

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
Family and Adult Services Division

SERVICE PLAN AND AGREEMENT

Date: March 13, 1995

names: [REDACTED] DOB: [REDACTED] FC-S No.: [REDACTED]  
Kema, Peter Jr. 05/01/91 91-48

This Service Plan and Agreement is between Mrs. Jaylin Kema (a.k.a. Jaylin Acol), Mother, Mr. Peter Kema, Sr., Father of Peter Kema, Jr., [REDACTED] and the Department of Human Services (DHS).

I. REASON FOR AGENCY INVOLVEMENT:

On May 8, 1991, a report of physical abuse to [REDACTED] was received by Child Protective Services in Kona. [REDACTED] were placed out of the family home on May 8, 1991, and subsequently returned on June 26, 1991.

On August 11, 1991, Peter Kema, Jr., was admitted to Hilo Hospital with multiple fractures of varying ages, and [REDACTED] were taken into foster custody by DHS.

This Service Plan and Agreement is intended to facilitate the continuing efforts being made by Mother and Father to make the family home a consistently safe, nurturing and caring environment in which [REDACTED] can reside.

Justification for the services addressed in this Service Plan are contained in the Safe Home Guidelines dated May 14, 1991, June 26, 1991, August 17, 1991, March 31, 1992, July 8, 1992, May 10, 1993, August 4, 1993, January 24, 1994 and July 8, 1994, December 12, 1994 and March 13, 1995.

II. GOAL:

The primary goal is to return [REDACTED] to the family home at the completion of the current school year, June, 1995.

The secondary goal is to provide Peter Boy with a continuing safe, stable and nurturing family home.

III. OBJECTIVES:

- A. TO CONTINUE TO LEARN AND DEMONSTRATE APPROPRIATE INTERPERSONAL/RELATIONSHIP SKILLS.
- B. TO CONTINUE TO DEMONSTRATE AN ADEQUATE UNDERSTANDING OF THE CHILDREN'S NEEDS FOR ROUTINE, PREDICTABLE, POSITIVE CONTACT.
- C. TO CONTINUE TO DEVELOP AND DEMONSTRATE SELF ESTEEM, INDEPENDENCE AND COPING SKILLS SUFFICIENT TO MAINTAIN A STABLE ENVIRONMENT.
- D. TO CONTINUE TO LEARN AND DEMONSTRATE APPROPRIATE PARENTING SKILLS.

IV. SPECIFIC STEPS TO ACHIEVE OBJECTIVES/RESPONSIBILITIES OF THE PARTIES:

A. MR. PETER KEMA, Father, and MRS. JAYLIN KEMA, Mother, will:

- 1. Continue to maintain contact with [REDACTED] through regular telephone contacts while [REDACTED] are in Kona and through regularly scheduled weekend visitations.
- 2. Continue to participate in therapeutic counseling with Kit Barthel, Ph.D. to address areas of personal, marital and family concerns until clinically discharged.

**Note:** This therapy will consist of individual sessions, conjoint sessions with each other and "ohana" sessions with [REDACTED], in attendance.

- 3. Continue to allow therapists and other service providers to share verbal and written reports with the DHS.
- 4. Continue not to use any physical discipline with [REDACTED].
- 5. Maintain regular contact with the DHS to discuss problems and progress with this Service Plan.

**D. THE DHS SOCIAL WORKER will:**

1. Continue to monitor problems and progress with this Service Plan by maintaining contact, verbal, written, or face-to-face, with the service providers.
2. Continue to maintain regular contacts with family members through visits, phone calls, and collateral contacts.
3. Arrange other services as necessary, in consultation with the Guardian Ad Litem (GAL).
4. Continue to assess the effectiveness and utilization of services provided.
5. Continue to maintain regular contact with [REDACTED] and the foster parent to assure appropriate care for [REDACTED], and appropriate support for the foster parent.
6. Continue to encourage Mother, Father and [REDACTED] to work out and maintain a realistic schedule of weekend visits for [REDACTED]

**V. SPECIFIC STEPS TO ACHIEVE OBJECTIVES/RESPONSIBILITIES OF THE FOSTER PARENTS/CARETAKERS:**

**A.**

[REDACTED] will:

1. Continue to attend therapeutic counseling sessions under the guidance of Kit Barthel, Ph.D, with Mother and Father also in attendance.
2. Continue to maintain confidentiality with regards to [REDACTED] family and the abuse they have suffered, as far as you are able.
3. Continue to transport [REDACTED] to and from the doctor's office for routine and recommended therapy or examinations.
4. Encourage [REDACTED] to communicate with Mother and Father through visitations and frequent telephone calls.

5. Continue to establish clear rules for [REDACTED] and follow-up with fair and consistent positive and negative consequences.
6. Continue to keep the social worker informed of any changes and new developments in [REDACTED] situation.
7. Continue to provide positive role modeling.
8. Maintain a neutral and fair attitude with respect to the issue of impending reunification.
9. Continue the visits between [REDACTED] and [REDACTED]

VI. ANCILLARY RESOURCES:

- A. Dr. Kit Barthel, Ph.D.  
P.O. Box 1811  
Kamuela, Hawaii 96743  
Telephone: 961-2525
- B. Terry Ann Fujioka, Ph.D.

VII. CONSEQUENCES:

- A. YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILDREN WHO ARE SUBJECT OF THIS SERVICE PLAN MAY BE TERMINATED BY AN AWARD OF PERMANENT CUSTODY IF YOU FAIL TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS SERVICE PLAN.
- B. If Mrs. Jaylin Kema and Mr. Peter Kema, Sr. substantially comply with their responsibilities to provide [REDACTED] with a safe family home as are set forth in this Service Plan, the DHS will consider recommending a revised Service Plan addressing the reunification of [REDACTED] in the home, or the recommendation of returning [REDACTED] to their home and a change of status to Family Supervision.
- C. If Mrs. Jaylin Kema and/or Mr. Peter Kema, Sr. do not substantially comply with their responsibilities to provide [REDACTED] with a safe family home as are set forth in this Service Plan, the DHS may take or recommend such action as is deemed necessary to protect [REDACTED], including, but not limited to, recommendation of a Revised Service Plan continuing Foster Custody, a recommendation of Contempt of Court, or a recommendation of Permanent Custody.

VIII. SERVICE PLAN REVIEW DATE:

This Service Plan shall be in effect until the next scheduled court hearing, or until further order of the Court.

IX. SERVICE AGREEMENT:

The undersigned have read the foregoing Service Plan and Agreement and understand and agree to each and every term and condition stated herein.

JAYLIN KEMA Date  
Mother

PETER KEMA SR. Date  
Father of Peter Kema. Jr.

[Redacted] Date

[Redacted] Date

[Redacted] 3/24/95  
Date  
Social Worker

I certify I have reviewed this document.

[Redacted] 3/24/95  
Date  
Supervisor  
Child Welfare Services Unit II

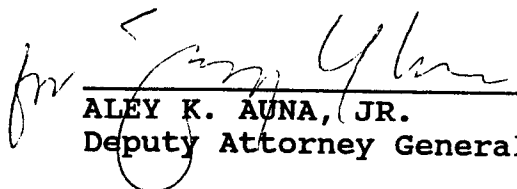
Representing the Department of  
Human Services

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 27, 1995, a copy of the foregoing was duly served by the methods below to the following individuals:

	<u>Hand Delivery/ Facsimile</u>	<u>U. S. Mail</u>
KRIS A. LaGUIRE, ESQ. Attorney for Mother	X	
STEVEN D. STRAUSS, ESQ. Attorney for Peter Kema, Sr.		X
JOHN A. WAGNER, ESQ. [REDACTED]	X	
EDITH KAWAI, ESQ. Guardian Ad Litem		X
PETER KUBOTA, ESQ. [REDACTED]		X

DATED: Hilo, Hawaii, March 27, 1995.

*for*   
\_\_\_\_\_  
ALEY K. AUNA, JR.  
Deputy Attorney General

COPY

ROBERT A. MARKS 2163  
Attorney General of Hawaii

ALEY K. AUNA, JR. 3391  
Deputy Attorney General  
Suite 1014-D, Hilo Lagoon Centre  
101 Aupuni Street  
Hilo, Hawaii 96720  
Telephone: 933-4786

Attorneys for the Department  
of Human Services

THIRD CIRCUIT COURT  
STATE OF HAWAII  
FILED

DEC 29 4 04 PM '94  
SAUDRA LIM

CLERK

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

[REDACTED]

PETER KEMA, JR.  
Born on May 1, 1991

Children under the age of  
eighteen years.

FC-S NO. [REDACTED]

91-48

ORDER RE: CHAPTER 587, H.R.S.,  
AS AMENDED

HEARING: December 15, 1994

HONORABLE GEORGE YUDA

ORDER RE: CHAPTER 587, H.R.S., AS AMENDED

The following parties and/or individuals were present:

- [X] JAYLIN KEMA \_\_\_\_\_, Mother;
- [X] KRIS LAGUIRE \_\_\_\_\_, Counsel for Mother;
- [X] PETER KEMA, SR. \_\_\_\_\_, Father of Kema Child;
- [X] STEVEN STRAUSS \_\_\_\_\_, Counsel for Mr. Kema;
- [X] [REDACTED] \_\_\_\_\_, Father of [REDACTED] Child;
- [X] JOHN WAGNER \_\_\_\_\_, [REDACTED];
- [X] EDITH RADL \_\_\_\_\_, Guardian Ad Litem;
- [X] [REDACTED] \_\_\_\_\_, DHS Social Worker;
- [X] ALEY K. AUNA, JR. \_\_\_\_\_, Deputy Attorney General;
- [X] [REDACTED] \_\_\_\_\_, [REDACTED];
- [X] PETER KUBOTA \_\_\_\_\_, [REDACTED];
- [X] ALICE TANIGUCHI \_\_\_\_\_, [REDACTED];

The following parties were not present at the hearing:

[ ] \_\_\_\_\_, who was/were  
represented by counsel;

I hereby certify that this is a full, true and  
correct copy of the original on file in this office.

