

Complete items 1 and/or 2 for additional services.

- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an additional fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
 Jaylin & Peter Kema Sr.  
 133 Puhili Street  
 Hilo, HI 96720

4a. Article Number  
 P 109 273 915

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
 SEP 14 1991

8. Addressee's Address (Only if requested and fee is paid)  
 96720

5. Signature (Addressee)  
 Jaylin M. Kema

6. Signature (Agent)  
 J. Kema

PS Form 3811, December 1991 \*U.S. GPO: 1992-323-402

**DOMESTIC RETURN RECEIPT**

Is your RETURN ADDRESS completed on the reverse side? Thank you for using Return Receipt Service.

PS Form 3800, June 1991

Sent to	Jaylin & Peter Kema Sr.
Street, Apt. No.	133 Puhili Street
P.O., Box and ZIP Code	Hilo, HI 96720
Postage	X \$ 3.22
Certified Fee	X 1.35
Special Delivery Fee	
Restricted Delivery Fee	X 2.75
Return Receipt Showing to Whom & Date Delivered	X 1.10
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	X \$ 5.52
Postmark or Date	9/16 CWSI

**Receipt for Certified Mail**

No Insurance Coverage Provided  
 Do not use for International Mail  
 (See Reverse)

P 109 273 915

**A**  
**F170**

**ELIGIBILITY, BENEFIT OR CLAIMS INFORMATION, CALL:**

Customer Service 808/948-6121	Toll-free from Neighbor Islands 1-800-651-4672
Provider Service 808/948-6218	Toll-free from Neighbor Islands 1-800-577-4672

All medical care must be provided or arranged by your Primary Care Physician (PCP).

Possession of this card confers no right to medical benefits unless the holder is a beneficiary complying with all provisions of the Plan Certificate.

**Providers:** Payment of benefits will be based on the patient's eligibility at the time services are rendered. Beneficiaries in the Premier Plan health plans are also members of HMSA.

REFERRALS AND PREAUTHORIZATION, CALL:	Oahu Neighbor Islands	808/522-7549 1-800-552-6907
--	--------------------------	--------------------------------

In Hawaii, mail claim forms to: HMSA - CLAIMS, P.O. Box 860, Honolulu, HI 96808-0860	Out of State, mail claim forms to: HMSA-CLAIMS, P.O. Box 2970, Honolulu, HI 96802-2970
--	--

# HMSA



QUEEN'S/HMSA  
**Premier Plan**  
*"Partners with Physicians for Hawaii's Health"*

222 Vineyard St., Suite 703  
Honolulu, HI 96813

By accepting this card and any benefits to which this card entitles the holder, the holder acknowledges that the agreement pursuant to which this card is issued constitutes a contract solely between the member and HMSA, and that HMSA is an independent plan operating under a license with the Blue Cross and Blue Shield Association, which permits HMSA to use the Blue Cross and Blue Shield names and service marks in the State of Hawaii.

**BENEFITS SHOWN ARE EFFECTIVE 08/97**

FOR INTERNAL USE ONLY:

HOLD	BROCHURE	MAIL	ROSTER
M	N	G	N
24905-1		27004	01/10/98

**SUBSCRIBER NAME**

[REDACTED]

**BC PLAN**

471

**SUBSCRIBER NO**

XLAR000018164806

**GROUP NO**

24905

**DOB**

12/31/1968

**BS PLAN**

971

**COVERAGE: PLAN A**

<b>ADD'L BENEFITS:</b>	DRUG	192	Q-N
	CHIRO	00A	VISION OAV

**MEMBER**  
MARIAH A COLLIER

[REDACTED]

**PHYS GRP/PCP**  
QUEEN'S PHYSICIANS GROUP  
DR MANUEL J DIZON

QUEEN'S PHYSICIANS GROUP  
DR MANUEL J DIZON

QUEEN'S PHYSICIANS GROUP  
DR MANUEL J DIZON

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
SOCIAL SERVICES DIVISION

AGREEMENT BETWEEN THE  
DEPARTMENT OF HUMAN SERVICES  
AND SUBSTITUTE CARETAKER

A. DEPARTMENT OF HUMAN SERVICES

The Department, in placing [REDACTED] (child's name)  
[REDACTED] (birth date) in your home, agrees to:

1. Pay for the child/s care according to the board rate currently paid by the Department;
2. Pay for medical and dental care, clothing and other needs according to standards set by the Department;
3. Visit the child and advise you regarding the child's care and supervision;
4. Give you at least two weeks notice before removing the child from your home except in an emergency requiring immediate removal.

B. SUBSTITUTE CARETAKER

We, [REDACTED] (substitute caretakers' full names)  
accept [REDACTED] (child's full name) into our home for temporary care and not for the purpose of adoption.

We understand that the Department has responsibility to plan for the child and will visit our home to assist us with the child's care while the child lives with us. We also understand that the Department has the authority to remove the child from our home.

We agree to:

1. Provide care and training to the child to the best of our ability;
2. Cooperate with the Department in planning and working for the child's best interest;
3. Immediately notify the Department in case of any illness or serious difficulty with the child;

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DEPARTMENT OF HUMAN SERVICES  
SOCIAL SERVICES DIVISION

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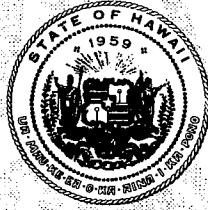
BC #92-004445

1. DECEASED - FIRST NAME [REDACTED]		2. SEX Female		3. DATE OF DEATH (MONTH, DAY, YEAR) [REDACTED]	
4a. RACE Filipino, Hawaiian 03		4b. IS PERSON OF SPANISH ORIGIN? YES 1 <input type="checkbox"/> Puerto Rican 2 <input type="checkbox"/> Mexican 3 <input type="checkbox"/> Cuban 4 <input type="checkbox"/> Central & American 5 <input type="checkbox"/> Other & Unknown Spanish Origin NO 63		5b. UNDER 1 YR. 5c. UNDER 1 DAY 6. DATE OF BIRTH 12 4 22 [REDACTED]	
7a-1. ISLAND OF DEATH Hawaii		7b. CITY, TOWN OR LOCATION OF DEATH Hilo		7c. HOSPITAL OR OTHER INSTITUTION Hilo Hospital	
8. STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY) Hawaii		9. CITIZEN OF WHAT COUNTRY U.S.A. 58		10. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (SPECIFY) Never Married	
13. SOCIAL SECURITY NUMBER -		14a. USUAL OCCUPATION (GIVE KIND OF WORK DONE DURING MOST OF WORKING LIFE, EVEN IF RETIRED) - 911		14b. KIND OF BUSINESS OR INDUSTRY - 961	
15a. RESIDENCE - STATE Hawaii		15b. COUNTY Hawaii		15c. CITY, TOWN, OR LOCATION Pepeekeo	
15d. INSIDE CITY LIMITS (SPECIFY YES OR NO) No		15e. NUMBER AND STREET 28-2926 Kumula St., N-14 96783			
16. FATHER - FIRST NAME MIDDLE NAME LAST NAME PETER J KEPA KEMA, SR.			17. MOTHER - FIRST NAME MIDDLE NAME MAIDEN NAME JAYLIN MAUREEN ACOL		
18a. INFORMANT - NAME Peter J. Kema, Sr.			18b. MAILING ADDRESS (STREET OR R.F.D. NO., CITY OR TOWN, STATE, ZIP) 28-2926 Kumula St., Apt. N-14, Pepeekeo, HI 96783		
19a. BURIAL, CREMATION, REMOVAL (SPECIFY) Burial		19b. CEMETERY OR CREMATORY - NAME Mauna Ziona Cemetery		19c. LOCATION CITY OR TOWN STATE Kalaoa Hawaii	
19d. DATE (MONTH, DAY, YEAR) March 7, 1992		19e. PERMIT NUMBER 165		20a. FUNERAL HOME - NAME Dodo Mortuary	
20b. FUNERAL DIRECTOR - SIGNATURE [Signature]		21. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) and circumstances stated and described below (Items #21a through #27g where applicable) (Signature and Title) [Signature]			
21b. DATE SIGNED (MO., DAY, YR.) Feb 28, 1992		21c. HOUR OF DEATH 7:23 P M		22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) and circumstances stated and described below (Items #22b through #27g where applicable) (Signature and Title) [Signature]	
21d. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (TYPE OR PRINT) Ruth H. Matsuura, M.D.		22b. DATE SIGNED (MO., DAY, YR.)		22c. HOUR OF DEATH	
22d. PRONOUNCED DEAD (MO., DAY, YR.) ON		22e. PRONOUNCED DEAD (HOUR) AT		22f. PRONOUNCED DEAD (HOUR) M	
23. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, MEDICAL EXAMINER OR CORONER) (TYPE OR PRINT) Ruth H. Matsuura, M.D., 670 Ponahawai St., Suite 214, Hilo, HI 96720					
24a. REGISTER - SIGNATURE DEPUTY [Signature]		24b. DATE RECEIVED BY LOCAL REGISTRAR MAR 3 1992		24c. DATE FILED BY STATE REGISTRAR MAR - 5 1992	
PART I. DEATH WAS CAUSED BY: ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c) IMMEDIATE CAUSE (a) [REDACTED] OR AS A CONSEQUENCE OF: (b) [REDACTED] DUE TO, OR AS A CONSEQUENCE OF: (c)				APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH [REDACTED]	
PART II. OTHER SIGNIFICANT CONDITIONS: CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN PART (I) [REDACTED]				26a. AUTOPSY (YES OR NO) No	
26b. IF YES WERE FINDINGS CONSIDERED IN DETERMINING CAUSE OF DEATH?					
27a. ACCIDENT, SUICIDE, HOMICIDE OR UNDETERMINED (SPECIFY)		27b. DATE OF INJURY (MONTH, DAY, YEAR)		27c. HOUR	
27d. INJURY AT WORK (SPECIFY) YES OR NO		27e. PLACE OF INJURY AT HOME, FARM, STREET, FACTORY, OFFICE BLDG., ETC. (SPECIFY)			
27f. DESCRIBE HOW INJURY OCCURRED					
27g. LOCATION (STREET OR R.F.D. NO., CITY OR TOWN, STATE)					

