

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous Services Canada)**

Respondent

- and -

**CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL and
NISHNAWBE ASKI NATION**

AFFIDAVIT OF DEBRA BURKE-LACHAINE

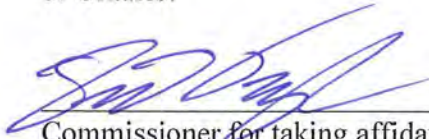
**I, Debra Burke-Lachaine, of the City of Ottawa, in the Province of Ontario, SOLEMNLY
AFFIRM THAT:**

1. I am employed as a legal assistant at Conway Baxter Wilson LLP/s.r.l., counsel for the complainant First Nations Child and Family Caring Society of Canada (“**Caring Society**”) in this matter. I have knowledge of the facts hereinafter deposed to except for those matters which are stated to be based upon information provided by others, all of which information I believe to be true.

2. On December 10, 2019, Robert Frater, Q.C., counsel for Canada, sent an email to Mr. Taylor advising that he and Valerie Gideon had been appointed to engage in discussions with the Caring Society and the Assembly of First Nations regarding the Compensation Process. A true copy of Mr. Frater's email is attached to my affidavit as **Exhibit "A"**.
3. A true copy of a Toronto Star article titled "Ottawa won't say how much it will spend to compensate First Nations children", posted on January 7, 2020, is attached to my affidavit as **Exhibit "B"**.
4. A true copy of a CBC News article titled "Ottawa plans to settle First Nations child welfare class-action lawsuit as it battles tribunal order", posted on November 25, 2019, is attached to my affidavit as **Exhibit "C"**.
5. A true copy of the obituary of Maurina Beadle, retrieved online from <https://angusfuneralhomes.com/tribute/details/1577/Maurina-Beadle/obituary.html>, is attached to my affidavit as **Exhibit "D"**.
6. I have reviewed the Amended Statement of Claim in Federal Court of Canada proceeding T-402-19, *Moushoom et al v Attorney General of Canada*. The Amended Statement of Claim was issued on March 4, 2019 and lists Maurina Beadle as the litigation guardian of Jeremy Meawasige, who is listed as one of the two plaintiffs in this matter.
7. A true copy of a CBC News article titled "Tina Fontaine met social workers, police and health-care workers – but no one kept her safe", posted on February 23, 2018, is attached to my affidavit as **Exhibit "E"**.
8. A true copy of an APTN News article titled "'I'm about to say goodbye': Family of Kanina Sue Turtle made to wait tow years before reading suicide letter", posted on February 20, 2019, is attached to my affidavit as **Exhibit "F"**.
9. A true copy of an APTN News article titled "Death as Expected: Inside a child welfare system where 102 Indigenous kids died over 5 years", posted on September 25, 2019, is attached to my affidavit as **Exhibit "G"**.

AFFIRMED BEFORE ME this
21st day of February, 2020 in the
City of Ottawa, in the Province
of Ontario.

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Commissioner for taking affidavits

David P. Taylor
LSO#635080



DEBRA BURKE-LACHAINE

This is **Exhibit "A"**
to the affidavit of
Debra Burke-Lachaine
sworn before me this
21st day of February, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO# 63508Q

David Taylor

From: Frater, Robert <Robert.Frater@justice.gc.ca>
Sent: Tuesday, December 10, 2019 11:34 AM
To: David Taylor
Cc: Tarlton, Jonathan; MacPhee, Patricia; Peck, Kelly; Binnie, Max; Jones, Meg; David Nahwegahbow; 'Stuart Wuttke'; tmilne@nncfirm.ca; Brian Smith; Jessica Walsh; Maggie Wente; Sinéad Dearman; Julian Falconer; 'Molly Churchill'; Sarah Clarke; Anne Levesque; barbara@mcisaaclaw.com; Doreen Navarro; Deschamps, Adrienne
Subject: RE: T1340/7008 - FNCFCSC et al v AGC

David, thank you for your letter. Valerie Gideon and I have been chosen to engage in discussions with you, and we look forward to meeting with you at the earliest opportunity.

From: David Taylor <DTaylor@conway.pro>
Sent: December 6, 2019 2:13 PM
To: Frater, Robert <Robert.Frater@justice.gc.ca>
Cc: Azevedo, Victoria <Victoria.Azevedo@justice.gc.ca>; Tarlton, Jonathan <Jonathan.Tarlton@justice.gc.ca>; MacPhee, Patricia <Patricia.MacPhee@justice.gc.ca>; Peck, Kelly <Kelly.Peck@justice.gc.ca>; Binnie, Max <Max.Binnie@justice.gc.ca>; Jones, Meg <Meg.Jones@justice.gc.ca>; David Nahwegahbow <dndaystar@nncfirm.ca>; 'Stuart Wuttke' <swuttke@afn.ca>; tmilne@nncfirm.ca; Brian Smith <Brian.Smith@chrc-ccdp.gc.ca>; Jessica Walsh <Jessica.Walsh@chrc-ccdp.gc.ca>; Maggie Wente <MWente@oktlaw.com>; Sinéad Dearman <SDearman@oktlaw.com>; Julian Falconer <julianf@falconers.ca>; 'Molly Churchill' <mollyc@falconers.ca>; Sarah Clarke <sarah@childandfamilylaw.ca>; Anne Levesque <Anne@equalitylaw.ca>; barbara@mcisaaclaw.com; Doreen Navarro <DNavarro@conway.pro>
Subject: T1340/7008 - FNCFCSC et al v AGC

Good afternoon Rob,

Please see attached correspondence of today's date for your attention. Please note that we are looking for a response before noon on Tuesday, December 10, 2019.

Best,

David

David Taylor

Conway Baxter Wilson LLP/s.r.l.
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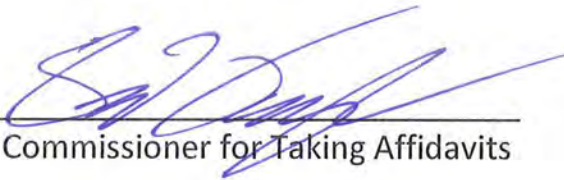


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This is **Exhibit "B"**
to the affidavit of
Debra Burke-Lachaine
sworn before me this
21st day of February, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO # 635080



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FEDERAL POLITICS

Ottawa won't say how much it will spend to compensate First Nations children

By **Alex Ballingall** Ottawa Bureau

Tues., Jan. 7, 2020 | ⌚ 3 min. read

OTTAWA—Canada's Indigenous services minister won't say if there is a limit to how much the federal government is willing to spend to compensate First Nations children harmed through inadequate health and social services.

In an interview with the Star on Tuesday, Marc Miller said compensation is "not a question of numbers" but rather a question of fairness for thousands of First Nations children who have suffered harm, been denied services, or were removed from their communities and placed in foster care due to underfunded programs.

The Canadian Human Rights Tribunal ruled in 2016 that these inadequate services amounted to racial discrimination against First Nations children on reserves and in the Yukon. Last fall, the tribunal ordered Ottawa to pay affected children and their parents or grandparents \$40,000 each in compensation for this "wilful and reckless" discrimination.

A federal lawyer said in November that this could cost up to \$6 billion.

While the Liberal government is [challenging this compensation](#) order in court, Miller said officials from his department and Justice Canada are in discussions to compensate children in a way process that could include more of them, offer payouts scaled to specific harms that might exceed \$40,000 in some cases, and include funding to address systemic issues.

Miller declined to say how much Ottawa is willing to spend but warned failure to come up with a compensation scheme and measures to address a "broken" system could mean the federal government will have to pay even more in the future.

"Numbers can get large. If we don't act now, conceivably in the future we can have litigation which can be equally large—if not larger," Miller said when asked how much the government is willing to spend on compensation.

"These are a series of discussions that I'll have with cabinet colleagues and with government. But there will be a result of (those) discussions that we've had, in order to make sure that children that have been harmed are adequately and fairly compensated."

In challenging the human rights tribunal's compensation order, the government has pointed to how it only includes children harmed after 2006. That's when the case was launched by the Assembly of First Nations and the First Nations Child and Family Caring Society, an advocacy group in Ottawa.

Miller said Tuesday that his department is in discussions with these parties to "potentially merge" the human rights tribunal case with a separate class action lawsuit that was launched last year and would include children harmed after 1991. Payouts could also take into account "the spectrum of experience that children have had when they were under care," Miller said, declining to provide further details because the negotiations are ongoing.

Cindy Blackstock, the caring society's executive director, has repeatedly called on the government to drop its court challenge. In November, she told the Star that Ottawa should compensate children and families according to the human rights tribunal order, and

can pursue additional payouts in a separate process.

“Canada is pursuing its application to quash all financial compensation,” Blackstock said by email Tuesday. “They have consistently opposed any effort to remedy the discrimination during the 13 years of this case.”

RELATED STORIES

Federal court blocks Ottawa’s attempt to pause compensation order for First Nations children

Ottawa challenges order to compensate First Nations children but says it wants to pay up through a different process

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Last year, the Liberal government passed a law to allow Indigenous communities to assume control of their own child welfare services, amid long-standing concerns that Indigenous children are being unfairly removed from their home communities and cultures to be placed in foster care. According to Miller’s department, 52 per cent of children in foster care across Canada are Indigenous — a massive over-representation given they represent less than 8 per cent of the child population.

Miller acknowledged criticisms that the new law doesn’t include any funding commitments to support Indigenous-controlled child welfare, and said implementation could take years as communities assume responsibilities on a case-by-case basis.

Since the law came into effect New Year’s Day, Miller said there is now a “minimum standard” across the country that is designed to prevent the unnecessary removal of Indigenous children from their communities.

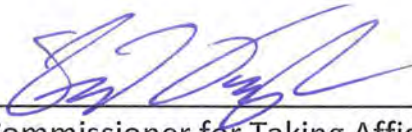
“This isn’t a night and day transformation. This is something that will require constant work from my department and provincial equivalents over the course of, in some cases, years,” he said.



Alex Ballingall is an Ottawa-based reporter covering national politics. Follow him on Twitter: [@aballinga](#)

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David P. Taylor
LSO # 63508Q



Indigenous

Ottawa plans to settle First Nations child welfare class-action lawsuit as it battles tribunal order

Federal ministers announce move to settle as courtroom arguments begin over tribunal compensation order

[Jorge Barrera](#) · CBC News · Posted: Nov 25, 2019 12:59 PM ET | Last Updated: November 25, 2019



Justice Minister David Lametti announced Monday the government would work with the plaintiffs of a class action over failures in the First Nations on-reserve child welfare system. (Adrian Wyld/The Canadian Press)

The Trudeau government announced Monday it's planning to settle a class-action lawsuit filed on behalf of First Nations children affected by the on-reserve child welfare system, while its lawyers launched arguments in a courtroom aimed at torpedoing a human rights tribunal order that it pay compensation to many of the same affected children.

Justice Minister David Lametti and Indigenous Services Minister Marc Miller issued a joint statement that the government would work with plaintiffs' counsel with the goal of moving

forward with certification of a class action filed in March. It seeks \$6 billion in compensation for First Nations children impacted by the on-reserve child welfare system and who were denied health services.

"The Government of Canada is committed to seeking a comprehensive settlement on compensation that will ensure long-term benefits for individuals and families and enable community healing," the statement said.

"The class action model is designed to give individuals the chance to have their interests represented, to address the interests of all impacted individuals and to allow parties to arrive at an appropriate resolution of past harms."

- [Ottawa in court this week over First Nations child-welfare compensation order](#)
- [Ottawa in talks to settle First Nations child welfare class action lawsuit](#)

Under [Jordan's Principle](#), the needs of a First Nations child requiring a government service take precedence over jurisdictional issues over who should pay for it.

David Sterns, a partner with Toronto-based Sotos LLP, one of three law firms bringing forward the lawsuit, said he was notified Monday morning of the federal government's intention to proceed with certification.

The three law firms brought the action on behalf of Xavier Mushroom and Jeremy Meawasige — the representative plaintiffs in the case.

"This is a positive development. Agreement to certification means we have the forum to pursue a global resolution that will be subject to court approval," said Sterns.

"We view it as a positive. So far, these are just words. They need to match their words with action."

