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

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

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Transcript of Proceedings  
Public Inquiry Hearing,  
held at the Campaign Room, Lower Level, Delta Hotel,  
350 St. Mary Avenue, Winnipeg, Manitoba

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MONDAY, APRIL 15, 2013

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**MR. J. GINDIN** and **MR. G. DERWIN**, Mr. Nelson Draper Steve Sinclair,  
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**MS. B. BOWLEY**, for Witness, Ms. Diva Faria

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1 APRIL 15, 2013

2 PROCEEDINGS CONTINUED FROM FEBRUARY 26, 2013

3

4 THE COMMISSIONER: You may be seated.

5 MR. OLSON: Morning, Mr. Commissioner. Since we  
6 last met, there have been a number of new counsel that have  
7 come on board. I thought it might be a good opportunity  
8 for them to introduce themselves to you. Maybe just stand  
9 up and --

10 THE COMMISSIONER: Certainly. And yes, just come  
11 forward and indicate your name and who you're acting for  
12 please.

13 MS. BOWLEY: Good morning, Mr. Commissioner, my  
14 name is Bernice Bowley and I'm acting for Diva Faria. And  
15 I wanted to indicate, Mr. Commissioner, that there are some  
16 witnesses to be called in the coming weeks and I don't  
17 perceive them to have a direct bearing on Ms. Faria's  
18 interests. And so it was my hope that I need not attend  
19 for some days, or portions of days, with your indulgence,  
20 sir.

21 THE COMMISSIONER: I, I think that's reasonable  
22 and I'll be saying something in a statement, that I'm going  
23 to make in a few minutes, about your participation in the  
24 closing summations.

25 MS. BOWLEY: Thank you.

1 THE COMMISSIONER: Thanks, counsel.

2 MS. HARRIS: Good morning, Mr. Commissioner. My  
3 name is Laurelle Harris and I'm acting for the General  
4 Authority.

5 THE COMMISSIONER: Yes.

6 MS. HARRIS: I will be here each day, or my  
7 colleague, Michelle Pollack Kohn will be here each day.

8 THE COMMISSIONER: Thank you very much.

9 MS. HARRIS: Thank you, good morning.

10 THE COMMISSIONER: Hopefully we have now  
11 completed the last of our numerous unscheduled adjournments  
12 and we are in a position to press on to the conclusion of  
13 the presentation of evidence in all three phases of this  
14 inquiry, eight weeks from now. It is unfortunate that  
15 there will then be a six week break until we convene for  
16 counsel to speak to their final submissions. That delay is  
17 occasioned by the understood need of one counsel to meet a  
18 commitment before the Court of Queen's Bench and  
19 subsequently, the understood need of one counsel, recently  
20 brought on board, as a result of the rearrangements caused  
21 by the now resolved conflict of interest matter, to keep a  
22 commitment made prior to retainment (phonetic) (sic), to  
23 participate in these proceedings.

24 We have heard many weeks of phase 1 evidence  
25 revolving around the association of Phoenix, during her

1 short life, and that of her family, with the child welfare  
2 system of this province. We have six days of evidence left  
3 in phase 1, considerable of which, as I understand it, will  
4 centre on answering the question of why the death of  
5 Phoenix remained undiscovered for several months.

6 We will then move, for approximately 12 days, to  
7 hear evidence that will focus on the reports referred to in  
8 paragraph 3 of the order in council establishing this  
9 commission, with emphasis on recommendations for  
10 improvements in the child welfare system made in those  
11 reports and the results flowing from the implementation of  
12 them. The authors of some of those reports will appear to  
13 speak to, to their reports. The emphasis on page, phase 2  
14 will, however, be on hearing from those impacted by, or, or  
15 who have had direct association with these recommendations  
16 over the last six or seven years. In this regard, we will  
17 hear from witnesses put forward by the authorities and  
18 ANCR, the Assembly of Manitoba Chiefs, the Southern Chiefs  
19 Organization and the Manitoba Government Employees Union.  
20 I am pleased to note also that we will hear from the dean  
21 of social work of the University of Manitoba, as well as  
22 another senior member of the faculty, who is also the  
23 author of a paper on best practices prepared at the request  
24 of the commission. The children's advocate for the  
25 province will also give evidence. Finally, in phase 2, we

1 will hear from representatives of the Department and Child  
2 and Family Services and Labour who carry overall  
3 responsibility for the child welfare system of this  
4 province.

5           The importance of relating, in this public  
6 forum the relevant facts pertaining to the short life of  
7 Phoenix and her tragic death cannot be over emphasized,  
8 likewise, the efforts and the results of those efforts  
9 to make improvements in the aftermath of this tragedy.  
10 But what I believe will be the critically important, what  
11 is in, critically important to the success of  
12 this commission, enabling it to deliver a valuable,  
13 meaningful and useful report, will be what we will hear in  
14 phase 3.

15           Commissioner counsel set the stage for where this  
16 phase will take us, when she said, on March 6th, 2012, and  
17 I quote:

18  
19                   "... our inquiry [also look, will]  
20                   ... look at the following systemic  
21                   issues:           (1) What are the  
22                   circumstances, challenges and  
23                   conditions which bring a  
24                   vulnerable family and in  
25                   particular, having regard to the

1 facts of this case, an aboriginal  
2 family in Winnipeg, to come into  
3 contact with the child welfare  
4 system? And (2) What services,  
5 programs, departments, whether  
6 government or community based,  
7 exist or ought to exist, outside  
8 the child welfare system to  
9 support such families and  
10 children?"

11

12 Speaking to phase 3, on July 24th, 2012,  
13 Commission counsel said the following:

14

15 "It's been made clear to us  
16 through the course of our  
17 investigations that in order to  
18 make recommendations to better  
19 protect Manitoba children, the  
20 focus of this inquiry needs to  
21 extend beyond the strict  
22 parameters of the operations of  
23 the child welfare system.

24 The child welfare system alone  
25 cannot be expected to address the



1                   underlying social conditions which  
2                   lead children into [be] in need of  
3                   protection.        These    underlying  
4                   social            conditions            our  
5                   investigation has shown, include  
6                   poverty,    limited    economic    and  
7                   employment            opportunities,  
8                   homelessness and substance abuse.  
9                   Many of the roots of these issues  
10                  can be traced to ... which the  
11                  First Nations people in our  
12                  community have faced for decades  
13                  [due] to racism, colonialism and  
14                  the residential school system."

15

16                  Commission counsel again spoke to the  
17                  expectations on, of this phase on September 5th, 2012, when  
18                  she said the following:

19

20                  "[The first -- pardon me] The  
21                  third and final phase of the  
22                  inquiry, we discussed most  
23                  recently at the session you  
24                  convened in July. That phase will  
25                  focus on the community, its needs

1 and responsibilities."

2

3 "If this inquiry is truly going to  
4 make a difference to better  
5 protect Manitoba children,  
6 children like Phoenix in  
7 particular, we must consider all  
8 the circumstances which make such  
9 children vulnerable and which put  
10 their safety and wellbeing at  
11 risk.

12 As I said in my remarks on July  
13 24th, it has been made clear to  
14 us, through investigations, that  
15 the child welfare system alone  
16 cannot be expected to address the  
17 underlying social conditions which  
18 lead children like Phoenix into  
19 being in need of protection. This  
20 is something that involves the  
21 responsibility of the entire  
22 community."

23

24 "The most recent statistics from  
25 the Department of Family Services

1           and Labour show that over 9,000  
2           children in care, of the ... 9,000  
3           in care in Manitoba, over 8,000 of  
4           them are aboriginal. The number  
5           of aboriginal children in care in  
6           Manitoba is grossly  
7           disproportionate to the  
8           representation of aboriginal  
9           people in the population of the  
10          province generally. And so, in  
11          the third phase of this inquiry,  
12          we will hear evidence as to why  
13          this is the case and what steps  
14          can be taken to address this  
15          situation.

16          We will hear from elders [from  
17          First Nations] from ... First  
18          Nations [communities] and from  
19          experts on the subject of the  
20          overrepresentation of First  
21          Nations children in the ...  
22          welfare system. We will also hear  
23          evidence, sometimes adduced  
24          through panels, sometimes from  
25          individuals, as to the social

1 conditions which pose challenges  
2 for families like Phoenix's ...  
3 which make those families  
4 vulnerable and put their children  
5 at risk.

6 And we will hear evidence from  
7 community agencies, as to the  
8 challenges those agencies face and  
9 the successes they achieve ...  
10 working with such families.

11 We will ... hear representatives  
12 from the relatively new portfolio  
13 in government, the Department of  
14 Children and Youth Opportunities,  
15 which I think will be of great  
16 interest and assistance [and  
17 interest] to you.

18 And we will hear from experts who  
19 have studied outcomes for  
20 children, in terms of what steps  
21 we can take to build community  
22 capacity and allow families and  
23 children to flourish."

24

25 The statistics that Commission counsel referred

1 to in 2012, relating to the overrepresentation of  
2 aboriginal children, First Nations and Métis, in care of  
3 this province, shows little improvement over recent years.  
4 In the response of the authorities to the December 2006  
5 report of the auditor general, referred to in paragraph 3  
6 of the order in council, the following is recorded:

7

8           With 80 percent of the children in  
9           care being aboriginal, First  
10          Nations and Métis people, perhaps  
11          more so than the general public,  
12          are acutely aware of the  
13          shortcomings of the child and  
14          family service system and have a  
15          much larger investment in seeking  
16          long term improvements.

17

18           I have reviewed what I have this morning,  
19          particularly what I have said with reference to phase 3,  
20          for good reason, to mirror the disproportionate number of  
21          aboriginal First Nations and Métis children that continue  
22          to be in care, year after year, is unacceptable and yet  
23          little, if any improvement seems to occur, year after year.  
24          In the closing weeks of this inquiry, I want all the  
25          assistance available as I address two, in particular, if

1 the many questions to be answered in the course of  
2 formulating recommendations I consider appropriate to  
3 better protect Manitoba children. Those questions are:  
4 (1) What are the reasons for those disproportionate  
5 numbers? And (2) What are the solutions to significantly  
6 reduce the number of children in care, both aboriginal and  
7 non-aboriginal?

8 I commend Commission counsel for the work she and  
9 her associates have done, in arranging to bring before the  
10 Commissioner witnesses who will assist in my search for  
11 answers to these and related questions. Likewise, my  
12 appreciation to other counsel at the table, who have  
13 contributed in the same way.

14 Related questions include (phonetic), include  
15 those prompted by the breadth of my assignment to  
16 make recommendations to better protect all Manitoba  
17 children.

18 First and foremost, in meeting that assignment,  
19 must be the protection of the most vulnerable of them,  
20 finding practical and informed answers to the questions  
21 before us holds the best prospect and of, holds the best  
22 prospect of protecting and improving the life of the  
23 vulnerable families and children to whom I have referred  
24 this morning. My expectation is that the recommendations  
25 that I will be able to make will have a beneficial impact

1 on all Manitoba children.

2           Finally, on a matter of procedure, as a result of  
3 my recent ruling on conflict of interest, the following  
4 individuals were required to seek new -- amongst others,  
5 were required to seek new counsel: Dan Berg, Roberta Berg,  
6 Diva Fiara (phonetic) (sic), Diana Verrier. I am advised  
7 by Commission counsel, that these individuals have secured  
8 representation and that new counsel are in place and we've  
9 heard some of them this morning. According to the  
10 Commission's amended rules, individual witnesses who do not  
11 have standing as a party or intervenor are not entitled to  
12 make final submissions. However, the above-named  
13 individuals have participated throughout these proceedings  
14 on the understanding that their interests would be  
15 represented in the final submissions, because they were  
16 represented by counsel who also acted for parties, or  
17 intervenors and who would be appearing in that capacity  
18 to make final submissions. As such, as a matter of  
19 fairness, counsel for the above-named witnesses will be  
20 given an opportunity to participate in the final submission  
21 process.

22           Now, with those opening remarks of what I hope  
23 will be our final run at completing the evidence, I think  
24 we're ready to proceed this morning.

25           Mr. Gindin?

1           MR. OLSON:   Yeah, counsel are having difficulty  
2 seeing the witness.   Perhaps if we try moving the monitor  
3 slightly to the right, it might be a little easier.

4           THE COMMISSIONER:   I think that's a reasonable  
5 request.   I wonder if you could almost put it along the,  
6 the, the parallel to the end of the -- because counsel back  
7 in that corner have to be able to see too.   Does that do  
8 it?   Yes.

9           You can pull the microphone a little forward, if  
10 you like, witness.

11           Mr. Olson?

12           MR. OLSON:   I think we just need to have the  
13 witness sworn.

14           THE CLERK:   Is it your choice to swear on the  
15 Bible, or affirm without the Bible?

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

17           THE CLERK:   Okay.   Just stand up please.   State  
18 your full name to the court.

19           THE WITNESS:   Madeline, Madeline Bird.

20           THE CLERK:   And spell me your first name.

21           THE WITNESS:   M-A-D-E-L-I-N-E.

22           THE CLERK:   And your last name please?

23           THE WITNESS:   B-I-R-D.

24           THE CLERK:   Thank you.

25



1                   **MADELINE BIRD**, sworn, testified as  
2                   follows:

3

4                   THE CLERK: Thank you.

5

6                   DIRECT EXAMINATION BY MR. OLSON:

7                   Q     Morning, Ms. Bird.

8                   A     Morning.

9                   Q     I understand that you're a social worker with  
10                  Intertribal Child and Family Services?

11                  A     Yes, I am.

12                  Q     Can you tell us where Intertribal Child and  
13                  Family Services is located?

14                  A     Located in the community of Fisher River.

15                  Q     How far is Fisher River from Winnipeg?

16                  A     About, it's about a two hour drive.

17                  Q     Okay. And did you travel from Fisher River this,  
18                  this morning, to Winnipeg?

19                  A     Last night.

20                  Q     Last night? Is Fisher River, I understand it,  
21                  it's part of the Southern Authority?

22                  A     Yes.

23                  Q     And do you work on reserve?

24                  A     Yes, I do.

25                  Q     Okay. Now, to confuse matters a little bit, my

1 understanding is that social workers in Fisher River, in  
2 the community, are called family support workers?

3 A Yes, family services workers --

4 Q Family --

5 A -- yeah.

6 Q -- services workers?

7 A Yeah.

8 Q Was there --

9 A Yeah.

10 Q -- a time when they were called family support  
11 workers?

12 A Yes, yes, there was.

13 Q In Winnipeg Child and Family Services, we heard  
14 that family support workers were homecare workers, people  
15 that would come into the, the home and --

16 A Um-hum.

17 Q -- and do support work?

18 A Um-hum.

19 Q That is different than what family support  
20 workers were at ICFS?

21 A Yes, family support workers, back then, they did  
22 (inaudible).

23 Q Okay. So I just want to get, have it clear from  
24 the --

25 A Um-hum.

1 Q -- outset, when we're looking at the notes and we  
2 see reference to a family support worker, what that's  
3 really referring to is a front line worker at ICFS?

4 A Yes.

5 Q Someone who does a full range of family services  
6 work?

7 A Yes.

8 Q Okay.

9 A Yeah.

10 Q How long have you been with ICFS?

11 A I've been with the agency since October of '95.

12 Q Okay. And has that always been as a family, as a  
13 social worker?

14 A No.

15 Q What -- walk us through your work history with  
16 the agency?

17 A Well, I'll make a, a correction on that. I was  
18 with the agency '93 to sometime in '95, might have been  
19 June, July. That position, I was a special support worker.

20 Q Okay. Okay. And before you go on, what did you  
21 do as a special support worker?

22 A A special support worker, you work with single  
23 parents, parents to do prevention work, work along with  
24 them, and their children.

25 Q Were these people from Fisher River community?

1 A Yes.

2 Q Were you always involved with the community  
3 itself?

4 A Yes.

5 Q Are you from the community?

6 A Yes, I am.

7 Q Okay. And have you always worked in the  
8 community?

9 A Yes.

10 Q Sorry, and I interrupted you. You, you were, you  
11 were saying you were a support worker in the community from  
12 '93 to '95?

13 A Yes.

14 Q And then what did you do after that?

15 A I left the, I left for maybe about six, seven  
16 months and then I started again, applied again in October  
17 of '95.

18 Q And what position did you apply for?

19 A Family support worker.

20 Q Okay. When you say that, are you talking about  
21 a, what we would call a social worker --

22 A Yes.

23 Q -- position? With Intertribal Child and Family  
24 Services?

25 A Yes.

1 Q What did, what did that position involve?

2 A That was protection work. You worked with the  
3 families, plug in supports for them, do all the  
4 necessary -- sit with the family, do planning. Basically,  
5 there were times when we may have had to do, remove  
6 children, so --

7 Q So apprehend children?

8 A Yes, yes.

9 Q When you say protection, what did, what did  
10 protection entail?

11 A Protection, high risk families, if there was any  
12 neglect, or any domestic family violence, abuse  
13 allegations, that's it.

14 Q Okay. And for how long did you have that  
15 position?

16 A Until October of 2005.

17 Q So you were called a family support worker from  
18 October 1995 until October 2005?

19 A Yes.

20 Q Okay. And you were doing, essentially, the work  
21 you just described?

22 A Yes.

23 Q Okay. Was there anything unique about the way  
24 you delivered those services on reserve, in terms of being  
25 cultural, culturally appropriate, and cultural ways of

1 delivering services?

2 A Yes, you would try and -- I was, work at trying  
3 to keep the children in the home, plug in those supports  
4 for them, whether it be counselling, or therapy. When you  
5 work with a family, say if they needed supports, some of  
6 the children may need, the families may need, like, a  
7 homemaker, or a parent aide service contracts. It's a lot  
8 of prevention, to try and prevent kids from coming into  
9 care.

10 Q Okay.

11 A Yeah.

12 Q We'll go into that a little bit more --

13 A Okay.

14 Q -- later. I just wanted to get a sense of it.

15 A Um-hum.

16 Q After October 2005, what did you do for work?

17 A I moved up to a supervisor position.

18 Q In the same agency?

19 A Yes.

20 Q So, in that position, did you still work as a  
21 social worker?

22 A No.

23 Q That mean you no longer went out on fields and  
24 did calls and dealt with families?

25 A There may have been times I had to go out, but

1 most of the times, I was in office.

2 Q And who would you be supervising?

3 A I'd be supervising the front line workers. I had  
4 a reception, receptionist.

5 Q So were you responsible then for supervising the  
6 whole office staff at Intertribal Child and Family  
7 Services, Fisher River office?

8 A Not all of them, just the ones that were under my  
9 supervision.

10 Q Okay. So who was under your supervision then?

11 A The front line.

12 Q And how many were there?

13 A There were three, four, about four.

14 Q Okay. So four front line workers?

15 A Yes.

16 Q Approximately and I understand that you might,  
17 that might --

18 A Yeah, it's --

19 Q -- change up and down --

20 A -- yeah.

21 Q -- on occasion?

22 A Yeah.

23 Q But I do also understand, you didn't have very  
24 high turnover? People tended to stay?

25 A Yes.

1 Q Okay. Okay. So you had four front line workers  
2 you supervised? Who else did you supervise?

3 A Case aide.

4 Q What's a case aide?

5 A A case aide is, they kind of have them for the  
6 workers. The case aide will, will work along with the  
7 workers to assist in the plan for the family and they'll do  
8 transporting and, yeah.

9 Q So they help to facilitate a plan that the worker  
10 comes up with?

11 A The worker would do the plan and the case aide  
12 would follow up, work with the plan.

13 Q Okay.

14 A Yeah.

15 Q How many case aides are, were there?

16 A There was only, there was one.

17 Q One?

18 A Yeah.

19 Q Anybody else you would be in charge of  
20 supervising?

21 A My receptionist.

22 Q Was there just one receptionist?

23 A Yes.

24 Q And the receptionist answers phones?

25 A Yes.



1 Q Has there always been just one receptionist?

2 A No, there's been two.

3 Q Okay. When, when it comes to supervising the  
4 front line workers, what does that job involve for you, as  
5 a supervisor?

6 A There's a lot of managing a case, having staff  
7 meetings, do a lot of debriefing on the files. Do their,  
8 ensure that their notes are being up to date, doing abuse  
9 files, they also carried abuse files, so maintaining the  
10 abuse files, making sure that the necessary procedures are  
11 followed.

12 Q Okay. Who was the supervisor before you, in  
13 2005?

14 A Phyllis Garson.

15 Q So she would have been your supervisor?

16 A Yes.

17 Q And then your co-workers, in terms of being other  
18 family service workers, who would they have been?

19 A My co-workers?

20 Q Yeah.

21 A Back then, those would have been Violet  
22 Sinclair --

23 Q Um-hum.

24 A -- David Murdock (phonetic) and Carol Cochrane.

25 Q Okay. Are you still supervisor?

1 A Yes, I am.

2 Q So your position hasn't changed since October  
3 2005?

4 A No.

5 Q I understand Phyllis Garson has since retired?

6 A Yes.

7 Q Who -- do you have a supervisor above you?

8 A Yes, I do.

9 Q Who is that?

10 A Director.

11 Q Who's the director?

12 A Kevin Amos (phonetic). Are we talking about in  
13 2005?

14 Q No, I'm talking about right now.

15 A Okay, okay.

16 Q Now, in 2005, who would the director have  
17 been?

18 A Shirley Cochrane.

19 Q Okay. And we'll be hearing from her in the next  
20 couple of --

21 A Um-hum.

22 Q -- days. In terms of your education and  
23 training --

24 A Um-hum.

25 Q -- what, what sort of education and training do

1 you have, relative to what you do as a social worker?

2 A I have my community, community centre therapy  
3 diploma. I have my, I just completed my inter-disciplinary  
4 family enhancement certificate program.

5 Q That's inter-disciplinary --

6 A Family enhancement certificate program.

7 Q And what, who offers that program?

8 A The U of M and the Southern Authority.

9 Q When did you complete it?

10 A I completed it last June, but I had to go back  
11 and complete, I missed one course, so I just completed  
12 that, so --

13 Q Okay. Do you recall when you started it?

14 A Hum?

15 Q Do you recall when you started taking it?

16 A In, I think it was April of 2011.

17 Q Okay. And the diploma you received before that,  
18 the community centre therapy program --

19 A Yes.

20 Q -- when did you receive that diploma?

21 A 2002.

22 Q Okay. And how, what sort of course was that?

23 A It was -- you did your therapy, counselling  
24 training, lot of working with families, addictions.  
25 There's a whole ...

1 Q Do you recall who it was offered through?

2 A It was through, I think it's Red River Community  
3 College.

4 Q Okay. And you said you completed it, I think, in  
5 2002; do you remember how long the course was?

6 A It was two years.

7 Q Two year course? Okay. Anything else?

8 A That, just with the training I have through work.

9 Q And which, what training was that through work?  
10 Are you talking about on-the-job experience --

11 A Yes.

12 Q -- or training --

13 A Yeah.

14 Q -- courses?

15 A Just the training or work, the training I went  
16 through.

17 Q We've heard of workers taking something that's  
18 called the core competency training --

19 A Yes.

20 Q -- is that something you took?

21 A Yes.

22 Q Do you remember when you took that?

23 A No, I don't recall when I took that.

24 Q Was there any particular reason why you decided  
25 to stay and work as a social worker in Fisher River?

1           A     I enjoy the work. I enjoy doing, I just enjoy  
2 being there to try and help and work with the families and  
3 try -- I just enjoy the work. It's ...

4           Q     Can you, can you just describe the community for  
5 us a bit? Just give us a sense of what the community is  
6 like?

7           A     Community, I say there's around maybe 1700  
8 people. The community is, there's a lot of togetherness.  
9 Community does come a lot together for community  
10 gatherings, our, our treaty days carnival. Lot of, like,  
11 through lot of sweats lodges going on, lot of traditional  
12 things --

13          Q     And --

14          A     -- as well as through the church too, yeah --

15          Q     -- okay, and for --

16          A     -- yeah.

17          Q     -- people who have never heard of treaty days,  
18 what's, what's treaty days?

19          A     That's a community celebration where the  
20 community comes out. You have activities, races for the  
21 children, fun things for the community and baseball.

22          Q     Is it only people from the community that attend?

23          A     No, other visitors do come in.

24          Q     So what's the attendance like for treaty days?

25          A     Oh, I don't know.

1 Q Hundreds of people?

2 A I don't know, around one, 100.

3 Q Okay.

4 A I'm not too sure.

5 Q You said that population's about 1700 people?

6 A Yes.

7 Q There's a school on the reserve?

8 A Yes.

9 Q Okay. Both elementary and high school?

10 A Yes.

11 Q Okay. And is it a good school, do you know? Do  
12 you, do you know anything about the school?

13 A Yes, I've found it's a good school.

14 Q Okay. What other sort of resources are you aware  
15 of on the reserve?

16 A We have a Head Start Daycare, Community Wellness  
17 Centre, the human resources, the Verna J. Kirkness,  
18 or mental health centre, education, our band  
19 office.

20 Q Did you mention the Head Start Program?

21 A Yes.

22 Q What's that?

23 A That's a program where the, they only have so  
24 many spots for the smaller, younger children can go. Yeah.

25 Q Do you, do you know what they do there? Is that

1 a program where they, they start learning some language  
2 skills --

3 A Yeah, yeah.

4 Q -- things --

5 A Yes, and --

6 Q -- like that?

7 A -- yes, and parents who, young parents who want  
8 to go out, or go to school, or, and that's where they would  
9 put their children.

10 Q Okay.

11 A Yeah.

12 Q So is that, as a, as a social worker, is that one  
13 of the resources you're able to connect parents with --

14 A Yes.

15 Q -- when you're forming plans and --

16 A Yes.

17 Q Okay. Are there any other resources you can  
18 think of in that --

19 A Yes --

20 Q -- that are --

21 A -- we have our --

22 Q -- like that?

23 A -- our, the healing centre.

24 Q Okay.

25 A The, (inaudible) local care home.

1 Q In terms of resources, is there any problem with  
2 the, the, the limited number of resources that -- you said  
3 there were only a limited number of spots for the Head  
4 Start Program?

5 A Yes.

6 Q Is that a problem?

7 A Yes, it can be, especially if you have parents  
8 who really want to get into something and there's only so  
9 many spots. So -- and once those spots are filled, there's  
10 no -- and the waiting period too, is a, there's a waiting  
11 period, so some parents do have to wait awhile to get their  
12 children in there. Yeah.

13 Q So they may -- you may identify a parent, to a  
14 parent --

15 A Um-hum.

16 Q -- you know, this would be a great program for  
17 you --

18 A Yeah.

19 Q -- or maybe you have addictions programs we'd  
20 like to --

21 A Um-hum.

22 Q -- get you set up with this, but there's a  
23 waiting --

24 A Um-hum.

25 Q -- list?



1 A Yes.

2 Q Okay. Does that happen very often?

3 A Yes.

4 MR. OLSON: Okay.

5 THE COMMISSIONER: And does that relate just to  
6 the Head Start Program, where there's a waiting list and  
7 difficulty to get in? Or were there -- is there, are there  
8 other programs that that same applies?

9 THE WITNESS: Well, the daycare too, I guess  
10 there was another, it's kind of, there's just two areas,  
11 like, the daycare. Another problem we do have is parents  
12 who want to go to treatment and there's a long waiting  
13 period, but they have to go off the reserve for that  
14 (inaudible).

15

16 BY MR. OLSON:

17 Q Just more for a flavour of what the community's  
18 like, in terms of recreation, what do, what do people do on  
19 the community? Is, is there, is there recreation --

20 A Yes, there is.

21 Q -- activities?

22 A Yes, there --

23 Q And what --

24 A -- are.

25 Q -- and what sort of things?

1           A     There's baseball.       They have the smallest  
2     (inaudible), baseball league in the summer.

3           Q     Okay.

4           A     During the winter, they have hockey.   The gym is  
5     also available for anybody, for volleyball.   They have  
6     parent activity nights at the school.

7           Q     I know when I, when I --

8           A     Um-hum.

9           Q     -- visited the community --

10          A     Um-hum.

11          Q     -- I saw a big complex that looked like the --

12          A     Yeah.

13          Q     -- a recreation centre?

14          A     Yeah, yes.

15          Q     Was that the hockey rink too?

16          A     Yes, and there's also the bowling and the curling  
17     in there.   Yeah.

18          Q     Would you describe the community as being a  
19     fairly close-knit sort of community?

20          A     Yes.

21          Q     People tend to wave at each other when they see  
22     each other and chat on the street?

23          A     Yes.

24          Q     Did you experience any difficulties, or, or maybe  
25     it's the other way around, but as a social worker, in a

1 small community --

2 A Um-hum.

3 Q -- how was it dealing with such a small  
4 community?

5 A It, I guess it has its pros and cons. I guess it  
6 is good in a, in a sense, working with, in a community,  
7 because you, you, you know the families, you know the  
8 people, well, which helps you in, in your work. But then  
9 you do get some, some -- there, on the other side to, you  
10 do get some slack because they know who you are. That  
11 stereotyping of, you know, Child and Family, that's all we  
12 want to do is just go and take kids away. So, so it has  
13 its --

14 Q Right. I guess when you show up at somebody's  
15 door and the neighbour sees --

16 A Yeah.

17 Q -- they know --

18 A Yeah, everybody --

19 Q -- that --

20 A -- knows.

21 Q -- Madeline Bird was at the door and she's a --

22 A Yeah.

23 Q -- a worker?

24 A Um-hum.

25 Q Have you found ways around that, that problem, or

1 reducing that stigma that's attached with being a worker?

2 A Well, we do try and work at it. I guess it's  
3 something that we'll always carry about the stigma,  
4 (inaudible) for Child and Family. Yeah.

5 Q Okay.

6 A Yeah.

7 Q Can you just describe, for the Commissioner, sort  
8 of a typical workday, not so much for you now as a  
9 supervisor, but what you did as a, as a front line worker  
10 back in 2004 and 2005?

11 A A tickable (phonetic) (sic) workday. That'd be  
12 trying to catch up on notes, taking calls.

13 Q To -- when, when would you normally start your  
14 day?

15 A Eight-thirty in the morning.

16 Q Okay.

17 A Eight-thirty going to work. Any work, or any  
18 messages that came in, phone calls, try and handle all  
19 those. Or if you got a call, if you got a intake, you  
20 would go out and respond, basically.

21 Q Would you sit, sit down at a computer and log on?

22 A Yes.

23 Q Okay. And did you have CFSIS at the computer?

24 A Yes.

25 Q Okay. Was that something you were able to use,

1 as a worker, at the time?