**FOR OFFICIAL USE ONLY**

CERTIFICATION OF LIVE BIRTH

STATE OF HAWAII  
HONOLULU



DEPARTMENT OF HEALTH  
HAWAII U.S.A.

CERTIFICATE NO. **151** 1991 007515

CHILD'S NAME

**PETER J KEMA JR.**

DATE OF BIRTH

**MAY 1, 1991**

HOUR OF BIRTH

**1:01 AM**

SEX

**MALE**

CITY, TOWN OR LOCATION OF BIRTH

**HILO**

ISLAND OF BIRTH

**HAWAII**

COUNTY OF BIRTH

**HAWAII**

MOTHER'S MAIDEN NAME

**JAYLIN MAUREEN ACOL**

MOTHER'S RACE

**FILIPINO, CHINESE**

FATHER'S NAME

**PETER J KEMA SR.**

FATHER'S RACE

**HAWAIIAN**

DATE RECEIVED BY LOCAL REGISTRAR

**MAY 9, 1991**

**FOR OFFICIAL USE ONLY**

DATE COPY WAS ISSUED

**SEPTEMBER 5, 1991**

**SEP - 5 1991**

I CERTIFY THIS IS A TRUE COPY  
OF THE RECORD ON FILE IN THE  
HAWAII STATE DEPARTMENT OF HEALTH

*Alvin T. Onaka, Ph.D.*  
STATE REGISTRAR

FORM RS-1.1 (REV. 1/89)

This copy serves as prima facie evidence of the fact of birth in any court proceeding. [HRS 338-13(b), 338-19]

**ANY ALTERATIONS INVALIDATE THIS CERTIFICATE**

CASE NAME: KEMA, Jaylin

FACE SHEET

CASE # 10780

Aliases	Date Applied	Disposition and Date	Da Clo
Jaylin Acol	1 05/08/91	Approved 05/08/91 #06471	
	2 08/12/91	Approved 08/12/91 #07065	
	3 04/04/97	Approved 04/04/97 #51657	10/3
	4 04/23/98	Approved 04/23/98 #58418	
Social Services Cross Reference	5		
	6		3/31/0
	7		
	8		

Income Maintenance Cross Reference  
HAWI #10780

Date	FM#	Address and Mailing Address	Telephone	Date	FM#	Address and Mailing Address	Telepho
04/97	02	Nanawale Est., corner of Niihau & Flower	000-0000	4/98	03	Magellan Ave., #3, Honolulu	234-(
	03	M: P.O. Box 10742, Hilo, 96720					
	03	SAME					
09/97	02	133 Puhili St., Hilo	934-9545				
	03	Kaumana, (turn off Kaumana drive to Wilder)					
04/98	01, 02	133 Puhili St., Hilo (parallel to Wilder, Kaumana)	934-9545				

Family Members	Relationship	FM#	Ancestry	Birthdate	Date of Death	MEDICAL ALERT
Man (First Name) Peter Kema, Sr	father	01		08/17/70		
Woman (First and Maiden Name) Jaylin Kema	mother	02		04/10/70		
Minor children						
[REDACTED]						
Peter Kema, Jr.	son	22	H	05/01/91		
[REDACTED]						

Others in Household	Relationship	FM#	Address	Phone No.	Other Comments
[REDACTED]					
[REDACTED]					

Significant Others out of Household or Other Caretakers	Name	Relationship	FM#	Address	Phone No.	Other Comments
[REDACTED]	[REDACTED]		01	unknown	000-0000	
[REDACTED]	[REDACTED]					

03/31/05  
11:52:47.0

LO CONTACTS - NARRATIVE - 1 LAY

KFHCD52N

CASE PROCESS

CASE NO 00010780 CASE NAME KEMA, JAYLIN STATUS ACTIVE  
CONTACT DATE/TIME 03/31/2005 10:00 ENTRY DATE/TIME 03/31/2005 11:44 SIZE 1  
TYPE OF CONTACT FCT WORKER [REDACTED] NOTATION REVIEW HEARING PAGE 1

---

NARRATIVE ACCOUNT

PRESENT: JUDGE GADDIS; DHS SW [REDACTED]; DAG MARY ANN MAGNIER, BY PHONE;  
GAL KAWAII.

THE DHS REQUESTED THAT JURISDICTION BE TERMINATED IN THIS COURT CASE AS THERE HAS BEEN NO ACTIVITY IN THE CASE SINCE SPRING OF 1999; GAL KAWAII CONCURRED. TERMINATION IS PREDICATED UPON THE INTENT AND UNDERSTANDING THAT, SHOULD SUFFICIENT NEW INFORMATION BE RECEIVED BY THE DEPARTMENT, A PETITION ON BEHALF OF PETER KEMA JR. WOULD THEN BE FILED WITH THE FAMILY COURT OF THE THIRD CIRCUIT.

AT TODAY'S HEARING, FOSTER CUSTODY WAS REVOKED, JURISDICTION TERMINATED AND ALL COUNSEL DISCHARGED.

CASE CLOSED AS OF THIS DATE. [REDACTED] SW IV, CWS I - UNIT 70

NEXT CD52 KEY \_\_\_\_\_

END DATA



03/31/05  
13:42:19.2

CASE ASSIGNMENT HISTORY

KFHWS10N

CASE NO 00010780 CASE NAME KEMA, JAYLIN

-----  
DATE ASSIGNED BRANCH UNIT WORKER NO WORKER NAME

CASE ACTIVE PERIOD: OPENED 04/04/1997 CLOSED 00/00/0000

1	05/12/1998	HC	70	[REDACTED]	[REDACTED]
2	06/17/1997	HC	36	[REDACTED]	[REDACTED]

CASE ACTIVE PERIOD: OPENED 05/08/1991 CLOSED 10/31/1995

3	08/20/1992	HC	72	[REDACTED]	[REDACTED]
4	02/11/1992	HC	72	[REDACTED]	[REDACTED]
5	06/02/1991	HC	70	[REDACTED]	[REDACTED]

NEXT WS10 KEY \_\_\_\_\_

SEL NO \_\_\_\_\_

END DATA

1/10/00 #69462

12/17/98 #62404

4/23/98 #58418

4/4/97 #51657

8/12/91 #7065

5/8/91 #6471

COPY

To: Family Court, First Circuit

Date: DEC - 1 1998

From: Family Court, Third Circuit

Re: FC-S No. [REDACTED], (Your FC-S No. [REDACTED])  
[REDACTED]

In compliance with the Order for Change of Venue filed on November 25, 1998, transmitted herewith is the entire record of the above-named case which includes the following:

- Index Sheets
- Documents filed
- Minutes of hearings
- Correspondences/letters
- Confidential Reports/Studies

Please acknowledge receipt of said record by dating and signing the enclosed copy of this letter and returning same to our office in the self-addressed envelope.

