



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

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

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

FRIDAY, NOVEMBER 30, 2012

APPEARANCES

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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 Child and Family All Nation Coordinated Response Network

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

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

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

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HEATHER ISABEL EDINBOROUGH

Direct Examination (Walsh)

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3

4 THE COMMISSIONER: Good morning.

5 MS. WALSH: Good morning, Mr. Commissioner.

6 THE COMMISSIONER: Good morning, witness.

7 All right, Ms. Walsh.

8 MS. WALSH: Our first witness today is Heather
9 Edinborough.

10 THE CLERK: Would you please state and spell your
11 full name for the record?

12 THE WITNESS: Heather Isabel Edinborough,
13 H-E-A-T-H-E-R I-S-A-B-E-L E-D-I-N-B-O-R-O-U-G-H.

14 THE CLERK: Would you like to swear on the Bible
15 or affirm to tell the truth?

16 THE WITNESS: I'll affirm.

17

18 **HEATHER ISABEL EDINBOROUGH,**

19 affirmed, testified as follows:

20

21 MS. WALSH: Mr. Commissioner, before we begin I
22 just want to put on the record and make it clear that as
23 per your request and our discussion yesterday, you have on
24 your desk hard copies of most of the documents that I'm
25 aware of the witness will be referred to during the course

1 of her examination-in-chief. And in addition to the
2 documents that are in the file in front of you, you've also
3 got hard copies of the three case specific reports that we
4 have been referring to, the section 4 report, the section
5 10 and the internal Rhonda Warren report. So since those
6 are referred to repeatedly, we thought we'll just leave
7 full copies on your desk.

8 THE COMMISSIONER: Fine.

9 MS. WALSH: But we'll still -- otherwise
10 everything remains the same --

11 THE COMMISSIONER: Yeah.

12 MS. WALSH: -- we're not marking them --

13 THE COMMISSIONER: Yeah, I think it's going to be
14 very helpful for me to have these hard copies so that when
15 they flip new ones on and refer back to the other ones I
16 can refer to them without then, because they haven't been
17 coming back on the screen, of course.

18 MS. WALSH: Absolutely.

19 THE COMMISSIONER: So I think it will work well.

20 MS. WALSH: Good, all right.

21

22 DIRECT EXAMINATION BY MS. WALSH:

23 Q And, Ms. Edinborough, you have a set of documents
24 in front of you as well and the documents will also be
25 brought up on the screen in front of you.

1 A Okay, thank you.

2 Q So some background. You are a recently retired
3 social worker?

4 A I am.

5 Q And let's start with your education. You have a
6 Bachelor of Arts from the University of Winnipeg?

7 A Yes, 1988.

8 Q Okay.

9 A Bachelor of Social Work, 1990, from the
10 University of Manitoba, Master's of Social Work, 2005, from
11 the University of Manitoba.

12 Q And you began working as a front line family
13 services worker in 1990?

14 A Correct.

15 Q That was with Winnipeg Child and Family Services?

16 A Yes.

17 Q How long were you employed in that position?

18 A I did front line work from 1990 until March of
19 2001, 11 years.

20 Q Eleven years. And then in 2001 you were promoted
21 to the role of supervisor?

22 A Yes.

23 Q That was still with Winnipeg Child and Family
24 Services?

25 A It was.

1 Q Which unit did you supervise?

2 A I had an acting supervisor position on a family
3 service team on Jarvis for several months. I then moved to
4 the permanent ward program where I supervised from July of
5 '01 to early '03.

6 Q And then after that?

7 A Back to Jarvis to the family service unit.

8 Q So and we're going to hear that your unit was
9 involved in providing services to Phoenix Sinclair from
10 approximately July of '03 until November. So during that
11 time which unit were you supervising, July to November of
12 '03?

13 A It would have been the same unit.

14 Q The Jarvis unit?

15 A Yeah, there were several units there, but right.

16 Q Okay.

17 A Yeah.

18 THE COMMISSIONER: Family service unit?

19 THE WITNESS: Family service units, yes.

20

21 BY MS. WALSH:

22 Q And how long did you stay as the supervisor of
23 the family service unit?

24 A Until devolution. I left there in May of 2005 to
25 go to Eastman Child and Family, where I supervised a family

1 service unit.

2 Q That was for two years?

3 A Yes, just about.

4 Q Then I understand that in 2007 you became the
5 executive director of an agency?

6 A No. I went to Métis Child and Family Services as
7 a director of service in April of 2007. I kept that
8 position until the Métis Authority established a new agency
9 under Métis Authority called Michif Child and Family. I
10 was their executive director from its inception kind of
11 around the spring of 2011 until I retired at the end of May
12 2012.

13 Q Did you call that agency Michif?

14 A Yes, M-I-C-H-I-F.

15 Q And when you began your employment as a front
16 line family services worker, did you receive any training
17 from the agency?

18 A I received the core competency training. I
19 received some training from the branch, they had different
20 trainings at that time.

21 Q What's core competency training?

22 A It's the five modules that all workers are
23 required to attend. You attend it as they are offered and
24 over ideally as early on in your work as possible.

25 Q And did that happen for you?

1 A I really don't remember when I went to them. I
2 know it was early on and they were, they were valuable in
3 terms of identifying the kind of work, the interventions
4 for the kind of work that we did in front line.

5 Q You said there were various modules.

6 A Yeah, there were five, I believe, identifying
7 abuse and how to work with families. They were broad.
8 Each module was three to four days long, I think, and it
9 was good training.

10 Q And then you said you received other training
11 from the branch?

12 A The branch used to do training on various topics.
13 There was one on mediation. There was one that I attended
14 on alcohol related disorders. So it was -- they weren't
15 mandatory like, like the competency based was but they were
16 if you were interested and they were valuable as well.

17 Q When did you take those courses?

18 A Again, it would have been fairly on in, in my
19 career as a front line worker but I can't remember the
20 dates.

21 Q When you started in 1990 as a front line worker,
22 were you given a full caseload?

23 A I took over from another worker. I, I don't
24 remember the numbers, I don't remember if it was a full
25 caseload. It was a large team. It was a very involved

1 supervisor, so I certainly felt supported.

2 Q When you started as a front line family services
3 worker, did you receive any training on the standards?

4 A No, I don't recall ever receiving training on
5 standards as a worker.

6 Q And when I use the term standards, do you
7 understand that I'm referring to what are sometimes called
8 the foundational standards or the provincial standards?

9 A I understand that now certainly, yes. If someone
10 had asked me then what they were I, I would have had to go
11 to my supervisor.

12 Q You would have, sorry?

13 A I would have had to go to my supervisor. I don't
14 know that I knew a lot about them then.

15 Q So what governed your work as a front line
16 worker? If you say you weren't, you weren't aware
17 specifically of standards, what governed your work?

18 A As I say, we had, we had a supervisor, I had a
19 supervisor at that time who was, who was very involved, who
20 did lots of regular supervision because she had a fairly
21 new staff. She, she did regular supervision. Her door was
22 always open. I had colleagues. And I personally used,
23 used the CFS Act more. But in terms of the standards with
24 contact with people, it would be my supervisor that kept
25 her eye on that.

1 Q When you became a supervisor in 2001, did you
2 receive any training specific to being a supervisor?

3 A Again, the core competency training, four
4 modules, perhaps five. I also was lucky enough to be sent
5 to the OSD training.

6 Q What's that?

7 A I don't know. Organizational service -- I don't
8 know what it stands for. But it was more modules about
9 management, not necessarily specific to child welfare but
10 good in terms of, of organizational dynamics, of building a
11 team and having them work together even though they were
12 different kinds of people with different kinds of
13 approaches. So there was the CBT training, competency
14 based training. That was I think the only ones I can
15 recall going to unless there were ones that I chose to go
16 to because of my own particular interests.

17 Q And the core competency training, did you receive
18 that before you started work as a supervisor?

19 A No, it was afterwards.

20 Q Do you recall how soon after you became a
21 supervisor you received that training?

22 A No, I really don't.

23 Q Do you recall what the modules were in relation
24 to?

25 A I recall that they were, again, about dealing

1 with, I don't want to say problem employees but issues with
2 your employees, how to motivate employees, how to assist
3 employees in dealing with difficult clients, how to support
4 your team and your, and your, the workers who were on your
5 unit.

6 Q Again, I think you've answered this, but when you
7 became a supervisor, did you receive any training in the
8 standards?

9 A I don't recall receiving training in standards.

10 Q Would that have been helpful to you?

11 A I think it would have been helpful to me, yes, I
12 think it would have been helpful to know the expectations
13 in terms of contact with clients, even if, even if it
14 seemed difficult to meet those standards. It would have --
15 I don't, I didn't get training but I was, I certainly was
16 aware of the standards. People certainly talked about the
17 standards. Would training have been helpful? Certainly.
18 Training is always helpful.

19 Q Are standards important to front line work?

20 A Yes, they absolutely are.

21 Q So when you became a supervisor, once you were a
22 supervisor, what were your duties?

23 A On the family service unit I saw my duties as
24 being the person who would monitor the work of the eight
25 team members that I had at that time, to assist them in

1 making the decisions that they need to make on a day to day
2 basis, to, to ensure as much as possible that, that the
3 work being done met the mandate, the protection of children
4 and the preservation of families. And supporting the team
5 in their struggles, the workers in their struggles to do
6 that work. I saw that as my primary, as my primary task.
7 If, if the workers knew that they were doing and felt
8 supported in what they were doing and had someone they
9 could go to for answers, it was my job to give the answers
10 or find out the answers and support my team in doing that
11 work.

12 Q So part of your job was to ensure compliance with
13 best practice?

14 A Yes.

15 Q To ensure that there was good case management on
16 the files?

17 A That was part of my job.

18 Q And when we say files, we're talking about
19 families?

20 A Yes.

21 Q I mean we're all, in this inquiry we're all
22 talking about the files, but those are families?

23 A Absolutely, yes.

24 Q And part of your role was to be a support for the
25 workers in your unit?

1 A Yes

2 Q Do you think that those roles ever conflicted?
3 In other words, do you think -- was your objectivity in
4 ensuring compliance ever clouded by your role in supporting
5 a worker?

6 A Compliance in terms of meeting the standards or
7 compliance in terms of protecting children and preserving
8 families? If your question is did I always push to have
9 workers be compliant with the standards, my answer would
10 have to be no because I knew what kind of stressors that
11 they're under every day. If your question is would I have
12 allowed my supporting a worker to compromise the safety of
13 a child or, or the integrity of a family I would have to
14 say no.

15 Q In your work as a supervisor did you meet with
16 staff?

17 A Absolutely.

18 Q How often?

19 A Formally, for more experienced staff, I would
20 meet biweekly. Biweekly with those staff I might not do an
21 entire review of all their cases, but I saw them biweekly.
22 For younger staff or less experienced staff, they, they
23 would also be, I was going to say subject, but they would
24 also get biweekly supervision but they were in my office a
25 lot more for ad hoc or impromptu supervisions on cases.

1 Q At their request or your initiative?

2 A Yeah, they would just come in. Sometimes at my
3 request but more often it was their own choice.

4 Q Was there any standard or policy as to how often
5 you were to have supervision meetings with staff?

6 A A policy had been created, a supervision policy,
7 and I believe it said biweekly supervision or monthly at a
8 minimum.

9 Q Was that something that you were able to achieve,
10 the biweekly meetings?

11 A For most workers it was, yes.

12 Q Were there some workers that you would speak to
13 daily?

14 A Oh yes.

15 Q At the meetings that you held with workers what
16 would you discuss?

17 A We would discuss their cases certainly. We
18 would, I would want them to be bringing me up to date on
19 what had occurred. They would discuss particular
20 difficulties they were having with the cases, whether it
21 was making a decision or dealing with schools or foster
22 parents, any struggles they were having. We would be
23 careful to note the times when children were in care.
24 There of course are limits to how long we can keep a child
25 in care, so we would always been checking the dates of

1 orders. Some of the things we talked about in supervision.

2 Q How did you know whether the workers you were
3 supervising were complying with best practice?

4 A Based on what they told me in supervision was
5 primarily the way I would know that. I would --

6 Q Sorry, I'm told that with the air that's blowing
7 through they're having trouble hearing you. Perhaps you
8 could pull the microphone a little closer to you.

9 A Sure.

10 Q Does it move?

11 A Oh, yeah. Is that better?

12 UNIDENTIFIED PERSON: Much better, thanks.

13 THE WITNESS: Okay.

14

15 BY MS. WALSH:

16 Q Sorry.

17 A Remind me.

18 Q My question was how you knew whether the workers
19 you were supervising were complying with best practice.

20 A Again, mostly by what they told me in
21 supervision. I would also get complaints. If people were
22 dissatisfied with a worker's contact with them or decisions
23 clients were certainly free to, to call the supervisor and
24 discuss that.

25 Q How would the clients have known who to call?

1 A They would phone the main reception and say who
2 is this worker's supervisor and their call would certainly
3 be put through. But mostly on what we discussed in
4 supervision.

5 Q Would you ask questions yourself of the worker?

6 A Certainly.

7 Q So you didn't just depend on what information the
8 worker volunteered?

9 A Oh, I see what you mean. No, of course I would,
10 I would ask questions.

11 Q Was there certain information that you would
12 regularly be looking for with respect to a given family and
13 work on that, with, with that family?

14 A Well, it would, it would depend on the nature of
15 the case. Was there certain information ... Please say
16 your question again.

17 Q Well, let me give you some examples.

18 A Okay.

19 Q Would you ask the worker whether they had made
20 face to face contact with the family?

21 A Yes, in terms of an update, if I hadn't met with
22 a worker for two weeks, dependant upon what had been
23 discussed in the previous supervision, I would expect to be
24 updated, had they seen the family, had there been progress
25 on whatever matters we were discussing as regards to that

1 family, had the family been, or the parent, if they were,
2 for example, expected to attend external programming, had
3 they in fact been able to sign up for that, had they been
4 attending that. What was the level of cooperation
5 essentially from a family. Information about the children.
6 If the children were at home with the family had they seen
7 them. If the children had come into care were we
8 progressing towards a time when that child could be
9 returned? What direction was the case going and what was
10 the progress on that direction? And of course for every
11 case it would be different, right.

12 Q You would ask whether, in addition to whether
13 contact was made with the family, I think you said whether
14 the children themselves had been seen?

15 A Absolutely.

16 Q Were there certain points in the management of a
17 file when a worker had to obtain your approval as
18 supervisor?

19 A Yes. Certainly for apprehending children, if
20 that was going to be done at the family service level that
21 required supervisory input approval. Returning a child
22 required, to parents after the child had been in care,
23 required supervisory approval. On many smaller, if you
24 like, decisions, expenditures on funds for children in
25 care, place of safety, homes for children was done at a

1 team level and had to be signed off by the supervisor.
2 There's many sorts of decisions that, that had to be
3 finalized with your supervisor before the worker could
4 proceed.

5 Q What about a decision to close the file?

6 A Yes, absolutely.

7 Q And what would you have to know or do before
8 providing your approval?

9 A To close a file?

10 Q Yes.

11 A Oh.

12 Q Or any of the, the actions that you've discussed.
13 If you had different requirements in each go ahead and let
14 us know.

15 A Okay. For any of the things that I said?

16 Q Well, let's start with closing a file. What did
17 you have to know before you gave your approval?

18 A That services were no longer required for any
19 variety of reasons, again given the nature of the file,
20 that services were no longer required, that protection
21 concerns had been ameliorated to the point where it was
22 believed that the child was safe at home. Other types of
23 files, family files, for example, where there weren't
24 children or had never been children in care. Again, the
25 decision to close would be based upon we haven't brought

1 the children into care, do we believe it's safe for them to
2 remain at home? It was always about, should have been
3 about the safety of the children, or the integrity again of
4 the family in terms of them being able to manage the care
5 of their children without CFS intervention.

6 Q And what would the source of your information be
7 that you used to make your decision?

8 A The worker.

9 Q So you would meet with the worker?

10 A Yes.

11 Q Would you review any of the file material before
12 making a decision, for instance, to close a file?

13 A No, the file information would have been read by
14 myself at the time that it came from intake and if there
15 was information, other information that I required, I would
16 use the CFSIS system, the computer. Other than that, I
17 didn't review workers' notes unless I had specific
18 questions. I didn't review -- I trusted that what the
19 worker was bringing me in supervision and in their request
20 to make a change as in closing a file, I trusted that what
21 I was hearing was the information that was accurate.

22 Q If we can bring up page 29040. This is CD1634.
23 It's the Winnipeg Child and Family Services supervision
24 policy and it's dated March 1, 2004. This is a document
25 that you were familiar with?

1 A Yes.

2 Q You had some involvement in the creation of this
3 document?

4 A Yes. I recall being on -- I was still a worker,
5 I think, but I recall being on the committee that, that
6 came up with, with the policy.

7 Q You would have been a supervisor in 2004 when it
8 was -- oh, that's the date that it says for implementation.

9 A Yeah, when they implemented it. I think that the
10 work on it probably began much sooner.

11 Q So before you were even a supervisor you mean?

12 A I think so, but I'm not positive.

13 Q Do you recall if there was any similar policy in
14 existence prior to the one that we're looking at here?

15 A No, I don't recall anything before this one.
16 Just general practice, what our general practice was. We
17 had assistant program managers. The supervisors did and
18 program managers but it was the assistance program managers
19 that, that managed the supervisors and we certainly were
20 aware of what the expectations were and they were very much
21 like this policy that, that was implemented in '04. So
22 while I'm not aware of a policy prior to this one, I still
23 knew that expectations were that supervision with each
24 worker needed to occur biweekly.

25 Q In 2003, who did you report to?

1 A In 2003, Penny Smith was my assistant program
2 manager.

3 Q Did you receive supervision from her?

4 A Absolutely.

5 Q What did that look like?

6 A It looked something like it would for myself and
7 the workers. I don't recall if it was biweekly. She met
8 with her group of supervisors on a regular basis but I was
9 lucky enough to have Penny right down the hall so I could,
10 in the 290 Jarvis building, so I could avail myself of her
11 knowledge and expertise pretty much when I wanted to.

12 Q And the purpose of this document, CD1634, what
13 was the purpose in creating it, do you recall?

14 A I think for there to be the same sort of
15 supervision given to workers throughout the agency, the
16 same level of supervision that, that all of it being ad hoc
17 was not good enough, that people required dedicated time
18 with their supervisor, workers did, and in order to, to
19 document the work that was being done.

20 Q Did it represent, policy that we're looking at,
21 did it represent a change in the way you performed your
22 supervision work?

23 A When it was implemented in '04, no, I don't think
24 so. I can, I can recall having supervision with, with the
25 teams that I supervised prior to '04, which would have been

1 mostly permanent ward teams and we absolutely had
2 supervision biweekly.

3 Q Okay.

4 A The workers generally really wanted to have
5 supervision, it was useful to them. Not all workers, but
6 generally they did.

7 Q In what way was it useful?

8 A They would, they would feel that they were on the
9 right track or they would find out that they weren't. They
10 would -- we would solve problems together, like I say if
11 they were struggling with a running teenager or a demanding
12 school teacher or something, right. They have felt
13 supported that they could get some assistance with how to
14 deal with that. People, workers wanted to have
15 supervision.

16 Q Was it an expectation on your part that if a
17 worker was having difficulty, for instance, in making
18 contact with the family, that they would tell you that?

19 A Yes. Yes, that would be a reason that, that they
20 hadn't -- if they hadn't made contact they would certainly
21 want their supervisor to know that it was because they were
22 unable, not unwilling.

23 Q Let's just look at some of the provisions of this
24 policy. The first page in front of you under the heading
25 "Definition" says:

1 "Supervision is a relationship
2 process between supervisor and
3 staff, in both one-to-one and group
4 settings, intended to meet certain
5 organizational, professional and
6 personal objectives. These
7 objectives or functions are:
8 Management - Competent, accountable
9 performance and practice
10 Education - Continuing professional
11 development and reflective practice
12 Support - Assisting the staff to
13 operate within the system
14 Mediation - Engaging the
15 individual with the organization"

16

17 And then it says:

18

19 "A detailed description of the
20 functions ... is attached as
21 Addendum A."

22

23 And if we turn to page 29042 we have Addendum A. So and
24 that just puts more detail on those functions. So, for
25 instance, just to look at a few, under "Administrative and

1 Management Function":

2

3 "- To ensure the purpose of
4 supervision is clear.

5 - To ensure the overall quality of
6 the staff's performance.

7 - To ensure policies and
8 procedures are understood and
9 followed."

10

11 And it goes on. Then there's an "Educational Function".

12 And then on the next page there's a "Supportive Function",
13 among other things,

14

15 "- To validate the staff both as
16 professional and as a person.

17 - To create a safe climate for the
18 staff to look at their practice
19 and its impact on them as a
20 person."

21

22 These are, these are essentially the things that you
23 outlined for us a few minutes ago as being part of your
24 duties.

25 A Yes.

1 Q So I think I understood you to say that this
2 policy was a reflection of how you were carrying out your
3 supervision even before the policy was drafted?

4 A I hope so, most of it. I was better at some
5 things than others, like everyone.

6 Q And then on the next page, 29044, under the
7 heading "Supervisor Notes":

8

9 "The role of the staff is to
10 provide case management services.
11 The focus of case management is on
12 capacity building with respect to
13 families, parents, communities and
14 children. The role of the
15 Supervisor is on capacity building
16 with respect to the supervisee."

17

18 It goes on to say that:

19

20 "Provincial standards outline,
21 very specifically, the record
22 keeping responsibilities of the
23 social worker or case manager.

24 It is recommended that Supervisors
25 record the following:

- 1 - Case material discussed in
2 supervision
3 - Supervision activity
4 - Information that belongs in a
5 personnel file."

6

7 And then it discusses "Record of the Supervision Session",
8 to record things such as:

9

- 10 "- Frequency and focus of
11 supervision.
12 - Key information shared."

13

14 And then the last two paragraphs on this page, it says:

15

16 "These notes are available to the
17 Supervisor and the supervisee.
18 These notes should be used to
19 inform annual performance reviews.
20 These notes can also be accessed
21 in the event of a grievance,
22 discipline, inquiry or complaint.
23 They should not/cannot be
24 destroyed. Upon completion of
25 performance reviews, as noted

1 above, the supervisor notes should
2 be placed in a sealed envelope and
3 filed in his or her office. When
4 a Supervisor leaves the Branch her
5 or his notes should be summarized
6 into a performance appraisal and
7 then archived as per our Branch's
8 archiving process.

9 When a supervisor has direct
10 contact or provides an
11 intervention on a case (i.e. a
12 phone call with a client), this
13 material should be recorded as per
14 our Branch recoding policy and
15 provided to the assigned social
16 worker for inclusion on the client
17 file."

18

19 Does this page of the policy that we're looking at, does
20 that reflect the practice that you followed with respect to
21 note taking as a supervisor?

22 A In terms of the types of notes, yes. I don't
23 know that, that that would have been the place that I'd
24 have put performance issues, but otherwise, yes, it
25 reflects it.

1 Q So you made notes of the supervision that you
2 carried out with respect to specifically the services
3 provided to Phoenix Sinclair and her family?

4 A I did. I had to have notes. With eight workers
5 and all the cases they had, the only way I could keep track
6 of what each worker was doing with their cases was to make
7 notes for myself.

8 Q When would you make those notes?

9 A During supervision. If I -- yes, if I had been
10 called by a client with concerns about a worker's decisions
11 then I would make notes on that as well.

12 Q In handwriting or --

13 A Yes.

14 Q -- were they typed?

15 A No, I did mine in handwriting.

16 Q And where did you keep them?

17 A In binders. Each of my eight staff had a binder
18 and when we would sit down to do supervision, I would write
19 my notes in my binder, date them and write them for each
20 case or whichever case we were talking about and the
21 workers generally made their own notes on what we had
22 discussed as well. So if we made a decision we both had
23 the information.

24 Q Where did the workers' notes go?

25 A I can't say for sure. Some of them made them

1 right into the black binders that they kept which was their
2 recording notes, they're, they're contact notes. Others
3 just brought a pad of paper to, to write down. Whether
4 they kept the notes from supervision or not, I, I don't
5 know.

6 Q Did any portion of your notes make their way into
7 a file, a case file?

8 A It's my understanding that they didn't. When the
9 file was closed, the practice was supposed to be that the
10 worker gave their notes, their case notes to the admin and
11 that the admin would get the supervision notes from me and
12 include them on a file. I didn't do anything personally
13 other than make the notes. It was, it was my belief that
14 the notes were being gathered up at the closing of a file
15 and placed on that file.

16 Q So when a file was closed, would you physically
17 take the notes out of the binder and hand them to the admin
18 person?

19 A Not usually.

20 Q Did you expect that the admin person would come
21 into your office and take them out of the binder?

22 A Yes, because she received the file for closing.
23 The worker would give her the file once the decision had
24 been made to close it. That worker would include their
25 notes, was to include their notes, handwritten notes, or

1 contact notes, and then the admin person would be aware
2 that that file was closing and would come and get the
3 supervision notes from me.

4 Q Do you recall the name of the admin person you
5 were working with in 2003?

6 A Yes, Joanne Godin.

7 Q When you left Winnipeg CFS in 2005, do you know
8 what happened with your notes?

9 A All of my supervision notes would have stayed
10 right in those binders on that shelf. That's -- the only
11 thing I would have taken were my own personal items.

12 THE COMMISSIONER: Unless they had been taken out
13 and put in --

14 THE WITNESS: Previously.

15 THE COMMISSIONER: -- the file when closed.

16 THE WITNESS: Yes. But the binders were probably
17 still sitting there.

18 THE COMMISSIONER: But they wouldn't as full as
19 they were.

20 THE WITNESS: One would hope.

21 THE COMMISSIONER: Yes.

22 THE WITNESS: Right, yeah.

23

24 BY MS. WALSH:

25 Q We know that there were no supervision notes

1 found on the protection file or with respect to the
2 protection file for Steven Sinclair. Do you know why that
3 is the case?

