

# *T̓silhqot'in ʔEsqax Sutsel Jeniyax*

(T̓silhqot'in children growing up in a good way)

## *T̓silhqot'in ʔEsqax & Desniqi Dechen Ts'edilhtan*

(T̓silhqot'in Children and Family Law)



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### *Nature is Balance*

“Nature is Balance”. As evening arrives, it is the traditional time in T̓silhqot’in culture to share stories. We use animals and stories passed down through the generations from our *?Esggidam* to tell important life stories and lessons about life as T̓silhqot’in *Deni*. The trees of the *Nenqay* are a part of everyday life, including making the pole in the Kigli home. The Kigli home was the main house of the T̓silhqot’in, in which the *Deni* would live during the cold months. If one knows where to look, you can still see the dips in the ground where our *?Esggidam* lived.



THE *ŜEN* (Stars) represent when *?Esqax* are reunited with their *Desniqi*.



THE *DECHEN* (Trees) represent the *Dechen Ts’edilhtan*.



THE *T̐SILHQOX* (River) represents the *Sutsel Ghidelh*.

Whether they are predators or prey, each of the animals have balance in nature...



THE *SES* (Bear) represents the *Nats’eghugheten* Services.



THE *NUN* (Wolf) represents the *Nexwelh ?Anant’in* Services.



THE *NISTS’I* (Deer) represents the *T̓silhqot’in Chi’ih Deni Naghitinlh* Services.



THE *LHIZ QWEN YEX* (Kigli home) represents the *Gubexizintan* Services.

During the time of our *?Esggidam*, the T̓silhqot’in *Deni* lived in harmony with nature, adapting to the places and weather around them. Every T̓silhqot’in *Deni* will thrive when they live as their *?Esggidam*, living with peace and harmony in nature. Each of our relations on the *Nenqay* have meaning; whether it's the animals, the *Nen*, the *Tu* or the air. We all learn to live together on earth. In addition, the **BLUE RING** signifies the *T̓silhqox* River (and its tributaries) wrapping around the People of the River, our home as T̓silhqot’in *Deni*”.

Graciously shared by the Artist, *Micole Myers*, of Yunešit’in.



## ***ʔEsqax Sutsel Jeniyax***

### **Foundations: Story of *Lhin Desch'osh***



<i>Neê Ghidelh</i> -----	9
Tsilhqot'in North Star -----	11
<i>Lhiz Qwen Yex</i> -----	11

### ***Dechen Ts'edilhtan (Our Values): Story of Lady Rock***



Tsilhqot'in <i>Deni</i> Inherent Rights -----	12
Purpose of this Law -----	12
<i>ʔEsqax</i> are Sacred -----	13
Caretaking of an <i>ʔEsqi</i> -----	13
An <i>ʔEsqi</i> 's Responsibilities -----	14
<i>ʔEsqi ch'i</i> -----	14
<i>Ch'eh</i> for <i>ʔEsqi</i> Services -----	14
<i>ʔAba belh ʔInkwel</i> Teachings -----	15
<i>Ch'eh</i> for <i>ʔAba belh ʔInkwel</i> Services -----	15
Guiding Principles and Values to Interpreting Law -----	16
Priority for Wholistic Services -----	18
Less Disruptive Measures -----	18
<i>Best interests of an ʔEsqi</i> and <i>Right Way of Raising an ʔEsqi</i> -----	19
Consideration of the <i>Desniqi</i> -----	19
Consideration of the Tsilhqot'in Nation -----	20
<i>Desniqi Knowledge Keepers</i> -----	20

### ***Tsilhqot'in Chi'ih Deni Naghitinlh (Guiding People in Tsilhqot'in Way): Story of the Dancing Puppies***



Priority to Prenatal Teachings -----	21
Priority for Prenatal Services -----	22
<i>ʔEsqi</i> requiring <i>Tsilhqot'in Chi'ih Deni Naghitinlh</i> Services -----	22
Place of Care for the <i>ʔEsqi</i> -----	22
<i>ʔAba belh ʔInkwel</i> requesting <i>Tsilhqot'in Chi'ih Deni Naghitinlh</i> Services -----	22
Priority for <i>Tsilhqot'in Chi'ih Deni Naghitinlh</i> -----	23
<i>Tsilhqot'in Chi'ih Deni Naghitinlh</i> Circle Approach -----	24



	Listening and Finding Solutions -----	24
	Creating Safety and Well-being -----	24
	Establish the <i>Desniqi Jenitexilchud</i> -----	24
	Keeping the Desniqi Strong -----	25
	Voluntary Supports for <i>Desniqi</i> -----	25
	Establish the <i>ʔEsqi Jenitexilchud</i> -----	25
	Voluntary Care Agreement -----	25
	<i>Desniqi</i> Agreement -----	26
	<i>ʔEsqi</i> with a Disability Agreement -----	26
	Youth Agreement -----	26
	Agreement with a Minor <i>ʔAba belh ʔInkwel</i> -----	27
	<i>K'an deni jalilh</i> Support Services -----	27
	Agreement with <i>K'an deni jalilh</i> -----	28


#### *Gubats'eghižtan Naguts'eneten Services (Watching Over and Guiding Them)*

	Responsibility for the Safety of an <i>ʔEsqi</i> -----	29
	If a young <i>ʔEsqi</i> breaks the law -----	29
	Responsibility to Advise <i>ʔAba belh ʔInkwel</i> -----	30
	<i>ʔEsqi</i> requiring <i>Gubats'eghižtan Naguts'eneten Services</i> -----	30
	Gathering information from Report -----	31
	Completing an Initial Assessment and Determining Response -----	32
	Assess and Place when an <i>ʔEsqi</i> requires Urgent Care -----	33




#### *Nexwelh ʔAnant'in (Working with Us): Story of Tš'ilʔos & ʔEniyud*

	<i>Tš'ilʔos and ʔEniyud Circle</i> -----	35
	Listening and Finding Solutions -----	36
	Safety Assessment and Home Visit -----	36
	Safety Plan -----	37
	Offering Agreements as part of Safety Plan -----	37
	<i>Tš'ilʔos &amp; ʔEniyud Agreement</i> -----	37
	Creating Safety and Well-being -----	38
	Cultural Safety and Trauma-Informed Services -----	38
	Safety Plan Follow-up -----	38



	Determining Need for Ongoing Services -----	39
	Development of a <i>Desniqi</i> Plan -----	39
	Lasting <i>Desniqi</i> Understanding -----	40
	Keeping the <i>Desniqi</i> Strong: Story of Chipmunk getting his Stripes -----	40
	Reflecting and Staying Connected -----	41
	Re-assessment -----	41
	Concluding the <i>Nexwelh ʔAnant'in</i> Services -----	41

### ***Nats'eghugheten* (Checking Things Out): Story of Bear Mother takes back Her Babies**

	<i>Nats'eghugheten</i> Services -----	44
	Authority of the Service Provider -----	44
	<i>Nats'eghugheten</i> Circle Approach -----	45
	Listening and Finding Solutions -----	45
	Interviews -----	45
	Medical Examinations -----	46
	Assessment and Home Visit -----	46
	Safety Plan -----	46
	Offering Agreements as part of Safety Plan -----	47
	Creating Safety and Well-being -----	47
	Safety Plan Follow-up -----	47
	Determining Need for Ongoing Services -----	48
	<i>ʔInkwel Ses</i> (Mother Bear) Orders -----	48
	<i>ʔInkwel Ses</i> : Care and Guidance Order -----	49
	<i>ʔInkwel Ses</i> : Necessary Health Care Order -----	49
	<i>ʔInkwel Ses</i> : ʔEsqi Shield Order -----	50
	<i>ʔEtsu Ses</i> (Grandmother Bear) Orders -----	50
	Place of Care for an ʔEsqi -----	51
	<i>Desniqi</i> Planning Circle -----	52
	Development of a <i>Desniqi</i> Plan -----	52
	Lasting <i>Desniqi</i> Understanding -----	53
	Keeping the <i>Desniqi</i> Strong -----	54
	Referrals for Service during time in Care -----	54
	Reunification: Story of the Boys who Turned to Stars -----	54



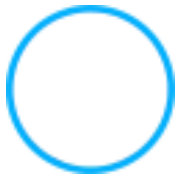
Re-assessment of <i>Nats'eghugheten</i> Services .....	54
Concluding <i>Nats'eghugheten</i> Services .....	55

### ***Gubexizintan* (Taking Care of Them): Story of *Lhin Desch'osh's* Puppies Look After the Community**



Actively Develop an <i>ʔEsqi's Jenitexilchud</i> .....	56
Safety and Well-being of an <i>ʔEsqi</i> in Care .....	57
Information sharing with the <i>ʔEsqi's</i> Care Provider .....	57
<i>Gubexizintan</i> Circle Approach .....	58
Listening and Finding Solutions .....	58
Transition Planning for <i>ʔEsqi</i> with a Disability .....	59
<i>Desniqi</i> Planning Circle .....	59
Creating Safety and Well-being .....	59
<i>Right Way of Raising an ʔEsqi</i> receiving <i>Gubexizintan</i> Services .....	59
<i>Desniqi</i> Homes .....	59
Customary Care Homes .....	60
Contracted Services .....	61
Supporting <i>ʔEsqi</i> Care Providers .....	61
Funding .....	62
Keeping the <i>Desniqi</i> Strong .....	62

### ***Sutsel Ghidelh* (Walking in a Good Way): Story of *T̓silhqox's* Strength and Healing**



<i>Sutsel Ghidelh</i> Office .....	63
<i>Nats'egwenilʔin</i> (Looking Over It Again) .....	64
Practice Support .....	64
Practice Reviews .....	64
Practice Evaluations .....	65
<i>Sutsel Ghidelh</i> dispute resolution .....	66
<i>Su Bedeni Gheʔin</i> .....	66
Learning & Development .....	67
Development of Service Provider Decision-Support Tools .....	67

### **Information**

Protecting Information .....	68
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Obtaining Information .....	68
Information Obtained Under the Law .....	68
Promise to Uphold Sacred Information .....	69
<b>Governance</b>	
T̓silhqot'in <i>Desniqi</i> Tribunal .....	71
Tribunal Responsibilities .....	72
Representation and Party Status at Proceedings .....	73
T̓silhqot'in Final Appeal Court .....	74
Delegation .....	75
<i>Nexwedeni Gubadechen Jedilhtan</i> (Holding the Laws for Our People) .....	76
Board of Directors and <i>Nexwedeni Ghanadeni</i> .....	77
Programs and Service Office .....	78
Responsibilities and Accountabilities of the <i>Nexwedensniqi Ghaxiztan</i> ---	78
Entrusted Duties to the <i>Nexwedensniqi Ghaxiztan</i> .....	79
Finance Office .....	79
Data Management Office .....	80
Community Information and Planning .....	80
Information Technology System Office .....	80
Information Technology System .....	81
Holding the Circle Strong .....	81
Public Guardian Trustee .....	81
Application and Exemption from the <i>Infants Act</i> .....	82
Protection from Liability .....	82
Indemnification .....	83
Time Limit Civil or Criminal Claim .....	84
Insurance .....	84
Scope of this Law .....	84
Federal Act Standards .....	84
Definitions .....	84
Regulations .....	88
Interpretation .....	88
Review and Amendment .....	88



Official Copy of this Law -----	89
Report -----	89
Tabling of Report -----	89
Constitutional Challenge and Notice of Severability -----	89
Coming into Force -----	89
Transitional -----	90
<b>Schedule A: Initial Service Delivery Area -----</b>	<b>91</b>
<b>Schedule B: Incremental Jurisdiction -----</b>	<b>92</b>

\* The greyed-out sections of the Law are ‘hibernating’ during Partial Jurisdiction until it is time to ‘wake them up’ at Full Jurisdiction.





## Foundations From the Story of *Lhin Desch'osh*

A young girl, having been tricked by *Lhin Desch'osh*, a transformer, lived in a pit house and gave birth to three puppies. Her mother was furious and asked her, “You have been raised the proper way, why were you doing this?” She told her, “You are going to raise them somehow!” The community, including *?Ezusiny* (magpie) and *Datsan* (trickster raven), abandoned the young new mother. When they left, *Datsan* put out all the fires by pooping on them. *?Ezusiny* took pity and whispered to them that he had left a small fire.

### *Neê Ghidelh (Moving Forward)*

Since *Sadanx*, the *?Esggidam* thrived as a powerful Nation guided by the *Dechen Ts'edilhtan* about the care, safety and security of *?Esqax*. The T̓silhqot'in in *Deni* are proud to stand up our *Dechen Ts'edilhtan* that was handed down from the *?Esggidam* and the T̓silhqot'in War Chiefs who sacrificed their lives for the T̓silhqot'in way of life.

The T̓silhqot'in Nation continues in this authority and responsibility knowing imposed colonial laws do not work for us. Through our strong traditional T̓silhqot'in governance, *Dechen Ts'edilhtan*, protocols and values, the T̓silhqot'in Nation reclaims our sacred right to make laws for our *Nenqay* and *Deni*. The T̓silhqot'in in *Deni* have the inherent, sacred right and responsibility to provide and care for our *?Esqax* and *Desniqi*.

*?Esqi k'andza xesdlan* (newborn babies) are born into the T̓silhqot'in *Dechen Ts'edilhtan*, protocols, and values as future generations. For the T̓silhqot'in in *Deni*, it is our aspiration that *?Esqax* are born in, raised or connected to our territory, which attaches *?Esqi k'andza xesdlan* to the land and roots them in their culture and identify. It connects them to the spaces and places of the laws, protocols, and values, as the knowledge of their ancestors are their sacred gifts. When *?Esqi k'andza xesdlan* are still in their mother's womb, they are already learning the T̓silhqot'in way, the T̓silhqot'in lifestyle, the food, the spirituality, the beliefs and the *Dechen Ts'edilhtan*.

The T̓silhqot'in in *Deni* have a long history of battling colonialism such as the T̓silhqot'in War, the wrongful hanging of six T̓silhqot'in War Chiefs, pandemics, genocidal policies and laws, residential schools, day schools, Indian hospitals, Sixties scoop, our highly contested court case on Aboriginal rights and title, the appropriation and mismanagement of our *nenqay*, and unsafe drinking water. This Nation continues to address the dire living consequences of colonialism, such as severe poverty and mistrust of settler governments.

Much of the colonial damage forced upon T̓silhqot'in in *Deni* results in early childhood trauma, which adversely impacts current and future generations (e.g. poverty, poor health and intergenerational trauma). The T̓silhqot'in in *Deni* are committed to overcoming these harms, which will result in improved health and social outcomes for the *?Esqax*.



In 2018, Canada apologized for the unjust hanging of the War Chiefs (Chief Lhats'as?in, Chief Biyil, Chief Tilaghd, Chief Taqed, Chief Chaysey, and Chief Ahan) and exonerated them of all wrongdoing, thereby signaling a transformation in relations with the T̓silhqot'in *Deni*.

Housing, and social infrastructure, are urgently needed in T̓silhqot'in *Deni* communities. There are clear and identified linkages between community poverty, lack of housing and child apprehension. Safe and adequate housing is critical to reunifying families and resolving child protection concerns. The T̓silhqot'in *Deni* require safe, healthy homes, as they have historically with their *Lhiz qwen yex*, for their *Deni* to thrive, and to address the fundamental risk factors for their *?Esqax* and *Desniqi*.

Social Infrastructure and multi-purpose centres are also critically needed to support community service provision (e.g. supervised visits), healing (e.g. safe/sacred space for counselling), cultural revitalization and Nation rebuilding. This includes places for youth, elders and *Desniqi* to gather, including office space, treatment centres, equine centres, recreational spaces and places to deliver programs and services in a safe and confidential way.

The T̓silhqot'in *Deni*'s isolated geography has additional complications for poverty and subsequent child protection matters that arise in their communities.

Consequently, equitable and sustainable capital investment is needed for our communities to effectively prevent government interventions in the lives of our *Desniqi*, and more importantly, *?Esqax* apprehensions. Proper financing must be determined using distinctions-based and needs-based, measurable data, both quantitative and qualitative, with ongoing monitoring to assess the effectiveness and cultural appropriateness of the community investments/interventions.

We will bring back the stability and security for our *?Esqax*, and for those not yet born. We will do this by reviving jurisdiction and rebuilding our social-economic structures, such as housing, social programming, education and health. This will enable our return to T̓silhqot'in ways and heal our communities.

Since *Sadanx*, intergenerational sharing of knowledge through stories and teachings of the *Nenqay* has been practiced. There have always been T̓silhqot'in laws and traditions to hold our children safe from harm. It is now time to thrive as the *?Esqgidam* did.



## T̓silhqot'in North Star

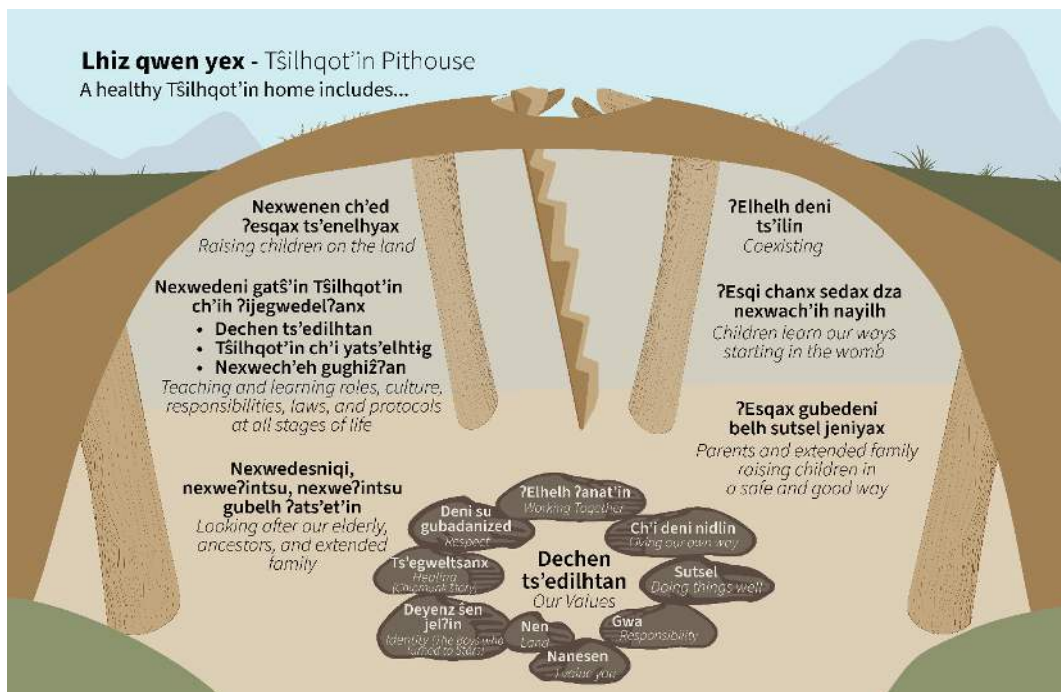


### T̓silhqot'in North Star

Our T̓silhqot'in ?Esqax live at home on the *Nenqay* with their *Desniqi*.  
 Our ?Esqax thrive and live the T̓silhqot'in ways know their language, culture, history, protocols and laws.  
 Our ?Esqax, *Desniqi*, ?*Abes*, knowledge keepers are respected and raise our ?Esqax.  
 Our ?Esqax know their ancestral *Nenqay*, will caretake and respect it.  
 Our ?Esqax know they are sacred, loved and the future of our ancient T̓silhqot'in Nation.



## Lhiz Qwen Yex (Kigli Homes / Pit House)



### T̓silhqot'in ?Esqax Sutsel Jeniyax





## ***Dechen Ts'edilhtan*** **(Our Values, Our History, our *Nenqay*)** **The Woman who turned to Stone (Lady Rock)**

A long time ago, there was a young *Ts'iqi* (girl) who was at the river with her *ʔEtsu* (grandmother); she was on her first moon and must isolate for three to four days and be guided by her *ʔEtsu*. *Ts'ilhqot'in* protocols are so strong for *Ts'iqi* on their moon time. The protocol is to be isolated and not seen, especially by men. Her *ʔEtsu* was with her helping her. She went to the *Ts'ilhqox* river to get a drink of water using her cupped hands. She went to go back up to the top of the hill and a man or a boy came up behind her. She was not to be in contact with anyone and she turned back to look at the man or boy. She knew the protocol was broken and she turned to stone. Today she still stands in the place on the hillside. *Ts'ilhqot'in* *Deni* go to the sacred site for healing. Bring red cloth to offer and pray for yourself or those struggling with healing. When you go to the site you have to speak *Ts'ilhqot'in* because she does not speak English.

### ***Ts'ilhqot'in Deni* Inherent Rights**

1. This Law is an expression of the *Ts'ilhqot'in* Nation's inherent right to self-determination, which includes the jurisdiction over child and family services, including administration, enforcement, and dispute resolution.

### **Purpose of this Law**

2. The *Ts'ilhqot'in Dechen Ts'edilhtan* has been passed down for generations by the *ʔEsggidam*, as our inherent right and jurisdiction, which the *Ts'ilhqot'in* have a duty to honour, uphold and pass down to future generations. *Desniqi* Knowledge Keepers have a critical role in the *Dechen Ts'edilhtan* by holding and sharing this information with the *ʔEsqax*, the *Desniqi* and the *Ts'ilhqot'in* communities.
3. This Law is intended to:
  - (a) Foster the provision of culturally-appropriate child and family services to *Ts'ilhqot'in ʔEsqax*, *Desniqi* and communities;
  - (b) Prioritize and promote effective *Ts'ilhqot'in Chi'ih Deni Naghitinlh* services to *Desniqi*;
  - (c) Assure culturally-appropriate services for the Care of an *ʔEsqi* when the *ʔAba belh ʔInkwel* are unable or unwilling to provide a safe, stable, nurturing environment for their *ʔEsqi*; and,
  - (d) Promote services that strengthen the *Ts'ilhqot'in Desniqi* connections.



## ***ʔEsqax* are Sacred**

*ʔEsqax* are sacred. It is the role of the *ʔAba belh ʔInkwel*, the elders in the *Desniqi*, and the community to share T̓silhqot̓in ways, *Dechen Ts̓'edilhtan*, protocols and values through stories and *shen* (songs). T̓silhqot̓in laws, protocols, and values help give *ʔEsqax* love, to teach them discipline, and who they are as T̓silhqot̓in *Deni*.

Childhood is a transformational time, a time of learning, and of understanding one's responsibilities and accountabilities as a T̓silhqot̓in *Deni*. *ʔEsqax* are to be taught the T̓silhqot̓in language and culture, and are taught respect through the T̓silhqot̓in *Dechen Ts̓'edilhtan*.

It is the responsibility of the *ʔAba belh ʔInkwel*, *ʔEtsu* & *ʔEtsi* (grandparents), *Desniqi* and community to protect *ʔEsqax* and pass on the *Dechen Ts̓'edilhtan*, protocols, and values.

It is our collective responsibility to ensure each *ʔEsqi* is being loved, is safe, has their basic needs taken care of, and is given the opportunity to learn T̓silhqot̓in ways.

