Case No. A-07-000393

IN THE NEBRASKA COURT OF APPEALS

IN RE INTEREST OF WALTER [redacted] State of Nebraska

vs.

MARTINA [redacted]

APPEAL FROM THE SEPARATE JUVENILE COURT
FOR DOUGLAS COUNTY, NEBRASKA

Honorable Elizabeth Crnkovich
Juvenile Court Judge

BRIEF OF AMICUS CURIAE
Nebraska Appleseed Center for Law in the Public Interest

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Exhibit 87 contains the entire Bill of Exceptions from the first appeal. Each reference to testimony adduced at the first termination hearing is cited in this brief as: (E87, ___:___). "____:____" represents the page and line number indicated within Volume III "Testimony & Proceedings." Other references to exhibits contained within Exhibit 87 are cited in this brief according to Rule 9C(3) of the Rules of the Supreme Court/Court of Appeals of the State of Nebraska.

STATEMENT OF INTEREST

On June 26, 2007, the Nebraska Appleseed Center for Law in the Public Interest ("Nebraska Appleseed") filed a *Motion for Leave to Appear and to File Amicus Curiae Brief.* This Court sustained the motion on July 6, 2007.

Amicus curiae Nebraska Appleseed is a statewide non-profit, non-partisan public interest law project based in Lincoln, Nebraska. Nebraska Appleseed has over ten years of experience in litigation and advocacy regarding issues affecting underrepresented groups in Nebraska. For the last four years, Nebraska Appleseed has focused a significant amount of its work, through litigation and public policy, on investigating and addressing the myriad systemic issues affecting children and families in Nebraska's foster care system. Nebraska Appleseed believes that this case presents far-reaching issues involving the Indian Child Welfare Act ("ICWA") and that the full enforcement of ICWA in Nebraska is at the core of a fair system of justice for Native American children and families.

SUMMARY OF ARGUMENT

This case concerns the State of Nebraska's ("the State") failure to provide "active efforts" as required by the Indian Child Welfare Act. The Indian Child Welfare Act is intended to preserve Indian culture and prevent the breakup of Indian families. The interpretation of ICWA's active efforts requirement, therefore, is a critical systemic issue that broadly impacts Native American children and families.

Appellant argues, *inter alia*, that there was no evidence of active efforts between the date of disposition and the first and second hearings on the motions to terminate parental rights. *Amicus* joins Appellant in asserting that there was insufficient evidence for the Separate Juvenile Court to find that the State had proved the Petition to terminate parental rights with respect to

active efforts and submits that this case highlights the need for this Court to define and enforce a clear standard of active efforts.

BACKGROUND

I. The History of the Indian Child Welfare Act

Enacted by Congress in 1978, 25 U.S.C. §§ 1901–1963, the Indian Child Welfare Act, applies to "child custody proceedings" involving "Indian child[ren]." ICWA was adopted in response to rising concerns "...over the consequences to Indian children, Indian families, and Indian tribes of abusive child welfare practices that resulted in the separation of large numbers of Indian children from their families and tribes through adoption or foster care placement, usually in non-Indian homes." *Miss. Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 32, 109 S. Ct. 1597, 1599–1600 (1989). Among the Congressional Findings codified in the preamble of ICWA are the following:

> (3) that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and that the United States has a direct interest, as trustee, in protecting Indian children who are members of or are eligible for membership in an Indian tribe;
>
> (4) that an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by nontribal public and private agencies and that an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes and institutions; and
>
> (5) that the States, exercising their recognized jurisdiction over Indian child custody proceedings through administrative and judicial bodies, have often failed to recognize the

essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families. 25 U.S.C. § 1901(3)–(5).

In congressional hearings conducted during the legislative formation of ICWA, concerns were raised about developmental problems experienced by Indian children raised in non-Indian homes: "'[N]ative American children placed in off-reservation non-Indian homes are at risk in their later development. Often enough they are cared for by devoted and well-intentioned foster or adoptive parents. Nonetheless, particularly in adolescence, they are subject to ethnic confusion and a pervasive sense of abandonment.'" Indian Child Welfare Law Ctr., History Behind Enactment of The Indian Child Welfare Act, (2007), http://www.icwlc.org/historyoficwa.html (quoting Indian Child Welfare Act of 1977 Hearing on S.1214 before the Senate Select Committee on Indian Affairs, 95 Cong., 1st Sess. (1977), at 114 (statement of Drs. Carl Mindell and Alan Gurwitt of the American Academy of Psychiatry).

