



We are all somebody's 7th generation

captík^{wł} Ethic Agreement

Between

UPPER NICOLA BAND
(Hereinafter referred to as "UNB")

And

SCW'EXMX CHILD AND FAMILY SERVICES SOCIETY
(Hereinafter referred to as "SCFSS")

This Agreement made as of _____, 2024

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I. Definitions

- a. "[Adoption Act](#)" is a provincially governed law legislating adoption of a child through an application to the BC Supreme Court. The Director of Adoption, delegated by the Ministry of Children and Family Development under [Section 91](#) of the Child, Family and Community Service Act, must make reasonable efforts to discuss the child's placement with a designated representative of the Band and obtain information about the cultural identity before placing the child for adoption.
- b. "[axá i? sccuntət i? t l x'a?xitət xli? nəqsiltət Family Declaration](#)" means the declaration developed with the Okanagan Nation Alliance that outlines the principles and values that the nation lives by, and the expectations all guests and visitors to their territory abide by when working with syilx families.
- c. "Board Member" means a member of the SCFSS Board of Directors appointed by UNB Chief and Council (BCR 2018–10–22 –05)
- d. "Board of Directors of SCFSS" means one representative from each of the Member bands.
- e. "captíkʷł" means oral stories which contain teachings on laws, customs, values, governance structures and principles
- f. "captíkʷł ethic" means the UNB Okanagan governance approach derived from the captíkʷł, to ensure the right action is required as a responsibility to our tmixʷ ethics.
- g. "Caregiver" means anyone outside of the child's biological mother and father that provides a home for the child. This includes extended family members and members of the child's communities.
- h. "Caring for Our Relations Plan" means the plan formulated by the kʷu stəmtíma? and SCFSS team to ensure the best interests of our Relations are met.
- i. "Child" means any person under the age of 19 including Upper Nicola Relations, resident, and those that have a parent who is a UNB Relation.
- j. "Child/Youth with Special Needs (CYSN)" is a child or youth determined to require specialized programs, services, interventions or specific necessities other children or youth do not. CYSN services promote healthy development of children with special needs, maximize their quality of life and assist families in their role as primary caregivers.

- k. "CFCSA" means the [Child, Family and Community Services Act](#) R.S.B.C. 1996, c. 46, as amended from time to time and includes the [Child, Family and Community Services Regulations](#), enacted pursuant thereto.
- l. "Community Living British Columbia (CLBC)" manages disability-related services that supports youth transitioning into adulthood with developmental disabilities, Fetal Alcohol Spectrum Disorder or Autism Spectrum Disorder to live good lives and be full participants in their communities. The state age of majority is 19 years and above.
- m. "Director" means the Director of Child and Family Services as appointed by the Province of BC under the Child, Family and Community Services Act.
- n. "Director of Our Relations" means the employee designated to represent the kwu stam'tima? on all matters relating to UNB Relations.
- o. "Early Intervention" means to engage early to lessen harms, prevent risk and a need for child protection services through defined prevention strategies, parental ability and a willingness to engage.
- p. "en'owkinwix'" means a consensus-based practice that teaches how to come together to find common ground. There are protocols for discussion ensuring all perspectives have a place (following the Four Food Chiefs teachings).
- q. "Equity Maxims" a phrase meant to represent the cornerstones of the law of equity.
- r. "Family Preservation Worker" means the employee designated to represent UNB Chief and Council on all matters relating to UNB Relations. (BCR 2021-01-18-01).
- s. "Funding Agreement" means any agreement between SCFSS and the Province, or SCFSS and Indigenous Services Canada, pursuant to which the Province or Canada provide funds to the SCFSS to support the delivery of Services.
- t. "GSA" means the Geographical Service Area within which SCFSS will provide services, specifically the Nicola Valley Area.
- u. "ICFSA" means Indigenous Child and Family Service Agency; formerly referred to as Delegated Aboriginal Agency (DAA)
- v. "[Jordan's Principle](#)" is a child-first principle that aims to eliminate service inequities and delays for First Nations children. Jordan's Principle states any public service ordinarily available to all other children must be made available to First Nations children without delay or denial.