FAMILY COURT, THIRD CIRCUIT

By [Signature]  
Clerk

Encs.

cc: A. Auna, DAG  
[REDACTED]

E. Kawai, GAL  
H. Shiroma, Atty/Fa

\*\*\*\*\*

I hereby acknowledge receiving the entire record mentioned above.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Clerk, Family Court,  
Circuit  
State of Hawaii

Of Counsel:  
CADES SCHUTTE FLEMING  
& WRIGHT

JEFFREY S. PORTNOY 1221-0  
PETER W. OLSON 3468-0  
1000 Bishop Street  
10th Floor  
Honolulu, Hawaii 96813  
Telephone: (808) 521-9200  
Facsimile: (808) 521-9210

Attorneys for Petitioner  
Gannett Pacific Corporation,  
dba The Honolulu Advertiser

IN THE FAMILY COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

In the Matter of

PETER KEMA, JR.,  
born on May 1, 1991,

A child under the age of eighteen  
years.

) FC-S No. 98-0034

)  
) PETITION FOR AN ORDER  
) PERMITTING ACCESS TO  
) CONFIDENTIAL RECORDS OF CHILD  
) PROTECTIVE PROCEEDINGS;  
) DECLARATION OF PETER W.  
) OLSON; EXHIBITS "A"-"C"; NOTICE  
) OF HEARING; CERTIFICATE OF  
) SERVICE

) Hearing:

) Date: \_\_\_\_\_

) Time: \_\_\_\_\_

) Judge: \_\_\_\_\_

PETITION FOR AN ORDER PERMITTING ACCESS TO  
CONFIDENTIAL RECORDS OF CHILD PROTECTIVE PROCEEDINGS

Pursuant to Rules 3 and 7, Haw. Fam. Ct. R., and Haw. Rev. Stat.

§§ 571-84(b) and 587-81, Petitioner Gannett Pacific Corporation, dba The Honolulu

Advertiser ("Petitioner"), hereby petitions the Court for an order permitting access to confidential records of child protective proceedings in the matter of Peter Kema, Jr., a minor child. In support of this Petition, Petitioner alleges and avers as follows:

1. Petitioner Gannett Pacific Corporation, dba The Honolulu Advertiser, is a Hawaii corporation with its principal place of business in the City and County of Honolulu, State of Hawaii.

2. Petitioner owns and publishes The Honolulu Advertiser, a daily newspaper of general circulation in the State of Hawaii.

3. On information and belief, Peter Kema, Jr., known by family members and relatives as "Peter Boy" or "Pepe", is a 7-year old child who has been missing since April or August of 1997.

4. On information and belief, Peter Boy was born to Peter Kema, Sr., and Jaylin Kema on May 1, 1991. Mr. and Mrs. Kema are residents of Hilo, Hawaii.

5. On or about May 8, 1991, social workers with the State of Hawaii Department of Human Services ("DHS") received reports that two of Peter Boy's [REDACTED] had been physically abused by Mr. Kema, causing Child Protective Services ("CPS") to take protective custody of [REDACTED] CPS thereafter placed [REDACTED] in the care and custody of [REDACTED]  
[REDACTED]

6. In or about June 1991, CPS returned [REDACTED] to the custody of Peter and Jaylin Kema under the supervision of CPS.

7. In or about August 1991, CPS received reports that Peter Boy had been physically abused by Mr. Kema. Upon investigation, Peter Boy was found

to have suspicious injuries, including a leg fracture and other skeletal injuries. The Kema [REDACTED] were again removed by CPS from the custody of Mr. and Mrs. Kema.

8. In or about July 1994, CPS returned Peter Boy to the custody of Peter and Jaylin Kema, and a month later CPS allowed visitations by the parents with [REDACTED]

9. In or about June 1995, this Court ordered the children be returned to the care and custody of Peter and Jaylin Kema.

10. In or about October 1995, CPS closed its files on the matter.

11. In or about April 1997, CPS received reports that Peter Boy had again been physically abused by Mr. Kema and that his arm had been broken.

12. On or about June 25, 1997, CPS social workers visited the Kema home and made an appointment for Mr. and Mrs. Kema to bring [REDACTED] to DHS offices the following day. That appointment and another were canceled by the Kemas.

13. On or about July 7, 1997, Mr. and Mrs. Kema arrived at the offices of DHS with [REDACTED] but Peter Boy was not among them. Jaylin Kema told CPS that Peter Boy was on vacation "with relatives."

14. In or about August 1997, Peter Kema allegedly took Peter Boy with him to Oahu, where Mr. Kema went to seek employment. Mr. Kema claims that some time during this trip he gave custody of Peter Boy to a woman he knows as "Auntie Rose."

15. On or about December 23, 1997, Jaylin Kema told a CPS social worker that Peter Boy had moved out of the house in June 1997.

16. On or about December 26, 1997, [REDACTED] contacted the social worker and told the worker of his concerns for Peter Boy's welfare, saying that the last time he had seen Peter Boy he had a black eye and sprained arm.

17. In or about January 1998, CPS reported to Hilo police that Peter Boy was missing.

18. On or about March 18, 1998, CPS petitioned this Court to have Peter Boy returned to protective custody when he was found, and sought family supervision to monitor [REDACTED]

19. On or about April 21, 1998, CPS petitioned this Court to remove the [REDACTED] from the home. They were put into protective foster care by CPS on or about April 22, 1998.

20. As of this date, Peter Boy's whereabouts are still unknown, and police are investigating the matter.

21. The disappearance of Peter Boy follows several other publicized child abuse cases, including those of [REDACTED]. These cases have caused many members of the community, including legislators, social workers and physicians, to voice their concerns as to CPS's handling of these cases, and, more generally, as to what are perceived to be systemic problems with Hawaii's child protective system.

22. Members of the State Legislature, including Representative Dennis Arakaki, and Senator Suzanne Chun Oakland, have stated publicly that these cases show the need for the state government to improve the child welfare system.

23. In an informational meeting held on September 11, 1997, before the House Human Services Committee, Dr. Cynthia Tinsley, a pediatrician and intensive care physician at Kapiolani Medical Center, testified that Hawaii's CPS has significant problems, including an emphasis on family reunification rather than child protection; too heavy a reliance on social workers rather than a specially trained team of experts to handle child abuse cases; and poor data collection, which makes it difficult to obtain information on repeated cases of abuse.

24. With regard to the systemic problems with Hawaii's child protective system, in October 1996 a Governor's task force released a critique of the Hawaii child protective services system. That report outlined four major problem areas with the current system: (1) the system is too fragmented between different state and county agencies; (2) the system is unable to handle the caseload demand; (3) the system is too narrowly focused on abuse and neglect cases after the abuse occurs, and doesn't adequately address early detection and intervention; and (4) family and community participation should be increased.

25. To recognize and evaluate whether in fact there are potential problems and shortcomings with the child protective services system, and if so, to correct them, it will serve an important public purpose for the community to understand what happened in CPS's handling of Peter Boy's case.

26. Haw. Rev. Stat. § 587-81 provides in pertinent part as follows:

The court shall keep a record of all child protective proceedings under [the Child Protective Act]. The written reports, photographs, or other information of any nature which are submitted to court may be made available to other appropriate persons, who are not parties, only upon order of the court after the court has determined that such access is in the best interests of the child or serves some other legitimate purpose; . . . (Emphasis added.)

27. Petitioner is an appropriate person to whom access under HRS § 587-81 of the Family Court and CPS records of Peter Boy will serve a legitimate purpose. As the publisher of Hawaii's largest daily newspaper, Petitioner is in a position to inform and educate the public about Peter Boy's case, so that the public may gain a better awareness and understanding of the child protective services process and evaluate whether changes should be made to the CPS system as it currently exists in Hawaii.





neglect process rises to the level of a legitimate purpose." Furthermore, he concluded that the parents of ██████████ had no remaining privacy interests that would be negatively affected by disclosure of CPS's records because "What happened to this innocent child on August 31, 1997, and the legitimate and extensive media coverage which subsequently occurred, extinguished those privacy interests." Finally, the court rejected the contention that disclosure would chill families from cooperating with CPS.

32. Similarly, on January 21, 1998, acting upon a petition filed by KGMB-TV, Fox 2, and KITV-4, First Circuit Court Family Court Judge, Bode A. Uale ordered the disclosure of CPS's records in the case of ██████████. A true and accurate copy of Judge Uale's order is attached hereto as Exhibit "B".