4 A No, I don't know why.

5 Q Does that surprise you?

6 A Yes.

7 Q Do you recall when you first heard about Phoenix
8 Sinclair's death?

9 A I do. I recall, I heard it on the news and the
10 child's name seemed familiar to me so I phoned someone I
11 knew at Winnipeg CFS and she told me that, yes, my name was
12 attached to that file.

13 Q And that was in March of '06 that Phoenix's death
14 became public?

15 A Yes.

16 Q Aside from your call to someone you knew at the
17 agency, was it, did anyone from the agency make a call to
18 you to discuss your involvement in the file?

19 A No, not until the inquiry began. Until I was
20 interviewed by Mr. Koster, that would have been the first
21 contact, but one of the reviews ...

22 Q And that was with respect to the report that he
23 prepared?

24 A Yes.

25 Q And we'll hear from, from you with respect to

1 that.

2 A Okay.

3 Q But no one from the agency contacted you to
4 discuss the work that you did?

5 A No.

6 Q No one asked you to come in and look for your
7 notes?

8 A No.

9 Q Or review the work that you had done?

10 A No.

11 Q Would that have been helpful if that had been
12 asked of you in 2006?

13 A I don't know. Helpful in terms of, of -- I don't
14 know that it would have, would have prompted more memories,
15 I don't know. Would it have felt -- it would have felt
16 good to have had someone sort of maybe gather us together
17 and have a conversation about it.

18 Q Would that have been educational?

19 A It certainly could have been.

20 Q And it would have felt fair?

21 A Yes.

22 Q You mentioned performance reviews. Did you
23 perform performance reviews on the workers you supervised?

24 A I certainly have done performance reviews. I've
25 supervised a number of teams and, and I certainly recall

1 writing performance evaluations. I don't recall if I ever
2 did on this particular team. I don't recall.

3 Q And what would a performance review consist of?

4 A There -- I don't recall there being an absolute
5 format that we used. There were many, we had choices, if
6 you like. There were some rather simplistic ones that just
7 spoke to how many cases do they have, do they ever go to
8 court, how do they, you know, do in various areas, and then
9 there were ones that required more lengthy descriptions of
10 the work done. It, it measured the progress of a worker in
11 the time since the previous evaluation. It, it certainly
12 cited any performance concerns, such as completing work on
13 time, note taking, et cetera, and it spoke to the workers'
14 hopes for what they wanted to accomplish.

15 Q Were those reviews shared with the workers?

16 A Yes.

17 Q Where were they kept?

18 A I don't know. I think probably workers or
19 supervisors, rather, sometimes kept copies locked in their
20 desk, but I think ultimately they were with human
21 resources.

22 Q So do you recall whether any performance reviews
23 you did were kept with your notes?

24 A They, they wouldn't have been, no. I, I wouldn't
25 have been comfortable keeping performance reviews in my

1 desk or in my office for anyone to look at.

2 Q So the unit that you supervised during the time
3 that you were involved with, with Phoenix's family, how
4 many workers did you say you supervised, eight?

5 A Eight.

6 Q And then one administrative person?

7 A Correct.

8 Q Do you recall what the average caseload was for
9 those eight workers in 2003?

10 A Well, I had a couple of workers on my unit that I
11 know had smaller caseloads, probably in the high twenties.

12 Q In the high twenties you say?

13 A Yes, because they were newer, mid to high
14 twenties, but I, but I would think that there were workers
15 that had mid-thirties. Sadly, the better a worker is the
16 more cases they get.

17 Q So high twenties, mid-thirties. Were those
18 appropriate caseloads for a worker?

19 A According to my opinion?

20 Q Yes.

21 A They're high and I say they're high because with
22 all of the demands on a social worker, because they don't
23 get to spend their whole day seeing clients, there are many
24 other demands on their time, they can't get to know every
25 family as well as we'd like them to, or every child in

1 their care as well as we'd like them to.

2 Another thing that we experienced, I think every
3 one has experienced in child welfare that's done front line
4 work is that there are always cases on your caseload that
5 take a lot of your time and attention that are higher risk,
6 that are, that there's lots going on at a particular time
7 that you have to attend to and there are lots of cases that
8 don't require as much attention. So is 30 too many? It
9 would depend on the nature of the cases but I think that it
10 certainly does not preclude workers doing most of the good
11 work that they, that they in fact do and that needs to be
12 done. I would never say that workload kept people from
13 doing good work because I know that they do good work. I
14 know that in spite of the fact that they have too much to
15 do, that they're doing good work.

16 Q So you, as a supervisor, would you accept a high
17 workload as an explanation for not doing certain tasks?

18 A I would accept a high workload as a reason why we
19 don't always meet standards, but some tasks don't get done
20 because of the workload.

21 Q Are there situations where you, as a supervisor,
22 would not accept an explanation of high workload as a
23 reason for failing to do something?

24 A Yes, there are. Such things as I haven't been to
25 see that family in four weeks because I have too many

1 cases. That's, that's not acceptable. I haven't, I didn't
2 go to court 'cause my caseload's too high. Paperwork was
3 what got left undone.

4 Q You said there were other demands on your
5 workers' times. Can you give us some examples?

6 A Yes, if -- I think one of the things that's very
7 time consuming for workers is court. It's at least a half
8 day out of their week. If they have children in care, of
9 course you just can't take that child and keep it, you have
10 to justify that apprehension to a court. The docket courts
11 at the time I was supervising were at least a half a day
12 that you waited in the hallway at the court and had your
13 matter heard, so that's a half day out of your week.

14 They had to respond to questions and concerns
15 from, from schools. If a child was not attending school or
16 if a child was attending school and had behaviour issues,
17 they were, they were expected, as that child's social
18 worker, to be a part of those meetings.

19 They, they attended management meetings with
20 their unit, well team meetings with their unit and that
21 team.

22 They, they did home visits. They had to visit
23 foster homes. They had meetings with foster parents. They
24 had meetings with the foster care department around the
25 rates set for the foster parent for children. They were

1 part of making a lot of decisions every day and, and
2 responding to crises on their families' files. I don't
3 ever remember a time when my mailbox as a social worker
4 didn't, wasn't full at 25. You come to work after lunch
5 and that mailbox was full again. There's always someone
6 demanding a social worker's time, a child welfare, a child
7 welfare worker's time.

8 Q I think you said that sometimes workers were not
9 able to take the time or enough time to get to know a
10 family?

11 A Yes.

12 Q And is that an important thing to do?

13 A It's, it's the most important thing to do, in my
14 opinion. If, if your clients are comfortable to sit down
15 and tell you about their lives, tell you about their hopes
16 and what has occurred in their life that is important to
17 them and that has impacted on some of the choices they've
18 made, that's where the work begins. You have to know your
19 families. You have to build a relationship --

20 Q We've heard a lot --

21 A -- wherever possible. Sorry.

22 Q Sorry. We've heard that, that clients often have
23 a mistrust of Child and Family Services.

24 A They do.

25 Q And so to overcome that is, is that by way of the

1 relationship building --

2 A I believe so.

3 Q -- you're discussing?

4 A Absolutely. I can't see that there's any other
5 way. I would say that that's the only way to overcome that
6 mistrust.

7 Q And when we talk about time consuming, what can
8 that look like?

9 A The relationship building?

10 Q Yes.

11 A Well, trying to get the relationship building can
12 certainly vary. Some people will, will allow you to come
13 into their homes and, and begin the process of relationship
14 building. Others you have to work much harder, convincing
15 them that, that having CFS in their life may in fact be a
16 good thing for them. But it can, it can take a very long
17 time.

18 Q Do you recall whether workload or caseload had
19 any impact on the services that your unit delivered to
20 Phoenix Sinclair and her family?

21 A Again, I -- do I recall whether workload was ever
22 impacted, is that what you're asking me --

23 Q Whether --

24 A -- on the services?

25 Q Whether that was a factor in how services were

1 delivered to Phoenix and her family.

2 A I don't, I don't believe workload was what
3 impacted the services delivered to Phoenix Sinclair, no. I
4 don't believe it was workload.

5 Q And we will --

6 A Okay.

7 Q -- as we go through the, the file and my
8 questions, we will talk very specifically about the work
9 that your unit delivered.

10 A Okay.

11 Q In 2003 how would your unit receive a file for
12 service?

13 A There were certainly two and in 2003, I don't
14 recall, but there may have been three Child and Family
15 Services units at 290 Jarvis, certainly two. Intake was in
16 another building. When an intake was opened for a family
17 in our catchment area the files were physically sent to our
18 office at 290 Jarvis and there was a system whereby whoever
19 was up for, whichever team was up for a file next, the team
20 would get that, that intake.

21 Q So the file would physically come to --

22 A Yes.

23 Q -- your unit?

24 A Yes.

25 Q And would it come to your attention as supervisor

1 first?

2 A When it -- yes. When it was my unit's turn to
3 get a file it would, yes, come directly to the supervisor.

4 Q What would you do after receiving it?

5 A I would read the file starting with the most
6 recent intake summary but I would absolutely read the paper
7 file, that's where I started, and then my process would be,
8 having read the file, knowing what the caseloads I would
9 have known at the time, the caseloads of my eight workers,
10 I would have made a choice based on their ability to take a
11 new case as well as matching that file with a worker. For
12 example, if I may, nobody -- there are very few social
13 workers who seem to want to work with teenagers. I was
14 lucky to have a couple on my team that did. So if I got a
15 file about an adolescent, there were, there was workers I
16 would choose for that. That's the kind of matching I'm
17 talking about, trying to match the case with a worker's
18 skills or interests.

19 Q So you said you would read the entire file?

20 A I would read the entire family file. Sometimes
21 we got children's files, as I say, with an adolescent that
22 were several volumes. I would read the most recent
23 information.

24 Q In the children's file?

25 A Yes.

1 Q But in the family file you would read the entire
2 file?

3 A I would read the file.

4 Q Not just the most recent --

5 A No.

6 Q -- material. Would you also look at the CFSIS
7 file?

8 A Sometimes. The only information in my, when I
9 was supervising family service units, was the -- that I --
10 that wouldn't be right on the paper file, would be the
11 information in the intake module. The intake module was a
12 separate computer program, if you like, that was the actual
13 notes of the intake worker that, that wasn't reproduced on
14 paper into the physical file, was rather summarized in the
15 intake summary.

16 Q Was the intake module in effect in 2003?

17 A I don't know. That's a very good question.

18 Q I think it was not.

19 A Okay. Then I wouldn't have looked at CFSIS.

20 Q Okay.

21 A Can I just say why I would read the entire family
22 file?

23 Q Please.

24 A Because it speaks to how, and I'll keep it brief,
25 but it speaks to, in part, to how I made decisions with my

1 workers about families. If, if you had a family file that
2 was fairly lengthy in terms of chronology, looking at that
3 family's progress or lack of progress was very important.
4 So if you had a family file that went back years and years,
5 it was very important to me to know where did we start with
6 these people and how far has this family come. That's why
7 it was important to me to read the whole file. I think
8 that to do this work you need to believe that people can
9 make positive change.

10 Q Thank you.

11 A Otherwise you can't do the work.

12 Q I want to talk for a minute about risk
13 assessment. What was expected of a family service worker
14 in terms of performing risk assessment?

15 A Files came to us from intake with an assessment
16 on it of risk. That was, that was often out of the intake
17 unit that sent files to the northwest part of Child and
18 Family Services, the north end where we worked. We had, we
19 got very thorough intake summaries. They came up with, and
20 I can't say how because I never worked at intake, but they
21 came up with an assessment of what the risk was based on
22 their experience, based on history. When we got that file
23 we certainly would pay attention to what that, what the,
24 what the intake summary said was the risk, however, my
25 expectation would be that risk would continue to be

1 assessed based on the experiences and the progress that the
2 family service worker would then have with the family. We
3 know that intake generally doesn't keep a file for too
4 long. The idea is to send it to the long-term family
5 service worker. And, and we know that relationships change
6 from worker to worker, depending on the client. So my
7 expectation would be that the risk assessment continues to
8 evolve based on the work that occurs.

9 Q And is a risk assessment different than a safety
10 assessment?

11 A At that time that -- I would have -- I'm trying
12 to think what I know now based, compared to, rather, what I
13 knew then, and at that time I wouldn't have known the
14 answer to that. I mean I know now that they're different
15 things but I, I don't think I would have seen them as
16 different in '03.

17 Q Okay. In '03 what was your understanding of a
18 risk assessment?

19 A Pretty much what I've said. It's what, it's what
20 the intake summary, it started where the intake summary
21 determined where risk was at at that point in time, at the
22 time the file transferred.

23 Q Risk of what?

24 A Well, whatever they said. There's, there's a
25 risk that there may be a family breakdown and the children

1 may come into care. There's a risk that if this child is
2 returned they may end up back in care. It's a risk of
3 whatever was pertinent to the situation of that particular
4 file. Their risks spoke to, generally coming from intake,
5 whatever they thought the risk might be. It, it varied.

6 Q And now you say you have an understanding that
7 there's a distinction between a risk assessment and a
8 safety assessment?

9 A Well, for me now, it's, it's, the safety
10 assessment comes out of the intake module and it's a more
11 immediate thing. Risk is more about future harm to me or
12 the potential for future harm to a child.

13 Q In 2003, when you were looking at assessing risk,
14 were you thinking of that in terms of assessing long-term
15 harm to a child?

16 A I'm going to have to ask you to ask me that
17 again.

18 Q Going back, putting yourself in 2003, was the
19 risk assessment that you required to have done, what
20 timeframe was that risk assessment looking at or taking
21 into consideration?

22 A Well, the entire duration of when the worker
23 would have the file. If a file had come to us with
24 something that said medium or high risk, the goal would be
25 to reduce, always to reduce risk over the life of the file,

1 over the life of the time that the worker worked with that
2 family. If it came at high or medium risk, the goal would
3 be to reduce it to low risk, low risk of whatever the issue
4 was. Certainly primarily low risk of harm to a child, low
5 risk to family breakdown, low risk -- whatever the
6 presenting issue was, let's reduce the risk or eliminate
7 it.

8 Q And harm could be abuse or neglect?

9 A Of a child?

10 Q Yes.

11 A Yes.

12 Q Did risk assessment, going back to 2003, did it
13 cover an assessment of the child's safety at a given point
14 in time?

15 A It would.

16 Q Did it also assess the long-term wellbeing of a
17 child?

18 A From intake?

19 Q No, at the time that your family services worker
20 would be assessing the risk to a child, did you expect that
21 they would consider the child's long-term wellbeing and
22 govern their actions based on that, what would be of
23 benefit to the child's long-term wellbeing?

24 A Depending perhaps on the, on the age of the
25 child. I wouldn't expect a worker to say that, you know,

1 an infant, everything seemed fine now and the infant was
2 safe and then be able to predict that it would have a, I
3 don't know how long term. They wouldn't be able to predict
4 how that child would do at school or what kind of a
5 teenager they'd be, so I'm not sure what you ...

6 Q So then the actions taken on the file would not
7 take into consideration those longer term eventualities?

8 A No, I wouldn't expect a social worker to speak to
9 that, no.

10 Q In the course of your work as a supervisor did
11 you access community resources?

12 A Oh yes. Not me personally but that was always
13 encouraged. It was, it was the only way to get everything
14 done on every file was, was to use the community resources
15 that were in the area.

16 Q So those were important to your work?

17 A Absolutely.

18 Q Okay. Did you find that clients were less
19 resistant to working with a community resource than working
20 with a CFS worker?

21 A Yes, often.

22 Q Did you find there were any impediments to
23 accessing those community resources?

24 A There always seemed to be waiting lists. There
25 were a lot of very good resources in the north end. In

1 live-in resources for women and their children, addiction
2 resources and parenting, not a program but organizations
3 that helped people with their difficulties in parenting but
4 there always seemed to be a wait list for the more
5 formalized programs, but there were drop-in programs that
6 people could access but that would be the impediment is
7 that there were wait lists.

8 Q Because I imagine if a social worker felt that
9 someone needed, for instance, to get into an addiction
10 program they would need it as of that moment.

11 A That would be ideal.

12 Q Right.

13 A Yes.

14 Q All right. Let's, let's go now to the work
15 specifically that was done with Phoenix's family and you
16 talked about the intake assessment that you received or
17 your unit received and that's at pages 37365 to 37375.
18 It's CD, it's from CD1796, which is Mr. Sinclair's
19 protection file. So if we look at the last page, 37375,
20 you'll see that the date of transfer is June 27th, 2003.

21 A Yes.

22 Q And the worker, the intake worker was Laura
23 Forrest and her supervisor was Andrew Orobko.

24 A Yes.

25 Q So you received this transfer summary around

1 June 27th or on June 27th, 2003?

2 A Yeah, I couldn't say -- I mean if that's when she
3 finished writing it, it would have been to us within a few
4 days of that.

5 Q Okay.

6 A Maybe the same day.

7 Q And how quickly would you assign a file once you
8 received it from intake?

9 A Certainly within a week, shorter ideally but ...
10 I wouldn't keep them in my file, in my office. I would
11 assign them fairly quickly.

12 Q You assigned this file to Stan Williams.

13 A I did.

14 Q Can you explain why you chose Mr. Williams?

15 A Yes. Stan Williams was one of the eight workers
16 on my team who I really didn't know that well. He was
17 there on workload relief. He was there when I got there in
18 the spring of '03, but he was a male aboriginal worker who
19 I came to learn used culturally relevant ways of working
20 with clients in the north end of Winnipeg. Many of our
21 clients were aboriginal and it was really quite a great
22 thing to have an aboriginal worker on my team and one that
23 practiced in a cultural way and a male and I say that
24 because most social workers at that time, perhaps still,
25 are female and with some clients and some families, I

1 believe that they, they would, might perhaps respond better
2 to a male worker. So to have a male aboriginal worker was
3 great. And I chose Stan for this -- did you ask me that,
4 why I chose Stan?

5 Q I did.

6 A Given that I could see from reading the file that
7 one of the problems with Steven Sinclair was that he was
8 resistant to CFS involvement, my hope was that Stan's
9 approach and Stan's being aboriginal might, might meet with
10 less resistance from Steven than had previously been the
11 case.

12 Q What would you have expected Mr. Williams to
13 review when you assigned the file to him?

14 A Same thing as me, the entire paper file. He
15 would, he would need to know the history.

16 Q Now we know that unfortunately Mr. Williams
17 passed away in 2009, I think.

18 A Seven?

19 Q 2007?

20 A I'm not sure. I don't know. He did pass away.

21 Q And so we're going to have to go through the work
22 that he did with your testimony.

23 A Okay.

24 Q So you said that Mr. Williams was already in the
25 unit when you got to it, when you --

1 A He was.

2 Q -- started supervising it?

3 A Yes.

4 Q Do you know how long he stayed with your unit?

5 A I don't remember exactly. I remember he came to
6 our Christmas dinner but I think he had already left by
7 then. So I arrived --

8 THE COMMISSIONER: In what year?

9 THE WITNESS: Of '03. So I -- he was there when
10 I got there in April of '03. I believe he was gone by the
11 end of the year, back to his original unit. He was from a
12 different Winnipeg CFS unit.

13

14 BY MS. WALSH:

15 Q And when the file was transferred to your unit,
16 were you aware there was also a file that had previously
17 been opened in Samantha Kematch's name regarding protection
18 issues for Phoenix?

19 A I was, I was aware, yes, because that was clear
20 in the, in the previous summaries that were in Steven's
21 file.

22 Q And so, for instance, if we look at Laura
23 Forrest's transfer summary at page 37366, under the heading
24 "History", it says:

25

1 "There are two protection files
2 with respect to these parents and
3 both contain pertinent information
4 regarding the children Phoenix and
5 [the baby]. Samantha Kematch is
6 the case reference for ..."

7

8 That particular file and then it goes on to discuss it.
9 Did you ask to see Ms. Kematch's file?

10 A I did not.

11 Q Do you know why?

12 A Because, as we will perhaps see in previous
13 recordings, in previous summaries, rather, she had been
14 absent from this little family since the summer of '01. As
15 far as I could tell in June of '03, July of '03 when we had
16 the file, Samantha had not been a part of the family since
17 the summer of '01, so for two years Steven had been the
18 primary -- well he had been the only parent.

19 Q And that was information you were able to see
20 from reading this intake summary?

21 A Right.

22 Q You didn't think then there was anything of
23 specific relevance in Ms. Kematch's file?

24 A At that time we saw Steven as the client and his
25 children, well child, and no, I didn't. We were working

1 with, the plan was to work with Steven.

2 Q And I'm going to say that I've been advised by,
3 by Mr. Sinclair's counsel that he is definitely Steve not
4 Steven.

5 A Oh, sorry.

6 Q And so we'll try and refer to him that way.

7 A Okay.

8 Q I know that all the files call him Steven and
9 it's a small thing but one likes to have one's name
10 referenced --

11 A Absolutely.

12 Q -- properly.

13 A I will be careful of that.

14 Q Okay, thank you. Did you ask to Mr. Sinclair's
15 child-in-care file?

16 A No, I didn't.

17 Q Why not?

18 A I think probably, I don't recall what I was
19 thinking then but if you ask me today, the references I
20 believe, in the file that I had in front of me, to Steven's
21 childhood weren't enough to, to make me think that I
22 absolutely needed that and again, because he was -- because
23 I believed that people make changes. So to read a file
24 that spoke to what he like at 11 or 14 as an adolescent
25 that did not want to be in CFS care, I wasn't sure that

1 that would be the least bit helpful information when what
2 we had before us was a young man that had clearly stepped
3 up to, to ensure that he was going to be the caregiver for
4 his child or children. Not that one's childhood history
5 isn't important, but on some level it appeared as though
6 Steven had overcome some of that.

7 Q And by 2003 he would have been 23?

8 A I believe so. He was born in '80 I think it
9 said.

10 Q If you had wanted to see Mr. Sinclair's child-in-
11 care file was there a process that you could have used to
12 get access to it?

13 A There was. I noted in other summaries here that
14 previous workers had endeavoured to get his permission to
15 have his child-in file reopened. I'm not sure that was
16 always necessary. I, I do recall having workers ask for
17 and get child-in-care files so I don't think it would have
18 been terribly difficult but I might be wrong.

19 Q Now you said you read Ms. Forrest's entire intake
20 transfer summary?

21 A Yes, oh yes.

22 Q And was there specific information in particular
23 that you were looking for when you read it?

24 A Well, as in any case, what caused the file to
25 re-open, to open or re-open, as in this case, what was the

1 presenting issue, how had the parent responded to that
2 issue, what, what had intake done as a result and what
3 needed to be done next. It's a pretty -- it's generally
4 sort of why we read the intake summary.

5 Q So if we look at, for instance, at the bottom of
6 page 37366, there's information there about Steve's
7 childhood. So reading towards the end of the paragraph it
8 says:

9

10 "Steven's biological mother's file
11 ... was closed in January 1992 as
12 there were no children under the
13 age of 18 years in the home. It
14 would appear that Steven is the
15 second youngest of eight children
16 born to ... his family of origin
17 [and it] was fraught with issues
18 concerning alcoholism, neglect,
19 sexual abuse, and domestic
20 violence. Steve has presented as
21 guarded and reluctant to share his
22 negative history as a child in
23 care which has prompted him to
24 parent his child in an effort to
25 spare her any similar such

1 experiences with the agency."

2

3 So was that information relevant to you and your worker in
4 working with Mr. Sinclair?

5 A Yes. The fact that he came from a chaotic and
6 dysfunctional family is important. It's not the only
7 important thing but it has significance. The fact that he
8 was guarded and resistant is not a surprise. As you've
9 indicated or you asked earlier, people are indeed resistant
10 to CFS involvement and Steve's experience with CFS had not
11 generally been positive. And it's pertinent in that his
12 own experiences had "prompted to parent his child in an
13 effort to spare her any similar such experiences". So
14 there's lots of important things in there, lots of
15 pertinent things. I don't believe for a minute that every
16 child who has been in agency care has been negatively
17 impacted by that to the point where they shouldn't parent,
18 that does not preclude people from parenting. I perhaps am
19 jumping ahead in terms of information but I think what we
20 also saw, if not in this summary but in others in this
21 file, is that his sister, who came from the same family was
22 in fact a very successful young woman with a job at Ma Mawi
23 and her own three children. So it's not unimportant that
24 Steven spent time in care and that it was a chaotic and
25 dysfunctional family, but it's not the thing on which our

1 case decisions would turn.

2 Q What about the information at page 37373 with
3 respect to the impact this information might have on
4 Mr. Sinclair's ability to parent? I'm looking at paragraph
5 that says:

6
7 "Steven and Samantha have clearly
8 indicated their mistrust and
9 unwillingness to be involved with
10 a child welfare agency however
11 they have not demonstrated a
12 capacity and commitment to ensure
13 their child's wellbeing enough for
14 the agency not to be involved.
15 Unfortunately, because of their
16 past involvement as wards of a
17 child welfare agency they are not
18 receptive to services from the
19 agency and they deny or minimize
20 any issues presented in an effort
21 to keep the agency away from them.
22 They would do anything, or
23 nothing, to keep the agency at
24 bay. It is this worker's opinion
25 that it is this attitude and

1 disregard for the agency that has
2 probably resulted in this agency's
3 previous termination of services,
4 and not a lack of child welfare
5 issues. If one looks back in
6 previous recording the identified
7 and unresolved problems are still
8 very much present in the family's
9 current situation. The problems
10 haven't gone away, and now neither
11 can the agency. The obvious
12 struggle in commitment,
13 questionable parenting capacity,
14 along with an unstable home
15 environment and substance abuse
16 issues, and lack of positive
17 support system all lend to a
18 situation that poses a high level
19 of risk to this child, for
20 maltreatment and/or placement in
21 agency care. Phoenix is in agency
22 care now, and it would probably
23 not be in her best interests to be
24 returned to either parent at this
25 time or until they can show

1 something to indicate that they
2 can and will be more responsible
3 and protective of her."

