



---

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

---

The Honourable Edward (Ted) Hughes, Q.C.,  
Commissioner

\*\*\*\*\*

Transcript of Proceedings  
Public Inquiry Hearing  
held at the Winnipeg Convention Centre,  
375 York Avenue, Winnipeg, Manitoba

\*\*\*\*\*

WEDNESDAY, DECEMBER 19, 2012

## APPEARANCES

**MS. S. WALSH**, Commission Counsel

**MR. D. OLSON**, Senior Associate Counsel

**MR. N. GLOBERMAN**, Associate Commission Counsel

**MR. G. MCKINNON** and **MR. S. PAUL**, for Department of Family Services and Labour

**MR. T. RAY**, for Manitoba Government and General Employees Union

**MR. K. SAXBERG** and **MR. L. BERNAS**, for General Child and Family Services Authority, First Nations of Northern Manitoba Child and Family Services Authority First Nations of Southern Manitoba Child and Family Services Authority Child and Family All Nation Coordinated Response Network

**MR. H. KHAN**, for Intertribal Child and Family Services

**MR. J. GINDIN** and **MR. D. IRELAND**, for Mr. Nelson Draper Steve Sinclair, Ms. Kimberly-Ann Edwards

**MS. J. SAUNDERS**, for Assembly of Manitoba Chiefs and Southern Chiefs Organization Inc.

**MS. V. RACHLIS**, for Witness SOR #4

# INDEX

Page

**WITNESSES:**

MIRIAM BROWNE

Direct Examination Continued	(Walsh)	1
Cross-Examination	(McKinnon)	30
Cross-Examination	(Gindin)	45
Cross-Examination	(Ray)	51
Examination by the Commissioner		56
Re-Examination	(Walsh)	58

ANGELINE RAMKISSOON

Direct Examination	(Walsh)	63
Cross-Examination	(Gindin)	110
Cross-Examination	(Khan)	111

SOR #4

Direct Examination	(Walsh)	118
Cross-Examination	(Saxberg)	166

DIANA LYNN VERRIER

Direct Examination Continued	(Olson)	176
Cross-Examination	(Gindin)	182
Cross-Examination	(Paul)	192
Cross-Examination	(Saxberg)	196

RULING BY THE COMMISSIONER 198

1 DECEMBER 19, 2012

2 PROCEEDINGS CONTINUED FROM DECEMBER 18, 2012

3

4 MS. WALSH: Can we put up on the screen, please,  
5 at pages 107 -- well, starting with 107.

6 THE COMMISSIONER: I'm ready to proceed. Pages  
7 what?

8 MS. WALSH: Page 107. We're starting, Mr.  
9 Commissioner. We have finished with our discussion of the  
10 legislation --

11 THE COMMISSIONER: Yes.

12 MS. WALSH: -- and now we're moving to a  
13 different area, and I'm referring the witness to a letter  
14 that she received in 2006. You should have a copy of that  
15 after the --

16 THE COMMISSIONER: Yes.

17 MS. WALSH: -- legislation?

18 THE COMMISSIONER: Yes.

19

20 **MIRIAM BROWNE**, previously

21 affirmed, testified as follows:

22

23 DIRECT EXAMINATION BY MS. WALSH:

24 Q So, Ms. Browne, in your capacity as executive  
25 director of the MASW/MIRSW, you received a letter dated May

1 10, 2006, that I want to go through with you.

2 A Yes.

3 Q And that's on the screen in front of you. The  
4 letter came to our attention initially because it was  
5 included in the report that was prepared by Andrew Koster  
6 through the Office of the Children's Advocate. You didn't  
7 have a meeting with Mr. Koster, did you?

8 A No.

9 Q The letter is addressed to you; to the president  
10 of the MGEU at the time, Peter Olfert; and to the then-Dean  
11 of the Faculty of Social Work, Dr. Robert Mullally. Do you  
12 recall receiving this letter?

13 A Yes.

14 Q Okay. The letter was signed by a number of  
15 individuals who identify themselves, in the first  
16 paragraph, as a child protection team of social workers and  
17 support staff employed by Winnipeg Child and Family  
18 Services in the downtown unit. They go on to set out  
19 concerns that they have with their working conditions and  
20 caseloads.

21 A Um-hum.

22 Q I'm going to go through portions of the letter  
23 with you. On that first page they identify:

24

25 "As you are aware, our Child

1           Welfare System in Manitoba, and  
2           specifically in Winnipeg, has  
3           experienced many changes and  
4           rearrangements over the last 21  
5           years.           The last major  
6           rearrangement was in May 2005,  
7           where Winnipeg [CFS] once had four  
8           Child Protection Units providing  
9           service to the Down Town Area of  
10          Winnipeg, there is now one.  
11          Services are now provided by First  
12          Nation Agencies to some of our  
13          former clientele.    The forecast  
14          did not account for the First  
15          Nations clientele who would choose  
16          to continue receiving services  
17          from the General Authority."

18

19           MS. WALSH:    Going on to the next page, please.

20    The next page, please?

21

22    BY MS. WALSH:

23           Q           The letter continues, in the second paragraph:

24

25                            "Also worthy of mention is

1 the" --

2

3 MS. WALSH: Can you not hear me? Ah-ha, okay.

4 Thank you.

5

6 BY MS. WALSH:

7 Q

8 "... is the rising number of new  
9 Canadians that are coming to the  
10 attention of Winnipeg Child and  
11 Family Services. Manitoba plans  
12 to welcome and receive 10,000 new  
13 Canadians this year. The majority  
14 tends to settle in Winnipeg;  
15 specifically Downtown.... Many of  
16 our newest citizens have come from  
17 war torn countries and refugee  
18 camps. These traumatic  
19 experiences have translated into  
20 some very unsafe parenting  
21 practices that must be patiently  
22 attended to by our child  
23 protection system.

24 "In the meantime, our  
25 caseloads continue to grow. We

1           are at the raw number of 36 very  
2           complex cases for each Child  
3           Protection Worker. As a result,  
4           the quality of service is wanting,  
5           albeit we are desperately trying  
6           to meet the designed standards and  
7           provide the services our clients  
8           expect and deserve."

9

10           In the next paragraph they go on to say:

11

12                   "We are appealing to you for  
13           support and assistance in helping  
14           to raise the awareness about the  
15           realities of the quality of  
16           services for children and their  
17           families who require child  
18           protection intervention and  
19           services. When each Child  
20           Protection Worker has 16 more  
21           cases than what has been suggested  
22           in order to be managed safely  
23           according to 'best practice', it  
24           is simple to see that the service  
25           our clients need and deserve is



1 not occurring. Those 16 cases  
2 translate into 44% extra work that  
3 we are expected to accomplish  
4 during the work day according to  
5 set standards."

6

7 They go on to say in -- lower down on the page:

8

9 "We are worn and we are  
10 troubled about our collective  
11 response to child protection  
12 matters. Currently, our response  
13 to most matters is reactive.  
14 There is little time to reflect  
15 and develop case plans that could  
16 be preventive and supportive. In  
17 conjunction with our clients and  
18 other service providers, regular  
19 planning discussions would be a  
20 welcome and effective process in  
21 our Social Work practice."

22

23 Then on page 3, they say:

24

25 "As mentioned earlier, the

1           intention of this letter is to  
2           create awareness of our workload  
3           and to state the realities of how  
4           difficult it is to provide quality  
5           service.     We are in need of  
6           support, validation, solutions,  
7           and resolutions to our  
8           professional calamity.

9           "We are sending the same  
10          letter to our Union, the Faculty  
11          of Social Work, and the Manitoba  
12          Association of Social Workers so  
13          the three organizations that have  
14          professional attachments and  
15          responsibilities for the integrity  
16          of our work and profession receive  
17          the same call for help. We are  
18          also sending a letter to our  
19          Program Manager and CEO of  
20          Winnipeg Child and Family  
21          Services.     Our Executive  
22          Management has repeatedly been  
23          apprised of our situation;  
24          however, our concerns have not  
25          been presented to them in written

1 form until now."

2

3 And then the letter says, going down:

4

5 "We are sending this letter

6 to the Manitoba Association of

7 Social Workers as MASW educates

8 members as well as the public and

9 is in the forefront of the

10 profession through advocacy and

11 social action. Our Child

12 Protection System needs help in

13 order to develop to its full

14 potential. In Section 3.8 of the

15 MASW Standards of Practice ... it

16 states that 'if there is a

17 conflict between the standards of

18 practice and a member's employing

19 environment, the member's primary

20 obligation is to the CASW Code of

21 Ethics, the CASW Standards of

22 Practice, and the MASW ...

23 Standards of Practice. In such

24 instances, the Social Worker is

25 expected to take reasonable

1           measures to advise the employer of  
2           the conflict and of their  
3           professional obligation. Social  
4           Workers are advised to contact  
5           their professional association for  
6           consultation and guidance should  
7           this situation arise.' Since some  
8           of us are MASW ... members, please  
9           consider this letter as our formal  
10          outreach and contact with our  
11          professional association for  
12          advocacy."

13

14           They go on to say:

15

16                   "There are 16,000 Child  
17           Welfare Workers across Canada. We  
18           are not certain; however, there  
19           must be close to 1,000 Social  
20           Workers in Child Protection in our  
21           Province. The licencing of Social  
22           Workers in this Province has been  
23           an issue for nearly four decades."

24

25           Still addressing MASW, they say:

1  
2 "MASW advocacy for Child  
3 Protection Workers in this  
4 province could have implications  
5 across Canada whereupon more  
6 Social Workers may want to become  
7 registered which reinforces the  
8 licencing issue. In the meantime,  
9 we want to know what MASW can do  
10 for us so we can improve the  
11 service our clients need, expect,  
12 and deserve. It is our ethical  
13 duty and obligation, according to  
14 the CASW Code of Ethics, to  
15 advocate for workplace conditions  
16 and policies that are consistent  
17 with the code. As such, we are  
18 advocating for our clients' best  
19 interests. One of their interests  
20 is quality service that is  
21 provided with integrity and  
22 objectivity. The other interest  
23 is competent service. Currently,  
24 our work place culture and  
25 environment is not designed for

1           either to occur with regularity or  
2           frequency. We are doing our best  
3           to provide a quality and competent  
4           service against mounting odds."

5

6           And in the last paragraph they say:

7

8                         "We would like to meet with a  
9           representative of your respective  
10          institutions to discuss how we may  
11          work together to make a positive  
12          difference in the development of  
13          mandated Child Protection Services  
14          so our System's potential is  
15          realized.           Our clients'  
16          experiences with our service,  
17          along with the service providers'  
18          experiences in providing those  
19          services, needs attention now.

20                         "We hope to receive a written  
21          response to the outlined issues by  
22          June 1, 2006 with tentative  
23          meeting dates to discuss options  
24          available to address same on  
25          either June 7 or June 14th...."

1

2

And then there are a number of signatures.

3

So what did you do when you got this letter?

4

A Well, first, I guess, I'll say that I noted when I received the letter that of the list of signatories there are very few registered social workers on that list. I don't see the full list on my screen now.

8

Q We could turn the, the page to see the full list.

9

A So I see two. Mr. Klein and Lisa Vokrri are the two registered social workers. So that was the first thing that I noted.

12

THE COMMISSIONER: Klein and who else?

13

THE WITNESS: I think it's Vokrri, V-O-K-R-R-I.

14

MS. WALSH: On page --

15

THE COMMISSIONER: Oh, yes.

16

MS. WALSH: On page 5.

17

18 BY MS. WALSH:

19

Q You could see -- and you know that by virtue of the designation RSW behind their name?

21

A Correct.

22

Q Okay.

23

A So that was the first thing I noted.

24

We did respond to the letter with a letter ourselves, as an organization, and agreed to meet with this

25

1 group. However, it was difficult to meet them. We did not  
2 meet with them. I think it was really a timeline issue.  
3 They, as you say, noted in the letter they had two specific  
4 dates that they wanted to meet. We weren't available on  
5 those two dates, and we proposed a third date, and they  
6 weren't available. And I think it was really their  
7 intention to meet -- and this is what they told me on the  
8 telephone -- they wanted the entire group to be present.  
9 And obviously it was summer time and that was a difficult  
10 project, and so we encouraged them to contact us again to  
11 try for another mutually agreeable date, and it did not  
12 happen.

13 Q Did you discuss the letter with either of the  
14 other two individuals to whom it was addressed, the -- that  
15 is, the representative of the union and the dean of the  
16 Faculty of Social Work?

17 A I did discuss the letter with Dean Mullally, who  
18 I had a ongoing professional relationship with at the time,  
19 and, and I think he and I felt similarly, that we weren't  
20 sure exactly what kind of help we were going to be able to  
21 offer this specific group of employees who had clearly  
22 identified issues within their agency and their workplace,  
23 but we were empathetic to their concerns. We, we knew  
24 about these concerns. We were aware that child welfare as  
25 a sector was an overwhelmed, overworked sector of social



1 work. Wasn't news to him, nor to I. And we both -- I  
2 believe Dean Mullally did meet with this group. If I  
3 recall him telling me after the fact that he had met -- and  
4 he certainly intended to ahead of time -- but I think that  
5 we struggled, both he and I, with exactly what kind of  
6 assistance we would be able to offer this group because we  
7 were not a union.

8 Obviously, they were addressing their concerns  
9 also to their union.

10 As an organization, you know, what we wanted to  
11 talk to them about was the importance of them becoming  
12 registered social workers, that if they, with their  
13 thousand other child welfare workers in the province which  
14 they describe in the letter, if they all chose to  
15 voluntarily become registered, we would have so much more  
16 strength as an organization to be able to advocate on  
17 behalf of social workers generally, which is I think what  
18 they were looking for us to do. So, unfortunately, the  
19 meeting didn't, didn't occur.

20 Q You said that you were aware of the concerns  
21 raised in the letter?

22 A Yes.

23 Q How long had you been aware of those concerns?  
24 This letter was written May 10th, 2006.

25 A Don't have a precise timeline. I think it would

1 be fair to say that, as a sector, the child welfare sector  
2 of social work practice has always been known to be one of  
3 the most challenging sectors. I have known that since I  
4 became a social worker. And certainly I would say after  
5 the year 2000 approximately -- so the years between 2000  
6 and 2006 -- there was more informal discussion with regard  
7 to the increasing complexity and difficulty within the  
8 child welfare sector. I think it's always been known that  
9 it is one of the most difficult sectors of social work to  
10 practice in.

11 Q Do you know why that is the case?

12 A I think there's multiple reasons. I think that  
13 as some have stated earlier, the, the clientele is  
14 particularly vulnerable and there's multi -- multiple  
15 problems, structural problems with poverty, and, and  
16 housing, and education, issues that are, you know, layered,  
17 and that might be somewhat different than in some other  
18 sectors. I also think that the levels of staffing seem to  
19 be lower and the cases more complex than some other sectors  
20 of practice where perhaps the number of cases is fewer per  
21 social worker and the complexity of the cases is lesser.

22 Q In terms of what authority or ability you had to  
23 respond to the concerns, what, what did the institute --  
24 what was it able to do?

25 A Well, we would have been able to provide support

1 to the social workers who were registered social workers --  
2 and to the rest of the group, obviously, if they came to us  
3 -- but the support would have been quite general in nature.  
4 I mean, we might have been able to write to their employer  
5 and suggest that we are concerned based on what they've  
6 told us. We would have been able to point them in the  
7 direction of the code of ethics, the standards of practice,  
8 the guidelines of ethical, you know, responsibilities re  
9 social workers. So we would have been able to perhaps  
10 support them in some general ways. But it's never been the  
11 role of either the association or the institute to  
12 intervene directly in workplace issues, so we would not  
13 have been able to, you know, directly advocate for changes  
14 in their caseload, for example, with their employer. We  
15 did not see that as our role.

16 Q The letter also says that it was being copied to  
17 the writers' program manager and CEO. Did you have any  
18 contact from either of those individuals?

19 A Not the program manager, but the, the CEO of  
20 Winnipeg Child and Family Services at the time was Darlene  
21 MacDonald, I believe, who was on the MIRS board. So  
22 certainly I had contact with Ms. McDonald as a board member  
23 for a number of years and she, she was aware of the letter  
24 as well.

25 Q Anything more done with respect to this letter

1 that you're aware of, from, from your perspective?

2 A Not from our organization's view, no.

3 Q Now, there's another reason that we asked you to  
4 come to --

5 THE COMMISSIONER: Just, just one minute.

6 MS. WALSH: Sure.

7 THE COMMISSIONER: Darlene MacDonald was CEO  
8 of ...

9 MS. WALSH: Winnipeg --

10 THE COMMISSIONER: Where's reference to this  
11 letter going to those people, where in that letter?

12 MS. WALSH: Darlene MacDonald, my understanding  
13 is, was the CEO of Winnipeg Child and Family Services in  
14 2006.

15 THE COMMISSIONER: And she was also on your  
16 professional board?

17 THE WITNESS: Correct.

18 MS. WALSH: And Mr. Commissioner, on page 3 of  
19 the letter ...

20 THE COMMISSIONER: Yes.

21 MS. WALSH: Which is page 109 of our disclosure,  
22 in the third paragraph, that's where we got the reference  
23 where they say:

24

25 "We are also sending a letter to

1                   our Program Manager and CEO of  
2                   Winnipeg Child and Family  
3                   Services."

4

5                   THE COMMISSIONER: Yes, okay. I have that, thank  
6 you. Carry on.

7

8 BY MS. WALSH:

9                   Q     So as I was saying, there is another reason why  
10 we asked you to come testify today. You mentioned earlier  
11 that you had been employed as a probation officer.

12                  A     Yes.

13                  Q     What type of work did that involve?

14                  A     I worked in the domestic violence unit, which is  
15 a specific unit of Probation Services, and I supervised  
16 domestic violence offenders.

17                  THE COMMISSIONER: In the employ of the  
18 provincial government?

19                  THE WITNESS: Yes.

20

21 BY MS. WALSH:

22                  Q     Just remind us when you did that work, please?

23                  A     I began in January or February 1998, and I took a  
24 leave of absence in 2009. I, I officially resigned in  
25 2010.

1 Q So you were a probation officer from '98 until,  
2 officially, 2010.

3 A Yes.

4 Q Okay. Did you have contact with child welfare  
5 agencies when you were a probation officer?

6 A From time to time.

7 Q What kind of a working relationship did you have  
8 with, with child welfare agencies?

9 A Well, frequently there was a crossover of  
10 clientele between individuals who were on our caseload as  
11 offenders, domestic violence offenders, and clientele that  
12 was involved with Child and Family Services. Typically, we  
13 would have a male offender on our caseload and Child and  
14 Family Services might have the partner -- female partner of  
15 that person and their children under their review, concern,  
16 care.

17 And so there was a relationship because obviously  
18 we were dealing with people who had been convicted of a  
19 violent offence and who were under the conditions of a  
20 court order, and quite often that court order had  
21 prohibitions against either drinking or being in contact  
22 with particular individuals. Those individuals may well be  
23 the same individuals that were under the care of Child and  
24 Family Services. So the relationship was one of sharing  
25 information when needed, to ensure that our clients were

1 not breaching the terms of their court order and perhaps  
2 being involved with their former spouses or children and  
3 putting them at risk.

4 Q Did the information sharing go both ways?

5 A Yes. It was probably more often from Probation  
6 Services to child welfare because we were the ones who had  
7 the court orders with prohibitions and so it was our  
8 responsibility to do everything that we could to ensure  
9 that our clients were not breaching the terms of their  
10 order so it was probably more often generated that way, but  
11 certainly responses would come back from Child and Family  
12 Services about those questions.

13 Q So can you give us an example of the type of  
14 information that you as a probation officer would provide  
15 to Child and Family Services?

16 A Oh, we would indicate in a, in a phone call -- a  
17 lot of it did occur by telephone and -- you know, this is  
18 going back to, you know, more than ten years ago and I  
19 think that there was little bit less concern about the  
20 sharing of private information. These two agencies often  
21 felt that we had an obligation to protect the individuals  
22 involved to do a lot of telephone sharing. So if you noted  
23 on a file -- if I inherited a file and I noted that there  
24 was a Child and Family Service worker attached to some  
25 member of that client's immediate family circle, I would

1 keep note of that. And if I had any concerns about the  
2 actions of my client -- let's say they didn't come to an  
3 appointment, I could call the family -- Child and Family  
4 Services worker and inquire, had they had any contact with  
5 my client, were they aware whether they were still living  
6 at that address if I was going to send a letter, and so on.  
7 So there was a lot of informal contact, and sometimes there  
8 would be formal contact where we would advise them of a  
9 change in our client's circumstance or a specific concern.

10 Q So I want to take you to a letter that you wrote.  
11 It's Exhibit 19, page 59. It's also page 10315 of our  
12 disclosure, but if you want to get it from Exhibit 19, that  
13 would be fine, what, whatever's easier. Is it easier to go  
14 to our disclosure? Page 10315.

15 MS. WALSH: So this is -- it's -- but it's also  
16 found, Mr. Commissioner, at appendix B of Exhibit 19, at  
17 pages 59 to 60.

18 THE COMMISSIONER: Appendix what?

19 MS. WALSH: B.

20 THE COMMISSIONER: B of Exhibit 19.

21 MS. WALSH: That's right.

22 THE COMMISSIONER: Right.

23 MS. WALSH: So you either have it before you in  
24 that form or you have it simply --

25 THE COMMISSIONER: I have a copy in front of me.



1 MS. WALSH: Okay, thank you.

2

3 BY MS. WALSH:

4 Q This is a letter dated February 18, 1999,  
5 addressed to Kim Shier at Child and Family Services. If  
6 you turn to the next page, we -- our office redacted the  
7 names of the signators because at the time we were not  
8 certain if the names were sources of referral or not. But  
9 is your name -- is your signature on this letter?

10 A Yes, it's the second redacted name.

11 Q Next to probation officer.

12 A Correct.

13 Q How did you get Kim Shier's contact information?

14 MS. WALSH: Let's go to the previous page,  
15 please.

16 THE WITNESS: I don't recall and, in fact, I  
17 didn't recall having written this letter until you brought  
18 it to my attention when we met, so my memory is a bit hazy  
19 on the specifics. My assumption about my usual practice  
20 would be that likely her name was in the file that I  
21 received as an intake worker. I was in the intake team and  
22 I would have received a file to supervise Mr. McKay. And  
23 in looking through the file, it's likely that Ms. Shier's  
24 name was included in the many contact people that we might  
25 need because she was involved in, in, in supervising or

1 helping with a family, a woman and children that Mr. McKay  
2 was involved in.

3 Q I'm going to go through the letter and then ask  
4 you some questions about it. So you write, "Dear Kim," re:  
5 Karl Wesley McKay, date of birth: March 28, 1962.

6

7 "As the Probation Officer  
8 supervising the above named  
9 offender, I am writing to express  
10 my concerns about Mr. McKay's poor  
11 response to supervised probation  
12 and more importantly, the high  
13 risk to become reinvolved in  
14 violent offences he continues to  
15 represent in the community.

16 "Mr. McKay is presently on  
17 Probation until June 17, 2000 as a  
18 result of an assault on April 4,  
19 1998 against [an individual]. As  
20 you know, this is not his first  
21 violent offence against her and he  
22 has a prior assault conviction  
23 against another female victim.  
24 Mr. McKay began this period of  
25 probation in July, 1998 by failing

1 to report to his Probation Officer  
2 for a two and a half month period,  
3 despite repeated promises to do  
4 so. This resulted in a breach of  
5 probation charge being laid  
6 against him.

7 "Recently, he missed an  
8 appointment on February 9, 1999  
9 and did not phone or provide an  
10 explanation, which is also a  
11 breachable offence. Furthermore,  
12 on Sunday, February 14, 1999, Mr.  
13 McKay missed the second day of a  
14 five day mandated domestic  
15 violence program he was required  
16 to take as part of his probation  
17 order. Although he has provided  
18 the explanation that he was  
19 unavoidably delayed out of town,  
20 it is important to note that Mr.  
21 McKay knew that his completion of  
22 the program was an important part  
23 in the process of having his  
24 children returned to him. He also  
25 knew that failing to complete the

1 group would result in yet another  
2 breach charge. Furthermore, it is  
3 important to note that we view  
4 completion of the 5 day Partner  
5 Abuse Short Term Educational  
6 Program as only a beginning in the  
7 process necessary to change  
8 attitudes which support violent  
9 behaviour.

10 "Most recently, Mr. McKay  
11 again demonstrated his negative  
12 attitude when on February 16,  
13 1999, he offended a member of the  
14 Probation staff during one of his  
15 regular reporting sessions. He  
16 was rude and unwilling to discuss  
17 the situation reasonably.

18 "Mr. McKay has been assessed  
19 as high risk to re-offend in a  
20 violent fashion. We are aware  
21 that [the individual] has been  
22 unable to protect herself against  
23 his violence in the past and  
24 believe that she would be equally  
25 unable to protect her children.

