

A BY-LAW FOR THE CARE OF OUR INDIAN CHILDREN FOR THE CARE OF
OUR SPLATSIN CHILDREN

~~BY-LAW #3~~

1980 BLAW #3 -

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SPALLUMCHEEN INDIAN BANDS PLATSIN STSMAMLT SERVICES

2-3-2021

SPALLUMCHEEN INDIAN BAND BY-LAW #3-1980

1. RECOGNIZING the special relationship and responsibility which exists among Splatsin band members to care for each other and to govern themselves in accordance with the five basic principles of Splatsin Governance Indian government:
 - i) WE ARE THE ORIGINAL PEOPLE OF THIS LAND AND HAVE THE ABSOLUTE RIGHTS TO SELF-DETERMINATION THROUGH OUR OWN UNIQUE FORMS OF SPLATSIN GOVERNANCE. INDIAN GOVERNMENTS (BAND COUNCILS).
 - ii) OUR ABORIGINAL- SPLATSIN RIGHT TO SELF-DETERMINATION THROUGH OUR OWN UNIQUE FORMS OF INDIAN- SPLATSIN GOVERNMENTS GOVERNANCE -ARE TO BE CONFIRMED IS TO BE RECOGNIZED, STRENGTHENED AND EXP ANDED OR INCREASED, THROUGH SECTION 91(24) OF THE BRITISH NORTH AMERICAN ACT.
 - iii) OUR INDIAN-RESERVE-SPLATSIN LANDS ARE TO BE EXPANDED TO A SIZE LARGE ENOUGH TO PROVIDE FOR THE ESSENTIAL NEEDS OF ALL OUR PEOPLE.
 - iv) ADEQUATE AMOUNTS OF LAND, WATER, FORESTRY, MINERALS, OILS, GAS, WILDLIFE, FISH, AND FINANCIAL RESOURCES ARE TO BE MADE AVAILABLE TO OUR INDIAN GOVERNMENTS SPLATSIN GOVERNMENT ON A CONTINUING BASIS AND IN SUFFICIENT QUANTITIES TO ENSURE DOMESTIC, SOCIO-ECONOMIC SELF-DETERMINATION FOR PEACE, ORDER AND GOOD GOVERNMENT OF SPLATSIN INDIAN PEOPLE.
 - v) OUR INDIAN SPLATSIN GOVERNMENTS (BAND COUNCIL) OR LEGISLATURES ARE TO HAVE THE AUTHORITY TO GOVERN THROUGH MAKING LAWS IN RELATION TO MATTERS COMING WITHIN SPECIFIED AREAS OF JURISDICTION THAT HAVE BEEN DEFINED BY OUR PEOPLE. AND RECOGNIZING OUR SPLATSIN AUTHORITY TO CARE FOR OUR CHILDREN WITHIN THE TERMS OF THE INDIAN ACT R.S.O. 149 S. 81 AND IN PARTICULAR S.P.I (a) (c) (d) AND ANCILLARY POWERS IN S. 81 (g).

The Spallumcheen Indian Band Splatsin finds:

- a) that there is no resource that is more vital to the continued existence and integrity of the Indian Band Splatsin people than our children.
- b) that an alarmingly high percentage of Indian Splatsin families are broken up by the removal, often unwarranted, of their children from them by non-Aboriginal band agencies.
- c) that the removal of our children by non-band Aboriginal agencies and the treatment of the children while under the authority of non-band Aboriginal agencies has too often hurt our children emotionally and serves to fracture the strength of our Splatsin community, thereby contributing to social breakdown and disorder within our community reserve.

2. In this by-law, unless the context otherwise requires:

- a) **Indian Band Splitsin**
means the ~~band~~ members of ~~the Spallumcheen Indian Band Splitsin~~, as defined under the ~~Indian Act and by band custom~~ Splitsin governance systems of Secwepemc laws and traditions and Splitsin customs.
- b) **Indian Splitsin member**
means a person recognized as ~~an Indian Splitsin~~ by the ~~Band Council~~ Splitsin Indian Registerer Agent.
- c) **Indian Splitsin Child**
means a ~~band member~~ Child of the ~~Spallumcheen Indian Band Splitsin is registered or that is entitled to be registered as in accordance with the Indian Act RSC 1985, c.1-5. This also includes a child that self identified or is identified by a parent as a member of Splitsin by virtue of family relations and ties to the Splitsin community,~~ as defined under the Indian Act under the age of 21 years, and unmarried.
- d) **Extended Family Member**
shall be defined by the law and custom of ~~the Spallumcheen Indian Band Splitsin~~ and shall be a person who is the ~~Indian Splitsin~~ child's grandparent, aunt or uncle, brother or sister, brother-in-law or a sister-in-law, niece, or nephew, first or second cousin, ~~or stepparent, or Splitsin traditional adopted family members.~~
- e) **Family**
means the unit within which the ~~Indian Splitsin~~ child is a permanent member and usually resides.
- f) **Indian Splitsin Custodian**
means any person who has legal custody of an ~~Indian Splitsin~~ child under custom or under this by-law or whose temporary physical care, custody and control has been transferred by the parent of such child.
- g) **Parent**
means any biological parent or parents of an ~~Indian Splitsin~~ child or any ~~Indian Aboriginal~~ person who has lawfully adopted an Indian child, including adoptions under tribal law or custom.
- h) **Band Splitsin Council**
means the elected Chief and Councillors of ~~the Spallumcheen Indian Band Splitsin,~~ ~~either~~ elected by Splitsin custom election ~~or under the Indian Act code.~~
- i) **Reservation**
means the reservation of lands reserved by Her Majesty the Queen for the use and benefit of ~~the Spallumcheen Indian Band Splitsin members~~ as defined under the Indian Act.