4

5 So that's the information that your unit received in June
6 of 2003.

7 A Um-hum.

8 Q What was the significance of that information
9 with respect to the work that your unit was going to be
10 doing?

11 A Well, I think, as Laura Forrest said, it is this
12 worker's opinion that it is, et cetera. She formed her
13 opinion, I'm assuming based on her, her review of the
14 history and her experience with Steve upon trying to, or
15 upon opening this intake. Her experience trying to get
16 Steve to engage with her just reinforced, it appears, for
17 her that this was a family that would do anything to make
18 the agency go away. She also talked a great deal about
19 Samantha. As I've indicated, we did not work with
20 Samantha, we didn't intend to work with Samantha. So the
21 references to Samantha and the opinion that she arrived at,
22 it wasn't meaningless for us but we weren't working with
23 Samantha. So Steve had not wanted to meet with Laura. We
24 read earlier, or as earlier indicated in this summary and
25 as I say that reinforced her opinion of him. We weren't

1 ignoring the history but we were starting from a fresh
2 place with a worker, with a different worker.

3 Q There's also information in this intake summary
4 that Steve's younger daughter passed away in the summer of
5 2001. Was that information significant to you and
6 Mr. Williams?

7 A It, it was certainly significant to me and --

8 Q What was significant?

9 A -- it appeared -- sorry?

10 Q What was the significance?

11 A It appeared as though there hadn't been any
12 follow up for Steve regarding this child's death. The
13 agency was involved but it appeared as though there hadn't
14 been follow up. I have heard that attempts were made. I
15 have heard since being in this room.

16 Q Through the process of this inquiry?

17 A Of the inquiry, yes. I have heard that attempts
18 were made and that again Steve didn't, didn't wish to avail
19 himself of any assistance from the agency.

20 Q But at the time that you were delivering --

21 A Yes.

22 Q -- services?

23 A Right. That's concerning to me. The, the death
24 of a child is, is a horrible trauma and it's, it's hard for
25 me as a social worker to understand how people could get

1 through such a thing without some expert assistance. I
2 don't, I don't know -- I would wanted to have known from
3 the worker one of the things I would have wanted him to
4 address --

5 A Your worker?

6 Q -- my worker, would have been how, how Steve
7 coped with that or was continuing to cope with that. How
8 has that impacted on his life and his ability to care for
9 Phoenix who he had with him then. So yes, it was, it was a
10 concern, but it wasn't a reason that he shouldn't parent.

11 Q All right. But something to be addressed by the
12 agency?

13 A Yes, right, right. And I would also disagree
14 with the obvious struggling commitment, the opinion
15 launched here because I think that Steve showed pretty
16 significant commitment. When, when the mother left him
17 with the two girls in '01, he didn't appear to falter.
18 Yes, he sought a lot of assistance but he, he wanted those
19 girls with him and by all accounts, again reading the file,
20 he was caring for them. So this is an opinion, right. Our
21 intention was to learn more and to make our own assessment.

22 MS. WALSH: Mr. Commissioner, would you like to
23 take the morning break now?

24 THE COMMISSIONER: Yes, that's fine. We'll rise
25 for 15 minutes. So you can take that time and be back on

1 the stand. Thank you.

2 MS. WALSH: Thank you.

3

4 (BRIEF RECESS)

5

6 BY MS. WALSH:

7 Q If we turn to page 37369, please. We're still in
8 the intake transfer summary from Laura Forrest and we've
9 been reviewing various recordings in that summary and I've
10 been asking you about the significance, if any, to the work
11 that your worker would do. I'm looking at the entry for
12 June 24, 2003, towards the bottom. You'll see the last
13 paragraph says:

14

15 "Worker contacted Steve's sister
16 Jenny ... She confirmed that she
17 is a friend to Samantha and told
18 her about the apprehension on
19 Sunday evening. Worker asked
20 Jenny if she has talked to Steve
21 and she said that she saw him
22 yesterday and when she asked him
23 what he was going to do he told
24 her that there was not much he
25 could do. He later told Jenny's

1 husband that he was going to get
2 Phoenix back. Jenny described
3 Steve as being lazy and could not
4 fully explain why he only really
5 provided care to Phoenix 3 or 4
6 days per month. Jenny informed
7 that the child goes to stay with
8 friends (names unknown or not
9 provided) for the rest of the
10 time. Jenny admitted that Steve
11 has issues as a result of his use
12 of alcohol and drugs and his
13 negative friends. She stated that
14 she has tried to talk to him about
15 these problems but he only gets
16 mad and he tells her to leave him
17 alone."

18

19 Was this information of significance to you and
20 your worker?

21 A It's, it's significant information. I don't
22 remember if Stan and I discussed it specifically. They
23 sound like a family that have disagreements with each
24 other, that, that get angry with each other. The fact that
25 she said that Jenny said that Steve was only providing care

1 three or four days per month would have been something that
2 I would have wanted Stan to follow up on.

3 Q Why is that?

4 A Well, it would be important to know who's looking
5 after the child the other days of the month, who's, who's
6 really caring for this little girl?

7 Q So that was something that your unit was going to
8 follow up on?

9 A It was something that I, I would have asked Stan
10 to confirm or have not confirmed, right?

11 Q At the time that your unit received this matter,
12 was Phoenix at high risk if she were living with her
13 father? Was that your understanding of the assessment?

14 A She wasn't at high risk because she was in care,
15 but had she not been in care and been with Steven at that
16 point, would it have been my assessment that she would have
17 been at high risk if she had been with Steven at that
18 point? I'm not sure. Again, the history with Steven as
19 the caregiver over the past two years was that there, there
20 had been one contact in two years and that was the time
21 that she had something in her nose and had been seen at
22 hospital. There had been reports that he was not caring
23 for her. These had only come to light at this time, that
24 he hadn't been caring for her and that he was too lazy to
25 bring her to the doctor. These are neglect matters, not

1 abuse issues. Nobody had ever accused Steve of being
2 abusive to Phoenix. If, if -- when she came into care when
3 she did, under the circumstances she did where dad was
4 under the influence of something and continued to use
5 whatever that, that substance was rather than ensure that
6 his, his daughter stay home with him, that was an absolute
7 legitimate apprehension and the child was at risk at that
8 point in time. If intake had made the decision to return
9 her at that point, or within some days of that
10 apprehension, do I think that he would have been at risk
11 with her? At risk perhaps of additional neglect but that's
12 all.

13 MS. WALSH: I'm just being advised that -- oh,
14 because my microphone wasn't on. Does that mean that the
15 transcript hasn't picked me either?

16 THE CLERK: (Inaudible).

17 MS. WALSH: You could hear it? Sorry, I've been
18 told that I can't be heard.

19 THE COMMISSIONER: Maybe you have to put your
20 microphone up a bit.

21 MS. WALSH: No, the microphone wasn't on.

22 THE COMMISSIONER: Oh.

23 MS. WALSH: That would definitely be a
24 prerequisite to -- but did the transcript pick it up?

25 THE CLERK: (Inaudible).

1 MS. WALSH: So we're fine. Okay, thank you.

2

3 BY MS. WALSH:

4 Q So you said that if Phoenix had been returned
5 rather than apprehended, in your view the risk that would
6 have been to her would have been one of neglect?

7 A Yes.

8 Q Not abuse?

9 A Right.

10 Q And was Phoenix's age at this point a factor in
11 accessing risk?

12 A Yes, she was, she was very young. At three, even
13 if she was verbal, that increases the risk, the fact that
14 you can't expect to get all the significant details from a
15 three-year-old. Yes, that increased the risk.

16 Q We've also heard evidence from other social
17 workers that a young child is particularly vulnerable
18 because of their, their size and their lack of verbal
19 skills, as you say. Would you agree with that?

20 A And inability to get her own needs met. But
21 again, neglect, right?

22 Q Right.

23 A There's never been an indication that she was at
24 risk of any abuse.

25 Q You've obviously read through Ms. Forrest's

1 assessment and, and intake form closely and you've told us
2 some areas where you don't necessarily disagree. Is there
3 anything else in this intake summary that was prepared as
4 of June 27th, '03 that you want to comment on?

5 A Yes. I, I think that we, Stan and I,
6 underestimated or minimized the significance and the
7 seriousness of Steve's substance abuse problems. I may not
8 have shared the same opinion as the intake summary, nor did
9 Stan, on, on every opinion that's expressed in here but I
10 think the substance abuse issue is one that we, Stan and I,
11 should have paid more attention to.

12 Q The intake worker had formulated a plan, that's
13 at page 37374. Is it fair to describe it as a barebones
14 plan, one which essentially left planning to be addressed
15 by the family services worker?

16 A Yeah, very much so, I would say.

17 Q Okay.

18 THE COMMISSIONER: Just a minute. I've lost you.
19 Where are you?

20 MS. WALSH: Page -- we're still in the intake
21 summary, Mr. Commissioner.

22 THE COMMISSIONER: Yes, I know that.

23 MS. WALSH: Page 37374.

24 THE COMMISSIONER: Yes, I was making notes there
25 and just --

1 MS. WALSH: Yes, sorry.

2 THE COMMISSIONER: -- didn't get to that. It's
3 all right. Now where did you ask her about?

4 MS. WALSH: You under the heading "Plan"?

5 THE COMMISSIONER: Yeah.

6 MS. WALSH: So that was the plan that was
7 formulated by the intake worker and her supervisor and I
8 asked whether this witness agreed with the statement that
9 it was essentially a barebones plan, leaving more formal
10 planning or fuller planning to the family services worker
11 and she agreed.

12 THE COMMISSIONER: Thank you.

13

14 BY MS. WALSH:

15 Q And so, for example, if we look at the first
16 point under the plan, it says:

17

18 "Assigned worker to establish
19 contact with both parents to
20 continue with a further assessment
21 of this situation and their --"

22

23 A Okay, no, we weren't going to work with Samantha,
24 just clarify that.

25 Q Okay.

1 A Okay.

2 Q All right. But the assigned worker would be a
3 reference to the family services worker?

4 A Right, yes.

5 Q So, so that first sentence that the assigned
6 worker would establish contact with both parents to
7 continue with a further assessment of the situation and
8 their circumstances, you already knew that you weren't
9 going to follow that plan when you got the file?

10 A Well, that we wouldn't be searching for Samantha
11 to participate in this.

12 Q Okay. And then it goes on to say:

13

14 "To date, there has been no
15 contact with the father, Steve,
16 despite this worker's messages
17 asking for him to call."

18

19 So you knew that, that the intake worker had not made
20 contact with Mr. Sinclair?

21 A Right.

22 Q And your unit would?

23 A Yes.

24 Q And did?

25 A Yes.

1 Q

2 "There has been one contact from
3 Samantha. It is known that Steven
4 and Samantha harbor some
5 resentment and mistrust of the
6 agency based on their past
7 experiences ..."

8

9 And then it concludes that first point by saying:

10

11 "What the parents should or need
12 to do if Phoenix is to be returned
13 to their care is to be determined
14 by the assigned worker upon their
15 further contact, assessment of the
16 family."

17

18 And that's what was done by your unit?

19 A Yes, yes.

20 Q So based on the intake assessment that you
21 received, what was the first thing you expected
22 Mr. Williams to do once you assigned him the file?

23 A To go and meet with Steven. On the next page the
24 ADP report or the ADP form to be completed. So that --

25 Q Just remind us what that was, please.

1 A Authority determination protocol. At that point
2 in time all of our clients, existing as well new clients,
3 were being asked to, to choose their, which authority,
4 general, north, south or Métis they wanted service from
5 once devolution was in place.

6 THE COMMISSIONER: What's "D" stand for?

7 THE WITNESS: Sorry?

8 THE COMMISSIONER: Authority ...

9 THE WITNESS: Determination.

10 THE COMMISSIONER: Determination ...

11 MS. WALSH: Protocol.

12 THE COMMISSIONER: Protocol.

13 THE WITNESS: Or process.

14 THE COMMISSIONER: Is it protocol?

15 THE WITNESS: I don't know if it's protocol or
16 process.

17 THE COMMISSIONER: She thinks it might be
18 process.

19 THE WITNESS: Right. I think, I believe the
20 forms are in here.

21 MS. WALSH: We are, we're going to come to the
22 forms.

23 THE WITNESS: It's, it's the process whereby
24 clients choose who they want service from, the essence of
25 devolution. And Steve, like every client, was offered that

1 choice. So that would be the first task. What I wanted
2 Stan to do was to meet Steve, have this piece of business
3 taken care of and begin to work with this young man towards
4 the return of his daughter.

5

6 BY MS. WALSH:

7 Q What would that involve, that work?

8 A Assessing Steve's ability, willingness, capacity,
9 readiness to desire to have Phoenix back in his care, to
10 look at what impediments there might be to that, to work
11 towards resolving some of those impediments.

12 Q Did you expect that Mr. Williams would work with
13 Samantha Kematch?

14 A No.

15 Q And that's for the reasons that you've already
16 explained?

17 A She had been absent for two years.

18 Q Did you meet with Mr. Williams over the course of
19 time that your unit had this file?

20 A I did.

21 Q Do you recall how often?

22 A I don't recall how often. I'm going to say
23 biweekly because that's when we made every effort to have
24 supervision. And in spite of the fact that I don't have a
25 whole lot of concrete memories of, I mean absolute minute

1 by minute memories of 2003, I do remember meeting with Stan
2 about this case and one other on lots of occasions and I
3 remember his presentation about it, I remember his
4 demeanour, I remember his, I remember talking to him about
5 this case.

6 Q Why is it that you have that recollection? Take
7 your time.

8 A Stan would, would lean forward in his seat and he
9 would, he would lock eyes with me and he would advocate for
10 clients. He would, he would cite their strengths and
11 their, their, what they had overcome in their life while
12 still acknowledging where there were things that needed to
13 occur. Even though I didn't know him very well, it was
14 evident to me that we shared a lot of the same attitudes
15 and beliefs and hope for, for kids and families and for
16 this work. And I remember that Steve was absolutely one of
17 the people that he advocated strongly for.

18 Q Now the plan that we saw that was set out in
19 Ms. Forrest's intake summary, you described that as
20 barebones. Did you expect that Mr. Williams would prepare
21 his and develop his own plan?

22 A Yes. Certainly point number 3 about family
23 visits, that would be an absolute expectation when a child
24 is in care that we would, a worker would make every effort
25 to make contact with their child as safe obviously but as

1 easy as possible. So that part of the plan I certainly
2 agreed with and wanted Stan to do. Number 4 was, turned
3 out to be easy. But beyond these five items, yes, I would
4 have expected him to formulate his own plan as he came to
5 know his client better.

6 Q Did he document that plan anywhere?

7 A Not really.

8 Q And we'll go through his file recordings --

9 A Right.

10 Q -- and I believe you'll be able to tell us more
11 about the plan but I just wanted to know whether there was
12 a formal documentation of his plan.

13 A Yeah. There, there doesn't appear to be any
14 written documentation. He certainly shared the plan with
15 me verbally and kept me apprised of why it was or wasn't
16 occurring. And but there was no, there was no written
17 plan.

18 Q What was the plan that Mr. Williams had
19 formulated for this family?

20 A Stan wanted to determine because -- no. Stan
21 wanted to determine that what Steven, Steve, needed to do
22 to be able to have Phoenix returned to his care, if indeed
23 he wanted Phoenix returned to his care, what would have to
24 happen. So like a good social worker, he would formulate
25 that plan with his client, not, not separate from the

1 client but with his client. The issue of substance abuse
2 was certainly one that Stan planned to address with Steve.
3 How to resolve that issue if indeed it was an impediment
4 would be resolved between them as, as the case progressed.
5 And the plan would be as it is wherever possible, return
6 the child when it was safe to do so. That would be Stan's
7 plan.

8 Q Now, Mr. Williams spoke to the plan somewhat when
9 he appeared in court with respect to the order of temporary
10 guardianship and now I'd like us to turn to page 35122,
11 which is from CD1731, which is the transcript of
12 proceedings before Master Lee held on August 13, 2003. And
13 this transcript runs from 35122 until 35129. So on this
14 day Mr. Williams was in attendance, as was Mr. Sinclair.
15 And if we turn to page 35124, if you look at, well first of
16 all counsel for the agency indicates that the mother was
17 present on July 2nd and consented to the order and that
18 today Mr. Williams and the father are present. And you'll
19 see, starting at line 21 Mr. Williams speaks and says:

20

21 "Speaking on behalf of
22 Mr. Sinclair.

23 I understand that he's been
24 having some struggles recently and
25 not too far in the past one of his

1 other daughters died and he's been
2 having some difficulties parenting
3 his daughter, who he has basically
4 parented for the last three years.
5 At this time baby's come into
6 care. Her name is Phoenix. And
7 is now placed with a, a place of
8 safety with the friends of the
9 family, the godparents. And
10 Mr. Sinclair is, is feeling that
11 he needs some time to, to get his
12 business in order and we're
13 prepared to support him in that
14 venture."

15

16 Can I just ask you the term "business in order", is that a
17 child welfare or a social work term?

18 A No, this is, this is a poor statement of a plan.
19 It's -- that's, that's not a term that we would use. It's
20 hard to imagine that somebody didn't get him to clarify
21 that. It's not a social work plan. It's not a plan.

22 Q Was that how Mr. Williams spoke?

23 A It was. He was -- he spoke in a, in a simple
24 kind of way. He was able to get his point across to, to
25 people he worked with, clients and his colleagues, but

1 there's a different standard, I think, in a courtroom and
2 that's, that is the way he spoke but I wouldn't think it
3 was adequate for, for the court to be able to consent to
4 keeping a child away from the parent. But I, the first
5 time I ever saw, we don't, supervisors don't get these
6 documents.

7 Q The transcripts?

8 A The transcripts of what occurs in docket court.
9 So the first time I ever saw this was when I first met with
10 yourself.

11 Q Okay. If we turn the page to page 35125,
12 Mr. Williams goes on at the top to say:

13

14 "So, in, in this, in this light
15 we're, we're asking -- we, we
16 think this will take about three,
17 three months to accomplish."

18

19 So that's where he shows that he's asking for the three
20 month temporary order.

21 A Yes.

22 Q And we know if -- we've gone through this
23 document earlier in the week with Ms. Poskar, counsel for
24 the agency.

25 A Okay.

1 Q And you've reviewed this document recently?

2 A Yes.

3 Q So I'm not going to walk you through the entire
4 transcript.

5 A Okay, okay.

6 Q But we also saw that present in the courtroom was
7 Mr. Harvie for Anishinaabe Child and Family Services and he
8 was asked about his client's intentions and there was
9 discussion about whether the placement was culturally
10 appropriate. That's, for instance, at page 35126, and the
11 court asks:

12

13 "Is that culturally appropriate
14 from the point of view of
15 Mr. Harvie's agency?"

16

17 And Mr. Williams says:

18

19 "I'm not sure what their standards
20 are but, but I understand both
21 parents are, are agreeable and
22 acceptable with the placement and,
23 and they know both, both parents."

24

25 And then Mr. Harvie goes on to say that it's not the agency

1 standards but provincial standards that they were looking
2 to comply with and that,

3

4 "The question simply is that the
5 first priority [they] have to look
6 at is extended family and the
7 second one is community awards and
8 the third one would be culturally
9 appropriate."

10

11 And Mr. Williams says:

12

13 "I think the, the mother is, is
14 aboriginal background."

15

16 And Mr. Harvie says:

17

18 "In light of that, I don't have
19 any instructions to oppose
20 this ..."

21

22 A What, what date was this?

23 Q This is August 13, 2003.

24 A So we know, even though we haven't discussed it
25 yet, that the caregiver they're speaking of is, is

1 Kim Edwards, but that when we first got the file that's,
2 that's not where Phoenix was. She was in an agency foster
3 home outside the city which is mentioned in Laura's intake
4 summary.

5 Q Right.

6 A And that Stan and I, Stan, made the decision to
7 move Phoenix from the agency foster home that was outside
8 the city to Kim's.

9 Q Yes.

10 A So that's the family they're talking about there.

11 Q Yes. And my understanding is that that's exactly
12 who Mr. Harvie is speaking about --

13 A Right.

14 Q -- and Mr. Williams is speaking about is
15 Kim Edwards and Ron Stephenson.

16 A Right.

17 THE COMMISSIONER: But she, she went into the
18 outside foster home upon apprehension.

19 THE WITNESS: Exactly.

20 MS. WALSH: And actually, Mr. Commissioner, if
21 you recall we heard evidence that first she went to an
22 emergency placement --

23 THE WITNESS: Right.

24 THE COMMISSIONER: Yes.

25 MS. WALSH: -- and then she went to a foster home

1 outside the city.

2 THE COMMISSIONER: Yeah.

3 MS. WALSH: And then she was placed with Kim
4 Edwards and Ron Stephenson and we're going to pursue that
5 in a minute.

6 I just wanted, for the record, Mr. Commissioner,
7 to put into the public record a letter that our office
8 received. It's at page 43574 and 43575.

9 THE COMMISSIONER: Four three ...

10 MS. WALSH: 43574 --

11 THE COMMISSIONER: Yes.

12 MS. WALSH: -- and 43575.

13

14 BY MS. WALSH:

15 Q This is a letter dated May 10, 2012 and it's
16 addressed to me and it was in response to a request for
17 information that I had made with respect to Anishinaabe
18 Child and Family Services' intentions and reasons why they
19 were participating in the child protection proceedings in
20 the summer of 2003. I simply wanted to know if there was
21 more than what was apparent from the transcript that we've
22 just been looking at. And it's a little hard to read the
23 copy, but you'll see that the reply which comes from Emma
24 Edwards, the administrator of Anishinaabe Child and Family
25 Services which a copy to Mr. Harvie, their counsel, says

1 that, just confirms that Anishinaabe was served with the
2 petition and notice of hearing concerning Phoenix because
3 the native band for her father was Lake St. Martin First
4 Nation which was a First Nation served by that agency. I
5 had sent the transcripts to them and they confirmed that,
6 they indicate that Mr. Harvie attended and requested
7 particulars on the placement and planning for Phoenix. The
8 matter was adjourned for several, on several occasions, as
9 we heard from Ms. Poskar, and then they reference, the
10 letter references section 421 of the program standards
11 manual for Child and Family Services agencies and says that
12 at the time of the hearings in the transcripts it was the
13 standard procedure of Anishinaabe to attend court when it
14 was served with a petition to ensure placement priorities
15 set out in section 421 were followed and in this case, CFS,
16 to see if CFS could,

17

18 ".... locate an extended family or
19 community of origin placement for
20 Phoenix Sinclair, however, the
21 placement referenced by the worker
22 in the transcript ..."

23

24 We've just been looking at,

25

1 "... indicates that both of the
2 foster parents were known to, and
3 accepted by, the Director of Child
4 and Family Services and the
5 biological parents. The foster
6 mother was stated by the worker to
7 be of aboriginal background.
8 Lacking any other placement to put
9 forward to the petitioner, this
10 was acceptable to [Anishinaabe
11 Child and Family Services] as
12 stated on the record."

13

14 So I just wanted to have that information in the record.
15 That's the extent of the information with respect to that
16 agency's involvement.

17 And if we go back to the transcript from the
18 August 13 proceedings just briefly, at page 35125, you'll
19 see towards the bottom of the page, Ms. Poskar asks
20 Mr. Williams whether, given that the mother consented on
21 July 2nd, whether having the order run for three months
22 from July 2nd was sufficient time for the plan to develop
23 and he indicated that he thought it was. Was that
24 something that you were aware of?

25 A I was aware that Stan was requesting a three

1 month order. I wasn't aware until after court that it
2 would only, that it would run from the time that
3 Ms. Kematch consented which significantly reduced the time
4 of the order, but at the end of the three months, as Stan
5 indicated, to reassess dependent upon what occurred between
6 him and Steven in terms of the plan between this and the
7 end of the order. So I was aware after court that it had
8 been reduced in terms of the running time of the order.

9 Q Now in terms of the plan itself, can you recall
10 anything specifically about what Mr. Williams' plan
11 involved? We will look at his notes --

12 A Okay.

13 Q -- but before we get there.

14 A Well as I, as I say I know he was going to
15 address the issue of substance abuse with Steve and
16 determine again what, what other, what other problems
17 needed to be addressed before, before he could resume care
18 of his daughter.

19 Q So was his plan to leave Phoenix in care while
20 the substance abuse issues were being addressed?

21 A His plan was to leave Phoenix in care until those
22 issues were resolved in some way, yes. Not necessarily
23 until Steve attended treatment but until there was a
24 further assessment of how significant the problems were or
25 how much of an impediment they might be to the child's

1 return. Stan was, in spite of the fact that he had
2 history, in spite of the fact that we had the intake
3 opinion, he was starting with his own assessment. He was
4 starting fresh, if you like, with -- that was his intent,
5 that was his style and that's what he was going to do.

6 Q Was he contemplating that Phoenix would be put
7 back with Steve in some way before the three month order
8 expired?

9 A Yes, thank you, he was. He had suggested that
10 because he believed the risk to her for anything other than
11 perhaps neglect, was such that Phoenix could have been
12 returned under an order of supervision with some supports
13 in the home. He proceeded on, on that by requesting of the
14 resource department for an in-home support worker to
15 attend, I don't recall how often, but to be attending to
16 Steve's home with Phoenix having been returned. That
17 ultimately didn't, didn't happen because Steve didn't feel
18 he was ready.

19 Q So, and just so that we're clear on the timing --

20 A Right, okay.

21 Q -- this file was assigned to your unit at the end
22 of June of '03.

23 A Yes.

24 Q And Mr. Williams would have started working on it
25 shortly after that time, the beginning of July?

1 A I think pretty quickly. I think if we looked at
2 the ADP --

3 Q Yes.

4 A No, we won't go there.

5 Q We'll, we'll get there.

6 A Okay.

7 Q And the beginning of July --

8 A Yes.

9 Q -- he starts recording.

10 A Yes.

11 Q So, so this plan that you're talking about that
12 he had originally to put Phoenix back with Steve with some
13 form of, with an order of supervision and in-home
14 support --

15 A Right.

16 Q -- that was something that he was thinking of
17 doing as of July of '03?

18 A Yes, almost immediately it would appear.

19 Q So by the time we come to the actual court
20 proceedings that formalized the three month temporary order
21 in August --

22 A You're right.

23 Q -- that plan has, has --

24 A Has already fallen by the wayside, if you like.

25 Q Okay.

1 A Yes.

2 Q Okay. Just so that we get our timing straight
3 on, on --

4 A Right.

5 Q -- what work was done when. So when Mr. --
6 excuse me -- when Mr. Williams first thought of working
7 with Mr. Sinclair to address his substance abuse issues,
8 what would that have involved?

