



YECWEMINTEM RE K'WSÉLTKTEN-KT
"LOOKING AFTER OUR RELATIONS/PEOPLE"

FINAL DRAFT AS OF SEPTEMBER 4, 2025

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Preface

We dedicate this law to honor the keepers and guides of our people—those who have returned to the spirit world and those who continue to walk among us—whose lives are gifts to our community and whose teachings guide us in all that we do. They show us through their actions what it means to live Yecwemintem re K'wséltkten-kt, “Looking After Our Relations,” with love, courage, and unwavering dedication.

These keepers and guides offered comfort, guidance, and care to all, pairing gentle hands with fierce spirits that shaped our community. They carried strength both soft and unshakable, showing that true leadership comes from compassion as well as courage. They acted with quiet determination to protect our children and families, guided always by what was right. They held the heartbeat of our people in our language, our stories, and our customs, ensuring our Simpcwemc identity continues to thrive. Others among our keepers and guides carry these same teachings forward today, guiding us with their presence, wisdom, and example.

Whether here with us or guiding from the spirit world, their influence surrounds us—reminding us that our work is carried together, across generations, through each action, each word, and each choice we make for the good of our people.

Their legacy will continue in the families they have helped, and this law will protect. May we honor them by carrying their teachings forward—with strength, compassion, and the same fierce love and protectiveness for all Simpcwemc. The Simpcwemc will carry their legacy forward, in every child that grows up safe in their families, in every fight we win for our rights, in every family that is supported, and in every gathering where we remember the ones who never stopped showing up.

This moment also represents one of the most deeply community-driven processes in our Nation’s history. Elders, youth, parents, knowledge keepers, and leadership came together to shape a shared vision—of how Simpcw should care for its children, how our Law should be lived, and how our Nation should step fully into its rightful role. From that vision, a new path emerged—rooted in Simpcw values and guided by Simpcw Law. This commitment now helps carry that path forward, through a shared recognition of Simpcw’s inherent right to take care of its own children.

Let this offering stand as a symbol of that shared path we are taking alongside all other nations. Let it honour those who carried our laws when it was hard to do so, and those who carry them now. Let it remind us that Simpcw children belong in Simpcw care, grounded in Simpcw values, and guided by Simpcw Law—no matter where they reside.

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Even when they are far from home, Simpcw carries them in spirit. We will go to them, support them, and ensure they are never disconnected from who they are.

Our children are sacred.
Our families are strong.
Our Nation is ready.

Part I - Organizing Provisions

Section 1: Short Titles

1.1 This legislation may be cited in English as the “SimpCW Child and Family Wellbeing Law.”

1.2 This legislation will eventually be known solely as “Yecwemintem re ƙwséltkten-kt.”

Section 2: Definitions

2.1 In this Law:

“Active Efforts” means more than reasonable efforts, and requires thorough, careful, and culturally appropriate efforts which are more substantial than a passive attempt;

“caregiver” or **“yecwmeníle”** means a person who is authorized by the Textsín to provide care with specific arrangements and limitations set out by Textsín;

“CFCSA” means *the Child, Family and Community Service Act*, RSBC 1996, c 46;

“child and family services” has the same meaning as in the *Federal Act*;

“Child and Family Services Agency” means an entity in Canada that provides child and family services pursuant to provincial or federal legislation;

“Circle of Care” means ƙwséltkten members, community members, or other individuals who gather around a stsmémelt, ƙwséltkten, or young adult to support them and promote their wellbeing;

“community member” means a person who is registered to Simpcw or who has been residing in Simpcw’s community;

“Coordination Agreement” means a coordination agreement, as described in section 20(2) of the *Federal Act*;

“expectant parent” is a person who is expecting a stsmémelt;

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“Indigenous Governing Body” has the same meaning as in the *Federal Act*;

“kwséltkten” means a Simpcwemc family and includes an expectant parent and a person whom a stsmémelt or parent considers to be a relative or whom Simpcwemc consider to be a relative according to Stkwem7íple7s re Simpcwemc or customs;

“kwséltkten Wellbeing Plan” means a plan to support a kwséltkten to keep a stsmémelt safe that outlines how identified risks to the stsmémelt will be addressed and the strengths and needs of the kwséltkten;

“Kúkwpi7 and Tkwenem7íple7” means Simpcw’s elected Chief and Council;

“Law” means *Yecwemintem re kwséltkten-kt* - “Looking After Our Relations/People”, including a regulation made under *Yecwemintem re kwséltkten-kt*, which is the child and family services law enacted by Simpcwemc, through their Indigenous Governing Body, pursuant to an inherent right of self-government and Simpcwemc constitutionalism;

“parent” means:

- a) the mother, father, stepmother or stepfather, as the case may be, of a stsmémelt;
- b) a person to whom guardianship, or safe-keeping, or custody of a stsmémelt has been granted to under an agreement or court order;
- c) a person who has been recognized as a parent by Simpcw custom; or
- d) a person with whom a stsmémelt resides and, if that person stands in the place of the stsmémelt’s parent or guardian;

but does not include a caregiver or the Textsíñ;

“personal information” means any information about an identifiable individual, including but not limited to name, contact information, identification numbers, and any other data that can be used to identify a person;

“regulation” means a regulation, including a Band Council Resolution, enacted in execution of a power conferred under this Law;

“Secwepemctsín” means the language of the Secwépemc people including Simpcwemc;

“significant measure” means a measure in relation to a stsmémelt that has a significant impact on the stsmémelt considering the stsmémelt’s age, stage of development, potential loss of connection to their kwséltkten, and other relevant factors;

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“Simpcw” means Simpcw First Nation;

“Simpcwúlecw” means Simpcw’s territory that encompasses 5,000,000 hectares and extends from south of McLure, north to Kakwa Park, west of Goat River, and east of Jasper, including the whole of the North Thompson Valley;

“Simpcwemc” means Simpcw people and is inclusive of registered members and those entitled to be members;

“Simpcw youth” means a stsmémelt who is 13 years of age or over but is under 19 years of age;

“Stkwem7íple7s re Simpcwemc” means the laws of Simpcwemc;

“stsmémelt” means a person who is registered or entitled to be registered to Simpcw, is under 19 years of age and includes a Simpcw youth;

“the Federal Act” means *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24;

“Textsín” (translates to tiger lily) means Simpcw’s Child and Family Services Agency established under this Law;

“Tqelt Kúkwpi7” means Creator of all beings;

“urgent communication” means an email, telephone message, or letter marked urgent, where the sender indicates clearly, that they will wait a time period, no less than 48 hours, for a response from the Textsín;

“young adult member” means a person who:

- a) is registered or entitled to be registered to Simpcw; and
- b) is 19 years of age or over but is under 27 years of age.

