



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

TUESDAY, NOVEMBER 20, 2012

APPEARANCES

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

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MR. H. KHAN, Intertribal Child and Family Services

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

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

MS. K. BARR, for Ms. M. Pickering

MR. F. GANGE, for SOR #5 and SOR #6

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3

4 MR. OLSON: Good morning, Mr. Commissioner.

5 THE COMMISSIONER: All right, Mr. Olson.

6

7 **KATHRYN JEAN PETERSON**, previously

8 sworn, testified as follows:

9

10 DIRECT EXAMINATION CONTINUED BY MR. OLSON:

11 Q I would like to take you now to your closing
12 summary. This is at Commission disclosure 1796, page
13 37385. And if you just look at the top of the page, it's
14 dated March 1, 2002?

15 A That's correct.

16 Q Okay. And is it -- this is your closing summary?

17 A This is my closing summary.

18 Q And the date there, March 1, 2002, is that when
19 you closed the file?

20 A That's when I wrote the closing summary, yes.

21 Q Okay. The other day you said there was paperwork
22 you had to fill out to have the file closed. Is this the
23 paperwork?

24 A This is the paperwork that was waiting closure,
25 that's correct.

1 Q Okay. Then how, how did you go about completing
2 this document?

3 A I beg your pardon?

4 Q How did you go about completing this document?

5 A The document is, is a form that we're given in
6 terms of a closing summary so there are headings and under
7 the headings we respond to whatever the heading is.

8 Q Okay, in terms of the information that you have
9 in the document, for example, under demographics is that,
10 is that information that you would call from the file when
11 it was given to you or --

12 A Yes.

13 Q If you go to page 37394, please.

14 THE COMMISSIONER: Whose -- in whose name was
15 this file that -- your file number which --

16 THE WITNESS: This is Steven Sinclair's file.

17 THE COMMISSIONER: Steven Sinclair's file, right.

18

19 BY MR. OLSON:

20 Q And, and just, just in terms of naming files,
21 just so it's clear for everybody, I understand the files
22 are opened in the name of the parent who is the primary
23 caregiver?

24 A Primary caregiver, that's correct.

25 Q And that's as determined by the worker; is that

1 right?

2 A Yeah. Most files are opened under the mother's
3 name. If it's a two parent family it's opened under the --
4 always opened under the mother's name. But if there's a
5 separation and the father becomes the primary caregiver the
6 mother's case is closed and a case will be opened under the
7 father's name.

8 Q Okay. I suspect we'll hear from Ms.
9 Chief-Abigosis that when she determined or decided that Mr.
10 Sinclair had custody of Phoenix, loosely speaking, then
11 she, she closed the name -- the file that was in the name
12 of Samantha Kematch and opened it under Steve Sinclair?

13 A That's correct.

14 Q Okay. And so when you, when you assumed conduct
15 of the file it was under -- it was a Steve Sinclair file;
16 right?

17 A That's correct.

18 Q And just in terms of when you, when you assumed
19 conduct of the file, would you have reviewed Samantha
20 Kematch's file, as well?

21 A It would have been attached to the information
22 that I received, yes.

23 Q Okay. And how much of the files do you review?

24 A Depending upon how much time I have, I, I review
25 the, the whole file. Eventually I review the whole file,

1 depending upon how much time I have. I certainly
2 immediately take a look at the presenting concerns and, and
3 issues that are being presented at the time and then I go
4 through the file and read the whole file.

5 Q And so those presenting concerns, would they
6 be -- every time a worker transfer or closes a file there
7 is a -- either a closing summary prepared or a transfer
8 summary. Is that where you would look to?

9 A That's where I would start, yes --

10 Q Okay.

11 A -- and then I would work backwards, yes.

12 Q And we'll take a look, eventually, at Ms.
13 Chief-Abigosis' identified concerns in her transfer summary
14 but those would have been the identified concerns that you
15 looked at when you had the file; is that --

16 A That's correct, yes.

17 Q Okay. And just -- why is it you look at the
18 identified concerns, what's the purpose of that?

19 A Well, we get a -- when we get a file it's
20 generally had -- been transferred from general intake so we
21 need to know the information in terms of what's relevant at
22 that moment in terms of risk to a child or children in care
23 of the family. So that would be the most relevant
24 information.

25 Q But for --

1 A So we would read that first.

2 Q -- for this case you -- it was transferred to you
3 from another worker?

4 A That's right. This was, this was a very unusual
5 situation, Steven Sinclair's file.

6 Q Okay. But do you still -- in that situation when
7 you have a file transferred from another worker, do you
8 still look to the identified problems when you start out
9 with a file?

10 A I do, yes.

11 Q Okay. And why do you do that?

12 A Because it's the most relevant and up-to-date
13 information so I would start with that.

14 Q And is it, is it those identified concerns that
15 tell you sort of what you need to look at in terms of
16 providing services to the family?

17 A That's right.

18 Q Okay. On page 37394, which we have, the second
19 last paragraph -- actually, see under July 16, 2001 and
20 then it's dated 3:46 p.m. Up to that point, and including
21 that first paragraph, I understand that would have been
22 either written by Ms. Hanson or Ms. Chief-Abigosis. Or
23 sorry, not written, that would have been the description of
24 what happened until you took over the file and if you can
25 just leave the page there, please, where it says: This

1 worker, Kathy Epps?

2 A Right.

3 Q Do you see that? Resumed conduct of this file in
4 late August 2001?

5 A Yeah. And --

6 Q This starts --

7 A That's a typing error. It, it would have read
8 assumed conduct, that's --

9 Q Right. Because you weren't resuming conduct of
10 the file, you --

11 A That's correct, yes.

12 Q -- this is the first time you've ever had this
13 file?

14 A That's right.

15 Q And just, just so it's clear, everything prior to
16 that would have been what had happened on the file before
17 you as, as you gleaned from reading the file previously?

18 A Reading the file, that's correct.

19 Q Okay. So your involvement then would have
20 started then on July -- or sorry, on August 16 or August
21 2001?

22 A That's right.

23 Q Late. So sometime late August?

24 A That's right.

25 Q Okay. And --

1 THE COMMISSIONER: But you, you wrote all this,
2 this document?

3 THE WITNESS: Yes, I, I did.

4 THE COMMISSIONER: Yeah.

5 THE WITNESS: Yes.

6

7 BY MR. OLSON:

8 Q And when you wrote it, did you cut and paste or
9 build on the last -- say the transfer summary that Ms.
10 Chief-Abigosis prepared?

11 A Yeah. That wasn't unusual in, in -- if things
12 hadn't changed to -- for social workers to cut and paste
13 certain things into their transfer summaries, yeah.

14 Q Okay. And so when we go through with Ms.
15 Chief-Abigosis, her transfer summary, we'll see a lot of
16 the same information, almost verbatim, and that's because
17 you just took that information and then added yours after
18 that, is it?

19 A That's correct, yes.

20 Q Okay. So just immediately preceding your taking
21 over the file, I want to look at the paragraph where it
22 says July 16, 2001 at 3:46 p.m. It says: Received voice
23 mail from Constable Wouda, at 3:30 p.m., to call him and
24 there's a phone number. CB a Constable Wouda. Do you know
25 what the CB means, is that a term, acronym you're familiar

1 with? Is that call back?

2 A Call back, I would assume.

3 Q And then it says: "WPS to obtain and update on
4 the outcome of their investigation of baby's death."

5 A Right.

6 Q

7 "He stated that it doesn't
8 appeared to be (foul play by the
9 medical) foul play and that the
10 father is clear."

11

12 A That's correct.

13 Q

14 "The death is undetermined. The
15 house has been released by the
16 medical examiner and that they can
17 go back if they chose. This
18 worker gave the Constable Wouda
19 Jenny's phone number so he could
20 contact (Steve to) Steve their to
21 inform him of the outcome."

22

23 My understanding is that's something that Ms.
24 Chief-Abigosis would have recorded in the file. That's
25 something that she would have done in the file --

1 A Yes.

2 Q -- that's from --

3 A Yes.

4 Q -- that's -- these are her notes?

5 A Those are her notes.

6 Q And you paste it into your document; right?

7 A Right.

8 Q And what it's referencing there is the recent
9 death of Steve Sinclair and Samantha Kematch's baby
10 daughter, that other child we heard about yesterday. Is
11 that right?

12 A That's right?

13 Q And what did you know about that when you took
14 over the file?

15 A When I took over the file I knew that their
16 daughter had succumbed to respiratory ailment and that
17 Steven had custody and care of Phoenix and the baby at the
18 time, that Steven -- and Steven was caring for the baby at
19 the time and had, had found her deceased in, in the crib.

20 At the time that I took the file there was the
21 medical examiner's report and the report from Winnipeg
22 Police Services with respect to the death of this child.

23 Q Okay. And just so we get the reference correct,
24 so this, this is July 16, 2001 at 3:46 p.m. --

25 A Right.

1 Q -- that this particular intervention is noted or
2 note is made?

3 A Right.

4 Q If we take a look -- and this -- first between
5 July 16, 2001 and when you assumed conduct of the file, in
6 late August 2001, there doesn't appear to be anything
7 recorded. Do you know if anything, any worker was doing
8 anything with the file in that time period?

9 A Not to my knowledge, no.

10 Q Okay.

11 THE COMMISSIONER: That was from when to when?

12 MR. OLSON: That would be from July 16, 2001 -- I
13 think we'll hear from Ms. Chief-Abigosis, that's when she
14 left the agency.

15 THE COMMISSIONER: Until August?

16 MR. OLSON: Until late August 2001 when Ms.
17 Peterson, here Ms. Epps, took over the file.

18

19 BY MR. OLSON:

20 Q So just -- you're the worker that came on and you
21 would have looked to see what had been done and your
22 understanding is that nothing really happened in that
23 period of time, July 16th, late August, is that -- do I
24 have that right?

25 A That's right.

1 Q Okay. And if we just take a look at the CME,
2 those two medical examiner's report with respect to the
3 baby's death, that's at page 36997 of Commission disclosure
4 1795. Now, this is the autopsy report form and is this the
5 document where -- that shows that there was no foul play
6 involved in, in the baby's death?

7 A Yes.

8 Q Okay. And so is this a document you would have
9 received, that you would have reviewed?

10 A I believe so, yes.

11 Q Okay. And so just to give a timeframe, it
12 appears here that the baby was admitted July 15, 2001 at
13 10:05 and pronounced deceased at July 15, 2001 at 10:20.
14 Is that, is that your understanding?

15 A That was my understanding.

16 Q Okay. So then the note, the last note we looked
17 at in, in your summary, your closing summary, was dated
18 July 16, so that's the day immediately after the death of
19 the baby. Is that right?

20 A Correct.

21 Q Okay. And so immediately after the death of the
22 baby, until you came on the file in late August 2001, there
23 was no social worker involved in the file. Is that your
24 understanding?

25 A When Delores left there was no social worker

1 involved with the file, no. After Delores left?

2 Q Right.

3 A No.

4 Q Okay. And it appears, at least from what you've
5 seen in the file and what you know, that the last, the last
6 entry on the file was that July 16 recording; is that ...

7 A Yes.

8 Q Okay.

9 A For Delores, yes.

10 Q And that wasn't necessarily an entry saying that
11 anyone had seen Steve Sinclair and Samantha Kematch, it was
12 just recording what, what was happening at that point, is
13 that ...

14 A That's right.

15 Q Okay. And this autopsy report form says that:
16 The deceased was found unresponsive. Do you see where I'm
17 reading there, the paragraph, the second paragraph in the,
18 in the form?

19 A Yes.

20 Q It says:

21

22 "The deceased was found
23 unresponsive by her father in the
24 morning. Resuscitative efforts by
25 a family member, Winnipeg

1 Ambulance and Health Sciences
2 Centre were unsuccessful. A
3 rectal temperature of 40 degrees
4 was obtained at the Health Science
5 Centre Emergency. The infant had
6 (last) been last seen about one
7 hour prior to being found when she
8 was changed and put to --"

9

10 I guess it looks like bed on her back.

11

12 "The child had recently had a cold
13 with a cough and nasal stuffiness.
14 The father was in charge of the
15 deceased and a 1 year old sibling
16 as the mother had left the family
17 about two weeks previously."

18

19 A Correct.

20 Q And then the autopsy findings say:

21

22 "Chubby, well cared for appearing
23 female infant with
24 ... diaper dermatitis --"

25

1 Which I understand is a diaper rash.

2 A Right.

3 Q

4 "Early and moderate.

5 ... no congenital abnormalities.

6 no significant trauma.

7 ... 0.3 centimeter bruise,

8 posterior right parietal scalp.

9 ... negative x-ray study

10 ... normal brain and brain

11 covering."

12

13 And then under cause of death it says: Acute and
14 chronic lower respiratory tract infection.

15 A Correct.

16 Q And so that's the information you would have had
17 when you assumed conduct of the file?

18 A Right.

19 Q With respect to the baby's death. And aside from
20 that, did you have any other information about the
21 circumstances or, or what had happened?

22 A There were certainly the notes in the, certainly
23 the notes in the, in the file, around the issues and the
24 agency's attention at the time.

25 Q Okay.

1 A In response to the death of this child.

2 Q Okay.

3 A So there were, there were references to that,
4 there were notes in -- that I read around that. And ...

5 Q Can, can you recall what was happening at the
6 time with the family, between Steve Sinclair and Samantha,
7 Samantha Kematch, around the time of the baby's death?

8 MR. RAY: I'm sorry, I don't think -- I think the
9 witness has stated that she didn't take care of the file
10 until August, late August, so I don't know how she would
11 know personally what was happening but ...

12

13 BY MR. OLSON:

14 Q Maybe I'll put it this way. In reference to your
15 review of the file, are you able to describe what you
16 understood was happening at the time of the baby's death
17 with the family?

18 A I -- with the family?

19 Q With the family.

20 A Steven and, and Samantha?

21 Q Right.

22 A I, I understood that Steven and Samantha were
23 separated, that Steven had care and custody of the two
24 children --

25 Q Okay.

1 A -- that he was getting supports from his sister
2 and community members.

3 Q Okay. And, and was any legal custody arrangement
4 in place at the time for Phoenix?

5 A No, not at this time.

6 Q Okay.

7 A We had not gone to court yet.

8 Q Okay. So either parent could, could look after
9 Phoenix at that point?

10 A Either parent had the right to.

11 Q Okay. Now, if we go back to your closing summary
12 on page 37394, under July 16, the second paragraph, it
13 says:

14

15 "This worker, Kathy Epps, resumed
16 conduct of this file late August
17 2001. This worker attempted to
18 contact Steven a couple of times.
19 Steven did not respond to my
20 inquiries, however, his sister
21 Sheila, did, as this worker has
22 had a relationship with all three
23 of the youngest Sinclairs. Sheila
24 had stated that Steven was doing
25 well with Phoenix and that Jenny

1 was helping out. Sheila had also
2 mentioned that she was getting
3 married. Sheila had assured this
4 worker that she would pass along
5 the message that I was available
6 to meet with Steven to talk or
7 provide service if needed.

8 After another attempt to speak
9 with Steven, this worker wrote a
10 letter requesting that Steven
11 attend to the office. Steven did
12 not respond to the letter and no
13 concerns have been directed to the
14 Agency."

15

16 Those last two paragraphs, does that summarize
17 your entire involvement in the file after assuming conduct?

18 A Yes.

19 Q Okay. And I think yesterday you confirmed for us
20 that after assuming conduct of the file you hadn't seen
21 either Phoenix Sinclair or Steven Sinclair?

22 A No.

23 Q Okay. That's correct; right?

24 A That's correct.

25 Q Okay. What -- and when you assumed conduct of

1 the file and I think you confirmed this yesterday, I just
2 want to be sure, you didn't actually talk to Ms.
3 Chief-Abigosis, did you?

4 A No.

5 Q Okay. And so you didn't have either a telephone
6 conversation with her or, or any kind of communication with
7 her?

8 A No. I, I met with her, her supervisor, who was
9 now my supervisor.

10 Q That was with Lorna Hanson?

11 A That's correct.

12 Q Okay. And that was -- you went with Lorna Hanson
13 when you took on the file; is that right?

14 A Yes.

15 Q And do you recall what you spoke to Ms. Hanson
16 about?

17 A What we spoke about was the direction that we
18 would take with respect to Steven's file at this time and
19 at, at the time that I took over the file the child
20 protection concerns that had been presented at the
21 beginning, when the file was opened, had been addressed.
22 The children were in Steven's care and appeared -- the
23 situation appeared to be somewhat stable, certainly stable
24 enough in terms of the fact that he had community
25 resources. He had completed the programs that he was

1 required to complete and the discussion had been made that,
2 that this file could be closed.

3 Q Okay, so --

4 A But given the fact that this parent had just
5 recently had a loss in his family, we wanted to try and,
6 and reach out and provide, at this point, would be
7 voluntary, services to the family to, to Steven in hopes
8 that he might respond and accept some services.

9 We -- I think that we both knew, Lorna and I both
10 knew, that there was a chance that Steven would not respond
11 and I was hoping that if anybody in the agency he might
12 respond to my overtures. The Sinclairs did not have a lot
13 of faith in the system, at the time, understandably and,
14 and we had hoped that perhaps Steven would, would respond.
15 Genny had called me a month or six weeks previous to that
16 so we had hoped that maybe Steven would respond, otherwise
17 then the, the file would be closed.

18 Q So was this file when you, when you assumed
19 conduct, did you still consider it to be a protection file?

20 A It's -- it was -- it's still considered to be a
21 protection file till it's closed, yes.

22 Q Okay. And with a protection file, is that where
23 the, the agency is required to provide services to a family
24 or maybe you can explain that, what a protection file
25 means?

1 A When there's a protection file, when there's a
2 protection file there are -- there's evidence for mandated
3 services to the agency. In other words, the family doesn't
4 have a choice, that if, if the agency has, has determined
5 that there are child protection concerns, child welfare
6 authorities are going to be involved with their family and
7 certainly Samantha Kematch and Steven Sinclair, at the
8 beginning when this file was opened, there were high risk
9 protection concerns.

10 Q Okay.

11 A It continues to be an open protection file till
12 it's closed.

13 Q Okay. So remained a protection file. But you
14 said Steve wasn't -- didn't appear to be receptive to
15 agency intervention?

16 A That's right.

17 Q Okay. But didn't the agency have the ability to
18 see how things were going with Steve and, and take what
19 steps were necessary to protect the child?

20 A Yes. But there, there does, there does come a
21 point where we have to examine whether the family has met
22 all the conditions with respect to the, the initial and
23 ongoing child protection concerns and if those, those have
24 been addressed and no new ones have been reported then
25 it's, it's, it's not considered that the child is, is in

1 need of protection at that time.

2 Q Okay, so --

3 A Or a higher risk at that time that we can mandate
4 service.

5 Q So are you saying then at some point you, with
6 your supervisor, Ms. Hanson, determined that this was not a
7 file that would require mandated services?

8 A That's right.

9 Q Okay. And we'll go through that shortly. Did
10 you -- how do you recall this conversation with Ms. Hanson
11 when you took over the file? Do you have a note of it
12 anywhere?

13 A No, I don't.

14 Q Okay. Do you have any notes on the file other
15 than what we -- other than your closing summary?

16 A No, I don't, I don't think so.

17 Q Is there any reason for that, for not having any
18 notes?

19 A I'm not sure, I -- certainly I did a couple of
20 cold calls, I mean to Steven's home, unannounced, and he
21 wasn't there, and I would have jotted that down on a, on a
22 piece of paper when I came back. There ought to have been
23 a copy of the letter that I wrote to Steven, when I closed
24 the file and it is possible that I forgot to make a copy
25 and put it in, that's, that's a possibility.

1 Q Because there is no letter in the file, as far as
2 you, you know, just from your review; is that right?

3 A I, I am aware of that, yes.

4 Q Okay. And in terms of dates, when you look at,
5 at the rest of your, your closing summary, you'll see that
6 each, each paragraph is dated and then there's even a time
7 after that. With respect to what you've written, there
8 doesn't appear to be -- there, there don't appear to be
9 any, any dates or times in terms of what you did on the
10 file. Is there a reason, a reason for that?

11 A No.

12 Q Okay.

13 A Other than to -- it was just the summary of, of,
14 of my response in terms of, of after I had the meeting with
15 Lorna and my response in terms of trying to contact Steven.

16 Q Okay. In terms of the lack of notes on this
17 file, is that normally what your practice would be in a
18 protection file?

19 A No. Normally in -- on a protection file there
20 would be notes in the back in, in a -- that were put in a
21 brown envelope --

22 Q Okay.

23 A -- but given that I had no contact with the
24 family there are very few -- there would be very few notes
25 on this and it -- so I had summarized it in my transfer

1 summary, my contacts.

2 Q Do you -- looking at it, the file now, and what
3 you know, do you think your, your lack of contact with the
4 family was appropriate in this case?

5 A I think yes, I think in, in response to what
6 Lorna and I had talked about and the fact that, that we
7 knew that, that there was a chance that Steven wasn't going
8 to respond to any overtures from the agency, and that he
9 had met all the requirements, that I -- yeah.

10 The, the -- I'm sorry, what was your question
11 again?

12 Q Based on what you knew about the file, and when
13 you're looking at it now, do you think your -- the lack of
14 contact --

15 A Excuse me, I'm going to have to take --

16 THE COMMISSIONER: A break?

17 THE WITNESS: A break.

18 MR. OLSON: That's fine.

19 THE COMMISSIONER: Certainly. We'll adjourn for
20 10 minutes and if you need longer you take it, witness.

21

22 (BRIEF RECESS)

23

24 MS. WALSH: Mr. Commissioner, you'll see that we
25 have a different witness in the stand. We've had a slight

1 change in our schedule. Ms. Peterson has a medical
2 condition that does require her to, to take frequent
3 breaks, just in her daily living, so she's asked for an
4 opportunity to have a little bit of a rest --

5 THE COMMISSIONER: Sure.

6 MS. WALSH: -- before she comes back to finish
7 her testimony and so the next witness is ready to begin her
8 evidence and once we're finished with this witness then
9 we'll have Ms. Peterson back.

10 THE COMMISSIONER: If she's ready.

11 MS. WALSH: Yes.

12 THE CLERK: Would you like to swear on the Bible
13 or affirm?

14 THE WITNESS: Sure.

15 THE CLERK: Swear on the Bible, all right. I you
16 could just stand for a moment. State your full name to the
17 court.

18 THE WITNESS: It's Marie Pickering.

19 THE CLERK: And spell me your first name.

20 THE WITNESS: Pardon me?

21 THE CLERK: Just spell me your first name.

22 THE WITNESS: M-A-R-I-E.

23 THE CLERK: And your last name, please.

24 THE WITNESS: P-I-C-K-E-R-I-N-G.

25 THE CLERK: Thank you. Do you swear the evidence

1 you will give to this court -- or just take the Bible. Is
2 there a Bible there?

3 THE WITNESS: Yes.

4

5 **MARIE PICKERING**, sworn, testified

6 as follows:

7

8 THE CLERK: Thank you.

9 MS. WALSH: Good morning, Ms. Pickering.

10 THE WITNESS: Good morning.

11

12 DIRECT EXAMINATION BY MS. WALSH:

13 Q Let's just clear something up, where you are
14 referred to, in many of the file reportings, you are
15 referred to as Marie Belanger.

16 A Right.

17 Q So you have, have changed your name since 2000?

18 A Right.

19 Q Okay. Thank you. You are currently employed as
20 a teaching support worker?

21 A Yes, I am. Yes.

22 Q And who is your employer?

23 A It's Child and Family Services, CFS.

24 Q Winnipeg Child and Family Services?

25 A Yes. Yeah. Sorry.

1 Q Yes. That's okay. And do you also describe
2 yourself as a family support worker?

3 A Yes, I do.

4 Q So teaching support worker, family support
5 worker, same, same thing?

6 A Yes.

7 Q Okay. And can you tell us what, what does a
8 family support worker or a teaching support worker, what do
9 they do?

10 A We go into individual's homes and we work with
11 the parents, teaching them parenting skills, or budgeting,
12 shopping, how to take care of the children and put them on
13 schedules. See if they're having any problems with
14 parenting. And we help them with that. Take them
15 shopping.

16 Q Take them shopping? And how long have you been
17 doing this work?

18 A Twenty-four years.

19 Q And has your job description been the same
20 throughout your career?

21 A Yes, it has.

22 Q And you're still doing it?

23 A Yes, I am.

24 Q Okay. And tell us a bit about your background,
25 what's your education or training?

1 A Way back when, when I first started, I was
2 trained in child care. I worked in a group home for young
3 girls and I had child care, one and two, level two
4 training. And I worked with high risk level five girls.

5 Q So was that training that was provided to you by
6 the agency?

7 A Basically on my own to get that training. And
8 then I've taken a lot of training classes, courses since
9 then through the agency.

10 Q What kinds of topics were you trained in?

11 A Crisis intervention, budgeting, how to
12 communicate properly. I'm not doing a very good job of
13 that one. But all different kinds of things to do with
14 parents and children and training them and raising them.

15 Q Okay. And generally, how would you come to be
16 involved with a family?

17 A I would get a contract from our office, from my
18 coordinator would give me the contract, and I would read
19 through it with her and if I wanted that case or whatever,
20 I would take it.

