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

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

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

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NOVEMBER 27, 2012

**APPEARANCES:**

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

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

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

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

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

**MR. J. FUNKE** and **MS. J. SAUNDERS**, for 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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1 NOVEMBER 27, 2012

2 PROCEEDINGS CONTINUED FROM NOVEMBER 26, 2012

3

4 THE COMMISSIONER: Mr. Olson.

5

6 **DELORES CHIEF-ABIGOSIS**, previously  
7 affirmed, testified as follows:

8

9 DIRECT EXAMINATION CONTINUED BY MR. OLSON:

10 Q If we could just turn to page number 37050,  
11 please. So in front of you is a, a CRU Intake and AHU form  
12 dated July 18, 2001. It's addressed to you from Shannon  
13 Skogstad.

14 Do you recall reviewing this document?

15 A I reviewed the document, it was given by counsel,  
16 but I can't recall reviewing it at that time.

17 Q Would you have received it on the 18th of July?

18 A I would have received it on the date, yes.

19 Q Okay. And you were still actively employed at  
20 the agency then?

21 A Yes.

22 Q Okay. And this document says:

23

24 "The SOR called to report that  
25 Samantha Kematch and her partner,

1 Steven Sinclair are involved in a  
2 family dispute since the death of  
3 their daughter on July 15/01.  
4 According to the SOR the police  
5 actually had to attend the funeral  
6 chapel last night due to the  
7 tension which an outside source  
8 had indicated might lead to  
9 violence. In fact, Steve's side  
10 of the family was to view the body  
11 from 10:00 p.m. to midnight --"

12

13 Or sorry.

14

15 "The family were to view the body  
16 from 7:30 to 9:30 p.m. and  
17 Samantha's side of the family was  
18 to view the body from 10:00 p.m.  
19 to midnight. In addition, the  
20 police were informed that Nikki  
21 Taylor, worker for the Boys and  
22 Girls Club, had actually examined  
23 the body last night at the funeral  
24 parlor. Apparently she has  
25 accused the police of missing

1 marks on the body which of course  
2 are marks caused by the autopsy.  
3 The SOR also relayed that  
4 according to Steve Sinclair, he  
5 was approached by Diane Redsky,  
6 Executive Director of Ma Mawi and  
7 asked that he participate in a  
8 Sharing Circle with his ex,  
9 Samantha Kematch. Steve stated  
10 that he told Diane that he did not  
11 want to participate, and  
12 furthermore, he has an order  
13 stating that he is to stay away  
14 from Samantha, due to a prior  
15 domestic assault charge. Steve  
16 alleges that Diane told him that  
17 the 'court order' does not matter,  
18 and that he could attend the  
19 sharing circle.

20 The SOR has been told that  
21 Samantha Kematch and her family  
22 are upset that the funeral is not  
23 being held on the reserve. She  
24 also indicated that she wanted the  
25 funeral postponed and wanted to

1 challenge the autopsy. She  
2 apparently wanted an inquest into  
3 the death before any funeral was  
4 held. These are but some of the  
5 issues the respective families are  
6 divided on.

7 The SOR maintains that it appears  
8 that the child died from  
9 complications from pneumonia, and  
10 the autopsy has not revealed any  
11 evidence of child abuse thus far.  
12 The toxicology reports are not  
13 complete, and the SOR suggests  
14 that the agency contacts him in  
15 September and gets a completed  
16 autopsy report.

17 Apparently Steve Sinclair has gone  
18 to a lawyer and is seeking Interim  
19 Custody of both --"

20

21 It says:

22

23 "-- Samantha and the body of the  
24 child."

25

1 And that should, I think, read Phoenix.

2

3 "The SOR stated that the funeral  
4 is at 1:00 p.m. today and the  
5 police will not be attending.

6 This writer contacted the family's  
7 worker Delores Chief-Abigosis, at  
8 the Jarvis office, and relayed the  
9 aforementioned. Delores requested  
10 the information be written up and  
11 faxed over to be placed in his  
12 file."

13

14 Q Were you aware of this incident occurring at this  
15 point, aside from what's reported here?

16 A I can't recall.

17 Q Did you attend the funeral?

18 A Yes, I did.

19 Q Okay. And do you know -- was Phoenix there at  
20 the time, did you see her?

21 A I can't recall if she was there.

22 Q Okay. Did you talk to Steve Sinclair to find out  
23 what was happening with him at the time?

24 A I can't recall.

25 Q Did you ever speak with Ms. Skogstad about this?



1 A No.

2 Q And why did you want her to type up this  
3 information and put it in -- so you could put it in the  
4 file?

5 A I believe that was always the practice if a  
6 collateral had called to report an incident. I would ask  
7 them if they could write it up and forward it to us. It  
8 was just something that I -- that was a practice.

9 Q Okay. Did the, the parent fighting between Ms.  
10 Kematch and, and Mr. Sinclair cause you any concern about  
11 the safety of Phoenix at the time?

12 A I can't recall.

13 Q And it looks like they both wanted custody of  
14 Phoenix at the time; were you, were you aware of that?

15 A I'm aware that they -- according to when I  
16 reviewed my notes I'm aware that they were both wanting  
17 custody of the child, and I'm also aware that through a  
18 review of my notes that there was a lot of conflict within  
19 the family, and I'm aware, too, that they did not get along  
20 in the same space according to my notes.

21 Q Okay. So sometime you had, I guess, anticipated  
22 that one of them would have care and control of Phoenix?

23 A Meaning the agency?

24 Q No, meaning either Steve Sinclair or Samantha  
25 Kematch.

1           A        Yes, at some point one of them will take the full  
2 responsibility for that child.

3           Q        Turn now, please, to page 37048. This is an e-  
4 mail from your supervisor Lorna Hanson dated July 19, 2001,  
5 and it says: File review on, and then it has the baby's  
6 name redacted. Do you recall receiving this e-mail?

7           A        I don't recall receiving the e-mail.

8           Q        Is it an e-mail you would have received?

9           A        Yes, it would have been an e-mail that I would  
10 have received.

11          Q        And it's, it's part of your file; right?

12          A        Correct.

13          Q        Okay. It says:

14

15                   "Jan Christianson-Wood, from the  
16                   medical examiner's office will be  
17                   out Tuesday, July 24th at 9:30 to  
18                   review your file, so please have  
19                   it and your case notes all  
20                   organized in my office for that  
21                   time. Thanks. Sorry for all the  
22                   pressure put upon you, to get this  
23                   all done, but it is a normal  
24                   process. I know one can feel  
25                   scrutinized but it is not meant to

1 do that.

2 On another note the coroner is now  
3 thinking the baby had a fast-  
4 acting disease that may have been  
5 the cause of death. This is not  
6 stated as official cause though.  
7 Also, Nikki Taylor, and mom both  
8 spoke with coroner re blood on  
9 body. This blood was as a result  
10 of the autopsy, not as a result of  
11 anyone harming the child.  
12 Obviously, the funeral home did  
13 not do a good job cleaning and  
14 preparing the body for viewing.  
15 Once the corner spoke with mom and  
16 Ms. Taylor, they seemed to calm  
17 down."

18

19 What's the reference here to the review of your  
20 file, was that the Samantha Kematch and Steve Sinclair  
21 files?

22 A It's all the notes that was given to my  
23 supervisor for Janet to review.

24 Q Okay. That would be Jan Christianson-Wood?

25 A Correct.

1 Q So she was going to review your entire file?

2 A Correct.

3 Q And that would be all your notes that you took?

4 A Correct.

5 Q And all the documents that were in the file at  
6 the time?

7 A Correct.

8 Q And what -- did you know what the purpose of the  
9 review was, do you have an understanding as, as to the  
10 purpose?

11 A As shared earlier it was a report that would go  
12 to the program manager --

13 Q Right.

14 A -- because a child had died while we were  
15 providing service to that family.

16 Q And is that something you recall Ms. Hanson  
17 explaining to you at some point, or were you aware of that  
18 previously?

19 A I can't recall, but it is, it is something that  
20 we would be aware of.

21 Q The reference to the pressure being put on you  
22 was that a concern you had at the time, that you felt  
23 scrutinized?

24 A I can't recall, but there was a lot of stress, I  
25 would say yes.

1 Q Sorry, I didn't ...

2 A There was a lot of stress from the death of that  
3 child, and being the worker. Everybody was going through  
4 that, that loss.

5 Q Including yourself?

6 A Including myself, yes.

7 Q So this death had a big impact on you?

8 A Correct.

9 Q And I think you said it was the first time you  
10 experienced that as a social worker?

11 A Correct.

12 Q And so in that -- was it something that would  
13 have stood out in your mind, even today you really have a  
14 vivid recollection of that?

15 A Correct.

16 Q And did you anticipate that Steve Sinclair was  
17 probably having similar -- a similar reaction to the death  
18 of his infant?

19 A Yes, he was.

20 Q Did you, did you do anything to assist Mr.  
21 Sinclair at that time?

22 A It was shared yesterday what --

23 MR. RAY: Well, I, I think --

24 THE WITNESS: -- had happened.

25 MR. RAY: -- I think we've covered this

1 exhaustively yesterday regarding the offer of services, and  
2 counseling so.

3 THE COMMISSIONER: Just a minute. What, what was  
4 your last question?

5 MR. OLSON: Whether she did anything at this time  
6 to offer Mr. Sinclair any support, this being --

7 THE COMMISSIONER: Whether she, whether she did  
8 anything what?

9 MR. OLSON: At this time to offer Mr. Sinclair  
10 some support.

11 MR. RAY: Perhaps Mr. Olson can take the witness  
12 to the point in your notes where she had a discussion with  
13 Mr. Sinclair, as she discussed yesterday, where she offered  
14 him services and offered her condolences. She can -- he,  
15 he can ask the question by referring to --

16 MR. OLSON: My question is, is restricted to the  
17 time after July 19, 2001, after the funeral.

18 THE COMMISSIONER: Well I can't be certain that  
19 that -- are you saying the same question was asked  
20 yesterday?

21 MR. RAY: I think -- if Mr. Olson is saying now  
22 that after she offered services on July 16th, and Mr.  
23 Sinclair refused those services, if Mr. Olson is now asking  
24 if she again offered services three days later then I  
25 suppose that that's a different question, and he can ask

1 the question.

2 THE COMMISSIONER: Is that what --

3 MR. OLSON: That is my question.

4 THE COMMISSIONER: I see nothing improper with  
5 that.

6 MR. OLSON: Thank you.

7

8 BY MR. OLSON:

9 Q So after the funeral you, you had this  
10 information about these things happening, did you offer any  
11 further support to Mr. Sinclair and the family?

12 A I can't recall.

13 Q Were you still involved with the family at that  
14 time after your attending the funeral?

15 A I believe I was put on paper to complete -- I  
16 can't recall so.

17 Q Do you recall the exact date you stopped working  
18 actively?

19 A I shared yesterday I cannot recall the exact date  
20 of my resignation.

21 Q Okay.

22 THE COMMISSIONER: But you think it was about  
23 when?

24 THE WITNESS: It was shortly after the death of  
25 [REDACTED].

1 BY MR. OLSON:

2 Q Do you have a recollection -- do you actually  
3 remember attending the funeral?

4 A Yes.

5 Q And does that help you at all in terms of when  
6 after you attended that you would have stopped working?

7 A I can't recall exactly, but I know it was in a  
8 short period of time that I remained with the agency that I  
9 had decided to resign.

10 Q Okay. And when I say "actively working" I mean  
11 actually working --

12 A No, I wasn't actively working with the family. I  
13 can't say for sure, I can't recall, and I know that shortly  
14 after this incident that I had left the agency.

15 Q And when you say you left the agency does that --  
16 what does that mean? You said you worked closing files  
17 into August I think. When you say --

18 A Well, the practice is that if I had given that,  
19 that notice out that I was going to leave the agency there  
20 would be a period of time that I would be given to do the  
21 paper on the files that was assigned to myself, not only  
22 this file but the other files that was assigned to me, so I  
23 would be strictly on paper. I would not be working with  
24 the families that was assigned to me.

25 Q Okay. So you would not be working with the



1 families after you give notice; is that --

2 A Correct.

3 Q -- do I have that right? And so -- I'm, I'm  
4 sorry if I've asked this. I just don't understand what the  
5 answer was. If, if the funeral -- if you attended the  
6 funeral when in relation to that, if you can recall, did  
7 you stop actively working on files?

8 A I can't recall that.

9 Q And the reference to gathering your notes in this  
10 e-mail of July 19th from Ms. Hanson the reference to  
11 getting all your notes organized, and in her office, were  
12 your notes being kept somewhere aside from in the file,  
13 or ...

14 A It was stated yesterday that I had a computer  
15 file where my notes were kept --

16 Q Okay.

17 A -- and it will be where I will input that data  
18 into the computer for those notes.

19 Q So your handwritten notes and the things on your  
20 calendar those were -- where were those kept?

21 A Those will be kept in the file. Like we had our  
22 files with us so that information would be put in there.

23 Q So it's not the case you were keeping the notes,  
24 for example, at home?

25 A I, I did not keep any information pertaining to

1 any of my families in my home.

2 Q Okay. Did you have any discussion with anybody  
3 from the medical examiner's office?

4 A I can't recall.

5 Q Did you have any concerns about the cause of  
6 death of the baby, was that something you were concerned  
7 about?

8 A I believe we would have had -- I would have had  
9 personal feelings about that, yes.

10 Q And what were your feelings?

11 A I can't recall. Like I stated earlier that it  
12 was traumatic, it was, it was an incident that really  
13 impacted myself.

14 Q The -- was, was there a concern or, or a concern  
15 in your mind that the death could have been the result of  
16 abuse; is that something you were thinking?

17 A I can't recall exactly thinking in those terms.

18 Q Were you aware as to whether or not it was caused  
19 by abuse?

20 A I can't recall.

21 MR. RAY: It's established in evidence that she  
22 seen the CME -- she's seen the notes that -- from Ms.  
23 Hanson that indicate that it was a fast acting pneumonia.  
24 I don't know where this is taking us when we know what the  
25 death was through an autopsy, and through an independent

1 exam of the chief medical examiner's office.

2 THE COMMISSIONER: I understand your point. Are  
3 you trying to go beyond the autopsy report?

4 MR. OLSON: No. What I'm trying to understand is  
5 at what point did the worker understand what the cause of  
6 the death was, and I mean Mr. Sinclair had custody of  
7 Phoenix Sinclair at the time, and if there was a thought  
8 that the death was -- the cause was foul play, for example,  
9 that would be a concern, so I'm wondering if she had that  
10 thought or if she --

11 THE COMMISSIONER: Well there's no evidence --

12 MR. RAY: What's, what's the relevance?

13 THE COMMISSIONER: -- from the autopsy that there  
14 was foul play.

15 MR. OLSON: No, there's not. I'm just wondering  
16 what she knew.

17 MR. RAY: But I guess, Mr. Commissioner, I don't  
18 understand the relevance as to what -- why, why would we  
19 want to know whether she suspected it was abuse when we  
20 know that it wasn't.

21 MR. OLSON: It's fine. I'll move on from that  
22 question.

23

24 BY MR. OLSON:

25 Q Aside from the death of the baby were there any

1 other factors that made you decide to leave your  
2 employment?

3 A Well there was several reasons for leaving. I  
4 was attending university full-time, and I was working full-  
5 time.

6 Q You say you were working full-time at, at  
7 Winnipeg Child and Family Services --

8 A And I was -- correct, and I commuted, and it was  
9 causing a lot of strain, and with the death of this child  
10 it just -- it was just a decision I made to leave the  
11 agency.

12 Q Okay. And when you say -- so you're working  
13 full-time at Winnipeg Child and Family Services at this  
14 point. You were also attending university full-time at  
15 this point?

16 A Correct.

17 THE COMMISSIONER: I guess the, the question to  
18 be asked is did this traumatic experience of the death of  
19 the baby have an influence on your decision to submit your  
20 resignation?

21 THE WITNESS: I stated that yesterday. The  
22 reason why I left the agency was the fact that this really  
23 impacted myself.

24

25

1 BY MR. OLSON:

2 Q Yeah, but the question I had, Mr. Commissioner,  
3 was aside from that were there any other factors that went  
4 into that decision and I think you just -- you said that it  
5 was -- you were attending full-time university and full-  
6 time work at Winnipeg Child and Family Services?

7 A Yeah, there's a combination of both and I was a  
8 very busy person.

9 Q So you had a lot on your plate at that time as  
10 well?

11 A Correct.

12 Q Okay. And was your, was your supervisor aware at  
13 the time, do you know or did you tell her that you were  
14 attending full-time university as well?

15 A I was -- my supervisor knew that -- like I did  
16 share it with them, that I was taking university at the  
17 same time while I was working.

18 Q And you were also commuting in from Brokenhead?

19 A Yes, that's what I do. If you were employed  
20 you'll have to commute.

21 Q And you were attending was it the University of  
22 Manitoba?

23 A Correct.

24 Q If you could turn now, please, to page 36999,  
25 this is from Commission disclosure 1795. Can you tell me

1 what this document is?

2 A It's the closing summary for the Kematch file.

3 Q So this is a closing summary for Samantha  
4 Kematch's file?

5 A Correct.

6 Q Okay. And if you -- if we turn now to page 37008  
7 you see the signature -- there's two signatures on the  
8 bottom here, and there's one above your name. Is that your  
9 signature?

10 A No, it is not.

11 Q And whose signature is it?

12 A That will be the supervisor's signature.

13 Q Lorna Hanson's?

14 A I believe so.

15 Q And then it looks like your supervisor signed it  
16 as well. Did, did --

17 A It appears so, yes.

18 Q Is there a reason why she signed for you at the  
19 time?

20 A I can't recall.

21 Q It's dated August 16, 2001. Were you, were you  
22 still at the agency at that time?

23 A I can't recall the exact date I left the agency.

24 Q Did you prepare this document?

25 A It appears to be my document, yes.

1 Q And when you say it appears to be your document  
2 do you have a recollection of actually preparing it?

3 A I prepared many documents to close and transfer  
4 files when I was leaving the agency.

5 Q And, and would this be one of them then?

6 A That would have been because that person was  
7 assigned to my case list, yes.

8 Q Okay. If you look at page 37008 under  
9 "Unresolved Problems" do you see that? It says:

10

11 "The identified problems remain  
12 unresolved for Ms. Kematch."

13

14 Did -- was that your assessment at the time you  
15 closed the file for her?

16 A It appears so.

17 Q And then under "Recommendations for Future  
18 Intervention" it says:

19

20 "If or when Mr. Sinclair or Ms.  
21 Kematch resolved their  
22 relationship and resume  
23 cohabitation, that the Agency  
24 assess and monitor Ms. Kematch's  
25 parenting style. There are

1                   concerns expressed by Mr. Sinclair  
2                   about her treatment and discipline  
3                   methods used on Phoenix."

4

5                   What, what does that mean, can you explain that?

6           A        I can't recall.  When we close we do make some  
7           recommendations for the future.  I can't recall.

8           Q        So this file was being closed at this point.  
9           Does that mean that services weren't required for Ms.  
10          Kematch, or why was it being closed?  I think you said --  
11          you told us yesterday partly why it was closed.

12          A        The reason why the file was closed was because  
13          there's no children no longer with the mother, Samantha.  
14          The children were now with the, with the father --

15          Q        Okay.  So --

16          A        -- and the file closes on one parent and it opens  
17          up on the other parent.

18          Q        Okay.  So the file was being closed on Ms.  
19          Kematch because the children, at least in the agencies'  
20          eyes, were not with Ms. Kematch at the time?

21          A        That's what the practice is, yes.

22          Q        And so if they had been with her her file would  
23          have remained open?

24          A        Her file would have remained open, and it would  
25          have been under the mother's name Samantha.



1 Q Okay. And when you say if they resolved their  
2 relationship and resumed cohabitation the agency should  
3 assess and monitor Ms. Kematch's parenting style, what was  
4 that, why did you put that in there?

5 A I can't recall why I put it in there. It might  
6 have been discussions with the dad, his concerns.

7 Q You do write that there are concerns expressed by  
8 Mr. Sinclair about her treatment and discipline methods  
9 used on Phoenix. Do you know what that reference is to?

10 A I can't recall. Like I said it may have been a  
11 discussion that I had with the father. I can't recall.

12 Q Aside from what we reviewed in your notes  
13 yesterday were there any other discussions with Mr.  
14 Sinclair about concerns as to Ms. Kematch's parenting  
15 style?

16 A I can't recall.

17 Q If there were specific concerns would you have  
18 noted them in the file?

19 A Yes.

20 Q We expect to hear from Mr. Sinclair that at one  
21 point he witnessed Ms. Kematch hit Phoenix because she was  
22 crying. Is this something you were aware of?

23 A I can't recall.

24 Q If you were aware of that is that the type of  
25 thing you would have recorded?

1           A       Correct.

2           Q       And just with respect to the unresolved problems  
3 for Ms. Kematch are those the problems that you outlined at  
4 page 37001? Do you see the heading there, Identified  
5 Problems?

6           A       Yes, I do.

7           Q       And if you scroll to the next page you'll see  
8 they continue on to the, the next page. The problems you  
9 have listed here those, those problems have been unresolved  
10 when you closed the file; is that, that what that means?

11          A       It appears so.

12          Q       And so those problems are that Ms. Kematch and  
13 her partner Steve are separated. This part is then  
14 redacted, but I think it refers to the death of a baby July  
15 15, 2001. Both parents are involved in a custody dispute  
16 for Phoenix. Ms. Kematch appeared to have hidden her  
17 second pregnancy as she hid the first one. Ms. Kematch  
18 also hid her third pregnancy as she did the first two. Ms.  
19 Kematch's lack of motivation and/or interest in caring for  
20 her first child appears she has not played a role in his  
21 life since he was a few months old, over 18 months ago.  
22 Couple's ambivalence regarding the long term plans for the  
23 child. They had not received any prenatal care and had not  
24 done anything in preparation for the birth of a baby. Also  
25 the parents initial reaction when they were unsure if they

1 wanted -- was they were unsure if they wanted to parent the  
2 child, there was an ambivalence regarding their commitment  
3 to the baby. Ms. Kematch is reported flat affect and the  
4 reason for it. There was some concern that she may have  
5 been suffering from depression, some form of psychiatric  
6 psychological assessment with respect to Samantha was  
7 suggested.

8           Due to the couple's young age, and Ms. Kematch's  
9 history it was suspected they had limited parenting  
10 experience and skills.

11           Were these -- these problems were they the  
12 problems that you identified as still applying to Ms.  
13 Kematch at the time then, what I've just read out?

14           A       It could have been a part of that, and it could  
15 be the other concerns that came after when the child was  
16 born, the reports that were received, it could have been a  
17 part of that, but I can't recall specifically what was  
18 taken and put into the document.

19           Q       Okay. Because some of these, the reference to  
20 the psychological assessment for example, that, that had  
21 already occurred; right?

22           A       Correct.

23           Q       Okay. And so what -- when, when you have  
24 identified problems, and then you write that they still  
25 remain unresolved, I'm just trying to figure out if that --

1 does that -- is that referring to these items, even though  
2 some of them have been considered?

3 A It could be referring to some of the concerns  
4 that other people, source of referrals, when they stated  
5 the concerns they had with her drinking, had stated with  
6 the domestic violence, it could, it could have been those  
7 concerns.

8 Q So all the concerns that you've, you've looked at  
9 would they have fit under that category as unresolved?

10 A It appears so.

11 Q Just take a look now at the, the transfer summary  
12 you prepared for Steve Sinclair, this is at page 37399.  
13 Now this appears to be very similar to Ms. Kematch's. It  
14 just relates to Steve Sinclair; is that right?

15 A Correct.

16 Q Okay. And would you have prepared this document?

17 A It appears so.

18 Q Okay. And your -- is your signature on it? If  
19 you look at the last page, it's 37408, so your name written  
20 there above that; is that your signature?

21 A That is not my signature.

22 Q Okay. So that would be Ms. Hanson's signature as  
23 well?

24 A It appears so.

25 Q It also looks like this was completed August 16,

1 2001; are you --

2 A That's the date --

3 Q -- are you able to explain why her signature  
4 appears on this closing -- or this transfer summary?

5 A I can't explain why the signature of my -- of the  
6 supervisor is on that document.

7 Q Would, would she have had any input into the  
8 contents of the document, or is this entirely your work?

9 A It's information that comes directly from my case  
10 notes so.

11 Q But who assembled it and put it into the  
12 document; was that you?

13 A I've done all my documents. When you're  
14 transferring you do all your documents, you send them off  
15 and they get, they get printed off, and put into the file.

16 Q Okay. But did Ms. Hanson have any input into it?

17 MR. RAY: Maybe you could just clarify for the  
18 witness what you mean by, just clarify for the witness what  
19 you mean by "input". Did she actually draft it, or did  
20 they have discussions, or -- I'm not sure, it's a little  
21 vague.

22

23 BY MR. OLSON:

24 Q Was any of the information contained in the file  
25 was that put into this, this document by Ms. Hanson rather

1 than yourself, or was it entirely your work?

2 A From reviewing the documents it appears to be my  
3 work, I know my work.

4 Q Okay.

5 THE COMMISSIONER: That's what she's been quite  
6 consistently saying with respect to the previous document  
7 and this one.

8 MR. OLSON: Okay.

9 THE COMMISSIONER: So I think we can take it that  
10 she prepared this document. And might it be that by the  
11 time that it got typed you had left and that Ms. Hanson  
12 then did the signing for you?

13 THE WITNESS: That could be a possibility.

14

15 BY MR. OLSON:

16 Q So under -- in this document you have under the  
17 heading Unresolved Problems. It says the identified  
18 problems remain unresolved for Mr. Sinclair.

19 Would those be the same, the same problems that  
20 -- when we looked at the other document you had a list of  
21 identified problems. In this document -- they're on page  
22 37401, and the problems you have listed here, and into the  
23 next page are those the same -- are those the problems that  
24 are unresolved for Mr. Sinclair, or are there others as  
25 well?

1           A           Those, those would be the unresolved problems.

2           THE COMMISSIONER:     But in this document the  
3 unresolved problems relate to Mr. Sinclair's --

4           THE WITNESS:    Yes, I, I know that.

5           THE COMMISSIONER:   -- unresolved problems.    The  
6 other document related to --

7           THE WITNESS:    Correct.

8           THE COMMISSIONER:   -- the unresolved problems  
9 with respect to Ms. Kematch.

10          THE WITNESS:    Correct, correct, and I know --

11          THE COMMISSIONER:   Yeah --

12          THE WITNESS:    -- that these were, were the ones  
13 that were specifically to Mr. Sinclair.

14          THE COMMISSIONER:   I understand.

15          MR. OLSON:    Okay.

16

17   BY MR. OLSON:

18          Q           Several of the same problems are referred to in  
19 both documents.     For example, Ms. Kematch hiding her  
20 pregnancies; right?

21          A           Can you say that again, please.

22          Q           Several of the problems you identified for Steve  
23 Sinclair are identical to what are identified in Ms.  
24 Kematch's closing summary; right?

25          A           The information -- like I said we just open that

1 file when, when they were separate and she had -- no longer  
2 had any of her children in care -- in her care.

3 Q If you go back to page 37408 it says,  
4 Recommendations for Future Intervention. It says:

5

6 "If or when Mr. Sinclair and Ms.  
7 Kematch resolved their  
8 relationship and resume  
9 cohabitation, that the Agency can  
10 access and monitor Ms. Kematch's  
11 parenting style. There are  
12 concerns expressed by Mr. Sinclair  
13 about her treatment and discipline  
14 methods used on Phoenix."

15

16 So that's the same, that's the same  
17 recommendation with respect to Mr. Sinclair's file; is that  
18 right?

19 A It would be put into both documents, yes.

20 Q Okay. And what about recommendations for Mr.  
21 Sinclair in terms of his, his future parenting, was there  
22 -- did you have any recommendations there?

23 A I can't recall. I only could recall information  
24 that was stated in this report.

25 Q And the purpose of this report then is to inform



1 the next worker as to the current issues the family is  
2 facing; is that fair?

3 A That's what the document is for, yes.

4 Q And the recommendation section that's the  
5 recommendations for the new worker who picks up the file;  
6 is that right?

7 A That would have been the practice, yes.

8 Q Now --

9 MR. RAY: You, you had asked -- sorry to  
10 interrupt, but you had asked Ms. Delores Chief-Abigosis a  
11 question about what were the identified problems for Mr.  
12 Sinclair. Maybe you could take her to the page where she's  
13 identified the problems which is page 37405, and ask her to  
14 comment with respect to her notes.