1           The children have been present at  
2           the times when Mr. McKay has  
3           behaved violently.  Additionally,  
4           [the woman] has attempted to  
5           protect Mr. McKay in the past (on  
6           many occasions) by denying the  
7           abuse she has suffered at his  
8           hands.  Probation Officer Barb  
9           Gislason has seen [the woman]  
10          severely bruised and injured; at  
11          times she would make up stories  
12          about how the injuries occurred  
13          and later would admit that Karl  
14          was beating her.  These injuries  
15          have been well documented by [the  
16          woman's] physician.

17                 "In light of the above  
18                 information, we have serious  
19                 concerns for the safety of [the  
20                 woman] and her children and  
21                 believe that they are at risk due  
22                 to Mr. McKay's presence in the  
23                 home.  If you wish to discuss the  
24                 matter further, please don't  
25                 hesitate to contact me...."

1

2           And then you see there's your signature, and  
3 above your signature is the signature of someone identified  
4 as the area director?

5           A     Yes.

6           Q     Was that your supervisor?

7           A     Correct.

8           Q     What was your purpose in sending this letter to  
9 Ms. Shier?

10          A     Well, Mr. McKay was a serious concern to us in  
11 the probation unit.     His presentation was extremely  
12 negative, belligerent, and his refusal to cooperate in  
13 reporting on a regular basis and attending the domestic  
14 violence program were indicators that he wasn't taking his  
15 probation order seriously and that he was at risk to  
16 reoffend.

17                 So the purpose in sending the letter was to  
18 formally document our concerns to the child welfare agency  
19 which was responsible for and dealing with his significant  
20 other and the children.     We wanted them to be fully  
21 apprised of our concerns and hoped that that would ensure  
22 that we were working cooperatively on this situation.

23          Q     You said that you didn't specifically recall the  
24 letter, but do you have any recollection of your meeting  
25 with Mr. McKay himself?

1           A     Um-hum. I do. I only had one meeting with Mr.  
2 McKay, and it's the, it's the meeting that's referred to in  
3 this letter where it says that on a particular date in  
4 February Mr. McKay was offending one of the staff, and that  
5 was actually a reference to a meeting that he had with me.  
6 And it was the only time that I met with him alone, and I  
7 had attempted to do what was a standard process in intake,  
8 which is the completion of two written risk assessments.

9                     So that involves asking a number of questions and  
10 receiving the replies in order to complete the two risk  
11 assessments. One is for general assaultive behaviour or  
12 criminal behaviour and the second tool is specific to  
13 domestic violence. And the questions, you know, some of  
14 them are historical questions about where you were born and  
15 so on, but others of them are about, you know, your current  
16 situation, who you're involved with, where you grew up,  
17 those kind of things.

18                     And I recall that it was an extremely difficult  
19 interview, a very hostile interview, and that I knew from  
20 the -- at the end of the -- throughout the interview I  
21 knew, and certainly it was confirmed when I completed the  
22 risk assessments after he left, that he was an extremely  
23 high risk client and that he would not be appropriate for  
24 regular supervision. And we had a process within our  
25 office -- a protocol within our office that if individuals

1 scored extremely high on the risk assessment tool, that we  
2 had a team of two probation officers who would assume  
3 supervision for those high, high risk individuals. And my  
4 assessment at the end of that interview was that Mr. McKay  
5 was one of those individuals and I immediately then  
6 transferred the file to the high risk team.

7 Q The meeting that you had with him was in your  
8 office?

9 A Correct.

10 Q Alone.

11 A Yes.

12 Q And you determined that, in the future, a single  
13 probation officer should not be alone with Mr. McKay.

14 A Yes. My assessment was that he was -- it was  
15 quite possible that he might become violent in the office.  
16 I, I felt physically intimidated by Mr. McKay. Unlike --  
17 that was a very unusual circumstance, I will say. I was a  
18 probation officer for 12 years and it was very unusual that  
19 I felt unsafe in my office. We did have panic buttons, I  
20 will say that, but never in my 12 years did I have to use  
21 it and I didn't that day, either, but I certainly felt that  
22 day that he was a very angry person and that I was at risk  
23 of -- my safety was at risk and it wouldn't be safe for one  
24 particular individual to meet with him in the future.

25 Q The letter is signed by both you and your



1 supervisor. Was that common?

2 A No. I think this case prompted some alerts in  
3 the office. It was unusual and such -- because it was  
4 unusual, it would have triggered a conference, a meeting  
5 with myself and my area director, and the letter then would  
6 have been written under both signatures in order to give it  
7 some strength.

8 MS. WALSH: Thank you. Those are my questions.  
9 There may be questions from others.

10 THE WITNESS: Thank you.

11 THE COMMISSIONER: All right. Mr. McKinnon?

12

13 CROSS-EXAMINATION BY MR. MCKINNON:

14 Q Hello, Ms. Browne. My name is Gordon McKinnon.  
15 I'm the lawyer for the department and Winnipeg CFS, and my  
16 notes are all over the place so I may just take a minute to  
17 organize myself.

18 THE COMMISSIONER: Take your time.

19

20 BY MR. MCKINNON:

21 Q You gave evidence with respect to what I sort of  
22 see as three distinct areas, and I'm going to talk to you  
23 about two of those. I'm not going to talk to you about  
24 your assessment of Mr. McKay. But in terms of the other  
25 areas you gave evidence, first of all, the concept of the

1 registration of social workers, the Commissioner asked you  
2 a very direct question and I think he hit the nail right on  
3 the head and I, I want to explore that a little bit. He --  
4 his question, according to my notes, was, What's the  
5 holdup? And, and you, I think, delicately tried to give  
6 some background as to some of the issues that are, are  
7 vexing the implementation of this new legislation. I, I  
8 just wanted to explore that a little bit. Again, I think  
9 it might be helpful to the Commissioner to understand what  
10 some of these issues are -- and I know I'm putting you a  
11 bit on the spot, because I'm asking you to articulate what  
12 other people's objections are, not necessarily your own.  
13 Is that fair?

14 A Yes.

15 Q And my notes get a little sketchy in terms of  
16 exactly what the problems were, but as I understood it,  
17 there, there was sort of -- there's more than, than two  
18 camps in terms of this legislation. There are some that  
19 feel that the legislation should go farther, there are some  
20 that feels -- that go too far, and it's hard to find some  
21 middle ground. Is that fair?

22 A Yes.

23 Q And my understanding is that one of the camps  
24 that's, that's troubled by this legislation and the  
25 implementation of this legislation is, is a group that

1 calls itself the Aboriginal Social Workers Society in  
2 Manitoba. Do you know that group?

3 A Yes.

4 Q And they made presentations at the time the bill  
5 was introduced and I suspect they continue to make  
6 representations. I don't know that, but I suspect that  
7 they have some concerns about the, the fundamental issues  
8 that might arise out of this regulation of social  
9 workers --

10 A Yeah.

11 Q -- registration of social workers.

12 A Yes, I --

13 Q Is that fair?

14 A Yes, I think so.

15 Q And again, it's not -- I don't want to put you in  
16 the position of having to articulate somebody else's  
17 position, but my understanding is that they have expressed  
18 concerns related to whether there would be a culturally  
19 appropriate review process. Is that what your  
20 understanding of their concern is?

21 A They've raised a number of concerns. That's  
22 certainly one of them.

23 Q And, and what are some of their other concerns?

24 A Some of their other concerns have been the  
25 representation on the college board of directors, that it

1 would not -- that right now it's a geographic based  
2 composition and it doesn't reflect the need, in their view,  
3 for aboriginal board representation, so they have  
4 difficulty with that.

5 Q Okay.

6 A Let me think. There's been a view advanced by  
7 members of that group that, in fact, there really ought not  
8 to be one college, that, in fact, there ought to be an  
9 aboriginal college, if there's going to be regulation of  
10 social work at all, that there should be two colleges.  
11 One, the one that is before us under the Social Work  
12 Profession Act, but that, that in addition to that there  
13 should also be a college for aboriginal practitioners. So  
14 that's another view that's been put forward.

15 But generally, I think your, your first point,  
16 that they're concerned that, that the college and all of  
17 its facets may not be culturally appropriate for aboriginal  
18 social workers and aboriginal clients, which they've made  
19 the argument are vastly overrepresented in many sectors of  
20 social work, that those are concerns for them with regard  
21 to the existing legislation.

22 Q And my understanding -- again, I, I don't  
23 necessarily advocate these positions but I think it's  
24 important for the Commissioner to understand that there are  
25 some complex issues here, so I'm just going to put to you

1 my understanding is that some of the aboriginal social  
2 workers, this group in particular, they have a concern that  
3 the perspectives and practices and values and beliefs of  
4 aboriginal people, they want to or, or, or are striving to  
5 develop and implement culturally relevant practices and  
6 standards which they may see as different from what I'm  
7 going to call Eurocentric values and practices. That's  
8 another issue that, that the group is struggling with?

9 A That's an issue that they have advanced, yeah.

10 Q And, and they see the board of this college as  
11 being primarily representing what I'm going to call the  
12 majority culture, not --

13 A Yes.

14 Q -- not their aboriginal culture. That's their  
15 concern.

16 A That's right.

17 Q Now, my understanding is that one of the sections  
18 of the act has been proclaimed. And when I say the act,  
19 it's the new act --

20 A Um-hum.

21 Q -- 2009 act. And the section that's been  
22 proclaimed is the one -- I can't find the number right now,  
23 but it's the one --

24 A It's 77.

25 Q Seventy-seven?

1 A Um-hum.

2 Q It allows the Lieutenant Governor in Council,  
3 which is, which is the Cabinet -- it allows it to appoint  
4 the interim board for the purpose of developing regulations  
5 that would address some of these issues that we've just  
6 spoken about.

7 A Yes.

8 Q Yes? And, and appointed as chair of that board  
9 is a prominent aboriginal leader.

10 A Yes.

11 Q And that's what they're working on today, is to  
12 try and bridge this gap or this gulf. Is that your  
13 understanding?

14 A My understanding is that the, the transition  
15 board's mandate is to create bylaws and regulations for the  
16 college.

17 Q And, and this would be one of the issues that  
18 would have to be addressed in those bylaws and, and  
19 regulations.

20 A Yes.

21 Q And is it your understanding that that's, in  
22 part, part of the delay?

23 A Yes. Although the transition board members were  
24 not appointed until April 2012 and the act passed in  
25 October 2009.

1 Q So it's taken them some time to get there.  
2 That's your point.

3 A Yes.

4 Q Okay. Now, I don't know if, if you've addressed  
5 this issue in your current organization, the -- sorry, I  
6 don't have it in front of me -- Manitoba ...

7 A Institute of --

8 Q Institute --

9 A -- Registered Social Workers.

10 Q -- for registered social workers. But have you  
11 addressed the problem -- firstly, let me back up. My  
12 understanding that there's relatively few child protection  
13 workers that are registered members of your organization.

14 A That's true. I, I did a quick check before this  
15 Inquiry, and I believe there was approximately 60 people  
16 who self-identify as working in Child and Family Services,  
17 slightly larger group if you include child protection,  
18 because there are other agencies that are not Child and  
19 Family Service.

20 Q Right.

21 A So that's approximately seven percent, which I  
22 think is quite underrepresented, given the number of people  
23 -- social workers who work in child welfare.

24 Q Right. And, and my understanding from your  
25 annual report is that it's about 60, so that's the same

1 number that you just cited.

2 A Oh, okay.

3 Q Yeah.

4 A Yeah.

5 Q And, and if that letter that was referred to a  
6 moment ago from the 11 social workers is correct, there's  
7 probably over a thousand social workers doing child  
8 protection work in Manitoba, if that letter is correct.

9 A Um-hum.

10 Q But what we're talking about then is a very small  
11 percentage are registered with your current organization.

12 A Correct.

13 Q And, and in terms of that group, have you  
14 struggled with or had to deal with the issue of how child  
15 protection workers can protect themselves when they are  
16 complained against because the information on a child  
17 protection file is confidential and can't be disclosed?  
18 Have you dealt with that issue? Have you struggled with  
19 that issue? Do you have any understanding of that issue?

20 A Um-hum. Yes, we have dealt with that issue. We  
21 did have one complaint that I can specifically recall,  
22 where there were concerns about confidentiality and sharing  
23 information. That's one of the reasons why we, as an  
24 organization, are really in favour of the new legislation  
25 because our old act from 1966 does not give us as an



1 organization much latitude in order to fully investigate  
2 matters. It doesn't set out enough latitude to do that and  
3 so, yes, we have run into that problem and certainly we  
4 think that there should be a way for regulatory bodies to  
5 be able to access even confidential records in the course  
6 of an investigation against a registered social worker, but  
7 we would likely need more powerful legislation to be able  
8 to do that.

9 Q And when you say more powerful legislation, that  
10 is more powerful than in the current Bill 9?

11 A Well, Bill 9 would be far better than what we  
12 currently have. We're not subject to the conditions of  
13 Bill 9. We're --

14 Q I understand that.

15 A Yeah.

16 Q You're dealing with the old act.

17 A Yes.

18 Q I guess the question I'm asking you is, does the  
19 new bill, Bill 9 which is not yet proclaimed --

20 A Yes.

21 Q -- when it's proclaimed, won't this still be a  
22 problem, that, that child protection workers have this  
23 unique issue that the file information which might support  
24 their action --

25 A Um-hum.

1 Q -- can't be used because it's protected by  
2 confidentiality provisions?

3 A I, I'm unable to answer that because my  
4 understanding would be that we would still as a regulatory  
5 body be able to access that information, but since the bill  
6 is not in effect, I don't know how it would play out.

7 Q You, you haven't dealt with it yet.

8 A Yes.

9 A And one of the things that -- and this is -- you  
10 know, I think everybody in this room has dealt with this  
11 because we've had to deal with it for this Inquiry, which  
12 is how to get access to confidential information so that it  
13 can be used outside of a mandated agency. There's special  
14 protection in the Child and Family Services Act for sources  
15 of referral, what they call informants in that legislation.  
16 And have you addressed your mind to the possible mischief  
17 that could result if someone complained to a regulatory  
18 body such as a college of social workers and the  
19 information that the person complained against needs to  
20 rely upon to justify their action is information they  
21 receive from an informant? That will present, I'm  
22 suggesting, a problem in that the complainant can't know  
23 who this informant is. It will put that informant at risk.

24 A Um-hum.

25 Q So what, what I'm suggesting to you is that there

1 are unique problems in child protection that wouldn't  
2 present themselves, for example, in healthcare. Is that  
3 something that you'd be prepared to acknowledge?

4 A Well, I think there are unique problems in every  
5 sector of practice, not just child welfare. And I would  
6 take my lead from the other regulatory bodies in social  
7 work across Canada who are able to regulate social workers  
8 who work in child welfare and they're not excluded from  
9 investigations and complaints. And so I would assume --  
10 and again, this act is not yet in force, so I don't know  
11 how it will play out, but my hope and assumption would be  
12 that we would be able to carry out complaints against  
13 people working in child welfare under the new act and that  
14 we would have to deal clearly with the sources of referral,  
15 as you suggested. And I think that those sources of  
16 referral and the problems that they could create could come  
17 from other sectors of social work practice as well.

18 Q I hear what you're saying about other sources,  
19 but my understanding, for example, in healthcare is that  
20 the, the information on a patient's file belongs to the  
21 patient. The patient has the right of access. The  
22 difference in, in child protection is the information does  
23 not belong to the subject of that child protection  
24 proceeding. They're not entitled to access, so that there,  
25 there is a difference between healthcare and child

1 protection, and I'm just wondering if, if you acknowledge  
2 that.

3 A I'm not aware of that, but I accept it if that's  
4 the case. I guess what I would say is that in some other  
5 fields of practice -- let's say, probation, which we've  
6 discussed -- I think the file would also belong to the  
7 agency, the probation office, the parole office, and I'm  
8 not sure that the client would always be able or the social  
9 worker would always be able to get full access to those  
10 documents, either.

11 Q Is it fair to say, then, that you haven't  
12 formally -- when you said there was one complaint before  
13 against a child protection worker --

14 A Yes.

15 Q -- how did you deal with that in, in light of  
16 Section 76 of the Child and Family Services Act, which  
17 makes it confidential, and Section 18.1, which makes it an  
18 offence to disclose the name of a source of referral? Was  
19 that a problem for, for the individual complained against?

20 A You know, I unfortunately am not remembering the  
21 details of that matter so I'm not able to help you with  
22 that. I do remember that it was a concern, the issue that  
23 you raise, and the ability to access records was a concern.  
24 But what I also recall is that that wasn't the only time  
25 when we had a concern with accessing full information. It

1 seems to me that we had other social workers who worked  
2 within government agencies who also had difficulty sharing  
3 full documentation, but I don't recall the outcome of the  
4 particular complaint that you've asked about.

5 Q Okay. That's -- I guess that's the best we can  
6 do today.

7 I'm going to move to the letter that was written  
8 to you on May 10th, 2006, signed by 11 social workers.  
9 Ms., Ms. Walsh read many portions of it to you and she read  
10 to you the paragraph where -- I, I don't know that I can  
11 find them readily so I'll go by my notes. But the  
12 paragraph that referenced the fact that there had been four  
13 units in downtown Winnipeg and now there was one.

14 A Um-hum.

15 Q You'll, you'll recall that was read to you.

16 A Yes.

17 Q And we heard a lot of evidence in this proceeding  
18 about the process of devolution, and so I would infer from  
19 that -- and I'm asking if that's your understanding -- that  
20 what they were talking about there is the fact that as a  
21 result of devolution and the creation of aboriginal  
22 agencies and the transfer of files, there are much less --  
23 there are many less cases in Winnipeg being dealt with by  
24 that unit. That's why it moved from four units to one. Is  
25 that your understanding?

1           A     The first part of your statement would be my  
2 understanding, that, that because of the process of  
3 devolution the, the structure was changed from four offices  
4 to one. But I wouldn't have any knowledge about the number  
5 of cases.

6           Q     Okay. And similarly, when the, the authors of  
7 this letter say the forecast does not account for First  
8 Nations persons choosing Winnipeg Child and Family  
9 Services, you would have no knowledge as to the accuracy of  
10 that.

11          A     I heard anecdotally during the course of the  
12 devolution process --

13          Q     I, I don't want to -- you to tell what you heard  
14 anecdotally. I'm asking you if you have any of your own  
15 knowledge?

16          A     About what?

17          Q     Whether --

18                THE COMMISSIONER: Which part of the letter are  
19 you focusing on?

20                MR. MCKINNON: We're talking about the, the  
21 forecast as to the number of First Nations people that were  
22 going to choose Winnipeg compared to the actual.

23                THE COMMISSIONER: Where is that in the letter?

24                MR. MCKINNON: Ms. Walsh read it to the witness.

25                MS. WALSH: It's in the second paragraph on the

1 first page.

2 THE WITNESS: If you're asking me am I aware --

3 MR. MCKINNON: Last, last sentence on the first  
4 page, is that it?

5 THE COMMISSIONER: Second paragraph, first page.

6 MS. WALSH: The forecast, the second-last  
7 sentence?

8 MR. MCKINNON: Yes.

9 MS. WALSH: Second-last line.

10 THE WITNESS: So your question to me is do I know  
11 whether this is a true statement?

12

13 BY MR. MCKINNON:

14 Q My question to you -- yes -- is, is do you have  
15 any knowledge as to the -- what the, what the forecast was  
16 and what the actual was?

17 A No.

18 Q Okay. And in terms of the -- your response to  
19 this letter, your response was to schedule a meeting?

20 A Yes.

21 Q You offered dates or a date?

22 A A, a specific date.

23 Q The authors of the letter weren't available that  
24 date and the matter dropped.

25 A Correct.

1           MR. MCKINNON:    Thank you.    I have no other  
2 questions.  Thank you, Mr. Commissioner.

3           THE COMMISSIONER:  Thank you, Mr. McKinnon.  
4           You're next, Mr. Gindin?

5           MR. GINDIN:  I think so.

6

7   CROSS-EXAMINATION BY MR. GINDIN:

8           Q    Good morning, Ms. Browne.

9           A    Hello.

10          Q    My name is Jeff Gindin; I represent Kim Edwards  
11 and Steve Sinclair.  I just have a few questions for you.

12                Just earlier you had said that there was one  
13 complaint, I think you talked about, that was received  
14 about a social worker.  Did that connect in any way to the  
15 Phoenix Sinclair matter?

16          A    No.

17          Q    No.  Okay.  We've had a number of social workers  
18 here who have been asked whether they were registered or  
19 not.  My recollection is that none of them were registered;  
20 I might be wrong by one or so.  And not many, if any, of  
21 them knew the difference or the benefits.

22          A    Um-hum.

23          Q    What's your view on that, the fact that they  
24 didn't seem to really appreciate that or know what the  
25 difference was?



1           A     Um-hum.

2           Q     Does that surprise you?

3           A     It's disappointing. I guess my view on it is  
4 that a professional identity has to begin, in my mind, in  
5 the course of training people for a profession. In the  
6 case of social work, as in many other professions, most of  
7 that formal training takes place at the university level.

8                     My view would be that if we had mandatory  
9 regulation, if this new piece of legislation was in, in  
10 play, that throughout the course of formal education of  
11 social workers there would be an emphasis on helping  
12 students to understand the role of a professional  
13 regulatory body in their life, and that they would leave  
14 university with an understanding of the reasons that one  
15 would wish to be a member of a regulatory body -- must  
16 indeed be a member of a regulatory body -- and what the  
17 responsibilities and benefits of, of that would be.

18                    And I -- and as we don't have that legislation in  
19 place and as it's not been, to my knowledge, taught,  
20 there's very little emphasis on regulation of social work  
21 as a profession in formal university settings, so it's not  
22 that surprising to me that a number of social workers  
23 wouldn't know the difference.

24           Q     You mentioned that there was an ethical  
25 consultation service --

1 A Yes.

2 Q -- as part of your organization, where people  
3 might bring forward a particular dilemma or issue. Are you  
4 able to say whether any issues were brought forward by any  
5 social workers concerning this particular matter, the  
6 Phoenix Sinclair case?

7 A None. But, but that would then also speak to the  
8 fact that since very few of the social workers, as you  
9 said, involved with this matter are registered, they  
10 wouldn't be able to access that service because the service  
11 is only available to our members.

12 Q Another advantage of --

13 A Yes.

14 Q -- being a member.

15 A Um-hum.

16 Q All right. I think you said that many social  
17 workers wouldn't meet the requirements for registration as  
18 it now stands.

19 A I hope I didn't say many. I think I said --

20 Q Some.

21 A -- some, um-hum.

22 Q And, and what are the main requirements that  
23 wouldn't be met by a good number of the social workers now?

24 A Well, the common educational requirement to  
25 become a registered social worker both in Manitoba, and in

1 most other jurisdictions in Canada with the exception of  
2 Alberta, is a Bachelor's degree in social work. It's a  
3 very clear route of entry to becoming a registered social  
4 worker. I understand that in a number of child welfare  
5 agencies there are people in addition to those with a BSW  
6 who work in the field of child protection, so they might  
7 have a Bachelor's degree in sociology, or they might not  
8 have a Bachelor's degree, they might have some other kind  
9 of training that is social science related, or they might  
10 not have that. And so if people do not have a Bachelor's  
11 degree in social work, then they wouldn't meet the regular  
12 route of entry to become a registered social worker.

13           Now, we have developed a substantial equivalency  
14 process so that we are able to now look at people who have  
15 another combination of similar kinds of education and  
16 experience, and under the new legislation there will be a  
17 process whereby we can recognize people without degrees and  
18 grandparent them into the new college. So there are people  
19 that fall short, and generally it would be falling short on  
20 the formal education in social work.

21           Q     So there are many social workers today who may  
22 have worked on this case, that you feel wouldn't meet the  
23 minimum requirements that you believe they should have.

24           A     I don't know that. I, I don't know how many  
25 don't have Bachelors of Social Work degrees.

1 Q But you believe that that should be a minimum  
2 requirement, to have that degree.

3 A Yes.

4 Q Just, just a few questions about the legislation  
5 itself. You talk about provisions with respect to  
6 complaints, for example, and I think you said that the  
7 board that would hear these complaints, one-third of that  
8 board should be non-social workers.

9 A Yes.

10 Q And I take it the reason for that or one of the  
11 reasons for that is that you don't necessarily want social  
12 workers judging themselves.

13 A Correct.

14 Q Right? Is there a provision in terms of what  
15 sort of percentage is required to make a finding of guilt  
16 or not guilt on a particular complaint? Is there a  
17 unanimous decision that's required or a certain percentage,  
18 do you know?

19 A I, I can't speak to that because the regulations  
20 for the new college and the new act have not been written.

21 Q Have you recommended a particular type of vote  
22 that would be required to make a finding?

23 A I don't recall. I would have to look in my  
24 documents.

25 Q And when you were talking about the kind of

1 conduct that could come up in terms of complaints, you  
2 mentioned as well certain acts and also omissions.