Sterns said any settlement would eventually involve the parties to the human rights tribunal case, which include the First Nations Child and Family Caring Society and the Assembly of First Nations.

Indigenous Services Minister Marc Miller said the Trudeau government has a solid track record dealing with historical wrongs inflicted on Indigenous children by Ottawa's historic policies through class-action settlements. Miller pointed to recent settlements around the Sixties Scoop and Indian day schools.

We have shown good faith in engaging with families, with victims, in ensuring this compensation is properly and fairly addressed," said Miller.

"We are committed to compensation; we do not deny the discrimination."

Watch Marc Miller on Power and Politics:

Minister of Indigenous Services Marc Miller on why his government is challenging a human rights tribunal order that the federal government compensate First Nations children affected by the on-reserve welfare system. 8:26

Fighting tribunal order

The two ministers issued the statement about the class-action suit as federal government lawyer Robert Frater told Federal Court Justice Paul Favel the Sept. 6 Canadian Human Rights Tribunal order — that Ottawa provide \$40,000 in compensation to each First Nations child impacted by the child-welfare system or denied health services — was an overreach.

The compensation order, which also includes payments of at least \$20,000 to some parents and grandparents, followed a 2016 ruling that found Ottawa discriminated against First Nations children by underfunding child-welfare services and by not following Jordan's Principle.

Frater was arguing for a motion seeking a stay — a pause — of the tribunal compensation order until the Federal Court decided on a judicial review filed in October by Ottawa.

"The errors of this [tribunal compensation] judgment run wide and deep," said Frater, in his arguments.

"Canada is committed to remedying the injustices of the past, but it has to be done in a fair and equitable way."

Frater argued that the case before the tribunal, originally filed in 2007, was about systemic discrimination, which required a systemic fix that the federal government had already begun. He also said the compensation order wandered outside of the tribunal's legislative parameters into the purview of class-action law.

He said the compensation order was fundamentally unfair because it treated all cases the same, regardless of individual circumstance.

"There ought to be some sort of recognition of individual experience," Frater said.

Ignoring the continuing tragedy

Barb Mclsaac, a lawyer for the First Nations Child and Family Caring Society, told the court that while the government says it favours compensation, its actions haven't matched its words.

"My friend has stated over and over again, as have various politicians, that Canada wants to compensate the children, but it hasn't done anything yet."

The Caring Society, which was the lead on the human rights complaint, argued that the court should put a freeze on the judicial review until the tribunal decides on the process to distribute the compensation.

The tribunal set Dec. 10 as the deadline for all parties to submit proposals on the mechanism for distributing the compensation.

"The court can only fully understand and rule on the reasonableness of the compensation once all aspects of the compensation decisions have been determined by the tribunal," Mclsaac said.

"The arguments of the attorney general are not in the best interest of the children, but rather in this argument that we have to have perfection. If we wait for perfection, we'll be here again and again and again, and we'll never have a solution."





Cindy Blackstock, left, leads the First Nations Child and Family Caring Society, and Perry Bellegarde is the national chief for the Assembly of First Nations. The Caring Society and the AFN launched a human rights complaint over on-reserve child welfare services in 2007. (Sean Kilpatrick/The Canadian Press)

Cindy Blackstock, who heads the Caring Society, said the government is ignoring the continuing tragedy inflicted on First Nations children by the systemic discrimination exposed by the human rights tribunal.

"So this waiting around might make sense for them bureaucratically or even politically," Blackstock said.

"But for these children, they will never get their childhoods back, and in some cases they'll never get their lives back, and in some cases they'll never get their families back, and that is what Canada isn't paying attention to."

NDP MP Charlie Angus, who attended the Monday hearing, said the Trudeau government needs to drop its challenge of the tribunal's compensation order.

"The damage that this system has done is incalculable and yet the Government of Canada is here with all their lawyers, with all their power, to fight yet once again a basic finding that they've been discriminating against children," Angus said.

Class action move 'political obfuscation'

Julian Falconer, the lawyer acting on behalf of Nishnawbe Aski Nation, which intervened in the case, said the government's argument that the tribunal ruling covers too few people rings hollow.

"There is a simple answer to that — accept the order and then compensate others," said Falconer, who was acting on behalf of an organization that represents 49 northern Ontario First Nations — some of the poorest in the country.

"There is nothing stopping Canada from adding to the compensation."

Blackstock said the move by the federal government to announce it was proceeding with the class-action lawsuit rang "of political obfuscation and putting this downstream." Blackstock said the class action actually leaves people out because it doesn't include the parents or grandparents of apprehended children in its statement of claim.

"It doesn't deal with the pain and suffering that their families went through," said Blackstock.

"It's the same old story where they're saying they'll talk about things. There's no commitment to change children's lives."

The hearing continues Tuesday.

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This is **Exhibit "D"**
to the affidavit of
Debra Burke-Lachaine
sworn before me this
21st day of February, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO# 63508Q



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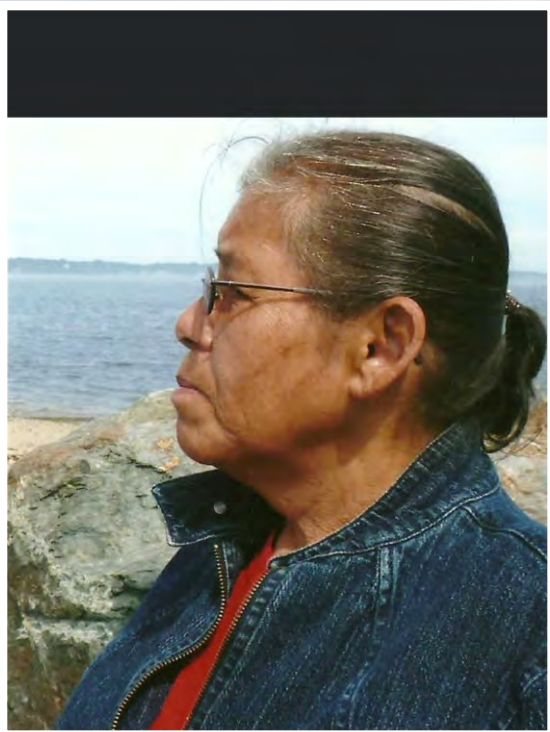
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1956 - 2019

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Obituary of Maurina Mae Beadle

Maurina Mae Beadle age 63 of Pictou Landing First Nation passed away on November 13, 2019 in the Aberdeen Hospital, New Glasgow. Born in Truro she was a daughter of Herman John Simon, Elsipogtog First Nation, New Brunswick and the late Marion Beadle.

Maurina had received the Queen Elizabeth II Diamond Jubilee Medal 1952-2012, and had also received a plaque from Pictou Landing First Nation in recognition of all the hard work done in the Jordan's Principle Case.

She is survived by sons Jonavon Meawasige Beadle (Rose Billington), Jeremy Nathaniel Joe Meawasige Beadle, both of Pictou Landing First Nation; sister Virginia Augustine (Beadle) Gia, Boston Mass; brothers and sisters Lloyd Simon, Carter Simon, Jacqueline Simon, Joyce Simon, Dennis Simon, Charlotte Simon, Cara Simon, all from New Brunswick Elsipogtog First Nation, many aunts, uncles and cousins.

She was predeceased by brothers Tommy Beadle and Gerald Beadle.

Visitation will be after 7 pm on Saturday at 84 Eagle Road, Pictou Landing First Nation. Mass of Christian Burial will be held at 11 am on Monday in Our Lady of Perpetual Help Roman Catholic Church with Father Tom MacNeil presiding. Burial will be in the church cemetery.

www.angusfuneralhomes.com

To send flowers to the family of Maurina Beadle, please visit [Tribute Store](#)

Visitation

7:00 pm - 10:00 am

Saturday, November 16, 2019

Her late Residence

[84 Eagle Road](#)

Pictou Landing First Nation, Nova Scotia, Canada

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Funeral Mass

11:00 am - 12:00 am

Monday, November 18, 2019

Our Lady of Perpetual Help Roman Catholic Church

6533 Pictou Landing Road

Pictou Landing, Nova Scotia, Canada

Need Directions?

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[Send Flowers For Maurina Beadle](#)

Interment

12:00 pm - 12:15 pm

Monday, November 18, 2019

Our Lady of Perpetual Help Cemetery

Cemetery Road

Pictou Landing, Nova Scotia, Canada

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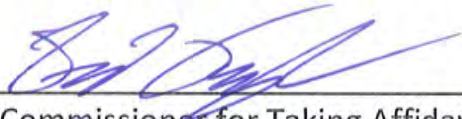
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This is **Exhibit "E"**
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Debra Burke-Lachaine
sworn before me this
21st day of February, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO# 63508Q



Manitoba

Tina Fontaine met social workers, police and health-care workers — but no one kept her safe

'We've all failed her. We as a nation need to do better for our young people'

[Caroline Barghout](#) · CBC News · Posted: Feb 23, 2018 3:48 PM CT | Last Updated: February 23, 2018



Tina Fontaine's body was pulled from the Red River in Winnipeg on Aug. 17, 2014. It was wrapped in a duvet cover and weighed down with rocks. Her death remains unsolved. (Tina Fontaine/Facebook)

Tina Fontaine was 15 when she came to Winnipeg in June 2014 to reconnect with her birth mother.

On Aug. 17, 2014, her 72-pound body, wrapped in a duvet cover and weighted down by rocks, was pulled from the Red River.

In the six weeks Tina was in Winnipeg, she came in contact with police officers, security officers, hospital staff and Child and Family Services.

What went wrong?



Thelma Favel, Tina Fontaine's great-aunt, sobbed uncontrollably after a jury acquitted Raymond Cormier of second-degree murder. Loved ones had to help her out of the courtroom. (Lyza Sale/CBC News)

Tina's great-aunt Thelma Favel, who was Tina's primary caregiver, has wondered "What if?" from the time she found out about Tina's death.

"I just can't describe it — how I am still feeling, knowing that if they did their jobs, my baby might still be here," Favel said in 2014 after Tina's body was found.

Outside court on Thursday, after Raymond Cormier was found not guilty of killing Tina, Indigenous leaders said society needs to do better.

"The systems, everything that was involved in Tina's life, failed her. We've all failed her. We as a nation need to do better for our young people," said Sheila North, grand chief of Manitoba Keewatinowi Okimakanak, which advocates for 30 First Nations.

The teen had already been through a lot before she went to Winnipeg, and her great-aunt had already had problems getting help from a system that's supposed to protect children at risk.

Father diagnosed with cancer

In 2003, when Tina was four, her father, Eugene Fontaine, was diagnosed with cancer.

That was the first time Child and Family Services became involved in Tina's life. Tina and her sister ended up in CFS care for six months before they were sent to live with Thelma and Joseph Favel, her great-aunt and great-uncle on Sagkeeng First Nation, Thelma said.



This photo shows Tina Fontaine, right, as a young child under the care of her great-aunt Thelma Favel, left. 'She loved babies,' Favel says. (CeeCee Montana/Facebook)

She thrived in the Favels' home. She loved school, baking cookies and playing with babies. "Oh, she loved babies. She'd have all the babies on her bed and she would fall asleep there with them, and we asked her what do you want to do when you get older, and she said she wanted to work for CFS, the same that refused to help me," Thelma Favel told CBC News in February 2018.

- [**'It helps me a lot to know we're not alone': Tina Fontaine's great-aunt on support during Cormier trial**](#)

On Oct. 31, 2011, it wasn't cancer that killed Tina's father. Eugene Fontaine was beaten to death. His body was found behind a garden shed in Sagkeeng. Nicholas Abraham and Jonathan Starr pleaded guilty to manslaughter in October 2014.

The family said Tina started to drift away as the 2014 trial for the men accused of killing her dad approached.

On Nov. 1, 2013, Tina ran away from home and was reported missing to Powerview RCMP the following day. She was located safely on Nov. 4.

Tina was supposed to write a victim impact statement and struggled with it.

"She was just a kid. She didn't know how to deal with it; she didn't have nobody's support," Robyn Fontaine said about her niece.

Favel tried to get counselling for her great-niece from various Child and Family Services agencies, but was turned away.