### **Caretaking of an *ʔEsqi***

4. *ʔAba belh ʔInkwel*, the T̓silhqot̓in communities, and the T̓silhqot̓in Nation, aspire to provide a high quality of care for their *ʔEsqi*, including:
  - (a) Love, respect, support, and to be treated with dignity as a unique, special and valued gift;
  - (b) Not discriminated against because of their gender identity or expression, or sexual orientation;
  - (c) Knowledge and teachings about their culture, language, history, and to be on the *Nenqay* as much as possible;
  - (d) A strong connection to their *Desniqi*, and community;
  - (e) A say in their life, including sharing in the rules and responsibilities;
  - (f) A home where their mental, physical, emotional, cultural and spiritual needs are met;
  - (g) A safe home, free from experiencing or witnessing any abuse, or abandonment;
  - (h) Access to spiritual health as chosen by the *ʔEsqi*'s *ʔAba belh ʔInkwel*;
  - (i) Access to health care, including meeting any special requirements for their emotional, mental, spiritual, and physical health;
  - (j) Siblings are kept together, where appropriate, to create close bonds and so they can take care of, and learn, from one another; and,
  - (k) If they cannot remain with their *ʔAba belh ʔInkwel*, they stay with healthy *Desniqi* or Nation members.





## An ?Esqi's Responsibilities

5. Every ?Esqi has the responsibility to:

- (a) Respect their ?Etsu & ?Etsi, their ?Aba belh ?Inkwel, Desniqi members, teachers, leaders and siblings;
- (b) Respect all creation;
- (c) Follow directions given by their ?Etsu & ?Etsi, ?Aba belh ?Inkwel, Desniqi members, teachers and leaders;
- (d) Follow the rules of their home;
- (e) Participate in, and prioritize, learning the T̂silhqot'in culture and language;
- (f) Participate in any guidance, counselling, or support plans;
- (g) Attend school or education programs and participate to the best of their abilities; and,
- (h) Abide by T̂silhqot'in laws.

## ?Esqi ch'i (Baby Basket)

?Esqi ch'i are sacred and represent the life of an ?Esqi. The ?Esqi ch'i plays a very important role in ?Esqi growth, discipline, and spiritual teachings about caring and nurturing an ?Esqi.

The ?Esqi ch'i is made just prior to the baby's birth. The ?Esqi ch'i maker must be mentally, physically, emotionally, and spiritually healthy, one who has good energy and puts positive thoughts into making the ?Esqi ch'i.

Prior to the birth of an ?Esqi the T̂silhqot'in Deni prepare by sharing teachings, and surrounding the expectant mother and family with love.

## Ch'eh for ?Esqi Services

6. An ?Esqi, receiving T̂silhqot'in Chi'ih Deni Naghitinlh and Gubats'eghižtan Naguts'enenen Services, is entitled to:

- (a) Understand the processes and duties owed to them under this Law;
- (b) Be fed, clothed, nurtured and sheltered according to T̂silhqot'in standards and be provided with the same quality of care, including access to medical care, as other children in the home;
- (c) Be safe, including a stable living environment, which is free from:
  - i. physical abuse or witnessing it;
  - ii. discrimination due to their gender, or sexual orientation;
  - iii. corporal punishment or witnessing it;
  - iv. sexual abuse or misconduct or witnessing it;



- v. emotional abuse or witnessing it;
  - vi. exposure to illegal drug use, or drug misuse; and,
  - vii. exposure to serious criminal activity;
- (d) Receive adequate support to pursue full-time education to Grade 12;
  - (e) Understand the rules, discipline practices, expectations, and responsibilities where they reside;
  - (f) Express their views and perspectives about decisions that directly affect them;
  - (g) Subject to their age and maturity, participate in developing their own *Gubagwezil?an* (Plan of Care), and have a say in decisions about their care, or their siblings' Care;
  - (h) Raise a concern related to a service they, or their siblings, are receiving by the Service Provider under this Law;
  - (i) Privacy of their belongings, including phone calls, mail, email, messages, unless an intrusion is justified for the health or well-being of the *?Esqi*;
  - (j) Privacy during discussions with their *?Aba belh ?Inkwel*, siblings and members of their *Desniqi*, unless the visit or communication would endanger the health or well-being of the *?Esqi*;
  - (k) Access to their *?Aba belh ?Inkwel*, siblings and *Desniqi*, unless the visit or communication would endanger the health or well-being of the *?Esqi*;
  - (l) Receive services under this Law in a culturally-appropriate way; and,
  - (m) Be accommodated for language or ability if there is a barrier to consulting with them on decisions affecting their Custody or Care.

### ***?Aba belh ?Inkwel* Teachings**

Coming of age is a transformational time. It is a time of rites of passage and new responsibilities as an *?Esqi* transitions from childhood to adulthood. A time when *?Esqax* are becoming who they will be and are discovering their gifts. Their *?Aba belh ?Inkwel*, *Desniqi*, and community have a responsibility to share knowledge, to listen, and to foster a positive environment that allows each *?Esqi* to be who they are. *Tsilhqot'in* teachings are an *?Esqi's* strength.

The *?Aba belh ?Inkwel*, *Desniqi*, and community also have a responsibility to help an *?Esqi* live in accordance with *Tsilhqot'in* laws, protocols and values, and to take them out onto the *Nenqay* to learn *Tsilhqot'in* ways during all seasons.

### ***Ch'eh* for *?Aba belh ?Inkwel* Services**

7. *Tsilhqot'in ?Aba belh ?Inkwel*, receiving *Tsilhqot'in Chi'ih Deni Naghitinlh*, *Nexwelh ?Anant'in* and *Nats'eghugheten* Services, are entitled to:

- (a) Understand the process they are involved in under this Law;



- (b) Bring their own support people when meeting with the Service Provider;
- (c) Receive services under this Law in a culturally-appropriate way;
- (d) Express their views and experiences;
- (e) Participate in planning for their *?Esqi* as long as it is consistent with the *Right Way of Raising an ?Esqi*, including identifying a safe person to Care for their *?Esqi*;
- (f) Have input and participate in decisions about the Care of their *?Esqi* that are consistent with the *Right Way of Raising an ?Esqi*;
- (g) Make a complaint about the quality of services they are receiving by the Service Provider regarding *Gubats'eghižtan Naguts'eneten services*;
- (h) Raise a concern related to a service they are receiving by the Service Provider under this Law;
- (i) Attend proceedings and provide input to a moderator, or Tribunal, on matters that affect them;
- (j) Receive services in which preserving the relationship with their *?Esqi* is a priority, as long as it is consistent with the *Right Way of Raising an ?Esqi*; and,
- (k) Receive services in which *Desniqi* preservation is a priority.

### **Guiding Principles and Values to Interpreting Law**

8. In addition to those otherwise set out in the Law, decisions about an *?Esqi* will be guided by the following T̓silhqot'in values and principles:

- (a) The *Desniqi Knowledge Keepers* are cultural leaders in the Nation and, therefore, should inform decisions about the *?Esqi*. The *Desniqi Knowledge Keepers* should play a central role in supporting families;
- (b) Every *?Esqi* is a gift and are the sacred responsibility of the T̓silhqot'in *Deni*; as such, they should be nurtured, enriched, and protected by the T̓silhqot'in *Deni*;
- (c) The T̓silhqot'in *Deni* have critical roles and responsibilities in the wellness of *?Esqi*. The *?Esqi* are the centre of T̓silhqot'in communities; they provide the continuation of the T̓silhqot'in culture, language, history, beliefs, traditions and values;
- (d) Every *?Esqi* should be taught the T̓silhqot'in laws, values and protocols they inherited from the *?Esggidam*;
- (e) Every *?Esqi's* sense of belonging to the T̓silhqot'in *Deni* should be fostered to ensure their well-being and to remind them they are T̓silhqot'in and they are gifts;
- (f) The T̓silhqot'in culture, language, teachings and ways of being are essential to the health and well being of T̓silhqot'in *?Esqi* and *Desniqi* as cultural transmission can help heal them;





- (g) It is important that the *?Esqi's* identity, as T̂silhqot'in, is protected so they know they are descended from their *?Esggidam* and feel proud of who they are;
  - (h) Every *?Esqi* needs:
    - i. to grow up in a healthy environment;
    - ii. a strong connection to the *Nenqay*;
    - iii. to feel safe, secure and cared for;
    - iv. love and respect; and,
    - v. to have a say in their life;
  - (i) It is important to encourage *?Esqi*, *?Aba belh ?Inkwel* and *Desniqi* to have healthy minds, bodies, and spirits for their healing journey;
  - (j) Understanding the impacts of colonization is critical to undoing colonial harm to *?Esqi*, *?Aba belh ?Inkwel*, *Desniqi*, communities, and the T̂silhqot'in Nation;
  - (k) Solutions to support T̂silhqot'in *Desniqi* are most successful when they are collaborative with the *?Aba belh ?Inkwel*, and their community;
  - (l) Solutions should be grounded in accountability and compassion under T̂silhqot'in laws and tradition that also place obligations on their *Desniqi* and community; and,
  - (m) Any programs or services, including *Gubats'eghižtan Naguts'eneten*, by a Service Provider should be culturally-appropriate and grounded in the values of this Law.
9. Each Service Provider, as well as the *Nexwedeni Gubadechen Jedilhtan*, will be guided by the following goals:
- (a) Provide early and active *T̂silhqot'in Chi'ih Deni Naghitinlh* as a priority, supporting the *?Esqi*, *?Aba belh ?Inkwel* and their *Desniqi*;
  - (b) Keep a *Desniqi* together, including siblings, as a priority where possible;
  - (c) Preserve, or build, an *?Esqi's* relationship with their *Desniqi*, T̂silhqot'in community, and T̂silhqot'in Nation;
  - (d) Plan collaboratively with *Desniqi* for the Care of their *?Esqi*, where possible;
  - (e) Plan collaboratively with *?Esqi* for their Care, where appropriate and possible;
  - (f) Plan for an *?Esqi's* long-term cultural connections, health and well-being;
  - (g) Implement language, culture and traditional teachings into all services and programs by:
    - i. relying on *Desniqi Knowledge Keepers*, and other knowledge keepers' directions;
    - ii. involving the respective T̂silhqot'in community and their *Deni*, in the development and planning of their services;
    - iii. providing services on the *Nenqay*, which reflect the seasons, as exercised by the T̂silhqot'in *Deni*;



- iv. providing services that are Wholistic to address mental, physical, emotional, and spiritual wellness;
- (h) Foster an *ʔEsqi*'s positive identity;
- (i) Integrate T̂silhqot'in *Ch'eh* for *ʔEsqi* and *ʔAba belh ʔInkwel*;
- (j) Continuously assess and address biases, and stereotypes, against T̂silhqot'in people, or their parenting styles, in decision-making;
- (k) Encourage the communities' sense of responsibility for an *ʔEsqi*;
- (l) Prioritize proper care for *ʔEsqi*, which will begin before birth;
- (m) Stand up T̂silhqot'in teachings of forgiveness, compassion, love, connectedness, belonging, wholeness, and balance;
- (n) Work together with other *T̂silhqot'in Chi'ih Deni Naghitinlh, Gubats'eghižtan Naguts'eneten* and *Gubexizintan* Service Providers to ensure *ʔEsqi* are nurtured and thrive;
- (o) Treat every *ʔEsqi* as a sacred gift deserving dignity and respect as a unique individual;
- (p) Collaborate with other service providers whose work may involve, or offer support to, *Desniqi* and *ʔEsqi*; and,
- (q) Operate programs and services based on the principle of substantive equality, as set out in the Federal Act.

### Priority for Wholistic Services

- 10. The Service Provider will provide Wholistic services, informed by *Desniqi Knowledge Keepers*, as a priority to *ʔEsqi*, *ʔAba belh ʔInkwel* and *Desniqi*.

### Less Disruptive Measures

- 11. When providing *Nexwelh ʔAnant'in* and *Nats'eghugheten* Services to an *ʔEsqi*, the Service Provider will identify and utilize a continuum of less disruptive measures to safeguard an *ʔEsqi*.
- 12. When an *ʔEsqi* is deemed in need of services solely as a result of their *ʔAba belh ʔInkwel* being financially unable to provide the necessities of life, such as food, shelter, clothing, transportation, education, to an *ʔEsqi*, the Service Provider will first consider providing the *ʔAba belh ʔInkwel* financial or in-kind support, subject to the *Nexwedensiqi Ghaxiztan's* discretion, before the Service Provider will consider any separation of an *ʔEsqi* from *ʔAba belh ʔInkwel*.



**“Best Interests of an ʔEsqi” and “Right Way of Raising an ʔEsqi”**

13. The *Best Interests of an ʔEsqi* is the primary consideration in the making of decisions, or the taking of actions under this Law and, when providing *Gubats’eghižtan Naguts’enenen* services under this Law, the *Best Interests* are of paramount consideration.
14. The *Best Interests of an ʔEsqi* includes:
  - (a) The provisions of the *Best Interests of Indigenous Child*, as set out in 10(1) of the Federal Act, are applied when, under the Law, the Service Provider receives a Request under section 32 for services, or a Report under section 61 of concern; and,
  - (b) The factors, in 10(2) and (3) of the Federal Act, are considered in the assessment of the Request or Report.
15. The *Right Way of Raising an ʔEsqi*, includes the factors of the *Best Interest of an ʔEsqi*, and is applied as a part of the planning when an ʔEsqi or *Desniqi* is receiving services, through *T̓silhqot’in Chi’ih Deni Naghitinlh*, *Gubats’eghižtan Naguts’enenen* or *Gubexizintan*.
16. In addition to the *Best Interests of an ʔEsqi*, the factors for the *Right Way of Raising an ʔEsqi*, include opportunities for the ʔEsqi to be:
  - (a) Provided access to the *Nenqay*;
  - (b) Taught *T̓silhqot’in* history, teachings, values and culture, or other *Nenqayni* ways, as appropriate;
  - (c) Taught the *T̓silhqot’in* language;
  - (d) Actively participating in their community and the Nation; and,
  - (e) Provided with a continuity of Care, without delays in making a decision, or taking an action.

**Consideration of the *Desniqi***

17. Another consideration when making a decision, or taking an action, while providing services under this Law, is preventing or mitigating adverse impacts on the *Desniqi*.
18. The consideration under section 17 includes considering whether the *Desniqi* have the connection and interdependence with their ʔEsqi preserved.



### **Consideration of the T̓silhqot'in Nation**

19. A further consideration when making a decision, or taking an action, when providing services under this Law, is preventing or mitigating adverse impacts on the T̓silhqot'in Nation.
20. The consideration under section 19 includes the T̓silhqot'in Nation ensuring the continuation of its history, culture and language through its *ʔEsqax*.

### ***Desniqi Knowledge Keepers***

21. The *Desniqi Knowledge Keepers* will provide advice, direction and education to each Service Provider to ensure T̓silhqot'in values and culture are integrated into the Service Provider.
22. The criteria for a *Desniqi Knowledge Keeper* are as follows:
  - (a) respected;
  - (b) knowledgeable about T̓silhqot'in culture; and,
  - (c) has demonstrated supportive skills with *Desniqi* within a T̓silhqot'in community.
23. The *Desniqi Knowledge Keepers* may assist a Service Provider with any activities, supports, and interventions, including investigations and interviews, where deemed appropriate by the *Nexweddesniqi Ghaxiztan*.
24. The *Desniqi Knowledge Keeper* may be provided access to confidential information where authorized by the *ʔAba belh ʔInkwel*, or deemed appropriate by the *Nexweddesniqi Ghaxiztan*.
25. *Desniqi Knowledge Keepers* have a duty to safeguard confidential and personal information they receive.
26. The *Desniqi Knowledge Keepers* will undergo training on a regular basis to comply with processes, standards and practices of the *Nexwedeni Gubadechen Jedilhtan* and Service Provider.
27. The *Nits'ilʔin-qi* will pass regulations for the process, practice direction and protocols for the *Desniqi Knowledge Keepers* to ensure compliance with this Law.





## ***Ṭsilhqot'in Chi'ih Deni Naghitinlh Services*** **(Guiding People in Ṭsilhqot'in Way)** **Story of the Dancing Puppies**

Quite far away towards the west at the end of a meadow edible roots get dug for food. Every day *?Inkwel* (Mother) goes to dig for roots; that is when the pups started to dance. All day she digs for roots and comes back home. When she comes back home, she notices something going on. "What goes on?" she thinks. *?Inkwel* wants to know what her puppies were doing in her absence.

*?Inkwel* went to dig for roots again. She put the blanket that she wore while digging on something so it looks like she is still there, and then snuck back to camp.

As one of the puppies, *K'unch'ez*, dances up to the entrance, the three puppies tell *K'unch'ez*, "See if *?Inkwel* is still there." They dance up to the entrance and look towards the west and say, "Is *?Inkwel* still hard at it?" As the puppies' dance, they take turns looking to see if *?Inkwel* is still working saying, "*K'untahniz*, is *?Inkwel* still hard at it?" He dances up to the entrance, looked and said, "*?Inkwel* is still hard at it." They dance back down into the pit-house and *K'untelha* is asked, "*K'untelha*, is *?Inkwel* still hard at it?" They dance up to the entrance and look towards the west, all that time *?Inkwel* was looking at them. "*?Inkwel* is still hard at it," and they would dance back down into the pit-house.

After the last time, the puppies danced back into the pit-house and someone came to the entrance. There, below the ladder, they put their skins on top of the other. Now, they look like people as they dance. As they dance, *?Inkwel* jumps towards the skins. She threw her children's skins into the fire. *Lhin Desch'osh* grabs onto his skin as it was getting thrown into the fire. He grabs onto his skin and part of it tore. As they kept on wrestling for the skin he was told, "*?Inkwel*, take pity and stop! We will have a half dog!" *?Inkwel* stopped and admiring them said, "I have good looking sons."

It was said that they were taught to hunt and kill all different kinds of animals when needed. Where the river and creeks flow, it is said that it was they that made those; the *Ṭsilhqox* river, the *?Elhdaqox*, right to the sea. *Lhin Desch'osh* had done those. This is how it was told.

### **Priority to Prenatal Teachings**

To carry an unborn baby is sacred for the *Ṭsilhqot'in Deni*. An environment of safety must be created for the unborn *?Esqi* to guarantee their utmost protection.

The *?Etsu* (Grandmothers), or midwives, guide the expectant *?Inkwel* with valuable traditional teachings of love, spirituality, care, and many other teachings throughout the pregnancy to ensure the pregnant *?Inkwel su ts'e ghedudih* (taking care of self and others), that she is looking after her



body, her wellbeing, and the wellbeing of the unborn *?Esqi*. During this time, *Desniqi* and Elders speak to the *?Esqi* in the womb so they know their *Desniqi* and who they are, as well as the *Tsilhqot'in* language, stories, and culture.

### **Priority for Prenatal Services**

28. A Service Provider, in consultation with the *Desniqi Knowledge Keepers*, will offer *Tsilhqot'in Chi'ih Deni Naghitinlh* prenatal services, or coordinate with other First Nation service providers, to offer prenatal services.
29. *Tsilhqot'in Chi'ih Deni Naghitinlh* prenatal services will be the priority over other services to prevent the involvement of *Gubats'eghižtan Naguts'eneten* after an *?Esqi's* birth or infancy.
30. The Service Provider will not involve the *Gubats'eghižtan Naguts'eneten* after an *?Esqi's* birth, unless the *Nexwedensiqi Ghaxiztan* deems that it is in the *Best Interest of an ?Esqi*.

### ***?Esqi* requiring *Tsilhqot'in Chi'ih Deni Naghitinlh* Services**

#### **Place of Care for the *?Esqi***

31. The *Nexwedensiqi Ghaxiztan*, in consultation with the *Desniqi Knowledge Keepers*, will form a strategy for the support of *Desniqi Homes*, as well as the recruitment of Family Care Homes, including a process for their approval and retention with the objective of maintaining a sufficient number of diverse Place of Care options.

#### ***?Aba belh ?Inkwel* requesting *Tsilhqot'in Chi'ih Deni Naghitinlh* Services for an *?Esqi***

32. An *?Esqi* is provided with *Tsilhqot'in Chi'ih Deni Naghitinlh* services, when there is a Request based upon the *?Esqi's* needs, and *?Esqi* are assessed by the Service Provider as requiring extra supports:
  - (a) Including prenatal support or respite care;
  - (b) In relation to their *?Aba belh ?Inkwel's* ability to manage or support the *?Esqi's*, or their siblings':
    - i. Behaviours;
    - ii. Developmental levels;
    - iii. Cognitive abilities; or,
    - iv. Disabilities.
  - Or,
  - (c) When experiencing:
    - i. Unsafe sleeping practices;



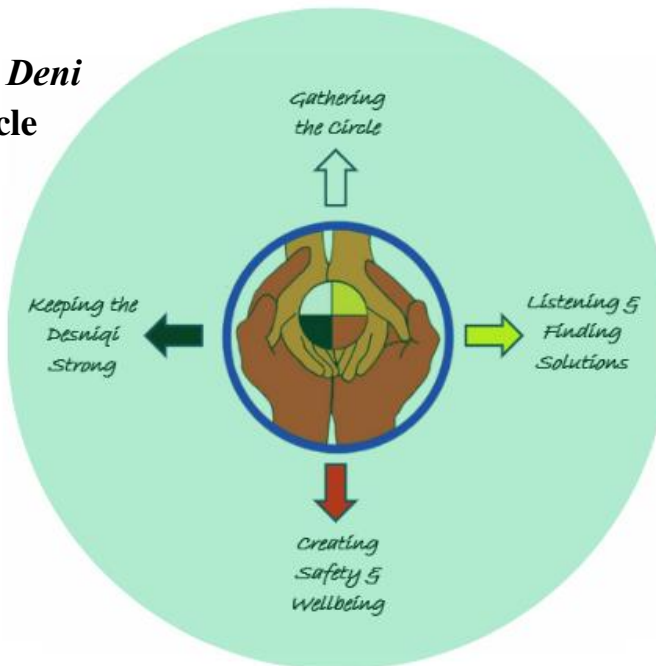


- ii. Failure to attend school;
- iii. Conflict with their *ʔAba belh ʔInkwel* or their siblings;
- iv. Poor hygiene that could impact their health;
- v. Unaddressed health concerns; or,
- vi. Inappropriate behaviour, such as chronic temper tantrums, or explicit sexual conduct or language.

### **Priority for *Ṭsilhqot'in Chi'ih Deni Naghitinlh***

33. Consistent with the *Right Way of Raising an ʔEsqi*, each Service Provider will provide *Ṭsilhqot'in Chi'ih Deni Naghitinlh* Services early, and as a priority, before other services and programming, with the goal of reducing or avoiding the need for *ʔGubats'eghižtan Naguts'enenen* Services.
34. Each Service Provider, in consultation with the *Desniqi Knowledge Keepers*, will develop and deliver advocacy supports and a range of voluntary services for *ʔEsqi, ʔAba belh ʔInkwel* and *Desniqi* that prioritize *Ṭsilhqot'in Chi'ih Deni Naghitinlh* and *Nexwelh ʔAnant'in* Services.
35. Each Service Provider will plan for and provide *Ṭsilhqot'in Chi'ih Deni Naghitinlh* Services in response to the needs identified by the *ʔEsqi, ʔAba belh ʔInkwel, Desniqi, Desniqi Knowledge Keepers*, each *Ṭsilhqot'in* community, or serviced urban center, as set out under section 32.