15 THE COMMISSIONER: What's the point you're  
16 making, Mr. Ray?

17 MR. RAY: Well, I think Mr. Olson has asked her  
18 what, what identified problems she had with respect to Mr.  
19 Sinclair, and said that many of the problems which she had  
20 identified in the closing were -- it was a replication, the  
21 last, the last line, and then he asked what did you  
22 identify as problems, or unresolved problems for Mr.  
23 Sinclair, and I'm, I'm just pointing out that she has  
24 identified unresolved problems for Mr. Sinclair. They're  
25 at page 37405, and rather than take the witness there, and

1 ask her what were the problems, but -- there was no further  
2 opportunity for the witness to clarify was my point.

3 I, I suppose I could do that, but I would think  
4 that when Commission counsel has asked a question, and the  
5 documents contain the answer, so ...

6

7 BY MR. OLSON:

8 Q The -- just looking at your, your transfer  
9 summary for Mr. Sinclair, go to page 37405. Are, are the  
10 problems that you're referring to when you say the  
11 identified problems remain unresolved for Mr. Sinclair are  
12 those the, are those the things listed on this page?

13 THE COMMISSIONER: Well scroll down to where she  
14 says -- what's the heading down below about the unresolved  
15 problems?

16 MR. OLSON: Heading on "unresolved problems.

17 THE COMMISSIONER: She'll put that on the screen.

18 MR. OLSON: That appears, Mr. Commissioner, at  
19 page 37401 is where it says Identified Problems."

20 THE COMMISSIONER: All right. Put that, put that  
21 on the screen.

22 MR. OLSON: And that's the portion I took -- I  
23 asked the witness about originally.

24 THE COMMISSIONER: No, but down at the closing it  
25 refers to the fact that identified problems were still

1 outstanding, or something to that nature.

2 MR. OLSON: Yeah, that, that would be on page  
3 37401.

4 THE COMMISSIONER: All right. Put that wording  
5 up there on the screen.

6 Now, it says there, "Unresolved Problems." Now  
7 the question I think, witness, is -- and, and what it says  
8 under that is:

9

10 "The identified problems remain  
11 unresolved for Mr. Sinclair."

12

13 And the question is when you say "The  
14 unidentified problems remain unresolved for Mr. Sinclair"  
15 are those the unidentified problems that are listed above  
16 in this same document, which I would ask you now to put on  
17 the screen so she can see.

18 MR. OLSON: So 37401.

19 THE COMMISSIONER: Where's the heading  
20 "Unidentified Problems"?

21 MR. OLSON: "Unidentified Problems".

22 THE COMMISSIONER: All right. Now the question  
23 is, witness, when you made reference to the unresolved  
24 problems with respect to Mr. Sinclair are those the ones  
25 you had listed that are now on the screen -- partially on

1 the screen, and when you made the comment you did towards  
2 the end of your document?

3 THE WITNESS: Correct.

4 MR. OLSON: Thank you.

5

6 BY MR. OLSON:

7 Q So in your document in terms -- in your, in your  
8 transfer summary for Mr. Sinclair what, what would you  
9 expect the new worker picking up the file to do with it?

10 A The other thing that's also attached to this  
11 particular report was those case notes because --

12 Q Were your case notes.

13 A The case notes because you would, you would see  
14 it where -- that the case notes were attached to the  
15 transfer summary.

16 Q So would you then expect the worker to also look  
17 at the case notes as well?

18 A That's, that's the practice also. When you get  
19 the transfer summary you would review the case notes also.

20 Q And then with the case notes and your transfer  
21 summary is that to give the next worker a picture of what  
22 has happened with the family to that point in time?

23 A Correct.

24 Q And when you referred to the case notes a minute  
25 ago is that the sheet we looked at yesterday, we went

1 through in detail, that the electronic -- that it was  
2 originally an electronic document that was printed off and  
3 put into the file?

4 A Correct.

5 Q So those are your case notes then?

6 A Those are the case notes that was -- that would  
7 have been clipped to the summary.

8 Q Just, just for the record if we could put up  
9 37416. These, these are the case notes then?

10 A Those are the case notes that I -- that was  
11 prepared on the direction of the supervisor to give to  
12 Janet. The other thing, too, is that these notes would  
13 have been also placed with the transfer summary.

14 Q Okay. So those are the notes you're referring to  
15 when you said the case notes were with the transfer  
16 summary, it's, it's what we're looking at here on the  
17 screen?

18 A Because they were typewritten and they were, they  
19 were able to be read, and was the current information that  
20 was happening within that family at that time.

21 Q Okay. And so you're saying though that this was  
22 attached to your transfer summary then?

23 A That would have been the practice, yes.

24 Q Okay. And it's, it's the transfer summary and  
25 these case notes that you would expect any worker to read?

1           A       I as a social worker would also be expected to  
2 read previous workers' notes.

3           Q       Just so it's, so it's clear on the record your  
4 case notes are reproduced in both Mr. Sinclair's file and  
5 Ms. Kematch's file. In Mr. Sinclair's file they're at  
6 37416, and they go to 37422, and then for Ms. Kematch's  
7 file they begin at 37009 to 37015.

8                   During your work on the file, on, on either file,  
9 the Steve Sinclair file, the Samantha Kematch file, had you  
10 seen any progress on the part of either parent in terms of  
11 their parenting abilities?

12          A       I would say that the person that showed a lot of  
13 initiative and the willing to do -- to have -- to be a  
14 parent would have been Steve.

15          Q       So in your view Steve showed some improvement?

16          A       Correct.

17          Q       And that, I take it, was based on what we  
18 reviewed yesterday in terms of your interaction with him?

19          A       He has approached other agencies, he was going to  
20 be enrolled in the Young Fathers Parenting Program, he had  
21 those connections with The Boys and Girls Club, he had the  
22 connection with Ma Mawi, he had those connections with  
23 Andrews Street, he was, he was working on parenting those,  
24 those children at that time, and I'm talking about both  
25 children, not only Phoenix.

1 Q Both children.

2 A That was prior to the death of, of [REDACTED].

3 Q And that was information based on what he told  
4 you?

5 A Correct, because he was closely linked with  
6 these, these organizations.

7 Q If we could turn to page 36740, and this is from  
8 Commission disclosure 1789 -- sorry, 36740. This is a  
9 record from the Winnipeg Regional Health Authority, Health  
10 Sciences Centre, and it has a reference to patient being  
11 Phoenix Sinclair Kematch, date of birth 23-4-2000, and it  
12 says: Arrived with case worker from shelter at 1020 hours  
13 and there's a stamp on it that says, January 31, 2001.

14 Do you know anything about this?

15 A No.

16 Q Were you -- did you have any knowledge from  
17 anyone that Phoenix Sinclair was at the Health Science  
18 Centre this day?

19 A No.

20 Q Do you know if she was in a shelter at some point  
21 around this time?

22 A No.

23 Q When we looked at your records yesterday it  
24 appears you tried to make contact with the family on  
25 February 1, 2001. Could that have been in response to, to

1 learning some information like this?

2 A I can't recall, but if this information was given  
3 to myself it would have been noted in the contact I had  
4 with them.

5 Q Okay. And there is no indication of that  
6 anywhere?

7 A It's not -- it does not appear in the document,  
8 no.

9 Q I just want to take you --

10 MR. RAY: Have we established that that was  
11 actually sent to CFS and to this worker? I'm just curious.

12 MR. OLSON: Just wanted to know if she knew  
13 anything about it.

14 MR. RAY: Thank you.

15

16 BY MR. OLSON:

17 Q The -- I want to take you now just through some  
18 of the reports that were prepared after Phoenix's death.  
19 Have, have you -- there were several reports that were  
20 prepared. Other than your involvement in this inquiry had  
21 you seen any of them, have you been aware of any of them?

22 A No.

23 Q Were you interviewed for any of these reports  
24 either by Mr. Koster or ...

25 A No.



1 Q I want to look first at the section 4 report  
2 beginning at page 21. You've had a chance to read these  
3 portions of the report prior to today; right?

4 A Correct.

5 Q Okay. And I'll just take you through some of it.  
6 It says the next period after new worker assigned November  
7 14, 2000.

8 That would be relating to your work on the file;  
9 right?

10 A Yes, that's what they're referencing.

11 Q So it says:

12

13 November 14, 2000 new Family  
14 Service worker took over the case  
15 when the assigned worker  
16 transferred from the department.

17

18 That would have been Ms. Greeley who transferred  
19 out, and then it says:

20

21 November 16 and November 17 two  
22 telephone calls were received from  
23 Cree Nation and Family Services in  
24 regard to information requests on  
25 the baby.

1 November 30, 2000, on this date  
2 the family support contract  
3 expired, file noted that the  
4 family support worker was  
5 impressed with Samantha and  
6 Steven's progress as parents.

7 February 1, 2001 the assigned  
8 worker visited the home and no one  
9 was there. She left a card.

10

11 So that's the first recorded attempt by you  
12 to ...

13 A According to the file.

14 Q According to the file, okay. And do you take  
15 issue with that?

16 A As I shared earlier, as I shared yesterday, that  
17 there may have been contact, I may have attended the home,  
18 they may have not been home. I may have documented it into  
19 written notes.

20 Q Okay. Then February 5, 2001 it says:

21

22 The assigned worker had  
23 supervision, typed notes from that  
24 supervision, confirmed that the  
25 contact was minimal. The

1 importance of the public health  
2 nurse working with the parents is  
3 confirmed. No mention is made of  
4 any follow-up in that regard.

5

6 It also appears that the case plan which included  
7 family support is not occurring since the program had  
8 previously ended November 30, 2000 as mentioned above.

9 Do you have any comments on what, what is written  
10 in that paragraph?

11 A As I stated earlier that there may have been  
12 contact or attempted to contact.

13 Q Okay. And then it says:

14

15 The supervisor went over the six  
16 month contract that was still in  
17 place and scheduled to end by  
18 March 5, 2001. It appeared that  
19 the supervisor may have been  
20 anxious since the short term goal  
21 was to make contact with the  
22 family ASAP to gather updates on  
23 progress to date re service  
24 contract, identify child's  
25 pediatrician, and determine a need

1           for further in-home support  
2           services, or identify referral to  
3           community resources, example  
4           parenting programs. Incidentally  
5           the only recording around this  
6           period was undated and showed no  
7           contact by the assigned worker.

8

9           Do you have any, any comments on that paragraph?

10          A        As I stated earlier that I did have, I did have  
11 supervision with the supervisor, those could have -- they  
12 would -- e-mails would be sent out, please make contact  
13 with these families ASAP. It wasn't uncommon for those  
14 kind of e-mails to go out between worker and supervisor,  
15 and not only specifically this file, but many of the other  
16 files that I was assigned.

17          Q        Rather than taking you by -- through this line by  
18 line you've had a chance to, to review the factual portion  
19 of the report which goes to page 23. Do you want to  
20 comment on anything contained in that portion of the  
21 report?

22                THE COMMISSIONER:       Just run it through the  
23 screen, or she hasn't got the hard copy in front of her so  
24 if you're asking her to -- if she wants to comment on the  
25 whole -- those pages let her look at them.

1           You've seen this before?

2           THE WITNESS:     That was what I was given for  
3 myself to review.

4           THE COMMISSIONER:     Yes.     So the question is  
5 whether on all these paragraphs with respect to those dates  
6 whether there's any of them you want to comment on, and  
7 just take your time to look at them if you wish.

8           MR. OLSON:     Would it help, Mr. Commissioner, if I  
9 gave the witness the excerpts and hard copy?

10          THE COMMISSIONER:     Do you want to see them in  
11 hard copy?

12          THE WITNESS:     No, this is, this is okay.

13          THE COMMISSIONER:     As I stated this is what's  
14 actually written in the hard copy to the file.  There may  
15 have been written notes that I placed into the file, there  
16 may have been contact that I did not document, but  
17 according to the documentation that is in the file, yes, it  
18 does reflect the work that was done.

19          THE COMMISSIONER:     I think that answers the  
20 question.

21          MR. OLSON:     It does.

22

23 BY MR. OLSON:

24          Q     I'll direct you now to page 24 which contains  
25 some of the findings here, and I want to give you an

1 opportunity to respond if you like. First of all finding  
2 7. It says:

3

4

5

6

7

8

9

10

11

12

13

14 And then below it explains:

15

16

17

18

19

20

21

22

23

24

25

The worker who received the case file in November, 2001, did not maintain the necessary contacts and frequency with the parents of Phoenix during this period. There are only two actual home visits and an additional two other unsuccessful attempts in seven months.

If the typed updates of the workers' contacts are indeed accurate there is only one visit to the home from the time the worker took over on November 14, 2000 until the unsuccessful contact on February 7, 2001 and the full home visit two days later. The next visit was unsuccessful and occurred on May

1                   9, 2001. Even after she was told  
2                   on April 30, 2001 of the birth of  
3                   a second child the day before she  
4                   did not visit the hospital or  
5                   follow up at the home until a week  
6                   and a half later. After that the  
7                   next contact where she actually  
8                   saw Steve was not until July 5,  
9                   2001, and this was a day after she  
10                  had been informed that the  
11                  emergency services had to deal  
12                  with domestic violence and the use  
13                  of alcohol.

14                 She had also received three  
15                 updated e-mails on additional  
16                 concerns during the latter part of  
17                 June, 2001. Two young babies were  
18                 living in the home at this point  
19                 and there should have been  
20                 significant follow-up and risk  
21                 assessment of the situation. This  
22                 lack of contact was unacceptable  
23                 case practice since the children  
24                 could have been at considerable  
25                 risk of harm considering the

1 potential problems that could  
2 arise from the use of alcohol or  
3 from domestic violence.

4

5 Do you want to comment on that finding, or  
6 anything contained there?

7 A As I stated earlier there may have been attempted  
8 contact. I can't recall.

9 Q Okay. Finding 8 says:

10

11 There is no recording of the  
12 worker actually seeing Phoenix  
13 during this case period.

14

15 It says:

16

17 This required contact may have  
18 occurred, but there is no record  
19 of it, and this is an extremely  
20 young child who could start to  
21 decline quite rapidly. There is  
22 no confirmation of any other  
23 collateral or visiting in the  
24 home, and may have had an  
25 opportunity to view Phoenix and



1                   the baby, and to know that they  
2                   were all right.

3

4                   Do you have any comments on that?

5           A        No comment.

6           Q        And it does -- if we -- when we looked at your  
7 notes yesterday there was a notation that on July 6, 2001  
8 you did in fact see Phoenix so I just wanted to point that  
9 out.

10                   Then finding 9 says:

11

12                   The case work does not appear to  
13 be purposeful or to follow a plan.  
14                   The case management appears to be  
15 primarily a delayed response to  
16 events or a crisis with no contact  
17 in between, and no meaningful  
18 pursuit of the original case plan.  
19                   This is a dangerous approach since  
20 it puts the agency in a position  
21 of responding to, rather than  
22 actually preventing, possible  
23 catastrophes to children in need  
24 of its protection.

25

1 Do you want to comment on that finding?

2 A No.

3 Q Finding 10:

4

5 It appears that at this point

6 Steve was marginally managing the

7 situation with his two children

8 and as a result apprehension was

9 not required in spite of the

10 concerns for domestic violence and

11 alcohol use. In spite of the lack

12 of involvement of the worker up to

13 this point at least it did not

14 appear that the two children were

15 in immediate need of protection.

16 Friends and relatives appear to be

17 providing some assistance. Steve

18 had made some plans to better

19 himself as a parent and he had

20 been more open to dialogue with

21 his assigned worker. The assigned

22 worker had made an immediate plan

23 with him to follow up on a weekly

24 basis. As of July 6, 2001 the

25 file on Samantha was closed and

1 another protection file with Steve  
2 as the primary parent was opened.

3

4 And it continues through some factual portions.

5 Do you have any comments on that, on finding 10?

6 A As I stated for that Steve was working on it  
7 himself to better himself as a parent.

8 Q If you could just turn to page 26.

9 THE COMMISSIONER: Just before you leave that I'm  
10 at paragraph 10, the last sentence.

11

12 The assigned worker had made an  
13 immediate plan with him to follow  
14 up on a weekly basis.

15

16 Is that you that made that plan?

17 THE WITNESS: Yes, it was recorded in the notes  
18 that that would be weekly visits, yes.

19

20 BY MR. OLSON:

21 Q If we go down, please, to page 26, finding 12.

22 It says:

23

24 The absence of any recordings and  
25 case notes for the period from

1                    July 16, 2001 until March 1, 2002  
2                    makes it difficult to determine  
3                    what was attempted by the case  
4                    worker during this period of time  
5                    that the file was open. It's  
6                    possible that case work was  
7                    completed by the assigned worker  
8                    but no record of case notes to  
9                    verify this.

10

11                    I think you've already spoken to that, but do you  
12                    have any additional comments?

13                    A            I wasn't employed with the agency at that time.  
14                    You're talking about this (inaudible), when I, when I had  
15                    left as a worker with the agency that's July 16th of 2001  
16                    to March 2000 I was not with the agency.

17                    Q            So that doesn't apply to you then?

18                    A            No, it does not.

19                    Q            Okay. Turn to the next page, please. Finding  
20                    14, and I appreciate this doesn't apply entirely to the  
21                    time that you were the case worker, but some of it does.  
22                    It says:

23

24                    The case management from November  
25                    of 2000 until closing in March of

1                   2002 was substandard. There were  
2                   limited contacts, no risk  
3                   assessments and assessments were  
4                   completed and there's no  
5                   indication of sound casework  
6                   practice. It was felt that Steve  
7                   Sinclair might have a drinking  
8                   problem and it was unsure whether  
9                   he was linked to collateral  
10                  services to a sufficient degree.  
11                  He was also felt to have  
12                  unresolved trauma from his  
13                  childhood. Regardless of this the  
14                  case file was ultimately closed  
15                  without these being resolved.  
16                  They should have been due to the  
17                  young age of Phoenix that made her  
18                  a high risk for abuse and neglect.  
19                  Furthermore the continued opening  
20                  of the case need not have depended  
21                  on whether Steve asked ...

22  
23                  This part doesn't, doesn't actually pertain to  
24                  your services, but to, to the extent that the services you  
25                  provided between November of 2000 until your last work on

1 the file, some time in July, 2001, do you want to comment  
2 on this finding?

3 A As I stated earlier the way it's written and  
4 documented, that we have a hard copy of the file recordings  
5 and some of the information is put in there, but it does  
6 not state, and I cannot recall about the times there was  
7 attempted contact was made to the home of, of this family  
8 so there was contact, and him being linked to any  
9 organizations he was linked to those organizations. He did  
10 attend three major community resources for families.

11 Q Okay. I want to take you now to the section 10  
12 report by Jan Christianson-Wood. That's on page -- the  
13 references to your work are on page 133.

14 Now, you would have been provided with a copy of  
15 this prior to today with respect to your involvement in the  
16 inquiry; is that right?

17 A Correct.

18 Q Okay. And so you've, you've already read this,  
19 this over?

20 A Yes.

21 Q If you look at the paragraph starting a new  
22 worker was assigned in November, 2000 according to a July  
23 16, 2001 Section 182 report. Notification of a death of a  
24 child not in care. It says:

25

1 File information noted that there  
2 was minimal contact with the  
3 couple until the baby's birth in  
4 April, 2001. Ms. Kematch and Mr.  
5 Sinclair were difficult for the  
6 assigned worker to contact.

7 Were they following through with  
8 the terms of a six month service  
9 agreement and contract signed in  
10 September of 2000?

11 As the agency had a contract why  
12 was it not a concern that the  
13 family was not seen by a social  
14 worker from October, 2000 when the  
15 former worker signed off on the  
16 case through November, 2000 when a  
17 new worker was assigned, and after  
18 February, 2001 when contact was  
19 established?

20 Did the Family Support worker  
21 continue to see the family and  
22 report their parenting?

23 As this was a child protection  
24 case notes were an important and  
25 necessary part of the case

1 management. WCFS branch has  
2 internal standards for support  
3 workers reporting. This incident  
4 may predate the implementation of  
5 those standards.

6

7 Do you have anything to comment on with respect  
8 to those two paragraphs?

9 A When it comes to the family support worker, and I  
10 had this discussion, is that I am not sure what was put  
11 into -- what was the practice of that day you're looking  
12 at, 2001, and I'm not sure whether we had, had received  
13 notes from the family support worker, we would have. Now  
14 today we do so I'm not sure if that -- if we received that  
15 information from the family support worker.

16 Q Do you have any recollection of receiving that  
17 information on this file?

18 A I can't recall, but if we did receive those kind  
19 of notes, and after the fact, and my experience now, those  
20 notes would have been put into the file, but we couldn't  
21 keep that amount of notes at our desk files, so if we were  
22 getting notes the way right now in child welfare where the  
23 support workers do provide us with notes it was impossible  
24 to keep that amount of notes in our current files with us  
25 so.



1 Q Okay. Are you talking about back, back then --

2 A I'm talking about back then and now.

3 Q Okay. So back then do you recall if you actually  
4 got those type of notes for other files?

5 A If those, if those notes were received by the  
6 worker it would be put back in for filing.

7 Q Okay. So they should be part of the file if you  
8 got them in other words?

9 A If we received the family support worker's notes  
10 it would have been put back into filing. We wouldn't keep  
11 them at our desk, it would be just too much paper.

12 Q Okay. And when you say "put back for filing"  
13 where would they go?

14 A We don't -- we never did our own filing in  
15 Winnipeg Child and Family. It would be put -- and then --  
16 there was a filing room, there was people that did our  
17 filing.

18 Q So you handed it into a clerk and that clerk --

19 A It would have been the practice to put it in for  
20 filing.

21 Q I see. So in other words you didn't maintain  
22 your own file after you handed the work in?

23 A No.

24 Q The paragraph goes on to say:

25

1           As Ms. Kematch delivered in April,  
2           2001 why was her pregnancy not  
3           noticed by the worker in February  
4           or recorded by the family support  
5           worker for ongoing contacts?

6

7   We've discussed that already.

8

9           How were the concerns in the  
10          service contract resolved if the  
11          agency's workers had no contact  
12          with the family for several  
13          months?

14          The conditions in the support  
15          service agreement and the service  
16          contract had included twice weekly  
17          meetings with a support worker,  
18          regular contact with the Family  
19          Services worker, including access  
20          to the couple's home in  
21          cooperation with the agency in  
22          exploring issues of family  
23          violence and substance abuse. The  
24          file does not indicate that these  
25          concerns were addressed or that

1 Ms. Kematch's aggressive and  
2 uncooperative presentation in  
3 February, 2001, caused any  
4 heightened concern about her  
5 functioning as a parent, as her  
6 first child was removed from her  
7 care in 1998 due to her inability  
8 to provide the basic care needs  
9 including feedings, sustained and  
10 in-depth observation of her  
11 parenting was required. The  
12 assessments needed were not found  
13 in the materials presented for  
14 review.

15

16 Do you have any, any comments you want to make on  
17 that?

18 A No.

19 Q Okay.

20

21 In August, 2001, summary noted  
22 that a visit had been made to the  
23 family home in February, 2001, in  
24 an attempt to locate the couple  
25 after a period without contact.

1                   During a home visit on February,  
2                   9, 2001, Ms. Kematch appeared  
3                   angry and Mr. Sinclair removed  
4                   himself from the discussion. Ms.  
5                   Kematch was largely uncooperative  
6                   with the worker's attempts to  
7                   engage her either responding  
8                   aggressively or ignoring the  
9                   worker in order to watch  
10                  television. Samantha was clear  
11                  that she felt she had done all  
12                  that was asked of her and did not  
13                  want any further agency  
14                  involvement. Mr. Sinclair  
15                  appeared involved in the ongoing  
16                  care of Phoenix.

17

18                  Do you want to comment on that paragraph?

19                  A        No.

20                  Q

21                        On April 29, 2001 baby was born.  
22                        The agency did not note concerns  
23                        with her birth or her parents at  
24                        that time, apart from noting that  
25                        this was the third pregnancy

1                   concealed from the agency. A home  
2                   visit was attempted without  
3                   success in May, 2001.

4

5    It says:

6

7                   Given the lack of contact between  
8                   the agency and the family the  
9                   basis for assuming that the  
10                  parents could safely and  
11                  successfully parent a second  
12                  infant was unclear. The continued  
13                  lack of contact after the birth is  
14                  concerning particularly as the  
15                  agency had learned that the  
16                  pregnancy was concealed, the file  
17                  had remained open during this  
18                  period.

19

20                  Aside from what you have already said today is  
21                  there anything else you want to comment on with respect to  
22                  this?

23                  A        No.

24                  Q        And if we continue on it continues going through  
25                  your involvement in the file, which I understand you've

1 already read. Do you want to comment on any of the, on any  
2 of the paragraphs starting on the bottom of page 134, it's  
3 in front of you there, and then into page 135?

4 A The report was, was compiled by Janis?

5 Q Jan Christianson-Wood.

6 A And that's the same one that reviewed my file  
7 when [REDACTED] passed; correct?

8 Q Right.

9 A And there is a statement that she said -- that  
10 stated that everything was in order; right?

11 Q For the previous report concerning the baby's  
12 death?

13 A Yes.

14 Q Right.

15 A Okay. Thank you. No comment.

16 Q I just want to take you -- and feel free to  
17 comment on any of the other comments that you're aware of  
18 in the report, but I just want to take you specifically to  
19 page 137, bottom of the page. So worker noted on August  
20 16, 2001 in a case summary under recommendations for future  
21 intervention the following:

22

23 If or when Mr. Sinclair and Ms.  
24 Kematch resolve their relationship  
25 and resume cohabitation that the

1 agency access and monitor Ms.  
2 Kematch's parenting style. There  
3 are concerns expressed by Mr.  
4 Sinclair about her treatment and  
5 discipline methods used on  
6 Phoenix. The worker concluded the  
7 file by noting that she was  
8 leaving the agency.

9

10 And it goes on to say:

11

12 There were no details provided in  
13 the case summary concerning the  
14 statement about Ms. Kematch's  
15 treatment of Phoenix who was 15  
16 months old at the time the summary  
17 was written. As she was an infant  
18 the failure to follow up on the  
19 allegation of inappropriate  
20 discipline and/or mistreatment is  
21 concerning. Waiting for the  
22 couple to reconcile in order to  
23 assess and monitor Ms. Kematch did  
24 not take into account the couple's  
25 reluctance to seek assistance from

1                   the agency.     There was also no  
2                   contemplation of the very real  
3                   possibility that Mr. Sinclair  
4                   might decide to take a break from  
5                   parenting by passing Phoenix back  
6                   to her mother, and that he would  
7                   feel no obligation to involve the  
8                   agency.

9                   An examination of the files do not  
10                  provide additional details in the  
11                  handwritten recordings.

12

13                  Do you want to comment on anything contained  
14                  there?

15            A     I can't recall and I have no comment.

16            Q     The last report I want to take you to, and this  
17            will be fairly brief, it's at page 38015.     This was the  
18            internal report conducted by Rhonda Warren.     If you look on  
19            that page it's under Comments and Recommendations, Family  
20            Contact, the second bullet, it says:

21

22                                 "There was no recorded contact  
23                                 between October 2000 and February  
24                                 2001 even though the service  
25                                 agreement signed on September 5,



1                   2000 states 'meeting with the  
2                   worker on a regular basis.'"

3

4    It says:

5

6                   "There was no direct contact  
7                   between February 9, 2001 and July  
8                   4, 2001 even though the worker  
9                   stated in a February 9, 2001  
10                  meeting 'it is necessary to meet  
11                  as they are an open file and we  
12                  need to monitor and assess their  
13                  family situation.' The social  
14                  worker clearly stated that the  
15                  plan would continue to include  
16                  'drop by visits until we were  
17                  confident that the risk levels had  
18                  been minimized and we feel the  
19                  family has adequate supports to  
20                  parent.'"

21

22                  Do you want to comment on that?

23                  A    As I stated earlier that there may have been  
24                  attempted visits that were not documented and were not put  
25                  into the file, or they were handwritten notes that are not

1 in the file.

2 Q The next one says:

3

4 "Baby was born on April 29, 2001,  
5 was discharged from the hospital  
6 and went home with the parents  
7 without agency assessment and in  
8 fact no follow-up was made to the  
9 home to see how the parents were  
10 coping."

11

12 We've discussed that already, but is there  
13 anything you want to add?

14 A No.

15 Q It says:

16

17 "In a meeting with Steve on July  
18 6, 2001 (or July 5, both dates are  
19 mentioned) following an After  
20 Hours report the worker committed  
21 to meeting with Steve on a weekly  
22 basis. It says there appears to  
23 be no direct contact between July  
24 6, 2001 and March 27, 2002 (date  
25 of closing) --"

1           And I appreciate that that was after your  
2 involvement.

3

4           "-- although two attempts were  
5 made in response to the baby's  
6 death on July 15, 2001 the only  
7 family contact listed is by  
8 telephone."