Southeast CFS told her she was just outside their jurisdiction and said she should call Eastman CFS in Beausejour about an hour away, Favel said. Eastman couldn't help her either because she was a foster parent for Southeast CFS, she said.

Tina and her mom reunite

Tina wanted to reunite with her birth mother, Valentina Duck, who lived in Winnipeg.

Favel said Duck struggled with drug addiction and Favel feared she had associations with the sex trade, so she contacted Duck's CFS caseworkers to make sure it was safe for Tina to visit. It was, so Favel let Tina and her sister Sarah go to Winnipeg to see their mom.

At the end of the school year, Tina asked if she could visit her mom again and stay a week, Favel said in 2015.

"I didn't find out until later she'd lost custody of her kids and she was back on the streets," Favel said.

Favel gave Tina a long-distance card so she could call if things didn't work out and she wanted to come home before the week was over.

Tina and her sister Sarah went to Winnipeg on June 30, but Sarah changed her mind about staying and returned home right away.

Tina stayed and Favel never saw her again.

CFS failings

On July 10, Tina was reported missing to Powerview RCMP, and was described in a news release as "an at-risk youth."

Favel still hadn't heard from her by July 17 and she called Southeast CFS for help. Tina was found and placed in care.

Her first placement was the Capri Motel on Pembina Highway. A social worker said she went "AWOL" right away and was reported missing again.

After that, Favel said, information about Tina came infrequently.

She was placed at the Ndinawe Safe House on July 23 but lost her space on Aug. 1 after missing curfew a number of times. The safe house is a 16-bed shelter and provides basic necessities for children and youth in need.





This photo of Tina was taken at Ndinawe Safe House, where Tina was placed by social workers. (Winnipeg Police Service)

CBC News asked Ndinawe's executive director if the temporary shelter made any changes to the way it deals with kids placed in their group home following Tina's death, but the calls were not returned.

Tina was reported missing four times in the three weeks between July 17 and Aug. 9, 2014, the last time she was seen alive. Favel said she wasn't notified about any of it.

"On [Aug.] 15th I called her worker to see, because I hadn't heard from her for a while. I just wanted to find out how Tina was doing," Favel said.

"She said she was sorry she forgot to tell me Tina had been AWOL for two weeks already."

CFS workers didn't even call her when the teen's body was found on Aug. 17, 2014, she said.

"I don't know what they're doing because I'm out here and they're in the city," she said in 2014. "They should be letting me know more things."

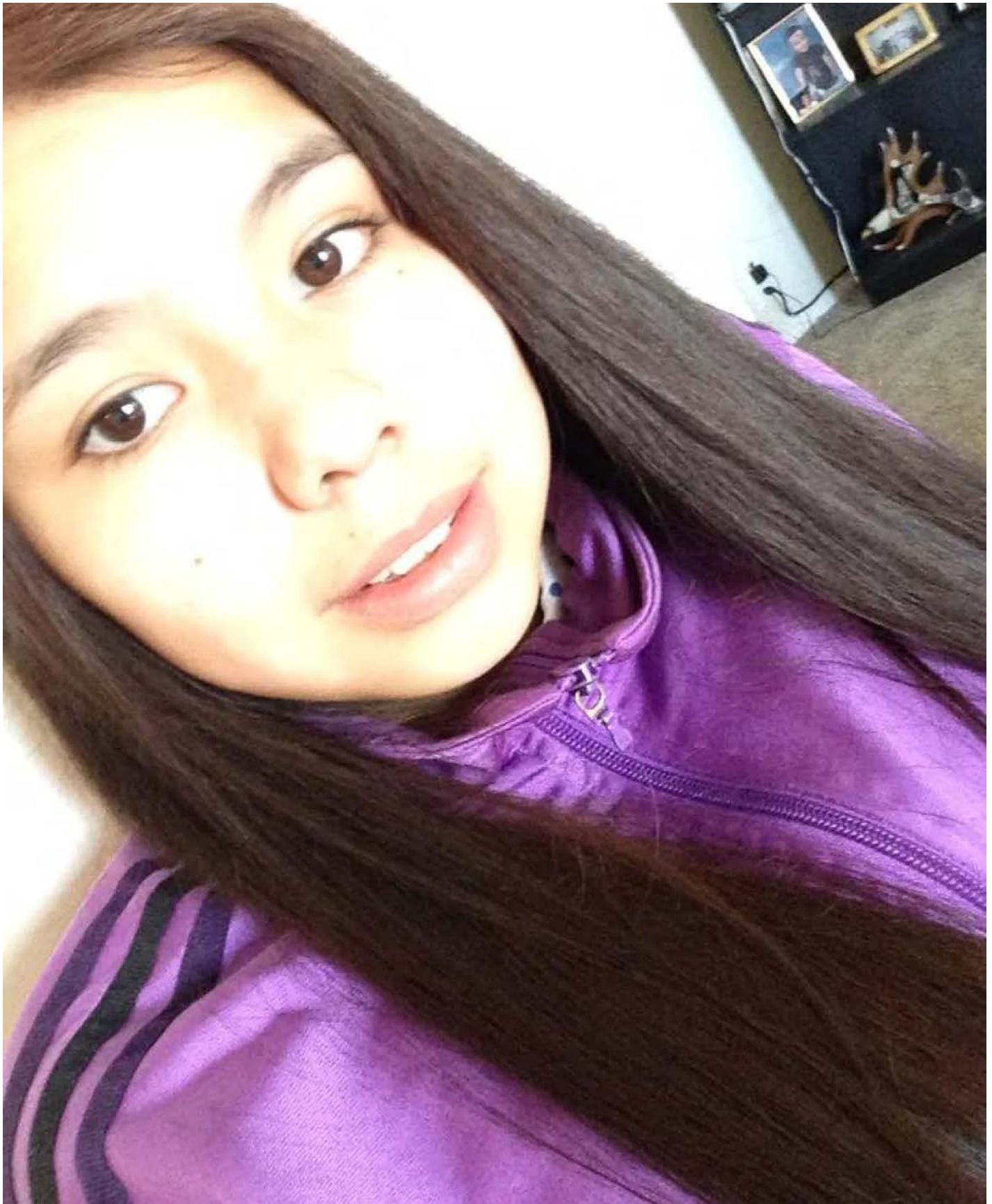
- **[Timeline: From Tina Fontaine's arrival in Winnipeg to Raymond Cormier's arrest](#)**

During the second-degree murder trial for Cormier, witnesses said Tina had visited a number of family members and friends in Winnipeg and even slept over on occasion.

Favel said no one called her to say they had seen Tina or ask if she knew the teen was in the city.

The court also heard from people who said Tina approached them — strangers — on the street and asked if she could crash on their couch.





Tina Fontaine was in Winnipeg for six weeks before she was found dead in August 2014. (Tina Fontaine/Facebook)

During the trial, Favel learned things she never knew about Tina's time in Winnipeg. "It's so painful and especially to see the people she was hanging around with. I used to cross the street just to avoid them," Favel said during the trial.

In the last two days before she vanished, Tina came into contact with police, was briefly admitted to hospital and was then returned to the custody of a CFS worker, Favel learned.

No one saved her.

Police failed to protect teen

On Aug. 8, the day before Tina disappeared, she came in contact with two Winnipeg police officers.

Constables Cornelis Brock Jansen and Craig Houle said they pulled over a truck being driven in a suspicious manner near Isabel Street and Logan Avenue. The man behind the wheel had a suspended driver's licence and was taken into custody.

- [Teens in CFS care in Winnipeg hotels say they've seen prostitution, drugs](#)
- [Police, hospital, child welfare workers all saw Tina Fontaine in 12 hours before disappearance](#)

Tina, who had been missing since July 30, was in the passenger seat. She told the officers her name was Tessa Twoheart, then gave another fake name before identifying herself.

Houle said he did not see an alert on the police computer indicating she was missing.

Tina told Jansen she lied about her identity because she thought she was in trouble and said she was staying at the Quest Inn, a hotel commonly used by CFS.

Jansen did not ask her age and said she looked mature. He let her go.

"Her name should have come up as a red flag, that she was a missing girl, and they just let her go," Favel said in 2014.

During the trial, Jansen said he was training Houle — a new officer who had been on the job for a few weeks — and asked him to search the computer. Houle didn't notice Tina was flagged as

an at risk missing girl, and told Jansen she didn't have any warrants or orders.

Jansen testified that he should have done a better job checking.

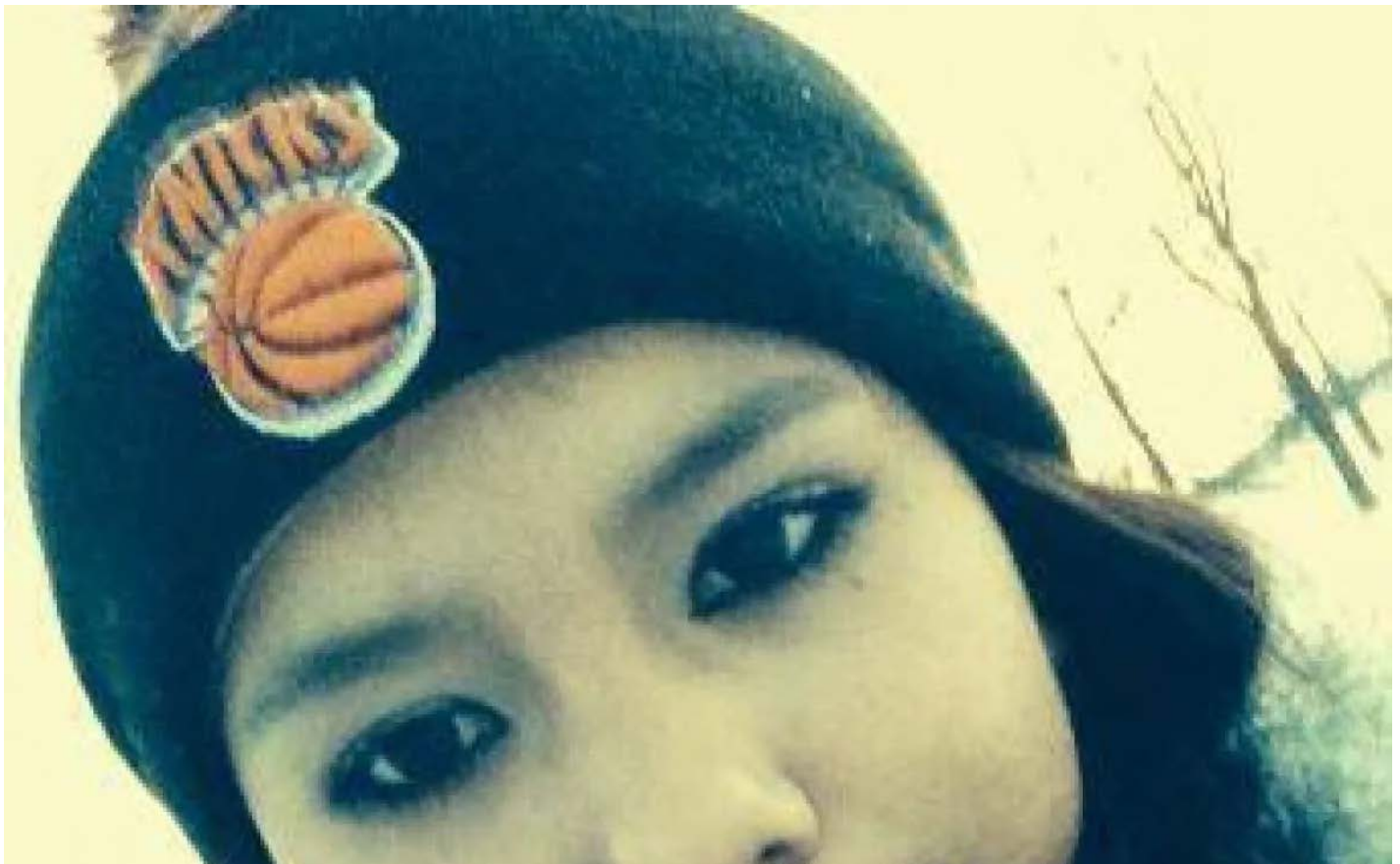
The Winnipeg Police Service placed the two officers on administrative leave and conducted an internal investigation into their conduct. Both officers have since resigned.