### ***Ṭsilhqot'in Chi'ih Deni Naghitinlh* Circle**



***Ṭsilhqot'in ʔEsqax Sutsel Jeniyax***



## ***Tsilhqot'in Chi'ih Deni Naghitinlh Circle Approach***

*Tsilhqot'in Chi'ih Deni Naghitinlh* Circle Approach remains consistent with the *Ts'il?os and ?Eniyud* Circle process and approach (in the *Nexwelh ?Anant'in Services* section) to the work with the *?Esqi, ?Aba belh ?Inkwel* and *Desniqi*; however, it's done through a different lens (represented by the green circle) which is the *Tsilhqot'in Chi'ih Deni Naghitinlh* lens in a Circle approach. The green circle represents a focus on prevention services without any concerns for the safety of an *?Esqi*.

36. After receiving a Request from an individual for *Tsilhqot'in Chi'ih Deni Naghitinlh* Service, the Service Provider will schedule a *Tsilhqot'in Chi'ih Deni Naghitinlh* Circle to meet with an *?Esqi, ?Aba belh ?Inkwel* and their *Desniqi*, including the *Desniqi Knowledge Keepers*, as soon as reasonably practical to identify their interests, needs or concerns, as well as co-develop a plan for the appropriate *Tsilhqot'in Chi'ih Deni Naghitinlh* Services for the *?Esqi, ?Aba belh ?Inkwel* and their *Desniqi*.

## **Listening and Finding Solutions**

37. If, after consultation with the *Desniqi Knowledge Keepers*, a Service Provider does not believe *Tsilhqot'in Chi'ih Deni Naghitinlh* Services will adequately meet the needs of an *?Esqi* and that the *?Esqi* may require *Gubats'eghižtan Naguts'eneten* Services, the Service Provider will take appropriate action under this legislation, including:
  - (a) Taking emergency actions to protect the *?Esqi* under section 84; or,
  - (b) Inviting the *Desniqi* to a *Desniqi* Planning Circle to commence planning for the *?Esqi*.

## **Creating Safety and Well-being**

### **Establish the *Desniqi Jenitexilchud***

38. The Service Provider will create a *Desniqi Jenitexilchud* upon receiving a Request for *Chi'ih Deni Naghitinlh* Services, or upon receiving a *Jenitexilchud* (i.e. record or file) of the *Desniqi* from a previous service provider.
39. The Service Provider will make every reasonable effort to ensure the information provided to the *Desniqi Jenitexilchud* is accurate, complete and updated on a reasonable basis until the matter is concluded.





## Keeping the Desniqi Strong

### Voluntary Supports for *Desniqi*

40. A Service Provider may enter into a written agreement, in consultation with the *Desniqi Knowledge Keepers*, with the *ʔAba belh ʔInkwel* of an *ʔEsqi*, that regularly reside within the Initial Service Delivery Area, for the provision of services or support to assist the *Desniqi* in Caring for their *ʔEsqi*.

### Establish the *ʔEsqi Jenitexilchud*

41. The Service Provider will create an *ʔEsqi Jenitexilchud* if an *ʔEsqi*:
- (a) Becomes the subject of an agreement under *Chi'ih Deni Naghitinlh, Nexwelh ʔAnant'in* or *Nats'eghugheten* Services;
  - (b) Has been the subject of Removal by the Service Provider and is receiving *Gubats'eghižtan Naguts'eneten* Services; or
  - (c) Has been the subject of Removal by another service provider but is now receiving *Chi'ih Deni Naghitinlh, Nexwelh ʔAnant'in* or *Nats'eghugheten* Services from the Service Provider, and the Service Provider has received a *Jenitexilchud* (i.e. record or file) from the previous service provider.
42. The Service Provider will make every reasonable effort to ensure the information provided to the *ʔEsqi Jenitexilchud* is accurate, complete and updated on a reasonable basis until the matter is concluded.

### Voluntary Care Agreement

43. In consultation with the *Desniqi Knowledge Keepers*, a Service Provider may enter into a written agreement with the *ʔAba belh ʔInkwel* of an *ʔEsqi*, that regularly reside within the Initial Service Delivery Area, when the *ʔAba belh ʔInkwel* is requesting extra support to look after the *ʔEsqi* outside of their home.
44. Under the agreement, the *ʔAba belh ʔInkwel* may give the Care of the *ʔEsqi* to the Service Provider.
45. The agreement will include:
- (a) A description of the plan to Care for the *ʔEsqi*, including the Place of Care of the *ʔEsqi* and a cultural safety plan;



- (b) Regularly scheduled meetings with the *ʔAba belh ʔInkwel*, the *ʔEsqi*, subject to the *ʔEsqi*'s age and maturity, the Care Provider and the Service Provider, to review, and provide updates on, the Care of the *ʔEsqi*;
- (c) The means of resolving disputes (e.g. *Desniqi* Planning Circle);
- (d) The length of the agreement; and,
- (e) The means of terminating the agreement.

46. If the *ʔEsqi* was not a part of the regularly scheduled meetings under section 45(b), then the Service Provider will seek the *ʔEsqi*'s views on the agreement, subject to their age and maturity, and take those views into consideration with the planning and decision-making, as well as explaining the effect of the agreement to the *ʔEsqi* before the agreement is signed.

### ***Desniqi* Agreement**

47. The Service Provider may enter into a written agreement, in consultation with the *Desniqi Knowledge Keepers*, with the *ʔAba belh ʔInkwel* and their *Desniqi*, that regularly reside within the Initial Service Delivery Area, if:
- (a) The *ʔAba belh ʔInkwel* are requesting, or require, extra supports to Care for their *ʔEsqi*;
  - (b) The Service Provider has assessed the *ʔEsqi* and their *ʔAba belh ʔInkwel* as requiring a Care service;
  - (c) The *ʔAba belh ʔInkwel* have identified a relative or close family friend to Care for their *ʔEsqi*; and,
  - (d) The Service Provider is satisfied with the Care Provider's ability to Care for the *ʔEsqi*.
48. The terms of this agreement are as set out in sections 45 and 46.

### ***ʔEsqi* with a Disability Agreement**

49. A Service provider may enter into a written agreement, in consultation with the *Desniqi Knowledge Keepers*, with *ʔAba belh ʔInkwel*, that regularly reside within the Initial Service Delivery Area, who has custody of an *ʔEsqi* with a disability.
50. The terms of this agreement are set out in sections 45 and 46.

### **Youth Agreement**

51. A Service Provider may enter into a written agreement, in consultation with the *Desniqi Knowledge Keepers*, with an *ʔEsqi* between the ages of 16 and 18 years of age, that regularly resides within the Initial Service Delivery Area, and who, in the Service



Provider's opinion, cannot be re-established with their *Desniqi*, and the agreement will be valid as if that *?Esqi* had attained the age of 18.

52. Prior to a Service Provider entering into a written agreement with an *?Esqi* as set out in section 51, the Service Provider will determine if it is in the *Right Way of Raising an ?Esqi* to enter into such an agreement and will determine if the *?Esqi* understands the commitment of entering into the agreement.

53. The agreement will include:

- (a) A description of the co-developed plan with the *?Esqi*, including a cultural safety plan;
- (b) Regularly scheduled meetings between the *?Esqi* and the Service Provider;
- (c) The means of resolving disputes;
- (d) The length of the agreement; and,
- (e) The means of terminating the agreement.

54. The written agreement may include support for income, accommodation, education or other support services.

#### **Agreement with a Minor *?Aba belh ?Inkwel***

55. The Service Provider may enter into a written agreement, in consultation with the *Desniqi* Knowledge Keepers, with an *?Aba belh ?Inkwel* under the age of 19 years, which will be valid as if that person had attained the age of 19 to provide support services, which may include financial, residential, educational or other support services.

56. The terms of the agreement are set out under section 53 and 54.

#### ***K'an deni jalilh* Support Services**

57. The Service Provider will establish culturally-focused *K'an deni jalilh* Support Services, inclusive of post majority care services, for a *K'an deni jalilh* that regularly resides within British Columbia, to:

- (a) Assist them with their transition into adulthood; and,
- (b) Support their ability to thrive as *Tsilhqot'in Deni*.

58. In the delivery of concentrated *K'an deni jalilh* Support Services, the Service Provider will consider the special circumstances of a *K'an deni jalilh* that has been formerly provided with *Tsilhqot'in Chi'ih Deni Naghitinlh*, *Nexwelh ?Anant'in* or *Nats'eghugheten* Services, or was formerly the subject of an order or agreement under this Law, or a provincial child and family law.



**Agreement with *K'an deni jalilh***

59. A Service Provider may enter into a written agreement, in consultation with the *Desniqi Knowledge Keepers*, with a *K'an deni jalilh* that regularly resides within the Initial Service Delivery Area, for the purposes of providing services under this Law to the *K'an deni jalilh* or their *Desniqi*.
60. The terms of the agreement with a *K'an deni jalilh* are set out under section 53 and 54.





## *Gubats'eghižtan Naguts'eneten Services* (Watching Over and Guiding Them)



The T̓silhqot'in Nation prioritizes the *Nexwelh ʔAnant'in* Service delivery in responding to safety concerns of ʔEsqax; this collaborative practice is critical in empowering healthy decision-making over ʔEsqax, and ensuring the overall wellness and safety of ʔEsqax.

*Gubats'eghižtan Naguts'eneten* Services are the decisions, actions or plans, taken to intervene and safeguard the ʔEsqax that are experiencing harm. When appropriate, the *Desniqi* may opt to co-lead the collaboration and planning for an ʔEsqi's safety and Care, or the *Desniqi* may need the Service Provider to lead the process. The critical factor is the safety and wellbeing of the ʔEsqax.

### **Responsibility for the Safety of an ʔEsqi**

61. Any person who has reasonable grounds to believe that an ʔEsqi may require *Gubats'eghižtan Naguts'eneten* Services under section 71 must immediately report the information to the *Nexwedensiqi Ghaxiztan* or a Service Provider, another Indigenous Governing Body, an Indigenous Child and Family Service Agency, or the appropriate British Columbia ministry.
62. The duty under section 61 applies even if the information upon which the belief is made is confidential, and disclosure is prohibited under another law, with the exception of information that is privileged due to a solicitor-client relationship.
63. The identity of the person acting under section 61 may be made on a confidential and privileged basis, unless the person knowingly, maliciously, or without reasonable ground for the belief, provides false information.
64. No person shall knowingly act based on false information.
65. No legal action may be brought against a person reporting on information unless the person knowingly, maliciously, or without reasonable ground for the belief, provides false information.

### **If a young ʔEsqi breaks the law**

66. A peace officer may take an ʔEsqi into their Care and deliver the ʔEsqi to an ʔAba belh ʔInkwel if the peace officer considers that the ʔEsqi:
  - (a) Is under 12 years of age; and,
  - (b) Has acted in a manner prohibited by law or has failed or refused to act in a manner required by law.



### **Responsibility to Advise *ʔAba belh ʔInkwel***

67. If practical, and consistent with the *Best Interests of an ʔEsqi*, the Service Provider will advise the *ʔAba belh ʔInkwel* of action being taken for the well-being of their *ʔEsqi*.
68. The Service Provider, at their discretion, may give reasons to the *ʔAba belh ʔInkwel* for any action taken, when possible and practicable, and if doing so would not impede the investigation, or place the safety of the *ʔEsqi* at risk.
69. If an *ʔEsqi* has been subject to Removal, the Service Provider will notify the *ʔAba belh ʔInkwel* of the Removal and provide:
  - (a) Contact information of the Service Provider;
  - (b) All necessary information regarding the next steps, including options for collaboration on planning for the safety of the *ʔEsqi*;
  - (c) If established, notice to the *Desniqi* Planning Circle; and,
  - (d) Reasons for Removing the *ʔEsqi*.
70. The validity of proceedings under this Law is not affected if the Service Provider is unable, after reasonable effort, to give notice to the *ʔAba belh ʔInkwel* in accordance with this part.

### ***ʔEsqi* requiring *Gubats'eghiẓtan Naguts'eneten***

71. An *ʔEsqi* needs *Gubats'eghiẓtan Naguts'eneten* Services in the following circumstances:

- (a) The *ʔEsqi* has been, or is likely to be, physically, sexually or emotionally harmed, or is at risk of such harm, by their *ʔAba belh ʔInkwel*;
- (b) The *ʔEsqi* has been, or is likely to be, physically or emotionally harmed due to the excessive abuse of alcohol or other controlled substances by their *ʔAba belh ʔInkwel*;
- (c) The *ʔEsqi* has been, or is likely to be, physically or sexually harmed and their *ʔAba belh ʔInkwel* is unwilling or unable to protect the *ʔEsqi*;
- (d) The *ʔEsqi* has been, or is likely to be, sexually harmed or sexually exploited by another person, or if the *ʔEsqi* has been, or is likely to be,
  - i. Encouraged or helped to engage in the sex-trade; or,
  - ii. Coerced into engaging in the sex-trade;

and their *ʔAba belh ʔInkwel* is unwilling or unable to protect the *ʔEsqi*;

- (e) The *ʔEsqi* has been, or is likely to be, physically harmed as a result of neglect by their *ʔAba belh ʔInkwel*;
- (f) The *ʔEsqi* has an injury that is not adequately explained by their *ʔAba belh ʔInkwel* and requires further review;



- (g) The *ʔEsqi*'s *ʔAba belh ʔInkwel* are unable, or unwilling, to Care for their *ʔEsqi* and have not made sufficient provisions for their *ʔEsqi*'s Care;
- (h) The *ʔEsqi* is emotionally harmed by:
  - i. Their *ʔAba belh ʔInkwel*'s conduct, or the mental or emotional condition of the *ʔAba belh ʔInkwel*, or another adult living in the same residence as the *ʔEsqi*;
  - ii. Living in a situation where there is *Desniqi* Harm by or towards a person with whom the *ʔEsqi* resides; or,
  - iii. Exposure to serious criminal behaviour;
- (i) The *ʔEsqi*'s development is likely to be seriously impaired, or injured, by a treatable condition and their *ʔAba belh ʔInkwel* refuses to provide, or consent to, treatment;
- (j) The *ʔEsqi* is, or has been, absent from home in circumstances that endanger the *ʔEsqi*'s safety or well-being and their *ʔAba belh ʔInkwel* are unable or unwilling to provide for, or protect, the *ʔEsqi*;
- (k) The *ʔEsqi* is in the Care of a Service Provider, or other person, by agreement and the *ʔEsqi*'s *ʔAba belh ʔInkwel* is unwilling or unable to resume Care when the agreement is no longer in force; or,
- (l) The *ʔEsqi* has been abandoned or orphaned, and sufficient provision has not been made for the *ʔEsqi*'s Care.

72. For the purposes of subsection 71(e), an *ʔEsqi* is neglected if:

- (a) The *ʔAba belh ʔInkwel* is unable or unwilling to obtain for the *ʔEsqi*, or to permit the *ʔEsqi* to receive, essential medical, surgical or other remedial treatment that is necessary for the health or well-being of the *ʔEsqi*; or,
- (b) Is unable or unwilling to provide the *ʔEsqi* with adequate care or supervision.

73. For greater certainty, in order to make a determination by the Service Provider, or *Nexwedetniqi Ghaxiztan*, of whether an *ʔEsqi* requires *Gubats'eghižtan Naguts'eneten* services as a result of neglect, there must be factors other than poverty, lack of adequate housing or infrastructure, or the state of health of the *ʔEsqi*'s *ʔAba belh ʔInkwel*.

### Gathering information from Report

74. After receiving a new Report under section 61, the Service Provider will gather full and detailed information to assess and respond to the report.

75. In gathering the information, the Service Provider will conduct a search of information within its system that may exist for the *ʔEsqi* or their *Desniqi* or members of the *Desniqi*.



76. During the information gathering, the Service Provider will contact other service providers that may have previous existing information for the *ʔEsqi* or their *Desniqi* and coordinate access to the information, as required.
77. Any information gathered from other service providers will be subject to confidentiality and stored accordingly.
78. If *Desniqi* Harm is a reported safety concern and specific information is required for a safety assessment or safety planning, the Service Provider will contact the Ministry of Children and Family Development to request a Protection Order Registry check.
79. Any information gathered from the Provincial Centralized Screening about *Desniqi* Harm will be subject to confidentiality and stored accordingly.
80. The Service Provider will determine whether the information gathered under sections 74-79 require a new *Desniqi Jenitexilchud*, or is placed on an existing *Jenitexilchud* in the *Tsilhqot'in* information management system, or upon receiving a *Jenitexilchud* (i.e. record or file) of the *Desniqi* from a previous service provider.

### **Completing an Initial Assessment and Determining the Response**

81. The Service Provider will determine, through the completion of an initial assessment, whether the *ʔEsqi* requires:
  - (a) *Nexwelh ʔAnant'in* Services, in which case the Service Provider will contact the *ʔAba belh ʔInkwel* within five days of receiving the report; or,
  - (b) *Nats'eghugheten* Services, which requires an immediate, or within 24 hours, response by the Service Provider.
82. If, after completing an initial assessment, there is a determination that the *ʔEsqi* does not require a *Gubats'eghižtan Naguts'eneten* response, the Service Provider may:
  - (a) Refer the *ʔAba belh ʔInkwel* or *Desniqi* for *Tsilhqot'in Chi'ih Deni Naghitinlh* Services; or,
  - (b) Take no further action.
83. The Service Provider will contact the person who made the Report under section 61, and disclose the outcome of the assessment, if consistent with:
  - (a) Responsibility for the Safety of an *ʔEsqi*; and,
  - (b) The *Best Interests of an ʔEsqi*.





### Assess and Place when an *ʔEsqi* requires Urgent Care

84. Where a Service Provider has reasonable grounds to believe that an *ʔEsqi* requires *Gubats'eghižtan Naguts'eneten* Services and that investigating the concern prior to Removing the *ʔEsqi* would endanger the *ʔEsqi*, the Service Provider, in consultation with the *Desniqi Knowledge Keepers*, may enter and search any premises or area where an *ʔEsqi* is reasonably believed to be located, and may Remove the *ʔEsqi* on an emergency basis and place the *ʔEsqi* in an alternative Care arrangement.
85. If an *ʔEsqi* is Removed from their *ʔAba belh ʔInkwel* on an emergency basis, a *Desniqi* Planning Circle will be requested and *Nats'eghugheten* services will be initiated.
86. If the Service Provider determines under section 82 that an *ʔEsqi* does not require *Nats'eghugheten* Services, or *Nexwelh ʔAnant'in* Services, the Service Provider will return the *ʔEsqi* to their *ʔAba belh ʔInkwel* without delay.
87. Where the Service Provider has Removed an *ʔEsqi* under section 84, the Service Provider has decision-making authority over the *ʔEsqi*, in consultation with the *Desniqi Knowledge Keepers*, for the duration of the Removal until:
  - (a) matters relating to decision-making are resolved at a *Desniqi* Planning Meeting by *Desniqi* Agreement; or,
  - (b) the Service Provider establishes an *ʔInkwel Ses* Order for the safety and wellbeing of the *ʔEsqi*;
 if consistent with the *Right Way of Raising an ʔEsqi*.
88. If a Service Provider, in consultation with the *Desniqi Knowledge Keepers*, is satisfied that an *ʔEsqi* requires *Nexwelh ʔAnant'in* or *Nats'eghugheten* Services because the *ʔAba belh ʔInkwel* cannot be located after a reasonable search, or has died, or become incapacitated, the Service Provider may appoint a person to Care for the *ʔEsqi* until the *ʔAba belh ʔInkwel* can be located, or other satisfactory arrangements can be made for the Care of the *ʔEsqi*, and the Service Provider may Remove the *ʔEsqi* for the purpose of placing the *ʔEsqi* in the Care of that person.
89. The person appointed under section 88 may Care for the *ʔEsqi* in the residence in which the *ʔEsqi* was found and for that purpose may:
  - (a) Enter the residence;
  - (b) Live in the residence;
  - (c) Carry on normal housekeeping activities in the residence that are necessary for the care of the *ʔEsqi*; and,



- (d) Exercise reasonable control over all *ʔEsqi* residing in the residence.
90. The person appointed under section 88 may Care for the *ʔEsqi* in the person's own residence for the amount of time that the Service Provider directs.
91. When a person is appointed under section 88, no liability attaches to that person in the course of carrying out that person's duties under section 89 or to the Service Provider assisting the person in carrying out those duties by reason that the entry into the occupation of the residence is without the consent of the owner or occupier.



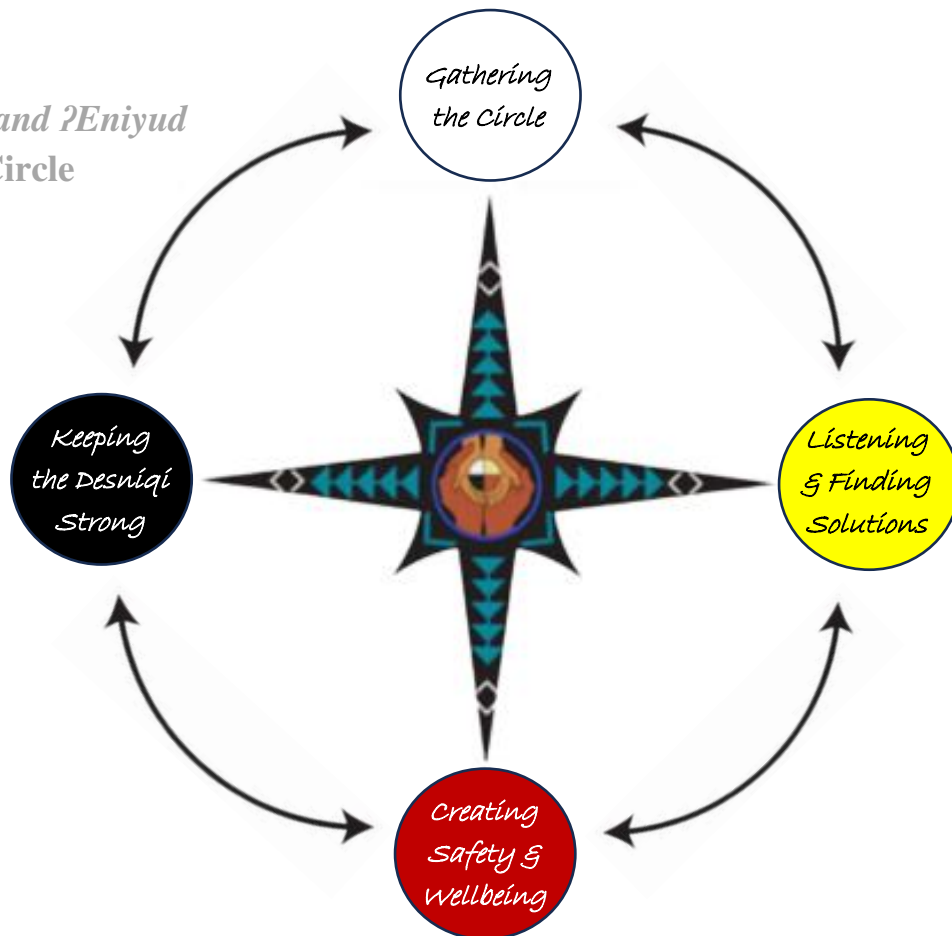


*Nexwelh ʔAnant'in Services  
(Working with Us)  
Story of T̓s'ilʔos and ʔEniyud*

*T̓s'ilʔos* had a wife called *ʔEniyud*. They had six *ʔEsqax*, three *Deyen̓* (boys) and three *Ts'iqi* (girls). They used to live over at *Xeni*. *T̓s'ilʔos* and *ʔEniyud* split up and *ʔEniyud* went with her three *Ts'iqi* to *Telhiqox*. *ʔEniyud* had a sack with mountain potatoes that was their food while they travelled. The last bit of it she threw out her bag onto the mountain; that's how the potatoes started to grow there. *T̓s'ilʔos* and *ʔEniyud* turned back to look at each other at the same time. As they did this, they both turned into mountains.