In enacting ICWA, Congress essentially determined that it is in the best interest of Indian children to maintain relationships with their tribes and extended families. *In re Interest of C.W.*, 239 Neb. 817, 825, 479 N.W.2d 105, 112 (1992) (*citing Miss. Choctaw Indians Band [sic] v. Holyfield*, 490 U.S. 30, 109 S. Ct. 1597, 104 L. Ed. 2d 29 (1989)). It is this focus and purpose that underlies Congress' imposition of higher standards and greater protections afforded to Indian children and families under ICWA. ICWA includes requirements for notice to tribes, provisions for intervention by tribes, higher standards of proof, and specific placement preferences, among other things. 25 U.S.C. §§ 1901–1963. Each of these provisions reflect the importance of maintaining a child's tribal and family relationships.

II. Nebraska Has a History of Noncompliance with ICWA

In 1985, the Nebraska Legislature enacted the Nebraska Indian Child Welfare Act ("NICWA") with substantively similar provisions as the federal act. *See* Neb. Rev. Stat. §§ 43-1501–1516. NICWA was necessary because Nebraska's Native American population was not immune to the family destruction that ICWA was meant to address. According to the 2000 U.S. Census, there were approximately 14,896 Native American Indian and Alaska Natives residing in Nebraska. U.S. Census Bureau, Profile of General Demographic Characteristics (2000), http://www.census.gov/main/www/cen2000.html (select "Nebraska" under "Select a state;" then select "Go;" then follow "General Demographic Characteristics (DP-1)" hyperlink under "Tables"). Four tribes have reservations within Nebraska: the Omaha, Ponca, Santee Sioux, and Winnebago. As of the fall of 2004, 509 American Indian children were in out-of-home placement in Nebraska. Child Welfare League of America, Number of Children in Out-of-Home Care, by Race and Ethnicity (2004), http://ndas.cwla.org/research_info/minority_child/ (follow "Number of Children in Out-of-Home Care, by Race and Ethnicity" hyperlink; then highlight "States: Nebraska" line; then select "Add;" then select "Create Report"). This figure does not include additional children who are under juvenile court jurisdiction due to abuse or neglect but are not placed outside of the home.

The State of Nebraska has a history of noncompliance with ICWA as was suggested in an August 2005 feature article of *The Nebraska Lawyer* entitled "Overview of ICWA: 'the Most Ignored Federal Law Ever.'" *See* Sherri Eveleth, *Overview of ICWA: "the Most Ignored Federal Law Ever,"* The Neb. Law., Aug. 2005 at 20–23. According to the article, ICWA and NICWA are "ignored or misapplied in a large number of ICWA cases." *Id.* at 20.

Nebraska's noncompliance with ICWA was also documented by the U.S. Department of Health and Human Services in their 2002 federal review ("Child and Family Services Review" or "CFSR") of Nebraska's child protection system. The CFSR evaluated the State on seven different outcomes and included an assessment of ICWA-related issues. (E101, 2:160–61, 1008). In its evaluation of Nebraska's compliance with permanency outcomes, the CFSR reviewed the State's efforts at "preserving connections" between the child and his or her biological family and/or cultural heritage. Nearly a third of cases did not sufficiently preserve the child's family connections and cultural heritage while in foster care. (E101, 40–41:160–61, 1046–47). This was one of many areas in which the State's child welfare system "needed improvement." (E101, 1–79 [sic]:160–61, 1107–86). The federal review also noted failures to provide adequate notice to Indian tribes and that "Nebraska has no written procedures for caseworkers to use in determining a child's membership or eligibility for membership in a Tribe." (E101, 40–41:160–61, 1146-47).