- j) **General ~~Band Meeting Assembly~~**
means a meeting of the ~~band-Splatsin~~ membership, as defined by the provisions of the ~~Splatsin Custom laws or the~~ Indian Act, ~~and by band custom and law.~~
- k) **Child Custody Proceeding shall mean and include:**
- i) any action relocating an ~~Indian-Splatsin~~ child from the home of his/her parents, extended family member, or ~~Indian-Splatsin~~ custodian for placement in another home.
 - ii) and the maintenance of the ~~Indian-Splatsin~~ child in the home of the ~~Indian Splatsin~~ custodian.
 - iii) and the return of the ~~Indian-Splatsin~~ child to the home of the ~~Indian-Splatsin~~ child's family.
3. ~~The Spallumcheen Indian Band Splatsin~~ shall have exclusive jurisdiction over any child custody proceeding involving an ~~Indian- Splatsin~~ child, notwithstanding the residence of the child.
4. a) The ~~Band-Splatsin~~ Council ~~on behalf od the Splatsin members~~ shall see that the Provisions of this ~~by-law~~ are carried out and may exercise such powers as are necessary to carry out this ~~by-law~~ including;
- b) The Appointment of such persons to act on behalf of the ~~Band-Splatsin~~ Council in the performance of any of the duties under this ~~by-law~~ as the occasion may require, and
- c) The making of such regulations as, from time to time may be necessary to carry out the provisions of this ~~by-law~~, including but not limiting, regulations:
- i) governing the creation of special programs designed to aid in any child custody proceeding and in fulfilling the purposes of this ~~by-law~~.
 - ii) governing the expenditure of band money designed to aid in any child custody proceeding and fulfilling the purposes of this ~~by-law~~.
 - iii) governing the conduct of ~~Indian Splatsin~~ children, ~~Indian-Splatsin guardians Custodians~~, parents, or extended family members, or any person acting on behalf of any ~~band-Splatsin~~ member in a child custody proceeding which may be necessary for the proper working of this ~~by-law~~.
5. The ~~Splatsin Chief and~~ Council shall be the legal guardian of the ~~Indian-Splatsin~~ child, who is taken into the care of the ~~Indian Band Splatsin StsmamIt Services~~.
6. The ~~Splatsin~~ Chief and Council and every person authorized by the ~~Splatsin~~ Chief and Council may remove an ~~Indian-Splatsin~~ child from the home where the child is living and bring the

child into the care of the ~~Indian-Band~~Splatsin Stsmamlt Services, when the ~~Indian~~Splatsin child is in need of protection.

7. An ~~Indian~~Splatsin child is in need of protection when:
 - a) a parent, extended family member of ~~Indian-guardian~~Splatsin Custodian asks the ~~Indian-Band~~Splatsin Stsmamlt Services to take care of the child
 - b) the child is in a condition of abuse or neglect endangering the child's health or wellbeing, or
 - c) the child is abandoned, or;
 - d) the child is deprived of necessary care because of death, imprisonment or ~~disability~~inability of the parents.
8. A person who removes an ~~Indian~~Splatsin child from his/her home may place the child in a temporary home, to be chosen at the discretion of the person removing the ~~Indian~~Splatsin child.
9. A person who removes an ~~Indian~~Splatsin child from his/her home shall within seven days bring the child before ~~Splatsin Chief and~~Splatsin Council.
10. Before deciding where the ~~Indian~~Splatsin child should be placed, ~~Chief and~~Splatsin Council should consider and be guided by ~~Indian~~Splatsin customs and the following preferences:
 - a) The wishes of the ~~Indian~~Splatsin child, whenever, in the opinion of ~~Band-Splatsin Stsmamlt Services Council~~, the child is old enough to appreciate his/her situation.
 - b) Wherever possible, help should be given to rebuild the family, of the ~~Indian~~Splatsin child.
 - c) In the absence of placement with the family, a preference for placement shall be given in this order to:
 - i) A Parent
 - ii) a member of the extended family living on the reserve.
 - iii) a member of the extended family living on another reserve, although not a reserve to ~~the Indian-Band~~Splatsin.
 - iv) a member of the extended family living off the reserve.
 - v) an ~~Indian-aboriginal~~ living on a reserve.
 - vi) an ~~Indian-Aboriginal~~ living off reserve.