9

10           Do you want to comment on that?

11           A       No.

12           Q       Just overall, and with, with your handling of  
13 this file, did you feel you were able, given your workload  
14 and other circumstances, do you feel you were able to  
15 devote adequate time to this family and its needs?

16           A       Reflecting back into my experience as a social  
17 worker and working in child welfare there is a lot of  
18 demand on your time from, from different file, from  
19 different families. When I reflect back and reviewing this  
20 information about this particular family there was -- it  
21 was a common file, this was common things that our families  
22 were experiencing. Family violence, alcohol abuse, child  
23 neglect, those are common threads throughout the many  
24 different files that came -- that I've worked on over the  
25 years, and it would have been -- this file would have been

1 no different than all the other files that was assigned to  
2 me at the time because they had those elements in there.

3 Q So in terms of the files you were handling was  
4 there anything unique about this file -- you already spoke  
5 about the death of the baby which was something I take it  
6 was unique here, but aside from that was the file any, any  
7 different than other files you were handling?

8 A They, they weren't any different than any other  
9 files that I would have had dealt with, and the time that  
10 it would take -- there's a lot of files that was on my  
11 caseload at that time that absorbed a lot of my time --

12 Q Okay.

13 A -- so when you're attempting to go out to the  
14 community to visit families if, if they have no -- they  
15 have no phone you will do those drop-by visits to  
16 adequately try to, to meet the demand of, of seeing those  
17 families, so basically it's workload, it's the timeness  
18 (sic) on families absorbed from a worker, it's lack of  
19 resourcing, many different things will impact that, but  
20 looking -- reflecting back on the information that was  
21 presented it would be, it would be a basic -- it would be a  
22 common thread of family violence, child neglect, lack of  
23 parenting skills, you know substance abuse, all those  
24 things will be common things that we deal with on a daily  
25 basis, and continue to deal with them on a daily basis even

1 to this date in child welfare.

2 Q I just, I just want to understand. When you say  
3 "drop-by visits", unannounced drop-by visits, were you  
4 servicing families all in a certain area of Winnipeg?

5 A I was working with the Jarvis Unit, yes. It  
6 would be the inner city and I, I believe at that time I had  
7 files outside of Winnipeg on -- like on the perimeter of,  
8 of the city.

9 Q Okay. And I'm just -- I just want to understand  
10 when you say you would drop by just, just explain how that  
11 would happen.

12 A As it was explained before that my practice is  
13 that I would drop by to families unannounced.

14 Q Okay.

15 A That was a practice that I did with all my  
16 families.

17 Q And --

18 A Regardless if they had a telephone or no  
19 telephone I will drop by to see how they were doing.

20 Q Okay. And if you were going to see -- for  
21 example you had planned on seeing three families in a day  
22 would you try to see them all -- you know, in the same  
23 area, would you just drop by each one?

24 A If I was in that particular area, and if I didn't  
25 -- when I reviewed my cases because I always had my cases

1 with me, and I would review that, and if I did not see that  
2 particular family I would make that attempt to see them at  
3 that time, with time allowances of that working day, yes.

4 MR. OLSON: Thank you. Those are all my  
5 questions for you.

6 THE WITNESS: Thank you.

7 THE COMMISSIONER: I'm just going to ask you one  
8 question and then we're going to take a break, and then  
9 we'll start the, the other examinations.

10

11 EXAMINATION BY THE COMMISSIONER:

12 Q Was it the policy, or were you required to make a  
13 note every time you visited in the file, regardless of  
14 whether the family were home or not? Was it -- were you  
15 under a requirement, whether it be a best practice or the  
16 policy of the agency, to, to make a record that you  
17 actually had made the call?

18 A We would record our actual face-to-face contact,  
19 like our actual visits, and it was practiced where we would  
20 document if we did attend a home, but to say there was an  
21 actual -- I think it just comes from the profession of  
22 social work, we do do note taking.

23 Q And record that fact in the file?

24 A Yes.

25 THE COMMISSIONER: All right. Thank, thank you,

1    witness.    Now you're going to get a break for you've been  
2    on a long time this morning, and we'll take 15 minutes, and  
3    then some of the other lawyers will have questions they  
4    want to ask of you.

5                    THE WITNESS:    Thank you.

6                    THE COMMISSIONER:    So we'll break now.

7

8                                    (BRIEF RECESS)

9

10                    THE COMMISSIONER:    All right.    Mr. McKinnon, are  
11    you first?

12                    MR. MCKINNON:    It appears so, Mr. Commissioner.

13

14    CROSS-EXAMINATION BY MR. MCKINNON:

15                    Q            Ms. Chief-Abigosis, my name is Gordon McKinnon,  
16    and we've met before.    I'm the lawyer for the Department  
17    and Winnipeg CFS.    I just want to ask you questions in  
18    connection with one issue, or one area.

19                    Your -- since leaving Winnipeg CFS you took a  
20    period of time where you didn't work in child and family  
21    Services at all, and then you have worked subsequently in  
22    the area of child and family Services as a supervisor in  
23    another agency?

24                    A            Correct.

25                    Q            And I'm going to ask you to look back today at

1 the case work you did in 2000 and 2001, and ask you to  
2 comment and see if you will agree with this. That if you  
3 were looking at your work today as a supervisor, looking at  
4 the work you did in that time period on the Phoenix  
5 Sinclair/Samantha Kematch files, and if we assumed that all  
6 the contacts are recorded in your case file, that is there  
7 were no other contacts other than those ones that were  
8 recorded, so if we make that assumption would you agree  
9 that the number of contacts was inappropriate?

10 A I would agree with that.

11 Q Okay. And I've heard your evidence, and, and you  
12 said that there may have been other contacts that were not  
13 recorded in your notes. Again looking at it from the point  
14 of view of a supervisor the failure to record those other  
15 contacts would that also be inappropriate?

16 A I agree.

17 Q And effectively what I'm asking you to say is as  
18 a supervisor today, looking back at your work, you would  
19 agree that it was unacceptable?

20 A I agree.

21 MR. MCKINNON: Thank you.

22 THE COMMISSIONER: All right. Mr. Gindin.

23 MR. GINDIN: Thank you.

24

25



1 CROSS-EXAMINATION BY MR. GINDIN:

2 Q Good morning, ma'am. My name is Jeff Gindin. I  
3 appear for Kim Edwards and Steve Sinclair, and I have some  
4 questions for you.

5 I take it from listening to your evidence that --  
6 you've told us many times that you have very little  
7 recollection of your involvement in this matter at this  
8 stage?

9 A Correct.

10 Q And that's partly because of all the time that  
11 has gone by?

12 A Yes, it's almost 12 years.

13 Q Yeah. And you've told us that you have to rely  
14 on your notes pretty much?

15 A Correct.

16 Q And that's why notes are so important because you  
17 may have to look back and use them as your memory?

18 A Correct.

19 Q Now, I take it you had put in your notes what you  
20 considered important?

21 You can't put everything in your notes, so you  
22 have to --

23 A Technically everything's important, but, yes,  
24 when I did the actual home visits, yes, I did documents of.

25 Q And the efforts that would make to contact a

1 family, either by phone or dropping in, those, those things  
2 are important?

3 A Correct.

4 Q They're important to how your work might be  
5 viewed by someone else, so they could see what you did?

6 A Correct.

7 Q And they're also important in the event that you  
8 had to go to court --

9 A Yes.

10 Q -- and remember what happened; correct?

11 A Yes.

12 Q So it's important to record those efforts?

13 A Yes.

14 Q You've told us there may be some things you did  
15 that you didn't record in terms of attempting to contact  
16 the family, but as we review your notes you've recorded  
17 many times where you've made an effort to contact the  
18 family, those do appear in your notes particularly in July,  
19 towards the end of your involvement, there's almost a daily  
20 recording of efforts that you've made to contact the  
21 family, leaving messages, that kind of thing; correct?

22 A Correct.

23 Q And those were recorded?

24 A Yes.

25 Q Is there any reason why you would record some of

1 the efforts you made and not others?

2 A I believe it was the situation that was happening  
3 currently with the death of the child. There was more  
4 people, more family that was phoning, and there was also  
5 other collaterals phoning the agency regarding the  
6 situation so you had to keep up with the note taking at  
7 that time.

8 Q But if we look at your involvement from November  
9 the 14th, 2000, onwards --

10 A Um-hum.

11 Q -- it doesn't appear to be that many notations  
12 made by you.

13 A Correct.

14 Q It would be easier to record those kinds of  
15 things if there isn't that much going on; wouldn't it?

16 A Could you say that again, please?

17 Q You said that in July you recorded lots of things  
18 because there was lots of things going on.

19 A There was the death of the child, yes, and --

20 Q Um-hum. But --

21 A -- there was also collaterals calling --

22 Q Um-hum.

23 A -- and there was family members calling so you  
24 had to keep track of all that data, and when they called.

25 Q Those were important things so you made notes of

1 them?

2 A They're all important things, but at that  
3 particular time there was more activity on the file than  
4 there was prior.

5 Q Are you saying that there were important things  
6 going on that you decided not to put down in your notes?

7 A No, I didn't say that. What I'm saying is that  
8 -- what I'm stating is that at that particular time there  
9 was collaterals calling, there was family members calling,  
10 the parents were calling, it was surrounding the death of,  
11 of the child.

12 Q Now you took over the file on November the 14th  
13 of 2000?

14 A Yes.

15 Q And there's no record of any contacts with the  
16 family for the rest of November, clearly; correct?

17 A On the actual file, yes.

18 Q Yeah. Well we have to go by your notes because  
19 you don't have your memory; right?

20 A Yes.

21 Q So the rest of November there's no recordings of  
22 any contact; correct?

23 A Correct.

24 Q There's also no notes of any contact throughout  
25 December?

1 A Correct.

2 Q There's also no notes of any contacts throughout  
3 January; correct?

4 A Correct.

5 Q In fact in December, on December the 11th, and  
6 perhaps we can have a look at page 37024, this was a letter  
7 that you saw before I think, can you see it on your screen?

8 A Yes, I see it.

9 Q And in that letter you write to Germaine Brass  
10 apologizing for the delay so far; correct? You can see  
11 that.

12 A Stated in the letter, yes.

13 Q And can you tell us what the reason for the delay  
14 was that you were apologizing about?

15 A I can't recall the reason for why I stated there  
16 was a delay.

17 Q And there's no notes --

18 A It might have been just the style of my writing.  
19 I'm sorry for the delay, here's the document you requested.  
20 It's a standard thing that I would put sometimes in  
21 recording --

22 Q Well obviously you felt that there was some  
23 delay, and you thought you needed to apologize for it;  
24 right? That's what the letter tells us; correct?

25 A Correct.

1 Q And you have no notes other than that letter  
2 about what you meant or why there was a delay; right?

3 A Correct.

4 Q In February your notes tell us that there were a  
5 couple of attempts to connect with the family; right?

6 A Yes, that was shared, yes.

7 Q There's no notes at all throughout the latter  
8 part of, of February, or all of March, about any sort of  
9 contacts with anyone in the family; correct?

10 A Correct, and as I shared prior that they may have  
11 not been documented.

12 Q Okay. So either you were not documenting  
13 important things or you weren't doing them, it's one or the  
14 other; right?

15 A I disagree. I may have not -- I may have  
16 documented them, I may not have documented them. I may  
17 have attended a home, I may not have attended, but I  
18 believe there was attempts to visit the family.

19 Q And if you did document them in notes we don't  
20 have those notes?

21 A I don't see them.

22 Q There's no contacts documented by yourself  
23 throughout the entire month of April, and the only contact  
24 we see is when a child dies at the hospital?

25 A According to notes, yes, that's what it states.

1 Q Or, pardon me, the child was born at the  
2 hospital, that's what I meant to say.

3 In May there are some notes of some contact, but  
4 none in the month of June either; correct, according to  
5 your notes?

6 A What's listed there, yes.

7 Q And then we see a heightened degree of contact  
8 once you found out about the child passing away; right?

9 A Correct.

10 Q Now looking at these contacts that you made notes  
11 of in July of 2001 I believe your notes indicate that on  
12 July the 6th the name Kim Edwards comes up in the notes for  
13 the first time?

14 A Yes.

15 Q And it came up because Steve had advised you that  
16 she was helping him take care of the child?

17 A Yes.

18 Q Along with other people?

19 A Yes.

20 Q Did you at that time make any efforts to phone  
21 her or go and see her, or see what sort of home she had, or  
22 who she was living with, or any of those things?

23 A I can't recall.

24 Q If you did that it would be in your notes;  
25 wouldn't it?

1 A Correct.

2 Q Okay. And we haven't seen any notes of you doing  
3 that.

4 A Only what was presented, yes.

5 Q Okay. You would agree that that would have been  
6 a reasonable idea?

7 A Yes.

8 Q For example, you'd want to know where she lives  
9 and who she lives with, or what her situation is?

10 A Yes.

11 Q Now after July the 16th when you found out about  
12 the death of the child that's when you heard from Samantha?

13 A Could you repeat that?

14 Q After you found out about the death of the young  
15 child that's when you heard from Samantha; right?

16 A According to the documentation, yes.

17 Q And that's all we have to go by; right?

18 A Yes.

19 Q And now she's wanting Phoenix, because it appears  
20 she's wondering about whether Steve was responsible in some  
21 way for the death, is that basically the feeling you had?

22 A It states that in the notes, yes.

23 Q Yes. And around this time during July when  
24 you're getting a number of calls from family members, and  
25 that kind of thing, a number of issues arise. For example,



1 I think your evidence was that Jenny Sinclair, Steve's  
2 sister, had indicated that we should look at this question  
3 of guardianship, they wanted guardianship; correct, do you  
4 remember that?

5 A It's written in the notes, yes.

6 Q Did you follow up on that idea at all?

7 A It wouldn't have been myself to look for  
8 guardianship, it would have been up to the parents to seek  
9 a lawyer and seek guardianship of their children.

10 Q Is there any notes anywhere where you advise them  
11 of that particular right, or process?

12 A I believe there's -- there is in the case note  
13 that they were -- that Child and Family wasn't responsible  
14 for custody or guardianship.

15 Q Um-hum. That's the way you dealt with that, just  
16 left it like that?

17 A I could only share right now what was written in  
18 that note, and I can't recall the actual conversation.  
19 There may have been other things in that conversation that  
20 was said, but I could only comment on the notes that were  
21 presented to me.

22 Q So either you didn't make notes of important  
23 things or you made notes of important things and lost them,  
24 or you didn't do those things; it's one of those?

25 A Like I said earlier I could only, I could only

1 speak to what was presented here.

2 Q Okay. Did you contact Jenny and meet with her  
3 about her concerns or her requests about guardianship?

4 A If it's not written in these notes, and, and -- I  
5 cannot recall.

6 Q Okay. So with respect to Kim Edwards you didn't  
7 know her or who she was; right?

8 A Correct.

9 Q You didn't know if she was living with someone,  
10 or married, or single; right?

11 A I do not know the person.

12 Q With respect to Jenny were you aware of her  
13 personal circumstances?

14 A Only when I reviewed the information that was  
15 presented to myself.

16 Q Did you know anything about the person she was  
17 living with?

18 A I could only refer to the information that was  
19 presented to myself.

20 Q And that information included the fact that  
21 whoever she was living with had a criminal record, do you  
22 remember that?

23 A According to the notes, but I can't recall  
24 specifically that time ago.

25 Q But earlier on when you became aware that Steve

1 was getting support and help from Jenny that wasn't being  
2 checked out as to who her boyfriend was, or what sort of  
3 person that was, or anything?

4 A Often our families who are involved with Child  
5 and Family often they do have extended family as their  
6 support system, and I believe at that time, and according  
7 to my notes, that those people, his sisters, was his  
8 support system.

9 Q Right. But that doesn't mean you shouldn't check  
10 them out?

11 A I could only refer to my notes, I can't recall  
12 specifically the conversations I had with his siblings, or  
13 with himself.

14 Q Wouldn't it be better to check out some of the  
15 support systems that they tell you about to make sure that  
16 they're appropriate?

17 A That would be a good practice, yes.

18 Q Not enough just to say, I have some family  
19 members helping me, it's always nice that they have that,  
20 but it would be nice to know more about them?

21 A Correct.

22 MR. GINDIN: If I can just have one moment?

23 THE COMMISSIONER: Yes.

24

25

1 BY MR. GINDIN:

2 Q Just one further point. At page 37009, can you  
3 get that up, please. On this page, and several other times  
4 in the various reports, we see a list of various names and  
5 addresses and phone numbers; correct?

6 A Correct.

7 Q And this would be something that you would be  
8 aware of as you took over the file?

9 A The information of contacts from the prior worker  
10 and ones that we added that we had -- that became contacts  
11 when we were working on the file.

12 Q Okay. For example Nikki Taylor from the Boys and  
13 Girls Club is on that list. Do you have any notes of any  
14 connection with her, any phone calls to her?

15 A What was presented in this note taking is only  
16 what I can refer to --

17 Q Okay.

18 A -- and I can't recall.

19 Q So you have no notes of you having talked to her?

20 A If they're not on the information as presented to  
21 the inquest then this is only what I can reference.

22 Q Do you remember ever calling her?

23 A I can't recall.

24 Q You became aware of her involvement though? When  
25 you, when you read over the material you knew that she was

1 involved with both Steve and Samantha?

2 A According to all the documents her name, her name  
3 was referenced and that she was a support to the family.

4 Q Okay. And there's no notes that you ever spoke  
5 to her, we haven't seen any?

6 A There is no notes that state on the documentation  
7 as presented that I had contact with Nikki Taylor.

8 Q And if you had --

9 A It would have been --

10 Q -- and if she gave you some information you would  
11 have put it down; right?

12 A Correct.

13 MR. GINDIN: Those are my questions.

14 THE COMMISSIONER: Thank you, Mr. Gindin.

15 Mr. Saxberg.

16 MR. SAXBERG: Thank you, Mr. Commissioner. Good  
17 afternoon, Ms. Chief-Abigosis. My name is Kris Saxberg. I  
18 represent ANCR and three of the Authorities that regulate  
19 child welfare agencies today.

20

21 CROSS-EXAMINATION BY MR. SAXBERG:

22 Q I just have a few questions for you, and I'd like  
23 to begin by asking that we call to the screen CD number 1,  
24 page 26. Now, what I'm showing you here Ms. Chief-  
25 Abigosis, is a excerpt from Andy Koster's section 4 report,

1 and in particular finding number 11. Do you see that?

2 A Yes.

3 Q Mr. Olson had reviewed with you, I believe,  
4 findings of 8, 9, 10, and then went on to finding number  
5 12. Finding number 11 though indicates that:

6

7 "A report was completed for the  
8 Chief Medical Examiner. It found  
9 no fault in the death of ..."

10

11 And that would be ██████ Sinclair, do you see that?

12 A Yes.

13 Q And the document goes on to say:

14

15 "It appears that there were no  
16 concerns that ██████ had died as a  
17 result of abuse or neglect."

18

19 Do you see that?

20 A Yes, I do.

21 Q And were you made aware of the CME report after  
22 it was completed, and the conclusion that there -- that the  
23 death of ██████ Sinclair had nothing to do with abuse or  
24 neglect?

25 A I can't recall, but according to the e-mails, and

1 the information that was presented by my supervisor, yes.

2 Q And I'd like to just take you to that report then  
3 of the CME. It's at CD 764, and it's page number 17680.

4 Now, in the context of this inquiry I take it  
5 that you've seen this report?

6 A No.

7 Q Okay. Well, you'll see then -- it's a report  
8 that is dated October 2, 2003, and if we could turn then --  
9 if we could turn to page 17683 firstly. It indicates that  
10 it's a report that's prepared in accordance with The Fatal  
11 Inquiries Act, Section 10, and are you familiar through  
12 your involvement as a CFS worker with the process that,  
13 that occurs when a child has -- that has -- that was in  
14 care at some recent point with CFS what the process is  
15 after an event like that?

16 A Yes, I'm aware.

17 Q And, and you're aware then that that process  
18 involves a mandatory review by the Chief Medical Examiner's  
19 Office?

20 A Yes.

21 Q And if we could turn to page 17685. The report  
22 indicates that certain files were reviewed, including Steve  
23 Sinclair's Family Services file, Phoenix Sinclair's child-  
24 in-care file, Samantha Kematch's Family Services file, and  
25 then it lists other child-in-care files. Do you see that?

1 A Yes.

2 Q And if we could turn to page 17687. In the  
3 second paragraph the writer notes that:

4

5 "In an effort to produce a more  
6 concise report the family history  
7 has been condensed. All Agency  
8 files provided were thoroughly  
9 reviewed."

10

11 And then there's a narrative that follows,  
12 including information at the bottom of this page if you  
13 scroll down, which indicates that at the time that Ms.  
14 Kematch gave birth to her first child on July 23, 1998 she,  
15 and then the last sentence says, quote:

16

17 "Ms. Kematch herself presented as  
18 'immature' and was described as  
19 'emotionally flat.'"

20

21 And I'm just asking you to make note of that in  
22 this report. I'll have a question for you when we get to  
23 the conclusion of it, but do you see that?

24 A Yes.

25 Q And at the next page, 17688, there's a note in



1 the second paragraph, the second sentence, quote:

2

3 "Samantha gave no indication that  
4 she was ready to parent this  
5 child. Due to Samantha's behavior  
6 and attitude towards her newborn  
7 Cree Nation Child and Family  
8 Caring Agency felt that it is in  
9 the child's best interests to be  
10 placed in care for a period of six  
11 months."

12

13 Now, that was information that, that you had  
14 available to you, and that you had reviewed in the course  
15 of conducting your work on the file; correct?

16 A Correct.

17 Q That was information you were aware of as well  
18 and had noted in terms of how you were going to deal with  
19 this matter; correct?

20 A Correct.

21 THE COMMISSIONER: Just where did you read from  
22 on that page 688?

23 MR. SAXBERG: The second paragraph, the second  
24 sentence.

25 THE COMMISSIONER: Okay, I follow you.

1 BY MR. SAXBERG:

2 Q And at the next page 17689 the file notes in the  
3 third full paragraph that Phoenix Sinclair was born on  
4 April 23, 2000, and that Ms. Kematch had not received any  
5 pre-natal care --

6 THE COMMISSIONER: Now where are you reading  
7 from?

8 MR. SAXBERG: I'm reading from the third full  
9 paragraph on that page.

10 THE COMMISSIONER: The third paragraph.

11 MR. SAXBERG: It starts with April 23, 2000.

12 THE COMMISSIONER: All right. It doesn't -- it's  
13 not third on my screen, but I, I see where it is. That's  
14 fine. Go ahead.

15

16 BY MR. SAXBERG:

17 Q And this paragraph indicates that Ms. Kematch had  
18 not received pre-natal care, and that was something as well  
19 that you were aware of in terms of your assessment of the  
20 file, and your conduct of the file; correct? You were  
21 aware that for -- with respect to Phoenix Sinclair that Ms.  
22 Kematch hadn't received pre-natal care?

23 A Correct.

24 Q And the final paragraph on the same page begins  
25 with "When asked why", quote:

1                    "When asked why (...) had been  
2                    removed --"

3

4                    That's the first child.

5

6                    "-- Agency case notes reflect that  
7                    Ms. Kematch had advised workers  
8                    'Samantha thought it was because  
9                    they thought she might hurt the  
10                    baby, as her mother did.'"

11

12                    And it goes on, but that's something you advised  
13                    Mr. Olson that you don't recall whether you were aware of  
14                    that fact; is that right?

15                    A            Excuse me, could you repeat that?

16                    Q            Oh, sorry, I might have your evidence wrong.  
17                    Were you aware that Samantha had made that comment, that  
18                    she thought that her first child had been apprehended  
19                    because they thought she may hurt the baby as her mother  
20                    did; were you aware that Samantha had made that ...

21                    A            Well that information was in the previous  
22                    transfer summary so I was aware of that.

23                    Q            Right, and you would have reviewed that  
24                    information; is that right?

25                    A            Correct.

1 Q And can you turn to page 17692, the file reviewer  
2 here is continuing to review matters that unfolded with  
3 respect to this family including on April 29 of 2001, the  
4 date which [REDACTED] was born, the agency did not note any  
5 concerns with her birth or her parents at that time; is  
6 that a correct statement?

7 Well, let me put it to you. I suggest that  
8 that's a correct statement, that the agency hadn't noted  
9 any concerns with the birth of [REDACTED] or with the parents at  
10 that time?

11 A Correct.

12 Q And then on the rest of that page there's a  
13 recitation of the events that you went through with Mr.  
14 Olson, and on page 17693 under the heading "Events After  
15 the Death of [REDACTED] Sinclair" the report writer indicates:

16  
17 "The agency offered support to  
18 Kematch and Mr. Sinclair when [REDACTED]  
19 died."  
20

21 And you agree with that statement, that's a  
22 correct statement, isn't it?

23 A Correct.

24 Q And on page 17696 the -- under the -- it's under  
25 the heading, "Conclusions and Recommendations", but

1 paragraph 5 begins with:

2

3 "Ms. Kematch and Mr. Sinclair were  
4 the parents of a daughter,  
5 Phoenix, born April 23, 2000."

6

7 And it goes on to indicate that they were  
8 unprepared to parent at that point in time, and there was a  
9 particular concern of Ms. Kematch's lack of affect, that  
10 was an issue, I'm paraphrasing, but that's all, that's all  
11 information that you were aware of, and that you reviewed,  
12 and it appears to be reviewed and considered by this report  
13 writer as well; do you see that?

14 A Yes.

15 Q And then the final page is page 17697, and the  
16 conclusion here is:

17

18 "The Special Investigator feels  
19 that Winnipeg's Child and Family  
20 Services has met their mandate  
21 with respect to this case.  
22 Summaries were complete and on  
23 file. Child-in-care reviews were  
24 complete. Family assessment  
25 information was complete.

1                   It was relatively easy to follow  
2                   the paths the family had taken  
3                   from the summary. This file met  
4                   Provincial Program Standards and  
5                   was well maintained."

6

7   And then in the recommendations it says:

8

9                   "The Chief Medical Examiner has no  
10                  recommendations to make with  
11                  respect to this matter."

12

13                  Do you see that?

14           A       Yes.

15           Q       So I'm correct to indicate that there's, there's  
16           never been an assertion by anyone that there was abuse of  
17           ██████████ Sinclair that resulted in her passing; correct?

18           A       Correct.

19           Q       And that the Chief Medical Examiner's office made  
20           that as a finding in terms of the work that was provided by  
21           Winnipeg CFS and, and some of the work provided by you; is  
22           that correct?

23           A       Correct.

24           Q       And have you -- are you aware of any information,  
25           at any point in time, from any source, that indicates

1 otherwise, that there's any allegation that there was any  
2 abuse of ██████ Sinclair by anybody?

3 A No.

4 Q And I want to ask about information of that same  
5 sort, about mistreatment concerning Phoenix Sinclair during  
6 the period that you were handling the file, okay.

7 Had you received any information during the  
8 period in time in which you were dealing with this matter  
9 that Phoenix Sinclair was being maltreated?

10 A I can't recall, only in the closing summary it  
11 was stated that Steve had concern about discipline from  
12 Samantha towards Phoenix.

13 Q Right.

14 A But during that time no one ever came to me and  
15 said, yes, I do have concerns about -- that there's child  
16 abuse happening towards this child.

17 Q Right. Did you ever -- you never had any  
18 communication with Kim Edwards, you've established that?

19 A No.

20 Q And did you have any information from, from  
21 anyone else, other than Steve Sinclair then, that there was  
22 any maltreatment of Phoenix Sinclair during this period?

23 A No.

24 Q And as you sit here today, regardless of the  
25 source, have you ever heard any information put forward by

1 anybody that there's any allegation that there was any  
2 maltreatment of Phoenix Sinclair during the period in which  
3 you were handling this file?

4 A Yes -- I mean no.

5 Q You mean you haven't heard anyone say --

6 A I haven't heard anything -- sorry, no.

7 Q You've been criticized soundly --

8 A Correct.

9 Q -- and my own editorial, perhaps correctly, for  
10 not being as diligent, and being out there, but my question  
11 to you is has anyone ever said had you gone there you would  
12 have seen something that ought to have been averted, you  
13 would have seen some, some maltreatment? Has anyone ever  
14 said that?

15 A No.

16 Q And you know that Marie Belanger, as she was  
17 known then, testified earlier she was the family support  
18 worker working at the time that you took over this file,  
19 are you familiar with her?

20 A Familiar with the name, yes.

21 Q And were you aware that she was reporting that  
22 the family was functioning well and everything appeared to  
23 be appropriate in terms of the interaction with Phoenix?

24 A According to the information that was presented,  
25 yes.



1 Q And are you aware that she was continuing to make  
2 contact with the family on what she called a sneak attack  
3 basis, six hours a week, up to December 13 of 2000; were  
4 you aware of that?