9 A Between worker and client? Yes. Again, knowing
10 Stan and given the importance of having your client be part
11 of the plan, it would have involved discussing the nature
12 of the substance abuse, how often it occurred in Steve's
13 life, was he using whatever the substance was in a social
14 or recreational way or was he using it to cope. I recall
15 that Stan had some expertise around substance abuse. He,
16 he had some knowledge of alcohol addiction. I don't know
17 where he got that but he had, I can safely say more
18 knowledge than the average worker. And he would, he would
19 assess with Mr. Sinclair, with Steve, what was required.
20 Did he require live-in treatment? Did he require
21 outpatient treatment? Did he require meetings? What did
22 he require?

23 Q How easy would it have been to arrange those
24 types of treatments that you're describing?

25 A I think outpatient services would have been

1 fairly easy to arrange. In the north end is an
2 organization called Native Addictions Council which is the
3 choice for many clients that we had then and they had
4 regular outpatient forums where people could, could go and
5 receive, group sessions usually where people could go and
6 receive education and assistance.

7 Q If Mr. Sinclair were seeking treatment from an
8 agency such as that, where would Phoenix be?

9 A Oh she was in care. Oh, if we'd returned her?

10 Q With the original plan where Phoenix would be
11 returned.

12 A The support worker could have been the one to
13 provide child care while he attended meetings.

14 Q So that was part of his initial plan?

15 A Yes.

16 Q Okay. And then as we saw from the court
17 proceedings and as we'll see when we look at Mr. Williams'
18 notes, that plan did not get put into place and instead a
19 different plan occurred.

20 A Right.

21 Q And how would you describe that plan?

22 A The next one? Well, it appears or it appeared
23 that that there was some apparent willingness on Steve's
24 part to attend counseling, however that didn't occur.
25 Again, remembering Stan's support and advocacy for this

1 client and Stan's own knowledge of addictions, his, his
2 conversations, his meetings, his contacts with, with Steve
3 appeared to satisfy him that the need for external
4 treatment was not immediate, was not pressing enough for it
5 to be something that precluded Steven, Steve being unable
6 to parent Phoenix. I can -- that's, that's really all I
7 can say about that. The plan ultimately became that, that
8 Steve's reliance on alcohol was not so serious as to
9 prevent him parenting his child. I know now that that was
10 wrong. I, I believe now that that was wrong.

11 Q And at the time what did you believe?

12 A At the time I believed that Stan knew his client
13 best and believed in what he was telling me.

14 Q And you said you had regular meetings with
15 Mr. Williams?

16 A I did, certainly about this case and a few others
17 I recall.

18 Q What can you tell me about Mr. Williams' skills
19 as a note taker or record keeper?

20 A They were not good. Like -- not like everyone
21 but Stan had some amazing skills with clients and as a
22 social worker. His record keeping was not one of his
23 strengths. I, I -- given my own shortcomings and
24 abilities, my preference is always somebody who joins with
25 clients, someone who assists families, someone who believes

1 in and helps clients to a place where they are capable of
2 caring for their children is more valuable than somebody
3 who takes regular notes. I know it would be wonderful if
4 all workers could do all those things well, but the reality
5 is they don't and, and Stan was not good at, at record
6 keeping, at note taking, at documenting. He was not good
7 at it. It was a shortcoming.

8 Q But he had other strengths?

9 A He had other strengths, absolutely.

10 Q Did you ever discuss with him his shortcomings
11 with respect to record keeping?

12 A No, because I didn't see them. I didn't, I
13 didn't examine or audit workers' notes. If they brought
14 them to supervision I would see them but I didn't make it a
15 point to go to workers' desks or request that they show me
16 their notes. The only time I saw Steven, or sorry, Stan's
17 paperwork was when he would close a file or transfer a file
18 or as a result of the inquiry.

19 Q You would review his closing summaries --

20 A Absolutely.

21 Q -- for instance?

22 A Yeah.

23 Q And you would have to do that before you signed
24 off on it?

25 A Yes.

1 Q Okay. But you met with Mr. Williams to discuss
2 the work that he was doing with Steve Sinclair?

3 A Right. And what I heard from him verbally in, in
4 supervision was far more revealing than what his notes are.

5 Q As you've now seen them?

6 A Yes.

7 Q Okay. And if we turn to the addendum that was
8 prepared by the intake worker, page 37376, the last
9 paragraph talks about,

10

11 "Emails were exchanged between
12 this worker and Heather
13 Edinborough on July 3, 2003
14 regarding the case. Worker asked
15 if it would be possible for the
16 new worker to complete the ADP
17 forms given Steve's lack of
18 response and Heather indicated
19 that this could be possible.
20 Worker committed to attend court
21 again on July 9, 2003 to speak
22 about the plan ..."

23

24 And then on the next page -- Mr. Commissioner, I think that
25 the copy that you have does not have the second page, so if

1 you want to see it you'll have to see it on the screen. My
2 apologies.

3 The intake worker goes on to say,

4

5 "Worker spoke with Ron Stephenson
6 on July 7, 2003. he has tried to
7 make contact with Steve ... no
8 success.

9 A message was left for
10 Samantha ...

11 The started ADP forms and a hard
12 copy of this addendum sent to the
13 assigned worker Stan Williams on
14 July 7, 2003."

15

16 So this is the ADP that we were just talking about and
17 let's go to the email communications that you had with
18 Ms. Forrest. If we turn to page 37459, this is from
19 CD1796, is a series of email communications that you had
20 with Ms. Forrest on July 3. So if you go to the bottom of
21 that page, please. You're writing to Laura Forrest on
22 July 3rd. You say:

23

24 "Hi Laura,

25 I am assigning this file to Stan

1 Williams today."

2

3 So there's, there's the answer to the date that the file
4 was assigned --

5 A Um-hum.

6 Q -- July 3.

7

8 "I spoke with Gloria W. ..."

9

10 Who was she?

11 A Gloria was the paralegal, I guess, for Winnipeg
12 CFS who came to all the docket courts and prepared all the
13 paperwork.

14 Q So it says,

15

16 "I spoke with Gloria W. who says
17 that you were at court yesterday
18 to state the plan, ... mom
19 consented to a 3 month temporary
20 order. She indicated that the
21 [Anishinaabe] lawyer had it put
22 over to next week, so the plan
23 would have to be re-stated."

24

25 What's that about? Why does the plan have to be restated?

1 A For --

2 Q Because you're going to court again?

3 A -- the father, I suppose.

4 Q Would it relate to, to the particulars that
5 they're waiting to receive perhaps?

6 A Perhaps.

7 Q I don't think it's --

8 A When you have to state the plan, I think you have
9 to restate the plan all the time at docket court. It could
10 be a new master in the court or ...

11 Q So each time you're before the court you have to
12 state what the plan is?

13 A Yes, yes.

14 Q Okay, thank you. And then Laura replies, if we
15 go up the page, please:

16

17 "Hi Heather,

18 Thanks for your note. I am trying
19 to finish the addendum with any
20 pertinent information for the
21 worker so I will send that off to
22 Stan within the day. I am going to
23 court on Wednesday to restate the
24 plan for [Anishinaabe] and will
25 give that info to Stan as well.

1 Now I wondering one thing. I have
2 not been able to find dad to
3 complete the ADP. I have tried to
4 see him. His family has told him
5 to call me and he won't and he did
6 not even show up for court. Would
7 it be too much to ask if Stan
8 could complete this form with the
9 dad when he does eventually meet
10 with him. It would be a great
11 help to me if this was possible
12 and I would be most appreciative.
13 Could you let me know."

14

15 And then going up to the top you say,

16

17 I'm sure Stan would be okay with
18 that. He's a most agreeable
19 fellow."

20

21 And you thank her for doing the court piece.

22 A Yes.

23 Q So let's look at those ADP forms now. That's
24 pages 37527 to 37531. Well, one has to stand on one's head
25 a little. But it consists of four parts, what we have.

1 This is still in CD1796. So the first page has family
2 information. It has the name of the father and the child
3 Phoenix. Do you see that?

4 A Yes.

5 Q And it's dated July 10, 2003 as the first
6 interview date and finish date. And then the next page,
7 part 2, the authority of record determination and it notes
8 the band name is Lake St. Martin. And then part 3 on the
9 next page shows -- I don't know, are you able to read that?
10 You have a hard copy in front of you?

11 A I do.

12 Q Okay. That's -- you don't have to do contortions
13 then. So that shows under, the first section you've got
14 the authority of record for the case reference which is
15 First Nations of Southern Manitoba, that's for the
16 caregiver, and then the choice of authority for service.
17 What's the reason, what's the distinction between those
18 two?

19 A Because Steve, based on the first two pages,
20 identified with or had status with Lake St. Martin --

21 Q Yes.

22 A -- that is his authority of record, that's who
23 would be the one to provide service to him, unless he chose
24 someone else.

25 Q So that's based on which First Nations band he's

1 affiliated with?

2 A Yes.

3 Q Okay. So each --

4 THE COMMISSIONER: Let me ask the witness --

5 MS. WALSH: Sure.

6 THE COMMISSIONER: -- is this document prepared
7 because it was required for the court or what was the
8 purpose of it if that wasn't it?

9 THE WITNESS: My understanding is that that was
10 in preparation for the files to be transferred for
11 devolution. The whole point was --

12 THE COMMISSIONER: Oh, okay.

13 THE WITNESS: -- that people get a choice --

14 THE COMMISSIONER: Okay.

15 THE WITNESS: -- who they get service from.

16 THE COMMISSIONER: Yes, yes, okay.

17

18 BY MS. WALSH:

19 Q And we're in 2003 so we're seeing that these
20 forms are being filed out as of 2003.

21 A Yeah, in advance.

22 Q So there's an affiliation with an authority of
23 record based on the primary caregiver's band and then they
24 have an opportunity to choose if they want either that
25 authority or a different authority for receiving care?

1 A Right, yes, receiving service, they could have
2 chosen anyone.

3 Q So in this case we see under section 1, the
4 authority of record is First Nations of Southern Manitoba?

5 A Right. That's unchangeable.

6 Q Right.

7 A Right.

8 Q Based on the band that a person is.

9 A Right. Or being Métis or not being --

10 Q Okay.

11 A -- aboriginal status.

12 Q So if someone were not aboriginal or Métis then
13 automatically their authority of record would be the
14 general authority?

15 A Exactly.

16 Q And then under section 2, the choice of authority
17 of service, First Nations of Southern Manitoba has been
18 chosen.

19 A Right.

20 Q And then it indicates who made the choice and
21 that's, says the family.

22 A Right.

23 Q So this document was filled out between
24 Mr. Williams and Mr. Sinclair? If we go to the third
25 section there are signatures there. You see the worker's

1 signature?

2 A I do.

3 Q And that's Mr. Williams?

4 A Yes.

5 Q And your signature below that?

6 A Right.

7 Q And above those signatures the case reference or
8 primary caregiver, you understand that to be Steve
9 Sinclair's signature?

10 A I would assume. It looks like that is.

11 Q Okay. And so that indicates under section 3:

12

13 "I have been given the choice to
14 select which Authority will
15 provide services to my family."

16

17 A That's right.

18 Q Okay. And that's as of July 10, 2003?

19 A Right.

20 Q And then it says:

21

22 "Based on the Authority of
23 Service" chosen by the family the
24 Service Provider will be:
25 Anishinaabe Child and Family

1 Services of Winnipeg."

2

3 A Eventually. It was -- clients were made to
4 understand that they were making a choice that was not
5 going to happen right at this point in time, but when all
6 of the transfer of files was finished, that his, his
7 service provider would then be Anishinaabe. At this point,
8 I think, the, the First Nations agencies weren't
9 practicing, didn't, weren't practicing in the city, just on
10 reserves, so I'm not positive of that but this was not a
11 change that could have happened immediately and my
12 understanding is that this was explained to clients. This
13 -- once, once we're all up and running under the new
14 system, Anishinaabe would be your, your service provider,
15 Steve Sinclair.

16 Q You mean when devolution was fully rolled out?

17 A In the meantime you have to put up with Winnipeg
18 CFS. I think that was the message people were having to
19 give to clients.

20 Q And the new system being the devolution?

21 A Yes.

22 Q Okay. And then on the next page the reasons for
23 authority of service selection, we see cultural or social
24 identification of primary caregiver has been checked off.

25 A Right.

1 Q And then if we turn to page 37531, this is part 4
2 of that form, this is authority determination form notes to
3 file. And it appears that the entries from June 24th, '03,
4 to July 2nd, '03 and then again on July 7th, '03 are
5 entries made by Laura Forrest?

6 A Yes.

7 Q And what do these notes document? What's your
8 understanding?

9 A The efforts made to meet with the client and have
10 the ADP forms signed why it may not have happened.

11 Q Okay.

12 A And then the final one, which is Stan's, is that
13 it did happen.

14 Q So the handwriting in the last entry, July 10,
15 please go to the bottom of the page, please. Thank you.
16 July 10, '03 it says signed forms, no problems?

17 A Yes, I don't know.

18 Q Signed something, no problems.

19 A I don't know what that word is.

20 Q Mother not in home, whereabouts unknown, Samantha
21 Kematch, and then is that Mr. Williams' signature?

22 A Yes.

23 Q Now if we go to page 37454 to page 37456, what is
24 this document?

25 A It's, it's a form filled out by a worker when

1 they were requesting in-home -- well not necessarily
2 in-home, but support services from a different department
3 of the agency, the resource department.

4 Q Okay. And that's dated at the top July 10, 2003
5 with an expiry date of October 28, '03?

6 A Yes.

7 Q And it's identified as a new request?

8 A Um-hum.

9 Q The primary client being Steve Sinclair. And
10 then it says in handwriting in the middle, "Respite for
11 daughter Phoenix age 3"?

12 A Yes.

13 Q And under number 5, "Family Support Activity",
14 respite is checked off. And under number 6, "Primary,
15 Current Reason for Family Support Involvement", substance
16 abuse by parent is checked off. "Service Arrangements",
17 requested start date July 28, '03, direct service hours
18 four hours per week, to expire October 28, '03.

19 And if we go to the next page, there's more
20 information there. They identify the one child. Potential
21 for violence, no. They go through health information and
22 then "Background Information":

23

24 "Steve Sinclair is a single father
25 who is caring for his daughter

1 Phoenix and is struggling with the
2 death of his daughter who died on
3 July 15, 2001. Since then he has
4 turned to alcohol as a coping
5 mechanism."

6

7 Under "Objectives of Family Support Involvement":

8

9 "Steve needs support in order to
10 address his substance abuse, and
11 learn new ways to deal with the
12 grief he is struggling with."

13

14 Under "Activity" for the support worker:

15

16 "Provide respite and child care."

17

18 For the social worker:

19

20 "Monitor Steve's progress."

21

22 And then it lists significant others involved,
23 Geni Sinclair, Steve's sister, and it gives her address;
24 Angie Danielle Sinclair, Steve's sister; and Sheila. And
25 then it's signed by Mr. Williams on July 10th and by you on

1 July 14th.

2 So this form, this request for family support was
3 prepared by Mr. Williams?

4 A That's right.

5 Q And this was done July 10th. Was this consistent
6 with the original plan that you described to us?

7 A Yes, absolutely. Where it says four hours a week
8 respite, time to be determined, I think it said further up,
9 it seems pretty evident looking at it now that it was
10 Stan's expectation that this respite worker would care for
11 Phoenix when Steve attends some kind of substance abuse
12 treatment and that's why time to be determined, they didn't
13 know where the meetings or the times of the meetings or the
14 intervention would be. But he was trying to get a worker
15 in place to do this work in the event that Steve agreed to
16 go to the counseling.

17 Q And in that case Phoenix would have been returned
18 earlier but with an order of supervision, I believe you
19 said.

20 A That, that would have been my requirement, the
21 order of supervision probably.

22 Q Okay. And with an order of supervision who has
23 guardianship during --

24 A The parent.

25 Q The parent?

1 A Yes.

2 Q Okay. So what is the effect of an order of
3 supervision?

4 A In a family or with a client like this they are,
5 they need to understand that it enables the agency to be in
6 their home whenever they see fit. It's -- I mean the
7 agency can go in a home if they believe a child is at risk
8 anyway but this just gives it a little more teeth. With a
9 client like Steve who was noted to be resistant or not open
10 his door an order of supervision would have been a good way
11 to go. He would have to agree to it. There'd be
12 conditions attached to it and he would have to agree to it.
13 Obviously we didn't get to that point but for a client such
14 as Steve with those, that history of resistance it would
15 have been the way to go.

16 Q So as of July 10th, '03 when, when the request
17 for a family support worker is filed out, the plan was that
18 Steve would agree to an order of supervision, Phoenix would
19 be returned to him, the support worker would be put in
20 place and Steve would be hooked up with some form of
21 treatment for substance abuse?

22 A Yeah. And how I wish we had gone ahead with that
23 plan, quite frankly, because as I said earlier, the risk to
24 the child at this point was one of neglect, not one of
25 abuse, and often the support workers who spent time in the

1 home were folks that, that found it perhaps easier to build
2 relationships and gain the trust of clients because they
3 weren't seen as any kind of a threat. They weren't the
4 people who could apprehend your child. They often became,
5 for lack of a better word, friends with, with families. Of
6 course there's no way to predict what might have happened
7 but this didn't happen and it's too bad, very too bad.

8 Q And what's your understanding as to why that plan
9 didn't get put into effect?

10 A Steve indicated he wasn't ready. He wanted more
11 time to do whatever he needed to do to feel stronger before
12 he went, before he took his, his daughter back to his care.

13 Q So if we turn to page 37453, we see that this is
14 entitled "Family Support Contract Change/Termination Form"
15 and it's dated at the bottom July 31, '03 and if we go back
16 to the top we see the client's name is Steve Sinclair, the
17 worker's name is Stan Williams and it says termination
18 effective July 29, '03 and under the remarks:

19

20 "Social worker cancelled service
21 before it began."

22

23 A Right.

24 Q And so this is because the original plan was not
25 going to be put into effective after all?

1 A Right. Stan would have heard from Steve by that
2 point that he wasn't ready. Can ...

3 Q Yes?

4 A Because this page is here now and because I know
5 more than I did in '03, for a parent to say I don't want my
6 child back, should have been a way bigger red flag for us
7 because it speaks to the parent's attachment to that child
8 and that's a really big topic, but because that page is
9 here now I wanted to say that.

10 Q And you say you know more now than you did in
11 '03. What's the basis of that increased knowledge?

12 A My master's degree, my readings, my practicum, my
13 studies were in, about attachment and I've done a lot of
14 training here in the city about attachment and I should
15 have known it then. I mean that's, that's a very odd thing
16 for somebody to say I don't want my child back. That's
17 unusual. However, this young man was coping with a
18 great deal but it should have been a, a much bigger red
19 flag.

20 THE COMMISSIONER: A red flag would --

21 THE WITNESS: To me and to Stan.

22 THE COMMISSIONER: As a warning or what?

23 THE WITNESS: Yes. As a warning about this young
24 man's capacity to parent.

25

1 BY MS. WALSH:

2 Q If you had seen it as a flag at the time, what,
3 if anything, would you have done differently?

4 A At that point nothing different, but come time to
5 close the file, it would have caused me to ask different
6 questions of the worker who wanted to close the file.

7 Q Such as?

8 A We have concerns about his attachment to this
9 child. What can we do to assist in improving, increasing,
10 strengthening that attachment? If -- I'm not sure what,
11 what specifically attachment related programs were
12 available in '03, I know there are now, but there are
13 therapists who could have done that work. I would have
14 wanted a further assessment of his attachment to his child.

15 Q Did you, as of '03, had you received any training
16 in attachment?

17 A I had started my master's degree in attachment, I
18 had done my own reading, I had done, I had done some group
19 work at Elizabeth Hill, not formal training but I had
20 learned.

21 Q Did the agency provide you with any training in
22 attachment as of '03?

23 A I don't think so, but the School of Social Work
24 didn't even talk about it either and it's huge.

25 Q So you said you got your bachelor of social

1 work ...

2 A In 1990.

3 Q And the issue of attachment was not the subject
4 of your course work?

5 A It's -- in my -- when I was at school, no, it's
6 very generalized training. I think that the faculty has
7 improved, my understanding is, their, the content of how
8 often they or how significantly they address the issue of
9 attachment. The reason I raise it is because what we often
10 did with clients, and I'm going to say like Steve, because
11 as we've, I think, heard here, Steve Sinclair and this
12 family are not unlike a lot of clients we saw. There are
13 issues of parenting capacity, issues of substance abuse,
14 sometimes issues of domestic violence, anger management
15 with many, many, many clients. So our addressing of those
16 issues was to send them to substance abuse training, send
17 them to anger management classes, et cetera. However, the
18 much bigger issue that is far more significant than a 28
19 day program in a substance abuse treatment or a parenting
20 program that may or may not be appropriate to the
21 developmental level of the child that is their child, is
22 not going to solve the problem of a parent who can't
23 attach, who never learned to attach in their own life and
24 who for many reasons can't form attachment to their own
25 child. It's, it doesn't have to be something that dooms

1 them, but it's extremely significant and if not addressed,
2 the other programming may not make much of a difference.

3 Q And are you saying that when you were supervisor
4 at Winnipeg CFS, that area of concern, the issue of
5 attachment, was not something that was being worked on?

6 A Not that I recall. It, it didn't seem to be what
7 we were talking about. That's not to say they weren't,
8 that we weren't addressing important things that still
9 needed to be addressed, but I think what we know now in
10 this case is that a person -- well, is that a person who's
11 attached to their child protects them, doesn't allow them
12 to be taken away and then say oh, I don't really want them
13 back.

14 Q And is that something that based on the, on the
15 work that you've done, for instance with your master's --

16 A Yes.

17 Q -- is that something that can be addressed?

18 A Yes, yes, it can. There's an organization in
19 Winnipeg called the Aulneau Renewal Centre, that's what
20 they do and their training has expanded and I know that the
21 agencies are using them now for training, some of the
22 agencies. But it's, it's -- yes, there is programming to
23 address attachment difficulties between parents and their
24 children and it is possible to address it.

25 Q So that's an important area in your view for an

1 agency to work on, to have programming in?

2 A In my, in my opinion it is, yes.

3 Q We were speaking --

4 MS. WALSH: Did you have a question,
5 Mr. Commissioner?

6 THE COMMISSIONER: Well at some point I have but
7 you can carry on. Not on the attachment issue.

8 MS. WALSH: Okay.

9

10 BY MS. WALSH:

11 Q In terms of talking about your course work when
12 you took your B.S.W., did you receive any training in
13 substance abuse or addictions work?

14 A Yes. They do, I think, cover that. There was, I
15 believe there was a separate course but, yes, there was
16 some work on that. I don't remember the course or ...

17 Q Was it a mandatory course?

18 A It was covered as part of another course. I mean
19 it was certainly addressed. Did we become experts as a
20 result? No, no. Could we assess who was at risk of
21 becoming dependant? No. That's the thing with social
22 workers that have the B.S.W. that we, we -- they get a lot
23 of information about a lot of things but still have to
24 refer to experts in the field, the AFM, for example, the
25 alcoholism, or Addictions Foundation of Manitoba, and other

1 addictions organizations. We would have to refer to them
2 to assess whether or not someone had a substance abuse
3 problem. We would have to refer to an expert around mental
4 health issues, et cetera. We, we don't become experts in
5 every aspect of what people's problems are. We have to
6 refer out.

7 Q But you need enough training to know when there's
8 an issue?

9 A Yes, yes.

10 Q Did you receive any training that was specific to
11 child welfare work when you were at university?

12 A In B.S.W., absolutely. They have a course
13 particular to that that you can, that's not mandatory but
14 you can choose to take it and because I hoped to work in
15 child welfare that I did indeed take that course.

16 MS. WALSH: Mr. Commissioner, I see that it's
17 12:30. If you want to take the break now that would be a
18 logical time.

19 THE COMMISSIONER: Yes, all right.

20 And, witness, just on the answer to this
21 question, you said that from what you know now you would
22 have asked a lot of other questions at the time of the
23 closing of the file.

24 THE WITNESS: Yes.

25 THE COMMISSIONER: What, about what date was that

1 file closed as you understand it?

2 THE WITNESS: It was -- the child's file,
3 Phoenix's?

4 THE COMMISSIONER: Well, the file that you're
5 referencing that, that was being closed --

6 THE WITNESS: Right, okay.

7 THE COMMISSIONER: -- when you would have asked
8 additional questions if you had known what you know now.

9 THE WITNESS: Well, the child's file was closed,
10 I'm just going to say this, in October at the end of the
11 order because we made the decision to return her to her
12 dad.

13 THE COMMISSIONER: Yes.

14 THE WITNESS: So at that point, if I had flagged
15 this differently because of having more knowledge now, I
16 would have asked the questions at that point. I would have
17 questioned whether indeed it was safe to return her, not
18 because he was going to hurt her, but because there was a
19 question in my mind about whether or not his attachment to
20 his daughter was sufficient for him to protect her.

21 THE COMMISSIONER: But she -- are you saying she
22 was returned at that time?

23 THE WITNESS: She was, October --

24 THE COMMISSIONER: Yes.

25 THE WITNESS: -- 2nd of '03.

1 THE COMMISSIONER: Yes.

2 MS. WALSH: And we will come to that evidence,
3 Mr. Commissioner.

4 THE COMMISSIONER: Oh okay. All right. That's,
5 that's all I had to ask. So we'll -- are we going to get
6 through this witness today?

7 MS. WALSH: I'm cautiously optimistic. I'll get
8 through my examination. I'm not sure --

9 THE COMMISSIONER: Well --

10 MS. WALSH: -- beyond that.

11 THE COMMISSIONER: Well, fair enough. We'll deal
12 with it as we come.

13 MS. WALSH: Thank you.

14 THE COMMISSIONER: We'll adjourn now till two
15 o'clock.

16

17 (LUNCHEON RECESS)

18

19 MS. WALSH: Good afternoon, Mr. Commissioner. I
20 just wanted to clarify something for the record. I had
21 indicated that copies of the three case specific reports
22 were on your desk, but they have not been entered into
23 evidence in their entirety and as you know, we are just
24 entering into evidence those portions that we are putting
25 to the witnesses as we go through the chronology of events.

