



**Report to the Minister of Justice
and Attorney General
Public Fatality Inquiry**

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at the Edmonton Law Courts

in the City of Edmonton, in the Province of Alberta,
(City, Town or Village) (Name of City, Town, Village)

on the 4 - 8, inclusive day of January, 2016, (and by adjournment
year

on the _____ day of _____, _____),
year

before Raymond K. Bodnarek, a Provincial Court Judge,

into the death of Caleb Jason Cardinal and Gabriel Justin Joseph Cardinal 6 and 3
(Name in Full) (Age)

of Edmonton and the following findings were made:
(Residence)

Date and Time of Death: Both found dead on December 19, 2010 at 11:40 p.m.

Place: 373 Abbottsfield Road, Edmonton, Alberta

Medical Cause of Death:

Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization – The Fatality Inquires Act, Section 1(d)).

Suffocation by strangulation for both

Manner of Death:

("manner of death" means the mode or method of death whether natural, homicidal, suicidal, suicidal, accidental, unclassifiable or undeterminable – The Fatality Inquiries Act, Section 1(h)).

Homicidal for both

Circumstances under which Death occurred:

1. Introduction

This report relates to the deaths of Caleb Jason Cardinal (age 6) and Gabriel Justin Joseph Cardinal (age 3) while in the care of the Director under Alberta's *Child, Youth and Family Enhancement Act*, RSA 2000, c. C-12. For the remainder of my report, I'll refer to the Director and his/her statutory delegates collectively as "CS", meaning Children's Services. This is a heartbreaking and tragic case. These 2 young boys were murdered by their father, Jason Cardinal, during a court authorized, unsupervised weekend visit.

The irony of this case is that CS's interventions, designed to protect Caleb and Gabriel, may have played a role in triggering Mr. Cardinal's unspeakable actions. This is based upon Mr. Cardinal's twisted logic that his boys were better off dead than being raised by their mother, Andrea Badger.

With the benefit of hindsight, it's apparent that Mr. Cardinal's unsupervised access gave him the opportunity to carry out his plan to kill Caleb and Gabriel. What's critical to assess is whether CS had due regard to all relevant circumstances and sought out appropriate independent professional advice to inform their position on whether unsupervised access posed a risk of serious physical harm to the boys. Similarly, it's important to consider whether CS ought to have challenged Mr. Cardinal's continued unsupervised access at the last set of court proceedings held approximately 2 weeks prior to the children's death.

I'll start by providing an overview of what happened in this case.

I'll then review in greater detail the actions of CS and the information in its possession leading up to the fatal unsupervised visit that commenced on December 17, 2010 - all with a view to assessing whether their deaths were preventable. My assessment will not and cannot contain any findings of legal responsibility, nor any conclusions of law in accordance with s. 53(3) of the Fatality Inquiries Act, RSA 2000 Chapter F-9.

Finally, I'll discuss whether I have any recommendations that may assist in avoiding similar deaths in the future.

2. Overview of circumstances

Jason Cardinal and Andrea Badger were in an on and off again common-law relationship that started in 2002. They had two children together, Caleb and Gabriel. Ms. Badger had an older daughter from a previous relationship. I'll refer to her as "B" for the remainder of this report, as her identity is protected by a publication ban.

In late 2008, Ms. Badger commenced working away from home. Mr. Cardinal obtained a parenting order with Ms. Badger's consent in October 2008. This order gave him primary custody of Caleb and Gabriel. Outside of the parenting order, they agreed he would also take care of B.

In January of 2010, Ms. Badger was concerned that all 3 children were at risk due to Mr. Cardinal's mental health issues. For the remainder of this report all dates refer to the year 2010, unless referred to otherwise.

In February, CS obtained an Apprehension Order for Caleb and Gabriel and placed them in Ms. Badger's care. B also moved back into Ms. Badger's primary care. As B was not a part of the 2008 Parenting Order, it was not necessary for CS to include her in the Apprehension Order or

any subsequent orders. From this point forward Mr. Cardinal had no contact with B.

In March, CS obtained an Initial Custody Order Pending Final Disposition (ICO) for Caleb and Gabriel and again they were placed in Ms. Badger's care. Mr. Cardinal was granted access with supervision at the discretion of CS.