5 A I'm aware through the information that was  
6 presented, yes.

7 Q And a Nikki Taylor as she was then known, Nikki  
8 Humenchuk, she was the support for Steve Sinclair and  
9 Samantha Kematch, did you have any involvement with her  
10 directly?

11 A No.

12 Q So you wouldn't have heard that -- information  
13 that she's already told this Commission about, about the  
14 family attending at the Boys and Girls Club, and presenting  
15 with a normal interaction between parents and Phoenix, you  
16 weren't ever aware of that information at the time?

17 A No.

18 MR. SAXBERG: Those are all my questions. Thank  
19 you.

20 THE COMMISSIONER: Thank you, Mr. Saxberg.

21 MR. KHAN?

22 MR. KHAN: No, no questions.

23 THE COMMISSIONER: Mr. Ray?

24 MR. RAY: Yes, Mr. Commissioner. Just a few  
25 questions for Ms. Abigosis.

1 CROSS-EXAMINATION BY MR. RAY:

2 Q One of the things you mentioned in response to  
3 questioning by Mr. Olson was that there was often different  
4 caregivers in respect of Ms. -- Mr. Sinclair's parenting  
5 with Phoenix, and in your experience as a social worker,  
6 and as someone who is of First Nation descent, are multiple  
7 caregivers, family and friends, is that a common or  
8 uncommon situation that you see, regardless of whether a  
9 child is in care or is not in care?

10 A It's common.

11 Q Does the fact that multiple people were taking  
12 care of a child, in this case Phoenix, raise concerns for  
13 you as a social worker automatically or necessarily?

14 A No.

15 Q Did you have any reason to suspect that the  
16 caregivers that were taking care of Phoenix, and, and with  
17 whom Steve had placed Phoenix, were otherwise  
18 inappropriate?

19 A No.

20 Q Would you expect Mr. Sinclair to have told you if  
21 he knew or suspected that the caregivers were not  
22 appropriate caregivers? I mean it's his child, and he's  
23 giving her to them, to those people so ...

24 A In, in most families -- I could also reference my  
25 own family, is that we are a close knit community, we do

1 depend on our extended family for support in relation to  
2 child care, whether we're working or we're attending  
3 programs, or whatever might the issue be, a medical  
4 appointment, we do ask extended family to care for our  
5 children just because we know them well, and we have  
6 developed a trust with them. Even though we may know their  
7 background if they had any kind of involvement prior with  
8 anything that it'll be at our own discretion to, to make  
9 that decision whether we're going to leave our child.

10 Q And Mr. Gindin suggested to you that perhaps you  
11 should have, or it would have been reasonable for you to go  
12 out and inspect Ms. Edwards' home, or Jenny Sinclair's  
13 home. You've given evidence that you had relatively heavy  
14 caseloads, and that this particular file was not unique,  
15 and not a priority. Given that workload, and, and how this  
16 file presented to you, is that something that would be  
17 particularly urgent for you to do, to go out and inspect  
18 Ms. Edwards' home when Mr. Sinclair had given Phoenix to  
19 Ms. Edwards?

20 A I believe that when -- if the, the home was  
21 identified as a place of safety, and we did -- the agency  
22 would require a social worker to go out to review that  
23 home, and meet with the people, but in this case if the, if  
24 the father, you know, had identified that person's place as  
25 safe then for myself to go out it would be very time

1 consuming. Then you would have to look at my entire  
2 caseload because other families had other family members  
3 looking after their children, so it'll be -- it'll absorb a  
4 lot of time.

5 Q If Mr. Sinclair had told you that he had concerns  
6 about the caregiver with whom he had placed Phoenix, and he  
7 identified a specific concern, what would you have done  
8 then?

9 A I would have went to check the home, but also,  
10 too, if the father had concerns would he really actually  
11 place a child there?

12 Q I just want to direct you to CD 1795, page 37002.  
13 Your, your evidence was that, that you noted multiple  
14 attempts before to, to make contacts with the family, and  
15 some -- and you weren't sure whether you had made other  
16 attempts to contact the family that weren't noted, and you  
17 couldn't recall; correct?

18 A Correct.

19 Q Okay. So you see the, see the heading  
20 Interventions?

21 A Yes.

22 Q And there's, there's one line underneath  
23 Interventions, and then there's a full paragraph. Do you  
24 see that?

25 A Yes.

1 Q There's -- I'm just going to read to you the  
2 paragraph. It says -- starting about the middle:

3

4 "The assigned worker attempted  
5 several times to connect with the  
6 family and left a card asking the  
7 family to contact the agency."

8

9 And that's under the line November 14, 2001.

10 THE COMMISSIONER: Well, whose document is this?

11 MR. RAY: I'm sorry, Mr. Commissioner, this is  
12 the, this is the closing summary, I believe --

13 THE COMMISSIONER: Prepared by?

14 MR. RAY: Prepared by this witness.

15 THE COMMISSIONER: Okay.

16

17 BY MR. RAY:

18 Q And then it goes on to say some other things that  
19 you did in November, November was comprised of telephone  
20 contact, and we know you were -- you recorded those  
21 contacts in your case notes, and they're reflected in your  
22 summaries. Having read that opening paragraph does that  
23 help you to recall whether you may have made attempted  
24 contacts with this family in November?

25 A As, as I stated before I cannot recall, but

1 reading this and knowing my practice I would have made  
2 attempts to contact the family.

3 Q And just your practice, so this is a file that  
4 was assigned to you on November 14, 2001. What would your  
5 practice have been as it relates to trying to make contact  
6 with the family?

7 A We would attend the home --

8 Q How quickly would you try to make contact with  
9 the family, and what would your practice normally be?

10 A Within about a week.

11 Q Given your practice, and given those notes, do  
12 you think you may have made attempts to have contacted the  
13 family in November?

14 A Looking at the notes, yes. Like I said earlier  
15 that I did -- I can't recall, but my practice was to go out  
16 to the homes and I may have not documented them.

17 Q I'd just like to draw your attention to page  
18 37021, and again this is part of your summary -- I'm sorry,  
19 this is the supervision notes, but you see the case plan  
20 there under the heading Case Plan, and then there's six  
21 bullets?

22 A Yes.

23 Q And you've -- I think you've stated that that was  
24 your understanding, that that was the service agreement; do  
25 you recall that?

1 A Yes.

2 Q Okay. And Mr. Olson asked you a number of  
3 questions about whether you could recall if various parts  
4 of the service agreement had been fulfilled, and to your --  
5 you said you hadn't recalled, and Mr. Olson did put to you  
6 just this morning, I think he noted to you for the record  
7 that we know that Ms. Kematch had in fact seen Dr. Altman.  
8 Do you recall having seen that on the file, or having noted  
9 that on the file, that information?

10 A After reviewing the notes it is documented that  
11 she did state that she did see Dr. Altman.

12 Q Do you recall if you, if you reviewed Ms. Kerri-  
13 Lynn Greeley's transfer summary?

14 A Yes, it was practice that --

15 Q Okay.

16 A -- we would review the transfer summary, yes.

17 Q Could you, please, turn to page 37032. I'm  
18 showing you a portion of Ms. Kerri-Lynn Greeley's transfer  
19 summary. You see at the top where she describes that  
20 Samantha met with Dr. Altman, do you see --

21 A Yes.

22 Q -- where it says that that occurred on September  
23 13, 2000?

24 A Yes.

25 Q Do you recall if you would have reviewed that

1 when you saw the file?

2 A Could you repeat that?

3 Q Do you recall if you would have reviewed that  
4 portion of the summary when you reviewed the file?

5 A I can't recall -- what I've stated that I would  
6 review the, the transfer summary, so --

7 Q Okay.

8 A -- any information that was in there I would have  
9 reviewed.

10 Q But just look down to the fourth hyphen there,  
11 fourth bullet on the left-hand side. Do you see that  
12 notation that begins with "Dr. Altman does not see the need  
13 for any further assessment"?

14 A Yes.

15 Q Does that help you recall whether paragraph 1 of  
16 the service agreement, which says Samantha will meet with  
17 Dr. Altman, does that help you recall whether or not that  
18 particular portion of the service agreement had been  
19 satisfied when you had the file?

20 A I can't recall, but according to the document  
21 when I read it, yes.

22 Q Okay. I'd like to take you to page 37031.  
23 Paragraph 2, and I'll just tell you, paragraph 2 in the  
24 service agreement says Steve and Samantha will work  
25 cooperatively with the home support worker, okay.



1           Do you see about halfway down the page where the  
2 paragraph says:

3

4           "In early August Marie Belanger,  
5 teaching support worker, began  
6 working with the new parents."

7

8           A     Yes.

9           Q     And, again, I think you said you couldn't recall  
10 whether you had -- whether Ms. Belanger was working with  
11 the support workers, but you perhaps noted portions of the  
12 -- recall seeing it on the file. Does that help you recall  
13 whether at the time you had the file you would have known  
14 that Ms. Belanger was working with, was working with the  
15 family?

16          A     I can't recall, but according to my notes that  
17 I've been given, yes, I seen that she was working with the  
18 family.

19          Q     And what about page 37022, the second full  
20 paragraph that says "Field to Ms. Kematch home", and  
21 there's a portion there about halfway through:

22

23                    "It is clear that they did work  
24 cooperative with the in-home  
25 support worker and (...) the

1                   parents did work with the public  
2                   health nurse."

3

4                   Again that's another notation that you would have  
5 had on the file, and you would have reviewed?

6           A        Yes.

7           Q        And does that help you to recall more about Ms.  
8 Belanger and what she was doing?

9           A        Like I've shared before I can't recall, but  
10 according to the notes the -- Ms. Belanger was working with  
11 the family.

12          Q        And do you see the notation there that according  
13 to the support worker the parents did work with a public  
14 health nurse? Do you see that?

15          A        Yes, I see it.

16          Q        And are you aware that the service agreement --  
17 one of the conditions in the service agreement was the  
18 parents would work cooperatively with the public health  
19 nurse?

20          A        Yes.

21          Q        And does that help you recall whether or not you  
22 had information that the parents were doing that, or had  
23 satisfied that portion of the plan?

24          A        I can't recall, I could only reference the  
25 information that was given.

1 Q Do your notes help you suggest that you knew  
2 that?

3 A Yes.

4 Q Paragraph 3 of the service agreement requires the  
5 parents to work with a family support worker, and that  
6 would have been you; correct?

7 A Correct.

8 Q Okay. Did they ever deny you access to the home?

9 A No.

10 Q And you stated that on occasion when you, when  
11 you met with Ms. Kematch -- I'm paraphrasing here but I  
12 think you said she was grumpy or in a foul mood, or  
13 something to those -- that effect?

14 A She was angry, she was angry, she was annoyed.

15 Q Okay. And you felt that that was -- now is that  
16 something that was common with many of the clients that you  
17 worked with?

18 A It was a common response for a lot of families  
19 that we were involved with with child welfare.

20 Q Okay.

21 A They would appear angry, annoyed, they don't want  
22 you in their home, and there was others that welcomed you  
23 into their homes. It all depends on, on the individual.

24 Q Okay. Did she ever tell you that she didn't want  
25 you to see Phoenix, or to, to look at Phoenix, or to

1 examine her if that was something you requested?

2 A According the file notes, and according to the  
3 visits that I've attended, no.

4 Q Okay. And it appears that she answered your  
5 questions, although perhaps somewhat grumpily --

6 THE COMMISSIONER: Well, aren't you getting into  
7 a cross-examination which is really not your role?

8 MR. RAY: Well, I think I'm asking the witness,  
9 Mr. Commissioner, that she -- she was asked by Mr. Olson a  
10 number of things about what she could recall, and she  
11 stated she couldn't recall and I'm trying to assist her to  
12 recall her memory.

13 THE COMMISSIONER: Yeah, but your, your role is  
14 not as a cross-examiner.

15 MR. RAY: You prefer I ask the questions in a  
16 different way, Mr. Commissioner?

17 THE COMMISSIONER: And, and clarify things that  
18 came up in, in the cross-examinations. The -- you  
19 presented the -- all your -- this client's evidence to, to  
20 Commission counsel who brought it all out so --

21 MR. RAY: Correct.

22 THE COMMISSIONER: -- I let you go a long way,  
23 but your role is not as a cross-examiner.

24 MR. RAY: Well I think, Mr. Commissioner, I'm  
25 simply addressing some things that were asked by Mr. Olson

1 that require further clarification, which is she said she  
2 couldn't recall some things, so I'm, I'm showing her the  
3 documents, sir, that, that would help her to recall these  
4 things.

5 THE COMMISSIONER: Well, it's very clear that she  
6 read this file before she ever undertook the, the work on  
7 the case.

8 MR. RAY: Yes.

9 THE COMMISSIONER: She, she left -- that's an  
10 established fact, so, so --

11 MR. RAY: What I --

12 THE COMMISSIONER: -- she would have known when  
13 she read the file what, what was in that transfer of  
14 summary.

15 MR. RAY: Yes.

16 THE COMMISSIONER: All right.

17 MR. RAY: There's no question about that, Mr.  
18 Commissioner. I'm just simply stating that -- Mr. Olson  
19 asked her what she could recall, and, and there's much she  
20 couldn't recall, but Mr. Olson didn't direct her attention  
21 to portions of the file in her evidence today that, that  
22 demonstrate that she did in fact at the time know certain  
23 things, and I appreciate she can't recall them, but I think  
24 it's important to give the witness an opportunity to show  
25 and to, to give evidence as to whether those were things

1 that she knew at the time.

2 THE COMMISSIONER: Well, as long as you  
3 understand your role here I'll let you carry on, but it's  
4 not one of cross-examination.

5 MR. RAY: I don't believe I'm attempting to  
6 cross-examine the witness. I'm sorry if I gave you that  
7 impression. I'm simply just trying to point out things  
8 that perhaps could have been put to her on her direct exam.  
9 that weren't.

10

11 BY MR. RAY:

12 Q So we were talking about -- you mentioned you  
13 had, had seen notes about the fact that Steve had, had  
14 taken parenting courses, and Mr. Olson put that to you,  
15 that was paragraph 4 of the service agreement. We've dealt  
16 with paragraph 5 of the service agreement which relates to  
17 the public health nurse, and paragraph 6 of the service  
18 agreement requires the child to obtain a doctor. Just  
19 direct you to page 37004.

20 You see in the second full paragraph about  
21 halfway down, this is I believe in discussion with Mr.  
22 Sinclair that you're having --

23 THE COMMISSIONER: Now what document is this?

24 MR. RAY: This is, this is still the witness'  
25 summary, Mr. Commissioner.

1 THE COMMISSIONER: Her closing summary?

2 MR. RAY: I believe it's a closing summary, the  
3 transfer summary and the closing summary are very similar  
4 so.

5 THE COMMISSIONER: Yes.

6

7 BY MR. RAY:

8 Q About halfway down there's a comment:

9

10 "Steve stated that he takes the  
11 children to 601 Aikins if there is  
12 a need for medical attention and  
13 Dr. Lipnowski says he would call  
14 Envoy for assistance."

15

16 What is Envoy?

17 A Envoy is a service that people in the inner city  
18 or in Winnipeg utilize to have a doctor come directly to  
19 your home for, for their children, for any medical reason.

20 Q Okay. And, and Steve told you that that's who he  
21 calls according to your notes?

22 A Yes.

23 Q Okay. Does that help you to recall whether Mr.  
24 Sinclair had obtained a doctor for Phoenix?

25 A According to the note that he did take the

1 children to 601 Aikins, which is a medical clinic.

2 Q Okay. So based on the evidence and the summary  
3 that we just took you through it appears though -- the six  
4 conditions in the service agreement that set out your case  
5 plan were being -- what is, what is your opinion as to  
6 whether those six paragraphs had been addressed or not,  
7 based on the notes that you just reviewed?

8 A Based on the notes that I've reviewed they were  
9 being addressed.

10 Q Okay. And if, if a parent is addressing the  
11 conditions in the service agreement what -- and you had no  
12 other concerns as you told Mr. Saxberg and no other  
13 concerns were being reported, how would you rate the  
14 relative risk that -- or priority of this file?

15 A It would be in between low and medium.

16 Q You said you had some CFS training, training when  
17 you started with CFS, and you stated you started with CFS  
18 in 2000?

19 A Yes.

20 Q Okay. And you stated you, you had some Core  
21 competency training, and Mr. Olson asked you about that.  
22 Do you recall -- from my understanding, and what we've  
23 heard in evidence, is there's four segments of Core  
24 competency training.

25 A Correct.



1 Q Do you recall if you completed all four segments?

2 A Not while -- I didn't complete it while I was  
3 with Winnipeg CFS.

4 Q Do you recall what portion of it you would have  
5 completed?

6 A I can't recall specifically, but I did take some  
7 training.

8 Q Mr. Olson asked you about Ms. Kematch's demeanour  
9 at the time that you were speaking to her around July 16th  
10 in relation to ██████'s death and I think you described Ms.  
11 Kematch or perhaps Mr. Olson described Ms. Kematch as  
12 agitated. Does that surprise you, did you take anything  
13 from the fact that Ms. Kematch was agitated right around  
14 the time she was advised of her baby's death?

15 A No.

16 Q Mr. Olson asked you about a comment in the  
17 section 10 report that was prepared by Ms. Christianson-  
18 Wood.

19 A Yes.

20 Q And the comment in the section 10 report was that  
21 there did not appear to be any consideration as to whether  
22 Mr. Sinclair would take a break from parenting, okay, and  
23 goes further, and then return Phoenix to Ms. Kematch.  
24 That's the comment in the section 10 report, and, and I  
25 know you were asked to comment, and you said you didn't

1 have a comment, but my question is did you have any  
2 indication that Mr. Sinclair would in fact take a break  
3 from parenting and give Phoenix to Ms. Kematch?

4 A No.

5 MR. RAY: Thank you, Ms. Chief-Abigosis. Those  
6 are my questions. Thank you, Mr. Commissioner.

7 THE COMMISSIONER: Thank you, Mr. Ray. Any re-  
8 examination?

9 MR. OLSON: Just a few questions.

10

11 RE-EXAMINATION BY MR. OLSON:

12 Q Mr. Ray asked you about going out to see friends  
13 or relatives, for example Ms., Ms. Edwards, if they were  
14 providing care to Phoenix, and I think you said you  
15 wouldn't do that because it was -- it would be time  
16 consuming; is that -- was that what your evidence was?

17 A What I, what I was referring to was that if we  
18 had --

19 THE COMMISSIONER: Just a minute. My note  
20 indicates that given my workload it was not urgent for me  
21 to check out homes that had been referred to, but her  
22 father had indicated it was safe, and to follow it up would  
23 be very time consuming. That's what I've noted; is that  
24 what you said?

25 THE WITNESS: Yes.

1 BY MR. OLSON:

2 Q Yeah, that's, that's what I noted as well, and I  
3 just want to clarify if it was the factor that it would be  
4 time consuming that would prevent you from getting out and  
5 doing that.

6 A No.

7 Q No. Okay. And if you had concerns about safety  
8 of Phoenix, or any child in the home, just because it's  
9 time consuming wouldn't stop you from going out; would it?

10 A Correct.

11 Q Okay. In other words because something is time  
12 consuming that doesn't make it a reason for not going out  
13 and doing proper social work?

14 A Correct.

15 Q Now, if we could just turn to page 37002, and I  
16 want to just clarify with you. Under, under  
17 "Interventions" it says:

18

19 "This file was assigned to this  
20 worker on November 14, 2001"

21

22 Do you see that?

23 A Yes.

24 Q Okay. That, that reference to 2001 that's a  
25 typo; isn't it?

1 A There's a typo and it was actually zero.

2 Q Two thousand, so just so it's clear for everybody  
3 you were assigned the file November 14, 2000; right?

4 A Correct, that's a, that's a type error.

5 Q And then your counsel, and I think you said a few  
6 times that just because something's not noted on the file  
7 it doesn't mean you didn't go out and, and work with the  
8 family at that period, but the bottom line is if you read  
9 the, the first paragraph -- the first sentence of the  
10 second paragraph that's in front of you there under  
11 "Interventions" it says:

12

13 "There was minimal contact with  
14 the family until the Women's  
15 Hospital notified the agency that  
16 Ms. Kematch gave birth to her  
17 third child."

18

19 Right? Do you see that?

20 A Yes.

21 Q Okay. And you wrote that at the time of dealing  
22 with this file?

23 A Yes.

24 Q Okay. And that was much closer obviously to the  
25 events than today when you're sitting here trying to

1 remember what happened back then?

2 A According to the notes, yes.

3 Q And so it's accurate then that whatever happened  
4 there was minimal contact with the family as you indicated  
5 until the birth of, of the infant on April 29, 2001?

6 A According to the notes, yes.

7 Q Okay. And the last, last thing I, I wanted to  
8 ask you about is if we go to page 37022 these -- this is  
9 supervision that we looked at that occurred on February 5,  
10 2001, and if you look at the second sentence of the second  
11 paragraph where it says:

12

13 "It is not known at this time if  
14 Samantha followed-up with Dr.  
15 Altman re: emotional stability, or  
16 if Samantha and Steve completed an  
17 appropriate parenting program."

18

19 Do you see that?

20 A Yes.

21 Q Okay. And your counsel asked you a few questions  
22 about what you noted in your closing summary about items  
23 that still need to be addressed, and you went through  
24 whether or not Samantha had the psychological assessment,  
25 whether there was a parenting program, that sort of thing.

1 I just want to be sure. At least by February 5, 2001, so  
2 that's -- you got the file in November, 2000, and this is  
3 February 5, 2001 you didn't know at that time whether or  
4 not the psychological assessment had been completed or the  
5 parenting program had been completed; right?

6 MR. RAY: These, these are -- sorry.

7 THE WITNESS: Those are --

8 MR. RAY: These are Ms. Balan's supervision  
9 notes, so I don't know that the witness can comment on what  
10 that means. Ms. Balan will, I suspect.

11

12 BY MR. OLSON:

13 Q Just with respect to supervision though I thought  
14 it was your evidence, and maybe I'm wrong, but you would  
15 have -- you met with her at the time of making this, was  
16 that ...

17 A I would meet with my supervisor and we'll go  
18 through the case plan, getting updates, but there's always  
19 been a practice to have information, like it was like a  
20 rolling document also so --

21 Q Okay.

22 A -- they could have been in there.

23 Q I guess then --

24 A I can't recall, and I can't comment to that.

25 Q -- the fair question, given that these are Ms.

1 Balan's notes -- or at the time of these notes being taken,  
2 when you would have had supervision with her, would you  
3 have indicated to her that you didn't know whether or not  
4 there was an assessment by Dr. Altman, or the parenting  
5 program had been completed?

6 A I can't recall.

7 MR. OLSON: Those are my only questions. Thank  
8 you.

9 THE COMMISSIONER: Thank you, Mr. Olson

10 Witness, you are now finished, and I -- it's been  
11 a long time, but I thank you very much for your presence  
12 and participation in the hearing. You're free to leave.

13

14 (WITNESS EXCUSED)

15

16 THE COMMISSIONER: Now, I think -- why don't we  
17 -- looking at the clock we should adjourn until 1:45?

18 MR. OLSON: That makes sense.

19 THE COMMISSIONER: And we get our usual lunch  
20 break, but to start up at 1:45. We, we stand adjourned  
21 until that time.

22

23 (LUNCHEON RECESS)

24

25 THE CLERK: Would you just stand for a moment.

1 Do you wish to swear on the Bible or affirm  
2 without the Bible?

3 THE WITNESS: I'll swear on the Bible.

4 THE CLERK: Please take the Bible in your right  
5 hand. State your full name to the court.

6 THE WITNESS: Angela Balan.

7 THE CLERK: And just spell me your first name.

8 THE WITNESS: A-N-G-E-L-A.

9 THE CLERK: And your last name, please.

10 THE WITNESS: B-A-L-A-N.

11

12 **ANGELA BALAN**, sworn, testified as  
13 follows:

14

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

16

17 DIRECT EXAMINATION BY MR. OLSON:

18 Q Ms. Balan, I'm just going to start by going  
19 through some of your educational background and work  
20 history. To start I understand you have your Bachelor of  
21 Social Work from the University of Manitoba, which you  
22 obtained in 1992?

23 A That's correct.

24 Q Okay. And between 1992 and 1996 you did a  
25 variety of different contract work?



1 A Yes.

2 Q Okay. And you were also at that time doing a  
3 course -- sorry, the course work to obtain your Masters  
4 degree in social work?

5 A That's correct.

6 Q And also during that time you were a sectional  
7 instructor at the University of Manitoba?

8 A Yes.

9 Q And that was in the Faculty of Social Work?

10 A The Faculty of Social Work and the Faculty of  
11 Distance Education.

12 Q Okay. And were there certain courses you were  
13 teaching?

14 A They were undergraduate courses in the, in the  
15 social work field.

16 Q Okay. Which -- how many courses were you  
17 teaching?

18 A I taught three different courses at that time.  
19 They were introduction to social work practice, individuals  
20 in life transitions, and the women's policy and, and a  
21 social work practice course.

22 Q Okay. So -- and you, you remained a sectional  
23 instruction until 1996?

24 A Yes, some time that year.

25 Q Okay. And then in January, 1996 you began as a

1 front line protection worker, otherwise known as a family  
2 services worker for Winnipeg Child and Family Services?

3 A Yes.

4 Q And for how long did you do that?

5 A I was in that specific position until 1999.

6 Q Okay. What did you do after that?

7 A In the spring of 1999 I took a position out of  
8 province with the Ministry for Children and Families in  
9 British Columbia, and I worked as a permanent ward social  
10 worker.

11 Q In British Columbia?

12 A In British Columbia.

13 Q Okay. And then at some point you returned to  
14 work with Child and Family Services in Winnipeg?

15 A Yes, I returned in the spring of 2000 to Winnipeg  
16 Child and Family Services as a family service worker doing  
17 front line child protection work.

18 Q Okay. So initially you were a family service  
19 worker, and was there an area in the city you were assigned  
20 to?

21 A I was working within the north end of Winnipeg  
22 out of the Salter office.

23 Q The Salter office, okay.

24 A When I first started. When I came back in 2000 I  
25 was working in the St. Vital office.

1 Q Okay. So you were at south Winnipeg when you  
2 came back?

3 A Yes.

4 Q And I understand you were promoted to supervisor  
5 at some point?

6 A Yes, I was, I was put in -- I was successful in  
7 securing a supervisory position within the Jarvis unit at  
8 Winnipeg Child and family services as a family services  
9 supervisor, and that was to cover off a one year mat.  
10 leave.

11 Q Okay. So was it a term position at that point  
12 then?

13 A Yes.

14 Q Okay. And that would have been in early June or  
15 July, 2000?

16 A It was early July, 2000.

17 Q And you were supervising I think you said the  
18 Jarvis office?

19 A Yes, there was a family service unit in the  
20 Jarvis office.

21 Q Okay. And how many people did you supervise  
22 there?

23 A I believe it was seven.

24 Q Okay. And --

25 A Seven social workers.

1 Q -- and we've heard evidence from Ms. Greeley, Ms.  
2 Chief-Abigosis, those were both workers that you  
3 supervised?

4 A Yes, that's correct.

5 Q Now, you said you were -- I think you mentioned  
6 you were filling in for Ms. Hanson's maternity leave at  
7 that point?

8 A Yes.

9 Q What did you do after June, 2001?

10 THE COMMISSIONER: Which, which Hanson was that,  
11 there's two of them?

12 MR. OLSON: That would be Lorna Hanson and we'll  
13 be hearing from her next.

14 THE COMMISSIONER: Thank you.

15

16 BY MR. OLSON:

17 Q So what did you do after, after June, 2001?

18 A In June, in June, 2001, I accepted a permanent  
19 supervisory position, still with Winnipeg Child and Family  
20 Services, but as a permanent ward supervisor at their Ness  
21 office, supervising a team of permanent ward social  
22 workers.

23 Q Okay. And so that -- is that different than the  
24 family service workers you were supervising before?

25 A Yes. The family service, the family service unit

1 was comprised of workers who would carry a mixed caseload  
2 of both family files, protection and voluntary family  
3 services, as well as child-in-care files, mostly children  
4 in temporary care of the agency, whereas the permanent ward  
5 service unit carried only child-in-care files of children  
6 who were in the permanent care of the agency until age of  
7 majority.

8 Q Okay. For how long did you do that?

9 A I was there until June of 2005.

10 Q Until June, 2005?

11 A Right.

12 Q And after June, 2005, where did you go?

13 A In June, 2005, as part of the devolution of  
14 services that accompanied the Aboriginal Justice Inquiry  
15 child welfare initiative I was seconded from Winnipeg Child  
16 and Family Services to the Métis Child and Family Services  
17 Agency as a permanent ward supervisor, however, that  
18 secondment moved in September of 2005 from the Métis agency  
19 to the Métis Child and Family Services Authority, so as of  
20 September, 2005 I was with the Métis Child and Family  
21 Services Authority.

