

T'kwenm7íple7tens re Kíkwe

The Law of the Valerian Plant



Canim Lake Band

The Tsq'escenemc

"The People of Broken Rock"

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PREAMBLE

Tsqésceñ te stsmémelt, tutuwíwt, ell kweskwséltkten are at the center of every part of Weméc (life) te Tsqésceñ. There is nothing more vital to the continued health and well-being of Tsqésceñ today and in the future than the yecwemíns ell knúcwmens (care, support, and protection) of Tsqésceñ te stsmémelt, tutuwíwt, ell kweskwséltkten.

Tsqésceñ holds, and has always held, inherent jurisdiction over the well-being of Tsqésceñ te stsmémelt, tutuwíwt, ell kweskwséltkten. This jurisdiction includes the authority to enact tkwenm7íple7ten (law) and the authority to administer and enforce the Tkwenm7íple7tens re Tsqésceñ.

This tkwenm7íple7ten is an expression of Tkwenm7íple7tens re Secwépemc, and nothing in this tkwenm7íple7ten shall be interpreted to conflict with Tkwenm7íple7tens re Secwépemc, as expressed through other Stkukwenm7íple7s re Secwépemc (Secwépemc governing bodies).

PART 1 INTERPRETATION

Title

1.01 This Law shall be cited as *T'kwenm7íple7tens re Kíkwe (Law of the Valerian Plant)*.¹

Definitions

1.02 In this Law, the following terms shall have the following meaning:

- (a) “**Nekúsems re Kikyé7e ell Xexpé7e**” (Roster of Grandmothers and Grandfathers) is a list of Tsqésceñ te Kikyé7e ell Xexpé7e, maintained by the Élksts re Kíkwe for the purposes of the “Xyemwílcsts re Syecwementwécws re Nekúsem”;
- (b) “**Qellmín**” is a person who provides care to a stsmelt or tuwíwt on a temporary basis where the Yecwemíles re stsmelt or tutuwíwt are unable to provide proper safe care to the stsmelt or tuwíwt.
- (c) “**stsmelt**” is a person, younger than thirteen (13) years old;
- (d) “**Syecwemeníleten**” is a place of safety to which a stsmelt or tuwíwt may be taken by a member of their kwséltkten or by the Élksts re Kíkwe when

¹ In Secwépemc culture, this plant was used to help the parents with a fussy baby, to soothe a child. (Jacob Archie, 1972, shared this information regarding parenting)

kwésétkten or community intervention is needed to ensure the safety and well-being of the stsmelt or tuwíwt; and,

- (e) **“Syecwementwécw”** is to take care of, guard, and protect stsmémelt, tutuwíwt, ell kweskwsétkten in accordance with the teachings of Xexe7úlecw which may include but is not limited to the delivery and availability of dedicated services, resources, programs, processes, and ceremony;
- (f) **“Syecwementwécws re Nekúsem”** (Caring Circle) is a decision-making body composed of Tsqéscneǵc and convened when:
 - (i) a kwésétkten is unable to ensure the well-being of its members, and
 - (ii) community intervention is required to make decisions concerning stsmémelt, tutuwíwt ell kweskwsétkten;
- (g) **“Tsqéscencúlecw”** is the territory of Tsqéscneǵc identified on the map in “Schedule A”;
- (h) **“tuwíwt”** is a young adult;
- (i) **“Yecwmeníle”** is the caretaker of a stsmelt or tuwíwt, including but not limited to the mother and father of the stsmelt or tuwíwt;
- (j) **“Xyemwílcsts re Syecwementwécws re Nekúsem”** (Expanded Caring Circle) is a Syecwementwécws re Nekúsem with the participation of additional Kikyé7e ell Xexpé7e from the Nekúsems re Kikyé7e ell Xexpé7e;

English Translations

1.03 Text within parentheses in this Law shall be read as the English translation of Secwepemctsin and, where the interpretation of the Secwepemctsin and English translation conflict, the Secwepemctsin meaning shall be paramount.

Headings, Titles, Footnotes

1.04 Titles, headings, footnotes, and glossaries have been inserted into this Law for convenience of reference only, and are not interpretive aids.

PART 2 PRINCIPLES

Knucwementwécw-kt

2.01 Me7 knúcwentem re Tsqéscneǵc ell xwexwéyt te Secwépemc.

(Tsqéscneǵc shall help each other and all other Secwépemc.)

2.02 Re Tsqéscneǵc me7 knúcwens xwexwéyt te stsmémelt, tutuwíwt, ell kweskwsétkten ne Tsqéscencúlecw.

(Tsqéscneṁc shall help any stsmelt, tutuwíwt, ell kwséltkten within Tsqescencúlecw whether Tsqéscneṁc, Secwépemc, or Séme7.)

Syecwemeníle

2.03 Re Tsqéscneṁc me7 yecwemíns re xwexwéyt te Tsqéscneṁc ell Secwépemc.

(Tsqéscneṁc shall guard and care for all Tsqéscneṁc and Secwépemc stsmémelt, tutuwíwt, and kweskwséltkten.)

