

IN THE COURT OF APPEAL

IN THE MATTER OF: **The Commission of Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair (the "Commission of Inquiry")**

BETWEEN:

THE SOUTHERN FIRST NATIONS NETWORK OF CARE, THE GENERAL CHILD AND FAMILY SERVICES AUTHORITY, THE FIRST NATIONS OF NORTHERN MANITOBA CHILD AND FAMILY SERVICES AUTHORITY and CHILD AND FAMILY SERVICES ALL NATIONS COORDINATED RESPONSE NETWORK (THE "AUTHORITIES AND ANCR"),

Applicant,

- and -

THE HONOURABLE EDWARD HUGHES, in his capacity as Commissioner under The Manitoba Evidence Act and as appointed pursuant to Order in Council No. 89-2011, dated the 23rd day of March, 2011,

Respondent.

APPLICATION UNDER Section 95(2) of *The Manitoba Evidence Act*, C.C.S.M. c. C225 and Rule 43.1 of *The Court of Appeal Rules*, Man. Reg. 555/88

**SECOND AFFIDAVIT OF SANDIE STOKER
SWORN: AUGUST 15, 2012**

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1. I am the Executive Director of the Child and Family Services All Nations Coordinated Response Network and have personal knowledge of the matters and facts hereinafter deposed to by me except where the non-contentious facts deposed are stated to be based upon information and

belief in which case I have stated the source of my information and do verily believe same to be true.

2. I have been informed by legal counsel as to the length of Commission interview transcripts of the witnesses represented by D'Arcy & Deacon LLP. I have reviewed the Witness Summaries of these witnesses. I have also reviewed the Public Hearing Schedule released by the Commission.

The following facts regarding these documents are true:

- a. All of the Witness Summaries are in bullet point form;
- b. The Commission interview transcript of Diva Faria is 530 total pages. Her Witness Summary just over is 6 pages. This witness is scheduled to testify for 2.5 days;
- c. The Commission interview transcript of Trudy Carpenter is 190 pages. Her Witness Summary is just over 3 pages;
- d. The Commission interview transcript of Diana Verrier is 110 total pages. Her Witness Summary is just over 5 pages;
- e. The Commission interview transcript of Della Fines is 68 total pages. Her Witness Summary is 2.5 pages;

- f. The Witness Summary for Kimberly-Ann Edwards is just over 5 pages. She is scheduled to testify for 3 days;
- g. The Witness Summary for Steve Sinclair is 6 pages. He is scheduled to testify for 2 days;
- h. The Witness Summary for Shelley Willox is just over 6 pages. She is scheduled to testify for 2 days;
- i. The Witness Summary for Heather Edinborough is just over 7 pages. She is scheduled to testify for 2 days.

3. I have reviewed certain of the other Witness Summaries provided by the Commission to the parties to the Inquiry. The following statements are contained within the Witness Summaries, without further elaboration:

- a. "Will say that she has had negative experiences with Child and Family Services and that it is not helpful"
- b. "Will say that she did not trust CFS"
- c. "Will give evidence about social problems inherent in the child welfare system and which impact the ability of social workers to service clients"

- d. "Able to comment on relevant comments in Section 4, 10 and Internal Reports"
- e. "Will give evidence as to her understanding of changes to the system as a result of Phoenix's death"
- f. "Will discuss the impact the process of devolution had on CRU, Intake and Family Service workers/departments"
- g. "Recalls being concerned when supervised by (her Supervisor) that she changed reports without telling workers. Discussed issue with (her Supervisor). Also discussed with (two other people)"
- h. "The witness also told her own social worker about her concerns and her worker told her that she would see what she could do about it. The worker never told her what happened after that. The witness' worker told the witness to call Intake herself. She told the worker she already had"

4. Attached hereto and marked as **Exhibit "A"** is a copy of an article published in the Winnipeg Sun on August 24, 2011. In the article, the author states, in reference to the within Inquiry:

"It's judgment day, people. And everyone that works in the system should have to account for their actions. If you screwed up, you should have to face the music, just like everybody else".

5. Attached hereto and marked as **Exhibit "B"** is a copy of an article published in the Winnipeg Free Press on June 11, 2012. In the article, the author states, in reference to the within Inquiry:

"Yes, it will eventually reveal those who failed in the performance of their duties, or who allowed the pressures of the job to justify a lack of humanity. It is the burden public servants, especially those who make life-and-death decisions, frequently have to bear".

6. Attached hereto and marked as **Exhibit "C"** is a copy of an article published on the Winnipeg Sun website on or about March 2, 2012. The Winnipeg Sun website allows for reader comments to be posted on the website below each article. Also attached as part of Exhibit "C" are the reader comments on the Winnipeg Sun website that appear below the article.

7. Reader comments that were submitted (and remain on the Winnipeg Sun website to this day) and are contained in Exhibit "C" include the following comments:

- ...they want to hide and be saved, they should be named and have to stand in front of all and admit they were not doing their (sic) jobs
- Useless A\$\$ HOLES. They don't give a \$hit about a little child's life
- CFS = home and family wreckers!!!
- These people need to be accountable for their actions (or lack of)
- Whoever was the caseworker that took that poor kid back should be shot.

8. I make this Affidavit *bona fide* and in support of the motion filed herein.

SWORN/AFFIRMED before me in)
 the City of Winnipeg, in the Province)
 of Manitoba, on the 15th day of)
 August, 2012)


 SANDIE STOKER

Martin Parsons

A Commissioner for Oaths in and for
 the Province of Manitoba

My Commission expires: August 6, 2014