*Sandra Lim*  
Clerk, Third Circuit Court, State of Hawaii

Based upon the records and/or evidence presented and having fully considered all relevant prior and current information pertaining to the guidelines for determining whether [REDACTED] family is willing and able to provide [REDACTED] with a safe family home, the Court finds that:

- A Reasonable efforts are being made or have been made by DHS to make it possible for [REDACTED] to return to the family home;
- B Regarding Peter, Jr. the child's family is presently willing and able to provide the child with a safe family home without the assistance of a service plan;
- C Regarding [REDACTED] family is not presently willing and able to provide [REDACTED] with a safe family home even with the assistance of a service plan;
- D Each party understands that unless the family is willing and able to provide [REDACTED] with a safe family home within a reasonable period of time, their respective parental and custodial duties and rights shall be subject to termination;

Based upon the foregoing considerations and findings, and good cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1 Regarding [REDACTED] the prior award of foster custody is continued;
- 2 Regarding Peter, Jr., family supervision is <sup>continued;</sup> ~~reoked and jurisdiction is terminated;~~
- 3 All prior consistent orders shall remain in full force and effect until further order of the Court;
- 4 All parties shall appear at a pretrial conference hearing, which will be held on February 2, 1995 at 11:00 A.M., before the Honorable Ben H. Gaddis;
- 6 The following exhibits are admitted into evidence and made a part of the record, provided that ~~the parties~~ reserve the right to cross-examination thereon:



State's 1 DHS Safe Family Home Guidelines Report dated December 12, 1994, prepared by [REDACTED] Social Worker;

State's 2 Report of the Guardian Ad Litem filed December 13, 1994;

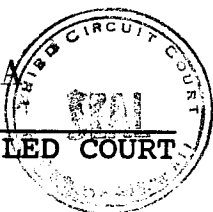
7 Witness and exhibit lists are due on or before the pretrial conference;

8 The parties shall participate in joint counseling sessions with Dr. Christopher Caldwell;

9 visitations shall be had as agreed upon.

DATED: Hilo, Hawaii, DEC 29 1994

GEORGE S. YUDA



ASSIGNED JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

Peter K. Keelotay  
John A. [unclear]  
[unclear]

[Signature]  
Edith Kawai Rodd

STATE OF HAWAII  
FAMILY COURT  
THIRD CIRCUIT

ORDER SUBSTITUTING COUNSEL  
FOR FATHER

CASE NUMBER

FC-S NO. [REDACTED]

In the Interest of

[REDACTED]  
Children under the age of  
eighteen years.

ORIGINAL COUNSEL

CELIA A. URION

COUNSEL FOR (NAME)

[REDACTED]  
NEW COUNSEL (NAME & PHONE NO.)  
JOHN A. WAGNER  
935-2544

Good cause appearing, IT IS ORDERED that the order appointing the original counsel to represent the person named above is revoked and set aside.

IT IS ALSO ORDERED that pursuant to HRS Section 587-34(a),  
\_\_\_\_\_ the person indicated above is substituted as counsel until final disposition of the case unless sooner discharged by the court.

IT IS FURTHER ORDERED that said counsel shall serve effective: December 14, 1994

without bond.

without compensation.

and receive reasonable fees and expenses. The court will assess the costs of this action. The costs may be payable in whole or in part by an individual, an agency or by the court as the circumstances may justify.

cc: Substitute Counsel - J. Wagner (pickup)  
Discharged Counsel - C. Urion (by mail)  
DAG - A. Auna  
DHS - [REDACTED]  
GAL - E. Radl  
Counsel/Mother - K. LaGuire  
Fiscal  
Family Court Director

Assigned

DATE

DEC 14 1994

JUDGE

GEORGE S. YUDA

CLERK

DEC 14 0 13 PM '94  
H. TAMANAHIA

THIRD CIRCUIT COURT  
STATE OF HAWAII  
FILED



A CONFIDENTIAL REPORT OF THE  
DEPARTMENT OF HUMAN SERVICES

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

) FC-S No. [REDACTED]

) 91-48

)  
)  
)  
) SAFE FAMILY HOME GUIDELINES  
) REPORT; PERMANENT PLAN  
)  
)

PETER KEMA, JR.

Born on May 1, 1991

Children under the age of  
eighteen years.

) JUDGE : BEN H. GADDIS

) HEARING: DECEMBER 15, 1994

) TIME : 9:00 A.M.

SAFE FAMILY HOME GUIDELINES REPORT

Date: December 12, 1994

THE DEPARTMENT BELIEVES THAT REASONABLE EFFORTS MUST BE MADE TO PRESERVE THE FAMILY UNIT, PREVENT UNNECESSARY PLACEMENT OF A CHILD, AND RETURN A CHILD TO THE FAMILY BY PROVIDING APPROPRIATE, AVAILABLE SERVICES TO FAMILY MEMBERS IN A TIMELY MANNER.

Reasonable efforts is the process of 1) identifying the harm/risk of harm to the child which poses a threat to family preservation, 2) determining how the family problem(s) contributes to the harm/risk of harm, and 3) identifying, providing and assisting the family in obtaining available and appropriate services.

As discussed below, the Department of Human Services ("DHS") is using reasonable efforts to return [REDACTED] to the family home.

The following information concerns the current situation relevant to each of the 14 guidelines' criteria set forth in HRS 587-25. This report is intended to be reviewed in conjunction with each of the prior reports submitted in this case.

1. THE CURRENT FACTS RELATING TO THE CHILD WHICH INCLUDE AGE AND VULNERABILITY, PSYCHOLOGICAL, MEDICAL AND DENTAL NEEDS, PEER AND FAMILY RELATIONSHIPS AND BONDING ABILITIES, DEVELOPMENTAL GROWTH AND SCHOOLING, CURRENT LIVING SITUATION, FEAR OF BEING IN THE FAMILY HOME, AND SERVICES PROVIDED THE CHILD.

[REDACTED]  
continue to live in the home of [REDACTED]  
[REDACTED]

home is located in Kona. Peter Kema, Jr., ("Peter Boy") age three (3), returned to live in his family home following the completion of the last court hearing held on July 25, 1994.

During the month of August, 1994, [REDACTED] spent approximately three weeks in the family home, joining the other family members, Jaylin Kema ("Mother"), Peter Kema, Sr. ("Father"), father of Peter Boy and stepfather of [REDACTED] as well as Peter Boy [REDACTED] for some vacation activities. This vacation was meant to be a time in which Mother and Father could spend an extended period with [REDACTED] in preparation for the time when [REDACTED] would return permanently to the family home.

Since the time of this summer visit, contact between Peter Boy [REDACTED] has been limited to a few short telephone conversations. Contact between Peter Boy [REDACTED] have also consisted of limited telephone contact. In-person visitation has not been forthcoming despite efforts on the part of [REDACTED] to make arrangements for such in addition to encouragement by this social worker to Mother and Father that they facilitate such visitation.

This social worker is not aware of any current medical concerns with regard to any of the children.

2. THE INITIAL AND ANY SUBSEQUENT REPORTS OF HARM AND/OR THREATENED HARM SUFFERED BY THE CHILD.

Please refer to prior court reports.

This social worker is not aware of any new incidents of physical harm and/or threatened physical harm suffered by any of [REDACTED] since the last court hearing held on July 25, 1994.

[REDACTED] Peter Boy have been subjected to emotional harm in that they have not been allowed to maintain regular contact with each other by telephone as well as by in-person visits. Peter Boy has also been denied in-person contact with [REDACTED] since July 25, 1994.

Prior to his return to the family home on July 25, 1994, Peter Boy had lived with [REDACTED] in the [REDACTED] on a continuous basis since August 16, 1991, thirty-six (36) months.

3. DATE(S) AND REASON FOR CHILD'S PLACEMENT OUT OF THE HOME, DESCRIPTION, APPROPRIATENESS, AND LOCATION OF THE PLACEMENT AND WHO HAS PLACEMENT RESPONSIBILITY. (#2)

Please refer to prior reports.

Peter Boy was returned to the family home on July 25, 1994 and has resided there on a continuous basis since that time.

██████████ continue to reside in the home of their ██████████. ██████████ have resided with the ██████████ on a continuous basis since August 16, 1991, a total of forty (40) months.

4. HISTORICAL FACTS RELATING TO THE ALLEGED PERPETRATOR AND OTHER APPROPRIATE FAMILY MEMBERS WHO ARE PARTIES WHICH INCLUDE BIRTHPLACE AND FAMILY OF ORIGIN, HOW THEY WERE PARENTED, MARITAL/RELATIONSHIP HISTORY, AND PRIOR INVOLVEMENT IN SERVICES.

Please refer to prior reports.

5. THE RESULTS OF PSYCHIATRIC/PSYCHOLOGICAL/DEVELOPMENTAL EVALUATIONS OF THE CHILD, THE ALLEGED PERPETRATOR AND OTHER APPROPRIATE FAMILY MEMBERS WHO ARE PARTIES.

Please refer to prior reports.

Kit Barthel, Ph.D. continued to provide therapeutic counseling services to Mother and Father during the past four and a half months.

During a telephone conversation with this social worker on December 11, 1994, Dr. Barthel reported that attendance and participation by Mother and Father in counseling sessions have been sporadic, at best, since September 1, 1994. (Dr. Barthel was on vacation during the month of August, 1994.) Dr. Barthel reported that he has not seen Father since early October, 1994 and Mother recently missed a re-scheduled appointment. Mother and Father attended a total of four counseling sessions between July 25, 1994 and the date of this report.

Efforts were made by this social worker to engage Mother and Father in "ho'oponopono" with Ho'oponopono Practitioner, Sonny Kinney, in preparation for working with ██████████ and ██████████ to both address past hurts and conflicts, as well

as to facilitate the return of [REDACTED] into the family home. These efforts proved futile as it became impossible to coordinate scheduling between Mr. Kinney and Mother and Father.

As a last resort, this social worker conferred with Dr. Barthel as to the possibility of his conducting conjoint, transitioning sessions with Mother, Father, [REDACTED], [REDACTED] in attendance to facilitate the return of [REDACTED] to the family home. The specifics with regard to such sessions were worked out and funding was secured on October 31, 1994 through the DHS wrap-around funding program.

It was of the utmost importance that both sides (i.e., Mother and Father as well as [REDACTED]) engage in a timely fashion, as Dr. Barthel will only be available to facilitate such sessions until the end of January, 1995. [REDACTED] made a commitment for session attendance on November 1, 1994. Mother and Father failed to respond to numerous telephone contacts, both by this social worker and by Dr. Barthel. Ultimately, the first session had to be scheduled for December 10, 1994 due to the delay in responding by Mother and Father. The December 10, 1994 meeting ultimately had to be canceled because Mother became ill. No new date for the meeting has been scheduled.

At this time, reconsideration must be given to Dr. Barthel's conducting these transitioning sessions, as he will only be available through January 31, 1995, and will then be unavailable until June, 1995.

This social worker had a conversation with Terry Fujioka, Ph.D, on November 28, 1994, at which time concerns were voiced on behalf of [REDACTED] as to why it was taking so long for Mother and Father to accomplish the necessary tasks in preparation for [REDACTED] return to the family home. [REDACTED] in particular, has begun to internalize feelings that [REDACTED] must be a [REDACTED] and that this is why [REDACTED] is unable to return to live with Mother and Father.