*Nexwelh ʔAnant'in Services* are the priority for *Gubats'eghi̓tan Naguts'eneten Services* over *Nats'eghugheten Services*.

*T̓s'ilʔos and ʔEniyud  
Circle*



92. When the Service Provider, in collaboration with the *Desniq̓ Knowledge Keepers*, has determined that the safety and well-being of an *ʔEsqi* requires *Nexwelh ʔAnant'in Services*, the Service Provider will convene a *T̓s'ilʔos and ʔEniyud Circle* within five days.

*T̓silhqot'in ʔEsqax Sutsel Jeniyax*



93. Consistent with the *Right Way to Raise an ?Esqi*, the Service Provider will consult with the *Desniqi Knowledge Keepers* on identifying and inviting all *Desniqi* that are a part of the care for the *?Esqi* to a *Ts'il?os and ?Eniyud Circle*.
94. The Service Provider will ensure that:
- (a) A *Ts'il?os and ?Eniyud Circle* is held in a neutral and safe space;
  - (b) The *Desniqi Knowledge Keepers* are provided with the opportunity to open and close every *Ts'il?os and ?Eniyud Circle* in ceremony as a means of planning in a good way; and,
  - (c) Every first meeting of a *Ts'il?os and ?Eniyud Circle* will review the *Tsilhqot'in* North Star objectives.

## Listening and Finding Solutions

95. The Service Provider will approach all *Ts'il?os and ?Eniyud Circles* with a plan for:
- (a) Actively seeking out and listening to the *?Esqi, ?Aba belh ?Inkwel* and *Desniqi's* perspective on the safety and well-being concern;
  - (b) Collaboration with the *?Esqi's ?Aba belh ?Inkwel* and *Desniqi*; and,
  - (c) Utilizing a Wholistic approach, and Less Disruptive Measures, to planning and services for the *?Esqi*.
96. The Service Provider, guided by the *Desniqi Knowledge Keepers*, will recognize and promote the healthy, interconnected relationships within the *Ts'il?os and ?Eniyud Circle*, which are integral to planning and support for an *?Esqi*.
97. The Service Provider will explore the available services and resources, including the use of a *Desniqi Planning Circle*, to support the *?Esqi, ?Aba belh ?Inkwel* and *Desniqi*, if consistent with the *Right Way of Raising an ?Esqi*.

## Safety Assessment and Home Visit

98. Expanding upon the initial safety assessment conducted at the start of the *Gubats'eghižtan Naguts'enenen* Services, the Service Provider, in consultation with the *Desniqi Knowledge Keepers*, will conduct a Safety Assessment with respect to the *?Esqi* to gather specific details related to:
- (a) The safety concerns that are present in the home (what we are worried about);
  - (b) The protective and resilience factors (what's working well); and
  - (c) Any specific vulnerabilities, such as age and developmental delays.



99. In conducting a Safety Assessment under section 98, the Service Provider will enter and view the home of the *ʔEsqi*.

### **Safety Plan**

100. Upon completion of the Safety Assessment under section 98, the Service Provider, in collaboration with the other members of *Ts'ilʔos and ʔEniyud Circle*, will develop a written Safety Plan to address the safety concerns, which is consistent with the *Right Way of Raising an ʔEsqi*.
101. If the *ʔAba belh ʔInkwel* are unable or unwilling to collaboratively develop the Safety Plan, or do not proceed with its development, the Service Provider will consider whether a *ʔInkwel Ses* Order may adequately protect the *ʔEsqi* prior to considering more intrusive *Nats'eghugheten* Services.
102. In establishing a Safety Plan, while considering the *Right Way of Raising an ʔEsqi*, the Service Provider will:
- (a) Identify all the strengths and needs of the *ʔEsqi* and their *ʔAba belh ʔInkwel*;
  - (b) Endeavour to collaborate with the members of the *Ts'ilʔos and ʔEniyud Circle* to address each of the safety concerns; and,
  - (c) Identify the individuals responsible for each action under the Safety Plan.
103. A *Desniqi Knowledge Keeper* will speak with each of the individuals responsible for the outcomes or actions in the Safety Plan, and acknowledge the role they will hold with respect to the safety of the *ʔEsqi*.

### **Offering Agreements as part of Safety Plan**

104. When an *ʔEsqi*'s safety needs are not being met within the home, the Service Provider may consider one of the following agreements with the *ʔAba belh ʔInkwel*, in consultation with the *Desniqi Knowledge Keepers*, as an alternative to an *ʔInkwel Ses* Order, or an *ʔEtsu Ses* Order, to ensure the safety of the *ʔEsqi*:
- (a) Voluntary Care Agreements under section 43;
  - (b) *Desniqi* Agreements under section 47; or,
  - (c) *ʔEsqi* with a Disability Agreements under section 49.

### ***Ts'ilʔos & ʔEniyud Agreement***

105. The Service Provider may enter into a written *Ts'ilʔos & ʔEniyud Agreement* with an *ʔAba belh ʔInkwel* as a preventative measure in advance of occasions that could cause harm



to an *ʔEsqi*, where *ʔAba belh ʔInkwel* are affected by significant addiction, or mental health impairments, and the *ʔAba belh ʔInkwel* are briefly unable to Care for their *ʔEsqi*.

106. A *Ts'ilʔos & ʔEniyud* Agreement will set out the actions and measures the *ʔAba belh ʔInkwel* will take in anticipation of events involving their addiction, or mental health impairment, to safeguard their *ʔEsqi*.
107. A *Desniqi Knowledge Keeper* will speak with each of the individuals responsible for the outcomes or actions in the *Ts'ilʔos & ʔEniyud* Agreement and confirm the role they will hold with respect to the safety of the *ʔEsqi*.

## Creating Safety and Well-being

### Cultural Safety and Trauma-Informed Services

108. Through the *Ts'ilʔos and ʔEniyud* Circle, the Service Provider will endeavour to:
  - (a) foster security, belonging and well-being for an *ʔEsqi* by working closely with the *Desniqi Knowledge Keepers* to develop and implement strategies that nurture cultural connection and positive identity for the *ʔEsqi*;
  - (b) create an environment of safety and well-being for an *ʔEsqi*, with their *ʔAba belh ʔInkwel* and *Desniqi*, by ensuring an *ʔEsqi*'s cultural connection is strengthened through cultural planning and services which include their ancestors, elders, community and *Desniqi*; and,
  - (c) consider sufficient time, resources, opportunity and capacity to support the strengthening of cultural connections.
109. The *Sutsel Ghidelh* Office will develop and provide uniquely *Tsilhqot'in* trauma-informed training for the Service Provider, which includes the effects of inter-generational trauma and its impacts on Indigenous people, as well as informing how the Service Provider offers trauma-informed practices and services.

### Safety Plan Follow-up

110. The Service Provider, in collaboration with the *Desniqi Knowledge Keepers* and the *ʔEsqi's Desniqi*, will:
  - (a) Engage the *ʔEsqi's ʔAba belh ʔInkwel* to obtain permission for the Service Provider to speak with other individuals, who are not a part of the *Ts'ilʔos and ʔEniyud* Circle, and may be able to provide information to inform the Safety Plan;
  - (b) Regularly check-in and support, as well as update, the Safety Plan, together with the *ʔEsqi's ʔAba belh ʔInkwel*;



- (c) Attend the home and see the *?Esqi*, as necessary, and in keeping with the *Right Way of Raising an ?Esqi*; and,
- (d) Identify and implement any further support needs for the *?Esqi* and their *?Aba belh ?Inkwel*.

### Determining Need for Ongoing Services

111. The Service Provider will meet with the *Ts'il?os and ?Eniyud Circle* and together they will assess the effectiveness of the Safety Plan by determining whether the outcomes have been achieved. If they:
- (a) Have been achieved, then the Service Provider will begin wrapping up *Nexwelh ?Anant'in Services* by discussing with the members of the *Ts'il?os and ?Eniyud Circle* on how to 'Keep the *Desniqi* Strong';
  - (b) Have not yet been achieved, and the *Ts'il?os and ?Eniyud Circle* members believe that progress is being made, then the Service Provider will continue with *Nexwelh ?Anant'in Services* and develop a *Desniqi Plan*; or,
  - (c) Are not expected to be achieved, and the *Ts'il?os and ?Eniyud Circle* members believe that no further progress will be made towards resolving the *?Esqi's* safety concerns, then the Service Provider, in consultation with the *Desniqi Knowledge Keepers*, will consider whether to:
    - i. Continue with *Nexwelh ?Anant'in Services* and develop a *Desniqi Plan*;
    - ii. Use an *?Inkwel Ses Order* to adequately safeguard the *?Esqi*;
    - iii. Have the *?Esqi* reside temporarily with another member of their *Desniqi*;
    - or,
    - iv. Change the response from *Nexwelh ?Anant'in Services* to *Nats'eghugheten Services*.

### Development of a *Desniqi Plan*

112. When a decision has been reached within the *Ts'il?os and ?Eniyud Circle*, under section 111(b) or 111(c), and the Service Provider agrees with the decision, the Service Provider will initiate the development of a *Desniqi Plan* with the *Aba belh ?Inkwel*, in consultation with the *Desniqi Knowledge Keepers*.
113. A *Desniqi Plan* is developed within the *Ts'il?os and ?Eniyud Circle*, and must be consistent with the *Right Way of Raising an ?Esqi*; the plan includes:
- (a) The strengths and needs of the *?Esqi* and their *?Aba belh ?Inkwel*;
  - (b) Specific, clear and reasonable goals that address the safety concerns and which the *?Esqi's ?Aba belh ?Inkwel* understand and agree to;
  - (c) Dates for reviewing each of the goals in the *Desniqi Plan*;



- (d) The strategies and services that will empower the *ʔAba belh ʔInkwel* and *Desniqi* to achieve the goals in the *Desniqi* Plan;
  - (e) Designated individuals that the *ʔEsqi* feels safe to raise any concerns with; and,
  - (f) The individuals responsible for each action under the *Desniqi* Plan.
114. If the *ʔAba belh ʔInkwel* are unable or unwilling to collaboratively develop the *Desniqi* Plan, or do not proceed with its development, the Service Provider will consider whether an *ʔInkwel Ses* Order may adequately protect the *ʔEsqi* prior to considering more intrusive *Nats'eghugheten* Services.
115. Subject to the age and maturity of the *ʔEsqi*, the Service Provider will explain the *Desniqi* Plan to the *ʔEsqi* and take their views into account and incorporate them into the *Desniqi* Plan, if reasonable and safe to do so.
116. A *Desniqi Knowledge Keeper* will speak with each those individuals responsible for the actions in the *Desniqi* Plan, and acknowledge the role they will hold with respect to the safety of the *ʔEsqi*.
117. The Service Provider will implement the *Desniqi* Plan by:
- (a) Ensuring that all members of the *Ts'ilʔos* and *ʔEniyud* Circle receive a copy of the *Desniqi* Plan;
  - (b) Arranging for all necessary services to start as soon as possible; and,
  - (c) Preparing the *ʔEsqi*, *ʔAba belh ʔInkwel* and *Desniqi* to participate in the services set out in the *Desniqi* Plan.

### **Lasting *Desniqi* Understanding**

118. A *Desniqi* Plan between *ʔAba belh ʔInkwel* and the Service Provider remains valid until it is varied, terminated or expired, subject to regular reassessments as set out in this Law, or prescribed through regulations duly passed by the *Nits'ilʔin-qi*.

### **Keeping the *Desniqi* Strong (Story of Chipmunk getting his Stripes)**

*Lhin Desch'osh's* children were transformers, and were creating the world, the rivers, mountains, lakes, plants and animals when they happened upon a chipmunk. Curious, *Lhin Desch'osh's* three children grabbed onto the chipmunk, who was so fast and able to get away. *Lhin Desch'osh's* children's grasp left scratch marks down chipmunk's back. The marks healed and left scars. Chipmunks now have lines on their backs.





### Reflecting and Staying connected

119. The Service Provider will continue to support the work of the *Tš'il?os and ?Eniyud* Circle, including the *Desniqi* Plan, by:

- (a) Regularly, in methods agreed upon, maintaining communications with the members of the *Tš'il?os and ?Eniyud* Circle;
- (b) Requesting, and learning from, the feedback of members of the *Tš'il?os and ?Eniyud* Circle with respect to their experiences in the Circle;
- (c) Checking-in on the progress of the *Desniqi* towards the goals in the *Desniqi* Plan;
- (d) Assessing, changing and adapting the services based upon the *Desniqi's* progress towards the goals of the *Desniqi* plan;
- (e) Continuing to visit the *?Esqi* in their home and observing how they interact with their *?Aba belh ?Inkwel*.

### Re-assessment

120. The Service Provider, together with the members of the *Tš'il?os and ?Eniyud* Circle, will conduct a re-assessment of the *Desniqi* Plan on a regular basis to consider whether:

- (a) The *?Aba belh ?Inkwel* have achieved the goals of the *Desniqi* Plan and no longer require *Nexwelh ?Anant'in* Services;
- (b) The circumstances have changed and the *?Esqi*, or *?Aba belh ?Inkwel*, no longer require *Nexwelh ?Anant'in* Services; or,
- (c) Less disruptive measures of safeguarding the *?Esqi* have become available;

if it is consistent with the *Best Interests of an ?Esqi*.

121. The Service Provider will regularly seek input from the members of the *Tš'il?os and ?Eniyud* Circle on whether the safety concerns relating to the *?Esqi* have been resolved.

### Concluding *Nexwelh ?Anant'in* Services

122. At the conclusion of a Re-assessment, if, in the Service Provider's opinion, the safety concerns for the *?Esqi* have been addressed, then the Service Provider will gather the *Tš'il?os and ?Eniyud* Circle to discuss concluding services to the *?Esqi* and *?Aba belh ?Inkwel*.



123. The members of the *Ts'il?os and ?Eniyud* Circle, which includes the *Desniqi* Knowledge Keepers, the *?Esqi*, their *?Aba belh ?Inkwel* and *Desniqi*, will meet to review the Re-assessment, and recommend to the Service Provider, whom retains final decision-making authority in:

- (a) Terminating the *Desniqi* Plan and concluding *Nexwelh ?Anant'in* Services; or,
- (b) Terminating the *Desniqi* Plan and referring the *?Esqi* and *?Aba belh ?Inkwel* to *Tsilhqot'in Chi'ih Deni Naghitinlh* Services;

if it is consistent with the *Right Way to Raise an ?Esqi*.





***Nats'eghugheten Services***  
**(Checking Things Out)**  
**Bear Mother Takes Back Her Babies**

A single, young *?Inkwel Ses* (Mother Bear) had three young *?Esqax*. The *?Inkwel Ses* did not have any healthy help from her *Desniqi* supports and now she was on her own with her young. The sister bear who had lost her way in life was visiting the *?Inkwel Ses* and the sister brought friends over that put the three *?Esqax* in danger. The friends were trickster coyotes and ravens who wanted to trick the *?Inkwel Ses* to eat her children. This was a time of peace and most animals/humans were good, but not these ones.

The *?Etsu Ses* (Grandmother Bear) had a dream so she decided to come visit. *?Etsu Ses* saw the *?Esqax* in danger and when she saw the *?Inkwel Ses*, she realized the *?Inkwel* was not strong enough to protect her *?Esqax*. The *?Etsu Ses* took the three *?Esqax* and scared off the sister bear and her lost friends. In taking the three *?Esqax*, the *?Etsu Ses* explained that if she did not do this that her grandchildren may be lost forever. The *?Inkwel Ses* was left on her own.

The *?Inkwel Ses* became angry towards the people putting her *?Esqax* in danger. She also became angry at herself and depressed for a while. As time went on, the *?Etsu Ses* allowed the *?Inkwel Ses* to see her *?Esqax* and continued to talk to her. *?Etsu Ses* taught her the most important piece of being a mother, which is to create a protected space for her *?Esqax* and to be careful about who she is with, especially around her *?Esqax*.

As time went on the *?Inkwel Ses* got stronger. She learned from other strong animal/human *?Inkwels*. The wolf clan *?Inkwels* taught her the importance of being associated with strong good people. Eventually, *?Inkwel Ses* gained her strength and could defend herself and her space; in doing this she gained her children back. She also got advice; if she ever needs support again that it's there for her and her *?Esqax*. She is not alone.

The *?Inkwel Ses* is also kindly warned that if she does not take care of herself and her *?Esqax* then the same thing will happen again, not to hurt her, but for protection of the *?Esqax*.

Since *Sadanx*, if the *?Aba belh ?Inkwel* cannot provide for an *?Esqi* or if the *?Inkwel* dies unexpectedly, the *?Esqi* was given to *Desniqi* to raise; for example, if there was not enough food for an *?Esqi*.

It is important to identify mentors to teach what the *?Aba belh ?Inkwel* or *Desniqi* cannot. The *Desniqi* role is to safeguard children to ensure they know they are important.



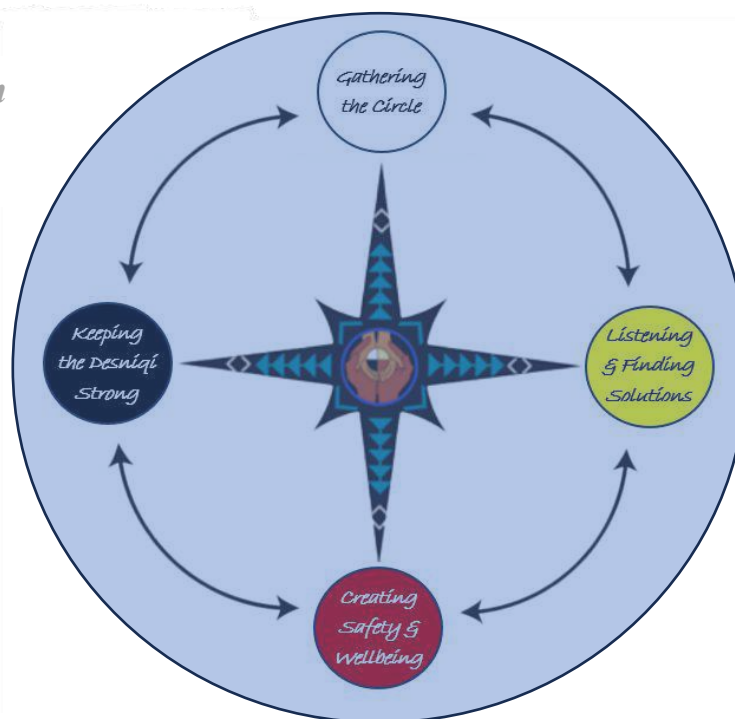
## Nats'eghugheten Services

### Authority of the Service Provider

124. The Service Provider may do any of the following during *Nats'eghugheten* Services, where reasonable and necessary, and is in keeping with the *Best Interest of an ?Esqi*:

- (a) enter any premises or area to conduct a physical examination of, or an interview with the *?Esqi*, or both;
- (b) enter any premises or area and convey the *?Esqi* to a place to be determined by the Service Provider, for the purposes of having the *?Esqi* undergo a medical examination or so that an interview with the *?Esqi* may be conducted, or both;
- (c) enter and search any premises or area relating to the *?Esqi*, and the Service Provider will document the concerns relating to the *?Esqi*'s safety, security, or development; and,
- (d) take any other steps on such terms and conditions as the Service Provider deems necessary to determine whether the safety, security, or development of the *?Esqi* is in danger.

### Nats'eghugheten Circle



*Tsilhqot'in ?Esqax Sutsel Jeniyax*



## ***Nats'eghugheten Circle Approach***

*Nats'eghugheten Circle Approach* remains consistent with the *Ts'il?os* and *?Eniyud Circle* process and approach to the work with the *?Esqi*, *?Aba belh ?Inkwel* and *Desniqi*; however, it's done through a different lens (represented by the blue circle) that is the *Nats'eghugheten* lens in a Circle approach. The blue circle represents a focus on the Service Provider becoming the lead of the process as there are safety concerns for an *?Esqi* and the *Aba belh ?Inkwel* are opposing any supports or intervention.

125. The *Desniqi Knowledge Keepers* may assist the Service Provider with facilitating the *Nats'eghugheten Circle Approach* by:

- (a) Advising the Service Provider about the cultural or spiritual safety for the *?Esqi* and *?Aba belh ?Inkwel* throughout the *Nats'eghugheten Services* process;
- (b) Identifying key individuals that should be a part of the Circle; and,
- (c) Raising questions or concerns to the Service Provider about the Service Provider's practice, if the *Desniqi Knowledge Keepers* believe it does not align with the beliefs, values, guidelines or the Law.

126. The Service Provider will make decisions regarding the safety assessment, emergency measures and Care of an *?Esqi* utilizing a *Nats'eghugheten Circle Approach*, including:

- (a) Consulting with the *Desniqi Knowledge Keepers* throughout the *Nats'eghugheten Services* process;
- (b) Informing the *?Esqi's ?Aba belh ?Inkwel*, and their supports, of the current stage of the *Nats'eghugheten Services*, when appropriate and safe for the *?Esqi* to do so;
- (c) Sharing information about the *Nats'eghugheten Services* process with the *?Esqi*, according to their age and maturity;
- (d) Gathering the *Nats'eghugheten Services* team and identifying roles and responsibilities; and,
- (e) Advising the *Sutsel Ghidelh Office* of concerns under section 125(c).

## **Listening and Finding Solutions**

### **Interviews**

127. The Service Provider will conduct interviews with the *?Aba belh ?Inkwel* and other adults living in the home, and inform the *?Aba belh ?Inkwel* prior to interviewing their *?Esqi*, when appropriate and safe for the *?Esqi* to do so.



128. The Service Provider will meet with every *ʔEsqi* who lives in the home, and conduct private, face-to-face conversations with each of them, according to their age and maturity.

### Medical Examinations

129. The Service Provider will arrange for a medical exam of the *ʔEsqi* when indicated by the *ʔEsqi*'s circumstances, under section 72, relating to an *ʔEsqi* requiring *Gubats'eghiztan Naguts'eneten*.
130. The Service Provider will obtain the *ʔAba belh ʔInkwel*'s consent to a medical examination of the *ʔEsqi* in advance, if possible, and the consent of the *ʔEsqi*, according to their age and maturity.