The Nebraska Department of Health and Human Services' ("NDHHS" or "the Department") Statewide Assessment for the CFSR further described Nebraska's history of noncompliance with ICWA. *See* Neb. Health & Human Servs. Sys., Child and Family Servs. Review Statewide Assessment, May 2002, at 1–113 *available at* http://www.hhs.state.ne.us/jus/cfsr/final.pdf. The Statewide Assessment identified deficiencies in ICWA compliance as a main area of concern. *Id.* at 46. It further cited a 1999 compliance report indicating that "68% of records reviewed did not include documentation of steps taken to determine whether the child was an Indian child within the meaning of the Act" and that "[c]ultural conditions and way of life of the child's tribe or Indian community were considered in

only 33% of the case plans reviewed[.]" *Id.* at 54. As a result of these ICWA violations and a host of other problems, Nebraska failed its review. (E101, 2:160–61, 1108).

The problems that were the driving force behind the enactment of ICWA at the federal level and in Nebraska, namely the overrepresentation of Indian children in out-of-home foster care placements with non-Indian families, still persist. The active efforts requirement of ICWA is a vital tool in ensuring that the rights of Indian families involved in the child welfare system are protected.

ARGUMENT

I. The State Has Failed to Meet Its Burden of Providing Active Efforts as Required by State and Federal Law

Under ICWA and NICWA, the court may not place a child in foster care or terminate one's parental rights unless the State can prove it has made active efforts to keep the Native American family intact. 25 U.S.C. § 1912(d); Neb. Rev. Stat. § 43-1505(4). The relevant section reads:

> Any party seeking to effect a foster care placement of, or termination of parental rights to, an Indian child under State law shall satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful. *Id.*

The State has not met its burden to provide active efforts in this case. Further, as revealed in the federal review of Nebraska's child protection system, Nebraska regularly fails to meet the requirements of ICWA. A clear and proper standard for active efforts does not exist in Nebraska and is sorely needed. The interpretation of this standard should reflect the underlying purpose of ICWA, which is to maintain the family and tribal relationship whenever possible.

A. Active efforts is a higher standard than reasonable efforts

Active efforts presents the State with a higher burden than it faces in non-Indian child welfare cases. In a typical child welfare case, the state must make "*reasonable efforts*...to preserve and reunify families ...." Neb. Rev. Stat. § 43–283.01(2) (emphasis added). While reasonable efforts itself requires significant services and assistance to families, active efforts is an even higher standard than reasonable efforts. This Court has recognized a difference between active and reasonable efforts. In *In re Interest of Sabrienia B.*, this Court held "...that the ICWA requirement of 'active efforts' is *separate and distinct* from the 'reasonable efforts' provision of § 43–292(6) and therefore requires the State to plead active efforts by the State to prevent the breakup of the family." *In re Interest of Sabrienia B.*, 9 Neb. App. 888, 895, 621 N.W.2d 836, 842 (2001) (emphasis added). In *Sabrienia B.*, this Court reversed and remanded a termination of parental rights order and noted that ICWA requires active efforts to reunite a family prior to termination of parental rights. *Id.*

Even the Nebraska Department of Health and Human Services has recognized that active efforts is a higher standard requiring the provision of additional services. The Department, in an administrative program memorandum, expressly noted that the active efforts standard is regarded as a "*higher standard* than the standard of 'reasonable efforts' required for non-Indian children." (E93, 3:102–3, 1024) (emphasis added). Maria Lavicky, the NDHHS Protection and Safety Administrator for the Eastern Service Area, testified that the Department's policies are based on state and federal guidelines. (138:3–6,152:5–15). Ms. Lavicky also testified that the State must implement and follow these guidelines in order to draw down federal funding for protection and safety work under Title IV-E of federal law, 42 U.S.C. §§ 670–679b. (144:7–19; 151:9–12). NDHHS's 2005 program memorandum was issued as part of a "program improvement plan"

developed in response to the system deficits highlighted in the 2002 federal review. (157:1–3, 157:9–158:1).

Other states have also recognized active efforts as a higher standard and distinct from reasonable efforts. *See e.g., In re Nicole B. and Max B.,* 2007 Md. App. LEXIS 98, 31-32 ("The majority of courts that have considered the 'active efforts' requirement...have determined that it sets a higher standard for social services departments than the 'reasonable efforts' required by state statute. *See ...Winston J. v. Alaska, Dept. of Health and Soc. Servs., Ofc. of Children's Servs.,* 134 P.3d 343, 347 n.18 (Alaska 2006) (stating that the ICWA's 'active efforts' requirement is more demanding than the 'reasonable efforts' required by the state statute); *...In re A.N.,* 2005 MT 19, 325 Mont. 379, 106 P.3d 556, 560 (Mont. 2005) (determining that '[t]he term active efforts, by definition, implies heightened responsibility compared to passive efforts. Giving the parent a treatment plan and waiting for him to complete it would constitute passive efforts.'")). Given that the State itself, as well as other courts, define active efforts as a higher standard than reasonable efforts, this Court should recognize the same.

