



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

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

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

WEDNESDAY, NOVEMBER 28, 2012

APPEARANCES

MS. S. WALSH, Commission Counsel

MR. D. OLSON, Senior Associate Counsel

MR. R. MASCARENHAS, Associate Commission Counsel

MR. G. MCKINNON and **MR. S. PAUL**, for Department of Family Services and Labour

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

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

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

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

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

INDEX

Page

WITNESSES:

ANGELA BALAN

Direct Examination Continued by Mr. Olson	1
Cross-Examination by Mr. Gindin	146
Cross-Examination by Mr. Ray	187
Cross-Examination by Mr. Saxberg	201
Cross-Examination by Mr. McKinnon	207

LORNA LEE HANSON

Direct Examination by Mr. Olson	220
---------------------------------	-----

1 NOVEMBER 29, 2012

2 PROCEEDINGS CONTINUED FROM NOVEMBER 28, 2012

3

4 **ANGELA BALAN**, previously sworn,
5 testified as follows:

6

7 DIRECT EXAMINATION CONTINUED BY MR. OLSON:

8 Q I'm just going to take you now to page 37037 of
9 Ms. Kematch's protection file. Do you have that page in
10 front of you?

11 A Yes, I do.

12 Q Now, this is -- you'll see this an, an addendum
13 prepared by Mr. Orobko before the case was transferred by
14 him to Ms. Greeley. Is this something that you would have
15 read?

16 A Yes, I did.

17 Q Okay. And just looking at the full paragraph on
18 that page, it says:

19

20 "The assigned worker shall
21 have two primary issues to sort
22 through in the coming months.
23 Firstly, the question of parental
24 motivation and commitment will
25 need to be assessed and weighed on

1 an on-going basis. Secondly, it
2 will be necessary to determine
3 [Samantha Kematch's] parental
4 capacity. The preceding case plan
5 should serve to quickly help the
6 assigned worker with these matters
7 so that long term planning can
8 quickly occur for Phoenix."

9

10 So those -- the two issues he identifies here,
11 parental motivation and commitment and parental capacity,
12 were those two of the main issues that you would expect Ms.
13 Greeley to work on when she had the file?

14 A Yes.

15 Q Okay. And in terms of assessing parental
16 capacity, how, how did you anticipate that would be done?

17 A In this case, it would appear that through some
18 ongoing meetings with the family, between the worker and
19 the family, speaking with collaterals to gather information
20 from collaterals, looking at associated file information,
21 all of those would be used by the social worker to inform
22 their assessment of the family and assessment of parental
23 capacity.

24 Q Okay. And did you have an understanding as to
25 why parental capacity and parental motivation and

1 commitment were issues in this particular case?

2 A As mentioned earlier, there was some question
3 around parental motivation or commitment based on initial
4 presentations during the intake period of time, where the
5 parents were not clear on whether or not they intended to
6 parent or wanted to parent. However, that did shift
7 shortly thereafter, so that would have been something to
8 explore and to continue to explore, to determine if they
9 were prepared and committed to following through that on
10 that change.

11 Q When -- sorry. When you say that initial intake,
12 you're talking about with respect to the apprehension of
13 Phoenix?

14 A That's correct.

15 Q Okay.

16 A At the time that she was born and the intake
17 involvement at that time.

18 Q Right. Because you knew at that time that, that
19 initially the parents said they weren't ready to parent,
20 didn't have any planning, no pre-natal care. Those were
21 the, those were the circumstances at that point, right?

22 A That would be my understanding.

23 Q And then you also would have known about the
24 apprehension of Samantha's first child?

25 A I would have known at the point that I had taken

1 the supervisory responsibilities on that there had been
2 prior child welfare involvement and that the oldest child
3 was in that agency's care.

4 Q Okay. And in terms of the circumstances of that,
5 that first child, what did you know about that at the time?

6 A I would know what was presented in the, in the
7 information from the social worker. As they -- as it was
8 an open case at the time that I assumed my supervisory
9 responsibilities, I would have been canvassing the assigned
10 worker, who would have been Kerri-Lynn Greeley, as to the
11 background on the files. I would have referred to the
12 prior supervisor's notes to also inquire. And I may have
13 looked at other file documentation, but it is clear that I
14 was well aware that there was prior involvement. It was
15 included in the October 2000 transfer recording as well
16 from Kerri-Lynn.

17 Q Okay. And so based on that, were you aware that
18 Ms. Kematch initially hid that pregnancy as well? When she
19 -- when the baby was born, she initially didn't want to
20 parent but then decided she did want to parent. Were you
21 aware of that?

22 A Could I look back to that information from the
23 intake period of time where that's spoken of?

24 Q Absolutely.

25 A I just refreshed my memory. If you could ask me

1 the question again?

2 Q Sure. Which page are you referring to?

3 A I am looking at page 37027, which is Kerri-Lynn
4 Greeley's transfer summary, Brief History of Agency
5 Involvement, the first paragraph under section (c).

6 Q Under section (c), referring to the "one history
7 of involvement with Samantha Kematch"?

8 A Right.

9 Q Okay. The question was, were you aware that
10 Samantha's first child, she hid that pregnancy as well?

11 A Yes, from the summary recording I can see that
12 not only was there some statement to that in (c), but
13 following that, further down the page, it does indicate in
14 the last sentence that's showing on the, on the page that
15 it appears from that involvement she had concealed that
16 pregnancy.

17 Q Right. And you also see in that first paragraph
18 under (c) she received no prenatal care, had been
19 resistance to -- resistant to any kind of assistance, and
20 CFS apprehended that baby, and that was eventually
21 transferred to Cree Nation.

22 A That's correct.

23 Q Okay. So those are all things you would have
24 been aware of.

25 A That's correct.

1 Q And then it goes on to say under (d), Brief
2 History of CFS Involvement. You see that there?

3 A Yes.

4 Q And so this, this gives you some background about
5 Samantha Kematch's personal background with Cree Nation?

6 A That's correct.

7 Q And so you would have been aware of that
8 information as well?

9 A Yes.

10 Q Okay. And so the fact that Samantha's first
11 child was, was apprehended, Samantha did want to provide
12 care for her -- and you'll see if you keep reading this
13 that there was an attempt to have Samantha provide care for
14 that baby in a Level IV setting and that didn't work out
15 because there were concerns for the baby's safety. Are
16 those things you would have been aware of, too?

17 A Yes.

18 Q Okay. And so that, that initial -- the first
19 child that Samantha had, was the fact that that baby was
20 apprehended and Samantha eventually showed no interest in
21 parenting that child or having anything to do with that
22 child, would that have informed the need for determining
23 parental commitment and parental capacity?

24 A Yes, that would have been taken into
25 consideration and would need to be reviewed.

1 Q And how significant would those background
2 factors be?

3 A Well, they certainly would be significant. It
4 would be something that we would need to take a look at, to
5 look at the circumstances, look at change that may have
6 occurred since that time, which is about a two-year period
7 of time, to try to determine where the parent was at at
8 this particular time.

9 Q So over the past two years since the birth of the
10 next child you want to look at what is -- what, if
11 anything, had changed with Ms. Kematch?

12 A That would be correct.

13 Q Okay. And just in terms of Ms. Kematch's
14 background herself, the fact that she came from a family
15 with issues of alcoholism, neglect, abandonment, and abuse,
16 and then her time in agency care was fraught with
17 difficulty, she was AWOL, involved in criminal activities,
18 sexually promiscuous, didn't attend school, hostile,
19 aggressive, would those things also be important?

20 A Certainly, that -- if a individual who is
21 parenting has also experienced difficulties as a child and
22 had grown up in agency care, that would be something that
23 we would certainly look at and consider in our evaluation.
24 However, simply growing up in agency care isn't sufficient
25 to indicate that one can't parent. We -- there are, there

1 are certainly individuals who have had to experience agency
2 care who have been able to go on, either through supports
3 or education, and, in fact, are able to parent their own
4 children and, alternatively, the reverse. So while we
5 consider it, it does not necessarily preclude someone from
6 considerations around parenting.

7 Q Right. And that's generally speaking, I take it.

8 A That's generally speaking.

9 Q But in this particular case, you knew that Ms.
10 Kematch at least couldn't parent her first child, that she
11 posed a risk of -- they were concerned that she was
12 dangerous to that first child.

13 A Certainly, what the information would suggest is
14 that she was a very young parent who was experiencing
15 difficulty at that time, that they had attempted, as in
16 many cases, to provide her with supports and assistance,
17 and that it wasn't sufficient for that agency at that time
18 to conclude that she was prepared to parent. In 2000, that
19 would need to be re-assessed to determine if, indeed, that
20 was still the case or if there were changes, or whether or
21 not -- with additional supports, whether or not she should
22 be provided an opportunity to parent.

23 Q Okay. But at, at the time that Phoenix was born,
24 the situation was similar in terms of Ms. Kematch had hid
25 her pregnancy, had no prenatal care, and initially wasn't

1 interested in, in parenting Phoenix?

2 A There would be some similar dynamics.

3 Q Okay. And so would that, that cause heightened
4 concern?

5 A It would cause, it would cause concern that would
6 warrant some review and evaluation and assessment and
7 certainly indicate agency involvement.

8 Q And the decision at that point was actually to
9 apprehend Phoenix, right?

10 A That's correct, that was the decision at intake.

11 Q And I think we heard evidence that apprehensions
12 are not something that the agency takes lightly. It's a --
13 it has to be pretty serious to be -- has to be a serious
14 matter to apprehend a child?

15 A I would agree that there would need to be
16 sufficient evidence to indicate a child's safety may be at
17 risk and that that would be appropriate.

18 Q Okay. And because there was an apprehension
19 here, there -- the determination made was that there was,
20 there was a significant risk to Phoenix being left in the
21 care of the parents at that point.

22 A Well, certainly, there would be an indication
23 that would -- that the child may be at risk. There was
24 also indication that further information and exploration
25 was required in order to determine what that, what that

1 actually was and whether or not that would remain. So
2 according to the plan that was indicated at intake, it did
3 indicate that there was further work required to determine
4 what the long-term plan should be.

5 Q Okay. Now, Mr. Orobko, the date -- if you look
6 at his addendum which is page 37037, you see on the bottom
7 there under "case transferred to ongoing worker"?

8 A That's correct.

9 Q Okay. And the date there, is that January 5th,
10 2000?

11 A That would appear to be May 1st of 2000.

12 Q May 1st, 2000, okay. And that was still while
13 Phoenix was -- was Phoenix still in care of the agency at
14 that point?

15 A That was before my time as assigned supervisor.
16 I could look back at the documents to indicate the date of
17 the apprehension. So if you'd like me to confirm the date,
18 I can check for the date of the apprehension.

19 Q I don't know that that's necessary, but if you
20 recall from yesterday the service agreement that was
21 entered into?

22 A That's correct.

23 Q That was September 5th, right?

24 A Right.

25 Q September 5th, 2000.

1 A That's correct.

2 Q And it was on that date that Phoenix was returned
3 to Samantha and Steve. Right?

4 A That, that's correct.

5 Q Okay. And so this being May, Samantha would have
6 been with the agency still?

7 UNIDENTIFIED PERSON: Samantha?

8

9 BY MR. OLSON:

10 Q I mean, sorry, Phoenix would have been with the
11 agency?

12 A I can check back on the date of the apprehension,
13 but I believe that at this point intake had already
14 apprehended and that she would have been in care pending an
15 order being granted through the court.

16 Q Right. So she had -- she was apprehended at that
17 point, at the time the --

18 A She had been, she had been apprehended by intake
19 and an order -- a three-month temporary order had been put
20 into place that I was aware of when I assumed supervisory
21 responsibilities in July.

22 Q Okay. And at the time you, you assumed
23 responsibilities, was that order still in place?

24 A Yes, it was.

25 Q Okay. So Phoenix was not yet being parented by

1 Samantha or Steve Sinclair.

2 A That's correct.

3 Q Okay. And in fact, Samantha and Steve didn't
4 parent Phoenix till at least she was returned September
5 5th, right?

6 A She would have been in their care as of that
7 date, yes.

8 Q Okay. And so in terms of Ms. Greeley's assessing
9 parental motivation and commitment, was that being done
10 while Phoenix was not in the parents' care?

11 A Yes, she would have been engaging in activities
12 to provide -- to be able to gather information to inform
13 her assessment. Could have been done through other
14 activities such as observing or -- observing family visits
15 and how the parents were interacting and attending to the
16 child during visits. It could have been done through
17 discussions with collateral service providers and program
18 attendants. It would have been done through her own
19 contacts with the family as well. So all of those
20 activities would be done in the interim to inform her
21 assessment.

22 Q Okay. And are those the types of activities you
23 expected Ms. Greeley to engage in to determine parental
24 capacity?

25 A Yes.

1 Q Now, the, the two thing -- the things -- the
2 parental capacity and parental motivation and commitment
3 identified by Mr. Orobko, did those remain ongoing concerns
4 through the duration of this file while you were assigned
5 to it as supervisor?

6 A They would remain as ongoing identified concerns
7 until we had sufficiently felt that we had gathered
8 sufficient information and assessment to determine that
9 they were no longer concerns. It also does not prevent new
10 concerns coming forward through the course of our
11 involvement because it's a dynamic situation where,
12 depending on situations, our concerns may change over time
13 or get addressed over time.

14 Q Okay. At any point in time during your
15 involvement did those, those issues not become concerns?
16 Did they stop becoming a concern?

17 A Well, certainly, at the point of reunification in
18 September 2000 it was felt that the, the parents were
19 engaging. They were attending programming and were engaged
20 with the agency, attending regularly at visits. They were
21 demonstrating their commitment to parent and their interest
22 in parenting. So that would have been, for all intents and
23 purposes, addressed through their ongoing activities and
24 involvement with our -- with the agency. So that would
25 have been determined that they are, they are demonstrating

1 it. As it was a new change, we might have still wanted to
2 ensure that that continued beyond reunification.

3 Q And so just the -- you said there were parental
4 -- the parents were visiting with Phoenix on a regular
5 basis with first supervised visits and then visits in the
6 home with Phoenix, right?

7 A That's correct.

8 Q And those were just maybe a couple hours in
9 duration and then Phoenix would be returned to her
10 placement and the parents would go back home, right?

11 A That's correct. That would be a standard format
12 that was utilized in terms of parental visitations, if
13 they're supervised. Leading up to a reunification,
14 oftentimes what would happen is those visits would increase
15 in duration and move towards the home, which is also my
16 understanding from reviewing the notes, is that as the
17 reunification date became closer that those visits actually
18 moved to the family home and increased in length to again
19 assist in that transition.

20 THE COMMISSIONER: Going back to an answer you
21 gave two or three minutes ago, did there come a time when
22 parental capacity and, and motivation ceased to be concerns
23 of the agency?

24 THE WITNESS: I would suggest that they never
25 completely ceased to be concerns, that we may have received

1 sufficient information to move ahead in our case planning.
2 Where that was -- one of the intents of having the service
3 agreement was while we had seen progress and we had seen
4 engagement, that there was still a continued need to ensure
5 that those concerns had been resolved. So I, I would, I
6 would have to say that they never completely ceased to be
7 concerns.

8 THE COMMISSIONER: Thanks.

9

10 BY MR. OLSON:

11 Q And that they'd never been completely ceased to
12 be concerns while you were involved in the file.

13 A During the time that I was assigned as
14 supervisor.

15 Q At the point that -- and we went through your
16 note yesterday when you were discussing with Ms. Greeley
17 this service agreement.

18 A Yes.

19 Q So that was just before September 5th, 2000.

20 A I believe that was in August 2000.

21 Q Okay. Yeah. Shortly before September 5th.

22 A That's correct.

23 Q Okay. And the decision was made at that point
24 that Phoenix would be returned, but only on certain
25 conditions, right?

1 A That's correct.

2 Q And at that point were parental motivation and
3 commitment and parental capacity still very much issues to
4 determine?

5 A We had received some information, as I indicated,
6 that would have demonstrated that we were gathering
7 information and observing to be able to assess. The
8 service agreement was put into place so that we could
9 continue to assess and continue to monitor, to ensure that
10 they were -- they continued on in a stable way and that
11 there were no new concerns or -- presenting. So ...

12 Q Okay. And just in terms of the information that
13 had been gathered to that point, that would have been the
14 visits that the parents were having with Phoenix, the
15 supervised and then unsupervised visits?

16 A I don't recall if there was unsupervised visits.
17 I could -- if I could check the documents? I know that
18 there were supervised visits both in office and in the
19 home.

20 Q I think that's right. I think they were always
21 supervised visits. So that would have been the one -- one
22 of the ways that, that was being assessed.

23 A That's correct.

24 Q Okay. And the other ways were you had some
25 discussion or Ms. Greeley had some discussion with Nikki

1 Taylor?

2 A That's correct.

3 Q Okay. And aside from that, was there -- were
4 there any other ways that the parental commitment and
5 motivation capacity were being assessed, up until September
6 5th?

7 A I would not know if there was anything else
8 beyond that other than what the documents have shown,
9 which, in many respects, how parents are participating,
10 engaging, and progressing is -- are very good indicators of
11 progress being made to date, and very concrete, observable
12 to the workers. So they're very good means by which they
13 can obtain information.

14 Q We heard with respect to the supervised visits
15 that the social worker wouldn't usually sit through the
16 visits. Is -- was that your experience?

17 A It varied, depending on, on -- some, some visits
18 workers would sit in. Others, there would be an in-home
19 support worker or support worker that was referred to and
20 assigned for that process, and that they would complete the
21 reports and notes on the visit itself.

22 Q Okay. And when you looked through the file, as
23 you would have as a supervisor, did you see a lot of notes
24 and mention about how these supervised visits had been
25 going?

1 A My recollection in reviewing the documents that
2 have been provided don't contain notes from the supervised
3 visits.

4 Q Okay. And so if you were looking through the
5 file when you picked it up as a supervisor, that's not
6 information that would have been available to you at that
7 point, unless you talked to the worker.

8 A As I mentioned, it wasn't my routine practice to
9 be looking at the physical file or reviewing the physical
10 file prior to supervision. Those would have been verbal
11 conversations that I would have had with the assigned
12 social worker, either in scheduled supervision or in
13 additional consultations or supervisions that would have
14 been requested --

15 Q Okay.

16 A -- beyond that.

17 Q If the supervision was being monitored and
18 assessed in terms of looking at parental capacity and
19 motivation, would you have expected to see more notation on
20 that in the file?

21 A If there was supervised visits occurring with
22 families where there was a support worker from the agency
23 tasked to do that responsibility, the usual practice was
24 the support worker's notes were forwarded for the file and
25 that they would be forwarded via the social worker who

1 could review those notes and discuss them with the support
2 worker.

3 Q Okay. And we confirmed yesterday, I think, that
4 those notes were not in the file.

5 A That's correct. I believe that's the
6 conversation yesterday.

7 Q Right. Okay. So at the point that, the point
8 that Phoenix had returned pursuant to the service agreement
9 of September 5th, the support worker was still going --
10 well, actually started going to the family home at that
11 point?

12 A That is my understanding.

13 Q Because now instead of Phoenix being at some
14 other location where the parents would visit her, this was
15 now occurring in the department at the time.

16 A That's correct. That was the usual practice with
17 reunification, is to attempt to move it to the family home
18 so that it was more natural and also that -- to start
19 increasing the familiarity of the child with the
20 environment.

21 Q And there are no notes at all about -- from, from
22 that family support worker throughout the whole file, the
23 notes you would have expected to see.

24 A I did not see any of those notes in the
25 documents.

1 MR. OLSON: If you could turn -- if we could turn
2 up page 37071, please?

3

4 BY MR. OLSON:

5 Q Can you tell me what this form is?

6 A This is a standardized form that was used within
7 Winnipeg Child and Family Services when there were either
8 new requests for family support services or renewal of
9 contracts related to support workers.

10 Q So in this case, what this -- you've checked off
11 renewal.

12 A That's correct.

13 Q Okay. And this is a form, I take it, that was
14 prepared by you?

15 A The --

16 Q If you want to -- you look at the second page
17 which is 37072, your signature appears on the bottom beside
18 the date October 30, 2000.

19 A That's correct.

20 Q So this would have been approximately almost a
21 month into the service agreement which was September 5th.

22 A It would be two months, yes.

23 Q Right, sorry. So at that point you're indicating
24 that the family support worker's contract would be renewed
25 for how long?

1 A On the first page of the document under Service
2 Arrangements, which is Section VII, it has all of the
3 details regarding the number of hours, number of weeks, and
4 the period of time that it covered.

5 Q Okay.

6 A So in this case it was showing that it was being
7 renewed from October 30th, 2000 to November 30th, 2000,
8 with the number of service hours per week being four to six
9 hours per week and the number of weeks were four weeks. So
10 that was the, the number of hours in the period of time
11 that the service agreement was to cover. So one month.

12 Q Okay. And this -- would, would the worker
13 normally fill this form out and make the request?

14 A Yes, normally these were done by the assigned
15 social worker, but in the absence of the social worker
16 being available, whether it came up when a worker was away
17 or in this case with there not being a worker assigned and
18 the case being assigned to myself as worker and supervisor,
19 then I would be responsible to ensure that I reviewed the
20 contract and took action on that.

21 Q Okay. And that's what you did here.

22 A That's --

23 Q You --

24 A That's correct.

25 Q And you renewed it until the end of November,

1 November 30, 2000.

2 A That's correct.

3 Q Okay. And by that -- by the time -- by October
4 30, 2000, had you already determined that Ms. Chief-
5 Abigosis would take over the file in mid-November?

6 A From my review of the documents, it does appear
7 that I was aware that there would be a new worker coming in
8 in the next short while. I don't know if I would have
9 known the exact date, but I -- it certainly does show that
10 I was aware there was a worker coming and that I felt that
11 this would be sufficient time to allow that worker to start
12 and review the file and meet with the family.

13 Q Okay. And was it your expectation, then, that
14 next worker would renew the service contract when they came
15 on?

16 A It was my expectation that the assigned worker
17 would meet with the family and speak with collaterals, and
18 explore whether or not there was further need for a renewal
19 in the support services, and if so, what that would look
20 like.

21 Q I see.

22 A It didn't necessarily have to remain in the same
23 format -- number of hours or length of time -- as what this
24 current one did.

25 Q So it could be tweaked, depending on what the

1 needs appeared to be at the time.

2 A That would be correct. That would be good
3 practice.

4 Q Okay.

5 THE COMMISSIONER: For a period beyond November
6 30th.

7 THE WITNESS: Exactly.

8

9 BY MR. OLSON:

10 Q Okay. Now, you -- when Ms. Greeley left and
11 before the new worker came on, you were responsible for
12 this particular file, right?

13 A It was assigned to me as both worker and
14 supervisor.

15 Q And because it's assigned to you, you are
16 responsible for it at that point?

17 A That's correct, I would have been responsible for
18 it.

19 Q Okay. And you told us yesterday, nobody during
20 that period went to visit the family other than the family
21 support worker.

22 A That would be what it would appear. According to
23 the documents, the family support worker continued
24 throughout that time and were aware that they were to call
25 me if there were any issues that came up.

1 Q Okay. And was that good practice, in your view?

2 A At that time that would have been acceptable
3 practice based on what was known to me, that the family had
4 been reported to be doing well, were engaged with
5 collaterals, were engaged with the support worker, and that
6 due to having that involvement in place that it didn't
7 require an immediate reassignment and could wait for the,
8 for the new worker to start and meet them.

9 Q Okay. And because you're responsible for this
10 file would you have had more familiarity with it than other
11 files?

12 A I would have been as familiar with this file as I
13 would have been for many of the other files that would have
14 been reviewed through supervision.

15 Q Okay. So you wouldn't have actually went back
16 and read the file yourself.

17 A I would have read all of the transfer recording,
18 so whatever was prepared. As Kerri-Lynn really left, I
19 would have reviewed all of the transfer recording so I
20 would have familiarity with, with the family's involvement
21 with the agency and the case plan, and I would have had a
22 copy of that transfer summary available to me should I
23 receive any concerns that I could refer back to.

24 Q Okay. But if, if the -- when the worker got the
25 file, would you expect the new worker to read the entire

1 file?

2 A Yes, I would.

3 Q And, and why would there be a difference between
4 when you're responsible for the file and when the new
5 worker comes on?

6 A I would have had some familiarity with the file
7 through my ongoing involvement since July and my
8 discussions with Kerri-Lynn. We may have looked at certain
9 documents through the course of our discussions together.
10 Certain documents were produced during the time that I was
11 there such as the voluntary placement agreement and the
12 family support service agreement, so there were a number of
13 documents that I would have been familiar with.

14 With a new worker coming into the position, the
15 expectation would be that they review the entire file
16 because they have no familiarity with it, and that they
17 look through the file to see what information is in the
18 file and that they can then discuss that with myself as
19 supervisor to clarify and to discuss the, the plan in
20 moving forward. So that would be a difference is that they
21 have no familiarity, where I would have familiarity based
22 on my involvement.

23 Q Okay. And you said one of the main ways you
24 assessed how the parents were doing was through the family
25 support worker, right?

1 A That would be one of the ways, yes.

2 Q Okay. But up to this point would that be the
3 main way?

4 A That would be a fairly significant way, is the
5 reports from the family support worker both in the visits
6 and then later working in the home.

7 Q So I take it the notes that that family support
8 worker would have made and forwarded on, those would have
9 been an important part of the file?

10 A Yes, those would have been.

11 Q Okay. And whose responsibility would it be to
12 ensure the notes were there?

13 A The notes -- there were policies in place within
14 Winnipeg Child and Family Services that spoke to the
15 record-keeping and what was to occur with those notes. So
16 there would have been requirements within the family
17 support program as to how the support worker -- what they
18 did with their notes and who they submitted those to, which
19 was generally their supervisor, for a review. And then
20 those notes were then forwarded on to the assigned case
21 social worker.

22 As far as I'm aware, I'm not clear that those
23 notes were not forwarded. It's, it's clear that they're
24 not on the file, but there's no indication that the worker
25 was unaware of what was happening in those visits based on

1 the notes --

2 Q Okay. So --

3 A -- she had.

4 Q But in terms of responsibility for ensuring they
5 are on the file, is that -- would that be the worker's --
6 your worker's responsibility, which would either be Ms.
7 Greeley or Chief-Abigosis, or would that be your
8 responsibility as supervisor?

9 A It would be both.

10 Q Both.

11 A The worker would be -- if the worker is expecting
12 notes and hasn't received it, they would be expected to
13 inquire to have the notes sent over. If it was brought to
14 my attention that those notes hadn't come over, then I
15 would have a responsibility to also follow up and make that
16 request. So it would be both responsibilities.

17 THE COMMISSIONER: And are we talking here about
18 notes from the family support worker and the, the social
19 worker?

20 MR. OLSON: Just from the family support worker.

21 THE COMMISSIONER: Just the family support.

22 MR. OLSON: At this point.

23 THE COMMISSIONER: Okay.

24 MR. OLSON: We could turn, please, to page 37070,
25 and that's from CD1795.

1

2 BY MR. OLSON:

3 Q Is this, is this a note that you made?

4 A Yes, it is.

5 Q And so that's your signature?

6 A Yes, that was my common practice, is if I typed
7 up a note that was placed on, on the file, I would sign the
8 typed copy to verify.

9 Q Okay. And this says October -- it says Kematch,
10 Samantha; October 30, 2000; PCF -- is that -- what does
11 that mean?

12 A PCF would stand for an abbreviation of phone call
13 from.

14 Q Okay. So phone call from Marie Belanger, seven
15 -- the number's there, and it says: "Left message on voice
16 mail -- please call re: Samantha Kematch." So she called
17 you and left a message?

18 A Yes.

19 Q Okay. And then you, you note that you call her
20 back the same day?

21 A Yes.

22 Q And it says:

23

24 "Contract for family support
25 expires October 30, 2000 -- things

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

11

12 What, what did that mean?

13 A Well, that note does indicate that I had an
14 approximate date that the new worker was going to be
15 getting. There may have been some lack of clarity around
16 the exact date, as I used the term "approximate."

17 It also indicates that I would, I would be
18 sending in the family support service agreement renewal for
19 a one-month transition period and that I would be available
20 in the interim; that the family support worker would be
21 monitoring and that after the consultation with the new
22 worker and an update that would be reviewed; that the
23 family support agreement and services may not be renewed
24 after one month, but it didn't necessarily mean they could
25 not be.

1 Q Okay. And in this particular case, knowing what
2 you know about it, would, would it ever be appropriate not
3 to actually keep the family support worker in place for the
4 duration of the service agreement?

5 A There would be -- there could be times where a
6 service agreement was in place, where that was one of the
7 conditions, but based on a review of the progress to date
8 that it was determined that the, the in-home supports were
9 no longer required, there might be other resources that the
10 family was accessing or there could have been other changes
11 to circumstances. So each one can be unique and,
12 certainly, they can end before the end of the service
13 agreement.

14 Q Okay. But in this particular case -- because you
15 would have known, you would have known the facts leading up
16 to this, in this case would it have been appropriate to not
17 continue with that support worker service agreement for the
18 duration of the service agreement?