**Note:** The Kona social worker noted as early as September 15, 1994, that [REDACTED] request that [REDACTED] try and contact Mother by telephone because, "she (Mother) never has time for me and she's never at home."

This social worker immediately began attempts to contact Mother with the request that she call Dr. Fujioka to make arrangements to address the concerns of [REDACTED] with regard to [REDACTED] return to the family home. This social worker received a call from Mother on the evening of

November 29, 1994, at which time Mother agreed to make contact with Dr. Fujioka's office the next day. In checking with Dr. Fujioka's office on Friday, December 9, 1994, this social worker was told that Mother had called once but that there had been no follow-up activity.

In a conversation with this social worker on the morning of December 12, 1994, Dr. Fujioka reported that Mother called to state that she would be coming over to Kona to attend today's session with [REDACTED]. Dr. Fujioka stated that she really wanted to meet with Mother first to discuss the issues prior to including Mother in on a session with [REDACTED]. Dr. Fujioka stated that, should Mother show up today, (Note: Mother missed the Saturday, December 10, 1994 meeting with Dr. Barthel because she was suffering from a kidney infection.) a decision would have to be made as to whether or not she be allowed to sit in on today's session with [REDACTED].

When queried further by this social worker, Dr. Fujioka stated that given the long period of time since [REDACTED] have had any in-person visits or contacts with Mother, Father and Peter Boy, as well as the fact that Father appears unwilling to cooperate in the setting up of such visitations, it may very well be in the best interests of [REDACTED] to proceed with permanency planning. Dr. Fujioka went on to state that the security of long-term placement with [REDACTED] would put [REDACTED] minds at rest. Dr. Fujioka, however, did recommend that all efforts be put forth to facilitate the resumption of regular telephone communication, as well as visitations for [REDACTED] with Peter Boy and Mother.

Dr. Barthel will be submitting a report to the DHS prior to the court hearing scheduled for Thursday, December 15, 1994. A copy of said report will be provided to the Court at the December 15 hearing.

Both [REDACTED] have been seeing Dr. Fujioka since September of 1993. Dr. Fujioka and Dr. Barthel communicate with each other on a regular basis to address concerns regarding the reunification process for [REDACTED] into the family home, as well as to share information to assist the reunification process.

6. WHETHER THERE IS A HISTORY OF ABUSIVE OR ASSAULTIVE CONDUCT BY THE CHILD'S FAMILY OR OTHERS WHO HAVE ACCESS TO THE CHILD'S FAMILY HOME.

Please refer to prior reports.



7. WHETHER THERE IS A HISTORY OF SUBSTANCE ABUSE BY THE CHILD'S FAMILY OR OTHERS WHO HAVE ACCESS TO THE FAMILY HOME.

Please refer to prior reports.

8. WHETHER THE ALLEGED PERPETRATOR(S) HAS ACKNOWLEDGED AND APOLOGIZED FOR THE HARM.

The perpetrator of harm by commission upon Peter Jr. remains unknown.

The DHS continues to consider each parent a perpetrator of the past incidents of harm upon [REDACTED] Peter Jr., whether by omission or commission.

9. WHETHER THE NON-PERPETRATOR(S) WHO RESIDE IN THE FAMILY HOME DEMONSTRATED THE ABILITY TO PROTECT THE CHILD FROM FURTHER HARM AND TO INSURE THAT ANY CURRENT PROTECTIVE ORDERS ARE ENFORCED.

There are no non-perpetrators living in the family home.

10. WHETHER THERE IS A SUPPORT SYSTEM OF EXTENDED FAMILY AND/OR FRIENDS AVAILABLE TO THE CHILD'S FAMILY.

It is this social worker's belief that the relationship between Mother, Father, and [REDACTED] has deteriorated to an almost non-existent level. Despite numerous efforts by [REDACTED] to facilitate telephone conversations and visits between [REDACTED] Peter Boy, as well as between Peter Boy and herself, no visits have taken place since July 25, 1994 and telephone communication has been sporadic, at best.

In talking with the parents, Father in particular, appears to be of the mind that it is time to "pay back" [REDACTED] for all of the perceived hurts which she has inflicted upon himself and Mother prior to the return of Peter Boy to the family home. The sad fact, however, is that such actions are serving to hurt Peter Boy, [REDACTED] in that they are being denied contact with each other. [REDACTED] lived together in the home of [REDACTED] from August, 1991, through July, 1994; three years. [REDACTED] have endured much pain and suffering because Mother and Father have refused to allow them to regular telephone contact with each and have completely refused to allow them in-person contact since August, 1994.

Mother has repeatedly stated that she must confer with Father before any visitation times can be scheduled for Peter Boy

Father's answer has repeatedly been "no". It appears that since Father has his son, Peter Boy, back in the family home there is no rush to get Father's back into the family home. It further appears that Mother, for whatever reason, has refused to take the initiative to set up such visits on her own between herself and Peter Boy. Father and Mother appear to be unwilling to set aside their own needs for the sake of recognizing and addressing the needs of

11. WHETHER THE CHILD'S FAMILY HAS DEMONSTRATED AN UNDERSTANDING AND UTILIZATION OF THE RECOMMENDED/COURT ORDERED SERVICES DESIGNATED TO EFFECTUATE A SAFE HOME FOR THE CHILD.

Mother and Father participated in the necessary services to facilitate Peter Boy's return to the family home. With the exception of his continuing need to have contact with as well as Mother and Father have met Peter Boy's needs for a safe, nurturing and caring home since his return to them on July 25, 1994. In visits to the family home, this social worker has observed Peter Boy playing with his. Peter Boy has also talked with this social worker about the things which he does each day both inside and outside of the family home. The discipline of Peter Boy by Mother and Father appears to be appropriate and he appears to be developmentally on target at this time.

With regard to Mother and Father have refused to engage in transitioning sessions with Dr. Barthel designed to foster communication and support between Mother, Father, Mother and Father need to apprise themselves of the day to day needs of in addition to learning how to deal with their outspokenness and open honesty which are characteristic of Without an understanding of such things, the possibility of Mother and Father using inappropriate discipline upon their return to the family home increases dramatically. Contact between Mother and Father was limited between March and July, 1994 due to the ongoing difficulty in the scheduling of visitations. In-person contact for with Mother, Father and Peter Boy has been non-existent for the last four months despite

numerous telephone calls made by [REDACTED] to the family home in an attempt to schedule such visits. The repeated requests of this social worker to Mother and Father that visitations be scheduled immediately have gone unheeded.

12. WHETHER THE CHILD'S FAMILY HAS RESOLVED SAFETY ISSUES IN THE FAMILY HOME WITHIN A REASONABLE PERIOD OF TIME.

Just prior to the July 25, 1994 court hearing, Mother and Father relocated to a home located in the Nanawale Subdivision in Puna. In an unscheduled home visit which took place on November 2, 1994, this social worker observed the many things which Mother and Father have accomplished by way of cleaning up the yard as well as painting and decorating the interior of the house so that it has taken on a very "homey" atmosphere in which to raise children.

Mother and Father have become more able to exercise positive decision-making skills in the daily lives during the past four months. This has resulted in a more regular routine for [REDACTED] Peter Boy within the family home. [REDACTED] were outwardly expressive toward this social worker, showing their toys as well as sharing hugs, during the November 2 home visit. [REDACTED] were also able to play well together.

With regard to the [REDACTED] Mother and Father used this social worker's home visit as an opportunity to concentrate on their past and continuing "conflicts" with [REDACTED] rather than focusing on what could and needed to be done at the present time to facilitate [REDACTED] return to the family home. Without a commitment to actively participate in services designed to prepare Mother and Father for the return of [REDACTED] to the family home, such a return would place these [REDACTED] at risk for future threat of emotional and physical abuse by both Mother and Father.

13. WHETHER THE CHILD'S FAMILY HAS DEMONSTRATED THE ABILITY TO UNDERSTAND AND ADEQUATELY PARENT THE CHILD ESPECIALLY IN THE AREAS OF COMMUNICATION, NURTURING, CHILD DEVELOPMENT, PERCEPTION OF THE CHILD AND MEETING THE CHILD'S PHYSICAL AND EMOTIONAL NEEDS.

Mother and Father clearly do not understand the emotional need for [REDACTED] to have continuing contact with Peter Boy, as well as Peter Boy's emotional need to have contact with them. Peter Boy also has an emotional need to have continuing contact with [REDACTED]

This social worker is at a loss as to how to get Mother and Father to re-establish contact between Peter Boy [REDACTED]. To remove Peter Boy from the family home at this time and return him to the home of his [REDACTED] would be emotionally detrimental. However, Peter Boy continues to suffer for lack of being able to have in-person contact with [REDACTED].

With regard to [REDACTED], it appears that the time has come to terminate Mother's parental rights so that these [REDACTED] can experience a sense of security in knowing that they will remain in the home of [REDACTED] for the foreseeable future.

14. ASSESSMENT (TO INCLUDE THE DEMONSTRATED ABILITY OF THE CHILD'S FAMILY TO PROVIDE A SAFE FAMILY HOME FOR THE CHILD) AND RECOMMENDATION.

Mother and Father have succeeded in providing a caring, nurturing and safe home for [REDACTED]. The home has been safe and nurturing to Peter Boy to the extent that is possible given the fact that he has not had contact with [REDACTED] since August, 1994.

Mother and Father have succeeded in sending mixed and emotionally confusing messages to [REDACTED] with regard to their ability and intention to work toward reuniting [REDACTED] in the family home. While not cutting off communication entirely, sporadic telephone calls are not sufficient to convince this social worker that additional time should be granted to Mother, especially, in working toward the return of [REDACTED] to the family home.

RECOMMENDATIONS

Based upon the aforementioned information, it is recommended to the Court by the Department of Human Services:

- 1) That Family Supervision of Peter Kema, Jr. to the DHS be revoked and jurisdiction terminated;
- 2) That Permanent Custody of [REDACTED] be awarded to the DHS; and

3) That the attached Permanent Plan dated December 12, 1994, be ordered by the Court.

DATED: Hilo, Hawaii, December 12, 1994.

Respectfully submitted,



DHS Social Worker

I certify I have reviewed this document.



Supervisor  
Child Welfare Services Unit II

Representing the Department of  
Human Services

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
Family and Adult Services Division

PERMANENT PLAN

Date: December 12, 1994

Children's names: [REDACTED] DOB: [REDACTED] FC-S No.: [REDACTED]

I. GOAL:

Permanent Custody with the Department of Human Services (DHS) and continued long-term placement with [REDACTED]

II. REASON FOR GOAL:

[REDACTED] have been caretakers for [REDACTED] since August of 1991. During the past two and a half years, there has been much conflict over visitation rights and schedules between Jaylin Acol-Kema ("Mother") and Peter Kema, Sr., Stepfather of [REDACTED] ("Father").