2 A Back then, I -- the connection there wasn't very,  
3 wasn't very good because all we had was the, the dial-up.

4 Q Okay.

5 A So you would sit there a lot of time, waiting for  
6 it to get connected, or whatever. So --

7 Q Okay.

8 A -- and a lot of times you would get kicked out,  
9 so the connection was very, very bad, yeah.

10 Q Okay. I'm a bit of a, a bit of a techie, so I  
11 know how frustrating that can be.

12 A Um-hum.

13 Q But for someone who's not technically inclined,  
14 what you're saying is you would wait and you'd finally get  
15 on and you'd type something in and then you'd get kicked  
16 off and you'd have to start over again; is that sort of  
17 what you're --

18 A Yeah, or sometimes you wouldn't even have a  
19 connection, yeah.

20 Q Okay. So what did that, what did that mean for  
21 you, practically speaking, in terms of using CFSIS?

22 A We got frustrated with it, a lot of frustration.  
23 It was frustrating.

24 Q So did you end up using CFSIS often in your work?

25 A I tried to, but it wasn't very good.

1 Q So you would, you say you'd go in, turn the  
2 computer on, try to get caught up on your files --

3 A Um-hum.

4 Q -- paperwork? What else would you do? Respond  
5 to calls?

6 A Yes.

7 Q Okay. Would you go out on service, service  
8 calls, meet with families?

9 A Yes.

10 Q And how --

11 A Do home visits, or you could have a scheduled  
12 visit, or if a child has an appointment, or, yeah.

13 Q Before we get into the specifics of this file, I  
14 wanted to ask you whether you're registered as a social  
15 worker?

16 A No, I'm not.

17 Q Do you have any views on registration?

18 A No. When they -- when you say views, like --

19 Q Personal views, do you think it's a good thing,  
20 or a bad thing?

21 A Well, yes and no, I guess, I guess I have my, my  
22 personal views. Like, I understand, like, you know, with  
23 the expectations of workers, social workers having their,  
24 their degrees or masters, is, is what -- on the other hand,  
25 I know a diploma, like, a community wellness diploma, or

1 whatever, is just as good.

2 Q Right.

3 A Yeah. Because I, like, for myself, I can only  
4 speak for myself, a degree is good to have behind your  
5 back, but sometimes it's, it's used in the wrong way, like,  
6 for -- when I say used in the wrong way, I mean, it, people  
7 take that to their advantage and you just have power and  
8 control. It's good to have (inaudible), like, for myself,  
9 I'm, I'm comfortable, like, with what I, where I am right  
10 now.

11 Q Okay.

12 A And, and the training and the diplomas, like,  
13 that community centre therapy, there's client-centred,  
14 where it's a client-centred program, so you're working with  
15 the clients. So I can go further, like, I went, I am  
16 working towards my degree (inaudible) but that's something  
17 I'm still going to pursue, so ...

18 Q So, in other words --

19 A Um-hum.

20 Q -- and I don't want to put words into your mouth,  
21 but --

22 A Um-hum.

23 Q -- the training, the knowledge or experience is  
24 important --

25 A Um-hum.

1 Q -- registration would be important to show you  
2 have that, but it's not --

3 A Yeah.

4 Q -- necessarily a degree, or, or, or whatever.  
5 That's the important part --

6 A Um-hum.

7 Q -- to you, is -- do I have that right? That's --

8 A Yeah.

9 Q -- sort of what you're saying?

10 A Yes.

11 Q Okay. Is there anything else you want to add on  
12 that?

13 A Like, you know, I, I do believe that, you know,  
14 it is good to have it and then it's always something to  
15 work towards, so yeah, just to have something behind your  
16 (inaudible).

17 Q Okay. So now I want to get into the facts --

18 A Um-hum.

19 Q -- specific to Phoenix's life.

20 THE COMMISSIONER: Mr. Olson, you've, you've  
21 reviewed with this witness, life on the, on the Fisher  
22 River First Nations Reserve with respect to recreation,  
23 population and areas like that; are you -- is -- are you  
24 going to get into an economic base on this reserve? Or  
25 will that come through another witness?



1           MR. OLSON: Well, I was, I was thinking of going  
2 there and if you'd like to hear that, I do have some  
3 questions on that.

4           THE COMMISSIONER: I, I'd be interested, now or  
5 later, I don't care when.

6           MR. OLSON: Now is a good, good time. If you'd  
7 like to hear that, I will, I'll go into it.

8           THE WITNESS: Um-hum.

9

10 BY MR. OLSON:

11           Q     In terms of economics, first of all, what, what's  
12 the employment like on the reserve? If you're -- to the  
13 extent you're able to answer that question.

14           A     Employment?

15           Q     Yeah.

16           A     I know there are, like, a percentage working, but  
17 then there is a lot of people on social assistance,  
18 unemployment, or yeah.

19           Q     I noticed, when I was the band office and it  
20 happened to be a, an assistance day, was it -- it was, it  
21 was busy but --

22           A     Um-hum.

23           Q     -- I also heard there was a fair, fair amount of  
24 people employed by the band? You know, there was --

25           A     Yes.

1 Q -- fair amount of employment on --

2 A Um-hum.

3 Q -- on the reserve; is that the case for this,  
4 this particular First Nation? Or is it --

5 A Yeah, there, there is a lot of, like, I guess,  
6 opportunities that are --

7 Q What --

8 A -- within the community, yeah.

9 Q -- what would be the main source of employment on  
10 the, on the band, for the band? For the community, I guess  
11 I should say?

12 A I guess the carpentry, the housing.

13 Q Okay.

14 A The fishermen.

15 Q So there's a fishing --

16 A Yeah.

17 Q -- community?

18 A Yes.

19 Q Okay.

20 A There is, there used to be quite a bit of  
21 farming, but it's not as much as there used to be now.

22 Q Okay. And, and do you know why the farming's  
23 decreased?

24 A No, I -- no. It's -- it got -- age, I guess.

25 Q Age --

1 A Yeah.

2 Q -- less people are interested in it?

3 A Yeah.

4 Q Because it's harder to make a living --

5 A Yeah.

6 Q -- as a farmer these days than --

7 A Yeah.

8 Q -- previously?

9 A Um-hum.

10 Q Okay. And what other sources of economic --

11 A I know --

12 Q -- resources are there?

13 A -- every spring they, come flood season, they do  
14 have ones on (inaudible) or need a few stamps for  
15 unemployment, they do have the sandbagging. Like, there is  
16 some seasonable (sic) jobs that do come available.

17 Q Okay.

18 A So, yeah.

19 Q Do a lot of people leave the reserve for  
20 employment opportunities?

21 A Yes, there are some who do leave, yeah.

22 Q Okay. Is it sort of where they leave maybe to  
23 work off reserve and then come back on the reserve to --

24 A Yeah.

25 Q -- to live?

1           A     Yes.

2           Q     Okay.  Are there a lot of people that do that, or  
3 is that just a small number?  Or are you able to say?  I  
4 don't want you to say if you can't.

5           A     No, no, I can't.

6           Q     You can't?  Okay.  Okay.  Thank you.  Thank you.

7                     Do you have, do you have any --

8                     THE COMMISSIONER:     No, I was interested in  
9 hearing that.

10

11 BY MR. OLSON:

12           Q     So just getting now, into the specific facts with  
13 respect to Phoenix's life, during the criminal trial of  
14 Samantha Kematch and Karl McKay, there seemed to be a  
15 general misperception in the public, and, and to a certain  
16 extent, I think it still may be out there, that your  
17 agency, that is, Intertribal Child and Family Services,  
18 knew that Phoenix was on the reserve --

19           A     Um-hum.

20           Q     -- and, at the time that she died.  Now, we know  
21 the department has, by admitted fact, acknowledged that it  
22 was the last agency to have an open file on Phoenix.  So  
23 I'm going to ask you now, at this point, whether anytime  
24 before the discovery of Phoenix's death, by the police, was  
25 ICFS, or were you aware personally of the, of Phoenix's

1 present (sic) on Fisher River First Nation?

2 A No, I was not.

3 Q Do you know if anyone in your agency was aware of  
4 her being on the reserve prior to the discovery of her  
5 death?

6 A No.

7 Q Now, you've never denied that ICFS had some  
8 involvement with the family and that's the part I want to  
9 go through with you. Before we begin, I, I wanted to ask  
10 you, or have you confirm that you are related to Wesley  
11 McKay?

12 A Yes.

13 Q And that's something you've never denied?

14 A No.

15 Q Can you just tell us what your relationship to  
16 Mr. McKay is?

17 A My grandfather and Wesley's father were brothers.  
18 So that's my father's nephew, or great nephew.

19 Q So you're somewhat distantly related, I --

20 A Yes.

21 Q -- I guess? Were you close to him in any way, as  
22 a child growing up, or as an adult?

23 A No.

24 Q Did you ever spend, throughout your life, much  
25 time with Mr. McKay?

1 A No.

2 Q How often, during any given year, would you have  
3 a conversation with him?

4 A Not too often. Maybe -- I don't recall him,  
5 like, remember him, growing up as a child, being in the  
6 community, or yeah.

7 Q You, I understand you have a large family on the  
8 reserve?

9 A Yes, I do.

10 Q Okay. So you're related to a number of people on  
11 reserve?

12 A Yes.

13 Q Some of whom, I understand, you're close to,  
14 close with?

15 A Yes.

16 Q And some who you are not so close with?

17 A Yes.

18 Q Okay. You would have family gatherings?

19 A Yes, we did.

20 Q All right. Had you ever provided services, to  
21 your knowledge, to any member of Wesley McKay's family,  
22 aside from your one involvement that we're going to talk  
23 about shortly, Child and Family Services, services --

24 A Um-hum.

25 Q -- in a professional capacity?

1           A     I don't recall.

2           Q     Okay.     Just as a, sort of a broad overview,  
3 before we get into the specifics, your involvement in this  
4 matter resulted in having DOEs number 1 and DOE number 3  
5 and I think you have a key in front of you --

6           A     Yes.

7           Q     -- you see it?

8           A     Yes.

9           Q     So I'm going to do my best to refer to them as,  
10 as DOEs.     So your involvement resulted in having these two  
11 children returned from Fisher River, to their mother, DOE  
12 number 3, in Winnipeg, in July of 2005?

13          A     Yes.

14          Q     Okay.     Now, by that time, we all know that  
15 Phoenix Sinclair had already been murdered; right?

16          A     Um-hum.

17          Q     Now, and I know you, you've had a chance to  
18 review the notes you took concerning that incident?

19          A     Yes.

20          Q     We'll go through them in a minute.     But before we  
21 do that, can you tell me if you have any independent  
22 recollection of your involvement in this particular matter?

23          A     I remember some, yes, yes.

24          Q     Some parts?     Some parts you --

25          A     Yeah --

1 Q -- don't --

2 A -- some are --

3 Q -- remember?

4 A -- (inaudible).

5 Q Okay. When you reviewed your notes, was there  
6 anything you remembered independently that you didn't see  
7 written down in your notes?

8 A No.

9 Q Okay. So when we review your notes, in other  
10 words, we're going to be reviewing everything that you  
11 remembered?

12 A Right.

13 Q Is there any reason why parts stick out in your,  
14 in your memory? Parts of this matter?

15 A Is there any reason why?

16 Q Yeah.

17 A No.

18 Q Okay.

19 A No.

20 Q Was there anything special about your, about  
21 what, what happened when you returned, when you had the  
22 DOEs returned to Winnipeg?

23 A No.

24 Q No? Okay. And just before I go to you notes, I  
25 asked you about your, your knowledge of Wes McKay --



1 A Um-hum.

2 Q -- when, when did you learn that he was in Fisher  
3 River?

4 A I was over at my mom and dad's one day and he,  
5 and he came there.

6 Q And who are your, who are you mom and dad?

7 A I'd prefer not to say my parents' name, if  
8 possible.

9 Q It's not too important.

10 A Yeah.

11 Q So you're over there --

12 A Yeah.

13 Q -- for, for what? Is it for a gathering?

14 A Yes, no, I just happened to stop, stop by to  
15 visit my parents and then he just, he just came there.

16 Q Okay.

17 A Yeah.

18 Q Were you expecting him to be there?

19 A No.

20 Q Okay. Did you know who he was?

21 A Yes.

22 Q Okay. And tell me about -- was he with anybody?

23 A No, he was alone.

24 Q Okay. And what do you remember about that?

25 A He, he came in and I just remember him asking how

1 I was doing and I just told him I was doing good and we  
2 started talking about his, his work, about truck driving.

3 Q Okay.

4 A And then he kind of started talking about, about  
5 his work and then about buying hookers and that, on, like,  
6 on his road trips, so --

7 Q About --

8 A -- after that I just didn't pay attention to him.  
9 Yeah.

10 Q He started talking about buying prostitutes --

11 A Yeah --

12 Q -- on his road trips?

13 A -- about his, yeah, on his trips and that, so --

14 Q Is there anything else you remember from that  
15 conversation?

16 A No, I just --

17 Q Did he talk about having a girlfriend?

18 A No --

19 Q Okay.

20 A -- don't recall.

21 Q Do you remember what time of year this was?

22 A It was -- I know it was sunny out, it was a nice  
23 day out. It was hot out that, that day.

24 Q Okay. Do you know where he was staying at the  
25 time?

1           A     I, see, I'm pretty sure he might have been at his  
2 brother's place.

3           Q     Okay.

4           A     Yeah.

5           Q     Are you able to tell his brother's name?

6           A     Bill.

7           Q     Bill?

8           A     Yeah.

9           Q     And you said he wasn't with anybody else?

10          A     No.

11          Q     And he never mentioned Samantha Kematch?

12          A     No.

13          Q     And he never mentioned Phoenix Sinclair?

14          A     No.

15          Q     And at that point in time, did you know Samantha  
16 Kematch?

17          A     No.

18          Q     Okay. Did you know Wes McKay had any children?

19          A     No, not at that time.

20          Q     Okay. Did you know he had any former wives or  
21 spouses?

22          A     No.

23          Q     Okay. Now, did you see Wes McKay or know that he  
24 was staying with somebody in Fisher River prior to your  
25 being involved with the transport of his children back to

1 Winnipeg in July?

2 A Did I know?

3 Q Did you know?

4 A Yes.

5 Q Okay. And how is it you knew?

6 A Well, I guess the day from the, I showed up at my  
7 mom's and just --

8 Q Okay. When, when was that?

9 A The day I stopped by to visit. Yeah, when he  
10 just showed up there --

11 Q Um-hum.

12 A -- that's when I knew he was in the community,  
13 yeah.

14 Q The time you just told us about now?

15 A Yes.

16 Q Okay. That's -- you -- that's, that's when you  
17 learned he was in the community --

18 A Um-hum.

19 Q -- he --

20 THE COMMISSIONER: And how long, how long before  
21 the children were returned was that, approximately, or  
22 could you remember?

23 THE WITNESS: No, I can't remember.

24 THE COMMISSIONER: I mean, was it, was it several  
25 months, or, or, or years, or, or do you know?

1 THE WITNESS: Maybe several months, maybe, three,  
2 four months.

3 THE COMMISSIONER: You're not sure?

4 THE WITNESS: I'm not too sure.

5

6 BY MR. OLSON:

7 Q Okay. Between that time, the time you just told  
8 us about, and July, July 13, 2005, when the children were  
9 returned to Winnipeg --

10 A Um-hum.

11 Q -- did you learn anything more about Wes McKay  
12 being in the community?

13 A Learn anymore about him --

14 Q Yeah.

15 A -- being in the community?

16 Q Did you see him again?

17 A Not, not until August.

18 Q August, so after --

19 A After, yeah.

20 Q -- okay, that's what I was trying to get  
21 at.

22 A Yeah, okay.

23 Q Okay. So, so the next time you become aware of  
24 Wes McKay is after the July return of the children?

25 A Yes.

1 Q Okay. So let's go to -- sorry, before we do  
2 that, were you aware of Samantha Kematch being in the  
3 community anytime before the children were returned to  
4 Winnipeg?

5 A Before they were returned to Winnipeg?

6 Q Right.

7 A I knew after when, after July, like --

8 Q Oh, so some --

9 A -- yeah.

10 Q -- time after?

11 A Yeah.

12 Q Okay.

13 A Yes.

14 Q So you have, in front of you, your file of your  
15 involvement --

16 A Um-hum.

17 Q -- and what I'd like you to turn to -- I think I  
18 have a sense of how your file would have come together  
19 and --

20 A Um-hum.

21 Q -- I just want to get it -- I just want that  
22 confirmed. If you could turn to page 34588?

23 If you can put that on the screen?

24 UNIDENTIFIED PERSON: Sorry, Ms. Bird, that's at  
25 tab 6 in the binder that's in front of you.

1 THE WITNESS: Six?

2 UNIDENTIFIED PERSON: At tab 6, if you also want  
3 to look at the, the hard copy. But it's on the screen as  
4 well.

5 THE WITNESS: Okay.

6

7 BY MR. OLSON:

8 Q So is this -- this is a referral source of  
9 information?

10 A Yes.

11 Q Is this the first form you fill out when you get  
12 a call?

13 A Yes.

14 Q Okay. Or a walk-in, or whatever?

15 A Yes.

16 Q The first time information comes in about a  
17 child, you grab this form and you start filling it out; is  
18 that how it works?

19 A That's the intake.

20 Q This is the intake? And would it be you who  
21 would have filled out this information?

22 A Yes.

23 Q Okay. And so this, if you look on the bottom, it  
24 says:

25

1 "Intake Paper Form ... 1 of 13"

2

3 A Um-hum.

4 Q And indeed, if you count it up, it's 13 pages?

5 A Um-hum.

6 Q So let's just take a minute to (inaudible) -- so  
7 we have this 13 page form, that's the intake. The next  
8 thing that you're going to fill out, it's going to be your  
9 contact notes?

10 A Yes.

11 Q That starts at page 34612?

12 And if you, if you look on the screen, you'll,  
13 you'll see it.

14 A Oh.

15 Q So that, that would be the first page of your  
16 notes and they're, they go, they're two pages long, if you  
17 scroll down, please, one next, one more page, all the way  
18 to the bottom, you'll see a signature. And your signature  
19 there?

20 A Yes.

21 Q And then reviewed by Violet Sinclair?

22 A Yes.

23 Q And if you scroll back up to the top, see the  
24 date of July 12th?

25 A Yes.



1 Q Okay. So that's the second thing, your contact  
2 note?

3 A Um-hum.

4 Q And then, if you go to page 34611, this is, this  
5 is, is kind of, sort of an addendum --

6 A Um-hum.

7 Q -- that you added to your note. It's dated July  
8 13, 2005 and if you scroll down please, it has your  
9 signature on it, but it doesn't have a reviewed by  
10 signature?

11 A Yes.

12 Q Okay. So these, this would be -- first you have  
13 your -- the first document I referred you to, your referral  
14 source information --

15 A Um-hum.

16 Q -- and then your contact note and then your  
17 addendum. Those -- that's basically your file?

18 A Yes.

19 Q Okay. So I'm going to -- and then Violet  
20 Sinclair, who went out with you on this call, she has her  
21 contact notes and also there is a closing summary form.  
22 Let's take a quick look at that. That's at page 34586.  
23 This is the closing summary form. This is a document that  
24 every file should have when it's being closed; is that  
25 right?

1 A Yes.

2 Q Okay. And so this, is the document that you  
3 filled out, or did Violet Sinclair fill it out?

4 A Violet Sinclair filled it out.

5 Q Okay. And this was done sometime after the  
6 involvement ended. If you look, dated closed, it says  
7 March 6, 2006?

8 A Yes.

9 Q And I'll ask you about that a little later, but  
10 this would be the last document in the file?

11 A Yes.

12 Q Okay. So let's go back then to the referral  
13 source information document at page 34588.

14 A All right.

15 Q So on the top of the page, this looks like a form  
16 that came off a computer, but my understanding is it would  
17 have just, would, would have just been printed off and you  
18 fill it out by hand?

19 A They had copies made.

20 Q Okay.

21 A There was copies that were -- yeah.

22 Q So you have copies of these sitting at your desk  
23 for when calls come in?

24 A At the -- they're put in a file and I just go get  
25 them.

1 Q Okay.

2 A (Inaudible).

3 Q Now, a call, a call came in, in this case; right?

4 A Yes.

5 Q Did a call come in straight to your desk, or did  
6 it go through reception?

7 A It went through reception first.

8 Q And is that how calls always come in?

9 A Yes.

10 Q Okay. What happens if two calls come in at the  
11 same time? What would happen at that --

12 A They would send the calls to who was available.

13 Q Okay. I -- is there a hold feature so, so two  
14 calls come at the same time, one person's put on hold and  
15 the other one gets transferred?

16 A Yeah, I think there was three lines, I think --

17 Q Okay.

18 A -- around that time.

19 Q Was there always someone in the agency to take a  
20 call?

21 A Yes.

22 Q Okay. Twenty-four hours a day?

23 A Yes, well, after 4:30, it was after hours.

24 Q Okay.

25 A Yeah.

1 Q Who handled the after hours calls?

2 A It was workers, we put on a schedule.

3 Q So when we look at this referral source  
4 information, referral date, July 12, 2005, time 10:55 a.m.  
5 and then the source of referral name, referral type. It's  
6 all been redacted for privacy?

7 A Um-hum.

8 Q Method, phone call, so there could be any number  
9 of methods --

10 A Yeah.

11 Q -- a walk-in, or community, or whatever; right?

12 A Yes.

13 Q Now, you don't have anything filled in for  
14 referral source, location address? What would -- what kind  
15 of -- why would that be?

16 A I guess I just forgot to fill it in.

17 Q Okay.

18 A Yeah.

19 Q Is this normally where you would put information  
20 about the referral?

21 A Yes, you would put the address and phone number.

22 Q Okay. Referral source contact information,  
23 again, this would be a -- if you had information about  
24 the --

25 A Yes.

1 Q -- referral source, you'd put it there?

2 A Yes.

3 Q If you couldn't get that information, or if the,  
4 the source of referral didn't want to give it up to you,  
5 would you still take down the referral?

6 A Yes.

7 Q Okay. Then it says, issue identified by referral  
8 source --

9 A Yes.

10 Q -- and you have category, supervision; who came  
11 up with that category?

12 A They have a, a drop down box that we had had,  
13 attached to the intake. So there was categories and issues  
14 you had, you picked from.

15 Q Okay. And I don't see it here. When you say  
16 there's a drop down box --

17 A Yeah.

18 Q -- where, where would you see it? Is -- would it  
19 be on your computer screen?

20 A I would just have a copy of that at, with, at my  
21 desk.

22 Q So it'd be printed out and sitting beside --

23 A Always --

24 Q -- paper?

25 A -- always have one with me every time, I use the

1 same thing every time. If I did an intake, it'll be there.

2 Q I see.

3 A Yeah.

4 Q Then under identified issues, inadequate care  
5 provider?

6 A Um-hum.

7 Q Is that the issue you identified from the, from a  
8 drop down box?

9 A Yes.

10 Q And then recommended response time, you have 24  
11 hour?

12 A Yes.

13 Q Is that a response time you determined would be  
14 appropriate?

15 A Yes.

16 Q Was that based on it being an inadequate care  
17 provider, or, or how did you come up with that response  
18 time?

19 A The, the call that came in this day, SOR had  
20 stated that she had phoned up there and the child, the boy  
21 who answered the phone, sounded to be about 10 or 11 years  
22 old. So just given that information, you want to respond  
23 right away, so due to the age. Like, we didn't have  
24 that -- it's what was identified at intake.

25 Q Okay. What did that mean to you, the fact it was

1 24 hours?

2 A It's immediate response. You -- I know it says  
3 24 hours, you have 24 hours, but the sooner you get out  
4 there, the better you're able to respond, faster, and deal  
5 with -- yeah.

6 Q Okay.

7 A So --

8 THE COMMISSIONER: Are you saying that the call  
9 came from a young boy?

10 THE WITNESS: No, no, like I said, the referral  
11 source, at the --

12 THE COMMISSIONER: Made reference to that?

13 THE WITNESS: -- yeah, yeah (inaudible).

14

15 BY MR. OLSON:

16 Q Just, just to clarify one thing and you can tell  
17 me if this is correct or not, did -- was this form that  
18 we're looking at now, was this actually filled in after you  
19 came back from the call?

20 A It was filled out after I came back from the  
21 call.

22 Q Okay. So you already knew that you were going  
23 out and --

24 A Yes.

25 Q -- and dealing with the call, because it was an

1 urgent response --

2 A Yes.

3 Q -- fill out --

4 A Yes.

5 Q -- the form after?

6 A Yes.

7 Q Okay. Was that unusual, or was that something  
8 that was commonly done?

9 A Depend on the call, if you had to respond  
10 immediately, you, you wouldn't sit there and do your  
11 intake. You'll do it when you get back to the office.

12 Q I see. If you, if we go to the next page, page  
13 34589 --

14 A Um-hum. Yes.

15 Q -- under intake assignment, it says supervisor,  
16 should -- it's hard to read, but it says Phyllis  
17 Garson?

18 A Yes.

19 Q That was your supervisor?

20 A Yes.

21 Q You're the intake worker. Service area, Fisher  
22 River, service area 3, that's all pretty self-explanatory?

23 A Yeah.

24 Q And under family group, what, what is this here?  
25 What information --



1 A That --

2 Q -- is this?

3 A -- that's the, the people identified as intake.

4 Q So there'd DOE 1, DOE 2, Wesley McKay, who was  
5 the father and DOE number 3?

6 A Yes.

7 Q Okay. Now, I know you didn't, you didn't fill  
8 this out ahead of time, but when you got back, you filled  
9 it out?

10 A Yes.

11 Q Under the heading PCC completed, there is a check  
12 box?

13 A Yes.

14 Q And none of these appear to be checked; what,  
15 what does it -- what, what, what does that mean?

16 A PCC, that's prior contact check.

17 Q Okay. What's a prior contact check?

18 A I guess that's where you would see if there's  
19 anything, I don't know, check if we had a open file at the  
20 office, or anything, yeah.

21 Q Okay. Is that something you could do on CFSIS?

22 A Yes, you can.

23 Q Did you do that in this case?

24 A No, I did not.

25 Q Any reason why not?

1 A No.

2 Q Is that something you received any training on?

3 A Yes.

4 Q We know that Wesley McKay, for example, had a, a  
5 CFSIS history that would have shown some information about  
6 him. Looking at it now, is this -- would you have, would  
7 you do a, a prior contact check at this time?

8 A Today?

9 Q Today.

10 A Yes, yes.

11 Q So things have changed somewhat --

12 A Yes.

13 Q -- in terms of prior contact checks?

14 A Yes.

15 Q Where it says prior involvement, yes or no, do  
16 you, do you know what would go under there?

17 A I guess if there was any prior involvement with  
18 the agency, you would click off a yes on any of the persons  
19 involved with intake.

20 Q And would that just be within your own agency, or  
21 would that be throughout the whole child welfare system?

22 A I think that would be within our own agency,  
23 yeah.

24 Q Now, the next page, 34590, appears to be blank  
25 and is that just because none of this information was

1 particularly relevant to what, what your involvement was?

2 A Yes, I had -- yeah.

3 Q Okay. And then page 34591, under address  
4 directions, it says:

5

6 "On main Highway, Murdock (K)  
7 Bridge Area, White House"

8

9 A Yes.

10 Q And that, I understand it, is houses don't  
11 typically have numbers --

12 A No.

13 Q -- so you have to describe how to get to the  
14 house?

15 A Yes.

16 Q Okay. What would you put under care and caution?  
17 What's that used for?

18 A I guess if you, if you had a file and you, you  
19 had some history, if the person was violent, or there was  
20 any sort of, there was any past domestic violence, or, or  
21 even dogs, if they have a wicked dog, you would put that  
22 there.

23 Q Okay.

24 A Yeah.

25 Q The last box here, extended person details?

1 A Yes.

2 Q Where would you obtain the, obtain the culture of  
3 origin information? For example, the, the band name being  
4 Peguis First Nation?

5 A Through the band list.

6 Q Okay. And then page 34592, this is a safety  
7 assessment and safety plan?

8 A Yes.

9 Q Again, this is something that would have been  
10 filed out after you returned --

11 A Yes.

12 Q -- from your initial visit to the home?

13 A Yes.

14 Q Okay. And did you fill this out with Violet  
15 Sinclair present, or did you fill it out on your own?

16 A I filled it out on my own.

17 Q Okay. Now, if you go through them, the factors  
18 you're assessing, you have, under 1:

19

20 "Harm or ... real threat ...  
21 moderate to severe harm"

22

23 You see that?

24 A Yes.

25 Q And you need more info?

1 A Yes.

2 Q Use of discipline, no. How did, how is you  
3 filled out these answers? Like, what basis did you have to  
4 fill them out?

5 A The -- I guess it's the information that you're  
6 given at the time of the call.

7 Q Okay.

8 A Yeah, you're going based on that.

9 Q So the --

10 A Yeah.

11 Q -- your answers were based on, entirely on what  
12 you knew from the source of referral and what you observed  
13 on the first visit to the home?

14 A Yes.

15 Q And then the next page, 34593 --

16 A Yes.

17 Q -- under safety plan, it says:

18

19 "Action taken to protect  
20 child(ren): Follow up with safety  
21 of children -- supervision"

22

23 What does that mean?

24 A We just wanted -- we would do a follow up on, to  
25 the home.

1 Q Okay.

2 A Yeah.

3 Q So your plan, at that point, and we'll get into  
4 it under --

5 A Um-hum.

6 Q -- in your notes, it was to go back?

7 A Um-hum.

8 Q That's what, that was your plan at this point, or  
9 were you writing this after your second visit?

10 A This was after we went to the home.

11 Q After the --

12 A Yeah.

13 Q -- decision was made to take the children back to  
14 Winnipeg?

15 A Yes.

16 Q Okay. The next page, 34594. This just deals  
17 with the authority determination protocol; that right?

18 A Yes.

19 Q And 45945, on this page, it, it's called issue  
20 management?

21 A Um-hum.

22 Q And it says category, supervision?

23 A Yes.

24 Q That's the same thing we looked at before --

25 A Yes.

1 Q -- earlier on?

2 A Yes.

3 Q Then you identify the issue as inadequate care  
4 provider?

5 A Yes.

6 Q Then what is the assessment status? What, what's  
7 supposed to go there?

8 A I guess once the supervisor reviewed it, it was  
9 open or closed, could be closed.

10 Q Is this a mandatory form that's to be filled out?

11 A This, yes.

12 Q Do you know where it came from, or why it's  
13 included?

14 A It was -- this is all part of the intake, what  
15 was all involved in the intake (inaudible). It was a part  
16 of the intake, it's part of the forms.