21 Q So you had some say in whether or not you would
22 accept a contract?

23 A Yes, yes. Because sometimes it just doesn't with
24 you or you're not comfortable with that contract so I
25 usually work with a lot of young moms and single parents.

1 Q That's your preference?

2 A Yes.

3 Q Okay. And who do you report to?

4 A My coordinator.

5 Q Has that always been the case?

6 A Yes.

7 Q So you've always had a coordinator?

8 A Always.

9 Q And what's the nature of the relationship between
10 you and the coordinator? Does the coordinator provide you
11 with any advice?

12 A Oh, yes, yes. If I ever needed an opinion on
13 something or wasn't understanding something, or it wasn't
14 getting on a proper direction she would help me figure that
15 out, what to do, the best course of action.

16 Q So the coordinator is your supervisor?

17 A Yes, she is.

18 Q And over your 24 years have you had different
19 coordinators?

20 A A few.

21 Q And would you have regularly scheduled meetings
22 with those individuals?

23 A Yes, we have supervision once a month or so to,
24 to sit down and discuss our cases or anything that's
25 bothering, you know, pertaining to the clients or not,

1 maybe personal.

2 Q Has that always been the case --

3 A Yes, it has.

4 Q -- that you had that frequency of --

5 A Right.

6 Q -- supervision?

7 A Right.

8 Q And if you wanted to talk to a supervisor, other
9 than on one of those scheduled meetings, could you?

10 A Oh, yes. Usually just phone up or pop in.

11 Q Okay. And speaking in 2000 but perhaps it's true
12 throughout your career, did you make notes of the work that
13 you did with families?

14 A Yes, that was part of our practice and that would
15 go in with my timesheets on Fridays, when we would send
16 them in for the end of the week to report on what happened
17 that week. It doesn't mean every Friday and sometimes it's
18 twice a week or I mean, twice a month or once a month,
19 depending on what's going on in the home.

20 Q And is what you're describing true throughout
21 your career?

22 A Yes.

23 Q So either every week or every two weeks you would
24 provide your supervisor with your notes, reflecting what
25 you did with the families?

1 A Right.

2 Q And also your timesheets reflecting the hours
3 spent working with them?

4 A Yes. Yes.

5 Q And how would you create your notes? Were they
6 handwritten?

7 A Yes.

8 Q Were they -- was there a form or ...

9 A We have a form that says things that -- to start,
10 time of day, the purpose of the contact, like parenting
11 skills or whatever. And observations. And then your goals
12 for the next week's home. That's usually how you fill it
13 out.

14 Q And when would you fill them out?

15 A Usually on a Friday or a Saturday.

16 Q So would that be the same day that you had a
17 visit?

18 A No. I would jot things down throughout the week
19 and then I would put them all together on the form at --
20 when I'm sitting down to do all the notes.

21 Q And did you keep copies of your reports?

22 A No. We're not allowed to because of the
23 confidentiality. I send mine into my supervisor and I
24 would usually have a copy at the home but once a contract
25 is finished they're usually gone to the office to get

1 shredded.

2 Q Sorry, say that again?

3 A I have a note that -- a copy of the notes, as I
4 make them, because I would fax them in, so I'll have a copy
5 at home; right? And my social -- support worker she gets
6 the teacher -- confused. My coordinator gets the paper
7 then she faxes it off to the social workers so they both
8 have a copy.

9 Q So you're understanding is that your reports
10 about what you did with the family were sent by your
11 coordinator to the social worker involved with the family?

12 A Exactly.

13 Q Okay. That was your expectation?

14 A Right.

15 Q And did you say you had some notes at home?

16 A I would have had notes at home at the time that I
17 wrote them and then they would get shredded because we're
18 not allowed to keep that personal information at our homes.

19 Q So when would you shred them?

20 A End of the week, month. Depending on how much I
21 had do.

22 Q Okay. Did you have a shredder at home or --

23 A Yes, I do. It's always on the go.

24 THE COMMISSIONER: Do you work out of your home
25 or do you have an office?

1 THE WITNESS: Well, we have an office but we
2 usually do all our paperwork and stuff at home. We don't
3 have an office we can go sit in every day to get our work
4 done --

5 THE COMMISSIONER: No.

6 THE WITNESS: -- sort of thing. There is a room
7 available to us but we don't -- not all of us can fit in
8 that room.

9 THE COMMISSIONER: Yeah, okay.

10 THE WITNESS: Thank you.

11

12 BY MS. WALSH:

13 Q So the family support worker's office is separate
14 from an agency office?

15 A The family support office is in the same
16 building, it's just called a support office, for a room
17 office, where we have our computer and files and all our
18 paperwork that we need.

19 Q So in the same building as Winnipeg CFS?

20 A Right.

21 Q Okay. And what kinds of things would you put
22 into your reports?

23 A How the family was doing, what they were doing
24 with the children, you know, if they were taking them out,
25 if they're bathing them properly, the house is clean,

1 they're on a schedule, they're feeding them good food.
2 Whatever, depends on what's pertaining to that client.

3 Q Okay. And we heard Ms. Greeley, who is a social
4 worker, say that social workers rely on the family support
5 workers to provide information about what they're observing
6 in the home and how the parents are coping. Would you
7 agree with that?

8 A Yes, I would.

9 Q Okay. So you knew that that's, as a family
10 support worker, you know that that's something the social
11 workers are relying on you to report on?

12 A Right.

13 Q Okay. And is that reporting done only by virtue
14 of your notes being provided to the social worker?

15 A For the information they had?

16 Q Observations that you're making in the home?

17 A Okay, yes, that goes --

18 Q Do you have any other contact, typically, with
19 the social worker?

20 A Sometimes we'll talk on the phone or we'll just
21 go in and have a meeting together to see -- regroup on
22 what's going on with the family.

23 Q Because you're in the same building?

24 A Not always.

25 Q Okay.

1 A My social workers are not in the same building as
2 me.

3 Q But you would, nonetheless, sometimes have
4 in-person meetings with the --

5 A Right.

6 Q -- social workers?

7 A Yeah, I would go to their offices.

8 Q Okay. Was that -- how frequently did you do
9 that?

10 A It depends on the necessity. If I really had
11 something important to see them with, or something was
12 going on in the home, that wasn't right, I would go
13 there -- phone them and go there and see if they're there,
14 or they would come out and meet me.

15 Q So would you initiate contact with the social
16 worker sometimes?

17 A Generally, yeah.

18 Q And would the social worker call you sometimes?

19 A Oh, yes.

20 Q What's an example of something that would prompt
21 you to want an in-person meeting with a social worker?

22 A Somebody not being home most of the time when I
23 got there, they're not showing up, or there's something
24 suspicious in the home. Someone there that's not supposed
25 to be there. Or if you see something you don't like that's

1 happening. So then I would phone them right away and get
2 them to regroup with me.

3 Q Were you required or expected to report any
4 protection concerns that you might observe in a family?

5 A Oh, yes.

6 Q And so if you found protection concerns, what
7 would you do?

8 A I would phone them -- the social worker
9 immediately and then I would also put it in my report. And
10 then she would come down and she would deal with it, or he.

11 Q The social worker?

12 A Yes.

13 Q Okay. And over your 25 year, 24 year career, has
14 that ever happened where you have had to do that?

15 A Yes.

16 Q How frequently?

17 A Maybe a half a dozen times.

18 THE COMMISSIONER: That you had to do what?

19 THE WITNESS: I had to contact the social worker
20 immediately because I thought something suspicious was
21 going on in the home.

22 THE COMMISSIONER: Right.

23 THE WITNESS: Or a child was getting hurt or
24 something.

25 THE COMMISSIONER: With respect to protecting --

1 THE WITNESS: Right.

2 THE COMMISSIONER: -- the child.

3 THE WITNESS: Right.

4 MS. WALSH: My question, Mr. Commissioner, had
5 related to reporting protection concerns.

6

7 BY MS. WALSH:

8 Q And would a social worker ever specifically ask
9 you to look for something in particular when you were
10 working with a family?

11 A Yes, they would give you a heads up if they had
12 some suspicions of something going on in the home that
13 wasn't right, then you would really focus on that, as well.

14 Q Okay. Would they ever ask you to do any specific
15 kind of work with the family?

16 A That's usually in the contract already, when you
17 get it you know what you have to do, whether you're doing
18 parenting or teaching or help out with the baby.

19 Q Okay. And we'll look at your contract in a
20 minute.

21 A Okay.

22 Q And which members of the family or people were
23 you required to see when you visited with families?

24 A If the mom and dad were together it would be both
25 of them, otherwise mostly the mom.

1 Q What about the children, were you expected to see
2 the children?

3 A Oh, yes.

4 Q Was that a mandatory thing, in your view?

5 A Right. Because generally you want to see how
6 they're getting along, what they're doing, if they're
7 dressed properly, or if they're bruised or something is not
8 right with them. So if you can't see them, you don't know
9 what's going on.

10 Q And so, as you've said, you also kept records of
11 the actual hours spent, working with families?

12 A Right.

13 Q On timesheets?

14 A Yes.

15 Q And you handed those into your supervisor?

16 A Yes.

17 Q And along with the notes that you took of family
18 visits?

19 A Right.

20 Q Okay. And we have those in our disclosure, and
21 we're going to look at those in a minute, as well.

22 Now, we've heard evidence that you provided
23 services to Phoenix and her family in 2000.

24 A Correct.

25 Q And did you make notes of the services that you

1 provided?

2 A Yes. That was our standard practice.

3 Q And we already know that none of those notes can
4 now be found?

5 A Right.

6 Q And, in fact, the department has made an
7 admission, in Exhibit 14. If we can pull that up, please,
8 page 7.

9 THE COMMISSIONER: This is exhibit what?

10 MS. WALSH: Fourteen.

11

12 BY MS. WALSH:

13 Q This is the admission as to facts of the
14 Department of Family Services and Labour and paragraphs 24
15 and 25 relate to family support worker. Paragraph 24 says:

16

17 "A Family Support Worker (FSW)
18 provided in-home services to
19 Samantha Kematch and Steve
20 Sinclair in 2000. This was a
21 service provided by the Family
22 Support Program through Winnipeg
23 CFS."

24

25 The next paragraph says:

1 "The Family Support Program does
2 not have a copy of the FSW's
3 contact notes relating to services
4 provided to Samantha Kematch and
5 Steve Sinclair. Winnipeg CFS
6 cannot locate a copy of the FSW's
7 contact notes."

8
9 So that, that explains why you don't have notes
10 to refer to?

11 A Right.

12 Q Okay. And between 2000 and today, how many
13 families do you think you have worked with?

14 A I couldn't say, more than a dozen, it would be
15 more than 20.

16 Q In the last 12 years?

17 A Oh, lots, lots of people. Lots of families. I
18 wish I had actually got those numbers for you.

19 Q Hundreds of people?

20 A I would say. It's a lot of people I've worked
21 with.

22 Q Okay. And so without the benefit of your notes
23 that show what work you did with, with Phoenix's family,
24 are you able to recall much about the services that you
25 delivered?

1 A Not a lot, not a lot, that was quite awhile ago.

2 Q Okay. You have had an opportunity to review some
3 of the notes and recordings that the social worker made of,
4 of --

5 A Right.

6 Q -- her contact with you.

7 A Yes.

8 Q And that's as a result of preparing for this
9 inquiry?

10 A Right.

11 Q Okay. So we'll go through that.

12 Let's look at the service request, the contract
13 that started your services, which is page 37073. And we're
14 in CD1795 which is Ms. Kematch's file. So this is, is
15 called Winnipeg Child and Family Services Family Support
16 Services Request Renewal Form.

17 A Right.

18 Q And it's dated June 20th and you can see it's --
19 the box is checked off new request. The referring social
20 worker is Kerri-Lynn Greeley. And the focus of service
21 requested is family. The type of service requested, it
22 says children zero to five and teaching.

23 This is a document that you would have received?

24 A Very similar to this, yes.

25 Q Okay. Well, I think would you not have received

1 this very specific document relating to -- it says the
2 primary client is Samantha Kematch.

3 A No, it doesn't have my name on it or anything.

4 Q Well, let's, let's scroll through the whole thing
5 and we'll see. Hang on, we'll just -- we'll, we'll go
6 through it line by line. If you can just go back up,
7 please. Thank you.

8 So the primary client is Samantha Kematch and her
9 date of birth is noted. And then family of origin
10 information you've got Ms. Kematch and Mr. Sinclair, and
11 they have a common-law relationship. Children is Phoenix,
12 and her date of birth is there, and she's noted as being in
13 care as of the date of this contract.

14 And then significant others, you've got
15 collaterals or other service providers, Nikki Taylor from
16 the Winnipeg Boys and Girls Club, West Region CFS and Cree
17 Nation CFS. Service arrangements, requested starting date
18 is July 10, 2000 and the expiry date October 30, 2000.
19 Direct service hours four to six, and the number of weeks,
20 16.

21 So do you have -- and let's go to the end of it,
22 please, let's go to the next page. Then it says placement
23 resource information. Type of placement, foster family.
24 And that relates then to Phoenix being in care as of the
25 date of this request.

1 A Right.

2 Q June 2000. Then it has potential for violence.
3 And it says yes. And detail, Samantha has been known to
4 become verbally aggressive and uncooperative.

5 Billing, it says there's a family support service
6 agreement.

7

8 "Goals for family
9 to learn appropriate parenting
10 skills
11 to build a bond and relationship
12 between parents and child
13 to increase access with goal of
14 possible reunification of family."

15

16 And that's because Phoenix is in care at this
17 time.

18 A Right.

19 Q And then role and responsibility -- can you just
20 scroll up a bit, please. Thank you.

21

22 "Support worker
23 to provide modeling and education
24 regarding appropriate parenting
25 during access visits

1 to provide support and teaching to
2 the family in the home should
3 child be returned to parents.
4 to assist with assessing mother's
5 parenting ability by providing
6 information to social worker."

7

8 And then for the social worker the role and responsibility,

9

10 "to (access mother and to) assess
11 mother and father's parenting
12 ability ...
13 to monitor the access visits."

14

15 And then there's a role and responsibility of
16 others involved, Nikki Taylor to provide support.

17 And then there's the social worker's signature
18 and a unit supervisor's signature.

19 So do you recognize the signature of that
20 supervisor?

21 A No, I don't.

22 Q Is that Penny?

23 A Looks like Penny, something. I don't recognize
24 it.

25 Q You don't?

1 A No.

2 Q Okay. You don't remember the name of your
3 supervision in 2000 --

4 A No.

5 Q -- whether that was her? Okay.

6 So, would this document have been provided to
7 you?

8 A Not this very same one, probably very similar to
9 this but it would have been addressed just to me, yes. It
10 would tell me a little bit more about the family because
11 that's sort of the history at the back, parts of the
12 family.

13 Q Well, so we're not aware of any other documents
14 that requested service at this time and --

15 A Well, this one, obviously, the (inaudible) see
16 here is this one taken on by Nikki, it wasn't addressed to
17 me. So I would have got a different contract after this
18 one.

19 Q You're saying that you think this, this document
20 was address to Nikki Taylor?

21 A Yes. It says that she was the one providing the
22 services at the time.

23 Q Well, it has her role and responsibility but it
24 also has the role and responsibility of the service worker
25 at item 12. Would that not have been you, the family

1 support worker?

2 A Not at that time.

3 Q You weren't the family support worker at that
4 time?

5 A I can't remember exactly, in July, when I started
6 but this wasn't -- contract wasn't meant -- sent to me.

7 Q Okay.

8 A It would have my name and everything on it, as
9 well.

10 Q Okay.

11 A Not Nikki's.

12 Q So, if we look at your timesheets, starting at
13 CD2087.

14 A Right.

15 Q Page 44376. It's going to come up on the screen
16 for you. So this -- we're, we're told that this is one of
17 the timesheets that you submitted?

18 A Yeah, this is mine.

19 Q Okay, and how do you know that?

20 A It's got my name on it.

21 Q At the bottom?

22 A And at the --

23 Q Is that your signature?

24 A The top and bottom, yes.

25 Q Okay. So this is something -- would you have

1 filled this out in your handwriting?

2 A Yes.

3 Q Okay. And so the date at the top is for the week
4 ending July 16, 2000?

5 A Right.

6 Q Okay. And it has a supervisor named Allsopp?

7 A Anne Allsopp, yes.

8 Q And this shows the services that you provided to
9 a number of families for that week; right?

10 A Yes.

11 Q So we have blocked out their names and we've
12 left, you'll see in the middle of the page, Kematch?

13 A Exactly.

14 Q Okay. And what's the column next to Ms.
15 Kematch's name? What does that show?

16 A The, the GL code? I'm sorry?

17 Q With the number -- there's a number one recorded.
18 What is that? Before the GL code.

19 A I'm not really sure. I don't use those anymore.

20 THE COMMISSIONER: Well, for, for some you have
21 nine and three, and one and six, and eight.

22 THE WITNESS: I'm not really sure, sir.

23 THE COMMISSIONER: Is that --

24 THE WITNESS: We don't use that anymore, I'm not
25 really sure what those are for.

1 THE COMMISSIONER: I see.

2 MS. WALSH: Okay.

3 THE WITNESS: I can't remember that.

4 THE COMMISSIONER: It's, it's an old form.

5 THE WITNESS: Right.

6

7 BY MS. WALSH:

8 Q Fair enough. And then the GL code, what's that?

9 A The 133411, that tells me what that would be,
10 that is a supervised visit.

11 Q Supervised visit?

12 A Right. And it also tells them who to send the
13 bill to.

14 Q Okay. And then you've got days of the week.

15 A Right.

16 Q So you've got a recording under Tuesday?

17 A Yes.

18 Q From 11:30 -- what, what does that say, how much
19 time did you record?

20 A It was one and a half hours.

21 Q One and a half hours?

22 A Right.

23 Q Okay.

24 A That sounds like it would be an initial visit
25 then, that is the first time I would probably have met with

1 the social worker --

2 Q Okay.

3 A -- and the client.

4 Q And so that's for the week of July 16, 2000.

5 A Right.

6 Q And the service contract that we were just
7 looking at was dated June 2000. So is it your recollection
8 that the service contract that we looked at wouldn't have
9 related to the services that you started providing in July?

10 A It probably was the same thing but it would --
11 she had her -- like wrote the contract up with her name on
12 it, she was given the services first before I got the
13 contract.

14 Q Who, who are you talking about?

15 A The Kerri Greeley that was on here.

16 Q Yes.

17 A She was working with the family before I started.

18 Q She was the social worker.

19 A So she was doing it probably on her own, setting
20 this up but I wasn't the one -- my contract would have my
21 name on it and it would be addressed to me.

22 Q Okay.

23 A So it's the same, same form.

24 Q Okay. But, but it would be addressed to you.

25 A Right.

1 Q And you're saying that the one that we just
2 looked at, you didn't view that as being addressed to you?

3 A No.

4 Q Okay. So looking at page 44376, these
5 timesheets, that first column next to the name Kematch --

6 A Right.

7 Q -- and where you've got the number one, does that
8 represent the number of children who are in the family?

9 A I don't think so, otherwise boy, that's nine kids
10 in one family, wow.

11 Q No?

12 A That's not very often.

13 Q Okay. All right.

14 A I'm not really sure --

15 Q It remains a mystery.

16 A -- what that means.

17 Q No problem.

18 A Yes. I don't think it's that important.

19 Q No. And your supervisor is noted there as being
20 A. Allsopp, is that Anne Allsopp?

21 A Right.

22 Q And do you remember her being your supervisor?

23 A Yes, I do.

24 Q And if we go back to page 37073, the -- a request
25 for service contract that we have, and we scroll to the

1 second page, page 37074, under the signatures, the unit
2 supervisor appears to be Penny, it looks like maybe
3 Sinclair, so you don't recall that person being your
4 supervisor in June of 2000?

5 A No.

6 Q Okay. All right. So we don't, we don't have a
7 document that records how you came to work with this family
8 but we know that you did, starting in July of 2000?

9 A Right.

10 Q Okay. And the document that we saw had a start
11 date and an end date. Was that typical?

12 A Usually it's about three months they'll give you
13 for the first contract and then they'll extend it or, or if
14 it works out good they'll just end it.

15 Q And who decided whether a contract would be
16 extended?

17 A The social worker.

18 Q Would you have an input in that?

19 A Generally I do.

20 Q Would the social worker ask you for your input?

21 A Asked my opinion, do we think this family is
22 doing okay or do you think we should go for a little
23 longer, or we're satisfied with it?

24 Q And could you raise it on your own, that you
25 thought this family could use some more services with you

1 or --

2 A Yes, I can do that.

3 Q Okay. So do you recall what the goals and
4 responsibilities were that were given to you with respect
5 to this specific family?

6 A Probably parenting and monitoring them and
7 helping them figure out what they need to do with the baby,
8 and clothing, bedding, schedules, formulas.

9 Q Okay.

10 A Probably that with -- I would be working with
11 mostly moms and babies.

12 Q Are you -- what are you basing your, your answer
13 on in terms of recollection?

14 A Because of the young mom and the, the baby was
15 brought back into care -- back into the home after being in
16 care so they probably wouldn't spend a lot of time knowing
17 what to do with the baby.

18 THE COMMISSIONER: This was in the year 2000, as
19 you remember?

20 THE WITNESS: Yes.

21 THE COMMISSIONER: Okay.

22

23 BY MS. WALSH:

24 Q So do you -- was it typically for you to be
25 contracted to perform services before a child was returned

1 home?

2 A Very rare but yes, I have been assigned families.
3 Because I was going to take them to visit the parents or
4 get to know the parents, the supervised visits would be
5 usually in the office or somewhere else, or even in a home.
6 Then I would be starting with that family before that --

7 Q Okay.

8 A -- and continuing once they got home.

9 Q Do you know what specifically was asked of you
10 with respect to this family?

11 A No. I couldn't remember that.

12 Q Okay. Fair enough. So you don't have a specific
13 recollection of what the goals were that you were to
14 fulfill --

15 A No.

16 Q -- or what you were asked to observe?

17 A No, sorry.

18 Q No, don't apologize, I just want to confirm, or
19 what you were asked to do?

20 A No, I can't remember exactly what that would be.

21 Q Okay. And do you recall having contact Ms.
22 Greeley around working with this family?

23 A No.

24 Q Do you recall ever meeting Nikki Taylor?

25 A No, I don't.

1 Q And the service contracts, the example of the one
2 that we just saw, the request for service --

3 A Right.

4 Q -- do you have any input into what goes into
5 those documents or did they come to you filled out?

6 A They come to me filled out.

7 Q Okay. And in addition to receiving a service, a
8 request for service contract, do you typically receive any
9 information about the family you're going to work with?

10 A Usually attached to that contract there will be a
11 little bit of a summary on there of what the background of
12 the family is so I have an idea, somewhat, what they're
13 like.

14 Q And who prepares that summary?

15 A That would be the social worker, she sends in
16 that contract.

17 Q Okay. And so we have no way of knowing whether
18 you got that kind of summary with respect to --

19 A No.

20 Q -- the work you did in this case?

21 A No.

22 Q Okay. So what do you remember, if anything,
23 about the services that you provided to Phoenix and her
24 family?

25 A Very little.

1 Q Okay.

2 A I remember the baby, I remembered going to the
3 home, and then I don't remember much after that. As a
4 matter of fact, I don't even remember meeting the husband.

5 Q Okay. Do you recall whether you had been told
6 that Ms. Kematch had had a baby before she had Phoenix?

7 A No.

8 Q You don't remember?

9 A If it -- no, and if it was told to me, I don't
10 remember but it probably wouldn't pertain to what I was
11 doing with her so they wouldn't put that in the contract.

12 Q That wouldn't be relevant to you?

13 A No.

14 Q Okay. What kind of background information would
15 be important to you for going into her family's house?

16 A The family history, if there was any violence in
17 the history -- about the thing or -- where they came from,
18 how long they had been together or not together, the
19 family. What mom's like, if she's struggling or if she's
20 good at what she's doing. Just a little bit of history to
21 learn what they're like.

22 Q So the fact that this mother had had a previous
23 child who was in care --

24 A Um-hum.

25 Q -- would that have been important information for

1 you to know?

2 A That probably would have been very important
3 information for me to know.

4 Q Yes. Do you remember ever transporting Phoenix
5 to the visits that you attended while she was still in
6 care?

7 A No, I don't.

8 Q Is that something you would have done, do you
9 think?

10 A Not normally. We have drivers that do that but I
11 have, on different occasions, picked up children and
12 brought them for visits.

13 Q Do you remember where you met with the family?

14 A I would -- I can't remember but I would assume
15 that would be an office.

16 Q So -- and we'll go through the notes and see
17 what, what information we do have, but you don't have,
18 independent of what's in the notes from the social worker,
19 you don't have a recollection of, of the family?

20 A No, I don't.

21 Q Okay. So just in terms of your timesheets which
22 record and reflect the amount of time that you spent with
23 the family, if we can turn to -- they're at CD2087. And we
24 saw one example already but let's -- we saw the, the week
25 ending July of 2000. Let's look at another example, page

1 44385. So this is for the week ending October 10, 2000.

2 A Right.

3 Q And by this time we're told that -- we know that
4 Phoenix is back with her family. So what, what does your
5 timesheet tell us about the time that you spent with this
6 family?