Section 3: Purpose

3.1 The purpose of this Law is to:

- a) assert Simpcw’s jurisdiction over the care and wellbeing of stsmémelt and kwséltkten;
- b) support the wellbeing of all stsmémelt and kwséltkten by:
 - i. knucwentwécw (the taking care of each other);

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- ii. setting out the legal obligations and principles applicable to Simpcwemc, and stsmémelt and kwséltkten;
 - iii. strengthening connections within kwséltkten;
 - iv. fostering community belonging; and
 - v. sustaining traditions, customs, Stkwem7íple7s re Símpcwemc, and Secwepemctsín; and
- a) implement Simpcw's jurisdiction over the care and wellbeing of stsmémelt and kwséltkten by:
- i. establishing the Textsín to implement Simpcw's service delivery model for the care and wellbeing of stsmémelt and kwséltkten; and
 - ii. setting the principles and standards for the provision of stsmémelt and kwséltkten services.

Section 4: Scope and Application

4.1 This Law applies to all stsmémelt and kwséltkten, no matter their location.

Section 5: Jurisdiction and Stkwem7íple7s re Simpcwemc

5.1 Simpcwemc's inherent jurisdiction and right of self-government is bestowed by Tqelt Kúkwpi7 and Simpcwemc ancestors and is recognized and affirmed by:

- a) section 35 of the *Constitution Act, 1982*, which is protected by section 25 of the *Canadian Charter of Rights and Freedoms*;
- b) Articles 3 and 4 of the *United Nations Declaration on the Rights of Indigenous Peoples*;
- c) the *Federal Act*; and
- d) the *CFCSA*.

5.2 This Law is enacted pursuant to Simpcwemc's inherent jurisdiction and right of self-government, and as such has the force of law as Stkwem7íple7s re Simpcwemc.

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Section 6: Relations to Other Laws

6.1 This Law will be applied and interpreted in accordance with Simpcwemc constitutionalism, other Stkwem7iple7s re Simpcwemc, including unwritten Stkwem7iple7s re Simpcwemc, and Simpcwemc customs, traditions, and protocols.

6.2 This Law is a law of Simpcw First Nation which falls within the meaning of the *Federal Act* and as such:

- a) has the force of federal law; and
- b) recognizes the objects of sections 10 to 15 of the *Federal Act*, and the *Canadian Human Rights Act*, and the *Canadian Charter of Rights and Freedoms* with due regard for section 25 of the *Canadian Charter of Rights and Freedoms* and the inherent right to self-government.

6.3 This Law is an Indigenous law within the meaning of the *CFCSA*, and as such has the force of provincial law of British Columbia.

6.4 In the event of a conflict or inconsistency between this Law and any federal or provincial law, this Law will prevail.

Part II - Principles and Best Interests

Section 7: General Legal Principles for Simpcwemc

7.1 We recognize and honour our inherent jurisdiction, stories, customs, and Secwepemctsin as vital sources of Stk'wem7iples re Simpcwemc that connect us as Simpcwemc, to our past, present, and future – that guide us in our relationships with each other and Simpcwúlcw, teaching us how to govern ourselves and the consequences of losing our vital gifts or inheritance such as culture, language and our extended family connections.

7.2 Our sustaining customs have lived alongside Simpcwúlcw for millennia. Our Ancestors adapted our stories and cultural practices to address concerns of a changing world, and we will continue to tell new stories and develop different practices to strengthen us as Simpcwemc and to foster respect for others and the natural world.

7.3 Our ways of being, traditions, and Stk'wem7iples re Simpcwemc are oral and lived, and will continue to evolve. We will pass them on through Secwepemctsin, teachings, and modern and traditional practices. A vital companion to this Law is our language, culture, and ceremonies.

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Section 8: Principles for Stsmémelt Well-Being and Resiliency

8.1 Recognizing that this Law is one part of our Stk'wemí7ples re Simpcwemc, and Secwepemc Beliefs for Good Living, the following principles apply to Simpcwemc:

- a) our stsmémelt are a sacred gift from Tqelt Kúkwi7 and should be loved, nurtured physically, mentally, socially and spiritually, respected, and kept safe by their kwséltkten and community;
- b) the wellbeing of self, stsmémelt, kwséltkten, community, and Nation are interdependent, and we have a collective responsibility to look after and help one another and to encourage self-sufficiency and autonomy;
- c) we have a responsibility to use our strengths and skills for our collective wellbeing, and we have a dual responsibility to ask for help as needed and to be honoured for being proactive when we know life's challenges may become unmanageable within our kwséltkten;
- d) we have a responsibility to share and contribute what we can, particularly to those in need;
- e) we have obligations that arise from the relationships within our kwséltkten for the wellbeing of our stsmémelt, as members of a kwséltkten have important roles in caring for, teaching, and making decisions about our stsmémelt;
- f) we resolve conflicts and solve problems through listening to all voices with the intent to understand one another's interests, and by identifying individuals to carry out specific roles in plans to make things right with one another; and
- g) respect and reciprocity are foundational values, as we give respect and gain it from others, which nurtures self-respect and an appreciation for others.

Section 9: Best Interests of the Stsmémelt

9.1 Any Child and Family Services Agency, including the Textsiñ, providing services to stsmémelt and kwséltkten, must make Active Efforts to ensure the best interests of the stsmémelt are met when making decisions about them.