17 Q Let's go to page 34597. This is called intake  
18 management?

19 A Yes.

20 Q Can you just explain what this is?

21 A It's after you go out on a call, you do your  
22 intake. You would record what you did, if you're ready to  
23 conclude your intake, the outcome of your intake and which  
24 was outcome intake, children were transported to the  
25 mother. And then after that, it's, it's submitted to the

1 supervisor, who would then fill the, the rest of the, like,  
2 intake concluded.

3 Q Do you know who filled this out?

4 A Which part? The --

5 Q The, the bottom part here.

6 A The supervisor, Phyllis Garson.

7 Q That would have been Phyllis Garson? So the  
8 date, the date here, where it says 05/07/11, appears to be  
9 a typo. That, that wasn't your --

10 A Um-hum.

11 Q -- you didn't, you didn't put that in?

12 A No.

13 Q It doesn't appear that she signed it anywhere?

14 A No.

15 Q That was the practice, that the supervisor at the  
16 time would fill the last portion out?

17 A Yes.

18 Q And then what would happen with this document?  
19 Would it just be put in for closing?

20 A If she had to attach a worker, she would have  
21 attached a worker, she would. Or close it, depends  
22 (inaudible).

23 Q How could you tell if a worker had been attached?

24 A How can you tell if a worker was attached?

25 Q Right.



1           A     Yeah.  Then she would go and sit with the worker  
2 and the intake to them, sit with them.

3           Q     Was a worker attached to this case?

4           A     By looking at it, no.

5           Q     Okay.  When we look at page 34597, under intake  
6 assignment list --

7           A     Yes.

8           Q     -- at the top, it says current worker, it's  
9 blank.  Beside date assigned, it's blank.  Current  
10 supervisor, blank, assigned, blank, assigned worker and  
11 then it says alternate supervisor, it has your name and  
12 then it says date assigned, July 12th, 2005?

13          A     Yes.

14          Q     Did you write that in?

15          A     Yes, I did.

16          Q     Okay.  What does, what, what is that supposed to  
17 mean?

18          A     Alternate supervisor because I, I -- she -- I --  
19 the supervisor wasn't in office that day, so I, I did all  
20 the intake and I just put, filled it out as alternate  
21 supervisor.

22          Q     Okay.  Was it your intention that after your  
23 involvement here, the file would be closed?

24          A     No, I -- wasn't my intention.  It all depends,  
25 once I give it to my supervisor --

1 Q Right.

2 A -- where it went from there, so ...

3 Q So it might sit with her for awhile and then she  
4 might decide to close it or keep it open for awhile and  
5 then close it, or --

6 A Yes.

7 Q Okay. I'm just going to go to the next page,  
8 just to finish this, this bit off before we break. Page  
9 34598.

10 A Yes.

11 Q It says, supervisor review. There's nothing  
12 written, but in her comments, it says:

13

14 "Contact notes attached"

15 A Um-hum.

16 Q There's several blank pages with nothing written,  
17 but then there are, of course, your typewritten contact  
18 notes, which I think you indicated earlier, would have been  
19 the contact notes that you would have attached to your,  
20 your intake referral source information form; is that  
21 right?

22 A Yes.

23 MR. OLSON: So we'll look at those. Now, I  
24 notice it's 11 o'clock. It's probably a good time for the  
25 mid-morning recess?

1 THE COMMISSIONER: Yes, we'll take a 15 minute  
2 mid-morning break and hopefully can hold it to that  
3 timeframe.

4 MR. OLSON: Thank you.

5

6 (BRIEF RECESS)

7

8 BY MR. OLSON:

9 Q Ms. Bird, if, if the supervisor decided that the  
10 file should stay open, would it typically stay with you, as  
11 the file -- as the person who had opened it in the first  
12 place, or would it get transferred to a, a, a different  
13 worker?

14 A It would have been transferred to another worker.

15 Q Okay. Is that because you are a supervisor, or  
16 just, that's just the way it works in the agency?

17 A No, because I, I, because she would have knew I  
18 was connected to him.

19 Q Because --

20 A Yes.

21 Q -- of the relationship?

22 A Yes.

23 Q Okay. If you weren't related to Wes McKay, but  
24 you had originally opened a file, would it normally stay  
25 with the worker who opened the file?

1 A Yes.

2 Q Okay.

3 A Yeah.

4 Q Let's go to your contact note, page 36412. Can  
5 you tell me when you would have written this note?

6 A The day I got the call.

7 Q Okay.

8 A Yeah.

9 Q Would this have been after you filled out the  
10 referral source information sheet --

11 A Yes.

12 Q -- that we were just looking at?

13 A Yes.

14 Q So you would have sat down, completed the  
15 referral source information sheet and then the, prepared  
16 your contact note?

17 A Yes.

18 Q Did you type it yourself?

19 A Yes.

20 Q Okay. And you would have done this all around  
21 the same time, within the same day?

22 A Yeah, this one would have been done on March the  
23 7th.

24 Q Sorry, which one?

25 A Okay. I'm on the wrong page. Sorry.

1 Q If you look on the screen --

2 A Yeah. Yes, it would have been done same day.

3 Q -- that would be July 12th --

4 A Yes.

5 Q -- 2005? Okay. So this tells us what happened  
6 that day and I'll just go through it very quickly with you.

7 A Um-hum.

8 Q Ten fifty-five, you get a call from -- this is a  
9 probation officer, who states that there was a call to  
10 Wesley McKay's looking for C.J. Little boy answers the  
11 phone. We know that to be DOE, it was DOE 1, I believe.  
12 Worker asked, the probation officer asks who's home with  
13 him. Boy says just him and his brother. Boy says dad's in  
14 Ontario, et cetera. Boy sounds young. The officer's  
15 concerned that they're home alone and the agency's going to  
16 follow up with the boy. And that's, so that's how you get  
17 involved. The officer calls you and you start taking down  
18 information. At what point did you realize that this  
19 involved a relative of yours?

20 A Yeah, right from the call.

21 Q Okay.

22 A Yeah.

23 Q Now, you continue to have involvement at that  
24 point; why was that?

25 A Yes, I asked my co-worker, Violet, to come along

1 with me. So she didn't have her, her vehicle that day, so  
2 we kind of both went together.

3 Q Okay.

4 A Yeah.

5 Q Would you normally get another worker involved in  
6 a file like this, or would you -- if you hadn't been  
7 related to Wesley McKay, would you have just done it  
8 yourself?

9 A Sometimes we like to work in teams. It, it's  
10 better --

11 Q Yeah.

12 A -- to, yeah.

13 Q But in this case, in particular, you got Violet  
14 involved because you recognized that --

15 A Yes.

16 Q -- you were related to Wesley McKay?

17 A Yes.

18 Q Okay. So maybe what you could do is just walk me  
19 through what happened and you can refer to your note as  
20 much as you need to.

21 A Okay. Received a call, 10:55, from the  
22 probations officer --

23 Q Maybe just start off, sorry, just start off with  
24 where it says 11:00 a.m. --

25 A Okay.

1 Q -- the, the, the first paragraph.

2 A Okay. Violet Sinclair and myself, we went out to  
3 follow up with the call. We knocked at the door. A young  
4 boy had answered it. We entered the home and just kind of  
5 asked who was home with him. He said him and his brother  
6 and we asked for their names and their last names. And we  
7 informed that we were workers from Child and Family, we  
8 were here following up with them.

9 Q Okay.

10 A We asked where was their dad? And the SOR said  
11 he went to Ontario, truck driving. Asked him --

12 Q Now, at that point, you knew they were talking  
13 about Wes McKay?

14 A Yes.

15 Q Okay. And when they talk about the dad's  
16 girlfriend, did you know that that was Samantha Kematch at  
17 that point?

18 A No.

19 Q Okay.

20 A No.

21 Q If we could scroll up the page please? That's  
22 good.

23 A Sorry, I know it's a bit hard to read on the  
24 screen --

25 Q Um-hum.

1           A     -- with all the redactions, but you, you're doing  
2 fine.

3           Q     So if you want to start where it says, he's in  
4 Ontario. Worker asked where was their mom. Their mom is  
5 in Winnipeg. Worker asked, what is his dad's girlfriend's  
6 name and where she is.

7           A     Okay. (Inaudible). Okay. Yes, we asked what  
8 his dad's girlfriend's name and where she is. And one of  
9 the SORs said her name is Samantha Kematch and that she  
10 went with their dad to Ontario. We asked how, one of the  
11 SORs how old he was. He said he was 15. And we kind of  
12 asked if they were eating and they said, the SOR said  
13 eating Kraft Dinner and they had meat, meat too. The SOR  
14 said that his grandpa phones and checks on them, that they  
15 were trying to phone their auntie to come and pick them up.  
16 And I asked what was their auntie's names, auntie's name  
17 and they provided the auntie's name. I asked if she had a  
18 phone number, so they provided her phone number. Asked  
19 what was their mom's name. So he provided the mother's  
20 name. Asked for a phone number and asked if I --

21          Q     So these, these are pretty detailed --

22          A     Um-hum.

23          Q     -- notes; did you take down pretty much  
24 everything you talked to, talked to them about?

25          A     Yes.



1 Q And you were, it looks like you were concerned  
2 about their wellbeing. What are you eating? Who's taking  
3 care of you? What are you concerned about?

4 A Yeah.

5 Q Is that a pretty good summary of what it is you  
6 were looking for?

7 A Yes.

8 Q Okay. And how did they seem to you, these, these  
9 two boys?

10 A When we first initially walked in, they did seem  
11 a bit nervous, scared, when we first walked in there  
12 exactly.

13 Q Did you know who their mother was, at the time?

14 A Their mother? No.

15 Q Okay. So you did not know DOE number 3, their  
16 mother?

17 A No.

18 Q Okay. But they told you that she stays in  
19 Winnipeg. If you go to the next page, it talks about they  
20 have been trying to get a hold of their mom to get a ride  
21 back to Winnipeg?

22 A Yes.

23 Q And that's something that you said you could try  
24 to arrange for them?

25 A Yes.

1 Q Okay. And at that point, Violet Sinclair, who  
2 was with you, went to the basement --

3 A Yes.

4 Q -- because she heard a noise? And that's where  
5 she found this C.J. person?

6 A Yes.

7 Q Okay. And at that point, believe you and Violet  
8 left the residence?

9 A Yes.

10 Q Okay. And what were you going to do after you  
11 left? You didn't take the boys with you, at that point?

12 A No, (inaudible) to make --

13 Q What was your plan?

14 A -- to make some phone calls.

15 Q Okay. Had you decided you were going to  
16 apprehend the boys, or anything like that?

17 A No.

18 Q Okay. And what was the purpose of the phone  
19 calls you were going to make?

20 A Just to phone, phone the mother, follow-up.

21 Q Okay.

22 A Yeah.

23 Q And so what is it you did?

24 A Well, as we were arriving back at the office, a  
25 call came in --

1 Q Okay. And who --

2 A -- and the call --

3 Q -- who was the call from?

4 A The mother.

5 Q So the mother had -- just as you were getting in,  
6 a call actually came in from DOE number 3?

7 A Yes.

8 Q And what did you talk to her about?

9 A Well, she identified herself and she said that  
10 her boys had called her.

11 Q Okay.

12 A They were afraid and asked her if she had called  
13 CFS. And she said she told the boys that she did not call  
14 CFS, that someone else probably called, concerned about  
15 them.

16 Q Okay.

17 A She said that she told her boys not to be afraid,  
18 that the workers are there, just doing their jobs, and  
19 checking up on the, to make sure that they were okay.

20 Q Okay.

21 A Yeah. And we did inform the mother that we did  
22 check on the boys --

23 Q Um-hum.

24 A -- and the, the mother said she was trying to get  
25 her boys back to Winnipeg, said that she doesn't know why

1 Wes left the boys and she said that his dad had picked up  
2 one of the SORs on Friday.

3 Q Did she say anything about a little girl staying  
4 there, or a little girl being hurt, or abused?

5 A No, no.

6 Q Did she mention Phoenix Sinclair at --

7 A No.

8 Q -- any time?

9 A No.

10 Q Okay. She wanted to get the boys back home;  
11 right?

12 A Yes.

13 Q You told her that that's something you could  
14 arrange?

15 A Yes.

16 Q And so the way the call was left with [redacted],  
17 is that you were going to try to arrange a ride back for  
18 the boys?

19 A Yes.

20 Q Sorry, and I accidentally used the name of DOE  
21 number 3, so the media should not be reporting that. It's  
22 bound to happen eventually.

23 A Um-hum.

24 Q So what did you do after you spoke with DOE  
25 number 3?

1           A     After that, I just kind of, I tried to make the  
2 arrangements to have them transported back.

3           Q     And were you able to make those arrangements?

4           A     Yes, Violet Sinclair did make the arrangements,  
5 yeah.

6           Q     So Violet Sinclair, your, your fellow worker --

7           A     Yes.

8           Q     -- made those arrangements and she can speak to  
9 what happened --

10          A     Yes.

11          Q     -- in terms of making those arrangements?

12          A     Yes.

13          Q     But someone from Peguis came and picked up the  
14 boys from the house; you were there?

15          A     Yes.

16          Q     And they were transported back to Winnipeg?

17          A     Yes.

18          Q     Okay. And then you have this addendum note, at  
19 page 34611. Now, this says you made a phone call to DOE  
20 number 3, following up on DOEs 1 and 2 and you're basically  
21 asking to see if the boys made it home okay; is that what  
22 you were doing?

23          A     Yes.

24          Q     And why was that?

25          A     Just common courtesy, just wanted to make sure

1 the boys were home safe, so I, I made a call, just to  
2 confirm it.

3 Q Okay. DOE 3 says:

4

5 "... the boys did seem scared,  
6 [but] ... were happy once they  
7 knew they were going back home."

8

9 Did you have any other conversation about that,  
10 why would they would be scared, or anything? Or was this,  
11 this the entire content of the conversation?

12 A No, that was the entire content, yeah.

13 Q Okay. Now, aside from what we just reviewed, did  
14 you have any further involvement with this matter?

15 A No.

16 Q Okay. The closing summary form, at page 34586,  
17 just wanted to ask you about this. This is dated March  
18 6th, 2006, which is sometime after --

19 A Um-hum.

20 Q -- your actual contact --

21 A Yeah.

22 Q -- why is it dated so far after?

23 A We were directed, that day, to close it.

24 Q Do you remember who directed you to close it?

25 A I do believe it was Randy Willox (phonetic).

1 Q Okay. And why was that?

2 A The, the file was left open and it could have  
3 been closed back then.

4 Q Okay.

5 A Yeah.

6 Q And this is when the call actually came in about  
7 Phoenix Sinclair's death --

8 A Yes.

9 Q -- right? Okay. And so was it you who closed  
10 the file then?

11 A Violet Sinclair did the closing summary and I  
12 signed off --

13 Q Okay.

14 A -- on it, yeah.

15 Q Did you go back and review your involvement in  
16 the file at that time?

17 A No.

18 Q Now, I know, from talking with you in the past,  
19 that Phoenix's death had a, had a significant impact on you  
20 personally; can you tell the Commissioner about that?

21 A Well, for myself, like, I felt a lot of, lot of  
22 emotions, lot of, lot of anger, lot of hurt, lot of pain,  
23 lot of questions, why? Hearing a lot of things out there  
24 that the media had wrote, things -- it was hard to, I  
25 guess, go back to work, go to work on a daily basis and

1 meanwhile, you know, because you had, had to go back to  
2 work and still carry on, do the duties you needed to do  
3 every day. I kind of put it aside. Lot of sleepless  
4 nights. Some nightmares. Lot of calls, like, it had a big  
5 impact on us. Lot of the times, it was being thrown at us,  
6 at work, wherever. Like, it was just being thrown at us a  
7 lot and, all our --

8 Q When you say thrown at us, what do you mean?

9 A Well, like, you get families who are angry and  
10 mad at you, then they would throw that at you, well, they  
11 would throw this at you more. I don't want my child, that  
12 child to be taken and, and die in care, like, lot of, lot  
13 of things that were said, yeah. And working in the  
14 community, like, it was hard working in the community  
15 because we knew what happened there, so close to home. And  
16 you can see (inaudible) for the kids, like (inaudible).  
17 There was just a lot of -- it made it tough to work. It  
18 was hard every day, yeah.

19 Q Has, has the agency done anything to honour  
20 Phoenix?

21 A Yes.

22 Q Can you tell us about that?

23 A They started to have it, will be the third year  
24 coming up, think it's in June, they have a feast, kind of  
25 like a memorial. We'll do it for four years. This year



1 will be the third year, just kind of to honour her spirit  
2 and feast her and just, and her memory, so yeah, they have  
3 that. A sweat's available if you want to go to a sweat,  
4 pipe ceremony. They have a sacred fire, some prayers and  
5 everybody kind of sits and eats together after, yeah.  
6 Yeah.

7 MR. OLSON: Well, those are all the questions I  
8 have for you. Some of the other lawyers will have some  
9 questions for you, I'm sure. Thank you.

10 THE COMMISSIONER: Mr. Gindin, please?

11 MR. GINDIN: Good morning, good morning, Ms.  
12 Bird.

13 THE WITNESS: Morning.

14 MR. GINDIN: My name is Jeff Gindin. I appear  
15 for Kim Edwards and Steve Sinclair and I have some  
16 questions for you.

17 THE WITNESS: Okay.

18

19 CROSS-EXAMINATION BY MR. GINDIN:

20 Q You told us that you were essentially a social  
21 worker in Fisher River?

22 A Yes.

23 Q Since about 1995?

24 A Yes.

25 Q Until you became a supervisor in 2005?

1 A Yes.

2 Q So prior to being a supervisor, you were  
3 supervised by someone else --

4 A Yes.

5 Q -- correct? Was it the same person for most of  
6 that time?

7 A Yes.

8 Q And that was Phyllis --

9 A Phyllis Garson.

10 Q -- Phyllis Garson? And when she supervised you,  
11 did you have regular meetings with her?

12 A Yes, we did.

13 Q Was it a set time or, or was it flexible?

14 A It was usually every Monday mornings, after the  
15 weekend, yeah.

16 Q And did she review with you the files that you  
17 were working on?

18 A Yeah, we would discuss the files that we carried,  
19 any concerns or anything that we had, yes.

20 Q So pretty much all of the files that you worked  
21 on --

22 A Yes.

23 Q -- would be discussed with your supervisor?

24 A Yes.

25 Q Okay. And would she look, on occasion, at the

1 notes that you were making --

2 A Yes, she would.

3 Q -- with respect to those files?

4 A Yes.

5 Q So that was a regular practice?

6 A Yes.

7 Q And so she would make sure that you made proper  
8 notes and sometimes look at them --

9 A Yes.

10 Q -- and that kind of thing?

11 A Yeah.

12 Q And that was a common theme of the supervision;  
13 right?

14 A Yes.

15 Q And so when you became a supervisor, in October  
16 of '05, did you follow that same type of practice?

17 A Yes.

18 Q Now, you've lived in Fisher River for your whole  
19 life?

20 A Yes.

21 Q And you've told us it was a small community?

22 A Yes.

23 Q Pretty tight knit?

24 A Um-hum.

25 Q And I presume that you would pretty much know

1 most of the people there?

2 A Most of them.

3 Q And you've told us there were a lot of activities  
4 that you would attend, community activities and that kind  
5 of thing?

6 A Yes.

7 Q Now, you, yourself, see if I have this correct,  
8 don't have a Bachelor of Social Work --

9 A No.

10 Q -- degree; is that correct?

11 A Yes.

12 Q You don't? Did, did I hear you say that you were  
13 working towards that?

14 A Yes.

15 Q Okay. Now, you told us you were related to Wes  
16 McKay?

17 A Yes.

18 Q Your grandfather and his father were brothers, I  
19 think you said?

20 A Yes.

21 Q All right. And if you were related to Wes  
22 McKay --

23 A Um-hum.

24 Q -- I guess you would be related to his children  
25 as well?

1 A Yes.

2 Q Okay. So the two children that were there, when  
3 you attended on July the 12th --

4 A Um-hum.

5 Q -- of '05 were relatives of yours?

6 A Yes.

7 Q And we heard about this babysitter, C.J. --

8 A Yes.

9 Q -- that ended up being there --

10 A Yes.

11 Q -- and was discovered there by, by Violet in the  
12 basement?

13 A Yes.

14 Q I understand you were also related to him?

15 A Yes, I am.

16 Q And you indicated to us that you knew, when the  
17 call came in, the first call that came in --

18 A Um-hum.

19 Q -- alerting you to this particular residence --

20 A Um-hum.

21 Q -- that it was where Wes McKay was living?

22 A Yes.

23 Q Okay. And that -- so I guess at that point, you  
24 would appreciate that there was a conflict there --

25 A Yes.

1 Q -- right?

2 A Um-hum.

3 Q Because you were related to Wes?

4 A Yes.

5 Q In fact, I think, later on, Wes McKay actually  
6 called the office, asking for yourself?

7 A Yes.

8 Q He obviously knew you and you knew him --

9 A Um-hum.

10 Q -- correct?

11 A Yes.

12 Q And you referred the call to Violet --

13 A Yes, I did.

14 Q -- for the very reason that you were related to  
15 him?

16 A Yes.

17 Q Did it -- did you consider, at the time that you  
18 went out to the house, that perhaps someone else should  
19 have gone out, knowing that you're related to him and if he  
20 had kids, you'd be related to them as well?

21 A I guess, at that time, that was not on my mind.  
22 I guess my main, main concern, at that time, was the safety  
23 of those boys, yeah --

24 Q So your --

25 A -- so --

1 Q -- main concern was to get out there?

2 A Yes, yes.

3 Q Were there other options there? Did you have  
4 other people working with you that could have gone out with  
5 Violet?

6 A I think, I recall that day is, is we were a  
7 skeleton staff, so, yeah. And if there were other people,  
8 other workers in the office, yes, I could have, could have  
9 considered it, yes.

10 Q It's customary, I think you said, to have two  
11 people sometimes go out to these --

12 A Um-hum.

13 Q -- kinds of situations --

14 A Yeah.

15 Q -- right? So really, you did the same thing that  
16 you would have done regardless of who it was?

17 A Um-hum.

18 Q Is that right? Had someone else go with you?

19 A If it was my sister or brother, my niece, nephew,  
20 no, I wouldn't have, I wouldn't have went, respond to a  
21 call like that, like, yeah.

22 Q So are you saying that if it was a closer  
23 relative to you, you might not have gone out --

24 A No, I wouldn't.

25 Q But you don't recall considering whether you

1 should go out at all on this call?

2 A No, I just automatically just wanted to respond  
3 and go out right away, so --

4 Q Okay.

5 A -- yeah.

6 Q And at that time, in 2005, you had the use of the  
7 CFSIS --

8 A Yes.

9 Q -- computer system; right?

10 A Yes.

11 Q You've told us that it wasn't working that  
12 well --

13 A Um-hum.

14 Q -- back then; were you referring to when you  
15 first started, in 1995, or were, were you referring to  
16 2005, when you said it wasn't working so well? I wasn't  
17 sure.

18 A In 2005.

19 Q Okay. And what about now?

20 A Today, still some of the same problems. It's not  
21 working that well. Sometimes you can't even get on it.  
22 You're kicked off. You can -- it's still not, not working  
23 very well as of today, yeah.

24 Q So not a lot improvement --

25 A No.



1 Q -- in the last nine years --

2 A No.

3 Q -- or eight years?

4 A No.

5 Q Now, at that time, in '05, one of the uses for  
6 that computer system --

7 A Um-hum.

8 Q -- would be to check whether the particular  
9 family you're dealing with --

10 A Um-hum.

11 Q -- has had some previous connection with CFS, or  
12 previous child protection concerns; right?

13 A Yes.

14 Q In this case, you didn't check CFSIS?

15 A No, I did not.

16 Q Do you know why you wouldn't?

17 A No, I --

18 Q No? Is it your position that you didn't know  
19 that Wes McKay had children?

20 A Is it my position that I didn't know?

21 Q Yeah, at that time, when you got the call,  
22 knowing it was Wes McKay's house you were going to --

23 A Um-hum.

24 Q -- you, are you saying you didn't know that he  
25 had children?

1 A That day, yes, I knew.

2 Q You knew he had some children?

3 A Yeah.

4 Q Okay. And what was your knowledge at that time?

5 That he had two children, or more, or less, what did you  
6 know?

7 A Very little.

8 Q Okay. Did you know how many children he had?

9 A No, no.

10 Q So you knew he had children?

11 A Yeah.

12 Q And how did you know that?

13 A Just by the referral source. She identified  
14 them --

15 Q That's what you were told on the phone when  
16 they --

17 A Yeah.

18 Q -- called?

19 A Yes.

20 Q Did they -- were the, was the referral specific,  
21 in terms of how many children he had?

22 A No.

23 Q Just said there was children there and they  
24 might --

25 A Um-hum.

1 Q -- be alone? Is that essentially what you were  
2 told?

3 A Yes.

4 Q Okay. And so, either before you went, or even  
5 after you returned, I think you said you returned to make  
6 some calls?

7 A Yes.

8 Q Neither of those two times did you check CFSIS  
9 to --

10 A No.

11 Q -- see if there was any connection with the  
12 previous concerns --

13 A Um-hum.

14 Q -- previous history or anything; right?

15 A Yes.

16 Q Now, from your experience --

17 A Um-hum.

18 Q When you do check CFSIS, you may find out, for  
19 example, previous history --

20 A Um-hum.

21 Q -- right?

22 A Yes.

23 Q You would find out whether Wes McKay had other  
24 children --

25 A Yes.

1 Q -- right?

2 A Yes.

3 Q You might have discovered, for example, that he  
4 had a child by the name of Phoenix Sinclair?

5 A Um-hum.

6 Q Had you checked CFSIS; right?

7 A Um-hum.

8 Q Or other children; correct?

9 A Yes.

10 Q But that wasn't done, either before you went  
11 there, or even when you came back to, and spoke to --

12 A Um-hum.

13 Q -- and spoke to the mother of the kids?

14 A No.

15 Q And you're not really able to explain why that  
16 wasn't done?

17 A No, I'm sorry.

18 Q Now, with respect to Wes McKay, we're going to  
19 hear some evidence that other people in the community knew  
20 things about Wes McKay, at least, had heard things, or were  
21 told things about him being mean to children --

22 A Um-hum.

23 Q -- to his spouse, history of violence and that  
24 kind of thing; is that something that you were aware of, or  
25 ever heard --

1 A No.

2 Q -- prior to your attending here? No?

3 A No.

4 Q And you were related to him?

5 A Yes.

6 Q And you never heard any of these sort of stories  
7 about his past?

8 A No.

9 Q No? You told us that, about a couple of times  
10 that you saw Wes?

11 A Um-hum.

12 Q One was when you went to visit your parents?

13 A Um-hum.

14 Q And he happened to drop in after you got there,  
15 or was there already? Do you remember?

16 A No, I -- he got there, came by after.

17 Q Okay.

18 A Yeah.

19 Q And that time that you visited your parents and  
20 Wes came over --

21 A Um-hum.

22 Q -- was that prior to this incident where you went  
23 to the house and had the kids apprehended?

24 A Yes.

25 Q Okay. And I think the Commissioner asked you if

1 it was probably a few months earlier? You said something  
2 like that --

3 A Um-hum.

4 Q -- right? And how long would you say that you  
5 spoke to him at that, on that occasion, at your parents'  
6 house, I mean?

7 A How long?

8 Q Yeah.

9 A Are we talking timelines --

10 Q Yes.

11 A -- (inaudible)?

12 Q How long were you in his presence? Put it that  
13 way to start.

14 A In is presence that day?

15 Q Yeah.

16 A It wasn't very long, because I know I left  
17 shortly after that.

18 Q Just a few minutes?

19 A Maybe about, maybe five minutes.

20 Q Okay. And some of the things he was talking  
21 about didn't please you?

22 A No.

23 Q And I, I think you generally told us it was  
24 something to do with hookers and --

25 A Yes.

1 Q -- things of that nature? Do you recall anything  
2 else that he spoke of that you found distasteful?

3 A No, I just --

4 Q Okay. And so that time that you saw him there,  
5 at your parents', which would be a few months prior to  
6 the --

7 A Um-hum.

8 Q -- apprehension, was that the first time you had  
9 seen him in a long time, or, or --

10 A Yes.

11 Q Okay. And do you recall the time before that?

12 A No.

13 Q How long ago? No?

14 A No.

15 Q Was it years?

16 A Years --

17 Q Okay.

18 A -- years, yeah.

19 Q And then there was another occasion, I think,  
20 that you may have mentioned --

21 A Um-hum.

22 Q -- something about a barbeque at your sister's?

23 A Yes.

24 Q And your sister being Florence (phonetic)?

25 A Yes.

1 Q And was that after the apprehension date, July of  
2 '05, the barbeque?

3 A Yes.

4 Q Do you remember when that was?

5 A Oh, might have been around ...

6 Q Was that the August you were referring to?

7 A The August one, I, I do recall, was when there  
8 was a barbeque at my place.

9 Q Um-hum.

10 A My husband was barbequing that day for my  
11 birthday --

12 Q Um-hum.

13 A -- and she, he, my sister came by and she brought  
14 him --

15 Q I see.

16 A -- along with her, yes.

17 Q So there was a barbeque at your place --

18 A Yes, yeah.

19 Q -- in August --

20 A Yes.

21 Q -- roughly, about a month after the apprehension?

22 A Um-hum.

23 Q And the other one, at your sister, was that after  
24 that, or before that?

25 A Yes, yeah, that was around Thanksgiving.



1 Q Okay. So with respect to the August barbeque at  
2 your place --

3 A Um-hum.

4 Q -- which was less than a month after --

5 A Um-hum.

6 Q -- the apprehension, did you speak to Wes McKay  
7 about what had taken place?

8 A No.

9 Q Never came up?

10 A No.

11 Q And he never approached you and asked you  
12 anything about what happened, or why?

13 A No, no.

14 Q No? Anything else you recall about that barbeque  
15 that was unusual, about Wes, or anything he said?

16 A No, only thing, like, when he came I was just  
17 kind of scared he might, but he didn't bring it up.

18 Q Um-hum.

19 A Yeah.

20 Q Did you --

21 THE COMMISSIONER: Did he have anybody else with  
22 him?

23 THE WITNESS: Yes, he had, what's his, what's her  
24 name, Samantha.

25

1 BY MR. GINDIN:

2 Q Samantha was with him?

3 A And a little one year old girl, around, around  
4 one years old, yeah.

5 Q Did you speak to him at all?

6 A Yes, said hi, told him to eat and pretty well  
7 everybody just visited, yeah.

8 Q So when you saw him at, at your place --

9 A Um-hum.

10 Q -- or at your sister's place --

11 A Um-hum.

12 Q -- there was no discussion about perhaps you  
13 shouldn't be there, or he shouldn't be there?

14 A No.

15 Q -- based on your previous involvement? No?

16 A No.

17 Q Now, you took some notes of whatever you did  
18 here --

19 A Yes.

20 Q -- right? And you took them as soon as you  
21 possibly could --

22 A Yes.

23 Q -- correct? You made them later only because you  
24 wanted to go as fast as you could, over to the house?

25 A Yes.

1 Q And then later you made the notes?

2 A Yes.

3 Q And as far as you can tell, you recalled, you  
4 recalled everything important and, and wrote it down in  
5 your notes?