7 A It looks like I was in there twice a week, looks
8 like Tuesdays and Thursdays. Or Wednesdays. Twice a week
9 for three hours.

10 Q Looks like Tuesdays and Thursdays, I think you're
11 right. Twice a week for three hours.

12 A Three hours at each visit.

13 Q Okay. And we'll just look at another example,
14 44389. And this is the week ending -- this is October.

15 A October.

16 Q October 8th?

17 A Yes.

18 Q Okay. So how much time did you spend this week?

19 A It looks like it's on a Monday, looks like four
20 hours on the Monday and nothing on the Thursday.

21 Q Does it say HA?

22 A It says SK, that means I was sick.

23 Q Oh.

24 A Sick day.

25 Q And there's a -- it says HA under Thursday or two

1 lines and an "A".

2 A 11:00 a.m.

3 Q Oh, okay. It says four hours.

4 A Right. That would be normally the amount of
5 hours I probably would have logged on that week to them but
6 I was away sick that day so then I just put that in as sick
7 and then they just take that to this -- the accounting goes
8 to (inaudible).

9 Q So it says eight hours at the end of the week?

10 A Right.

11 Q Is that because you get paid for your sick time?

12 A Yes, I do.

13 Q Okay. But you actually spent four hours with the
14 family?

15 A Right.

16 Q Okay.

17 A So it doesn't, it doesn't go to them, that four
18 hours are not charged to them.

19 Q Right. Okay. So my looking through this
20 disclosure of, of the timesheets that we've been provided
21 for you, for the year 2000, shows that -- and you recorded
22 time working with the Kematch family every week from July
23 16, 2000 until December 24, 2000.

24 A Correct.

25 Q And usually twice a week.

1 A Usually twice a week, right.

2 Q And I did note that there were some occasions
3 where you attended on a Friday.

4 A There's times in there I wouldn't go the same
5 time every day, to a lot of my clients I do this, I don't
6 go the same time every week because I want to sort of
7 surprise them so they don't get all used to me coming at a
8 certain time and be prepared for my visit. So I can kind
9 of see what's really going on.

10 Q Okay.

11 A Kind of sneak attack.

12 Q So -- and is that what you did with this family,
13 do you think?

14 A I would do that, yes.

15 Q Yeah? That's just your practice?

16 A That's my practice, right.

17 Q Okay. So then if we look at page 44405. This is
18 CD2088 and I understand that these are your timesheets from
19 January 2001 to mid-December 2001. And the page that we
20 have on the screen in front of you is for the week ending
21 January 7, 2001. Again, is this your handwriting on the
22 sheet?

23 A Yes, it is.

24 Q Okay. And the entry for Kematch shows that you
25 spent eight hours with the family.

1 A Underneath that it says VAC, which is vacation.
2 I was on holidays.

3 Q Oh, okay. So does that mean you didn't spend any
4 time with the family?

5 A Not that week.

6 Q Okay. Now, why is there a notation for, for the
7 family at all then? Did you just have a list of families
8 that you were to deal with --

9 A Right.

10 Q -- at a given time?

11 A Those were all the families that I would be
12 dealing with, they were marked out as well, and I would be
13 given an amount of times that I was supposed to spend with
14 them. And then when you do go on holidays or anything you
15 still put something under there because there's no place
16 else to put it.

17 Q Okay. So you didn't, in fact, see the Kematch
18 family in January of 2001?

19 A No.

20 Q Okay. And from my reviewing the, the time
21 timesheets, I didn't see that you were ever there at any
22 other time.

23 A No.

24 Q So now I'm going to refer you to some of the --
25 to some notes that were prepared by Kerri-Lynn Greeley and

1 I'm sorry did you say -- do you remember Ms. Greeley?

2 A No, I'm sorry, I don't.

3 Q Okay. So let's look at page 37317. And that's
4 in CD1795 which is Ms. Kematch's file. And you'll see,
5 towards the bottom of the page there's a note of a
6 telephone call to Marie B. and a phone number. And it
7 says: "Left message for her to pick up baby at 290 Jarvis
8 at 10:30."

9 Now, do you know whether that's a call to you?

10 A That's my name, my phone number.

11 Q Okay. And it suggests that -- well, it says that
12 message was left for you to pick the baby up and we're told
13 that that was Phoenix, at Jarvis at 10:30. Do you have any
14 recollection of --

15 A No.

16 Q -- of being asked to do that?

17 A No, I don't.

18 Q Okay. Let's go to page 37308. So this says --
19 this is a telephone call from Marie and it says: "She sees
20 parents" -- and it's signed at the bottom KG, so this is
21 not your handwriting?

22 A Right.

23 Q This is the social worker's handwriting.

24 A Right.

25 Q

1 "She sees parents as attentive to
2 the baby and needs.
3 They take turns changing and
4 meeting baby's needs.
5 They have crib, blankets,
6 sheets --"

7

8 I'm not sure what that word is.

9 A I don't know.

10 Q "Linens."

11 A Could be.

12 Q

13 "Baby wipes, formula. Showed them
14 how to make formula
15 not tap water. (They know) they
16 know that.
17 Let's get them an overnight.
18 Cooperating with her very well.
19 Not get any sense of risk to baby
20 for overnight.
21 Home is neat and tidy.
22 Talked about taking baby to a safe
23 place. They seemed to understand
24 about that."

25

1 So does this jog your memory in any way?

2 A No, it doesn't.

3 Q Fair enough. Is this the kind of information
4 that would be typical for you to convey to a social worker?

5 A Yes.

6 Q Okay. So what are the things, specifically, that
7 you're commenting on there?

8 A Well, the part when she's talking about the baby
9 going home for overnight, she probably asked my opinion on
10 how the baby was doing or how the parents were doing with
11 the baby.

12 Q Um-hum.

13 A And then she would ask to say well, can we start
14 with overnights, then they would go to weekends and then
15 eventually the baby comes home. So that would be that
16 pertained.

17 Q Okay. And was that something that you were
18 regularly asked about?

19 A Right. Because I'm in the home more often than
20 the social worker.

21 Q Right. What about your reference to the home is
22 neat and tidy, what's the significance of that, do you
23 think?

24 A That's something I normally comment on all the
25 time because you want to make sure that it's safe for

1 babies, it's clean. You get some really bad houses so you
2 have to, you have to comment on that to see how their
3 hygiene is and how they're taking care of things.

4 Q Okay.

5 THE COMMISSIONER: Did we establish what the
6 notation is at the very top of that form?

7 MS. WALSH: It says telephone call from Marie.

8 THE COMMISSIONER: Did we establish that?

9 MS. WALSH: I think we did.

10

11 BY MS. WALSH:

12 Q So this would have been you phoning the social
13 worker?

14 A I think that's what that means, I'm not sure. We
15 tried to figure that one out.

16 Q TCF, that's what the social worker said, as
17 opposed to the called on the note that we looked at
18 previously, which was TCT.

19 THE COMMISSIONER: Which had the phone number on
20 it.

21 MS. WALSH: Yes.

22

23 BY MS. WALSH:

24 Q So this would be an example of you calling the
25 social worker to report?

1 A Exactly. This would be probably what I would put
2 in the report as well.

3 Q So when would you pick up the phone and call the
4 worker as opposed to just giving, in your notes, on a
5 weekly or semi-monthly or semi-weekly basis?

6 A There's some social workers I'll phone at least
7 once or twice a week, just to let them know how things are
8 going or if I need a direction on something I'll phone
9 them. Just to let them know what the family is doing, I
10 have no problem doing that, phoning the social worker.

11 Q So on -- does it -- does there -- is there
12 anything in this note that tells you why you would have
13 picked up the phone?

14 A No. She may have left a message for me on the
15 phone and asked me to call her, that could be why I phoned
16 her. You know, she wanted to know what -- how things are
17 going, an update, at any given time.

18 Q Okay. Now, you make reference to parents, the
19 phone calls refers to she sees parents as attentive to the
20 baby and needs and -- they. So you said you don't remember
21 Mr. Sinclair --

22 A No, I don't.

23 Q -- but is it --

24 A Obviously I must have --

25 Q -- possible that he --

1 A -- met him once or twice.

2 Q Okay. And so we expect his evidence will be that
3 he remembers you being in the home.

4 A I hope so.

5 Q So that wouldn't surprise you that -- to know
6 that he was, in fact, in the home when you were there?

7 A Yes. I just don't remember meeting him.

8 Q Okay.

9 THE COMMISSIONER: But you're not saying he
10 wasn't there, you just don't remember?

11 THE WITNESS: I don't remember, yeah. Sorry,
12 sir.

13

14 BY MS. WALSH:

15 Q And we also expect his evidence to be that he
16 took the bigger role in parenting Phoenix. Is that
17 something that you can recall, whether or not --

18 A No.

19 Q -- you observed that?

20 A No, I can't even remember him.

21 Q Okay. And can you remember Phoenix?

22 A The baby, I do, but I don't remember -- I can't
23 remember her face anymore but I remember that because of
24 her name.

25 Q Okay.

1 A I remember the baby.

2 Q Other than her name, can you remember anything
3 about her?

4 A No.

5 Q And where it says taking baby, talked about
6 taking baby to a safe place, they seem to understand about
7 that, what does that mean?

8 A Sounds like the social worker was asking me about
9 that and saying that they had set up a place. Whether --
10 if one of them wasn't doing good or maybe wouldn't be
11 comfortable with the baby they would have a place to take
12 the baby but they would be safe. Whether it be the office
13 or a relative's place, that's what I think that means.

14 Q In your notes would you have noted who that
15 individual was or where that safe place was?

16 A I would have expected I would have more
17 clarification on that in my notes so that everybody would
18 know where the baby would be.

19 Q Let's look at another note from Ms. Greeley's
20 recordings, page 37304. And this is dated, at the top,
21 September 22nd, 2000 and it says: "TCF - Marie Belanger",
22 which I understand to mean telephone call from you.

23 A Okay.

24 Q And it's signed at the bottom KG, those are Ms.
25 Greeley's initials, and it says: "She said that the

1 parents are doing well - they are trusting."

2 A "Trusting of her."

3 Q "And cooperating with her." Does -- now, does
4 that mean cooperating with you, do you think?

5 A I would think so, yes.

6 Q Okay. And they trust you?

7 A Right.

8 Q

9 "Very attentive to baby has her on
10 a routine and seem to be doing
11 well. The home is neat and clean
12 and well kept. She will continue
13 to see them 2X week."

14

15 So that's you will continue to see them two times
16 per week?

17 A Right.

18 Q "And also drops in on Fridays to check on them
19 for weekend."

20 A That would probably be if they were getting a
21 visit for the weekend, we would just drop in, probably not
22 for long but just make they had everything in order for the
23 baby.

24 Q At this point, September 22nd, my understanding
25 is that the baby was already back with them?

1 A Yeah. So I don't know why, maybe I wanted to see
2 how they were doing through the week or something, or I
3 don't know after, for the weekends, see if they needed
4 anything.

5 Q Okay. And then let's turn to page 37506. Now,
6 these are notes that are signed by Ms. Greeley's
7 supervisor, Angie Balan, of a telephone conversation she
8 had with you on October 30th, 2000.

9 So it says October 30, 2000 phone call from Marie
10 Belanger -- and there's your number again. Is that, is
11 that --

12 A Right.

13 Q -- your number?

14 A Correct.

15 Q "Left message on voice mail - please call re:
16 Samantha Kematch." So that appears to indicate that you
17 left a message for the supervisor?

18 A That's what it sounds like. Well, actually, I
19 don't know if that was a supervisor, it might have gone to
20 the social worker.

21 Q Okay, okay. And then it says:

22

23 "October 30, 2000 PCT Marie
24 Belanger. Contract for family
25 support expires October 30, 2000 -

1 things stable at present. Advised
2 Marie that new worker will not be
3 assigned until approximately
4 November 13, 2000 - supervisor to
5 send renewal for 1 month for
6 transition to new worker and
7 monitoring in the interim, after
8 consultation with new worker and
9 update - contract may not be
10 renewed after 1 month elapses."

11

12 A Right.

13 Q So what do you understand this is about? It
14 looks like --

15 A They were changing social workers and what they
16 would -- did then is the contract would end with me but
17 they were leaving it on for one more month so I would still
18 monitor the family until the new social worker came in
19 order.

20 Q All right. And it says that it appears that you
21 made the first call?

22 A Right. It looks like I might have either
23 returned a call or I -- the contract was ending and I
24 wanted to know if it was going to be renewed or cancelled.

25 Q So that was something, and we saw that the, that

1 the contract that we looked at, which you said didn't, you
2 think, pertain to you, that the contract that we looked at
3 was -- had an end date of October 30, 2000?

4 A Right.

5 Q So then it was not uncommon for you to, to phone
6 the social worker when a contract was ending to see if it
7 could be renewed?

8 A Right. They tend to forget to renew them.

9 Q Okay. And so does this give you any assistance
10 in recalling whether or not you thought it should be
11 renewed as of October 2000?

12 A Probably calling to see if it was going to be
13 renewed shows me that I was probably wanting to stay in
14 there more or I could have stayed in if they needed me.

15 Q Okay. So then let's look at page 37507. And
16 we're still in Ms. Kematch's file. This is the Winnipeg
17 Child and Family Services family support services request
18 renewal form and this is dated October 30, 2000 and it's
19 identified as a renewal.

20 A Right.

21 Q And it's got your name at the top.

22 A Yes.

23 Q As the name of the previous support worker. And
24 under referring social worker it says not yet re-assigned.

25 A Correct.

1 Q It has a phone number of a worker and in brackets
2 (A. Balan) and I understand that's the person who signed
3 the telephone memo that we just looked at?

4 A Correct.

5 Q Focus of service requested, it says family. Type
6 of service requested, children zero to five. Teaching.
7 Primary client, Samantha Kematch. Family of origin
8 information, Samantha and Steve. Children, Phoenix.
9 Significant others we still have Nikki Taylor, West Region
10 and Cree Nation. Service arrangements, requested starting
11 date October 30, 2000 and the expiry date November 30. So
12 one month.

13 A Correct.

14 Q Hours per week, four to six, for four weeks. And
15 unlike the form that we looked at originally, page 37073,
16 your name is typed in at the top?

17 A Correct.

18 Q It was blank on the previous form. Can we go to
19 the next page, please?

20 So now placement resource information, there is
21 nothing typed there. Is that because Phoenix is now back
22 in her own home?

23 A I believe so.

24 Q Potential for violence, it still says yes.
25 "Samantha has known to become verbally aggressive and

1 uncooperative in the past." And is that something that you
2 have any recollection of?

3 A No.

4 Q Okay.

5 A Nothing like that.

6 Q Does that mean you can't remember or you remember
7 her --

8 A I can't remember.

9 Q Okay. Billing, family support service agreement.
10 Goals for the family say

11

12 "to learn appropriate parenting
13 skills
14 to build a bond and relationship
15 between the parents and child."

16

17 Can we scroll up, please? Thank you.

18

19 "Roll and responsibility
20 Support worker
21 to provide modelling and education
22 regarding appropriate parenting
23 to continue to monitor family's
24 stability/progress during
25 transition to new family service

1 worker."

2

3 And for this social worker.

4

5 "to connect with support worker
6 (once worker assigned) for update
7 on progress and further need for
8 service.

9 supervisor will be available in
10 the interim for
11 consultation/emergency needs."

12

13 And then it's signed by the unit supervisor who I
14 understand to be Ms. Balan. Typically, would your
15 signature be required on this?

16 A No.

17 Q Okay. So would you have received this document?

18 A Yes.

19 Q Okay. Do you recall working with Ms. Balan?

20 A No, I don't.

21 Q And then let's turn please, to page 37 --

22 THE COMMISSIONER: Just before you go on, just go
23 back to the first page of that, I didn't see the name
24 you've now referred to on the top.

25 MS. WALSH: At the top it says Marie Belanger.

1 THE WITNESS: It's spelt wrong.

2 MS. WALSH: Yes.

3 THE COMMISSIONER: Oh, I see, okay.

4 MS. WALSH: It's spelt Boulanger, as a baker.

5 And if you want, just for comparison, Mr.
6 Commissioner, to go to page 37073, the first renewal --
7 request form.

8 THE COMMISSIONER: So this one that's on the
9 screen now, you -- would it be correct to say that is a
10 referral to you as you understand?

11 THE WITNESS: With my name on it? Yes.

12 THE COMMISSIONER: Yes.

13 THE WITNESS: Yes, that's true.

14 MS. WALSH: The witness is saying she would have
15 received that one.

16 MR. COMMISSIONER: Yes.

17 MS. WALSH: But Mr. Commissioner, I've put back
18 on the screen the first contract that we looked at and you
19 can see that Ms. Belanger's name is not on that one.

20 THE COMMISSIONER: I, I see that.

21 MS. WALSH: And she is saying that she doesn't
22 think she would have received that one. Am I right?

23 THE WITNESS: Right.

24 MS. WALSH: Okay. So just, just for comparison
25 purposes.

1 MR. COMMISSIONER: Yeah, have it.

2

3 BY MS. WALSH:

4 Q Now, if we can go to page 37019. This is from
5 CD1795 from Ms. Kematch's file and it's part of a summary
6 that was prepared in February of 2001 of the services that
7 CFS provided to Phoenix and her family. And if you look at
8 the last paragraph --

9 THE COMMISSIONER: Prepared by whom?

10 MS. WALSH: This is prepared by the worker in the
11 -- I believe it's prepared, at this point, by Ms. Balan.

12 MR. COMMISSIONER: All right.

13 MS. WALSH: And it says:

14

15 "In early August Marie Belanger,
16 teaching support worker began
17 working with the parents. She was
18 to meet with them twice a week for
19 about two hours. Also access
20 visits increased to twice a week
21 for two hours. By mid-August
22 access visits were again increased
23 to longer duration and began to
24 take place at the parents.
25 Observations made by the teaching

1 support worker indicated that the
2 parents were attentive to and
3 appropriate with Phoenix. They
4 had also begun to accumulate all
5 of the necessary attire to care
6 for the baby. During a meeting
7 with the supervisor, Angie Balan,
8 on August 29, 2000 it was agreed
9 that the child be returned to the
10 parents care on September 5, 2000.
11 The Agency would require the
12 parents sign a service agreement
13 outlining what was expected of
14 them while the baby was in their
15 care. The agency support worker
16 would continue to work with the
17 parents and the baby at home."

18

19 Does this jog your memory in, in any way about
20 the work that you did with the family?

21 A No, sorry.

22 Q And do you know whether you met with Ms. Balan?

23 A I don't remember that either, I don't know if I
24 had met with her or not.

25 Q And if we turn to page 37022. This is

1 information that was recorded in Ms. Kematch's file by
2 Delores Chief-Abigosis, who took the file over from Ms.
3 Greeley. Do you recall whether you ever met Ms.
4 Chief-Abigosis?

5 A No, I don't.

6 Q And under recent involvement, the first paragraph
7 it says:

8
9 "December 11, 2000 an information
10 package on the Kematch family was
11 faxed to Germaine Brass - social
12 worker for Cree Nation CFS, ie.
13 case summary, etc. Family support
14 worker Marion Belanger called the
15 agency stating that she feels that
16 the couple is doing quite well for
17 young parents. The Family Support
18 Agreement expired: November 30,
19 2000. Ms. Belanger stated that
20 the family has done quite well and
21 if the contract is renewed she
22 would like to be recommended for
23 the position. Marie stopped
24 working with the family at the end
25 of November 2000."

1 Do you recall providing this information to the
2 agency?

3 A No, I don't.

4 Q Okay. And, in fact, we know that you continued
5 to work through to the end of December of 2000, based on
6 your time sheets?

7 A That's correct.

8 Q Do you know how that would have been arranged?

9 A The social worker would have just extended it,
10 and she sometimes wouldn't put in a renewal, she would just
11 phone the coordinator and say, you know, one more month or
12 something.

13 Q Okay. And that was not uncommon?

14 A Not uncommon, no.

15 Q Do you remember stopping your -- working with the
16 family? Do you remember when you stopped working with
17 them?

18 A I remember that when I was -- when I stopped
19 working with them I hadn't seen them anymore, they weren't
20 home, they were no longer at the residence.

21 Q What, what do you mean.

22 A So they were just -- they weren't home, they just
23 vanished, packed up and moved away. Without any warning.
24 I remember that.

25 Q So you've got timesheets for the end -- that go

1 to the end of December, so when, when was it that you say
2 they moved away?

3 A Probably when, when they ended the contract,
4 that's probably why it wasn't extended because they
5 disappeared.

6 Q And how is it that you remember that?

7 A I don't know, I just know that they weren't home
8 when I went there at the end.

9 Q So you went for a --

10 THE COMMISSIONER: And when did you end the
11 contract? Did you tell us?

12 THE WITNESS: December.

13 THE COMMISSIONER: Of?

14 THE WITNESS: Of 2000.

15 THE COMMISSIONER: And so you didn't see them
16 after that?

17 THE WITNESS: No.

18

19 BY MS. WALSH:

20 Q In fact, Mr. Commissioner, we looked, we saw that
21 there was one file or timesheet for January 2001 that this
22 witness had but she had -- she was on vacation so she
23 didn't actually attend but it appears that at least as of
24 January, the first week of January, 2001 you still had the
25 Kematch family on your family list?

1 A Right.

2 Q Okay.

3 A And that's probably when I went back and found
4 out they were no longer living there and they never left a
5 forwarding address.

6 Q And so do you know what you did when that
7 happened?

8 A I would phone the social worker and then she
9 would make the decision just to --

10 THE COMMISSIONER: And what --

11 THE WITNESS: -- don't go in.

12 THE COMMISSIONER: -- what address had you been
13 going to?

14 THE WITNESS: I can't remember the address. It
15 was a house.

16 THE COMMISSIONER: It's shown on these forms,
17 Magnus Avenue or something on some of these forms.

18 MS. WALSH: Do we have an address?

19 If we look at 37073, it does show an address.

20 THE COMMISSIONER: Yes.

21 THE WITNESS: Right.

22 MS. WALSH: Suite 4-864 Magnus Avenue.

23 THE WITNESS: I remember that they moved from
24 there -- they moved into a house, they were living in a
25 house.

1 BY MS. WALSH:

2 Q So was -- that wasn't this address then?

3 A I don't know.

4 THE COMMISSIONER: Well, that tells me it could
5 have -- this could well have been an apartment.

6 THE WITNESS: That's what I'm thinking it could
7 have been but I know when I left working with them, I
8 believe it was a home I was visiting them in but I can't
9 remember everything.

10 THE COMMISSIONER: No, I realize this --

11 THE WITNESS: Sorry.

12 THE COMMISSIONER: -- is a long time ago.

13 THE WITNESS: Yes, it was.

14

15 BY MS. WALSH:

16 Q And now, if we pull up 37507, which was the
17 renewal, five, zero, seven. That's got 740B Magnus Avenue.

18 A That could probably -- "B" could probably be like
19 a side-by-side.

20 Q Okay. Is that what you remember, that you
21 visited them in a house?

22 A Right.

23 Q Do you remember initially visiting them in an
24 apartment?

25 A No.

1 Q Always a house?

2 A Seemed like a house to me.

3 Q Okay. Okay. And so do you think that's the
4 address that you went to and found no one home?

5 A That would probably be the last address.

6 Q Okay. And your counsel has just told me, based
7 on her analysis of your timesheets, that your last contact
8 with them was December 13, 2000. Is that right?

9 A Okay.

10 Q So that's just based on, on her careful review of
11 the timesheets. So were you concerned when you went to the
12 house and found no one there, or not the Kematch/Sinclair
13 family?

14 A I can't remember at the time what, what I would
15 have done but I am sure I would be really concerned about
16 that because you're still ongoing and you're checking them
17 out to see if they're doing okay when they just disappear,
18 kind of makes you wonder. And then you report it to the
19 social worker right away so that they would be aware of it
20 and they can put out a check on them if they want to.

21 Q Do you have any specific recollection of, of
22 telling that information to a social worker?

23 A No.

24 Q Would -- is that something that you would have
25 told your supervisor?

1 A Probably. Yeah, I probably would have told my
2 supervisor, as well.

3 Q Would you have --

4 A The reasons why I couldn't go back in there or --
5 that they weren't home.

6 Q And would you have put it in a note?

7 A To -- probably in the last report that I would
8 send to the social worker.

9 Q Okay. So I gather you can't recall whether, on
10 each time you visited, you saw each of Ms. Kematch, Mr.
11 Sinclair and Phoenix?

12 A No.

13 Q We've heard evidence from, from a number of
14 social workers that families are often resistant to social
15 workers coming into their house. Is that something that
16 you are aware of?

17 A Where social workers are there, they also don't
18 care much for us, at first. They have this pre-conception
19 of what we are and we probably have horns and blow smoke
20 out our nose. They're very scared of us.

21 Q Us being family support workers?

22 A Right.

23 Q And so what do you do when, when that's the case?

24 A I just usually talk to the clients and get --
25 gain their confidence and relax them and tell them I'm

1 there to help them, not to hurt them.