Yegwyúgtwílc re kwséltkten-kt ell re stsmémelt

2.04 Me7 qeqnímentem te Stkwenm7íple7s re Tsqéscneṁc ell me7 el7élkstmentem es yegwyugwtwílcs.

(This Law must be interpreted and administered to ensure the health, well-being, and strength of all Tsqéscneṁc stsmémelt, tutuwíwt, ell kweskwséltkten.)

2.05 Yegwyúgtwílc te stsmémelt ell tutuwíwt (Strong and healthy stsmémelt and tutuwíwt):

- (i) mut ne Tsqescencúlecw (live in their territory);
- (ii) tselxemstés re newí7s (have and feel secure in their sense of belonging with the community);
- (iii) tsyecwemínstem (are cared for, loved, and nurtured);
- (iv) tselxmúlecwem ne tmicws (have knowledge of their land);
- (v) tselxemwílcs es tsetsét.s re stem (are taught and learn the right ways);
- (vi) m-kwéstentem ne Xqelmechwéske ell tselxemstés le kwséltktens (are named and have knowledge of their ancestors);
- (vii) M-yegwyugwtwílcs es necetenmíns ne kwséltktens (are empowered to take on responsibilities and leadership within their kwséltkten); and
- (viii) m-súcwentem re stselxméms ell yegwyugwtwílcs ne swemécs (have their aptitudes and skills identified, acknowledged, and fostered at each stage in their development).

Yecwmeníle

2.06 Yecwmeníle are entitled to rest, recovery, and support in their care of Tsqéscneṁc te stsmémelt ell tutuwíwt.

Role of Kikyé7e ell Xexpé7e

2.07 Kikyé7e ell Xexpé7e are central to their em7í7mts life and have rights and authority in connection with the well-being of their em7í7mts.

Xyemstwécw-kt

2.08 Tsqéscnehc respect one another and that respect shall be the foundation for all decisions made under this Tkwenm7íple7.

Xexe7úlecw

2.09 Tsqéscnehc shall use the teachings of *Xexe7úlecw*² to provide Syecwementwécws to each stsmelt, tutuwíwt, ell kwséltkten by looking ahead, assessing what is to come, and ensuring each stsmelt, tutuwíwt, ell kwséltkten is prepared for the storms and changes of weather throughout their lives.

Recovery from harms

2.10 A priority of the implementation of this tkwenm7íple7ten is to assist Tsqéseñ te stsmémelt, tutuwíwt, ell kweskwséltkten in recovering from the harm caused by separation, apprehension, and other elements of the colonial child welfare system.

Responsibility

2.11 Xwexwéyt te swet ne kwséltkten (every family member), including male figures, have a role in a healthy kwséltkten and are responsible to maintain the well-being of the kwséltkten.

Me7 tspelqentém re stsmémelt

2.12 The Élksts re Kíkwe, in coordination with Tsqéseñ te Kikyé7e, Xexpé7e, Kúkwpi7s ell Knúcwmens, shall continue to practice Tsqéseñ's tradition of:

- (a) going to and providing aid to Tsqéseñ te stsmémelt ell tutuwíwt, who for any reason are outside of Tsqescencúlecw and are in distress or in need; and
- (b) retrieving Tsqéseñ te stsmémelt ell tutuwíwt who have been removed from the care of their kwséltkten and placed in the care of strangers.

PART 3 JURISDICTION AND APPLICATION

Application

3.01 This Law applies to all Tsqéscnehc regardless of location and to all people throughout Tsqescencúlecw.

Stsmémelt, tutuwíwt, and kweskwséltkten within Tsqescencúlecw

3.02 Tsqéseñ exercises exclusive inherent jurisdiction over Tsqéseñ te stsmémelt, tutuwíwt, ell kweskwséltkten within Tsqescencúlecw.

² *Xexe7úlecw* means *impassable terrain*, used as a metaphor for tough passages in life. It is also the name of a mountain within Tsqescencúlecw used for predicting weather.

Stsmémelt, tutuwíwt and kweskwéltkten outside of Tsqéscencúlecw

- 3.03 Where a Tsqéscen' te stsmelt, tutuwíwt, or kwéltkten lives:
- (a) outside of Tsqéscencúlecw in another part of Secwepemcúlecw, this Law applies in coordination with the Tkukwenm7íple7s re Secwépemc with jurisdiction in that part of Secwepemcúlecw;
 - (b) in the territory of another Indigenous community which Indigenous governing body is exercising jurisdiction over stsmémelt, tutuwíwt, ell kweskwéltkten, this Law applies in coordination with the Indigenous governing body, its law, or its agency; and
 - (c) in a territory where no Indigenous governing body is exercising inherent jurisdiction over stsmémelt, tutuwíwt, ell kweskwéltkten, this Law applies and is paramount over any federal or provincial law, but services may be delivered to the Tsqéscen' te stsmelt, tutuwíwt, ell kwéltkten in coordination with agencies or authorities operating under provincial or federal law.