6 A Yes.

7 Q And obviously you, you appreciate the importance  
8 of making the notes --

9 A Yes.

10 Q -- right? Because you never know when they might  
11 be needed; right?

12 A Yes.

13 Q And I see, as well, that you kept those notes?

14 A Yes.

15 Q And where did, where'd you keep them?

16 A They were put into the file.

17 Q Okay. And that's pretty much the way you  
18 operated --

19 A Yes.

20 Q -- in Fisher River?

21 A Yes.

22 Q Social workers would make the notes, according to  
23 your instructions --

24 A Um-hum.

25 Q -- or your evidence. They would review them with

1 the supervisor on occasion and then they, they would make  
2 sure they kept them --

3 A Yes.

4 Q -- right?

5 A Yes.

6 Q All of which makes perfect sense to you; right?

7 A Um-hum.

8 Q Yeah. Now, when you actually attended at the  
9 house on July 12th of '05, with Violent Sinclair, you  
10 obviously had a conversation with these children --

11 A Yes.

12 Q -- right? And you asked if -- who was taking  
13 care of them?

14 A Yes.

15 Q And they didn't tell you about C.J. in the  
16 basement --

17 A No.

18 Q -- right? But they did say that they had tried  
19 to contact their grandfather?

20 A Um-hum.

21 Q And do you know their grandfather?

22 A Yes, I do.

23 Q He's related to you obviously, as well --

24 A Yes.

25 Q -- right?

1 A Yeah.

2 Q And they mentioned something about, and correct  
3 me if I'm wrong, was it grandmother or auntie? I can't  
4 recall what you had said. The kids mentioned something  
5 about --

6 A Their --

7 Q -- their --

8 A -- auntie.

9 Q -- auntie, was it?

10 A Yes.

11 Q And you would know their auntie?

12 A No.

13 Q No? Did you --

14 A No.

15 Q -- did they give you a name?

16 A Yes, they did.

17 Q And would she be related to you as well?

18 A No.

19 Q Okay. You obviously asked about where Wes was --

20 A Um-hum.

21 Q -- right? And we know that you asked about what  
22 his girlfriend's name was and --

23 A Yes.

24 Q -- you got the name Samantha Kematch? And, and  
25 you, and you're saying that's the first time you heard

1 that --

2 A Yes.

3 Q -- name?

4 A Yes.

5 Q You didn't, you didn't know her?

6 A No.

7 Q And you'd never seen her at Fisher River?

8 A No.

9 Q Okay. Did you ask Wes, and I don't see this in  
10 the notes anywhere -- or did you ask the kids, pardon me,  
11 if --

12 A Um-hum.

13 Q -- Wes had any other children?

14 A I don't recall asking them.

15 Q Okay. Well, it's not in the notes anywhere --

16 A No.

17 Q -- so I assume --

18 A No.

19 Q -- that you --

20 A No.

21 Q -- didn't?

22 A No.

23 Q So you, you, you didn't ask them whether their  
24 dad had other children --

25 A No.

1 Q -- we know that? And you didn't check CFSIS, to  
2 see if there was, in fact, other children, or other files;  
3 right?

4 A No.

5 Q And I notice, in the material that you had  
6 referred to, under the topic, address directions, you know  
7 when you described how to get there?

8 A Yeah.

9 Q That sounds to me like you were familiar with  
10 where Wes lived even before that call?

11 A I'm familiar where the house is, yes.

12 Q Okay. And you were able to describe how to get  
13 there --

14 A Yes.

15 Q -- right? I think you said you didn't know who  
16 the mother was, who their mother was, at the --

17 A No.

18 Q -- time that you attended?

19 A No, I didn't know who she was.

20 Q But when you returned to the office, was it her  
21 that called you, or you that called her? Do you recall?

22 A I don't recall, but she may have been on the  
23 phone when we arrived back at the office, yeah.

24 Q So she may have been the one that --

25 A Um-hum.

1 Q -- called you --

2 A Yes.

3 Q -- to inquire about the boys? And I just wanted  
4 to refer you to one particular page number, 34592. If we  
5 can have that brought up. That seems to be the safety  
6 assessment form that you would have filled out --

7 A Yes.

8 Q -- correct?

9 A Yes.

10 Q And when would that be done? Would that be done,  
11 obviously after you got back from the house?

12 A Yes.

13 Q Okay. And I think your name is, is on the  
14 document, showing that it was you that had filled it out;  
15 right?

16 A Yes.

17 Q Okay. And is that a typical form that you would  
18 fill out in circumstances like this?

19 A Yes.

20 Q And just going through those questions briefly,  
21 with respect to the first question, which concerns harm or  
22 a real threat of harm to the children, you indicated that  
23 you needed more information on that?

24 A Yes.

25 Q Which I take it to mean that you didn't know the



1 answer to that --

2 A Yes.

3 Q -- right? And the second one says:

4

5 "The use of discipline by the  
6 caregiver(s) is not appropriate"

7

8 And you indicated no. Did you know the answer to  
9 that question?

10 A Well, the call wasn't on the use of discipline.  
11 (Inaudible) on --

12 Q So the call didn't refer to discipline --

13 A -- yes, right.

14 Q -- which doesn't tell you that it wasn't the  
15 problem?

16 A No.

17 Q Would it have been more appropriate to say that  
18 that's something you would need more information on?  
19 Something you wouldn't know?

20 A My assessment was based on the call --

21 Q All right.

22 A -- so then that's what I would do --

23 Q So there was --

24 A -- with the information provided, yeah.

25 Q -- okay, so there was nothing in the call that

1 told you about the question --

2 A No.

3 Q -- number 2?

4 A If there was a call that came regarding  
5 discipline, yes, I would have, yeah.

6 THE COMMISSIONER: And who's the caregiver you  
7 were referring to in that question?

8 THE WITNESS: That would be the father.

9 THE COMMISSIONER: The father?

10 THE WITNESS: Um-hum.

11

12 BY MR. GINDIN:

13 Q So the call that you got, in the first place, did  
14 not mention a number of things that are mentioned in these  
15 questions; right?

16 A (Inaudible).

17 Q And so if there's no mention of a particular  
18 item, you would simply put down no? As opposed to I don't  
19 know? That's what I'm wondering. For example, question  
20 number 2:

21

22 "The use of discipline by the  
23 caregiver(s) is not appropriate"

24

25 Now, I would assume that you had no knowledge of

1 that issue, one way or the --

2 A No.

3 Q -- other; correct?

4 A No.

5 Q You would, you agree with me, you wouldn't have  
6 any knowledge, one way or the other?

7 A No.

8 Q You're agreeing with me? Okay.

9 A On the use of --

10 Q That you had --

11 A -- discipline.

12 Q -- yeah, you had no knowledge at all about the  
13 issue of discipline?

14 A No.

15 Q Okay. And many of the things on this list that  
16 are raised in this form, you simply wouldn't know the  
17 answers to --

18 A No.

19 Q -- based on the call that you got --

20 A No.

21 Q -- right?

22 THE COMMISSIONER: And if you didn't know the  
23 answers, you're -- what you did, in most instances then,  
24 was check off no; is that right?

25 THE WITNESS: Yeah, or if I need more info.

1 THE COMMISSIONER: One or the other?

2 THE WITNESS: Yes, yeah.

3

4 BY MR. GINDIN:

5 Q So that, you had that choice of saying, I'd like  
6 to have -- we don't have enough information on this --

7 A Um-hum.

8 Q -- or we simply don't know?

9 A Yeah.

10 Q So most of the things being asked in this form  
11 would be things you really wouldn't know about; correct?

12 A Yes.

13 Q Okay. Because the call that you got was pretty  
14 specific --

15 A Yes.

16 Q -- that the fact that they might be home alone --

17 A Yes.

18 Q -- essentially; right?

19 A Yes.

20 Q Was there another call, or something along the  
21 lines of, about C.J. himself, the person who was found in  
22 the basement?

23 A Was --

24 Q Did you get some information later that there  
25 might be a warrant out for him?

1 A Yes.

2 Q When did you receive that information?

3 A That -- when I went back to office, I never  
4 received it, but my co-worker --

5 Q I see.

6 A -- mentioned it, yeah.

7 Q So you became aware, when you got back, that --

8 A Um-hum.

9 Q -- C.J. who was supposedly downstairs  
10 babysitting --

11 A Um-hum.

12 Q -- there was a warrant for his arrest --

13 A Yes.

14 Q -- right? Now, he, he, I understand, and I think  
15 Violet will tell us more, claimed to be sleeping in the  
16 basement?

17 A Yes.

18 Q Did you ask him how long he'd been there?

19 A I don't recall.

20 Q Doesn't appear in the notes either, so --

21 A No, no.

22 Q -- I assume you didn't ask him that question?

23 A No.

24 Q So after you went to the house, to look into the  
25 fact that these kids were by themselves --

1 A Um-hum.

2 Q -- and this fellow was discovered in the  
3 basement, hiding --

4 A Um-hum.

5 Q -- I suppose, my understanding is that you and  
6 Violet then left the house, leaving the kids there?

7 A Yes.

8 Q In order to just make some calls?

9 A Yes.

10 Q Could you have made the calls there --

11 A I guess we --

12 Q -- at the house?

13 A -- could have, yeah.

14 Q So you discovered the kids were basically by  
15 themselves --

16 A Um-hum.

17 Q -- and you left to go back to the office and then  
18 returned again later; is that --

19 A Yes.

20 Q -- is that it? And I think, when you returned  
21 later, they weren't there --

22 A Yes.

23 Q -- at least both of them weren't there anymore --

24 A Yes.

25 MR. GINDIN: -- right?

1           Those are my questions, thank you.

2           THE COMMISSIONER: Thank you, Mr. Gindin.

3           Mr. Paul?

4           MR. PAUL: Thank you, Mr. Commissioner.

5           Ms. Bird, my name's Sacha Paul. I'm one of the  
6 lawyers for Winnipeg Child and Family Services and the  
7 Department and I just have two areas --

8           THE WITNESS: Okay.

9           MR. PAUL: -- that I want to talk to you about.

10

11 CROSS-EXAMINATION BY MR. PAUL:

12           Q     And the first area deals with your involvement in  
13 the July call. So again, if I can recap the evidence  
14 quickly, you get a call, at 10:55 a.m., that there is an  
15 issue with respect to the two boys; correct?

16           A     Yes.

17           Q     Five minutes later, you're at the house of those  
18 two boys; is that correct?

19           A     Yes.

20           Q     And during the time that you're with those two  
21 boys, at the house, you're talking to those two boys,  
22 trying to get a sense as to how they're doing --

23           A     Yes.

24           Q     -- is that correct? And during that course of  
25 the conversation, and you can page -- do you have the

1 documents in front of you?

2 A Yes.

3 Q My page number is 34612, at the very bottom right  
4 hand side; do you have that in front of you? It's at tab  
5 6, I'm, I'm informed.

6 THE COMMISSIONER: It, it's the contact note.

7

8 BY MR. PAUL:

9 Q It is the contact note --

10 A Oh, oh.

11 Q -- of July 12th.

12 A Okay.

13 Q And again, so you're talking to the two boys and  
14 during that time, I see about three lines up from the  
15 bottom, you formed the conclusion that those two boys don't  
16 want to be home alone; is that correct?

17 A Yes.

18 Q Okay. And as you're -- when you form that  
19 conclusion then, you continue to talk to the boys and then  
20 your co-worker, Violet Sinclair, comes up from the basement  
21 and says that there is somebody hiding underneath an air  
22 mattress; that's correct?

23 A Yes.

24 Q And that's something that would, that would be  
25 unusual?



1 A Um-hum.

2 Q Someone hiding in the house, as you're talking to  
3 those two boys; am I correct in that?

4 A Yes.

5 Q Right. And then eventually, as I understand it,  
6 and if we go to page 34611, it would be fair to say that  
7 you leave the issue of transporting the two boys back to  
8 Winnipeg to Violet; that'd be correct?

9 A Yes.

10 Q Right. But nonetheless, the next day, I think  
11 your evidence before the Commissioner was, you wanted to  
12 make a courtesy call to the mother?

13 A Yes.

14 Q And in fact, you do that courtesy call the next  
15 day --

16 A Yes.

17 Q -- right?

18 A Um-hum.

19 Q And we, we see your note here, that you call the  
20 mother and you identified that you're with intertribal and  
21 who you are; correct?

22 A Um-hum.

23 Q That's yes? Sorry, when you say um-hum, it  
24 doesn't translate well for the --

25 A (Inaudible).

1 Q -- for the record.

2 A Yes.

3 Q Yes.

4 A Yeah.

5 Q And in fact, you ask [redacted], as you say here,  
6 you speak to [redacted] --

7 THE COMMISSIONER: That's the mother you're  
8 speaking of.

9 MR. PAUL: Oh, sorry, my apologies.

10 THE COMMISSIONER: Well, you're apparently not  
11 the first one.

12 MR. PAUL: I'm, I can only say that I'm relieved  
13 that Mr. Olson made that slip first. But I apologize,  
14 that, that shouldn't be --

15 THE COMMISSIONER: I, I think --

16 MR. PAUL: -- reported.

17 THE COMMISSIONER: -- the, the media understand  
18 we're --

19 MR. PAUL: Okay.

20 THE COMMISSIONER: -- not using names.

21 MR. PAUL: And hopefully now I can, now that I've  
22 made that slip, I'll try not to do it again.

23

24 BY MR. PAUL:

25 Q Again, you're talking to the mother and you are

1 telling the mother that you're simply checking in on the  
2 boys --

3 A Yes.

4 Q -- correct? And the mother informs you that the  
5 boys made it home safely --

6 A Yes.

7 Q -- right? And then you take another step and you  
8 actually ask the mother, in fact, you inform the mother  
9 that the boys seem scared?

10 A Yes.

11 Q Right. And in fact, you also inform the mother  
12 that it was your impression that the boys were happy, once  
13 they learned that they were going to go back home --

14 A Yes.

15 Q -- right? So you're inquiring as to the state of  
16 the two boys?

17 A Yes.

18 Q So in -- so there's two purposes to the call.  
19 One is to make sure they made it home correctly; correct?

20 A Yes.

21 Q And the other one is just to check in on the  
22 emotional wellbeing of these two boys?

23 A Yes.

24 Q Right. And when you put that question to the  
25 mother, the mother tells you that the boys were scared when

1 CFS workers went there?

2 A Yes.

3 Q And that's what she told you?

4 A Yes.

5 Q And that was the sole basis that she says why the  
6 boys were scared?

7 A Yes.

8 Q No other reason?

9 A Yes.

10 Q And in fact, your next line is that you  
11 sympathize with that, that the boys can be scared when CFS  
12 is involved --

13 A Um-hum.

14 Q -- and then you end the call, saying you were  
15 just calling to check in?

16 A Yes.

17 Q Right. And I think your, your evidence was, at  
18 no point in time, did anyone ever mention Phoenix Sinclair  
19 to you until after the death in, was discovered in March of  
20 '06?

21 A Yes.

22 Q Right. And so the name Phoenix Sinclair would  
23 not have been mentioned to you at this time, in this call?

24 A No.

25 Q So I'm correct in saying that?

1 A Yes.

2 Q I want to move to a second area now, dealing with  
3 CFSIS. My understanding of your evidence is that sometimes  
4 there can be CFSIS issues, slowdown, et cetera?

5 A Um-hum.

6 Q And my understanding of that would be, is that's  
7 really related to your internet connection that you have?

8 A Um-hum.

9 Q So when you're having problems with CFSIS, you're  
10 also having problems with other internet-based computer  
11 systems like Google?

12 A Um-hum.

13 Q Correct?

14 A Yes.

15 Q Right. So really, the issue of connection is one  
16 of the internet generally, not specific to CFSIS; I'm  
17 correct in saying that?

18 You can't go on Google and you can't go on  
19 CFSIS --

20 A Um-hum.

21 Q -- or -- correct?

22 A Yes.

23 Q Right. And just to make it clear then, that the  
24 issue isn't CFSIS, per se, it's an internet issue?

25 A Yes.

1 Q Right. Correct me if I'm wrong on this point,  
2 you're, of course, located in Fisher River?

3 A Yes.

4 Q Right. My understanding, and I'm not sure about  
5 the timeframes, is that Intertribal also has an office in  
6 Winnipeg?

7 A Yes.

8 Q And they would have had an office, as of 2005 --

9 A Yes.

10 Q -- in Winnipeg?

11 A Yes.

12 Q So, in July of '05, they would have had a  
13 Winnipeg office at that, at that --

14 A Yes.

15 Q -- time? Okay. And have you been to the  
16 Winnipeg office?

17 A Yes, I have.

18 Q Is it fair to say that they have a better  
19 internet connection in Winnipeg than they do in Fisher  
20 River?

21 A Yes, they do, um-hum.

22 Q And I would also gather that you were able to  
23 call the Winnipeg office if you needed to?

24 A Yes.

25 Q Right. And one of the things that you could have

1 done, is you could have called the Winnipeg office to do a,  
2 a CFSIS check, if necessary?

3 A Yes.

4 MR. PAUL: Mr. Commissioner, those are my  
5 questions, and again, I apologize.

6 THE COMMISSIONER: Thank you, Mr. Paul.

7 All right. Mr. Cochrane?

8 MR. COCHRANE: Madeline, you know me, my name is  
9 Harold Cochrane.

10 THE WITNESS: Yes.

11 MR. COCHRANE: I, I represent the Southern  
12 Authority, Northern Authority and ANCR.

13 THE WITNESS: Yes.

14

15 CROSS-EXAMINATION BY MR. COCHRANE:

16 Q I want to talk just about one, one issue that my  
17 friend, Mr. Gindin raised, and that is the conflict of  
18 interest --

19 A Um-hum.

20 Q -- that he, he, he'd, he'd talked about.

21 A Um-hum.

22 Q And I want to talk to you about that, because I  
23 know there's media in the room --

24 A Yes.

25 Q -- and of course, it's more important that the

1 Commissioner understand --

2 A Yes.

3 Q -- the reality of doing CFS work --

4 A Um-hum.

5 Q -- in communities such as Fisher River.

6 A Yes.

7 Q Okay. So I want to talk to you about that.

8 A Okay.

9 Q How many front line workers are there at, at  
10 ICFS?

11 A Presently?

12 Q At the time, in 2005?

13 A There was three.

14 Q Three? Okay. I would have thought there was  
15 four, but if there was three, it was three.

16 A Okay.

17 Q Now, I understand -- now, do you know, offhand,  
18 approximately how many people live in Fisher River, on the  
19 reserve?

20 A Today?

21 Q In 2005? Or, or --

22 A Not --

23 Q -- today?

24 A -- well, today, I know it's maybe around 1700 --

25 Q Yeah, about --



1 A -- yes.

2 Q -- 1700 --

3 A Yeah.

4 Q -- 16, 1700?

5 A Yeah.

6 MR. COCHRANE: And Mr. Commissioner, I, I, I, I  
7 have a lot of information about Fisher River because I grew  
8 up there as well, so I'm going to put some context to this.

9 THE COMMISSIONER: That's fine.

10

11 BY MR. COCHRANE:

12 Q Madeline, I understand there are, there's three  
13 big families, if I could use that word?

14 A Yes.

15 Q There's -- or if I could use those words.  
16 There's the Murdocks (phonetic)?

17 A Yes.

18 Q There's the Cochranes?

19 A Yes.

20 Q And there's the McKays?

21 A Yes.

22 Q Okay. And you, of course, are a McKay, so you're  
23 related directly to the McKay family?

24 A Yes.

25 Q Your last name though, or your married name

1     though is Bird --

2             A     Yes.

3             Q     -- right?     And your husband, of course, is  
4     connected to the Cochrane family?

5             A     Yes.

6             Q     And of those three workers, in 2005, are they all  
7     from Fisher River as well?

8             A     Yes.

9             Q     And let me just ask you a question, and in terms  
10    of relationships in the community --

11            A     Um-hum.

12            Q     -- is it fair to say that, for the most part,  
13    everyone is connected to one of those three big  
14    families?

15            A     Yes.

16            Q     So it won't be unusual then, for you, in your  
17    capacity as a social worker in the community, to be related  
18    to families, or, or, or children, as they become involved  
19    in the, in the system --

20            A     Yes.

21            Q     -- is that fair?

22            A     Yes.

23            Q     And that would be the same for the three other  
24    workers at the time --

25            A     Yes.

1 Q -- in 2005? And one of the workers, of course,  
2 is Violet --

3 A Yes.

4 Q -- right? And she's from Fisher River?

5 A Yes.

6 Q She grew up there like you did?

7 A Yes.

8 Q Yes. And she's also connected very closely to  
9 the Murdock family --

10 A Yes.

11 Q -- and sorry, the, and the Sinclair family as  
12 well?

13 A Yes.

14 MR. COCHRANE: Yes.

15 THE COMMISSIONER: The Sinclair family's not one  
16 of the big three families you referred to, is it?

17 MR. COCHRANE: The Sinclair family is actually,  
18 there, there's actually four.

19 THE COMMISSIONER: Well, you mentioned Murdock,  
20 Cochrane and McKays.

21 MR. COCHRANE: Yeah, and Sinclair.

22 THE COMMISSIONER: So there's four --

23 MR. COCHRANE: There's four big families, yes.  
24 And the point I was making was Ms. McKay here is, is  
25 connected through family and marriage, to three of the big

1 families.

2

3 BY MR. COCHRANE:

4 Q Now, is there anything else you, you want to talk  
5 about with respect to the family relationships in Fisher  
6 River? Anything else that's important for the Commissioner  
7 to understand when you're doing your CFS work in the  
8 community?

9 A Well, I guess, for, like, for, I guess I can kind  
10 of relate it to my, myself. Like, I do come from a big  
11 family and that's one of the things we've always been told,  
12 you know, that connection to family, help their family.  
13 Like, family's very important. And you know, try get  
14 together as much as you can. I may not know all my  
15 relatives, but you know, I, I'm, still today, I'm only  
16 finding out who I'm connected to.

17 Q Yeah.

18 A There are still people in the community I find  
19 I'm kind of connected to --

20 Q Yeah.

21 A -- that I never knew, so, I guess for myself, I  
22 guess that's, to me, family is very important.

23 Q And, and, and --

24 A Yeah.

25 Q -- I'm sorry, if I cut you --

1 A Yeah.

2 Q -- off.

3 A It's fine.

4 Q And so the point that I really wanted to make and  
5 hopefully you agree --

6 A Um-hum.

7 Q -- with this, practicing CFS in the city of  
8 Winnipeg --

9 A Um-hum.

10 Q -- is a lot different than practicing, or  
11 providing social worker services in a place like Fisher  
12 River, given --

13 A Yes.

14 Q -- given the size and, and the connectiveness  
15 (phonetic) (sic) of the families?

16 A Yes.

17 Q Yes.

18 A Yeah.

19 Q Now, in this case, you mentioned, your words  
20 were, your priority were the safety of those kid, of those  
21 kids --

22 A Yes.

23 Q -- in the home? And if I have my dates right,  
24 the call came in on July 12th?

25 A Yes.

1 Q And within five minutes, you were at the  
2 home?

3 A Yes.

4 Q Can you tell me again, when, when were the kids  
5 transported back to Winnipeg? Was it that same day?

6 A Yes.

7 Q The 12th? Okay.

8 A Yes.

9 Q And you're satisfied then that you acted in, it  
10 appears to me, you acted very quickly --

11 A Yes.

12 Q -- and you ensured that the kids were transported  
13 back to Winnipeg and that they were safe?

14 A Yes.

15 Q And you confirmed, that, of course, the next day,  
16 by a courtesy call?

17 A Yes.

18 MR. COCHRANE: I have no further questions.

19 THE COMMISSIONER: Thank you, Mr. Cochrane.

20 All right. Anybody else before Mr. Khan?

21 I guess not, so, Mr. Khan.

22 MR. KHAN: Mr. Commissioner, I don't have any  
23 questions, thank you.

24 THE COMMISSIONER: Thank you.

25 Mr. Olson, any re-examination?

1 MR. OLSON: I have no re-exam.

2 THE COMMISSIONER: All right. Witness, thank you  
3 very much, your attendance here is completed.

4 THE WITNESS: Thank you.

5 THE COMMISSIONER: You can leave.

6 THE WITNESS: Thank you.

7 THE COMMISSIONER: Thank you.

8

9 (WITNESS EXCUSED)

10

11 MR. OLSON: I notice it's 20 after 12:00. I  
12 wonder if it might make --

13 THE COMMISSIONER: Yeah.

14 MR. OLSON: -- more sense to break now and start  
15 10 minutes earlier after --

16 THE COMMISSIONER: Well, you've got --

17 MR. OLSON: -- lunch hour.

18 THE COMMISSIONER: -- what have you got, two or  
19 three witnesses left today?

20 MR. OLSON: Two.

21 THE COMMISSIONER: Two? Well --

22 MR. OLSON: And plus the intervenor application.

23 THE COMMISSIONER: Oh, yes. Well, let's start --  
24 adjourn now and start and, up at quarter to 2:00.

25 MR. OLSON: Thank you.

1 THE COMMISSIONER: Adjourn until 1:45.

2

3 (LUNCHEON RECESS)

4

5 THE CLERK: If you could just stand for a moment.  
6 Is it your choice to swear on the Bible, or affirm without  
7 the Bible?

8 THE WITNESS: On the Bible.

9 THE CLERK: Okay. Just state your full name for  
10 the court.

11 THE WITNESS: Violet May Sinclair.

12 THE CLERK: And spell me your first name.

13 THE WITNESS: V-I-O-L-E-T.

14 THE CLERK: Your middle name please?

15 THE WITNESS: M-A-Y.

16 THE CLERK: And your last name?

17 THE WITNESS: S-I-N-C-L-A-I-R.

18 THE CLERK: Thank you.

19

20 **VIOLET MAY SINCLAIR,** sworn,

21 testified as follows:

22

23 THE CLERK: Thank you, you may be seated.

24 THE COMMISSIONER: Ms. Walsh?

25



1 DIRECT EXAMINATION BY MS. WALSH:

2 Q Good, good afternoon, Ms. Sinclair. I'm going to  
3 start today by asking you some questions generally about  
4 the nature of your work and then I'll take you to your  
5 specific involvement with Mr. McKay's sons, from July of  
6 2005. And just one other thing, before we begin, you  
7 should have a key on your desk that indicates how we have  
8 identified three witnesses whose actual names we are not  
9 using at this hearing. They're being referred to as DOES  
10 1, 2 and 3.

11 A Yes.

12 Q So, to the best of your ability, and, and mine,  
13 that's how we'll refer to those witnesses. And the  
14 documents have been changed accordingly. The documents are  
15 going to appear on the screen in front of you.

16 You are from Fisher River?

17 A Yes, I am.

18 Q And you live on the reserve?

19 A Yes, I do.

20 Q You're a social worker for Intertribal Child and  
21 Family Services?

22 A Yes.

23 Q How long have you worked for that agency?

24 A I was with ICFS from 1996, for one year term.  
25 Then in 2004, I was hired as a innovation worker. In

1 August, I think it was August 2005, can't remember, sorry,  
2 I went into family support worker.

3 Q Okay. Your current position is, is what?

4 A Today, family services worker.

5 Q And that used to be called a family support  
6 worker?

7 A Yes.

8 Q So in July of 2005, when you had involvement with  
9 Mr. McKay's sons, what was your position?

10 A Family service worker.

11 Q Okay. In terms of your education and training,  
12 you have training in something called counselling skills,  
13 level 2, from the University of Manitoba?

14 A Levels 1 and 2.

15 Q One and 2? And what is that training?

16 A It's dealing with you, was dealing with your,  
17 your, yourself, working on yourself, to better, better to  
18 help with people, working with people, being taught how to  
19 counsel drug and alcohol program and working with children  
20 and families.

21 Q How long did that training take?

22 A It was a two year course.

23 Q I understand you've also done some work towards  
24 obtaining your Bachelor of Social Work?

25 A Yes, I have.

1 Q Okay. How close are you to obtaining that?

2 A I have six credits yet to complete.

3 Q Sorry, I was just advised that it's hard to hear  
4 you. Perhaps you can pull your microphone a little closer?

5 A I have six credits to obtain --

6 Q Six left --

7 A -- for -- yes.

8 Q -- to obtain?

9 A Yes.

10 Q Okay. Have you ever been registered as a social  
11 worker in Manitoba?

12 A Yes.

13 Q Is there any reason why not?

14 A No.

15 Q Have you received any training, through your  
16 employment with ICFS?

17 A Yes, I have numerous trainings through the  
18 province, the core training.

19 Q The, the core competency training?

20 A Yes.

21 Q Did that training include any training on  
22 standards, child welfare standards?

23 A Some, some consisted of it, yes.

24 Q Do you recall specifically what that related to,  
25 which standards?

1 A Not at this moment, sorry.

2 Q And, and do you know which standards were, you  
3 received training on, what, what year those standards came  
4 from?

5 A No, I don't recall, sorry.

6 Q Do you remember when --

7 THE COMMISSIONER: Witness, if might be best if  
8 you put that book over to the side and then just put the  
9 mic a little closer to you, so that everyone here can hear  
10 you all -- I, I, I, of course, can, because I'm close to  
11 you, but ...

12 MS. WALSH: Yeah.

13 THE COMMISSIONER: Maybe you have to give her  
14 hand there with the cords.

15 THE WITNESS: Bring it closer. Is that good?

16 MS. WALSH: That sounds better.

17 THE WITNESS: It's just, I have a sore throat,  
18 dry (inaudible).

19 MS. WALSH: I think that sounds better.

20 THE COMMISSIONER: I think that'll help.

21 It can go (inaudible) couple of inches, Diane,  
22 yeah.

23 UNIDENTIFIED PERSON: Thanks.

24 THE COMMISSIONER: I think that's better.

25 THE WITNESS: Okay.

1 MS. WALSH: Okay. We're settled.

2

3 BY MS. WALSH:

4 Q So you said you received some training on the  
5 standards as part of the core competency training that you  
6 received?