22 Q Okay. And were you still doing the same job  
23 essentially?

24 A At the Authority?

25 Q At the Authority.

1           A       No. I was, I was in a position called agency  
2 relations specialist, that's the name of the title at the  
3 time, and my duties would have encompassed responding to  
4 intake inquiries at the Authority level, overseeing the  
5 Authority responsibilities related to agency functions such  
6 as voluntary placement agreements, their licensing of  
7 foster homes, et cetera, so it was an oversight position at  
8 the Authority level.

9           Q       And you stayed in that position, I believe, until  
10 August, 2008?

11          A       No, I was with the Métis Child and Family  
12 Services Authority until -- from September, 2005 until  
13 September, 2006, at which time I was recalled to Winnipeg  
14 Child and Family Services, my secondment had ended, and I  
15 received the position of support resources supervisor with  
16 Winnipeg Child and Family Services.

17          Q       So support resources supervisor?

18          A       Yes.

19          Q       What did you do in that role?

20          A       That position provided oversight to four  
21 different support program areas, those included family  
22 support services, independent living workers, the volunteer  
23 program and the agency drivers.

24          Q       And for how long did you stay in that position?

25          A       I was with the -- with Winnipeg in that position

1 until approximately February, 2007, at which time I  
2 returned to the Métis Child and Family Services Authority  
3 in the position of senior manager.

4 Q Okay. And for how long did you remain a senior  
5 manager there?

6 A I was a senior manager until August of 2008, at  
7 which time I accepted a position with the Office of the  
8 Children's Advocate.

9 Q Okay. And what's the position you held at the  
10 Children's Advocate?

11 A I was employed as a special investigator  
12 conducting child death reviews.

13 Q Okay. And just -- what's a child death review?

14 A A child death review is determined to be required  
15 when a child is deceased, and either the child or their  
16 family received services from a child welfare agency within  
17 one year of their death, and that would entail a special  
18 investigation to be conducted.

19 Q Okay. And is that -- what, what is that pursuant  
20 to?

21 A Formerly they were called section 10 reviews.

22 Q Right.

23 A That were conducted through the Office of the  
24 Chief Medical Examiner. In, in 2008 that function  
25 transferred through a legislative amendment to the office

1 of the children's advocate, so it's the same type of -- a  
2 similar type of review to what was completed before, but it  
3 was expanded to include publicly funded services, as well  
4 as the ability to interview individuals as part of that  
5 process.

6 Q And for how long did you remain a special  
7 investigator with the Children's Advocate?

8 A I was in that position until July of 2009, at  
9 which time I accepted a program manager position with the  
10 office of the Children's Advocate to oversee the advocacy  
11 services.

12 Q Okay. Is that where you currently are?

13 A I am still in that position.

14 Q Okay. And what does that position involve?

15 A I currently oversee four intake assessment  
16 officers and seven advocacy officers who provide advocacy  
17 services to children and, and youth who are receiving child  
18 welfare services, or entitled to receive services  
19 throughout the province of Manitoba.

20 Q And just what sort of advocacy services are, are  
21 provided?

22 A It can be a range of services, it can be anything  
23 from young people requesting assistance from our office to  
24 ensure that they understand what is happening for them with  
25 regard to their case plan, with regard to other, other



1 things they may be entitled to such as clothing allowance,  
2 recreation. It could also be to assist them in speaking  
3 with the agency to ensure that their views are being heard.

4 Q I just want to move on to training. When you  
5 began working with Winnipeg Child and Family Services as a  
6 front line worker initially did you receive any specific  
7 training for that position?

8 A I would receive an orientation of -- which would  
9 have occurred by the supervisor, which was to orient me to  
10 the position, my service unit, the work, the office, the  
11 expectations, the standards, the regulations, where to find  
12 those, but there was no formal training at the point that I  
13 started.

14 Q So that would have been you said through your  
15 supervisor at the time?

16 A That's right.

17 Q Okay. And do you recall how long that was?

18 A It was an, it was an ongoing process, so the  
19 orientation would start the day that you started, and then  
20 it would continue over the next period of time as you  
21 started to learn your position, and as you moved through  
22 some of the different types of the work that you were  
23 doing, so that you would be oriented and receive on the job  
24 training.

25 Q Okay. And you, you started it and then you moved

1 to British Columbia, and, and worked there. Over that  
2 period before you moved did you have any other training  
3 from Winnipeg Child and Family Services?

4 A Yes, I attended the Core competency training for  
5 workers in 1997. I don't recall the specific date.

6 Q Okay. And did you complete that program?

7 A Yes, I did.

8 Q And when you returned from British Columbia and  
9 began again as a family service worker did you have any  
10 additional training?

11 A While I was in British Columbia I did additional  
12 training that was offered through their ministry which was  
13 a 16 week training program that covered many of the  
14 different areas also related to child welfare, but specific  
15 to the province of British Columbia's legislation and  
16 tools, but that helped to broaden some of my experience, so  
17 when I came back to Winnipeg I had, I had already completed  
18 the additional 16 weeks of training that was offered  
19 through British Columbia, but I didn't receive anything  
20 from Winnipeg related to my social worker position.

21 Q Was that 16 week training that you took in  
22 British Columbia was that mandatory?

23 A Yes, it was required of all ministry staff to  
24 take that when they started.

25 Q And compared to the training that you mentioned

1 through the supervisor you had in Winnipeg was it -- how  
2 would you describe it, is there a comparison?

3 A Well, I would describe one as an orientation that  
4 was much more focused on job specifics, and as it related  
5 to standards and carrying out of your duties. The training  
6 in British Columbia was a much more intensive,  
7 comprehensive training that went beyond an orientation.

8 Q Okay. And did you find the training you received  
9 in British Columbia helpful in terms of the services you  
10 were provided as a family service worker in Manitoba when  
11 you came back?

12 A Yes, I did. It was helpful in terms of doing  
13 further knowledge building around risk assessment, safety  
14 assessments, just understanding how to read and interpret  
15 different Acts and regulations and how those apply to your  
16 work.

17 Q Now, the time that you were involved in this file  
18 was when you were a supervisor covering for Ms. Hanson?

19 A Yes.

20 Q Do you recall who you reported to at that, that  
21 time?

22 A I would have reported to my program manager who  
23 was Glenda Edwards.

24 Q Okay. And what did the reporting look like for  
25 you, how often would you report and what would you report?

1           A           Essentially there was scheduled supervision on a  
2 regular basis between herself and myself. There was also  
3 an open door type of policy that I could contact her any  
4 time if I had questions or consultation, and something  
5 could either be arranged or discussed even over the  
6 telephone, and then there were regular group supervisions  
7 with the program manager and a group of supervisors that  
8 she supervised, so there was that opportunity as well.

9           Q           And did you -- were there any case specific  
10 meetings you would have with her, and I mean if you had an  
11 issue that came up on one of your worker's file are those  
12 the sorts of things you would discuss with your supervisor?

13          A           At times I may choose to depending on the  
14 circumstances.

15          Q           Okay. So you did do that occasionally?

16          A           Yes.

17          Q           Okay. Now, when you became a supervisor did you  
18 receive any specific training for that position?

19          A           Not when I first started.

20          Q           Okay. At some point did you receive some  
21 training?

22          A           Yes, I attended the Core competency training for  
23 supervisors.

24          Q           So that was specific to supervisors then?

25          A           That's correct.

1 Q Okay. And do you recall when that was?

2 A That was about a year or so after I had started  
3 in my position.

4 Q Okay. Do you know -- was that a mandatory  
5 training?

6 A I don't know if it was mandatory, I know it was  
7 highly recommended.

8 Q Could you briefly -- can you recall what, what  
9 was involved in the training?

10 A I don't recall the specific components of it, but  
11 it did, it did cover different areas that would be helpful  
12 for supervisors in terms of understanding organizational  
13 systems, or organizational dynamics. It would, it would  
14 cover areas around staff development, staff management,  
15 leadership, management techniques, communication dealing  
16 with conflict, those types of areas. It was separated into  
17 modules. I don't recall the specific structure of it at  
18 this time, but I do know it has changed over time, and  
19 further developed since the time that I took it.

20 Q Okay. Do you know whether you had taken that  
21 training prior to your involvement in this -- in the file  
22 we're talking about today?

23 A I would not have taken it prior to assuming the  
24 supervisory position. You were not permitted to take it at  
25 that time until you were in a supervisory position.

1 Q So you had to be in the supervisory position?

2 A That's right.

3 Q Okay. But when you were involved in this file  
4 you were a supervisor?

5 A I was a supervisor as of early July, 2000.

6 Q Okay. And so the question is as of July, 2000,  
7 when in relation to that time did you take the --

8 A I believe I took it in 2001, but I don't know the  
9 specific date that I took it so it was certainly after  
10 having started in this position and on this file.

11 Q Okay. During the time that you were covering for  
12 Ms. Hanson's maternity leave were you familiar with the  
13 standards?

14 A Yes.

15 Q And which standards were you aware of?

16 A I would have been aware of the 1988 program  
17 standards which was in a big, blue binder.

18 Q Okay. If we could just pull up Commission  
19 disclosure 983. It's at 983.

20 MR. MCKINNON: Page 18662.

21

22 BY MR. OLSON:

23 Q And if you could just scroll down to the -- the  
24 first page, please. Now, have you, have you had a chance  
25 to look at this Commission disclosure?

1 I understand that this would be the 1988  
2 standards.

3 A I'm familiar with the standards document.

4 Q Okay. And so that -- is that this document that  
5 we're looking at here?

6 A It would look like it.

7 Q And how, how is it you're, you're aware of the  
8 standards?

9 A That would have been something that I was aware  
10 of from first starting at Child -- with Winnipeg Child and  
11 Family Services. It was a part of my early work as a  
12 family services social worker. The blue binders were  
13 usually kept in supervisors' offices and they could be  
14 consulted when we were looking for direction on what the  
15 expectations were around certain activities, so I would  
16 have been aware of them prior to moving into the supervisor  
17 position, and then as the supervisor I would have had a  
18 copy in my own office that was available for myself and the  
19 staff, and the service unit.

20 Q Okay. And, and do you refer to the standards  
21 from time to time as a supervisor?

22 A Yes, certainly I did.

23 Q Okay. And what about your staff, did you expect  
24 them to consult the standards?

25 A Certainly they were aware of standards and they

1 -- and if they were coming with questions that we would  
2 often reference the manual together to look specifically at  
3 what the expectation was.

4 Q Some of the workers that we've heard from to date  
5 have said a lot of their information about standards came  
6 through the supervisor; was that the expectation of you as  
7 a supervisor, would you ...

8 A I would believe that that would be a reasonable  
9 expectation of a supervisor, and of myself.

10 Q And do you recall as a supervisor going through  
11 standards specifically with workers?

12 A Yes.

13 Q Okay. Now, while you were a supervisor what were  
14 your duties?

15 A Well, I would see my, my main duties as ensuring  
16 that the service staff within my unit were providing the  
17 mandated services that we were legislated to provide. That  
18 I was providing support and, and mentoring to the staff. I  
19 also had organizational responsibilities in terms of  
20 participating in management activities, and identifying  
21 organizational issues or service challenges to management.  
22 I was also responsible to manage workload.

23 Q And how was it as a supervisor you would ensure  
24 staff were providing mandated services, how, how did you do  
25 that?



1           A       A primary way of doing that would be through the  
2 provision of regular scheduled supervision, it would be  
3 reviewing the work that they had been doing, and assisting  
4 and identifying areas of concern, and providing some case  
5 direction, and moving forward.

6           Q       And so this -- you said through supervision; were  
7 these meetings scheduled meetings?

8           A       Yes, there was a practice on my part to have  
9 scheduled bi-weekly supervision with all of the service --  
10 social workers on my service unit. It also included some  
11 supervision which was more drop by or did not need to be  
12 scheduled. That if things arose for people they could come  
13 anytime for consultation and supervision which in the  
14 nature of child welfare often does happen as well.

15          Q       Okay. So in other words if a worker or someone  
16 has a concern about a file they could drop by your office  
17 and consult with you on it; is that --

18          A       That's right, or if they received concerns about  
19 something and they needed to know what they should be  
20 doing, or needed to alert me to that, they could drop by  
21 and let me know that as well.

22          Q       Okay. The more formalized supervision you had  
23 you would have that with, with each of your workers?

24          A       Yes, I would.

25          Q       And how much time would be allotted for

1 supervision?

2 A Generally an hour and a half per session.

3 Q And during that hour and a half session what  
4 would you review?

5 A Well I would ask if they had certain cases or, or  
6 items that they wanted to bring forward to ensure that we  
7 could meet their needs around case consultation on, on  
8 specific issues that they were wanting to address. I would  
9 also maintain my own list of their cases, so that I could  
10 see which cases we had talked about, and which ones we  
11 hadn't. My practice was to try to ensure -- I did  
12 minimally a quarterly review of every case that they had  
13 because at times some cases may require more discussion  
14 than others, so each supervision you would be only able to  
15 get through a certain number of cases. You may not be able  
16 to get through all of the cases in one supervision.

17 Q Okay. Did you try where, if possible, to go  
18 through each case a worker had?

19 A I would, I would ensure that I did quarterly  
20 reviews so that within each quarter that every case on  
21 their caseload had been reviewed.

22 Q I see. And you also said workers would bring  
23 case specific issues to you to review as well?

24 A Yes.

25 Q And these would be things that they identified as

1 concerns to them that they wanted some help with?

2 A Right.

3 Q Okay. And, and then what would you do, discuss  
4 the case and ...

5 A Yes, we would discuss what it is that, that they  
6 were coming forward with, whether it was information,  
7 whether it was clarification as to expectations, and then  
8 based on whatever that discussion is we would determine the  
9 appropriate plan in terms of moving forward, or what they  
10 needed to consider going forward from that point.

11 Q Okay. You said you would maintain a list to see  
12 which cases a worker had, had and for purposes of  
13 discussion?

14 A Yes.

15 Q And did you -- where did you keep this list?

16 A I kept it on my computer in a Word document.

17 Q And would that go on the specific file that was  
18 being discussed?

19 A That list, no. It would be a list of all of the  
20 cases just so I could see which cases I, I had covered. I  
21 actually kept detailed supervision notes on the cases that  
22 we did talk about, that particular supervision.

23 Q So -- and we'll come to it, but there is a  
24 supervision note that we reviewed with Delores Chief-  
25 Abigosis -- or would that be the type of note that you

1 would keep?

2 A Yes, it was a typed note that I usually did  
3 either at the time or after the supervision, so that there  
4 was a record of what we had talked about, or what case plan  
5 we had determined. It was done within a Word document as  
6 well that just carried forward, but that supervision note  
7 would get printed off. I would initial that and put it  
8 into a binder. Each worker had a supervision binder with  
9 all of their family case files supervision notes.

10 Q Okay. So there were binders for each family  
11 case, file supervision notes?

12 A Each worker had a binder of all of their cases,  
13 and then within that binder there were supervision notes  
14 for each of the families that we had talked about.

15 Q I see. And would those supervision notes that  
16 were case specific also go into the cases themselves?

17 A No. Those were my supervisor's notes. I may  
18 provide a copy to the workers so that they could reference  
19 that, and look back on that. They could also look in my  
20 binder at any time, it was on a bookshelf in my office.  
21 Those binders were meant as a way of record keeping for  
22 myself so I was aware of the case direction, and the  
23 conversations we had to date. As well it was available for  
24 covering supervisors so that if I was away from the office  
25 covering supervisors were aware of the supervision binders,

1 and if an issue came up while I was away they could  
2 reference that to look at the prior supervisory  
3 consultation and direction that had been given.

4 Q Okay. And you've had a chance, I take it, to  
5 look at the files for both Steve Sinclair and Samantha  
6 Kematch?

7 A Yes, I have.

8 Q And did you see your supervision notes in those  
9 files?

10 A I believe I saw two of my notes, but they were  
11 actually contained within -- it looked like case recording,  
12 I don't know how they came into the file, the supervisor  
13 notes were not generally put onto the case files.

14 Q Okay.

15 A They were kept separate.

16 Q And my understanding is there's been a search for  
17 the supervisor notes for all supervisors involved and they  
18 haven't been located; is that the same with your notes?

19 A That's what Mr. McKinnon has advised me that they  
20 were unable to locate.

21 Q In terms of feedback you would provide to your  
22 workers did you conduct performance reviews?

23 A There were annual performance reviews that were  
24 conducted and were expected to be conducted with staff, so,  
25 yes, I did.

1 Q Okay. Did you provide any direct training to  
2 workers under your supervision?

3 A Any training that I would have provided to  
4 workers would have been specific to job related tasks and  
5 activities, so it may be showing them how to do a  
6 particular form, it may be showing them how to do certain  
7 assessments. There may be some mentoring and going out  
8 with staff on fields or, or that type of activity. That  
9 would be the nature of the training that would be provided.

10 Q So you, yourself, might actually go out on a  
11 field with a staff member?

12 A I, I had occasion to do that at times.

13 Q Okay. And would those be in special  
14 circumstances or just a part of the training?

15 A It could be done for either.

16 Q Do you recall if Ms. Chief-Abigosis underwent any  
17 formal orientation or training?

18 A I would have provided her orientation, as I would  
19 with any other new staff that would have started within my  
20 service unit, so again orienting to the legislation, the  
21 standards, where those were located, orienting to the job  
22 duties and the, and the forms, and then in addition to that  
23 would be orienting her to her caseload, and then scheduling  
24 a time to meet with her to discuss the cases that she would  
25 be assuming.

1 Q Okay. And would you have met with her like you  
2 were saying on a regular weekly basis, bi-weekly basis, for  
3 supervision?

4 A I would have met with her on a bi-weekly basis.  
5 Again unless there was additional supervision requested or  
6 consultation needed.

7 Q Okay. Do you recall if you had any discussions  
8 with her with respect to note taking?

9 A I would have talked to her as part of my  
10 orientation and ongoing supervision as I did with many  
11 other workers as to clarifying what was required to be kept  
12 in case notes, that was an area that often times was  
13 difficult for people, but the expectation would have been  
14 communicated that they were required for every contact and  
15 that their, their intent was really to help workers  
16 remember what had happened when they spoke to people, who  
17 they spoke to, important activities that occurred, and  
18 again it varied by worker as to how much further discussion  
19 they felt they needed or required.

20 Q Okay. So was there any sort of standardized  
21 instruction you gave your workers with respect to note  
22 taking specifically?

23 A My practice would have been to talk with them  
24 about what case notes were there for, and contact notes  
25 were there for, what the purpose was that they were

1 encouraged to document every significant activity that they  
2 had on a case, whether that be a phone call or a home  
3 visit, et cetera. Again looking at the purpose of the  
4 visit who was present, what was discussed, and what was  
5 agreed upon were pretty much the general parameters that I  
6 would provide in terms of information that would be  
7 appropriate for a case note.

8 Q Okay. And then your expectations in terms of  
9 being a supervisor and looking at a worker's file what did  
10 you expect for case notes?

11 A In terms at looking at a file?

12 Q Right.

13 A I would expect that workers were keeping case  
14 notes and were trying to keep up on their case notes.  
15 Within child welfare it's always very difficult trying to  
16 blend doing the actual work out in the field and trying to  
17 do your recording when you come back. I didn't actually  
18 review files or audit files. Sometimes file information  
19 would come to my attention through a variety of other --  
20 for different reasons so I may ask for documents or I may  
21 have to check in their notes for some other information,  
22 and I may have an opportunity to then see some of their  
23 file recording, so then I would be able to address if I did  
24 see something there that I could talk with them about  
25 expectations if that was appropriate --



1 Q Okay.

2 A -- but I didn't regularly go into files to review  
3 files.

4 Q So just, just going back to your supervision  
5 sessions for a moment when you had those, and you said that  
6 you'd get a list of the workers' cases, where would you get  
7 the list from?

8 A I could pull off workers' case lists from  
9 CFSIS --

10 Q Okay.

11 A -- the child information system.

12 Q And would that tell you, for example, the last  
13 contact the worker had with the family?

14 A No. At that time there was limited information  
15 that I would access as a supervisor, and that information  
16 was not contained in the CFSIS record as it is now.

17 Q Okay. And so would you have any background about  
18 the case when you pulled it off of CFSIS?

19 A If -- what I could pull off of CFSIS as a  
20 supervisor, and what I, I routinely did, was we could pull  
21 the case list for the worker, including all files that were  
22 currently open or awaiting closure to the worker. I could  
23 look into the case to look at any attached recordings that  
24 might be there, which were usually things like transfer  
25 summaries, closing summaries, that type of documentation,

1 and I would be able to get basic demographic information  
2 regarding the individuals in the family unit, ages, perhaps  
3 some identification numbers, et cetera.

4 Q Okay.

5 A But it wouldn't tell me the last contact on the  
6 case.

7 Q Okay. And, and so in preparation for supervision  
8 with a worker you would pull off a list of cases, and would  
9 you actually read anything specific to the cases, would you  
10 read a transfer summary, or a closing -- or other summaries  
11 in the, in the case?

12 A Well depending on the cases that were identified  
13 to be reviewed in a supervision I would have a list so I  
14 was aware over the last number of supervisions which ones I  
15 hadn't done a quarterly review on, so I would be  
16 prioritizing those to get to those cases during that  
17 supervision. The worker themselves may be bringing other  
18 cases to supervision. Depending on what was going to be  
19 unknown about what we were covering if there were generally  
20 documents that might be helpful such as third party  
21 assessments, or court documents that were part of that case  
22 review I might review those documents before the  
23 supervision.

24 Q Okay. Typically when you go into a supervision  
25 would you have reviewed any part of a case before

1 discussing it with the worker?

2 A I may or may not have.

3 Q Okay. And you said you wouldn't pick up a  
4 worker's file and just audit it to see whether they were  
5 taking proper notes, or having proper contact, that sort of  
6 thing?

7 A No, there was no requirement to do that. Unless  
8 I knew that there was concern or a problem identified to me  
9 I wouldn't routinely do that.

10 Q You would not routinely do that?

11 A I would not routinely do that.

12 Q And so then when it came to assessing whether or  
13 not your worker was meeting standards how did you do that?

14 A That would be partly through the consultation and  
15 supervision process. You'd be reviewing the work that they  
16 were doing, were they attending to the requirements as  
17 outlined in the prior identified plan, were they  
18 maintaining contact, were they recording their notes, that  
19 kind of thing. You might discuss about that, as you did  
20 that in the supervision of that case. It would depend on  
21 what was being discussed.

22 Q Okay. But would the information you were relying  
23 on come directly from the worker then?

24 A It would.

25 Q Okay. So you would rely on whatever the worker

1 told you in terms of the last contact, for example?

2 A I would rely on that information unless I heard a  
3 concern from some place else, and I mean that does happen  
4 from time to time where someone may come forward with a  
5 complaint, or some other concern, so unless it came from  
6 another source my main source of information was the  
7 worker.

8 Q Okay. When a new worker came into your unit, and  
9 we know that Ms. Chief-Abigosis came into your unit when,  
10 when she started, would she have been given, given a full  
11 case load right away?

12 A Typically the process in having one worker leave  
13 and another one come on is looking at the, the social  
14 worker who's leaving their caseload to determine if there  
15 are any families that for reasons of safety or reasons of  
16 intensive service provision that's required, or complexity,  
17 that could not either, one, go to a new worker, or could  
18 not wait for a new worker to come on. There's typically a  
19 bit of a lapse between one worker leaving and another one  
20 starting of, of a few weeks.

21 Q Okay.

22 A So there may be some of those cases that get  
23 moved and reassigned to another worker already on the  
24 service unit, so that would immediately reduce the caseload  
25 that's waiting for a new worker.

1 Q Okay.

2 A But typically when a new worker came on it was  
3 relatively quick that they would then start with that new  
4 caseload and they would generally assume those cases that  
5 were remaining from the worker that was leaving.

6 Q Okay. So they would assume -- in this case  
7 Kerry-Lynn Greeley was leaving, Ms. Chief-Abigosis was  
8 coming and would, would Chief-Abigosis have assumed the  
9 work that Kerry-Lynn Greeley was doing?

10 A It would have been her caseload that they would  
11 have moved into. Yes, Delores would have.

12 Q I see. And was there any difference in terms of  
13 the caseload expectations?

14 MR. RAY: Just on the point that we're now  
15 covering it might be helpful to the witness -- there was an  
16 exhibit filed which showed the closing caseload of Ms.  
17 Greeley and another showing the opening caseload of Ms.  
18 Chief-Abigosis. It might -- it's an exhibit in these  
19 proceedings, I don't think it's a Commission disclosure.

20 MR. OLSON: You're talking about 17?

21 MR. RAY: Exhibit 17. Perhaps if the witness  
22 could be --

23 MR. OLSON: Sure.

24 MR. RAY: -- referred to that it might assist in  
25 refreshing her memory, and she could be more specific.

1 BY MR. OLSON:

2 Q So this is the exhibit your counsel's referring  
3 to. You see the first page we're looking at here is Ms.  
4 Chief-Abigosis' caseload. I guess the relevant caseload  
5 we'd look at would be the November 30, 2000 --

6 Q Right.

7 A -- which would be the month ending when she  
8 started. So she had 22 cases with 17 family units, and if  
9 we just want to scroll through to Ms. Greeley's caseload --

10 THE COMMISSIONER: It was Exhibit 17 you said?

11 MR. OLSON: Exhibit 17.

12 THE COMMISSIONER: Yeah.

13

14 BY MR. OLSON:

15 Q So here we have on page 4 is Ms. Greeley's  
16 caseload. Now the relevant portion -- well you'll have to  
17 tell me. There's September 30, 2000 where there's 18  
18 cases, eight child-in-care files, for a total of 26 cases,  
19 and then below there October 31, 2000 there's nine cases  
20 with zero children in care cases.

21 A But I would believe that the relevant one to  
22 compare would be the September 30, 2000 caseload of 26, so  
23 it does look that at the end of September there was 26  
24 total cases --

25 Q Um-hum.

1           A       -- but Delores would have been assigned 22, so  
2 there was a possibility that four of those cases were  
3 reassigned and did not go forward to Delores.

4           Q       I see.

5           A       There's also the possibility they might have  
6 closed rather than needing reassignment. I wouldn't be  
7 able to comment specifically --

8           Q       Okay.

9           A       -- but there is a difference of four.

10          Q       So in any event there were four less cases when  
11 Ms. Chief-Abigosis started?

12          A       Right.

13          Q       Okay. Other than that she would be carrying the  
14 same caseload as Ms. Greeley?

15          A       Typically, yes.

16          Q       Okay. And would that be the case even if a  
17 worker didn't have prior experience as a family service  
18 worker in Winnipeg?

19          A       Well I would be as a supervisor looking at the  
20 caseload that is waiting to be reassigned, and I would be  
21 having that in mind in terms of a new worker coming on. If  
22 there are some very complex cases or cases that do require  
23 a higher level of skill I would look at reassigning those  
24 within the service unit rather than to a new unit -- or to  
25 a new worker, so I would, I would take a look at that as

1 part of the decision making in the transfer process as to  
2 whether or not those ones should specifically be going. It  
3 didn't mean that if a worker was leaving a caseload all  
4 cases had to go to that new worker. As a supervisor I  
5 could manage and reassign cases within my service unit to  
6 do some matching.

7 Q Do you know if that, that occurred with Ms.  
8 Chief-Abigosis?

9 A I believe that I would have done that process at  
10 the time that Kerry-Lynn was leaving and, and the new -- we  
11 were waiting for the new worker. I would have considered  
12 all of that in that process.

13 Q And in terms of when a new worker comes on you  
14 don't really have any familiarity with that worker in terms  
15 of their capabilities; right?

16 A That's right.

17 Q Is there a mechanism you had in place to assess  
18 during maybe an interim period how that worker was doing,  
19 and how they were managing?

20 A Well all workers would start with a probationary  
21 period that was required within the agency, generally a six  
22 month period, but certainly dependant upon regular  
23 supervision with, with the staff member if it was seen that  
24 there were certain areas where there was a mismatch, or  
25 that they were not quite able to deal with a case, in this



1 circumstance I could reassign at a later time.

2 Q Okay. And you said a probationary period, how  
3 long was that?

4 A I believe that the probationary period was for  
5 six months.

6 Q Okay. And aside from that period being called a  
7 probationary period was there anything that you did to  
8 ensure that the worker was able to manage a caseload?

9 A Well outside of the bi-weekly supervisions and  
10 reviewing the work that they were doing, and talking with  
11 them, that was the primary way by which I was evaluating  
12 performance.