Ms. Badger subsequently filed an application to vary the 2008 Parenting Order to secure full custody of the boys. Ultimately, her application was adjourned to join CS's Temporary Guardianship Order (TGO) application on December 6.

Over the summer, CS permitted Mr. Cardinal more liberal access because he was addressing a number of his parenting problems. By the end of the summer the Court granted him unsupervised weekend visits. These visits were subject to random "pop-in" visits by a Family Reunification Worker (FRW). The FRW was from a 3rd party agency and was contracted by CS to provide Mr. Cardinal with ongoing parenting support to assist him in regaining custody of the boys.

In the fall of 2010, Mr. Cardinal experienced some personal difficulties. For example: his licence was suspended for traffic violations; he forged a prescription and fraudulently obtained prescription drugs; he was charged with shoplifting; and, he was banned from a doctor's office for drug seeking behaviour.

On December 6, the court hearing commenced respecting CS's TGO application and Ms. Badger's application to vary the Parenting Order. There was insufficient time to complete the hearing and it was to be continued on April 26, 2011. The boys remained in CS's care and continued to be placed with Ms. Badger. Mr. Cardinal's unsupervised access remained unchanged.

Sometime on December 19, during a regularly scheduled unsupervised weekend visit at his residence, Mr. Cardinal murdered both Caleb and Gabriel. He sedated them with drugs and then strangled them both to death.

Mr. Cardinal admitted planning his actions shortly before the December 6 court hearing in the event that he did not have the boys returned to him. He subsequently pled guilty to first degree murder of both Caleb and Gabriel and is serving a life sentence with no eligibility for parole for 25 years.

3. Actions of CS and summary of relevant information on their file

CS first became involved with Caleb and Gabriel on May 27, 2009. They received a call from the Edmonton Police Service advising them that Gabriel had been found wandering the streets of Edmonton. He was 2 years old at the time. CS followed up by interviewing Mr. Cardinal and the schools where Caleb and B were attending. Based upon these interviews, CS determined this was an isolated incident and took no further action.

CS's next involvement arose from an incident where police responded to a domestic dispute at Mr. Cardinal's home on September 17, 2009. There were allegations that Mr. Cardinal used violence against his then fiancée. This was not in relation to Ms. Badger. CS closed their file after sending a domestic violence resource package to Mr. Cardinal's home.

Moving now to the year 2010, on January 25, CS investigated a complaint that Mr. Cardinal had mental health issues that were impacting his ability to parent and that he'd been inappropriately disciplining Caleb, Gabriel and B. CS conducted interviews of both Caleb and B at their respective schools. They also interviewed Mr. Cardinal and Ms. Badger. Mr. Cardinal admitted

to various forms of inappropriate corporeal punishment, as well as to his rigid parenting style.

Based upon concerns of physical/emotional abuse and a lack of adequate supervision, CS proceeded to conduct a more detailed assessment. During this assessment, Mr. Cardinal acknowledged that he had manic phases where he'd be awake for a few days straight. This would be followed by a "crash" where he'd feel depressed and would sleep all day and night - leading to inadequate supervision of the children. Mr. Cardinal also acknowledged watching pornography in front of the children and having sexual relations with girls between the ages of 15 to 17 years old.

With his consent, CS followed up with Mr. Cardinal's various health care professionals. CS also met with Mr. Cardinal and Ms. Badger on February 19 to discuss their serious parenting concerns. At this meeting Mr. Cardinal agreed to allow Caleb and Gabriel to reside with Ms. Badger until CS's concerns were properly addressed. During the meeting Mr. Cardinal admitted being suicidal and said he had several licensed guns in his home. The police subsequently seized his guns. CS determined that a further assessment was required before Caleb and Gabriel could be returned to Mr. Cardinal's care.

As referred to in my overview, on February 22, CS obtained an Apprehension Order and placed Caleb and Gabriel with Ms. Badger in Bonnyville, Alberta. Mr. Cardinal was to have supervised access only. CS's application for an apprehension order stated that the children were: "...at risk in his care due to physical abuse, lack of supervision, neglect, exposure to pornographic materials and emotional abuse."

