

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

NOVEMBER 27, 2012

APPEARANCES:

- MS. S. WALSH, Commission Counsel
- MR. D. OLSON, Senior Associate Counsel
- MR. G. MCKINNON, 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 and Child and Family All Nation Coordinated Response Network
- MR. H. KHAN, for Intribal Child and Family Services
- MR. J. GINDIN and MR. D. IRELAND, for Mr. Nelson Draper Steve Sinclair and Ms. Kimberly-Ann Edwards
- MR. J. FUNKE and MS. J. SAUNDERS, for Assembly of Manitoba Chiefs and Southern Chiefs Organization Inc.
- MS. K. BARR, for Ms. M. Pickering
- MR. F. GANGE, for SOR #5 AND SOR #6

INDEX

		Page	
<u>WITNESSES</u> :			
DELORES CHIEF-ABIGOSIS			
Direct Examination (context Examination by the Context Examination Cross-Examination Cross-Examination Cross-Examination Re-Examination		1 67 68 71 82 97 111	
ANGELA BALAN			
Direct Examination	(Olson)	117	

D. CHIEF-ABIGOSIS - DR.EX. (OLSON) NOVEMBER 27, 2012

```
NOVEMBER 27, 2012
1
2
   PROCEEDINGS CONTINUED FROM NOVEMBER 26, 2012
 3
 4
              THE COMMISSIONER: Mr. Olson.
 5
                  DELORES CHIEF-ABIGOSIS, previously
 7
                  affirmed, testified as follows:
 8
9
    DIRECT EXAMINATION CONTINUED BY MR. OLSON:
10
              If we could just turn to page number 37050,
11
    please. So in front of you is a, a CRU Intake and AHU form
    dated July 18, 2001. It's addressed to you from Shannon
12
13
    Skogstad.
14
              Do you recall reviewing this document?
15
              I reviewed the document, it was given by counsel,
    but I can't recall reviewing it at that time.
16
17
              Would you have received it on the 18th of July?
18
              I would have received it on the date, yes.
        Α
              Okay. And you were still actively employed at
19
20
   the agency then?
21
        Α
             Yes.
22
        Q
          Okay. And this document says:
23
24
                   "The SOR called to report that
25
                   Samantha Kematch and her partner,
```

Steven Sinclair are involved in a 1 2 family dispute since the death of 3 their daughter on July 15/01. According to the SOR the police 4 5 actually had to attend the funeral chapel last night due to the tension which an outside source 7 indicated might lead to 8 had 9 violence. In fact, Steve's side 10 of the family was to view the body 11 from 10:00 p.m. to midnight --"

12

13 Or sorry.

14

15 "The family were to view the body from 7:30 to 9:30 p.m. and 16 17 Samantha's side of the family was 18 to view the body from 10:00 p.m. 19 midnight. In addition, the 20 police were informed that Nikki 21 Taylor, worker for the Boys and 2.2 Girls Club, had actually examined 23 the body last night at the funeral 24 parlor. Apparently she accused the police of missing 25

marks on the body which of course 1 are marks caused by the autopsy. 2 3 SOR also relayed that The according to Steve Sinclair, he 4 5 was approached by Diane Redsky, Executive Director of Ma Mawi and asked that he participate in a 7 Sharing Circle with his ex, 8 9 Samantha Kematch. Steve stated 10 that he told Diane that he did not 11 want to participate, and 12 furthermore, he has an order 13 stating that he is to stay away 14 from Samantha, due to a prior 15 domestic assault charge. Steve 16 alleges that Diane told him that 17 the 'court order' does not matter, 18 and that he could attend the 19 sharing circle. 2.0 SOR has been told that The 21 Samantha Kematch and her family 2.2 are upset that the funeral is not 23 being held on the reserve. She 24 also indicated that she wanted the 25 funeral postponed and wanted to

1		challenge the autopsy. She
2		apparently wanted an inquest into
3		the death before any funeral was
4		held. These are but some of the
5		issues the respective families are
6		divided on.
7		The SOR maintains that it appears
8		that the child died from
9		complications from pneumonia, and
10		the autopsy has not revealed any
11		evidence of child abuse thus far.
12		The toxicology reports are not
13		complete, and the SOR suggests
14		that the agency contacts him in
15		September and gets a completed
16		autopsy report.
17		Apparently Steve Sinclair has gone
18		to a lawyer and is seeking Interim
19		Custody of both"
20		
21	It says:	
22		
23		" Samantha and the body of the
24		child."
25		

1 And that should, I think, read Phoenix.

2

- 3 "The SOR stated that the funeral
- is at 1:00 p.m. today and the
- 5 police will not be attending.
- 6 This writer contacted the family's
- 7 worker Delores Chief-Abigosis, at
- 8 the Jarvis office, and relayed the
- 9 aforementioned. Delores requested
- 10 the information be written up and
- faxed over to be placed in his
- 12 file."

- 14 Q Were you aware of this incident occurring at this
- 15 point, aside from what's reported here?
- 16 A I can't recall.
- 17 Q Did you attend the funeral?
- 18 A Yes, I did.
- 19 Q Okay. And do you know -- was Phoenix there at
- 20 the time, did you see her?
- 21 A I can't recall if she was there.
- 22 Q Okay. Did you talk to Steve Sinclair to find out
- 23 what was happening with him at the time?
- 24 A I can't recall.
- 25 Q Did you ever speak with Ms. Skogstad about this?

- 1 A No.
- 2 Q And why did you want her to type up this
- 3 information and put it in -- so you could put it in the
- 4 file?
- 5 A I believe that was always the practice if a
- 6 collateral had called to report an incident. I would ask
- 7 them if they could write it up and forward it to us. It
- 8 was just something that I -- that was a practice.
- 9 Q Okay. Did the, the parent fighting between Ms.
- 10 Kematch and, and Mr. Sinclair cause you any concern about
- 11 the safety of Phoenix at the time?
- 12 A I can't recall.
- 13 Q And it looks like they both wanted custody of
- 14 Phoenix at the time; were you, were you aware of that?
- 15 A I'm aware that they -- according to when I
- 16 reviewed my notes I'm aware that they were both wanting
- 17 custody of the child, and I'm also aware that through a
- 18 review of my notes that there was a lot of conflict within
- 19 the family, and I'm aware, too, that they did not get along
- 20 in the same space according to my notes.
- 21 Q Okay. So sometime you had, I quess, anticipated
- 22 that one of them would have care and control of Phoenix?
- 23 A Meaning the agency?
- Q No, meaning either Steve Sinclair or Samantha
- 25 Kematch.

- 1 A Yes, at some point one of them will take the full
- 2 responsibility for that child.
- 3 Q Turn now, please, to page 37048. This is an e-
- 4 mail from your supervisor Lorna Hanson dated July 19, 2001,
- 5 and it says: File review on, and then it has the baby's
- 6 name redacted. Do you recall receiving this e-mail?
- 7 A I don't recall receiving the e-mail.
- 8 Q Is it an e-mail you would have received?
- 9 A Yes, it would have been an e-mail that I would
- 10 have received.
- 11 Q And it's, it's part of your file; right?
- 12 A Correct.
- 13 Q Okay. It says:

- 15 "Jan Christianson-Wood, from the
- 16 medical examiner's office will be
- out Tuesday, July 24th at 9:30 to
- 18 review your file, so please have
- it and your case notes all
- 20 organized in my office for that
- 21 time. Thanks. Sorry for all the
- 22 pressure put upon you, to get this
- 23 all done, but it is a normal
- 24 process. I know one can feel
- 25 scrutinized but it is not meant to

1	do that.
2	On another note the coroner is now
3	thinking the baby had a fast-
4	acting disease that may have been
5	the cause of death. This is not
6	stated as official cause though.
7	Also, Nikki Taylor, and mom both
8	spoke with coroner re blood on
9	body. This blood was as a result
10	of the autopsy, not as a result of
11	anyone harming the child.
12	Obviously, the funeral home did
13	not do a good job cleaning and
14	preparing the body for viewing.
15	Once the corner spoke with mom and
16	Ms. Taylor, they seemed to calm
17	down."
18	
19	What's the reference here to the review of your
20	file, was that the Samantha Kematch and Steve Sinclair
21	files?
22	A It's all the notes that was given to my
23	supervisor for Janet to review.

Q Okay. That would be Jan Christianson-Wood?

25 A Correct.

- 1 Q So she was going to review your entire file?
- 2 A Correct.
- 3 Q And that would be all your notes that you took?
- 4 A Correct.
- 5 Q And all the documents that were in the file at
- 6 the time?
- 7 A Correct.
- 8 Q And what -- did you know what the purpose of the
- 9 review was, do you have an understanding as, as to the
- 10 purpose?
- 11 A As shared earlier it was a report that would go
- 12 to the program manager --
- 13 Q Right.
- 14 A -- because a child had died while we were
- 15 providing service to that family.
- 16 Q And is that something you recall Ms. Hanson
- 17 explaining to you at some point, or were you aware of that
- 18 previously?
- 19 A I can't recall, but it is, it is something that
- 20 we would be aware of.
- 21 Q The reference to the pressure being put on you
- 22 was that a concern you had at the time, that you felt
- 23 scrutinized?
- 24 A I can't recall, but there was a lot of stress, I
- 25 would say yes.

- 1 Q Sorry, I didn't ...
- 2 A There was a lot of stress from the death of that
- 3 child, and being the worker. Everybody was going through
- 4 that, that loss.
- 5 Q Including yourself?
- 6 A Including myself, yes.
- 7 Q So this death had a big impact on you?
- 8 A Correct.
- 9 Q And I think you said it was the first time you
- 10 experienced that as a social worker?
- 11 A Correct.
- 12 Q And so in that -- was it something that would
- 13 have stood out in your mind, even today you really have a
- 14 vivid recollection of that?
- 15 A Correct.
- 16 Q And did you anticipate that Steve Sinclair was
- 17 probably having similar -- a similar reaction to the death
- 18 of his infant?
- 19 A Yes, he was.
- 20 Q Did you, did you do anything to assist Mr.
- 21 Sinclair at that time?
- 22 A It was shared yesterday what --
- MR. RAY: Well, I, I think --
- 24 THE WITNESS: -- had happened.
- 25 MR. RAY: -- I think we've covered this

- 1 exhaustively yesterday regarding the offer of services, and
- 2 counseling so.
- 3 THE COMMISSIONER: Just a minute. What, what was
- 4 your last question?
- 5 MR. OLSON: Whether she did anything at this time
- 6 to offer Mr. Sinclair any support, this being --
- 7 THE COMMISSIONER: Whether she, whether she did
- 8 anything what?
- 9 MR. OLSON: At this time to offer Mr. Sinclair
- 10 some support.
- MR. RAY: Perhaps Mr. Olson can take the witness
- 12 to the point in your notes where she had a discussion with
- 13 Mr. Sinclair, as she discussed yesterday, where she offered
- 14 him services and offered her condolences. She can -- he,
- 15 he can ask the question by referring to --
- MR. OLSON: My question is, is restricted to the
- 17 time after July 19, 2001, after the funeral.
- 18 THE COMMISSIONER: Well I can't be certain that
- 19 that -- are you saying the same question was asked
- 20 yesterday?
- 21 MR. RAY: I think -- if Mr. Olson is saying now
- 22 that after she offered services on July 16th, and Mr.
- 23 Sinclair refused those services, if Mr. Olson is now asking
- 24 if she again offered services three days later then I
- 25 suppose that that's a different question, and he can ask

- 1 the question.
- 2 THE COMMISSIONER: Is that what --
- 3 MR. OLSON: That is my question.
- 4 THE COMMISSIONER: I see nothing improper with
- 5 that.
- 6 MR. OLSON: Thank you.

- 8 BY MR. OLSON:
- 9 Q So after the funeral you, you had this
- 10 information about these things happening, did you offer any
- 11 further support to Mr. Sinclair and the family?
- 12 A I can't recall.
- 13 Q Were you still involved with the family at that
- 14 time after your attending the funeral?
- 15 A I believe I was put on paper to complete -- I
- 16 can't recall so.
- 18 actively?
- 19 A I shared yesterday I cannot recall the exact date
- 20 of my resignation.
- 21 Q Okay.
- THE COMMISSIONER: But you think it was about
- 23 when?
- 24 THE WITNESS: It was shortly after the death of
- 25

- 2 Q Do you have a recollection -- do you actually
- 3 remember attending the funeral?
- 4 A Yes.
- 5 Q And does that help you at all in terms of when
- 6 after you attended that you would have stopped working?
- 7 A I can't recall exactly, but I know it was in a
- 8 short period of time that I remained with the agency that I
- 9 had decided to resign.
- 10 Q Okay. And when I say "actively working" I mean
- 11 actually working --
- 12 A No, I wasn't actively working with the family. I
- 13 can't say for sure, I can't recall, and I know that shortly
- 14 after this incident that I had left the agency.
- 15 Q And when you say you left the agency does that --
- 16 what does that mean? You said you worked closing files
- 17 into August I think. When you say --
- 18 A Well, the practice is that if I had given that,
- 19 that notice out that I was going to leave the agency there
- 20 would be a period of time that I would be given to do the
- 21 paper on the files that was assigned to myself, not only
- 22 this file but the other files that was assigned to me, so I
- 23 would be strictly on paper. I would not be working with
- 24 the families that was assigned to me.
- 25 Q Okay. So you would not be working with the

- 1 families after you give notice; is that --
- 2 A Correct.
- 3 Q -- do I have that right? And so -- I'm, I'm
- 4 sorry if I've asked this. I just don't understand what the
- 5 answer was. If, if the funeral -- if you attended the
- 6 funeral when in relation to that, if you can recall, did
- 7 you stop actively working on files?
- 8 A I can't recall that.
- 9 Q And the reference to gathering your notes in this
- 10 e-mail of July 19th from Ms. Hanson the reference to
- 11 getting all your notes organized, and in her office, were
- 12 your notes being kept somewhere aside from in the file,
- 13 or ...
- 14 A It was stated yesterday that I had a computer
- 15 file where my notes were kept --
- 16 Q Okay.
- 17 A -- and it will be where I will input that data
- 18 into the computer for those notes.
- 19 Q So your handwritten notes and the things on your
- 20 calendar those were -- where were those kept?
- 21 A Those will be kept in the file. Like we had our
- 22 files with us so that information would be put in there.
- 23 Q So it's not the case you were keeping the notes,
- 24 for example, at home?
- 25 A I, I did not keep any information pertaining to

- 1 any of my families in my home.
- 2 Q Okay. Did you have any discussion with anybody
- 3 from the medical examiner's office?
- 4 A I can't recall.
- 5 Q Did you have any concerns about the cause of
- 6 death of the baby, was that something you were concerned
- 7 about?
- 8 A I believe we would have had -- I would have had
- 9 personal feelings about that, yes.
- 10 Q And what were your feelings?
- 11 A I can't recall. Like I stated earlier that it
- 12 was traumatic, it was, it was an incident that really
- 13 impacted myself.
- 14 Q The -- was, was there a concern or, or a concern
- 15 in your mind that the death could have been the result of
- 16 abuse; is that something you were thinking?
- 17 A I can't recall exactly thinking in those terms.
- 18 Q Were you aware as to whether or not it was caused
- 19 by abuse?
- 20 A I can't recall.
- 21 MR. RAY: It's established in evidence that she
- 22 seen the CME -- she's seen the notes that -- from Ms.
- 23 Hanson that indicate that it was a fast acting pneumonia.
- 24 I don't know where this is taking us when we know what the
- 25 death was through an autopsy, and through an independent

- 1 exam of the chief medical examiner's office.
- 2 THE COMMISSIONER: I understand your point. Are
- 3 you trying to go beyond the autopsy report?
- 4 MR. OLSON: No. What I'm trying to understand is
- 5 at what point did the worker understand what the cause of
- 6 the death was, and I mean Mr. Sinclair had custody of
- 7 Phoenix Sinclair at the time, and if there was a thought
- 8 that the death was -- the cause was foul play, for example,
- 9 that would be a concern, so I'm wondering if she had that
- 10 thought or if she --
- 11 THE COMMISSIONER: Well there's no evidence --
- MR. RAY: What's, what's the relevance?
- 13 THE COMMISSIONER: -- from the autopsy that there
- 14 was foul play.
- MR. OLSON: No, there's not. I'm just wondering
- 16 what she knew.
- MR. RAY: But I guess, Mr. Commissioner, I don't
- 18 understand the relevance as to what -- why, why would we
- 19 want to know whether she suspected it was abuse when we
- 20 know that it wasn't.
- MR. OLSON: It's fine. I'll move on from that
- 22 question.
- 23
- 24 BY MR. OLSON:
- 25 Q Aside from the death of the baby were there any

- 1 other factors that made you decide to leave your
- 2 employment?
- 3 A Well there was several reasons for leaving. I
- 4 was attending university full-time, and I was working full-
- 5 time.
- 6 Q You say you were working full-time at, at
- 7 Winnipeg Child and Family Services --
- 8 A And I was -- correct, and I commuted, and it was
- 9 causing a lot of strain, and with the death of this child
- 10 it just -- it was just a decision I made to leave the
- 11 agency.
- 12 Q Okay. And when you say -- so you're working
- 13 full-time at Winnipeg Child and Family Services at this
- 14 point. You were also attending university full-time at
- 15 this point?
- 16 A Correct.
- 17 THE COMMISSIONER: I guess the, the question to
- 18 be asked is did this traumatic experience of the death of
- 19 the baby have an influence on your decision to submit your
- 20 resignation?
- 21 THE WITNESS: I stated that yesterday. The
- 22 reason why I left the agency was the fact that this really
- 23 impacted myself.

- 2 Q Yeah, but the question I had, Mr. Commissioner,
- 3 was aside from that were there any other factors that went
- 4 into that decision and I think you just -- you said that it
- 5 was -- you were attending full-time university and full-
- 6 time work at Winnipeg Child and Family Services?
- 7 A Yeah, there's a combination of both and I was a
- 8 very busy person.
- 9 Q So you had a lot on your plate at that time as
- 10 well?
- 11 A Correct.
- 12 Q Okay. And was your, was your supervisor aware at
- 13 the time, do you know or did you tell her that you were
- 14 attending full-time university as well?
- 15 A I was -- my supervisor knew that -- like I did
- 16 share it with them, that I was taking university at the
- 17 same time while I was working.
- 18 Q And you were also commuting in from Brokenhead?
- 19 A Yes, that's what I do. If you were employed
- 20 you'll have to commute.
- 21 Q And you were attending was it the University of
- 22 Manitoba?
- 23 A Correct.
- 24 Q If you could turn now, please, to page 36999,
- 25 this is from Commission disclosure 1795. Can you tell me

- 1 what this document is?
- 2 A It's the closing summary for the Kematch file.
- 3 Q So this is a closing summary for Samantha
- 4 Kematch's file?
- 5 A Correct.
- 6 Q Okay. And if you -- if we turn now to page 37008
- 7 you see the signature -- there's two signatures on the
- 8 bottom here, and there's one above your name. Is that your
- 9 signature?
- 10 A No, it is not.
- 11 Q And whose signature is it?
- 12 A That will be the supervisor's signature.
- 13 Q Lorna Hanson's?
- 14 A I believe so.
- 15 Q And then it looks like your supervisor signed it
- 16 as well. Did, did --
- 17 A It appears so, yes.
- 18 Q Is there a reason why she signed for you at the
- 19 time?
- 20 A I can't recall.
- 21 Q It's dated August 16, 2001. Were you, were you
- 22 still at the agency at that time?
- 23 A I can't recall the exact date I left the agency.
- Q Did you prepare this document?
- 25 A It appears to be my document, yes.

And when you say it appears to be your document 1 Q 2 do you have a recollection of actually preparing it? 3 I prepared many documents to close and transfer files when I was leaving the agency. 4 5 And, and would this be one of them then? That would have been because that person was 6 Α 7 assigned to my case list, yes. 8 Okay. If you look at page 37008 under Q 9 "Unresolved Problems" do you see that? It says: 10 11 "The identified problems remain 12 unresolved for Ms. Kematch." 13 14 Did -- was that your assessment at the time you 15 closed the file for her? 16 Α It appears so. And then under "Recommendations for Future 17 Q Intervention" it says: 18 19 "If or when Mr. Sinclair or Ms. 20 21 Kematch resolved their 2.2 relationship and resume 23 cohabitation, that the Agency 24 assess and monitor Ms. Kematch's

parenting style. There are

- 1 concerns expressed by Mr. Sinclair
- 2 about her treatment and discipline
- methods used on Phoenix."

- 5 What, what does that mean, can you explain that?
- 6 A I can't recall. When we close we do make some
- 7 recommendations for the future. I can't recall.
- 8 Q So this file was being closed at this point.
- 9 Does that mean that services weren't required for Ms.
- 10 Kematch, or why was it being closed? I think you said --
- 11 you told us yesterday partly why it was closed.
- 12 A The reason why the file was closed was because
- 13 there's no children no longer with the mother, Samantha.
- 14 The children were now with the, with the father --
- 15 Q Okay. So --
- 16 A -- and the file closes on one parent and it opens
- 17 up on the other parent.
- 18 Q Okay. So the file was being closed on Ms.
- 19 Kematch because the children, at least in the agencies'
- 20 eyes, were not with Ms. Kematch at the time?
- 21 A That's what the practice is, yes.
- 22 Q And so if they had been with her her file would
- 23 have remained open?
- 24 A Her file would have remained open, and it would
- 25 have been under the mother's name Samantha.

- 1 Q Okay. And when you say if they resolved their
- 2 relationship and resumed cohabitation the agency should
- 3 assess and monitor Ms. Kematch's parenting style, what was
- 4 that, why did you put that in there?
- 5 A I can't recall why I put it in there. It might
- 6 have been discussions with the dad, his concerns.
- 7 Q You do write that there are concerns expressed by
- 8 Mr. Sinclair about her treatment and discipline methods
- 9 used on Phoenix. Do you know what that reference is to?
- 10 A I can't recall. Like I said it may have been a
- 11 discussion that I had with the father. I can't recall.
- 12 Q Aside from what we reviewed in your notes
- 13 yesterday were there any other discussions with Mr.
- 14 Sinclair about concerns as to Ms. Kematch's parenting
- 15 style?
- 16 A I can't recall.
- 17 Q If there were specific concerns would you have
- 18 noted them in the file?
- 19 A Yes.
- 20 Q We expect to hear from Mr. Sinclair that at one
- 21 point he witnessed Ms. Kematch hit Phoenix because she was
- 22 crying. Is this something you were aware of?
- 23 A I can't recall.
- 24 Q If you were aware of that is that the type of
- 25 thing you would have recorded?

- 1 A Correct.
- 2 Q And just with respect to the unresolved problems
- 3 for Ms. Kematch are those the problems that you outlined at
- 4 page 37001? Do you see the heading there, Identified
- 5 Problems?
- 6 A Yes, I do.
- 7 Q And if you scroll to the next page you'll see
- 8 they continue on to the, the next page. The problems you
- 9 have listed here those, those problems have been unresolved
- 10 when you closed the file; is that, that what that means?
- 11 A It appears so.
- 12 Q And so those problems are that Ms. Kematch and
- 13 her partner Steve are separated. This part is then
- 14 redacted, but I think it refers to the death of a baby July
- 15 15, 2001. Both parents are involved in a custody dispute
- 16 for Phoenix. Ms. Kematch appeared to have hidden her
- 17 second pregnancy as she hid the first one. Ms. Kematch
- 18 also hid her third pregnancy as she did the first two. Ms.
- 19 Kematch's lack of motivation and/or interest in caring for
- 20 her first child appears she has not played a role in his
- 21 life since he was a few months old, over 18 months ago.
- 22 Couple's ambivalence regarding the long term plans for the
- 23 child. They had not received any prenatal care and had not
- 24 done anything in preparation for the birth of a baby. Also
- 25 the parents initial reaction when they were unsure if they

- 1 wanted -- was they were unsure if they wanted to parent the
- 2 child, there was an ambivalence regarding their commitment
- 3 to the baby. Ms. Kematch is reported flat affect and the
- 4 reason for it. There was some concern that she may have
- 5 been suffering from depression, some form of psychiatric
- 6 psychological assessment with respect to Samantha was
- 7 suggested.
- B Due to the couple's young age, and Ms. Kematch's
- 9 history it was suspected they had limited parenting
- 10 experience and skills.
- 11 Were these -- these problems were they the
- 12 problems that you identified as still applying to Ms.
- 13 Kematch at the time then, what I've just read out?
- 14 A It could have been a part of that, and it could
- 15 be the other concerns that came after when the child was
- 16 born, the reports that were received, it could have been a
- 17 part of that, but I can't recall specifically what was
- 18 taken and put into the document.
- 19 Q Okay. Because some of these, the reference to
- 20 the psychological assessment for example, that, that had
- 21 already occurred; right?
- 22 A Correct.
- 23 Q Okay. And so what -- when, when you have
- 24 identified problems, and then you write that they still
- 25 remain unresolved, I'm just trying to figure out if that --

- 1 does that -- is that referring to these items, even though
- 2 some of them have been considered?
- 3 A It could be referring to some of the concerns
- 4 that other people, source of referrals, when they stated
- 5 the concerns they had with her drinking, had stated with
- 6 the domestic violence, it could, it could have been those
- 7 concerns.
- 8 Q So all the concerns that you've, you've looked at
- 9 would they have fit under that category as unresolved?
- 10 A It appears so.
- 11 Q Just take a look now at the, the transfer summary
- 12 you prepared for Steve Sinclair, this is at page 37399.
- 13 Now this appears to be very similar to Ms. Kematch's. It
- 14 just relates to Steve Sinclair; is that right?
- 15 A Correct.
- Okay. And would you have prepared this document?
- 17 A It appears so.
- 18 Q Okay. And your -- is your signature on it? If
- 19 you look at the last page, it's 37408, so your name written
- 20 there above that; is that your signature?
- 21 A That is not my signature.
- 22 Q Okay. So that would be Ms. Hanson's signature as
- 23 well?
- 24 A It appears so.
- 25 Q It also looks like this was completed August 16,

- 1 2001; are you --
- 2 A That's the date --
- 3 Q -- are you able to explain why her signature
- 4 appears on this closing -- or this transfer summary?
- 5 A I can't explain why the signature of my -- of the
- 6 supervisor is on that document.
- 7 Q Would, would she have had any input into the
- 8 contents of the document, or is this entirely your work?
- 9 A It's information that comes directly from my case
- 10 notes so.
- 11 Q But who assembled it and put it into the
- 12 document; was that you?
- 13 A I've done all my documents. When you're
- 14 transferring you do all your documents, you send them off
- 15 and they get, they get printed off, and put into the file.
- Okay. But did Ms. Hanson have any input into it?
- 17 MR. RAY: Maybe you could just clarify for the
- 18 witness what you mean by, just clarify for the witness what
- 19 you mean by "input". Did she actually draft it, or did
- 20 they have discussions, or -- I'm not sure, it's a little
- 21 vaque.

- Q Was any of the information contained in the file
- 25 was that put into this, this document by Ms. Hanson rather

- 1 than yourself, or was it entirely your work?
- 2 A From reviewing the documents it appears to be my
- 3 work, I know my work.
- 4 Q Okay.
- 5 THE COMMISSIONER: That's what she's been quite
- 6 consistently saying with respect to the previous document
- 7 and this one.
- 8 MR. OLSON: Okay.
- 9 THE COMMISSIONER: So I think we can take it that
- 10 she prepared this document. And might it be that by the
- 11 time that it got typed you had left and that Ms. Hanson
- 12 then did the signing for you?
- 13 THE WITNESS: That could be a possibility.

- 16 Q So under -- in this document you have under the
- 17 heading Unresolved Problems. It says the identified
- 18 problems remain unresolved for Mr. Sinclair.
- 19 Would those be the same, the same problems that
- 20 -- when we looked at the other document you had a list of
- 21 identified problems. In this document -- they're on page
- 22 37401, and the problems you have listed here, and into the
- 23 next page are those the same -- are those the problems that
- 24 are unresolved for Mr. Sinclair, or are there others as
- 25 well?

- 1 A Those, those would be the unresolved problems.
- 2 THE COMMISSIONER: But in this document the
- 3 unresolved problems relate to Mr. Sinclair's --
- 4 THE WITNESS: Yes, I, I know that.
- 5 THE COMMISSIONER: -- unresolved problems. The
- 6 other document related to --
- 7 THE WITNESS: Correct.
- 8 THE COMMISSIONER: -- the unresolved problems
- 9 with respect to Ms. Kematch.
- 10 THE WITNESS: Correct, correct, and I know --
- 11 THE COMMISSIONER: Yeah --
- 12 THE WITNESS: -- that these were, were the ones
- 13 that were specifically to Mr. Sinclair.
- 14 THE COMMISSIONER: I understand.
- MR. OLSON: Okay.

- 17 BY MR. OLSON:
- 18 Q Several of the same problems are referred to in
- 19 both documents. For example, Ms. Kematch hiding her
- 20 pregnancies; right?
- 21 A Can you say that again, please.
- 22 Q Several of the problems you identified for Steve
- 23 Sinclair are identical to what are identified in Ms.
- 24 Kematch's closing summary; right?
- 25 A The information -- like I said we just open that

- 1 file when, when they were separate and she had -- no longer
- 2 had any of her children in care -- in her care.
- 3 Q If you go back to page 37408 it says,
- 4 Recommendations for Future Intervention. It says:

- "If or when Mr. Sinclair and Ms.
- 7 Kematch resolved their
- 8 relationship and resume
- 9 cohabitation, that the Agency can
- 10 access and monitor Ms. Kematch's
- 11 parenting style. There are
- 12 concerns expressed by Mr. Sinclair
- about her treatment and discipline
- 14 methods used on Phoenix."