- w. "kʷu stəmtímaʔ" refers to the kʷu stəmtímaʔ members and kʷu stəmtímaʔ employees who represent UNB Chief and Council on all matters relating to UNB Relations as per BCR 2021-01-18-01.
- x. "Law of Equity" means fairness and justice.
- y. "MCFD" means Ministry of Child and Family Development.
- z. "Member Band" means any of the Nooaitch, Coldwater, Shackan, Upper Nicola, or Lower Nicola Indian Bands.
- aa. "Mental Health" means the interconnectedness between ourselves, community, land, traditions and culture; these are not separate from our emotional, physical, or spiritual being that sustains our sense of identity and belonging.
- bb. "Okanagan" means the nation to which the UNB are members of, also known as syilx.
- cc. "Parties" mean SCFSS and the UNB.
- dd. "Permanency Planning" means the process of assessing and preparing a child for long term care when in out-of-home placements, such as kinship or foster care, with the goal of reunification.
- ee. "Prevention" means to reduce and eliminate the need for child protection services by strengthening syilx families through infusion of syilx culture and language early in life and provision of family centred and community supported programs/services.
- ff. "Protection" means child protection services in BC intended to safeguard children from harm as defined in CFCSA Part 3, Division 1, Section 13. Where there is reason to believe a child has been abused or neglected, or is otherwise in need of protection, SCFSS child protection social workers have the delegated authority to investigate and take appropriate action to ensure the child's safety.
- gg. "Relations" means the UNB children, families, and community. Our family relationships are inclusive of all individuals connected to our families both biological and non- biological.
- ii. "Reserve" means a reserve within the meaning of the Indian Act, R.S.C.1985, C. 1-5, set apart for the use and benefit of the UNB.

- jj. "Scw'exmx" means the People of the Creeks.
- kk. "Scw'exmx Child and Family Services Society", hereinafter referred to as SCFSS, means the organization implemented by the Nicola Tribal Association, now known as Scw'exmx Tribal Association, to administer the delivery of Services to First Nations Members residing in the Geographical Service Area.
- ll. "SCFSS Executive Director" means the senior manager of SCFSS responsible for day-to-day administration, leadership, and coordination of community directed prevention and protection programs to attain the Society's vision, objectives, and strategic direction as established by the SCFSS Board of Directors.
- mm. "Services" means all protection and prevention services, including youth prevention support, family prevention support, mental health services, community prevention programs, cultural supports, community caregiver supports, reunification support, etc.
- nn. "Substantive Equity" is a legal principle that refers to the achievement of true equality in outcomes; achieved through equal access, equal opportunity and, most importantly, the provision of services and benefits in a manner and according to standards that meet any unique needs and circumstances, such as cultural, social, economic, and historical disadvantage.
- oo. "sqilxw cawt" means syilx ways of being. These are the cultural and traditional ways of being that have been passed down since the beginning of time. It incorporates a worldview; the whole person (physical, emotional, spiritual, and intellectual) as interconnected to land and in relationship to others. This also includes acting in a Good Way (recognizing inherent worth and effectiveness of syilx cultural ways and teachings, being mindful/respectful of how one behaves, being open-minded and open-hearted, and acknowledging the inherent value of others).
- pp. "tm xwúla?xw" describes how all living things are inextricably connected like a spiraling thread interconnected with the earth. This word refers to the land, but also recognizes the interconnected/interdependent relation of all living things.
- qq. "UNB" means the Upper Nicola Band.
- rr. "UNB Land" all UNB Indian reserves.

II. WHEREAS:

- A. [Section 35\(1\)](#) of the [Constitution Act](#), 1982, recognizes and affirms Aboriginal Rights of the Aboriginal people of Canada;
- B. The Upper Nicola Band for the purpose of this agreement asserts an inherent right to ensure equity maxims over all matters related to the social justice of Relations of syilx ancestry within the Upper Nicola Band jurisdiction;
- C. Canada, by virtue of [Section 91\(24\)](#), [Constitution Act](#), 1982, has legislative authority in respect of Indians and lands reserved for Indians;
- D. The Province, by virtue of [Section 92](#), [Constitution Act](#), 1982, has legislative authority with respect to the welfare of children;
- E. Canada has, by enacting [Section 88](#) of the [Indian Act](#), extended the application of the [Child, Family and Community Services Act](#) to the Indigenous peoples in British Columbia;
- F. [Bill C92](#), a Federal Act Respecting First Nations, Inuit and Metis Children, Youth, and Families, affirms the rights and jurisdiction of Indigenous peoples in relation to children and family services;
- G. Jordan's Principle ensures as a legal rule that all First Nations children living in Canada can access the products, services and supports they need, when needed;
- H. The [Adoption Act](#), a B.C. provincial Act, holds the purpose to provide for new and permanent family ties through adoption, giving paramount consideration in every respect to the child's best interests. When the child is First Nations, Inuit or Metis, the importance of preserving the child's cultural identity must be considered in determining the child's best interests. This also applies to the Family Law Act as a path under BC law to appoint guardianship for a child;
- I. Scw'exmx Child and Family Services Society understands and upholds the inherent rights of the UNB with the social justice of Relations pursuant to *axá ɗ sccuntət ɗ tl xáɗxitət xɓ ɗ nəqsiltət Family Declaration*
- J. Scw'exmx Child and Family Services Society acknowledges Relations as members of the Okanagan Nation.
- K. The Parties intend by this agreement to facilitate the transfer to UNB services and files related to the social justice of Relations, wherever situated, to the Upper Nicola Band;
- L. The Parties intend to phase the implementation of UNB control over all family and child welfare services presently exercised by the Province pursuant to the [Child, Family and Community Services Act](#) and the [Adoption Act](#) ;