Child, Family and Community Services Act, Adoption Act and Family Law Act

- 3.04 Where there are safety concerns with respect to a Tsqéscen' te stsmelt or tutuwíwt, a decision or order relating to the care, guardianship, or adoption of a Tsqéscen' te stsmelt or tutuwíwt made by a court, tribunal, or other decision-maker pursuant to their purported jurisdiction under Canadian federal or provincial law, such as the *Family Law Act*, S.B.C 2011, c. 25, shall be of no force or effect in so far as it relates to the Tsqéscen' te stsmelt or tutuwíwt.

Paramountcy of this Law

- 3.05 In the event of any inconsistency between this Law and any Canadian federal, provincial, or territorial law, this Law shall prevail and be paramount, to the extent of the inconsistency or conflict, regardless of where a Tsqéscen' te stsmelt, tutuwíwt, or kwéltkten resides.

Blended Kweskwéltkten

- 3.06 Where a stsmelt or tutuwíwt has ties to another Indigenous community which governing body is asserting inherent jurisdiction over a stsmelt, tutuwíwt, e yews kwéltkten, Tsqéscen' may exercise its jurisdiction in coordination and cooperation with the other Indigenous governing body.

Coordination Agreements

- 3.07 Tsqéscen' may negotiate coordination agreements with other Indigenous governing bodies where coordination of jurisdiction is likely to be required on a regular basis.

Jurisdictional Disputes and delivery of services

- 3.08 Jurisdictional disputes shall not delay the delivery of necessary services to Tsqéscen' te stsmémelt, tutuwíwt e yews kweskwéltkten under this Law.

PART 4 Élksts re Kíkwe

Objectives

4.01 Re Tsqésceń te Kúkwi7s ell Knúcwmenš shall establish the Élksts re Kíkwe (Work of the Valerian Plant), which will be responsible for the implementation, operation, and administration of this Law and its regulations.

Authority & Responsibilities

4.02 The Élksts re Kíkwe shall have the authority and be responsible to:

- (a) develop, provide, and coordinate the delivery of Syecwementwécw to Tsqésceń te stsmémelt, tutuwíwt, ell kweskwséltkten, in accordance with this Law;
- (b) advocate for the best interests of Tsqésceń stsmémelt, tutuwíwt, ell kweskwséltkten;
- (c) develop policies and standards for the delivery of Syecwementwécw to stsmémelt, tutuwíwt, ell kweskwséltkten;
- (d) convene Syecwementwécws re Nekúsem and Xyemwílcs re Syecwementwécws te Nekúsem as needed under this Law;
- (e) support, and where required, coordinate the implementation of any decisions made by the Syecwementwécws re Nekúsem and Xyemwílcs re Syecwementwécws te Nekúsem.
- (f) receive, administer, distribute, and report to Tsqésceń on funding secured for the administration and operation of this Law; and
- (g) do all things reasonably incidental to these objectives and the administration of this Law.

Regulations

4.03 Tsqésceń te Kúkwi7s ell Knúcwmenš may make and amend regulations under this Law to provide for the establishment and operations of the Élksts re Kíkwe.

PART 5 TRANSITION OF SERVICES

Existing services provided under Provincial law

5.01 If a Tsqésceń te stsmelt or tuwíwt is receiving services under the *Child, Family and Community Services Act*, R.S.B.C 1996, c. 46, on the coming into force of this Law, all services and care provided to the stsmelt or tuwíwt shall be deemed to be delivered under this Law, and this Law shall take precedence over any order or decision in respect of the stsmelt or tuwíwt purported to be made under any other law.

Proceedings commenced under Provincial law

5.02 Any proceedings commenced but not fully disposed of under the *Child, Family and Community Services Act*, R.S.B.C 1996, c. 46, after the coming into force of this Law, shall be assessed by the Élksts re Kíkwe in accordance with this Law, and the Élksts re Kíkwe shall determine whether and how the processes required under this Law may replace proceedings commenced under the *Child, Family and Community Services Act*, R.S.B.C 1996, c. 46.

No jurisdiction of Canadian courts

5.03 After the coming into force of this Law, no Canadian court has any jurisdiction to consider any application or make any order pursuant to *the Child, Family and Community Services Act*, R.S.B.C 1996, c. 46, or any other statute addressing the safety and protection of a stsmelt or tuwíwt without the consent of the Élksts re Kíkwe.

Disputes

5.04 For greater clarity, any disputes or decisions made under any part of this Law shall be addressed by a Syecwmentwécws re Nekúsem or Xyemwílcs re Syecwmentwécws re Nekúsem.

PART 6 BEST INTERESTS

Exclusive Authority of the Kwséltkten

6.01 Where a kwséltkten does not require Tsqéscen' community intervention to ensure the safety or well-being of its members, the best interests of the kwséltkten and its members shall be determined by the kwséltkten.

Responsibility to take steps to ensure well-being

6.02 A Yecwmeníle shall take steps to address any safety concerns or obstacles to the well-being of a stsmelt or tuwíwt, including accessing the Syecwmentwécw available to the Yecwmeníle through the Élksts re Kíkwe.