19 A I believe that when the service agreement was put
20 into place that there was an expectation that family
21 support services would be put into place for an initial
22 three-month period of time, during which time there would
23 be ongoing evaluation and a reassessment to determine what
24 was needed. There is possibility that support services
25 could possibly need to be increased; it may need to be

1 decreased. The, the purpose and the function of the
2 support worker may change over time. So all of those are
3 to be re-evaluated.

4 The one-month extension to that was to allow for
5 a new worker to come in and do a review and get updated
6 information to determine what, if any, further services are
7 required. There was no expectation that it was to be put
8 into place for a six-month period of time.

9 Q So there was no expectation.

10 A No, there was a three-month period of time that
11 had been agreed to even though the service agreement was
12 that we would be involved at least for a minimum of six
13 months under that service agreement.

14 Q Okay. And, and is that something that's
15 indicated somewhere in the file?

16 A The three-month period of time?

17 Q Yes.

18 A Could I have a moment to check?

19 Q Certainly.

20 A On document page 37073, that's a Winnipeg Child
21 and Family Services Family Support Request. That would be
22 the initial new request that was dated June 20th, 2000.
23 That was the initial service agreement that was put into
24 place to initiate the in-home support worker for the period
25 of time covering up to October 30th, 2000. And the purpose

1 of that is outlined in terms of supervising access visits,
2 as well as there's some indication that it was continued.
3 So this service agreement was in place up until that point.
4 The family -- the parents did sign off on the service
5 agreement.

6 Q But this, this was done prior to the service
7 agreement even being considered, right?

8 A Pardon me?

9 Q This, this contract, this was made prior to the
10 service agreement ever being considered.

11 A That's, that's correct. This was signed as part
12 of the ongoing case work while Phoenix was in agency care
13 and there were access visits and further assessment
14 occurring.

15 Q Okay. And the supervision that occurred by the
16 family support worker, if, if that's what you call the type
17 of work the support worker does -- and you, you tell me if
18 I'm wrong on that, but that, that supervision would have
19 been during the time that Phoenix was not in the care of
20 the parents, right?

21 A Between June --

22 Q At least until the --

23 A -- and September 5th, right.

24 Q Right.

25 A That would -- Phoenix would have been in the care

1 of the agency.

2 Q Okay. And so when this service agreement was
3 entered into, there must have been a determination that it
4 was important to consider -- important to continue that
5 support worker in place while Phoenix was actually residing
6 with the parents.

7 A Pardon me, could you repeat that?

8 Q So when the service agreement was being
9 considered, the six-month service agreement, one of the
10 conditions was that a support worker visit with the family
11 -- I think it's at least two times per week, right?

12 A That's correct.

13 Q And was the purpose of that to, to have that
14 support worker in place while the family actually was
15 caring for Phoenix or Phoenix was in their care?

16 A The support worker was initiated for the purposes
17 of supervising the visits prior to her coming into care.
18 Upon Phoenix returning, the support worker was continued in
19 order to provide concrete mentoring and role modelling and
20 education around parenting, with the parents in the family
21 home with Phoenix.

22 As there was an existing family support service
23 agreement in place that covered off that period of time,
24 there was no necessity or requirement to do a new family
25 support service agreement. And oftentimes what would

1 happen is that workers would meet with families and meet
2 with the support worker to discuss if there were some
3 changes to roles or responsibilities during that period of
4 time. If the hours didn't change or the period didn't
5 change, they might document those in their case notes, but
6 it wouldn't be on a, on a new form. They --

7 THE COMMISSIONER: And this one ran up to October
8 30th?

9 THE WITNESS: That's correct. This one covered
10 up to October 30th, 2000.

11 THE COMMISSIONER: Covering both her time in, in
12 care, foster home or wherever she was, and when she came
13 home initially.

14 THE WITNESS: That's correct, because that would
15 have been ongoing discussions with the assigned social
16 worker who would then talk about, with a plan to reunify,
17 what the focus of work should be at that time. It may be
18 different than what their, what their focus was during
19 supervised access at, at the office.

20

21 BY MR. OLSON:

22 Q Okay. But if we look, we look at the service
23 agreement that Ms. Greeley had put in place under -- and
24 this is on page 37074 -- under Role and Responsibility.

25 A That's correct.

1 Q Does this set out the roles of the support worker
2 and then the social worker?

3 A Yes, it does.

4 Q Okay. So is -- the support worker's roles, as
5 indicated here, would be:

6

7 "to provide modelling and
8 education regarding appropriate
9 parenting during access visits."

10

11 Right?

12 A Right.

13 Q So that speaks to access visits. And then it
14 says:

15

16 "to provide support and teaching
17 to [the] family in the home should
18 [the] child be returned to
19 parents."

20

21 A That's correct.

22 Q Okay. And then:

23

24 "to assist with assessing mother's
25 parenting ability by providing

1 information to social worker."

2

3 A That's correct.

4 Q Okay. But then the social worker's
5 responsibilities are "to assess mother and father's
6 parenting ability" and "to monitor access visits."

7 A That's correct, that's what it states.

8 Q And I think you told me yesterday that the
9 support worker could not be a proxy for the social worker
10 doing their monitoring assessment.

11 A That's correct. It's, it's an adjunct service
12 that can provide additional contact with the family but it
13 does not necessarily replace the worker's mandated
14 responsibility.

15 Q Okay. And I think you said -- and correct me if
16 I'm wrong, but I think you said in order for the social
17 worker to do the assessment that was required, the social
18 worker actually has to be there and see the parents and
19 meet with them.

20 A That would be a key part of informing their
21 assessment, would be to meet with the family, the parents,
22 the child.

23 Q And that's because a social worker has a
24 completely different skill set than a family support
25 worker.

1 A There are different roles and responsibilities
2 attached to the different positions. And within positions,
3 of course, support workers have a variety of different
4 skill sets. So that -- it may have some impact on the
5 skill sets, but more importantly, it's about there are
6 different roles and responsibilities attached to each of
7 those different positions.

8 Q Okay. But the family support worker, of course,
9 isn't trained as a social worker.

10 A There are -- there may be some support workers
11 who do have some training in that area, others that do not.
12 It's a variety of different backgrounds.

13 Q Is there any required training for a family
14 support worker?

15 A That would be something that the agency would
16 have to -- you would have a look at the agency requirements
17 for that particular position as to what required background
18 was necessary.

19 Q So as a, as a supervisor in this case, were you
20 aware of what Ms. Belanger's background was?

21 A In terms of looking at the, the matching of
22 support workers to the service request and the nature of
23 the service request, there was some reliance within the
24 agency and between service units that based on the
25 identified needs and what the agency's social worker is

1 requesting on the part of the support worker, that the
2 family support program would then look at matching
3 individuals who have that background, experience, or
4 knowledge.

5 So if we were looking at having someone who could
6 supervise visits or who could teach or mentor on parenting,
7 they would be looking to assign a support worker who had
8 that background that would match that service request. So
9 there was a matching that was done when those referrals
10 went over to the family support program, based on their
11 knowledge of their varied staff members.

12 Q But you as a supervisor, did you have knowledge
13 of Ms., Ms. Belanger's background?

14 A No, I would not at that time have known what her
15 credentials were or what she came into her position with.
16 It would be relying on the family support program in
17 knowing that and making an appropriate matching to our
18 service request.

19 Q But it's not something you were aware of.

20 A No, I would not know her background.

21 Q Can you tell me when the last time a social
22 worker would have been in Steve and Samantha's home before
23 Chief -- Ms. Chief-Abigosis first visited? Do you know how
24 long that had been?

25 A It would have been the last time that Kerri-Lynn

1 had made a home visit.

2 Q Okay. And do you know when that was?

3 A I'd have to look back at the notes that have been
4 provided. If you'd like --

5 Q Certainly.

6 A -- me to, I can.

7 Q Please.

8 A Based on the documents that I have been provided
9 to review prior to coming here today, the last one that I
10 can see in the, in the file where there's a documentation
11 of a home visit is on September 5th, 2000, that I can see
12 in the file.

13 Q So --

14 A Although I do note telephone conversations after
15 that time.

16 Q Okay. But in, in terms of the social worker
17 doing an assessment, I think you agree that the social
18 worker actually has to go and see the people, right?

19 A That would be one component of doing the
20 assessment, would be to meet in person with the family, to
21 attend the family home. An assessment doesn't occur
22 necessarily in just one meeting. There would be -- it
23 would be a process of gathering information, but that would
24 certainly be an important component of it.

25 Q When you -- is it a necessary component, you have

1 to meet --

2 A It would be an expectation --

3 Q Yeah.

4 A -- that that part of the, of the assessment had
5 also occurred, that they had met in person, met at the
6 home, had viewed the home, had seen the child in the home.
7 That would be an expectation.

8 Q I understand it would be an expectation but is,
9 is it a necessary part of doing an assessment?

10 A I believe the standards would speak to it and
11 that's generally -- those would be the program standards
12 that were in place. Standards have changed over time so
13 it's much more clear now in terms of what requirements
14 there are, but it's my recollection that that would have
15 been expected and part of standard practice, good practice.

16 Q But back, back when you were a supervisor, did
17 you have, have a view on as to whether it's necessary to
18 actually see the family to determine whether or not -- to
19 do an assessment?

20 A Yes, that would be part of my practice as a
21 supervisor. I would expect the social workers met with the
22 family and attended the home.

23 Q So it would be necessary, then.

24 A Yes.

25 Q Okay. And September 5th, that's when Phoenix was

1 returned home?

2 A That's correct.

3 Q Okay. And so from September 5th, 2000, when --
4 and, and when did the next worker see the family?

5 A According to the documents, it's -- it appears
6 that there was not a visit in the home by the assigned
7 social worker after the case had transferred from Kerri-
8 Lynn and, as I mentioned, it appears her visit in the home
9 was September 5th. Delores Chief-Abigosis was assigned on
10 November 14th. I can speak that I did not -- I had no
11 occasion to attend the home between Kerri-Lynn Greeley's
12 leaving, you know, departure and Delores's arrival. And it
13 does appear that the next contact in the home would have
14 been February 5th, 2001.

15 Q 2001. So from September 5th, 2000 to February
16 5th, 2001.

17 A Pardon me?

18 Q So from September 5th, 2000 until February 5th,
19 2001, there's no recorded contact -- face-to-face contact
20 by a social worker in the home.

21 A That would be what the documents show although
22 there would have been the in-home family support worker who
23 was attending the home who was also an agency
24 representative but -- on a biweekly basis up until mid-
25 December. So there was an agency personnel attending the

1 home, however, it doesn't appear that it was the assigned
2 social worker.

3 Q Not someone who could actually do an assessment
4 as required by the service agreement.

5 A That is one component in terms of meeting with
6 the family, viewing the home, viewing the child. The
7 assessment is not comprised entirely of just that
8 component.

9 Q Right.

10 A But in terms of them meeting that component of
11 the assessment, no, that would not have occurred during
12 that time then.

13 Q And that was an obligation -- I think you said
14 yesterday, meeting that component, that was an obligation
15 that the agency had to the family?

16 A That's correct. The agency was to continue to
17 assess the family.

18 Q And the, the scheduled assessment, the regular
19 contact, that certainly wasn't fulfilled by that gap.

20 A On the part of the social worker, it appears not
21 to have been, although it was -- the contact was being
22 fulfilled through the in-home support worker and the
23 agreement around their contact.

24 Q Right, as the support worker was fulfilling that,
25 that particular part of the service agreement.

1 A Right.

2 Q But that was a separate and distinct part than
3 the social worker's part.

4 A That's right.

5 Q Now, as, as supervisor, you would have known the
6 work that Ms. Greeley had done, right?

7 A That's correct.

8 Q And then you would have known when Ms. Chief-
9 Abigosis came on --

10 A That's correct.

11 Q -- and you have been aware that the family hadn't
12 been seen at least until Ms. Chief-Abigosis came on, from
13 September 5th, 2000?

14 A From the time that Kerri-Lynn Greeley had left
15 her position and Delores Chief-Abigosis began hers, I would
16 have been aware that I had not attended the home. I would
17 have documented that, had I done that. And that outside of
18 that, my other documentation that I did do, the record of
19 my telephone contact does indicate to me that I did record
20 my contact.

21 Q Right.

22 A So I would have been aware during that period of
23 time that there may not have been an agency social worker
24 attending the home.

25 Q And you were primarily responsible for the file

1 from when Ms. Greeley left until the new worker came on.

2 A That's correct, to respond to anything that may
3 have come up. Although I wouldn't have provided direct
4 services, my usual practice would have been to have a
5 covering social worker deal with anything that came up
6 under my direction.

7 Q But you didn't -- there was no one in place to
8 fulfil the terms of the service agreement at that point.

9 A There were, there were other aspects to the
10 service agreement that were being fulfilled. In terms of
11 the contact with the assigned worker -- social worker --
12 that was not being fulfilled as there was no social worker
13 in that position until November 14th.

14 Q But that, that assessment provision by a social
15 worker, that was an integral part of that service
16 agreement?

17 A That was an important part of the service
18 agreement.

19 Q Why didn't you put someone in place?

20 A As I indicated yesterday, that in the process of
21 a worker leaving a caseload and in reviewing all of the
22 transfer recordings that would be brought forward, that
23 would be part of my review with the worker who was leaving
24 as to which families were sufficiently resourced and stable
25 that could await a new worker coming on because there was

1 monitoring going into the home and there were collaterals
2 engaged, for example, versus others that may not have had
3 those same circumstances and that would require an
4 immediate reassignment.

5 So that would have been the process of my review
6 of the cases, and in this case it had been determined that
7 there were sufficient resources going into the home, there
8 were collaterals that were engaged with the family, the
9 family was engaged with the collaterals, they were reported
10 to be stable. So at that point in time based on the
11 information known to me, it was seen that it could await
12 the new worker coming on.

13 Q Okay. Had you had some contact with collaterals
14 in that time period from when Ms. Greeley last saw the, the
15 clients? When the service agreement was first entered into
16 to when Phoenix was returned, did you have contact with
17 collaterals from then until the -- Ms. Chief-Abigosis came
18 on as the worker?

19 A I wouldn't be able to speak to that other than
20 the notes that have been provided to me. I know that I did
21 take detailed notes on contacts that I did have. I see
22 that I did have one contact with the in-home support
23 worker --

24 Q Okay.

25 A -- but I do not have access to my supervisor

1 notes, so I'm unclear if there were any others.

2 Q Okay. So those supervisor notes that we know
3 are, are gone, missing somewhere.

4 A I've been advised that they're not available.

5 Q That -- if, if you had contact, you would expect
6 it to be in the supervisor notes, not in the file?

7 A No, those notes would have been in my supervisor
8 notes.

9 Q Okay. You wouldn't have put them in the file as
10 well?

11 A No, I would not have.

12 Q Why did you put the note with Ms. -- with the
13 support worker in the file?

14 A I don't know how that got into the file. This
15 would have been -- that was what some of my notes look like
16 in my supervision binder. I would have put a copy of the
17 family support service agreement in the file.

18 Q What other sorts of -- would there be other
19 contacts of notes that you would have put in your
20 supervisor file?

21 A There would have been copies of emails that I
22 would have sent to social workers or others, supervisors,
23 et cetera. So sometimes communication was done via email.
24 I would put a copy of those notes in my supervisor files as
25 well for my records so that I -- the supervisor notes were

1 records for myself in terms as well of what, of what I'd
2 been doing with contact on the case or supervision on the
3 case, so I would have kept copies of those kinds of emails
4 as well.

5 Q But if it's, if it's -- some of that would be
6 important contact, like with collaterals, for example?

7 A It may be.

8 Q And if, if the file was transferred out of your
9 unit -- for example, the family moves or whatever --
10 wouldn't it be important to have that record on the file?

11 A Yes, it would be.

12 Q And how would it get on the file if it was in
13 your supervision notes?

14 A It wouldn't.

15 Q Wouldn't, okay.

16 A They were not put onto the file.

17 Q I just -- if you could -- I think you may have
18 said this already, but the gap in time that we talked about
19 before from when Ms. Greeley left until when Ms. Abigosis
20 actually saw the family, did you say that that was not good
21 practice?

22 A I'm sorry, between when Ms. Greeley left in
23 October?

24 Q Right.

25 A And when ...

1 Q Ms. Chief-Abigosis actually saw the family on --

2 A Well --

3 Q -- February 5th, 2000.

4 A That, that period of time of a gap and the lack
5 of contact would not be accepted practice or good practice.

6 Q Okay.

7 THE COMMISSIONER: That's the gap from September
8 5th to, to February 5th.

9 THE WITNESS: I think that he was referring to
10 October, but the last contact was in September in the home
11 by Ms. Greeley.

12 THE COMMISSIONER: Yes.

13 MR. OLSON: Yes.

14 THE WITNESS: But if we go from that period of
15 time to February 5th, then I would agree that was not
16 acceptable practice.

17

18 BY MR. OLSON:

19 Q Okay. And in terms of the responsibility for
20 that gap -- and I appreciate you weren't the supervisor --
21 well, you were the supervisor for that whole period.

22 A That's correct.

23 Q Okay. And so were you ultimately responsible for
24 that gap?

25 A I -- in terms of being a supervisor assigned to a

1 team of seven workers, with each carrying between mid-
2 twenties and mid-thirties of caseloads, it's not possible
3 to know what is happening on every case every day. So
4 workers are responsible, and my job as a supervisor is to
5 ensure that they are aware of their responsibilities in
6 terms of expected practice and expected case plans. To
7 some degree supervisors need to trust their social work
8 staff that they are carrying out those activities, and if
9 they're having difficulty in doing so or are needing
10 further direction, to bring that back to a supervisor to
11 get further clarification.

12 So my practice would have been in meeting with
13 Delores on November 14th is to review that case with her,
14 to talk with her about what the primary issues or what the
15 initial plan was moving forward. And to -- my expectation
16 would have been that she was now carrying that out and, and
17 that if I don't hear otherwise, my expectation was that she
18 was carrying that out.

19 Q Okay. But you, but you actually had, you
20 actually had conduct of this file before Ms. Chief-Abigosis
21 took it on, right?

22 A I had contact on this file?

23 Q You had conduct of the file. It was considered
24 your file up until Ms. Chief-Abigosis took it on.

25 A I was continuously assigned as supervisor on the

1 file since July.

2 Q Right.

3 A That was my role with this case, and as I had
4 mentioned yesterday, it was the usual practice of the
5 agency that, in the interim, if the file is not being
6 reassigned to another social worker and it's waiting a new
7 worker, it's assigned as worker and supervisor to the
8 assigned supervisor. So within the records, I was assigned
9 as worker-supervisor, I was responsible to ensure that
10 there was a plan in place, but I did not do direct service
11 as a social worker during that period of time.

12 Q But during that period of time who is responsible
13 to make sure that the clients were being seen and assessed?

14 A That would have been my role as supervisor to
15 ensure that there was an adequate case plan in place, which
16 in this case I do believe there was. There were
17 collaterals, there was the in-home support worker, and my
18 understanding is they were aware that the prior worker had
19 left, they were aware that they were to contact the
20 supervisor. There is indication that Marie Belanger did
21 contact me with questions around the service contract. So
22 in that regard I would attend to anything that was brought
23 to my attention during that period of time awaiting the new
24 worker.

25 Q So the, the time period where there was no worker

1 and no one's going -- no worker's going out to do the
2 assessment, are you saying you weren't responsible for the
3 lack of seeing the client at that point?

4 A There was no expectation that I would be out
5 attending the home as the supervisor. There was an
6 expectation that there was an acceptable plan in place
7 during that time that ensured that the family was being
8 seen and was still engaging and working towards progress on
9 a case, and those were being carried out by other
10 individuals that had been part of the case plan up to that
11 point and carried on beyond that point. So there was
12 several individuals that were involved. So there was --
13 that was not the expectation, that I would be complying
14 with the ongoing contact with the family in the home.

15 Q I know you said there were several individuals
16 involved but so far, I believe -- and you'll maybe clarify
17 it -- the only individual, individual that was involved
18 would have been the family support worker.

19 A My understanding is that they were still engaged
20 -- the family was still engaged with other collaterals in
21 the community, that they still had a relationship with
22 Nikki Taylor, that they had contact with the income and
23 assistance department as well around financing, that there
24 were a number of other people that were in, in contact with
25 this family on a regular basis and that if concerns would

1 arise that they would contact the agency.

2 They didn't necessarily even have to contact
3 myself as the supervisor. They could have contacted the
4 agency intake department and it would have been re-routed
5 to my attention. So if there were any concerns, that those
6 would be brought forward, but there were already a number
7 of different people who already working with the family,
8 were continuing to work with the family, so it was stable
9 at that point.

10 Q And that -- was that information based on what
11 Ms. Greeley reported to you?

12 A That would have been information that would have
13 been reported by Ms. Greeley and it would have been
14 reported -- I would have had a direct report from the
15 family support worker who was in the home on October 30th.
16 I had that report from, from her as well.

17 Q But did that report include any information about
18 other collaterals?

19 A That -- the October 30th report was directly from
20 the in-home support worker who was in the home biweekly.

21 Q Right, I know, but you've said that there'd been
22 all these other people in contact. I'm just trying to get
23 to the source of that, that knowledge at that time.

24 A That was knowledge that was provided to me at the
25 point of case transfer and contained within the information

1 from Kerri-Lynn Greeley that these were all individuals --
2 they're noted in the transfer recording; their involvement
3 is noted there as well. So that would have been all
4 information that informed me as of mid-October.

5 Q So as of mid-October until when you became
6 responsible for the file, your -- the information that you
7 have -- the only information you have would have come from
8 whatever Ms. Greeley told you mid-October?

9 A The information I had in mid-October would have
10 been based on her transfer recording, which was quite
11 detailed and comprehensive and it outlined all of the
12 information involving our intervention with the family and
13 it would have involved all of our prior discussions. I
14 don't have my supervisor notes and I don't have independent
15 recollection to know what other information had been
16 shared, but I would have definitely had whatever you can
17 see within the transfer summary, which is quite
18 comprehensive as well.

19 Q Okay. Things between that period of time might
20 have changed for the family?

21 A Between October -- mid-October and mid-November?

22 Q Right.

23 A It is possible that they could have changed.

24 Q And you don't know if those supports stayed in
25 place or not, other than the family support worker.

1 A What I do know is that the family support worker
2 stayed in place, but I don't know that the others did.

3 Q Okay. Now, you said when you took the file there
4 was a case plan. You, you looked at the case plan to
5 determine if it was reasonable and that was what your, your
6 role essentially was at that point.

7 A At the point that the transfer recording was
8 prepared, I would have had prior involvement in the
9 development of that case plan and been very aware of what
10 that case plan was --

11 Q Okay.

12 A -- having that involvement.

13 Q So let's take a look, then. You have some notes
14 that are called -- now, these -- I think these are the only
15 notes we've ever seen like this where they're called
16 supervision notes, and according to Ms. Chief-Abigosis
17 these were your notes, and --

18 A That's correct.

19 Q So you know which notes I'm talking about, then.

20 A That's correct.

21 Q Okay. And just to take you to them, the notes
22 begin at page 37016. And do you know when -- you'll see
23 that there is a date on these notes at page ... The top of
24 page 37022, so that's several pages in. Says, Supervision,
25 February 5, 2001.

1 THE COMMISSIONER: Just a minute. Go to the
2 first page; I want to see what the heading is on this
3 document.

4 MR. OLSON: Sure. The first page is 37016.

5 THE COMMISSIONER: Where's the description of
6 what this is?

7 MR. OLSON: If you look at the bottom of the
8 page, Mr. Commissioner, there's -- in some very small type
9 it says Kematch, Samantha, Supervision?

10 THE COMMISSIONER: Yes.

11 MR. OLSON: And then it's got Kematch file
12 number, I believe, and Ms. Chief-Abigosis told us yesterday
13 that these were notes that this witness took during or
14 after supervision with her.

15 THE COMMISSIONER: All right.

16

17 BY MR. OLSON:

18 Q And, and I've just described that, Ms. Balan; is
19 that accurate?

20 A I'm just trying to reference which page you're
21 looking at as the starting page.

22 Q 37016.

23 A Thank you, I found that.

24 Q Okay. Is that the starting page?

25 I, I notice that these are undated up until page

1 37022.

2 A That would appear to be the starting of these
3 notes.

4 Q Okay. And then the date, is it -- were these all
5 created February 5th, 2001?

6 A No.

7 Q When were they created?

8 A I can maybe perhaps provide some information as
9 to how I structured my supervision notes so that it can
10 hopefully make a little bit more sense in terms of what
11 they look like. In terms of the supervision notes on this
12 case, what it appears that I did -- and I have done this on
13 many occasions -- is that when a case is transferred to a
14 new worker, the best type of recording that's available to
15 a supervisor is a transfer recording that's provided by the
16 worker. It has a good summary of all of the agency
17 information within one document, rather than trying to
18 reference a number of different documents.

19 So at times what I would do for my own benefit is
20 that if there was a very good transfer recording that was
21 available to me as a supervisor, I would pull that over
22 into my supervisor's notes so that I had ready access to
23 that document if I ever wanted to refer back to.

24 So the structure of the supervision note shows
25 that, that I had pulled out some information that was

1 actually contained in Ms. Greeley's transfer recording and
2 had added that into my supervision notes because I felt it
3 was an important document and important information to have
4 there. So that would remain in my supervision notes for as
5 long as I would have the file open to me. At some point
6 within my notes and within my binder of notes there would
7 be that transfer information there at some point.

8 Q Okay.

9 A So that was done usually at a one time point in,
10 in time.

11 Q Okay. So for this -- these notes here, then --
12 and I thank you for that; that was something I was going to
13 ask you to confirm. It looks like up to about page --
14 around 37021 --

15 A Right.

16 Q -- that looks basically like a cut and paste from
17 Ms. Greeley's transfer summary into these notes.

18 A That would be the best way to describe that.

19 Q Okay. And, and so would you have done that when
20 you start your supervision notes? Is that the first thing
21 you do is cut and paste and then you start your notes that
22 way?

23 A No, it would depend on the nature of the
24 involvement. So during the course of involvement, if a
25 worker left during that period of time, I may go in and

1 then insert that transfer recording in my notes. But if a
2 worker hasn't left, then my notes would not necessarily
3 have the same information. It would have -- it would be a
4 continuation of the prior supervisor's notes.

5 So as I indicated, there would have been notes on
6 this case left by the prior supervisor and that I would
7 reference, and I would have likely continued on documenting
8 my notes as a continuation. But at the point that the
9 transfer occurred, I felt it was important for my own
10 information to have that information available to me and/or
11 covering supervisors so that it wasn't -- was easy to
12 access out of the supervisory note. So they don't always
13 look like this, only in cases where there was a transfer or
14 a closing at some point.

15 Q Okay.

16 THE COMMISSIONER: And, and this note covers what
17 period in time?

18 THE WITNESS: The, the history of involvement
19 would have been a cut and paste from the transfer summary.
20 There might have been other notes on my contacts with Ms.
21 Greeley before this point in time. It would have been in
22 my supervision notes some time around the case transfer
23 period.

24 THE COMMISSIONER: And this document was
25 completed prior to the next social worker coming on board?

1 THE WITNESS: Yeah, it would have been completed
2 in October 2nd, I believe, 2000, by the worker. I would
3 have inserted that into my -- copied it into my notes some
4 time after that date, and then where the -- where it became
5 important would be looking at the case plan that was
6 discussed. And usually I did date my case plans so that I
7 knew which supervisory meeting I had developed what case
8 plan with the worker.

9 THE COMMISSIONER: So this, this set of notes
10 took you up to what date, approximately?

11 THE WITNESS: Well, there --

12 THE COMMISSIONER: Or, or was this the whole time
13 you were in the supervisory role?

14 THE WITNESS: This particular note?

15 THE COMMISSIONER: Yes.

16 THE WITNESS: These notes would have been a
17 continuation of the entire time that I was in the
18 supervisory position. It might have looked different prior
19 to this document because I wouldn't have had this transfer
20 summary at that time, so they would have been -- there
21 would have been other notes in my supervisory notes.

22 THE COMMISSIONER: They're the ones we no longer
23 have.

24 THE WITNESS: That's correct. And then with
25 regards to this document having this information, I felt it

1 was important to add to my notes because it was a really
2 good summary either for myself or for a covering supervisor
3 so I would have cut and pasted it into my own notes. So
4 this would have appeared in my notes around middle of
5 October.

6 THE COMMISSIONER: Thank you.

7

8 BY MR. OLSON:

9 Q And so this is just one small part of your notes,
10 then.

11 A That's correct.

12 Q Okay. And if we had your original notes, there
13 would be a number of other notes related to this particular
14 case?

15 A That would be what I would expect to be there.

16 Q Okay. And those would not just only be your
17 notes, but the notes of the worker before you, the
18 supervisor before you.

