

SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

ENTERED

COURT OF APPEALS

10/12/12 118  
SSM Chippewa Tribal Court

In the Matter of: A.S. and R.R.

APP-12-01/02

Decided October 12, 2012

BEFORE: FINCH, HARPER, KRONK, JUMP, and MCKERCHIE Appellate Judges.

OPINION AND ORDER OF REMAND

Kronk and McKerchie, Appellate Judges, who are joined by Appellate Judges Finch, Harper, and Jump. This Court heard oral argument in this matter on August 30, 2012.

As explained more fully in the discussion below, this Court affirms the trial court's decision to terminate the parental rights of Father to both A.S. and R.R. The Court also affirms the trial court's decision to terminate the parental rights of Mother to A.S. The Court reverses the tribal court's decision to terminate the parental rights of Mother to R.R. and remands this matter to the trial court, as explained in the Order below.

Factual and Procedure Background

The relevant facts and procedural background related to the both A.S. and R.R. are detailed below. In addition to the facts and procedural background specific to these two girls, it is also important to note that both parent's rights to their four older children were voluntarily terminated previously.

Annalynn St. Andrew

The Anishnaabek Community and Family Services ("ACFS") filed an *Ex Parte Petition* with the trial court on February 24, 2010. Although the trial court denied the request to remove A.S. from the home at that time, the court granted ACFS's requests for a health examination and the issuance of drug and alcohol tests for the parents. During a hearing on March 3, 2010, the court found probable cause that A.S. was a child-in-need-of-care, but continued to place A.S. in the custody of her parents. Both parents failed to appear in court for the May 19, 2010 bench trial on the request to remove A.S. As a result, ACFS requested emergency removal of A.S. The court ultimately determined that A.S. was a child-in-need-of-care and "the Court ordered the removal of A.S. from the respondent father, 's, care only. The Court ordered the parents to comply with the In-Home Care Service Plan pending disposition." *In the Matters of: A.S. and R.R.*, CW 10-05/11-20, 2 (Dec. 30, 2011).

On August 3, 2010, ACFS filed a *Motion for Order to Show Cause*, alleging that both parents were failing to comply with the Court's dispositional order and that 'mother' was allowing unsupervised contact between 'AS' and 'Father'. On August 5, 2010, ACFS filed a *Petition for Emergency Removal of Minor Children* and requested the removal of 'AS' from her mother's custody. The removal petition alleged, in essence, that 'J.R.', 'AS's' paternal grandmother, had physically abused 'AS' while she was in 'mother's' care, that 'the Father' was staying with 'mother' and therefore 'mother' had been allowing 'father' to see 'AS' unsupervised in violation of the Court's previous order.

*Id.* Following an emergency removal hearing on August 9, 2010, the trial court ordered the continued removal of 'AS' from her parents' care. On September 8, 2010, ACFS filed an *Amended Petition for Emergency Removal of Minor Children*, which included detailed reports of sightings of 'Father' together with 'mother' and 'A.S.'. After subsequent petitions and a hearing on May 11, 2011, the trial court "issued an order finding that the parents were making progress and continued the permanent goal as reunification, continued the child in placement and granted ACFS the discretion to move from supervised to unsupervised visitation between the child and her parents." *Id.* at 4. However, on August 23, 2011, the trial court issued an "Order Following Permanency Planning Hearing, finding that the parents were not making progress towards reunification and directing that the petitioner should initiate proceedings to terminate the parental rights to 'A.S.'" *Id.* On August 23, 2011, ACFS filed a petition to terminate the parental rights of both 'mother and father'.

On December 30, 2011, the trial court issued an order terminating the rights of both 'mother + father' to 'AS'.

R.R.

Unlike her sister, 'AS', 'R.R.' has never been in the care of her parents. On April 12, 2011, Emmet County Department of Human Services filed a petition in the Family Division of Circuit Court in Emmet County, Michigan to have 'R.R.' taken into protective custody. Following a hearing on the same day, "the Court issued an *Order After Preliminary Hearing (Child Protective Proceedings)*, finding that the parties had waived the probable cause determination, reasonable efforts had been made to prevent removal, and that it was contrary to the welfare of the child to remain in her parents' care." *Id.* at 5. Following a series of orders, jurisdiction in the matter was eventually transferred to the trial court. After ACFS filed a petition for emergency removal of 'R.R.', the trial court issued an *Order of Disposition* on May 11, 2011 requiring the parents to comply with the Initial Service Plan and Parent-Agency Treatment Plan and Service Agreement.