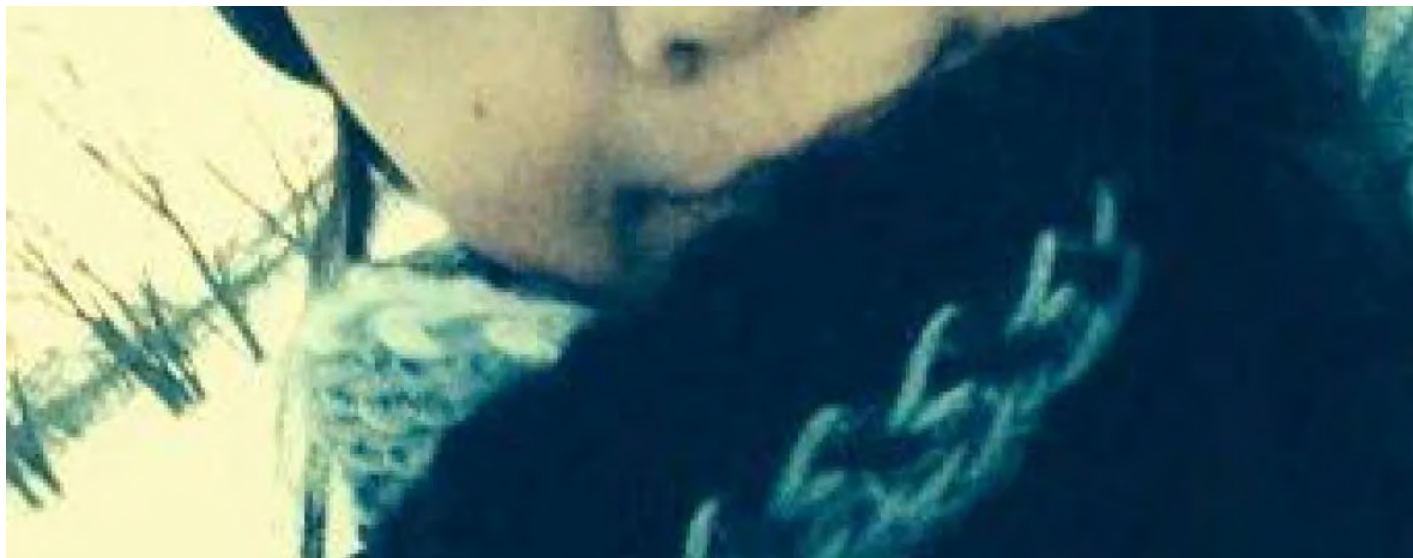
Hospital also let Tina go

A few hours after the officers let Tina go, she was found passed out in a downtown parking lot behind a University of Winnipeg building, not far from where police had encountered her.

Paramedics were called and took the teen to hospital. Tina told Dr. Andrea Wilke Gilmore, an emergency room doctor at Health Sciences Centre who examined Tina, that she had taken alcohol, marijuana and "gabbys" — the street name for an epilepsy drug called gabapentin that's sometimes used to get high.

Blood and urine tests taken at the hospital later showed Tina also had methamphetamine and cocaine in her system.





Tina Fontaine lived with her great-aunt Thelma and great-uncle Joseph Favel starting at age four, after her father was diagnosed with cancer. (Tina Fontaine/Facebook)

Cody Mason, Tina's boyfriend in Winnipeg who had gone home to St. Theresa Point First Nation by the time she disappeared, testified that Cormier gave the teen the gabbys in the days before her disappearance.

A social worker at the hospital notified Southeast CFS Tina was there. She stayed in the ER for a few hours then was released back into CFS care.

A spokesperson for the Winnipeg Regional Health Authority would not say whether there are policies or procedures set out for hospital staff to follow when treating vulnerable kids in CFS care.

The WRHA would not respond to questions about whether it reviewed the care Tina received, and what changes, if any, were made as a result.

CBC News also wanted to know what assessments are done on patients in CFS care to determine whether they are a risk to themselves and under what circumstances a hospital would keep them overnight or refer them to a secure facility.

The Winnipeg Regional Health Authority refused to provide an answer to those questions, saying disclosure would impact the murder trial.

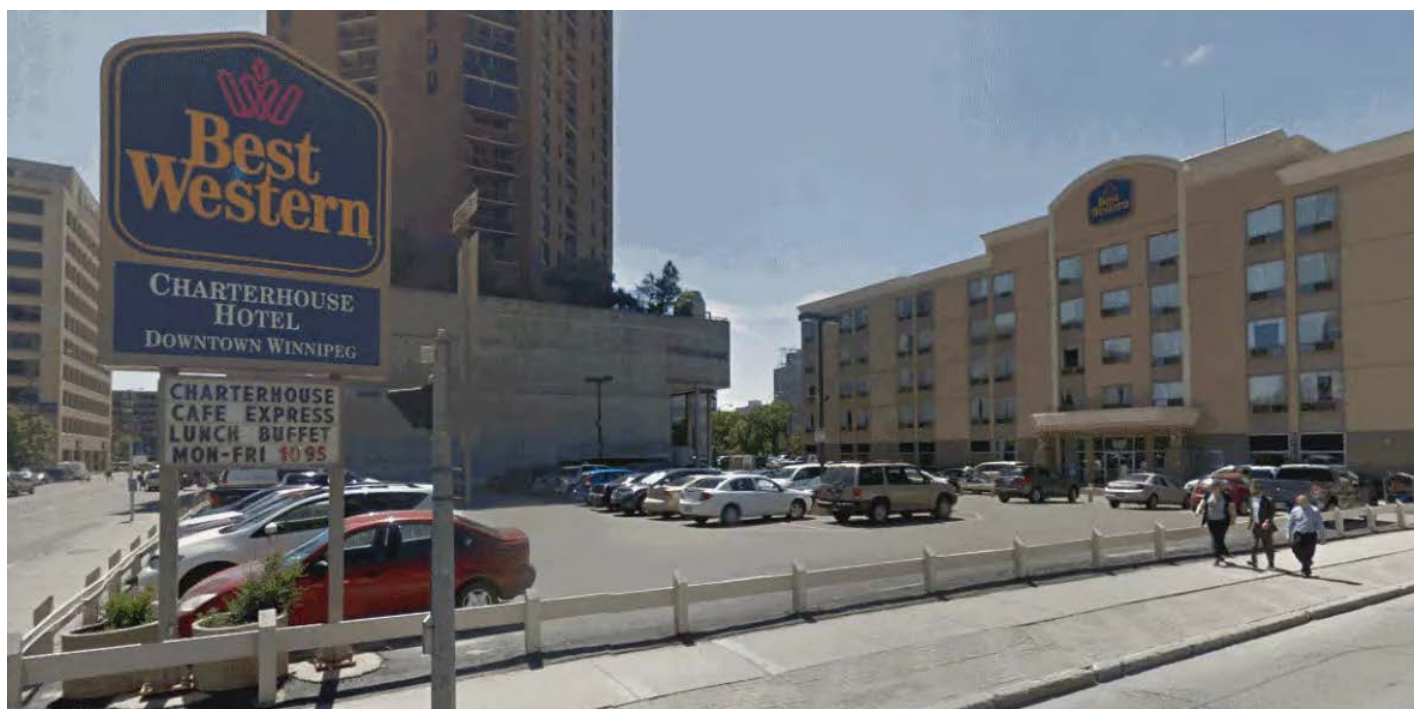
"Knowing that you are writing about this case shifts your request from generic to specific. Out of respect for the legal process, the WRHA will not offer information outside of that process," a spokesperson said in an email.

A spokesperson wouldn't make any further comment after the jury was sequestered, which meant there was no more danger of influencing their decision.

CFS bans hotel placements

Tina's death and the near death of another child in care spurred one major change – kids in care are no longer placed in hotels.

The social worker who picked Tina up at the hospital testified that she got Tina a meal at McDonald's because she looked thin, then dropped her off at the Charterhouse Hotel in downtown Winnipeg, placing her in the custody of a respite worker from a private company hired by the province.



Child and Family Services placed Tina Fontaine at the Best Western Charterhouse Hotel in downtown Winnipeg on Aug. 8, 2014, the day before she disappeared. The teen left the hotel to meet friends at a nearby mall and never returned. (Google Street View)

Tina didn't stay long before she went to meet friends at Portage Place mall. Workers testified they had no way to physically keep the teen in the hotel.

From 2007 to May 2012, the province housed an average of zero to 17 kids in hotels each month. In March 2014, that number tripled to 65.

CBC News talked to teens in care in 2014 who said they were introduced to drugs, alcohol and sexual exploitation while being housed in hotels.

The next year, the NDP provincial government said children in care would no longer be kept in Winnipeg hotels. It hired 80 new staff, created 90 more shelter beds and added 750 new foster homes to the system.

- [Children in care to be taken out of Winnipeg hotels after serious attack on girl](#)

A mediation program to solve conflicts between families and CFS agencies was also piloted.

A secure short-term six-bed crisis intervention program has been created to support girls age 12 to 17, a spokesperson for the current provincial government said in an email.

Partnerships have also been formed between the province and a number of community organizations to provide culturally appropriate counselling and supports for Indigenous youth.

The government also has changed its funding model for agencies so they can use preventative measures, rather than the existing practice of providing money to support children once they're in care.

The province is currently overhauling the child welfare system, working to place more kids with relatives who will be given supports to help care for them in their own communities.

Nearly four years have passed since Tina died and Favel is trying to heal. She was too distraught to speak after the verdict but earlier told CBC, "It's going to take a while, but I am trying to get myself to get at that point where I don't have to cry every time I talk about her, which is still very, very impossible to do.

"I'm always thinking about it, always. I just don't know what happened. I'd like to know, but I'll never get that chance to ask her."

With Tina's death unsolved, she's once again joined the long list of murdered and missing Indigenous women and girls. To many First Nations leaders, her case is symbolic of a broken system with no fix in sight.

Niigaan Sinclair, a native studies professor at the University of Manitoba and an Anishinaabe activist, voiced the concerns of many Indigenous people in Canada.

"What are we going to do now? How are we going to give our young people hope? And how are we going to stop this egregious violence from continuing to occur to our young people time and time and time again?"

Tina Fontaine was in Winnipeg for 6 weeks before her body was pulled from the Red River. In that time she visited family, friends, but also came in contact with police, paramedics, hospital staff and Child and Family Services. First Nations leaders say Tina was failed by the very system that was supposed to protect her. 2:35

With files from Jillian Taylor

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This is **Exhibit "F"**
to the affidavit of
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sworn before me this
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A Commissioner for Taking Affidavits

David P. Taylor
LSO# 635080



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'I'm about to say goodbye': Family of Kanina Sue Turtle made to wait two years before reading suicide letter

National News (<https://aptnnews.ca/category/national-news/>) | February 20, 2019 by Kenneth Jackson (<https://aptnnews.ca/author/kjackson/>) Attributed to: | 0 Comments (https://aptnnews.ca/2019/02/20/im-about-to-say-goodbye-family-of-kanina-sue-turtle-made-to-wait-two-years-before-reading-suicide-letter/#disqus_thread)

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Kenneth Jackson

APTN News

Kanina Sue Turtle wrote down on paper what she could never say to her mother and father.

She was sorry.

And goodbye.

"I will always love you guys don't forget that," Kanina wrote. "I'm about to say goodbye."

Kanina, 15, couldn't take it anymore.

She had enough of living in foster care.

And she was tired of seeing her friends dying.

"I know you guys wanted me to grow up happy but I (am) not. I just hate people killing their self," she wrote in a letter dated Oct. 19, 2016, which was also addressed to her four younger brothers.

"That's all I want to say to u guys.

"Love: Kanina."

Ten days later she took her life in a back room of a Sioux Lookout foster home owned and operated by Tikinagan Child and Family Services.