Not only does active efforts refer to a higher standard and a requirement separate and distinct from reasonable efforts, but active efforts also encompasses qualitative differences. *See* Iowa Code § 232B.5(19) ("The court shall not order the placement or termination, unless the evidence of active efforts shows there has been a vigorous and concerted level of casework beyond the level that typically constitutes reasonable efforts as defined in sections 232.57 and 232.102."); Minnesota Tribal/State Agreement under 25 U.S.C. § 1919, Minn. Dep't of Health and Human Servs., Indian Child Welfare Services and Supports (2007), *available at* http://www.dhs.state.mn.us (select "Children" tab; then follow the "Indian Child Welfare" hyperlink) ("Active efforts means active, thorough, careful, and culturally appropriate efforts by

[the local social services agency] to fulfill its obligations under ICWA, MIFPA [the Minnesota Indian Family Preservation Act], and the DHS Social Services Manual to prevent placement of an Indian child and at the earliest possible time to return the child to the child's family once placement has occurred").

First, active efforts must include an attention to culturally appropriate services. The Department of the Interior Bureau of Indian Affairs "Guidelines for State Courts; Indian Child Custody Proceedings," indicates that active efforts "...shall take into account the prevailing social and cultural conditions and way of life of the Indian child's tribe. They shall also involve and use the available resources of the extended family, the tribe, Indian social services agencies and individual Indian caregivers." Guidelines for State Courts; Indian Child Custody Proceedings, 44 Fed. Reg. 67,584 (Nov. 26, 1979). Consistent with this federal interpretation, the NDHHS program memorandum states that active efforts should include "...referral[s] to services that are sensitive to the family's culture" and mirrors the language that "[t]he worker must involve and use the available resources of the extended family, the tribe, Indian social services agencies and individual Indian caregivers." (E93, 3:102–3, 1024).

Second, active efforts has been contrasted with "passive efforts:"

> Passive efforts are where a plan is drawn up and the client must develop his or her own resources towards bringing it to fruition. Active efforts, the intent of the drafters of the Act, is where the state caseworker takes the client through the steps of the plan rather than requiring that the plan be performed on its own. For instance, rather than requiring that a client find a job, acquire new housing, and terminate a relationship with what is perceived to be a boyfriend who is a bad influence, the Indian Child Welfare Act would require that the caseworker help the client develop job and parenting skills necessary to

retain custody of her child. *A.A. v. State, Dep't of Family & Youth Servs.*, 982 P.2d 256, 261 (Alaska 1999) (internal citations omitted).

NDHHS officials have recognized this standard. The Department's own policy memorandum notes that "[a]ctive efforts means that *everything possible* must be done to help the family resolve the problems that led to neglect or abuse...." (E93, 3:102–3, 1024) (emphasis added). In addition, Ms. Lavicky, the NDHHS Protection and Safety Administrator for the Eastern Service Area, testified that active efforts means "to remove *every and all* barrier[s]" to rehabilitation. (138:3–6, 152:5–153:6) (emphasis added).

Third, active efforts includes both remedial services and rehabilitative programs and the court must distinguish these requirements. Rehabilitative programs are those designed to rehabilitate the parent in order to prevent removal or termination of parental rights; whereas remedial efforts involve remediating the circumstances surrounding the child's removal from the home. ICWA and NICWA by their plain language clearly require *both* "remedial services *and* rehabilitative programs designed to prevent the breakup of the Indian family." 25 U.S.C. §§ 1901-1963; Neb. Rev. Stat. § 43-1501 (emphasis added). In every case, therefore, the court must determine whether both requirements have been separately fulfilled. The Department cannot "double dip" by considering either remedial services or rehabilitative programs to fill both requirements.