3 A Yes.

4 Q Omissions would refer to things that weren't done  
5 that should have been, right?

6 A Um-hum.

7 Q That's what you meant by that?

8 A Yes.

9 Q Do you know whether you receive any complaints  
10 from any employers about social workers?

11 A We have not, in my years as the registrar.

12 Q Now, you, you mentioned a letter that you had  
13 just received -- I think you mentioned it yesterday --  
14 concerning when we can expect proclamation.

15 A Yes.

16 Q What was the date of that letter?

17 A I believe it was December the 10th.

18 Q Of?

19 A 2012.

20 Q So that letter you received just a week or more  
21 prior to you giving evidence here.

22 A That's right.

23 Q Right? Okay. And with respect to the -- your  
24 work as a probation officer --

25 A Yes.

1 Q -- your recollection of Wes McKay is obviously  
2 quite vivid because you, you, yourself, felt unsafe in his  
3 presence.

4 A That's right.

5 Q And the letter that you wrote with the concerns  
6 you expressed, is that something that you've done a number  
7 of other times?

8 A Yes, I had done it a number of other times, but  
9 it wasn't done commonly.

10 Q It wasn't a typical thing you would do.

11 A Wasn't typical. It wasn't a weekly thing, wasn't  
12 something that you would do on most files. It would be  
13 when you had significant concerns, and I think those  
14 concerns were very specifically laid out in that letter.

15 MR. GINDIN: Yes, okay. Those are my questions,  
16 thank you.

17 THE WITNESS: Thank you.

18 MR. RAY: Good morning, Ms. --

19 THE COMMISSIONER: Mr. Ray?

20

21 CROSS-EXAMINATION BY MR. RAY:

22 Q Yes, good morning Ms. Browne. Trevor Ray for  
23 MGEU, and I represent a number of social workers.

24 I just have one area I'd like to ask you some  
25 questions about as it relates to the new legislation.

1           A     Um-hum.

2           Q     We've heard quite a bit of evidence through the  
3 course of this Inquiry about negative relations between  
4 social workers who are in child protection and the clients  
5 that they serve. There's obviously a perception from, from  
6 clients that we heard about in the, in the evidence, that  
7 social workers have a great deal of power in that they're  
8 able to apprehend the children -- or their children, and to  
9 do so with really no ability of the client, other than to,  
10 of course, appear in court a later date and challenge the  
11 apprehension. That's created, obviously, quite a bit of  
12 animosity in many cases between the families and social  
13 workers, and social workers have given evidence about that,  
14 and we heard evidence from family -- some families in terms  
15 of their feelings toward Child Family Services and social  
16 workers.

17          A     Um-hum.

18          Q     My question of you is, have you given any  
19 consideration to the possibility that complaints being  
20 brought forward by, for example, a family against a social  
21 worker may be vindictive in their nature given that the  
22 family may not necessarily like the fact that their child  
23 was apprehended regardless of whether that apprehension was  
24 legitimate --

25          A     Um-hum.

1 Q -- and if so, in terms of the complaint process,  
2 does the act contain something to allow complaints that may  
3 on their face appear to be illegitimate or not worthy of  
4 further pursuit to be resolved informally? I've seen the  
5 way that the, that the complaints can be dealt with and one  
6 of them is dismissal, but I wasn't sure how, how that can  
7 be dealt with.

8 A Um-hum.

9 Q And if you've given any consideration or, or  
10 your, your -- the board's given any consideration to that.

11 A Sure, I can speak to that. First, I should say  
12 that I can tell you more about the current process that we  
13 use, as opposed to the new one which we're not yet using  
14 under the new act. So under our current act from 1966, we  
15 do receive complaints, sometimes, that are vexatious, if  
16 you, if you like. We do now receive them, and they may not  
17 only be to social workers who work in child welfare, but  
18 there's --

19 Q Of course.

20 A -- other contentious parts of practice.  
21 Typically, one of the quite contentious ones that's  
22 somewhat related is custody and access assessment. We, we  
23 get complaints against social workers that write reports  
24 for the boards with regard to custody and access, and  
25 frequently the, the complainant is complaining about the



1 outcome. They don't like the outcome and they take issue  
2 with the social worker who may or may not have used  
3 excellent judgment and practice very, very well, but in the  
4 end the complainant is not happy with the amount of  
5 visitation or custody or access.

6 So we are already familiar with receiving  
7 complaints that sometimes are not legitimate and come from,  
8 from other reasons that aren't about really the social  
9 worker's practice, and we have a mechanism of dealing with  
10 that whereby I, as the registrar, first look at the  
11 complaint to determine whether there is a reason to conduct  
12 an investigation. I may need to go back to the complainant  
13 several times to ask them to clarify specifically what are  
14 the actions that the registered social worker has done or  
15 failed to do that they take issue with and that they  
16 believe violate the code of ethics or the standards of  
17 practice. Ultimately, if they can provide specifics with  
18 regard to that, then it would go to our complaints  
19 committee for an investigation.

20 So even under our old act I'm already familiar  
21 with that issue, and I'm certain that under the new act,  
22 because there is a specific clause with regard to informal  
23 resolution, we would continue to look at each complaint on  
24 a case by case basis and are alive to that potential  
25 problem.

1 Q So are you saying that there's an interim  
2 mechanism for perhaps dealing with or disposing of the  
3 complaint before it may even get to the point of requiring  
4 a social worker to respond?

5 A Yes.

6 Q Okay. Do you know from -- have you conducted any  
7 research into other jurisdictions as to the amount of  
8 complaints that are dismissed or, or rejected in the  
9 fashion that you just described, in terms of they're just  
10 not legitimate complaints? Do you happen to know the  
11 statistics on that?

12 A I don't. I -- you know, I could ballpark them  
13 based on what my colleagues across the country have told  
14 me, but I don't know a number.

15 Q Okay. Is it a good percentage of complaints, or  
16 do, do you happen to know?

17 A I think it's a significant percentage.

18 MR. RAY: Okay. Those are my questions. Thank  
19 you.

20 THE WITNESS: Thank you.

21 THE COMMISSIONER: Thank you, Mr. Ray.

22 Anybody else? Before you ask, Ms. Walsh, I want  
23 to ask the witness a question, and if anyone else has a  
24 question rising out of what I ask, then they can pose that  
25 before I hear from Commission counsel.

1

2 EXAMINATION BY THE COMMISSIONER:

3 Q Witness, this letter of February the 18th, 1999,  
4 that you sent to Child and Family Services, did you ever  
5 get a response?

6 A I don't recall.

7 Q Do you know anything about -- that might have  
8 occurred as a result of you sending this letter?

9 A You're, you're reminding me now in asking that  
10 question. Because I transferred this file immediately  
11 after my meeting with Mr. McKay and the, the date of this  
12 letter being sent, I wouldn't have received a response had  
13 she sent one, because it was moved over to my colleagues  
14 across the hall who were working on the high risk team.  
15 What I do recall is that they then continued to have what I  
16 would consider regular or -- if not frequent contact with  
17 CFS because of the concerns of this particular gentleman  
18 and the woman and children he was involved with.

19 Q That is, somebody in your probation office had  
20 that continuing contact.

21 A Correct.

22 Q And who was that?

23 A There was a team, and one of the members of the  
24 team is mentioned in the letter, Barb Gislason, and the  
25 other member is a fellow named Bill Melville, and they were

1 the high risk team in the domestic violence unit at that  
2 time. And they continued to supervise Mr. McKay till the  
3 end of his probation order, which I think is noted in my  
4 letter as being two -- in the year 2000.

5 Q And do you know, did they have any interfacing  
6 with the Child and Family Services agency as a result of  
7 your initial communication to Child and Family Services?

8 A I believe they did.

9 Q All right. Do you know what -- any more  
10 particulars about what that was?

11 A What I recall is that this was a very volatile  
12 situation where there was frequent contact between that  
13 high risk team and CFS in order to continue to provide some  
14 level of protection and assistance to the mother and the  
15 children in that matter.

16 Q And do you know with whom those two probation  
17 officers had a working relationship in Child and Family  
18 Services on this issue?

19 A I don't. I, I would assume that perhaps Ms.  
20 Shier would have been part of it because obviously that's  
21 the name that I had on the file. But whether they dealt  
22 with her or then were moved on to others, I don't know.

23 THE COMMISSIONER: All right. Now, does any  
24 counsel want to ask any questions arising out of my  
25 questioning before I hear from Commission counsel?

1           It would appear not. So, Commission counsel?

2           Thank you, Witness.

3           THE WITNESS: Thank you.

4

5   RE-EXAMINATION BY MS. WALSH:

6           Q     Just two areas. First, this issue of, of  
7   confidentiality and the complaints, investigation, and  
8   hearing process -- and clearly we are very familiar with  
9   the importance of confidentiality with respect to Child and  
10   Family Services records. The section in the Child and  
11   Family Services Act which deals with confidentiality,  
12   Section 76, at (3) does list a number of exceptions to  
13   maintaining confidentiality over a record -- and we've,  
14   we've looked at them in applying for, for access to  
15   documents in this Inquiry itself -- and, and they include  
16   things such as where giving evidence in court or by order  
17   of a court.

18           I also note that the proposed legislation, when  
19   it talks about hearings, says that hearings will be open to  
20   the public unless -- but then it, it says:

21

22                   "Unless otherwise provided in this  
23                   section, a hearing of the panel  
24                   must be open to the public, but  
25                   there must be no reporting in the

1                   media of anything that would  
2                   identify the investigated  
3                   member . . . ,"

4

5 et cetera, and then it allows for a request for a private  
6 hearing.

7                   Have you, or could you give consideration, if  
8 this legislation goes through, to having amendments made  
9 both to the legislation with respect to provisions  
10 regarding hearings -- it would be similar to the provisions  
11 in the Child and Family Services Act relating to child  
12 protection hearings, which talk about what the media can  
13 and can't report from those proceedings -- and also with  
14 respect to any other exceptions that might be listed in the  
15 Child and Family Services Act.

16                  A     Um-hum.     My understanding that amendments to  
17 legislation are quite difficult to get and lengthy to  
18 achieve, but my, my guess would be that perhaps a more  
19 expedient way of dealing with it would be to write into the  
20 regulations some specific regulations which would deal with  
21 these types of matters where, in the case of confidential  
22 file information or Child and Family Service cases, that  
23 there would be a mechanism by which those, those hearings  
24 could continue to go ahead and protect the privacy of the  
25 individuals involved.

1           Q     So you think there could be something that could  
2 address this issue of confidentiality other than not making  
3 Child and Family Service workers subject to regulations.

4           A     Yes.

5           Q     And my other question, the concern has been  
6 raised -- you've confirmed that it has been a concern  
7 raised -- that the college may not be culturally  
8 appropriate in all its facets, I think was your phrase, and  
9 that culturally appropriate practice may not be taken into  
10 consideration. What's your response to that concern?

11          A     Well, I think it's a legitimate concern. I think  
12 that there is a significant number of aboriginal social  
13 workers, and there are more aboriginal social workers  
14 graduating all the time. They form a fairly significant  
15 percentage now of social workers in Manitoba. And it's  
16 also true that the aboriginal population is vastly  
17 overrepresented in many systems that social workers work in  
18 -- child welfare, corrections, and others -- so I think  
19 that the need to have a cultural appropriateness within the  
20 college is definitely legitimate.

21                 However, I don't agree that it cannot happen  
22 because of the way that the legislation is currently  
23 written. I think that there's many mechanisms by which  
24 cultural appropriate practice can occur, can be regulated,  
25 and the college can be set up to accommodate that.

1           And I would also note that there's also other  
2 groups that will need accommodation and recognition as  
3 well. I mean, if you're dealing with immigrant families,  
4 internationally trained social workers, I mean, there's  
5 many other groups who also would have a need to have a  
6 recognition of their culture and I think that we would want  
7 to find a way to accommodate them as well, be they social  
8 workers or clients.

9           But I, I think that, yes, there is definitely a  
10 need for recognition of First Nations in social work and  
11 they should impact as a group on the formation of the  
12 college and we, we hope to work with them in establishing  
13 the bylaws, regulations, and the operation of the college.

14           MS. WALSH: Those are my questions.

15           THE COMMISSIONER: All right, Witness, thank you  
16 very much for coming and being of assistance to us.

17           THE WITNESS: Thank you.

18

19                           (WITNESS EXCUSED)

20

21           THE COMMISSIONER: Do -- is this a good time for  
22 a mid-morning break?

23           MS. WALSH: Certainly. And then we'll call the  
24 next witness.

25           THE COMMISSIONER: All right.



1 MS. WALSH: Thank you.

2 THE COMMISSIONER: We'll stand adjourned for 15  
3 minutes.

4

5 (BRIEF RECESS)

6

7 THE CLERK: Order, please rise.

8 MS. WALSH: Our next witness is Angeline  
9 Ramkissoon. If we could have her sworn in, please?

10 THE CLERK: Is it your choice to swear on the  
11 Bible or affirm without the Bible?

12 THE WITNESS: The Bible is fine with me.

13 THE CLERK: Okay. Just stand for a moment,  
14 please. Take the Bible in your right hand, and state your  
15 full name to the court.

16 THE WITNESS: My name is Angeline Ramkissoon.

17 THE CLERK: And spell your first name?

18 THE WITNESS: A-N-G-E-L-I-N-E.

19 THE CLERK: And your last name?

20 THE WITNESS: Ramkissoon, R-A-M-K-I-S-S-O-O-N.

21 THE CLERK: Thank you.

22

23 **ANGELINE RAMKISSOON,** sworn,

24 testified as follows:

25

1 THE CLERK: Thank you. You may be seated.

2

3 DIRECT EXAMINATION BY MS. WALSH:

4 Q Good morning, Ms. Ramkissoon.

5 A Good morning.

6 Q You are an educator and a retired school  
7 principal.

8 A Yes, I am.

9 Q From 2004 to 2012, you were the principal of  
10 Wellington School?

11 A Actually, it's 2002 to 2012.

12 Q What's your education background?

13 A I've got a BA Honours in English, Cert.Ed.,  
14 B.Ed., M.Ed. in education.

15 Q You said you started working as a principal at  
16 Wellington School in 2012.

17 A Two thousand --

18 Q Or, sorry --

19 A -- two.

20 Q -- 2002.

21 A Right.

22 Q Where did you work before that?

23 A Prior to that, I started my teaching career. I  
24 was a teacher at Victoria Albert, and then went on to  
25 administration as the vice-principal of Garden Grove, vice-

1 principal of Stanley Knowles, principal of Norquay School,  
2 principle of David Livingstone, and finally ended up with  
3 Wellington School.

4 Q How long had you been in the system at the time  
5 that you retired?

6 A Thirty-four years, 25 of those in administration.

7 Q During your career, what areas of the city did  
8 you work in?

9 A I work in the northwest corner as the vice-  
10 principal in two schools for four years. Most of my  
11 teaching and administrative career really was in the inner  
12 city schools.

13 Q In the inner city?

14 A Yes.

15 Q Wellington School is an elementary school?

16 A It is. It goes from nursery to grade six.

17 Q Where is it located?

18 A It's located on 691 Beverley Street, which is at  
19 the corner of Beverley and Wellington School -- Wellington,  
20 Wellington Avenue.

21 Q Would you describe that as an inner city school?

22 A Very inner city, yes.

23 Q What type of population does the school serve?

24 A It's a very diverse population, a percentage -- a  
25 high percentage of immigrants, Filipino background mainly,

1 Asian background, African background, and about 25 percent  
2 -- and that's a growing area right now -- of aboriginal  
3 kids, an aboriginal background.

4 Q Was it your choice to work in the inner city?

5 A It was.

6 Q In 2004, you were a principal -- the principal at  
7 Wellington School.

8 A I was.

9 Q And Phoenix Sinclair was registered for nursery  
10 school.

11 A According to our records, yes.

12 MS. WALSH: So let's, let's pull up the records.  
13 Page 43562.

14 Page 43562, you have that, Mr. Commissioner?

15

16 BY MS. WALSH:

17 Q This is a document entitled Winnipeg School  
18 Division, Student Description Form. The date at the top on  
19 the right-hand corner says September 2004. What is this  
20 document?

21 A It's usually the document that a parent will fill  
22 out in terms of registration.

23 Q A parent fills it out?

24 A Yes.

25 Q I note that there is a student number listed at

1 the top.

2 A That's right.

3 Q Is that a number for internal school use or does  
4 it come from something else?

5 A It's -- every child is given a number when they  
6 register. It's called a MET number and it --

7 Q Sorry, it's called a what?

8 A MET number.

9 Q M-E-T?

10 A Yeah. And that number stays with the child  
11 throughout their school career with the division.

12 Q So the number comes from the division or from  
13 the, the province? Or do you --

14 A I am not sure. I never really questioned that.

15 Q But it's not, it's not purely an internal school  
16 number.

17 A It's not a school number. It's definitely a  
18 division number. Whether that comes directly from the  
19 province or from the division, I never questioned that  
20 piece.

21 Q So if we scroll down a bit, please, do you know  
22 whose handwriting -- who filled this document out?

23 A As far as I understand, it was filled out by the  
24 parent, the mom.

25 Q Samantha Kematch.

1 A That's right.

2 Q So it has, it has Phoenix's name, her legal name  
3 and the name she's known by.

4 A Yes.

5 Q It indicates her address on McGee Street and a  
6 home phone.

7 A Yes.

8 Q And that she lives with a parent.

9 A (Inaudible).

10 Q Then under the heading Legal Custody, it says, If  
11 applicable, indicate who has legal custody, and the box  
12 next to mother is checked off.

13 A That's right.

14 Q Would the school have any ability to check the  
15 accuracy of that information?

16 A We -- it is not general practice to check the  
17 accuracy, unless we -- there was some CFS involvement. If  
18 there was an indication on the form that there was CFS  
19 involvement, then we will. Other than that, no, we don't.

20 Q So then the parent is identified as the mother  
21 and her name.

22 MS. WALSH: Scroll to the bottom, please.

23 THE COMMISSIONER: Where is the legal custody  
24 box?

25 THE WITNESS: It's --

1 MS. WALSH: If you look on the screen, Mr.  
2 Commissioner, you can see the little hand has identified  
3 it. It's midway through, under a black bar.

4 THE COMMISSIONER: Oh, oh. Oh, well, now ...

5 MS. WALSH: Under the address.

6 THE COMMISSIONER: Oh, oh.

7 MS. WALSH: You're on page 43562?

8 THE COMMISSIONER: Yes.

9 MS. WALSH: So that's -- at the top you've got  
10 the name --

11 THE COMMISSIONER: Yeah, where, where's -- point  
12 where it says legal custody.

13 THE WITNESS: It says --

14 THE COMMISSIONER: Oh, I see. All right. Let me  
15 find that on here.

16 THE WITNESS: Parent or legal guardian.

17 MS. WALSH: So under the reference to the --

18 THE COMMISSIONER: Oh, I see.

19 MS. WALSH: -- apartment or street number.

20 THE COMMISSIONER: Okay. I, I've got it.

21 MS. WALSH: The copy --

22 THE COMMISSIONER: Yeah.

23 MS. WALSH: -- is difficult to read, I, I agree.

24 THE COMMISSIONER: No, I, I've got it.

25 MS. WALSH: Okay.

1 THE COMMISSIONER: Carry on.

2

3 BY MS. WALSH:

4 Q So then there is a contact person indicated, an  
5 aunt.

6 A Yes.

7 Q And medical information, and then at the bottom  
8 it's signed Samantha Kematch and dated August 30, 2004.

9 A Yes.

10 Q How would Ms. Kematch have obtained this form to  
11 fill out?

12 A Generally, the parent would come to the school  
13 and indicate that they would need to register their child.  
14 The form is given to the parent to fill out in -- in most  
15 cases, in the office, with the assistance of a clerk.  
16 Sometimes parents need some support from a clerk to fill it  
17 out, and if that's the case, then, yes. The clerk will  
18 then check the information on it to be sure that it's  
19 accurate in terms of address, phone number, contact, date  
20 of birth, and proof of birth. So they must come in with  
21 either a birth certificate or a medical card that indicates  
22 the name of the child and the date of birth.

23 Q So they have an ability to verify the birth by  
24 virtue --

25 A Right.



1 Q -- of looking at the document.

2 A Cross, crosscheck.

3 Q What about in terms of verifying the accuracy of  
4 an address? Is there anything that they do?

5 A No. We really don't check the address unless,  
6 again, if there is an alert or there is a doubt, then we  
7 will. But this is the first child that this mom registered  
8 into the school system so we had no knowledge of her prior  
9 to this.

10 Q When you say an alert, are you referring to  
11 something specific?

12 A Well, if CFS were to inform us -- if, for  
13 example, if a social worker is involved with a family and  
14 is -- has some information that the school should be aware  
15 of, they will inform us that, you know, this person is  
16 coming in to register, and if they do, then would you  
17 inform me or this is what you should be aware of it. But  
18 we had no calls, we had no prior information about this  
19 child.

20 Q And this contact from CFS that you just  
21 mentioned, is that something that you saw take place on, on  
22 other cases?

23 A On other occasions, yes.

24 Q Yes.

25 A They would call us and alert us that so-and-so is

1 registering and you should be aware of and call whenever  
2 the child comes in.

3 Q So let's look at the rest of the registration  
4 form. The next page, 43563, this is entitled Wellington  
5 School Registration, Nursery/Kindergarten Student  
6 Information. Do you know how this information would be  
7 filled out?

8 A Again, that would be filled out by the parent.  
9 When the parent comes in to fill out the registration form  
10 that goes directly to the division, which is that long form  
11 we just reviewed, this is attached so that the school can  
12 get further information on the child.

13 Q And do you know, was the practice to have  
14 somebody ask the, the parent questions and fill them out,  
15 or did it vary?

16 A Yeah, they would fill it out unless they have  
17 some questions and they are confused about certain issues.  
18 Then they will ask or they, again, when the clerk reviews,  
19 if there are some missing pieces, then they will pry the  
20 parent in order to get the appropriate information.

21 Q So this form that we're looking at, this was for  
22 the school's internal records?

23 A Right.

24 Q Okay. And your understanding is that it was  
25 filled out by Ms. Kematch?

1           A     That's my understanding.

2           Q     So let's read through it.  First, it has -- it  
3 asks about, again, the child's name and birth date, and  
4 address, and then the languages spoken, identified as  
5 English.  An emergency contact is identified.  Then the  
6 question is asked, Who will bring your child to and from  
7 school?  Why do you ask for that information?

8           A     Because we don't -- will not release a child from  
9 nursery, kindergarten, or grade one to any, any person who  
10 walks in and said, I came to pick up the child.  It's a  
11 safety issue, protection issue.  So we usually ask for the  
12 names of the people who will be picking up the child, and  
13 these were the two names that were given.  It was Samantha  
14 and Wes McKay's name was listed on it.  Other than that,  
15 this form will then be reviewed at an intake meeting and  
16 then we will find out the relationship of the people who  
17 will be picking up the child and further information.

18          Q     An intake meeting that's held with the parent?

19          A     With the parent, the child, and the classroom  
20 teacher and educational assistant.

21          Q     Do you know whether such a meeting took place in  
22 this case?

23          A     It was set up for September 4, but it was not  
24 kept.

25          Q     So let's finish reviewing the document.  Go to

1 the next page, please.

2 It asks, What kind of responsibilities does your  
3 child have at home, and the answer is, Clean up own mess.

4 The next question, What out-of-school activities  
5 is your child involved in? It says, Not applicable.

6 The next question, Are there situations in which  
7 your child because particularly excitable, upset, or  
8 frightened; if so, what are they? There's no answer filled  
9 in.

10 Then it asks, When your child is upset or  
11 anxious, how does he or she react? The answer is she  
12 cries.

13 What helps your child to calm down? Going for a  
14 walk or washing her face.

15 And the last question on the page, Is there any  
16 other information you would like to share with us, for  
17 example, specific problems or concerns, special interests.  
18 And that's not filled out.

19 Then the next page, the first question, Are there  
20 any legal documents concerning your child that the school  
21 should be aware of and have on file, such as custody  
22 papers, restraining orders? It says, Not applicable.  
23 That's filled out.

24 Is there any other information you'd like to  
25 share with us? And she's written, "Speech is not to good

1 sometimes."

2 If there are any special health problems, please  
3 explain. It says, Not applicable.

4 Does your child take any medication under a  
5 doctor's orders? Not applicable.

6 Does your child -- oh, sorry, that's, that's the  
7 end of that page.

8 And then the last page, for daycare information,  
9 Does your child attend daycare? No.

10 Has your child attended a nursery school? No.

11 Has your child been in non-parental care on a  
12 regular basis prior to kindergarten? The answer is no.

13 Now if we go to the bottom of the document, it's  
14 signed by Samantha Kematch and dated August 30th as well.

15 So this was likely filled out on the same day  
16 that the previous registration form was filled out?

17 A Generally is, because this is the form that is  
18 used for a interview, the conferencing with the parent and  
19 the child later on with the teacher.