2 Q And what's your success rate with that?

3 A Pretty good.

4 Q Yeah. Generally after you do that, people let
5 you in?

6 A Yes, they do. I haven't lost one yet.

7 Q And typically, would you work with a family for
8 -- over the course of a number of visits?

9 A Yes, I have recently finished two contracts I had
10 for over four years.

11 Q Over four years? So you could spend that much
12 time with a family, as a family support worker?

13 A Right.

14 Q And why, why, without giving us any details that
15 would reveal anything about these families, why would you
16 have spent that much time with a family?

17 A Some families are needy, more needy, and
18 constantly need direction and so I would continue to stay
19 in there and help.

20 Q Now, when did you first find out about Phoenix's
21 death?

22 A I don't know, quite awhile ago.

23 Q Do you know how you found out?

24 A I think it was through my work, maybe at a
25 meeting we had, a staff meeting or something, and somebody

1 brought it up.

2 Q Can you recall specifically?

3 A No. And I don't read the papers.

4 Q Do you recall whether, when you heard about
5 Phoenix's death, you remembered that you had been involved
6 with her family?

7 A Yes.

8 Q What, what do you remember?

9 A I remember the name and the baby, that's all.

10 Q Okay. And Phoenix's death was discovered in
11 March of 2006. Do you recall whether anyone from, from the
12 agency called you to discuss your involvement?

13 A No.

14 Q You were still working for Winnipeg CFS in 2006?

15 A Yes.

16 Q And do you recall whether anyone asked you to
17 come in and meet and discuss the work that you did with the
18 family?

19 A No.

20 Q Now, are you saying that that didn't happen or
21 you don't remember?

22 A I don't remember if it happened but I, I don't
23 think so.

24 Q Okay. You think you would remember that if --

25 A Yeah.

1 Q And so I gather that your answer is the same to
2 whether -- do you recall whether anyone from your employer
3 asked you to come in and look at the notes of your work
4 with the family?

5 A No.

6 Q You don't recall that happening?

7 A I don't recall, no.

8 Q Do you think that's something you would have
9 remembered?

10 A If it happened, probably.

11 Q Now, there have been a -- and I'm almost
12 finished, Mr. Commissioner. If there had been a -- there
13 were a number of reports that were prepared about the
14 services that were delivered to Phoenix and her family
15 after her death was discovered. Did you ever meet with any
16 of the individuals who were preparing those reports?

17 A No.

18 Q Okay. Have you read any of those reports?

19 A No.

20 Q Okay. One of the reports is a report that was
21 prepared through the Offices of the Chief Medical Examiner
22 by a woman named Jan Christianson-Wood. I gather you never
23 met her?

24 A No.

25 Q Okay. If we can pull up page 133 please. This

1 is from CD number two, this is what's known as the Section
2 10 report, Mr. Commissioner.

3 THE COMMISSIONER: Yes. And ...

4

5 BY MS. WALSH:

6 Q The file report or the report says:

7

8 "File information noted that there
9 was "minimal contact" with the
10 couple until [the next baby's]
11 birth in April 2001. Ms. Kematch
12 and Mr. Sinclair were difficult
13 for the assigned worker to
14 contact. Were they following
15 through with the terms of the six
16 month service agreement and
17 contract signed in September 2000?
18 As the Agency had a contract, why
19 was it not a concern that the
20 family was not seen by a social
21 worker from October 2000 (when the
22 former worker signed off the
23 case), through November 2000 (when
24 a new worker was assigned) and up
25 to February 2001 when contact was

1 established? Did the FSW continue
2 to see the family and report on
3 their parenting? As this was a
4 child protection case, notes were
5 an important and necessary part of
6 case management. WCFS Branch has
7 internal standards for support
8 workers' recording. This incident
9 may pre-date the introduction of
10 those standards."

11

12 Can you scroll to the bottom of the page, please?

13

14 "As Ms. Kematch delivered [her
15 baby] in April 2001, why was her
16 pregnancy not noticed by the
17 worker in February or reported by
18 the FSW in her ongoing contacts?"

19

20 So now we've already talked about the fact that
21 you took report notes, you made file notes but --

22 A Right.

23 Q -- the agency no longer has them. Were you aware
24 -- we've, we've discussed that the last time you were in
25 the house was December of 2000. So Ms. Kematch gave birth

1 at the end of April 2001, she would have been pregnant in
2 December of 2000. Four months pregnant, five months. The
3 last time you were in the house did you -- do you recall
4 whether you noticed whether Ms. Kematch was pregnant?

5 A No, I don't.

6 Q Okay. And do you think that, that ultimately
7 once a family does let you in, start working with you, that
8 your services are useful to families?

9 A I think so.

10 Q Why is that?

11 A Knowledge, experience. I can help them out with
12 difference things, clothing, shopping for clothes.
13 Different resources, daycare setups.

14 Q Those are all --

15 A Parenting classes to set up that they can take.

16 Q Those are all things that you're able to --

17 A Yes.

18 Q -- to direct them with?

19 A Right.

20 MS. WALSH: Okay. I think those are my
21 questions.

22 THE COMMISSIONER: Thank you, counsel.

23 All right, cross-examination of this witness? Do
24 we have an agreement here?

25 MR. PAUL: Good morning, Ms. Pickering, Sasha

1 Paul for the department.

2 THE WITNESS: Good morning.

3 MR. PAUL: Could we begin with Commission
4 disclosure 2087, which is at page 44347.

5 If we can scroll through the next page. All
6 right, sorry, that's been addressed.

7 In terms of trying to read these reports, these
8 -- the photocopy appears to be quite hard to read. Is
9 there any way to zoom in on the pdf here?

10

11 CROSS-EXAMINATION BY MR. PAUL:

12 Q In terms of deciphering these reports, Ms.
13 Pickering, are you able to read at least what's in the, the
14 top left-hand column? It says client name, facility.

15 A Right.

16 Q And then next to it, does it say number of
17 children?

18 A I can't really make that out.

19 Q Okay. Would it be your practice to note the
20 number of children in the house that you're visiting?

21 A No. No.

22 Q No, not your practice? In any event, in this
23 particular case you were visiting the Kematch family and
24 your time records indicate that you were seeing the Kematch
25 family on a regular basis?

1 A Right.

2 Q Right. And as I understand your notes, and we
3 can turn to page 44376.

4 THE COMMISSIONER: Just a minute, there's no
5 reference to the Kematch family on this form, is there?

6 MR. PAUL: No, no.

7

8 BY MR. PAUL:

9 Q I believe this is what Commission counsel showed
10 you, which is your first attendance upon the Kematch
11 family. Is that correct?

12 A Yes.

13 Q And it's on these notes that you indicate how
14 many times or how long you've seen that family?

15 A Exactly.

16 Q And it's also a timesheet to record how many
17 hours that, in essence, you should get paid for?

18 A Correct.

19 Q Correct. And sometimes on that sheet you will
20 note vacation time?

21 A Exactly.

22 Q And sometimes on that sheet, if we can turn to
23 August -- I'm looking for August 1, 2000.

24 MS. WALSH: Do you have a page number it helps
25 the ...

1 MR. PAUL: No, I'm trying to find it, my
2 apologies. How about 44381?

3

4 BY MR. PAUL:

5 Q And here we have a timesheet that appears to be
6 August 2000. Is that correct?

7 A Yes.

8 Q And under the Kematch entry, as I am trying to
9 decipher this note, on August 10 you see the Kematch family
10 for three hours?

11 A Yes.

12 Q On August 8 there is a notation that you were to
13 attend the Kematch family and next to it is the word NS.

14 A No show.

15 Q Which is meaning no show.

16 A They weren't home, yeah.

17 Q And I take it that your practice to note on your
18 time sheets if and when a family is a no show?

19 A Right.

20 Q Right. And from time to time in your notes you
21 will note --

22 THE COMMISSIONER: Where is that no show opposite
23 Kematch?

24 MR. PAUL: If you see the Kematch column --

25 THE COMMISSIONER: Yes.

1 MR. PAUL: -- and if you go about three or four
2 columns underneath the number eight, at the very top,
3 Tuesday.

4 THE COMMISSIONER: Yes.

5 MR. PAUL: And then you will see 10A, which I
6 take it to be 10:00 a.m.

7 THE WITNESS: Correct.

8 THE COMMISSIONER: Yes.

9 MR. PAUL: And then next to it is a number three.

10 THE COMMISSIONER: Yeah.

11 MR. PAUL: And then below that is the letters NS.

12 THE COMMISSIONER: Oh, I see, oh, oh, oh. And
13 that's -- yeah, okay. So we don't know why, we don't know
14 why the number six is there in that first column. Okay.

15 MR. PAUL: The number six above the 10?

16 THE COMMISSIONER: No.

17 MR. PAUL: Oh, there.

18 THE COMMISSIONER: The number six in the first
19 column and the --

20

21 BY MR. PAUL:

22 Q Would that be the number of contracting hours
23 that you had that week?

24 A No, because it says a one there and I -- it
25 would, it would be the full hours, like four, six hours,

1 that's what it's saying. But that -- I have no idea what
2 that is.

3 Q Fair enough.

4 A That's an oldie.

5 Q And I understand that we are talking about events
6 that happened about 10 years ago and as such memory isn't
7 always the sharpest. But nonetheless, these are the notes
8 that you made at the time and that your practice, as I
9 understand, was to note no shows from time to time?

10 A Correct.

11 Q Right. And where the notation NS is not found in
12 your notes, we can presume that you attended and actually
13 saw the family at that time?

14 A Correct.

15 Q My understanding, if we can go to 37073, is that
16 the place that you were attending was 864 Magnus?

17 A I guess so. I don't remember.

18 Q Okay. Normally the place that you would attend
19 would be in either the renewal contract or the original
20 contract?

21 A Correct.

22 Q And that would be the place that you would visit
23 the family?

24 A Yes.

25 Q If we could go to page 44400, here we are now, I

1 believe in December of 2000; is that correct?

2 A Yes.

3 Q All right. And the dates are a bit hard for me
4 to, to decipher but ...

5 A I can actually read what's in the first column,
6 it says: Contact hours, I think.

7 Q Contract (sic) hours.

8 A Right.

9 Q So does that help you --

10 A Yes.

11 Q -- to understand what the six means?

12 A Yeah.

13 Q So the six --

14 A Pardon me, yes.

15 Q -- would be the number of contract hours you have
16 for this given family?

17 A Probably.

18 Q Okay.

19 A Although it doesn't make much sense.

20 Q And, in any event, on this particular page it's
21 noted that in December, and you can help me with this, that
22 you're visiting the family for three hours on, it would
23 look like, by my calculation, December 11 and December 13
24 you're there --

25 A Okay.

1 Q -- for three hours each?

2 A Correct.

3 Q And it's important to note here that there is no
4 notation of a no show?

5 A No.

6 Q Okay. If we go to the next page which is 44401.
7 As I think you've explained in reference to another
8 document, here we have a notation December 22, with the
9 term VAC.

10 A Correct.

11 Q Which I understand means vacation?

12 A Yes.

13 Q So, essentially, your last recorded time on this
14 file is December 13th, 2000. The next two entries, in
15 December and January, are vacation time.

16 A Correct.

17 Q If I understand that correctly. And so your last
18 entry, being December 13th, 2000 your evidence is, is that
19 the family was there and that you delivered services at
20 that particular time?

21 A Correct.

22 Q And so if we can --

23 THE COMMISSIONER: What's the, what's the eight
24 under -- on the Friday?

25

1 BY MR. PAUL:

2 Q Would that be the number of vacation
3 hours?

4 A That would be eight hours a day vacation, I would
5 put that on.

6 Q Okay.

7 THE COMMISSIONER: All right. And I don't see
8 the word vacation there.

9 THE WITNESS: VAC, under the eight.

10 THE COMMISSIONER: Oh, okay. Well, then what's
11 the eight and the four?

12 THE WITNESS: Would be an eight hour day, 8:00 to
13 4:00 I would normally have been working there but I'm on
14 vacation.

15 THE COMMISSIONER: Oh, oh, okay. That's what you
16 would have been working?

17 THE WITNESS: Right.

18 THE COMMISSIONER: All right. So that week, you
19 didn't attend, it was all vacation, that's the only thing
20 that's shown for that week?

21 THE WITNESS: I think that was probably the only
22 time I had booked for them that week so I never saw them at
23 all.

24 THE COMMISSIONER: Right. Right.

25

1 BY MR. PAUL:

2 Q And if I could then turn you now, with respect to
3 page 37317. I understand that this is not your note but a
4 note of, of another social worker named Kerri-Lynn Greeley,
5 but you can see, at that particular part of the page, that
6 there is a reference to Marie Belanger, or Marie B. That
7 would be you, as I understand it?

8 A Correct.

9 Q And that I understand there was an issue with
10 respect to pickup times of a child, that baby being
11 Phoenix?

12 Do you see that note there?

13 A Yes.

14 Q And I believe here we're dealing with August 9,
15 2000, you can see from the top of the page?

16 A Correct.

17 Q And further up we can see a note with respect to
18 an issue with respect to a driver picking up the baby and a
19 mix-up. Would it be possible from time to time that a no
20 show that we see in August could be attributable to mix-ups
21 over drivers? Is that possible?

22 A It's possible.

23 Q And again, as I understand it, the services that
24 you are providing are at the Magnus Avenue address, from
25 the service contract --

1 A Right.

2 Q -- that we looked at. Can we go to page 37009?
3 And we can scroll down. This is not a note that you made
4 but a note of a, of another social worker. The information
5 that we have is that in February of 2001 social workers are
6 attending upon the house of the family on the same Magnus
7 Avenue. Do you see that note there?

8 A Yes.

9 Q It is possible then that the family still
10 remained at the Magnus Avenue after your, your service on
11 this file ended in December of 2000?

12 A I know I went back to the home and they weren't
13 there. I usually hate to leave a client just hanging, that
14 I wouldn't say goodbye to, so I would usually go back just
15 to say hi or goodbye, to make contact.

16 Q Is it possible then that when you attempted this
17 that they simply weren't home and, in fact, they remained
18 at the Magnus Avenue?

19 A It's possible.

20 Q And my final question then, if the Commissioner
21 then were to take a look at, at your time sheets, as we've
22 tried to explain the various notations, you wouldn't
23 disagree with me that if you add it all up, we have about
24 46 entries in your timesheets, again some have holidays and
25 the like, but 46 entries nonetheless.

1 A Okay.

2 Q You wouldn't dispute that. And this was over the
3 period of July to 2000. Is that correct?

4 A Correct.

5 Q Right. And that if the Commissioner were to take
6 the time to add it all up, we would have about a hundred
7 hours or so of contracted service. Would that be around
8 correct?

9 A Around, correct.

10 MR. PAUL: Great. Those are my questions.

11 THE COMMISSIONER: Thank you, Mr. Paul. Further
12 cross-examination? Mr. Gindin?

13 MR. GINDIN: Mr. Commissioner, I need a few
14 minutes to check out some instructions, I didn't expect
15 this witness would be on this morning.

16 MR. COMMISSIONER: Right.

17 MR. GINDIN: I don't know if anyone else has
18 questions that could go before me.

19 THE COMMISSIONER: Well, we'll see. Who
20 else?

21 I see Mr. Ray engaged in conversation with Mr.
22 Saxberg so we'll see what that brings. Mr. Ray, have you
23 questions?

24 MR. RAY: Just a couple, Mr.
25 Commissioner.

1 CROSS-EXAMINATION BY MR. RAY:

2 Q Good morning, Ms. Pickering, my name is Trevor
3 Ray, I represent MGEU and a number of social workers.

4 Just a few brief questions for you. Now, I think you,
5 you have stated that you spend more time typically than --
6 with a family than the social worker would and that's
7 because you've testified that you're in the house a couple
8 of times a week, for a few hours at a time, you're
9 attempting to help them parent, do any number of things,
10 teaching, and we've had various notes shown to you made by
11 social workers and I know you don't have a specific
12 recollection of this case but those social workers
13 indicated they -- in your conversation with them, that
14 you've said the parents were doing well, you had no
15 concerns, they had -- they were doing quite well for young
16 parents. You had no reason to disagree with those notes
17 made by the social workers; is that correct?

18 A That's correct.

19 Q Okay. And you would agree that from the
20 perspective of a social worker they view you as another set
21 of eyes and ears for them to maintain contact with a family
22 and to report anything that is problematic in your view;
23 right?

24 A Yes, correct.

25 Q And I assume then you would report and regularly

1 communicate to the, the social worker, concerns about
2 drinking?

3 A Yes.

4 Q Drug use?

5 A Oh, yes.

6 Q Inappropriate use of discipline or?

7 A Yes.

8 Q Any -- you would report issues with domestic
9 violence?

10 A Correct.

11 Q You would report child abuse allegations?

12 A Correct.

13 Q Or issues. You would report poor parenting?

14 A Yes.

15 Q You would report yelling, if that was a concern
16 to you?

17 A Yes.

18 Q Or the way they discipline their child. You
19 would report, for example, the absence of a parent, or
20 assuming lack of motivation by a parent?

21 A Yes.

22 Q You would report if the parents were verbally
23 aggressive toward you or disrespectful to you --

24 A Yes.

25 Q -- or not cooperating with you. Okay. And you

1 don't have any specific recollection of this file but the
2 file notes of the social workers indicate you didn't make
3 any of those reports.

4 A That I didn't make any reports?

5 Q Correct.

6 A Right.

7 Q And can we assume from that that you -- that
8 that's because you did not make any --

9 THE COMMISSIONER: Well, just a minute, there's
10 -- is there something from the social worker saying that or
11 are you saying there's no record that, that -- of the
12 social worker's reporting that she said that?

13 MR. RAY: I'm saying that the social workers did
14 not note Ms. Pickering reporting any of those concerns.

15 THE COMMISSIONER: Correct.

16 MR. RAY: That's correct.

17

18 BY MR. RAY:

19 Q And you don't have any reason, again, to suggest
20 that those things were occurring in the house at the time
21 you were there, were they?

22 A No.

23 Q Okay. I just want -- had a question. You
24 mentioned that you were a worker with high risk, high risk
25 girls, I think was the comment that you made at one point

1 in time.

2 A I was in a group home for girls.

3 Q Group home for -- did you say high risk girls?

4 A High risk girls, yes.

5 Q And what were you doing in that capacity when you
6 were in the group home? Is that as a support worker, as
7 well, or ...

8 A Yeah, sort of a den mother or support worker.

9 Q Pardon me?

10 A A den mother, support worker.

11 Q Okay. And what types of things would you do in
12 that, in your capacity in that role?

13 A In that role? Work one-on-one with the girls
14 that are -- that had been raped, abused, physically hurt or
15 something. Work one-on-one with them, counseling.

16 Q And was that with the -- in, in their capacity as
17 parents or as -- that, that was just high risk, generally,
18 regardless of whether they were parents or not at the time?

19 A Most of them were just single girls --

20 Q I see.

21 A -- from 12 to 17.

22 Q I see. Thank you. We -- you were shown some --
23 in your contract there was reference to Ms. Nikki Taylor
24 who was a person of support to Samantha and, and, and Mr.
25 Sinclair. You say that you don't recall her.

1 A No.

2 Q Okay. Would you expect that you would contact
3 her or she would contact you if there were any concerns
4 about, you know, types of concerns I already listed for
5 you?

6 A Yes, she would normally.

7 Q Could we bring up page 37022 please? You'll
8 notice that there's a note there that states December 11th
9 at the very top of the page. Under the note -- under the
10 heading recent involvement it says December 11th, 2000.
11 Do, do you see that note there, that paragraph?

12 A Yes, yes, I do.

13 Q And then slightly through it says family support
14 worker Marion Belanger, that's you.

15

16 "Called the agency stating that
17 she feels the couple is doing
18 quite well for young parents. The
19 Family Support Agreement expired
20 November."

21

22 We know from your evidence that you stayed just
23 slightly past that.

24

25 "Ms. Belanger stated that the

1 family has done quite well and if
2 the contract is renewed she would
3 like to be recommended for the
4 position."

5

6 Okay?

7 A Correct.

8 Q Would you agree that that's a fairly accurate
9 depiction of your involvement at that time?

10 THE COMMISSIONER: Have we identified who said
11 that?

12 MR. RAY: That is in a supervision note made by a
13 social worker, I'm unable to say whether that's Ms. Delores
14 Chief-Abigosis' notes or her supervisor, either Angie Balan
15 or Lorna Hanson. I don't believe the note is signed at the
16 bottom.

17 Did you have any further comments --

18 THE COMMISSIONER: Well, well, I'm just wondering
19 to whom is it purported that this witness said those
20 things?

21 MR. RAY: We're just checking, Mr. Commissioner.

22 THE COMMISSIONER: All right.

23 My only question is whether it -- this is a
24 person speaking with whom this witness had contact.

25 MR. RAY: It's -- well, we expect either Ms.

1 Chief-Abigosis or her supervisor to confirm that this would
2 be one or other of their notes and just -- and the entry
3 does say that family support worker, Belanger, called the
4 agency. So whoever made the note and we think it's either
5 Ms. Delores Chief-Abigosis or Ms. Balan, will confirm the
6 entry.

7 THE COMMISSIONER: All right. We'll leave it,
8 we'll get that confirmation later.

9 MR. RAY: Thank you.

10

11 BY MR. RAY:

12 Q Regardless of who noted that, Ms. Balan (sic),
13 you indicated that you don't recall speaking to
14 Chief-Abigosis or Balan; is that correct?

15 A No, I, I don't.

16 Q Okay. But you did have some contacts with a
17 social worker, whether it was Ms. Balan or --

18 A Correct.

19 Q -- or Chief-Abigosis.

20 A So she probably got this from a social worker.

21 Q Correct. Okay. So -- but as, as it relates to
22 the note, you don't have any reason to disagree with what's
23 noted there, you -- would you --

24 A No.

25 Q -- you would agree that's a fairly accurate

1 depiction of --

2 A Yeah.

3 Q -- from what you recall?

4 A Yeah.

5 Q Okay. And just in terms of the note, want to be
6 recommended for renewal if it occurs. Okay? Can I assume
7 that you're making that note likely because they are
8 cooperating with you and working with you?

9 A Yes.

10 Q And --

11 A And besides it's better than having to train
12 somebody else to take over for them and they get nervous
13 when another person comes in. So it's better to stay there
14 until they're finished with you.

15 Q If they were difficult with you, if they were
16 rude, if they were aggressive, if they avoided you, would
17 you have noted that you would be like to be recommended for
18 the, for the --

19 A No.

20 Q -- job again if it was renewed?

21 A No.

22 Q Okay. Does that suggest to you then that, that
23 they were, in fact, cooperating with you and doing
24 everything that you wanted them to do?

25 A Yes.

1 Q And then if you just go down into the next
2 paragraph, this paragraph starts with: "Field to Ms.
3 Kematch home." And then halfway through that paragraph it
4 indicates:

5

6 "It is clear that they did work
7 cooperative with in-home support
8 worker and, according to the
9 support worker - the parents did
10 work with the (public) PHN."

11

12 Do you know what PHN stands for?

13 A Public health nurse.

14 Q Okay. Do you recall whether you saw the public
15 health nurse at any time in the home?

16 A No, I don't recall.

17 Q Okay.

18 A But it's normal for them to be there.

19 Q It's normal for them to be there?

20 A Yes.

21 Q And if you -- if they were working cooperatively
22 with the public health nurse, I assume you would note that
23 for the supervisor or for, for the social worker?

24 A For the social worker.

25 Q And the fact that this entry appears to have

1 recorded that, would you agree that you probably took or
2 talked to the social worker or the supervisor and advised
3 them that they are working cooperatively with the public
4 health nurse?

5 A Yes.

6 MR. RAY: Thank you, Ms. Pickering, those are my
7 questions.

8 THE WITNESS: Thank you.

9 THE COMMISSIONER: Mr. Saxberg, question -- any
10 questions?

11 MR. SAXBERG: No, Mr. Commissioner.

12 THE COMMISSIONER: Mr. Gindin, do you want time
13 off, a five, 10 minute adjournment or ...

14 MR. GINDIN: Well, there are two choices, I
15 guess. Perhaps a short adjournment might help. It may --

16 THE COMMISSIONER: Well, if you have a short
17 adjournment we would finish this witness before lunch then.

18 MR. GINDIN: I'm going to need some instructions,
19 Mr. Sinclair isn't here today, I'm going to have to try to
20 connect with him. I really didn't expect that the witness
21 would be in this order so I'm not sure how difficult or
22 easy it is for her to return but I'm -- a few minutes might
23 answer the question for me if I have enough.

24 THE COMMISSIONER: All right. Well --

25 MR. GINDIN: I don't know.

1 THE COMMISSIONER: -- then let's take 10 minutes.

2 MR. GINDIN: Okay. Thank you.

3 THE COMMISSIONER: Adjourn for 10 minutes.

4

5 (BRIEF RECESS)

6

7 MR. GINDIN: Mr. Commissioner, I am able to
8 proceed now so that we can complete --

9 THE COMMISSIONER: Okay.

10 MR. GINDIN: -- the witness. I'll be --

11 THE COMMISSIONER: If you would please do so.

12 MR. GINDIN: Yes, I can. I'll be extremely
13 brief.

14

15 CROSS-EXAMINATION BY MR. GINDIN:

16 Q Ms. Pickering, I'm Jeff Gindin, I represent Kim
17 Edwards and Steve Sinclair. I just have a couple of
18 questions for you. I just want to direct your attention to
19 your evidence about your notes and we've heard that you
20 really don't have any that you can refer to.