1 Ultimately by the end of phase 1 and certainly by phase 2
2 when the writers of the reports are called to testify,
3 those reports will go into evidence in their entirety, but
4 right now all that you're being referred to and all that's
5 being put into the record are the portions that we are
6 specifically directing to the witness's attention.

7 THE COMMISSIONER: I understand.

8 MS. WALSH: There had been some question about
9 that from others so I just wanted to make sure. Thank you.

10

11 BY MS. WALSH:

12 Q If we can turn to page 37515, please. This is --
13 it's hard to read on the screen but what it is is a
14 photocopy of the brown envelope that was contained in
15 Mr. Sinclair's file and inside the envelope are pages 37517
16 through 37520. Having an envelope with documentation
17 inside it, was that typical to find in a protection file?

18 A With the worker's handwritten notes, yes.

19 Q Okay. So that's what we're going to be looking
20 at now are Mr. Williams' handwritten notes.

21 THE COMMISSIONER: You know these to be his
22 handwritten notes, do you?

23 THE WITNESS: Yes, once we get to 519 I do
24 recognize that as Stan's notes.

25 THE COMMISSIONER: Thank you.

1 BY MS. WALSH:

2 Q And before we get to 519, page 37517 entitled
3 "Case Summary", what is this document?

4 A These were yellow sheets that went in the small
5 binders that workers who did their case notes by hand put
6 at the front of their notes for each case. So that would,
7 a face sheet if you like or just a summary of who was, who
8 was the file about and who was in the family.

9 Q So this shows the mother's name, the father's
10 name and demographic information, the children, Phoenix,
11 her baby sister who had died and Samantha Kematch's first
12 child who was in care. And then under "Extended
13 Family/Significant Others" you see Sheila Sinclair --

14 A Um-hum.

15 Q -- Jenny Sinclair and Ron and Kim Stephenson?

16 A Right.

17 Q And then there's also Angie Sinclair who's
18 identified as an auntie as are Sheila and Jenny.

19 A Right.

20 Q Then if we go to page 37519 and we look at the
21 bottom of the page, there is a signature. Is that
22 Mr. Williams' signature?

23 A I believe so. It looks like his signature.

24 Q And was that, was that standard to sign, for a
25 worker to sign their handwritten notes?

1 A I don't know. As I say, I, I didn't make a
2 practice of looking at notes. I know I didn't sign mine
3 when I was a worker, but it seems to be practice for Stan.

4 Q Okay. And when you look at the recordings, and
5 we're going to go through them all, they all appear to be
6 in the same handwriting except for the one dated
7 August 1st, 2003. Do you see that?

8 A I do.

9 Q And that also appears to have a different
10 initial. Do you know -- with the exception of
11 that August 1st entry, the others are Stan Williams'
12 entries?

13 A Yes. That's his initials, if you like.

14 Q So do you know who wrote the entry for
15 August 1st?

16 A I don't. I can't really tell what the initials
17 are. I certainly recall the names of all the other people
18 on the team. It would have been practice if a worker's
19 away and another worker takes a call or has a, makes a
20 field or makes a phone call, that, that they would write
21 the note and sign it. I'm not sure what those initials are
22 but if we knew I could tell you if it was somebody on my
23 team or not, but I can't really tell whose initials they
24 are.

25 Q Okay. So let's go through the notes starting at

1 the top. They start with July 7th, 2003 and it says:

2

3 Attended at 740B Magnus, met

4 Steven and discuss ...

5

6 Now I don't know if you're better at deciphering his
7 handwriting than I am.

8 A It looks like ideas maybe.

9 Q Ideas and concerns regarding Phoenix?

10 A Perhaps.

11 Q So that shows that on July 7th Mr. Williams had a
12 meeting with Mr. Sinclair?

13 A Yes, at his house.

14 Q Okay. And then on July 10th -- and that was the
15 day, I believe, that we saw the file, work started on the
16 file in your unit.

17 A Right.

18 Q And then July 10th it says:

19

20 Presented Steve with option of

21 attending at NAC ...

22

23 A Native Addictions Council, the resource in the
24 north end that I mentioned.

25 Q That's the one that you had talked about?

1 A Yes.

2 Q

3 ... then returning Phoenix done by
4 way of a supervisory order.

5

6 A Right.

7 Q This is plan A, the first plan that you had
8 discussed?

9 A Yes.

10 Q So this was Mr. Williams' original plan?

11 A His hoped for plan, yes, originally.

12 Q Okay. So having Steve attending the Addictions
13 Treatment program and returning Phoenix by way of a
14 supervisory order?

15 A Right. So he would have started discussing it
16 with Steve on the 7th and then gone back on the 10th with a
17 firmer plan, given him the opportunity to, you know, to
18 share in the planning for Phoenix.

19 Q Okay. And then July 21st --

20 A Right.

21 Q -- it says: "Home visit - Steve not in"?

22 A Right.

23 Q Okay. And we saw, by the way, with respect to
24 that first plan, the request for the family services worker
25 was also dated July 10th, 2003 and that was part of that

1 plan as well --

2 A Yes.

3 Q -- you told us.

4 A You're right.

5 Q So on July 21st, home visit, Steve not in. July
6 24th:

7

8 Home visit - Steve has decide he
9 is not ready to parent Phoenix, we
10 should go with plan B for 3 month
11 T.O.

12

13 A Right.

14 Q And what did that mean?

15 A It meant that Steve, in effect, has rejected the
16 option of going for counseling at NAC, which means that
17 Stan will cancel the request for the support worker.

18 Q Which we saw.

19 A Which we saw. And that we will just proceed to
20 the end of the order with Stan continuing, the expectation
21 would be continuing to work with Steven towards addressing
22 the problems that have been named to this point.

23 Q And T.O. stands for?

24 A Temporary order.

25 Q Okay. So then on July, is it ...

1 A I think it's 30.

2 Q Thirty?

3 A No, 29th.

4 Q Or 29?

5 A Right.

6 Q It says:

7

8 Home visit with Rohan and Kimberly

9 Stephenson re: P.O.S.

10

11 P.O.S. stands for?

12 A Place of safety.

13 Q So what was this about?

14 A Stan, knowing that Phoenix was in a foster home
15 outside the city, knowing that he wanted Phoenix and her
16 father Steve to have more contact, knowing that Kimberly
17 Stephenson was somebody who the child knew, we made the
18 decision to move her from the foster home and place her,
19 still in care, with the Stephensons under a place of
20 safety.

21 Q Okay. And place of safety is a specific term?

22 A Yes. It's meant to be a short-term arrangement
23 wherein -- by short term I don't mean that the placement is
24 of short term but the existence of a place of safety is
25 only supposed to last for 90 days before they become

1 licenced as a foster parent. So when I say short term I
2 don't mean the intent was to just leave her there for a
3 short term, but it's not intended to be a long-term paper
4 arrangement, it's supposed to change into a foster home.
5 And it's meant, it's meant to be, it is a better
6 alternative for children because the intent is, is that
7 someone who they know, either a family member or someone
8 who has been a part of their life, becomes that child's
9 caregiver instead of a licenced foster parent who the child
10 may not know. It's, it's better for children, especially
11 little ones, to be with someone they know and then the
12 agency proceeds to do the checks on the place of safety,
13 the criminal record checks, prior contact check and the
14 child abuse registry check.

15 Q And --

16 A So it's not as thorough a process as a foster
17 home licensing is, but it's, it serves a good purpose.

18 Q And we will eventually take a look at the
19 documentation that's surrounding the formal arrangement of
20 this place of safety.

21 A Okay.

22 Q So a place of safety is a family specific or a
23 case specific form of foster placement?

24 A Yes, exactly.

25 Q All right. So on July either 29th or 30th,

1 Mr. Williams visited with Rohan and Kimberly Stephenson
2 about their becoming a place of safety?

3 A Right.

4 Q And then on July 30th -- so probably that first
5 one is the 29th maybe.

6 A Yes.

7 Q July 30th, home visit to ...

8 A Have.

9 Q -- Rohan and Kim sign ...

10 A Records check, criminal records check.

11 Q -- criminal records check. And he notes that the
12 court is adjourned till August 13, 2003.

13 A Right.

14 Q Then on August 1st, 2003, it's a different worker
15 but it says:

16

17 Writer called Kim to see how
18 things went with Phoenix. She
19 replied by telling me that things
20 are great, she's doing good, she
21 in home.

22

23 A Right.

24 Q And then on October 30, and we are jumping ahead
25 in time and we'll come back, it says:

1 Letter to Steve place at social
2 income to let know Phoenix home.

3

4 Because as we'll hear, Phoenix is returned home by the end
5 of October. Am I reading that correctly?

6 A I think she went home before the end of October.
7 He just happened to write the letter --

8 Q Right.

9 A -- October 30th.

10 Q Yes, and we will hear more details --

11 A Right.

12 Q -- about her going home, but just in terms of
13 this file recording, this is when the worker would have
14 been writing to income assistance to let them know where
15 Phoenix is living?

16 A Right.

17 Q And is that a common thing for a worker to do?

18 A Yes, absolutely, in order to reinstate the social
19 assistance budget.

20 Q So that once Phoenix is back with Steve she
21 should be on his income --

22 A Exactly.

23 Q -- assistance budget?

24 A Right.

25 Q And then we see the last entry November 13, '03,

1 it says: "File closed today"?

2 A Yeah, the family file.

3 Q Okay. And we will come back to those activities.
4 But these activities that are recorded in Mr. Williams'
5 notes, you said you didn't see the notes but were you aware
6 of these activities?

7 A Yes.

8 Q And do these notes reflect what you understood to
9 be the full extent of the work that Mr. Williams was doing
10 with the family?

11 A No. As I say, I recall meeting with Stan wherein
12 he would talk a great deal more about his impressions of
13 and contact with Steve. So they exceeded what he's written
14 here.

15 Q His actions?

16 A His actions exceeded.

17 Q Did he discuss with you the appropriateness of
18 using Ms. Edwards' home as a place of safety?

19 A Yes.

20 Q What do you recall he discussed?

21 A He informed me, and it was evident as well, it
22 may have been evident from the file, I'm not sure, but we
23 were, we were aware that Kim Stephenson or Edwards was
24 somebody who, who was familiar to the child, most
25 importantly, and had cared for the child before, someone

1 who the father was comfortable with, regarded as a friend,
2 and as long as they passed all the checks, it would have
3 been Stan's opinion and I would have agreed that that was a
4 preferable placement for Phoenix.

5 Q And as I said, we will see shortly the paperwork
6 that was done with respect to the checks but we see from
7 the notes that, that Mr. Williams had visits with, with Kim
8 and her then partner Ron.

9 A Yes. But I can certainly say that between his
10 beginning with the file and the time that Phoenix or the
11 time it was decided that Phoenix would be placed with the
12 Stephensons that Stan had a lot more to say about his
13 contact with Steve than what these notes would indicate.

14 Q And do you know what some of the activities were
15 that he was doing with Steve?

16 A I think they were mostly conversations. They
17 were mostly talking about Steve's experiences, about what
18 he felt he needed to do, what Stan felt he needed to do.
19 They were -- he was doing social work with Steve.

20 Q And the temporary order came to an end in October
21 of '03.

22 A Yes.

23 Q Do you recall whether you or Mr. Williams
24 reassessed the family situation at that point?

25 A Well, yes. I don't, I don't recall the actual

1 conversation but I know that we would have -- perhaps I
2 recall some of the conversation because again I can, I can
3 remember Stan's fervent support of this young dad and he
4 was clearly able to convince me, the worker was, that it
5 was time and it was safe for Phoenix to go back to her dad
6 and thus the file, the child's file was closed. When the
7 child is no longer in care, that child-in-care file is
8 closed.

9 Q And we'll, we'll discuss that some more in a
10 little bit more detail in a minute. Still looking at the
11 notes that were in the envelope, if you turn to page 37518.

12 A Um-hum.

13 Q It's a note dated August 20, 2003. It says:

14

15 Hi Stan,

16 Samantha Kematch called today
17 wanting to know what the case plan
18 is for her child. I told her to
19 contact you tomorrow.

20 Pam.

21 P.S. hope you're feeling better!

22

23 Do you know who this note was from?

24 A I do, his -- because there were eight people on
25 our team and because coverage was necessary when a worker

1 was on vacation or away ill or whatever, they were all
2 partnered on the team. Pam -- do you want her last name or
3 not necessary?

4 Q Doesn't matter.

5 A Pam Dast (phonetic) was Stan's partner. So if
6 someone called reception inquiring about a case, the
7 receptionist would look up the name, determine that it was
8 Stan, perhaps know that he wasn't in that day and give it
9 to his partner.

10 Q So it would appear from this note that
11 Ms. Kematch was still involved in some respect as of
12 August 20, '03. Was this something you were aware of?

13 A No, I wasn't aware that she called until I saw
14 this, this note during these, the preparation for the
15 inquiry.

16 Q At this point the legal status --

17 A I wouldn't call that involvement particularly.

18 Q Okay.

19 A Okay.

20 Q Fair enough. At this point though in August of
21 '03 and throughout, the legal status of both parents with
22 respect to Phoenix was the same; is that right?

23 A In that they had both consented to a temporary
24 order of the child that was meant to run till October.

25 Q And then when the temporary order would expire

1 both parents would have equal rights of guardianship and
2 access to Phoenix legally?

3 A Legally from the court, not from the agency's
4 perspective, or at least not from my perspective. If she
5 had ever -- I mean we saw in all the reports that there was
6 fall greater risk attached to Samantha's parenting and a
7 lot more absences, so when you say she would have had equal
8 access, the courts would have given them both equal
9 consideration, I suspect, but had there been any other
10 follow up from her at this point or an indication that she
11 wanted to resume parenting --

12 Q What would you have done or advised your worker
13 to do?

14 A I would have advised that both of them at that
15 point would need to be the subjects of a parenting capacity
16 assessment that we would have had an external do, because
17 we already knew that, as I say, higher risk was attached to
18 Samantha as a result of the recording that we'd seen in
19 Steven's file and it would not be up to the agency alone to
20 decide which parent gets to have the child. So in a case,
21 if they were both demanding to have the child returned to
22 them, we would have -- the only thing to do at that point
23 would have been to get an outside assessor, but she didn't
24 pursue it.

25 Q She, Ms. Kematch?

1 A Right.

2 Q So did you think it would have been a good idea
3 at this point in August of '03 for Mr. Williams to do some
4 work with Ms. Kematch or contact her?

5 A Well, so you're asking me what I think today
6 because I didn't know then that she had contacted. One
7 phone call from a parent does not indicate a whole lot of
8 interest and certainly doesn't indicate involvement.

9 Q I don't want to know --

10 A Okay.

11 Q -- as of today because obviously we have a lot
12 more information. But if at the time if you had been made
13 aware that Ms. Kematch had called in to the agency wanting
14 to know what the plan was for her child, what, if anything,
15 would you have advised Mr. Williams?

16 A Well, I would have expected that if he was, if he
17 did contact her the next day, if he actually spoke to her,
18 that he would have indicated that to me. I have no way of
19 knowing whether he did, whether he ever did speak to her
20 again at all. But if, if he had contacted her and if she
21 had indicated an interest, then I would have expected that
22 he follow up with her to see what her plan was, what her
23 readiness was and what was different in her life.

24 Q And do you know, do you recall whether
25 Mr. Williams told you whether Ms. Kematch visited with

1 Phoenix while she was under the temporary order of
2 apprehension?

3 A I don't recall that he ever mentioned Samantha to
4 me in our conversations.

5 Q And we saw from looking at the entries on page
6 37519 -- well actually let's go to 37520, please. So these
7 notes start at July 10 again --

8 A Yeah.

9 Q -- and again that seems to be the first entry.
10 July 10th seems to be someone else's handwriting.

11 A Yes, it does.

12 Q It says:

13

14 Had meeting with Steven, completed
15 the ADP forms, discussed with him
16 the change of the temporary order
17 to a supervisory order. Steve has
18 agreed to seeking counseling and
19 appears eager to do so.

20

21 Now do you know who made that entry?

22 A I don't. It looks like "N", doesn't it, "NT? I
23 have no idea who that is. I know that we had some students
24 in the office that summer.

25 Q Um-hum.

1 A I believe that for a short period of time Stan
2 was -- the students, we had students there, I believe, who
3 were assisting with the ADP process, getting clients to
4 sign their ADP, and I believe that Stan had a student
5 attached to him. I don't recall their names.

6 Q So perhaps that's whose note this is?

7 A Perhaps that's who it is. I mean it, whoever
8 this is undertook to meet with Steven and have a discussion
9 with him about some of the case matters. So it, it would
10 seem to me that this person had had direction from Stan to
11 do so.

12 Q And if we go back and look at page 37519, the
13 entry for the same day in Mr. Williams' handwriting, that's
14 where he says he presented Steve with the option of
15 attending NAC and then returning Phoenix by way of a
16 supervisory order. So they seem -- the two entries seem to
17 be consistent in their information.

18 A Yes, yes.

19 Q Okay. So back to page 37520, then on September
20 10 we have an entry which we didn't see on the previous
21 page.

22 A Right.

23 Q

24 Phone call to Kim - Phoenix doing
25 fine. Dad/Steve coming around

1 more often and not while drinking.
2 Place of safety (something) has
3 been signed ...

4

5 Would that be paperwork?

6 UNIDENTIFIED PERSON: Place of safety worker.

7 MS. WALSH: Place of safety?

8 UNIDENTIFIED PERSON: Worker.

9 MS. WALSH: Worker. Place of safety -- thank
10 you.

11

12 BY MS. WALSH:

13 Q

14 Place of safety worker has been
15 assigned and finances are rolling
16 in August. All is well. Phoenix
17 is getting over the flu.

18

19 A Right.

20 Q So that's a phone call to Kim from Mr. Williams
21 in September. And then on October 2nd it says:

22

23 Home visit - Steve ready and
24 willing to parent Phoenix. Going
25 home today.

1 So that was the day that Phoenix was returned home?

2 A Yes.

3 Q October 2nd, 2003?

4 A Yes, the last day of the order.

5 Q Right. And then there's one more entry
6 November 13, '03: File closed today.

7 A Okay, so, yes.

8 Q Do you know whether Mr. Williams had a home visit
9 with Mr. Sinclair and Phoenix once Phoenix was returned to
10 him?

11 A No, I don't know. There's no evidence that he
12 did.

13 Q If he had, would you have expected him to record
14 that fact?

15 A I would have expected that something as
16 significant as a home visit that, yes, even Stan would have
17 recorded it. He seemed to have been recoding the home
18 visits. The fact that he didn't concerns me that he didn't
19 make one.

20 Q Do you recall having any conversations with
21 Mr. Williams around the time that the file was closed?

22 A The time that this file on the 13th was closed?

23 Q Yes.

24 A Yes. I recall that we, we discussed the merits
25 of doing a number of different things, reassigning,

1 closing, transferring and the reason for that was because
2 certainly Stan believed that the risk had been ameliorated
3 sufficiently that we could, obviously had returned the
4 child and that we close the file and also that he was
5 imminently in, as I said I don't remember the date, but
6 going back to his former unit.

7 Q Mr. Williams?

8 A Mr. Williams. And one of, one of the course, of
9 course the significant thing here is that it seemed to take
10 Mr. Williams, Stan Williams to open the door to a working
11 relationship with, with Steve and now that Stan was leaving
12 what, what were our options in terms of continuing to work
13 with this young dad.

14 Q So what were the options that you considered?

15 A I could have reassigned it on my unit. As I
16 indicated earlier, Stan was the only aboriginal worker I
17 had on my unit. I could have, I suppose, asked another
18 unit to take it, but I was convinced by Stan that the
19 concerns were such that we could safely close it.

20 Q Did you discuss any kind of plan for
21 reunification?

22 A Other than returning her, I mean again she was in
23 a home that was, that she, that she was familiar with,
24 Phoenix, I mean people she was familiar with. It didn't
25 seem odd to her that she was staying there and that dad was

1 coming to visit. So a more formal reunification wasn't
2 felt to be necessary and it would have been the expectation
3 that, that the foster parent, the caregiver, was informed
4 as to when the child was going to be -- that the child
5 would be returned and when that would happen and that the
6 worker would then move the child and her belongings from
7 the caregiver to the parent. That would be the extent of
8 this particular reunification.

9 Q Do you recall seeing -- you say you looked at the
10 file. Do you recall seeing the service agreement that was
11 put in place in 2000 when Phoenix was returned to her
12 parents' care after the first apprehension?

13 A I do.

14 Q If you want to see it on the screen it starts at
15 page 37115. It's also page 37536.

16 THE COMMISSIONER: I don't have that here.

17 MS. WALSH: Well, it's also page 37536. I think
18 the copy that you have, Mr. Commissioner, is 37536. You
19 might not have it, it's true.

20 THE COMMISSIONER: It's all right. What I have
21 got is very helpful.

22 MS. WALSH: Oh good. So on the screen then,
23 Mr. Commissioner, is the first page of that service
24 agreement that was signed on September 5, 2000 and we've
25 heard a fair bit about that agreement.

1 BY MS. WALSH:

2 Q That agreement allowed for, if you scroll through
3 it please, working with an in-home support worker and
4 monitoring by the agency as a condition of the
5 reunification. In 2003 did you consider a similar plan?

6 A No, because Stan was convinced and subsequently
7 convinced me that the problems were such that they either
8 didn't result in significant risk that we would need to
9 stay involved, CFS would -- that the risk wasn't sufficient
10 to maintain CFS involvement and that any problems that had
11 been named as specifically Steve's had already been
12 addressed. So they either weren't sufficient to warrant
13 our involvement or they were already addressed.

14 Q And how were they addressed? Sorry.

15 A Between Steve and, and Stan --

16 Q Through their sessions.

17 A -- through the process of their, yes, work
18 together.

19 Q Okay, sorry. Did you consider whether a family
20 support worker should be put into the home once Phoenix was
21 returned in '03?

22 A I don't think we did then.

23 Q Any particular reason?

24 What about offering Steve --

25 A Misplaced optimism.

1 Q Pardon me?

2 A Misplaced optimism. We were clearly way too
3 optimistic, both of us.

4 Q Did you consider offering Steve child care?

5 A I don't believe we did.

6 Q Or putting Phoenix into day care?

7 A It wasn't discussed with me. I'm, I'm aware of
8 an email that occurred between Stan and the place of safety
9 social worker wherein that topic was raised but I only
10 became aware of that email in the last few months.

11 Q And we'll --

12 A So did he discuss it with me? Did the worker
13 present to me that here are some other things maybe we
14 should put in place? No.

15 Q So it's not that you considered and rejected the
16 idea --

17 A No.

18 Q -- of day care?

19 A No.

20 Q Day care is generally a helpful thing for single
21 parents?

22 A Absolutely. I think it gives the parent an
23 opportunity to attend to things, simple things like grocery
24 shopping and other things that they need to do and it
25 allows the child the opportunity to socialize with other

1 children and for there to be other caring adults,
2 hopefully, in the child's life that, that are able to
3 observe and monitor their wellbeing and their progress.

4 Q It also keeps the child visible in the community?

5 A Yes.

6 Q Did you, did you think when the temporary order
7 expired that Steve would still need some support as a
8 parent?

9 A Did I personally think that?

10 Q As the supervisor of his family file.

11 A Again, I don't remember what I thought then. I
12 know that in spite of the fact that I remember discussing
13 this case with Stan on a few occasions and how supportive
14 he was of this, of this young dad, the case itself didn't
15 stand out for me at the time, other than the fact it was a
16 single dad. Most of our single parent families are headed
17 by moms. But otherwise it didn't stand out for me. It
18 wasn't, it wasn't one of the cases that, that kept the
19 worker worried or running from meeting to meeting. It was
20 a lower risk case at that time, in dad's care.

21 Q In dad's care?

22 A With just dad being the parent involved.

23 Q Not mother?

24 A Right.

25 Q Right. And Phoenix was returned October 2nd,

1 2003, but the file remained open until November 13, why was
2 that?

3 A The family file remained open. The child's file
4 closed shortly thereafter, after her return.

5 Q That's Phoenix's child-in-care file?

6 A Um-hum, yeah. But, sorry, why did it take till
7 November 13th?

8 Q Why, why did the family file remain open until
9 November 13th?

10 A Well, I believe it was Stan's intention to
11 monitor for that month or five weeks after the child's
12 return. That would have been the stated reason.

13 Q And I think you told me that Mr. Williams was
14 going back to his original unit?

15 A Yes.

16 Q And was that a consideration that influenced the
17 decision to close the file?

18 A Yes.

19 Q Could the family have transferred to the other
20 unit where Mr. Williams was going?

21 A I dare say if I had made a strong enough case for
22 that perhaps. I mean it was a different catchment area
23 where Stan had, the other unit Stan had come from. If I --
24 I'm pretty confident that if I had made a strong case for
25 that with my assistant program manager, that, because she

1 also supervised his former unit supervisor, that it may
2 have happened, but it would have been out of the catchment
3 area that Stan was going back to. I dare say it could have
4 happened.

5 Q Let's look at Mr. Williams' family services
6 family closing summary, 37360 to 37362. This is from
7 Mr. Sinclair's file. And if we look at the last page,
8 37362, that has your signature on it?

9 A Yes.

10 MS. WALSH: Mr. Commissioner, it starts page
11 37360. It says family services Family Closing Summary.

12 THE COMMISSIONER: Well, I don't -- the next
13 document I have in the group of files you gave me, or clerk
14 had gave me is 37636.

15 MS. WALSH: You may have turned it over in your
16 search for the service agreement. It's four pages stapled
17 together.

18 THE COMMISSIONER: Yes, I have it.

19 MS. WALSH: Good.

20

21 BY MS. WALSH:

22 Q So the last page of that document has both your
23 signature and Mr. Williams' signature?

24 A Right.

25 Q This is the closing summary that Mr. Williams

1 prepared when the file was being closed?