### Safety Assessment and Home Visit

131. Expanding upon the initial safety assessment conducted at the start of the *Gubats'eghiztan Naguts'eneten* Services, the Service Provider will conduct a Safety Assessment, in consultation with the *Desniqi Knowledge Keepers*, with respect to the information gathered from the interviews, noting specific details related to:
- (a) The safety concerns that are present in the home (what we are worried about);
  - (b) The protective and resilience factors (what's working well); and,
  - (c) Any specific vulnerabilities, such as age and developmental delays.
132. In conducting a Safety Assessment under section 131, the Service Provider will enter and view the home of the *ʔEsqi*.

### Safety Plan

133. Upon completion of the Safety Assessment under section 132, the Service Provider, in consultation with the *Desniqi Knowledge Keepers*, will schedule a *Nats'eghugheten Circle* meeting with the *ʔAba belh ʔInkwel* and their supporters to develop a written Safety Plan to address the safety concerns, which is consistent with the *Right Way of Raising an ʔEsqi*.
134. If the *ʔAba belh ʔInkwel* are unable or unwilling to collaboratively develop the Safety Plan, or do not proceed with its development, the Service Provider will consider whether an *ʔInkwel Ses* Order may adequately protect the *ʔEsqi* prior to Removing the *ʔEsqi*.
135. In establishing a Safety Plan, while considering the *Right Way of Raising an ʔEsqi*, the Service Provider will:
- (a) Identify all the strengths and needs of the *ʔEsqi* and their *ʔAba belh ʔInkwel*;



- (b) Consult with the *Desniqi Knowledge Keepers* and endeavour to collaborate with the *ʔAba belh ʔInkwel* and their supporters to address each of the safety concerns; and,
  - (c) Identify the individuals responsible for each action under the Safety Plan.
136. A *Desniqi Knowledge Keeper* will speak with each of the individuals responsible for the outcomes or actions in the Safety Plan, and confirm the role they will hold with respect to the safety of the *ʔEsqi*.

### Offering Agreements as part of Safety Plan

137. When an *ʔEsqi*'s safety needs are not being met within the home, the Service Provider may consider any of the following agreements with the *ʔAba belh ʔInkwel* as an alternative to an *ʔInkwel Ses* Order to ensure the safety of the *ʔEsqi*:
- (a) Voluntary Care Agreements under section 43;
  - (b) *Desniqi* Agreements under section 47; or
  - (c) *ʔEsqi* with a Disability Agreements under section 49.

### Creating Safety and Well-being

#### Safety Plan Follow-Up

138. The Service Provider, in consultation with the *Desniqi Knowledge Keepers*, will schedule regular *Nats'eghugheten* Circle meetings to:
- (a) Engage the *ʔEsqi*'s *ʔAba belh ʔInkwel* in a discussion regarding other individuals who can share knowledge about the *Desniqi* to inform the Safety Plan;
  - (b) Monitor, and update as necessary, the Safety Plan;
  - (c) Plan visits to the home and see the *ʔEsqi*, as necessary, and in keeping with the *Right Way of Raising an ʔEsqi*; and,
  - (d) Identify and implement any further support needs for the *ʔEsqi* and their *ʔAba belh ʔInkwel*.





### Determining Need for Ongoing Services

139. The Service Provider will meet with the *Desniqi Knowledge Keepers*, the *?Aba belh ?Inkwel* and their supporters, and the *?Esqi*, according to their age and maturity, to assess the effectiveness of the Safety Plan by determining whether the outcomes have been achieved. If the outcomes:
- (a) Have been achieved, then the Service Provider will begin wrapping up *Nats'eghugheten* Services by sharing strategies with the *Desniqi* to keep them strong, including access to *Tsilhqot'in Chi'ih Deni Naghitinlh* Services;
  - (b) Have not yet been achieved, but the Service Provider and the *Desniqi Knowledge Keepers* believe that progress is being made, then the Service Provider will continue with *Nats'eghugheten* Services and develop a *Desniqi* Plan; or,
  - (c) Are not expected to be achieved, and the *Service Provider* and the *Desniqi Knowledge Keepers* believe that no further progress will be made towards resolving the *?Esqi's* safety concerns, then the Service Provider, in consultation with the *Desniqi Knowledge Keepers*, will consider whether to:
    - i. Continue with *Nats'eghugheten* Services and develop a *Desniqi* Plan;
    - ii. Use an *?Inkwel Ses* Order to adequately safeguard the *?Esqi*;
    - iii. Have the *?Esqi* reside temporarily outside of the home through an agreement with the *?Aba belh ?Inkwel*;
    - iv. Enter into a Youth Agreement, if appropriate; or,
    - v. Use an *?Etsu Ses* Order and begin *Gubexizintan* Services;
- if it is consistent with the *Right Way to Raise an ?Esqi*.

### *?Inkwel Ses* (Mother Bear) Orders

Similar to the story of 'Bear Mother Takes Back Her Babies', *?Inkwel Ses* Orders are used by the Service Provider to assist the *?Aba belh ?Inkwel* when they are not strong enough to protect their *?Esqi*.

140. An *?Inkwel Ses* Order is an order issued by the *Nexwedensiqi Ghaxiztan* which sets out mandatory:
- (a) actions to be taken, or inactions, for the safety or Care of an *?Esqi*; or
  - (b) terms or conditions for an *?Aba belh ?Inkwel's* compliance;
- as a means to avoid Removal of their *?Esqi*.

141. Prior to establishing an *?Inkwel Ses* Order, the Service Provider, in consultation with the *Desniqi Knowledge Keepers*, will consider Less Disruptive Measures.



142. The Service Provider will collaborate with other jurisdictions, or service providers, if an *ʔEsqi* no longer regularly resides within the Initial Service Delivery Area to phase out or transfer responsibility of any *ʔInkwel Ses* Order, under this Law.
143. The Service Provider will collaborate with other jurisdictions, or service providers, if an *ʔEsqi* moved into the Initial Service Delivery Area and they are the subject of a court order in another jurisdiction, or service provider, to phase out, or transfer responsibility, for the order.

#### ***ʔInkwel Ses: Care and Guidance Order***

144. If the Service Provider has determined that an *ʔEsqi* is unsafe in their home due to the actions or inactions of their *ʔAba belh ʔInkwel*, the Service Provider, in consultation with the *Desniqi Knowledge Keepers*, may request that the *Nexwedesniqi Ghaxiztan* issue a Care and Guidance Order to the *ʔAba belh ʔInkwel* which will be focused on the safe Care of an *ʔEsqi*.
145. The Care and Guidance Order will set out the terms and obligations of the *ʔAba belh ʔInkwel*, which the *ʔAba belh ʔInkwel* will be required to comply with to avoid Removal of their *ʔEsqi* by the Service Provider.
146. If the *ʔAba belh ʔInkwel* fail to comply with the terms of a Care and Guidance Order, the Service Provider may Remove the *ʔEsqi* to whom the Care and Guidance Order relates.

#### ***ʔInkwel Ses: Necessary Health Care Order***

147. If an *ʔEsqi* or *ʔAba belh ʔInkwel* of an *ʔEsqi* refuses to give consent to health care that, in the opinion of two medical practitioners, is necessary to preserve the *ʔEsqi* 's life or to prevent serious or permanent impairment of the *ʔEsqi* 's health, the Service Provider, in consultation with the *Desniqi Knowledge Keepers*, may request the *Nexwedesniqi Ghaxiztan* issue a Health Care Order for an *ʔEsqi*.
148. The Health Care Order for an *ʔEsqi* made by the *Nexwedesniqi Ghaxiztan* under section 147, may:
- (a) Authorize the health care;
  - (b) Prohibit any person from obstructing the provision of the health care;
  - (c) Require the *ʔAba belh ʔInkwel*, or another person, to deliver the *ʔEsqi* to the place where the health care will be provided; and,
  - (d) Include any other terms, as well as the duration of the Order, that the Service Provider considers necessary.



### ***ʔInkwel Ses: ʔEsqi Shield Order***

149. If the Service Provider has reasonable grounds to believe that contact between an *ʔEsqi* and another individual would cause harm to an *ʔEsqi*, the Service Provider, in consultation with the *Desniqi Knowledge Keepers*, may request the *Nexwedesniqi Ghaxiztan* order an *ʔEsqi* Shield Order, if it is in the *Best Interests of an ʔEsqi*. The Order prohibits the individual from contacting, or being in close proximity, to the *ʔEsqi*, and set out other terms and conditions necessary to implement the *ʔEsqi* Shield Order.
150. The Service Provider will serve, via process server, the *ʔEsqi* Shield Order on the individual that is subject to the Order.
151. The Service Provider may request a peace officer to assist in enforcing the *ʔEsqi* Shield Order.
152. The Service Provider will re-assess any *ʔEsqi* Shield Order at least every six months to verify if the *ʔEsqi* continues to require protection from the individual.

### ***ʔEtsu Ses (Grandmother Bear) Orders***

Similar to the story of ‘Bear Mother Takes Back Her Babies’, *ʔEtsu Ses* Orders are used by the Service Provider to safeguard an *ʔEsqi* when the *ʔAba belh ʔInkwel* cannot ensure the safety of their *ʔEsqi*. Under this Law, it is the *Nexwedesniqi Ghaxiztan*, rather than the *ʔEtsu Ses*, that keeps the *ʔEsqi* safe under their Custody.

153. Prior to initiating an *ʔEtsu Ses* Order, the Service Provider will ensure they have explored Less Disruptive Measures, including:
  - (a) Safety plans with informal and formal support services;
  - (b) Agreements with the *ʔEsqi*’s *ʔAba belh ʔInkwel*;
  - (c) Youth Agreements, if appropriate to do so; and,
  - (d) *ʔInkwel Ses* Orders.
154. After Less Disruptive Measures have been considered and the Service Provider, in consultation with the *Desniqi Knowledge Keepers*, has determined there are no Less Disruptive Measures available to safeguard the *ʔEsqi*, then the Service Provider will Remove the *ʔEsqi* to ensure their safety.
155. The Service Provider, in carrying out the Removal, may request assistance of:
  - (a) The *Desniqi Knowledge Keepers*; or,



(b) A peace officer;

to Remove an *ʔEsqi* from their *ʔAba belh ʔInkwel*.

156. When assistance is requested under section 155, the peace officer may by reasonable force, if necessary, enter a place or premises, and search for and Remove the *ʔEsqi*.

157. After the *ʔEsqi* has been Removed, the Service Provider will request the *Nexwedesniqi Ghaxiztan* issue an *ʔEtsu Ses* Order.

158. Upon an *ʔEtsu Ses* Order being issued, the Service Provider will make decisions regarding the Care and Custody of the *ʔEsqi* by considering the *Right Way of Raising an ʔEsqi*, as well as by utilizing a *Nats'eghugheten* Circle approach with:

- (a) The *ʔEsqi's ʔAba belh ʔInkwel* and their supports;
- (b) The *ʔEsqi*, according to their age and maturity;
- (c) The *Desniqi Knowledge Keepers*; and,
- (d) Those involved in the provision of services to the *ʔEsqi, ʔAba belh ʔInkwel* and *Desniqi*.

159. An *ʔEsqi* who is the subject of an *ʔEtsu Ses* Order shall remain in the Custody of the *Nexwedesniqi Ghaxiztan* until:

- (a) The *ʔEsqi* is returned by the Service Provider to their *ʔAba belh ʔInkwel*; or,
- (b) The *Tsilhqot'in Desniqi* Tribunal issues an order to return the *ʔEsqi*.

#### **Place of Care for an *ʔEsqi***

160. When the Service Provider is identifying a Place of Care for an *ʔEsqi*, in the context of an *ʔEtsu Ses* Order, the following order of descending priority is to occur, if consistent with the *Right Way of Caring for an ʔEsqi*:

- (a) One of the *ʔEsqi's ʔAba belh ʔInkwel*;
- (b) Another adult member of the *ʔEsqi's Desniqi*;
- (c) An adult who is *Tsilhqot'in*, or who belongs to the same Indigenous group, community or people as the *ʔEsqi*;
- (d) An adult who is living in the *Tsilhqot'in* community but who is not a member;
- (e) An adult who is *Nenqayni*; or,
- (f) Any other adult.



161. When the order of priority set out in section 160 is applied, the possibility of placing the *ʔEsqi* with or near siblings, or who are otherwise members of the *ʔEsqi's Desniqi*, will be considered in determining whether the Place of Care would be consistent with:
- (a) The *Ch'eh* for *ʔEsqi* Services;
  - (b) The *Right Way of Raising an ʔEsqi*; and,
  - (c) Any other customs, traditions of the *ʔEsqi*, such as customary adoption.
162. The Service Provider will inform the *Sutsel Ghidelh* Office Lead of any incidents or concerns which arise during the Care of the *ʔEsqi*, including:
- (a) The death of an *ʔEsqi*;
  - (b) An *ʔEsqi* in a life-threatening situation;
  - (c) An *ʔEsqi* who frequently runs away;
  - (d) An *ʔEsqi* who is lost or missing;
  - (e) An *ʔEsqi* who is involved in a violent crime; or,
  - (f) An *ʔEsqi* who is abused or neglected outside of, or within, their Place of Care.

### ***Desniqi Planning Circle***

163. The *Desniqi* Planning Circle is a time-sensitive, traditional decision-making meeting, which can occur during any stage of the *Tsilhqot'in Chi'ih Deni Naghitinlh, Nexwelh ʔAnant'in, Nats'eghugheten*, or *Gubexizintan* Services, and includes, if possible and as appropriate: the *ʔEsqi*, according to their age and maturity, the *ʔAba belh ʔInkwel*, the *Desniqi Knowledge Keepers*, other important relations of an *ʔEsqi*, as well as the Service Provider.
164. The *Desniqi* Planning Circle is initiated by a request or referral to the *Sutsel Ghidelh* Office from the *ʔAba belh ʔInkwel*, a member of the *ʔEsqi's Desniqi* or the Service Provider. Upon receiving the request or referral, the *Sutsel Ghidelh* Office will schedule and facilitate the *Desniqi* Planning Circle.
165. The *Desniqi* Planning Circle will address the planning for an *ʔEsqi*, such as identifying support programming, resources, or potential Care Providers.

### **Development of a *Desniqi* Plan**

166. When the Service Provider, in consultation with the *Desniqi* Knowledge Keepers, has reached a decision under section 139 to continue with *Nats'eghugheten* Services and develop a *Desniqi* Plan, the Service Provider will schedule a *Nats'eghugheten* Circle meeting.



167. A *Desniqi* Plan is developed by the Service Provider with the *Desniqi* Knowledge Keepers and all the members of the *?Esqi's Desniqi* at the *Nats'eghugheten* Circle meeting, which is consistent with the *Right Way of Raising an ?Esqi*; the Plan includes:
- (a) The strengths and needs of the *?Esqi* and their *?Aba belh ?Inkwel*;
  - (b) Specific, clear and reasonable goals that address the safety concerns and which the *?Esqi's ?Aba belh ?Inkwel* understands and agrees to;
  - (c) Dates for reviewing for each of the goals;
  - (d) The strategies and services that will empower the *?Aba belh ?Inkwel* and *Desniqi* to achieve the goals;
  - (e) Designated individuals whom the *?Esqi* feels safe to raise any concerns with; and,
  - (f) The individuals responsible for each action.
168. If the *?Aba belh ?Inkwel* are unable or unwilling to collaboratively develop the *Desniqi* Plan, or do not proceed with its development, the Service Provider will consider whether an *?Inkwel Ses* Order may adequately protect the *?Esqi* prior to having the *?Esqi* leave the home through agreement with the *?Aba belh ?Inkwel* or by *?Etsu Ses* Order.
169. Subject to the age and maturity of the *?Esqi*, the Service Provider will explain the *Desniqi* Plan to the *?Esqi* and take their views into account and incorporate them into the *Desniqi* Plan, if reasonable and safe to do so.
170. A *Desniqi Knowledge Keeper* will speak with each of the individuals responsible for the actions in the *Desniqi* Plan, and acknowledge the role they will hold with respect to the safety of the *?Esqi*.
171. The Service Provider will implement the *Desniqi* Plan by:
- (a) Ensuring that all members of the *Desniqi*, including the *Desniqi Knowledge Keepers*, receive a copy of the *Desniqi* Plan;
  - (b) Arranging for all necessary services to start as soon as possible; and,
  - (c) Preparing the *?Esqi*, *?Aba belh ?Inkwel* and *Desniqi* to participate in the services set out in the *Desniqi* Plan.

### **Lasting *Desniqi* Understanding**

172. A *Desniqi* Plan between the *?Esqi's ?Aba belh ?Inkwel* and the Service Provider remains valid until it is varied, terminated or expired, subject to regular Re-assessments as set out in this Law, or prescribed through regulation duly passed by the *Nits'il?in-qi*.



## Keeping the Desniqi Strong

### Referrals for Service during time in Care

173. The Service Provider, in collaboration with the *Desniqi Knowledge Keepers*, will:

- (a) Identify community resources or supports for *?Esqi*, and or *Desniqi*, wellness during their time receiving *Nats'eghugheten* Services; and,
- (b) Assist in accessing these resources or supports;

With the objective of eventually phasing out *Nats'eghugheten* Services.

174. The Service Provider may provide funding for resources such as counselling, child care, life skills, health and wellness programs.

### Reunification: Story of the Boys Who Turned to Stars

An Elderly woman had three grandsons who were always hunting. Every time they hunted, they would share with her the animal liver. It was her favourite food. One time, they went out hunting and when they came back, they put a rotten piece of wood beside her. They said, "here is your liver." The old woman thought, "since my grandchildren did this to me, they will always be this way."

She was upset, grieving. So, she took three pieces of meat and hung them from some hide. There was one piece for each grandson. She started swinging the meat and wishing her grandson's bad luck in their hunting. As she was doing that she was saying, "let my grandsons go into the sky." The grandmother turned them all into stars. You can see her three grandsons lined up like they're following one another in the sky; they are called *?Enadelh*. The red star ahead of them, that's their dog; it is called *Lhin*. The group of stars near them is called *Yanlhzulh*. That's the game they were hunting.

The grandmother regrets what she did to her grandsons and started crying. She wishes to be reunited with them and is turned into a star. She comes out in the morning and is called *?Etsu Tadalgish*. This is how those stars were created.

### Re-assessment of *Nats'eghugheten* Services

175. The Service Provider, in consultation with the *Desniqi Knowledge Keepers*, will schedule a *Nats'eghugheten* Circle to re-assess the *Desniqi* Plan on a regular basis and consider whether:





- (a) The *ʔAba belh ʔInkwel* have achieved the goals of the *Desniqi* Plan and no longer require *Nats'eghugheten* Services;
- (b) The circumstances have changed and the *ʔEsqi*, or *ʔAba belh ʔInkwel*, no longer require *Nats'eghugheten* Services; or,
- (c) Less disruptive measures of safeguarding the *ʔEsqi* have become available and are consistent with the *Best Interests of an ʔEsqi*.

### Concluding *Nats'eghugheten* Services

176. At the conclusion of a Re-assessment under section 175, if, in the Service Provider's opinion, the safety concerns for the *ʔEsqi* have been addressed, then the Service Provider, in consultation with the *Desniqi Knowledge Keepers*, will gather a *Nats'eghugheten* Circle to discuss concluding *Nats'eghugheten* Services to the *ʔEsqi* and *ʔAba belh ʔInkwel*.

177. The *Nats'eghugheten* Circle involves the Service Provider, *Desniqi Knowledge Keepers*, the *ʔEsqi*, according to their age and maturity, their *ʔAba belh ʔInkwel* and *Desniqi*, to review the Re-assessment, and reach agreement on whether the safety concern for the *ʔEsqi* has been:

- (a) Diminished and the *Nats'eghugheten* Services can safely conclude; then update the *Desniqi* Plan, as well as any *ʔInkwel Ses* Order or *ʔEtsu Ses* Order, and refer the *ʔEsqi* and *ʔAba belh ʔInkwel* to *Nexwelh ʔAnant'in Services* for creation or resumption of a *Ts'ilʔos* and *ʔEniyud* Circle as part of continued *Gubats'eghižtan Naguts'eneten* Services, if it is the *Right Way to Raise an ʔEsqi*;
- (b) Resolved, but the *ʔEsqi* and their *ʔAba belh ʔInkwel* could benefit from further supports; then terminate the *Desniqi* Plan, as well as any *ʔInkwel Ses* Order or *ʔEtsu Ses* Order, which are part of concluding all *Gubats'eghižtan Naguts'eneten* Services, and refer the *ʔEsqi* and *ʔAba belh ʔInkwel* to *Tsilhqot'in Chi'ih Deni Naghitinlh Services*, if it is the *Right Way to Raise an ʔEsqi*; or,
- (c) Resolved and no supports are needed; then terminate the *Desniqi* Plan, as well as any *ʔInkwel Ses* Order or *ʔEtsu Ses* Order, and conclude all *Gubats'eghižtan Naguts'eneten* Services.





## **Gubexizintan Services (Taking Care of Them)**

### ***Lhin Desch'osh's Puppies Look After the Community***

The young *?Inkwel* taught her small babies to hunt and dry the meat. They became excellent hunters and brought their mother a lot of meat. They picked berries, made blankets and gathered meats; filling all the houses. The *Desniqi* and community that abandoned the young *?Inkwel* returned and were starving. The puppies took pity on them and insisted their *?Inkwel* feed them, which she did.

*Gubexizintan* Services are the services provided to an *?Esqi* who is the subject of an *?Etsu Ses* Order; when an *?Esqi* is Removed and an *?Etsu Ses* Order has been issued, the *Nexwedensiqi Ghaxiztan* becomes their guardian, while the Service Provider takes on the responsibilities normally associated with their *?Aba belh ?Inkwel*.

#### **Actively Develop an *?Esqi's Jenitexilchud***

178. The Service Provider will actively develop and maintain the *?Esqi's Jenitexilchud* once it is established and the *?Esqi* is receiving *Gubats'eghižtan Naguts'enenen* Services, or upon receiving a *Jenitexilchud* (i.e. record or file) of the *?Esqi* from a previous service provider.
179. The *?Esqi's* Record will be kept up-to-date, in accordance with the following objectives:
  - (a) Maintain and actively seek out records that are critical to the identity of an *?Esqi* such as birth certificate, Indigenous name, Indian registration, social insurance number, health care number, registration membership with First Nation or inherited cultural endowments;
  - (b) Support continuity of the *?Esqi's* care and relationships with elements such as recorded stories, genealogical records and care history;
  - (c) Maintain Indigenous identity such as a record of cultural connections, relationships, memorabilia and correspondence;
  - (d) Act in the role of an *?Aba belh ?Inkwel* by creating and retaining up-to-date photos of the *?Esqi*, collection of their school records and samples of their achievements;
  - (e) Maintain a full and complete story of an *?Esqi's* time with the Service Provider by creating and maintaining detailed information of their history receiving *Chi'ih Deni Naghitinlh*, *Nexwelh ?Anant'in* or *Nats'eghugheten* Services; and,
  - (f) Maintain and seek out full and complete information and records about the *?Esqi's* health and health care services, such as medical and dental care, as well as mental wellness.