- 16 So that's the same, that's the same
- 17 recommendation with respect to Mr. Sinclair's file; is that
- 18 right?
- 19 A It would be put into both documents, yes.
- 20 Q Okay. And what about recommendations for Mr.
- 21 Sinclair in terms of his, his future parenting, was there
- 22 -- did you have any recommendations there?
- 23 A I can't recall. I only could recall information
- 24 that was stated in this report.
- 25 Q And the purpose of this report then is to inform

- 1 the next worker as to the current issues the family is
- 2 facing; is that fair?
- 3 A That's what the document is for, yes.
- 4 Q And the recommendation section that's the
- 5 recommendations for the new worker who picks up the file;
- 6 is that right?
- 7 A That would have been the practice, yes.
- 8 Q Now --
- 9 MR. RAY: You, you had asked -- sorry to
- 10 interrupt, but you had asked Ms. Delores Chief-Abigosis a
- 11 question about what were the identified problems for Mr.
- 12 Sinclair. Maybe you could take her to the page where she's
- 13 identified the problems which is page 37405, and ask her to
- 14 comment with respect to her notes.
- 15 THE COMMISSIONER: What's the point you're
- 16 making, Mr. Ray?
- MR. RAY: Well, I think Mr. Olson has asked her
- 18 what, what identified problems she had with respect to Mr.
- 19 Sinclair, and said that many of the problems which she had
- 20 identified in the closing were -- it was a replication, the
- 21 last, the last line, and then he asked what did you
- 22 identify as problems, or unresolved problems for Mr.
- 23 Sinclair, and I'm, I'm just pointing out that she has
- 24 identified unresolved problems for Mr. Sinclair. They're
- 25 at page 37405, and rather than take the witness there, and

- 1 ask her what were the problems, but -- there was no further
- 2 opportunity for the witness to clarify was my point.
- I, I suppose I could do that, but I would think
- 4 that when Commission counsel has asked a question, and the
- 5 documents contain the answer, so ...

- 8 Q The -- just looking at your, your transfer
- 9 summary for Mr. Sinclair, go to page 37405. Are, are the
- 10 problems that you're referring to when you say the
- 11 identified problems remain unresolved for Mr. Sinclair are
- 12 those the, are those the things listed on this page?
- 13 THE COMMISSIONER: Well scroll down to where she
- 14 says -- what's the heading down below about the unresolved
- 15 problems?
- MR. OLSON: Heading on "unresolved problems.
- 17 THE COMMISSIONER: She'll put that on the screen.
- 18 MR. OLSON: That appears, Mr. Commissioner, at
- 19 page 37401 is where it says Identified Problems."
- 20 THE COMMISSIONER: All right. Put that, put that
- 21 on the screen.
- 22 MR. OLSON: And that's the portion I took -- I
- 23 asked the witness about originally.
- 24 THE COMMISSIONER: No, but down at the closing it
- 25 refers to the fact that identified problems were still

- 1 outstanding, or something to that nature.
- 2 MR. OLSON: Yeah, that, that would be on page
- 3 37401.
- 4 THE COMMISSIONER: All right. Put that wording
- 5 up there on the screen.
- Now, it says there, "Unresolved Problems." Now
- 7 the question I think, witness, is -- and, and what it says
- 8 under that is:

- 10 "The identified problems remain
- 11 unresolved for Mr. Sinclair."

- 13 And the question is when you say "The
- 14 unidentified problems remain unresolved for Mr. Sinclair"
- 15 are those the unidentified problems that are listed above
- 16 in this same document, which I would ask you now to put on
- 17 the screen so she can see.
- 18 MR. OLSON: So 37401.
- 19 THE COMMISSIONER: Where's the heading
- 20 "Unidentified Problems"?
- MR. OLSON: "Unidentified Problems".
- THE COMMISSIONER: All right. Now the question
- 23 is, witness, when you made reference to the unresolved
- 24 problems with respect to Mr. Sinclair are those the ones
- 25 you had listed that are now on the screen -- partially on

- 1 the screen, and when you made the comment you did towards
- 2 the end of your document?
- 3 THE WITNESS: Correct.
- 4 MR. OLSON: Thank you.

- 7 Q So in your document in terms -- in your, in your
- 8 transfer summary for Mr. Sinclair what, what would you
- 9 expect the new worker picking up the file to do with it?
- 10 A The other thing that's also attached to this
- 11 particular report was those case notes because --
- 12 Q Were your case notes.
- 13 A The case notes because you would, you would see
- 14 it where -- that the case notes were attached to the
- 15 transfer summary.
- 16 Q So would you then expect the worker to also look
- 17 at the case notes as well?
- 18 A That's, that's the practice also. When you get
- 19 the transfer summary you would review the case notes also.
- 20 Q And then with the case notes and your transfer
- 21 summary is that to give the next worker a picture of what
- 22 has happened with the family to that point in time?
- 23 A Correct.
- 24 Q And when you referred to the case notes a minute
- 25 ago is that the sheet we looked at yesterday, we went

- 1 through in detail, that the electronic -- that it was
- 2 originally an electronic document that was printed off and
- 3 put into the file?
- 4 A Correct.
- 5 Q So those are your case notes then?
- 6 A Those are the case notes that was -- that would
- 7 have been clipped to the summary.
- 8 Q Just, just for the record if we could put up
- 9 37416. These, these are the case notes then?
- 10 A Those are the case notes that I -- that was
- 11 prepared on the direction of the supervisor to give to
- 12 Janet. The other thing, too, is that these notes would
- 13 have been also placed with the transfer summary.
- 14 Q Okay. So those are the notes you're referring to
- 15 when you said the case notes were with the transfer
- 16 summary, it's, it's what we're looking at here on the
- 17 screen?
- 18 A Because they were typewritten and they were, they
- 19 were able to be read, and was the current information that
- 20 was happening within that family at that time.
- 21 Q Okay. And so you're saying though that this was
- 22 attached to your transfer summary then?
- 23 A That would have been the practice, yes.
- Q Okay. And it's, it's the transfer summary and
- 25 these case notes that you would expect any worker to read?

- 1 A I as a social worker would also be expected to
- 2 read previous workers' notes.
- 3 Q Just so it's, so it's clear on the record your
- 4 case notes are reproduced in both Mr. Sinclair's file and
- 5 Ms. Kematch's file. In Mr. Sinclair's file they're at
- 6 37416, and they go to 37422, and then for Ms. Kematch's
- 7 file they begin at 37009 to 37015.
- 8 During your work on the file, on, on either file,
- 9 the Steve Sinclair file, the Samantha Kematch file, had you
- 10 seen any progress on the part of either parent in terms of
- 11 their parenting abilities?
- 12 A I would say that the person that showed a lot of
- 13 initiative and the willing to do -- to have -- to be a
- 14 parent would have been Steve.
- 15 Q So in your view Steve showed some improvement?
- 16 A Correct.
- 17 Q And that, I take it, was based on what we
- 18 reviewed yesterday in terms of your interaction with him?
- 19 A He has approached other agencies, he was going to
- 20 be enrolled in the Young Fathers Parenting Program, he had
- 21 those connections with The Boys and Girls Club, he had the
- 22 connection with Ma Mawi, he had those connections with
- 23 Andrews Street, he was, he was working on parenting those,
- 24 those children at that time, and I'm talking about both
- 25 children, not only Phoenix.

- 1 Q Both children.
- 2 A That was prior to the death of, of _____.
- 3 Q And that was information based on what he told
- 4 you?
- 5 A Correct, because he was closely linked with
- 6 these, these organizations.
- 7 Q If we could turn to page 36740, and this is from
- 8 Commission disclosure 1789 -- sorry, 36740. This is a
- 9 record from the Winnipeg Regional Health Authority, Health
- 10 Sciences Centre, and it has a reference to patient being
- 11 Phoenix Sinclair Kematch, date of birth 23-4-2000, and it
- 12 says: Arrived with case worker from shelter at 1020 hours
- 13 and there's a stamp on it that says, January 31, 2001.
- Do you know anything about this?
- 15 A No.
- 16 Q Were you -- did you have any knowledge from
- 17 anyone that Phoenix Sinclair was at the Health Science
- 18 Centre this day?
- 19 A No.
- 20 Q Do you know if she was in a shelter at some point
- 21 around this time?
- 22 A No.
- 23 Q When we looked at your records yesterday it
- 24 appears you tried to make contact with the family on
- 25 February 1, 2001. Could that have been in response to, to

- 1 learning some information like this?
- 2 A I can't recall, but if this information was given
- 3 to myself it would have been noted in the contact I had
- 4 with them.
- 5 Q Okay. And there is no indication of that
- 6 anywhere?
- 7 A It's not -- it does not appear in the document,
- 8 no.
- 9 Q I just want to take you --
- 10 MR. RAY: Have we established that that was
- 11 actually sent to CFS and to this worker? I'm just curious.
- MR. OLSON: Just wanted to know if she knew
- 13 anything about it.
- MR. RAY: Thank you.

- 16 BY MR. OLSON:
- 17 Q The -- I want to take you now just through some
- 18 of the reports that were prepared after Phoenix's death.
- 19 Have, have you -- there were several reports that were
- 20 prepared. Other than your involvement in this inquiry had
- 21 you seen any of them, have you been aware of any of them?
- 22 A No.
- 23 Q Were you interviewed for any of these reports
- 24 either by Mr. Koster or ...
- 25 A No.

I want to look first at the section 4 report 1 Q beginning at page 21. You've had a chance to read these 2 3 portions of the report prior to today; right? 4 Α Correct. Okay. And I'll just take you through some of it. 5 Q It says the next period after new worker assigned November 6 14, 2000. 7 8 That would be relating to your work on the file; 9 right? 10 Yes, that's what they're referencing. Α 11 Q So it says: 12 13 November 14, 2000 new Family 14 Service worker took over the case 15 when the assigned worker 16 transferred from the department. 17 18 That would have been Ms. Greeley who transferred 19 out, and then it says: 20 21 November 16 and November 17 two 22 telephone calls were received from 23 Cree Nation and Family Services in 24 regard to information requests on

the baby.

```
November 30, 2000, on this date
1
2
                 the family support contract
 3
                 expired, file noted that
                 family support worker
 4
                 impressed with Samantha and
5
                 Steven's progress as parents.
                 February 1, 2001 the assigned
7
                 worker visited the home and no one
8
                 was there. She left a card.
9
10
          So that's the first recorded attempt by you
11
12
   to ...
13
            According to the file.
        Α
14
           According to the file, okay. And do you take
15
   issue with that?
16
            As I shared earlier, as I shared yesterday, that
       Α
   there may have been contact, I may have attended the home,
17
18
   they may have not been home. I may have documented it into
19
   written notes.
        Q Okay. Then February 5, 2001 it says:
20
21
2.2
                 The assigned worker had
23
                 supervision, typed notes from that
24
                 supervision, confirmed that the
25
                 contact was minimal. The
```

1	importance of the public health
2	nurse working with the parents is
3	confirmed. No mention is made of
4	any follow-up in that regard.
5	
6	It also appears that the case plan which included
7	family support is not occurring since the program had
8	previously ended November 30, 2000 as mentioned above.
9	Do you have any comments on what, what is written
LO	in that paragraph?
L1	A As I stated earlier that there may have been
L2	contact or attempted to contact.
L3	Q Okay. And then it says:
L 4	
L 5	The supervisor went over the six
L 6	month contract that was still in
L 7	place and scheduled to end by
L 8	March 5, 2001. It appeared that
L 9	the supervisor may have been
20	anxious since the short term goal
21	was to make contact with the
22	family ASAP to gather updates on
23	progress to date re service
24	contract, identify child's

pediatrician, and determine a need

further in-home support 1 for 2 services, or identify referral to community resources, example 3 parenting programs. Incidentally 4 5 the only recording around this period was undated and showed no 7 contact by the assigned worker.

- 9 Do you have any, any comments on that paragraph?
- As I stated earlier that I did have, I did have 10
- 11 supervision with the supervisor, those could have -- they
- 12 would -- e-mails would be sent out, please make contact
- 13 with these families ASAP. It wasn't uncommon for those
- 14 kind of e-mails to go out between worker and supervisor,
- 15 and not only specifically this file, but many of the other
- 16 files that I was assigned.
- Rather than taking you by -- through this line by 17
- line you've had a chance to, to review the factual portion 18
- 19 of the report which goes to page 23. Do you want to
- 20 comment on anything contained in that portion of the
- 21 report?
- 2.2 THE COMMISSIONER: Just run it through the
- 23 screen, or she hasn't got the hard copy in front of her so
- 24 if you're asking her to -- if she wants to comment on the
- 25 whole -- those pages let her look at them.

- 1 You've seen this before?
- 2 THE WITNESS: That was what I was given for
- 3 myself to review.
- 4 THE COMMISSIONER: Yes. So the question is
- 5 whether on all these paragraphs with respect to those dates
- 6 whether there's any of them you want to comment on, and
- 7 just take your time to look at them if you wish.
- 8 MR. OLSON: Would it help, Mr. Commissioner, if I
- 9 gave the witness the excerpts and hard copy?
- 10 THE COMMISSIONER: Do you want to see them in
- 11 hard copy?
- 12 THE WITNESS: No, this is, this is okay.
- 13 THE COMMISSIONER: As I stated this is what's
- 14 actually written in the hard copy to the file. There may
- 15 have been written notes that I placed into the file, there
- 16 may have been contact that I did not document, but
- 17 according to the documentation that is in the file, yes, it
- 18 does reflect the work that was done.
- 19 THE COMMISSIONER: I think that answers the
- 20 question.
- MR. OLSON: It does.

23 BY MR. OLSON:

- 24 Q I'll direct you now to page 24 which contains
- 25 some of the findings here, and I want to give you an

1 opportunity to respond if you like. First of all finding

2 7. It says:

3

4 The worker who received the case

5 file in November, 2001, did not

6 maintain the necessary contacts

7 and frequency with the parents of

Phoenix during this period. There

9 are only two actual home visits

10 and an additional two other

11 unsuccessful attempts in seven

months.

13

14 And then below it explains:

15

If the typed updates of the

17 workers' contacts are indeed

18 accurate there is only one visit

19 to the home from the time the

worker took over on November 14,

21 2000 until the unsuccessful

22 contact on February 7, 2001 and

23 the full home visit two days

later. The next visit was

25 unsuccessful and occurred on May

9, 2001. Even after she was told on April 30, 2001 of the birth of 2 3 a second child the day before she not visit the hospital or 4 did 5 follow up at the home until a week and a half later. After that the 7 next contact where she actually 8 saw Steve was not until July 5, 2001, and this was a day after she 9 10 had been informed that the 11 emergency services had to deal 12 with domestic violence and the use 13 of alcohol. 14 had also received three She 15 updated e-mails on additional 16 concerns during the latter part of 17 June, 2001. Two young babies were 18 living in the home at this point 19 there should have 2.0 significant follow-up and 21 assessment of the situation. This 2.2 lack of contact was unacceptable 23 case practice since the children 24 could have been at considerable 25 risk of harm considering the

1	potential problems that could
2	arise from the use of alcohol or
3	from domestic violence.
4	
5	Do you want to comment on that finding, or
6	anything contained there?
7	A As I stated earlier there may have been attempted
8	contact. I can't recall.
9	Q Okay. Finding 8 says:
10	
11	There is no recording of the
12	worker actually seeing Phoenix
13	during this case period.
14	
15	It says:
16	
17	This required contact may have
18	occurred, but there is no record
19	of it, and this is an extremely
20	young child who could start to
21	decline quite rapidly. There is
22	no confirmation of any other
23	collateral or visiting in the
24	home, and may have had an
25	opportunity to view Phoenix and

```
the baby, and to know that they
1
 2
                  were all right.
 3
              Do you have any comments on that?
 4
 5
        Α
             No comment.
 6
             And it does -- if we -- when we looked at your
        Q
7
    notes yesterday there was a notation that on July 6, 2001
    you did in fact see Phoenix so I just wanted to point that
8
9
    out.
10
              Then finding 9 says:
11
12
                  The case work does not appear to
13
                  be purposeful or to follow a plan.
14
                   The case management appears to be
15
                  primarily a delayed response to
16
                   events or a crisis with no contact
17
                   in between, and no meaningful
18
                  pursuit of the original case plan.
19
                   This is a dangerous approach since
```

25

20

21

22

23

24

of its protection.

it puts the agency in a position

of responding to, rather than

actually preventing, possible

catastrophes to children in need

1 Do you want to comment on that finding?

2 A No.

3 Q Finding 10:

4

5

7

8

9

10

11

12

13

14

15

16

17

18

19

2.0

21

2.2

23

24

25

It appears that at this point Steve was marginally managing the situation with his two children and as a result apprehension was required in spite of concerns for domestic violence and alcohol use. In spite of the lack of involvement of the worker up to this point at least it did not appear that the two children were in immediate need of protection. Friends and relatives appear to be providing some assistance. Steve made some plans to better himself as a parent and he had been more open to dialogue with his assigned worker. The assigned worker had made an immediate plan with him to follow up on a weekly basis. As of July 6, 2001 the file on Samantha was closed and

another protection file with Steve
as the primary parent was opened.
And it continues through some factual portions.
Do you have any comments on that, on finding 10?
A As I stated for that Steve was working on it
himself to better himself as a parent.
Q If you could just turn to page 26.
THE COMMISSIONER: Just before you leave that I'm
at paragraph 10, the last sentence.
The assigned worker had made an
immediate plan with him to follow
up on a weekly basis.
Is that you that made that plan?
THE WITNESS: Yes, it was recorded in the notes
that that would be weekly visits, yes.
BY MR. OLSON:
Q If we go down, please, to page 26, finding 12.
It says:
The absence of any recordings and
case notes for the period from

```
July 16, 2001 until March 1, 2002
1
 2
                  makes it difficult to determine
 3
                  what was attempted by the case
                  worker during this period of time
 4
 5
                  that the file was open.
                                                It's
                  possible that case work was
7
                  completed by the assigned worker
                  but no record of case notes to
8
9
                  verify this.
10
11
             I think you've already spoken to that, but do you
12
    have any additional comments?
13
             I wasn't employed with the agency at that time.
    You're talking about this (inaudible), when I, when I had
14
15
    left as a worker with the agency that's July 16th of 2001
16
   to March 2000 I was not with the agency.
17
        Q So that doesn't apply to you then?
            No, it does not.
18
        Α
             Okay. Turn to the next page, please. Finding
19
20
    14, and I appreciate this doesn't apply entirely to the
21
    time that you were the case worker, but some of it does.
22
    It says:
23
24
                  The case management from November
                  of 2000 until closing in March of
25
```

1	2002 was substandard. There were
2	limited contacts, no risk
3	assessments and assessments were
4	completed and there's no
5	indication of sound casework
6	practice. It was felt that Steve
7	Sinclair might have a drinking
8	problem and it was unsure whether
9	he was linked to collateral
10	services to a sufficient degree.
11	He was also felt to have
12	unresolved trauma from his
13	childhood. Regardless of this the
14	case file was ultimately closed
15	without these being resolved.
16	They should have been due to the
17	young age of Phoenix that made her
18	a high risk for abuse and neglect.
19	Furthermore the continued opening
20	of the case need not have depended
21	on whether Steve asked
22	

24 your services, but to, to the extent that the services you

25 provided between November of 2000 until your last work on

This part doesn't, doesn't actually pertain to

- 1 the file, some time in July, 2001, do you want to comment
- 2 on this finding?
- 3 A As I stated earlier the way it's written and
- 4 documented, that we have a hard copy of the file recordings
- 5 and some of the information is put in there, but it does
- 6 not state, and I cannot recall about the times there was
- 7 attempted contact was made to the home of, of this family
- 8 so there was contact, and him being linked to any
- 9 organizations he was linked to those organizations. He did
- 10 attend three major community resources for families.
- 11 Q Okay. I want to take you now to the section 10
- 12 report by Jan Christianson-Wood. That's on page -- the
- 13 references to your work are on page 133.
- Now, you would have been provided with a copy of
- 15 this prior to today with respect to your involvement in the
- 16 inquiry; is that right?
- 17 A Correct.
- Okay. And so you've, you've already read this,
- 19 this over?
- 20 A Yes.
- 21 Q If you look at the paragraph starting a new
- 22 worker was assigned in November, 2000 according to a July
- 23 16, 2001 Section 182 report. Notification of a death of a
- 24 child not in care. It says:

1	File information noted that there
2	was minimal contact with the
3	couple until the baby's birth in
4	April, 2001. Ms. Kematch and Mr.
5	Sinclair were difficult for the
6	assigned worker to contact.
7	Were they following through with
8	the terms of a six month service
9	agreement and contract signed in
10	September of 2000?
11	As the agency had a contract why
12	was it not a concern that the
13	family was not seen by a social
14	worker from October, 2000 when the
15	former worker signed off on the
16	case through November, 2000 when a
17	new worker was assigned, and after
18	February, 2001 when contact was
19	established?
20	Did the Family Support worker
21	continue to see the family and
22	report their parenting?
23	As this was a child protection
24	case notes were an important and
25	necessary part of the case

management. WCFS branch has
internal standards for support
workers reporting. This incident
may predate the implementation of
those standards.

- 7 Do you have anything to comment on with respect
- 8 to those two paragraphs?
- 9 A When it comes to the family support worker, and I
- 10 had this discussion, is that I am not sure what was put
- 11 into -- what was the practice of that day you're looking
- 12 at, 2001, and I'm not sure whether we had, had received
- 13 notes from the family support worker, we would have. Now
- 14 today we do so I'm not sure if that -- if we received that
- 15 information from the family support worker.
- 16 Q Do you have any recollection of receiving that
- 17 information on this file?
- 18 A I can't recall, but if we did receive those kind
- 19 of notes, and after the fact, and my experience now, those
- 20 notes would have been put into the file, but we couldn't
- 21 keep that amount of notes at our desk files, so if we were
- 22 getting notes the way right now in child welfare where the
- 23 support workers do provide us with notes it was impossible
- 24 to keep that amount of notes in our current files with us
- 25 so.

- 1 Q Okay. Are you talking about back, back then --
- 2 A I'm talking about back then and now.
- 3 Q Okay. So back then do you recall if you actually
- 4 got those type of notes for other files?
- 5 A If those, if those notes were received by the
- 6 worker it would be put back in for filing.
- 7 Q Okay. So they should be part of the file if you
- 8 got them in other words?
- 9 A If we received the family support worker's notes
- 10 it would have been put back into filing. We wouldn't keep
- 11 them at our desk, it would be just too much paper.
- 12 Q Okay. And when you say "put back for filing"
- 13 where would they go?
- 14 A We don't -- we never did our own filing in
- 15 Winnipeg Child and Family. It would be put -- and then --
- 16 there was a filing room, there was people that did our
- 17 filing.
- 18 Q So you handed it into a clerk and that clerk --
- 19 A It would have been the practice to put it in for
- 20 filing.
- 21 Q I see. So in other words you didn't maintain
- 22 your own file after you handed the work in?
- 23 A No.
- 24 Q The paragraph goes on to say:

1	As Ms. Kematch delivered in	April,
2	2001 why was her pregnar	ncy not
3	noticed by the worker in I	Tebruary
4	or recorded by the family	support
5	worker for ongoing contacts?	
6		
7	We've discussed that already.	
8		
9	How were the concerns	in the
10	service contract resolved	if the
11	agency's workers had no	contact
12	with the family for	several
13	months?	
14	The conditions in the	support
15	service agreement and the	service
16	contract had included twice	weekly
17	meetings with a support	worker,
18	regular contact with the	Family
19	Services worker, including	access
20	to the couple's hor	ne in
21	cooperation with the age	ncy in
22	exploring issues of	family
23	violence and substance abus	e. The
24	file does not indicate tha	t these
25	concerns were addressed of	or that

1		Ms. Kematch's aggressive and
2		uncooperative presentation in
3		February, 2001, caused any
4		heightened concern about her
5		functioning as a parent, as her
6		first child was removed from her
7		care in 1998 due to her inability
8		to provide the basic care needs
9		including feedings, sustained and
10		in-depth observation of her
11		parenting was required. The
12		assessments needed were not found
13		in the materials presented for
14		review.
15		
16		Do you have any, any comments you want to make on
17	that?	
18	А	No.
19	Q	Okay.
20		
21		In August, 2001, summary noted
22		that a visit had been made to the
23		family home in February, 2001, in
24		an attempt to locate the couple
25		after a period without contact.

1		During a home visit on February,
2		9, 2001, Ms. Kematch appeared
3		angry and Mr. Sinclair removed
4		himself from the discussion. Ms.
5		Kematch was largely uncooperative
6		with the worker's attempts to
7		engage her either responding
8		aggressively or ignoring the
9		worker in order to watch
10		television. Samantha was clear
11		that she felt she had done all
12		that was asked of her and did not
13		want any further agency
14		involvement. Mr. Sinclair
15		appeared involved in the ongoing
16		care of Phoenix.
17		
18		Do you want to comment on that paragraph?
19	А	No.
20	Q	
21		On April 29, 2001 baby was born.
22		The agency did not note concerns
23		with her birth or her parents at
24		that time, apart from noting that
25		this was the third pregnancy

```
1
                 concealed from the agency. A home
2
                 visit was attempted without
 3
                 success in May, 2001.
 4
5
   It says:
 6
                 Given the lack of contact between
7
                 the agency and the family the
8
                 basis for assuming that the
9
10
                 parents could safely and
11
                 successfully parent a second
12
                 infant was unclear. The continued
13
                 lack of contact after the birth is
14
                 concerning particularly as the
15
                 agency had learned that the
16
                 pregnancy was concealed, the file
17
                 had remained open during this
18
                 period.
19
20
             Aside from what you have already said today is
21
   there anything else you want to comment on with respect to
22
   this?
23
       Α
          No.
24
             And if we continue on it continues going through
        Q
25 your involvement in the file, which I understand you've
```

- 1 already read. Do you want to comment on any of the, on any
- 2 of the paragraphs starting on the bottom of page 134, it's
- 3 in front of you there, and then into page 135?
- 4 A The report was, was compiled by Janis?
- 5 Q Jan Christianson-Wood.
- 6 A And that's the same one that reviewed my file
- 7 when passed; correct?
- 8 Q Right.
- 9 A And there is a statement that she said -- that
- 10 stated that everything was in order; right?
- 11 Q For the previous report concerning the baby's
- 12 death?
- 13 A Yes.
- 14 Q Right.
- 15 A Okay. Thank you. No comment.
- 16 Q I just want to take you -- and feel free to
- 17 comment on any of the other comments that you're aware of
- 18 in the report, but I just want to take you specifically to
- 19 page 137, bottom of the page. So worker noted on August
- 20 16, 2001 in a case summary under recommendations for future
- 21 intervention the following:
- 22
- 23 If or when Mr. Sinclair and Ms.
- 24 Kematch resolve their relationship
- 25 and resume cohabitation that the

1		agency access and monitor Ms.
2		Kematch's parenting style. There
3		are concerns expressed by Mr.
4		Sinclair about her treatment and
5		discipline methods used on
6		Phoenix. The worker concluded the
7		file by noting that she was
8		leaving the agency.
9		
10	And it goes on	to say:
11		
12		There were no details provided in
13		the case summary concerning the
14		statement about Ms. Kematch's
15		treatment of Phoenix who was 15

16 months old at the time the summary 17 was written. As she was an infant 18 the failure to follow up on the 19 allegation of inappropriate discipline and/or mistreatment is 20 21 concerning. Waiting for the 22 couple to reconcile in order to

23

24

25

assess and monitor Ms. Kematch did

not take into account the couple's

reluctance to seek assistance from

1	the agency. There was also no
2	contemplation of the very real
3	possibility that Mr. Sinclair
4	might decide to take a break from
5	parenting by passing Phoenix back
6	to her mother, and that he would
7	feel no obligation to involve the
8	agency.
9	An examination of the files do not
10	provide additional details in the
11	handwritten recordings.
12	
13	Do you want to comment on anything contained
14	there?
15	A I can't recall and I have no comment.
16	Q The last report I want to take you to, and this
17	will be fairly brief, it's at page 38015. This was the
18	internal report conducted by Rhonda Warren. If you look on
19	that page it's under Comments and Recommendations, Family
20	Contact, the second bullet, it says:
21	
22	"There was no recorded contact
23	between October 2000 and February
24	2001 even though the service
25	agreement signed on September 5,

1		2000 states 'meeting with the
2		worker on a regular basis.'"
3		
4	It says:	
5		
6		"There was no direct contact
7		between February 9, 2001 and July
8		4, 2001 even though the worker
9		stated in a February 9, 2001
10		meeting 'it is necessary to meet
11		as they are an open file and we
12		need to monitor and assess their
13		family situation.' The social
14		worker clearly stated that the
15		plan would continue to include
16		'drop by visits until we were
17		confident that the risk levels had
18		been minimized and we feel the
19		family has adequate supports to
20		parent.'"
21		
22	Do y	you want to comment on that?
23	A As	I stated earlier that there may have been
24	attempted vis	its that were not documented and were not put
25	into the file	, or they were handwritten notes that are not

```
in the file.
1
2
        Q.
             The next one says:
 3
                  "Baby was born on April 29, 2001,
 4
                  was discharged from the hospital
 5
                  and went home with the parents
                  without agency assessment and in
 7
 8
                  fact no follow-up was made to the
 9
                  home to see how the parents were
10
                  coping."
11
12
             We've discussed that already, but is there
13
    anything you want to add?
14
        Α
          No.
15
          It says:
        Q
16
17
                  "In a meeting with Steve on July
18
                  6, 2001 (or July 5, both dates are
19
                  mentioned) following an After
20
                  Hours report the worker committed
21
                  to meeting with Steve on a weekly
2.2
                  basis. It says there appears to
23
                  be no direct contact between July
24
                  6, 2001 and March 27, 2002 (date
                  of closing) --"
25
```

And I appreciate that that was after your involvement.

3

4 "-- although two attempts were

5 made in response to the baby's

death on July 15, 2001 the only

7 family contact listed is by

8 telephone."

9

Do you want to comment on that?

11 A No.

12 Q Just overall, and with, with your handling of

13 this file, did you feel you were able, given your workload

14 and other circumstances, do you feel you were able to

15 devote adequate time to this family and its needs?