- M. The Upper Nicola Band has jurisdiction and is developing laws for the social justice of Relations. Once the UNB Laws are established, the UNB Laws take precedence and SCFSS must enforce the UNB Laws;
- N. Upper Nicola Band Council Resolution 2017-09-30-01 SCFSS, the kʷu stəmtímaʔ, the Family Preservation Worker and the Director of Our Relations will work collaboratively to support the best possible outcomes for children and youth to preserve the family unit;
- O. Upper Nicola Band Council Resolution 2019-06-19-01 supports the SCFSS in its' efforts to acquire adoption delegation and directs SCFSS and the UNB Grandmothers Group (now known as the kʷu stəmtímaʔ) to work together to develop an adoption program that is respectful of UNB's Traditional Laws and Practices;
- P. Upper Nicola Band Council Resolution 2021-01-18-01 SCFSS, the kʷu stəmtímaʔ, the Family Preservation Worker, and the Director of Our Relations and will work collaboratively in all matters regarding UNB Family Relationships;
- Q. The Upper Nicola Band is an endorser to the constitution and by-laws of SCFSS to ensure rights of children are protected and Relations have all necessary supports.

1.0 Preamble:

captikwł (oral stories) is our governance instructions that are mandated by our acmiscut Chiefs (Knowledge Keepers) to ensure that the right actions are required as a responsibility to our worldview of our "Inherent Rights". These instructions, characteristics, and ethos are shown in our captikwł ceremonial display, in public rituals, in nsyilxcən (our language) interpretive process, and in the direct exercises of practice and interests (occupation and use) that connect us to the whole of the trń'xwúlaŋxw (land and interconnectedness of all living things). The captikwł ethics are the cornerstone for achieving equity maxims on government-to-government relationships.

This agreement builds on the *axá ŋ sccontət ŋ tl ǵ aŋxitət ǵl ŋ naqsiltət Family Declaration*. This Declaration is a written expression of aspects of sqilxwcawt and captikwł knowledge that are critical to the health and wellbeing of the Nation's families and our children. The Declaration is deeply rooted in syilx captikwł, language, and worldview, while providing a clear path for moving forward to self-determination. It lays out the principles and values that our people live by, and that we expect all guests and visitors to our territory to abide by when working with our Relations.

THE PARTIES AGREE AS FOLLOWS:

2.0 Intent of Agreement

- 2.1 Upper Nicola Band to delegate Scw'exmx Child and Family Services to deliver Services to the UNB Relations; and,
- 2.2 Upper Nicola Band and Scw'exmx Child and Family Services will ensure the agreement is known, understood, and upheld by employees and said parties represented within this agreement.

3.0 Services to Be Provided by Scw'exmx Child and Family Services Society

Subject to SCFSS entering into satisfactory Funding Agreements and Delegation Confirmation Agreements, SCFSS shall provide the following Services to UNB Relations, in and outside the GSA.

- 3.1 General Agreement:
 - a. To protect the principles of confidentiality, including abiding by [Part 5 Freedom of Information and Protection of Privacy of the CFCSA](#) (Appendix E);
 - b. To provide services on and off UNB land; the priority is for the Services to be on UNB land;
 - c. To respect and adhere to syilx ways of being in every aspect of their practice;
 - d. To ensure social justice of Relations within the UNB complies with the captikwł Ethic and UNB laws;

