



# Secwépemc Law of Stsmémelt and K'wséltkten

PRESENTATION FOR  
SECWÉPEMC NATION

2025

# Vision

To implement a nation-based, family-focused, community-driven approach to child and family services.

What is the history behind this vision?



# History

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**Prior to contact**-governing systems, oral stories held laws, impact of colonialism.

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**1999:** Secwépemc Child and Family Services incorporated under the Society's Act to act as a temporary delegated agency. Supported by 7 Secwépemc Chiefs. Similar actions were taken in the northern territory of Secwépemculw. This was to be a temporary measure.

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**2008:** SCFS took a contract to extend services to Métis, Inuit, and other First Nations children.



# History (Continued)



**2009:** 17 Chiefs committed to support a nation-based approach to achieve full jurisdiction over Secwépemc children and families.



# History (Continued)



**2009-2013** Research and learning of traditional laws through stories



Methodology for reviewing stories



UVIC Law School case briefing method



Adapted and refined to help us focus on the teachings



Worked through various stories, finding those stories that were most relevant



# History (Continued)

**2000-2022:** Drafting of Law and 11 Communities agreed to advance implementation of the law.

Desire to move away from colonial governance models-revitalize our governance.

**2023/24** STWG working towards community readiness for implementation of the law.



# What Does the Law Look Like?



Goal was to draw on the principles of our traditional laws.



Healing is a major focus.



Education must be an important component of revitalizing our law.



# What Does the Law Look Like?



Structure is necessary to ensure people are respected and treated fairly.



Space for communities to develop policy and procedures that suits their community needs.





Secwépemc have  
supreme authority to  
govern our lands and  
people.  
(Preamble)



# Foundation of our laws are the Four Pillars.

- ▶ Language
- ▶ Culture
- ▶ Connection to Lands and Laws
- ▶ Healing
- ▶ (Preamble)



# Principles of Secwepemc Kw'seltkten: responsibilities-

- ▶ Yecwmeníl'e – Guardians of the Children
- ▶ Xwexwéyt te k'wséltkten – All My Relations
- ▶ Knucwentsút-ce – Help Yourself
- ▶ Knucwentwécw – Help Each Other
- ▶ Kweséltknews – We Are All Related
- ▶ Méllelc - Take Time For Yourself
- ▶ Slexléxs - Development Wisdom
  
- ▶ (Section 1 (a))





Section 1 (a-i)  
contain the  
obligations



# The Story of Owl and Grouse Children

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Obligation to look after children.

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Tend to their needs.

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If neglected, there will be consequences.

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Obligation to teach children life skills.

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Communities obligation to care for children.

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A child has a right to belong.

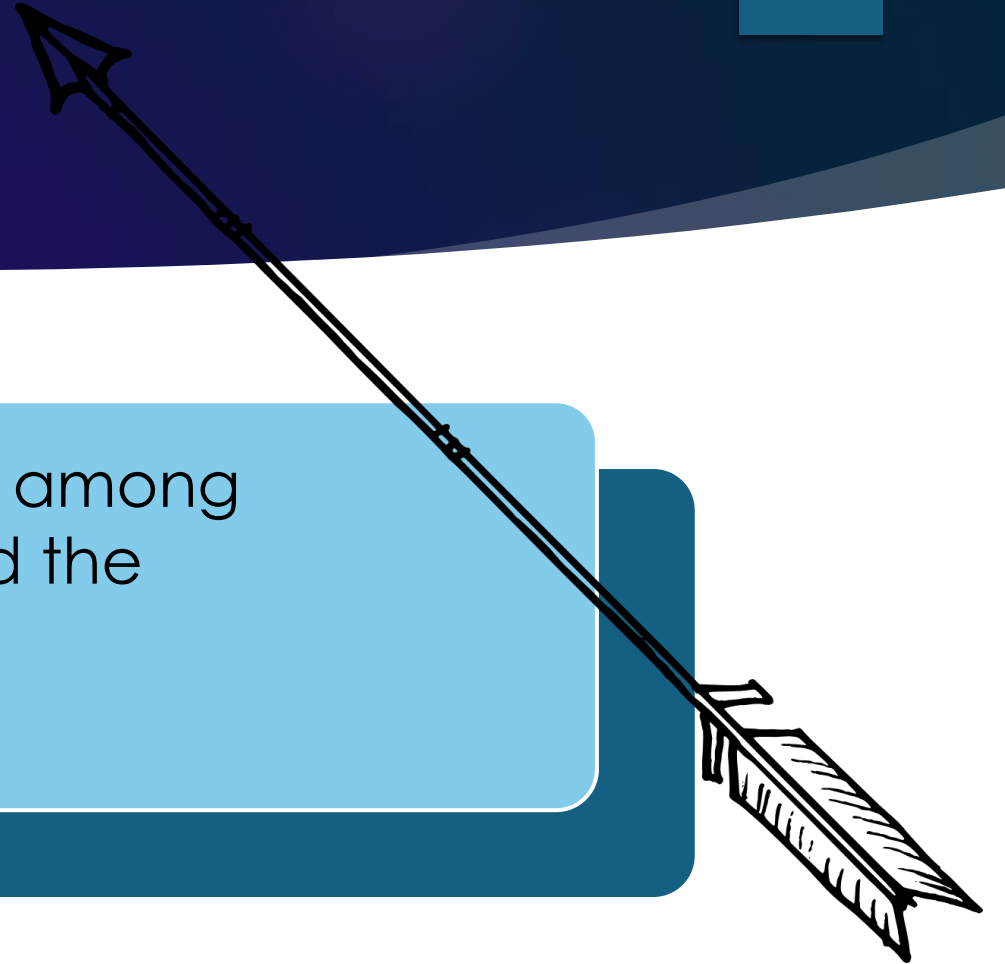
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(Section 1, a-i)