33. On April 17, 1998, this Court entered an order permitting the limited release to The Advertiser of certain information about Peter Boy's case. A true and accurate copy of that order is attached hereto as Exhibit "C". As this Court recognized in its order, the release of information regarding Peter Boy's case would not substantially impede any ongoing investigation by law enforcement authorities; might encourage the public to come forward with information about Peter Boy's disappearance; and would be in the best interests of the child.

34. Petitioner respectfully requests the Court issue an order permitting The Advertiser access to all other family court and CPS records relating to Peter Boy's case. Based upon information gathered by The Advertiser since Peter Boy's disappearance was first reported, Peter Boy's relatives and family members have publicly criticized CPS and alleged that it ignored repeated warnings and complaints about Peter Boy's safety and well being.

35. In order to better understand what occurred in Peter Boy's case, increase public awareness of the child abuse and neglect problem, and to inform

and educate the public about the ongoing debate over the child protective system, it is in the best interests of both the public and the child to order the release of the information sought by The Advertiser.

WHEREFORE, Petitioner requests the Court enter an order allowing Petitioner to have access to any and all documents and family court records filed, submitted, or pertaining in any way to the foster care and custody of Peter Kema, Jr., by the Child Protective Services, or by any other person or party.

DATED: Honolulu, Hawaii, May 14, 1998.



---

JEFFREY S. PORTNOY  
PETER W. OLSON  
Attorneys for Petitioner

IN THE FAMILY COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

In the Matter of	)	FC-S No. 98-0034
PETER KEMA, JR.,	)	
born on May 1, 1991,	)	DECLARATION OF PETER W.
	)	OLSON
A child under the age of eighteen	)	
years.	)	
_____	)	

DECLARATION OF PETER W. OLSON

I, Peter W. Olson, declare as follows:

1. I am a member of Cades Schutte Fleming & Wright, attorneys for Gannett Pacific Corporation, dba The Honolulu Advertiser ("The Advertiser").

2. This declaration is based upon facts personally known by me or learned by me in my capacity as counsel for The Advertiser in this proceeding.

3. Attached hereto as Exhibit "A" is a true and accurate copy of a *Decision And Order Granting Motion Permitting Access To Confidential Family Court Records* regarding In The Matter of [REDACTED] entered on October 10, 1997.

4. Attached hereto as Exhibit "B" is a true and accurate copy of an *Order Granting Petitioners KGMB-TV, SF Broadcasting dba Fox 2, and KITV-4's Petition For An Order Permitting Access To Confidential Records of Child Protective Proceedings* regarding In the Matter [REDACTED] entered on January 21, 1998.

5. Attached hereto as Exhibit "C" is a true and accurate copy an *Order For Release Of Information Regarding Peter Kema, Jr.; Appendix "A"* regarding In the Interest of Peter Kema, Jr., FC-S 98-0034, entered on April 17, 1998.

I declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, May 14, 1998.

A handwritten signature in black ink, appearing to read "Peter W. Olson", written in a cursive style.

PETER W. OLSON

1997 OCT 10 PM 1:42

IN THE FAMILY COURT OF THE FIRST CIRCUIT M. TANAKA  
CLERK

STATE OF HAWAII

IN THE MATTER OF )

[REDACTED] )

a Minor. )

[REDACTED]

DECISION AND ORDER GRANTING  
MOTION PERMITTING ACCESS  
TO CONFIDENTIAL FAMILY COURT  
RECORDS

DECISION AND ORDER GRANTING MOTION PERMITTING ACCESS  
TO CONFIDENTIAL FAMILY COURT RECORDS

The above motion, filed October 1, 1997, came on for hearing on October 8, 1997.

Petitioner GANNETT PACIFIC CORPORATION dba THE HONOLULU ADVERTISER was represented by JEFFREY S. PORTNOY and PETER W. OLSON. Respondent, DEPARTMENT OF HUMAN SERVICES, STATE OF HAWAII, was represented by BRYAN C. YEE and LISA ITOMURA of the Office of the Attorney General. The minor's mother, [REDACTED] was represented by HELEN WONG and MARGUERITE SIMSON. The minor's father, [REDACTED] was represented by FRANCIS O'BRIAN and JERRY WILSON. The minor was represented by his Guardian Ad Litem (GAL), HERBERT HAMADA. On October 9, 1997 the Court issued its decision and order.

The Court has considered fully and fairly the pleadings in this FC-M case and the arguments of counsel. The Court has furthermore completely reviewed the records and files in [REDACTED] the Interest of [REDACTED]

EXHIBIT A

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

*[Signature]*

Clerk, Circuit Court, First Circuit

The threshold issue is: Does the opening of the records and files serve a legitimate purpose? And if so, how does disclosure effect the best interests of the child, and the privacy interests of the family which are inherent in Chapter 587? While Section 587-81 is in the disjunctive regarding best interests or legitimate purpose, the child's best interest is always a consideration in an FC-S case.

1. Legitimate Interest

First of all, the Court does find a legitimate purpose in such a disclosure. Child abuse and neglect are rampant and overriding problems in our society. Currently there are over 890 children in foster custody and another 416 under family supervision. This island has now over 530 children in permanent custody, meaning that parental rights have been terminated in those children's cases. Most of those 530 children are awaiting adoption.

Currently then, there are over 1,800 children under this Court's jurisdiction because of parental abuse, neglect and/or harm. There has been an average of 42 new child abuse and neglect petitions filed every month since January 1997.

There is no more important work, in my opinion, than to ensure that safe, loving and caring homes are found for these children. These homes are provided the children by either ordering services for the parents so that the family home becomes safe or by terminating parental rights and seeking permanent homes, in most cases by adoption.

The 1,800 plus children under family court jurisdiction are served by the many dedicated and professional social workers and staff of the Department of Human Services (DHS), members

of the community and the Family Court. While this work can be extremely rewarding, it is also extremely frustrating and stressful. Nobody works in this field for the money. Those that do not possess the necessary dedication and commitment soon leave.

Despite the paramount importance of this work and despite the large number of children under Family Court jurisdiction, there exists substantial misinformation and misunderstanding regarding the child abuse and neglect system by the public. The primary reason for this is due to the fact that all proceedings, hearing and cases are conducted under a "fog of confidentiality." There are good and compelling reasons why such confidentiality exists, most of them having been raised by counsels' arguments yesterday. But certainly, the public's right to know, the public's right to be educated, and the public's right to have sufficient information to make informed and educated opinions regarding the child abuse and neglect process rises to the level of a "legitimate purpose."

There can be no informed discussion, there can be no informed decisions and more importantly, there can be no improvement to the child abuse and neglect process if, frankly, people don't know what they are talking about. The Court agrees with Mr. Yee when he states that by opening this case, none of the objectives will be entirely met. The Court also agrees with Mr. Portnoy that in terms of serving a legitimate purpose, it is a start.

Having determined that disclosure of the records does serve a legitimate purpose, the Court must balance the effects of such disclosure on the best interests of the child and on the privacy interests of the family.

2. Balancing the Best Interests of the Child

The Court notes first of all that the statements contained in the Petition are essentially uncontroverted. [REDACTED] was admitted into the hospital on or about August 31, 1997 with a fractured skull and bleeding and swelling of his brain. There were indications, furthermore, that he suffered cigarette burns, cuts and bruises. He was admitted in a comatose condition and remains in a comatose condition. Mother was charged with attempting to murder her son and she remains in custody awaiting her trial. While we are all hopeful that [REDACTED] makes a full recovery, the prognosis is poor.

The Court finds that based on upon these facts and circumstances, [REDACTED] best interests are not affected to such a degree that disclosure of the records and files in [REDACTED] [REDACTED] should be prohibited.

3. Balancing the Privacy Rights of the Parents and Siblings

The Court finds that the parents and siblings have inherent privacy rights protected under Chapter 587. By way of explanation, the Court notes that the DHS, the GAL, the attorneys or the Court do not possess any privacy interest in Chapter 587 proceedings. Frankly, these entities and individuals should welcome such disclosure and the resulting discussion. It will ultimately improve, I believe, the child abuse and neglect process.

What are the remaining privacy interests of the parents and siblings of [REDACTED] The Court finds that, for the same reasons as noted earlier, there are no privacy interests remaining to these parents that would be negatively effected by disclosure of the records and files in [REDACTED]

[REDACTED] What happened to this innocent child on August 31, 1997 and the legitimate and extensive media coverage which subsequently occurred, extinguished those privacy interests.