19 A That's correct. If it had been open prior, there
20 would have been other notes from the --

21 Q Okay.

22 A -- from the previous supervisor.

23 Q And just so it's clear, the supervisor before you
24 would have been Lorna Hanson?

25 A That's correct.

1 Q Okay. And we haven't heard from her yet, so
2 we'll confirm that with her. But these notes that we're
3 looking at now, just so I understand, the first five or --
4 five and a half pages, those are simply Ms. Greeley's
5 transfer summary when she stopped working in your unit,
6 copied and then pasted into your notes.

7 A That's correct.

8 Q Okay. And so none of this information in those
9 first five pages is really representing anything you did on
10 the file other than cut and paste the notes.

11 A It only represents that I thought it was
12 important and that I should have ready access to this
13 information.

14 Q Okay. And you said, I think, because it was a
15 particularly good transfer summary, so helpful to you.

16 A Yeah. And, and in most cases, transfer summaries
17 had, had sufficient information that were very good records
18 of agency involvement.

19 Q It's important because it gives you a background
20 of the case for when you meet with the worker to talk about
21 the case, then?

22 A It helps me refresh my memory as to significant
23 information in the history of involvement, so it's a ready
24 document to refer back to. Sometimes cases may be open for
25 extended periods of time where you may want to look back on

1 some of that. Also, due to the number of cases, it is
2 important to have information to refresh you to the
3 specifics of the case.

4 Q Okay. And so would you have spent some time with
5 these first five pages before the supervision session?

6 A I would have been familiar with it having just
7 read the transfer recording, having met with Kerri-Lynn
8 Greeley in preparation of her leaving. So this information
9 likely would have been fairly fresh in my, my recall, in my
10 memory --

11 Q Okay.

12 A -- when I was meeting with Delores.

13 Q Okay. And so -- and then -- now, you said, I
14 think yesterday, you had -- you recalled two supervision
15 sessions with Chief-Abigosis, one in December and then one
16 in February?

17 A When I reviewed the documentation, I did see that
18 there were two supervisory contacts or notes that for some
19 reason had made their way into the case file and one of
20 those I believe was on November 14th, 2000. It appears
21 that I met with her on that date to review the file.

22 Q Okay, just --

23 A Or to review the case, I should say.

24 THE COMMISSIONER: That's the day the file was
25 assigned to her.

1 THE WITNESS: That's what it appears to be. It
2 also does document that I spoke with her about the case on
3 that date. And then I did see another note that was dated,
4 I believe, February 5th, 2001, that would also be appearing
5 out of my supervisory binder or notes.

6

7 BY MR. OLSON:

8 Q Okay. And so then if you look at page 37021 --
9 you have that in front of you?

10 A Yes.

11 Q This says case plan -- you see the heading the
12 middle of the page, "Case Plan (Upon transfer to Delores
13 effective November 14, 2000)"?

14 A That's correct.

15 Q Would that represent the first meeting you had
16 with her when the case was assigned?

17 A Right, that would represent that essentially I
18 had talked with her about this case, had gone through
19 specifically the area about where the case plan was at that
20 particular time. It would have been the expectation that
21 she review her entire physical file in addition to just
22 having the information about the case plan. But that
23 certainly was what's reflected in these notes, is that I, I
24 did review that that's where the case plan was at this, at
25 this time.

1 Q Okay. So you would have reviewed that with her,
2 and that would have also been the case plan you reviewed
3 from Ms. Greeley when she transferred the file.

4 A That's, that's correct. And that the case plan
5 has remained the same, essentially, since the transfer
6 summary. It still is in that same place at the point that,
7 that Delores has been assigned.

8 Q Okay. I do want to take a look at that, but
9 before I do that I just want you to turn -- if we could
10 turn to the next page, 37022. Now, the top here -- and
11 this is what I'm hoping you can clarify -- it says,
12 "Supervision - February 5, 2001"?

13 A Right. That would be the date that it occurred.

14 Q Okay. And are these, are these consecutive
15 pages? In other words, page 37021, the events, the meeting
16 that happened on November 14th, 2000; the next meeting you
17 had with Delores about this case and supervision was
18 February 5, 2001?

19 A That's unclear. There may be other notes that
20 were present. These are two notes that typically would not
21 have ended up on the family file.

22 Q Okay.

23 A But appears to be where they were located within
24 the case file.

25 Q Do you have any idea as to why these notes in

1 particular are on the case file and the other notes are
2 not?

3 A I don't have any idea in particular. I do know
4 that at times I would provide copies of my notes to
5 workers, particularly if there was a fair amount of
6 information or, or case plans, that type of thing, if they
7 wished to review that themselves so that they could have
8 the concrete information that we discussed. So it is
9 possible that I had given her a copy of my note, that ended
10 up in forming or becoming part of the file.

11 Q Okay. And that's just a guess on your part, your
12 best, best guess.

13 A I know that my practice at the time was dependent
14 on what was being discussed, how complicated or complex it
15 was, how specific it was, that workers would either ask for
16 a copy of my note or they may -- or I may provide one, and
17 it was just as some additional resource information.
18 Workers at times also were expected to make their own notes
19 from supervision in their case notes, and I think we have
20 seen some evidence of that in Kerri-Lynn Greeley's case
21 note taking where she has actually documented, from her
22 perspective, the supervision that she had. I would have
23 other notes within my notes regarding those same events,
24 but those have not been made available.

25 Q Do you know if, if there was more supervision

1 with Ms. Chief-Abigosis on this file than what's recorded
2 here, these two, February -- no, sorry, November 14th, 2000
3 and February 5th, 2001?

4 A I would not know that without being able to check
5 my notes.

6 Q So it's possible that those were the only two
7 times that you had this case brought up in supervision with
8 Ms. Chief-Abigosis.

9 A That could be possible.

10 Q And you've reviewed Ms. Chief-Abigosis's notes
11 and you've reviewed your own notes. Did you see any other
12 indication of supervision sessions where this case was
13 discussed?

14 A I did not see anything within the file that would
15 indicate that there was formal supervision that occurred
16 where notes would have been taken.

17 Q Okay. Just in terms of the case plan -- if you
18 go back to 37021, this appears to be a reproduction of Ms.
19 Greeley's case plan when she transferred out. Is that --
20 do you agree with that?

21 A The case plan at that time was based on the six
22 points of the service agreement that was put into place.

23 Q Okay. And so it says:

24

25 "Given the family's gains and

1 personal improvements are still
2 fairly new, the parents are
3 required to follow all of the
4 conditions outlined in the service
5 agreement they signed on September
6 5, 2000, it is to be reviewed in
7 six months. The following is a
8 list of those conditions."

9

10 And then we've been through all of these.

11 In terms of meeting with Dr. Altman, were you
12 aware that that had already been done?

13 A Yes, I would have been aware from reading the
14 October transfer recording as well as from speaking about
15 that with Kerri-Lynn directly.

16 Q And there's no indication in the case plan itself
17 that that part of the case plan had changed, is there?

18 A No, this is just simply a review of what were,
19 were all of the conditions that were outlined within the
20 service agreement. It didn't indicate any progress report
21 on each of the items separately.

22 Q And you were satisfied, you said, that there was
23 a good case plan in place when you had conduct of the file
24 after Ms. Greeley left.

25 A Yes, I was satisfied that it was an appropriate

1 plan in place.

2 Q Okay. And in terms of that case plan actually
3 being carried out, do -- was Ms. -- the last time that Ms.
4 Greeley had any contact -- direct contact with the family
5 would have been September 5th when the case plan was first
6 -- when the plan was first signed.

7 A That's correct.

8 Q Had anything been done to carry out that case
9 plan between then and before you assigned Ms. Chief-
10 Abigosis with the case?

11 A Well, certainly the assessment with Dr. -- or
12 consultation with Dr. Altman did occur after September 5th,
13 on September 13th, I believe, 2000.

14 Q Okay, so that --

15 A So --

16 Q That had been satisfied.

17 A So that had been satisfied --

18 MR. MCKINNON: Mr. Commissioner, I just wanted to
19 stand on one point. I think Mr. Olson may have misspoken
20 himself; I'm not a hundred percent sure. But the witness
21 earlier said there had been no visits by the case worker in
22 the family home since September 5th. I don't think she'd
23 said there'd been no contact since September 5th. I just
24 wanted to correct that.

25 MR. OLSON: Yeah, that -- and that's -- sorry if

1 I misspoke. That's what I meant, no, no actual contact.

2 THE COMMISSIONER: No --

3 MR. MCKINNON: No, that, that's --

4 MR. OLSON: Sorry --

5 MR. MCKINNON: -- the point I raise --

6 MR. OLSON: -- no face-to-face contact.

7 MR. MCKINNON: There was no face-to-face contact
8 but there may have been telephone contact, including the
9 meeting with Dr. Altman --

10 MR. OLSON: Altman, in the office.

11 MR. MCKINNON: -- where there was evidence that
12 they were together.

13 MR. OLSON: On the 13th.

14 THE WITNESS: I, I believe that I was responding
15 to -- my understanding of the question was whether or not
16 the assigned, the assigned social worker had seen the
17 parents in, in the home or had attended the home between
18 that period, and that had been my understanding, that
19 September 5th, 2000 was the last time that Kerri-Lynn
20 Greeley was in the home and that it did not appear that
21 Delores Chief-Abigosis -- or that there was any other
22 contact until February 5th, 2001. So that, that had been
23 what I was trying to indicate in response --

24 MR. OLSON: Right.

25 THE WITNESS: -- to that type of question.

1

2 BY MR. OLSON:

3 Q And just so it's clear, there was some face-to-
4 face contact, I think it was on the 13th of September, when
5 Samantha Kematch and Steve Sinclair and Phoenix attended at
6 the office to be assessed by -- or Samantha Kematch was
7 assessed for her depression with Dr. Altman.

8 A That's correct, she was present for that.

9 Q Or a concern of depression.

10 A Right.

11 THE COMMISSIONER: Now, are you at a -- you going
12 to be through soon or --

13 MR. OLSON: I think it would be a good -- maybe
14 it's a good time to break before I go through these parts
15 of the service agreement.

16 THE COMMISSIONER: All right. We'll take a 15-
17 minute mid-morning break now.

18 You can leave the stand, Witness.

19

20 (BRIEF RECESS)

21

22 BY MR. OLSON:

23 Q Just looking at the case plan on 37021, we were
24 going through -- I was going through -- I was going to go
25 through each point and see what, what the status was. So

1 we talked about Dr. Altman. That had been completed.

2 A That's correct.

3 Q And you, you -- were you aware of what had
4 happened with that -- with what the outcome of that
5 assessment was?

6 A Yes, I would have been aware.

7 Q Okay. And did that satisfy whatever requirement
8 there was to have that assessment done? Was that
9 satisfactory to you?

10 A It would appear to have been satisfactory.

11 Q Okay. And did it answer in your mind why
12 Samantha Kematch had a flat affect?

13 A Yes, I believe that Dr. Altman spoke to that
14 being part of her, possibly, communication style and her
15 history.

16 Q And that was, that was sufficient.

17 A That was sufficient at that time.

18 Q Okay. The second point we've talked about, that
19 was:

20

21 "Samantha and Steve will work
22 cooperatively with the Agency and
23 home support worker and will meet
24 with her at least two times
25 weekly."

1

2 A That's correct.

3 Q And that was -- the status of that when you
4 transferred the file to Chief-Abigosis?

5 A That was ongoing, that the in-home support worker
6 continued to meet biweekly and the family was engaging.

7 Q Okay. And, and the, the report from the in-home
8 support worker was that it was -- it seemed positive and
9 she'd like to continue if possible?

10 A That's correct.

11 Q Okay. And then we have:

12

13 "Samantha and Steve will work
14 cooperatively with the Agency
15 Family Services Worker; this
16 includes meeting with the worker
17 on a regular basis and allows the
18 worker access to the family home.
19 Samantha and Steve will also
20 cooperate with the Agency worker
21 regarding further exploration of
22 issues related to substance abuse
23 and family violence."

24

25 That seems to be, really, two conditions in, in

1 one paragraph.

2 A That would be what it looks like.

3 Q Okay. And so the, the condition with respect to
4 the worker meeting with the family and Samantha and Steve
5 cooperating with that worker, was that -- where was that
6 at?

7 A That would have been hold pending the new worker
8 coming on, and would be expected to carry forward with the
9 new worker being assigned.

10 Q Okay. And we've spent some time going through
11 that, and the only time the worker had gone to the home of
12 Samantha and Steve was on the date this agreement was
13 signed, by this point.

14 MR. MCKINNON: Mr. Commissioner, my concern is
15 we, we have gone through that, and I would say we've gone
16 through it three or four times and I just don't see the
17 point in asking that question again.

18 THE COMMISSIONER: Yes, I think that's right.
19 What you're trying to do now is to run down one to six, but
20 I think areas that we've covered, there's probably no need
21 to reinforce.

22 MR. OLSON: That's fine.

23 MR. MCKINNON: Thank you.

24

25 BY MR. OLSON:

1 Q We've also then covered the point about the
2 family violence issues.

3 A That's correct. I had mentioned the telephone
4 call that was the first attempt, but that would have
5 continued on to be explored.

6 Q So at this point that was ongoing.

7 Now, the next condition I'm, I'm curious about
8 and I don't think we talked about it yesterday.

9

10 "Samantha and Steve will attend
11 and participate in a parenting
12 class that focuses on issues
13 related to child development."

14

15 That, that's a condition you discussed with Ms.
16 Greeley before putting it into the service agreement?

17 A That's correct.

18 Q Okay. And when, when that happened, wasn't it
19 the case that there was already indication that Samantha
20 and Steve had completed a parenting program even before the
21 service agreement?

22 A I would have to look at the documents. I do know
23 that there was programming that they had gone into and
24 participated in. During the course of the service
25 agreement we would include not only ones that were still to

1 be completed, but also expectations that they may have
2 already started with or engaged in as part of that service
3 agreement. So it was meant to be a comprehensive agreement
4 that covered all areas. So I would have to look at the
5 documents to determine, in fact, which ones had been
6 completed prior to, at the time of, or shortly after, or
7 ongoing. But it would have been an expectation to deal
8 with the identified concerns that the parenting program be
9 taken.

10 Q Well, if you look at just -- in the same document
11 under the, the -- when you cut and paste Ms. Greeley's
12 transfer summary, page 37019, see the paragraph beginning,
13 "Through May to August"?

14 A Yes.

15 Q So:

16

17 "Through May to August the
18 couple continued to visits with
19 Phoenix on a weekly basis ...
20 10:30 am to 12:30.... It was also
21 learned from Nikki Taylor that
22 they continued to attend the Boys
23 and Girls Club's summer
24 programming, they participated in
25 a program focused on job

1 training."

2

3 Sorry, that's the wrong reference.

4 Here it is, sorry. Same page, at the top where
5 it says, "By mid May." So that's:

6

7 "By mid May 2000" --

8

9 A Yes.

10 Q

11 "... the couple had started a
12 parenting support group at the
13 Andrew Street Center, they
14 attended every week for eight
15 weeks and completed the program."

16

17 A Yes, that's what it does say.

18 Q Okay. And so I just want, want you to clarify,
19 if you can, the, the program that they completed prior to
20 entering into the service agreement on September 5th --

21 A Right.

22 Q -- was that, I take it, because it was still --
23 it was a new condition in the service agreement, so I take
24 it whatever they did before was not part of the service
25 agreement?

1 A No, it would have still be recognized within that
2 service agreement that in order to address the identified
3 concerns leading to Phoenix coming into care, there would
4 have been certain agency expectations that the parents
5 would have to complete. We would have still included that
6 into the service agreement. We would have considered the
7 past parenting program that they had taken as meeting that
8 condition. However, there's no -- there could be an
9 indication that further parenting education was required,
10 so because it's in a service agreement doesn't mean it was
11 outstanding or needed to be completed. At times we did
12 include expectations that would be required that may have
13 already been included, and then that would have been seen
14 as been completed if that was the case.

15 Q So even though -- I'm not sure I understand.
16 Even though it says they had completed the program prior to
17 even signing the service agreement, it was still made a
18 condition of the service agreement?

19 A Yes, it could have been. It could have been
20 either based on the, on the fact that that was an
21 identified concern that needed to be addressed in the
22 overall case plan of dealing with the identified issues,
23 and as such, if that was the case, it might have been
24 deemed to have already been completed. It also could have
25 indicated that further parenting programs were needed. I

1 can't determine that from this case note or from an
2 independent recollection. So it can be done for either
3 reason.

4 Q So does anything in the file, from what you
5 reviewed, tell you whether or not that condition had been
6 satisfied by the time Ms. Chief-Abigosis took over the
7 file?

8 A In terms of the information that I can recall in
9 reviewing, I don't see that that was still required at the
10 time that Delores Chief-Abigosis took the file. It may
11 have been already completed prior to the child being
12 returned home.

13 THE COMMISSIONER: Well, what does the preamble
14 to the agreement say as to what the document is intended to
15 be?

16 MR. OLSON: Well, if we want to take a look at
17 the agreement ...

18 THE COMMISSIONER: There must be a preamble to
19 it.

20 MR. OLSON: Yes, at page 37115.

21

22 "The above named child was
23 placed in the care of Winnipeg
24 Child and Family Services for a
25 period of four months to allow the

1 family time to address the issues
2 that lead to the apprehension of
3 the child. The parents have begun
4 to address those issues and the
5 plan is to return the child to the
6 care of her parents on September
7 5, 2000."

8

9 And it says:

10

11 "Over the next six months the
12 parents and the Agency will
13 continue to address the issues of
14 concern by following the
15 conditions outlined in this
16 agreement. The Agency and the
17 parents agree to the following
18 conditions as part of this Service
19 Agreement."

20

21 THE COMMISSIONER: And you're saying that, that
22 some of these conditions might have already been fulfilled
23 and this didn't imply that they were to take place
24 following the signature of the agreement.

25

THE WITNESS: That's correct. It would be the

1 overall issues that were related to needing to be addressed
2 in order to satisfy that the concerns that were -- the, the
3 reasons for the child coming into care had been satisfied.
4 So some of them may be in progress at the time the service
5 agreement was started, some of them may have been recently
6 completed, and some may still be outstanding.

7 THE COMMISSIONER: Thank you.

8 THE WITNESS: But as an entire picture, it should
9 cover all of the areas.

10

11 BY MR. OLSON:

12 Q Okay. The, the condition itself says -- number
13 four -- and this might help you. It says:

14

15 "Samantha and Steve will
16 attend and participate in a
17 parenting class that focuses on
18 issues related to child
19 development."

20

21 To me, that seems fairly specific. Is that, is
22 that something different than what it indicates they may
23 have taken?

24 A It may. I, I can't speak to that.

25 Q Do you know one way or the other whether that

1 condition had been satisfied by this time?

2 A I, I would not be able to recall that just
3 looking at these documents alone.

4 Q The next condition:

5

6 "Samantha and Steve will work
7 cooperatively with the public
8 health nurse as a method of
9 gaining information regarding
10 general health issues of [a small
11 child]."

12

13 Do you know where that was at?

14 A I'm not clear on where that was at, at this time.
15 It may have been still outstanding in September.

16 Q Okay. Then:

17

18 "The Agency ... will assist
19 [the couple] with identifying a
20 pediatrician to use for Phoenix's
21 routine medical issues."

22

23 A I believe that one was still outstanding.

24 Q Okay. During the time you were supervisor, do
25 you know if that was ever, ever satisfied?

1 A Not while -- I'm not sure that that occurred
2 during the time that I was still assigned as the
3 supervisor. I do know that I reviewed some documentation
4 that would have occurred shortly after my period of time,
5 that does provide information that that condition was being
6 satisfied.

7 Q Okay. Can you, can you tell me which document
8 that would be?

9 A Certainly. I can take a look for that.

10 I'm unable to locate it in a quick manner right
11 now. I do recall that there was some involvement with
12 Delores Chief-Abigosis around June, late June, early July
13 of 2001, where -- and I don't recall the actual document
14 but I do recall seeing that, where there was some
15 discussion that, that Steven Sinclair was utilizing Hope
16 Centre for medical care and Dr. -- I believe it was
17 Lipnowski was involved. So --

18 THE COMMISSIONER: Well, that document was on the
19 screen yesterday.

20 THE WITNESS: It was, and I can't recall what
21 document that was, but that's --

22

23 BY MR. OLSON:

24 Q That's --

25 A -- the document --

1 Q That's what you're referring to?

2 A That would be what I'm referring to, is that at
3 that time --

4 Q If we could put -- I believe that's in 37004.
5 We'll put that on the screen.

6 If you look on the screen in front of you, you'll
7 see that about midway -- the, the middle paragraph on the
8 page says:

9

10 "Steve stated that he takes the
11 children to 601 Aikins if there is
12 a need for medical attention and
13 that Dr. Lipnowski sees or he
14 would call Envoy for assistance
15 ..."

16

17 Who is -- Dr. Lipnowski, is, is he a pediatrician
18 or she a pediatrician?

19 A I believe so.

20 Q And so this, this note appears in the closing
21 summary prepared by Ms. Chief-Abigosis. Is that --

22 A That's correct.

23 Q Okay. Do you know when, when that would have
24 been created, when this particular note was created?

25 A According to the page that precedes it, it

1 appears that this note would have been dated July 6, 2001,
2 which would have been after my period of involvement.

3 THE COMMISSIONER: When did your period of
4 involvement cease?

5 THE WITNESS: My understanding is that Lorna
6 Hanson returned to her supervisory position as of June 1st,
7 2001.

8

9 BY MR. OLSON:

10 Q So this was after you were -- this is after you
11 were no longer the supervisor.

12 A That would be correct.

13 Q So then during your time, that condition had
14 still been outstanding as far as you knew.

15 A That would be an accurate statement.

16 Q Okay. Now, just going back to the page with the
17 case plan, that's 37021. Bottom of the page, it says:

18

19 "It is not yet known what the
20 outcome of the court case
21 regarding" --

22

23 And this is Samantha's first child.

24

25 -- "was. This could be further

1 explored with Samantha and/or Cree
2 nation CFS. Samantha has not
3 expressed any interest to this
4 worker in wanting to pursue having
5 him returned to her care."

6

7 Did you know what the status of, of that was at
8 the time?

9 A I believe I recall from reviewing the information
10 that the agency was going forward with a permanent order on
11 the oldest child, but we were unaware at the point of
12 Kerri-Lynn Greeley's leaving the agency as to the actual
13 status of the court proceedings.

14 Q I'm having a bit of trouble hearing you.

15 A Oh, sorry.

16 Q If you could pull the mic a bit forward? Thank
17 you.

18 So that's referring to the first child becoming a
19 permanent ward.

20 A That would be correct.

21 Q So you went over that case plan and the file
22 history with Ms. Chief-Abigosis when you assigned the file
23 to her?

24 A I would have gone over some of the history of
25 involvement and the case plan in particular, and my likely

1 practice would have been to have her review the entire
2 physical file that she would have access to.

3 Q Okay. And she took over Ms. Greeley's caseload
4 except for maybe a few cases. I think you told us that
5 yesterday?

6 A It appears that Ms. Greeley left with 26 cases
7 and Delores started with 22.

8 Q Right. Now, in terms of the complexity of the
9 cases that were assigned to Ms. Chief-Abigosis, was this a
10 more complex case or, or just sort of a standard case?

11 A This would be not considered a complex case at
12 the time. It would be something that the agency would
13 typically encounter with young parents.

14 Q So it wasn't an unusual case?

15 A It wouldn't have at that time appeared to be
16 unusual.

17 Q Okay. And when we -- we've looked before and I,
18 I'll just highlight -- I don't want to go over it again,
19 but we looked at Samantha Kematch's background and the
20 apprehension of the first child and, and we looked at Steve
21 Sinclair's background and being -- they're both being
22 permanent wards. Was that sort of the typical -- I don't
23 want to say typical, but was that a typical situation for
24 families?

25 A It's not uncommon for individuals involved with

1 the child welfare agency to have had a history of
2 involvement as children. There is an intergenerational
3 aspect to child, child welfare involvement.

4 Q Now, turning to the next page of the supervision
5 notes, 37022. Now, you said there may or may not have been
6 any other supervision for this particular case prior to
7 February 5th, 2001?

8 A That's correct.

9 Q Okay. Now, these, these notes, would they have
10 been typed by you while you were meeting with Ms. Chief-
11 Abigosis on February 1, or would they have been done at a
12 later time?

13 A They may have been typed at the time or they
14 might have been typed shortly thereafter.

15 Q And when they were typed, would you give them to
16 Ms. Chief-Abigosis for her review?

17 A No, typically they were put into my supervision
18 binder as a recollection for myself, unless a worker asked
19 for a copy or I felt that they -- a copy would be
20 beneficial because of the information shared. Then I would
21 provide a copy.

22 Q Okay. And you said before that's maybe how they
23 got into the file.

24 A That may be how they got into the file.

25 Q And under the heading Recent Involvement, what is

1 recorded there?

2 A That would have been my update that was provided
3 to me by Delores in terms of what had happened over the
4 course of that time since she had been assigned.

5 Q Okay. So this is meant to fill you in as
6 supervisor on what she had done on the case in terms of
7 furthering the case plan?

8 A Right. It would have been my gathering an update
9 on what's happened with the case.

10 Q Okay. So if we look through this it says:

11

12 "December 11, 2000 an
13 information package on the Kematch
14 family was faxed to Germaine Brass
15 - social worker for Cree Nation
16 CFS. I.e. Case summary etc.
17 Family Support Worker Marion
18 Belanger called the agency stating
19 that she feels that the couple is
20 doing quite well for young
21 parents. The Family Support
22 Agreement expired: November 30,
23 2000. Ms. Belanger stated that
24 the family has done quite well and
25 if the contract is renewed she

1 would like to be recommended for
2 the position. Marie stopped
3 working with the family at the end
4 of November 2000."

5

6 So that's the information that Ms. Chief-Abigosis
7 would have imparted to you orally during the meeting.

8 A That would be correct.

9 Q Okay. Was there any discussion then about
10 whether or not the family support worker should be
11 continued?

12 A That would be a part of our ongoing discussion.
13 These are not linear in terms of the discussion that
14 happened in the supervision itself, so while it may look
15 linear in this case, we might have been talking about a
16 number of things and identifying what needed to happen,
17 what information was known to us or known to the worker so
18 that we could move forward with the case plan. So ...

19 Q Okay.

20 A It looks linear but it's actually difficult to
21 describe as a linear process.

22 Q Okay. You've -- do you have any recollection of
23 whether or not you discussed keeping the family support
24 worker in the home at this point? Sounds like the contract
25 had already ended by the time this is written.

1 A It appears that the contract may have expired
2 during this time. In reviewing this file, it appears that
3 I was trying to gather information from the worker as to
4 what they had or had not done and what information they
5 knew or did not know.

6 Q Okay. But the specific question is, are you able
7 to recall whether or not you discussed with her the idea of
8 keeping the family support worker in the home?

9 A I, I can't recall independently.

10 Q Okay. Is -- how about with, with the help of a
11 note or reference you made?

12 A In looking at this note and in looking at what my
13 practice would have been, it appears that I was canvassing
14 her to find out what she had done on the, on the file since
15 she had been assigned. And in relation to the prior case
16 plan that had been identified, I was looking specifically
17 to what information did she know and what would she be able
18 -- what, what was she able to communicate to me in terms of
19 progress towards addressing all of the items in the service
20 agreement.

21 Family support -- I would have been canvassing
22 her for information around family support, what was
23 happening with the family support. And if at the time that
24 I felt that there needed to be a review of that, I would
25 have discussed that with her as well. So I -- if based on

1 the information that we were communicating was related to
2 the family support worker, I would imagine I would have
3 discussed that with her as well.

4 THE COMMISSIONER: And then would it be a logical
5 conclusion that you decided that further family support was
6 not required?

7 THE WITNESS: Well, based on my review of the
8 information that I've been provided to date and review of
9 the notes that I have, my impression of this contact is
10 that Ms. Chief-Abigosis did not have sufficient information
11 about the family, about the service plan, about the prior
12 progress to date, and with contact with the family, and
13 that I was instructing her to immediately begin collecting
14 that information so that she could then provide an
15 assessment with me on that. So while I was acknowledging
16 that family support appears to have lapsed, that certain
17 things -- where were things at with that, what kind of
18 activity did you have, my main concern would have been,
19 from what it appears, is the lack of contact.

20 THE COMMISSIONER: But do you know -- I take it
21 there was never a decision to extend the, the family social
22 worker's -- family service worker's contract beyond that.

23 THE WITNESS: The decision had been a one-month
24 extension to November 30th --

25 THE COMMISSIONER: Yes.

1 THE WITNESS: -- which I had approved, which was
2 to have been reviewed. It appears to have just simply
3 lapsed and the support worker ended without a conscious
4 decision being made to end that involvement. That does
5 appear to be what happened.

6 THE COMMISSIONER: Thanks, Witness.

7

8 BY MR. OLSON:

9 Q The, the reference to the information package
10 sent to Cree Nation, just want to take you to a letter;
11 it's at page 37024. This is still from CD1795. This is
12 dated December 11, 2000 and this is -- appears to be a
13 letter signed by you and Ms. Chief-Abigosis enclosing a
14 case summary for the file?