Around this period, Ms. Badger advised CS that she was applying to vary the 2008 Parenting Order to secure full custody of the boys, with only supervised access by Mr. Cardinal.

On March 28, Mr. Cardinal's psychologist, Dr. Janis Martin, provided a written opinion that Mr. Cardinal was fit to parent. In particular, she stated the following:

In summary, in my professional opinion Mr. Cardinal is a very dedicated caring father whose actions have always been taken in the context of his concepts of the needs of his children. Despite his psychiatric illness, for which he has consistently sought the best treatment available, including requesting second opinions, Mr. Cardinal has always been there for his children. He has provided a secure home, a consistent environment, good nutrition and scheduling, and as well sought appropriate and necessary school programming for the special needs of the children. Mr. Cardinal has proven to be a co-operative therapeutic client, who has followed all recommendations made by me. Mr. Cardinal has the courage to directly deal with even very difficult and complex issues.

Again, as referred to in my overview, at the initial custody hearing held on March 30th, the judge determined that the children were not safe in Mr. Cardinal's care and she granted CS an ICO and ordered that Mr. Cardinal have personal access to Caleb and Gabriel in Bonnyville, Alberta for a minimum of two times a week for at least 3 hours, supervised at the discretion of CS.

Mr. Cardinal had a number of generally positive supervised visits with Caleb and Gabriel in Bonnyville.

CS documented the following in April:

- The CS expressed concern that Mr. Cardinal was very unstable, carried weapons and that their Caseworkers should not attend his home alone;

- CS received a call from a grocery store alleging that Mr. Cardinal had become verbally abusive to staff and was banned from the store; and,
- CS became aware of written threats that Mr. Cardinal made in respect of Ms. Badger.

CS documented the following May:

- It was suspected that Mr. Cardinal slashed Mr. Badger's vehicle tires prior to one of his supervised visits in Bonnyville;
- Mr. Cardinal was assigned a FRW from The Family Centre and the FRW reported that Mr. Cardinal had completed a parenting class and had enrolled in another one;
- The FRW recommended that the boys have an overnight visit with Mr. Cardinal at his home in Edmonton;
- At a meeting with CS, Mr. Cardinal advised he had not taken his medications regularly because they made him feel groggy;
- CS retained the services of psychologist, Dr. Ann Marie Dewhurst, to conduct a parenting assessment of Mr. Cardinal; and,
- At the end of May 2010, Mr. Cardinal's supervised visits were relocated to Edmonton.

As per CS policy, CS prepared a document referred to as concurrent plan. Plan A was to return the boys to Mr. Cardinal upon the completion of a total of 6 tasks. Plan B involved looking for other family members that could provide a permanent and stable home for the boys. As per CS policy, Plan B would only apply if Plan A could not be implemented.

Mr. Cardinal made some progress on his 6 tasks. For example, he completed a parenting course and agreed to move his computer into his bedroom so as to avoid the boys being exposed to pornography. Further, Mr. Cardinal advised that he would address a number of the individual tasks in the plan through one on one counselling with his psychologist, Dr. Martin.

On June 3, Mr. Cardinal's family physician of some 20 years provided a letter advising that Mr. Cardinal's mental illnesses were long standing. He described them as: General Anxiety Disorder, Unipolar Spectrum Disorder, Sociopathic Tendencies, early onset Dysthymic Disorder and a Cluster B personality. It was this doctor's opinion that Mr. Cardinal had good control over his mental health and that he could parent if he took his medications.

On June 22, CS contacted Dr. Martin. She advised that she had not been aware of Mr. Cardinal's various obligations under his concurrent plan but undertook to address them in future counselling sessions with Mr. Cardinal. On this same day, CS met with Mr. Cardinal. He confirmed that he would continue working on his concurrent plan obligations with Dr. Martin.

On July 5, Mr. Cardinal was suspected of placing a mark on his CS Caseworker's car. The Caseworker was very concerned and Mr. Cardinal's file was transferred to another Caseworker the next day.

The FRW provided a report for the period between July 10 and August 20. He reported some

progress on Mr. Cardinal's parenting courses and commented positively on his eagerness to work with the FRW. He recommended that visits be moved to Edmonton progressing to overnight visits with the boys at Mr. Cardinal's home with, drop-in supervision.