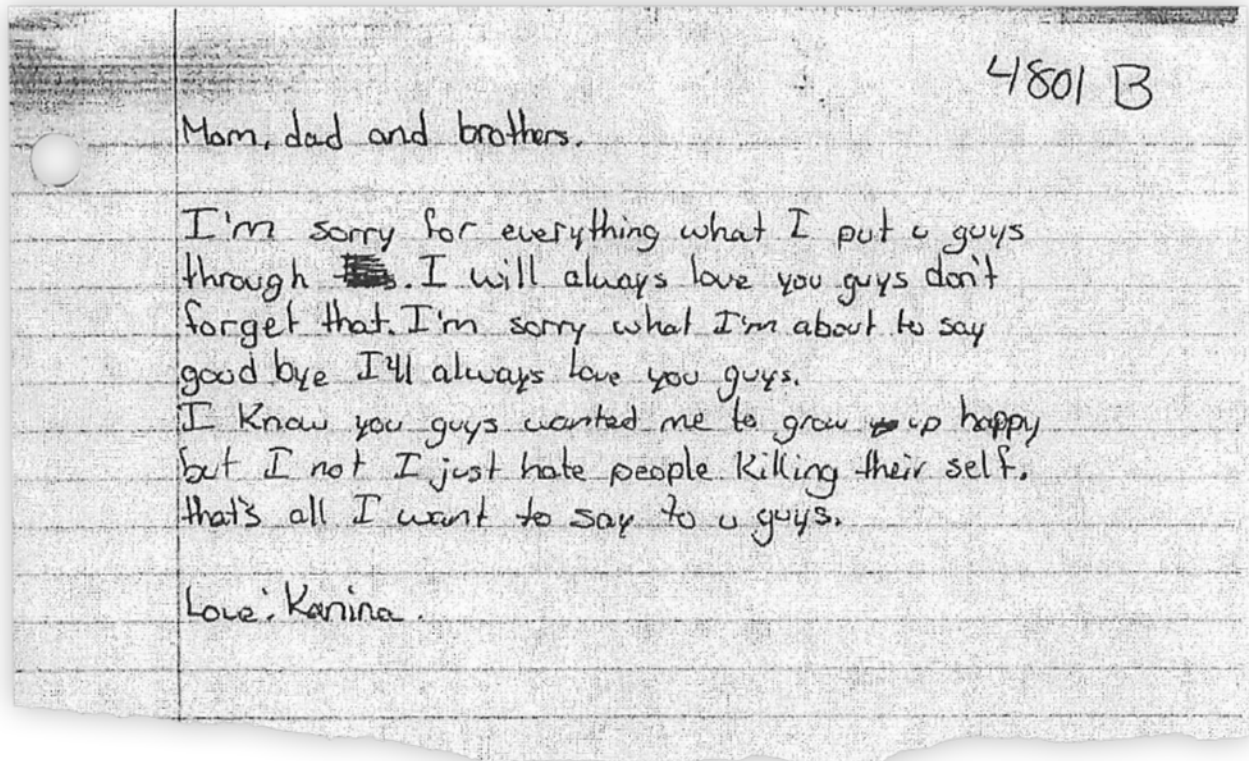
The letter would go in her file at Tikinagan and not to her family.

It was kept from the family for nearly two years.

They'd go several more weeks until they got to read it – a photo copy of the original – following an *APTN News* story about the letter's existence.

"I don't know how to explain it but I know she knew I loved her so much," said Kanina's mother, Barbara Suggashie of what it was like to finally read the letter.

"I don't know why they kept (it) from me."



(<https://aptnnews.ca/wp-content/uploads/2019/02/PAGE2-RIP.png>)

'Kanina, take my hand'

It's hard for Barbara to say how having the letter has helped with her healing because of the family's ongoing court battle.

She and her husband, Clarence Suggashie, are suing Tikinagan for \$5.9 million alleging the Indigenous child welfare agency operating in northwestern Ontario is responsible for the death for not properly watching Kanina.

Tikinagan has denied the allegation in court.

At the centre of the battle is a video of Kanina's death that she recorded with her iPod.

APTN has viewed the video and previously reported Kanina was alone for over 46 minutes until the sole worker in the home checked on her.

"Kanina, take my hand," the foster care worker says when she enters the room and sees Kanina slumped over next to the wall.

Kanina doesn't move.

She's been motionless for at least 40 minutes according to the video.

It was far too late.

Barbara Suggashie said following Kanina's death Tikinagan told her she was suicidal.

But her husband has always questioned how Kanina was left alone for a minute, let alone 46.

APTN has reported over the last year that Kanina was "chronically suicidal" as the investigating coroner wrote in his initial report.

She had hundreds of new cuts all over her body when she died.

In the days leading up to her death, Kanina had multiple hospital visits for self-harming and suicidal attempts.

"Why didn't they have her under 24-hour watch or one-to-one, whatever they call it," Clarence Suggashie previously told APTN referring to a level of care where a worker is with a child 24 hours a day if deemed necessary.

Tikinagan has told APTN when a child under its authority is placed in a foster or group home and needs one-on-one care the home can do so immediately without approval.

But Tikinagan has refused to answer why they thought Kanina didn't need one-on-one in a home of their own.

In fact, a video taken a couple days before her death shows the bruised outline of a noose across her neck.

She's seen kissing and giggling with her girlfriend in the video – Jolynn Winter, 12.

Kanina also wrote a goodbye letter to Jolynn who she didn't think she'd ever see again.

Then she got a video of Jolynn trying to take her life sending both on a path they would never get off.

Kanina's final 10 days alive and the suicide pact



(Kanina, right, with her mom, Barbara Suggashie, and younger brother. Facebook photo)

A day before Kanina is believed to have written the letters to her family she had just visited them at home on Poplar Hill First Nation near Ontario/Manitoba border.

"She was pretty happy to see her big sister and me and my husband, too," said Barbara Suggashie.

But the happiness turned to anger.

"They told her that she's going to be here for a week," she said. "They had to go back after the funeral."

The funeral was for her cousin Alayna Moose who died by suicide.

Following the death, Tikinagan alleges in court records Kanina was placed under "close supervision" at the O-Shkee Meekena Youth Health Centre on Cat Lake First Nation where she had been for the better part of four months. The centre is for youth needing treatment for behavioural and substance abuse issues.

Then she was flown to the Sioux Lookout to be treated for self-harming and subsequent counselling from Nodin Child and Family Intervention Services.

"She is not feeling suicidal now. She felt like that 2 days ago why she was send here," wrote Kanina's counsellor, Violet Tuesday, verbatim in her notes of the session on Oct. 21, 2016 previously obtained by APTN.

"She was showing me her cuts to her arms healed ones/some new ones. She told me she has fresh ones to her thighs. She said she does that from feeling frustrated, hopeless and lonely."

Kanina told Tuesday all she wanted was to go home.

"She is tired of being in care," wrote Tuesday. "She agreed to think Tik is not going to keep her forever."

Kanina was back at the hospital on Oct. 24, 2016, again for self-harming.

That same day it's believed Jolynn sent Kanina a video of her attempting to take her life according to the timestamp on the video found on Kanina's iPod.

It's 58 seconds and Jolynn attempts to hang herself in a room as she holds a device recording it while another girl watches.



(Jolynn Winter, left, with Kanina Sue Turtle days before Kanina's death. Jolynn would also die by suicide about two months later. Facebook photo)

"Kanina refused to voluntarily see a physician or counsellor. The on-call physician determined that Kanina could not be involuntarily admitted to hospital at that juncture, but such an admission would be considered if Kanina did not respond to counselling," Tikinagan alleges in court.

As APTN has reported, Kanina missed every appointment for the next five days until she died. Tuesday's notes detail her difficulty in reaching

Tikinagan to find out why she was missing appointments.

This story (<https://aptnnews.ca/2018/09/28/love-and-death-in-child-welfare-kanina-sue-turtles-last-days/>) goes into detail of those final five days.

Barbara Suggashie just happened to be at the hospital for an unrelated appointment when Kanina was there. She said Kanina wouldn't talk much about what happened.

In her goodbye letter to Jolynn, Kanina said it hurt too much to open up.

Jolynn had been in child protective services for most of her life when she met Kanina at the Cat Lake treatment centre.

But in Kanina's last days alive she and Jolynn were together again in Sioux Lookout.

Tuesday spoke with Kanina's Tikinagan worker named Ashley on Oct. 27, 2016 according to her records.

They talked about Jolynn and Kanina.

"Her friend was only 12 years old/suicidal together," wrote Tuesday. "They got caught kissing each other. She stated she told (Kanina) she could get charged doing this to 12 year old."

The Tikinagan worker appears to believe both girls were "suicidal together" according to Tuesday's notes of the call.

Tikinagan alleges in court it only found out after Kanina died that she was in a suicide pact.

The following day, Oct. 28, 2016, both girls were together again.

That afternoon Kanina filmed a suicide attempt in a wooded area.

Both girls remained out on their own throughout the night.

The Ontario Provincial Police found them the next morning on Oct. 29, 2016.

Kanina would be dead by 6 p.m.

Tikinagan said she was left alone in her room of the foster home while a worker made dinner. Tikinagan has never seen the video of Kanina's death. A baby or toddler can be heard crying in the background.

Kanina never said a word in the video.

Jolynn died by suicide in early January 2017 after she was sent home to Wapekeka First Nation for the first time in her life according to a previous interview with her grandmother.

She was sent there after first attempting to kill herself days after Kanina died, the grandmother said.

Kanina wrote one last letter



(Kanina, left, with her big sister, Shania Turtle. Facebook photo)

In total, Kanina wrote three separate letters. One to her mom, dad and brothers, another to Jolynn and one for her big sister Shania Turtle who also spent many years in care with Tikinagan.

She and her sister were close.

"I'm sorry for all these years we did. I will always love you," wrote Kanina referring to their time in child welfare. "I just can't take it anymore being away from u guys and same as my gf. I love u don't forget that."

Today, Shania is raising a daughter on Poplar Hill.

Hours before Kanina died they chatted on Facebook messenger while Kanina was on the lamb with Jolynn. They were at the Tim Horton's in Sioux Lookout where there was free wifi.

It's right around the corner from the Tikinagan-operated foster home Kanina was placed in.

Shania was in the hospital in Sioux Lookout.

"Don't tell anyone we're at tims," Kanina wrote.

"Come see me," Shania wrote back.

Kanina never made it.

Or wrote back.

The wifi at the Tikinagan home was turned off according to the coroner's report.

kjackson@aptn.ca (mailto:kjackson@aptn.ca)

@afixedaddress

The Canada Suicide Prevention Service enables callers anywhere in Canada to access crisis support using the technology of their choice (phone, text or chat), in French or English:

Phone: toll-free 1-833-456-4566

Text: 45645

Chat: [crisisservicescanada.ca](http://www.crisisservicescanada.ca/) (http://www.crisisservicescanada.ca/)

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Kenneth Jackson

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One Response to “'I'm about to say goodbye': Family of Kanina Sue Turtle made to wait two years before reading suicide letter”

 **CLAYTON THERRIEN**

February 22, 2019 at 1:52 pm

(<https://aptnnews.ca/2019/02/20/im-about-to-say-goodbye-family-of-kanina-sue-turtle-made-to-wait-two-years-before-reading-suicide-letter/#comment-92388>)

Such a great article but the real story is kind of buried under the headline. Again this is very good journalism that uncovers many aspects of dark issues like suicide, children in care, generations in care, families in care, forbidden love and hints at other issues.

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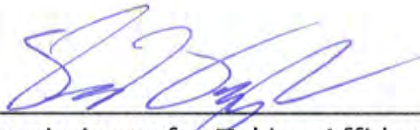
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to the affidavit of
Debra Burke-Lachaine
sworn before me this
21st day of February, 2020



A Commissioner for Taking Affidavits

David P. Taylor

LSO # 63508Q



(<https://aptnnews.ca>)



Death as Expected: Inside a child welfare system where 102 Indigenous kids died over 5 years

National News (<https://aptnnews.ca/category/national-news/>) | September 25, 2019 by Kenneth Jackson (<https://aptnnews.ca/author/kjackson/>) Attributed to: | Comments Off on Death as Expected: Inside a child welfare system where 102 Indigenous kids died over 5 years

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“Every three days. Monday, Tuesday, Wednesday,
a child connected to care dies...”