15 A That's correct.

16 Q Now, is that what is referenced in the recent
17 involvement?

18 A That's correct, that, that would be the December
19 reference that was included in the supervision update.

20 Q Okay. And so did you have any direct contact
21 with Ms. Brass?

22 A I didn't see any noted.

23 Q Do you have any recollection of speaking with
24 her?

25 A No, I don't.

1 Q Do you have any recollection of receiving
2 anything from her that you haven't seen in the file?

3 A In terms of the December 11th communication?

4 Q Just, just generally.

5 A I can't speak specifically to that, that I have
6 recollection.

7 Q No recollection. And the purpose of the
8 information that you were sending over to Cree Nation, what
9 was that?

10 A My understanding from reviewing the information
11 is that they were looking for information from our -- the
12 Winnipeg Child and Family Services agency on our
13 involvement with the family, that they had made a request.
14 I did see a note that there had been some telephone contact
15 between Ms. Brass and Delores Chief-Abigosis, and that we
16 had agreed to provide certain information. And that would
17 be what this letter is indicating, is that we sent that
18 information to that agency.

19 Q Do you, do you know what sort of contact Ms.
20 Chief-Abigosis had with Ms. Brass?

21 A I'm only aware of the notes that -- there were
22 some notes indicating that there was telephone contact
23 between Ms. Abigosis and, and Ms. Brass.

24 Q And if we could just briefly go to 37009, these
25 are the notes that Ms. Chief-Abigosis identified as her

1 case, case file recordings. And there's a reference to a
2 November 16, 2000 phone call from Germaine Brass at Cree
3 Nation.

4 A That's correct.

5 Q And then there's another indication there was a
6 message from Ms. Brass the next day. Are those the notes
7 that you're referring to?

8 A Those would be the notes that I'm referring to.

9 Q Okay. And is that the full extent of the notes,
10 that you're aware of?

11 A Yes, I didn't see any other notes.

12 Q Okay. And in terms of the actual discussion or
13 communication that Ms. Chief-Abigosis had with Ms. Brass,
14 this is, this is all you're aware of?

15 A That's correct.

16 Q Okay. Now, going back to page 37022, second
17 paragraph, still under Recent Involvement, says:

18

19 "Field to Ms. Kematch home on
20 February 1, 2001, there was no
21 answer at the residence on 740B
22 Magnus Avenue, left card to call.
23 It is not known at this time if
24 Samantha [has] followed-up with
25 Dr. Altman re: emotional stability

1 or if Samantha and Steven
2 completed an appropriate parenting
3 program. It is clear that they
4 did work [cooperatively] with the
5 in-home support worker and,
6 according to the support worker -
7 the parents did work with the
8 [public health nurse]. It remains
9 to be confirmed with [the public
10 health nurse] nature and extent of
11 involvement and if Public Health
12 [nurse] will continue to be
13 involved, also need to clarify if
14 parents have identified a
15 pediatrician for Phoenix."

16

17 So a few things on that. And I understand these
18 were the notes that you wrote based on your conversation
19 with Ms. Chief-Abigosis?

20 A Yes.

21 Q Okay. And so the reference to not knowing
22 whether or not Samantha followed up with Dr. Altman --

23 A Right.

24 Q -- do you know, do you know why that would -- why
25 that was here?

1 A I don't know why that was there but I, I could
2 make some surmises, is that it may have been an oversight
3 on my part as a supervisor and not having checked back on
4 my own notes to see that that had been completed.

5 Q Okay.

6 A It may have been that when I went through the
7 conditions that the worker was not able to confirm that for
8 me from her own understanding of the case, but it is clear
9 that it may have been clarified after that point that,
10 indeed, that had already been met because it's very well
11 documented.

12 Q Very well documented in --

13 A Yes.

14 Q -- Ms. Greeley's summary --

15 A Right.

16 Q -- as well as in the file itself.

17 A That's right.

18 Q So if you read through the file, that's something
19 to note.

20 A Right. So in reviewing those conditions at the
21 time in the case plan, then the worker may not have been
22 able to answer that question, I may not have looked back at
23 my notes, and so that would have been something that we
24 needed to clarify.

25 Q Okay. Now, what about the recording that, that

1 there, there was a field to the home February 1st, 2001?
2 Did that strike you as, as being the first attempt since
3 Ms. Chief-Abigosis was assigned the file, November?

4 A I don't know whether that was my recollection,
5 that it was the first attempt.

6 Q Okay. And then when it talks about the it's
7 unclear if they've completed an appropriate parenting
8 program, I take it you didn't know anything about that at
9 that point, either?

10 A Again, it's, it's looking at my conversation with
11 the worker. My impression is that I would have been
12 canvassing for the -- from -- for information from the
13 worker who might not been able to express that. Without my
14 looking back on my own notes to clarify and look to see for
15 that information, I may have been asking the worker to give
16 me an update when I was writing that information.

17 Q Okay. And then it says:

18

19 "It [was] clear that they did work
20 cooperative with the in-home
21 support worker and ... the parents
22 did work with the [public health
23 nurse]. It remains to be
24 confirmed with [the public health
25 nurse] ..."

1

2 Do you know where that information came from?

3 A That would have come from the worker.

4 Q From Ms. Chief-Abigosis.

5 A From Ms. Chief-Abigosis. It appears that I was
6 writing down what she had informed me in terms of what she
7 was aware of and what she was not.

8 Q Okay. So it's your recollection that this
9 information was coming from the conversation you're having
10 with her.

11 A That's right. It's, it's -- where it's under
12 Recent Involvement, it would have been a verbal update.

13 Q I see. And then it says:

14

15 "It remains to be confirmed with
16 [public health nurse] nature and
17 extent of involvement ..."

18

19 How would that be confirmed with the public
20 health nurse? What was your expectation?

21 A That the public health nurse be contacted by Ms.
22 Chief-Abigosis and that we would inquire as to their
23 involvement and/or request documentation.

24 Q So that's something you would have said she
25 should do.

1 A That would be correct.

2 Q Okay. And then the last point about "clarify
3 that parents have identified a pediatrician," that's
4 something else you would have told her to do?

5 A That's right. To talk with the parents.

6 Q And then when you look at the case plan as of
7 February 5, 2001, seems to be a reproduction of the case
8 plan that was in place as of September 5th, 2000 when
9 Phoenix was returned?

10 A That's correct. It was still very much the same
11 case plan.

12 Q And so looking at that, it seems to me not much
13 had changed, just from looking at the document. Is that
14 the case, or had there been significant changes you were
15 aware of?

16 A What it looked like was we still didn't have all
17 of the information as to how they had met the conditions or
18 whether or not they had made progress, that there was
19 missing information, and part of that was due to lack of
20 contact.

21 Q Due to lack of contact?

22 A That's correct.

23 Q Okay. Now, you have the heading Short-Term
24 Goals. It's on the next page, 37023. What's under this
25 heading?

1 A What's written is:

2

3 "Make contact with the family
4 asap [as soon as possible] to
5 gather updates on progress to date
6 re: service contract

7 "Identify child's
8 pediatrician

9 "Determine need for further
10 in-home support services or
11 identify referral to community
12 resources eg. [example] parenting
13 programs."

14

15 Q So are these, are these goals that were of
16 particular importance at this point in the file?

17 A That would be an accurate representation. These
18 were the priority goals and actions that were to be taken.

19 Q So you saw these things as needing attention at
20 that point.

21 A That's correct.

22 Q Did you, did you discuss with Ms. Chief-Abigosis
23 whether there was any reason she wasn't able to make
24 contact with the family prior to this?

25 A I, I don't have a recollection of that.

1 Q Do you have -- she indicated yesterday -- and I'm
2 not sure at which point this would have been -- that she
3 was attending university.

4 A I'm not aware of that.

5 Q Okay. Were you ever aware that she was attending
6 university while she was working under your supervision?

7 A No, I'm not aware of that.

8 Q Okay. And was there any other indication that
9 you're aware of in terms of why she wasn't able to get out
10 and see the family?

11 A I, I do recall that she did travel to work, but I
12 don't recall that there was any specific reason given for
13 the lack of contact with the family.

14 Q Okay. And was this, was this an issue on just
15 this case or were there other cases that, that there was an
16 issue of lack of contact with the clients?

17 A I'm not aware of any other cases.

18 Q Okay. And so the last point here:

19

20 "Determine need for further
21 in-home support services or
22 identify referral to community
23 resources [example] parenting
24 programs"?

25

1 A Yes.

2 Q What was that meant to address?

3 A From reviewing the note, it would appear that the
4 family support service agreement had lapsed and in-home
5 supports had ceased, so this was to re-evaluate that and
6 determine whether or not there were further needs for
7 in-home supports, or whether there were community resources
8 or other community resources that could be referred to to
9 support the family. It was an onus on trying to support
10 the family and continue stability.

11 Q Okay. So it was important, then, from, from your
12 perspective to make sure that the family had the supports
13 they needed to continue functioning.

14 A That's correct.

15 Q Okay. And the short-term goals, these -- I'm
16 sorry if I've asked you this before. These are the goals
17 that you identified, as opposed to Ms. Chief-Abigosis
18 identifying?

19 A They, they would have been identified by myself
20 in conjunction with Ms. Chief-Abigosis during our
21 supervision.

22 Q Okay. Now, based on the supervision session of
23 February 5th, 2001, what did you expect Ms. Chief-Abigosis
24 to do?

25 A Immediately I had expected her to attempt to

1 establish contact with the family.

2 Q Okay.

3 THE COMMISSIONER: Now, was that -- you said
4 February 5th. Is that the date you had the session with
5 her?

6 THE WITNESS: That's correct.

7 THE COMMISSIONER: What was that on there, then,
8 about February 1st?

9 THE WITNESS: That she had attempted a field to
10 the home but there was, I believe, no one at the home.

11 THE COMMISSIONER: So you --

12 THE WITNESS: So it was unsuccessful.

13 THE COMMISSIONER: So you met with her on
14 February 5th --

15 THE WITNESS: Yes.

16 THE COMMISSIONER: -- and then on February 5th,
17 later in the day, she went to the home; is that correct?

18 THE WITNESS: I'm not sure the date on her note.
19 I, I know that there is a note as to when she established a
20 home visit.

21 THE COMMISSIONER: Well, we were told earlier
22 this morning that there was a, that there was a gap and it,
23 it -- without a visit, and that ran from September the 5th
24 to February the 5th.

25 MR. OLSON: I think that may have been an error.

1 If we turn to page 37009, it appears that that was actually
2 February 9th, 2001, that contact was established.

3

4 BY MR. OLSON:

5 Q Maybe you can confirm that for us.

6 THE COMMISSIONER: Well, we were told this
7 morning it was the 5th.

8 MR. OLSON: Yeah, I think that was an error.

9 MR. MCKINNON: I think the question was the 5th,
10 and I think Mr. Olson was anticipating that was the date of
11 supervision when the worker was told to go to the house
12 and --

13 THE COMMISSIONER: So --

14 MR. MCKINNON: And --

15 THE COMMISSIONER: Is there consensus the visit
16 was on the 9th?

17 MR. MCKINNON: There was, there was a house visit
18 on the 7th, according to the notes, where no one was home,
19 and then an actual meeting on the 9th.

20 THE COMMISSIONER: Two days later, she agreed on
21 the -- wasn't it on the 7th that she -- they were there but
22 they didn't want to meet till the 9th?

23 MR. OLSON: Yeah, that's what the notes reflect
24 and that's, I think what --

25 MR. MCKINNON: That's right.

1 MR. OLSON: -- Ms. Chief-Abigosis --

2 MR. MCKINNON: The 7th they were leaving the
3 apartment, that's correct.

4 THE COMMISSIONER: So, so the, the gap, if that's
5 what it was -- of visitation was September the 5th to
6 February the 9th.

7 MR. OLSON: Well, till she actual met with them
8 and --

9 THE COMMISSIONER: Yes.

10 MR. OLSON: -- entered access -- entered to the
11 -- entered the home.

12 THE COMMISSIONER: But the, but the session you
13 had with her, where you got this information and gave her
14 directions, was on February the 5th.

15 THE WITNESS: That would be correct.

16 THE COMMISSIONER: Yeah.

17 MR. OLSON: Thank you for that.

18

19 BY MR. OLSON:

20 Q And so shortly after the session, if we look at
21 Ms. Chief-Abigosis's notes, 37009 as we just discussed, she
22 did make some initial contact on the 7th but she wasn't
23 permitted in the home at that time, was asked to come back
24 later, which she did on the 9th.

25 A That's correct.

1 Q And then at that meeting she met with Samantha
2 and she explained that:

3
4 Samantha and Steve were home
5 with Phoenix - Samantha was angry,
6 annoyed - during the home visit
7 Steve sat in the back and did not
8 participate although he did answer
9 some general questions about --
10 that the worker asked. Home was
11 clean, partially furnished.
12 Samantha sat the entire time in
13 front of the TV - while this
14 worker attempted to have a
15 conversation with her - she would
16 nod and respond aggressively when
17 asked a question. She did offer
18 some information about the
19 parenting program she attended
20 along with Steve and that Marian
21 Belanger was in the home and she
22 felt she did help - they are
23 connected to Boys and Girls Club,
24 Nikki Taylor, Andrew Street and Ma
25 Ma Wi. Samantha stated that her

1 child, Phoenix -- her and her
2 child were doing really well. No
3 concerns about the health.
4 Samantha stated she does not know
5 why CFS is still insisting or
6 wanting to be involved and further
7 stated she has done everything
8 that was asked of her - this
9 worker explained that they are
10 young parents and that CFS is
11 available to offer any support if
12 needed.

13 Samantha stated that her and
14 Steve were doing well. Samantha
15 stated she did see Dr. Altman for
16 the appointment and that she did
17 have Marion Belanger in her home
18 and felt she worked okay with her.
19 Samantha will be getting a
20 pediatrician to follow Phoenix.
21 When this child (sic) mentioned
22 that Cree Nation was in contact
23 with the Agency about her eldest
24 child - Samantha sharply stated
25 that she doesn't want or need to

1 have her oldest child -- child's
2 situation involved in this matter
3 because he is a permanent ward of
4 Cree Nation.

5

6 Just up to that point, did you -- were you aware
7 of that contact?

8 A Of the contact on February 5th?

9 Q Yes -- no, February 9th.

10 A February 9th. I don't know if I was aware of it
11 at that time. I had directed Delores to establish contact;
12 I would have expected that that's what she was working on.

13 Q Okay. And the notes up to that point, do they
14 reflect what you expected of Ms. Chief-Abigosis upon
15 establishing contact?

16 A In terms of this particular note?

17 Q Right.

18 A That she was inquiring into the information that
19 we had discussed in supervision, yes.

20 Q Okay. So she's asked about a pediatrician, she's
21 asked about the parenting program, about the assessment,
22 okay.

23 A It does appear that the supervision, direction,
24 and the information discussed was being followed up by her
25 in this contact.

1 Q Okay. The note goes on to say:

2

3 "Overall; it is evident to
4 this worker that Samantha is
5 annoyed and dislikes the
6 involvement of [Winnipeg Child and
7 Family Services]."

8

9 Now, we heard from Ms. Chief-Abigosis and other
10 workers that that's not unusual, that it's not unusual for
11 clients to respond negatively when CFS visits. Is --

12 THE COMMISSIONER: Well, then after she'd had
13 this meeting, did she report back to you at some point in
14 time on your regular biweeklies or at some point?

15 THE WITNESS: Well, I would have had continued
16 biweekly supervision with her until June when I left the
17 position. I, I cannot speak to what we talked about
18 specifically in those supervisions due to not having my
19 notes and there being no notes in the case file on the part
20 of the worker, so it's unclear to know what we talked about
21 or when we talked about it outside of the two notes that I
22 found in the case file.

23

24 BY MR. OLSON:

25 Q Okay. Is there any indication anywhere in the

1 file that you, you followed up or became aware of what
2 Samantha -- of what Ms. Chief-Abigosis did with this file
3 after the February 5th supervision?

4 A There's nothing within this case file that would
5 tell me that.

6 Q So you're unable to tell us today whether or not
7 you did any follow-up or had any further discussion with
8 her about this file.

9 A I would be able (sic) to state that with any
10 certainty. It would be, it would be in my supervision
11 notes.

12 Q Okay. So if there was further contact, we would
13 find it there, but we don't have those notes.

14 A That would be correct.

15 Q Okay. And you don't have an independent
16 recollection of further meetings with her?

17 A No, I don't have any independent recollections
18 from that time.

19 Q Okay. When you look at her note -- and this,
20 this note was written while you were still her supervisor.
21 It goes on to say that:

22

23 Family appeared to be doing
24 well - home was clean - Phoenix
25 was clean and content - Steve

1 appeared actively involved, quiet,
2 offered little input. Samantha
3 was agitated, clearly stated her
4 obvious annoyance of the Agency
5 involvement and then stated that
6 if the Agency want to meet with
7 her in the future that we need to
8 send a letter for an appointment
9 and not just drop by.

10

11 If you read that as a supervisor, if you read the
12 note, would that cause you any concern?

13 A In terms of not booking an appointment and just
14 dropping by or --

15 Q Yeah.

16 A -- the content around the presentations of the
17 parents?

18 Q Both, the presentation of the parents and not
19 wanting CFS just to drop by, in light of the service
20 agreement that had been in place.

21 A Right. Well, certainly the information that's
22 contained in the note regarding the presentation of the
23 parents, how each parent was presenting, and the annoyance
24 or the feeling of not wanting agency involvement, would not
25 be something that was not typical of many mandated families

1 with an agency. They're involved with the agency on an
2 involuntary basis, so many times if there's no relationship
3 yet established between a family and the worker, there can
4 be a fair amount of conflict and distance in that
5 relationship which speaks to engagement. So some of those
6 behaviours and the, and the description may be descriptive
7 of the parent but they may also be descriptive of the
8 client-worker relationship and the lack of relationship.

9 The discussion around sending a letter and
10 booking an appointment, there is a service agreement that
11 was in place. The agency was mandated to be able to
12 require and have access to the home, so the fact that the
13 client or the parent was requesting that we only do so by
14 appointment, I think Delores did deal with them by saying
15 that, that it's not, it's not your terms, that will only
16 entail that we have a responsibility and that we are
17 entitled to do that. So I do think that Delores did
18 address that issue that it's not on, on, on the parents'
19 terms of when we attend the home, we can attend the home
20 any time that we feel we have a need to.

21 Q Right. And, in fact, she goes on to say:

22

23 "The worker informed her that we
24 do drop by visit especially if a
25 person has no phone and to date

1 ... it was very difficult to meet
2 with them."

3

4 That's the response you're referring to?

5 A Yes.

6 Q Okay. And in this, in this situation, was that
7 response appropriate then?

8 A It would be appropriate in terms of someone
9 saying that they didn't want a worker coming to the home.
10 I would expect workers to address that with them.

11 Q Okay. And then it says:

12

13 "Plan: Will do drop by visit to
14 monitor situation or as needed."

15

16 Was that -- the plan outlined there, was that --
17 the response an appropriate response here?

18 A Well, it indicates to me that the worker was
19 intending to engage in further ongoing contact with the
20 family and that would -- if that was the plan, that would
21 be appropriate.

22 Q Okay. And if you continue on, you'll see the
23 next recorded note is April 30th, 2001. This is after
24 receiving a phone call from the Women's Hospital that Ms.
25 Kematch gave birth to a baby on April 29th. Is that

1 something you were aware of?

2 A I was aware of the birth of the baby. I have
3 some independent recollection -- I think I indicated that
4 yesterday -- about a conversation that I had had with Ms.
5 Chief-Abigosis around that time but I wouldn't be
6 specifically aware of the telephone call.

7 Q Okay.

8 A That's out of this note.

9 Q And that's -- I think you told us yesterday
10 that's when you suggested that maybe she wait a few days
11 before going out, to give the family some time to become
12 established.

13 A That --

14 Q That's what you're referring to.

15 A That's correct.

16 Q Okay. Now, from the notes themselves it looks
17 like there's another gap, the time that, that Ms. Chief-
18 Abigosis sees the family and then birth of the baby.

19 A That's correct.

20 Q Okay. Now, we heard from Ms. Chief-Abigosis
21 yesterday that it's possible she may have made other
22 visits, just not documented them, or her notes didn't get
23 into the file. Is that something you're aware of?

24 A I would not have been aware of that.

25 Q Okay. Now, if that occurred, if the -- if, if

1 she did do those drop by visits but didn't get notes into
2 the file, would that be acceptable?

3 A No, that wouldn't be acceptable.

4 Q Okay. The alternative is if the worker didn't do
5 the visits in that timeframe, didn't stop by, didn't do any
6 monitoring, would that be acceptable?

7 A No, that wouldn't be acceptable either.

8 Q Okay. Now, with the new baby being introduced
9 into the family, would that be -- earlier you said, you
10 know, changes in circumstances require often a new risk
11 assessment.

12 A That's correct.

13 Q And one of the changes would be composition of
14 the family?

15 A That may be one of the changes that would require
16 a risk assessment be done.

17 Q And as a new baby -- when you have a family like
18 this, is a new baby an additional stressor to the family
19 typically?

20 A It may be.

21 Q Okay. And so in your experience, can that
22 increase the risk?

23 A In some circumstances, it can.

24 Q Okay. In this circumstance, with apparent lack
25 of contact, do you -- well, how would you describe the risk

1 at this point?

2 A Based on the information that I've reviewed from
3 the documents provided, the, the reports from the hospital
4 at the time were reporting on the parents' interactions
5 with the young child and, and the hospital's assessment of
6 the parents at that time, which -- there were no outward
7 concerns noted. So based on that, it would appear that the
8 parents -- there were no obviously concerning -- there's no
9 obviously concerning information that was being reported to
10 the agency. So at the present time there would not appear
11 to be any immediate concerns, however, it would still
12 warrant some reassessment due to the new, new child being
13 added to the family.

14 Q Okay. Would, would -- what -- where would you
15 put the level of risk at this point?

16 A It's difficult for me to just say that off of
17 these notes.

18 Q From the notes, you can't tell?

19 A From these notes, I can't tell.

20 Q And this would be the information -- as the
21 supervisor, you would have had this information before you?

22 A As a supervisor, I would have had some discussion
23 at the time. I would have been relayed information that
24 would have given us an indication based on what we knew at
25 the time, to determine what action was required by the

1 agency or follow-up.

2 Q Now, you said you do recall a telephone
3 conversation with Ms. Chief-Abigosis at around this time.

4 A That's right. I only recall having a
5 conversation with her about attending the home after their
6 release from hospital.

7 Q You -- I, I don't want to put words in your mouth
8 but I think yesterday you said, when risk assessments are
9 done they should be done when, you know -- in circumstances
10 like this where there's a new, new addition to the family
11 or whatever, new composition.

12 A Risk assessments -- that may be one point where
13 risk assessment may be done.

14 Q Okay. And you said those risk assessments would
15 be done by the worker and the supervisor together?

16 A Yes, typically.

17 Q Okay. At this point, did you do any sort of risk
18 assessment?

19 A It would appear that there was some safety
20 assessment done at this time, because there was information
21 from the hospital that was known, there was information
22 pertaining to the current family that the worker would have
23 had, and there would have been -- there's a difference
24 between a safety assessment and a risk assessment. It
25 would appear that there was some discussion around whether

1 or not there were any immediate concerns, so that would be
2 more related to where there any identified safety concerns.
3 It does appear that there would have been something done
4 likely in that area, but it doesn't speak to an ongoing
5 risk assessment that would have followed out of that. It
6 would have been following up with the family to determine
7 -- gathering additional information that might inform that
8 assessment.

9 Q So the period of time between this note, April
10 30th, 2001, and when the family support worker was not in
11 the home which would have been the end of November, early
12 December, 2000?

13 A I understood that it -- that the support worker
14 might have ended their involvement mid-December --

15 Q Mid-December.

16 A -- 2000.

17 Q Right. So there wouldn't have been anyone from
18 the agency in the home. There wouldn't be any eyes or, or
19 ears in the home; is that right?

20 A That would be an accurate reflection.

21 Q Okay. And so in terms of knowing what's actually
22 going on in the home, other than the, the one visit that
23 Ms. Chief-Abigosis had in February, would there be anything
24 else that would give the agency an indication as to how
25 things are going or what's happening?

1 A I don't know if there was other information
2 available. There's nothing within the notes that would
3 tell me that, nor do I have any notes of my own that would
4 tell me what other information we had at the time.

5 Q Okay. Would that, would that change the risk
6 assessment that would be done at this point?

7 A Not having information?

8 Q Not having any information.

9 A If there was an absence of information, that
10 would certainly be factored into a risk assessment.
11 That --

12 Q And does that make the risk higher or lower?

13 A That would make the risk higher, possibly.

14 Q Okay. And the fact that Phoenix is in the home
15 and she's, she's only a very young baby herself, would that
16 make the risk higher or lower?

17 A Age of child, as I mentioned yesterday, is a risk
18 factor. The younger the child, the more vulnerable the
19 child.

20 Q Okay. Now, the fact you, you see recorded here,
21 this is the third time Samantha has hidden her pregnancy
22 from the agency, is that something that would go into an
23 assessment?

24 A Where are you referring to?

25 Q If you look at the note at the bottom, says:

1

2

"This is Samantha's third child

3

and this is the third time that

4

she had not disclosed to the

5

Agency that she was pregnant."

6

7

A Yes.

8

Q Is that something that would go into a risk

9

assessment at this point?

10

A Certainly, there was an absence of contact that I

11

think we've established. Now, whether or not it was an

12

active act on the part of the parent to not disclose or

13

whether it was not disclosed just due to the worker not

14

being present, it's difficult to determine. So it's hard

15

to know how that would inform the decision without knowing

16

that context. I may have known that or the worker may have

17

known that at the time but it's not reflected in these

18

notes, just a statement that it wasn't disclosed.

19

Q Okay. So that's a bit of an unknown at that

20

point.

21

A There's some unknown context to that.

22

Q Okay. If you go to the next note it says -- it's

23

May 9th, 2001; you're still supervisor at that point?

24

A That's correct.

25

Q Okay. And it says, "Field to 740B Magnus - no

1 one home." Just in terms of the date from the 30th of
2 April to May 9th, you said you told Ms. Chief-Abigosis to
3 wait a few days before going out?

4 A That's correct.

5 Q And is that what you meant by a few days, that
6 timeframe?

7 A It would be difficult to ascertain when the exact
8 discharge -- if I have the exact discharge date from the
9 hospital and then from that date to when Ms. Chief-Abigosis
10 went out, including whether those were business workdays
11 versus weekends when we utilized afterhours services. So
12 in looking at the actual amount of time, that would be
13 beneficial to me to be able to determine that.

14 My expectation was to allow for the parents to
15 return home, establish back into a routine with the young
16 baby, and then to go out and meet with them while they're
17 not in a transition from the hospital home, to be able to
18 allow that period to happen. So I don't know how many
19 working days that would have been.

20 Q Okay. But based on your own professional
21 assessment with what we're working with here, what did you
22 view as a reasonable time?

23 A Probably two to three days after coming home,
24 within that period of time. So if that fell within, within
25 the working days, I would see that as reasonable.

1 Q Now, would it have been imperative to make
2 contact with the family following the birth?

3 A Yes.

4 Q Okay. And contact fairly recently after the
5 baby's born.

6 A That would be correct.

7 Q Okay. If you look at the next note, which goes
8 onto the next page, 37011, you'll see the next note is July
9 4th, 2001, dealing with concerns?

10 A That's correct.

11 Q Okay. And were you still with the agency at that
12 point?

13 A I would have still been with the agency as of
14 July 2001. I would have been in a permanent supervisory
15 position within the same building, office building, but
16 with a different service unit.

17 Q Okay. So you were no longer Ms. Chief-Abigosis's
18 supervisor.

19 A That's correct.

20 Q Okay. Now --

21 THE COMMISSIONER: As of July 1?

22 THE WITNESS: As of June -- I believe it was June
23 1st, 2001 --

24 THE COMMISSIONER: June 1st.

25 THE WITNESS: -- that that change happened.

1

2 BY MR. OLSON:

3 Q Now, there's no evidence of any contact from the
4 birth -- from before the birth, from February 9th until --
5 I think the first contact you'll see here is the 6th of
6 July. Would that -- does that cause you concern?

7 A Yes, it would.

8 Q Okay. And why is that?

9 A That's a lengthy period of time with no recorded
10 contact.

11 Q Okay. And something fairly significant's
12 happened in that time, that's the birth of a new baby?

13 A That would be correct.

14 Q Okay. And so in terms of the level of risk,
15 you're -- if you're the supervisor looking at that, what --
16 how do you -- what do you assess it at?

17 A Well, it's difficult to assess risk just on the
18 information that you're providing me based on what these
19 notes indicate but, typically, with young children, we
20 would have a great deal more concern. Also with families
21 dependent on the level of outside collaterals that are
22 aware. So with young children, they're not frequently in
23 school, they may or may not be in daycare; all of those
24 external resources help to provide some safety to those
25 young children. So depending on the level of community

1 visibility, younger children would definitely be of a
2 greater concern for the agency.