16 A Reflecting back into my experience as a social

17 worker and working in child welfare there is a lot of

18 demand on your time from, from different file, from

19 different families. When I reflect back and reviewing this

20 information about this particular family there was -- it

21 was a common file, this was common things that our families

22 were experiencing. Family violence, alcohol abuse, child

23 neglect, those are common threads throughout the many

24 different files that came -- that I've worked on over the

25 years, and it would have been -- this file would have been

- 1 no different than all the other files that was assigned to
- 2 me at the time because they had those elements in there.
- 3 Q So in terms of the files you were handling was
- 4 there anything unique about this file -- you already spoke
- 5 about the death of the baby which was something I take it
- 6 was unique here, but aside from that was the file any, any
- 7 different than other files you were handling?
- 8 A They, they weren't any different than any other
- 9 files that I would have had dealt with, and the time that
- 10 it would take -- there's a lot of files that was on my
- 11 caseload at that time that absorbed a lot of my time --
- 12 Q Okay.
- 13 A -- so when you're attempting to go out to the
- 14 community to visit families if, if they have no -- they
- 15 have no phone you will do those drop-by visits to
- 16 adequately try to, to meet the demand of, of seeing those
- 17 families, so basically it's workload, it's the timeness
- 18 (sic) on families absorbed from a worker, it's lack of
- 19 resourcing, many different things will impact that, but
- 20 looking -- reflecting back on the information that was
- 21 presented it would be, it would be a basic -- it would be a
- 22 common thread of family violence, child neglect, lack of
- 23 parenting skills, you know substance abuse, all those
- 24 things will be common things that we deal with on a daily
- 25 basis, and continue to deal with them on a daily basis even

- 1 to this date in child welfare.
- 2 Q I just, I just want to understand. When you say
- 3 "drop-by visits", unannounced drop-by visits, were you
- 4 servicing families all in a certain area of Winnipeg?
- 5 A I was working with the Jarvis Unit, yes. It
- 6 would be the inner city and I, I believe at that time I had
- 7 files outside of Winnipeg on -- like on the perimeter of,
- 8 of the city.
- 9 Q Okay. And I'm just -- I just want to understand
- 10 when you say you would drop by just, just explain how that
- 11 would happen.
- 12 A As it was explained before that my practice is
- 13 that I would drop by to families unannounced.
- 14 Q Okay.
- 15 A That was a practice that I did with all my
- 16 families.
- 17 Q And --
- 18 A Regardless if they had a telephone or no
- 19 telephone I will drop by to see how they were doing.
- 20 Q Okay. And if you were going to see -- for
- 21 example you had planned on seeing three families in a day
- 22 would you try to see them all -- you know, in the same
- 23 area, would you just drop by each one?
- 24 A If I was in that particular area, and if I didn't
- 25 -- when I reviewed my cases because I always had my cases

- D. CHIEF-ABIGOSIS DR.EX. (OLSON) NOVEMBER 27, 2012
- D. CHIEF-ABIGOSIS BY THE COMMISSIONER
- 1 with me, and I would review that, and if I did not see that
- 2 particular family I would make that attempt to see them at
- 3 that time, with time allowances of that working day, yes.
- 4 MR. OLSON: Thank you. Those are all my
- 5 questions for you.
- 6 THE WITNESS: Thank you.
- 7 THE COMMISSIONER: I'm just going to ask you one
- 8 question and then we're going to take a break, and then
- 9 we'll start the, the other examinations.

11 EXAMINATIION BY THE COMMISSIONER:

- 12 Q Was it the policy, or were you required to make a
- 13 note every time you visited in the file, regardless of
- 14 whether the family were home or not? Was it -- were you
- 15 under a requirement, whether it be a best practice or the
- 16 policy of the agency, to, to make a record that you
- 17 actually had made the call?
- 18 A We would record our actual face-to-face contact,
- 19 like our actual visits, and it was practiced where we would
- 20 document if we did attend a home, but to say there was an
- 21 actual -- I think it just comes from the profession of
- 22 social work, we do do note taking.
- 23 Q And record that fact in the file?
- 24 A Yes.
- THE COMMISSIONER: All right. Thank, thank you,

- D. CHIEF-ABIGOSIS BY THE COMMISSIONER NOVEMBER 27, 2012
- D. CHIEF-ABIGOSIS CR-EX. (MR. MCKINNON)
- 1 witness. Now you're going to get a break for you've been
- 2 on a long time this morning, and we'll take 15 minutes, and
- 3 then some of the other lawyers will have questions they
- 4 want to ask of you.
- 5 THE WITNESS: Thank you.
- 6 THE COMMISSIONER: So we'll break now.

8 (BRIEF RECESS)

9

- 10 THE COMMISSIONER: All right. Mr. McKinnon, are
- 11 you first?
- MR. MCKINNON: It appears so, Mr. Commissioner.

- 14 CROSS-EXAMINATION BY MR. MCKINNON:
- 15 Q Ms. Chief-Abigosis, my name is Gordon McKinnon,
- 16 and we've met before. I'm the lawyer for the Department
- 17 and Winnipeg CFS. I just want to ask you questions in
- 18 connection with one issue, or one area.
- 19 Your -- since leaving Winnipeg CFS you took a
- 20 period of time where you didn't work in child and family
- 21 Services at all, and then you have worked subsequently in
- 22 the area of child and family Services as a supervisor in
- another agency?
- 24 A Correct.
- 25 Q And I'm going to ask you to look back today at

- the case work you did in 2000 and 2001, and ask you to 1
- 2 comment and see if you will agree with this. That if you
- were looking at your work today as a supervisor, looking at 3
- the work you did in that time period on the Phoenix 4
- 5 Sinclair/Samantha Kematch files, and if we assumed that all
- the contacts are recorded in your case file, that is there 6
- 7 were no other contacts other than those ones that were
- 8 recorded, so if we make that assumption would you agree
- that the number of contacts was inappropriate? 9
- 10 I would agree with that. Α
- 11 Okay. And I've heard your evidence, and, and you
- 12 said that there may have been other contacts that were not
- 13 recorded in your notes. Again looking at it from the point
- of view of a supervisor the failure to record those other 14
- 15 contacts would that also be inappropriate?
- 16 Α I agree.
- And effectively what I'm asking you to say is as 17
- a supervisor today, looking back at your work, you would 18
- agree that it was unacceptable? 19
- 20 I agree. Α
- 21 MR. MCKINNON: Thank you.
- 22 THE COMMISSIONER: All right. Mr. Gindin.
- 23 MR. GINDIN: Thank you.

1 CROSS-EXAMINATION BY MR. GINDIN:

- 2 Q Good morning, ma'am. My name is Jeff Gindin. I
- 3 appear for Kim Edwards and Steve Sinclair, and I have some
- 4 questions for you.
- 5 I take it from listening to your evidence that --
- 6 you've told us many times that you have very little
- 7 recollection of your involvement in this matter at this
- 8 stage?
- 9 A Correct.
- 10 Q And that's partly because of all the time that
- 11 has gone by?
- 12 A Yes, it's almost 12 years.
- 13 Q Yeah. And you've told us that you have to rely
- 14 on your notes pretty much?
- 15 A Correct.
- 16 Q And that's why notes are so important because you
- 17 may have to look back and use them as your memory?
- 18 A Correct.
- 19 Q Now, I take it you had put in your notes what you
- 20 considered important?
- 21 You can't put everything in your notes, so you
- 22 have to --
- 23 A Technically everything's important, but, yes,
- 24 when I did the actual home visits, yes, I did documents of.
- 25 Q And the efforts that would make to contact a

- 1 family, either by phone or dropping in, those, those things
- 2 are important?
- 3 A Correct.
- 4 Q They're important to how your work might be
- 5 viewed by someone else, so they could see what you did?
- 6 A Correct.
- 7 Q And they're also important in the event that you
- 8 had to go to court --
- 9 A Yes.
- 10 Q -- and remember what happened; correct?
- 11 A Yes.
- 12 Q So it's important to record those efforts?
- 13 A Yes.
- 14 Q You've told us there may be some things you did
- 15 that you didn't record in terms of attempting to contact
- 16 the family, but as we review your notes you've recorded
- 17 many times where you've made an effort to contact the
- 18 family, those do appear in your notes particularly in July,
- 19 towards the end of your involvement, there's almost a daily
- 20 recording of efforts that you've made to contact the
- 21 family, leaving messages, that kind of thing; correct?
- 22 A Correct.
- 23 Q And those were recorded?
- 24 A Yes.
- 25 Q Is there any reason why you would record some of

- 1 the efforts you made and not others?
- 2 A I believe it was the situation that was happening
- 3 currently with the death of the child. There was more
- 4 people, more family that was phoning, and there was also
- 5 other collaterals phoning the agency regarding the
- 6 situation so you had to keep up with the note taking at
- 7 that time.
- 8 Q But if we look at your involvement from November
- 9 the 14th, 2000, onwards --
- 10 A Um-hum.
- 11 Q -- it doesn't appear to be that many notations
- 12 made by you.
- 13 A Correct.
- 14 Q It would be easier to record those kinds of
- 15 things if there isn't that much going on; wouldn't it?
- 16 A Could you say that again, please?
- 17 Q You said that in July you recorded lots of things
- 18 because there was lots of things going on.
- 19 A There was the death of the child, yes, and --
- 20 Q Um-hum. But --
- 21 A -- there was also collaterals calling --
- 22 Q Um-hum.
- 23 A -- and there was family members calling so you
- 24 had to keep track of all that data, and when they called.
- 25 Q Those were important things so you made notes of

- 1 them?
- 2 A They're all important things, but at that
- 3 particular time there was more activity on the file than
- 4 there was prior.
- 5 Q Are you saying that there were important things
- 6 going on that you decided not to put down in your notes?
- 7 A No, I didn't say that. What I'm saying is that
- 8 -- what I'm stating is that at that particular time there
- 9 was collaterals calling, there was family members calling,
- 10 the parents were calling, it was surrounding the death of,
- 11 of the child.
- 12 Q Now you took over the file on November the 14th
- 13 of 2000?
- 14 A Yes.
- 15 Q And there's no record of any contacts with the
- 16 family for the rest of November, clearly; correct?
- 17 A On the actual file, yes.
- 18 Q Yeah. Well we have to go by your notes because
- 19 you don't have your memory; right?
- 20 A Yes.
- 21 Q So the rest of November there's no recordings of
- 22 any contact; correct?
- 23 A Correct.
- 24 Q There's also no notes of any contact throughout
- 25 December?

- 1 A Correct.
- 2 Q There's also no notes of any contacts throughout
- 3 January; correct?
- 4 A Correct.
- 5 Q In fact in December, on December the 11th, and
- 6 perhaps we can have a look at page 37024, this was a letter
- 7 that you saw before I think, can you see it on your screen?
- 8 A Yes, I see it.
- 9 Q And in that letter you write to Germaine Brass
- 10 apologizing for the delay so far; correct? You can see
- 11 that.
- 12 A Stated in the letter, yes.
- 13 Q And can you tell us what the reason for the delay
- 14 was that you were apologizing about?
- 15 A I can't recall the reason for why I stated there
- 16 was a delay.
- 17 Q And there's no notes --
- 18 A It might have been just the style of my writing.
- 19 I'm sorry for the delay, here's the document you requested.
- 20 It's a standard thing that I would put sometimes in
- 21 recording --
- 22 Q Well obviously you felt that there was some
- 23 delay, and you thought you needed to apologize for it;
- 24 right? That's what the letter tells us; correct?
- 25 A Correct.

- 1 Q And you have no notes other than that letter
- 2 about what you meant or why there was a delay; right?
- 3 A Correct.
- 4 Q In February your notes tell us that there were a
- 5 couple of attempts to connect with the family; right?
- 6 A Yes, that was shared, yes.
- 7 Q There's no notes at all throughout the latter
- 8 part of, of February, or all of March, about any sort of
- 9 contacts with anyone in the family; correct?
- 10 A Correct, and as I shared prior that they may have
- 11 not been documented.
- 12 Q Okay. So either you were not documenting
- 13 important things or you weren't doing them, it's one or the
- 14 other; right?
- 15 A I disagree. I may have not -- I may have
- 16 documented them, I may not have documented them. I may
- 17 have attended a home, I may not have attended, but I
- 18 believe there was attempts to visit the family.
- 19 Q And if you did document them in notes we don't
- 20 have those notes?
- 21 A I don't see them.
- 22 Q There's no contacts documented by yourself
- 23 throughout the entire month of April, and the only contact
- 24 we see is when a child dies at the hospital?
- 25 A According to notes, yes, that's what it states.

- 1 Q Or, pardon me, the child was born at the
- 2 hospital, that's what I meant to say.
- In May there are some notes of some contact, but
- 4 none in the month of June either; correct, according to
- 5 your notes?
- 6 A What's listed there, yes.
- 7 Q And then we see a heightened degree of contact
- 8 once you found out about the child passing away; right?
- 9 A Correct.
- 10 Q Now looking at these contacts that you made notes
- 11 of in July of 2001 I believe your notes indicate that on
- 12 July the 6th the name Kim Edwards comes up in the notes for
- 13 the first time?
- 14 A Yes.
- 15 Q And it came up because Steve had advised you that
- 16 she was helping him take care of the child?
- 17 A Yes.
- 18 Q Along with other people?
- 19 A Yes.
- 20 Q Did you at that time make any efforts to phone
- 21 her or go and see her, or see what sort of home she had, or
- 22 who she was living with, or any of those things?
- 23 A I can't recall.
- 24 Q If you did that it would be in your notes;
- 25 wouldn't it?

- 1 A Correct.
- 2 Q Okay. And we haven't seen any notes of you doing
- 3 that.
- 4 A Only what was presented, yes.
- 5 Q Okay. You would agree that that would have been
- 6 a reasonable idea?
- 7 A Yes.
- 8 Q For example, you'd want to know where she lives
- 9 and who she lives with, or what her situation is?
- 10 A Yes.
- 11 Q Now after July the 16th when you found out about
- 12 the death of the child that's when you heard from Samantha?
- 13 A Could you repeat that?
- 14 Q After you found out about the death of the young
- 15 child that's when you heard from Samantha; right?
- A According to the documentation, yes.
- 17 Q And that's all we have to go by; right?
- 18 A Yes.
- 19 Q And now she's wanting Phoenix, because it appears
- 20 she's wondering about whether Steve was responsible in some
- 21 way for the death, is that basically the feeling you had?
- 22 A It states that in the notes, yes.
- 23 Q Yes. And around this time during July when
- 24 you're getting a number of calls from family members, and
- 25 that kind of thing, a number of issues arise. For example,

- 1 I think your evidence was that Jenny Sinclair, Steve's
- 2 sister, had indicated that we should look at this question
- 3 of guardianship, they wanted guardianship; correct, do you
- 4 remember that?
- 5 A It's written in the notes, yes.
- 6 Q Did you follow up on that idea at all?
- 7 A It wouldn't have been myself to look for
- 8 guardianship, it would have been up to the parents to seek
- 9 a lawyer and seek guardianship of their children.
- 10 Q Is there any notes anywhere where you advise them
- 11 of that particular right, or process?
- 12 A I believe there's -- there is in the case note
- 13 that they were -- that Child and Family wasn't responsible
- 14 for custody or guardianship.
- 15 Q Um-hum. That's the way you dealt with that, just
- 16 left it like that?
- 17 A I could only share right now what was written in
- 18 that note, and I can't recall the actual conversation.
- 19 There may have been other things in that conversation that
- 20 was said, but I could only comment on the notes that were
- 21 presented to me.
- 22 Q So either you didn't make notes of important
- 23 things or you made notes of important things and lost them,
- 24 or you didn't do those things; it's one of those?
- 25 A Like I said earlier I could only, I could only

- 1 speak to what was presented here.
- 2 Q Okay. Did you contact Jenny and meet with her
- 3 about her concerns or her requests about guardianship?
- 4 A If it's not written in these notes, and, and -- I
- 5 cannot recall.
- 6 Q Okay. So with respect to Kim Edwards you didn't
- 7 know her or who she was; right?
- 8 A Correct.
- 9 Q You didn't know if she was living with someone,
- 10 or married, or single; right?
- 11 A I do not know the person.
- 12 Q With respect to Jenny were you aware of her
- 13 personal circumstances?
- 14 A Only when I reviewed the information that was
- 15 presented to myself.
- 16 Q Did you know anything about the person she was
- 17 living with?
- 18 A I could only refer to the information that was
- 19 presented to myself.
- 20 Q And that information included the fact that
- 21 whoever she was living with had a criminal record, do you
- 22 remember that?
- 23 A According to the notes, but I can't recall
- 24 specifically that time ago.
- 25 Q But earlier on when you became aware that Steve

- 1 was getting support and help from Jenny that wasn't being
- 2 checked out as to who her boyfriend was, or what sort of
- 3 person that was, or anything?
- 4 A Often our families who are involved with Child
- 5 and Family often they do have extended family as their
- 6 support system, and I believe at that time, and according
- 7 to my notes, that those people, his sisters, was his
- 8 support system.
- 9 Q Right. But that doesn't mean you shouldn't check
- 10 them out?
- 11 A I could only refer to my notes, I can't recall
- 12 specifically the conversations I had with his siblings, or
- 13 with himself.
- 14 O Wouldn't it be better to check out some of the
- 15 support systems that they tell you about to make sure that
- 16 they're appropriate?
- 17 A That would be a good practice, yes.
- 18 Q Not enough just to say, I have some family
- 19 members helping me, it's always nice that they have that,
- 20 but it would be nice to know more about them?
- 21 A Correct.
- 22 MR. GINDIN: If I can just have one moment?
- THE COMMISSIONER: Yes.

24

1 BY MR. GINDIN:

- 2 Q Just one further point. At page 37009, can you
- 3 get that up, please. On this page, and several other times
- 4 in the various reports, we see a list of various names and
- 5 addresses and phone numbers; correct?
- 6 A Correct.
- 7 Q And this would be something that you would be
- 8 aware of as you took over the file?
- 9 A The information of contacts from the prior worker
- 10 and ones that we added that we had -- that became contacts
- 11 when we were working on the file.
- 12 Q Okay. For example Nikki Taylor from the Boys and
- 13 Girls Club is on that list. Do you have any notes of any
- 14 connection with her, any phone calls to her?
- 15 A What was presented in this note taking is only
- 16 what I can refer to --
- 17 Q Okay.
- 18 A -- and I can't recall.
- 19 Q So you have no notes of you having talked to her?
- 20 A If they're not on the information as presented to
- 21 the inquest then this is only what I can reference.
- 22 Q Do you remember ever calling her?
- 23 A I can't recall.
- 24 Q You became aware of her involvement though? When
- 25 you, when you read over the material you knew that she was

- D. CHIEF-ABIGOSIS CR-EX. (GINDIN) NOVEMBER 27, 2012
- D. CHIEF-ABIGOSIS CR-EX. (SAXBERG)
- 1 involved with both Steve and Samantha?
- 2 A According to all the documents her name, her name
- 3 was referenced and that she was a support to the family.
- 4 Q Okay. And there's no notes that you ever spoke
- 5 to her, we haven't seen any?
- 6 A There is no notes that state on the documentation
- 7 as presented that I had contact with Nikki Taylor.
- 8 Q And if you had --
- 9 A It would have been --
- 10 Q -- and if she gave you some information you would
- 11 have put it down; right?
- 12 A Correct.
- MR. GINDIN: Those are my questions.
- 14 THE COMMISSIONER: Thank you, Mr. Gindin.
- Mr. Saxberg.
- 16 MR. SAXBERG: Thank you, Mr. Commissioner. Good
- 17 afternoon, Ms. Chief-Abigosis. My name is Kris Saxberg. I
- 18 represent ANCR and three of the Authorities that regulate
- 19 child welfare agencies today.

- 21 CROSS-EXAMINATION BY MR. SAXBERG:
- 22 Q I just have a few questions for you, and I'd like
- 23 to begin by asking that we call to the screen CD number 1,
- 24 page 26. Now, what I'm showing you here Ms. Chief-
- 25 Abigosis, is a excerpt from Andy Koster's section 4 report,

	D. CHIEF-ABIGOSIS - CR-EX. (SAXBERG) NOVEMBER 27, 2012
1	and in manticular finding number 11 Days on that 2
1	and in particular finding number 11. Do you see that?
2	A Yes.
3	Q Mr. Olson had reviewed with you, I believe,
4	findings of 8, 9, 10, and then went on to finding number
5	12. Finding number 11 though indicates that:
6	
7	"A report was completed for the
8	Chief Medical Examiner. It found
9	no fault in the death of"
10	
11	And that would be Sinclair, do you see that?
12	A Yes.
13	Q And the document goes on to say:
14	
15	"It appears that there were no
16	concerns that had died as a
17	result of abuse or neglect."
18	
19	Do you see that?
20	A Yes, I do.
21	Q And were you made aware of the CME report after
22	it was completed, and the conclusion that there that the
23	death of Sinclair had nothing to do with abuse or
24	neglect?
25	A I can't recall, but according to the e-mails, and

- 1 the information that was presented by my supervisor, yes.
- 2 Q And I'd like to just take you to that report then
- 3 of the CME. It's at CD 764, and it's page number 17680.
- 4 Now, in the context of this inquiry I take it
- 5 that you've seen this report?
- 6 A No.
- 7 Q Okay. Well, you'll see then -- it's a report
- 8 that is dated October 2, 2003, and if we could turn then --
- 9 if we could turn to page 17683 firstly. It indicates that
- 10 it's a report that's prepared in accordance with The Fatal
- 11 Inquiries Act, Section 10, and are you familiar through
- 12 your involvement as a CFS worker with the process that,
- 13 that occurs when a child has -- that has -- that was in
- 14 care at some recent point with CFS what the process is
- 15 after an event like that?
- 16 A Yes, I'm aware.
- 17 Q And, and you're aware then that that process
- 18 involves a mandatory review by the Chief Medical Examiner's
- 19 Office?
- 20 A Yes.
- 21 Q And if we could turn to page 17685. The report
- 22 indicates that certain files were reviewed, including Steve
- 23 Sinclair's Family Services file, Phoenix Sinclair's child-
- 24 in-care file, Samantha Kematch's Family Services file, and
- 25 then it lists other child-in-care files. Do you see that?

D. CHIEF-ABIGOSIS - CR-EX. (SAXBERG) NOVEMBER 27, 2012

```
1
        Α
             Yes.
2
        Q.
             And if we could turn to page 17687. In the
    second paragraph the writer notes that:
 3
 4
 5
                  "In an effort to produce a more
                  concise report the family history
 7
                  has been condensed. All Agency
 8
                  files provided were thoroughly
                  reviewed."
 9
10
                  then there's a narrative that follows,
11
12
    including information at the bottom of this page if you
13
    scroll down, which indicates that at the time that Ms.
14
    Kematch gave birth to her first child on July 23, 1998 she,
15
    and then the last sentence says, quote:
16
17
                  "Ms. Kematch herself presented as
18
                  'immature' and was described as
19
                   'emotionally flat.'"
2.0
21
             And I'm just asking you to make note of that in
22
    this report. I'll have a question for you when we get to
    the conclusion of it, but do you see that?
23
24
        Α
             Yes.
```

25

0

And at the next page, 17688, there's a note in

1 the second paragraph, the second sentence, quote:

2

- 3 "Samantha gave no indication that
- she was ready to parent this 4
- 5 child. Due to Samantha's behavior
- and attitude towards her newborn
- 7 Cree Nation Child and Family
- Caring Agency felt that it is in 8
- the child's best interests to be 9
- 10 placed in care for a period of six
- 11 months."

- 13 Now, that was information that, that you had
- available to you, and that you had reviewed in the course 14
- 15 of conducting your work on the file; correct?
- 16 Α Correct.
- That was information you were aware of as well 17
- and had noted in terms of how you were going to deal with 18
- this matter; correct? 19
- 20 Α Correct.
- 21 THE COMMISSIONER: Just where did you read from
- 22 on that page 688?
- 23 MR. SAXBERG: The second paragraph, the second
- 24 sentence.
- 25 THE COMMISSIONER: Okay, I follow you.

1 BY MR. SAXBERG:

- 2 Q And at the next page 17689 the file notes in the
- 3 third full paragraph that Phoenix Sinclair was born on
- 4 April 23, 2000, and that Ms. Kematch had not received any
- 5 pre-natal care --
- 6 THE COMMISSIONER: Now where are you reading
- 7 from?
- 8 MR. SAXBERG: I'm reading from the third full
- 9 paragraph on that page.
- 10 THE COMMISSIONER: The third paragraph.
- 11 MR. SAXBERG: It starts with April 23, 2000.
- 12 THE COMMISSIONER: All right. It doesn't -- it's
- 13 not third on my screen, but I, I see where it is. That's
- 14 fine. Go ahead.

15

16 BY MR. SAXBERG:

- 17 Q And this paragraph indicates that Ms. Kematch had
- 18 not received pre-natal care, and that was something as well
- 19 that you were aware of in terms of your assessment of the
- 20 file, and your conduct of the file; correct? You were
- 21 aware that for -- with respect to Phoenix Sinclair that Ms.
- 22 Kematch hadn't received pre-natal care?
- 23 A Correct.
- 24 Q And the final paragraph on the same page begins
- 25 with "When asked why", quote:

```
"When asked why (...) had been
1
                  removed --"
2
 3
    That's the first child.
 4
5
                  "-- Agency case notes reflect that
 6
                  Ms. Kematch had advised workers
7
                  'Samantha thought it was because
8
                  they thought she might hurt the
9
10
                  baby, as her mother did.'"
11
12
             And it goes on, but that's something you advised
13
    Mr. Olson that you don't recall whether you were aware of
   that fact; is that right?
14
15
             Excuse me, could you repeat that?
             Oh, sorry, I might have your evidence wrong.
16
        Q
    Were you aware that Samantha had made that comment, that
17
18
    she thought that her first child had been apprehended
    because they thought she may hurt the baby as her mother
19
20
    did; were you aware that Samantha had made that ...
21
        Α
             Well that information was in the previous
22
    transfer summary so I was aware of that.
             Right, and you would have reviewed that
23
24
   information; is that right?
25
        A Correct.
```

O And can you turn to page 17692, the file reviewer 1 here is continuing to review matters that unfolded with 2 respect to this family including on April 29 of 2001, the 3 date which was born, the agency did not note any 4 concerns with her birth or her parents at that time; is 5 6 that a correct statement? Well, let me put it to you. I suggest that 7 that's a correct statement, that the agency hadn't noted 8 9 any concerns with the birth of or with the parents at 10 that time? 11 Α Correct. 12 And then on the rest of that page there's a 13 recitation of the events that you went through with Mr. 14 Olson, and on page 17693 under the heading "Events After 15 the Death of Sinclair" the report writer indicates: 16 "The agency offered support to 17 Kematch and Mr. Sinclair when 18 19 died." 20 21 And you agree with that statement, that's a 22 correct statement, isn't it? Α 23 Correct.

the heading, "Conclusions and Recommendations", but

And on page 17696 the -- under the -- it's under

24

```
paragraph 5 begins with:
1
 2
 3
                  "Ms. Kematch and Mr. Sinclair were
                      parents of a
 4
                                           daughter,
                  Phoenix, born April 23, 2000."
 5
 7
                  it goes on to indicate that they were
    unprepared to parent at that point in time, and there was a
8
    particular concern of Ms. Kematch's lack of affect, that
9
10
    was an issue, I'm paraphrasing, but that's all, that's all
11
    information that you were aware of, and that you reviewed,
12
    and it appears to be reviewed and considered by this report
13
    writer as well; do you see that?
14
        Α
             Yes.
15
             And then the final page is page 17697, and the
   conclusion here is:
16
17
18
                  "The
                        Special Investigator feels
19
                  that Winnipeg's Child and Family
2.0
                  Services has met their mandate
21
                  with respect to this case.
2.2
                  Summaries were complete and on
                  file. Child-in-care reviews were
23
24
                  complete.
                                 Family assessment
25
                  information was complete.
```

D. CHIEF-ABIGOSIS - CR-EX. (SAXBERG) NOVEMBER 27, 2012

```
It was relatively easy to follow
1
 2
                  the paths the family had taken
 3
                  from the summary. This file met
                  Provincial Program Standards and
 4
                  was well maintained."
 5
7
    And then in the recommendations it says:
8
                  "The Chief Medical Examiner has no
 9
                  recommendations to make with
10
11
                  respect to this matter."
12
13
             Do you see that?
14
        Α
             Yes.
15
              So I'm correct to indicate that there's, there's
16
    never been an assertion by anyone that there was abuse of
    Sinclair that resulted in her passing; correct?
17
18
        Α
              Correct.
19
              And that the Chief Medical Examiner's office made
20
    that as a finding in terms of the work that was provided by
21
    Winnipeg CFS and, and some of the work provided by you; is
22
   that correct?
23
        Α
             Correct.
24
             And have you -- are you aware of any information,
        Q
    at any point in time, from any source, that indicates
25
```

- 1 otherwise, that there's any allegation that there was any
- 2 abuse of Sinclair by anybody?
- 3 A No.
- 4 Q And I want to ask about information of that same
- 5 sort, about mistreatment concerning Phoenix Sinclair during
- 6 the period that you were handling the file, okay.
- 7 Had you received any information during the
- 8 period in time in which you were dealing with this matter
- 9 that Phoenix Sinclair was being maltreated?
- 10 A I can't recall, only in the closing summary it
- 11 was stated that Steve had concern about discipline from
- 12 Samantha towards Phoenix.
- 13 Q Right.
- 14 A But during that time no one ever came to me and
- 15 said, yes, I do have concerns about -- that there's child
- 16 abuse happening towards this child.
- 17 Q Right. Did you ever -- you never had any
- 18 communication with Kim Edwards, you've established that?
- 19 A No.
- 20 Q And did you have any information from, from
- 21 anyone else, other than Steve Sinclair then, that there was
- 22 any maltreatment of Phoenix Sinclair during this period?
- 23 A No.
- 24 Q And as you sit here today, regardless of the
- 25 source, have you ever heard any information put forward by

- 1 anybody that there's any allegation that there was any
- 2 maltreatment of Phoenix Sinclair during the period in which
- 3 you were handling this file?
- 4 A Yes -- I mean no.
- 5 Q You mean you haven't heard anyone say --
- 6 A I haven't heard anything -- sorry, no.
- 7 Q You've been criticized soundly --
- 8 A Correct.
- 9 and my own editorial, perhaps correctly, for
- 10 not being as diligent, and being out there, but my question
- 11 to you is has anyone ever said had you gone there you would
- 12 have seen something that ought to have been averted, you
- 13 would have seen some, some maltreatment? Has anyone ever
- 14 said that?
- 15 A No.
- 16 Q And you know that Marie Belanger, as she was
- 17 known then, testified earlier she was the family support
- 18 worker working at the time that you took over this file,
- 19 are you familiar with her?
- 20 A Familiar with the name, yes.
- 21 Q And were you aware that she was reporting that
- 22 the family was functioning well and everything appeared to
- 23 be appropriate in terms of the interaction with Phoenix?
- 24 A According to the information that was presented,
- 25 yes.

- 1 Q And are you aware that she was continuing to make
- 2 contact with the family on what she called a sneak attack
- 3 basis, six hours a week, up to December 13 of 2000; were
- 4 you aware of that?
- 5 A I'm aware through the information that was
- 6 presented, yes.
- 7 Q And a Nikki Taylor as she was then known, Nikki
- 8 Humenchuk, she was the support for Steve Sinclair and
- 9 Samantha Kematch, did you have any involvement with her
- 10 directly?
- 11 A No.
- 12 Q So you wouldn't have heard that -- information
- 13 that she's already told this Commission about, about the
- 14 family attending at the Boys and Girls Club, and presenting
- 15 with a normal interaction between parents and Phoenix, you
- 16 weren't ever aware of that information at the time?
- 17 A No.
- 18 MR. SAXBERG: Those are all my questions. Thank
- 19 you.
- THE COMMISSIONER: Thank you, Mr. Saxberg.
- MR. Khan?
- MR. KHAN: No, no questions.
- THE COMMISSIONER: Mr. Ray?
- 24 MR. RAY: Yes, Mr. Commissioner. Just a few
- 25 questions for Ms. Abigosis.