Determining best interest

6.03 When making decisions for their own well-being or the well-being of their kwséltkten, a Yecwmeníle shall:

- (a) seek guidance from the Kikyé7e ell Xexpé7e of the stsmelt or tuwíwt where possible, and from other members of their kwséltkten; and
- (b) allow the stsmelt or tuwíwt to have a voice in the decision to the extent possible, having regard to their age and development.

Kwséltkten authority

6.04 Tsqéscen' and the Élksts re Kíkwe will respect:

- (a) decisions made by the kwséltkten for their well-being and the well-being of their stsmémelt and tuwíwt; and

- (b) support the Yecwmeníle in addressing safety concerns identified by the Yecwmeníle.

Community Intervention

6.05 Where a Yecwmeníle or kwséltkten does not take steps to address a safety concern with respect to their stsmelt or tuwíwt, Tsqésceñ shall take steps to intervene and make decisions for the best interest of the stsmelt or tuwíwt in accordance with this Law.

Factors to be considered

- 6.06 In determining the best interest of a Tsqésceñ te stsmelt or tuwíwt, consideration shall be given to the following factors:
- (a) the stsmelt or tuwíwt's physical, emotional, psychological, and spiritual safety, security, and well-being;
 - (b) the importance of kwséltkten unification or reunification, wherever possible;
 - (c) the importance of fostering a stsmelt or tutwíwt's Tsqésceñ identity and sense of belonging;
 - (d) the nature and strength of a stsmelt or tuwíwt's relationship with their Yecwmeníle and any member of kwséltktens re stsmelt or tuwíwt who plays an important role in their life;
 - (e) the stsmelt or tuwíwt's needs given their age and stage of development;
 - (f) the stsmelt or tuwíwt's views and preferences, giving due weight to the stsmelt or tuwíwt's age and maturity;
 - (g) the well-being and needs of the Yecwmeníle;
 - (h) the stsmelt, tuwíwt, or Yecwmeníle's ability to access and make use of the needed Syecwementwécw;
 - (i) whether or not the stsmelt or tuwíwt is a part of a blended family with ties to another Indigenous community;
 - (j) the identification, acknowledgement, and fostering of the stsmelt or tuwíwt's skills and capability at each developmental stage; and
 - (k) any form of violence or risk of exposure to any form of violence, including physical, emotional, and colonial, and its impact on the stsmelt or tuwíwt.

PART 7 YECWEMENTWÉCW

Xexe7úíecw

7.01 Tsqésceń shall use the teachings of Xexe7úíecw to provide Syecwementwécw to each stsmelt, tuwíwt, ell kwséltkten by looking ahead, assessing what is to come, and ensuring each stsmelt, tuwíwt, ell kwséltkten is prepared for any storms and changes of weather throughout their lives.

Delivery Principles

7.02 Syecwementwécw under this Law shall be delivered and administered in accordance with the following principles:

- (a) stsmémelt, tutuwíwt, ell kweskwséltkten will be informed of the services available to them;
- (b) services will be voluntary except where a Syecwementwécw Circle has determined services are necessary to support and ensure the safety and well-being of a Tsqésceń te stsmelt, tuwíwt, e yews kwséltkten; and
- (c) services delivered to Tsqésceń te stsmémelt, tutuwíwt, e yews kweskwséltkten must prioritize healing from harms inflicted by colonial violence including colonial child welfare laws and systems.

Availability of Syecwementwécw

7.03 Syecwementwécw shall be made available to all Tsqésceń te stsmémelt, tutuwíwt, ell kweskwséltkten regardless of whether or not there are concerns about their well-being.

7.04 Wherever possible, Syecwementwécw shall be offered and encouraged for any kwséltkten where it appears possible or likely that concerns may develop about the safety and well-being of its members.

7.05 Any person caring for a stsmelt or tuwíwt shall be able to access Syecwementwécw as needed.

Prenatal Care

7.06 Programming offered to a person who is expecting a skwimémelt may include:

- (a) prenatal care and skills development;
- (b) supports for the health and nutrition of the expecting Yecwemeníle; and
- (c) ceremony, including baby baskets, for the Yecwemeníle and the skwimémlet.

Kwséltkten Supports

7.07 Programming to develop a safe and supportive environment for stsmémelt, tutuwíwt, ell kweskwséltkten may include:

- (a) programs for the development of parenting skills, including financial and food preparation and such other skills as may be required in providing for one's family;
- (b) skwimémelt ell stsmémelt development programs;
- (c) financial or other material supports, including for diapers, formula, clothes, groceries, and furniture;
- (d) homemaking and in-home supports;
- (e) transportation supports;
- (f) daycare and childcare;
- (g) educational supports;
- (h) medical and therapeutic supports, including in-home care; and
- (i) such other Syecwementwécw as through the Élksts re Kíkwe or the Syecwementwécws re Nekúsem may determine are necessary to promote the safety and well-being of Tsqésceñ te stsmémelt, tutuwíwt, ell kweskwséltkten.