- e. To uphold the principles relating to child, family and community services as described in the *captíkʷł Ethic*, *captíkʷł Practice Guide*, [Bill C92](#), and any CFCSA laws to provide child protection and support services in compliance with the [Aboriginal Operational Practice Standards and Indicators](#), [Child, Family and Community Services Act](#) (CFCSA), [Family Law Act \(Guardianship and permanency planning\)](#), [Freedom of Information and Protection of Privacy Act \(FOIPPA\)](#), [Bill C-92 National Standards](#), [the axá iʔ sccuntət iʔ tl xaʔxitət xl iʔ nəqsiltət Family Declaration](#), [Adoption Act](#), and [Jordan's Principle](#) (Appendix E); and,
 - f. To collaborate with UNB family, community, kʷu stəmtímaʔ, ICFSA, MCFD and/or other associated community representatives when a family needs prevention services, early intervention services and/or protection services. Parties will work together with the objective of maintaining the family unit.
- 3.2 When prevention services are provided, the Parties agree to:
- a. Develop and build community capacity through implementation of collaborative prevention programs, services and budgets based on UNB needs;
 - b. Reduce the need of care placements through community supported and culturally reflective prevention, early intervention, and mental health programs. This may include family prevention plans, one-on-one support, strengthening of skills, on-the- land practices, youth prevention activities, and outreach services;
 - c. Identify preventative measures and solutions to strengthen Relations incorporating syilx culture and sqilxʷcaʷt;
 - d. Provide community advocacy and/or conflict resolution, incorporating culturally-reflective processes such as en'owkinwixʷ, with timely response to all concerns;
 - e. Educate Relations of their rights and responsibilities under current and future legislation; and
 - f. Strengthen life skills, promote self-worth, and enhance healthy relationships.
- 3.3 When early intervention services are required to strengthen family capacity and to prevent involvement with protection services, the Parties agree to:
- a. Actively engage with the Family Preservation Worker, Director of Our Relations or designated alternate, and any other appropriate person(s) to support the navigation of Services;
 - b. Ensure families are willing and able to engage in prevention support services;
 - c. Utilize family circles to engage family, community, and any other external supports to identify family strengths and needs to create holistic support plans; and
 - d. Collaborate when and if an external agency contacts either Party that a Relation is in need of early intervention services.

- 3.4 When protection services are required, the Parties agree to:
- a. Notify the Family Preservation Worker or designated alternate the following day, or as soon as reasonably possible when removal of a child is necessary and the removal takes place after hours;
 - b. Provide reunification services;
 - c. Consult with Family Preservation Worker about any considerations for out-of-care options, placement, or adoption;
 - d. Recruit, develop, and support Caregivers in the UNB community;
 - e. Develop a *captíkʷł* cultural plan and/or a Caring for Our Relations Plan for all children in-care, including those outside of the GSA;
 - f. Ensure holistic and successful plan is in place when a child transitions to adulthood.
 - i. Plan to incorporate relevant recommendations from [Equitable Standards For Transitions To Adulthood For Youth In Care Report \(Appendix F\)](#).
 - ii. Include CLBC and CYSN for children and youth with special needs.

4.0 Service Delivery to Non-Band Relations Placed on UNB Land

- 4.1 A partnership agreement between UNB, SCFSS and the MCFD and/or other ICFSAs or First Nation implementing their inherent right will be required when a non-band relation is placed or relocated on UNB Land.
- a. When a child(ren) is placed or relocated on UNB Land without prior notification, SCFSS will ensure an agreement is in place within seventy-two (72) hours of placement, or as soon as possible;
 - b. A child shall not be placed within UNB Land without the expressed permission from the *kʷu stəmtímaʔ*.
- 4.2 When SCFSS is requested to provide services to a child not registered with the UNB and who has associated with delinquent or deviant behaviour, the Parties agree to:
- a. Protect the safety and security of the child and Relations;
 - b. Gather relevant information pertaining to the child's family, social history and behaviour; and
 - c. Develop a Caring for Our Relations Plan, including a *captíkʷł* Cultural Plan to ensure adequate supervision and support services are implemented to reduce any risk to the child and other Relations.

5.0 Advisory Role

- 5.1 When agreed upon, SCFSS shall provide an advisory role related to the delivery of Services in respect of matters not included in Subsection 3.1 of this Agreement. SCFSS shall review and make recommendations to the UNB, the Courts, and other appropriate bodies in respect of all such matters.
- 5.2 SCFSS acknowledges and respects the kʷu stəmtímaʔ Declaration (Appendix C) and will work to support the kʷu stəmtímaʔ and the UNB to achieve their vision for their Relations and in asserting inherent and jurisdiction rights over all matters related to the social justice, including adoptions.

6.0 Services to Be Provided by the Upper Nicola Band

- 6.1 Upper Nicola Band will provide SCFSS with an accurate child population count for children including:
 - 6.1.1 Relations on and off-reserve; and,
 - 6.1.2 Non-registered children.
- 6.2 The child population count will be provided to SCFSS by Dec 31st annually;
- 6.3 The kʷu stəmtímaʔ will work in cooperation with SCFSS and other service providers in order to provide the best possible service to UNB Relations and residents; and

7.0 Delegation of Authority

- 7.1 The UNB acknowledges and respects the capacity of SCFSS to provide Services for UNB Relations and residents.