1 CROSS-EXAMINATION BY MR. RAY:

- 3 questioning by Mr. Olson was that there was often different
- 4 caregivers in respect of Ms. -- Mr. Sinclair's parenting
- 5 with Phoenix, and in your experience as a social worker,
- 6 and as someone who is of First Nation descent, are multiple
- 7 caregivers, family and friends, is that a common or
- 8 uncommon situation that you see, regardless of whether a
- 9 child is in care or is not in care?
- 10 A It's common.
- 11 Q Does the fact that multiple people were taking
- 12 care of a child, in this case Phoenix, raise concerns for
- 13 you as a social worker automatically or necessarily?
- 14 A No.
- 15 Q Did you have any reason to suspect that the
- 16 caregivers that were taking care of Phoenix, and, and with
- 17 whom Steve had placed Phoenix, were otherwise
- 18 inappropriate?
- 19 A No.
- 20 Q Would you expect Mr. Sinclair to have told you if
- 21 he knew or suspected that the caregivers were not
- 22 appropriate caregivers? I mean it's his child, and he's
- 23 giving her to them, to those people so ...
- 24 A In, in most families -- I could also reference my
- 25 own family, is that we are a close knit community, we do

- 1 depend on our extended family for support in relation to
- 2 child care, whether we're working or we're attending
- 3 programs, or whatever might the issue be, a medical
- 4 appointment, we do ask extended family to care for our
- 5 children just because we know them well, and we have
- 6 developed a trust with them. Even though we may know their
- 7 background if they had any kind of involvement prior with
- 8 anything that it'll be at our own discretion to, to make
- 9 that decision whether we're going to leave our child.
- 10 Q And Mr. Gindin suggested to you that perhaps you
- 11 should have, or it would have been reasonable for you to go
- 12 out and inspect Ms. Edwards' home, or Jenny Sinclair's
- 13 home. You've given evidence that you had relatively heavy
- 14 caseloads, and that this particular file was not unique,
- 15 and not a priority. Given that workload, and, and how this
- 16 file presented to you, is that something that would be
- 17 particularly urgent for you to do, to go out and inspect
- 18 Ms. Edwards' home when Mr. Sinclair had given Phoenix to
- 19 Ms. Edwards?
- 20 A I believe that when -- if the, the home was
- 21 identified as a place of safety, and we did -- the agency
- 22 would require a social worker to go out to review that
- 23 home, and meet with the people, but in this case if the, if
- 24 the father, you know, had identified that person's place as
- 25 safe then for myself to go out it would be very time

- 1 consuming. Then you would have to look at my entire
- 2 caseload because other families had other family members
- 3 looking after their children, so it'll be -- it'll absorb a
- 4 lot of time.
- 5 Q If Mr. Sinclair had told you that he had concerns
- 6 about the caregiver with whom he had placed Phoenix, and he
- 7 identified a specific concern, what would you have done
- 8 then?
- 9 A I would have went to check the home, but also,
- 10 too, if the father had concerns would he really actually
- 11 place a child there?
- 12 Q I just want to direct you to CD 1795, page 37002.
- 13 Your, your evidence was that, that you noted multiple
- 14 attempts before to, to make contacts with the family, and
- 15 some -- and you weren't sure whether you had made other
- 16 attempts to contact the family that weren't noted, and you
- 17 couldn't recall; correct?
- 18 A Correct.
- 19 Q Okay. So you see the, see the heading
- 20 Interventions?
- 21 A Yes.
- 22 Q And there's, there's one line underneath
- 23 Interventions, and then there's a full paragraph. Do you
- 24 see that?
- 25 A Yes.

NOVEMBER 27, 2012

```
There's -- I'm just going to read to you the
1
        Q
    paragraph. It says -- starting about the middle:
 2
 3
                   "The
                        assigned worker attempted
 4
 5
                   several times to connect with the
                  family and left a card asking the
 7
                   family to contact the agency."
 8
 9
              And that's under the line November 14, 2001.
              THE COMMISSIONER: Well, whose document is this?
10
11
              MR. RAY: I'm sorry, Mr. Commissioner, this is
12
    the, this is the closing summary, I believe --
13
              THE COMMISSIONER: Prepared by?
14
             MR. RAY: Prepared by this witness.
15
              THE COMMISSIONER: Okay.
16
17
    BY MR. RAY:
             And then it goes on to say some other things that
18
19
    you did in November, November was comprised of telephone
20
    contact, and we know you were -- you recorded those
```

- 22 summaries. Having read that opening paragraph does that
- 23 help you to recall whether you may have made attempted

contacts in your case notes, and they're reflected in your

24 contacts with this family in November?

21

25 A As, as I stated before I cannot recall, but

- 1 reading this and knowing my practice I would have made
- 2 attempts to contact the family.
- 3 Q And just your practice, so this is a file that
- 4 was assigned to you on November 14, 2001. What would your
- 5 practice have been as it relates to trying to make contact
- 6 with the family?
- 7 A We would attend the home --
- 8 Q How quickly would you try to make contact with
- 9 the family, and what would your practice normally be?
- 10 A Within about a week.
- 11 Q Given your practice, and given those notes, do
- 12 you think you may have made attempts to have contacted the
- 13 family in November?
- 14 A Looking at the notes, yes. Like I said earlier
- 15 that I did -- I can't recall, but my practice was to go out
- 16 to the homes and I may have not documented them.
- 17 Q I'd just like to draw your attention to page
- 18 37021, and again this is part of your summary -- I'm sorry,
- 19 this is the supervision notes, but you see the case plan
- 20 there under the heading Case Plan, and then there's six
- 21 bullets?
- 22 A Yes.
- 23 Q And you've -- I think you've stated that that was
- 24 your understanding, that that was the service agreement; do
- 25 you recall that?

- 1 A Yes.
- 2 Q Okay. And Mr. Olson asked you a number of
- 3 questions about whether you could recall if various parts
- 4 of the service agreement had been fulfilled, and to your --
- 5 you said you hadn't recalled, and Mr. Olson did put to you
- 6 just this morning, I think he noted to you for the record
- 7 that we know that Ms. Kematch had in fact seen Dr. Altman.
- 8 Do you recall having seen that on the file, or having noted
- 9 that on the file, that information?
- 10 A After reviewing the notes it is documented that
- 11 she did state that she did see Dr. Altman.
- 12 Q Do you recall if you, if you reviewed Ms. Kerri-
- 13 Lynn Greeley's transfer summary?
- 14 A Yes, it was practice that --
- 15 Q Okay.
- 16 A -- we would review the transfer summary, yes.
- 17 Q Could you, please, turn to page 37032. I'm
- 18 showing you a portion of Ms. Kerri-Lynn Greeley's transfer
- 19 summary. You see at the top where she describes that
- 20 Samantha met with Dr. Altman, do you see --
- 21 A Yes.
- 22 Q -- where it says that that occurred on September
- 23 13, 2000?
- 24 A Yes.
- 25 Q Do you recall if you would have reviewed that

- 1 when you saw the file?
- 2 A Could you repeat that?
- 4 portion of the summary when you reviewed the file?
- 5 A I can't recall -- what I've stated that I would
- 6 review the, the transfer summary, so --
- 7 Q Okay.
- 8 A -- any information that was in there I would have
- 9 reviewed.
- 10 Q But just look down to the fourth hyphen there,
- 11 fourth bullet on the left-hand side. Do you see that
- 12 notation that begins with "Dr. Altman does not see the need
- 13 for any further assessment"?
- 14 A Yes.
- 15 Q Does that help you recall whether paragraph 1 of
- 16 the service agreement, which says Samantha will meet with
- 17 Dr. Altman, does that help you recall whether or not that
- 18 particular portion of the service agreement had been
- 19 satisfied when you had the file?
- 20 A I can't recall, but according to the document
- 21 when I read it, yes.
- Q Okay. I'd like to take you to page 37031.
- 23 Paragraph 2, and I'll just tell you, paragraph 2 in the
- 24 service agreement says Steve and Samantha will work
- 25 cooperatively with the home support worker, okay.

```
Do you see about halfway down the page where the
1
2
    paragraph says:
 3
                  "In early August Marie Belanger,
 4
 5
                  teaching support worker, began
                  working with the new parents."
 6
 7
        A
8
             Yes.
             And, again, I think you said you couldn't recall
9
    whether you had -- whether Ms. Belanger was working with
10
11
    the support workers, but you perhaps noted portions of the
12
    -- recall seeing it on the file. Does that help you recall
13
    whether at the time you had the file you would have known
    that Ms. Belanger was working with, was working with the
14
15
   family?
             I can't recall, but according to my notes that
16
        A
    I've been given, yes, I seen that she was working with the
17
18
    family.
          And what about page 37022, the second full
19
20
    paragraph that says "Field to Ms. Kematch home", and
21
    there's a portion there about halfway through:
2.2
23
                  "It is clear that they did work
24
                  cooperative with the in-home
25
                  support worker and (...) the
```

- 1 parents did work with the public
- 2 health nurse."

- 4 Again that's another notation that you would have
- 5 had on the file, and you would have reviewed?
- 6 A Yes.
- 7 Q And does that help you to recall more about Ms.
- 8 Belanger and what she was doing?
- 9 A Like I've shared before I can't recall, but
- 10 according to the notes the -- Ms. Belanger was working with
- 11 the family.
- 12 Q And do you see the notation there that according
- 13 to the support worker the parents did work with a public
- 14 health nurse? Do you see that?
- 15 A Yes, I see it.
- 16 Q And are you aware that the service agreement --
- 17 one of the conditions in the service agreement was the
- 18 parents would work cooperatively with the public health
- 19 nurse?
- 20 A Yes.
- 21 Q And does that help you recall whether or not you
- 22 had information that the parents were doing that, or had
- 23 satisfied that portion of the plan?
- 24 A I can't recall, I could only reference the
- 25 information that was given.

- 1 Q Do your notes help you suggest that you knew
- 2 that?
- 3 A Yes.
- 4 Q Paragraph 3 of the service agreement requires the
- 5 parents to work with a family support worker, and that
- 6 would have been you; correct?
- 7 A Correct.
- 8 Q Okay. Did they ever deny you access to the home?
- 9 A No.
- 10 Q And you stated that on occasion when you, when
- 11 you met with Ms. Kematch -- I'm paraphrasing here but I
- 12 think you said she was grumpy or in a foul mood, or
- 13 something to those -- that effect?
- 14 A She was angry, she was angry, she was annoyed.
- Okay. And you felt that that was -- now is that
- 16 something that was common with many of the clients that you
- 17 worked with?
- 18 A It was a common response for a lot of families
- 19 that we were involved with with child welfare.
- 20 Q Okay.
- 21 A They would appear angry, annoyed, they don't want
- 22 you in their home, and there was others that welcomed you
- 23 into their homes. It all depends on, on the individual.
- Q Okay. Did she ever tell you that she didn't want
- 25 you to see Phoenix, or to, to look at Phoenix, or to

- 1 examine her if that was something you requested?
- 2 A According the file notes, and according to the
- 3 visits that I've attended, no.
- 4 Q Okay. And it appears that she answered your
- 5 questions, although perhaps somewhat grumpily --
- 6 THE COMMISSIONER: Well, aren't you getting into
- 7 a cross-examination which is really not your role?
- 8 MR. RAY: Well, I think I'm asking the witness,
- 9 Mr. Commissioner, that she -- she was asked by Mr. Olson a
- 10 number of things about what she could recall, and she
- 11 stated she couldn't recall and I'm trying to assist her to
- 12 recall her memory.
- 13 THE COMMISSIONER: Yeah, but your, your role is
- 14 not as a cross-examiner.
- MR. RAY: You prefer I ask the questions in a
- 16 different way, Mr. Commissioner?
- 17 THE COMMISSIONER: And, and clarify things that
- 18 came up in, in the cross-examinations. The -- you
- 19 presented the -- all your -- this client's evidence to, to
- 20 Commission counsel who brought it all out so --
- MR. RAY: Correct.
- 22 THE COMMISSIONER: -- I let you go a long way,
- 23 but your role is not as a cross-examiner.
- MR. RAY: Well I think, Mr. Commissioner, I'm
- 25 simply addressing some things that were asked by Mr. Olson

- 1 that require further clarification, which is she said she
- 2 couldn't recall some things, so I'm, I'm showing her the
- 3 documents, sir, that, that would help her to recall these
- 4 things.
- 5 THE COMMISSIONER: Well, it's very clear that she
- 6 read this file before she ever undertook the, the work on
- 7 the case.
- 8 MR. RAY: Yes.
- 9 THE COMMISSIONER: She, she left -- that's an
- 10 established fact, so, so --
- MR. RAY: What I --
- 12 THE COMMISSIONER: -- she would have known when
- 13 she read the file what, what was in that transfer of
- 14 summary.
- MR. RAY: Yes.
- 16 THE COMMISSIONER: All right.
- 17 MR. RAY: There's no question about that, Mr.
- 18 Commissioner. I'm just simply stating that -- Mr. Olson
- 19 asked her what she could recall, and, and there's much she
- 20 couldn't recall, but Mr. Olson didn't direct her attention
- 21 to portions of the file in her evidence today that, that
- 22 demonstrate that she did in fact at the time know certain
- 23 things, and I appreciate she can't recall them, but I think
- 24 it's important to give the witness an opportunity to show
- 25 and to, to give evidence as to whether those were things

- 1 that she knew at the time.
- 2 THE COMMISSIONER: Well, as long as you
- 3 understand your role here I'll let you carry on, but it's
- 4 not one of cross-examination.
- 5 MR. RAY: I don't believe I'm attempting to
- 6 cross-examine the witness. I'm sorry if I gave you that
- 7 impression. I'm simply just trying to point out things
- 8 that perhaps could have been put to her on her direct exam.
- 9 that weren't.

- 11 BY MR. RAY:
- 12 Q So we were talking about -- you mentioned you
- 13 had, had seen notes about the fact that Steve had, had
- 14 taken parenting courses, and Mr. Olson put that to you,
- 15 that was paragraph 4 of the service agreement. We've dealt
- 16 with paragraph 5 of the service agreement which relates to
- 17 the public health nurse, and paragraph 6 of the service
- 18 agreement requires the child to obtain a doctor. Just
- 19 direct you to page 37004.
- You see in the second full paragraph about
- 21 halfway down, this is I believe in discussion with Mr.
- 22 Sinclair that you're having --
- 23 THE COMMISSIONER: Now what document is this?
- MR. RAY: This is, this is still the witness'
- 25 summary, Mr. Commissioner.

```
THE COMMISSIONER: Her closing summary?
1
 2
              MR. RAY: I believe it's a closing summary, the
    transfer summary and the closing summary are very similar
 3
 4
    so.
 5
              THE COMMISSIONER: Yes.
 6
7
    BY MR. RAY:
8
              About halfway down there's a comment:
        Q
9
10
                   "Steve stated that he takes the
11
                   children to 601 Aikins if there is
12
                   a need for medical attention and
13
                   Dr. Lipnowski says he would call
14
                   Envoy for assistance."
15
16
              What is Envoy?
              Envoy is a service that people in the inner city
17
        Α
18
    or in Winnipeg utilize to have a doctor come directly to
    your home for, for their children, for any medical reason.
19
20
              Okay. And, and Steve told you that that's who he
21
    calls according to your notes?
2.2
        Α
              Yes.
              Okay. Does that help you to recall whether Mr.
23
24
    Sinclair had obtained a doctor for Phoenix?
```

Α

According to the note that he did take the

- 1 children to 601 Aikins, which is a medical clinic.
- 2 Q Okay. So based on the evidence and the summary
- 3 that we just took you through it appears though -- the six
- 4 conditions in the service agreement that set out your case
- 5 plan were being -- what is, what is your opinion as to
- 6 whether those six paragraphs had been addressed or not,
- 7 based on the notes that you just reviewed?
- 8 A Based on the notes that I've reviewed they were
- 9 being addressed.
- 10 Q Okay. And if, if a parent is addressing the
- 11 conditions in the service agreement what -- and you had no
- 12 other concerns as you told Mr. Saxberg and no other
- 13 concerns were being reported, how would you rate the
- 14 relative risk that -- or priority of this file?
- 15 A It would be in between low and medium.
- 16 Q You said you had some CFS training, training when
- 17 you started with CFS, and you stated you started with CFS
- 18 in 2000?
- 19 A Yes.
- 20 Q Okay. And you stated you, you had some Core
- 21 competency training, and Mr. Olson asked you about that.
- 22 Do you recall -- from my understanding, and what we've
- 23 heard in evidence, is there's four segments of Core
- 24 competency training.
- 25 A Correct.

- 1 Q Do you recall if you completed all four segments?
- 2 A Not while -- I didn't complete it while I was
- 3 with Winnipeg CFS.
- 4 Q Do you recall what portion of it you would have
- 5 completed?
- 6 A I can't recall specifically, but I did take some
- 7 training.
- 8 Q Mr. Olson asked you about Ms. Kematch's demeanour
- 9 at the time that you were speaking to her around July 16th
- 10 in relation to state 's death and I think you described Ms.
- 11 Kematch or perhaps Mr. Olson described Ms. Kematch as
- 12 agitated. Does that surprise you, did you take anything
- 13 from the fact that Ms. Kematch was agitated right around
- 14 the time she was advised of her baby's death?
- 15 A No.
- 16 Q Mr. Olson asked you about a comment in the
- 17 section 10 report that was prepared by Ms. Christianson-
- 18 Wood.
- 19 A Yes.
- 20 Q And the comment in the section 10 report was that
- 21 there did not appear to be any consideration as to whether
- 22 Mr. Sinclair would take a break from parenting, okay, and
- 23 goes further, and then return Phoenix to Ms. Kematch.
- 24 That's the comment in the section 10 report, and, and I
- 25 know you were asked to comment, and you said you didn't

- D. CHIEF-ABIGOSIS CR-EX. (RAY) NOVEMBER 27, 2012
- D. CHIEF-ABIGOSIS RE.EX. (OLSON)
- 1 have a comment, but my question is did you have any
- 2 indication that Mr. Sinclair would in fact take a break
- 3 from parenting and give Phoenix to Ms. Kematch?
- 4 A No.
- 5 MR. RAY: Thank you, Ms. Chief-Abigosis. Those
- 6 are my questions. Thank you, Mr. Commissioner.
- 7 THE COMMISSIONER: Thank you, Mr. Ray. Any re-
- 8 examination?
- 9 MR. OLSON: Just a few questions.

- 11 RE-EXAMINATION BY MR. OLSON:
- 12 Q Mr. Ray asked you about going out to see friends
- 13 or relatives, for example Ms., Ms. Edwards, if they were
- 14 providing care to Phoenix, and I think you said you
- 15 wouldn't do that because it was -- it would be time
- 16 consuming; is that -- was that what your evidence was?
- 17 A What I, what I was referring to was that if we
- 18 had --
- 19 THE COMMISSIONER: Just a minute. My note
- 20 indicates that given my workload it was not urgent for me
- 21 to check out homes that had been referred to, but her
- 22 father had indicated it was safe, and to follow it up would
- 23 be very time consuming. That's what I've noted; is that
- 24 what you said?
- THE WITNESS: Yes.

1 BY MR. OLSON:

- 2 Q Yeah, that's, that's what I noted as well, and I
- 3 just want to clarify if it was the factor that it would be
- 4 time consuming that would prevent you from getting out and
- 5 doing that.
- 6 A No.
- 7 Q No. Okay. And if you had concerns about safety
- 8 of Phoenix, or any child in the home, just because it's
- 9 time consuming wouldn't stop you from going out; would it?
- 10 A Correct.
- 11 Q Okay. In other words because something is time
- 12 consuming that doesn't make it a reason for not going out
- 13 and doing proper social work?
- 14 A Correct.
- 15 Q Now, if we could just turn to page 37002, and I
- 16 want to just clarify with you. Under, under
- 17 "Interventions" it says:

18

- 19 "This file was assigned to this
- worker on November 14, 2001"

- Do you see that?
- 23 A Yes.
- Q Okay. That, that reference to 2001 that's a
- 25 typo; isn't it?

- 1 A There's a typo and it was actually zero.
- 2 Q Two thousand, so just so it's clear for everybody
- 3 you were assigned the file November 14, 2000; right?
- A Correct, that's a, that's a type error.
- 5 Q And then your counsel, and I think you said a few
- 6 times that just because something's not noted on the file
- 7 it doesn't mean you didn't go out and, and work with the
- 8 family at that period, but the bottom line is if you read
- 9 the, the first paragraph -- the first sentence of the
- 10 second paragraph that's in front of you there under
- 11 "Interventions" it says:

- 13 "There was minimal contact with
- 14 the family until the Women's
- 15 Hospital notified the agency that
- 16 Ms. Kematch gave birth to her
- 17 third child."

- 19 Right? Do you see that?
- 20 A Yes.
- 21 Q Okay. And you wrote that at the time of dealing
- 22 with this file?
- 23 A Yes.
- Q Okay. And that was much closer obviously to the
- 25 events than today when you're sitting here trying to

- 1 remember what happened back then?
- 2 A According to the notes, yes.
- 3 Q And so it's accurate then that whatever happened
- 4 there was minimal contact with the family as you indicated
- 5 until the birth of, of the infant on April 29, 2001?
- A According to the notes, yes.
- 7 Q Okay. And the last, last thing I, I wanted to
- 8 ask you about is if we go to page 37022 these -- this is
- 9 supervision that we looked at that occurred on February 5,
- 10 2001, and if you look at the second sentence of the second
- 11 paragraph where it says:

- 13 "It is not known at this time if
- 14 Samantha followed-up with Dr.
- 15 Altman re: emotional stability, or
- if Samantha and Steve completed an
- 17 appropriate parenting program."

- 19 Do you see that?
- 20 A Yes.
- 21 Q Okay. And your counsel asked you a few questions
- 22 about what you noted in your closing summary about items
- 23 that still need to be addressed, and you went through
- 24 whether or not Samantha had the psychological assessment,
- 25 whether there was a parenting program, that sort of thing.

- 1 I just want to be sure. At least by February 5, 2001, so
- 2 that's -- you got the file in November, 2000, and this is
- 3 February 5, 2001 you didn't know at that time whether or
- 4 not the psychological assessment had been completed or the
- 5 parenting program had been completed; right?
- 6 MR. RAY: These, these are -- sorry.
- 7 THE WITNESS: Those are --
- 8 MR. RAY: These are Ms. Balan's supervision
- 9 notes, so I don't know that the witness can comment on what
- 10 that means. Ms. Balan will, I suspect.

- 12 BY MR. OLSON:
- 13 Q Just with respect to supervision though I thought
- 14 it was your evidence, and maybe I'm wrong, but you would
- 15 have -- you met with her at the time of making this, was
- 16 that ...
- 17 A I would meet with my supervisor and we'll go
- 18 through the case plan, getting updates, but there's always
- 19 been a practice to have information, like it was like a
- 20 rolling document also so --
- 21 Q Okay.
- 22 A -- they could have been in there.
- 23 Q I quess then --
- 24 A I can't recall, and I can't comment to that.
- 25 Q -- the fair question, given that these are Ms.

- 1 Balan's notes -- or at the time of these notes being taken,
- 2 when you would have had supervision with her, would you
- 3 have indicated to her that you didn't know whether or not
- 4 there was an assessment by Dr. Altman, or the parenting
- 5 program had been completed?
- 6 A I can't recall.
- 7 MR. OLSON: Those are my only questions. Thank
- 8 you.
- 9 THE COMMISSIONER: Thank you, Mr. Olson
- 10 Witness, you are now finished, and I -- it's been
- 11 a long time, but I thank you very much for your presence
- 12 and participation in the hearing. You're free to leave.

14 (WITNESS EXCUSED)

15

- 16 THE COMMISSIONER: Now, I think -- why don't we
- 17 -- looking at the clock we should adjourn until 1:45?
- 18 MR. OLSON: That makes sense.
- 19 THE COMMISSIONER: And we get our usual lunch
- 20 break, but to start up at 1:45. We, we stand adjourned
- 21 until that time.

2.2

23 (LUNCHEON RECESS)

24

THE CLERK: Would you just stand for a moment.

- 1 Do you wish to swear on the Bible or affirm
- 2 without the Bible?
- THE WITNESS: I'll swear on the Bible.
- 4 THE CLERK: Please take the Bible in your right
- 5 hand. State your full name to the court.
- 6 THE WITNESS: Angela Balan.
- 7 THE CLERK: And just spell me your first name.
- 8 THE WITNESS: A-N-G-E-L-A.
- 9 THE CLERK: And your last name, please.
- 10 THE WITNESS: B-A-L-A-N.

- 12 ANGELA BALAN, sworn, testified as
- 13 follows:

14

15 THE CLERK: Thank you. You may be seated.

- 17 DIRECT EXAMINATION BY MR. OLSON:
- 18 Q Ms. Balan, I'm just going to start by going
- 19 through some of your educational background and work
- 20 history. To start I understand you have your Bachelor of
- 21 Social Work from the University of Manitoba, which you
- 22 obtained in 1992?
- 23 A That's correct.
- Q Okay. And between 1992 and 1996 you did a
- 25 variety of different contract work?

- 1 A Yes.
- 2 Q Okay. And you were also at that time doing a
- 3 course -- sorry, the course work to obtain your Masters
- 4 degree in social work?
- 5 A That's correct.
- 6 Q And also during that time you were a sectional
- 7 instructor at the University of Manitoba?
- 8 A Yes.
- 9 Q And that was in the Faculty of Social Work?
- 10 A The Faculty of Social Work and the Faculty of
- 11 Distance Education.
- 12 Q Okay. And were there certain courses you were
- 13 teaching?
- 14 A They were undergraduate courses in the, in the
- 15 social work field.
- 16 Q Okay. Which -- how many courses were you
- 17 teaching?
- 18 A I taught three different courses at that time.
- 19 They were introduction to social work practice, individuals
- 20 in life transitions, and the women's policy and, and a
- 21 social work practice course.
- 22 Q Okay. So -- and you, you remained a sectional
- 23 instruction until 1996?
- 24 A Yes, some time that year.
- Q Okay. And then in January, 1996 you began as a

- 1 front line protection worker, otherwise known as a family
- 2 services worker for Winnipeg Child and Family Services?
- 3 A Yes.
- 4 Q And for how long did you do that?
- 5 A I was in that specific position until 1999.
- 6 Q Okay. What did you do after that?
- 7 A In the spring of 1999 I took a position out of
- 8 province with the Ministry for Children and Families in
- 9 British Columbia, and I worked as a permanent ward social
- 10 worker.
- 11 Q In British Columbia?
- 12 A In British Columbia.
- 13 Q Okay. And then at some point you returned to
- 14 work with Child and Family Services in Winnipeg?
- 15 A Yes, I returned in the spring of 2000 to Winnipeg
- 16 Child and Family Services as a family service worker doing
- 17 front line child protection work.
- 18 Q Okay. So initially you were a family service
- 19 worker, and was there an area in the city you were assigned
- 20 to?
- 21 A I was working within the north end of Winnipeg
- 22 out of the Salter office.
- 23 O The Salter office, okay.
- 24 A When I first started. When I came back in 2000 I
- 25 was working in the St. Vital office.

- 1 Q Okay. So you were at south Winnipeg when you
- 2 came back?
- 3 A Yes.
- 4 Q And I understand you were promoted to supervisor
- 5 at some point?
- 6 A Yes, I was, I was put in -- I was successful in
- 7 securing a supervisory position within the Jarvis unit at
- 8 Winnipeg Child and family services as a family services
- 9 supervisor, and that was to cover off a one year mat.
- 10 leave.
- 11 Q Okay. So was it a term position at that point
- 12 then?
- 13 A Yes.
- 14 Q Okay. And that would have been in early June or
- 15 July, 2000?
- 16 A It was early July, 2000.
- 17 Q And you were supervising I think you said the
- 18 Jarvis office?
- 19 A Yes, there was a family service unit in the
- 20 Jarvis office.
- 21 Q Okay. And how many people did you supervise
- 22 there?
- 23 A I believe it was seven.
- 24 Q Okay. And --
- 25 A Seven social workers.

- 1 Q -- and we've heard evidence from Ms. Greeley, Ms.
- 2 Chief-Abigosis, those were both workers that you
- 3 supervised?
- 4 A Yes, that's correct.
- 5 Q Now, you said you were -- I think you mentioned
- 6 you were filling in for Ms. Hanson's maternity leave at
- 7 that point?
- 8 A Yes.
- 9 Q What did you do after June, 2001?
- 10 THE COMMISSIONER: Which, which Hanson was that,
- 11 there's two of them?
- 12 MR. OLSON: That would be Lorna Hanson and we'll
- 13 be hearing from her next.
- 14 THE COMMISSIONER: Thank you.

- 16 BY MR. OLSON:
- 17 Q So what did you do after, after June, 2001?
- 18 A In June, in June, 2001, I accepted a permanent
- 19 supervisory position, still with Winnipeg Child and Family
- 20 Services, but as a permanent ward supervisor at their Ness
- 21 office, supervising a team of permanent ward social
- 22 workers.
- 23 Q Okay. And so that -- is that different than the
- 24 family service workers you were supervising before?
- 25 A Yes. The family service, the family service unit

- 1 was comprised of workers who would carry a mixed caseload
- 2 of both family files, protection and voluntary family
- 3 services, as well as child-in-care files, mostly children
- 4 in temporary care of the agency, whereas the permanent ward
- 5 service unit carried only child-in-care files of children
- 6 who were in the permanent care of the agency until age of
- 7 majority.
- 8 Q Okay. For how long did you do that?
- 9 A I was there until June of 2005.
- 10 Q Until June, 2005?
- 11 A Right.
- 12 Q And after June, 2005, where did you go?
- 13 A In June, 2005, as part of the devolution of
- 14 services that accompanied the Aboriginal Justice Inquiry
- 15 child welfare initiative I was seconded from Winnipeg Child
- 16 and Family Services to the Métis Child and Family Services
- 17 Agency as a permanent ward supervisor, however, that
- 18 secondment moved in September of 2005 from the Métis agency
- 19 to the Métis Child and Family Services Authority, so as of
- 20 September, 2005 I was with the Métis Child and Family
- 21 Services Authority.
- 22 Q Okay. And were you still doing the same job
- 23 essentially?
- 24 A At the Authority?
- 25 Q At the Authority.