### Safety and Well-being of an *ʔEsqi* in Care

180. The *Desniqi Knowledge Keepers* will provide support and direction to the Service Provider with respect to:

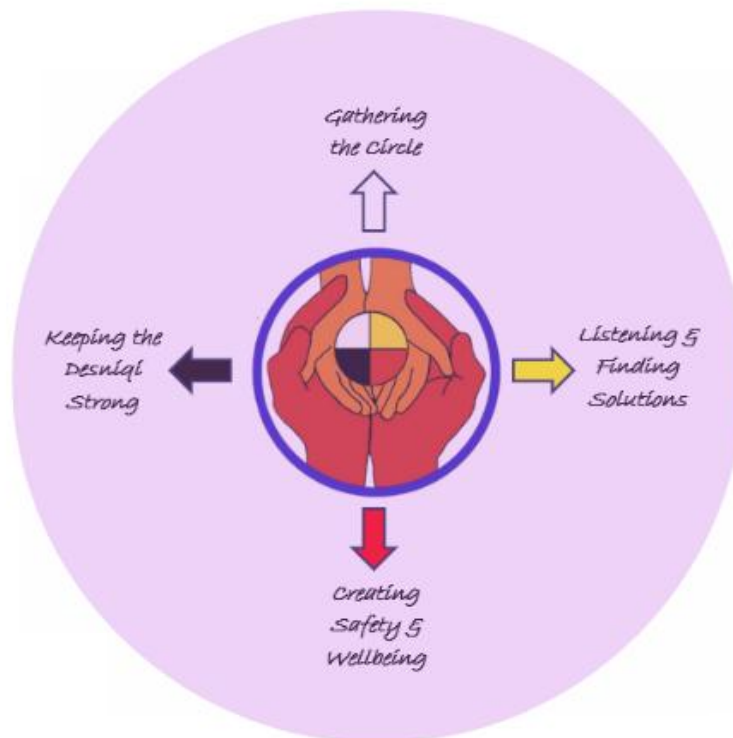
- (a) Planning for and providing cultural safety and cultural continuity;
- (b) Implementing the ‘Caretaking of an *ʔEsqi*’ provisions set out in section 3; and,
- (c) Planning for and delivering *Gubexizintan* Services to an *ʔEsqi* consistent with the objectives of this Law.

### Information sharing with the *ʔEsqi*’s Care Provider

181. The Service Provider will provide information about an *ʔEsqi* with their Care Provider as soon as reasonably practical that will assist in:

- (a) Ensuring the safety and wellbeing of the *ʔEsqi*;
- (b) Planning for the Care of the *ʔEsqi*;
- (c) Planning for any risks, including the need to protect *ʔEsqi* from any individual;
- (d) Planning for medical care, including dental and mental wellness;
- (e) Planning for cultural safety and cultural continuity; and,
- (f) Ensuring the *ʔEsqi* has continuity in procedures, programs or supports that may be beneficial.

### *Gubexizintan* Circle



## Gubexizintan Circle Approach

*Gubexizintan* Circle Approach remains consistent with the *Ts'il?os* and *?Eniyud* Circle process and approach (in the *Nexwelh ?Anant'in* Services section) to the work with the *?Esqi*, *?Aba belh ?Inkwel* and *Desniqi*; however, it's done through a different lens (represented by the pink circle) which is the *Gubexizintan* lens in a Circle approach. The pink circle represents a focus on guardianship services when the Service Provider is fulfilling the responsibilities of the *?Esqi*'s *?Aba belh ?Inkwel*.

182. A *Gubexizintan* Circle will be established for an *?Esqi* receiving *Gubexizintan* Services and will meet regularly, at least every 60 days, and will include the following members:

- (a) *?Esqi*, subject to their age and maturity;
- (b) *Desniqi Knowledge Keepers*;
- (c) Care Provider;
- (d) Service Provider, and other service providers if applicable;
- (e) Community service providers, such as school teacher, counsellor, family doctor;
- (f) Public Guardian and Trustee, if applicable; and,
- (g) *Aba belh ?Inkwel* and *Desniqi*, if safe and appropriate as determined by the Service Provider;

if consistent with the *Right Way of Raising an ?Esqi*.

## Listening and Finding Solutions

183. The *?Esqi*'s *Gubexizintan* Circle will plan and make decisions for the Care of an *?Esqi* consistent with the *Right Way of Raising an ?Esqi*, including the following:

- (a) Development of a *Gubagwezil?an* (Plan of Care) for the *?Esqi*;
- (b) Review and update of the *Gubagwezil?an*;
- (c) Re-assess a Place of Care for an *?Esqi* as set out in the 'Place of Care for the *?Esqi*' provisions, sections 160 and 161;
- (d) Plan for an *?Esqi* moving to a different Place of Care;
- (e) Plan for an *?Esqi* leaving Care, such as:
  - i. When reaching the age of 19;
  - ii. Transfer of Custody, to another person or another service provider;
  - iii. Transitioning to Community Living British Columbia services;
- (f) Recommendations on terminating an *?Etsu Ses* Order; and,
- (g) Report concerns about the Place of Care for an *?Esqi*, or other practice matters of concern relating to the Care of an *?Esqi*, to the *Sutsel Ghidelh* Office.



### Transition Planning for an *ʔEsqi* with a Disability

184. The Service Provider will give notice to Community Living British Columbia to commence transition planning for an *ʔEsqi* with a disability, upon the *ʔEsqi* reaching the age of 14 years.

### *Desniqi* Planning Circle

185. A *Desniqi* Planning Circle may be utilized during any stage of the *Gubexizintan* Services, as set out in section 163, if initiated by *Aba belh ʔInkwel* or by the Service Provider based upon a referral for the *Desniqi*.

## Creating Safety and Well-being

### *Right Way of Raising an ʔEsqi* receiving *Gubexizintan* Services

186. If consistent with the *Right Way of Raising an ʔEsqi*, the Service Provider and *Gubexizintan* Circle, or *Desniqi* Planning Circle, will prioritize utilizing *Desniqi* as a Place of Care, subject to the approval process for an *ʔEsqi*'s Place of Care.

### *Desniqi* Homes

187. The Service Provider will conduct an approval process prior to an *ʔEsqi*'s Place of Care with their *Desniqi*, which includes:
- (a) Application;
  - (b) Screening, including a consolidated criminal records review check;
  - (c) Service Provider Assessment; and,
  - (d) Approval by the *Nexwedensniqi Ghaxiztan*.
188. In the case of an emergency situation, the approval process prior to an *ʔEsqi*'s Place of Care with their *Desniqi* may be temporarily by-passed but must be prioritized and completed without delay.
189. The Service Provider will immediately inform the *Sutsel Ghidelh* Office Lead of any concerns it has, or receives, regarding the Place of Care for an *ʔEsqi*.



190. If the concern is related to an *ʔEsqi*'s Place of Care with their *Desniqi*, under section 187, then the Service Provider will conduct either:

- (a) A Care Review into concerns that are related to the Care of the *ʔEsqi*, but are not related to section 71 concerns, and may result in a serious sanction of the Place of Care; or,
- (b) A Safety Assessment, which is a formal assessment of section 71 concerns for an *ʔEsqi*'s safety in the Place of Care, and may include consideration of emergency measures resulting in an alternate Place of Care for the *ʔEsqi*, as well as other serious sanctions to the Place of Care; and,

either process (a) or (b) will culminate in a report to the *Nexwedesniqi Ghaxiztan*.

### Customary Care Homes

191. The Service Provider will use an approval process prior to an *ʔEsqi*'s Place of Care in a Customary Care Home, which includes:

- (a) Application;
- (b) Screening, including a consolidated criminal records review check;
- (c) Service Provider Assessment; and,
- (d) Approval by the *Nexwedesniqi Ghaxiztan*.

192. In the case of an emergency situation, the approval process prior to an *ʔEsqi*'s Place of Care with a Customary Care Home may be temporarily by-passed but must be prioritized and completed without delay.

193. If the Service Provider has approved, in consultation with the *Desniqi Knowledge Keepers*, a Care Provider as a Customary Care Home, then the *Nexwedesniqi Ghaxiztan* will review the Service Provider assessment and may approve the Customary Care Home as a Place of Care for an *ʔEsqi*.

194. The Service Provider will enter into a Customary Care Home agreement with the Care Provider after the Care Provider has been approved by the *Nexwedesniqi Ghaxiztan*.

195. The Service Provider's approval process will be updated on a regular basis to ensure safety and standards compliance.

196. The Service Provider will immediately advise the *Sutsel Ghidelh* Office of any concerns it has, or receives, regarding the Place of Care for an *ʔEsqi*.



197. If the concern is related to a Customary Care Home, under section 191, then either a:

- (a) Care Review, which involves a review by the Service Provider into the concerns that are related to the Care of the *ʔEsqi*, but are not related to section 71, and may result in a serious sanction of the Place of Care; or,
- (b) Safety Assessment, which involves the Service Provider conducting a formal assessment of section 71 concerns for an *ʔEsqi*'s safety in the Place of Care, and whether emergency measures resulting in an alternate Place of Care for the *ʔEsqi*, as well as other serious sanctions to the Place of Care; and,

either process (a) or (b) will culminate in a report to the *Nexwedesniqi Ghaxiztan*.

### Contracted Services

198. The Service Provider may enter into contracted services with specialized homes, or service providers, to meet the needs of an *ʔEsqi* with special requirements for their Care.

199. The Service Provider will take reasonable steps to confirm the specialized homes are compliant with safety regulations duly passed by the *Nits'ilʔin-qi*, including proper licensing, insurance and compliance with other applicable safety regulations duly passed by the *Nits'ilʔin-qi*.

### Supporting *ʔEsqi* Care Providers

200. The Service Provider, in collaboration with the *Desniqi Knowledge Keepers*, will support an *ʔEsqi*'s Care Provider by delivering ongoing and timely services, including the following:

- (a) Orientation, and training;
- (b) Adequate and prompt payment for services that reflect the actual cost of Care, considering the age and level of complex needs of the *ʔEsqi*; and,
- (c) Providing relief services considering the needs of the *ʔEsqi*, as well as the needs of the Care Provider, and the associated costs.

201. The Service Provider will regularly monitor and review the Customary Care Home agreement with a Care Provider and consider whether it is the *Right Way of Raising an ʔEsqi* and determine whether to renew, modify or end a Customary Care Home agreement.

202. In order to resolve any disputes, or the potential of a dispute, relating to a Customary Care Home or Care Provider, the *Desniqi*, Service Provider or Care Provider may:

- (a) Initiate a *Desniqi* Planning meeting; or,





- (b) Request the T̄silhqot'in *Desniqi* Tribunal to assist in an appropriate form of dispute resolution including traditional dispute resolution processes, facilitation, mediation or arbitration.

## Funding

203. The Service Provider must take reasonable steps to allocate sufficient resources to deliver *Gubexizintan* by:

- (a) Setting annual budgets that reasonably anticipate the costs of *Gubexizintan* Services;
- (b) Conducting quarterly reviews of expenditures related to the delivery of *Gubexizintan* Services and updating budgets accordingly;
- (c) Setting aside a contingency fund for unforeseen costs of delivering *Gubexizintan* Services; and,
- (d) Maintaining data about the comprehensive costs associated with providing *Gubexizintan* Services.

204. The *Nexwedeni Gubadechen Jedilhtan* will endeavour to enter into protocols with the Ministry of Child and Family Development, Indigenous Child and Family Service Agencies, and other service providers that provide *Gubexizintan* Services to *ʔEsqi*, with the goal of ensuring *Gubexizintan* Services for the *ʔEsqi* are adequately funded and costs apportioned appropriately.

205. The Service Provider may assist *ʔEsqi*, *Aba belh ʔInkwel* or *Desniqi* in seeking and attaining funding for supports that the Service Provider does not cover, such as Jordan's Principle funding.

## Keeping the *Desniqi* Strong

### Planning for *ʔEsqi* Leaving Care

206. When a Service Provider is considering a plan to return an *ʔEsqi* to their *Aba belh ʔInkwel*, or a move to an alternative Care arrangement, the Service Provider will follow sections 175-177.

207. The Service Provider will review the reasons why the *ʔEsqi* came into Care and the *Gubagwezilʔan* to ensure that the objectives related to the safety and well-being of the *ʔEsqi* have been achieved; and if the objectives have been achieved and it is the *Right Way to Raise an ʔEsqi*, request the approval of the *Nexwedesniqi Ghaxiztan* to terminate the *ʔEtsu Ses* Order.



## ***Sutsel Ghidelh (Walking in a Good Way)***

### ***The T̂silhqox's Strength and Healing***

We are the *Deni* of the *T̂silhqox*. The *T̂silhqox* replenishes our *Nenqay* and cleanses it. It heals us; it cleanses us; it feeds us; and keeps us strong. We rely on the *T̂silhqox* and we must take care of it. Like our *T̂silhqox*, our *Sutsel Ghidelh* will feed and keep our programs and services strong and healing.

#### ***Sutsel Ghidelh Office***

208. A *Sutsel Ghidelh* Office is established under the *Nexwedeni Gubadechen Jedilhtan* and will be administered by a *Sutsel Ghidelh* Lead.

209. The *Sutsel Ghidelh* Office will develop performance measures and outcome indicators relevant to T̂silhqot'in Nation, along with a data collection system to evaluate and improve the quality of services offered by each Service Provider, to determine whether they are:

- (a) Safe;
- (b) Culturally-appropriate;
- (c) Aligned with the Law, standards, policies and practices;
- (d) Effective and meaningful; and,
- (e) Fiscally responsible.

210. The *Sutsel Ghidelh* Office will consist of six program areas:

- (a) Practice Support, related to:
  - (a) Incidents reported by the Service Provider;
  - (b) Outcomes of Practice Reviews or Evaluations; or,
  - (c) Outcomes from a Dispute Resolution process;
- (b) Practice Reviews, related to a specific incident such as:
  - (a) Critical injury of an *?Esqi* receiving services;
  - (b) Fatality of an *?Esqi* receiving services; or,
  - (c) Closure of a Customary Care Home (after a Care Review or Safety Assessment);
- (c) Practice Evaluations, related to annual review of services which involves:
  - (a) Review of *Desniqi* and *?Esqi Jenitexilchud* (Quantitative data);
  - (b) Feedback from/interviews with *Desniqi* and *?Esqi* (Qualitative data);
  - and,



- (c) Feedback from/interviews with Service Providers;
- (d) *Sutsel Ghidelh* dispute resolution, related to:
  - (a) Concerns raised by an *ʔEsqi* or *Desniqi* regarding a service provided to them; or,
  - (b) *Nexwedeni Gubadechen Jedilhtan* Review;
- (e) *Su Bedeni Gheʔin* (Knows their people well), related to:
  - (a) T̂silhqotʔin genealogy support for planning and decision-making;
  - (b) Genealogy-tracing related to another Nation or culture; or,
  - (c) Locating *Desniqi* as potential Care Providers.
- (f) Learning & Development, related to:
  - (a) Training for Service Provider practitioners; and
  - (b) Development of Service Provider decision-support tools.

## ***Natsʔegwenilʔin* (Looking Over It Again)**

### **Practice Support**

211. The *Sutsel Ghidelh* Lead, in collaboration with the *Nexwedesniqi Ghaxiztan*, may provide practice support to the Service Provider practitioners:
- (a) in response to an incident reported to the *Sutsel Ghidelh* Office, such as critical injury of an *ʔEsqi*;
  - (b) to understand the outcomes and recommendations arising from a Practice Review or Practice Evaluation; or
  - (c) to understand the outcomes and recommendations arising from a *Sutsel Ghidelh* dispute resolution process.

### **Practice Reviews**

212. Where an *ʔEsqi* suffers a critical injury or death while receiving services under the Law, or within 12 months of receiving services under the Law, the *Sutsel Ghidelh* Lead will conduct a full review and submit a comprehensive report to the *Nexwedeni Ghanadeni*, *Nexwedesniqi Ghaxiztan*, *Sutsel Ghidelh* Office and Board of Directors.
213. The report submitted under section 212 will be considered by the *Nexwedeni Ghanadeni*, *Nexwedesniqi Ghaxiztan*, *Sutsel Ghidelh* Lead and Board of Directors to:
- (a) Inform training and support to Service Provider practitioners;
  - (b) Inform recommended changes to standards, policies or practices;
  - (c) Assess liability; and,



(d) Ensure compliance with the Law.

214. When an *?Esqi* who is in the Custody of a Service Provider is injured, the Service Provider will:

- (a) Notify the *Desniqi*;
- (b) Notify the local police service, if the injury is associated with a possible criminal code offence; and,
- (c) Review the information relating to the injury and its outcome with the *?Aba belh ?Inkwel*.

215. When an *?Esqi* who is in the Custody of a Service Provider dies, the Service Provider will:

- (a) Notify the *Desniqi*;
- (b) Notify the local police service and provincial coroner;
- (c) Consent to an autopsy of the body of the *?Esqi*;
- (d) Review the information relating to the death with the *?Aba belh ?Inkwel*; and,
- (e) In consultation with the *?Aba belh ?Inkwel*, and *Desniqi Knowledge Keepers*, arrange for the burial or other disposition of the body of the *?Esqi*.

### Practice Evaluations

216. The *Sutsel Ghidelh* Lead will conduct evaluations of the services to *?Esqi* and *Desniqi* provided by each Service Provider on an annual basis. The Practice Evaluations will include qualitative data, from informal and formal discussions with service recipients and service providers, as well as quantitative data, from reviews of *Desniqi* and *?Esqi Jenitexilchud* and other Service Provider held data, to inform the annual reports.

217. The annual Practice Evaluation reports under section 216 will be considered by the *Nexwedeni Ghanadeni*, *Nexwedensiqi Ghaxiztan*, *Sutsel Ghidelh* Lead and Board of Directors to:

- (a) Inform training and support to Service Provider practitioners;
- (b) Inform recommended changes to standards, policies or practices;
- (c) Implement strategies associated with the outcomes;
- (d) Assess liability; and,
- (e) Ensure compliance with the Law.

218. The *Sutsel Ghidelh* Office will develop recommendations to inform changes to standards, policies and practices of each Service Provider based upon reports, reviews and evaluations, as well as, collaborate on and co-lead training.



### ***Sutsel Ghidelh* dispute resolution**

*Lhin Desch'osh* and the three dogs who turned to *Deyenŋ* were at Lava Canyon and the *Deyenŋ* got into a fight. They were fighting about how to build the land, how the land is created. One was angry so he intentionally made the canyon narrow. They created the mountains together as they wrestled. This part of the story shows us that as a *Desniqi* we can fight and when we make up, we can do powerful things together.

219. The concern process is set out as follows:

- (a) An *?Esqi* or *Desniqi* who is receiving services from the Service Provider may contact the *Sutsel Ghidelh* Office with a formal concern about the service provision;
- (b) The *Sutsel Ghidelh* Lead will meet with the Service Provider and the *?Esqi* or *Desniqi*, and their supports, to resolve the concern; and,
- (c) If the *Sutsel Ghidelh* Lead is unable to resolve the concern to the satisfaction of the *?Esqi* or *Desniqi*, they may request a *Nexwedeni Gubadechen Jedilhtan* Review.

220. The *Nexwedeni Gubadechen Jedilhtan* Review is set out as follows:

- (a) The *Sutsel Ghidelh* Lead will speak with the *?Esqi* or *Desniqi* about the specifics of their concern, and explain the process and limitations of a *Nexwedeni Gubadechen Jedilhtan* Review;
- (b) The *Sutsel Ghidelh* Lead will review the Law and the Service Provider's standards, policies and practices with respect to the *?Esqi* or *Desniqi*'s concern, as well as information submitted by the *?Esqi*, *Desniqi* or Service Provider, to determine if the Service Provider followed the Law, and the applicable standards, policies and practices in the provision of services to the *?Esqi* or *Desniqi*; and,
- (c) The *Sutsel Ghidelh* Lead will prepare a report to be shared with the *?Esqi* or *Desniqi*, as well as the *Nexwedensiqi Ghaxiztan*, which may include recommendations to address the concerns raised, and inform any necessary changes to the Service Provider's practices or procedures.

### ***Su Bedeni Ghe?in***

221. The *Sutsel Ghidelh* Lead will provide ancestry services for the *?Esqi*, *Aba Belh ?Inkwel*, *Desniqi* and Service Provider through:

- (a) Genealogy support to an *?Esqi*, *Aba Belh ?Inkwel*, *Desniqi* and Service Provider for planning and decision-making with respect to *Tsilhqot'in Chi'ih Deni Naghitinlh*, *Gubats'eghiŋtan Naguts'eneten* or *Gubexizintan* Services;



- (b) Providing support to the *Desniqi Knowledge Keepers* with exploring an *ʔEsqi*'s genealogy to another Nation or culture; or,
- (c) An ancestry service to support the Service Provider in locating *Desniqi* as potential Care Providers.

### **Learning & Development**

222. The *Sutsel Ghidelh* Lead, in collaboration with the *Desniqi Knowledge Keepers* and the *Nexwedensiqi Ghaxiztan*, will develop fulsome training plans for Service Provider practitioners that provide:
- (a) Orientation and training for new hires;
  - (b) Training on new, or updates to existing, programs and decision-support tools; and,
  - (c) Assistance to develop and support practitioners' professional goals (e.g. leadership, trauma-informed training).

### **Development of Culturally-Appropriate Service Provider Decision-Support Tools**

223. The *Sutsel Ghidelh* Office and Programs and Service Office will collaboratively establish practices and standards (such as *Desniqi* assessment tools, *ʔEsqi* planning, and Care Provider assessment tools) that are culturally-appropriate and reflect the *Right Way of Raising an ʔEsqi*.
224. The assessment tools under this Law will consider the effects of colonization on T̓silhqot'in *Deni*, or other *Nenqayni*, such as the T̓silhqot'in War, *Indian Act*, residential schools, Indian hospitals, child welfare and related sixties scoop, poverty, intergenerational trauma, and deprivation of T̓silhqot'in culture and language, in the Service Provider's planning and decision-making processes for service provision.
225. The *Sutsel Ghidelh* Office and Programs and Service Office will collaborate to integrate an Indigenous, Gender-Based Analysis Plus approach, inclusive of 2SLGBTQQIA+, as part of overseeing standards, processes, programs and services, to avoid or mitigate any discriminating adverse impacts on Indigenous people, women, or members of the 2SLGBTQQIA+ community.



## Information

Back in the day, the *Deni* came together to build a home for those that needed one, such as new couples, or young families. We didn't rely on anyone else. It was up to us to look after each other.

### Protecting Information

226. All personal information obtained under this Law is confidential.

### Obtaining Information

227. The Service Provider may collect and use personal information to provide services under this Law.

228. The Service Provider will enter into information sharing agreements with other Service Providers to implement section 227.

229. If a Service Provider requests personal information that is in the custody or control of a public body, or other Service Provider, on the basis that such information is reasonably required to ensure the safety and well-being of an *ʔEsqi*, the custodian of such information must, unless it is subject to a claim of privilege based on a solicitor-client relationship, immediately provide it to a Service Provider.