8.0 Communication

- 8.1 To support the communication between UNB and SCFSS, the Parties agree to:
 - a. Have regular Communication regarding programs and services including newsletter submissions, posters, and media communication;
 - b. Develop a quarterly report to be provided to the Director of Our Relations outlining the current operations of the Society regarding the delivery of Services as outlined in the captíkʷ Ethic Agreement;
 - c. An update of the Caring for Our Relations Plan, at minimum quarterly;
 - d. Inform one another of any relevant workshops or training initiatives and agree to work in partnership to coordinate training and workshops; and
 - e. Utilize traditional decision-making approaches, such as the en'owkinwixʷ, when needed for planning and decision making.

9.0 Conflict Resolution

- 9.1 The Parties agree to abide by the following Conflict Resolution Process:
- a. Conflicts are avoided wherever possible and resolution is the preferred outcome. Parties will do their best to resolve the conflict within 30 days;
 - b. If a k^wu st^amtⁱma? member and/or community member (referred hereafter as the complainant) has concerns in regard to the practice of SCFSS, the Director of Our Relations will support the community member to participate in either a resolution or administrative review;
 - c. In resolution, the complainant will bring these concerns to the SCFSS Team Leader of the staff member involved in the complaint, as per SCFSS Human Resources policy and SCFSS complaint resolution process (Appendix G). The complainant may choose to have an advocate involved for support. SCFSS will involve the Director of Our Relations. A traditional decision-making approach, including a circle or en'owkinwix^w, is an option for resolution; and,
 - d. If the SCFSS Team Leader/Manager is unable to resolve the concerns of the complainant, the concerns will be brought forward to the SCFSS Executive Director and the Director of Our Relations for final resolution. The Executive Director, Director of Our Relations, or the complainant may choose to involve an Elder or a k^wu st^amtⁱma? representative.

10.0 Completing Program Evaluations and Reviews

- 10.1 Scw'exmx Child and Family Services Society undertakes an annual review of services conducted by a third party. The review is provided to SCFSS Executive Director, and the Board of Directors. It is also included within the SCFSS Annual Report.

11.0 Further Agreements

- 11.1 As deemed necessary and directed by the UNB, the Parties shall negotiate diligently and in good faith to facilitate the provision and administration of all Services provided to UNB Relations.
- 11.2 Upper Nicola Band and Scw'exmx Child and Family Services will develop an accompanying *captik^w Practice Guide* that articulates how SCFSS and the k^wu st^amtⁱma? work to support Relations.

12.0 Terms of the Agreement, Amendment, and Termination

- 12.1 IN WITNESS WHEREOF the Parties have caused this Agreement to be executed at spaxmn, within the Upper Nicola Band territory and on UNB ancestral land as of the date first written above;
- 12.2 Term of the Agreement is four years on the date signed by the Parties;
- 12.3 This Agreement may be amended in writing from time to time with the agreement of the Parties. At any time, both Parties may provide written notice to the other Party of the need to negotiate amendments, and the Parties will thereafter meet to negotiate and implement amendments;

- 12.4 This Agreement may be terminated by either Party with sixty (60) days written notice delivered in person to the other Party prior to the termination of the last signed Agreement; and,
- 12.5 This Agreement shall ensure to the benefit of and be binding on the Parties and their successors, executors, and administrators.

13.0 Without Prejudice

- 13.1 This Agreement is made without prejudice to:
- a. The inherent right of the UNB to exercise jurisdiction over our Relations, to support prevention and child protection, and any other rights of the UNB.

SIGNED, SEALED AND DELIVERED

Scw'exmx Child and Family Services Society as represented by the Board of Directors

Name, Director Position

Date

Olivia Buck, SCFSS Board President,
Nooaitch Band

William Sandy, SCFSS Vice-President,
Lower Nicola Band

Susan Manuel, SCFSS Treasurer Upper
Nicola Band

Carol Smith
Coldwater Band

Jordan Joe
Shackan Indian Band

Upper Nicola Band as represented by:

Name

Date

Daniel Manuel, Chief

Carol Holmes, kʷu stəmtíma? Chairperson

Debra Manuel, Director of Our Relations

Appendices

Appendix A: captikʷł Ethic

captikʷł ETHIC (The Way It Is)


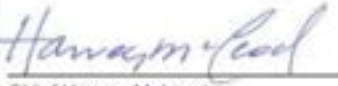



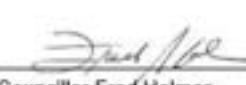
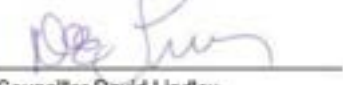
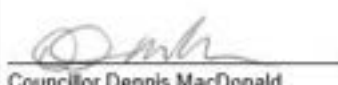
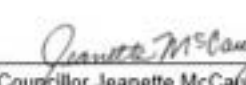


Upper Nicola Band

We, the Upper Nicola Band, of the Syilx Okanagan Nation, uphold our inherent rights since time immemorial; our rights are protected under Section 35 of the Canadian Constitution Act 1982, *Sui generis* legal rights include Aboriginal Title and Rights to exercise activities, practices, traditions, and customs practices integral to the culture of Upper Nicola Band, of the Syilx Okanagan People.