Seventy-two Indigenous children connected to child welfare died in northern Ontario, where three Indigenous agencies covering most of the territory were underfunded approximately \$400 million over a five-year period.

The number of deaths jumps to 102 Indigenous children when looking at the entire province between 2013 to 2017.

And almost half of the deaths, 48 involving Indigenous agencies, happened in the two years it took Prime Minister Justin Trudeau to respond to multiple orders made by the Canadian Human Rights Tribunal that first found Canada guilty of purposely underfunding on-reserve child welfare in its historic decision on Jan. 26, 2016.

“Nothing the government can do can make up for the wrongs it consciously perpetrated against kids. And I want to emphasize that it was conscious. It wasn’t an accident,” said Cindy Blackstock who led the fight against Canada, along with the Assembly of First Nations, to bring Canada to task over discriminating against First Nations children through the tribunal.

But while the federal government may be the bagman, funding at least 93 per cent of on-reserve child welfare, the Ontario government created the system where these children died and provides the law within which the child welfare agencies operate. It’s a system that has been found to be a complete failure over and over up until just last year when the chief coroner of Ontario released a special report into the deaths of 12 children who died in care, eight of whom were Indigenous.

As well, the 102 deaths marks the lowest number on record as *APTN*’s investigation reveals data was never collected properly over this five-year period.

Many believe it to be much higher.

In fact, while it’s improving, Ontario’s data collection still faces some serious questions, such as how many Indigenous kids are in care today in Ontario?

No one knows the total number.

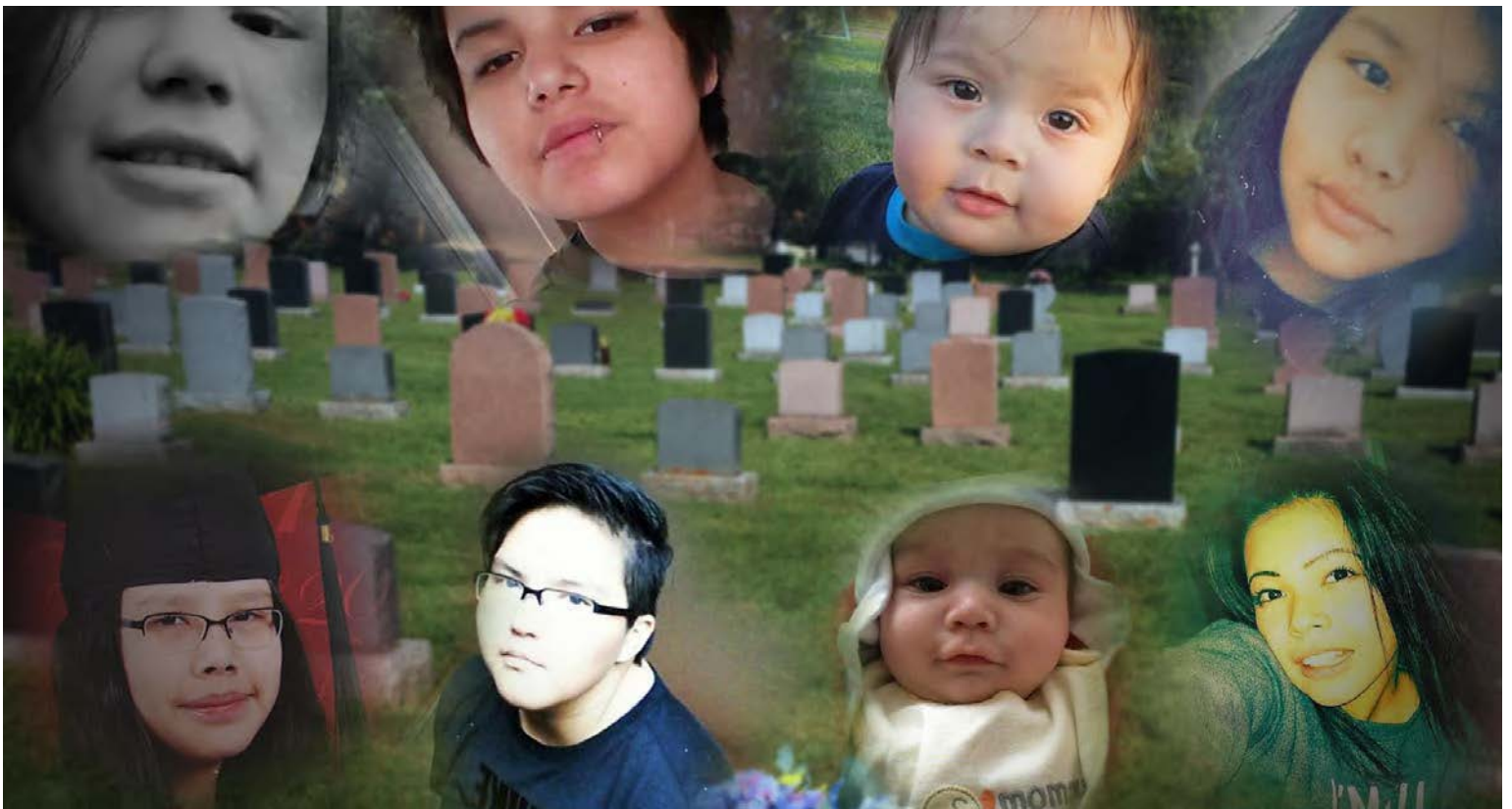
APTN reporter **Kenneth Jackson** has spent over two years unraveling Ontario’s child welfare system beginning with the death of Amy Owen, a 13 year old girl who died by suicide in an Ottawa group home over 2,000 kilometres from her First Nation in northwestern Ontario.

The work was made more difficult because the system – from the agencies to the Ontario government to even the courts – keep information from the public and, as *APTN* encountered, can mislead it at times.

Caught in the middle of all this are the parents left without their children.

This is: Death as Expected.





(These are just a few of the Indigenous children that died connected to Ontario's child welfare system between 2013-2017. Photo illustration: Alicia Don.)

Every year the office of the chief coroner in Ontario publishes a document based on the number of paediatric deaths, from newborns to 19 years old, called the Paediatric Death Review Committee report and posts it online. There's never a press release alerting the public, or media, to the report based on approximately 1,100 paediatric deaths on average each year. It is shared with policy makers.

Its purpose is predominately to look for trends in the data to hopefully prevent deaths in the future and a portion of the report focuses on deaths involving the child welfare system.

It's in these reports that *APTN* first learned of the 102 deaths, but it wasn't that simple.

Earlier this year, *APTN* asked the coroner's office if it had the number of Indigenous children that died in care over the last five years. The coroner's office later emailed a chart showing that 19 Indigenous kids died over that period.

APTN knew the number was low having written about so many of these deaths and having knowledge of several more that went unreported.

But the devil is in the details and in this case that meant the footnote on the chart where it said the number was based on how the province defines "in care". That's foster care, group homes, jails and hospitals. But there are many other ways child welfare agencies in Ontario can be directly involved in a child's life.

APTN was then alerted to the most recent paediatric death report for 2017. There was a much larger number: 32 deaths "involving" child welfare.

"Involving" is the key word.

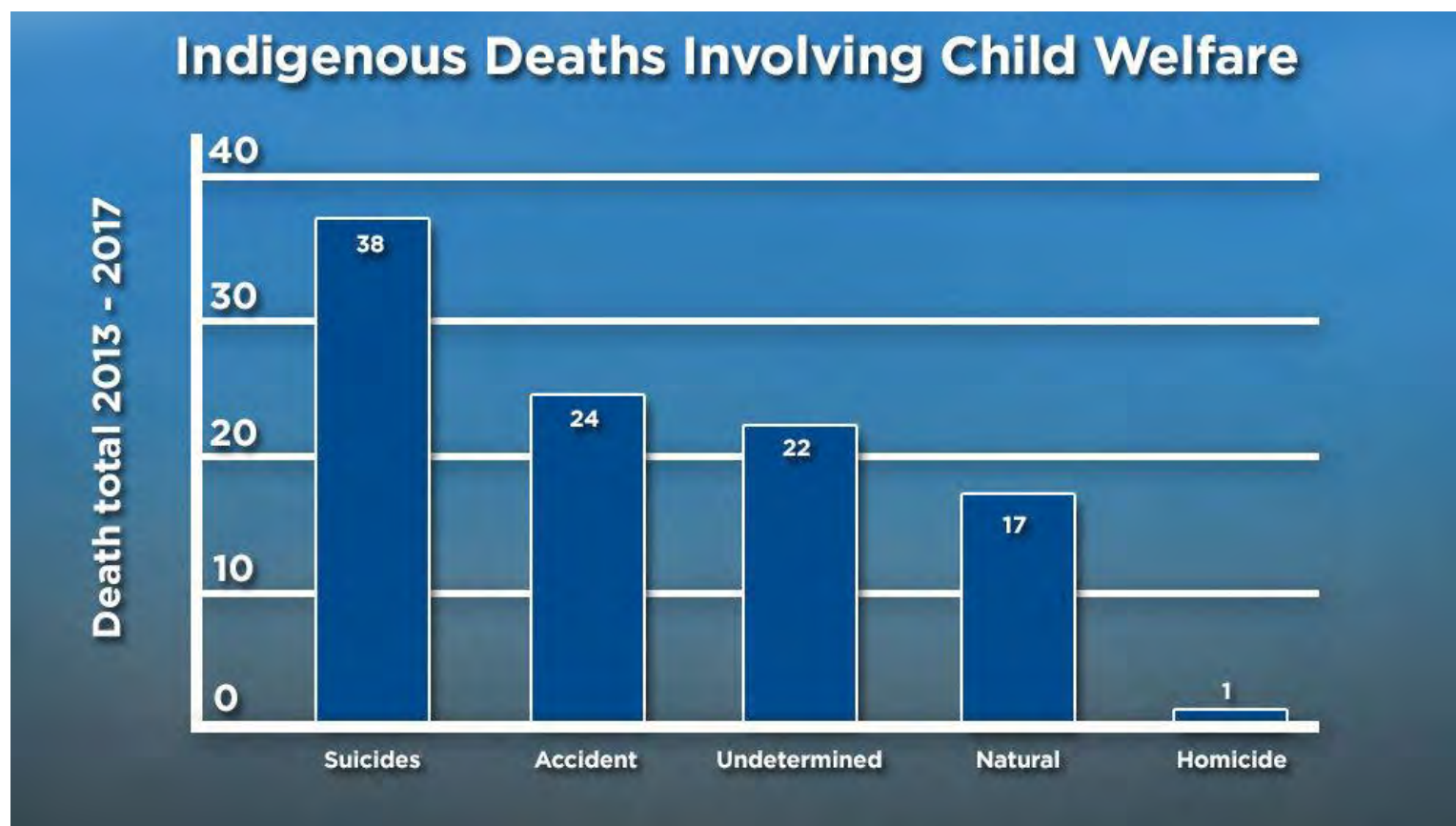
The coroner tracks deaths of children who, or whose family, personally had contact with an agency within 12 months of their death. On average, about 70 per cent of the children had an open agency file at the time of their death.

APTN then examined reports going back to 2013 adding up the deaths. The coroner mentions in the reports that the data is limited based on the

way the Ontario government collected it.

Still, it was the starting point.

But why were these children dying?



(This is the official number of Indigenous children connected to Ontario's child welfare system that died between 2013-2017. Chart: Alicia Don.)

There are 50 child welfare agencies in Ontario, including 11 that are called Indigenous well-being societies (a new Indigenous agency opened last February but is not part of this story). Each submits quarterly reports to the ministry of children, community and social services (formally ministry of children and youth services). The reports are supposed to track every type of care agencies use for children and the funding agencies were allocated.

APTN requested these reports through the Freedom of Information Act covering the span of the 102 deaths and ended up settling on what's known as a roll-up, where this data is put in spreadsheets and added up annually. It was a massive amount of data and not easily readable as some portions were just scanned print-outs of the spreadsheets which meant each had to be individually put in a spreadsheet.