# White Arrow of Peace

Respect underlies all relationships among people and between people and the environment.  
(Section 1, f)



# Coyote and His Hosts

- ▶ Cultural continuity is essential to the well-being of a child and a family.
- ▶ Language, cultures, practices, customs, traditions, ceremonies and knowledge of Secwépemc history is an essential part of a child's life and cannot be imitated by others.
- ▶ (Section 1, g-h)





# Trout Children

- ▶ Children belong with family and in community.
- ▶ (Section 1, i)

## Jurisdiction (s4-8)

We will work with other governments and delegated agencies in implementation of our Law

Exemption provision to allow individual autonomy

## Jurisdiction (s4-8)

Secwepemc adopt the law as our own

Applies to all Secwepemc regardless of location.

Where a child has ties to other Nations, we will work together in respectful manner to find solutions.

IF YOUR  
COMMUNITY  
SIGNS ON  
THROUGH  
YOUR  
COMMUNITY  
PROCESS, THIS  
LAW WILL  
APPLY.

**If you or your family member have a child welfare matter, you can opt out of the Secwépemc Stsmémelt Law and go to through the Provincial Court system.  
(Section 8)**

## How will the law work?

Community  
Circle

Stsmémelt  
Circle

- ▶ Two Circles: Secwépemc Stsmémelt Circle and a Community Circle, (optional).
- Minimum of 4 community members
- Chosen for skills and wisdom
- Training and supports to be provided to Circles
- Duties: To hear all matters related to child welfare and make decisions.
- ▶ (Section 9-28)



## Decision-Making Body: Section 9-19

- ▶ Circle members to be chosen for their skills, knowledge and good judgement.
- ▶ Will be provided training to learn the law and how to apply it.
- ▶ Takes decision making authority away from Ministry and Courts.

# Circles (Decision Makers)

## **Secwépemc Stsmémelt Circle**

- ▶ This is the Nation body.
- ▶ Will hear matters from any community who have adopted the Law.
- ▶ Will hear all customary adoption requests.

## **Community Circles (Optional)**

- ▶ Will hear matters specific to their own community members.
- ▶ Can develop and adopt their own procedures and policies for the operation of the community circle.



## Both Circles must administer and implement the law.

- ▶ Each community to have a designated member who will make the decision about what Circle should be used. This person is the key contact for the Band, for example the Director of Social Development.
- ▶ Circles must take into consideration Section 18 factors when making decisions.





## Both Circles must administer and implement the law.

- ▶ Must focus on providing supports for the family, healing for family, and community supports.
- ▶ If it is necessary to remove a child from a family, the Circle must follow the Law to seek the appropriate person to care for the child.

## Section 18 considerations (a-i)

- ▶ Child's cultural ancestry, access to language, spirituality and heritage.
- ▶ Child's needs
- ▶ Child's relationship with parent, caregiver and family members.



## Section 18 (continued)

Child's cultural identity and connections to Secwepemc community and other Secwepemc children.

The child's views and preferences (consider age of child).

## Section 18 (continued)

- ▶ Plans for child's care
- ▶ Any violence and impact on the child.
- ▶ Capacity of parent to provide care
- ▶ Best interests of the Secwepemc child.



## Section 19



Where there is allegations of violence, including any criminal activity, police must be called to investigate.

Safety of the child is paramount.

Circle can take action on emergency basis to remove a child for safety reasons.

# Section 20

- ▶ Family is provided support and services.
- ▶ Designed to protect the child first, secondly to heal the family.



# Section 21

- ▶ Where child is removed, Secwepemc family placement applies. (sometimes called priority placement)
- ▶ Secwepemc parent (1)
- ▶ Secwepemc family member
- ▶ A Secwepemc adult from same community

# Section 21

Secwepemc adult  
or other Indigenous  
adult

With any adult

In all cases, the  
best interests of the  
Secwepemc child  
are the deciding  
consideration.(s.18)

## Section 22

- ▶ A child shall be entitled to be represented by a child advocate (someone to talk to the child and speak on their behalf).



## Section 23-25



- ▶ Where child has to taken into care, the parents can remain as joint guardians if possible.
- ▶ Purpose: to not cut off relationship-safety first.

## Section 26- Permanent Care

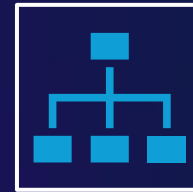
- ▶ Where all efforts to reunite family have been exhausted, only then will the Circle consider a decision for permanent care.



# Section 27 and 28



Circle decisions must be supported by services and programs.



Community may adopt policy, procedures and operational processes to administer the law in community, (autonomy)

# Section 29 Regathering

Where a party does not agree with the decision of a Circle they may request a reconsideration of the decision through the Regathering process.



No limit on number of requests, at the discretion of the Circle.



## Custom Adoption- Section 30-35

- ▶ By consent of birth parents.
- ▶ No consent by parents, then by decision of the Stsmémelt Circle.
- ▶ Community will accept child and parent and all other governing authorities will recognize the decision of the Stsmémelt Circle.
- ▶ Will include ceremony.
- ▶ Decisions of adoption cannot be subject to Regathering.



# Amendment

- ▶ Signatory to the law can request an amendment. Communities seek approval through their own processes to find consensus for amendment.
- ▶ BCR confirming community support or traditional governing body providing indication of support.
- ▶ (Section 36-38)



# Section 40-59

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THIS SECTION CONTAINS DEFINITIONS OF TERMINOLOGY  
USED THROUGHOUT THE LAW.

Comments / Questions?