Dr. Martin provided a letter dated July 26 acknowledging the concerns raised by CS in the concurrent plan. She indicated that she was working with Mr. Cardinal on alternative forms of non-violent discipline and recommended unsupervised parenting time. Further, Dr. Martin advised that Mr. Cardinal is "... a highly intelligent man who is dedicated to the welfare of his children and who is very interested in developing improved parenting skills." She further advised that from the time Mr. Cardinal was directed by CS to address his parenting deficiencies, she had met with him 10 times and had an additional 4 counselling sessions via telephone.

On July 27, Dr. Dewhurst completed her parenting assessment of Mr. Cardinal. In terms of physical risk to the boys, she concluded that:

Jason does not appear to be generally violent and is unlikely to engage in random acts of violence. Any aggression he displays is likely to be in the context of emotional reactivity. As his ability to modulate his emotions improves and he maintains a stable medication regime, his risk for future violence is in the moderately low range.

Dr. Dewhurst goes on to say that Mr. Cardinal appears to have good insight into his mental health issues and his medication management.

Ultimately, Dr. Dewhurst was of the opinion that Mr. Cardinal had the capacity to be the primary parent to Caleb and Gabriel if he had proper ongoing supports in place. One of these supports related to Mr. Cardinal having a mental health care professional to assist him with complying with his medication regime.

On July 29, a Judicial Dispute Resolution meeting was held and all parties agreed that Mr. Cardinal's visits with the boys would be moved to Edmonton and that the FRW would continue to work with him.

On August 10, CS met with Dr. Dewhurst, the FRW and Mr. Cardinal's family law worker. These parties relayed to CS that they believed the boys should be moved to Mr. Cardinal's home because he had made progress in addressing his parenting deficiencies. Dr. Dewhurst reiterated that despite Mr. Cardinal's significant and long-standing mental health concerns, he was able to parent his children with proper support. She believed Mr. Cardinal's mental health issues could be adequately managed by his regular psychologist, Dr. Martin. Dr. Dewhurst reaffirmed that Mr. Cardinal didn't pose a risk to the boys as long as he had the proper supports in place. Ultimately, a plan was developed for 2 weekend visits of 6 hours each at Mr. Cardinal's residence, with drop in supervision by the FRW.

For the period of August 10 to September 20, the FRW provided a positive report on Mr. Cardinal's progress on his parenting program participation and on his appropriate interactions with Caleb and Gabriel during visits.

On August 31, Ms. Badger expressed concerns to CS that Mr. Cardinal had made little to no changes. She also raised concerns about Mr. Cardinal's risk of violence to himself and others if he didn't get his way in having the boys back in his care.

CS spoke with Dr. Martin. She advised there was a gap in his attendance. She advised that it was important for Mr. Cardinal to see a psychiatrist and advised that he had an appointment later in September to see one.

On September 17, CS learned that Mr. Cardinal had been banned from a doctor's office for drug seeking behaviour. This was later confirmed by letter from Dr. Gibbons of Access Medical Centre.

CS received another generally positive progress report from the FRW for the period of September 20 to November 1. A concern was raised that Mr. Cardinal was having difficulty securing a family physician.

On September 21, CS's TGO application was adjourned to December 6. The judge granted Mr. Cardinal unsupervised weekend access. The ICO remained in effect until the next court date on December 6.

On September 27, CS received reports of problems with Caleb at school. Caleb was interviewed and he reported that Mr. Cardinal was still disciplining with physical violence and by withholding affection. Caleb also advised that he saw Mr. Cardinal get mad and smash a video game controller. Mr. Cardinal's visits were temporarily suspended.

In addition, as a result of a complaint, CS ordered a parenting assessment of Ms. Badger. This report was completed on December 2 and found her suitable to parent, but recommended that she receive individual counselling, in-home support and participation in a support group for single parents.

On October 26, Mr. Cardinal admitted to CS that he'd forged a doctor's signature for two prescriptions he wrote for himself for back pain. He reported prescribing himself 700 pills and picking them up at the pharmacy and subsequently being caught.