- 1 A No. I was, I was in a position called agency
- 2 relations specialist, that's the name of the title at the
- 3 time, and my duties would have encompassed responding to
- 4 intake inquiries at the Authority level, overseeing the
- 5 Authority responsibilities related to agency functions such
- 6 as voluntary placement agreements, their licensing of
- 7 foster homes, et cetera, so it was an oversight position at
- 8 the Authority level.
- 9 Q And you stayed in that position, I believe, until
- 10 August, 2008?
- 11 A No, I was with the Métis Child and Family
- 12 Services Authority until -- from September, 2005 until
- 13 September, 2006, at which time I was recalled to Winnipeg
- 14 Child and Family Services, my secondment had ended, and I
- 15 received the position of support resources supervisor with
- 16 Winnipeg Child and Family Services.
- 17 Q So support resources supervisor?
- 18 A Yes.
- 19 Q What did you do in that role?
- 20 A That position provided oversight to four
- 21 different support program areas, those included family
- 22 support services, independent living workers, the volunteer
- 23 program and the agency drivers.
- 24 Q And for how long did you stay in that position?
- 25 A I was with the -- with Winnipeg in that position

- 1 until approximately February, 2007, at which time I
- 2 returned to the Métis Child and Family Services Authority
- 3 in the position of senior manager.
- 4 Q Okay. And for how long did you remain a senior
- 5 manager there?
- 6 A I was a senior manager until August of 2008, at
- 7 which time I accepted a position with the Office of the
- 8 Children's Advocate.
- 9 Q Okay. And what's the position you held at the
- 10 Children's Advocate?
- 11 A I was employed as a special investigator
- 12 conducting child death reviews.
- Okay. And just -- what's a child death review?
- 14 A A child death review is determined to be required
- 15 when a child is deceased, and either the child or their
- 16 family received services from a child welfare agency within
- 17 one year of their death, and that would entail a special
- 18 investigation to be conducted.
- 19 Q Okay. And is that -- what, what is that pursuant
- 20 to?
- 21 A Formerly they were called section 10 reviews.
- 22 Q Right.
- 23 A That were conducted through the Office of the
- 24 Chief Medical Examiner. In, in 2008 that function
- 25 transferred through a legislative amendment to the office

- 1 of the children's advocate, so it's the same type of -- a
- 2 similar type of review to what was completed before, but it
- 3 was expanded to include publicly funded services, as well
- 4 as the ability to interview individuals as part of that
- 5 process.
- 6 Q And for how long did you remain a special
- 7 investigator with the Children's Advocate?
- 8 A I was in that position until July of 2009, at
- 9 which time I accepted a program manager position with the
- 10 office of the Children's Advocate to oversee the advocacy
- 11 services.
- 12 Q Okay. Is that where you currently are?
- 13 A I am still in that position.
- 14 Q Okay. And what does that position involve?
- 15 A I currently oversee four intake assessment
- 16 officers and seven advocacy officers who provide advocacy
- 17 services to children and, and youth who are receiving child
- 18 welfare services, or entitled to receive services
- 19 throughout the province of Manitoba.
- 20 Q And just what sort of advocacy services are, are
- 21 provided?
- 22 A It can be a range of services, it can be anything
- 23 from young people requesting assistance from our office to
- 24 ensure that they understand what is happening for them with
- 25 regard to their case plan, with regard to other, other

- 1 things they may be entitled to such as clothing allowance,
- 2 recreation. It could also be to assist them in speaking
- 3 with the agency to ensure that their views are being heard.
- 4 Q I just want to move on to training. When you
- 5 began working with Winnipeg Child and Family Services as a
- 6 front line worker initially did you receive any specific
- 7 training for that position?
- 8 A I would receive an orientation of -- which would
- 9 have occurred by the supervisor, which was to orient me to
- 10 the position, my service unit, the work, the office, the
- 11 expectations, the standards, the regulations, where to find
- 12 those, but there was no formal training at the point that I
- 13 started.
- 14 Q So that would have been you said through your
- 15 supervisor at the time?
- 16 A That's right.
- 17 Q Okay. And do you recall how long that was?
- 18 A It was an, it was an ongoing process, so the
- 19 orientation would start the day that you started, and then
- 20 it would continue over the next period of time as you
- 21 started to learn your position, and as you moved through
- 22 some of the different types of the work that you were
- 23 doing, so that you would be oriented and receive on the job
- 24 training.
- Q Okay. And you, you started it and then you moved

- 1 to British Columbia, and, and worked there. Over that
- 2 period before you moved did you have any other training
- 3 from Winnipeg Child and Family Services?
- 4 A Yes, I attended the Core competency training for
- 5 workers in 1997. I don't recall the specific date.
- 6 Q Okay. And did you complete that program?
- 7 A Yes, I did.
- 8 Q And when you returned from British Columbia and
- 9 began again as a family service worker did you have any
- 10 additional training?
- 11 A While I was in British Columbia I did additional
- 12 training that was offered through their ministry which was
- 13 a 16 week training program that covered many of the
- 14 different areas also related to child welfare, but specific
- 15 to the province of British Columbia's legislation and
- 16 tools, but that helped to broaden some of my experience, so
- 17 when I came back to Winnipeg I had, I had already completed
- 18 the additional 16 weeks of training that was offered
- 19 through British Columbia, but I didn't receive anything
- 20 from Winnipeg related to my social worker position.
- 21 Q Was that 16 week training that you took in
- 22 British Columbia was that mandatory?
- 23 A Yes, it was required of all ministry staff to
- 24 take that when they started.
- 25 Q And compared to the training that you mentioned

- 1 through the supervisor you had in Winnipeg was it -- how
- 2 would you describe it, is there a comparison?
- 3 A Well, I would describe one as an orientation that
- 4 was much more focused on job specifics, and as it related
- 5 to standards and carrying out of your duties. The training
- 6 in British Columbia was a much more intensive,
- 7 comprehensive training that went beyond an orientation.
- 8 Q Okay. And did you find the training you received
- 9 in British Columbia helpful in terms of the services you
- 10 were provided as a family service worker in Manitoba when
- 11 you came back?
- 12 A Yes, I did. It was helpful in terms of doing
- 13 further knowledge building around risk assessment, safety
- 14 assessments, just understanding how to read and interpret
- 15 different Acts and regulations and how those apply to your
- 16 work.
- 17 Q Now, the time that you were involved in this file
- 18 was when you were a supervisor covering for Ms. Hanson?
- 19 A Yes.
- 20 Q Do you recall who you reported to at that, that
- 21 time?
- 22 A I would have reported to my program manager who
- 23 was Glenda Edwards.
- Q Okay. And what did the reporting look like for
- 25 you, how often would you report and what would you report?

- 1 A Essentially there was scheduled supervision on a
- 2 regular basis between herself and myself. There was also
- 3 an open door type of policy that I could contact her any
- 4 time if I had questions or consultation, and something
- 5 could either be arranged or discussed even over the
- 6 telephone, and then there were regular group supervisions
- 7 with the program manager and a group of supervisors that
- 8 she supervised, so there was that opportunity as well.
- 9 Q And did you -- were there any case specific
- 10 meetings you would have with her, and I mean if you had an
- 11 issue that came up on one of your worker's file are those
- 12 the sorts of things you would discuss with your supervisor?
- 13 A At times I may choose to depending on the
- 14 circumstances.
- Okay. So you did do that occasionally?
- 16 A Yes.
- Okay. Now, when you became a supervisor did you
- 18 receive any specific training for that position?
- 19 A Not when I first started.
- 20 Q Okay. At some point did you receive some
- 21 training?
- 22 A Yes, I attended the Core competency training for
- 23 supervisors.
- 24 Q So that was specific to supervisors then?
- 25 A That's correct.

- 1 Q Okay. And do you recall when that was?
- 2 A That was about a year or so after I had started
- 3 in my position.
- 4 Q Okay. Do you know -- was that a mandatory
- 5 training?
- 6 A I don't know if it was mandatory, I know it was
- 7 highly recommended.
- 8 Q Could you briefly -- can you recall what, what
- 9 was involved in the training?
- 10 A I don't recall the specific components of it, but
- 11 it did, it did cover different areas that would be helpful
- 12 for supervisors in terms of understanding organizational
- 13 systems, or organizational dynamics. It would, it would
- 14 cover areas around staff development, staff management,
- 15 leadership, management techniques, communication dealing
- 16 with conflict, those types of areas. It was separated into
- 17 modules. I don't recall the specific structure of it at
- 18 this time, but I do know it has changed over time, and
- 19 further developed since the time that I took it.
- 20 Q Okay. Do you know whether you had taken that
- 21 training prior to your involvement in this -- in the file
- 22 we're talking about today?
- 23 A I would not have taken it prior to assuming the
- 24 supervisory position. You were not permitted to take it at
- 25 that time until you were in a supervisory position.

- 1 Q So you had to be in the supervisory position?
- 2 A That's right.
- 3 Q Okay. But when you were involved in this file
- 4 you were a supervisor?
- 5 A I was a supervisor as of early July, 2000.
- 6 Q Okay. And so the question is as of July, 2000,
- 7 when in relation to that time did you take the --
- 8 A I believe I took it in 2001, but I don't know the
- 9 specific date that I took it so it was certainly after
- 10 having started in this position and on this file.
- 11 Q Okay. During the time that you were covering for
- 12 Ms. Hanson's maternity leave were you familiar with the
- 13 standards?
- 14 A Yes.
- 15 Q And which standards were you aware of?
- 16 A I would have been aware of the 1988 program
- 17 standards which was in a big, blue binder.
- 18 Q Okay. If we could just pull up Commission
- 19 disclosure 983. It's at 983.
- MR. MCKINNON: Page 18662.

- 22 BY MR. OLSON:
- 23 Q And if you could just scroll down to the -- the
- 24 first page, please. Now, have you, have you had a chance
- 25 to look at this Commission disclosure?

- I understand that this would be the 1988
- 2 standards.
- 3 A I'm familiar with the standards document.
- 4 Q Okay. And so that -- is that this document that
- 5 we're looking at here?
- 6 A It would look like it.
- 7 Q And how, how is it you're, you're aware of the
- 8 standards?
- 9 A That would have been something that I was aware
- 10 of from first starting at Child -- with Winnipeg Child and
- 11 Family Services. It was a part of my early work as a
- 12 family services social worker. The blue binders were
- 13 usually kept in supervisors' offices and they could be
- 14 consulted when we were looking for direction on what the
- 15 expectations were around certain activities, so I would
- 16 have been aware of them prior to moving into the supervisor
- 17 position, and then as the supervisor I would have had a
- 18 copy in my own office that was available for myself and the
- 19 staff, and the service unit.
- 20 Q Okay. And, and do you refer to the standards
- 21 from time to time as a supervisor?
- 22 A Yes, certainly I did.
- 23 Q Okay. And what about your staff, did you expect
- 24 them to consult the standards?
- 25 A Certainly they were aware of standards and they

- 1 -- and if they were coming with questions that we would
- 2 often reference the manual together to look specifically at
- 3 what the expectation was.
- 4 Q Some of the workers that we've heard from to date
- 5 have said a lot of their information about standards came
- 6 through the supervisor; was that the expectation of you as
- 7 a supervisor, would you ...
- 8 A I would believe that that would be a reasonable
- 9 expectation of a supervisor, and of myself.
- 10 Q And do you recall as a supervisor going through
- 11 standards specifically with workers?
- 12 A Yes.
- Okay. Now, while you were a supervisor what were
- 14 your duties?
- 15 A Well, I would see my, my main duties as ensuring
- 16 that the service staff within my unit were providing the
- 17 mandated services that we were legislated to provide. That
- 18 I was providing support and, and mentoring to the staff. I
- 19 also had organizational responsibilities in terms of
- 20 participating in management activities, and identifying
- 21 organizational issues or service challenges to management.
- 22 I was also responsible to manage workload.
- 23 Q And how was it as a supervisor you would ensure
- 24 staff were providing mandated services, how, how did you do
- 25 that?

- 1 A A primary way of doing that would be through the
- 2 provision of regular scheduled supervision, it would be
- 3 reviewing the work that they had been doing, and assisting
- 4 and identifying areas of concern, and providing some case
- 5 direction, and moving forward.
- 6 Q And so this -- you said through supervision; were
- 7 these meetings scheduled meetings?
- 8 A Yes, there was a practice on my part to have
- 9 scheduled bi-weekly supervision with all of the service --
- 10 social workers on my service unit. It also included some
- 11 supervision which was more drop by or did not need to be
- 12 scheduled. That if things arose for people they could come
- 13 anytime for consultation and supervision which in the
- 14 nature of child welfare often does happen as well.
- 15 Q Okay. So in other words if a worker or someone
- 16 has a concern about a file they could drop by your office
- 17 and consult with you on it; is that --
- 18 A That's right, or if they received concerns about
- 19 something and they needed to know what they should be
- 20 doing, or needed to alert me to that, they could drop by
- 21 and let me know that as well.
- 22 Q Okay. The more formalized supervision you had
- 23 you would have that with, with each of your workers?
- 24 A Yes, I would.
- 25 Q And how much time would be allotted for

- 1 supervision?
- 2 A Generally an hour and a half per session.
- 3 Q And during that hour and a half session what
- 4 would you review?
- 5 A Well I would ask if they had certain cases or, or
- 6 items that they wanted to bring forward to ensure that we
- 7 could meet their needs around case consultation on, on
- 8 specific issues that they were wanting to address. I would
- 9 also maintain my own list of their cases, so that I could
- 10 see which cases we had talked about, and which ones we
- 11 hadn't. My practice was to try to ensure -- I did
- 12 minimally a quarterly review of every case that they had
- 13 because at times some cases may require more discussion
- 14 than others, so each supervision you would be only able to
- 15 get through a certain number of cases. You may not be able
- 16 to get through all of the cases in one supervision.
- 17 Q Okay. Did you try where, if possible, to go
- 18 through each case a worker had?
- 19 A I would, I would ensure that I did quarterly
- 20 reviews so that within each quarter that every case on
- 21 their caseload had been reviewed.
- 22 Q I see. And you also said workers would bring
- 23 case specific issues to you to review as well?
- 24 A Yes.
- 25 Q And these would be things that they identified as

- 1 concerns to them that they wanted some help with?
- 2 A Right.
- 3 Q Okay. And, and then what would you do, discuss
- 4 the case and ...
- 5 A Yes, we would discuss what it is that, that they
- 6 were coming forward with, whether it was information,
- 7 whether it was clarification as to expectations, and then
- 8 based on whatever that discussion is we would determine the
- 9 appropriate plan in terms of moving forward, or what they
- 10 needed to consider going forward from that point.
- 11 Q Okay. You said you would maintain a list to see
- 12 which cases a worker had, had and for purposes of
- 13 discussion?
- 14 A Yes.
- 15 Q And did you -- where did you keep this list?
- 16 A I kept it on my computer in a Word document.
- 17 Q And would that go on the specific file that was
- 18 being discussed?
- 19 A That list, no. It would be a list of all of the
- 20 cases just so I could see which cases I, I had covered. I
- 21 actually kept detailed supervision notes on the cases that
- 22 we did talk about, that particular supervision.
- 23 Q So -- and we'll come to it, but there is a
- 24 supervision note that we reviewed with Delores Chief-
- 25 Abigosis -- or would that be the type of note that you

- 1 would keep?
- 2 A Yes, it was a typed note that I usually did
- 3 either at the time or after the supervision, so that there
- 4 was a record of what we had talked about, or what case plan
- 5 we had determined. It was done within a Word document as
- 6 well that just carried forward, but that supervision note
- 7 would get printed off. I would initial that and put it
- 8 into a binder. Each worker had a supervision binder with
- 9 all of their family case files supervision notes.
- 10 Q Okay. So there were binders for each family
- 11 case, file supervision notes?
- 12 A Each worker had a binder of all of their cases,
- 13 and then within that binder there were supervision notes
- 14 for each of the families that we had talked about.
- 15 Q I see. And would those supervision notes that
- 16 were case specific also go into the cases themselves?
- 17 A No. Those were my supervisor's notes. I may
- 18 provide a copy to the workers so that they could reference
- 19 that, and look back on that. They could also look in my
- 20 binder at any time, it was on a bookshelf in my office.
- 21 Those binders were meant as a way of record keeping for
- 22 myself so I was aware of the case direction, and the
- 23 conversations we had to date. As well it was available for
- 24 covering supervisors so that if I was away from the office
- 25 covering supervisors were aware of the supervision binders,

- 1 and if an issue came up while I was away they could
- 2 reference that to look at the prior supervisory
- 3 consultation and direction that had been given.
- 4 Q Okay. And you've had a chance, I take it, to
- 5 look at the files for both Steve Sinclair and Samantha
- 6 Kematch?
- 7 A Yes, I have.
- 8 Q And did you see your supervision notes in those
- 9 files?
- 10 A I believe I saw two of my notes, but they were
- 11 actually contained within -- it looked like case recording,
- 12 I don't know how they came into the file, the supervisor
- 13 notes were not generally put onto the case files.
- 14 Q Okay.
- 15 A They were kept separate.
- 16 Q And my understanding is there's been a search for
- 17 the supervisor notes for all supervisors involved and they
- 18 haven't been located; is that the same with your notes?
- 19 A That's what Mr. McKinnon has advised me that they
- 20 were unable to locate.
- 21 Q In terms of feedback you would provide to your
- 22 workers did you conduct performance reviews?
- 23 A There were annual performance reviews that were
- 24 conducted and were expected to be conducted with staff, so,
- 25 yes, I did.

- 1 Q Okay. Did you provide any direct training to
- 2 workers under your supervision?
- 3 A Any training that I would have provided to
- 4 workers would have been specific to job related tasks and
- 5 activities, so it may be showing them how to do a
- 6 particular form, it may be showing them how to do certain
- 7 assessments. There may be some mentoring and going out
- 8 with staff on fields or, or that type of activity. That
- 9 would be the nature of the training that would be provided.
- 10 Q So you, yourself, might actually go out on a
- 11 field with a staff member?
- 12 A I, I had occasion to do that at times.
- 13 Q Okay. And would those be in special
- 14 circumstances or just a part of the training?
- 15 A It could be done for either.
- 16 Q Do you recall if Ms. Chief-Abigosis underwent any
- 17 formal orientation or training?
- 18 A I would have provided her orientation, as I would
- 19 with any other new staff that would have started within my
- 20 service unit, so again orienting to the legislation, the
- 21 standards, where those were located, orienting to the job
- 22 duties and the, and the forms, and then in addition to that
- 23 would be orienting her to her caseload, and then scheduling
- 24 a time to meet with her to discuss the cases that she would
- 25 be assuming.

- 1 Q Okay. And would you have met with her like you
- 2 were saying on a regular weekly basis, bi-weekly basis, for
- 3 supervision?
- 4 A I would have met with her on a bi-weekly basis.
- 5 Again unless there was additional supervision requested or
- 6 consultation needed.
- 7 Q Okay. Do you recall if you had any discussions
- 8 with her with respect to note taking?
- 9 A I would have talked to her as part of my
- 10 orientation and ongoing supervision as I did with many
- 11 other workers as to clarifying what was required to be kept
- 12 in case notes, that was an area that often times was
- 13 difficult for people, but the expectation would have been
- 14 communicated that they were required for every contact and
- 15 that their, their intent was really to help workers
- 16 remember what had happened when they spoke to people, who
- 17 they spoke to, important activities that occurred, and
- 18 again it varied by worker as to how much further discussion
- 19 they felt they needed or required.
- 20 Q Okay. So was there any sort of standardized
- 21 instruction you gave your workers with respect to note
- 22 taking specifically?
- 23 A My practice would have been to talk with them
- 24 about what case notes were there for, and contact notes
- 25 were there for, what the purpose was that they were

- 1 encouraged to document every significant activity that they
- 2 had on a case, whether that be a phone call or a home
- 3 visit, et cetera. Again looking at the purpose of the
- 4 visit who was present, what was discussed, and what was
- 5 agreed upon were pretty much the general parameters that I
- 6 would provide in terms of information that would be
- 7 appropriate for a case note.
- 8 Q Okay. And then your expectations in terms of
- 9 being a supervisor and looking at a worker's file what did
- 10 you expect for case notes?
- 11 A In terms at looking at a file?
- 12 Q Right.
- 13 A I would expect that workers were keeping case
- 14 notes and were trying to keep up on their case notes.
- 15 Within child welfare it's always very difficult trying to
- 16 blend doing the actual work out in the field and trying to
- 17 do your recording when you come back. I didn't actually
- 18 review files or audit files. Sometimes file information
- 19 would come to my attention through a variety of other --
- 20 for different reasons so I may ask for documents or I may
- 21 have to check in their notes for some other information,
- 22 and I may have an opportunity to then see some of their
- 23 file recording, so then I would be able to address if I did
- 24 see something there that I could talk with them about
- 25 expectations if that was appropriate --

- 1 Q Okay.
- 2 A -- but I didn't regularly go into files to review
- 3 files.
- 4 Q So just, just going back to your supervision
- 5 sessions for a moment when you had those, and you said that
- 6 you'd get a list of the workers' cases, where would you get
- 7 the list from?
- 8 A I could pull off workers' case lists from
- 9 CFSIS --
- 10 Q Okay.
- 11 A -- the child information system.
- 12 Q And would that tell you, for example, the last
- 13 contact the worker had with the family?
- 14 A No. At that time there was limited information
- 15 that I would access as a supervisor, and that information
- 16 was not contained in the CFSIS record as it is now.
- 17 Q Okay. And so would you have any background about
- 18 the case when you pulled it off of CFSIS?
- 19 A If -- what I could pull off of CFSIS as a
- 20 supervisor, and what I, I routinely did, was we could pull
- 21 the case list for the worker, including all files that were
- 22 currently open or awaiting closure to the worker. I could
- 23 look into the case to look at any attached recordings that
- 24 might be there, which were usually things like transfer
- 25 summaries, closing summaries, that type of documentation,

- 1 and I would be able to get basic demographic information
- 2 regarding the individuals in the family unit, ages, perhaps
- 3 some identification numbers, et cetera.
- 4 Q Okay.
- 5 A But it wouldn't tell me the last contact on the
- 6 case.
- 7 Q Okay. And, and so in preparation for supervision
- 8 with a worker you would pull off a list of cases, and would
- 9 you actually read anything specific to the cases, would you
- 10 read a transfer summary, or a closing -- or other summaries
- 11 in the, in the case?
- 12 A Well depending on the cases that were identified
- 13 to be reviewed in a supervision I would have a list so I
- 14 was aware over the last number of supervisions which ones I
- 15 hadn't done a quarterly review on, so I would be
- 16 prioritizing those to get to those cases during that
- 17 supervision. The worker themselves may be bringing other
- 18 cases to supervision. Depending on what was going to be
- 19 unknown about what we were covering if there were generally
- 20 documents that might be helpful such as third party
- 21 assessments, or court documents that were part of that case
- 22 review I might review those documents before the
- 23 supervision.
- Q Okay. Typically when you go into a supervision
- 25 would you have reviewed any part of a case before

- 1 discussing it with the worker?
- 2 A I may or may not have.
- 3 Q Okay. And you said you wouldn't pick up a
- 4 worker's file and just audit it to see whether they were
- 5 taking proper notes, or having proper contact, that sort of
- 6 thing?
- 7 A No, there was no requirement to do that. Unless
- 8 I knew that there was concern or a problem identified to me
- 9 I wouldn't routinely do that.
- 10 Q You would not routinely do that?
- 11 A I would not routinely do that.
- 12 Q And so then when it came to assessing whether or
- 13 not your worker was meeting standards how did you do that?
- 14 A That would be partly through the consultation and
- 15 supervision process. You'd be reviewing the work that they
- 16 were doing, were they attending to the requirements as
- 17 outlined in the prior identified plan, were they
- 18 maintaining contact, were they recording their notes, that
- 19 kind of thing. You might discuss about that, as you did
- 20 that in the supervision of that case. It would depend on
- 21 what was being discussed.
- 22 Q Okay. But would the information you were relying
- 23 on come directly from the worker then?
- 24 A It would.
- 25 Q Okay. So you would rely on whatever the worker

- 1 told you in terms of the last contact, for example?
- 2 A I would rely on that information unless I heard a
- 3 concern from some place else, and I mean that does happen
- 4 from time to time where someone may come forward with a
- 5 complaint, or some other concern, so unless it came from
- 6 another source my main source of information was the
- 7 worker.
- 8 Q Okay. When a new worker came into your unit, and
- 9 we know that Ms. Chief-Abigosis came into your unit when,
- 10 when she started, would she have been given, given a full
- 11 case load right away?
- 12 A Typically the process in having one worker leave
- 13 and another one come on is looking at the, the social
- 14 worker who's leaving their caseload to determine if there
- 15 are any families that for reasons of safety or reasons of
- 16 intensive service provision that's required, or complexity,
- 17 that could not either, one, go to a new worker, or could
- 18 not wait for a new worker to come on. There's typically a
- 19 bit of a lapse between one worker leaving and another one
- 20 starting of, of a few weeks.
- 21 Q Okay.
- 22 A So there may be some of those cases that get
- 23 moved and reassigned to another worker already on the
- 24 service unit, so that would immediately reduce the caseload
- 25 that's waiting for a new worker.

- 1 Q Okay.
- 2 A But typically when a new worker came on it was
- 3 relatively quick that they would then start with that new
- 4 caseload and they would generally assume those cases that
- 5 were remaining from the worker that was leaving.
- 6 Q Okay. So they would assume -- in this case
- 7 Kerry-Lynn Greeley was leaving, Ms. Chief-Abigosis was
- 8 coming and would, would Chief-Abigosis have assumed the
- 9 work that Kerry-Lynn Greeley was doing?
- 10 A It would have been her caseload that they would
- 11 have moved into. Yes, Delores would have.
- 12 Q I see. And was there any difference in terms of
- 13 the caseload expectations?
- MR. RAY: Just on the point that we're now
- 15 covering it might be helpful to the witness -- there was an
- 16 exhibit filed which showed the closing caseload of Ms.
- 17 Greeley and another showing the opening caseload of Ms.
- 18 Chief-Abigosis. It might -- it's an exhibit in these
- 19 proceedings, I don't think it's a Commission disclosure.
- MR. OLSON: You're talking about 17?
- 21 MR. RAY: Exhibit 17. Perhaps if the witness
- 22 could be --
- MR. OLSON: Sure.
- MR. RAY: -- referred to that it might assist in
- 25 refreshing her memory, and she could be more specific.

1 BY MR. OLSON:

- 2 Q So this is the exhibit your counsel's referring
- 3 to. You see the first page we're looking at here is Ms.
- 4 Chief-Abigosis' caseload. I guess the relevant caseload
- 5 we'd look at would be the November 30, 2000 --
- 6 Q Right.
- 7 A -- which would be the month ending when she
- 8 started. So she had 22 cases with 17 family units, and if
- 9 we just want to scroll through to Ms. Greeley's caseload --
- THE COMMISSIONER: It was Exhibit 17 you said?
- 11 MR. OLSON: Exhibit 17.
- 12 THE COMMISSIONER: Yeah.

13

14 BY MR. OLSON:

- 15 Q So here we have on page 4 is Ms. Greeley's
- 16 caseload. Now the relevant portion -- well you'll have to
- 17 tell me. There's September 30, 2000 where there's 18
- 18 cases, eight child-in-care files, for a total of 26 cases,
- 19 and then below there October 31, 2000 there's nine cases
- 20 with zero children in care cases.
- 21 A But I would believe that the relevant one to
- 22 compare would be the September 30, 2000 caseload of 26, so
- 23 it does look that at the end of September there was 26
- 24 total cases --
- Q Um-hum.

- 1 A -- but Delores would have been assigned 22, so
- 2 there was a possibility that four of those cases were
- 3 reassigned and did not go forward to Delores.
- 4 Q I see.
- 5 A There's also the possibility they might have
- 6 closed rather than needing reassignment. I wouldn't be
- 7 able to comment specifically --
- 8 Q Okay.
- 9 A -- but there is a difference of four.
- 10 Q So in any event there were four less cases when
- 11 Ms. Chief-Abigosis started?
- 12 A Right.
- Okay. Other than that she would be carrying the
- 14 same caseload as Ms. Greeley?
- 15 A Typically, yes.
- 16 O Okay. And would that be the case even if a
- 17 worker didn't have prior experience as a family service
- 18 worker in Winnipeg?
- 19 A Well I would be as a supervisor looking at the
- 20 caseload that is waiting to be reassigned, and I would be
- 21 having that in mind in terms of a new worker coming on. If
- 22 there are some very complex cases or cases that do require
- 23 a higher level of skill I would look at reassigning those
- 24 within the service unit rather than to a new unit -- or to
- 25 a new worker, so I would, I would take a look at that as

- 1 part of the decision making in the transfer process as to
- 2 whether or not those ones should specifically be going. It
- 3 didn't mean that if a worker was leaving a caseload all
- 4 cases had to go to that new worker. As a supervisor I
- 5 could manage and reassign cases within my service unit to
- 6 do some matching.
- 8 Chief-Abigosis?
- 9 A I believe that I would have done that process at
- 10 the time that Kerry-Lynn was leaving and, and the new -- we
- 11 were waiting for the new worker. I would have considered
- 12 all of that in that process.
- 13 Q And in terms of when a new worker comes on you
- 14 don't really have any familiarity with that worker in terms
- 15 of their capabilities; right?
- 16 A That's right.
- 17 Q Is there a mechanism you had in place to assess
- 18 during maybe an interim period how that worker was doing,
- 19 and how they were managing?
- 20 A Well all workers would start with a probationary
- 21 period that was required within the agency, generally a six
- 22 month period, but certainly dependant upon regular
- 23 supervision with, with the staff member if it was seen that
- 24 there were certain areas where there was a mismatch, or
- 25 that they were not quite able to deal with a case, in this

- 1 circumstance I could reassign at a later time.
- 2 Q Okay. And you said a probationary period, how
- 3 long was that?
- 4 A I believe that the probationary period was for
- 5 six months.
- 6 Q Okay. And aside from that period being called a
- 7 probationary period was there anything that you did to
- 8 ensure that the worker was able to manage a caseload?
- 9 A Well outside of the bi-weekly supervisions and
- 10 reviewing the work that they were doing, and talking with
- 11 them, that was the primary way by which I was evaluating
- 12 performance.
- 13 Q Okay. And I just want to be clear. You said
- 14 that -- I understand the supervision meetings, you've gone
- 15 through them, but when you said reviewing the work they're
- 16 doing you did say you didn't pick up a file to audit it;
- 17 how, how else would you review the work?
- 18 A That would be through discussing the, the work
- 19 that they were doing in the supervision, what they were
- 20 looking at. As a supervisor I was able to ask questions,
- 21 so it's not only relying on what they were saying to me,
- 22 it's also asking questions around who they've been talking
- 23 to, what information has come forward, so it was an
- 24 interactive process that was -- that would provide for
- 25 information exchange, so I could then gauge as to what,

- 1 what were they understanding about their role, what
- 2 information were they collecting, what further information
- 3 can I provide to them to assist them in doing their work.
- 4 Q Okay. As a supervisor were there certain
- 5 documents or processes that required your oversight and
- 6 then signature?
- 7 A Yes. There would be certainly transfer summaries
- 8 and closing summaries required a supervisor approval.
- 9 Q Okay.
- 10 A Apprehensions required a supervisory consultation
- 11 and approval. Voluntary placement agreements and other
- 12 documents such as family support service agreements those
- 13 again required supervisory review and approval.
- 14 Q And what, what sort of review, for example, would
- 15 be required for a transfer summary?
- 16 A Well, in terms of a transfer summary coming
- 17 forward the documentation would be submitted to -- from the
- 18 worker to the supervisor. The supervisor and, and this --
- 19 for example for myself I would already be familiar with the
- 20 case from ongoing supervision with the worker, I would be
- 21 reviewing the document to ensure that it was fully
- 22 complete, that it contained sufficient information about
- 23 the history of interventions with this family, as well as
- 24 the, the identified service goals and service plans so that
- 25 it moving forward to a new worker that worker would have

- 1 sufficient information to begin working where the prior
- 2 worker had left off.
- 3 Q Okay. In terms of ensuring, for example, the
- 4 information contained in the summaries, both relevant and
- 5 accurate, was there anything you'd do in that respect?
- 6 A Well I would be looking at what documents that
- 7 they were referencing in their summary. Often times it was
- 8 pulling forward information from prior summaries that they
- 9 had received so that there was a continuation of
- 10 information. It would be looking at the collaterals that
- 11 were involved in associated reports to see if it summarized
- 12 those reports in those, in those summaries. I'm not sure
- 13 what other information you're asking.
- 14 Q Well, would you pick up the file and review it
- 15 before you signed off on a transfer?
- 16 A Not, not routinely. Sometimes the transfer
- 17 recording would come with the physical file, sometimes just
- 18 the document would come, so it depended upon the nature of
- 19 the transfer recording. I may or may not make a decision
- 20 as to whether or not I want to review that physical file.
- 21 I, I could review it, but I didn't necessarily like
- 22 routinely review it.
- 23 Q So in, in only certain cases you'd ask to
- 24 actually see the file, the physical file?
- 25 A That's right.