20 Q So that's who the intake interview would,  
21 would --

22 A Would have taken --

23 Q -- be held by?

24 A -- place, and then the teacher will help the  
25 parent through this form to get some more information about

1 the different areas. And that did not occur, so we have no  
2 background on the child.

3 Q And if we turn to the, the next page, 43567, that  
4 shows that Ms. Kematch brought in her health card.

5 A Right.

6 Q So that would give you the proof of Phoenix being  
7 her daughter and, and her date of birth, et cetera, that  
8 you would need?

9 A Yes, yes.

10 Q You would have her health number.

11 A Yes.

12 Q Now, there are a number of places where the  
13 document is either not filled out or N-A is written. Was  
14 that common?

15 A It is. And part of it we realize is that the  
16 parent doesn't often -- I should say, doesn't often  
17 understand what information we are going at, and as a  
18 result, the teacher will assist the parent during that  
19 interview so that they can get some more information. For  
20 example, allergies, things like that, games that the child  
21 may like to play, some of their strengths. And parents  
22 don't really look deeply into the child so the teacher  
23 generally would ask pertinent questions or dig deeper in  
24 order to find out who this child really is. And --

25 Q That's something the teacher wants to know.

1           A     Right.     Because it helps with programming, it  
2 helps with the understanding -- emotional and otherwise --  
3 of the child, maturity, age, language level, all those  
4 things that we look for when a new child registers.

5           Q     The -- in, in the middle of the page 43566 was  
6 the question, Has your child been in the -- in non-parental  
7 care on a regular basis?   And we have heard evidence that  
8 -- this Inquiry, that Phoenix was with Rohan and Kim --  
9 Rohan Stephenson and Kim Edwards for periods of time.  
10 Would the school have any way to verify the accuracy of the  
11 information that's filled out on this form?

12          A     We had no reason to question it at that time, and  
13 therefore we would not have.   But if there was a reason  
14 given or suggested, then we will pursue it.

15          Q     So then once this form was filled out, what was  
16 the process?

17          A     The process is to review it with the teacher and  
18 find out any further information, and after that we admit  
19 the child in the school.   And usually it's on a standard  
20 basis where you get to know the child on a one-on-one  
21 without the parent there so they come in as a small group  
22 and learn to interact with each other and, especially at  
23 age four, get used to the school system and the classroom  
24 and those sort of issues that we deal with.

25          Q     Would the school keep a photograph of the child?

1           A       Generally, we will, except in this case pictures  
2 were taken at the end of September. Phoenix never attended  
3 school, so there was no way that we could have had a  
4 picture of her.

5           Q       Did you ever meet Phoenix or Samantha or Wes  
6 McKay?

7           A       No.

8           Q       The next document I'd like you to look at is page  
9 4124. This is entitled Wellington Student Record, Phoenix  
10 Victoria Hope Sinclair. What is this document?

11          A       This is the record that's kept at the division  
12 office. So at any time if you need to inquire about the  
13 history of the child, then you -- it is kept with the file  
14 at the division office.

15          Q       If you look at the bottom of the document, it  
16 says, Entry date, September 16, 2004.

17                 THE COMMISSIONER: Just a minute. You said this  
18 is a document that's kept where?

19                 THE WITNESS: At the school division.

20                 THE COMMISSIONER: At the school division.

21                 THE WITNESS: Yes. And we can also access it  
22 based on the computer. If someone comes in and would like  
23 to get information on the child or if I need to find  
24 further information on the child, I can pull that document  
25 up and then it gives me a history, a brief history of the



1 child.

2 THE COMMISSIONER: And is it created at the  
3 division or at the school?

4 THE WITNESS: It's created at the division with  
5 the information that was sent in on that (inaudible) file.

6 THE COMMISSIONER: Thank you.

7 THE WITNESS: It's called a Student  
8 Identification Form somewhere, yes.

9

10 BY MS. WALSH:

11 Q It's got that number --

12 A Student record.

13 Q -- at the top that we saw --

14 A That's right.

15 Q -- that number that was given to Phoenix.

16 A So that makes it official, that the child is now  
17 registered at Wellington School, Winnipeg School Division.

18 Q Did you tell me that that number, 90029415, would  
19 stay with Phoenix throughout her school career in, in the  
20 city?

21 A In Winnipeg One.

22 Q In Winnipeg One, in the division.

23 A Yes, yeah.

24 Q Okay. So if we look at the bottom of this  
25 document, it has an entry date of September 16, 2004; it

1 has a grade, N1 -- is that for nursery?

2 A Yes.

3 Q And a classroom, and then it says an exit date,  
4 September 29, 2004, and an exit code, WD from school. So  
5 what does this tell us?

6 A The September 16 really puzzles me because if the  
7 intake was not done and the teacher and I went back after  
8 the conversation with you, I went back to check with the  
9 teacher and the educational assistant who works with the  
10 teacher and they had no record of an interview or having  
11 the child in the class. So that puzzles me and I honestly  
12 don't know where the 16 came from. Another incident was  
13 the 20th and I still don't know how those dates came about.  
14 Could have been human error. I am not sure.

15 Q I'm going to look at, at the next document that  
16 relates to her attendance, but I just want to go back with  
17 respect to something you just told me. Did I understand  
18 you to say that after you met with, with our Commission  
19 office recently, you went back and spoke with staff at your  
20 school?

21 A Yes.

22 Q Was that to ask them what, if anything, they  
23 remembered about contacting Phoenix?

24 A That's right. That's right. I wanted to find  
25 out whether they had met the mom or the child, and if they

1 had any recollection of the incident or the dates of entry  
2 or anything like that. So I did confirm with them. And it  
3 has never --

4 Q Did anyone have a recollection?

5 A No one ever met the child. The secretaries just  
6 remember the parent coming in and asked for the forms to  
7 fill it out, but beyond that, the professional staff had no  
8 recollection of ever meeting the child.

9 Q If there had been such a meeting, would there  
10 have been a record of it?

11 A Yes, there would have been.

12 Q And you checked, and no such record exists.

13 A Nothing. Nothing. What you have here right now,  
14 those are all the pieces that we had on file at the time.

15 Q When was the first time that you had an  
16 opportunity to look for evidence of contact that the school  
17 had with Phoenix or her family?

18 A It was when a young man came in later that year.  
19 I don't exactly know the date; can't remember the date, but  
20 I have it somewhere. When he came in and asked for a  
21 picture of Phoenix. That was the only time we started  
22 looking back in terms of, you know, where she was, and we  
23 had no pictures.

24 Q And we'll, we'll come back to that contact you  
25 had with that young man, but at that time when, when that

1 man came in, did you make an inquiry of staff as to  
2 whether --

3 A Oh, yes.

4 Q -- they recalled meeting with Phoenix or  
5 Samantha?

6 A We did. It is also our normal procedure to do a  
7 follow-up on every child who does not show up. So after  
8 the 4th when the interview was not kept, there was a phone  
9 call -- or usually this is the process in place -- a phone  
10 call is made. If there is no one available, then a home  
11 visit is made.

12 THE COMMISSIONER: Just a minute, I'm missing  
13 this. Did you say there was an interview set up?

14 THE WITNESS: It was set up for September 4th.  
15 That's when the parent was supposed to come in and meet  
16 with the classroom teacher.

17 THE COMMISSIONER: And the, and the interview was  
18 not kept.

19 THE WITNESS: It was not kept.

20 THE COMMISSIONER: So as a result of that, a  
21 telephone call was made.

22 THE WITNESS: A telephone call usually follows  
23 up, and if there was no answer with the telephone call,  
24 then a home visit is made.

25 THE COMMISSIONER: All right. You're going to

1 inquire what happened with respect --

2 MS. WALSH: Yes.

3 THE COMMISSIONER: -- to telephone and --

4 MS. WALSH: And I think we --

5 THE COMMISSIONER: -- home visit here, I ...

6

7 BY MS. WALSH:

8 Q We're, we're actually -- I think we're, we're  
9 possibly getting out of, of order of when certain things  
10 happened; I'm not sure.

11 A Okay.

12 Q But, but let, let's just stick with the, the  
13 records that are -- that were generated from the school and  
14 then we'll follow up with, with the actions that the school  
15 took.

16 A Okay, sure.

17 Q Let's see if, if that's at all helpful.

18 If we turn to the next page, 4125. Now, this,  
19 this looks like it was generated on March 10, 2006, but  
20 it's entitled Half-Day Attendance Detail for Previous  
21 School Years, for the period September 1, '04 to September  
22 30, '04, and it's with respect to Phoenix. And you see it  
23 says, next to September 20, '04, a.m., late?

24 A Yes.

25 Q And then there are seven more recordings from the

1 21st to the 29th, and they all indicate a.m. absent. And  
2 then at the bottom it says, total number of days, eight,  
3 absent seven, late, one. How do you read this information?

4 A If I would read it as it is, it will indicate  
5 that Phoenix was at school on the 20th, but she arrived  
6 late. I honestly cannot account for that, because the  
7 classroom teacher insists that she did not come to school,  
8 that they never met her, they never saw her. So it's -- it  
9 has to be an error in recording because the attendance is  
10 recorded by the classroom teacher. There is a list of all  
11 the names, and then the recording is taken place on the  
12 name of the child. It is possible that it was marked on  
13 the wrong child. I cannot explain what happened there.

14 Q Your, your understanding is that Phoenix never  
15 attended, in fact.

16 A That's right.

17 Q So you were telling us that the school took  
18 certain steps after the registration form was filed out  
19 with respect to setting up an interview between the teacher  
20 and Phoenix.

21 A Yes.

22 Q And the interview, Phoenix and her mother did not  
23 attend the interview?

24 A That's right.

25 Q And so what did the school do after that?

1           A     After that, there was a home visit.

2           Q     From who?

3           A     From -- it could be -- this is one of the  
4     documentations we did not keep, but it could have been from  
5     the community -- we've got a community worker and generally  
6     that's the person who does the (inaudible) and home visits,  
7     along with the educational assistant, or the teacher may  
8     have gone with them. We did not record exactly who went to  
9     the house on that day to find out about Phoenix, and I  
10    believe that's where the 16th came in. I would think that  
11    the check-up probably took place on the 16th when the child  
12    did not show up.

13          Q     For her interview.

14          A     Right.

15          Q     When was school supposed to start?

16          A     It started on the 4th.

17          Q     The interview was intended to take place before  
18    the start of school.

19          A     Right. Well, the first four days are set up for  
20    interviews, the first four days of, of nursery  
21    kindergarten, so it could have been any one of those days.  
22    And I did not check back in that particular year to see  
23    when the interviews were taking place but it, it is  
24    suggested here that school started officially on September  
25    1st, so the interview was scheduled for September 4th.

1 Q Before, before we go any further in terms of your  
2 telling me what the school did or would have done once  
3 Phoenix didn't show up for her interview, are you able to  
4 recall specifically what was done or are you testifying  
5 based on what was the practice?

6 A I'm testifying based on the practice.

7 Q So your evidence is that the practice would have  
8 been for a school worker, community worker to go out and  
9 locate the family?

10 A That's right.

11 Q And you don't have any records of that.

12 A No, unfortunately we did not keep records of  
13 that.

14 Q So do you have any understanding as to what would  
15 have happened next?

16 A Nursery, nursery-age children also (inaudible) --  
17 it's not a compulsory program, so in some cases parents  
18 made a decision that they did not want their child to start  
19 school at that time. In most cases -- in some cases when a  
20 visit is made to the home, the parent would indicate it's  
21 too cold for the child to come to school or generally it's  
22 this family no longer lives here, they went back up to the  
23 reserve. And it happens frequently, so there was no reason  
24 for us to not believe that she had gone back to the reserve  
25 because it is a common practice, especially at age four.



1 Age four is not compulsory. Kids are not funded by the  
2 province educationally. It's a program that's offered by  
3 Winnipeg School Division so that the kids can have an early  
4 start in life.

5 Q Did I understand you to say you thought that  
6 Phoenix had gone to a reserve with her family?

7 A Yes, that, that was --

8 Q Why did you think that?

9 A Because the classroom teacher suggested that  
10 that's what may have happened, and that's why the follow-up  
11 -- any further follow-up did not take place.

12 Q But that was just an assumption, it wasn't based  
13 on information the school received?

14 A I could not really answer that. I am assuming  
15 that this is what happened because of procedures in place.

16 Q Which procedures are you talking about?

17 A That we do a follow-up until we find out where  
18 the child is, and if we were told that they no longer live  
19 in the city, then we do not continue with the follow-up.

20 Q Are you assuming that's what the community worker  
21 was told?

22 A Yes.

23 Q And you said that was not uncommon, for nursery  
24 age children not to come to school?

25 A That is right.

1 Q And it was also not uncommon for aboriginal  
2 children to be moving to a reserve with their families.

3 A That's true.

4 Q If Phoenix had been registered in another school  
5 within the city after she did not --

6 A Um-hum.

7 Q -- attend Wellington School, would Wellington  
8 School have been notified?

9 A Yes. There is a practice and expectation from  
10 the division that the receiving school inform the previous  
11 school in order to get the records sent to them, and we did  
12 not receive any such records. And I can say that for  
13 certain because if records were called for, then it is  
14 documented that the records were called for. So in this  
15 case, no records were called for.

16 Q You said that if, if Phoenix had registered in  
17 another school in the city, then you would have expected to  
18 be contacted.

19 A Yes.

20 Q Do you mean solely within the school -- the same  
21 school division or anywhere within the City of Winnipeg?

22 A Winnipeg School Division.

23 Q What about if she were registered at a school  
24 outside the City of Winnipeg? Did you have an expectation  
25 that you would have been notified?

1           A     Not at age four, because most divisions do not  
2 have nursery programs.

3           Q     Is your --

4           A     But if, if it was an older child, then they  
5 generally will call because they need some information on  
6 the child.

7           Q     What about if Phoenix were attending a school at  
8 a reserve? Would you expect to receive a call notifying  
9 you about that, from the school on the reserve?

10          A     Unfortunately, we do not receive much information  
11 from the reserve schools.

12          Q     Even for children older than nursery or  
13 kindergarten?

14          A     That is right, yes.

15          Q     Was Phoenix ever registered at Wellington School  
16 after 2004?

17          A     No.

18          Q     During the time that you were a principal at  
19 Wellington School, would it be safe to say that it was not  
20 uncommon for children not to attend for whatever reason?

21          A     That's right.

22          Q     I understand that you put in place a walking  
23 school bus or --

24          A     Yes.

25          Q     What was that?

1           A     We found out that there were some parents who  
2 were unable to get their kids to school either because they  
3 had younger kids at home or they were not able to bring the  
4 child themselves. So based on that, I used some funding  
5 from the Family Resource Centre to pay an honorarium to one  
6 of our crossing guards, who would pick up those kids if the  
7 parent is not able to. And we would do that for any age  
8 child.

9           Q     What year did you have that operating?

10          A     That started, I would say about 2010, so it was  
11 much later than two-o-four.

12          Q     You said you took resources from a Family  
13 Resource Centre?

14          A     Yes.

15          Q     How was that funded?

16          A     That was funded by the province. It's -- it was  
17 initiated through the province to have a community worker  
18 in every school in the inner city.

19          Q     Okay.

20          A     And we were fortunate enough to receive that  
21 funding.

22          Q     Right. We'll come back to that in a minute. Was  
23 the, the walking school bus well utilized?

24          A     Very much so.

25          Q     Were you ever given official resources from the

1 department or the school division to operate that?

2 A No, we weren't.

3 Q So you just took the money from the, the other  
4 resources that you had.

5 A It was part of the school-community connection,  
6 so I thought it was a worthwhile venture to make sure that  
7 kids were in school.

8 Q Are you aware as to whether the, the school or  
9 the school division or the province had any policy about  
10 reporting a child who stopped attending a school?

11 A Okay, could you repeat that?

12 Q Sure. And, and I'm focusing firstly on -- in  
13 2004.

14 A Um-hum.

15 Q Were there any policies or procedures that were  
16 either initiated by your school, Wellington School, or the  
17 school division or the province that required reporting of  
18 a child who stopped attending school?

19 A Not in two-o-four. Much later when the province  
20 instituted an attendance policy, we were supposed to report  
21 on a daily basis who was away and the reason for it. And  
22 that's when the province really looked at the attendance  
23 and decided that they had to do something more formal  
24 involving that.

25 Q That was not in place in 2004?

1           A     No, it wasn't.

2                   MS. WALSH:     And we will, Mr. Commissioner, be  
3 calling a witness from the department.

4

5     BY MS. WALSH:

6           Q     What about -- in 2004 still, did either the  
7 school, the school division, or the province have any  
8 policy about steps to take to locate a child who stopped  
9 attending school?

10          A     Each school has a procedure and the expectation  
11 of the division was that we do a follow-up.  When -- in  
12 this case, we did -- we took the necessary steps that we  
13 usually did, and after that, by the end of September, if  
14 the child's not there then the assumption is that the child  
15 is not attending school and may come back.  And in some  
16 cases they do come back later on in the year, but in this  
17 case, no, it did not happen.

18          Q     Were there occasions when you were principal at  
19 Wellington School where your school would call another  
20 school to try to locate a child?

21          A     Yes, we would.  If we have some idea that the  
22 parents had moved, then we would do that.

23          Q     How far would your, your search extend?

24          A     Winnipeg One.

25          Q     So you wouldn't call a school outside Winnipeg

1 One?

2 A We often called schools on the reserve only  
3 because we had some information that the family had gone  
4 back to the reserve and we needed to do that follow-up to  
5 find out whether the child is attending school. But we  
6 often do that with the older children, not with the young  
7 children age four since it was not compulsory for them to  
8 attend school.

9 Q So I'm sorry, did you say in this case you had  
10 information that Phoenix had gone to a reserve?

11 A That was what was reported to me, or (inaudible)  
12 it was an assumption on the part of the teacher, but that  
13 was the assumption that was made.

14 Q If she had been an older child, that is, say,  
15 grade one, would you have made attempts to contact which  
16 reserve -- to, to locate which reserve she was at and  
17 contact them?

18 A Yes, I believe it would have been if it's an  
19 older child.

20 Q So the fact that she was of nursery school age  
21 influenced the, the steps that you took to locate her?

22 A That is possible.

23 Q And that's because nursery school's not  
24 compulsory.

25 A That's right.

1 Q And did you say the same is true for  
2 kindergarten?

3 A Kindergarten is not compulsory, but we, we do  
4 more follow-up with the kindergarten students.

5 Q In 2004, did the school have any obligation to  
6 report the fact that a child had stopped attending school  
7 to either the police or to Child and Family Services?

8 A No.

9 Q Now, in September of 2005 Phoenix would have been  
10 ready for kindergarten.

11 A That's right.

12 Q But she was never registered for kindergarten at  
13 your school.

14 A That's right.

15 Q Would the fact that she had been registered for  
16 nursery, but not for kindergarten, have prompted an inquiry  
17 of any sort by the school?

18 A It's not the general procedure to. It is -- if  
19 they did not attend for the nursery year, then we assume  
20 that they had moved or they have gone back to the reserve  
21 or is in another school but, generally, no, we don't  
22 really. But if the child had attended for a period of time  
23 and did not show up, she would have been placed on the list  
24 for kindergarten and then the follow-up would have been  
25 made. It, it's a grey area because of the age of the child



1 and it's not a compulsory program and I think that -- you  
2 know, that is something that really influenced a lot of the  
3 actions that may have (inaudible).

4 Q Okay. So to your knowledge is there anything in  
5 the -- either from the school division or the province  
6 which as of 2004 would have prompted an inquiry when a  
7 school-age child -- kindergarten-age child does not  
8 register for school, a child who has been born in the  
9 province?

10 A From kindergarten on, yes. Except nursery, no.

11 Q How would the -- do -- and you may not know this,  
12 but do you know how the province would know whether or not  
13 a child born in Manitoba has registered for kindergarten?

14 A I am not aware of the procedures that they use to  
15 find out whether the child is registered or not.

16 Q Fair enough. Do you know -- that that student  
17 number that we looked at that was assigned to Phoenix, do  
18 you know whether that number is linked to any other social  
19 service information or government information?

20 A I am not aware of that, no.

21 Q So let's turn to 2006. You had talked a little  
22 bit about that with us. We are going to hear evidence  
23 about the investigation into Phoenix's disappearance in  
24 2006 later in this Inquiry, but I understand that you were  
25 contacted by the RCMP with respect to her disappearance in

1 2006.

2 A Yes.

3 MS. WALSH: If we can pull up on the screen,  
4 please, pages 6672 and 6673. I'll start with 6672. This  
5 is from CD184.

6

7 BY MS. WALSH:

8 Q These are the notes of the officer who attended  
9 Wellington School looking for information about Phoenix.  
10 Do you recall meeting with this officer? Or an officer?

11 A Vaguely, yes.

12 Q So just looking at the officer's notes, they're  
13 dated March 10, 2006. They start at 14:47:

14

15 Tasked to attend Victoria Albert  
16 School to obtain any information  
17 on Phoenix Victoria Sinclair,

18

19 with her birth date.

20 Then if we go down further, please, says, at  
21 15:32: 10-7 at Wellington School.

22 15:34:

23

24 "With Principal Angeline  
25 Ramkissoon. She confirmed that

1 Phoenix Sinclair did attend the  
2 school for a short period of time.

3 "- Principal advised her mother,  
4 Samantha Kematch, removed her from  
5 the school and took her to some  
6 reserve.

7 "- Principal did not know the name  
8 of the reserve."

9

10 Now, again, was that something that you assumed  
11 or --

12 A It was an assumption.

13 Q And then when it says:

14

15 "- Principal advised that a male  
16 had been in earlier asking about  
17 Phoenix

18 "- Principal can" --

19

20 We'll come back to that.

21

22 "- Principal can confirm Phoenix  
23 did attend on Sept. 20, 2004."

24 - Principal provided attendance  
25 sheet, Wellington student record,

1                   and student registration.

2                   "- No photo available."

3

4                   So those documents that you provided, those are  
5 the documents that we just looked at.

6           A       That's right.

7           Q       And the recording that says, Principal can  
8 confirm Phoenix did attend on September 24 -- 20, 2004?

9           A       It was based on the printout that I received from  
10 the division.

11          Q       Okay, but you think that that may not have been  
12 accurate, in fact.

13          A       I'm thinking it's after investigating with  
14 teachers and the secretaries and everyone concerned. I am  
15 assuming that, you know, that was inaccurate and I gave  
16 that information only based on the form that was produced  
17 by the division.

18          Q       Right. Now, what do you recall about a young man  
19 coming in?

20          A       I believe he came in on the same day the police  
21 officers came in later on, and he came and he asked for a  
22 photo of Phoenix. He identified himself as the father of  
23 Phoenix. He was very agitated, very distressed, and we  
24 searched and, you know, told him that we had nothing on, on  
25 Phoenix, she was not attending at the time the pictures

1 were taken, and he left. So I really did not read anything  
2 into it at the time.

3 Q Did the school have any policies in place with  
4 respect to sharing of information with CFS?

5 A It was an understood policy, I believe, that when  
6 CFS asks for information that we produce the information,  
7 because we saw CFS as an agency that is assisting agency so  
8 we cooperated with, with CFS.

9 Q If a CFS worker had asked for information about  
10 Wes McKay, whose name we saw on the forms, in the context  
11 of advising they had a child protection concern, would the  
12 school have been in a position to provide information?

13 A We would. As long as we are told it's a child  
14 protection issue, we cooperate with the police and with CFS  
15 as well.

16 Q In your experience, was the school, in fact, a  
17 place where a Child and Family Services worker would make  
18 contact when they were looking for information about a  
19 child?

20 A I would expect that they would. Especially if  
21 the child is living in our catchment area, it's the first  
22 school they should be contacting.

23 Q The school year that Phoenix was registered for  
24 ran from September 2004 to June of 2005. I expect the  
25 evidence we will hear is that Phoenix and Samantha and Wes

1 McKay remained at their address on McGee Street until March  
2 or April of 2005. That's not something that you were aware  
3 of.

4 A Not at all.

5 Q If in December of 2004 a CFS worker had contacted  
6 the school to see how Phoenix was doing, would the school  
7 have told the worker that, in fact, she had not been seen  
8 at the school?

9 A Of course, we would have.

10 Q Similarly, if in March of 2005 a CFS worker had  
11 contacted the school and told the school they were  
12 investigating an allegation of abuse against Phoenix and  
13 wanted to know how she was, would the school have told CFS  
14 that Phoenix had not been seen at the school?