3 Q Okay. So those -- and that was -- that would
4 have been the case here?

5 A Yes, these were both very young children.

6 Q Okay. So is it fair to say it would be a pretty
7 high risk assessment at this point?

8 A I, I can't say what the actual risk assessment
9 would be. It would certainly be a family of concern.

10 Q Okay. As supervisor, do you want your worker out
11 there as soon as possible to meet with the family?

12 A I believe that what I had directed was within a
13 few days --

14 Q Do you know if you did --

15 A -- of the birth.

16 Q -- any follow-up with Ms. Chief-Abigosis?

17 A I can't speak to that. I don't see any record
18 that the supervision was documented in the worker's notes
19 and I don't have access to my notes so I'm unable to speak
20 to that.

21 Q When you left as the temporary supervisor, did
22 you do any file reviews of the work that you were handling?

23 A I'm sorry, I'm not sure what you mean by a file
24 review.

25 Q Did you look at the worker's files to review

1 where they're at?

2 A Prior to my moving into a different position?

3 Q Right.

4 A No. Typically what would happen is that all of
5 my supervisory notes would be left behind for the next
6 supervisor so that they could reference the supervisory
7 direction. A lot of the case involvement and case notes
8 were contained on the case files and that would be
9 something the next supervisor would then pick up and meet
10 and discuss with workers, their cases, and they could
11 reference my supervisory notes. But I didn't look back on
12 all files; that would have been several hundred files to
13 look back to review all of those files.

14 Q So you just -- it wouldn't be possible for you to
15 do that, then?

16 A No, it would not, and it was not expected to do a
17 file review of all the files.

18 Q Okay. Your supervisory notes, those would have
19 been key to the next supervisor?

20 A That's, that's correct. They would have been
21 left for them and they could reference them.

22 Q Okay. If we could turn now to page 37067? This
23 is still from the Kematch file. This appears to be an
24 email from you dated June 29, 2001 to Chief-Abigosis, as
25 well as Cory Donald, re Kematch. Do you, do you recognize

1 this email?

2 A I've seen this email.

3 Q Okay. And it's an email you sent?

4 A That's correct.

5 Q Okay. And what was the purpose of the email?

6 A The purpose of the email was to send a
7 notification to Ms. Chief-Abigosis of a contact that I had
8 received on one of her cases, and essentially it gives an
9 indication of what information I received and what I had
10 authorized in terms of some follow-up action.

11 Q Okay. And so the information contained here, it
12 says:

13

14 "[There was] a call from Cher
15 Prince/CRU late this morning.
16 Cher advised that she had received
17 a call from" --

18

19 Name's redacted.

20

21 "... refused to provide his name.
22 [Source of referral] ... concerns
23 about Samantha Kematch's
24 children."

25

1 Sorry.

2

3 "... reports concerns about

4 Samantha Kematch's children.

5 Stated that on June 15th Samantha

6 and her partner (Steve ...) were

7 in a domestic dispute late in the

8 evening and that Steve kicked

9 Samantha out of the home with the

10 small infant, the 1 year old

11 remained in the home with Steve.

12 Steve and Samantha live at 740B

13 Magnus. [Source of referral] is

14 concerned as he has not seen

15 Samantha and the babe in a few

16 days, and alleges that Steve has a

17 drinking problem and on-going

18 conflict with Samantha.

19 [Referral] feels there needs to be

20 some check on the safety and well-

21 being of the children.

22 "I asked Cory to do a field

23 to the home to check on the well-

24 being of the children today. I

25 will have Cory send you an email

1 with outcome of the field.

2 Thanks, Angie."

3

4 The information that you received from CRU, was
5 that, was that of concern to you, knowing what you knew
6 about the file?

7 A That information would have been concerning to me
8 on any file.

9 Q Okay. So it doesn't matter the file, this is of
10 concern.

11 A Yes, those are certainly child safety concerns.

12 THE COMMISSIONER: But you, you had been gone for
13 a month --

14 THE WITNESS: That's right. I was --

15 THE COMMISSIONER: -- from your supervisory role.

16 THE WITNESS: I was a supervisor in the same
17 building as that service unit and Ms. Hanson -- Lorna
18 Hanson and myself partnered as supervisors, so if one was
19 away, the other would cover. So both our service units at
20 that time were in the same building.

21 THE COMMISSIONER: Oh.

22 MR. OLSON: Was that the case here, you were --

23 THE COMMISSIONER: But, but Abigosis was not
24 under -- on your team when you made the move to your other
25 job.

1 THE WITNESS: That's right. She remained on
2 Lorna Hanson's team and I was supervising the other family
3 service unit in that building.

4 THE COMMISSIONER: But you got this email because
5 you were filling in for Hanson in her absence; is that it?

6 THE WITNESS: I may have been filling in for her
7 that day as a covering supervisor.

8

9 BY MR. OLSON:

10 Q Do you know if that's, in fact, the case?

11 A It may have been that I was filling in as a
12 covering supervisor or it may have been that -- it appears
13 that the individual at the crisis response unit contacted
14 me directly as the former supervisor, and it may have been
15 better practice for me to communicate that directly and,
16 and initiate that. I would assume I would have done that
17 in conjunction with Ms. Hanson if she was present but I'm
18 assuming, based on this, that I took action, which
19 typically I wouldn't do unless the other supervisor was
20 away.

21 Q Okay. And I was going to ask you that. She's
22 not even copied on this email.

23 A No, she's not.

24 Q Would you have made her aware of it somehow?

25 A I would have likely talked with her verbally or

1 asked the workers to provide the reports directly back to,
2 to Lorna so -- whoever was responsible for that.

3 Q Okay. Now, why, why did you get Cory Donald to
4 do the field?

5 A Well, it would appear -- Cory Donald was another
6 social worker that was on the same service unit as Delores
7 Chief-Abigosis. I don't recall if they were actually
8 formally partnered with each other or if he had just
9 happened to be an available social worker that could attend
10 the home that date. Based on the concerns, my immediate
11 response would be to ensure that we had someone attend to
12 the home that day to check into those concerns. So it
13 could have been due to him being a partner or being
14 available within the same service unit.

15 Q And did, did -- was there a reason you didn't
16 actually send Ms. Chief-Abigosis out her -- on her own?

17 A I would imagine that she was not present that
18 day.

19 Q Okay. And do you know --

20 A Or, or she may have been out and available --
21 unavailable.

22 Q Did you get a report from Mr. Donald to find out
23 what had happened?

24 A The only report I would have expected back was if
25 there were some immediate concerns that would have required

1 a consideration around removal of the children from the
2 home. That was one of the conditions that required
3 supervisory review and approval.

4 Q Um-hum.

5 A If the report was looked into and the concerns
6 were not valid, it's likely the worker would have provided
7 a verbal report but I can't say for certainty that that was
8 what I was asking for. I needed immediately to have them
9 attend the home. My best practice and my practice in those
10 cases is that typically they happen within a day. You send
11 someone out, they check on the home, they come back into
12 the office and you're right away asking them how it went.
13 So I would imagine that I did, but I'm, I'm not clear that
14 it was actually requested to be formally documented to me.

15 Q Okay. So you're just basing it on your practice,
16 then, what your -- your answer to me --

17 A That's right. But I, I -- the email does look
18 that I, I did ask for Cory Donald to provide an email
19 written update to Delores Chief-Abigosis.

20 Q Are you able to comment on Ms. Chief-Abigosis's
21 job performance while you were her supervisor?

22 A I, I'm not aware of any performance reviews that
23 I've done or any performance issues that I can recall.

24 Q Okay. And with respect to Ms. Greeley, are you
25 able to comment on her performance?

1 A I can't comment in the same way. I've had some
2 opportunity to work with Ms. Greeley that was very positive
3 in nature, that I would have commented on to her. Again, I
4 don't know if I completed a performance review on Ms.
5 Greeley.

6 Q Okay. I want to take you now to the, the reports
7 that were prepared after Phoenix's death. The first one
8 would be the Section 4 report and the page reference is 24.
9 Now, prior to your involvement in the inquiry had you seen
10 any of the reports?

11 A I was provided by Mr. McKinnon with selections --
12 select portions of the external reports that pertained to
13 the specific period of time that I would have had
14 involvement. I didn't see the reports in their entirety.

15 Q Okay. But prior to the inquiry process did you
16 see any of the reports?

17 A Oh, no, not --

18 Q Okay.

19 A -- not prior to this process starting.

20 Q And did you have any input into any of the
21 reports?

22 A No, I, I was not a part of any of these reports.
23 I was not interviewed or any other participation.

24 Q Okay. So nobody asked you for information for,
25 for these reports.

1 A No.

2 Q Okay. Your involvement -- and you said you
3 reviewed this previously. And the page we're looking at
4 here, you've reviewed your involvement, that's outlined on
5 this page, at finding 7?

6 THE COMMISSIONER: Which one is this?

7 MR. OLSON: This is the Section 4 report prepared
8 by Koster.

9 THE WITNESS: Yeah, I would have reviewed this
10 section.

11

12 BY MR. OLSON:

13 Q Okay. The, the finding, in part, is that "the
14 worker who received the case file in November" -- that
15 would have been Ms. Chief-Abigosis, under your supervision
16 -- "did not maintain the necessary contacts...." Do you,
17 do you want to comment on that or anything else contained
18 in that finding? At least to the extent it applies to your
19 period of time as supervisor?

20 A To the extent that it applies to the period of
21 time between November 14th, 2000 and June 1st, 2001, I
22 would agree that the necessary contacts were not
23 maintained.

24 Q Were not maintained?

25 A That's correct.

1 Q Okay. So you agree with that finding as it
2 applies to that portion of time.

3 A Based on the file documents that were available
4 at the time that this report was completed, that that would
5 appear to not meet standards.

6 Q Okay. And if we go on, there's a finding that
7 "the case work does not appear to be purposeful or follow a
8 plan."

9 A I'm sorry, where are you --

10 MR. OLSON: Could scroll to --

11 THE WITNESS: -- reading that from?

12 MR. OLSON: -- the next page, please?

13 THE COMMISSIONER: Are you -- what number?

14 MR. OLSON: This would be finding number 9.

15 THE COMMISSIONER: Number 9.

16

17 BY MR. OLSON:

18 Q Says:

19

20 "[It's] a dangerous approach since
21 it puts the agency in a position
22 of responding to rather than
23 actually preventing possible
24 catastrophes to children in need
25 of its protection."

1

2 A I believe that there was a case plan that was in
3 place -- an appropriate case plan at the time of the
4 September 5th, 2000 reunification. That case plan
5 continued to remain in place as it was based on a service
6 agreement that was still yet to be finally reviewed to
7 confirm that progress had been made and achieved on all of
8 those aspects so that case plan continued to be the plan
9 for the family in those areas and there was the indication
10 in February, on February 5th, that we were still needing
11 information.

12 So to indicate that there was no case plan, I, I
13 do not believe that that would be accurate for that period
14 of time. There was a case plan. It may be more accurate
15 to state that it's unclear that the case plan was actually
16 continuing to be implemented and there was a lack of
17 contact to determine the progress made to date.

18 Q Okay. Just where it says "the case work does not
19 appear to be purposeful or ... follow a plan," you said
20 there, there was a case plan, but did the case work itself
21 -- was that -- do you, do you agree or disagree or do you
22 want to comment on whether or not the case work itself was
23 purposeful or followed that plan?

24 A It's difficult to comment on the case work due to
25 the lack of notations as to what that consisted of. There

1 was a lack of reporting to indicate the case work. I think
2 that we did see with the prior worker there were
3 significant case notes, and from reading those notes, I was
4 able to gather a sense of the case work that was occurring.
5 In sense of the second worker, there was an absence of case
6 notes and so it was very difficult to determine the nature
7 of the case work that was occurring.

8 Q Okay. Finding 8 I skipped over. It says:

9

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

13

14 THE COMMISSIONER: Where are you now?

15 MR. OLSON: Sorry, that's finding 8, the one
16 right above; I skipped over that.

17 THE COMMISSIONER: You're going back to 8.

18 MR. OLSON: Back to 8.

19

20 BY MR. OLSON:

21 Q Do you agree with that or do you want to comment
22 on it?

23 A The notes are very unclear, and in the, the notes
24 that did appear, while there was comment on Phoenix's
25 appearance, it didn't indicate that the child was actually

1 seen so it's difficult to dispute or to agree with the
2 statement. The notes do indicate a physical description of
3 the child so I'm not sure where that came from in the
4 notes, on, on the home visit in February.

5 Q It's hard to tell where that came from.

6 A It's hard to tell if she did actually see the
7 child or not because there was some description of the
8 child in that, but I would be unable to say with any
9 certainty that she did see the child or she didn't.

10 Q Okay. If we turn to page 27, this finding says:

11

12 "The case management from November
13 of 2000 until the closing in March
14 of 2002 was substandard.

15 " There were limited contacts,
16 No risk assessments and
17 assessments were completed and
18 there is no indication of sound
19 casework practice."

20

21 Do you, do you want to comment on that, and the
22 paragraph below? Again to the extent that you were
23 involved in the file.

24 A Right. I mean, in commenting from November 2000
25 to the end of my involvement at the beginning of June 2001,

1 I would concur with this, that I didn't see any evidence --
2 written evidence that there were risk assessments or other
3 assessments on file. There was an absence of contact so it
4 was difficult to make a determination around the nature of
5 the case work that was being completed.

6 Q And part of the responsibility for ensuring those
7 things are done, would that be on you as the supervisor?

8 A Part of it would be on myself.

9 Q We turn now to the Section 10 report by Jan
10 Christianson-Wood, at page 133. This is from commission
11 disclosure 2.

12 THE COMMISSIONER: Now, I'm assuming that when
13 you get through these reports that will complete your
14 examination?

15 MR. OLSON: Yes.

16 THE COMMISSIONER: Well, I think we might as well
17 get that done before lunch and, and extend the lunch hour
18 if we have to.

19 MR. OLSON: Yeah, there, there aren't very many
20 questions left so --

21 THE COMMISSIONER: All right.

22 MR. OLSON: -- that would be preferable.

23

24 BY MR. OLSON:

25 Q So page 133 bottom. So this is a new worker

1 assigned in November 2000.

2 THE COMMISSIONER: Do you know what this report
3 is, Witness?

4 THE WITNESS: No, I don't.

5

6 BY MS. WALSH:

7 Q Oh, you're not -- you haven't seen this report?

8 A I'm just wondering, what is the title of this
9 document?

10 Q This is the Section 10 report, this is the Jan
11 Christianson-Wood report.

12 A Oh, I did see some excerpted sections related to
13 my involvement previously.

14 Q Are these the pages you saw, 133 and 134?

15 A Could you scroll up just a little?

16 They seem -- they appear to be familiar to me.

17 Q Okay. Rather than going -- reading them out to
18 you, maybe I'll just ask. One of the things that were
19 mentioned is that there was -- the writer, the writer
20 questioned why it was not a concern that the family was not
21 seen from October 2000 until February 2001. We've gone,
22 we've gone over that already. Is there anything you want
23 to add to that in terms of commenting?

24 A The only thing I can comment on is that from my
25 perspective as the supervisor, I would have expected that

1 the worker was carrying out the case plan and maintaining
2 their contacts unless I heard differently. If I didn't
3 hear that there were concerns or that there were
4 difficulties, I may not have been aware that that was
5 happening. I just wanted to add that piece of information.

6 Q Okay. We could go to the next page, 134, the
7 bottom. It says:

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

21
22 Do you want to comment on that, aside from what
23 we've already discussed today?

24 A I think that, again, one of the things that I'm
25 unclear of from reviewing the files and the documents is to

1 what extent that was a concealed pregnancy. It certainly
2 was not a disclosed pregnancy. I'm not clear if there were
3 others that were aware of the pregnancy. It's -- it
4 appears that the worker was not aware of it, and from what
5 I understand, the family support worker who might have
6 ended some time before. But there is some difference
7 between having an undisclosed pregnancy and an actual
8 concealed pregnancy that would certainly impact on one's
9 assessment. So the only thing that I do -- I have a lack
10 of clarity about is whether or not it was actually
11 disclosed or just -- or concealed or not just -- or unknown
12 or not disclosed.

13 Q Okay. And if we continue on to page 135 --

14 THE COMMISSIONER: Just a minute. Before you
15 leave that paragraph, the last sentence is "The file had
16 remained open during this period." Now, when did the case
17 plan terminate?

18 THE WITNESS: The case plan was continuously in
19 effect for the duration of the time between November 2000
20 and -- well, before that time, essentially from September
21 up until -- the last that I can see that case plan was
22 still in effect until February. I can't comment on what
23 changes were made to that case plan on the birth of the
24 child in April. That likely may have resulted in some
25 changes. There's no documentation to that in the case file

1 or in any other notes that had been provided so ...

2 THE COMMISSIONER: Was there any extension to it?

3 THE WITNESS: I would imagine that that case plan
4 would have been reviewed and possibly extended or changed,
5 that as long as there's a family file open, the expectation
6 is that there is a case plan in place that would be in
7 effect with the family that may change over time.

8 THE COMMISSIONER: And when you say a family file
9 open -- and there was a family file open here?

10 THE WITNESS: Yes.

11 THE COMMISSIONER: Under what name?

12 THE WITNESS: It would have been open under
13 Samantha Kematch.

14 THE COMMISSIONER: So as long as that family file
15 was open, then you had a responsibility to -- or the agency
16 had a responsibility to be on top of what was going on in
17 that home. Is that a fair statement?

18 THE WITNESS: That would be a fair statement.

19 THE COMMISSIONER: Thank you.

20

21 BY MR. OLSON:

22 Q Page 135, the italicized paragraph -- oh, going
23 too far -- where it says:

24

25 "It was not recorded in the

1 file if Ms. Kematch showed any
2 interest in Phoenix - was she
3 uninterested in a toddler who
4 required more attention than an
5 infant?"

6

7 Do you have any comments on that?

8 A Could I see the page before that?

9 MR. OLSON: Keep going, please.

10 THE WITNESS: That's fine.

11 That's all referring to information that occurred
12 after my period of involvement, which would have ended in
13 June, early June 2001, so I'm not sure that I would have
14 been aware of that information.

15

16 BY MR. OLSON:

17 Q Okay. The last report I wanted to take you to is
18 the internal case report. This was prepared by Rhonda
19 Warren. If we go to page 38015 -- and this is from
20 commission disclosure 1802 -- the second bullet point there
21 says, "There was no recorded contact ..." Now, we've been
22 through that already.

23 A Yes.

24 Q And then the next bullet says:

25

1 "There was no direct contact
2 between February 9, 2001 and July
3 4, 2001 even though the worker
4 stated in a February 9, 2001
5 meeting 'it is necessary to meet
6 as they are an open file and we
7 need to monitor and assess their
8 family situation'. The Social
9 Worker clearly stated that the
10 plan would continue to [do] 'drop
11 by visits until we are confident
12 that the risk levels have been
13 minimized and we feel [that] the
14 family has adequate supports to
15 parent.'"

16

17 Do you want to comment on that?

18 A The February 9th, 2001 meeting would have a
19 supervision between Delores Chief-Abigosis and myself. I
20 think I -- that I had clarified earlier that those were my
21 notes and also this does not appear to be an accurate or a
22 similar statement to the supervision notes that I referred
23 to.

24 MR. MCKINNON: Just to assist the witness, the --
25 I think the supervision note was the February 5th --

1 THE WITNESS: Oh, February 5th, so --

2 MR. MCKINNON: -- and the call -- the attendance
3 was the February 9th.

4 THE COMMISSIONER: Yes.

5 THE WITNESS: Oh, okay. So I'm not sure what the
6 February 9th meeting is; could you restate that for me?
7 February 5th is the supervision, February 7th was a attempt
8 to the home --

9 THE COMMISSIONER: Yes.

10 THE WITNESS: -- and then February 9th was the
11 actual home?

12 THE COMMISSIONER: That's the evidence.

13 THE WITNESS: Okay. So the only thing that I
14 would comment on having seen in the file would have been
15 the plan to continue to do drop-by visits with the family.
16 I'm not sure what you want to comment on beyond that.

17

18 BY MR. OLSON:

19 Q No, I just wanted --

20 A I mean, that would seem accurate that the worker
21 did say that and it was the worker who had said that in
22 that meeting with the family in the home.

23 Q I see.

24 A I'm also -- from reading this, it's indicating
25 that they're not seeing any evidence of the direct contact

1 between that period of time.

2 MR. OLSON: Okay. Those are all my questions.

3 THE COMMISSIONER: Thank you, Mr. Olson.

4 MR. OLSON: Thank you.

5 THE COMMISSIONER: Now, it's ... I guess you'd
6 probably like to return till -- 2:15 give you sufficient
7 time? There'll be a lot of cross-examination, undoubtedly,
8 so -- I think we've gone overtime. We'll adjourn until
9 2:15 and, Witness, you'll have to return for --

10 THE WITNESS: Thank you.

11 THE COMMISSIONER: -- the afternoon. Thank you.

12

13 (LUNCHEON RECESS)

14

15 THE COMMISSIONER: Mr. Gindin, you're going
16 first?

17 MR. GINDIN: That's correct. Mr. Commissioner?

18 THE COMMISSIONER: Please proceed.

19

20 CROSS-EXAMINATION BY MR. GINDIN:

21 Q My name is Jeff Gindin. I appear for Kim Edwards
22 and Steve Sinclair. Good afternoon. I have some questions
23 for you.

24 We've been hearing a lot of discussion about
25 notes. The supervisor's notes that you made, can you tell

1 us what happened to them?

2 A I can say what happened to them at the point that
3 I left, which was they were left in a bookcase in the
4 supervisory office for the next supervisor. Beyond that --

5 Q I'm just having a little trouble hearing you;
6 maybe you could --

7 A Oh, sorry.

8 Q -- move the mic a little closer, perhaps.

9 A At, at the point that I left that position and
10 moved to a new position, what I can say with certainty is
11 that they were left in a, in a binder -- in a set of
12 binders on a bookcase in that supervisory office for the
13 next supervisor. Beyond that, I don't know what happened
14 with the notes.

15 Q And who would be the next supervisor after you?

16 A The supervisor would have been Lorna Hanson, who
17 returned from her maternity leave.

18 Q Was there any policy with respect to what you do
19 with your supervisor's notes?

20 A I'm not sure that there was a written policy, per
21 se. There was some practices that were engaged in, in that
22 the supervisory notes would be put in binders and that they
23 would be left -- if the case remained open, they would be
24 left for the next supervisor to carry on. When a case
25 closed, then those would be kept by the supervisor until

1 they were ready for archiving.

2 Q Those notes would be important to us -- and to
3 you -- to see.

4 A Yes.

5 Q Right? So it certainly wasn't the policy, was
6 it, to destroy those notes?

7 A No, it would not. It would go according to
8 government record destruction policies.

9 Q Um-hum. So -- but as far as your responsibility
10 went, you kept the notes and you put them in a certain
11 place, thinking that the next supervisor would have a look
12 at them or read them and they would be kept.

13 A Yes.

14 Q Right? And you really can't explain where they
15 went or how they went missing.

16 A No, I can't.

17 Q Okay. You were talking about the training that
18 you received, and I think you said that you had some
19 training in British Columbia.

20 A That's correct.

21 Q You recall that? And you told us that it was a
22 little more comprehensive than the training you received
23 here.

24 A That was my experience.

25 Q Do you recall what it was about that training

1 that was lacking here?

2 A The training in British Columbia was different in
3 the sense that it included both a curriculum or course work
4 component, followed by a period of time in the field. So
5 each component they had corresponded to time spent in the
6 field for a week or two after that component related to the
7 component they had. During the training program you
8 attended the curriculum and you were in the field observing
9 workers throughout that training period prior to assuming a
10 caseload. So a 16-week period of time to go through
11 legislations, the tools that the agency utilized or the
12 ministry utilized, was far more extensive than the four
13 modules that were being offered at the time through
14 Winnipeg Child and Family.

15 Q Did you ever suggest, perhaps, that they adopt
16 something like that here?

17 A That would not have been one of my roles in terms
18 of suggesting. I may have commented on -- to my colleagues
19 about the training but I didn't have a role in suggesting
20 that as a accepted competency-based approach.

21 Q Do you think it would have been a good idea for
22 us here to adopt that similar type of training that you
23 underwent in B.C.?

24 A What I can say is I found it to be very helpful
25 in broadening of my knowledge and experience and that,

1 certainly, I found that it was more comprehensive than what
2 we had offered here.

3 Q And there's nothing to prevent you from making a
4 suggestion like that.

5 A No, I, I could have made that suggestion.

6 Q You were talking about the specific training you
7 received as a supervisor -- do you recall that -- and I
8 think you said that you really didn't have any to start
9 with, but along the way, perhaps after a year or so, you
10 did receive some training.

11 A That's correct.

12 Q What sort of training did you receive when you
13 did receive it?

14 A Again it was a module-based training, the
15 competency-based training for supervisors. So it had -- if
16 I recall from 2001, it had about four different components
17 covering different areas of competency that they felt were
18 required knowledge for supervisors.

19 Q Is there any reason you can think of that that
20 training shouldn't be done before you start as a
21 supervisor?

22 A No, I don't have any reason for that.

23 Q With respect to the standards, I think you said
24 that -- when asked about them, that you knew where they
25 were or where they were kept, right?

1 A That's correct.

2 Q Does that mean that you read them all?

3 A Standards are something that you would refer back
4 to and become familiar with, so over time as you were doing
5 the work, you would recall whether there were standards
6 applicable to that work. They were not meant as a
7 memorization. They were meant as a reference and a, and a
8 tool to be used by both workers and supervisors. So
9 knowing where they were and likely what might be applicable
10 in terms of standards or to check if there are standards
11 on, on that particular area, that's what they, what they
12 were used -- in terms of the binder, it was used for.

13 Q Knowing where they were is different than reading
14 them.

15 A It is different than reading them.

16 Q Was it your practice to make sure that the social
17 workers working for you would read them and familiarize
18 themselves with those standards at the beginning of their
19 tasks, rather than waiting for the day they might need to
20 refer to them?

21 A Yes, there would be expectation that they were
22 familiar with the standards, have read the standards,
23 especially as those were applicable to the type of work
24 that they were specifically doing.

25 Q That was the expectation, right?

1 A Right.

2 Q And as a supervisor -- we talked about
3 performance reviews, right?

4 A Yes.

5 Q That, that was part of your job.

6 A Yes.

7 Q And the reason, I take it, for that is to make
8 sure people are doing everything in the best possible way.
9 Correct?

10 A That would be one reason.

11 Q And if they're not, if you notice that somebody
12 isn't quite up to par, you point that out, right?

13 A That may be part of a performance review.

14 Q Yeah. That's one part of performance.

15 A Right.

16 Q But, for example, if you felt that based on your
17 observations and readings that someone isn't taking proper
18 notes or not enough notes, that's something that you would
19 point out, wouldn't, wouldn't you?

20 A Yes, that would be something that would be
21 addressed and would not necessarily await a formal
22 performance review on an annual basis. Those would be
23 areas that you would be addressing on an ongoing basis.

24 Q But part of your job, I presume, would be to try
25 to improve the things that people were doing if you, if you

1 didn't agree with them.

2 A That'd be --

3 Q Right?

4 A That'd be correct, to provide information and
5 support them in being able to complete their job
6 requirements.

7 Q And if you felt that one of the social workers
8 wasn't contacting a family as much as they should, you'd
9 point that out, would you not?

10 A If I was aware of it, yes, I would.

11 Q And really, as a supervisor, I suppose you should
12 be aware of things that are going on with a file.
13 Especially if you're having meetings from time to time.

14 A Yes, with biweekly supervision, that's one way in
15 which to be informed about what's happening with, with
16 different work on -- with different families.

17 Q We talked about the period of time between Kerri-
18 Lynn Greeley completing her task and then Delores Chief-
19 Abigosis actually beginning. There was that period of time
20 of about a month, I think, or perhaps longer between
21 October and November 14th when Delores Chief-Abigosis took
22 over?

23 A Yes, there was about a month.

24 Q Yeah. And during that period of time, as the
25 supervisor, you would have the sole responsibility over

1 that matter at that time.

2 A Yes, I would have been assigned as both worker
3 and supervisor.

4 Q You told us that on occasion you did go on field
5 trips yourself, correct?

6 A Yes, that's, that's correct.

7 Q And if you did, you'd certainly make a note of
8 it, right?

9 A That's correct.

10 Q Whether or not the family was home, you'd make a
11 note of the fact that you made the effort?

12 A That's correct.

13 Q Right? That's the way people are trained and
14 taught, correct?

15 A That's correct.

16 Q Um-hum. On this particular case when you have a
17 period of time between workers, why wouldn't you go out and
18 make a field trip on your own or ask someone else to?

19 A In this circumstance, there was a plan already in
20 place around other people who were involved with the family
21 including agency representation as -- in the form of the
22 family support worker. So there were people that were
23 attached to the family and working with the family with
24 respect to the identified case plan. So in that instance,
25 there was no immediate need identified for something

1 further.