Family Connection Supports

7.08 Xwexwéyt re (All) Tsqéscneñc shall have access to supports to assist with repairing, building, or strengthening ties with members of their kwséltkten who live outside of Tsqescencúlecw, which may include:

- (a) travel support for visiting family members; and
- (b) resources for hosting family members within Tsqescencúlecw.

Housing Supports

7.09 All Tsqésceñ te kwséltktens shall have access to, and Tsqésceñ shall provide:

- (a) temporary or transitional housing; and
- (b) assistance with navigating, accessing, and obtaining resources and funding for housing solutions.

Yecwmeníle Supports

7.10 Yecwmeníle ell Qellmín shall have access to and be provided with the following supports for their own health, strength, and well-being:

- (a) self-care and burnout prevention programs and supports;
- (b) traditional learning opportunities, focused on parenting;
- (c) targeted supports to elder Yecwmeníle ell Qellmín; and

- (d) respite care.

(Male Role) Supports

7.11 Tsq̄ésceñ shall provide programming and other supports to Tsq̄ésceñ boys and men to support their development as Stsyemtsiñ³ (Firekeepers, Protectors) and take on responsibility within their k̄wséltkten.

Syewementwécws re Tutuwíwt

7.12 Tsq̄ésceñ shall arrange to provide tutuwíwt with access to the following supports:

- (a) tutuwíwt gathering spaces;
- (b) transitional housing;
- (c) life skills training;
- (d) mental health and substance abuse supports;
- (e) career services;
- (f) athletic, land-based, spiritual, culinary, ceremony, and artistic programs; and
- (g) any other supports that a tuwíwt may seek out or need in their transition to adulthood.

Education

7.13 Tsq̄ésceñ shall ensure all stsmémelt ell tutuwíwt are supported in their education, including:

- (a) daycare and before and after school care;
- (b) tutoring and additional supports for learning;
- (c) access to, and assistance with, accessing available post-secondary financial supports; and
- (d) cultural connection supports for tutuwíwt living away from home for education.

Addiction and Substance Abuse Supports

7.14 Where the treatment of addiction or substance abuse is required to ensure the safety and well-being of a stsmelt, tuwíwt, e yews k̄wséltkten, Tsq̄ésceñ shall provide supports including initial risk assessments, preliminary counselling, and aftercare, and shall arrange for treatment programs as are determined to be necessary for the person in need.

³ Tsyemtsiñ means to sit by the fire. The "s-" prefix makes it a noun.

Crisis Prevention Support

7.15 Where a Yecwmeníle seeks support in preventing a crisis or has reason to believe that the stsmelt e yews tuwíwt is struggling, the Élksts re Kíkwe shall provide all necessary Syecwementwécw to ensure that the stsmelt e yews tuwíwt can remain with their kwséltkten.

Urban Members

7.16 Tsqésceñ shall make services available to members who live in urban centers including:

- (a) the maintenance of a caregivers network;
- (b) gathering spaces for Tsqésceñ in urban centers such as Kamloops, Williams Lake, and Vancouver; and
- (c) resources to return to Tsqescencúílecw or travel to neighbouring territories for land-based programming.

Non-Exhaustive List of Supports, Services and Programs

7.17 This Part does not provide an exhaustive list of prevention programming that may be offered, and Tsqésceñ may make regulations prescribing any additional prevention programming, services, and supports that may be required to support and promote the safety, health, and well-being of Tsqésceñ te stsmémelt, tutuwíwt, ell kweskwséltkten.

PART 8 KWSÉLTKTEN INTERVENTION

Authority of the kwséltkten

8.01 This Law recognizes and affirms the inherent right of Tsqésceñ te Kikyé7e ell Xexpé7e and other kwséltkten re stsmelt, e yews tuwíwt to provide care where, in the opinion of the kwséltkten member or Tsqésceñ, a stsmelt or tuwíwt's parents are not physically, emotionally, or mentally well enough to provide safe care for the stsmelt or tuwíwt.

Duty to seek assistance

8.02 Yecwmeníle and other members of a kwséltkten who, in their opinion, believe the safety and well-being of a stsmelt or tuwíwt cannot be ensured by the kwséltkten alone, have a duty to seek assistance from the Élksts re Kíkwe.

Duty to notify

8.03 All Tsqésceñ have a duty to notify the Élksts re Kíkwe where, in their opinion, the safety and well-being of a stsmelt or tuwíwt cannot be ensured by their kwséltkten and the assistance of the Élksts re Kíkwe is required.

Lexép te yecwemíns

8.04 Where conditions exist in the home that may cause harm to a stsmelt or tuwíwt, the Élksts re Kíkwe may:

- (a) remove the Yecwmeníle or adults causing the harm from the home; or
- (b) move the stsmelt or tuwíwt to a Yecwemeníleten preferably with members of the stsmelt or tuwíwt's kwséltkten and provide the stsmelt or tuwíwt with Syecwementwécw as is needed to address any harm that they may have experienced.

8.05 Where a stsmelt or tuwíwt has been taken to a Yecwemeníleten or separated from their Yecwmeníle, Tsqésceñ shall provide Syecwementwécw to the Yecwmeníle with a view to assisting the Yecwmeníle heal and provide safe care to their stsmémelt in the future.