21 A Correct.

22 Q Correct? I mean, obviously that's a problem in
23 terms of recollection; right? And what you said was that
24 you made your own set of notes; right? You gave one set of
25 notes to your supervisor.

1 A Correct.

2 Q This is when you completed your work on this
3 matter; right?

4 A Right.

5 Q And you also gave another set of notes to the
6 social worker that was involved.

7 A The -- my coordinator would have to send that off
8 to the social worker, not myself.

9 Q I see. So you, you gave two copies then or one
10 copy?

11 A She would give one copy, she would photocopy it
12 and send it off.

13 Q And that was the typical procedure?

14 A Correct.

15 Q So to your knowledge your supervisor had a copy
16 of those notes and then --

17 A Right.

18 Q -- the social worker would likely get a copy, as
19 well?

20 A Correct.

21 Q And as far as you knew, the social worker was
22 Kerri-Lynn Greeley, was it? Or do you recall?

23 A No, I don't recall.

24 Q In terms of whatever happened to those notes that
25 you sent them, you have no idea whatsoever?

1 A No. I know they checked through the archives and
2 everything and they couldn't find them so --

3 Q I see.

4 A -- I, I can only speculate like maybe when they
5 changed social workers they lost them or they didn't get to
6 the other one, or they left it in the office or ...

7 Q And the notes that you had, the copy that you
8 had, you were required to destroy those?

9 A Yes, we're not allowed to keep them at our home,
10 confidentiality rules.

11 Q And whether the other copies that you sent off
12 were also destroyed, you have no knowledge?

13 A No, I don't.

14 MR. GINDIN: I see. Thank you. That's all.

15 THE COMMISSIONER: Thank you, Mr. Gindin. Ms.
16 Barr?

17 MS. BARR: Thank you, Mr. Commissioner. Barr,
18 first initial "K", and I am counsel for Ms. Pickering.

19

20 CROSS-EXAMINATION BY MS. BARR:

21 Q Ms. Pickering, I just have a couple of questions,
22 for clarification from the evidence that you've given
23 today. First off, if we can just go to page number 37022.

24 Okay, you were asked some questions about the
25 first paragraph that's on your page and the, the last line

1 reads: "Marie stopped working with the family at the end
2 of November 2000."

3 A Correct, yes.

4 Q But your time records show that you worked with
5 this family, the last entry being December 13th, 2000.

6 A Correct.

7 Q Correct? Okay, so I just wanted to clarify that.

8 A Correct, yeah.

9 Q In terms of what your time records show.

10 THE COMMISSIONER: You're saying the November
11 reference here is wrong?

12 THE WITNESS: I extended it for another four
13 weeks.

14 THE COMMISSIONER: Right.

15 THE WITNESS: Through December.

16 THE COMMISSIONER: Okay. Oh, I see, you extended
17 it beyond this, yeah.

18 THE WITNESS: Correct.

19

20 BY MS. BARR:

21 Q And so it's your evidence that it was extended
22 for another four weeks but your last contact was still
23 December 13th?

24 A Correct.

25 Q And you don't recall having any further contact

1 with the family --

2 A No.

3 Q -- after that point?

4 A No, I don't.

5 Q Okay. You have indicated that you recall
6 attending at the home and there being no answer.

7 A Correct.

8 Q Was that after December 13th?

9 A I believe so.

10 Q Okay.

11 A Or it could have been before I went on holidays
12 between Christmas and New Years and then I never went back
13 after.

14 Q So why wouldn't that have been noted in your time
15 records?

16 A It should say no shows, if they weren't home
17 then, so that's the only thing I have to refer to.

18 Q Okay. The second piece of clarification is in
19 Commission disclosure number 2087 at number 44401. Now, if
20 we can make this one just a bit larger. Just for
21 clarification of what that first column actually says, this
22 record seems to be a bit clearer than the other ones. If
23 you can see where it says client name facility, can you
24 read what it says right beside that?

25 A The word clarification or consultation or the

1 contract hours? Contact hours?

2 Q Where it says client name facility.

3 A Right.

4 Q And then in that first --

5 A Number of children.

6 Q -- column right at the top?

7 A Yeah, it says number of children.

8 Q So it says number of children there and then
9 right underneath it says contract hours?

10 A Right.

11 Q So when you look beside Kematch's name on that
12 first line --

13 A Correct.

14 Q -- would you agree that number of children would
15 be one?

16 A Yes.

17 Q And contract hours would be six?

18 A Yes.

19 THE COMMISSIONER: Oh, I see.

20

21 BY MS. BARR:

22 Q So you were assigned to work with this family for
23 six hours and there was one child in the home that you were
24 working with?

25 A Good, it's better than nine.

1 Q So when you look below, where it says eight plus
2 and you had said that would have been --

3 A Right.

4 Q -- a lot of children to be working with, that
5 probably means eight plus contract hours --

6 A Right.

7 Q -- that you were assigned to work with that
8 family.

9 A Which mean I could go over
10 eight.

11 Q Okay.

12 A If I had to.

13 Q And so each line --

14 A Thank you.

15 Q -- there's actually two lines for each family
16 then.

17 A There you go.

18 Q The top line being the number of children and the
19 second line being the number of contract hours assigned to
20 each family. Correct?

21 A Correct.

22 MS. BARR: Okay. Thank you. And I hope, Mr.
23 Commissioner, that clears up what those --

24 THE COMMISSIONER: It does.

25 MS. BARR: -- numbers mean.

1 BY MS. BARR:

2 Q Okay, and the third piece I wanted to discuss
3 with you, when you were speaking about the number of
4 families that you've served over the years, you made a
5 comment where you said you haven't lost one yet.

6 A Right.

7 Q And I just wanted you to expand a little bit on
8 what you meant by that. Were you referring to after you
9 develop trust with the families, the families continued
10 wanting to work with you?

11 A Correct.

12 Q Okay.

13 A And that I never lost one meaning that I didn't
14 get in a fight with anybody, I didn't get hurt by anybody,
15 they didn't chase me down the street with a knife, except
16 once.

17 Q Okay. So the families that, that you made
18 contact with, they wanted to continue to work with you?

19 A Right. We had good relationships.

20 Q Okay. And so you -- there was a number of
21 families that you spent a lot of time with and worked with
22 for, for multiple years even?

23 A That's true. A lot of the families have similar
24 things to this contract here with the child and so I would
25 go out of one contract into another and a lot of them blend

1 together after awhile, I don't remember.

2 Q And this would be a file where you felt there
3 was, there was trust because you don't recall anything
4 different in that circumstance.

5 A Correct.

6 MS. BARR: Okay. Those are all my questions, Mr.
7 Commissioner. Thank you.

8 THE COMMISSIONER: Thank you, counsel.
9 Re-examination?

10 MS. WALSH: Just a few questions, Mr.
11 Commissioner.

12 THE COMMISSIONER: Right.

13 MS. WALSH: There we go. Sorry.

14

15 RE-EXAMINATION BY MS. WALSH:

16 Q So, Ms. Pickering, just following up on something
17 that your lawyer asked you, you said that from what you can
18 see in, in the notes and the fact that you continued to
19 extend your contract, you had a trust relationship with
20 this family?

21 A I would say so, otherwise I wouldn't ask to go
22 back in.

23 Q Right.

24 A Or stay in.

25 Q And so is there anything in, in what we've looked

1 at that -- about your contact with this family that would
2 indicate that if you had asked to stay even longer the
3 family would have not welcomed that?

4 A Usually if I asked to stay longer it's because
5 the family is comfortable with that and doesn't want me to
6 leave right away. I don't usually force myself if they
7 don't need us and if they're doing really good.

8 Q So do you think it's fair to say that, that if,
9 if family services had wanted you to stay with the family
10 that the family would have continued to welcome you in
11 their home?

12 A I think so.

13 MS. WALSH: And, Mr. Commissioner, just for the
14 record, because we've only been entering into the public
15 record the documents that appear on the screen, I think it
16 would be helpful to enter into the record our disclosures,
17 2087 and 2088 in their entirety, those show all of the time
18 records for the years 2000 and 2001 and that way you can
19 verify or go back on your own, as can anyone else, to see
20 which dates the witness was in the house.

21 THE COMMISSIONER: Oh, well, I'm sure your
22 request is a reasonable one but it -- I haven't seen them
23 altogether, they're in, they're in a binder, are they?

24 MS. WALSH: Well, we've got them in a -- in our
25 disclosure and we've been pulling up selected --

1 THE COMMISSIONER: Yes.

2 MS. WALSH: -- pages from them. I'm just
3 suggesting that I think it would make the most sense for us
4 to say, publically, that we're entering into the record all
5 of the pages that are contained in each of those
6 disclosures, representing all of the, the witness'
7 timesheets for those two years.

8 THE COMMISSIONER: All right. It -- is there no
9 disagreement with that?

10 All right, we'll enter those then as the next two
11 exhibits. Is that, is that what you want to do or is that
12 necessary?

13 MS. WALSH: I don't think it's necessary.

14 THE COMMISSIONER: All right.

15 MS. WALSH: I think, I think we can just --
16 because they're already in our disclosure, it's just that
17 typically we haven't said that something was in the public
18 record unless we --

19 THE COMMISSIONER: All right.

20 MS. WALSH: -- identify.

21 THE COMMISSIONER: And what, what numbers are
22 they?

23 MS. WALSH: So all pages in disclosures 2087 and
24 2088. And we can confirm on the website what those page
25 numbers are.

1 THE COMMISSIONER: All right.

2 MS. WALSH: And in that way, as I said, you or
3 any other counsel can look at and rely on their own
4 analysis of, of that evidence because if we don't enter it
5 in the public record then, then you're not relying on it
6 and neither is anyone else, so ...

7 THE COMMISSIONER: All right.

8 MS. WALSH: And if we can just -- one more thing,
9 if we can just pull up 37022, please. So there's been some
10 discussion about who made these file recordings and it's
11 either Delores Chief-Abigosis or Angie Balan, her
12 supervisor and I just wanted to confirm for you, Mr.
13 Commissioner, that both of those individuals are on the
14 witness list so we'll be able to ask the -- those witnesses
15 whether these recordings were made by either of
16 them.

17 THE COMMISSIONER: Right. Thank you.

18 MS. WALSH: Okay, and those are my questions.
19 Thank you very much, Ms. Pickering.

20 THE WITNESS: Thank you.

21 THE COMMISSIONER: Thank you witness, you're,
22 you're completed.

23 THE WITNESS: Thank you.

24

25 (WITNESS EXCUSED)

1 THE COMMISSIONER: Now, what about Ms. Peterson,
2 is she recovered -- we're not going to start now but will
3 we be able to get back with her at two o'clock or do we
4 know?

5 MR. RAY: I haven't spoken personally yet with
6 Ms. Peterson but my understanding is that she's feeling
7 significantly better and would be able to come back and
8 recommence after the break, the lunch break.

9 THE COMMISSIONER: Well, if she's ready at two
10 o'clock we'll take her then. Is that what you said?

11 MR. RAY: Yeah, I believe she'll be ready at two
12 o'clock.

13 THE COMMISSIONER: Yes.

14 MR. RAY: Yeah, thank you.

15 THE COMMISSIONER: All right. And I don't know
16 how long that will take but you will have another witness
17 available, I take it --

18 MS. WALSH: Yes.

19 THE COMMISSIONER: -- after that?

20 MS. WALSH: We do.

21 THE COMMISSIONER: All right. Anything else?

22 MS. WALSH: Ms., Ms. Pickering was scheduled to
23 testify in the morning in any event so she's on time.

24 THE COMMISSIONER: All right. And so we'll stand
25 adjourned now until two o'clock.

1 MS. WALSH: Thank you.

2

3 (LUNCHEON RECESS)

4

5 THE COMMISSIONER: Now, witness, if you find you
6 need another break, you just tell me.

7 MS. PETERSON: I will.

8 THE COMMISSIONER: Yeah.

9 MS. PETERSON: Thank you very much and I
10 apologize for the inconvenience.

11 THE COMMISSIONER: Surely no problem for us.

12 All right, Mr. Olson.

13

14 **KATHRYN JEAN PETERSON**, previously

15 sworn, testified as follows:

16

17 DIRECT EXAMINATION CONTINUED BY MR. OLSON:

18 Q So, Ms. Peterson, before the break we were
19 discussing the services you provided to Phoenix Sinclair
20 and, and her family. One of the things you said that I
21 wanted to ask you more about was that Steve Sinclair, you
22 said, was not particularly receptive to Child and Family
23 Services intervention and that was because of his, his past
24 experiences with the agency. Is that -- do I have that
25 right?

1 A That's partially true. I think part of it might
2 be some of the experiences that he had had on himself in,
3 in care but mostly the -- unfortunately the Sinclair
4 family, the youngest daughter, or the youngest child,
5 Angie, his sister, was placed in a foster, a specialized
6 foster home for sexually abused girls and unfortunately the
7 foster father in that home abused all four of the girls
8 that were in the home. So that was the experience of the,
9 the Sinclair family so they -- the -- his younger sister
10 had experienced abuse while in the care of the system so it
11 -- when I say it's understandable that the Sinclairs had
12 somewhat of a little faith in the system, that's what I
13 mean.

14 Q So is it fair to say then that Mr. Sinclair
15 didn't have a great deal of trust in the system, at least
16 from your perspective?

17 A No, not from my perspective after that, no.

18 Q Okay. And so when you learned he wasn't
19 receptive to receiving services, was that surprising to
20 you?

21 A No, it was not.

22 Q Did you -- were you aware that there was a family
23 support worker in place in the past that would have been
24 the witness we heard from after you just today, that would
25 have been Mary Belanger -- Marie Belanger?

1 A Yes, and I'm familiar with her work, having
2 worked in the same agency and I was familiar because I read
3 the file, that she provided support to Samantha and Steven,
4 as per the service agreement.

5 Q Okay. That was the six month service agreement?

6 A That's correct, yes.

7 Q Did, did you -- she apparently had a fairly good
8 relationship with them, were you -- is that something you
9 were aware of?

10 A Well, yes. Actually, I think even Samantha had
11 made a comment that I read in the file where she told the
12 worker that she preferred talking to Marie. So obviously,
13 there was some rapport there and just by knowledge of, of
14 this worker, and her ability to, to, to establish
15 relationships with her clients, it wouldn't surprise me to
16 know that there was a rapport between them.

17 Q Did -- based on that, did you give any thought to
18 maybe putting her into the home as an extra set of eyes,
19 just to make sure everything is okay?

20 A I would have liked to have done that if, if I
21 could have been able to get Steven to be amenable to
22 continuing service with the agency.

23 Q You told us before and I just, I just want to be
24 clear that I -- we have -- I have your evidence right, that
25 this was a protection file and that as a protection file

1 the agency have the mandate to provide services to the
2 clients.

3 A That's right.

4 Q And so could you require Steve to, for example,
5 cooperate with the family support worker?

6 A I think at the, the time that I got the file,
7 there does come a point in time -- in a protection file
8 when it's, it's ready for closure, that there's no, there's
9 no more presenting child protection concerns where the
10 agency can step in and, and mandate service which is why
11 these -- eventually a protection file does get closed. So
12 even though this is a protection file and it's open, from
13 what I have read and the conversation I had with Lorna, all
14 the requirements had been met and there were no presenting
15 child protection concerns to mandate any service with
16 Steven at the time.

17 Q And that's what you understood, the time you took
18 conduct of the file; is that --

19 A That's right.

20 Q Okay. Was there anything -- if you had decided
21 you wanted to put a family support worker in place, was
22 there anything to prevent you from doing that? Like, was
23 that something that was open to you as an option?

24 A You mean could we force Steven to have one?

25 Q Right.

1 A No.

2 Q Okay. So what would happen if you said, for
3 example, you know, Mr. Sinclair do you need to work with --
4 we're putting a family support worker in place and we, we
5 need you to work with that person. Is that --

6 A He could shut the door in our face.

7 Q Okay. And then is there anything you could do?

8 A At that point, unless we had a presenting child
9 protection concern, that we could possibly take to court,
10 there's very little that the agency can do. I mean, we can
11 persevere and certainly if it, if it were more high risk we
12 would continue to knock on a person's door till we get in
13 but in a case where we're looking at a almost voluntary
14 service here, at this point, then, then no, we don't push
15 our services.

16 Q Is the -- are the options available to you in
17 that circumstance, where, where a client refuses to receive
18 service in a file like this one at this time, are the
19 options either keep trying to get the client to accept
20 service or if they won't you could apprehend the child? Is
21 that the only other option?

22 A When you -- yeah. Well, not, not necessarily
23 apprehend because if you apprehend then a child is in need
24 of protection immediately at the time of apprehension and
25 that's something that, that the agency must prove in, in

1 court, later on. So, you know, we're talking about
2 situations where you walk in and, and, and into a home and
3 the parents are passed out and the children are on their
4 own. Now, there's a child that's in need of protection at
5 the time of apprehension and that you can go to court. But
6 with, with, with Steven having met all the requirements and
7 there are no presenting child protection concern, then you
8 -- we wouldn't be able to go to court, you wouldn't be able
9 to push services on him.

10 Q Okay. So you didn't -- I take it then you didn't
11 see that, apprehension, as an option in this case?

12 A No.

13 Q Okay. And if we could just take a look at Ms.
14 Chief-Abigosis' transfer summary, that would be at page
15 37401 from Commission disclosure 1796.

16 So this would have been, I think you told us
17 before, this would have been the transfer summary you would
18 have read when you took -- when you assumed conduct of the
19 file. Is that right?

20 A That's correct.

21 Q And if you look under identified problems, what,
22 what would be recorded in this area? What's your
23 understanding?

24 A When we identify problems it's usually a general
25 presentation of the problems in the family or identifying

1 concerns that the agency has.

2 Q So the problems listed here, we have:

3

4 "Mr. Sinclair has recently
5 separated from his estranged wife,
6 Samantha Kematch (actual date
7 unknown - sometime in June 2001.

8 Mr. Sinclair has been charged with
9 assault against Ms. Kematch.

10 Mr. Sinclair has non-molestation
11 order against Ms. Kematch and has
12 charged her with "Uttering
13 Threats."

14

15 And then referenced baby being deceased as of
16 July 2001. Then it says: "Both parent are involved in a
17 custody dispute for Phoenix."

18

19 If you could go to the next page, please.

20

21 "Mr. Sinclair has a strained
22 relationship with Ms. (Kematch)
23 Kematch's extended family.

24 Ms. Kematch appeared to have
25 hidden her second pregnancy as she

1 had the first one.

2 Ms. Kematch has also hid her third
3 pregnancy as she did the first
4 two.

5 Ms. Kematch's lack of motivation
6 and/or interest in caring for her
7 first child. It appeared she has
8 not played a role in his life
9 since he was a few months old,
10 over 18 months ago.

11 The couple's ambivalence regarding
12 the long term plans for the child.
13 They have not received any
14 prenatal care and have not done
15 anything in preparation for the
16 birth of the baby. Also the
17 parents initial reaction was they
18 were unsure if they wanted to
19 parent the child, there was an
20 ambivalence regarding their
21 commitment to the baby.

22 Ms. Kematch's reported flat affect
23 and reason for it. There was some
24 concern that she may have been
25 suffering from depression. Some

1 form of psychiatric/psychological
2 assessment with respect to
3 Samantha was suggested.

4 Due to the couple's young age and
5 (Mr.) Ms. Kematch's history, it
6 was suspected they had limited
7 parenting experience and skills."

8

9 Now, from reading those identified concerns it
10 looks like some of them were more recent. For example, the
11 separation of Mr. Sinclair and Ms. Kematch.

12 A Correct.

13 Q The death of the baby. And then some of them
14 went back to when the file was first opened, when Phoenix
15 was apprehended in the first place. Is that --

16 A That's right.

17 Q -- is that right? And is that a typical -- is
18 that typically the way these are written, there's just all
19 the issues throughout?

20 A Yeah. All -- yes, all the issues that led to --
21 certainly if, if the child had ever been apprehended then
22 it would definitely be all the issues that had led to the
23 apprehension.

24 Q Okay. And now so these would have been the
25 issues that Ms. Chief-Abigosis identified when she picked

1 up the file?

2 A That's correct.

3 Q Okay. And then would you have expected her to
4 work with the family to see if these issues could be
5 addressed?

6 A Well, at this point it's Steven so she would be
7 working with Steven, so the, the family file now is Steven
8 Sinclair.

9 Q Okay. And that's because at the time, well, she
10 closed Ms. Kematch's file --

11 A That's correct.

12 Q -- and opened a file under Steven. And although
13 he was not the legal guardian of Phoenix, because that had
14 -- that was an issue that was actually ongoing; right?

15 A Right.

16 Q He was -- apparently she was with him, Phoenix
17 was with Mr. Sinclair?

18 A That's right. He was the, the custodial parent.

19 Q Okay. And when you looked through the file, when
20 you picked it up, did you notice how many contacts Ms.
21 Chief-Abigosis had with Mr. Sinclair for Phoenix?

22 A Yeah. I read -- I did read through the file so
23 I, I knew when she went and, and did fields and, and did
24 cold calls on Magnus, at their, at their home.

25 Q Okay. And from what you have read, what did you

1 observe?

2 A My recollection, my recollection was that when
3 she went to see Steven that -- to talk about the separation
4 and his plans, that my recollection is that the -- that she
5 observed that the home was clean. It didn't have a lot of
6 furniture but it was clean. That certainly there was no
7 evidence of alcohol, drugs or anything like that. Steven
8 didn't present in any way that he, he had been using
9 alcohol or drugs.

10 The baby was napping, I think, and Phoenix was in
11 the care of one of Steven's close friends, Kim Edwards, and
12 baby, I think, I believe baby woke up during their -- the
13 interview so she observed Steven with the baby, she
14 observed that he can make formula, that he could identify
15 what the formula was that his baby was on, that he can make
16 the formula. He fed the baby while Delores was there.
17 Delores observed appropriate interaction between this
18 father and his baby, that developmentally she was
19 responding appropriately to her dad and he was caring for
20 her appropriately and that he had all the, the basic baby
21 care needs that he needed for her.

22 In the conversation that they had, there -- it
23 had been an expectation for Steven to get a pediatrician
24 for his children. He had done so, Dr. Lipnowski at Hope
25 Centre, and -- Hope Centre is one of the community

1 resources in that community which is really good. They
2 have nurse practitioners and community outreach workers, as
3 well. And so he had a pediatrician for the kids.

4 He also, he also was aware of the -- oh, I forget
5 what it's called. There's a service where doctors can
6 actually come into the homes if people can't go to a clinic
7 or, or to emergency, children's emergency. So he was also
8 aware of that.

9 So they had a conversation just around the health
10 needs of the kids and, and that in terms of, of his future
11 with Samantha, there certainly was a, certainly a concern
12 in terms of Samantha's ability to parent and Steven had
13 presented to Delores that he had absolutely no intention of
14 reconciling with Ms. Kematch and, and that he would be
15 continuing to parent on his own.

16 And they talked about some of the supports he was
17 -- he had done a parenting course at Andrew Street Centre.
18 Andrew Street is another community resource in that
19 community. They have a community kitchen and they also
20 have community workers and outreach workers, so it's a
21 really good one, it's kind of across the street from Boys
22 and Girls Club, which is where Steven had also been
23 involved, I think with Nikki there, with job training and
24 stuff, I have read in the file.

25 So, he had those community resources. And then I

1 think they also talked about Ma Mawi, that he went to
2 Ma Mawi almost daily. His sister, Genny, worked there
3 part-time, as well, but he really liked the services there.
4 And he said that he was going to be attending a group for
5 young aboriginal fathers at Ma Mawi, and this is a group
6 that, that actually I've been familiar with and, and, and
7 had seen the outline for when I've been at that -- at the
8 Ma Mawi office and, and it was a really good group for
9 young, young aboriginal fathers parenting their children.
10 And his plan was is that he would be attending Dennis',
11 Dennis' group and that he would continue with that support.

12 He told Delores that, that he depended upon, you
13 know, these community resources as supports and his sister,
14 Genny, and his friend for providing care.

15 They did talk about his drinking at that time,
16 whether it could be an issue and is, is this going to
17 interfere with your ability to provide safe care for your
18 child and Steven's answer was that, that he admitted that
19 he did, he did drink and he would go out of an evening and,
20 and get -- and drink and maybe get intoxicated but that he
21 would always ensure that he had proper care for his
22 children.

23 Q This, this is all fairly detailed information.
24 Is -- where did you get this information from?

25 A That would be Delores' file transfer.

1 Q Okay. So the document we're looking at now
2 that's on the screen?

3 A Yeah. I guess in, in one of the interviews she
4 had when she went to the home.

5 Q Okay. Do you know how many times she actually
6 met with Mr. Sinclair?

7 A Off the top of my head, no.

8 Q If we -- and she'll, she'll be called to give
9 evidence on this so I don't want to spend a lot of time
10 with it.

11 A Okay.

12 Q If you look through -- if we go through the
13 transfer summary, if you could just scroll through it,
14 please.

15 So this is, this is the history that we're
16 looking at, that she has recorded. Is that right?

17 A Yes.

18 Q Okay. And when you read through that, it doesn't
19 appear that there was much contact, direct contact, with
20 Mr. Sinclair. Is -- but is all the information that you,
21 you mentioned, is it all contained in this transfer
22 summary?