15 A Yes, definitely, we would have.

16 Q We've heard evidence at this Inquiry that  
17 Phoenix's family was somewhat resistant to receiving  
18 services from Child and Family Services. In the course of  
19 your work as a principal, did you also meet with parents  
20 who were resistant to engaging with the school? Did you  
21 find that to be the case?

22 A There were some parents who were. If the parent  
23 -- if the child is attending school, it gives us an  
24 opportunity to work with the parent in order to bring them  
25 on board with us because we do have services at the school

1 where we can encourage a parent to come into the school  
2 and, and feel more comfortable at the school level.

3 Q In addition to teachers, what other professionals  
4 worked out of the school?

5 A We've got the CGC team which involves a  
6 psychologist, a reading clinician, a speech and language  
7 therapist, and a social worker. Those are the supports  
8 that are given to us -- not very much, but they are there  
9 and they are part of the problem solving. So if we had  
10 some concerns about a child, then we would take it to one  
11 of these people, in this case, the social worker. But  
12 there was no reason for a concern because there was no  
13 alert on the child and we just didn't do that follow-up.

14 Q The school is a place where it's expected a  
15 school-age child will be seen five days a week, at least  
16 from September to June. Is it fair to say that gives the  
17 school an opportunity to learn a fair bit about the child?

18 A Yes.

19 Q Based on your experience of working at Wellington  
20 School and in the inner city, did you see an opportunity  
21 for Child and Family Service workers to work in  
22 collaboration with the school to support children and  
23 families?

24 A Yes, definitely, because social workers have  
25 information that we normally do not have, and if they can

1 work collaboratively with us, I think we can make a  
2 stronger team.

3 Q Was it your experience that -- you talked about a  
4 variety of, of social service providers that were housed in  
5 the school as well. Was it your experience that the social  
6 service workers -- whether psychologists, social workers in  
7 the school, or CFS workers, and teachers -- would sit down  
8 together and discuss a given child?

9 A Yes. When it comes to the CGC personnel, with  
10 the -- those professionals, we did a review on every child  
11 at least three times a year. During that time if there was  
12 a concern and it was a social work concern or a language  
13 concern or a psych concern, we will bring that up with the  
14 workers at any given time. As long as there is a concern,  
15 we call them.

16 With CFS, it's a bit different. We don't have or  
17 we did not have a very consistent connection with CFS  
18 workers. They would come in if they needed to see a child,  
19 and it was our right to allow them to see the child so we  
20 couldn't refuse that, so they did that. There were some  
21 occasions when CFS workers worked collaboratively with us  
22 but it was mainly on an academic issue or a special needs  
23 child who needed special attention or a special program,  
24 and we work collaboratively with the workers on, on that.

25 Generally, a worker will come in to see a child,



1 or we will call a worker if we have a concern about the  
2 safety of a child or the neglect of a child and they would  
3 come in. We'll ask them to do a home visit and give us  
4 some feedback, and that's the extent of the, the  
5 communication.

6 In some cases workers will take a child out of  
7 the home and very often we wouldn't know until we receive a  
8 call from another school saying, you know, this child is  
9 registered here. So it, it was not very consistent with  
10 some workers; it was more, more so with others.

11 It isn't unusual to find a worker coming in if  
12 you call them about a certain family, and having a worker  
13 say to you, I'm -- I just received this file so I am not  
14 aware of the history of the child. So then we are the ones  
15 who would give some of the background history, and that,  
16 that happened as well, that the files were transferred to  
17 another worker who did not have the background history.

18 Q So is there a benefit to all the social service  
19 providers who are working with a child or a family to --  
20 being able to sit down together at, at a joint meeting,  
21 including the teacher?

22 A I think so. I think it's very valuable that some  
23 coordination and consistency and follow-up be done,  
24 especially if a family is at risk. There should be a  
25 process in place that this should be done on a regular

1 basis.

2 Q Based on, on how often you saw that done, would  
3 you like to see that done more frequently?

4 A Yes, I would.

5 Q As a school, did you ever have any challenges in  
6 working with Child and Family Services?

7 A Apart from not being able to find someone when  
8 you need them right away, I -- no, I can't say that I had  
9 challenges. In a case where you really need to get some  
10 intervention and you call, it takes you -- a long time for  
11 someone to get in touch with you. So that break, there is  
12 a lot that can happen during that time. So that would be  
13 the, the main challenge, is getting in touch with the  
14 worker when the child or the family really needs that. So  
15 it was not prompt, no. And, yes, we often hear, well, I  
16 have a lot of cases on my -- you know, my load right now is  
17 very heavy, and this creates some delays.

18 Q Was that something you heard regularly?

19 A Through the workers, yes. Yeah.

20 Q Now, at Wellington School, did you run programs  
21 in addition to the curriculum that's established by the  
22 division or department?

23 A Oh, yes, we did. Yes.

24 Q What was the source of funding for those  
25 programs?

1           A     Part of it came -- we had some preschool programs  
2     introducing preschoolers to literacy programs. That came  
3     from the CSPI funding which came from the government for  
4     early childhood. We have an ESY program which is called  
5     early school years program, and which part of that there is  
6     a person who is a home visitor who goes home and visits a  
7     child, and that happens from nursery and kindergarten  
8     involved so you get the early intervention and the early  
9     connection. There are programs like early reading and  
10    playschool programs that are offered at the school through  
11    the family room, where parents are invited and encouraged  
12    to come and bring their preschoolers to participate in, in  
13    things like the Mother Goose program and, you know, early  
14    literacy interventions, and games, and making craft, and  
15    all those sort of things. So we did a lot of those things.  
16    They encouraged the younger kids to be on board earlier.

17           Q     Was this true as of when you, when you retired?  
18    Were these programs being offered?

19           A     I am not -- I am sure it's continuing, but I, I  
20    retired in June and I haven't really been in touch that  
21    much.

22           Q     Was funding consistently available for these  
23    programs?

24           A     Not really. We had to apply for funding. There  
25    are many sources that you can apply for funding. The

1 division itself offered funding for special programs, and  
2 we did that. There is a pot of money for initiatives that  
3 schools may want. So we applied for things, for money for  
4 the Mother Goose program or the Wiggle Giggle and Munch --  
5 I've been away from it only June, and I'm forgetting some  
6 of these things, but Wiggle Giggle Munch and all those  
7 early literacy programs. The division has some money. We  
8 can apply to other sources to get some money. I recall  
9 applying to Healthy Schools to get the money for some early  
10 start program. The Winnipeg --

11 Q Was it a given that -- sorry. Sorry.

12 A Winnipeg Foundation. Then there is sources of  
13 money so, yes, we do apply for special money to run extra  
14 programs.

15 Q So did you have to apply each year or every two  
16 years for these programs, for funding?

17 A We generally would apply for three years long,  
18 but we have to renew that application every year because  
19 you've got to submit a report to show how you spent the  
20 money, how successful the program has been, to be allowed  
21 the funding for the following year.

22 Q So were there ever any concerns about whether a  
23 program would be able to be continued because of resources?

24 A Yes, there are some issues in some cases where we  
25 couldn't continue the programs. For one, last year I

1 started a fiddling program at school and we can't --  
2 simply, you have to go back and apply for the funding now  
3 this coming year. I'm not there, so I'm not sure whether  
4 the funding is in place. So it's based from year to year,  
5 so it's not something that's long term when you apply for  
6 outside funding.

7 Q These preschool programs, is that an opportunity  
8 for the school to connect, then, with, with families in the  
9 community?

10 A That's right. That's right.

11 Q And is that something that's important, from your  
12 perspective?

13 A Yes, it's very important to get parents on board  
14 and get the kids at school as early as possible.

15 Q Just to clarify, the CGC that you talk about,  
16 that's Child Guidance Clinic?

17 A That's right.

18 Q And that's the internal set of professionals in  
19 the school.

20 A Yes.

21 Q You had something you called a Family Centre or a  
22 Family Resource Centre?

23 A Yes.

24 Q What was that?

25 A That's a room that I developed when we received

1 the funding from the province for a community worker. I  
2 had a spare room at the time and we turned it into a Family  
3 Centre. It's an opportunity for parents to come in and  
4 they -- we offer programs like parenting courses, computer  
5 courses, résumé writing. We offer programs, play programs  
6 and early literacy programs for the young kids. We offered  
7 cooking programs, cultural programs. It's based on the  
8 needs of the parents. So basically, the community worker  
9 would ask what the parents would like to have and would  
10 plan programs around that.

11           There was also a limited food depot so that if a  
12 parent was really stressed and in need, they could get  
13 something to tide them over. There was a clothing depot as  
14 well, where we collected clothes, especially winter  
15 clothing, and parents were able to come in and, you know,  
16 select what they needed for the kids. There was a toy  
17 lending library, a book lending library for parents. So it  
18 was really very inclusive.

19           Q     When did you run this centre?

20           A     Pardon?

21           Q     What years did you run this centre?

22           A     It started around two-o-six. Two-o-six.

23           Q     And was it still in place when you retired?

24           A     Yes.

25           Q     Was the funding for that centre guaranteed?

1           A     Yes, guaranteed because it's through the  
2 provincial government.

3           Q     Is that through the Department of Education?

4           A     Yes.

5           Q     What about health care professionals, did you  
6 ever bring those into the school?

7           A     On an annual basis we do have health care  
8 professionals who come into school for dental screening,  
9 for vision, and for shots like the hepatitis shots and the  
10 PV -- I forgot what it is right now, but the grade sixes  
11 are now receiving that shot. So they, they have  
12 collaboration with the school division where that is  
13 happening.

14          Q     So you mentioned different ways in which the  
15 school provided services to, to children and their  
16 families. Was there a practical benefit, in your view, to  
17 having a variety of services housed within the school  
18 itself?

19          A     I believe so. I think if you have a variety of  
20 programs, then parents are more encouraged to come into the  
21 school. Having a family room is very valuable because they  
22 come into the school and the barriers are broken and they  
23 get used and comfortable in coming to the school in an  
24 informal way. The other way is coming to parent-teacher  
25 interviews and so are very threatening.

1           So I think that having something like a centre is  
2 valuable and very likely parents will take advantage of  
3 bringing their kids in for a check-up or, you know, a  
4 dental check, for a medical concern. In fact, our  
5 community worker will make appointments for them and even  
6 assist them in getting to medical appointments. Our CGC  
7 team will also do that. If they feel that the, the child  
8 needs to see a medical doctor, they would make the  
9 appointment and they will even drive them to the  
10 appointments. So if it -- if there is something in the  
11 school where you can get a doctor or a dentist to come in  
12 on specific days of the week, I think they would take  
13 advantage of it.

14           Q     Last thing I wanted to ask you: You talk about  
15 the steps that you took to locate Phoenix but you don't  
16 have any, any records of that. Having learned more about  
17 what happened to Phoenix by virtue of your participating in  
18 this Inquiry, did that cause you to make any  
19 recommendations to Wellington School before you retired?

20           A     Yes, I did. I did advise the clerks in the  
21 office and the early childhood staff that they should be  
22 documenting every visit, every phone call, and the results  
23 of those phone calls or visits. And that they should  
24 continue to do the follow-up rather than assuming that a  
25 child has gone back to the reserve, that they should check



1 to make sure that the child is really gone back to the  
2 reserve and not sitting in the city somewhere else. So,  
3 yes, I've done that much.

4 MS. WALSH: Those are my questions, Mr.  
5 Commissioner.

6 THE COMMISSIONER: All right. Mr. Gindin?

7

8 CROSS-EXAMINATION BY MR. GINDIN:

9 Q Good afternoon. My name is Jeff Gindin; I  
10 represent Kim Edwards and Steve Sinclair. I just have a  
11 couple of questions for you.

12 A Okay.

13 MR. GINDIN: If we can have 43563 up on the  
14 screen again? You can scroll up a little bit.

15

16 BY MR. GINDIN:

17 Q On that form, as you can see, you've got Samantha  
18 Kematch and Wes McKay underneath that, right?

19 A Yes.

20 Q And they're both listed as having the same phone  
21 number.

22 A Right.

23 Q And you would assume from that that they were  
24 living together with Phoenix.

25 A I would.

1 Q And had CFS contacted you requesting information  
2 about Wes McKay, you would have provided that, I take it?

3 A Yes.

4 Q And I take it you would have shown them the forms  
5 if necessary, if they asked?

6 A If necessary. It depends on what they were  
7 looking for.

8 Q If they had any child protection concerns, you  
9 would show them --

10 A If they did, yes, definitely.

11 Q You would certainly tell them that Wes McKay was  
12 listed --

13 A Yes.

14 Q -- along with his phone number.

15 A Yes.

16 MR. GINDIN: Okay. Thank you.

17 THE WITNESS: You're welcome.

18 THE COMMISSIONER: Any other -- yes.

19 MR. KHAN: Yes.

20 THE COMMISSIONER: Mr. Khan.

21

22 CROSS-EXAMINATION BY MR. KHAN:

23 Q Hello, my name is, is Hafeez Khan; I'm counsel  
24 for Intertribal Child and Family Services. Just a couple  
25 questions.

1           Normally, you would only be aware of CFS  
2 involvement if a CFS worker comes to your school; is that  
3 correct?

4           A     If CFS worker comes to the school or if the  
5 parent informs us that CFS was involved. One of the forms  
6 indicated that, but they can check it off to say CFS was  
7 involved. If CFS is involved, then we would ask for a CFS  
8 social worker to come down and fill out a form, which is a  
9 child in care form.

10          Q     And you had mentioned that it was understood that  
11 if CFS had requested information and it was a child  
12 protection concern, that you provide it?

13          A     Yes, if a social worker came in, yes, a CFS  
14 worker, we will.

15          Q     And there was no written policy at the time, in  
16 2004, on that?

17          A     No, that's general policy. If there is -- from  
18 the division. If there is a protection issue, we have to  
19 provide that information.

20          Q     Do you know if there's -- if there was a written  
21 policy on this issue before you retired?

22          A     Before two-o-four?

23          Q     No, two thousand -- you just retired recently; is  
24 that correct?

25          A     Yes.

1 Q Yeah, just before your retirement, are you aware  
2 of an existing policy, a written policy on that?

3 A Yes, there is.

4 Q And the policy follows the practice?

5 A Yes.

6 Q Is there ever a situation where your school may,  
7 may have refused access between a worker and a student at  
8 your school, a social worker?

9 A If there is -- if it's a protection issue, we  
10 will not withhold information.

11 Q And how about interviews?

12 THE COMMISSIONER: If it's a protection issue,  
13 what did you say?

14 THE WITNESS: If it is a protection issue, we  
15 will provide the information.

16 I did not get your question.

17

18 BY MR. KHAN:

19 Q Oh, sorry. And if a social worker came to your  
20 school and asked to interview a student, you wouldn't deny  
21 or restrict that, would you?

22 A No, we must. If a social worker comes in and  
23 provides an ID, we must allow them to interview the child.  
24 If the child is underage or very young and is afraid to  
25 meet with a social worker alone, then a staff member will

1 accompany them. But generally, we were not asked to sit in  
2 on interviews, but we do not refuse a social worker any  
3 child if they come in and produce ID.

4 Q And apart from the form that you mentioned where  
5 a parent may check off if CFS is involved --

6 A Um-hum.

7 Q -- do parents ever verbally advise the school or  
8 a teacher or the principal that there's CFS involvement in  
9 their life?

10 A That will occur if that interview had taken  
11 place. But other than that, if it's not checked off, we do  
12 not ask for that information.

13 Q And is, is, is it not common for parents to  
14 advise you, if they don't check off the box, at a later  
15 point?

16 A If there is an issue, then they will come in and  
17 advise us.

18 MR. KHAN: Okay. Thank you.

19 THE WITNESS: You're welcome.

20 THE COMMISSIONER: Any other questions?

21 MR. MCKINNON: No questions.

22 THE COMMISSIONER: All right. Thank you. I  
23 guess -- any re-examination?

24 MS. WALSH: I have nothing further, Mr.  
25 Commissioner.

1 THE COMMISSIONER: All right.

2 MS. WALSH: Thank you.

3 THE COMMISSIONER: Witness, we thank you for your  
4 attendance here. You can take your leave.

5 THE WITNESS: Thank you very much.

6

7 (WITNESS EXCUSED)

8

9 THE COMMISSIONER: All right. Now, we've got the  
10 video set up for two o'clock with the witness from Calgary;  
11 is that correct?

12 MS. WALSH: We do. We're trying to move that  
13 witness to three -- thank you -- to three o'clock so that  
14 we can fit in SOR4 before that witness. Otherwise, we'll  
15 deal with SOR4 after that witness. The consensus is that  
16 everyone would like to stay a little later -- with the  
17 indulgence of, of the witnesses, obviously -- and finish  
18 today and not have to return tomorrow morning.

19 THE COMMISSIONER: Those are the only two  
20 witnesses left for today.

21 MS. WALSH: That's correct.

22 THE COMMISSIONER: All right, well --

23 MS. WALSH: So we'll, we'll be here at two either  
24 way.

25 THE COMMISSIONER: Either way. All right. We'll

1 adjourn till two o'clock.

2 MS. WALSH: Thank you.

3

4 (LUNCHEON RECESS)

5

6 THE COMMISSIONER: Ms. Walsh.

7 MS. WALSH: Good afternoon, Mr. Commissioner.

8 Our next witness is identified as Source of  
9 Referral Number 4, and I remind the public and the media  
10 that our source of referral protocol applies to this  
11 witness.

12 THE COMMISSIONER: So we'll have the gallery  
13 cleared and swear the witness.

14 MS. WALSH: We'll need to have everyone leave  
15 the --

16 THE COMMISSIONER: Yes.

17 MS. WALSH: -- room while we swear the witness  
18 in, that's right.

19 THE COMMISSIONER: It'll be very temporary, and  
20 what, what is said by the witness can be reported, but not  
21 the identity, and that's why we're clearing the room. Be  
22 very brief.

23 THE CLERK: Should I turn this off the record at  
24 this point?

25 THE COMMISSIONER: Pardon?

1 THE CLERK: Is it off the record now?

2 MS. WALSH: Right. We keep this off the record  
3 and then you or I will identify that the --

4 THE COMMISSIONER: Oh, yes.

5 MS. WALSH: -- witness has been duly sworn in.

6 THE COMMISSIONER: As we usually do.

7 MS. WALSH: Yes.

8 THE COMMISSIONER: Yes.

9 THE CLERK: I just wanted to (inaudible).

10 MS. WALSH: Go ahead.

11 THE CLERK: (Inaudible).

12 MS. WALSH: Thank you.

13

14 (INQUIRY PARTICIPANTS, EXCEPT FOR THE COMMISSIONER,  
15 COMMISSION COUNSEL AND MS. RACHLIS, LEAVE THE COURTROOM)

16

17 **SOR #4**, affirmed, testified as  
18 follows:

19

20 THE CLERK: -- record.

21 MS. WALSH: Yes.

22

23 (INQUIRY PARTICIPANTS, EXCEPT FOR THE COMMISSIONER,  
24 COMMISSION COUNSEL AND MS. RACHLIS, RE-ENTER THE COURTROOM)

25



1 MS. WALSH: So, Mr. Commissioner, for the record,  
2 while the public and the media left the room, the witness  
3 was affirmed.

4

5 DIRECT EXAMINATION BY MS. WALSH:

6 Q Witness, can you see me?

7 A Yes, I can.

8 Q Good. All right. And the only, the only person  
9 in the room who can see you is the Commissioner, and we can  
10 all hear you.

11 You were employed at the Health Sciences Centre  
12 Women's Hospital as a social worker from 1989 to 2006; is  
13 that right?

14 A That is correct.

15 Q In terms of your educational background, you have  
16 a Bachelor of Social Work?

17 A Yes, I do.

18 Q When did you obtain that?

19 A 1981.

20 Q Are you a registered social worker?

21 A No, I am not.

22 Q Have you ever been?

23 A No, I have not.

24 Q Can you describe for the Commission your duties  
25 as a hospital social worker in 2000 and 2005 when you were

1 at the Women's Hospital?

2 A At that period of time I was working in the  
3 outpatient department at the Women's Hospital, working with  
4 prenatal patients.

5 Q How would patients be referred to you?

6 A Mainly through nursing staff. Sometimes the  
7 physicians.

8 Q What types of patients would be referred to you?  
9 What would cause them to be referred to you?

10 A Patients who would have social issues that would  
11 be related to pregnancy and the family for, for a child, so  
12 issues -- it could be anything from financial issues,  
13 housing issues, addiction issues, partner issues, any abuse  
14 issues.

15 Q What about issues relating to Child and Family  
16 Services?

17 A Certainly, any issues related to families that  
18 are involved with Child and Family Services or concerns  
19 arising that might need their involvement.

20 Q Did the prenatal clinic keep a separate file that  
21 is separate from the patient's medical chart?

22 A They kept a file during the time of the  
23 pregnancy, in the clinic, that was separate from the main  
24 file.

25 Q And then what would happen with that file?

1           A     Once the, the child had been born, that file  
2 would reconcile with the main chart that was at the  
3 hospital.

4           Q     So once a referral was made to you, what would  
5 you do, typically?

6           A     Depending upon the timelines, I, I would either  
7 -- if I had a chance to review the chart first or if not,  
8 meet with the patient when they were attending their  
9 prenatal appointments.

10          Q     In terms of documentation, then, you would be  
11 given the patient's medical chart?

12          A     Yes, I would be.

13          Q     Did you have access to a patient's Child and  
14 Family Services records, if any existed?

15          A     No.

16          Q     You did, though -- during your years as a social  
17 worker at Women's Hospital, you did have contact with CFS  
18 from time to time?

19          A     Yes.

20          Q     Can you give us some examples of circumstances  
21 under which you would have contact with Child and Family  
22 Services?

23          A     If issues arose during the course of my contact  
24 with patients at the hospital or during their, their  
25 prenatal time, I would contact the agency. So there might

1 be circumstances where I knew the agency might be involved  
2 with the family because of information that had been shared  
3 with me, or there might be information in the record that  
4 indicated that Child and Family had had some involvement  
5 with, with a particular patient, or events might occur at  
6 the hospital that would cause me to be concerned about  
7 their going home with the child, so those might be  
8 (inaudible) issues, any information that suggested a child  
9 may have been mistreated in a home, partner abuse issues.

10 Q Thank you. You had contact with Samantha Kematch  
11 in both 2004 and 2005.

12 A Yes, I did.

13 Q That was when you worked in the prenatal clinic?

14 A Correct.

15 Q I'm going to start with the involvement you had  
16 in 2004. If we can --

17 A Okay.

18 Q -- pull up page 36767. This is from Commission  
19 disclosure 1790, which is Ms. Kematch's chart from the  
20 Women's Hospital. Okay, an RN --

21 MS. WALSH: The clerk advises that she has to  
22 reboot the computer; the document's not coming up on the  
23 screen. So we'll just need a minute to start that.

24 Mr. Commissioner, have you got the document that  
25 we're going to refer to?

1 THE COMMISSIONER: It's 36763?

2 MS. WALSH: 36767.

3 THE COMMISSIONER: Six-seven.

4 MS. WALSH: It would be a package --

5 THE COMMISSIONER: Yes.

6 MS. WALSH: -- stapled together.

7 THE COMMISSIONER: Yes, I have it.

8

9 BY MS. WALSH:

10 Q Witness, has the -- is the computer at your end  
11 working?

12 A Yes.

13 Q Okay. So you have page 36767 on your screen?

14 A I have it.

15 Q Okay. Shall we --

16 THE COMMISSIONER: You haven't got it on your --  
17 oh, oh.

18 MS. WALSH: We don't have it on ours.

19 How long is it going to take? Shall we proceed?

20 THE CLERK: Just a minute.

21 MS. WALSH: Just a minute? All right.

22 So we'll proceed and I'm advised that the  
23 document will come up on our screen shortly.

24

25 BY MS. WALSH:

1 Q This document that we're looking at, what, what  
2 is this document?

3 A It's a consult form.

4 Q It's dated at the bottom, June 28, 2004. Does it  
5 have your --

6 A Yes.

7 Q -- your signature at the bottom? Can --

8 A Mine's blacked out.

9 Q Right. We have redacted it for the purposes of  
10 disclosing it, but do you understand this to be a document  
11 that's in your handwriting and that you signed?

12 A Yes, I do.

13 Q So what was blacked out was your signature at the  
14 bottom so as to preserve your identity.

15 A Yes.

16 Q At the top of, at the top of the page, the entry  
17 is dated May 31, '04 and it appears to be filled out by  
18 someone named Julie Dexter. Who was she?

19 A She was a nurse in the clinic.

20 Q Okay.

21 A In the prenatal clinic.

22 Q So is she the person who provided the  
23 consultation to you or referred it --

24 A Yes.

25 Q -- to you? Yes? Maybe you can help me read what

1 the consult says, because some of it is in abbreviations  
2 that you would be more familiar with. So it says 23-year-  
3 old, and then what, what is that reference, B4?