Based on a review of the Department's policies and testimony, and decisions of other courts that have considered the issue, it is clear that active efforts is not only a different standard than reasonable efforts, but a higher standard. It includes not only the need to develop a case plan that respects the distinct cultural needs of Native families, but to actively assist the parent in meeting the terms of that case plan with culturally appropriate services.

B. "Encouragement and referrals" provided in this case do not constitute active efforts

According to the Nebraska Department of Health and Human Services, active efforts means that "*everything possible* must be done to help the family resolve the problems that led to neglect or abuse." (E93, 3:102–3, 1024) (emphasis added). However, the Department does not put this policy into practice. This case is an example in which the Department has wholly failed to follow its own policy regarding active efforts. While it is not economically feasible for the State to be required to leave no stone unturned, active efforts does require the State to provide considerable assistance to the family. Moreover, while the State is not required to persist in efforts that are futile, this is not the situation in this case. Here, the State failed in its obligation to provide active efforts to Appellant, who the record indicates was beginning to show progress in addressing the issues that led to the adjudication and who sought out services on her own. (E87, 345:7–346:2, 346:20–347:3, 347:7–10, 347:19–21, 351:17–22, 398:22–399:12, 400:1–19). Instead of providing active efforts, the Department principally provided "encouragement and referrals" to Appellant in this case. (E87, 383:5–385:13, 400:20–401:8, 420:4–8) (E87, 316:14–15, 741) (E87, 325:14–15, 750) (E87, 327:14–15, 752) (E87, 329:14–15, 754) (E87, 330:14–15, 755) (E87, 511:14–15, 936).

The services provided by the Department to Appellant do not meet the requirements of active efforts. First, active efforts, under the plain language of both Nebraska and federal ICWA must include *both* remedial services *and* rehabilitative programs. *See* 25 U.S.C. §§ 1901-1963; Neb. Rev. Stat. § 43-1501 (emphasis added). Most of the services provided were remedial or related to the child's out-of-home placement: foster care, medical care for the child, visitation, and transportation to visitation. (E87, 367:1–10, 21–25). Mr. Martens, the primary ongoing

NDHHS case worker, admitted that these types of services do not constitute rehabilitative efforts. (E87, 379:4–381:23). The primary rehabilitative efforts offered in this case consisted of: bus tickets, vouchers for rent, clothing and an electric bill, and "encouragement and referrals." (E87, 382:6–8, 383:21–385:13, 400:20–401:3, 420:4–8). These services do not fulfill the "remedial services and rehabilitative programs" component of active efforts. *See* 25 U.S.C. §§ 1901-1963; Neb. Rev. Stat. § 43-1501.

Second, active efforts must be *active*, not passive. Active efforts would require the caseworker to locate an appropriate treatment program, secure a spot for the client in the program, and facilitate the client's participation, for example, as opposed to simply providing the client with the facility's name and number. Again, NDHHS's own standards require that active efforts are met when "*everything possible* [is] done to help the family resolve the problems that led to neglect or abuse...." (E93, 3:102–3, 1024) (emphasis added). In this case, Mr. Martens repeatedly characterized the services provided in this case as merely "encouragement and referrals." (E87, 383:5–385:13, 400:20–401:8, 420:4–8) (E87, 316:14–15, 741) (E87, 325:14–15, 750) (E87, 327:14–15, 752) (E87, 329:14–15, 754) (E87, 330:14–15, 755) (E87, 511:14–15, 936).

Finally, active efforts must be culturally appropriate. In this case, however, the State developed no formal or written cultural plan for Walter W. and produced a psychological evaluation that was not corrected for cultural bias. (E87, 445:2–11, 478:16–480:5, 481:5– 16, 499:6–10). Furthermore, the State here failed to utilize the resources of the child's extended family, for example, by not pursuing Appellant's sister, a licensed foster home, as a placement for Walter W. (116:6–117:4).

Although a full discussion of the right to appeal is beyond the scope of this brief, the fact that the State did not provide active efforts throughout this case reinforces the position that Appellant and other Indian parents must be allowed to appeal an active efforts determination prior to the final hearing to terminate parental rights.