- 1 Q Okay.
- THE COMMISSIONER: You could read the document
- 3 you were signing off on?
- 4 THE WITNESS: Right. I would read the transfer
- 5 recording that I was signing off on, but I wouldn't
- 6 necessarily correspond it to the physical file.

8 BY MR. OLSON:

- 9 Q And in all cases you -- when you signed off on a
- 10 document, whether it's a transfer, or a closing, or an
- 11 apprehension or whatever, does that indicate that you
- 12 approve and agree with whatever's there?
- 13 A That's right.
- 14 Q Just in terms of risk assessments as a supervisor
- 15 in 2000 and 2001 was the process of doing risk assessment
- 16 something that you would have been familiar with?
- 17 A Yes.
- 18 Q Okay. And how -- what would that involve at that
- 19 time?
- 20 A Well, the risk assessments that were being
- 21 utilized by the -- by Winnipeg Child and Family in 2000 was
- 22 based on the training that was offered through Core
- 23 competency based training for workers that specifically
- 24 where it was outlined, and it was more of a framework that
- 25 was utilized, rather than a specific tool, so it would look

- 1 at different risk factors, and it was really the process of
- 2 looking, what are all of the different risk factors that
- 3 impact on child safety and well being, what are the
- 4 mitigating strengths that might be relevant in that
- 5 situation, and then based on both the risk and the
- 6 strengths there would be a determination as to the level of
- 7 overall risk, and so that was a process that would be
- 8 engaged between worker and supervisor through the process
- 9 of reviewing information gathered what was known, perhaps
- 10 gathering additional information, and would usually be
- 11 documented somewhere within case notes, or on a transfer
- 12 recording, or closing summary.
- 13 Q And when you say it would be documented would you
- 14 mean a worker would indicate, you know, this is a high risk
- 15 situation now, or medium risk, or that -- would you expect
- 16 that sort of documentation?
- 17 A The statements of risk were often typically found
- 18 on intake transfer summaries as part of their closing
- 19 statement. It may also be found on, on other transfer or
- 20 closing summaries, but within case notes it may or may not
- 21 be there. Risk assessment was an ongoing process, it
- 22 wasn't a one time activity so that as risk was being
- 23 assessed, and as you were moving through case activities
- 24 there may be unanswered questions or there may be, you
- 25 know, just a documentation of what was being considered at

- 1 that point.
- 2 O There was no formal risk assessment form at that
- 3 time?
- 4 A No.
- 5 O Okay. And the risk assessment itself wasn't a
- 6 formalized process then?
- 7 A Risk assessment was described as a process that
- 8 utilized this framework, and of what factors to consider in
- 9 the process by which to do it.
- 10 Q Okay. When you, when you look at risk, when
- 11 you're doing the risk assessment, what is risk?
- 12 A Well risk -- the risk factors that certainly we
- 13 deal with on a regular basis within Child and Family
- 14 Services are, are things that impact on children's safety
- 15 and well being, and they can include a number of different
- 16 things such as a child's age, for example, is a risk
- 17 factor, the younger the child the more vulnerable the
- 18 child. There could be -- so there are a number of child
- 19 related factors, there could be a number of parent related
- 20 factors so those can be things like substance abuse from
- 21 misuse. It can be mental health or physical health
- 22 concerns, and then there can be environmental factors as
- 23 well which can include things like safety in the
- 24 neighbourhood, it can include lack of supports or
- 25 availability of supports and resources, those types of

- 1 things, so there are a number of different factors that
- 2 interplay and that can impact on child safety and well
- 3 being.
- 4 Q Okay. So those are all factors, the child's age,
- 5 a younger child greater risk, those, those are factors that
- 6 go into the risk assessment, but when you're assessing risk
- 7 what is it you're assessing, risk of what?
- 8 A Risk of harm, maltreatment.
- 9 Q And is that immediate risk or, or long term risk?
- 10 A You can assess both. You can, you can do some
- 11 assessment of what -- is there some immediate risks, is
- 12 there an overall risk. Usually they're determined --
- 13 safety assessments tend to look at immediate risk --
- 14 Q Okay.
- 15 A -- and immediate safety, where a risk assessment
- 16 will look at sort of the overall picture and a more
- 17 comprehensive picture.
- 18 Q So there's a difference between a risk assessment
- 19 and a safety assessment?
- 20 A Yes.
- 21 Q And is that something you would expect your
- 22 workers to be aware of?
- 23 A Yes.
- Q Okay. Is that something you discussed with them
- 25 in supervision?

- 1 A We may, yes.
- 2 Q Okay. In terms of doing either a safety
- 3 assessment or a risk assessment at what points would you
- 4 expect that to be done by a worker?
- 5 A Well, a safety assessment should be done any time
- 6 that there's concerns around the immediate safety of a
- 7 child. A risk assessment there were clearly times where
- 8 that was indicated through standards, and those would
- 9 include things like if there was a, a planned return of a
- 10 child to the home, that you would need to complete a risk
- 11 assessment. If there was a significant change in the
- 12 composition of the family it may entail a risk assessment.
- 13 Prior to a file closing there would be a risk assessment or
- 14 a statement of risk, so there were expected points
- 15 according to standards where a risk assessment was
- 16 necessary.
- 17 Q And when you say a change to the composition of a
- 18 family what -- can you give me a couple of examples what
- 19 you mean by that?
- 20 A It could be some change to the marital
- 21 relationship, so it could be a new partner, it could be a
- 22 separation, it could be extended family now moving into the
- 23 home and having an active role. There could be a variety
- 24 of different factors.
- 25 Q And I take it what you're looking at then -- for

- 1 example, if a new partner is introduced into the family you
- 2 want to determine what that change does in terms of risk to
- 3 the child?
- 4 A It may, it may lead to a risk assessment. Yeah,
- 5 it may be something to consider.
- 6 Q Are the risk assessments or safety assessments
- 7 mandatory at these points once you've identified them?
- 8 A Yeah, they would be, they would be required, yes.
- 9 O Yeah.
- 10 A The standards would speak to when, when they are
- 11 required, and those would be outlined -- in 2000 those
- 12 would be according to the 1988 standards.
- Okay. But in your, your view, your understanding
- 14 is that they would be required when those sorts of events
- 15 occurred?
- 16 A Yes.
- 17 Q Okay. So the safety assessments are more of a
- 18 short term immediate risk of harm to the child?
- 19 A Yes.
- 20 Q And what would be an example of a situation where
- 21 you do a safety assessment?
- 22 A There's a concern that comes in that there's
- 23 people in a home that are drinking, that there's children
- 24 in that home and that there's no one available to provide
- 25 safe care to a child --

- 1 Q Okay.
- 2 A -- or the children.
- 3 Q Now, if a risk assessment, or a safety
- 4 assessment, is required who would actually perform it?
- 5 A That would be done by the worker in conjunction
- 6 or consultation with their supervisor.
- 7 Q Okay. And that would -- would that be the case
- 8 in, in all those situations we talked about before, for
- 9 example, a change in the composition of the family, other,
- 10 other circumstances like that?
- 11 A Yes.
- 12 Q And so you as a supervisor were involved in, in
- 13 doing the risk and safety assessments then?
- 14 A Yes, at particular points in time if there were
- 15 safety concerns, or if there were case activities that were
- 16 required that would lead into a risk assessment then I
- 17 would participate in that process. Now a worker could
- 18 start that process and start gathering information to pull
- 19 that information together, but it was required to be
- 20 brought forward for supervisor review.
- 21 Q So you would always at least review the -- what
- 22 the -- how the worker assessed risk or safety?
- 23 A Right.
- Q Okay. In, in terms of caseload if you looked at
- 25 Ms. Greeley's caseload and Ms. Chief-Abigosis' caseload do

- 1 you, do you know what the average sort of caseload was for
- 2 the workers that you were supervising?
- 3 A I had, I had approximated between 30 and 35.
- 4 Q Okay. And you've had a chance to look at exhibit
- 5 17, and according to your review of that document is that
- 6 fairly consistent?
- 7 A It appears a little lower than, than what I had
- 8 imagined if they were at -- I think Delores was at 22 and
- 9 that it could be as low as 26, so it's a little bit lower
- 10 than I had, had approximated.
- 11 Q Okay. So some workers had a bigger caseload,
- 12 some had a lesser caseload?
- 13 A That would be accurate.
- 14 Q Okay. Are you able to comment on caseload in
- 15 terms of manageability at the time?
- 16 A Well I think that it would, it would have been
- 17 described at the time as a heavy caseload, and, and
- 18 certainly child welfare work is demanding work. I think
- 19 workers attempted to manage with the resources that they
- 20 had.
- 21 Q Do you think the caseload would have impacted the
- 22 delivery of services to clients?
- 23 A I'm, I'm certain that workload -- or caseload
- 24 size does impact on ability to provide service. It would
- 25 depend on -- each individual worker would have to be looked

- 1 at individually and uniquely to determine the extent to
- 2 which it was impacting.
- 3 Q I guess at the time that you were a supervisor,
- 4 at the time we're talking about your involvement in this
- 5 file, you were managing I think you said about seven
- 6 workers?
- 7 A That's correct.
- 8 Q And you must have had -- you must have made some
- 9 assessment as to how each worker was doing with their
- 10 caseload?
- 11 A Yes, I would have been doing that ongoing as part
- 12 of my responsibility to ensure that people were able to
- 13 manage, and that would include whether I was assigning more
- 14 cases to a particular worker, or whether I would be
- 15 assigning to others dependant on how they were doing.
- 16 Q That would be one of your responsibilities as
- 17 would be sort of looking at caseloads and determining
- 18 whether or not the person was managing with them, and
- 19 providing the services that were required; is that ...
- 20 A Well, I would be talking to them about that and
- 21 certainly looking at their caseload size. I mean I would
- 22 be also looking at a number of other factors as well, that
- 23 it's not just the case numbers on a case load, it's looking
- 24 at the activity on certain cases, and, and whether or not
- 25 cases are actually active, or whether they're awaiting

- 1 closure. A worker may have 40 cases, but only 30 of them
- 2 are active and 10 are awaiting closure, and awaiting
- 3 paperwork, where someone else may have 30 very active
- 4 cases, so numbers are a part of that, but speaking with
- 5 workers about the actual nature of the cases, and how that
- 6 is impacting would also have to be taken into
- 7 consideration.
- 8 Q Is workload a topic that would come up during
- 9 supervision?
- 10 A Yes, I think that we would talk. I'm not sure
- 11 that we would talk every supervision about that, but that
- 12 would certainly be a topic we could -- we would talk about.
- 13 Q Was it -- would you describe it as a typical
- 14 topic that would come up?
- 15 A I think people were always talking about how did
- 16 they best meet their work expectations and work demands,
- 17 and, and -- well not talking about caseload sizes or
- 18 anything, but in talking about how they were able to --
- 19 what they needed to do, and how they were going to do that
- 20 that would all be a part of talking about workload.
- 21 Q Okay. With respect to Ms. Greeley you supervised
- 22 her for a period of time?
- 23 A Yes.
- 24 Q And do you ever recall her telling you, you know,
- 25 my caseload is just, just too heavy, I can't do what I need

NOVEMBER 27, 2012

A. BALAN - DR.EX. (OLSON)

- 1 to do, anything like that?
- 2 A I wouldn't -- I don't recall anything.
- 3 Q Okay. And what about Ms. Chief-Abigosis, do you
- 4 recall that being a concern of hers during supervision?
- 5 A I, I don't recall her saying that.
- 6 Q And if a worker did, did say to you while you
- 7 were a supervisor, my caseload is too heavy, my workload is
- 8 too much, what would you do with that?
- 9 A Well, I would certainly have more discussion and
- 10 conversation with them about that to look at what it is
- 11 that they found was problematic, what they felt that they
- 12 were not able to attend to, or to complete. I would look
- 13 at different strategies around how we could help to manage
- 14 some of that work, what additional resources we might be
- 15 able to provide to them. Workers were able to do things
- 16 such as take paper days to try to catch up on some of their
- 17 administrative responsibilities. There may be some task
- 18 reassignment that may need to happen, but I would certainly
- 19 engage with staff if that was identified by them as a
- 20 problem, to look at how do we resolve that.
- 21 Q Okay. So if that was brought to you as an issue
- 22 you would take certain steps to try to ameliorate that
- 23 problem?
- 24 A Yes, I would.
- 25 Q Okay. Do you, do you recall the date that you

- 1 assumed Ms. Hanson's position?
- 2 A I know that it was early to mid July. I don't
- 3 recall the exact date in July.
- 4 Q And July of what year?
- 5 A Two thousand.
- 6 Q July, 2000, okay. And so we heard that Ms.
- 7 Greeley worked until October, 2000?
- 8 A Yes.
- 9 Q Okay. So you supervised her for that period of
- 10 time?
- 11 A I did.
- 12 Q And then there was a bit of a gap until November
- 13 15th, I believe, when Ms. Chief-Abigosis started; does that
- 14 sound right?
- 15 A I believe it was around November 14, 2000.
- 16 Q That she started?
- 17 A That Delores started.
- 18 Q And then you supervised her from that point until
- 19 a point when Ms. Hanson came back?
- 20 A Right.
- 21 Q And do you recall when Ms. Hanson came back?
- 22 A I believe it was around June 1st of 2001.
- 23 Q Now, do you have any independent recollection of
- 24 your involvement in this case?
- 25 A No, I have very limited independent recollection.

- 1 I, I did recall one piece of information that was not
- 2 within this case -- the information that was provided to
- 3 me, but most of my recollection was based on the notes that
- 4 have been provided, and the file information.
- 5 Q Okay. And just so I don't forget to ask you
- 6 later what was that one piece of information you do recall?
- 7 A It was a conversation that I had had with Delores
- 8 Chief-Abigosis shortly after the birth of where I did
- 9 recall independently having a conversation with her about
- 10 the scheduling of a follow-up visit to the home to do
- 11 further assessment as to how the family was managing, and
- 12 specifically asking her to wait a few days for them to
- 13 settle back into their routine, so that they were not in
- 14 transition when they were -- when she was out to do that
- 15 assessment so --
- 16 Q Okay.
- 17 A -- and that was not documented anywhere, but I
- 18 did recall that independently.
- 19 Q And is there any reason why that stands out in
- 20 your mind?
- 21 A No, I don't, I don't have any way of knowing why
- 22 that particular incident stood out in my mind, but it was
- 23 something that I did recall.
- 24 Q Now it appears from the documents and from Ms.
- 25 Creeley's evidence that she already had conduct of Samantha

- 1 Kematch's file when you began as her supervisor?
- 2 A Yes, that's correct.
- 3 Q And when you began as a supervisor did you review
- 4 any part of Ms. Kematch's file?
- 5 A I would have reviewed only the supervisory notes
- 6 that would have been left by the prior supervisor, but not
- 7 the actual physical file.
- 8 Q And these supervisory notes were they the same,
- 9 the same type of notes you described that would be kept in
- 10 a binder?
- 11 A Yes, they would have been in a binder in Lorna
- 12 Hanson's office, organized by the worker's name.
- Okay. So Ms., Ms. Hanson, when you came on as a
- 14 supervisor, did she have essentially the same practice that
- 15 you had in terms of keeping case specific supervisory notes
- 16 in binders?
- 17 A Yeah, she would have had a binder for each worker
- 18 with their case supervision notes.
- 19 Q Okay. And so that would have been the case for
- 20 this file, Samantha Kematch's file?
- 21 A Yes.
- 22 Q Okay. And do you have a recollection of actually
- 23 reviewing those case specific notes?
- 24 A I believed that I would have. It was my usual
- 25 practice to look at the prior supervisory direction that

- 1 had been given on cases that were already open to the
- 2 service unit when I arrived.
- 3 Q Okay. And aside, aside from, from those
- 4 supervisory notes would you have looked at any other part
- 5 of the file, the Samantha Kematch file?
- 6 A Not prior to meeting with Kerry-Lynn. I, I would
- 7 -- my usual practice was to meet with the worker and to
- 8 discuss the case, and then based on our discussion I may
- 9 request certain information to look at, but I would have
- 10 looked at the supervisory notes.
- 11 Q Okay. Now, we don't have, we don't have those
- 12 notes; right?
- 13 A Right.
- 14 O You haven't seen them?
- 15 A No.
- 16 Q Would they discuss things such as a background of
- 17 the family, and the --
- 18 THE COMMISSIONER: What do you mean, as far as
- 19 you know they're not available?
- 20 THE WITNESS: That's right.
- 21 MR. OLSON: And just, just to be clear, for the
- 22 record, there is an admitted fact by the department that
- 23 the supervisory notes, which would be these types of notes
- 24 that the worker is referring to, would exist at one point,
- 25 they have not been located, and they can't be located.

- 1 THE COMMISSIONER: Means they've been destroyed
- 2 or something; isn't it?
- 3 MR. OLSON: Possibly.

- 5 BY MR. OLSON:
- 6 Q And I was asking you would, would the family's
- 7 background and history be in those notes?
- 8 A It may or may not be.
- 9 Q Is the family's background and history something
- 10 you would discuss with the worker when you met?
- 11 A Yes, I, I would have.
- 12 Q Okay. And we know in this case, for example,
- 13 that Samantha Kematch's first child was a permanent ward or
- 14 in the process of becoming a permanent ward of Cree Nation;
- 15 is that the sort of fact that -- background that you'd be
- 16 interested in?
- 17 A Yes, I would.
- 18 Q Okay. And as a supervisor what sort of impact
- 19 would that type of information have for you?
- 20 A Well, well certainly I would be interested in
- 21 knowing the circumstances around the first child being in
- 22 an agency's care, what the issues were, how long ago that
- 23 occurred. I'd also be interested in knowing what changes
- 24 had occurred for the parents since that time, and we do
- 25 expect that parents may make growth or make change. There

- 1 may be other factors to consider, so all of that would be
- 2 relevant to look at in terms of the involvement that we had
- 3 at that time.
- 4 Q Okay. So would you want to, for example, discuss
- 5 with the worker, you know, what, what brought -- why did
- 6 the child become a permanent ward and what's the situation
- 7 now?
- 8 A I believe the child wasn't a permanent ward at
- 9 that time, but was in temporary care, but I, I certainly
- 10 would be talking about what the worker understood from the
- 11 review of information and on the circumstances surrounding
- 12 that, and what agency's plan was for that young child, and
- 13 how -- and then to look at how that might impact on our
- 14 current case planning.
- 15 Q I just want to draw your attention to page 37119,
- 16 and this is from Samantha Kematch's file.
- Do you recognize this document?
- 18 A Yes, I do.
- 19 Q Okay. So this is a voluntary placement
- 20 agreement?
- 21 A That's correct.
- 22 Q Placement information, and do you recall -- would
- 23 this be a document you would have, would have reviewed when
- 24 you're involved in a case?
- 25 A Just if, if I could just look at the physical

- 1 copy.
- 2 Q Yeah, let me, let me help you. If we turn to
- 3 page 37123 -- sorry, let's go to 37120, it's the next one.
- 4 At the bottom it appears that your signature is
- 5 there.
- 6 A That's correct.
- 7 Q And then the signature of Kerry-Lynn Greely?
- 8 A Yes.
- 9 Q Okay. So this is one of the documents you would
- 10 have signed off on then?
- 11 A Yes, I would have.
- 12 Q Okay. And can you recall why there was a
- 13 voluntary placement agreement being entered into?
- 14 A Yes. We required additional time to prepare for
- 15 a reunification of Phoenix to the parental home. There was
- 16 a three month temporary order that was in place, however,
- 17 there were still some aspects of the service agreement, and
- 18 the plan, that we had not yet fully satisfied so we needed
- 19 some additional time to look into those areas, as well as
- 20 to increase some of the contacts and the visits with the
- 21 parents to facilitate a successful reunification, so as the
- 22 order was expiring we needed to maintain a legal status of
- 23 the child through some means, and the parents were willing
- 24 and cooperative in signing a voluntary arrangement to have
- 25 Phoenix remain in care while we worked through these

- 1 remaining issues and ensure that there was some increased
- 2 visits to prepare her for going to the parental home.
- 3 THE COMMISSIONER: Are their signatures on here?
- 4 THE WITNESS: Pardon me?
- 5 THE COMMISSIONER: Are their signatures on this
- 6 document?
- 7 THE WITNESS: I believe the, the --
- 8 MR. OLSON: We --
- 9 THE WITNESS: -- parents do sign the documents,
- 10 and it would be on the following page of the one that shows
- 11 my signature.

- 13 BY MR. OLSON:
- 14 Q So at the bottom of page 37121?
- 15 A There's a declaration of family income that the
- 16 parents do sign.
- 17 THE COMMISSIONER: Thank you.

- 19 BY MR. OLSON:
- 20 Q The determination that you spoke about with
- 21 respect to needing to enter into the voluntary placement
- 22 agreement who made that, was that you or Ms. Greeley, or
- 23 did you make it together?
- 24 A That would have been a decision that was reached
- 25 in a joint meeting together in terms of where we were at at

- 1 that point in time based on the worker's updated
- 2 information to myself, and that we would have jointly
- 3 agreed that we needed some additional time, so I would have
- 4 provided authorization to approach the parents around
- 5 entering into a voluntary agreement to extend the time of
- 6 care.
- 7 Q Okay. And so this would have been based on her
- 8 consultation with you --
- 9 A That's right.
- 10 Q -- and some discussion?
- 11 A That's right.
- 12 Q And not necessarily any independent review of the
- 13 file by yourself?
- 14 A No, I would have reviewed the information that
- 15 she had provided. I may have and I have no documents that
- 16 would, that would substantiate that, but I may have
- 17 requested to review certain documents if she was discussing
- 18 them, but for the most part it does appear it was based on
- 19 her verbal reports from collaterals and others involved,
- 20 and her reports from talking specifically with the parents
- 21 and observing them that that informed our decision at that
- 22 point.
- 23 Q Okay. And so you require the worker just to
- 24 provide you with the important and necessary background in
- 25 order to make that determination, or you agree with it?

- 1 A That's right. I may have looked back on some of
- 2 the prior summaries. I, I can't say. There's -- I don't
- 3 have my notes to refer to. I do know that I was aware of
- 4 the information that lead up to Phoenix coming into care
- 5 and some of the background and that would have been
- 6 discussed, and I'm not sure that I can say that I reviewed
- 7 the information, but I may have, that was contained in the
- 8 file.
- 9 Q Just one question on that. If you had reviewed
- 10 the information would you have made a note of it in the
- 11 file?
- 12 A I would have made a note of that in my
- 13 supervisor's note.
- 14 Q Okay. And we don't have those notes, so we don't
- 15 know --
- 16 A No.
- 17 Q -- what happened.
- MR. OLSON: Mr. Commissioner, I notice it's three
- 19 o'clock.
- THE COMMISSIONER: All right.
- MR. OLSON: Would this be a good time for the
- 22 break?
- THE COMISSIONER: Yes. How, how are you coming
- 24 towards the end of the road?
- MR. OLSON: I'll still be, be awhile.

NOVEMBER 27, 2012

- 1 THE COMMISSIONER: Okay. All right. We'll take
- 2 a 15 minute adjournment.

3

4 (BRIEF RECESS)

- 6 BY MR. OLSON:
- 7 Q I just want to take you now to page 37288, again
- 8 these are -- these would be on Samantha Kematch's file.
- 9 Now, we heard from Ms. Greeley that these were notes that
- 10 she took in a supervision meeting she had with you, they're
- 11 dated July 10, 2000. Have you had a chance to look these
- 12 over?
- 13 A Yes, I've looked them over.
- 14 Q Okay. And do you have any recollection of the
- 15 supervision meeting?
- 16 A I don't have recollection of the meeting, but I
- 17 am familiar with the content of the notes.
- 18 Q I'm having a bit of difficulty --
- 19 A Oh, sorry.
- 20 Q -- hearing you.
- 21 A I don't recall the meeting, but I do have
- 22 familiarity with the content of the notes.
- 23 Q Okay. So does the content seem familiar to you
- 24 then?
- 25 A Yes.

- 1 Q Okay. And do you know what the purpose of this,
- 2 this meeting was, the supervision meeting on July 10th?
- 3 A It appears that Kerry-Lynn would be reviewing the
- 4 information that she's collected to date, and this would
- 5 have been an exploration and a discussion likely related to
- 6 the fact that the temporary order of the quardianship was
- 7 due to expire, and that we were still looking at needing
- 8 some transition time.
- 9 Q Okay. And so if we just look at what appears to
- 10 be recorded here we have:

- "Women's health klinic on Graham,
- to talk to dr., around, is this
- 14 related post partum depression."

- Do you remember that being an issue, or there
- 17 being a concern as to whether Samantha Kematch's flat
- 18 affect was due to depression?
- 19 A Yes, I remember that being a concern.
- 20 Q Okay. And what do you know about that concern,
- 21 what did you know at the time?
- 22 A What had been described through case
- 23 documentation previously was that she had presented with
- 24 some flat affect, and that there was some, some discussion
- 25 as to whether or not she was exhibiting signs of depression

- 1 and that that would warrant further psychological or
- 2 psychiatric assessment to determine if that indeed was the
- 3 case.
- 4 Q Okay. And that's something you discussed with
- 5 Ms. Greeley whether or not some assessment was required?
- 6 A Well that was something that was identified early
- 7 on prior to my assuming the case and that would have come
- 8 off the intake transfer recording as the suggested area of
- 9 further exploration. As Kerry-Lynn would have worked with
- 10 the family that that would still have been an issue that
- 11 had not yet been fully determined.
- 12 Q Okay. And the specific issue then was that
- 13 surrounding whether or not there was depression, or was it,
- 14 was it -- was the issue something different than that?
- 15 A The issue was around whether or not she was
- 16 experiencing depression and possibly post partum
- 17 depression.
- Okay. And the reference to the, the "klinic"?
- 19 A Well that was one means of trying to get further
- 20 medical opinion as to whether or not that, that was related
- 21 to possibly post partum depression, according to what the
- 22 note is indicating.
- Q Okay. Goes on to say:

- 1 "Appear motivated now (both
- 2 parents)."

- 4 Do you recall discussing that about parental
- 5 motivation?
- 6 A Parental motivation was one of the initial areas
- 7 that were identified in the intake transfer recording. My
- 8 understanding from reviewing the file, and the file notes,
- 9 is that, you know, certainly while the parents had
- 10 expressed some ambivalence early on they had thought about
- 11 that, and engaged with services and were engaging with the
- 12 agency, and, and starting to participate in programming and
- 13 had expressed commitment, so it appears that they were
- 14 motivated, and that they were engaging.
- Okay. And is that something you would, you would
- 16 discuss with Ms. Greeley on an ongoing basis, parental
- 17 motivation?
- 18 A Yes.
- 19 Q Okay. So that was one of the issues you were
- 20 looking at when you were looking at this particular case?
- 21 A Right.
- 22 Q Okay. And then it says -- it looks like it says
- 23 -- talking about the in-home support. Do you remember the
- 24 issue about having an in-home support worker?
- 25 A Well, from reviewing the note -- I mean one of

- 1 the issues had been identified, that it was unclear as to
- 2 their parenting knowledge or whether or not they had some
- 3 -- they required some parenting education, so that was one
- 4 means by which the agency did try to address those issues
- 5 through teaching in-home support workers, and that they
- 6 would actually go into the home and teach skills and also
- 7 assist with some assessment of how parents were responding
- 8 to the information that they were providing, and how they
- 9 were able to integrate that information, so in-home --
- 10 teaching in-home support workers were used as a means to
- 11 assist the agency in providing in-home teaching support
- 12 around parenting, and that was identified as an issue.
- 13 Q That was an issue?
- 14 A Early on in terms of that they may lack parenting
- 15 knowledge or skills.
- Okay. And so putting an in-home support worker
- 17 in in this case that, that was something you would agree,
- 18 you would agree with?
- 19 A Right, that would be one way -- another way that
- 20 we had done that with families is to have them attend
- 21 parenting programs in the community as well.
- 22 Q Okay. And part of the service agreement that
- 23 we'll look at eventually talks about having a support
- 24 worker in place for the term of the six month agreement?
- 25 A That's right.