Captikʷł kcʷxʷ íplá?ntm are teaching stories subject to our laws.

Captikʷł Ethic (The Way It Is) will thereafter in this context be referred as the Upper Nicola Band's Adoption Law or just referred to as "our custom adoption law" or just law.

Appendix B: 20210118 BCR captikwł Ethic Agreement UNB SCFS

 Upper Nicola		<h2 style="margin: 0;">Band Council Resolution</h2>
The Council of the Upper Nicola Band		BCR Chronological No.: 2021-01-18-01
Physical: 2225 Village Road, Douglas Lake, BC Mailing: Box 3700, Merritt, British Columbia V0K 1B8		File Reference (if applicable):
Date: January 18, 2021		
<p>WHEREAS: The Upper Nicola Band, of the Okanagan Nation, uphold the teachings of the captikwł instructions which are the foundations of our laws and responsibilities that come from the natural law of the tmxwłaxwł and form the basis of our inherent rights, commonly known as title and rights;</p> <p>WHEREAS: the Nicola Tribal Council's representatives of Lower Nicola, Upper Nicola, Nooaitch, Shackan, and Coldwater Band signed a Delegation Agreement on May 24, 1994, with the Province of BC for the purpose of planning and service delivery of child and family services;</p> <p>WHEREAS: the five Nicola Bands signed a Delegation Confirmation Agreement with the Province of BC on April 1, 2016, with the understanding the Bands have and assert their inherent rights and responsibilities for the support and protection to ensure the children and families have quality services.</p> <p>WHEREAS: Upper Nicola Band (UNB) and Scw/exmx Child and Family Services Society (SCFSS) signed "Our Children, Our Responsibility Protocol Agreement Family Services Protocol on November 24, 2017 (Protocol 2017), for a three-year term.</p> <p>WHEREAS: The K'u Stemtima? represented Upper Nicola Band in the update of the 2017 Protocol Agreement with the document entitled Captikwł Ethic Agreement between UNB and SCFSS.</p> <p>THEREFORE, BE IT RESOLVED:</p> <ol style="list-style-type: none"> 1. That the UNB Chief and Council support the K'u Stemtima?, UNB's Health Director and the Child and Family Preservation Worker to represent Band Council through the Captikwł Ethic Agreement between UNB and SCFSS that relates to all matters regarding UNB Family Relationships in a collaborative process; 2. That the Chief and Council support the signing of the Captikwł Ethic Agreement by the UNB Chief, K'u Stemtima? Chair and Health Director on behalf UNB; and, 3. That the Chief and Council be provided with an annual report, including recommendations from the K'u Stemtima? and SCFSS. 		
Quorum for this Band consists of (5) FIVE		
 Chief Harvey McLeod	 Councillor Mathilda Chillihtzia	 Councillor Stacie Coutlee
 Councillor Brian Holmes	 Councillor Fred Holmes	 Councillor David Lindley
 Councillor Dennis MacDonald	 Councillor Jeanette McCauley	 Councillor Wallace Michel
 Councillor Kevin Ned		



Upper Nicola

**Band Council
Resolution**

The Council of the Upper Nicola Band	BCR Chronological No.: 2018 – 10 – 22 – 05
Physical: 2225 Village Road, Douglas Lake, BC Mailing: Box 3700, Merritt, British Columbia V1K 1B8	File Reference (# applicable):
Date: October 22, 2018	

WHEREAS: Chief Harvey McLeod officially resigned his position as the Upper Nicola Band Representative on the Board of Directors for Scw'exmx Child and Family Services Society (SCFSS).

WHEREAS: Chief and Council wish to appoint a new Upper Nicola representative to the SCFSS Board of Directors


THEREFORE, BE IT RESOLVED:

THAT, effective immediately, Chief Harvey McLeod is removed as the Upper Nicola Band representative for the Board of Directors of SCFSS, and;

THAT, effective immediately, Susan Manuel is appointed as the Upper Nicola Band representative for the Board of Directors of SCFSS

A quorum for this Band consists of (4) Four

Chief Harvey McLeod



Councillor Brian Holmes

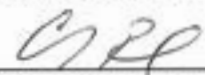


Councillor David Lindley



Councillor Dennis MacDonald

Councillor Wallace Michel



Councillor Clarine Paul



Upper Nicola

Band Council Resolution

The Council of the Upper Nicola Band	BCR Chronological No.: 2019-06-19-01
Physical: 2225 Village Road, Douglas Lake, BC Mailing: Box 3700, Merritt, British Columbia V1K 1B8	File Reference (if applicable):
Date: June 19, 2019	