CS received another report from the FRW for the period November 1 to 24. He confirmed that Mr. Cardinal: continued his parenting program; his visits with Dr. Martin; and had completed the intake process with a bi-polar clinic. Mr. Cardinal reported difficulty maintaining a family doctor. The FRW indicated that Mr. Cardinal appeared to be in control of his medication regime.

On November 8, CS received a report that Mr. Cardinal did not sleep during a weekend visit with the children, raising concern over his mental stability when with the boys.

On November 16, CS spoke with a physician who expressed concerns that Mr. Cardinal was addicted to prescription drugs.

On December 6, CS attended court. The court was scheduled to hear Ms. Badger's application to vary the 2008 Parenting Order and CS's application for a TGO, which was amended to an application for a 6 month Supervision Order. At the beginning of the hearing, CS indicated that it would be satisfied with a Supervision Order, whether the children were placed in the care of either Mr. Cardinal or Ms. Badger.

Dr. Dewhurst then testified that based upon her reading of the updated court report (prepared by CS) which outlined Mr. Cardinal's troubling behaviour in October/November, that she could not recommend the return of the boys to Mr. Cardinal at the time. This caused CS to change its position, stating that if Ms. Badger's application to vary the parenting order was not successful, then CS would seek a TGO. As a result of insufficient time to hear all witnesses, a trial continuation was set for April 26, 2011, with the ICO to remain in effect. The court saw no need to vary Mr. Cardinal's access given the existing supports he had in place.

On the same date, December 6, CS learned that Mr. Cardinal had been charged with shoplifting.

On December 7, CS was advised that Mr. Cardinal was either monopolizing or falling asleep at

group counselling sessions at a program offered by The Family Centre.

On December 10, Mr. Cardinal wrote several emails to CS. He insisted on having the boys for Christmas because it fell on his regular weekend visit. He also expressed his frustration about the December 6 court hearing, as it had not gone the way he thought it should have.

On December 17, Mr. Cardinal emailed CS expressing that he was depressed because he lost his boys for another 4 months and accused CS of taking Ms. Badger's side in the court proceedings. He also advised that he was essentially sleeping day and night, only getting up to take his medications, but denied doing so when the boys visited.

On December 18, during a weekend visit by the boys, the FRW drove Mr. Cardinal and the boys to see his psychologist, Dr. Martin. This was not a therapy session, but simply a visit.

On December 19, during this same weekend visit, members of the Child at Risk Response Team attended Mr. Cardinal's residence in response to reports that the boys had not been returned to Ms. Badger at the pre-arranged time of 2:30 p.m. Caleb and Gabriel were found dead and Mr. Cardinal was taken to hospital for assessment of self-inflicted injuries. The autopsies of Caleb and Gabriel confirmed that they died of strangulation. Mr. Cardinal admitted he intentionally killed his two sons.

4. Were the deaths of Caleb and Gabriel Cardinal preventable and should changes be made to the system?

While it may be tempting to say, with the benefit of hindsight, that the child welfare system failed Caleb and Gabriel because they died while in CS's care, the evidence presented at this Inquiry does not support such a conclusion. After carefully considering all of the evidence, I find that their deaths were not caused by flaws in the system. Similarly, I find that CS made reasonable professional judgement calls throughout their involvement with Caleb and Gabriel. These judgement calls were made with regard to a variety of sources of information - including opinions from mental health professionals. Sadly, as demonstrated by this case, even within a proper functioning child welfare system terrible things can sometimes happen. In part, this relates to the challenges of predicating human behaviour with absolute certainty.

In this case, there was no indication that Mr. Cardinal had the propensity to seriously hurt or kill his boys. To the contrary, the evidence available to CS showed that he and boys were well bonded, he was assessed at moderately low risk of future violence with proper supports (which he was receiving), and that he was motivated and taking active steps to improve his parenting with a view to regaining custody.

It is apparent that CS took Caleb and Gabriel's physical and emotional well-being very seriously when they became aware of Mr. Cardinal's inappropriate treatment of the boys. This ultimately led to their apprehension and placement with Ms. Badger in February. As Mr. Cardinal was the primary custodial parent by virtue of a 2008 parenting order, CS appropriately worked closely with Mr. Cardinal with a view to facilitating the boys' safe return to his care.