On September 8, 2011, ACFS filed [petitions to terminate the rights of 'mother + father'] premised upon allegations that

both *mother and father* failed to provide proper care for *R.R.* and that their rights to *R.R.*'s siblings had been terminated. Essentially, ACFS set forth the same allegations as in the first and second *Petitions* for court jurisdiction – primarily that *Father* : remains addicted and dependent upon prescription drugs, that *mother* : continues to prioritize her husband over her children and their welfare, and that the parties have failed to maintain a consistent home or source of income.

*Id.* at 6. On December 30, 2011, the trial court entered an order terminating the parental rights of both *mother + father* to *R.R.*

Appellants, *mother + father*, appealed the termination of their parental rights to both *A.S.* and *R.R.*

### Jurisdiction and Standard of Review

This Court has exclusive jurisdiction in this matter, as it is reviewing the decision of the tribal court. Tribal Code Section 82.109. In matters involving a finding of fact by the trial court, this Court will review to determine whether the trial court's determination was "clearly erroneous." Tribal Code Section 82.124(1). Additionally, the Tribal Code Sections specific to the review of the termination of parental rights require the application of the "clearly erroneous" standard. Tribal Code Section 30.512 ("The clearly erroneous standard shall be used in reviewing the findings of the Tribal Court on appeal from an order terminating parental rights."). "In applying the clearly erroneous standard of review, the Court will determine whether it is left with a 'definite and firm conviction' that the trial court made an error in its findings of fact." *Rex Smith v. Sault Ste. Marie Tribe of Chippewa Indians*, APP-08-02, 3 (August 4, 2008).

### DISCUSSION

The parental rights of each Appellant will be discussed in turn.

#### ***Parental Rights of Appellant Father, R.R.***

In terminating *Father*'s parental rights to both *A.S. + R.R.*, the trial court determined that unrectified conditions existed, that *Father* failed to provide proper care for the girls and that *Father*'s parental rights to the girls' siblings had previously been terminated. Tribal Code Sections 30.504(3)(a), 30.504(4) and 30.504(8). Furthermore, specific to *A.S.*, the trial court determined that *A.S.* had been in foster care for at least 15 of the previous 22 months. *In the Matters of: A.S. + R.R.* CW 10-05/11-20, 23 (Dec. 30, 2011).

As previously discussed above, this Court reviews the trial court's holding under the "clearly erroneous" standard of review and will only overturn the trial court's decision if "it is left with a

'definite and firm conviction' that the trial court made an error in its findings of fact." *Rex Smith v. Sault Ste. Marie Tribe of Chippewa Indians*, APP-08-02, 3 (August 4, 2008).

Based on the brief and oral argument submitted on this issue, this Court sees no evidence to suggest that the trial court's determination as to *father*'s parental rights was clearly erroneous. In his brief, counsel for *father* argues "cautious waiting" to allow *father* to rectify the conditions that led to termination of his parental rights. However, *father* fails to identify what portion of the trial court's decision was "clearly erroneous" nor does counsel provide legal support for the assertion that this Court should allow *father* additional time to rectify conditions. Moreover, at oral argument, counsel suggested that he considered filing an "Anders brief" in this case.<sup>1</sup> Taken in totality, *father* has failed to show that the trial court clearly erred in terminating his rights to both *A.S.* and *R.R.*. Accordingly, the trial court's order is affirmed as to *father*'s rights to both *A.S.* and *R.R.*.

**Parental Rights of Appellant Mother, *A.R.* to *A.S.***

*Mother*'s parental rights to both *A.S.* and *R.R.* present more difficult questions for this Court. In terminating *Mother*'s parental rights to *A.S.*, the trial court determined that unrectified conditions existed, that *Mother* failed to provide proper care for her and that *Mother*'s parental rights to the girls' siblings had previously been terminated.<sup>2</sup> Tribal Code Sections 30.504(3)(a), 30.504(4) and 30.504(8) respectively. Furthermore, specific to *A.S.*, the trial court determined that *A.S.* had been in foster care for at least 15 of the previous 22 months. *In the Matters of: A.S. and R.R.*, CW 10-05/11-20, 23 (Dec. 30, 2011).