230. The Service Provider will, as soon as reasonably possible, inform any individual whose personal information is disclosed pursuant to section 229, specifically:

- (a) The personal information was collected;
- (b) The reason that the personal information was collected; and,
- (c) The protocols in place to ensure that the information remains confidential.

231. If any other Indigenous Governing Body, Indigenous Child and Family Services Agency, or the Ministry of Child and Family Development investigates or assesses the safety or well-being of an *ʔEsqi*, then they must immediately provide the *Nexwedesniqi Ghaxiztan* with a complete copy of their findings and all documents related to the investigation.

### Information Obtained Under this Law

232. A federal or provincial law is of no force or effect, if it:

- (a) Requires disclosure of information obtained under this Law in a manner that is inconsistent with this Law; or,





(b) Prohibits disclosure of information in a manner that is inconsistent with this Law.

233. No liability attaches to any other person who discloses or communicates information in accordance with this Law, if the disclosure or communication is made in the administration of this Law and for the safety and well-being of an *ʔEsqi*.

### **Promise to Uphold Personal Information**

234. The *Nexwedesniqi Ghaxiztan*, or a Service Provider, may disclose or communicate personal information that is in the possession of the *Nexwedesniqi Ghaxiztan*, or a Service Provider, under this Law, if the disclosure is:

- (a) To any Service Provider or person, if the disclosure is necessary to plan services for or provide services to the *ʔEsqi*, the *ʔEsqi's Desniqi*, or to plan or provide for the *ʔEsqi's* Care or education;
- (b) Necessary to plan and provide services for an *ʔEsqi* or *K'an deni jalilh*;
- (c) To the individual to whom the information relates;
- (d) Made with the consent of the individual to whom the information relates;
- (e) In accordance with Tribunal proceedings;
- (f) Required by order of the Tribunal or court order;
- (g) Necessary to ensure the safety and well-being of an *ʔEsqi*;
- (h) Necessary to ensure the safety of a person, other than an *ʔEsqi*;
- (i) To the *ʔAba belh ʔInkwel*, or *Desniqi* of the *ʔEsqi* to whom the information relates;
- (j) To other child and family service providers, as appropriate and required;
- (k) To other persons with the written consent of the *Nexwedesniqi Ghaxiztan*;
- (l) necessary to carry out the purposes of this Law; or,
- (m) authorized by regulations duly passed by the *Nits'ilʔin-qi*.

235. The *Nexwedesniqi Ghaxiztan* may collect and use medical information of the *ʔEsqi* and their *Aba Beth ʔInkwel*, including mental and physical health information, solely for the purposes of planning for and providing medically required services to the *ʔEsqi*, while the *ʔEsqi* is in the Care of the *Nexwedesniqi Ghaxiztan*.

236. A hospital, medical care facility, law enforcement agency, or other custodian of medically necessary information of the *ʔEsqi* and their *Aba Beth ʔInkwel* under section 235 will provide medical information, that is reasonably required, on a confidential basis, to the *Nexwedesniqi Ghaxiztan*, at the request of the *Nexwedesniqi Ghaxiztan*.

237. The Service Provider must establish safeguards to protect and maintain the confidentiality of medical information of the *ʔEsqi* and their *Aba Beth ʔInkwel* in the



possession of the Service Provider, and must use the information solely for the purposes of planning and providing medically required services to the *ʔEsqi*.

238. No liability attaches to the Service Provider, or any other person who discloses or communicates information in accordance with this Law, if the disclosure or communication is made in accordance with this Law or for the safety, health planning, or protection of the *ʔEsqi*.



## Governance

*Lhin Desch'osh* and his three sons decided to go on a trip. This was dangerous because at that time, all the animals would kill people. But they had decided they were going to try and fix the land for the T̓silhqot'in. As they were traveling, they met all the animals and transformed them into what they are today.

There is a story about *Lhin Desch'osh* and his sons meeting each animal and transforming them into something that benefits the T̓silhqot'in – the fox, the beaver, the steelhead, and more.

### T̓silhqot'in *Desniqi* Tribunal

239. The T̓silhqot'in *Desniqi* Tribunal is established under this Law and will:

- (a) adjudicate all appeals;
- (b) confirm orders, including any permanency orders;
- (c) interpret the Law;
- (d) provide dispute resolution services; or,
- (e) provide directives to implement this Law.

240. The T̓silhqot'in *Desniqi* Tribunal will operate independent of the *Nexwedeni Gubadechen Jedilhtan* and any Service Provider under this Law.

241. The T̓silhqot'in *Desniqi* Tribunal will operate with a Tribunal *Ghanadeni*, responsible for:

- (a) Administration and operations of the Tribunal;
- (b) Management of the members;
- (c) Appointment of members to hearings or dispute resolution; and,
- (d) Duly recorded decisions of the Tribunal.

242. The T̓silhqot'in *Desniqi* Tribunal will maintain a roster of up to eighteen members.

243. The Tribunal *Ghanadeni* will establish a panel of three to five T̓silhqot'in *Desniqi* Tribunal members to adjudicate a hearing or assist in dispute resolution.

244. At the conclusion of a hearing or dispute resolution, the panel appointments under section 243 will be dissolved.

245. Each member of the T̓silhqot'in *Desniqi* Tribunal will be a respected knowledge keeper with a background, training, or experience, in child and family service.



246. In order to be eligible as a member, individuals that accept their nomination, will provide a record check for any criminal history and will not have any convictions of violence, or have a “known history” of violence, including sexual assault.
247. The T̂silhqot’in *Deni* will have 14 days to nominate individuals to the Tribunal.
248. Nominated individual’s names will be posted in each community to be duly considered by the T̂silhqot’in *Deni* for a 45-day period. T̂silhqot’in Nation members and residents will provide their concerns for those nominated to a Service Provider, on a confidential basis, within that 45-day period. Those nominations subject to serious allegations will be removed from the nominee list by the Service Provider.
249. Upon conclusion of the notice period under section 248, the strongest candidate nominees will be duly appointed to the Tribunal by consensus of the *Nits’il?in-qi*.
250. Any member of the *Nits’il?in-qi* may be appointed as a member of the Tribunal but may not participate in their appointment.
251. The Tribunal members will hold office for term of up to five years and may be reappointed subject to their success in the appointment process. The *T̂silhqot’in Ts’iqi Dechen Jedilhtan* and *Nits’il?in-qi* will initially appoint the Tribunal members on a staggered basis established by the *Nits’il?in-qi*.
252. Tribunal members can be removed for cause by consensus of the *Nits’il?in-qi*, or may resign.
253. Each Tribunal member will undergo training on the Law, on programming and services of the *Nexwedeni Gubadechen Jedilhtan* and Service Providers, and related matters, on an ongoing basis.
254. The Tribunal may utilize technical support for recommendations, legal or practice support, or advice as required.

### **Tribunal Responsibilities**

255. The T̂silhqot’in *Desniqi* Tribunal will review an *?Etsu Ses* Order made by the *Nexwedensiqi Ghaxiztan* within 10 days, to ensure compliance with this Law, and may:
- (a) Decide the validity of the *?Etsu Ses* Order, including affirming or setting aside the *?Etsu Ses* Order, in whole or part;
  - (b) May amend or modify, including adding terms or conditions to, the *?Etsu Ses* Order;



- (c) Order further hearing on the matter; or,
- (d) Direct the parties to:
  - (a) Dispute resolution provided by different members of the Tribunal; or,
  - (b) A Circle as set out under this Law.

256. The *ʔAba belh ʔInkwel*, may request that a T̓silhqot̓in *Desniqi* Tribunal review compliance with this Law in respect of their *ʔEsqi*, including:

- (a) decisions or actions of the Service Provider respecting *Nexwelh ʔAnant̓in* and *Nats̓'eghugheten* Services;
- (b) Orders of the *Nexwedetniqi Ghaxiztan*.

257. A request under section 256 will set out the:

- (a) Decision or action, that is of concern, in sufficient detail for the T̓silhqot̓in *Desniqi* Tribunal to be able to ensure it is within their mandate; and,
- (b) Reasons for the review, or the request for assistance in resolution of matters.

258. In reviewing a decision, or action, the T̓silhqot̓in *Desniqi* Tribunal will maintain a record of the proceeding and may receive oral or written submissions from the person who requested the review, the Service Provider and any other party to the proceeding.

259. The T̓silhqot̓in *Desniqi* Tribunal may also receive evidence from other sources if the Tribunal deems this necessary and helpful to make an informed decision.

260. On completing a review, the T̓silhqot̓in *Desniqi* Tribunal may:

- (a) With the agreement of the parties, direct that the dispute should be mediated by a mediator appointed by the T̓silhqot̓in *Desniqi* Tribunal; or
- (b) Confirm or reverse the decision that has been reviewed.

261. The T̓silhqot̓in *Desniqi* Tribunal will, within 30 days of receiving the request under section 256, provide the person who requested the review with a copy of the decision that includes the reasons.

262. The T̓silhqot̓in *Desniqi* Tribunal will follow the process set out in the regulations duly passed by the *Nits̓'ilʔin-q̓i*.

### **Representation and Party Status at Proceeding**

263. At the T̓silhqot̓in *Desniqi* Tribunal, or any associated proceedings, with respect to child and family services under this Law, and in relation to an *ʔEsqi*:



- (a) the *ʔAba belh ʔInkwel* have the right to make representations and have party status;
- (b) the *ʔEsqi's Desniqi Knowledge Keepers* have the right to make representations;
- (c) the *ʔEsqi's* Care Provider have the right to make representations; and,
- (d) any *Nits'ilʔin-yaz-qi*, or other recognized *Nenqayni* leadership, of the community to which an *ʔEsqi* belongs, have the right to make representations.

### **T̓silhqot'in Final Appeal Court**

264. An *ʔAba belh ʔInkwel* or Service Provider may appeal an order of the Tribunal to the T̓silhqot'in Final Appeal Court within 60 days.
265. A T̓silhqot'in Final Appeal Court will be a special sitting of the following three individuals for the purposes of hearing an appeal of an order, specifically a:
- (a) Practicing lawyer independent of the Service Provider that specializes in child and family law and has not worked on this matter prior;
  - (b) Respected T̓silhqot'in knowledge keeper agreed to by the *ʔAba belh ʔInkwel* and the Service Provider; and,
  - (c) Practicing social worker, independent of the Service Provider, that has not worked on this matter prior.
266. The T̓silhqot'in Final Appeal Court will follow the process set out in the regulations duly passed by the *Nits'ilʔin-qi*.
267. The T̓silhqot'in Final Appeal Court may review and adjudicate decisions on whether;
- (a) The T̓silhqot'in *Desniqi* Tribunal made an “error of law” in its interpretation of the Law;
  - (b) Made a finding of fact without evidence, or that is otherwise unreasonable in light of all the evidence;
  - (c) Exercised its discretion in a patently unreasonable way, by exercising it arbitrarily, in bad faith, or for an improper purpose, basing the decision entirely or predominately on irrelevant factors, or by failing to take requirements under this Law into account;
  - (d) The T̓silhqot'in *Desniqi* Tribunal hearing, or process, was an unfair process; or
  - (e) The T̓silhqot'in *Desniqi* Tribunal process was conducted with demonstrable bias.
268. The T̓silhqot'in Final Appeal Court may set aside, confirm, amend or modify, including adding terms or conditions to, decisions of the T̓silhqot'in *Desniqi* Tribunal. The T̓silhqot'in Final Appeal Court may return a matter to the T̓silhqot'in *Desniqi* Tribunal for



redetermination, in whole or part, and may provide binding direction to the T̂silhqot'in Desniqui Tribunal in relation to its redetermination of the matter.

269. The decisions of the T̂silhqot'in Final Appeal Court will be written, final and binding.

### **Delegation**

270. The *Nits'il?in-qi*, on behalf of the T̂silhqot'in Nation, may delegate their power, duty or function, to the extent necessary, over *?Esqi, K'an deni jalilh* and *Desniqui* to the *Nexwedeni Gubadechen Jedilhtan* in accordance with this Law, to the extent necessary for the implementation, administration and enforcement of this Law.

271. The delegation under section 270 must be in writing, signed by *Nits'il?in-qi* and set out the scope, terms and conditions of the delegation

272. Upon any delegation under section 270, the *Nits'il?in-qi* will retain their authority to pass laws in relation to *?Esqi, K'an deni jalilh* and *Desniqui*.

273. The *Nexwedeni Gubadechen Jedilhtan* may delegate any power, duty or function under this Law to any of the following:

- (a) The *Nexwedeni Ghanadeni, Nexwedesniqui Ghaxiztan, Sutsel Ghidelh* Office Lead, a Finance Lead, Data Lead, Administration Lead, Information Technologies Lead, or other Lead necessary to implement this Law; or,
- (b) A Service Provider that demonstrates readiness and is providing *T̂silhqot'in Chi'ih Deni Naghitinlh, Gubats'eghižtan Naguts'eneten* or *Gubexizintan* Services; and,

such delegation will be in writing signed by the Board of Directors setting out the scope, terms and conditions of the delegation of authority.

274. The *Nexwedeni Ghanadeni, Nexwedesniqui Ghaxiztan, Sutsel Ghidelh* Office Lead, or Finance Lead, Data Lead, Administration Lead, Information Technologies Lead, or other Lead necessary to implement this law, may delegate their authority, to the extent necessary and appropriate to implement this law, in writing and will include the scope and any terms or conditions the respective *Nexwedesniqui Ghaxiztan, Sutsel Ghidelh* Office Lead, or Finance Lead, Data Lead, Administration Lead, Information Technologies Lead through the administration of this Law, deem safe and appropriate.

275. A delegation of authority under section 273 (b) may be considered by the *Nexwedeni Gubadechen Jedilhtan* only after each Service Provider demonstrates readiness as follows:





- (a) Governance process, as set out in regulations duly passed by the *Nits'il?in-qi*;
- (b) Financial and reporting, as set out in regulations duly passed by the *Nits'il?in-qi*;
- (c) Alignment with the operational and practice standards, the processes under this Law and the regulations duly passed by the *Nits'il?in-qi*; and,
- (d) As set out in regulations duly passed by the *Nits'il?in-qi*.

### ***Nexwedeni Gubadechen Jedilhtan (Holding the Laws for Our People)***

276. The *Nexwedeni Gubadechen Jedilhtan* is established under this Law.

277. The *Nexwedeni Gubadechen Jedilhtan* is the central Service Provider and will operate the following Offices to support Service Providers and implementation of this Law for the T̓silhqot'in Nation:

- (a) Programs and Services Office;
- (b) Contract Management Office;
- (c) *Sutsel Ghidelh* Office;
- (d) Finance Office;
- (e) Data Management Office;
- (f) Information Technology System Office;
- (g) Training and Development Office;
- (h) Policy and Standards Office; and,
- (i) Other departments to administer and implement this Law.

278. The *Nexwedeni Gubadechen Jedilhtan* may operate an Office listed under section 277, wholly or partially, by contract to a qualified provider of those services.

279. The *Nexwedeni Gubadechen Jedilhtan* will operate as a not-for-profit.

280. The *Nexwedeni Gubadechen Jedilhtan* has the capacity and, subject to the provisions of this Law, the rights, powers, privileges of a natural person, including 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 guarantee the repayment of money borrowed; and,
- (e) Do other things ancillary to the exercise of its rights, powers and privileges.

281. The *Nexwedeni Gubadechen Jedilhtan* may incorporate, or register, under federal or provincial law on terms consistent with this Law.



282. The *Nexwedeni Gubadechen Jedilhtan* may take any action, in accordance with this Law that is reasonably necessary to further the objective, including:

- (a) Administer and implement this Law;
- (b) Plan and develop supports for *ʔEsqi*, *K'an deni jalilh*, *ʔAba belh ʔInkwel* and *Desniqi*;
- (c) Transfer or delegate authority to implement and administer this Law, in whole or part;
- (d) Periodically review the effectiveness of this Law, and recommend possible amendments;
- (e) Establish guidelines, processes and policies regarding the implementation, administration and enforcement of this Law, including establishing:
  - (a) Risk management strategies and processes;
  - (b) Policies, procedures and standards for services provided pursuant to this Law;
- (f) Negotiate and administer agreements with other child and family service providers regarding involvement in child and family services;
- (g) Set the overall fiscal direction for the services under this Law;
- (h) Communicate with and involve *Nits'ilʔin-qi* and *Nits'ilʔin-yaz-qi* on important matters;
- (i) Provide public access to this Law; and,
- (j) Do everything reasonably necessary, suitable, proper, or incidental to these activities and objectives.

283. The *Nexwedeni Gubadechen Jedilhtan* may apply for, and receive, funding from any source to assist in the provision of services under this Law, including federal, First Nation, provincial, municipal governments, other agencies, Indigenous Governing Bodies, charitable foundations, and individuals.

#### **Board of Directors and *Nexwedeni Ghanadeni* of the *Nexwedeni Gubadechen Jedilhtan***

284. The *Nexwedeni Gubadechen Jedilhtan* will operate by a Board of Directors that will provide strategic direction and management oversight of the business and affairs of the *Nexwedeni Gubadechen Jedilhtan*.

285. The Board of Directors will provide strategic direction and management oversight of the business and affairs of the *Nexwedeni Gubadechen Jedilhtan* through direction to a *Nexwedeni Ghanadeni*.

286. The *Nexwedeni Ghanadeni* will be hired and appointed by the Board of the *Nexwedeni Gubadechen Jedilhtan*.



287. The *Nexwedeni Ghanadeni* will, subject to section 278, administer and manage the following senior officials:

- (a) *Nexwedesniqi Ghaxiztan*;
- (b) Contract Management Lead;
- (c) *Sutsel Ghidelh* Lead;
- (d) Finance Lead;
- (e) Information Technology System Lead;
- (f) Data Management Lead;
- (g) Training and Development Lead;
- (h) Policy and Standards Lead; and,
- (i) Any other department leads of the *Nexwedeni Gubadechen Jedilhtan*.

288. The roles, responsibilities and process of the Board will be set out in regulations duly passed by the *Nits'il?in-qi*.

289. The *Nits'il?in-qi* may appoint up to three Board members who will provide technical support to the Board of Directors.

290. The *Nits'il?in-yaz-qi* of each T?ilhqot'in community will, following their respective internal process, each duly appoint one representative as a member of the Board, and one alternate.

291. Quorum for each meeting of the Board will consist of a majority of the members.

## **Programs and Service Office**

292. The Programs and Service Office is established under the *Nexwedeni Gubadechen Jedilhtan* and will be overseen by a *Nexwedesniqi Ghaxiztan*.

293. The Programs and Service Office will collaborate with the *Sutsel Ghidelh* Office to provide safe and culturally-appropriate programs and services that effectively implement this Law.

## **Responsibilities and Accountabilities of the *Nexwedesniqi Ghaxiztan***

294. The *Nexwedesniqi Ghaxiztan* will:

- (a) Be directly accountable to the *Nexwedeni Ghanadeni*, or suitable individual as set out in a delegation or transfer of responsibilities contract;



- (b) Be responsible for the Service Providers' service delivery performance, as well as collaborate on the development of standards and practices, and follow through on implementing the standards and practices of Service Providers;
- (c) Be responsible for reporting the Service Providers' service delivery performance to the *Nexwedeni Ghanadeni*, Board, and an annual report to the T̂silhqot'in Nation;
- (d) Be responsible for receiving advice, and direction, from the *Nits'il?in-qi*, *Desniqi Knowledge Keepers*, and the Tribunal;
- (e) Ensure the Service Provider's policies, practices and procedures comply with this Law, and other laws that apply;
- (f) If requested by the *Nexwedeni Ghanadeni*, ensure the *Nits'il?in-yaz-qi* receive notices of a decision relating to an *?Esqi*;
- (g) Be the primary spokesperson for the Service Provider and responsible for developing and implementing regular communications with the Board, *Nits'il?in-qi*, *Nits'il?in-yaz-qi*, T̂silhqot'in *Deni*, Department funders, or other relevant service providers, if applicable;
- (h) Supervise and monitor the performance of the Service Provider ensuring culturally-based services of high quality;
- (i) Supervise budget and finances maintaining compliance with spending and reporting obligations;
- (j) Work collaboratively with the related Service Provider's *Nexwedensniqi Ghaxiztan* to develop and implement strategic plans to achieve the Service Provider's objectives; and,
- (k) Establish orders as set out in this Law.

### **Entrusted Duties to the *Nexwedensniqi Ghaxiztan***

295. The *Nexwedensniqi Ghaxiztan* is authorized to receive any authority transferred, or delegated, to an official by any government or child welfare authority relating to an *?Esqi* who is in the Custody or under the guardianship of that government or authority.

### **Finance Office**

296. The *Nexwedeni Gubadechen Jedilhtan*:

- (a) Will receive fiscal transfers from the federal and provincial governments as agreed to pursuant to the Coordination Agreement to be negotiated from time to time;
- (b) Will receive fiscal transfers from the federal government or provincial government; and,



- (c) May accept funding from any other agencies, entities, trusts, individuals, First Nations' organizations or other sources.

297. Any fiscal transfers provided by Canada, or British Columbia, through this Law, or Coordination Agreement, will not limit, prevent, prohibit, nor disallow the *Nexwedeni Gubadechen Jedilhtan*, each Service Provider, or T̓silhqot'in community from accessing any other funding, programs, or services available from Canada, British Columbia, including Jordan's Principle, legal rulings, or other sources.

298. The Service Provider's programs and services are based upon adequate funding and, at their discretion, provide services based upon the community's needs.

### **Data Management Office**

299. The Data Management Office is established under the *Nexwedeni Gubadechen Jedilhtan* and will be overseen by a Data Management Lead.

### **Community Information and Planning**

300. In consideration of the importance to the T̓silhqot'in Nation's priorities and values, the Data Management Office will actively gather data regarding *?Esqax*, *Desniqi* and their communities, including factors such as wellness and cultural sharing, which will be is safely stored and maintained.

301. The data collected in section 300 will be reviewed on a regular basis by each Service Provider to assess the needs of *?Esqax*, *Desniqi*, each T̓silhqot'in community and the serviced urban centers, and inform planning services and programming.

302. The data under section 300 that is sensitive to *?Esqi* or *Desniqi* will be confidential and therefore, protected, stored and maintained according to the policies and best practices established by the *Nexwedeni Gubadechen Jedilhtan*.

### **Information Technology System Office**

303. The Information Technology System Office is established under the *Nexwedeni Gubadechen Jedilhtan* and will be overseen by an Information Technology System Lead.



### Information Technology System

304. The *Nexwedeni Gubadechen Jedilhtan* will acquire and maintain an information management system that will:

- (a) Maintain confidential information;
- (b) Enable access to different levels of permitted access;
- (c) Provide notifications; and,
- (d) Assist in implementing the objectives of this Law.

305. The Information Technology System Lead will actively take measures to ensure storage and confidentiality of the *Nexwedeni Gubadechen Jedilhtan*'s and the Service Providers' information, including:

- (a) Data and security;
- (b) Server maintenance;
- (c) Monitoring;
- (d) Security training and compliance evaluation;
- (e) Testing; and,
- (f) Offsite storage.

### Holding the Circle Strong

306. A Service Provider will collaborate and enter into agreements with other Indigenous Governing Bodies, agencies or service providers that provide child and family services, or related services, with the goal of ensuring *?Esqax* are provided culturally safe and effective services.