Disclosure of these records and files may negatively effect [REDACTED] siblings.

However, compared to what has already been disclosed and what will be disclosed when the mother goes to trial, the release of these records and files should have, at most, a minimum effect on [REDACTED] siblings. Furthermore, any reference to the siblings' names or other identification will be redacted prior to disclosure.

The Court does not believe that disclosure of these records will "chill" families from cooperating with Child Protective Services in reporting child abuse and neglect. Furthermore, the Court does not believe that disclosure of these records and files will unfairly prejudice Mother's right to a fair trial either by prejudicial pre-trial publicity or by unfair discovery. Nor is the Court particularly concerned with how this disclosure will effect the civil lawsuit. That is not a legitimate privacy or best interest consideration.

The Petition is granted, with the following conditions:

1. The Court will release the records and files to the Petitioner on Monday, October 20, 1997. This delay is for two reasons. 1) To redact the names of the siblings, possible extended family members, foster parents and social workers. The Court will do the redacting. This redaction is in keeping with the Petitioner's representations made yesterday regarding the non-disclosure of certain names and identifying information in the file. The Court independently finds that good cause exists for such an order. 2) To allow any party, should they so choose, to file an appropriate writ in an appropriate court.

2. The Court will distribute to DHS, Father, Mother, the GAL, and the Petitioner the redacted reports. These will consist of:

- 1) Pleadings, petitions, motions, etc.;
- 2) Safe Family Home Guidelines;
- 3) GAL reports; and
- 4) Orders.

3. There will be no disclosure of the following:

- 1) Minutes of the hearings or court officer notes;
- 2) Audio tapes or transcripts; and
- 3) Other documents, at the Court's discretion, that are not part of the official record.

4. The Court will not allow non-parties to this FC-M proceeding to obtain copies of the records and files. However, the Court puts no restrictions on the use or dissemination of the produced documents by any party to this proceeding.

For the reasons stated, the Petition for an Order Permitting Access to Confidential Records of Child Protective Proceedings is granted, subject to the conditions herein stated.

Dated at Honolulu, Hawaii OCT 10 1997.

  
\_\_\_\_\_  
JOHN C. BRYANT, JR.  
Judge of the Above Entitled Court

1998 JAN 21 PM 1:36

N. ANAYA  
CLERK

Of Counsel:  
WATANABE, ING & KAWASHIMA

JOHN T. KOMEIJI # 2498-0  
PATSY H. KIRIO # 5824-0  
BETH K. FUJIMOTO # 5792-0  
First Hawaiian Center,  
22nd & 23rd Floors  
999 Bishop Street  
Honolulu, Hawaii 96813  
Tel: (808) 544-8300

Attorneys for Petitioners  
KGMB-TV, SF BROADCASTING  
dba FOX 2, and KITV-4

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Matter of

**[REDACTED]**

a Minor.

) FC-M NO. 97-0999

) ORDER GRANTING PETITIONERS  
) KGMB-TV, SF BROADCASTING dba  
) FOX 2, AND KITV-4'S PETITION  
) FOR AN ORDER PERMITTING ACCESS  
) TO CONFIDENTIAL RECORDS OF  
) CHILD PROTECTIVE PROCEEDINGS  
) (FILED DECEMBER 19, 1997)

) Date: January 7, 1998

) Time: 9:30 a.m.

) Judge: Hon. Bode A. Uale

ORDER GRANTING PETITIONER KGMB-TV, SF BROADCASTING dba FOX 2, AND  
KITV-4'S PETITION FOR AN ORDER PERMITTING ACCESS TO CONFIDENTIAL  
RECORDS OF CHILD PROTECTIVE PROCEEDINGS (FILED DECEMBER 19, 1997)

Petitioners KGMB-TV ("KGMB"), SF Broadcasting dba FOX 2  
("FOX-2"), and KITV-4's ("KITV") (KGMB, FOX-2, and KITV are  
collectively referred to as "Petitioners") Petition for An Order  
Permitting Access to Confidential Records of Child Protective  
Proceedings, filed herein on December 19, 1997, came on for  
hearing on December 24, 1997, subsequently continued to January  
7, 1998, before the Honorable Bode A. Uale, Judge of the  
above-entitled Court. John T. Komeiji and Beth K. Fujimoto

EXHIBIT B

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

N. Anaya  
Clerk, Circuit Court, First Circuit

appeared for Petitioners. Bryan C. Yee appeared for Respondent State of Hawaii Department of Human Services ("DHS"); Dean T. Nagamine appeared for Respondent [REDACTED]; Kimberly S. Towler appeared for Respondent the Volunteer Guardian Ad Litem Program ("GAL"); and Mark A. Worsham appeared for Respondent [REDACTED] (DHS, [REDACTED] GAL, and [REDACTED] are collectively referred to as "Respondents").

The Court having considered the petition, memorandum, affidavit and exhibit in support of, DHS, [REDACTED] and GAL's memoranda in opposition thereto, the arguments of counsel, and the entire records and file herein, and the Court being otherwise fully advised in the premises, therefore,

IT IS HEREBY ORDERED that Petitioners' Petition for An Order Permitting Access to Confidential Records of Child Protective Proceedings is granted, subject to the following conditions:

1. The Court orders the disclosure of all Court records regarding the decedent minor [REDACTED] and/or her mother, [REDACTED] to Petitioners, specifically the following:
  - a. All pleadings;
  - b. All petitions;
  - c. All motions;
  - d. All Safe Family Home Reports;
  - e. All GAL reports; and
  - f. All Court orders.

Court minutes, written or audiotaped transcripts of Court hearings, and any other documents shall not be disclosed.

2. The Court will release the Court records to Petitioners on Monday, January 26, 1998, ~~to allow~~ <sup>after</sup> redaction of the records, (S/Bau) as discussed in further detail below, and to allow interested parties to file any writs they deem necessary or appropriate.

3. Except for [REDACTED] and [REDACTED] names, the Court shall redact all individuals' names and other personally identifying information from the Court records prior to opening them to Petitioners. Such redacted information shall not be disclosed to Petitioners.

a. Persons whose names and other personally identifying information shall be redacted include:

- (1) [REDACTED] sibling;
- (2) Other members of [REDACTED] family;
- (3) [REDACTED] foster parents;
- (4) Any and all social workers; and
- (5) Any and all volunteer guardians ad litem and volunteer guardian ad litem social workers.

The names of social service provider agencies shall not be redacted; however, the names of individuals within those agencies shall be redacted.

b. Respondents shall be given a reasonable opportunity to review the proposed redactions prior to the documents' release to the Petitioners.

4. No restrictions shall be placed upon Petitioners' use or dissemination of the documents produced.
5. For copying charges, Petitioners shall pay the Court \$0.30 per copy for each page produced.

DATED: Honolulu, Hawaii, \_\_\_\_\_

JAN 21 1998

BODE A. UALE

SEAL

Judge of the above entitled Court

APPROVED AS TO FORM:

*Bryan C. Yee*

BRYAN C. YEE  
Deputy Attorney General for  
Respondent STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES

*[Signature]*

DEAN T. NAGAMINE  
Attorney for Respondent

151 Bau

KIMBERLY S. TOWLER  
Attorney for Respondent  
THE VOLUNTEER GUARDIAN AD LITEM  
PROGRAM

*[Signature]*

MARK A. WORSHAM  
Attorney for Respondent

In the Matter of \_\_\_\_\_ Order  
Granting Petitioner KGMB-TV, SF Broadcasting dba FOX 2, and KITV-  
4'S Petition For an Order Permitting Access to Confidential  
Records of Child Protective Proceedings (filed December 19, 1997)

IN THE FAMILY COURT OF THE THIRD CIRCUIT

THIRD CIRCUIT  
STATE OF HAWAII  
FILED

STATE OF HAWAII

APR 17 4 15 PM '98  
SANDRA LIM

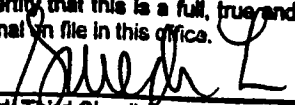
IN THE INTEREST OF	)	FC-S 98-0034	CLERK
	)		
PETER KEMA, JR.,	)	ORDER FOR RELEASE OF	
born on May 1, 1991,	)	INFORMATION REGARDING	
	)	PETER KEMA, JR.;	
A child under the age of	)	APPENDIX "A"	
eighteen years.	)		
	)		
	)		
	)		

ORDER FOR RELEASE OF INFORMATION REGARDING PETER KEMA, JR.