In order to overturn the trial court's decision as to *Mother*'s parental rights to *A.S.*, this Court must determine that the trial court's decision was clearly erroneous. In reviewing the trial court's decision, this Court applies Tribal Code Section 30.501, which provides that

[t]his subchapter shall be construed in a manner consistent with the philosophy that the family unit is of most value to the community, and the individual family members, when that unit remains united and together. Termination of the parent-child relationship should be used only as a last resort, when, in the opinion of the Tribal Court, all efforts have failed to avoid termination and it is in the best interests of the child concerned to proceed under this section.

<sup>1</sup> This Court assumes that this is a reference to *Anders v. California*, 386 U.S. 738 (1967), where an attorney filed a request to be removed from a case where the attorney thought appeal in the case was frivolous. The Court further assumes that this was counsel's method of informing this Court that he deemed the appeal to be without merit in this case.

<sup>2</sup> As discussed more fully below, the trial court seemingly used the prior termination of rights to siblings as evidence to support the conclusion to terminate *Mother*'s rights to both *A.S.* + *R.R.*

Accordingly, this Court will only sustain termination of parental rights where the record demonstrates that termination is the "last resort" and all efforts to avoid termination have been exhausted. In the case of *Mother*'s rights to *A.S.*, v, all efforts to avoid termination were exhausted and termination was appropriate.

This case is factually similar to *In re JDRB*, APP-09-03/04 (May 25, 2010). As a result, the *In re JDRB* precedent is binding in this case.<sup>3</sup> In *In re JDRB*, the mother's parental rights were eventually terminated when she was unable to overcome her substance abuse problem and provide a safe environment for her child. The father's parental rights were questioned, because, although the father did not engage in substance abuse, he was unable to separate himself and the child from the mother. As a result, the trial court determined that the father's parental rights should also be terminated. In this regard, the facts of *In re JDRB* are almost identical to the facts in the present matter.

In reviewing the termination of the father's parental rights in *In re JDRB*, this Court held that the termination of the father's parental rights was premature in that all efforts to avoid termination had not been exhausted. *Id.* at 4. To remedy this situation, this Court remanded the matter to ACFS to establish a new Parenting Plan. The new Plan was specifically to state that failure to keep the child from the unsafe environment created by the child's mother would likely result in the termination of the father's parental rights. *Id.* at 5. In other words, in instances when one parent creates the unsafe environment that puts the parental rights of the other parent in jeopardy, the *In re JDRB* Court interpreted the "all efforts" requirement of Tribal Code Section 30.501 to mean that the parent associating with the offending parent must be given one last explicit opportunity to parent under a Parenting Plan that excludes the offending parent. The associating parent must be told explicitly that either he or she must provide an environment free of the offending parent for the child or the associating parent's parental rights will be terminated.

With this precedent in mind, it is now necessary to review the record in this case to see if

*Mother* was given an explicit opportunity to parent *A.S.* without *Father*.  
As explained above, *Mother* was given this opportunity. In June 2010, *A.S.* removed from *Father*'s care, but remained in the care of *Mother*. As a condition of *A.S.* remaining in *Mother*'s care, *A.S.* was not to associate with *Father*. However, as the trial court found, *Mother* was unable to stay away from *Father*, and, as a result, ACFS filed a *Motion for Order to Show Cause*, alleging that both parents were failing to comply with the Court's dispositional order and that *Mother* was allowing unsupervised contact between *A.S.* and *Father*. Accordingly, under the standards established in *In re JDRB* discussed above, *Mother* was given a last, explicit opportunity to parent *A.S.* in the absence of *Father*. In this regard, *Mother* failed. This is further evidence of *Mother*'s failure to rectify conditions with respect to *A.S.*

<sup>3</sup> In civil matters, tribal law applies before federal or state law. Tribal Code Section 81.105(1). Accordingly, tribal precedent is preferred over decisions from the State of Michigan.