13 Q Okay. And I just want to be clear. You said  
14 that -- I understand the supervision meetings, you've gone  
15 through them, but when you said reviewing the work they're  
16 doing you did say you didn't pick up a file to audit it;  
17 how, how else would you review the work?

18 A That would be through discussing the, the work  
19 that they were doing in the supervision, what they were  
20 looking at. As a supervisor I was able to ask questions,  
21 so it's not only relying on what they were saying to me,  
22 it's also asking questions around who they've been talking  
23 to, what information has come forward, so it was an  
24 interactive process that was -- that would provide for  
25 information exchange, so I could then gauge as to what,

1 what were they understanding about their role, what  
2 information were they collecting, what further information  
3 can I provide to them to assist them in doing their work.

4 Q Okay. As a supervisor were there certain  
5 documents or processes that required your oversight and  
6 then signature?

7 A Yes. There would be certainly transfer summaries  
8 and closing summaries required a supervisor approval.

9 Q Okay.

10 A Apprehensions required a supervisory consultation  
11 and approval. Voluntary placement agreements and other  
12 documents such as family support service agreements those  
13 again required supervisory review and approval.

14 Q And what, what sort of review, for example, would  
15 be required for a transfer summary?

16 A Well, in terms of a transfer summary coming  
17 forward the documentation would be submitted to -- from the  
18 worker to the supervisor. The supervisor and, and this --  
19 for example for myself I would already be familiar with the  
20 case from ongoing supervision with the worker, I would be  
21 reviewing the document to ensure that it was fully  
22 complete, that it contained sufficient information about  
23 the history of interventions with this family, as well as  
24 the, the identified service goals and service plans so that  
25 it moving forward to a new worker that worker would have

1 sufficient information to begin working where the prior  
2 worker had left off.

3 Q Okay. In terms of ensuring, for example, the  
4 information contained in the summaries, both relevant and  
5 accurate, was there anything you'd do in that respect?

6 A Well I would be looking at what documents that  
7 they were referencing in their summary. Often times it was  
8 pulling forward information from prior summaries that they  
9 had received so that there was a continuation of  
10 information. It would be looking at the collaterals that  
11 were involved in associated reports to see if it summarized  
12 those reports in those, in those summaries. I'm not sure  
13 what other information you're asking.

14 Q Well, would you pick up the file and review it  
15 before you signed off on a transfer?

16 A Not, not routinely. Sometimes the transfer  
17 recording would come with the physical file, sometimes just  
18 the document would come, so it depended upon the nature of  
19 the transfer recording. I may or may not make a decision  
20 as to whether or not I want to review that physical file.  
21 I, I could review it, but I didn't necessarily like  
22 routinely review it.

23 Q So in, in only certain cases you'd ask to  
24 actually see the file, the physical file?

25 A That's right.

1 Q Okay.

2 THE COMMISSIONER: You could read the document  
3 you were signing off on?

4 THE WITNESS: Right. I would read the transfer  
5 recording that I was signing off on, but I wouldn't  
6 necessarily correspond it to the physical file.

7

8 BY MR. OLSON:

9 Q And in all cases you -- when you signed off on a  
10 document, whether it's a transfer, or a closing, or an  
11 apprehension or whatever, does that indicate that you  
12 approve and agree with whatever's there?

13 A That's right.

14 Q Just in terms of risk assessments as a supervisor  
15 in 2000 and 2001 was the process of doing risk assessment  
16 something that you would have been familiar with?

17 A Yes.

18 Q Okay. And how -- what would that involve at that  
19 time?

20 A Well, the risk assessments that were being  
21 utilized by the -- by Winnipeg Child and Family in 2000 was  
22 based on the training that was offered through Core  
23 competency based training for workers that specifically  
24 where it was outlined, and it was more of a framework that  
25 was utilized, rather than a specific tool, so it would look

1 at different risk factors, and it was really the process of  
2 looking, what are all of the different risk factors that  
3 impact on child safety and well being, what are the  
4 mitigating strengths that might be relevant in that  
5 situation, and then based on both the risk and the  
6 strengths there would be a determination as to the level of  
7 overall risk, and so that was a process that would be  
8 engaged between worker and supervisor through the process  
9 of reviewing information gathered what was known, perhaps  
10 gathering additional information, and would usually be  
11 documented somewhere within case notes, or on a transfer  
12 recording, or closing summary.

13 Q And when you say it would be documented would you  
14 mean a worker would indicate, you know, this is a high risk  
15 situation now, or medium risk, or that -- would you expect  
16 that sort of documentation?

17 A The statements of risk were often typically found  
18 on intake transfer summaries as part of their closing  
19 statement. It may also be found on, on other transfer or  
20 closing summaries, but within case notes it may or may not  
21 be there. Risk assessment was an ongoing process, it  
22 wasn't a one time activity so that as risk was being  
23 assessed, and as you were moving through case activities  
24 there may be unanswered questions or there may be, you  
25 know, just a documentation of what was being considered at

1 that point.

2 Q There was no formal risk assessment form at that  
3 time?

4 A No.

5 Q Okay. And the risk assessment itself wasn't a  
6 formalized process then?

7 A Risk assessment was described as a process that  
8 utilized this framework, and of what factors to consider in  
9 the process by which to do it.

10 Q Okay. When you, when you look at risk, when  
11 you're doing the risk assessment, what is risk?

12 A Well risk -- the risk factors that certainly we  
13 deal with on a regular basis within Child and Family  
14 Services are, are things that impact on children's safety  
15 and well being, and they can include a number of different  
16 things such as a child's age, for example, is a risk  
17 factor, the younger the child the more vulnerable the  
18 child. There could be -- so there are a number of child  
19 related factors, there could be a number of parent related  
20 factors so those can be things like substance abuse from  
21 misuse. It can be mental health or physical health  
22 concerns, and then there can be environmental factors as  
23 well which can include things like safety in the  
24 neighbourhood, it can include lack of supports or  
25 availability of supports and resources, those types of

1 things, so there are a number of different factors that  
2 interplay and that can impact on child safety and well  
3 being.

4 Q Okay. So those are all factors, the child's age,  
5 a younger child greater risk, those, those are factors that  
6 go into the risk assessment, but when you're assessing risk  
7 what is it you're assessing, risk of what?

8 A Risk of harm, maltreatment.

9 Q And is that immediate risk or, or long term risk?

10 A You can assess both. You can, you can do some  
11 assessment of what -- is there some immediate risks, is  
12 there an overall risk. Usually they're determined --  
13 safety assessments tend to look at immediate risk --

14 Q Okay.

15 A -- and immediate safety, where a risk assessment  
16 will look at sort of the overall picture and a more  
17 comprehensive picture.

18 Q So there's a difference between a risk assessment  
19 and a safety assessment?

20 A Yes.

21 Q And is that something you would expect your  
22 workers to be aware of?

23 A Yes.

24 Q Okay. Is that something you discussed with them  
25 in supervision?

1           A       We may, yes.

2           Q       Okay.     In terms of doing either a safety  
3 assessment or a risk assessment at what points would you  
4 expect that to be done by a worker?

5           A       Well, a safety assessment should be done any time  
6 that there's concerns around the immediate safety of a  
7 child.   A risk assessment there were clearly times where  
8 that was indicated through standards, and those would  
9 include things like if there was a, a planned return of a  
10 child to the home, that you would need to complete a risk  
11 assessment.   If there was a significant change in the  
12 composition of the family it may entail a risk assessment.  
13 Prior to a file closing there would be a risk assessment or  
14 a statement of risk, so there were expected points  
15 according to standards where a risk assessment was  
16 necessary.

17          Q       And when you say a change to the composition of a  
18 family what -- can you give me a couple of examples what  
19 you mean by that?

20          A       It could be some change to the marital  
21 relationship, so it could be a new partner, it could be a  
22 separation, it could be extended family now moving into the  
23 home and having an active role.   There could be a variety  
24 of different factors.

25          Q       And I take it what you're looking at then -- for



1 example, if a new partner is introduced into the family you  
2 want to determine what that change does in terms of risk to  
3 the child?

4 A It may, it may lead to a risk assessment. Yeah,  
5 it may be something to consider.

6 Q Are the risk assessments or safety assessments  
7 mandatory at these points once you've identified them?

8 A Yeah, they would be, they would be required, yes.

9 Q Yeah.

10 A The standards would speak to when, when they are  
11 required, and those would be outlined -- in 2000 those  
12 would be according to the 1988 standards.

13 Q Okay. But in your, your view, your understanding  
14 is that they would be required when those sorts of events  
15 occurred?

16 A Yes.

17 Q Okay. So the safety assessments are more of a  
18 short term immediate risk of harm to the child?

19 A Yes.

20 Q And what would be an example of a situation where  
21 you do a safety assessment?

22 A There's a concern that comes in that there's  
23 people in a home that are drinking, that there's children  
24 in that home and that there's no one available to provide  
25 safe care to a child --

1 Q Okay.

2 A -- or the children.

3 Q Now, if a risk assessment, or a safety  
4 assessment, is required who would actually perform it?

5 A That would be done by the worker in conjunction  
6 or consultation with their supervisor.

7 Q Okay. And that would -- would that be the case  
8 in, in all those situations we talked about before, for  
9 example, a change in the composition of the family, other,  
10 other circumstances like that?

11 A Yes.

12 Q And so you as a supervisor were involved in, in  
13 doing the risk and safety assessments then?

14 A Yes, at particular points in time if there were  
15 safety concerns, or if there were case activities that were  
16 required that would lead into a risk assessment then I  
17 would participate in that process. Now a worker could  
18 start that process and start gathering information to pull  
19 that information together, but it was required to be  
20 brought forward for supervisor review.

21 Q So you would always at least review the -- what  
22 the -- how the worker assessed risk or safety?

23 A Right.

24 Q Okay. In, in terms of caseload if you looked at  
25 Ms. Greeley's caseload and Ms. Chief-Abigosis' caseload do

1 you, do you know what the average sort of caseload was for  
2 the workers that you were supervising?

3 A I had, I had approximated between 30 and 35.

4 Q Okay. And you've had a chance to look at exhibit  
5 17, and according to your review of that document is that  
6 fairly consistent?

7 A It appears a little lower than, than what I had  
8 imagined if they were at -- I think Delores was at 22 and  
9 that it could be as low as 26, so it's a little bit lower  
10 than I had, had approximated.

11 Q Okay. So some workers had a bigger caseload,  
12 some had a lesser caseload?

13 A That would be accurate.

14 Q Okay. Are you able to comment on caseload in  
15 terms of manageability at the time?

16 A Well I think that it would, it would have been  
17 described at the time as a heavy caseload, and, and  
18 certainly child welfare work is demanding work. I think  
19 workers attempted to manage with the resources that they  
20 had.

21 Q Do you think the caseload would have impacted the  
22 delivery of services to clients?

23 A I'm, I'm certain that workload -- or caseload  
24 size does impact on ability to provide service. It would  
25 depend on -- each individual worker would have to be looked

1 at individually and uniquely to determine the extent to  
2 which it was impacting.

3 Q I guess at the time that you were a supervisor,  
4 at the time we're talking about your involvement in this  
5 file, you were managing I think you said about seven  
6 workers?

7 A That's correct.

8 Q And you must have had -- you must have made some  
9 assessment as to how each worker was doing with their  
10 caseload?

11 A Yes, I would have been doing that ongoing as part  
12 of my responsibility to ensure that people were able to  
13 manage, and that would include whether I was assigning more  
14 cases to a particular worker, or whether I would be  
15 assigning to others dependant on how they were doing.

16 Q That would be one of your responsibilities as  
17 would be sort of looking at caseloads and determining  
18 whether or not the person was managing with them, and  
19 providing the services that were required; is that ...

20 A Well, I would be talking to them about that and  
21 certainly looking at their caseload size. I mean I would  
22 be also looking at a number of other factors as well, that  
23 it's not just the case numbers on a case load, it's looking  
24 at the activity on certain cases, and, and whether or not  
25 cases are actually active, or whether they're awaiting

1 closure. A worker may have 40 cases, but only 30 of them  
2 are active and 10 are awaiting closure, and awaiting  
3 paperwork, where someone else may have 30 very active  
4 cases, so numbers are a part of that, but speaking with  
5 workers about the actual nature of the cases, and how that  
6 is impacting would also have to be taken into  
7 consideration.

8 Q Is workload a topic that would come up during  
9 supervision?

10 A Yes, I think that we would talk. I'm not sure  
11 that we would talk every supervision about that, but that  
12 would certainly be a topic we could -- we would talk about.

13 Q Was it -- would you describe it as a typical  
14 topic that would come up?

15 A I think people were always talking about how did  
16 they best meet their work expectations and work demands,  
17 and, and -- well not talking about caseload sizes or  
18 anything, but in talking about how they were able to --  
19 what they needed to do, and how they were going to do that  
20 that would all be a part of talking about workload.

21 Q Okay. With respect to Ms. Greeley you supervised  
22 her for a period of time?

23 A Yes.

24 Q And do you ever recall her telling you, you know,  
25 my caseload is just, just too heavy, I can't do what I need

1 to do, anything like that?

2 A I wouldn't -- I don't recall anything.

3 Q Okay. And what about Ms. Chief-Abigosis, do you  
4 recall that being a concern of hers during supervision?

5 A I, I don't recall her saying that.

6 Q And if a worker did, did say to you while you  
7 were a supervisor, my caseload is too heavy, my workload is  
8 too much, what would you do with that?

9 A Well, I would certainly have more discussion and  
10 conversation with them about that to look at what it is  
11 that they found was problematic, what they felt that they  
12 were not able to attend to, or to complete. I would look  
13 at different strategies around how we could help to manage  
14 some of that work, what additional resources we might be  
15 able to provide to them. Workers were able to do things  
16 such as take paper days to try to catch up on some of their  
17 administrative responsibilities. There may be some task  
18 reassignment that may need to happen, but I would certainly  
19 engage with staff if that was identified by them as a  
20 problem, to look at how do we resolve that.

21 Q Okay. So if that was brought to you as an issue  
22 you would take certain steps to try to ameliorate that  
23 problem?

24 A Yes, I would.

25 Q Okay. Do you, do you recall the date that you

1 assumed Ms. Hanson's position?

2 A I know that it was early to mid July. I don't  
3 recall the exact date in July.

4 Q And July of what year?

5 A Two thousand.

6 Q July, 2000, okay. And so we heard that Ms.  
7 Greeley worked until October, 2000?

8 A Yes.

9 Q Okay. So you supervised her for that period of  
10 time?

11 A I did.

12 Q And then there was a bit of a gap until November  
13 15th, I believe, when Ms. Chief-Abigosis started; does that  
14 sound right?

15 A I believe it was around November 14, 2000.

16 Q That she started?

17 A That Delores started.

18 Q And then you supervised her from that point until  
19 a point when Ms. Hanson came back?

20 A Right.

21 Q And do you recall when Ms. Hanson came back?

22 A I believe it was around June 1st of 2001.

23 Q Now, do you have any independent recollection of  
24 your involvement in this case?

25 A No, I have very limited independent recollection.

1 I, I did recall one piece of information that was not  
2 within this case -- the information that was provided to  
3 me, but most of my recollection was based on the notes that  
4 have been provided, and the file information.

5 Q Okay. And just so I don't forget to ask you  
6 later what was that one piece of information you do recall?

7 A It was a conversation that I had had with Delores  
8 Chief-Abigosis shortly after the birth of [REDACTED] where I did  
9 recall independently having a conversation with her about  
10 the scheduling of a follow-up visit to the home to do  
11 further assessment as to how the family was managing, and  
12 specifically asking her to wait a few days for them to  
13 settle back into their routine, so that they were not in  
14 transition when they were -- when she was out to do that  
15 assessment so --

16 Q Okay.

17 A -- and that was not documented anywhere, but I  
18 did recall that independently.

19 Q And is there any reason why that stands out in  
20 your mind?

21 A No, I don't, I don't have any way of knowing why  
22 that particular incident stood out in my mind, but it was  
23 something that I did recall.

24 Q Now it appears from the documents and from Ms.  
25 Creeley's evidence that she already had conduct of Samantha



1 Kematch's file when you began as her supervisor?

2 A Yes, that's correct.

3 Q And when you began as a supervisor did you review  
4 any part of Ms. Kematch's file?

5 A I would have reviewed only the supervisory notes  
6 that would have been left by the prior supervisor, but not  
7 the actual physical file.

8 Q And these supervisory notes were they the same,  
9 the same type of notes you described that would be kept in  
10 a binder?

11 A Yes, they would have been in a binder in Lorna  
12 Hanson's office, organized by the worker's name.

13 Q Okay. So Ms., Ms. Hanson, when you came on as a  
14 supervisor, did she have essentially the same practice that  
15 you had in terms of keeping case specific supervisory notes  
16 in binders?

17 A Yeah, she would have had a binder for each worker  
18 with their case supervision notes.

19 Q Okay. And so that would have been the case for  
20 this file, Samantha Kematch's file?

21 A Yes.

22 Q Okay. And do you have a recollection of actually  
23 reviewing those case specific notes?

24 A I believed that I would have. It was my usual  
25 practice to look at the prior supervisory direction that

1 had been given on cases that were already open to the  
2 service unit when I arrived.

3 Q Okay. And aside, aside from, from those  
4 supervisory notes would you have looked at any other part  
5 of the file, the Samantha Kematch file?

6 A Not prior to meeting with Kerry-Lynn. I, I would  
7 -- my usual practice was to meet with the worker and to  
8 discuss the case, and then based on our discussion I may  
9 request certain information to look at, but I would have  
10 looked at the supervisory notes.

11 Q Okay. Now, we don't have, we don't have those  
12 notes; right?

13 A Right.

14 Q You haven't seen them?

15 A No.

16 Q Would they discuss things such as a background of  
17 the family, and the --

18 THE COMMISSIONER: What do you mean, as far as  
19 you know they're not available?

20 THE WITNESS: That's right.

21 MR. OLSON: And just, just to be clear, for the  
22 record, there is an admitted fact by the department that  
23 the supervisory notes, which would be these types of notes  
24 that the worker is referring to, would exist at one point,  
25 they have not been located, and they can't be located.

1 THE COMMISSIONER: Means they've been destroyed  
2 or something; isn't it?

3 MR. OLSON: Possibly.

4

5 BY MR. OLSON:

6 Q And I was asking you would, would the family's  
7 background and history be in those notes?

8 A It may or may not be.

9 Q Is the family's background and history something  
10 you would discuss with the worker when you met?

11 A Yes, I, I would have.

12 Q Okay. And we know in this case, for example,  
13 that Samantha Kematch's first child was a permanent ward or  
14 in the process of becoming a permanent ward of Cree Nation;  
15 is that the sort of fact that -- background that you'd be  
16 interested in?

17 A Yes, I would.

18 Q Okay. And as a supervisor what sort of impact  
19 would that type of information have for you?

20 A Well, well certainly I would be interested in  
21 knowing the circumstances around the first child being in  
22 an agency's care, what the issues were, how long ago that  
23 occurred. I'd also be interested in knowing what changes  
24 had occurred for the parents since that time, and we do  
25 expect that parents may make growth or make change. There

1 may be other factors to consider, so all of that would be  
2 relevant to look at in terms of the involvement that we had  
3 at that time.

4 Q Okay. So would you want to, for example, discuss  
5 with the worker, you know, what, what brought -- why did  
6 the child become a permanent ward and what's the situation  
7 now?

8 A I believe the child wasn't a permanent ward at  
9 that time, but was in temporary care, but I, I certainly  
10 would be talking about what the worker understood from the  
11 review of information and on the circumstances surrounding  
12 that, and what agency's plan was for that young child, and  
13 how -- and then to look at how that might impact on our  
14 current case planning.

15 Q I just want to draw your attention to page 37119,  
16 and this is from Samantha Kematch's file.

17 Do you recognize this document?

18 A Yes, I do.

19 Q Okay. So this is a voluntary placement  
20 agreement?

21 A That's correct.

22 Q Placement information, and do you recall -- would  
23 this be a document you would have, would have reviewed when  
24 you're involved in a case?

25 A Just if, if I could just look at the physical

1 copy.

2 Q Yeah, let me, let me help you. If we turn to  
3 page 37123 -- sorry, let's go to 37120, it's the next one.

4 At the bottom it appears that your signature is  
5 there.

6 A That's correct.

7 Q And then the signature of Kerry-Lynn Greely?

8 A Yes.

9 Q Okay. So this is one of the documents you would  
10 have signed off on then?

11 A Yes, I would have.

12 Q Okay. And can you recall why there was a  
13 voluntary placement agreement being entered into?

14 A Yes. We required additional time to prepare for  
15 a reunification of Phoenix to the parental home. There was  
16 a three month temporary order that was in place, however,  
17 there were still some aspects of the service agreement, and  
18 the plan, that we had not yet fully satisfied so we needed  
19 some additional time to look into those areas, as well as  
20 to increase some of the contacts and the visits with the  
21 parents to facilitate a successful reunification, so as the  
22 order was expiring we needed to maintain a legal status of  
23 the child through some means, and the parents were willing  
24 and cooperative in signing a voluntary arrangement to have  
25 Phoenix remain in care while we worked through these

1 remaining issues and ensure that there was some increased  
2 visits to prepare her for going to the parental home.

3 THE COMMISSIONER: Are their signatures on here?

4 THE WITNESS: Pardon me?

5 THE COMMISSIONER: Are their signatures on this  
6 document?

7 THE WITNESS: I believe the, the --

8 MR. OLSON: We --

9 THE WITNESS: -- parents do sign the documents,  
10 and it would be on the following page of the one that shows  
11 my signature.

12

13 BY MR. OLSON:

14 Q So at the bottom of page 37121?

15 A There's a declaration of family income that the  
16 parents do sign.

17 THE COMMISSIONER: Thank you.

18

19 BY MR. OLSON:

20 Q The determination that you spoke about with  
21 respect to needing to enter into the voluntary placement  
22 agreement who made that, was that you or Ms. Greeley, or  
23 did you make it together?

24 A That would have been a decision that was reached  
25 in a joint meeting together in terms of where we were at at

1 that point in time based on the worker's updated  
2 information to myself, and that we would have jointly  
3 agreed that we needed some additional time, so I would have  
4 provided authorization to approach the parents around  
5 entering into a voluntary agreement to extend the time of  
6 care.

7 Q Okay. And so this would have been based on her  
8 consultation with you --

9 A That's right.

10 Q -- and some discussion?

11 A That's right.

12 Q And not necessarily any independent review of the  
13 file by yourself?

14 A No, I would have reviewed the information that  
15 she had provided. I may have and I have no documents that  
16 would, that would substantiate that, but I may have  
17 requested to review certain documents if she was discussing  
18 them, but for the most part it does appear it was based on  
19 her verbal reports from collaterals and others involved,  
20 and her reports from talking specifically with the parents  
21 and observing them that that informed our decision at that  
22 point.

23 Q Okay. And so you require the worker just to  
24 provide you with the important and necessary background in  
25 order to make that determination, or you agree with it?

1           A       That's right. I may have looked back on some of  
2 the prior summaries. I, I can't say. There's -- I don't  
3 have my notes to refer to. I do know that I was aware of  
4 the information that lead up to Phoenix coming into care  
5 and some of the background and that would have been  
6 discussed, and I'm not sure that I can say that I reviewed  
7 the information, but I may have, that was contained in the  
8 file.

9           Q       Just one question on that. If you had reviewed  
10 the information would you have made a note of it in the  
11 file?

12          A       I would have made a note of that in my  
13 supervisor's note.

14          Q       Okay. And we don't have those notes, so we don't  
15 know --

16          A       No.

17          Q       -- what happened.

18                 MR. OLSON: Mr. Commissioner, I notice it's three  
19 o'clock.

20                 THE COMMISSIONER: All right.

21                 MR. OLSON: Would this be a good time for the  
22 break?

23                 THE COMMISSIONER: Yes. How, how are you coming  
24 towards the end of the road?

25                 MR. OLSON: I'll still be, be awhile.



1 THE COMMISSIONER: Okay. All right. We'll take  
2 a 15 minute adjournment.

3

4 (BRIEF RECESS)

5

6 BY MR. OLSON:

7 Q I just want to take you now to page 37288, again  
8 these are -- these would be on Samantha Kematch's file.  
9 Now, we heard from Ms. Greeley that these were notes that  
10 she took in a supervision meeting she had with you, they're  
11 dated July 10, 2000. Have you had a chance to look these  
12 over?

13 A Yes, I've looked them over.

14 Q Okay. And do you have any recollection of the  
15 supervision meeting?

16 A I don't have recollection of the meeting, but I  
17 am familiar with the content of the notes.

18 Q I'm having a bit of difficulty --

19 A Oh, sorry.

20 Q -- hearing you.

21 A I don't recall the meeting, but I do have  
22 familiarity with the content of the notes.

23 Q Okay. So does the content seem familiar to you  
24 then?

25 A Yes.

1 Q Okay. And do you know what the purpose of this,  
2 this meeting was, the supervision meeting on July 10th?

3 A It appears that Kerry-Lynn would be reviewing the  
4 information that she's collected to date, and this would  
5 have been an exploration and a discussion likely related to  
6 the fact that the temporary order of the guardianship was  
7 due to expire, and that we were still looking at needing  
8 some transition time.

9 Q Okay. And so if we just look at what appears to  
10 be recorded here we have:

11

12 "Women's health clinic on Graham,  
13 to talk to dr., around, is this  
14 related post partum depression."  
15

15

16 Do you remember that being an issue, or there  
17 being a concern as to whether Samantha Kematch's flat  
18 affect was due to depression?

19 A Yes, I remember that being a concern.

20 Q Okay. And what do you know about that concern,  
21 what did you know at the time?

22 A What had been described through case  
23 documentation previously was that she had presented with  
24 some flat affect, and that there was some, some discussion  
25 as to whether or not she was exhibiting signs of depression

1 and that that would warrant further psychological or  
2 psychiatric assessment to determine if that indeed was the  
3 case.

4 Q Okay. And that's something you discussed with  
5 Ms. Greeley whether or not some assessment was required?

6 A Well that was something that was identified early  
7 on prior to my assuming the case and that would have come  
8 off the intake transfer recording as the suggested area of  
9 further exploration. As Kerry-Lynn would have worked with  
10 the family that that would still have been an issue that  
11 had not yet been fully determined.

12 Q Okay. And the specific issue then was that  
13 surrounding whether or not there was depression, or was it,  
14 was it -- was the issue something different than that?

15 A The issue was around whether or not she was  
16 experiencing depression and possibly post partum  
17 depression.

18 Q Okay. And the reference to the, the "klinik"?

19 A Well that was one means of trying to get further  
20 medical opinion as to whether or not that, that was related  
21 to possibly post partum depression, according to what the  
22 note is indicating.

23 Q Okay. Goes on to say:

24

25

1                   "Appear motivated now (both  
2                   parents)."

3

4                   Do you recall discussing that about parental  
5 motivation?

6           A        Parental motivation was one of the initial areas  
7 that were identified in the intake transfer recording. My  
8 understanding from reviewing the file, and the file notes,  
9 is that, you know, certainly while the parents had  
10 expressed some ambivalence early on they had thought about  
11 that, and engaged with services and were engaging with the  
12 agency, and, and starting to participate in programming and  
13 had expressed commitment, so it appears that they were  
14 motivated, and that they were engaging.

15          Q        Okay. And is that something you would, you would  
16 discuss with Ms. Greeley on an ongoing basis, parental  
17 motivation?

18          A        Yes.

19          Q        Okay. So that was one of the issues you were  
20 looking at when you were looking at this particular case?

21          A        Right.

22          Q        Okay. And then it says -- it looks like it says  
23 -- talking about the in-home support. Do you remember the  
24 issue about having an in-home support worker?

25          A        Well, from reviewing the note -- I mean one of

1 the issues had been identified, that it was unclear as to  
2 their parenting knowledge or whether or not they had some  
3 -- they required some parenting education, so that was one  
4 means by which the agency did try to address those issues  
5 through teaching in-home support workers, and that they  
6 would actually go into the home and teach skills and also  
7 assist with some assessment of how parents were responding  
8 to the information that they were providing, and how they  
9 were able to integrate that information, so in-home --  
10 teaching in-home support workers were used as a means to  
11 assist the agency in providing in-home teaching support  
12 around parenting, and that was identified as an issue.

13 Q That was an issue?

14 A Early on in terms of that they may lack parenting  
15 knowledge or skills.

16 Q Okay. And so putting an in-home support worker  
17 in in this case that, that was something you would agree,  
18 you would agree with?

19 A Right, that would be one way -- another way that  
20 we had done that with families is to have them attend  
21 parenting programs in the community as well.

22 Q Okay. And part of the service agreement that  
23 we'll look at eventually talks about having a support  
24 worker in place for the term of the six month agreement?