23 A Yes, I'm certain it's in the transfer summary. I
24 don't see it there but I certainly know
25 that ...

1 Q Would this have been --

2 A I wish I had it in --

3 Q -- prior to July 7th, 2001?

4 A I beg your pardon?

5 Q Was it prior to July 6th, 2001? If you
6 see --

7 A I don't think so.

8 Q So let's -- if you could scroll back up to the
9 beginning of the history, under -- sorry, under
10 interventions.

11 THE COMMISSIONER: Just before you leave that,
12 the question was, as I understood it, is everything you
13 just told us in that long extensive answer, matters that
14 you believe you got from reading this transfer summary that
15 had been prepared by Delores?

16 THE WITNESS: Yes.

17 THE COMMISSIONER: All right. Now, if you want
18 to take her through it, that's fine but I just want you to
19 clarify, that's, that's where you believe you got that
20 information?

21 THE WITNESS: That's where I believe --

22 THE COMMISSIONER: Yeah.

23 THE WITNESS: -- I got it.

24 THE COMMISSIONER: Yeah.

25 THE WITNESS: Yes.

1 THE COMMISSIONER: Yeah.

2

3 BY MR. OLSON:

4 Q So I just want to take you through some of this
5 document. Under interventions you see -- it says: "The
6 Kematch file was assigned to this worker on November 14,
7 2001." And that would have been when Ms. Chief-Abigosis
8 first received the file; is that, is that right?

9 A Yeah. Yes.

10 Q And, and the reference there to November 14, 2001
11 I, I think that's a typo, it should be November 14, 2000.
12 Is that, is that right? Do you know?

13 A No, I don't know. Where, where are we again?
14 I'm getting a little confused.

15 THE COMMISSIONER: Yeah, I, I think this, Mr.
16 Olson, if, if you're going to challenge or question the
17 witness about the detail that she gave in that long answer,
18 I think we should adjourn for a few minutes and let her
19 read the whole statement because it's a long statement and
20 I think --

21 MR. OLSON: Yeah.

22 THE COMMISSIONER: -- in fairness to her, she
23 should have that opportunity.

24 MR. OLSON: That would be fine.

25 THE COMMISSIONER: All right. Well, let's arise

1 for 15 minutes and give her that chance to read the whole
2 document.

3 MR. OLSON: Certainly.

4

5 (BRIEF RECESS)

6

7 BY MR. OLSON:

8 Q So during the break, Ms. Peterson, I understand
9 you had a chance to look through Ms. Chief-Abigosis'
10 transfer summary and you've identified page 37404 -- if you
11 could just put that on the screen, please -- at the bottom.
12 Under the July 3, 2001.

13 A Right.

14 Q Now, if we, if we look at that, that paragraph
15 and then the paragraph beneath that, with the following
16 bullet points.

17 A That's correct.

18 Q Okay. And so if we could go to the -- back to
19 the 37404, please, where it says: "Field was made to 740B
20 Magnus on July 5, 2001" with the following results. We
21 have:

22

23 "Steve has completed a Parenting
24 Program through the Andrews
25 (Street) Family Street Centre last

1 year - he will a copy of all his
2 certificate for this worker."

3

4 There's a few typos in that. Is that the program
5 that you were referring to?

6 A Yes.

7 Q And that was for one of the conditions in the
8 service agreement?

9 A That was part of the service agreement, yes.

10 Q And do you know if that certificate was ever
11 provided?

12 A I didn't see the certificate but my understanding
13 was -- is that they both did attend. It's somewhere in one
14 of the summaries, my understanding was is that they both
15 did attend this parenting program.

16 Q Okay. And then it has:

17

18 "Steve has consulted with Ma MaWi
19 on assisting him on retaining a
20 lawyer to file for full custody of
21 his children, Phoenix and [the
22 baby]."

23

24 That was -- that would have been prior to the
25 baby's death; right?

1 A That's correct, yes.

2 Q Yeah. And, and the death was on July 15th, we've
3 look at that before.

4 A That's right.

5 Q Okay. And then we have -- and do you know, did
6 Steve ever do that, did he ever file an application?

7 A To my knowledge, no, not while I had conduct of
8 the file, no.

9 Q Okay. And then it says: "Steve has been
10 separated from Samantha for about three weeks." So that
11 would have put it sometime in June 2001.

12 A Right.

13 Q Right.

14

15 "According to Steve, Samantha has
16 resumed her relationship with ...
17 the father of her oldest son ...
18 (who) has just recently got out of
19 jail.

20 Steve has been formally charged
21 with "Assault" on July 2nd. It is
22 alleged by Samantha that Steve had
23 shook her up - According to Steve
24 his sister Jenny witnessed the
25 argument and has noted that

1 "Steve" did not shake up Samantha.
2 Steve has approached Ma Ma Wi to
3 attended a parenting group for
4 young fathers ... contact person
5 is Dennis Belanger ... this will
6 be starting on August 2001."
7

8 That's something you referred to a few minutes
9 ago, Mr. Belanger's --

10 A That's correct.

11 Q -- parenting group? Okay. And you said you had
12 some prior knowledge of this group?

13 A I did.

14 Q And did you ever contact Mr. Belanger --

15 A I did not.

16 Q Okay. Is that something you could have done,
17 though, is phoned him and asked if --

18 A It is.

19 Q Okay. And so do you know, in fact, whether or
20 not Mr. Sinclair ever attended that parenting group?

21 A I do not.

22 Q Okay.

23

24 "Steve had charged and applied for
25 a restraining order against

1 "Samantha" after she Uttered
2 Threats of Violence against him on
3 July 3rd."
4

5 Do you know what ever happened with any of those
6 charges, were you -- did you ever look into that?

7 A No.

8 Q Okay.
9

10 "Steve stated that he is not
11 wanting any support from the
12 Agency, (including) ... Respite,
13 homemaking at this time but will
14 call the Agency if (needs) need
15 arises."
16

17 You told us before that -- I think you told us
18 that Ms. Chief-Abigosis had talked to Steve about getting
19 supports in place. Is that something that you, that you
20 said earlier?

21 A I'm sorry, could you repeat that again?

22 Q I think you said earlier that you had -- that
23 you, you knew from reading the transfer summary that Steve
24 had -- that Ms. Chief-Abigosis had attempted to put
25 supports in place for Steve or to --

1 A Of offer them.

2 Q Offer them?

3 A Yes.

4 Q Is that based on this comment here?

5 A Yes.

6 Q Okay. And then it says:

7

8 "Steve stated that he had not had
9 a drink of "alcohol" for about 2
10 weeks and if he decides to go out
11 - he will get his sister ... to
12 care for the children."

13

14 Do you know what the concern about alcohol was
15 with Steve at the time?

16 A Well, I, I, I think overall the concern with
17 Steve with -- and alcohol is the possibility that he does
18 drink to intoxication. How often he does that was
19 certainly up for questioning and one didn't know at that
20 time. The, the fact that he grew up in an environment
21 where alcohol abuse was quite rampant he, he would be at
22 higher risk to become addicted to a substance so that would
23 be an issue related to alcohol abuse or addiction.

24 Q And --

25 A As well.

1 Q -- and did you have any knowledge of whether or
2 not Steve had a problem with alcohol at that -- at this
3 time or subsequent?

4 A There was no evidence that Steven had an alcohol
5 problem at this -- there was no factual evidence that
6 Steven had an alcohol problem at, at this time. There had
7 never been -- when the homemaker had gone in she had never
8 seen any indications or signs that the couple had been
9 drinking, they had never appeared to be hung over. Even on
10 cold calls at -- to Steven's place there was never any
11 evidence that he was drinking in any way.

12 What we do know is what Steven has told us and
13 his, and his background so that would indicate that it
14 could possibly be a problem or become a problem in the
15 future but, at this time, when I got the case it -- there
16 was no factual evidence that it was a problem.

17 Q It says, the next bullet:

18

19 "Steve stated ... when and if he
20 decides to have a few drinks - he
21 usually only drinks for one
22 evening - he does not go for days
23 -- and that alcohol is not a
24 problem for him."

25

1 It says:

2

3 "This worker cautioned him about
4 drinking alcohol while the
5 children are in the home - this
6 can lead to the children being
7 removed from his care -- Steve
8 nodded and stated he is well aware
9 of this (and that) and stated that
10 Jenny will care for them."

11

12 A Um-hum.

13 Q And then:

14

15 "This worker informed him that on
16 a weekly basis - I will be
17 stopping by to see how he is doing
18 and if he is not at home I will
19 leave a note in the mailbox for
20 him to contact.

21 This worker informed him that if
22 he needs any supports to call me
23 ASAP."

24

25 So when you -- what you told us before the break

1 is that you had some information from Ms. Chief-Abigosis
2 and that's all the information that was contained in this
3 portion of her transfer summary?

4 A Um-hum.

5 Q And so just based on what you, you said, it
6 sounds like the issue of alcohol was something that was
7 unknown, at least to you, when you picked up the file?
8 Whether or --

9 A I would say yes. It wasn't unknown.

10 Q And do you know whether the service agreement
11 was, in fact, completed? Was it -- were all the conditions
12 met?

13 A From what I read and my understanding is, is that
14 it was completed and the conditions were met.

15 Q If we take a look at the same transfer summary,
16 page 37408. So -- do you have that page?

17 A I do.

18 Q Okay. If you look under unresolved problems it
19 says the identified problems remain unresolved for Mr.
20 Sinclair. You see that?

21 A Yes.

22 Q So what, what did that tell you, as the worker
23 who was assuming conduct of the file?

24 A When I got the file, the way I understood that is
25 I went back and, and read what the -- what some of the

1 identified problems, what the identified problems were and,
2 and what I took from that, again, was the possibility and
3 the unknown of the alcohol abuse. The, the separation, the
4 new separation from Ms. Kematch and the concern of their
5 reconciliation, possible reconciliation and what that mean
6 in terms of, of risk to the child.

7 Q Okay. What about the domestic violence?

8 A I'm sorry, what?

9 Q What about the domestic violence between Mr.
10 Sinclair and Ms. Kematch, was that an issue that remained
11 unresolved, do you know? Is that of concern?

12 A It was, it was certainly an issue but again, it
13 was one of these things where it was under circumstances or
14 a situation where it's an almost he said, she said and a
15 situation that was fairly common or not uncommon for us to
16 come across in, in dealing with some of our clients and,
17 and certainly with the explanation that, that I received
18 from Genny and Steve, in terms of what had transpired or
19 gone down, in terms of Samantha needing the money or
20 wanting the money and, and her anger at Steven and also the
21 issue of Sheila and Samantha having been assaulting each
22 other, that certainly had a ring to truth to myself,
23 knowing -- having known Sheila, so --

24 Q Do you know where -- sorry to interrupt you but
25 do you know where Phoenix and the baby were during that

1 time?

2 A Of the assault?

3 Q Of the assault, around that time.

4 A Genny had them.

5 Q Okay.

6 A That's my understanding.

7 Q And was, was -- would Genny be an acceptable
8 caregiver for the children?

9 A I'm sorry?

10 Q Was Genny an acceptable caregiver for the
11 children?

12 A I think so, yes, at the time, yes.

13 Q And you'll see at the time this transfer summary
14 is -- well, it's dated August 16th, 2001 but I suspect Ms.
15 Chief-Abigosis or I anticipate she will be testifying that
16 she left around July 15th, 2001 when the baby died. So --
17 and you'll see that there is a reference in the relevant
18 reports to the medical examiner's report.

19 A Yes.

20 Q So with the issues that were identified there,
21 there is also, and I think it was one of the issues there,
22 it was a recent death of Mr. Sinclair's baby, as well, just
23 very recent to this; is that --

24 A That's correct.

25 Q And so where it says recommendations for future

1 interventions. You see that just below unresolved
2 problems?

3 A Yes.

4 Q It says:

5
6 "If or when Mr. Sinclair and Ms.
7 Kematch resolved their
8 relationship and resume
9 cohabitation, that the Agency
10 access and monitor Ms. Kematch's
11 parenting style. There are
12 concerns expressed by Mr. Sinclair
13 about her treatment and
14 disciplined methods used on
15 Phoenix."

16

17 A Yes.

18 Q Okay. And what did you understand that to mean?

19 A I understood that to mean that should they
20 reconcile, that there was -- that would greatly increase
21 the risk to Phoenix's safety with regards to Samantha.

22 Q And did you do any further investigation around
23 what those concerns were?

24 A With regards to Samantha?

25 Q Yes.

1 A Well, I had read her, her file and all the
2 transfer summaries. But we -- no, I didn't further
3 investigate it after that.

4 Q Based on your review of her file and the
5 summaries, did you make some sort of assessment as to the
6 risk that she would pose to Phoenix at that time?

7 A My assessment was that she would pose a high risk
8 to the children.

9 Q If you take a look, please, at your closing
10 summary at page 37395.

11 A Three ...

12 I'm sorry, what page is it?

13 Q 37395.

14 A Okay. Sorry.

15 Q It's okay.

16 A 37385, yeah.

17 Q It's 37395.

18 A Oh, I've got eight, five.

19 Q If you look up on the screen, it's, it's pretty
20 clear on there. Can you make it out?

21 A Yes.

22 Q And can you just confirm that what's on the
23 screen is a portion of your closing summary?

24 A Yes, it is.

25 Q And so this is when you were, in fact, closing

1 the file to CFS; is that right?

2 A That's correct.

3 THE COMMISSIONER: On what date?

4 THE WITNESS: This is when I did the paperwork.

5 THE COMMISSIONER: On what date?

6 THE WITNESS: That's correct.

7

8 BY MR. OLSON:

9 Q The date of the paperwork, I believe it was in
10 March 2002.

11 A That's right.

12 Q Okay. You said you actually closed the file
13 sometime before that?

14 A In, in October and it was waiting paper, so
15 waiting closure, that's right.

16 Q Okay.

17 A But this is when the paperwork was done, yes.

18 Q Okay. And this document represents, I think you
19 said earlier, the final --

20 A That's correct.

21 Q -- paperwork, okay. So it says, under unresolved
22 problems, it says -- first of all, it says: "Please refer
23 to Samantha Kematch's file for Child Welfare issues
24 relating to her." And what's the significance of putting
25 that point in the -- this -- under this heading? What's

1 the reason for doing that?

2 A The reason that I put that in would be to refer,
3 if or when this opened again as a protection file, that it
4 would, it would be critical that they review Samantha's,
5 Samantha's file so that they could get a full picture,
6 picture with regard to her ability to provide appropriate
7 and safe care for her children or child.

8 Q The second issue is: "Steven has suffered
9 significant losses in his life - the most recent - the loss
10 of an infant daughter."

11 The next one:

12

13 "Until Steven became a ward of the
14 Agency he grew up in an
15 environment that was rife with
16 alcohol abuse, domestic violence
17 and sexual abuse. Although Steven
18 received therapy while in care
19 this worker is concerned that
20 these issues may reoccur in the
21 future."

22

23 Is that a concern that you had, that the issues
24 of alcohol abuse, domestic violence, and sexual abuse might
25 recur in the future?

1 A I, I, I put that there because the reality is in
2 -- for a person such as, as Steven, the operative word
3 there is may and it is a reality that, that the experiences
4 that he had in his childhood may affect his adult
5 relationships, may affect his, his parenting abilities and
6 I would put that caution in his file or any other file
7 where they had that, that history in their childhood
8 environment.

9 Q But based on your experience with Mr. Sinclair
10 did you, did you make a determination, in your own mind, as
11 to how likely it is that these would be issues with, with
12 him in the future?

13 A Frankly, in all honesty, I couldn't make a firm
14 determination in the future of is, is, is this going to
15 happen for Steven, is it going to look bad to him or not.
16 In the community that I worked in there were many people
17 who can claim the same kind of background as Steven, who
18 grew up and, and have no contact with child welfare, are
19 parenting fine, so it's hard to guess or to know, is, is
20 this person going to be impacted and to what extent by
21 their childhood experiences. But I still put it in there
22 as a cautionary measure.

23 Q Next you have:

24

25 "Steven always has been and still

1 remains a very quiet and private
2 person. He finds it extremely
3 difficult to reach out for help
4 and talk about his issues."

5

6 Is that an accurate description of Mr. Sinclair?

7 A I think so, yes, at the time, yes.

8 Q And so if, if he was having issues of parenting
9 and dealing with the death of his daughter, and those sorts
10 of things, alcohol, et cetera, would you expect him to
11 reach out for services, knowing how he is?

12 A Well, knowing how Steven was, I, I certainly know
13 that, that being the kind of quiet and reserved individual
14 he was and, and he would be selective as to who he would
15 reach out to. I certainly had knowledge that he was
16 receptive to reaching out to some of the community
17 resources and to his family so I knew, in some instances,
18 he, he is -- that he does bring that barrier down but
19 certainly when he's dealing with, for instance, child
20 welfare, he's not going to be as receptive.

21 Q And then the next point you say:

22

23 "It remains unclear whether Steven
24 has difficulty with alcohol.
25 Steven admits drinking

1 occasionally, and he remains at
2 risk of developing substance abuse
3 problem."

4

5 We have discussed that already.

6 A Yes.

7 Q Then you have:

8

9 "Steven had indicated that Mama Wi
10 had not provided him with the
11 assistance he had expected and
12 claimed that the resource had
13 "taken Samantha's side" in their
14 dispute. This reduces the
15 resources available to Steven
16 unless it has been resolved."

17

18 What was that reference to?

19 A I think I saw some reference in Delores' that
20 Steven was a little -- Delores' transfer summary, that -- I
21 beg your pardon -- that Steven was a little miffed at the
22 time when he was attending Ma Mawi and, and, and Samantha
23 was. I put that there in a just, just in case discontinued
24 but given the fact that I was pretty confident and given,
25 and given the fact that Genny worked there every day and

1 that he used to go there every day, that in all likelihood
2 Steven's probably going to get over that. He certainly had
3 already stated that he had relationships with support
4 workers and, and workers there but I, I did include that as
5 a possibility.

6 Q The information that Ma Mawi had not provided him
7 with the assistance that he expected, where did that come
8 from?

9 A I think we're talking about specifically about
10 guardianship.

11 Q Right. The issue of guardianship.

12 A Yes.

13 Q And earlier it said that he was going to approach
14 Ma Mawi --

15 A Yeah.

16 Q -- for support.

17 A Yeah.

18 Q And now this is saying that didn't work out the
19 way he expected; is that --

20 A Yeah.

21 Q -- fair? And so where did you get the
22 information from that that did not work out?

23 A I believe it was in Delores' transfer summary.

24 Q Okay. Would this -- would -- did you do any
25 further investigation to see if he had other supports

1 available to him or try to put him in touch with other
2 supports?

3 A No, I didn't because my -- the knowledge that I
4 had was that he was still receiving services from Ma Mawi.
5 In July they were attending Genny's home, the support
6 workers and grief counselors. So I took that to mean that,
7 that Steven was still in contact and open to receiving
8 services from Ma Mawi.

9 Q And that -- was that -- that was just an
10 assumption on your part then; is that --

11 A Assumption on my part?

12 Q Right.

13 A Yes.

14 Q You had no actual evidence of that; right?

15 A Well, other than Genny telling Delores that.

16 Q At the time do you know, when you were writing
17 your closing summary, who was actually caring for Phoenix?

18 A Steven was in -- or I'm sorry, Phoenix was in the
19 care of her father but he was utilizing the assistance of
20 his friend, Kim Edwards, to assist in caring for Phoenix
21 and his sister, Genny.

22 Q And how do you know he was using Kim Edwards? Is
23 that something you learned after?

24 A No, he told me that, yes. And, and he also had
25 mentioned it to Delores, as well.

1 Q He told you that?

2 A Yes.

3 Q When, when was that?

4 A That time I met with, with the Sinclairs.

5 Q Okay, so before you were actually --

6 A Involved.

7 Q -- involved in the file is when you had --

8 A In July he told me that, yes.

9 Q And you knew that was still the case when you're
10 writing your closing summary?

11 A Yes.

12 Q Okay. And how was that?

13 A Well, my understanding was that he had indicated
14 that to Delores.

15 Q Did you talk to Ms. Edwards?

16 A No, I did not.

17 Q Did you know anything about her?

18 A No, I did not.

19 Q Did you know where she lived?

20 A No.

21 Q Were you concerned in the past about the peer
22 group that, that Mr. Sinclair was associating with?

23 A No. I didn't have any knowledge of his peer
24 group at, at this time. I mean, it certainly seemed that
25 he was some -- spending most of his time with, with, with

1 his family. I might say that I would have had concerns
2 four years previous to that but when, when I talked to --
3 when Steven told me that he was leaving Phoenix with Kim, I
4 had indicated to him, which I, I do generally with, with
5 any parent, that he, he needs to ensure -- it's up to him
6 now to ensure the safety of his children and protection of
7 his children and that means in, in the choice of his
8 caregiver and that means that he needs to be sure that
9 whoever is caring for his child is stable, that there is no
10 family violence and there's no addiction issues and if
11 there is children in that family, that they're doing well
12 and they're stable.

13 And that is a statement or an -- that, that I
14 will share with any parent, in terms of when they're
15 choosing their caregivers. Under most circumstances we --
16 the agency doesn't vet private arrangements for caregivers
17 of, of our clients on a regular basis.

18 Q And is that how you would characterize this, this
19 was a private arrangement that --

20 A Yes.

21 Q Okay.

22 A Those were his private arrangements.

23 Q And the things you mentioned about -- the things
24 you would be concerned about that Mr. Sinclair would have
25 to ensure his child's safety, make sure that the, the

1 person looking after her was stable, that sort of thing,
2 did, did you ask him if, if Ms. Sinclair met those
3 criteria?

4 A His sister?

5 Q Ms. -- sorry, Ms. Edwards.

6 A Yes.

7 Q And what did you learn?

8 A What he stated to me, when I asked him all of
9 that at the time that I met with all the Sinclairs, he
10 stated yes, that this was a safe place for Phoenix to be.
11 And Sheila and Genny were also there and didn't indicate
12 otherwise.

13 Q When you, when you review the file, and you'll
14 tell me if you disagree, it sounds like Phoenix may have
15 been moving between Steve Sinclair, some of his sisters,
16 and Ms. Edwards at the time. Is that -- do I have that
17 right, is that your understanding?

18 A Yes, that's my understanding.

19 Q And did that movement, that moving from place to
20 place, with Phoenix, who would have been very young at the
21 time --

22 A Um-hum.

23 Q -- was that a concern for you?

24 A It would not have been a huge concern for me.
25 It's not unusual in, in families for them to, especially

1 with single parents, to kind of share child care in terms
2 of the children, in particular, and in aboriginal families
3 so it didn't concern me too much.

4 Q Okay. If -- did you, did you ever look at making
5 Ms., Ms. Edwards a formal place of safety, was that
6 something you considered?

7 A A formal place of safety, Kim Edwards?

8 Q Right. Right.

9 A Well, the reason why anyone would make someone a
10 formal place of safety is because they're requiring a
11 place, a placement for a child who is under apprehension
12 and in need of protection.

13 Q Okay. And so since Phoenix was not under
14 apprehension --

15 A No, she was not.

16 Q -- then she would not -- she could not be made a
17 -- Ms. --

18 A Absolutely not.

19 Q -- Edwards could not be a formal place of safety?

20 A No.

21 Q Okay.

22 A Not, not unless the child was under apprehension
23 and in the care of the agency.

24 Q And you said you were -- you had -- I don't want
25 to put words in your mouth but I think you said you had

1 serious concerns or something of that nature, if Samantha
2 Kematch was to begin caring for Phoenix?

3 A Yes.

4 Q Okay. Was there anything preventing Ms. Kematch
5 from picking up Phoenix at any time from wherever she
6 happened to be?

7 A She could try.

8 Q And what do you mean by she could try?

9 A Well, again, I -- when, when I had met with, with
10 the Sinclairs, it was one of the issues that we talked
11 about in terms of what happens if Samantha shows up. And I
12 indicated to Steven call Winnipeg Police Services and if
13 district three is too busy, then you can call after hours
14 or CRU and let them know what the situation is and, and,
15 and, and that she is trying to take this child and, and the
16 child will be at risk in her care and some worker will come
17 out to assess the situation and, and to give him
18 assistance.

19 So that had been discussed, I had discussed that
20 with Steven.

21 Q Then that would have been back again --

22 A July --

23 Q -- that would --

24 A -- 3rd or -- yeah.

25 Q The one meeting --

1 A Somewhere around there.

2 Q The one meeting that you had with him and his
3 sisters?

4 A Yes.

5 Q Okay. Now, if you look under recommendations for
6 the future, we're looking back at your closing --

7 A Yes.

8 Q -- summary. It says:

9

10 "If or when Mr. Sinclair and Ms.
11 Kematch resolved their
12 relationship and resume
13 cohabitation, that the Agency
14 accessed and monitor Ms. Kematch's
15 parenting style. There are
16 concerns expressed by Mr. Sinclair
17 about her treatment and
18 disciplined methods used on
19 Phoenix."

