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of the funeral. Steve stated that he doesn't want Samantha or any of her family anywhere near the funeral. I share (sic) with Steve that this may pose a problem and to think over the matter carefully. Received PC from Samantha. She stated she wants to know where Phoenix was and that she wanted her. This worker informed her that the child is with her father Steve and that he was caring for her. Samantha stated that the police told her that the child was with CFS. This worker informed her that at the time of the [REDACTED]'s death (sic) that the child was being cared for by her father Steve. Samantha began to sound angry and stated that she wanted Phoenix and how we gave him Phoenix. I informed her that Steve was the primary caregiver of the children and that the Agency is aware that her and Steve have been separated for about one month. Samantha responded "yeah" - and that he had the child in his care and was the guardian. I further told her that "custody" or legal guardianship needs to settle by them and their lawyers. (sic)"

The protection file was closed on August 23, 2001.

On June 21, 2003 Winnipeg Child and Family Services' After Hours Unit received a call stating that there was a drinking party in progress at Mr. Sinclair's home. Workers attended the home and found that Mr. Sinclair had had "one or two beers with his buddy." Because Mr. Sinclair would not make a commitment to stop drinking at that point, Agency workers attended the home twice more in the evening to do sobriety checks.

Although Mr. Sinclair was too intoxicated to be roused the first time, there was an adult female who stated that she would care for the children. Since her own children were in the care of the Agency, she was not seen as a viable option. Mr. Sinclair's sister was finally enlisted to care for Phoenix until such time as Mr. Sinclair would be able to resume care of her.

On June 22, 2003 After Hours Unit workers again attended the home. Mr. Sinclair who had been smoking marijuana became belligerent with workers, stating that his sister and Phoenix were sleeping in an upstairs bedroom. The Agency made a decision to apprehend Phoenix overnight until such time as they could speak further with Mr. Sinclair about his alcohol and drug use.

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Winnipeg Police Services assisted in Phoenix's apprehension, advising Agency workers that although Mr. Sinclair was "not a bad guy", he was involved peripherally with the gang known as "Indian Posse."

The After Hours Unit forwarded the file to a Family Service Unit for ongoing monitoring. The Agency applied for a three month Temporary Order with respect to Phoenix, giving Mr. Sinclair the opportunity to make some lifestyle changes.

As per Provincial protocol and standards, Winnipeg Child and Family Services advised Anishinaabe Child and Family Services about Phoenix's apprehension, the Agency's plan as well as the placement.

In a letter from Anishinaabe Child and Family Services to their lawyer, it was noted "...the child would be placed in the care of the child's Godparents, one of whom (the Godmother) was a First Nation's person. In light of this and considering that it was a culturally appropriate placement the writer indicated consent to the Three Month Temporary Order that Winnipeg was seeking."