- 1 Q Okay. And is that -- that's something I take it
- 2 -- you were in favour of that?
- 3 A Yes.
- 4 Q If we could just turn now to page 37296. These
- 5 are additional notes of Ms. Greeley dated August 15, 2000.
- 6 A That's right.
- 7 Q Okay. And you've had a chance to review these
- 8 notes as well?
- 9 A Yes, I've reviewed these.
- 10 Q Do you have a recollection of this meeting?
- 11 A No, I don't have a recollection of the meeting,
- 12 but I do understand the information that's presented in the
- 13 notes.
- 14 Q Okay. The, the reference here to being "hesitant
- 15 to return the child, want the assessment", do you know what
- 16 that reference is to?
- 17 A I believe that that was still referencing the,
- 18 the assessment by Dr. Altman, or the consultation with Dr.
- 19 Altman that there was still a need to assess whether or not
- 20 there was some depression with Samantha.
- 21 Q So that remained an ongoing concern at that
- 22 point?
- 23 A It had not yet been addressed by this point.
- Q Okay. And, and who was hesitant to return the
- 25 child, was that, was that you, Ms. Greeley, or both of you?

- 1 A It's unclear from the notes as to who that's
- 2 referring to. I would imagine just based on the situation
- 3 there would be hesitancy on the part of both the worker and
- 4 the supervisor, myself.
- 5 Q Okay. And the hesitancy would that be just
- 6 because of having an assessment done, or would it be other
- 7 issues?
- 8 A The hesitancy would be related to not being clear
- 9 or having enough information to determine whether or not
- 10 there was depression. Depression can be a treatable
- 11 condition through medications or through other resources,
- 12 so without knowing what it is that may be impacting on this
- 13 young mother we were unclear as to how that may further
- 14 direct the case plan so -- and what that might mean on a
- 15 reunification, so it would have been ideal if we had had
- 16 that information prior to a return.
- 17 Q And the reason you were concerned about
- 18 depression was that because of the flat affect?
- 19 A Yes, that was primarily what had been described
- 20 was her, her flat affect, and, and how she was
- 21 communicating. It was what was observed. There was -- I
- 22 don't believe I saw any information that indicated that she
- 23 herself expressed feeling depressed. It was what was
- 24 observed by others.
- 25 Q Okay. And if -- was -- were you concerned at all

- 1 about it being due to something other than depression?
- 2 A Not, not at that time.
- 3 Q And do you recall there being some difficulty in
- 4 finding a professional to do the assessment?
- 5 A From the material that I've reviewed it does
- 6 appear throughout the notes that there was some difficulty.
- 7 It would appear that they did attempt to -- and try to
- 8 obtain referrals, there were a number of different reasons
- 9 as to why those were not going forward, and I do know that
- 10 within the notes there was some suggestion that we may need
- 11 to look at trying to arrange a consultation with Dr. Altman
- 12 so that we could do that in a timely way, so from reading
- 13 that I know that there was some difficulty in accessing the
- 14 assessment.
- Okay. We did hear evidence that there were
- 16 resources available to the agency at the time in terms of
- 17 lining up these assessments; is that -- were you aware of
- 18 that?
- 19 A I'm not sure what resources you're speaking of in
- 20 terms of prior evidence.
- 21 Q Was there a list of, was there a list of
- 22 psychiatrists that were able to do the assessments?
- 23 A We did have -- the agency did have a list of
- 24 psychologists and psychiatrists that the agency would
- 25 authorize for use. If you were arranging for certain types

- 1 of assessments you needed to use the agency approved list.
- 2 The agency also had resources and contracts in place for
- 3 psychiatric consultations with Dr. Altman because those
- 4 other assessments may be more formal, may be more
- 5 comprehensive, and may not be what may be most indicated,
- 6 and that a different type of consultation may be required,
- 7 so we had both resources, but there was an approved list
- 8 of, of psychiatrists and psychologists.
- 9 Q Now, eventually Dr. Altman did do the assessment?
- 10 A That's correct.
- 11 Q Okay. And was he someone you were familiar with
- 12 at the time?
- 13 A Yes.
- Q Was he on the approved list?
- 15 A I believe he would be, he had a contract with the
- 16 agency, he would have been approved.
- 17 MR. MCKINNON: I'm just going by my recollection
- 18 of the earlier evidence, but my recollection is the
- 19 approved list was for formal parental capacity assessments,
- 20 and that -- so that was one resource, an approved list for
- 21 a formal parental capacity evaluation, which is a fairly
- 22 significant assessment, and then there was another resource
- 23 which was in-house services, which Dr. Altman provided. I,
- 24 I could be wrong, but I think that the approved list was --
- MR. OLSON: That's, that's my --

- 1 THE WITNESS: Yes.
- 2 MR. OLSON: -- recollection as well is that --
- 3 and I was just going to ask the witness if that --
- 4 MR. MCKINNON: Yeah. So I just want to
- 5 distinguish between those two.
- 6 THE WITNESS: Yes, that, that is how -- yes,
- 7 there was the established list of assessors that we used
- 8 for the formal parent capacity assessments --
- 9 MR. OLSON: Okay.
- 10 THE WITNESS: -- and those were very
- 11 comprehensive and quite costly. We had internal resources
- 12 that were available through a contract the agency engaged
- 13 in with Dr. Altman for psychiatric consults that would
- 14 occur on site at the agency office.

- 16 BY MR. OLSON:
- 17 Q I see. So Dr. Altman would do those types of
- 18 assessments, the less formal, less costly, less involved
- 19 assessments?
- 20 A Right.
- 21 Q Okay. And do you recall talking about engaging
- 22 Dr. Altman in particular to do this assessment in this
- 23 case?
- 24 A Well, I would have very little independent
- 25 recollection, but the worker would have been required to

NOVEMBER 27, 2012

- 1 have my approval to move forward in making that referral,
- 2 so I, I would imagine I was aware of it, and that I was in
- 3 agreement moving forward.
- 4 Q Maybe if we could turn to another one of Ms.
- 5 Greeley's notes at page 37297.
- THE COMMISSIONER: Just before we leave that
- 7 subject. What was the level, as you understood it, of the,
- 8 of the professional services that Dr. Altman was on
- 9 contract to deliver?
- 10 THE WITNESS: My understanding at the time was
- 11 that if we had concerns regarding the psychological or
- 12 emotional functioning of a, of a parent that we could -- or
- 13 a child even, a child-in-care, that we could arrange for a
- 14 consult with Dr. Altman, who would then arrange a meeting.
- 15 We would want the, the child or the parent to be in
- 16 agreement to a meeting with Dr. Altman, and basically
- 17 through the consultation process we would present with what
- 18 information we were concerned about, and the consultation
- 19 would be a way for us to determine whether or not, based on
- 20 that consultation, Dr. Altman felt that there was much more
- 21 that required a more significant assessment, and if so that
- 22 -- you know, that we should be looking at doing a full
- 23 psychiatric or a different type of assessment, or he may
- 24 indicate that, that there may be something else that is at
- 25 play.

- 1 THE COMMISSIONER: But if his recommendation was
- 2 that more -- or an increased assessment should be carried
- 3 out would that be by him or by somebody else?
- 4 THE WITNESS: It would typically go to either one
- 5 of our accepted referral places. We wouldn't necessarily
- 6 be referring that to him for a formal one. I can't be sure
- 7 that he wasn't on our list of approved referrals, but we
- 8 would be referring that to one of our typical places that
- 9 we would refer to.
- 10 THE COMMISSIONER: But his -- your list of
- 11 preferred referrals would be for services separate from
- 12 what he was delivering --
- 13 THE WITNESS: That would --
- 14 THE COMMISSIONER: -- assuming his name was on
- 15 that list?
- 16 THE WITNESS: Right.
- 17 THE COMMISSIONER: That wasn't the kind of
- 18 service that he'd been delivering on this occasion, i.e.
- 19 what he would be delivering if he was taken from the list
- 20 to do the work?
- 21 THE WITNESS: Right. That would be a very
- 22 separate type of assessment that he would be providing us
- 23 then.
- 24 THE COMMISSIONER: And as I understand you
- 25 parental assessment, and capacity, would fall into that

- 1 latter category where you would go to your specialized
- 2 list?
- 3 THE WITNESS: That's right.
- 4 THE COMMISSIONER: Sorry to interrupt, but I just
- 5 wanted to get that clarified.
- 6 MR. OLSON: No, that's very, very helpful.

8 BY MR. OLSON:

- 9 Q Just in terms of the assessment on this case the
- 10 note I was going to take you to was 37297. This is another
- 11 supervision note dated August 29, 2000, and if you see here
- 12 -- under the reference "service contract concrete six
- 13 months"; do you recall -- first of all do you recall this
- 14 note?
- 15 A I, I have reviewed the note.
- 16 Q Okay.
- 17 A I don't recall the, the meeting, but I have
- 18 reviewed the content.
- 19 Q So the contents you would, you would recall?
- 20 A Yes.
- 21 Q The reference to the service contract is the
- 22 service contract that was --
- THE COMMISSIONER: Well, what is this? Has she
- 24 told us?
- MR. OLSON: Yeah, this is Ms. Greeley's -- one of

- 1 Ms. Greeley's notes.
- THE COMMISSIONER: Okay.
- 3 MR. OLSON: The supervision meeting.
- 4 THE COMMISSIONER: But it's the third one; is it?
- 5 MR. OLSON: This is the third one I've
- 6 identified.
- 7 THE COMMISSIONER: Okay, yes, all right, but ...
- 8 MR. OLSON: So this one is from August 29, 2000.
- 9 THE COMMISSIONER: All right.

- 11 BY MR. OLSON:
- 12 Q And the reference here to a service contract that
- 13 was something you were discussing with Ms. Greeley?
- 14 A Yes.
- Okay. And is that something you both agreed on
- 16 in this case, that it was necessary to put a service
- 17 contract in place?
- 18 A Yes.
- 19 O Okay. And the reference to it being "concrete"?
- 20 A Well service agreements were written agreements
- 21 that were meant as a way to ensure that there was clear
- 22 communication between the agency and the family that we
- 23 were involved with, so that we were clear on what people
- 24 were required to do, what the expectations were, and what
- 25 the consequences were, so in terms of it being concrete

- 1 that could include it being in written form, but also it
- 2 would be very concrete as to what specifically people were
- 3 to be doing.
- 4 Q Okay.
- 5 A So that would be my understanding of "concrete"
- 6 would be specific.
- 7 Q Specific. And when you say there are obligations
- 8 I take it there were obligations on the family, the people
- 9 signing the agreement?
- 10 A That's right.
- 11 Q And then the agency would have certain
- 12 obligations as well?
- 13 A That's right. It's a joint obligation.
- 14 Q Okay. And the term of six months is that --
- 15 that's a term that you would have discussed with Ms.
- 16 Greeley?
- 17 A Yes, I would have.
- 18 Q Okay. And was that sort of a typical term, or
- 19 was that just specific to this particular case.
- 20 Q Service agreements could vary in term, six months
- 21 was not an unusual amount of time, particularly if it was
- 22 coupled with a plan around reunification of a child.
- 23 Q And ultimately the plan here was reunification of
- 24 the child?
- 25 A Yes.

- 1 Q Okay. And that was then to occur after the six
- 2 months provided that the conditions were met, and they --
- 3 the, the home was safe for the child to return to; is
- 4 that ...
- 5 A No. The service agreement was going to remain in
- 6 effect during the process of reunification. The voluntary
- 7 placement agreement had been entered into with the parents
- 8 on a voluntary basis to allow for some additional time,
- 9 which would have been for the early part -- like during the
- 10 month of August.
- 11 The service agreement was really to look at what
- 12 was the case plan during that period of time, what were the
- 13 activities that were going to continue because even though
- 14 the child was -- we were planning to have that child
- 15 reunified to the parental home the expectations were going
- 16 to continue beyond the reunification for ongoing
- 17 involvement at least for a number of months for that
- 18 continued assessment and follow-up, and then it would
- 19 require re-assessment, so that's where the six month period
- 20 of time came in, but the child would have returned home
- 21 before the end of that time.
- 22 Q Okay. And so over that six month period there
- 23 would be continuous monitoring to ensure everything is
- 24 okay?
- 25 A There would be monitoring and that there would be

- 1 -- the activities that were taking place we would imagine
- 2 they would be completed at different periods of time. Some
- 3 would take longer, and some would be done more quickly.
- 4 Q The list of things that we're going to see in the
- 5 service agreement, and they, they appear to be listed in,
- 6 in this -- these notes are those things that you would have
- 7 agreed upon with Ms. Greeley?
- 8 A Yes.
- 9 Q Okay. And so when it says "Meet with Dr. Altman
- 10 and follow recommendations" that's something you would have
- 11 discussed then with Ms. Greeley?
- 12 A Right.
- 13 Q And at that point Dr. Altman was the physician
- 14 that had been identified?
- 15 A Pardon me?
- 16 Q Dr. Altman at that point was the, the physician
- 17 that had been identified?
- 18 A Well he was the psychiatrist, I believe.
- 19 Q Okay. And did you expect to get a written report
- 20 from him?
- 21 A No, that wasn't part of our service contract with
- 22 Dr. Altman, as far as I'm aware.
- Q Okay. At the point of this meeting August 29th
- 24 Phoenix had not yet been returned to her parents; right?
- 25 A No.

- 1 Q Take a look at the service agreement, which is at
- 2 page 37115. So this, this -- what, what is in front of you
- 3 here this is the service agreement that was the result of
- 4 your discussion with Ms. Greeley at this meeting of August
- 5 29, 2000?
- 6 A Yes.
- 7 Q And who, who would have prepared the actual
- 8 service agreement?
- 9 A It would have been written up, I would believe,
- 10 by the worker, possibly typed by an administrative staff
- 11 and then reviewed by myself.
- 12 Q And some of the issues that -- if, if you look at
- 13 the service agreement and you compare it to the notes some
- 14 of the issues in the notes we're looking -- you know, look
- 15 at the family violence, substance abuse; are those all
- 16 issues that are meant to be addressed in the service
- 17 agreement?
- 18 A Are you referring to number three in the service
- 19 agreement specifically, or --
- 20 Q Just generally the service agreement.
- 21 A Yes, those would have been identified. The
- 22 August 29th supervision note that we had referred to
- 23 previously not only spoke about the service agreement, but
- 24 it was also looking at factors around assessment of risk,
- 25 so these would have been areas that we had discussed and

- 1 that we wanted to include in moving forward in our case
- 2 plan to ensure that we continued to cover areas in our
- 3 ongoing assessment of risk.
- 4 Q Okay. If we just flip back for a moment to Ms.
- 5 Greeley's notes, page 37297, and in the middle of the page
- 6 you see the word "risk" there?
- 7 A Right.
- 8 Q And I think it says, and I think Ms. Greeley
- 9 confirmed this, it says "risk area, largest risk is that it
- 10 is a young child". Do you recall discussing the age of the
- 11 child, Phoenix's age as being a risk, a risk factor?
- 12 A As I mentioned earlier that that is -- age of
- 13 child and vulnerability is indeed a risk factor.
- 14 Q Okay. And so in this specific case Phoenix's age
- 15 at the time was certainly a risk factor?
- 16 A Yes, she was still a baby.
- 17 Q Okay. And was that -- when it says here largest
- 18 area of risk is that -- would that -- would you agree with
- 19 that at that point?
- 20 A That would be one of the largest areas of risk
- 21 that we have identified was her young age.
- 22 Q Now, going back to the service agreement, page
- 23 37115. Now, when you look at the service agreement it was
- 24 signed -- if we go to the last page of it it was signed on
- 25 September 5th by Ms. Kematch and Mr. Sinclair, and Ms.

- 1 Greeley. Would you have been a part of this as well?
- 2 A I would have reviewed the service agreement, and
- 3 been a part of the development of the service agreement,
- 4 but there was no place on these forms where a supervisor
- 5 was signing off on them. The agreement was typically
- 6 signed off between the assigned social worker and the
- 7 family because it was around a commitment and agreements to
- 8 abide by the conditions and the expectations, so
- 9 supervisors didn't have a place to sign off on the form,
- 10 but I was involved in it.
- 11 Q Okay. And so you, you said you already agreed
- 12 with the service agreement. Is -- when, when the social
- 13 worker, in this case Ms. Greeley, signs is she signing to
- 14 obligate the agency to also live up to the agreement?
- 15 A That's right. She would be signing on behalf of
- 16 the agency.
- Okay. So if she's no longer the worker the next
- 18 worker would be responsible?
- 19 A That's right. This would continue in effect.
- 20 Q In terms of the -- how long the service agreement
- 21 was to remain in place it references -- if we go up to the
- 22 first paragraph it says:

- 24 "Over the next six months the
- 25 parents and the Agency will

- 1 continue to address the issues of
- 2 concern by following the
- 3 conditions outlined in this
- 4 agreement."

- 6 A That's right.
- 7 Q Okay. So does that mean the agreement would run
- 8 six months from September 5, 2000?
- 9 A Right. It would run from September 5, 2000 to
- 10 March 5, 2001.
- 11 Q Okay. And so each one of the conditions in the
- 12 service agreement would they continue throughout that
- 13 period of time?
- 14 A Well the conditions would be there and that -- as
- 15 different conditions could be addressed at different times.
- 16 Some were ongoing conditions that would require a longer
- 17 period of time where others were perhaps such as the first
- 18 one to complete the assessment, and that Dr. Altman was a
- 19 one time thing that could be done at one point in time, so
- 20 all of them remained in effect and you would be reviewing
- 21 which ones had been completed, and which ones are ongoing
- 22 and which ones are outstanding.
- 23 O Okay. If we -- and who's responsible for
- 24 ensuring the conditions are being satisfied?
- 25 A That would be the worker in meeting with the

- 1 family, and the worker in reviewing with myself as
- 2 supervisor. We would be looking at where's the family in
- 3 meeting these conditions.
- 4 Q And -- so you as a supervisor also have
- 5 responsibility for ensuring the conditions are met?
- 6 A When I did regular supervision and would be
- 7 reviewing a case in supervision if there was a service
- 8 agreement I would be reviewing that, and gathering
- 9 information from the worker to indicate where the family
- 10 was at with regard to the service agreement, and meeting
- 11 the expectations, and then if some were still outstanding
- 12 we would be looking at where do we move forward. Service
- 13 agreements reflect some of the case planning so it may also
- 14 be that there are some other things that need to occur that
- 15 are not within the service agreement, but are a part of the
- 16 case plan, so those are all things that I would look at
- 17 with regard to a review of a service agreement.
- 18 Q Right. But the question is specifically with
- 19 responsibility to ensure the conditions of the service
- 20 agreement are being met --
- 21 A Right.
- 22 Q -- is, is that -- do you understand that that is
- 23 your responsibility as well as a supervisor?
- 24 A Yes, it's a joint responsibility between the
- 25 agency, both supervisor and worker, and also with the

- 1 family.
- 2 Q Right.
- 3 A The agencies alone cannot do that work. There's,
- 4 there's an expected agreement that the, that the agency
- 5 will do certain things and where family will do certainly
- 6 things --
- 7 Q Right.
- 8 A -- so both are required in order to meet
- 9 expectations.
- 10 Q And so if the family is not cooperating with the
- 11 service agreement what sort of options does the agency have
- 12 at that point?
- 13 A Well those are usually outlined fairly frequently
- 14 at the beginning of the service agreement as to what the
- 15 consequences may be if the family is not abiding by the
- 16 service agreement. That's the means by which the agency
- 17 attempts to maintain some sense of, of an agency's -- or of
- 18 a family's commitment in engaging and moving forward, so in
- 19 this case I do believe there was some mention in the
- 20 documentation that if the family failed to follow through
- 21 on the expectations, over the course of the six month
- 22 agreement, that there may be a possibility that Phoenix may
- 23 need to return to care.
- 24 Q Okay.
- 25 A So I think that that was the, the understanding

NOVEMBER 27, 2012

- 1 that was communicated by the worker at the time it was
- 2 signed.
- 3 THE COMMISSIONER: But would that be written in?
- 4 THE WITNESS: I don't -- I can take a look.
- 5 MR. OLSON: Perhaps we could scroll to the bottom
- 6 of the agreement.
- 7 THE WITNESS: It is on the second page.

8

- 9 BY MR. OLSON:
- 10 Q The last paragraph there?
- 11 A That's correct. That failure to meet the
- 12 conditions may result in her returning to care, so that
- 13 would have been well communicated at the time that it was
- 14 being signed off.
- 15 THE COMMISSIONER: Right.

- 17 BY MR. OLSON:
- 18 Q And just, just in terms of signing the agreement
- 19 would, would the agency -- would the worker communicate to
- 20 the parents that you have to sign this in order to get the
- 21 child back?
- 22 A No, I don't believe that that would necessarily
- 23 be how it would be communicated. It wouldn't be very
- 24 engaging of families. My understanding from reading the
- 25 case notes is that they were regularly communicating so I,

- 1 I believe that that was done within the context of, we
- 2 would like to move forward with reunification, but in order
- 3 to do so we need to remain satisfied that we're going to
- 4 continue to work together and to address these issues.
- 5 Q If we could just look at the conditions, and go
- 6 to the previous page. You mentioned before that, number 1,
- 7 that would be a one time thing, the assessment would be
- 8 done and the recommendations that they would be following;
- 9 right?
- 10 A The assessment would be a one time thing should
- 11 there be recommendations that may entail further activity.
- 12 Q Okay. Then 2, the requirement that Samantha and
- 13 Steve cooperate with the agency with in-home worker, and
- 14 that she meet with them at least two times a week.
- In terms of the frequency, the meeting two times
- 16 a week, is that, is that something you recall discussing
- 17 with Ms. Greeley?
- 18 A Well -- and from looking at the notes I can
- 19 certainly see that that was a part of the discussion. We
- 20 did enter into a family service support agreement which was
- 21 required, it was an agency form in order to request. There
- 22 was one requested earlier. We certainly renewed that so
- 23 all of that within my understanding was that I would have
- 24 been aware of it through the case activity, but not
- 25 necessarily from meeting with Ms. Greeley. Like I don't

- 1 recall the meeting, but I do see in the notes that I would
- 2 have been aware of all of it. Those documents require my
- 3 signature.
- 4 Q The -- was this an expectation that was -- this
- 5 would last throughout the duration of the service
- 6 agreement?
- 7 A I believe that the family support service
- 8 agreement was in place for a period of three months. It's
- 9 a voluntary agreement with the parents, and they sign off
- 10 on that document, as well as the agency, but open to
- 11 renewal. There was no timeframe in terms of -- we could
- 12 have continued to renew, should it be needed, or we could
- 13 terminate if it was no longer needed, but the initial
- 14 agreement was for three months, I believe.
- Okay. And we, we have heard evidence that the,
- 16 the agreement was not continued at some point, prior to the
- 17 end of the six month period.
- 18 A That's correct.
- 19 Q Okay. And was that a conscious decision not to
- 20 continue on with the, the in home support worker?
- 21 A I didn't see any information that indicated it
- 22 was.
- 23 O Okay. And who would have made the determination
- 24 if it was?
- 25 A Generally decisions to terminate family support

- 1 is done in conjunction with the family that we're providing
- 2 service to. A family can decide to terminate, and indicate
- 3 they don't require it. An agency can decide to terminate.
- 4 In this case, in reviewing the documentation, I don't see
- 5 any indication as to where that decision came from. It may
- 6 have just lapsed.
- 7 Q So it just didn't get, just didn't get renewed?
- 8 A That's correct.
- 9 Q Okay. And that would have occurred when Ms.
- 10 Chief-Abigosis was assigned to the file?
- 11 A That would be during that time period.
- 12 Q Okay. And you've looked at, you've looked at the
- 13 file since, and you know -- you've seen how it's -- what's
- 14 happened with the file. Should the support worker have
- 15 stayed in place?
- 16 A It's difficult to say.
- 17 Q As a supervisor.
- 18 A As a supervisor what, what I do know in looking
- 19 at the file is that it was renewed for the one month period
- 20 in between workers to allow Delores to meet with the family
- 21 to discuss whether or not support resources were still
- 22 needed, required, or wanted by the family. I don't see any
- 23 evidence that that occurred, although I do understand from
- 24 the documentation that the in home support worker did
- 25 continue until December. There is nothing to indicate that

- 1 the family was not doing well at the time that she
- 2 finished. She had positive reports about the family, so
- 3 outside of that I can't comment, other than it may have
- 4 been a lapsing of service or a natural ending. There's
- 5 nothing that would indicate to me that there was a need for
- 6 in home support services, based on the concerns or reports
- 7 coming to the agency.
- 8 Q Still looking at the service agreement if we look
- 9 at number 3 it says:

- "Samantha and Steve will work
- 12 cooperatively with the Agency
- 13 Family Services Worker, this
- 14 includes meeting with the worker
- on a regular basis and allow the
- worker access to the family home.
- 17 Samantha and Steve will also
- 18 cooperate with the Agency worker
- 19 regarding further exploration of
- issues related to substance use
- 21 and family violence."

2.2

23 BY MR. OLSON:

- 24 Q The, the meeting with the family on a regular
- 25 basis that's something that the agency would be responsible

- 1 for; is, is that right?
- 2 A It was, it was a joint responsibility. The
- 3 agency jointly with the family were expected to be meeting
- 4 regularly. One of -- this was a typical clause within
- 5 family support service agreements that was utilized wherein
- 6 there was some impetus to ensure that families were
- 7 allowing access to workers to the family home, rather than
- 8 having to get orders to do so, like an order of
- 9 supervision. If we're engaged with families and they're
- 10 cooperating we want to ensure that they understand that we,
- 11 we need to have access to their home and to be able to come
- 12 into their home.
- 2 So the obligation then on the, on the part of the
- 14 client, the family, is when the worker shows up for the
- 15 visit to cooperate with them?
- 16 A That would be correct.
- 17 Q And in order -- that the worker has to first show
- 18 up for the visit, right, so ...
- 19 A That would also be correct.
- 20 Q Okay. So in order to fulfill this particular
- 21 part of the service agreement the worker has to attend the
- 22 home for the visits?
- 23 A Right.
- Q Okay. And that -- would that be the assigned
- 25 family service worker at the time --

- 1 A Yes.
- 2 Q -- that would be expected to do that?
- 3 A Yes.
- 4 Q And in terms of the frequency of the visits where
- 5 it says "a regular basis" was there an understanding as to
- 6 what that meant?
- 7 A There's nothing that indicates what that would
- 8 be. I don't know what the, what the intention was of the
- 9 worker in communicating that with the family. Essentially
- 10 the standards, the 1988 program standards, would have
- 11 indicated the required frequency of contact at that time,
- 12 and I would imagine that that would be what my expectations
- 13 would have been for that type of contact, it would have
- 14 been according to what the standards dictated.
- 15 Q So the contact under this service agreement would
- 16 be dictated by the standards at the time?
- 17 A Right, in terms of -- dependant upon the risk
- 18 assessment and the family information that we had at hand,
- 19 and what the standards were indicating at the time that
- 20 would dictate what regular contact would look like, but in
- 21 order to know what that meant I would have to look back at
- 22 the '88 program standards to see how they applied. That
- 23 would have been the benchmark that I would use.
- Q Okay. So even though, even though this was a
- 25 specific service agreement with this family it would be a

- 1 standard that you look at in terms of defining how frequent
- 2 the visits should be?
- 3 A That's correct, and in that sense it may not be
- 4 as concrete or clear to the family, this is what we would
- 5 think it would be --
- 6 Q Right.
- 7 A -- if it's not saying weekly or biweekly, regular
- 8 can be open to interpretation.
- 9 Q Okay. And do you know what you would have --
- 10 what kind of discussion you would have had with the worker,
- 11 the assigned worker, in terms of how frequently they should
- 12 be meeting with the family?
- 13 A Well, I believe that my discussion would have
- 14 happened in the November 14th supervision where I had gone
- 15 over the case and indicated that the worker needed to
- 16 attend, meet with the family, gather additional information
- 17 on how things were going. My assumption would have been
- 18 and my expectation would have been to also speak with
- 19 anyone else that was involved, including the in home
- 20 support, and then based on that conversation we would then
- 21 look at where do we go from here. Case plans are dynamic,
- 22 they're ongoing, they need to be fed by updates and
- 23 information on progress and reports of others, so I don't
- 24 know that I would have directly said, this is what that
- 25 contact looked like, or needs to look like. I would have

- 1 wanted an update and a meeting with the family, and then we
- 2 would have discussed further.
- 3 Q Based on the situation at the time the service
- 4 agreement was entered into how frequently did you expect
- 5 the worker to meet with the family?
- 6 A Well, at that point it would, it would appear
- 7 that if the worker was meeting weekly with the family there
- 8 was an in-home support worker that was going in biweekly.
- 9 That also constituted part of the agency contact with the
- 10 family to ensure that there was somebody in the home that
- 11 was also seeing what was going on, and was able to provide
- 12 information and observations.
- 13 Q But the question is specifically with respect to
- 14 the agency family services' worker.
- 15 A Right. At the time that this was signed.
- 16 Q Right.
- 17 A So that would be September 5th?
- 18 Q Right.
- 19 A In my understanding with that, especially based
- 20 on a reunification, that it would be weekly.
- 21 Q The worker would be there weekly?
- 22 A Right.
- 23 Q Okay. And how long did you anticipate that the
- 24 weekly visits would occur?
- 25 A There's no, there's no anticipated time. It

- 1 would depend upon reports and ongoing information on
- 2 progress to date, ongoing assessment of how the family was
- 3 functioning, and then that could determine when and if that
- 4 contact frequency would change.
- 5 Q Okay. A reference to the further exploration of
- 6 the issues related to substance use and family violence.
- 7 A Yes.
- 8 Q What was the expectation there?
- 9 A When looking at the August 29th case note of
- 10 supervision from Kerri-Lynn Greeley it appears that those
- 11 were two areas that were discussed as we were completing
- 12 our assessment of risk prior to returning the child that we
- 13 appeared to not have very much information about. Those
- 14 are very critical areas to explore, and when doing a risk
- 15 assessment if you don't have information in particular
- 16 areas while you don't have concerns, you would want to be
- 17 canvassing for more information to determine whether or not
- 18 they're at risk, so they were identified early on as not
- 19 having sufficient information and the direction had been
- 20 that we needed to do further exploration.
- 21 Q So in terms of the obligations here it would be
- 22 up to the worker to ask the questions and do the
- 23 investigation into, into the issues related to substance
- 24 use and family violence?
- 25 A That would be correct.