II. This Court Must Define and Enforce Active Efforts as a Higher Standard than Reasonable Efforts

The case at bar is one in a pattern of cases in which courts in Nebraska have permitted slipshod compliance with ICWA. Existing case law on active efforts shows a pattern of narrow and often incorrect interpretations of the active efforts requirement. Despite this Court's recognition in *In re Interest of Sabrienia B.* that "the ICWA requirement of 'active efforts' is separate and distinct from .... 'reasonable efforts'..." other cases seem to confuse this requirement. *Sabrienia B.*, 9 Neb. App. at 895, 621 N.W.2d at 842.

For example, the State's action in *In re Interest of Phoebe S.* did not rise to the level of active efforts as intended by ICWA. In *Phoebe S.*, this Court found that, "...the juvenile court did not err in finding that *reasonable* efforts had been made to provide for remedial services and rehabilitative programs designed to prevent the breakup of Regina's Indian family." *In re Interest of Phoebe S.*, 11 Neb. App. 919, 934, 664 N.W.2d 470, 482 (2003) (emphasis added); Additional dispositive "reasonable efforts" language is found in *Phoebe S.*,11 Neb. App. at 940, 664 N.W.2d at 485.

Even assuming that the services provided in *Phoebe S.* did meet the active efforts requirement for the mother in that case, one size does not fit all. *In re Interest of Enrique P.*, 14 Neb. App. 453, 469, 709 N.W.2d 676, 689 (2006) ("What we have gleaned from the foregoing case law concerning the ICWA is that each case is dependent upon its particular facts and

circumstances."). In the instant case, several of the specific issues that led to the adjudication were different than those in *Phoebe S.,* as were Appellant's needs for rehabilitation. For example, Appellant was ordered to complete inpatient chemical dependency treatment, which was not an issue in *Phoebe S.* (E87, 325:14–15, 750) (E87, 327:14–15, 752) (E87, 316:14–15, 741); *Phoebe S.,* 11 Neb. App. at 920–923, 664 N.W.2d at 473–475. In each case, therefore, the court must look to see, in light of the issues that led to the adjudication, that culturally appropriate, rehabilitative *and* remedial, and truly active efforts have been provided to address the needs of the individual case.

Ironically, in addition to *Phoebe S.*, several other published active efforts cases demonstrate the conflation of the reasonable efforts and active efforts requirements, an error that goes to the heart of the Indian Child Welfare Act and indicates that there is a cloud of confusion - or indifference - in Nebraska surrounding active efforts that can be seen at all levels. *See Sabrienia B.,* 9 Neb. App. at 895, 621 N.W.2d at 842 (State's motion for termination of parental rights in a case governed by ICWA pled reasonable, rather than active efforts); *Enrique P.*, 14 Neb. App. at 468–69, 709 N.W.2d at 688 (reasonable efforts ordered at dispositional and review hearings in ICWA case). This is indicative of the problems seen in this case and others like it.

The distinction between reasonable efforts and active efforts is particularly important in this case because the previous termination of parental rights to Appellant's other children did not fall under ICWA. In the case of Walter W., the Department's duty - to preserve Walter W.'s Indian family - was higher. The Court may consider the history in this case, but cannot under the law permit the Department to consider previous reasonable efforts, or the minimal "encouragement and referrals" provided here, to meet the higher standard of active efforts in this case.

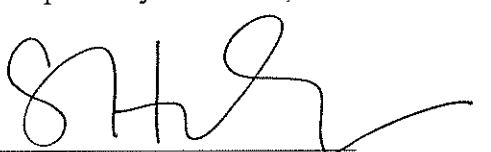
For the Indian Child Welfare Act to be fully enforced and to meaningfully protect the rights of Native American families in the State of Nebraska, this Court must make clear that active efforts is a higher and different standard than reasonable efforts. Unless this Court provides the necessary guidance and enforcement, Indian families and tribes will continue to be denied the protections intended by ICWA.

CONCLUSION

For all of the foregoing reasons, *amicus curiae* respectfully requests that this Court find that the trial court's application of law was legal error and, specifically, that the State failed to provide active efforts to Appellant.

Dated this 3rd day of August, 2007.

Respectfully submitted,



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Sarah Helvey, being duly sworn on oath, states as follows:

1. That she is an attorney for the Nebraska Appleseed Center for Law in the Public Interest.
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FURTHER AFFIANT SAITH NAUGHT.

DATED this 3rd day of August, 2007.

Sarah Helvey

SUBSCRIBED and SWORN before me this 3rd day of August, 2007.

Notary Public