20

21 A Yes.

22 Q Okay. And then it says, under two:

23

24 "Family of origin issues may need
25 to be addressed for Steven. Ron

1 Kane was Steven's therapist and
2 would be willing to see Steven
3 again."

4

5 A Yes.

6 Q What, what does that mean, the family of origin
7 issues?

8 A Family origin issues are the, the, the issues
9 that I had mentioned in terms of his childhood environment,
10 you know, in other words, that he was exposed to alcohol
11 abuse, neglect, family violence, sexual abuse.

12 Q Okay. And then number three it says:

13

14 "If this file should re-open the
15 above issues along with the
16 possibility of substance abuse
17 needs to be addressed."

18

19 A Yes.

20 Q And then number four:

21

22 "Jenny Sinclair - Steve's sister
23 remains a strong support for all
24 the Sinclairs -- Steven, Sheila
25 and Angie (all three siblings

1 were/and are, wards of this
2 Agency.) To this worker's
3 knowledge Jenny has been a
4 "Christian" and alcohol free for a
5 number of years now."
6

7 And what's the, what's the purpose of that
8 paragraph under recommendations?

9 A The last one?

10 Q Yes.

11 A The purpose would be for if the file should
12 reopen, the purpose would be that this, this would be a
13 resource for, for Steven to utilize.

14 Q So that would be an indication to the next worker
15 that these are resources; is that ...

16 A That -- Genny, yes.

17 Q Okay. There's no mention of Ma Mawi in this
18 document?

19 A No, I did not mention Ma Mawi.

20 Q Could you just -- if you look at the next page,
21 you have reason for transfer closing.

22 A Yes.

23 Q And it says:

24

25 "Steven is the primary caregiver

1 for Phoenix. He has not requested
2 any services from the Agency and
3 at this time no community
4 resources are indicating any
5 concern. Since there are no child
6 welfare concerns at present, this
7 worker recommends that this file
8 be closed."

9

10 A Yes.

11 Q Okay. And the decision to close the file, at
12 this point, whose was that?

13 A The decision to close a file would have been made
14 with me and Lorna. I would have made the decision, though
15 usually the worker makes the decision but obviously they
16 discuss it with their supervisor.

17 Q So where it says "This worker recommends that
18 this file be closed."

19 A Yes.

20 Q Is that a recommendation you're making to your
21 supervisor, Ms. Hanson?

22 A Yes.

23 Q And so was it open to Ms. Hanson to say you know,
24 I don't think this is ready for closure?

25 A Absolutely she could always say that, yes.

1 Q And so did she agree with your assessment?

2 A She did because she signed it.

3 Q Do you know -- do you recall having a meeting
4 with her to, to discuss closure of the file?

5 A I don't specifically recall this one but I, I
6 certainly do recall that whenever a file was closed that I,
7 that I did meet with Lorna and discuss it, prior to closing
8 it.

9 Q But you don't have a specific recollection?

10 A A specific recollection, I do not.

11 Q And this list appears to have been typed March
12 27, 2002. Is that, is that right, if you look on the
13 bottom, it says typed March 27, 2002?

14 A Yes, yes.

15 Q Okay. And I think you said before you had -- you
16 didn't actually have any notes on this file?

17 A Correct.

18 Q Right? So whatever you put in the closing, your
19 closing summary, was that just based on your memory?

20 A Yes.

21 THE COMMISSIONER: And you and the supervisor had
22 both actually put your signature on this piece of paper.

23 THE WITNESS: That's correct.

24 THE COMMISSIONER: In, in March.

25 THE WITNESS: That's correct.

1 THE COMMISSIONER: Yeah.

2 THE WITNESS: Yes.

3

4 BY MR. OLSON:

5 Q Well, when a file is closed, is there any further
6 monitoring of the family?

7 A No, there is not.

8 Q Okay. Was there anything preventing you from
9 keeping the file open to continue to have some sort of
10 involvement?

11 A The only thing preventing it would be that there
12 were, that there were no relevant child protection concerns
13 at the time to mandate service. And as much as we would
14 like to, we can't keep every file open indefinitely and
15 there has to come a time, if a child is in a home and safe
16 and there's no presenting child welfare protection concerns
17 then we need to close the file.

18 Q When you say presenting child protection concern,
19 does that mean an immediate concern, for example, the child
20 is running down the street without shoes, that sort of
21 thing, or is it sort of an ongoing safety concern?

22 A It could -- well, it could be, it could be either
23 as long as there is enough factual evidence of it. For
24 instance, you know if, if two visits to the home you could
25 see that there were empty beer bottles on the, on the

1 kitchen table, even though they said they, they weren't
2 drinking. So something like that you, you would be able to
3 keep that open because it would be a -- still a viable
4 possible protection concern.

5 Q In this, this particular case, and I just want to
6 put these facts to you, you know that Ms. Chief-Abigosis
7 was off the file when the baby died. There was a concern
8 about Mr. Sinclair possibly using alcohol at that point.
9 There was a recent separation between him and Ms. Kematch
10 and then there was Phoenix who, apparently, was moving
11 around between different people and there was no visit by
12 you at that -- at any time.

13 A Right.

14 Q Based on that, were you able to really say there
15 wasn't a risk to the child, that it was -- the file had to
16 be closed?

17 A I don't think that you -- I don't think it's
18 possible to say, with any certainty, that there's never any
19 risk but when the risk is, is low or minimal and, and in
20 the discussion that I had with Lorna Hanson, when I
21 received the case, the issue at that time already was that,
22 that any child protection concerns had been, been addressed
23 and we were more looking at, as I stated again, more
24 voluntary services and when you have a -- in that kind of
25 situation when you have a, a client that's rebuffing all,

1 all of your offers of service, there is a time when you
2 would close the file.

3 Q We're, we're almost done, I just want to move on
4 to the reports that were commissioned following Phoenix's
5 death. Have you -- did you -- first of all, do you recall
6 when you first learned of Phoenix's death?

7 A I do not.

8 Q Did anyone, prior to the inquiry, did anyone
9 speak with you about your involvement in the file?

10 A I'm sorry, repeat that.

11 Q Prior to the inquiry process, did anyone speak
12 with you with respect to your involvement in the file?

13 A I don't believe so, no.

14 Q Out of fairness to you, I want to bring to your
15 attention and I, I, I know you're familiar with the
16 portions in the reports that refer to your involvement in
17 the file so I don't want to go into them in great detail
18 but I want to give you a chance to comment on them if you,
19 if you feel that you would like to.

20 A Okay.

21 Q So the first one is a Section 4 report which is
22 at Commission disclosure one and it's page 26.

23 A Section?

24 Q You won't find it in the, in the book before you,
25 it's -- you'll have to look on the screen for

1 this.

2 A Okay.

3 Q So on page 26, if you look under the heading
4 March 1, 2002 --

5 A Yes.

6 Q -- it says:

7

8 "This is the Closing Summary for
9 Steven Sinclair's protection file.
10 This recording has no indication
11 of what contacts occurred with
12 Steven and Phoenix. The last
13 recorded contact on this family
14 occurred in July of 2001. The
15 reason for closing was given that
16 'Steven is the primary care-giver
17 for Phoenix. He has not requested
18 any services from the Agency and
19 at this time no community
20 resources are indicating any
21 concerns. Since there are no
22 welfare concerns at present, this
23 worker recommends that the file be
24 closed.' The recording itself
25 indicates that there were as yet

1 'a number of unresolved problems'
2 and it made recommendations for
3 the future.

4 It is also noted that following
5 the death of [the baby] no offer
6 of grief counseling, or follow-up
7 through in-home support or
8 immediately safety assessment on
9 Phoenix was recorded."

10

11 Just before we get to the findings, do you have
12 any comments with respect to that, these portions of the
13 report?

14 A Just the comment that, that I would have on it.
15 First of all, that it indicates that there was no offer of
16 grief counseling which is, is not true. My understanding
17 was that Delores Chief-Abigosis had a conversation with
18 Genny at, at which time she offered services and during
19 that conversation with Genny and Steve was at Genny's home
20 at the time, that the family was receiving grief counseling
21 and support from Ma Mawi which they preferred and they did
22 not want grief counseling services or support services from
23 the agency, that, that were receiving it from a culturally
24 appropriate resource.

25 Q Okay. And your, your counsel has helpfully

1 pointed out that there's a reference on page 37402, if we
2 could just turn that up quickly.

3 If you look under the heading interventions, the
4 first paragraph it says: "He will be connecting with his
5 previous psychologist to do some grief and loss therapy."

6 Do you see that?

7 A Yes, I do.

8 Q Is that the grief counseling you're referencing?

9 A No, it's not.

10 Q So there's something else in the file?

11 A It's, it's something else in the file.

12 Q And do you know where that would be found in the
13 notes?

14 A It would be in Delores' transfer summary and it
15 would -- the date would probably be July 15, 16th and a
16 phone call to Genny.

17 Q Maybe we could just scroll down to that portion
18 of the transfer summary. Keep going. Okay, so here we
19 have July 16th and this was --

20 A That would be, that would be the -- it at the
21 bottom, I believe.

22 Q Okay. So this is a phone call to Genny, this is
23 something that Ms. Chief-Abigosis is writing?

24 A That's right.

25 Q So it says:

1 "PC to Jenny ... she stated that
2 Steve was at her house and is
3 presented sleeping - ... they have
4 not heard anything from Samantha
5 and did not know where she was --
6 all she knew is that a couple of
7 her friends had seen her about two
8 weeks ago when she was
9 prostituting on the corner of
10 Langside and Broadway."

11

12 A Might be on the next page.

13 Q Okay. So in the paragraph there:

14

15 "Jenny stated that she has some
16 problems --"

17

18 Or sorry.

19

20 "-- some people/workers coming
21 over from Ma Mawi Wichita to
22 assist Steve and her with the
23 death. This worker offered
24 assistance for child care - Jenny
25 stated that Phoenix is doing well

1 and that she doesn't need any
2 assistance at this time and will
3 call the Agency if there is a
4 need. This worker stated that the
5 Agency would be available if there
6 is any support needed."

7

8 Is that what you are -- is that what --

9 A That's the reference I'm making.

10 Q Okay. And it appears that it was an offer of
11 assistance for child care or other support; is that --

12 A Right.

13 Q Okay. If we can just go back then to the report,
14 page 26. Was there anything else in that paragraph that
15 you wanted to comment on, specifically?

16 A Sorry, my glasses broke so --

17 Q That's okay.

18 A In terms of the safety assessment on Phoenix, my
19 understanding was that after hours had gone out and did
20 assess some -- Phoenix's safety at Genny's home. That was
21 my understanding that Cory Donald had gone out and seen
22 Phoenix and assessed her safety at that time.

23 Q That was prior to your assuming conduct of the
24 file; is that ...

25 A That's right.

1 Q Okay. And is there any, anything else you would
2 like to comment on?

3 A Yeah, the, the last sentence in the first
4 paragraph.

5 Q Where it says the recording, itself?

6 A Yeah.

7 Q Indicated that there were --

8 A Just in terms of the, the interpretation of this,
9 the transfer summary, as I indicated that it, it was a form
10 that we filled out when closings or transfers were
11 completed and the expectation was -- is, is that the worker
12 is going to put some information under each heading and I
13 guess when I'm reading this and my concern is, is that,
14 that they interpret a number of unresolved problems as
15 being significant problems that are still there.

16 Q Right.

17 A Every family is going to have some unresolved
18 problems, even when their files are being closed, but it's
19 important for them to be noted if and when a file ever got
20 opened in the future.

21 Q Okay. And so just -- your view then, I take it,
22 was that the problems you identified were not significant
23 problems?

24 A Not at the time that they -- to the point that
25 they needed attention from the agency or assessment of

1 safety.

2 Q If you look under the findings now there's
3 finding 12, F12.

4 A Yes.

5 Q It says:

6

7 "The absence of any recording and
8 case notes for the period from
9 July 16, 2001 until March 1, 2002
10 makes it difficult to determine
11 what was attempted by the case
12 worker during this period of time
13 that the file is open."

14 It is possible that case work was
15 completed by the assigned worker
16 but no record or case notes can
17 verify this."

18

19 I think you already told us that your -- whatever
20 you did was recorded in your summary, that was those -- the
21 two paragraphs we looked at?

22 A That is correct.

23 Q Okay. So do you, do you take any -- do you want
24 to --

25 A No.

1 Q -- comment on that? No? The next finding, 13:

2

3 "Significant problems existed
4 which could have negatively
5 affected the welfare of Phoenix
6 Sinclair and they should have been
7 followed up prior to closing."

8

9 It says:

10

11 "There were still protection
12 concerns based on their past
13 childhood trauma --

14

15 Sorry traumas.

16

17 "-- and the apparent use of
18 alcohol that would still occur."

19

20 Do you have any comments on that, other than what
21 we have discussed already?

22 A No. I think -- I believe that we've already
23 discussed and I have already explained in, you know, in
24 terms of past childhood trauma, that you certainly can't
25 mandate service to anybody simply because they had trauma

1 in their childhood and when it says "the apparent use of
2 alcohol", well, at the closing of the file, the apparent
3 use of alcohol was that dad was going out drinking and he
4 would drink to intoxication in, in an evening, but if he
5 did that, he got child care and it certainly wouldn't be
6 the first single parent who goes out and, and, and drinks
7 of a time.

8 So, again, it says apparent and, and I, I think
9 that interpretation is, is questionable.

10 Q Finally with this report, finding 14:

11

12 "The case management from November
13 of 2000 until the closing in March
14 2002 was substandard.

15 There were limited contacts, no
16 risk assessments and assessments
17 were completed and there is no
18 indication of sound casework
19 practice.

20 It was felt that Steven Sinclair
21 might still have a drinking
22 problem and it was unsure whether
23 he was linked to collateral
24 services to a sufficient degree.
25 He was also felt to have

1 unresolved trauma from his
2 childhood. Regardless of this,
3 the case file was ultimately
4 closed without these being
5 resolved. They should have been,
6 due to the young age of Phoenix
7 which made her high risk for abuse
8 or neglect. Furthermore, the
9 continued opening of the case
10 needed not have depended on
11 whether Steven asked for continued
12 support services but more on
13 whether a supervisory order could
14 be sought if the worker had
15 sufficient child protection
16 concerns and the father was
17 uncooperative.
18 Collaterals were not called to
19 find out what information they may
20 have been able to offer."

21

22 Do you have any, do you have any comments on
23 those paragraphs?

24 A On -- well, for one thing, it certainly has been
25 my experience that I have never been granted, as an agent

1 on behalf of the agency, by a master in court, an order of
2 supervision without the child having been apprehended
3 previous to that, so you can't just walk into court and ask
4 for an order of supervision without factual child
5 protection concerns to the point where there's
6 apprehension.

7 And again, we discussed -- I think I've already
8 discussed in terms of whether or not Steven may or may not
9 have a drinking problem.

10 And as -- in terms of whether they're unsure that
11 they're linked to collateral services, well, I think that
12 the collateral services that Steven had listed were
13 sufficient, in my opinion.

14 Q Could you just move on now to the next report.

15 THE COMMISSIONER: I'm just -- I'm wondering, I
16 know you're nearly through but this witness has been a long
17 time without a break. How long are you going to be, Mr.
18 Olson.

19 MR. OLSON: Not long at all.

20 THE COMMISSIONER: What does that mean?

21 MR. OLSON: There, there are two, two more
22 reports and the involvement in both of them is shorter.

23 THE COMMISSIONER: Well, I think we, we should
24 have a break now.

25 MR. OLSON: Okay.

1 THE COMMISSIONER: Ten minutes long enough?
2 We'll break for 10 minutes.

3

4 (BRIEF RECESS)

5

6 MR. OLSON: Mr. Commissioner, just before we go
7 on, there was a couple of things I wanted to address, not
8 related to this witness. One is there were some references
9 during Ms., Ms. Pickering's testimony about a telephone
10 number, that number should not be made public, it's a
11 current number, so I just want to remind the press that
12 that should not be public.

13 There was also reference to -- by the witness, to
14 Mr. Sinclair's siblings, when they were children in care.
15 Those reference -- I -- to the extent they haven't been --
16 they're not already out there, that should also be -- not
17 be reported on.

18 THE COMMISSIONER: Those are matters that would
19 have been redacted from documents that had been in that
20 form.

21 MR. OLSON: Yeah, and I don't think there were
22 actually any documents, it was just evidence given by the
23 witness so ...

24 THE COMMISSIONER: I, I -- the media people have
25 been very cooperative and I would think there would be no

1 problem having compliance.

2 MR. OLSON: Very good. And the final thing is we
3 had scheduled Nikki Taylor-Humenchuk for this afternoon,
4 due to scheduling we'll have to move her till tomorrow at
5 2:00 so whichever witness happens to be scheduled for that
6 time I'll have to stand them down and get her done. I
7 believe that would be Laura Forrest tomorrow at that time.

8 THE COMMISSIONER: Pardon?

9 MR. OLSON: Laura Forrest will be the witness
10 that will be -- is scheduled at that time.

11 THE COMMISSIONER: Yes, all right. All right.

12

13 BY MR. OLSON:

14 Q So before the break I was just going to move on
15 to the Section 10 report, Commission disclosure two, at
16 page 138.

17 If you look under the paragraph beginning "Steven
18 Sinclair's file."

19 A Yes.

20 Q It says:

21

22 "Steven Sinclair's file was closed
23 on March 27, 2002 with the
24 notation that Mr. Sinclair did not
25 respond to attempts to contact him

1 in late August 2001."

2

3 A Yes.

4 Q

5 "His sister, Sheila, did contact
6 the worker (who had a relationship
7 with "three of the youngest
8 Sinclairs") and relayed that
9 Steven was doing well with Phoenix
10 and that their sister, Jenny, was
11 "helping out". Sheila promised to
12 pass along to Steven the worker's
13 offer to be available to speak
14 with him or provide service. The
15 worker eventually wrote a letter
16 to Mr. Sinclair (after another
17 attempt to contact him) asking
18 that he come to the office. No
19 response was received and no
20 further concerns were relayed to
21 the Agency."

22

23 That is -- is that factually accurate?

24 A That's accurate, I would say.

25 Q Then it says:

1 "In closing the file, the worker
2 noted that Steven's family's --"

3

4 Sorry.

5

6 "-- family experience had been one
7 of alcohol abuse, domestic
8 violence and sexual abuse. As a
9 child in care. Steven did receive
10 therapy but the worker was
11 concerned that his "issues" would
12 resurface at a future date. Mr.
13 Sinclair was described as a "very
14 quiet and private person" who
15 found it difficult to ask for help
16 or to speak of what was bothering
17 him. The possibility that he
18 could develop an alcohol problem
19 was noted as an "unresolved
20 problem" as Mr. Sinclair
21 acknowledged using alcohol. He
22 had been disappointed in his
23 relationship with Ma Mawi where
24 his sister, Jenny ... worked. The
25 worker noted, in "Recommendations

1 for Future", "There are concerns
2 expressed by Mr. Sinclair about
3 her [Samantha Kematch's] treatment
4 and disciplined (sic) methods used
5 on Phoenix. Jenny Sinclair was
6 described as a "strong support"
7 for her siblings. The worker
8 believed her to be "a Christian"
9 and alcohol free for a number of
10 years."

11

12 We've gone over that before, is there anything
13 else you want to clarify or add with respect to this
14 paragraph?

15 A I don't, I don't think so, no.

16 Q Okay. If we can move on to the next page, at the
17 top.

18

19 "The police had already notified
20 the Agency that Ms. Sinclair's
21 partner ... had a criminal history
22 related to narcotics and violence.
23 Despite knowing that Mr. Sinclair
24 relied on his sister for child
25 care, no further checks were done

1 to ensure Phoenix's safety.
2 Further, believing that Ms.
3 Sinclair was "a Christian" was not
4 a guarantee of good parenting just
5 as believing that someone has not
6 used alcohol does not guarantee
7 sobriety. When added to the
8 warning in Mr. Sinclair's ward
9 file and the "concerns" Mr.
10 Sinclair shared about Ms.
11 Kematch's "discipline" of their 15
12 month old daughter, it is clear
13 that further assessment of the
14 adults around Phoenix was
15 warranted.

16

17 Would you like to comment on that finding?

18 A I'm thinking in relation to Ms. Sinclair's
19 partner, there is certainly many families in that community
20 where this may be part of their history and it doesn't
21 necessarily mean that in the present they're not now
22 providing a good home or parenting. I think it indicated
23 no further checks and my understanding was that after
24 hours, when Winnipeg Police Services informed the agency
25 of, of Ms. Sinclair's partner's past, after hours did

1 attend to Ms. Sinclair's home to assure that everything was
2 safe and okay and at the time after hours did see Phoenix
3 and, and did observe that the home was fine and Genny's
4 partner was there and, and making dinner at the time.

5 Q But this wasn't during your -- that, what you're
6 just referring to, that wasn't during your -- after this --
7 that occurred prior to you assuming conduct of the file; is
8 that right?

9 A That's right, it would be in, in Delores'
10 transfer summary.

11 Q Okay. Do you have any other comments on that, on
12 this, on this paragraph?

13 A I think this person's explanation of Ms. Sinclair
14 being a Christian, I suppose I could have, at the time,
15 expanded on that. When I'm writing a transfer or a closing
16 summary, there's -- I have an expectation that this is
17 going to be read by a supervisor and a social worker that
18 is, is -- has some knowledge of the community and the
19 resources and that certainly when you're talking to -- in
20 that community when you're talking to a client, and they
21 say to you I'm a Christian, there's a certain understanding
22 there. There were a number of small churches and also
23 Calvary Temple in that area and a number of people attended
24 to these small churches in the communities and Calvary
25 Temple.

1 So that would, of course, be part of them being a
2 Christian, so it's not just their religious affiliation.
3 When these clients say they're a Christian, you understand,
4 also, in, in -- when they're telling you that, that they
5 have a sober household. Because I've often in, in
6 interviewing people, asked about drinking and their
7 response will be no, this is a Christian household.

8 So, it's an understanding that, that, that they
9 run a sober household and there's no alcohol and drugs in
10 their household.

11 The other thing, in terms of Ms. Sinclair being a
12 Christian, is that being a Christian she would be involved
13 with one of these churches and, therefore, have the support
14 of, of a tight community of that church.

15 And I could have expanded and elaborated on that
16 but I suppose there was that expectation that any
17 supervisor or social worker coming after me would have some
18 knowledge of the community that they are providing service
19 to.

20 Q So the things you just mentioned, that's what
21 you're trying to convey by that statement?

22 A Yes.

23 Q Okay. The next paragraph, it says:

24

25 "No contact with Phoenix or her

1 parents was recorded for over a
2 year. It was believed that
3 Phoenix was living with her father
4 during this period, her exact
5 whereabouts were not known to the
6 Agency."

7

8 Do you, do you agree with those comments?

9 A Well, I only know what I read, I wouldn't ...

10 THE COMMISSIONER: Would she know what timeframe
11 -- when you talk about --

12 THE WITNESS: Well, this is after I had closed it
13 so in other words, from the time I closed it --

14 THE COMMISSIONER: You had nothing more to do
15 with it.

16 THE WITNESS: That's correct. And the agency
17 also had no contact or referrals with regards to any
18 concerns of Steven's parenting for a year. I believe
19 that's what that means.

20

21 BY MR. OLSON:

22 Q I just want to, I just want to clarify and this
23 is probably a good time to do it. You said that the --
24 your closing, your closing summary was a formality, the
25 file had been waiting to be closed for some time. What do

1 you mean by that, like how, how is it that it was a
2 formality? Was there something put in showing that it was
3 to be closed or when, when did the file actually get
4 closed? What was the date?

5 A The file was closed when the recording was made
6 and that -- the file was waiting closure and closed in
7 October of 2001. I believe I had explained this but it was
8 waiting, the paperwork. So the paperwork on the file was
9 done in March.

10 Q Okay. But if, if another worker looked on, for
11 example, CFIS, would it show the file as being open or
12 closed?

13 A It would show waiting closure.

14 Q Okay. Say waiting closure?

15 A Yes.

16 Q And how does that -- how, how is that
17 communicated? I mean, how does -- how is that
18 determination made, that is waiting closure?

19 A Well, I think there -- I had explained that
20 already that, that it was, it was determined that, that we
21 would close the file and that there were no longer any
22 relevant protection concerns so on CFIS it would, it would
23 read file waiting closure. In other words, the file is, in
24 essence, closed. Waiting closure means it's waiting the
25 paperwork.

1 Q Okay.

2 A And that's how it would be interpreted.

3 Q And just, just in terms of the reference to not
4 seeing Phoenix or her parents for over a year, based on
5 your review of the file with Ms. Chief-Abigosis leaving the
6 agency in mid-July, and then you're taking over, you have
7 confirmed you didn't see Phoenix during that time period?

8 A No, I did not.

9 Q Okay. The next report I want to take you to is
10 Rhonda Warren's at CD1802, page 38015. Point number six.
11 It says:

12

13 "There appears to be no direct
14 contact between July 6, 2001 and
15 March 27, 2002 (date of closing)
16 although two attempts were made.
17 In response to [the] death on July
18 15, 2001 the only family contact
19 listed is by telephone."

20

21 I think we've covered that, that's, that's an
22 inaccurate statement?

23 A That's inaccurate, that's --

24 Q It's inaccurate?

25 A It's inaccurate.

1 Q Okay, and what's inaccurate?

2 A Well, the agency did have contact because after
3 hours did attend to Genny's home, after hours worker did
4 see Phoenix, did speak with Genny.