- 1 Q Okay. And the obligation on the clients is to
- 2 cooperate with that?
- 3 A Right.
- 4 Q Do you know in this file if that -- if any of
- 5 that was done while you were the supervisor?
- 6 A I do know that -- I, I recall in reading through
- 7 the case notes, I believe it was on a September 5th case
- 8 note, from Kerri-Lynn Greeley, I can take a look for that.
- 9 Yes, I can give you the document page number,
- 10 37299. It's a case note from it appears to be Kerri-Lynn
- 11 Greeley where she has had a telephone contact with Nikki
- 12 Taylor. During that telephone contact with -- it involved
- 13 collateral, she is canvassing that collateral who knows the
- 14 family at that point, and has a relationship around issues
- 15 of alcohol abuse and domestic violence, so I do know that
- 16 there was some attempt at that point to gather some
- 17 information from other involved collaterals if they had any
- 18 observations that may be of concern.
- 19 O So here we have Ms. Greeley asking Nikki Taylor
- 20 if she's aware of any concerns about alcohol?
- 21 A If she's observed any concerns, or is aware of
- 22 any as an involved collateral.
- Q Okay. Or any violence between the couple?
- 24 A That's right.
- Q Okay. And aside from this reference here was

- 1 there anything else you're aware of?
- 2 A That's the only note or document that I saw in my
- 3 review of the information that specifically addressed that
- 4 issue.
- 5 Q And as a supervisor would you expect the worker
- 6 to make notes of any further attempts to address those two
- 7 issues?
- 8 A Yes.
- 9 Q Okay. I just wanted you to take a look now at
- 10 Ms. Greeley's transfer summary, 37025. This is dated
- 11 October 2, 2000. And -- so just go to page -- first of all
- 12 this is a transfer and you were the supervisor, so is this
- 13 a document you would have been aware of and reviewed?
- 14 A Yes.
- Okay. And if we go to page 37033 your name
- 16 appears and Ms. Greeley's name appears, although the
- 17 document's not signed.
- 18 A Yes.
- 19 Q And do you know why that is?
- 20 A It would appear that this may be a copy, a copy
- 21 of the original document is generally kept on the case
- 22 file, but case transfer summaries are also attached to the
- 23 CFSIS recording, and if printed off of CFSIS they may
- 24 appear without a signature.
- 25 Q Okay. So despite there being -- you're not --

- 1 your actual signature is not on the page; are you saying
- 2 that you would have reviewed this document and actually
- 3 signed off on it at some point?
- 4 A I believe that I would have.
- 5 Q Okay. And when it says "date completed October
- 6 2, 2000" would that be the date you reviewed it and signed
- 7 off on it?
- 8 A No, that would have been the date that the social
- 9 worker completed the summary. Depending on how many
- 10 summaries I was receiving at that time the date that I
- 11 actually reviewed it and signed off would be different.
- 12 Q Okay. And how -- in relation to October 2, 2000
- 13 when would you have signed off on this?
- 14 A I'm not clear on when that would have occurred.
- 15 Q Okay. Was there -- did you have a general
- 16 practice, a number of days or within a week?
- 17 A Well my general practice was to try to do it as
- 18 quickly as possible because -- to ensure that the
- 19 information was reviewed, that no further changes needed to
- 20 be made while a worker was still available to do that, and
- 21 to also make determinations around whether or not that
- 22 matter required a reassignment, rather than waiting for a
- 23 new worker.
- In terms of when I may have signed off on it the
- 25 only thing I can think of that might correspond to that is

- 1 that there are documents that are attached to the child
- 2 welfare system, and it would show the date that it was
- 3 attached, and I would have definitely have signed it off
- 4 before that date in order for it to be attached, so the
- 5 only way I would be able to gather some of that
- 6 information, or be able to speak to it, would be to know
- 7 that information and if it showed up on -- if it was on
- 8 CFSIS that would give some indication as to the window.
- 9 Q And you said you might have some changes that
- 10 would have to be made?
- 11 A Sometimes there were changes that were required.
- 12 If I reviewed a transfer summary and I felt that there was
- 13 not sufficient information provided, based on my knowledge
- 14 of the case, or from reading the review, that left a lot of
- 15 clarity I could send that back to the worker to get further
- 16 information, or if there was excluded information I could
- 17 ask for that to be included. My intent was to ensure it
- 18 was a complete, accurate reflection of that, of that
- 19 involvement, and the issues that were identified.
- 20 Q Okay. So you want to make sure it's a complete
- 21 and accurate reflection of the involvement?
- 22 A That's right.
- 23 Q Okay. And how much time would you spend with a
- 24 document like this?
- 25 A It all varied on the length of the documents.

- 1 This was a fairly detailed document so I would want to read
- 2 it carefully, and to ensure that I wasn't trying to rush
- 3 doing that so that I could understand the material. I
- 4 can't speak to how long that would take me. I would take
- 5 whatever time it took me to feel confident that I had
- 6 reviewed it completely.
- 7 Q And when you did that review would you go back
- 8 and look at the file itself?
- 9 A It would depend on the content of the transfer
- 10 summary, so if there was an assessment on file that was a
- 11 written, formal assessment I may want to look at that. If
- 12 they're referencing that document or if there were other
- 13 documents that were of interest to me I may go to the
- 14 physical file to look at those.
- 15 Q And do you recall if you did that in this case?
- 16 A I don't recall whether or not that was the case
- 17 in this, in this matter.
- 18 Q Just, just for the record there is a similar
- 19 document on Phoenix's child-in-care file, which is signed
- 20 by you, but not Ms. Greeley, and that's at page 37 ...
- MR. MCKINNON: 37597.

2.2

23 BY MR. OLSON:

- 24 Q And so this -- would -- this document, I take it,
- 25 then is also put onto the child-in-care file?

- 1 A The child-in-care closing summary?
- 2 Q Right.
- 3 A Yes, this is the summary that would go on the
- 4 child-in-care file.
- 5 Q Okay. And so you would have reviewed that as
- 6 well?
- 7 A Yes, I would review that document, as well as the
- 8 family file document.
- 9 Q Okay. And at this point the child in care file
- 10 would be closed because Phoenix has now been returned to
- 11 her parents; right?
- 12 A That's correct.
- Okay. But the document itself would be fairly
- 14 similar to the document that Ms. Greeley prepared for the
- 15 transfer summary; is that ...
- 16 A I'm sorry, could you repeat that.
- 17 Q Would the, would the closing summary on the
- 18 child-in-care file would that be essentially the same as a
- 19 transfer summary?
- 20 A A child-in-care transfer summary or a family
- 21 transfer summary?
- 22 Q This, this particular child-in-care closing
- 23 summary --
- 24 A Right.
- 25 Q -- you've seen it?

- 1 A Um-hum.
- 2 Q And you've seen Ms. Greeley's transfer summary of
- 3 the Kematch file; is it essentially the same document?
- 4 A No, they're different documents in the sense that
- 5 there is some similarity in information, particular around
- 6 involvement with the family and the agency. The child-in-
- 7 care transfer summary -- or closing summary, however,
- 8 contains a lot of child specific information, so it's also
- 9 meant as a way to provide information around a child's
- 10 physical, personality description, any types of
- 11 developmental milestones, et cetera that occurred during
- 12 the time that that child was in the agency's care up until
- 13 the point of closure, so while there may be some similar
- 14 information from the involvement with the family there is a
- 15 portion of the closing summary on a child-in-care file that
- 16 is specific to the child.
- 17 THE COMMISSIONER: So that's -- this isn't, this
- 18 isn't the document that was on the child-in-care file then
- 19 if it's identical to the one that we just had up on the
- 20 screen that had neither signature?
- 21 THE WITNESS: The one that had neither signature
- 22 was the transfer summary on the family file.
- THE COMMISSIONER: And what is this?
- 24 THE WITNESS: This is the closing summary on the
- 25 child-in-care file for once Phoenix was returned home, her

- 1 child-in-care file would have to be closed.
- THE COMMISSIONER: Well, let's, let's see the top
- 3 of this. What's it called?
- 4 MR. OLSON: So the, so the document starts at
- 5 37586, Commission disclosure 1797.
- 6 THE COMMISSIONER: This is, this is the top of
- 7 the document there now; is it?
- 8 MR. OLSON: Yes.
- 9 THE WITNESS: That's correct.
- 10 THE COMMISSIONER: And it was prepared at the
- 11 same time as the other document?
- 12 THE WITNESS: It was prepared at the same time,
- 13 although Phoenix would have returned home on September 5th.
- 14 It wasn't unusual, and according to standards and
- 15 expectations workers could have up to 30 days to do their
- 16 paper recording to close the file. That was an accepted
- 17 practice. It appears that Kerri-Lynn Greeley was doing
- 18 her, her transfer summaries at the -- early October so as
- 19 she hadn't done the child-in-care closing she did both at
- 20 the same time, so that's why they both have the same date.

- 22 BY MR. OLSON:
- 23 Q And this is the first time this document's been
- 24 referred to, so I just want to take a minute to look
- 25 through it. You would have been the supervisor at the time

- 1 this was, this was -- the file was closed; right?
- 2 A Yes, that's correct.
- 3 Q And so when you, when you scroll down a bit
- 4 you'll see that you have the worker's background about the
- 5 child, mother, father, birth date, that sort of thing. If
- 6 we go to the next page some relatives are mentioned.
- 7 A That's right.
- 8 Q Child's, child's physician, and here it indicates
- 9 the parents need to identify a pediatrician. That was the
- 10 case when -- on October 2, 2000?
- 11 A I'm sorry, what are you referring to right now?
- 12 Q If you look on the screen in front of you, see
- 13 where it says "child's physician"?
- 14 A Yes.
- Okay. So when this was prepared October 2, 2000
- 16 the parents were still looking for a physician; that's what
- 17 this is indicating?
- 18 A That would be what's indicated.
- 19 Q Okay. And then you look "Other
- 20 Agencies/Professionals" so those are the same names that we
- 21 saw previously, Nikki Taylor, Mary (sic) Belanger?
- 22 A Yes.
- 23 Q Okay. If you could scroll. And then this gives
- 24 a similar background as to why Phoenix was originally
- 25 apprehended?

- 1 A That's right.
- 2 Q Okay. And all this sort of information would,
- 3 would be in Ms. Kematch's file as well?
- 4 A In the, in the transfer summary that was sent
- 5 over and then also in the intake transfer summary.
- 6 Q And if -- and keep going with the document. The
- 7 next page, please.
- 8 It has "Record of Contact"?
- 9 A That's right.
- 10 Q Okay. And here it says:

- 12 "This worker has had regular
- 13 contact with Phoenix, I visited
- 14 with her every week before her
- 15 access visits at the agency
- 16 office. This worker also had
- 17 regular telephone contact with her
- 18 foster mother."

- 20 And the purpose of that paragraph?
- 21 A Is to outline the amount of contact that the
- 22 worker has maintained with the child while they've been in
- 23 the agency's care, and also contact with the child's
- 24 caregivers, there were standards about that.
- Q Okay. And then under "Brief History of Agency

- 1 Involvement" that's going to be very similar to what was in
- 2 Ms. -- is in Ms. Kematch's transfer summary?
- 3 A That's correct.
- 4 Q Okay. If we could keep going down. The next
- 5 page.
- And under "Recent Agency Intervention with the
- 7 Family" again that would be fairly similar to what was in
- 8 Ms. Kematch's transfer summary?
- 9 A Yes.
- 10 Q Okay. And if we go to the next page. Keep
- 11 going. And if you would go to the next page.
- 12 And here you'll see that -- the, the list of the
- 13 findings of Dr. Altman are reproduced, again that's the
- 14 same thing we'd see in Ms. Kematch's?
- 15 A That's correct.
- 16 Q Okay. Go to the next page.
- Now, if you look on this page it has "Child's
- 18 Physical and Personality Description," and it says:
- 19
- 20 "Phoenix is a very beautiful five-
- 21 month-old Aboriginal girl. She has
- 22 short dark hair and dark eyes. She
- is becoming very personable and
- 24 likes to smile often. Her foster
- 25 mother reported that she was a

1 very easy baby to care for."

- This isn't something that you've seen in Ms.
- 4 Kematch's transfer summary; is it?
- 5 A No, it wouldn't be in the family summary.
- 6 Q Okay. And is there a reason why this sort of
- 7 description is in the child-in-care file?
- 8 A Well, a child-in-care file is a record of that
- 9 child's time while in agency care, and indicates all
- 10 relevant information pertaining to all activities that
- 11 occurred and medical intervention, et cetera, while that
- 12 child was under the care of the agency. That's where this
- 13 information is contained on those files. It's not
- 14 necessarily contained on the family's file, but the files
- 15 are associated to each other.
- Okay. But once the child's out of care, out of
- 17 the agency's care, that file is closed; right?
- 18 A The child-in-care file is closed, however, should
- 19 that child re-enter care with the same agency it can be
- 20 reopened.
- 21 Q Okay. But the information about the child is
- 22 there a reason why that would then be put onto the family
- 23 file?
- 24 A I, I don't have any answer for that.
- 25 THE COMMISSIONER: So when Phoenix came back into

- 1 care the file that had been closed would have been
- 2 reopened?
- 3 THE WITNESS: When -- if Phoenix came back into
- 4 care with Winnipeg Child and Family Services they would
- 5 reopen the file, so the prior involvement with Winnipeg
- 6 Child and Family Services, and this closing summary that
- 7 was prepared, would be available to the next worker.
- 8 THE COMMISSIONER: She did come back into care --
- 9 THE WITNESS: Right.
- 10 THE COMMISSIONER: -- so it would have been a
- 11 reopening that occurred?
- 12 THE WITNESS: That's right.

- 14 BY MR. OLSON:
- 15 Q So just going back to Ms. Greeley's transfer
- 16 summary, which was at 37025. So Ms. Greeley's completing
- 17 this October 2, 2000. Do you know when she would have
- 18 actively stopped working on this particular file?
- 19 A I believe that she had -- the information I have
- 20 from, from my counsel, Mr. McKinnon, was that it was
- 21 approximately October 14th that she had moved positions.
- 22 October 14th?
- 23 A That's right.
- Q Okay. And after that was there another worker
- 25 assigned before Ms. Chief-Abigosis?

- No, the typical practice that occurred at the 1 Α 2 agency is that when workers left the agency, and we were filling the vacancy, case files would be assigned to the 3 current supervisor as both worker and supervisor until a 4 5 new worker was assigned to that case, so during that process supervisors didn't necessarily go out and do direct 6 7 service work. They might have covering workers that would go out and do required service with families. They might 8 have arrangements in place where people are aware that the 9 10 contacted under supervisor needs to be circumstances, and then somebody would be arranged to go 11 12 out, so while supervisors were routinely assigned as 13 worker/supervisor it was not the expectation that they were
- Q Okay. And so when Ms. Greeley signed, signed off on her transfer summary was it your expectation that you would fulfill the role of worker, slash, supervisor on this case?

actively working the cases directly.

A No, my expectation that -- I, I was assigned as worker and supervisor, but essentially my duties were primarily as supervisor. I did meet with staff transitioning from the agency to ensure that they did a closure process with the people that they were working with and collaterals, and that they had all been informed that they were leaving, and who to contact should, should

- 1 something emerge, or to have a plan in place, so in some
- 2 circumstances I would have already put into place covering
- 3 workers for some cases. For other cases there may have
- 4 just been communicated plans of knowing that that worker is
- 5 away and who to contact in the interim, but I, I did not
- 6 expect that I was going to be acting in the capacity of a
- 7 direct service worker providing direct service during that
- 8 time. I would make arrangements for other workers to do
- 9 that.
- 10 Q Okay. In this case there was about a month gap
- 11 between workers; right?
- 12 A That's right.
- 13 Q And so during that month gap who would be
- 14 responsible, for example, for ensuring there was regular
- 15 contact with the family?
- 16 A Well there was regular contact occurring with the
- 17 family on, on the part of the agency through the provision
- 18 of the in-home support worker who was attending the home on
- 19 a bi-weekly basis, so that was still an agency
- 20 representative that was present in the home, and that could
- 21 report back, should the need arise.
- 22 Q And was, was that sufficient to you as supervisor
- 23 in terms of --
- 24 A At that, at that particular time the family was
- 25 engaging and was participating in programming, had

- 1 completed some of the recommendations, there had been no
- 2 concerns identified that would have prompted more, more
- 3 concerns around reassignment of the case, so it was seen as
- 4 sufficient in the interim with the understanding that
- 5 should that change that I was to be contacted, and we would
- 6 certainly review it.
- 7 Q So this is something Ms. Greeley would have told
- 8 the support worker that if there's an issue contact you?
- 9 A I would imagine that she would have communicated
- 10 whatever the agreed upon plan was in the interim upon her
- 11 leaving. I am aware that I was contacted by the in-home
- 12 support worker by telephone, so in terms of ensuring that
- 13 continuation of services would occur the support worker did
- 14 contact me, so I can only deduce from that that she was
- 15 aware that she could contact me in the interim.
- 16 Q And was that with respect to renewing her
- 17 contract?
- 18 A That's correct.
- 19 Q Okay. And that's something that you did?
- 20 A I did that, yes.
- 21 Q Okay. But during that month gap did you ever
- 22 meet with the family?
- 23 A No, I did not.
- Q Okay. And aside from the family support worker
- 25 did anyone else from the agency meet with the family?

- 1 A No, there was no one else from the agency, but I
- 2 believe that collaterals continued to be involved as well.
- 3 Q Okay. And so just having the family support
- 4 worker in there at that time in your view was sufficient to
- 5 meet the conditions in the service agreement?
- 6 A I think at that time that was my decision that,
- 7 that it was sufficient, that we had presence in the home
- 8 and we had community collaterals involved who would engage
- 9 with the family, and the family was reported to be doing
- 10 well at that time. That had been my communication with the
- 11 in-home support worker when they contacted in particular on
- 12 October 30th as well.
- 13 Q At the time Ms. Greeley was leaving her position
- 14 what was the case plan that she -- that was identified from
- 15 her transfer summary? If you'd look at page 37032.
- 16 A Which page were you referring to?
- 17 Q Sorry, first let's look at page 37032. Under
- 18 "Family Assessment and Case Plan" --
- 19 A Yes.
- 20 Q -- is that where the case plan was contained?
- 21 A Yes.
- 22 Q Okay. And what was the case plan, what was your
- 23 understanding?
- 24 A Well my understanding from reviewing this is that
- 25 up until this point in time, during the course of the three

1	month temporary order that the parents had been reading the
2	expectations, and that Phoenix had returned to the home and
3	was residing. Based on the positive community reports, and
4	also the in-home support worker reports that the parents
5	were meeting basic needs. Given their gains, and the
6	personal improvements, and that it was a fairly new
7	reunification the expectation was that we were going to
8	continue to be involved with the family through the course
9	of our service agreement, and continue to monitor and
10	review the conditions and expectations in six months time,
11	so we would continue involvement, continually reviewing
12	and, and see and continue to support the family.
13	Q Where it says in this assessment in the second
14	paragraph that:
15	
16	"Now that Phoenix is in their
17	care"
18	
19	Do you see that?
20	
21	" ongoing assessment of their
22	abilities to effectively meet her
23	needs and provide her with a safe
24	and nurturing home is necessary."

- 224 -

- 1 A Right.
- 2 Q That was part of the plan?
- 3 A That was part of the plan and part of the role of
- 4 the in-home teaching support worker.
- 5 Q And was it the, the teaching support worker who
- 6 was going to do the ongoing assessment of the, the parents'
- 7 abilities to effectively meet Phoenix's needs?
- 8 A She would be part of that in terms of providing
- 9 information and parenting education, and reporting back on
- 10 the parents' ability to implement what their -- what they
- 11 were learning and how they were able to utilize that. She
- 12 would inform part of that assessment, she solely would not
- 13 be responsible for doing that, but she would be part of the
- 14 information that we would be seeking in order to do that
- 15 assessment.
- Okay. Did she report back in writing?
- 17 A I believe that the support workers did submit
- 18 written reports to the agency.
- 19 Q Okay. And in reviewing the file did you see any
- 20 reports from her?
- 21 A No, I didn't see -- in the material that I was
- 22 provided there were no notes in those.
- 23 Q Would those notes normally be on the file?
- 24 A They would normally be brought forward for the
- 25 file. I think that there was a regular reporting process

- 1 and that support workers would submit to their supervisors,
- 2 who would then submit to the agency workers. I don't know
- 3 what happened in this case where the files were not on the
- 4 material that I looked at, but they typically did get
- 5 forwarded for the case file.
- 6 Q And so in, in seeing that they're not on this
- 7 file is that, is that unusual?
- 8 A That would be unusual.
- 9 Q So you said the family support worker would be
- 10 one way of fulfilling that plan, the plan to do ongoing
- 11 assessment?
- 12 A That's correct.
- 13 Q And how else would that plan be fulfilled?
- 14 A That plan could also be fulfilled through having
- 15 the parents attend and complete parenting programs and
- 16 getting feedback from the programs on how the parents did
- 17 within the programs, what the -- what their perceptions
- 18 were around the information and how they were integrating
- 19 that information.
- 20 Q Okay. So the information -- you'd want
- 21 information gathering with respect to how the parents did
- 22 in programs they attended?
- 23 A That would be correct.
- 24 Q Okay. And so that would require some
- 25 communication with whoever offered the program?

- 1 A That's correct.
- 2 Q Would the program have to be approved by the
- 3 agency?
- 4 A Generally speaking we would have to be in
- 5 agreement with the program that the family was considering
- 6 taking. I'm not sure that approval is the appropriate
- 7 word. We would have to agree that it was an appropriate
- 8 program.
- 9 Q Was it expected that you would be -- the worker
- 10 would be given some evidence that a program had been
- 11 completed?
- 12 A Yes, it was not uncommon to request program
- 13 completion certificates or some kind of report from the
- 14 organization to substantiate what the, what the parents may
- 15 be stating that they, that they completed.
- 16 Q And at the time that Ms. Greeley transferred do
- 17 you know if there was any -- if the parents had completed
- 18 any programming?
- 19 A I would have to look back at the notes to
- 20 determine whether or not she indicated submission of
- 21 documents.
- 22 Q Okay.
- 23 A If there was submission of documents they would
- 24 be contained on the family file, copies of the documents
- 25 that's where they would be placed.

- 1 Q And when you say "submission of documents" are
- 2 you talking about some sort of certificate of completion,
- 3 or something --
- 4 A Yes.
- 5 Q -- from the program itself? Okay.
- 6 A Yes, often times families would be asked to bring
- 7 those in and, and the agency would make a copy and place a
- 8 copy on the case file.
- 9 Q Okay. And is that because you want some
- 10 verifiable evidence that something has happened in terms of
- 11 the training?
- 12 A That's correct.
- Okay. And you've had a chance to look over the
- 14 file. Did you see any, any evidence that training had been
- 15 completed?
- 16 A I don't -- I didn't see any documents to that
- 17 effect in the material that I reviewed that I can recall.
- 18 Q Okay. In terms of the ongoing assessment was
- 19 there an obligation on the family service worker to
- 20 continue to attend the home?
- 21 A Yes.
- 22 Q And that would still be on a regular basis?
- 23 A Yes.
- Q Okay. And they -- that's because a family
- 25 service worker has training and experience that a family

- 1 support worker wouldn't have?
- 2 A That would be correct.
- 3 Q Okay. And a family support worker wouldn't be a
- 4 suitable proxy for a social worker?
- 5 A No, they have two different roles, and the social
- 6 worker would be the mandated worker that was attending the
- 7 home.
- 8 Q And so then to rely on the family support worker
- 9 to do the continual assessment, in the absence of, of a
- 10 family service worker, that wouldn't fulfill that
- 11 condition?
- 12 A On a temporary basis I think that the work could
- 13 continue with the family, it would be I think not helpful
- 14 to families to stop all processes because there's a change
- 15 in worker. That at the time the family was described as
- 16 stable, and engaged, and participating it allowed the
- 17 family an opportunity to continue to do that. There was no
- 18 indication that there was any concerns at the time, and
- 19 thus allowing the support worker to continue to do what
- 20 they were doing to continue to work with the family, to
- 21 collect information could still be brought forward when the
- 22 new worker came on in a couple of weeks, and then taken
- 23 further, so I don't believe that the family support worker
- 24 was charged with doing assessing. They were charged with
- 25 their duties to work with the family and continue their

- 1 education and support with the understanding that there
- 2 would be a couple of weeks further into the process before
- 3 the social worker would come back in to do the assessment,
- 4 and reassess where things were at.
- 5 Q If you look at page 37032, which is on the screen
- 6 right now, the third paragraph, it says:

- 8 "Given the family's gains and
- 9 personal improvements are still
- 10 fairly new, the parents are
- 11 required to follow all of the
- 12 conditions outlined in the service
- agreement they signed on September
- 14 5, 2000, it is to be reviewed in
- 15 six months."

- What's the reference to it being reviewed?
- 18 A Well the review would be a review both by the
- 19 worker with myself as supervisor, but also a review with
- 20 the family as to whether or not the conditions and
- 21 expectations have been reached. Some may have been
- 22 completed, some may be ongoing, some may be outstanding, so
- 23 the review is a review with the family as well as an agency
- 24 review.
- 25 Q And what would that review involve?

- 1 A Pardon me?
- 2 Q What would, what would that review involve?
- 3 A I'm not sure what you're asking.
- 4 Q Well the review of the service agreement would
- 5 that involve sitting down with the family and going through
- 6 it, or is it the worker doing it?
- 7 A Well, it's difficult to do a review without
- 8 gathering information from all of those that are involved
- 9 with the family as part of the service agreement, and as
- 10 part of the plan, so the worker would need to speak with
- 11 the family, the worker would need to speak to the in-home
- 12 supports, the worker would need to speak to other community
- 13 collaterals that were involved with the family. They would
- 14 need to gather all of that information and pull that
- 15 together in order to do a reassessment, and then that would
- 16 be reviewed in conjunction with the supervisor to determine
- 17 have they met what the agency was expecting of them, or
- 18 requiring of them.
- There's also a possibility in the process of
- 20 doing this review that we may find that there are other
- 21 needs (inaudible), or other issues that, that arise or
- 22 other supports that are required so the review also
- 23 identifies -- it's an ongoing dynamic process so it
- 24 identifies also are there some other areas or, or case
- 25 planning that we need to do in order to meet some other

- 1 identified needs or concerns.
- 2 Q Okay. What's the goal of the plan ultimately?
- 3 A The goal of the plan at this point was to
- 4 maintain hopefully successfully reunify and maintain the
- 5 child within the family home, in a safe way, to support
- 6 families. The, the Act is really clear that Child and
- 7 Family Services has the dual mandate of not only protecting
- 8 children, but also supporting families, and those would
- 9 both be present in this case. That there was some aspect
- 10 of ensuring the child's safety and protection, and then
- 11 also working at trying to support families to safely parent
- 12 their child as well.
- Okay. So protecting, protecting the children?
- 14 A Right.
- 15 Q And supporting the family?
- 16 A Right.
- 17 Q Those are the two things that you were hoping the
- 18 plan would accomplish?
- 19 A Well -- and that's our mandate. The child
- 20 welfare mandate under the Act is to protect children and
- 21 support families, and in this case the initial course of
- 22 the plan leading up to her reunification was dealing with
- 23 the safety concerns, and then on her reunification it was
- 24 continued to look at supporting the family and ensuring her
- 25 safety.

- 1 Q And was, was that plan ever reviewed at any
- 2 point?
- 3 A The plan -- the service agreement and plan would
- 4 have been reviewed on February 5th at a supervision that I,
- 5 I reviewed during the document. I know that on November
- 6 14th I reviewed it with Delores. There was indication that
- 7 one of my supervisor notes did enter into these documents,
- 8 and then I do see that it was again discussed on February
- 9 5th.
- 10 Q February 5th, so that -- those two times were the
- 11 -- were those the only times it was reviewed?
- 12 A Those are the only times that I can see evidence
- 13 that it was.
- 14 THE COMMISSIONER: That's the five month
- 15 agreement?
- 16 THE WITNESS: That, that would have been at --
- 17 that would have been a month prior to the expiry of the
- 18 agreement.
- 19 THE COMMISSIONER: The expiry.
- 20 THE WITNESS: That's right.
- 21 THE COMMISSIONER: So November 14th and, and ...
- 22 THE WITNESS: November 14th and February 5th I
- 23 believe were the dates. I can double check those dates.
- 24 THE COMMISSIONER: And what -- you, you reviewed
- 25 the progress under the plan on those occasions?

- 1 THE WITNESS: With the worker --
- THE COMMISSIONER: Okay.
- 3 THE WITNESS: -- and their supervision.

5 BY MR. OLSON:

- 6 Q And so where it says "the plan is to be reviewed
- 7 in six months" is that, is that February 5th, supervision;
- 8 is that what fulfilled that condition?
- 9 A That would have been leading up to the six month
- 10 expiry date of that service agreement, so being aware that
- 11 that service agreement was set to expire in a month it was
- 12 looking at where are we at, and what information do you
- 13 have to date as to progress.
- 14 THE COMMISSIONER: The worker that you did that
- 15 review with was whom?
- 16 THE WITNESS: It would be Delores Chief-Abigosis.
- 17 THE COMMISSIONER: On each occasion?
- 18 THE WITNESS: The November 14th would have been
- 19 upon her first initially getting the case and February 5th
- 20 it would have been with, with her again prior to the expiry
- 21 date.
- THE COMMISSIONER: Thank you.

23

24 BY MR. OLSON:

25 Q And just -- when you met with her on the February

- 1 5th date that was for regular supervision?
- 2 A It appears that it may have been a regular
- 3 supervision. Typically the notes that I documented were
- 4 from regularly bi-weekly supervision, and sort of on the
- 5 spot or drop-by consultation was not always documented in
- 6 notes, so that I would assume was a bi-weekly supervision
- 7 that had been identified to be reviewed for.
- 8 THE COMMISSIONER: Now, are you about -- going to
- 9 something new?
- MR. OLSON: Yeah, yeah.
- 11 THE COMMISSIONER: I gathered that, so perhaps
- 12 this is the appropriate time to break then.
- MR. OLSON: I think so.
- 14 THE COMMISSIONER: All right. Witness, I guess
- 15 you'll have to come back tomorrow morning.
- 16 THE WITNESS: All right. Thank you.
- 17 THE COMMISSIONER: Thank you. So we'll adjourn
- 18 now until nine-thirty tomorrow morning.
- 19 MR. OLSON: Thank you.
- THE COMMISSIONER: You can leave the stand.
- 21 THE WITNESS: Thank you.

23 (PROCEEDINGS ADJOURNED TO NOVEMBER 28, 2012)