7 A Yes.

8 Q And do you remember when you received that  
9 training on standards?

10 A It would have been in between 2005 and 2010, in  
11 between there.

12 Q Did you receive the core, core competency  
13 training over a period of time, or all in one sitting?

14 A No, over a period of time.

15 Q Did -- have you received any training on  
16 recordkeeping?

17 A No, just through work, just through the office,  
18 main office.

19 Q So on the, on-the-job training?

20 A Yes.

21 Q What about conducting risk assessments? Have you  
22 ever received any training on doing that?

23 A Yes, we did.

24 Q Was that part of the core competency training?

25 A No, it was in house.

1 Q When did you receive that training?

2 A The last one was in 2009, 2010.

3 Q So you've received training on, on risk  
4 assessments, conducting risk assessments, on more than one  
5 occasion?

6 A Yes.

7 Q In 2005, what did you rely on to guide you in how  
8 you did your work as a family support, or services worker?

9 A Supervisor.

10 Q Were there any -- did you, did you rely on any  
11 standards?

12 A Yes, we always went through the standards with  
13 her when she would direct us to.

14 Q Okay. Were they in a written form somewhere that  
15 was accessible to you, in 2005?

16 A Yes, they were accessible to all.

17 Q In a hard copy?

18 A Yes.

19 Q What about the Act, did you -- the Child and  
20 Family Services Act, did you ever guide your practice in  
21 reference to that legislation?

22 A Yes.

23 Q And how did you know to do that?

24 A With the assistance of my immediate supervisor.

25 Q Okay. Who, in 2005, was your supervisor?

1 A Phyllis Garson.

2 Q And how long was she your supervisor?

3 A Three months or more.

4 Q So who was your supervisor before Ms. Garson?

5 A Ms. Garson, because I did work in, in our  
6 Winnipeg outreach office, at that time, it was Alma Beardy  
7 (phonetic).

8 Q In July of 2005, was Ms. Garson your supervisor?

9 A Yes.

10 Q And today, who do you report to?

11 A Madeline Bird.

12 Q Has the, the manner in which you report to and,  
13 and interact with your supervisor changed over the course  
14 of your employment with ICFS?

15 A No, it's still the same.

16 Q So what does that look like? How do you interact  
17 with your supervisor?

18 A Reviewing, review files, talk about the, our  
19 cases that we carry, or I carry and debrief with her and  
20 seek direction.

21 Q How often would you meet with your supervisor?

22 A We meet every once a week.

23 Q That's a regularly scheduled meeting?

24 A It varies.

25 Q Okay. Is your supervisor typically accessible to

1 you, if you need to have a question answered on an ad hoc  
2 basis?

3 A Yes, she is.

4 Q Now, in 2005, I assume that the agency would  
5 receive calls about children who might be in need of  
6 protection?

7 A Yes.

8 Q At that time, did ICFS keep a record of every  
9 such call?

10 A You mean documenting --

11 Q Yes, did, did --

12 A -- all the calls that came in?

13 Q Yes.

14 A Through the intake process, yes, there was.

15 Q Every call that, that was made was documented?

16 A Every call that came in?

17 Q Yes.

18 A I'm not too sure. The secretary was the first,  
19 first one that do take, received the calls.

20 Q So really my question is, was every call  
21 documented, regardless of whether a file was opened?

22 A Yes.

23 Q It was documented?

24 A It usually is, yes.

25 Q Okay. And what was -- in 2005, what was the



1 process once you, as a worker, opened a file and, and made  
2 a file recording? What were you to do with that file  
3 recording?

4 A Review it with the supervisor.

5 Q Okay. When would you do that?

6 A As soon as all the paperwork are completed and  
7 the initial contact, contact notes and --

8 Q Now, is that while the file is still opened?

9 A Yes.

10 Q Okay. And did you have to have your supervisor  
11 sign your file recording?

12 A Yes.

13 Q In 2005, were your files kept in paper or  
14 electronic form, or both?

15 A Both.

16 Q Were they kept in an electronic form in their  
17 entirety?

18 A No, there was paperwork.

19 Q So the paper form would be more complete than the  
20 electronic form?

21 A Yes.

22 Q Was there a reason for that?

23 A Just, just the typing on the computers and stuff,  
24 we did basically and more so the paperwork than, than  
25 electronic.

1 Q So when you talk about typing, are you talking  
2 about something other than electronic typing?

3 A Electronic typing on the computer itself.

4 Q Okay. And then you would print a hard copy of  
5 that and put it in the paper file?

6 A Yes.

7 Q Okay. Okay. Would information from the paper  
8 file then be entered into an electronic form on CFSIS?

9 A No.

10 Q Okay. What information would go from the paper  
11 form into CFSIS?

12 A Contact notes.

13 Q But not the entire file?

14 A Not the entire file.

15 Q Any reason for that?

16 A No.

17 Q What about today, in terms of, of what the files  
18 contain? You have a paper file?

19 A Yes, we do.

20 Q And a file on CFSIS?

21 A There is files on CFSIS, yes.

22 Q And are they identical?

23 A Some vary. The paperwork, the paperwork is what  
24 we still follow today.

25 Q So the paper file is the most comprehensive

1 information?

2 A Yes.

3 Q And is there a reason why that's the case?

4 A CFSIS is not up and running fully --

5 Q Even today?

6 A -- for us, even today.

7 Q Okay. In 2005, did you use CFSIS?

8 A No.

9 Q You didn't?

10 A No.

11 Q Okay. So you didn't use it to search for  
12 information, for instance?

13 A No.

14 Q Okay. If we can pull up on the screen please,  
15 page 34588?

16 Can you, can you see that all right, Ms.  
17 Sinclair?

18 A Yeah, can I get it moved?

19 Q Can you get it closer to you?

20 A Yeah.

21 Q Sure. This is an intake form, this is, in fact,  
22 the intake form that was opened in Mr. McKay's file; you're  
23 familiar with this, this form?

24 A Yes.

25 Q If we could go to the next page please?

1           You see on, on this form, under the headings,  
2 it's got PCC completed? There's a heading with a box?

3           A     Yes.

4           Q     And then it says, prior involvement, yes or no?

5           A     Yes.

6           Q     That refers to whether the individual has had  
7 prior involvement with the child welfare system?

8           A     Yes.

9           Q     Now, when this form was used, did, did the prior  
10 involvement refer to whether the individual had had prior  
11 involvement with any agency in the system, or just with  
12 Intertribal?

13          A     With Intertribal.

14          Q     Was the agency, in 2005, able to search to see if  
15 an individual had had prior involvement with any agency  
16 other than Intertribal?

17          A     No.

18          Q     If CFSIS -- why is that?

19          A     CFSIS wasn't -- we were having, just using dial-  
20 up and it, the connectivity wasn't up to par.

21          Q     Assuming that, that you could get connected on a  
22 given day, I'm trying to just understand how you could use  
23 CFSIS in 2005. Assuming that you were able to make the  
24 connection, would you have been able to look for an  
25 individual across the system, to see if they'd had

1 involvement with any agency, or only with ICFS?

2 A Yes.

3 Q Any agency?

4 A Any agency.

5 Q Okay. What about today? Are you --

6 A Yes.

7 Q -- are you able to, to use CFSIS, or have you --

8 A At times we do, yes.

9 Q -- already discussed this?

10 A At times we can.

11 Q Okay. So it, it just depends on whether the  
12 connectivity is there?

13 A Yes.

14 Q And again, assuming that you have connectivity  
15 today, do you know whether you would be able to look across  
16 the system, across the whole province, for an individual's  
17 involvement?

18 A Across the province?

19 Q Um-hum.

20 A Just Manitoba, I would.

21 Q Right, but --

22 A Um-hum.

23 Q -- any agency in Manitoba, you could find if  
24 you --

25 A Yes.

1 Q -- have connectivity?

2 A Yes.

3 THE COMMISSIONER: Will, will there be a witness  
4 that'll tell us why connectivity is not constantly present?

5 MS. WALSH: I assume we're going to hear that  
6 from, from the phase 2 witnesses, from the Department, that  
7 are being called by the Department and the Authorities, Mr.  
8 Commissioner.

9 THE COMMISSIONER: Thank you.

10

11 BY MS. WALSH:

12 Q Looking at, at this document, this is a, this was  
13 a standard form of intake form that was being used by the  
14 agency in 2005?

15 A Yes.

16 Q So from the document, it looks like there was an  
17 expectation that a worker would do a, a prior contact  
18 check, or check for prior involvement when a file was  
19 opened?

20 A Yes.

21 Q Was that, in fact, the expectation?

22 A The expectation to?

23 Q To -- when a file was opened, to look to see  
24 whether an individual had had prior involvement with the  
25 system?

1 A Just to go into the files.

2 Q At ICFS?

3 A Yes.

4 Q So that was the only search that you were able to  
5 do in 2005?

6 A Yes.

7 Q And today?

8 A Today is -- when we do get on CFSIS, we're able  
9 to, to make that connection.

10 Q And if you're not able to get on CFSIS on a given  
11 day?

12 A Then we would just look into our files.

13 Q Okay. What about other methods of looking to see  
14 if an individual has had involvement with the system,  
15 either in 2005, or today? Could you -- other than CFSIS,  
16 is there a way to see whether someone has had involvement  
17 with the system?

18 A Depends on the individual, if they're from  
19 another community, we'd make, make a courtesy call.

20 Q So sometimes you will make a phone call to  
21 another agency?

22 A Yes.

23 Q And will they typically provide you with the  
24 information you're looking for?

25 A Yes.

1 Q What about if you phone your office in Winnipeg?  
2 Have you ever done that to, to ask Winnipeg to, to do a  
3 CFSIS search?

4 A No, I haven't.

5 Q Any reason?

6 A No.

7 Q Okay. Either in 2005, or today, aside from the  
8 concerns that you've raised about CFSIS, were there any  
9 other impediments to your performing your work?

10 A No.

11 Q In the course of your work in 2005, did you  
12 interact with band assistance in Fisher River?

13 A Yes.

14 Q The Health Centre in Fisher River?

15 A Yes.

16 Q The school?

17 A Yes.

18 Q What about Winnipeg CFS?

19 A Not so much, no.

20 Q Okay. What about the provincial employment  
21 Income Assistance program?

22 A The odd, the odd one.

23 Q Okay. Other child welfare agencies?

24 A Yes.

25 Q Okay. And either in 2005, or 2013, what's been



1 your experience in, in contacting any of the, the entities  
2 that I've just outlined?

3 A Usually going through intake.

4 Q That's how it's done?

5 A Yes.

6 Q And has it -- what -- has it been something that  
7 has worked well?

8 A At times, yes.

9 Q And if it doesn't, do you know what the reason  
10 is?

11 A No.

12 Q Do you generally have a good relationship with,  
13 with the school, the Health Centre --

14 A Yes, I do.

15 Q -- on the, on the reserve?

16 A Yes.

17 Q And when I say you, I don't mean you personally,  
18 I mean the agency.

19 A Yeah.

20 Q Okay. What about if you need information from  
21 law enforcement, are you able to, to obtain that?

22 A Yes, I am.

23 Q Was that true in 2005?

24 A Yes.

25 Q Okay. What was your workload like in 2005?

1 A 2005, I carried nine cases --

2 Q Was that --

3 A -- kid in care.

4 Q -- manageable?

5 A Yes, it was.

6 Q What about today?

7 A Today, I carry, right now I'm six.

8 Q And is that manageable for you?

9 A Yes.

10 Q Okay. Want to ask you a question about response  
11 time. We heard evidence, over the course of the last few  
12 months, that in Winnipeg, at Winnipeg CFS, for instance,  
13 from the period 2000, to 2005, is what we were hearing  
14 evidence about, when the agency received a call, they would  
15 assign a response time of 24 hours, 48 hours, or five days,  
16 for the initial response; is that something that ICFS did  
17 in 2005?

18 A Yes.

19 Q And does it still do that today?

20 A Yes, we do.

21 Q And do you know, is there, is there typically a  
22 response time that, that you see coming up?

23 A Yes.

24 Q What is that?

25 A It starts from 24 hours, 48 hours and on, so --

1 Q Is -- and when I say typically, is, is there a  
2 response that, that you see most frequently?

3 A No, we usually act upon it immediately.

4 Q Sorry?

5 A It's usually, the response time is immediate.

6 Q Your response time is usually immediate?

7 A Yes.

8 Q Okay. So within that 24 hour period?

9 A Yes.

10 Q And why is that?

11 A As soon as the call comes in, we, we follow up  
12 with the call.

13 Q So, in 2005, if you needed information about a  
14 family from another agency, how would you obtaining that,  
15 go about obtaining that information?

16 A Courtesy call to that agency.

17 Q Now, when you say a courtesy call, why, why do  
18 you call it a courtesy call?

19 A If I know the, if they, the client tells us where  
20 they're from, then we'd make a courtesy call to, to do a  
21 check, to, just to verify if there's any concerns, or if  
22 they're, confirm band membership to that agency.

23 Q And are you still able to do that today?

24 A Yes.

25 Q And is that something that you can do fairly

1 easily?

2 A I haven't done that for awhile, but usually we  
3 just go through the Child and Family Services agency.

4 Q Okay. In 2005, if, if a family with an open  
5 protection file moved from Winnipeg to Fisher River, for  
6 example, an open protection file from say, Winnipeg CFS,  
7 would you have expected to be notified?

8 A Yes.

9 Q Would you -- how would that notification have  
10 come in?

11 A A call from, a call from the other agency.

12 Q And has that, in your experience, ever happened?

13 A Yes.

14 Q Okay. And what, what is ICFS' response when that  
15 happens?

16 A Usually it goes right directly to the supervisor.

17 Q And would ICFS contact the family?

18 A Yes.

19 Q Okay. Would they open a file?

20 A Yes.

21 Q What about -- and is that still true today?

22 A Yes.

23 Q What about if a family who'd had a file with  
24 Winnipeg CFS that was closed moved to Fisher River, I'm  
25 talking 2005, would ICFS have any way of knowing that the

1 family had a history of CFS involvement?

2 A No.

3 Q So you wouldn't expect that an agency would call  
4 ICFS if they'd had a closed file?

5 A No.

6 Q And is that still true today?

7 A Yes.

8 Q And we heard evidence that Fisher River is a  
9 community of approximately 1600, 1700 people?

10 A Yes.

11 Q What's the effect of, of a community that size,  
12 in terms of child welfare service delivery?

13 A The effect?

14 Q On how you deliver your services?

15 A For me personally?

16 Q Yes.

17 A In 2005, we're talking?

18 Q Yes, or today --

19 A Yeah.

20 Q -- has it -- if it's changed.

21 A In 2005, it was, it was, it was, there was still  
22 some pros and cons in working in child welfare. Everybody  
23 views you as going to their home to take their children,  
24 you're going to take them away, or, and it was hard to  
25 explain that you're there to support and not always there

1 to take their kids away. Good working relationship at  
2 times. There was some people that were hard to work with,  
3 just because we were a child, child welfare agency and lot  
4 of people (inaudible) about them being in residential that  
5 we're a product run agency of residential school system,  
6 how it was run back then. Had to do some explaining that  
7 it's changed and we're there to work with them and not  
8 against them, but to help them in any way that we can.

9 Q And what kind of a, an impact -- we've heard lots  
10 of evidence about the need to establish a relationship  
11 between a worker and their client; what kind of an impact,  
12 if any, did doing this work in a small community have on  
13 that?

14 A What kind of an impact?

15 Q Yeah, does it make your, the ability to, to build  
16 a, a trust relationship easier or more difficult?

17 A It's, it's a lot easier in the community, working  
18 with the, with the people, because you, you know their  
19 background. They know you as a worker. We both -- I guess  
20 they know my background also. It's, it's a lot easier  
21 working with people that you're familiar with, and it's  
22 your own community.

23 Q Um-hum.

24 A And you can meet, at times, meet their needs, if  
25 need, if resources are there for them to access.

1 Q And that's still true today?

2 A Yes.

3 Q In 2005, were you aware of any policies or  
4 procedures that were in place when a family service worker  
5 had to respond to a, a call with respect to a family that  
6 was a relative?

7 A No.

8 Q You weren't aware of any specific policies as to  
9 how that was to be handled?

10 A No, we just took the calls as they came in and we  
11 responded.

12 Q We've heard evidence from Winnipeg Child and  
13 Family Services that they would use the services of a non-  
14 social worker, what they called a family support worker, to  
15 provide support to families; has ICFS ever used that kind  
16 of assistance, someone who would go into the home and, and  
17 work with the family on cooking and parenting?

18 A We know them as our, our homemakers, our parent  
19 aides, and at times, case aides.

20 Q Did -- in 2005 and -- or how long have you had  
21 case aides available to, to the agency?

22 A When I started in '96, there was already case  
23 aides --

24 Q And do you make use of --

25 A -- or homemakers.

1 Q -- them?

2 A Yes.

3 Q Are they helpful?

4 A Yes, they are.

5 Q In what way?

6 A Transporting to medicals, our kids in care to  
7 medicals, therapy, counselling and family visits, siblings,  
8 outings.

9 Q Does the agency deliver services which  
10 incorporate traditional beliefs?

11 A Yes.

12 Q Can you give us just a little example of that?

13 A Traditional beliefs?

14 Q Yes, how the agency incorporates traditional  
15 beliefs in delivering services.

16 A We practice -- our belief is -- sorry, connecting  
17 with our, our children, the people of the community,  
18 working in a close, close-knit unit, being able to, to  
19 enter, enter into a family's home, being able to have that,  
20 that bonding process with the people. I've been taught  
21 myself, always, to respect people when you go into other  
22 homes and I expect, at times, to have that back.  
23 Traditional beliefs right now, working on myself, where we  
24 do a lot of sweats, discussions on, on traditional values  
25 and beliefs, sweat lodges, traditional teaching, living off



1 the land, being able to feast together, eat together, as a  
2 whole community, as individuals. And also gathering of  
3 community members to, from different functions in the  
4 community. Being able to involve the agency and being able  
5 to connect and communicate with the people in the  
6 community.

7 Q And you find that relying on traditional beliefs  
8 is effective in working with families?

9 A Yes, it is.

10 Q What about family conferencing? Is that  
11 something that you do?

12 A Yes, it is.

13 Q And can you just give us a quick example of what,  
14 or a brief example of what that involves?

15 A Bringing in kids in care, if they need mediation  
16 with, with a parent and trying to work out issues that are  
17 at hand. Bringing them into the office, or, at times,  
18 somewhere neutral, where they wouldn't feel, because it's  
19 CFS' building, that we would go elsewhere. We work with  
20 them to make them comfortable.

21 Q We heard Ms. Bird talk about, when she was  
22 talking about different recreational facilities and, and  
23 opportunities in the community, something called a parent  
24 activity night at the school?

25 A Yes.

1 Q What is that?

2 A That's where the adults are, are able to, to take  
3 different, not training, but activities within the school,  
4 like woodworking, homemaking, sewing, moccasin making,  
5 beading, exercise, volleyball, basketball, floor hockey and  
6 they do offer, or they did, at one time, offer babysitting  
7 also, for the, for the families, parents.

8 Q And is that something that parents take advantage  
9 of?

10 A Yes, it is.

11 Q Okay. ICFS has offices in Winnipeg too?

12 A Yes.

13 Q That was true in 2005?

14 A Yes.

15 Q Okay. I think you said that you have worked in  
16 Winnipeg?

17 A Yes.

18 Q Is the way that the agency delivers services in  
19 Winnipeg different than the way it delivers services on  
20 reserve?

21 A Yes, it is.

22 Q Can you tell us what the difference is?

23 A Working in Winnipeg, it's, it's a fast paced  
24 moving system that you're working with. There's more,  
25 more, how would you say that -- stuck for a word. More

1 businesses, organizations that you're, you're able to, to  
2 connect with in the city of Winnipeg here. You're able to  
3 connect with your therapy, counselling, medicals, your  
4 doctors, health centre, or health centres, hospitals,  
5 daycares. There's more access, feasible access here for  
6 the, for the city of Winnipeg. Where the community, it's a  
7 smaller, smaller and we're able to set a pace and work  
8 along with the people. You're able to connect more with  
9 them, you're able to do more home visits and connect and be  
10 able to go visit in the school, not have any appointments.  
11 You're able to just walk in freely. And the organizations,  
12 you're able to, to have a working, good working  
13 relationships with them also.

14 Q All right. Let's, let's go to your specific  
15 involvement in 2005 with Mr. McKay's sons. Did you know  
16 Karl Wesley McKay in 2005?

17 A No.

18 Q Did you know that he was related to Madeline  
19 Bird?

20 A Not then.

21 Q Okay. At some point you did find that out?

22 A Yes.

23 Q Was that when you became involved in working on  
24 this file?

25 A Yes.

1 Q Did Ms. Bird tell you that she was related to  
2 him?

3 A Yes, she did.

4 Q Okay. Prior to your involvement with the  
5 referral, in July of 2005, did you know Mr. McKay's  
6 children?

7 A No.

8 Q Or his former partner?

9 A No.

10 Q Those are DOEs 1, 2 and 3.

11 A No.

12 Q Okay. Did you know Samantha Kematch?

13 A No.

14 Q And we heard Ms. Bird say that in July 2005, the  
15 agency had a skeleton staff; do you -- is that your  
16 recollection?

17 A Yes.

18 Q How long was that the case? Was it true for  
19 months before that? Months after that?

20 A No, just that day.

21 Q Just that day? Okay.

22 A Yes.

23 Q And do you know why that was the case?

24 A I don't recall.

25 Q Was it because it was summertime, holiday time?

1           A     Just too far back to remember.

2           Q     Okay.  Sure.  Let's turn to the file recordings  
3 that were made then.  Let's start with page 34612.  So this  
4 is a, a contact note that was prepared by Ms. Bird and if  
5 we want to go to the next page, you can see -- scroll  
6 through the whole document please.  You're familiar with  
7 this document?

8           A     Yes.

9           Q     Okay.  And you were here this morning when Ms.  
10 Bird testified about the matters that are recorded in the  
11 document?

12          A     Yes.

13          Q     Okay.  Do you have any independent recollection  
14 of your involvement with this family, other than what's  
15 recorded in the file notes?

16          A     Some, somewhat, but vague.

17          Q     Okay.  Is Ms. Bird's note, that we see on page --  
18 her contact note on pages 34612 and 34613, is that an  
19 accurate reflection of your involvement?

20          A     Yes.

21          Q     And I just want to take you through the portions  
22 of the document that refer to your involvement.  We see, at  
23 11, it says:

24

25                         "Workers Violet ... and Madeline

1                   ... went to follow up with the  
2                   call.     Workers knocked at the  
3                   door, a young boy answered.  
4                   Worker entered the home.     ...  
5                   asked who was home.   He said him  
6                   and his brother.   Worker asked for  
7                   their names ...     Worker asked,  
8                   what are their last names.   Violet  
9                   informed the boys that we were  
10                  workers from Child & Family."

11

12                  And then later on, as we scroll down the  
13                  document, Ms. Bird documents that she had a conversation  
14                  with the boys.   And then just a little bit up from where  
15                  that hand is:

16

17                  "Worker asked if they are Peguis  
18                  band members.     They said yes.  
19                  Workers asked how have they been  
20                  doing ...     The boys said Ok.  
21                  Violet asked the boys if it was OK  
22                  for her to go and check  
23                  downstairs.     They said yes.  
24                  Violet did her check, she said  
25                  there was wires hanging, there is

1 water on the basement floor. ...  
2 said it may cause a fire, someone  
3 may get electrocuted if the wires  
4 touch the water. Violet went back  
5 down stairs to unplug the wires."

6

7 And then, on the next page, right where the hand  
8 is, the document records:

9

10 "Violet did her check. She came  
11 up and said that [an individual]  
12 was downstairs. Violet said he  
13 was hiding under an air mattress.  
14 [He] came upstairs. Worker  
15 Violet, said to the boys ... you  
16 didn't think that we'd check it  
17 out. The boy put his legs up on  
18 the chair, put his head down  
19 between his legs, then he and his  
20 brother went into the kitchen."

21

22 And that pretty much sums up where you are  
23 specifically recorded, your activities, in this do.

24 What do you recall of attending that morning at  
25 the boys' house?

1           A     Both Madeline and I entered into the home. We  
2 both went upstairs. Madeline approached where the boys  
3 were sitting in the living room and they were on the couch.  
4 I stayed at the, the entrance of the, the upstairs, into  
5 the kitchen area. I stayed there and co-worker, Madeline,  
6 continued to talk with the boys. And then what's when I  
7 heard the noise, a noise coming from the basement and I  
8 asked Madeline if she had heard, heard that noise. And I  
9 told her I would go downstairs to check. So I feeleded  
10 (phonetic) (sic) may way down, down the stairwell and just  
11 motioned to look around and looked in the basement and  
12 that's when I seen the water was in the basement and there  
13 was a, a single, single bed, with a duffle bag beside it  
14 and a cord that was plugged and was in the water. And as I  
15 was making my way, I was letting Madeline know what I was  
16 doing, on my way down. And then I, I heard a noise again.  
17 So I continued to go down the end of the stairs and walk  
18 towards the furnace area, where the washer and the laundry  
19 was and seen the mattress, the air mattress that was  
20 standing upright, had moved. So I went to lift it and  
21 that's when C.J. was behind the mattress. And I gave out a  
22 scream, because I, he scared me and I, right away, I yelled  
23 up to Madeline that there was somebody downstairs and  
24 informed C.J. that I wasn't alone, that I had Madeline with  
25 me upstairs. And, and we proceeded back upstairs.



1 Q Did you know C.J.?

2 A I know who he is, yes.

3 Q Did you recognize him when you saw him?

4 A Yes.

5 Q What about the boys? When you got to the house,  
6 did you recognize those boys, as having seen them in the  
7 community before?

8 A No.

9 Q You had never seen them?

10 A No.

11 Q Then what happened? You and, and Ms. Bird went  
12 back to the agency office?

13 A Yes.

14 Q You left C.J. and the boys in the house?

15 A Yes.

16 Q Did you have any concern about leaving the boys  
17 with C.J. when you did that?

18 A No.

19 Q How did the boys seem?

20 A Madeline was the one that was, that spent time  
21 talking with the boys.

22 Q Why didn't you bring the boys with you when you  
23 went back to the office?

24 A C.J. was the babysitter.

25 Q And you weren't worried about C.J., in terms of

1 the boys' safety?

2 A No.

3 Q When you went into the basement, did you see any  
4 signs of a child having lived there?

5 A No.

6 Q Did you see any signs of a little girl?

7 A No.

8 Q No clothing, no toys, bedding?

9 A No.

10 Q If we go to the bottom of 34613, where we're at,  
11 just scroll down to the very bottom please, it says  
12 recorded by Madeline and reviewed by Violet Sinclair. Now,  
13 you weren't Madeline Bird's supervisor at this time --

14 A No.

15 Q -- were you? So why is it signed off that way?

16 A Just to verify that I did review her, her contact  
17 notes, as she would have done for myself.

18 Q So was that a practice that you had at the  
19 agency?

20 A Yes.

21 Q When there was more than one worker, you would  
22 review each other's notes?

23 A Just that day, I, I signed off for her.

24 Q So that wasn't something you did on a regular  
25 basis?

1 A Not on a regular basis, no.

2 Q Why did you do it in this case?

3 A There was just her and I and I was with her  
4 through the, through the visit.

5 Q Right. And so why did you sign her notes?

6 A Because she's the one that had the initial intake  
7 and I was there assisting, assisting her with her  
8 call.

9 Q Okay. But you didn't normally sign another  
10 worker's file recording?

11 A No.

12 Q So then you returned to the office and you did  
13 some more work?

14 A Yes.

15 Q If we can pull up page 34608? This is a contact  
16 note that I believe was written by you. If we go to the  
17 last page, 34610 please. It says it's recorded by you and  
18 reviewed by Ms. Bird?

19 A Yes.

20 Q Now, in this case, was Ms. -- why was Ms. Bird  
21 reviewing your note?

22 A She was my supervisor.

23 Q Okay. So let's go back to the first page --

24 A Okay. Sorry.

25 Q Sorry?

1 A She was the alternate supervisor.

2 Q At that --

3 A Yeah.

4 Q -- date?

5 A Yes.

6 Q Okay. And she was your alternate supervisor?

7 A Yes, that date.

8 Q All right. Now, at the top, on the date, July 13  
9 is crossed off and it says July 12 and then V.S.; is that  
10 you changing the, the date --

11 A Yes.

12 Q -- correcting the date?

13 A Yes.

14 Q Is that just a typo that you were correcting?

15 A Yes, that was.

16 Q Okay. This contact out, sets out your  
17 involvement with the rest of, of the referral that came in  
18 regarding Mr. McKay's sons; is that right?

19 A Yes.

20 Q And if we can look at the first phone call,  
21 that's PC at 12:00 p.m., that's a phone call?

22 A Yes, that is.

23 Q Okay. So this is a phone call that you are  
24 making to Olive Favell?

25 A Yes.

1 Q Okay. It says:

2

3 "Writer informed Olive that  
4 ICFS at present has concerns with  
5 Peguis band members. The two boys  
6 are minors. Informed Olive that  
7 writer and Team Leader, Madeline  
8 Bird was responding to a report  
9 that was called in.  
10 Both writer and Madeline made  
11 the initial contact and check.  
12 Writer informed Olive that are  
13 returning to the ICFS office and  
14 doing the proper checks. While  
15 ICFS Abuse Worker, Carol Cochrane,  
16 refer to contact note on  
17 file."

18

19 Now, what are, what are the checks that you're  
20 referring to there?

21 A Just the basic checks on the, the, the boys and  
22 their status, being status to Peguis, just confirming.

23 Q I see. Not, not checking whether they had  
24 involvement with the, the child welfare system?

25 A That also, yes.

1           Q     Okay.  And so, to do that, you would review ICFS'  
2 files?

3           A     Yes.

4           Q     And the reason that you were calling Ms. Favell  
5 at Peguis was why?

6           A     To inform them that the boys were Peguis band  
7 members.

8           Q     Okay.  Then you carry on to say:

9

10                    "As we were informed that there  
11 are concerns of the sitter... The  
12 sitter is a Fisher River band  
13 member.  Only to be informed  
14 there's a warrant out for the  
15 sitter.  This is the reason for  
16 the call to [Peguis].  Requesting  
17 a Peguis worker to assist in the  
18 removal of the boys.  The boys  
19 stated that they'd been trying to  
20 contact their aunty ... but did  
21 not get a hold of her.  Olive  
22 asked writer whom the Mother of  
23 these boys are?  Writer stated  
24 [who the mother is].  Gave Olive  
25 all needed contact information on

1                   the two boys."