RE: UNB support Scw'exmx Child and Family Services Society (SCFSS) to Acquire Adoption Delegation

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* sets out in Article 18 that “Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions” furthermore in Article 23, it states that “Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and as far as possible, to administer such programs through their own institutions”;

WHEREAS the SCFSS, as mandated by the Chief and Councils of the Coldwater, Lower Nicola, Nooaitch, Shackan and Upper Nicola Bands, and the Director representing the Ministry of Children and Family Development signed a Bilateral Agreement December 2017 recognizing that “SCFSS meets the operational requirements to provide C3-Voluntary Services, C4- Guardian Services, and C6 Protection Services as set out in AOPSI operational standards. The Director provides Delegated Authority in accordance with SCFSS’s operational status to the Delegated Staff who have the Director’s criteria for delegation.”;

WHEREAS the SCFSS’s Vision is “We are all somebody’s 7th Generation. We are working collaboratively to facilitate opportunities for our children, families, and communities to achieve their full potential and realize a healthy quality of life through the implementation of our laws, jurisdiction, and ancestral beliefs, values and teachings.”;

WHEREAS Upper Nicola Grandmother’s Group, including the Health Director and the Upper Nicola Child & Family Preservation Worker, represent Upper Nicola Band Chief and Council on all matters relating to Upper Nicola Indian Band Children, Youth and Families. The Scw'exmx Child and Family Service Society, and the Upper Nicola Grandmothers Group work collaboratively together to support the best possible outcomes for children and youth and to preserve the family unit.

WHEREAS the SCFSS wishes to acquire its Adoption Delegation.

THEREFORE, BE IT RESOLVED:

THAT the Upper Nicola Band supports the Scw'exmx Child and Family Services in its efforts to acquire its Adoption Delegation;

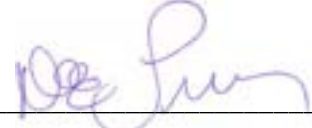
THAT the Upper Nicola Chief and Council directs the Scw'exmx Child and Family Services Society and the Upper Nicola Grandmothers Group to continue to work together and develop an adoption program that is respectful to the Upper Nicola Band’s Traditional Laws and Practices;

THAT the Upper Nicola Chief and Council directs the Scw'exmx Child and Family Services and Upper Nicola Grandmothers Group to report back to the Upper Nicola Chief and Council on progress relating to the Adoption Program

A quorum for this Band consists of **(4) Four**


Chief Harvey McLeod


Councillor Brian Holmes


Councillor David Lindley

Councillor Dennis MacDonald


Councillor Wallace Michel

Councillor Clarine Paul



Upper Nicola

Band Council Resolution

The Council of the Upper Nicola Band

BCR Chronological No.: 2017-- 09-- 30-01

Physical: 2225 Village Road, Douglas Lake, BC
Mailing: Box 3700, Merritt, British Columbia V0K 1B8

File Reference (if applicable):

Date: **September 30, 2017**

RE: Upper Nicola Band representation and planning on children, youth and family matters

WHEREAS the recent reports and recommendations of the Truth and Reconciliation Commission of Canada (TRC), the Representative for Children and Youth (RCY) and the Provincial Health Officer (PHO) have been consistent in calling for fundamental change to services available to and accessed by First Nation children, youth and families;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* sets out in Article 21 that "Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security" and that "states shall take effective measures and, where appropriate, special measures to ensuring continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities";

WHEREAS the Nicola Valley Tribal Council, AKA the Scw'exmx, as represented by the Councils of the Coldwater, Lower Nicola, Nooaitch, Shackan and Upper Nicola Indian Bands and the Province of British Columbia as represented by the Ministry of Children and Family Development signed an Aboriginal Delegation Agreement on May 31, 1994 to initiate planning and delivery of services with the intent to "facilitate the assumption by the Scw'exmx of primary responsibility for the provision of family and child welfare service for Scw'exmx families and children, wherever situated within the Province of British Columbia" and that "Scw'exmx will provide services to Members and Non-Members who are status Indians";

WHEREAS the Scw'exmx Child and Family Services Society, as mandated by the Chief and Councils of the Coldwater, Lower Nicola, Nooaitch, Shackan and Upper Nicola Indian Bands, and the Province of British Columbia as represented by the Ministry of Children and Family Development signed a Delegation Confirmation Agreement April 1, 2016 with the understanding the "the member bands assert that they have an inherent responsibility and authority for the social wellbeing, family matters, and child protection of their children and families who are entitled to receive services that respect and preserve their spirituality, language, culture and heritage" and that "the Board of Directors and the Member Bands they represent assert that Scw'exmx Child and Family Services Society has a responsibility to provide services to Scw'exmx Children and families regardless of where they reside" and that "the Parties acknowledge that Scw'exmx Child and Family Services Society will work towards delivering Services in an expanded Catchment Area to include but not limited to the traditional territories of the Member Bands;