Other parts had the names of agencies cut off for an entire year and we had to compare previous years to match numbers to agencies based on the order they were in.

"All this data was presented to you in a way that was so difficult to assess," said Dr. Kim Snow, a professor at Ryerson University and leading expert in child welfare who is typically called upon to investigate systemic issues across the province.

That includes reports for the former Ontario child advocate who had Snow examine what's known as serious occurrence reports that are submitted to the province every time a child in care is hurt, goes missing or dies. Snow was also enlisted by the chief coroner to be part of what's known as a special panel that released a report in September 2018 into the 12 deaths of children in care between 2014 and 2017.

The panel examined each child's file, some over 1,000 pages, and got a look into how agencies operate. Snow, and the other experts, found the

system was lacking in almost every area from trained staff, services and foster care. The term “lack of” is mentioned 37 times in the 86-page report.

Snow agreed to help *APTN* analyze the data along with the help of her grad student, Marina Apostolopoulos, and spent the summer going over every number.

Having previously examined the files of northern agencies during the panel review, Snow already knew they were struggling and noticed quickly that funding was drastically lower for Indigenous agencies in northern Ontario. She developed a formula to compare funding to non-Indigenous agencies in southern Ontario with similar caseload, like average children in care annually.

Snow knew these three Indigenous agencies were underfunded by approximately \$400 million between 2013 to 2017: Tikinagan Child and Family Services that serves over 30 First Nations in northwestern Ontario, Dilico Anishinabek Family Care serving 13 nations around Thunder Bay and Payukotayno: James and Hudson Bay Family Services, which includes Attawapiskat.



The three agencies cover most of northern Ontario and *APTN* can also confirm deaths with each. The number rises to \$500 million if you go back just one more year to 2012.

“You have less funding, you have less qualified staff, you have a more crisis-like response and you often have to fly people from one place to another to find a place of safety,” said Snow, explaining how much more difficult it is for these agencies compared to, say, Windsor-Essex Children’s Aid Society.

Windsor had an average of 613 children in care in 2013 and was allocated \$56 million, while Dilico had an average of 583 kids in care and was allocated \$26 million. It only gets worse.

Even as Windsor’s children in care went down its funding increased. Dilico’s kids in care would stay the same and saw barely an increase over the next four years. In total, Dilico was underfunded approximately \$137 million in comparison in five years.

“The end result is kids die. Kids are always at the epicentre of structural inequality,” said Snow.

But families don't see the funding issues when agency workers show up to remove their children, mostly due to poverty-related issues. Snow said the number of children being abused physically or sexually is low.

The families *APTN* interviewed see the agencies as the enemy.

That includes the family of Kanina Sue Turtle who died Oct. 29, 2016. She was 15.

There are suing (<https://aptnnews.ca/2018/09/27/kanina-sue-turtles-family-sues-tikinagan-for-5-9m-over-her-wrongful-death-in-foster-home/>) the agency for \$5.9 million, alleging Tikinagan is at fault for Turtle dying by suicide in one of their short-term stay homes – known as an agency-operated home – in Sioux Lookout.



(Kanina Sue Turtle's brother Winter Suggashie, left, and her mother Barbara Suggashie walk for suicide awareness in the summer of 2018. They were also walking to the foster home where Turtle died by suicide. Barbara would go in the room for the first time. Photo: Kenneth Jackson/APTN)

Turtle filmed her death which was first reviewed, and reported, by *APTN* in late February 2018. It shows she was left alone for more than 46 minutes despite being chronically suicidal. *APTN* went on to report she missed every scheduled appointment with a crisis counsellor in the five days before her death and that Tikinagan suspected she was part of a suicide pact. Tikinagan also kept her three suicide letters from her family for over two years.

Tikinagan denies in court documents that the agency is to blame for the death, but has filed a cross-action in the claim suing the Sioux Lookout hospital and doctors saying if anyone is at fault it's them.

Shortly after Turtle died her girlfriend, Jolynn Winter, 12, also died by suicide while at home in Wapekeka First Nation. After Turtle's death she

tried to kill herself and was sent to Wapekeka for what is believed to be the first time in her life. *APTN* previously reported her grandmother didn't know Winter was her granddaughter until Tikinagan returned her home a couple months before her death Jan. 8, 2017.

Then Amy Owen died by suicide in Ottawa. Both she and Kanina were from Poplar Hill First Nation.

Owen's family is also suing Tikinagan and the private group home operator, Mary Homes. Both deny all allegations and have also blamed each other in court filings. Owen, like Turtle, was left alone while chronically suicidal. The coroner said she was alone for an hour, while Mary Homes alleges 10 minutes, according to allegations based on the contents of documents filed in court that have not yet been proven in court.

Soon after Owen's death another child in Tikinagan's care died. Tammy Keeash, 17, was found in a Thunder Bay waterway on May 6, 2017, which was later ruled to be an accidental drowning. It enraged her mother, Pearl Slipperjack, who was angry at Tikinagan, as well as her family who gave her copious amounts of alcohol the night of her death and then left her passed out on a hill in Chapples park. Tammy was supposed to be under 24-hour watch by the foster home where she was placed.

Slipperjack passed away the following summer from natural causes, but before her death she told *APTN* she had a lawyer and was going to sue Tikinagan.

Shortly after Slipperjack's death, and before the special panel report was released in September 2018 that included Tammy's death, *APTN* got an anonymous tip in Ottawa about a civil action between Tikinagan and Dilico involving Tammy's death and "others" filed at the Thunder Bay courthouse.

APTN pulled hundreds of pages from the case that outlined a turf war between the agencies dating back to the summer of 2016.

Dilico filed an emergency injunction to stop Tikinagan from placing children in Thunder Bay foster homes, arguing it was Dilico's jurisdiction and any Indigenous kid in care in the city was under its oversight. Tikinagan disagreed and battle lines were drawn eventually turning into mediation with Sen. Murray Sinclair overseeing it.

It remained at a standstill for about a year until Tammy died. Days after her death Dilico filed another emergency injunction.

This time Dilico named Tammy as a reason why Tikinagan shouldn't be able to place kids in Thunder Bay and keep authority over them.

This resulted in a flurry of filings and more documentary evidence submitted, which *APTN* obtained.

APTN later published this story: Foster homes investigated 7 times within a year but Ontario didn't close them until Tammy Keeash died: court documents (<https://aptnnews.ca/2018/11/15/foster-homes-investigated-7-times-within-a-year-but-ontario-didnt-close-them-until-tammy-keeash-died-court-documents/>)





(A cross still marks the spot where the body of Tammy Keeash, 17, was found in Thunder Bay. Photo: Kenneth Jackson/APTN)

APTN traveled to Thunder Bay to check for anything new in the civil filing in late February 2019.

APTN gave the civil counter clerk the court file number. A few minutes later she wheeled over a large cart about a metre and a half tall stacked with large folders.

Within five minutes another court worker appeared and asked for the documents back.

"It's a child welfare case," she snapped with just a glance at the files. "I don't think you can see these."

She said she wasn't "comfortable" with APTN having the documents.

(Tikinagan had failed to have the documents sealed a year prior. Portions of the documents were supposed to be redacted so no child could be identified.)

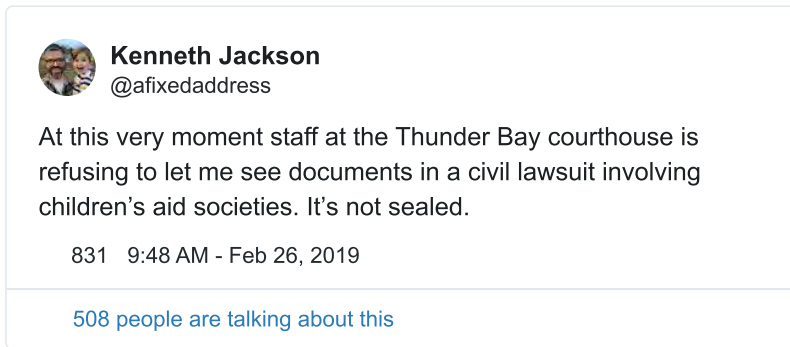
This happened in a matter of a few minutes.

APTN pushed to speak to a manager and soon Laurie Kopanski appeared, a middle-aged Caucasian woman with dark, dirty blond hair.

She repeated she wasn't sure she could allow APTN to view the files through thick security glass at the counter because she had a "concern."

When *APTN* asked what it was she wouldn't say.

It was around this time that *APTN* went to Twitter to report what was happening.



"I need to speak to the judge," said Kopanski, adding it may take a couple days.

That wasn't good enough. It needed to happen immediately.

The judge on the case, Justice Bonnie Warkentin, told Kopanski there was no sealing order but she needed to ensure the files had been redacted by calling Tikinagan, the defendant in the case. Later that day *APTN* returned to the courthouse to speak with Kopanski again.

APTN informed her it had previously viewed the file and paid money for copies.

"I had a concern over what was publicly accessible," she said.

APTN hired a lawyer to push for access. A letter from the attorney general's office to *APTN* claimed staff had noticed redactions hadn't been made.

"Despite the files having been previously viewed in 2018, court staff noticed that the redactions that had been made did not appear to effectively redact information ... Ms. Kopanski sought Justice Warkentin's direction..." said Vaia Pappas, a director of court services in a March 13, 2019 letter.

While it was later confirmed some redactions were done poorly, it took lawyers from Tikinagan and Dilico several trips to the courthouse to confirm, it simply couldn't have been done in the handful of minutes court staff were claiming in the letter.

Letters continued to go back and forth between lawyers until finally *APTN* was given access in late April earlier this year.

APTN flew back up to Thunder Bay to view the files but this time asked to see all lawsuits involving Tikinagan and Dilico going back five years. Tikinagan had a couple unremarkable dismissed cases, but not Dilico.

Up until this point *APTN* had only heard stories about Dilico.

Documents in the courthouse confirmed deaths of infants, another case where a child was placed in the home of a registered sex offender (<https://aptnnews.ca/2019/05/23/foster-child-placed-in-home-of-registered-sex-offender-in-thunder-bay-court-documents/>) and allegations of an agency in apparent disarray around the same time in 2014.

Soon the death total rose to four cases involving dead infants (<https://aptnnews.ca/2019/06/13/four-dead-babies-in-care-with-one-common-theme-dilico-anishinabek-family-care/>) within seven months involving Dilico.

Once *APTN* published stories about Dilico and the deaths of infants more and more people started contacting *APTN* with their own stories. It wasn't necessarily always about deaths but about the fear running through the communities.

One mother told *APTN* it took months for Dilico to respond to her lawyer because she was revoking her consent to have her children in care.

She had a child in care under a customary care agreement that was supposed to be more culturally appropriate and involve the child's First Nation as support.

Dilico made a shift to this type of care just before 2014, according to former employees and confirmed by the data Dr. Kim Snow analyzed.

In fact, Dilico went from 19,771 days of customary care in the 2012/13 fiscal year to 78,142 days the following year.

It's only gone up from there.



(Dilico Anishinabek Family Care's headquarters is located on Fort William First Nation next to Thunder Bay, Ont. Photo: Jason Leroux/APTN)

However, Marco Frangione, a lawyer who represents families in child welfare cases in northwestern Ontario, said these agreements are often signed under duress and without a lawyer across all agencies.

"In the overwhelming majority of cases these agreements are drafted without the benefit of legal council," said Frangione. "They are told if they do retain a lawyer there could be consequences and I have seen this time and time again."

And once the agreements are signed, in his experience, they are almost never renewed with the parents' participation. That's what happened with Jolynn Winter according to her grandmother who told APTN last year that while she was councillor at Wapekeka she remembered signing customary care agreements every six months for someone named Jolynn, extending her care, only she didn't know it was her granddaughter at the time.

"I can state seeing children not having access to their parents or seeing their parents infrequently is certainly the norm," said Frangione. "The parents, often times, think they are doing something in their child's best interest but they don't really know how the child or children are being cared for, to what extent visitation will look like and how the agencies will help better the primary families so that reintegration can ultimately happen. Customary care becomes the focus as opposed to customary care with a focus on reintegration."