Syecwementwécws re Nekúsem in case of separation

8.06 Where a stsmelt or tuwíwt and their Yecwmeníle have been separated by the Élksts re Kíkwe due to safety concerns, a Syecwementwécws re Nekúsem will be convened within forty-eight (48) hours to plan and make decisions regarding the Syecwementwécw for the stsmelt and tuwíwt.

PART 9 SKWÉÑLE

Skwéñle

9.01 Where a stsmelt or tuwíwt has no living parents, the stsmelt or tuwíwt shall be cared for by Kyé7es re stsmelt or tuwíwt, or another member of their kwséltkten.

Kecnéw re twítem

9.02 A stsmelt may be given by their parent to their Kyé7e to be cared for and taught the traditional ways and such stsmelt will provide care to their Kyé7e in their old age.

Me7 kéctem te skúyes

9.03 Where a Tsqésceñ woman is unable to have a child and wishes to, a member of her kwséltkten may give her a stsmelt to raise and care for.

PART 10 SEME7WÍLC

Adoptions to be approved by Syecwementwécws re Nekúsem

10.01 All Seme7wílc must be approved by Syecwementwécws re Nekúsem.

Regulations

10.02 Kúkwpí7s ell Knúcwmens re Tsqésceñ may make and amend regulations under this Law for the authorization, process, and documentation of Seme7wílc.

PART 11 SYECWEMENTWÉCWS RE NEKÚSEM

Purpose

11.01 Where members of a kwséltkten are unable to intervene to ensure the safety and well-being of their stsmelt and tuwíwt, or where the efforts of the kwséltkten to do so have been unsuccessful, a Syecwementwécws re Nekúsem shall be convened to determine which Syecwementwécw are required to provide care for the stsmelt or tuwíwt.

Convening

11.02 The Élksts re Kíkwe, in consultation with the kwséltkten of the stsmelt or tuwíwt, shall be responsible for convening the Syecwementwécws re Nekúsem.

Composition

11.03 A Syecwementwécws re Nekúsem shall include:

- (a) the Yecwmeníle of the stsmelt or tuwíwt;
- (b) the stsmelt or tuwíwt as appropriate;
- (c) a representative of the Élksts re Kíkwe;
- (d) wherever possible or appropriate,
 - (i) Re Kyé7es ell Xpé7es re stsmelt e yews tuwíwt, as applicable; and
 - (ii) other members of the kwséltkten involved in the stsmelt or tuwíwt's caring and well-being;
- (e) a minimum of two Kikyé7e or Xexpé7e from the Nekúsems re Kikyé7e ell Xexpé7e who are not members of the kwséltkten; and
- (f) such other Tsqésneḿc as are needed.

Decision Making

11.04 The Syecwementwécws re Nekúsem may determine:

- (a) whether the current Yecwmeníle can safely care for the stsmelt or tuwíwt, with or without Syecwementwécw;
- (b) what additional Syecwementwécw is necessary for the Yecwmeníle to safely care for the stsmelt or tuwíwt;
- (c) if the Yecwmeníle are not able to safely care for the stsmelt or tuwíwt, who should care for them and for how long;
- (d) what Syecwementwécw is necessary for the Yecwmeníle to support and strengthen their continued relationship with and care for their stsmelt or tuwíwt;

- (e) what pathways are available for the reunification of Yecwmeníle with their stsmelt or tuwíwt;
- (f) whether to approve a Seme7wílc;
- (g) any other measures wanted or needed for Syecwementwécw to be effective in ensuring the well-being of a stsmelt, tuwíwt, or kwséltkten.

Consensus

11.05 The Syecwementwécws re Nekúsem shall make all decisions by c7ú7tsenmes (their answer).

Regulations

11.06 Kúkwpi7s ell Knúcwmens re Tsqésceñ may make and amend regulations under this Law:

- (a) for the role, qualifications, and compensation of the Nekúsems re Kikyé7e ell Xexpé7e participants in the Syecwementwécws re Nekúsem; and
- (b) provide for the operation, documentation, and procedures of a Syecwementwécws re Nekúsem.

PART 12 DECISION MAKING

Principles

12.01 When making decisions under this Law, Tsqésceñ shall:

- (a) support, wherever possible, the unification or reunification of kwséltkten;
- (b) include those who are directly affected by a decision;
- (c) acknowledge the authority of Kikyé7e ell Xexpé7e in terms of kwséltkten concerns;
- (d) place the needs, interests, and voice of stsmémelt ell tutuwíwt at the center of the decision-making process;
- (e) respect personal and kwséltkten autonomy; and
- (f) present individuals with choices because they will usually pick what is best for them.

M-tsqéy-kt, ell me7 xílmét (As is it written, now you will do as promised)

12.02 Where a decision has been made under this Law, all persons shall make every effort to support the implementation of that decision.