9.2 When determining the best interests of the stsmémelt, all relevant factors must be considered, including those set out in the *Federal Act*, and the following principles:

- a) the well-being of stsmémelt and kwséltkten is interconnected, and strengthening and supporting kwséltkten is integral to the security and wellbeing of stsmémelt;

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- b) each and every stsmémelt live in relation to the entire Simpcw community and that connection is something that all Simpcwemc have committed to be responsible for since this Law came into force;
- c) building, maintaining, and strengthening stsmémelt's connections to their kwséltkten, their Simpcwemc community and culture, and Simpcwúlecw is integral to the security and wellbeing of stsmémelt;
- d) the views and interests of stsmémelt, kwséltkten, and community members must have significant weight in decisions relating to stsmémelt;
- e) the best interests of stsmémelt are upheld when a stsmémelt feels that they and their kwséltkten are treated with love and compassion; and
- f) collaboration, respect, and humility promote decision-making in the best interests of the stsmémelt.

Section 10: Voice of the Stsmémelt

10.1 This Law acknowledges that stsmémelt are active participants in their own lives and have the right to express their views freely in all matters affecting them. Their voices must be heard and given due weight in accordance with their age and maturity.

10.2 The stsmémelt's views should be considered within the context of their cultural, familial, and community ties, ensuring that their connection to the Simpcw community and culture is maintained and strengthened.

10.3 To include voices of the stsmémelt in matters affecting them, this Law will both ensure and prioritize the following:

- a) including stsmémelt in decision-making processes that affect them. This includes participation in the Circle of Care, where appropriate, and ensuring their views are considered in the development of kwséltkten Wellbeing Plans;
- b) communicating with the stsmémelt in a manner that is appropriate to their age and understanding. This includes using language and methods that are accessible and comprehensible to them;
- c) fostering a supportive environment where stsmémelt feel safe and encouraged to express their views. This includes ensuring that they are not subject to undue influence or pressure from adults; and
- d) establishing mechanisms where stsmémelt are provided feedback on how their views have been considered and the outcome of the decision-making process.

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This reinforces the value of their participation and respects their role in the process.

Part III – Governance and Administration

Section 11: Establishment of the Textsín

11.1 Kúkwpi7 and Tkwenem7íple7 hold the responsibility to delegate certain authority within Simpcw's inherent jurisdiction. In Canadian law, this is recognized as an Indigenous Governing Body in the *Federal Act*.

11.2 Pursuant to Simpcw's inherent right of self-government and legislative authority recognized under section 18(1) of the *Federal Act*, Kúkwpi7 and Tkwenem7íple7 shall establish an arm's length Simpcw stsmémelt and kwséltkten wellbeing agency, to be called the Textsín, to exercise the powers and perform the functions and duties given to it by Simpcw.

11.3 The purpose of the Textsín is to provide services to stsmémelt, kwséltkten, and young adults under the Law in accordance with the:

- a) general legal principles for Símpcwemc in section 7;
- b) guiding principles in section 8;
- c) best interests of stsmémelt in section 9; and
- d) voice of the stsmémelt in section 10.

11.4 The Textsín has the capacity and, subject to this Law and any regulation under this Law, the rights, powers, and privileges, of a natural person, including without limitation the power to:

- a) sue and be sued;
- b) enter into contracts;
- c) acquire, hold, and dispose of property;
- d) hold, spend, invest, and borrow money, and secure or otherwise the repayment of money borrowed; and
- e) do other things ancillary to the exercise of its rights, powers, and privileges.

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11.5 The Textsín may incorporate or register under federal or provincial legislation to act as the Textsín's administrative arm and fulfill the same purposes, and on the same terms, as set out in this Law.

11.6 Unless Textsín has incorporated or registered under federal or provincial not for profit legislation, federal and provincial not for profit legislation do not apply to the Textsín.

11.7 For greater certainty, incorporating or registering Textsín under federal or provincial not for profit legislation for administrative purposes does not undermine or diminish Simpcw's right of self-government and inherent jurisdiction over child and family services.

Section 12: Scope of Services Provided by the Textsín

12.1 The Textsín shall deliver full protection and prevention services throughout the jurisdictions outlined in Schedule A.

Section 13: The Textsín's Authority

13.1 The Textsín, in relation to stsmémelt and kwséltkten:

- a) shall work with Kúkwpi7 and Tkwenem7íple7, who is the Indigenous Governing Body under the *Federal Act*, for the purpose of receiving notice of significant measures from Child and Family Services Agencies and standing in proceedings in respect of child and family services in Canada;
- b) is Simpcw's designated representative for the purpose of *CFCSA* proceedings and other child and family services proceedings in Canada;
- c) is Simpcw's community designate for consultation and cooperation with *CFCSA* and other provincially-mandated directors;
- d) is an Indigenous authority within the meaning of the *CFCSA*;
- e) is authorized to enter into an agreement under Part 2 and Part 2.1 of the *CFCSA* on behalf of Simpcw; and
- f) is the authorized entity to be included in and cooperated with pursuant to relevant laws outside of Canada.

Section 14: The Textsín's Governing Body

14.1 The Textsín is governed by a Board of Directors.

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14.2 The Board of Directors is a governance board responsible for providing strategic leadership and oversight over the Textsín's affairs in accordance with this Law and any applicable regulations and policies.

14.3 The Board of Directors is responsible for the following:

- a) the strategic direction, including setting the mission, vision, and objectives of the Textsín;
- b) the governance and policy framework of the Textsín, including developing and implementing governing policies of the Textsín;
- c) financial oversight by reviewing and approving relevant budgets and financial statements and monitoring the financial health of the Textsín;
- d) risk management and compliance by monitoring the strategic, financial, operational, and reputational risks of the Textsín; and
- e) oversight, support, and development of the Executive Director who is responsible for the day-to-day operations and management of the Textsín.