It is appropriate at this time that the DHS be made Permanent Custodian of the [REDACTED] in order to facilitate ongoing contact between [REDACTED] and their parents, as appropriate.

III. OBJECTIVES AND ACHIEVEMENT OF OBJECTIVES:

A. Placement: To provide [REDACTED] with a continuous, safe, and nurturing environment in the home of their [REDACTED]

1. Provide assistance to [REDACTED] caretakers to facilitate and strengthen [REDACTED] continued adjustment in the home.
2. Provide foster board payments/Medicaid/special service cost payments as long as [REDACTED] meet eligibility requirements set forth in the DHS Rules Manual.

B. Health: To assure that [REDACTED] health needs are met.

1. Monitor [REDACTED] medical, visual, dental and other health needs and ensure prompt follow-up.

2. Arrange continuous medical/health insurance coverage through a private insurance plan or Medicaid.
- C. Education: To assure that each child receives adequate and appropriate educational services based on regular assessment.
1. Monitor [REDACTED] school attendance and academic progress through contacts with the school personnel.
  2. Make appropriate referrals for tutorial, remedial and other special educational services as indicated.
- D. Therapeutic Intervention: To assure therapeutic services to [REDACTED] with focus on dealing with past abuse issues and continued placement in the home of the [REDACTED]
1. Arrange and monitor individual/family therapy, counseling as long as this is indicated.
  2. Explore and support participation in programs and activities which will help [REDACTED] improve self-esteem, develop better coping and decision making skills and enhance family/peer relationships.
- E. Birth Family: To enable [REDACTED] to maintain positive relationships with birth family as indicated.
1. Set up a visitation plan which addresses [REDACTED] need to have visits/telephone contact with family members.
  2. Monitor the visitation and provide case work services so that the contacts will be positive experiences for those involved.
- F. Culture: To provide [REDACTED] the opportunity to learn about and identify with his/her cultural heritage, as appropriate.

[REDACTED] 12/13/94  
 Date  
 Social Worker

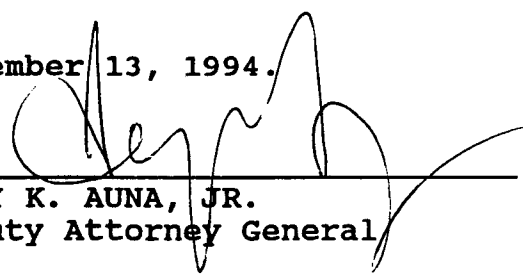
[REDACTED] 12/13/94  
 Date  
 Supervisor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 13, 1994, a copy of the foregoing was duly served by the methods below to the following individuals:

	<u>Hand Delivery/ Facsimile</u>	<u>U. S. Mail</u>
KRIS LaGUIRE, ESQ. Attorney for Mother	X	
STEVEN D. STRAUSS, ESQ. Attorney for Father Peter Kema, Sr.	X	
EDITH K. RADL, ESQ. Guardian Ad Litem	X	
PETER K. KUBOTA, ESQ. [REDACTED]	X	

DATED: Hilo, Hawaii, December 13, 1994.

  
\_\_\_\_\_  
ALEY K. AUNA, JR.  
Deputy Attorney General



**COPY**

FAMILY COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII  
1994

ROBERT A. MARKS 2163  
Attorney General of Hawaii

94 JUL 27 AM 10:28

ALEY K. AUNA, JR. 3391  
Deputy Attorney General  
Suite 1014-D, Hilo Lagoon Centre  
101 Aupuni Street  
Hilo, Hawaii 96720  
Telephone: 933-4786

J. LEIALOHA  
CLERK

Attorneys for the Department  
of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

[REDACTED]

[REDACTED]

PETER KEMA, JR.  
Born on May 1, 1991

Children under the age of  
eighteen years.

) FC-S NO. 91-36  
) 91-48  
)  
) ORDER RE: CHAPTER 587, H.R.S.,  
) AS AMENDED  
)  
) [X] EXHIBIT "A"  
)  
)  
) HEARING: July 25, 1994  
)  
) HONORABLE GEORGE YUDA

ORDER RE: CHAPTER 587, H.R.S., AS AMENDED

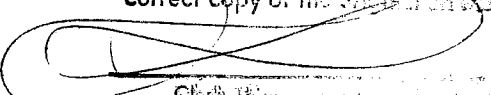
The following parties and/or individuals were present:

- [ X ] JAYLIN KEMA, Mother;
- [ X ] KRIS LAGUIRE Andrew Wilson, Counsel for Mother;
- [ ] PETER KEMA, SR., Father of Kema Child;
- [ ] STEVEN STRAUSS, Counsel for Mr. Kema;
- [ X ] [REDACTED], Father of [REDACTED] Child;
- [ X ] CELIA URION, [REDACTED];
- [ X ] EDITH RADL, Guardian Ad Litem;
- [ X ] [REDACTED], DHS Social Worker;
- [ X ] ALEY K. AUNA, JR., Deputy Attorney General;
- [ X ] [REDACTED], [REDACTED];
- [ X ] PETER KUBOTA, [REDACTED];
- [ X ] CHRISTOPHER BARTHEL, Therapist for Family;

The following parties were not present at the hearing:

[ ] \_\_\_\_\_, who was/were  
represented by counsel;

I hereby certify that this is a full, true and  
correct copy of the original on file in this office.

  
Clerk, Hawaii Court of the Third Circuit

Based upon the records and/or evidence presented and having fully considered all relevant prior and current information pertaining to the guidelines for determining whether [REDACTED] family is willing and able to provide [REDACTED] with a safe family home, the Court finds that:

- A Reasonable efforts are being made or have been made by DHS to make it possible for [REDACTED] to return to the family home;
- B Regarding Peter, Jr. the child's family is presently willing and able to provide the child with a safe family home with the assistance of a service plan;
- C Regarding [REDACTED], the children's family is not presently willing and able to provide the children with a safe family home even with the assistance of a service plan;
- D Each term, condition, and consequence of the Service Plan and Agreement dated July 8, 1994 (~~as amended~~) and attached as Exhibit "A" has been thoroughly explained to and is understood by each party;
- E Each party understands that unless the family is willing and able to provide [REDACTED] with a safe family home within a reasonable period of time, their respective parental and custodial duties and rights shall be subject to termination;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Based upon the foregoing considerations and findings, and good cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1 Regarding [REDACTED] the prior award of foster custody is continued;
- 2 Regarding Peter, Jr., foster custody is revoked and DHS is awarded family supervision of the children;
- 3 All prior consistent orders shall remain in full force and effect until further order of the Court;
- 4 Each term, condition, and consequence of the Service Plan and Agreement dated July 8, 1994 (~~as amended~~) is hereby ordered by the Court and a copy is annexed hereto as Exhibit "A";

- 5 DHS and the GAL shall file their respective reports at least fifteen (15) days prior to the next hearing;
- 6 All parties shall appear at a review hearing, which will be held on December 15, 1994 at 9:00 A.M., before the Honorable Ben H. Gaddis;
- 7 The following exhibits are admitted into evidence and made a part of the record, provided that the parties reserve the right to cross-examination thereon:

State's 1            DHS Safe Family Home Guidelines Report dated July 8, 1994, prepared by [REDACTED] Social Worker;

State's 2            Report of the Guardian Ad Litem filed July 12, 1994;

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DATED: Hilo, Hawaii, JUL 27 1994

GEORGE S. YUDA



ASSIGNED JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:  
Edith Kawai Ruhl  
Peter K. Kubota

[Signature]  
[Signature]

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
Family and Adult Services Division

SERVICE PLAN AND AGREEMENT

Date: July 8, 1994

Children's names: [REDACTED] DOB: [REDACTED] FC-S No.: [REDACTED]  
Kema, Peter Jr. 05/01/91 91-48

This Service Plan and Agreement is between Mrs. Jaylin Kema (a.k.a. Jaylin Acol), Mother, Mr. Peter Kema, Sr., Father of Peter Kema, Jr., [REDACTED] and the Department of Human Services (DHS).

I. REASON FOR AGENCY INVOLVEMENT:

On May 8, 1991, a report of physical abuse to [REDACTED] was received by Child Protective Services in Kona. [REDACTED] were placed out of the family home on May 8, 1991, and subsequently returned on June 26, 1991.

On August 11, 1991, Peter Kema, Jr., was admitted to Hilo Hospital with multiple fractures of varying ages, and [REDACTED] were taken into foster custody by DHS.

This Service Plan and Agreement is intended to facilitate the continuing efforts being made by the Mother and Father to make the family home a consistently safe, nurturing and caring environment to which all [REDACTED] can return.

Justification for the services addressed in this Service Plan are contained in the Safe Home Guidelines dated May 14, 1991, June 26, 1991, August 17, 1991, March 31, 1992, July 8, 1992, May 10, 1993, August 4, 1993, January 24, 1994 and July 8, 1994.

II. GOAL:

The primary goal is to return Peter Jr. to the family home on July 25, 1994 and facilitate the return of [REDACTED] to the family during the school break in the month of December, 1994.

The secondary goal is to provide [REDACTED] with a safe, stable, nurturing, alternative, placement with [REDACTED] until the time of their anticipated return to the family home in December, 1994.

EXHIBIT "A"

III. OBJECTIVES:

- A. TO GAIN EMPLOYMENT SUFFICIENT TO MAINTAIN HOUSING AND TRANSPORTATION.
- B. TO CONTINUE TO DEMONSTRATE BUDGET, RESOURCE, AND TIME MANAGEMENT SKILLS SUFFICIENT TO MAINTAIN HOUSING, TRANSPORTATION, FOOD AND CONTACT WITH THE CHILDREN.
- C. TO CONTINUE TO LEARN AND DEMONSTRATE APPROPRIATE INTERPERSONAL/RELATIONSHIP SKILLS.
- D. TO CONTINUE TO DEMONSTRATE AN ADEQUATE UNDERSTANDING OF THE CHILDREN'S NEEDS FOR ROUTINE, PREDICTABLE, POSITIVE CONTACT.
- E. TO CONTINUE TO DEVELOP AND DEMONSTRATE SELF ESTEEM, INDEPENDENCE AND COPING SKILLS SUFFICIENT TO MAINTAIN A STABLE ENVIRONMENT.
- F. TO CONTINUE TO LEARN AND DEMONSTRATE APPROPRIATE PARENTING SKILLS.

IV. SPECIFIC STEPS TO ACHIEVE OBJECTIVES/RESPONSIBILITIES OF THE PARTIES:

A. MR. PETER KEMA, Father, and MRS. JAYLIN KEMA, Mother, will:

1. Continue to maintain contact with [REDACTED] through regular telephone contacts while [REDACTED] are in Kona and through regularly scheduled weekend visitations.
2. Continue to participate in therapeutic counseling with Kit Barthel, Ph.D. to address areas of personal, marital and family concerns.  
  