4 A It's a B4P -- it's a little hard to distinguish.  
5 It's, it's -- the B would stand for the number of  
6 pregnancies and P would stand for the number of deliveries.  
7 One of them's circled, which would indicate there's been a  
8 death.

9 Q So this indicates that this is this person's  
10 fourth --

11 A Yeah, so a pregnancy lost would get a circle.

12 Q Okay, but this is the person's fourth pregnancy?

13 A Right.

14 Q Okay. At 15 weeks. Second child apprehended at  
15 three months, then returned to patient. First child --

16 A Patient.

17 Q Is that what it says?

18 A To patient's care.

19 Q Patient's care, thank you. First child lives  
20 with PF. What does PF stand for?

21 A Putative father, which is the person that would  
22 be named as the biological father.

23 Q Of the first child.

24 A Right.

25 Q And so PF is a term that we see used throughout

1 this chart. That's, that's the term that the, the social  
2 workers used for referring to a father?

3 A Medical staff as well, yes, social worker would  
4 use it, yes.

5 Q Okay. Then it says, Third child died at two and  
6 a half months age.

7 A Right.

8 Q Question mark, SIDS something pneumonia.

9 A Versus double pneumonia.

10 Q Okay.

11 A That's a guess.

12 Q And then it says, Sketchy picture of current  
13 status?

14 A Yes.

15 Q And, Thanks.

16 A Right.

17 Q So this is the referral that you received from  
18 Ms. Dexter. What did you --

19 A Correct.

20 Q What did you do after receiving this consult?

21 A Sorry?

22 Q Once you received this consult, what did you do?

23 A I met with Samantha.

24 Q Is your meeting documented in the handwritten  
25 notes that follow the heading, Assessment Summary?



1 A Yes, it is.

2 Q So that was an appointment that took place on  
3 June 28th, 2004?

4 A Yes.

5 Q When she was pregnant with her fourth child; is  
6 that right?

7 A Correct.

8 Q Sorry?

9 A Yes.

10 Q Okay. So let's -- again, I'll ask for your  
11 assistance where necessary in reading through these notes.  
12 It says, Meeting with Samantha. Would you have written  
13 these notes contemporaneous with your meeting?

14 A Yes, I would have written them at -- just after  
15 meeting with her.

16 Q Okay.

17

18 Meeting with Samantha. She  
19 currently lives ...

20

21 A Common-law.

22 Q

23 Common-law with PF McKay and four-  
24 year-old daughter. Putative  
25 father is a long-distance truck

1 driver. He has older children who  
2 live with their mom, has pregnant  
3 18-year-old daughter. Samantha  
4 does have anxiety with this  
5 pregnancy because of the death of  
6 her third child. This child had  
7 been staying with her PF --  
8 putative father -- at the time so  
9 autopsy info was shared with him,  
10 not Samantha. She had been told  
11 the death was pneumonia related,  
12 but also saw other information  
13 that indicates SIDS. Her four-  
14 year-old daughter also had lived  
15 with her putative father to  
16 November '03, when returned to  
17 live with Samantha. She says  
18 putative father was drinking and  
19 left child with cousin who asked  
20 her to assume care. Putative  
21 father hasn't been in touch to  
22 inquire as to the child's well-  
23 being but CFS have set meeting  
24 with her to, as she says, see if  
25 she is stable. She denies any

1 current use of drugs on her part.  
2 She had been on EIA, but as  
3 putative father working he will  
4 support her. She plans to parent  
5 expected newborn with putative  
6 father's help. Has some friend  
7 and a brother helps with her  
8 children. She had attended  
9 Healthy Start group but not now.  
10 She will be receptive -- or would  
11 be receptive to public health  
12 nurse for prenatal -- for  
13 reassurance with pregnancy. Aware  
14 of prenatal benefit but feels  
15 wouldn't qualify with putative  
16 father's job. She lives near  
17 Women's Hospital. No difficulty  
18 getting to appointments.  
19 Difficult to talk about Echo's  
20 death, but receptive to support.  
21 Need follow-up to present  
22 pregnancy. Writer will refer to  
23 public health nurse. Will review  
24 CFS at delivery re ...

25

1           What's that last ...

2           A     Any follow-up plan.

3           Q     Okay. And then what does it say? Will ...

4           A

5                     Will continue contact at the  
6                     outpatient department to assure  
7                     support.

8

9           Q     Okay. Thank you. So a few questions about this.  
10    You talk about making a referral to the public health  
11    nurse. Why was that?

12          A     When I talked with Samantha regarding the child  
13    that had died and that being an area of anxiety for her and  
14    we were talking in terms of ways of being supportive and  
15    helpful to her. So I would talk about public health in the  
16    sense that they could visit at her home, they could provide  
17    some medical information and support to her if she had  
18    questions, any worries and anxieties relating to the  
19    pregnancy outside of appointments at the clinic, as well  
20    (inaudible) source of connecting with other support groups  
21    in the community.

22          Q     Did Ms. Kematch have to give you consent before  
23    you could speak to the public health nurse?

24          A     Yes. She would have to be open to having the  
25    service provided to her.

1 Q And you understood that was the case?

2 A Yes.

3 Q What did you mean by "will review CFS at  
4 delivery"?

5 A That once this child was born, I would be in  
6 contact with Child and Family Services.

7 Q Why was that?

8 A I was aware that Samantha had had some contact in  
9 the past, and as well she indicates to me in our  
10 conversation that Child and Family are making some contact  
11 with her at this, at this time.

12 Q So was it your practice to look at the patient's  
13 chart and see their history?

14 A Yes.

15 Q We turn to page 36768. This document is  
16 difficult to read, but what is this document?

17 A The social work database.

18 Q Is this something you completed?

19 A Yes.

20 Q What was the purpose of filling it out?

21 A Well, I'd say it -- at that point in time it was  
22 part of the social work department requirement in terms of  
23 some of the information we needed so that we would have  
24 information. This is some basic data, who the person was,  
25 where they lived, just a sketch of, of the situation that,

1 that we were dealing with.

2 Q Are you able to identify what it says under  
3 Living Arrangements, what has been written there? You see  
4 where, where I'm referring you to?

5 A Yes.

6 Q Are you able to make out what you wrote?

7 If you -- it's a bad copy. If you can't make it  
8 out, we can move on.

9 A Yeah (inaudible) make it out.

10 Q What about under the heading Next of Kin,  
11 Significant Others? Are you able to read what's written  
12 there?

13 A Yeah, next of kin, she lists a Mickey Kematch,  
14 her brother (inaudible).

15 Q And under that?

16 A M98 with his PF.

17 Q So, sorry, what, what is that?

18 A M98, so that's, that's her oldest child.

19 Q I see, okay, thank you.

20 A So it's a male born in '98.

21 Q Okay. And the third line?

22 A So that's a female. I believe that will be '00  
23 with patient.

24 Q Okay. And then the last line?

25 A It's a female, '01, and this is the death with

1 SIDS or pneumonia --

2 Q Okay.

3 A -- two and a half months, and then Echo.

4 Q And under that, opposite Financial Situation.

5 A So the PF is a truck driver.

6 Q Okay. Then under Community Resource Involvement  
7 what have you written?

8 A I've written CFS Winnipeg intake and a question  
9 mark, whether they're involved.

10 Q Now, on what basis did you write that  
11 information?

12 A I happened to have a conversation at that time  
13 with Samantha. She seemed to indicate they're coming to  
14 have a conversation with her.

15 Q Okay. Then underneath CFS, you've got the public  
16 health nurse?

17 A Yes.

18 Q What information have you documented there?

19 A That I made a referral to public health and the  
20 referral was accepted on the date of June 28th, to follow  
21 up with this patient.

22 Q So that's further to the notation that you made  
23 that you were going to make a referral to the public health  
24 nurse. When you met with Ms. Kematch on June 28th, you  
25 told her that and, and then, in fact, you reflect that you

1 have done that.

2 A Yes.

3 Q And the public health nurse was Mary Wu?

4 A Yes.

5 Q Okay. So now if you'll turn to page 36766.

6 A Page?

7 Q 36766. This is again an assessment summary, with  
8 two entries in your handwriting?

9 A Yes.

10 Q So the first one says:

11

12 Mary Woo, public health nurse [and  
13 her phone number] phoned. She had  
14 attempted to meet with Samantha.  
15 Caretaker advised she no longer  
16 lives there. Phone number not in  
17 service. Writer will attempt to  
18 meet next outpatient department  
19 appointment, get updated address  
20 and assure patient still wants the  
21 service.

22

23 And that's dated July 8th, '04.

24 Then you do another entry:

25



1                   Public health nurse updated with  
2                   new address (Mary Woo).

3

4                   And you date that August 4, '04.

5

6                   She will attempt to meet.

7

8                   So does that indicate that you provided a new  
9 address to the public health nurse?

10           A     Yes, it does.

11           Q     And you're advised that the public health nurse  
12 will attempt to meet with Ms. Kematch.

13           A     Yes.

14           Q     Now, if you'll turn to page 36763. This is  
15 another assessment summary, dated at the bottom, November  
16 22, 2004. Again, this is written by you in your  
17 handwriting?

18           A     Yes, it is.

19           Q     So you start by saying, See June 28, '04. I  
20 gather this is a continuation from your previous meeting  
21 with Ms. Kematch?

22           A     Yes, it's follow-up to, yes.

23           Q     Okay. And this, this is all taking place in the  
24 prenatal clinic, right?

25           A     Correct.

1           Q     This summary is based on an in-person meeting  
2 with Ms. Kematch in the clinic?

3           A     Yes, it is.

4           Q     Again, I'm going to read in, and I'll ask for you  
5 to help me if I can't -- if I stumble. Continues -- so:

6  
7                     Meeting with Samantha. Continues  
8                     to live with putative father and  
9                     Samantha's five-year-old daughter.  
10                    Putative father not working but  
11                    also not helping with childcare or  
12                    household tasks. Samantha does  
13                    not plan to bring him for labour  
14                    and delivery, prefers to come on  
15                    her own. PF's niece lives in same  
16                    apartment block and will care for  
17                    five-year-old through hospital  
18                    stay. Samantha says she is on  
19                    social assistance. The apartment  
20                    is in putative father's name.  
21                    She's unsure of long-term plan for  
22                    relationship. Public health nurse  
23                    Mary Woo, who was asked to provide  
24                    support through pregnancy,  
25                    visited --

1

2

Now, what does that say?

3

A It's times one -- or one time.

4

Q Okay.

5

6

And was to revisit but did not.

7

Samantha has attended couple of

8

Healthy Start group meetings at

9

the Stella Mission but felt a lack

10

of fit with this group and is not

11

continuing. Her family she

12

'doesn't bother with' [in quotes].

13

CFS met with her and said they

14

were closing her file.

15

16

Now, that's information that Ms. Kematch has

17

provided to you?

18

A Yes, it is.

19

Q

20

Samantha lacks a support system.

21

Writer discussed in-home support

22

services, CFS again re -- CFS

23

again or Family Centre/Family

24

Community Centre re respite or

25

parenting --

1

2 A Yes.

3 Q

4 -- discussed (located fairly near  
5 her home). Samantha encouraged to  
6 utilize community support in light  
7 of lack of partner/family support.  
8 Writer will contact to support to  
9 delivery.

10

11 A Will continue to.

12 Q Ah, thank you. Now, you've made a specific note  
13 in this assessment about Ms. Kematch's five-year-old  
14 daughter. Why was that?

15 You see that on the second line of your summary?

16 A Yes. Certainly always document what is the  
17 current living situation, and other, other children in the  
18 home would be documented.

19 Q Was the, the daughter's existence in the home  
20 relevant in terms of support Ms. Kematch might need when  
21 the baby arrived?

22 A Numbers of other children in the home certainly  
23 would be relevant, yes.

24 Q You noted that Ms. Kematch lacked a support  
25 system. What was the significance of making that note?

1           A     That is certainly part of meeting with prenatal  
2 patients, what is their support system, and trying to -- if  
3 they are open to services -- let them know what else might  
4 be there if their support system is, is lacking.

5           Q     You asked her whether she wanted services from  
6 Child and Family Services, right?

7           A     We talked about Child and Family Service as a  
8 resource to her.

9           Q     We've heard testimony in this Inquiry so far that  
10 people are often mistrustful of Child and Family Services.  
11 Had that been your experience? Were you aware of that?

12          A     That people are? Yes.

13          Q     So what, what -- when you were meeting with Ms.  
14 Kematch in '04, what was your experience with respect to  
15 whether parents would accept support from Child and Family  
16 Services?

17          A     Specifically to this mother, my interactions with  
18 her seemed to indicate that she was not resistant to that  
19 contact with Child and Family.

20          Q     Okay. Did you also indicate other community  
21 supports to her?

22          A     Yes, I talked about Family Centre or the Family  
23 Community Centre.

24          Q     What was her response to your suggestions about  
25 support or respite?

1           A     I don't specifically remember.

2           Q     Okay.  If she had said she wanted some support or  
3     respite, who would have arranged that?  Would that have  
4     been done through you?

5           A     I -- it really would depend on how it was  
6     negotiated, if she wanted my assistance to arrange it.  But  
7     generally, the use of services at, like, for instance, the  
8     Family Centre, they -- the parents do apply for the  
9     service.

10          Q     So what was the --

11          A     So I could assist in making -- I could assist in,  
12     you know, making a contact with her in connecting with the  
13     agency, but it, it's really up to the mom if she wants to  
14     be connected to that service.

15          Q     But if a parent did want it, you would be able to  
16     help them connect with the service?

17          A     Yes.

18          Q     What was the Family Centre?

19          A     The Family Centre, well, they provide a range of  
20     services to families.  But in, in terms of this particular  
21     situation, sometimes they are able to provide some actual  
22     childcare in a home -- in the home, so that if a parent  
23     does not have reliable childcare, it's a way to give them  
24     somewhat of a break (inaudible) so that they can come and  
25     provide services within the home.

1 Q Was the centre associated with the hospital?

2 A No.

3 Q It was a standalone agency?

4 A Yes, it is.

5 Q Okay. The next document I'd like you to look at  
6 is page 36765, which is, unfortunately, even murkier in  
7 terms of the photocopy. This is entitled a postpartum  
8 referral form in which Ms. Kematch is listed as the mother.

9 Did you have --

10 A Yes.

11 Q -- any input in this document?

12 A No.

13 Q Who filled it out?

14 A Sorry?

15 Q Who would have filled this document out?

16 A It would be filled out by the patient's bedside  
17 nurse in the postpartum unit.

18 Q It was located in Ms. Kematch's chart. That's  
19 your understanding?

20 A It would be -- a copy would be filed in the  
21 chart, yes.

22 Q Okay. And where else would a copy be sent?

23 A It would be sent to the public health nurse in,  
24 in the community.

25 Q So this is a referral form to the public health

1 nurse?

2 A Yes.

3 Q Okay. If you look at the box on the left-hand  
4 side regarding labour, you'll see there's a birth date  
5 noted, November 30, 2004.

6 A Yes.

7 Q Did you meet with Ms. Kematch after that date?

8 A Yes, I did.

9 Q So that, that's the date that her fourth child  
10 was born.

11 A Correct.

12 THE COMMISSIONER: What date was that again?

13 MS. WALSH: November 30, 2004.

14

15 BY MS. WALSH:

16 Q In terms of what is written on the referral  
17 form --

18 MS. WALSH: Can we scroll down, please?

19

20 BY MS. WALSH:

21 Q -- are you able to read the handwriting on this  
22 document? There's a copy that might be a better copy.

23 MS. WALSH: If we can pull up page 36806?

24 THE WITNESS: Sorry.

25 MS. WALSH: Can, can you try pulling up page



1 36806? You might have a better copy.

2 THE COMMISSIONER: 806?

3 MS. WALSH: Yes. I'm not sure that you've been  
4 given a copy of that, Mr. Commissioner, but it is on the  
5 screen in front of you now.

6

7 BY MS. WALSH:

8 Q Have you -- Witness, have you got 36806 in front  
9 of you?

10 A Yes.

11 Q So 36806 is taken -- it's a copy of the form that  
12 we were just looking at, of this postpartum referral form.  
13 The one that we were looking at was in Ms. Kematch's chart.  
14 The one that I'm referring you to that is easier to read is  
15 taken from the public health nurse's chart. So under  
16 Nursing Assessment, it says:

17

18 23-year-old confident with self  
19 and baby care. Lives with four-  
20 year-old daughter and boyfriend,  
21 Wes McKay. Boyfriend not working  
22 but patient states he's not  
23 helpful around the house.  
24 Something social work. Please  
25 assess supports. Patient happy to

1                   go home.    Teaching booklets and  
2                   information provided.   Information  
3                   given on CFS/Family Centre.

4

5   And then they note the discharge date of December 1st,  
6   2004.

7                   So you didn't fill this document out but it  
8   reflects the fact that a referral has been made to the  
9   public health nurse, right?

10          A     Right.

11          Q     Okay.   Anything else you want to comment about  
12   this document?

13          A     No.

14          Q     Then let's turn to your next assessment, which is  
15   at page 36764.   This assessment is undated, but it appears  
16   to be your handwriting again; is that right?

17          A     Yes, it is.

18          Q     So at the top it says:   Review consult notes,  
19   June 28, July 8, and November 22nd, 2004.   Those are the  
20   notes that we've just recently gone through, right?

21          A     Yes.

22          Q     And you've written PP?

23          A     Postpartum.

24          Q     Thank you.

25

1 Postpartum meeting with Samantha  
2 and putative father. Putative  
3 father did attend for the birth.  
4 While tired --

5

6 A Tired.

7 Q

8 ... describes self as generally  
9 doing okay postpartum. Older  
10 daughter is with putative father's  
11 niece for hospital stay. Going  
12 well with newborn breastfeeding.  
13 Eager for hospital discharge.  
14 Lives just across street from  
15 hospital.

16 CFS history reviewed,  
17 currently not involved, file  
18 closed July '04.

19

20 This is information that you received from Ms.  
21 Kematch, everything that you recorded?

22 A No.

23 Q Okay.

24 A I met with her, but then I contacted Child and  
25 Family.

1 Q Okay, and we're going to --

2 A The line, the line you're reading in terms of CFS  
3 history reviewed.

4 A That's based on, on what?

5 A On contact with, with Child and Family Services.

6 Q Okay. And we'll review that in a minute. And  
7 similarly, where you say file -- currently not involved,  
8 file closed July '04, what was that based on?

9 A My conversation with Child and Family Services.

10 Q Okay.

11

12 Additional supports were discussed  
13 with Samantha November 22nd, '04.  
14 She has info on CFS Family Centre  
15 if decides wants to seek  
16 additional help. Putative father  
17 is full-time in the home. Aware  
18 of Family Community Centre.  
19 Public health nurse should follow  
20 up. Writer to follow-up to  
21 discharge.

22

23 Do you know what date you wrote this?

24 A I -- if you look at the top of the document, it's  
25 addressographed for December the 1st of '04. And since

1 it's my document, I would have addressographed this  
2 document, though I don't handwrite the date.

3 Q Okay. So you met with Ms. Kematch on December  
4 1st, '04, and, and Mr. McKay?

5 A Yes.

6 Q Okay. When you say addressograph, which part of  
7 the document are you referring to?

8 A The top right-hand corner which gives the name,  
9 and at the very top there is a 1-12-04.

10 Q Okay, thank you. To the left of WS223.

11 A Yes.

12 Q Okay. The assessments that you wrote up were  
13 based on meetings that you had with Ms. Kematch, right?

14 A Yes.

15 Q Did you make appointments for each of those  
16 meetings?

17 A She would have been attending (inaudible)  
18 prenatal care and I would meet her at those times.

19 Q Okay. Now, with respect to -- you said that the  
20 first part of that summary was information received from  
21 Ms. Kematch and the information with respect to CFS is  
22 information that you obtained by speaking with Child and  
23 Family Services. Is that right?

24 A Yes. Yes.

25 Q Did you document your conversation with Child and

1 Family Services anywhere else?

2 A No.

3 Q Do you know who it was that you spoke with at  
4 Child and Family Services?

5 A Sorry?

6 Q Do you know who you spoke with, the name of the  
7 person you spoke with at CFS?

8 A I did not document the name.

9 Q Do you recall whether it was a man or a woman?

10 A I don't recall.

11 Q Going to turn you now to the intake summary  
12 prepared by CFS, starting at page 36943.

13 A Yes.

14 Q You have that?

15 A Yes.

16 Q This is a report which was prepared by Shelly  
17 Wiebe, who was a CFS worker, in which she documents a  
18 telephone conversation she had with a Women's Hospital  
19 social worker on December 1, 2004. Does that help jog your  
20 memory as to whether you spoke with a man or a woman?

21 A Yes.

22 Q And was it a woman that you spoke with?

23 A Spoke with a woman, yes.

24 Q And it was on December 1st, 2004?

25 A Yes.

1 Q So if we look at the next page, 36944, under the  
2 heading, Presenting Problems/Intervention, first of all,  
3 you'll see there's a reference, source of referral, and the  
4 name has been blacked out, but my understanding is that  
5 that is your name. The presenting problem -- do you have  
6 any reason to, to disagree with that? You understand that  
7 that's your name that's been redacted?

8 A No, I don't.

9 Q You don't disagree with me or you don't  
10 understand that that's your name?

11 A No, I don't disagree.

12 Q Okay, thank you. So the -- under the presenting  
13 problem or intervention, SOR --

14 THE COMMISSIONER: I don't think that was  
15 clarified.

16 MS. WALSH: I --

17 THE COMMISSIONER: You better ask that question  
18 again.

19

20 BY MS. WALSH:

21 Q Do you, do you agree that your name is the name  
22 that's been redacted as the source of referral?

23 A Yes, I do.

24 Q Thank you. Under the Presenting  
25 Problem/Intervention it says:

1

2

"SOR" --

3

4

which is you as the source of referral,

5

6

"... called to report that

7

Samantha was admitted to hospital

8

yesterday and delivered her fourth

9

child, a baby girl ... states that

10

[the girl's] birth weight was 3837

11

grams, and the Apgars were 9 & 9."

12

13

Onto the next page, 36945:

14

15

"SOR states that Samantha did

16

receive good pre-natal care prior

17

to the birth of this child, and

18

notes that there are no known

19

health concerns with respect to

20

[the child] at this time. SOR

21

states that there was no reported

22

drug or alcohol use during this

23

pregnancy.

24

"SOR states that Samantha

25

disclosed that she was previously



1                   involved with the Agency back in  
2                   the summer of 2004, due to  
3                   concerns with respect to her four  
4                   year old daughter, Pheonix. SOR  
5                   states that Pheonix is currently  
6                   residing in the home with Samantha  
7                   and her common-law partner, Wes  
8                   McKay (date of birth unknown).  
9                   SOR notes that Wes is the father  
10                  to this new child, and is expected  
11                  to be a support to Samantha."

12

13                  Now, do you have a recollection of this call?

14                  A     I recall being in contact with Child and Family  
15                  Services.

16                  Q     Okay. Are you able to indicate whether what the  
17                  CFS worker has documented, that I just read to you about  
18                  your call, whether that's accurate?

19                  A     It sounds accurate in terms of what I would refer  
20                  to her.

21                  Q     And you made no other notes of your call, other  
22                  than what we saw in your assessment summary; is that right?

23                  A     That's right.

24                  Q     Do you recall whether the CFS worker asked you  
25                  for Wes McKay's date of birth?

1           A     I don't recall specifically, no.

2           Q     Is that something you could have given her if she  
3 had asked for it?

4           A     If I had it.

5           Q     Do you know whether you were aware of his date of  
6 birth or had access to that information?

7           A     I don't believe I had it.

8           Q     During any of your meetings with Ms. Kematch in  
9 2004, did you ever see Phoenix?

10          A     No, I did not.

11          Q     Now, you decided to contact CFS upon the birth of  
12 the fourth child; is that right?

13          A     Yes.

14          Q     What was the basis for your decision to contact  
15 Child and Family Services?

16          A     The mom had indicated that they were involved  
17 with her during that pregnancy; I was aware of the history  
18 that Child and Family Services had been involved with prior  
19 pregnancies.

20          Q     And so why was it that you were calling them?  
21 You were aware of her history?

22          A     Yes, I was aware of her history, and if the  
23 agency were involved concerning the child in the home, then  
24 it would seem to hold that they would need to be aware of a  
25 new child entering the home, that if there was concerns for

1 one child there would be concerns for, for another child.

2 Q Okay. I'm still on page 36945. Further down,  
3 the worker documents:

4

5 "On Dec. 1/04 this worker  
6 left a voice message for the SOR,  
7 asking that she reconnect with the  
8 Agency to report Samantha's  
9 expected date of discharge."