25 A That's right.

1 Q Okay. And is that -- that's something I take it  
2 -- you were in favour of that?

3 A Yes.

4 Q If we could just turn now to page 37296. These  
5 are additional notes of Ms. Greeley dated August 15, 2000.

6 A That's right.

7 Q Okay. And you've had a chance to review these  
8 notes as well?

9 A Yes, I've reviewed these.

10 Q Do you have a recollection of this meeting?

11 A No, I don't have a recollection of the meeting,  
12 but I do understand the information that's presented in the  
13 notes.

14 Q Okay. The, the reference here to being "hesitant  
15 to return the child, want the assessment", do you know what  
16 that reference is to?

17 A I believe that that was still referencing the,  
18 the assessment by Dr. Altman, or the consultation with Dr.  
19 Altman that there was still a need to assess whether or not  
20 there was some depression with Samantha.

21 Q So that remained an ongoing concern at that  
22 point?

23 A It had not yet been addressed by this point.

24 Q Okay. And, and who was hesitant to return the  
25 child, was that, was that you, Ms. Greeley, or both of you?

1           A        It's unclear from the notes as to who that's  
2 referring to. I would imagine just based on the situation  
3 there would be hesitancy on the part of both the worker and  
4 the supervisor, myself.

5           Q        Okay. And the hesitancy would that be just  
6 because of having an assessment done, or would it be other  
7 issues?

8           A        The hesitancy would be related to not being clear  
9 or having enough information to determine whether or not  
10 there was depression. Depression can be a treatable  
11 condition through medications or through other resources,  
12 so without knowing what it is that may be impacting on this  
13 young mother we were unclear as to how that may further  
14 direct the case plan so -- and what that might mean on a  
15 reunification, so it would have been ideal if we had had  
16 that information prior to a return.

17          Q        And the reason you were concerned about  
18 depression was that because of the flat affect?

19          A        Yes, that was primarily what had been described  
20 was her, her flat affect, and, and how she was  
21 communicating. It was what was observed. There was -- I  
22 don't believe I saw any information that indicated that she  
23 herself expressed feeling depressed. It was what was  
24 observed by others.

25          Q        Okay. And if -- was -- were you concerned at all

1 about it being due to something other than depression?

2 A Not, not at that time.

3 Q And do you recall there being some difficulty in  
4 finding a professional to do the assessment?

5 A From the material that I've reviewed it does  
6 appear throughout the notes that there was some difficulty.  
7 It would appear that they did attempt to -- and try to  
8 obtain referrals, there were a number of different reasons  
9 as to why those were not going forward, and I do know that  
10 within the notes there was some suggestion that we may need  
11 to look at trying to arrange a consultation with Dr. Altman  
12 so that we could do that in a timely way, so from reading  
13 that I know that there was some difficulty in accessing the  
14 assessment.

15 Q Okay. We did hear evidence that there were  
16 resources available to the agency at the time in terms of  
17 lining up these assessments; is that -- were you aware of  
18 that?

19 A I'm not sure what resources you're speaking of in  
20 terms of prior evidence.

21 Q Was there a list of, was there a list of  
22 psychiatrists that were able to do the assessments?

23 A We did have -- the agency did have a list of  
24 psychologists and psychiatrists that the agency would  
25 authorize for use. If you were arranging for certain types



1 of assessments you needed to use the agency approved list.  
2 The agency also had resources and contracts in place for  
3 psychiatric consultations with Dr. Altman because those  
4 other assessments may be more formal, may be more  
5 comprehensive, and may not be what may be most indicated,  
6 and that a different type of consultation may be required,  
7 so we had both resources, but there was an approved list  
8 of, of psychiatrists and psychologists.

9 Q Now, eventually Dr. Altman did do the assessment?

10 A That's correct.

11 Q Okay. And was he someone you were familiar with  
12 at the time?

13 A Yes.

14 Q Was he on the approved list?

15 A I believe he would be, he had a contract with the  
16 agency, he would have been approved.

17 MR. MCKINNON: I'm just going by my recollection  
18 of the earlier evidence, but my recollection is the  
19 approved list was for formal parental capacity assessments,  
20 and that -- so that was one resource, an approved list for  
21 a formal parental capacity evaluation, which is a fairly  
22 significant assessment, and then there was another resource  
23 which was in-house services, which Dr. Altman provided. I,  
24 I could be wrong, but I think that the approved list was --

25 MR. OLSON: That's, that's my --

1 THE WITNESS: Yes.

2 MR. OLSON: -- recollection as well is that --  
3 and I was just going to ask the witness if that --

4 MR. MCKINNON: Yeah. So I just want to  
5 distinguish between those two.

6 THE WITNESS: Yes, that, that is how -- yes,  
7 there was the established list of assessors that we used  
8 for the formal parent capacity assessments --

9 MR. OLSON: Okay.

10 THE WITNESS: -- and those were very  
11 comprehensive and quite costly. We had internal resources  
12 that were available through a contract the agency engaged  
13 in with Dr. Altman for psychiatric consults that would  
14 occur on site at the agency office.

15

16 BY MR. OLSON:

17 Q I see. So Dr. Altman would do those types of  
18 assessments, the less formal, less costly, less involved  
19 assessments?

20 A Right.

21 Q Okay. And do you recall talking about engaging  
22 Dr. Altman in particular to do this assessment in this  
23 case?

24 A Well, I would have very little independent  
25 recollection, but the worker would have been required to

1 have my approval to move forward in making that referral,  
2 so I, I would imagine I was aware of it, and that I was in  
3 agreement moving forward.

4 Q Maybe if we could turn to another one of Ms.  
5 Greeley's notes at page 37297.

6 THE COMMISSIONER: Just before we leave that  
7 subject. What was the level, as you understood it, of the,  
8 of the professional services that Dr. Altman was on  
9 contract to deliver?

10 THE WITNESS: My understanding at the time was  
11 that if we had concerns regarding the psychological or  
12 emotional functioning of a, of a parent that we could -- or  
13 a child even, a child-in-care, that we could arrange for a  
14 consult with Dr. Altman, who would then arrange a meeting.  
15 We would want the, the child or the parent to be in  
16 agreement to a meeting with Dr. Altman, and basically  
17 through the consultation process we would present with what  
18 information we were concerned about, and the consultation  
19 would be a way for us to determine whether or not, based on  
20 that consultation, Dr. Altman felt that there was much more  
21 that required a more significant assessment, and if so that  
22 -- you know, that we should be looking at doing a full  
23 psychiatric or a different type of assessment, or he may  
24 indicate that, that there may be something else that is at  
25 play.

1 THE COMMISSIONER: But if his recommendation was  
2 that more -- or an increased assessment should be carried  
3 out would that be by him or by somebody else?

4 THE WITNESS: It would typically go to either one  
5 of our accepted referral places. We wouldn't necessarily  
6 be referring that to him for a formal one. I can't be sure  
7 that he wasn't on our list of approved referrals, but we  
8 would be referring that to one of our typical places that  
9 we would refer to.

10 THE COMMISSIONER: But his -- your list of  
11 preferred referrals would be for services separate from  
12 what he was delivering --

13 THE WITNESS: That would --

14 THE COMMISSIONER: -- assuming his name was on  
15 that list?

16 THE WITNESS: Right.

17 THE COMMISSIONER: That wasn't the kind of  
18 service that he'd been delivering on this occasion, i.e.  
19 what he would be delivering if he was taken from the list  
20 to do the work?

21 THE WITNESS: Right. That would be a very  
22 separate type of assessment that he would be providing us  
23 then.

24 THE COMMISSIONER: And as I understand you  
25 parental assessment, and capacity, would fall into that

1 latter category where you would go to your specialized  
2 list?

3 THE WITNESS: That's right.

4 THE COMMISSIONER: Sorry to interrupt, but I just  
5 wanted to get that clarified.

6 MR. OLSON: No, that's very, very helpful.

7

8 BY MR. OLSON:

9 Q Just in terms of the assessment on this case the  
10 note I was going to take you to was 37297. This is another  
11 supervision note dated August 29, 2000, and if you see here  
12 -- under the reference "service contract - concrete six  
13 months"; do you recall -- first of all do you recall this  
14 note?

15 A I, I have reviewed the note.

16 Q Okay.

17 A I don't recall the, the meeting, but I have  
18 reviewed the content.

19 Q So the contents you would, you would recall?

20 A Yes.

21 Q The reference to the service contract is the  
22 service contract that was --

23 THE COMMISSIONER: Well, what is this? Has she  
24 told us?

25 MR. OLSON: Yeah, this is Ms. Greeley's -- one of

1 Ms. Greeley's notes.

2 THE COMMISSIONER: Okay.

3 MR. OLSON: The supervision meeting.

4 THE COMMISSIONER: But it's the third one; is it?

5 MR. OLSON: This is the third one I've  
6 identified.

7 THE COMMISSIONER: Okay, yes, all right, but ...

8 MR. OLSON: So this one is from August 29, 2000.

9 THE COMMISSIONER: All right.

10

11 BY MR. OLSON:

12 Q And the reference here to a service contract that  
13 was something you were discussing with Ms. Greeley?

14 A Yes.

15 Q Okay. And is that something you both agreed on  
16 in this case, that it was necessary to put a service  
17 contract in place?

18 A Yes.

19 Q Okay. And the reference to it being "concrete"?

20 A Well service agreements were written agreements  
21 that were meant as a way to ensure that there was clear  
22 communication between the agency and the family that we  
23 were involved with, so that we were clear on what people  
24 were required to do, what the expectations were, and what  
25 the consequences were, so in terms of it being concrete

1 that could include it being in written form, but also it  
2 would be very concrete as to what specifically people were  
3 to be doing.

4 Q Okay.

5 A So that would be my understanding of "concrete"  
6 would be specific.

7 Q Specific. And when you say there are obligations  
8 I take it there were obligations on the family, the people  
9 signing the agreement?

10 A That's right.

11 Q And then the agency would have certain  
12 obligations as well?

13 A That's right. It's a joint obligation.

14 Q Okay. And the term of six months is that --  
15 that's a term that you would have discussed with Ms.  
16 Greeley?

17 A Yes, I would have.

18 Q Okay. And was that sort of a typical term, or  
19 was that just specific to this particular case.

20 Q Service agreements could vary in term, six months  
21 was not an unusual amount of time, particularly if it was  
22 coupled with a plan around reunification of a child.

23 Q And ultimately the plan here was reunification of  
24 the child?

25 A Yes.

1 Q Okay. And that was then to occur after the six  
2 months provided that the conditions were met, and they --  
3 the, the home was safe for the child to return to; is  
4 that ...

5 A No. The service agreement was going to remain in  
6 effect during the process of reunification. The voluntary  
7 placement agreement had been entered into with the parents  
8 on a voluntary basis to allow for some additional time,  
9 which would have been for the early part -- like during the  
10 month of August.

11 The service agreement was really to look at what  
12 was the case plan during that period of time, what were the  
13 activities that were going to continue because even though  
14 the child was -- we were planning to have that child  
15 reunified to the parental home the expectations were going  
16 to continue beyond the reunification for ongoing  
17 involvement at least for a number of months for that  
18 continued assessment and follow-up, and then it would  
19 require re-assessment, so that's where the six month period  
20 of time came in, but the child would have returned home  
21 before the end of that time.

22 Q Okay. And so over that six month period there  
23 would be continuous monitoring to ensure everything is  
24 okay?

25 A There would be monitoring and that there would be



1 -- the activities that were taking place we would imagine  
2 they would be completed at different periods of time. Some  
3 would take longer, and some would be done more quickly.

4 Q The list of things that we're going to see in the  
5 service agreement, and they, they appear to be listed in,  
6 in this -- these notes are those things that you would have  
7 agreed upon with Ms. Greeley?

8 A Yes.

9 Q Okay. And so when it says "Meet with Dr. Altman  
10 and follow recommendations" that's something you would have  
11 discussed then with Ms. Greeley?

12 A Right.

13 Q And at that point Dr. Altman was the physician  
14 that had been identified?

15 A Pardon me?

16 Q Dr. Altman at that point was the, the physician  
17 that had been identified?

18 A Well he was the psychiatrist, I believe.

19 Q Okay. And did you expect to get a written report  
20 from him?

21 A No, that wasn't part of our service contract with  
22 Dr. Altman, as far as I'm aware.

23 Q Okay. At the point of this meeting August 29th  
24 Phoenix had not yet been returned to her parents; right?

25 A No.

1 Q Take a look at the service agreement, which is at  
2 page 37115. So this, this -- what, what is in front of you  
3 here this is the service agreement that was the result of  
4 your discussion with Ms. Greeley at this meeting of August  
5 29, 2000?

6 A Yes.

7 Q And who, who would have prepared the actual  
8 service agreement?

9 A It would have been written up, I would believe,  
10 by the worker, possibly typed by an administrative staff  
11 and then reviewed by myself.

12 Q And some of the issues that -- if, if you look at  
13 the service agreement and you compare it to the notes some  
14 of the issues in the notes we're looking -- you know, look  
15 at the family violence, substance abuse; are those all  
16 issues that are meant to be addressed in the service  
17 agreement?

18 A Are you referring to number three in the service  
19 agreement specifically, or --

20 Q Just generally the service agreement.

21 A Yes, those would have been identified. The  
22 August 29th supervision note that we had referred to  
23 previously not only spoke about the service agreement, but  
24 it was also looking at factors around assessment of risk,  
25 so these would have been areas that we had discussed and

1 that we wanted to include in moving forward in our case  
2 plan to ensure that we continued to cover areas in our  
3 ongoing assessment of risk.

4 Q Okay. If we just flip back for a moment to Ms.  
5 Greeley's notes, page 37297, and in the middle of the page  
6 you see the word "risk" there?

7 A Right.

8 Q And I think it says, and I think Ms. Greeley  
9 confirmed this, it says "risk area, largest risk is that it  
10 is a young child". Do you recall discussing the age of the  
11 child, Phoenix's age as being a risk, a risk factor?

12 A As I mentioned earlier that that is -- age of  
13 child and vulnerability is indeed a risk factor.

14 Q Okay. And so in this specific case Phoenix's age  
15 at the time was certainly a risk factor?

16 A Yes, she was still a baby.

17 Q Okay. And was that -- when it says here largest  
18 area of risk is that -- would that -- would you agree with  
19 that at that point?

20 A That would be one of the largest areas of risk  
21 that we have identified was her young age.

22 Q Now, going back to the service agreement, page  
23 37115. Now, when you look at the service agreement it was  
24 signed -- if we go to the last page of it it was signed on  
25 September 5th by Ms. Kematch and Mr. Sinclair, and Ms.

1 Greeley. Would you have been a part of this as well?

2 A I would have reviewed the service agreement, and  
3 been a part of the development of the service agreement,  
4 but there was no place on these forms where a supervisor  
5 was signing off on them. The agreement was typically  
6 signed off between the assigned social worker and the  
7 family because it was around a commitment and agreements to  
8 abide by the conditions and the expectations, so  
9 supervisors didn't have a place to sign off on the form,  
10 but I was involved in it.

11 Q Okay. And so you, you said you already agreed  
12 with the service agreement. Is -- when, when the social  
13 worker, in this case Ms. Greeley, signs is she signing to  
14 obligate the agency to also live up to the agreement?

15 A That's right. She would be signing on behalf of  
16 the agency.

17 Q Okay. So if she's no longer the worker the next  
18 worker would be responsible?

19 A That's right. This would continue in effect.

20 Q In terms of the -- how long the service agreement  
21 was to remain in place it references -- if we go up to the  
22 first paragraph it says:

23

24 "Over the next six months the  
25 parents and the Agency will

1                   continue to address the issues of  
2                   concern     by     following     the  
3                   conditions     outlined     in     this  
4                   agreement."

5

6           A     That's right.

7           Q     Okay.   So does that mean the agreement would run  
8     six months from September 5, 2000?

9           A     Right.   It would run from September 5, 2000 to  
10    March 5, 2001.

11          Q     Okay.   And so each one of the conditions in the  
12    service agreement would they continue throughout that  
13    period of time?

14          A     Well the conditions would be there and that -- as  
15    different conditions could be addressed at different times.  
16    Some were ongoing conditions that would require a longer  
17    period of time where others were perhaps such as the first  
18    one to complete the assessment, and that Dr. Altman was a  
19    one time thing that could be done at one point in time, so  
20    all of them remained in effect and you would be reviewing  
21    which ones had been completed, and which ones are ongoing  
22    and which ones are outstanding.

23          Q     Okay.   If we -- and who's responsible for  
24    ensuring the conditions are being satisfied?

25          A     That would be the worker in meeting with the

1 family, and the worker in reviewing with myself as  
2 supervisor. We would be looking at where's the family in  
3 meeting these conditions.

4 Q And -- so you as a supervisor also have  
5 responsibility for ensuring the conditions are met?

6 A When I did regular supervision and would be  
7 reviewing a case in supervision if there was a service  
8 agreement I would be reviewing that, and gathering  
9 information from the worker to indicate where the family  
10 was at with regard to the service agreement, and meeting  
11 the expectations, and then if some were still outstanding  
12 we would be looking at where do we move forward. Service  
13 agreements reflect some of the case planning so it may also  
14 be that there are some other things that need to occur that  
15 are not within the service agreement, but are a part of the  
16 case plan, so those are all things that I would look at  
17 with regard to a review of a service agreement.

18 Q Right. But the question is specifically with  
19 responsibility to ensure the conditions of the service  
20 agreement are being met --

21 A Right.

22 Q -- is, is that -- do you understand that that is  
23 your responsibility as well as a supervisor?

24 A Yes, it's a joint responsibility between the  
25 agency, both supervisor and worker, and also with the

1 family.

2 Q Right.

3 A The agencies alone cannot do that work. There's,  
4 there's an expected agreement that the, that the agency  
5 will do certain things and where family will do certainly  
6 things --

7 Q Right.

8 A -- so both are required in order to meet  
9 expectations.

10 Q And so if the family is not cooperating with the  
11 service agreement what sort of options does the agency have  
12 at that point?

13 A Well those are usually outlined fairly frequently  
14 at the beginning of the service agreement as to what the  
15 consequences may be if the family is not abiding by the  
16 service agreement. That's the means by which the agency  
17 attempts to maintain some sense of, of an agency's -- or of  
18 a family's commitment in engaging and moving forward, so in  
19 this case I do believe there was some mention in the  
20 documentation that if the family failed to follow through  
21 on the expectations, over the course of the six month  
22 agreement, that there may be a possibility that Phoenix may  
23 need to return to care.

24 Q Okay.

25 A So I think that that was the, the understanding

1 that was communicated by the worker at the time it was  
2 signed.

3 THE COMMISSIONER: But would that be written in?

4 THE WITNESS: I don't -- I can take a look.

5 MR. OLSON: Perhaps we could scroll to the bottom  
6 of the agreement.

7 THE WITNESS: It is on the second page.

8

9 BY MR. OLSON:

10 Q The last paragraph there?

11 A That's correct. That failure to meet the  
12 conditions may result in her returning to care, so that  
13 would have been well communicated at the time that it was  
14 being signed off.

15 THE COMMISSIONER: Right.

16

17 BY MR. OLSON:

18 Q And just, just in terms of signing the agreement  
19 would, would the agency -- would the worker communicate to  
20 the parents that you have to sign this in order to get the  
21 child back?

22 A No, I don't believe that that would necessarily  
23 be how it would be communicated. It wouldn't be very  
24 engaging of families. My understanding from reading the  
25 case notes is that they were regularly communicating so I,



1 I believe that that was done within the context of, we  
2 would like to move forward with reunification, but in order  
3 to do so we need to remain satisfied that we're going to  
4 continue to work together and to address these issues.

5 Q If we could just look at the conditions, and go  
6 to the previous page. You mentioned before that, number 1,  
7 that would be a one time thing, the assessment would be  
8 done and the recommendations that they would be following;  
9 right?

10 A The assessment would be a one time thing should  
11 there be recommendations that may entail further activity.

12 Q Okay. Then 2, the requirement that Samantha and  
13 Steve cooperate with the agency with in-home worker, and  
14 that she meet with them at least two times a week.

15 In terms of the frequency, the meeting two times  
16 a week, is that, is that something you recall discussing  
17 with Ms. Greeley?

18 A Well -- and from looking at the notes I can  
19 certainly see that that was a part of the discussion. We  
20 did enter into a family service support agreement which was  
21 required, it was an agency form in order to request. There  
22 was one requested earlier. We certainly renewed that so  
23 all of that within my understanding was that I would have  
24 been aware of it through the case activity, but not  
25 necessarily from meeting with Ms. Greeley. Like I don't

1 recall the meeting, but I do see in the notes that I would  
2 have been aware of all of it. Those documents require my  
3 signature.

4 Q The -- was this an expectation that was -- this  
5 would last throughout the duration of the service  
6 agreement?

7 A I believe that the family support service  
8 agreement was in place for a period of three months. It's  
9 a voluntary agreement with the parents, and they sign off  
10 on that document, as well as the agency, but open to  
11 renewal. There was no timeframe in terms of -- we could  
12 have continued to renew, should it be needed, or we could  
13 terminate if it was no longer needed, but the initial  
14 agreement was for three months, I believe.

15 Q Okay. And we, we have heard evidence that the,  
16 the agreement was not continued at some point, prior to the  
17 end of the six month period.

18 A That's correct.

19 Q Okay. And was that a conscious decision not to  
20 continue on with the, the in home support worker?

21 A I didn't see any information that indicated it  
22 was.

23 Q Okay. And who would have made the determination  
24 if it was?

25 A Generally decisions to terminate family support

1 is done in conjunction with the family that we're providing  
2 service to. A family can decide to terminate, and indicate  
3 they don't require it. An agency can decide to terminate.  
4 In this case, in reviewing the documentation, I don't see  
5 any indication as to where that decision came from. It may  
6 have just lapsed.

7 Q So it just didn't get, just didn't get renewed?

8 A That's correct.

9 Q Okay. And that would have occurred when Ms.  
10 Chief-Abigosis was assigned to the file?

11 A That would be during that time period.

12 Q Okay. And you've looked at, you've looked at the  
13 file since, and you know -- you've seen how it's -- what's  
14 happened with the file. Should the support worker have  
15 stayed in place?

16 A It's difficult to say.

17 Q As a supervisor.

18 A As a supervisor what, what I do know in looking  
19 at the file is that it was renewed for the one month period  
20 in between workers to allow Delores to meet with the family  
21 to discuss whether or not support resources were still  
22 needed, required, or wanted by the family. I don't see any  
23 evidence that that occurred, although I do understand from  
24 the documentation that the in home support worker did  
25 continue until December. There is nothing to indicate that

1 the family was not doing well at the time that she  
2 finished. She had positive reports about the family, so  
3 outside of that I can't comment, other than it may have  
4 been a lapsing of service or a natural ending. There's  
5 nothing that would indicate to me that there was a need for  
6 in home support services, based on the concerns or reports  
7 coming to the agency.

8 Q Still looking at the service agreement if we look  
9 at number 3 it says:

10

11 "Samantha and Steve will work  
12 cooperatively with the Agency  
13 Family Services Worker, this  
14 includes meeting with the worker  
15 on a regular basis and allow the  
16 worker access to the family home.  
17 Samantha and Steve will also  
18 cooperate with the Agency worker  
19 regarding further exploration of  
20 issues related to substance use  
21 and family violence."

22

23 BY MR. OLSON:

24 Q The, the meeting with the family on a regular  
25 basis that's something that the agency would be responsible

1 for; is, is that right?

2 A It was, it was a joint responsibility. The  
3 agency jointly with the family were expected to be meeting  
4 regularly. One of -- this was a typical clause within  
5 family support service agreements that was utilized wherein  
6 there was some impetus to ensure that families were  
7 allowing access to workers to the family home, rather than  
8 having to get orders to do so, like an order of  
9 supervision. If we're engaged with families and they're  
10 cooperating we want to ensure that they understand that we,  
11 we need to have access to their home and to be able to come  
12 into their home.

13 Q So the obligation then on the, on the part of the  
14 client, the family, is when the worker shows up for the  
15 visit to cooperate with them?

16 A That would be correct.

17 Q And in order -- that the worker has to first show  
18 up for the visit, right, so ...

19 A That would also be correct.

20 Q Okay. So in order to fulfill this particular  
21 part of the service agreement the worker has to attend the  
22 home for the visits?

23 A Right.

24 Q Okay. And that -- would that be the assigned  
25 family service worker at the time --

1 A Yes.

2 Q -- that would be expected to do that?

3 A Yes.

4 Q And in terms of the frequency of the visits where  
5 it says "a regular basis" was there an understanding as to  
6 what that meant?

7 A There's nothing that indicates what that would  
8 be. I don't know what the, what the intention was of the  
9 worker in communicating that with the family. Essentially  
10 the standards, the 1988 program standards, would have  
11 indicated the required frequency of contact at that time,  
12 and I would imagine that that would be what my expectations  
13 would have been for that type of contact, it would have  
14 been according to what the standards dictated.

15 Q So the contact under this service agreement would  
16 be dictated by the standards at the time?

17 A Right, in terms of -- dependant upon the risk  
18 assessment and the family information that we had at hand,  
19 and what the standards were indicating at the time that  
20 would dictate what regular contact would look like, but in  
21 order to know what that meant I would have to look back at  
22 the '88 program standards to see how they applied. That  
23 would have been the benchmark that I would use.

24 Q Okay. So even though, even though this was a  
25 specific service agreement with this family it would be a

1 standard that you look at in terms of defining how frequent  
2 the visits should be?

3 A That's correct, and in that sense it may not be  
4 as concrete or clear to the family, this is what we would  
5 think it would be --

6 Q Right.

7 A -- if it's not saying weekly or biweekly, regular  
8 can be open to interpretation.

9 Q Okay. And do you know what you would have --  
10 what kind of discussion you would have had with the worker,  
11 the assigned worker, in terms of how frequently they should  
12 be meeting with the family?

13 A Well, I believe that my discussion would have  
14 happened in the November 14th supervision where I had gone  
15 over the case and indicated that the worker needed to  
16 attend, meet with the family, gather additional information  
17 on how things were going. My assumption would have been  
18 and my expectation would have been to also speak with  
19 anyone else that was involved, including the in home  
20 support, and then based on that conversation we would then  
21 look at where do we go from here. Case plans are dynamic,  
22 they're ongoing, they need to be fed by updates and  
23 information on progress and reports of others, so I don't  
24 know that I would have directly said, this is what that  
25 contact looked like, or needs to look like. I would have

1 wanted an update and a meeting with the family, and then we  
2 would have discussed further.

3 Q Based on the situation at the time the service  
4 agreement was entered into how frequently did you expect  
5 the worker to meet with the family?

6 A Well, at that point it would, it would appear  
7 that if the worker was meeting weekly with the family there  
8 was an in-home support worker that was going in biweekly.  
9 That also constituted part of the agency contact with the  
10 family to ensure that there was somebody in the home that  
11 was also seeing what was going on, and was able to provide  
12 information and observations.

13 Q But the question is specifically with respect to  
14 the agency family services' worker.

15 A Right. At the time that this was signed.

16 Q Right.

17 A So that would be September 5th?

18 Q Right.

19 A In my understanding with that, especially based  
20 on a reunification, that it would be weekly.

21 Q The worker would be there weekly?

22 A Right.

23 Q Okay. And how long did you anticipate that the  
24 weekly visits would occur?

25 A There's no, there's no anticipated time. It



1 would depend upon reports and ongoing information on  
2 progress to date, ongoing assessment of how the family was  
3 functioning, and then that could determine when and if that  
4 contact frequency would change.

5 Q Okay. A reference to the further exploration of  
6 the issues related to substance use and family violence.

7 A Yes.

8 Q What was the expectation there?

9 A When looking at the August 29th case note of  
10 supervision from Kerri-Lynn Greeley it appears that those  
11 were two areas that were discussed as we were completing  
12 our assessment of risk prior to returning the child that we  
13 appeared to not have very much information about. Those  
14 are very critical areas to explore, and when doing a risk  
15 assessment if you don't have information in particular  
16 areas while you don't have concerns, you would want to be  
17 canvassing for more information to determine whether or not  
18 they're at risk, so they were identified early on as not  
19 having sufficient information and the direction had been  
20 that we needed to do further exploration.

21 Q So in terms of the obligations here it would be  
22 up to the worker to ask the questions and do the  
23 investigation into, into the issues related to substance  
24 use and family violence?

25 A That would be correct.

1 Q Okay. And the obligation on the clients is to  
2 cooperate with that?

3 A Right.

4 Q Do you know in this file if that -- if any of  
5 that was done while you were the supervisor?

6 A I do know that -- I, I recall in reading through  
7 the case notes, I believe it was on a September 5th case  
8 note, from Kerri-Lynn Greeley, I can take a look for that.