14.4 The Board of Directors is selected:

- a) by appointment of Kúkwpí7 and Tkwenem7íple7;
- b) after the initial appointment of the Board of Directors, by a process set out in the bylaws, policies, or procedures developed by the Board of Directors and approved through Kúkwpí7 and Tkwenem7íple7; and
- c) Kúkwpí7 and Tkwenem7íple7 will always hold overarching authority to remedy or safeguard the authority of the Board of Directors in urgent or extraordinary circumstances unforeseen by the bylaws, policies, or procedures developed by the Board of Directors.

14.5 The Board of Directors consists of a minimum of five directors and must be composed as follows:

- a) at least three directors must be Simpcw members or recognized by Kúkwpí7 and Tkwenem7íple7 as eligible to be a member; and
- b) at least one director must be a member of Kúkwpí7 and Tkwenem7íple7.

14.6 The Board of Directors of the Textsín shall adhere to the following reporting requirements to ensure transparency and accountability to Kúkwpí7 and Tkwenem7íple7:

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- a) the Board of Directors shall submit quarterly reports to Kúkwpi7 and Tkwenem7íple7 no later than 30 days following the end of each quarter; and
- b) a comprehensive annual report shall be submitted within 90 days following the end of the fiscal year which will cover the overall performance Textsín including financial statements, strategic achievements, and compliance with the Law.

14.7 The Board of Directors shall maintain open and effective communication channels with Kúkwpi7 and Tkwenem7íple7 to foster a collaborative governance environment through the following measures, at minimum:

- a) the Board of Directors shall provide regular updates to Kúkwpi7 and Tkwenem7íple7 on any urgent matters that may arise between the scheduled reporting periods, including any significant risks or opportunities that could impact the Textsín's operations;
- b) the director that is a member of Kúkwpi7 and Tkwenem7íple7 shall act as a liaison to facilitate communication and ensure that the interests and concerns of Kúkwpi7 and Tkwenem7íple7 are adequately represented; and
- c) the Board of Directors shall establish a feedback mechanism to receive and address any concerns or suggestions from Kúkwpi7 and Tkwenem7íple7 in a manner that ensures timely and constructive responses to foster mutual understanding and cooperation.

14.8 The reporting and communication practices of the Board of Directors shall reflect the governance structure and cultural context of Simpcw, by at a minimum:

- a) being culturally sensitive, respecting the traditions, customs, and values of Simpcw. This includes the use of appropriate language and acknowledgment of cultural protocols;
- b) ensuring that the principles of knucwentwecw (the taking care of each other) and the interconnectedness of the Simpcw community are reflected in all strategic decisions and reports; and
- c) engaging with Elders and Knowledge Keepers to seek guidance and incorporate traditional knowledge into the governance and reporting processes. This engagement should be documented and included in the reports to Kúkwpi7 and Tkwenem7íple7.

Section 15: The Textsín's Operations

15.1 Upon enactment of this Law, Kúkwpi7 and T'kwenem7íple7 shall appoint the first Executive Director of Textsín for an interim period. 60 days before the expiry of this interim term, the Board of Directors shall appoint an Executive Director to:

- a) manage the day-to-day operations of the Textsín;
- b) oversee the Textsín's exercise of such powers and performance of such duties as set out in this Law; and
- c) oversee the Textsín as it carries out any other powers, duties, and function as may be delegated by the Board of Directors to the Executive Director from time to time.

15.2 The Board of Directors shall ensure that there is a transition and planning in place for any hiring and recruitment processes for the Executive Director position.

15.3 The Executive Director shall report on the Textsín's provision of services under the Law to the Board of Directors quarterly and on request.

Section 16: Transition from Provincial Involvement

16.1 Subject to this Law, and any applicable Coordination Agreement, the Textsín shall notify a provincial director of the Textsín's intent to assume jurisdiction and responsibility for the provision of stsmémelt and kwséltkten services with regard to a stsmémelt and/or kwséltkten and shall request a provincial director to end involvement, supervision, care, custody or guardianship of a stsmémelt in accordance with any applicable provincial law.

16.2 If a request is made under subsection 16.1:

- a) the Textsín has the right to any information in the custody and control of the provincial director as necessary to enable the Textsín to,
 - i. determine whether the transfer aligns with the scope, principles, and objectives of this Law, and
 - ii. exercise powers or perform duties or functions under this Law; and
- b) the provincial director must promptly disclose the information in paragraph 16.2(a)(i) to the Textsín.

16.3 Where a request is made under section 16.1 and the Textsín has determined that the transfer aligns with the scope, principles, and objectives of this Law, the provincial

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director and Textsíń must promptly develop a written transition plan for carrying out the transition process, which must include:

- a) the starting date of the transition period;
- b) the powers, duties, and functions of the provincial director and the Textsíń during the transition period;
- c) the processes to be followed in respect of decisions made by the provincial director during the transition period;
- d) the views and preferences of the stsmémelt and, if applicable their kwséltkten;
- e) the effective date of Simpcw assuming jurisdiction and responsibility for the provision of services;
- f) any steps to be taking in relation to ongoing proceedings or subsisting orders in respect of the stsmémelt and/or kwséltkten;
- g) the date by which the provincial director must transfer the provincial director's records to the Textsíń; and
- h) any other matters relevant and necessary to facilitate the transition.

16.4 On completion of the transition process pursuant to a transition plan developed under subsection 16.3:

- a) the Textsíń has all the rights, powers, duties, responsibilities and functions of the Textsíń under this Law and applicable Coordination Agreement; and
- b) the provincial director ceases to have the rights, powers, duties, responsibilities and functions under provincial law.

16.5 Upon the coming into force of this Law, subject to the terms of any applicable Coordination Agreement:

- a) at the written request of the Textsíń, a Province shall immediately transfer the file of a stsmémelt in the custody of the Province to the Textsíń,
- b) the Textsíń shall be deemed to have assumed custody of a stsmémelt in the custody of a Province when the stsmémelt's file has been transferred from the Province to the Textsíń, or 30 days have elapsed since the request for the file was received by the Province, whichever is sooner,

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- c) until the file has been so transferred, the current status of a stsmémelt in the custody of the Province continues, but
- d) the Textsín must be consulted before any decisions are made with respect to the stsmémelt. Any decision made without consultation with the Textsín is deemed to be void.