On April 15, 1998, the Family Court of the Third Circuit received a request for information from Mike Gordon, a reporter with The Honolulu Advertiser. Mr. Gordon requested whatever information that the Court was able to provide about Peter Kema Jr., a six-year-old child who had been missing for an extended period of time. Mr. Gordon was asked to provide his request for information in written form. He did so, and a copy of his request is attached as Appendix "A."

After receiving the request for information, the Court scheduled a hearing on this matter on April 16, 1998. Present and participating at the hearing were representatives of the Department of Human Services, a deputy attorney general, the Guardian Ad Litem for Peter Kema, Jr., and the attorneys for his parents. A representative of the Hawaii County Police Department charged with investigating the disappearance of Peter Jr. also attended the hearing.

EXHIBIT C

I hereby certify that this is a full, true and correct copy of the original on file in this office.  
  
Clerk, Third Circuit Court, State of Hawaii

At the hearing, certain parties objected to the release of information regarding this child by the Court. These objections are overruled for the reasons described below.

Based on the representations of the parties who attended the hearing, the court finds as follows:

1. The whereabouts of Peter Kema, Jr., remain unknown.
2. The past history of this child causes the Department of Human Services, the Guardian Ad Litem and the Court to have grave concerns about the whereabouts and safety of the child.
3. The release of limited information about the past history of this child and the circumstances surrounding his disappearance will not substantially impede any current investigations by law enforcement authorities.
4. The release of limited information about the past history of this child and the circumstances surrounding his disappearance may encourage members of the public to come forward with helpful information about disappearance and present whereabouts of the child.
5. The release of limited information about the past history of this child and the circumstances surrounding his disappearance is in the best interests of the child. Concerns as to the present whereabouts and well-being of this child outweigh concerns as to confidentiality raised on behalf of other family members.
6. The release of limited information about the past



history of this child and the circumstances surrounding his disappearance serve a legitimate purpose in that such a release may materially assist authorities in locating this child.

7. The release of information concerning this child and family should be limited because court proceedings continue and the rights of other family members to confidentiality in these proceedings should be preserved.

Based on the foregoing, IT IS HEREBY ORDERED that:

1. Pursuant to H.R.S. Section 587-81, limited information about Peter Kema, Jr., will be released to the public.

2. The Department of Human Services shall prepare a synopsis of the allegations contained in the safe home guidelines submitted in this action.

3. The synopsis submitted shall include a description of the following allegations:

A. The injuries suffered by the child when he first came to the attention of the Department of Human Services.

B. The circumstances and allegations which caused the child to again come to the attention of the Department of Human Services.

C. All known accounts that have been provided to the Department of Human Services and law enforcement authorities about the circumstances of the child when he disappeared.

Descriptions of such accounts shall include the location of the child when last seen, the names of persons that the child was

alleged to be with, and the dates that the child was last seen.

D. A photograph of the child.

E. Any other information or allegations that might assist members of the public in locating the child.

4. The synopsis prepared by the Department of Human Services shall be submitted to the Court for review and editing by noon on Friday, April 17, 1998.

5. The Court will make any necessary revisions to the synopsis and will fax a draft of the synopsis to all counsel. All objections or suggested revisions to the synopsis are to be faxed to the Court by no later than 4:00 p.m., Friday, April 17, 1998. The Court will release the synopsis as well as this court order to Mr. Gordon thereafter.

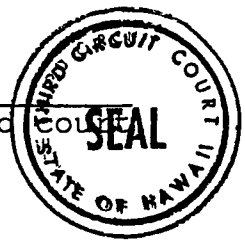
6. All other Court records in this action, as well as copies of Court records released to counsel, family members and/or law enforcement authorities shall not be released to the public or to the media without Court approval.

7. Copies of the synopsis, as well as this Order, shall be made available to other media representatives or members of the public upon request through Marsha E. Kitagawa, Director of Public Affairs, Office of the Administrative Director of the Courts.

Dated: Hilo, Hawai'i, APR 17 1998

*B. H. Pelt*

Judge of the above-entitled



# The Honolulu Advertiser

P.O. Box 3110 Honolulu, HI, 96802 (808) 525-8090

April 16, 1998

Ben H. Gaddis  
District Family Court Judge  
Third Circuit, Hawaii County  
Hilo, HI

Dear Judge Gaddis:

My name is Mike Gordon and I am a reporter with The Honolulu Advertiser. I am respectfully requesting whatever information you may be able to provide about Peter Kema Jr., a 6-year-old Hilo boy missing since September 1997. I understand that Child Protective Services and Family Court were involved in this case, but I do not know in what capacity. I am preparing a newspaper story on the Kema case and the status of the investigation into his disappearance.

Any help you may be able to provide in the form of documents or information would be greatly appreciated. I feel that this story needs a wider audience than it has had thus far; perhaps a reader will see the story and come forward with helpful information. If you have any questions, please call me at (808) 525-8012.

Sincerely,



Mike Gordon  
Reporter

APPENDIX "A"

COURT RELEASE

MISSING CHILD: PETER KEMA, JR.

Peter Kema, Jr., is the seven-year-old son of Peter Kema, Sr., and Jaylin Kema. Peter Kema, Jr., is the subject of a missing-child investigation. He is also the subject of an open child protective matter originating on the Big Island. Peter Kema, Jr., was the subject of a prior child protective matter which was open from May 8, 1991, until October 31, 1995, when the matter was closed. The prior matter involved physical injuries to this young man when he was four months old. The injuries included a spiral fracture to the left leg. X-ray evidence confirmed other old healed fractures.

In April 1997, a report was made to the Department of Human Services, Child Protective Service, that Peter Kema, Jr., may have a broken arm. Subsequent investigation could not confirm this because the whereabouts of Peter Jr. were unknown.

Peter Kema, Jr., has not been seen by maternal relatives since December 1997. This child's father reports that his son was with him on Oahu in August of 1997, although it may have been as early as April or May of 1997. Further, Peter Kema, Sr., has also reported that he gave custody of his son to a Rose Makuakane, a woman he referred to as "Aunty Rose." Mr. Kema states that he and his son were staying at A'ala Park while on Oahu. Mr. Kema relates that he had known Rose Makuakane for a period of two weeks before he gave custody of his son to her.

Mrs. Kema does not know Rose Makuakane. Mrs. Kema believes that her husband had left Peter, Jr., with a relative but was not aware that the child had been left with someone she did not know. Mrs. Kema was not aware that Mr. Kema had given "custody" of their son to Rose Makuakane until January 20, 1998. Mrs. Kema did not give custody of her son to Rose Makuakane.

There have been a number of different stories given regarding the whereabouts of this child who remains missing since approximately April or May 1997. He is reported to be with Rose Makuakane, who may either be living on Oahu, or, who may have relocated to a beach in Florida. It was stated that the child had been enrolled in a private school on Oahu. It was stated that the child was on vacation on Oahu. Relatives had heard that the child was staying with a maternal uncle on Oahu. It was reported that the child was living in Kona with a paternal aunt and attending school there. However, there is no known record of Peter Kema, Jr., being registered in any public school within the state of Hawaii.

All reports regarding the disappearance and whereabouts of Peter Kema, Jr., have been followed up without success. Police have been unable to locate a Rose Makuakane. The parents do not know how to contact Rose Makuakane, and they are not able to locate their son. Child Protective representatives have asked this young man's parents to provide contact information for the child and also to bring the child to DHS offices on several

occasions. The parents have not brought the child to meetings, and the child has not been present on visits to the home. Peter Kema, Jr., remains missing.


If you or someone you know has information regarding the whereabouts of Peter Kema, Jr., or Rose Makuakane, please contact Detective Glenn Nojiri of the Hawaii County Police Department at 961-2327 or CrimeStoppers at 961-8300 (Hilo) or the Missing Persons Unit of the Honolulu Police Department at 529-3394 or 529-3115. Confidential reports are accepted.

IN THE FAMILY COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

In the Matter of	)	FC-S No. 98-0034
	)	
PETER KEMA, JR.,	)	NOTICE OF TIME AND PLACE OF
born on May 1, 1991,	)	HEARING
	)	
A child under the age of	)	
eighteen years.	)	

---

NOTICE OF TIME AND PLACE OF HEARING

TO:   
 Director  
 Department of Human Services  
 State of Hawaii  
 1390 Miller Street, Room 209  
 Honolulu, Hawaii 96813

ALEY K. AUNA, JR., ESQ.  
 Deputy Attorney General  
 101 Aupuni Street, PH-1014D  
 Hilo, HI 96720

Attorney for Department of Human Services

EDITH K. KAWAI, ESQ.  
 P. O. Box 160  
 Kamuela, HI 96743

Guardian Ad Litem

STEVEN D. STRAUSS, ESQ.  
 P. O. Box 11517  
 Hilo, HI 96721

Attorney for Peter Kema, Sr.