5 Q Okay. Is there anything else that's inaccurate
6 in that paragraph?

7 A I don't think so. Which paragraph again is it, I
8 lost my page?

9 Q It's the one that says there appears to be no
10 direct contact.

11 THE COMMISSIONER: It's the second last dot.

12 THE WITNESS: Yeah, I'm reading it now.

13 Yeah, it says the only contact was by phone and
14 that is not correct and my recollection was that after
15 hours had attended to Genny's home.

16

17 BY MR. OLSON:

18 Q If we can go to page 38030. This is the last
19 reference I'll take you to. Under the last sentence of the
20 first paragraph, where it says how ...

21 Sorry, it's under the last, last question so if
22 you could scroll down to the bottom. Oh. "How often did
23 the Agency have contact with Mr. Sinclair?"

24 You see the heading there, at the bottom of the
25 page?

1 A Okay, I'm reading that, yes.

2 Q Okay. It says:

3

4 "Although the social worker stated
5 that she would be visiting the
6 home on a weekly basis to assess
7 how he is coping with the care of
8 the children this plan was not
9 fulfilled. An attempt was made to
10 visit Steven on July 10 however no
11 one was home."

12

13 That's, that's not under your -- when you had the
14 file, that --

15 A No.

16 Q Okay.

17

18 "The next contact occurred on July
19 15, 2001 when the Agency was
20 informed of [the] death ... At
21 this point Winnipeg City Police
22 did share Steven's history of
23 charges."

24

25 And then finally it says, at the last paragraph,

1 it says:

2

3 "There appears to be no direct
4 contact with Steven (the Worker
5 spoke to him by telephone on July
6 16) after [the baby's] death and
7 the file was closed March 27,
8 2002."

9

10 That's, that's the only portion that appears to
11 reflect your involvement in the file. Is that, is that
12 portion accurate?

13 A I'm sorry, could you just repeat the last part of
14 that?

15 Q The last -- you see the last sentence of the
16 paragraph?

17 A Yes.

18 Q It says:

19

20 "There appears to be no direct
21 contact with Steven (the Worker
22 spoke to him by telephone on July
23 16) after [the baby's] death and
24 the file was closed on March 27,
25 2002."

1 That, that's accurate?

2 A I --

3 Q Isn't it?

4 A -- I think that's my recollection.

5 MR. OLSON: Those are my condition -- that is my
6 questions. Thank you.

7 THE COMMISSIONER: Thank you, Mr. Olson. Now,
8 there will be some other lawyers who want to --

9 THE WITNESS: I understand.

10 THE COMMISSIONER: -- ask questions, you were
11 expecting that?

12 THE WITNESS: I understand.

13 THE COMMISSIONER: Yes. All right, now if you --
14 we won't -- we'll certainly not go beyond five o'clock but
15 we'll see if we -- where we are. I would like to think
16 we're finished but we'll have to see. Are you going first,
17 Mr. Gindin?

18 MR. GINDIN: Yes.

19

20 CROSS-EXAMINATION BY MR. GINDIN:

21 Q Ms. Epps (sic), my name is Jeff Gindin, I appear
22 for Sinclair and Edwards. I do have some questions for
23 you. By the time that you became involved with this file,
24 it was July of 2001, I believe, when you started to become
25 involved.

1 A August.

2 Q August of 2001. So you would have been a social
3 worker for well over 10 years by that point?

4 A I beg your pardon, you're going to have to speak
5 up a little.

6 Q You would have been a social worker for over 10
7 years at that point; correct?

8 A Oh, yes.

9 Q And your experience over that period of time was
10 in some very difficult types of cases?

11 A That's correct.

12 Q As well, you had, I suppose, the advantage of
13 having known Steven Sinclair for quite some time?

14 A Yes.

15 Q You had been his social worker for seven years or
16 so, until his 18th birthday?

17 A Yes.

18 Q Right? And during that period of time, you would
19 have met with him or spoken to him very, very often.

20 A During the time I was his worker?

21 Q Yes.

22 A Yes.

23 Q I think you indicated at the very least you would
24 likely meet with him once a month?

25 A Yes.

1 Q And probably spoke to him more than that?
2 Perhaps on the phone or whatever.

3 A It would average out, sometimes. I mean,
4 certainly -- and definitely in his adolescence sometimes
5 kids are hard to get a hold of but it would average out,
6 yes.

7 Q And so you would be in a position to know him
8 probably better than any other social worker?

9 A I would say so, yes.

10 Q That we're going to hear from or have heard from;
11 right?

12 A I would say so.

13 Q Yeah. And when you became involved with the
14 file, not as a social worker but later on, in August of
15 2001, you indicated that you considered his file to be one
16 of low risk?

17 A I'm sorry, could you repeat that?

18 Q You described that his, Steven Sinclair's file,
19 was a case that you considered low risk at the time you
20 received it?

21 A That's right.

22 Q And this would be based on everything you read
23 about what had occurred in the past?

24 A This would be --

25 Q I take it you read the previous files?

1 A That's quite --

2 Q Right.

3 A -- correct, I've read --

4 Q And you would read --

5 A -- all -- it all and then had the conversation
6 with Lorna Hanson in terms of where we were at with this
7 file, so yes.

8 Q Um-hum. And you had also had this meeting you
9 told us about, with Steven and his sisters?

10 A I'm sorry, could you repeat that?

11 Q You had also had a meeting with Steven and his
12 sisters?

13 A Right.

14 Q Prior to you taking over the file?

15 A That's right.

16 Q So you had that information, as well, at that
17 time?

18 A Yes.

19 Q Correct?

20 A Yes.

21 Q As well as all of your knowledge of him as a
22 person growing up, having been his social worker. These
23 are all the things you already knew about --

24 A Right.

25 Q -- by the time you took over the file.

1 A That's right.

2 Q In August of '01.

3 A Yes.

4 Q In fact, it would appear that your involvement
5 with that file was only for a few months, at least up until
6 the time you decided it should be closed?

7 A That's right.

8 Q Even though it remained on the system and wasn't
9 officially closed for awhile.

10 A That's right.

11 Q You also indicated that if Steven was going to
12 respond to anyone about any problems he had, it was most
13 likely to be you because of your --

14 A I did --

15 Q -- experience with him?

16 A I did indicate that, yes.

17 Q Yeah, okay. And that was based on the fact that
18 he knew you well?

19 A That we had a relationship.

20 Q Yeah. For a number of years already?

21 A Yes.

22 Q Okay. That meeting that you had, in July, I
23 think you said July the 5th of 2001, was in response to a
24 phone call you got --

25 A That's --

1 Q -- from his sister; right?

2 A That's right.

3 Q And that's when Steve told you about all the
4 difficulties that he was having with Samantha; right?

5 A Yes.

6 Q And that they had been separated, et cetera;
7 right?

8 A Yes.

9 Q You told us that he was a very quiet private
10 person and that wouldn't be so easy for him to do, to share
11 his feelings with others but when given the chance with
12 someone he knew, like yourself, he did?

13 A Yes. But he did, he did share that with me, yes.

14 Q When you're the worker for a child in care, like
15 Steven was, you're really the, you're really the guardian
16 or almost like the parent; correct?

17 A For a permanent ward that's pretty much how it
18 comes, comes out that their social worker or their
19 permanent ward worker is, in, in essence, kind of like a
20 parent, especially for kids that are not, you know, in, in
21 placement in, in a foster home family setting that really
22 they rely on their social worker as a parent figure.

23 Q And that's one of the reasons, I take it, you can
24 remember a lot of things about Steven that you might not
25 have written down?

1 A That's right.

2 Q Right? And you were also the worker for his
3 siblings?

4 A That's correct.

5 Q At various stages?

6 A That's correct.

7 Q And, of course, when you would meet with them
8 Steve might be present on occasion?

9 A They would all, they would all be together.

10 Q Yeah, right. You described him as, as shy and
11 very private.

12 A Yes.

13 Q And whatever problems he may have had as a
14 teenager growing up, they were fairly typical --

15 A I would --

16 Q -- kind of things?

17 A I would say so, yes.

18 Q Yeah. And having an argument with you, who was
19 in a position of parent, again isn't unusual at that stage?

20 A I, I, I think I had already indicated that -- I
21 mean, we did, from time to time, have a little spar here
22 and there but, again, I would fully expect that coming from
23 a 17 year old adolescent.

24 Q Right. Now, you remember you were asked about a
25 comment that was made by Carol Jackson. Would that have

1 been incorrect, I think? Your -- Carol, Carolyn Jackson.
2 Do you recall you were being asked about a comment she had
3 put into one of the reports?

4 A I have read those reports.

5 Q Yeah. Referring particularly to page 37763, if
6 we can get that up and my learned friend, Mr. Olson, had
7 asked you if your -- about your opinion with respect to
8 that remark and that was the remark that started off with
9 he's a disturbed individual. Do you remember that?

10 A I beg your pardon?

11 Q That remark was a remark that began with the
12 words he's a disturbed individual. Do you recall that?

13 A Yes.

14 Q Okay. And --

15 THE COMMISSIONER: Number seven on the screen.

16

17 BY MR. GINDIN:

18 Q Yeah, number seven on the screen.

19 A Number seven. Yes, I read that.

20 Q And you've told, you've told us that that was not
21 something that you agreed with.

22 A I don't agree, I don't agree with that.

23 Q All right. And am I correct, as well, that you
24 don't agree with the rest of that remark either, which
25 wasn't exactly made clear, where it says who should not be

1 left in charge of dependent children. Clearly, you didn't
2 agree with that either.

3 A Yeah. Like I said, my, my experience with Steven
4 is totally different. I had no knowledge of this because,
5 of course, it was in his file and sealed --

6 Q Um-hum.

7 A -- until this inquiry and, and I read that. So I
8 was unaware that this was in his file and it -- that had
9 not been my experience with Steven up until the time I left
10 in November.

11 Q Well, the point I'm making is that that wasn't
12 your view, that entire statement was not something that you
13 agreed with?

14 A Right.

15 Q All right. As well, I get the impression from
16 your evidence, particularly with respect to your meeting in
17 July of '01 where the information came out about Samantha
18 charging Steven with assault, that you weren't impressed
19 with that allegation.

20 A That Samantha had?

21 Q You weren't impressed with the allegation made by
22 Samantha that Steve assaulted her, after hearing the whole
23 story from his sister?

24 A When, when I was talking to the Sinclairs?

25 Q Yes.

1 A Well, really, when I got the story from the
2 Sinclairs and having knowledge of Samantha's background, I
3 certainly did question it and, and did, did believe
4 certainly what Steven and Jenny were saying.

5 Q All right. I think you indicated that, when you
6 discussed with Steven that he probably had a worker, he
7 sounded surprised to hear that. Do you remember that?

8 A Yes.

9 Q Was anyone's name mentioned at that time in terms
10 of who that worker was? Do you recall?

11 A No.

12 Q And the information that Steve gave you about
13 Samantha and her inability to discipline the child
14 properly, et cetera, you had gone through all of that
15 before, you felt that that wasn't something that would be
16 easy for Steve to relay, based on what you knew of him?

17 A I'm sorry, could you repeat the last part of
18 that?

19 Q You indicated that when Steven told you this
20 information about Samantha --

21 A Yes.

22 Q -- and her behaviour towards Phoenix, that he
23 wasn't --

24 A Yes.

25 Q -- impressed with, that that would be difficult

1 for him to relay to you, based on his character and quiet
2 nature?

3 A Well, yeah, based on his character but -- with
4 anybody else but he was, he was more easy with me sharing
5 that information.

6 Q So it was, in your view, important that it was
7 you that he was talking to, you think?

8 A Yes.

9 Q Okay. And that conversation that you had, at
10 that time, you've told us that you made certain inquiries
11 of him in terms of how he was getting along because now he
12 was a single parent, in essence?

13 A Yes.

14 Q And he was a young man of 21 or so at that time.
15 Correct?

16 A Yes.

17 Q And he had now a child, only a couple of months
18 old --

19 A Right.

20 Q -- and also Phoenix which would have -- who --
21 she would have been 14 or 15 months old at that time.

22 A Yes.

23 Q And that wasn't an easy situation for him?

24 A No.

25 Q And as a result you made sure that you made some

1 inquiries about how he was getting along and what supports
2 he had and who was helping him; correct?

3 A Yes, I did.

4 Q And he told you about Kim Edwards, for example?

5 A Yes.

6 Q Right? And you asked him a number of questions
7 about her to assure yourself that this was a good idea,
8 essentially; right?

9 A Yes.

10 Q And you, based on your knowledge of Steven and
11 the answers you got, felt comfortable that these concerns
12 were being addressed properly?

13 A I did.

14 Q Yeah.

15 THE COMMISSIONER: That was at the July meeting
16 you're talking about?

17 MR. GINDIN: That's correct, yes.

18 THE COMMISSIONER: Yes, okay.

19

20 BY MR. GINDIN:

21 Q And in addition to the assistance he was getting
22 from Kim Edwards, which satisfied you, he also advised that
23 his sister, Genny, also assisted him.

24 A Yes.

25 Q And you knew her?

1 A Yes.

2 Q Yeah. You were asked about the fact that
3 Samantha, even though she had now left Steve, still may
4 have had the legal right to come back and care for the
5 child. You were satisfied, from talking to Steve, that he
6 wasn't going to be interested in that; right?

7 A No, I was quite certain that that was, that was
8 over, yes.

9 Q And, and Steve made it clear that that was not
10 something he was in favour of?

11 A That's right.

12 Q You talked about the fact that Steve had some
13 mistrust or distrust in the, the system and CFS and you
14 said understandably.

15 A Yes.

16 Q And I take it that you meant that based on his
17 own experiences, being taken from his family as a child, et
18 cetera, he didn't want the same thing to happen to Phoenix,
19 necessarily?

20 A He did not want -- obviously he did not ever want
21 his children in care.

22 Q Now, even though he was somewhat resistant to
23 dealing with CFS, it appears from some of the other things
24 that you've put in the various reports, that he still
25 cooperated in many ways in taking parenting classes and

1 doing certain things?

2 A Yes.

3 Q And indicating got you that he had community
4 supports, family support?

5 A Yes.

6 Q He had Ma Mawi?

7 A Yes.

8 Q Clearly, he was a young man in a difficult
9 situation but trying hard to do the best he can and wanted
10 to take care of, of his children at that stage; right?

11 A Yes, it was.

12 Q And he sought out help of others who could assist
13 him?

14 A Right.

15 Q Now, you expressed some concerns on the file in
16 terms of unresolved issues and future recommendations. I
17 take it they were put in there out of an abundance of
18 caution, really. Right?

19 A That's exactly why they're put in there, yes.

20 Q All right. For example, he was -- he grew up in
21 a home where there was extreme alcoholism and so the
22 concern was, well, hopefully he won't resort to that but
23 obviously it could happen.

24 A There is that possibility.

25 Q Right. And so you thought you would put that in

1 the file to make sure that --

2 A Yes.

3 Q -- others would maybe have a look at that, if
4 necessary.

5 A Um-hum.

6 Q But you also put in that there was really no
7 evidence that anybody you came across that he in fact was
8 drinking in front of the child, for example; right?

9 A Yes.

10 Q That was, that was not the case that you could
11 tell, from any of the evidence; right?

12 A Correct.

13 Q Um-hum. With respect to your opinion that the
14 file should be closed, which was determined in October of
15 that year; right?

16 A Yes.

17 Q That might not have been the case had you had any
18 real concern that Samantha was going to come back or that
19 Steve would welcome her back; correct?

20 A That's correct.

21 Q Yeah. So that decision was basically primarily
22 on the fact that Samantha was gone from the house and it
23 didn't appear as though she was welcome back, not by Steve
24 anyway; right?

25 A That's right.

1 Q And one of the assurances you had from Steve,
2 even though he was resistant to CFS is that he had friends
3 and family that he felt confident he could rely on?

4 A I believe so, yes.

5 Q Like Kim Edwards, like his sisters; correct?

6 A Yes.

7 Q Um-hum. And the fact that the child was in
8 different places, that is maybe sometimes with Steve, maybe
9 sometimes with Kim Edwards, maybe with his sisters, wasn't
10 a major concern because that isn't unusual for a single
11 parent, fairly young with small children to take care of;
12 right?

13 A Well, that's correct, it's not unusual for
14 someone who is a single parent and it's, it's not unusual
15 either in that culture, as well, in the aboriginal culture,
16 that a lot of different people bring up relatives or, or
17 look after relative's kids. So that wasn't unusual either.

18 Q And clearly you felt at that time that Steve was
19 able to parent, was trying his best, given some difficult
20 circumstances and the child was certainly better off than
21 it was with Samantha around?

22 A Yes.

23 Q And insofar as the fact that he just lost a child
24 at a very young age, you felt that the question of grief
25 counseling and support was addressed?

1 A I did.

2 Q Yeah. Perhaps not by a social worker directly
3 but certainly by other supports that he seemed to have at
4 that time.

5 A It was the family's preference.

6 MR. GINDIN: Yeah. If I can just have one
7 moment, please?

8 THE COMMISSIONER: Yes, sir.

9 MR. GINDIN: Those are my questions, thank you.

10 THE COMMISSIONER: Thank you, Mr. Gindin. All
11 right, who else wants to cross-examine?

12 I see nobody. So I guess you're on, Mr. Ray.

13 MR. RAY: I just have a couple of questions, I
14 just want to speak to --

15 THE COMMISSIONER: Yes.

16 MR. RAY: -- my friend for a moment.

17 THE COMMISSIONER: Yes. It looks as though we'll
18 get you out of here today.

19 THE WITNESS: Thank you.

20 MR. RAY: Trevor Ray for the record, just a few
21 questions, Kathy.

22

23 CROSS-EXAMINATION BY MR. RAY:

24 Q You identified that you've spoken about, you've
25 identified some concerns that relates to Ms. Kematch;

1 correct? And you never met Ms. Kematch, everything you
2 knew about her or the concerns that were raised about her
3 were presented to you in the history of a document or were,
4 were third party; correct?

5 A That's correct. I never met her.

6 Q So you never did a social worker assessment of
7 Ms. Kematch at the, at the time?

8 A I did not.

9 Q But out of caution, you raised those -- you
10 identified those concerns in the event she was to return,
11 based on the file history and based on what you were told.
12 Is that my understanding?

13 A I did, I raised that as definitely that there
14 would be risks to the child, based on that.

15 THE COMMISSIONER: Based on what you read?

16 THE WITNESS: And, and the information provided
17 by Steven and, and his family, yes.

18

19 BY MR. RAY:

20 Q You've stated you -- that you knew Mr. Sinclair,
21 we knew you were his social worker for many years. Did
22 your acknowledge of him, and I apologize for repeating a
23 question asked by Mr. Olson, did your knowledge of him
24 factor into your decision, ultimately, to close the file at
25 the time you closed it?

1 A Well, I think it did in the sense that, that I
2 kind of had a better knowledge of Steven and, and the, the
3 likelihood that he's going to, for instance, remain
4 separated from Samantha or continue with this relationship
5 and, and rely on, on his family for support, so my
6 knowledge of Steven, to that extent, did in fact impact
7 upon it.

8 Q Now, you give evidence that you, you knew of Ms.
9 Edwards or you knew, you knew about Ms. Edwards; correct?

10 A I knew about --

11 Q Okay.

12 A -- Ms. Edwards.

13 Q And you were told that she was a friend of Steven
14 or you were able to glean that from the file?

15 A Right.

16 Q Okay. And your evidence was that she was a
17 person of support who cared for Phoenix, that Steven took
18 appropriate steps to place her there when he needed, and as
19 a social worker did you feel that that was a good thing for
20 Steven to be doing?

21 A Yes.

22 Q Okay. We expect to hear evidence from Ms.
23 Edwards that she was caring for Phoenix very frequently
24 after ██████'s death and, in fact, it was almost on a full-
25 time basis.

1 THE COMMISSIONER: Who said that?

2 MR. RAY: We expect to hear evidence --

3 THE COMMISSIONER: Oh, you expect to hear.

4 MR. RAY: -- from Ms. Edwards --

5 THE COMMISSIONER: Okay, yeah.

6 MR. RAY: -- to that effect.

7 THE COMMISSIONER: I hadn't heard that so, yeah.

8

9 BY MR. RAY:

10 Q You didn't know that, at the time, but if you did
11 know that at the time you made the decision to close your
12 file -- close the file, does that strengthen your decision
13 to close the file?

14 A I think it might give me some pause but again,
15 given the fact that Steven was 21 years old and a new young
16 single father and that this was an agreement between these
17 two people, I'm, I'm -- I can't say for sure but it would
18 give me pause, perhaps.

19 Q Would a voluntary arrangement like that, where
20 Steven is placing her with a friend and who appears to be
21 caring for Phoenix appropriately be better than
22 apprehending Phoenix and placing her with --

23 A Oh, yes.

24 Q -- strangers or --

25 A Oh, yes.

1 Q -- perhaps in a hotel room under a support worker
2 or something to that effect?

3 A Yes.

4 Q Now, Mr. Olson asked you, did you expect Steven
5 to, Mr. Sinclair to reach out for services or assistance,
6 and we know from your evidence that he did call you or
7 excuse me, his, his siblings did call you and ask to meet
8 you together with Steven. Does that -- in your view would
9 you consider that as a request for assistance or an attempt
10 to reach out?

11 A I do.

12 Q Mr. Olson asked you if you knew where Ms. Edwards
13 lived and your answer was no. Could we show the witness
14 page 37400?

15 If you can just continue to scroll down, it's
16 just at -- that's fine. You see the bottom entry there,
17 under extended family, significant others and other
18 agencies?

19 A I see that.

20 Q And does that refresh your memory as to whether
21 you knew where Ms. Edwards lived?

22 A So I revised that to I, I couldn't recall. So
23 obviously there was that information on the file?

24 Q Okay. And do you recall now reading the document
25 that's in front of you as to -- at the time that you had

1 the file?

2 A Yes.

3 MR. RAY: Those are my questions. Thank you.

4 THE COMMISSIONER: Thank you, Mr. Ray.

5 MR. OLSON: I have no questions on re-direct.

6 THE COMMISSIONER: Witness, I just have a couple
7 of questions.

8

9 EXAMINATION BY THE COMMISSIONER:

10 Q When -- at the time you made a decision, in
11 October, to close that file, what would have been required
12 to have kept it open, rather than closing it?

13 A What would have been required?

14 Q Yes.

15 A There would have had to have been immediate child
16 protection concerns in order to keep it open so, in other
17 words, like I stated, that there was factual evidence that
18 a parent is drinking, factual evidence that a child is
19 being neglected, factual evidence that, that, that there is
20 some abuse going on.

21 So when there is, there is no evidence of that
22 and we know that a client is hooked up to the resources
23 that they need to be, then that's the decision that we make
24 to close.

25 Q And is it a discretionary matter left to the

1 social worker and the supervisor?

2 A That's correct.

3 Q And if a file is kept open, what responsibilities
4 attach to the agency as a result of it staying open? What,
5 what obligations does that place on them, they have an open
6 file sitting on the desk?

7 A Our, our obligation would be to attend to
8 whatever the apparent child protection concern was that
9 kept it open. So, for instance, if we knew that, that
10 there was factual evidence that there was alcohol abuse
11 happening in the home, then the agency's responsibility
12 then is to keep the file open and to ensure that the
13 parents address the alcohol abuse sufficiently that, that
14 they can then say that they're maintaining a safe household
15 and that would take awhile so we would be looking at
16 sending parents to treatment, et cetera.

17 Q If it is kept open, is there any responsibility
18 resting with the agency to periodically making a check to
19 see how things are?

20 A If it is kept open?

21 Q Yes.

22 A Yes.

23 Q The answer is yes?

24 A Yes.

25 Q And what are those responsibilities?

1 A Well, it would depend, it would depend on the
2 case, it would depend on the file and the client and the
3 problems but overall, in general, the responsibility is, is
4 for the social worker to attend to the home, to attend to
5 the family, ensure the children are safe all the time, and
6 to ensure that the parents are addressing the concerns
7 appropriately, whatever that, that would take, so if that's
8 a visit to the home or if that's taking a parent somewhere
9 for an appointment or ...

10 Q But there isn't a requirement that every so
11 often, or within the stated time period, a check must be
12 made on the home or anything of that kind, it relates
13 solely to the reason for its being open, I take it?

14 A Right. I, I mean, there is a standard and
15 certainly, I mean, with every social worker and, and
16 certainly in that area when we had a child protection
17 concern and, and a file was opened, there was regular
18 contact on that, there would be regular contact and there
19 would be regular visits, yes.

20 Q So that's what you would expect where there
21 was --

22 A Yes.

23 Q Insofar as an open file is concerned?

24 A Yes.

25 THE COMMISSIONER: Thank you very much, those are

1 the questions I have.

2 THE WITNESS: Okay.

3 THE COMMISSIONER: I wanted to ask you. All
4 right, we'll -- unless there is anything else we will stand
5 adjourned until 9:30 tomorrow morning.

6 Thank you, witness.

7 THE WITNESS: Thank you.

8

9 (WITNESS EXCUSED)

10

11 (PROCEEDINGS ADJOURNED TO NOVEMBER 21, 2012)