Part IV – Supporting and Strengthening Stsmémelt and Kwséltkten

Section 17: Blanketing a Stsmémelt and Kwséltkten with Love – Prevention and Family Support

17.1 The Textsín shall deliver a comprehensive range of prevention and family support programs for stsmémelt and kwséltkten, including the following:

- a) parenting and child raising supports;
- b) prebirth and early childhood development support;
- c) culturally/trauma informed mental health and wellness;
- d) culturally relevant programming;
- e) opportunities for connection, belonging, and activity;
- f) assistance with basic needs;
- g) supports for self development and skill building;
- h) special needs support;
- i) in home caregiving supports; and
- j) young adult member supports.

Section 18: Blanketing a Stsmémelt and Kwséltkten with Safety

18.1 A stsmémelt is at risk when:

- a) a parent causes, or is likely to cause, harm to the stsmémelt; or
- b) the parent is incapacitated, unable or unwilling to protect the stsmémelt from harm or threat of harm.

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18.2 Harm to a stsmémelt includes the following:

- a) physical harm;
- b) sexual abuse or sexual exploitation;
- c) neglect in the care or supervision of the stsmémelt;
- d) abandonment or failure to arrange for adequate care of the stsmémelt;
- e) exposure to domestic violence;
- f) emotional harm demonstrated by serious anxiety, depression, withdrawal, self-destructive or aggressive behavior, or delayed development; or
- g) deprivation of necessary health care or impairment of the stsmémelt's development due to a failure to provide, or consent to, treatment of a treatable condition.

Section 19: Duty to Respond

19.1 If a person has a reason to believe that the health or safety of a stsmémelt is at risk, that person must respond by:

- a) fulfilling any family or community-based obligations to the stsmémelt as recognized by Simpcw custom; and
- b) reporting their concerns to the Textsín.

19.2 The duty to respond applies even if the information on which the belief is based is privileged or confidential and its disclosure is prohibited under law. In these instances, it will be important for individuals to seek legal advice.

Section 20: Initiating the Circle of Care Process

20.1 Unless the Textsín determines that immediate safekeeping of the stsmémelt is required, upon receiving a report pursuant to paragraph 19.1(b), the Textsín shall initiate the Circle of Care process.

20.2 When a Circle of Care process is initiated pursuant to subsection 20.1, the Textsín and the Circle of Care shall collaborate to:

- a) conduct an assessment of the stsmémelt and kwséltkten situation; and
- b) develop a kwséltkten Wellbeing Plan.

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Section 21: Immediate Safekeeping Required

21.1 The Textsín shall establish clear protocols for determining whether immediate safekeeping of a stsmémelt is required, including responsibilities for responding to emergencies or crises involving a stsmémelt.

21.2 Upon determining that there is an emergency or crises involving stsmémelt, the Textsín shall immediately assess the situation, determine the level of risk and the necessary response actions and then create an immediate safety plan until the Circle of Care can convene. If the stsmémelt is in immediate danger, the Textsín shall take immediate action.

Section 22: Kwséltkten Wellbeing Plans

22.1 The Kwséltkten Wellbeing Plan is a comprehensive and action-oriented plan developed by the Circle of Care.

22.2 A Kwséltkten Wellbeing Plan may include, among others:

- a) the risk factors, goals, actions, responsibilities, timelines, and monitoring methods to ensure the stsmémelt's safety and well-being;
- b) a plan to keep the stsmémelt safe; and
- c) any prevention or support service offered to the stsmémelt or kwséltkten.

Section 23: Unattended Stsmémelt

23.1 If the Textsín finds a stsmémelt without adequate supervision, the Textsín may do any of the following for up to 72 hours:

- a) take the stsmémelt to a safe place and arrange for an informal safe-keeping arrangement to look after the stsmémelt within the kwséltkten;
- b) remain with the stsmémelt; or
- c) arrange for a trained and authorized person to look after the stsmémelt until the parent returns.

23.2 The Textsín shall make all reasonable efforts to locate a parent and notify the parent of any of the steps taken under subsection 23.1.

Section 24: Circle of Care for Decision-Making and Support

24.1 The Textsín shall implement a Circle of Care:

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- a) to make decisions regarding care, custody, safety plans, support agreements, and significant interventions;
- b) when requested by stsmémelt and/or kwséltkten to determine the appropriate supports, programs, and services to be offered to that stsmémelt and/or kwséltkten; and
- c) offer opportunity to resolve conflict and restore family harmony through communication and healing.

24.2 The Circle of Care will be comprised of relevant kwséltkten members, community members, identified Elders, knowledge keepers, other individuals identified by the stsmémelt or kwséltkten, and where appropriate, the stsmémelt or Simpcw youth.

24.3 The Circle of Care process must embody the following principles:

- a) participatory, consensus-based decision-making;
- b) activation of kwséltkten and community extended family roles;
- c) prioritization of non-intrusive, voluntary support and collaborative solution-building; and
- d) cultural revitalization and safety.

24.4 The Textsín must facilitate the convening of a Circle of Care on a voluntary, consent-based basis, providing notice and information to kwséltkten and affected parties, and must support consensus-building and plan development through the Circle of Care processes.

24.5 The Circle of Care shall be given the reasonable time it needs to come to a consensus.

24.6 If the Circle of Care cannot reach consensus through the Circle of Care process, or involvement cannot occur for specified reasons, the kwséltkten shall meet the safety concerns identified and the matter shall go through the Sku7pecen (Porcupine) Way as outlined in Part IX of this Law.

24.7 Where consensus is reached, the Textsín shall implement the determination or decision, subject to regulatory standards and stsmémelt safety.

24.8 The Textsín shall maintain records of Circle of Care proceedings (with appropriate privacy safeguards) and report annually on the number, subject areas, and outcomes of the Circle of Care.