PART 13 RESOLVING DIFFERENCES

Primary Body

13.01 The primary method of resolving differences shall be a Syecwementwécws re Nekúsem.

Xyemwílcsťs re Syecwementwécws re Nekúsem

13.02 Xyemwílcsťs re Syecwementwécws re Nekúsem (an Expanded Caring Circle) is a Syecwementwécws re Nekúsem with the participation of two additional Kikyé7e ell Xexpé7e from the Nekúsem re Kikyé7es ell Xexpé7e.

Convening

13.03 If the Syecwementwécws re Nekúsem is unable to achieve c7ú7tsenmes, a Xyemwílcsťs re Syecwementwécws re Nekúsem shall be convened within seventy-two (72) hours to:

- (a) review the issue that needs to be resolved; and
- (b) make a determination on the issue by c7ú7tsenmes or majority.

No further appeal

13.04 A decision of the Xyemwílcsťs re Syecwementwécw re Nekúsem shall be final and not subject to appeal.

PART 14 PRIVACY & INFORMATION-SHARING

Principle

14.01 Each stsmelt, tuwíwt, ell kwséltkten:

- (a) is the owner of their own story which is unique and valuable to them; and
- (b) has the right to determine how their story is shared with others.

Right of adult to information

14.02 Any Tsqéscneńc or other person over the age of eighteen (18) who has received or is receiving Syecwementwécw under this Law is entitled to review any of their own personal information that is in the possession of the Élksts re Kíkwe.

Right to Information held by other Service Providers

14.03 Tsqéscneń and the Élksts re Kíkwe are entitled to any information about a Tsqéscneń stsmelt e yews tuwíwt that is held by any service provider, including a provincial child well-being agency, which has been or is providing services to a Tsqéscneń stsmelt or tuwíwt.

Confidentiality

14.04 Any personal information or record of information relating to a stsmelt, tuwíwt, e yews kwséltkten shall be treated as confidential by Tsqéscen and the Élksts re Kíkwe if that information or record of information was:

- (a) received by the Élksts re Kíkwe as a result of this Law; and
- (b) used to carry out the purposes of this Law.

Prohibition on disclosure and communication of information

14.05 No person required to maintain confidentiality under this Law may disclose or communicate any confidential information to any person except:

- (a) to otherwise ensure the safety and well-being of a stsmelt or tuwíwt;
- (b) where necessary in the exercise of their powers or in the performance of their duties under this Law;
- (c) where necessary for the provision of Syecwementwécw to a stsmelt, tuwíwt, e yews kwséltkten;
- (d) with the written consent of the person to whom the information or record relates;
- (e) for the purposes of participating in a Syecwementwécws re Nekúsem;
- (f) where, in the opinion of the Élksts re Kíkwe, the benefit of the release of the information would clearly outweigh any invasion of privacy that could result from the release.

14.06 For greater certainty, any confidential information disclosed pursuant to this Law shall not be disclosed further.

Information-sharing

14.07 Tsqéscen and the Élksts re Kíkwe may enter into agreements with the federal government, a provincial or territorial government, an Indigenous governing body, an agency, or service provider regarding the collection, retention, use, and disclosure of information respecting Syecwementwécw that is provided to stsmémelt, tutuwíwt, ell kweskwséltkten.

Regulations

14.08 Re Kúkwpi7s ell Knúcwmens re Tsqéscen may make regulations further to this Part, including with respect to:

- (a) the provision of information to the Élksts re Kíkwe;
- (b) the management of confidential information, including use and access to such information; and

- (c) access to information as between the Élksts re Kíkwe and other Tsqésceñ organizations.

PART 15 GENERAL

Amendments

15.01 Amendment to this Law shall be made in the same way this Law was enacted.

Minor revisions

15.02 Changes to this Law which do not alter the purpose, intent, or substance of this Law may be amended by resolution of Kúkwi7s ell Knúcwmenš re Tsqésceñ.

Periodic Reviews

15.03 This Law shall be reviewed from time to time by Tsqésceñ to ensure it continues to reflect Tkwenm7íple7s re Tsqésceñ and continues to support and serve the well-being of all Tsqésceñeñc.








