



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

Commission Disclosure 1717

EX #5
Aug 13/03
cls

File No. CP 00-01-08308

26

THE QUEEN'S BENCH
(FAMILY DIVISION)
WINNIPEG CENTRE

IN THE MATTER OF: *The Child and Family Services Act*, R.S. M. 1985, c.C80 and
amendments thereto

AND IN THE MATTER OF: PHOENIX VICTORIA HOPE SINCLAIR
born the 23rd day of April, 2000

BETWEEN:

THE DIRECTOR OF CHILD AND FAMILY SERVICES

Petitioner,

- and -

SAMANTHA DAWN KEMATCH and
NELSON DRAPER STEVE SINCLAIR

Respondent(s).

AFFIDAVIT OF SERVICE for
Anishinaabe Child and Family Services

Agency: Winnipeg Child and Family Services
404 - 1 Wesley Avenue
Winnipeg, Manitoba
R3C 4C6

Solicitor for Petitioner: Michael Thomson/Norm Cuddy
TAPPER CUDDY
Barrister & solicitor
1000 - 330 St. Mary Avenue
Winnipeg, Manitoba
R3C 3Z5

Debra Poskar
Barrister & Solicitor
835 Portage Avenue
Winnipeg, Manitoba
R3G 0N6

Phone no: (204) 944-8777
Fax no: (204) 947-2593

Phone no: (204) 944-2052
Fax no: (204) 944-6751

35059

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Respondent(s).

AFFIDAVIT OF SERVICE

I, Jim Wilcox, of the City of Winnipeg, in the Province of Manitoba,
Process Server, do hereby make oath and say (solemnly affirm) as follows:
(occupation)

THAT I did, on the 20 day of June, 2003, personally
serve, Alice Roulette, a representative of Anishinaabe Child and
Family Services, with a true copy of the Petition and Notice of Hearing, (and the Notice of Hearing as
Adjourned), a copy of which is annexed to this my affidavit.

THAT I did, on the 26 day of June, 2003, personally serve
Alice Roulette, with the particulars of the grounds that are alleged
to justify a finding that the child(ren) is in need of protection, along with the Declaration of Family
Income.



Family Services
and Housing

Winnipeg Child and Family Services

835 Portage Avenue
Winnipeg, Manitoba
R3G 0N6
CANADA

Direct Line (204) 944-4024
Fax: (204) 944-6751

June 25th, 2003

Anishinaabe Child and Family Services
501 – 286 Smith Street
Winnipeg, Manitoba
R3C 1K4

Dear Sir/Madam:

RE: SINCLAIR XX KEMATCH – Phoenix Victoria Hope

Pursuant to Section 30(3) (b) of "the Child and Family Services Act" please find enclosed herewith a copy of the Petition and Notice of Hearing, for the above named child, and particulars summary. The native band for father, Nelson Draper Steve Sinclair is Lake St. Martin.

For further information please contact the Social Worker, Laura Forrests at 944-4247.

Yours truly,

Gloria Woytiuk
Legal Coordinator

/gw

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PETITION AND NOTICE OF HEARING

NOTE: If you have been delivered a document entitled "Notice of Hearing as Adjourned" you may make your appearance in court at the later date shown on it.

Agency: Winnipeg Child and Family Services
404 - 1 Wesley Avenue
Winnipeg, Manitoba
R3C 4C6

Solicitor for Petitioner: Michael Thomson/Norm Cuddy
TAPPER CUDDY
Barrister & Solicitor
1000 - 330 St. Mary Avenue
Winnipeg, Manitoba
R3C 3Z5

Debra Poskar
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835 Portage Avenue
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R3G ON6

Phone no: (204) 944-8777
Fax no: (204) 947-2593

Phone no: (204) 944-2052
Fax no: (204) 944-6751

Your next court date is on 2nd day of July, 2003 , at 9:30 a.m. at the Law Courts Building at 408 York Avenue, Winnipeg
(date) (time) (location)

THE QUEEN'S BENCH
(FAMILY DIVISION)
WINNIPEG CENTRE

IN THE MATTER OF: *The Child and Family Services Act*, R.S. M. 1985, c.C80 and
amendments thereto

AND IN THE MATTER OF: PHOENIX VICTORIA HOPE SINCLAIR
born the 23rd day of April, 2000

BETWEEN:

THE DIRECTOR OF CHILD AND FAMILY SERVICES

Petitioner,

- and -

SAMANTHA DAWN KEMATCH and
NELSON DRAPER STEVE SINCLAIR

Respondent(s).

PETITION AND NOTICE OF HEARING

TAKE NOTICE that the Petitioner seeks a finding that the above-named child was, on the 22nd day of June, 2003, and is still, in need of protection.

AND TAKE NOTICE that a hearing will be held at the Law Courts Building, Courtroom 410, at 408 York Avenue in the City of Winnipeg, Manitoba, on Wednesday, 2nd day of July, 2003, at 9:30 o'clock in the forenoon, and that you are entitled to be represented by legal counsel but if you do not attend in person or by counsel at that time and place, an order may be made in your absence.

AND FURTHER TAKE NOTICE that one of the following orders may be made if the child PHOENIX VICTORIA HOPE SINCLAIR , is found to be in need of protection, namely:

(Please check appropriate box(es))

- an Order of Supervision; or
- an Order of Alternate Placement; or
- an Order of Temporary Guardianship; or
- an Order of Permanent Guardianship; or

such other Order as may be just.

AND FURTHER TAKE NOTICE that the Petitioner makes application for an Order pursuant to Section 38(3) of *The Child and Family Services Act* requiring the Respondents to contribute to the cost of the child's maintenance in such amount as to this Honourable Court may deem appropriate.

The Petitioner proposes that the following times and conditions of access shall apply pending the hearing of the petition: "reasonable access in the circumstances".

TO: The above-named Respondent(s)

Your next court date is on 2nd day of July, 2003, at 9:30 a.m. at the Law Courts Building at 408 York Ave., Winnipeg
(date) (time) (location)

WAIVER OF TWO CLEAR DAYS NOTICE

I hereby give up my right to two clear days notice of the date of the hearing of the application as described herein.

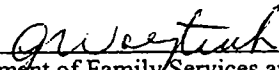
Witness Respondent

Witness Respondent

DISCLOSURE OF FINANCIAL INFORMATION

TAKE NOTICE that if you are the child's parent or guardian you must within ten days of receiving this notice, file with the Court at 408 York Avenue in Winnipeg and serve the agency, Winnipeg Child and Family Services, at 835 Portage Avenue, in Winnipeg, with the Declaration of Family Income Form, Form CFS-10 that accompanies this petition.

DATED June 25th, 2003



Department of Family Services and Housing
WINNIPEG CHILD AND FAMILY SERVICES
835 Portage Avenue
Winnipeg, Manitoba R3G 0N6
Caseworker: Laura Forrest, 944-4247