As needed, confer with and participate in conjoint services for [REDACTED] with Terry Ann Fujioka, Ph.D.
3. Continue to actively engage in "ho'oponopono" with Sonny Kinney. The focus of ho'oponopono will continue to be the "making right" of the relationships between Mother, Father, [REDACTED] and [REDACTED].
4. Continue to engage in parenting classes through Family Support Services (FSS).

5. Continue to allow therapists and other service providers to share verbal and written reports with the DHS.
6. Continue not to use any physical discipline with [REDACTED]
7. Maintain regular contact with the DHS to discuss problems and progress with this Service Plan.

**B. MR. PETER KEMA, Father, will:**

1. Maintain the family home and care for [REDACTED] and Peter Jr. while Mother attends training through the JOBS Program.

**C. MRS. JAYLIN KEMA, Mother, will:**

1. Continue to actively participate in the JOBS Program in order prepare herself for gainful employment upon completion of the program while at the same time meeting this requirement as part of the receipt of welfare benefits.

**D. THE DHS SOCIAL WORKER will:**

1. Continue to monitor problems and progress with this Service Plan by maintaining contact, verbal, written, or face-to-face, with the service providers.
2. Continue to maintain regular contacts with family members through visits, phone calls, and collateral contacts.
3. Arrange other services as necessary, in consultation with the Guardian Ad Litem (GAL).
4. Continue to assess the effectiveness and utilization of services provided.
5. Continue to maintain regular contact with [REDACTED] and the foster parent to assure appropriate care for [REDACTED], and appropriate support for the foster parent.
6. Continue to encourage Mother, Father and [REDACTED] work out and maintain a realistic schedule of weekend visits for [REDACTED]

Note: Extended visits to the family home during the months of August, September, October and November, 1994 will be planned for [REDACTED] as allowed by their respective school schedules.

7. Facilitate participation of the [REDACTED] Mother, and Father in the ho'oponopono process in an effort to "right the past" and strengthen the positive relationship which will be necessary in continuing to provide for the needs of [REDACTED] as the reunification progress continues.

V. SPECIFIC STEPS TO ACHIEVE OBJECTIVES/RESPONSIBILITIES OF THE FOSTER PARENTS/CARETAKERS:

A. [REDACTED] will:

1. Maintain confidentiality with regards to [REDACTED] family and the abuse they have suffered, as far as you are able.
2. Continue to transport [REDACTED] to and from the doctor's office for routine and recommended therapy or examinations.
3. Encourage [REDACTED] to communicate with Mother and Father through visitations and frequent telephone calls.
4. Continue to establish clear rules for [REDACTED] and follow-up with fair and consistent positive and negative consequences.
5. Continue to keep the social worker informed of any changes and new developments in [REDACTED] situation.
6. Continue to provide positive role modeling.
7. Maintain a neutral and fair attitude with respect to the issue of impending reunification.
8. Continue the visits between [REDACTED]

**VI. ANCILLARY RESOURCES:**

- A. Dr. Kit Barthel, Ph.D.  
P.O. Box 1811  
Kamuela, Hawaii 96743  
Telephone: 961-2525
- B. Family Support Services - Parenting Classes  
165 Keawe Street  
Hilo, Hawaii 96720  
Telephone: 961-3877
- C. Terry Ann Fujioka, Ph.D.
- D. Sonny Kinney  
Ho'oponopono

**VII. CONSEQUENCES:**

- A. YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILDREN WHO ARE SUBJECT OF THIS SERVICE PLAN MAY BE TERMINATED BY AN AWARD OF PERMANENT CUSTODY IF YOU FAIL TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS SERVICE PLAN.
- B. If Mrs. Jaylin Kema and Mr. Peter Kema, Sr. substantially comply with their responsibilities to provide [REDACTED] with a safe family home as are set forth in this Service Plan, the DHS will consider recommending a revised Service Plan addressing the reunification of [REDACTED] in the home, or the recommendation of returning [REDACTED] to their home and a change of status to Family Supervision.
- C. If Mrs. Jaylin Kema and/or Mr. Peter Kema, Sr. do not substantially comply with their responsibilities to provide [REDACTED] with a safe family home as are set forth in this Service Plan, the DHS may take or recommend such action as is deemed necessary to protect [REDACTED], including, but not limited to, recommendation of a Revised Service Plan continuing Foster Custody, a recommendation of Contempt of Court, or a recommendation of Permanent Custody.

**VIII. SERVICE PLAN REVIEW DATE:**

This Service Plan shall be in effect until the next scheduled court hearing, or until further order of the Court.



IX. SERVICE AGREEMENT:

The undersigned have read the foregoing Service Plan and Agreement and understand and agree to each and every term and condition stated herein.

JAYLIN KEMA Date  
Mother

PETER KEMA SR. Date  
Father of Peter Kema. Jr.

[REDACTED] Date

[REDACTED] Date

[REDACTED] 7/12/94  
Date  
Social Worker

I certify I have reviewed this document.

[REDACTED] 7/12/94  
Date

Supervisor  
Child Welfare Services Unit II

Representing the Department of  
Human Services

COPY

ROBERT A. MARKS 2163  
Attorney General of Hawaii

ALEY K. AUNA, JR. 3391  
Deputy Attorney General  
Suite 1014-D, Hilo Lagoon Centre  
101 Aupuni Street  
Hilo, Hawaii 96720  
Telephone: 933-4786

Attorneys for the Department  
of Human Services

RECEIVED  
COURT CLERK  
OFFICE

SMITH-5 PM 2:56

J. LEW CHA  
CLERK

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

FC-S NOS. [REDACTED]

91-48

ORDER RE: CHAPTER 587, H.R.S.,  
AS AMENDED

PETER KEMA, JR.  
Born on May 1, 1991

Children under the age of  
eighteen years.

HEARING: April 13, 1994


HONORABLE BEN H. GADDIS

AMENDED ORDER RE: CHAPTER 587, H.R.S., AS AMENDED

The following parties and/or individuals were present:

- [X] JAYLIN KEMA, Mother;
- [X] KRIS LAGUIRE, Counsel for Mother;
- [X] PETER KEMA, SR., Father of Kema Child;
- [X] STEVEN STRAUS, Counsel for Mr. Kema;
- [ ] [REDACTED], Father of [REDACTED] Children;
- [ ] CELIA URION, [REDACTED];
- [X] EDITH RADL, Guardian Ad Litem;
- [X] [REDACTED], DHS Social Worker;
- [X] ALEY K. AUNA, JR., Deputy Attorney General;
- [ ] [REDACTED], [REDACTED];
- [X] [REDACTED], [REDACTED];
- [ ] PETER KUBOTA, [REDACTED];
- [X] DIANA VAN DE CAR, For Mr. Kubota;
- [X] CHRISTOPHER BARTELT, Parents' Therapist;

I hereby certify that this is a full, true and  
correct copy of the original of this in this office.

  
Clerk, Third Circuit Court, State of Hawaii

Based upon the records and/or evidence presented and having fully considered all relevant prior and current information pertaining to the guidelines for determining whether [REDACTED] family is willing and able to provide [REDACTED] with a safe family home, the Court finds that:

A Reasonable efforts are being made or have been made by DHS to make it possible for [REDACTED] to return to the family home;

B [REDACTED] family is not presently willing and able to provide [REDACTED] with a safe family home, even with the assistance of a service plan.

Based upon the foregoing considerations and findings, and good cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

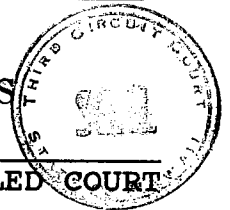
- 1 The prior award of foster custody shall continue;
- 2 All prior consistent orders shall remain in full force and effect until further order of the Court;
- 3 All parties shall appear at a review hearing, which will be held on July 25, 1994, at 9:00 a.m., before the Honorable Ben H. Gaddis.

MAY - 6 1994

DATED: Hilo, Hawaii, \_\_\_\_\_

BEN H. GADDIS

\_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT





IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

) FC-S NOS. [REDACTED]

) 91-48

) SUPPLEMENTAL REPORT TO THE  
) COURT; EXHIBIT "A"

[REDACTED]  
[REDACTED]  
[REDACTED]  
PETER KEMA, JR.  
Born on May 1, 1991

Children under the age of  
eighteen years.

) HEARING: April 13, 1994  
) TIME: 11:30 a.m.  
) HONORABLE BEN H. GADDIS

SUPPLEMENTAL REPORT TO THE COURT

In an effort to provide ongoing services to effect reunification, DHS is willing to work with the family to address the issues pertaining to a safe family home. However, this must be balanced against [REDACTED] current and future physical and emotional stability.

Attached hereto is a letter sent to the parties with copies to counsel outlining DHS' reasonable efforts to return [REDACTED] [REDACTED] to the family home and to effect successful completion of services.

DATE: Hilo, Hawaii, April 12, 1994.

[REDACTED]  
DHS Social Worker



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES

Family and Adult Services Divi  
P.O. Box 1562  
Hilo, Hawaii 96721-1562  
Telephone: [REDACTED]

April 7, 1994

Mr. & Mrs. Peter Kema  
120 Puueo Street, Apt. 109B  
Hilo, Hawaii 96720

RE: [REDACTED]  
PETER KEMA, JR.

Dear Mr. & Mrs. Kema:

On April 4, 1994, I met with Dr. Christopher Barthel to review his work with the two of you in counselling sessions and his concerns regarding additional steps to be taken before making the final decision regarding reunification between yourselves and [REDACTED]

[REDACTED] As a result of the meeting, I have formulated the following plan of action:

1. I contacted Sonny Kinney regarding the scheduling of Ho'oponopono sessions. Mr. Kinney stated that he made contact with you, Jaylin, on March 14, 1994, and you agreed to call back within a few days to schedule the initial appointment. Mr. Kinney stated that he had not yet received the call-back. Upon the request by this social worker, Mr. Kinney provided two tentative dates and these dates were given to you on April 4 with the request that you call Mr. Kinney to confirm the chosen appointment time. I trust that you have taken care of this matter.
2. Dr. Barthel suggested that an individual be found to assist the two of you in working out visitations and other issues surrounding the care and supervision of the children with [REDACTED]. I called the Hui Malama program in Waimea and left a message for a call-back from Mr. Solomon Colburn. Mr. Kinney provided Mr. Colburn's name as being an appropriate resource to assist you and the [REDACTED] caretakers in the working out of conflicts.
3. [REDACTED] has voiced ongoing concern regarding verbalizations made by [REDACTED] following visits with the two of you. These verbalizations center around your being "good parents" as well as asking about the issue of returning to your home. In several instances, [REDACTED] has been disruptive in the classroom and at home following visits with the two of you. In an effort to address these concerns, I have contacted Dr. Terry Ann Fujioka's office to determine

EXHIBIT "A"

Mr. & Mrs. Peter Kema  
April 7, 1994  
Page 2

if Dr. Fujioka would be willing to do conjoint therapy between Jaylin and [REDACTED] as well as between Jaylin and [REDACTED]. (Note: Dr. Fujioka has providing individual counselling services to [REDACTED] for several months.) Dr. Fujioka is on vacation until April 12, 1994; a message was left with her secretary requesting a return call from Dr. Fujioka to this social worker. Future arrangements may also be appropriate for conjoint counselling between [REDACTED] and step-father under the direction of Dr. Fujioka.