2 A Right.

3 Q Did you have any input into the content of this
4 document?

5 A Not when he writes it, not -- when any worker
6 writes it they write it independently. It then comes --
7 well, my practice was it came to me in hard copy so I could
8 sign it. If I had or if I was to have major concerns about
9 anything then we would discuss that and potentially make
10 changes.

11 Q So if we look at page 37361, it starts with a
12 history and then there are identified problems.

13

14 "Steve's ability to parent
15 deteriorated to the point of him
16 being under the influence of
17 alcohol and drugs most of the time
18 and subjecting his daughter to
19 inappropriate caregivers on a
20 regular basis.

21 Steve's mistrust and reluctance to
22 work with the agency."

23

24 And were those problems that were identified when the file
25 was first received by your unit?

1 A Yes, those are more historical than, than what
2 Stan was saying. I think it's the unresolved problems.

3 Q So let's scroll down, please, to look at those.

4

5 "Mr. Sinclair requested his child
6 stay in care until he felt strong
7 enough to care for her once again.
8 He has had his time out and will
9 parent Phoenix starting October 2,
10 2033. He has done no programming
11 and as such is prone to returning
12 to an unhealthy way of managing
13 stresses in his life. He is aware
14 of the need to arrange for
15 appropriate alternative caregivers
16 when he feels the need for a break
17 or time out for respite."

18

19 If you'd just turn the page, please.

20

21 "Recommendations for the Future:
22 In the event Mr. Sinclair returns
23 to unhealthy ways of managing his
24 life and caring for his daughter,
25 it is recommended Phoenix be

1 placed with Place of Safety Foster
2 Parents, Rohan and Kimberly
3 Stephenson. It is also
4 recommended he attend to
5 programming for lifestyle
6 difficulties prior to him
7 considering parenting his daughter
8 Phoenix. It is anticipated a
9 Temporary Order of six months to a
10 year would be required."

11

12 Can I ask you, that reference to a temporary
13 order of six months to a year, would that be put in place
14 while Phoenix was put back with the place of safety
15 parents? Is that, is that what was contemplated?

16 A I think -- I don't know. I think Stan was making
17 a conjecture that should what had already happened happen
18 again, then it might take six months to a year for him to
19 address his lifestyle difficulties. Clearly Stan wouldn't
20 have the case if it was to, we are closing it here, so if
21 it was ever to reopen as Stan's suggesting here that it
22 might, in the event, he wouldn't get to have a say or he
23 wouldn't have any input on, on where the child would go. I
24 -- is it okay? I remember that the sections you've read
25 from unresolved problems to the end made we wince a bit

1 when I read it and they certainly do now.

2 Q Why do they make you wince?

3 A Well, it's, it's contradictory certainly to say
4 that everything's fine here, there's no child protection
5 issues, even though he's done nothing and while Stan
6 doesn't say that he's going to return, it clearly was in
7 Stan's mind as well that Steve may return to unhealthy ways
8 of managing his life. So it's, it's not very good and I
9 don't mean his writing, I mean the work wasn't very good.
10 It wasn't enough.

11 Q You went --

12 A It wasn't good enough.

13 Q You approved of the actions.

14 A And yet I did.

15 Q Do you recall why that was at the time?

16 A I, I think that it was -- I can only put it in
17 the bigger context of being the kind of social worker and
18 supervisor that, that I was and the kind of worker that
19 Stan was that we placed too much emphasis on what we saw as
20 people's strengths and minimized the, the areas where there
21 were clearly, or not clearly enough to us at that point,
22 deficits. His -- well, I won't go into that again, but
23 clearly, not what we know now but I mean the wincing that I
24 did then when I read this on some level it, it was pretty
25 evident to me that what we had done wasn't good enough for,

1 to address this young man's problems and being able to care
2 for Phoenix. We had stepped out too soon.

3 Q You mean --

4 A I'm not saying she shouldn't have gone home. I'm
5 not saying that Steven or Steve was, would have been unsafe
6 to her, that's not what I thought at the time. I believed
7 that returning her was the best plan, but we stepped out of
8 Steve's life too soon. We stepped away from the family too
9 soon. However, as I said, you said why did I still sign
10 off on it. I believed in the strength and I, and I still
11 believe that, that Steve showed way more evidence of what
12 he was capable of than showed himself to be a poor or
13 dangerous parent. I mean I really think, given all of the
14 history and all of the experiences and having lost another
15 little girl, that he was in a lot of ways quite remarkable
16 really, but he was more hurt and therefore less capable,
17 more damaged and therefore less capable than, than we
18 recognized.

19 Q On the previous page under "Unresolved Problems"
20 where Mr. Williams says he has had his time out, again is
21 that a social work term?

22 A No, that's a very poor choice of words. I mean I
23 knew what he meant but, I knew what he meant because we
24 discussed it. I understand that, that when you're -- I
25 understand that when anyone, not just our clients, is

1 hurting and has lost a child and all of the things that he
2 had been through, that we require, everybody requires
3 something different. Some people require therapy. Steve
4 indicated that he required a break, if you like, I mean
5 those are my words, a break from parenting. I'm sure in
6 many ways it was a burden for him emotionally at that point
7 in time to have to be the single caregiver to a little girl
8 but he wasn't ready to do it on his own.

9 Q And if we go to the next page again, under the
10 "Recommendations for Future" did you understand
11 Mr. Williams to be recommending that if Steve returned to
12 unhealthy ways that the agency would have to seek or should
13 seek another order of apprehension?

14 A Yes, that was his recommendation.

15 Q And so that was the context in which he was
16 recommending Phoenix would be placed back with the place of
17 safety foster parents --

18 A Yes.

19 Q -- in the context of an apprehension?

20 A Right, yes. Okay, yeah, that was his
21 recommendation, that should she come back into care, his
22 recommendation would be that she be placed back with
23 someone she knew rather than in a foster home.

24 Q Okay. So his recommendation was if Steve
25 returned to unhealthy ways that the agency should seek

1 another apprehension order and in that case place Phoenix
2 with Ron and Kim Stephenson.

3 A Right.

4 Q Okay.

5 A For a longer temporary order.

6 Q Under the "Reason for Closing" it says:

7

8 "The three month Temporary Order
9 Mr. Sinclair and Ms. Kematch
10 consented to expired on October 2,
11 2003. Phoenix has been returned
12 to live with her Dad and is no
13 longer in care. Mr. Sinclair's
14 file will close today as there are
15 no outstanding child protection
16 issues."

17

18 That phrase "there are no outstanding child protection
19 issues", is that something that you agreed with at the
20 time?

21 A Yes, probably. That's a very common way to, to
22 close a file. That's a requirement. If there are
23 outstanding child protection issues don't close the file.
24 Clearly in Stan's opinion the issues that would have made
25 her be at risk with her dad were no longer evident.

1 Something had occurred between Stan and his client Steve
2 that convinced Stan and he, therefore, was able to convince
3 his supervisor that the alcohol issue, which to me was at
4 that time the most significant outstanding issue in the way
5 of Steve being able to parent his daughter, that that had
6 been, as I say, something occurred between Steve and Stan
7 that satisfied Stan that that was no longer a threat to her
8 safety and therefore the child protection issues were
9 resolved. That and the fact that he hadn't heard anything
10 to the contrary.

11 Q And we saw that he had spoken with Kim Edwards
12 Stephenson --

13 A Yes.

14 Q -- who had said, according to the notes, that
15 Steve was coming around and wasn't intoxicated --

16 A Right.

17 Q -- as an example?

18 A Yeah.

19 Q So when we looked at the intake form from Laura
20 Forrest, that assessment that she provided that sent the
21 file to you, she assessed Phoenix as being at high risk
22 with either parent at that point.

23 A I, I almost had it memorized what she said and I
24 think she said at high risk of maltreatment/or coming into
25 care by either parent. As, as I've also said, we never

1 considered as being a parent who might maltreat his child;
2 neglect, yes. And she was already in care so the risk of
3 coming into care, however, well ...

4 Q By the time the file is closed though you felt
5 that risk had changed with respect to Mr. Sinclair?

6 A Yes, I must have done. I understood Stan's
7 rationale, I understood his, the presentation that he made
8 to me as to why the file should be closed from that
9 perspective.

10 Q Do you recall that in the same assessment form
11 Ms. Forrest commented that, and I'm paraphrasing, but in
12 her view often the file would be closed as not having any
13 child protection concerns when really it was more a case
14 that the family wanted to avoid the agency. Did you
15 consider whether that was the case at the time that you
16 authorized closing the file?

17 A I certainly remember that comment. No, I didn't
18 consider that as the reason at the time of closing nor,
19 quite frankly, any other time.

20 Q Typically prior to closing, does the agency
21 contact collaterals who are identified as being involved
22 with the family?

23 A Prior to closing?

24 Q Yes, or at the time of closing.

25 A I don't know if I would say that typically they

1 would. Typically I would expect that their information
2 comes from visits to and of the family home and
3 observations of that family rather than relying on
4 collaterals. I mean ideally we want the information to
5 come from your knowledge and your experience of working
6 with that family. Collaterals is if you're, if we're
7 talking about other professional organizations. If the
8 child had been in day care makes perfect sense to say how's
9 that little girl doing. To phone siblings and friends, I
10 wouldn't think that that was a typical thing to do because
11 people are people and if you're mad at that person one day
12 you might say something quite different than if you
13 weren't.

14 Q What about in terms of letting a collateral, like
15 a support, know that now CFS is no longer going to be
16 involved? Was that a requirement that you were aware of?

17 A I don't think so.

18 Q Was that something that you did?

19 A Like what sort of collateral? You'd have to let
20 the foster caregiver know.

21 Q Well, say for instance if you knew that the
22 family was involved with an agency like Ma Mawi or Boys and
23 Girls Club and that they were aware of the agency's
24 involvement. Was there any requirement that the agency
25 would let the community organization know?

1 A No, I don't think so. I think that would be
2 breaching confidentiality actually. I, I would see that
3 as.

4 Q We expect to hear evidence from Kim Edwards that
5 Stan Williams called her in 2003 prior to returning Phoenix
6 to Steve to ask her if she thought that Steve was ready to
7 resume parenting and that she advised Mr. Williams that
8 Mr. Sinclair was not ready to resume parenting and that
9 Steve knew that. Were you aware of any such conversation?

10 A No, no.

11 Q If you had been aware of such a conversation
12 would it have had any influence on how you managed this
13 case?

14 A Absolutely. I, I would have wanted to hear from
15 her. One hopes that, that workers bring all pertinent
16 information to supervision or to the supervisor when a
17 decision like this is being made, but we can't guarantee
18 that they will and if it, if it doesn't fit with, with the
19 worker's perception of what should be done then perhaps
20 that information gets left out. I'm not saying that's what
21 happened but I didn't have that information.

22 Q We also expect to hear evidence from Ms. Edwards
23 that Mr. Williams told her to return Phoenix to
24 Mr. Sinclair herself. Were you aware of that direction?

25 A No.

1 Q Would that have been an appropriate thing for a
2 family service worker to ask the place of safety parent to
3 do?

4 A It wouldn't have been appropriate. The
5 expectation is that the worker do that. Again, talking
6 about what some people might say is if you like strength
7 based work, what would be easier on Phoenix for this worker
8 that it would appear she hardly ever saw, to bundle her up
9 and put her in a car and take her away from Kim or to have
10 Kim deliver her to the dad. I don't know what was in
11 Stan's mind. If in fact he did that it's not an
12 appropriate step, but if he did it I might be able to
13 understand why he did it, but it's not appropriate, no.

14 Q And not something you were aware of?

15 A No.

16 Q And I think you told us you don't know whether
17 Mr. Williams went to do a home visit with Mr. Sinclair once
18 Phoenix was returned?

19 A He seemed to document home visits. If he didn't
20 document any my assumption is that he didn't make any.

21 Q If we turn to page 42205. This is an email.

22 MS. WALSH: Do you have it, Mr. Commissioner?

23 THE COMMISSIONER: What number is it?

24 MS. WALSH: Page 42205. It's an email. It's
25 just one page, so ... I think you've gone past where you

1 would find it.

2 THE COMMISSIONER: Carry on, I'll find it.

3 MS. WALSH: Okay.

4

5 BY MS. WALSH:

6 Q So this is an email from Stan Williams to
7 Gloria Woytiuk. It says -- and it's dated September 30,
8 2003. It says:

9

10 "Please let the Order expire,
11 Phoenix will be returning to live
12 with her Dad. If she needs to be
13 in care longer we can get a VPA
14 signed. Thanks, Gloria.

15

16 Stan,

17 The temporary order of
18 guardianship on the above named
19 child expires October 2nd/03.
20 Please let me know if I should
21 re-file or let the order lapse.

22 Thanks."

23

24 Now I think I've read them in the wrong order.

25 So Gloria Woytiuk was writing, it appears, to Stan advising

1 that the temporary order of guardianship would expiring and
2 asking if she should re-file or let the order lapse. And
3 he says let it expire. Phoenix is going home with her dad
4 and if necessary they can get a VPA signed. What's a VPA?

5 A Voluntary placement agreement. Have I ever seen
6 this? This, this email and another one that was provided
7 to me very recently between Stan and other employees of the
8 agency, in this case this is the paralegal person. In the
9 other case it was --

10 Q The place of safety worker?

11 A The place of safety worker.

12 Q Um-hum.

13 A It's the first time -- this makes me so angry
14 because if -- he was clearly thinking that there's
15 potential here to extend this child's time in care with a
16 VPA and he never said that to me. He came to me with this,
17 this adamant plan that this little girl could go home. I
18 never heard about a VPA. Does that mean that I shouldn't
19 have had that conversation? No. But he was, he was so
20 strong with me in supporting the plan to return this child.
21 If he had doubts, and it appears that he may have, I, I
22 wish he had raised them with me.

23 Q And so what do you understand he, Mr. Williams is
24 contemplating by the contents of this email?

25 A Well, this is, what, two days before he returned

1 her and he's thinking if she needs to be in care longer.
2 There should not have been any doubt two days before. He
3 clearly was thinking about it and yet -- the impression in
4 the information I got was that we're letting it lapse and
5 it's time for Phoenix to go home.

6 Q So if he had --

7 A I experienced no doubt from Stan about this plan.

8 Q He never talked to you about --

9 A This is doubt.

10 Q -- thinking about requesting a VPA?

11 A Yeah.

12 Q And the effect of a VPA would have been that
13 Steve could have consented to leaving Phoenix for another
14 period of time with Kim and Rohan?

15 A Yes.

16 Q And in fact we saw that with the first
17 apprehension that Phoenix was left for an extra month by
18 virtue of a voluntary placement agreement in her foster
19 home in 2000 before she was returned.

20 A Yes.

21 Q Let's take a minute to look at Phoenix's child-
22 in-care file. It's CD 1797 and it starts at page 37571 to
23 37574. That's not the entire file but that's the closing
24 summary. So it's entitled "Family Services Child Closing
25 Summary". And so what is this document?

1 A When a child comes into care a new file, child-
2 in-care file is created. When the child is discharge from
3 care a closing summary is done and that file is closed. So
4 this is the summary closing, closing the child's file and
5 indicating the return to the parent.

6 Q So we saw a closing summary for Mr. Sinclair's
7 file and this is the closing summary in the child's file.

8 A Right. This one would have been first.

9 Q This one would have been first?

10 A Yes.

11 Q And your signature is on the last page of the
12 summary?

13 A Yes.

14 Q And it has much of the same information that we
15 saw from the closing summary that was in Mr. Sinclair's
16 file. We look at the first page and then the second page
17 and then the third page, 37573, there's a physical
18 description of Phoenix as being three feet tall with dark
19 brown hair and eyes. She weighed 40 pounds and it says she
20 has a nice tanned complexion. Who would have filled that
21 out, that information?

22 A Stan.

23 Q Stan?

24 A Yeah.

25 Q And then he comments on her medical history that

1 her needles were up to date, that she was taken to
2 emergency on February 26th, '03 to have a piece of
3 Styrofoam removed from her nose after it got lodged and
4 infected and that it was in her nose for some time before
5 removal. It gives the agency legal history starting with
6 her apprehension and then the most recent temporary order
7 or placement history, her academic history which at this
8 point at the age of three is not applicable. Her family
9 contact and family visits:

10

11 "Access to visit Phoenix was open
12 during time she was in the place
13 of safety. Dad visited on a
14 regular basis while Mom and other
15 relatives visited on occasion."

16

17 Now I think you told me that you weren't aware whether
18 Samantha Kematch had visited?

19 A I don't --

20 Q That wasn't something Mr. Williams told you?

21 A No.

22 Q And then it has the relevant reports and the
23 unresolved problems I believe are the same as we saw in
24 Mr. Sinclair's summary, as are on the next page, the
25 recommendations and the reasons for closing.

1 Then in the file we also has a series of
2 documents starting at 37625, well let's start at 37636.
3 This is entitled a "Child Care Instruction Sheet". We have
4 seen these before but just tell us briefly please what this
5 is.

6 A Anytime a change is made for a child-in-care such
7 as placement or legal status, any change is recorded on
8 these sheets. In this case it's change of worker, this one
9 says, which is changing from the intake worker,
10 Laura Forrest, to Stan Williams.

11 Q And that's effective July 3, '03 is the effective
12 date?

13 A Right.

14 Q And if we go to 37625, this is effective July 31,
15 '03 and it says change of placement, if you scroll down,
16 please. So is this -- and it says name of care provider,
17 Kimberly Stephenson. So does this reflect when Phoenix
18 went to live with Ms. Stephenson?

19 A Yeah. Under activities it says change of
20 placement --

21 Q Okay.

22 A -- just up at the top on the left there and
23 effective date, this is the date that Stan would have moved
24 Phoenix from the foster home in the country to
25 Kim Stephenson.

1 Q And then page 37624, effective August 3, '03. It
2 says change of legal status, temporary order effective
3 August 13 to October 13, '03. And if you scroll down,
4 please, it shows a reason for discharge and return to
5 parents.

6 A Okay. Now this is a little confusing because --

7 Q Well it is. Then if you go to page 37621, this
8 one is dated October 3.

9 A Yeah.

10 Q And again, says reason for discharge return to
11 parents.

12 A Okay. The previous one on 624 --

13 Q Yes.

14 A -- the activity says change of legal status which
15 makes more sense --

16 Q Okay.

17 A -- although why it was changed, not the one
18 that's on the screen, 624, the effective date of the 3rd of
19 August looks like that "O" has been changed.

20 Q Can you put up 37624, please.

21 A Okay, so the activities, the activities there say
22 change of legal status. So we remember that court was on
23 August 13th --

24 Q Right.

25 A -- wherein the three month temporary order was

1 granted. So to do a green, changing her legal status from
2 apprehension to a temporary order, would have been
3 effective August 13th. So those numbers, August to
4 October, make sense if it's the 13th to the 3rd. I don't
5 know who changed those. It should read, because the order
6 was granted on the 13th of August, it should read 13 August
7 '03 to 03 of October '03 or 2, whatever the end date of the
8 T.O. was, and the instructions are correct, it is in fact
9 the change of legal status although the dates are wrong
10 there too.

11 THE COMMISSIONER: From apprehension to what?

12 THE WITNESS: To temporary guardianship or
13 temporary order. And it shouldn't say further down under
14 "Reason for discharge", that's, that's not correct because
15 she wasn't discharged on that date. So those are all
16 handwritten and I don't know by whom or when but some of
17 those changes that were made, like this is not, this is
18 inaccurate --

19 MS. WALSH: Okay.

20 THE WITNESS: -- the reason for discharge. This
21 is not a discharge green as we called it.

22

23 BY MS. WALSH:

24 Q What about --

25 A The discharge one is the one that you, the 621.

1 Q 37621?

2 A Right.

3 Q That, that reflects the discharge?

4 A Right.

5 Q Okay. And we have again notes from Mr. Williams
6 but we're still in the child-in-care file at page 37673.
7 So that, that's just got the front cover says case notes of
8 Stan Williams and it has October 10, '03. And then if we
9 turn to the next page 37676, these are Mr. Williams' notes,
10 his handwritten notes?

11 A Yes.

12 Q So he was making a sheet of handwritten notes for
13 Mr. Sinclair's file and one for Phoenix's child-in-care
14 file?

15 A Yes.

16 Q Because they're not the same.

17 A No, they're not the same. This, this was
18 particular to the child's file, I guess, and he had a
19 couple of pages on the go for the family file that we've
20 already looked at.

21 Q So there's an entry for July 9. It says phone
22 call, Phoenix doing ...

23 A Okay? I don't know what that is.

24 Q Can you read that?

25 A Is it okay? I'm not sure.

1 Q Okay. At this point Phoenix is in the foster
2 home, right?

3 A Yes, but the one, the rural.

4 Q So is that where you understand he's calling?

5 A Yes.

6 Q And then again on July 23 it says: Pick up
7 Phoenix may go home next week.

8 A Heads up.

9 Q Or heads up?

10 A He's telling the foster mom in the country,
11 'cause that's where she still is.

12 Q So heads up, Phoenix may go home next week, on
13 July 23.

14 A The plan A.

15 Q That was still plan A?

16 A Right.

17 Q Okay. And then July 30, Phoenix not going home
18 this week. By then plan A is abandoned and you saw the
19 family service worker contract was cancelled. And then it
20 says: Will pick up -- is that what -- Phoenix not going
21 home this week ...

22 A Well, and yet that's the day, I believe, the day
23 before or the day that she moved, the child was moved to
24 Kim's.

25 Q To Kim, all right.

1 A So that might say that, but ...

2 Q And then finally on October 2nd, it reflects that
3 Phoenix went home to live with her dad.

4 A Right.

5 Q Then if we look at page 37674, what is this
6 document?

7 A Well, this is, because this is another file, the
8 child-in-care file, again it's just -- these were yellow
9 sheets that they put in their notes that just has a
10 demographic. But this is pertinent to the child's file.
11 The other one we looked at before that said, that had the
12 demographics was for the family file.

13 Q That was the one where we saw the names of the
14 aunts?

15 A Right.

16 Q Okay. And if we scrolled down to the bottom to
17 see the entire document, please. And ultimately it's
18 filled out with the date that Phoenix is returned home and
19 it says the temporary order expired, Dad ready and willing
20 to parent his daughter and Stan's initials or signature?

21 A Right.

22 Q And then on page 37675 is a letter that was also
23 found in the child-in-care file, it says:

24

25 "Hi Stan,

1 Re: Phoenix Sinclair

2 Place of Safety Care Provider:

3 Kimberly Stephenson

4 This is just [to] inform you that

5 I am the Place of Safety Social

6 Worker for the above care

7 provider.

8 I will be arranging a home visit

9 in the very near future. Is there

10 any information I need to be aware

11 of before going out to the home?

12 How can I best assist you with

13 this family?

14 (***) If there is any changes in

15 status or when the child moves

16 placements could you please

17 forward a copy of the greens to

18 the Place of Safety Program or to

19 the writer.)

20 I look forward to working with

21 you!

22 Thanks!

23 Mario Rojas, B.S.W.

24 Place of Safety Social Worker"

25

1 Now what do you understand is the significance of
2 this correspondence? Now there's no date on it.

3 A Other than this one, I, I've never seen it
4 before. This is the between workers. It's just Mario
5 Rojas -- it looks almost like a form letter to let, to let
6 the worker know that there's a social worker assigned to
7 the place of safety provider. It's very cordial and
8 helpful.

9 Q So was that typical when there was a place of
10 safety in place --

11 A I have no idea.

12 Q -- there would be a worker?

13 A Oh yes.

14 Q A place of safety worker?

15 A Yes. I think -- yes, I think Mario was the place
16 of safety worker but there perhaps were others. Yes, they
17 had workers.

18 Q And we will be hearing from Mr. Rojas later --

19 A Okay.

20 Q -- I guess next week hopefully. But let's look
21 at the email correspondence between Mr. Rojas and
22 Mr. Williams. If you turn to page 43569. This is from
23 CD2071. There's actually a series of emails between
24 Mr. Williams and Mr. Rojas. So the first one's dated
25 August 18, '03 from Mr. Williams to Mario:

1 "Glad to hear your on the go with
2 this one. I was in court last
3 week with he Dad, Steve Sinclair,
4 and he consented to a three month
5 temporary order beginning last
6 month. So if all goes well
7 Phoenix should be home on or
8 around the 16th of October.
9 Should be pretty straightforward."

10

11 There's a reference below that to letter of introduction to
12 worker so perhaps that's the letter that we just saw.

13 A Yeah.

14 Q And then if we turn to page 43572. This is an
15 email dated September 23 from Mr. Rojas to Mr. Williams:

16

17 "Hello Stan:

18 Long time no talk. I hope you are
19 doing OK. Well, having Heather as
20 a supervisor sure helps a lot.

21 Enough of brown nosing to Heather.

22 I met with the above-mentioned
23 care provider this morning. She
24 asked to be placed in a twice a
25 month budget since it is hard to

1 make ends meet. I could easily do
2 that with accounting, providing
3 that you are in agreement.

4 I also looked the health numbers
5 for her and, again, if you are OK
6 with this I could call her and
7 provide those to her.

8 The third issue that we spoke
9 about was the possibility of Dar
10 Care for Phoenix. I encouraged
11 her to look around and to talk to
12 you about it."

13

14 I believe that's what you had mentioned to me earlier,
15 Ms. Edinborough.

16

17 "The fourth issue we spoke about
18 was respite. I explained to her
19 that in the [place of safety] rate
20 there is a value ... for that
21 purpose. Understanding that it
22 isn't very much money, I could
23 also make a case with my
24 supervisor and obtain approval
25 from our budget. I would need

1 from you some relevant information
2 that could help me out on this.
3 Once that is approved, I will take
4 care of the rest.
5 Thank you so much Stan and take
6 care."

7

8 Now what's the reference to respite? Was there money in
9 the, in your unit's budget for providing respite to the
10 place of safety worker, looking at that fourth issue?

11 A Well not for the worker but --

12 Q Or sorry, for the parent.

13 A Yes. Children in -- well, it's an additional
14 amount but there was, there was child care money included
15 in the per diem. If, if the caregiver felt they needed
16 additional respite we could request that and then the
17 agency had a committee that approved those. So that's why
18 he's saying he could make a case for it because, as I say,
19 it was an additional, if it's additional respite it needs
20 to be requested.