CRAIG M. SADAMOTO, ESQ.  
 234 Waianuenue Avenue, Suite 210  
 Hilo, Hawaii 96720

Attorney for Jaylin Kema



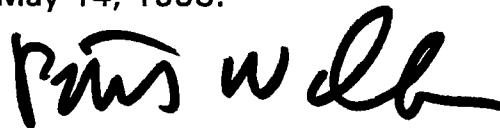
YOU ARE HEREBY NOTIFIED that a Petition For An Order Permitting Access To Confidential Records Of Child Protective Proceedings has been filed in the Family Court.

This Petition, which seeks confidential child protective records in the matter of Peter Kema, Jr., a minor, will be heard in the Family Court of the Third Circuit, 75 Aupuni Street, Hilo, Hawaii 96721, on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ .m., before the Honorable \_\_\_\_\_, or as soon thereafter as counsel may be heard.

You may file an answer or written objections to the Petition with the office of the Chief Clerk of the Third Circuit Court, State of Hawaii, located at 75 Aupuni Street, Hilo, Hawaii 96721, and whose mailing address is P.O. Box 1007, Hilo, Hawaii 96721.

If you fail to file an answer or written objections to the Petition or fail to appear at the hearing, further action may be taken in this cause without further notice to you.

DATED: Honolulu, Hawaii, May 14, 1998.



---

JEFFREY S. PORTNOY  
PETER W. OLSON  
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document will be mailed on this date to the foregoing persons at their last-known addresses.

DATED: Honolulu, Hawaii, May 14, 1998.



---

JEFFREY S. PORTNOY  
PETER W. OLSON  
Attorneys for Petitioner

MCWSS

DEC 09 1998



Written		Writer & Subject <b>Bryan Yee/AG</b>				Control No.	Completed	Coordinator	DIR Suspe
12/25/98		FC-S NO. 98-0033, KEMA VS. GADDIS & GANNETT				98 1651			
12/27/98		PACIFIC CORPORATION, ET AL				Gov. Referral No.	Forw'd/Mailed	DIR	OFC Suspe
								RUSH	
ONLY ACTION REPLY	1	SSD 12/27/98	2						
		WSPB							
		all sectu							
Comments									
G [REDACTED]									

DHS 0649 (1/83) Correspondence Control

RECEIVED

DEC 04 1998

MAUI SECTION ADMINISTRATION

DEC 16 1998

State of Hawai'i  
Department of the Attorney General  
Regulatory Division  
465 South King Street, Room 200  
Honolulu, Hawai'i 96813  
FAX: (808) 587-2938 PH: (808) 587-2978

---

LETTER OF TRANSMITTAL

November 25, 1998

TO: [REDACTED]  
Director of Human Services

[REDACTED]  
DHS/FASD/POSS/CWS

FROM: Bryan Yee  
Deputy Attorney General

Re: Kema vs. Gaddis & Gannett Pacific Corporation, et al.,  
FC-S No. [REDACTED]

---


<input checked="" type="checkbox"/> For your information	<input type="checkbox"/> For judge's approval and filing in court
<input type="checkbox"/> For signature and return	<input type="checkbox"/> Per our conversation
<input type="checkbox"/> For filing	<input type="checkbox"/> See remarks below
<input type="checkbox"/> For your approval	<input type="checkbox"/> For appropriate action

---

COPIES	DATE	DESCRIPTION
1	12/20/98	Order

---

REMARKS:

  
\_\_\_\_\_  
Sandra C. Nishiki  
Secretary to Bryan C. Yee

Enc.



NO. 21733

IN THE SUPREME COURT OF THE STATE OF HAWAII

PETER KEMA, SR.,

Petitioner,

vs.

THE HONORABLE BEN H. GADDIS,  
Judge of the Family Court of  
the Third Circuit,

and

GANNETT PACIFIC CORPORATION,  
dba Honolulu Advertiser,  
DEPARTMENT OF HUMAN SERVICES  
(DHS), STATE OF HAWAII  
JAYLIN KEMA.



Respondents.

FC-S NO. [REDACTED]  
FC-S NO. 98-0034

FILED  
NOV 20 2 13 PM '98  
L. NAKAGAWA  
CLERK SUPREME COURT

ORDER

Upon consideration of: (a) the petition for writ of prohibition and/or mandamus filed by Peter Kema, Sr. directed to the Honorable Ben H. Gaddis, Judge of the Family Court of the Third Circuit and the supplemental memorandum to the petition; (b) the answer to the petition filed by the Department of Human Services (DHS); (c) the answer to petition filed by Respondent [REDACTED]; (d) the answer to petition filed by Respondent Jaylin Kema; (e) the answer filed by Respondent Gannett Pacific Corporation, dba as the Honolulu Advertiser (Gannett); (f) the

answer filed by the Guardian Ad Litem of the respondent [REDACTED] and (g) the records and files herein, it appears that:

1. Petitioner is asking this court to review the June 17, 1998 Decision and Order Regarding Request for Access to Confidential Family Court Records, which granted in part the request filed by Respondent Gannett seeking access to family court and DHS files related to Peter Kema, Jr., who has been missing for several months.

2. Hawaii Revised Statutes (HRS) chapter 587 governs child protective proceedings within the jurisdiction of the family court.

3. HRS § 587-1 provides that the chapter shall be liberally construed to serve the best interests of the children and other purposes set out in this chapter.

4. HRS § 587-81 provides that records submitted to the family court may be made available to other appropriate persons, who are not parties, only upon an order of the court after the court has determined that such access is in the best interests of the child or serves some other legitimate purpose.

5. In his June 17, 1998 Decision and Order, the respondent judge granted Gannett and other media organizations access to the closed redacted file of Peter Kema, Jr. The respondent judge denied access to DHS records not within the family court file, the ongoing case involving of Peter Kema, Jr.,

and the ongoing and closed family court cases involving [REDACTED]

[REDACTED] Peter Kema, Jr.

6. The respondent judge determined that access to the redacted file served a legitimate public purpose and he considered the best interest of Peter Kema, Jr.

7. The respondent judge noted that additional publicity about [REDACTED] Peter Kema, Jr. would be potentially harmful and would not be in [REDACTED] best interest.

8. Thus, it appears release of the family court files of [REDACTED] Peter Kema, Jr. would not be in [REDACTED] best interest.

9. Review of the redacted file the respondent judge intends to release to the media shows that the closed cases of Peter Kema, Jr., [REDACTED] were combined for disposition in the family court.

10. The cases are so intertwined that release of the file of Peter Kema, Jr. will result in the release of reports and documents related [REDACTED] and redaction of the file does not remedy the problem.

11. By allowing the release of the file of Peter Kema, Jr., which includes reports and documents related to [REDACTED] Peter Kema, Jr., the respondent judge flagrantly and manifestly abused his discretion. Therefore,

IT IS HEREBY ORDERED that the petition for writ of mandamus is granted and the June 17, 1998 Order and Decision

Regarding Request for Access to Confidential Family Court Records is vacated and the respondent judge shall not release any family court files that include reports and documents related to [REDACTED] [REDACTED] Peter Kema, Jr. An opinion will follow at a later date.

DATED: Honolulu, Hawai'i, November 20, 1998.

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

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DEPARTMENT OF  
ATTORNEY GENERAL  
STATE OF HAWAII





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Written

Writer & Subject **Bryan Yee/AG**

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Completed

Coordinator

DIR Suspe

12/25/98

**FC-S NO. 98-0033, KEMA VS. GADDIS & GANNETT  
PACIFIC CORPORATION, ET AL**

**98 1651**

12/27/98

Gov. Referral No.