4. Contacts have been made with various therapists in Waimea and Kona in order to find a professional who would be willing to make an assessment of "where [REDACTED] are at" regarding the issue of leaving [REDACTED] home and returning to the family and the appropriateness of such a move. Appointments for the assessments will be made at the earliest time possible.

It is the intention of this social worker to make reasonable efforts to facilitate the above actions taking place in the next three months. A copy of this letter will be provided to the Court so that the intentions of DHS will have been made known at the time of the April 13, 1994 court hearing.

A return date for late July, 1994 will be requested at the April 13 hearing. If the above services have not been completed, the DHS will ask for immediate permanent custody over [REDACTED]. If the services have been completed, a review will be made as to whether or not the two of you have made sufficient progress to allow for the return of [REDACTED] to the family home.

Upon receiving this letter, please call me if you have any questions.

Sincerely,

[REDACTED]

Social Worker  
Child Welfare Services II

Approved by:

[REDACTED]  
\_\_\_\_\_  
Supervisor  
Child Welfare Services II

cc: Kris LaGuire  
Steve Strauss  
Peter Kubota  
Aley Auna  
Kit Barthel  
[REDACTED]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 12, 1994, a copy of the foregoing was duly served by the methods below to the following individuals:

	<u>Hand Delivery</u>	<u>U. S. Mail</u>
KRIS A. LAGUIRE, ESQ. Attorney for Mother	X	
CELIA A. URION, ESQ. [REDACTED]		X
STEVEN D. STRAUSS, ESQ. Attorney for Father Peter Kema, Sr.		X
PETER K. KUBOTA, ESQ. [REDACTED]	X	
EDITH K. RADL, ESQ. Guardian Ad Litem		X

DATED: Hilo, Hawaii, April 12, 1994.

  
\_\_\_\_\_  
ALEY K. AUNA, JR.  
Deputy Attorney General



ROBERT A. MARKS 2163  
Attorney General of Hawaii

ALEY K. AUNA, JR. 3391  
Deputy Attorney General  
Suite 1014-D, Hilo Lagoon Centre  
101 Aupuni Street  
Hilo, Hawaii 96720  
Telephone: 933-4786

Attorneys for the Department  
of Human Services

FAMILY COURT AND CIRCUIT  
STATE OF HAWAII  
FILE

94 APR -5 PM 2:30

J. LEALOHA  
CLERK

IN THE FAMILY COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

In the Interest of

) FC-S NOS. [REDACTED]  
) 91-48

[REDACTED]

) AMENDED ORDER RE: CHAPTER  
) 587, H.R.S., AS AMENDED

[REDACTED]

) PETER KEMA, JR.  
) Born on May 1, 1991

) Children under the age of  
) eighteen years.

) HEARING: February 3, 1994

) HONORABLE BEN H. GADDIS

AMENDED ORDER RE: CHAPTER 587, H.R.S., AS AMENDED

The following parties and/or individuals were present:

- [X] JAYLIN KEMA, Mother;
- [X] KRIS LAGUIRE, Counsel for Mother;
- [X] PETER KEMA, SR., Father of Kema Child;
- [X] STEVEN STRAUS, Counsel for Mr. Kema;
- [X] [REDACTED], Father of [REDACTED] Children;
- [X] CELIA URION, [REDACTED];
- [X] EDITH RADL, Guardian Ad Litem;
- [X] [REDACTED], DHS Social Worker;
- [X] ALEY K. AUNA, JR., Deputy Attorney General;
- [X] [REDACTED], [REDACTED];
- [X] [REDACTED], [REDACTED];
- [X] PETER KUBOTA, [REDACTED];

I hereby certify that this is a full, true and  
correct copy of the original filed in this office.

*[Handwritten Signature]*  
Clerk, Family Court of the Third Circuit, State of Hawaii

Based upon the records and/or evidence presented and having fully considered all relevant prior and current information pertaining to the guidelines for determining whether [REDACTED] family is willing and able to provide [REDACTED] with a safe family home, and good cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 1 The prior award of foster custody shall continue;
- 2 All prior consistent orders shall remain in full force and effect until further order of the Court;
- 3 Upon motion by DHS, all parties shall appear at an order to show cause hearing, which will be held on February 28 1994, at 8:15 a.m., before the Honorable Ben H. Gaddis.

DATED: Hilo, Hawaii, APR - 5 1994

BEN H. GADDIS

JUDGE OF THE ABOVE-ENTITLED COURT

DEPT. OF HUMAN SERVICES  
Family & Adult Services Division

RECEIVED  
JAN 21 1994

EDITH KAWAI RADL 4631-0  
ATTORNEY AT LAW  
Suite 260, Box 111333  
Kamuela, HI 96743  
Tel: 885-0788

JAN 27 1994

EH Social Services Section  
Hilo, Hawaii

94 JAN 21 AM 11:46

J. LEIALOHA  
CLERK

GUARDIAN AD LITEM

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

IN THE INTEREST OF

FC-S NO. [REDACTED] 91-48

[REDACTED]

REPORT OF THE  
GUARDIAN AD LITEM;  
CERTIFICATE OF SERVICE

[REDACTED]

PETER KEMA, JR.  
Born on 5/1/91

HEARING: 3/4/94 AT 9 am  
JUDGE: BEN H. GADDIS

REPORT OF THE GUARDIAN AD LITEM

COMES NOW Edith Kawai Radl, and hereby submits the following report to this Court:

[REDACTED] continue to prosper in the care of [REDACTED]

School is going extremely well for [REDACTED]. [REDACTED] reports show [REDACTED] to be a self-starter. [REDACTED] continues to receive frequent praise from [REDACTED] teacher for [REDACTED] academic accomplishments. [REDACTED] even, with the help of [REDACTED], sold Portuguese sausage to a record number of people again this year in order to get some money for buy Christmas presents for others.

[REDACTED] is as bright as ever. [REDACTED] ready for anything it seems. [REDACTED] would like to attend school like [REDACTED]. Both [REDACTED] see Dr. Terry Fujioka regularly. [REDACTED] reports that the therapy appears to be helpful for [REDACTED]. I'll be speaking with Dr. Fujioka prior to the hearing for an oral report.

Peter, Jr. really is growing up. He'll be three very soon. His speech is quite developed. His personality is


also more developed simply because he is able to communicate more effectively.

It is my understanding that visitations have been occurring both in Kona and in Hilo. The process has not been without its bumps. I have been contacted on several occasions to smooth out these bumps. There still seems to be the same difficulty with last minute changes, cancellations, and the like, on the part of the parents. Also, with the increased possibility for visitations, the telephone calls that were a daily occurrence no longer occur.

Apparently, Jaylin and Peter have been spending a lot of time in Kona because Peter has been picking maile there. I believe that they have been residing with Peter's sister near Kona Palisades, approximately 9 miles from [REDACTED] home. MIST has had little or no access (or contact) with the parents because the parents are not available. MIST was intended to be the vehicle to assist the parents in their move toward reunification with [REDACTED]. The cancellations and non-contact have prevented and perhaps entirely prejudiced the possibility of reunion.

It appears that this couple simply will not be able to overcome their continuing difficulties to provide a safe home for [REDACTED] even with the continued assistance of their case worker, Dr. Christopher Barthel, the MIST team, and [REDACTED] who have been very accommodating with respect to visitation. While they have made efforts along the course of this case, they are still unable to put all of the necessary elements together in order to provide a safe home. Therefore, it is my recommendation that it would be in the best interest of [REDACTED] to hold a permanent plan hearing as soon as is possible.

DATED: KAMUELA, HAWAII, 18 January 1994.

  
EDITH KAWAI RADL  
GUARDIAN AD LITEM

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT a true and correct copy of the foregoing document was duly served by placing the same in the United States mails, postage prepaid, on this date as follows:

Aley Auna, Esq.  
Deputy Attorney General  
1014D Hilo Lagoon Center  
101 Aupuni Street  
Hilo, HI 96720

CHRIS LAGUIRE, ESQ.  
Attorney At Law  
101 Aupuni Street, Suite 124  
Hilo, HI 96720

STEVEN D. STRAUSS, ESQ.  
Attorney At Law  
P O Box 11517  
Hilo, HI 96720

CELIA A. URION, ESQ.  
Attorney At Law  
P O Box 6360  
Kamuela, HI 96743

PETER S. KUBOTA, ESQ.  
Case and Lynch  
460 Kilauea Avenue  
Hilo, HI 96720

DATED: KAMUELA, HAWAII, 18 January 1994.



EDITH KAWAI RADL  
GUARDIAN AD LITEM

COPY

FAMILY COURT, THIRD CIRCUIT  
STATE OF HAWAII

ROBERT A. MARKS 2163  
Attorney General of Hawaii

ALEY K. AUNA, JR. 3391  
Deputy Attorney General  
Department of the Attorney  
General, State of Hawaii  
Suite 1014-D, Hilo Lagoon Centre  
101 Aupuni Street  
Hilo, Hawaii 96720  
Telephone: 933-4786

94 JAN 26 AM 11:14

J. LEVALOHA  
CLERK

Attorneys for the Department  
of Human Services

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of	)	FC-S NOS. [REDACTED]
[REDACTED]	)	91-48
[REDACTED]	)	
[REDACTED]	)	NOTICE OF FILING; SAFE
[REDACTED]	)	FAMILY HOME GUIDELINES
[REDACTED]	)	REPORT; EXHIBITS "A" AND "B";
[REDACTED]	)	PERMANENT PLAN; CERTIFICATE
[REDACTED]	)	OF SERVICE
PETER KEMA, JR.	)	
Born on May 1, 1991	)	DATE: February 3, 1994
	)	TIME: 9:00 a.m.
Children under the age of	)	JUDGE: BEN H. GADDIS
eighteen years.	)	

NOTICE OF FILING

Please take notice that the Notice of Filing; Safe Family Home Guidelines Report; Exhibits "A" and "B" and the Permanent Plan dated January 24, 1994, and prepared by [REDACTED] [REDACTED] Social Worker for The Department of Human Services, is being submitted to the Court pursuant to §587-40, H.R.S., as amended.

