated that the parents' appeared committed to one another and felt they were genuine in their desire to parent Phoenix.

The teaching home support worker remained involved with the family and the Agency continued to monitor the situation.

On April 29, 2001 [REDACTED] was born. The Agency did not note any concerns with her birth or her parents at that time.

On July 2, 2001 Ms. Kematch had asked the Winnipeg Police Services to assist her in regaining custody of [REDACTED]. On July 3, 2001 she called Mr. Sinclair, asking him to come and get [REDACTED] as she was not prepared to continue to care for her.

On July 3, 2001 Mr. Sinclair's sister called the Agency's After Hours Unit with concerns that Ms. Kematch had left the home approximately two months prior to the call, telling Mr. Sinclair that he could have custody of both children.

On July 6, 2001 the Agency worker met with Mr. Sinclair. The worker noted that the home was clean and [REDACTED] who appeared fine, was sleeping in her playpen in the living room. The worker noted "she then woke up, Steve prepared and fed her formula. She was alert, the interaction between, father and daughter was extremely positive. Steve informed the worker, that him and Sam were separated for the past 3 weeks, as she is with her old boyfriend. Steve stated that he was presently charged with assault against Samantha. On July 3, 2001 Steve formally charged Samantha with uttering threats, and he got a restraining order. Steve is claiming that he no longer plans to live, or co-parent with Samantha. Steve was offered supports, but once again he felt he had adequate family supports but would call if need be."

On July 10, 2001 the worker attended the home but found no one there. A business card was left for Mr. Sinclair.

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2. Events Leading to the Death of [REDACTED]

[REDACTED] had had a cold since approximately June 19, 2001. Her father took her to see a doctor who prescribed Tylenol and immunized her. No follow up appointment was arranged.

On July 15, 2001 [REDACTED] woke up about 7:00 a.m. Mr. Sinclair changed her and walked around with her before laying her back down while he went to prepare her bottle. At 8:00 a.m. Mr. Sinclair came back to feed [REDACTED] and found her unresponsive and blue with vomit in the bed. He ran to get his sister who lived close by.

When the sister attended the home, she found that [REDACTED]'s feet and fingers were discolored and blue. An emergency call was placed and first response attended the home.

When the police arrived, they were advised that the previous evening Mr. Sinclair had thought that [REDACTED] was hot and sweating. He had placed a fan in her room to cool her off.

The police found the windows in the house closed and [REDACTED] in her playpen, dressed in a diaper, lying on a quilt.

The cause of [REDACTED]'s death was acute and chronic lower respiratory tract infection.

3. Events After the Death of [REDACTED]

The Agency offered support to Ms. Kematch and Mr. Sinclair when [REDACTED] died. Case notes from July 16, 2001 documented "I offered my condolences and stated that if the Agency could help in anyway (sic) that he could contact us. I informed him that Samantha was made aware today of [REDACTED]'s death. Steve stated that he did not want Samantha anywhere near him or Phoenix. The funeral arrangements have been made for Wednesday, July 18, 2001 at 1PM. The Aboriginal Funeral Home is in charged (sic)