Accordingly, the trial court's determination as to unrectified conditions under Tribal Code Section 30.504(3)(a) was correct as to *A.S.* <sup>4</sup> Furthermore, there is nothing in the record before this Court to dispute the trial court's finding that *A.S.* was in foster care for at least 15 of the 22 months prior to termination. Once the trial court found grounds for termination, the burden then switches to a determination of whether termination would be against the best interests of the child. Tribal Code Section 30.503(b). In the case of *A.S.*, the record suggests that termination would be in her best interest. At several places in the record and in the briefs presented to this Court, it is noted that *A.S.* caused injury to herself when *mother* missed visits with her. *In the Matters of R.R. and A.S.*, CW-11-20 and CW-10-05 transcript, 63, 94, 101, 108 (December 2, 2011). Although this point was never fully developed below, it does suggest that *A.S.* is suffering as a result of the instability of her current situation.

As noted earlier, the Tribal Code specifically mentions that the "family unit is of most value to the community". Tribal Code Section 30.501. This Court interprets this provision to mean that, whenever possible, efforts should be made to keep families together. Although perhaps not the ideal situation of keeping a mother with her daughter, it is notable that in this case *A.S.* is currently placed with family members. Accordingly, throughout this process, *A.S.* has maintained a connection with her extended family. Furthermore, if *A.S.*'s placement remains in place following the termination of *mother*'s parental rights, *A.S.* will remain with family, a result supported by Tribal Code Section 30.501.

In sum, the trial court's determination that *mother*'s parental rights to *A.S.* should be terminated due to unrectified conditions and that *A.S.* was in foster care for at least 15 of the 22 months before termination is affirmed. Moreover, it is in this Court's belief that there is nothing in the record to suggest that termination is not in the best interest of *A.S.*

***Parental Rights of Appellant Mother, A.R., to R.R.***

In its December 30, 2011 order, the trial court indicated that it terminated *mother*'s parental right to *R.R.* due to failure to provide proper care and that termination was supported by the fact that *mother*'s parental rights to her older children had been terminated. *In the Matters of: A.S. and R.R.*, CW 10-05/11-20, 21-23 (Dec. 30, 2011). In finding that *mother* failed to provide proper care for *R.R.*, the trial court found that *mother* had never provided care for *R.R.* given *R.R.* was placed in foster care when she was born. Furthermore, the trial court found that "[d]espite the fact that the parents were not given a full twelve months of services specifically with regard to *R.R.*, their progress, or lack thereof on *A.S.*'s case and the four siblings' cases' is indicative of their willingness to comply with, and benefit from service, to be able to provide care as parents." *Id.*

<sup>4</sup> As discussed below in relation to *mother*'s parental rights to *R.R.*, this Court believes the trial court erred in finding that *mother* failed to provide proper care under Tribal Code Section 30.504(4).

at 21 (citing *J.L.* and *LaFlure*). As discussed above, this Court reviews the trial court's findings on this issue by applying the clearly erroneous standard.

Both of the court's findings as to *Mother*'s ability to provide care for *R.R.* constitute clear error. First, this Court rejects the trial court's finding that *Mother*'s inability to parent is evidenced by the fact that *R.R.* was placed in foster care upon birth. If this Court were to accept otherwise, a strong presumption would be created against reunification once a child is placed in foster care. This is directly contrary to the Tribal Code of the Sault Ste. Marie Tribe of Chippewa Indians, which indicates that the protection of family units should be the primary goal of courts in these cases. Tribal Code Sections 30.102, 30.501.

Furthermore, the record in this case is replete with evidence of *Mother* taking steps to improve her ability to parent *R.R.* At the time of the December 2, 2011 hearing in this case, *Mother* had secured permanent housing, had transportation, and had taken steps to find employment<sup>5</sup>. *In the Matters of R.R. and A.S.*, CW-11-20 and CW-10-05 transcript, 9-10, 33, 81 (December 2, 2011). Moreover, based on the record, it appears that there was no concern about *Mother*'s substance abuse at the time of the December 2, 2011 hearing. *Id.* at 11, 31. At the same hearing, witnesses also indicated that they trusted *Mother* as a good mother. *Id.* at 26, 34, 40. *Mother*'s ability to successfully parent *R.R.*s buttressed by the fact that *Mother* attended the majority of her visits with *R.R.* and did a good job with *R.R.* during those visits. *Id.* at 107-108. Finally, witnesses concluded that *Mother* was in a much better place physically and emotionally than she had been at previous termination hearings. *Id.* at 30. Taken in totality, the foregoing suggests that *Mother* was making significant progress in rectifying the conditions that had led to *R.R.* originally being placed in foster care. Moreover, the foregoing demonstrates that *Mother* had the ability and resources to provide appropriate care for *R.R.* For these reasons, the trial court erred in determining that *Mother* failed to provide proper care for *R.R.*