21 Q So the place of safety worker could provide for
22 respite as well for the place of safety parent?

23 A Generally the caregiver would find, often would
24 find their own caregiver and the agency would, would pay
25 for that extra respite. I think the fact that this

1 information is coming from Mario Rojas is that Kim has
2 perhaps made this request of him, which is very logical
3 because he's now her worker, right, her place of safety
4 worker.

5 Q I see.

6 A I don't, never did, didn't see emails between
7 workers unless they brought them to me. So I saw this one
8 in May.

9 Q May of this past year?

10 A Yeah, just recently. That's the first time I had
11 seen this. I, I didn't know that Kim was asking for or
12 suggesting day care. I didn't know that she was looking
13 for extra respite. I didn't know any of this.

14 Q Would you have expected Mr. Williams to discuss
15 that with you?

16 A If he was supportive of it and thought it was a
17 good idea, but then I look at the date of this email --

18 Q Yes.

19 A -- I'm interested in seeing his response, but I
20 look at the date of this email and see that it's nine days
21 before he's planning to return her, so I don't know why the
22 heck they're talking about this now.

23 Q Right. So let's turn to page 43571. Just scroll
24 down, please. Thank you. So there you see an email dated
25 September 24, the next day, from Stan to Mario saying:

1 "These things all sound fine and
2 dandy and I think we will be able
3 to proceed once we get connected
4 with Phoenix's Dad ... I need to
5 make arrangements with him to see
6 if he will sign a VPA or if I need
7 to ask for an extension of the
8 Temporary Order we have at
9 present. The original plan was
10 that baby would be with Kimberly
11 for a short term and then returned
12 to Dad. The [temporary order]
13 expires on October 2, 2003 which
14 is next week. Once I get this
15 sorted out I think we could get
16 together with Kimberly and do a
17 Child Service Plan and take it to
18 Special Rate Committee with
19 consideration for extra respite,
20 etc. I have baby's medical
21 numbers ... I think day care is
22 a great idea and I believe our
23 branch would be able to cover the
24 extra costs ... If she has
25 something in mind this would be

1 great. Although the TO expires on
2 Oct. 2/03 I anticipate baby's stay
3 with Kimberly will be extended.
4 I'll be in contact in the next
5 week or so and share the outcome
6 of my tracking of Dad."

7

8 A Isn't that sad?

9 Q So this, these were thoughts a few days before
10 Phoenix was returned that Mr. Williams did not share with
11 you?

12 A No.

13 Q And then just to complete this series of
14 correspondence -- scroll up, please to the -- yeah, thank
15 you. So then you see --

16 A It's two days later now.

17 Q Two days later, yes. It says:

18

19 "Hi Mario:

20 An update on Phoenix Sinclair."

21

22 So September 26th.

23

24 "I understand she would be in need
25 of winter clothes but by the time

1 it would be processed she would be
2 home with her Dad. I spoke with
3 Mr. Sinclair this week and he
4 indicates once the [temporary
5 order] expires on October 2, 2003
6 he will be retrieving his daughter
7 and taking her home. Also,
8 Phoenix used her initial clothing
9 allowance when she came into care.
10 She hasn't been in care for six
11 months and therefore we would not
12 be able to access the other
13 [money] till next month. There is
14 also some other additional
15 clothing money available ... for a
16 possible total of \$150.00 next
17 month. What to do you think, do
18 you want to process money for this
19 child before she returns to live
20 with her Dad next week? It would
21 be fine by me as the Dad won't get
22 any child tax credit for a couple
23 of months."

24

25 So two days later the voluntary placement agreement seems

1 to have been abandoned?

2 A It would appear.

3 MS. WALSH: Mr. Commissioner, if you'd like to
4 take the afternoon break at this point.

5 THE COMMISSIONER: That's fine. Just one minute.
6 All right, 15 minutes.

7 MS. WALSH: Certainly no more than that.

8 THE COMMISSIONER: No, certainly no more than
9 that.

10 MS. WALSH: Thank you.

11 THE COMMISSIONER: All right.

12 MS. WALSH: So long as that's okay with the
13 witness, sorry.

14

15 (BRIEF RECESS)

16

17 BY MS. WALSH:

18 Q So, Ms. Edinborough, I want to talk now about the
19 formalities surrounding putting the place of safety
20 arrangement into effect. Was that typically something that
21 the family services worker would be involved with?

22 A Yes, they would start the process.

23 Q Okay. Did you have any involvement with the
24 process?

25 A Not -- the involvement that the supervisor had

1 would be to ensure that the checks had been done, if there
2 was any concern about any of the checks to explore that
3 further and then to sign off on that and then it went to
4 the foster care department or place of safety.

5 Q So we'll just quickly go through the
6 documentation that's in the file so we can see how the
7 process took place. If we start with page 36639 and this
8 is entitled "A Checklist for Completing a Place of Safety
9 Contract". This appears to be filled out in Mr. Williams'
10 handwriting --

11 A Yes.

12 Q -- do you agree?

13 A Yes.

14 Q And it's dated at the bottom July 31, '03,
15 forwarded to Linda Greig. Who was she?

16 A I don't know.

17 Q Okay. Where was this document to go did you say?

18 A On Provencher. 222 Provencher is where the
19 foster care department was and the place of safety workers.

20 Q So at the top it has the names are Kim and Rohan
21 Stephenson and the case worker is Stan Williams and you're
22 there as his supervisor. And then there's a number of
23 documents that are checked off. So place of safety
24 placement form is completed and we'll go backwards after we
25 see this checklist and see these documents, and the notice

1 of agreement to provide placement, the physical
2 requirements checklist, the reference form, place of safety
3 care rate form, green sheets and I think that, that covers
4 it. So then if we go to page 36620, these are now the
5 documents that we just saw identified on the checklist. So
6 this is the place of safety placement form and you see at
7 the top it has Kimberly Stephenson and then there's an
8 asterisk beside Rohan Stephenson's name, not living in the
9 home, but is co-parenting. Was that something you were
10 aware of?

11 A I don't know when that was written. I, I don't
12 recall being aware of that.

13 Q Okay. Was it your understanding that both Rohan
14 and Kim were living together in the home when Phoenix was
15 at that place of safety?

16 A I don't remember but even if she had never been
17 married or was a single mom she could still be eligible to
18 be a place of safety.

19 Q Is the place of safety specific to the individual
20 though, like was --

21 A To the child. It's someone that the child would
22 know.

23 Q But in this case was the place of safety
24 considered to be with Kim or with Kim and Rohan, or did it
25 matter?

1 A I don't know who -- if we could go back to the
2 other page, do we know whether checks were done on both.
3 Did, did Stan assume or did he know that Rohan was either
4 there or not there? If he did checks on both, he must have
5 assumed that he was going to be providing some care or
6 living in the home.

7 Q Okay. So you wanted -- the previous page was
8 36639.

9 A I don't know if it's said but we'll have a look.

10 Q It has both names on it. I think we'll see
11 criminal reference checks if that's what you're referring
12 to --

13 A To both?

14 Q -- to both.

15 A Okay. So your question is did it matter. All
16 of, I think all of the, anyone over 18 in the home had to
17 be checked that would potentially be providing care or be
18 around the child, so. Would it matter to me if they were
19 separated or together? No.

20 Q And so if we go back to 36620, you've got the
21 children placed information is Phoenix and the relationship
22 to the child is godparents (spiritual mentors). The date
23 placed is July 31, '03. Estimated length of stay, three
24 months. Reason for placement: "Parents, i.e. Dad require
25 time to straighten up before he can parent." Again,

1 straighten up, is that a child welfare term?

2 A No, that's, that's a Stan term.

3 Q Stan, okay. And then it says security checks,
4 criminal records, yes, no record and at there, the box
5 above that says all other individuals over 18 years of age
6 must, also must have police and abuse checks done.

7 A Right.

8 Q So there's the criminal records with the Winnipeg
9 Police, abuse registry, it says Kimberly Edwards Stephenson
10 not on list, Ron Stephenson not on abuse registry, records
11 checks, Kim -- it refers to a protection file opened and
12 closed June 30th, so the same day from 1990, a reference
13 check, it says that was done, concerns none. And then it's
14 signed by both Mr. Williams and your approval is on there
15 as well.

16 A Right. And that, that would be the extent of my
17 involvement in something like this, to just ensure that the
18 checks were done.

19 Q And then the next page 36621 lists other children
20 residing in the home and at the bottom it makes a reference
21 to references. So then if we go to 36625, this is the
22 notice of agreement to provide placement and it says I,
23 Kimberly Stephenson -- and at the bottom it has her
24 signature, is that -- do you understand that to be her
25 signature?

1 A I don't know. I have no idea.

2 Q Not sure. It has Mr. Williams' signature?

3 A Yes.

4 Q Okay. That's on July 29, '03. And then on page
5 36626, all the way to 36631, this is called the "Children's
6 Foster Home Provincial Requirements Check List". And so
7 this is dated July 29, '03 as well with Kim's name on it.
8 The assessor is Stan Williams and it discusses a variety of
9 matters relating to the house. So did you understand
10 that Mr. Williams went out to the house to do an
11 assessment?

12 A Yes, he would be expected to.

13 Q He would have been expected to, all right. And
14 so the document shows, if you just scroll through it, that
15 he made some comments. And then if we turn to page 36632,
16 this is a reference form so this was a reference re:
17 Kimberly Stephenson. It talks about how long the
18 applicant, how long the reference has known the applicant,
19 the stability of their relationship. She says even though
20 separated they are still good friends.

21 Applicant's relationship with children -- really
22 good with kids.

23 Applicant's ability to effectively discipline and
24 set limits -- pretty good, explains things, times out,
25 raises voice.

1 How would you assess the applicant's abilities as
2 a homemaker, friend -- really good, does well as a friend,
3 as homemaker super clean.

4 And then the next page: Would you or have you
5 left your own children with the applicant for an extended
6 period of time? The reference says, yes, I have.

7 What strength would contribute to their ability
8 to foster children? Parenting skills and energy, pretty
9 good with compromises, treats her like her own kid.

10 Any concerns? No.

11 Would you recommend the applicant? Yes. Oh yes,
12 definitely.

13 And the last, number 10, is there any other
14 information you feel the agency should know about the
15 applicant? Phoenix is better off there. Phoenix has been
16 taken care of by Ron and Kim for extended periods of time,
17 positive reference.

18 And then the next document --

19 THE COMMISSIONER: Well before you leave that
20 one, who is it, who's the author of this document?

21 MS. WALSH: Well, if we look at the top of the
22 previous page 36632, the name is Tanya Jarvis, I believe.
23 There's no signature on it, doesn't seem to be a
24 requirement for a signature. So it seems to be a reference
25 that was given verbally perhaps to Mr. Williams.

1 THE WITNESS: It could have been.

2 THE COMMISSIONER: Well, it's peculiar there
3 wouldn't be a place for a signature, isn't it?

4 THE WITNESS: Pardon?

5 THE COMMISSIONER: It's peculiar there wouldn't
6 be a place for a signature.

7 THE WITNESS: I don't know if it is or not. I
8 mean we sometimes take these references over the phone.
9 We're given the name of --

10 THE COMMISSIONER: Oh, I see.

11 THE WITNESS: -- the reference person by the
12 place of safety provider and we call them and get the
13 reference.

14

15 BY MS. WALSH:

16 Q Did the reference that we just looked at, did
17 that meet the requirement that Mr. Williams had to get a
18 reference for the place of safety?

19 A Yes.

20 Q If we look at page 36637 and 36638,

21 MS. WALSH: I've just gone a little bit out of
22 order, Mr. Commissioner, from what's on your desk. Go to
23 the next pile.

24 THE COMMISSIONER: Yes.

25

1 BY MS. WALSH:

2 Q These are consents for criminal record checks and
3 so the first one is with respect to Kimberly Ann Stephenson
4 and it says the reason for the consent is to be a place of
5 safety provider for her goddaughter. Now this is dated, if
6 you go to the bottom, September 23, '03. Do you know why
7 it would be dated so late into the arrangement? The others
8 were dated at the end of July.

9 A No, I don't know.

10 Q And the next --

11 A Um --

12 Q Oh, sorry.

13 A No, it's okay.

14 Q Did you have something you wanted to add?

15 A I don't think so, no. It is odd.

16 Q The next page 36638 is the same form but this
17 time with respect to Rohan Stephenson and the same date and
18 each of the forms is signed by Kim Edwards Stephenson and
19 Rohan Stephenson respectively.

20 My friend, who generally does criminal law, says
21 that criminal records checks generally take longer
22 to obtain. So perhaps we can take judicial notice of
23 that.

24 THE COMMISSIONER: Thank you.

25

1 BY MS. WALSH:

2 Q Now if we look at page 36634, this is a three
3 page document. This is also dated September 23, '03,
4 entitled "Application for a Licence to Operate and Maintain
5 a Children's Foster Home". Now did you ever see this
6 document before preparing for your testimony?

7 A I don't know if I did or not. I, I -- as the
8 supervisor of a family service unit and this is part of
9 foster care's work, I would never have normally seen these.
10 I wouldn't have anything to do with licences or
11 applications to licence someone for a foster home,
12 normally, ever.

13 Q Do you understand this document to be different
14 than the place of safety application?

15 A From my limited understanding of, of licencing
16 and whatnot, I believe so. As I've said before, I think, a
17 place of safety is meant to only be for 90 days. At some
18 point if, if they intend to continue caring for that child,
19 the expectation is that an application to become licenced
20 as a foster home is undertaken and I believe that's what
21 this is.

22 Q Did Mr. Williams ever discuss with you extending
23 the arrangement with the Stephensons to become a formal
24 foster home?

25 A No, he wouldn't. That wouldn't be his role, it

1 would have been Mario's perhaps or that department.

2 Q That would also have involved -- this is dated
3 September 23, '03, so this is towards the end of the
4 temporary order.

5 THE COMMISSIONER: Mr. McKinnon I think has
6 something to say.

7 MR. MCKINNON: Yes. Mr. Commissioner, it is my
8 understanding that the family support worker initiates the
9 place of safety and once it goes beyond that it would be in
10 another department and this witness wouldn't be familiar
11 with those licencing processes. So she would have been
12 responsible for initiating a place of safety as a
13 supervisor. A place of safety worker gets assigned and
14 then it's in essentially another department.

15 MS. WALSH: Okay, thank you. And I think we'll
16 hear some clarification from where this document comes from
17 when we hear from Mr. Rojas.

18 THE COMMISSIONER: Mr. Ray, did you want to raise
19 something?

20 MR. RAY: No, I think what Mr. McKinnon stated
21 and what Ms. Walsh stated clarifies what I was going to
22 add. Thank you.

23 MS. WALSH: So we'll see this document again when
24 we hear from Mr. Rojas.

25

1 BY MS. WALSH:

2 Q After Phoenix was returned to her father in
3 October of 2003, do you recall having any discussions with
4 Mr. Williams between that time and when the file was closed
5 on November 13?

6 A Between October and November I don't recall
7 having, I don't recall having any specific conversation.

8 Q Would you have had a conversation specific to the
9 actual closing or would that decision have already been
10 made by the time Phoenix was being returned?

11 A We would have had a discussion about closing the
12 family file prior to closing it on November 13th or
13 whatever day it was. But between of the time Phoenix was
14 returned and the closing date, I don't recall having a
15 conversation about it.

16 Q And then once the file was closed, there was no
17 more monitoring of Mr. Sinclair's situation?

18 A No, there wasn't.

19 Q We're going to hear next week from an intake
20 worker that the file was opened again in January of 2004.

21 A Yes.

22 Q So just a few months later. And that intake
23 worker's summary records some contact with you. So if we
24 could turn to page 37353 -- well let's start with page
25 37350 to see the first page of the intake summary. So

1 you'll see that under source of referral the date is
2 January 16, '04. You see that?

3 A Yes.

4 Q And if we go to the last page of this document,
5 37355, it shows that the file was closed on February 13,
6 '04.

7 A Um-hum.

8 Q But if we go to page 37353, under January 22nd,
9 '04, first it says consult with Doug Ingram, who I'm
10 advised is the supervisor for this particular intake
11 worker.

12 A Yes.

13 Q

14 "Call previous supervisor. Get in
15 touch with Steven. Leave child
16 with Rohan for now."

17

18 So the previous supervisor was you?

19 A Correct.

20 Q And so then we see a notation:

21

22 "[Phone call] from Heather
23 Edinborough. She recommends
24 leaving Phoenix with the
25 Stephensons. Transfer the file to

1 Family Service and they can
2 determine whether this should be
3 the long term plan."

4

5 So can you tell us about what information you learned from
6 the intake worker in January of 2004?

7 A I recall the phone call from Lisa Mirochnick when
8 she informed me that, and she didn't give me details, but
9 that the child was not with the dad. I don't know if she
10 told me that she was with the Stephensons. I made that
11 assumption or she may have told me, but I was certainly
12 disappointed to hear that this had fallen apart so quickly.
13 And, as I said, it seemed the safest best course of action
14 to leave her with someone she was familiar with, that had
15 been a safe place for her and by saying transfer the file
16 to family services, this is a different catchment area now,
17 this is a different part of the city, that's why it's a
18 different intake supervisor. My suggestion was that they
19 transfer it to family service which would have meant
20 opening the protection file again to the unit in that area
21 and determine -- well, I think it had probably seemed clear
22 that, that something else needed to happen because she was
23 no longer in her dad's care and what that long-term plan
24 should be, just as it says there.

25 Q So you recommended that the file be open to a

1 family service unit?

2 A I certainly thought there needed to be more
3 follow up, obviously.

4 Q Did you hear back from Ms. Mirochnick after that
5 phone conversation?

6 A I don't think so.

7 Q So when did you first learn that the file was in
8 fact not sent to family services but closed on intake?

9 A I don't think I knew it for sure until these
10 proceedings, until the interviews --

11 Q With our office?

12 A Yes, or with Mr. McKinnon. I don't think I knew
13 it for sure until then. I didn't know what the course of
14 events exactly were, I'm not sure I still do, after that
15 January phone call.

16 Q The closing on intake was not what you had
17 advised?

18 A No.

19 Q And after that January 22nd phone call, you had
20 no other involvement with this family?

21 A No.

22 Q So now I want to have you comment on the three
23 case specific reports that were prepared with respect to
24 the services that were delivered to Phoenix and her family.

25 A Okay.

1 Q They are -- there is one prepared by
2 Andrew Koster whom I believe you were interviewed by.

3 A Yes.

4 Q That's what we called a section 4 report. There
5 was one prepared through the office of the chief medical
6 examiner by Jan Christianson-Wood. That's the section 10
7 report. And then we'll look at the internal review that
8 was prepared by Rhonda Warren.

9 A Okay. Do I have those?

10 MR. MCKINNON: The witness is asking me if she
11 has copies of those reports. I think you've seen the
12 relevant portions but they're not in those binders in front
13 of you.

14 THE WITNESS: Okay. Thank you.

15

16 BY MS. WALSH:

17 Q So we'll pull them up on the screen then. With
18 respect to the section 4 report, have you read it in its
19 entirety?

20 A I've only read it up until our involvement was
21 over.

22 Q Has it been shown to you in its entirety?

23 A I don't, I don't think so.

24 Q Okay. And when was the first time you read the
25 portions that you've read?

1 A In, in preparation for this --

2 Q Yes.

3 A -- with Mr. McKinnon.

4 Q What about the section 10 report, how much of
5 that report have you read?

6 A I think I've skimmed the whole thing and again I
7 haven't seen any of that until preparation for the inquiry.

8 Q And the report that was prepared by Ms. Warren?

9 A Same thing, I've skimmed it. I think I have read
10 all of Mr. Koster's as well. I have, in preparation for
11 this I have read through all three reports but with
12 particular emphasis up to the point where our involvement,
13 Stan and my involvement ceased and then I read the
14 recommendations.

15 Q But the reports were not shown to you until you
16 began to prepare for your participation in this inquiry?

17 A Correct.

18 Q Would you have --

19 A No, they weren't.

20 Q Sorry?

21 A No, they weren't. I mean 'cause nobody talked to
22 me about it before that.

23 Q Would you have liked to have seen them sooner?

24 A I don't know. Yes. I think I would have liked
25 to have seen them sooner in a, in a formal way with, with,

1 agency management and perhaps with others involved. I, if
2 you don't mind me saying, I recall being involved in
3 another case and that was done where they gathered us
4 together and that, that was helpful in terms of education
5 and our own learning and helpful in terms of feeling
6 supported.

7 Q Um-hum. That didn't happen in this case?

8 A No.

9 Q Okay. Now you said you were interviewed by
10 Mr. Koster?

11 A Yes.

12 Q So we'll turn to page 36869 and this is from
13 CD1794, which are Mr. Koster's notes of his interviews with
14 several workers. So this says:

15

16 "Interview with Heather

17 Edinborough

18 Supervisor in the 2003 period of

19 time and she was supervising a

20 family service unit of Stan

21 Williams. The unit consisted of 8

22 workers an administrative

23 assistant. The caseloads of the

24 family service workers would have

25 been between 30 - 35 on average.

1 This includes children in care off
2 family caseloads.
3 Placed at Kim Stephenson's on July
4 31, 2003 after criminal record
5 checks, child abuse registry
6 check, and it was determined that
7 she was not an open family case to
8 [Winnipeg Child and Family
9 Services]. At that point
10 documentation shows that she
11 became an official 'Place of
12 Safety' and would have received at
13 least the regular per diem. She
14 was returned on October 3, '03.
15 When the child in care file was
16 closed October 10 Stan closed
17 Steve's file in November 13, 2003.
18 The family services worker and
19 supervisor then ended contact.
20 There was no more contact until
21 January 16th, '04 under the
22 supervision of the intake
23 supervisor. The intake supervisor
24 called her and you recommended
25 leaving her with the Stephenson's

1 unofficially. The intake worker
2 went to the Stephenson's and ..."

3

4 And then I think it's a reference to his interview later.

5 A Right.

6 Q Ideas -- now is that, does that match your
7 recollection so far of your interview with Mr. Koster?

8 A Yes.

9 Q When were you shown --

10 THE COMMISSIONER: The page number doesn't appear
11 on the screen, does it, in the hard copy?

12 MS. WALSH: The page number of our disclosure is
13 at the bottom.

14 THE COMMISSIONER: No, but in the report.

15 MS. WALSH: But the page numbers of -- these are
16 not from the report, these pages are from Mr. Koster's
17 interviews of some of the workers.

18 THE COMMISSIONER: Oh, oh, I thought it --

19 MS. WALSH: They are not dated that I can see.

20 THE COMMISSIONER: I'm sorry, I thought they were
21 from his report.

22 THE WITNESS: No, they're just his notes.

23 MS. WALSH: No, these are from, from his
24 interviews with some workers and supervisors.

25

1 BY MS. WALSH:

2 Q Do you remember when this interview took place?

3 A Not exactly. It was -- I know I was already
4 Eastman, so I don't know when it was.

5 Q Were you ever shown these notes of the interview
6 prior to your preparation for this inquiry?

7 A No.

8 Q Okay. So they weren't sent to you to verify for
9 their accuracy?

10 A No.

11 Q So up to ideas for recommendations, is what we've
12 looked at so far, was that an accurate recording of your
13 discussion or can you recall?

14 A I don't recall exactly the, the -- I have no idea
15 what the two paragraphs mean. I don't know, I don't know
16 what that came out of but ...

17 Q Okay.

18 A I don't recall talking about that. I'm not, I'm
19 not saying for a minute that he made it up but I have no
20 idea what we were talking about.

21 Q Okay. And then under "Ideas for
22 Recommendations", do you remember him asking you for
23 recommendations?

24 A Yeah, he may have, yeah, asked me what I thought
25 would have been helpful, yeah.

1 Q So he's noted:

2

3 "Smaller caseloads mean more in-
4 depth knowledge of families and
5 ability to see them more and allow
6 then the supervisors to be more
7 familiar as well. Supervisor
8 competency based training is fine
9 but we need self awareness
10 training. If you are only
11 responding to crises and worker's
12 crises making the time to hear
13 about the case and finding [out]
14 how the workers are coping but
15 also taking time to assess how the
16 supervisors are also coping....
17 becoming more self aware."

18

19 And finally,

20

21 "Perhaps clinical supervision.
22 Competency training is sound but
23 task focused. Emotions also need
24 to be trained. If a supervisor is
25 having a horrible time there needs

1 to be someone who can respond to
2 that. The integrated services
3 delivery needs to have community
4 area directors able to know what
5 protection supervisors are going
6 through in their particular
7 stresses."

8
9 Does this accord with your memory of what you
10 gave Mr. Koster by way of recommendations?

11 A Well I must have said something like that
12 because, I mean it's there. The notes themselves, they
13 ramble a little bit and I'm sure it, it -- I'm sure I was
14 pretty nervous that day and I note the very last sentence
15 there, that would have been something that was pertinent in
16 Eastman but not at Winnipeg, so I'm not quite sure what I
17 was rambling on about there.

18 Q Okay. And then it appears that, he's noted that
19 Stan Williams, May 24, so that may be the date that
20 Mr. Koster interviewed Stan Williams. There's no date next
21 to your interview.

22 A We were both there the same day.

23 Q You were?

24 A Yes.

25 Q Were you interviewed at the same time?

1 A No.

2 Q Okay. So you were interviewed on the 24th of
3 May?

4 A Yeah, 'cause we went for lunch, Stan and I, so.

5 Q Okay. And the report was prepared as of '06, so
6 this would have been in '06.

7 A Okay.

8 Q So just briefly, Mr. Commissioner, we'll put this
9 into the record. I'm not going to take this witness
10 through line by line of Mr. Williams' interview, but it is
11 there for the record. He talked about his client profile
12 case list, 46 to 48 family and children. He talked about
13 where he had been, about workload. He confirms on page
14 36870 that:

15

16 "Kim and Rhon were the godparents
17 referred to earlier in the file
18 and that she was a friend of the
19 natural father and had indeed
20 looked after Phoenix at different
21 point since birth. Whenever
22 Steven and Samantha had
23 difficulties she would provide
24 assistance on a voluntary basis.
25 They discovered this by talking to

1 Steve when Stan asked who could
2 look after Phoenix closer to home.
3 Protocol called for family and
4 friends in a voluntary
5 arrangement, less intrusive."