2

3                   Can you scroll up please? Thank you.

4

5                   "Then Olive states, well, I will  
6                   have a worker call your office at  
7                   1:00 ... Writer informed Olive  
8                   that the RCMP will be called for  
9                   assistance. Writer mentioned this  
10                  is a Protection Issue and it  
11                  cannot wait until after lunch?  
12                  Olive put writer on hold, came  
13                  back on line to mention that Elsie  
14                  Flett shall be on her way down to  
15                  your office. Writer thanked Olive  
16                  for [her] assistance."

17

18                  So what was happening here?

19                  A     Gathering of information, finding out that there  
20                  was a warrant out for the sitter and getting all the  
21                  collaterals together to, to go back into the home, to  
22                  assist us with, with the information that we were notified  
23                  of.

24                  Q     And was your goal to have the boys returned to  
25                  their mother?

1           A     I was just following up with the, with the phone  
2 calls, making the proper contacts.

3           Q     Okay. And you were having Peguis follow-up?

4           A     Assist with us.

5           Q     Okay. Because that was the boys' band?

6           A     Yes.

7           Q     All right. And then at 12:05 and 12:12, you made  
8 calls to the Fisher River band office Probations worker and  
9 to the RCMP; what was the purpose of those calls?

10          A     To the RCMP was to get information on, on the,  
11 C.J., just to get some -- if there's any history and  
12 following up with that, we were informed that there was a  
13 warrant out for his arrest also.

14          Q     Okay. So at that point, did you have a concern  
15 for the boys?

16          A     Yes.

17          Q     Okay. Then at 12:17, you record having received  
18 a call from Wes McKay.

19                    If we can just scroll up please, so we can see  
20 the whole call. Thank you.

21                    So this is a call that, that you took from Mr.  
22 McKay?

23          A     Yes.

24          Q     Okay.

25



1 Wesley had asked what was  
2 happening with his boys. Their  
3 Mother ... had called my Cell  
4 phone ..."

5

6 Now, that's Mr. McKay telling you that, that the  
7 boys' mother had called his cell phone?

8 A Yes.

9 Q

10 "... to tell me that ICFS was  
11 taking my kids. Informed Wesley  
12 that ICFS had responded to a call  
13 that came across that these two  
14 boys were home alone."

15

16 That's what you told him?

17 A Yes.

18 Q

19 "Yeah, I know that, Wesley said.  
20 Upon our check to the call, we  
21 went to check on the boys and they  
22 were both afraid. The boys  
23 mentioned that they wanted to go  
24 home to their Mother who stays in  
25 Winnipeg. Yes, but I do have a

1           babysitter that is 20 years old.  
2           The boys have enough food, I  
3           brought lots of food before I  
4           left, Wesley stated.        Writer  
5           informed Wesley that there's a  
6           concern with the sitter at this  
7           time. He's 20 years old. [He's]  
8           20 years old, old enough to sit my  
9           boys.     I made the arrangements  
10          with [him] to watch them.    The  
11          agency has concerns with your  
12          present sitter and the plan is to  
13          return the boys to Mom in  
14          Winnipeg.   The Peguis CFS worker  
15          is on their way down because the  
16          boys are Peguis band members.  
17          [And then he says DOE number 3 and  
18          I have signed a piece of paper  
19          that says I have Legal  
20          Guardianship of my oldest boy.  
21          Writer informed Wesley that a  
22          piece of paper that was signed  
23          just between yourselves is not  
24          legal. It is only Legal if you go  
25          to court.     That doesn't matter

1            anyway, I will go for my boy again  
2            when I go back home, Wesley  
3            states? Yet again writer states  
4            that he cannot be left home alone.  
5            Your son is unable to provide for  
6            himself. I will make sure he has  
7            lots of food anyway, Wesley  
8            states. Writer informed Wesley,  
9            we'll be following thru with our  
10           plans to return the boys back to  
11           [their mother]."

12

13           And then you record that Wesley hangs up?

14           A     Yes.

15           Q     Now, you said that the boys were afraid, that you  
16           told Mr. McKay that the boys were afraid; how did you know  
17           that?

18           A     That was through Madeline's information also.

19           Q     Just based on your observations of them --

20           A     Yes.

21           Q     -- in the house? Okay. Did you know why they  
22           were afraid?

23           A     No.

24           Q     Did you ever ask Mr. McKay whether there was  
25           anyone else living in the home?

1 A No.

2 Q How did Mr. McKay sound when he spoke to you on  
3 the phone?

4 A I can't recall back then.

5 Q That's fine. So if we got to the next page,  
6 well, we're on 34609, if we scroll down a bit please.  
7 There are -- oh, not quite that far.

8 There's a phone call at 12:20 from Elsie Flett,  
9 family support worker at Peguis. Why were you  
10 communicating with her?

11 A She was the, the intake worker through their  
12 lunch hour.

13 Q Okay. And then at 12:30 there's a call to the  
14 RCMP. Again, the purpose of that was for what?

15 A We were waiting for their assistance to, to field  
16 back to the home.

17 Q So you didn't want to go back to the house with  
18 the boy, where the boys were, and C.J., until you had the  
19 RCMP with you?

20 A Yes.

21 Q Okay. And then you heard back from Constable  
22 King and then, at 12:49, you spoke with DOE number 1, the  
23 son?

24 A Yes.

25 Q Was that a call that you made, to see how he was

1 doing?

2 A Yes.

3 Q Okay. And he said they were fine. He said his  
4 brother has, had gone to their grandfather's house for  
5 toilet paper. You asked who was with him and you told him  
6 that he was going to be returning back to Winnipeg and to  
7 pack his stuff. He said, do you think you can pick us up  
8 around 3:20 or 3:30, because my brother has quite a bit of  
9 stuff too. And you said it would be soon, told him to get  
10 ready as soon as possible.

11 And then ultimately, what happened? You did go  
12 to the house with the constable; what, what happened?

13 A It was the RCMP that entered into the home. We  
14 just stayed in the vehicle.

15 Q Okay. And then did, ultimately did you locate  
16 the boys?

17 A Later on, yes, we did.

18 Q Okay. And if we scroll down, towards the bottom  
19 of the page, you've outlined, in that recording, what  
20 transpired to, to find the boys, when the boys had gone out  
21 with his bike and ultimately locate them to transport them  
22 back to their mother?

23 A Yes.

24 Q Okay. And that was ultimately done?

25 A Yes.

1 Q When you spoke to DOE number 1 on the phone, did  
2 he say anything about any other children in the home?

3 A No.

4 Q So you never went back into the house yourself?

5 A No.

6 Q Did you have any other involvement with this  
7 family after attending to sending the boys back to their  
8 mother?

9 A No.

10 Q And how is it that the boys actually physically  
11 got home to their mother?

12 A Through Peguis Child and Family Services.

13 Q This report that you prepared, when did you  
14 prepare it?

15 A July 12th. So the same day that it's dated and  
16 that you made the notes?

17 A Yes.

18 Q What, what was your practice, in preparing  
19 contact notes like this? I mean, we see that they're  
20 typed.

21 A Um-hum.

22 Q Do you make -- was your practice, in 2005, to  
23 make handwritten notes first, or --

24 A Scrap notes, yes.

25 Q -- and then from that, to type them into the form

1 that we have been reading from?

2 A Yes.

3 Q And then what did you do with the scrap notes?

4 A Most likely shredded them.

5 Q Okay. What about today? What's your practice,  
6 in terms of file recording?

7 A Usually have, type them right then and there.

8 Q Okay. And again, is that from scrap notes? Do  
9 you keep scrap notes of any sort?

10 A Today, not, not as much.

11 Q No? Okay. Now, separate from the events of July  
12 12, 2005, I expect that we're going to hear evidence from  
13 DOE number 3 that she called ICFS sometime in 2005 to  
14 report suspected abuse of a little girl; do you know  
15 anything about that call?

16 A No.

17 Q Okay. Now, were you still working in your  
18 position as a family services worker with ICFS in March of  
19 2006?

20 A Yes.

21 Q And we know that DOE number 3 called in March of  
22 2006, to ICFS, to report the suspected murder of Phoenix  
23 Sinclair; did you have any involvement with that call?

24 A No.

25 Q How did you learn about Phoenix's death?

1 A Through the, through the media.

2 Q Let's turn to page 34586. After your involvement  
3 with the boys, once they were returned home to their  
4 mother, you said you didn't have anymore involvement with  
5 that family?

6 A Um-hum. Yes.

7 Q But you didn't close the file at that time; is  
8 that right?

9 A Yes.

10 Q Is there any reason why not?

11 A No.

12 Q Was there any kind of practice that the agency  
13 had about when a file should be closed?

14 A Yeah, there was usually -- we leave it open for a  
15 period of time, to ensure that -- just in case something  
16 else does arise, then, and if not, then we close it.

17 Q So the document that's in front of you is still  
18 from that same file that, that your previous contact notes  
19 were from. This is called a closing summary form?

20 A Yes.

21 Q Now, if we scroll down to the bottom of the  
22 document, that's your signature on the left?

23 A Yes.

24 Q And Madeline Bird's signature, as supervisor or  
25 team leader?



1 A Yes.

2 Q And was this based on -- what prompted this  
3 closing summary to be made?

4 A My supervisor had requested that I close it.

5 Q Okay. And the date that the case is closed is  
6 March 6th, 2006?

7 A Yes.

8 Q Did your supervisor say why the file should be  
9 closed at this point?

10 A I don't recall.

11 Q And then the next page, 34587, is also entitled  
12 closing summary. Again, this was recorded by you?

13 A Yes.

14 Q And it shows that the file was closed on March 6,  
15 '06?

16 A Yes.

17 Q Now, why are there two documents entitled closing  
18 summary?

19 A It was just a practice that I, that's usually  
20 done --

21 Q Okay.

22 A -- just as a last contact note.

23 Q And in the closing summary, it's, the names are  
24 the two sons of Wesley McKay and it says:

25

1 "Intertribal Child & Family  
2 Services Violet Sinclair, Family  
3 Support and Madeline Bird, Family  
4 Support contacted Peguis Child and  
5 Family Services. As [DOEs 2 and  
6 1] are Peguis Band Members.  
7 Intertribal [CFS] assisted Peguis  
8 ... Elsie Flett, On Call Worker  
9 and Fisher Branch RCMP to relocate  
10 [DOE number 2] as he left the  
11 home. [DOE number 2] was found  
12 ... Peguis Child & Family  
13 Services, Elsie Flett transported  
14 both [of the boys] back to  
15 Winnipeg to their Biological  
16 Mother."

17

18 This closing summary, was that prepared on March  
19 6, '06?

20 A Yes.

21 Q Did you review the file before preparing it?

22 A Probably my contact notes, I, I can't remember.

23 Q And that, that was all the involvement you had  
24 with this family?

25 A Yes.

1 Q So your last actual work with the family was in  
2 July of 2005 and then on March 6, '06, you prepared the  
3 closing summaries for their file --

4 A Um-hum.

5 Q -- at ICFS?

6 A Yes.

7 Q Okay. Now, we know that a number of reports were  
8 commissioned by the department, by the office of the chief  
9 medical examiner in, in 2006, as the result of the  
10 discovery of Phoenix's death. And from those reports,  
11 almost 300 recommendations for changes to the system, the  
12 child welfare system have been made. And you've been  
13 working as a, as a child welfare worker all this time,  
14 since 2006, up to today. So I'm curious to know whether  
15 you're aware of any changes that have been made to the way  
16 you do your work, as compared to today, as compared to how  
17 you did it in 2005?

18 A Back, today there's, has been a lot of changes  
19 that arose from 2005. More face-to-face with our kids in  
20 care, at least once a month, depending on the, on the case  
21 itself. Connecting, contacting, maintaining a good working  
22 relationship with the, with the mothers and the fathers,  
23 the whole family. More home visits, supervised visits,  
24 sibling visits and the family as a whole. Being consistent  
25 with phone calls, ensuring that contact notes are up-to-

1 date daily. Conversing with and communicating more often  
2 with the supervisor, the workers assisting each other. Lot  
3 of follow-up. Phone calls, hospital visits, ensuring that  
4 you're connecting with your kid in care at all times.

5 Q You've referred to, for example, face-to-face,  
6 emphasis on face-to-face visits with children in care; what  
7 about children who are clients, who are not in care?

8 A Services to family, yes, we do that also. If we  
9 do have services to family and they do have children, we  
10 follow up with them also, as a, just to do face-to-face  
11 with them also.

12 Q And is the way that you do that, has that changed  
13 since 2005?

14 A Yes, it has.

15 Q Okay. In what way?

16 A More paperwork, more, more face-to-face with your  
17 client.

18 Q Am I correct in understanding that the community  
19 has maintained an actual memorial to Phoenix?

20 A Yes.

21 Q And where is that?

22 A That's where they had located her body.

23 Q Is that something that the agency established, or  
24 the community itself?

25 A The community.

1 Q And finally, has Phoenix's death had an impact on  
2 you, personally?

3 A Yes, it has.

4 Q Can you describe that?

5 A 2005, I, I had a granddaughter that was two years  
6 old. My kids, I still have young kids. My oldest, my  
7 youngest child is 11 years old. And having an impact as a,  
8 a mother and just can't even fathom the loss of my own  
9 child to, to this. Lot of hardship.

10 Q Hardship as a worker, or --

11 A Yeah, yeah, because of the lashing out that was,  
12 that came towards the agency and me, as a worker, trying to  
13 work with people and trying to make them comfortable. They  
14 always called us names. But the good side of it, it  
15 strengthened, strengthened us as a unit with ICFS. The  
16 unit's stronger. We're able to, to gather and debrief.  
17 We're able to work on ourselves to be a better individual,  
18 to work with our community members.

19 MS. WALSH: Thank you, those are my questions.

20 THE COMMISSIONER: Thank you, Ms. Walsh.

21 MS. WALSH: Mr. Commissioner, did you want to  
22 take the mid-afternoon break now? I see it's three  
23 o'clock.

24 THE COMMISSIONER: We could, but you've got one  
25 more witness besides today?

1 MS. WALSH: We do and we have two applications,  
2 albeit brief, for intervenor status. So, I'm in your hands  
3 as to what you want to do. Do you want to finish this  
4 witness, this cross-examination first?

5 THE COMMISSIONER: Yes, but, but I, if, I think  
6 if we get this, through this within a half hour, we'll stay  
7 with it.

8 MS. WALSH: Okay. Thank you.

9 THE COMMISSIONER: Mr. Gindin?  
10 You're comfortable to carry on for a short while?

11 THE WITNESS: Yes.

12 THE COMMISSIONER: Thank you.

13 MR. GINDIN: Good afternoon, my name is Jeff  
14 Gindin. I appear for Kim Edwards and Steve Sinclair. I  
15 just have some questions for you.

16

17 CROSS-EXAMINATION BY MR. GINDIN:

18 Q You were asked earlier about whether a record is  
19 kept of the calls that come in to your office --

20 A Yes.

21 Q -- and we're talking now, I guess, about 2005 and  
22 what the situation was then. Your answer confused me a  
23 little bit, because you said that a record is kept and you  
24 said usually. Were you referring to the fact that a record  
25 should be kept, but you're not really aware of whether it

1 actually is always? I'm not sure --

2 A Yeah, it is.

3 Q -- what you --

4 A Yes, it is.

5 Q So you agree that a record should be kept of the  
6 calls that come in, but you wouldn't be able to tell us  
7 whether it actually was?

8 A Yes.

9 Q In fact, it wouldn't be your job to take these  
10 calls?

11 A No.

12 Q You were also talking about CFSIS, the computer  
13 system --

14 A Yes.

15 Q -- and I think you told us that, in those days,  
16 in '05, it really was hard to connect?

17 A Yes.

18 Q But you were aware of the fact that there was an  
19 office in Winnipeg --

20 A Yes.

21 Q -- where it was likely easier to connect --

22 A Yes.

23 Q -- correct? And in this particular matter, on  
24 July the 12th, 2005, when you got this call that led to go,  
25 to you going to Wes McKay's house, you didn't call the ICFS

1 office in Winnipeg to see if they could do a check?

2 A No.

3 Q Okay. You're aware, of course, from  
4 your experience, that these kinds of checks can be  
5 important?

6 A Yes.

7 Q They can tell you about whether there's previous  
8 protection concerns, or more about the family?

9 A Yes.

10 Q For example, a check here might have told you  
11 that Wes McKay had other children, including Phoenix;  
12 right?

13 A Yes.

14 Q So that, that wasn't done here?

15 A Pardon me?

16 Q That wasn't done here?

17 A No.

18 Q And I think you told us that you had a  
19 conversation with Wes McKay when you went back to your  
20 office --

21 A Yes.

22 Q -- after being at the house; right?

23 A Yes.

24 Q And you spoke to him directly about the boys --

25 A Yes.



1 Q -- correct?

2 THE COMMISSIONER: So he phoned you?

3 THE WITNESS: He phoned me.

4

5 BY MR. GINDIN:

6 Q And I think that, I'm not sure if you're aware of  
7 this, but Ms. Bird told us that she got the call and  
8 referred it to you, because she was related to him; do you  
9 recall anything about that?

10 A Yes.

11 Q Okay. So the call was referred to you from her?

12 A Yes.

13 Q Okay. And when you talked to him, you talked to  
14 him about the boys and what was going on with the boys;  
15 correct?

16 A Yes.

17 Q And when you are concerned about a family and the  
18 children, I presume you would be concerned about all of the  
19 children that that family had; right?

20 A Yes.

21 Q But it doesn't appear anywhere that you asked him  
22 whether he had any other children?

23 A No, he hung up.

24 Q Okay. But that was after talking to you for a  
25 few minutes?

1 A Yes.

2 Q But at no time did you ask him whether he had  
3 other children?

4 A No.

5 Q Nor do you recall anyone asking the boys, at the  
6 house, when you first went there, whether their father had  
7 other children?

8 A No.

9 Q Of course, you'd want to know how many children  
10 he had, or where they were, that would normally be fairly  
11 important?

12 A Yes.

13 Q Okay. You were talking about the benefits, or  
14 the advantage, in a community like yours, of knowing the  
15 people in the community, in terms of how it would make,  
16 make your hard, your job easier; correct?

17 A Yes.

18 Q Are there some ways in which that would make it  
19 more difficult? For example, if you were apprehending  
20 children, is it more difficult, or not, when you know the  
21 people personally?

22 A Yes.

23 Q It can be more difficult?

24 A Yes.

25 Q You told us that you weren't aware that Ms. Bird

1 was related to Wes McKay until she told you --

2 A Yes.

3 Q -- on that particular day?

4 A Yes.

5 Q And did you suggest, for example, that maybe  
6 someone else ought to go out with you to the house, because  
7 of --

8 A No.

9 Q -- their connection?

10 A No.

11 Q Do you recall whether anyone else was around that  
12 might have been able to?

13 A No.

14 Q You're not sure either way?

15 A No, there wasn't anybody else.

16 Q Oh, there wasn't anyone else? Now, this, this  
17 kind of thing, where someone tells you, a social worker  
18 tells you that there's a connection that they have with the  
19 family involved, is that fairly common? Have you heard  
20 that before?

21 A I'm sorry?

22 Q Have you heard that before from a social worker,  
23 getting a call saying I'm related to the family involved,  
24 so maybe you can come with me, or someone else can come  
25 with me?

1 A Yes.

2 Q That's, is that fairly common?

3 A Not -- no.

4 Q No. I take it you have family there as well, on  
5 the --

6 A Yes, I do.

7 Q Have you been in that position before, where you  
8 have to kind of step aside because of a conflict?

9 A Yes.

10 Q Um-hum. With respect to C.J., that's the person  
11 you found in the basement; right?

12 A Yes.

13 Q When you went to the house, of course, you didn't  
14 expect that he would be there?

15 A No.

16 Q When you did find him, is that somebody that you  
17 knew?

18 A Yes, it was.

19 Q When you first observed him there, you spoke to  
20 him, I guess?

21 A I don't recall. I just remember saying his name.

22 Q Yeah, but I mean, you, you found him in the  
23 basement. I presume you talked to him at the time, asked  
24 him what he was doing there, that kind of thing?

25 A Just briefly, yes.

1 Q Yeah. And you were advised that he was  
2 babysitting?

3 A Yes.

4 Q Did, did you know much about his background at  
5 that time?

6 A No.

7 Q You didn't know that there was a warrant out for  
8 him --

9 A No, I didn't.

10 Q -- you found that out later?

11 A Yes.

12 Q And you were asked about why you would sign off  
13 on Ms. Bird's notes and I think you said you didn't usually  
14 do that, but you did it here?

15 A Um-hum.

16 Q And you're --

17 A Yes.

18 Q -- you're not sure why you did it here?

19 A Yes, yeah, I was with, with her throughout the --

20 Q Okay.

21 A -- whole call.

22 Q Well, I'm a little confused by your answer. When  
23 you're with someone else, on a call, do you always sign off  
24 on their notes?

25 A Usually if I'm with them, yes.

1 Q Okay. So you were just doing the following --  
2 the usual routine when you signed off here?

3 A Yes.

4 Q Did your signing off here have something to do  
5 with the fact that she was related to Wes McKay, so you  
6 through, perhaps you should sign?

7 A Yes.

8 Q Was that also a reason?

9 A Yes.

10 Q Okay. You were asked, just a few minutes ago,  
11 about changes that you've noticed since 2005, when this  
12 incident occurred and you've told us about these changes.  
13 Are these changes that occur, is this something that you  
14 keep notes of? Can you tell us how these changes came  
15 about? Were you instructed to make them?

16 A Yes.

17 Q By?

18 A The Southern Authority.

19 Q Okay. So you received certain instructions about  
20 things you should be doing to make things better?

21 A Yes.

22 Q And do you recall when you got those  
23 instructions?

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

25 Q Was -- would it be after finding about Phoenix's

1 death?

2 A Yes.

3 Q Okay. And did you get these kinds of  
4 instructions by, by letter, or e-mail, or, or just --

5 A Usually --

6 Q -- informally?

7 A -- through our executive director supervisor.

8 Q Okay. You mean face-to-face?

9 A Yes.

10 Q One of the changes you said that you've noticed,  
11 or were, in fact, implemented, would be more face-to-face  
12 with kids in care?

13 A Yes.

14 Q And since those changes were implemented, now  
15 it's about once a month?

16 A As much as possible.

17 Q And prior to those changes?

18 A It was always, we always followed up with face-  
19 to-face usually once a month.

20 Q So what, what's changed then?

21 A Just more, more contact with the kids in care.

22 Q So you just try to have more contact now?

23 A Yes, yeah.

24 Q And that would be since 2006?

25 A Yes.

1 Q After receiving these instructions from your  
2 supervisor?

3 A Yes.

4 Q And some of these other changes that you  
5 mentioned, like, more connection with the mothers and  
6 families and more home visits, are those as a result of the  
7 instructions you received?

8 A No, it's something we've always done.

9 Q Okay. So those aren't really changes then?

10 A No.

11 Q So, but in terms of actual changes, things that  
12 are different that you're now doing since 2005, other than  
13 trying to have more face-to-face contact with children in  
14 care, are there other changes, things that have changed?

15 A Within the agency?

16 Q Yes, yes.

17 A Yeah, there's more, more paperwork.

18 Q So you're keeping more notes?

19 A Yes.

20 Q Better notes, that kind of thing?

21 A Yes.

22 Q Anything else you can think of that you're doing  
23 differently since finding out about Phoenix's death?

24 A Not offhand, sorry.

25 Q Okay. You told us that there was a memorial to



1 Phoenix that was set up in your community?

2 A Yes.

3 Q And when was that set up?

4 A Two thousand -- I'm sorry, I don't -- 2006, 2007.

5 Q Okay. Were you involved in any way in, in having  
6 that established?

7 A Yes.

8 Q Okay. Do you know who, who is funding that, or  
9 who pays for that?

10 A No, I'm sorry.

11 Q No idea?

12 A No.

13 Q Who else was involved in, in organizing that and  
14 setting it up, besides yourself?

15 A All the organizations in the community.

16 Q In your community of Fisher --

17 A Yes, and Southern Authority.

18 Q Um-hum. Okay. Anyone from the province  
19 government involved, that you know of?

20 A Not that I recall.

21 Q And you can't tell us how that's funded, or who  
22 pays for that?

23 A No, I'm sorry.

24 MR. GINDIN: Okay. Those are my questions, thank  
25 you.

1 THE COMMISSIONER: Thank you, Mr. Gindin.

2 Mr. Paul?

3 MR. PAUL: Thank you, Mr. Commissioner.

4 My name is Sacha Paul, I'm one of the lawyers for  
5 Winnipeg CFS and the Department and I have two areas that  
6 I'd like to explore with you.

7 If we could bring up page 34608.

8

9 CROSS-EXAMINATION BY MR. PAUL:

10 Q This is your contact note; correct?

11 A Yes, it is.

12 Q Right. And would it be fair to say that when you  
13 and Ms. Bird went out on that call, that Ms. Bird was the  
14 primary worker and you were the secondary worker --

15 A Yes.

16 Q -- is that fair? Okay. And my understanding,  
17 from your note, is that one of the main things that you're  
18 doing is you were arranging transportation for the boys to  
19 Winnipeg, by calling Peguis CFS?

20 A Yes.

21 Q And in the course of doing that, my  
22 understanding, from your note, is that you had some  
23 conversations with the RCMP?

24 A Yes.

25 Q You had some conversations with Peguis CFS?

1 A Yes.

2 Q Course you had some conversations with Ms. Bird?

3 A Yes.

4 Q You had some conversations with the boys, either  
5 one or both of them?

6 A Yes.

7 Q Okay. And you also had a conversation with  
8 Wesley McKay?

9 A Yes.

10 Q And is it fair to say that, at no point in time,  
11 did you ever talk to the mother?

12 A No.

13 Q At all?

14 A No.

15 Q And just more generally, outside of July, have  
16 you ever talked to the mother about this case at all?

17 A No.

18 Q I want to move on to the second area, which is  
19 computer systems and the like. And we've heard some  
20 evidence about the computer system and I want to see if my  
21 understanding's the same as yours. My understanding is  
22 that really there are two types of computer systems. One  
23 is the intake module?

24 A Yes.

25 Q And the other one is CFSIS?

1 A Yes.

2 Q Right. And my understanding is that the intake  
3 module is the more recent of the two computer systems?

4 A Yes.

5 Q Right. My understanding also is that for the  
6 intake module, you are able to read every intake created  
7 anywhere in the province; is that correct?

8 A On CFSIS?

9 Q On, on the intake module. I want to be specific.  
10 I want to separate out CFSIS from the intake module.  
11 You're familiar with the computer system, the intake  
12 module?

13 A Yes.

14 Q Right. And you've used it, used, you have used  
15 it before?

16 A Yes.

17 Q Right. And my understanding is when you look on  
18 the intake module, you're able to see intakes created by  
19 other agencies?

20 A Yes.

21 Q Correct. Now, my understanding is that when it  
22 comes to CFSIS, my suggestion to you is that if you were to  
23 do a CFSIS search, for a file held by another agency, you'd  
24 be able to see a screen --

25 A Yes.

1 Q -- but you would not be able to access the file  
2 itself?

3 A No.

4 Q You agree with that?

5 A Yes.

6 MR. PAUL: Those are my questions, Mr.  
7 Commissioner, thank you.

8 MR. KHAN: Ms. Sinclair.

9 Just for the monitor, it's Hafeez Khan for  
10 Intertribal Child and Family Services. I just wanted to  
11 clarify a couple points.

12

13 CROSS-EXAMINATION BY MR. KHAN:

14 Q In 2005, you work as a family services worker;  
15 what kind of files would you handle?

16 A I would have kids in care, protection, service to  
17 families, abuse cases.

18 Q Earlier on, Ms. Walsh asked you how many files,  
19 what was your workload in 2005 and you mentioned nine  
20 cases; does that include all those types of files?

21 A No.

22 Q Okay. Which, which type of cases were you  
23 referring to?

24 A Just the kids in care files.

25 Q Okay. Are you able to recall how many general --

1 when you referred to all those files, how many different,  
2 how many cases you had in total?

3 A Not offhand, no.

4 Q And when you said today you had six cases, were  
5 you referring again to protection files, or, or child-in-  
6 care files?

7 A Child-in-care files.

8 Q Okay. And are you also doing protection files as  
9 well?

10 A Yes, I am.

11 Q Are you also doing family services files today?

12 A Yes, I am.

13 Q Do you also do abuse investigations?

14 A Yes, I do.

15 Q Are you able -- do you, do you have an estimate  
16 of what your total caseload is currently?

17 A Thirteen.

18 Q Thank you. Now, on July 12th, 2005, you're,  
19 you're aware that the source of referral came from a  
20 Probations worker?

21 A Yes.

22 Q Do you -- are you -- were you familiar with the  
23 Probations worker? Is it somebody that you knew?

24 A Yes.

25 Q Yeah? And, and has the agency had contact with

1 the Probations worker before?

2 A No.

3 Q Was it someone from the community?

4 A Yes, it was.

5 Q And your understanding, on July 12th, was that  
6 the, the concern was that there were two boys alone at  
7 home?

8 A Yes.

9 Q Were there any concerns about abuse?

10 A No.

11 Q Or neglect?

12 A No.

13 MR. KHAN: Thank you, those are my questions.

14 THE COMMISSIONER: Thank you, Mr. Khan.

15 Ms. Walsh?

16 MS. WALSH: Just one question.

17

18 RE-EXAMINATION BY MS. WALSH:

19 Q We were talking about the intake module and I am  
20 not computer savvy; do you need connectivity to be able to  
21 access the intake module, just like with accessing CFSIS?

22 A Yes.

23 MS. WALSH: Okay. Thank you.

24 THE COMMISSIONER: All right. Thank you,  
25 witness, you're completed. Thank you for being here.

1 THE WITNESS: Thank you.

2

3 (WITNESS EXCUSED)

4

5 THE COMMISSIONER: Now, Ms. Walsh, we will take  
6 our adjournment and I'll leave it to you how we use the  
7 rest of the afternoon. I don't mind staying a little  
8 longer if, if everybody is in agreement, but you've got the  
9 witness and you've got the applications, so over the course  
10 of the next 15 minutes, you can decide how to use the rest  
11 of the time and whatever you decide will be satisfactory to  
12 me.

13 MS. WALSH: Thank you.

14 THE COMMISSIONER: We'll adjourn for 15 minutes.

15

16 (BRIEF RECESS)

17

18 THE COMMISSIONER: Afternoon. Mr. Globerman?

19 MR. GLOBERMAN: Hi, Mr. Commissioner. We have  
20 Ms. Cindy Hart testifying.

21 THE COMMISSIONER: All right.

22 THE CLERK: Is it your choice to swear on the  
23 Bible, or affirm without the Bible?

24 THE WITNESS: Affirm without the Bible.

25 THE CLERK: Okay. Just stand up for a moment



1 please and just state your full name to the court.