Next, the trial court considered the fact that *Mother*'s parental rights to her older children had been terminated. Tribal Code Section 30.503(8) provides that termination of parental rights may be appropriate where the "[p]arental rights to one (1) or more siblings of the child have been terminated due to serious and chronic neglect or physical or sexual abuse, and prior attempts to rehabilitate the parents have been unsuccessful." The trial court seemingly did not use Tribal Code Section 30.503(8) as an independent basis for termination, however, explaining

the Court opts to not affirmatively hold that the parents' rights to Annalynn and *R.R.* to be terminated solely on this ground as the record is not clear that those terminations were 'due to serious and chronic neglect or physical or sexual abuse.' Rather, the Court, as can be seen in its analysis as to other statutory bases, has taken the

---

<sup>5</sup> It is notable that *Mother* had lost her most recent employment through reasons beyond her control. She was a temporary replacement for a worker that returned to work. *In the Matters of R.R. and A.S.*, CW-11-20 and CW-10-05 transcript, 11 (December 2, 2011).

parties conduct in those previous cases in account in these matters as 'how a parent treats one child is certainly probative of how that parent may treat other children.'

*In the Matters of: A.S. and R.R.*, CW 10-05/11-20, 23 (Dec. 30, 2011). This Court agrees with the trial court that application of Tribal Code Section 30.503(8) would be inappropriate in this case. First, *Mother* voluntarily terminated her rights to her older children. Second, the record is murky, at best, as to whether termination of *Mother's* parental rights to her older children was due to "serious and chronic neglect or physical or sexual abuse." *In the Matters of: R.R. and A.S.*, CW-11-20 and CW-10-05 transcript, 92 (December 2, 2011) ("As to *A.S.* and as to *RR* here is nothing on the record in any case, this one or previous, that substantiates that any prior orders of termination were due to serious or chronic neglect or physical or sexual abuse. The parents voluntarily consented to termination of the previous parental rights."). Accordingly, Tribal Code Section 30.503(8) does not constitute a basis to terminate the parental rights of *Mother* to *R.R.*

Even assuming the trial court had identified an independent reason to terminate the parental rights of Alicia Rutledge, the record in this case suggests that termination is not in the best interest of *R.R.* With regard to the best interests of the child, Tribal Code Section 30.503(b) provides that "[o]nce it is established that one or more grounds exists to terminate parental rights of respondent over the child, the Tribal Court shall order termination of respondents parental rights and order that additional efforts for reunification of the child with the respondent shall not be made, unless the Tribal Court finds that termination is clearly not in the best interest of the child."

As previously discussed, the Tribal Code speaks about the importance of reunification of families whenever possible. Accordingly, this Court assumes that reunification is in the best interests of the child, unless there is something to suggest that reunification would not be in the interest of the child. With regard to *RR* the record fails to provide any evidence of harm *R.R.* would suffer should *Mother's* parental rights remain intact. *In the Matters of: R.R. and A.S.*, CW-11-20 and CW-10-05 transcript, 89 (December 2, 2011). Second, "*RR's* future is relatively uncertain with respect to any ongoing family contact if the parental rights are terminated." *In the Matters of: R.R. and A.S.*, CW-11-20 and CW-10-05 transcript, 89 (December 2, 2011). Unlike her sister, *RR* is currently not placed with family members. Accordingly, the Tribal Code's goal of protecting the family unit would be frustrated if *Mother's* rights to *RR* were terminated.

Moreover, as discussed above, the trial court erred by failing to apply the applicable tribal precedent, *In re JDRB*, APP-09-03/04 (May 25, 2010), to this case. Tribal precedent applies before federal or state precedent. Tribal Code Section 81.105(1). The *In re JDRB* Court held that Tribal Code Section 30.501 requires that parents be given a last opportunity to rectify conditions before termination may occur. In factual scenarios like this case where one parent allegedly creates an unsafe environment for a child because of her association with the other parent who has a substance abuse problem, the associating parent must be given one last chance

to parent without the offending parent. The associating parent must be given explicit notice that failure to parent the child without the offending parent will result in the associating parent's parental rights to the child being terminated.