10

11 Then skipping a paragraph, the next paragraph  
12 says:

13

14 On Dec. 1/04 at 12:00 pm this  
15 worker reconnected with the SOR at  
16 the Women's Hospital. Worker  
17 asked when the expected discharge  
18 date would be for Samantha. SOR  
19 advised that Samantha might be  
20 leaving today after five or  
21 sometime tomorrow, depending on  
22 the hospital's need for a bed.

23

24 Do you recall that contact?

25 A I don't.

1 Q Do you have any reason to dispute the accuracy of  
2 what's being recorded by the CFS worker?

3 A Could you repeat that?

4 Q Do you have any reason to dispute the accuracy of  
5 what the CFS worker documented with respect to leaving you  
6 a message and then speaking with you about the discharge  
7 date?

8 A No, I don't.

9 Q Did you have any further contact with Child and  
10 Family Services after what has been recorded in this  
11 document by the CFS worker?

12 A No.

13 Q Actually, sorry, let me take you -- I meant to  
14 take you to page 36946. You'll see an, an entry under the  
15 heading Interventions, four paragraphs down:

16

17 On Dec. 3/04 at 1:10 pm this  
18 worker contacted the SOR, at  
19 Women's Hospital. Worker spoke to  
20 SOR and asked her to provide the  
21 discharge date for Samantha.  
22 Confirmed that Samantha was  
23 discharged from the hospital on  
24 Wednesday night.

25

1           My understanding, then, from reading the  
2 document, that would have been your last contact with the  
3 CFS worker. Do you recall or have notes of any further  
4 contact with the CFS worker after December 3, '04?

5           A     No.

6           Q     You don't believe you had any contact with her?

7           A     That's correct.

8           Q     Would you typically be notified if Child and  
9 Family Services had further involvement with a family after  
10 you made a call to them?

11          A     Once the child -- if the child were still at  
12 hospital and they wanted to see the newborn before the  
13 child left the hospital, then they would contact and advise  
14 that they were coming to the hospital. But once the child  
15 has gone home and a referral is made, no, they do not make  
16 contact (inaudible).

17          Q     I want to turn you now to 2005. You were  
18 involved again with this family in October of 2005, right?  
19 Let's turn to page 36755.

20          A     Yes.

21          Q     This is an assessment summary dated October 6,  
22 2005. You see the date towards the bottom of the  
23 assessment summary?

24          A     Yes.

25          Q     Again, this assessment summary is in your

1 handwriting?

2 A Yes, it is.

3 Q And that's your name that's been redacted at the  
4 end of it.

5 A Yes.

6 Q At the top of the page the date reads September  
7 12, '05. And there's a consult written out: 24-year-old  
8 -- now, again, you have to remind me. This is G5, so this  
9 is a fifth pregnancy?

10 A Fifth pregnancy. She's had four children.

11 Q So the circle shows that one child had died?

12 A Yes.

13 Q EDC, expected date of confinement?

14 A Yes.

15 Q So that's the date of delivery for the child with  
16 which she's currently pregnant; is that right?

17 A Yes.

18 Q And that was --

19 A I would say yes.

20 Q That was December 12, '05?

21 A Yes.

22 Q

23 History of child born in '01,  
24 died at two and a half months old  
25 of question SIDS versus pneumonia.

1                   Eldest child lives with putative  
2                   father. Currently lives with nine  
3                   month and five-year-old daughter.  
4                   Putative father is Wes McKay.  
5                   Please see social worker consult  
6                   for last delivery in 2004. Next  
7                   prenatal appointment in --

8

9                   Is that Women's OPD?

10            A       Women's OPD.

11            Q

12                   ... outpatient department is  
13                   October 6, '05, and also has fall  
14                   appointment September 20, '05.

15

16   And then there's a signature.

17                   Did you understand that to be a nurse who made  
18   this referral?

19            A       Yes.

20            Q       So this is a referral with respect to Samantha  
21   Kematch that's coming to you now in -- the referral's made  
22   in September of 2005.

23            A       Yes.

24            Q       And you meet with her on October 6, 2005?

25            A       Yes.

1 Q So let's just go through what you documented.

2

3 Samantha is known to writer  
4 from pregnancy of last year.

5

6 THE COMMISSIONER: Just a minute, who did she  
7 meet with, when you, you met with her? The nurse?

8 MS. WALSH: The SOR met with Samantha Kematch --

9 THE COMMISSIONER: Oh, oh with --

10 MS. WALSH: -- who's being referred.

11 THE COMMISSIONER: All right. I ...

12

13 BY MS. WALSH:

14 Q Is, is that right, Witness, this -- you've  
15 documented a meeting with Samantha?

16 A Yes.

17 Q You met with her as the result of the consult  
18 that the nurse filled out and referred to you?

19 A Yes.

20 Q What was your understanding as to the reason for  
21 the consult, for the referral?

22 A Well, as, as you indicated, the history that  
23 she's provided is similar history to the referral the year  
24 prior.

25 Q Were you looking for anything in particular when



1 you met with Ms. Kematch in October of '05?

2 A Well, when I met with her it again would be, was  
3 there any supports that she was looking for at that  
4 particular point in time with this subsequent pregnancy.

5 Q Okay. So let's just go through what you've  
6 written:

7

8 Samantha is known to writer  
9 from pregnancy of last year. She  
10 continues to parent her five-year-  
11 old and now 11-month-old daughter.

12

13 This is based on information that Ms. Kematch  
14 gave you?

15 A Yes.

16 Q

17 Continues in relationship with  
18 putative father Wes McKay. She  
19 says she has been living at  
20 Koostatak but likes city better --

21

22 Did you know where Koostatak was?

23 A I knew it was outside of the city or north of the  
24 city.

25 Q Okay.

1

2

... and may shortly move back.

3

Putative father's sister/family

4

continue to support. Presently,

5

despite pregnancy with 11 month at

6

home feels things are going well.

7

Not feeling need of social work

8

support at this time. There were

9

no child protection concerns or

10

CFS involvement at last

11

delivery --

12

13

Where did you get that information?

14

A I'd say reviewing my last contact with her.

15

Q Was that based on information she provided to you

16

or information you received from somewhere else?

17

A That's based on my last contact with her, my

18

information.

19

Q But was it your understanding from Ms. Kematch

20

that she had not had any CFS involvement at her last

21

delivery? Was that what she told you or was that what you

22

heard from someone else?

23

A It was my belief after my contact with Child and

24

Family, that she wasn't going to be followed up.

25

Q Okay. Then you go on to say:

1

2

... and as patient feels coping

3

well, not identifying issues,

4

social work follow-up need not

5

continue unless requested by

6

patient.

7

8

Did you contact Child and Family Services on this

9

occasion in October of 2005?

10

A No, I did not.

11

Q Why is that?

12

A Because I believed when I had met her with the

13

last delivery that I hadn't identified concerns that were

14

of a child protection nature and I believed that Child and

15

Family were not following her up at that point in time.

16

Q Okay.

17

A And that the five-year-old was in the home and

18

the baby was in the home.

19

Q Okay. You've written at the bottom of your

20

entry:

21

22

Social work need not continue

23

unless requested by patient.

24

25

So was that your advising that there was no

1 follow-up needed?

2 A Yes.

3 Q Why was that? Why did you make that  
4 determination?

5 A I had met with Samantha and at that point in time  
6 she indicated that she was not seeking social support, that  
7 she felt her support system was adequate at that point in  
8 time.

9 Q Were you aware then that Ms. Kematch had a baby  
10 born in December of 2005 at the Health Sciences Centre?

11 A Yes.

12 Q Did you contact CFS at that time?

13 A No, I did not.

14 Q Why is that?

15 A The -- no new information had come to me of any  
16 concerns of a child protection nature.

17 Q Were you aware that there had been a Child and  
18 Family Services intake with respect to Samantha Kematch and  
19 her five-year-old in March of 2005?

20 A No, I was not.

21 Q So that would have been in between the, the two  
22 contacts that you had with her, that is, between November  
23 of '04 when her fourth baby was born and the pregnancy that  
24 you saw her during October 2005.

25 A Yes.

1 Q Ms. Kematch didn't tell you about the contact  
2 that she had had with Child and Family Services in March of  
3 '05?

4 A No.

5 Q CFS didn't notify you, either?

6 A No, they did not.

7 Q If you had known that CFS had had contact with  
8 Ms. Kematch in March of 2005, would that have prompted you  
9 to do anything different when you met with Ms. Kematch in  
10 October of '05?

11 A It would indicate more recent contact so I --  
12 yes, I believe probably it would have.

13 Q What would you have done differently?

14 A I think it would have been similar to the last  
15 pregnancy where I was aware that they were involved, and I  
16 would have checked with them again.

17 Q So you would have contacted CFS.

18 A With the birth of the child, yes.

19 Q In -- you mean in December of 2005?

20 A Yes.

21 Q I want to look at some other information that was  
22 in the chart. Page 36769. This is Manitoba prenatal  
23 record. It's got Samantha Kematch's date of birth, Karl  
24 Wesley McKay's name and his age, and it shows the expected  
25 date of confinement as December 12, 2005. You see at the

1 top it says that it's faxed from Fisher River Clinic?

2 A Yes.

3 Q And it appears to have been faxed on September  
4 12th, '05. Then towards the bottom of the page it says,  
5 Previous Pregnancies --

6 MS. WALSH: Can we scroll down, please?

7

8 BY MS. WALSH:

9 Q And that indicates a pregnancy in 1998, says,  
10 Present health, alive and well; a pregnancy, 2000, it says  
11 alive and well; 2001 indicates the child has died; and  
12 2004, child alive and well. So this, this is a document  
13 that would have been or was in Ms. Kematch's chart as of  
14 September 2005. Is that your understanding?

15 A Yes, I guess it would have been.

16 Q Okay. Then the other document that I simply want  
17 to identify as having been in her chart is the maternal  
18 database found at page 36752.

19 THE COMMISSIONER: Just with respect to this last  
20 document you said, be in her chart. Where is, is that --  
21 where is that chart located?

22 MS. WALSH: The Health Sciences Centre chart.  
23 This is from CD1790.

24 THE COMMISSIONER: All right. You --

25 MS. WALSH: So that was a prenatal record that

1 was faxed from Fisher River Clinic.

2 THE COMMISSIONER: Yes. Now, what document are  
3 you going to?

4 MS. WALSH: The next document is page 36752.  
5 This is also from CD1790, which is Ms. Kematch's Health  
6 Sciences Centre chart.

7

8 BY MS. WALSH:

9 Q Again, I just want to confirm that I'm reading it  
10 correctly. It's got a date of September 12th, 2005.

11 MS. WALSH: And if you'll scroll down, please, we  
12 can see more of the document.

13

14 BY MS. WALSH:

15 Q It refers to prenatal care, and that's checked  
16 off under Current Pregnancy. It says, First visit in  
17 Fisher River. And then under previous pregnancies it has  
18 2004, and towards the end of the line, under Comments,  
19 alive and well; 1998, child alive and well; and 2000, alive  
20 and well, Phoenix.

21 I don't have any questions with respect to those  
22 documents. I simply wanted to take advantage of the fact  
23 that you were familiar with the file to, to bring those to  
24 our attention for the record.

25 Now, based on our discussion of your activity in

1 this file, is it fair to say that part of your job involves  
2 providing information to CFS as well as receiving  
3 information from CFS?

4 A Could you repeat that, please?

5 Q Part of your job -- and I believe you told this  
6 to us at the beginning of your examination. Part of your  
7 job involved providing and receiving information to and  
8 from Child and Family Services.

9 A Yes.

10 Q What was your understanding as to the type of  
11 information you were able to provide to Child and Family  
12 Services?

13 A Information that related to any child protection  
14 issues, so information that would help Child and Family in  
15 ascertaining that there was a protection need.

16 Q As a social worker at the hospital, were there  
17 occasions when you would seek information from Child and  
18 Family Services?

19 A Yes.

20 Q Did you ever have any difficulties in obtaining  
21 information from Child and Family Services in the course of  
22 your work?

23 A Yes.

24 Q Can you give us an example?

25 A Sometimes it could be difficult to determine who



1 a worker might be assigned to a file.

2 Q Anything else?

3 A In terms of Child and Family's involvement, it  
4 can be quite limited in terms of what they share with us  
5 about a family's situation. So there could be information  
6 that would be useful to us in assessments as well but Child  
7 and Family are often apparently not able to share their  
8 involvement with that with us.

9 MS. WALSH: Okay. Thank you, Witness. Those are  
10 my questions. There will be questions from other lawyers.

11 THE COMMISSIONER: I guess we'll continue till  
12 3:30 and then take our break at that point.

13 MS. WALSH: Thank you.

14 THE COMMISSIONER: So who's going first? Are  
15 there any questions? Mr. Saxberg?

16 We won't be long, Witness. The lawyers are just  
17 conferring.

18 All right, Mr. Saxberg has some questions.

19 MR. SAXBERG: Thank you, Mr. Commissioner.

20

21 CROSS-EXAMINATION BY MR. SAXBERG:

22 Q It's Kris Saxberg; I act for ANCR and the  
23 Southern Authority, the Northern Authority, and the General  
24 Authority.

25 MR. SAXBERG: If we could call up page 36944?

1

2 BY MR. SAXBERG:

3 Q Witness, for you, that is the intake summary.

4 MR. SAXBERG: Could you scroll to the top of the  
5 page, clerk? To the first page, yeah.

6

7 BY MR. SAXBERG:

8 Q It's the central intake -- report to central  
9 intake dated December 1, 2004. Can you locate that?  
10 Witness?

11 A Yes.

12 Q And turn to page 2 of that document. And I'm  
13 going to refer you to the paragraph under Presenting  
14 Problem. Do you see that?

15 A Yes, I do.

16 Q This paragraph says:

17

18 "SOR called to report that  
19 Samantha was admitted to hospital  
20 yesterday and delivered her fourth  
21 child, a baby girl by the name of  
22 [blank] states that birth weight  
23 was 3837 grams, and the Apgars  
24 were 9 & 9."

25

1           Firstly, the birth weight, was that, was that a  
2 normal birth weight or was there any concern with respect  
3 to that birth weight?

4           A     No.

5           Q     So -- and you'd be familiar with, with those sort  
6 of indicia. If there's an issue with the birth weight,  
7 that, that might be something that would be a concern to  
8 you?

9           A     Yes.

10          Q     And so in this case, though, it was a healthy  
11 birth weight, healthy baby?

12          A     Yes.

13          Q     And that's a sign of good prenatal care?

14          A     It certainly can be, yes.

15          Q     And can you explain in as simple terms as, as you  
16 can muster what Apgars means, where it says, "And the  
17 Apgars were 9 and 9."

18          A     I know that there's a number of areas that they  
19 medically check with a baby. They do it at one minute of  
20 age and at five minutes of age to get the two numbers,  
21 score out of ten, and -- trying to recall as I haven't  
22 worked there for a while. They look at, they look at  
23 respiration, colour of the baby, there's a number of  
24 factors that they look at to establish those scores and  
25 they give a point to the scores. I believe there's five

1 different areas that they rate on, so an Apgar at nine and  
2 nine would be a good score.

3 Q Okay, thank you. That's, that's all I wanted to  
4 ask, was, was that it's -- it is an indicia again of a  
5 healthy baby and therefore healthy prenatal care?

6 A Yes.

7 Q So that's something that you would take into  
8 consideration in determining if there are any child  
9 protection concerns with respect to the baby.

10 A Yes.

11 Q And if, for instance, the mother was addicted to  
12 a substance like crack cocaine, that would show up in the  
13 birth weigh and Apgars; is that fair?

14 A Now, you're asking ... Not necessarily. You  
15 wouldn't necessarily have a small child, no.

16 Q Well, maybe I'll try the other way. If the birth  
17 weight was, was very low and the Apgars were low, that  
18 would be something that you would consider in terms of, of  
19 whether there were child protection concerns?

20 A It could be.

21 Q Okay. And in this case, as you've, you've  
22 indicated, they're both positive numbers, they're good  
23 numbers. And so did that factor into your consideration  
24 of, of the referral that you made to CFS?

25 A I'm not understanding what you're asking.

1 Q Well, let me put it this way: If, if those had  
2 been negative numbers -- or lower numbers, sorry, you would  
3 have communicated that when you were communicating your  
4 information to CFS.

5 A Yes.

6 Q And it would have been important for CFS to know  
7 if those were lower numbers because that would indicate  
8 that there was something perhaps for CFS to investigate  
9 with respect to the prenatal care. Correct?

10 A It could be, yes.

11 Q Now, you, you had three meetings with Samantha  
12 Kematch before she gave birth. Did I get that right? We  
13 went through your notes and I, I --

14 A Two.

15 Q -- saw the three dates noted. One was June 28th.

16 A June 28th and November 22nd.

17 Q Okay, those are, those are face-to-face meetings?

18 A Yes, they are.

19 Q And so you -- as part of your job you would have  
20 been evaluating Ms. Kematch's demeanour and personality as  
21 -- in terms of whether or not there was any sort of signs  
22 that, that ought to raise concerns about child protection?

23 A Yes.

24 Q And so the -- did you note anything of that  
25 nature in June of -- on June, June 28th, 2004?

1 A That raised concerns in that way, no.

2 Q Okay. And how about November 22nd? Did you note  
3 anything in her demeanour, in the way that she was  
4 conducting herself, that would raise a concern?

5 A No.

6 Q No. Did, did you see any signs that she was  
7 being abused?

8 A No.

9 Q And we know that you certainly -- you didn't make  
10 a referral to Winnipeg CFS after any of those meetings.

11 A Those two meetings, no.

12 Q No. Not until the birth in December of 2004.

13 A Yes.

14 Q And now, you then met again in 2005, we heard,  
15 and that date I don't have handy in front of me. Do you --  
16 can you just remind us what that date was that you met with  
17 Samantha Kematch in 2005? September? October 6th? Does  
18 that sound right?

19 A Yes.

20 Q And on that occasion, sadly, as we all know in  
21 this hearing, at this point in time Phoenix Sinclair was  
22 dead, had been murdered previous to that meeting. And  
23 you're aware of that.

24 A Yes.

25 Q Was there any change in the demeanour of Samantha

1 Kematch at that meeting that you had with her?

2 A I don't recall that there was a noted difference.

3 Q And again, at that meeting you didn't -- did you  
4 notice any signs that Ms. Kematch was being abused herself?

5 A No, I did not.

6 Q And no other signs that would lead you to, to be  
7 concerned that there was a child protection issue just  
8 based on talking to her and observing her, correct?

9 A That's correct.

10 MR. SAXBERG: Those are all my questions. Thank  
11 you, Witness.

12 THE COMMISSIONER: Thank you, Mr. Saxberg.

13 All right. Anyone else, then?

14 All right. Ms. Rachlis, have you questions?

15 MR. SAXBERG: You know, I apologize, I'm sorry --

16 THE COMMISSIONER: All right.

17 MR. SAXBERG: -- can I ask just one more  
18 question?

19 THE COMMISSIONER: Yes.

20 MR. SAXBERG: Sorry, apologize for that.

21

22 BY MR. SAXBERG:

23 Q Sorry, Witness, I, I just -- you had mentioned at  
24 the end in terms of your testimony about difficulty  
25 obtaining certain information from CFS. Do you recall

1 that, right at the end of your --

2 A Yes.

3 Q -- testimony? What time period were you talking  
4 about?

5 A I thought it was a general question. I wasn't  
6 relating to a specific period.

7 Q Okay. Well, I -- and are you still employed as a  
8 social worker?

9 A Yes, I am.

10 Q And, and with respect to -- sorry, with respect  
11 to interactions with ANCR at, at current, you're not  
12 suggesting that there's any difficulty in obtaining  
13 information on who a social worker is working on a, on an  
14 intake at ANCR?

15 A No. I was talking about -- just in terms of  
16 information that they could (inaudible) share with us. I'm  
17 assuming they're operating under certain confidentiality  
18 rules that makes sharing certain information --

19 Q Right.

20 A -- difficult for them.

21 Q You're not suggesting that you have any specific  
22 incident wherein information ought to have been conveyed to  
23 you that wasn't conveyed to you.

24 A Can you say that again, sorry?

25 Q You're not suggesting that there's any specific



1 incident wherein ANCR, for instance, didn't provide you  
2 with information that you believe ought to have been  
3 provided to you for you to do your job.

4 THE COMMISSIONER: Have you got an answer,  
5 Witness?

6 THE WITNESS: I guess I, I'm sort of struggling  
7 with what the question is --

8

9 BY MR. SAXBERG:

10 Q Okay, let me, let me --

11 A -- (inaudible) asking --

12 Q Let me try to clarify.

13 A (Inaudible).

14 Q Do you want me to help you?

15 A Sure.

16 Q Yeah, I can try to clarify. I believe the point  
17 that you're trying to make was simply that CFS, including  
18 agencies like ANCR, have to be careful about information  
19 that they share with you in order to protect the  
20 confidences of their clients, correct?

21 A Yes.

22 Q But you're not saying that there's situations  
23 where information that you need to know to do your job has  
24 been withheld from you by CFS or ANCR.

25 A No.

1 MR. SAXBERG: Okay. That's all I wanted to  
2 clarify. Thank you very much.

3 THE COMMISSIONER: Yes?

4 MS. RACHLIS: I have no questions for the  
5 witness.

6 THE COMMISSIONER: Thank you.

7 Ms. RACHLIS: Thank you.

8 THE COMMISSIONER: Any re-examination?

9 MS. WALSH: No, Mr. Commissioner.

10 THE COMMISSIONER: All right. Witness, thank you  
11 for your participation. Your questioning is at an end.  
12 You can leave, wherever you are.

13

14 (WITNESS EXCUSED)

15

16 THE COMMISSIONER: Now, where are we?

17 MS. WALSH: So if you'd like to take a break, my  
18 understanding is that the witness, Ms. Verrier, is on deck  
19 in Calgary to testify via telephone.

20 THE COMMISSIONER: All right. How long should we  
21 take a break for?

22 MS. WALSH: Whatever you like.

23 THE COMMISSIONER: Well, is she there  
24 indefinitely or ...

25 MS. WALSH: Well, perhaps we should take no more

1 than ten minutes.

2 THE COMMISSIONER: We'll take a ten-minute break.

3

4 (BRIEF RECESS)

5

6 MR. OLSON: Good afternoon, Ms. Verrier. Can you  
7 hear me okay? Can you hear me?

8 THE WITNESS: Yeah, I think I can. Yeah.

9 MR. OLSON: Last time you were here, do you  
10 recall whether you were sworn in or affirmed?

11 THE WITNESS: I had the Bible at the other  
12 location.

13 MR. OLSON: Okay, so when, when we ran into the  
14 technical difficulties last time, I was just about to  
15 finish my examination. I just have a few more questions  
16 for you.

17 THE WITNESS: Okay.

18

19 **DIANA LYNN VERRIER**, previously  
20 sworn, testified as follows:

21

22 DIRECT EXAMINATION CONTINUED BY MR. OLSON:

23 Q And these questions are with respect to the  
24 reports that came out after Phoenix's death was discovered.

25 A Okay.

1 Q I understand you've been through these reports  
2 before in terms of references to the period of time you  
3 were the supervisor involved in this case; is that right?

4 A I have -- yeah, I have -- well, I haven't seen  
5 the whole report. I've seen small little sections.

6 Q Just those --

7 A (Inaudible) have them here.

8 Q Okay, just those sections.

9 A Yes.

10 Q And were those provided to you for the first time  
11 through the inquiry process?

12 A They were.

13 Q Okay. So they weren't shown to you by your  
14 employer at any time prior to this, or by anyone else.

15 A I -- no. No, I wasn't aware of them until --  
16 yeah, I heard -- regarding the Inquiry.

17 Q Okay, thank you. Just before I get to that, I  
18 want to mention and confirm you have -- you had some other  
19 involvement in this file that we're going to cover in the  
20 new year, that related to a different time period, and so  
21 we're going to call you back for that and you're aware of  
22 that.

23 A Yes.

24 Q Okay. So the first report I wanted to ask you  
25 about is -- it's the one at Commission disclosure 1.

1 That's the one that has -- it says A Special Case Review in  
2 Regard to the Death of Phoenix Sinclair. On the cover it's  
3 got the photo.

4 A I actually don't have the cover.

5 Q Okay. It's --

6 A But I just have F27. Is that the one?

7 Q This one --

8 A Oh, that --

9 Q It's from that -- that's the correct report, but  
10 this is page 41 that I wanted to take you to first.

11 A Oh, okay, yeah.

12 Q So you'll see on page 41, that -- there's a  
13 summary of the work over the period of time, that Mr.  
14 Koster prepared.

15 A Okay, so to -- so page 41 of the report or 41 of  
16 your document? I have two numbers here.

17 Q Forty-one of our document. They're both 41 --

18 A Okay.

19 Q -- on the bottom part.

20 A Okay. So, I'm sorry, what was the question?

21 Q So this, this portion here I think is just  
22 primarily factual reporting of what, what was in the file,  
23 but I want to give you an opportunity to correct anything  
24 if there, there are any errors or things you want to  
25 comment on from your perspective.