6
7 He refers to the treatment options, the plan B, the plan
8 that didn't work and as a result plan B was put in effect.
9 He refers to the September 10 notes that are documented and
10 the home visits. He says, with respect to the home visit
11 on October 2nd, he notes:

12
13 "The worker had his doubts and
14 this is described below in the
15 circumstances presented by the
16 worker at the closing which
17 occurred on November 13, 2003.
18 Stan indicated in his closing and
19 in interview with him that Stan
20 was concerned that if he did not
21 work on the identified issues that
22 caused the case to be opened in
23 the first place, then it would
24 have to be re-opened. Stan felt
25 that there had been movement in

1 his approach. He was still
2 grieving his loss of (second baby)
3 and would drink, and he was
4 resisting any criminal
5 involvement. The separation and
6 loss of Samantha with her leaving.
7 All of these things were
8 problematic. Stan offered supports
9 but the father withdrew them since
10 Kim was still in the picture to
11 support him and Phoenix. Therefore
12 he already had his system of
13 supports. Stan told his supervisor
14 that although there were
15 protection issues which could
16 arise, presently there wasn't. As
17 such the protection reasons for
18 keeping the case open were not
19 present. Stan was going back to
20 his own unit and the decision was
21 being made whether to assign this
22 to a new worker or send it to a
23 new Authority for their follow up.
24 With no identified protection
25 issues occurring in the present.

1 Stan felt that this fellow would
2 probably not respond to a more
3 heavy handed mandatory approach.
4 Stan presented it to his
5 supervisor in one way he recalls.
6 'There are underlying issues here
7 that have not really been
8 addressed, just with some time
9 passing but not with actual
10 programs being completed, the
11 decision is that we can either
12 close this off or transfer it to
13 the new authority. A discussion
14 then ensued about closing off as
15 the best option and then it could
16 be re-opened to the new Southern
17 Authority if more service was
18 needed."

19

20 Now does that match your recollection of discussions
21 between Mr. Williams and you?

22 A Parts of it do and it's very much like he
23 indicated in his closing summaries. However, the part
24 about closing it off, either close this or transfer it to
25 the new authority, if we had that discussion at the time of

1 closing I would have corrected him because opening it to
2 the Southern Authority was not an option at the time that
3 we closed it in '03. So his, his memory of that is not
4 accurate.

5 Q Is there anything else there -- now I appreciate
6 that Mr. Koster may not have recorded Mr. Williams
7 correctly, Mr. Williams isn't here to speak to that, but is
8 there anything that is noted as something Mr. Williams
9 conveyed to you that you don't think is accurate?

10 A That I think is inaccurate on this part?

11 Q Yes. The things that Mr. Williams is recorded as
12 saying he said to you.

13 A No, other than the business about the Southern
14 Authority. I think that that, it's more than what he said
15 in his closing summary but I think it fits what, what we
16 discussed.

17 Q Any other comments on these interview notes?

18 A No.

19 Q Okay. So let's turn to Mr. Koster's report,
20 please. I'm calling it Mr. Koster's report but it was
21 prepared under the name of Mr. Koster and Ms. Schibler
22 through the offices of the Children's Advocate. So if we
23 can start at page 27 of CD1, sorry, page 28. So this is
24 entitled "The Third Protection Opening: From February 26,
25 2003 to November 2003", so this encompasses the work that

1 your unit provided. And I think this first page is simply,
2 if we scroll through it, please, simply a factual
3 recording. You've had an opportunity to review, you said,
4 the portions of the reports that relate to the work that
5 your unit did?

6 A Yes.

7 Q Okay. So then we can scroll to the next page,
8 page 29, and again we have factual recordings of the second
9 apprehension. Page 30, please scroll to the bottom, and we
10 get to July 7th, which is when Mr. Williams starts to meet
11 with Steve. If we can turn to page 31. So again, the
12 report here just lists the factual pieces and page 32. And
13 then the report documents the interview that Mr. Koster had
14 with the assigned worker, with Mr. Williams, and we've just
15 looked at his interview notes. Was there anything in that
16 portion that you wanted to comment on? And take your time.

17 A No, I think that's almost verbatim what we just
18 saw in the notes. So the part about the Southern
19 Authority --

20 Q Okay, and if we --

21 A -- no, it's not there. Okay.

22 Q And the next page, please.

23 A Yeah, there's the stuff about the Southern.

24 Q So then there's a reference to the worker
25 circumstances beyond the case file at page 33 and this, I

1 think, was also taken from Mr. Williams' interview notes,
2 talking about his workload, et cetera. And then there's a
3 reference to the interview with you and is there anything
4 you want to comment on there?

5 A Just a small thing I think for me, there's a
6 sentence under that heading "Interview with the Worker's
7 Supervisor":

8

9 "With this excessive work
10 load ..."

11

12 He writes ...

13 Q Yes.

14 A

15 "... the supervisor had no choice
16 but to rely on the extensive
17 experience of workers such as this
18 particular worker."

19

20 Q Yes.

21 A That's certainly not all I rely on. I, I have
22 some ability and intelligence of my own and I relied on my
23 own experience and knowledge as well. The next sentence is
24 true, he was seen as competent, and I certainly didn't
25 question his decision as much as I wish I would have.

1 Q And where it says: "Unfortunately he too was
2 overloaded"?

3 A Well that's certainly what he told Mr. Koster.
4 I, I have no doubt that he felt overloaded at times.
5 That's a bit of a subjective description.

6 Q Did Mr. Williams ever tell you he was too busy to
7 do anything that you required of him with respect to
8 Phoenix's file?

9 A No. He, he certainly talked about being busy but
10 he never indicated that it kept him from performing his
11 duties that needed to be done.

12 Q Okay. Now if we look at the findings, finding
13 19:

14

15 "The case should have been kept
16 open after November 2003 since
17 Steven Sinclair (Phoenix's
18 father), had not yet accomplished
19 his required tasks."

20

21 Do you want to comment on that?

22 A It's absolutely right. It should have been kept
23 open. We should have monitored that home more, we should
24 have done more for Steven and subsequently for Phoenix.

25 Q You're saying that now.

1 A Yes.

2 Q That was not what you thought at the time?

3 A No. I'm saying that now.

4 Q Finding 20, if you turn the page:

5

6 "There should have been follow up
7 with Rohan and Kim Stephens (sic)
8 to determine whether Phoenix was
9 safe and whether they were
10 assisting in looking after
11 Phoenix."

12

13 A I don't quite understand that one. After we
14 returned her home, is that what that means do you think?

15 Q Yeah, I don't know, so ...

16 A I don't either.

17 Q Fair enough.

18 A Okay.

19 Q Twenty-one, and there are two finding twenty-
20 ones. So the first one:

21

22 "The worker did not have nearly
23 the time to properly manage this
24 case or others when numbers and
25 other caseload responsibilities

1 are factored in to his day to day
2 responsibilities."

3

4 A Well ...

5 Q Do you agree with that statement, from your
6 perspective as his supervisor?

7 A From my perspective as his supervisor and the way
8 Stan generally worked ... Okay, didn't have the time to
9 properly manage this case. I certainly acknowledge now
10 that this case wasn't properly managed now. I acknowledge
11 that. Did he have enough time to attend to all of his
12 caseload responsibilities, all of the expectations?
13 Probably not. This is a very broad statement. Did Stan
14 not manage any cases properly? He says he doesn't properly
15 manage this case or others. I think there's way too many
16 things in there for me to be able to respond yes, it's true
17 or no, it's nonsense. There's just, there's so much in
18 there. There are parts that are true.

19 Q What about the second finding 21:

20

21 "High Caseloads and the Excessive
22 Supervisory coverage were factors
23 in the decision to close the case
24 file."

25

1 A No, that's not true.

2 Q Okay.

3 A You don't close cases because the caseloads are
4 too high, that's not true.

5 Q Anything else you want to comment on with respect
6 to the section 4 report?

7 A I don't think so.

8 Q Okay. Let's turn to the section 10 report. If
9 we can pull up page 143. And again, you've had an
10 opportunity to review this report and the portions that
11 relate to your services.

12 A Yes.

13 Q So if we scroll down a bit, please. The
14 paragraph in italics, it says:

15

16 "Information was requested on
17 April 21, 2006 from [the] Branch;
18 specifically, what were the terms
19 of the order sought by the Agency.
20 Did the Agency have expectations
21 for Mr. Sinclair concerning change
22 to his lifestyle or his
23 addictions? The transcript of
24 court proceedings was provided ...
25 The transcript provided no

1 information about any expectations
2 of Mr. Sinclair despite the
3 circumstances under which Phoenix
4 came into care and three years'
5 accumulation of concerns about the
6 quality of both parents' care of
7 their daughter."

8
9 And then if we scroll down there's a quote from the
10 transcript that we looked at.

11 Q Um-hum.

12 A If we go to the next page, the portion in italics
13 says:

14
15 "The court process was intended to
16 protect Phoenix at that time and
17 to ensure that she returned to an
18 improved situation -- the end of
19 the order was only seven weeks
20 from the date of Mr. Sinclair's
21 appearance in court. The plan
22 presented by [Winnipeg Child and
23 Family Services] regarding
24 Mr. Sinclair consisted of
25 'get[ting] his business in order'.

1 What did that mean? What did that
2 require in measurable, observable
3 change?"

4

5 So do you want to comment on these queries in the report
6 about the plan?

7 A Not really. I think we've discussed the
8 transcript and the language used by Mr. Williams and it
9 wasn't adequate. The length of time of the order was too
10 short.

11 Q Okay. Now if we want to scroll down, please.
12 Again there's a discussion of the plan and towards the
13 bottom of that paragraph in italics, how -- it says:

14

15 "Provincial standards also address
16 the need for concrete planning
17 with measurable objectives and
18 goals that are realistic ... How
19 else would an Agency know when
20 risk was sufficiently reduced to
21 return a child home safely? An
22 issue related to this is whether
23 there is a means available to all
24 workers in the Province that
25 enables them to measure the

1 initial risk accurately and
2 another to recognize when the
3 child is safe enough to return
4 home and when it is safe enough to
5 close the case. Case supervision
6 should be an important factor in
7 arriving at the final decision to
8 return the child home or to close
9 the case but the use of a more
10 reliable and objective means of
11 assessing safety is needed."

12

13 A If we could just back up to 144 again, I think
14 that's spot on. I mean it's kind of put like a rhetorical
15 question but that's extremely significant that we need a,
16 we needed a means to measure the initial risk accurately
17 and another to recognize when the child is safe enough to
18 return home and when it is safe enough to close the case.
19 We, we've used our best judgment to do that traditionally.
20 We, we haven't had a risk assessment tool that was a
21 tangible scientific, if you like, or at least reliable and
22 valid means to measure. I think that exists now. So these
23 questions, as I say, appear to be rhetorical but they are
24 certainly right at the time this was written.

25 Q And we expect to hear evidence, particularly in

1 phase 2, about the new structured decision making tool. Is
2 that what you're referring to?

3 A It is, yes.

4 Q Okay. Did, did you have any experience with that
5 tool before you retired?

6 A At the Métis agency I did, yes.

7 Q Yes. And how did you find it?

8 A I think I never used it because I was in
9 management but what I learned about it and, and seeing it
10 be used in files, I think it probably isn't going to fix
11 everything but it goes a really long way to accomplishing
12 what is being discussed here. I think it's, I think it
13 should be a great relief to workers that instead of using
14 their own values and their own judgment only and their own
15 biases, because we do, that they have something that
16 measures that. The SDM tool has been used and is validated
17 and is reliable by all accounts and it's a place to start.
18 It's something to hang your hat on. I think it's a, I
19 think it's a real step in the right direction, absolutely.

20 MS. WALSH: Mr. Commissioner, if I could have ten
21 minutes more with this witness then I think I will finish
22 my questions.

23 THE COMMISSIONER: I think we should finish you
24 today.

25 MS. WALSH: Okay, thank you.

1 THE COMMISSIONER: And then we'll take the cross
2 next week.

3 MS. WALSH: All right.

4

5 BY MS. WALSH:

6 Q So if we turn to page 145, place of safety with
7 Kim Edwards and Rohan Stephenson, the third paragraph under
8 that heading it says:

9

10 "It was not clear from the file
11 why Mr. Stephenson's place of
12 residence was not examined for its
13 suitability ... if the couple were
14 co-parenting."

15

16 Because the information was that they were not living
17 together.

18

19 "In addition, the personal
20 reference referred only to the
21 suitability of Kimberly Edwards
22 ... The reason for the couple's
23 separation was not explored ..."

24

25 Scroll down, please.

1 "Provincial Standard 411 for Place
2 of Safety in a family residence
3 specifies: 'Placement in a family
4 residence is not to exceed two
5 weeks unless the family applies to
6 provide care as an approved foster
7 home.'

8 Given that the placement did
9 exceed two weeks and that the
10 caregivers were a separated couple
11 proposing (somehow) to co-parent,
12 it was incumbent on the Agency to
13 ensure that Phoenix was in a
14 satisfactory placement. It was
15 also required that the foster
16 parents apply to be licensed.
17 None of this was done during her
18 placement."

19

20 Do you agree with that, those comments about place of
21 safety?

22 A I'm, I'm not knowledgeable enough about that to
23 be able to agree or disagree really. I, I don't
24 necessarily -- certainly from the italics on, I don't know
25 enough about that but in terms of wanting to know the

1 reason for the couple's separation, I don't, I don't know
2 that I would think that that was important at that time. I
3 think we knew that Kim Edwards or Kim Stephenson had often
4 provided care to Phoenix and assessing her as a safe
5 caregiver for Phoenix was suitable for us at that point.

6 Q Did you think that Mr. Williams did what was
7 expected of him with respect to assessing the suitability
8 of the place of safety?

9 A I, I think he did what was expected of him. I
10 think we saw the criminal record checks on both adults and
11 I think that he did what he needed to do in terms of
12 getting that place of safety started, yes.

13 Q Turn to the next page, please. The first four
14 paragraphs are going to be addressed, I think, through
15 Mr. Rojas, but then the paragraph starting with, if you'll
16 scroll down, please:

17

18 "No visits to the foster home were
19 documented in the file material
20 provided for review other than the
21 initial physical inspection ...
22 No conversations with Ms. Edwards
23 or Mr. Stephenson were documented
24 during the time that Phoenix was
25 in their home. In terms of contact

1 between Phoenix and her parents,
2 the closing summary of the Child
3 in Care file notes that 'Dad
4 visited on a regular basis while
5 Mom and other relatives visited on
6 occasion.'"

7

8 Was it a responsibility of Mr. Williams to visit Phoenix
9 while she was at the place of safety?

10 A It absolutely was, yes.

11 Q And from what we reviewed did Mr. Williams make
12 contact with Phoenix while she was at the place of safety?

13 A It doesn't appear that she did. He made phone
14 calls but it doesn't appear that he saw her. It doesn't
15 appear that he did.

16 Q From the notes?

17 A From his notes.

18 Q But we did see a note of his speaking with
19 Ms. Edwards.

20 A Yes.

21 Q And then that last page, paragraph:

22

23 "No assessment of Mr. Sinclair's
24 functioning or a pre-discharge
25 visit to his home was recorded on

1 the file information presented for
2 review."

3

4 Do you agree with that?

5 A I do.

6 Q Okay. Again, do you know whether that's
7 something Mr. Williams did but simply didn't document?

8 A I think that Mr. Williams, I think, I think that
9 we know that he was doing his own assessment of Sinclair's
10 functioning and I, but I don't -- it doesn't appear as
11 though he did a pre-discharge visit.

12 Q If we go to the next page, please. You've read
13 this page, these paragraphs. Do you want to comment on any
14 of the matters that are identified on this page, 147?

15 A Could we scroll down a bit, again? Yeah, I think
16 the things on this page are things that we've already
17 talked about and I don't see anything that I would disagree
18 with.

19 Q Okay. And on the next page, 148 --

20 A Can we go back? Sorry.

21 Q Yes, certainly. The last bit of that bottom
22 paragraph:

23

24 "The Agency failed to act to
25 reduce the risk of future harm ...

1 Instead, the Agency's plan was to
2 wait for a dangerous situation to
3 develop ..."

4

5 I don't believe that Stan believed that he had failed to
6 act to reduce the risk. I think through his work with
7 Steven, that you wouldn't know from just reading the file,
8 which is how this report was produced, I believe. I think
9 that Stan believed that, that he had acted in, with Steven
10 to help reduce the risk of the harm to the child.

11 Q And that's based on discussions you had with
12 Stan?

13 A Yes, yes.

14 Q Anything else on this page?

15 A No.

16 Q If we go to the next page, please. This top
17 paragraph, is there anything you want to comment on?

18 A No, nothing I want to comment.

19 Q And the second paragraph or finally the third
20 paragraph?

21 A No, those are accurate statements. I can't speak
22 to the accuracy of opinions but those are accurate
23 statements.

24 Q Do you want to comment on the opinions as they
25 relate to the work that was done by Mr. Williams or?

1 A No, I hope I said what --

2 Q Think we've covered it?

3 A Yeah.

4 Q Okay. And the statement that the failure to see
5 a child can have tragic consequences, that's something you
6 agree with?

7 A Yes.

8 Q And the comments that observation and assessment
9 are the foundation of the child welfare system's ability to
10 protect children?

11 A Absolutely.

12 Q Do you agree that relying on community referrals
13 or the reports of other professionals comes with a risk
14 that what the worker might flag as requiring further
15 assessment could be missed?

16 A Only relying on them, yes.

17 Q Was that done by Mr. Williams?

18 A Relying on collaterals?

19 Q Right.

20 A I wouldn't say so.

21 Q And that comes from, just to be fair, from the
22 next page, 149, referencing the assessment from the intake
23 worker who had noted in '03 that,

24

25 "... the Agency's terminations ...

1 had not been due to problems
2 solved, but rather the parents'
3 disregard for the Agency."

4

5 A Sorry, where are you?

6 Q I'm at the top of the page --

7 A Okay.

8 Q -- page 149, which says:

9

10 "The writer would also add that
11 the terminations appear linked to
12 the Agency's failure to
13 incorporate the content of its own
14 files and information provided by
15 collaterals a coherent family
16 assessment or statement of risk
17 once the case progressed past the
18 intake level."

19

20 And then in bold the comments are:

21

22 "The lack of subsequent community
23 referrals concerning a child who
24 is monitored (or recently
25 returned) by an Agency does not

1 guarantee that child is in an
2 improved or even a safe situation.
3 The lack of referral may mean only
4 that the child is invisible to the
5 community at large and/or not
6 protected by other adults in her
7 life."

8

9 A Okay, I agree with that paragraph. I just need
10 to have a look again at the first one.

11 Q Yes.

12 A Okay. Well, again, I can't comment on someone's
13 opinion, really. I just wouldn't necessarily agree with
14 it.

15 Q And I believe that first paragraph on page 149 is
16 referring to comments from the intake worker who was --

17 A Right.

18 Q -- not someone you supervised?

19 A Right.

20 Q Okay. Any other comments before we leave the
21 section 10 report?

22 A No.

23 Q Okay. So finally, if we turn to page 38015, this
24 is from Rhonda Warren's internal review. Again, my
25 understanding is this was not prepared based on interviews

1 but rather on a file review?

2 A Yes.

3 Q You weren't interviewed --

4 A We were never interviewed, no.

5 Q You were never interviewed by either
6 Ms. Christianson-Wood or Ms. Warren?

7 A No.

8 Q So at the top of the page under the heading
9 "Family Contact":

10

11 "Based on the file review it is
12 determined that during the
13 majority of Agency contact, the
14 Branch did not meet standards for
15 contact with these families."

16

17 And then there are a number of bullets as it goes
18 through the chronology of the file and if we go to the
19 bottom of the page -- Mr. Commissioner, this is page 38015.

20 THE COMMISSIONER: I have it.

21

22 BY MS. WALSH:

23 Q

24 "Upon transfer from Intake to
25 Family Services on June 27, 2003

1 ... the file was categorized as
2 'high risk'. The closing summary
3 written on October 2, 2003 does
4 not articulate any direct contact
5 with Steven, although it states
6 that Steve did visit ..."

7

8 Can you turn the page, please?

9

10 "... with Phoenix regularly while
11 she was in care. The file was
12 closed on the same date that
13 Phoenix was returned to Steve's
14 care with no follow up."

15

16 Did you want to comment on those observations?

17 A The only, the only thing that I would take issue
18 with is, is where she says the file was deemed to be high
19 risk. We've talked about this. It was high risk for, I
20 think what Laura said was high risk for maltreatment or
21 coming into care and I think I stated that I would not
22 agree that Steve posed a high risk for maltreatment to
23 Phoenix.

24 Q Did not?

25 A Did not.

1 Q By the time Phoenix was returned to him or ever?

2 A Ever.

3 Q Okay.

4 A Not for maltreatment. So but all that it says
5 there in that second last line on 38015 is that the file
6 was categorized as high risk.

7 Q I see.

8 A Yeah.

9 Q Okay, thank you. Now page 38018 under the
10 heading "Risk Assessment":

11

12 "Statements of risk change from
13 low to high without any change in
14 circumstance. Statements of
15 Safety are referred to as
16 Statements of Risk. A family
17 situation may be high risk even if
18 on any given day the child is
19 deemed to be safe. Unfortunately
20 in this case 'low safety
21 assessments' were deemed to be
22 'low risk assessments' which were
23 not the case. This continuous
24 error resulted in this case being
25 closed numerous times without

1 adequate intervention by the
2 Agency."

3

4 And then she cites the portion from Laura Forrest's intake
5 assessment that we've looked at and then concludes:

6

7 "Unfortunately this statement was
8 ignored once the case was
9 transferred for ongoing service.
10 Based on this case review it is
11 apparent that Risk Assessment is
12 not universally understood by
13 Agency staff."

14

15 Do you have anything further to add?

16 A I think that most of this section is absolutely
17 accurate. I think that -- I don't -- the writer of this
18 report knows a lot more about standards and, and safety,
19 the difference between safety assessments and risk
20 assessments than I certainly did at that time. However, I
21 think she's hit the core of what the problem has been and
22 that's because risk assessments in particular are based on
23 people's opinions which are formed by, as I said before,
24 bringing our own values and experience, experience with
25 that client, that the risk of it changing every time a new

1 worker is assigned was there. That risk, the risk of the
2 risk changing that's accurate and it happened. I think
3 with the tool we discussed that it's less liable for that
4 to happen. I'm not, I'm not sure of these two things she
5 has in single quotes here exactly what she means there but,
6 but the substance of what she says here is absolutely
7 accurate.

8 Q And you recall earlier, a very long time ago this
9 morning I asked you about when, when an assessment was done
10 as to Phoenix's safety when she was returned to her father
11 whether there was any concern given to her long-term risk
12 of harm at that point.

13 A Yes, right.

14 Q And that's what I meant was, was, were you
15 considering that at the moment she was being returned she
16 was safe only or were you also considering what her future
17 risk of harm and wellbeing would be?

18 A Certainly her, her current safety, the potential
19 of risk is, is certainly a consideration and factored into
20 that. If, if we have indeed addressed some of the problems
21 and we believe the child is safe enough to return home, the
22 belief is if those changes that were made persist, that the
23 long term safety to the child or the long term lack of risk
24 or the safety of the child will continue to exist as well.
25 I don't know if I explained that very well.

1 Q Thank you. And are you considering, when you say
2 safety are you also considering wellbeing? Do you make a
3 distinction between those two?

4 A No, I mean physical, emotional, anything that
5 goes to the, to the wellbeing.

6 Q You consider all of that?

7 A Yes.

8 Q When you consider risk?

9 A Yes, right.

10 Q Okay. So we're almost done. If we turn to page
11 38032:

12

13 "What were the expectations of the
14 parents during this three-month
15 order?"

16

17 Now these are questions that I understand were posed to
18 Ms. Warren from the Authority and that she answers.

19

20 "At the point of transfer from
21 Intake to Family Services on June
22 27th, 2003 it is stated that the
23 Agency will be asking for a three
24 to six month order to allow for
25 further assessment ... An ADP was

1 not completed on Intake ..."

2

3 "Were any assessments/programs
4 completed?"

5

6 Scroll down, please.

7 Is there anything in these questions and answers
8 that you wanted to comment on? You can scroll down to the
9 bottom of the page, please, so the full page is there.

10 A No, I think it's accurate based on the fact that,
11 that this was done via a file review.

12 Q Okay. The report you mean as opposed to speaking
13 with --

14 A That the report was done, yeah.

15 Q As opposed to speaking with either --

16 A Yes.

17 Q -- Mr. Williams or you?

18 A Yes, but it still wouldn't change the fact that
19 it didn't meet, didn't meet standards, I mean she's
20 absolutely right about that.

21 Q And over to the next page. The first two
22 questions, I believe, and answers in italics relate to the
23 work done by Mr. Williams.

24 A Yeah, as she said, it would appear and again
25 based on the file review, her, her conclusions are

1 accurate.

2 Q Anything more that you want to comment on in this
3 review?

4 A No.

5 Q Well I thank you very much.

6 MS. WALSH: Mr. Commissioner, I am finished.

7 THE COMMISSIONER: Well I'm sure I'm correct that
8 there will be questions for cross-examination, am I not?
9 Mr. Gindin?

10 MR. GINDIN: There will be, there will be some.

11 THE COMMISSIONER: Yeah, well then I think, I
12 think we will adjourn for today knowing there will be some
13 and ask you to come back on Monday morning at 9:30.

14 THE WITNESS: Okay.

15 THE COMMISSIONER: I know it's been a long day
16 but I think I can assure you Monday will not be as long a
17 day for you.

18 THE WITNESS: Oh, okay. Thank you.

19 THE COMMISSIONER: Thank you very much.

20 MS. WALSH: Thank you, Ms. Edinborough.

21 THE WITNESS: Thank you.

22

23 (PROCEEDINGS ADJOURNED TO DECEMBER 3, 2012)