In this regard, CS sought out independent professional advice of an experienced registered psychologist to assess Mr. Cardinal's ability to parent. Dr. Dewhurst provided the opinion that Mr. Cardinal was capable of adequately parenting, with the proper supports in place. Incidentally, her opinion was supported by the opinion of Mr. Cardinal's personal psychologist, Dr. Martin - whom he'd been seeing since late 2007.

Informed by Dr. Dewhurst's parenting assessment, CS developed a detailed plan with a number of tasks assigned to Mr. Cardinal. These tasks focused on the supports Mr. Cardinal required to

address his parenting deficiencies and inappropriate treatment of the boys. The onus was on Mr. Cardinal to complete these tasks. CS provided him with support to accomplish the tasks, including the provision of a FRW who provided hands on parenting guidance.

Throughout the summer and fall of 2010, Mr. Cardinal was making progress on the tasks assigned to him. He also received a number of positive reports from his FRW who'd been observing his interactions with the boys. His progress led to the court ordering more liberal, unsupervised access to the boys in September.

From Mr. Cardinal's perspective, his ability to have the boys returned to his care became less certain when Ms. Badger applied to vary the 2008 Parenting Order, seeking primary custody of the boys. This was a source of considerable stress and frustration to Mr. Cardinal and he unfairly blamed CS for taking sides.

Unfortunately, Mr. Cardinal did not handle this stress well. He lashed out at CS staff and Ms. Badger. He demonstrated drug seeking behavior. Further, although he had no prior criminal record, he found himself in trouble with the law for acquiring prescription drugs fraudulently, possessing these drugs without a valid prescription and for shoplifting.

These events caused Dr. Dewhurst to advise the court at the December 6, hearing that she could not recommend the return of the boys to Mr. Cardinal at that time. Dr. Dewhurst did not offer an opinion regarding the need to change Mr. Cardinal's existing unsupervised access. Following Dr. Dewhurst's testimony, CS backed away from the position that the boys could be returned to Mr. Cardinal with a Supervision Order and maintained their original TGO application. This was a prudent decision and demonstrated CS's willingness to consider changing expert advice in its decision-making process.

On the issue of Mr. Cardinal's ongoing access, the presiding Judge indicated there was no need to, as she put it, "claw back" access because Dr. Dewhurst's evidence did not indicate the boys would be in danger during the weekend visits and further that Mr. Cardinal had parenting supports in place, which he was working with. For these reasons, she did not make an order varying Mr. Cardinal's access - which at that time was unsupervised access pursuant to the September court order. The Judge's conclusion was sound, based upon the evidence before her at the time. It's notable that the independent lawyer for Caleb and Gabriel and the lawyer for Ms. Badger did not take issue with the Judge's observations and conclusion regarding Mr. Cardinal's ongoing access pending the continuation date in April of 2011.

During this Fatality Inquiry, Dr. Dewhurst testified that at the December 6 court hearing, she had not formed an opinion regarding appropriate access for Mr. Cardinal. She testified that had she been asked about Mr. Cardinal's access, she "probably" would have said there should be increased supervision because of his apparent drug seeking behaviour. From my perspective this evidence is equivocal, speculative and informed by 20/20 hindsight. Further, this evidence was clearly not before the Judge, nor CS at the time decisions were made about ongoing access.

Also, following the December 6, 2010 hearing, the CS Caseworker testified at this Inquiry that he discussed ongoing access with his supervisor and determined that unsupervised weekend access with pop-in visits from Mr. Cardinal's FRW continued to be appropriate and there were no grounds to return to court to vary access. In reaching this conclusion, they balanced the difficulties Mr. Cardinal was having in the preceding few months with the positive visits he had with the boys during this time frame. The Caseworker also noted that an unsupervised visit occurred the weekend following the December 6 court date and it went well.