DATED: Hilo, Hawaii, January 26, 1994.

*[Handwritten Signature]*  
\_\_\_\_\_  
ALEY K. AUNA, JR.  
Deputy Attorney General

A CONFIDENTIAL REPORT OF THE  
DEPARTMENT OF HUMAN SERVICES

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

In the Interest of

) FC-S No. [REDACTED]

) 91-48

)  
)  
)  
) SAFE FAMILY HOME GUIDELINES  
) REPORT; EXHIBITS A & B;  
) PERMANENT PLAN

PETER KEMA, JR.

Born on May 1, 1991

) JUDGE : BEN H. GADDIS

Children under the age of  
eighteen years.

) HEARING: FEBRUARY 3, 1994

) TIME : 9:00 A.M.

SAFE FAMILY HOME GUIDELINES REPORT

Date: January 24, 1994

THE DEPARTMENT BELIEVES THAT REASONABLE EFFORTS MUST BE MADE TO PRESERVE THE FAMILY UNIT, PREVENT UNNECESSARY PLACEMENT OF A CHILD, AND RETURN A CHILD TO THE FAMILY BY PROVIDING APPROPRIATE, AVAILABLE SERVICES TO FAMILY MEMBERS IN A TIMELY MANNER.

Reasonable efforts is the process of 1) identifying the harm/risk of harm to the child which poses a threat to family preservation, 2) determining how the family problem(s) contributes to the harm/risk of harm, and 3) identifying, providing and assisting the family in obtaining available and appropriate services.

As discussed below, the Department of Human Services ("DHS") is using reasonable efforts to return [REDACTED] to the family home.

The following information concerns the current situation relevant to each of the 14 guidelines' criteria set forth in HRS 587-25. This report is intended to be reviewed in conjunction with each of the prior reports submitted in this case.

1. THE CURRENT FACTS RELATING TO THE CHILD WHICH INCLUDE AGE AND VULNERABILITY, PSYCHOLOGICAL, MEDICAL AND DENTAL NEEDS, PEER AND FAMILY RELATIONSHIPS AND BONDING ABILITIES, DEVELOPMENTAL GROWTH AND SCHOOLING, CURRENT LIVING SITUATION, FEAR OF BEING IN THE FAMILY HOME, AND SERVICES PROVIDED THE CHILD.

[REDACTED]  
Peter Kema, Jr., age two (2), continue to live in the home of [REDACTED]  
[REDACTED] home is located in Kona.

Since the time of the last court hearing on August 23, 1993, attempts have been made to facilitate regular visitation for the children with Jaylin Kema ("Mother"), Peter Kema, Sr. ("Father"), father of Peter Jr. and stepfather of [REDACTED] as well as the youngest member of the family, [REDACTED]

Despite requests by this social worker to Mother that she and [REDACTED] work out a schedule of visitations for the months of September, 1993 through January, 1994, and present the schedule at the time of the August 23, 1993 court hearing, no such schedule was forthcoming. The visitation schedule has caused many misunderstandings and much conflict has taken place since the middle of October, 1993 through the present time.

[REDACTED] has provided this social worker with a written commentary detailing efforts made to facilitate visitations between Mother, Father, and [REDACTED]. Mother frequently fails to contact [REDACTED] to confirm or cancel visitations until a few hours before the visit is to take place. [REDACTED] has frequently found herself being asked to provide transportation for [REDACTED] to where Mother and Father are staying while in Kona so that visitations can take place. [REDACTED] or other members of her household have often seen Mother and Father driving about Kona town only to receive a call later requesting transportation for [REDACTED] because the car is "broke down."

During a January 10, 1994 visit by this social worker and the Guardian Ad Litem to the [REDACTED] home in Kona, [REDACTED] stated that [REDACTED] are becoming increasingly upset because they are unable to maintain telephone contact with Mother. [REDACTED] reports that since overnight visits began in November, Mother no longer calls in the evenings as she did in the past. Upon attempting to contact Mother themselves, [REDACTED] often get the answering machine and receive no return call from Mother.



Mother continues to be the one initiating the visitations with [REDACTED] while she and Father are in Kona. While not directly being a part of the planning for [REDACTED] visits; i.e., pick up time, return time, transportation, [REDACTED] must frequently wait for a return call from Mother to confirm arrangements, as she always states that she has to check with Father. These return calls are frequently late in coming or do not come at all forcing [REDACTED] to be the one to again call Mother. It appears that Mother either cannot or is not allowed to make any decisions or arrangements on her own when it comes to planning visitations with [REDACTED] Peter, Jr.

To the best of this social worker's knowledge, Mother and Father have not made any efforts to engage in "ho'oponopono" with [REDACTED] since the time of the August 23, 1993 court hearing.

[REDACTED] reports that [REDACTED] have all but stopped talking about returning to live with Mother and Father in Hilo. If anything, [REDACTED] have questioned the move of Mother and Father to Waimea when they said that they were preparing bedrooms and places for [REDACTED] to stay in Hilo.

[REDACTED] has voiced repeated frustration and anger regarding Mother making promises to [REDACTED] and then not following through with the promises. In addition, Mother has told [REDACTED] that she has Christmas gifts for them, but that she has forgotten to bring them along with her to Kona. [REDACTED] have become disappointed and asked [REDACTED] when the gifts will be coming. [REDACTED] has found it necessary to instruct Mother not to mention such things to [REDACTED] or make promises of any kind to them until such time as she can follow through on them.

2. THE INITIAL AND ANY SUBSEQUENT REPORTS OF HARM AND/OR THREATENED HARM SUFFERED BY THE CHILD.

Please refer to prior court reports.

Since the time of the August 4, 1993 Report to the Court, Mother and Father continue to be inconsistent about arrangements for and follow through with regular visitations [REDACTED] Peter Jr.

Mother and Father have failed to maintain regular contact with the Early Childhood Support Team (ECST-formerly the Mother/Infant Support Team -"MIST") despite the fact that cooperation with and completion of this program was a key factor in facilitating [REDACTED] return to the home of Mother and Father.

3. DATE(S) AND REASON FOR CHILD'S PLACEMENT OUT OF THE HOME, DESCRIPTION, APPROPRIATENESS, AND LOCATION OF THE PLACEMENT AND WHO HAS PLACEMENT RESPONSIBILITY. (#2)

Please refer to prior reports.

There has been no change in the out-of-home placements of any of [REDACTED] since this Department's Report to the Court dated August 4, 1993.

4. HISTORICAL FACTS RELATING TO THE ALLEGED PERPETRATOR AND OTHER APPROPRIATE FAMILY MEMBERS WHO ARE PARTIES WHICH INCLUDE BIRTHPLACE AND FAMILY OF ORIGIN, HOW THEY WERE PARENTED, MARITAL/RELATIONSHIP HISTORY, AND PRIOR INVOLVEMENT IN SERVICES.

Please refer to prior reports.

5. THE RESULTS OF PSYCHIATRIC/PSYCHOLOGICAL/DEVELOPMENTAL EVALUATIONS OF THE CHILD, THE ALLEGED PERPETRATOR AND OTHER APPROPRIATE FAMILY MEMBERS WHO ARE PARTIES.

Please refer to prior reports.

Kit Barthel, Ph.D. continues to provide therapeutic psychiatric counseling services to Mother and Father. As with [REDACTED], Dr. Barthel reports that he frequently has to be the one to confirm counseling sessions with Mother and Father rather than they calling him. Dr. Barthel also states that Mother often calls at the last minute to change the appointment.

During the course of a conversation with this social worker on January 19, 1994, Dr. Barthel stated that Mother and Father have made great progress over the past two years-plus that he has been seeing the couple for counseling. However, Dr. Barthel also responded in the affirmative to this social worker's observation that despite their best efforts and good intentions, Mother and Father may not be able to care for [REDACTED] in their home in the foreseeable future.

Both [REDACTED] have been seeing Terry Ann Fujioka, Ph.D. on a weekly basis since September 8, 1993. Specific attention is being given to issues surrounding the injuries which [REDACTED] Peter Jr., suffered during the summer of 1991 and the resultant guilt and responsibility which [REDACTED] feel as a result of these incidents. [REDACTED] in particular, has been made to feel responsible for the injuries to Peter Jr. In addition, Dr. Fujioka is addressing other issues surrounding [REDACTED] continued placement with the [REDACTED]

6. WHETHER THERE IS A HISTORY OF ABUSIVE OR ASSAULTIVE CONDUCT BY THE CHILD'S FAMILY OR OTHERS WHO HAVE ACCESS TO THE CHILD'S FAMILY HOME.

Please refer to prior reports.

7. WHETHER THERE IS A HISTORY OF SUBSTANCE ABUSE BY THE CHILD'S FAMILY OR OTHERS WHO HAVE ACCESS TO THE FAMILY HOME.

Please refer to prior reports.

8. WHETHER THE ALLEGED PERPETRATOR(S) HAS ACKNOWLEDGED AND APOLOGIZED FOR THE HARM.

The person who caused the multiple fractures upon Peter Jr. remains unknown.

The DHS continues to consider each parent a perpetrator of the past incidents of harm upon [REDACTED] Peter Jr., whether by omission or commission. This fact coupled with the lack of cooperation with the ECST to facilitate the return of [REDACTED] to the family home, has resulted in their continued placement in the home of [REDACTED]  
[REDACTED]

9. WHETHER THE NON-PERPETRATOR(S) WHO RESIDE IN THE FAMILY HOME DEMONSTRATED THE ABILITY TO PROTECT THE CHILD FROM FURTHER HARM AND TO INSURE THAT ANY CURRENT PROTECTIVE ORDERS ARE ENFORCED.

This social worker does not presently know whether or not there are any non-perpetrators living in the family home.

Since August 23, 1993, Mother and Father have availed themselves of the services provided by the ECST. Although contact with the ECST since the August 23, 1994 court hearing has been insufficient to facilitate increased visitations and preparations for the return of [REDACTED] to the family home, ECST members have reported that the parents are adequately meeting the needs of [REDACTED]. The family home is both a safe and nurturing environment for [REDACTED] at this time.

10. WHETHER THERE IS A SUPPORT SYSTEM OF EXTENDED FAMILY AND/OR FRIENDS AVAILABLE TO THE CHILD'S FAMILY.

It is this social worker's belief that the relationship between Mother, Father, [REDACTED] has become extremely strained during the past five months. This situation can be attributed to the fact that Mother and Father have been very inconsistent when it comes to visitations. This inconsistency has led to requests to reschedule visitations or cancel them altogether - changes often being made at the last minute. In addition, [REDACTED] has had to deal with [REDACTED] frustrations when trying to reach Mother by telephone and repeatedly getting the answering machine as well as Mother making promises to [REDACTED] and then not following through on such promises.