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24.9 The Textsín and kwséltkten shall regularly review the Circle of Care’s decisions, plans, and agreements to ensure ongoing appropriateness and the ability to revisit prevention strategies as needs or circumstances change. Every person involved in the Circle of Care will have access to records of Circle of Care proceedings.

Part VI – Agreements and Support

Section 25: Agreements under this Part

25.1 Prior to entering into an agreement under this Part, the Textsín shall collaborate with the kwséltkten to identify the Circle of Care that will assist in developing and implementing the agreement.

25.2 An agreement made by the Textsín under this Part must include the terms of the agreement, including whether the term can be extended, and provisions permitting termination of the agreement.

25.3 For greater certainty, a parent who is 19 years of age or a Simpcw youth is subject to agreements made under this Part, the *Infants Act* RSBC 1996, c 223, and any provincial legislation that addresses the same subject matter.

Section 26: Stsmémelt Care Agreement

26.1 Textsín may enter into an agreement with a parent, to authorize the Textsín to:

- a) have care of the stsmémelt; or
- b) exercise certain responsibilities on the guardian’s behalf.

26.2 Before entering an agreement under subsection 26.1, the Textsín must:

- a) carry out an assessment of safety and creation of an immediate safety plan until a Circle of Care can convene;
- b) consider whether a safe-keeping arrangement may be available; and
- c) consider whether there is another option available to support the kwséltkten which is not as disruptive to the stsmémelt.

26.3 The agreement must include a description of how the parent and Textsín will communicate and work together.

Section 27: Support Agreements

27.1 The Textsín may enter into the following family support agreements:

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- a) with a parent, or an expectant parent, or with a special needs stsmémelt or young adult member for the provision of services, support, or emergent financial assistance;
- b) with a Simpcw youth for the provision of services, support, or financial assistance to support the youth to live independently if the youth not willing to live with a parent or does not have a parent who is able or willing to keep the Simpcw youth safe; and
- c) with a young adult member to support the young adult to become self-sufficient, connected to the community, and autonomous.

Part VII – The Provision of Services to Stsmémelt and Kwséltkten

Section 28: After Hour Service Provision for Child and Family Well-Being

28.1 The following principles apply for after hour stsmémelt and kwséltkten services:

- a) Simpcw is committed to ensuring the safety and well-being of all stsmémelt and kwséltkten at all times, including outside of regular service hours;
- b) after hour services shall be guided by the principles of accessibility, cultural sensitivity, and community collaboration to provide immediate support and intervention when necessary; and
- c) the provision of after hour services shall prioritize the best interests of the stsmémelt, ensuring that their physical, emotional, and spiritual needs are met promptly and effectively.

Section 29: Other Child and Family Services Agencies

29.1 Any Child and Family Services Agencies involved with a stsmémelt or kwséltkten shall:

- a) enter a relationship agreement that sets out clear guidelines and obligations for collaboration between the Textsín and the Child and Family Services Agency;
- b) involve Textsín in the planning and decision-making in relation to the stsmémelt and kwséltkten; and
- c) subject to subsection 29.2, notify the Textsín before taking any significant measures with respect to a stsmémelt.

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29.2 If notice prior to taking a significant measure is likely to be contrary to the best interests of a stsmémelt, the Child and Family Services Agency shall arrange urgent communication with the Textsín prior to any measure being taken.

29.3 A significant measure includes, but is not limited to, the following:

- a) a removal or apprehension of a stsmémelt, a court hearing in relation to a stsmémelt;
- b) bringing into a Child and Family Services Agency's care by agreement;
- c) entering into an agreement with a Simpcw youth to support the youth to live independently;
- d) a placement, or change of placement, of a stsmémelt;
- e) a decision to place a stsmémelt for adoption;
- f) ending a kwséltkten member's contact with a stsmémelt or requiring supervised contact;
- g) a stsmémelt to a parent with or without supervision; and
- h) transferring responsibility for a stsmémelt to another Child and Family Services Agency.

Section 30: Mandatory Training

30.1 All Child and Family Services Agency staff, including Textsín staff, shall undergo mandatory training established by the Textsín.

30.2 The mandatory training established by the Textsín will include:

- a) training on this Law and the service delivery model developed under this Law; and
- b) cultural competency training to preserve and promote the cultural heritage, languages, and traditional practices of Simpcw within all services provided to stsmémelt and kwséltkten.

Section 31: Resource Allocation

31.1 The Textsín shall make all reasonable efforts to effectively allocate the adequate resources to implement the Law.

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31.2 The Textsín shall manage the resources to implement this Law efficiently and transparently, including by maintaining accurate financial records and ensuring funds are used solely for the purposes intended under the Law.

Part VIII – Cselike7 Stsmémelt (Children with Multiple Ties) and Reconciliation

Section 32: Supporting Stsmémelt and Kwséltkten with Multiple Ties

32.1 Where a stsmémelt and kwséltkten belong to one or more Indigenous nation(s) who have a child and family services law, the Textsín may engage in discussions with the other Indigenous nation in order to reach agreement on which law, or parts thereof, will apply to the stsmémelt and kwséltkten.

32.2 The Textsín may enter into protocol agreements with other Indigenous nations, or Child and Family Services Agencies, to determine how nations will cooperate on operational and working relationship matters.

32.3 If the Textsín and the other Indigenous nation cannot reach agreement on which law, or parts thereof, apply to a stsmémelt and kwséltkten, and there is a conflict or inconsistency between the two laws, then Textsín shall offer the Circle of Care process as a way to resolve any issues. Knowledge Keepers from both nations will be invited into the Circle of Care to contribute to the resolution.

32.4 The stsmémelt voice and preferences will be a key consideration to the resolution.

32.5 If the stsmémelt or the parent consents, the Textsín may provide stsmémelt and kwséltkten services while the Textsín and the other Indigenous community attempt to resolve the matter.