2 If there had been a need identified, then it
3 would have been my role as the assigned supervisor and
4 worker to then have that addressed, and the typical
5 practice would be to have another social worker from the
6 service unit go out and do the direct service work under my
7 direction. So the reason that I didn't initiate any
8 contact was that there was an acceptable plan and involved
9 collaterals that were carrying through on the identified
10 case plan in the interim.

11 Q And those people didn't include a social worker,
12 though.

13 A That did not include an assigned social worker
14 that was attending the home.

15 Q So you could have made that trip, nothing
16 prevented you from doing it if you chose to, right?

17 A Certainly, I could have.

18 Q Or you could have sent someone else?

19 A I could have.

20 Q Now, we've heard a lot about the fact that
21 efforts are made sometimes to go to a home and no one's
22 home, or sometimes phone calls are made and they're not
23 answered. Did you have any thought to trying these things
24 in the evenings or the weekends when people are more likely
25 to be home?

1 A Certainly, that, that does occur within child
2 welfare, either by the assigned worker in, in the
3 afterhours, if that's available to them, or there are
4 oftentimes requests made of the afterhour services to
5 attend the home and have social workers go out in the
6 evenings or on weekends. So that's certainly things that
7 are available to the agency and that can be utilized.

8 Q And if a number of efforts are made and they're
9 unsuccessful, there's always that option, asking for
10 someone to go out at a later hour or on a weekend, try to
11 make contact then.

12 A Yes, that would be an option.

13 Q There doesn't appear to be anywhere in this file
14 where that was attempted or done.

15 A Not that I could see from the documents provided.

16 Q Now, when you made the decision to assign the
17 file to Delores Chief-Abigosis, do you recall that --

18 A Yes.

19 Q -- making that decision? Do you recall when that
20 was made? I know she began November 14th, 2000; we know
21 that. But was the decision made several weeks earlier or
22 just before, or how did that come to be?

23 A The decision would have, would have occurred as
24 part of a process of the prior worker preparing the
25 transfer recordings and reviewing the cases, at which time

1 the cases on that worker's case load would be reviewed to
2 determine which cases would move forward to the new worker,
3 which ones needed an immediate reassignment and could not
4 wait, and so that would have occurred over a period of
5 time. It may not have all occurred on a particular date as
6 those would come in over a period of time.

7 Q Did you conclude that this file did not require
8 an immediate reassignment?

9 A This file was -- appears from the documentation
10 and the actions that occurred was that it was currently in
11 an period of stability with involved collaterals, that
12 others -- that there were people that were attending, that
13 it could wait for the assigned social worker to come into
14 place.

15 Q We heard evidence that the last time someone had
16 seen Phoenix was September 5th. Remember that?

17 A That's correct.

18 Q Okay. So now we're into almost mid-November and
19 there's been no face-to-face contact with Phoenix, correct?

20 A Could I just clarify something? I believe that
21 the last home visit was on September 5th when Phoenix was
22 reunified. I believe --

23 Q Right.

24 A -- that there was a contact in person on
25 September 13th --

1 Q Oh, you're right. You're right.

2 A -- with Dr. Altman, so I just wanted to correct
3 that.

4 Q That was when the psychological assessment was
5 being conducted.

6 A That's correct.

7 Q And you'll recall that that psychological
8 assessment was requested many, many months before.

9 A Yes.

10 Q And the child was placed back home with the
11 family even though that assessment hadn't been completed
12 and the appointment hadn't been had yet, right?

13 A That's correct.

14 Q Any idea why it would take so many months to
15 arrange that assessment? We hear from the evidence that it
16 was three, four months earlier that it was discussed that
17 that's something we needed, yet it took so long for that to
18 take place. Any, any idea why?

19 A My understanding from reviewing the documentation
20 was that there were some difficulties in, in accessing a
21 referral to a psychiatrist and that there had been a number
22 of different options that have been explored over that
23 period of time leading up to the decision to utilize Dr.
24 Altman for a consultation so it could be done in a timely
25 manner.

1 Q So, so then from September 13th to November 14th
2 when Ms. Abigosis was assigned, there was no -- there's no
3 evidence of any face-to-face contact with Phoenix and
4 that's a couple of months right there, right?

5 A Between September 13th --

6 Q Thirteenth and --

7 A -- and November 14?

8 Q Yeah. That's two months.

9 A Right. There would have been contact only by the
10 -- in terms of agency staff members, only by -- it would
11 have been in-person contact by the in-home support worker
12 twice weekly.

13 Q Yeah. She's not a social worker, right?

14 A She's not a social worker but she is a
15 representative of the agency and an employee of the agency.

16 Q Okay. But that's all there was.

17 A That would be what there was.

18 Q Now, when you're deciding who to assign a file
19 to, like in this case when you decided to assign it to
20 Delores Chief-Abigosis, do you consider the person's
21 experience?

22 A Typically when a caseload is being vacated, it
23 primarily transfers over to the new worker unless there are
24 specific cases that are identified as being extremely
25 complex or not able to wait for a worker to come on. A new

1 worker typically comes into a caseload that was formerly
2 vacated. So it can be reviewed in terms of matching if
3 there's some -- anything that's identified later, but the
4 usual process is one worker leaves, another worker comes on
5 and pretty much assumes that caseload.

6 Q I'm asking about this particular worker, Delores
7 Chief-Abigosis, how it was decided that she would be the
8 one to take over that file?

9 A Essentially, that was the caseload that was being
10 vacated by Kerri-Lynn Greeley and so that would be the
11 caseload that she would assume. And that was one of the
12 cases on the caseload that was not -- that was identified
13 that would transfer. That's how it --

14 Q Was she, was she the only social worker that
15 could possibly have taken over that file?

16 A There was --

17 Q I'm asking why it was her particularly.

18 A It was Delores Chief-Abigosis who was moving into
19 a new position and into a, into a position that was vacated
20 by a prior social worker.

21 Q All right. So she was, she was new and she was
22 just starting out, right?

23 A She was new to the agency, yes.

24 Q New to the agency, all right. And, and when the
25 file goes to a particular person, wouldn't you want to know

1 something about them and their experience?

2 A Well, there would have been some information
3 available as part of her hiring process in terms of her
4 meeting the requirements of the agency to be hired into
5 that position, but essentially that would be part of
6 orienting to the, to the work of the unit and it could
7 always be reviewed at any time. But typically that was the
8 process of workers moving into caseloads that were left
9 vacated.

10 Q And that assignment, I take it, could be reviewed
11 at any time along the way.

12 A Any --

13 Q And the, and the file could be reassigned.

14 A Any case could at any time be reviewed and
15 reassigned.

16 Q That wasn't done here, right?

17 A In this case, it was not done

18 Q Now, we've heard a lot of evidence about the
19 difficulties social workers encounter in prioritizing what
20 they need to do and having lots of cases and that kind of
21 thing. So wouldn't you want to know, for example, that
22 Delores Chief-Abigosis was commuting from Brokenhead
23 reserve every single day, back and forth, which takes time?
24 Did you know that?

25 A I -- it's unclear to me from that period of time

1 what I would have known. And, and at the time, based on
2 conversations, I would -- my expectation is, as part of a
3 new worker joining a service unit, part of my discussions
4 would be to get to know the worker, what their, what their
5 background is, to explore what their skill sets and their
6 strengths are, and any other situations that were going on
7 at the time that may be impacting. I cannot, I cannot
8 recall from that time what those discussions were and what
9 I knew at that time 11 years ago.

10 Q But it sounds like it's something you would
11 discuss.

12 A It sounds like those would be areas that I would
13 be --

14 Q You'd want to know where the person --

15 A -- certainly discussing and exploring.

16 Q -- lived, where they had to come in from, how
17 much time they had, things like that?

18 A Yes.

19 Q It sounds also like you didn't know she was at
20 the University of Manitoba as a full-time student. That
21 sounds like it's something you'd want to know?

22 A I don't have any recollection of that.

23 Q Well, had you known that, would that have changed
24 your position?

25 A Had I known she was attending school full-time at

1 the same time as working --

2 Q Yes.

3 A -- full-time? Yes, that would be something that
4 I would be interested in.

5 Q You wouldn't expect, for example, a social worker
6 working under you having some other job, for example. That
7 wouldn't be something you'd like to see.

8 A Well, social workers have been known to have some
9 other activities, whether it's educational or, or other
10 employment or other responsibilities. That would be
11 something that you would need to look at in terms of the
12 amount of time and if, if that was impacting in any way on
13 their performance. So it wouldn't be unusual that someone
14 may have other activities or education or work that they
15 were doing, but that would have to be looked at
16 individually as to what that looked like.

17 Q I asked her about, for example, why she wouldn't
18 have, perhaps, tried to make contact in the evening or the
19 weekends on occasion. Obviously, being a full-time student
20 would impact on that ability, right?

21 A If that's what she has said, I would -- I can't
22 speak to that.

23 Q Okay.

24 A That would have been ...

25 Q Had you known that, it might have affected your

1 decision.

2 A Had I known that, I would have certainly wanted
3 to take a look at that and consider it.

4 Q You expected that the social workers working for
5 you would take proper notes of everything they did,
6 clearly, right?

7 A That would be a reasonable expectation.

8 Q And because of all the reasons that you might
9 have to refer to those notes. Lots of reasons, correct?

10 A Yes, there are a lot of reasons and those are
11 intended to capture important information --

12 Q Yeah.

13 A -- and record it.

14 Q You, for example, have no independent
15 recollection of many things and have to rely on notes.

16 A That's correct.

17 Q The same for them, correct?

18 A That's correct, too.

19 Q And, of course, these notes would make their way
20 into a file that other people need to read, which helps
21 them decide what they're going to do next, right?

22 A That's correct. It forms --

23 Q So they're very, they're very, very important.

24 A Yes.

25 Q And you're also reviewing the conduct of social

1 workers, essentially. When you're looking at what they
2 did, something might occur to you that they could have done
3 better, based on the notes, right?

4 A That may happen, yes.

5 Q And so it would be important for people to make a
6 note of actual visits with a family, but also attempts to
7 locate a family as well.

8 A Yes --

9 Q Right?

10 A -- that would be important as well.

11 Q We were also discussing risk assessment this
12 morning. If a social worker comes across a circumstance
13 that leads to their assessment that the risk has gone --
14 gotten higher than perhaps it was before, for some reason,
15 is there something they're supposed to do about that?

16 A I would expect that they would bring it to their
17 supervisor, or if their supervisor was not available, to a
18 covering supervisor to discuss.

19 Q Is there a form they should be filling out or
20 anything like that that you know of?

21 A Back in 2000 or 2001, there wasn't a standardized
22 form in place for that purpose but --

23 Q Is there one now?

24 A There is some recent movement towards having
25 standardized tools implemented within the system.

1 Q You're saying there's recent movement towards
2 that.

3 A Yes, there's structured decision-making that has
4 been brought forward.

5 Q And if, indeed, you were advised that now
6 circumstances have changed and the risk is actually higher
7 than it was, I take it the obvious response is to make sure
8 that there's some face-to-face contact to check it out.

9 A Dependent upon what that information was, there
10 might be a variety of different actions that were required
11 or there may be further information that someone would need
12 to gather to get a fuller picture. Contact with the family
13 may be one of those.

14 Q Yeah. But it's an indication that something
15 should be considered.

16 A That's right.

17 Q We've heard a lot of witnesses tell us that
18 certain things about these files are -- and this file are
19 routine. You've used that phrase yourself. The fact that
20 something may be routine doesn't mean it's not complex,
21 right?

22 A That's correct. Routine could be something
23 that's done frequently.

24 Q And when you say routine, what you mean is
25 routine to you and social workers based on other things

1 they see, right?

2 A Within the field of --

3 Q Yeah.

4 A -- child welfare, it may be described as routine.

5 Q Certainly, the family of the child in question
6 might not think it was routine at all, what was going on,
7 but to a social worker you're comparing it with other files
8 that you have, other problems that you see, right?

9 A Yes.

10 Q Okay. And the fact that the kinds of things
11 we've been hearing about are considered routine is really a
12 very sad statement of some very deep societal issues, isn't
13 it?

14 A Yes.

15 Q Now, you were asked a few times about the work of
16 Ms. Abigosis, for example, and the fact that there wasn't
17 as much contact as there should have been and a couple of
18 other issues as well. Isn't it true that you as the
19 supervisor has to take ultimate responsibility for that?

20 A I believe that as the assigned supervisor I have
21 responsibility to oversee the work of workers --

22 Q Right.

23 A -- to the best of my ability.

24 Q Yeah.

25 A And that ability to oversee is dependent upon

1 having access to certain information or being aware of
2 certain information. So in terms of the responsibility,
3 yes, but it's hard to address issues if you're not aware of
4 it. So --

5 Q Right. And if you're not aware of certain
6 things, then it may be that, that you should be for one
7 reason or another. Either the social worker should be
8 coming to you or you should be going to the social worker,
9 but for whatever reason, doesn't the ultimate
10 responsibility lie with the supervisor?

11 A I think that there's certainly a shared
12 responsibility that would go throughout the organization.
13 It's not just one individual that is responsible. Social
14 workers have certain responsibilities within the scope of
15 their work. They are responsible to their supervisors.
16 Supervisors, in turn, are responsible to their social
17 workers, and in turn to their superiors and so on. So the
18 work that is done within child welfare isn't done in
19 isolation.

20 Q Right. But you, you are, you are their mentor,
21 correct? Social workers work under you; you're to be their
22 mentor. Isn't that part of your job?

23 A Part of my job would be in mentoring staff. I'm
24 not sure that it necessarily means that or implies that
25 you're their mentor. You're expected to provide them with

1 information, with direction, with support, and to mentor
2 and to ensure that there is mentoring happening.

3 Q You're expected to give them advice, right?

4 A As appropriate, yes.

5 Q You're expected to review the performance --
6 their performance?

7 A Yes.

8 Q Right.

9 A There are expectations.

10 Q You're expected to have meetings with them from
11 time to time to review the work on a particular file?

12 A Yes.

13 Q Right? If there's a change in a relationship
14 that you observe on a file, someone has a new partner or
15 something of that nature, that's something that should be
16 obviously checked out, who that other person is, right?

17 A Yes, if there's an open involvement with the
18 family, that would need to be looked at.

19 Q Um-hum. And by the way, when you were
20 supervising Delores Chief-Abigosis, at that time how long
21 had you been in your -- social work. How long had you been
22 involved in the system by that point?

23 A Within Child and Family Services, I began in
24 Child and Family Services in January 1996.

25 Q Okay.

1 A That would have been approximately four and a
2 half years.

3 Q Okay.

4 A Almost five years.

5 Q One of the things you mentioned as well was that
6 you would review the notes of the previous supervisor. And
7 I think you mentioned that you would want to review Lorna
8 Hanson's notes. Remember that?

9 A That would be part of my practice.

10 Q Do you know where those are?

11 A No, I don't.

12 Q Have you ever seen them?

13 A I, I haven't seen them since this inquiry has
14 started.

15 Q So again, you don't know whatever happened to
16 those notes either.

17 A No, I, I have no idea.

18 Q I want to talk to you about the psychological
19 assessment that we see from the file was suggested early on
20 with respect to Samantha. And we now know that September
21 the 13th of 2000 there was, in fact, an interview with Dr.
22 Altman, correct?

23 A There was a consultation, yes.

24 Q My understanding is, and the evidence suggests,
25 that Dr. Altman was having a look at whether she was

1 depressed.

2 A That's correct. There was questions regarding
3 her presentation.

4 Q Right. And you had told us earlier that -- and I
5 think everybody knows this -- that depression is something
6 that could be treated.

7 A That's correct.

8 Q Right? Dr. Altman told us that he concluded that
9 the ambivalence towards her child that was concerning to
10 everyone was not because of depression. You're familiar
11 with that finding?

12 A I could look back at the document notes, but I
13 believe that he concluded she was not depressed.

14 Q Right. In fact, I asked him if the ambivalence
15 towards her child wasn't because of depression, that it
16 should be more of a concern because it wasn't something
17 that was treatable. What's your opinion on that?

18 A I would have to have more of an understanding of
19 the context of the discussion that you, you had in order to
20 form an opinion on that. Just simply whether or not
21 ambivalence is depression or related to other items, I
22 would need to know what other items you discussed in order
23 to be able to form an educated opinion around that.

24 Q Well, I think you read the notes of Dr. Altman
25 and Kerri-Lynn Greeley's notes of their discussion, and

1 it's pretty clear that he concluded that she wasn't
2 suffering from depression. We have that in the notes.

3 A Yes, I --

4 Q Right?

5 A -- believe that that was what we had commented
6 on.

7 Q Do you think in those circumstances there should
8 be a parental capacity assessment since we've -- since a
9 doctor has concluded that the cause is not depression, the
10 cause of the ambivalence that she showed towards her child?

11 A Depending upon what other information was
12 available at the time. What had been indicated from the
13 point of the intake transfer summary was that there had
14 been concern particularly about her affect and her
15 presentation which was one, one reason for the referral
16 around psychiatric assessment or psychological assessment.
17 The other question was quite separate, around parenting
18 capacity.

19 There were other ways in which the social worker
20 who was assigned was gathering ongoing information that
21 would inform their, their assessment of parenting capacity
22 and parenting motivation, and that was through the use of
23 the in-home support worker, it was through their attendance
24 at visits, it was through their attendance at community
25 programming.

1 So there were other ways in which assessment of
2 parenting capacity was already ongoing and that alone --
3 trying to find some explanation or further information
4 around the affect and how it was presenting was related to
5 the specific questions that had been evident around is this
6 person experiencing depression. So they were -- while they
7 are related to each other, they are also separate.

8 Q Yeah. They are clearly connected, though.

9 A There is an interrelation.

10 Q You said that -- you told us that a parental
11 capacity assessment is comprehensive but costly. Remember
12 that? Remember saying that?

13 A I'm hoping that you can refresh me in, in the
14 context that that was raised earlier.

15 Q It was in the same context that we're now
16 discussing, the issue of a parental capacity assessment
17 being done. You indicated that you had a list of certain
18 people that -- doctors and that kind of thing that you
19 could look to, but that this type of assessment was
20 comprehensive and costly.

21 A There were formal parent capacity assessments
22 that could be referred to off the list of approved service
23 providers which were much more comprehensive and, yes, I
24 would agree they, they were more costly.

25 Q That wasn't done here.

1 A That wasn't done in this case.

2 MR. GINDIN: If we can just get up page 37297 for
3 a moment?

4

5 BY MR. GINDIN:

6 Q Now, these are the notes of Ms. Greeley. You
7 recall?

8 A Yes, I do.

9 Q And towards the bottom there's a comment there
10 that there isn't sufficient information. You see where I'm
11 referring to?

12 A No, I'm not sure.

13 Q Well, you see the word "risk" about halfway down
14 the page, after the number 6. See that on the page?

15 A Yes.

16 Q Okay. Now, part of that sentence goes on to say
17 that there's insufficient information. Two issues are
18 around -- I'm trying to read this writing -- insufficient
19 information. And I think you mentioned earlier that that
20 was one of your concerns, that there seemed to be
21 insufficient information being presented here. Do you
22 recall that?

23 THE COMMISSIONER: You take your time to read as
24 much as you want to. Oh, you have it in front of you?

25 THE WITNESS: Yes, I have it in front of me,

1 thank you. Actually, as I'm reading this note, what
2 appears to me is that in the process of discussing this and
3 going through a framework of assessing sort of the risk
4 factors, that statement, if you read it through --

5

6 BY MR. GINDIN:

7 Q Um-hum.

8 A -- further, it says other two, other two issues
9 are around insufficient information, and then it lists the
10 two issues as "substance abuse - when used - what" -- and
11 I'm not sure what that final word is, is indicating -- and
12 then "family violence piece - find out [information] on
13 this beforehand." And I do believe that we had spoken
14 earlier that those were two issues during the process of us
15 looking at the possibility of reunification that we wanted
16 to gather further information on as we didn't have
17 sufficient information at that time in that meeting.

18 Q Okay. So would it be your instruction that more
19 needs to be done?

20 A Certainly, that had been the indication around
21 questions regarding any alcohol use or, or domestic
22 violence, that those were two issues that I -- that we had
23 indicated that the worker was to explore further. They
24 were identified in the service agreement. I think I did
25 comment that there was a communication by Kerri-Lynn

1 Greeley on September 5th specifically about those two
2 areas, but that was an ongoing case. So the insufficient
3 information, in looking at this, appears related to those
4 two areas.

5 Q Now, if we can just have a look at the actual
6 service agreement, I think it's 37115, I believe. Now, I'm
7 referring you particularly to point 3, which talks about
8 meeting with the worker on a regular basis. Correct?

9 A That's correct.

10 Q And we talked about what you took "regular" to
11 mean. You weren't sure what the standards dictated at that
12 time.

13 A Right.

14 Q Right?

15 A It would have been according to what the
16 standards would have indicated at that time.

17 Q It certainly wouldn't mean every three months,
18 would it?

19 A Pardon me?

20 Q It wouldn't mean every three months.

21 A No.

22 Q That we can be sure of.

23 A I'm sure that it wouldn't.

24 Q It's very likely to mean weekly, perhaps
25 biweekly. Right?

1 A That would be more, more in keeping with
2 standards.

3 Q And often when, when you want to go out and see a
4 family, there's an advantage to it being unannounced,
5 correct?

6 A There may be some advantages to that.

7 Q Difficulty is they may not be there --

8 A That's correct.

9 Q -- if there's no appointment, right?

10 A That's right.

11 Q But the whole purpose of this particular point in
12 the service agreement, agreement was to make sure that
13 there was significant contact between the worker and the
14 couple.

15 A This was to ensure that there had already been a
16 past experience of the couple engaging with the assigned
17 social worker in ongoing meetings and that that was to
18 continue in the future.

19 Q And if there were difficulties in seeing a
20 particular family, the next thing to consider is
21 collaterals. Try to make contact with them, right?

22 A Right. There could be some other, some other
23 ways of dealing with that, such as contacting collaterals
24 or utilizing collaterals to assist you in contacting the
25 family or initiating that engagement.

1 Q Now, you told us that Ms. Greeley left October
2 the 14th, right, of 2000? Left the position?

3 A My understanding is I believe that that was the
4 date that was provided to me as to when she started her new
5 position.

6 Q Okay. And I think you said something about the
7 usual practice is that somebody leaving contacts all the
8 collaterals to let them know?

9 A As part of preparing to transfer your caseload
10 and leave your position, in addition to doing the required
11 written documentation, there would be a closing process for
12 that worker that would be expected with all of the families
13 and children that they're involved with, and part of that
14 would be to let families know that they are leaving the
15 agency, to let collaterals know that they are leaving, and
16 to talk with everyone involved as to what will happen in
17 the interim.

18 Q Do you know whether that happened?

19 A My expectation is that it did.

20 Q But you can't say.

21 A The only thing that would give me reason to
22 believe that it did was that the family support worker did
23 contact me directly when the support agreement was about to
24 expire, to let me know that it was expiring. That's the
25 only thing that would give me any indication that that had

1 clearly been communicated.

2 Q That's the only one you heard from.

3 A No, but I would have expected that that process
4 had occurred.

5 THE COMMISSIONER: Who did you hear from?

6 THE WITNESS: The family support worker, Marie
7 Belanger.

8 THE COMMISSIONER: Thank you.

9

10 BY MR. GINDIN:

11 Q Now, you've told us that the only evidence you
12 could find that you reviewed the case plan with Delores
13 Chief-Abigosis was November the 14th, 2000, remember that?
14 You recall your evidence on that?

15 A I did review the case plan with her on November
16 14th --

17 Q Right.

18 A -- in the supervision note.

19 Q And then you -- and then the only other time was
20 February the 5th, correct?

21 A That's the only two documented times that I am
22 able to speak to. I -- there are no documents that have
23 been provided to me that would indicate otherwise. I don't
24 have my notes.

25 Q So if we go by the notes we have and since you

1 have no other recollection, it's November the 14th, 2000
2 and then February the 5th, 2001. Correct?

3 A Those are the two notes that were found in the
4 case file. That doesn't indicate whether or not during my
5 other biweekly supervisions with her there was discussion
6 or whether there was any consultation on an as-needed
7 basis.

8 Q Do you have notes of those meetings?

9 A Of the other biweekly supervision meetings?

10 Q No. You don't, you don't have notes.

11 A Those notes have not been able to be located.

12 Q So the only thing you can tell us for sure is you
13 met with her November 14th, 2000 and February the 5th,
14 2001. Correct?

15 A That's what I can say for sure based on the
16 documents --

17 Q Right.

18 A -- that were located.

19 Q And that's all we have to go on right now.
20 Right?

21 A Those are the only documents --

22 Q Right.

23 A -- that have been produced.

24 Q So November the 14th would be the very day she
25 began on the file, correct?

1 A That would appear to be the case.

2 Q And February the 5th would be two and a half
3 months later, roughly. Right?

4 A That, that would be correct.

5 Q Okay.

6 THE COMMISSIONER: But you held your biweeklies
7 with her?

8 THE WITNESS: Yes, I would have had biweekly
9 supervision with her and that would have been documented in
10 my supervision notes.

11 THE COMMISSIONER: Which you don't have.

12 THE WITNESS: Which I have not been provided
13 with.

14

15 BY MR. GINDIN:

16 Q And when you, when you met those other times, it
17 may have been about other files.

18 A It may have been about other files; it may have
19 been also about this file. It would have been documented
20 in those notes. I would have used those biweekly
21 supervisions to review the various different cases that she
22 had open to her, any that she had brought forward for
23 supervision, and I did try to ensure that at least on a
24 quarterly basis every case was reviewed.

25 Q But you can't say for sure today what was

1 discussed at those other meetings.

2 A I can't say that without access to the notes or
3 seeing the notes.

4 Q Now, you, you mentioned that these two notes, the
5 note of November the 14th, 2000 showing that you had a
6 meeting with her, and February the 5th, 2001, those two
7 notes somehow made their way into this file. Right?

8 A That's correct.

9 Q Which is not the normal practice.

10 A No, they're not, not normally kept in the file,
11 but at times workers would be provided the supervision note
12 to refer to.

13 Q So you would agree with me those are -- it's
14 unusual to have these kinds of notes in the file.

15 A Yes.

16 Q Why is that? Why wouldn't they be in the file?

17 A I don't know where that decision came from, but
18 supervisor -- there was no requirement nor was it a
19 practice to place supervisory notes on the case file.

20 Q Sounds like a good idea, doesn't it?

21 A It --

22 Q Put your notes on the file so we can all see
23 them, we all have them now.

24 A Yes, if it's case related it would be helpful
25 information to have on the case file.

1 Q Okay. Can you explain how only these two notes
2 made their way to the file and no others concerning this --

3 MR. MCKINNON: Mr., Mr. Commissioner, I think
4 this question was asked at least twice by my friend, Mr.
5 Olson. It's now been asked twice by Mr. Gindin, and it's
6 been answered every time to the best of this witness's
7 ability. She doesn't know why her notes are missing and
8 she doesn't know why these two pages are not. She has
9 speculated as to possibilities. I just don't think we can
10 go over this again. I'm objecting to the question.

11 THE COMMISSIONER: I'll let Mr. Gindin make a
12 final question on the issue, just on that point. You can
13 carry on, of course.

14

15 BY MR. GINDIN:

16 Q I'm just suggesting to you that it seems like a
17 good idea to have included all of the notes on the case
18 file because they're important. They're significant,
19 right?

20 A Yes, I would agree that supervisory notes are
21 very important, and if they're case related that it, it
22 would be helpful information to have to complete the
23 record.

24 Q Do you know whether that has ever been changed,
25 that policy? Do we do it the same way now? Or not?

1 A My understanding -- and you'd have to speak more
2 directly with agency, I guess, staff members that can speak
3 to that, but I, I don't think that the supervisory notes
4 are kept as part of the file itself.

5 Q So you think that's still the case today.

6 A As far as I'm aware.

7 Q You've also told us that one of your conclusions
8 or concerns, upon reflection, at least, was that there
9 wasn't enough contact during Delores Chief-Abigosis's
10 involvement with the file, right?

11 A Yes, upon reviewing the documents, that would be
12 concerning to me.

13 Q Do you recall ever giving her that opinion,
14 telling her that along the way?

15 A I know that -- from the documents I reviewed that
16 that did come up in the supervision I had with her on
17 February 5th, where there was clear direction given. I
18 can't speak to what may have happened between that or any
19 conversations I may have had or notes that I may have taken
20 between that, but it's clear that as of that date, I was
21 aware and was directing to have contact.

22 Q And it appears that she went and made contact
23 within a few days.

24 A That's what it appears that she did.

25 Q And it also appears that there's no similar

1 meeting or notes or any sort of discussion during the month
2 previous or the month before that, right? At least we
3 don't know.

4 A There were no notes in the records produced that
5 would have spoken to that.

6 MR. GINDIN: I wonder if we can have a recess at
7 this point and I'll just make sure -- go over my notes and
8 see if I have anything else.