9 Yes, I can give you the document page number,  
10 37299. It's a case note from it appears to be Kerri-Lynn  
11 Greeley where she has had a telephone contact with Nikki  
12 Taylor. During that telephone contact with -- it involved  
13 collateral, she is canvassing that collateral who knows the  
14 family at that point, and has a relationship around issues  
15 of alcohol abuse and domestic violence, so I do know that  
16 there was some attempt at that point to gather some  
17 information from other involved collaterals if they had any  
18 observations that may be of concern.

19 Q So here we have Ms. Greeley asking Nikki Taylor  
20 if she's aware of any concerns about alcohol?

21 A If she's observed any concerns, or is aware of  
22 any as an involved collateral.

23 Q Okay. Or any violence between the couple?

24 A That's right.

25 Q Okay. And aside from this reference here was

1 there anything else you're aware of?

2 A That's the only note or document that I saw in my  
3 review of the information that specifically addressed that  
4 issue.

5 Q And as a supervisor would you expect the worker  
6 to make notes of any further attempts to address those two  
7 issues?

8 A Yes.

9 Q Okay. I just wanted you to take a look now at  
10 Ms. Greeley's transfer summary, 37025. This is dated  
11 October 2, 2000. And -- so just go to page -- first of all  
12 this is a transfer and you were the supervisor, so is this  
13 a document you would have been aware of and reviewed?

14 A Yes.

15 Q Okay. And if we go to page 37033 your name  
16 appears and Ms. Greeley's name appears, although the  
17 document's not signed.

18 A Yes.

19 Q And do you know why that is?

20 A It would appear that this may be a copy, a copy  
21 of the original document is generally kept on the case  
22 file, but case transfer summaries are also attached to the  
23 CFSIS recording, and if printed off of CFSIS they may  
24 appear without a signature.

25 Q Okay. So despite there being -- you're not --

1 your actual signature is not on the page; are you saying  
2 that you would have reviewed this document and actually  
3 signed off on it at some point?

4 A I believe that I would have.

5 Q Okay. And when it says "date completed October  
6 2, 2000" would that be the date you reviewed it and signed  
7 off on it?

8 A No, that would have been the date that the social  
9 worker completed the summary. Depending on how many  
10 summaries I was receiving at that time the date that I  
11 actually reviewed it and signed off would be different.

12 Q Okay. And how -- in relation to October 2, 2000  
13 when would you have signed off on this?

14 A I'm not clear on when that would have occurred.

15 Q Okay. Was there -- did you have a general  
16 practice, a number of days or within a week?

17 A Well my general practice was to try to do it as  
18 quickly as possible because -- to ensure that the  
19 information was reviewed, that no further changes needed to  
20 be made while a worker was still available to do that, and  
21 to also make determinations around whether or not that  
22 matter required a reassignment, rather than waiting for a  
23 new worker.

24 In terms of when I may have signed off on it the  
25 only thing I can think of that might correspond to that is

1 that there are documents that are attached to the child  
2 welfare system, and it would show the date that it was  
3 attached, and I would have definitely have signed it off  
4 before that date in order for it to be attached, so the  
5 only way I would be able to gather some of that  
6 information, or be able to speak to it, would be to know  
7 that information and if it showed up on -- if it was on  
8 CFSIS that would give some indication as to the window.

9 Q And you said you might have some changes that  
10 would have to be made?

11 A Sometimes there were changes that were required.  
12 If I reviewed a transfer summary and I felt that there was  
13 not sufficient information provided, based on my knowledge  
14 of the case, or from reading the review, that left a lot of  
15 clarity I could send that back to the worker to get further  
16 information, or if there was excluded information I could  
17 ask for that to be included. My intent was to ensure it  
18 was a complete, accurate reflection of that, of that  
19 involvement, and the issues that were identified.

20 Q Okay. So you want to make sure it's a complete  
21 and accurate reflection of the involvement?

22 A That's right.

23 Q Okay. And how much time would you spend with a  
24 document like this?

25 A It all varied on the length of the documents.

1 This was a fairly detailed document so I would want to read  
2 it carefully, and to ensure that I wasn't trying to rush  
3 doing that so that I could understand the material. I  
4 can't speak to how long that would take me. I would take  
5 whatever time it took me to feel confident that I had  
6 reviewed it completely.

7 Q And when you did that review would you go back  
8 and look at the file itself?

9 A It would depend on the content of the transfer  
10 summary, so if there was an assessment on file that was a  
11 written, formal assessment I may want to look at that. If  
12 they're referencing that document or if there were other  
13 documents that were of interest to me I may go to the  
14 physical file to look at those.

15 Q And do you recall if you did that in this case?

16 A I don't recall whether or not that was the case  
17 in this, in this matter.

18 Q Just, just for the record there is a similar  
19 document on Phoenix's child-in-care file, which is signed  
20 by you, but not Ms. Greeley, and that's at page 37 ...

21 MR. MCKINNON: 37597.

22

23 BY MR. OLSON:

24 Q And so this -- would -- this document, I take it,  
25 then is also put onto the child-in-care file?

1 A The child-in-care closing summary?

2 Q Right.

3 A Yes, this is the summary that would go on the  
4 child-in-care file.

5 Q Okay. And so you would have reviewed that as  
6 well?

7 A Yes, I would review that document, as well as the  
8 family file document.

9 Q Okay. And at this point the child in care file  
10 would be closed because Phoenix has now been returned to  
11 her parents; right?

12 A That's correct.

13 Q Okay. But the document itself would be fairly  
14 similar to the document that Ms. Greeley prepared for the  
15 transfer summary; is that ...

16 A I'm sorry, could you repeat that.

17 Q Would the, would the closing summary on the  
18 child-in-care file would that be essentially the same as a  
19 transfer summary?

20 A A child-in-care transfer summary or a family  
21 transfer summary?

22 Q This, this particular child-in-care closing  
23 summary --

24 A Right.

25 Q -- you've seen it?

1           A           Um-hum.

2           Q           And you've seen Ms. Greeley's transfer summary of  
3 the Kematch file; is it essentially the same document?

4           A           No, they're different documents in the sense that  
5 there is some similarity in information, particular around  
6 involvement with the family and the agency. The child-in-  
7 care transfer summary -- or closing summary, however,  
8 contains a lot of child specific information, so it's also  
9 meant as a way to provide information around a child's  
10 physical, personality description, any types of  
11 developmental milestones, et cetera that occurred during  
12 the time that that child was in the agency's care up until  
13 the point of closure, so while there may be some similar  
14 information from the involvement with the family there is a  
15 portion of the closing summary on a child-in-care file that  
16 is specific to the child.

17           THE COMMISSIONER: So that's -- this isn't, this  
18 isn't the document that was on the child-in-care file then  
19 if it's identical to the one that we just had up on the  
20 screen that had neither signature?

21           THE WITNESS: The one that had neither signature  
22 was the transfer summary on the family file.

23           THE COMMISSIONER: And what is this?

24           THE WITNESS: This is the closing summary on the  
25 child-in-care file for once Phoenix was returned home, her



1 child-in-care file would have to be closed.

2 THE COMMISSIONER: Well, let's, let's see the top  
3 of this. What's it called?

4 MR. OLSON: So the, so the document starts at  
5 37586, Commission disclosure 1797.

6 THE COMMISSIONER: This is, this is the top of  
7 the document there now; is it?

8 MR. OLSON: Yes.

9 THE WITNESS: That's correct.

10 THE COMMISSIONER: And it was prepared at the  
11 same time as the other document?

12 THE WITNESS: It was prepared at the same time,  
13 although Phoenix would have returned home on September 5th.  
14 It wasn't unusual, and according to standards and  
15 expectations workers could have up to 30 days to do their  
16 paper recording to close the file. That was an accepted  
17 practice. It appears that Kerri-Lynn Greeley was doing  
18 her, her transfer summaries at the -- early October so as  
19 she hadn't done the child-in-care closing she did both at  
20 the same time, so that's why they both have the same date.

21

22 BY MR. OLSON:

23 Q And this is the first time this document's been  
24 referred to, so I just want to take a minute to look  
25 through it. You would have been the supervisor at the time

1 this was, this was -- the file was closed; right?

2 A Yes, that's correct.

3 Q And so when you, when you scroll down a bit  
4 you'll see that you have the worker's background about the  
5 child, mother, father, birth date, that sort of thing. If  
6 we go to the next page some relatives are mentioned.

7 A That's right.

8 Q Child's, child's physician, and here it indicates  
9 the parents need to identify a pediatrician. That was the  
10 case when -- on October 2, 2000?

11 A I'm sorry, what are you referring to right now?

12 Q If you look on the screen in front of you, see  
13 where it says "child's physician"?

14 A Yes.

15 Q Okay. So when this was prepared October 2, 2000  
16 the parents were still looking for a physician; that's what  
17 this is indicating?

18 A That would be what's indicated.

19 Q Okay. And then you look "Other  
20 Agencies/Professionals" so those are the same names that we  
21 saw previously, Nikki Taylor, Mary (sic) Belanger?

22 A Yes.

23 Q Okay. If you could scroll. And then this gives  
24 a similar background as to why Phoenix was originally  
25 apprehended?

1           A       That's right.

2           Q       Okay.  And all this sort of information would,  
3 would be in Ms. Kematch's file as well?

4           A       In the, in the transfer summary that was sent  
5 over and then also in the intake transfer summary.

6           Q       And if -- and keep going with the document.  The  
7 next page, please.

8                    It has "Record of Contact"?

9           A       That's right.

10          Q       Okay.  And here it says:

11

12                    "This worker has had regular  
13 contact with Phoenix, I visited  
14 with her every week before her  
15 access visits at the agency  
16 office.  This worker also had  
17 regular telephone contact with her  
18 foster mother."

19

20                    And the purpose of that paragraph?

21          A       Is to outline the amount of contact that the  
22 worker has maintained with the child while they've been in  
23 the agency's care, and also contact with the child's  
24 caregivers, there were standards about that.

25          Q       Okay.  And then under "Brief History of Agency

1 Involvement" that's going to be very similar to what was in  
2 Ms. -- is in Ms. Kematch's transfer summary?

3 A That's correct.

4 Q Okay. If we could keep going down. The next  
5 page.

6 And under "Recent Agency Intervention with the  
7 Family" again that would be fairly similar to what was in  
8 Ms. Kematch's transfer summary?

9 A Yes.

10 Q Okay. And if we go to the next page. Keep  
11 going. And if you would go to the next page.

12 And here you'll see that -- the, the list of the  
13 findings of Dr. Altman are reproduced, again that's the  
14 same thing we'd see in Ms. Kematch's?

15 A That's correct.

16 Q Okay. Go to the next page.

17 Now, if you look on this page it has "Child's  
18 Physical and Personality Description," and it says:

19

20 "Phoenix is a very beautiful five-  
21 month-old Aboriginal girl. She has  
22 short dark hair and dark eyes. She  
23 is becoming very personable and  
24 likes to smile often. Her foster  
25 mother reported that she was a

1                   very easy baby to care for."

2

3                   This isn't something that you've seen in Ms.  
4 Kematch's transfer summary; is it?

5           A        No, it wouldn't be in the family summary.

6           Q        Okay. And is there a reason why this sort of  
7 description is in the child-in-care file?

8           A        Well, a child-in-care file is a record of that  
9 child's time while in agency care, and indicates all  
10 relevant information pertaining to all activities that  
11 occurred and medical intervention, et cetera, while that  
12 child was under the care of the agency. That's where this  
13 information is contained on those files. It's not  
14 necessarily contained on the family's file, but the files  
15 are associated to each other.

16          Q        Okay. But once the child's out of care, out of  
17 the agency's care, that file is closed; right?

18          A        The child-in-care file is closed, however, should  
19 that child re-enter care with the same agency it can be  
20 reopened.

21          Q        Okay. But the information about the child is  
22 there a reason why that would then be put onto the family  
23 file?

24          A        I, I don't have any answer for that.

25                   THE COMMISSIONER: So when Phoenix came back into

1 care the file that had been closed would have been  
2 reopened?

3 THE WITNESS: When -- if Phoenix came back into  
4 care with Winnipeg Child and Family Services they would  
5 reopen the file, so the prior involvement with Winnipeg  
6 Child and Family Services, and this closing summary that  
7 was prepared, would be available to the next worker.

8 THE COMMISSIONER: She did come back into care --

9 THE WITNESS: Right.

10 THE COMMISSIONER: -- so it would have been a  
11 reopening that occurred?

12 THE WITNESS: That's right.

13

14 BY MR. OLSON:

15 Q So just going back to Ms. Greeley's transfer  
16 summary, which was at 37025. So Ms. Greeley's completing  
17 this October 2, 2000. Do you know when she would have  
18 actively stopped working on this particular file?

19 A I believe that she had -- the information I have  
20 from, from my counsel, Mr. McKinnon, was that it was  
21 approximately October 14th that she had moved positions.

22 Q October 14th?

23 A That's right.

24 Q Okay. And after that was there another worker  
25 assigned before Ms. Chief-Abigosis?

1           A       No, the typical practice that occurred at the  
2 agency is that when workers left the agency, and we were  
3 filling the vacancy, case files would be assigned to the  
4 current supervisor as both worker and supervisor until a  
5 new worker was assigned to that case, so during that  
6 process supervisors didn't necessarily go out and do direct  
7 service work. They might have covering workers that would  
8 go out and do required service with families. They might  
9 have arrangements in place where people are aware that the  
10 supervisor needs to be contacted under certain  
11 circumstances, and then somebody would be arranged to go  
12 out, so while supervisors were routinely assigned as  
13 worker/supervisor it was not the expectation that they were  
14 actively working the cases directly.

15           Q       Okay. And so when Ms. Greeley signed, signed off  
16 on her transfer summary was it your expectation that you  
17 would fulfill the role of worker, slash, supervisor on this  
18 case?

19           A       No, my expectation that -- I, I was assigned as  
20 worker and supervisor, but essentially my duties were  
21 primarily as supervisor. I did meet with staff  
22 transitioning from the agency to ensure that they did a  
23 closure process with the people that they were working with  
24 and collaterals, and that they had all been informed that  
25 they were leaving, and who to contact should, should

1 something emerge, or to have a plan in place, so in some  
2 circumstances I would have already put into place covering  
3 workers for some cases. For other cases there may have  
4 just been communicated plans of knowing that that worker is  
5 away and who to contact in the interim, but I, I did not  
6 expect that I was going to be acting in the capacity of a  
7 direct service worker providing direct service during that  
8 time. I would make arrangements for other workers to do  
9 that.

10 Q Okay. In this case there was about a month gap  
11 between workers; right?

12 A That's right.

13 Q And so during that month gap who would be  
14 responsible, for example, for ensuring there was regular  
15 contact with the family?

16 A Well there was regular contact occurring with the  
17 family on, on the part of the agency through the provision  
18 of the in-home support worker who was attending the home on  
19 a bi-weekly basis, so that was still an agency  
20 representative that was present in the home, and that could  
21 report back, should the need arise.

22 Q And was, was that sufficient to you as supervisor  
23 in terms of --

24 A At that, at that particular time the family was  
25 engaging and was participating in programming, had



1 completed some of the recommendations, there had been no  
2 concerns identified that would have prompted more, more  
3 concerns around reassignment of the case, so it was seen as  
4 sufficient in the interim with the understanding that  
5 should that change that I was to be contacted, and we would  
6 certainly review it.

7 Q So this is something Ms. Greeley would have told  
8 the support worker that if there's an issue contact you?

9 A I would imagine that she would have communicated  
10 whatever the agreed upon plan was in the interim upon her  
11 leaving. I am aware that I was contacted by the in-home  
12 support worker by telephone, so in terms of ensuring that  
13 continuation of services would occur the support worker did  
14 contact me, so I can only deduce from that that she was  
15 aware that she could contact me in the interim.

16 Q And was that with respect to renewing her  
17 contract?

18 A That's correct.

19 Q Okay. And that's something that you did?

20 A I did that, yes.

21 Q Okay. But during that month gap did you ever  
22 meet with the family?

23 A No, I did not.

24 Q Okay. And aside from the family support worker  
25 did anyone else from the agency meet with the family?

1           A       No, there was no one else from the agency, but I  
2 believe that collaterals continued to be involved as well.

3           Q       Okay.    And so just having the family support  
4 worker in there at that time in your view was sufficient to  
5 meet the conditions in the service agreement?

6           A       I think at that time that was my decision that,  
7 that it was sufficient, that we had presence in the home  
8 and we had community collaterals involved who would engage  
9 with the family, and the family was reported to be doing  
10 well at that time.  That had been my communication with the  
11 in-home support worker when they contacted in particular on  
12 October 30th as well.

13          Q       At the time Ms. Greeley was leaving her position  
14 what was the case plan that she -- that was identified from  
15 her transfer summary?  If you'd look at page 37032.

16          A       Which page were you referring to?

17          Q       Sorry, first let's look at page 37032.  Under  
18 "Family Assessment and Case Plan" --

19          A       Yes.

20          Q       -- is that where the case plan was contained?

21          A       Yes.

22          Q       Okay.  And what was the case plan, what was your  
23 understanding?

24          A       Well my understanding from reviewing this is that  
25 up until this point in time, during the course of the three

1 month temporary order that the parents had been reading the  
2 expectations, and that Phoenix had returned to the home and  
3 was residing. Based on the positive community reports, and  
4 also the in-home support worker reports that the parents  
5 were meeting basic needs. Given their gains, and the  
6 personal improvements, and that it was a fairly new  
7 reunification the expectation was that we were going to  
8 continue to be involved with the family through the course  
9 of our service agreement, and continue to monitor and  
10 review the conditions and expectations in six months time,  
11 so we would continue involvement, continually reviewing  
12 and, and see -- and continue to support the family.

13 Q Where it says in this assessment in the second  
14 paragraph that:

15

16 "Now that Phoenix is in their  
17 care --"

18

19 Do you see that?

20

21 "-- ongoing assessment of their  
22 abilities to effectively meet her  
23 needs and provide her with a safe  
24 and nurturing home is necessary."

25

1 A Right.

2 Q That was part of the plan?

3 A That was part of the plan and part of the role of  
4 the in-home teaching support worker.

5 Q And was it the, the teaching support worker who  
6 was going to do the ongoing assessment of the, the parents'  
7 abilities to effectively meet Phoenix's needs?

8 A She would be part of that in terms of providing  
9 information and parenting education, and reporting back on  
10 the parents' ability to implement what their -- what they  
11 were learning and how they were able to utilize that. She  
12 would inform part of that assessment, she solely would not  
13 be responsible for doing that, but she would be part of the  
14 information that we would be seeking in order to do that  
15 assessment.

16 Q Okay. Did she report back in writing?

17 A I believe that the support workers did submit  
18 written reports to the agency.

19 Q Okay. And in reviewing the file did you see any  
20 reports from her?

21 A No, I didn't see -- in the material that I was  
22 provided there were no notes in those.

23 Q Would those notes normally be on the file?

24 A They would normally be brought forward for the  
25 file. I think that there was a regular reporting process

1 and that support workers would submit to their supervisors,  
2 who would then submit to the agency workers. I don't know  
3 what happened in this case where the files were not on the  
4 material that I looked at, but they typically did get  
5 forwarded for the case file.

6 Q And so in, in seeing that they're not on this  
7 file is that, is that unusual?

8 A That would be unusual.

9 Q So you said the family support worker would be  
10 one way of fulfilling that plan, the plan to do ongoing  
11 assessment?

12 A That's correct.

13 Q And how else would that plan be fulfilled?

14 A That plan could also be fulfilled through having  
15 the parents attend and complete parenting programs and  
16 getting feedback from the programs on how the parents did  
17 within the programs, what the -- what their perceptions  
18 were around the information and how they were integrating  
19 that information.

20 Q Okay. So the information -- you'd want  
21 information gathering with respect to how the parents did  
22 in programs they attended?

23 A That would be correct.

24 Q Okay. And so that would require some  
25 communication with whoever offered the program?

1           A       That's correct.

2           Q       Would the program have to be approved by the  
3 agency?

4           A       Generally speaking we would have to be in  
5 agreement with the program that the family was considering  
6 taking. I'm not sure that approval is the appropriate  
7 word. We would have to agree that it was an appropriate  
8 program.

9           Q       Was it expected that you would be -- the worker  
10 would be given some evidence that a program had been  
11 completed?

12          A       Yes, it was not uncommon to request program  
13 completion certificates or some kind of report from the  
14 organization to substantiate what the, what the parents may  
15 be stating that they, that they completed.

16          Q       And at the time that Ms. Greeley transferred do  
17 you know if there was any -- if the parents had completed  
18 any programming?

19          A       I would have to look back at the notes to  
20 determine whether or not she indicated submission of  
21 documents.

22          Q       Okay.

23          A       If there was submission of documents they would  
24 be contained on the family file, copies of the documents  
25 that's where they would be placed.

1 Q And when you say "submission of documents" are  
2 you talking about some sort of certificate of completion,  
3 or something --

4 A Yes.

5 Q -- from the program itself? Okay.

6 A Yes, often times families would be asked to bring  
7 those in and, and the agency would make a copy and place a  
8 copy on the case file.

9 Q Okay. And is that because you want some  
10 verifiable evidence that something has happened in terms of  
11 the training?

12 A That's correct.

13 Q Okay. And you've had a chance to look over the  
14 file. Did you see any, any evidence that training had been  
15 completed?

16 A I don't -- I didn't see any documents to that  
17 effect in the material that I reviewed that I can recall.

18 Q Okay. In terms of the ongoing assessment was  
19 there an obligation on the family service worker to  
20 continue to attend the home?

21 A Yes.

22 Q And that would still be on a regular basis?

23 A Yes.

24 Q Okay. And they -- that's because a family  
25 service worker has training and experience that a family

1 support worker wouldn't have?

2 A That would be correct.

3 Q Okay. And a family support worker wouldn't be a  
4 suitable proxy for a social worker?

5 A No, they have two different roles, and the social  
6 worker would be the mandated worker that was attending the  
7 home.

8 Q And so then to rely on the family support worker  
9 to do the continual assessment, in the absence of, of a  
10 family service worker, that wouldn't fulfill that  
11 condition?

12 A On a temporary basis I think that the work could  
13 continue with the family, it would be I think not helpful  
14 to families to stop all processes because there's a change  
15 in worker. That at the time the family was described as  
16 stable, and engaged, and participating it allowed the  
17 family an opportunity to continue to do that. There was no  
18 indication that there was any concerns at the time, and  
19 thus allowing the support worker to continue to do what  
20 they were doing to continue to work with the family, to  
21 collect information could still be brought forward when the  
22 new worker came on in a couple of weeks, and then taken  
23 further, so I don't believe that the family support worker  
24 was charged with doing assessing. They were charged with  
25 their duties to work with the family and continue their



1 education and support with the understanding that there  
2 would be a couple of weeks further into the process before  
3 the social worker would come back in to do the assessment,  
4 and reassess where things were at.

5 Q If you look at page 37032, which is on the screen  
6 right now, the third paragraph, it says:

7

8 "Given the family's gains and  
9 personal improvements are still  
10 fairly new, the parents are  
11 required to follow all of the  
12 conditions outlined in the service  
13 agreement they signed on September  
14 5, 2000, it is to be reviewed in  
15 six months."

16

17 What's the reference to it being reviewed?

18 A Well the review would be a review both by the  
19 worker with myself as supervisor, but also a review with  
20 the family as to whether or not the conditions and  
21 expectations have been reached. Some may have been  
22 completed, some may be ongoing, some may be outstanding, so  
23 the review is a review with the family as well as an agency  
24 review.

25 Q And what would that review involve?

1 A Pardon me?

2 Q What would, what would that review involve?

3 A I'm not sure what you're asking.

4 Q Well the review of the service agreement would  
5 that involve sitting down with the family and going through  
6 it, or is it the worker doing it?

7 A Well, it's difficult to do a review without  
8 gathering information from all of those that are involved  
9 with the family as part of the service agreement, and as  
10 part of the plan, so the worker would need to speak with  
11 the family, the worker would need to speak to the in-home  
12 supports, the worker would need to speak to other community  
13 collaterals that were involved with the family. They would  
14 need to gather all of that information and pull that  
15 together in order to do a reassessment, and then that would  
16 be reviewed in conjunction with the supervisor to determine  
17 have they met what the agency was expecting of them, or  
18 requiring of them.

19 There's also a possibility in the process of  
20 doing this review that we may find that there are other  
21 needs (inaudible), or other issues that, that arise or  
22 other supports that are required so the review also  
23 identifies -- it's an ongoing dynamic process so it  
24 identifies also are there some other areas or, or case  
25 planning that we need to do in order to meet some other

1 identified needs or concerns.

2 Q Okay. What's the goal of the plan ultimately?

3 A The goal of the plan at this point was to  
4 maintain hopefully successfully reunify and maintain the  
5 child within the family home, in a safe way, to support  
6 families. The, the Act is really clear that Child and  
7 Family Services has the dual mandate of not only protecting  
8 children, but also supporting families, and those would  
9 both be present in this case. That there was some aspect  
10 of ensuring the child's safety and protection, and then  
11 also working at trying to support families to safely parent  
12 their child as well.

13 Q Okay. So protecting, protecting the children?

14 A Right.

15 Q And supporting the family?

16 A Right.

17 Q Those are the two things that you were hoping the  
18 plan would accomplish?

19 A Well -- and that's our mandate. The child  
20 welfare mandate under the Act is to protect children and  
21 support families, and in this case the initial course of  
22 the plan leading up to her reunification was dealing with  
23 the safety concerns, and then on her reunification it was  
24 continued to look at supporting the family and ensuring her  
25 safety.

1 Q And was, was that plan ever reviewed at any  
2 point?

3 A The plan -- the service agreement and plan would  
4 have been reviewed on February 5th at a supervision that I,  
5 I reviewed during the document. I know that on November  
6 14th I reviewed it with Delores. There was indication that  
7 one of my supervisor notes did enter into these documents,  
8 and then I do see that it was again discussed on February  
9 5th.

10 Q February 5th, so that -- those two times were the  
11 -- were those the only times it was reviewed?

12 A Those are the only times that I can see evidence  
13 that it was.

14 THE COMMISSIONER: That's the five month  
15 agreement?

16 THE WITNESS: That, that would have been at --  
17 that would have been a month prior to the expiry of the  
18 agreement.

19 THE COMMISSIONER: The expiry.

20 THE WITNESS: That's right.

21 THE COMMISSIONER: So November 14th and, and ...

22 THE WITNESS: November 14th and February 5th I  
23 believe were the dates. I can double check those dates.

24 THE COMMISSIONER: And what -- you, you reviewed  
25 the progress under the plan on those occasions?

1 THE WITNESS: With the worker --

2 THE COMMISSIONER: Okay.

3 THE WITNESS: -- and their supervision.

4

5 BY MR. OLSON:

6 Q And so where it says "the plan is to be reviewed  
7 in six months" is that, is that February 5th, supervision;  
8 is that what fulfilled that condition?

9 A That would have been leading up to the six month  
10 expiry date of that service agreement, so being aware that  
11 that service agreement was set to expire in a month it was  
12 looking at where are we at, and what information do you  
13 have to date as to progress.

14 THE COMMISSIONER: The worker that you did that  
15 review with was whom?

16 THE WITNESS: It would be Delores Chief-Abigosis.

17 THE COMMISSIONER: On each occasion?

18 THE WITNESS: The November 14th would have been  
19 upon her first initially getting the case and February 5th  
20 it would have been with, with her again prior to the expiry  
21 date.

22 THE COMMISSIONER: Thank you.

23

24 BY MR. OLSON:

25 Q And just -- when you met with her on the February

1 5th date that was for regular supervision?

2 A It appears that it may have been a regular  
3 supervision. Typically the notes that I documented were  
4 from regularly bi-weekly supervision, and sort of on the  
5 spot or drop-by consultation was not always documented in  
6 notes, so that I would assume was a bi-weekly supervision  
7 that had been identified to be reviewed for.

8 THE COMMISSIONER: Now, are you about -- going to  
9 something new?

10 MR. OLSON: Yeah, yeah.

11 THE COMMISSIONER: I gathered that, so perhaps  
12 this is the appropriate time to break then.

13 MR. OLSON: I think so.

14 THE COMMISSIONER: All right. Witness, I guess  
15 you'll have to come back tomorrow morning.

16 THE WITNESS: All right. Thank you.

17 THE COMMISSIONER: Thank you. So we'll adjourn  
18 now until nine-thirty tomorrow morning.

19 MR. OLSON: Thank you.

20 THE COMMISSIONER: You can leave the stand.

21 THE WITNESS: Thank you.

22

23 (PROCEEDINGS ADJOURNED TO NOVEMBER 28, 2012)