Part IX – The Sku7pecen (Porcupine) Way (Dispute Resolution Process)

Section 33: The Story of the Sku7pecen (Porcupine)

33.1 The story of the Sku7pecen (Porcupine) teaches about:

- a) the Speqmic (Swan), the peacemaker, who must humble himself in order to set out a peacemaking process; and
- b) the Sku7pecen (Porcupine) whose quiet tenacity can lead two disputing groups to transcend their differences.

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Section 34: The Sku7pecen (Porcupine) Way

34.1 The Sku7pecen (Porcupine) Way shall be to:

- a) ensure a consensus driven process is followed to conclusion agreed upon by all parties which will become the binding decision;
- b) ensure the Law is evolving forward and changes are documented; and
- c) restore harmony and balance to the Law in the event of non-compliance to the Law.

Section 35: Authority of Keepers of the Law

35.1 Keepers of the Law, in accordance with the Sku7pecen (Porcupine) Way, have the authority to:

- a) bring together the right people for kwséltkten or the Textsíñ and any person who is unable to resolve an issue relating to a stsmémelt or an agreement under the Law;
- b) support and be involved in the Cselik7 Stsmémelt process set out in Part VIII of this Law;
- c) consult with community, clients, Textsíñ and other relevant parties to identify strengths and weaknesses under this Law for future amendment recommendations to Kúkwpi7 and Tkwenem7íple7; and
- d) offer wisdom, support, teachings, direction, and restorative justice practices when non-compliance to the Law may have occurred.

35.2 The Sku7pecen (Porcupine) Way's Keepers of the Law shall act independently, work in a good way with the Textsíñ's Board of Directors, Executive Director, and Kúkwpi7 and Tkwenem7íple7.

35.3 The Textsíñ's Board of Directors shall make recommendations to Kúkwpi7 and Tkwenem7íple7 to initiate the power of appointment for Keepers of the Law. Kúkwpi7 and Tkwenem7íple7 will have the final approval for appointment of Keepers of the Law.

Section 36: Resolutions, Reconciliation, and Binding Decisions

36.1 The Keepers of the Law shall develop a handbook setting out a spectrum of informal and formal dispute resolution, reconciliation and binding decisions processes.

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36.2 The Keepers of the Law shall refer any final decisions related to eligibility, Simpcw obligations, or Simpcw jurisdiction to contracted legal counsel to conduct a legal review of the decision and make a binding decision.

36.3 The Keepers of the Law may refer any decisions outside the scope of subsection 36.2 to the Circle of Care or for reconsideration by the original decision-maker, where appropriate.

36.4 As a principle, the Circle of Care enlarges participation and participatory rights within the circle in order to achieve reconciliation within the family to achieve a final decision in the best interests of stsmémelt.

36.5 Upon receiving a binding decision under subsection 36.2, the affected stsmémelt or kwséltkten may bring an application to the Federal Court for review of the decision.

36.6 For greater certainty:

- a) subject to subsection 36.5, the Federal Court does not have jurisdiction for any other decisions made under this Law; and
- b) the Provincial Court of British Columbia does not have jurisdiction for any decisions made under this Law, including decisions related to determining whether this Law applies to a given situation, despite any language to the contrary in *CFCSA*.

Part X – Personal Information and Confidentiality

Section 37: Jurisdiction

37.1 Pursuant to Simpcwemc's inherent jurisdiction and right of self-government referred to in subsection 5.1 of this Law, Simpcwemc has jurisdiction over the collection, retention, accuracy, disposal, use, or disclosure of information about an identifiable individual by the Textsín for the purposes of providing stsmémelt and kwséltkten services.

37.2 For greater certainty, the following laws, including any successor laws, do not apply to this Law and the Textsín:

- a) the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165;
- b) the *Privacy Act*, RSC, 1985, P-21; and
- c) the *Access to Information Act*, RSC, 1985, c A-1.

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Section 38: Purpose and Scope

38.1 This Part outlines the principles and procedures for the collection, use, disclosure, storage, and access of personal information under the Law.

38.2 The purpose of this Part is to ensure the safeguarding of the confidentiality and integrity of personal information related to stsmémelt, kwséltkten, and other individuals involved in the implementation of this Law.

Section 39: Collection of Personal Information

39.1 Personal information shall be collected only for purposes that are necessary for the implementation and administration of this Law.

39.2 The Textsín shall ensure that personal information is collected by lawful and fair means, and where appropriate, with the knowledge or consent of the individual concerned.

Section 40: Use and Disclosure of Personal Information

40.1 Personal information shall be used or disclosed only for the purposes for which it was collected, unless the individual consents to its use or disclosure for another purpose, or as required by law.

40.2 The Textsín shall implement appropriate safeguards to protect personal information against unauthorized access, use, disclosure, or destruction.

Section 41: Storage and Access

41.1 Personal information shall be stored securely and retained only as long as necessary to fulfill the purposes for which it was collected.

41.2 Individuals have the right to access their personal information held by the Textsín, subject to any legal restrictions or exemptions.

Section 42: Consent Requirements

42.1 The Textsín shall obtain the informed consent of individuals or their legal guardians before collecting, using, or disclosing personal information, except where otherwise permitted by law.

42.2 Consent must be documented and may be withdrawn at any time, subject to legal or contractual restrictions and reasonable notice.

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Section 43: Rights of Individuals

43.1 Individuals have the right to request correction of their personal information if it is inaccurate or incomplete.

43.2 The Textsín shall respond to requests for access or correction of personal information within a reasonable time frame and in accordance with applicable laws.

Part XI – General Provisions

Section 44: Protection from Liability

44.1 No action or proceeding for damages shall be instituted against the Simpcw First Nation, the Textsín, or any of their respective officers, employees, agents, or representatives for any act or omission in the execution or intended execution of any duty or authority under this Law, or for any alleged neglect or default in the execution in good faith of any such duty or authority, unless the act or omission was done in bad faith or was the result of gross negligence.

44.2 The protection from liability provided in this section extends to any person who, in good faith, provides information or assistance to the Textsín or any of its representatives in the course of carrying out their duties under this Law.