9 THE COMMISSIONER: If you think it'll help you
10 shorten up, the answer's yes.

11 MR. GINDIN: I think I'm almost concluded but --

12 THE COMMISSIONER: All right.

13 MR. GINDIN: -- I just want to be sure.

14 THE COMMISSIONER: We have to take time at some
15 point, so we'll take a 15-minute break now.

16

17 (BRIEF RECESS)

18

19 MR. GINDIN: I just have one or two more
20 questions.

21

22 BY MR. GINDIN:

23 Q You recall telling us about an email that you got
24 June 29th, '01, and as a result of that email, you arranged
25 for someone to go to the home.

1 A That's an email that I had sent, yes.

2 Q Yeah. And then you set up a field to the home,
3 correct?

4 A I had a worker attend to the home to respond.

5 Q You might have answered this before, but you
6 sent out someone by the name of Cory Donald. I think that
7 was your evidence?

8 A Yes.

9 Q Now, Delores Chief-Abigosis had been involved in
10 this file for a few months by that point. I'm just curious
11 as to why she wouldn't have been the one to go out, or do
12 you know?

13 A Based on the information, it would appear that
14 she was not available. The concerns came in. They were
15 concerns that warranted an immediate field to the home. As
16 such, I, I had another social worker -- I wasn't sure if
17 that was her partner or just an available social worker
18 within the service unit who could go out and do the field
19 immediately. So it would be my understanding that she was
20 not available at that time.

21 Q And where does that come from? Are there notes
22 about that?

23 A No, that -- typically if concerns had come in on
24 an assigned worker's case, I would have the assigned worker
25 go out as they're familiar with the family. The only time

1 that I would have someone go out instead of assigned the
2 social worker was if they were not available to go out.

3 Q Or if you wanted someone else to do it instead.

4 A Typically it would be the worker that was
5 assigned. They know the family; they know the history.

6 MR. GINDIN: Those are all my questions, thank
7 you.

8 THE COMMISSIONER: Thank you, Mr. Gindin.

9 All right, who's next? Mr. Ray?

10 MR. RAY: Yes, Mr. Commissioner.

11

12 CROSS-EXAMINATION BY MR. RAY:

13 Q Good afternoon, Ms. Balan. My name's Trevor Ray.
14 I represent a number of the social workers as well as the
15 Manitoba Government Employees Union.

16 I just have a few questions for you, and I'd just
17 like to ask you first about caseloads. I think your
18 evidence was that 30 to 35 cases would be considered by you
19 to be a heavy caseload. Is that correct?

20 A That's correct.

21 Q And I understand from other social workers that
22 there is a distinction between caseload and workload, and
23 my understanding is that caseload does -- a reasonable
24 caseload does not necessarily reflect a reasonable
25 workload, and that workload can be high even though

1 caseloads are, are in the twenties; is that correct?

2 A That's correct.

3 Q And would you agree with me that a person with a
4 high caseload would be required to prioritize files based
5 on urgency, to a certain degree?

6 A Yes, that would be an expectation.

7 Q Are you aware of -- I won't -- there's no need to
8 bring them up, but I'll just ask you, are you aware of the
9 -- some of the findings in the Section 4 report as it
10 related to high caseloads and the ability -- inability of
11 social workers to perform certain functions on this file
12 during critical periods of time?

13 A I was only provided with a select section of that
14 report as it pertained to a few findings related to my
15 period of involvement. I wasn't provided with the entire
16 report.

17 Q Okay. Now, you've explained to Mr. Gindin and to
18 us that there is a distinction between a formal parental
19 capacity assessment done by a psychiatrist or a
20 psychologist and the psychological assessment that was
21 performed by Dr. Altman. I note that you noted concerns.
22 I believe they were expressed in the notes of Ms. Greeley,
23 but I think you indicated in your evidence that you had
24 shared Ms. Greeley's concerns about the need to have that
25 psych assessment before you returned Phoenix to, to her

1 parents. Is that correct?

2 A The hope had been to have it completed before
3 that.

4 Q Okay. And I assume that if you felt it was
5 necessary, in your role as supervisor, to, to conduct a
6 more thorough psychological -- or, or parental capacity
7 assessment through use of a psychiatrist or psychologist,
8 that you would have noted that on the file or Ms. Greeley
9 would have noted that.

10 A Yes, we would have.

11 Q And can we assume from that that, at that point
12 in time, given the gains being made by the family, given
13 they seemed to be working cooperatively with the agency,
14 given that a home support worker was in place, given that
15 they appeared to be willing to take the parenting courses,
16 those types of things, can we assume from that that you
17 felt that it was not necessary to, to have a formal
18 psychiatric parental capacity conducted at that time?

19 THE COMMISSIONER: Are you, are you talking about
20 the time of it being done or the existence of the other
21 kind of report?

22 MR. RAY: I'm, I'm just -- I guess my point is,
23 Mr. Commissioner --

24 THE COMMISSIONER: I, I get confused when you
25 talk about --

1 MR. RAY: I'm sorry, perhaps I can rephrase it.

2

3 BY MR. RAY:

4 Q You noted the need -- or you noted concerns that
5 you would want a psychiatric assessment conducted by
6 Altman, right? I assume that if you wanted a formal
7 capacity assessment conducted, you would have also noted
8 that for the file and you would have --

9 A That's correct.

10 Q And you would have noted concerns about returning
11 the child if you felt that was necessary, before returning
12 the child.

13 A Yes.

14 Q And can we assume, then, from the fact that it
15 wasn't noted that you didn't have those concerns?

16 A If it was not noted that a more formal parent
17 capacity assessment was required, then that was not
18 something that we were considering requiring before the
19 return of the child.

20 Q You mentioned that Ms. Greeley had at the time
21 she was leaving the agency, I think you said 26 files if,
22 if I recall correctly, and then when Ms. Abigosis took this
23 particular file over at the time in mid-November, she would
24 have accepted a caseload approximately in the mid-twenties.
25 Is that about right?

1 A I believe that the document that was presented
2 showed 26 cases at the time that Ms. Greeley left and 22
3 cases at about the time that Ms. Chief-Abigosis started.

4 Q And can we take it from that that Ms. Abigosis
5 would have inherited the majority of Ms. Greeley's
6 casework?

7 A That would be likely accurate.

8 Q And we heard you say that for the period of time
9 between Ms. Greeley leaving and Ms. Abigosis starting, that
10 you would have had to been the supervisor for all of those
11 files, correct?

12 A I would have been assigned as worker-supervisor
13 in the interim period.

14 Q And, and there was some suggestion that you
15 should have gone out, perhaps, if, if it was necessary, and
16 conducted fields or perhaps observations of the family in
17 the home because you were kind of a quasi-social worker at
18 the time. Is that your understanding?

19 A That has been what was suggested, although that
20 wasn't the practice at the time.

21 Q Alternatively, it was suggested to you that you,
22 you should have or could have had a social worker sent out
23 to do those tasks if you felt it was necessary, correct?

24 A Yes, if it was necessary, I could do that.

25 Q Okay. And my understanding on your evidence was

1 at the time that you would have been the supervisor slash
2 social worker of Ms. -- of this particular file -- I guess
3 Ms. Kematch protection file -- that you felt things were
4 stable, the family appeared to be working with, with the
5 supports, there was a home support worker in the home, and
6 that given all those things, your view was that as a
7 supervisor it wasn't necessary to go out and do those
8 visits in that period of approximately four weeks.

9 A That's correct. It was described as the parents
10 were doing well, were engaged, and, and there was agency
11 personnel in that home twice per week.

12 Q And you'd agree with me that if you would be
13 performing a role as a social worker with roughly 25 or so
14 files that you would have inherited from Ms. Greeley, that
15 it would be very difficult for you to go out and conduct
16 assessments on all 25 of those files, as was suggested to
17 you by counsel, and in addition to that, be conducting
18 supervisory duties of the other six or so social workers
19 that you're responsible for supervising.

20 A Yes, that would be very difficult.

21 Q And Ms. -- so your evidence is essentially that
22 at the time that you had the Kematch protection file the
23 file was stable. So when Ms. Chief-Abigosis took over the
24 file, that's essentially what she was walking into,
25 correct?

1 A Into a stable situation or what had been
2 described as stable, yes.

3 Q And that would explain that -- the reason that
4 Ms. Abigosis perhaps might not immediately field out on
5 this particular file, correct?

6 A That may be one of the factors she considered.

7 Q Now, Mr. Gindin suggested to you that there was
8 no contact during the, during the period of time from the
9 time Phoenix was returned to her parents to when Ms.
10 Delores -- Ms. Chief-Abigosis saw this particular family
11 roughly in the beginning of February. And I think you
12 clarified that and you said, well, there was no contact
13 from the social worker and that there was a visit in mid-
14 September by Ms. Greeley when they saw the family with Dr.
15 Altman. But it's also true that the support worker is an
16 employee of the agency, correct?

17 A That's correct.

18 Q And that support worker was in the home roughly
19 twice per week -- or was expected to be in the home twice
20 per week and assisting this family, correct?

21 A That's correct, too.

22 Q And Mr. Olson said to you that you'd agree that a
23 social -- support worker is not expected to be a proxy to
24 the family services worker, and I think you agreed with
25 him.

1 A That's right.

2 Q But you would agree that a support worker would
3 have necessary training to observe things like the presence
4 of alcohol in the home. They're able to see that evidence,
5 correct?

6 A Yes, they would.

7 Q They would be able to see and detect evidence of
8 intoxication if the parent or, or parents were intoxicated
9 upon a visit?

10 A Yes, it would be expected they could.

11 Q They would be able to see bruising or marks on
12 the face of either parent if there was domestic violence
13 that presented that?

14 A Yes.

15 Q They would be in a position to perhaps assist
16 with changing diapers of a child or bathing the child, and
17 in which case they would see the child and would be able to
18 see evidence of bruising or other serious neglect if that
19 was the case, correct?

20 A We would expect that.

21 Q And all of those things a support worker -- if
22 they did, indeed, see those things, the support worker
23 would be expected to report those things to Child and
24 Family Services or the family services worker, correct?

25 A Yes, that was expected.

1 Q And we heard Ms. Belanger testify and we also
2 heard Nikki Taylor testify, and Nikki Taylor also has
3 background as a support worker. We heard both of them
4 testify that they didn't see any of that during that time
5 period. Were you aware of the fact that no concerns were
6 being reported at the time period that you would have had
7 supervisory responsibility of this file?

8 A I was aware of that in October when the support
9 worker, Marie Belanger, phoned me around the family support
10 service agreement. She again reiterated that at that time
11 -- I, I don't have any indication that I heard anything to
12 dispute that beyond that point.

13 Q Now, we know from your evidence that
14 approximately June 29th you received information that you
15 received a referral. Sorry, I, I don't have the document
16 mentioned. It was an email that you gave to Ms. Abigosis
17 and it referred to a concern that you had -- it had been
18 brought to your attention about this particular family,
19 correct?

20 A That's correct.

21 Q Do you recall that? And you were no longer the
22 supervisor of Ms. Abigosis at the time; is that correct?

23 A That's correct.

24 Q And you no longer were -- had any supervisory
25 responsibility for this file at the time; is that correct?

1 A That would be correct.

2 Q Okay. But even though those things are true, you
3 still took the time to send an email advising Ms. Abigosis
4 of those concerns at the time, correct?

5 A That's correct.

6 Q And you also took the time to send Cory Donald
7 out on an immediate field to make sure that those concerns
8 were addressed, correct?

9 A Yes.

10 Q So then if, if you had any concerns about -- or
11 any concerns that came to light during the time you had --
12 actually had -- were the supervisor for this file, I assume
13 that you would have brought those to the attention of Ms.
14 Chief-Abigosis, correct?

15 A I would have.

16 Q And you would have noted them in your supervision
17 notes?

18 A Yes. It would either be through an email such as
19 this one if it was done by email, or it would have been
20 noted otherwise.

21 Q Okay. And you would have expected Ms. Abigosis
22 to go out and give them immediate attention if those were
23 noted.

24 A Yes, that would be my expectation.

25 MR. RAY: Mr. Commissioner, I just have a

1 moment --

2 THE COMMISSIONER: Yes.

3 MR. RAY: -- I think ...

4 THE COMMISSIONER: Yes, certainly.

5

6 BY MR. RAY:

7 Q Mr. Olson suggested to you that Ms. Greeley's
8 notes failed to -- in the notes as it relates to her
9 monitoring the supervised visits that occurred, okay, she
10 -- Mr. Olson put some points to you that there was nothing
11 in the notes to indicate that the parents had made gains as
12 it related to parental capacity or parental motivation,
13 okay? Do you recall him putting that to you?

14 A Yes.

15 Q Okay. Now, you'd agree with me that Ms. Greeley
16 was a very experienced social worker?

17 A Yes, she was experienced.

18 Q Are you aware that there have been three reports
19 conducted for the time period from when Ms. Greeley had
20 the, had the file to the time she left the file, and that
21 all of those report writers did not question at all the,
22 the actions taken by Ms. Greeley to return Phoenix to the
23 parents?

24 A Yes.

25 Q And, and your supervision of that?

1 A Yes, I'm aware.

2 Q Would it be fair to say that you'd expect Ms.
3 Greeley to note if there were no gains being made by the
4 parents respecting parental capacity or motivation?

5 A Yes, I would have expected that.

6 Q Do you recall if any of those things were noted
7 by Ms. Greeley?

8 A Not that I recall seeing.

9 Q Does that suggest to you that there were no
10 concerns?

11 A It suggests to me that the parents were making
12 progress and were engaging. There were certainly areas
13 noted where there was still further work to do and she was
14 clear in noting those as well.

15 Q There's been some discussion about the, the
16 decision not to renew the, the contract of the family
17 support worker, and I think you said that that would be up
18 to Ms. Chief-Abigosis. I assume that would be up to her,
19 perhaps, to advise you of a situation as she saw it and
20 then the two of you would make a decision as to whether or
21 not it would be necessary to renew that contract. Would
22 that be correct?

23 A Yes, it would be done through discussion with the
24 supervisor.

25 Q And, and the supervisor's required to sign off on

1 the decision to, to have that contract, correct?

2 A Yes. In order to either do a new request, a
3 renewal of an ongoing agreement, or if an agreement was
4 being terminated before the expiry date, those all would
5 require supervisor signatures.

6 Q And would you agree with me that support workers
7 are, for lack of a better term, a resource that is not
8 finite for the, for the department?

9 A The --

10 Q That they're -- they -- that they would be a
11 resource that would be in demand.

12 A I'm not sure that I'm understanding the question
13 in terms of finite.

14 Q Let me rephrase. Are you aware as to whether or
15 not there was waitlists to receive the services of a
16 support worker?

17 A Not that I'm aware of that support worker
18 requests would be prioritized based on need and urgency.
19 There may be waits related to situations that were seen as
20 non -- as not as critical or urgent, but all would get
21 processed.

22 Q Okay. So --

23 A There, there was a prioritization that may
24 happen.

25 Q And would you agree with me that the

1 prioritization that would -- a support worker would go to
2 the families that were in most need of that service?

3 A That would be the, the hope and the best use of
4 agency resources.

5 Q And at the time or at various periods of time
6 when this file was assessed, would you agree with me that
7 this family seemed to be addressing concerns with -- for
8 example, by taking parenting courses, by having external
9 resources, they had had the family support worker in the
10 home for roughly September, October, November, and half of
11 December, the reports were that they were doing well, that
12 they seemed to be addressing the parenting and parental
13 motivation. Would you agree with me that as it relates to
14 need -- and I, I don't want to suggest for the moment that
15 it wouldn't have been beneficial to have a support worker,
16 but would you agree with me that there were other families
17 perhaps that might benefit greater from the need -- from a
18 support worker and that that may have impacted the decision
19 not to renew?

20 A I mean, there -- that may all -- that may be the
21 case, generally speaking. It wouldn't necessarily prevent
22 the re-establishment of services based on an assessment
23 that the services were required. They could certainly be
24 re-implemented, but if services are no longer being seen to
25 meet the need and other families are in need, then

1 certainly the decision may be to re-direct resources.

2 MR. RAY: Thank you, Ms. Balan. Those are my
3 questions.

4 THE COMMISSIONER: Thank you, Mr. Ray.

5 MR. RAY: Thank you, Mr. Commissioner.

6 THE COMMISSIONER: Mr. Saxberg.

7 MR. SAXBERG: Thank you, Mr. Commissioner.

8

9 CROSS-EXAMINATION BY MR. SAXBERG:

10 Q Good afternoon, Ms. Balan. I just have a couple
11 questions for you. You indicated that you --

12 THE COMMISSIONER: Perhaps you should acquaint
13 the witness with who you're acting for.

14 MR. SAXBERG: Sorry, I apologize for that.

15

16 BY MR. SAXBERG:

17 Q I'm acting for ANCR and three of the authorities.
18 My name's Chris Saxberg.

19 You -- after your time working on the Phoenix
20 Sinclair file, you moved on to -- eventually to a new
21 position at the Office of the Children's Advocate of
22 Manitoba, correct?

23 A Yes.

24 Q And there, part of your function -- one of your
25 functions or your -- of your jobs was to do child death

1 reviews.

2 A Yes. That was part of my initial employment at
3 the office.

4 Q And how long did you do that for?

5 A For almost one year.

6 Q Okay. And just order of magnitude-wise, how many
7 reviews did you do?

8 A I'm sorry, I'm not sure that I can comment on my
9 work at the Office of the Children's Advocate in the, in
10 the context of this discussion as to my supervisory
11 responsibility. I'm somewhat confused how those would be
12 related.

13 Q Well, just give me the benefit of the doubt and,
14 and --

15 THE COMMISSIONER: Well, let's hear Mr. McKinnon
16 on this.

17 MR. MCKINNON: The, the concern I have is that I
18 assured this witness that she wouldn't be examined in her
19 capacity as a representative of the Children's Advocate.
20 They have other counsel and she may need advice from other
21 counsel as to what she's at liberty to discuss in terms of
22 her new position as an employee of the Children's Advocate.
23 So I saw nothing in the will-say -- and I know Ms. Walsh
24 and, and, and Mr. Olson have been very careful if they're
25 questioning witnesses in different capacities, to let us

1 know so that we can ensure they're properly advised. I, I
2 can't give this witness advice on what she can and can't
3 disclose in connection with her current employment.

4 MR. SAXBERG: Well, perhaps I'll just let you
5 know what the point of the questions is and you can decide
6 whether or not it's important --

7 THE COMMISSIONER: Well, it, it --

8 MR. SAXBERG: -- for you to hear the information.
9 I'm not asking for any specific information on any child
10 death review that she's conducted at all.

11 THE COMMISSIONER: What's your question?

12 MR. SAXBERG: The questions relate to, she's been
13 criticized in her work for her client contact and for not
14 ensuring that her worker achieved or met client contact
15 standards of the time and she's been criticized herself for
16 not achieving those client contact standards. I'm going to
17 -- I wanted to ask her through all of the reviews that
18 she's done into similar situations with child death reviews
19 that are in the context of children that have received
20 services from Winnipeg CFS, I want to ask her how prevalent
21 that issue is. Is that a regular issue that, that she saw
22 in those child death reviews as to whether or not there was
23 an issue with respect to the amount of client contact.

24 THE COMMISSIONER: I just don't follow you. How
25 prevalent what was?

1 MR. SAXBERG: This issue of this witness in this
2 hearing has been a critique of not having enough client
3 contact and not meeting standards with respect to client
4 contact. And I'm going to -- I wanted to ask her in her
5 capacity doing reviews, other child death reviews, whether
6 that was an issue -- a prevalent systemic issue that she
7 has encountered.

8 THE COMMISSIONER: Mr. McKinnon?

9 MR. MCKINNON: Can I speak to that, Mr.
10 Commissioner?

11 THE COMMISSIONER: Yes.

12 MR. MCKINNON: Yes. This would be of concern to
13 me because it's not even one specific child death review.
14 It's asking her to sort of take a bird's eye view of all
15 child death reviews in Manitoba and to opine on that. We
16 will be hearing from the Children's Advocate, who's on the
17 witness list, who would -- my learned friend can put the
18 Children's Advocate on notice that he wishes to ask that
19 question. But to ask if of this question -- of this
20 witness who doesn't have counsel here to represent her, who
21 hasn't had a chance to review all of the child death
22 reviews in Manitoba to prepare for this, and who, who, you
23 know, isn't being called in that capacity, I think it's
24 unfair to her. I'm certainly not in a position to give her
25 advice on whether she can or can't answer this question,

1 and I don't think you should allow it.

2 THE COMMISSIONER: Well, I think we should put it
3 over and let her get the advice if you want to pursue that
4 line of questioning, Mr. Saxberg.

5 MR. SAXBERG: Okay, well, I just want to make it
6 clear, I wasn't asking her about -- to make any comment in
7 terms of all child death reviews.

8 THE COMMISSIONER: No --

9 MR. SAXBERG: I was just asking in her, in her
10 experience because she's reviewed similar situations,
11 whether it was a common theme.

12 THE COMMISSIONER: Mr. McKinnon has pointed out
13 to me that she doesn't have counsel here representing her
14 on her work at that office, and it would be unfair to
15 expect her to answer questions with respect to it and I'm
16 not going into an area where there's an element of
17 unfairness being injected into this. But I, I -- to be
18 fair to you, I will allow you to have -- we will bring the
19 witness back after she's had the necessary legal advice if
20 you wish to pursue it.

21 MR. SAXBERG: Okay, thank you. I have no
22 questions, then.

23 THE COMMISSIONER: All right. Now, shall --
24 then, I take it you'd like this pursued and, and we'll tell
25 this witness at the end of the day that she need come back?

1 MR. SAXBERG: Well, you know, I'll leave it to
2 you. I mean --

3 THE COMMISSIONER: No, no.

4 MR. SAXBERG: If, if -- well, and I'm, I'm -- my
5 view was that it has significance. If this is an issue --
6 the issue in this hearing is client contact and the
7 question for you is: Is this an anomalous case, is this a
8 situation of individuals who have had individual failings
9 and haven't met client contact --

10 THE COMMISSIONER: Well --

11 MR. SAXBERG: -- requirements, or is this
12 something that has broader application? And there, there
13 are going to be witnesses out there --

14 THE COMMISSIONER: I, I won't -

15 MR. SAXBERG: -- that are going to be able to tell
16 you that.

17 THE COMMISSIONER: I won't prevent you dealing
18 further with this once the witness has had legal advice,
19 and I'll, I'll allow her to stand down, won't pursue today,
20 until another occasion after she -- and after she's had
21 that advice and is ready to come back.

22 MR. SAXBERG: That's fair.

23 THE COMMISSIONER: Okay.

24 MR. SAXBERG: Thank you.

25 THE COMMISSIONER: Is -- Mr. Khan, have you any

1 questions?

2 MR. KHAN: I don't, thank you, Mr. Commissioner.

3 THE COMMISSIONER: Thanks.

4 All right. Mr. McKinnon?

5 MR. MCKINNON: Thank you, Mr. Commissioner.

6

7 CROSS-EXAMINATION BY MR. MCKINNON:

8 Q For the record, Gordon McKinnon. I represent the
9 Department and Winnipeg CFS.

10 Ms. Balan, I just have a couple of questions that
11 I'm going to ask you for clarification. In response to
12 some questions that were put to you by Mr. Olson, you spoke
13 about the issue of whether or not you were aware that
14 workers may be having difficulty meeting expectations and,
15 and he asked you that in a general way. I'm going to ask
16 you specifically, do you recall Delores Chief-Abigosis
17 telling you that she wasn't able to meet her obligations to
18 go out and attend to this family or any other family? In
19 other words, did she come to you and say, I have too much
20 work to meet the expectations of you as a supervisor or the
21 agency?

22 A No.

23 Q And again, I think Mr. Olson put to you that with
24 respect to the documented attendances by Delores Chief-
25 Abigosis on this family, whether that met expectations, and

1 you said, No, if, if those were the only documented -- only
2 attendances, then it didn't meet expectations. My question
3 is supplemental to that. If there were other attendances,
4 even if the family was not home and they were not
5 documented, was that acceptable practice?

6 A It would have been acceptable that there were
7 many attempts made, but the expectation was to establish
8 contact. So while there might have been many attempts, the
9 expectation was to actually meet with the family.

10 Q And I'm being a little bit more specific than
11 that. I'm saying, if there were attempts and there's no
12 records of those attempts being made, would that be a
13 failure to meet expectations to record?

14 A It would be record keeping standards that were
15 not being met, but not casework standards.

16 Q That's my point. So either way, there was a
17 failure to meet expectations by this particular worker on
18 this particular case.

19 A With regards to those two areas, yes.

20 Q The other question for clarification arises out
21 of something the Commissioner asked you, and he spoke to
22 you about files remaining open and whether there was an
23 expectation that there would be a case plan, and then he
24 talked about whether there would be a service agreement.
25 And I thought it might be useful if we elaborated a little

1 bit upon the difference between those two. When is there a
2 case plan and when is there a service agreement, if I could
3 just try to get you to expand upon that a little bit.

4 THE COMMISSIONER: I welcome that question.

5 THE WITNESS: As part of the accepted case
6 management process, it would be, it would be expected that
7 every case would have a case plan. So every family that
8 workers were involved with, it would be expected that they
9 would be assessing that family, identifying concerns and
10 needs, identifying strengths, and based on that information
11 developing a service or a case plan, as they called it, in
12 regards to that particular family's involvement with the
13 agency. So there should be a case plan developed with each
14 family.

15

16 BY MR. MCKINNON:

17 Q Okay. So for every open file you would expect
18 there to be a case plan of some sort.

19 A That's correct.

20 Q And files just don't remain open with no case
21 plan on them.

22 A Files may remain open awaiting closure --

23 Q Right, that's a --

24 A -- but if they're open and active, it would be
25 expected that there is a case plan that is in place that is

1 directing the work at that time.

2 Q Now if you could talk about a service agreement
3 and how that's different.

4 THE COMMISSIONER: Just a minute. If they're
5 ready for closure, is there some step taken to indicate --
6 I, I've come to know that closure takes a while apparently.
7 When, when it's ready for closure, is there some signal
8 that goes up or that -- that's -- the file's now in that
9 status?

10 THE WITNESS: Yes. Within the CFSIS system,
11 within the child welfare information system, there was the
12 possibility that when a file was ready for closure that it
13 could be marked to awaiting closure status on the system,
14 at which time the expected time frame was 30 days from that
15 point to get the closing recording submitted.

16 THE COMMISSIONER: Sorry, Mr. McKinnon.

17

18 BY MR. MCKINNON:

19 Q So -- and, and just to make sure the point's
20 clear, so those are open files in a technical sense only.
21 They -- when the Commissioner spoke to you earlier about
22 open files having a case plan, open and active files should
23 have a case plan.

24 A That's right.

25 Q Okay.

1 A Files awaiting closure would indicate while
2 they're open, that the work has been completed and they're
3 awaiting closing documentation.

4 Q Okay. Now if you can talk about what a service
5 agreement is. For -- maybe put it this way: Does every
6 open file have a service agreement, and maybe you can
7 explain to the Commissioner when service agreements are
8 entered into and what, what they entail.

9 A Not every file will have a written service
10 agreement in place. Written service agreements are done
11 when there's cases where there are perhaps a number of
12 different issues that require ongoing completion. There,
13 there's a need to ensure that there's clear communication
14 between the agency and the family as to what expectations
15 are of the family, what the expectations are regarding the
16 contact with the agency and agency staff.

17 Frequently it would be done to ensure that the
18 agency has an agreement from the family that they'll allow
19 ongoing contact within their home.

20 And what it does is for a period of time it
21 usually establishes the conditions that are required in
22 order to either have children remain in the home or to be
23 returned home. It would hold all parties accountable. So
24 the written plan ensures that everybody is aware of what is
25 required, what is needed, what is expected, and for what

1 duration of time.

2 Q And when a service agreement expires, that
3 doesn't mean the case goes to closure.

4 A No.

5 Q Just maybe elaborate a little bit. You can have,
6 as we did in this case, a six-month service agreement.
7 What happens if the service agreement ...

8 A If the terms of the service agreement were being
9 met and there was progress being made on the items in the
10 service agreement, there would be a discussion with the
11 family and there would be a discussion between the worker
12 and supervisor as to whether or not a further written
13 service agreement would be required, at which time another
14 one could be drawn up.

15 Or it may be determined that at that point a
16 written service agreement is not required, there is good
17 communication, there is engagement, there is progress, and
18 so that there would still be a case plan in place but it
19 wouldn't require a written service agreement for that
20 clarification or clarity.

21 Q Okay. Now I'm going to ask you one more thing in
22 this area because I think it might be helpful to the
23 Commissioner. In this case the service agreement addressed
24 some aspects of the case plan.

25 MR. MCKINNON: And, and that may make it even

1 more confusing and I know I'm at the risk of making it more
2 confusing, Mr. Commissioner, but I'm trying to shed some
3 light on it.