He said agencies and nations call it "culturally appropriate" when that's "not often" the case, according to his experience, such as when Kanina

Sue Turtle died in a Sioux Lookout foster home owned by Tikinagan with a "live-in parent" who was hired to be there on a contract-basis. The same goes for Amy Owen, who died in a non-descript two-story home on the outskirts of Ottawa that included some trips to a local Indigenous centre.

Dilico, in Frangione's experience, is the most difficult to deal with on files.

For one, Frangione said Dilico forces him to review case files at their office while being watched, when all other agencies send the files by email. This is also known as disclosure, a basic evidentiary procedure in the Canadian court system where the Crown provides the evidence against the accused in a timely manner. The same applies to child welfare.

He also had a case recently where a parent challenged a customary care agreement and Dilico didn't respond within five days as it is supposed to as first reported (<https://aptnnews.ca/2019/06/17/thunder-bay-mother-accuses-dilico-of-kidnapping-children-after-lawyers-letters-ignored/>) by *APTN*. Dilico ended up returning the children without a fight, said Frangione.

APTN tried to get Dilico to go on the record for this story but after several conversations with Darcia Borg, its executive director, it never happened. The content of those conversations were off the record.

Watch Kenneth's story Death as Expected:

11:03



The first conversation with Borg was in person because this story pulled *APTN* back to Thunder Bay in early August to find Alicia Jacob.

Jacob attempted to sue Dilico over the death of her son, Talon Nelson, on October 29, 2013.

Talon was three months old when he died in a crowded crib of a Thunder Bay foster home. The coroner would call it an unsafe sleeping arrangement, however no one was ever charged. The foster parent was a registered nurse.

"Undetermined cause of death, too many stuffed animals in a f***ing sleeping environment," she screamed when speaking to *APTN* when we

found her in early August.

This is child welfare in northern Ontario at its worst. A baby is dead and the mother lost on the streets.

"I never used to be like this ... I have so much anger," Jacob sobbed.

After the infant's death his father Nazareth Nelson hit drugs hard. People say he was on some heavy street drugs brought in from Toronto gangsters the night he killed a man in 2017. He was later convicted for the murder of Burt Issac Wood.

Their lawyer was Christopher Watkins, and just a few months after the lawsuit was filed it was dismissed without costs. During this time Watkins was struggling himself and the Ontario law society suspended his license back in 2018 due to "a history of failing to attend court appearances in criminal proceedings dating to at least 2012."

Watkins issued a public apology saying personal and health problems were to blame.

APTN emailed several of Watkins' email addresses seeking clarification on why the lawsuit was dismissed.

This was the only response verbatim: "Hi this up and working and interesting journey to convey. Christopher."

APTN never heard from him again.

Undetermined cause of death is when there is no clear evidence to confirm it. Babies that suffocate often don't leave any evidence even if the sleeping arrangement is unsafe and, in Ontario, 22 Indigenous children died in this manner between 2013 to 2017.

"The deaths of infants is very challenging ones in death investigations generally because in sudden and unexpected deaths of infants, so infants under one, we often unfortunately upwards of a significant percentage of time do not find a cause a death," said Dirk Huyer, the chief coroner of Ontario, who is largely seen as someone trying to make incremental change within the system.

"The truth is we don't know and use a term undetermined which is kind of a harsh term but it means we don't know. So we say we don't know. We say the environment may have been a factor but we don't know if it was a factor."





(<https://aptnnews.ca/wp-content/uploads/2019/09/Breanne-LeClair1.jpeg>)

(Breanne LeClair said getting her late son's autopsy report and seeing 'undetermined' added insult to injury. Photo: Kenneth Jackson/APTN)

Breanne LeClair's late son Kyler was one of the 102 and also undetermined.

Kyler was in what's known as a kinship out of care agreement.

That means an agency was involved but he was living with relatives.

In his case, the agency ordered Kyler to live with his Caucasian father.

That was in January 2014 just days after he was born.

To this day it's difficult for LeClair to talk about.

"My ex and his mom agreed to sign for the kinship so if you sign this document they've agreed to let you go with them and the baby or we're going to give him the baby," she said, breaking down in tears.

That living arrangement broke down quickly and she had to move out, forced to leave her Kyler behind.

Then one morning her phone rang.

"It was somewhere around nine in the morning my phone rang. I had my ex's number saved as don't answer but I figured I should answer and all

he said is the baby turned blue. We are on our way to the hospital. I was like what do you mean the baby turned blue?" she recounted.

As LeClair rushed to hospital she called her case worker.

"I just screamed into the phone and I told her if anything happened to him this is on you. This is your fault. You made this decision," she said.

Then she entered the room and saw her baby on a hospital bed.

"I could hear machines that are just beeping, there's people running, moving over each other, there's like three or four detectives in the room, there's like five or six nurses and the doctor. I wasn't really aware of what was going on until I saw him," said LeClair.

Kyler was gone.

His father left him on an adult-sized bed to take a shower.

He was found lifeless 30 minutes later.

Breanne and her family tried to hold someone accountable.

The case worker wasn't a licensed social worker so they couldn't try to hold her to account at the Ontario College of Social Workers.

Then finally the coroner's report came nearly a year later.

The coroner found the sleeping arrangement unsafe but ruled the death undetermined.

"Where no one has to face anything," said LeClair.

No one appears to have ever faced anything in any of these deaths.



(Dirk Huyer, right, is the chief coroner of Ontario and says despite exhaustive investigations some deaths involving babies have no cause of

death. Photo: Jason Leroux/APTN)

Even the 102 is the lowest number available.

If the child was from on-reserve then it stands to reason their race would be easily identifiable.

“You correctly point out that if children were receiving services from an Indigenous agency, then it is pretty easy to identify them as Indigenous however; we do not systemically obtain race or identity so we do not effectively obtain this information,” said Cheryl Maher, spokesperson for the chief coroner. “For children and youth living off-reserve and being served by mainstream societies they would be identified by the service or family of the deceased child. If the child or youth is (First Nation, Inuit, Metis) but not identified, then we have not included them in statistics.”

However, the “mainstream” agencies weren’t required to start collecting race-based data until February 2018, through a policy directive, and to this day the Ontario government doesn’t have a clear picture of how many Indigenous children are in care or involved with an agency in the last 12 months.

That’s partly because the system designed to capture the data hasn’t worked properly. It’s called the Child Protection Information Network (CPIN) and it’s a database aimed at tracking the children in the system. However, several non-Indigenous agency directors told *APTN* issues of duplication have been a problem where the same child is listed in two regions and counted as two individuals.

The province has also been slow to provide a standardized process for data entry. Several of the 38 agencies required to use CPIN only began in recent months despite the system being several years old.

It gets worse.

The former Ontario Liberal government didn’t just make it policy to collect identity-based data; it also passed a law in 2017 making it mandatory for the provinces 38 non-Indigenous agencies. But not until July, 1, 2021.

Indigenous child welfare agencies have refused to be on CPIN, and the ministry is still “engaging with Indigenous partners,” according a spokesperson.

If you ask the Ontario government how many kids are in care they will say this: “There were 12,651 children and youth in the care of children’s aid societies and in customary care (in 2018/19 fiscal year), including: 1,569 First Nations children and youth determined to be in need of protection were in customary care arrangements.”

These numbers are not correct but most people wouldn’t know the difference.

When these numbers were sent to *APTN* we challenged the province on it. The next day it responded with a similar statement but with a small change: “In the 2018-19 fiscal year, there were *on average* 12,651 children and youth in the care of children’s aid societies and in customary care.”

“On average” was italicized by the government.

“Due to admissions to, and discharges from, care the number of children in the care of Ontario’s 50 children’s aid societies fluctuates. Societies therefore provide the ministry with the average number of children in care over the course of a year. The average number of children in care is an average of the total number of children in care at the end of each month, from March 31 of the previous fiscal year to March 31 of the current fiscal year,” said a ministry spokesperson in an email.

Simply put: the system isn’t able to give a single-point-in-time number because that number can change day to day. It’s just not tracked that way and yet, unless challenged, the government misleads the public and reporters.

Things have only gotten worse under Premier Doug Ford according to Irwin Elman, the former Ontario child advocate.

The Ford government closed Elman’s office as the Progressive Conservatives’ first move on child welfare after the special panel report came out

saying the system was a mess.

Its doors closed earlier this year; the ombudsman's office now handles some of Elman's former responsibilities.

The closure also came while the advocate's office was working on 27 investigations, mainly into foster homes, including the home Tammy Keeash was last in before she died.

Almost everything *APTN* has written in this story does not come as a surprise to the former advocate.

"To be aware in many ways is to be in a constant state of outrage," said Elman, Ontario's first and last child advocate.

But when Elman's office first opened about a decade ago he noticed something.

"Every three days – Monday, Tuesday, Wednesday – a child connected to care dies. Thursday, Friday, Saturday, a child's died connected to a system that is meant on all our behalf to protect them," he said.

He's right.

During the five-year period between 2013 and 2017 the coroner lists 541 deaths involving child welfare and 102 were Indigenous.

Indigenous people represent less than three per cent of Ontario's population.

So when that child dies they are more likely to be Indigenous.

And, again, that's no surprise to people who have been fighting for these kids, like Cindy Blackstock.

It's largely because of Blackstock that the human rights tribunal found Canada guilty of systematically under-funding on-reserve child welfare.

"The tribunal found that Canada's First Nation child welfare funding across the country and Ontario was discriminatory in January 2016 and ordered Canada to stop but it did nothing until the tribunal issued a subsequent order in February 2018," she said.

Based on that order Canada retroactively provided funds to 2016. To date, just in Ontario, the feds have "reimbursed" approximately \$135 million.

But you can't go back in time to save any of these children, no matter how much money you throw at it.

"Children died waiting for Canada. That's the problem with them saying, oh well, we are making good first steps ... be patient with us. The reality is that children's lives are really on the line while we're waiting and many more children lost their lives during the time we litigated this case and for the many years before when they had a chance to fix it," said Blackstock.

The Trudeau government also narrowly squeezed in new legislation for Indigenous child welfare last spring.

But the day Indigenous Services Minister Seamus O'Regan tabled the bill he didn't have a lot of details – particularly when it came to money.

This worries Blackstock who says it's another example of the feds not taking funding child welfare seriously.

"My worry is that we really need to make sure Canada isn't using C-92 as an escape clause for its fiscal responsibilities to First Nation children," she said. "Sure, it recognizes jurisdiction. But no money to implement your programs. And you're dealing with families who are dealing with the weight of multi-cultural trauma from residential schools, from colonialism, starvation policies, taking of land, taking of resources, '60s Scoop, child welfare, all things Canada was directly involved with.

"And they are going to hand it over to First nations and say good luck. I think that is wrong."

Tikinagan didn't respond to *APTN* and Payukotayno asked for questions to be sent by email but didn't give any answers.

Meanwhile, in August the Ford government put out a call for submissions on how to improve the child welfare system in Ontario.

Earlier this month the human rights tribunal ordered Canada to pay each First Nations child who was in care, or guardian, \$40,000.

As for the title of this story, "Death as Expected" comes from standardized forms, reviewed by Professor Kim Snow, that an agency worker completed when a child in care died of natural causes during her investigation for the former child advocate.

"It was the only words written for the reports on the kids that died as a result of medical fragility," said Snow.

But many of these deaths, from the suicides to the undetermined, were expected said Blackstock.

"It wasn't an accident," she said.

kjackson@aptn.ca (mailto:kjackson@aptn.ca)

– Additional reporting by former *APTN* reporter Martha Troian, who helped track the number of deaths and *APTN* reporter Willow Fiddler, who pulled documents from the Thunder Bay courthouse.

Tags: Child Welfare (<https://aptnnews.ca/tag/child-welfare/>), Cindy Blackstock (<https://aptnnews.ca/tag/cindy-blackstock/>), data (<https://aptnnews.ca/tag/data/>), deaths (<https://aptnnews.ca/tag/deaths/>), Featured (<https://aptnnews.ca/tag/featured/>), Federal Government (<https://aptnnews.ca/tag/federal-government/>), Ontario (<https://aptnnews.ca/tag/ontario/>), ontario government (<https://aptnnews.ca/tag/ontario-government/>)



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