THEREFORE BE IT RESOLVED the Upper Nicola Chief and Council directs the Upper Nicola Grandmother's Group, including the Health Director and the Upper Nicola Child & Family Preservation Worker, to represent Upper Nicola Band Chief and Council on all matters relating to Upper Nicola Indian Band Children, Youth and Families;

THEREFORE BE IT FINALLY RESOLVED that the Upper Nicola Chief and Council directs the Scw'exmx Child and Family Services Society and the Upper Nicola Grandmothers Group to work collaboratively together to support the best possible outcomes for children and youth and to preserve the family unit.

THEREFORE BE IT FINALLY RESOLVED that the Upper Nicola Chief and Council directs the Scw'exmx Child and Family Services Society and the Upper Nicola Grandmothers Group to report back to the Upper Nicola Chief and Council on progress relating to this new relationship to support the children and families of the Upper Nicola Indian Band.

A quorum for this Band consists of **(4) FOUR**



Chief Harvey McLeod



Councillor Brian Holmes



Councillor David Lindley



Councillor Dennis MacDonald

Councillor Wallace Michel

Councillor Clarine Paul

kʷu stəmtímaʔ Declaration

December 15, 2020

kʷu stəmtímaʔ tɪ Upper Nicola, declare that the safety, well-being, and identity of Relations is a priority.

yaʕyʕát iʔ stəmtímaʔ tɪ Upper Nicola will respectfully:

- Stand up and take responsibility for our Relations
- Awaken and uphold the teachings of our ancestors
- Connect with the Relations, teach respect, self-control, and self discipline
- Raise our children to be leaders and to be ABLE
- Encourage Relations to reclaim their identity
- Demonstrate a strong and health community

kʷu stəmtímaʔ tɪ Upper Nicola put forth this declaration for the past, present and future Relations of the Upper Nicola

Relations – a 'traditional' term to include children and families and to not separate the two. Relations is used in the capáʕtɪ Ethic Agreement between UNB and SCFSS.
yaʕyʕát iʔ stəmtímaʔ tɪ means "All Our Grandmothers from"

Appendix H: B.C. Laws and Legislation

Adoption Act

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/291_96

Aboriginal Operational And Practice Standards and Indicators: Operational Standards

https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/child-family-development/aopsi_operational_standards.pdf

axá i? scuntət i? tl xa?xitət xl i? nəqsiltət Family Declaration <https://syilx.org/about-us/syilx-nation/axa-i%CA%94-sccunt%C9%99t-i%CA%94-tl- xa%CA%94xit%C9%99t-xl-i%CA%94-nqsil%CC%93t%C9%99t-family-declaration/>

The B.C. Handbook for Action on Child Abuse and Neglect for Service Providers (June 2017)

https://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/public-safety/protecting-children/childabusepreventionhandbook_serviceprovider.pdf

Bill C-92 An Act respecting First Nations, Inuit and Metis children, youth and families. s.c. 2019, c. 24 [Government Bill \(House of Commons\) C-92 \(42-1\) - Royal Assent - An Act respecting First Nations, Inuit and Métis children, youth and families - Parliament of Canada](#)

CFCSA Guiding Principles

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96046_01

CFCSA Child Protection Hearings and Orders. Division 4. Section 33.1- 48

[Child, Family and Community Service Act \(gov.bc.ca\)](#)

CFCSA Duty to Attend and Inform Others of Presentation Hearing

[Child, Family and Community Service Act \(gov.bc.ca\)](#)

CFCSA When Protection is Needed. Section 13

[Child, Family and Community Service Act \(gov.bc.ca\)](#)

CFCSA Freedom of Information and Protection of Privacy Part 5

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96046_01#part5

Family Law Act

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/11025_00

Jordan's Principle

<https://www.sac-isc.gc.ca/eng/1568396042341/1568396159824>

Appendix I: Additional Links

Equitable Standards for Transitions to Adulthood for Youth in Care (Child Welfare League of Canada 2021 Report)

www.cwlc.ca/files/ugd/f54667_45d7b4d41270453e8d720296d22edc6c.pdf

Scw'exmx Child and Family Services Society Strategic Plan

www.scwexmx.com/files/ugd/565ee8_2d3fc3ce55a64a48b404cfd6aec5a408.pdf

SCFSS Complaint Resolution Diagram

<https://www.scwexmx.com/complaint-resolution>