44.3 This section does not relieve any person from liability for damages arising from their own willful misconduct or gross negligence.

44.4 Any legal proceedings initiated against the Simpcw First Nation, the Textsín, or any of their respective officers, employees, agents, or representatives must be commenced within one year from the date on which the cause of action arose.

44.5 The provisions of this section are in addition to and do not derogate from any protection from liability provided by any other enactment or law applicable to the Simpcw First Nation or the Textsín.

Section 45: Constitutional Challenge Notice

45.1 If in a cause, matter, or other proceeding:

- a) the constitutional validity or constitutional applicability of all or any part of this Law is challenged; or
- b) an application is made for a constitutional remedy;

this Law must not be held to be invalid or inapplicable and the remedy must not be granted until after notice of the challenge or application has been served on Council and

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the Attorney General of Canada and the Attorney General of British Columbia in accordance with the *Constitutional Question Act*, RSBC 1996, c 68.

45.2 The *BC Constitutional Question Act* will apply to any cause, matter or proceeding under subsection 45.1.

45.3 Any notice given to Council under subsection 45.1 must be given in the same manner and have the same content as a notice to the Attorneys General of Canada and British Columbia under the *Constitutional Question Act*.

Section 46: Role of the Public Guardian and Trustee

46.1 Simpcw may enter into an agreement with the Public Guardian and Trustee which provides that the Public Guardian and Trustee has the duties and powers with respect to the management of the stsmémelt's property and the protection of the stsmémelt's legal interests that are given by law to the Public Guardian and Trustee, including the duties and powers given by section 7 of the *Public Guardian and Trustee Act*, RSBC 1996, c 383, and sections 12, 14, and 16 of the *Infants Act*, RSBC 1996, c 223.

Section 47: The *Infants Act*

47.1 The *Infants Act*, RSBC 1996, c 223 will apply to this Law except subsections 51(1) and (2) which will not apply.

47.2 If a stsmémelt has no guardian or if the guardian appointed is dead, refuses or is incompetent at law to act,

- a) the Textsín will be the personal guardian of the stsmémelt and facilitate decisions about services and programs delivered under this Law;
- b) where Simpcw has entered into an agreement pursuant to subsection 46.1, the Public Guardian and Trustee will be the property guardian of the stsmémelt that will manage the assets and property of the stsmémelt; or
- c) subsections (a) and (b) apply, as circumstances require, unless and until the Keepers of the Law order otherwise.

Section 48: Application of the 'Tcwešetmentem' (Walking Together) Simpcw First Nation Community Agreement

48.1 The 'Tcwešetmentem' (Walking Together) Simpcw First Nation Community Agreement entered under subsection 92.1 of the *CFCSA* continues to apply to the extent that it is not inconsistent with this Law.

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Section 49: Reviews and Evaluation

49.1 The Keepers of the Law shall review, evaluate, and provide recommendations to Kúkwpi7 and Tkwenem7íple7 on the implementation of the Law at a minimum:

- a) three years following the enactment of this Law; and
- b) every five years thereafter.

49.2 The Keepers of the Law shall review, evaluate, and provide recommendations on the implementation of the Law by:

- a) providing binding recommendations on the Textsíñ to ensure proper and effective implementation of the Law;
- b) engaging with the broader Simpcw community to gather input and feedback on the implementation and efficacy of the Law; and
- c) after engaging with the broader Simpcw community, providing binding recommendations to Kúkwpi7 and Tkwenem7íple7 on proposed amendments to the Law.

Section 50: Regulations

50.1 Kúkwpi7 and Tkwenem7íple7 may, by Band Council Resolution, enact regulations under this Law that are necessary and advisable for the Law's implementation.

Section 51: Coming into Force and Amendments to the Law

51.1 This Law comes into force on the date that Kúkwpi7 and Tkwenem7íple7 enact this Law through Band Council Resolution confirming the successful referendum held pursuant to the *Simpcw Referendum Code* or any applicable replacement.

51.2 Subject to this section:

- a) any amendment to the Law must be brought forward to Kúkwpi7 and Tkwenem7íple7 by the Keepers of the Law; and
- b) Kúkwpi7 and Tkwenem7íple7 may propose amendments to the Law on their own initiative in consultation with Keepers of the Law.

51.3 Kúkwpi7 and Tkwenem7íple7 are responsible for ensuring that any amendments to the Law are carried out in accordance with this section and any regulations established under this Law.

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51.4 Kúkwpi7 and Tkwenem7íple7 may, by Band Council Resolution, amend Schedule A to amend or remove any information in column 2.

51.5 Within twelve months of the Band Council Resolution being passed by Kúkwpi7 and Tkwenem7íple7 enacting the Law, Kúkwpi7 and Tkwenem7íple7 may make amendments to the Law if those amendments are necessary for addressing unforeseen administrative, refinement of translations, and practical implementation issues.

51.6 Kúkwpi7 and Tkwenem7íple7 may make amendments by resolution to correct any typographical or grammatical errors and clarify language, provided that these amendments do not alter the purpose, intent, or substance of the Law.

51.7 For greater certainty, once the Keepers of the Law are in place, any amendments made pursuant to subsection 50.6 must be approved by the Keepers of the Law.

51.8 Any other amendments to the Law must be approved by referendum pursuant to the *Simpcw Referendum Code* or any applicable replacement.

SCHEDULE A – JURISDICTIONS AND SCOPE OF SERVICES

Jurisdiction	Scope of Service
British Columbia	BCR reference: “TBD”
Alberta	BCR reference: “TBD”
Saskatchewan	BCR reference: “TBD”
Manitoba	BCR reference: “TBD”
Ontario	BCR reference: “TBD”
Quebec	BCR reference: “TBD”
New Brunswick	BCR reference: “TBD”
Nova Scotia	BCR reference: “TBD”
Newfoundland and Labrador	BCR reference: “TBD”
Yukon	BCR reference: “TBD”
Northwest Territories	BCR reference: “TBD”
Nunavut	BCR reference: “TBD”