2 THE WITNESS: Cindy Hart.

3 THE CLERK: And spell me your first name.

4 THE WITNESS: C-I-N-D-Y.

5 THE CLERK: And your last name please?

6 THE WITNESS: H-A-R-T.

7 THE CLERK: Thank you.

8

9 **CINDY HART**, affirmed, testified as

10 follows:

11

12 THE CLERK: Thank you, you may be seated. I'll  
13 just get you some fresh water.

14 THE WITNESS: I have some.

15 THE CLERK: You have? Okay.

16

17 DIRECT EXAMINATION BY MR. GLOBERMAN:

18 Q Good afternoon, Ms. Hart. As you know, my name  
19 is Noah Globerman, I'm a lawyer for the Commission. You  
20 live in Winnipeg, Manitoba?

21 A Yes, I do.

22 Q How long have you lived there?

23 A Just recently, past six months.

24 Q Have you ever lived in Fisher River?

25 A Yes, I have.

1 Q When did you live there?

2 A In 2009.

3 Q And you are currently the director of health at  
4 Fisher River Health Centre?

5 A Yes, I am.

6 Q How long have you held this position for?

7 A Since 2009.

8 Q Do you recall who the director of health at  
9 Fisher River Health Centre was in 2005?

10 A I believe it was Sylvia Stevenson, Cecilia  
11 Stevenson (phonetic), sorry.

12 Q Where, in Fisher River, is the Health Centre  
13 located?

14 A It's located in the central area, it's, it's on  
15 the main highway. It's connected with the band office and  
16 the education building.

17 Q I understand that you have a background in  
18 nursing?

19 A Yes, I do.

20 Q Where did you work as a nurse, before you were  
21 the director of health at the Health Centre?

22 A Prior to me going to Fisher River, I was working  
23 with Health Canada as the HIV/AIDS manager in the Health  
24 Protection unit.

25 THE COMMISSIONER: And are you living in Fisher

1 River now?

2 THE WITNESS: I work in Fisher River.

3 THE COMMISSIONER: And hold that position?

4 THE WITNESS: Yes.

5 THE COMMISSIONER: Yes, that's all I wanted to  
6 know.

7 MR. GLOBERMAN: But it was the witness' evidence  
8 that she currently is living in Winnipeg.

9 THE COMMISSIONER: Right. But, but she, her work  
10 is in Fisher River?

11 MR. GLOBERMAN: Yes, sir.

12 THE COMMISSIONER: Right.

13

14 BY MR. GLOBERMAN:

15 Q Where did --

16 THE COMMISSIONER: Thanks.

17 MR. GLOBERMAN: Oh, pardon me?

18 THE COMMISSIONER: Thank you.

19

20 BY MR. GLOBERMAN:

21 Q Where were you the HIV manager, I believe you  
22 said?

23 A Yes, with Health Canada, so that's in Winnipeg  
24 here. And we work with the First Nations in Manitoba.

25 Q And how long did you do that work for?

1 A For approximately five years, sorry, three years.

2 Q And so what was the position you held in 2005?

3 A 2005? That's the position that I had.

4 Q And what did you do before that position?

5 A Before that, I was working in the north with the  
6 tribal council, I was the nurse health educator.

7 Q And what formal education have you received?

8 A Besides my nursing, I, I belong to the First  
9 Nations Manager's Association of Canada.

10 Q Have you received any training for your current  
11 position as director of Health?

12 A Yes.

13 Q And what training was that?

14 A When I was with Health Canada, we had to take  
15 some courses on management and continued thereafter.

16 Q What services does the Health Centre in Fisher  
17 River provide to its patients?

18 A It provides education, awareness and prevention  
19 programs. It also provides primary care, meaning we have  
20 nursing services and physician services that we receive  
21 from the local, the local hospital, which is service by  
22 northern medical unit.

23 Q And what is involved in your current position as  
24 director of the Health Centre in Fisher River?

25 A Besides seeing the, the day-to-day management,

1 I'm also the one that advocates for health services for our  
2 community and funding arrangements.

3 Q Is the Health Centre funded by the Federal  
4 government?

5 A Yes, it is.

6 Q How many staff are employed at the Health Centre?

7 A Approximately 42.

8 Q And how many physicians are employed at the  
9 Health Centre?

10 A That's with a partnership with northern medical,  
11 so we're considered a outpost clinic, because we have  
12 clinics there. So we normally have six physicians and  
13 they're on a rotating basis. So they come to our clinics,  
14 sometimes it's daily, right now, it's three days out of the  
15 week.

16 Q And they come from Percy Moore Hospital?

17 A Yes.

18 Q Where, exactly, is Percy Moore Hospital located?

19 A It's about 35 kilometres from our community --

20 Q So there --

21 A -- south of our community.

22 Q -- so there are no physicians actually on  
23 staff --

24 A No, we don't --

25 Q -- at the Health Centre?

1           A     -- have a employee, employed physician of our  
2 own. It's in partnership with northern medical.

3           Q     And I believe you said there were 42 staff  
4 employed at the Health Centre --

5           A     Yes.

6           Q     -- are, are these individuals employed by the  
7 band in Fisher River?

8           A     Yes.

9           Q     Does the Health Centre treat patients from other  
10 reserves, or areas, aside from Fisher River?

11          A     Yes, because we're in the catchment area of other  
12 First Nations and our, our, our communities are, are  
13 transient, so we do service the neighbouring communities.

14          Q     And, and which communities are those?

15          A     It would be Peguis and Jackhead and particularly  
16 those two communities.

17          Q     Is there a system in place by which the Health  
18 Centre can obtain its patients' medical information?

19          A     Normally, what happens, if we're, need further  
20 information for, for a new client, or develop a new client  
21 file, we need to get permission, or a form signed from the,  
22 the client that's accessing our services. And once we get  
23 the approval, then we get the existing information from  
24 whatever facility or community he's from, he or she.

25          Q     And will the Health Centre ever request an

1 individual patient's medical records from another facility?

2 A We still follow the, we still need to follow our  
3 protocol, in regards to FIPPA and PHIA. So when there's a  
4 need for information that we may be concerned, obviously we  
5 try our best to obtain it.

6 Q Aside from a patient telling the Health Centre  
7 what services they have previously received, is there any  
8 way for the Health Centre to track what services that  
9 patient has received?

10 A It depends on the, on the case. If we need -- if  
11 a client, say for instance, a client is coming from  
12 Winnipeg and there's a follow-up with their health, we,  
13 then we'd send out the same form that they, we ask, ask the  
14 individual to sign to, say, for instance, Health Science  
15 Centre, or a clinic in the city here.

16 Q Okay. We've heard evidence, from Shirley  
17 Cochrane, who you may know, who's one of the band  
18 assistance administrators in Fisher River, about how band  
19 assistance has clients that move on and off reserve and the  
20 issues that that poses for band assistance. She referred  
21 to these individuals as transient and I believe you just  
22 used that word as well. Does the Health Centre treat  
23 patients that move on and off reserve, from Winnipeg, for  
24 example, to Fisher River?

25 A Yes, we do.

1 Q Does that pose any challenges for the Health  
2 Centre?

3 A At times it does.

4 Q What kinds of challenges?

5 A For instance, prenatal. If there's a follow-up,  
6 or we get concerned, or a child that might be behind in  
7 immunization, or a cancer care client.

8 Q Does the Health Centre have any way of keeping  
9 track of these individuals?

10 A It depends on the -- it goes case by case. We do  
11 try, if we know that a client hasn't attended an  
12 appointment, say, for instance, if it's, if it's not one of  
13 our regular physician appointments, if it's a specialty  
14 appointment that they're missing, we try every effort to  
15 try contact this individual. Or what we normally do is  
16 contact the, the facility or the clinic that they were  
17 supposed to be attending, to let them know that we haven't  
18 been in any contact with them.

19 Q Would it be documented in the patient's file if  
20 that patient didn't show up for an appointment?

21 A Yes.

22 Q Is there anything the Health Centre can do if it  
23 knows the patient has gone to Winnipeg, but does not know  
24 where he or she will be receiving services from?

25 A Again, it goes case by case, particular the ones



1 that I mentioned, the prenatal, the child or individual  
2 that's, you know, like I said, cancer care and so forth.

3 Q Okay. I'd just like to ask you a few questions  
4 about how Child and Family Services and the Health Centre  
5 in Fisher River interact with one another. Is there a  
6 relationship between Child and Family Services and the  
7 Health Centre in Fisher River?

8 A Yes, there is. Right now, our nurse in charge  
9 sits on one of their committees, so we do have regular  
10 contact with them.

11 Q And when I'm speaking about the relationship  
12 between Child and Family Services and the Health Centre,  
13 I'm, I'm asking about ICFS; is that what the relationship  
14 is between?

15 A Yes.

16 Q Okay. And does the Health Centre have any kind  
17 of relationship with Winnipeg Child and Family Services?

18 A Not necessarily. We go through the local CFS  
19 department.

20 Q Do Child and Family Services or ICFS and the  
21 Health Centre share information with one another?

22 A When there's need to share, yes.

23 Q What information would they share?

24 A Say, for instance, if, if there's, like, a child  
25 that's maybe behind in immunizations, or dental, that type

1 of information. If we don't have the proper information,  
2 the health information from them, then we consult with the  
3 CFS worker.

4 Q Does band assistance in Fisher River and the  
5 Health Centre share information?

6 A Yes, we do.

7 Q What about Manitoba Health and the --

8 A Yes.

9 Q -- Health Centre?

10 A In regards to our immunizations, we, we work with  
11 Manitoba Health.

12 Q Are there any policies or procedures with respect  
13 to the sharing of information between CFS and the Health  
14 Centre?

15 A In our policy, yes. And of course, as, as, in  
16 our clinics, as nurses, we follow our protocol and  
17 standards too.

18 Q Under what circumstances would ICFS contact the  
19 Health Centre?

20 A It might be if a child was brought in again for  
21 regular follow-ups, say, for instance, dental again and,  
22 and immunization. That's always the, the bigger concern  
23 that we have.

24 Q And under what circumstances would the Health  
25 Centre contact ICFS?

1 A If there's a concern of say, neglect, or abuse.

2 Q In that case, if there's a concern of neglect or  
3 abuse, what information would the Health Centre be at  
4 liberty to provide Intertribal Child and Family Services?

5 A Just what the, what the physician or the nurse  
6 may find with the assessments that they're doing.

7 Q We've heard evidence, at this commission, about  
8 concerns individuals have had with respect to privacy  
9 legislation and their ability, or perceived ability to  
10 share this information; has this been a problem for the  
11 Health Centre?

12 A Well, like I said earlier, we follow the PHIA and  
13 FIPPA. And if we do have to release information, we  
14 definitely do.

15 Q And would you release information if there was a  
16 concern about, a protection concern about a child?

17 A Yes, yes.

18 Q In your experience, are, are there any challenges  
19 the Health Centre has, in dealing with Child and Family  
20 Services?

21 A No, we work pretty much closely together, as, as,  
22 as we can. And again, it goes by case by case.

23 Q And is the Health Centre always made aware if a  
24 patient has had prior involvement with Child and Family  
25 Services?

1           A     In some instances, yes.

2           Q     Would there be a note in the patient's file if  
3 there was previous involvement with CFS?

4           A     When it comes down to the initial assessment,  
5 the, the caregiver will provide that information, or  
6 sometimes it is the case worker that will bring the child  
7 in.

8           Q     If a patient comes in for prenatal care at the  
9 Health Centre, as we know Samantha Kematch did, is there a  
10 way of finding out if any of that patient's other children  
11 had been previously apprehended at birth by CFS, or if  
12 there had been other child protection concerns?

13          A     It only will come about when whatever the  
14 individual will share with, on assessment.

15          Q     When there is a history regarding previous  
16 apprehensions, what will the Health Centre do with that  
17 information?

18          A     It will be on the file.

19          Q     Would the Health Centre alert Child and Family  
20 Services if a patient is currently pregnant and they're  
21 aware that there have been previous involvement with Child  
22 and Family Services?

23          A     It will depend on the case and the assessment,  
24 again.

25          Q     Now, I'd like to ask you some questions about the

1 health services provided to Ms. Kematch and Mr. McKay  
2 during the time they stayed in Fisher River in 2005. Were  
3 you ever personally involved in the provision of services  
4 to Samantha Kematch or Karl Wesley McKay, in Fisher River,  
5 in 2005?

6 A No.

7 Q Did you know who Karl Wesley McKay was in  
8 2005?

9 A I know who Karl is, from when I was growing up in  
10 the community, but no, I haven't known other than that.

11 Q What did you know about him?

12 A Just that he belonged to our community.

13 Q What did you know about his family?

14 A I -- no -- I had no recollection, no knowledge,  
15 other than knowing who he was.

16 Q Can you recall when the last time you saw him  
17 was?

18 A Oh, probably about 30 years ago.

19 Q Okay.

20 A Been awhile.

21 Q Did you know anything about Samantha Kematch at  
22 that time?

23 A No.

24 Q Had you ever seen her?

25 A No.

1 Q Did you know anything about her family?

2 A No.

3 Q Did you know anything about Phoenix Sinclair, at  
4 that time?

5 A No.

6 Q Have you ever seen Phoenix Sinclair?

7 A No.

8 Q Do you know who was directly involved in  
9 providing services to Karl McKay and Samantha Kematch in  
10 2005?

11 A The clinic nurse, at the time, was Josette  
12 Cochrane (phonetic). Unfortunately, she has passed on. So  
13 she was the clinic nurse at the time.

14 MR. GLOBERMAN: Madam Clerk, could you please  
15 pull up commission disclosure 2065, page 43257?

16

17 BY MR. GLOBERMAN:

18 Q As you can see, this document is labelled:  
19 Fisher River First Nation Health Centre for Kematch,  
20 Samantha. Are you familiar with this document?

21 A Yes.

22 Q And is this a record kept by the Health Centre in  
23 Fisher River?

24 A Yes.

25 MR. GLOBERMAN: Madam Clerk, if you could please

1 go to page 43259?

2

3 BY MR. GLOBERMAN:

4 Q This is a document, it appears to be a log and it  
5 says Kematch, Samantha; do you recognize this document?

6 A Yes.

7 Q And what, exactly, is this document, generally  
8 speaking?

9 A It's a, a first initial assessment, when she came  
10 into clinic.

11 Q And have you worked with these types of documents  
12 before?

13 A Yes.

14 Q What information typically goes in this document?

15 A The initial assessment, like, your subjective,  
16 your, your objective, your assessment and your plan.

17 Q And who records information in these documents?

18 A When -- if, if, if the client is coming to see  
19 the physician, the nurse will be the first contact, so  
20 she'll do the initial assessment for the client, then give  
21 it up, get the client all ready for, for the physician.

22 Q And in looking at this document, do you know who  
23 would have recorded this particular information?

24 A It was the doctor that recorded that.

25 Q Okay. I'd just like to ask you a few questions

1 about what we see recorded here.

2 THE COMMISSIONER: You're, you're telling me, me  
3 that, that the attending doctor made all these notes on  
4 this page?

5 THE WITNESS: This page, the first one, where it  
6 says D.C., doctor's clinic.

7 THE COMMISSIONER: This 43259, the, the page  
8 that's on the screen --

9 THE WITNESS: Yes.

10 THE COMMISSIONER: -- are you talking about the  
11 first line, or the whole --

12 THE WITNESS: The, the --

13 THE COMMISSIONER: -- document?

14 THE WITNESS: -- first line --

15 THE COMMISSIONER: First line?

16 THE WITNESS: -- is the, the nurse's writing and  
17 then the second, the lines thereafter, is the physician  
18 that this client had seen.

19

20 BY MR. GLOBERMAN:

21 Q Now, under the date, it appears to say 05-05-13.  
22 It's my understanding that that's May 13th, 2005?

23 A Yes.

24 Q And it appears to say location of service, DRC;  
25 is that your reading of that?



1 A Yes, it's doctor's clinic.

2 Q Okay. And that, that appears to say pregnancy  
3 test, PT, I imagine that is for patient?

4 A Yes.

5 Q For first prenatal?

6 A Yes.

7 Q Does that mean that Ms. Kematch would have  
8 attended to the Health Centre in Fisher River on May 13th,  
9 2005?

10 A Yes.

11 Q And below that, it says June 3/'05, see prenatal  
12 sheet. And then there's a signature. Does that mean that  
13 Ms. Kematch attended to the Health Centre in Fisher River  
14 on June 3rd, 2005?

15 A Yes.

16 Q And the notation at the top, for May 13, 2005,  
17 was that Ms. Kematch's first visit for prenatal care at the  
18 Health Centre?

19 A Yes.

20 MR. GLOBERMAN: Madam Clerk, can you please pull  
21 up page 43262?

22

23 BY MR. GLOBERMAN:

24 Q This is a document which is labelled, at the top,  
25 Manitoba Prenatal Record; do you recognize this document,

1 Ms. Hart?

2 A Yes.

3 Q What is a prenatal record?

4 A It's the initial record that's done on, on a, on  
5 a lady that comes in for her first assessment.

6 Q Now, would this have been completed on May 13th,  
7 2005, when Ms. Kematch first attended to the Health Centre?

8 A Yes.

9 Q And this would have been completed at the Health  
10 Centre?

11 A Yes.

12 Q Now, the document appears to contain some  
13 demographic information, Ms. Kematch's name, address, Mr.  
14 McKay as the father of the, of the to be born child. And  
15 then below that, it says: Referring doctor, Woolford.  
16 Would these notes have been made by Dr. Woolford?

17 A Yes.

18 MR. GLOBERMAN: Now, Madam Clerk, if you would  
19 scroll down just to the bottom of the page?

20

21 BY MR. GLOBERMAN:

22 Q Under -- you'll see that bottom box says previous  
23 pregnancies, including abortions; would this information  
24 here have been provided by Ms. Kematch directly?

25 A Yes.

1 Q And is that true of the information contained in  
2 the entirety of this document?

3 A Yes.

4 Q Now, the second column down, or row down, pardon  
5 me, it says 2000, we know Phoenix Sinclair was born in the  
6 year 2000. And under present health, if you go along the  
7 side of that, it says A & W.

8 A Alive and well.

9 THE COMMISSIONER: Just where, where are you?

10 MR. GLOBERMAN: If you go to the bottom box,  
11 you'll see previous pregnancies, including abortions.

12 THE COMMISSIONER: Yes.

13 MR. GLOBERMAN: If you scroll down to the year  
14 2000 --

15 THE COMMISSIONER: Yes.

16 MR. GLOBERMAN: -- and all the way across, you'll  
17 see -- Madam Clerk is circling it.

18 THE COMMISSIONER: And what's your question?

19

20 BY MR. GLOBERMAN:

21 Q What the A & W means?

22 A It means alive and well.

23 THE COMMISSIONER: Just a minute. Oh, oh, A,  
24 ATW?

25 MR. GLOBERMAN: That's an and sign. It's --

1 THE COMMISSIONER: It's what?

2 MR. GLOBERMAN: -- A & W.

3 THE COMMISSIONER: A, A & W?

4 MR. GLOBERMAN: Yes.

5 THE COMMISSIONER: And what's the answer?

6 THE WITNESS: Alive and well.

7 MR. GLOBERMAN: And if you go to the next place,  
8 page please? If you could scroll down? Thank you.

9

10 BY MR. GLOBERMAN:

11 Q Now, these appear to be notes that would have  
12 been taken on May 13th, 2005, her initial visit to the  
13 Health Centre; is that correct?

14 A Yes.

15 Q And what does S mean when it say S walk-in?

16 A Subject.

17 Q Okay.

18 A We use a SOAPy (phonetic) system --

19 Q Okay.

20 A -- SOAP system.

21 Q And it says first prenatal and then certain  
22 information --

23 THE COMMISSIONER: No, no, just a minute, where  
24 are you?

25 MR. GLOBERMAN: On the right hand side of the

1 document.

2 THE COMMISSIONER: Yes, and what's your question?

3 MR. GLOBERMAN: I'm just reviewing the  
4 information that's recorded there, just that this was  
5 recorded on --

6 THE COMMISSIONER: All right.

7 MR. GLOBERMAN: -- May 13th, 2005.

8 THE COMMISSIONER: May 13th? Yes.

9

10 BY MR. GLOBERMAN:

11 Q And this information would have been recorded by  
12 Dr. Woolford?

13 A Yes.

14 MR. GLOBERMAN: Madam Clerk, can you please pull  
15 up page 43269?

16 THE COMMISSIONER: Wait a minute now, I, I didn't  
17 get the significance of what's recorded there.

18 MR. GLOBERMAN: The, the information that's  
19 recorded here contains Ms. Kematch's first visit for, for  
20 her prenatal care --

21 THE COMMISSIONER: Yes.

22 MR. GLOBERMAN: -- and I just wanted to clarify  
23 that this was recorded by Dr. Woolford.

24 THE COMMISSIONER: As per the, what was noted on  
25 the first -- the visit on the first page?

1 MR. GLOBERMAN: Yes.

2 THE COMMISSIONER: Okay. I, I understand. I  
3 didn't know whether you were going into something beyond  
4 that.

5 MR. GLOBERMAN: And actually, Madam Clerk, if you  
6 could go to the next page?

7

8 BY MR. GLOBERMAN:

9 Q And this appears to be a note, dated June 3rd,  
10 2005 and a note June 15th, 2005; would Ms. Kematch have  
11 attended to the Health Centre on those days?

12 A Yes.

13 MR. GLOBERMAN: Now, if you could please go to  
14 page 43269?

15

16 BY MR. GLOBERMAN:

17 Q This is a document labelled Cadham Provincial  
18 Laboratory. It contains Ms. Kematch's name and her  
19 address. Under physician, it says, Dr. Renier Joubert and  
20 facility, Percy Moore Hospital. And then below that, a  
21 date received and a, what appears to be specimen date, May  
22 24, 2005. Would Ms. Kematch have attended Percy Moor  
23 Hospital on May 24, 2005?

24 A Yes, she would have to go up to Percy Moore to  
25 get the blood work done, because our clinic does not

1 provide blood work.

2 Q Okay. It was my understanding that when a  
3 patient at the Health Centre in Fisher River required  
4 services in Winnipeg, the Health Centre will issue travel  
5 vouchers for that person; what is the process by which  
6 travel vouchers are issued to a patient in that  
7 circumstance?

8 A We have a program called the Medical  
9 Transportation Program. It's, it's under the Non-Insured  
10 Health Benefit Program with Health Canada. So in order for  
11 a member to access medical transportation, they need to be  
12 referred out from one of our attending physicians at our  
13 clinic. So in order for an individual to go to Percy  
14 Moore, which is a local transportation, they can go with  
15 our medical van. But if they're referred to external,  
16 which is Winnipeg, they would either get, either have  
17 access to the medical van, or they can get private mileage,  
18 which they will get a voucher for.

19 Q Okay. And travel vouchers were, in fact, issued  
20 by the Health Centre to Ms. Kematch and Mr. McKay in 2005  
21 and we will review those shortly, just to demonstrate where  
22 Ms. Kematch was and Mr. McKay was and whether or not they  
23 attended their appointments.

24 But who arranged the transportation for Ms.  
25 Kematch?

1           A     Our medical transportation program has a  
2 coordinator and, and would have, it would, would have been  
3 Arlene Murdock (phonetic), she's the coordinator.

4           THE COMMISSIONER: What's her name?

5           THE WITNESS: Arlene Murdock.

6

7 BY MR. GLOBERMAN:

8           Q     Do you know who drove Ms. Kematch when she had an  
9 appointment?

10          A     For the private mileage, from my understanding,  
11 it was Wesley.

12          Q     I'd like to show you a document which is labelled  
13 Fisher River First Nation Health Centre chart for McKay,  
14 Karl Wesley. Are you familiar with this document?

15          A     Yes.

16          Q     Is this a record kept by the Fisher River Health  
17 Centre?

18          A     Yes, it is.

19               MR. GLOBERMAN: I'd like to have this document  
20 entered as an exhibit.

21               THE CLERK: Exhibit 31.

22               THE COMMISSIONER: And what is the document?

23               MR. GLOBERMAN: It's the Health Centre chart for  
24 Karl Wesley McKay, from Fisher River Health Centre.

25



1                   **EXHIBIT 31:     FISHER RIVER FIRST**  
2                   **NATION HEALTH CENTRE CHART FOR**  
3                   **KARL WESLEY MCKAY**

4

5                   THE COMMISSIONER: Thank you.

6                   MR. GLOBERMAN: Now, these, these pages aren't  
7 labelled, but if we could please go to the third page,  
8 Madam Clerk. Should be under chart 2, I believe. No, I  
9 believe it would be under the potential exhibits folder,  
10 I'm assuming. Thank you. The third page please.

11

12 BY MR. GLOBERMAN:

13                  Q     Now, this appears to be a chart, like the one we  
14 reviewed for Ms. Kematch. As you can see, significant  
15 information has been redacted, due to privacy purposes. I  
16 just have a few questions about this document. The  
17 notation on the upper left hand side of the document  
18 appears to say 05-05-26. Does that mean that Mr. McKay  
19 attended to the Health Centre in Fisher River on May 26th,  
20 2005?

21                  A     Yes.

22                  Q     On the next page, it appears to say June 3rd,  
23 2005, and then below that, June 9th, 2005, June 10th, 2005,  
24 June 17th, 2005; would Mr. McKay have attended the Health  
25 Centre in Fisher River on those dates?

1 A Yes.

2 Q And then just in the middle -- if you could  
3 scroll down, Madam Clerk? If you could go to the next page  
4 please?

5 This appears to say September 6th, 2005, and I  
6 take it he would have attended the Health Centre on that  
7 day?

8 A Yes.

9 Q And if you scroll down --

10 THE COMMISSIONER: Just a minute now, is this --  
11 you -- there's the first page with the visit in, in May and  
12 the next page with a series of visits in June --

13 MR. GLOBERMAN: Yes, sir.

14 THE COMMISSIONER: -- and is that the page you're  
15 now on?

16 MR. GLOBERMAN: I'm now on -- I -- we went  
17 through that page, I'm now on the next page.

18 THE COMMISSIONER: Well, then the next -- oh,  
19 okay. It wasn't up on the screen. It is, it is page 3,  
20 so-called?

21 MR. GLOBERMAN: Yes.

22 THE COMMISSIONER: All right.

23 MR. GLOBERMAN: And, and as that's recorded here.

24 THE COMMISSIONER: And, and what date are we  
25 talking about here?

1 MR. GLOBERMAN: It says 05-09-06.

2 THE COMMISSIONER: Which is what?

3

4 BY MR. GLOBERMAN:

5 Q Ms. Hart, what's your understanding --

6 THE COMMISSIONER: June?

7

8 BY MR. GLOBERMAN:

9 Q -- as to what that date is?

10 THE COMMISSIONER: Is it, is it a June --

11 THE WITNESS: That'd be June, yes.

12 THE COMMISSIONER: -- 4th of June?

13 THE WITNESS: That'd be June 9th.

14 THE COMMISSIONER: June --

15 MR. GLOBERMAN: June, June 9th --

16 THE COMMISSIONER: -- all right.

17 MR. GLOBERMAN: -- 2005. Yeah, I believe I said  
18 September by mistake earlier.

19 THE COMMISSIONER: It's all right. Long as we  
20 get it right in the end.

21

22 BY MR. GLOBERMAN:

23 Q And then, on the next page, we have 05 -- oh,  
24 pardon me, actually, if we could scroll down on that page,  
25 just to show the whole page?

1           Just to demonstrate the document says, he has an  
2 appointment for MRI, September 18th, follow-up two months  
3 after MRI. And that would have been information recorded  
4 by the physician?

5           A     Yes.

6           MR. GLOBERMAN: Now you can go to the next page  
7 please, Madam Clerk.

8

9 BY MR. GLOBERMAN:

10          Q     The document appears to say 05-09-16; do you know  
11 what date that, that is there? I can't exactly see if  
12 that's an o-nine, or an o-four, I'm not sure.

13          A     I believe that's o-nine.

14          THE COMMISSIONER: Is what?

15          THE WITNESS: A o-nine.

16

17 BY MR. GLOBERMAN:

18          Q     And so Mr. McKay, according to this document,  
19 would have attended on that date?

20          THE COMMISSIONER: Is it, is that September the  
21 16th?

22          THE WITNESS: Yes, it's September.

23

24 BY MR. GLOBERMAN:

25          Q     And then there's a, lower down, it says refer to

1 pain clinic; that would be September 21, 2005?

2 A Yes.

3 Q And that pain clinic would have been in Winnipeg?

4 A Yes.

5 MR. GLOBERMAN: If you scroll down further  
6 please?

7

8 BY MR. GLOBERMAN:

9 Q That's 05-10-05, so that would be --

10 A This would be --

11 Q Pardon me?

12 A -- that would be October.

13 Q And he would have attended the Health Centre --

14 A Yes.

15 Q -- on that date?

16 And if you scroll down, there's October 18, 2005  
17 and October 20, 2005?

18 A Yes.

19 Q And he would have attended the Health Centre on  
20 those days?

21 A Yes.

22 Q And on the next page please, it appears to say  
23 October 21, 2005 and again, he would have attended the  
24 Health Centre on that date?

25 A Yes.

1 Q We'll just -- to be clear, that says November 14,  
2 '05, to see Dr. Hoy?

3 A Yes.

4 Q Would Dr. Hoy have been in Winnipeg?

5 A Yes.

6 THE COMMISSIONER: The first date there is what?  
7 October 21st?

8 THE WITNESS: Yes, it's October 21st.

9 THE COMMISSIONER: And then November 14th?

10 THE WITNESS: He had a follow-up in Winnipeg with  
11 Dr. Hoy.

12

13 BY MR. GLOBERMAN:

14 Q Do you know if Mr. McKay attended Fisher River  
15 Health Centre with anyone?

16 A Yes, he did.

17 Q Who did he attend --

18 A He attended with Samantha Kematch and a little  
19 girl.

20 Q Would that have been for his appointment, or for  
21 their appointments?

22 A For -- they brought, they brought the little girl  
23 in.

24 THE COMMISSIONER: Who all attended, attended  
25 together?

1 THE WITNESS: Wesley, Samantha and the little  
2 girl.

3 THE COMMISSIONER: And when was that?

4 THE WITNESS: Have to look at --

5

6 BY MR. GLOBERMAN:

7 Q And, and the little girl that was brought in was  
8 not Phoenix Sinclair?

9 A No, it was not Phoenix Sinclair.

10 Q I'd like to show you another medical chart, which  
11 is labelled Fisher River First Nation Health Centre chart  
12 and the name has been redacted. This is the child of Karl  
13 Wesley McKay and Samantha Kematch, not Phoenix Sinclair.  
14 Are you familiar with this document?