4 THE COMMISSIONER: And the case plan you are
5 talking about has -- is of what date?

6 MR. MCKINNON: Well, I'm talking about the
7 service agreement and I'm trying to remember the date of
8 that. Perhaps the witness can help me, but it was --

9 THE WITNESS: September 5th, I believe.

10 MR. MCKINNON: -- right around the time they
11 returned Phoenix to the home.

12 THE COMMISSIONER: Yes.

13 MR. MCKINNON: So they --

14 THE COMMISSIONER: Yes.

15 MR. MCKINNON: They entered into a service
16 agreement --

17 THE COMMISSIONER: But, but was --

18 MR. MCKINNON: -- which was --

19 THE COMMISSIONER: But you also mentioned the
20 case plan. Is that the plan that was confirmed by the
21 court at the time of apprehension?

22 MR. MCKINNON: No, that would be the case plan or
23 portions of the case plan that were included in the service
24 agreement. So what we saw -- and Mr. Olson went through it
25 in some detail in the six points that were --

1 THE COMMISSIONER: Yeah.

2 MR. MCKINNON: -- in the service agreement were
3 components of a case plan. So my, my, my suggestion or my
4 question to the witness is, can you explain to the
5 Commissioner how sometimes a case plan is included or
6 absorbed into the service agreement.

7 THE COMMISSIONER: Without there being a separate
8 case plan?

9 MR. MCKINNON: Well, I, I think it's one and the
10 same is my point and I think that might be why you've been
11 confused, Mr. Commissioner, is that when they take a case
12 -- in this case they take a case plan and they say, We're
13 going to return this child home, but to make sure everybody
14 knows the, the rules, you know, the, the conditions under
15 which this is happening, we're going to take -- we're going
16 to, we're going to sign a service agreement and that is
17 going to address, to some extent, portions of the case plan
18 and they become incorporated into a service agreement.

19 THE COMMISSIONER: Well, things that ordinarily
20 would be in a case plan but instead are this time going to
21 go in because of the circumstances into the service
22 agreement?

23 MR. MCKINNON: That's what I'm --

24 THE COMMISSIONER: Okay.

25 MR. MCKINNON: -- trying to bring out through

1 this witness.

2 THE COMMISSIONER: Okay.

3 THE WITNESS: Yes.

4

5 BY MR. MCKINNON:

6 Q And, and I, I -- I'm trying to be careful not to
7 give evidence because I'm not sure, but is that a common
8 thing, to see some, some of the case planning addressed in
9 a service agreement?

10 A Yes, service agreements would be reflective of
11 the case plan. In this case, even from the transfer from
12 intake moving into family service there had been indication
13 to look at -- to -- as to whether or not reunification was
14 appropriate. By the time September came, it was clearly
15 indicating that there had been progress to date,
16 reunification as part of the plan was indicated, but we
17 wanted to ensure that the other factors that still had not
18 been fully addressed would be carried through even after
19 reunifying the child. So at that point those aspects were
20 reflected in the service agreement. It should look very
21 similar to what the case plan would have been saying we
22 need to address, and at that point we would be looking at
23 continuing to provide the supports, explore the areas, and
24 preserve the family.

25 THE COMMISSIONER: I understand all of that, but

1 had there ever been a written case plan in this, in this
2 file?

3 THE WITNESS: The case plan was essentially what
4 was reflected in the service agreement. The items --

5 THE COMMISSIONER: So there was --

6 THE WITNESS: -- that were discussed --

7 THE COMMISSIONER: -- no standalone case plan.
8 It was the, the incorporation of the case plan components
9 into the service agreement.

10 THE WITNESS: It was written out in the form of a
11 service agreement. It was discussed verbally in
12 supervisions, the planning was discussed, and then where it
13 was evident and documented was the service agreement
14 reflected that, the similar case plan to what we had talked
15 about. But it was being clearly communicated to the, to
16 the family, and the agency was making that clear.

17 THE COMMISSIONER: So it was the one document
18 bearing the September date.

19 THE WITNESS: That's right, and that was
20 reflective of the case plan.

21

22 BY MR. MCKINNON:

23 Q Now, one separate area I'm going to move to,
24 Witness --

25 MR. MCKINNON: And I'm, I'm mindful, Mr.

1 Commissioner of your direction that we not cross-examine --

2 THE COMMISSIONER: Yeah.

3 MR. MCKINNON: -- but, but -- and I don't think
4 this is an issue in controversy, but let me just ask the
5 witness.

6

7 BY MR. MCKINNON:

8 Q I'm looking at your, your CV and it's my
9 understanding that you last worked for Winnipeg CFS or any
10 other agency mandated by the general authority, that would
11 have been in 2007?

12 A That's right, as a support resources supervisor.

13 Q And when Mr. Gindin was asking you about current
14 policies in Winnipeg CFS with respect to supervisory notes,
15 I'm going to indicate or suggest to you that there may have
16 been changes subsequent to 2007 that you wouldn't know
17 about.

18 A That would be correct.

19 MR. MCKINNON: And I don't think I'll go beyond
20 that, Mr. Commissioner, other than to telegraph to you we
21 will be calling evidence indicating there have been changes
22 to those policies.

23 THE COMMISSIONER: Thank you.

24 MR. MCKINNON: Those are my questions. Thank
25 you, Mr. Commissioner.

1 THE COMMISSIONER: Thank you, Mr. McKinnon. I'm
2 appreciative of you bringing up the distinction that has
3 concerned me as to the case plan and the service agreement.

4 MR. MCKINNON: Thank you.

5 THE COMMISSIONER: Re-examination?

6 MR. OLSON: I have no re-examination.

7 THE COMMISSIONER: All right, Witness, you heard
8 the discussion I had with Mr. Saxberg on his -- the
9 questions he wants to deal with with respect to your time
10 at the medical examiner's office. I will, I will direct --
11 you're listening? I will direct Commission counsel to be
12 in touch with Mr. Saxberg and with the medical examiner's
13 office and find out who the counsel is that's available and
14 take responsibility of letting you know if, indeed, you
15 need to come back and -- well, I guess you do need to come
16 back, but when that will be at a convenient time that suits
17 your, your, your schedule. But it'll only be on that point
18 that we didn't go into today because of the nature of the
19 questions relating to your employment in the other office.

20 THE WITNESS: Yes.

21 THE COMMISSIONER: Other than that, you're
22 through and I thank you very much for your attendance.

23 THE WITNESS: Thank you.

24

25 (WITNESS STOOD DOWN)

1

2 MR. OLSON: Do we want to proceed with the next
3 witness?

4 THE COMMISSIONER: Well, yes, let's take half an
5 hour of the next witness.

6 THE CLERK: (Inaudible) to swear on the Bible?

7 THE WITNESS: Swear on the Bible.

8 THE CLERK: Thank you. State your full name to
9 the court.

10 THE WITNESS: Lorna Lee Hanson.

11 THE CLERK: And spell your first name, please.

12 THE WITNESS: Lorna, L-O-R-N-A.

13 THE CLERK: Your middle name.

14 THE WITNESS: L-E-E.

15 THE CLERK: And your last name.

16 THE WITNESS: Hanson, H-A-N-S-O-N.

17 THE CLERK: Thank you.

18

19 **LORNA LEE HANSON**, sworn, testified

20 as follows:

21

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

23 THE WITNESS: Can I just get a glass of water,
24 please? Thanks.

25

1 DIRECT EXAMINATION BY MR. OLSON:

2 Q You obtained your Bachelor of Social Work from
3 the University of Manitoba in 1989?

4 A Yes.

5 Q Okay. And aside from that, do you have any other
6 education related to child welfare work?

7 A I have various training in forensic child abuse.
8 I'm a provincially certified trainer on that topic. I've
9 taken the core competency-based training for direct social
10 work as well as the supervisor's management course through
11 the core, as well as various other training and areas that
12 relate to child welfare.

13 Q Okay. Do you recall when you took the, the core
14 training for supervisors?

15 A No, sorry.

16 Q Do you know if that was prior to your involvement
17 in this case or after?

18 A I believe it was prior to my involvement.

19 Q In terms of your employment history, where did
20 you start working after you obtained your BSW?

21 A With what was then referred to as Northwest Child
22 and Family Services.

23 Q Okay. And what did you do in that position?

24 A I was a frontline child welfare worker.

25 Q Same thing as a family service worker?

1 A Yes, I was a family service worker, yeah.

2 Q So you had a caseload and you carried, carried
3 files.

4 A That's correct.

5 Q And for how long did you do that?

6 A For approximately five years.

7 Q Okay. And so -- and then after that?

8 A After that, I, I was a ... Sorry, when you've
9 been in the system as long as I have and moved around, it's
10 hard to keep it all straight. I have -- I then became an
11 abuse worker through that time period. Then I moved to
12 what was called a reunification-preservation worker, where
13 I focused on families where reunification or preserving the
14 family unit was the priority.

15 Q Do you recall how long you were a reunification
16 worker?

17 A I worked in two different reunification programs,
18 so in between that I was also a place of safety worker as
19 well as an interim kind of crisis intervention worker off
20 of intake, and that would have spanned about another five
21 years.

22 Q Was that all with Northwest?

23 A No. The agency started to have some
24 reorganization so one of the pieces was with what was then
25 referred to as Central Child and Family Services where I

1 did my second stint in reunification there.

2 Q That was at Central?

3 A Yes.

4 Q And at some point you became a supervisor with
5 Winnipeg Child and Family Services.

6 A Yes, following that, I became a supervisor at
7 Winnipeg Child and Family Services out of the Jarvis
8 office.

9 Q Do you recall the year?

10 A Around, around 19 -- 2000. 1999, 2000 --

11 Q Okay.

12 A -- somewhere in there.

13 Q And did you have a particular unit you were
14 assigned to? You said it was the Jarvis office.

15 A Yes, I had a family service unit within that
16 building. There were a couple of family service units that
17 operated out of there.

18 Q Okay. And the family unit -- family -- the, the
19 unit that you had, you supervised Kerri-Lynn Greeley at one
20 point?

21 A Yes, that's correct.

22 Q And were you ever supervisor of Delores Chief-
23 Abigosis?

24 A Yes, that's correct.

25 Q Okay. And also Kathryn Epps.

1 A Yes.

2 Q And for how long did you stay in a position as
3 supervisor at Northwest -- or in ...

4 A Winnipeg?

5 Q Winnipeg.

6 A From 1999 till I moved to -- seconded to Awasis
7 in 2004, I believe.

8 Q I understand at some point you had a maternity
9 leave.

10 A Yes.

11 Q Do you recall when that was?

12 A I had a medical leave in the beginning of June
13 2000, and subsequently went into a maternity leave June
14 29th, the end of June, and I returned to the agency from
15 the maternity leave June 1st of 2001.

16 Q And during that time we've heard that Ms. Balan
17 was the supervisor of your unit.

18 A Yes, that's correct.

19 Q Okay. And then just carrying on with your
20 employment, you moved -- you had a secondment to Awasis
21 agency?

22 A Yes, I was supervisor of a frontline family
23 services unit for the Awasis agency when devolution
24 occurred, and their agency then had offices in the urban
25 setting of Winnipeg.

1 Q Okay. And for how long were you in that
2 position?

3 A Approximately a year.

4 Q Okay. And after Awasis?

5 A I moved to the Child Protection Branch as a
6 provincial investigator.

7 Q And for how long did you continue in that role?

8 A I was there in that role for approximately two
9 years.

10 Q Okay. And what did you do as a, as a provincial
11 abuse investigator?

12 A Our mandate under the Child Welfare Act was to
13 conduct abuse investigations on behalf of the Director of
14 Child Welfare, where the allegation was or is against an
15 employee of child welfare.

16 Q Okay, so it's specific to employees of child
17 welfare?

18 A Yes.

19 Q Okay. And after that, I understand you were
20 employed at the Child Protection Branch?

21 A Yes, I maintained my employment at the Child
22 Protection Branch, however, I moved into a management role.
23 My title is manager of investigations and risk assessment.

24 Q And what do you do in that role?

25 A I manage three provincial programs, one being the

1 provincial investigation unit which grew to be four
2 employees and has a provincial mandate, as well as the
3 criminal risk assessment unit which is one position, as
4 well as the child abuse registry unit which has
5 approximately ten to 15 staff. That varies up and down a
6 bit.

7 Q And that's what you're currently doing.

8 A Yes.

9 Q I just want to go back to your time as a
10 supervisor of the Jarvis unit. Now, that would have been
11 in the year 2000 to 2001. That's when you would be
12 involved in this case?

13 A Yes, when I would have been involved in this
14 case, yes.

15 Q Okay. And at that time who did you report to?

16 A Glenda Edwards.

17 Q And what was her title?

18 A She was the program manager.

19 Q Okay. And what did the reporting look like at
20 that time?

21 A I'm not sure I understand the question.

22 Q When, when you -- how often did you report to
23 her?

24 A Well, she was housed within the same building so
25 we had regular supervision and ad hoc if needed. I could

1 walk down the hall, so she was very accessible.

2 Q Okay. And what, what occurred in the regular
3 supervision?

4 A We would go over anything that required approval
5 beyond my scope, as well as any case situations which may
6 have warranted further discussion for, for a number of
7 reasons.

8 Q So you would, you would discuss cases that your
9 workers were handling?

10 A I may have, yes.

11 Q And were there notes made of these meetings?

12 A Yes.

13 Q Okay. By you?

14 A Yes, I'd have made notes.

15 Q Okay. And where would you have kept your notes?

16 A I had binders in my office that were for each
17 worker. Within those binders, any discussions I had
18 relative to either about the worker and HR issues as well
19 as case-specific issues were housed in there and
20 documented.

21 Q Okay. And do you know what happened with those
22 notes?

23 A The notes in regards to discussions with Glenda
24 Edwards?

25 Q Either with Glenda Edwards or the workers.

1 A My practice at the time was -- in the beginning
2 pieces the binders were left when I went on maternity leave
3 so that whoever took over would have the running record.
4 Upon my return from maternity leave, at some point in time
5 -- I don't know the exact date -- my practice became to put
6 notes on the file. So they would have been placed in
7 sealed envelopes that clearly stated Supervisor's Notes
8 from date to date, signed and sealed, and placed in the
9 envelope within the file.

10 Q So those would go on the, the case file that the
11 worker was working on?

12 A Yes.

13 Q Okay. And you've had a chance to review the case
14 file through your counsel?

15 A I've been given copies of what was in the case
16 file and what's been provided, yes.

17 Q And were any of those supervision notes in the,
18 in the case file that you've seen?

19 A No.

20 Q Okay. And do you have any, any idea as to why
21 they're not there?

22 A No, although like many child deaths, those files
23 go through a number of hands because they are reviewed
24 multiple times. So right after a child death, the CME's
25 office is there. They look through the file, they take the

1 file, they return the file. If a section -- another
2 section review is ordered, it goes through that. The
3 Office of the Children's Advocate can review the file.
4 This process the file goes through. So the file moves
5 quite a bit, so there's a number of reasons that things can
6 go missing, unfortunately, in a paper world.

7 Q Okay. The -- when you -- in the Jarvis unit, how
8 many workers were you supervising?

9 A Eight, as well as the admin had a dual report, so
10 to myself and her -- another manager.

11 Q Who was the admin?

12 A Karen London (phonetic).

13 Q Okay. And she just provided administrative
14 support, then, for your unit?

15 A Yes.

16 Q Now, Kerri-Lynn Greeley was one of the workers
17 that worked under you.

18 A Yes.

19 Q And was she already a worker when you started at
20 the unit as supervisor?

21 A Yes. When I had left the intake -- I had done
22 some interim work with intake. She had actually been
23 hired, so I had had -- I had actually sat on the panel that
24 hired her.

25 Q You sat on the panel that hired her.

1 A Yes.

2 Q Okay. But was that -- when, when you became a
3 supervisor of the Jarvis unit, was that the first time you
4 supervised her?

5 A That's correct.

6 Q Just in terms of your supervision, just generally
7 at that time, how often would you meet with your workers?

8 A My general practice was that I met with workers
9 every two weeks for scheduled supervision. If they were
10 new workers, sometimes it was weekly. That was dependent
11 on what I felt the need was, what their need or expectation
12 was, as well as there was a lot of ad hoc supervision. We
13 were available pretty much whenever needed.

14 Q The regular supervision meetings that you had,
15 was that pursuant to a standard or was that just your
16 practice?

17 A I don't believe that there's a standard, per se.
18 I know that policies were developed, but it's best
19 practice.

20 Q Okay. And so these were, these were scheduled
21 meetings at a set time?

22 A Yes.

23 Q And how long would the meetings last?

24 A That would vary. I always allowed an hour and a
25 half for scheduled supervision. However, there were times

1 when supervision had to be rescheduled because if a worker
2 happened to be needed in court or a crisis occurred, then
3 we would reschedule. Or sometimes they had other, like,
4 family visits so there could be interruptions. So there
5 was flexibility around that, but we always allowed and
6 ensured that there was scheduled time to sit down and
7 review files.

8 Q Okay. What would be discussed in the supervision
9 meetings?

10 A My expectation then -- and it continues today --
11 is that I give my staff an opportunity to raise issues or
12 concerns on files or things that may be impacting their
13 capacity to do their job. I then go over the things that I
14 maybe need to discuss with them as far as case specific
15 issues or concerns.

16 And then periodically, about every third or
17 fourth supervision, we would -- what I called kind of go
18 through all of the files. So their case list would be
19 printed off and we would go through basically where are we
20 at on the case plan, what's the case plan on each file, and
21 kind of a status update so that I would know where things
22 were at. And it would give them an opportunity to ensure
23 that we were discussing each case.

24 Q And you said that would be every third or fourth
25 session?

1 A Yes.

2 Q Okay. And how much time would you spend
3 discussing each case?

4 A Again, that varies on the case, the case type,
5 where things were at in the plan. Lots of factors come
6 into that.

7 Q Okay. But you would have kept notes of those
8 discussions and they would have been placed in the binder
9 at that time?

10 A Yes, I did, in fact, keep notes of all those,
11 yes.

12 Q Okay. And so the -- this case -- and at that
13 time it would have been Samantha Kematch's file. Is that a
14 case you would have discussed?

15 A Yes.

16 Q Okay. So there would have been notes specific to
17 this case in your file.

18 A Yes.

19 Q Yeah. And generally when you weren't doing the
20 case reviews, the specific case reviews of the list of the
21 -- that worker's cases, would they bring cases to you they
22 wanted -- they had issues on, they wanted to discuss?

23 A I'm sorry, the question is?

24 Q At the regular supervision sessions --

25 A Right.

1 Q -- you said every third or fourth session you
2 would go through the list of cases.

3 A Yes.

4 Q Okay. The other sessions you had where you
5 weren't doing that, would you -- would the workers bring
6 specific issues to your attention in terms of cases?

7 A Yes.

8 Q And so they, they'd say, you know, I have an
9 issue with the Sinclair case and here's what it is, and you
10 would discuss that issue?

11 A Yes. They had an opportunity to raise issues,
12 whether that was case planning, case specific. It may have
13 been logistical things, could have been funding issues,
14 could have been court process, could have been workers on
15 learning curves wanting to understand how to access
16 resources. So the supervisor's role is to provide
17 mentorship, ensure case management, training, oversee the
18 cases. So it's, it's -- you have to be flexible --

19 Q Um-hum.

20 A -- and, and you're juggling quite a few cases and
21 balls so, yes.

22 Q And when you say "oversee cases," how is it you
23 oversee the case?

24 A Well, ultimately the supervisor is responsible
25 for those cases, and workers -- these are big decisions

1 that we're making so no one should be making those in a
2 silo. Social work in itself believes that the more we can
3 work cooperatively, the better that is with families, for
4 families, and the better outcomes. So often the
5 discussions around case planning is if workers get stuck or
6 a family seems stuck, how do you help that family? So that
7 may be some of the discussion. So there's also a clinical
8 component of supervision.

9 Q Okay. And so when you say the worker shouldn't
10 make the case in a silo, do you mean the worker should make
11 the case in consultation with you as a supervisor?

12 A Well, they are making, yes, decisions in
13 consultation with the supervisor, yes.

14 Q Okay. And when that happens how much information
15 would you have about the case?

16 A Again, that varies on a number of factors. It
17 depends on what I'm asking, it depends what they're asking.
18 So for me to say it, it's this or that, that's, that's
19 impossible for me to answer.

20 Q Okay. Would you pick up case files and read
21 through them?

22 A Yes. When files come from intake, they are
23 reviewed by the supervisor -- myself -- for assignment, so
24 I would review files, yes.

25 Q And how much of a file would you review when it

1 comes from intake?

2 A Again, dependent on a number of factors. Depends
3 on how many volumes there is on that file; some files are
4 more than one volume. It depends on how many files I've
5 received that week for assignment. But in general, we try
6 to read as much as possible. So we would read all the
7 critical information as far as court recordings, any legal
8 documents, case summaries, transfer summaries, medical
9 information.

10 The file's broken down into various sections and
11 there are key components within that. The case transfer
12 summaries and the court summaries or court information
13 really is a way for a worker to be able to synthesize down
14 what they've done, what they think the issues are, and what
15 needs to happen next, and so a supervisor uses that as
16 their guide and their tool.

17 Q Okay. And so based on that, I take it you would
18 -- it's important that those case summaries -- case
19 transfers be accurate?

20 A Yes.

21 Q And give you complete information?

22 A Yes.

23 Q Complete, relevant information?

24 A Yes.

25 Q And that that's up to date.

1 A Right. However, I think you need within that --
2 I mean, all of those documents are done at that point in
3 time with the information that workers have so, you know, a
4 file may be in transfer and by the time it gets to me
5 within two days or a day, something else may be happening.
6 So there's always information coming in even as the file is
7 kind of moving, because they're, they're active.

8 Q Are you able to recall what the caseload was like
9 at that time for your workers?

10 A I'd say probably, on average, around 35.

11 Q Thirty-five cases?

12 A Yes.

13 Q Per worker?

14 A Yes.

15 Q And in terms of workload, how did that translate?

16 A Well, 35 cases is above the recommended levels.
17 Work -- I mean, you can have a caseload of 25 and be as, as
18 busy if not busier than the worker who has 35, so a number
19 is one piece of that workload measure. I think the
20 difficulty in child welfare has always been how do you
21 accurately measure our work because you can have 25 files,
22 but if out of those 25 files there are four children per
23 family, that's a lot of children. And if the standard is
24 to see them within so many days, you know, it's a, it's a
25 juggling, it's a balance.

1 Q And so you said that was -- the workload and
2 caseload that was present at the time was above what was
3 recommended.

4 A Yes.

5 Q And who, who would recommend the caseload?

6 A Well, the Child Welfare League of Canada has done
7 some measurements on that so some guidelines come from
8 there.

9 Q Okay.

10 A But again, that's on Family Service. There are a
11 number of ways to measure that. You can look at, are you a
12 generic worker. When I started, we were generic; we
13 carried all sorts of cases. Then there's specialization.
14 So I mean, there's -- again, it's a number and there are a
15 lot of other factors around workload.

16 Q Okay. So at that time would you describe the
17 workload as, as a, as a manageable workload?

18 A No, I wouldn't say it's manageable. I mean, we
19 managed. I think there's a difference between we managed
20 and we took care of business versus it's manageable.

21 Q Okay. And what, what's the distinction that
22 you're making?

23 A Well, again, you -- if you -- in a -- if you have
24 25 files and you have two children per family, so now you
25 have 50 children that you're supposed to see every 30 days.

1 So that's -- and there's 20-some working days, and you
2 maybe have a sick day in there, that, that is, that is a
3 challenge. So when I say we managed, we did the best we
4 could with the resources we had.

5 Q Okay. Did, did the workload impact on your
6 ability to meet what you would call best practice at the
7 time?

8 A Well, workload impacts, yes, on best practice. I
9 mean, best practice is that you, you have some time. In
10 reunification you had time to meet with families, engage
11 with families, and our caseload was we had five families
12 that we worked with intensely, five to ten. So that's very
13 different, different work so, yes, it does impact.

14 Q Reunification, that's, that's what you were doing
15 at one point prior to being a supervisor?

16 A Yes.

17 Q Just -- can you explain what that was?

18 A The focus of reunification was that these were
19 families who with -- the intent was with some intense
20 supports around the clock -- we were available 24/7 -- that
21 families would be able to have greater successes, it would
22 reduce the number of children in care, and enhance overall
23 safety and the longevity of families sustaining the skills
24 so that they would hopefully not come back in contact with
25 our system.

1 Q Okay. And what -- how did that -- what did that
2 look like compared to what you would do as a family service
3 worker?

4 A Well, I think as a family service worker you're
5 doing some of the same work but you're having to do it at a
6 much quicker pace. So, for example, as a family service
7 worker I always did try to do lifelines and genograms and
8 things like that with families. However, if you have 15
9 minutes for that family versus you have an hour and a half
10 with that family or genogram, and the information you're
11 gathering is very different so your information about their
12 strengths and their issues looks very different. As you
13 build long-term relationships with them, they trust you
14 more and so they may call you in a crisis versus using some
15 other methods to deal with their crisis.

16 Q And are you able to comment on how successful the
17 reunification program was when you were involved?

18 A There were statistics generated. I, I wouldn't
19 -- I wasn't -- I don't have those at my fingertips. That
20 was a number of years ago. But there is success with the
21 program overall, in general.

22 Q Right. And your personal experience with it?

23 A My personal experience was that for some families
24 there were positive outcomes, and they -- their children
25 remained in their care. For some, the -- it was still a

1 positive outcome in, in that families recognized that at
2 that point in time they weren't able to parent and then
3 were part of longer planning for their children with other
4 caregivers where they could still be a part of their life.

5 Q Just getting back to your role as supervisor,
6 were there any standards or policies in place that guided
7 your work?

8 A Yes, there are standards and policy, yes.

9 Q Okay. And were you aware of these standards and
10 policies at the time?

11 A Standards and policies in regards to case
12 management or ...

13 Q Just that guided your work as a supervisor.

14 A Yes.

15 THE COMMISSIONER: Now, Mr. Olson, is this a
16 convenient time to break or do -- is there -- have you got
17 some more general things to deal with in the next five
18 minutes? Otherwise, we won't go into the particulars of --
19 that you're likely going to into with respect to this
20 witness's involvement with this file.

21 MR. OLSON: Yeah, I have maybe two more questions
22 on this topic and that would complete it.

23 THE COMMISSIONER: Go ahead.

24

25 BY MR. OLSON:

1 Q With the workers under your supervision in 2000
2 and 2001, you said they were carrying about 30 to 35 cases
3 each?

4 A Yes.

5 Q And so how many cases in total were you
6 supervising, approximately?

7 A Well, what's eight times 35? Social workers
8 aren't known for their math, especially me. I always say
9 I'm numerically challenged.

10 Q Lawyers aren't known for their math, either.

11 A Maybe the Commissioner knows. Roughly 400 --

12 THE COMMISSIONER: No, but I can figure it out.

13 THE WITNESS: Roughly 400, 450.

14

15 BY MR. OLSON:

16 Q Okay. And was, was caseload and workload a topic
17 that came up from your workers during your supervision
18 sessions?

19 A Yes.

20 Q And how did it come up?

21 A Well, work -- I mean, workers could become
22 overwhelmed and stressed at times because of, you know --
23 if more than one case was really active, then they were
24 being pulled in multiple ways. So we would look at how the
25 team could support the work and make sure that the basics

1 were being done.

2 Q Okay. We heard that supervisors would try to
3 find a way to reduce the workload on a worker if they were
4 having an issue.

5 A Yes.

6 Q Okay. And --

7 A Reduce it or support the work, so ...

8 Q Okay. And did --

9 A We really couldn't reduce it because the work is
10 the work, so --

11 Q Work's always there.

12 A It was workload management.

13 Q Okay. And did, did you ever have a worker say to
14 you, Look, I just can't meet standards with the workload I
15 have.

16 A No. Workers don't necessarily speak in standards
17 when they're speaking about workload. They're speaking
18 about the children and the families so they'll say, I can't
19 get to this family, I really need to see this family, I
20 need help arranging this family visit. So it's more about
21 the actual work.

22 Q Okay. And if that sort of a concern was brought
23 to your attention, would steps be taken then to ensure the
24 worker was able to get to that work?

25 A Yes.

1 Q The last question I have for you is whether or
2 not there was any pressure at that point in time to close
3 cases as a result of heavy workloads?

4 A It's not necessarily pressure but, as a manager,
5 one knows that cases are coming in the front door so
6 there's always a look at where are case plans at and is
7 there, is there cases that can be closed and should be
8 appropriately closed.

9 Q Because you don't want to keep them open for a
10 long time, otherwise they build up. Is that the idea?

11 A No, the idea is to close cases appropriately.

12 MR. OLSON: This would probably be a good time
13 break.

14 THE COMMISSIONER: All right. I'm going to ask
15 you to come back tomorrow morning. We'll reconvene at
16 9:30.

17 THE WITNESS: All right, thank you.

18 THE COMMISSIONER: All right. We stand adjourned
19 till 9:30 tomorrow morning. You can take your leave.

20 THE WITNESS: Thank you.

21 THE COMMISSIONER: Thank you.

22

23 (PROCEEDINGS ADJOURNED TO NOVEMBER 29, 2012)