307. If another Indigenous group, community or people cannot reach agreement with a Service Provider on the provision of services for an *?Esqi*, the community to which the *?Esqi* has stronger ties, as set out in the provisions under section 24 of the Federal Act, will prevail.

### Public Guardian Trustee

308. The *Nexwedeni Gubadechen Jedilhtan* will seek to enter into an agreement with the Public Guardian and Trustee of British Columbia for services, to address the following matters:

- (a) Confirmation that the Public Guardian and Trustee has the duties and powers with respect to the management of an *?Esqi*'s property and the protection of the *?Esqi*'s legal interests that are given by law to the Public Guardian and Trustee;



- (b) How the Public Guardian and Trustee will be given notice by the Service Provider of relevant Orders, or proceedings, under this Law;
- (c) How the parties will communicate and operate collaboratively in the guardianship of an *ʔEsqi*; and,
- (d) Other matters to promote comprehensive service delivery to an *ʔEsqi* in Care.

### **Application and Exemption from the *Infants Act*, RSBC 1996, c 223**

309. The *Infants Act*, RSBC 1996, c 223 applies except to subsections 51(1)(a) and (2)(a), that appoint the director under *Child and Family and Community Service Act* as the personal guardian of an *ʔEsqi*, which will not apply.
310. If an *ʔEsqi* has no Guardian, or if the Guardian appointed is dead, refuses or is incompetent at law to act:
- (a) The *Nexwedesniqi Ghaxiztan* will be the personal Guardian of the *ʔEsqi*;
  - (b) Where T̓silhqot'in Nation has entered into an agreement with the office of the Public Guardian and Trustee the Public Guardian and Trustee will be the property Guardian of the *ʔEsqi*; or
  - (c) Subsections (a) and (b) both apply, as circumstances require, unless and until the Tribunal, or a court, or administrative body, of competent jurisdiction, otherwise orders.

### **Protection from Liability**

311. No action may be brought or maintained against any:
- (a) Board of Directors, *Nexwedesniqi Ghaxiztan*, *Sutsel Ghidelh* Lead, or other officers or directors responsible for the administration and operation of a Service Provider under this legislation;
  - (b) *Desniqi Knowledge Keepers*;
  - (c) Service Provider administration or staff;
  - (d) person employed or assisting in the administration of this Law;
  - (e) *Nits'ilʔin-qi* or *Nits'ilʔin-yaz-qi*;
  - (f) Committee member;
  - (g) T̓silhqot'in *Desniqi* Tribunal;
  - (h) T̓silhqot'in Final Appeal Court;
  - (i) Any persons carrying out the functions of this Law; or,





(j) Former individuals of the above listed;

in relation to any action, or omission, in the exercise or intended exercise of any power, duty, function conferred under this Law, provided that the individual acted honestly, in good faith and without negligence or wilful misconduct.

312. The T̓silhqot'in Nation and the T̓silhqot'in Communities, and their respective Service Provider, if any, may apportion liability between them by written agreement to the extent that a T̓silhqot'in Community assumes responsibility and receives funding to provide programs and services under the Law. Such liability may be exclusive or shared, and may include indemnifications, according to the terms of the agreement.
313. For clarity, an agreement under section 312 may provide that the T̓silhqot'in Nation or T̓silhqot'in Communities, and their respective Service Provider, if any, are not liable for the acts, omissions, or negligence of another T̓silhqot'in Community, T̓silhqot'in Community Official or Service Provider delivering programs and services under the Law.

### **Indemnification**

314. A Service Provider will indemnify those conducting activities in furtherance of administering this Law, including;
- (a) Board of Directors, *Nexwedesniqi Ghaxiztan*, *Sutsel Ghidelh* Lead, or other officers or directors responsible for the administration and operation of a Service Provider under this legislation;
  - (b) *Desniqi Knowledge Keepers*;
  - (c) Service Provider administration or staff;
  - (d) *Nits'il?in-qi* or *Nits'il?in-yaz-qi*;
  - (e) Committee member;
  - (f) T̓silhqot'in *Desniqi* Tribunal;
  - (g) T̓silhqot'in Final Appeal Court;
  - (h) Any persons carrying out the functions of this Law; or,
  - (i) Former individuals of the above listed; and,

the heirs, estate and trustees of a person referred to in sub-clauses (a) to (h); against costs, charges and expenses, including any amount paid to settle an action or satisfy a judgment, reasonably incurred by that person with respect to a civil, criminal or administrative action or proceeding to which that person is made a party by reason of holding such position, if that person acted honestly, in good faith and with a view to the best interests of a Service Provider, and in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, if that person had reasonable



grounds for believing that the conduct that is the subject of the action or proceeding was lawful.

### **Time Limit Civil or Criminal Claims**

315. Time limits for civil or criminal claims follow the applicable time periods established at provincial, federal or T̓silhqot'in law.

### **Insurance**

316. The *Nexwedeni Gubadechen Jedilhtan* and the Service Provider will purchase and maintain adequate comprehensive liability insurance to operate the full scope of *T̓silhqot'in Chi'ih Deni Naghitinlh*, *Gubats'eghižtan Naguts'eneten* and *Gubexizintan* Services it provides.

317. The *Nexwedeni Gubadechen Jedilhtan*, and each Service Provider, will maintain a contingency fund.

### **Scope of this Law**

318. This Law applies to *ʔEsqi*, their *ʔAba belh ʔInkwel* and their *Desniqi*.

319. Nothing in this Law abrogates, derogates, restricts, limits, alters, extinguishes T̓silhqot'in jurisdiction nor any T̓silhqot'in inherent rights.

### **Federal Act Standards**

320. The law, standards and practices set out under the Federal Act are incorporated by reference into this Law, including the provision on conflict of laws.

### **Definitions**

321. The following definitions apply in this Law:

“*ʔAba belh ʔInkwel*” includes mother, father, or any primary caregiver of an *ʔEsqi*;

“Care” means physical care and responsibility for the *ʔEsqi*;

“Care Provider” means a person who has primary responsibility for providing the day-to-day care of an *ʔEsqi* other than the *ʔAba belh ʔInkwel*, including in accordance with the customs and traditions of the T̓silhqot'in Nation, or an Indigenous group, community or people to which the *ʔEsqi* belongs;



“*Ch’eh*” means code;

“Coordination Agreement” means an agreement referred to in subsection 20(2) of the Federal Act;

“Custody” includes Care and *Gubexizintan* of an *?Esqi*, and in cases of Removal, does not sever the personal relationship to *?Aba belh ?Inkwel*;

“Customary Care Home” means a Place of Care for an *?Esqi*’s by a Service Provider with someone other than their *Desniqi* that follows the traditions and values of the T̓silhqot’in *Deni* and is sensitive to the needs and the cultural identity of the *?Esqi*;

“*Dechen Ts’edilhtan*” means T̓silhqot’in law;

“*Deni*” means a person or people;

“*Desniqi*” includes a family, person, or people, that is considered to be a relative of the *?Esqi* by:

- (a) the *?Esqi*;
- (b) the T̓silhqot’in *Deni*; or,
- (c) an Indigenous group, community or people to which the *?Esqi* belongs, in accordance with their customs, traditions or customary adoption;

“*Desniqi* Harm” means domestic or intimate partner violence between members of a *Desniqi*, whether involved in criminal proceedings or not;

“*Desniqi Knowledge Keepers*” means respected knowledge keepers and leaders of the T̓silhqot’in *Deni* employed by Service Providers;

“Emotional Harm” means any type of harm that involves the continual emotional mistreatment of an *?Esqi*;

“*?Esggidam*” means T̓silhqot’in ancestors from *Sadanx*;

“*?Esqax*” means plural of *?Esqi*;

“*?Esqi*” means child, or youth, under the age of 19 years and whom the Service Provider determines to have a connection to the T̓silhqot’in *Deni*, which may include an individual who:

- (a) is a citizen of a T̓silhqot’in community;
- (b) has T̓silhqot’in ancestry;



- (c) resides within a T̓silhqot'in community, regardless of whether the person is a T̓silhqot'in citizen; or,
- (d) is adopted by a T̓silhqot'in citizen, or a person who resides within the T̓silhqot'in community, regardless of whether the person is a T̓silhqot'in citizen;

“*ʔEsqi ch 'i*” means baby basket;

“*ʔEtsu*” means grandmother;

“*ʔEtsi*” means grandfather;

“Federal Act” means *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, as amended, or other successor legislation;

“*Gubagwezilʔan*” means ‘we are keeping their place for them’, or Plan of Care;

“*Gubats'eghiʔtan Naguts'eneten*” means ‘watching over and guiding them’, or child safety, which includes Removal or supervision;

“*Gubexizintan*” means ‘taking care of them’, or guardianship, and includes all the rights, duties and responsibilities of a parent;

“Initial Service Delivery Area” means the area for the initial provision of services under this Law set out in Schedule A;

“*Jenitexilchud*” means ‘recording a voice’, or documenting the work of the Service Provider with the *Desniqi* or *ʔEsqi*;

“*K'an deni jalilh*” means ‘newly reaching adulthood’, or an *ʔEsqi* who has reached the age of 19 years;

“Law” means this T̓silhqot'in *ʔEsqax Sutsel Jeniyax*, or T̓silhqot'in law on children and families;

“*Nats'eghugheten*” means ‘checking things out’, or investigation;

“*Nen*” means the land;

“*Nenqay*” means the lands, waters, animals, plants; all that the territory encompasses including all beings, food, trees, plants, medicines, rocks, minerals, *Nen*, *Tu* and air;

“*Nenqayni*” means Indigenous people;



“*Nexwedeni Ghanadeni*” means the chief executive officer of the *Nexwedeni Gubadechen Jedilhtan*;

“*Nexwedeni Gubadechen Jedilhtan*” means the central Service Provider that will administer and implement this Law;

“*Nexwedensiqi Ghaxiztan*” means the Lead of the Programs and Service Office duly authorized under this Law;

“*Nexwelh ?Anant’in*” means ‘working with us’, or intervention;

“*Nits’il?in-qi*” means the Council of T̂silhqot’in Chiefs;

“*Nits’il?in-yaz-qi*” means the Chief and Council of a T̂silhqot’in community;

“Place of Care” means an *?Esqi*’s placement by a Service Provider;

“Remove or Removal” means taking an *?Esqi* into the Care or Custody of the Service Provider and *Nexwedensiqi Ghaxiztan*;

“Report” means an individual’s disclosure to a Service Provider of a section 71 concern respecting an *?Esqi*;

“Request” means an ask from *?Aba belh ?Inkwel* for support with their *?Esqi* under section 32;

“*Sadanx*” means ancient times;

“Service Provider” means any entity that provides *T̂silhqot’in Chi’ih Deni Naghitinlh, Gubats’eghižtan Naguts’enenen and Gubexizintan* Services as set out under this Law, including the *Nexwedeni Gubadechen Jedilhtan*;

“*Su Bedeni Ghe?in*” means ‘knows their people well’, or ancestry specialist;

“*Sutsel Ghidelh*” means ‘walking in a good way’, or quality improvement;

“Tribunal” means the T̂silhqot’in *Desniqi* Tribunal;

“*T̂silhqot’in Chi’ih Deni Naghitinlh*” means ‘guiding people in the T̂silhqot’in way’, or prevention, and refers to programs and services provided an *?Esqi* or *Desniqi* to keep *Desniqi* together;



“Tribunal *Ghanadeni*” means the chief executive officer of the Tsilhqot’in *Desniqi* Tribunal;

“*Tsilhqot’in* Information Management System” means the confidential electronic system of organizing, storing and managing the personal and confidential information of *ʔEsqi*, *ʔAba belh ʔInkwel* or *Desniqi* that is utilized by Service Providers;

“*Tu*” means water;

“Wholistic” means the services provided to the *ʔEsqi* and *Desniqi* under this Law are interconnected with their Tsilhqot’in community, *Deni* and *Nenqay*, and are inclusive of the teachings of the *ʔEsggidam*; and,

“Youth” means an *ʔEsqi* who is 16 years of age or over but is under 19 years of age.

## Regulations

322. The *Nits’ilʔin-qi* may pass regulations to implement this Law.

323. The *Nits’ilʔin-qi* will regularly review the regulations and update them from time to time, and as required.

## Interpretation

324. The headings, recitals, and table of contents are for convenience of reference only and are not intended to modify the scope, or meaning, of this Law.

325. The use of the singular includes the plural.

326. “Includes” and “including” are not intended to be limiting.

327. Teachings and stories within the Law are part of the Law, and to be utilized in its interpretation.

## Review and Amendment

328. The Board of Directors, *Nexwedeni Ghanadeni*, *Nexwedensniqi Ghaxiztan*, Service Provider, Tsilhqot’in citizen, or resident may make recommendations to the *Nexwedeni Ghanadeni* for amendments to this Law, which the *Nexwedeni Ghanadeni* will present on an annual basis, or earlier, if necessary, to the *Nits’ilʔin-qi* for consideration.

329. The *Nits’ilʔin-qi* will consider proposed amendments and may amend this Law if the amendment does not substantially change this Law.



330. The *Nits'il?in-qi* and *Nits'il?in-yaz-qi* may make amendments that substantially change the Law by agreement.

### **Official Copy of this Law**

331. An official copy of this Law will be maintained and available for public review at a Service Provider office.

### **Report**

332. The *Nexwedeni Ghanadeni* will write a report based on the collection of materials from the Data Management Office, analysis, conclusions and recommendations of the effectiveness of this Law every fourth year after the effective date.

### **Tabling of Report**

333. The *Nits'il?in-qi* will cause the report under section 332 to be tabled at the next annual general assembly after the day on which the report was completed.

### **Constitutional Challenge Notice and Severability**

334. If in a cause, matter, or other proceedings,

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

335. If a court of competent jurisdiction determines that a provision of this Law is invalid for any reason, such determination will not affect the validity of the remaining portions of the Law. The provision will be read down or severed from the Law, if necessary, and the remaining provisions of this Law will remain in force and effect.

### **Coming into Force**

336. The *Nits'il?in-qi* and the *Nits'il?in-yaz-qi* may, by consensus, enact or repeal this Law.

337. The *Nits'il?in-qi* may bring this Law, or portions thereof, into effect by resolution.

### **Transitional**

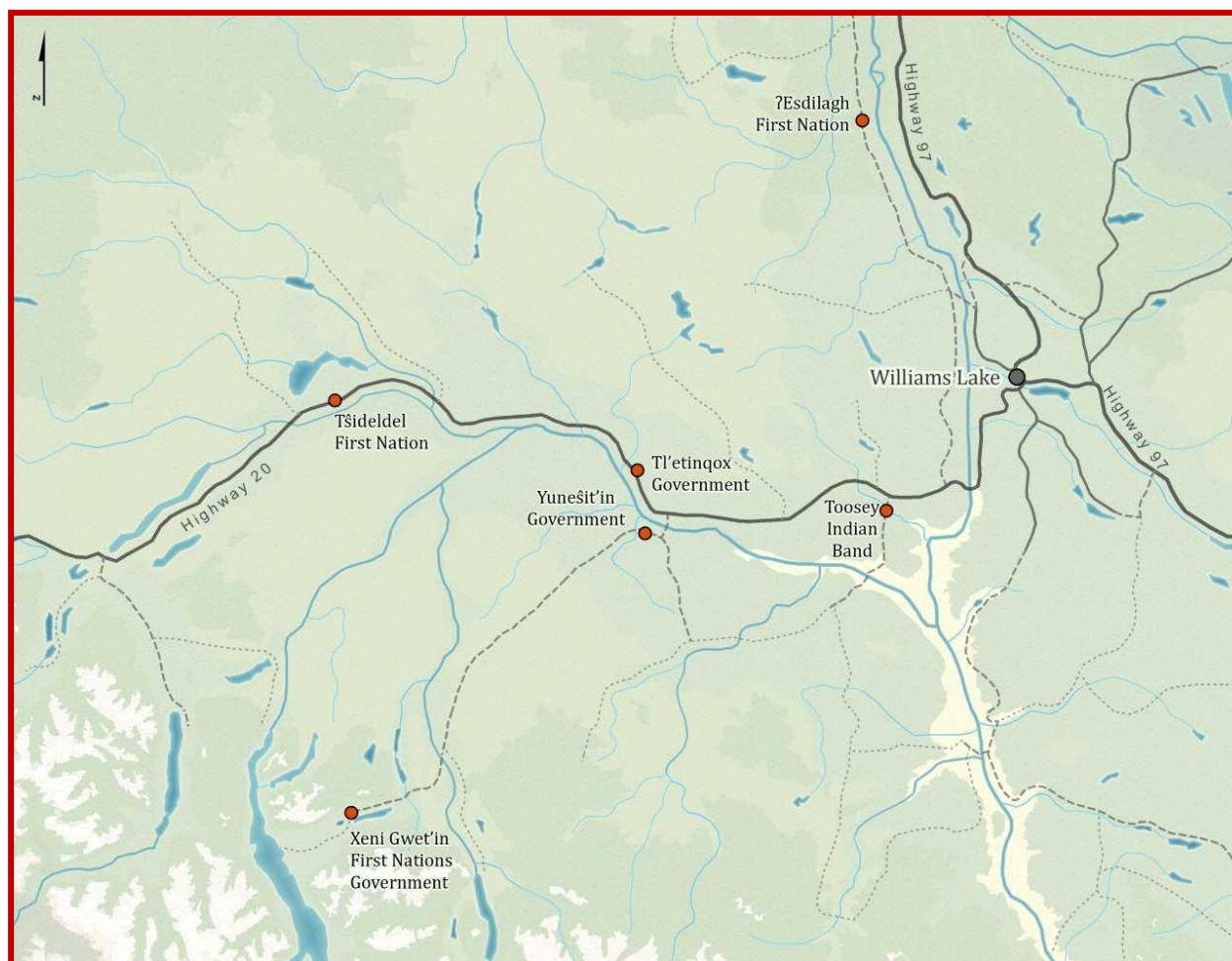




338. Upon the coming into force of this Law, subject to the terms of any applicable Coordination Agreement, the current status of a *ʔEsqi* in the Care of another jurisdiction beyond British Columbia continues and a Service Provider will be consulted before any further decisions are made with respect to the *ʔEsqi*.



## SCHEDULE A: INITIAL SERVICE DELIVERY AREA



\* The red line surrounding the picture noted above, denotes the Initial Service Delivery Area of the Law.





- xviii. appoint and train *Desniqi Knowledge Keepers*;
- xix. negotiate and establish contractual arrangements between *Nexwedeni Gubadechen Jedilhtan* and *T̂silhqot'in* communities;
- xx. train on contractual arrangements with appropriate staff;
- xxi. develop information technology office;
- xxii. develop data office and long-term strategy;
- xxiii. develop information sharing processes with community including website, email driven database with newsletter, and social media;
- xxiv. develop app for easy access including online forms;
- xxv. develop software to implement the Law and support programming and services;
- xxvi. train on software;
- xxvii. develop finance office and its processes;
- xxviii. expand prevention programs in communities: begin *T̂silhqot'in* community transition to provide greater *T̂silhqot'in Chi'ih Deni Naghitinlh* programs and services to their respective community, independent of *Nexwedeni Gubadechen Jedilhtan*;
- xxix. deliver training on regulations, standards, guidelines and processes;
- xxx. implement *ʔElhelh Ghidelh*, or community agreement;
- xxxi. develop collaborative circles;
- xxxii. plan and prepare for transition of child protection services from province to Service Provider providing *Gubats'eghižtan Naguts'eneten* Services as applies to *ʔEsqi* and initial service delivery area;
- xxxiii. develop emergency response office;
- xxxiv. develop emergency office procedures;
- xxxv. training for emergency office;
- xxxvi. develop processes for accepting transfers;
- xxxvii. review and amend 92.1 agreement for long term application;
- xxxviii. build relationships with other First Nations service providers;
- xxxix. formalize working relationships with other First Nations service providers through the use of protocols, memorandums of agreement or agreements;

(b) Phase two is full implementation of the Law, which includes but is not limited to, in no particular order, the elements noted below:

- i. provide *T̂silhqot'in Chi'ih Deni Naghitinlh* and *Gubexizintan* Services to Initial Service Delivery Area, upon *T̂silhqot'in* community providing notice and demonstration of readiness, based on collaboratively established indicators and available wrap-around supports;



- ii. transition child protection services from the province to the *Nexwedeni Gubadechen Jedilhtan* as applies to *ʔEsqi* and the initial service delivery area;
- iii. Option for *T̓silhqot'in* community to enter into agreement with the *Nexwedeni Gubadechen Jedilhtan* to provide *Gubexizintan* Services in their respective community;
- iv. *T̓silhqot'in* community prepare and train to provide *Gubexizintan*;
- v. *T̓silhqot'in* community provide *Gubexizintan* Services in collaboration with *T̓silhqot'in* Service Provider;
- vi. Option for *T̓silhqot'in* community enter into agreement with Indigenous Governing Body to provide *Gubats'eghižtan Naguts'eneten* Services in their respective community;
- vii. *T̓silhqot'in* community prepare and train to provide *Gubats'eghižtan Naguts'eneten* Services in their respective community;
- viii. Upon *T̓silhqot'in* community notice and demonstration of readiness, based on collaboratively established indicators, Service Provider will transition *Gubats'eghižtan Naguts'eneten* Services to the respective community;
- ix. *T̓silhqot'in* community provide *Gubats'eghižtan Naguts'eneten* Services in their respective community;

340. Collaboration with other Child and Family Service Providers:

- (a) Providing *T̓silhqot'in Chi'ih Deni Naghitinlh*, *Gubats'eghižtan Naguts'eneten* and *Gubexizintan* Services to *T̓silhqot'in ʔEsqi* and *Desniqi* in collaboration with other Indigenous Governing Bodies, and child and family service providers throughout the *T̓silhqot'in* territory.

341. Expansion of Service Delivery Area:

- (a) Providing *T̓silhqot'in Chi'ih Deni Naghitinlh*, *Gubats'eghižtan Naguts'eneten* and *Gubexizintan* Services to *T̓silhqot'in ʔEsqi* and *Desniqi*, in collaboration with other Indigenous Governing Bodies and other First Nation child and family service providers outside of the *T̓silhqot'in* territory where there is a *T̓silhqot'in Deni* residing (for example, Kamloops, Vancouver, etc.); and,
- (b) Providing *T̓silhqot'in Chi'ih Deni Naghitinlh*, *Gubats'eghižtan Naguts'eneten* and *Gubexizintan* Services to *T̓silhqot'in ʔEsqi* and *Desniqi*, in collaboration with other Indigenous Governing Bodies and child and family service providers throughout British Columbia where *T̓silhqot'in ʔEsqi* and *Desniqi* reside.



342. Further Collaboration and Second Expansion of Service Delivery Area:

- (a) Providing *Gubexizintan* and *Gubats'eghižtan Naguts'eneten* Services to T̓silhqot'in *ʔEsqi* and *Desniqi* in collaboration with other Indigenous Governing Bodies and other child and family service providers throughout Canada where T̓silhqot'in *ʔEsqi* and *Desniqi* reside.