Accordingly, the trial court's termination of *Mother*'s rights to *R.R.* is overturned. *Mother* will be given a limited time, no more than 180 days, to parent *R.R.*. If *Mother* fails to parent *R.R.* in the absence of *Father* or if *Mother* fails to demonstrate the ability to parent *R.R.*, *Mother*'s parental rights to *R.R.* will be terminated.

***Consideration of Tribal Customs and Traditions***  
***Appellate Judge Anita McKerchie***

Furthermore, the Court's decision in this case is buttressed by this Court's understanding of the customs and traditions of the Sault Ste. Marie Tribe of Chippewa Indians. It is appropriate for this Court to look to customs and traditions in reaching its decisions. *Liedel and Freiheit*, APP-08-05 (March 25, 2008). It may therefore be helpful to consider the Medicine Wheel in reaching the Court's determination in this case.

Traditional teachings of Anishinaabeg people encompassed all aspects of life, in relation to the world around us. This learning process addresses and teaches us about our physical, emotional, mind and spiritual parts are connected in life. As native people we believe everything happens in a circle beginning in the east flowing to the southern direction and so on in clockwise motion, as a result the medicine wheel is a circle divided into four equal parts.

The Medicine Wheel is a unified system of teachings that can be used with the seasons-spring, summer, fall and winter; the four directions-east, south, west and north; the four colors-red, yellow, black and white; stages of life-infancy, youth, adult and elder; and four dimensions of life-physical, emotional, mind and spiritual.

The Eastern direction or physical quadrant encompasses parents, siblings, family, stability, eating healthy, personal hygiene, home, safety, etc. The Eastern direction addresses how we take care of ourselves and those around us. The Southern direction or emotional quadrant identifies healthy feelings, nurturing, happiness and security, and someone in the Southern direction is not afraid to ask for help when needed. The Western direction or mind quadrant encompasses the stage where we are learning and sharing our knowledge of what we have been taught. The Northern or spiritual quadrant encompasses morals, values, ethics, practice traditional way of life and ceremonies. Christian beliefs such as church, baptisms, and other ceremonies are included in the Northern quadrant.

Using the medicine wheel can help to find balance and harmony and respect for a person. Everyone needs and deserves a balanced life. Moreover, the medicine wheel teaches that it is a parent's responsibility to make every effort to ensure that his or her child's physical needs are met daily. A child's needs include being with siblings and family and also stability. The medicine wheel shows that a parent should nurture the child, provide security for the child and

attempt to provide for the child's happiness. In addition to physical needs, the medicine wheel also teaches that it is a parent's responsibility to provide for the mental and emotional needs of a child. The final parental responsibility is meeting the spiritual needs of the child which include moral and ethical values. As explained more fully above, *mother* failed to meet these responsibilities in her parenting of *A.S.*

### ORDER

As explained more fully above, the trial court's order terminating the parental rights of *Father* to both *A.S.* and *R.R.* is affirmed.

The trial court's order terminating *mother*'s parental rights to *A.S.* is affirmed.

The trial court's order terminating *mother*'s parental rights to *R.R.* is overturned. The trial court clearly erred in failing to apply *In re JDRB*, APP-09-03/04 (May 25, 2010) to this case. Furthermore, the trial court erred in finding that *mother* failed to provide proper care for *R.R.*. Finally, termination is not in the best interest of *R.R.*

The tribal court is to maintain jurisdiction over this matter and custody over *R.R.* is not to be returned to *mother* at this time.

ACFS is ordered to create an updated service plan within 15 business days of the issuance of this order for *mother* in relation to her parenting of *R.R.*. This matter is to be a priority for both ACFS and the tribal court. *Mother* has a maximum of 180 calendar days to perform the updated service plan. Following the completion of the 180 days, ACFS shall have 15 business days to make and submit a recommendation to the tribal court regarding the parental rights of *mother* to *R.R.*. Notably, ACFS is not required to give *mother* the full 180 day period; if ACFS determines *R.R.* is at risk while in the care of *mother*, a shorter time period would be appropriate. If ACFS recommends termination of parental rights, the recommendation shall receive expedited review from the tribal court. Failure to comply with the terms of this order shall be viewed as contempt of court.

It is SO ORDERED.