In force date

15.04 This Law comes into force on the date it is declared in force by resolution of Kúkwi7s ell Knúcwmenš re Tsqésceñ.

SCHEDULE "A"
MAP OF TSQESCENCÚLECW

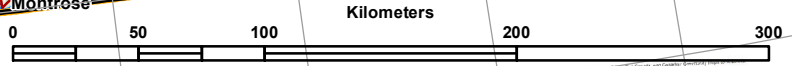
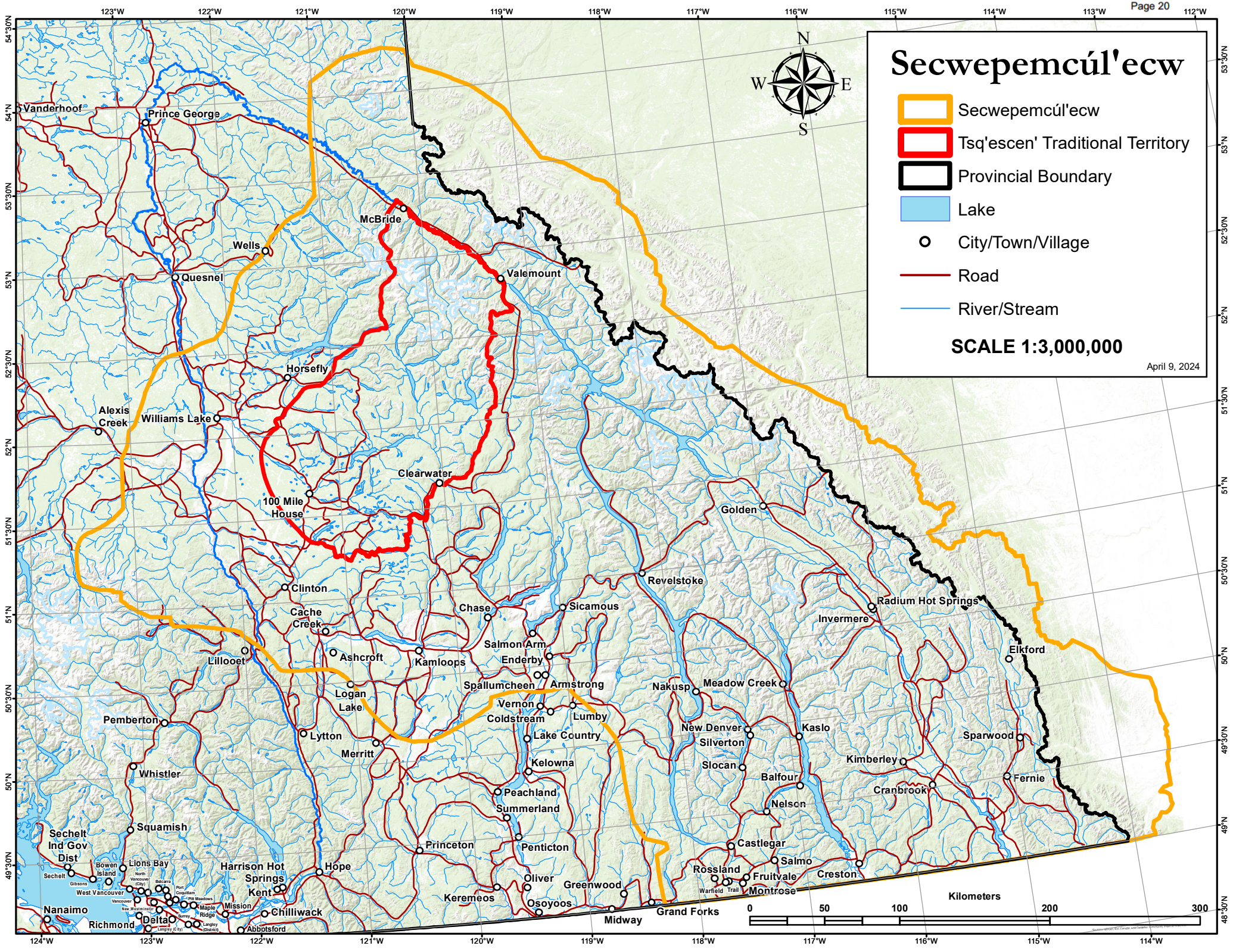
See attached.

Secwepemcúl'ecw

-  Secwepemcúl'ecw
-  Ts'escen' Traditional Territory
-  Provincial Boundary
-  Lake
-  City/Town/Village
-  Road
-  River/Stream

SCALE 1:3,000,000

April 9, 2024



GLOSSARY OF SECWEPEMCTSÍN WORDS

Secwépemctsín	English
C7ú7tsens	Consensus or agreement
C7ú7tsenmes	Their agreement
Imts (Em7í7mts)	Singular grandchild (grandchildren)
Knucwentwécw-kt	Helping one another
Ķwséltkten	Family
KwesĶwséltkten	Families
Kyé7e (Kikyé7e)	Grandmother(s)
Lleqmentwécw	Teaching each other
Me7 tspelqentém re stsmémelt-kt	We will bring back our children
Qellmín	Parents or grandparent or person who is looking after a child
Skúye	Child or offspring
Skwimémlet	Baby, young child
Seme7wílc	The colonial style of adoption
Stsmelt	Children (of one family)
Stsmémelt	Children
Stwetíle	A child raised by close family
TĶwenm7íple7	Law, order or rule
TsqéscneĶc	People of the broken rock
Tsqéscencúlecw	Territory of TsqéscneĶc
Tuwíwt	Young Person
Tutuwíwt	Young people
Yecwmeníle	Caretaker of children or taking care of children
Yecwmeníleten	A place for taking care of children
Yecwementwécw-kt	We take care of each other, protect each other

Yegwyugwtwílç re Kweséltkten-kt ell re stsmémelt-kt	Our families and children becoming strong
Syewementwécw	Protect each other
Xexe7úlecw	Impassable weather, Name of a mountain used for predicting weather
Xpé7e (Xexpé7e)	Grandfather(s)
Xyemstwécw-kt	We all respect each other