During the January 10, 1994 home visit in Kona, it was apparent to this social worker that [REDACTED] is becoming very tired and worn out because of the continuous efforts she is called upon to put forth to meet the demands of Mother with regard to contact with [REDACTED]. [REDACTED] stated that she often "gives in" to Mother's demands in an effort to avoid confrontation. [REDACTED] in turn, is becoming increasingly upset with [REDACTED] for not making Mother assume her responsibilities. As a result, efforts and energy which should be expended on [REDACTED] are being spent dealing with Mother and Father instead.

At the time of the January 10, 1994 visit, this social worker discussed the issue of permanency/long-term foster care of [REDACTED] with [REDACTED]. Both of them expressed a willingness to work with the DHS in whatever way possible to best provide for the needs of [REDACTED] Peter Jr. at this time and in the years ahead.

[REDACTED] stated that she would never deny contact between the children and their parents. [REDACTED] did, however, voice concern regarding the ability of Mother and Father to adequately provide for [REDACTED] on a full-time basis should they be returned to the family home.

11. WHETHER THE CHILD'S FAMILY HAS DEMONSTRATED AN UNDERSTANDING AND UTILIZATION OF THE RECOMMENDED/COURT ORDERED SERVICES DESIGNATED TO EFFECTUATE A SAFE HOME FOR THE CHILD.

Past history in this case reveals sporadic efforts on the part of Mother and Father to engage in services to address the many needs which had to be dealt with before the family home could be considered a safe and nurturing environment to which [REDACTED] Peter Jr. could be returned.

At the time of the last court hearing, plans were put in place which would allow the ECST members to work with Mother and Father to facilitate the return of [REDACTED] to the family home. Efforts were made to impress upon the parents the fact that the services of the ECST could continue only through mid-March, 1994, when [REDACTED] will become [REDACTED]. It was necessary, therefore, for Mother and Father to engage immediately and completely in intense ECST services. Such efforts were not forthcoming as evidenced in a letter from Family Support Services dated January 19, 1994, and signed by Gloria Thompson, Terry Kahele, Betty "D.D." Hackley and Patti Ramsey-Scott. (EXHIBIT A)

Gloria Thompson, ECST Outreach Worker, has also submitted a letter dated January 19, 1994, (EXHIBIT B) outlining her specific concerns when dealing with Father. A copy of this letter will be provided to Dr. Barthel so that he may explore these issues with Father during the course of his counseling sessions.

The openness by Mother and Father which this social worker was experiencing at the time of the August 4, 1993 Report to the Court has given way to a non-availability on the part of Mother and Father. This non-availability appears to indicate that Mother and Father are not willing to take the steps necessary to facilitate reunification of [REDACTED] in the family home by working with the ECST members.

12. WHETHER THE CHILD'S FAMILY HAS RESOLVED SAFETY ISSUES IN THE FAMILY HOME WITHIN A REASONABLE PERIOD OF TIME.

Through limited observation by the ECST members and [REDACTED], it appears that Mother and Father are adequately providing for the care and nurturance of [REDACTED] within the family home.

Mother and Father have failed to participate in ECST services to facilitate their preparation and resultant ability to care for [REDACTED] and Peter Jr., should [REDACTED] be returned to the family home.

13. WHETHER THE CHILD'S FAMILY HAS DEMONSTRATED THE ABILITY TO UNDERSTAND AND ADEQUATELY PARENT THE CHILD ESPECIALLY IN THE AREAS OF COMMUNICATION, NURTURING, CHILD DEVELOPMENT, PERCEPTION OF THE CHILD AND MEETING THE CHILD'S PHYSICAL AND EMOTIONAL NEEDS.

By their actions, Mother and Father have indicated that they do not realize the need to immediately engage in services with the ECST in order to make their family home ready for the return of the [REDACTED]. Instead, the parents have engaged in sporadic contact at best with the ECST. Mother has ceased the maintenance of regular telephone contact with her [REDACTED] and the parents have made inconsistent efforts and unrealistic demands when attempting to engage in a course of visitation with [REDACTED] Peter Jr.

Mother and Father do not appear able to understand that [REDACTED] Peter Jr. can no longer wait for them to complete services so that they can return to the family home.

14. ASSESSMENT (TO INCLUDE THE DEMONSTRATED ABILITY OF THE CHILD'S FAMILY TO PROVIDE A SAFE FAMILY HOME FOR THE CHILD) AND RECOMMENDATION.

[REDACTED] have resided outside of the family home on a continuous basis since August 16, 1991. Peter Jr. has resided outside of the family home on a continuous basis since August 11, 1991 - a total of thirty (30) months. [REDACTED] can no longer wait for Mother and Father to take the necessary actions to prepare themselves and the family home so that these [REDACTED] can return to the family home.

Since the time of the last court hearing on August 23, 1993, it has become apparent to this social worker that Mother and Father are functioning on a "marginal" level with regard to [REDACTED] Peter Jr., even though the [REDACTED] and Father's sister have attempted to be of assistance and support to the parents.

Given the fact that contact by telephone has been sporadic, visitations have been inconsistent, and interaction with the children have been inappropriate at times as evidenced by the fact that [REDACTED] have been promised many things with no follow through by the parents, it is this social worker's recommendation that the parental rights of Mother and Father be terminated at this time.

RECOMMENDATION

Based upon the aforementioned information, it is recommended to the Court by the Department of Human Services:

- 1) That Foster Custody of [REDACTED] Peter Kema, Jr. to the DHS be terminated;
- 2) That Permanent Custody of [REDACTED] Peter Kema, Jr. be awarded to the DHS; and
- 3) That the attached Permanent Plan dated January 24, 1994, be ordered by the Court.

DATED: Hilo, Hawaii, January 24, 1994.

Respectfully submitted,

[REDACTED]  
DHS Social Worker

I certify I have reviewed this document.

[REDACTED]  
Supervisor  
Child Welfare Services Unit II

1/25/94  
Date

Representing the Department of  
Human Services

JAN 21 1994

EH Social Services Section  
Hilo, Hawaii



HAWAII ISLAND YWCA  
**FAMILY SUPPORT SERVICES**

165 KEAWE STREET • HILO, HAWAII 96720  
Hilo Office  
PHONE (808) 961-3877 • FAX (808) 961-9140  
Puna Office  
PHONE (808) 965-6027 • FAX (808) 965-6037

January 19, 1994

[Redacted]

Hawaii Branch Administrator  
Department of Human Services  
Child Protective Services  
Family and Adult Service  
P.O. Box 1562  
Hilo, HI 96720

Attn: [Redacted]

Re: Jaylin and Peter Kema  
Case No. 10780

Dear [Redacted]

We are writing to recap Early Childhood Support Team's visits with the [Redacted]-Kema family since the October 20, 1993 meeting with Jaylin and Peter, their respective attorneys, yourself and Ros Surtees, ECST Manager. The reason for that meeting was to explain the purpose of and necessity for working with ECST.

- 10-21-93--Home visit-Terry Kahele, Health Educator (H.E.)
- 10-23-93--Home visit-Gloria Thompson, Outreach Worker (O.W.)  
and D.D. Hackley, Nurse (R.N.)
- 10-28-93--Home visit attempt-no one home--H.E.
- 10-28-93--Message received, after the fact, canceling today's visit.
- 11-3-93--Phone call from Jaylin to reschedule home visit-H.E.
- 11-4-93--Home visit--H.E.
- 11-9-93--Phone message for Jaylin to call, no response-O.W.
- 11-9-93--Home visit attempt-no one home-O.W.
- 11-9-93--Message received, after the fact, canceling today's home visit-O.W.

EXHIBIT A





11-12-93--Phone message for Jaylin to call, no response-R.N.  
11-12-93--Phone message for Jaylin to call, no response-H.E.  
11-16-93--Phone message for Jaylin to call, no response-Ros  
Surtees, ECST Manager  
11-19-93--Home visit-O.W.  
11-24-93--Phone call, visit scheduled for 11-27-93--O.W.  
11-27-93--Message received canceling today's appointment-O.W.  
11-29-93--Phone message for Jaylin to call, no response-H.E.  
11-29-93--Phone message for Jaylin to call, no response-R.N.  
12-2-93--Phone call from Jaylin, home visit scheduled for 12-  
3-93-H.E.  
12-2-93--Phone call to Jaylin, home visit scheduled for 12-9-  
93-R.N.  
12-3-93--Phone message from Jaylin canceling home visit-H.E.  
12-3-93--Phone call to H.E. from Jaylin, agreed to let H.E.  
visit.  
12-3-93--Home visit--H.E.  
12-3-93--Phone call message left--No return call--O.W.  
12-8-93--Message received from Jaylin canceling all Team  
members' appointments this week.  
12-14-93--Home visit-H.E.  
12-14-93--Phone call requesting appointment during visit with  
other children-O.W.  
12-20-93--Phone call, home visit scheduled-R.N.  
12-21-93--Message received, canceled home visit-H.E.  
12-30-93--Message received canceling home visit-R.N.  
  
1-3-94--Phone call-message left to return call-H.E.  
1-7-94--Drop-in home visit-no one home-O.W.  
1-10-94--Phone call-message left-H.E.  
1-11-94--Drop-in home visit-no one home-H.E.  
1-12-94--Message received to call Jaylin-H.E.  
1-12-94--Phone call-home visit scheduled 1-18-94-H.E.  
1-13-94--Phone call-message left to call back-R.N.

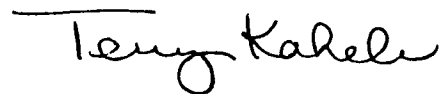
To summarize, there have been a total of six visits in three months. Four were with the Health Educator, one joint visit with the nurse and outreach worker, and one with only the outreach worker. Jaylin and Peter have only met 50% of E.C.S.T.'s expectations. Also, they have not been available for Gloria, who teaches parenting and child growth and development nor for D.D., who does parent-child interaction assessments and screening for appropriate age-stage development.

One of E.C.S.T.'s goals is to facilitate family reunification. Given Peter and Jaylin's non-compliance we have not been able to work towards this goal. If you have any further questions, do not hesitate to call any of the Team members.

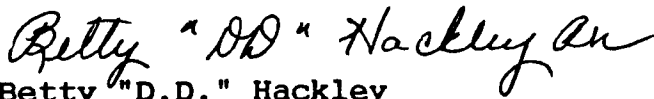
Sincerely,



Gloria Thompson  
Outreach Worker



Terry Kahele  
Health Educator



Betty "D.D." Hackley  
RN, BSN, C.



Patti Ramsey-Scott, MSW  
Acting Manager