- vii) only as a last resort shall the child be placed in the home of a non-~~Indian~~ Aboriginal living off the reserve.
 - viii) In all cases, the best interests of the child should be the deciding consideration.
11. ~~The Chief and~~Splatsin Council shall place the child in a suitable home.
 12. Any ~~band~~-Splatsin member of any parent or member of the ~~Indian~~-Splatsin child's extended family or ~~Indian-guardian~~Splatsin Custodian may review the decision made by the ~~Band~~ Splatsin Council to remove the ~~Indian~~-Splatsin child from his/her home or to the placement of the child by the ~~Band~~-Splatsin Council.
 13. The person seeking a review shall notify in writing the ~~Band~~-Splatsin Council at least 14 days before the next ~~band-meeting~~General Assembly.
 14. Upon receiving the written notice to review, ~~Band~~-Splatsin Council shall put the question before the ~~Indian-Band~~Splatsin membership at the next General ~~Band-Meeting~~Assembly.
 15. ~~The Indian-Band~~Splatsin membership, by majority vote of the ~~band~~-Splatsin members attending ~~at~~ the General ~~Band-meeting~~Assembly shall decide on the placement of the ~~Indian~~ Splatsin child. The decision of the ~~Indian-Band~~Splatsin membership shall be governed by the considerations stated in S. 10 of this ~~by~~-law.
 16. The ~~Chief and~~Splatsin Council shall ensure that the child's family be advised of important changes and events in the life of the child while the child is in the care of the ~~band~~Splatsin ~~StsmamIt~~ Services.

Wherever possible the responsibility for such communications shall be delegated to the ~~Indian guardian~~-Splatsin Custodian.
 17. ~~The Chief and~~Splatsin Council shall ensure that an assistance program~~me~~ be established from time to time, which may be necessary to facilitate the stable placement of an ~~an~~-Indian-Splatsin child.
 18. The ~~Indian~~-Splatsin child, the parent, member of extended family of ~~Indian-guardian~~Splatsin Custodian may, at any time seek a decision from ~~Band~~-Splatsin Council concerning the return of the ~~Indian~~-Splatsin Child to his/her family, or the removal of the ~~Indian~~-Splatsin child to the home of another ~~Indian-guardian~~Splatsin Custodian.
 19. Upon receiving written notice of an application to return or remove the ~~Indian~~-Splatsin child, the ~~Band~~-Splatsin Council shall consider the placement, guided by the consideration under S. 10 of this ~~by~~-law to return the ~~Indian~~-Splatsin child to his/her family or maintain the ~~Indian~~ Splatsin child with the ~~Indian-guardian~~ Splatsin Guardian or place the ~~Indian~~-Splatsin child in another home

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20. Any ~~Band-Splatsin~~ member, parent, member of the child's extended family of ~~Indian guardian~~Splatsin custodian may review ~~Band-Splatsin~~ Council's decision under S. 19 of the ~~by-~~ law.
21. The person reviewing shall notify ~~Band-Splatsin~~ Council in writing at least 14 days before the next General ~~Band Meeting~~Assembly.
22. Upon receiving written notice to review, ~~Band-Splatsin~~ Council shall put the question before the ~~Indian Band~~Splatsin membership at the next General ~~Band Meeting~~Assembly.
23. ~~The Indian Band~~Splatsin membership by majority vote of ~~the Band Members~~Splatsin members attending the General Band ~~meeting~~Assembly, shall decided on the placement of the ~~Indian Splatsin~~ child. The decision of the ~~Band-Splatsin membership~~ shall be made and governed by the considerations under S. 10 of this ~~by-~~law.

~~This by law was passed~~The amendments to the Law were passed by an unanimous vote of ~~Band-Splatsin~~ Members at a General ~~Meeting-Assembly~~ held ~~June 3, 1980~~ held at the ~~Timbercreek Council Hall~~Splatsin Community Centre; and an unanimous vote of ~~Band Splatsin~~ Council, taken at that General ~~Band meeting~~Assembly.

Kukpi7 Wayne M. Christian

Signature

Councillor Edna Felix

Signature

Councillor Doug Thomas

Signature

Councillor Shawn Tronson

Signature

Councillor George William

Signature

Councillor Theresa William

Signature

Minister of Children and Families

Signature