Further, there were no clear warning signs from Mr. Cardinal, Dr. Dewhurst and Dr. Martin to

suggest that he may seriously harm the boys. Any concerns CS had about violence against the boys were in the context of his inappropriate use of corporeal punishment. Ms. Badger did warn CS of a risk of harm to the boys if he did not get his way in getting them back. CS had to take this information into account in the broader context of the custody battle between Ms. Badger and Mr. Cardinal, where both parties were telling CS that the other parent was not suitable. CS also had to balance Ms. Badger's information with all their file information which suggested that Mr. Cardinal's risk of harm to the children was in an acceptable range.

As mentioned previously, according to Dr. Dewhurst, risk of harm to the children could be properly managed with proper supports. These proper supports included counselling and programming that Mr. Cardinal was taking. These supports also included the proper management of his mental health issues. In this regard, he had fairly extensive contact with his psychologist Dr. Martin. Dr. Martin indicated Mr. Cardinal's mental health issues were being properly addressed and she raised no concerns with his adherence to his medication regime.

Similarly, although he'd experienced some difficulties in seeing a psychiatrist, he'd recently had an assessment with one at a bi-polar clinic. He had also had difficulties managing his back pain from a prior work injury and had recently attended a pain clinic. Although he had also had some difficulties in securing/maintaining a family doctor, he'd been receiving his medications for his mental health issues from physicians at various medical clinics.

Moreover, CS specifically tasked the FRW to monitor Mr. Cardinal's medication usage by discussing it with Mr. Cardinal, making observations about his mood and behaviour and reporting any concerns to CS. No concerns were reported. In any event, the safety concerns regarding his medications were focused on managing his manic phases which, if not properly addressed, could ultimately lead to a "crash" involving excessive sleeping and possible neglect of the boys. In this regard, Dr. Martin testified at this Inquiry that Mr. Cardinal was bi-polar and not psychotic. She clarified that only the latter mental illness, by virtue of a psychotic episode, would have posed a risk of physical harm to the boys.

When Dr. Martin met with Mr. Cardinal and the boys the day before he killed them, she testified at this Inquiry that there was nothing to suggest his mental health issues were not being properly managed or that he was off of his medications. Rather, he was relating with the boys appropriately and he discussed his intentions to take them home to Goodfish Lake for Christmas. This is significant, as she was a seasoned psychologist who'd been seeing him professionally for three years.

Dr. Martin further testified that over the course of their three year professional relationship, Mr. Cardinal had not once warned he would abduct or hurt the boys and if he had, she would have immediately called the crisis line. Similarly, the FRW noted nothing untoward the day he drove Mr. Cardinal and the boys to Dr. Martin's office and back to Mr. Cardinal's residence. Lastly, Mr. Cardinal's mother, Germaine Cardinal, testified at this Inquiry that she spoke with Mr. Cardinal on the phone the day before the boys were found dead. He talked about bringing them to visit her at Goodfish Lake at Christmas and everything seemed fine. He gave her no indication that he planned on hurting himself or the boys.

In conclusion, it was Mr. Cardinal who failed Caleb and Gabriel and not any flaw in the child welfare system nor any improper judgement exercised by CS. Mr. Cardinal's failure was profound, disturbing and incompressible. Mr. Cardinal devised and followed through on his plan to kill his boys. He told no one and fooled everyone. This included the two people he'd met face to face with the day before the murders, being Dr. Martin and his FRW. He also fooled his own mother, with whom he spoke on the phone the day prior to the boys' murder. The extent his deceit of these 3 individuals is quite remarkable, because by all accounts he had trusting

relationships with each of them.

Recommendations for the prevention of similar deaths:

Given my conclusion above, I have no recommendations to make. I will simply note that this case shines a light on the sometimes devastating impact that mental illness can have in our community and on the importance of timely access to mental health services. In this regard, both Dr. Dewhurst and Dr. Marin expressed concern over a chronic shortage of psychiatrists in Alberta, which in turn leads to delayed access to this particular mental health resource. At the time of this Inquiry, legal counsel for CS advised that the Alberta Government had undertaken an independent review of the mental health system and that the review panel would be reporting to the Government shortly. It's my understanding that this report has now in fact been published, as has the Government's response to the report. Hopefully, this response is a step in the right direction in addressing some of the resource constraints in the mental health system.

DATED January 30, 2017,

at Edmonton, Alberta.

Original signed by

Raymond K. Bodnarek
A Judge of the Provincial Court of Alberta