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DIR

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ONLY ACTION REPLY

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	<del>ANSB</del> NS																		
	✓ All <sup>10/2</sup> sectw																		

Comments

G Unit 70, Wkr (EHCWSI)

State of Hawai'i  
Department of the Attorney General  
Regulatory Division  
465 South King Street, Room 200  
Honolulu, Hawai'i 96813  
FAX: (808) 587-2938 PH: (808) 587-2978

---

LETTER OF TRANSMITTAL

November 25, 1998

TO:

[REDACTED]  
Director of Human Services

[REDACTED]  
DHS/FASD/POSS/CWS

FROM:

Bryan Yee  
Deputy Attorney General

Re:

Kema vs. Gaddis & Gannett Pacific Corporation, et al.,  
FC-S No. [REDACTED]

---

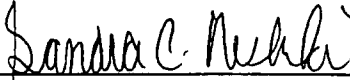
<input checked="" type="checkbox"/> For your information	<input type="checkbox"/> For judge's approval and filing in court
<input type="checkbox"/> For signature and return	<input type="checkbox"/> Per our conversation
<input type="checkbox"/> For filing	<input type="checkbox"/> See remarks below
<input type="checkbox"/> For your approval	<input type="checkbox"/> For appropriate action

---

COPIES	DATE	DESCRIPTION
1	12/20/98	Order

---

REMARKS:

  
\_\_\_\_\_  
Sandra C. Nishiki  
Secretary to Bryan C. Yee

Enc.

11/23/98 Faxed call to [redacted]

NO. 21733

IN THE SUPREME COURT OF THE STATE OF HAWAII

PETER KEMA, SR.,  
 Petitioner,  
 vs.  
 THE HONORABLE BEN H. GADDIS,  
 Judge of the Family Court of  
 the Third Circuit,  
 and  
 GANNETT PACIFIC CORPORATION,  
 dba Honolulu Advertiser,  
 DEPARTMENT OF HUMAN SERVICES  
 (DHS), STATE OF HAWAII,  
 JAYLIN KEMA,  
 [redacted]  
 Respondents.

FC-S NO. [redacted]  
 FC-S NO. 98-0034

I. NAKAGAWA  
 CLERK SUPREME COURT

NOV 20 2 19 PM '98

FILED

ORDER

Upon consideration of: (a) the petition for writ of prohibition and/or mandamus filed by Peter Kema, Sr. directed to the Honorable Ben H. Gaddis, Judge of the Family Court of the Third Circuit and the supplemental memorandum to the petition; (b) the answer to the petition filed by the Department of Human Services (DHS); (c) the answer to petition filed by Respondent [redacted]; (d) the answer to petition filed by Respondent Jaylin Kema; (e) the answer filed by Respondent Gannett Pacific Corporation, dba as the Honolulu Advertiser (Gannett); (f) the

answer filed by the Guardian Ad Litem of the respondent [REDACTED] and (g) the records and files herein, it appears that:

1. Petitioner is asking this court to review the June 17, 1998 Decision and Order Regarding Request for Access to Confidential Family Court Records, which granted in part the request filed by Respondent Gannett seeking access to family court and DHS files related to Peter Kema, Jr., who has been missing for several months.

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3. HRS § 587-1 provides that the chapter shall be liberally construed to serve the best interests of the children and other purposes set out in this chapter.

4. HRS § 587-81 provides that records submitted to the family court may be made available to other appropriate persons, who are not parties, only upon an order of the court after the court has determined that such access is in the best interests of the child or serves some other legitimate purpose.

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and the ongoing and closed family court cases involving [REDACTED]

[REDACTED] Peter Kema, Jr.

6. The respondent judge determined that access to the redacted file served a legitimate public purpose and he considered the best interest of Peter Kema, Jr.

7. The respondent judge noted that additional publicity about [REDACTED] Peter Kema, Jr. would be potentially harmful and would not be in their best interest.

8. Thus, it appears release of the family court files of [REDACTED] Peter Kema, Jr. would not be in their best interest.

9. Review of the redacted file the respondent judge intends to release to the media shows that the closed cases of Peter Kema, Jr., and [REDACTED] were combined for disposition in the family court.

10. The cases are so intertwined that release of the file of Peter Kema, Jr. will result in the release of reports and documents related [REDACTED] and redaction of the file does not remedy the problem.

11. By allowing the release of the file of Peter Kema, Jr., which includes reports and documents related to [REDACTED] of Peter Kema, Jr., the respondent judge flagrantly and manifestly abused his discretion. Therefore,

IT IS HEREBY ORDERED that the petition for writ of mandamus is granted and the June 17, 1998 Order and Decision

Regarding Request for Access to Confidential Family Court Records is vacated and the respondent judge shall not release any family court files that include reports and documents related to the [REDACTED] of Peter Kema, Jr. An opinion will follow at a later date.

DATED: Honolulu, Hawai'i, November 20, 1998.

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

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DEPARTMENT OF  
ATTORNEY GENERAL  
STATE OF HAWAII



ALEY K. AUNA JR. ESQ.  
ATTORNEY GENERAL'S OFFICE  
101 AUPUNI STREET. PH#1014-A  
HILO, HI 96720

Pursuant to provisions of Rule 23 of the Rules of the  
Circuit Court of the State of Hawaii,

YOU ARE HEREBY NOTIFIED that the undersigned has prepared  
and submitted to the Court herein its Stipulated Order Re:  
Custody and Visitation, a copy of which is attached hereto as  
Exhibit "A" and made a part hereof.

Pursuant to Rule 23 of the Rules of the Circuit Court and  
Ruule 58 of the Hawaii Family Court Rules, you have seven (7)  
days from the date of service of this Notice to submit any  
objections to the Court, otherwise said Order will be entered if  
approved by the Court.

DATED: Hilo, Hawaii, September 28, 1998

By Howard H. Shiroma  
HOWARD H. SHIROMA  
Attorney for Defendant



CRUDELE, DE LIMA & SHIROMA  
Attorneys at Law  
A Law Partnership

ROBERT J. CRUDELE 2239-0  
BRIAN J. DE LIMA 3407-0  
HOWARD H. SHIROMA 4070-0  
NATHAN R. BRENNER 6984-0  
10 Shipman Street  
Hilo, Hawaii 96720  
Telephone: (808) 969-7707

Attorneys for Defendant  
[REDACTED]

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, CHILD	)	FC-P No. 95-171
SUPPORT ENFORCEMENT AGENCY,	)	
	)	
Petitioners,	)	STIPULATED ORDER RE: CUSTODY
	)	AND VISITATION
vs.	)	
	)	
JAYLIN MAUREEN KEMA and	)	
[REDACTED]	)	
	)	
Defendants.	)	
	)	
	)	

STIPULATED ORDER RE:  
CUSTODY AND VISITATION

Pursuant to the stipulation of Defendant JAYLIN KEMA and Defendant [REDACTED] and through his counsel Howard H. Shiroma, Esq., which stipulation was made in the above entitled court on September 11, 1998,

IT IS HEREBY STIPULATED AND AGREED by and between

**EXHIBIT A**

Defendant JAYLIN MAUREEN KEMA and Defendant [REDACTED]

[REDACTED] follows:

1. That Defendant [REDACTED] is awarded sole legal and physical custody of [REDACTED]
2. That Defendant JAYLIN MAUREEN KEMA is awarded reasonable rights of visitation, however, all visitation rights of Defendant JAYLIN MAUREEN KEMA are suspended until further order of the court.

IT IS SO ORDERED.

DATED: HILO, HAWAII, \_\_\_\_\_.

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

APPROVAL AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
CRAIG M. SADAMOTO, ESQ.  
Attorney for Defendant  
JAYLIN MAUREEN KEMA

*Howard H. Shiroma*  
\_\_\_\_\_  
HOWARD H. SHIROMA, ESQ.  
Attorney for Defendant  
[REDACTED]  
[REDACTED]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was duly served upon the following individual(s) by hand delivering and/or mailing same, duly stamped, postage prepaid, at the United States Post Office in Hilo, Hawaii, on 9/28, 1998.

TO: CRAIG SADAMOTO, ESQ.  
234 Waianuenue Ave.  
Suite 105  
Hilo, Hi 96720


EDITH KAWAI, ESQ.  
P.O. Box 160  
Kamuela, HI 96743

STEVEN D. STRAUSS, ESQ.  
190 Keawe Street Suite 31  
Hilo, Hi 96720

LLOYD VAN DECAR, ESQ.  
101 AUPUNI STREET, SUITE 238  
HILO, HI 96720

ALEY K. AUNA JR. ESQ.  
ATTORNEY GENERAL'S OFFICE  
101 AUPUNI STREET. PH#1014-A  
HILO, HI 96720

Dated: Hilo, Hawaii, 9/28/98

  
\_\_\_\_\_  
Schatze Coleman, Paralegal for  
CRUDELE, DE LIMA & SHIROMA