15 A Yes.

16 Q And is this a record kept by the Fisher River  
17 Health Centre?

18 A Yes, it is.

19 MR. GLOBERMAN: I'd like to have this document  
20 entered as an exhibit.

21 THE COMMISSIONER: Is this a chart?

22 THE WITNESS: Yes, it is.

23 THE CLERK: Exhibit 32.

24 THE COMMISSIONER: With respect to -- who's the  
25 patient?

1 THE WITNESS: The child.

2 THE COMMISSIONER: Who?

3 THE WITNESS: The child.

4 THE COMMISSIONER: Oh, the child. Thank you.

5 That'll be Exhibit 32.

6

7 **EXHIBIT 32: FISHER RIVER FIRST**  
8 **NATION HEALTH CENTRE CHART FOR THE**  
9 **CHILD OF KARL WESLEY MCKAY AND**  
10 **SAMANTHA KEMATCH**

11

12 MR. GLOBERMAN: And if you go to the third page  
13 of the document please?

14

15 BY MR. GLOBERMAN:

16 Q There's just two dates I'd like to refer to and  
17 that's the only two dates that are contained in this chart.  
18 The first appears to say 05-04-18. That appears to be  
19 April 18th, 2005. Place, doctor clinic. Would that child  
20 have attended to the Health Centre on that date?

21 A Yes.

22 THE COMMISSIONER: Just which -- now, I, I  
23 haven't seen sent his document until this minute. Which  
24 line are you on?

25 MR. GLOBERMAN: The first line of the third page.



1 THE COMMISSIONER: O-four eighteen?

2 MR. GLOBERMAN: Yeah, 05-04-18.

3 THE COMMISSIONER: Yeah, there's a hole punched  
4 out here. So it's 05-04-18?

5 MR. GLOBERMAN: Yeah, April 18th, 2005.

6 THE COMMISSIONER: And what, what, what happened  
7 that day?

8 THE WITNESS: They brought the baby, the child in  
9 to be checked.

10 THE COMMISSIONER: Does the child have a name?

11 MR. GLOBERMAN: The, that name has been redacted  
12 for --

13 THE COMMISSIONER: Oh, oh, oh --

14 MR. GLOBERMAN: -- privacy reasons.

15 THE COMMISSIONER: -- understood.

16

17 BY MR. GLOBERMAN:

18 Q And it's not clear from the redactions, but to  
19 your knowledge, do you know who would have attended with  
20 the child on that date?

21 A The mother and the father.

22 Q That's Samantha Kematch and Karl Wesley  
23 McKay?

24 A Yes.

25 MR. GLOBERMAN: And if you scroll down just a

1 little bit, Madam Clerk.

2

3 BY MR. GLOBERMAN:

4 Q O-five, o-six two, the location is W -- the, the  
5 place is WBC?

6 A Well baby clinic.

7 Q And is that the Health Centre?

8 A Yes, we have well baby clinics on specific dates,  
9 days throughout the week.

10 Q So that day would be June 2nd, 2005 and in  
11 reading that note, in with mom and dad, parents attentive?

12 A Yes.

13 Q Child would have been there with Karl Wesley  
14 McKay and --

15 A Yes.

16 Q -- Ms. Kematch? I'd just like to quickly review  
17 some of the travel vouchers that were issued by the Health  
18 Centre to Karl Wesley McKay and Ms. Kematch, beginning with  
19 Ms. Kematch.

20 If you could please pull up Commission disclosure  
21 2068, page 43549. Oh, pardon me, you have 529 there.

22 THE CLERK: What was it?

23 MR. GLOBERMAN: Four three five four nine. Thank  
24 you.

25

1 BY MR. GLOBERMAN:

2 Q Now, this is a cheque that, you can't see it on  
3 the top, but it's my understanding it was issued from the  
4 Health Centre to Samantha Kematch.

5 If you could just scroll up a little bit, there's  
6 a date there.

7 On September 9, 2005 and this cheque was issued  
8 from the Health Centre?

9 A Yes.

10 Q Do you know whose signature that is?

11 A Karl's.

12 THE COMMISSIONER: Just a minute until I find  
13 this. All right. Now, what's, what's the question?

14 MR. GLOBERMAN: This was a --

15 THE COMMISSIONER: What, what is this document?  
16 What --

17 MR. GLOBERMAN: This is a cheque that was issued  
18 from the Health Centre in Fisher River to Ms. Kematch and  
19 it's signed for by Mr. McKay, Mr. Karl Wesley --

20 THE COMMISSIONER: Cheque issued --

21 MR. GLOBERMAN: -- McKay.

22 THE COMMISSIONER: -- by the Health Centre to  
23 Kematch.

24 MR. GLOBERMAN: It's dated September 9, 2005.

25 THE COMMISSIONER: And what, what, what did you

1 say about McKay?

2

3 BY MR. GLOBERMAN:

4 Q Mr. McKay's signature's on this cheque; does that  
5 mean that he would have picked up this cheque on September  
6 9th --

7 THE COMMISSIONER: Wait a minute --

8 MR. GLOBERMAN: -- two thousand and --

9 THE COMMISSIONER: -- where's, where's this  
10 signature, on, on the next page?

11 MR. GLOBERMAN: On, on that page.

12 THE COMMISSIONER: Oh, I -- that signature at,  
13 the signature of recipient?

14 MR. GLOBERMAN: Yes, sir.

15 THE COMMISSIONER: All right. Now, I -- do you  
16 agree with all these things --

17 THE WITNESS: Yes.

18 THE COMMISSIONER: -- that counsel's saying?

19 THE WITNESS: Yes, it is.

20

21 BY MR. GLOBERMAN:

22 Q And so Mr. McKay would have picked up that cheque  
23 on that date?

24 A Yes.

25 THE COMMISSIONER: And are you saying that's

1 McKay's signature up there on the top?

2 THE WITNESS: Yes, it is.

3 THE COMMISSIONER: Because it doesn't look like  
4 the signature on the next page that says Karl McKay, but,  
5 all right.

6 MR. GLOBERMAN: If you scroll down just to the  
7 second half of page 43459 and this is on the same page as,  
8 as the cheque that we just reviewed.

9

10 BY MR. GLOBERMAN:

11 Q This appears to be an appointment attendance  
12 confirmation slip from Fisher River Cree Nation Health  
13 Centre, dated September 9, 2005. It says refer to  
14 Menticoglou, Dr. S., address, Women's Centre, 735 --

15 THE COMMISSIONER: Now just a minute, are you --  
16 which -- are you on page 43550? You're still on 49, are  
17 you?

18 MR. GLOBERMAN: Yes, sir.

19 THE COMMISSIONER: Oh you're on the cheque  
20 itself?

21 MR. GLOBERMAN: On the second half of the page,  
22 there's an appointment attendance confirmation slip.

23 THE COMMISSIONER: Yes, all right. Oh, no, this  
24 is, this is the cheque itself, is it?

25 MR. GLOBERMAN: No, this, this is an appointment

1 attendance confirmation slip.

2 THE COMMISSIONER: Well, well, all we have of the  
3 cheque is, is the signature then?

4 THE WITNESS: Yes, he would have had to sign for  
5 the cheque and the confirmation slip is just showing that  
6 they attended their appointment. In order for them to  
7 access our medical transportation, they need to bring, all  
8 clients need to bring this confirmation slip back, so we  
9 can see the signature of the unit clerk at the bottom. So  
10 she confirmed that Ms. Kematch did attend her appointment  
11 that day.

12 THE COMMISSIONER: But, but we -- I -- you -- did  
13 you not put the cheque in, in as part of this document? Or  
14 is all there is, is the signature?

15 MR. GLOBERMAN: The, the cheque is, is the top  
16 half --

17 THE COMMISSIONER: Where?

18 MR. GLOBERMAN: -- is my understanding. There's  
19 two documents here.

20 THE WITNESS: The, the cheque was actually issued  
21 to him way back in September, so we wouldn't have the copy  
22 of the cheque. We just have a signature, stating that he  
23 did pick it up that day and they did attend their  
24 appointment as identified.

25 MR. GLOBERMAN: These are the documents we

1 received from --

2 THE COMMISSIONER: I, I'm sorry --

3 MR. GLOBERMAN: -- the Authorities.

4 THE COMMISSIONER: -- I, I thought you were  
5 putting the cheque in front of us. Okay. Carry on.

6

7 BY MR. GLOBERMAN:

8 Q So, so just to be clear, this, this attendance  
9 confirmation slip would have been signed -- would it have  
10 been signed by a representative of the Women's Centre in  
11 Winnipeg?

12 A Yes, that's the unit clerk that signed that  
13 confirmation slip.

14 Q And that would have been returned to the Health  
15 Centre?

16 A Yes, it was returned. That's why we have the  
17 copy today.

18 Q Does that mean that Ms. Kematch attended her  
19 appointment on September 12th, 2005?

20 A Yes.

21

22 BY MR. GLOBERMAN:

23 Q If you could go to page 43552? This is a similar  
24 document, signature of recipient.

25 A Yes.

1 Q Is that Mr. McKay's signature?

2 A Yes.

3 Q It's dated September 19, 2005 and if you scroll  
4 down, Madam Clerk, the confirmation is for an appointment  
5 dated September 20, 2005, at the Women's Centre  
6 on 735 Notre Dame Avenue. And that, this slip would  
7 have been signed by a representative of the Women's  
8 Centre?

9 A Yes, so the field unit assess, assessment, it was  
10 the unit clerk, again, that signed it.

11 Q Okay. So she would have attended her appointment  
12 on that date --

13 A Yes --

14 Q -- September 20th?

15 A -- she did attend. That, that's how we get the  
16 signature like that.

17 Q If you go to page 43555, it's a similar document,  
18 dated October 5, 2005; that appears to be Mr. McKay's  
19 signature?

20 A Yes.

21 Q Every time he signs for one of these slips, it  
22 means he picked up the cheque --

23 A Yes.

24 Q -- on that date?

25 A Yes.



1           MR. GLOBERMAN:  If you scroll down to the bottom  
2 half of that page, thank you.

3

4 BY MR. GLOBERMAN:

5           Q     It's for an appointment date, October 6, 2005, at  
6 the Women's Centre?

7           A     Yes.

8           Q     It's signed by what appears to be Dr.  
9 Menticoglou?

10          A     Yes.

11          Q     And I take it that means she attended to the  
12 Health Centre -- pardon me, to the Women's Centre, on  
13 October 6th, 2005?

14          A     Yes.

15                MR. GLOBERMAN:  And if you could go to the next  
16 page please, 43556.

17

18 BY MR. GLOBERMAN:

19          Q     Do you know whose signature that is?

20          A     That is Samantha's signature.

21          Q     And it's dated November 2, 2005; so she would  
22 have picked up this cheque on that date?

23          A     Yes.

24          Q     And if you scroll down please, again, it's for an  
25 appointment dated November 3, 2005, at the Women's Centre,

1 again, signed by Dr. Menticoglou, confirming that she  
2 attended on November 3rd, 2005?

3 A Yes.

4 MR. GLOBERMAN: Just like to quickly review the  
5 travel vouchers issued to Mr. McKay. If we could go to  
6 page 43550.

7

8 BY MR. GLOBERMAN:

9 Q That appears to be his signature, dated September  
10 26, 2005?

11 A Yes.

12 MR. GLOBERMAN: And if you scroll down, Madam  
13 Clerk, it's referred from Dr. Boyang to the MRI department  
14 for an appointment dated September 18, 2005.

15

16 BY MR. GLOBERMAN:

17 Q That signature, according to you, I take it,  
18 would be from a representative of the MRI department --

19 A Yes.

20 Q -- confirming that Mr. McKay attended on  
21 September 18th, 2005?

22 A Yes.

23 MR. GLOBERMAN: If you could please go to page  
24 43557?

25

1 BY MR. GLOBERMAN:

2 Q Now, this is a cheque, dated September 20, 2005,  
3 from the Health Centre in Fisher River, to Mr. McKay.

4 And if you scroll down slightly.

5 You'll see, on the confirmation slip, it's for an  
6 appointment dated September 21, 2005. It says void across  
7 this page; why would this cheque have been declared void?

8 A He did not attend the appointment.

9 Q Do you know if, if he ended up making up that  
10 appointment at a later date?

11 A No.

12 MR. GLOBERMAN: Okay. If you could please go to  
13 page 43553. Dated October 4, 2005, a similar document,  
14 appears to be signed by Mr. McKay. Can you scroll down  
15 please?

16

17 BY MR. GLOBERMAN:

18 Q Again, an, an appointments attendance  
19 confirmation slip, refer to Dr. Hoy and we mentioned his  
20 name earlier, at ARCC on Main Street in Winnipeg, dated  
21 October 5, 2005; would that signature mean that he attended  
22 on that date?

23 A Yes.

24 MR. GLOBERMAN: Can you go to the -- page 43554,  
25 the next page? Appears to be signed by Mr. McKay, similar

1 document, dated October 31, 2005. If you could scroll down  
2 please?

3

4 BY MR. GLOBERMAN:

5 Q For an appointment dated November 1, 2005, at,  
6 again, ARCC on Main Street, stamped by Dr. Conrad Hoy and I  
7 take it that, again, means he attended on November 1st,  
8 2005?

9 A Yes.

10 Q Okay. Just one more. Page 43551. Would this  
11 cheque have been declared void because Mr. Kematch (sic)  
12 did not attend the appointment which, if you scroll down,  
13 it's dated November 14, 2005?

14 A Yes, he did not attend. He did not attend to  
15 pick up the cheque, so therefore they knew that the, he was  
16 not attending the appointment.

17 Q I just have one last question for you, Ms. Hart.  
18 Now, we've reviewed the Fisher River Health Centre chart  
19 for Samantha Kematch, for Karl Wesley McKay and their  
20 child. We've also reviewed the travel vouchers issued to  
21 Ms. Kematch and Mr. McKay; does the Health Centre have any  
22 documentation that we have not related to Phoenix  
23 Sinclair's presence in Fisher River in 2005?

24 A No.

25 MR. GLOBERMAN: I have no further questions.

1 THE COMMISSIONER: Thank you, Mr. Globerman.

2 Anybody have questions for this witness?

3 It would appear not.

4 Mr. Cochrane, have you any questions?

5 All right. Thank you very much witness, you are  
6 completed.

7

8 (WITNESS EXCUSED)

9

10 THE COMMISSIONER: All right. Ms. Walsh?

11 MS. WALSH: Mr. Commissioner, that brings us to  
12 the two applications for intervenor and party standing.

13 THE COMMISSIONER: Yes.

14 MS. WALSH: Do you have those two applications in  
15 front of you?

16 THE COMMISSIONER: I have the correspondence in  
17 front of me, yes.

18 MS. WALSH: Okay. Good. So I've asked the, the  
19 respective counsel to arrange, between themselves, who will  
20 go first and I'd ask them to come forward.

21 THE COMMISSIONER: All right.

22 MS. DUNN: Good afternoon, Mr. Commissioner. For  
23 the monitor, my name is Catherine Dunn --

24 THE COMMISSIONER: Right.

25 MS. DUNN: D-U-N-N. And I am appearing this

1 afternoon on behalf of Ka Ni Kanichihk. The Commission  
2 should be in receipt of a letter forwarded by that  
3 organization on March 12th, 2013 --

4 THE COMMISSIONER: Yes.

5 MS. DUNN: -- seeking party standing to represent  
6 the best interests of First Nations Métis and other  
7 aboriginal children at phases 2 and 3 of the inquiry into  
8 the circumstances surrounding the death of Phoenix  
9 Sinclair.

10 In that letter, we have set out, for the  
11 commission counsel, the reason why we are making the  
12 application and in particular, why are we are making the  
13 application at this juncture, as phase 1 is about to wrap  
14 up this week.

15 My understanding is that our letter has been  
16 circulated to all counsel, with either party or intervenor  
17 status, with respect to our application and I understand,  
18 if I understand it correctly, there has been no specific  
19 feedback, at this point, with respect to our application.  
20 I therefore, I don't know if it's necessary that we read  
21 our specific letter into the record or not, as it's just  
22 been circulated at this point. I'm prepared to do that, or  
23 to answer any specific questions in connection with our  
24 standing letter, either specifically by counsel, or by you,  
25 Mr. Commissioner, or Ms. Walsh, or any --

1 THE COMMISSIONER: Well, let me ask you this,  
2 have you specific witnesses that you would like to have  
3 called?

4 MS. DUNN: Specific -- I, I note that Ms.  
5 Brownlee has provided some background information at the  
6 very beginning of phase 1 and that she will be recalled.  
7 We think that's a, an important witness, from our point of  
8 view. We have suggested some witnesses through Ms. Leslie  
9 Spillet's evidence to Commission counsel. I don't think  
10 we'd go beyond that, in terms of what we have already  
11 suggested.

12 THE COMMISSIONER: Well, my, my only concern is  
13 whether -- I, I, I certainly want to see you participate  
14 and this group participate. I'm just -- it's, it's  
15 whether, as intervenor or party.

16 MS. DUNN: Right.

17 THE COMMISSIONER: And I, I'd like to know why  
18 you don't think intervenor status is, is sufficient, which  
19 would allow you to make a, a submission and Commission  
20 would weigh whether witnesses you want called would be  
21 appropriate for her to call. And I'm just wondering why  
22 intervenor status isn't sufficient?

23 MS. DUNN: It really is an issue with respect to  
24 perspective, in terms of the organization. It's a  
25 community-based organization who has, we say, direct and

1 substantial interest with respect to phases 2 and 3 of the  
2 inquiry, because we are, as many community-based individual  
3 organizations are, different from the parties or  
4 intervenors who are here as part of this commission inquiry  
5 to date, that is, they are directly providing the provision  
6 of child-related child welfare provision services, or  
7 somehow connected to that. We say that we are independent  
8 of that process and therefore able to review, not so much  
9 with a critical eye, although that may be the case from  
10 time to time, we are more able to review various witnesses  
11 with an independent, more independent point of view than  
12 perhaps the parties, or intervenors who are here at the  
13 current time.

14 In terms of additional witnesses, we very much  
15 feel that the Federal government, at this point, has not  
16 provided an indication, as I understand it, that they'll be  
17 fully participating. We think that would be important.

18 THE COMMISSIONER: Well, the Federal government's  
19 declined participation.

20 MS. DUNN: I understand that.

21 THE COMMISSIONER: So --

22 MS. DUNN: From our point of view, we would --  
23 and now, I'm not sure how, how broad a subpoena can be --

24 THE COMMISSIONER: Pardon?

25 MS. DUNN: -- I'm not sure, through the rules and



1 procedures of this commission, whether the Federal  
2 government representative can be subpoenaed.

3 THE COMMISSIONER: We've no plans to do that.

4 MS. DUNN: Okay. All right. So that being the  
5 case then, the witnesses that we would be calling would be  
6 those set out to Ms. Walsh, in our letter, with respect to  
7 Ms. Spillett, in terms of additional witnesses.

8 THE COMMISSIONER: Have you identified them in  
9 your letter?

10 MS. DUNN: They are, I think there's specifically  
11 four individuals in the area of social work teachings that  
12 we would be calling and those -- I, I'm not sure if those  
13 have been identified -- no, Ms. Walsh is shaking her head.  
14 So there is a professor from, from Calgary who has  
15 provided, in the past, information on behalf of Ka Ni  
16 Kanichihk through simply a research proposal on the issue.  
17 The value of community-based programming and how it  
18 affects, specifically, in a positive way, healthy families,  
19 in terms of child protection issues. And there would be,  
20 perhaps, Marilyn Bennett would have her immediate  
21 supervisor, Cindy Blackstock, who I believe is called as a  
22 witness at, at this stage, or at a stage in this  
23 proceeding, to come and give evidence and perhaps two more  
24 people along that social work line.

25 THE COMMISSIONER: Well, the question I'm going

1 to put to you and, and I want to hear Ms. Walsh on it too,  
2 after you finish, is what, in addition to witnesses that  
3 are planned to be called, will these witnesses you're  
4 identifying bring to this commission that those on her list  
5 won't be presenting to us? What, what, what, what, what  
6 area are they going to cover that the witnesses that are  
7 scheduled for phases 2 and 3 will not be covering?

8 MS. DUNN: They, they will be providing  
9 complementary evidence, I would think, in terms of the  
10 importance of community-based --

11 THE COMMISSIONER: Confirmation?

12 MS. DUNN: Yeah. If you're specifically asking  
13 me whether their evidence will --

14 THE COMMISSIONER: Are they --

15 MS. DUNN: -- assist --

16 THE COMMISSIONER: -- are they going to add  
17 anything new?

18 MS. DUNN: I haven't heard that evidence yet. I  
19 suspect not, specifically. I think the evidence that  
20 they're going to add will assist the commissioner in  
21 hearing what I suspect they're already going to hear, that  
22 is, the importance of community-based funding to aboriginal  
23 organizations. That's their main focus and I'm assuming  
24 that evidence will be brought, in some way, to this  
25 commission already, although I'm anticipating that. I

1 don't know that for sure.

2 THE COMMISSIONER: Well, Ms. Walsh, have you --  
3 do you know about these witnesses? It appears that there's  
4 likely nothing new that they would be bringing and -- to,  
5 to the witnesses on your list and if that's the case, I'm,  
6 I'm much inclined to give them intervenor status.

7 MS. WALSH: So, Mr. Commissioner, with respect to  
8 Ms. Blackstock, she is on the witness list and will be  
9 called by the Assembly of Manitoba Chiefs. I think she's  
10 testifying later this month, actually.

11 We are going to be calling the executive director  
12 of Ka Ni Kanichihk in phase 3 of the inquiry.

13 THE COMMISSIONER: That's Ms. --

14 MS. DUNN: That's correct.

15 THE COMMISSIONER: -- Spillet?

16 MS. DUNN: That's Ms. Spillet.

17 MS. WALSH: That's Ms. Spillet. I think  
18 perhaps, in fairness, Ms. Dunn is at somewhat of a  
19 disadvantage because, given that she has not been  
20 participating or acting for anyone who's participating at  
21 this point, she and I have not had a, a fulsome, or really  
22 any discussion as to the nature of the evidence that's  
23 going to be called in phase 2. Part of that is because  
24 much of that evidence, we've given to counsel for the  
25 various parties to adduce on their own and it's just being

1 made apparent to us what that evidence is going to be. So  
2 I think that probably, in discussion, if, if party standing  
3 is granted to this entity, in discussion with their  
4 counsel, we could probably reach an agreement as to what,  
5 if any, further evidence needs to be called.

6 The only other advantage to, or, or form of  
7 participation that party standing, as opposed to intervenor  
8 standing, would afford an entity, is that, as a party, as  
9 counsel for a party, they can ask questions of witnesses.  
10 So to that extent, if, if counsel for Ka Ni Kanichihk has  
11 information, based on, on what their clients has told them,  
12 that can inform certain questions and, and the perspective  
13 can be advanced in that way, that if they were granted  
14 intervenor standing only, they, they wouldn't be doing.

15 So it's not -- granting party standing doesn't  
16 just give the right to call witnesses, because, quite  
17 frankly, all participants, under our rules, whether you're  
18 a party or an intervenor, have that obligation to, to  
19 advise us as to appropriate witnesses. But the difference,  
20 as I said, between party and intervenor standing is --

21 THE COMMISSIONER: Yeah.

22 MS. WALSH: -- mainly in the nature of  
23 controlling some of the evidence.

24 THE COMMISSIONER: Yeah, I, I, well, I, I'm  
25 prepared to certainly grant intervenor status, but I, I

1 think maybe you, you, Ms. Walsh, you should find a time to,  
2 to meet with Ms. Dunn and I, I'd want to -- once you've  
3 done that, I'd want to hear your views as to whether  
4 there's anything new going to be added here that warrants  
5 party status. I'm concerned about a number of things,  
6 adding additional participants, to prolong this hearing and  
7 I have to be convinced that there's something new going to  
8 be added here. I fully want these, this organization to be  
9 in a position to make a closing statement as intervenors  
10 are entitled to do and to make witnesses known to you that  
11 you think are appropriate to call. But I, I'm not  
12 prepared, today, to go to the extent of, of party status.  
13 Just, I, I just, not, not short that, that it's necessary,  
14 given all of the witnesses you're going to call. And I  
15 think you should communicate that to Ms. Dunn and see if  
16 you can, if the, can say if, if your view is, after you've  
17 heard her, at a meeting with her, that there is a reason  
18 why party status is appropriate, I'll, I'll, I'll hear  
19 that.

20 MS. WALSH: All right.

21 THE COMMISSIONER: So I think, certainly you'll  
22 be assured of intervenor status and you can let, after  
23 you've met, you, you, you indicate when you're going to  
24 bring this back to the public session and I'll deal with it  
25 again.

1 MS. WALSH: Okay. Thank you.

2 MS. DUNN: Thank you, Mr. Commissioner.

3 THE COMMISSIONER: Thank you.

4 All right. Now, the other applicant?

5 This will be Mr. Tramley?

6 MR. TRAMLEY: Yes, good afternoon. Sorry it took  
7 me so long to get up to the front. I was watching it on  
8 television. It seemed a lot closer than it was in respect  
9 to walk by all these counsel, so I apologize for that.

10 There's an application before you on behalf of  
11 the Aboriginal Counsel of Winnipeg. That application is  
12 for intervenor status, or standing for phase 3 of your  
13 inquiry.

14 THE COMMISSIONER: Yes.

15 MR. TRAMLEY: And as with Ms. Dunn, I'm, I don't  
16 intend on going through the application in detail. I know  
17 that the Commission has had the, the application for some  
18 time and has had an opportunity to review it. I did want  
19 to address, I guess, a couple of points, but maybe I'll  
20 allow --

21 THE COMMISSIONER: Has this been circulated to  
22 all counsel too?

23 MS. WALSH: It has, Mr. Commissioner. Both  
24 applications were circulated to all counsel with a request  
25 to provide us with any responses by a certain date, which

1 has come and gone, and we have not heard any responses from  
2 any of the counsel for parties or intervenors.

3 THE COMMISSIONER: Right.

4 MR. TRAMLEY: Thank you. Being mindful of the  
5 time of the day, as well as the comments that my, my friend  
6 has made, I've had an opportunity now, over the last couple  
7 of weeks to be, I guess, be a bit of pest with Commission  
8 counsel, in trying to determine where, potentially, if our  
9 application was successful, where we may fit in, in terms  
10 of both the evidence, timing, things of that nature. I've  
11 also had an opportunity, as well, to speak with the  
12 community research analyst, as well, to get an idea as to  
13 the proposed evidence that may be coming forth in phase 3  
14 and to be able to see where the aboriginal council's  
15 expertise, or interest would lie and as well, trying to  
16 fill in, be, be important and something relevant for the  
17 Commission as well. And I believe we do have the ability  
18 to be able to do that, as it relates to an intervenor  
19 application only.

20 Given the timing, we're very mindful of the fact  
21 that the Commission has a number of witnesses it's going  
22 too be going through in, in phase 3 and has, obviously,  
23 time limits and expectations as well. Initially, in our  
24 application, we believed there could have been a number of  
25 witnesses we could have called. After looking at sort of

1 potentially the proposed areas that are going to be looked  
2 at, in speaking with the research analyst, as well as Ms.  
3 Walsh, I believe, in the circumstances, that the Aboriginal  
4 Council, if it is going to be in a position to be able to  
5 present a witness, it would only be one witness that would  
6 be presented. That witness would touch on something that  
7 we think is unique to the perspective that you're going to  
8 be looking here, relates to the urban aboriginal  
9 perspective and that's really where the strength comes from  
10 and the, and the experience that the council has. And in  
11 looking at not only the makeup of the community, the  
12 diversity of the community, how it organizes itselfs  
13 (phonetic) (sic), how some of the organizations that you  
14 have, you've heard about, will hear about, how they  
15 interrelate and dealing with both, not only the  
16 jurisdictional issues, levels of government, things of that  
17 nature, but being mindful of the fact that that has to fit  
18 in. We think that it can fit in within the other evidence  
19 that's being provided.

20 THE COMMISSIONER: And have you, have you  
21 identified that witness to Commission counsel?

22 MR. TRAMLEY: Yes, we have.

23 THE COMMISSIONER: And, and you would call that  
24 witness, Commission counsel?

25 MR. TRAMLEY: We haven't provided the name of the



1 witness yet, because we need to be able to clarify who that  
2 person's going to be yet.

3 THE COMMISSIONER: Oh, I see.

4 MR. TRAMLEY: The, the only thing that we have  
5 identified is just simply the nature, the general nature of  
6 the evidence. If we're granted that intervenor status, we  
7 would provide a much more detailed examination of exactly  
8 of what we'd be looking for and to ensure that we fill in  
9 any of those areas that they feel we should be looking at.

10 THE COMMISSIONER: And you would call that  
11 witness, Ms. Walsh; is that correct?

12 MS. WALSH: Either I would, or I would give  
13 counsel the opportunity to lead the witness' evidence, as  
14 we are doing in, in, on many, in many instances, for phase  
15 2, just as a matter of, because the counsel will be more  
16 familiar. But of course, as with all witnesses, regardless  
17 of who's leading the evidence, the evidence has to be  
18 summarized in advance, go through our office first and  
19 then, and then the summaries go out --

20 THE COMMISSIONER: Circulate to all counsel.

21 MS. WALSH: -- through our office.

22 THE COMMISSIONER: Yes.

23 MR. TRAMLEY: Certainly, yes.

24 MS. WALSH: Yes.

25 MR. TRAMLEY: Yeah, we anticipate that --

1 THE COMMISSIONER: Yes.

2 MR. TRAMLEY: -- wouldn't, shouldn't be any  
3 difficulty.

4 THE COMMISSIONER: Well, I, I'm, I take it that  
5 with no one communicating with Commission counsel, that no  
6 counsel have a, a contrary view to allowing this  
7 application for intervenor status and I, I, I, seems to be  
8 the case and I certainly am interested in, in that  
9 organization having some participation and I, I, the, the  
10 I'm prepared to grant your request --

11 MR. TRAMLEY: All right.

12 THE COMMISSIONER: -- for intervenor status and  
13 you can communicate with Commission counsel about that one  
14 witness.

15 MR. TRAMLEY: Certainly, yes. Thank you.

16 THE COMMISSIONER: All right.

17 MR. TRAMLEY: All right. Thank you, good  
18 afternoon.

19 THE COMMISSIONER: Thank you.

20 MS. WALSH: With that, we're done for the day,  
21 Mr. Commissioner, thank you.

22 THE COMMISSIONER: All right. We'll resume at  
23 9:30 tomorrow morning.

24 MS. WALSH: Yes.

25 THE COMMISSIONER: Thank you. We stand adjourned

1 as of now.

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3 (PROCEEDINGS ADJOURNED TO APRIL 16, 2013)