1           A     I don't think there is.  You know, I reviewed it  
2 very briefly.

3           Q     Okay.  Now, if you turn please to page 43.

4           A     Okay.

5           Q     Finding 27 on the bottom, in bold.

6           A     Yes.

7           Q     Says:

8

9                         "The Safety Assessment called for  
10                        a 48 hour response.  It would have  
11                        been important to go out the same  
12                        day when previous concerns about  
13                        the mother's parenting and  
14                        possible drug problems are  
15                        considered."

16

17           Q     Says:

18

19                         "The previous worker had written  
20                        concerns about both parents in the  
21                        previous closing.  In addition,  
22                        the agency had not had contact  
23                        with Phoenix for months and it  
24                        would be important due to her age  
25                        to go out as soon as possible to

1                   determine her living conditions  
2                   and safety. The CRU worker had to  
3                   have the file accepted in Intake  
4                   and work load may have been a  
5                   consideration and so the time  
6                   frame could have been tailored to  
7                   meet the intake response capacity.  
8                   Workers had indicated that this  
9                   was done on occasion."

10

11                   Do you know anything about what's described in  
12 the last two sentences here, about the time indicated in  
13 the CRU reports being tailored to, to meet what workers  
14 could actually do in terms of getting out?

15           A     No. I'm not aware of any time that we would have  
16 tailored a response time to, to an intake workload.

17           Q     Okay. And with respect to anything else in that  
18 finding, do you have any comments?

19           A     I highly disagree that the response time needed  
20 to be same day. I would say that the 48 hours was  
21 appropriate.

22           Q     Okay.

23           THE COMMISSIONER:     You say 48 hours was  
24 appropriate?

25           THE WITNESS:     Yes.

1

2 BY MR. OLSON:

3 Q The -- I don't think there was anything else in  
4 that report, unless there was anything else you wanted to  
5 comment on.

6 A There is not.

7 Q Okay. The next report is Commission disclosure  
8 2, and that begins -- this is a report prepared by Jan  
9 Christianson-Wood, Section 10 report, and your involvement  
10 would begin on page 152. It's just that one page.

11 A Right.

12 Q If you look at the bold -- first, the, the two,  
13 two paragraphs above the bold. Do you see, do you see  
14 that?

15 A Two -- yeah, "The next documented" is what you're  
16 referring to?

17 Q Right. Those are basically factual. You, you  
18 can comment on anything that's said there, if you like.

19 A I, I don't, I don't have a comment.

20 Q Okay. And then the bold portion says:

21

22 "As Ms Kematch was designed a  
23 'high risk' caregiver, a response  
24 time reflecting this would have  
25 been appropriate."



1

2           Now, I'm not, I'm not sure that -- exactly how to  
3 interpret that, that part of the report, but do you have  
4 any comments to make with respect to that statement?

5           A     So nowhere did I read that she was a high-risk  
6 caregiver, and certainly -- so I think that, that I would  
7 comment on, and certainly this would be a typical case or,  
8 or situation that we would have experienced at CRU.

9           Q     Okay. Is there anything else you'd like to add?

10          A     I don't believe. That's, that's all.

11          MR. OLSON: Those are all the questions I have  
12 for you. I think some of the other lawyers are going to  
13 have some questions for you as well.

14          THE COMMISSIONER: All right. Who's going to be  
15 first? Mr. Gindin?

16

17 CROSS-EXAMINATION BY MR. GINDIN:

18          Q     Good afternoon. My name is Jeff Gindin; I  
19 represent Kim Edwards and Steve Sinclair. And I have  
20 some --

21          A     Okay.

22          Q     I have a few questions for you.

23                Now, from listening to your evidence last time  
24 that you were here, I think you made it clear that you  
25 really had no independent recollection of these events and

1 had to rely on some of these documents that are being shown  
2 to you. Is that fair?

3 A That is fair.

4 Q Yeah. And on occasion I suppose you would have  
5 to look at documents and try to assume what you would  
6 likely have done based on your experience, rather than  
7 actually remembering these details.

8 A Right. I'm very reliant on the documents --

9 Q Yes.

10 A -- in terms of what occurred, yes, and I, I  
11 certainly would -- if I didn't recall it, I simply didn't  
12 recall it. So I didn't read into anything, but I did rely  
13 on documents.

14 Q All right. Now, with respect to the response  
15 time that we've been discussing with you last time and  
16 today, you told us that you felt 48-hour response time was  
17 appropriate, correct? You recall that?

18 A On which, on which --

19 Q On, on your involvement in May of '04.

20 A Oh, May '04, okay.

21 Q Yeah.

22 A Yeah, I'm just going to grab that report just to  
23 confirm the date, but I -- oh, yes. Okay.

24 Q Correct?

25 A That's true.

1 Q Yeah. And we heard evidence here from Debbie De  
2 Gale who testified that she felt 24-hour response time was  
3 appropriate in her opinion. Did you know that?

4 A I -- yes, I was aware of that.

5 Q Yeah. And we've actually heard from Tracy Forbes  
6 that she felt, after looking at the documents, that maybe  
7 even a five-day response time might have been appropriate.  
8 So we've heard a number of different opinions from  
9 different social workers on what they thought. Is that  
10 something that you would accept as something that happens  
11 on occasion where people disagree?

12 A So certainly, when, when we're looking at it from  
13 a CRU perspective, we're looking it from the safety  
14 assessment form. And so it clearly states a 48-hour based  
15 on what Debbie De Gale filled in and based on the, the  
16 facts that are there as well (inaudible) factor.  
17 Certainly, it wasn't uncommon for CRU to have a certain  
18 response time and for intake to perhaps feel it should have  
19 been a longer response time. Just a matter of different  
20 perspectives.

21 Q Yeah. So people -- it's a judgment call and  
22 different people might view it somewhat differently.

23 A Taking into account what you'd need to for the  
24 assessment and, absolutely, different social workers may  
25 decide on a different response time in terms of now versus,

1 you know, 48 hours versus within a few days. Rarely would  
2 we disagree on whether intervention needs to occur.

3 Q Okay. Now, if you look at page 37447.

4 A Three-four ... Oh, okay, (inaudible) safety  
5 assessment, yes.

6 Q Yeah, so --

7 THE COMMISSIONER: Just a minute, now, I want to  
8 get that.

9

10 BY MR. GINDIN:

11 Q Now, before I get to that, as a supervisor you  
12 might sometime disagree what -- with what one of the  
13 workers' opinions was, I presume. You had every right  
14 to --

15 A Absolutely.

16 Q You had every right to come to your own  
17 conclusion, right? And if you disagreed --

18 A (Inaudible).

19 Q If you disagreed with Debbie De Gale's  
20 assessment, you had every right to put down your own  
21 opinion, I presume?

22 A I don't know that I disagreed when I look at this  
23 form, if that's what you're referring to --

24 Q Well, let's look at that form.

25 A -- because I see --

1 Q Let's look at that form for a second before you  
2 go on. The very top of that page, it appears as though 24-  
3 hour response is ticked off, correct?

4 A Right.

5 Q And then your initials indicate that you put down  
6 48-hour response and changed it to that, correct?

7 A What it looks like is that I, I initialled the  
8 24-hour response and I -- it looks like that is crossed  
9 out.

10 Q Right.

11 A From the best what I can see.

12 Q Now, that's within your authority, to disagree  
13 with what someone else might have ticked off; is that  
14 correct? That fair to say?

15 A It's in my authority to disagree and to correct  
16 mistakes.

17 Q Right. Okay.

18 A Yeah.

19 Q Now, when that happens that you might disagree,  
20 what's your usual practice? Would you then tell the worker  
21 who you disagreed with that you had a different opinion, or  
22 would you simply mark it down, initial it, and leave it  
23 that way?

24 A I think it would depend. And again, I'm  
25 (inaudible) the best of my recollection -- because it has

1 been close to eight years -- I believe, you know, what I  
2 would do is that if the worker was still present, I would  
3 go and have them -- have a discussion with them and make  
4 the changes. If the worker was not present and we were --  
5 there was a time matter to get it to intake, as in this  
6 kind of tight time frame, I would make the change or make  
7 the addition, and, and then if I remembered, to let them  
8 know. But (inaudible) it was more important to get it to  
9 intake --

10 Q Right.

11 A -- at that point.

12 Q So you have no notes anywhere to indicate that  
13 you, in fact, went to Debbie De Gale and said, I changed  
14 that initial response time of yours to 48 hours. You have  
15 no recollection of having done that. Correct?

16 A I have no recollection. I wouldn't have any  
17 notes. That's not -- I wouldn't have written those notes  
18 down. I certainly -- the -- I actually wasn't changing  
19 Debbie De Gale's response time. What, what she, what she  
20 checked off was under the 48.

21 Q Well, she testified she ticked off 24 hours, and  
22 it seemed to be ticked off.

23 A It does, and I also note that what's under the  
24 48-hour response, the actual factors that make up -- that  
25 would dictate that response time are underneath 48 hours.

1 Q That's correct. They were under --

2 A Yes.

3 Q -- the 48 hours, but the box that is ticked off  
4 seems to be 24 hours. Despite the fact that certain --

5 A Well, they both -- yeah, they both, they both  
6 are, yeah. So certainly I -- with my initials (inaudible).

7 Q Right.

8 A Yeah.

9 Q All right. But you told us a minute ago that you  
10 have no independent recollection other than notes that you  
11 can look at, correct?

12 A I don't have any independent recollection other  
13 than the reports that have been provided to me.

14 Q Okay. So you have no notes that tell you, for  
15 example, that when you wrote down 48 hours response and  
16 ticked it off, that you spoke to Debbie De Gale about that.  
17 You have no notes to indicate that, right?

18 A No.

19 Q All right. Did you get along well with her, with  
20 Debbie De Gale?

21 A I, I believe I had a good working relationship  
22 with her like I did with all the other staff, yes.

23 Q Okay. Have you ever heard anyone express  
24 concerns about the fact that things might be changed by a  
25 supervisor and workers aren't advised of that? Had you

1 ever -- anybody comment on that at all during your time  
2 there?

3 A No, I did not. Certainly, workers may not have  
4 agreed with decisions that supervisors made if they were  
5 different from what they thought, but certainly I never  
6 heard anyone complain that changes were made.

7 Q That is, complain to you. You never heard  
8 anybody --

9 A Correct.

10 Q -- complain to you.

11 A Right.

12 Q All right. Now, when you were supervising, I  
13 take it you kept some notes, right, of what you were doing?

14 A I, I don't recall what notes I kept. My  
15 practice, as was the practice at the organization, was to,  
16 to keep some personal, some personal notes for my use.  
17 Certainly, any performance or discipline notes would have  
18 been kept, and those would have been given to HR to put on  
19 the, the personnel file. And we didn't have a habit and we  
20 didn't keep any case notes or case-specific notes at CRU.  
21 It wasn't, it wasn't necessary for our role in the  
22 organization.

23 Q But it was necessary to keep notes of various  
24 things in the course of your work as a supervisor, I  
25 imagine?



1           A     So any notes regarding cases were on the report;  
2 any notes regarding staff would be in their performance  
3 evaluation or in their personnel files. And I don't recall  
4 what other notes I would have kept.

5           Q     Well, isn't it a fact that you shred some of the  
6 notes that you had?

7           A     So I certainly had some, some personal notes that  
8 would have reminded me around vacation times or things like  
9 that. I don't know what else they would have said. But  
10 certainly when I left the organization, yes, I, I did  
11 dispose of them, yeah.

12          Q     When would that be?

13          A     2005, May -- no, April, I think, 2005.

14          Q     So the notes that you kept, whatever they were,  
15 you simple destroyed them; is that right?

16          A     Yes.

17          Q     And does that relate to all the notes that you  
18 kept with respect to various files, or just this particular  
19 case?

20          A     So there actually were no notes kept to any  
21 files. There were no case-specific notes. That wasn't  
22 something I would keep --

23          Q     Did --

24          A     -- at CRU.

25          Q     Did you ever have meetings with workers? Like,

1 as a supervisor, it would be necessary for you to have  
2 meetings.

3 A (Inaudible).

4 Q Yeah. And would you make notes?

5 A Yeah, (inaudible) what, what (inaudible) --

6 Q Would you, would you, would you make notes of  
7 these meetings?

8 A So we would have one-to-one meetings and not, not  
9 necessarily would there be any notes kept. Certainly, if  
10 there was anything I needed to remember, I may have made a  
11 note about that. But there was nothing case-specific.  
12 They're different from Family Services, who would be  
13 discussing the case book.

14 Q Okay. So whatever you put in your notes, we  
15 don't have a chance to see them now because they're gone,  
16 right? Whatever it was that was in there.

17 A Yes. Yeah.

18 MR. GINDIN: If I can just have one minute?

19 THE COMMISSIONER: Yes.

20 MR. GINDIN: Those are my questions, thank you.

21 THE COMMISSIONER: Thank you, Mr. Gindin.

22 Other questions? Anyone else before Mr. Saxberg?  
23 Apparently not, so you're ... Oh, Mr. Paul, have you got  
24 notes -- questions?

25 MR. PAUL: Yeah, sorry. Just two minor things,

1 sorry.

2

3 CROSS-EXAMINATION BY MR. PAUL:

4 Q Ms. Verrier, it's Sacha Paul for Winnipeg CFS and  
5 the department.

6 A Okay.

7 Q Two minor areas. And I'm, I'm going by  
8 recollection in terms of your evidence last week. And  
9 again, in terms of your, your general practice, I think you  
10 said that you may have reviewed these types of CRU reports  
11 after workers had gone home for the day; is that correct?  
12 And they left around 4:30 or so?

13 A The, the workers?

14 Q Yeah.

15 A Yes, yes.

16 Q And, and you would stay after that, if need to,  
17 to look at reports?

18 A Yes, it was, it was very rare that the  
19 supervisor's day would end at the same time, as we were,  
20 you know, meeting the needs, being available to the workers  
21 during the day. So some of that stuff, I think, the work  
22 that would be left over, such as reviewing reports, would  
23 occur at that -- at the end of the day when we were still  
24 there.

25 Q Okay. And again, we're, we're talking about the

1 general practice, and I want to move it now to, to the  
2 specific. The evidence that we're able to call suggests  
3 that Trudy Carpenter -- do you know Trudy Carpenter?

4 A Yes, I remember (inaudible).

5 Q She was an admin staff?

6 A She was admin person, yeah.

7 Q Right. The evidence we're able to call suggests  
8 that Trudy Carpenter uploaded this May 11 Debbie De Gale  
9 report to CFSIS on May 12 at 8:00 a.m. If that's indeed  
10 correct, does that help you at all in terms of  
11 understanding the chronology in this particular case?

12 A So, sorry, can you repeat that, the inaudible) --

13 THE COMMISSIONER: Which document are you talking  
14 about?

15 MR. PAUL: Oh, the, the May 11, 2004 report from  
16 Ms. De Gale.

17 THE COMMISSIONER: All right. What's, what's the  
18 number?

19 MR. PAUL: I unfortunately don't have the number.  
20 I can go grab it from my desk, Mr. Commissioner.

21 THE COMMISSIONER: Yeah, I think you'd better.

22 MR. PAUL: 37344.

23 THE COMMISSIONER: 37344.

24 MR. PAUL: Um-hum.

25 THE COMMISSIONER: Just a minute now.

1           MR. PAUL:     That's a handwritten version, but  
2 there's a CFSIS version at 11535. I'm not sure if the  
3 witness has that, but --

4           THE COMMISSIONER: Well, wait a minute; I want to  
5 find it.

6           THE WITNESS: I (inaudible).

7           THE COMMISSIONER: Yeah, I have it.

8           MR. PAUL: Thank you.

9

10 BY MR. PAUL:

11           Q     And again, my question simply is, if the evidence  
12 indicates that Trudy Carpenter uploaded this report the  
13 next day on May 12 at 8:00 a.m. approximately, does that  
14 help you at all in any way in terms of understanding the  
15 chronology of this particular case?

16           A     So it sounds like what you're saying is it was  
17 uploaded the next morning, so that fits that it would have  
18 been completed -- I would have signed it off that, that --  
19 later that day or whenever I could, and then it would have  
20 been uploaded --

21           Q     So in terms of --

22           A     -- (inaudible).

23           Q     -- the chronology, then, you would do your  
24 approval of the report, and then the next step would be  
25 Trudy Carpenter would upload it to CFSIS.

1 A Yes, definitely.

2 Q Okay.

3 A Yeah.

4 Q All right. One, one last area, which is dealing  
5 with, with note taking, if I can bring you to that  
6 particular issue.

7 A Sure.

8 Q As a supervisor, I would expect that you would  
9 want your workers to document the investigations that they  
10 take on a file.

11 A Yes. They're -- they were expected to document  
12 everything that they did.

13 Q And if a worker were to make a field, you would  
14 expect that to be documented.

15 A Yes.

16 Q And if a worker were to make a phone call, you  
17 would expect that to be documented as well.

18 A Yes.

19 Q And, of course, you would encourage your workers  
20 to document these things because you want a full and  
21 accurate report.

22 A Absolutely.

23 Q Right. When a worker documents the various steps  
24 that they have taken, would you have any reason to change  
25 or alter their, their steps that they document?

1           A     No.     Absolutely not.     That would be important  
2 information.

3           MR. PAUL:   Those are my questions.   Thank you.

4           THE WITNESS:   Thank you.

5           THE COMMISSIONER:   All right.     Anybody else  
6 before Mr. Saxberg?

7           It would appear not, so you're on, Mr. Saxberg.

8           MR. SAXBERG:   Thank you, Mr. Commissioner.

9

10 CROSS-EXAMINATION BY MR. SAXBERG:

11          Q     Good afternoon, Ms. Verrier.   Just a quick --

12          A     Hi.

13          Q     -- quick question for you.   To your knowledge,  
14 did you take any notes with respect to your involvement in  
15 the Phoenix Sinclair case?

16          A     No, I did not.

17          Q     And --

18          A     No.

19          THE COMMISSIONER:   With respect to this case, did  
20 you say?

21          MR. SAXBERG:   With respect to this case.

22

23 BY MR. SAXBERG:

24          Q     Anything that would touch on your involvement  
25 with the Phoenix Sinclair case.

1           A     No.     Anything that I would -- any notes that I  
2 would have taken for this, this file or this case would be  
3 in the report itself.

4           Q     And is that because that was your regular  
5 practice with respect to all your dealings with case-  
6 specific matters?

7           A     It was.

8           Q     And in terms of your workers, the ones that you  
9 supervised, to your knowledge, were any notes that they  
10 took ever then sent up to intake with the other materials?  
11 Handwritten notes.

12          A     So any notes that -- pardon?

13          Q     Sorry, and I should have, I should have  
14 referenced that what I'm speaking about are handwritten  
15 notes as opposed to typewritten notes.

16          A     Right.    So any notes that workers take would  
17 either be on their (inaudible) sheet or in their report,  
18 and any -- if a report was generated, all notes were  
19 expected to be incorporated into the report.    And that's  
20 what got sent out to intake.

21          Q     And that was always the case, there were no  
22 exceptions; is that right?

23          A     Yes.

24                   MR. SAXBERG:   Okay, thank you.

25                   THE WITNESS:   Yes.



1 MR. SAXBERG: Those are my questions.

2 THE COMMISSIONER: All right. Mr. Olson?

3 MR. OLSON: I don't have any further questions.

4 THE COMMISSIONER: All right, thank you Witness.

5 Those are all the questions we have for you. We'll see you  
6 in the new year, I understand.

7 THE WITNESS: Thank you.

8 THE COMMISSIONER: Thank you.

9

10 (WITNESS ASIDE)

11

12 MR. OLSON: I think that's all we had for today.

13 THE COMMISSIONER: No, I'm not finished yet.

14 MR. OLSON: Oh, sorry.

15 THE COMMISSIONER: There's two matters.

16 I have before me a motion brought by the General  
17 Child and Family Services Authority, the First Nations of  
18 Northern Manitoba Child and Family Services Authority,  
19 First Nations of Southern Manitoba Chiefs and Family  
20 Services Authority, and the Child Family All Nation  
21 Coordinator Response Network, known as the applicants.

22 They request that I make an order that a subpoena  
23 be issued by the Commission requiring Employment and Income  
24 Assistance, EIA, to provide information in regards to and  
25 contained within Kimberly Ann Edwards' EIA file.

1           Rule 33 of the Commission's Amended Rules of  
2 Procedure and Practice specifically allows me to issue a  
3 subpoena where I consider advisable, where I consider it  
4 advisable. The actual rule's reading:

5

6           "Where he considers it advisable,  
7 the Commissioner may issue a  
8 summons or subpoena pursuant to s.  
9 88(1) of the *Manitoba Evidence Act*  
10 requiring a witness to give  
11 evidence on oath or affirmation  
12 and/or to produce documents or  
13 other things."

14

15           The applicants have argued that I ought to issue  
16 the requested subpoena on the grounds that there is a stark  
17 difference of evidence between Kimberly Ann Edwards'  
18 testimony and Rohan Stephenson's testimony in regards to  
19 which one of them resided in the -- in regards to which one  
20 of them resided in the house at 1331 Selkirk Avenue during  
21 the time the house was designated a place of safety for  
22 Phoenix Sinclair.

23

24           The applicants submit that information in Ms.  
25 Stephenson's EIA file would be relevant in assisting in the  
clarification of who, in fact, was providing care for

1 Phoenix during this time.

2 In determining the law regarding the relevance of  
3 evidence in the proceedings of a public inquiry, I  
4 reference the follow passage from Simon Ruel, The Law of  
5 Public Inquiries in Canada (Toronto: Carswell, 2010), at  
6 page 73:

7  
8 "The first step in  
9 determining admissibility in the  
10 sense of relevancy of evidence  
11 before a commission of inquiry is  
12 careful review of the terms of  
13 reference of the commission. If  
14 the evidence is clearly within the  
15 terms of reference, then it is  
16 admissible. Even if the evidence  
17 technically falls outside the  
18 terms of reference, it could  
19 nonetheless be admitted if  
20 reasonably relevant to the subject  
21 matter of the inquiry. Relevancy  
22 in this context involves that the  
23 evidence, to some degree, advances  
24 the inquiry, has a bearing on any  
25 issue to be resolved or would be

1           of assistance for a commissioner  
2           in reaching a conclusion as to  
3           matters that were referred to him.  
4           In other words, documents and  
5           information are admissible before  
6           an inquiry not only based on  
7           relevance to the terms of  
8           reference in the technical sense,  
9           but also if the evidence to some  
10          degree advances the inquiry or is  
11          helpful in fulfilling the  
12          inquiry's mandate in the public  
13          interest."

14

15           As clearly stated by Ruel, when making a decision  
16          as to relevance I must refer to the terms of reference. In  
17          this case the terms of reference are set out by Order in  
18          Council 89/2011. I am to inquire into the circumstances  
19          surrounding the death of Phoenix Sinclair and in particular  
20          to inquire into:

21

22                   "(a) the child welfare  
23                   services provided or not provided  
24                   to Phoenix Sinclair and her family  
25                   under The Child and ... Services

1 Act;  
2 "(b) any other circumstances,  
3 apart from the delivery of child  
4 welfare services, directly related  
5 to the death of Phoenix Sinclair;  
6 and

7 "(c) why the death of Phoenix  
8 Sinclair remained undiscovered for  
9 several months."  
10

11 In my view, Kim Edwards' EIA records would not be  
12 of assistance to me in fulfilling my mandate as set out in  
13 the order in council, nor would they advance the Inquiry,  
14 nor be of assistance in fulfilling my mandate in the public  
15 interest. In that regard, the difference in evidence  
16 between Ms. Edwards and Mr. Stephenson about who was  
17 primarily caring for Phoenix during the period in question  
18 does not assist in addressing paragraphs (a), (b), or (c)  
19 as set out in the order in council.

20 The fact that the residence was designated a  
21 place of safety by Winnipeg Child and Family Services, and  
22 the care that Phoenix received in that residence, is not in  
23 question.

24 Additionally, while I appreciate that the  
25 applicants have advanced the position that these documents

1 may be relevant in the context of determining credibility,  
2 the fact is that a basis on which that position is advanced  
3 has not been established. It is unclear how the EIA  
4 records would clarify who was, in fact, residing in the  
5 home. More importantly, this Inquiry is not a trial and  
6 neither Kim Edwards nor Rohan Stephenson are on trial.

7           For the foregoing reasons, I decline the order  
8 requested on me to have a subpoena issued.

9           That disposes of that matter.

10           And the only other remaining matter is to wish  
11 you all a happy holiday time and pleasant associations with  
12 family and friends and we'll see you here on the 7th of  
13 January, 2013. We stand adjourned.

14

15                           (PROCEEDINGS ADJOURNED TO JANUARY 7, 2013)